

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



April 23, 2019 at 5:00 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 THE CITY COUNCIL MEETING.

- 1. CALL TO ORDER – EXECUTIVE SESSION – 5:00 P.M.**
- 2. EXECUTIVE SESSION**
 - 2A. City Council shall convene into closed executive session pursuant to Section 551.074 of the Texas Government Code to discuss the appointment of an Associate Judge.
 - 2B. City Council shall convene into closed executive session pursuant to Section 551.071 of the Texas Government Code to confer with City Attorney regarding status of Building Bastrop Codes.
- 3. TAKE ANY NECESSARY OR APPROPRIATE ACTION ON MATTERS POSTED FOR CONSIDERATION IN CLOSED/EXECUTIVE SESSION**
- 4. CALL TO ORDER – REGULAR SESSION – 6:30 P.M.**
- 5. PLEDGE OF ALLEGIANCE –** Emily James, Emile Elementary and Dylan Redmon, Cedar Creek Intermediate School

TEXAS PLEDGE OF ALLEGIANCE

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

6. INVOCATION – Bob Long, Police Chaplain

7. PRESENTATIONS

7A. Mayor's Report

7B. Councilmembers' Report

7C. City Manager's Report

7D. Proclamation of the City Council of the City of Bastrop, Texas recognizing May 8, 2019 as School Nurse Day.

7E. Proclamation of the City Council of the City of Bastrop, Texas recognizing April 29, 2019 – May 3, 2019 as Air Quality Awareness Week.

7F. Proclamation of the City Council of the City of Bastrop, Texas, recognizing April 26, 2019, as National Arbor Day.

7G. Proclamation of the City Council of the City of Bastrop, Texas recognizing May 4, 2019 as Firefighter Appreciation Day in City of Bastrop, Texas.

7H. Presentation of The Great Places in Texas designation by the Texas Chapter of the American Planning Association.

8. WORK SESSION/BRIEFINGS

8A. Update and discussion of current Legislative Session and its impact on local municipalities.

8B. Presentation and Discussion regarding Public Realm/Open Spaces vs. Parkland Dedication

8C. Discuss Building Bastrop Codes with Matt Lewis.

8D. Presentation and policy discussion regarding nuisance ordinances and how they relate to public education and enforcement.

8E. Update on Chicken/Rooster Relocation.

9. STAFF AND BOARD REPORTS

9A. Receive Monthly Development Update.

9B. Receive presentation on the Quarterly Investment Report for the period ending March 31, 2019.

9C. Receive presentation on the unaudited Monthly Financial Report for the period ending March 31, 2019.

- 9D. Receive Monthly Report from Visit Bastrop.

10. 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.

11. 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.

- 11A. Consider action to approve City Council minutes from the April 9, 2019, regular meeting and April 10, 2019 and April 17, 2019, special called meetings.
- 11B. Consider action to approve the second reading of Ordinance No. 2019-06 of the City Council of the City of Bastrop, Texas, granting a Conditional Use Permit to allow a 400 square foot accessory structure on Tahitian Village, Unit 1, Block 19, Lot 598, 599, and 600, located at 149 Mahalo Court, an area zoned SF-9, Single Family 9, within the city limits of Bastrop, Texas; as shown in Exhibits A and B; setting out conditions; including a severability clause; and establishing an effective date.
- 11C. Consider action to approve the second reading of Ordinance 2019-07 of the City of Bastrop, Texas ("City") implementing a Pilot Program to authorize the sale of food from Mobile Food Vendors within the city limits and to establish a Mobile Food Vendor Permit process for the Pilot Program; providing for findings of fact, purpose, expiration date; enactment, variance, repealer, severability, effective date, and proper notice and meeting.
- 11D. Consider Action to approve the second reading of Ordinance Number 2019-11 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 "Feral," "Livestock," "Poultry /Fowl," and "Wild Birds," and 2.01.007 Titled "Injury or destruction of wild birds;" amending the provision amending the provision for the exclusion of certain birds from this section by adding chickens 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.

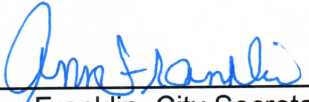
12. ITEMS FOR INDIVIDUAL CONSIDERATION

- 12A. Consider action and approve Resolution No. R-2019-37 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).
- 12B. Consider action to approve Resolution No. R-2019-33 of the City Council of the City of Bastrop, Texas, adopting a standardized wholesale water agreement; attached in Exhibit A; providing for a repealing clause; and establishing an effective date.
- 12C. Consider action to approve Resolution No. R-2019-32 of the City Council of the City of Bastrop, Texas, adopting a standardized wholesale wastewater agreement; attached in Exhibit A; providing for a repealing clause; and establishing an effective date.
- 12D. Consider action to approve the first 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; and move to include on the April 23, 2019 consent agenda for second reading.
- 12E. Consider action to approve Resolution R-2019-39 of the City Council of the City of Bastrop, Texas ("City") responding to the application of CenterPoint Energy Resources Corp., South Texas Division, to increase rates under the gas reliability infrastructure program; suspending the effective date of this rate application for forty-five days; authorizing the city to continue to participate in a coalition of cities known as the "Alliance of CenterPoint Municipalities;" determining that the meeting at which the resolution was adopted complied with the Texas Open Meetings Act; making such other findings and provisions related to the subject; and declaring an effective date.
- 12F. Consider action to approve Resolution R-2019-38 of the City Council of the City of Bastrop, Texas, recognizing May 11, 2019, as World Migratory Bird Day and authorizing the Bird City Coalition and appropriate City staff to continue pursuit of certification in the Texas "Bird City" program; providing for a repealing clause; and establishing an effective date.
- 12G. Consider action to approve the first 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 and move to include on the May 14, 2019 consent agenda for a second reading.

- 12H. Consider action to approve on first reading 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 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; and establishing an effective date.
- 12I. Consider action to approving resolution No. 2019-41 of the City Council of the City of Bastrop, Texas, awarding a contract in the amount of one hundred eighteen thousand two hundred eight dollars and zero cents (\$118,208.00) to Jimmy Evans company for the relocation of a ten-inch wastewater line within the TxDOT right of way as shown; attached in exhibit (A) authorizing the City Manager to execute all necessary documents; providing for a repealing clause; and establishing an effective date.
- 12J. Consider action to approve Resolution No. R-2019-40 of the City Council of the City of Bastrop, Texas supporting The Daughters of the Republic of Texas to pursue funding for the Stephen F. Austin and The Baron de Bastrop sculptures to be created by Clint Howard, owner of Deep in the Heart Art Foundry with no matching funds from the City of Bastrop; providing for a severability and repealing clause; and establishing an effective date.
- 12K. Consider action to approve the first 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, and move to include on the May 14, 2019 agenda for a second reading.
- 12L. Consider action to approve the first reading of Ordinance No. 2019-16 of the City Council of the City of Bastrop, Texas, repealing Emergency Ordinance 2018-1 (*Temporary Moratorium*, as extended), and enacting procedural rules and criteria for Enhanced Permit Review consistent with Building Bastrop policy directives, including heightened evaluation of certain permit applications for building, construction and development projects, and move to include on the May 14, 2019 consent agenda for a second reading.

13. 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: Thursday, April 18, 2019 at 1:00 p.m. and remained posted for at least two hours after said meeting was convened.



Ann Franklin, City Secretary

