

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



November 10, 2020 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 NOVEMBER 10, 2020. COMMENTS SUBMITTED BY THIS TIME WILL GENERALLY BE READ ALOUD AT THE MEETING. COMMENTS FROM EACH INDIVIDUAL WILL BE LIMITED TO THREE (3) MINUTES WHEN READ ALOUD

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE –

TEXAS PLEDGE OF ALLEGIANCE

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

3. INVOCATION – Hardy Overton, Police Chaplain

4. PRESENTATIONS

4A. Mayor's Report

4B. Council Members' Report

4C. City Manager's Report

- 4D. Receive update from Capital Area Rural Transportation Systems (CARTS) regarding a Micro Mobility Hub at the corner of Main and Spring Street. (Submitted by: Trey Job, Assistant City Manager)

5. WORK SESSION/BRIEFINGS

- 5A. Receive a presentation and hold a discussion with Jonathan Jenkins regarding the NEU community development project. (Submitted by: Trey Job, Assistant City Manager)

6. STAFF AND BOARD REPORTS

- 6A. Receive an update on all City of Bastrop active, pending, and future grants. (Submitted by: Trey Job, Assistant City Manager)
- 6B. Receive presentation of the Strategic Planning Calendar for Fiscal Year 2021-2022. (Submitted by: Tracy Waldron, Chief Financial Officer)
- 6C. Presentation of City Manager's Proposed Reorganization Plan. (Submitted by: Paul A. Hofmann, City Manager)

7. CITIZEN COMMENTS

At this time, three (3) minute comments will be taken from the audience on any topic. To address the Council in person, please submit a fully completed request card to the City Secretary prior to the start of the meeting or to have it read from the dais, complete a citizen comment form with comments at www.cityofbastrop.org/citizencommentform before 5:00 p.m. on November 10, 2020. Submitted comments will be read aloud at the meeting. 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.

8. CONSENT AGENDA

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

- 8A. Consider action to approve City Council minutes from the October 27, 2020 Regular meeting. (Submitted by: Ann Franklin, City Secretary)
- 8B. Consider action to approve Resolution No. R-2020-110 of the City Council of the City of Bastrop, Texas, approving the Bastrop Public Library to accept a grant in the amount of Twelve Thousand and 00/100 Dollars (\$12,000) from the Hancher Foundation for the purchase of laptops and hotspots for use by library patrons and providing an effective date. (Submitted by: Becca Sexton, Library Director)

- 8C. Consider action to approve Resolution No. R-2020-115 of the City Council of the City of Bastrop, Texas approving a Public Improvement Plan Agreement with Ranch Road Development LLC for Section Seven of Pecan Park as attached in Exhibit A; authorizing the City Manager to execute all necessary documents; providing for a repealing clause; and establishing an effective date. (Submitted by: Trey Job, Assistant City Manager)
- 8D. Consider action to approve Resolution No. R-2020-113 approving a second amendment to the Destination and Marketing Services Agreement; attached as Exhibit A; authorizing the City Manager to execute all necessary documentation; providing for a repealing clause; and establishing an effective date. (Submitted by: Tracy Waldron, Chief Financial Officer)
- 8E. Consider action to approve Resolution No. R-2020-116 of the City Council of the City of Bastrop, Texas confirming appointment by the Mayor to the Hunters Crossing Local Government Corporation Board, as required in Section 3.08 of the City's Charter, and establishing an effective date. (Submitted by: Paul A. Hofmann, City Manager)
- 8F. Consider action to approve Resolution No. R-2020-114 of the City Council of the City of Bastrop, Texas approving the Fourth Amendment to Consent Agreement for the Colony Municipal Utility District No. 1 and Successor Districts to be Created by Division of the Colony Municipal Utility District No. 1, as attached in Exhibit A; authorizing the City Manager to execute all necessary documents; and establishing an effective date. (Submitted by: Trey Job, Assistant City Manager)

9. ITEMS FOR INDIVIDUAL CONSIDERATION

- 9A. Consider and adopt on first and final reading Ordinance No. 2020-29 as an emergency measure ratifying temporary Emergency Orders enacted by the Mayor in her capacity as Emergency Management Director in regards to the current Local State of Disaster, for the immediate preservation of the public peace, health or safety.
- 9B. Consider action to approve the second reading of Ordinance No. 2020-30, of the City Council of the City of Bastrop, Texas repealing and replacing Chapter 12 – Traffic and Vehicles, Article 12.12 – Golf Carts; and providing for findings of fact, adoption, repealer, severability, and enforcement; establishing an effective date, proper notice and meeting. (Submitted by: Clint Nagy, Chief of Police)
- 9C. Hold public hearing and consider action to approve the first reading of Ordinance No. 2020-31 of the City Council of the City of Bastrop, Texas amending Bastrop Building Block (B³) Code Section 2.3.004 Annual Adoption of Schedule of Uniform Submittal Dates for Site Plans and Place Type Zoning Changes, and Bastrop Building Block (B³) Technical Manual Section 1.2.002 Uniform Submittal Dates, as shown in Exhibit A, establishing a repealing clause, providing severability, and providing an effective date, and place on the December 8, 2020 Consent Agenda. (Submitted by: Jennifer Bills, Assistant Director Planning)

- 9D. Consider action to approve Resolution No. R-2020-111 of the City Council of the City of Bastrop, Texas, establishing priorities for the 87th Legislative Session in Texas, and authorizing the Mayor, Mayor Pro-Tem, City Manager, and City Attorney to communicate with the Office of the Governor and Texas Legislature on behalf of the City of Bastrop Texas; and establishing an effective date. (Submitted by: Rebecca Gleason, Main Street Manager)

10. EXECUTIVE SESSION

- 10A. 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.

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

12. 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, November 5, 2020 at 3:00 p.m. and remained posted for at least two hours after said meeting was convened.



Ann Franklin, City Secretary



STAFF REPORT

MEETING DATE: November 10, 2020

AGENDA ITEM: 4A

TITLE:

Mayor's Report

STAFF REPRESENTATIVE:

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: November 10, 2020

AGENDA ITEM: 4B

TITLE:

Council Members' Report

STAFF REPRESENTATIVE:

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: November 10, 2020

AGENDA ITEM: 4C

TITLE:

City Manager's Report

STAFF REPRESENTATIVE:

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;
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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: November 10, 2020

AGENDA ITEM: 4D

TITLE:

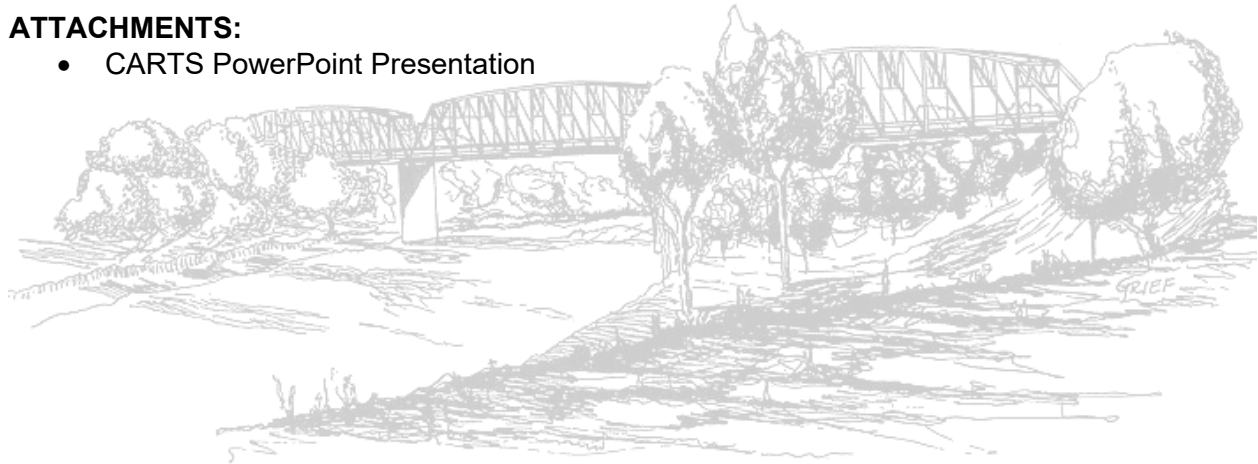
Receive update from Capital Area Rural Transportation Systems (CARTS) regarding a Micro Mobility Hub at the corner of Main and Spring Street.

STAFF REPRESENTATIVE:

Trey Job, Assistant City Manager of Development Services
David Marsh, General Manager at CARTS

ATTACHMENTS:

- CARTS PowerPoint Presentation





Bastrop City Council

NOVEMBER 2020

About CARTS

The Capital Area Rural Transportation System (CARTS) operates a family of interconnected services in non-urbanized areas across 9 Central Texas counties.



**Interurban
Coach**



**Metro
Connector**



**Municipal
Bus**



**Country
Bus**



**Disability
Transportation**



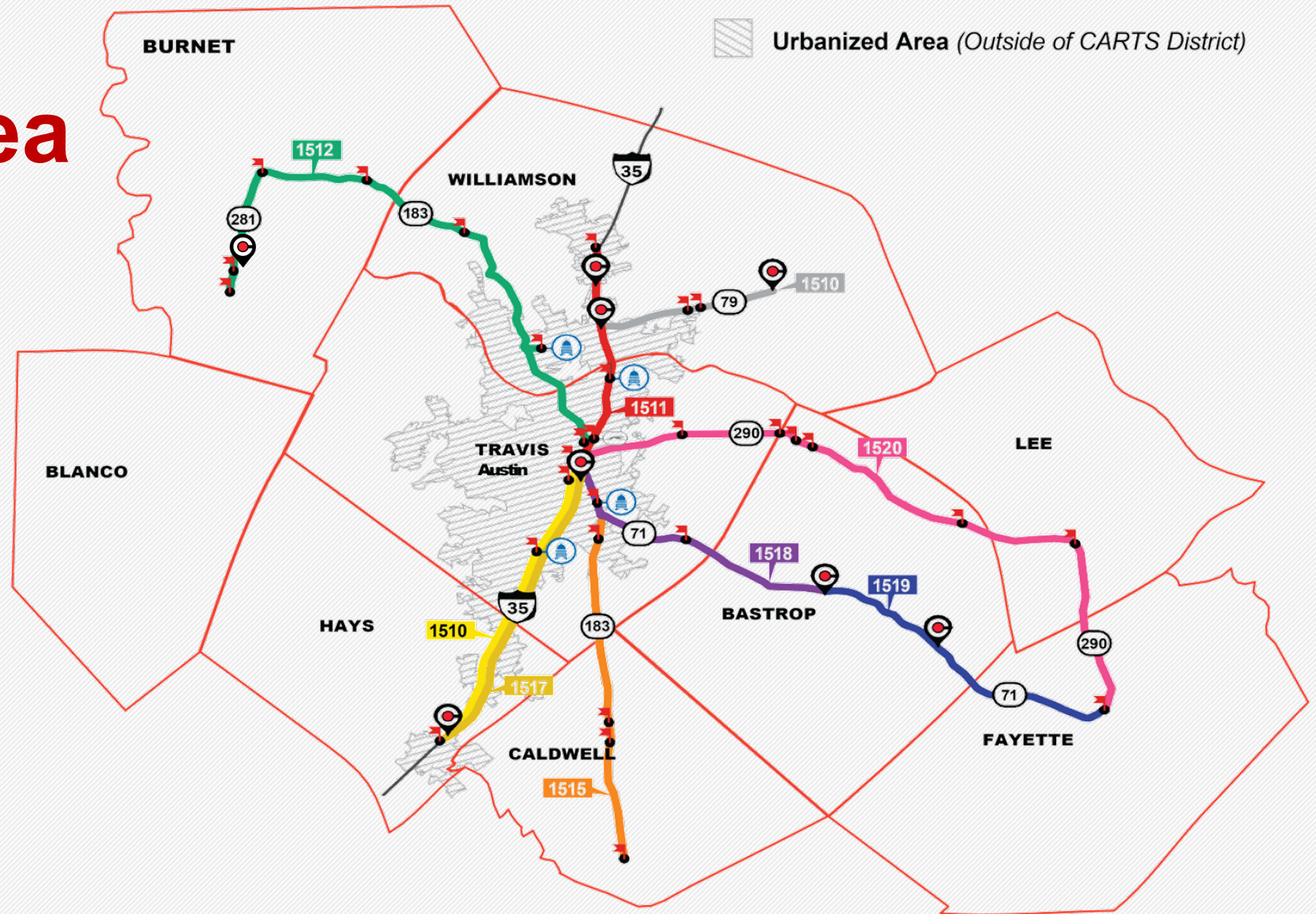
**National
Intercity**



CARTS *Now* in Bastrop will be added to the list of services in December



CARTS Service Area



COVID-19 Strategies

- Timeline and service adjustments
- All CARTS vehicles
 - Spaced seating to promote social distancing
 - Caution tape or temporary barriers to separate drivers and passengers
 - Closed rows behind drivers and staggered seating
 - Increased ventilation
 - Regular disinfection of surfaces and all hand contact areas
 - Sanitizing vehicles as often as possible
 - Posters to encourage hand hygiene and social distancing
 - Face coverings required for all riders and operators
 - Limiting number of riders in each vehicle
- Two open-air electric vehicles

CARTS Bastrop Station Restoration

Existing Station



Renovations In Progress



Upgraded Express Service to Austin

- 1515X Interurban Express
- Direct Service from Bastrop/Smithville to Austin Downtown Business District



ABIA Service Plans

- Launching new service on Jan. 11, 2021
 - 1518 Purple Route from Bastrop to Austin



Eastside Bus Plaza Opening Jan. 2021

CARTS

EASTSIDE BUS PLAZA

COMING SOON



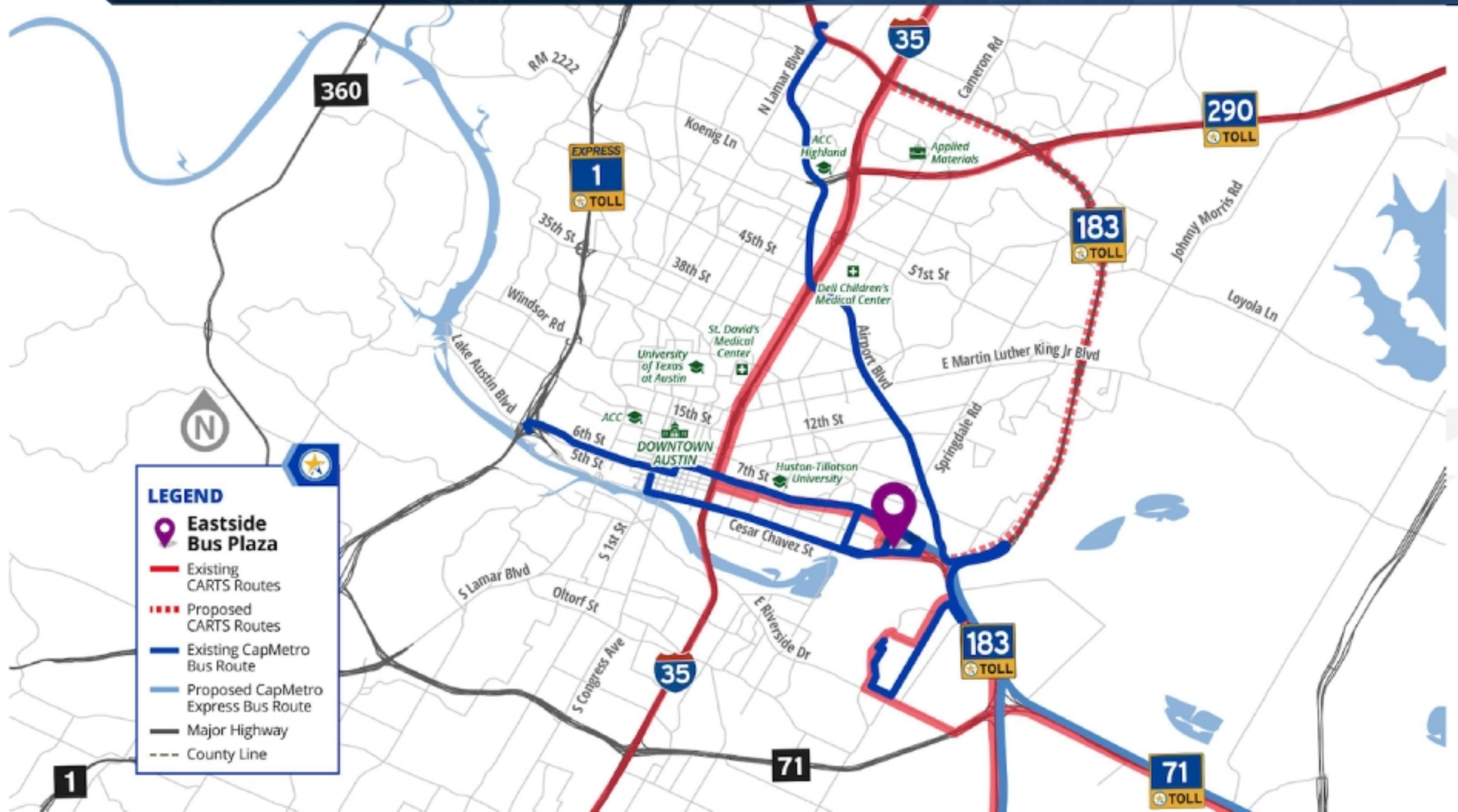


**Construction
Progress:
Oct. 12, 2020**

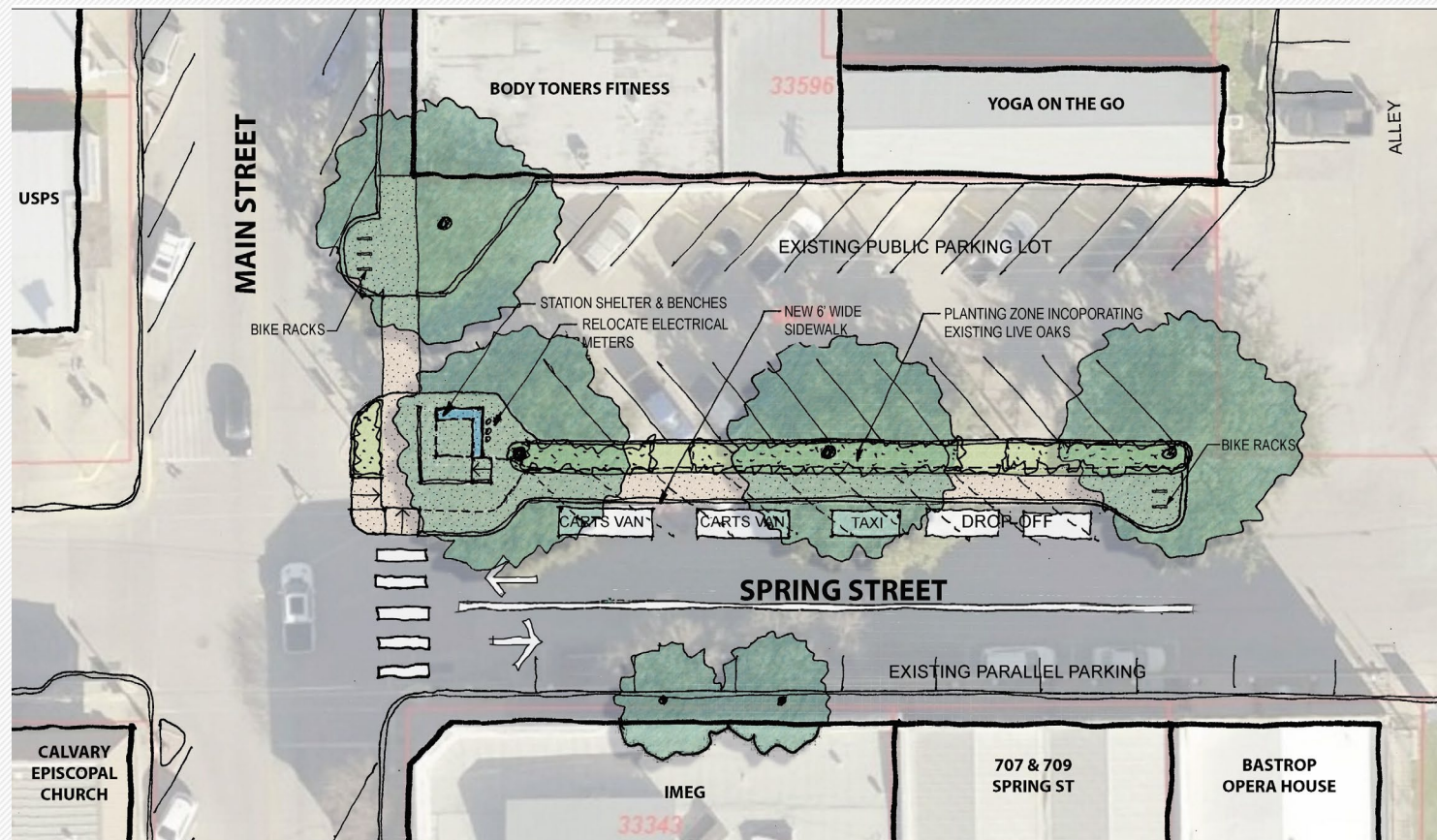




CARTS Eastside Bus Plaza



Future Downtown Micro-Mobility Hub



Conceptual Improvement for corner of Spring and Main

Mobility Hub



Rendering of Renovated Station



**BEGINNING
DECEMBER 14**

**Operating Mon-Fri
7 A.M.-7 P.M.**



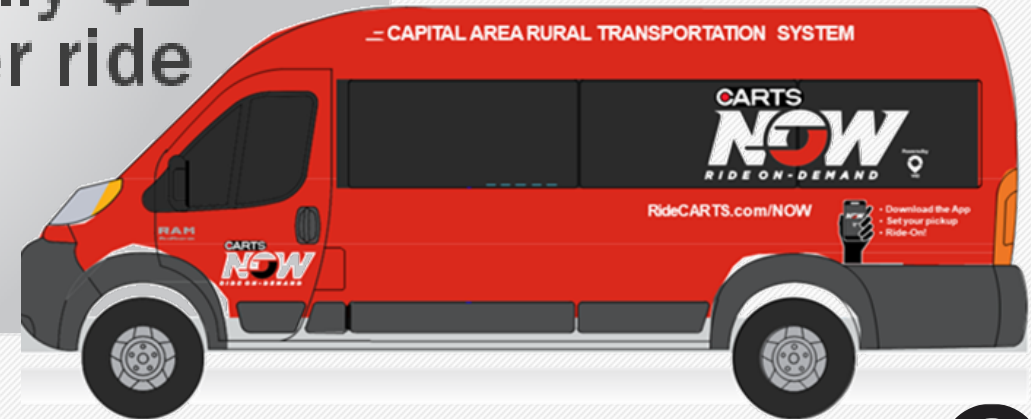
**Rides
within 15
minutes**



**Curb to curb
rides in
Bastrop city
limits**



**Only \$2
per ride**



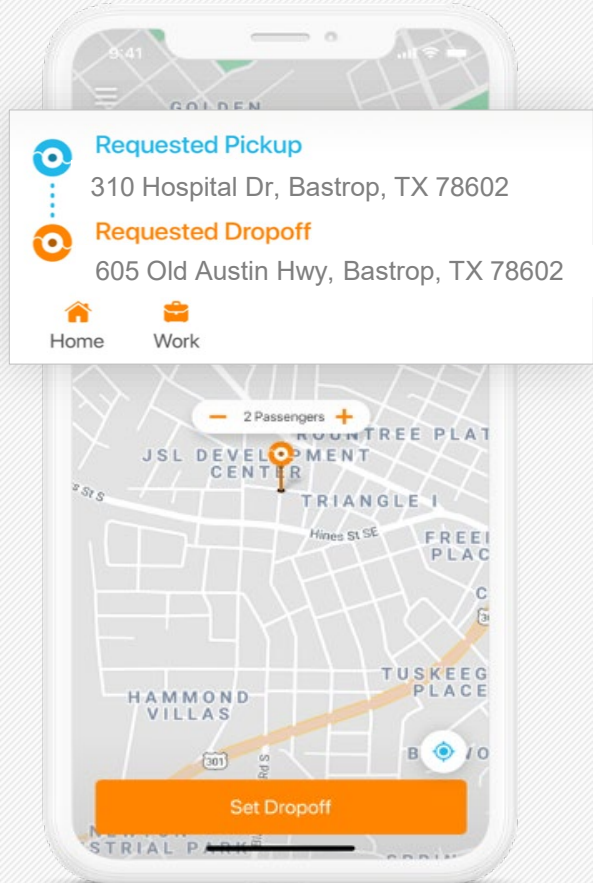
Awarded Funding

- Partnership with Lone Star Clean Fuel Alliance (LSCFA)
- TxDOT Funding – Microtransit in Single City
- Department of Energy Grant – Pilot Electric Vehicles
 - Electric Cab North America providing 2 vehicles



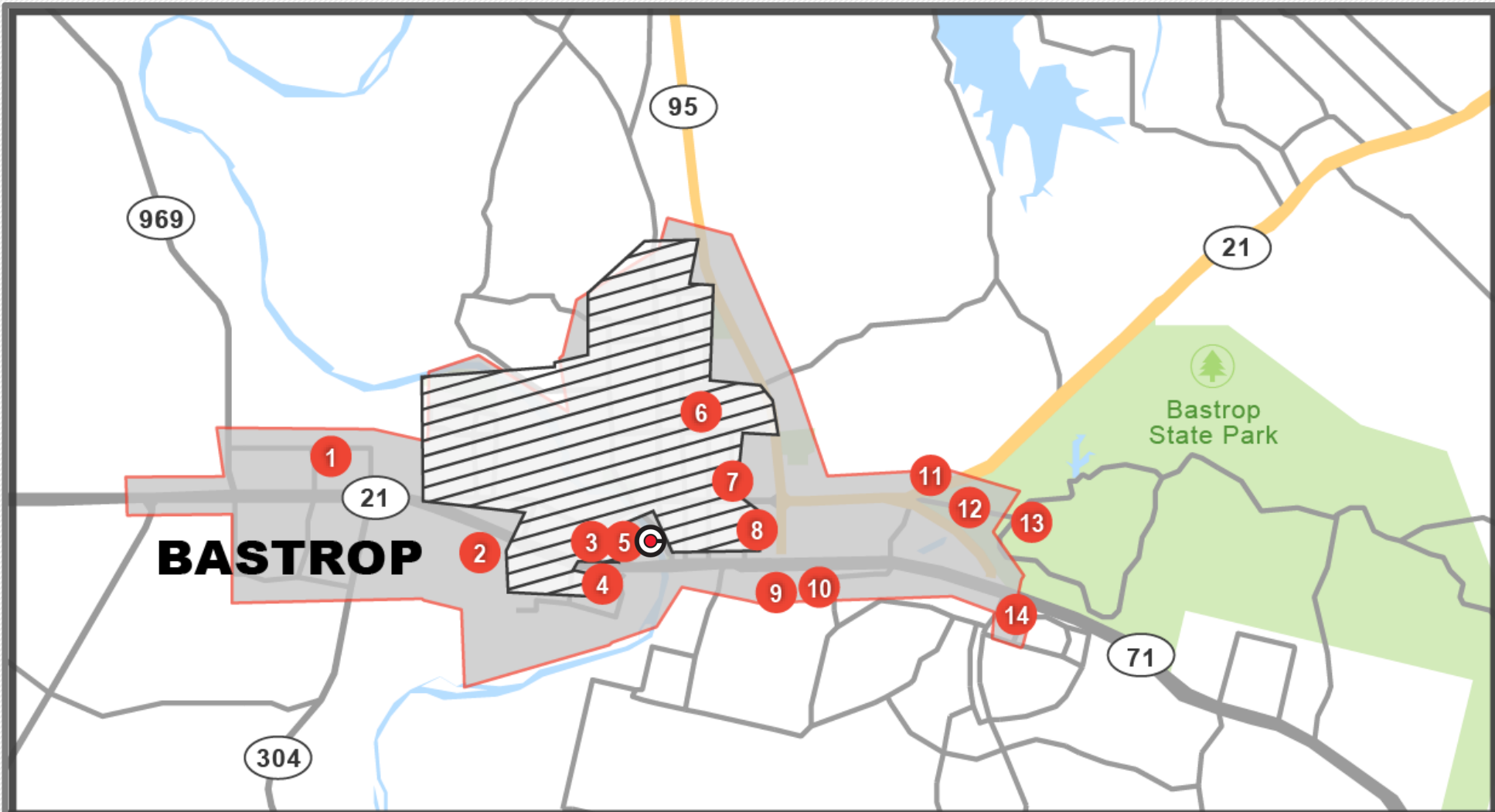
How can I catch a CARTS *Now* ride?

- Request rides through app
- Call center option



512-478-RIDE





1 Burleson Crossing Shopping Center

2 New Seton Hospital

3 HEB

4 Walmart

5 Bastrop Middle School

6 Bastrop High School

7 Mina Elementary

8 Emile Elementary

9 County Offices

10 MHMR

11 Roadhouse Restaurant

12 Park Headquarters Entrance

13 YMCA Pool

14 Walgreens

 CARTS Now Service Zone

 Electric Cab Service Zone

 CARTS Bastrop Station



Getting the Word Out

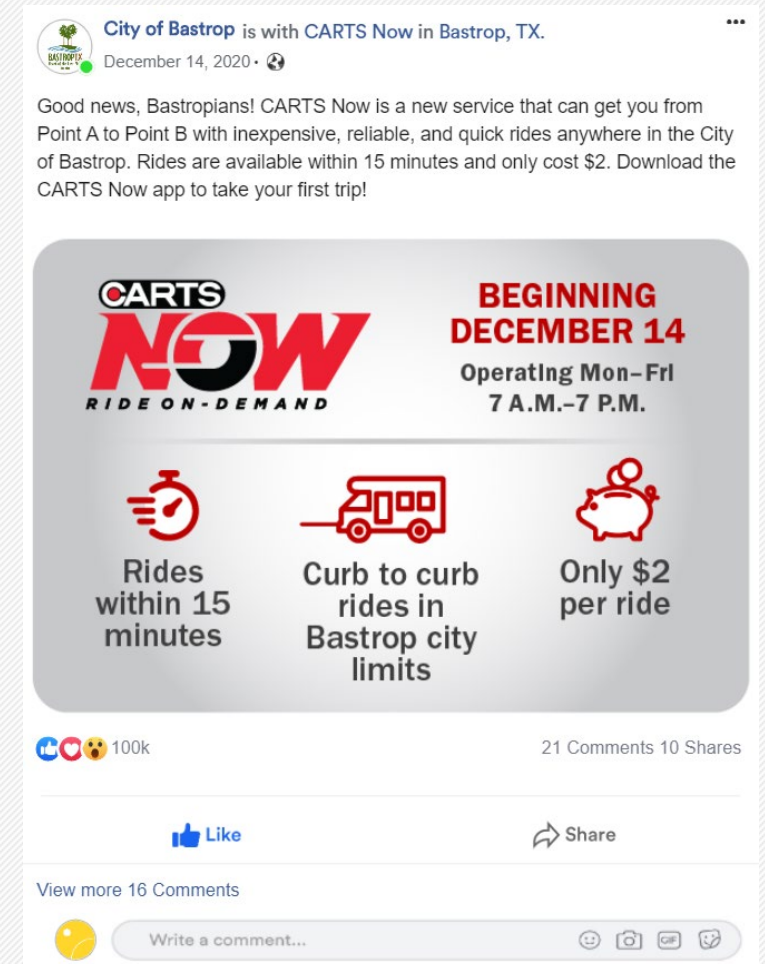
- Medical community focus group
- Flyers to be shared with local community groups and at popular destinations
 - Explain benefits of the service
 - Direct riders to the app
 - Provide resources for gathering additional information
- Fact sheet with FAQs
- Service launch event – December 14



Can you help distribute information?

- What tools do you and your office have available?
 - Email distribution
 - Social media
 - Website
 - Newsletters
 - Events

Take your first ride and share your experience!



Questions?



**FULL SERVICE
LAUNCH
JANUARY 11**
Operating Mon-Fri
7 A.M.-7 P.M.



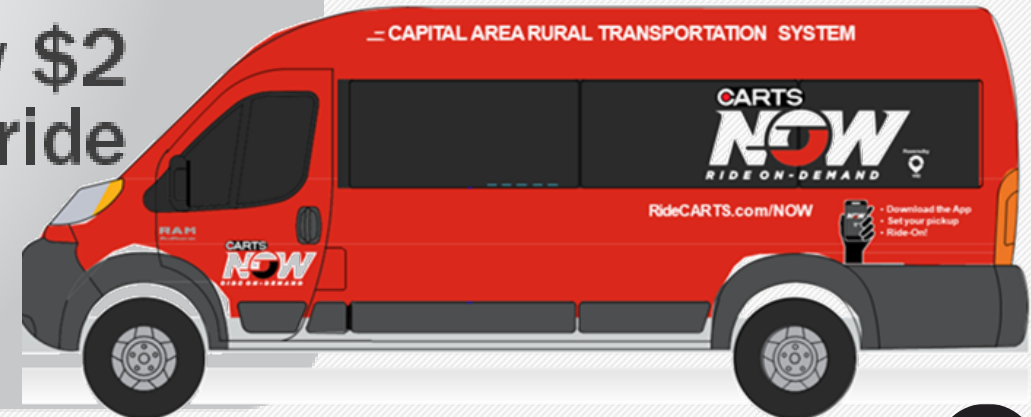
Rides
within 15
minutes



Curb to curb
rides in
Bastrop city
limits



Only \$2
per ride





STAFF REPORT

MEETING DATE: November 10, 2020

AGENDA ITEM: 5A

TITLE:

Receive a presentation and hold a discussion with Jonathan Jenkins regarding the NEU community development project.

STAFF REPRESENTATIVE:

Trey Job, Assistant City Manager of Development Services

BACKGROUND/HISTORY:

Mr. Jenkins reached out to city staff requesting a pre-application meeting to discuss the proposed project on August 27, 2020. The first available date was September 10, 2020. However, the following day Aug. 28th staff provided information about the entities that would serve utilities to their site, and City Planner Land also provided a copy of the transportation grid map just to make sure the development was aware of the block standards adopted by city council as part of the update to chapter five of the Bastrop Comprehensive Plan.

At the September 10th meeting we discussed a plethora of items such as wastewater reuse, a low-pressure waste water collection system and a treatment plant, open space, walkability, street connectivity and we received a presentation on the type of housing product the development is proposing. The NEU development expressed a great deal of interest to have housing units on the ground in January of 2021. I explained the time line was very aggressive but we would do our best to move the project as fast as we could once we received an application and something we could review. Also discussed at this meeting was alternative approaches the development could take to maintain compliance with the street grid requirement.

I then explained the quickest way to provide the development with waste water would be to tie into the city of Bastrop waste water system. Installing a separate collection system and treatment plant would require no less than a year to be permitted by the Texas Commission of Environmental Quality (TECQ). That spurred a follow up meeting with the project engineer on September 16th.

In the September 16th meeting we looked at another concept plan that did not address the ETJ's grid requirements, and we discussed how to provide waste water utilities that included reuse. The engineer also asked about the possibility of connecting to the Colony's Waste Water Treatment Plant. (City Manager Hofmann and I followed up with the Colony M.U.D. and there was no interest from the Mr. Neff or his team.) Once we got the utility discussion out of the way we discussed the provided concept in more detail. I explained if the road network they were requesting didn't meet our transportation plan and that we were happy to take a zoning concept scheme to a future planning and zoning, and city council meeting. (Zoning would be required if voluntary annexation was being considered.) I also explained if annexation was not being considered, we would still need to bring a concept plan to city council for approval because it didn't comply with the Master Transportation Plan.

Understanding the development was interested in moving as quick as possible I asked several questions such as:

- Will you be requesting a financing mechanism like a M.U.D, a PID or some other special district?
- Do you intend to voluntary annex?
- How many homes were you planning to build and how many L.U.E.s were you requesting?
- Do you have a phasing plan for the development?
- Do you plan to start with the commercial property or would some single family development be in the first phase?

The answer from Mr. Jenkins was he was unsure but would talk to his team and make decision quickly. I clarified we could put all of that detail into development agreement once some decisions were made but the decision all impacted his schedule so the quicker he submitted something the quicker he could move forward. Subsequent meetings were held on September 20th and October 15th.

The October 15th meeting was held at the BEDC office, it was attended by staff from Bastrop County, the City of Bastrop, the Bastrop Economic Development Corporation, and representatives from the proposed NEU development. Not quite all of those decisions had been made from the aforementioned questions, and more discussion was required about the development agreement, and the requirement to build a connection to S.H. 20. At the close of the meeting Mr. Jenkins was going to gather the information needed to write the development agreement and send it to staff by the following week starting on October 19th. On October 20th In an effort to assist our future customer I provided a list of items that should be addressed in a development agreement provided by our talented City Attorney.

On November 3rd I received an email from Mr. Jenkins asking that we begin review of draft development agreement and asked that we place a workshop item on the November 10th Bastrop City Council Agenda. I attached an email from Mr. Jenkins stating he would like to close on the 410-acre property by December 15th below that is a proposed timeline from the developer's attorney that would allow the development agreement to be approved prior to closing on the property. Planning staff provided Mr. Jenkins with the process of submitting a development agreement through the MyGov software. As of November 4th no application or a complete development agreement has been submitted.

FUNDING SOURCE:

Applicant

RECOMMENDATION:

Council should receive the information from Mr. Jenkins and provide feedback as appropriate. Important considerations are the time necessary to adequately review the draft development agreement, concept plan, and PID financials, the conformance of the proposed development with B3 code requirements, master transportation plan, infrastructure development, and annexation. City staff is happy to work with the developer to create a reasonable timeframe for city review and consideration.

ATTACHMENTS:

- Email from Mr. Jenkins

Trey Job

From: Jonathan Jenkins <jonathan@nomaadlife.com>
Sent: Tuesday, November 3, 2020 3:27 PM
To: Connie Schroeder; Paul Hofmann; Trey Job; Allison Land; Cameron Cox; Jean Riemenschneider; Talley J. Williams
Subject: Fwd: NEU Community Bastrop - Development Agmt
Attachments: Development Agreement -NEU.v4 (MWSW).docx

Hi Connie, Paul, and Trey;

Hope y'all are doing well. I wanted to forward you below an email from our lawyer and the initial draft of the development agreement.

I very much appreciate your support to date as we are on a very rushed schedule to begin our NEU Community project in Bastrop. Our scheduled close date on the property is Dec 15th and for legal, tax and financial reasons we must close on schedule and get to work to hit our goal of our modular units on the ground as soon as possible. However, to get the property closed on time and started on the work we need to have the development agreement approved first.

I just found out from Jean at EDC that the city counsel will only be meeting once in November and once in December. Our legal and financial team has put a schedule below that can help us accomplish what we need to do.

Allison just got me what I need to set up the mygov account to submit plans for review. We will be sending you all the exhibits to this agreement and PID financial analysis this week as well, along with the tax revenue to the city. But I didn't want to wait to get you the draft of this agreement until the exhibits are complete.

Talley Williams, who is our legal counsel, is happy to engage you and your legal team right away to answer any comments you have on this draft. I believe we addressed everything we talked about in our meeting with you and the county. If I have missed something please let me know so we can include it.

I know this is a unique project with a unique schedule but I again very much appreciate you working with us.

On another note, I already have other cities around the country who are excited to use this model of how we are working with Bastrop to quickly deploy their own NEU Communities in their regions. When we get our first units on site there will be a flood of mayors and local leaders from all over the country coming in to see how we accomplished this together.

Happy to jump on a call anytime to review. And let me know if we can get on the agenda as outlined below.

Jonathan

----- Forwarded message -----

From: Talley J. Williams <twilliams@mwswtexas.com>
Date: Tue, Nov 3, 2020 at 11:57 AM

Subject: NEU Community Bastrop - Development Agmt
To: Jonathan Jenkins <jonathan@nomaadlife.com>

Jonathan-

Attached is the latest draft of the Development Agreement. It is my understanding that 1 of the 2 council meetings for both November and December have been cancelled, so our timeframe to get the Development Agreement and PID completed before our drop dead date of December 15th is going to be very tight. Those of us on the legal/engineering/financing side for you are ready and able to get things turned around as quickly as needed. That being said, I've put together the following schedule that would need to be met in order to meet the project's deadline:

1. November 3, 2020 – Development Agreement submitted to the City for review.
2. November 6, 2020 – Exhibits to the Development Agreement submitted to the City;

PID financial analysis provided to the City; Concept Plan submitted to the City
3. November 10, 2020 – City Council Workshop – Jonathan to present project overview to the Council. PID Petition will also be submitted and a formal request made for the Council to accept the PID Petition and set the public hearing for the PID Creation.
4. Publish notice of the public hearing in the Bastrop newspaper *at least 15 days prior to the public hearing* – need to know the publication days to provide an accurate date.
5. Week of November 30th – City Council to hold a Special Called City Council Meeting to: 1) Consider approval of the Development Agreement 2) conduct the Public Hearing for the PID Creation, 3) Consider approval of the PID Creation (and any other related documents)
6. December 8, 2020 – this regularly scheduled City council meeting could be used as a backup date for any additional items related to the project - if needed.

For the legal and financial reasons we have discussed, we need all of the foregoing to happen in advance of our December 15th deadline. Please let me know if you have any questions. Thank you.

Talley J. Williams

Metcalfe Wolff Stuart & Williams, LLP

221 W. 6th Street, Suite 1300

Austin, Texas 78701

(512) 404.2234 (*direct*)

(512) 404.2245 (*fax*)

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STAFF REPORT

MEETING DATE: November 10, 2020

AGENDA ITEM: 6A

TITLE:

Receive an update on all City of Bastrop active, pending, and future grants.

STAFF REPRESENTATIVE:

Trey Job, Assistant City Manager of Development Services

BACKGROUND/HISTORY:

Grants can provide valuable resources for organizations to carry out projects or provide services they otherwise would not be able to. It is important to remember, however, that grants are competitive. A lot of time and preparation are required to find grant opportunities, plan a project, and then develop a proposal.

Having a realistic understanding of the grant process and of the time and resources required to submit a competitive application is important and should be managed holistically. Regardless, grants have many advantages and are a great way to further our organization's mission.

This update is to provide a brief summary of the grants the city has recently completed and or pending at various levels of approval/award. Grants often are completed over multiple fiscal years. For example, the hazardous mitigation grant program funded by FEMA and managed through the Texas Department of Emergency Management (TDEM) allowed the city to make several drainage projects that required a local match of 25%. Other hazardous mitigation or Community development grants are managed through various state organizations such as the General Land Office (GLO) or the Texas Department of Agriculture (TDA).

In addition to the grants provided by various state and federal organizations for disaster recovery city staff is constantly searching for other grants. This report will provide an update on grants specific to monies provided by the CARES ACT, libraries, police and fire departments.

POLICY EXPLANATION:

In the past the City of Bastrop City Council has encouraged staff to find new funding sources to promote fiscal sustainability, protect the public health, life safety, and enhance service we provide.

FUNDING SOURCE:

N/A

RECOMMENDATION:

N/A

ATTACHMENTS:

- Grants update PowerPoint Presentation



Grants Update

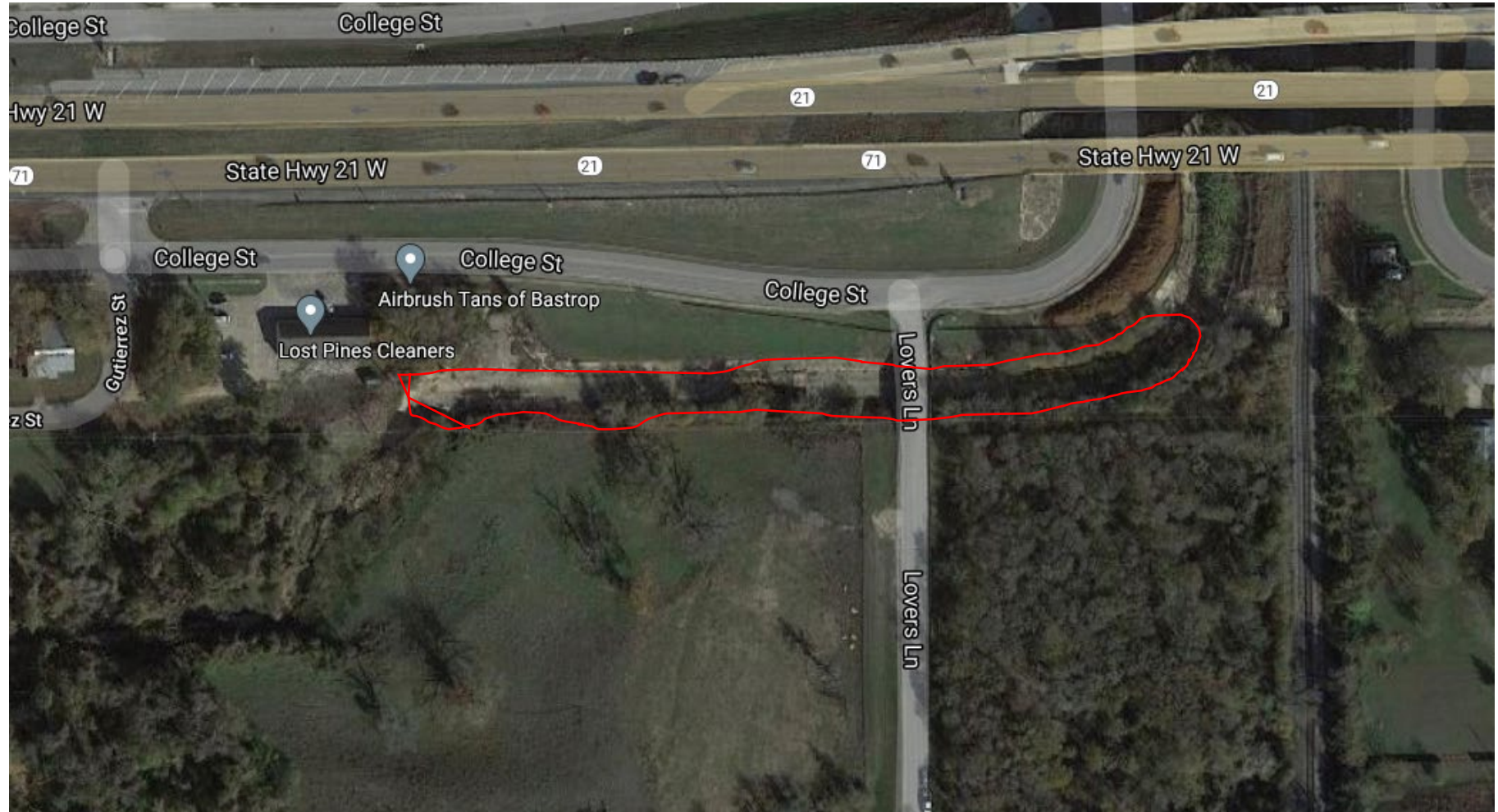
SUMMARY OF GRANTS	GRANT FUNDED	LOCAL MATCH
AWARDED	\$2,541,563	\$649,353
PENDING AWARD	\$39,668,704	\$812,907
PENDING SUBMISSION	Annual Reoccurring	N/A

Grants Update

AWARDED PROJECTS	STATUS	GRANT FUNDED	LOCAL MATCH
Downtown River Loop* (CAMPO)	TxDOT review	\$605,200	\$190,880
Gills Branch Channel Repair (TDEM)	100%	\$202,910	\$22,545
Pine Street Drainage Imp. (TDEM)	100%	\$341,175	\$113,726
Public Works Detention Pond Imp (TDEM)	100%	\$329,373	\$109,791
Jasper/Newton Drainage Imp. (TDEM)	100%	\$177,075	\$62,825
North Main Sewer Line Imp. (TDA)	100%	\$300,000	\$146,765

[illegible]

Grants Update

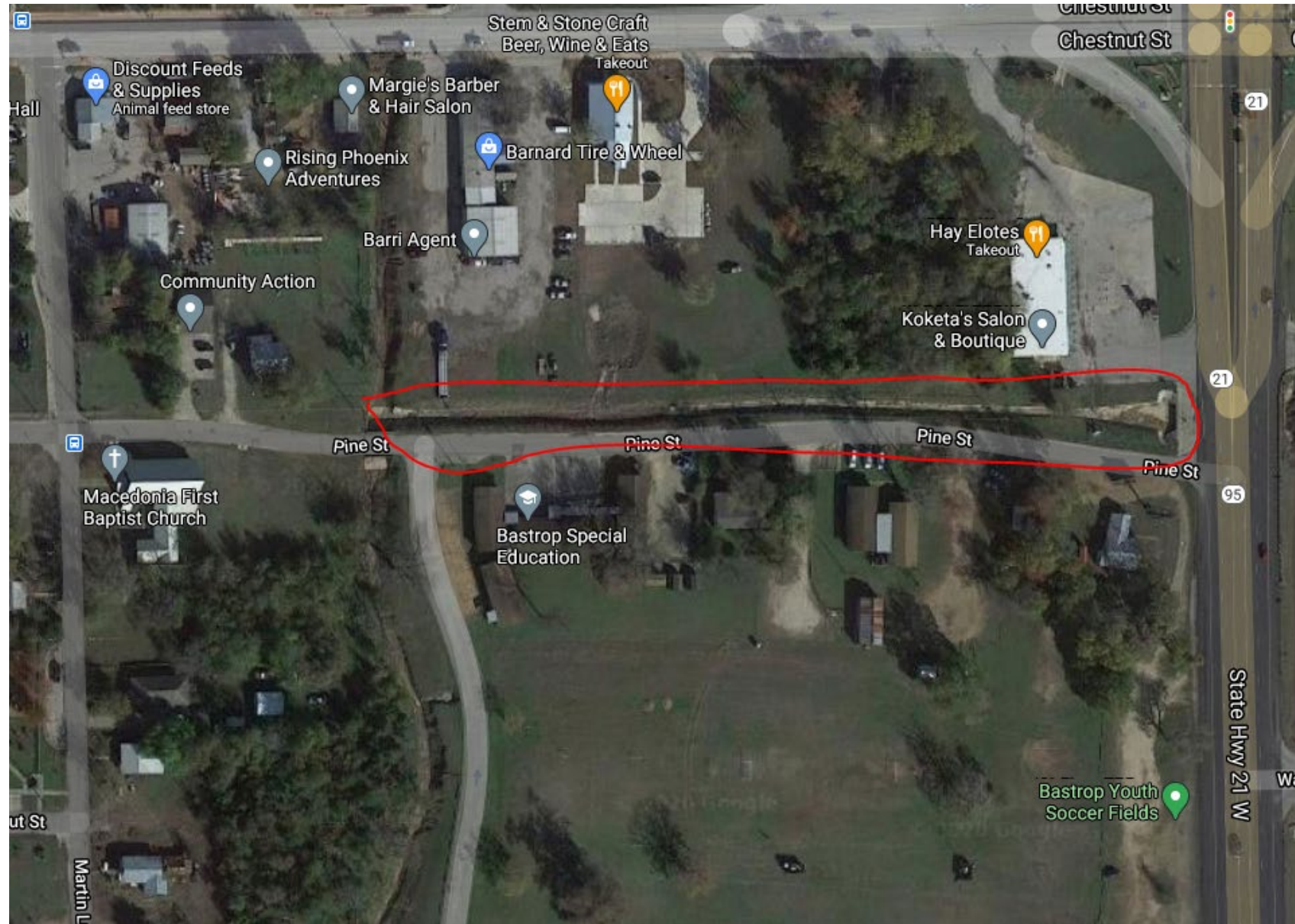


Gills Branch drainage channel repairs

Grants Update



Grants Update



Pine Street drainage channel improvements

Grants Update



Grants Update

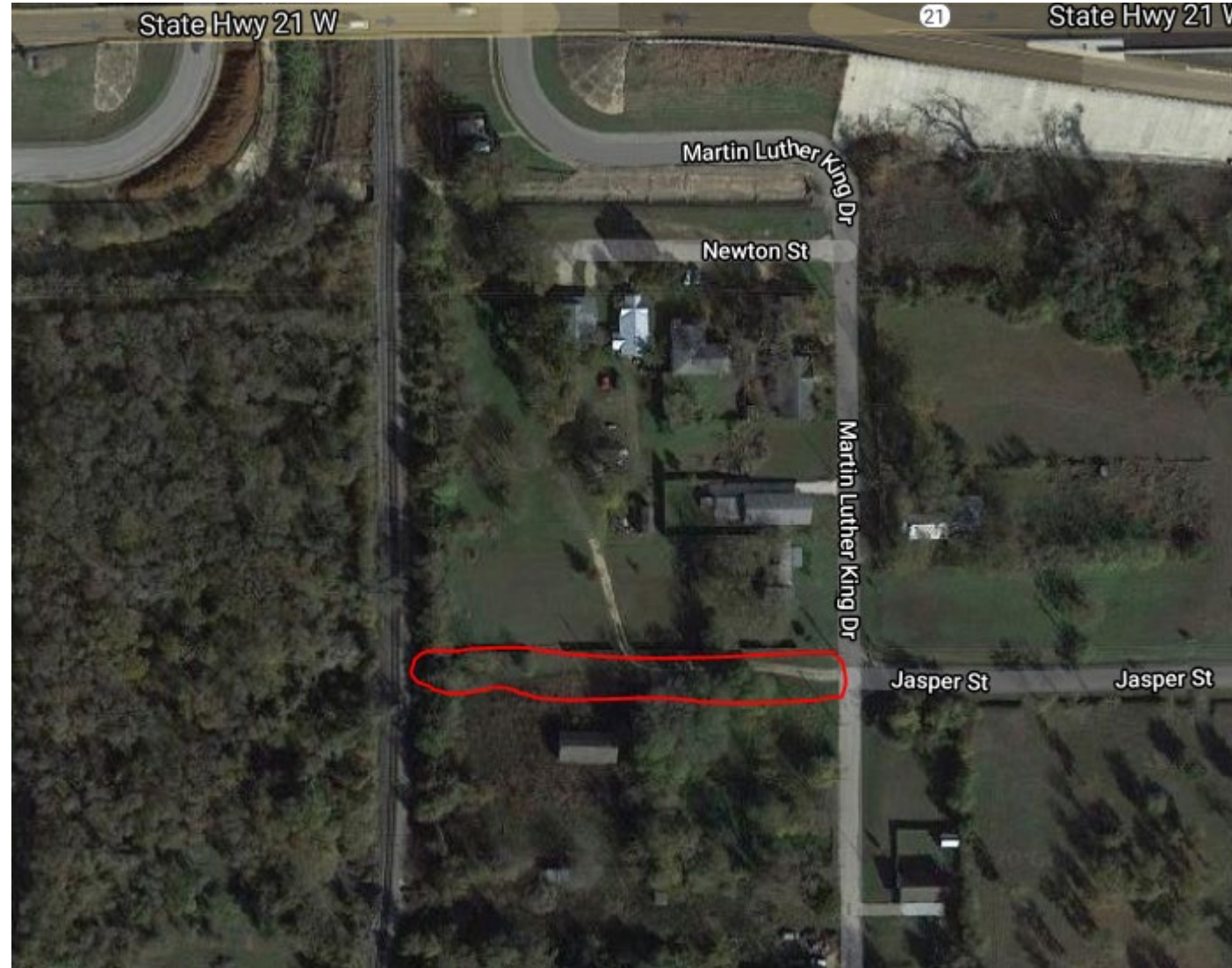


Public Works Detention Pond Improvements

Grants Update



Grants Update



Jasper & Newton Street Drainage Project

Grants Update



Grants Update

RELIEF CARES FUNDING	FY2020	FY2021
Personnel Costs	\$182,698	
Materials	\$55,218	\$95,000
Contracted (Legal)	\$10,884	
Economic Support	\$0	\$126,651
Total	\$248,800	\$221,651

Total Requested Funds \$470,451

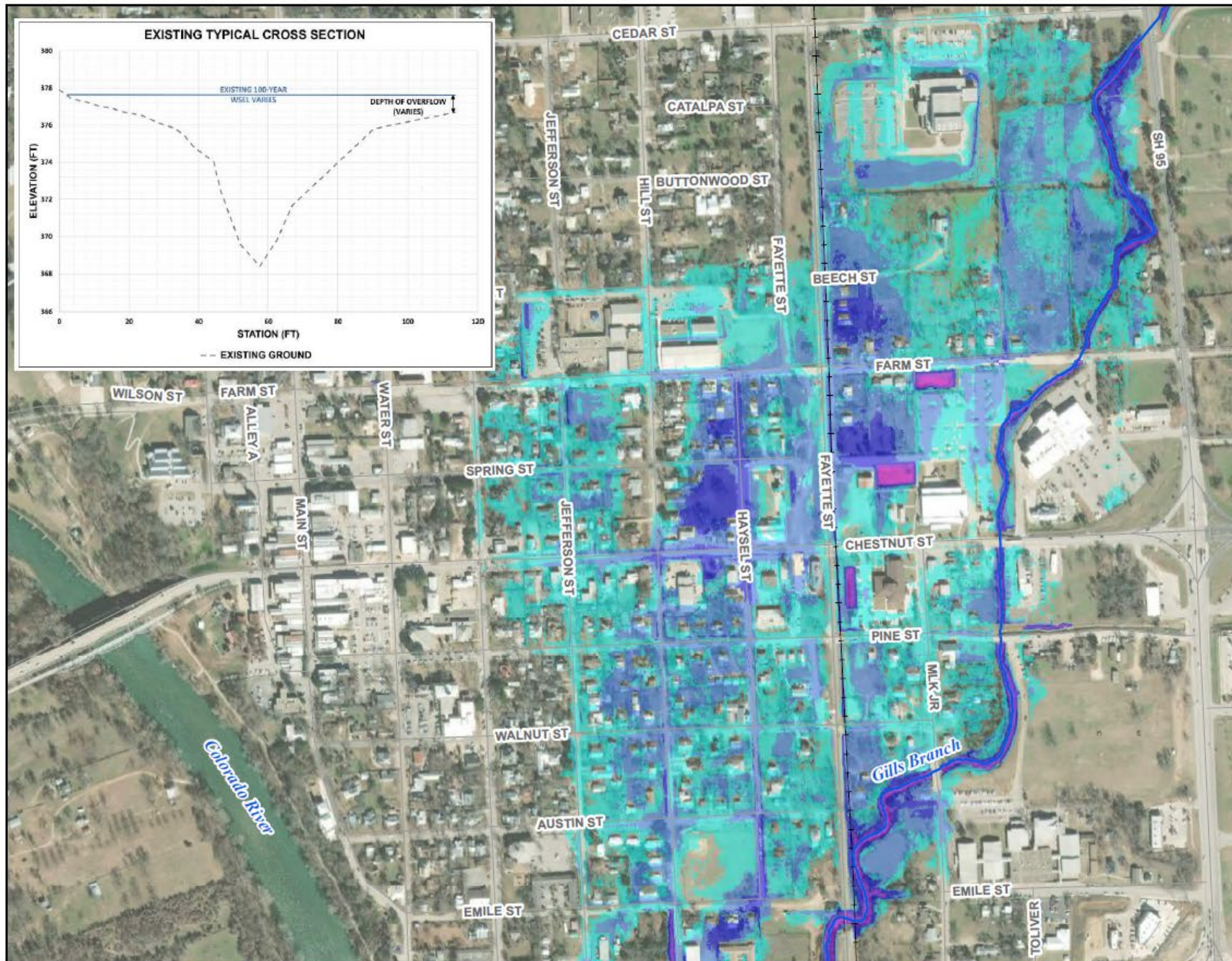
Grants Update

AWARDED OTHER	GRANT FUNDED	LOCAL MATCH
Interlibrary Loan Program	\$569	\$0
E-Rate Library Funding (Annual reimb. Internet charges)	\$9,926	\$2,482
Bullet Proof Vest Reimb.	\$9,350	\$9,350
Fire Personal Protective Equipment (CARES)	\$6,776	\$339
Decontamination Shelter & Hazmat Suits	\$16,128	\$0
Critical Crime Scene Lighting	\$10,949	\$0
TSLAC CARES – Library Self-checkout	\$7,902	\$0
Hancher Library Foundation-hotspots/laptops	\$12,000	\$0
Fire Personal Protective Equip.	\$5,625	\$0

Grants Update

PENDING AWARD	GRANT FUNDED	LOCAL MATCH
Water Street Revitalization (CDBG)	\$525,000	\$75,000
SAFR – FT Firefighters (3yr total)	\$560,106	\$348,174
Emergency Mgmt. Performance Grant (annual)	TBD	
HGMP HAZ-MIT – Gills Branch (GLO)	\$11,241,359	\$113,549
HGMP HAZ-MIT – Westside Fire St. #3 (GLO)	\$9,985,471	\$100,863
HGMP HAZ-MIT – Riverbank Stabilization (GLO)	\$13,158,842	\$132,918
HGMP HAZ-MIT – Agnes Rd. Extension (GLO)	\$4,197,926	\$42,403

HGMP HAZ-MIT Grants



Gills Branch Flood Mitigation Design Improvements Existing Conditions

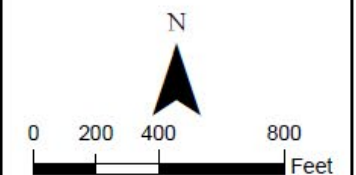


Legend

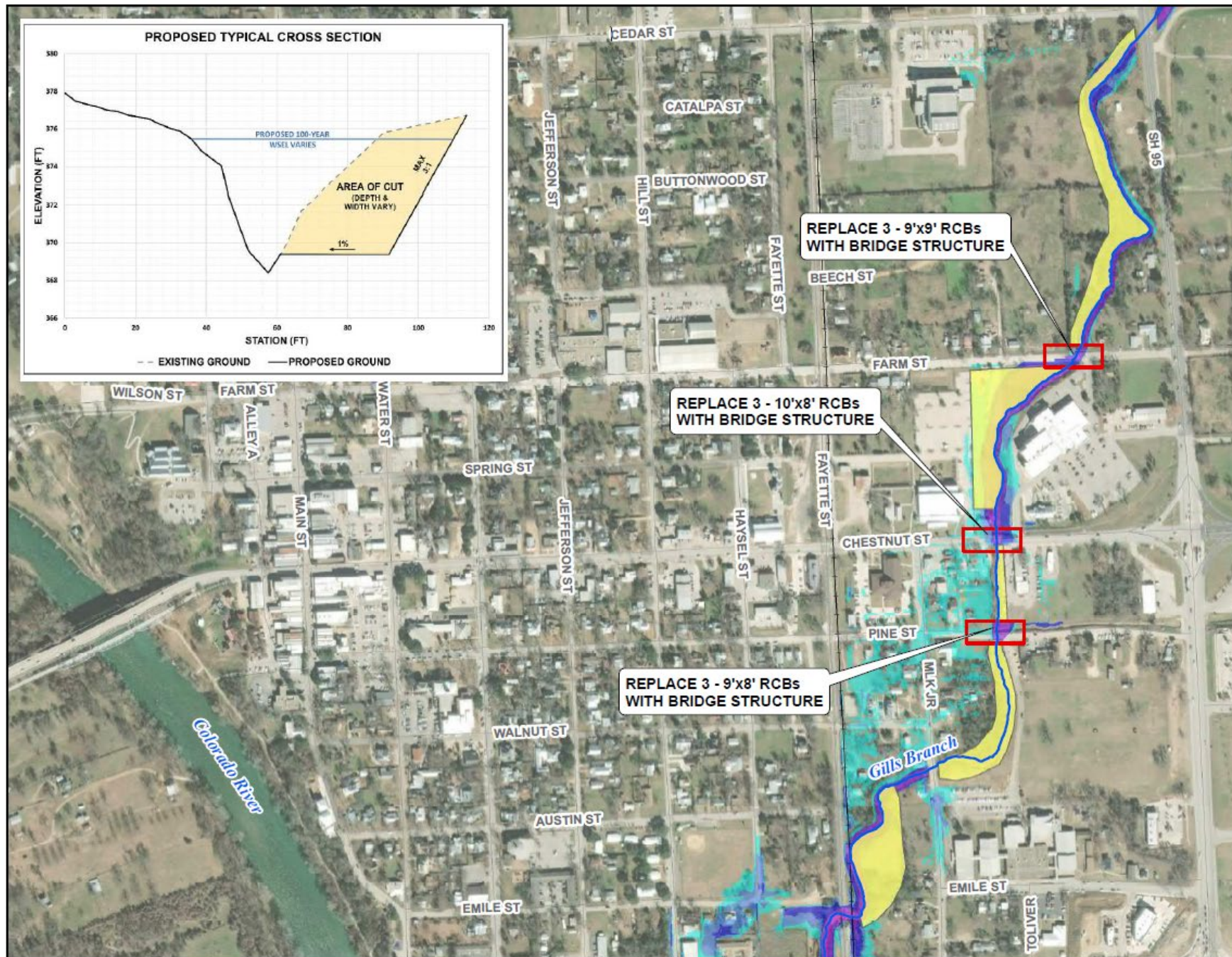
- Stream Centerline
- Streets
- Railroad

Existing 100-year Flood Depth

- 0.25 - 1.00 FT
- 1.00 - 2.00 FT
- 2.00 - 5.00 FT
- 5.00 - 10.00 FT
- 10.00 - 15.00 FT



HGMP HAZ-MIT Grants



Gills Branch Flood Mitigation Design Improvements Proposed Conditions



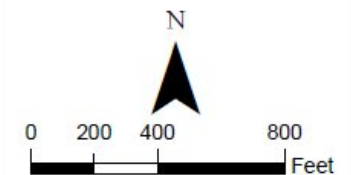
Legend

- Stream Centerline
- Culvert Replacements
- Channel Improvements
- Streets
- Railroad

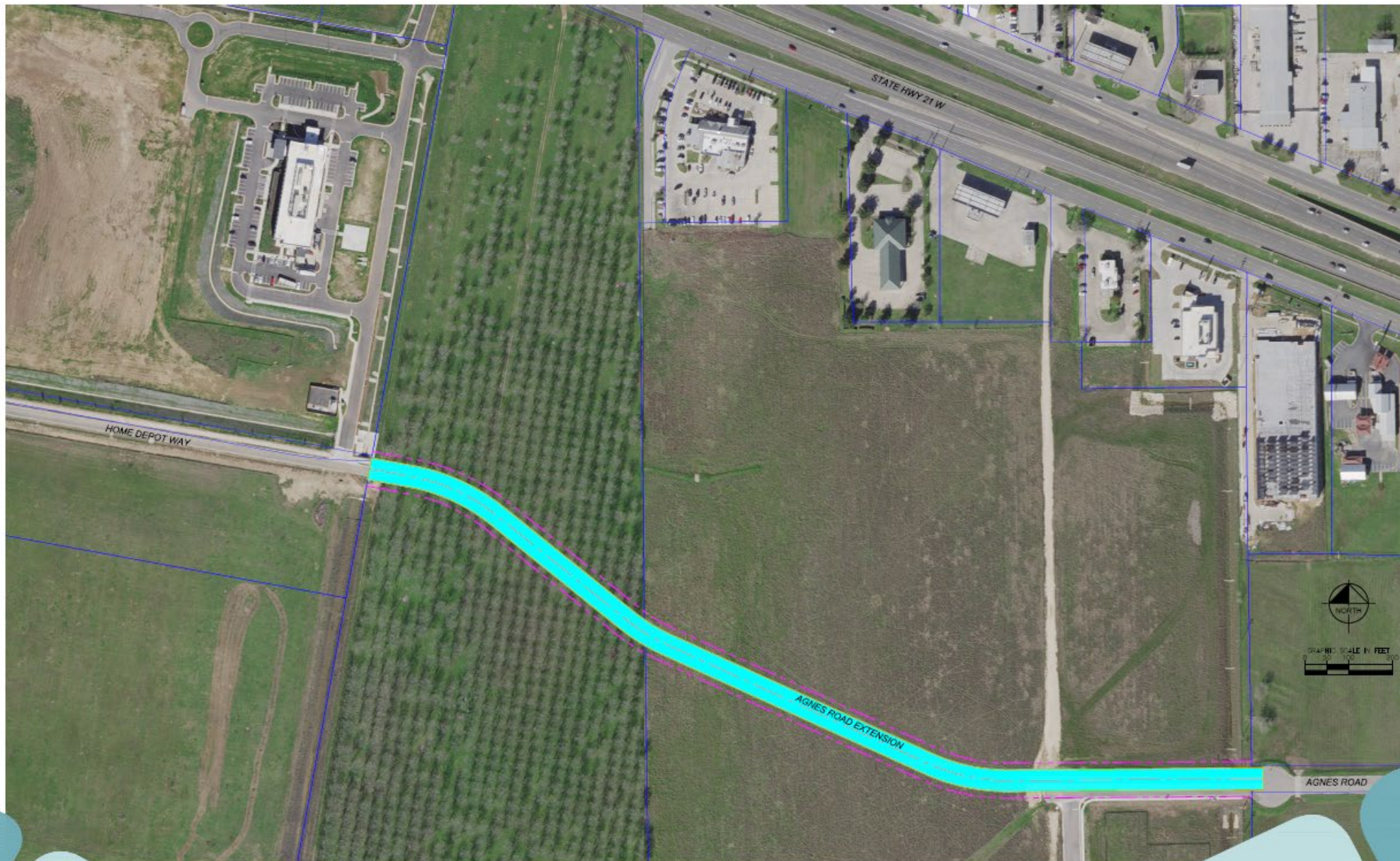
Proposed 100-year

Flood Depth

- 0.25 - 1.00 FT
- 1.00 - 2.00 FT
- 2.00 - 5.00 FT
- 5.00 - 10.00 FT
- 10.00 - 16.25 FT



HGMP HAZ-MIT Grants



AGNES ROAD
BASTROP, TX
September 10, 2020

Latitude: 30° 6'48.97"N
Longitude: 97°20'40.27"W

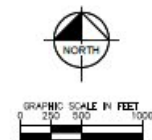
HGMP HAZ-MIT Grants

COLORADO RIVER EXHIBIT - OVERALL
BASTROP, TX
September 11, 2020

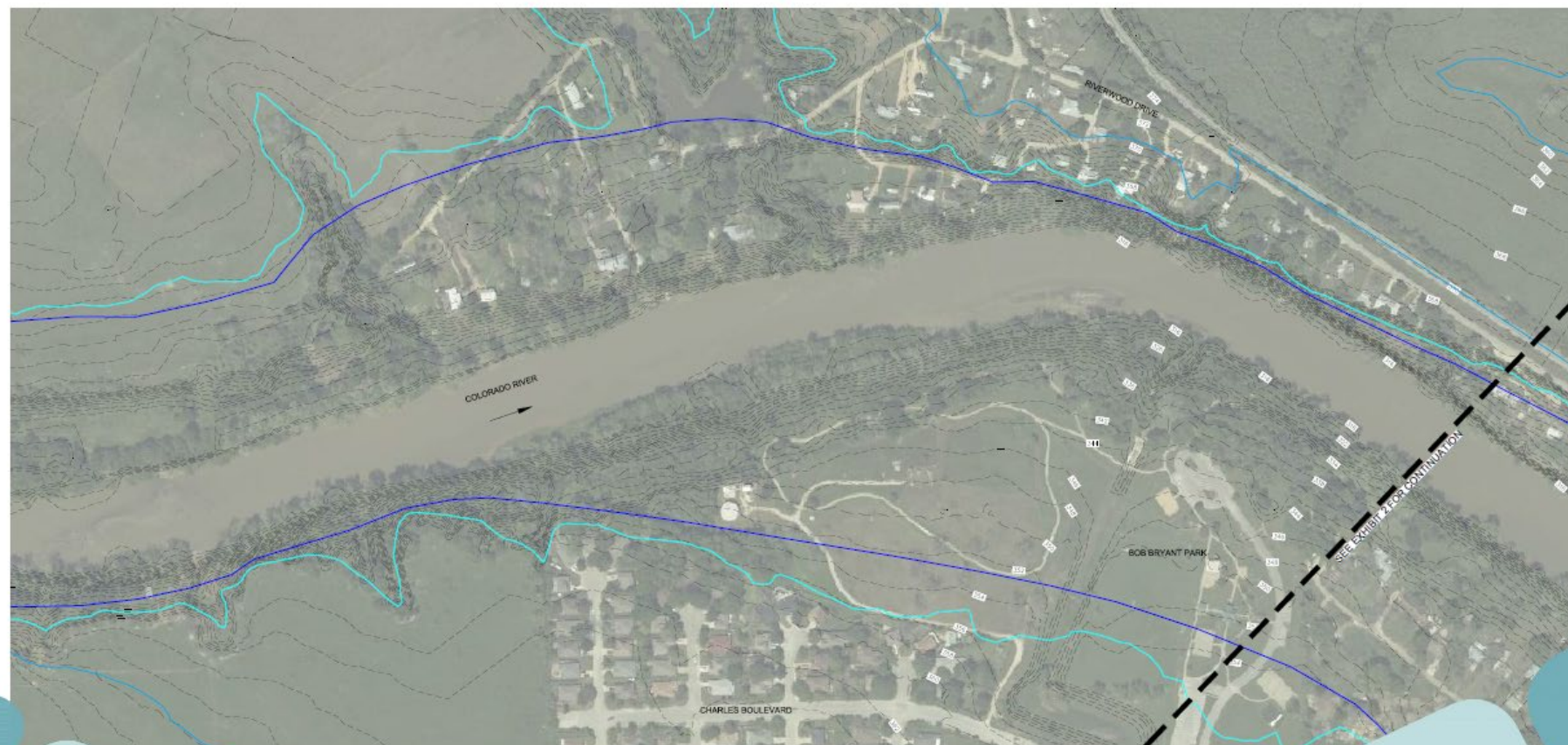
Latitude: 30° 6'50.80"N
Longitude: 97° 19'46.65"W



APPROXIMATE ROAD MAP INFORMATION FOR BASTROP
FROM PAVEMENT NO. 4800000000 EFFECTIVE 01/15/2008

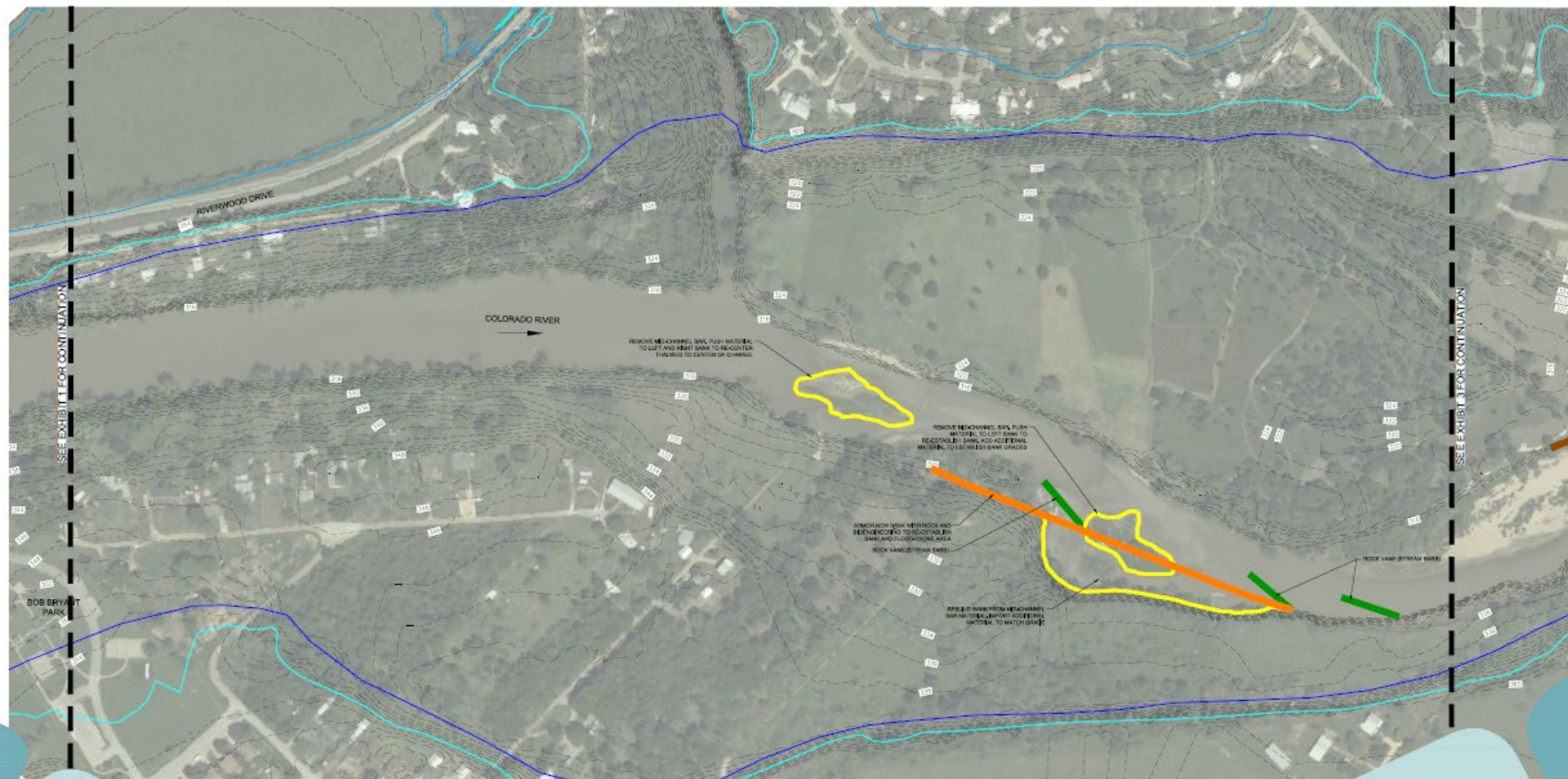


HGMP HAZ-MIT Grants



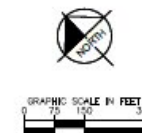
COLORADO RIVER EXHIBIT - 1 OF 3
BASTROP, TX
September 11, 2020

Latitude: 30° 6'50.80"N
Longitude: 97° 19'46.65"W



LEGEND

APPROXIMATE FLOODWAY 200-YEAR FLOOD LIMIT	
APPROXIMATE 100-YEAR FLOODPLAIN LIMIT	
APPROXIMATE 500-YEAR FLOODPLAIN LIMIT	
EXISTING LEAD TOPOGRAPHY	
PROPOSED ROCK/ENGINEERING ARMOR	
PROPOSED RIPRAP BLUFF	
PROPOSED ROCK VANE (STEEL BAR)	
PROPOSED BATHYMETRIC CHANGES	
PROPOSED ROCK PROTECTION	



APPROXIMATE FLOOD MAP INFORMATION FOR FEMA
FPM PANEL NO. 4802100000 EFFECTIVE 01/19/2008

COLORADO RIVER EXHIBIT - 2 OF 3
BASTROP, TX
September 11, 2020

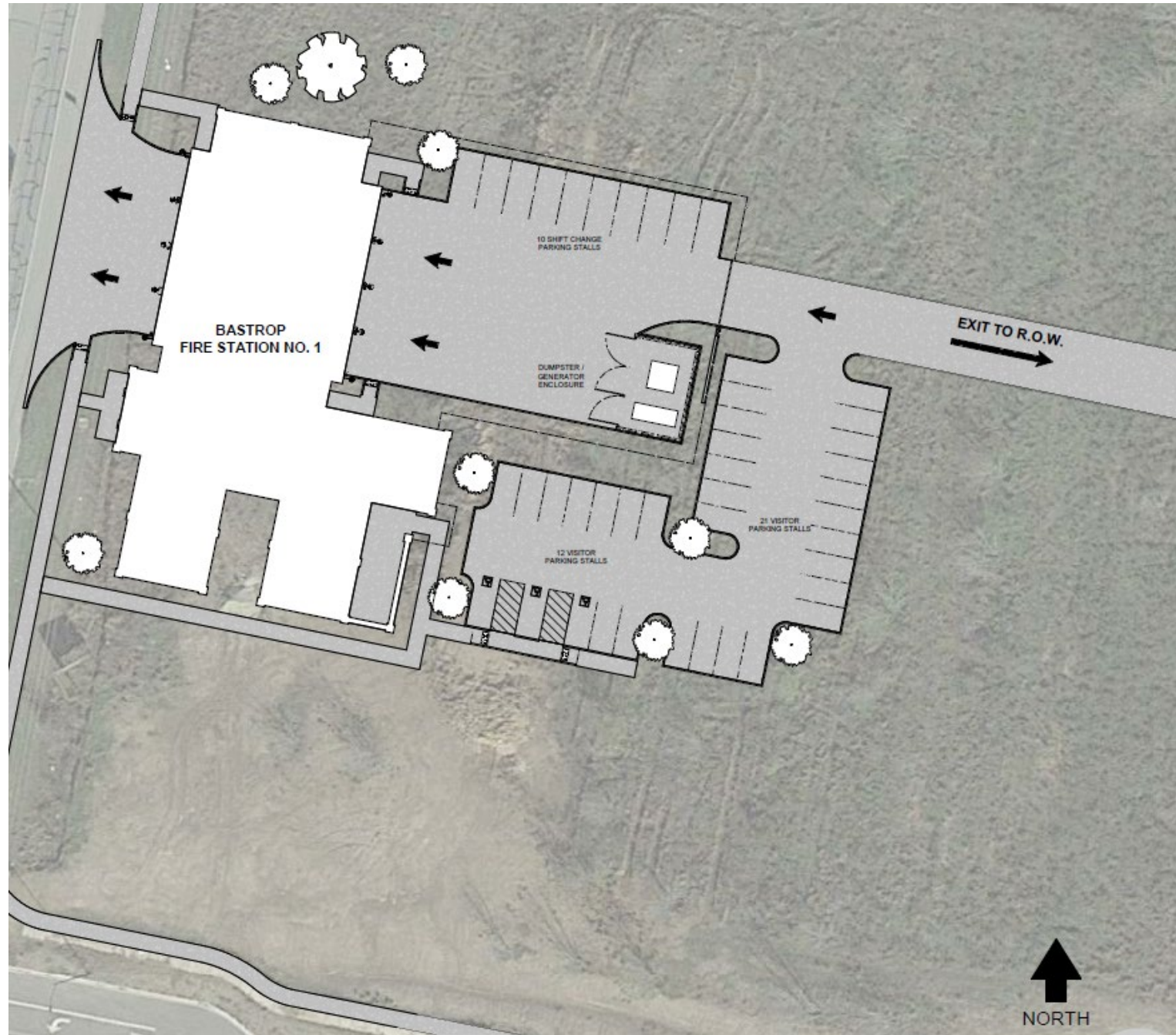
Latitude: 30° 6'50.80"N
Longitude: 97° 19'46.65"W

Latitude: 30° 6'50.80"N
Longitude: 97° 19'46.65"W



Latitude: 30° 6'50.80"N
Longitude: 97° 19'46.65"W

HGMP HAZ-MIT Grants



Projects

Estimates

- | | |
|-----------------------------------|---------------------|
| • Gills Branch Drainage Project | \$11,354,908 |
| • West Side Fire Station #3 | \$10,086,334 |
| • Riverbank Stabilization Project | \$13,291,760 |
| • Agnes Road Extension | <u>\$ 4,240,329</u> |

\$38,973,331

- The applications were submitted on October 25, 2020.
- The notice of award is expected Jan-Feb. 2021.



STAFF REPORT

MEETING DATE: November 10, 2020

AGENDA ITEM: 6B

TITLE:

Receive presentation of the Strategic Planning Calendar for Fiscal Year 2021-2022.

STAFF REPRESENTATIVE:

Tracy Waldron, Chief Financial Officer

BACKGROUND/HISTORY:

Annually, staff provides Council with a calendar outlining the important dates for the upcoming fiscal year's budget process.

POLICY EXPLANATION:

Texas Tax Code

- Chapter 26 Sec. 26.01 (a) By July 25, the chief appraiser shall prepare and certify to the assessor for each taxing unit participating in the district that part of the tax roll for the district that lists the property taxable by the unit.
- Sec. 26.05 (d) the governing body of a taxing unit may not adopt a tax rate that exceeds the lower of the voter-approval tax rate or the no-new-revenue tax rate calculated as provided by this chapter until the governing body has held *one* public hearing on the proposed tax rate.
- Sec. 26.06 (a) The public hearing required by Sec. 26.05 may not be held before the *fifth* day after the date the notice of the public hearing is given. (d) The governing body may vote on the proposed tax rate at the public hearing (*this is new with SB2*).
- Sec. 26.063 municipalities with a population of less than 30,000 are allowed to adopt a de minimus tax rate (sum of the no-new-revenue tax rate plus a rate that will raise \$500,000 plus the current debt rate) that exceeds voter-approval tax rate but must follow the requirements of Sec. 26.07 regarding holding an election. By adopting the de minimus rate, qualified voters can petition to require an election, that is why it follows the election requirement timeline.
- Sec. 26.07 The order calling the election may not be issued later than the 71st day before the date of the election.

Texas Local Government Code Chapter 102 Municipal Budget

- 102.0065 (c) Notice under this section shall be published not earlier than the 30th or later than the 10th day before the date of the budget hearing.

Texas Local Government Code Chapter 140.010 Proposed Tax Rate notice for Counties and Municipalities

- 140.010 (f) (1) provide the notice required by Subsection (d) or (e), as applicable, not later than the later of Sept. 1 or the 30th day after the date that the taxing unit has received each applicable certified appraisal roll.

City Charter

- Sec. 6.02 The City Manager, at least thirty (30) days prior to the commencement of the fiscal year, shall prepare and submit a budget to the Council.
- Sec. 6.04 At the Council meeting at which time the budget is submitted, the Council shall, in conformance with the requirement of state law, name the date, time and place of a public hearing and shall cause to be published the date, time and place thereof.

ATTACHMENTS:

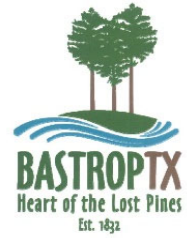
- FY2021-2022 Strategic Planning Calendar



City of Bastrop

FY 2021-2022 Strategic Planning Calendar

(assumes no voter approval election required)



Preparation	January 13	City Council Candidate filing period begins
	February 9*	CFO to present 1Q FY2021 Performance Report; City Manager Evaluation
	February 12	City Council Candidate Filing period ends
	March 5	Staff planning session - FY 2022 Budget Kick-off
	March (TBD)	City Council Candidate Orientation
	May 1	Election Day; Receive preliminary notices of appraised value from Chief Appraiser
	May 11*	Canvass Results of May 1st Election; CFO to present 2Q FY2021 Performance Report; City Manager to present Capital Plan and Fiscal Forecast
	May 14*	Special City Council Workshop (All day Budget Planning Workshop) - Comprehensive Plan/Focus Areas, Capital Plan Review, Fiscal Forecast Assumptions, Management Projects/Enhancements and Affirming Tax Revenue target.
	May 17	Community Support and Non-Special Event HOT Tourism related organization applications available at City Hall and on City's website
	June 28	Deadline - Community Support & Non-Special Event HOT Organization applications for FY2022 Funding (5:00pm)
	July 13	Community Support Organizations present their funding request to Council (limit 3 minutes)
	July 21	Hunter's Crossing Local Government Corporation Meeting to review budget and propose Special Assessments
	July 25	Deadline for Chief Appraiser to certify rolls to taxing units
Adoption	July 24	Publish Notice of proposed Special Assessments (must be posted 15 days prior to Public Hearing)
	July 27*	City Manager presents the FY 2022 Budget (considered filed with the City Secretary); Review Financial and Purchasing Policies.
	August 5*	Meeting of the Governing Body to discuss the proposed tax rate; if proposed tax rate will exceed the No-New-Revenue Tax Rate or the Voter-Approval Tax Rate (whichever is lower), take record vote and schedule public hearing.
	August 10*	Review Financial and Purchasing Policies; CFO to present 3Q FY2021 Performance Report.
	August 10*	Public Hearing Special Assessments for Hunter's Crossing PID; First Reading of the Amended and Restated Service and Assessment Plan.
	August 17*	Budget Workshop - Review Proposed Budget
	August 18*	Budget Workshop#2 - Review Proposed Budget (if needed)
	August 24*	Council Meeting - Adopt Financial and Purchasing Policies; Second Reading of the Amended and Restated Service and Assessment Plan.
	September 4	Published Notice of Budget Hearing and Tax Rate (must be posted 10 days prior to Public Hearing - 5 days for Tax Rate notice)
	September 14*	Council Meeting - Public Hearing and First Reading on Tax Rate Ordinance; Budget Public Hearing; First Reading on Budget Ordinance.
Implementation	September 28*	Council Meeting to adopt tax rate and budget. Must adopt budget before tax rate. City Council must take a separate ratification vote to adopt any budget that will raise total property tax revenue.
	October 1	Fiscal Year begins
	October 12*	Distribute Final FY2022 Adopted Budget Book
	November 9*	CFO to present 4Q FY2021 Performance Report
	December 6	Begin FY2020 audit
	December 14*	Presentation of preliminary unaudited financial report for FY2020

* Council Meeting



STAFF REPORT

MEETING DATE: November 10, 2020

AGENDA ITEM: 6C

TITLE:

Presentation of City Manager's Proposed Reorganization Plan.

STAFF REPRESENTATIVE:

Paul A. Hofmann, City Manager

BACKGROUND/HISTORY:

The City Manager is proposing a reorganization of departments and reporting relationships.

POLICY EXPLANATION:

City Departments are established by ordinance. On December 8, the City Council will be asked to consider the establishment of city departments in accordance with the Reorganization Plan.

FUNDING SOURCE:

The reorganization can be accomplished within the current budget. No additional positions are being recommended.

RECOMMENDATION:

Receive the report and provide feedback as appropriate.

ATTACHMENTS:

November 5 Memorandum from the City Manager describing the Reorganization Plan.

TO: Honorable Mayor and Members of the Bastrop City Council
FROM: Paul A. Hofmann, City Manager
DATE: November 5, 2020
SUBJECT: Presentation of City Manager's Proposed Reorganization Plan



Background

As we discussed in August, elements of the City's organizational structure remained in flux as Council considered the FY 21 budget. At the time, I suggested to Council that we avoid adding new positions to the budget, that we keep the Planning Director position vacant for six months, and that I take more time to assess the organizational plan for the hospitality, multimedia, and main street operations.

After several weeks of receiving Council input, becoming familiar with the staff team, and meeting with community partners, I am prepared to present a reorganization plan during the November 10 City Council meeting. As the plan would ultimately result in a different departmental alignment, Council would be asked to approve the plan on December 8. Should we stay on that schedule, the plan goes into effect the first of calendar year 2021.

What we are hoping to accomplish

As the still relatively new Bastrop City Manager, I feel very fortunate to have inherited the team of department directors and other staff employed here. This management team cares deeply about this community, is committed to Council's priorities, works well with each other, and understands the job. My objective is to create horizontal and vertical alignment while not detracting from what the team already does well.

City Council Focus Areas

Everything we do should link back to the City's Comprehensive Plan and in particular the Council's Nine Focus Areas. An area of focus for our Communications and Special Events cross-functional team is the production of quarterly reports intended to provide information to the Council and public on what we are doing towards Council's priorities as established in those 9 areas.

The City Council recently provided additional clarity and precision via the City Manager candidate profile in letting the potential new City Manager know that they would be asked to concentrate on three of the focus areas. Those areas are:

- Communication
- Fiscal Responsibility
- Organizational Excellence

Communication

The Reorganization Plan creates structural emphasis on how the City sends and receives messages from the community. We are developing a *messaging strategy* that will ensure we are listening and responding to our citizens and community partners, that our formal reporting is relevant and meaningful, and that everyone knows their responsibility for delivering the City's message.

The Plan creates a role for the facilitation of public and private special events. Collaborative community-wide event planning will increase creativity and link together existing events with community assets and local hotels. The conversations held so far with community partners on the possibilities have been encouraging and much appreciated.

The Plan calls for the reestablishment of the position of city engineer. A responsibility of the city engineer will be the development, monitoring, and reporting on the City's long-range capital plan. The city engineer will be expected to produce frequent status reports on the status of capital project schedule and funding. The city engineer position will be reclassified from the currently vacant Planning Director position.

Fiscal Responsibility

The Plan requires no additional positions and is accomplishable within the current budget. We will take advantage of vacancy savings, savings in contracted engineering services, and we will utilize existing capital project funding for a portion of the compensation of the City Engineer.

Work continues on the compensation analysis approved in the FY 21 budget. That analysis will provide assistance in the precise establishment of revised job descriptions and will confirm the right placement of positions in the market. As we discussed during the adoption of the FY 21 budget, a budget amendment may be necessary after we review the study analysis. We will have good data on where we stand both generally and specifically with particular positions. Unappropriated reserves above the Council policy amount are available to fund a potential budget amendment.

The Plan also puts focus on the expenditure of hotel-motel funds, ensuring that an ongoing objective is linking those expenditures to overnight stays in Bastrop. Reference the facilitated events planning with community partners mentioned above.

Organizational Excellence.

City Planning

The Plan puts people in positions where they can be most effective. In the new plan, Assistant City Manager Trey Job will continue to also serve as director of the planning department. Mr. Job's knowledge of and commitment to the B3 Code would not be matched by any new addition to the team. Mr. Job is in the midst of building a very effective and responsive planning and development team; and we do not wish to lose momentum. Strides have already been made with filling important positions, implementing MyGov, and creating expectations for excellent customer service. Successful implementation of the B3 Code is still a work in progress and warrants the attention of an Assistant City Manager.

Engineering and Capital Project Management

Mr. Job will also supervise the newly created Engineering and Capital Project Management Department. This department will be resourced by our in-house construction manager. A significant portion of Mr. Job's current workload associated with both funded and unfunded capital projects will shift to the city engineer. This is an important objective given the need to focus on the B3 Code implementation mentioned above.

In addition to improved reporting on capital projects, the City Engineer will have an important development review role, including filling the role of flood plain administrator for the City. As Council is aware, an emphasis on managing growth in the extraterritorial jurisdiction is stormwater management. It is beneficial to have an in-house resource for this important and ongoing work. This is consistent with Council's "Manage Growth" Focus Area.

Public Works and Bastrop Power & Light Departments

Mr. Job will also continue to supervise the Public Works and Bastrop Power & Light Departments. An improvement area will be how the City manages facilities within the Public Works Department.

Main Street Program

The Plan also elevates the role of Main Street Manager Rebecca Gleason to Assistant City Manager, and in so doing also elevates the presence of the Main Street Program and the Historic District. Here we fold in the “Uniquely Bastrop” Focus Area, recognizing, taking advantage of, and resourcing the soul of the community. The Plan puts structure around our efforts to “maintain our historic community feel by leveraging the unique combination of community, cultural, and recreational assets that make Bastrop a special place to live and work” (reference City Council 9 Focus Areas document).

This is Assistant City Manager-level work, and Ms. Gleason’s background and time spent as Main Street Manager uniquely qualifies her for the role. She has made a career out of values-based leadership, logical problem solving, and establishing healthy relationships and networks with community partners. Similar to the situation with Mr. Job, Ms. Gleason will be asked to serve as both Director and Assistant City Manager and to maintain the positive momentum.

Events

As indicated earlier, one key to success will be facilitating event planning. A priority will be the successful marketing of local (Historic District) events to visitors. We should not be myopic in our view of local events vs. events targeted at visitors, how the convention center is utilized vs. local hotels, the City’s management of events vs. non-city events. Ms. Gleason, along with altered roles for Victoria Psencik and Kathy Danielson, will be responsible for making sure the long list of community support groups, community assets, event organizers, and Visit Bastrop are all working collaboratively toward the same objectives and effectively programming our City assets including the Convention Center and Historic District

Library and Information Technology Departments

Ms. Gleason as Assistant City Manager will also be responsible for supervising the Library and Information Technology Departments. These departments have an important function in how we use and share information, and the Plan establishes important horizontal alignment. Ms. Gleason will also oversee our public information function and will supervise a reclassified position focused on customer service and responsiveness to citizens who contact the City with service requests.

Public Safety and Administration

Reporting to the City Manager in this Plan will be the departments of Human Resources, Finance, City Secretary, Police, and Fire.

Span of Control

As a result, the City Manager will have seven direct reports, the Assistant City Manager for Community Development (Mr. Job) will have four, and the Assistant City Manager for Community Engagement (Ms. Gleason) will have seven. I believe given the nature of the work this is an appropriate span of control distribution.

Next Steps

I look forward to providing additional detail and answering your questions during the November 10 City Council meeting. Bastrop is blessed with strong volunteers and several community partners. An objective of this Plan is to better align the City's resources with the good work already being done in the community. The idea is not to manage that good work, but because there is a natural overlap in service delivery, ensure that roles, responsibilities, and relationships are understood. The City has an important role to play, especially when City resources are involved, to ensure there is good communication and accountability.

Council will not be asked to vote on November 10. On December 8, Council will be asked to amend current City Code language regarding the establishment of City departments. As indicated earlier, we are planning a January 1 implementation date.

In the meantime, we have begun the process of rewriting job descriptions in accordance with the Plan. We are also providing information to our compensation study consultant so that we can compare the newly defined positions in the market.

Based on the feedback I receive on November 10; I would like to proceed with filling the City Engineer position as soon as possible.

Thank you for your consideration.



STAFF REPORT

MEETING DATE: November 10, 2020

AGENDA ITEM: 7

TITLE:

CITIZEN COMMENTS

At this time, three (3) minute comments will be taken from the audience on any topic. To address the Council in person, please submit a fully completed request card to the City Secretary prior to the start of the meeting or to have it read from the dais, complete a citizen comment form with comments at www.cityofbastrop.org/citizencommentform before 5:00 p.m. on November 10, 2020. Submitted comments will be read aloud at the meeting. 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: November 10, 2020

AGENDA ITEM: 8A

TITLE:

Consider action to approve City Council minutes from the October 27, 2020 Regular meeting.
(Submitted by: Ann Franklin, City Secretary)

STAFF REPRESENTATIVE:

Paul A. Hofmann, City Manager
Ann Franklin, City Secretary

BACKGROUND/HISTORY:

N/A

POLICY EXPLANATION:

Section 551.021 of the Government Code provides as follows:

- (a) A governmental body shall prepare and keep minutes or make a tape recording of each open meeting of the body.
- (b) The minutes must:
 1. State the subject of each deliberation; and
 2. Indicate the vote, order, decision, or other action taken.

FUNDING SOURCE:

N/A

RECOMMENDATION:

Recommend Council consider action to approve City Council minutes from the October 27, 2020 Regular meeting.

ATTACHMENTS:

- October 27, 2020, DRAFT Regular Meeting Minutes.

OCTOBER 27, 2020

The Bastrop City Council met in a regular meeting on Tuesday, October 27, 2020, at 6:30 p.m. at the Bastrop City Hall Council Chambers, located at 1311 Chestnut Street, Bastrop, Texas. Members physically present were: Mayor Schroeder, Mayor Pro Tem Nelson and Council Members Ennis and Rogers. Council Member Jackson was present via video. Officers physically 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. Council Member Peterson was absent.

PLEDGE OF ALLEGIANCE**INVOCATION**

City Manager Paul Hofmann, gave the invocation.

PRESENTATIONS

- 4A. Mayor's Report
- 4B. Council Members' Report
- 4C. City Manager's Report
- 4D. Receive a presentation from Betty Voights, Executive Director of the Capital Area Council of Governments (CAPCOG) on "50 Years of Service" to our 10-county region that includes Bastrop. (Submitted by: Paul A. Hofmann)
Presentation was given by Betty Voights, Executive Director of the Capital Area Council of Governments (CAPCOG).
- 4E. A proclamation of the City Council of the City of Bastrop, Texas, recognizing November 5, 2020 as City of Bastrop Arbor Day. (Submitted by: Curtis Hancock, Director of Public Works)
The proclamation was read into record by Mayor Schroeder, accepted by Kerry Fossler of the Parks Board.
- 4F. A proclamation of the City Council of the City of Bastrop, Texas and Bastrop County Commissioners' Court recognizing November 11, 2020 as Veterans Day. (Submitted by: Clint Nagy, Chief of Police)
The proclamation was read into record by Mayor Schroeder.

WORK SESSION/BRIEFINGS

- 5C. Receive presentation from Specialized Public Finance, the City's Financial Advisors, on Limited Tax Note issuance and timeline. (Submitted by: Tracy Waldron, Chief Financial Officer)
Presentation was made by Dan Wegmiller, Specialized Public Finance.

- 5A. Discussion regarding the City of Bastrop Parks Sidewalk Connectivity Project.
(Submitted by: Curtis Hancock, Director of Public Works)
Presentation was made by Curtis Hancock, Director of Public Works.
- 5B. Discussion regarding speed hump policy. (Submitted by: Curtis Hancock, Director of Public Works)
Presentation was made by Curtis Hancock, Director of Public Works.

Mayor Schroeder recessed the Council Meeting at 8:10 p.m.

Mayor Schroeder called the Council Meeting back to order at 8:19 p.m.

STAFF AND BOARD REPORTS

- 6A. Presentation on the Quarterly Investment Report for period ending September 30, 2020. (Submitted by: Tracy Waldron, Chief Financial Officer)
Presentation was made by Chief Financial Officer, Tracy Waldron.
- 6B. Receive Quarterly Report from the Bastrop Convention & Exhibit Center. (Submitted by: Kathy Danielson, Director Bastrop Convention and Exhibit Center)
Presentation was made by Kathy Danielson, Director Bastrop Convention and Exhibit Center.
- 6C. Receive Quarterly Report from BEDC. (Submitted by: Cameron Cox, BEDC Chief Executive Officer)
Presentation was made by Cameron Cox, Chief Executive Officer Bastrop Economic Development Corporation.
- 6D. Receive Quarterly Report from the Bastrop YMCA. (Submitted by: Tracy Waldron, Chief Financial Officer)
Presentation was made by Terry Moore, Executive Director YMCA.
- 6E. Receive Quarterly Report from Visit Bastrop. (Submitted by: Tracy Waldron, Chief Financial Officer)
Presentation was made by Susan Smith, President/CEO Visit Bastrop.
- 6F. Receive Quarterly Report from the Bastrop Opera House. (Submitted by: Tracy Waldron, Chief Financial Officer)
Presentation was made by Lisa Holcomb, Executive Director Bastrop Opera House.
- 6G. Receive Quarterly Report from the Lost Pines Art. (Submitted by: Tracy Waldron, Chief Financial Officer)
Presentation was made by Patricia Redulic, Executive Director Lost Pines Art.
- 6H. Receive Quarterly Report from the Bastrop County Museum & Visitor Center. (Submitted by: Tracy Waldron, Chief Financial Officer)
Presentation was made by Kaye Sapikas, Director Bastrop Museum & Visitor Center.

CITIZEN COMMENT - NONE**CONSENT AGENDA - NONE****ITEMS FOR INDIVIDUAL CONSIDERATION**

- 9A. Consider and adopt on first and final reading Ordinance No. 2020-29 as an emergency measure ratifying temporary Emergency Orders enacted by the Mayor in her capacity as Emergency Management Director in regards to the current Local State of Disaster, for the immediate preservation of the public peace, health or safety. **Mayor Schroeder did not approve any Emergency Orders since the last Council meeting.**

- 9B. Consider action to approve the first reading of Ordinance No. 2020-30, of the City Council of the City of Bastrop, Texas repealing and replacing Chapter 12 – Traffic and Vehicles, Article 12.12 – Golf Carts; and providing for findings of fact, adoption, repealer, severability, and enforcement; establishing an effective date; proper notice and meeting, and move to include on the November 10, 2020 consent agenda for a second reading. (Submitted by: Clint Nagy, Chief of Police)
Presentation was made by Chief of Police, Clint Nagy.

A motion was made by Council Member Ennis to approve the first reading of Ordinance No. 2020-30 with the following amendment, seconded by Mayor Pro Tem Nelson, motion was approved on a 4-0 vote. Council Member Peterson was absent.

The amendment was to include in the ordinance: any child under the age of 6 must have a restraint; and definition of restraint. On return for second reading this item is to be listed in the “ITEMS FOR INDIVIDUAL CONSIDERATION” section.

- 9C. Consider action to approve City Council minutes from the October 13, 2020 Regular meeting. (Submitted by: Ann Franklin, City Secretary)
A motion was made by Mayor Pro Tem Nelson to approve City Council minutes from the October 13, 2020 Regular meeting, seconded by Council Member Rogers, motion was approved on a 4-0 vote. Council Member Peterson was absent.

EXECUTIVE SESSION

The City Council met at 9:26 p.m. in a closed/executive session pursuant to the Texas Government Code, Chapter 551, et seq, to discuss the following:

- 10A. 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.

The Bastrop City Council reconvened at 9:35 p.m. into open (public) session.

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

No action taken.

ADJOURNMENT

Adjourned at 9:35 p.m. without objection.

APPROVED:

ATTEST:

Mayor Connie B. Schroeder

City Secretary Ann Franklin

The Minutes were approved on November 10, 2020, by Council Member motion, Council Member second. The motion was approved on a vote.



STAFF REPORT

MEETING DATE: November 10, 2020

AGENDA ITEM: 8B

TITLE:

Consider action to approve Resolution No. R-2020-110 of the City Council of the City of Bastrop, Texas, approving the Bastrop Public Library to accept a grant in the amount of Twelve Thousand and 00/100 Dollars (\$12,000) from the Hancher Foundation for the purchase of laptops and hotspots for use by library patrons and providing an effective date.

STAFF REPRESENTATIVE:

Becca Sexton, Library Director

BACKGROUND/HISTORY:

The Bastrop Public Library has applied for and been awarded a \$12,000 Hancher Foundation grant for libraries serving populations of 50,000 or less. This funding will support the creation of a program to circulate laptops and hotspots to increase technology access and connectivity in our community.

The original grant application was for \$18,111 for ten laptops and ten hotspots. To keep the project within the \$12,000 budget we will reduce the number of circulating laptops to five, saving \$5,105 on laptops and \$350 on software, and the number of hotspots to 9, saving \$520 on the hotspot and internet service plan. The remaining \$136 will be saved by purchasing a smaller storage cart to accommodate the reduced number of laptops.

POLICY EXPLANATION:

The City of Bastrop's Finance Policy requires all grants to be formally accepted by the City Council.

FUNDING SOURCE:

Hancher Foundation, Columbus, Texas

RECOMMENDATION:

I recommend approval of Resolution No. R-2020-110 of the City Council of the City of Bastrop, Texas, accepting a Hancher Foundation grant in the amount of \$12,000.

ATTACHMENTS:

- Resolution

RESOLUTION NO. R-2020-110

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, APPROVING THE BASTROP PUBLIC LIBRARY TO ACCEPT A GRANT IN THE AMOUNT OF TWELVE THOUSAND AND 00/100 DOLLARS (\$12,000) FROM THE HANCHER FOUNDATION FOR THE PURCHASE OF LAPTOPS AND HOTSPOTS FOR USE BY LIBRARY PATRONS AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Bastrop finds it is in the best interest of the citizens of Bastrop, that the Bastrop Public Library utilize a grant that has been awarded to them from the Hancher Foundation to implement circulating laptops and hotspots with no matching funds from the City of Bastrop; and

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

Section 1. The City Council of the City of Bastrop approves acceptance of a Hancher Foundation grant in the amount of \$12,000.

Section 2. Any prior resolution of the City Council in conflict with the provisions contained in this resolution are hereby repealed and revoked.

Section 3: Should any part of this resolution be held to be invalid for any reason, the remainder shall not be affected thereby, and such remaining portions are hereby severable.

Section 4: 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 10th day of November, 2020.

APPROVED:

Connie B. Schroeder, Mayor

ATTEST:

Ann Franklin, City Secretary

APPROVED AS TO FORM:

Alan Bojorquez, City Attorney



STAFF REPORT

MEETING DATE: November 10, 2020

AGENDA ITEM: 8C

TITLE:

Consider action to approve Resolution No. R-2020-115 of the City Council of the City of Bastrop, Texas approving a Public Improvement Plan Agreement with Ranch Road Development LLC for Section Seven of Pecan Park as attached in Exhibit A; authorizing the City Manager to execute all necessary documents; providing for a repealing clause; and establishing an effective date.

STAFF REPRESENTATIVE:

Trey Job, Assistant City Manager of Development Services

BACKGROUND/HISTORY:

The Public Improvement Plan Agreement was developed as part of the City of Bastrop's Development Manual. This standardized agreement is a tool that can be used by staff. It allows a developer to final plat lots within the approved section of the subdivision prior to the completion of all public improvements.

The cost estimates and scope of work included in the Agreement were approved with the Public Improvement Plans approved by the City Engineer.

POLICY EXPLANATION:

Texas Local Government Code Section 51.001 provides the City general authority to adopt an Ordinance or policy regulations that are for the good government, peace, or order of the City and is necessary or proper for carrying out a power granted by law to the City.

FUNDING SOURCE:

N/A

RECOMMENDATION:

Trey Job, Assistant City Manager of Development Services recommends approval of Resolution No. R-2020-115 of the City Council of the City of Bastrop, Texas approving a Public Improvement Plan Agreement with Ranch Road Development LLC for Section Seven of Pecan Park.

ATTACHMENTS:

- Resolution No. R-2020-115
- Draft Public Improvement Plan Agreement

RESOLUTION NO. R-2020-115

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS APPROVING A PUBLIC IMPROVEMENT PLAN AGREEMENT WITH RANCH ROAD DEVELOPMENT LLC FOR SECTION SEVEN OF PECAN PARK AS ATTACHED IN EXHIBIT A; AUTHORIZING THE CITY MANAGER TO EXECUTE ALL NECESSARY DOCUMENTS; PROVIDING FOR A REPEALING CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, The City Council has adopted the Bastrop Building Block (B³) Code and related codes that provide a process for the standards and construction of public improvements that support the development created during the subdivision process; and

WHEREAS, the Development Manual includes the requirement for a developer to provide a Public Improvement Plan Agreement to ensure the installation of the public improvements; and

WHEREAS, the “Developer” known as Ranch Road Development LLC has an approved Preliminary Plat and Public Improvement Plan for the construction of a single-family subdivision; and

WHEREAS, The City Council also understands the importance of the required public improvements and the value they bring in regard to the public safety of neighborhoods.

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

Section 1: That the City Manager will execute the Public Improvement Plan Agreement attached as Exhibit A.

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.

DULY RESOLVED AND ADOPTED by the City Council of the City of Bastrop this 10th day of November, 2020.

APPROVED:

Connie B. Schroeder, Mayor

ATTEST:

Ann Franklin, City Secretary

APPROVED AS TO FORM:

Alan Bojorquez, City Attorney

CITY OF BASTROP, TEXAS
Public Improvement Plan Agreement

Pecan Park – Section 7

The State of Texas

County of Bastrop

WHEREAS, Ranch Road Development LLC hereinafter referred to as, "Developer", is the developer of the following described property and desires to make certain improvements to all of the lots and blocks in Pecan Park – Section 7, a proposed addition to the City of Bastrop, Texas; and

WHEREAS, the said Developer has requested the City of Bastrop, a Home Rule Municipality of Bastrop County, Texas, hereinafter referred to as, "City", to provide approvals and cooperative arrangements in connection with said improvements:

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That said Developer, acting herein by and through Scott Miller, its duly authorized officer, and the City, acting herein by and through Paul Hofmann it's City Manager, for and in consideration of the covenants and agreements herein performed and to be performed, do hereby covenant and agree as follows regarding assurance of construction of sanitary sewer facilities, streets, drainage, street lights and street signs, and park/trail improvements; summary of infrastructure (development) amounts; assurance payments to the City; payment of impact fees; and miscellaneous provisions relating to the acceptable completion of said construction according to the plans for Pecan Park – Section 7 approved by the City on the 22nd day of September, 2020.

1.00 Assurance of Infrastructure Construction

Public Improvement Plan Agreement – *PECAN PARK, SECTION 7*

1.10 Employment of Contractors

In accordance with this agreement, the Developer agrees to employ a general contractor or contractors in accordance with the conditions set forth in Section 4.00 for work for which the Developer is providing as stated herein and indicated in the Summary of Infrastructure (Development) Assurance Amounts, Section 2.30 on page 4 of this agreement.

1.11 Payment of Developer Infrastructure Assurance Fees

The Developer and the City agree that the final plat of Pecan Park – Section 7 will not be filed for record until payment of the Final Assurance Amount. Except as otherwise provided in Section 4.40 of this contract, no building permits will be issued for any lots prior to the plat recording.

1.12 Payment of Miscellaneous Construction Costs

It is further agreed and understood that additional costs may be required of the Developer to cover such additional work, materials and/or other costs as may be made necessary by conditions encountered during construction and within the scope of this project.

1.13 Compliance with Tree Preservation Ordinance

Intentionally deleted.

2.00 Infrastructure (Development) Improvement Costs

All infrastructure (development) improvement costs are the full responsibility of the Developer unless otherwise noted. The following improvement costs have been developed using the Developer's plans and specifications and recommendations

Public Improvement Plan Agreement – *PECAN PARK, SECTION 7*

by the City in accordance with the construction guidelines set forth by the City:

2.10 Sanitary Sewer Improvements

The distribution of costs between the City and the Developer for all sanitary sewer improvements are as follows:

	Full Project Cost	Developer's Assurance Amount	City Participation
Sanitary Sewer Facilities	\$102,707.90	\$102,707.90	\$0.00
Other Related Facilities	\$0.00	\$0.00	\$0.00
Total Construction Cost	\$102,707.90	\$102,707.90	\$0.00

2.20 Street and Storm Drainage Improvements

The distribution of costs between the City and the Developer for all street and drainage improvements are as follows:

	Full Project Cost	Developer's Assurance Amount	City Participation
Storm Drainage Facilities	\$617,564.56	\$617,564.56	\$0.00
Streets & Sidewalks	\$377,573.16	\$377,573.16	\$0.00
Total Construction Cost	\$995,137.72	\$995,137.72	\$0.00

2.30 Water System Improvements

Public Improvement Plan Agreement – *PECAN PARK, SECTION 7*

	Full Project Cost	Developer's Assurance Amount	City Participation
Water System Improvements	\$217,830.10	\$217,830.10	\$0.00
Total Construction Cost	\$217,830.10	\$217,830.10	\$0.00

The distribution of costs between the City and the Developer for all street and drainage improvements are as follows:

2.30 Summary of Infrastructure (Development) Assurance Amounts

	Final Assurance Amount
Sanitary Sewer Facilities	\$102,707.90
Storm Drainage Facilities	\$617,564.56
Water Facilities	\$217,830.10
<u>Streets & Sidewalks</u>	<u>\$377,573.16</u>
Total Construction Cost	\$1,315,675.72

ALL INSPECTION FEES LISTED BELOW HAVE BEEN PAID IN FULL AS OF THE DATE OF THIS AGREEMENT.

	Percentage of Construction	Construction Cost	Final Assurance Amount
Sanitary Sewer Inspection Fee	3.5%	\$102,707.90	\$3,594.78
Storm Drainage Inspection Fee	3.5%	\$617,564.56	\$21,614.76
Water System Inspection Fee	3.5%	\$217,830.10	\$7,624.05
<u>Streets & Sidewalks Inspection Fee</u>	<u>3.5%</u>	<u>\$377,573.16</u>	<u>\$13,215.06</u>
Payment to the City			\$46,048.65

Public Improvement Plan Agreement – *PECAN PARK, SECTION 7*

The final construction amount is **\$\$1,315,675.72**, and the final assurance amount is **\$\$1,315,675.72** (the “Final Assurance Amount”).

RECOMMENDED:

Tony Buonodono, P. E.
City Engineer

Date

Public Improvement Plan Agreement – *PECAN PARK, SECTION 7*

3.00 Miscellaneous Improvements

3.10 Drainage Operation and Maintenance Plan

Intentionally deleted.

3.10 Sidewalks

The Developer shall be responsible for installing sidewalks along rights-of-way on open space lots and other lots that will not contain single family residential units within Pecan Park – Section 2 as shown on the approved Public Improvement Plans as approved by the City on November 8, 2019. All sidewalks shall be in compliance with the City's Master Transportation Plan, and conform to the City of Bastrop Standard Construction Details. All other sidewalks will be installed during the construction of each lot (or by developer/builder if lot is not to be built) and no Final Inspections approved if they are not constructed in conformance with the City of Bastrop Standard Construction Details.

3.20 Screening Wall, Landscaping, and Irrigation

Intentionally deleted.

3.30 Street Lights and Street Name and Regulatory Signs

The Developer is responsible for the initial installation and maintenance of all street lights. Street name and regulatory signs shall be installed by the Developer at the Developer's expense at locations specified by the City's Director of Public Works per the signage regulations on ***SS-1 City of Bastrop Street Sign Detail Drawing*** of the City of Bastrop Standard Construction Details. The signs shall conform to The State of Texas Manual on Uniform Traffic Control Devices and City

Public Improvement Plan Agreement – *PECAN PARK, SECTION 7*

requirements, including but not limited to, exact placement, sign height and block numbers. The City shall not be responsible or obligated to maintain and/or replace any non-standard street light poles, sign poles, street name signs or regulatory signs. Developer shall provide proof of payment to Blue Bonnet Electric Coop for the installation of streetlights prior to the acceptance of the subdivision.

RECOMMENDED:

Trey Job
Assistant City Manager

Date

3.50 Land Dedication

All Public Open Space requirements for the Pecan Sections 2, 1B & 7 have been fulfilled via the land dedication of 38.083 acres of open space to the City along with the easement agreement which allows for public access to the river trail system owned by the River's Bend at Pecan Park HOA,

The above open space dedications shall fully satisfy all City requirements for dedication of park land or payment of fees in lieu of dedication.

RECOMMENDED:

Trey Job
Interim Director of Planning and Development

Date

Public Improvement Plan Agreement – *PECAN PARK, SECTION 7*

3.60 Impact Fees

Water Impact Fees and Wastewater Impact Fees as set forth by City ordinances will be assessed at the time of final plat recording and shall be paid by the builder, property owner or developer at the time of Building Permit issuance for each individual lot within Pecan Park – Section 2 and shall be based on the Water and Wastewater Impact Fee for Service as set forth in the City of Bastrop Impact Fee Ordinance that is in effect as of the final plat recording date.

IMPACT FEES TO BE PAID AT THE TIME OF BUILDING PERMIT ISSUANCE:

	Lots	Fee per Lot	Final Assessment Amount
Waste Water Impact Fee	97	\$6,173.00	\$598,781.00
Water Impact Fee	97	\$4,109.00	\$398,573.00
Total Impact Fees To Be Collected			\$997,354.00

RECOMMENDED:

Curtis Hancock
Director of Public Works

Date

Public Improvement Plan Agreement – *PECAN PARK, SECTION 7*

4.00 Miscellaneous Provisions

4.10 Bonds

The Developer agrees to require the contractor(s) to furnish the City with a payment and performance bond (or cash in lieu of bond) for all uncompleted public improvement work prior to recordation of the Final Plat, if the remaining contracted costs exceed \$25,000.00. The Developer agrees to furnish the City with a performance bond in the name of the City, subject to City approval for one hundred twenty-five percent (125%) of the Final Assurance Amount (based on the engineer's estimate of probable construction costs) price of the residential streets, sanitary sewer, and underground storm water drainage facilities improvements. The payment and performance bonds shall be submitted prior to the City issuing the Notice to Proceed.

The Developer agrees to require the contractor(s) to furnish the City with a two (2) year maintenance bond in the name of the City, subject to City approval for twenty-five percent (25%) of the contract price of the residential streets, sanitary sewer, and underground storm water drainage facilities improvements. The maintenance bond(s) shall be submitted and approved prior to the final acceptance of the improvements.

The developer will provide the City with proof of payment to the surety and that all other obligations of the developer or contractor have been met in order for the bonds to be binding upon the surety.

4.20 Public Liability

The Developer shall further require the contractor(s) to secure Public Liability

Public Improvement Plan Agreement – *PECAN PARK, SECTION 7*

Insurance. The amount of Insurance required shall include Public Liability, Bodily Injury and Property Damage of not less than \$100,000 one person, \$300,000 one accident and \$100,000 property damage. The minimum requirements for automobile and truck public liability, bodily injury and property damage shall also include not less than \$100,000 one person, \$300,000 one accident, and \$100,000 property damage.

The Contractor shall provide Worker's Compensation Insurance in accordance with the most recent Texas Workers' Compensation Commission's rules.

4.30 General Indemnity Provisions

The Developer shall waive all claims, fully release, indemnify, defend and hold harmless the City and all of its officials, officers, agents, consultants, employees and invitees in both their public and private capacities, from any and all liability, claims, suits, demands or causes of action, including all expenses of litigation and/or settlement which may arise by injury to property or person occasioned by error, omission, intentional or negligent act of Developer, its officers, agents, consultants, employees, invitees, or other person, arising out of or in connection with the Agreement, or on or about the property, and Developer will, at its own cost and expense, defend and protect the City and all of its officials, officers, agents, consultants, employees and invitees in both their public and private capacities, from any and all such claims and demands. Also, Developer agrees to and shall indemnify, defend and hold harmless the City and all of its officials, officers, agents, consultants, employees and invitees in both their public and private capacities, from and against any and all claims, losses, damages, causes of action, suit and

Public Improvement Plan Agreement – *PECAN PARK, SECTION 7*

liability of every kind, including all expenses of litigation, court costs and attorney fees for injury to or death of any person or for any damage to any property arising out of or in connection with this Agreement or any and all activity or use pursuant to the Agreement, or on or about the property. This indemnity shall apply whether the claims, suits, losses, damages, causes of action or liability arise in whole or in part from the intentional acts or negligence of developer or any of its officers, officials, agents, consultants, employees or invitees, whether said negligence is contractual, comparative negligence, concurrent negligence, gross negligence or any other form of negligence. The City shall be responsible only for the City's sole negligence. Provided, however, that nothing contained in this Agreement shall waive the City's defenses or immunities under Section 101.001 et seq. of the Texas Civil Practice and Remedies Code or other applicable statutory or common law. Notwithstanding anything to the contrary in this section, the Developer shall not be required to indemnify the City in the event the claims, suits, losses, damages, causes of action or liability arise in whole or in part as a result of the City's breach of this agreement or a separate agreement pertaining to the property governed by this agreement.

4.31 Indemnity Against Design Defects

Approval of the City Engineer or other City employee, official, consultant, employee, or officer of any plans, designs or specifications submitted by the Developer under this Agreement shall not constitute or be deemed to be a release of the responsibility and liability of the Developer, its engineer, contractors,

Public Improvement Plan Agreement – *PECAN PARK, SECTION 7*

employees, officers, or agents for the accuracy and competency of their design and specifications. Such approval shall not be deemed to be an assumption of such responsibility or liability by the City for any defect in the design and specifications prepared by the consulting engineer, his officers, agents, servants, or employees, it being the intent of the parties that approval by the City Engineer or other City employee, official, consultant, or officer signifies the City's approval of only the general design concept of the improvements to be constructed. In this connection, the Developer shall indemnify and hold harmless the City, its officials, officers, agents, servants and employees, from any loss, damage, liability or expense on account of damage to property and injuries, including death, to any and all persons which may arise out of any defect, deficiency or negligence of the engineer's designs and specifications incorporated into any improvements constructed in accordance therewith, and the Developer shall defend at his own expense any suits or other proceedings brought against the City, its officials, officers, agents, servants or employees, or any of them, on account thereof, to pay all expenses and satisfy all judgments which may be incurred by or rendered against them, collectively or individually, personally or in their official capacity, in connection herewith. Notwithstanding anything to the contrary in this section, the Developer shall not be required to indemnify the City in the event the claims, suits, losses, damages, causes of action or liability arise in whole or in part as a result of the City's breach of this agreement or a separate agreement pertaining to the property governed by this agreement.

4.32 Approval of Plans

Public Improvement Plan Agreement – *PECAN PARK, SECTION 7*

The Developer and City agree that the approval of plans and specifications by the City shall not be construed as representing or implying that improvements built in accordance therewith shall be free of defects. Any such approvals shall in no event be construed as representing or guaranteeing that any improvement built in accordance therewith will be designed or built in a good and workmanlike manner. Neither the City nor its elected officials, officers, employees, contractors and/or agents shall be responsible or liable in damages or otherwise to anyone submitting plans and specifications for approval by the City for any defects in any plans or specifications submitted, revised, or approved, in the loss or damages to any person arising out of approval or disapproval or failure to approve or disapprove any plans or specifications, for any loss or damage arising from the non-compliance of such plans or specifications with any governmental ordinance or regulation, nor any defects in construction undertaken pursuant to such plans and specifications.

4.33 Venue

Venue of any action brought hereunder shall be in Bastrop, Bastrop County, Texas.

4.40 Building Permits

The Developer may request, and the Director of Planning and Development may approve, the issuance of permits for up to nine lots, (ten percent (10%) of the total residential building permits for the lots listed on page 8 of this agreement). upon completion of the public streets, sanitary sewer, water system, storm water drainage facilities and proof of payment for the street lights. Building permits for all lots will be released upon final acceptance of all public infrastructure improvements in accordance with the Public Improvement Plans that were approved by the City

Public Improvement Plan Agreement – *PECAN PARK, SECTION 7*

on September 22, 2020.

4.50 Dedication of Infrastructure Improvements

Upon final acceptance of Pecan Park – Section 7, the public streets, sanitary sewer, and underground storm water drainage facilities shall become the property of the City.

4.60 Assignment

This agreement, any part hereof, or any interest herein shall not be assigned by the Developer without written consent of the City Manager, said consent shall not be unreasonably withheld, and it is further agreed that such written consent will not be granted for the assignment, transfer, pledge and/or conveyance of any refunds due or to become due to the Developer except that such assignment, transfer, pledge and/or conveyance shall be for the full amount of the total of all such refunds due or to become due hereunder nor shall assignment release assignor or assignee from any and all Development assurances and responsibilities set forth herein.

4.70 Conflicts

In the event of a conflict between this agreement and that certain Memorandum of Understanding for Development of Land (“MOU”) between the City of Bastrop and Ranch Road Development LLC effective December 12th, 2013, the City Code shall control.

IN TESTIMONY WHEREOF, the City of Bastrop has caused this instrument to be executed in duplicate in its name and on its behalf by its City Manager, attested by

Public Improvement Plan Agreement – PECAN PARK, SECTION 7

its City Secretary, with the corporate seal of the City affixed, and said Developer has executed this instrument in duplicate, at the City of Bastrop, Texas this the **10th** day of **November, 2020**.

Pecan Park – Section 7

City of Bastrop, Texas

Scott Miller
Ranch Road Development, LLC

Paul A. Hofmann
City Manager

ATTEST:

Ann Franklin
City Secretary

Date

APPROVED AS TO FORM AND LEGALITY:

Alan Bojorquez
City Attorney

Date

Distribution of Originals: Developer
 City Secretary
 Planning and Development Department



STAFF REPORT

MEETING DATE: November 10, 2020

AGENDA ITEM: 8D

TITLE:

Consider action to approve Resolution No. R-2020-113 approving a second amendment to the Destination and Marketing Services Agreement; attached as Exhibit A; authorizing the City Manager to execute all necessary documentation; providing for a repealing clause; and establishing an effective date.

STAFF REPRESENTATIVE:

Tracy Waldron, Chief Financial Officer

BACKGROUND/HISTORY:

The original contract was approved on September 12, 2017. There was a first amendment approved January 15, 2020. This amendment related to reporting requirements. This second amendment also relates to the reporting section of the contract. The suggested changes are as follows:

Section II. "Scope of Services", paragraph 2.3 "Business Plan", (A) (from the current City Agreement)

- Currently reads: Sentence number five:

In years 2-5 of the contract, on or before September 1 of each year, Visit Bastrop shall prepare a business plan and include a proposed budget that indicates in appropriate detail how the funding to be provided by the City for that fiscal year will be expended. This business plan and proposed budget will be presented publicly at the second Council meeting in September for the fiscal year 2018.

- Suggested change:

In years 2-5 of the contract, *in August of each year*, Visit Bastrop shall prepare a business plan and include a proposed budget that indicates in appropriate detail how the funding to be provided by the City for that fiscal year will be expended. This business plan and proposed budget will be presented publicly *as part of the Joint City Council meeting in August for the upcoming fiscal year*.

From the First Amendment to Destination and Marketing Services Agreement dated January 15, 2020:

- Item 3. That Section II. "Scope of Services", paragraph 2.3 "Business Plan", (C) "Reporting", item (iii) is amended as follows.

Participate in an annual workshop between City Council and Visit Bastrop Board of Directors to have opportunity to dialog about performance and establish future

goals and objectives, and other topics that may be relevant to the components of this contract in July of each year.

- Suggested change:

Participate in an annual workshop between City Council and Visit Bastrop Board of Directors to have opportunity to dialog about performance and establish future goals and objectives, and other topics that may be relevant to the components of this contract in *August* of each year.

POLICY EXPLANATION:

Any contract amendments require Council approval.

FUNDING SOURCE:

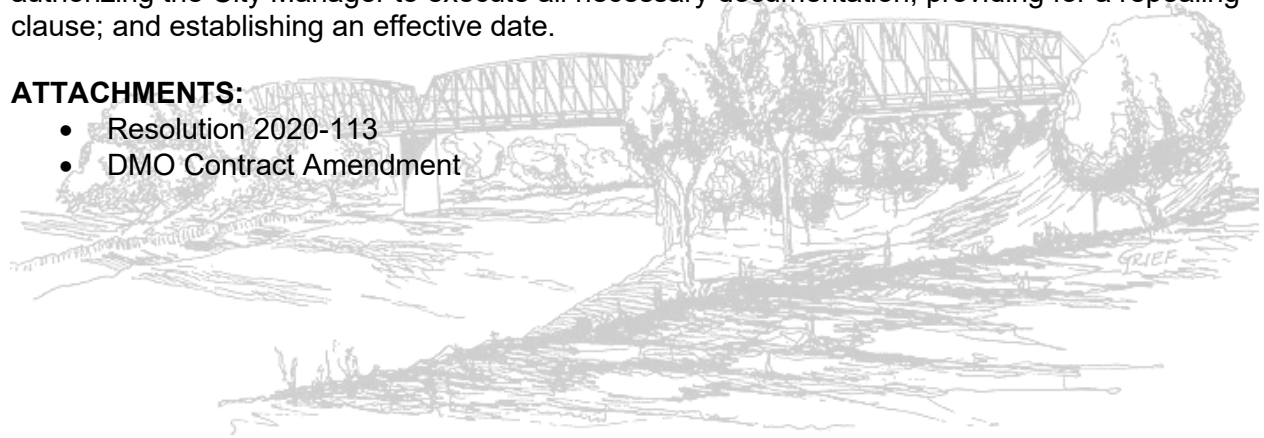
N/A

RECOMMENDATION:

Tracy Waldron, CFO recommends approval of Resolution No. R-2020-113 approving a second amendment to the Destination and Marketing Services Agreement; attached as Exhibit A; authorizing the City Manager to execute all necessary documentation; providing for a repealing clause; and establishing an effective date.

ATTACHMENTS:

- Resolution 2020-113
- DMO Contract Amendment



RESOLUTION NO. R-2020-113

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS APPROVING A SECOND AMENDMENT TO THE DESTINATION AND MARKETING SERVICES AGREEMENT; ATTACHED AS EXHIBIT A; AUTHORIZING THE CITY MANAGER TO EXECUTE ALL NECESSARY DOCUMENTATION; PROVIDING FOR A REPEALING CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Bastrop and Visit Bastrop entered into that certain Destination and Marketing Services Agreement, ("Agreement") on September 12, 2017, for destination and marketing services to be provided by Visit Bastrop; and

WHEREAS, the City of Bastrop City Council and the Visit Bastrop Board of Directors approved minor amendments to the terms of the Agreement on September 9, 2019, as provided herein; and

WHEREAS, the City of Bastrop City Council and the Visit Bastrop Board of Directors approved a first amendment to the terms of the Agreement on January 15, 2020, as provided herein; and

WHEREAS, the City Council of the City of Bastrop, Texas has determined that it is in the best interest of the City of Bastrop and Visit Bastrop to approve this second amendment to the contract, modifying reporting requirements.

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

Section 1: The City hereby approves this second amendment to the Agreement, attached as Exhibit A.

Section 2: The City Manager is hereby authorized to execute all necessary documents between the City of Bastrop, Texas and Visit Bastrop.

Section 3: 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 4: That this Resolution shall take effect immediately upon its passage, and it is so resolved.

DULY RESOLVED AND APPROVED by the City Council of the City of Bastrop, Texas
this 10th day of November 2020.

APPROVED:

Connie B. Schroeder, Mayor

ATTEST:

Ann Franklin, City Secretary

APPROVED AS TO FORM:

Alan Bojorquez, City Attorney

EXHIBIT A

**SECOND AMENDMENT TO
DESTINATION AND MARKETING SERVICES AGREEMENT BETWEEN THE CITY OF
BASTROP, TEXAS AND VISIT BASTROP**

This Agreement is made as of this 10th day of November, 2020, by and between the City of Bastrop, Texas ("City"), a Texas municipal corporation, and Visit Bastrop ("Visit Bastrop"), a Texas non-profit corporation organized under Chapter 22, Texas Business Organizations Code, acting by and through their authorized representatives.

WHEREAS, the City and Visit Bastrop entered into that certain Destination and Marketing Services Agreement, ("Agreement") on September 12, 2017, for destination and marketing services to be provided by Visit Bastrop; and

WHEREAS, the City of Bastrop City Council and the Visit Bastrop Board of Directors approved minor amendments to the terms of the Agreement on September 9, 2019, as provided herein.

WHEREAS, the City of Bastrop City Council and the Visit Bastrop Board of Directors approved a first amendment to the terms of the Agreement on January 15, 2020, as provided herein.

NOW, THEREFORE, for and in consideration of the mutual promises and covenants contained herein, the parties agree as follows:

1. That Section II. "Scope of Services", Paragraph 2.3 "Business Plan", (A) "Reporting", Sentence number 5 is amended as follows:

In years 2-5 of the contract, *in August of each year*, Visit Bastrop shall prepare a business plan and include a proposed budget that indicates in appropriate detail how the funding to be provided by the City for that fiscal year will be expended. This business plan and proposed budget will be presented publicly *as part of the Joint City Council meeting in August for the upcoming fiscal year*.

2. That Section II. "Scope of Services", Paragraph 2.3 "Business Plan", (C) "Reporting", item (iii) is amended as follows.

Participate in an annual workshop between City Council and Visit Bastrop Board of Directors to have opportunity to dialog about performance and establish future goals and objectives, and other topics that may be relevant to the components of this contract in *August* of each year.

3. The amendments to the Contract set forth herein shall be effective as of November 10, 2020.

4. In the event any section, subsection, paragraph, sentence, phrase or word herein is held invalid, illegal or unconstitutional, the balance of this Agreement shall be enforceable and shall be read as if the parties intended at all times to delete said invalid section, subsection, paragraph, sentence, phrase or word.

EXHIBIT A

5. This Agreement shall be construed under the laws of the State of Texas. Venue for any action under this Agreement shall be the State District Court of Bastrop County, Texas. This Agreement is performable in Bastrop County, Texas.

6. This Agreement may be executed in any number of counterparts, each of which shall be deemed an original and constitute one and the same instrument.

7. This Agreement amends and supersedes only those specific enumerated provisions of the Destination and Marketing Services Agreement between the City of Bastrop, Texas and Visit Bastrop, as amended the balance of which remains unaffected by the amendments set forth herein.

8. This Agreement embodies the complete agreement of the parties hereto, superseding all oral or written previous and contemporary agreements between the parties and relating to the matters in this Agreement, and except as otherwise provided herein may not be modified without written agreement of the parties to be attached to and made a part of this Agreement.

9. The Agreement, as heretofore amended, shall continue in full force and effect except as amended herein.

EXECUTED in duplicate originals this the 10th day of November 2020.

CITY OF BASTROP, TEXAS

By: _____
Paul A. Hofmann, City Manager

ATTEST

By: _____
Ann Franklin, City Secretary

VISIT BASTROP

By: _____
Susan Smith, President/Chief Executive Officer



STAFF REPORT

MEETING DATE: November 10, 2020

AGENDA ITEM: 8E

TITLE:

Consider action to approve Resolution No. R-2020-116 of the City Council of the City of Bastrop, Texas confirming appointment by the Mayor to the Hunters Crossing Local Government Corporation Board, as required in Section 3.08 of the City's Charter, and establishing an effective date.

STAFF REPRESENTATIVE:

Paul A. Hofmann, City Manager

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.

POLICY EXPLANATION:

Mayor Connie Schroeder has appointed Paul A. Hofmann. to Place 1 of the Hunters Crossing Local Government Corporation Board. The approval of this Resolution will provide confirmation of this appointment by Council as required by the Charter.

FUNDING SOURCE:

N/A

RECOMMENDATION:

Consider action to approve Resolution No. R-2020-116 of the City Council of the City of Bastrop, Texas confirming appointment by the Mayor to the Hunters Crossing Local Government Corporation Board, as required in Section 3.08 of the City's Charter, and establishing an effective date.

ATTACHMENTS:

- Resolution

RESOLUTION NO. R-2020-116

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS
CONFIRMING APPOINTMENT BY THE MAYOR TO THE HUNTERS
CROSSING LOCAL GOVERNMENT CORPORATION BOARD, 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 Paul A. Hofmann to Place 1 on the Hunters Crossing Local Government Corporation Board; 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 Paul A. Hofmann to Place 1 on the Hunters Crossing Local Government Corporation Board.

Section 2: That the City Council of the City of Bastrop confirms Mayor Schroeder's appointment of Paul A. Hofmann to Place 1 on the Hunters Crossing Local Government Corporation Board.

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 10th day of November, 2020.

APPROVED:

Connie B. Schroeder, Mayor

ATTEST:

Ann Franklin, City Secretary

APPROVED AS TO FORM:

Alan Bojorquez, City Attorney



STAFF REPORT

MEETING DATE: November 10, 2020

AGENDA ITEM: 8F

TITLE:

Consider action to approve Resolution No. R-2020-114 of the City Council of the City of Bastrop, Texas approving the Fourth Amendment to Consent Agreement for the Colony Municipal Utility District No. 1 and Successor Districts to be Created by Division of the Colony Municipal Utility District No. 1, as attached in Exhibit A; authorizing the City Manager to execute all necessary documents; and establishing an effective date.

STAFF REPRESENTATIVE:

Trey Job, Assistant City Manager of Development Services

BACKGROUND/HISTORY:

The City of Bastrop previously entered into a "Consent Agreement for The Colony Municipal Utility District No. 1 and Successor Districts to be created by the Division of the Colony Municipal Utility District No. 1" on February 23, 2004, which provided for the creation of the Original District, the division of the Original District into Successor Districts, and a regulatory process for the development of ± 1491.04 acres of land within the City's extraterritorial jurisdiction.

The City of Bastrop subsequently entered into a "First Amendment to Consent Agreement for The Colony Municipal Utility District No. 1 and Successor Districts to be created by the Division of the Colony Municipal Utility District No. 1" on June 14, 2016, a "Second Amendment" on November 7, 2017, and a "Third Amendment" on November 12, 2019.

In the last amendment, not all references within the previous documents were amended to increase the allowable Living Unit Equivalents (LUEs), from 2,500 to 4,300, which this amendment corrects.

The amendments also are revising the development standards to allow block lengths that exceed the city subdivision standards of 1,500 feet where there are project limits or geographic issues. The Land Use Standards table will also be amended to allow a single-family lot standard 40-feet wide to offer greater diversity in housing products.

The Parties recognize that having approved multiple amendments to the original agreement has created difficulty in applying the standards and requirements found in all of the documents. The developer will submit a revised Consent Agreement and a separate Development Agreement for review in the next year to have a comprehensive document for ease of use, reference, and administration.

POLICY EXPLANATION:

The Local Government Code allow municipalities to authorize Municipal Utility Districts within the extraterritorial jurisdictions.

FUNDING SOURCE:

N/A.

RECOMMENDATION:

Consider action to approve Resolution No. R-2020-114 of the City Council of the City of Bastrop, Texas approving the Fourth Amendment to Consent Agreement for the Colony Municipal Utility District No. 1 and Successor Districts to be Created by Division of the Colony Municipal Utility District No. 1 as attached in Exhibit A; Authorizing the City Manager to execute all necessary documents; providing for a repealing clause; and establishing an effective date.

ATTACHMENTS:

- Resolution
- Exhibit A - Fourth Amendment to Consent Agreement for The Colony Municipal Utility District No. 1 and Successor Districts to be Created by Division of the Colony Municipal Utility District No. 1



RESOLUTION NO. R-2020-114

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, APPROVING THE FOURTH AMENDMENT TO CONSENT AGREEMENT FOR THE COLONY MUNICIPAL UTILITY DISTRICT NO. 1 AND SUCCESSOR DISTRICTS TO BE CREATED BY DIVISION OF THE COLONY MUNICIPAL UTILITY DISTRICT NO. 1 AS ATTACHED IN EXHIBIT A; AUTHORIZING THE CITY MANAGER TO EXECUTE ALL NECESSARY DOCUMENTS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Bastrop previously entered into a "Consent for The Colony Municipal Utility District No. 1 and Successor Districts to be Created by the Division of the Colony Municipal Utility District No. 1: on February 23, 2004; and

WHEREAS, the City of Bastrop City entered into a "First Amendment to Consent Agreement for The Colony Municipal Utility District No. 1 and Successor Districts to be Created by the Division of the Colony Municipal District No. 1" on June 14, 2016; and

WHEREAS, the City of Bastrop entered into a "Second Amendment to Consent Agreement for The Colony Municipal Utility District No. 1 and Successor Districts to be Created by the Division of the Colony Municipal District No. 1" on November 7, 2017; and

WHEREAS, the City of Bastrop entered into a "Third Amendment to Consent Agreement for The Colony Municipal Utility District No. 1 and Successor Districts to be Created by the Division of the Colony Municipal District No. 1" on November 12, 2019; and

WHEREAS, the Living Unit Equivalent (LUE) limit was increased in the Third Amendment and additional edits are required in different sections to reflect this change; and

WHEREAS, the developer wants to expand the diversity of lot sizes and product types that are able to be provided and are revising block lengths and the Land Use Standards within the agreement; and

WHEREAS, the City and the Developer agree to create a Consent Agreement and consolidated Development Agreement to consolidate the original and all amendments for each into separate documents for ease of use, reference, and administration.

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

Section 1. That the City Council of the City of Bastrop, Texas approves the Fourth Amendment to Consent Agreement for The Colony Municipal Utility District No. 1 and Successor Districts to be Created by Division of the Colony Municipal Utility District No.1, as attached in Exhibit A.

Section 2. The City Manager is hereby authorized to execute the Fourth Amendment to Consent Agreement for The Colony Municipal Utility District No. 1 and Successor Districts to be Created by Division of the Colony Municipal Utility District No.1.

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 10th day of November, 2020.

APPROVED:

Connie B. Schroeder, Mayor

ATTEST:

Ann Franklin, City Secretary

APPROVED AS TO FORM:

Alan Bojorquez, City Attorney

**FOURTH AMENDMENT TO CONSENT AGREEMENT FOR THE COLONY
MUNICIPAL UTILITY DISTRICT NO. 1 AND SUCCESSOR DISTRICTS TO BE
CREATED BY DIVISION OF THE COLONY MUNICIPAL UTILITY DISTRICT NO. 1**

This **FOURTH AMENDMENT TO CONSENT AGREEMENT FOR THE COLONY MUNICIPAL UTILITY DISTRICT NO. 1 AND SUCCESSOR DISTRICTS TO BE CREATED BY DIVISION OF THE COLONY MUNICIPAL UTILITY DISTRICT NO. 1** (this "Amendment") is entered into effective as of _____, 2020 among the **CITY OF BASTROP, TEXAS**, a Texas municipal corporation located in Bastrop County (the "City"); **HUNT COMMUNITIES BASTROP, LLC**, a Delaware limited liability company ("Hunt" or the "Developer"); and **THE COLONY MUNICIPAL UTILITY DISTRICT NO. 1A** ("District 1A"), **THE COLONY MUNICIPAL UTILITY DISTRICT NO. 1B** ("District 1B"), **THE COLONY MUNICIPAL UTILITY DISTRICT NO. 1C** ("District 1C"), **THE COLONY MUNICIPAL UTILITY DISTRICT NO. 1D** ("District 1D"), **THE COLONY MUNICIPAL UTILITY DISTRICT NO. 1E** ("District 1E"), **THE COLONY MUNICIPAL UTILITY DISTRICT NO. 1F** ("District 1F"), and **THE COLONY MUNICIPAL UTILITY DISTRICT NO. 1G** ("District 1G"), each of which is a political subdivision of the State of Texas created by division of The Colony Municipal Utility District No. 1 (the "Original District") and operating under the provisions of Chapters 49 and 54, Texas Water Code. In this Agreement, District 1A, District 1B, District 1C, District 1D, District 1E, District 1F, and District 1G are sometimes referred to individually as a "Successor District" and all of the Successor Districts are sometimes referred to collectively as the "Successor Districts". The City, the Developer, and the Successor Districts are sometimes referred to herein collectively as the "Parties" and individually as a "Party".

RECITALS

WHEREAS, the City and Sabine Investment Company, a Delaware corporation ("Sabine"), previously entered into a Consent Agreement for The Colony Municipal Utility District No. 1 and Successor Districts to be Created by the Division of The Colony Municipal Utility District No. 1 dated effective as of February 23, 2004 (the "Original Consent Agreement"), which, among other things, provided for the creation of the Original District, the division of the Original District in to the Successor Districts, and a regulatory process for the development of ±1491.04 acres of land within the City's extraterritorial jurisdiction;

WHEREAS, the Original District was created by House Bill 3636, Acts of the 78th Legislature, Regular Session, CH. 778, Texas Session Law Service 2003 (the "Creation Legislation") and, as required by the Original Consent Agreement, the Original District joined in and consented to the Original Consent Agreement by Joinder and Consent to Consent Agreement for The Colony Municipal Utility District No. 1 and Successor Districts to be Created by the Division of The Colony Municipal Utility District No. 1 dated June 8, 2004;

WHEREAS, as permitted by the Creation Legislation and the Original Consent Agreement, the Original District subsequently divided in to the Successor Districts pursuant to an election held by the Original District on February 5, 2005;

WHEREAS, as required by the Original Consent Agreement, District 1A joined in and consented to the Original Consent Agreement by Joinder and Consent to Consent Agreement for The Colony Municipal Utility District No. 1 and Successor Districts to be Created by the Division of The Colony Municipal Utility District No. 1 dated May 18, 2005, and each of the remaining Successor Districts joined in and consented to the Original Consent Agreement by a Joinder and Consent to Consent Agreement for The Colony Municipal Utility District No. 1 and Successor Districts to be Created by the Division of The Colony Municipal Utility District No. 1 dated June 14, 2005;

WHEREAS, effective December 30, 2006, Sabine merged with and into Forestar (USA) Real Estate Group Inc., a Delaware corporation ("*Forestar*"), at which time Forestar succeeded, by operation of law, to Sabine's interest in and to the Original Consent Agreement. To memorialize the merger, Forestar also joined in and consented to the Original Consent Agreement by Joinder and Consent to Consent Agreement for The Colony Municipal Utility District No. 1 and Successor Districts to be Created by the Division of The Colony Municipal Utility District No. 1 dated effective December 30, 2006;

WHEREAS, the City, Forestar, and the Successor Districts entered into a First Amendment to Consent Agreement for the Colony Municipal Utility District No. 1 and Successor Districts to be Created by Division of the Colony Municipal Utility District No. 1 dated effective as of June 14, 2016 (the "*First Amendment*") to amend the Original Consent Agreement to establish development standards for single family residential lots in the Project, revise the procedures for inspections and testing of subdivision infrastructure, and reflect certain administrative updates;

WHEREAS, Forestar, with the consent of the City and the Successor Districts, subsequently assigned all of its right, title, and interest in, to, and under the Consent Agreement to Hunt pursuant to an Assignment of Consent Agreement for The Colony Municipal Utility District No. 1 and Successor Districts to be Created by the Division of The Colony Municipal Utility District No. 1 and Consent dated effective December 30, 2016;

WHEREAS, the City, Hunt, and the Successor Districts later entered into a Second Amendment to Consent Agreement for the Colony Municipal Utility District No. 1 and Successor Districts to be Created by Division of the Colony Municipal Utility District No. 1 dated effective as of November 7, 2017 (the "*Second Amendment*") to further amend the Original Consent Agreement to (i) modify the lot standards approved in the First Amendment in order to incorporate a new category for single family attached product; (ii) establish certain minimum building standards for the single-family residential uses within the Project; (iii) ratify the City's prior consent to the annexation of the so-called Isbell and Archer tracts into District 1A; and (iv) establish a procedure for administrative approval by City staff of future amendments that are minor in nature;

WHEREAS, the City, Hunt, and the Successor Districts subsequently entered into a Third Amendment to Consent Agreement for the Colony Municipal Utility District No. 1 and Successor Districts to be Created by Division of the Colony Municipal Utility District No. 1 dated effective as of March 4, 2020 (the "*Third Amendment*") to further amend the Original Consent Agreement to (i) adopt a Project Master Plan and vesting for the Project; (ii) increase the maximum density for the Project; and (iii) clarify the responsibility for providing utility services to the Project (the Original Consent Agreement as amended by the First Amendment, the Second Amendment, and the Third Amendment being referred to herein collectively as the "*Consent Agreement*"); and

WHEREAS, the Parties now desire to amend the Consent Agreement to update the land use standards applicable to the Project, memorialize the Parties' course of dealings on various matters, and make certain conforming amendments and clarifications;

NOW, THEREFORE, in consideration of the foregoing and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties amend the Consent Agreement as follows:

AGREEMENT

1. Defined Terms. Capitalized terms not defined in this Amendment have the meanings ascribed thereto in the Consent Agreement.

2. Land Use Standards. The Lot Standards attached as Exhibit “A” to the Second Amendment (the “Prior Lot Standards”) are hereby replaced with the Land Use Standards attached as Exhibit “A” to this Amendment (the “Land Use Standards”). The Land Use Standards will supersede and replace the Prior Lot Standards for all purposes under the Consent Agreement; however, for the avoidance of doubt, the Land Use Standards will only apply to Future Phases, as defined in the First Amendment.

3. Conforming Amendments and Clarifications.

(a) The Third Amendment increased the maximum density for the Project from 2,500 living unit equivalents (“LUEs”) to 4,300 LUEs. Section 5 of the Second Amendment contains a legacy reference to 2,500 LUEs, and the Parties now desire to amend Section 5 of the Second Amendment to conform to the maximum density changes in the Third Amendment. Accordingly, the reference to 2,500 LUEs in clause 1) of the second-to-last sentence of Section 5 of the Second Amendment is hereby amended to refer to 4,300 LUEs.

(b) Based on the future off-site connectivity contemplated by the Project Master Plan attached as Exhibit “A” to the Third Amendment, block lengths within the Project may exceed 1,500’ when such blocks abut The Colony boundary between collector streets or abut a natural waterway.

(c) For purposes of the filing fees and other charges established in the Fee Schedule under the City’s Code of Ordinances (Appendix A), future amendments to the Consent Agreement (including the amendment/restatement described in Section 4 below) will be considered and processed as an amendment to a development agreement, rather than as a new municipal utility district consent agreement.

4. Agreement to Divide Consent Agreement into Two Agreements – Consent Agreement (for MUD matters) and Development Agreement (for development matters). Within six months of the full execution of this Amendment, the Developer will submit to the City a restated Consent Agreement along with a separate restated Development Agreement to consolidate the original and all amendments for each into separate documents for ease of use, reference, and administration. The City will review and submit for approval the separate restated agreements to the City Council within one year from the effective date of this Amendment.

5. Effect of Amendment. Except as specifically provided in this Amendment, the terms of the Consent Agreement continue to govern the rights and obligations of the parties, and the terms of the Consent Agreement remain in full force and effect. If there is any conflict or inconsistency between this Amendment and the Consent Agreement, this Amendment will control and modify the Consent Agreement.

6. Counterparts. To facilitate execution, (a) this Amendment may be executed in any number of counterparts; (b) the signature pages taken from separate individually executed counterparts of this instrument may be combined to form multiple fully executed counterparts; and (c) an electronic signature, or a signature delivered by facsimile or in another electronic format (e.g., .PDF via email), will be deemed to be an original signature for all purposes. All executed counterparts of this instrument will be deemed to be originals, and all such counterparts, when taken together, will constitute one and the same agreement.

* * *

IN WITNESS WHEREOF, the Parties have executed this Amendment to be effective as of the date first written above.

[counterpart signature pages follow]

COUNTERPART SIGNATURE PAGE TO:

**FOURTH AMENDMENT TO CONSENT AGREEMENT FOR THE COLONY
MUNICIPAL UTILITY DISTRICT NO. 1 AND SUCCESSOR DISTRICTS TO BE
CREATED BY DIVISION OF THE COLONY MUNICIPAL UTILITY DISTRICT NO. 1**

CITY:

CITY OF BASTROP, TEXAS

By: _____
Paul A. Hofmann, City Manager

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

This instrument was acknowledged before me on the _____ day of _____, 2020, by Paul Hofmann, City Manager of the City of Bastrop, a Texas municipal corporation, on behalf of said city.

NOTARY PUBLIC, State of Texas

COUNTERPART SIGNATURE PAGE TO:

**FOURTH AMENDMENT TO CONSENT AGREEMENT FOR THE COLONY
MUNICIPAL UTILITY DISTRICT NO. 1 AND SUCCESSOR DISTRICTS TO BE
CREATED BY DIVISION OF THE COLONY MUNICIPAL UTILITY DISTRICT NO. 1**

DEVELOPER:

**HUNT COMMUNITIES BASTROP,
LLC**, a Delaware limited liability company

By: Hunt Communities Development
Co., LLC, a Texas limited liability
company, its Sole Member

By: _____
Rick Neff, Senior Vice President

**THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §**

This instrument was acknowledged before me on the _____ day of _____, 2020, by Rick Neff, Senior Vice President of Hunt Communities Development Co., LLC, a Texas limited liability company, Sole Member of Hunt Communities Bastrop, LLC, a Delaware limited liability company, on behalf of said limited liability companies.

NOTARY PUBLIC, State of Texas

COUNTERPART SIGNATURE PAGE TO:

**FOURTH AMENDMENT TO CONSENT AGREEMENT FOR THE COLONY
MUNICIPAL UTILITY DISTRICT NO. 1 AND SUCCESSOR DISTRICTS TO BE
CREATED BY DIVISION OF THE COLONY MUNICIPAL UTILITY DISTRICT NO. 1**

DISTRICT 1A:

**THE COLONY MUNICIPAL UTILITY
DISTRICT NO. 1A**

By: _____
William T. Higgins IV, President
Board of Directors

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

This instrument was acknowledged before me on the ____ day of _____, 2020,
by William T. Higgins IV, President of the Board of Directors of The Colony Municipal Utility
District No. 1A, a political subdivision of the State of Texas, on behalf of said district.

NOTARY PUBLIC, State of Texas

COUNTERPART SIGNATURE PAGE TO:

**FOURTH AMENDMENT TO CONSENT AGREEMENT FOR THE COLONY
MUNICIPAL UTILITY DISTRICT NO. 1 AND SUCCESSOR DISTRICTS TO BE
CREATED BY DIVISION OF THE COLONY MUNICIPAL UTILITY DISTRICT NO. 1**

DISTRICT 1B:

**THE COLONY MUNICIPAL UTILITY
DISTRICT NO. 1B**

By: _____
Susan Weems Wendel, President
Board of Directors

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

This instrument was acknowledged before me on the ____ day of _____, 2020,
by Susan Weems Wendel, President of the Board of Directors of The Colony Municipal Utility
District No. 1B, a political subdivision of the State of Texas, on behalf of said district.

NOTARY PUBLIC, State of Texas

COUNTERPART SIGNATURE PAGE TO:

**FOURTH AMENDMENT TO CONSENT AGREEMENT FOR THE COLONY
MUNICIPAL UTILITY DISTRICT NO. 1 AND SUCCESSOR DISTRICTS TO BE
CREATED BY DIVISION OF THE COLONY MUNICIPAL UTILITY DISTRICT NO. 1**

DISTRICT 1C:

**THE COLONY MUNICIPAL UTILITY
DISTRICT NO. 1C**

By: _____
_____, President
Board of Directors

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

This instrument was acknowledged before me on the ____ day of _____, 2020,
by _____, President of the Board of Directors of The Colony Municipal Utility District
No. 1C, a political subdivision of the State of Texas, on behalf of said district.

NOTARY PUBLIC, State of Texas

COUNTERPART SIGNATURE PAGE TO:

**FOURTH AMENDMENT TO CONSENT AGREEMENT FOR THE COLONY
MUNICIPAL UTILITY DISTRICT NO. 1 AND SUCCESSOR DISTRICTS TO BE
CREATED BY DIVISION OF THE COLONY MUNICIPAL UTILITY DISTRICT NO. 1**

DISTRICT 1D:

**THE COLONY MUNICIPAL UTILITY
DISTRICT NO. 1D**

By: _____
Dave Griesenbeck, President
Board of Directors

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

This instrument was acknowledged before me on the ____ day of _____, 2020,
by Dave Griesenbeck, President of the Board of Directors of The Colony Municipal Utility District
No. 1D, a political subdivision of the State of Texas, on behalf of said district.

NOTARY PUBLIC, State of Texas

COUNTERPART SIGNATURE PAGE TO:

**FOURTH AMENDMENT TO CONSENT AGREEMENT FOR THE COLONY
MUNICIPAL UTILITY DISTRICT NO. 1 AND SUCCESSOR DISTRICTS TO BE
CREATED BY DIVISION OF THE COLONY MUNICIPAL UTILITY DISTRICT NO. 1**

DISTRICT 1E:

**THE COLONY MUNICIPAL UTILITY
DISTRICT NO. 1E**

By: _____
John Postle, President
Board of Directors

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

This instrument was acknowledged before me on the ____ day of _____, 2020,
by John Postle, President of the Board of Directors of The Colony Municipal Utility District
No. 1E, a political subdivision of the State of Texas, on behalf of said district.

NOTARY PUBLIC, State of Texas

COUNTERPART SIGNATURE PAGE TO:

**FOURTH AMENDMENT TO CONSENT AGREEMENT FOR THE COLONY
MUNICIPAL UTILITY DISTRICT NO. 1 AND SUCCESSOR DISTRICTS TO BE
CREATED BY DIVISION OF THE COLONY MUNICIPAL UTILITY DISTRICT NO. 1**

DISTRICT 1F:

**THE COLONY MUNICIPAL UTILITY
DISTRICT NO. 1F**

By: _____
Harold J. Seiler, President
Board of Directors

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

This instrument was acknowledged before me on the ____ day of _____, 2020,
by Harold J. Seiler, President of the Board of Directors of The Colony Municipal Utility District
No. 1F, a political subdivision of the State of Texas, on behalf of said district.

NOTARY PUBLIC, State of Texas

COUNTERPART SIGNATURE PAGE TO:

**FOURTH AMENDMENT TO CONSENT AGREEMENT FOR THE COLONY
MUNICIPAL UTILITY DISTRICT NO. 1 AND SUCCESSOR DISTRICTS TO BE
CREATED BY DIVISION OF THE COLONY MUNICIPAL UTILITY DISTRICT NO. 1**

DISTRICT 1G:

**THE COLONY MUNICIPAL UTILITY
DISTRICT NO. 1G**

By: _____
Richard T. Banks, President
Board of Directors

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

This instrument was acknowledged before me on the ____ day of _____, 2020,
by Richard T. Banks, President of the Board of Directors of The Colony Municipal Utility District
No. 1G, a political subdivision of the State of Texas, on behalf of said district.

NOTARY PUBLIC, State of Texas

EXHIBIT “A” **LAND USE STANDARDS**

Exhibit "A"
Lot Size and Setback Matrix

The Colony
Lot Matrix by Land Use

The Colony MUDs #1A-#1G
Fourth Amendment to Consent Agreement

	Land Use Category for the Colony	Min. Lot Area Sq. Ft.	Min. Dwelling Unit Size Sq. Ft.	Min. Lot Width	Min. Lot Depth	Min. Front Yard	Min. Interior Side Yard	Min. Side when two Story & Adj. SF Zoning	Min. Ext. Yard (See Sec. 43.3)	Min. Rear Yard	Min. Rear when two Story & Adj. SF Zoning	Max. Height of Building	Max. Lot Coverage by Building	
Single Family Residential														
	Colony - E (Estate Lot)	10,000 Sq. Ft.	1800 Sq. Ft.	80'	120'	30'	10'		15'	25'		2.5 stories	40%	
	Colony - S (Standard Lot)	4,400 Sq. Ft.	1000 Sq. Ft.	40'	110'	20'	5'		15'	15'		2.5 stories	50%	
	Colony - G (Garden Home)	4,500 Sq. Ft.	1000 Sq. Ft.	45'	100'	20'	0' & 10'		15'	10'/20'		2.5 stories	50%	
	Duplex / Townhome	3,000 Sq. Ft.	1000 Sq. Ft.	25'	100'	25'	5' & 5'		15'	10'/20'		2.5 stories	50%	
	Colony - C (Cluster)	10,000 Sq. Ft.	700 Sq. Ft.	100'	100'	20'	10'		15'	10'		2.5 stories	50%	
Multi family														
	MF-1	10,000 Sq. Ft.	600 Sq. Ft.	100'	100'	25'	15'	60'	15'	35'	80'	3 stories	50%	
	MF-2	15,000 Sq. Ft.	600 Sq. Ft.	100'	125'									
Commercial														
	O	7,000 Sq. Ft.	N/A	60'	110'	25'	10/25'	60'	25'	20/25'	60'	2 stories	50%	
	NS	7,000 Sq. Ft.	N/A	60'	110'	25'	10/25'		25'	20/25'		1 story	50%	
	GR	12,000 Sq. Ft.	N/A	100'	110'	25'	10/30'	60'	25'	20/30'	60'	2 stories	50%	
	CT	12,000 Sq. Ft.	N/A	100'	110'	25'	10'		25'	20'		2 stories	50%	
	C-1	12,000 Sq. Ft.	N/A	100'	110'	25'	10/30'	60'	25'	20/30'	60'	2.5 stories	50%	
	C-2	12,000 Sq. Ft.	N/A	100'	110'	25'	10/30'	60'	25'	20/30'	60'	2.5 stories	65%	
Summary of Setback Restrictions	Colony - G (Garden Home)	Minimum Side Yard	Zero lot line residences are required to have a ten (10) ft. setback on the opposite side of the zero (0) lot line.											
		Roof Overhangs	Roof overhangs on the zero lot line side of a Garden Home Lot may extend up to eighteen (18) inches into the adjacent lot ten (10) ft. setback.											
		Maintenance Easement	A five (5) ft. maintenance easement is reserved in the ten (10) ft. side yard setback of each lot for maintenance of the adjacent Garden Home property.											
		Minimum Rear Yard	When a residence has a rear loaded garage, the spacing between the alley and the garage must be a minimum of twenty (20) ft.											
	COLONY - SFA Single Family Attached (Duplex or Townhome)	Minimum Side Yard	Duplexes have a ten (10) ft. spacing between residences on interior side yards. Fifteen (15) ft. minimum side yard on corner lots.											
		Roof Overhangs	Roof overhangs on the zero lot line side of a Lot may extend up to eighteen (18) inches into the adjacent lot ten (10) ft. setback.											
		Maintenance Easement	A five (5) ft. maintenance easement is reserved in the ten (10) ft. side yard setback of each lot for maintenance of the adjacent residence property.											
		Minimum Rear Yard	When a residence has a rear loaded garage, the spacing between the alley and the garage must be a minimum of twenty (20) ft.											
	O	Minimum Interior Side Yard	Setback is ten (10) ft. for single story structures, twenty-five (25) ft. for multi-story buildings and sixty (60) ft. adjacent single-family lot.											
		Minimum Rear Yard	Setback is ten (10) ft. for single story structures, thirty (30) ft. for multi-story buildings and sixty (60) ft. adjacent single-family lot.											
	NS	Minimum Interior Side Yard	Ten feet (10') or twenty-five feet (25') when adjacent to a single-family lot.											
		Minimum Rear Yard	Twenty feet (20') or twenty-five feet (25') when adjacent to a single-family lot.											
	GR	Side Setback	Single Story - minimum ten (10) ft. interior / twenty-five (25) ft. exterior side setback. Thirty (30) ft. setback if adjacent to single family residential. Sixty (60) ft. setback if structure over one (1) story.											
		Rear Setback	Minimum twenty (20) ft. setback adjacent to single-family lot, shall observe thirty (30) ft. setback if one (1) story structure. Multi-story structure sixty (60) ft. setback.											
	C-1	Side Setback	Single Story - minimum ten (10) ft. interior / twenty-five (25) ft. exterior side setback. Thirty (30) ft. setback if adjacent to single-family lot. Sixty (60) ft. setback if over one (1) story.											
		Rear Setback	Minimum twenty (20) ft. setback. adjacent to single-family lot, shall observe thirty (30) ft. setback if one (1) story structure. Multi-story structure sixty (60) ft. setback.											
	C-2	Side Setback	Single Story - minimum ten (10) ft. interior / twenty-five (25) ft. exterior side setback. Thirty (30) ft. setback if adjacent to single-family lot. Sixty (60) ft. setback if over one (1) story.											
		Rear Setback	Minimum twenty (20) ft. setback. adjacent to single-family lot, shall observe thirty (30) ft. setback if one (1) story structure. Multi-story structure sixty (60) ft. setback.											

Items for Individual Consideration

Consider action to approve Resolution No. R-2020-114 of the City Council of the City of Bastrop, Texas approving the Fourth Amendment to Consent Agreement for the Colony Municipal Utility District No. 1 and Successor Districts to be Created by Division of the Colony Municipal Utility District No. 1, as attached in Exhibit A; authorizing the City Manager to execute all necessary documents; and establishing an effective date.



History

- February 23, 2004 – Original Consent Agreement for The Colony Municipal Utility District No. 1 and Successor Districts to be created
- June 14, 2016 – First Amendment
- November 7, 2017 – Second Amendment
- November 12, 2019 – Third Amendment



Changes

- Subdivision block length maximum of 1,500 feet can be exceeded where development boundaries and geographic features don't allow connections
- Amend references in prior agreements for Living Unit Equivalents from 2,500 to 4,300 in accordance with the Third Amendment
- Add Land Use Standards to provide housing diversity
- Revise previous agreements into a Consent Agreement and comprehensive Development Agreement for ease of use and administration



Recommendation

- The Assistant City Manager recommends approval of Resolution R-2020-xx.





STAFF REPORT

MEETING DATE: November 10, 2020

AGENDA ITEM: 9A

TITLE:

Consider and adopt on first and final reading Ordinance No. 2020-29 as an emergency measure ratifying temporary Emergency Orders enacted by the Mayor in her capacity as Emergency Management Director in regards to the current Local State of Disaster, for the immediate preservation of the public peace, health or safety.

STAFF REPRESENTATIVE:

Paul A. Hofmann, City Manager

BACKGROUND/HISTORY

A declaration of local disaster and public health emergency includes the ability to take measures to reduce the possibility of exposure to disease, control the risk, prevent the spread of the disease, and promote the health and safety of individuals in the City of Bastrop; and

POLICY EXPLANATION:

On March 16, 2020 the City Council Confirmed a Declaration of Disaster due to the novel coronavirus (COVID-19). Within that declaration the mayor is granted the authority to take extraordinary measures to protect the health and safety of the citizens of Bastrop.

FUNDING SOURCE:

N/A

RECOMMENDATION:

Recommend adopting on first and final reading Ordinance No. 2020-29 as an emergency measure ratifying temporary Emergency Orders enacted by the Mayor in her capacity as Emergency Management Director in regards to the current Local State of Disaster, for the immediate preservation of the public peace, health or safety.

ATTACHMENTS:

- Ordinance No. 2020-29

EMERGENCY ORDINANCE 2020-29

AN EMERGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, CONFIRMING AND RATIFYING THE EMERGENCY ORDERS ISSUED BY THE MAYOR AS THE EMERGENCY MANAGEMENT DIRECTOR, AS DESCRIBED IN EXHIBIT A; PROVIDING FOR FINDINGS OF FACT, REPEALER, SEVERABILITY, ENFORCEMENT, AND PENALTY; ESTABLISHING AN EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.

WHEREAS, the novel coronavirus (COVID-19) has been recognized globally as a contagious respiratory virus; and

WHEREAS, on March 13, 2020, Texas Governor Greg Abbott declared a State of Disaster for all counties in Texas, and the President of the United States of America declared a national emergency in relation to COVID-19; and

WHEREAS, on March 16, 2020, the Mayor issued a Declaration of Local Disaster to allow the City of Bastrop to take measures to reduce the possibility of exposure to COVID-19 and promote the health and safety of Bastrop residents; and

WHEREAS, Section 418.108 of the Texas Government Code provides that a declaration of local disaster activates the City's Emergency Management Plan; and

WHEREAS, in furtherance of the declaration of local disaster, the Mayor issued certain orders pursuant to Chapter 418 of the Texas Government Code; and

WHEREAS, Section 3.15(b) of the Bastrop City Charter allows the City Council to adopt an emergency ordinance relating to the immediate preservation of the public peace, health or safety, and such emergency ordinances shall take effect immediately upon adoption and execution without a second consideration; and

WHEREAS, Section 54.001 of the Texas Local Government Code generally provides the maximum penalties for violations of municipal ordinances, rules, or police regulations; and

WHEREAS, Section 418.173 of the Texas Government Code provides that a local emergency management plan may provide that failure to comply with the plan or with a rule, order, or ordinance adopted under the plan is an offense punishable by a fine not to exceed \$1,000 or confinement in jail for a term not to exceed 180 days; and

WHEREAS, the City Council of the City of Bastrop, Texas, finds it reasonable and necessary for the protection of the health and safety of the residents of the City of Bastrop to confirm and ratify the orders issued by the Mayor pursuant to Chapter 418 of the Texas Government Code, as described in **Exhibit A**; and

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

SECTION 1. FINDINGS OF FACT: The foregoing recitals are incorporated into this Emergency Ordinance by reference as findings of fact as if expressly set forth herein.

SECTION 2. CONFIRMATION & RATIFICATION: The City Council of the City of Bastrop, Texas, in accordance with the authority vested in the governing body of the City of Bastrop, Texas, by Section 418.108 of the Texas Government Code, hereby confirms and ratifies the emergency orders issued by the Mayor in furtherance of the declaration of local disaster, as described in **Exhibit A**.

SECTION 3. PUBLIC NOTICE: The City Secretary is hereby directed to give prompt and general publicity to this Emergency Ordinance.

SECTION 4. CONFLICTS: In the case of any conflict between other provisions of this Emergency Ordinance and any existing Ordinance of the City, the provisions of this Emergency Ordinance will control.

SECTION 5. SEVERABILITY: If any provision of this Emergency Ordinance or the application thereof to any person or circumstance is held invalid, that invalidity or the unenforceability will not affect any other provisions or applications of this Emergency Ordinance that can be given effect without the invalid provision.

SECTION 6. ENFORCEMENT: The City shall have the power to administer and enforce the provisions of this Emergency Ordinance as may be required by governing law. Any person violating any provision of this Emergency Ordinance violates Section 1.08.011 of the Bastrop City Code. In accordance with Section 418.173 of the Texas Government Code, a violation is a misdemeanor punishable by a fine not to exceed \$1,000 or confinement in jail for a term not to exceed 180 days. Nothing in this ordinance shall be construed as a waiver of the City's right to bring a civil action to enforce the provisions of this ordinance and to seek remedies as allowed by law and/or equity.

SECTION 7. EFFECTIVE DATE: In accordance with Section 3.15(b) of the Bastrop City Charter, this Emergency Ordinance shall be *effective immediately* upon passage.

SECTION 8. OPEN MEETING: It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

READ, ACKNOWLEDGED & APPROVED on the First & Final Reading on this, the 10th day of November 2020.

APPROVED:

Connie B. Schroeder, Mayor

ATTEST:

Ann Franklin, City Secretary

APPROVED AS TO FORM:

Alan Bojorquez, City Attorney

Exhibit A



STAFF REPORT

MEETING DATE: November 10, 2020

AGENDA ITEM: 9B

TITLE:

Consider action to approve the second reading of Ordinance No. 2020-30, of the City Council of the City of Bastrop, Texas repealing and replacing Chapter 12 – Traffic and Vehicles, Article 12.12 – Golf Carts; and providing for findings of fact, adoption, repealer, severability, and enforcement; establishing an effective date, proper notice and meeting.

STAFF REPRESENTATIVE:

Clint Nagy, Chief of Police

BACKGROUND/HISTORY:

The City of Bastrop and the City of Bastrop's Attorney's office was asked to review Article 12.12- Golf Carts to determine its current practicality. The purpose of replacing this article is to provide a convenient and safe means of travel within the city by golf carts. Golf carts, if used properly, can be an effective way to travel for short distances within the city, especially during times of increased congestion. However, to ensure the public safety and welfare, the operation of golf carts must comply not only with normal regulations regarding vehicles but should comply with special safety regulations detailed in this article that are intended to protect the operator, passengers, pedestrians, and other individuals operating motor vehicles on the roadways.

POLICY EXPLANATION:

Texas Transportation Code Section 551.4031 authorizes the governing body of a municipality to regulate and control the operation of golf carts within the city's legal boundaries and on its public streets to ensure the public safety of the community and Texas Local Government Code section 51.001 provides the City general authority to adopt an Ordinance or police regulations that is for the good of the government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City.

FUNDING SOURCES:

N/A

RECOMMENDATION:

Recommend approval of the second reading of Ordinance No. 2020-30, of the City Council of the City of Bastrop, Texas repealing and replacing Chapter 12 – Traffic and Vehicles, Article 12.12 – Golf Carts; and providing for findings of fact, adoption, repealer, severability, and enforcement; establishing an effective date, proper notice and meeting.

ATTACHMENTS:

- Ordinance 2020-30

- Exhibit "B" Article 12.12 – Golf Carts (to be replaced)
- Slide Deck from October 27th, 2020.
- PowerPoint Presentation, showing updates/recommendations received from October 27th, 2020.



ORDINANCE NO. 2020-30

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS REPEALING AND REPLACING CHAPTER 12 – TRAFFIC AND VEHICLES, ARTICLE 12.12 - GOLF CARTS; AND PROVIDING FOR FINDINGS OF FACT, ADOPTION, REPEALER, SEVERABILITY, AND ENFORCEMENT; ESTABLISHING AN EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.

- WHEREAS,** the City of Bastrop, Texas (“City”) is a Home-Rule City acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and
- WHEREAS,** the City Council of Bastrop, Texas has reviewed the Police Chief’s recommendations and has determined it is desirable to regulate the operation of a golf cart on a public street to ensure public safety, and pursuant to the Texas Transportation Code; and,
- WHEREAS,** Texas Transportation Code Section 551.4031 authorizes the governing body of a municipality to regulate and control the operation of golf carts within the city’s legal boundaries and on its public streets to ensure the public safety of the community; and
- WHEREAS,** golf cart use can help to reduce overall emissions and their use is an eco-friendly or ‘green’ alternative to traditional passenger vehicles; and
- WHEREAS,** golf carts are not normally equipped with many of the traditional safety features that are customarily required or found on more commonly-used motor vehicles; and
- WHEREAS,** passenger ejection and injuries can be reduced in an urban setting by requiring additional safety equipment and providing rules of operation; and
- WHEREAS,** golf carts, unlike more traditional motor vehicles, have identification numbering which is easily removed, such that establishing a golf cart registration permitting program would promote return of such property to rightful owners in the event of loss or theft and subsequent recovery; and
- WHEREAS,** Texas Local Government Code section 51.001 provides the City general authority to adopt an Ordinance or police regulations that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and
- WHEREAS,** the City Council finds it necessary to regulate golf carts in order to preserve health, property, good government, and order in a Home-Rule municipality as defined under Chapter 54 of Local Government Code.

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

SECTION 1. FINDINGS OF FACT

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly

set forth herein.

SECTION 2. AMENDMENT

Chapter 12, Article 12.12 of the City of Bastrop Code of Ordinances is hereby repealed and replaced , and after such replacement, shall read in accordance with *Attachment "A"*, which is attached hereto and incorporated into this Ordinance for all intents and purposes.

SECTION 3. REPEALER

All ordinances, resolutions, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

SECTION 4. SEVERABILITY

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, that invalidity or the unenforceability will not affect any other provisions or applications of this Ordinance that can be given effect without the invalid provision.

SECTION 5. ENFORCEMENT

The City shall have the power to administer and enforce the provisions of this ordinance as may be required by governing law. Any person violating any provision of this ordinance is subject to suit for injunctive relief as well as prosecution for criminal violations, and such violation is hereby declared to be a nuisance.

Nothing in this ordinance shall be construed as a waiver of the City's right to bring a civil action to enforce the provisions of this ordinance and to seek remedies as allowed by law and/or equity.

SECTION 6. EFFECTIVE DATE

This Ordinance shall be effective immediately upon passage and publication.

SECTION 7. OPEN MEETINGS

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

READ & ACKNOWLEDGED on First Reading on the 27th day of October 2020.

READ & APPROVED on the Second Reading on the 10th day of November 2020.

APPROVED:

Connie B. Schroeder, Mayor

ATTEST:

Ann Franklin, City Secretary

APPROVED AS TO FORM:

Alan Bojorquez, City Attorney

Bastrop Code of Ordinances

Chapter: TRAFFIC AND VEHICLES

Article 12.12: Golf Carts

Sec. 12.12.001 General.

(a) **Purpose.** The purpose of this article is to provide a convenient and safe means of travel within the city by golf carts. Golf carts, if used properly, can be an effective way to travel for short distances within the city, especially during times of increased congestion. However, to ensure the public safety and welfare, the operation of golf carts must comply not only with normal regulations regarding vehicles, but should comply with special safety regulations detailed in this article that are intended to protect the operator, passengers, pedestrians and other individuals operating motor vehicles on the roadways.

(b) **Definitions.** The following words, terms, and phrases, when used in this article shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Golf cart as referenced hereafter, shall have the meaning assigned by the Transportation Code § Sec. 551.401, as it exists or may be amended, and includes a motor vehicle designed by the manufacturer primarily for transporting persons on a golf course. The term, as used herein, shall include a specific restriction that a permitted golf cart shall have an attainable top speed of not greater than 25 mph. Specifically excluded from this definition are those motorized conveyances commonly referred to as ATVs, NEVs, four-wheelers, mules and gators.

Golf cart registration permit shall mean a privilege granted upon compliance with terms of this article to legally operate a golf cart upon a local street, public highway, or parking area within the corporate boundaries of the City of Bastrop for the term that the permit was issued.

Golf cart registration permit decal shall mean a certificate for attachment to a golf cart identifying the golf cart as permitted by the city and giving an expiration date.

Operator shall mean a person who drives or has physical control of a golf cart. An operator must carry a valid Texas Drivers' License.

Owner shall have the meaning assigned by the Transportation Code § 502.001 (31), and shall mean the person who has legal title to the golf cart, has the legal right of possession of the golf cart, or has the legal right of control of it.

Parking area means those areas accessible to the public by motor vehicular traffic and which are designated for temporary parking of motor vehicles, usually in places referred to as parking lots.

Public safety personnel means any employee or officer of a governmental law enforcement agency or the city or its department(s).

Public street means the public roadways of the city by whatever name, e.g. road, alley, avenue, highway, route, boulevard, etc. within the corporate boundaries of Bastrop that: (1) Has a posted speed limit of thirty-five (35) miles per hour or less; and (2) Provides for no more than one (1) lane of vehicular traffic per direction.

Safety belt means a lap belt and any shoulder straps included as original equipment on or added to a vehicle.

Sidewalk means the portion of a street that is between a curb or lateral line of a roadway and the adjacent property line and intended for pedestrian use.

Slow-moving-vehicle-emblem means a triangular emblem that conforms to standards and specifications adopted by the Director of the Texas Department of Transportation under Section 547.104 of the Texas Transportation Code and is displayed in accordance with Section 547.703 of the Texas Transportation Code.

Secured means, in connection with use of a safety belt, means using the lap belt and any shoulder straps according to the instructions of:

- (1) the manufacturer of the vehicle if the safety belt is original equipment; or
- (2) the manufacturer of the safety belt, if the safety belt has been added to the vehicle.

Traffic way is any land way open to the public as a matter of right or custom for moving persons or property from one place to another. The traffic way includes all property, both improved and unimproved, between the property lines of a roadway system.

Sec. 12.12.002 - Operation regulations.

- (a) All operators of golf carts shall be licensed to operate a motor vehicle as provided by the Texas Transportation Code and shall carry a valid Texas drivers' license while operating the golf cart.
- (b) All operators of golf carts shall abide by all traffic regulations applicable to vehicular traffic when using any public highway in the city. Operators shall not operate a golf cart on public sidewalks at any time.
- (c) Operators shall not operate golf carts upon a public street or highway with a posted speed limit of more than 35 mph unless otherwise restricted. Operators shall not operate a golf cart at a speed greater than 20 mph at any time in the city.
- (d) An operator of a golf cart is entitled to full use of a lane on the public highway and the operator of a motor vehicle shall not be operated in such a manner as to deprive any golf cart of the full use of a lane.
- (e) An operator of a golf cart shall not overtake and pass in the same lane occupied by the vehicle being overtaken.
- (f) No operator shall operate a golf cart between lanes of traffic or between adjacent lines of rows of vehicles.
- (g) An operator of a golf cart shall move to the right and yield the right of way to faster moving vehicles.

- (h) The operator of a golf cart shall not operate a golf cart upon a public street or highway with a number of occupants that exceeds the seating capacity as designed by the manufacturer and all occupants shall remain seated in a seat designed to hold passengers while the golf cart is in motion.
- (i) The operator of a golf cart shall not allow any occupant of the golf cart to ride in the lap of the operator or any other occupant of the golf cart.
- (j) The operator of a golf cart shall not allow any passengers six (6) or younger to ride in a golf cart on a public street unless they are seated and secured with a seatbelt or harness dedicated and designed to hold passengers.
- (k) An operator shall not operate a golf cart upon a public street or highway before sunrise or after sunset.
- (l) A person, owner or operator of a golf cart commits an offense if they operate a golf cart upon a public street or highway in violation of this section.

Sec. 12.12.003 - Exceptions.

- (a) Golf carts owned and/or operated for official government purposes by the City of Bastrop or any other governmental entity are exempt from regulation by this Code.
- (b) Golf carts may operate past sunset during official special events that are permitted by the City of Bastrop and only to and from the event to where the golf cart is normally stored.

Sec. 12.12.004 – Required equipment regulations.

- (a) Every golf cart operated within the City of Bastrop shall be equipped with the following equipment which shall be operational at all times: two headlights, two tail lamps, reflectors (two (2) front, amber in color and two (2) rear, red in color), parking brakes, rearview mirror(s) and a slow moving vehicle emblem clearly visible in daylight or at night from the light of standard automobile headlamps at a distance of at least 500 feet.
- (b) Every golf cart powered by gasoline shall at all times be equipped with an exhaust system in good working order and shall comply with all state, federal and city regulations, specifically section Noise 8.03.006 (b) General Prohibitions and 8.03.006 (b)(1) Noisy vehicles of the City Ordinances.
- (c) Golf carts which have been altered to allow them to travel at speeds greater than 25 mph are prohibited.
- (d) An owner or operator of a golf cart commits an offense if they operate a golf cart upon a public street or highway that is not equipped as required by this section or is altered in violation of this section.

Sec. 12.12.005 Registration permit.

The owner of a golf cart must register said golf cart with and be provided a permit by the City of Bastrop Police Department before it may be operated on the city's streets and highways. The first-time registration fee is \$20.00 and biennial renewal is \$10.00 which covers administrative and inspection costs. The city registration permit process includes the following:

- (1) The applicant shall complete the city-supplied registration permit application which shall contain the:

- a. Name and physical and mailing address of the applicant owner.
- b. Location where the vehicle is regularly stored overnight.
- c. Model, make and golf cart ID number.
- d. Current driver's license information of owner.
- e. A statement that the applicant has been furnished a copy of this article and that s/he agrees to comply with all conditions contained in this article and to any local, state or federal laws governing the use of golf carts.
- f. Any other information that the city may reasonably require.

(2) The registration permit application shall be:

- a. Accompanied by the permit fee of \$20.00 for first time applicants and \$10.00 for biennial renewals thereafter.
- b. Accompanied by proof of financial responsibility consistent with the minimum requirements of the Texas Transportation Code for the operation of motor vehicles. A copy of the certificate of insurance shall be attached to the application.
- c. Accompanied by a copy of the applicant's Texas Driver's license.
- d. Signed by the applicant/owner.
- e. Upon receipt of the completed application and permit fee, a member of the police department shall make arrangements to inspect the golf cart for adherence to this article.
- f. When the inspector has approved the vehicle, the biennial permit decal shall be issued to the owner. The decal shall be immediately affixed to the front panel of the driver's side of the golf cart so as to be clearly visible.
- g. The registration permit shall be effective for two years from the date of issuance or until such time as revoked for noncompliance or when the golf cart is transferred to a new owner.
- h. Golf carts operating on a highway shall have an affixed state license plate for golf carts.

(3) An owner or operator of a golf cart commits an offense if they operate a golf cart upon a public street or highway without a registration permit issued by Bastrop Police Department.

Sec. 12.12.006 - Revocation of the registration permit.

The registration permit may be revoked if:

- (1) The owner or operator of the golf cart fails to abide by the rules and regulations of this article, including failure to maintain liability insurance.
- (2) The owner or operator of the golf cart fails to abide by the traffic laws and/or operates the cart in an unauthorized area, specifically including the use of a wireless communication device in a school zone during restricted school hours.

Sec. 12.12.007 - Registration permit is not transferrable.

The city registration permit is not transferable. Upon transfer of ownership to another person who intends to operate the golf cart in Bastrop, the new owner must register the golf cart in his/her name and pay the required permit fee as outlined in this article.

Sec. 12.12.008- Liability.

- (a) Nothing in this article shall be construed as an assumption of liability by the city for any injuries (including death) to persons, pets or property which may result from the operation of a golf cart by an authorized operator; and
- (b) Owners are fully liable and accountable for the actions of any individual that they allow to operate and drive their golf cart.

Sec. 12.12.009 - Criminal offense and penalties.

Any person, firm, entity or corporation who violates any provision of this article, as it exists or may be amended, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined a sum not exceeding \$500.00. Each continuing day's violation under this article shall constitute a separate offense. The penal provisions imposed under this article shall not preclude the city from filing suit to enjoin the violation. Bastrop retains all legal rights and remedies available to it pursuant to local, state, and federal law.

Bastrop Police Department

Golf Carts

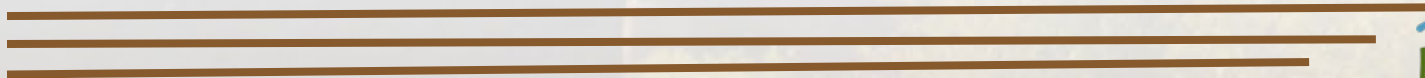
Clint Nagy, Chief of Police

November 10, 2020

Updates from 1st Reading

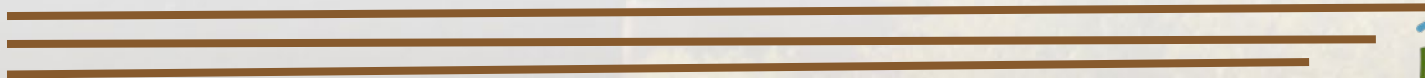
Added Definitions

- **Safety belt** means a lap belt and any shoulder straps included as original equipment on or added to a vehicle.
- **Secured** means, in connection with use of a safety belt, means using the lap belt and any shoulder straps according to the instructions of:
 - (1) the manufacturer of the vehicle if the safety belt is original equipment; or
 - (2) the manufacturer of the safety belt, if the safety belt has been added to the vehicle.



Updates from 1st Reading

- Page 7, 2f. changed “annual” to “biennial” for continuity.
- Page 7, 2h. struck “State Highway” to only “highway” for continuity.
- Page 5, Deleted, “The operator of a golf cart shall not allow any children under the age of four years to ride in a golf cart at any time.”

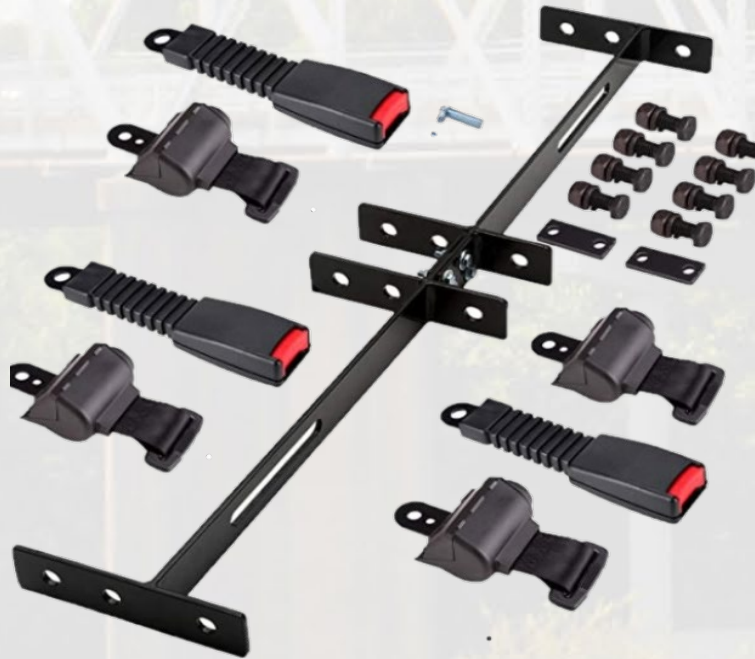


Updates from 1st Reading

- Added: Page. 6, (j): The operator of a golf cart shall not allow any passengers age six (6) or younger to ride in a golf cart on a public street unless they are seated and secured with a seatbelt or harness dedicated and designed to hold passengers.

Updates from 1st Reading

- Sample Seat Belt kit



Updates from 1st Reading

- Sample Harness



Updates from 1st Reading

- Child Safety Seats do not appear to be available for golf cart applications.



Finalize Golf Cart Ordinance

- Keep the current ordinance as written?
“The operator of a golf cart shall not allow any passengers age six (6) or younger to ride in a golf cart on a public street unless they are seated and secured with a seatbelt or harness dedicated and designed to hold passengers.”
- Or raise the minimum age to ride in a golf cart?

QUESTIONS?



Bastrop Police Department

Golf Carts

Clint Nagy, Chief of Police

October 27th, 2020

Purpose

- Provide convenient and safe means of travel within the city by golf cart.
- Protect our citizens and visitors on our roadways.
- Public Safety is number one priority.



Present Ordinance Review

- May operate a golf cart only during special events with approval from the City.
- Permit is valid for no more than 7 days.
- P.D. has never had a request to date.

Present Transportation Code

- May operate golf carts in a master planned community or on a beach.
- May operate golf carts to and from a golf course within 2 miles of the golf carts storage.
- Sec. 551.404 allows municipalities to allow golf cart operation within the city limits and on roads not more than 35 MPH.



Definitions

- Golf Cart is a vehicle designed to transport persons on a golf course.



Definitions

- A golf cart is not an ATV, NEV (neighborhood electric vehicle), four-wheeler, mule or gator.



Operational Regulations

- All operators shall be licensed to operate a motor vehicle and carry their license with them.
- All operators must abide by all traffic regulations.



Operational Regulations

- Maximum speed is 20 MPH.
- Prohibited on roadways of more than 35 MPH.
- Golf carts are entitled to full use of a lane but shall move to the right and yield right of way to faster cars.



Operational Regulations

- Lap riding is prohibited and passengers under 4 years of age is prohibited.
- Golf carts may not be operated after sunset and before sunrise.*
- *unless permitted special events and directly to and from the storage place of the golf cart.



Operational Regulations

- Golf carts are prohibited from passing in the same lane that is occupied by a vehicle.
- Shall not be altered to travel faster than 25 MPH.



Operational Regulations

- Gas powered golf carts must have proper exhaust.
- Golf carts are prohibited from operating between adjacent lines of vehicles.



Required Equipment



Slow moving
placard

Registration with the City

- Police Department will inspect each golf cart.
- New permit fees are \$20 and bi-annual registration is \$10.
- Driver License and Liability Insurance is required.



Registration with the City

- Each golf cart gets a registration sticker to be affixed to the front panel of the golf cart.
- Non- transferable.
- A golf cart license plate is required and can be obtained from the tax office.



Criminal Offense and Penalties

- Each offense, upon guilt, shall be fined a sum not to exceed \$500.





Application Form for Golf Cart Registration and Golf Cart Registration Renewal

Vehicle Identification Number	Registration Number
	<i>For Department Use</i>

1. If this is a renewal (\$10 fee) and all information below is still correct and current, there is no need to complete the bottom portion of this form
2. If this is a NEW golf cart registration (\$20 fee), please fill out completely.

Owner Information

Last Name	First Name	Middle Initial
Street Address	City	State
Telephone Number	Drivers Licenses Number/State/Expiration	

Vehicle Information

Make of Golf Cart	Model Name	Year of Manufacture	Color
Cell Phone Number	Location where Cart is stored		
Name of Insurance Company	Policy Number	Phone Number of Company	

1. Please provide a copy of your Drivers License
2. Please provide a copy of your Motor Vehicle Insurance showing your Golf Cart as a covered vehicle.
3. Please read, print and sign the application and return it to the Bastrop Police Department at 104 Grady Tuck Lane, Bastrop. M-F 8:00 a.m. -5:00 p.m.

Operational Regulations

- The maximum speed limit of the public street on which the golf cart is being operated must be thirty-five (35) miles per hour or less;
- Golf Carts may not be operated above 20 miles per hour.
- The person operating the golf cart must have and possess a valid driver's license;
- The person operating the golf cart must maintain current financial responsibility for the golf cart as required of other passenger vehicles per the Texas Transportation Code;
- The golf cart must be equipped with headlights and taillights, reflectors, a parking brake, mirrors, and a slow-moving vehicle emblem; and
- The driver and every passenger in a golf cart must be seated in a seat designed to hold passengers while the golf cart is in motion. At no time may any person operate a golf cart while a person is standing in or on the vehicle or riding in the lap of the driver and/or other passenger of a golf cart.

All drivers of golf carts are required under state law to abide by all traffic regulations applicable to vehicular traffic when using it on the authorized streets and areas of the City. I attest that I have read and understand the Operational Regulations listed above and that the golf cart described has the required safety equipment installed and functioning properly.

Signature of Owner: _____

Questions?





STAFF REPORT

MEETING DATE: November 10, 2020

AGENDA ITEM: 9C

TITLE:

Hold public hearing and consider action to approve the first reading of Ordinance No. 2020-31 of the City Council of the City of Bastrop, Texas amending Bastrop Building Block (B³) Code Section 2.3.004 Annual Adoption of Schedule of Uniform Submittal Dates for Site Plans and Place Type Zoning Changes, and Bastrop Building Block (B³) Technical Manual Section 1.2.002 Uniform Submittal Dates, as shown in Exhibit A, establishing a repealing clause, providing severability, and providing an effective date, and place on the December 8, 2020 Consent Agenda.

STAFF REPRESENTATIVE:

Jennifer C. Bills, AICP, LEED AP, Assistant Planning Director

BACKGROUND/HISTORY:

House Bill 3167 of the 86th Session of the Texas Legislature requires that a subdivision development plan, subdivision construction plan, site plan, land development application, site development plan, preliminary plat, general plan, final plat, and replat be approved, approved with conditions, or disapproved by Staff and Planning & Zoning Commission within 30 days of submission or it is deemed approved by inaction.

POLICY EXPLANATION:

Texas Local Government Code Chapter 212, Subchapter A. Regulation of Subdivisions, Section 212.002 Rules, grants authority to a governing body of a municipality, after conducting a public hearing on the matter, to adopt rules governing plats and subdivisions of land within the municipality's jurisdiction to promote the health, safety, morals, or general welfare of the municipality and the safe, orderly, and healthful development of the municipality.

To ensure compliance with Texas Local Government Code Chapters 211 and 212, City Council will annually adopt Schedules of Uniform Submittal Dates for Zoning Concept Scheme applications, Public Improvement Plan applications, Plat applications, and Site Plan applications. The Schedules of Uniform Submittal Dates will include dates applications will be accepted, when review for completeness checks will occur, when recommendations or approvals are made, and dates of any required Planning & Zoning Commission and/or City Council meetings.

This year's calendar roughly adheres to the following monthly schedule:

- First Monday: Plats
- Second Monday: Zoning
- Third Monday: Site Development Plans and Public Improvement Plans (PIPs)

Holiday considerations include moving submittal dates to Tuesdays when Monday is a City holiday, moving the Planning & Zoning Commission meetings to the week ahead of Thanksgiving

and Christmas holidays, and adjusting completeness checks around any Tuesday holidays. Adjustments from the regularly scheduled day are in bold and italics on the schedules.

The Zoning schedule includes City Council meeting dates. These dates may be adjusted by ordinance amendment after City Council adopts their 2021 meeting calendar. The Zoning schedule currently assumes that the second meeting in November and December will be cancelled due to the holidays.

The schedules may also be adjusted if changes to the development process require different dates to provide consistent and predictable workflows. Any changes will be brought back to the Planning & Zoning Commission at the time of any development ordinance changes.

FUNDING SOURCE: N/A

PLANNING & ZONING COMMISSION RECOMMENDATION:

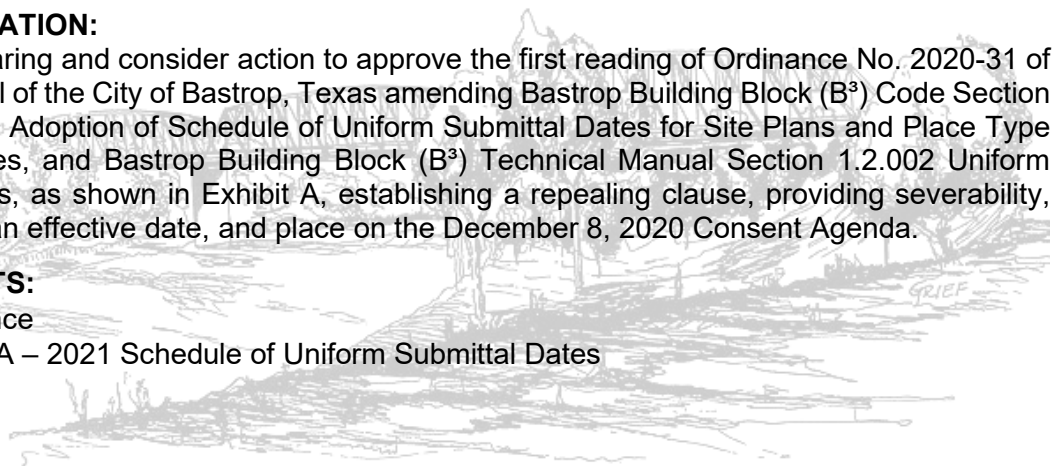
The Commission reviewed the schedules at their regular meeting on October 29, 2020 and recommended approval by a unanimous vote.

RECOMMENDATION:

Hold public hearing and consider action to approve the first reading of Ordinance No. 2020-31 of the City Council of the City of Bastrop, Texas amending Bastrop Building Block (B³) Code Section 2.3.004 Annual Adoption of Schedule of Uniform Submittal Dates for Site Plans and Place Type Zoning Changes, and Bastrop Building Block (B³) Technical Manual Section 1.2.002 Uniform Submittal Dates, as shown in Exhibit A, establishing a repealing clause, providing severability, and providing an effective date, and place on the December 8, 2020 Consent Agenda.

ATTACHMENTS:

- Ordinance
- Exhibit A – 2021 Schedule of Uniform Submittal Dates



ORDINANCE 2020-31

A ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS AMENDING BASTROP BUILDING BLOCK (B³) CODE SECTION 2.3.004 ANNUAL ADOPTION OF SCHEDULE OF UNIFORM SUBMITTAL DATES FOR SITE PLANS AND PLACE TYPE ZONING CHANGES, AND BASTROP BUILDING BLOCK (B³) TECHNICAL MANUAL SECTION 1.2.002 UNIFORM SUBMITTAL DATES, AS SHOWN IN EXHIBIT A, ESTABLISHING A REPEALING CLAUSE, PROVIDING SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, House Bill 3167 of the 86th Session of the Texas Legislature requires that a subdivision development plan, subdivision construction plan, site plan, land development application, site development plan, preliminary plat, general plan, final plat, and replat be approved, approved with conditions, or disapproved by staff and Planning & Zoning Commission within 30 days of submission or it is deemed approved by inaction; and

WHEREAS, Texas Local Government Code Chapter 212, Subchapter A. Regulation of Subdivisions, Section 212.002. Rules, grants authority to a governing body of a municipality, after conducting a public hearing on the matter, to adopt rules governing plats and subdivisions of land within the municipality's jurisdiction to promote the health, safety, morals, or general welfare of the municipality and the safe, orderly, and healthful development of the municipality; and

WHEREAS, City Council will annually adopt a Schedule of Uniform Submittal Dates to comply with Texas Local Government Code Chapters 211 and 212 for Zoning Concept Scheme applications, Public Improvement Plan applications, Plat applications, and Site Plan applications. The Schedules of Uniform Submittal Dates will include dates applications will be accepted, when review for completeness checks will occur, when recommendations or approvals are made, and dates of any required Planning & Zoning Commission and/or City Council meetings.

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

Section 1: The City Council hereby adopts the 2021 Schedule of Uniform Submittal Dates, in accordance with B³ Code Section 2.3.004 Annual Adoption of Schedule of Uniform Submittal Dates for Site Plans and Place Type Zoning Changes and B³ Technical Manual Section 1.2.002 Uniform Submittal Dates, as attached in Exhibit A.

Section 2: In the case of any conflict between the other provisions of this Ordinance and any existing Ordinance of the City, the provisions of this Ordinance will control.

Section 3: If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, that invalidity or the unenforceability will not affect any other provisions or applications of this Ordinance that can be given effect without the invalid provision.

Section 4: This Ordinance shall take effect immediately upon passage.

READ and APPROVED on First Reading on the 10th day of November 2020.

READ and ADOPTED on Second Reading on the 8th day of December 2020.

APPROVED:

Connie B. Schroeder, Mayor

ATTEST:

Ann Franklin, City Secretary

APPROVED AS TO FORM:

Alan Bojorquez, City Attorney

Exhibit A

2021 Schedule of Uniform Submittal Dates

Plats Requiring Planning & Zoning Commission Approval



Preliminary, Final, Residential Replat

Submittal Dates	Completeness Check Date	Comments Issued Date	Resubmittal Date	Planning & Zoning Commission Packet Published	Planning & Zoning Commission Meeting Date
Must be received by 4:00 pm CDT (Monday unless City holiday)	All submissions must be deemed complete to be considered filed and enter review	Approved, Approved with Conditions, or Denied (Thursday)	For projects that were Approved with Conditions (Monday)	(Friday)	(Thursday)
1/4/2021	1/5/2021	1/14/2021	1/18/2021	1/22/2021	1/28/2021
2/1/2021	2/2/2021	2/11/2021	2/15/2021	2/19/2021	2/25/2021
3/1/2021	3/3/2021	3/11/2021	3/15/2021	3/19/2021	3/25/2021
4/5/2021	4/6/2021	4/15/2021	4/19/2021	4/23/2021	4/29/2021
5/3/2021	5/4/2021	5/13/2021	5/17/2021	5/21/2021	5/27/2021
6/7/2021	6/8/2021	6/17/2021	6/21/2021	6/18/2021	6/24/2021
7/6/2021	7/7/2021	7/15/2021	7/19/2021	7/23/2021	7/29/2021
8/9/2021	8/10/2021	8/19/2021	8/23/2021	8/20/2021	8/26/2021
9/7/2021	9/8/2021	9/16/2021	9/20/2021	9/24/2021	9/30/2021
10/4/2021	10/5/2021	10/14/2021	10/18/2021	10/22/2021	10/28/2021
10/25/2021	10/26/2021	11/4/2021	11/8/2021	11/12/2021	11/18/2021
11/22/2021	11/23/2021	12/2/2021	12/6/2021	12/10/2021	12/16/2021
1/3/2022	1/4/2022	1/13/2022	1/17/2022	1/21/2022	1/27/2022

2021 Schedule of Uniform Submittal Dates

Zoning Concept Schemes and Neighborhood Regulating Plans



Submittal/Resubmittal Dates	Completeness Check Date	Planning Director Recommendation	Planning & Zoning Commission Meeting Date	City Council Meeting Date	City Council Meeting Date
Must be received by 4:00 pm CDT (Monday unless City holiday)	All submissions must be deemed complete to be considered filed and enter review	(Thursday)	Public Hearing (Thursday)	Public Hearing First Reading (Tuesday)	Second Reading (Tuesday)
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1/11/2021	1/12/2021	1/21/2021	2/25/2021	3/23/2021	4/13/2021
2/8/2021	2/9/2021	2/18/2021	3/25/2021	4/13/2021	4/27/2021
3/15/2021	3/16/2021	3/25/2021	4/29/2021	5/25/2021	6/8/2021
4/12/2021	4/13/2021	4/22/2021	5/27/2021	6/22/2021	7/13/2021
5/10/2021	5/11/2021	5/20/2021	6/24/2021	7/13/2021	7/27/2021
6/7/2021	6/8/2021	6/17/2021	7/29/2021	8/24/2021	9/14/2021
7/12/2021	7/13/2021	7/22/2021	8/26/2021	9/14/2021	9/28/2021
8/9/2021	8/10/2021	8/19/2021	9/30/2021	10/26/2021	11/9/2021
9/13/2021	9/14/2021	9/23/2021	10/28/2021	12/14/2021	1/11/2022
10/4/2021	10/5/2021	10/14/2021	11/18/2021	12/14/2021	1/11/2022
11/1/2021	11/2/2021	11/11/2021	12/16/2021	1/11/2022	1/25/2022
12/13/2021	12/14/2021	12/23/2021	1/27/2022	2/22/2022	3/8/2022

2021 Schedule of Uniform Submittal Dates

Plats Administratively Approved



Amending, Minor, Non-Residential Replat

Submittal Dates	Completeness Check Date	First Administrative Decision Date	Resubmittal Date	Final Administrative Decision Date
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5/3/2021	5/4/2021	5/13/2021	5/17/2021	5/27/2021
6/7/2021	6/8/2021	6/17/2021	6/21/2021	6/24/2021
7/6/2021	7/7/2021	7/15/2021	7/19/2021	7/29/2021
8/9/2021	8/10/2021	8/19/2021	8/23/2021	8/26/2021
9/7/2021	9/8/2021	9/16/2021	9/20/2021	9/30/2021
10/4/2021	10/5/2021	10/14/2021	10/18/2021	10/28/2021
10/25/2021	10/26/2021	11/4/2021	11/8/2021	11/18/2021
11/22/2021	11/23/2021	12/2/2021	12/6/2021	12/16/2021
1/3/2022	1/4/2022	1/13/2022	1/17/2022	1/27/2022

2021 Schedule of Uniform Submittal Dates

Site Development Plans & Public Improvement Plans (PIPs)



Submittal Dates	Completeness Check Date	First Administrative Decision Date	Resubmittal Date	Final Administrative Decision Date
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2/15/2021	2/16/2021	2/25/2021	3/1/2021	3/11/2021
3/15/2021	3/3/2021	3/25/2021	3/29/2021	4/8/2021
4/19/2021	4/20/2021	4/29/2021	5/3/2021	5/13/2021
5/17/2021	5/18/2021	5/27/2021	5/31/2021	6/10/2021
6/21/2021	6/22/2021	7/1/2021	7/5/2021	7/15/2021
7/19/2021	7/20/2021	7/15/2021	7/19/2021	7/29/2021
8/16/2021	8/17/2021	8/26/2021	8/30/2021	9/9/2021
9/20/2021	9/21/2021	9/16/2021	9/20/2021	9/30/2021
10/18/2021	10/19/2021	10/28/2021	11/1/2021	11/12/2021
11/15/2021	11/16/2021	11/25/2021	11/29/2021	12/9/2021
12/20/2021	12/21/2021	12/30/2021	1/3/2022	1/13/2022
1/18/2022	1/19/2022	1/27/2022	1/31/2022	2/10/2022

Items for Individual Consideration

Public hearing and consider action to approve Ordinance 2020-31 of the City Council of the City of Bastrop, Texas amending Bastrop Building Block (B³) Code Section 2.3.004 Annual Adoption of Schedule of Uniform Submittal Dates for Site Plans and Place Type Zoning Changes, and Bastrop Building Block (B³) Technical Manual Section 1.2.002 Uniform Submittal Dates, as shown in Exhibit A, establishing a repealing clause, providing severability, and providing an effective date, and place on the December 8, 2020 Consent Agenda.



Submittal Schedule

- House Bill 3167 codified into Local Government Code Chapter 212
 - 30-day approvals
- Predictable, upfront information within timeline
- Monday submittal, Thursday comments
- Notification requirements
- Holiday adjustments



2021 Schedule of Uniform Submittal Dates

Plats Requiring Planning & Zoning Commission Approval



Preliminary, Final, Residential Replat

Submittal Dates	Completeness Check Date	Comments Issued Date	Resubmittal Date	Planning & Zoning Commission Packet Published	Planning & Zoning Commission Meeting Date
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4/5/2021	4/6/2021	4/15/2021	4/19/2021	4/23/2021	4/29/2021
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10/4/2021	10/5/2021	10/14/2021	10/18/2021	10/22/2021	10/28/2021
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11/22/2021	11/23/2021	12/2/2021	12/6/2021	12/10/2021	12/16/2021
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2021 Schedule of Uniform Submittal Dates

Zoning Concept Schemes and Neighborhood Regulating Plans



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5/10/2021	5/11/2021	5/20/2021	6/24/2021	7/13/2021	7/27/2021
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12/13/2021	12/14/2021	12/23/2021	1/27/2022	2/22/2022	3/8/2022

2021 Schedule of Uniform Submittal Dates

Plats Administratively Approved

Amending, Minor, Non-Residential Replat



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5/3/2021	5/4/2021	5/13/2021	5/17/2021	5/27/2021
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8/9/2021	8/10/2021	8/19/2021	8/23/2021	8/26/2021
9/7/2021	9/8/2021	9/16/2021	9/20/2021	9/30/2021
10/4/2021	10/5/2021	10/14/2021	10/18/2021	10/28/2021
10/25/2021	10/26/2021	11/4/2021	11/8/2021	11/18/2021
11/22/2021	11/23/2021	12/2/2021	12/6/2021	12/16/2021
1/3/2022	1/4/2022	1/13/2022	1/17/2022	1/27/2022

2021 Schedule of Uniform Submittal Dates

Site Development Plans & Public Improvement Plans (PIPs)



Submittal Dates	Completeness Check Date	First Administrative Decision Date	Resubmittal Date	Final Administrative Decision Date
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2/15/2021	2/16/2021	2/25/2021	3/1/2021	3/11/2021
3/15/2021	3/3/2021	3/25/2021	3/29/2021	4/8/2021
4/19/2021	4/20/2021	4/29/2021	5/3/2021	5/13/2021
5/17/2021	5/18/2021	5/27/2021	5/31/2021	6/10/2021
6/21/2021	6/22/2021	7/1/2021	7/5/2021	7/15/2021
7/19/2021	7/20/2021	7/15/2021	7/19/2021	7/29/2021
8/16/2021	8/17/2021	8/26/2021	8/30/2021	9/9/2021
9/20/2021	9/21/2021	9/16/2021	9/20/2021	9/30/2021
10/18/2021	10/19/2021	10/28/2021	11/1/2021	11/12/2021
11/15/2021	11/16/2021	11/25/2021	11/29/2021	12/9/2021
12/20/2021	12/21/2021	12/30/2021	1/3/2022	1/13/2022
1/18/2022	1/19/2022	1/27/2022	1/31/2022	2/10/2022

Recommendation

- The Assistant Planning Director recommends approval of Ordinance 2020-31.
- At the October 29, 2020 Planning & Zoning Commission, the Commission recommended approval by unanimous vote.





STAFF REPORT

MEETING DATE: November 10, 2020

AGENDA ITEM: 9D

TITLE:

Consider action to approve Resolution No. R-2020-111 of the City Council of the City of Bastrop, Texas, establishing priorities for the 87th Legislative Session in Texas, and authorizing the Mayor, Mayor Pro-Tem, City Manager, and City Attorney to communicate with the Office of the Governor and Texas Legislature on behalf of the City of Bastrop Texas; and establishing an effective date.

STAFF REPRESENTATIVE:

Rebecca Gleason, Main Street Manager

BACKGROUND/HISTORY:

During the 2017 Legislative Session, more than 7,500 bills were introduced with more than 2,000 of them affecting the governing of Texas municipalities in a substantial way. The 2019 Legislative Session saw numerous bills filed in both the Texas Senate and House of Representatives that affected the authority, obligations, and funding of Texas municipalities, including the City of Bastrop, in a substantial way. Further the City of Bastrop has several legislative priorities that are unique to the needs of Bastrop that need support at a legislative level.

POLICY EXPLANATION:

By approving Resolution R-2020-111, the City Council would publicly support legislation that encourages interlocal cooperation, promotes local lawful statutory authority, and protects municipal revenue. Further the Resolution supports legislation that prioritizes funding opportunities for historic bridge revitalization and well as funding for digital evidence storage for our police forces. In addition, the Resolution supports legislation that would allow for the expenditure of hotel occupancy taxes for construction of improvements in municipal parks and trails/sidewalks that connect parks, lodging establishments, tourist attractions, and related public facilities. Furthermore, this Resolution publicly supports the work being completed by the Texas Municipal League Legislative Program.

This Resolution opposes legislation that would preempt the City from the ability to respond to local challenges and opportunities, reduce the ability of the City to collect revenue, or anything that would prohibit the expenditure of municipal funds on intergovernmental communications through advocacy services.

By approving this Resolution the Mayor, Mayor Pro-Tem, City Manager, and City Attorney are authorized to communicate with the Office of the Governor, Texas Senate, and/or Texas House of Representatives regarding pending or proposed legislation, including any amendments or committee substitutes. The Resolution will also authorize the Mayor, Mayor Pro-Tem, City Manager, and City Attorney to publicly voice, on behalf of the City of Bastrop, positions that are consistent with this Resolution, any policy statements previously enacted by the City Council, or specific directives from the City Council. This Resolution further provides authority for these positions to provide written or verbal testimony and position statements on behalf of the City of Bastrop. Lastly, this Resolution

provides for City staff to provide a copy of this Resolution to the City's legislative delegation, the media, and the Texas Municipal League.

FUNDING SOURCE:

N/A

RECOMMENDATION:

Main Street Manager Rebecca Gleason recommends approval of Resolution No. R-2020-111 of the City Council of the City of Bastrop, Texas supporting or opposing the above mentioned legislative priorities and authorizing the Mayor, Mayor Pro-Tem, City Manager, and City Attorney to communicate with the Office of the Governor and Texas Legislature on behalf of the City of Bastrop Texas; and establishing an effective date.

ATTACHMENTS:

- Resolution



RESOLUTION R-2020-111

A RESOLUTION OF THE CITY OF BASTROP, TEXAS, ESTABLISHING PRIORITIES FOR THE 87TH LEGISLATIVE SESSION IN TEXAS, AND AUTHORIZING THE MAYOR, MAYOR PRO-TEM, CITY MANAGER, AND CITY ATTORNEY TO COMMUNICATE WITH THE OFFICE OF THE GOVERNOR AND TEXAS LEGISLATURE ON BEHALF OF THE CITY OF BASTROP, TEXAS.

WHEREAS, during the 2019 Legislative Session more than 7,500 bills were introduced, with more than 2,000 of them affecting the governing of Texas municipalities in a substantial way; and

WHEREAS, the City Council of the City of Bastrop ("City Council") is committed to good governance, intergovernmental cooperation, and the furtherance of democracy at the local level; and

WHEREAS, the City Council of the City of Bastrop ("City Council") finds it to be in the public interest, and necessary for the public health, safety and welfare of the Bastrop community to convey to the Office of the Governor and the Texas Legislature the opinions, views, and insights of those serving the City of Bastrop; and

WHEREAS, the City Council of the City of Bastrop ("City Council") acknowledges that the Governor and members of the Texas Senate and the Texas House of Representatives can benefit from the ongoing exchange of information with locally-elected public officials; and

WHEREAS, the City Council of the City of Bastrop ("City Council") has identified the following topics worth memorializing on behalf of the Bastrop Community.

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

A. SUPPORT-

SECTION 1: Interlocal Cooperation: The City Council hereby supports legislation that promotes and enhances federal, state, and local cooperation.

SECTION 2: Local Democracy: The City Council hereby supports legislation that upholds the principle of local government, and reinforces the lawful statutory authority and responsibility of the locally--elected leaders in respect to the priorities of their citizenry, their ability to respond to community challenges, and opportunities.

SECTION 3: Preserves Municipal Authority: The City Council hereby supports legislation that maintains or expands the ability of locally elected legislative bodies to enact local laws and administer regulatory programs.

SECTION 4: Protect Municipal Revenue: The City Council hereby supports legislation that protects the ability of locally elected legislative bodies to assess taxes and impose fees necessary to fund municipal programs, projects, and facilities.

SECTION 5: Bastrop's Historic "Old Iron Bridge": The City Council hereby supports legislation that prioritizes funding support for historic preservation, water quality protection from lead based paint on structures that extend over the Colorado River, and supports multi-modal transportation through the creation of walking and biking trails across bridges including Bastrop's Historic "Old Iron Bridge".

SECTION 6: Police Digital Evidence Storage: The City Council hereby supports legislation that prioritizes funding support for the digital evidence storage needs of local police forces.

SECTION 7: Hotel Occupancy Taxes for Construction of Improvements in Municipal Parks: The City Council hereby supports legislation that would allow for expenditure of hotel occupancy taxes for construction of improvements in municipal parks and trails/sidewalks that connect parks, lodging establishments, tourist attractions, and related public facilities.

SECTION 8: Texas Municipal League Legislative Program: The City Council hereby supports the Texas Municipal League Legislative Program to the extent that it supports the City of Bastrop's legislative agenda.

B. OPPOSITION-

SECTION 1: Preemption: The City Council hereby opposes legislation that erodes, weakens, or supersedes the ability of locally elected leaders to respond to local challenges or opportunities unique to the community.

SECTION 2: Revenue Reduction: The City Council hereby opposes legislation that expands appraisal caps, imposes revenue caps on ad valorem (property) taxes, restricts sales tax, limits administrative fees, caps right-of-way fees, commandeers municipal court fines or fees, or otherwise reduces local revenue sources.

SECTION 3: Intergovernmental Communications: The City Council hereby opposes legislation that prohibits the expenditure of municipal funds on professional communications and advocacy services, including trade association memberships that would help the City advocate, track, understand, or influence legislation.

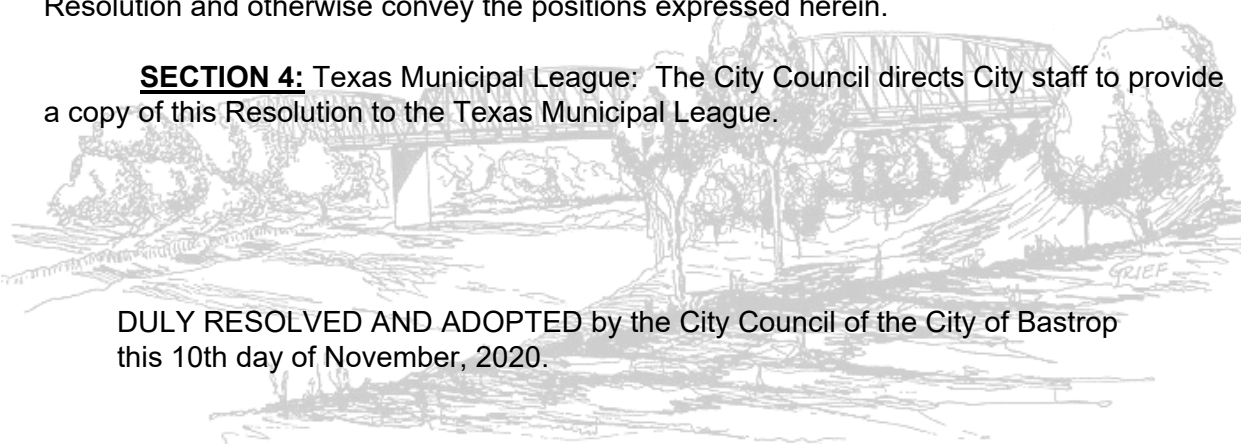
C. ADMINISTRATION-

SECTION 1: Delegation: The City Council directs staff to provide a copy of this Resolution to the City's legislative delegation, that being State Senator Sarah Eckhardt, and State Representative John Cyrier.

SECTION 2: Media: The City Council directs staff to provide a copy of this Resolution to reporters of our local media outlets.

SECTION 3: Advocacy: The Mayor, Mayor Pro-Tem, City Manager, and City Attorney are hereby authorized to advocate on behalf of the City consistent with this Resolution and otherwise convey the positions expressed herein.

SECTION 4: Texas Municipal League: The City Council directs City staff to provide a copy of this Resolution to the Texas Municipal League.



DULY RESOLVED AND ADOPTED by the City Council of the City of Bastrop
this 10th day of November, 2020.

APPROVED:

Connie B. Schroeder, Mayor

ATTEST:

Ann Franklin, City Secretary

APPROVED AS TO FORM:

Alan Bojorquez, City Attorney



STAFF REPORT

MEETING DATE: November 10, 2020

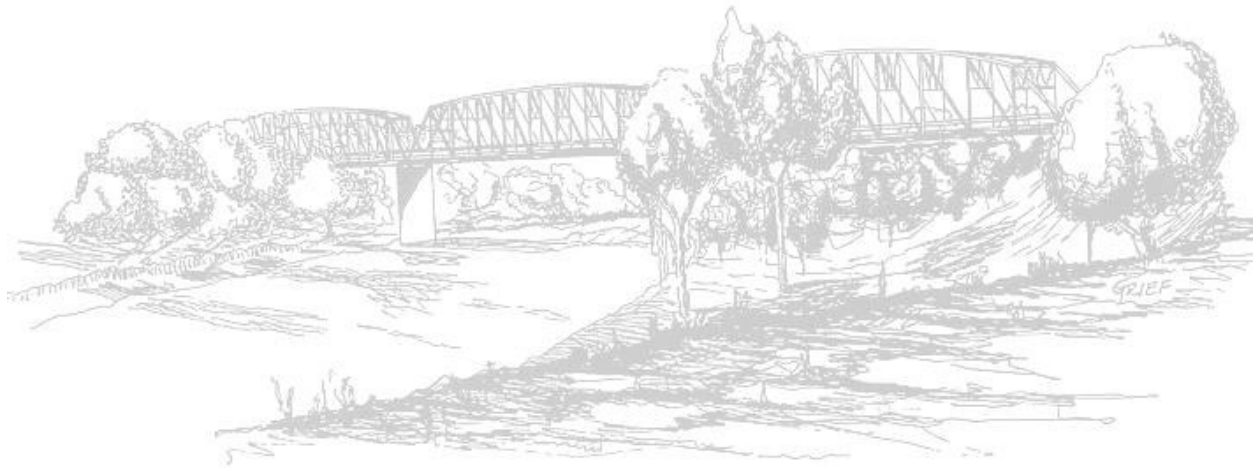
AGENDA ITEM: 10A

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: November 10, 2020

AGENDA ITEM: 11

TITLE:

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

STAFF REPRESENTATIVE:

Paul A. Hofmann, City Manager

