

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



August 6, 2019 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.

1. CALL TO ORDER

2. ITEM FOR INDIVIDUAL CONSIDERATION

- 2A. Hold public hearing and consider action to approve Resolution No. R-2019-65 of the City Council of the City of Bastrop, Texas granting a variance to Bastrop Code of Ordinances Article 4.02.005 Sale of Alcoholic Beverages, Separation Requirements from Church, Public or Private School, or Public Hospital, on property located at 928 Main Street, within the city limits of Bastrop, Texas, as shown in Exhibit A; providing for a repealing clause; and establishing an effective date.
- 2B. Consider action to approve Resolution No. R-2019-68 to place a proposal to adopt a tax rate for Fiscal Year 2019-2020 (FY2020) on the agenda of a future meeting as an action item; scheduling two public hearings on the proposal; and providing an effective date.

3. ADJOURNMENT

I, the undersigned authority, do hereby certify that this Notice of Meeting as posted in accordance with the regulations of the Texas Open Meetings Act on the bulletin board located at the entrance to the City of Bastrop City Hall, a place of convenient and readily accessible to the general public, as well as to the City's website, www.cityofbastrop.org and said Notice was posted on the following date and time: Friday, August 2, 2019 at 12:00 p.m. and remained posted for at least two hours after said meeting was convened.



Ann Franklin, City Secretary



STAFF REPORT

MEETING DATE: August 6, 2019

AGENDA ITEM: 2A

TITLE:

Hold public hearing and consider action to approve Resolution No. R-2019-65 of the City Council of the City of Bastrop, Texas granting a variance to Bastrop Code of Ordinances Article 4.02.005 Sale of Alcoholic Beverages, Separation Requirements from Church, Public or Private School, or Public Hospital, on property located at 928 Main Street, within the city limits of Bastrop, Texas, as shown in Exhibit A; providing for a repealing clause; and establishing an effective date.

STAFF REPRESENTATIVES:

Allison Land, Planner

BACKGROUND/HISTORY:

Permitted locations of alcohol sales are established by three location criteria: zoning district, frontage along specified sections of road, and proximity to churches, schools, and public hospitals. When a site is in a zoning district or along a road frontage that allows the use, but distance to a church, school, or hospital prohibits alcohol sales, the Texas Alcoholic Beverage Code gives City Council the authority to approve a variance to the distance requirement.

The site is zoned Form-Based Code – Historic Main Street character zone, which permits alcohol sales. It is located on Main Street near the intersection with Chestnut Street. The location meets the separation requirements from the nearest church and public school, but the private school measurement is less than the required three hundred (300)-foot separation. The intended use of this establishment is retail with alcohol sales, which is allowed in the Historic Main Street character zone.

Alcohol sales currently exist in the downtown area. Neighbor's Kitchen and Yard, Anita's, Paw Paw's, Bastrop Beer Company, Old Town, Copper Shot, Ma'Coco, Pit Stop, and others have permits for the sale of alcohol.

PUBLIC COMMENTS:

Notifications were mailed to 37 surrounding property owners on July 22, 2019. At the time of this report, no responses have been received.

POLICY EXPLANATION:

Article 4.02.005 Separation Requirements from Church, Public or Private School, or Public Hospital

- (a) No person shall sell or engage in the business of selling any alcoholic beverage where the place of business of such person is located within three hundred (300) feet of any church, public or private school, or public hospital

The premise requesting the variance is Cripple Creek Wine and Gifts, located at 928 Main Street, which is within three hundred (300) feet of private school property (Calvary Episcopal School). The distance to a private school is measured in a direct line from property line to property line as defined in state law.

(b) This section does not apply to:

- (1) a holder of a license or permit who also holds a food and beverage certificate covering premises that are located within three hundred (300) feet of a private school, as the term "private school" is defined by the Texas Alcoholic Beverage Code;
- (2) any place of business that is legally selling alcoholic beverages at the same location for a continuous period of one year preceding the establishment, construction or purchase of property for the establishment or construction of a church, public or private school, or public hospital; or
- (3) businesses that were in operation at the time this section was originally enacted, until such a time as such businesses have a change in ownership.

A change in ownership at this location has occurred and a new permit holder will cover the premise. Therefore, this location does not qualify for any of the above and a variance is required.

Article 4.02.006 Variance to Separation Requirements

(a) The council may provide variances if, after notice and a public hearing, the council determines that enforcement of the regulation in a particular instance:

- (1) is not in the best interest of the public;
- (2) constitutes waste or inefficient use of land or other resources;
- (3) creates an undue hardship on an applicant;
- (4) does not serve its intended purpose;
- (5) is not effective or necessary; or
- (6) for any other reason the council, after consideration of the health, safety, and welfare of the public and the equities of the situation, determines is in the best interest of the community.

Cripple Creek Wine and Gifts is located near the corner of Main Street and Chestnut Street and is an existing retail business near the middle of downtown Bastrop.

FUNDING SOURCE:

N/A

RECOMMENDATION:

Hold public hearing and consider action to approve Resolution No. R-2019-65 of the City Council of the City of Bastrop, Texas granting a variance to Bastrop Code of Ordinances Article 4.02.005 Sale of Alcoholic Beverages, Separation Requirements from Church, Public or Private School, or Public Hospital, on property located at 928 Main Street, within the city limits of Bastrop, Texas, as shown in Exhibit A; providing for a repealing clause; and establishing an effective date.

ATTACHMENTS:

- Resolution
- Exhibit A
- Attachment 1: Property Owner Notice including Location Map

RESOLUTION NO. R-2019-65

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS GRANTING A VARIANCE TO BASTROP CODE OF ORDINANCES ARTICLE 4.02.005 SALE OF ALCOHOLIC BEVERAGES, SEPARATION REQUIREMENTS FROM CHURCH, PUBLIC OR PRIVATE SCHOOL, OR PUBLIC HOSPITAL, ON PROPERTY LOCATED AT 928 MAIN STREET, WITHIN THE CITY LIMITS OF BASTROP, TEXAS, AS SHOWN IN EXHIBIT A; PROVIDING FOR A REPEALING CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Ron Castaneda is the Applicant representing Cripple Creek Wine and Gifts located at 928 Main Street, acknowledges that the property located within three hundred (300) feet of a church, public or private school, or public hospital, as defined by and as the measurement of applicable distances are set forth by the State of Texas in the Alcoholic Beverage Code; and

WHEREAS, Calvary Episcopal School's property line is within three hundred (300) of the property on which Cripple Creek Wine and Gifts is located; and

WHEREAS, alcohol sales were previously conducted in this location under different ownership; and

WHEREAS, the Applicant has applied for a variance pursuant to the Bastrop Code of Ordinances, Article 4.02.007; and

WHEREAS, authority is granted to City Council to allow variances in the Texas Alcoholic Beverage Code, Chapter 107.33; and

WHEREAS, public notice was sent in accordance with the Bastrop Code of Ordinances 4.02.007; and

WHEREAS, after consideration of public input received at the hearing and all other information presented, City Council finds by a majority vote of all members that it is in the public interest to grant a variance to the separation requirements of the premises to a private school.

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

Section 1: That a variance to the distance separation requirements established in the Bastrop Code of Ordinances Article 4.02.005 is hereby granted for the property located at 928 Main Street, within the Bastrop city limits, as shown in 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 from and after its passage, and it is duly resolved.

DULY RESOLVED AND ADOPTED by the City Council of the City of Bastrop, Texas this 6th day of August 2019.

APPROVED:

Connie B. Schroeder, Mayor

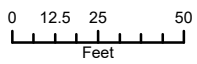
ATTEST:

Ann Franklin, City Secretary

APPROVED AS TO FORM:

Alan Bojorquez, City Attorney

Exhibit A Location Map



Variance to Separation Requirements
for Sale of Alcoholic Beverages

928 Main Street
Cripple Creek Wine and Gifts

Date: 7/18/2019

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



**Notice of Public Hearing
City of Bastrop
City Council**



Dear Property Owner:

The **City Council** will conduct a public hearing **Tuesday, August 6, 2019 at 6:30 p.m.** in the **City Hall Council Chambers located at 1311 Chestnut Street, Bastrop, Texas** to consider action to grant a variance to Bastrop Code of Ordinances Article 4.02.005 Sale of Alcoholic Beverages, Separation requirements from church, public or private school, or public hospital, on property located at 928 Main Street, within the city limits of Bastrop, Texas, providing for a repealing clause; and establishing an effective date.

Owner/Applicant: Ron Castaneda, Cripple Creek Wine and Gifts
Address: 928 Main Street
Legal Description: 0.066 acres out of Building Block 9 West of Water Street
Vary Distance From: Private School (Calvary Episcopal School)

The site location map and applicant's request are attached for reference.

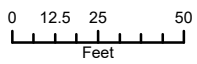
As a property owner within three hundred (300) feet of the above referenced property, you are being notified of the upcoming meetings per the Bastrop Code of Ordinances Business Regulations.

Property owners wishing to request a variance to the distance limitations must follow the rules within the City Business Regulations, which can be read online at:

https://library.municode.com/tx/bastrop/codes/code_of_ordinances?nodeId=CH4BURE_ART4.02SAALBE

For more information or to provide comments on this project, you can contact the Planning & Development Department at (512) 332-8840, plan@cityofbastrop.org, or visit the office at 1311 Chestnut Street, Bastrop, Texas.

Exhibit A Location Map



Variance to Separation Requirements
for Sale of Alcoholic Beverages

928 Main Street
Cripple Creek Wine and Gifts

Date: 7/18/2019

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





STAFF REPORT

MEETING DATE: August 6, 2019

AGENDA ITEM: 2B

TITLE:

Consider action to approve Resolution No. R-2019-68 to place a proposal to adopt a tax rate for Fiscal Year 2019-2020 (FY2020) on the agenda of a future meeting as an action item; scheduling two public hearings on the proposal; and providing an effective date.

STAFF REPRESENTATIVE:

Lynda Humble, City Manager
Tracy Waldron, Chief Financial Officer

BACKGROUND/HISTORY:

Truth-in-taxation is a concept embodied in the Texas Constitution and the Tax Code that requires local taxing units to make taxpayers aware of tax rate proposals. When a proposed tax rate exceeds the rollback rate or the effective rate, whichever is lower, the taxing unit's governing body must vote to place a proposal to adopt the rate on the agenda of a future meeting as an action item. This vote must be recorded. The proposal must specify the desired rate. A taxing unit cannot vote to adopt a proposal to increase taxes by an unspecified amount. If the motion passes, the governing body must schedule two public hearing on the proposal.

There are four principles to truth-in-taxation:

- Property owners have a right to know about increases in their properties' appraised value and to be notified of the estimated taxes that could result from the new value.
- A taxing unit must publish its effective and rollback tax rates before adopting an actual tax rate.
- A taxing unit must publish special notices and hold two public hearings before adopting a tax rate that exceeds the lower of the rollback rate or the effective tax rate.
- If a taxing unit adopts a rate that exceeds the rollback rate, voters may petition for an election to limit the rate to the rollback rate.

The effective rate is a calculated rate that would provide the taxing unit with about the same amount of revenue it received in the prior year on properties taxed in both years. If property values rise, the effective tax rate will go down and vice versa. The rollback rate provides the taxing unit with about the same amount of tax revenue if spent the previous year for day to day operations, plus an extra eight (8) percent increase for those operations, in addition to sufficient funds to pay debt service in the coming year.

POLICY EXPLANATION:

City staff is considering a tax rate up to \$0.5640 including an operations and maintenance (O&M) tax rate of \$0.3691 and a debt service (I&S) tax rate of \$0.1949 per \$100 in taxable value.

The effective tax rate, which shows the relation between prior year's revenue and the current year's value, has been calculated by City staff and certified by the Bastrop Central Appraisal District to be \$0.5322. The rollback rate, which is the maximum rate that can be applied and not be subject to a rollback petition, has been calculated by staff and certified by the Bastrop Central Appraisal District to be \$0.5704. These rates will be published in the local newspaper, the City's website, and the government access cable channel as required by State law.

TAX RATE					
Fiscal Year	Proposed Property Tax Rate	Effective Tax Rate	Effective M&O Tax Rate	Rollback Tax Rate	Debt Rate
2019-2020	0.5640	0.5322	0.3477	0.5704	0.1949
2018-2019	0.5640	0.5534	0.3575	0.5809	0.1949

The tax rate being considered by City staff is \$0.5640, which is more than the effective tax rate. When a proposed tax rate exceeds the rollback rate or the effective rate, whichever is lower, the taxing unit's governing body must vote to place a proposal to adopt the rate on the agenda of a future meeting as an action item. If the motion passes, the governing body must schedule two public hearings on the proposal. City staff proposes that these public hearings be held on Tuesday, August 27, 2019 and Tuesday, September 10, 2019 at 6:30pm. These public hearings will be held in the City Council Chambers, located in City Hall at 1311 Chestnut St. Bastrop, TX 78602.

FUNDING SOURCE:

N/A

RECOMMENDATION:

Consider action to approve Resolution No. R-2019-68 to place a proposal to adopt a tax rate for Fiscal Year 2019-2020 (FY2020) on the agenda of a future meeting as an action item; scheduling two public hearings on the proposal; and providing an effective date.

ATTACHMENTS:

- Resolution R-2019-68
- Proposed Notice for publication in local newspaper

RESOLUTION NO. R-2019-68

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, TO PLACE A PROPOSAL TO ADOPT A TAX RATE FOR FISCAL YEAR 2019-2020 (FY2020) ON THE AGENDA OF A FUTURE MEETING AS AN ACTION ITEM; SCHEDULING TWO PUBLIC HEARINGS ON THE PROPOSAL; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council deems it advisable to give notice of its intent to propose a tax rate for the City of Bastrop, Texas as hereinafter provided; and

WHEREAS, it is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public and public notice of the meeting was given, all as required by Chapter 551, Texas Government Code.

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, does hereby order that two public hearings be scheduled in the future to consider a proposal to adopt a tax rate for Fiscal Year 2019-2020, and that notice of an effective tax rate and a rollback tax rate for the City for Fiscal Year 2019-2020 is hereby authorized to be published as required by law.

SECTION 2: That notices of public hearings on tax increases for the City of Bastrop, Texas for Fiscal Year 2019-2020 are hereby authorized to be published as required by law.

SECTION 3: That the City Secretary shall cause said notices to be published in a newspaper of general circulation in the area of said City, as required by Section 26.05(d), Texas Tax Code, for at least seven (7) days prior to the date of the two public hearings.

SECTION 4: That this resolution shall become effective immediately upon its passage.

DULY RESOLVED AND ADOPTED by the City Council of the City of Bastrop this 6th day of August 2019.

CITY OF BASTROP, TEXAS

APPROVED:

Connie B. Schroeder, Mayor

ATTEST:

Ann Franklin, City Secretary

APPROVED AS TO FORM:

Alan Bojorquez, City Attorney

NOTICE OF 2019 TAX YEAR PROPOSED PROPERTY TAX RATE FOR CITY OF BASTROP

A tax rate of \$0.5640 per \$100 valuation has been proposed for adoption by the governing body of City of Bastrop. This rate exceeds the lower of the effective or rollback tax rate, and state law requires that two public hearings be held by the governing body before adopting the proposed tax rate.

The governing body of City of Bastrop proposes to use revenue attributable to the tax rate increase for the purpose of .

PROPOSED TAX RATE	\$0.5640 per \$100
PRECEDING YEAR'S TAX RATE	\$0.5640 per \$100
EFFECTIVE TAX RATE	\$0.5322 per \$100
ROLLBACK TAX RATE	\$0.5704 per \$100

The effective tax rate is the total tax rate needed to raise the same amount of property tax revenue for City of Bastrop from the same properties in both the 2018 tax year and the 2019 tax year.

The rollback tax rate is the highest tax rate that City of Bastrop may adopt before voters are entitled to petition for an election to limit the rate that may be approved to the rollback rate.

**YOUR TAXES OWED UNDER ANY OF THE ABOVE RATES CAN BE CALCULATED AS
FOLLOWS:**

$$\text{property tax amount} = (\text{rate}) \times (\text{taxable value of your property}) / 100$$

For assistance or detailed information about tax calculations, please contact:

Linda Harmon
City of Bastrop tax assessor-collector
211 Jackson Street Bastrop, TX 78602
512-581-7167
linda.harmon@co.bastrop.tx.us
www.co.bastrop.tx.us

You are urged to attend and express your views at the following public hearings on the proposed tax rate:

First Hearing: August 27, 2019 at 6:30 PM at 1311 Chestnut Street Bastrop, TX 78602.

Second Hearing: September 10, 2019 at 6:30 PM at 1311 Chestnut Street Bastrop, TX 78602.

Proposed Tax Rate

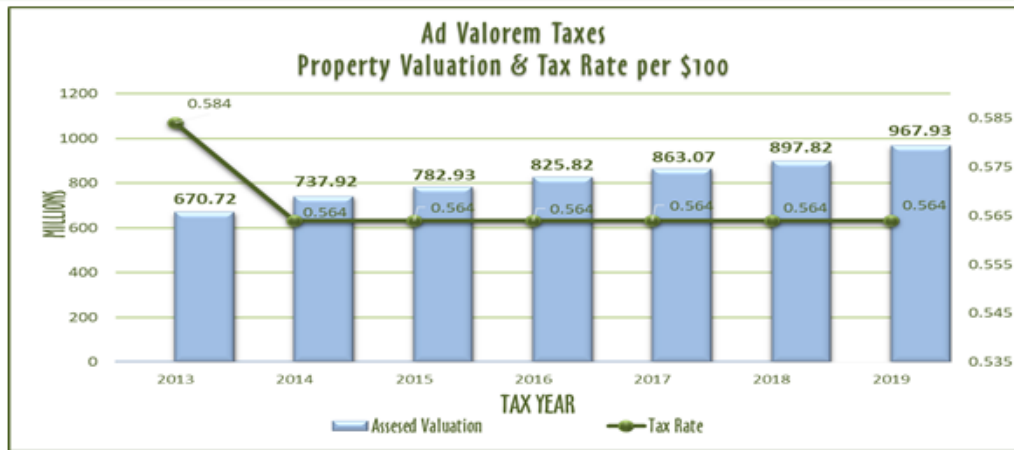
August 6, 2019



Assessed Value Overview

	FY2018-2019	FY2019-2020
Assessed Value	\$897,823,408	\$967,932,907

This is a taxable base increase of 7.8%



Tax Rate Overview

TAX RATE	FY 2018-2019	FY 2019-2020
Property Tax Rate	0.5640	0.5640
Effective Rate	0.5534	0.5322
Rollback Rate	0.5809	0.5704
M&O Rate	0.3691	0.3691
Debt Service (I&S Rate)	0.1949	0.1949

Effective Tax Rate – the rate would generate the same amount of revenue than last year based on the value of the same properties from both years.

Rollback Tax Rate – this rate is the maximum rate allowed by law without voter approval.

The proposed tax rate will generate \$307,803 more revenue than the effective rate.

