

NOTICE OF SPECIAL WORKSHOP MEETING

Bastrop City Council
May 29, 2012 6:00 P.M.

Pursuant to the Texas Government Code, Chapter 551, the City Council of Bastrop, Texas will hold a Special Workshop Meeting on Tuesday, May 29, 2012 at 6:00 p.m. at the Bastrop City Hall Council Chambers, 1311 Chestnut Street, Bastrop, Texas to consider the following matters:

- A. Call to Order.
- B. WORKSHOP SESSION – The Bastrop City Council will adjourn Special Session and convene into a Workshop Session to discuss:
 - 1. City Council Strategic Directions Report prepared by Katherine Ray & Associates regarding issues, concerns, policies, programs, projects and economic development opportunities for the City of Bastrop.
- C. The Bastrop City Council will adjourn Workshop Session and Reconvene into Special Session to take any necessary action(s).
- D. Consideration, discussion and possible action on an Emergency Ordinance of the City Council of the City of Bastrop, Texas amending the City of Bastrop's Drought Contingency Plan to amend the definition of total production capability and the permitted water times for "Stage 3" restrictions; providing the City Manager with authority to impose additional water restrictions during certain events; declaring a safety and health necessity to dispense with two readings of the Ordinance due to public emergency; providing a severability clause; and providing an effective date.
- E. Consideration, discussion and possible action on a Resolution of the City Council of Bastrop, Texas approving an emergency public health and safety related expenditure, in excess of \$50,000 pursuant to the applicable general exemption set forth in the Local Government Code §252.022 *et seq.*
- F. City Manager to distribute DRAFT Ordinance amending City Code on City Boards and Commissions which Ordinance will be placed on the June 12, 2012 City Council Meeting Agenda for consideration, discussion and possible action on the FIRST READING.
- G. EXECUTIVE SESSION – The Bastrop City Council will meet in a closed/executive session pursuant to the Texas Government Code, Chapter 551 to discuss the following:
 - 1. Section 551.072 – Deliberations about Real Property: Acquisition, exchange, lease or value of real property for public purposes.
- H. The Bastrop City Council will reconvene into open session to discuss, consider and/or take any actions necessary related to the executive session.
- I. Adjourn

Teresa Valdez

Teresa Valdez, City Secretary

I, Teresa Valdez, City Secretary of the City of Bastrop certify that the above notice was posted on May 24, 2012 at 10:00 a.m.

THE CITY OF BASTROP IS COMMITTED TO COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT. REASONABLE MODIFICATIONS AND EQUAL ACCESS TO COMMUNICATIONS WILL BE PROVIDED UPON REQUEST. PLEASE CALL 512-332-8811.

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: May 24, 2012

MEETING DATE: May 29, 2012

1. Agenda Item: Consideration, discussion and possible action on an Emergency Ordinance of the City Council of the City of Bastrop, Texas amending the City of Bastrop's Drought Contingency Plan to amend the definition of total production capability and the permitted water times for "Stage 3" restrictions; providing the City Manager with authority to impose additional water restrictions during certain events; declaring a safety and health necessity to dispense with two readings of the Ordinance due to public emergency; providing a severability clause; and providing an effective date.

2. Party Making Request: Mike Talbot, City Manager

3. Nature of Request: (Brief Overview) Attachments: Yes X No

The Emergency Ordinance will be emailed and/or delivered to the Council Members on Friday, May 25, 2012.

4. Policy Implication: _____

5. Budgeted: _____ Yes _____ No N/A

Bid Amount: _____

Budgeted Amount: _____

Under Budget: _____

Over Budget: _____

Amount Remaining: _____

6. Alternate Option/Costs: _____

7. Routing: NAME/TITLE INITIAL DATE CONCURRENCE

a) _____

b) _____

c) _____

8. Staff Recommendation: _____

9. Advisory Board: _____ Approved _____ Disapproved _____ None

10. Manager's Recommendation: _____ Approved _____ Disapproved _____ None

11. Action Taken: _____

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: May 24, 2012

MEETING DATE: May 29, 2012

1. Agenda Item: Consideration, discussion and possible action on a Resolution of the City Council of Bastrop, Texas approving an emergency public health and safety related expenditure, in excess of \$50,000 pursuant to the applicable general exemption set forth in the Local Government Code §252.022 *et seq.*

2. Party Making Request: Mike Talbot, City Manager

3. Nature of Request: (Brief Overview) Attachments: Yes X No

The Utility Committee will be meeting on Tuesday, May 29, 2012 at 4:30 p.m. to discuss the Resolution. The Resolution, along with the Utility Committee recommendations, will be distributed to Council Members at the Council Meeting.

4. Policy Implication: _____

5. Budgeted: _____ Yes _____ No N/A

Bid Amount: _____

Budgeted Amount: _____

Under Budget: _____

Over Budget: _____

Amount Remaining: _____

6. Alternate Option/Costs: _____

7. Routing: NAME/TITLE INITIAL DATE CONCURRENCE

a) _____

b) _____

c) _____

8. Staff Recommendation: _____

9. Advisory Board: _____ Approved _____ Disapproved _____ None

10. Manager's Recommendation: _____ Approved _____ Disapproved _____ None

11. Action Taken: _____

MEETING DATE: MAY 29, 2012

1. Agenda Item: **CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON AN EMERGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS AMENDING THE CITY OF BASTROP'S DROUGHT CONTINGENCY PLAN REVISING DEFINITIONS, AMENDING THE PERMITTED WATER USE AND WATERING TIMES FOR ALL WATER STAGES; PROVIDING THE CITY MANAGER WITH AUTHORITY TO IMPOSE ADDITIONAL WATER RESTRICTIONS DURING CERTAIN EVENTS; PROVIDING FOR INCREASED PUBLIC NOTICE; DECLARING A SAFETY AND HEALTH NECESSITY TO DISPENSE WITH TWO READINGS OF THE ORDINANCE DUE TO PUBLIC EMERGENCY; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

3. Nature of Request: (Brief Overview) Attachments: Yes X No

9. Advisory Board: _____Approved _____Disapproved _____None

10. Manager's Recommendation: X Approved _____Disapproved _____None

11. Action Taken: _____

DRAFT 5.24.12

EMERGENCY ORDINANCE NO. _____

AN EMERGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS AMENDING THE CITY OF BASTROP'S DROUGHT CONTINGENCY PLAN REVISING DEFINITIONS, AMENDING THE PERMITTED WATER USE AND WATERING TIMES FOR ALL WATER STAGES; PROVIDING THE CITY MANAGER WITH AUTHORITY TO IMPOSE ADDITIONAL WATER RESTRICTIONS DURING CERTAIN EVENTS; PROVIDING FOR INCREASED PUBLIC NOTICE; DECLARING A SAFETY AND HEALTH NECESSITY TO DISPENSE WITH TWO READINGS OF THE ORDINANCE DUE TO PUBLIC EMERGENCY; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Bastrop, Texas, is a Home Rule municipality that is incorporated and operating under the Laws of the State of Texas; and

WHEREAS, the City is constitutionally authorized and statutorily obligated to ensure the delivery of a safe and potable water supply to its citizens and customers, and to protect the safety and welfare of its citizens, customers, and the Bastrop community by safeguarding a sufficient water supply for human consumption and other activities, such as fire suppression, if necessary; and

WHEREAS, in order to conserve and protect the availability and integrity of the City's available water supply, protect and preserve public health, welfare, and safety, and to minimize the potential adverse impacts of a water supply shortages or other water supply emergency conditions, the City, in accord with Senate Bill 1 Regulatory Requirements, adopted the City's Drought Contingency Plan, dated November 9, 2009; and

WHEREAS, the City's Drought Contingency Plan seeks to regulate or prohibit nonessential water uses during times of water shortage, or other emergency water supply conditions; and

WHEREAS, the Drought Contingency Plan establishes permanent water use restrictions, as well as sets out criteria for the initiation and termination of increasingly restrictive drought response stages (Stages 1, 2, 3 and 4), based on daily water demand, triggers, and emergency conditions; and

WHEREAS, after review of the City's Drought Contingency Plan and the TCEQ Requirements related to same, as well as communications with the City's Engineer, outside consultants, the City Manager and the Director of Water and Wastewater, the City has determined that the definition of "Total Production Capability," which is pertinent to triggering drought stages, should be reduced to a "safe system operation capacity," which for purposes of the City's Drought Contingency Plan is a 16-hour period, rather than the current stated 24-hour period; and

WHEREAS, additionally, the City has determined that it is in the best interest of the City to decrease the number of hours that the irrigation of landscaped areas by means of hand-held hoses, hand-held buckets or drip irrigation is permitted, under the 'permanent water restrictions' stage, as well as during Stages 1, 2, 3 and 4 Drought Conditions and has determined that other water use times should be shortened as noted herein below; and

WHEREAS, the City Council has determined that it is in the best interest of the City to expand the authority of the City Manager to make decisions and take action pursuant to the Drought Contingency Plan, as deemed prudent and in the best interest of the City; during certain water availability and drought conditions; and

WHEREAS, the City Council of the City of Bastrop has determined that due to emergency health and safety requirements of the citizens of the community and pursuant to the authority granted the Council by the City's Home Rule Charter, Section 3.15(b), it should dispense with the requirement that this Ordinance be read at two separate meetings of the Council and, rather, that this Ordinance should become effective immediately on passage after approval on a single reading.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS THAT:

Part 1: Section 13.06.007, "Permanent water restrictions," be revised as follows:

(1) Landscape irrigation using automatic in-ground or hose-end sprinkler systems is prohibited between the hours of ~~10:00-9:30~~ a.m. and ~~6:00-30~~ p.m.

(2) - (4) – (No changes.)

(5) Use of water for the irrigation of golf course greens, tees and fairways is permitted only on designated watering days as outlined in section 13.06.010 of this plan. Such irrigation shall only occur from ~~12:00-midnight~~ 1:00 a.m. to ~~107~~:00 a.m. and from ~~6~~:00 p.m. to midnight. These restriction do not apply to the irrigation of any golf course that uses reclaimed water or other non-potable water sources.

Part 2: Sec. 13.06.008 "Definitions," be revised as follows:

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~~The definition of "Total Production Capability" in Section 13.06.008 of the Drought Contingency Plan be revised as follows:~~

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~~Total Production Capability. The total net aggregate amount of water than can be produced from all water wells capable of supplying water to the system in any given 2416-hour period.~~

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~~Trigger. A ~~t~~~~Threshold~~ threshold level to be used as an initiation or termination point for ~~acitons~~ actions based on certain mathematical criteria, or as per the authority granted by Section 13.06.013.~~

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Part 3: Section 13.06.009 "Criteria for initiation and termination of drought response stages," be revised as follows:

(a) Daily water demand will be monitored for emergency conditions by the city manager or his designee. Trigger conditions will be based on an emergency situation caused by a natural disaster, equipment or system failure, natural or manmade contamination, high daily average ware demand, or any other condition that substantially and negatively affects the city's potable water supply. The city manger, on either the recommendations of the water/wastewater director or pursuant to his sole discretion and authority, shall determine when conditions warrant initiation or termination of each stage of the plan.

(b) (1 – (3) (No change.)

(b)(4)(A)(i) Major water line breaks, or pump or system failures occur, which cause a unprecedented substantially significant threat of a loss of capability to provide water service:

Part 4: Section 13.06.010 "Drought response stages," be revised as follows:

Sec. 13.06.010(1):

(A) – (C) (No changes.)

(D) Notice posted on the City of Bastrop's Website.

{Pertaining to Stage 1 response}

Sec. 13.06.010(3)(C):

(i) Restricted days/hours. Water Customers are requested to voluntarily limit the irrigation or landscaped areas with hose-end sprinklers or automatic irrigation systems to Sundays and Thursdays for customers with an address ending in an even number (0,2,4,6, or 8), and Saturdays and Wednesdays for water customers with an address ending in an odd number (1,3,5,7, and 9), and to irrigate landscapes only during the hours ~~prior to 8:00 a.m. and the hours after 8:00 p.m. between 12:00 p.m. (midnight) and 7:00 a.m. and between the hours of 6:00 p.m. to 9:00 p.m.,~~ on designated watering days. However, irrigation of landscaped areas is permitted at any time if it is by means of a hand-held hose, a faucet-filled bucket or watering can or five (5) gallons or less, or drip irrigation system.

{Pertaining to Stage 2 response}

Sec. 13.06.010(4)(C):

(i) Restricted days/hours. Water Customers are requested to voluntarily limit the irrigation or landscaped areas with hose-end sprinklers or automatic irrigation systems to Sundays and Thursdays for customers with an address ending in an even number (0,2,4,6, or 8), and Saturdays and Wednesdays for water customers with an address ending in an odd number (1,3,5,7, and 9), and to irrigate landscapes only during the hours ~~prior to 8:00 a.m. and the hours after 8:00 p.m. between the hours of 4:00 a.m. and 8:00 a.m. and between between the hours of 8:00 p.m. to 12:00 p.m. (midnight),~~ on designated watering days. However, irrigation of landscaped areas is permitted at any time if it is by means of a hand-held hose, a faucet-filled bucket or watering can or five (5) gallons or less, or drip irrigation system.

(ii) Use of water to wash any motor vehicle, motorbike, boat, trainer, airplane or other vehicle is prohibited except on designated watering days ~~during the hours prior to 10:00 a.m. and the hours after 8:00 p.m. until 11:00 p.m.~~ Such washing when allowed, shall be done with a faucet-filled bucket or hand-held hose equipped with a positive shutoff nozzle. . . .

(iii) – (iv) (No change.)

(v) Use of water for the irrigation or athletic fields or golf course greens, tees, and fairways is prohibited except on designated watering days ~~between the hours of 4:00 a.m. and 8:00 a.m. and the hours of 8:00 p.m. to 12:00 p.m. (midnight), during the hours prior to 8:00 a.m. and the hours after 8:00 p.m.~~ However, if the athletic field or golf course utilizes a water source other than that provided by the city, the facility shall not be subject to these regulations.

(vi) (No change.)

{Pertaining to Stage 3 response}

Sec. 13.06.010 (5)(C):

(i) Restricted days/hours. Irrigation of landscaped areas by means of hand-held hoses, hand-held buckets or drip irrigation shall be limited to designated watering days, as outlined in phase stage 2 of this plan, and between the hours of 46:00 a.m. and 8:00 a.m. and between 8:00 p.m. and midnight. The use of hose-end sprinklers or automatic sprinkler systems are prohibited at all times.

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(ii) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle not occurring on the premises of a commercial car wash and commercial service stations and not in the immediate interest of public health, safety and welfare is prohibited. Further, such vehicle washing at commercial car washes and commercial service stations shall occur only between the hours of 68:00 a.m. and 6:00 p.m.

Part 5: Section 13.06.013, "City Manager's Authority to Impose Additional Restrictions," be amended to add the following:

(a) The City Manager may, in his sole discretion, implement mandatory water restrictions in addition to those previously described in this Drought Contingency Plan, to protect the public health and safety in the event of an unusual water system operation event, equipment failure, catastrophic occurrence, or severe weather event.

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(b) The City Manager may implement mandatory restrictions, immediately effective, by public announcement.

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Part 6: All other provisions of City of Bastrop Drought Contingency Plan, dated November 10, 2009, that are not amended hereby shall remain in full force and effect.

Part 7: This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Bastrop, and this ordinance shall not operate to repeal or affect any of such other ordinances, except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any in such other ordinance or ordinances are superseded.

Part 8: If any provision of this ordinance or application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions, or application thereof, of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are hereby declared to be severable.

Part 9: The Mayor is hereby authorized to sign this ordinance and the City Secretary to attest. This ordinance shall become immediately effective after approval following a single reading, as per the authority granted to the Council under City Charter Section 3.15(b), as detailed herein.

PASSED AND APPROVED ON FIRST AND SOLE READING ON THIS ____
DAY OF MAY, 2012.

APPROVED:

Mayor Terry Orr

ATTEST:

Teresa Valdez, City Secretary

APPROVED AS TO FORM:

Jo-Christy Brown.
City Attorney