

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



October 26, 2021,

Executive Session at 6:00 P.M.

Regular Meeting at 6:30 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.

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 IN ATTENDANCE 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. ALTERNATELY, IF YOU ARE UNABLE TO ATTEND THE COUNCIL MEETING, YOU MAY COMPLETE A CITIZEN COMMENT FORM WITH YOUR COMMENTS AT WWW.CITYOFBASTROP.ORG/CITIZENCOMMENTFORM BEFORE 5:00 P.M. ON OCTOBER 26, 2021. COMMENTS SUBMITTED BY THIS TIME WILL BE DISTRIBUTED TO THE CITY COUNCIL PRIOR TO MEETING COMMENCEMENT, REFERENCED AT THE MEETING, AND INCLUDED WITH THE MEETING MINUTES. COMMENTS FROM EACH INDIVIDUAL WILL BE LIMITED TO THREE (3) MINUTES WHEN READ ALOUD.

1. CALL TO ORDER

2. EXECUTIVE SESSION

2A. City Council shall convene into closed executive session pursuant to Texas Government Code Sections 551.071 and 551.072, to seek the advice of legal counsel, and to deliberate upon the acquisition of real property interests associated with the construction of Wastewater Treatment Plant #3 at 385 SH 304, Unit B, Bastrop, TX 78602, and its collections systems, including all related agreements, authorizations, easements, resolutions, and associated legal actions.

- 2B. City Council shall convene into closed executive session pursuant to Texas Government Code Sections 551.071 and 551.072, to seek the advice of legal counsel, and to deliberate upon the acquisition of real property interests associated with the construction of the unopened section of Agnes Street from Sterling Drive to terminus, including all related agreements, authorizations, easements, resolutions, and associated legal actions.

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** – Valentine Irby and Alejandro Irby, Stars After School Program, Emile Elementary

TEXAS PLEDGE OF ALLEGIANCE

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

6. INVOCATION – Grady Chandler, Police Chaplain

7. PRESENTATIONS

- 7A. Mayor's Report

- 7B. Council Members' Report

- 7C. City Manager's Report

- 7D. A proclamation of the City Council of the City of Bastrop, Texas and the Bastrop County Commissioners Court recognizing November 11, 2021, as Veterans Day. (Submitted by: Ann Franklin, City Secretary)

- 7E. A proclamation of the City Council of the City of Bastrop, Texas, recognizing November 5, 2021, as City of Bastrop Arbor Day. (Submitted by: Ann Franklin, City Secretary)

8. WORK SESSION/BRIEFINGS - NONE

9. STAFF AND BOARD REPORTS

- 9A. Receive a presentation from Assistant City Manager for Community Development, discuss and provide policy direction on the creation of Municipal Utility Districts. (Submitted by: Trey Job, Assistant City Manager)

- 9B. Receive End of the Year Report from Visit Bastrop. (Submitted by: Rebecca Gleason, Assistant City Manager)

10. CITIZEN COMMENTS

At this time, three (3) minute comments will be taken from the audience on any topic. Anyone in attendance 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. Alternately, if you are unable to attend the council meeting, you may complete a citizen comment form with your comments at www.cityofbastrop.org/citizencommentform before 5:00 p.m. on October 26, 2021. Comments submitted by this time will be distributed to the city council prior to meeting commencement, referenced at the meeting, and included with the meeting minutes. Comments from each individual will be limited to three (3) minutes when read aloud. 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 Manager for research and possible future action.

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. APPROVAL OF THE MINUTES

- 11A. Consider action to approve City Council minutes from the October 12, 2021, Regular meeting. (Submitted by: Ann Franklin, City Secretary)

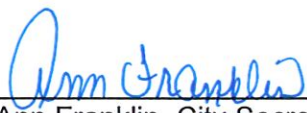
12. ITEMS FOR INDIVIDUAL CONSIDERATION

- 12A. Consider action to approve Resolution No. R-2021-99 of the City Council of the City of Bastrop, Texas, adopting the EVS 6110 Voting System; providing for a repealing clause; and establishing an effective date. (Submitted by: Ann Franklin, City Secretary)
- 12B. Consider action to approve Resolution No. R-2021-98 of the City Council of the City of Bastrop, Texas, confirming appointment by the Mayor of David Lowen to Alternate 1 of the Zoning Board of Adjustment, as required in Section 3.08 of the City's Charter, and establishing an effective date. (Submitted by: Ann Franklin, City Secretary)
- 12C. Consider action to approve Resolution No. R-2021-102 of the City Council of the City of Bastrop, Texas, to ratify the award of the contract for FM 20 16" Water Main Project to M&C Fonseca Construction Co., Inc, in the amount of One Hundred Sixty-Five Thousand, Eight Hundred and Twelve Dollars (\$165,812.00) as attached as Exhibit A; authorizing the City Manager to execute all necessary document; providing for a repealing clause; and establishing an effective date. (Submitted by: Curtis Hancock, Director of Public Works)
- 12D. Hold a public hearing and consider action to approve the first reading of Ordinance No. 2021-15 of the City Council of the City of Bastrop, Texas, rezoning 15.824 acres out of Farm Lot 37 East of Main Street, located at 1500 Farm Street, within the City Limits of Bastrop, Texas from P3 Neighborhood to P4 Mix; as shown in Exhibit A, including a severability clause; and establishing an effective date, and move to include on the November 9, 2021 City Council agenda for a second reading. (Submitted by: Trey Job, Assistant City Manager)

- 12E. Consider action to approve Resolution No. R-2021-101 of the City Council of the City of Bastrop, Texas, authorizing proceeding with issuance of certificates of obligation and further directing the publication of notice of intention to issue City of Bastrop, Texas Combination Tax and Revenue Certificates of Obligation, Series 2022. (Submitted by: Tracy Waldron, Chief Financial Officer)
- 12F. Consider action to approve the first reading of Ordinance No. 2021-16 of the City Council of the City of Bastrop, Texas, amending the budget for the Fiscal Year 2021 in accordance with existing statutory requirements; appropriating the various amounts herein as attached in Exhibit A; repealing all prior ordinances and actions in conflict herewith; establishing an effective date, and move to include on the November 9, 2021, City Council agenda for a second reading. (Submitted by: Tracy Waldron, Chief Financial Officer)
- 12G. Consider action to approve Resolution No. R-2021-103 of the City Council of the City of Bastrop, Texas, awarding a contract to provide professional engineering services for the Drainage Master Plan project, with Halff Associates, Inc. in the amount of Two Hundred Eighty-Four Thousand Six Hundred and Nine Dollars and Zero Cents (\$284,609.00) as attached Exhibit A; authorizing the City Manager to execute all necessary documents; providing for a repealing clause; and establishing an effective date. (Submitted by: Fabiola de Carvalho, Director of Engineering and Capital Project Management)
- 12H. Consider action to approve Resolution No. R-2021-104 of the City Council of the City of Bastrop, Texas, authorizing the City Manager to enter into an agreement with Schneider Engineering LLC. For a Broadband Feasibility Study, for Forty-seven thousand dollars and zero cents (\$47,000.00) as shown in Exhibit A, including a severability clause; and establishing an effective date. (Submitted by: Trey Job, Assistant City Manager)

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, October 21, 2021, 1:00 p.m. and remained posted for at least two hours after said meeting was convened.



Ann Franklin, City Secretary



STAFF REPORT

MEETING DATE: October 26, 2021

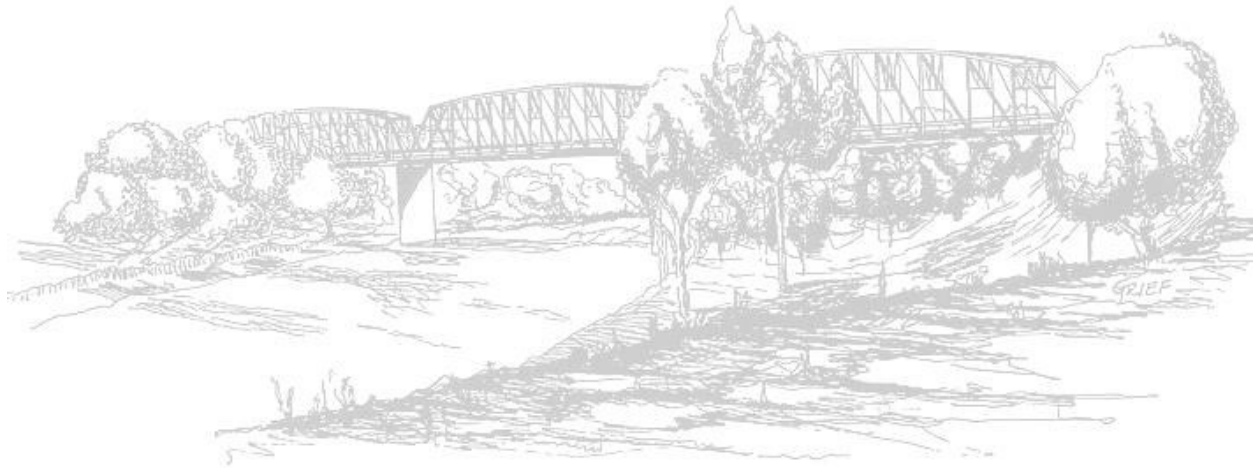
AGENDA ITEM: 2A

TITLE:

City Council shall convene into closed executive session pursuant to Texas Government Code Sections 551.071 and 551.072, to seek the advice of legal counsel, and to deliberate upon the acquisition of real property interests associated with the construction of Wastewater Treatment Plant #3 at 385 SH 304, Unit B, Bastrop, TX 78602, and its collections systems, including all related agreements, authorizations, easements, resolutions, and associated legal actions.

STAFF REPRESENTATIVE:

Paul A. Hofmann, City Manager





STAFF REPORT

MEETING DATE: October 26, 2021

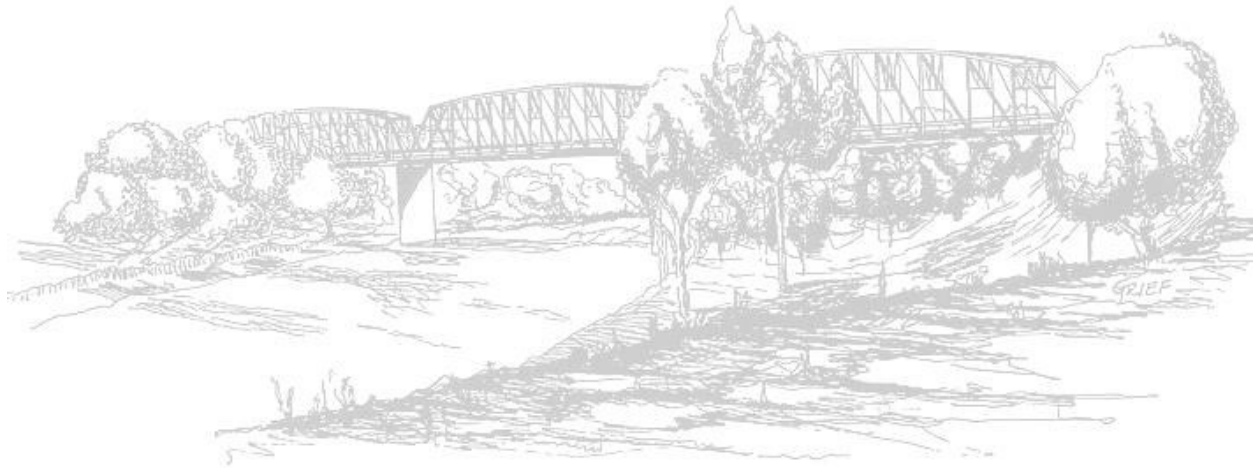
AGENDA ITEM: 2B

TITLE:

City Council shall convene into closed executive session pursuant to Texas Government Code Sections 551.071 and 551.072, to seek the advice of legal counsel, and to deliberate upon the acquisition of real property interests associated with the construction of the unopened section of Agnes Street from Sterling Drive to terminus, including all related agreements, authorizations, easements, resolutions, and associated legal actions.

STAFF REPRESENTATIVE:

Paul A. Hofmann, City Manager





STAFF REPORT

MEETING DATE: October 26, 2021

AGENDA ITEM: 3

TITLE:

Take any necessary or appropriate action on matters posted for consideration in closed/executive session

STAFF REPRESENTATIVE:

Paul A. Hofmann, City Manager





STAFF REPORT

MEETING DATE: October 26, 2021

AGENDA ITEM: 7A

TITLE:

Mayor's Report

AGENDA ITEM SUBMITTED BY:

Paul A. Hofmann, City Manager

POLICY EXPLANATION:

Texas Local Government Code, Section 551.045 – Governing Body of Municipality or County: Reports about Items of Community Interest Regarding Which No Action Will Be Taken:

(a) Notwithstanding Sections 551.041 and 551.042, a quorum of the governing body of a municipality or county may receive from staff of the political subdivision and a member of the governing body may make a report about items of community interest during a meeting of the governing body without having given notice of the subject of the report as required by this subchapter if no action is taken and, except as provided by Section 551.042, possible action is not discussed regarding the information provided in the report.

(b) For purposes of Subsection (a), "items of community interest" includes:

- (1) expressions of thanks, congratulations, or condolence;
- (2) information regarding holiday schedules;
- (3) an honorary or salutary recognition of a public official, public employee, or other citizen, except that a discussion regarding a change in the status of a person's public office or public employment is not an honorary or salutary recognition for purposes of this subdivision;
- (4) a reminder about an upcoming event organized or sponsored by the governing body;
- (5) information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the political subdivision; and
- (6) announcements involving an imminent threat to the public health and safety of people in the political subdivision that has arisen after the posting of the agenda.

ATTACHMENTS:

- Power Point Presentation



STAFF REPORT

MEETING DATE: October 26, 2021

AGENDA ITEM: 7B

TITLE:

Council Members' Report

AGENDA ITEM SUBMITTED BY:

Paul A. Hofmann, City Manager

POLICY EXPLANATION:

Texas Local Government Code, Section 551.045 – Governing Body of Municipality or County: Reports about Items of Community Interest Regarding Which No Action Will Be Taken:

(a) Notwithstanding Sections 551.041 and 551.042, a quorum of the governing body of a municipality or county may receive from staff of the political subdivision and a member of the governing body may make a report about items of community interest during a meeting of the governing body without having given notice of the subject of the report as required by this subchapter if no action is taken and, except as provided by Section 551.042, possible action is not discussed regarding the information provided in the report.

(b) For purposes of Subsection (a), "items of community interest" includes:

- (1) expressions of thanks, congratulations, or condolence;
- (2) information regarding holiday schedules;
- (3) an honorary or salutory recognition of a public official, public employee, or other citizen, except that a discussion regarding a change in the status of a person's public office or public employment is not an honorary or salutory recognition for purposes of this subdivision;
- (4) a reminder about an upcoming event organized or sponsored by the governing body;
- (5) information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the political subdivision; and
- (6) announcements involving an imminent threat to the public health and safety of people in the political subdivision that has arisen after the posting of the agenda.



STAFF REPORT

MEETING DATE: October 26, 2021

AGENDA ITEM: 7C

TITLE:

City Manager's Report

AGENDA ITEM SUBMITTED BY:

Paul A. Hofmann, City Manager

POLICY EXPLANATION:

Texas Local Government Code, Section 551.045 – Governing Body of Municipality or County: Reports about Items of Community Interest Regarding Which No Action Will Be Taken:

(a) Notwithstanding Sections 551.041 and 551.042, a quorum of the governing body of a municipality or county may receive from staff of the political subdivision and a member of the governing body may make a report about items of community interest during a meeting of the governing body without having given notice of the subject of the report as required by this subchapter if no action is taken and, except as provided by Section 551.042, possible action is not discussed regarding the information provided in the report.

(b) For purposes of Subsection (a), "items of community interest" includes:

- (1) expressions of thanks, congratulations, or condolence;
- (2) information regarding holiday schedules;
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- (6) announcements involving an imminent threat to the public health and safety of people in the political subdivision that has arisen after the posting of the agenda.



STAFF REPORT

MEETING DATE: October 26, 2021

AGENDA ITEM: 7D

TITLE:

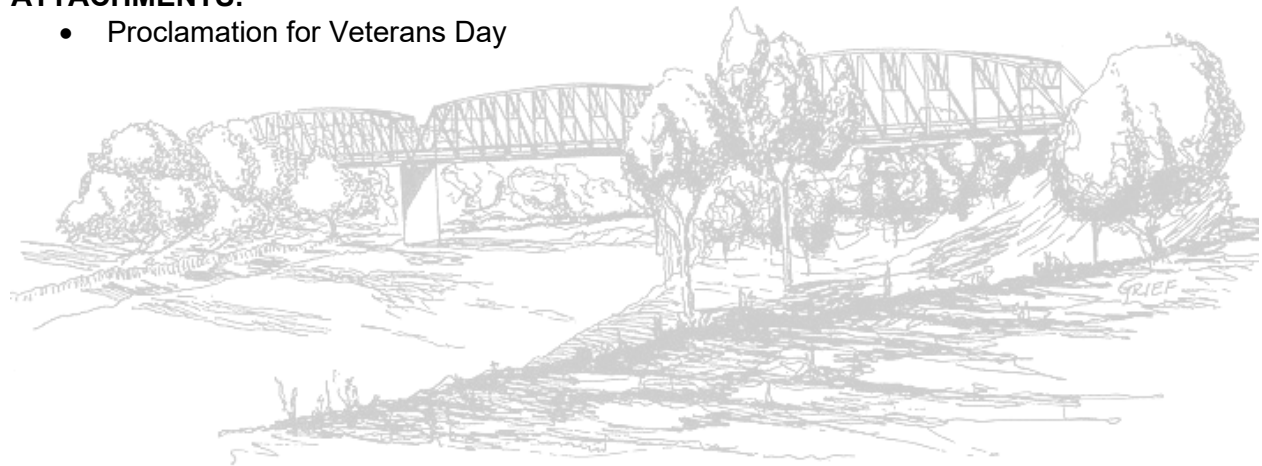
A proclamation of the City Council of the City of Bastrop, Texas and the Bastrop County Commissioners Court recognizing November 11, 2021, as Veterans Day.

STAFF REPRESENTATIVE:

Ann Franklin, City Secretary

ATTACHMENTS:

- Proclamation for Veterans Day





PROCLAMATION



Joint Resolution Of the County of Bastrop and City of Bastrop

Veterans Day, November 11, 2021

Whereas, the Bastrop City Council and the Bastrop County Commissioners Court come together on Veterans Day to pay tribute to the men and women who serve our great nation with distinction in the United States Armed Forces, both in peace time and in war; and

Whereas, on Veterans Day Americans across this land thank our Veterans for their service in the Army, Navy, Air Force, Marines, and Coast Guard, whether Active Duty, Reserve, or National Guard; and

Whereas, on Veterans Day our community expresses our continuing sense of gratitude to the men and women who give so much in the defense of the freedoms we all enjoy; and

Whereas, at this time of special recognition, local Veterans organizations along with the Bastrop Area Cruisers' pay tribute to our Veterans by hosting the Veterans Day Classic Car Show, and the Red, White, and Blue Veterans of Bastrop County organization hosts a banquet to honor our Veterans.

Now, therefore, be it resolved that the Bastrop County Commissioners Court and the Bastrop City Council hereby join together to honor all Bastrop County Veterans and encourage our citizens to join in the celebrations of

VETERANS DAY, 2021

Paul Pape
Bastrop County Judge

Connie B. Schroeder
City of Bastrop Mayor



STAFF REPORT

MEETING DATE: October 26, 2021

AGENDA ITEM: 7E

TITLE:

A proclamation of the City Council of the City of Bastrop, Texas, recognizing November 5, 2021 as City of Bastrop Arbor Day.

STAFF REPRESENTATIVE:

Ann Franklin City Secretary





PROCLAMATION



BASTROP TX
Heart of the Lost Pines / Est. 1832

WHEREAS, Arbor Day is observed throughout the world in many languages and cultures; and

WHEREAS, all across Texas, from towering pines to majestic oaks to scrubby mesquites — the many trees of Texas are beautiful and prominent features of our unique and breathtaking landscape; and

WHEREAS, as Texans, we value our trees and the benefits they provide each of us every day. Benefits like clean air, clear water, improving our health, abating storm water and even saving us money on energy bills and;

WHEREAS, we encourage people in our community to plant trees and celebrate them on the first Friday each November on Texas Arbor Day.; and

WHEREAS, this holiday for trees is an opportunity to teach fundamental lessons about the stewardship of our natural resources and caring for our environment. It is an opportunity to learn what each of us can do to keep our community trees healthy and vibrant. And it is a time we can pause to appreciate trees in our lives.; and

WHEREAS, trees, wherever they are planted, are a source of joy and enjoyment.

NOW, THEREFORE, I, Connie Schroeder, Mayor of the City of Bastrop, do hereby recognize November 5, 2021 as:

ARBOR DAY

in the City of Bastrop, and I do thereby encourage all citizens to cherish our trees and recognize their important role in the environment.

IN WITNESS WHEREOF, I have set my hand and caused the Official Seal of the City of Bastrop, Texas to be affixed this 26th day of October, 2021.

Connie B. Schroeder, Mayor



STAFF REPORT

MEETING DATE: October 26, 2021

AGENDA ITEM: 9A

TITLE:

Presentation on draft policy on the creation of Municipal Utility Districts.

STAFF REPRESENTATIVE:

Trey Job, Assistant City Manager for Community Development

BACKGROUND/HISTORY:

The City of Bastrop addresses the creation of Municipal Utility Districts (M.U.D.) in Chapter 13 Section 13.05 of the City of Bastrop Code of Ordinances. Although the ordinance addresses the content required in the petition it does not provide complete Council policy guidance to petitioners seeking to create MUD's in the City's extraterritorial jurisdiction or in-city MUDs.

MUD's are also addressed in the interlocal agreement with Bastrop County regarding subdivision authority in certain areas of the county. The agreement requires the City to review the subdivision plats for special districts, developments that have an approved development agreement, the statutory extra territorial jurisdiction (ETJ), and area A of the City's ETJ.

The City has received recent requests for MUD creation. The City also provided consent to create a Public Improvement District in the last fiscal year. With the expected growth to continue, Planning Staff, and City Attorney thought it would be a good idea to address certain policy considerations provided in the memo from Alan Bojorquez, City Attorney. The policy considerations provided by Mr. Bojorquez have received recommended responses from Planning staff and will be provided in the attached presentation as a recommendation to City Council.

RECOMMENDATION:

Provide feedback regarding the MUD creation policy.

ATTACHMENTS:

- ETJ Map.
- Memo from City Attorney
- Presentation
- Draft MUD Policy

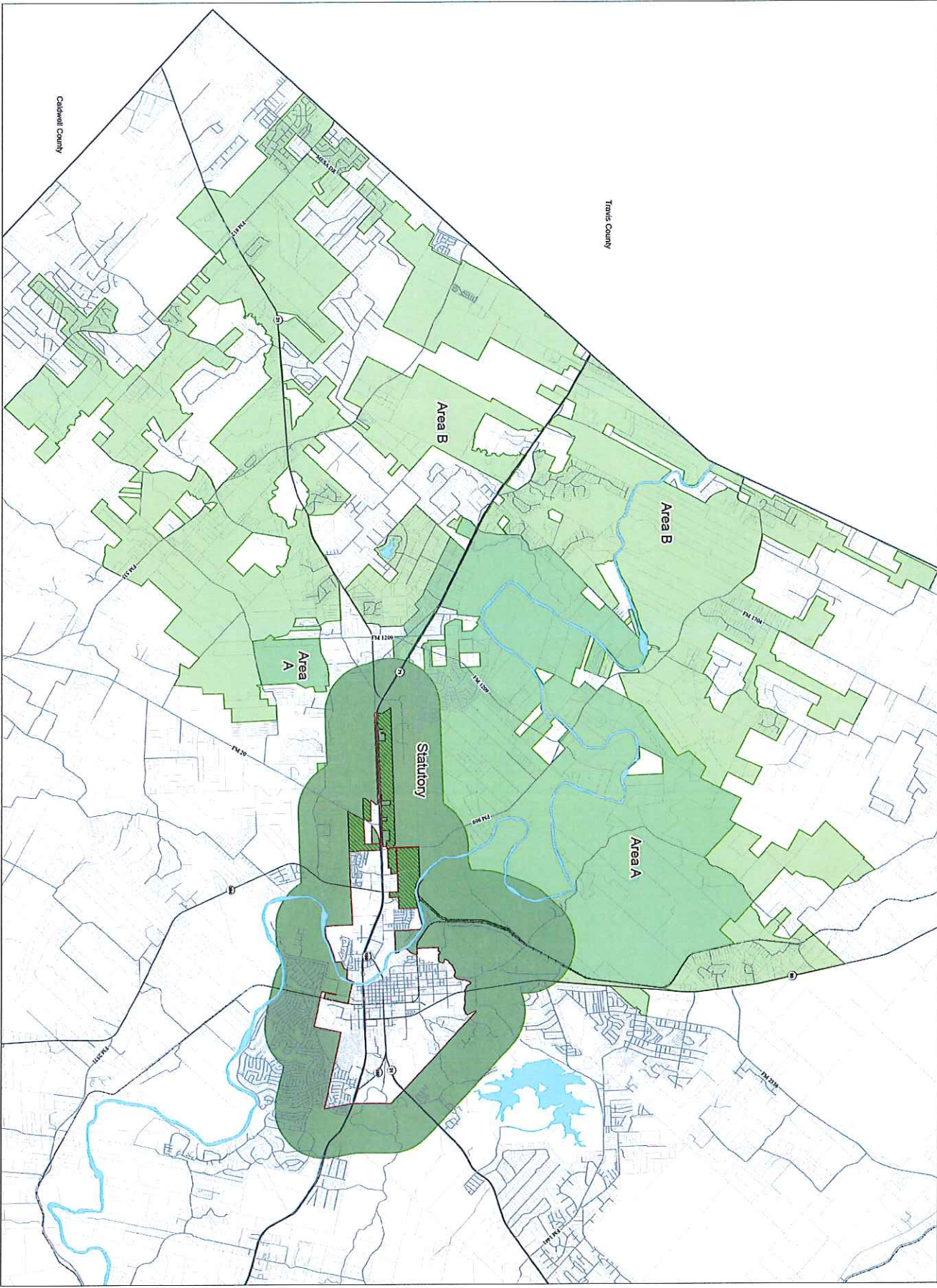


City Limits & ETJ

Legend

- Parcels
- City Limit
- City Boundary
- County
- ETJ Areas
 - Statutory
 - Area A
 - Area B
 - Development Agreements

Scale: 1" = 1 Mile
Date: 12/15/2019
This document is prepared by the Bastrop, Texas, Engineering Department. It is not to be used for any other purpose without the written consent of the Bastrop, Texas, Engineering Department. The Bastrop, Texas, Engineering Department is not responsible for the accuracy or completeness of the information provided in this document. The Bastrop, Texas, Engineering Department is not responsible for the accuracy or completeness of the information provided in this document. The Bastrop, Texas, Engineering Department is not responsible for the accuracy or completeness of the information provided in this document.



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TexasMunicipalLawyers.com

MEMORANDUM

TO: Paul Hofmann, City Manager, City of Bastrop
FROM: Alan Bojorquez, City Attorney, and Dottie Palumbo, *Of Counsel*
DATE: September 14, 2021
RE: Municipal Utility Districts ("MUDs") & MUD Policy

PURPOSE

The purpose of this memorandum is to provide an overview of MUDs and the development process, current applications, and proposed MUD policy.

THE TYPICAL DEVELOPMENT PROCESS

Annexation/Development Agreement. Upon approval of an annexation and development agreement, the annexed development is incorporated as a part of the city limits. The City receives the ad valorem taxes. The developer does not get reimbursed from taxes. The citizens living within the development pay city taxes and do not have an additional MUD tax rate. Citizens are provided city services.

MUD Consent Agreement. The development is a MUD with taxing authority. A MUD can be formed in or outside of the city limits. MUDs can provide water and wastewater and have road powers. MUDs can provide parks and other services similar to a city. The developer is reimbursed with bonds approved by Texas Commission on Environmental Quality ("TCEQ"). If the MUD is in the City's Extraterritorial Jurisdiction ("ETJ"), the City does not collect ad valorem taxes. MUD residents do not receive city services (directly). In this context the City has limited authority.

Annexation/Development Agreement with Special District Financing and Economic Incentives. This agreement allows for the developer to have public improvements paid for by creating a Public Improvement District ("PID") that may have a Tax Increment Reinvestment Zone ("TIRZ") included. The advantage to a developer is not to go through a cumbersome TCEQ bond reimbursement process. The development is annexed into the City upon which the City receives the ad valorem taxes. The citizens have an additional PID assessment that fluctuates each year. The residents receive city services.

A TIRZ can be created to provide for the City's proportionate share of any offsite improvements, city projects that benefit the TIRZ even though the project may be outside the TIRZ, or developer reimbursement or offset of PID assessments.

MUD CREATION

Predevelopment Meeting. Best practices for any development within the ETJ, or within the city limits is to have a Predevelopment Meeting prior to the submission of an application, to have a plan submitted, and to negotiate an agreement.

MUD Petition. MUDs are typically located outside the city limits and in the ETJ. A MUD can be created by either: (a) adoption of a district creation bill by the Texas Legislature or (b) by the TCEQ following a petition and consent process described in the Texas Water Code.

For property located in the City's jurisdiction to be included in a MUD, City consent is required prior to creation as part of the TCEQ process. Best practices are to pass a resolution denying consent and then start the negotiation process.¹

There are limitations on what the City may require as condition for consent, particularly for MUDs that do not propose to connect to the City's water or sewer systems.²

If the City fails or refuses to grant consent within 90 days after receipt of a petition, the state statute provides for a 120-day period for negotiation of a contract for City water and sewer service to the proposed development.³

If a contract for service is not executed, the applicant is authorized to initiate proceedings with TCEQ to create a MUD. Creation of a MUD presumes a long-term delay of the City annexation of new development.⁴

If a MUD is to be annexed by a City, Texas law requires that MUDs be annexed in their entirety.⁵ If the City annexes a MUD before its bonds are paid in full, the City must assume the balance of the MUD's debt and reimburse the developer for any unbonded facilities. The developer of a MUD who is prevented from being reimbursed through bonds issued by the MUD must be paid by the annexing city all the actual costs and expenses incurred in connection with developing the district that are eligible for reimbursement from bond proceeds under the rules of the TCEQ. Some cities pay a portion of this debt by enacting post-annexation surcharges to property owners formerly part of a MUD as provided for by state law. This is a charge on a homeowner's utility bill and is calculated based on the amount of debt that the City absorbs at the time of annexation. If full purpose annexation is deferred until the MUD bonds are paid in full, this development would be excluded from the City's tax base for that period of time, reasonably decades.

¹ Tex. Water Code Section 54.011 (creation of a district) and 54.014 (petition).

² Tex. Water Code Section 54.016(a).

³ Tex. Water Code Section 54.016(b) provides as follows: If the governing body of a city fails or refuses to grant permission for the inclusion of land within its extraterritorial jurisdiction in a district, including a district created by a special act of the legislature, within 90 days after receipt of a written request, a majority of the electors in the area proposed to be included in the district or the owner or owners of 50 percent or more of the land to be included may petition the governing body of the city and request the city to make available to the land the water or sanitary sewer service contemplated to be provided by the district.

⁴ Tex. Water Code Section 54.016(c).

⁵ Tex. Local Gov't Code Section 43.072.

MUD POLICY

The City Council should consider how development occurs in the ETJ and what type of economic incentive is appropriate.

The MUD policy may discourage the creation of new MUDs. Recent changes in state laws that prevent unilateral annexation tend to favor MUDs, resulting in more opportunities for MUD creation and continuation.

The provision of City utility service. If a City can provide utility services, the Council would typically deny consent to the creation of a new MUD and would negotiate an annexation development agreement using special district financing and/or economic incentives. Consideration regarding any Certificate of Convenience and Necessity should be addressed. If the MUD area is not contiguous, the developer dedicates land for an utility facility. The City then can annex land and the remaining area. The PID/TIRZ model could be negotiated.

POLICY CONSIDERATIONS

1. Should the policy require use of City utility services as a basic requirement for creation of a MUD?
2. Should the policy state that the City's objective in creating a MUD is to promote superior development?
3. Should policy require that the MUD proposal must demonstrate that the City would benefit more from creation of a MUD than from use of the standard City development process or other types of districts?
4. City Review of MUD Applications – Need to consider whether to have procedures in the Code of Ordinances to review MUD applications. Need to ensure an in-depth interdepartmental review of each application and allow for the maximum amount of public input possible.
5. Which City boards and commissions review MUD applications? Can include Parks and Recreation Board, and Planning and Zoning Commission?
6. Types of MUD applications include: petitions for consent to creation of MUDs, the addition of land to existing MUDs, approval of out-of-district service, contract amendments, and bond issuances.

Ultimately, MUD petitions are brought to Council for consideration for approval or denial.

cc: Rezzin Pullum, Assistant City Attorney

City of Bastrop, Texas Policy & Procedures for Consenting to the Creation of Municipal Utility Districts

A. PURPOSE

A Municipal Utility District (“MUD”) is a type of special district that functions as an independent, limited government. The purpose of a MUD is to provide a developer an alternate way to finance infrastructure, such as water, sewer, drainage, and road facilities. Managed by a board elected by property owners within the MUD, a MUD may issue bonds to reimburse a developer for authorized improvements and the MUD will utilize property tax revenues and user fees received from water and sewer services operated by the MUD to repay the debt. As the MUD pays off its debt, more of its tax revenue can be directed to other services.

State law provides municipalities such as the City of Bastrop with an opportunity to exercise an oversight role through the statutory requirement that consent be sought for creation in the City Limits or Extraterritorial Jurisdiction (ETJ). A MUD can be created by either (a) adoption of a district creation bill by the Texas Legislature or (b) by the Texas Commission on Environmental Quality (“TCEQ”) following a petition and consent process described in the Texas Water Code. For property located in the City Limits and ETJ to be included in a MUD, City consent is required prior to creation as part of the TCEQ process. There are limitations on what the City may require as condition for consent, particularly for MUDs that do not propose to connect to the City’s water or sewer systems. If the City fails or refuses to grant consent within ninety (90) days after receipt of a petition, the state statute provides for a one hundred and twenty (120) day period for negotiation of a contract for City water and sewer service to the proposed development. If a contract for service is not executed, the applicant is authorized to initiate proceedings with TCEQ to create a MUD. The City reserves the right to annex any and all land in the ETJ and dissolve MUDs if necessary when such action is determined to be beneficial by the City Council.

Texas law requires that MUDs be annexed in their entirety. If the City annexes a MUD before its bonds are paid in full, it is standard that the City must assume the balance of any MUD debt and reimburse the developer for any unbonded facilities. If full purpose annexation is deferred until the MUD bonds are paid in full, this development would be excluded from the City’s tax base for that period of time, reasonably decades.

The following outlines the Policy for creation of MUDs within Bastrop City Limits and ETJ. The City may support or oppose any MUDs regardless of how they are created, whether they meet this Policy or if the City finds the proposed project can be served by City utilities. Notwithstanding any provision herein to the contrary, consent to a MUD is within and will

remain within the ultimate discretion of the City Council and no provision herein shall be construed to obligate the City Council to grant or deny its consent to any specific petition.

B. CONDITIONS FOR CITY CONSENT OF ETJ AND IN-CITY MUDS

To be considered by the City Council, the real estate development project supported by the proposed MUD must meet the following minimum requirements:

1. The developer must enter into a professional services agreement (i.e., development fee agreement) to reimburse the City of the professional services costs of legal, engineering, administrative, and other consultant review of the petition to create a MUD.
2. The property shall not be in an area the City has made plans to annex or provide municipal services to within the next five (5) years.
3. The developer must provide written justification supporting the determination that creating a MUD will benefit the community more than utilization of the standard development process.
4. A statement regarding potential options for Annexation of commercial areas, allowing the City to impose and collect sales and use tax generated within the MUD.
5. The Project must utilize City water and sewer services if located within the applicable City Certificate of Convenience and Necessity (“CCN”) area. If the proposed development is located within the City CCN but tying into existing infrastructure is deemed unreasonable by the Director of Engineering and Capital Project Management at their sole discretion, the Director of Engineering and Capital Project Management may recommend to the City Council that the requirement to utilize City water and/or sewer not be required.
6. Upon annexation (if ever), all water, wastewater, drainage, and road infrastructure constructed by the MUD will become City owned and operated infrastructure unless the City Council grants an exemption. Therefore, infrastructure plans shall be prepared and reviewed by the City in compliance with the City’s development regulations as it relates to land use, infrastructure design, permitting, and inspections. Applicants shall seek City development approval prior to the commencement of any construction within the MUD.
7. Construction or acquisition of any MUD facilities within or for the MUD consisting of infrastructure facilities shall not commence unless the design conforms to the City’s standards and the plans and specifications have been approved by all government entities with jurisdiction, including the City. In cases where Bastrop County and City standards conflict, City standards shall apply unless provided for in the 1445 Agreement between the City and County.
8. The request to create a MUD shall provide examples of, “unique factors justifying [MUD] creation or amendments”, to guide determinations made in the Code of Ordinances; address provision of public services, and address public safety matters when the Consent Agreement and development within the MUD exceeds Code of Ordinances

parkland requirements (not just meets Code of Ordinances standards or less than Code of Ordinances standards), and address parkland provisions in the Consent Agreement

9. The MUD shall not provide services for, or acquire property to provide services for, any property outside its boundaries without the consent of the City.
10. A MUD may not extend the boundaries of the MUD unless the City Council first adopts a resolution giving its consent to the extension. The conditions contained in the resolution consenting to the creation of the MUD also apply to any boundary extension, unless the resolution approving the District's proposed boundary extension states otherwise.
11. The MUD shall not allow use of easements or stormwater drainage facilities owned or controlled by the MUD for any property or development outside its boundaries without the consent of the City.
12. A MUD created within the City Limits or ETJ should not be abolished until such time as it has retired all of its outstanding bonded indebtedness, so that the City taxpayers outside the MUD shall not have to pay off all or any part of the bonded indebtedness incurred by the MUD. The City does reserve the right to abolish any MUD as allowed by state law, regardless of whether it has any outstanding debt, if it is deemed to be in the best interest of the City.

When considering a request for a MUD, the City Council can consider the public benefit of the development by weighing the value of the benefits to the community, and to property in the MUD, against the costs to the City, including delayed annexation. The City's objective in consenting to the creation of a MUD would be the promotion of a superior development project that may not otherwise be achieved through the standard development process.

C. ADDITIONAL CONDITIONS FOR CITY CONSENT OF ETJ MUDS

1. The Applicant must demonstrate that a Public Improvement District (PID) and Tax Increment Reinvestment Zone (TIRZ), as alternative funding sources for the construction of public infrastructure will not be economically feasible for the subject property.
2. The development proposal will contain provisions limiting eminent domain powers of the MUD and further provide provisions governing annexation of additional property into the MUD, which shall be subject to City Council consent, in its sole discretion.

D. ADDITIONAL CONDITIONS FOR CITY CONSENT OF IN-CITY MUDS

1. The Applicant must demonstrate that a Public Improvement District (PID) and Tax Increment Reinvestment Zone (TIRZ), as alternative funding sources for the construction of public infrastructure will not be economically feasible for the subject property.

2. The development proposal will contain provisions limiting eminent domain powers of the in-City MUD and further provide provisions governing annexation of additional property into the in-City MUD, which shall be subject to City consent, in its sole discretion.

E. REQUIREMENTS OF PETITION

1. Attend a pre-application meeting to discuss intent to file a petition at least thirty (30) days before filing the petition with the City.
2. With the petition, submit a completed application and associated fees and costs in connection with vetting the petition and negotiating any associated agreements for the MUD. The petition and application must also conform to the Bastrop Code of Ordinances, Chapter 13, Article 13.05.
3. The petition to create the MUD must include the following:
 - a. Description of the boundaries of the proposed district by metes and bounds or by lot and block number, if there is a recorded map or plat and survey of the area;
 - b. Statement of the general nature of the work proposed to be done, the necessity for the work, and the cost of the project as then estimated by those filing the petition; and
 - c. A name of the district that is generally descriptive of the locale of the district followed by the words Municipal Utility District, or if a district is located within one county, it may be designated "Bastrop County Municipal Utility District No. ____." (Insert the name of the county and proper consecutive number.) The proposed district shall not have the same name as any other district in the same county.

F. NOTICE OF PETITION AND PUBLIC HEARING

1. City staff and consultants will assess the adequacy of the petition and its compliance with this Policy and the Municipal Utility Districts Act and recommend to the City Council whether to proceed with a public hearing on the petition.
2. If the City Council approves setting a public hearing on the MUD petition, the applicant shall publish the newspaper notice and mail the notice to property owners. The applicant must provide affidavits or other proof of publication and mailing of notices to the City for the public hearing to be added to the agenda, at least two weeks prior to the desired Planning and Zoning Commission and City Council meeting dates.
3. The Planning and Zoning Commission and the City Council shall each hold a public hearing prior to the creation of a MUD at a scheduled meeting on the petition before the expiration of the period established by state law. Upon the presentation of a petition for consent for the creation of a MUD within the City Limits or ETJ, the majority in value of landowners within the proposed MUD shall:

- a. Present evidence that the proposed MUD contains one hundred (100) or more acres and present evidence that the petition is filed on behalf of the majority in value of landowners within the proposed MUD;
 - b. Present a preliminary report describing the MUD and proposed use of the land within the MUD showing that the proposed MUD and land use are feasible;
 - c. Present an estimate of assessed valuation of the MUD showing the value of property as it exists on the date of the petition; a build-out schedule showing the projected value of the property when fifty percent (50%) of the projected vertical improvements for the MUD (exclusive of wastewater, water, sewer and drainage improvements) have been completed; and showing the projected value of the improvements upon completion of the development within the MUD;
 - d. Agree that the majority in value of landowners within the proposed MUD shall develop the property for the purposes substantially as described in the preliminary report, except as may otherwise be agreed by the proponent and the City, and that prior to commencement of any improvements, will comply with all provisions of the subdivision ordinances and zoning ordinances of the City; and
 - e. Acknowledge that the City reserves the right to impose other specific requirements relative to a given MUD, including, but not limited to park requirements, construction material for houses and other buildings, amenities, and minimum lot sizes, which shall be agreed to and set forth in the allocation agreement.
4. The Planning and Zoning Commission's hearing on the petition may be continued from time to time. After the final adjournment of the public hearing, the Planning and Zoning Commission make a recommendation regarding the findings required in this Policy regarding the merits of the petition. The recommendation may be in the form of a written resolution or in the absence of a resolution as the minutes of the meeting.
 5. The City Council hearing on the petition may be continued from time to time. After the final adjournment of the public hearing, the City Council has two months to adopt a resolution regarding the findings required in this Policy to approve the petition.
 6. No resolution shall be adopted consenting to the creation of a MUD until the City Council finds that the proposed MUD:
 - a. Meets the conditions for community benefits as outlined in Section B of this policy; and
 - b. Will not adversely affect the existing City water, sewer and storm facilities or other City utilities or City functions; and
 - c. Will not increase the City's taxes or utility rates or adversely impact the City's financing or bond rating; and
 - d. All of the conditions imposed by this Policy have been agreed to by the majority in

value of landowners within the proposed MUD.

7. No MUDs shall be established or expanded within the City Limits or the ETJ without written consent by resolution or ordinance, of the City Council in compliance with Section 54.016 and Section 54.0165 of the Municipal Utility Districts Act. The petition to the City shall be signed by a majority in value of the holders of title of the land within the proposed district as indicated by the county tax rolls.

G. FINANCIAL LIMITATIONS & PERFORMANCE STANDARDS

A MUD may issue bonds for any purpose authorized by the Municipal Utility Districts Act. An annual audit of the MUD is required to be done by an independent Certified Public Accountant. A copy is required to be provided to the City Manager's Office and financial records shall be available for City inspection during normal business hours. Bonds shall only be issued by the MUD for the purposes and in the manner provided by TCEQ, if appropriate. A copy of the bond application, including engineering report shall be submitted to the City for review at the same time the MUD submits to TCEQ. For road bonds, a copy of the notice of sale and preliminary official statement shall be provided to the City.

The following provisions must be included in a MUD consent agreement.

1. Prior to the sale or offer to sell any bonds of the MUD, a consent resolution must be approved by the City Council, verifying the MUD is in compliance with the applicable Development and MUD agreements. Any costs incurred by the City in connection with review of the issuance of bonds shall be paid by the MUD per the City fee schedule.
 - (a) If development occurs in phases, development must be sustainable by the proposed bonding capacity, bond phasing, and development approvals. Each phase of the development included in a bond issue must meet the applicable economic feasibility rules of the TCEQ which require that each phase proposed to be financed includes in the bond application the water, sewer, drainage and other facilities to serve the development and has the requisite governmental approvals.
2. To ensure compliance by a MUD with each applicable condition or restriction imposed in connection with the consent of the City to the creation of the MUD, the Council is entitled to approve the issuance or sale of a MUD bond before the MUD issues a bid invitation for the bond. If the MUD is not in compliance with each applicable condition:
 - (a) the Council may not approve the issuance or sale of the bond; and
 - (b) the MUD may not issue or sell the bond.
3. The City, to ensure the economic vitality of a MUD and to the extent authorized by the laws of this state, may limit the amount of bonds the MUD may issue.
4. In consenting to the creation of a MUD, the City may impose an additional condition or restriction on the terms, provisions, or sale of a bond or note of the MUD. A condition or

restriction imposed under this subsection may not cause the bond or note to be unmarketable.

5. The authorizing order or resolution regarding the issuance of any series of bonds, which bonds shall be and remain obligations of the MUD until its dissolution, must be approved by the City Council. The City Council may refuse to give its approval to the issuance of bonds or limit the amount of bonds issued by the MUD if the MUD is not in compliance with the City's requirements contained in the consent resolution or ancillary documents. The City will request compliance with the following terms and reporting requirements:
 - (a) The MUD's initial bond debt maturity date will not exceed twenty-five (25) years. Once the District has established a maturity date for its initial bonds, the maturity date for any additional bonds will not extend beyond the maturity date for the initial bonds, without the approval of the City Council.
 - (b) The amount of each annual principal payment on bond debt should be substantially the same, or only moderately increased throughout the repayment term. In any case, at least forty percent (40%) of the principal must be repaid in the first half of the repayment schedule, unless a portion of the bonds are structured as capital appreciation bonds.
 - (c) Each bond issue shall not include more than two (2) years of capitalized interest.
 - (d) The net effective interest rate of a bond issued by a MUD may not exceed two percent (2%) above the highest average interest rate reported by the Daily Bond Buyer in its weekly "20 Bond Index" during the one-month period preceding the date that notice of sale is given.
 - (e) Each bond issued by a MUD must include a call provision that permits the MUD to redeem the bond at par.
 - (f) A MUD must pledge the revenue and ad valorem taxes of the MUD to the payment of the principal of and interest on all bonds issued by the MUD.
 - (g) The City may limit a MUD to only issue bonds for the purposes of providing water, wastewater, and drainage improvements as provided in Texas Water Code, Section 54.016(e).
 - (h) The City may approve the issuance of MUD bonds for park or road improvements if the park or road improvements for which the bonds are issued are included in the City's master plans.
 - (i) A MUD may not spend the proceeds of a bond or incur any indebtedness for the purpose of providing service to territory outside the boundary of the MUD without the approval of the City Council.
 - (j) At least thirty (30) days before the issuance of bonds, except refunding bonds, the MUD's financial advisor shall certify in writing that bonds are being issued within

the existing economic feasibility guidelines established by the TCEQ, whether or not the MUD has been approved by the TCEQ. The report should also state the following:

1. The amount of bonds being proposed for issuance,
2. The projects to be funded by such bonds,
3. The proposed debt service tax rate after issuance of the bonds.

(k) Within thirty (30) days after the MUD closes the sale of a series of bonds, the MUD shall deliver to the City Manager's Office a copy of the final official statement for such series of bonds as well as any additional information requested by the City and provide the City with a complete transcript of bond proceedings within sixty (60) days after the date the bonds are delivered.

(l) Terms of any refunding proposed by the District must be approved by the City Council.

6. The MUD shall send a copy of the order or other action setting an ad valorem tax rate to the City Secretary and the City Manager within thirty (30) days after MUD's adoption of the rate.
7. The MUD shall send a copy of its annual audit to the City Manager's Office no later than _____ of each year. The MUD will meet accounting standards set by the Governmental Accounting Standards Board (GASB) and fulfill all arbitrage compliance reports to the satisfaction of the City Manager.
8. The MUD shall provide copies of any material event notices filed under applicable federal securities laws or regulations to the City Manager's Office within thirty (30) days after filing such notices with the applicable federal agency.
9. The City acknowledges that a MUD has authority to assess an unlimited tax for payment of debt service. However, prior to implementation of any increase in tax rate above its initial rate, the MUD shall make a formal presentation to City Council explaining the need for the increase, at which time residents of the MUD shall be given an opportunity to be heard. Notice of such presentation shall be sent to each owner of taxable property within the MUD as reflected on its most recent certified tax roll. This provision shall be in addition to any requirements of notice and hearing which may be contained in the Texas Water Code and in the Texas Tax Code which apply to the MUD.

H. UTILITY RATES IN A MUD

The consent of the City to the creation of a MUD shall be conditioned on an agreement between the City and the MUD. The agreement must provide that at the time the City annexes the territory of the MUD, water and wastewater rates established for property in the MUD shall be sufficient to fully compensate the City for assuming the indebtedness of the MUD after the MUD is dissolved.

A water or wastewater rate established shall be based on the water or wastewater rate established for other customers in the boundary of the City and shall include a component based on the monthly debt retirement payment assumed by the City. A water or wastewater rate may be recalculated as provided in the agreement.

The established rate must remain in effect until the bonded indebtedness of the MUD is fully retired and the City is fully compensated, regardless of whether a bond of the MUD is called. The written consent of the City to the creation of a MUD shall specify the estimated date by which at least ninety percent (90%) of the water, wastewater, drainage, and road improvements for which bonds of the MUD are issued must be installed or completed.

I. MUD BOARDS

All MUDs shall require that board meetings be recorded, and all recordings and minutes of the meeting be available on a website.

J. APPLICATION FOR DISSOLUTION OF MUDs

The City Council may dissolve a MUD at any time, with or without MUD approval in accordance with state law. However, a MUD may provide a written request that the City consider dissolution if certain guidelines, addressed below, are met. The request should be sent to the City Secretary with the proposed date of dissolution and supporting documentation showing that the MUD will meet the guidelines for dissolution by that date. If the City Council decides that dissolution will be beneficial to the City, the City will prepare a written implementation plan for the MUD's dissolution within six (6) months of the date the City Council considers the request. The City may, at its option, as a step toward dissolution, refinance the MUD's bond debt.

MUDs seeking dissolution should meet all of the following conditions:

1. Preferably, all MUD bond debt should be fully paid. At a minimum, the City's annual costs of paying the MUD's bond debt and reoccurring operation and maintenance expenses after dissolution will be no greater than the amount of revenues the City gains through the total ad valorem value of property within the MUD;
2. The MUD has fully reimbursed the developer for the developer's cost of installing MUD infrastructure in compliance with the MUD 's contract with the developer as permitted by Texas law and regulations;
3. The MUD is not delinquent in the payment of any other financial obligation that is due prior to the date of dissolution, other than the bond debt to be assumed by the City; and
4. The MUD did not finance and does not own or operate any utility or drainage facilities that the City did not specifically approve that would become part of the City's public infrastructure system upon the MUD 's dissolution.

MUD creation Policy and Procedures

What is a M.U.D.?

A Municipal Utility District (“MUD”) is a type of special district that functions as an independent, limited government.

Purpose

The purpose of a MUD is to provide a developer an alternate way to finance infrastructure, such as water, sewer, drainage, and road facilities. Managed by a board elected by property owners within the MUD, a MUD may issue bonds to reimburse a developer for authorized improvements and the MUD will utilize property tax revenues and user fees received from water and sewer services operated by the MUD to repay the debt. Once the MUD pays off its debt, more of its tax revenue can be directed to other services.

How is a MUD created ?

A MUD can be created by either (a) adoption of a district creation bill by the Texas Legislature or (b) by the Texas Commission on Environmental Quality (“TCEQ”) following a petition and consent process described in the Texas Water Code.

For property located in the City Limits and Extraterritorial Jurisdiction (“ETJ”) to be included in a MUD, City consent is required prior to creation as part of the TCEQ process.

Conditions for City Consent

- The developer must enter into a professional services agreement.
- The property shall not be in an area the City has made plans to annex or provide municipal services to within the next five (5) years.

Conditions for City Consent

- The developer must provide written justification supporting MUD will benefit the community.
- A statement regarding limited purpose annexation.

Conditions for City Consent

- The Project must utilize City water and sewer services if located within the applicable City Certificate of Convenience and Necessity (“CCN”) area.
- Upon annexation (if ever), all water, wastewater, drainage, and road infrastructure constructed by the MUD will become City owned and operated.

Conditions for City Consent

- Construction or acquisition of any MUD facilities within or for the MUD consisting of infrastructure facilities shall not commence unless the design conforms to the City's standards
- City standards shall apply unless provided for in the 1445 Agreement between the City and County.
- The request to create a MUD shall provide examples of, “unique factors justifying [MUD] Parkland.”

Conditions for City Consent

- Changing MUD boundaries requires City approval.
- The MUD shall not allow use of easements or stormwater drainage facilities to other property owners.
- A MUD created within the City Limits or ETJ should not be abolished until such time as it has retired all of its outstanding bonded indebtedness.

Additional Conditions in ETJ

1. The Applicant must demonstrate that a Public Improvement District (PID) and Tax Increment Reinvestment Zone (TIRZ), as alternative funding sources for the construction of public infrastructure will not be economically feasible for the subject property.
2. The development proposal will contain provisions limiting eminent domain powers of the MUD and further provide provisions governing annexation of additional property into the MUD, which shall be subject to City Council consent, in its sole discretion.

Additional Conditions in City

1. The Applicant must demonstrate that a Public Improvement District (PID) and Tax Increment Reinvestment Zone (TIRZ), as alternative funding sources for the construction of public infrastructure will not be economically feasible for the subject property.
2. The development proposal will contain provisions limiting eminent domain powers of the MUD and further provide provisions governing annexation of additional property into the MUD, which shall be subject to City Council consent, in its sole discretion.

MUD Creation

- Requirements of petition
 - Chapter 13 Sec. 13.05
 - Legal Description
- Notice for Petition & Public hearing
 - City Council and P&Z
- Financial limitations & performance standards
- Utility rates in a MUD

MUD Creation

- Mud Boards
 - Recorded
 - Minutes and recording must be on a website
- Application for dissolution of MUDs
 - MUD debt paid
 - Developer has been reimbursed
 - Not Delinquent in payments

Questions



STAFF REPORT

MEETING DATE: October 26, 2021

AGENDA ITEM: 9B

TITLE:

Receive End of the Year Report from Visit Bastrop.

STAFF REPRESENTATIVE:

Rebecca Gleason, Assistant City Manager for Community Engagement

ATTACHMENT(S):

- PowerPoint



VISIT
BASTROP EST.
1832
Texas

FY 2021/2022 Sales and Marketing Report

Community Collaboration THAT COUNTS.

- ✓ **It helps us problem-solve**
- ✓ **Collaboration brings people (and organizations) closer together**
- ✓ **Collaboration helps people learn from each other**
- ✓ **It opens new channels for communication**
- ✓ **Collaboration boosts morale across organizations**
- ✓ **It leads to higher retention rates**
- ✓ **Collaboration makes us more efficient**

Bastrop County
Bastrop Library
Bastrop Opera House

Bird City

BISD

CARTS

Chamber of Commerce

City of Bastrop

Civic Organizations

Convention Center

EDC

Film Friendly

Historic Commission

Lost Pines Art Center

Main Street

Member/Partners

Museum & Visitors Center

Music Friendly

Strategic Alliances

Today's sales. TOMORROW'S BUSINESS.



388 EOY Partner Outreach



1,824 EOY Sales Calls

	FY 20-21 EOY Quantity	FY 20 -21 EOY Room Nights	FY 20 – 21 EOY Attendees	FY 19 – 20 EOY Quantity	FY 19 – 20 EOY Room Nights	FY 19 -20 EOY Attendees
LEADS	75	20,217	21,357	54	15,791	19,556
LEADS SERVICE REQUESTS	10	Known Contract Value \$539,144	1,965	3	Known Contract Value \$28,572.52	1,800

Results worth FIVE STARS.

Not only does the growth of our local tourism industry rely on the overnight visitor, so do a myriad of friends and neighbors. Lodging owners. Cleaning crews. Landscapers. Electricians. Plumbers. Handymen. The list is endless.

	FY 20 – 21 EOY Quantity	FY 20 -21 EOY Room Nights	FY 20 – 21 EOY Attendees	FY 19-20 EOY Quantity	FY 19 – 20 EOY Room Nights	FY 19 – 20 EOY Attendees
DEFINITES	26	5,187	13,805	53	12,784	19,330
DEFINITE SERVICE REQUESTS	14	Known Contract Value \$538,744	1,965	16	Known Contract Value \$855,272 *(3) Large groups	1,066

Return on INVESTMENT.

Visitors who stay here spend here.

As locals, we get to enjoy all the wonderful offerings in Bastrop, while also reminding ourselves that without the visitors, many of our businesses would not be in existence today.

EOY ECONOMIC IMPACT – BOOKED BUSINESS

FY 2020 - 2021 - \$7,263,442.00

FY 2019 – 2020 - \$8,930,280.00

EOY ECONOMIC IMPACT – LEADS GENERATED

FY 2020 – 2021 - \$29,948,065.99

FY 2019 - 2020 - \$16,025,035.00

Marketing MAKES IT HAPPEN.

PUBLIC RELATIONS	FY 2019/2020 EOY ACTUALS	FY 2020-2021 GOALS	FY 2020/2021 EOY ACTUALS
PR PITCHES	39 pitches	flat projection - COVID	74 pitches
MEDIA ALERTS & PRESS RELEASES	12 releases & alerts	flat projection - COVID	6 alerts & releases

WEBSITE	FY 2019/2020 EOY ACTUALS	FY 2020-2021 GOALS	FY 2020/2021 EOY ACTUALS
PAID SEARCH	26,023 sessions	+15% YOY (29,926 sessions)	49,737 sessions
OVERALL TRAFFIC	134,031 sessions	+7% YOY (143,413 sessions)	197,683 sessions
ORGANIC TRAFFIC	74,574 sessions	+7% YOY (79,794 sessions)	97,770 sessions
REPEAT VISITORS	30,122 sessions	+7% YOY (32,231 sessions)	47,685 sessions
BLOG TRAFFIC	3,234 sessions	+7% YOY (3,460 sessions)	5,328 sessions
VISITOR GUIDE REQUESTS	1,002 requests	+20% YOY (1,202 requests)	1,507 requests

Marketing MAKES IT HAPPEN.

SOCIAL MEDIA	FY 2019/2020 EOY ACTUALS	FY 2020-2021 GOALS	FY 2020/2021 EOY ACTUALS
FACEBOOK ENGAGEMENTS	27,932 engagements	5% + YOY (29,328 engagements)	30,667 engagements
INSTAGRAM FOLLOWERS	1,756 followers	30% + YOY (1,843 followers)	2,551 followers
TWITTER FOLLOWERS	594 followers	10% + YOY (653 followers)	589 followers

NEWSLETTER	FY 2019/2020 EOY ACTUALS	FY 2020-2021 GOALS	FY 2020/2021 EOY ACTUALS
E-NEWSLETTER OPT INS (LEISURE)	202 opt-ins	+35% YOY (272 opt-ins)	1764 opt ins
E-NEWSLETTER OPT INS (MEETING)	754 opt-ins	+10% YOY (829 opt- ins)	1 opt ins
E-NEWSLETTER OPEN RATE (LEISURE)	32% open rate	Exceed industry standard 11.3%	Exceeds Industry standard 5%
E-NEWSLETTER OPEN RATE (MEETING)	28% open rate	Exceed industry standard 11.3%	Exceeds industry standard .79%

TOUR TEXAS OVERVIEW FY 20 - 21

Main Digital Advertising Placement for FY21

Total Visitor Guide Requests: 1,391

VisitBastrop.com Website Click-Throughs: 161

Visit Bastrop TourTexas.com Page Views: 5,187

Visit Bastrop Video Views: 1,095

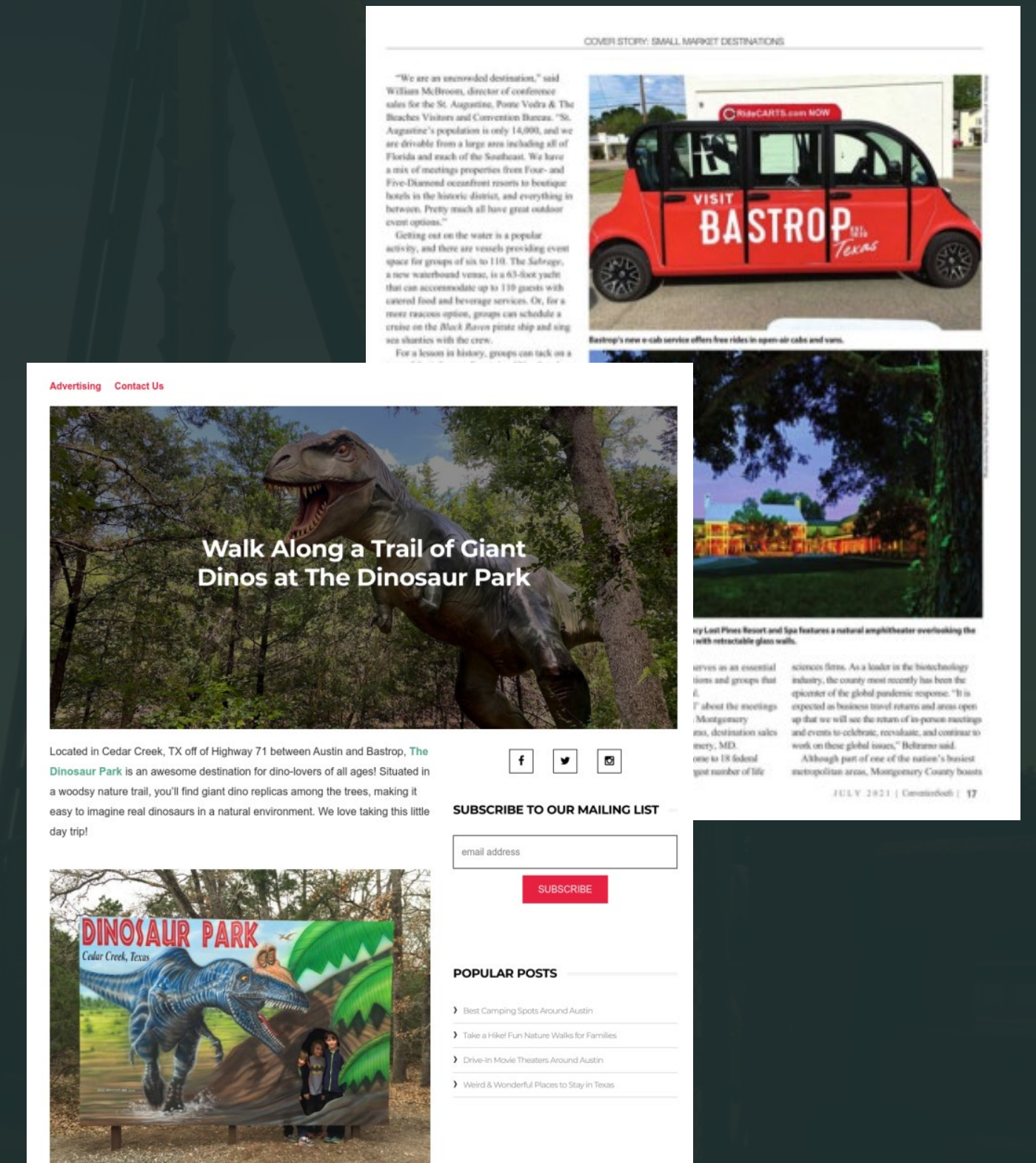
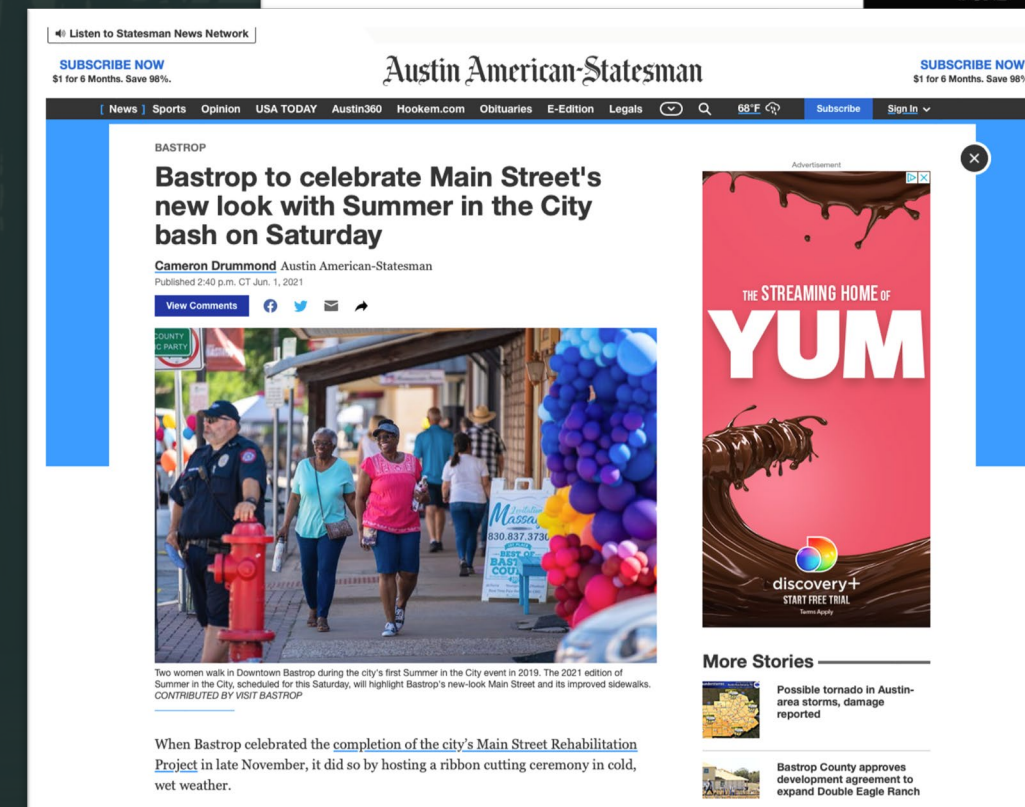
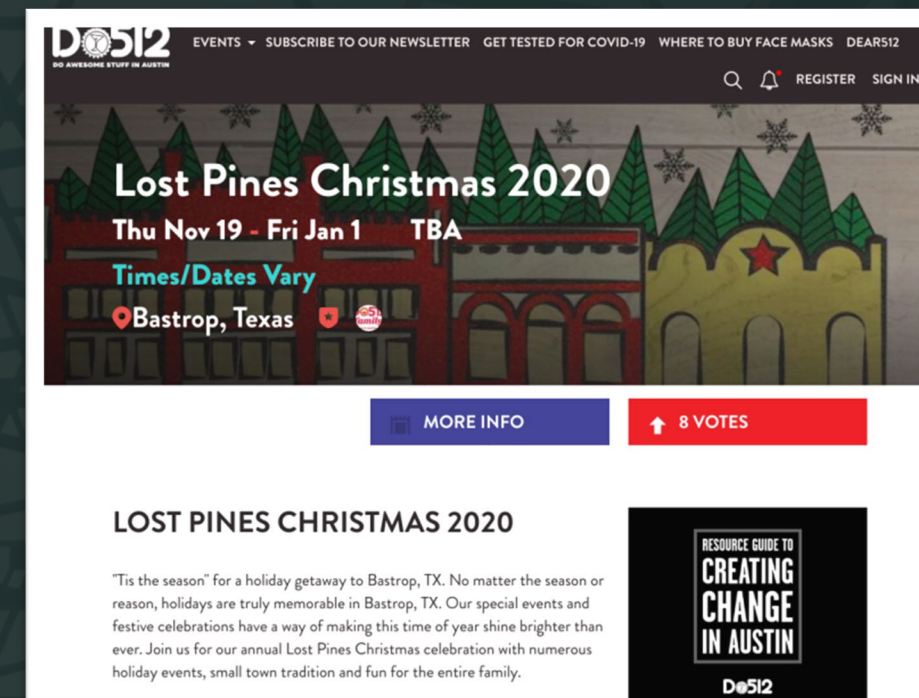
VB Facebook Page Click-Throughs: 87 / VB Twitter Page Click-Throughs: 78 / VB Instagram Page Click-Throughs: 72

EARNED MEDIA OVERVIEW

FY 20/21

Total Pieces of Coverage:

200



GO! BASTROP SAVINGS

Visit Bastrop launched the GO! Bastrop Savings Card program. This program offers exclusive savings to visitors, meeting attendees and locals, driving them to shop unique, locally owned businesses in Bastrop. The card currently has 31 active offers.

- The card sells for \$15.00
- 625 cards presented to Event Planners



We Welcome You To Savings

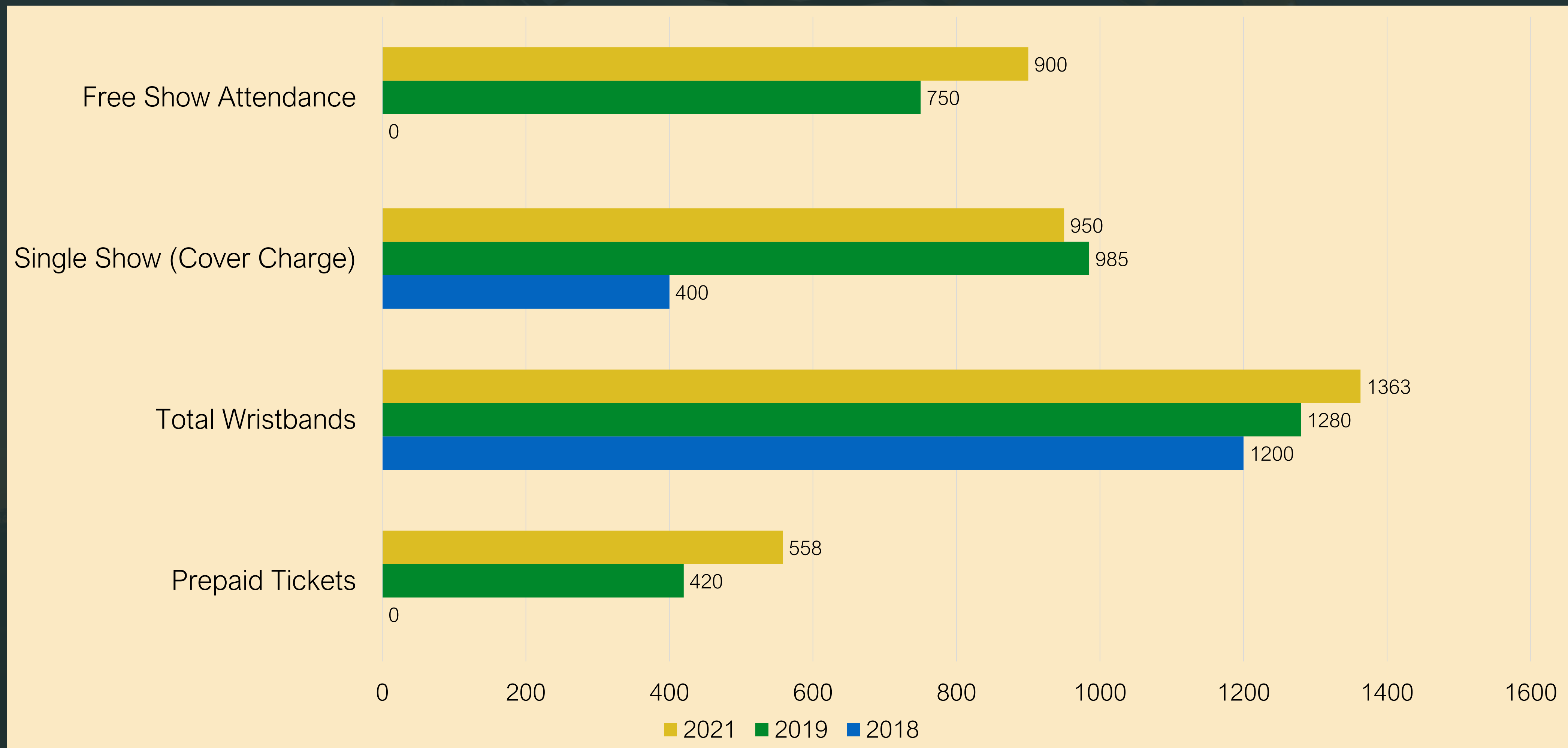


FOR MORE INFORMATION...

Scan this QR code with your mobile device to access the GO! Bastrop Savings offers, or call 512.332.8990
visitbastrop.com

Valid from: 7/15/2021
Thru: 7/25/2021

BASTROP MUSIC FESTIVAL







STAFF REPORT

MEETING DATE: October 26, 2021

AGENDA ITEM: 10

TITLE:

CITIZEN COMMENTS

At this time, three (3) minute comments will be taken from the audience on any topic. Anyone in attendance 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. Alternately, if you are unable to attend the council meeting, you may complete a citizen comment form with your comments at www.cityofbastrop.org/citizencommentform before 5:00 p.m. on October 26, 2021. Comments submitted by this time will be distributed to the city council prior to meeting commencement, referenced at the meeting, and included with the meeting minutes. Comments from each individual will be limited to three (3) minutes when read aloud. 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 Manager for research and possible future action.

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.



STAFF REPORT

MEETING DATE: October 26, 2021

AGENDA ITEM: 11A

TITLE:

Consider action to approve City Council minutes from the October 12, 2021, Regular meeting.

AGENDA ITEM SUBMITTED BY:

Ann Franklin, City Secretary

BACKGROUND/HISTORY:

N/A

FISCAL IMPACT:

N/A

RECOMMENDATION:

Ann Franklin, City Secretary recommends approval of the City Council minutes from the October 12, 2021, Regular meeting.

ATTACHMENTS:

- October 12, 2021 DRAFT Regular Meeting Minutes.



OCTOBER 12, 2021

The Bastrop City Council met in a regular meeting on Tuesday, October 12, 2021, at 6:30 p.m. at the Bastrop City Hall Council Chambers, located at 1311 Chestnut Street, Bastrop, Texas. Members present were: Mayor Schroeder, Mayor Pro Tem Nelson and Council Members Jackson, Crouch, Rogers, and Peterson. Officers present were City Manager, Paul A. Hofmann; City Secretary, Ann Franklin; and City Attorney, Alan Bojorquez.

CALL TO ORDER

At 6:30 p.m. Mayor Schroeder called the meeting to order with a quorum being present.

PLEDGE OF ALLEGIANCE

Karlee Arellano, Kirin Belcher, Peyton Buckler, Sophie Godinez, Riley Graham, Jamie Green, Ellie Hoover, And Sophia Leal, Girl Scout Troop #42805, Bastrop Intermediate and Cedar Creek Intermediate Schools, led the Pledge of Allegiance.

INVOCATION

Phil Woods, Police Chaplain, gave the invocation.

PRESENTATIONS

- 4A. Mayor's Report
- 4B. Council Members' Report
- 4C. City Manager's Report
- 4D. A proclamation of the City Council of the City of Bastrop, Texas recognizing October 18-23, 2021, as Chamber of Commerce Week. (Submitted by: Ann Franklin, City Secretary)
The proclamation was read into record by Mayor Schroeder and accepted by the Chamber Board of Directors.

WORK SESSIONS/BRIEFINGS

- 5A. Presentation on the Bastrop City Council's establishment of economic development policy directive. (Submitted by: Paul A. Hofmann, City Manager)
The presentation was made by Joe Esch, Esch Development Solutions.

SPEAKER(S)

**Herb Goldsmith
1105 Pecan St.
Bastrop, TX 78602**

STAFF AND BOARD REPORTS

- 6A. Receive presentation on the unaudited Monthly Financial Report for the period ending August 31, 2021. (Submitted by: Tracy Waldron, Chief Financial Officer)
Presentation was made by Tracy Waldron, Chief Financial Officer.

CITIZEN COMMENTS

Erin Nicole
110 Webberwood Way N
Elgin, Tx 78621

Chris Kirby
33 Lost Pines Avenue
Bastrop, Tx 78602

APPROVAL OF MINUTES

- 8A. Consider action to approve City Council minutes from the September 21, 2021, Regular meeting. (Submitted by: Ann Franklin, City Secretary)
A motion was made by Council Member Crouch to approve City Council minutes from the September 21, 2021, regular meeting, seconded by Council Member Jackson, motion was approved on a 5-0 vote.

ITEMS FOR INDIVIDUAL CONSIDERATION

- 9A. Consider action to approve Resolution No. R-2021-93 of the City Council of the City of Bastrop, Texas confirming appointments by the Mayor of Christina Keeney to Place 2 and Cynthia Hellesvig to Place 4 of the Bastrop Housing Authority and Darren Kesselus to Place 3 of the Fairview Cemetery Advisory Board, as required in Section 3.08 of the City's Charter, and establishing an effective date. (Submitted by: Ann Franklin, City Secretary)
A motion was made by Council Member Rogers to approve Resolution No. R2021-93, seconded by Council Member Peterson, motion was approved on a 5-0 vote.
- 9B. Consider action to approve Resolution No. R-2021-94 of the City Council of the City of Bastrop, Texas awarding a community support service agreement for services for operating, marketing and staffing Lost Pines Art Center and providing programs to citizens and tourists, at a cost of Sixty Thousand and 00/100 dollars (\$60,000) as attached as Exhibit A; authorizing the City Manager to execute all necessary documents for the agreement; providing for a repealing clause; and establishing an effective date. (Submitted by: Candice Butts, Community Impact Manager)
Presentation was made by Candice Butts, Community Impact Manager.

A motion was made by Council Member Rogers to approve Resolution No. R2021-94, seconded by Mayor Pro Tem Nelson, motion was approved on a 5-0 vote.
- 9C. Consider action to approve Resolution No. R-2021-95 of the City Council of the City of Bastrop, Texas awarding a Community Support Service Agreement for services associated with operating, marketing, and providing cultural art and theater services to the Bastrop Opera House, at a cost of One Hundred and Eighteen Thousand and Eight Hundred Six 00/100 Dollars (\$118,806), attached as Exhibit A; authorizing the

City Manager to execute all necessary documents for the agreement; providing for a repealing clause; and establishing an effective date. (Submitted by: Candice Butts, Community Impact Manager)

Presentation was made by Candice Butts, Community Impact Manager.

A motion was made by Mayor Pro Tem Nelson to approve Resolution No. R2021-95, seconded by Council Member Peterson, motion was approved on a 5-0 vote.

- 9D. Consider action to approve Resolution No. R-2021-96 of the City Council of the City of Bastrop, Texas awarding a community support service agreement for services associated with operating, marketing and providing museum and visitor center services, to the Bastrop County Historical Society, at a cost of One Hundred and Ninety-Five Thousand and Two-Hundred Forty-Three and 00/100 dollars (\$195,243) attached as Exhibit A; authorizing the City Manager to execute all necessary documents for the contract; providing for a repealing clause; and establishing an effective date. (Submitted by: Candice Butts, Community Impact Manager)

Presentation was made by Candice Butts, Community Impact Manager.

A motion was made by Council Member Jackson to approve Resolution No. R2021-96 to include additional language in the agreement requiring a minimum of 40 operational hours per week, seconded by Council Member Crouch, motion was approved on a 5-0 vote.

- 9E. Consider action to approve the second reading of Ordinance No. 2021-14 of the City Council of the City of Bastrop, Texas, amending the Bastrop Code of Ordinances, Appendix A, Fee Schedule, Article A13.02 "Water and Wastewater Rates and Charges", Sections A13.02.002 Wastewater Service Charge, and A13.02.004 Water Service Charge, as attached in Exhibit A; providing for: findings of fact, enactment, repealer, severability, and providing for an effective date. (Submitted by: Tracy Waldron, Chief Financial Officer)

Presentation was made by Tracy Waldron, Chief Financial Officer.

A motion was made by Council Member Rogers to approve the second reading of Ordinance No. 2021-14, seconded by Council Member Peterson, motion was approved on a 5-0 vote.

- 9F. Consider action to approve Resolution No. R-2021-97 of the City Council of the City of Bastrop, Texas, awarding a service agreement to Tyler Technologies for implementation of the conversion to new software platform (V10), at a cost of Sixty-Seven Thousand Three Hundred Twenty and 11/100 Dollars (\$67,320) attached as Exhibit A; authorizing the City Manager to execute all necessary documents for the agreement; providing for a repealing clause and establishing an effective date. (Submitted by: Tracy Waldron, Chief Financial Officer)

Presentation was made by Tracy Waldron, Chief Financial Officer.

A motion was made by Mayor Pro Tem Nelson to approve Resolution No. R2021-97, seconded by Council Member Peterson, motion was approved on a 5-0 vote.

Adjourned at 7:52 p.m. without objection.

APPROVED:

ATTEST:

Mayor Connie B. Schroeder

City Secretary Ann Franklin

**The Minutes were approved on October 26, 2021, by motion, Council Member second.
The motion was approved on a vote.**



STAFF REPORT

MEETING DATE: October 26, 2021

AGENDA ITEM: 12A

TITLE:

Consider action to approve Resolution No. R-2021-99 of the City Council of the City of Bastrop, Texas, adopting the EVS 6110 Voting System; providing for a repealing clause; and establishing an effective date.

AGENDA ITEM SUBMITTED BY:

Ann Franklin, City Secretary

BACKGROUND/HISTORY:

The City of Bastrop contracts with the Bastrop County Elections Department to conduct elections. Bastrop County has received approval from the State of Texas for purchase of and purchased the ES&S EVS 6110 voting system which is certified for use in Texas. The new ADA-compliant EVS 6110 voting system will be used by the County for the 2022 Elections and future elections.

FISCAL IMPACT:

FY 2022 Other Charges (Page 101, of the FY21-FY22 Annual Proposed Budget)

RECOMMENDATION:

Ann Franklin, City Secretary recommends approval of Resolution No. R-2021-99 of the City Council of the City of Bastrop, Texas, adopting the EVS 6110 Voting System; providing for a repealing clause; and establishing an effective date.

ATTACHMENTS:

- Resolution
- Exhibit A

RESOLUTION NO. R-2021-99

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS,
ADOPT THE EVS 6110 VOTING SYSTEM; PROVIDING FOR A REPEALING
CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, the EVS 6110 voting system by Elections System & Software is comprised of the ExpressVote ballot marking device, the DS850 central scanner, and the DS200 precinct scanner, and

WHEREAS, Section 123.035 of the Texas Election Code requires that use of new voting equipment must be approved by the Elections Division of the office of the Texas Secretary of State; and

WHEREAS, the County has received approval from the State of Texas for purchase of the ES&S EVS 6110 voting system that is certified for use in Texas as described in a letter dated September 17, 2021 which is attached hereto as EXHIBIT A; and

WHEREAS, the Bastrop County Elections Department has purchased the new ADA-compliant EVS 6110 voting system to be used by the County for the 2022 Elections (dates to be determined) and all subsequent elections; and

WHEREAS, pursuant to Section 123.001 (b) of the Texas Election Code Bastrop County has formally adopted said voting system; and

WHEREAS, the City of Bastrop contracts with Bastrop County Elections Department to conduct elections and does hereby adopt said voting system for all future elections.

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

SECTION 1. All orders, ordinances, and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

SECTION 2. That this resolution shall take effect immediately from and after its passage, and it is duly resolved.

DULY RESOLVED AND APPROVED by the City Council of the City of Bastrop this 26th day of October 2021.

APPROVED:

Connie B. Schroeder, Mayor

ATTEST:

Ann Franklin, City Secretary

APPROVED AS TO FORM:

Alan Bojorquez, City Attorney

**COMMISSIONERS COURT
OF
BASTROP COUNTY, TEXAS**

A RESOLUTION TO ADOPT THE EVS 6110 VOTING SYSTEM

WHEREAS, the EVS 6110 voting system by Elections System & Software is comprised of the ExpressVote ballot marking device, the DS850 central scanner, and the DS200 precinct scanner, and

WHEREAS, Section 123.035 of the Texas Election Code requires that use of new voting equipment must be approved by the Elections Division of the office of the Texas Secretary of State; and

WHEREAS, the County has received approval from the State of Texas for purchase of the ES&S EVS 6110 voting system that is certified for use in Texas as described in a letter dated September 17, 2021 which is attached hereto as EXHIBIT A; and

WHEREAS, the Bastrop County Elections Department has purchased the new ADA-compliant EVS 6110 voting system to be used by the County for the 2022 Primary Election (date to be determined) and all subsequent elections; and

WHEREAS, pursuant to Section 123.001 (b) of the Texas Election Code Bastrop County must formally adopt said voting system;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSIONERS COURT OF BASTROP COUNTY, TEXAS THAT:

Bastrop County does hereby adopt the ES&S EVS 6110 voting system as certified by the State of Texas.

PASSED, APPROVED AND ADOPTED by a majority of the Commissioners Court of Bastrop County, Texas on this the 21th day of September, 2021.

BASTROP COUNTY

BY:


County Judge Pro Tem

EXHIBIT A
The State of Texas



Elections Division
P.O. Box 12060
Austin, Texas 78711-2060
www.sos.state.tx.us

Phone: 512-463-5650
Fax: 512-475-2811
TTY: 7-1-1
(800) 252-VOTE (8683)

Secretary of State

September 17, 2021

Kristen Miles
Bastrop County
804 Pecan
Bastrop, Texas 78602

Hello,

We are in receipt of a copy of the proposed contract between Bastrop County and Election Systems & Software ("ES&S"), which you have submitted to the Secretary of State pursuant to Section 123.035 of the Texas Election Code.

The contract indicates the county plans to acquire ES&S's EVS 6110 which includes the ExpressVote ballot marking device, the DS200 precinct scanner, and the DS850 central scanner. This letter will serve as confirmation from our office that this system is currently certified for use in Texas. Enclosed is a copy of the certification order that pertains to this system. We therefore officially approve the submitted contract for the purchase of these systems.

Pursuant to state law, this written approval of your voting system contract is required prior to your final execution of the contract, or it will be considered void.

If you need additional information, please contact the Elections Division toll-free at 1-800-252-2216.

Sincerely,

A handwritten signature in black ink, appearing to read "Keith Ingram".

Keith Ingram
Director of Elections

Enclosures

KI:CP

The State of Texas



Elections Division
P.O. Box 12060
Austin, Texas 78711-2060
www.sos.texas.gov

Phone: 512-463-5650
Fax: 512-475-2811
Dial 7-1-1 For Relay Services
(800) 252-VOTE (8683)

Ruth R. Hughes
Secretary of State

REPORT OF REVIEW OF ELECTION SYSTEMS & SOFTWARE EVS 6.1.1.0 SYSTEM

PRELIMINARY STATEMENT

On August 21, 2020, Election Systems & Software ("ES&S" or the "Vendor") presented the EVS 6.1.1.0 system for examination and certification. The examination was conducted in Austin, Texas. Pursuant to Sections 122.035(a) and (b) of the Texas Election Code, the Secretary of State appointed the following examiners:

1. Mr. Tom Watson, an expert in electronic data communication systems;
2. Mr. Brian Mechler, an expert in electronic data communication systems;
3. Mr. Brandon Hurley, an expert in election law and procedure; and
4. Mr. Charles Pinney, an expert in election law and procedure.

Pursuant to Section 122.035(a), the Texas Attorney General appointed the following examiners:

1. Dr. Jim Sneeringer, an expert in electronic data communication systems; and
2. Ms. Lesley French, an employee of the Texas Attorney General.

At the time of the examination, the Office of the Secretary of State was closed to the public due to health and safety concerns relating to the novel coronavirus (COVID-19). As a result, certain procedures were implemented for the examination of the EVS 6.1.1.0 system. For example, the examination was held in a manner that allowed some of the examiners to participate in person and other examiners to attend remotely via live video conference. The examiners who were not physically present in the exam room were able to view the other examiners' interactions with the equipment and ask questions to the in-person examiners and the vendor. Mr. Pinney and Ms. French attended the examination in person, while the other examiners participated via live video conference.

The examiners witnessed the installation of the EVS 6.1.1.0 software and firmware that the Secretary of State's office received directly from the Independent Testing Authority. The Vendor then demonstrated the system and answered questions presented by the examiners. After the vendor presentation, the in-person examiners conducted a test election and tested various other components of the system with the participation and guidance of the examiners who attended remotely via live video conference.

Examiner reports regarding the EVS 6.1.1.0 system are attached hereto and incorporated herein by this reference.

On December 9, 2020, pursuant to Section 122.0371 of the Texas Election Code, the Office held a public hearing, by telephone, for interested persons to express views for or against the certification of the EVS 6.1.1.0 system.

BRIEF DESCRIPTION OF EVS 6.1.1.0

The EVS 6.1.1.0 system is an updated version of the EVS 6.1.0.0 system, which the Office certified in April 2020 for use in Texas elections. EVS 6.1.1.0 includes software enhancements to the existing election management system, but there were no updates to the firmware or hardware of the voting devices presented in the EVS 6.1.0.0 system.

EVS 6.1.1.0 has been evaluated at an accredited independent voting system laboratory for conformance to the 2005 Voluntary Voting System Guidelines (VVSG). EVS 6.1.1.0 was certified by the Election Assistance Commission (EAC) on July 27, 2020.

The components of EVS 6.1.1.0 are as follows:

Component	Version	Description
ExpressTouch	1.0.3.0	Direct-recording electronic voting machine (only for curbside voting)
DS200	2.30.0.0	Precinct scanner
DS450	3.4.0.0	Central scanner
DS850	3.4.0.0	Central scanner
ExpressVote (HW 1.0)	4.0.0.0	Ballot marking device
ExpressVote (HW 2.1)	4.0.0.0	Ballot marking device
ExpressVote XL	1.0.3.0	Ballot marking device
ElectionWare	6.0.1.0	Election management software
ExpressLink	2.0.0.0	Election management software
Event Log Service	2.0.0.0	Election management software
ExpressVote Activation Card Printer	N/A	Voting machine ballot activation device
ExpressVote Previewer	4.0.0.0	Election management software
PaperBallot	6.0.0.0	Election management software
Removable Media Service	2.0.0.0	Election management software
Toolbox	4.0.0.0	Election management software

FINDINGS

The following are the findings, based on written evidence submitted by the Vendor in support of its application for certification, oral evidence presented at the examination, and the written reports of the voting system examiners (all of whom recommended certifying the EVS 6.1.1.0 system for use in Texas elections).

The EVS 6.1.1.0 system, including its hardware and software components, meets the standards for certification as prescribed by Section 122.001 of the Texas Election Code. Specifically, the EVS 6.1.1.0 system and its components, among other things:

1. Preserve the secrecy of the ballot;
2. Are suitable for the purpose for which they are intended;
3. Operate safely, efficiently, and accurately and comply with the voting system standards adopted by the Election Assistance Commission;
4. Are safe from fraudulent or unauthorized manipulation;
5. Permit voting on all offices and measures to be voted on at the election;
6. Prevent counting votes on offices and measures on which the voter is not entitled to vote;
7. Prevent counting votes by the same voter for more than one candidate for the same office or, in elections in which a voter is entitled to vote for more than one candidate for the same office, prevent counting votes for more than the number of candidates for whom the voter is entitled to vote;
8. Prevent counting a vote on the same office or measure more than once;
9. Permit write-in voting; and
10. Are capable of providing records from which the operation of the voting system may be audited.

CONCLUSION

Accordingly, based upon the foregoing, I hereby certify Election Systems & Software's EVS 6.1.1.0 system for use in Texas elections.

Signed under my hand and seal of office, this 8th day of January 2021.



JOSE A. ESPARZA
DEPUTY SECRETARY OF STATE



STAFF REPORT

MEETING DATE: October 26, 2021

AGENDA ITEM: 12B

TITLE:

Consider action to approve Resolution No. R-2021-98 of the City Council of the City of Bastrop, Texas confirming appointment by the Mayor of David Lowen to Alternate 1 of the Zoning Board of Adjustment, as required in Section 3.08 of the City's Charter, and establishing an effective date.

AGENDA ITEM SUBMITTED BY:

Ann Franklin, City Secretary

BACKGROUND/HISTORY:

Section 3.08, Mayor and Mayor Pro Tem, of the City Charter states that the Mayor shall appoint members to all City boards and commissions, subject to confirmation by the City Council.

FISCAL IMPACT:

N/A

RECOMMENDATION:

Recommend approval of Resolution No. R-2021-98 of the City Council of the City of Bastrop, Texas confirming appointment by the Mayor of David Lowen to Alternate 1 of the Zoning Board of Adjustment, as required in Section 3.08 of the City's Charter, and establishing an effective date.

ATTACHMENTS:

- Resolution

RESOLUTION NO. R-2021-98

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS
CONFIRMING APPOINTMENT BY THE MAYOR TO THE ZONING BOARD OF
ADJUSTMENT, AS REQUIRED IN SECTION 3.08 OF THE CITY'S CHARTER;
AND ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, Section 3.08, Mayor and Mayor Pro Tem, of the City Charter states that the Mayor shall appoint members to all City boards and commissions, subject to confirmation by the City Council; and

WHEREAS, Mayor Connie Schroeder has appointed David Lowen to Alternate 1 of the Zoning Board of Adjustment; and

WHEREAS, City Council must confirm this appointment as required by the City Charter.

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

Section 1: That Mayor Connie Schroeder has appointed David Lowen to Alternate 1 of the Zoning Board of Adjustment.

Section 2: That the City Council of the City of Bastrop confirms Mayor Schroeder's appointment of David Lowen to Alternate 1 of the Zoning Board of Adjustment.

Section 3: That this Resolution shall take effect immediately upon its passage, and it is so resolved.

DULY RESOLVED AND ADOPTED by the City Council of the City of Bastrop this 26th day of October, 2021.

APPROVED:

Connie B. Schroeder, Mayor

ATTEST:

Ann Franklin, City Secretary

APPROVED AS TO FORM:

Alan Bojorquez, City Attorney



STAFF REPORT

MEETING DATE: October 26, 2021

AGENDA ITEM: 12C

TITLE:

Consider action to approve Resolution No. R-2021-102 of the City Council of the City of Bastrop, Texas to award a contract for FM 20 16" Water Main Project to M&C Fonseca Construction Co., Inc, in the amount of One Hundred Sixty-Five Thousand, Eight Hundred and Twelve Dollars (\$165,812.00) as attached as Exhibit A; authorizing the City Manager to execute all necessary document; providing for a repealing clause; and establishing an effective date.

AGENDA ITEM SUBMITTED BY:

Curtis Hancock, Director of Public Works

BACKGROUND/HISTORY:

Please see attached memo

FISCAL IMPACT:

Proposed funding in the amount of \$165,812.00(One Hundred Sixty-Five Thousand, Eight Hundred and Twelve Dollars) is to be utilized from the W/WW Distribution Improvements Fund.

RECOMMENDATION:

Curtis Hancock, Director of Public Works recommends approval of Resolution No. R-2021-102 of the City Council of the City of Bastrop, Texas to award a contract for FM 20 16" Water Main Project to M&C Fonseca Construction Co., Inc, in the amount of One Hundred Sixty-Five Thousand, Eight Hundred and Twelve Dollars (\$165,812.00) as attached as Exhibit A; authorizing the City Manager to execute all necessary document; providing for a repealing clause; and establishing an effective date.

ATTACHMENTS:

- Attached Memo
- Exhibit A Map

TO: Paul A. Hofmann, City Manager
From: Curtis Hancock, Director of Public Works
Date: October 26, 2021
Subject: Contract for FM 20 16" Water Main Project



=====

The Covid-19 pandemic has resulted in several hardships that the City of Bastrop has had to endure; the Water/Wastewater Division of the Public Works Department is no exception, with a reduced labor force and candidate pool being of an immediate concern as they relate to fulfilling contractual agreements with West Bastrop Village.

This situation already presents some issues in the City's ability to conduct daily operations that are both sustainable and fiscally responsible but also makes the City's ability to take on a large construction project such as the FM20 16" water main simply not feasible.

The attempt to construct the proposed 16" water main with our limited staff would dramatically reduce our operations and maintenance capabilities for the existing water and wastewater systems, resulting in health and safety concerns to public water and wastewater system customers.

This emergency procurement was requested outside of the norms and procedures of usual competitive bidding because of a public calamity that requires immediate appropriation to relieve the necessity of the City of Bastrop's residents and preserve the property of the municipality. This procurement is necessary to preserve the public health and safety in Bastrop and prevent unforeseen damage to public equipment and property.

Due to the reasons above I am asking for City Council to ratify the award of the contract to M&C Fonseca Construction Co., Inc. for the sum of \$165,812.00 to help the City meet our contractual agreement of providing fire flow to West Bastrop Village, which was agreed to be completed within 30 days after the completion of our FM20 Tank Yard. In good faith, a total of five quotes were obtained for the completion of this project, ranging from \$165,812 - \$240,000.

RESOLUTION NO. R-2021-102

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS TO RATIFY THE AWARD OF THE CONTRACT FOR FM 20 16" WATER MAIN PROJECT TO M&C FONSECA CONSTRUCTION CO., INC, IN THE AMOUNT OF ONE HUNDRED SIXTY-FIVE THOUSAND, EIGHT HUNDRED AND TWELVE DOLLARS (\$165,812.00) AS ATTACHED AS EXHIBIT A; AUTHORIZING THE CITY MANAGER TO EXECUTE ALL NECESSARY DOCUMENT; PROVIDING FOR A REPEALING CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, The City Council has appointed the City Manager as the Chief Administrative Officer of the City; and

WHEREAS, The City Manager is responsible for the proper administration of all affairs of the City; and

WHEREAS, The City Council has the steadfastness to ensure the quality of our City water supply; and

WHEREAS, The City of Bastrop City Council to ratify the award of the contract to M&C Fonseca Construction Co., Inc.

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

Section 1: That the City Manager is hereby authorized to ratify the award of the contract for FM 20 16" Water Main Project to M&C Fonseca Construction Co., Inc., in the amount of One Hundred Sixty-Five Thousand, Eight Hundred and Twelve Dollars (\$165,812.00).

Section 2: All orders, ordinances, and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

Section 3: That this Resolution shall take effect immediately upon its passage, and it resolved.

DULY RESOLVED AND ADOPTED by the City Council of the City of Bastrop this 26th day of October, 2021.

APPROVED:

Connie B. Schroeder, Mayor

ATTEST:

Ann Franklin, City Secretary

APPROVED AS TO FORM:

Alan Bojorquez, City Attorney

Frontage Rd

Frontage Rd

21

Texas 71 Service Rd

20

Austin Title Company

Germer Industries

Start: FM 20 Elev. Tank

20

End: WBV

© 2021 Google

20





STAFF REPORT

MEETING DATE: October 26, 2021

AGENDA ITEM: 12D

TITLE:

Hold a public hearing and consider action to approve the first reading of Ordinance No. 2021-15 of the City Council of the City of Bastrop, Texas, rezoning 15.824 acres out of Farm Lot 37 East of Main Street, located at 1500 Farm Street, within the City Limits of Bastrop, Texas from P3 Neighborhood to P4 Mix; as shown in Exhibit A, including a severability clause; and establishing an effective date, and move to include on the November 9, 2021 City Council agenda for a second reading.

AGENDA ITEM SUBMITTED BY:

Trey Job, Assistant City Manager for Community Development
Allison Land, Senior Planner

BACKGROUND/HISTORY:

The applicant has submitted an application for a Zoning Concept Scheme for Farm Street Village (Exhibit A). The property is comprised of part of two farm lots. The Scheme shows the proportional share extension of Chambers Street between Cedar Street and Farm Street and an intent to reflect the Building Block traditional neighborhood development pattern. The building block structure intent is present; however, the applicant is requesting to provide non-vehicular public access easements instead of publicly dedicated right-of-way. The development is proposing a multifamily, potentially tax-credit funded product, and the financing does not allow for the development to be on multiple blocks with public streets running through it. See Attachments 8 and 9 for the Warrant response from the Development Review Committee and the Applicant's response.

The development proposes four blocks that are designed similarly to a city street cross section, with vehicular drive aisles, sidewalks, parking, and trees. The measurements on the blocks are slightly over the 330-foot block face requirement, but they are measured centerline to centerline, rather than along the block face. When measurement methodology is considered, the blocks are very close to the 330-foot block face requirement. On the portion nearest Gill's Branch, a public trail connection is proposed as a pedestrian way. Over two acres next to the creek will be dedicated as public civic space. The buildings will be fronted along Chambers Street in compliance with the proposed zoning district and are proposed to be in an architectural style appropriate to the downtown Bastrop area, in accordance with the Authentic Bastrop Pattern Book (Attachment 2).

Zoning Concept Schemes also take into account the variety of place type zoning districts in a pedestrian shed. Changing the zoning to P4 increases compliance with the percentages of each place type in this pedestrian shed.

Landscape plans for overall style and Street Type compliance are also considered. The landscape plan conceptually addresses the requirements, although the plan does list plants that are not on the Preferred Plant List in the B³ Technical Manual. The Applicant has acknowledged that they will use plants from the Preferred Plant List. Compliance with this regulation is verified upon review of the Public Improvement Plans and Site Development Plans.

Drainage

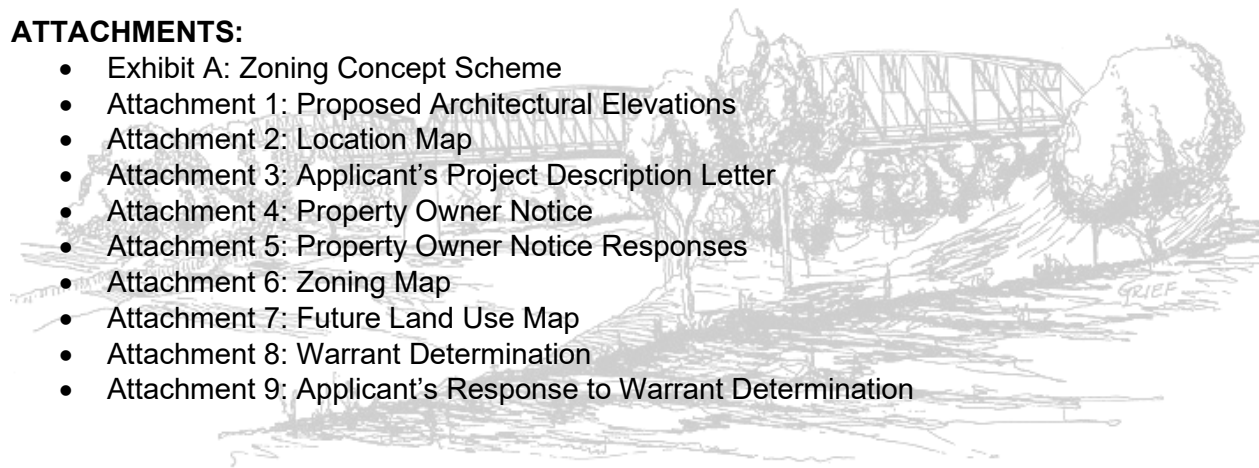
A Zoning Concept Scheme must be accompanied by a Conceptual Drainage Plan to ensure that the proposed development is feasible. A Conceptual Drainage Plan has been reviewed and approved by the City Engineer. The maximum impervious cover in the existing P3 Neighborhood Place Type is 60%. It is 70% in the proposed P4 Mix Place Type. Due to the drainage and floodplain proximity and constraints, the development as proposed is only using about 22% impervious cover. The site has been configured to maximize drainage effectiveness.

RECOMMENDATION:

The City of Bastrop Planning and Zoning Commission is recommending approval

ATTACHMENTS:

- Exhibit A: Zoning Concept Scheme
- Attachment 1: Proposed Architectural Elevations
- Attachment 2: Location Map
- Attachment 3: Applicant's Project Description Letter
- Attachment 4: Property Owner Notice
- Attachment 5: Property Owner Notice Responses
- Attachment 6: Zoning Map
- Attachment 7: Future Land Use Map
- Attachment 8: Warrant Determination
- Attachment 9: Applicant's Response to Warrant Determination



TO: Paul A. Hofmann, City Manager
From: Allison Land, Senior Planner/GIS Coordinator
Date: October 19, 2021
Subject: Farm Street Village Zoning Concept Scheme



=====

The Farm Street Village site is roughly bordered by Chambers Street right-of-way, Farm Street, Gills Branch, and Cedar Street. It is located within the Iredell Historic District. The proposal includes constructing half of Chambers Street between Farm and Cedar, and the appearance of continuing the building block pattern and fabric of downtown.

B³ Code Intents:

The three overarching intents of the B³ Code are:

1. Foster and encourage geographically sensitive development.
2. Emphasize the interaction between the public and private realm to ensure city infrastructure is maintained in an efficient manner, which is fiscally sustainable.
3. Perpetuate the built form that has provided connectivity and local sense of place over the last 189 years, remaining authentically Bastrop.

Geographic Sensitivity:

- After the drainage moratorium, the Stormwater Drainage Manual was adopted to ensure drainage is considered early and throughout the development of the project. The Manual uses Atlas 14 rainfall totals and requires increased standards for property within the Gills Branch watershed. For this development, that includes multiple levels of Drainage Plans. A Conceptual Drainage Plan has been reviewed and approved. Additional Drainage Plans will be reviewed throughout the public improvement and subdivision platting stages.
- The developer is aware of and using data from the Preliminary Flood Insurance Study and Preliminary Flood Insurance Rate Maps (FIRMs). These give the best data from which to mitigate and improve impacts to Gills Branch through and surrounding the property. This also reduces the chances of flood damage on site and downstream.
- It is impractical to have additional roadway bridge crossings across Gills Branch between the new section of Chambers Street and SH 95.
- Buildings are proposed as far from Gills Branch as possible to reduce flood impacts and allow for more natural water flows throughout the site.

Fiscally Sustainable:

- The proportional share of the Chambers Street construction is half of the roadway. An adopted cross-section is proposed. It will facilitate vehicular traffic from Farm Street to Cedar Street as a one-way travel lane, have dedicated on-street parking on the development's side of the road, and provide safe pedestrian travel via a sidewalk with street trees.
- Utilities will be better connected with this extension and provide a more efficient network.

Authentic Bastrop:

- The Authentic Bastrop Pattern Book reflects the architectural styles and patterns present throughout Downtown Bastrop. In the Iredell Historic District, compliance with the Pattern Book is required in order to preserve and contribute to Bastrop's sense of place.
- The proposed architectural style and building patterns are in line with the Pattern Book. The proposed site layout, with the buildings fronting onto Chambers Street, facilitates a predictable, but not redundant, public/private interface and reduces parking lot views from the public rights-of-way. This allows people to view and interact with other people, rather than separate people from each other with parking lots, which allows for more comprehensive community development and engagement. Porches will be oriented toward the street, similar to a single-family home.
- The scale of the block structure is extremely close to the building block dimensions of downtown. While the proposed roadways making up the development's internal road network are not public, they are designed to mirror the downtown fabric. They still allow walkability throughout the development and provide increased access to natural green space in the neighborhood.
- Land will be dedicated along Gills Branch to the City. This provides a publicly owned space for relief from the built environment. Access to greenspace reduces stress and improves mental health. It also allows the City access to provide maintenance along the creek in preparation for storm events, and improvements if grant funding is awarded. Most civic space in this neighborhood is in the form of civic buildings, so access to greenspace contributes to the overall balance of the neighborhood.

Appropriateness of Apartments:

Building Form:

- Traditionally, higher density residential uses provide a buffer between single-family housing and commercial development. This allows for an incremental transition between homes and commercial uses. The typical development pattern from low intensity use to high intensity commercial is single-family home, duplex/triplex/fourplex, garden apartments, urban apartments, low density commercial, high density commercial, then on to office and industrial uses. The B³ Code regulates on building form rather than use, and places emphasis on building scale relative to the surrounding buildings. The pattern is single-family home, duplex/triplex/fourplex, apartments, commercial buildings. Buildings such as the Convention Center and the BISD Performing Arts Center are larger in scale than most commercial buildings, and therefore exasperate the disparity between the homes and commercial development in the area.
- This site is an appropriate place for a multi-family development. Along Farm Street, there are single-family homes closer to Fayette Street and the railroad and have commercial development next to SH 95. The Convention Center is in between. Along Cedar Street, going from Fayette Street to SH 95, there are single-family homes, the Performing Arts Center, a multi-unit residential building (thought to be a fourplex), two houses, and a commercial lot. This site provides a transition between the commercial and large civic buildings and the homes. The proposed buildings are smaller than commercial buildings but larger than the single-family homes, creating a smoother transition in the built environment.

Complete Communities:

- The B³ Code fosters communities and neighborhoods that meet the needs of all residents, regardless of income, by integrating land use planning, transportation planning, environmental planning, and community design. This takes form as a place where a resident has access to housing, learning, shopping, workplaces, and recreation nearby.
- Multifamily buildings in this location provide a different type of housing to the downtown area. It provides an affordable option that is close to schools, commercial districts, parks and open space, and government buildings for civic engagement. This allows residents the opportunity to interact more with the community, as well as providing an option for people to reduce their vehicular trips per week. It is close enough to walk, ride a bike, or use CARTS' transportation options to move around the downtown area.
- A greater variety of housing type downtown provides the community with two key things:
 - A way to age in place. After children become adults and wish to leave the parent/guardian household, they are essentially forced to leave their neighborhood and find a new place to belong. There are limited housing options for this group to stay in the neighborhood they grew up in, at an age where additional support may be needed. Likewise, as adults grow older, they no longer need several bedrooms for kids and guests, may no longer want to or may be unable to maintain a house and yard, or feel isolated in a home where they may not interact with someone for periods of time. An increased variety in housing types allows people to downsize without leaving their neighbors or community support.
 - A way to attract new talent in key workplace fields. Bastrop has housing stock for a relatively flat range of incomes who wish to have permanent housing, which translates to a lack of housing for those not in that income bracket or who desire to rent instead of own. Often, new people in a community do not wish to purchase housing right away because they want to learn about the community, its neighborhoods, and where they feel they can belong and contribute. If that opportunity is not available, workers will pass on jobs available, and Bastrop employers will not only miss out on acquiring talented people to serve the community but will not be able to fulfill lost or newly added positions.

CEDAR STREET

FARM STREET



VICINITY MAP

NTS

ZONING INFORMATION:

B3 ZONING DISTRICT
CULTURAL ARTS DISTRICT
TRADITIONAL NEIGHBORHOOD DEVELOPMENT (TND)

EXISTING ZONING: NEIGHBORHOOD P-3

- PROPOSED ZONING: MIX P-4
LOT COVERAGE: 70% MAXIMUM
- BUILD TO LINE: 5-15 FT
 - MAX BUILDING HEIGHT: 3-STORIES
 - NO MINIMUM AUTOMOBILE PARKING SPACE REQUIREMENTS
 - BICYCLE PARKING: 10% OF AUTOMOBILE SPACES

PREDOMINANT SOILS:

ACCORDING TO THE USDS SOIL SURVEY, THE SOILS ON THE PROPERTY CONSIST OF 40% ROBCO-TANGLEWOOD COMPLEX (SAND, LOAMY SAND), AND 60% SAYERS FINE SANDY LOAM. THESE TWO SOIL GROUPS ARE CLASSIFIED AS HYDROLOGIC SOIL GROUP 'A'. GROUP 'A' SOILS CONSIST MOSTLY OF SAND, LOAMY SAND, OR SANDY LOAM AND HAVE LOW RUNOFF POTENTIAL AND HIGH INFILTRATION RATES.

DEVELOPER INFORMATION

MRE CAPITAL, LLC
10777 BARKLEY STREET, SUITE 140
OVERLAND PARK, KS 66211

CALCULATIONS:

LAND AREA:

TOTAL LAND AREA:	15.84 AC
PROJECT SITE & AMENITY AREA:	10.43 AC
PHASE II PROJECT AREA	1.67 AC
NORTH FLEX SPACE	0.40 AC
SOUTH FLEX SPACE	1.00 AC
PUBLIC PARK DEDICATION /CIVIC	2.34 AC

LOT COVERAGES:

NET LAND AREA:	15.84 AC	100%
TOTAL IMPERVIOUS SURFACE AREA:	3.48 AC	22%
TOTAL OPEN SPACE:	12.36 AC	78%

DEVELOPMENT

120 TOTAL UNITS PROPOSED
DENSITY: 7.57 UNITS PER ACRE

11 TOTAL BUILDINGS	TOTAL
TYPES:	
BUILDING TYPE A	5 TOTAL BUILDINGS
BUILDING TYPE A2	3 TOTAL BUILDINGS
BUILDING TYPE B	3 TOTAL BUILDINGS

PARKING SUMMARY

TOTAL PARKING SPACES INCLUDING STREET PARKING	165 SPACES
ADA COMPLAINT SPACES	6 SPACES
REQUIRED BICYCLE PARKING	17 SPACES

NOTES:

- THIS TRACT IS LOCATED WITHIN THE 1% ANNUAL CHANCE FLOOD AND THE FLOODWAY PER THE CITY OF BASTROP FEMA FIRM PANEL #48021C0360E, DATED JANUARY 19, 2006.
- GRADING AND DRAINAGE SHALL BE COMPLETED PER CITY OF BASTROP CODES AND ORDINANCES. ON-SITE DETENTION FACILITY WILL BE REQUIRED TO REDUCE POST-DEVELOPMENT PEAK RATES OF DISCHARGE FOR 100-YEAR STORM EVENTS TO THE PEAK PREDEVELOPMENT 25-YEAR STORM EVENT PER THE CITY OF BASTROP STORMWATER DRAINAGE DESIGN MANUAL.
- NO SLOPES SHALL EXCEED A 3:1 RATIO.
- ALL SITE LIGHTING SHALL BE IN CONFORMANCE WITH CITY OF BASTROP CODE.
- CITY OF BASTROP IS THE WATER AND WASTEWATER SERVICE PROVIDER.
- BASTROP POWER AND LIGHT IS THE ELECTRIC SERVICE PROVIDER FOR THE AREA AND THEY CURRENTLY HAVE FACILITIES AT THE SOUTHWEST CORNER OF THE PROPERTY.
- TELEPHONE, INTERNET AND CABLE TELEVISION SERVICES ARE AVAILABLE FROM AT&T FOR THIS AREA.
- CENTERPOINT ENERGY IS THE GAS PROVIDER
- DETENTION SHALL HAVE THE OPTION TO BE DESIGNED TO HANDLE THE ENTIRE SITE OR SO FLEX LOTS AND PHASE 2 LOT CAN HANDLE DETENTION SEPARATELY.
- All private drives shall have a public access easement for non-vehicular use.

REVISIONS:

NO.	DATE
ORIGINAL	08/23/2021

THIS SHEET HAS BEEN SIGNED, SEALED AND DATED ELECTRONICALLY

PRELIMINARY
(NOT FOR CONSTRUCTION)

TIMOTHY D. CROCKETT
TX LICENSE-K07075

PREPARED BY:
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1000 W. Niling Blvd., Bldg. 1
Cedar Rapids, IA 52403
(319) 447-9000
www.crockettingeering.com
Crockett Engineering Consultants, LLC

OWNER:

MRE CAPITAL
10777 BARKLEY STREET SUITE
140 OVERLAND PARK, KS 66211

FARM STREET VILLAGE
BASTROP, BASTROP COUNTY, TEXAS

DRAWING INCLUDES:

ZONING CONCEPT
SCHEME

DESIGNED: KRM

DRAWN: KRM

PROJECT NO: 210297

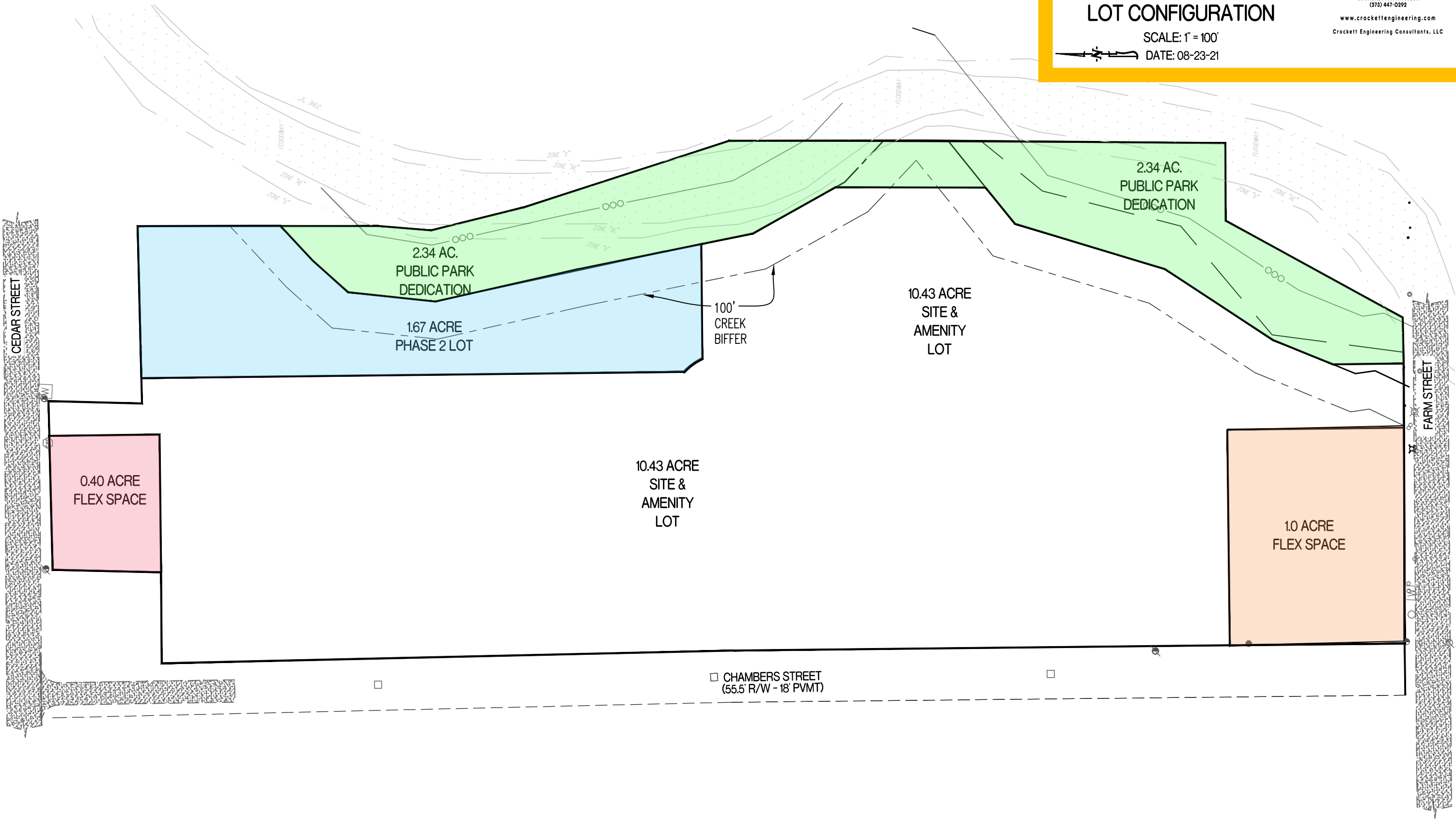
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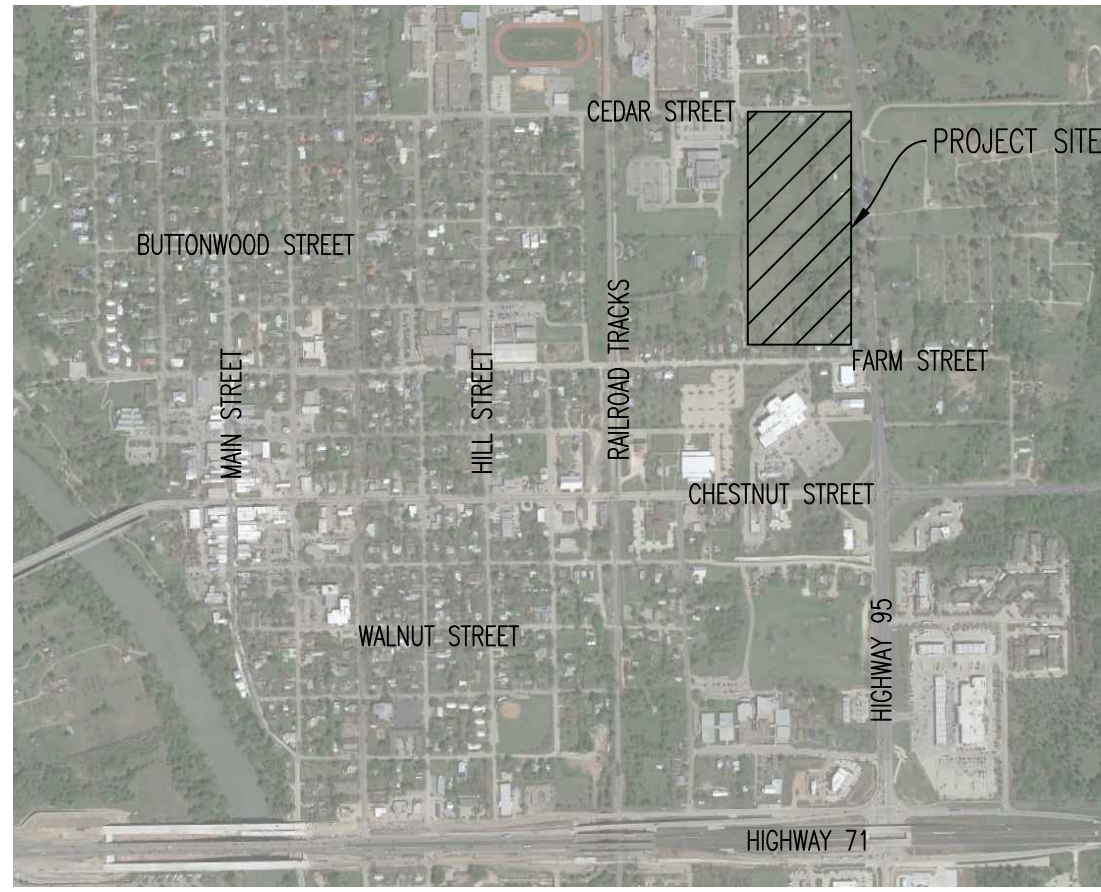
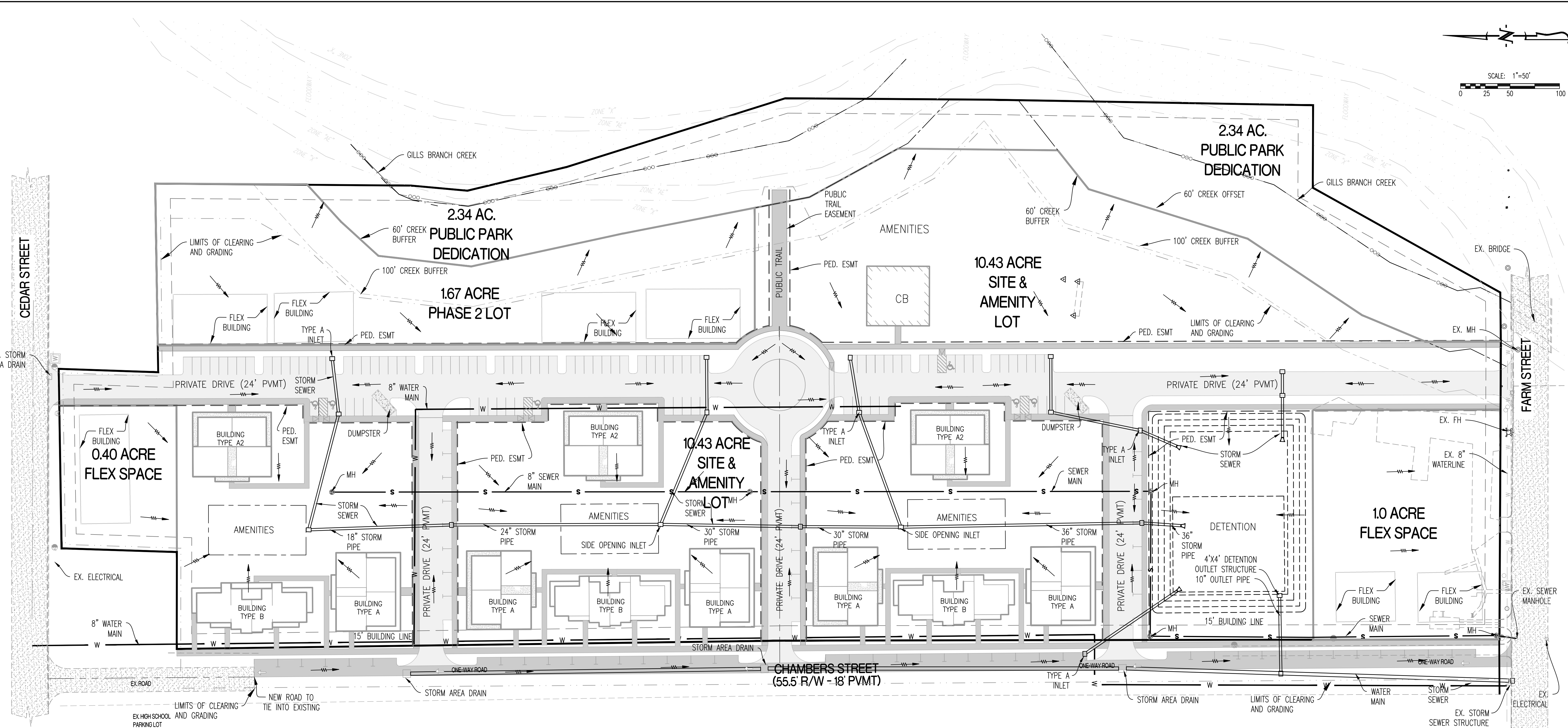
C1

FARM STREET VILLAGE
BASTROP, TEXAS
LOT CONFIGURATION

PREPARED BY:
CROCKETT
ENGINEERING CONSULTANTS
1000 W. Nifong Blvd., Bldg. 1
Columbia, Missouri 65203
(573) 447-0292
www.crockettengineering.com
Crockett Engineering Consultants, LLC

SCALE: 1" = 100'
DATE: 08-23-21





VICINITY MAP

LAND INFORMATION

ADDRESS AND LEGAL:

- 1) PROPERTY ID: 50831
LEGAL DESCRIPTION: FARM LOT 38 E M ST, ACRES 7.455
- 2) PROPERTY ID: 32387
LEGAL DESCRIPTION: FARM LOT 37 E M ST, ACRES 4.9350
- 3) PROPERTY ID: 80155
LEGAL DESCRIPTION: FARM LOT 37 E M ST, ACRES 3.4340

CURRENT LAND USAGE:

SINGLE FAMILY RESIDENTIAL HOME, VACANT FARM LAND, AND FARM STRUCTURES.

PROJECT DESCRIPTION:

CONSTRUCTION OF (11) MULTI-FAMILY RESIDENTIAL BUILDINGS, A CLUB HOUSE, UTILITY FEATURES, AND ASSOCIATED PARKING SPACES AND DRIVE LANES.

PROJECT BENCHMARK

TBM #1 - CUT SQUARE FOUND AT EDGE OF STREET CURBING SOUTH OF THE SOUTHWEST CORNER OF THE PROPERTY
ELEVATION = 373.15

STREAM INFORMATION

GILLS BRANCH-INTERMITTENT STREAM

ZONING INFORMATION:

B3 ZONING DISTRICT
CULTURAL ARTS DISTRICT
TRADITIONAL NEIGHBORHOOD DEVELOPMENT (TND)

EXISTING ZONING: NEIGHBORHOOD P-3

PROPOSED ZONING: MIX P-4

- LOT COVERAGE: 70% MAXIMUM
- BUILD TO LINE: 5-15 FT
- MAX BUILDING HEIGHT: 3-STORIES
- NO MINIMUM AUTOMOBILE PARKING SPACE REQUIREMENTS
- BICYCLE PARKING: 10% OF AUTOMOBILE SPACES

PREDOMINANT SOILS:

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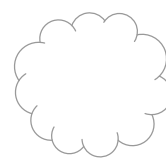
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NET LAND AREA:	15.84 AC	100%
TOTAL IMPERVIOUS SURFACE AREA:	3.48 AC	22%
TOTAL OPEN SPACE:	12.36 AC	78%



EXISTING TREE

ACCESS NOTES:

1. ALL PRIVATE DRIVES AND ADJACENT SIDEWALKS SHALL HAVE A PUBLIC NON-VEHICULAR ACCESS EASEMENT WITHIN THE LIMITS AS SHOWN.

NOTES:

1. THIS TRACT IS LOCATED WITHIN THE 1% ANNUAL CHANCE FLOOD AND THE FLOODWAY PER THE CITY OF BASTROP FEMA FIRM PANEL #48021C0360E, DATED JANUARY 19, 2006.
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5. DETENTION SHALL HAVE THE OPTION TO BE DESIGNED TO HANDLE THE ENTIRE SITE OR SO FLEX LOTS AND PHASE 2 LOT CAN HANDLE DETENTION SEPARATELY.

REVISIONS:

NO.	DATE
ORIGINAL	08/23/2021

THIS SHEET HAS BEEN SIGNED, SEALED AND DATED ELECTRONICALLY

PRELIMINARY
(NOT FOR CONSTRUCTION)

TIMOTHY D. CROCKETT
TX LICENSE-107075

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www.crockettengineering.com
Crockett Engineering Consultants, LLC

OWNER:

MRE CAPITAL
10777 BARKLEY STREET SUITE
140 OVERLAND PARK, KS 66211

FARM STREET VILLAGE

BASTROP, BASTROP COUNTY, TEXAS

DRAWING INCLUDES:

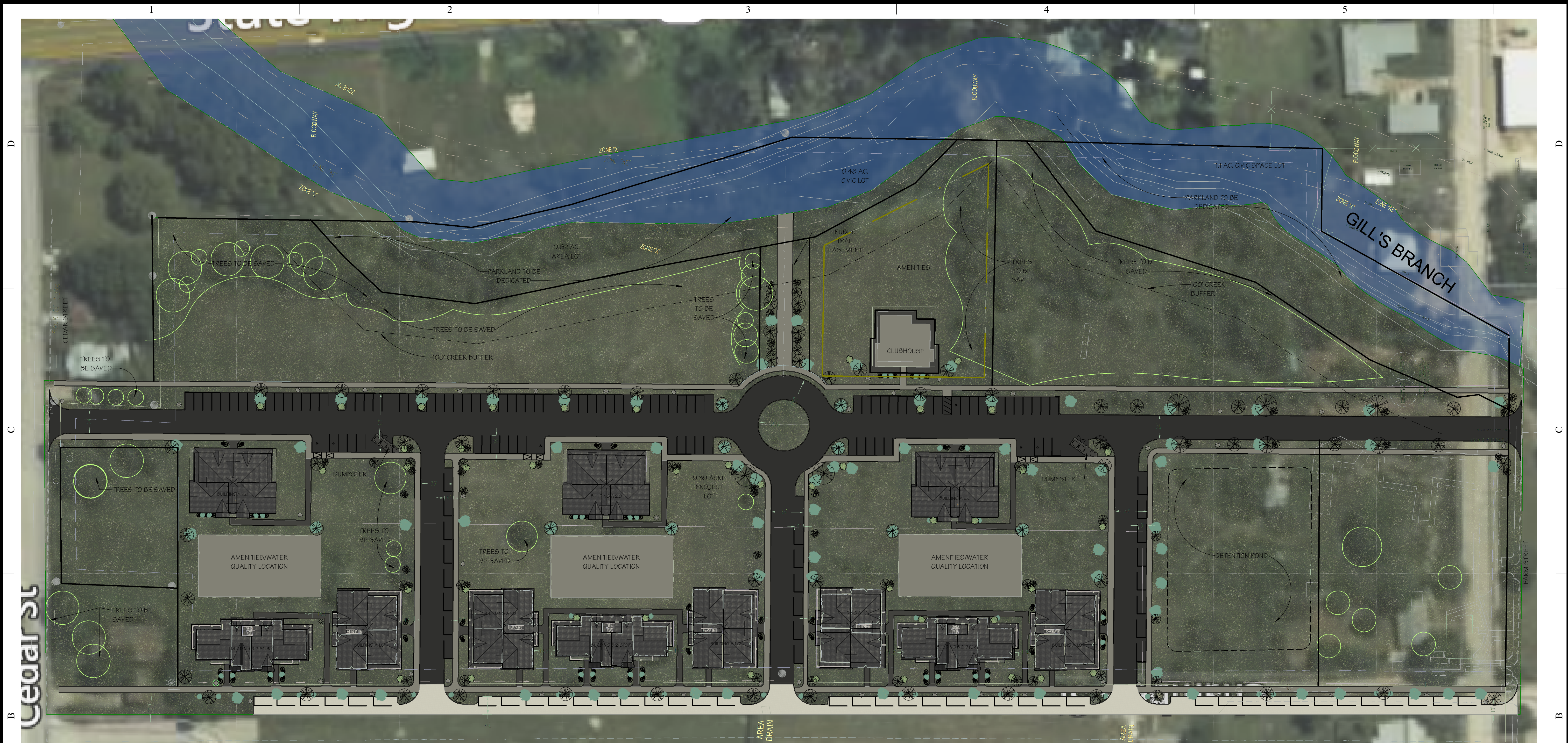
CONCEPTUAL
DRAINAGE
PLAN

DESIGNED: KRM

DRAWN: KRM

PROJECT NO.: 210297

SHEET:
C2



LANDSCAPE PLAN

1
LS1.0 SCALE: 1" = 50'-0"

PLANT SCHEDULE		
NATIVE TREES		
SYMBOL	TREE/NAME(S)	SIZE
	NATIVE GREEN ASH, OR RED MAPLE NATIVE OR SIM.	UP TO 80'-0" HGT.
	TEXAS MADRONE, NAKED INDIAN, LADY'S LEG, TEXAS ARBUTUS, MADRONE, NATIVE OR SIM.	40'-0" HGT.
	MESQUITE, HONEY MESQUITE, QUADRILAR, ALGARROBA (DECIDUOUS TREES) OR SIM.	30'-0" HGT.
	TEXAS NATIVE OR SIM.	25'-0" HGT.
	DESERT WILLOW, FLOWERING WILLOW, WILLOW LEAF CATALPA, DESERT CATALPA, FLO. & MINDBRE, MINDBRE, BOW WILLOW, OR SIM. NATIVE	15'-0" HGT.
	ORANGE DRANGE, BOW WOOD, HEDGE APPLE, HORSE APPLE, NARANJO CHINO, YELLOW WOOD, OR SIM. NATIVE	20'-0" HGT.
	DWARF HACKBERRY, GEORGIA HACKBERRY, UPLAND HACKBERRY, SMALL HACKBERRY OR SIM. NATIVE	25'-0" HGT.
GROUND COVER		
	GROUND COVER	0'-0" HGT.

FARM STREET VILLAGE
1500 FARM STREET, COUNTY, BASTROP, TX

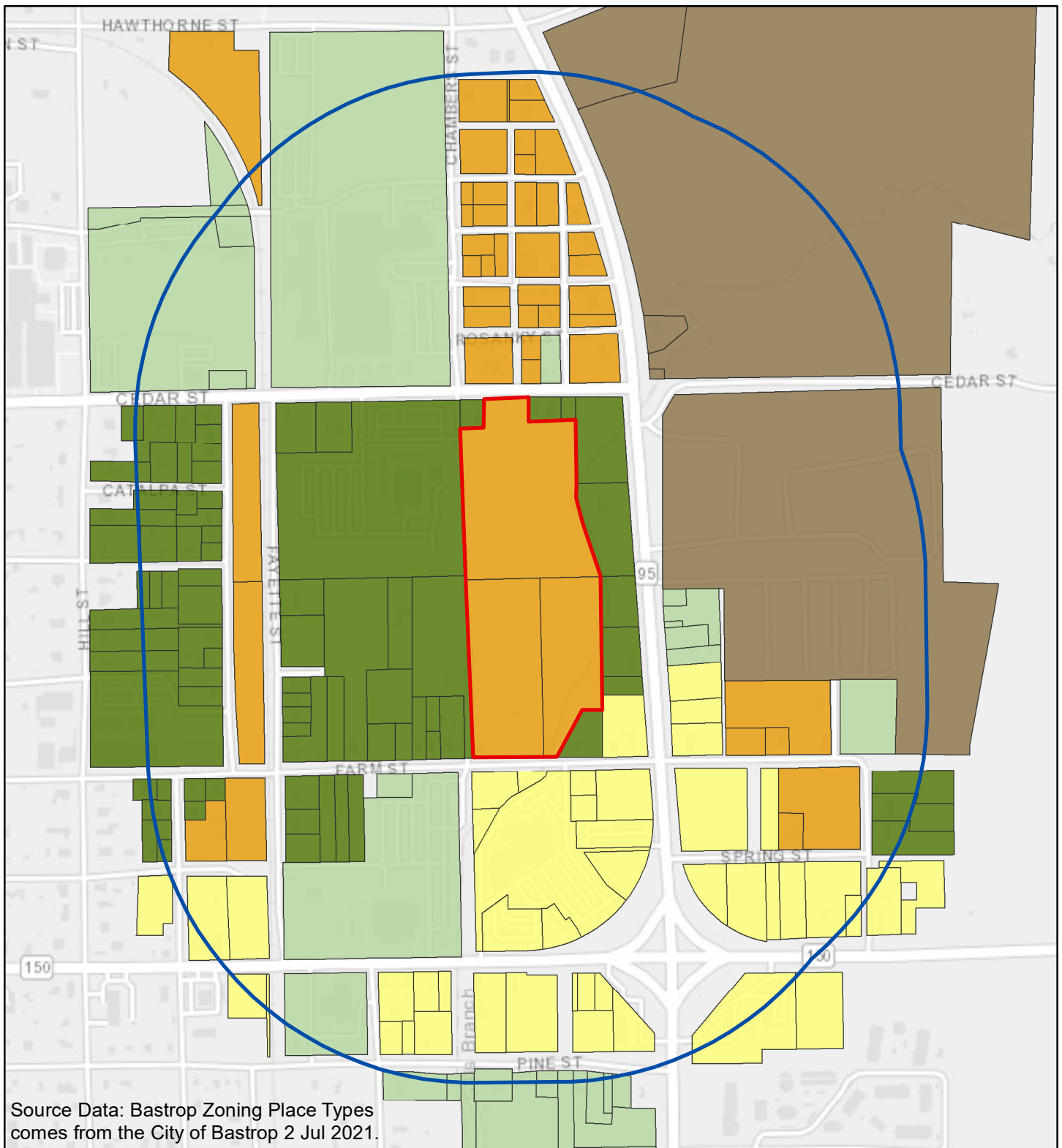
Wallace
ARCHITECTS L.L.C.
Columbia, MO
P 573-256-7200
WALLACE ARCHITECTS, LLC

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03/24/2021	REVIEW SET

LS1.0
JOB NO.
4293

LANDSCAPE PLAN
REVIEW SET



Farm Street Village Pedestrian Shed Map

	Development Site	Place Type		P4 - Mix 18.59%
	Quarter Mile		P3 - Neighborhood 22.74%	
			P5 - Core 15.18%	
			P1 - Nature 0%	
				P2 - Rural 23.56%
				EC - Employment Center 0%

Exterior Elevations Bldg. A –

Pattern Book Notes:
Each block face should have a minimum of three different home design models.
No more than 2 of the same model with the same architectural style can be employed on a block face.
Treat each block as a unified composition.
Coordinate building wall colors with roof colors.



1 BLDG. A EXT. ELEV. FRONT
SCALE: 1/8" = 1'-0"



3 BLDG. A RIGHT ELEV.
SCALE: 1/8" = 1'-0"

Pattern Book Notes:
Side yards help to create usable outdoor space and insure privacy. Open space contains the most and the largest windows, and has the most usable side yard. Where possible, orient open sides towards the south and east.



1A 3D VIEW 1 BLDG. A
SCALE: 1/8" = 1'-0"

Note:
Building A & C are similar style. Building C has a slightly larger foot print. Building C will have different block front schemes and also have different floor plans/unit plans on each level.



1B 3D VIEW 2 BLDG. A
SCALE: 1/8" = 1'-0"

Pattern Book Notes:
Corner lots must address both streets. Corner lots are typically wider to accommodate the side yard setback along the streets and allow for building articulation and side porches. Wrap around porches on corner lots are greatly encouraged.



2 BLDG. A EXT. REAR
SCALE: 1/8" = 1'-0"

Pattern Book Notes:



4 BLDG. A LEFT ELEV.
SCALE: 1/8" = 1'-0"

EXTERIOR ELEVATIONS

FARM STREET VILLAGE
1500 FARM STREET, COUNTY, BASTROP, TX

Wallace
ARCHITECTS, LLC
Columbia, MO
P. 573.2562.7200

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A3.1

JOB NO.
4293

PROJECT LOCATION

Exterior Elevations Bldg. B –



BLDG. B (2-STORY) FRONT ELEVATION

1
A3.2 SCALE: 1/8" = 1'-0"



BLDG. B (2-STORY) SIDE ELEV.

2
A3.2 SCALE: 1/8" = 1'-0"



3D VIEW 1 BLDG. B

1A
A3.2 SCALE:



3D VIEW 2 BLDG. B

1B
A3.2 SCALE:



BLDG. B (2-STORY) REAR ELEVATION

3
A3.2 SCALE: 1/8" = 1'-0"



3D VIEW 3 BLDG. B

1C
A3.2 SCALE:



BLDG. B (2-STORY) SIDE ELEV. 2

4
A3.2 SCALE: 1/8" = 1'-0"

EXTERIOR ELEVATIONS

FARM STREET VILLAGE
1500 FARM STREET, COUNTY, BASTROP, TX

Wallace
ARCHITECTS, L.L.C.
Columbia, MO
P. 573-256-7200

WALLACE ARCHITECTS, L.L.C.

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A3.2

JOB NO.

4293

PROJECT 130924108



Front Elevation Bldg. A



Architectural Grade Roof Bracket in White finish

Architectural Grade Roof Bracket in Wood finish

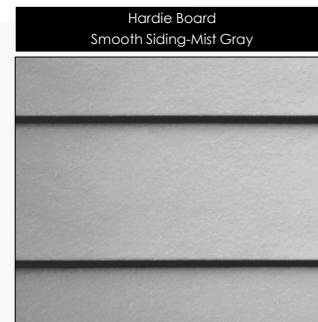
Articulation at the connection of the open porch to building, dormers facing the street, defined entries



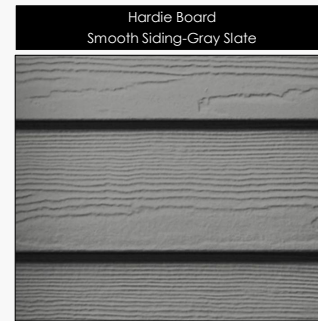
Hardie Board
Board & Batten (Artic White)



Hardie Board
Smooth Siding- Night Gray



Hardie Board
Smooth Siding-Mist Gray



Hardie Board
Smooth Siding-Gray Slate



Rear Elevation Bldg. A



30 yr. Architectural Grade Roof Shingles

Prefinished Aluminum Exterior Column wrap w/ prefinished capital & base

Articulation at the connection of the open porch to building, dormers facing the street, defined entries

Articulation at the connection of the open porch to building, dormers facing the street, defined entries

Articulation at the connection of the open porch to building, dormers facing the street, defined entries

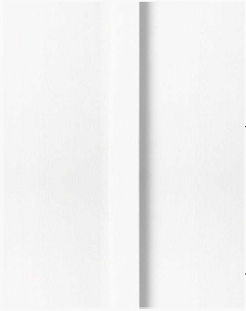
Articulation at the connection of the open porch to building, dormers facing the street, defined entries



Side Elevation Bldg. A



Side Elevation Bldg. A



Hardie Board
Board & Batten Siding-
Artic White finish



Hardie Board
Smooth Finish Siding
Night Gray



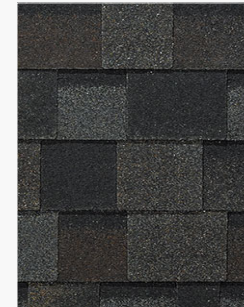
Hardie Board
Smooth Finish Siding
Mist Gray



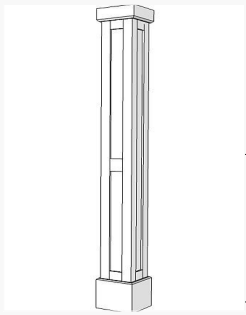
Hardie Board
Smooth Finish Siding
Gray Slate



Architectural Grade
Decorative Roof
Bracket- White finish



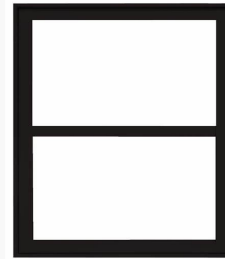
30 yr. Architectural
grade Roof Shingles



Prefinished Aluminum
Exterior Column wrap
w/ prefinished capital
& base



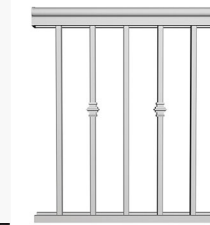
Architectural Grade
Decorative Roof
Bracket- Wood finish



Prefinished Aluminum-
Matte Black finish-
window sample



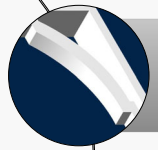
Prefinished Aluminum
Exterior Fascia-Gutter
finish



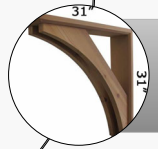
Prefinished Aluminum-
Matte Black finish-
w/wood exterior railing



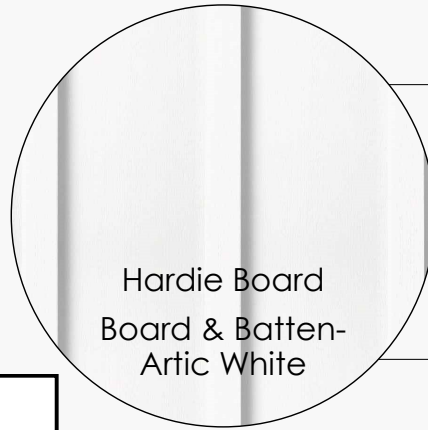
Front Elevation Bldg. B



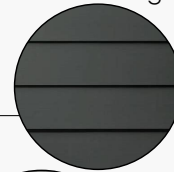
Architectural Grade Roof Bracket in White finish



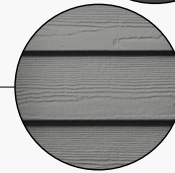
Architectural Grade Roof Bracket in Wood finish



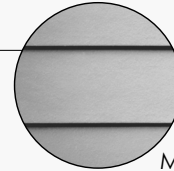
Hardie Board
Board & Batten-
Artic White



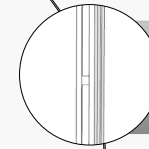
Night Gray



Slate Gray



Mist Gray



Prefinished Aluminum Exterior
Colum wrap w/prefinished
capital & base



30 yr. Architectural Grade
Roof Shingles



Rear Elevation Bldg. B

C4. Proposed Development Exterior Elevations

Pattern Book Notes: Neighborhood Design-

Well designed neighborhoods contain different lot types for single-family homes. They are intended to respond to the needs of different households and provide diversity in house size and price. Those are large, medium, small and cottage type homes, and they are dispersed throughout the area. The largest homes are located generally along the edges of the patterns and the project, while the smaller homes are on the interior patterns often fronting on open space. Parking and garages are accommodated in various ways that allow for both front and rear access.

Pattern Book Notes:

Streetscape Diversity

- Each block face should have a minimum of three different home design models. Different models are defined as those with significant variation in floor plan configuration and massing, and minor variation in size and number of bedrooms.
- Each of the three models must have at least two architectural styles and color schemes, which can be employed to create visual interest and respond to homeowner preferences.
- Not more than two of the same model with the same architectural style can be employed on a block face.
- Similar models with similar architectural styles should not be placed next to one another.
- Materials and colors should be varied to further differentiate one model from another. Use different colors on adjacent buildings. Treat a block face as a unified composition.
- Coordinate building wall colors with roof colors.

Pattern Book Notes:

Building Sides

- Side yards are important in helping to create usable outdoor space and insure privacy. On lots 50 feet or less wide, each building must have an open and closed side. This concept establishes a more harmonious relationship between adjacent buildings.
- The open side contains the most and largest windows, and has the most usable side yard. The closed side has fewer and smaller windows to ensure greater privacy for the neighbors.
- Where possible, orient open sides towards the south and east.

Corner Treatment

- The relationship of buildings to one another and the street is especially important at corners.
- Buildings on corner lots must address both streets. Corner lots are typically wider to accommodate the site yard setback along the streets and allow for building articulation and side porches.
- Wrap around porches on corner lots are generally encouraged.

Pattern Book Notes:

Multi-Unit Homes, Townhomes, Apartments

- These housing types are found in P3, P4 and some in P5. They are generally located within medium-density neighborhoods or in locations transitioning from a primary single-family neighborhood into a neighborhood main street. All of them enable appropriately scaled, well-designed higher densities and are important for providing a broad choice of housing types and promoting walkability.

Building Articulation Along a Street

Historic Neighborhoods derive their character from the simplicity of architectural forms. Buildings should emphasize one primary architectural form with supporting and secondary elements. Too much complexity or competing primary forms will undermine this goal.

- An articulation is the connection of an open porch to the building, a dormer facing the street, a well defined entry element, a horizontal offset of at least 2 feet in the principal building wall change in the height of front elevation rooflines by at least one story.

Roof Types and Primary Roof Forms

- Principal roofs for single family detached houses shall be symmetrical gable or hip. Other principal roof types, such as gambrel or mansard, are acceptable if historically appropriate and approved by ARC.

Pattern Book Notes:

Multi-unit homes

The Multi-Unit Home combines several residences within one structure designed to resemble a large single-family home. The prototype illustrated here is for a four-unit building that provides attached garages accessed from rear alleys. Different-sized buildings may be combined along a block face. When located on corners, Multi-Unit Homes provide porches and entries on both elevations facing the street. When located on the block interior, a "family" of entrances between two buildings provides gracious access to the upper-floor residences.

Architectural and Entry Articulation

- One goal for Verano is to create a handsome and timeless architecture based on San Antonio's historic neighborhoods. These neighborhoods derive much of their character from the simplicity of architectural forms. Buildings at Verano should emphasize one primary architectural form with supporting secondary elements. Too much complexity or competing primary forms undermine this goal.
- An

July 10, 2021

Trey Job
Assistant City Manager of Community Development
City of Bastrop
1311 Chestnut Street
Bastrop, Texas 78602



Re: Farm Street Village Project Description – Zoning Change

Dear Mr. Job:

As required for the zoning change application, I am providing a project description for the proposed Farm Street Village located at 1500 Farm Street at the eastern edge of Downtown Bastrop. Farm Street Village is a proposed Class A Apartment Community between Farm Street and Cedar Street, just west of Gills Branch. It is conveniently located and designed to be walkable to the many amenities associated with downtown.

The development will consist of 120 units for families and will be comprised of a mix of 1 bedroom, 2 bedroom, and 3 bedroom units. The total cost of the development is estimated to be approximately \$21,000,000 and will be financed with conventional loans and housing tax credits. The workforce development will serve families with incomes at or below 60% of the area median income. I have attached a brochure that illustrates more about the development.

I hope that you will agree with us that our design meets the connected, walkable, and context sensitive intent of your code. The layout includes our portion of the Chambers Street extension. It also includes pedestrian access to Gills Branch through the development to connect to future trail improvements associated with Gills Branch. Finally, we have spent many hours working with our designers to ensure the site plan and architectural drawings complement and add to the existing urban fabric.

From conversations with the City of Bastrop since the fall of 2019, we understand that a change from P-3 to P-4 is considered reasonable and consistent with your comprehensive plan. Additionally, the neighboring land uses are higher intensity than P-3 including the Jerry Fay Wilhelm Center for the Performing Arts, Bastrop High School, and Film Alley Bastrop to name a few. We learned that when adopting the B3 code and new zoning categories, Bastrop rezoned using a same to same classification, thus the P-3 based on the former zoning district. The P-4 zoning classification is well suited at this location considering adjacent land zoning categories and its proximity to SH 95.

Thank you for considering the merits of the proposed development. We respectfully request the City's approval to rezone the 15.8 acres from P-3 to P-4 to permit Farm Street Village. Should you have any questions or concerns, please do not hesitate to contact me by phone at (512) 473-2527 or via email at sallie@structuretexas.com. Thank you so much for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Sallie Burchett", written over the word "Sincerely,".

Sallie Burchett, AICP

**Notice of Pending Zoning Change
City of Bastrop
Planning & Zoning Commission
and City Council**



Dear Property Owner:

The **Planning and Zoning Commission** will conduct a public hearing on **Thursday, September 30, 2021 at 6:00 p.m.** and the **City Council** will conduct a public hearing (first reading) **Tuesday, October 26, 2021 at 6:30 p.m.** in the **City Hall Council Chambers located at 1311 Chestnut Street, Bastrop, Texas** to consider action on a change in zoning for 15.824 acres out of Farm Lot 37 East of Main Street, located at 1500 Farm Street from P3 Neighborhood to P4 Mix, within the city limits of Bastrop, Texas.

Applicant(s): SALLIE BURCHETT
Owner(s): HHJ PROPERTIES, LLC
Address(es): 1500 FARM STREET
Legal Description: FARM LOT 37 E M ST, ACRES 4.9350; FARM LOT 37 E M ST, ACRES 3.4340; & FARM LOT 38 E M ST, ACRES 7.455

The site location map and a letter from the property owner is attached for reference.

As a property owner within 200 feet of the above referenced property, you are being notified of the upcoming meetings per the Bastrop Code of Ordinances. For more information or to provide comments on this project, you may contact the Planning & Development Department at (512) 332-8840, plan@cityofbastrop.org, visit the office at 1311 Chestnut Street, Bastrop, Texas, or mail the response card below to PO Box 427, Bastrop, Texas 78602.



PROPERTY OWNER'S RESPONSE

As a property owner within 200 feet: (please check one)

- ☐ I am in favor of the request.
☐ I am opposed to the request.
☐ I have no objection to the request.

Property Owner Name: _____

Property Address: _____

Mailing Address (if different than property address): _____

Phone (optional): _____ Email (optional): _____

Property Owner's Signature: _____

Additional Comments (Optional):

Re: Farm Street Village

PLANNING DEPARTMENT

1311 Chestnut Street • PO Box 427 • Bastrop, Texas 78602 • 512.332.8840 •
www.cityofbastrop.org

Notice of Pending Zoning Change
City of Bastrop
Planning & Zoning Commission
and City Council



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PROPERTY OWNER'S RESPONSE

As a property owner within 200 feet: (please check one)

- ☐ I am in favor of the request.
☒ I am opposed to the request.
☐ I have no objection to the request.

Property Owner Name: Ruth Emanuel

Property Address: 1510 Farm Street Bastrop, TX 78602

Mailing Address (if different than property address): _____

Phone (optional): 512 303-7004 Email (optional): _____

Property Owner's Signature: Ruth Emanuel

Additional Comments (Optional):

Re: Farm Street Village

PLANNING DEPARTMENT

1311 Chestnut Street • PO Box 427 • Bastrop, Texas 78602 • 512.332.8840 •
www.cityofbastrop.org

PROPERTY OWNER'S RESPONSE

As a property owner within 200 feet: (please check one)

- ☐ I am in favor of the request.
☒ I am opposed to the request.
☐ I have no objection to the request.

Property Owner Name: James + Cristy Foreman

Property Address: 1504 Farm St

Mailing Address (if different than property address): _____

Phone (optional): 512-296-9590 Email (optional): _____

Property Owner's Signature: James C. Foreman Cristy Foreman

Additional Comments (Optional):

Farm St cannot handle the extra traffic
from this project. Farm St has heavy traffic
because of Mina Elementary already and
heavy because of the theater + family Dollar

Re: Farm Street Village

PLANNING DEPARTMENT

1311 Chestnut Street • PO Box 427 • Bastrop, Texas 78602 • 512.332.8840 •
www.cityofbastrop.org

PROPERTY OWNER'S RESPONSE

As a property owner within 200 feet: (please check one)

- ☐ I am in favor of the request.
☒ I am opposed to the request.
☐ I have no objection to the request.

Property Owner Name: Sherri Lynn Hoskins

Property Address: 1201 Fayette St. Bastrop TX 78602

Mailing Address (if different than property address): N/A

Phone (optional): 512-797-7843 Email (optional): Sherri.3@gmail.com

Property Owner's Signature: Sherri Lynn Hoskins

Additional Comments (Optional):

Re: Farm Street Village

PLANNING DEPARTMENT

1311 Chestnut Street • PO Box 427 • Bastrop, Texas 78602 • 512.332.8840 •
www.cityofbastrop.org

PROPERTY OWNER'S RESPONSE

As a property owner within 200 feet: (please check one)

- ☒ I am in favor of the request.
☐ I am opposed to the request.
☐ I have no objection to the request.

Property Owner Name: Patrick Jaehne

Property Address: 1500 Farm Street

Mailing Address (if different than property address): 350 FM 969

Phone (optional): 979 870 9146 Email (optional): jaehneil@gmail

Property Owner's Signature: 

Additional Comments (Optional):
Thank you!

Re: Farm Street Village

PLANNING DEPARTMENT

1311 Chestnut Street • PO Box 427 • Bastrop, Texas 78602 • 512.332.8840 •
www.cityofbastrop.org

PROPERTY OWNER'S RESPONSE

As a property owner within 200 feet: (please check one).

- ☐ I am in favor of the request
☒ I am opposed to the request.
☐ I have no objection to the request.

Property Owner Name: John & Melinda Larson

Property Address: 1320 Farm Street Bastrop, Tx

Mailing Address (if different than property address): 5703 CAMDEN Midland Tx

Phone (optional): 432-770-5969 Email (optional): Lindy lar @ gmail.com

Property Owner's Signature: Melinda S. Larson

Additional Comments (Optional):

I am 100% "AGAINST" the re-zoning
of farm lot 37 - located @ 1500 Farm St.
from P3 Neighborhood to P4
within the city limits of Bastrop, Tx

Re: Farm Street Village

PLANNING DEPARTMENT

1311 Chestnut Street • PO Box 427 • Bastrop, Texas 78602 • 512.332.8840 •
www.cityofbastrop.org

Notice of Pending Zoning Change
City of Bastrop
Planning & Zoning Commission
and City Council



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PROPERTY OWNER'S RESPONSE

As a property owner within 200 feet: (please check one)

- ☒ I am in favor of the request.
☐ I am opposed to the request.
☐ I have no objection to the request.

Property Owner Name: Robert Miller

Property Address: 1204 Highway 95 Bastrop

Mailing Address (if different than property address): 101 Hwy 71 West Bastrop TX

Phone (optional): _____ Email (optional): _____

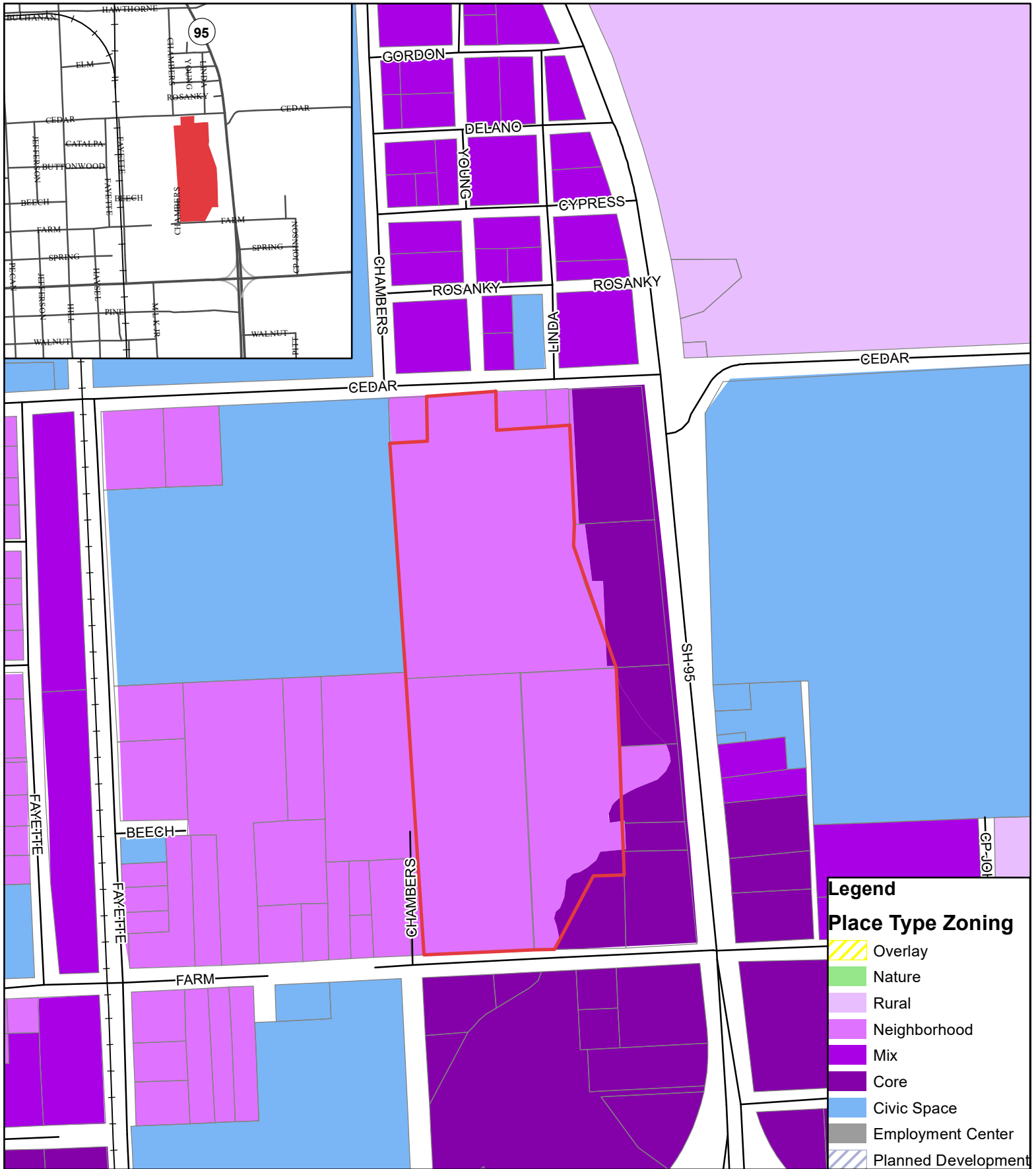
Property Owner's Signature: Robert Miller

Additional Comments (Optional):

Re: Farm Street Village

PLANNING DEPARTMENT

1311 Chestnut Street • PO Box 427 • Bastrop, Texas 78602 • 512.332.8840 •
www.cityofbastrop.org



Zoning Map Zoning Concept Scheme

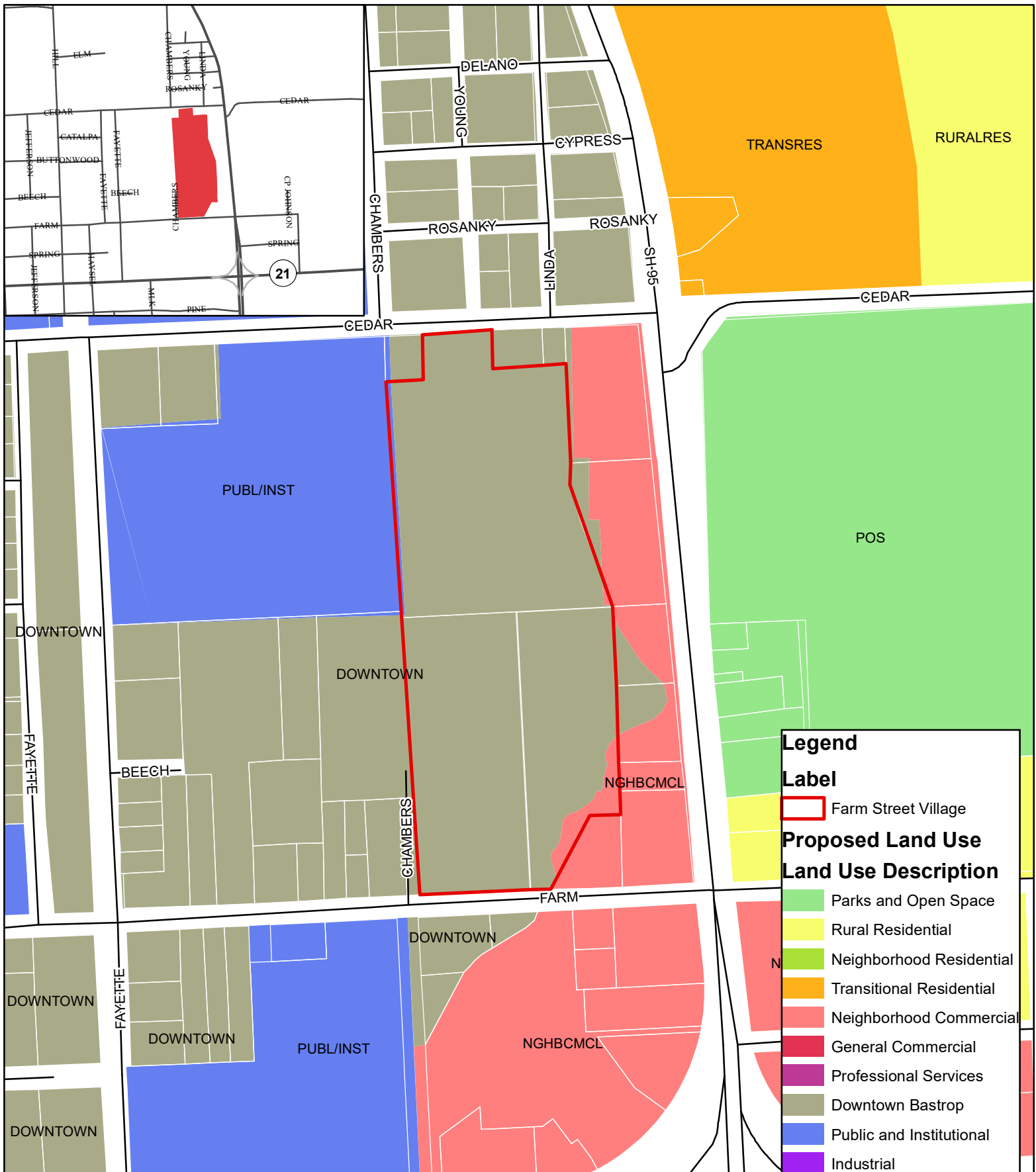


1 inch = 330 feet



The accuracy and precision of this cartographic data is limited and should be used for information /planning purposes only. This data does not replace surveys conducted by registered Texas land surveyors nor does it constitute an "official" verification of zoning, land use classification, or other classification set forth in local, state, or federal regulatory processes. The City of Bastrop, nor any of its employees, do not make any warranty of merchantability and fitness for particular purpose, or assumes any legal liability or responsibility for the accuracy, completeness or usefulness of any such information, nor does it represent that its use would not infringe upon privately owned rights.

Date: 9/24/2021



TO: Sallie Burchett/Structure Texas, Applicant
From: Trey Job, Assistant City Manager
Date: July 22, 2021
Subject: Warrant Determination - #21-000184 – Denied with conditions



=====

In order to approve a warrant one of the three B³ Code Intents must be met.

The intent of the Code is to establish the Standards that enable, encourage, and ensure the community achieves:

1. Fiscal Sustainability – new development and redevelopment must be done with a focus on the intersection of the Public and Private Realms. This is the area where city and utility infrastructure is maintained in a efficient manner and the commercial development creates a complete neighborhood.
2. Geographically Sensitive Developments – development will retain its natural form and visual character derived from the topography.
3. Perpetuation of Authentic Bastrop – The B³ Code will perpetuate the built form that has been predominate over the City's 189-year history. The recent trend of allowing parking and automobile traffic as the predominate feature has created a pattern that is contrary to the historical building patterns of the City and creates sites/buildings that are not adaptable and sustainable in the long-term.

The applicant has requested warrants from the following code requirements:

1. Section 7.1.002 (c) New Streets shall be required when shown on the City's adopted Master Thoroughfare Plan. In addition, each Farm Lot shall include internal Streets to create Building Blocks.
2. Section 7.1.002 (d) Street Arrangement: The Bastrop Master Transportation Plan and Thoroughfare Master Plan establish the foundation for the Mandatory Street Network. Unless otherwise approved by the City Council, provision shall be made for the extension of Streets through any new neighborhood. Off-center Street intersections with Streets in adjacent neighborhoods shall be avoided. All Streets shall be continuous or in alignment with existing Streets unless variations are deemed advisable by the Council due to topography and requirements of traffic circulation.

In addition to the two above, the following would also need to be approved, because eliminating public streets also affects the publicly dedicated block structure.

3. Section 7.4.002 Blocks (a) The Master Thoroughfare Plan provides the basic framework for the Block at a Farm Lot scale. The internal Street Network shall be structured to define blocks with the following maximum Block lengths and Block Perimeters (not including exterior R.O.W. dedication): P4 330 ft max / 1,320 ft. perimeter

- The applicant is requesting to use a combination of private drives and a public non-vehicular access easement for pedestrian access in lieu of providing publicly dedicated streets that are built to a city standard.
- For the three intents the applicant has provided the following justification:
 - Fiscal Sustainability: Our underwriting requirements and site constraints preclude public streets. Without the Farm Street Village, the City of Bastrop is forgoing property taxes and jobs/material sales associated with the \$21MM construction project. Secondly, our investors require an operating reserve to accommodate all maintenance associated with repairing any paving. The development will pay for all maintenance, rather than the City of Bastrop.
 - Geographically Sensitive Developments: We will maintain a non-vehicular public connection running east-west from Chambers to Gill's Branch. It is unreasonable to expect this development to bear the burden of constructing a bridge to cross over Gill's Branch.
 - Perpetuation of Authentic Bastrop: From the perspective of the Farm Street Village resident, the grid connectivity is built to the B-3 Code establishing easy walkable connections to its neighbors and downtown. The nearby transportation network including our construction of Chambers Street is compatible with your street network requirements. Furthermore, we have spent many hours working with our architects to ensure that the multi-family buildings will complement the existing architectural fabric of downtown.
- Staff Analysis:

In general, the concept plan meets the intent of the code to create small, multimodal blocks that bring buildings forward to create interaction between the Public and Private Realms, encouraging a pedestrian friendly environment.
- The required block structure is intended to continue the building block pattern that has endured for 189 years and allowed for development and redevelopment as buildings are built re-occupied by other uses within the block. In order to meet this goal, we will need to have 55.5-foot public access easement dedicate over the private driveways to ensure access and the ability to dedicate this area as a public right-of-way in the future as redevelopment occurs.

Based on these considerations, this Warrant request is denied unless the requirement for dedicating public access easements is met.

Sincerely,



Trey Job

Assistant City Manager

August 11, 2021

Trey Job
Assistant City Manager of Community Development
City of Bastrop
1311 Chestnut Street
Bastrop, Texas 78602



Re: Farm Street Village Warrant Request - Comment Memo

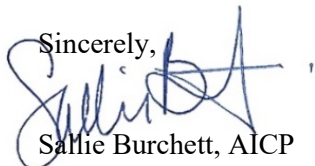
Dear Mr. Job:

We are pleased to learn that the City of Bastrop finds that the concept plan “meets the intent of the code to create small, multimodal blocks that bring buildings forward to create interaction between the Public and Private Realms, encouraging a pedestrian friendly environment.” After reviewing the warrant request feedback received August 6, 2021, we are revising the concept to expand the non-vehicular access easements over all driveways and adjacent sidewalks. Providing full access for all modes of transportation except vehicles is consistent with the intent of the B3 Code. Encouraging non-vehicular access fully complements the historic building patterns of the City and perpetuates Authentic Bastrop. The image below overlays the proposed Farm Street Village into the existing urban fabric demonstrating a connected nature equal to or exceeding its neighboring land uses.



We understand that this deviates from the warrant conditions proposed by City Staff. We respectfully request that the Community Development Department present this revised warrant request with the zoning change application. I can be reached by phone at (512) 473-2527 or via email at sallie@structuretexas.com if necessary. Thank you.

Sincerely,


Sallie Burchett, AICP

ORDINANCE 2021-15

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, REZONING 15.824 ACRES OUT OF FARM LOT 37 EAST OF MAIN STREET, LOCATED AT 1500 FARM STREET, WITHIN THE CITY LIMITS OF BASTROP, TEXAS FROM P3 NEIGHBORHOOD TO P4 MIX; AS SHOWN IN EXHIBIT A, INCLUDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, HJJ Properties LLC, c/o Patrick Jaehne (hereinafter referred to as "Property Owner") authorized agent has submitted a request to rezone 15.824 acres out of Farm Lot 37 East of Main Street, located at 1500 Farm Street, within the City Limits of Bastrop, Texas, hereinafter referred to as "the Property"; and

WHEREAS, a location map is attached hereto as Exhibit "A" (the "Property"); and

WHEREAS, the Property is currently zoned as P-3, Neighborhood; and

WHEREAS, the Future Land Use Designation for this Property is Downtown Bastrop, The Downtown Bastrop character area allows for a wide range of residential, retail, entertainment, professional service, and institutional land uses. The character area's range of land uses may be mixed on individual parcels or developments sites, and within individual buildings. Building form and lot arrangement will support an urban character with structures framing the street; and

WHEREAS, pursuant to Texas Local Government Code Section 211, notice of the rezoning was given to all property owners located within two hundred (200) feet of the Property, and the Planning and Zoning Commission of the City of Bastrop held a public hearing on the rezoning request on September 30, 2021; and

WHEREAS, after notice and hearing, the Planning and Zoning Commission has recommended approval of the proposed request by a 3 for and 2 against vote; and

WHEREAS, the City Council of the City of Bastrop held a public hearing on October 26, 2021 to consider the Property Owner's request; and

WHEREAS, after consideration of public input received at the hearing, the information provided by the Applicants, and all other information presented, City Council finds that it is in the public interest to approve the rezoning.

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

Section 1: The Property, situated on 15.824 acres out of Farm Lot 37 East of Main Street, located at 1500 Farm Street, within the City Limits of Bastrop, Texas as more particularly shown on Exhibit A is rezoned to P-4 Mix.

Section 2: 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.

Section 3: This ordinance shall take effect upon the date of final passage noted below, or when all applicable publication requirements, if any, are satisfied in accordance with the City's Charter, Code of Ordinances, and the laws of the State of Texas.

READ & APPROVED on First Reading on this the 26th day of October 2021.

READ & ADOPTED on the Second Reading on this the ____ day of ____ 20__.

APPROVED:

Connie B. Schroeder, Mayor

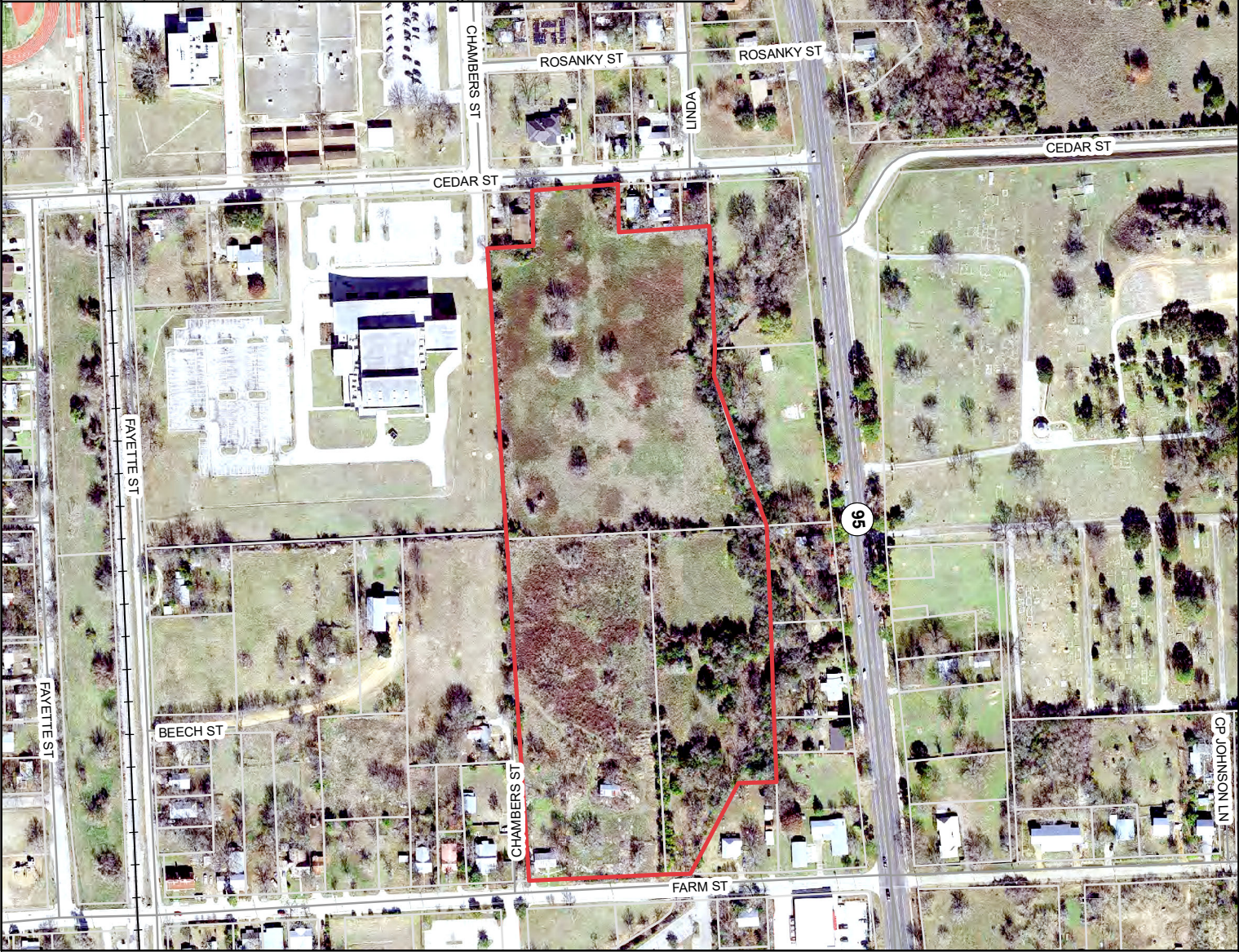
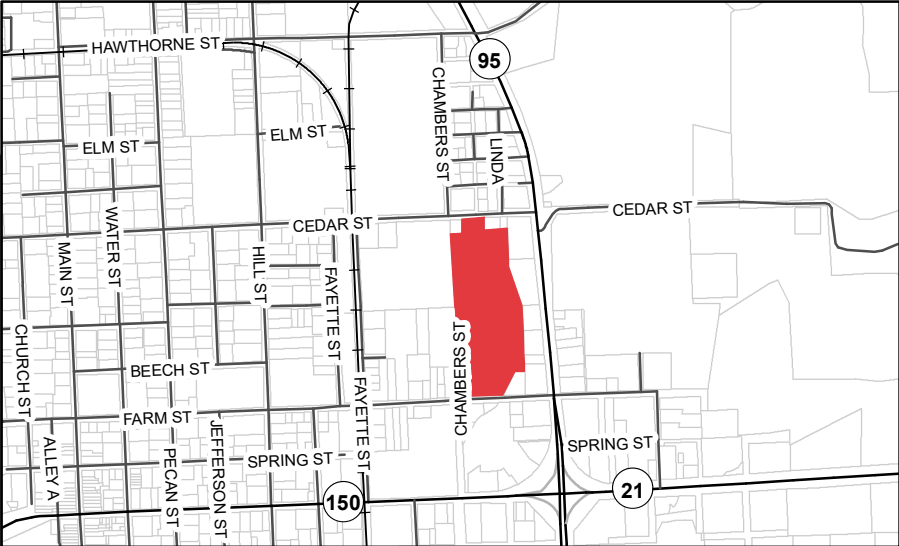
ATTEST:

Ann Franklin, City Secretary

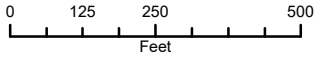
APPROVED AS TO FORM:

Alan Bojorquez, City Attorney

Attachment 1 Location Map



Zoning Change Farm Street Village



1 inch = 330 feet



Date: 9/13/2021

The accuracy and precision of this cartographic data is limited and should be used for information /planning purposes only. This data does not replace surveys conducted by registered Texas land surveyors nor does it constitute an "official" verification of zoning, land use classification, or other classification set forth in local, state, or federal regulatory processes. The City of Bastrop, nor any of its employees, do not make any warranty of merchantability and fitness for particular purpose, or assumes any legal liability or responsibility for the accuracy, completeness or usefulness of any such information, nor does it represent that its use would not infringe upon privately owned rights.



STAFF REPORT

MEETING DATE: October 26, 2021

AGENDA ITEM: 12E

TITLE:

Consider action to approve Resolution No. R-2021-101 of the City Council of the City of Bastrop, Texas, authorizing proceeding with issuance of certificates of obligation and further directing the publication of notice of intention to issue City of Bastrop, Texas Combination Tax and Revenue Certificates of Obligation, Series 2022.

AGENDA ITEM SUBMITTED BY:

Tracy Waldron, Chief Financial Officer

BACKGROUND/HISTORY:

During the FY2022 planning sessions and workshops, the City Manager communicated with City Council on the need to rehabilitate streets across the entire city. The FY2022 budget included funds to update the Pavement Condition Index to prioritize these streets.

This Certificate of Obligation, Series 2022 is for \$3.6M and is dedicated to street rehabilitation projects.

Issuance Timeline for Competitive Sale:

Oct. 26, 2021	City Council to approve resolution directing publication of notice of intent
Week of Oct. 26 th	First Notice of Intent appears in the newspaper
Week of Nov. 1 st	Second Notice of Intent appears in the newspaper Specialized Public Finance makes application to S&P to obtain ratings on the CO's
Week of Dec. 6 th	Rating Conference Call
Jan. 4, 2022	The Preliminary Official Statement is distributed to the bidders
Jan. 11, 2022	The City Council adopts an ordinance authorizing the issuance of the CO's
Feb. 3, 2022	Closing of the sale

City Charter Sec. 7.01 – Powers to Issue

In keeping with state law, the City shall have the power to borrow money on the credit of the City for any public purpose not now or hereafter prohibited by state law.

Bond Council has advised that state law supersedes the City Charter in only requiring one reading for a Bond Ordinance.

RECOMMENDATION:

Tracy Waldron, Chief Financial officer recommends approval of Resolution No. R-2021-101 of the City Council of the City of Bastrop, authorizing proceeding with issuance of certificates of obligation and further directing the publication of notice of intention to issue City of Bastrop, Texas Combination Tax and Revenue Certificates of Obligation, Series 2022.

ATTACHMENTS:

- Resolution R-2021-101



RESOLUTION NO. R-2021-101

**RESOLUTION AUTHORIZING PROCEEDING WITH ISSUANCE OF
CERTIFICATES OF OBLIGATION AND FURTHER DIRECTING THE
PUBLICATION OF NOTICE OF INTENTION TO ISSUE CITY OF
BASTROP, TEXAS COMBINATION TAX AND REVENUE
CERTIFICATES OF OBLIGATION, SERIES 2022**

**THE STATE OF TEXAS §
COUNTY OF BASTROP §
CITY OF BASTROP §**

WHEREAS, the City Council (the "Council") of the City of Bastrop, Texas (the " City ") has determined it to be in the City 's best interest to issue certificates of obligation for paying all or a portion of the City's contractual obligations incurred or to be incurred for (i) constructing, improving, extending, expanding, upgrading and/or developing streets, roads, bridges, sidewalks, intersections, traffic signalization and other transportation improvement projects including related waterworks, sewer and drainage improvements, signage, landscaping, irrigation, purchasing any necessary rights-of-way and other related transportation costs, (ii) constructing, improving, extending, expanding, upgrading and/or developing drainage improvements, stormwater management and flood control facilities, and (iii) payment of professional services in connection therewith including legal, engineering, architectural and fiscal fees and the costs of issuing the Certificates (collectively the "Project"); and

WHEREAS, the Council has deemed it advisable to give notice of intention to issue the Certificates in a maximum principal amount not to exceed \$3,600,000 pursuant to the provisions of the Certificate of Obligation Act of 1971, Section 271.041 et seq., Local Government Code, as amended (the "Act"), for the purpose of financing the Project; and

WHEREAS, prior to the issuance of the Certificates, the Council is required under Section 271.041 et seq., Local Government Code to publish notice of its intention to issue the Certificates in a newspaper of general circulation in the City, the notice stating: (i) the time and place tentatively set for the passage of the order authorizing the issuance of the Certificates, (ii) the maximum amount and purpose of the Certificates to be authorized; and (iii) the manner in which the Certificates will be paid; and

WHEREAS, the meeting at which this Resolution is adopted was open to the public and public notice of the time, place and purpose of the meeting was given, all as required by Chapter 551, Government Code, as amended.

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS:

1. Attached hereto is a form of the Notice of Intention to Issue the Certificates, the form and substance of which is hereby adopted and approved.

2. The City Secretary shall cause said notice to be published in substantially the form attached hereto, in a newspaper, as defined by Subchapter C, Chapter 2051, Texas Government Code, of general circulation in the area of the City, once a week for two consecutive weeks, the date of the first publication thereof to be before the 45th day before the date tentatively set for the passage of the ordinance authorizing the issuance of the Certificates.

3. This Resolution shall become effective immediately upon adoption. The City Secretary is hereby authorized and directed to execute the certificate to which this Resolution is attached on behalf of the City and the Mayor, City Secretary, the City Manager and Director of Finance are further authorized to do any and all things proper and necessary to carry out the intent of this Resolution including approving appropriate changes to the notice and approving the final form of any Preliminary Official Statement for distribution to the market in connection with the sale of the Certificates.

4. The City hereby authorizes the disbursement of a fee equal to the lesser of (i) one-tenth of one percent of the principal amount of each series of the obligations being issued or (ii) \$9,500 per series, provided that such fee shall not be less than \$750, to the Attorney General of Texas Public Finance Division for payment of the examination fee charged by the State of Texas for the Attorney General's review and approval of public securities and credit agreements, as required by Section 1202.004 of the Texas Government Code. The appropriate member of the City's staff is hereby instructed to take the necessary measures to make this payment. The City is also authorized to reimburse the appropriate City funds for such payment from proceeds of the obligations.

[Execution Page Follows]

DULY RESOLVED AND ADPOTED by the City Council of the City of Bastrop this
26th day of October 2021.

Ann Franklin, City Secretary
City of Bastrop, Texas

Connie B. Schroeder, Mayor,
City of Bastrop, Texas

[SEAL]

APPROVED AS TO FORM:

Alan Bojorquez, City Attorney

**NOTICE OF INTENTION TO ISSUE
CITY OF BASTROP, TEXAS
COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION,
SERIES 2022**

NOTICE is hereby given that it is the intention of the City Council of the City of Bastrop, Texas to issue Certificates of Obligation (the "Certificates") of the City in one or more series for the purpose of providing funds for paying contractual obligations incurred or to be incurred for: (i) constructing, improving, extending, expanding, upgrading and/or developing streets, roads, bridges, sidewalks, intersections, traffic signalization and other transportation improvement projects including related waterworks, sewer and drainage improvements, signage, landscaping, irrigation, purchasing any necessary rights-of-way and other related transportation costs, (ii) constructing, improving, extending, expanding, upgrading and/or developing drainage improvements, stormwater management and flood control facilities, including purchase of any land and acquisition of any rights-of-way or other easements and (iii) payment of professional services in connection therewith including legal, engineering, architectural and fiscal fees and the costs of issuing the Certificates. The City Council tentatively proposes to authorize the issuance of the Certificates at its regular meeting place in the City Hall, 1311 Chestnut Street, Bastrop, Texas to be commenced at 6:30 p.m., on the 11th day of January, 2022. The maximum principal amount of Certificates that may be authorized for the above listed purposes is \$3,600,000. The City Council presently proposes to provide for the security and payment of the Certificates by a pledge of ad valorem taxes upon all taxable property within the City within the limits allowed by law and from a limited pledge of the City's surplus water and sewer system revenues not to exceed \$1,000.

Due to the ongoing public health concerns regarding the COVID 19 virus, and as may be authorized by Executive Order of the Governor of Texas, such meeting on January 11, 2022 may be conducted via a free public video conference or other lawful electronic means. In such event, information regarding how to access the meeting and public participation in the meeting will be available on the City's website and in the agenda posted no less than 72 hours before the January 11, 2022 meeting at the following internet address: <https://cityofbastrop.org/index.html>.

The following information is required pursuant to Texas Local Government Code, Section 271.049(b)(4): As of October 26, 2021 principal of all outstanding debt obligations of the City is \$71,305,000. As of October 26, 2021 combined principal and interest required to pay all outstanding debt obligations of the City on time and in full is \$93,066,048.75. The maximum principal amount of the Certificates to be authorized is \$3,600,000. The estimated combined principal and interest required to pay the Certificates to be authorized on time and in full is \$3,988,850. The estimated interest rate for the Certificates to be authorized is 1.75%. Such estimate takes into account a number of factors, including the issuance schedule, maturity schedule and the expected bond ratings of the proposed bonds. Such estimated maximum interest rate is provided as a matter of information, but is not a limitation on the interest rate at which the bonds, or any series thereof, may be sold. The maximum maturity date of the Certificates to be authorized is August 1, 2032.



STAFF REPORT

MEETING DATE: October 26, 2021

AGENDA ITEM: 12F

TITLE:

Consider action to approve the first reading of Ordinance No. 2021-16 of the City Council of the City of Bastrop, Texas, amending the budget for the Fiscal Year 2021 in accordance with existing statutory requirements; appropriating the various amounts herein as attached in Exhibit A; repealing all prior ordinances and actions in conflict herewith; establishing an effective date, and move to include on the November 9, 2021, City Council agenda for a second reading.

AGENDA ITEM SUBMITTED BY:

Tracy Waldron, Chief Financial Officer

BACKGROUND/HISTORY:

The FY2021 budget was approved by City Council on September 22, 2020. Since that approval, the City has approved three budget amendments.

The Exhibit A to the ordinance explains in detail the nature of each of the budget amendments being requested.

The Financial Management Policy states that the level of budgetary control is at the department level in all Funds. If transfers are required between departments, this must be approved by City Council.

The City Charter requires that when the budget is amended, that the amendment be made by Ordinance.

FUNDING SOURCE:

Various – See Ordinance Exhibit A

RECOMMENDATION:

Tracy Waldron, CFO recommends approval of the first reading of Ordinance No. 2021-16 of the City Council of the City of Bastrop, Texas, amending the budget for the Fiscal Year 2021 in accordance with existing statutory requirements; appropriating the various amounts herein as attached in Exhibit A; repealing all prior ordinances and actions in conflict herewith; establishing an effective date, and move to include on the November 9, 2021, City Council agenda for a second reading.

ATTACHMENTS:

- Ordinance 2021-16
- Exhibit A
- All Funds Summary FY2021 – updated to reflect proposed amendments

ORDINANCE NO. 2021-16

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, AMENDING THE BUDGET FOR THE FISCAL YEAR 2021 IN ACCORDANCE WITH EXISTING STATUTORY REQUIREMENTS; APPROPRIATING THE VARIOUS AMOUNTS HEREIN, AS ATTACHED IN EXHIBIT A; REPEALING ALL PRIOR ORDINANCES AND ACTIONS IN CONFLICT HEREWITH; AND ESTABLISHING FOR AN EFFECTIVE DATE.

WHEREAS, the City Manager of the City of Bastrop, Texas has submitted to the Mayor and City Council proposed amendment(s) to the budget of the revenues and/or expenditures/expenses of conducting the affairs of said city and providing a complete financial plan for Fiscal Year 2021; and

WHEREAS, the Mayor and City Council have now provided for and conducted a public hearing on the budget as provided by law.

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

Section 1: That the proposed budget amendment(s) for the Fiscal Year 2021, as submitted to the City Council by the City Manager and which budget amendment(s) are attached hereto as Exhibit A, are hereby adopted and approved as the amended budget of said city for Fiscal Year 2021.

Section 2: 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.

Section 3: This ordinance shall take effect upon the date of final passage noted below, or when all applicable publication requirements, if any, are satisfied in accordance with the City's Charter, Code of Ordinances, and the laws of the State of Texas.

READ and APPROVED on First Reading on the 26th day of October 2021.

READ and ADOPTED on Second Reading on the 9th day of November 2021.

APPROVED:

Connie B. Schroeder, Mayor

ATTEST:

Ann Franklin, City Secretary

APPROVED AS TO FORM:

Alan Bojorquez, City Attorney

GENERAL FUND

Budget Amendment #1: Revenue

FY 2021 Budget Book (Page 44)

Original Budget	\$12,471,919
Ord 2020-33	\$ 189,262
Ord 2021-05	<u>\$ 570,057</u>
Amended Budget	\$13,231,238
<u>Recommended Increases</u>	
City Sales Tax (101-00-00-4006)	\$ 80,000
Inspection Fees (101-00-00-4012)	\$ 85,000
Recreation Center fees (101-00-00-4041)	<u>\$ 13,000</u>
New Total Revenue	<u>\$13,409,238</u>

This amendment increases several General Fund revenue sources. Sales Tax revenue has been running approximately 14% over forecast. This increase is conservative to specifically cover the reimbursement requirement with Bastrop Retail Partners through the 380 Agreement and the shortage in the Property and Liability Insurance line item. Both of these accounts are in General Fund- Organizational. Recreation Fees have exceeded the budget but so have the contracted services line item. This amendment increases this revenue line item to offset the increased costs.

Budget Amendment #2: Expenditures-Organizational

FY 2021 Budget Book (Page 46)

Original Budget	\$ 168,454
Ord 2020-33	\$ 785,630
Ord 2021-05	<u>\$ 130,000</u>
Amended Budget	\$ 1,084,084
Property & Liability Insurance (101-02-00-5540)	\$ 25,000
380 Agreement Reimb.-Sales Tax (101-02-00-5644)	<u>\$ 55,000</u>
New Total Expenditures	<u>\$ 1,164,084</u>

Because of the increased sales tax collection mentioned in Budget Amendment #1, there is a need to increase the appropriation for the 380 Agreement Reimbursement for Burleson Crossing. Also, the Property and Liability insurance line item was short due to increases in premium received after the approval of the FY2021 budget. This amendment balances these two accounts using the increase in revenue from Budget Amendment #1.

EXHIBIT A

Budget Amendment #3: Expenditures-City Secretary

FY 2021 Budget Book (Page 50)

Original Budget	\$ 281,656
Ord 2021-05	<u>\$ 20,450</u>
Amended Budget	\$ 302,106
Group Insurance (101-04-00-5155)	\$ 6,300
Election Services (101-04-00-5681)	<u>\$ 1,600</u>
New Total Expenditures	\$ 310,006

This amendment is necessary to reconcile the City Managers restructuring plan and account for the recommendations made through the compensation study. The restructuring plan created a Deputy City Secretary position that replaced the Executive Administrative Assistant position listed in the budget. The previous budget amendment did not account for additional insurance allocated to this department. There is also an additional amount for election services. The contract for elections was greater than the original budget amount. This amendment has no effect on the General Fund's fund balance. There were available salary savings (see Budget Amendment #5).

Budget Amendment #4: Expenditures-Special Event & Reservations (Recreation)

FY 2021 Budget Book (Page 67)

Original Budget	\$ 167,550
Ord 2021-05	<u>\$ 25,000</u>
Amended Budget	\$ 192,550
Contracted Services (101-10-00-5561)	<u>\$ 13,000</u>
New Total Expenditures	\$ 205,550

This amendment is increasing expenses to cover the additional contracted services for recreation programming. The Recreation Coordinator billed hours per work ended up being higher than originally estimated in the budget. This increase is being covered by an amendment to increase recreation fees (see Budget Amendment #1).

Budget Amendment #5: Expenditures-Police-Patrol

FY 2021 Budget Book (Page 74)

Original Budget	\$ 1,763,650
Ord 2021-05	<u>\$ (20,000)</u>
Amended Budget	\$ 1,743,650
Operating Salary (101-09-22-5101)	<u>\$ (7,900)</u>
New Total Expenditures	\$ 1,735,750

This amendment recognizes the salary savings in the Police Patrol division created from vacancies. This savings is used to cover Budget Amendment #3.

EXHIBIT A

Budget Amendment #6: Expenditures-Development Services-Building Inspections

FY 2021 Budget Book (Page 88)

Original Budget	\$ 309,344
Ord 2021-05	<u>\$ 250,000</u>
Amended Budget	\$ 559,344
Professional Services (101-15-18-5505)	<u>\$ 85,000</u>
New Total Expenditures	\$ 644,344

This amendment is necessary due to the high volume of homes actively under construction and the multiple re-inspections that are being required. This amendment is offset by an increase in Inspection Fees (see Budget Amendment #1).

OTHER FUNDS

Budget Amendment #7: Vehicle/Equipment Replacement Fund

FY 2021 Budget Book (Page 153)

Original Budget	\$ 452,192
Ordinance 2021-05	<u>\$ 84,919</u>
Amended Budget	\$ 537,111
Transfer In (380-00-00-4737)	\$ 12,500
New Total Revenue	<u>\$ 549,611</u>

Original Budget	\$ 241,800
Ordinance 2021-05	<u>\$ 30,462</u>
Amended Budget	\$ 272,262
Capital Outlay (380-00-00-6030)	<u>\$ 12,500</u>
New Total Expenditures	\$ 284,762

This amendment cleans up the financial reporting of a vehicle that was split between the VERF fund and bond fund. It is cleaner to track the vehicle completely in one fund. The transfer in from the bond fund and the increase in the vehicle capital expense has a zero effect on the fund balance in this fund.

Budget Amendment #8: General Debt Service Fund

EXHIBIT A

FY 2021 Budget Book (Page 134)

Original Budget	\$ 2,863,181
Bond Proceeds (120-00-00-4380)	<u>\$ 6,355,000</u>
New Total Revenue	\$ 9,218,181

Original Budget	\$ 2,997,157
Other Uses-Bond Refunding (120-00-00-8941)	<u>\$ 6,355,000</u>
New Total Expenditures	\$ 9,352,157

This amendment recognizes the 2021 General Obligation bond refunding transaction. The amendment has a zero net effect on the funds ending fund balance.

Budget Amendment #9: Fairview Cemetery Operating Fund

FY 2021 Budget Book (Page 147)

Original Budget	\$ 85,750
Lot Sales (525-00-00-4590)	<u>\$ 13,000</u>
New Total Revenue	\$ 98,750

Original Budget	\$ 79,803
Operational Salaries (525-00-00-5101)	\$ 3,500
Purchase of Plot (525-00-00-5652)	<u>\$ 9,500</u>
New Total Expenditures	\$ 92,803

This amendment recognizes additional revenue over the budget and offsets the increase in salary initiated by the compensation study and unbudgeted plot buybacks. This amendment has a zero net effect on ending fund balance.

ALL FUND SUMMARY FY 2020-2021

	GENERAL FUND	DEBT SERVICE FUNDS	HOTEL TAX FUND	SPECIAL REVENUE FUNDS	WATER/ WASTEWATER FUNDS	BP&L FUND	CAPITAL IMPROVEMENT FUNDS	INTERNAL SERVICE FUND	ECONOMIC DEVELOPMENT CORP	TOTAL ALL FUNDS
AUDITED BEGINNING FUND BALANCES	\$ 4,115,621	\$ 258,520	\$ 2,896,369	\$ 2,687,452	\$ 4,134,842	\$ 3,915,646	\$ 23,103,084	\$ 2,829,396	\$ 5,409,325	\$ 49,350,255
REVENUES:										
AD VALOREM TAXES	4,039,083	2,051,124		-	-	-	-			6,090,207
SALES TAXES	5,634,104			-	-	-	-		2,611,200	8,245,304
FRANCHISE & OTHER TAXES	486,000		2,264,400	23,500	-	-	-			2,773,900
LICENSES & PERMITS	1,278,000		-	-	-	-	-			1,278,000
SERVICE FEES	692,550		196,500	2,186,709	6,545,900	7,110,050	-	435,876	177,370	17,344,955
FINES & FORFEITURES	335,200			12,800	-	-	-			348,000
INTEREST	30,000	20,000	25,000	24,850	25,600	30,000	109,293	16,000	35,000	315,743
INTERGOVERNMENTAL	283,551	249,802	62,312	731,851	14,265	-	150,000		1,030,000	2,521,781
OTHER	40,000		-	109,383	7,000	14,000	1,365	20,235	100,000	291,983
TOTAL REVENUES	12,818,488	2,320,926	2,548,212	3,089,093	6,592,765	7,154,050	260,658	472,111	3,953,570	39,209,873
OTHER SOURCES										
Other Financing Sources	-	6,355,000					1,000,000			7,355,000
Interfund Transfers	590,750	542,255	-	-	3,080,425	-	1,666,894	77,500		5,957,824
TOTAL REVENUE & OTHER SOURCES	13,409,238	9,218,181	2,548,212	3,089,093	9,673,190	7,154,050	2,927,552	549,611	3,953,570	52,522,697
TOTAL AVAILABLE RESOURCES	\$ 17,524,859	\$ 9,476,701	\$ 5,444,581	\$ 5,776,545	\$ 13,808,032	\$ 11,069,696	\$ 26,030,636	\$ 3,379,007	\$ 9,362,895	\$ 101,872,952
EXPENDITURES:										
GENERAL GOVERNMENT	5,325,264			15,000	-	-	356,788			5,697,052
PUBLIC SAFETY	4,711,707			50,000	-	-	15,032			4,776,739
DEVELOPMENT SERVICES	1,272,127			-	-	-	-			1,272,127
COMMUNITY SERVICES	1,845,035		-	288,778	-	-	-			2,133,813
UTILITIES				15,000	4,107,961	7,234,857	-			11,357,818
DEBT SERVICE		9,352,157		-	2,174,352	168,238	453,067		447,012	12,594,826
ECONOMIC DEVELOPMENT	126,651		2,135,757	-	-	-	319,055		2,209,079	4,790,542
CAPITAL OUTLAY				2,568,040	518,900	300,000	24,858,038	284,762	2,475,000	31,004,740
TOTAL EXPENDITURES	13,280,784	9,352,157	2,135,757	2,936,818	6,801,213	7,703,095	26,001,980	284,762	5,131,091	73,627,657
OTHER USES										
Interfund Transfers	645,894	-	542,255	898,250	2,185,176	652,750	1,021,000	-	-	5,945,324
TOTAL EXPENDITURE & OTHER USES	13,926,678	9,352,157	2,678,012	3,835,068	8,986,389	8,355,845	27,022,980	284,762	5,131,091	79,572,981
ENDING FUND BALANCES	\$ 3,598,181	\$ 124,544	\$ 2,766,569	\$ 1,941,477	\$ 4,821,643	\$ 2,713,851	\$ (992,344)	\$ 3,094,245	\$ 4,231,804	\$ 22,299,971



STAFF REPORT

MEETING DATE: October 26, 2021

AGENDA ITEM: 12G

TITLE:

Consider action to approve Resolution No. R-2021-103 of the City Council of the City of Bastrop, Texas awarding a contract to provide professional engineering services for the Drainage Master Plan project, with Halff Associates, Inc. in the amount of Two Hundred Eighty-Four Thousand Six Hundred and Nine Dollars and Zero Cents (\$284,609.00) as attached Exhibit A; authorizing the City Manager to execute all necessary documents; providing for a repealing clause; and establishing an effective date.

STAFF REPRESENTATIVE:

Fabiola de Carvalho, MIAM, Director of Engineering and Capital Project Management

BACKGROUND/HISTORY:

The City of Bastrop has been experiencing steady growth in population and development. Increased development leads to increase in stormwater runoff, and consequently greater risk to public and flood risk to property and structures. Flooding risks have continued to be a concern and the City has been proactive by developing watershed floodplain studies for the Gills Branch and Piney Creek watersheds. The Drainage Master Plan will be the first developed by the City and will describe City's physical and institutional planning environment and will provide a basis for developing riverine and local drainage capital improvement projects, ranking and prioritizing drainage projects to plan implementation, and evaluating funding opportunities.

FUNDING SOURCE:

The funding for this project will be coming from Limited Tax Note 2021.

RECOMMENDATION:

The Engineering and Capital Project Management, and Public Works Directors recommend City Council to authorize the approval of Resolution No. R-2021-103 of the City Council of the City of Bastrop, Texas awarding a contract to provide professional engineering services for the Drainage Master Plan project, with Halff Associates, Inc. in the amount of Two Hundred Eighty-Four Thousand Six Hundred and Nine Dollars and Zero Cents (\$284,609.00); authorizing the City Manager to execute all necessary documents; providing for a repealing clause; and establishing an effective date.

ATTACHMENTS:

- Exhibit A: Professional Services Contract with Halff Associates, Inc.

CITY OF BASTROP
STANDARD CONTRACT FOR GENERAL SERVICES

Over \$50K
(8-16-2021)

This General Services Contract (“Contract”) is entered by and between the **City of Bastrop**, a Texas Home-Rule Municipal Corporation (the “City”), and **Halff Associates, Inc, a Texas Corporation**, acting by the **Engineer** (the “Engineer/Contractor”), and together with the City jointly referred to as the “Parties,” for the following work described on the Scope of Services, Exhibit A-2, attached and incorporated herein to this Contract (the “Work” or “Project” or “Drainage Master Plan”).

I. General Information and Terms.

Engineer’s/Contractor’s Name and Address:	Halff Associates, Inc. 9500 Amberglen Blvd. Austin, TX 78729 Attn: Paul Morales, PE
General Description of Services:	Drainage Master Plan
Maximum Contract Amount:	\$284,609.00
Effective Date:	On the latest of the dates signed by both parties.
Termination Date:	See II.D.

Contract Parts: This Contract consists of the following parts:

- I. General Information and Terms
- II. Standard Contractual Provisions
- III. Additional Terms or Conditions
- IV. Additional Contract Documents
- V. Signatures

II. Standard Contractual Provisions.

A. Contractor’s Services. The Contractor will provide to the City the professional engineering services (“Services”) described in the Scope of Services, Exhibit A-2 attached and incorporated herein to this Contract under the terms and conditions of this Contract.

B. Billing and Payment. The Contractor will bill the City for the Services provided at intervals of at least 30 days of receipt of Contractor’s invoices, except for the final billing. The City will pay the Contractor within 30 days of receipt of Contractor’s invoices for the Services provided for in this Contract with current revenues available to the City, but all of the City’s payments to the

Contractor, including the time of payment and the payment of interest on overdue amounts, are subject to the provisions of Chapter 2251 of the Government Code. The City shall have the right to reasonably withhold payment, or any part thereof, of any of invoice presented by Contractor until resolution providing reasonable verification of the correctness thereof is reached. The City shall notify the Contractor, in writing, of the disputed amount within thirty (30) days. The City is not liable to the Contractor for any taxes which the City is not liable by law, including state and local sales and use taxes (Section 151.309 and Title 3, Texas Tax Code) and federal excise tax (Subtitle D of the Internal Revenue Code). Accordingly, those taxes may not be added to any bill.

C. Executed Contract. The "Notice to Proceed" will not be given nor shall any Services commence until this Contract is fully executed and all exhibits and other attachments are completely executed and attached to this Contract.

D. Termination Provisions.

(1) Unless terminated earlier as allowed by this Contract, this Contract terminates:

- (a) On the termination date, if any, specified in the General Information in Part I, but the obligation of a party to complete a contract requirement pending on the date of termination survives termination; or
- (b) If there is no termination date specified in the General Information in Part I, the Contract terminates when both parties have completed all their respective obligations under the Contract.

(2) The City Manager may terminate this Contract during its term at any time for any reason by giving written notice to the Contractor not less than five (5) business days prior to the termination date, but the City will pay the Contractor for all Services rendered in compliance with this Contract up to the date of termination. The City may terminate the Contract anytime if the City does not have available funds pursuant to Texas Government Code Chapter 2251.

(3) If the City Council does not appropriate funds to make any payment for a fiscal year after the City's fiscal year in which the Contract becomes effective and there are no proceeds available for payment from the sale of bonds or other debt instruments, then the Contract automatically terminates at the beginning of the first day of the successive fiscal year. (Section 5, Article XI, Texas Constitution).

E. Delays. Contractor shall have no damages for delay or hindrance. In the event of delay or hindrance not the fault of Contractor, an extension of time shall be the Contractor's sole remedy.

F. Independent Contractor. It is understood and agreed by the Parties that the Contractor is an independent contractor retained for the Services described in the Scope of Services, Exhibit A-2, attached and incorporated herein. The City will not control the manner or the means of the Contractor's performance but shall be entitled to work product as detailed in the Exhibit A-2. The City will not be responsible for reporting or paying employment taxes or other similar levies that

may be required by the United States Internal Revenue Service or other State or Federal agencies. This Contract does not create a joint venture. Services performed by the Contractor under this Contract are solely for the benefit of the City. Nothing contained in this Contract creates any duties on the part of the Contractor toward any person not a party to this Contract. No person or entity not a signatory to this Contract shall be entitled to rely on the Contractor's performance of its Services hereunder, and no right to assert a claim against the Contractor by assignment of indemnity rights or otherwise shall accrue to a third party as a result of this Contract or the performance of the Contractor's Services hereunder.

G. Subcontractor. The term "subcontractor" shall mean and include only those hired by and having a direct contract with Contractor for performance of work on the Project. The City shall have no responsibility to any subcontractor employed by Contractor for performance of work on the Project, and all subcontractors shall look exclusively to the Contractor for any payments due. The Contractor shall require its subcontractors on a flow-down basis to observe all the terms of this Contract to the extent that they may be applicable to each subcontractor. Contractor will contractually require that its subcontractors and other members of Contractor Group to be bound to and assume the same obligations and duties to the City that Contractor is obligated and assumes to the City in this Agreement including, but not limited to, all indemnity obligations, safety obligations, training and qualification obligations of employees and personnel, inspection obligations, quality of Work obligations, covenants and warranty obligations, and insurance obligations. Nothing contained herein shall create any contractual or employment relations between any subcontractor and the City.

H. Assignment. The Contractor may not assign this Contract without the City's prior written consent.

I. Law Governing and Venue. This Contract is governed by the law of the State of Texas and a lawsuit may only be prosecuted on this Contract in a court of competent jurisdiction located in or having jurisdiction in Bastrop County, Texas.

J. Entire Contract. This Contract represents the entire Contract between the City and the Contractor and supersedes all prior negotiations, representations, or contracts, either written or oral. This Contract may be amended only by written instrument signed by both parties.

K. Dispute Resolution Procedures. If either party disputes any matter relating to this Contract, the parties agree to try in good faith, before bringing any legal action, to settle the dispute by submitting the matter to mediation before a third party who will be selected by agreement of the parties. The parties will each pay one-half of the mediator's fees.

L. Attorney's Fees. Should either party to this Contract bring suit against the other party for any matter relating to this Contract, the prevailing Party shall be entitled to have and recover from the losing Party reasonable attorney's fees and all other costs of such action.

M. INDEMNIFICATION. TO THE FULLEST EXTENT PERMITTED BY APPLICABLE LAW, THE CONTRACTOR SHALL INDEMNIFY AND HOLD HARMLESS, AND DEFEND THE CITY, ITS OFFICERS, AGENTS, VOLUNTEERS, AND EMPLOYEES FROM AND

AGAINST CLAIMS, LOSSES, DAMAGES, CAUSES OF ACTION, SUITS, AND LIABILITY, INCLUDING REIMBURSEMENT OF REASONABLE ATTORNEY'S FEES AND COST IN PROPORTION OF CONTRACTOR'S LIABILITY, FOR INJURY TO OR DEATH OF ANY PERSON OR FOR DAMAGE TO ANY PROPERTY TO THE EXTENT CAUSED BY THE NEGLIGENCE ACT, RECKLESSNESS, OR WILLFUL MISCONDUCT OF THE CONTRACTOR, ITS AGENTS, REPRESENTATIVES, EMPLOYEES, OR ANYONE WHOM THE CONTRACTOR IS LEGALLY LIABLE FOR UNDER THIS CONTRACT.

NOTWITHSTANDING ANYTHING HEREIN TO THE CONTRARY, UNDER NO CIRCUMSTANCES WHETHER UNDER BREACH OF CONTRACT, TORT (INCLUDING NEGLIGENCE), STRICT LIABILITY, OR ANY OTHER THEORY OF LIABILITY, SHALL EITHER PARTY BE LIABLE TO THE OTHER FOR ANY CONSEQUENTIAL, SPECIAL, INDIRECT, INCIDENTAL, EXEMPLARY, ENHANCED, TREBLE (OR STATUTORY EQUIVALENT), OR PUNITIVE DAMAGES, INCLUDING WITHOUT LIMITATION, LOSS OF PROFITS, LOSS OF BUSINESS OPPORTUNITY OR LOSS OF PROSPECTIVE REVENUE, ARISING OUT OF THIS AGREEMENT OR ANY WORK OR SERVICES PERFORMED OR TO BE PERFORMED HEREUNDER.

N. RELEASE. THE CONTRACTOR ASSUMES FULL RESPONSIBILITY FOR THE WORK PERFORMED BY CONTRACTOR HEREUNDER AND HEREBY RELEASES, RELINQUISHES, AND DISCHARGES THE CITY, ITS OFFICERS, AGENTS, AND EMPLOYEES FROM CLAIMS, DEMANDS, AND CAUSES OF ACTION INCLUDING THE COST OF DEFENSE THEREOF, FOR ANY INJURY TO OR DEATH OF ANY PERSON, AND ANY LOSS OF OR DAMAGE TO ANY PROPERTY TO THE EXTENT ARISING OUT OF THE NEGLIGENCE, RECKLESSNESS, OR WILLFUL MISCONDUCT OF CONTRACTOR, ITS AGENTS, REPRESENTATIVES, EMPLOYEES, OR SUBCONTRACTORS.

O. Severability. If a court finds or rules that any part of this Contract is invalid or unlawful, the remainder of the Contract continues to be binding on the parties.

P. Conflicting Provisions. If there is a conflict between a provision in the Contractor's Additional Contract Documents and a provision in the remainder of this Contract, the latter controls.

Q. Documents and Data, Licensing of Intellectual Property, and Copyright. All Work progress and final documents and data produced by Contractor during the term of the Contract shall be and remain the property of the City. For purposes of this Contract, the term "Documents and Data" include any original work (the Work), reports, analyses, plans, drawings, designs, renderings, specifications, notes, summaries, charts, schedules, spreadsheets, calculations, lists, data compilations, documents, or any other material developed and assembled by or on behalf of the City in the performance of this Contract. It also includes any medium in which the Documents and Data are kept, including digitally, magnetically, or electronically. This Contract creates at no cost to the City, a perpetual license for the City to use any picture, video, music, brochure, writing, trademark, logo, or other work created by the Contractor for the use of the City, as a "work made

for hire” as defined by federal copyright law. The City, as the author and owner of the copyright to the Work, may alter, reproduce, distribute, or make any other use of the Work as it deems appropriate.

R. Standard of Care for Architects and Engineers. Services must be performed with the professional skill and care ordinarily provided by competent licensed engineers or registered architects practicing in the same or similar locality and under the same or similar circumstances and professional license.

S. Disclosure of Interested Persons for Council-Approved Contracts. Contracts that require City Council approval, such as contracts that exceed \$50,000, are subject to the requirements of Section 2252.908, Tex Gov’t Code. Under the provisions of this statute:

(1) The City may not enter into a contract with a business entity that requires Council approval unless the business entity submits a disclosure of interested persons at the time the business entity submits a signed contract to the City;

(2) A disclosure of interested parties must be submitted on a form prescribed by the Texas Ethics Commission (Commission), attached and incorporated herein as Exhibit A-1, that includes:

(a) A list of each interested party for the contract of which the contractor business entity is aware, an interested party being a person who has a controlling interest in the business entity or who actively participates in facilitating or negotiating the terms of the contract, including a broker, intermediary, adviser, or attorney for the business entity; and

(b) The signature of the authorized agent of the contracting business entity, acknowledging that the disclosure is made under oath and under penalty of perjury.

T. Compliance with Laws. The Contractor must comply with the federal, state, and local laws, rules and regulations applicable to the Project and its services under this Contract.

U. Prohibition on Contracts with Companies Boycotting Israel. Certain contracts for goods and services are subject to the requirements of Section 2270.002, Tex Gov’t Code (H.B. 89, as amended by H.B. 793). Specifically, contracts for good and services that:

(1) are between the City and a company with ten (10) or more full-time employees; and

(2) have a value of \$100,000.00 or more that is to be paid wholly or partly from public funds of the City.

Under the provisions of this statute, if the above conditions apply the City may not enter into a contract with a company for goods and services unless the contract contains a written verification from the company that it:

- (1) does not boycott Israel; and
- (2) will not boycott Israel during the term of the contract.

If this is a contract to which the verification requirement applies, the City has approved a verification form which must be filled out and signed by the Contractor and submitted to the City at the time of execution of this Contract.

III. Additional Terms or Conditions.

Insurance

At all times this Agreement is in effect, Contractor shall maintain insurance of the types and amounts as those required in Exhibit B-1. All of Contractor's insurance policies in any way relating to the Work, whether or not required by this Agreement and regardless of the enforceability or validity of any of the indemnities or other assumptions of liability by Contractor, shall, to the full coverage limits of all such policies without any limitations based on the minimum requirements set forth above: (a) other than the worker's compensation insurance, name City Group as additional insureds on a broad form basis with such additional insured coverage including coverage for the sole or concurrent negligence of the additional insured and not being restricted to (i) "ongoing operations," (ii) coverage for vicarious liability, or (iii) circumstances in which the named insured is partially negligent; (b) provide for waiver of all rights of subrogation against City and the other members of City Group; and (c) be primary and noncontributory as to all other policies (including any deductibles or self-insured retentions) and self-insurance that may provide coverage to any member of City Group, and shall be fully applied and exhausted before application of any applicable indemnity obligations of City or of any applicable insurance coverage provided by City or any other member of City Group.

A. Audit

Contractor shall, and shall ensure that its affiliates, subsidiaries, contractors, subcontractors, consultants, agents, and any other person associated with Contractor including those in Contractor Group, keep full and accurate books and records with respect to all Work performed, and all payments and expenditures in connection with this Agreement. The records to be maintained and retained by Contractor Group shall include, without limitation, (a) payroll records accounting for total time distribution of Contractor's employees working full or part time on the Project, as well as canceled payroll checks or signed receipts for payroll payments in cash; (b) invoices for purchases, receiving and issuing documents, and all other unit inventory records for Contractor's stores, stock, or capital items; (c) paid invoices and canceled checks for materials purchased and for subcontractors' and any other Third Parties' charges, including, but not limited to, Equipment rental; (d) travel and entertainment documentation, including, but not limited to, employee expense reports and Contractor facility usage reports; and (e) all field tickets or similar documentation

evidencing the Work. The City shall have the right at all reasonable times, for a period of five (5) years from the completion of the Work, to audit and inspect such books and records (excluding trade secrets, formulas, confidential data, proprietary information, or processes).

B. Reports of Incidents

Within twenty-four (24) hours upon occurrence, Contractor shall provide in writing to the City notice and details of any known accidents or occurrences resulting in injuries to persons, property, or pollution arising in any way arising out of or related to the Work whether done by Contractor or any subcontractor of Contractor or any other member of Contractor Group performing Work pursuant to this Contract. Contractor shall in writing within twenty-four (24) hours of any claim, demand, or suit that may be presented to or served upon it arising out of or as a result of Work.

IV. Additional Contract Documents. The following documents attached to this Contract are part of this Contract:

- EXHIBIT A-1: Certificate of Interested Parties (1295 Form)
- EXHIBIT A-2 Scope of Work
- EXHIBIT A-3 House Bill 89 Verification
- EXHIBIT B-1 Requirements for General Services Contract

V. Signatures.

HALFF ASSOCIATES, INC.

CITY OF BASTROP

By: 
Printed Name: Cindy Engelhardt
Title: Vice President
Date: 10/18/2021

By: _____
Printed Name: _____
Title: _____
Date: _____

EXHIBIT A-1

Certificate of Interested Persons with Certification of Filing
(Form 1295)

(See Attached)

CERTIFICATE OF INTERESTED PARTIES

FORM 1295

1 of 2

Complete Nos. 1 - 4 and 6 if there are interested parties.
Complete Nos. 1, 2, 3, 5, and 6 if there are no interested parties.

**OFFICE USE ONLY
CERTIFICATION OF FILING**

1 Name of business entity filing form, and the city, state and country of the business entity's place of business.

Half Associates, Inc.
Austin, TX United States

Certificate Number:
2021-813559

Date Filed:
10/15/2021

2 Name of governmental entity or state agency that is a party to the contract for which the form is being filed.

City of Bastrop

Date Acknowledged:

3 Provide the identification number used by the governmental entity or state agency to track or identify the contract, and provide a description of the services, goods, or other property to be provided under the contract.

n/a

Drainage master plan to identify, score, and rank drainage CIP projects and evaluation of drainage funding

4	Name of Interested Party	City, State, Country (place of business)	Nature of interest (check applicable)	
			Controlling	Intermediary
	Baker, Jessica	Richardson, TX United States	X	
	Bertram, Shawn	Austin, TX United States	X	
	Edwards, Mark	Richardson, TX United States	X	
	Ickert, Andrew	Fort Worth, TX United States	X	
	Jackson, Todd	Austin, TX United States	X	
	Killen, Russell	Richardson, TX United States	X	
	Llewellyn Sr, Mark	Tallahassee, FL United States	X	
	Miller, Steve	Austin, TX United States	X	
	Moya, Mike	Austin, TX United States	X	
	Murray, Menton	McAllen, TX United States	X	
	Pylant, Ben	Fort Worth, TX United States	X	
	Sagel, Joseph	Richardson, TX United States	X	
	Tanksley, Dan	Richardson, TX United States	X	
	Zapalac, Russell	Austin, TX United States	X	

CERTIFICATE OF INTERESTED PARTIES

FORM 1295

2 of 2

Complete Nos. 1 - 4 and 6 if there are interested parties.
Complete Nos. 1, 2, 3, 5, and 6 if there are no interested parties.

OFFICE USE ONLY CERTIFICATION OF FILING

1 Name of business entity filing form, and the city, state and country of the business entity's place of business.

Halff Associates, Inc.
Austin, TX United States

Certificate Number:
2021-813559

Date Filed:
10/15/2021

Date Acknowledged:

2 Name of governmental entity or state agency that is a party to the contract for which the form is being filed.

City of Bastrop

3 Provide the identification number used by the governmental entity or state agency to track or identify the contract, and provide a description of the services, goods, or other property to be provided under the contract.

n/a

Drainage master plan to identify, score, and rank drainage CIP projects and evaluation of drainage funding

4	Name of Interested Party	City, State, Country (place of business)	Nature of interest (check applicable)	
			Controlling	Intermediary

5 Check only if there is NO Interested Party.

☐

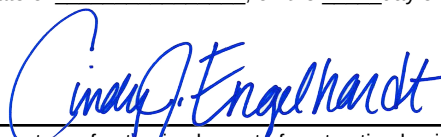
6 UNSWORN DECLARATION

My name is Cindy Engelhardt, and my date of birth is 9/29/1981.

My address is 9500 Amberglen Blvd, Suite 125, Austin, TX, 78729, USA.
(street) (city) (state) (zip code) (country)

I declare under penalty of perjury that the foregoing is true and correct.

Executed in Williamson County, State of Texas, on the 15 day of October, 2021.
(month) (year)



Signature of authorized agent of contracting business entity
(Declarant)

EXHIBIT A-2

Scope of Services **dated October 4, 2021**

(See Attached)

EXHIBIT A-2

CITY OF BASTROP
DRAINAGE MASTER PLAN
SCOPE OF WORK
October 4, 2021

Project Introduction

Over the past decade, the City of Bastrop has seen a steady increase in population, and the commercial and industrial sectors have increased as well. Increased development leads to greater volumes of stormwater runoff in streams causing higher water surface elevations and greater flood risk to property and structures. Increased development may increase velocity in the creeks leaving channels more susceptible to erosion. Ultimately, flooding impacts from the City's streams and other local sources may result in greater public risk and impede City growth. Flooding within the City has continued to become a concern and the City has been proactive by updating its drainage criteria manual and defining drainage plan submittal requirements. During the 2015 Memorial Day flood event, the City experienced significant flooding in the Gills Branch watershed which resulted in an overflow situation that overtopped the rail road and flowed westward to the Colorado River, flooding structures and roadways. As a result, the City of Bastrop participated in the Bastrop County Flood Protection Planning grant in 2017, conducting a floodplain study on both Piney Creek and Gills Branch to determine flood risk and develop potential riverine flood mitigation.

To more effectively plan drainage improvements aimed at minimizing local flooding concerns, the City is taking a proactive approach. As such, the City has asked Halff Associates, Inc. (Halff) to prepare a Drainage Master Plan that will extend to the City Limits plus the one-mile ETJ buffer beyond City limits shown in Figure 1 below. The services and products resulting from the study shall be referred to as the ***City of Bastrop Drainage Master Plan (DMP)***.

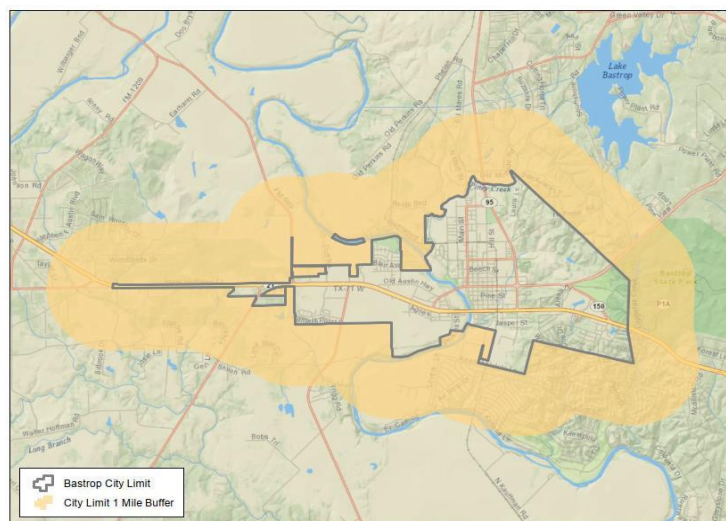


Figure 1: City Limits plus one-mile ETJ buffer

Project Purpose

The purpose and goal of the DMP is to develop a comprehensive evaluation of the existing drainage conditions throughout the City by developing an accurate and current understanding of the drainage infrastructure. This understanding will include a comprehensive inventory of existing data, accurate simulation modeling using best available data, identification of flooding problem areas, and conceptual flood mitigation solutions. Riverine analysis will include Piney Creek, Gills Branch, Copperas Creek, Spring Branch, and Pine Forest Creek. Flood impacts from the Colorado River will be based on the effective FEMA flood maps. Local flood problems will be the primary focus of this Drainage Master Plan to ensure riverine as well as local flood problem areas are addressed such as the North Bastrop area. The flood problem areas will be identified using City staff and community input. Flood mitigation solutions will be developed to create a drainage Capital Improvement Project (CIP) plan that will prioritize projects using a scoring matrix. Halff and NewGen Strategies (a subconsultant to Halff) will use the compiled information to provide the City of Bastrop an understanding of the cost of future improvements and maintenance.

A detailed scope for the DMP with specific tasks and associated deliverables is provided in the following scope of services.

Project Scope

Task 1: Project Management and Coordination

Halff project management activities shall include task leadership and direction, telephone and written communication, project status reports, project progress meetings, project invoicing, and personnel and data management among other general project management activities. Specific meetings beyond staff management coordination and regular communication include the following:

a. Project Meetings

- i. Attend one (1) project kickoff meeting with staff from the City. The meeting will be coordinated by the Halff Project Manager and is intended to discuss key items such as project schedule, budget, and any specific directives. Halff will provide a preliminary schedule of tasks.
- ii. Attend up to five (5) progress meetings with each meeting occurring once every two months, over the course of the project schedule, to discuss project progress to date, data collection needs, evaluation of flood problem areas, drainage CIP development and ranking, project schedule, etc.
- iii. Attend two (2) public meetings or City Council meetings for the City to gather input from the community and discuss process, findings, and recommendations. This scope assumes both meetings will be in-person. Should a virtual meeting be needed due to pandemic restrictions, a virtual meeting will be conducted to gather information from the public.
- iv. Meeting minutes shall be submitted to the City Project Manager within two (2) working days after each meeting.

b. Administration

- i. Monthly project status reports shall be provided to the City with the monthly invoice. Progress may include notes regarding work completed in the preceding billing cycle, work expected to be completed in the next cycle, and any outstanding questions or issues for discussion.

Task 2: Obtain and Review Local Data Collection

Data collection and model inventory tasks will generally include gathering, organizing, and reviewing of all data provided, both hard copy and digital format. Data shall be provided by the City, as well as from other sources such as Bastrop County, FEMA, and other consultants, if necessary. Data review tasks will generally include comprehensive analysis of all models, reports, record drawings, and GIS information to determine the accuracy and validity of each. Halff will also review the current drainage criteria and work with the City to recommend any potential changes or clarifications that may be needed. Specific tasks relating to data collection include the following:

a. GIS Data

- i. Data requests will be directed to the City with additional requests made to outside entities, if necessary.
- ii. Halff will collect and catalogue readily available existing GIS data including, but not limited to, storm drain network, terrain (LiDAR) data, land use/zoning, FEMA (both mapping and repetitive loss data if available), planimetric, political boundaries, development and subdivisions, detention pond locations, utility information, parcel information, etc.
- iii. GIS data collected will be compiled into a DMP Geodatabase and provided as a deliverable. The DMP Geodatabase will include spatial data obtained as the project progresses.

b. Hydrologic and Hydraulic Models

- i. Hydrologic and hydraulic (H&H) models for Piney Creek and Gills Branch were updated as part of the Lower Colorado-Cummings Watershed Phase 2 Risk Identification and Assessment as part of the Texas Water Development Board Mapping Activity Statement No. 14 (LCC), prepared by Halff in 2020. These hydraulic models will be leveraged and utilized to ensure riverine flood mitigation solutions within the DMP area do not adversely impact adjacent properties.
- ii. Additional local models developed within the project boundary will be requested by Halff. These may include models developed for regional detention pond projects, channel improvement projects, large scale developments, etc. A cursory review of the models will be performed to determine relevance and can be considered the best available data.
- iii. Halff will consider the drainage patterns and determine if the modeling tools utilized are appropriate or if other tools, including Unsteady 1D or 2D hydraulic modeling are recommended for complex local drainage problem areas. All hydraulic modeling, for both 1D and 2D analysis, will be completed using the Hydrologic Engineering Center's River Analysis System (HEC-RAS) program.

c. Local Drainage Reports and Record Drawings

- i. Drainage reports developed for major development projects or capital projects, including detention, channel improvement, and storm sewer improvement, will be requested from the City.
- ii. Record or “As-Built” drawings will be requested from the City for improvements including, but not limited to, creek improvements, detention ponds, storm drainage networks, major developments, roadway crossing, and subdivisions.
- iii. Conduct a comprehensive evaluation of the LOMRs, CLOMRs, and drainage reports for regional detention, channel improvements or major developments. A cursory review of other drainage reports will be conducted to determine if the information provided affects the larger study.

d. Master Plan and CIP Plan Review

- i. Review the current City master plans including:
 - a. Comprehensive Plan
 - b. Transportation Master Plan
 - c. Parks and Recreation Master Plan
 - d. Drainage Criteria Guidance Manual
- ii. Obtain records or knowledge of local drainage complaints received by City staff.

f. Field Reconnaissance

- i. Halff will conduct local site visits of identified areas where access is available from public right-of-way (ROW) and of selected road crossings, storm sewer outfalls, regional detention ponds, and sections of identified streams. Site visits will be conducted by two (2) person teams. During the site visits, Halff will locate identified features, photograph the feature, and include notes regarding dimensions, conditions, etc. This scope assumes two (2) days of site visits.
- ii. Limited field survey will be conducted in select areas, and as required, to verify existing local conditions. Field survey locations will be provided to the City Project Manager and confirmed prior to starting field work. This scope assumes five (5) days of ground survey for a 2-man survey crew.
- iii. Once the field verification process is complete, the GIS data developed will be evaluated for completeness and correctness. The final GIS data will be compiled and finalized into the DMP Geodatabase for City use.

g. Survey of Existing Storm drain

- i. Survey of the existing storm drain systems within the City Limits will include pipe flow lines and sizes where access is available (i.e. junctions), inlet elevations, flow lines and sizes, and outfall flow lines and sizes. The deliverable will be a survey CAD files that GIS will use to create GIS layers as part of Task 2a.

Task 3: Drainage Problem Identification

Halff will compile a list of drainage problem area “hot spots” identified based on the data collected in the previous task and City staff input. Flood and drainage issues will be identified using the best available existing information, local and riverine drainage complaints, and City known areas of flooding. Initial areas identified of known flooding by the City that will be investigated in this DMP include:

Piney Creek:

- Pea Jay Cove
- Persimmon Street
- Vista West Ct.
- Oak Grove apartments
- Hwy 95 and Hoffman Rd.
- 2000 block of Pecan
- 800 block of Laurel
- Juniper/Oak/Persimmon
- Possibly the end of Pecan and Mercedes Cove

Gills Branch:

- Jefferson Street at Emile Street
- Jefferson Street at Spring Street
- Spring Street near the RR tracks
- Fayette Street along the RR tracks
- MLK area
- Along Water and Pine Street

Spring Branch:

- Hunter’s Crossing area

The following sub-tasks to be conducted for this task include the following:

a. Prepare Hydrologic and Hydraulic Models

- i. Utilize the best available riverine H&H models for the 2-, 10-, 25-, 50-, 100-, and 500-year storm events. Streams analysis in this study include Piney Creek and Gills Branch. Piney Creek will be extended to include the 1-mile ETJ. Gills Branch is not anticipated to be extended past the FEMA study limits. This analysis of the stream within the City limits will be used as inflows for the 2D hydraulic analysis.
- ii. Utilize H&H models developed by Halff from other studies of the Copperas Creek and Pine Forest Creek watershed. These H&H models will need to be extended to the 1-mile ETJ, and updated to Atlas 14 Rainfall data and 2017 LiDAR.

- iii. Spring Branch H&H model will need to be developed. Hydrologic and Hydraulic models will be developed based on existing conditions and considered approximate studies for the 100-year storm event only.
- iv. Perform a high level HEC-RAS 2D hydraulic analysis rapid assessment to determine local “hot spot” locations in the urban core of the city based on the 2-, 25- and 100-year return events with a 24-hour storm. The urban core of the city will be considered as the dense urbanized area of Bastrop located east of the Colorado River and bounded to the south by State Highway 71 and the east by State Highway 95. This analysis will focus on overland flow and will not include detailed modeling of initial conditions or peak water surface elevations. The rapid assessment to identify local flooding areas will not include storm drain pipes, culverts, or other drainage infrastructure and is intended primarily to identify low lying areas with a probability of flooding based on existing watershed conditions.
- v. Utilize readily available local drainage studies and modify hydrologic and hydraulic parameters as necessary to assess drainage issues.

b. Identify Drainage Problems

Halff will identify local (2D rapid assessment) and riverine (H&H models) drainage problems by reviewing the rapid assessment and H&H models and information based on City and community input. The identified drainage problems may include:

- i. Local flooding
 - a. Storm drain systems
 - b. Street flooding
 - c. Subdivision (lot) flooding
- ii. Riverine flooding
 - a. Road overtopping
 - b. Building flooding
- iii. Stream erosion
 - a. Roads threatened
 - b. Buildings threatened
 - c. Utility infrastructure threatened

Task 4: Develop Drainage Solutions

a. Flood Mitigation Solutions

Halff will conduct an H&H analysis of the identified drainage problem areas using updated field and survey data collected. Halff will utilize the models to develop proposed riverine flood mitigation solutions. To develop local flood mitigation solutions, Halff will utilize standard rational method to determine flows and manning’s equations to determine pipe and ditch conveyance. If necessary, updates may include the use of more advanced modeling techniques such as Unsteady 1D and 2D modeling for complex drainage areas. Halff will identify advanced modeling techniques if needed and will coordinate with the City Project Manager prior to investigating solutions. Drainage mitigation solutions will be limited to 15 identified drainage projects. Flood protection

measures may include the following structural and non-structural measures as independent or combination solutions:

- i. Structural Alternatives:
 - a. Storm drain system improvements
 - b. Road crossing improvements
 - c. Channel improvements
 - d. Detention and Retention Ponds
- ii. Non-Structural Alternatives:
 - a. Identify flood areas and depths
 - b. Require new buildings to be elevated or located beyond flood hazard areas
 - c. Voluntary buy-outs of buildings most prone to flooding
 - d. Hazard classification for low water crossings
 - e. Recommendations on drainage criteria or ordinance updates for future development in and around floodplain areas
 - f. Flood warning objectives, including signage, flashers, gauges, notifications, or media

b. Ranking and Categorizing Projects

Using a systematic process, Halff will rank and categorize each evaluated drainage project. The projects may be classified as Large CIP (regional), Small CIP (local), and O&M (small projects) which will be defined with City staff input. When scoring is complete, Halff will provide a draft drainage matrix for solutions developed for City review. The draft solutions will include a one-page project summary that will include the project description, conceptual flood mitigation solution, and probable cost estimate. A simplified Benefit-Cost Analysis (BCA) will be conducted for the top five (5) projects that show reduction to structural flooding. If the City pursues project funding options such as grants or loans, a FEMA BCA module may be needed at that time per the funding requirements.

c. CIP Prioritization

Halff will meet with City staff to review the project classifications and confirm objectives and assumptions for the CIP prioritization. The prioritization of the drainage CIP projects will likely be evaluated based on criteria that may include Public Safety, Structures Benefited, Economic Impact, Environmental Impact, and Project Timing among others. Each of the criteria developed will have a description and scoring values.

Task 5: Forecast, Cost Analysis, and Potential Funding Sources

This task will be conducted by Halff's subconsultant, NewGen Strategies, LLC, and all coordination of the drainage forecasting, cost analysis, and proposed funding sources will be managed through Halff. Halff and NewGen Strategies will conduct a cost analysis for the potential of a drainage utility fee which funds drainage and maintenance projects. As part of this proposal, Halff and NewGen Strategies will coordinate with City staff to determine what anticipated crews, equipment, and staff that will maintain and manage stormwater infrastructure for the City. The cost analysis will also include the need for funding of maintenance and drainage CIP projects. The evaluation of the cost analysis will be based on the drainage

CIP projects developed in Task 4 of this proposal. The utility cost analysis does not include drainage utility fee implementation into the City's billing system. This task will include the following effort:

- i. Conduct meeting with City staff to establish goals of the future funding sources.
- ii. Develop a GIS impervious cover layer within the City limits based on the most recent aerial imagery.
- iii. Review utility billing systems and conduct determinants analysis. This task includes hours for our financial and engineering experts to construct a billing dataset, including calculation of impervious area for the City's commercial customers via use of GIS data, and the establishment of the appropriate Equivalent Residential Unit basis from a statistically significant sampling of Residential properties.
- iv. Utilize drainage CIP projects and drainage maintenance needs developed in previous tasks to develop the financial forecast and estimate of the cost of service.
- v. Utilize the billing data and determinants analysis to develop the revenue needed to cover maintenance expense.
- vi. Develop an electronic copy of the draft report summarizing findings, conclusions, and recommendations.
- vii. Develop a Customer and Stakeholder Engagement and Education strategy for the City that includes a public involvement plan jointly developed and executed by the City and the Consultant to educate the City's customers and stakeholders about the need for funding for the stormwater programs.

Task 6: Prepare Drainage Master Plan

The DMP submittal will include the project deliverables; a detailed narrative discussing the data collection and inventory process, compilation of all the data collected and evaluated, updated digital information, including GIS, H&H models, photos, conceptual solutions, schematic renderings, a prioritized drainage CIP plan, associated probable cost estimates, and drainage funding options. Specific tasks relating to the submittal preparation include the following:

a. Report Deliverable

- i. Prepare a detailed DMP report, including a narrative discussing the procedures and findings of each task, relevant figures and tables, a log of project decisions, conceptual drainage project solutions, probable cost estimate, prioritized drainage CIP plan, and drainage utility cost analysis. Copies of the digital information will be included on thumb drive with the report.

b. Digital Data Deliverable

- i. Prepare DMP digital database for submittal. The digital data will include the data used to support and develop the DMP deliverables such as a model inventory, report/plan inventory, field data collected (notes and photos), H&H models, basin delineations, land use, soils, hydraulic centerlines, cross-sections, stream floodplains (existing condition 25-yr and 100-year), GIS DMP Geodatabase and other relevant digital data.

Task 7: Quality Assurance/Quality Control

Each task will be subjected to internal QA/QC by an independent water resources engineer at Halff (typically by another office or team). Associated QC documentation will be provided upon request. Specific tasks relating to the QA/QC process include the following:

a. QA/QC Procedures

- i. The QA/QC program will include a multi-level approach to ensure that senior members review, comment, and approve the completed work. Quality control checklists shall be created for the data collection, model development, final DMP Geodatabase, and final report elements of the work. Each checklist will include milestone reviews that describe the items to be reviewed and include documentation of the comments by the reviewer and responses from the design engineer. Deliverables to the City will be accompanied by a certification that they have been reviewed for quality.

Deliverables

- Drainage Master Plan report to include key flood problem areas and flood mitigation solutions, probable cost estimate, and prioritized CIP drainage projects
- Project summary sheet for each drainage CIP projects identified
- Provide recommendations for future funding options
- Drainage Master Plan digital data that will include models, DMP Geodatabase and supporting project information



Proposed Fee Schedule

The fees for Task 1 through 8, established above, are described below. Halff proposed to complete the Scope of Work above for a Not To Exceed amount of \$284,609. A detailed breakdown of the fee estimate is attached.

Our services will be invoiced monthly based on the amount of effort completed. Costs incurred will be carefully monitored during the progress of this project and the fees will not be exceeded without prior approval from the City.

Task 1: Project Management and Coordination	\$ 24,074
Task 2: Obtain and Review Local Data	\$ 70,245
Task 3: Drainage Problem Identification	\$ 45,165
Task 4: Develop Drainage Solutions	\$ 50,930
Task 5: Forecast, Cost Analysis, and Potential funding sources.....	\$ 63,825
Task 6: Prepare Drainage Master Plan	\$ 21,095
Task 7: Quality Assurance / Quality Control.....	\$ 9,275

TOTAL ENGINEERING SERVICES

\$ 284,609

Proposed Project Schedule

Halff can commence work on this project within 2 weeks after notice-to-proceed (NTP) is received from the City of Bastrop. Halff will complete the effort and submittal of deliverables within 14 months of NTP. A detailed project schedule outlining task effort and milestones will be developed when the project begins.

CITY OF BASTROP - DRAINAGE MASTER PLAN

Fee Summary

Summary of Hours by Task

TASK	Project Manager	Mid Engineer	Junior Engineer	Engineer In Training	QA/QC Manager	GIS	CADD Tech	SURVEY TECH	Survey 2 Man Crew	Contract Admin	Total	Total	Material	Mileage	Subtotal	Total Prime	Subconsultants +5%	TOTAL BUDGET
	\$230.00	\$145.00	\$125.00	\$105.00	\$185.00	\$91.00	\$85.00	\$110.00	\$175.00	\$75.00	Hours	Labor	Supplies	Travel	Other			
Task 1: Project Management and Coordination	60	0	45	0	0	34	0	0	0	15	154	\$23,644	\$160	\$270	\$430	\$24,074	\$0	\$24,074
1.a Project Meetings - Kick-off	5		5			4					14	\$2,139	\$80	\$270	\$350	\$2,489		\$2,489
1.a Project Meetings - Progress Meetings (5 mtgs)	20		20			10					50	\$8,010	\$0	\$0	\$0	\$8,010		\$8,010
1.a Project Meetings - Public Meetings (2 mtgs)	20		20			20					60	\$8,920	\$80	\$0	\$80	\$9,000		\$9,000
1.b Administration	15									15	30	\$4,575	\$0	\$0	\$0	\$4,575		\$4,575
Task 2: Data Collection	8	15	25	50	0	30	0	45	285	0	458	\$69,945	\$0	\$300	\$300	\$70,245	\$0	\$70,245
2.a GIS Data				15		20					35	\$3,395	\$0	\$0	\$0	\$3,395		\$3,395
2.b Hydrologic and Hydraulic Models	2		5	5							12	\$1,610	\$0	\$0	\$0	\$1,610		\$1,610
2.c Drainage Report and Record Drawings			5	5		10					20	\$2,060	\$0	\$0	\$0	\$2,060		\$2,060
2.d Master Plan and CIP Plan Review	2		10	10							22	\$2,760	\$0	\$0	\$0	\$2,760		\$2,760
2.e Field Reconnaissance	2	15		15				5	40		77	\$11,760	\$0	\$300	\$300	\$12,060		\$12,060
2.f Survey of Existing Stormdrain	2		5					40	245		292	\$48,360	\$0	\$0	\$0	\$48,360		\$48,360
Task 3: Drainage Problem Identification	15	5	160	130	20	40	0	0	0	0	370	\$45,165	\$0	\$0	\$0	\$45,165	\$0	\$45,165
3.a Prepare Hydrologic and Hydraulic Models	5		80	100	10	20					215	\$25,320	\$0	\$0	\$0	\$25,320		\$25,320
3.b 2D Rapid Assessment	5		60	20	10	10					105	\$13,510	\$0	\$0	\$0	\$13,510		\$13,510
3.c Identify Drainage Problems	5	5	20	10		10					50	\$6,335	\$0	\$0	\$0	\$6,335		\$6,335
Task 4: Develop Drainage Solutions	30	50	140	140	10	30	0	0	0	0	400	\$50,930	\$0	\$0	\$0	\$50,930	\$0	\$50,930
4.a Flood Mitigation Solutions	10	50	100	100	10	30					300	\$37,130	\$0	\$0	\$0	\$37,130		\$37,130
4.b Ranking and Categorizing Projects	10		20	20							50	\$6,900	\$0	\$0	\$0	\$6,900		\$6,900
4.c CIP Prioritization	10		20	20							50	\$6,900	\$0	\$0	\$0	\$6,900		\$6,900
Task 5: Forecast, Cost Analysis, and Possible Funding Sources	10	0	5	0	0	150	0	0	0	0	165	\$16,575	\$0	\$0	\$0	\$16,575	\$47,250	\$63,825
5.a GIS Impervious Cover Development	5		5			150					160	\$15,425	\$0	\$0	\$0	\$15,425		\$15,425
5.b Forecast and cost analysis	5										5	\$1,150	\$0	\$0	\$0	\$1,150	\$47,250	\$48,400
Task 6: Prepare Drainage Master Plan	17	0	60	60	0	35	0	0	0	0	172	\$20,895	\$200	\$0	\$200	\$21,095	\$0	\$21,095
6.a Report Deliverable	15		40	40		20					115	\$14,470	\$160	\$0	\$160	\$14,630		\$14,630
6.b Digital Data Deliverable	2		20	20		15					57	\$6,425	\$40	\$0	\$40	\$6,465		\$6,465
Task 7: Quality Assurance / Quality Control			15		40						55	\$9,275	\$0	\$0	\$0	\$9,275	\$0	\$9,275
TOTAL	140	70	450	380	70	319	0	45	285	15	1,774	\$236,429	\$360	\$570	\$930	\$237,359	\$47,250	\$284,609



275 W. Campbell Road
Suite 440
Richardson, TX 75080
Phone: (972) 680-2000

October 1, 2021

Mr. Paul Morales, PE, CFM, CPESC
Halff Associates, Inc.
9500 Amberglen Blvd.
Bldg. F, Suite 125
Austin, TX 78729-1102

Subject: Proposal to Calculate Cost and Funding Options for the City of Bastrop

Dear Mr. Morales:

Based on our conversations, NewGen Strategies and Solutions, LLC ("NewGen") is pleased to provide this proposal to assist Halff Associates, Inc. ("Halff") and your client, the City of Bastrop ("City"), in support of the City's Development of Comprehensive Drainage Master Plan and Feasibility Drainage Cost Analysis Study ("Study").

Firm Overview

NewGen was created by a group of senior consultants who have previously worked together in regional and national firms. The NewGen name is an abbreviation for a *new generation* of consultants with the business objective and purpose of providing high quality management and economic consulting services to the municipal utility industry. Our team includes nationally recognized experts that offer financial, economic, strategy, and due diligence services to our clients.

Our tag line, "Thoughtful Decision Making for Uncertain Times," succinctly describes our capability to provide our clients solutions and recommendations tempered with our keen insight into the growing role of stakeholders, resource availability, environmental concerns, cost of providing utility services, and economic conditions.

Project Work Plan

The Project Team for this effort will be led by Mr. Matthew Garrett, Managing Director of NewGen's Water and Wastewater Practice. Mr. Garrett will be supported by Mr. Chris Ekrut as Client Liaison. Mr. Ekrut currently works with the City to provide financial analysis and support related to the City's Water and Wastewater Utility.

Halff and NewGen will conduct a cost analysis for the potential of a drainage utility fee which funds drainage and maintenance projects. As part of this proposal, Halff and NewGen will coordinate to determine what anticipated crews, equipment, and staff will maintain and manage stormwater infrastructure for the City. The rate study will also include the need for funding of maintenance and drainage CIP projects. The evaluation of the fee analysis will be based on the drainage CIP projects developed in Task 4 of the broader project. The utility rate study does not include drainage utility fee implementation into the City's billing system.

Mr. Paul Morales

October 1, 2021

Page 2

Per our understanding of the project, NewGen's support will include the following tasks, generally referred to as Task 5 in the broader project. Once notice to proceed is provided, the Project Team will work with Halff and City staff to refine and finalize the proposed work plan.

1. Conduct meeting with City staff to establish goals of the rate study.
2. Obtain and review GIS data available for rate study. *(This Task is assumed to be primarily completed by Halff; NewGen will provide support as requested.)*
3. Review utility billing systems and conduct determinants analysis. This task includes hours for our financial experts to construct a billing dataset and assist Halff as needed in the establishment of the appropriate Equivalent Residential Unit basis.
4. Utilize drainage CIP projects and drainage maintenance needs developed in previous tasks to develop the financial forecast and estimate of the cost of service.
5. Utilize the billing data and determinants analysis to develop future funding sources for capital improvements and maintenance of drainage facilities. To the extent that the billing basis lends itself to alternative fee development, the Project Team will consider up to three (3) alternative fee structures both within and between classes as well as the impact of potential discretionary exemptions from the fee.
6. Provide a list of Cities and how they fund maintenance and Capital Projects. Provide draft content for the draft report created by Halff for the City summarizing findings, conclusions, and recommendations of the future funding options.
7. Assist in the development of a Customer and Stakeholder Engagement and Education strategy for the City that includes a public involvement plan jointly developed and executed by the City and the Consultant to educate the City's customers and stakeholders about the need for funding for the stormwater program, the various fee alternatives evaluated by the City, the anticipated costs associated with different funding mechanisms and planned steps toward implementation.

Cost of Services

As a subconsultant to Halff for this project, NewGen will perform the services described above for a **not-to-exceed fee of \$45,000**, inclusive of out-of-pocket expenses incurred at cost. NewGen proposes to bill Halff based on time and expenses incurred at our then applicable hourly billing rates, as well as expenses based on actual costs incurred. Our current hourly billing rates, which will remain in effect through December 31, 2021, are as follows:

Mr. Paul Morales

October 1, 2021

Page 3

**NewGen Strategies and Solutions
2021 Billing Rates**

Position	Hourly Billing Rate
President / Managing Director / Director	\$230 - \$360
Executive Consultant	\$220 - \$320
Senior Consultant	\$190 - \$220
Consultant	\$120 - \$170
Administrative Services	\$110

Note: Billing rates are subject to change based on annual reviews and salary increases.

If this proposal is accepted, the resulting agreement is subject to cancellation with thirty (30) days prior written notice provided to NewGen. In the event of cancellation, all labor and expense charges incurred by the Project Team through the date of cancellation will be considered due at the time notice of cancellation is delivered, regardless of work product and/or engagement status.

Additionally, you agree that the services rendered by NewGen will be performed in accordance with instructions or specifications received by Halff and/or the City and will be provided with the degree of skill and judgment exercised by recognized professionals performing services of similar nature and consistent with the applicable industry best practices.

All payments made under this engagement should be remitted to:

NewGen Strategies and Solutions, LLC
275 W. Campbell Road, Suite 440
Richardson, Texas 75082

Conclusion

Again, we appreciate Halff's consideration of our Firm to assist in performing this important engagement for the City. If you have any questions regarding this letter and/or require additional information please feel free to contact Matthew Garrett at (972) 675-7699 or via e-mail at mgarrett@newgenstrategies.net. We thank you for this opportunity and look forward to assisting you.

Sincerely,

NewGen Strategies and Solutions, LLC

DocuSigned by:

Matthew B. Garrett

B23EEBEF79E64D1...

Matthew B. Garrett

Managing Director, Water and Wastewater Practice

EXHIBIT A-3

House Bill 89 Verification

(See Attached)

House Bill 89 Verification Form

I, Cindy Engelhardt (printed person's name), the undersigned representative of (Company or Business name) Half Associates (hereafter referred to as company) being an adult over the age of eighteen (18) years of age, after being duly sworn by the undersigned notary, do hereby depose and verify under oath that the company named-above, under the provisions of Subtitle F, Title 10, Government Code Chapter 2270:

1. Does not boycott Israel currently; and
2. Will not boycott Israel during the term of the contract.

Pursuant to Section 2270.001, Texas Government Code:

1. "Boycott Israel" means refusing to deal with, terminating business activities with, or otherwise taking any action that is intended to penalize, inflict economic harm on, or limit commercial relations specifically with Israel, or with a person or entity doing business in Israel or in an Israeli-controlled territory, but does not include an action made for ordinary business purposes; and

2. "Company" means a for-profit sole proprietorship, organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, or any limited liability company, including a wholly owned subsidiary, majority-owned subsidiary, parent company or affiliate of those entities or business associations that exist to make a profit.

10/18/2021

DATE

Cindy Engelhardt

SIGNATURE OF COMPANY REPRESENTATIVE

ON THIS THE 18 day of October, 2021, personally appeared Cindy Engelhardt, the above-named person, who after by me being duly sworn, did swear and confirm that the above is true and correct.

NOTARY SEAL

Deborah Hope

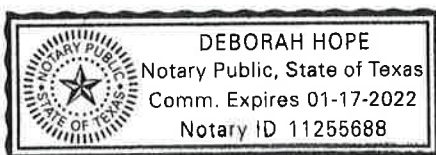


EXHIBIT B-1

REQUIREMENTS FOR GENERAL SERVICES CONTRACT

The Contractor shall comply with each and every condition contained herein. The Contractor shall provide and maintain the minimum insurance coverage set forth below during the term of its agreement with the City, including any delay periods. If the Project is not finalized and the insurance expires, Contractor is obligated to extend the insurance coverage. Any Subcontractor(s) hired by the Contractor shall maintain insurance coverage equal to that required of the Contractor. It is the responsibility of the Contractor to assure compliance with this provision. The City of Bastrop accepts no responsibility arising from the conduct, or lack of conduct, of the Subcontractor.

INSTRUCTIONS FOR COMPLETION OF INSURANCE DOCUMENT

With reference to the foregoing insurance requirements, Contractor shall specifically endorse applicable insurance policies as follows:

- A.** The City of Bastrop shall be named as an additional insured with respect to General Liability and Automobile Liability **on a separate endorsement**
- B.** A waiver of subrogation in favor of The City of Bastrop shall be contained in the Workers Compensation and all liability policies and must be provided **on a separate endorsement**.
- C.** All insurance policies shall be endorsed to the effect that The City of Bastrop will receive at least thirty (30) days' written notice prior to cancellation or non-renewal of the insurance.
- D.** All insurance policies, which name The City of Bastrop as an additional insured, must be endorsed to read as primary and non-contributory coverage regardless of the application of other insurance.
- E.** **Chapter 1811 of the Texas Insurance Code, Senate Bill 425 82(R) of 2011, states that the above endorsements cannot be on the certificate of insurance. Separate endorsements must be provided for each of the above.**
- F.** All insurance policies shall be endorsed to require the insurer to immediately notify The City of Bastrop of any material change in the insurance coverage.
- G.** All liability policies shall contain no cross-liability exclusions or insured versus insured restrictions.
- H.** Required limits may be satisfied by any combination of primary and umbrella liability insurances.
- I.** Contractor may maintain reasonable and customary deductibles, subject to approval by The City of Bastrop.
- J.** Insurance must be purchased from insurers having a minimum AmBest rating of B+.
- K.** All insurance must be written on forms filed with and approved by the Texas Department of Insurance. (ACORD 25 2016/03) Coverage must be written on an occurrence form.
- L.** Contractual Liability must be maintained covering the Contractors obligations contained in the contract. Certificates of Insurance shall be prepared and executed by the insurance company or its authorized agent and shall contain provisions representing and warranting all endorsements and insurance coverages according to requirements and instructions contained herein.
- M.** Upon request, Contractor shall furnish The City of Bastrop with certified copies of all insurance policies.
- N.** A valid certificate of insurance verifying each of the coverages required above shall be issued directly to the City of Bastrop within ten (10) business days after contract award and prior to starting any work by the successful contractor's insurance agent of record or insurance company. Also, prior to the start of any work and at the same time that the Certificate of Insurance is issued and sent to the City of Bastrop, all required endorsements identified in sections A, B, C and D, above shall be sent to the City of Bastrop. The certificate of insurance and endorsements shall be sent to:

**City of Bastrop
Engineering and Capital Project Management Department
P. O. Box 427
1311 Chestnut Street
Bastrop, TX 78602**

INSURANCE REQUIREMENTS

Items marked "X" are required to be provided if award is made to your firm.

Coverages Required & Limits (Figures Denote Minimums)

X Workers' Compensation Statutory limits, State of TX.

X Employers' Liability \$500,000 per employee per disease / \$500,000 per employee per accident / \$500,000 by disease aggregate

X Commercial General Liability:

	<u> </u> Very High/High Risk	<u>X</u> Medium Risk	<u> </u> Low Risk
Each Occurrence	\$1,000,000	\$500,000	\$300,000
Fire Damage	\$300,000	\$100,000	\$100,000
Personal & ADV Injury	\$1,000,000	\$1,000,000	\$600,000
General Aggregate	\$2,000,000	\$1,000,000	\$600,000
Products/Compl Op	\$2,000,000	\$500,000	\$300,000
XCU	\$2,000,000	\$500,000	\$300,000

X Automobile Liability: (Owned, Non-Owned, Hired and Injury & Property coverage for all)

<u> </u> Very High/ High Risk	<u>X</u> Medium Risk	<u> </u> Low Risk
Combined Single Limits	Combined Single Limits	Combined Single Limits
\$1,000,000 Bodily	\$500,000 Bodily	\$300,000 Bodily

 Garage Liability for BI & PD

\$1,000,000 each accident for Auto, \$1,000,000 each accident Non-Auto

\$2,000,000 General Aggregate

 Garage Keepers Coverage (for Auto Body & Repair Shops)

\$500,000 any one unit/any loss and \$200,000 for contents

 Umbrella each-occurrence with respect to primary Commercial General Liability, Automobile Liability, and Employers Liability policies at minimum limits as follows:

Contract value less than \$1,000,000: **not required**

Contract value between \$1,000,000 and \$5,000,000: **\$4,000,000 is required**

Contract value between \$5,000,000 and \$10,000,000: **\$9,000,000 is required**

Contract value between \$10,000,000 and \$15,000,000: **\$15,000,000 is required**

Contract value above \$15,000,000: **\$20,000,000 is required**

Excess coverage over \$10,000,000 can be provided on "following form" type to the underlying coverages to the extent of liability coverage as determined by the City.

X Professional Liability, including, but not limited to services for Accountant, Appraiser, Architecture, Consultant, Engineering, Insurance Broker, Legal, Medical, Surveying, construction/renovation contracts for engineers, architects, constructions managers, including design/build Contractors.

Minimum limits of \$1,000,000 per claim/aggregate. This coverage must be maintained for at least two (2) years after the project is completed.

 Builder's Risk (if project entails vertical construction, including but not limited to bridges and tunnels or as determined by the City of Sugar Land) Limit is 100% of insurable value, replacement cost basis

 Pollution Liability for property damage, bodily injury and clean up (if project entails possible contamination of air, soil or ground or as determined by the City of Sugar Land)

\$1,000,000 each occurrence

\$2,000,000 aggregate

 Other Insurance Required: _____

NOTE: The nature/size of a contract/agreement may necessitate higher limits than shown above. These requirements are only meant as a guide, but in any event, should cover most situations. Check with Purchasing & Risk Management if you need assistance or need additional information.



STAFF REPORT

MEETING DATE: October 26, 2021

AGENDA ITEM: 12H

TITLE:

Consider action to approve Resolution No. R-2021-104 of the City Council of the City of Bastrop, authorizing the City Manager to enter into an agreement with Schneider Engineering LLC. For a Broadband Feasibility Study, for Forty-seven thousand dollars and zero cents (\$47,000.00) as shown in Exhibit A, including a severability clause; and establishing an effective date.

STAFF REPRESENTATIVE:

Trey Job, Assistant City Manager for Community Development

BACKGROUND/HISTORY:

As part of the FY 21/22 budget discussion a feasibility study to research a expanding the City of Bastrop's Utility Departments to include broadband. The City of Bastrop (the city) believes that reliable, economical, FTTP/FTTH (Fiber to the Premises/Fiber to the Home) service is a fundamental 21st century utility that will enhance the quality of life for Bastrop's citizens and local businesses. Lack of reliable, faster broadband service poses a fundamental threat to the stability of the entire economy of the community. The City believes that its broadband needs are presently being underserved.

This elements of the proposal with Schneider Engineering LLC include the following:

- Market and Regulatory Analysis
- Infrastructure Feasibility
- Operational Feasibility; and
- A Deployment Plan

FUNDING SOURCE:

The funding for this project can be found in the capital improvements section of the budget book on page 170. (Fiber-Optic Network Expansion)

RECOMMENDATION:

ACM Job Recommends approval of Resolution No. R-2021-104

ATTACHMENTS:

- Exhibit A:

RESOLUTION NO. R-2021-104

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH SCHNEIDER ENGINEERING LLC. FOR A BROADBAND FEASIBILITY STUDY, FOR FORTY-SEVEN THOUSAND DOLLARS AND ZERO CENTS (\$47,000.00) AS SHOWN IN EXHIBIT A, INCLUDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Bastrop City Council understands the importance of broadband reliability provided by performing infrastructure improvements; and

WHEREAS, the City of Bastrop City Council understands providing an enhanced quality of life services from City Infrastructure should be cost effective; and

WHEREAS, the City of Bastrop understands the importance of focusing on infrastructure improvements in the area of Broadband is important to prevent a lack of reliable, faster broadband service poses a fundamental threat to the stability of the entire economy of the community. The City believes that its broadband needs are presently being underserved; and

WHEREAS, Schneider Engineering is a subject matter expert in the area of planning and designing infrastructure related to electricity and broadband.

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

Section 1. That the City Manager is hereby authorized to enter into an agreement with Schneider Engineering LLC. For a Broadband Feasibility Study, for Forty-seven thousand dollars and zero cents (\$47,000.00) as shown in Exhibit A.

Section 2. The City Council of the City of Bastrop, Texas has found Schneider Engineering LLC., to be a subject matter expert in the field of engineering and broadband feasibility.

Section 3. This resolution shall take effect immediately from and after its passage, and it is duly resolved.

DULY RESOLVED AND ADOPTED by the City Council of the City of Bastrop this 26th day of October, 2021.

APPROVED:

Connie B. Schroeder, Mayor

ATTEST:

Ann Franklin, City Secretary

APPROVED AS TO FORM:

Alan Bojorquez, City Attorney



Schneider Engineering, LLC
191 Menger Springs Parkway - Boerne, TX 78006
830.249.3887 // www.se-texas.com
Offices: Boerne, TX and College Station, TX



October 14, 2021

Mr. Paul Hofmann, City Manager
City of Bastrop
1408 Chestnut Street
Bastrop, Texas 78602

RE: Proposal for Broadband Deployment Feasibility Study

Dear Paul:

Schneider Engineering, LLC (SE) is pleased to present this proposal to prepare a Broadband Deployment Feasibility Study for the City of Bastrop. Our understanding of project and description of our Scope of Services to complete the study follows:

The Need

The City of Bastrop (the City) believes that reliable, economical, FTTP/FTTH (Fiber to the Premises/Fiber to the Home) service is a fundamental 21st century utility that will enhance the quality of life for Bastrop's citizens and local businesses. Lack of reliable, faster broadband service poses a fundamental threat to the stability of the entire economy of the community. The City believes that its broadband needs are presently being underserved.

The Solution

The City feels an obligation to explore the possibility of deploying a FTTP/FTTH network as an economic development tool and fundamental service for its citizens and businesses to grow and prosper. With the potential opportunity to leverage the existing electric utility infrastructure as the enabling backbone, the City believes that it may be well positioned to be the infrastructure provider and access provider as a service to the community.

The Study

SE is prepared and qualified to provide this evaluation for the City. The deliverable will be a formal report to the City to provide strategic insight into broadband deployment that will include the methodology used, and scenarios with high level cost estimates for infrastructure and revenue expectations, an evaluation of expense development for operations, and conceptual phased deployment maps based on input and discussions for initial deployment. The study should provide sufficient strategic analysis to equip the City to make decisions on the path forward.

We envision the study deliverable to provide strategic and tactical guidance toward making the decision to deploy broadband services by presenting system feasibility within the following areas:

Market and Regulatory Analysis

The study will research the region's available broadband service providers, projected saturation rate, and costs to develop the top line revenue model of the FTTP/FTTH network. Bandwidth trends for upload and download will be identified to position the constituents of the City, both citizens and businesses, for economic competitiveness in the increasingly demanding data driven economy.

We will also explore funding opportunities through grants, and public-private partnerships to provide best strength to the balance sheet for the deployment of this infrastructure.

The study will also assess the regulatory issues that may arise for deployment of broadband outside of the Bastrop service territory.

Infrastructure Feasibility

The study will identify a budget for infrastructure deployment of the FTTP/FTTH network considering the city's existing electric utility infrastructure within the city limits and the identified ETJ outside the city limits

To accomplish this, we envision the following steps:

- Assess capacity of existing infrastructure
 - Review existing system mapping and customer service areas including existing density. The City will provide details of existing zoning for undeveloped property, location of existing overhead and underground service facilities, and ETJ areas.
 - Conduct staff interviews
 - Prepare a conceptual estimate of cost to attach to the electric utility system to accommodate FTTP/FTTH
 - Between two and three scenarios with sensitivity analysis will be provided for each differing scenario
- Estimate the cost of the FTTP/FTTH network:
 - Dark Fiber – Middle Mile and Last Mile Deployment
 - Electronics and Customer Premises Equipment (CPE)
 - Connectivity to the Greater Internet.

Operational Feasibility

Operational costs for deployment of the infrastructure could range from an infrastructure only maintenance model (middle and/or last mile fiber) to a full retail service provider (RSP) model in which the City is providing full technical support and CPE for its customer base. Office and maintenance staffing solutions will be evaluated. Based on the City's desire to provide exceptional service with the FTTP/FTTH network, we will address both infrastructure and full RSP options for consideration as well as a public/private partnership option in which the City contracts the customer service.

Deployment Plan

A positive market, infrastructure, and operational assessment are highly dependent on the strategic sensitivities of market saturation, projected market penetration, and a tactical deployment plan. Through conversations with City Staff, we will identify a staged deployment plan, and assign financial sensitivities to each stage of the plan to make the deployment successful.

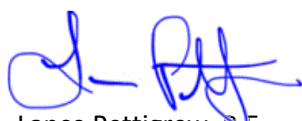
Schedule

Project Kickoff	November 1, 2021
Draft Infrastructure/Operations Cost Model	January 31, 2022
Draft Phased Deployment Map with Scenarios	February 28, 2022
Final Feasibility Study	March 31, 2022

We are pleased to provide this feasibility study on a time and expense basis for an estimated fee of **\$47,000** including reimbursable expenses such as hotels, meals, and mileage. We do not envision adding subconsultants. If the need arises, we will seek full approval of the City prior to engaging a subconsultant. We appreciate the opportunity to propose on this exciting project and we look forward to discussing the next steps. We have included a signature blank below to signify acceptance of the proposal.

Please let us know if you have any questions or require anything further.

Respectfully Submitted,



Lance Pettigrew, P.E.
CEO

Accepted By:

Paul Hofmann, City Manager

Date

The Owner shall pay the Engineer for services performed under this Agreement as follows:

POSITION	HOURLY RATE
President	\$250.00
Principal	\$230.00
Engineer VIII / Senior Consultant V	\$200.00
Engineer VII / Senior Consultant IV	\$185.00
Engineer VI / Senior Consultant III	\$170.00
Engineer V	\$155.00
Engineer IV	\$140.00
Engineer III	\$125.00
Engineer II	\$110.00
Engineer I	\$100.00
Project Manager V	\$180.00
Project Manager IV	\$165.00
Project Manager III / Senior Consultant II	\$155.00
Project Manager II / Senior Consultant I	\$140.00
Project Manager I	\$125.00
Project Analyst IV	\$120.00
Project Analyst III	\$105.00
Project Analyst II	\$90.00
Project Analyst I	\$75.00
Technician VI	\$135.00
Technician V	\$125.00
Technician IV / Designer III	\$110.00
Technician III / Designer II	\$95.00
Technician II / Designer I	\$85.00
Technician I	\$75.00
Technician Assistant	\$60.00
Administrative Staff	\$65.00
Administrative Assistant	\$55.00
Clerical	\$50.00

PERSONNEL OVERTIME CHARGES

Hourly personnel overtime work will be invoiced at the base billing rate plus a multiplier of 1.5 times the employee hourly rate.

REIMBURSABLE EXPENSES

- Mileage Reimbursement: \$0.62/mile for cars, \$0.80/mile for trucks, \$0.90/mile for fully equipped off-road survey trucks
- The following will be billed at cost plus 12%:
 - Copying costs
 - Transportation, subsistence and lodging
 - Approved sub-contract services