

Bastrop, TX City Council Meeting Agenda

Bastrop City Hall City Council Chambers

1311 Chestnut Street

Bastrop, TX 78602

(512) 332-8800



May 22, 2018 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.

As authorized by Section 551.071 of the Texas Government Code, this meeting may be convened into closed Executive Session for the purposes of seeking confidential legal advice from the City Attorney on any item on the agenda at any time during the meeting.

The City of Bastrop reserves the right to reconvene, recess, or realign the Regular Session or called Executive Session or order of business at any time prior to adjournment.

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE – Youth Advisory Council Appointees

TEXAS PLEDGE OF ALLEGIANCE

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

3. INVOCATION – Dale Burke, Bastrop Christian Ministerial Alliance

4. PRESENTATIONS – PART 1 OF 2

4A. A joint proclamation of the City Council of the City of Bastrop, Texas and Bastrop County Commissioners Court recognizing and celebrating June 16, 2018, as Juneteenth Anniversary day.

4B. A joint proclamation of the City Council of the City of Bastrop, Texas and Bastrop County Commissioners Court recognizing and celebrating May 28, 2018, as Memorial Day.

4C. A proclamation of the City Council of the City of Bastrop, Texas recognizing May 20, 2018 through May 26, 2018 as National Public Works Week in the City of Bastrop, Texas.

9. INDIVIDUAL CONSIDERATION – PART 1 OF 2

(This item is being moved to the beginning of the agenda to provide an opportunity for the Mayor to administer the Oath of Office to the new members.)

- 9B. Consider action to approve Resolution No. R-2018-34 of the City Council of the City of Bastrop, Texas confirming the Youth Advisory Council appointments of the Mayor, as required in Section 3.08 of the City's Charter; providing for a repealing clause; and establishing an effective date.

4. PRESENTATIONS – PART 2 OF 2

- 4D. Administer Oath of Office to Members of the Youth Advisory Council by Mayor Connie Schroeder.
- 4E. Mayor's Report
- 4F. Councilmembers' Report
- 4G. City Manager's Report
- 4H. Official Pinning Ceremony for James Altgelt, Director of Public Safety/Police Chief

RECEPTION FOR NEW DIRECTOR OF PUBLIC SAFETY/POLICE CHIEF – RECESS MEETING FOR 20 MINUTES.

5. WORK SESSION/BRIEFINGS – N/A

6. STAFF AND BOARD REPORTS

- 6A. Receive presentation on the unaudited Comprehensive Monthly Financial Report for the period ending April 30, 2018.

7. CITIZEN COMMENTS

At this time, three (3) minute comments will be taken from the audience on any topic. To address the Council, please submit a fully completed request card to the City Secretary prior to the beginning of the Citizens' Comment portion of the Council meeting. In accordance with the Texas Open Meetings Act, if a citizen discusses any item not on the agenda, City Council cannot discuss issues raised or make any decision at this time. Instead, City Council is limited to making a statement of specific factual information or a recitation of existing policy in response to the inquiry. Issues may be referred to City Staff for research and possible future action.

To address the Council concerning any item on the agenda, please submit a fully completed request card to the City Secretary prior to the consideration of that item.

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 Councilmember 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 May 8, 2018 regular meeting, May 10, 2018 joint workshop with Planning and Zoning Commission meeting and May 15, 2018 Special Council meeting.
- 8B. Consider action to approve the second reading of Ordinance No. 2018-07 of the City Council of the City of Bastrop, Texas, granting a Conditional Use Permit for a 120-foot standpipe, on Lot A, Tahitian Village, Unit 1, located at 113 Tahitian Drive, within the city limits of Bastrop, Texas; as shown in Exhibit A; setting out conditions; including a severability clause; and establishing an effective date.
- 8C. Consider action to approve the second reading of Ordinance No. 2018-06 of the Council of the City of Bastrop, Texas amending the Code of Ordinances, Chapter 2 Titled "ANIMAL CONTROL," Article 2.01 Titled "GENERAL PROVISIONS," Section 2.01.001 Titled "DEFINITIONS"; repealing the provision that established a sanctuary for chickens that are not owned and located in the vicinity of Farm Street and all prior ordinances that are in conflict herewith; as attached in Exhibit A; and providing for findings of fact, enactment, effective date, repealer severability, and proper notice and meeting.
- 8D. Consider action to approve the second reading of Ordinance No. 2018-08 of the City of Bastrop, Texas amending the Code of Ordinances, repealing and replacing Article 1.15 titled "Code of Ethics" and providing for findings of fact, repealer, severability, codification, effective date, proper notice, and meeting.

9. ITEMS FOR INDIVIDUAL CONSIDERATION – PART 2 OF 2

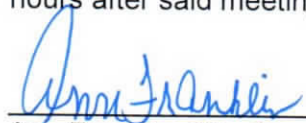
- 9A. Consider action to approve Resolution No. R-2018-36 of the City Council of the City of Bastrop, Texas relating to the "Bastrop Economic Development Corporation Sales Tax Revenue Bonds, Series 2018", including the approval of the resolution of the Board of Directors of the Corporation authorizing the issuance of such Bonds; resolving other matters incident and related to the issuance of such Bonds; and providing an effective date.
- 9B. SEE ABOVE.
- 9C. Consider action to approve Resolution R-2018-33 of the City Council of the City of Bastrop, Texas approving a Municipal Maintenance Agreement between the City of Bastrop and the Texas Department of Transportation; attached as Exhibit A; authorizing the City Manager to execute all necessary documents; and establishing an effective date.
- 9D. Consider action to approve Resolution No. R-2018-35 of the City Council of the City of Bastrop, Texas approving a Developer's Agreement for Piney Creek Bend Subdivision between the City of Bastrop and KB Homes; attached in Exhibit A; and authorizing the City Manager to execute all necessary documents for the agreement; providing for a repealing clause; and establishing an effective date.

10. EXECUTIVE SESSION – N/A

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: Friday, May 18, 2018 at 5:30 p.m. and remained posted for at least two hours after said meeting was convened.



Ann Franklin, City Secretary





STAFF REPORT

MEETING DATE: May 22, 2018

AGENDA ITEM: 4A

TITLE:

A joint proclamation of the City Council of the City of Bastrop, Texas and Bastrop County Commissioners Court recognizing and celebrating June 16, 2018, as Juneteenth Anniversary day.

STAFF REPRESENTATIVE:

Lynda Humble, City Manager

ATTACHMENTS:

Proclamation for Juneteenth Anniversary





PROCLAMATION



BASTROPTX
Heart of the Lost Pines / Est. 1832

WHEREAS, The Emancipation Proclamation was signed into law by President Abraham Lincoln on January 1, 1863; and

WHEREAS, Texans did not receive word of this proclamation until June 19, 1865, when Major General Gordon Granger sailed into Galveston Island and issued a general order declaring that "in accordance with a proclamation from the Executive of the United States, all slaves are free"; and

WHEREAS, This year marks the 155th anniversary of the law; and

WHEREAS, Juneteenth, also known as Freedom Day or Emancipation Day is an annual holiday originating in Texas, but celebrated in over 35 states, the District of Columbia, and internationally; and

WHEREAS, In 1979, Texas State Representative Al Edwards sponsored HB 1016 in the Legislature, which was signed by Texas Governor Bill Clements, making Juneteenth an official state holiday in Texas; and

WHEREAS, The Bastrop Juneteenth Committee is celebrating its 31st anniversary as an organization officially celebrating the event; and

WHEREAS, On Saturday, June 16th, 2018, the celebration continues with a grand parade with Barbara Clemons serving as Parade Marshal, The Blue Flame Cruisers Car and Motorcycle Show at Shulman Theatre, a variety of family and school reunions that will be held throughout the city, and the ever-popular "free" street dance in downtown Bastrop; and

WHEREAS, The Bastrop Juneteenth Committee, work in partnership with the City of Bastrop, Kerr Community Center Board, the Blue Flame Cruisers, and numerous other sponsors, organizations and individuals to make this event an annual success.

NOW THEREFORE BE IT RESOLVED THAT, the Bastrop City Council joins the Bastrop County Commissioners Court in recognition and celebration of the 31st Juneteenth Anniversary on the **16th day of June 2018** in the City of Bastrop, Texas.

IN WITNESS WHEREOF, we hereunto set our hand and caused the seal of the City and County of Bastrop to be affixed, this **16th day of June 2018**.

Connie Schroeder, Mayor City of Bastrop

Lyle Nelson, Mayor Pro-Tem Place 3

Willie "Bill" Peterson, Council Member Place 1

Drusilla Rogers, Council Member Place 2

Bill Ennis, Council Member Place 4

Debra Jones, Council Member Place 5



Paul Pape, Bastrop County Judge

Mel Hamner, Commissioner Pct 1

Clara Beckett, Commissioner Pct 2

Mark Meuth, Commissioner Pct 3

Bubba Snowden, Commissioner Pct 4





STAFF REPORT

MEETING DATE: May 22, 2018

AGENDA ITEM: 4B

TITLE:

A joint proclamation of the City Council of the City of Bastrop, Texas and Bastrop County Commissioners Court recognizing and celebrating May 28, 2018, as Memorial Day.

STAFF REPRESENTATIVE:

Lynda Humble, City Manager





PROCLAMATION



BASTROPTX
Heart of the Lost Pines / Est. 1832

WHEREAS, Memorial Day was first proclaimed on May 5, 1868 by General John Logan; and

WHEREAS, Memorial Day has been officially observed in the United States of America on the last Monday in May since Congress passed the National Holiday Act of 1971; and

WHEREAS, Memorial Day is set aside to recognize and remember the veterans who died fighting for our nation and the liberties we enjoy; and

WHEREAS, we owe a debt of gratitude for the sacrifices of the many men and women who answered, and answer today, the nations call to patriotic duty - to those who fought, and fight today, with honor and valor to safeguard the American way of life, and

WHEREAS, Bastrop County and the City of Bastrop join with people across the nation in remembrance of those who died serving their Country during war and those who have died since their return home from war.

NOW, THEREFORE, we, Connie Schroeder, Mayor of the City of Bastrop, and Paul Pape, Bastrop County Judge, along with our respective City Council and Commissioners Court, proclaim Monday, May 28, 2018, as Memorial Day in the City of Bastrop and Bastrop County and ask all citizens to join in this observance

Paul Pape
Bastrop County Judge

Connie B. Schroeder
Mayor, City of Bastrop



STAFF REPORT

MEETING DATE: May 22, 2018

AGENDA ITEM: 4C

TITLE:

A proclamation of the City Council of the City of Bastrop, Texas recognizing May 20, 2018 through May 26, 2018 as National Public Works Week in the City of Bastrop, Texas.

STAFF REPRESENTATIVE:

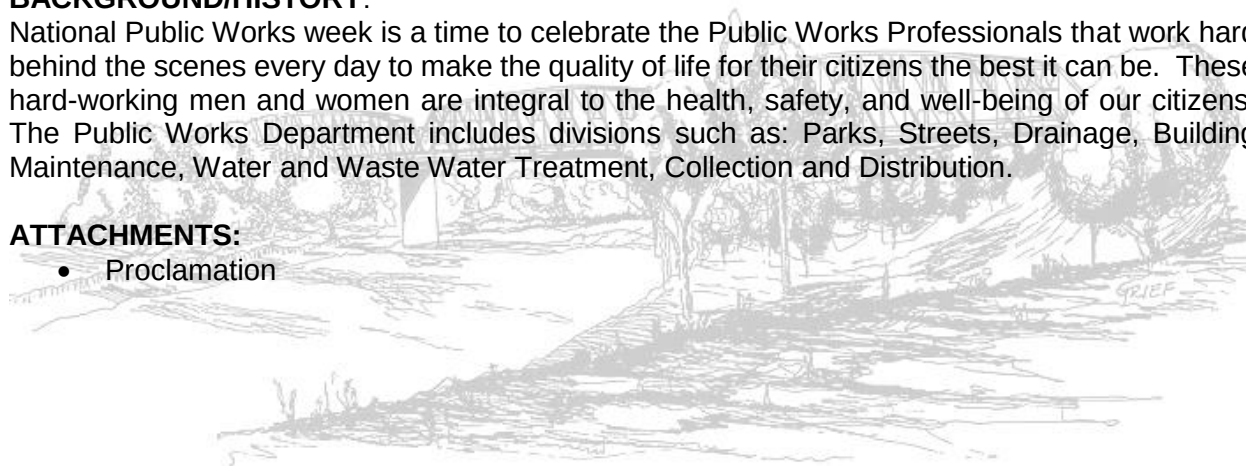
Trey Job, Managing Director of Public Works & Leisure Services

BACKGROUND/HISTORY:

National Public Works week is a time to celebrate the Public Works Professionals that work hard behind the scenes every day to make the quality of life for their citizens the best it can be. These hard-working men and women are integral to the health, safety, and well-being of our citizens. The Public Works Department includes divisions such as: Parks, Streets, Drainage, Building Maintenance, Water and Waste Water Treatment, Collection and Distribution.

ATTACHMENTS:

- Proclamation





PROCLAMATION



BASTROPTX
Heart of the Lost Pines / Est. 1832

WHEREAS, Public Works infrastructure, facilities, and services provided in our communities are an integral part of our citizens' health, safety, and well-being; and,

WHEREAS, such facilities and services could not be provided without the dedicated efforts of public works professionals, engineers, managers, and employees at all levels of government and the private sector, who are responsible for the planning, building, operation, and maintenance of transportation, water supply, water treatment, solid waste systems, public buildings, and other structures and facilities essential to serve our citizens; and,

WHEREAS, it is in the public interest for the citizens, civic leaders, and children in our country to understand and appreciate public works programs in their communities; and,

WHEREAS, the quality and effectiveness of these facilities, as well as their planning, design, and construction, are dependent upon the efforts and skill of public works officials; and,

WHEREAS, the year 2018 marks the 58th annual National Public Works Week sponsored by the American Public Works Association; now,

NOW THEREFORE, I, Connie Schroeder, Mayor of the City of Bastrop, do hereby proclaim May 20th, 2018 through May 26th, 2018 as:

National Public Works Week in the City of Bastrop, Texas

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Official Seal of the City of Bastrop, Texas to be affixed this 22nd day of May 2018.

Connie B. Schroeder, Mayor



STAFF REPORT

MEETING DATE: May 22, 2018

AGENDA ITEM: 4D

TITLE:

Administer Oath of Office to Members of the Youth Advisory Council by Mayor Connie Schroeder.

STAFF REPRESENTATIVE:

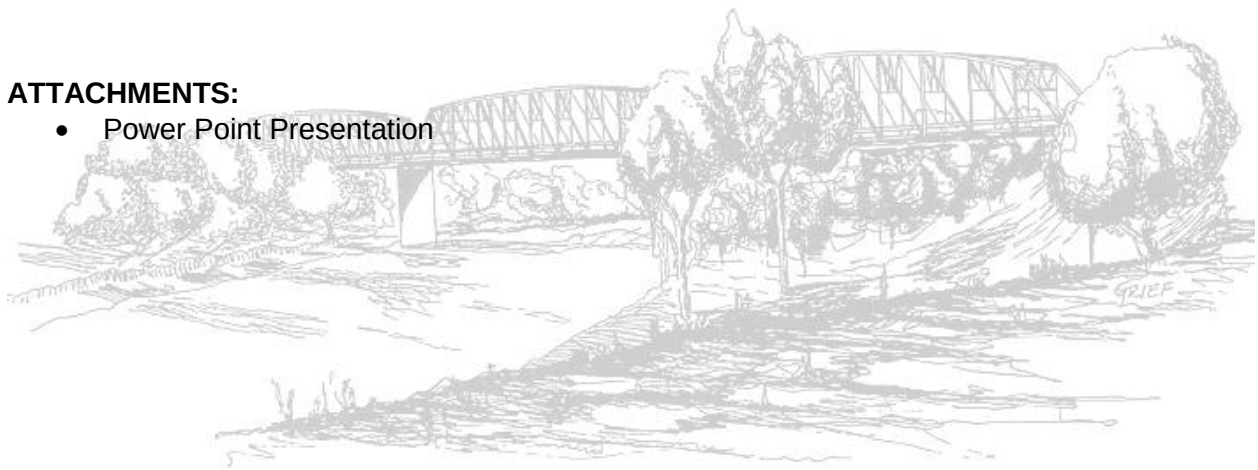
Lynda Humble, City Manager

APPOINTMENTS TO THE YOUTH ADVISORY COUNCIL ARE:

Students	High School	Grade for 2018-19
Marc Alger	CRCA	12th
Emily Anguiano	CRCA	10th
Amanda Branecky	BHS	12th
Amber Dodge	CCHS	12th
Cade Edwards	CCHS	11th
Xavier Gomez	CCHS	10th
Ashauri Lewis	BHS	10th
Caitlyn Ingram	BHS	10th
Elizabeth Mora	CCHS	12th
Kacie Morriss	CCHS	9th
Charles Ramirez	CRCA	11th
Jessica Tran	CRCA	11th

ATTACHMENTS:

- Power Point Presentation





STAFF REPORT

MEETING DATE: May 22, 2018

AGENDA ITEM: 4E

TITLE:

Mayor's Report

STAFF REPRESENTATIVE:

Lynda Humble, 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

Mayor's Report
May 22, 2018





2nd Annual Table on Main



Latest Activities

May 11 - Ribbon cutting Hwy 71

April 28 – May 11



Hero Water Sports



Chamber Lunch

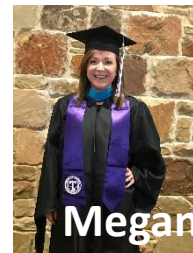


Events in 2018: 143



Tourism Week

Drug Take Back Day

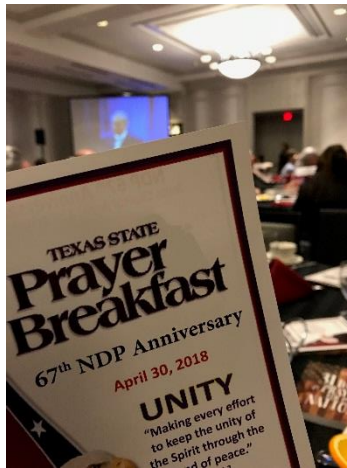


Megan

Fitness Week



Seton Groundbreaking



Natl Day of Prayer



Business Bash



Planned Events

May 9 - 18

- May 10
 - Travel & Tourism Week Celebration
 - Joint City Council/Planning and Zoning Meeting
- May 11 – Ribbon Cutting; Highway 71 Overpass
- May 13 – Mother’s Day!
- May 15 – Special City Council Meeting
- May 17-20 – Bastrop Music Festival
- May 17
 - Ribbon Cutting – Texas Tile Works
 - Imagine the Possibilities Tour
 - Annual Police Banquet
- May 21
 - ICSC Las Vegas (BEDC Retail Recruiting)
- May 22 –
 - Ribbon Cutting – Mattress 1
 - City Council Meeting



Upcoming Events & City Meetings

- May 23/24 – New Councilmember Orientation
- May 25 – BEST Breakfast
- May 28 – Memorial Day
- May 31 – Quarterly FCI Community Meeting
- June 1 – First Friday Art Walk
- June 5 – Ribbon cutting; Sheriff's Office
- June 6
 - Chamber Monthly Luncheon
 - BAIPP Monthly meeting
- June 7 – Farm Street Opry
- June 9 – CASA Casino Night
- June 12– City Council Meeting





STAFF REPORT

MEETING DATE: May 22, 2018

AGENDA ITEM: 4F

TITLE:

Councilmembers' Report

STAFF REPRESENTATIVE:

Lynda Humble, 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:

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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: May 22, 2018

AGENDA ITEM: 4G

TITLE:

City Manager's Report

STAFF REPRESENTATIVE:

Lynda Humble, 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.

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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: May 22, 2018

AGENDA ITEM: 4H

TITLE:

Official Pinning Ceremony for James Altgelt, Director of Public Safety/Police Chief

STAFF REPRESENTATIVE:

Lynda Humble, City Manager





STAFF REPORT

MEETING DATE: May 22, 2018

AGENDA ITEM: 6A

TITLE:

Receive presentation on the unaudited Comprehensive Monthly Financial Report for the period ending April 30, 2018.

STAFF REPRESENTATIVE:

Tracy Waldron, Chief Financial Officer

BACKGROUND/HISTORY:

The Chief Financial Officer provides the City Council a monthly financial report overview for all funds to include detailed analysis for General Fund, Water-Wastewater Fund, Bastrop Power & Light and the Hotel Occupancy Tax Fund.

POLICY EXPLANATION:

This reporting requirement is set forth by the City of Bastrop Financial Management Policies, Chapter IV. Operating Budget, Section D. Reporting, as adopted by Resolution R-2017-75 on September 26, 2017.

FUNDING SOURCE:

N/A

ATTACHMENTS:

- Unaudited Comprehensive Monthly Financial Report for the period ending April 30, 2018

CITY OF BASTROP

Comprehensive Monthly Financial Report
April 2018



Performance at a Glance as of April 30, 2018



	YEAR TO DATE	REFERENCE
ALL FUNDS SUMMARY	POSITIVE	Page 4-5
GENERAL FUND REV VS EXP	POSITIVE	Page 6
SALES TAXES	POSITIVE	Page 7
PROPERTY TAXES	POSITIVE	Page 8
WATER/WASTEWATER FUND REV VS EXP	POSITIVE	Page 9
WATER/WASTEWATER REVENUES	POSITIVE	Page 10
ELECTRIC FUND REV VS EXP	POSITIVE	Page 11
ELECTRIC REVENUES	POSITIVE	Page 12
HTOEL OCCUPANCY TAX FUND REV VS EXP	POSITIVE	Page 13
HOTEL OCCUPANCY TAX REVENUES	POSITIVE	Page 14
Legal fees	N/A	Page 15
PERFORMANCE INDICATORS		
POSITIVE	= Positive variance or negative variance < 1% compared to seasonal trends	
WARNING	= Negative variance of 1-5% compared to seasonal trends	
NEGATIVE	= Negative variance of > 5% compared to seasonal trends	

ECONOMIC INDICATORS	Mar. 31, 2018– NEWS FOR YOU
ECONOMY	Attached is the Comprehensive Monthly Financial report for April 2018. This is six months of FY2018, or 58.3% of the fiscal year is complete. <u>Revenues:</u> Overall, the City has earned \$20,863,976. This amount is 61.4% of the approved budget of \$33,973,741 and is slightly more than the amount forecasted through the month of March. <u>Expense:</u> Overall, the City has spent 11% less than forecasted.
<u>National:</u>  Real gross domestic product (GDP) increased at an annual rate of 2.6% in the 4th quarter of 2017. The personal income increased by .4% in February 2018 with disposable personal income increasing .9%. The personal consumption expenditures increased .2%. All of these reported by the Bureau of Economic Analysis. <u>U.S.Retail Sales:</u>  March 2018 is up 4.5% from last year. <u>Texas Retail Sales:</u>  This index is a single summary statistic that sheds light on the future of the state's economy. The index is a composition of eight leading indicators. The index is at 131.23 in Feb. 2018 which is up 7.7% from one year ago.	
UNEMPLOYMENT	
<u>State-wide:</u> The state unemployment holds steady at 4% in Mar. 2018. <u>Bastrop:</u> Bastrop County has an unemployment rate of 3.4% in Feb. 2018 which is flat from Jan. 2018.	Noteworthy None to report

BUDGET SUMMARY OF ALL FUNDS

	FY2018 <u>Budget</u>	FY2018 <u>Forecast</u>	FY2018 <u>YTD</u>	<u>Variance</u>
<u>Revenues:</u>				
General	\$ 10,712,030	\$ 7,327,354	\$ 7,709,498	5.2%
Designated	47,450	20,013	49,975	149.7%
Innovation	256,500	149,625	287,711	92.3%
Debt Service	2,565,113	1,757,117	1,817,942	3.5%
Water/Wastewater	5,121,640	2,767,766	2,848,940	2.9%
Water/Wastewater Debt	2,007,586	840,126	1,094,165	30.2%
Impact Fees	896,439	226,100	227,059	0.4%
Vehicle & Equipment Replacement	561,371	331,633	358,350	8.1%
Electric	7,323,696	3,813,081	3,843,086	0.8%
Hotel/Motel Tax	2,882,000	1,494,886	1,507,818	0.9%
Hospitality & Downtown	1,034,788	617,901	606,900	-1.8%
Art in Public Places	75,041	43,771	44,744	2.2%
Library Board	20,150	10,921	16,079	47.2%
Cemetery	90,700	52,906	76,815	45.2%
Hunter's Crossing PID	379,237	368,310	376,011	2.1%
TOTAL REVENUES	\$ 33,973,741	\$ 19,821,510	\$ 20,865,093	5.3%

POSITIVE	= Positive variance or negative variance < 1% compared to forecast
WARNING	= Negative variance of 1-5% compared to forecast
NEGATIVE	= Negative variance of >5% compared to forecast

COMPREHENSIVE MONTHLY FINANCIAL REPORT –April 2018

BUDGET SUMMARY OF ALL FUNDS

	<u>FY2018 Budget</u>	<u>FY2018 Forecast</u>	<u>FY2018 YTD</u>	<u>Variance</u>
<u>Expense:</u>				
General	\$ 10,712,030	\$ 6,217,963	\$ 5,944,180	-4.4%
Designated	612,000	171,583	43,953	-74.4%
Innovation	664,500	404,294	367,570	-9.1%
Debt Service	2,354,274	588,299	589,395	0.2%
Water/Wastewater	6,679,564	3,166,371	2,810,750	-11.2%
Water/Wastewater Debt	1,440,212	388,911	388,911	0.0%
Impact Fees	730,021	90,500	92,888	2.6%
Vehicle & Equipment Replacement	82,000	375,276	237,811	-36.6%
Electric	7,908,734	4,294,731	3,911,080	-8.9%
Hotel/Motel Tax	3,369,730	2,127,348	1,736,536	-18.4%
Hospitality & Downtown	1,027,522	641,146	535,572	-16.5%
Art in Public Places	94,050	42,470	20,148	-52.6%
Library Board	22,386	13,059	5,557	-57.4%
Cemetery	131,177	88,187	65,853	-25.3%
Hunter's Crossing PID	415,750	400,646	400,604	0.0%
TOTAL EXPENSES	\$ 36,243,950	\$ 19,010,784	\$ 17,150,808	-9.8%
Surplus/(Shortfall)	\$ (2,270,209)	\$ 810,726	\$ 4,024,123	396.4%

POSITIVE

= Negative variance or positive variance < 1% compared to forecast

WARNING

= Positive variance of 1-5% compared to forecast

NEGATIVE

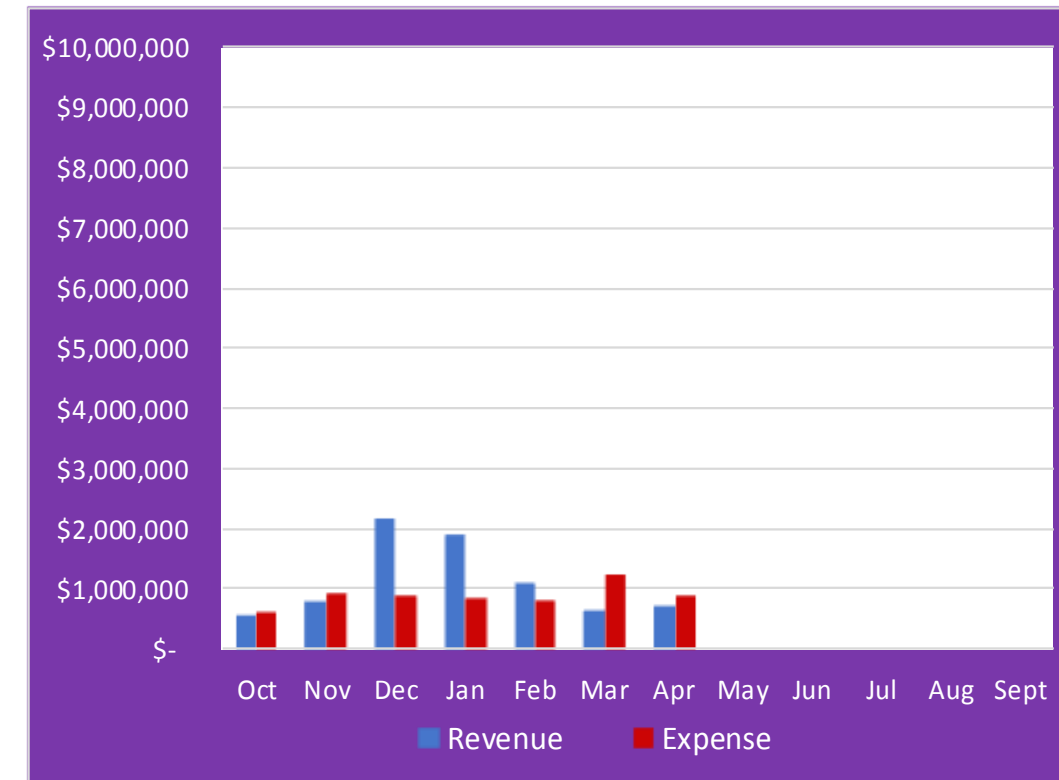
= Positive variance of >5% compared to forecast

COMPREHENSIVE MONTHLY FINANCIAL REPORT –April 2018

OVERALL FUND PERFORMANCE

GENERAL FUND REVENUES VS EXPENSES

<u>Month</u>	<u>FY2018 Revenue</u>	<u>FY2018 Expense</u>	<u>Monthly Variance</u>
Oct	\$ 547,821	\$ 589,749	\$ (41,928)
Nov	773,721	901,783	\$ (128,062)
Dec	2,129,343	841,355	\$ 1,287,988
Jan	1,840,816	828,636	\$ 1,012,180
Feb	1,090,678	756,976	\$ 333,702
Mar	611,326	1,183,300	\$ (571,974)
Apr	715,793	842,381	\$ (126,588)
May			\$ -
Jun			\$ -
Jul			\$ -
Aug			\$ -
Sept			\$ -
Total	\$ 7,709,498	\$ 5,944,180	\$ 1,765,318
Cumulative Forecast	\$ 7,327,354	\$ 6,217,963	\$ 1,109,391
Actual to Forecast \$	\$ 382,144	\$ 273,783	\$ 655,927
Actual to Forecast %	5.22%	4.40%	



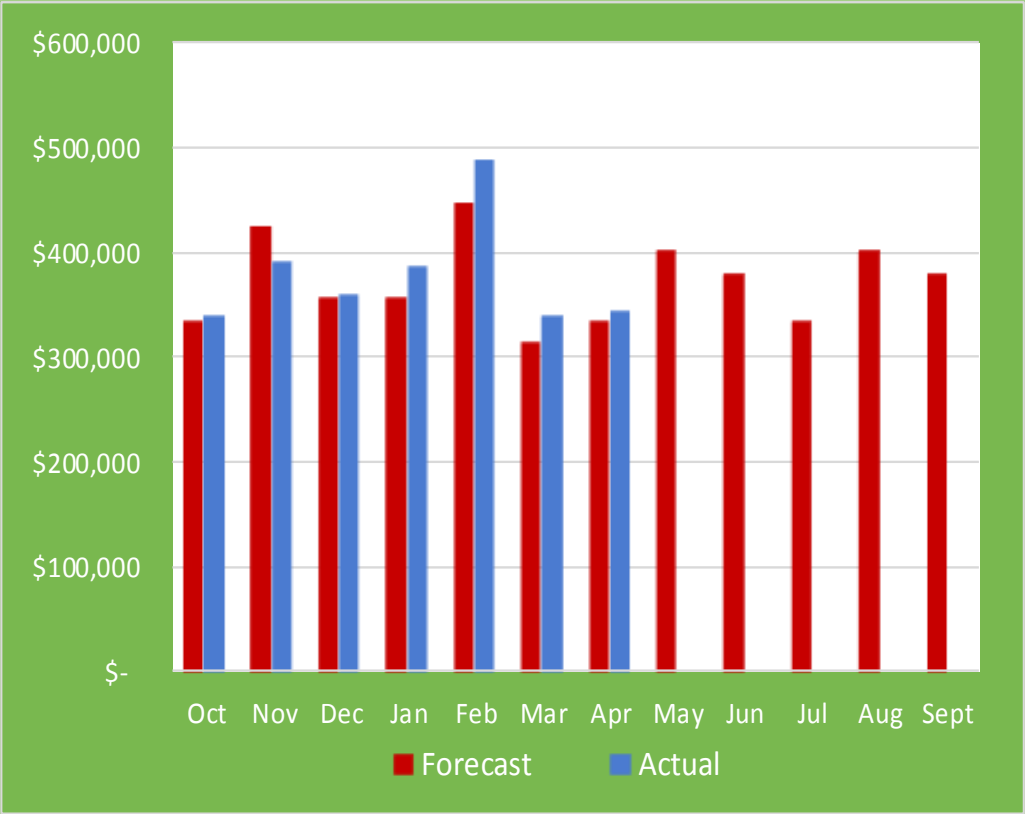
POSITIVE

Cumulatively overall, the General Fund is better than forecasted for this time of year. Revenues are 5% higher than forecasted and expenses are 4% lower than expected. This would be due to vacancies and forecasting assumptions.

REVENUE ANALYSIS

SALES TAX REVENUE

<u>Month</u>	<u>FY2018</u> <u>Forecast</u>	<u>FY2018</u> <u>Actual</u>	<u>Monthly</u> <u>Variance</u>
Oct	\$ 334,264	\$ 338,511	\$ 4,247
Nov	423,401	388,767	\$ (34,634)
Dec	356,548	357,359	\$ 811
Jan	356,548	384,847	\$ 28,299
Feb	445,685	485,934	\$ 40,249
Mar	311,980	336,978	\$ 24,998
Apr	334,264	341,233	\$ 6,969
May	401,117		\$ -
Jun	378,832		\$ -
Jul	334,264		\$ -
Aug	401,117		\$ -
Sept	378,832		\$ -
Total	\$ 4,456,852	\$ 2,633,629	\$ 70,939
Cumulative Forecast	\$ 2,562,690		
Actual to Forecast	\$ 70,939	2.7%	



POSITIVE

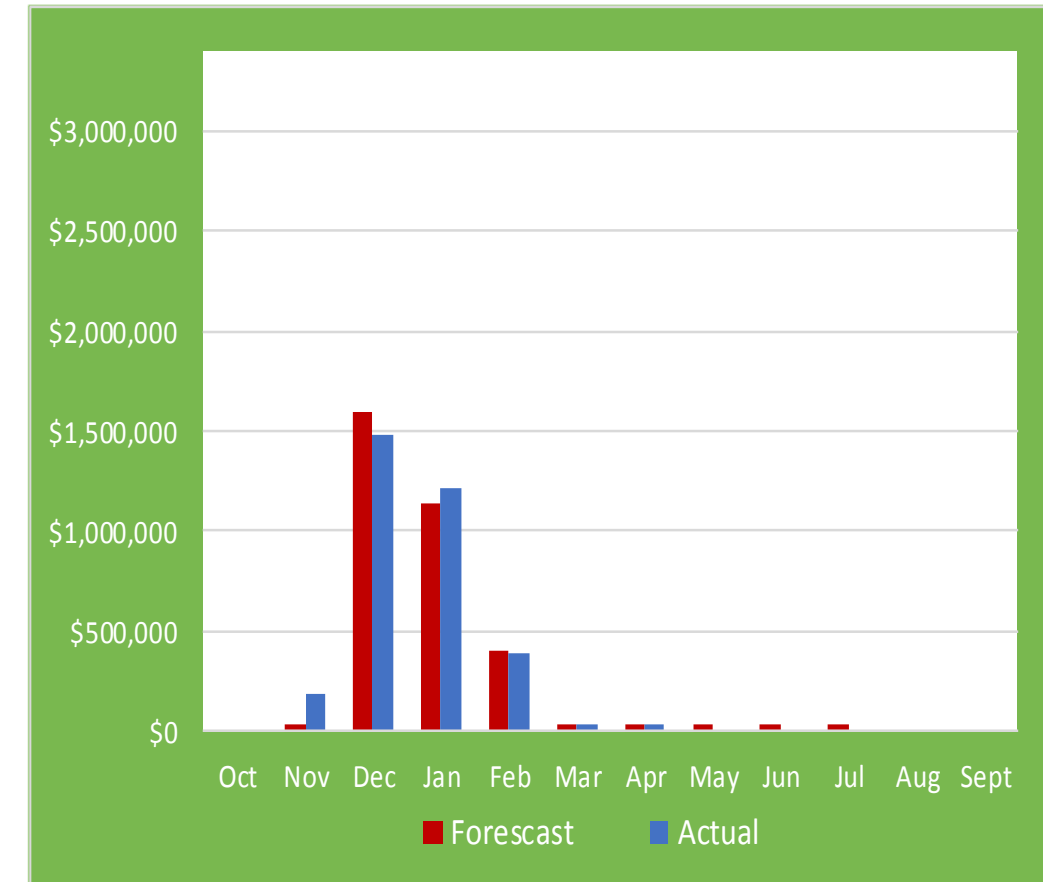
Sales Tax is 42% of the total budgeted revenue for General Fund. The actual amounts for Oct. and Nov. are estimated due to the State Comptroller's two month lag in payment of these earned taxes. The actual is 2.7% greater than forecasted.

COMPREHENSIVE MONTHLY FINANCIAL REPORT –April 2018

REVENUE ANALYSIS

PROPERTY TAX REVENUE

<u>Month</u>	<u>FY2018 Forecast</u>	<u>FY2018 Actual</u>	<u>Monthly Variance</u>
Oct	\$ -	\$ -	\$ -
Nov	33,336	190,830	\$ 157,494
Dec	1,600,131	1,478,112	\$ (122,019)
Jan	1,133,426	1,209,437	\$ 76,011
Feb	400,033	396,438	\$ (3,595)
Mar	33,336	40,735	\$ 7,399
Apr	33,336	31,324	\$ (2,012)
May	33,336		\$ -
Jun	33,336		\$ -
Jul	33,336		\$ -
Aug	-		\$ -
Sept	-		\$ -
Total	\$ 3,333,606	\$ 3,346,876	\$ 113,278
Cumulative Forecast	\$ 3,233,598		
Actual to Forecast	\$ 113,278	3.38%	



POSITIVE

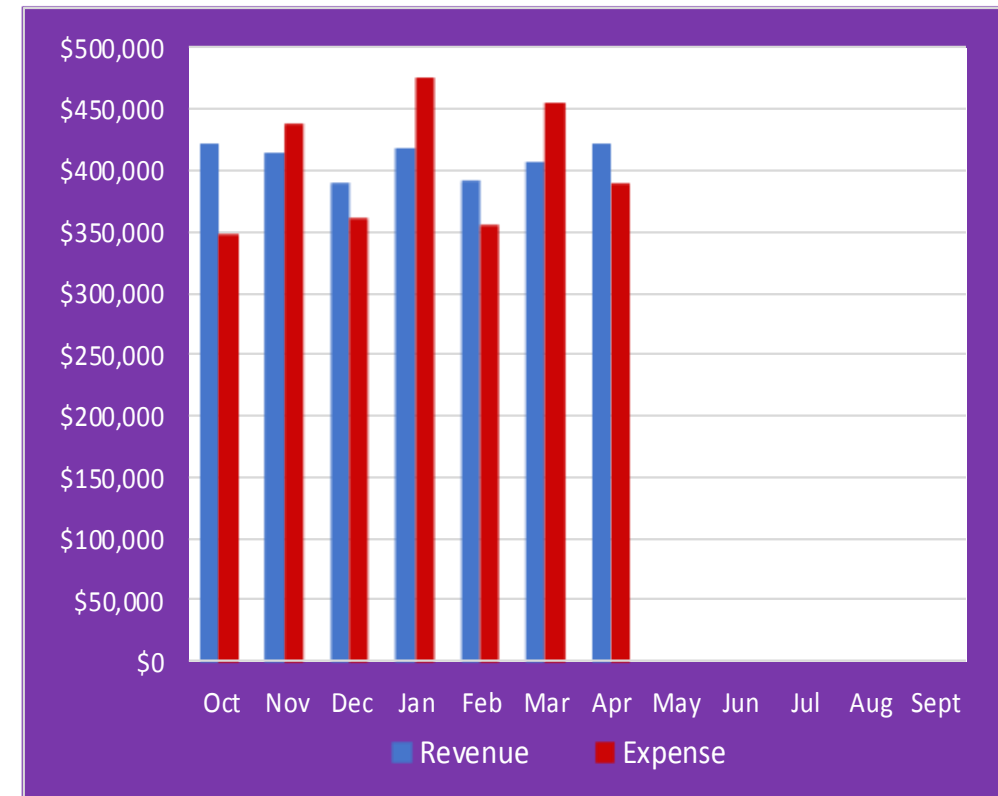
Property tax represents 31% of the total General Fund revenue budget. As you can see from the forecast, they are generally collected from December to February. The forecast was based on FY17 actuals. Through the month of April actual has exceeded the budget.

COMPREHENSIVE MONTHLY FINANCIAL REPORT –April 2018

OVERALL FUND PERFORMANCE

WATER/WASTEWATER FUND REVENUES VS EXPENSES

<u>Month</u>	<u>FY2018</u> <u>Revenue</u>	<u>FY2018</u> <u>Expense</u>	<u>Monthly</u> <u>Variance</u>
Oct	\$ 419,499	\$ 345,905	\$ 73,594
Nov	411,848	435,971	\$ (24,123)
Dec	388,292	359,304	\$ 28,988
Jan	416,118	473,510	\$ (57,392)
Feb	389,783	355,072	\$ 34,711
Mar	404,673	453,275	\$ (48,602)
Apr	418,727	387,712	\$ 31,015
May			\$ -
Jun			\$ -
Jul			\$ -
Aug			\$ -
Sept			\$ -
Total	\$ 2,848,940	\$ 2,810,749	\$ 38,191
Cumulative Forecast	\$ 2,767,766	\$ 3,166,371	\$ (398,605)
Actual to Forecast \$	\$ 81,174	\$ 355,622	\$ 436,796
Actual to Forecast %	2.93%	11.23%	



POSITIVE

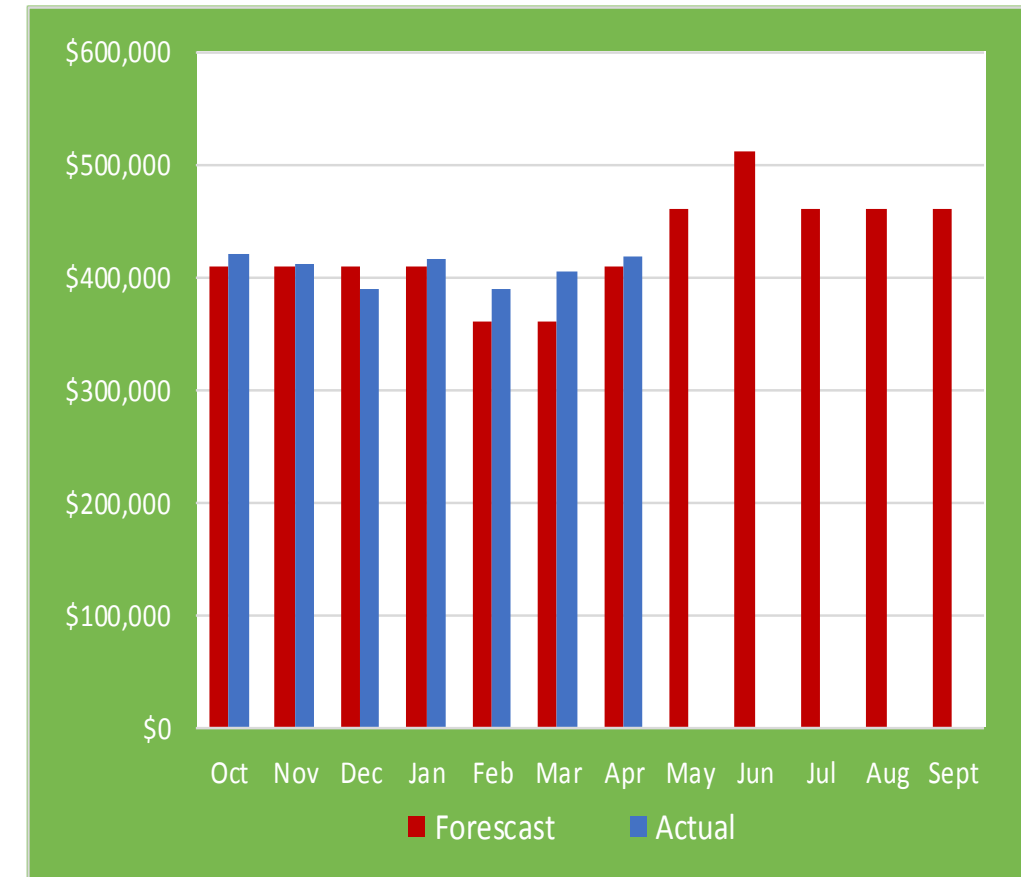
Water and wastewater revenues are 3% greater than forecasted for this time of year. We are continuing to add homes in Pecan Park and commercial in our service area. The actual expense are 11% lower than forecasted due to vacancies and timing of expenditures.

COMPREHENSIVE MONTHLY FINANCIAL REPORT –April 2018

REVENUE ANALYSIS

WATER/WASTEWATER REVENUE

<u>Month</u>	<u>FY2018 Forecast</u>	<u>FY2018 Actual</u>	<u>Monthly Variance</u>
Oct	\$ 409,891	\$ 419,499	\$ 9,608
Nov	409,891	411,848	\$ 1,957
Dec	409,891	388,292	\$ (21,599)
Jan	409,891	416,118	\$ 6,227
Feb	359,155	389,783	\$ 30,628
Mar	359,155	404,673	\$ 45,518
Apr	409,891	418,727	\$ 8,836
May	460,628		\$ -
Jun	511,364		\$ -
Jul	460,628		\$ -
Aug	460,628		\$ -
Sept	460,628		\$ -
Total	\$ 5,121,641	\$ 2,848,940	\$ 81,175
Cumulative Forecast	\$ 2,767,765		
Actual to Forecast	\$ 81,175	2.93%	



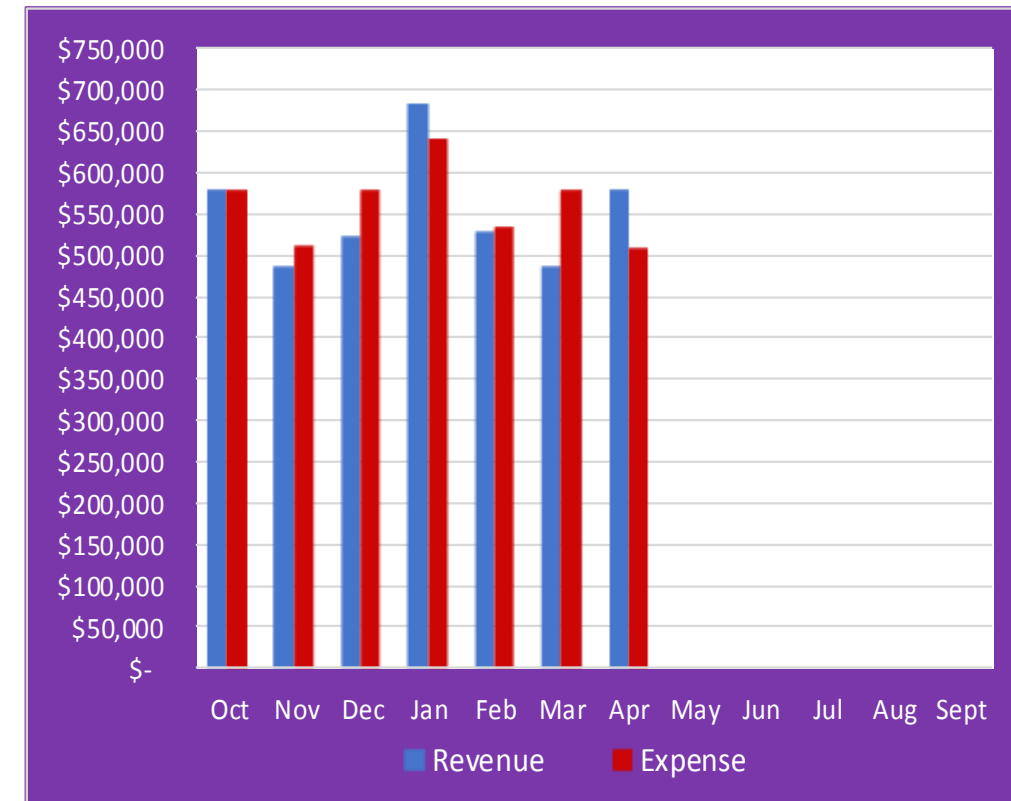
POSITIVE

The water and wastewater actual revenue was 3% over forecast. There were 2 new meters set this month, both commercial.

OVERALL FUND PERFORMANCE

ELECTRIC FUND REVENUES VS EXPENSES

<u>Month</u>	<u>FY2018 Revenue</u>	<u>FY2018 Expense</u>	<u>Monthly Variance</u>
Oct	\$ 575,828	\$ 575,543	\$ 285
Nov	482,650	509,673	\$ (27,023)
Dec	519,759	574,941	\$ (55,182)
Jan	678,275	638,368	\$ 39,907
Feb	526,302	530,494	\$ (4,192)
Mar	483,323	576,608	\$ (93,285)
Apr	576,949	505,452	\$ 71,497
May			\$ -
Jun			\$ -
Jul			\$ -
Aug			\$ -
Sept			\$ -
Total	\$ 3,843,086	\$ 3,911,079	\$ (67,993)
Cumulative Forecast	\$ 3,813,081	\$ 4,294,731	\$ (481,650)
Actual to Forecast \$	\$ 30,005	\$ 383,652	\$ 413,657
Actual to Forecast %	0.79%	8.93%	9.72%



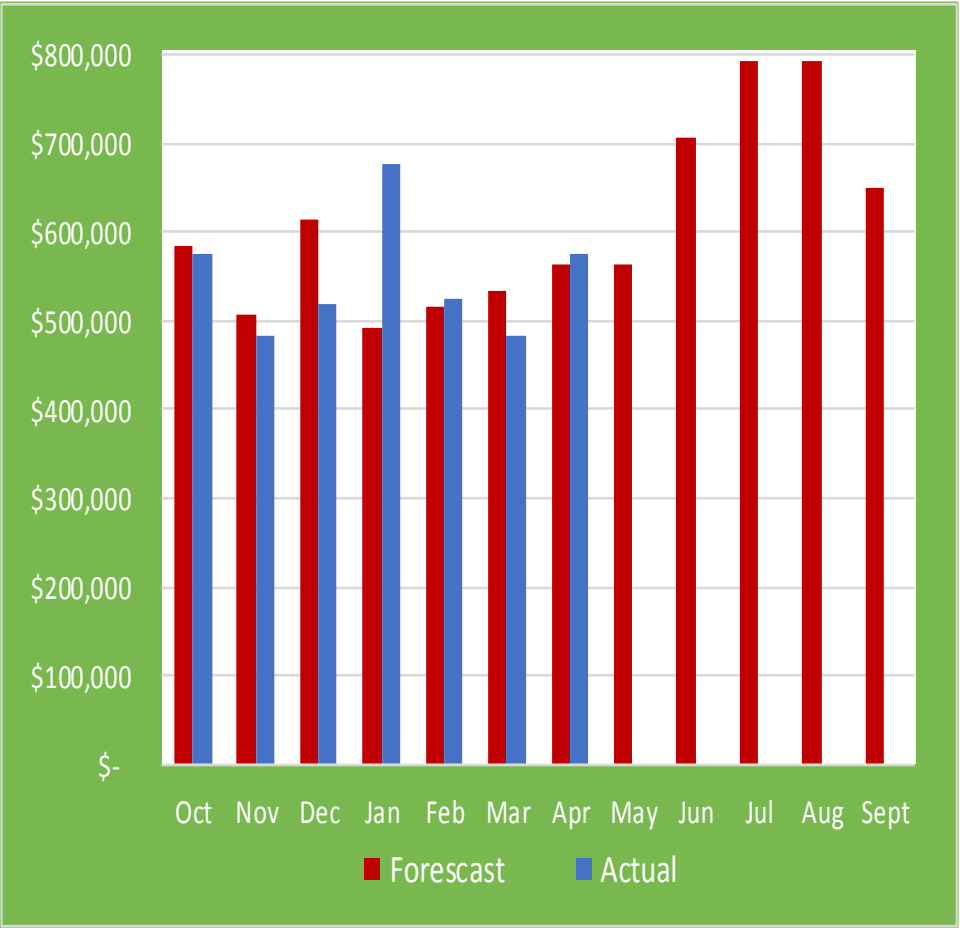
POSITIVE

The Electric utility fund actual revenue is less than 1% over forecast. The actual expenditures were almost 9% below budgeted forecast which is a 9% net position. This fund has capital improvement projects budgeted that have not had actual expenses produced yet.

REVENUE ANALYSIS

ELECTRIC FUND REVENUE

	<u>Month</u>	<u>FY2018</u> <u>Forecast</u>	<u>FY2018</u> <u>Actual</u>	<u>Monthly</u> <u>Variance</u>
	Oct	\$ 585,682	\$ 575,828	\$ (9,854)
	Nov	506,618	482,650	\$ (23,968)
	Dec	614,433	519,759	\$ (94,674)
	Jan	492,242	678,275	\$ 186,033
	Feb	514,618	526,302	\$ 11,684
	Mar	535,368	483,323	\$ (52,045)
	Apr	564,119	576,949	\$ 12,830
	May	564,119		\$ -
	Jun	707,873		\$ -
	Jul	794,126		\$ -
	Aug	794,126		\$ -
	Sept	650,372		\$ -
Total		<u>\$ 7,323,696</u>	<u>\$ 3,843,086</u>	<u>\$ 30,006</u>
Cumulative Forecast		\$ 3,813,080		
Actual to Forecast		\$ 30,006	0.79%	



POSITIVE

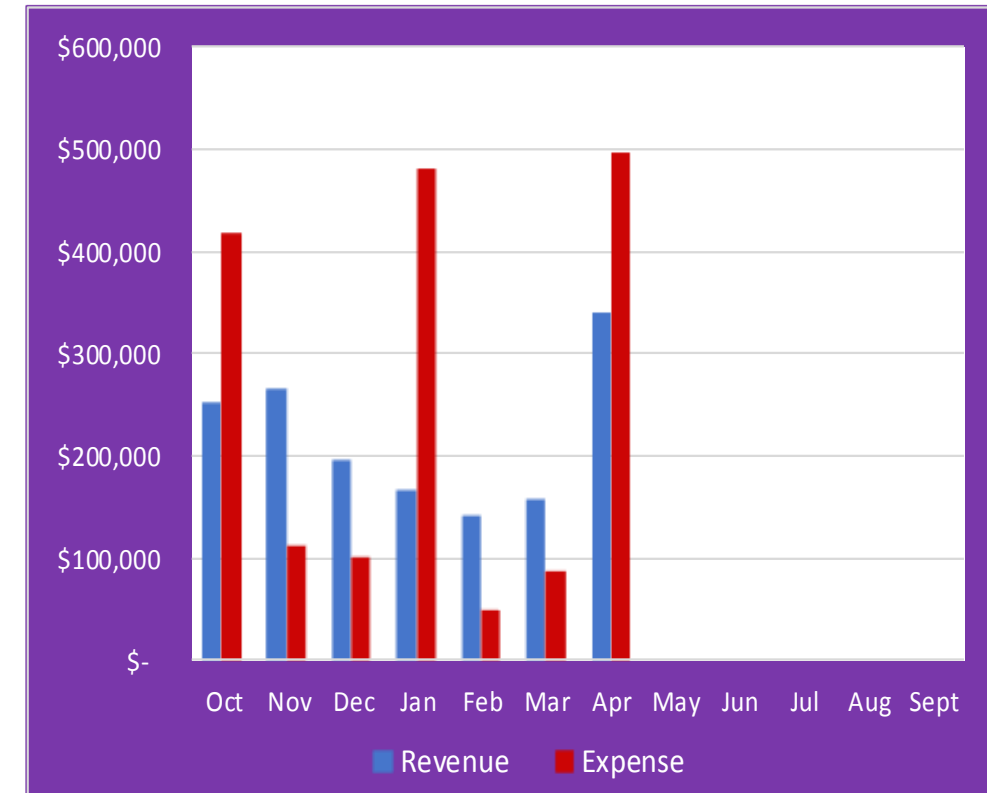
The Electric utility revenue is almost 1% above forecasted revenue. There were no new meter sets this month.

COMPREHENSIVE MONTHLY FINANCIAL REPORT –April 2018

OVERALL FUND PERFORMANCE

HOTEL OCCUPANCY TAX FUND REVENUES VS EXPENSES

<u>Month</u>	<u>FY2018 Revenue</u>	<u>FY2018 Expense</u>	<u>Monthly Variance</u>
Oct	\$ 250,340	\$ 416,596	\$ (166,256)
Nov	263,130	110,633	\$ 152,497
Dec	195,275	100,993	\$ 94,282
Jan	165,533	478,487	\$ (312,954)
Feb	140,248	48,335	\$ 91,913
Mar	156,724	87,049	\$ 69,675
Apr	336,568	494,443	\$ (157,875)
May			\$ -
Jun			\$ -
Jul			\$ -
Aug			\$ -
Sept			\$ -
Total	\$ 1,507,818	\$ 1,736,536	\$ (228,718)
Cumulative Forecast	\$ 1,494,886	\$ 2,127,348	\$ (632,462)
Actual to Forecast \$	\$ 12,932	\$ 390,812	\$ 403,744
Actual to Forecast %	0.87%	18.37%	19.24%



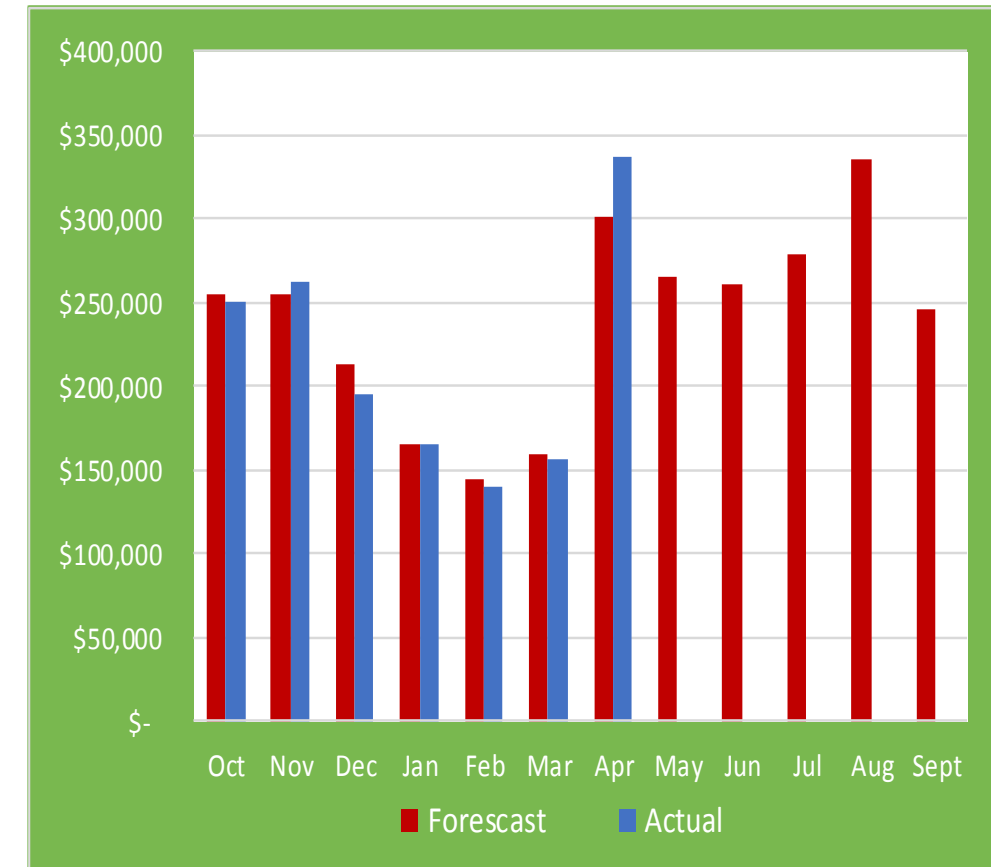
POSITIVE

The Hotel Occupancy Tax fund is overall in a positive position at a 19% net positive. The revenue is ~1% higher than forecasted and the expenses are 18% lower than forecasted. Visit Bastrop is paid on a quarterly basis.

REVENUE ANALYSIS

HOTEL OCCUPANCY TAX REVENUE

	<u>Month</u>	FY2018 <u>Forecast</u>	FY2018 <u>Actual</u>	Monthly <u>Variance</u>
Oct		\$ 255,390	\$ 250,340	\$ (5,050)
Nov		255,196	263,130	\$ 7,934
Dec		213,377	195,275	\$ (18,102)
Jan		164,985	165,444	\$ 459
Feb		145,030	140,248	\$ (4,782)
Mar		158,970	156,814	\$ (2,156)
Apr		301,938	336,568	\$ 34,630
May		265,141		\$ -
Jun		261,039		\$ -
Jul		279,344		\$ -
Aug		336,103		\$ -
Sept		245,488		\$ -
Total		\$ 2,882,001	\$ 1,507,819	\$ 12,933
Cumulative Forecast		\$ 1,494,886		
Actual to Forecast %		\$ 12,933	0.9%	



POSITIVE

The Hotel Occupancy Tax revenue is ~ 1% higher than forecasted. We budgeted revenue flat from FY17 to FY18 and in FY17 we were short reaching our budget. We were hopeful that we would be able to meet this budget amount in FY18 with increased tourism promotion.

Legal fees by Attorney/Category

COMPREHENSIVE MONTHLY FINANCIAL REPORT –April 2018

FIRM	CASE	FY15-16	FY16-17	FY17-18
BUNDREN				
	Pine Forest Interlocal	\$ 700,800	\$ 83,620	\$ 21,243
	Vandiver	\$ 79,951	\$ 2,343	\$ -
	Aqua CCN	\$ 21,735	\$ 12,898	\$ -
	Red Light Camera Suit	\$ 60,279	\$ -	\$ -
TERRELL LAW FIRM				
	Water permit	\$ 482,815	\$ 37,630	\$ 135
DAVID BRAGG, P.C.				
	General legal	\$ 8,603	\$ 48,215	\$ -
	Vandiver	\$ -	\$ 9,640	\$ -
	Water Permit	\$ -	\$ 3,120	\$ -
	Pine Forest Interlocal		\$ 3,560	\$ -
BOJORQUEZ LAW FIRM				
	General legal	\$ -	\$ 3,299	\$ 90,691
	Vandiver	\$ -	\$ 4,546	\$ 3,728
	Pine Forest Interlocal	\$ -	\$ -	\$ 5,591
	Prosecutor	\$ -	\$ -	\$ 11,047
	Water/Wastewater	\$ -	\$ -	\$ 13,752
MULTIPLE FIRMS				
	XS Ranch Bankruptcy		\$ 7,415	\$ 10,560
RUSSEL RODRIGUEZ HYDE				
	XS Ranch Bankruptcy		\$ 7,607	\$ 13,015
	Hunters Crossing PID		\$ 17,927	\$ 22,939
TAYLOR, OLSON, ADKINS, SRALLA & ELAM, LLP				
	Red Light Camera Suit	\$ 1,246	\$ 443	\$ 705
Total Legal		\$ 1,355,428	\$ 242,263	\$ 193,405

Summary by Case/Type

Row Labels	SUM FY15-16	SUM FY16-17	SUM FY17-18
Aqua CCN	\$ 21,735	\$ 12,898	\$ -
General legal	\$ 8,603	\$ 51,514	\$ 90,691
Hunters Crossing PID		\$ 17,927	\$ 22,939
Pine Forest Interlocal	\$ 700,800	\$ 87,180	\$ 26,834
Prosecutor	\$ -	\$ -	\$ 11,047
Red Light Camera Suit	\$ 61,525	\$ 443	\$ 705
Vandiver	\$ 79,951	\$ 16,529	\$ 3,728
Water permit	\$ 482,815	\$ 40,750	\$ 135
Water/Wastewater	\$ -	\$ -	\$ 13,752
XS Ranch Bankruptcy		\$ 15,022	\$ 23,575
Grand Total	\$ 1,355,428	\$ 242,263	\$ 193,405



STAFF REPORT

MEETING DATE: May 22, 2018

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, please submit a fully completed request card to the City Secretary prior to the beginning of the Citizens' Comment portion of the Council meeting. In accordance with the Texas Open Meetings Act, if a citizen discusses any item not on the agenda, City Council cannot discuss issues raised or make any decision at this time. Instead, City Council is limited to making a statement of specific factual information or a recitation of existing policy in response to the inquiry. Issues may be referred to City Staff for research and possible future action.

To address the Council concerning any item on the agenda, please submit a fully completed request card to the City Secretary prior to the consideration of that item.

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: May 22, 2018

AGENDA ITEM: 8A

TITLE:

Consider action to approve City Council minutes from the May 8, 2018 regular meeting, May 10, 2018 joint workshop with Planning and Zoning Commission meeting and May 15, 2018 Special Council meeting.

STAFF REPRESENTATIVE:

Lynda Humble, 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:

Consider action to approve City Council minutes from the May 8, 2018 regular meeting, May 10, 2018 joint workshop with Planning and Zoning Commission meeting and May 15, 2018 Special Council meeting.

ATTACHMENTS:

- May 8, 2018, DRAFT Regular Meeting Minutes.
- May 10, 2018, DRAFT Joint Workshop with Planning and Zoning Commission Meeting Minutes.
- May 15 2018, DRAFT Special Council Meeting Minutes.

**MINUTES OF REGULAR COUNCIL MEETING
BASTROP CITY COUNCIL
May 8, 2018**

The Bastrop City Council met in a Regular Meeting on Tuesday, May 8, 2018, at 6:30 p.m. at the Bastrop City Hall Council Chambers, located at 1311 Chestnut Street, Bastrop, Texas. Members present were Mayor Schroeder, Mayor Pro Tem Schiff and Council Members Jones, Ennis, Nelson and Peterson. Officers present were City Manager Lynda Humble, City Secretary Ann Franklin and City Attorney Alan Bojorquez.

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

Adie Kana and Dakota Tomaszkycki, Mina Elementary School, led the Pledge of Allegiance.

INVOCATION

Minister Ben Hitzfeld, Bastrop Christian Church, gave the invocation.

- 4A. Mayor and City Council's general response to opinions expressed by employee Kay Revetta, Receptionist, alleging racial discrimination in personnel management.

The following was read into record by Mayor Schroeder.

I am sure many of you who watched the Council meeting last time and then saw this agenda item are expecting the Council to discuss discrimination and racism at Bastrop City Hall, well we are not going to do that. We are not going to indulge in this line of reasoning because no one on this dais is a racist. To question the integrity of this Council and level baseless accusations at the City Manager was inappropriate to say the least. Furthermore, to accuse this Council of being unaware of what is going on at City Hall is false and personally very insulting. On average, I myself am inside the walls of City Hall between thirty (30) and fifty (50) hours a week. I believe I have spent more time in City Hall in the last year than any previous elected official. All employees have access to the City's Policy and Procedures which includes the process to file a grievance with the Human Resources Department. None the less part-time City Receptionist, Kay Revetta chose to make accusations at the last Council meeting during Citizen Comments. Two days later, on Thursday, Ms. Revetta was told arrangements had been made for her to be interviewed the next day by an outside party. She indicated she was not interested. On Friday, April 27th Ms. Revetta was encouraged in writing by the HR Department to participate in the interview, but she refused. Therefore, we consider this matter closed. However, I want to address two (2) accusations Ms. Revetta made at the last Council meeting. The first statement, that her son Ricky Revetta was wrongfully terminated, the second a training video she found offensive. Ricky Revetta was fired from the City of Bastrop on February 13, 2018, only after being counseled on numerous occasions and being placed on a performance improvement plan which he failed to complete. Although, we would prefer to keep personnel information private, based on the circumstance of this situation we feel it is important to present the facts of this situation and the City Secretary has copies of Mr. Revetta's personnel record for distribution. You will need to fill out a form and you may get a copy. This is the same information that was provided to the press

in response to their Open Records Request. With regard to the video, the training video Ms. Revetta referenced was viewed on September 15, 2016, six (6) months prior to Lynda Humble being hired as City Manager, and over nineteen (19) months prior to sharing any concern. The City issued a press release on April 25th addressing the training and acknowledging the video as being inappropriate, apologies were made. You can be assured that no video of this nature will ever be shown again. Copies of the April 25th press release are available in the back. It is important to note, between the training video shown on September 15th of 2016 and the last Council meeting of April 24th 2018, Ms. Revetta had the opportunity to voice her concerns via the grievance procedure or speak directly to HR or by contacting any of the City administration at that time: Mayor, Ken Kesselus; Mayor Pro Tem, Willie DeLaRosa; Council Members McAnally, Schiff, Peterson or Jones; City Manager Marvin Townsend; or City Attorney David Bragg, but she chose not to. Given the nineteen (19) month period she also had access to three (3) newly elected officials: myself as Mayor; Council Member Ennis; Council Member Nelson; a new City Manager, Lynda Humble; and the new City Attorney, Alan Bojorquez. I want to make it abundantly clear, we do not have a culture of discrimination at City Hall. We have a zero tolerance for racism, we encourage all of our employees to make their concerns known. Rest assured, all complaints will be investigated in a timely manner without bias or retaliation. It's important to note, no grievances have been filed during City Manager, Humble's tenure. I can tell you about City Hall, I spend a lot of time here. It has a culture of achievement, we strive to retain and recruit high achievers who are called to public service to get things done. Which is why I believe previous Council made the decision to hire Lynda Humble as City Manager. It is my opinion it is one of the best decisions they ever made. This current Council completed her first annual performance review just a month ago and she earned our unanimous support. Just last week I made a presentation at the monthly Chamber of Commerce luncheon and talked about the form of government defined by our Home Rule City Charter and it is called council-manager. Simply put, your elected officials, those of us on the dais which you call the Council, we set policy, we enact rules and we approve the budget. The City Manager is responsible for day to day operations, basically making things happen and getting things done. One of the things Ms. Humble completed in her first six (6) months was a work plan. Each item on the work plan is tied to a City Council goal and the comprehensive plan, a first for the City of Bastrop. Later tonight during "4K" we are all going to get a chance to see a summary of what Ms. Humble and her staff have completed in just the first six months of this fiscal year. I can't think of a better way to demonstrate the current culture of achievement than by reviewing what Ms. Humble and her staff have accomplished. So tonight we will be handling public business respectively, officially, transparently, and lawfully. We have important City business ahead of us tonight. I do want to allow any of the other City Council Members who would like to share their thoughts or comments.

Mayor Pro Tem Schiff stated the following.

I would like to comment on this as well. When we hired Ms. Humble as City Manager, I was on the Council at the time. We charged her from the very start to do whatever she needed to do to make Bastrop operate more efficiently and

more effectively. We asked her to minimize the bureaucratic red tape and hone the staff into a well-oiled machine. If you look at the strategic work plan that we set for her last year you will find those goals clearly stated in writing. She empowered the department heads to lead beyond their former level of leadership and most department heads rose to the occasion. At Ms. Humble's recent one (1) year performance review, we the Council unanimously applauded her in the job she has done this far in streamlining the City team from one end to the other. We have seen no evidence, and I believe the public records will show no bias in Ms. Humble's management of our fine City.

Council Member Jones stated the following.

The integrity and dedication of this Council to the Citizens of Bastrop is outstanding. It is marked by making policy decisions that have been necessary to bring us up to the standards that we have had to meet as we've grown. It is my honor to serve with this group of people, every single one of them and I whole heartedly support Lynda Humble. We hired her to make tough decisions. She is in charge of the tax payer's dollars, we take that very seriously. I have a feeling that if there is anyone who is maybe having some fear about their position, perhaps you need to meet with your immediate superiors and make a plan to get on point so that we can responsibly spend the money that we have been given.

Council Member Ennis stated the following.

For those of you who know me well or who have been paying attention, you know that I am also a member of a minority community. That being said, I have experienced discrimination myself. I am pretty good at identifying it and I can smell it a mile off. During this last year on the City Council I have been in this building time after time after time after time and I have not seen one instance of any kind of discrimination or ill treatment. I applaud Ms. Humble's management of this team, I applaud her direction and I applaud where she is taking us.

Council Member Nelson stated the following.

An allegation is neither fact nor fiction. Until it is examined or investigated it is simply a statement. The allegation becomes truth if it is substantiated as denounced if it cannot be substantiated. It is sad that an unsubstantiated comment was made in a public forum, misleading accusations do not serve any purpose other than to distract us as a society in addressing the issues that confront us. If an investigation is conducted it must be conducted fairly, openly and with bilateral corporation.

- 4B. Presentations acknowledging the service and contributions of outgoing Councilmember Gary Schiff.
Presentation was made by Mayor Schroeder and accepted by Councilmember Gary Schiff.
- 4C. A proclamation of the City Council of the City of Bastrop, Texas recognizing May 18, 2018, as Put on Purple Day.
The proclamation was read into record by Mayor Schroeder.

- 4D. A proclamation of the City Council of the City of Bastrop, Texas, recognizing May 13-19, 2018 as National Police Week for the City of Bastrop.
The proclamation was read into record by Mayor Schroeder and accepted by Interim Police Chief, James Altgelt.
- 4E. A proclamation of the City Council of the City of Bastrop, Texas, recognizing May 6-12, 2018 as National Travel & Tourism Week in the City of Bastrop.
The proclamation was read into record by Mayor Schroeder and accepted by Clint Howard, President of Visit Bastrop Board.
- 4F. A proclamation of the City Council of the City of Bastrop, Texas, recognizing May 2018 as Motorcycle Safety and Awareness Month.
The proclamation was read into record by Mayor Schroeder and accepted by Bob Johnson.

STAFF AND BOARD REPORTS

- 6D. Receive a presentation regarding the grant awarded from State Farm to purchase fire alarms for our citizens who are hearing impaired and/or at risk of sleeping through an ordinary fire alarm.
James Alan, Marisa Garcia and Elizabeth Duggan, of State Farm Community Good Neighbor Citizenship team introduced the program.

Presentation was made by Fire Chief, Mark Wobus.

PRESENTATIONS CONTINUED

- 4G. Receive presentation on Healthy Texas Week scheduled for May 7th-13th.
Presentation was made by YMCA Director, Terry Moore.
- 4H. Mayor's Report

ACTIVITIES OF MAYOR SCHROEDER SINCE THE LAST COUNCIL MEETING:

- **April 29**
 - Table on Main
- **April 30**
 - Texas State Prayer Breakfast
- **May 1**
 - Last day of Early Voting
 - Seton Hospital Ground Breaking
 - Bastrop Business Bash
- **May 2**
 - Chamber Luncheon – The State of the City
 - BAIPP Monthly Meeting
- **May 3**
 - National Day of Prayer (County Courthouse)
 - Ribbon Cutting; Hero Water Sports
 - Farm Street Opry
 - Library - Voluntary Fiesta
- **May 4**

- First Friday Art Walk
- **May 5**
 - **ELECTION DAY**
 - Cinco De Mayo Pub Crawl

UPCOMING EVENTS

- **May 10**
 - Travel & Tourism Week Celebration
 - Joint City Council/Planning and Zoning Meeting
- **May 13**
 - Mother's Day!
- **May 15**
 - Special City Council Meeting
- **May 17**
 - Ribbon Cutting – Texas Tile Works
 - Imagine the Possibilities Tour
 - Annual Police Banquet
 - Kick off Bastrop Music Festival (May 17-May 20)
- **May 21**
 - BEDC Monthly Meeting

4I. Councilmembers' Report

Mayor Pro Tem Schiff

- **Attended ground breaking for new Seton facility.**

Council Member

- **Recognized Antwuan Davis for signing as a free agent with the Detroit Lions.**

4J. City Manager's Report

Nothing to report

4K. Receive presentation on the Mid-Year Update on FY 2018 Work Plan and Highlights of City Manager's First Year.

Presentations were made by:

City Manager, Lynda Humble.

Managing Director of Public Works & Leisure Services, Trey Job

Interim Public Safety Officer, Chief of Police, James Altgelt

Code Enforcement Officer, Troy Walters

Planning and Zoning Assistant Director, Jennifer Bills

Bastrop Economic Development Corporation, Jean Riemenschneider

Convention Center Director, Kathy Danielson

Interim City Engineer, Jerry Palady

Public Works Assistant Director, Curtis Hancock

Hospitality & Downtown Department Director, Sarah O'Brien

Chief Financial Officer, Tracy Waldron

Human Resource Director, Tanya Cantrell

Information Technology Director, Andres Rosales

Utilities Supervisor, Tracey Moffitt

Mayor Schroeder recessed the Council Meeting at 9:45 P.M.

Mayor Schroeder called the meeting back to order at 9:52 P.M.

ITEMS FOR INDIVIDUAL CONSIDERATION

- 9D. Consider action to approve the first reading of Ordinance No. 2018-08 of the City of Bastrop, Texas amending the Code of Ordinances, repealing and replacing Article 1.15 titled "Code of Ethics" and providing for findings of fact, repealer, severability, codification, effective date, proper notice, and meeting.
Presentation was made by City Attorney, Alan Bojorquez.

Judge Chris Duggan stated, in his opinion this is a good ordinance. It takes care of some of the deficiencies in the existing ordinance. It is a great improvement on the Ethics ordinance.

Connor McAnally spoke in favor of the ordinance.

Glen Johnson expressed his appreciation of the City Attorney's diligence in creating this ordinance. He stated there are two issues he still has concern about. 1) In section 1.15.11, he suggested a special counsel to work with the Ethics Commission when required, and 2) In section 1.115.9(c) Outside Employment, He believes the department heads and City Manager should make report if there is an outside employment of the Counsel. Other than the previous two issues he believes the ordinance is fine.

Responses from City Attorney, Alan Bojorquez.

On the point regarding legal counsel and who advises, the way that the ordinance is set up at this point it says that the city attorney shall be the legal adviser to the Board of Ethics, it also provides for a way specifically in the ordinance for there to be special counsel to the Board of Ethics. One way is when the City Attorney determines that it is necessary, which in my case would be my own individual ethics or my own obligations under the State Bar, it would require me to recuse myself and designate someone else to step in my place, the other would be when the City Council chooses to do that with or without my consent. I believe we have the framework with which to do that. How often that comes up where I would need to recuse myself is difficult to say at this point. I think it is probably the norm in Home Rule Cities that have a Board of Ethics for the City Attorney to advise that Board of Ethics. In searching for guidance from the Supreme Court in the State Bar there is only one opinion on point, it addresses a City Attorney who operates through the law firm, which is my circumstance, it clarifies that the City Attorney represents the entity. While it may advise individual members of the entity, the clients are not those human beings the client is the entity. The opinion goes on to say, only when a majority of the City Council are named in the Ethics Opinion would it be contrary to the City Attorney's Ethical Rules to advise the Board of Ethics in that circumstance. I am not sure that I would wait to get that far before I recuse myself. The key point is if you adopt this version of the ordinance we have a process for naming special counsel. I would go about helping you identify who those people could be so that perhaps they are engaged and ready to go when something comes up and not have to go shop for services in a hurry.

Question from dais.

Can that be better defined in the rules of procedures? (Referring to Section 1.15.11 Legal Counsel)

Answer from City Attorney.

It could. The key part of this ordinance is that it does require that the Board of Ethics adopt procedural rules for how it is going to conduct business whether that is how discovery will be performed, how hearings will be conducted and how outside counsel will be engaged. They must adopt those rules and the City Counsel must consent to those rules. That is another reason why this ordinance is being made effective September 1st so we can then go about the process of drawing up those level of details verses having that in the ordinance.

A motion was made by Council Member Ennis to approve the first reading of Ordinance No. 2018-08 and bring back on consent for second reading, seconded by Council Member Nelson, motion was approved on a 5-0 vote.

- 9A. Consider action to approve Resolution No. R-2018-31 of the City Council of the City of Bastrop, Texas, approving the Final Plat known as Piney Creek Bend, Section One, being 37.37 acres of Bastrop Town Tract Abstract 11 (Farm Lots 21, 22, and 28), located west of Carter Street, between Riverwood Drive and Reids Bend, within the city limits of Bastrop, Texas; as shown in Exhibit A; repealing all conflicting resolutions and providing an effective date.

Presentation was made by Planning and Zoning Department Assistant Director, Jennifer Bills.

A motion was made by Mayor Pro Tem Schiff to approve Resolution No. R-2018-31, seconded by Council Member Jones, motion was approved on a 5-0 vote.

- 9B. Hold public hearing and consider action to approve the first reading of Ordinance No. 2018-07 of the City Council of the City of Bastrop, Texas, granting a Conditional Use Permit for a 120-foot standpipe, on Lot A, Tahitian Village, Unit 1, located at 113 Tahitian Drive, within the city limits of Bastrop, Texas; as shown in Exhibit A; setting out conditions; including a severability clause; and establishing an effective date and move to include on the May 22, 2018 agenda for second reading.

Presentation was made by Planning and Zoning Department Assistant Director, Jennifer Bills.

The public hearing was opened.

The public hearing was closed.

A motion was made by Council Member Jones to approve the first reading of Ordinance No. 2018-07 with the City of Bastrop logo as the signage on the the water tower, seconded by Mayor Pro Tem Schiff, motion was approved on a 5-0 vote.

It was brought to the attention of the dais that the water tower was not the property of the City of Bastrop. The City of Bastrop will need to coordinate with WCID to make sure they are in agreement with the City putting their logo on the water tower.

A motion was made by Council Member Jones to approve the first reading of Ordinance No. 2018-07 leaving the signage open ended, seconded by Mayor Pro Tem Schiff, motion was approved on a 5-0 vote.

- 9C. Consider action to approve the first reading of Ordinance No. 2018-06 of the Council of the City of Bastrop, Texas amending the Code of Ordinances, Chapter 2 Titled "ANIMAL CONTROL," Article 2.01 Titled "GENERAL PROVISIONS," Section 2.01.001 Titled "DEFINITIONS"; repealing the provision that established a sanctuary for chickens that are not owned and located in the vicinity of Farm Street and all prior ordinances that are in conflict herewith; as attached in Exhibit A; and providing for findings of fact, enactment, effective date, repealer severability, and proper notice and meeting; and move to include on the May 22, 2018 agenda for a second reading.

Presentation was made by Interim Public Safety Officer, Chief of Police, James Altgelt

A motion was made by Council Member Nelson to approve the first reading of Ordinance No. 2018-06, seconded by Mayor Pro Tem Schiff, motion was approved on a 5-0 vote.

- 9E. Consider action to approve the first reading of Ordinance No. 2018-09 amending the Code of Ordinances Chapter 7, titled "Municipal Court" Article 7.01 titled "General Provisions" to establish a municipal court of record; to provide for purpose, jurisdiction, and definitions; to provide for the appointment of the Municipal Court judges; to provide for the appointment of a court clerk; repealing all prior ordinances and actions in conflict herewith; providing for an effective date; and move to include on the May 22, 2018 City Council Agenda for a second reading.

Presentation was made by City Attorney, Alan Bojorquez.

A motion was made by Mayor Pro Tem Schiff to approve the first reading of Ordinance No. 2018-09, seconded by Council Member Ennis, motion was approved on a 5-0 vote.

5. WORK SESSION/BRIEFINGS - NONE

6. STAFF AND BOARD REPORTS

- 6A. Receive monthly report from Visit Bastrop.

Report was given by Visit Bastrop President and CEO, Dale Lockett.

- 6B. Receive presentation on the unaudited Comprehensive Monthly Financial Report for the period ending March 31, 2018.

Presentation was made by Chief Financial Officer, Tracy Waldron.

- 6C. Receive presentation on proposed Hotel Occupancy Tax Fund Disbursement Policy.

Presentation was made by Hospitality & Downtown Department Director, Sarah O'Brien.

CITIZEN COMMENTS

CONSENT AGENDA

A motion was made by Mayor Pro Tem Schiff to approve Items 8A and 8B listed on the Consent Agenda after being read into the record by City Secretary, Ann Franklin. Seconded by Council Member Nelson, motion was approved on a 5-0 vote.

8A. Consider action to approve City Council minutes from the April 24, 2018 meeting.

8B. Consider action to approve the second reading of Ordinance No. 2018-05 of the City Council of the City of Bastrop, Texas amending the budget for the Fiscal Year 2018 in accordance with existing statutory requirements; appropriating the various amounts herein; as attached in Exhibit A; repealing all prior ordinances and actions in conflict herewith; and providing for an effective date.

DISCUSSION ITEM

8C. Consider action to approve Resolution No. R-2018-32 amending Chapter 7, Section 8 of the Personnel Policies Manual regarding Discipline, Appeals, and Grievances; providing for a repealing clause, and providing an effective date.

Presentation was made by City Attorney, Alan Bojorquez.

Connor McAnally – Applauded City Council for following City Council City Manager form of government. Urged Council to take another look at the City Charter.

Glen Johnson – Stated: An appeal is necessary because mistakes can be made. The City Attorney is saying the only remedy available if the City Manager has not done it right is to terminate. That should not be the case, there should be some form of investigation or procedure for someone who has been terminated to have a review by someone other than the person making the decision. This does not seem like a true appeal.

A motion was made by Council Member Ennis to approve Resolution No. R-2018-32, seconded by Council Member Jones, motion was approved on a 5-0 vote.

EXECUTIVE SESSION

The City Council met at 11:25 p.m. in a closed/executive session pursuant to the Texas Government Code, Chapter 551, et seq, to discuss the following:

10A. The City Council shall convene into closed executive session pursuant to Section 551.071 of the Texas Government Code to confer with the City Attorney regarding Bastrop Code of Ordinances article 3.20 (Signs), and discuss the process and standards for variances and nonconforming structures.

The Bastrop City Council reconvened at 11:40 p.m. into open (public) session.

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

No action was taken.

ADJOURNMENT

Adjourned at 11:41 p.m. without objection.

APPROVED:

Mayor Connie B. Schroeder

ATTEST:

City Secretary Ann Franklin

DRAFT

**MINUTES OF JOINT WORKSHOP WITH BASTROP, TX CITY
COUNCIL AND PLANNING AND ZONING COMMISSION
MAY 10, 2018**

The Bastrop City Council and the Planning and Zoning Commission met in a Joint Workshop Meeting on Thursday, May 10, 2018, at 6:00 p.m. at the Bastrop City Hall Council Chambers, located at 1311 Chestnut Street, Bastrop, Texas. Members present for the Bastrop City Council were: Mayor Schroeder, and Council Members Ennis and Nelson. Officers present were: City Manager, Lynda Humble and Deputy City Secretary, Traci Chavez. Members present Debbie Moore, Patrick Connell, Cynthia Meyer, Richard Gartman, Cheryl Lee, Matthew Lassen and Sue Ann Fruge.

CALL TO ORDER

- a. Mayor Schroeder called the meeting of the Bastrop City Council to order with a quorum being present at 6:00 p.m. Mayor Pro Tem Schiff and Council Member Jones were absent.
- b. Chair Debbie Moore called the meeting of the Planning and Zoning Commission to order with a quorum being present at 6:00 p.m. Alyssa Halle Schram and Diana Rose were absent.

Mayor Schroeder asked that each person at the table state their name and a little something about themselves.

WORKSHOP SESSION

- 2A. Receive DRAFT of proposed Subdivision Ordinance. Participate in discussion of said ordinance.
Presentation was made by Interim Planning Director, Dave Gattis.
- 3B. Discussion held regarding the City's policy on allowing existing static billboards to convert to digital.
Presentation was made by Assistant Planning Director, Jennifer Bills.

ADJOURNMENT

Mayor Schroeder adjourned the Bastrop City Council meeting at 9:24 p.m. without objection.

APPROVED:

ATTEST:

Mayor Connie B. Schroeder

Deputy City Secretary Tracy Chavez

**MINUTES OF SPECIAL COUNCIL MEETING
BASTROP CITY COUNCIL
May 15, 2018**

The Bastrop City Council met in a Special Meeting on Tuesday, May 15, 2018 at 6:30 p.m. at the Bastrop City Hall Council Chambers, located at 1311 Chestnut Street, Bastrop, Texas. Members present were Mayor Schroeder, Mayor Pro Tem Schiff and Council Members Jones, Ennis, Nelson and Peterson. Officers present were City Manager Lynda Humble, 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.

LEADING THE PLEDGES – Jacob Rogers – Son of Council Member Rogers, led the pledges.

INVOCATION – Pastor Bob Long, gave the invocation.

Consider action to approve Resolution No. R-2018-32 of the City Council of the City of Bastrop, Texas to canvass the May 5, 2018, Election for Place 2 and Place 4 of the Bastrop City Council; and establishing an effective date.

Resolution No. R-2018-32 was approved on a motion by Mayor Pro Tem Schiff, seconded by Council Member Peterson, motion was approved on a 5-0 vote.

OATH OF OFFICE

- 5A. Incoming Council Member Drusilla Rogers, Place 2
- Swearing Oath of Office, The Honorable Chris Duggan, State District Judge, District 423
 - Signature of official documents, Ann Franklin, City Secretary
 - Welcome by Council
 - Comments by Council Member Drusilla Rogers
- 5B. Incoming Council Member Bill Ennis, Place 4
- Swearing Oath of Office, The Honorable Chris Duggan, State District Judge, District 423
 - Signature of official documents, Ann Franklin, City Secretary
 - Welcome by Council
 - Comments by Council Member Bill Ennis

ELECTION OF MAYOR PRO TEM

A motion was made by Council Member Peterson to nominate Council Member Nelson as Mayor Pro Tem, seconded by Council Member Ennis, motion was approved on a 5-0 vote.

ADJOURNMENT

Mayor Schroeder adjourned the meeting at 6:48 p.m. without objection.

APPROVED:

ATTEST:

Mayor Connie B. Schroeder

City Secretary Ann Franklin

DRAFT



STAFF REPORT

MEETING DATE: May 22, 2018

AGENDA ITEM: 8B

TITLE:

Consider action to approve the second reading of Ordinance No. 2018-07 of the City Council of the City of Bastrop, Texas, granting a Conditional Use Permit for a 120-foot standpipe, on Lot A, Tahitian Village, Unit 1, located at 113 Tahitian Drive, within the city limits of Bastrop, Texas; as shown in Exhibit A; setting out conditions; including a severability clause; and establishing an effective date.

STAFF REPRESENTATIVE:

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

ITEM DETAILS:

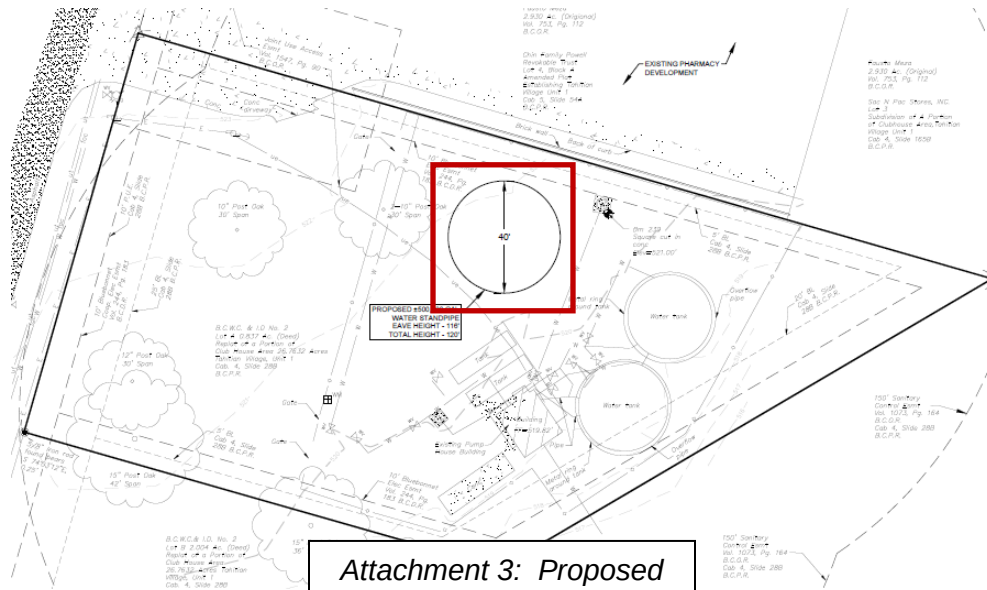
Site Address: 113 Tahitian Drive (Exhibit A)
Total Acreage: 0.837 acres
Legal Description: Lot A of Tahitian Village, Unit 1

Property Owner: Bastrop County Water Control and Improvement District #2
Agent Contact: Jim Ouellet, P.E.

Existing Use: Bastrop County WCID #2 Water well, tanks, and pump station
Existing Zoning: C-2, Commercial 2
Future Land Use: Transitional Residential

BACKGROUND/HISTORY:

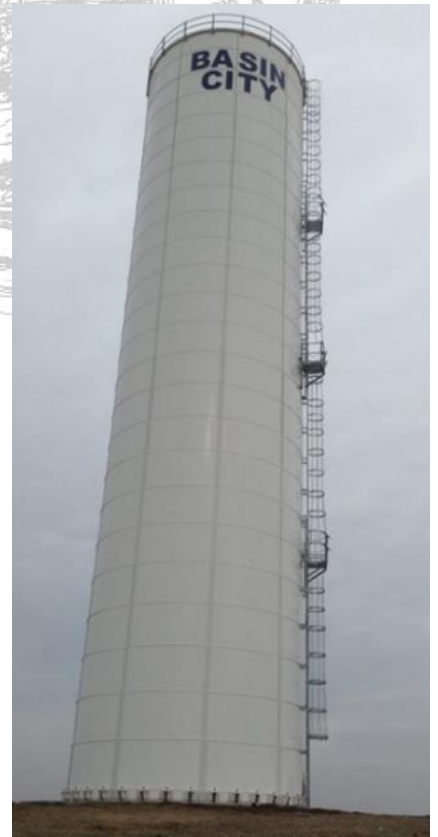
Bastrop County Water Control and Improvement District #2 is requesting a Conditional Use Permit to construct a new water standpipe at their existing facility located at 113 Tahitian Drive. The site is the WCID #2's Water Plant No. 1, which contains an existing water well, pump station, and ground storage tanks (Attachment 2).



**Attachment 3: Proposed
Tower Location**

The new 500,000-gallon standpipe will be 120 feet in height with a diameter of 40 feet. The standpipe is needed to add additional capacity and pressure to the water system and provide better service for the water customers in the Bastrop County WCID #2 area.

**Attachment 4: Example of
a standpipe**



The site is zoned Commercial-2. The approximate location of the standpipe is on the north side of the property and will be setback a minimum of 10 feet from the north property line.



*Proposed Standpipe Location
and Surrounding Area*

The Commercial-2 district has a maximum height of 35 feet. Chapter 14 of the Code of Ordinances allows heights over 35 feet with a Conditional Use Permit.

POLICY EXPLANATION:

The purpose of conditional uses is to allow certain uses in districts that under most circumstances would not be compatible with other permitted uses, but may be compatible if certain conditions and development restrictions are met. A Conditional Use Permit (CUP) is adopted by Ordinance, similar to a standard zoning request, with public hearings at Planning & Zoning Commission and City Council meetings, as well as two ordinance readings at separate City Council meetings.

Per Section 33.2 Conditional Use Permit Regulations, the Planning and Zoning Commission and City Council may consider the following for approval of a requested CUP:

1. The use is harmonious and compatible with surrounding existing uses or proposed uses;

The existing lot is already in use as a water well and storage location. Standpipes and water towers are necessary elements of a water system to serve development and are usually placed near existing development.

2. The activities requested by the applicant are normally associated with the permitted uses in the base district;

Water standpipe/Elevated Water Storage is a permitted use of the Commercial-2 district.

3. The nature of the use is reasonable;

Standpipes are a reasonable and necessary use to provide adequate water availability.

4. Any negative impact on the surrounding area has been mitigated;

The existing 150-foot Sanitary Control Easement for the existing well will remain and will not be increased. No negative impacts of the standpipe are anticipated.

5. That any additional conditions specified ensure that the intent of the district purposes are being upheld.

Additional criteria are detailed below.

Chapter 14, Section 43.4 Special Height Regulations includes several conditions that apply to the proposed water standpipe.

43.4 - SPECIAL HEIGHT REGULATIONS:

- B. Increasing Maximum Height. The maximum height of buildings and structures may be increased above the maximum height allowed in the base zoning district by **conditional use permit, as provided in Section 33, Conditional Use Permits**, for those buildings and structures located in nonresidential districts, and those buildings and facilities occupied by a church, political subdivision, or utility company in any zoning district.

1. In addition to the conditional use standards, the Planning and Zoning Commission and City Council shall consider, but not be limited to, the following factors when determining the maximum height:
 - a. Preservation of views of landmark buildings, significant open spaces, vistas or water bodies.
 - b. Access to light and air of surrounding properties.
 - c. Shadowing of residential properties or significant public spaces.
 - d. Height, bulk and scale relationships with surrounding uses and structures.
 - i. Type and amount of separation between surrounding uses and structures (e.g. separation by only a property line, by an alley or street, or by other physical features such as grade changes).
 - ii. Use of architectural style, details (such as roof lines or fenestration), color or materials that derive from the less intensive surrounding uses and structures.
 - iii. Creative use of landscaping or other screening.
 - iv. Location of features on-site to facilitate transition, such as locating open space on the property edge so the building or structure is farther from lower intensity development.

- v. Articulation of the building's facades vertically or horizontally in intervals that conform to existing structures or platting pattern.
 - vi. Reducing the bulk of the building's upper floors.
 - vii. Limiting the length of, or otherwise modifying, facades.
 - e. Treating topographic conditions in ways that minimize impacts on neighboring development, such as by using a rockery rather than a retaining wall to give a more human scale to a project, or stepping a project down a hillside.
 - f. Relationship of windows, doors, exterior stairways, exterior balconies, sundecks, etc. with the privacy of neighbors.
2. Fire related standards:
- a. Fire flow is adequate.
 - b. Buildings or structures over two (2) stories in height shall be in compliance with four (4) story fire code requirements for commercial fire suppression systems.

The existing site is already used for water pumping and storage. The standpipe will be a passive use and the main impact to the surrounding is visual. The height is such that additional landscaping and screening will not provide any effective visual improvement and there is no change to the architectural structure that will make any improvement; however, paint/material color of the standpipe can be considered. At street level, existing trees and shrubs help screen the site from pedestrians and vehicles. The standpipe will be separated from the northern property by at least 10 feet to the property line as well as parking lot on the other side of the property line. Shadowing and blocked access to light and air will be minimal due to the narrowness of the tower compared to a building, as well as the fact that WCID #2 owns most of the surrounding site. The tower's location has minimal impact on Tahitian Village vistas across valleys and ravines.

The standpipe does not require any commercial fire suppression system.

PUBLIC COMMENTS:

Eleven adjacent property owner notifications were mailed on April 6, 2018. At the time of this report, one response with no objection, as long as the increase in height does not increase the non-build radius around the well. There is a 150-foot Sanitary Control Easement around the existing well and that easement will not be changed (Attachment 5).

PLANNING & ZONING RECOMMENDATION:

The P&Z held a public hearing and recommended approval of the Conditional Use Permit for a 120-foot standpipe on Lot A, of Tahitian Village, Unit 1, by a vote of 8-0 at their April 26th, 2018 meeting.

Comments:

- The applicant stated the standpipe would be painted either sky blue or white to provide the least obtrusive visual effect.
- The Commission requested that the tower be labeled with identifying information, such as "Welcome to Bastrop" as the tower will be on the eastern edge of the city along Highway 71. They asked that this follow the same criteria that is being applied to other water towers.

- The Commission asked if the addition of this facility would enable the BCWCID #2 to provide fire flow to Tahitian Drive. The applicant stated this would be a first step towards greater capacity.

CITY COUNCIL FIRST READING:

The City Council held a public hearing and conducted the first reading at the May 8, 2018 meeting to approve the Conditional Use Permit by a vote of 5-0.

RECOMMENDATION:

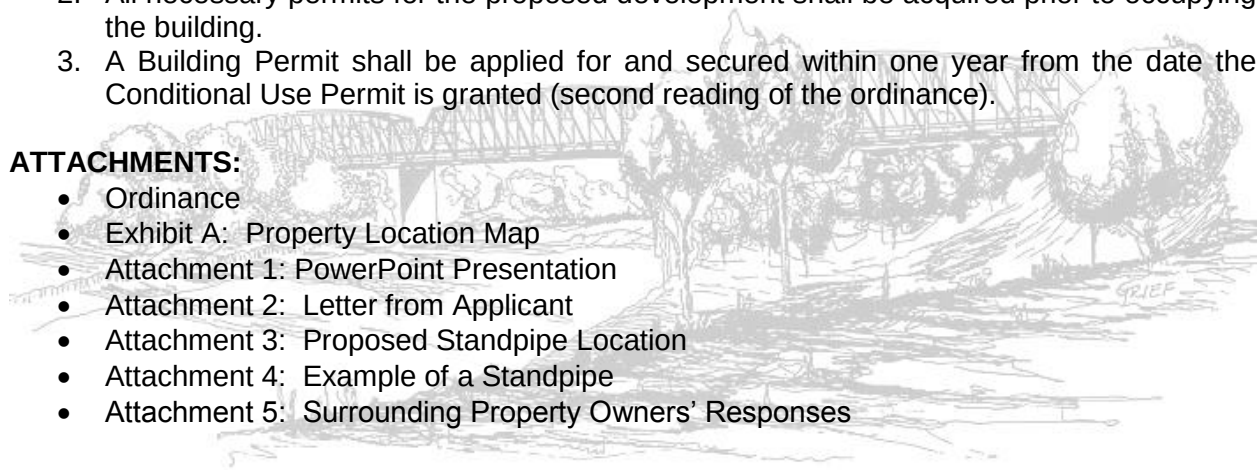
Consider action to approve the second reading of Ordinance No. 2018-07 of the City Council of the City of Bastrop, Texas, granting a Conditional Use Permit for a 120-foot standpipe, on Lot A, Tahitian Village, Unit 1, located at 113 Tahitian Drive, within the city limits of Bastrop, Texas; as shown in Exhibit A; setting out conditions; including a severability clause; and establishing an effective date.

Conditions:

1. Construction shall be in conformance with the City of Bastrop regulations.
2. All necessary permits for the proposed development shall be acquired prior to occupying the building.
3. A Building Permit shall be applied for and secured within one year from the date the Conditional Use Permit is granted (second reading of the ordinance).

ATTACHMENTS:

- Ordinance
- Exhibit A: Property Location Map
- Attachment 1: PowerPoint Presentation
- Attachment 2: Letter from Applicant
- Attachment 3: Proposed Standpipe Location
- Attachment 4: Example of a Standpipe
- Attachment 5: Surrounding Property Owners' Responses



ORDINANCE 2018-07

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS GRANTING A CONDITIONAL USE PERMIT FOR A 120-FOOT STANDPIPE, ON LOT A, TAHITIAN VILLAGE, UNIT 1, LOCATED AT 113 TAHITIAN DRIVE, WITHIN THE CITY LIMITS OF BASTROP, TEXAS; AS SHOWN IN EXHIBIT A; SETTING OUT CONDITIONS; INCLUDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Bastrop County Water Control and Improvement District #2 (WCID #2) (hereinafter referred to as "Applicant") submitted a request for a Conditional Use Permit (CUP) for Lot A of Tahitian Village, Unit 1, within the City limits of Bastrop, Texas, hereinafter referred to as "the Property"; and

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

WHEREAS, the Property is currently zoned as C-2, Commercial-2; and

WHEREAS, pursuant to Section 10.4 of the City's Zoning Ordinance, notice of the CUP was given to all property owners located within two hundred (200) feet of the Property, and the Planning and Zoning Commission of the City of Bastrop held a public hearing on the CUP request on April 26, 2018; and

WHEREAS, after notice and hearing, the Planning and Zoning Commission, by a unanimous vote, recommended approval of the proposed request, subject to certain conditions set forth herein; and

WHEREAS, after consideration of public input received at the hearing, the information provided by the Applicant, and all other information presented, City Council finds by a majority vote of all members that it is in the public interest to approve the CUP.

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

Section 1: The Property, situated in Lot A of Tahitian Village, Unit 1, located at 113 Tahitian Drive, within the city limits of Bastrop, Texas as more particularly shown on Exhibit "A", shall be and is hereby approved with the following conditions to:

- a. Construction shall be in conformance with the City of Bastrop regulations.
- b. All necessary permits for the proposed development shall be acquired prior to occupying the building.

- c. A Building Permit shall be applied for and secured within one year from the date the Conditional Use Permit is granted (second reading of the ordinance).

Section 2: If any provision of this ordinance or application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions, or application thereof, of this ordinance, which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are hereby declared to be severable.

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

READ and ACKNOWLEDGED on First Reading on the 8th day of May 2018.

READ and APPROVED on the Second Reading on the 22nd day of May 2018.

APPROVED:

Connie B. Schroeder, Mayor

ATTEST:

Ann Franklin, City Secretary

APPROVED AS TO FORM:

Alan Bojorquez, City Attorney



0 37.5 75 150 Feet

Location Map Conditional Use Permit 113 Tahitian Drive BCWCID#2 Water Standpipe



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

Date: 4/4/2018



BEFCO ENGINEERING, INC.
Consulting Engineering/Land Surveying
P.O. BOX 615 485 NORTH JEFFERSON
LA GRANGE, TEXAS 78945-0615
979 / 968-6474 FAX 979 / 968-3056
www.befcoengineering.com E-mail: office@befcoengineering.com
Texas Registered Engineering Firm F-2011 Texas Licensed Surveying Firm #10001700

March 23, 2018

City of Bastrop
Planning & Development Department
Mr. David Gattis, Interim Planning Director
1311 Chestnut Street
Bastrop, Texas 78602

RE: Project Description Letter
Conditional Use Permit
Water Standpipe at Water Plant No. 1
BCWCID #2

Mr. Gattis:

Bastrop County Water Control and Improvement District #2 (BCWCID #2) is the provider of water service for most of Tahitian Village located just east/southeast of the City of Bastrop. BCWCID #2 currently owns and operates an existing water plant (Water Plant No. 1) on approximately 0.83 acres at 113 Tahitian Drive. The existing plant site has existing ground storage tanks, pump station and hydropneumatic tanks. BCWCID #2 proposes to install a new approximate 500,000 gallon water standpipe to better serve its customer base.

The existing site is zoned Commercial – 2 (C-2) per the City of Bastrop zoning map. The C-2 zoning only allows for heights up to 35 feet. Per section 43.4 B., a conditional use permit can be applied for to allow for greater heights for improvements proposed by a utility company. The proposed water standpipe is a proposed bolted steel tank with an approximate eave height of 116 feet and total height of approximately 120 feet. Our proposed height is in excess of 35 feet and requires a conditional use permit approval.

Following are additional items of consideration for this request:

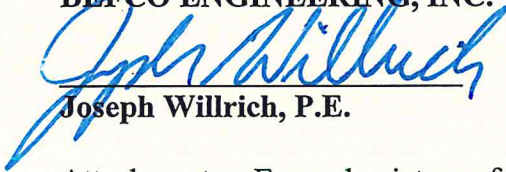
1. The water standpipe will be similar in size and scope as many other elevated style water tanks owned and operated by the City of Bastrop and Aqua Water Supply Corporation.
2. All adjacent land uses are non residential and/or zoned non residential and will not have a negative impact on light, air or shadowing of adjacent properties.
3. Reference the attached picture for the style of standpipe tank proposed.
4. The tank is being located on an existing water plant site and is an appropriate location for the intended use. The tank site was selected due to the fact that it is at the highest

elevation in the system which is necessary to optimize storage capacity and fire protection.

Based on the properties location, existing land use of a water plant site, adjacent zoning districts, adjacent uses, and the need to improve the water system, we feel the conditional use permit is a reasonable request. We look forward to working with you and your staff on this request. Please call me at 979-968-6474 if you need any further information or have any questions.

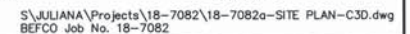
Very truly yours,

BEFCO ENGINEERING, INC.



Joseph Willrich, P.E.

Attachments: Example picture of tank
Aerial location map





Notice of Pending Conditional Use Permit Approval
City of Bastrop
Planning & Zoning Commission
And City Council



Dear Property Owner:

The Planning and Zoning Commission will conduct a public hearing on Thursday, April 26, 2018 at 6:00 p.m. and the City Council will conduct a public hearing (first reading) Tuesday, May 8, 2018 at 6:30 p.m. in the City Hall Council Chambers located at 1311 Chestnut Street, Bastrop, Texas on the request for an ordinance to approve a Conditional Use Permit to allow a 120 foot water stand pipe to exceed the 36 foot maximum height allowance at 113 Tahitian Drive, Lot A of Tahitian Village, Unit 1, an area zoned C-2, Commercial-2, within the city limits of Bastrop.

Applicant: Bastrop County WCID #2
Address: 113 Tahitian Drive
Legal Description: Tahitian Village, Unit 1, Lot A (0.838 acres)

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

As a property owner within 200 feet of the above referenced property, you are being notified of the upcoming meetings per the Bastrop Code of Ordinances CUP Regulations. For more information on this project, you can contact the Planning & Development offices at (512) 332-8840, plan@cityofbastrop.org, or visit the office at 1311 Chestnut Street, Bastrop, Texas.

For additional information, please visit or call the Planning & Development offices.

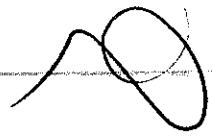
PROPERTY OWNER'S RESPONSE

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

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

RECEIVED

APR 11 2018

By 

Property Owner Name: SAC N P&C
Property Address: 113 Tahitian Dr.
Phone (optional): 512 738 1288
Mailing Address: 1910 B Centerpoint Rd. San Marcos, TX 78666
Email (optional): blair.w@sacnmc.com
Property Owner's Signature: Blair Wain

Comments: (Optional)

As long as the increase in height does not increase the non build radius around the well. Please respond.

Please provide reply to the address below, via fax (512) 332-8829, or email: plan@cityofbastrop.org



STAFF REPORT

MEETING DATE: May 22, 2018

AGENDA ITEM: 8C

TITLE:

Consider action to approve the second reading of Ordinance No. 2018-06 of the City Council of the City of Bastrop, Texas amending the Code of Ordinances, Chapter 2 Titled "ANIMAL CONTROL," Article 2.01 Titled "GENERAL PROVISIONS," Section 2.01.001 Titled "DEFINITIONS"; repealing the provision that established a sanctuary for chickens that are not owned and located in the vicinity of Farm Street and all prior ordinances that are in conflict herewith; as attached in Exhibit A; and providing for findings of fact, enactment, effective date, repealer severability, and proper notice and meeting.

STAFF REPRESENTATIVE:

James Altgelt, Interim Public Safety Director

BACKGROUND/HISTORY:

On June 9, 2009, the City Council received compelling input and comment from members of the Bastrop community. The community expressed concern about the protection of certain chickens that resided, at-large on property adjoining Farm Street between the railroad tracks and State Highway 95. It was further identified that the public viewed that these at-large chickens generally enhanced the quality of life in the City of Bastrop and the chickens did not pose a health risk, were not a nuisance to humans, nor were they likely to propagate in excessive numbers.

On June 23, 2009, the City Council determined that it was necessary for the protection and enhancement of the general welfare of the citizens of Bastrop to amend the City Code, related to Animal Control, and provided for an exception for certain Poultry and Fowl that resided, at-large, in certain areas of the City from certain nuisance and enforcement provisions of the code. The adoption of Ordinance No. 2009-13 took place which created what has become to be known as the "Chicken Sanctuary". This was an area described as the vicinity of Farm Street for a distance of approximately 1,500 feet, between Highway 95 to the railroad tracks near Fayette Street. All chickens that were not owned by an individual and that generally ran at-large in this area were considered to be "protected animals."

Over the passage of time, some of these at-large chickens appear to have migrated out of the "Chicken Sanctuary" to other parts of the City. The presence of these at-large chickens throughout the City have caused concern among some of the members of the Bastrop community to the point that necessitated a public hearing conducted on November 29th, 2017. During this hearing the City Council received input from the citizens regarding the number of at-large chickens within the city limits to include the "Chicken Sanctuary." Some of the input consisted of different strategies to resolve the at-large chicken problem.

On March 27, 2018, the City Council received an update concerning the at-large chickens. Upon conclusion of this update, the City Council unanimously opined that the removal of the “Chicken Sanctuary” would be in the best interest of the city.

POLICY EXPLANATION:

This ordinance, if passed, will eliminate the terminology “Chickens that are not owned by an individual and that generally run at large in the vicinity of Farm Street for a distance of approximately one thousand five hundred (1,500) feet, between Highway 95 to the railroad tracks near Fayette Street” from the definition of “Protected animals” as defined by Chapter 2 – ANIMAL CONTROL, Article 2.01 – GENERAL PROVISIONS, Sec. 2.01.001. This will effectively end the existence of what we have come to know as the “Chicken Sanctuary.”

FUNDING SOURCE:

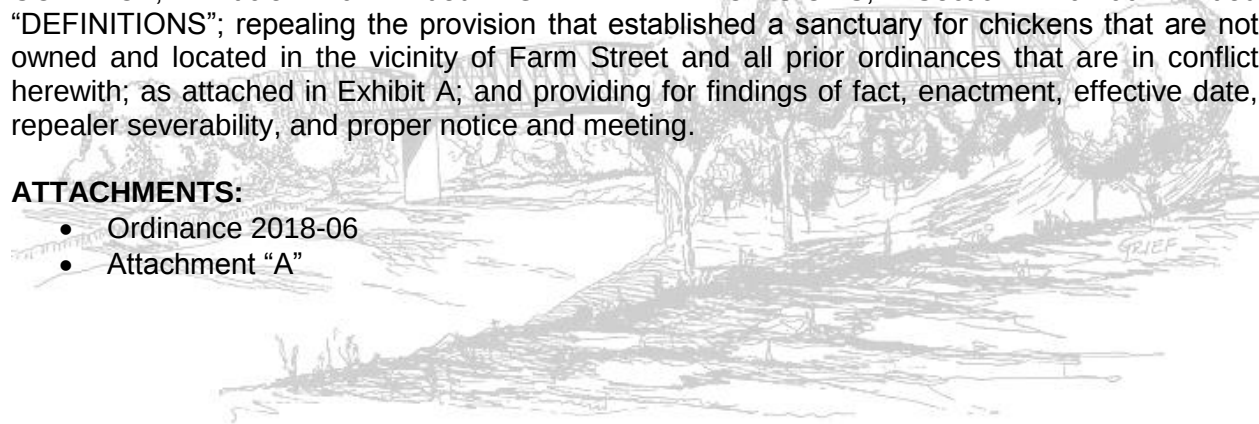
N/A

RECOMMENDATION:

Consider action to approve the second reading of Ordinance No. 2018-06 of the City Council of the City of Bastrop, Texas amending the Code of Ordinances, Chapter 2 Titled “ANIMAL CONTROL,” Article 2.01 Titled “GENERAL PROVISIONS,” Section 2.01.001 Titled “DEFINITIONS”; repealing the provision that established a sanctuary for chickens that are not owned and located in the vicinity of Farm Street and all prior ordinances that are in conflict herewith; as attached in Exhibit A; and providing for findings of fact, enactment, effective date, repealer severability, and proper notice and meeting.

ATTACHMENTS:

- Ordinance 2018-06
- Attachment “A”



ORDINANCE NO. 2018-06

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS; AMENDING THE CODE OF ORDINANCES, CHAPTER 2 TITLED "ANIMAL CONTROL," ARTICLE 2.01 TITLED "GENERAL PROVISIONS," SECTION 2.01.001 TITLED "DEFINITIONS"; REPEALING THE PROVISION THAT ESTABLISHES A SANCTUARY FOR CHICKENS THAT ARE NOT OWNED AND LOCATED IN THE VICINITY OF FARM STREET AND ALL PRIOR ORDINANCES THAT ARE IN CONFLICT HEREWITH; AS ATTACHED IN EXHIBIT A; AND PROVIDING FOR FINDINGS OF FACT, ENACTMENT, EFFECTIVE DATE, REPEALER, SEVERABILITY, AND PROPER NOTICE AND MEETING.

WHEREAS, the City of Bastrop ("City") has the responsibility to address any public health and safety problems; and

WHEREAS, on June 9, 2009, the City Council ("Council") received compelling input and comment from members of the Bastrop community, expressing concern about the protection of certain chickens that reside, at-large on property adjoining Farm Street between the railroad tracks and State Highway 95, reflecting the public's view that these at-large chickens generally enhance the quality of life in the City and reflecting the view that these chickens do not pose a health risk, are not a nuisance to humans, nor are they likely to propagate in excessive numbers; and

WHEREAS, on June 23, 2009, Council determined that it was necessary for the protection and enhancement of the general welfare of the citizens of Bastrop to amend the current City Code, related to Animal Control, by providing for an exception for certain Poultry and Fowl that reside, at-large, in certain areas of the City from certain nuisance and enforcement provisions of the code; and

WHEREAS, the adoption of Ordinance No. 2009-13 created what has become to be known as the "Chicken Sanctuary" by classifying all chickens that were not owned by an individual and that generally run at-large in the vicinity of Farm Street for a distance of approximately 1,500 feet, between Highway 95 to the railroad tracks near Fayette Street; and

WHEREAS, over the passage of time, some of these at-large chickens may have migrated out of the "Chicken Sanctuary" to other parts of the City; and

WHEREAS, the Bastrop City Council ("City Council") has been faced with the public health and safety problems of feral chickens (hens and roosters) in the City straying onto private property and causing property damage, threatening persons, and creating a public nuisance; and

WHEREAS, the presence of these at-large chickens throughout the City has caused concern among some of the members of the Bastrop community to the point that necessitated a public hearing being conducted on November 29th, 2017, when Council received input from the citizens regarding the number of at-large chickens within the city limits to include the "Chicken Sanctuary," and some of the input consisted of different strategies to resolve the at-large chicken problem; and

WHEREAS, the City found that the creation of a Sanctuary for hens and roosters has instead been detrimental to the process of protecting the health and personal and property rights of the City and its residents; and

WHEREAS, on March 27, 2018, Council received an update concerning the at-large chickens; and

WHEREAS, Council unanimously opined that the removal of the “Chicken Sanctuary” would be in the best interest of the City; and

WHEREAS, the City finds it is a violation to attempt to create a Sanctuary and will impose a fine of \$2,000 on any attempt to maintain loose or feral chickens (hens or roosters) in violation of this ordinance; and

WHEREAS, pursuant to Sec. 54.001(b)(1) of the Local Government Code, the City may impose a fine of up to \$2,000 for any violation of an ordinance that governs public health; and

WHEREAS, the City is authorized by Tex. Loc. Gov’t Code § 51.001 to adopt, appeal, or amend any ordinance that is for the good government, peace, or order of the municipality, and for the trade and commerce of the municipality, and is necessary or proper for carrying out a power granted by law to the municipality; and

WHEREAS, the City has the full power of local self-government as recognized by Tex. Loc. Gov’t Code § 51.072; and

WHEREAS, the City Council finds this Ordinance to be reasonable and prudent, and in the best interest of the health, safety, and sanitation of the city for its residents.

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. ENACTMENT

Chapter 2, Article 2.01.001, et. Seq. of the Code of Ordinances to the City of Bastrop, which is entitled “ANIMAL CONTROL” is amended to read as described and attached hereto as *Exhibit “A.”*

SECTION 3. EFFECTIVE DATE

This Ordinance shall take effect immediately upon passage.

SECTION 4. REPEALER

All ordinances, 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 5. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

SECTION 6. PROPER NOTICE & 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 on First Reading on this, the 8th day of May 2018.

READ & APPROVED on the Second Reading on this, the 22nd day of May 2018.

APPROVED:

Connie B. Schroeder, Mayor

ATTEST:

Ann Franklin, City Secretary

APPROVED AS TO FORM:

Alan Bojorquez, City Attorney

EXHIBIT "A"

City of Bastrop Code of Ordinances

Chapter 2 – ANIMAL CONTROL

ARTICLE 2.01 – GENERAL PROVISIONS

Sec. 2.01.001 – Definitions.

When used in the City Code of Ordinances, the following words and terms, unless the context indicates a different meaning, or unless otherwise specifically defined for application to a portion of this chapter, shall be interpreted as follows:

Protected animals.

~~(1) Poultry, fowl and birds that are harbored in any city park or park area; and~~

~~(2) Chickens that are not owned by an individual and that generally run at large in the vicinity of Farm Street for a distance of approximately one thousand five hundred (1,500) feet, between Highway 95 to the railroad tracks near Fayette Street.~~



STAFF REPORT

MEETING DATE: May 22, 2018

AGENDA ITEM: 8D

TITLE:

Consider action to approve the second reading of Ordinance No. 2018-08 of the City of Bastrop, Texas amending the Code of Ordinances, repealing and replacing Article 1.15 titled "Code of Ethics" and providing for findings of fact, repealer, severability, codification, effective date, proper notice, and meeting.

STAFF REPRESENTATIVE:

Lynda K. Humble, City Manager
Alan Bojorquez, City Attorney

BACKGROUND/HISTORY:

City Council requested that City Attorney Alan Bojorquez, when hired in October, draft a new Ethics Ordinance for discussion and consideration, rather than attempting to amend the current ordinance.

City Attorney Alan Bojorquez is passionate about Ethics, specifically in the realm of local government. The City Attorney is considered an industry expert on this topic and has published numerous articles and routinely speaks on this subject.

At the March 27th Council meeting a discussion was facilitated by the City Attorney the proposed Ethics Ordinance. His presentation:

1. Educated the Council on the importance of how a quality Ethics ordinance should be structured.
2. Educated the Council on the important elements that should be contained in a quality Ethics ordinance.
3. Discussed the draft ordinance, sought input to ensure it meets the Council's expectations, and to understand additional issues that need to be addressed in an Ethics Ordinance specifically written for the City of Bastrop.

At the April 10th Council meeting, a discussion was facilitated by the City Attorney regarding Draft C of the Ethics Ordinance, which contained feedback from the March 27th Council briefing as well as emails from citizens.

1. Discussed the draft ordinance, sought input to ensure it meets the Council's expectations, and to understand additional issues that need to be addressed in an Ethics Ordinance specifically written for the City of Bastrop.

POLICY EXPLANATION:

At the April 24th Council meeting, City Attorney Bojorquez discussed the changes to the Ethics Ordinance. Public comment was taken. Council approved the Ethics Ordinance on the May 8th agenda for first reading. **City Attorney Bojorquez specified an effective date of September**

1, 2018 for this Ordinance. This will allow Council to recruit and **nominate** a 5-member board, create a **training** program, and the City Attorney to prepare Procedural **Rules** and **Forms**.

FUNDING SOURCE:

N/A

RECOMMENDATION:

Consider action to approve the second reading of Ordinance No. 2018-08 of the City of Bastrop, Texas amending the Code of Ordinances, repealing and replacing Article 1.15 titled "Code of Ethics" and providing for findings of fact, repealer, severability, codification, effective date, proper notice, and meeting.

ATTACHMENTS:

- Draft Ethics Ordinance



CITY OF BASTROP, TX
ORDINANCE NO. 2018-_____

CODE OF ETHICS

**AN ORDINANCE OF THE CITY OF BASTROP, TEXAS
AMENDING THE CODE OF ORDINANCES, REPEALING
AND REPLACING ARTICLE 1.15 TITLED "CODE OF
ETHICS" AND PROVIDING FOR FINDINGS OF FACT,
REPEALER, SEVERABILITY, CODIFICATION,
EFFECTIVE DATE, PROPER NOTICE AND MEETING**

WHEREAS, the City Council of the City of Bastrop enacts this new Code of Ethics to foster a culture of integrity for those who serve the municipality and our citizenry; and

WHEREAS, the City Council strives to increase public confidence in our municipal government; and

WHEREAS, the City Council finds that it is the policy of the City that all City Officials and employees shall conduct themselves in a manner that assures the public that we are faithful stewards of the public trust; and

WHEREAS, the City Council has determined that city officials have a responsibility to the citizens to administer and enforce the City Charter and City Ordinances in an ethical manner; and

WHEREAS, the City Council wants to enhance public confidence in our municipal government, by providing that each city official must strive not only to maintain technical compliance with the principles of conduct set forth in this Article, but to aspire daily to carry out their duties objectively, fairly, and lawfully; and

WHEREAS, the City Council enacts this Ordinance to ensure that decision makers provide responsible stewardship of City resources and assets; and

WHEREAS, the City Council intends this Ordinance to provide a framework within which to encourage ethical behavior, and enforce basic standards of conduct while providing due process that protects the rights of the complainant and the accused, and not to provide a mechanism to defame, harass or abuse political opponents, or publicize personal grudges; and

WHEREAS, the City Council enacts this Ordinance pursuant to Section 3.14 of the Charter.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Bastrop, TX:

1. FINDINGS OF FACT

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

2. AMENDMENT

Chapter 1, Article 1.15 of the City of Bastrop Code of Ordinances is hereby repealed and replaced, and after such amendment, shall read in accordance with *Attachment "A"*, which is attached hereto and incorporated into this Ordinance for all intents and purposes. Any underlined text shall be inserted into the Code and any struck-through text shall be deleted from the Code, as stated on *Attachment A*.

3. REPEALER

To the extent reasonably possible, Ordinances are to be read together in harmony. However, all Ordinances, 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.

4. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

5. CODIFICATION

The City Secretary is hereby directed to record and publish the attached rules, regulations and policies in the City's Code of Ordinances as authorized by Section 52.001 of the Texas Local Government Code.

6. EFFECTIVE DATE

This ordinance shall take effect upon the date of final passage noted below, or when all applicable publication requirements, if any, are satisfied in accordance with the City's Charter, Code of Ordinances, and the laws of the State of Texas, that being September 1, 2018. The City Council may appoint a Board of Ethics, which may enact rules and promulgate forms prior to that time.

7. PROPER NOTICE & 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. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

READ & ACKNOWLEDGED on First Reading on this, the 8th day of May 2018.

READ & APPROVED on the Second Reading on this, the 22nd day of May 2018.

APPROVED:

by: _____
Connie Schroeder, Mayor

ATTEST:

Ann Franklin, City Secretary

APPROVED AS TO FORM:

Alan Bojorquez, City Attorney

Attachment "A"

**CITY OF BASTROP
CODE OF ORDINANCES
CHAPTER 1: GENERAL PROVISIONS
ARTICLE 1.15. CODE OF ETHICS**

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CITY OF BASTROP
CODE OF ORDINANCES
CHAPTER 1: GENERAL PROVISIONS
ARTICLE 1.15. CODE OF ETHICS

DIVISION 1. GENERAL

1.15.1 Authority

This Article is enacted pursuant to the authority granted to the City under Section 3.14 of the Charter.

1.15.2 Purpose

The purpose of this Article is to foster an environment of integrity for those that serve the City of Bastrop and our citizenry. The City Council enacted this Article in order to increase public confidence in our municipal government. It is the policy of the City that all City Officials and employees shall conduct themselves in a manner that assures the public that we are faithful stewards of the public trust. City Officials have a responsibility to the citizens to administer and enforce the City Charter and City Ordinances in an ethical manner. To ensure and enhance public confidence in our municipal government, each City Official must strive not only to maintain technical compliance with the principles of conduct set forth in this Article, but to aspire daily to carry out their duties objectively, fairly, and lawfully. Furthermore, this Article was enacted to ensure that decision makers provide responsible stewardship of City resources and assets.

It is not the purpose of this Article to provide a mechanism to defame, harass or abuse their political opponents, or publicize personal grudges. Rather, this Article is intended to provide a framework within which to encourage ethical behavior, and enforce basic standards of conduct while providing due process that protects the rights of the Complainant and the Accused.

1.15.3 Prospective

This Article shall apply prospectively, and shall not sustain any Complaints based on acts or omissions alleged to have taken place prior to ~~adoption~~ the Effective Date of this Article, that being September 1, 2018.

1.15.4 Applicability

This Article applies to the following persons:

- (a) City Officials.

- (b) Former City Officials whose separation from city service occurred less than two (2) years from the date of the alleged violation of this Article. Application of this Article to Former City Officials shall be limited to alleged violations:
 - (1) that occurred during the term as a City Official;
 - (2) of the prohibition on representing others for compensation; or
 - (3) of the prohibition of subsequent work on prior projects .
- (c) Vendors; and
- (d) Complainant(s).

Concerns regarding City employees not listed above may be brought to the attention of the City Manager for assessment in accordance with any applicable personnel policies.

1.15.5 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:

Accepted Complaint: a sworn allegation of a violation of this Article after the required documentation has been submitted to the City Secretary and determined to be administratively complete.

Accused: a City Official who has been charged in a Complaint with having violated this Article.

Actionable Complaint: an Accepted Complaint that has been deemed by a Panel to contain allegations and evidence that, if accepted as true, would support a finding that a violation of this Article occurred.

Advisory Opinions: written rulings regarding the application of this Article to a particular situation or behavior.

Article: the Code of Ethics for the City of Bastrop.

Baseless Complaint: a Complaint that does not allege conduct that would constitute a violation of this Article, or that does not provide evidence that, if true, would support a violation of this Article.

Board of Ethics: the oversight entity established by the Council to administer this Article.

Business Entity: a sole proprietorship, partnership, firm, corporation, holding company, joint-stock company, receivership, trust, political subdivision, government agency, university, or any other entity recognized by law.

Candidate: a person who has filed an application for a place on a ballot seeking public office, or one who has publicly announced the intention to do so.

Charged: to be charged with a violation of this Article is to have an Accepted Complaint deemed Actionable.

City: the City of Bastrop in the County of Bastrop and State of Texas.

City Secretary: the person appointed to serve in the capacity provided for by Section 6.04 of the City Charter, or their designee and clerical staff acting in the City Secretary's absence.

City Official: for purposes of this Article, the term consists of the Council Members, City Manager, City Attorney, Department Directors, and members of the Planning and Zoning Commission, Zoning Board of Adjustment, and Bastrop Economic Development Corporation's Board of Directors.

Code: the Code of Ordinances of the City of Bastrop, Texas, as such Code may be amended from time to time.

Complainant: the human individual who submitted a Complaint to the City.

Complaint: written documentation submitted to the City accusing a City Official of violating this Article.

Confidential Information: any written information that could or must be excepted from disclosure pursuant to the Texas Public Information Act, if such disclosure has not been authorized; or any non-written information which, if it were written, could be excepted from disclosure under that Act, unless disclosure has been authorized by the City Council or City Manager. The term also includes data conveyed in Executive Session (i.e., a closed meeting) in accordance with the Texas Open Meetings Act. Data shall not be considered Confidential Information if public disclosure has been authorized by the City Council, City Manager, or City Attorney.

Council: the governing body of the City of Bastrop, Texas, including the Mayor and City Council Members.

Deliberations: discussions at the dais; and/or voting as a Member of the Board or Commission; ~~presentations as a member of the audience before any City Board or Commission~~. This term does not apply to a general vote on a broad, comprehensive or omnibus motion, such as approval of the City budget.

Department Directors: the employees appointed by the City Council, those being the City Manager, City Attorney, and Municipal Court Judges.

Former City Official: a City Official whose separation from city service occurred less than one (1) year from the date of an alleged violation of this Article.

Frivolous Complaint: a sworn Complaint that is groundless and brought in bad faith or groundless and brought for the purpose of harassment.

Harassment: to engage in a course of conduct directed at a specific person that causes substantial emotional distress in such person and serves no legitimate purpose.

Interfere: a person interferes with a process or activity pertaining to this section when they intentionally and wrongfully take part in, or prevent, a City process or activity from continuing or being carried out properly or lawfully.

Panel: an *ad hoc* subcommittee of the Board of Ethics consisting of three (3) members assigned by the Chairperson or designated by the City Secretary (as applicable) on a rotating basis, at least one (1) of which is an attorney or retired jurist.

Pending Matter: an application seeking approval of a permit or other form of authorization required by the City, State or Federal law; a proposal to enter into a contract or arrangement with the City for the provision of goods, services, real property or other things of value; a case involving the City that is (or is anticipated to be) before a civil, criminal or administrative tribunal.

Person: associations, corporations, firms, partnerships, bodies politic and corporate, as well as to individuals.

Recklessly: a person acts recklessly when they are aware of but consciously disregard a substantial and unjustifiable risk that a certain result is probable from either their conduct, or in light of the circumstances surrounding their conduct. The risk must be of such a nature and degree that to disregard it constitutes a gross deviation from the standard of care that an ordinary person would exercise under the circumstances.

Relative: a family member related to a City Official within the third (3rd) degree of affinity (marriage) or consanguinity (blood or adoption).

Shall: a mandatory obligation, not a permissive choice.

Special Counsel: an independent, outside attorney engaged by the City to advise the City as an organization and/or the Board of Ethics.

Vendor: a person who provides or seeks to provide goods, services, real property to the City in exchange for compensation. This definition does not include those property owners from whom the City acquires public right-of-way.

1.15.6 Cumulative & Non-Exclusive

This Article is cumulative of and supplemental to all applicable provisions of the City Charter, other City Ordinances, and State/Federal laws and regulations. Compliance with this Article

does not excuse or relieve any person from any obligation imposed by any other Rule. Attempts to enforce this Article shall not be construed as foreclosing or precluding other enforcement options provided by other law.

DIVISION 2. RULES OF CONDUCT

1.15.7 Expectations

The following list conveys the City Council's expectations for City Officials. These expectations are aspirational, and shall not serve as the basis for a Complaint.

- (a) City Officials are expected to conduct themselves in a manner that fosters public trust.
- (b) City Officials are charged with performing their public duties in a way that projects a high level of personal integrity and upholds the integrity of the organization.
- (c) City Officials must avoid behavior that calls their motives into question and erodes public confidence.
- (d) City Officials shall place the municipality's interests and the concerns of those the City serves above private, personal interests.
- (e) Those who serve the City are expected to value honesty, trustworthiness, diligence, objectivity, fairness, due process, efficiency, and prudence as values the City professes.
- (f) City Officials must balance transparency with the duty to protect personal privacy and preserve the confidential information with which the City has been entrusted.
- (g) It is neither expected nor required that those subject to this Article relinquish or waive their individual rights.

1.15.8 Mandates

- (a) **Financial Disclosures.** All Candidates for City Council, including Candidates for Mayor, shall file financial information reports as required by, and in accordance with, State law. All prospective Vendors and City Officials shall file disclosure forms as required by, and in accordance with, State law.
- (b) **Business Disclosures.** All City Officials shall file with the City Secretary annual reports listing the names of human individuals with whom the City Official or the City Official's spouse is named partner in the following types of businesses: General Partnership, Limited Partnership, Limited Liability Partnership, or Limited Liability Corporation, or Professional Corporation. Annual reports shall be submitted within ninety (90) days of taking office. Failure to submit a report shall not serve as a basis for a Complaint unless the City Official fails to submit a report within thirty (30) days of being provided written notification of the omission. Neither the existence of a business relationship as described in this Section, nor the submission of a report required by this Section shall prevent a City Official from participating in Deliberations on matters pending before the City absent a Conflicting Interest.

1.15.9 Prohibitions**(a) Conflicts of Interest:**

- (1) *Deliberation Prohibited.* It shall be a violation of this Code for a City Official to knowingly deliberate regarding a Pending Matter for which the City Official currently has a Conflicting Interest. City Officials with a current Conflicting Interest in a Pending Matter must recuse themselves and abstain from Deliberations. It is an exception to this recusal requirement if the City Official serves on the City Council, Planning and Zoning Commission, or Board of Adjustment; and a majority of the members of that body is composed of persons who are likewise required to file (and who do file) disclosures on the same Pending Matter.
- (2) *Disclosure Required.* If a City Official has a Conflicting Interest in a Pending Matter, the City Official shall disclose the nature of the Conflicting Interest by filing a sworn statement with the City Secretary. Disclosures under this subsection shall be for the time period, including the previous calendar year, and up to date where the Conflicting Interest arises before the City Official.
- (3) *Definition of Conflicting Interest.* For purposes of this Article, the term is defined as follows:

Conflicting Interest: a stake, share, equitable interest or involvement in an undertaking in the form of any one (1) or more of the following:

- (A) ownership of five percent (5%) or more voting shares or stock in a Business Entity;
- (B) receipt of more than five thousand dollars (\$5,000.00) in gross annual income from a Business Entity, as evidenced by a W-2, 1099, K-1, or similar tax form;
- (C) ownership of more than five thousand dollars (\$5,000.00) of the fair market value of a Business Entity;
- (D) ownership of an interest in real property with a fair market value of more than one thousand dollars (\$1,000.00);
- (E) serves on the Board of Directors or as an Officer of a Business Entity, unless the City Official was appointed to that position by the City Council; and/or
- (F) serves on the Board of Directors (i.e., governing body) or as an Officer of a nonprofit corporation or an unincorporated association, unless the City Official was appointed to that position by the City Council; and/or

- (G) serves in an official, named capacity as a designated fundraiser for a nonprofit corporation or an unincorporated association, unless the City Official was appointed to that position by the City Council.

A City Official is considered to have a Conflicting Interest if the City Official's relative has a conflicting interest.

The term Conflicting Interest does not include ownership of an interest in a mutual or common investment fund that holds securities or assets unless the City Official participates in the management of the fund.

(b) Gifts.

- (1) *General.* It shall be a violation of this Article for a City Official to accept any gift that might reasonably tend to influence such Officer in the discharge of official duties.
- (2) *Specific.* It shall be a violation of this Article for a City Official to accept any gift for which the fair market value is greater than fifty dollars (\$50.00). It shall be a violation of this Article for a City Official to accept multiple gifts from a single source for which the cumulative fair market value exceeds two-hundred dollars (\$200.00) in a single fiscal year.
- (3) It shall be a violation of this Article for a Vendor to offer or give a Gift to a City Official exceeding fifty dollars (\$50.00) per gift, or multiple gifts cumulatively valued at more than two-hundred dollars (\$200.00) per a single fiscal year.
- (4) *Definition of Gift.* Anything of monetary value, including but not limited to cash, the extension of credit, personal property, real property, services, meals, entertainment, and travel expenses.
- (5) *Exceptions.* This definition shall not apply to the following, which are allowed under this Article:
 - (A) a lawful campaign contribution;
 - (B) meals, lodging, transportation, entertainment, and related travel expenses paid for (or reimbursed by) the City in connection with the City Official's attendance at a conference, seminar or similar event, or the coordinator of the event;
 - (C) meals, lodging, transportation, or entertainment furnished in connection with public events, appearances or ceremonies related to official City business, or charity functions, or community events, if furnished by the sponsor of such events (who is in attendance);
 - (D) complimentary copies of trade publications and other related materials;

- (E) attendance at hospitality functions at local, regional, state or national association meetings and/or conferences;
 - (F) any gift that would have been offered or given to the City Official because of a personal, familial, professional relationship regardless of the City Official's capacity with the City;
 - (G) tee shirts, caps and other similar promotional material;
 - (H) complimentary attendance at political or charitable fund raising events.
- (6) *Donations.* It is not a violation under this Article for a City Official to accept a Gift prohibited by this Article on behalf of the City of Bastrop. Conveyance of a Gift prohibited by this Article to the City of Bastrop or a nonprofit corporation cures any potential violation.

(c) Outside Employment.

- (1) *Applicability of Section.* This subsection applies to Department Heads. This subsection shall only apply to the City Attorney if that person is employed by the City and not engaged through a private law firm.
- (2) *Prohibition.* It is a violation of this Article for a Department Head to solicit, accept, or engage in concurrent outside employment which could reasonably be expected to impair independence of judgment in, or faithful performance of, official duties.
- (3) *Disclosure and Consent.* It is a violation of this Article for a Department Head to accept employment from any Person other than the City without first disclosing the prospective employment arrangement in writing to the Mayor and receiving the Mayor's written consent.

(d) Representation of Others.

- (1) *Current City Officials.* It shall be a violation of this Article for a City Official to represent any person, group, or entity before the City. This section does not limit the ability of a City Official to represent themselves or their property in dealings with the City.
- (2) *Former City Officials.* It shall be a violation of this Article for a City Official to represent for compensation any person, group, or entity before the City Council, or a board or commission of the City for a period of one (1) year after termination of official duties. This prohibition applies to representation in the form of advocacy or lobbying regarding discretionary approvals of the City, not the routine, ministerial actions. For purposes of this subsection, the term compensation means money or any other thing of value that is received, or is to be received, in return for or in connection with such representation. The

prohibition in this subsection solely applies to the Former City Official, and shall not be construed to apply to other affiliated Persons.

(e) Improper Influence. It shall be a violation of this Article for a City Official to use such person's official title/position to:

- (1) secure special privileges or benefits for such person or others;
- (2) grant any special consideration, treatment or advantage to any citizen, individual, business organization or group beyond that which is normally available to every other citizen, individual, business organization or group;
- (3) assert the prestige of the official's or employee's City position for the purpose of advancing or harming private interests;
- (4) state or imply that the City Official is able to influence City action on any basis other than the merits; and
- (5) state or imply to state or local governmental agencies that the City Official is acting as a representative of the City, as an organization, or as a representative of the City Council without first having been authorized by the City Council to make such representation (except the Mayor, City Manager, and City Attorney).

(f) Misuse of Information.

- (1) *Personal Gain.* It shall be a violation of this Article for a former City Official to use any confidential information to which the City Official had access by virtue of their official capacity and which has not been made public concerning the property, operations, policies, or affairs of the City, to advance any personal or private financial interest of any Person.
- (2) *Confidential Information.* It shall be a violation of this Article for a City Official to intentionally, knowingly, or recklessly disclose any confidential information gained by reason of the City Official's position concerning the property, operations, policies or affairs of the City. This rule does not prohibit the reporting of illegal or unethical conduct to authorities designated by law.

(g) Abuse of Resources. It shall be a violation of this Article for a City Official to use, request, or permit the use of City facilities, personnel, equipment, software, supplies, or staff time for private purposes (including political purposes), except to the extent and according to the terms that those resources are generally available to other citizens and the City Officials for official City purposes.

(h) Abuse of Position. It shall be a violation of this Article for any City Official to:

- (1) *Harassment & Discrimination.* Use the Official's position to harass or discriminate against any person based upon ethnicity, race, gender, gender identity, sexual orientation, marital status, parental status, or religion.

- (2) *Interference.* Interfere with any criminal or administrative investigation alleging the violation of any provision of this Article, the City Charter, administrative policy or executive order in any manner, including but not limited to seeking to persuade or coerce City employees or others to withhold their cooperation in such investigation is a violation of this Article.
- (i) **Subsequent Work on Prior Projects.** It shall be a violation of this Article for any former City Official, within one (1) year of the cessation of official duties for the City, to perform work on a compensated basis relating to a City contract or arrangement for the provision of goods, services, real property or other things of value, if while in City service the former City Official personally and substantially participated in the negotiation, award or administration of the contract or other arrangement. This Section does not apply to a City Official whose involvement with a contract or arrangement was limited to Deliberations as a member of the City Council, or a board or commission.

DIVISION 3. IMPLEMENTATION

1.15.10 Staffing

- (a) **City Secretary.** The City Secretary's Office shall be responsible to provide staff and clerical support to the Board of Ethics to assist in the implementation and enforcement of this Article. The degree of support required shall be at the discretion of the City Secretary. Nothing herein creates a duty for the City Secretary to enforce this Article. Furthermore, this Article shall not be construed as requiring the City Secretary to investigate allegations of violations of this Article submitted via the Fraud, Waste or Abuse hotline.
- (b) **Conflicts Log.** The City Secretary's Office shall, in cooperation with the City Secretary's Office, maintain a Conflicts Log on an ongoing basis listing the Conflicting Interests disclosed by City Officials in accordance with this Article. The log is a public record. The City Secretary is neither authorized nor required to inspect or act upon the content of the Conflicts Log.
- (c) **City Manager.** If a Complaint accuses the City Secretary of violating this Article, the duties of the City Secretary under this Article shall be performed by the City Manager for purposes of processing that Complaint.

1.15.11 Legal Counsel

- (a) **City Attorney.** The City Attorney shall provide legal support to the City Secretary and Board of Ethics in the administration of this Article. Nothing herein shall be construed to limit the authority of the City Attorney to render legal guidance in accordance with the City Attorney's professional obligations and standards.
- (b) **Special Counsel.** Independent, outside legal services shall be engaged by the City Attorney on the City's behalf to provide legal support to the City Secretary and Board of Ethics when:

- (1) in the City Attorney's discretion it is necessary in order to comply with the Texas Disciplinary Rules of Professional Conduct (for lawyers), or is in the best interest of the City; or
- (2) when the City Council deems Special Counsel is necessary.

1.15.12 Training

- (a) **Curriculum.** The City Secretary shall approve a training program that provides an introduction and overview of the expectation, mandates and prohibitions provided for by this Article.
- (b) **Orientation.** City Officials shall complete a training session regarding this Article within ninety (90) days of commencing the official duties.
- (c) **Annual.** City Officials shall complete an annual training session regarding this Article.
- (d) **Exiting Officials.** Information shall be provided to City Officials terminating their City service regarding the continuing restrictions on the representation of others by certain former City Officials.

1.15.13 Board of Ethics

- (a) **Creation.** There is hereby created a Board of Ethics for the City of Bastrop.
- (b) **Appointment.** The Board of Ethics shall be appointed by majority vote of the City Council.
- (c) **Number.** The Board of Ethics shall consist of five (5) regular members, and ~~three (3)~~ one (1) alternate members.
- (d) **Terms.** Board of Ethics members (regular and alternates) shall be appointed for two (2) year, staggered terms. Members may be reappointed for successive terms. Appointment to fill a vacancy shall be for the remainder of the unexpired term. Members of the inaugural Board of Ethics shall draw straws to determine which two (2) members shall receive an initial term of one (1) year in order to stagger terms. In total, members may only serve three (3) consecutive terms. A member may be reappointed no sooner than one (1) year after expiration of a previous term.
- (e) **Eligibility.** Membership on the Board of Ethics is limited to residents of the City of Bastrop and its extraterritorial jurisdiction.
- (f) **Ineligibility.** The following shall disqualify a person from serving on the Board of Ethics:
 - (1) current service as a City Official;
 - (2) separation from city service as a City Official within two (2) years of the appointment;
 - (3) familial relations within the third (3rd) degree of affinity (marriage) or consanguinity (blood or adoption);
 - (4) and / or

- (5) conviction of a felony, or crime of moral turpitude.
- (g) **Alternates.** An alternate members of the Board of Ethics shall attend meetings only upon request by the City Secretary's Office. The role of an alternate is to participate in meetings of the Board of Ethics as a replacement for a regular member who is absent or abstaining.
- (h) **Scope of Authority.** The Board of Ethics's jurisdiction shall be limited to implementation and enforcement of this Article.
- (i) **Amendments.** The Board of Ethics may recommend amendments to this Article. A recommendation from the Board of Ethics is not required for the City Council to exercise its discretion in amending this Article.
- (j) **Officers.** At the first meeting of each fiscal year the Board of Ethics shall select from among its members a Chairperson and Vice-Chairperson.
- (k) **Rules of Procedure:** The Board of Ethics shall adopt rules of procedure governing how to conduct meetings and hearings. Such procedural rules are subject to confirmation or modification by the City Council.
- (l) **Removal:** The City Council may by a vote of two-thirds (2/3) remove a member of the Board of Ethics for cause. Justifications warranting removal for cause shall include neglect of duty, incompetence, gross ignorance, inability or unfitness for duty, or disregard of the Code of Ordinances.

1.15.14 Advisory Opinions

- (a) **Requests.** Any City Official may request an Advisory Opinion on a question of compliance with this Article. Requests shall be submitted in writing to the City Secretary, who shall assign the request to a Panel.
- (b) **Issuance.** A Panel of the Board of Ethics shall issue Advisory Opinions upon request. Advisory Opinions shall be issued within thirty (30) days of receipt of the request.
- (c) **Reliance.** It shall be an affirmative defense to a Complaint that the Accused relied upon an Advisory Opinion. In making a determination on the proper disposition of a Complaint, the Board of Ethics may dismiss the Complaint if the Board finds that:
- (1) the Accused reasonably relied in good faith upon an Advisory Opinion;
 - (2) the request for an Advisory Opinion fairly and accurately disclosed the relevant facts; and
 - (3) less than five (5) years elapsed between the date the Advisory Opinion was issued and the date of the conduct in question.

1.15.15 Complaints

- (a) **Complainants.** Any person who has first-hand knowledge that there has been a violation of Sections 3-112 and 3-113 of this Article may allege such violations by

submitting a Complaint. The persons who may submit Complaints includes (but is not limited to) members of the Board of Ethics.

- (b) **Form.** Complaints shall be written on, or accompanied by, a completed form promulgated by the City Secretary.
- (c) **Contents.** A Complaint filed under this section must be in writing and under oath and must set forth in simple, concise, direct statements and must state:
 - (1) the name of the Complainant;
 - (2) the street or mailing address, email address, and the telephone number of the Complainant;
 - (3) the name of each person Accused of violating this Article;
 - (4) the position or title of each person Accused of violating this Article;
 - (5) the nature of the alleged violation, including (whenever possible) the specific provision of this Article alleged to have been violated;
 - (6) a statement of the facts constituting the alleged violation and the dates on which or period of time in which the alleged violation occurred; and
 - (7) all documents or other material available to the Complainant that are relevant to the allegation.
- (d) **Violation Alleged.** The Complaint must state on its face an allegation that, if true, constitutes a violation of this Article.
- (e) **Affidavit.** A Complaint must be accompanied by an affidavit stating that the Complaint is true and correct or that the Complainant has good reason to believe and does believe that the facts alleged constitute a violation of this Article. The Complainant shall swear to the facts by oath before a Notary Public or other person authorized by law to administer oaths under penalty of perjury.
- (f) **Limitations Period.** To be accepted, a Complaint must be brought within six (6) months of the Complainant becoming aware of the act or omission that constitutes a violation of this Article. A Complaint will not be accepted more than two (2) years after the date of the act or omission.
- (g) **Filing.** Complaints shall be submitted to the City Secretary. Submission of Complaints may be made by hand delivery, by U.S. Mail, or email directed to an email address publicly listed by the City Secretary.
- (h) **Acceptance of Complaint.** Within ~~five (5)~~seven (7) business days of receiving a Complaint, the City Secretary shall determine if it is administratively complete, and timely.
 - (1) *Administratively Complete.* A Complaint is administratively complete if it contains the information described above. If the Complaint is administratively complete, the City Secretary shall proceed as described in this Article. If the

Complaint is incomplete the City Secretary shall send a written deficiency notice to the Complainant identifying the required information that was not submitted.

The Complainant shall have ~~ten (10)~~fourteen (14) business days after the date the City Secretary sends a deficiency notice to the Complainant to provide the required information to the City Secretary, or the Complaint is automatically deemed abandoned and may not be processed in accordance with this Article. Within five (5) business days of a Complaint being abandoned, the City Secretary shall send written notification to the Complainant and the Accused.

- (2) *Timely.* To be timely, a Complaint must be brought within six (6) months of the Complainant becoming aware of the act or omission that constitutes a violation of this Article. A Complaint will not be accepted more than two (2) years after the date of the act or omission.
- (i) **Notification of Acceptance.** Within five (5) business days of determining that a Complaint is administratively complete, the City Secretary shall send a written notification of acceptance to the Complainant, the Accused, and the City Attorney.

For purposes of this provision, a Complaint shall be considered Accepted when the City Secretary has deemed the submittal administratively complete, and timely.

- (j) **Confidentiality.** A Complaint that has been submitted to the City is hereby deemed confidential until such time as the Complaint is either dismissed or placed on an agenda for consideration by the Board of Ethics in accordance with this Article. Clerical and administrative steps shall be taken to identify and manage confidential information in accordance with this Article. The confidentiality created by this Article includes the fact that a Complaint was submitted and the contents of that Complaint. It shall be a violation of this Article for a City Official to publicly disclose information relating to the filing or processing of a Complaint, except as required for the performance of official duties or as required by law. Requests for records pertaining to Complaints shall be responded to in compliance with the State law. The limited confidentiality created by this Article is limited in scope and application by the mandates of the Texas Public Information Act, Chapter 552 of the Texas Government Code.

- (k) **Ex Parte Communications.** After a Complaint has been filed and during the pendency of a Complaint before the Board of Ethics, it shall be a violation of this Article:

- (1) for the Complainant, the Accused, or any person acting on their behalf, to engage or attempt to engage directly or indirectly about the subject matter or merits of a Complaint in *ex parte* communication with a member of the Board of Ethics ~~or any known witness to the Complaint~~; or
- (2) for a Member of the Board of Ethics, to knowingly allow an *ex parte* communication about the subject matter or merits of a Complaint, or to communicate about any issue of fact or law relating to the Complaint directly or indirectly with any person other than a Member of the Board of Ethics, the City Secretary's office, the City Attorney's office, or Special Counsel.

1.15.16 Preliminary Assessment

- (a) **Referral to Chairperson.** Accepted Complaint(s) shall be referred to the Chairperson of the Board of Ethics within five (5) business days of being determined administratively complete.
- (b) **Assignment of Panel.** Within five (5) business days of receiving an Accepted Complaint, the Chairperson of the Board of Ethics shall assign the Complaint to a Panel for Preliminary Assessment. The Chairperson shall order a meeting of the Panel, which shall be conducted in compliance with the Texas Open Meetings Act. Each Panel shall select a Presiding Officer to conduct Panel deliberations.
- (c) **Panel Determination.** Within ten (10) business days of being assigned an Accepted Complaint, the Panel shall review the Complaint on its face and determine whether the Complaint is:
 - (1) *Actionable:* the allegations and evidence contained in the Complaint, if true, would constitute a violation of this Article.
 - (2) *Baseless:* the allegations and evidence contained in the Complaint, if true, would not constitute a violation of this Article.

Actionable Complaints shall be returned to the Chairperson for listing on an agenda for a public hearing. Baseless Complaints shall be dismissed. Written notification of the Panel's determination shall be filed with the City Secretary and sent to the Chairperson, Complainant, the Accused, and the City Attorney within two (2) business days. Written notifications of dismissal shall include notice of the right to appeal.

- (d) **Appeals.** A Panel's preliminary assessment under this Section 3-120 may be appealed to the Board of Ethics by either the Complainant or the Accused, as applicable. An appeal shall be perfected by filing a written notice of appeal with the City Secretary within ten (10) business days of the date of the written notification.

1.15.17 Meetings

- (a) **Calling Meetings.** Meetings of the Board of Ethics shall be called upon request of the Chairperson, three (3) members, or the City Secretary.
- (b) **Quorum.** The quorum necessary to conduct meetings of the Board of Ethics shall be four (4). The Chairperson (or acting chairperson) shall count toward the establishment of a quorum and retains the right to vote.
- (c) **Hearings:**
 - (1) *Scheduling:* Hearings shall be scheduled by the City Secretary upon the filing of:
 - (A) a Panel determination that a Complaint is Actionable; or
 - (B) an Appeal challenging a Panel's dismissal of a Complaint as Baseless.
 - (2) *Purpose:* The purpose of the hearing(s) shall be solely to determine whether:

- (A) a violation of this Article occurred, and if so to assess the appropriate sanction;
 - (B) an Accepted Complaint was erroneously dismissed as Baseless by a Panel; and/ or
 - (C) an Accepted Complaint is Frivolous.
- (3) *Sworn Testimony:* All witness testimony provided to the Board of Ethics shall be under oath.
- (4) *Burden of Proof:* Because the burden of showing that a violation of this Article occurred is placed on the Complainant, it is the Complainant that has the obligation to put forth evidence, including testimony, supporting the Complaint. The Complainant is required to testify at the hearing. A Complainant's failure to testify at a hearing shall be grounds for dismissal of a Complaint.
- (5) *Representation:* The Accused shall have a right to present a defense. Both the Complainant and the Accuser have a right to be represented by legal counsel.
- (d) Open Meetings.** All meetings and hearings of the Board of Ethics, including Panel deliberations, shall be conducted pursuant to the Texas Open Meetings Act. The Board of Ethics may convene in Executive Session (i.e., conduct a closed meeting) as allowed by the Act. All final actions of the Board of Ethics shall take place in open session.
- (e) Postponement in Certain Instances.**
- (1) *Board:* Proceedings may be postponed upon majority vote by the members of the Board of Ethics.
 - (2) *Parties:* The Complainant and the Accused are each entitled to one (1) postponement without cause. Additional postponements shall be solely for good cause and at the discretion of the Board of Ethics.
 - (3) *Criminal Proceedings:* If a Complaint alleges facts that are involved in a criminal investigation or a criminal proceeding before a grand jury or the courts, the Board of Ethics may, when a majority of its members deem appropriate, postpone any hearing or any appeal concerning the Complaint until after the criminal investigation or criminal proceedings are terminated.
- (f) Discovery.** The Rules of Procedure enacted under this Code may provide for basic, limited discovery among the Complainant and the Accused for purposes of facilitating the exchange of relevant documentation, clarifying the evidence, and developing the record. The Board of Ethics shall have sole discretion in resolving any discovery disputes.
- (g) Dispute Resolution.** The Board of Ethics may, in its sole discretion, attempt to negotiate or mediate an equitable resolution of any Complaint. If the Board of Ethics

and the Accused are unable to negotiate or mediate a final resolution of the matter, the Board of Ethics may, at its discretion, convene a hearing.

1.15.18 Disposition

(a) Dismissal. If the Board of Ethics determines by simple majority vote (of those present and voting) at the conclusion of a hearing by simple majority vote of its members that a Complaint should be dismissed, it may do so upon finding:

- (1) the Complaint is Baseless;
- (2) the alleged violation did not occur;
- (3) the Accused reasonably relied in good faith upon an Advisory Opinion, as provided in this Article; or
- (4) the Complainant failed to testify at the hearing.

(b) Sanctions. If the Board of Ethics determines by simple majority vote at the conclusion of a hearing that a violation has occurred, it may within ten (10) business days impose or recommend any of the following sanctions:

- (1) *Letter of Notification.* If the violation is clearly unintentional, or when the Accused's action was made in reliance on a written Advisory Opinion. A letter of notification shall advise the Accused of any steps to be taken to avoid future violations.
- (2) *Letter of Admonition.* If the Board of Ethics finds that the violation is minor and may have been unintentional, but calls for a more substantial response than a letter of notification.
- (3) *Letter of Reprimand.* If the Board of Ethics finds that the violation:
 - (A) was minor and was committed knowingly, intentionally or in disregard of this Article; or
 - (B) was serious and may have been unintentional.
- (4) *Recommendation of Suspension.* If the Board of Ethics finds that a violation was committed by a member of the Board of Ethics, Planning & Zoning Commission, Zoning Board of Adjustment, Bastrop Economic Development Corporation's Board of Directors, or a Department Director, and it:
 - (A) was serious and was committed knowingly, intentionally or in disregard of this Article or a state conflict of interest law; or
 - (B) was minor but similar to a previous violation by the Person, and was committed knowingly, intentionally or in disregard of this Article.

The final authority to impose a suspension rests with the City Council.

- (5) *Ineligibility.* If the Board of Ethics finds that a Vendor has violated this Article, the Board may recommend to the City Manager that the Vendor be deemed ineligible to enter into a City contract or other arrangement for goods, services, or real property, for a period of one (1) year.

Notice of all sanctions imposed by the Board of Ethics shall be transmitted to the Accused, Complainant, City Secretary, City Attorney, and City Council.

(c) Frivolous.

- (1) *Prohibition.* It is a violation of this Article for a Person to submit a Frivolous Complaint.
- (2) *Super-Majority Vote.* If the Board of Ethics determines at the conclusion of a hearing by a vote of two-thirds (2/3) of its Members that a Complaint was Frivolous, the Board may impose a sanction as provided by Section 3-122(b).
- (3) *Factors.* In making a determination on frivolity, the Board of Ethics shall consider the following factors:
- (A) the timing of the sworn Complaint with respect to when the facts supporting the alleged violation became known or should have become known to the Complainant, and with respect to the date of any pending election in which the Accused is a Candidate or is involved with a candidacy, if any;
 - (B) the nature and type of any publicity surrounding the filing of the sworn Complaint, and the degree of participation by the Complainant in publicizing the fact that a Complaint was filed;
 - (C) the existence and nature of any relationship between the Accused and the Complainant before the Complaint was filed;
 - (D) if the Accused is a Candidate for Election to Office, the existence and nature of any relationship between the Complainant and any Candidate or group opposing the Accused;
 - (E) any evidence that the Complainant knew or reasonably should have known that the allegations in the Complaint were groundless; and
 - (F) any evidence of the Complainant's motives in filing the Complaint.
- (4) *External Remedies.* Complainants who submit Frivolous Complaints are hereby notified that their actions may subject them to criminal prosecution for perjury (criminal prosecution), or civil liability for the torts of defamation or abuse of process.

1.15.19 Reconsideration

The Complainant or Accused may request the Board of Ethics to reconsider its decision. The request must be filed with the City Secretary within five (5) business days of receiving the final

opinion of the Board of Ethics. The request for reconsideration shall be sent to the Chairperson of the Board of Ethics and the non-filing party (Complainant or Accused). If the Chairperson finds, in the Chairperson's sole discretion, that the request includes new evidence that was not submitted at a prior hearing, and that the new evidence bears directly on the Board of Ethics's previous determination, the Chairperson shall schedule a hearing on the request for reconsideration to occur within thirty (30) business days after filing with the City Secretary. Absent new evidence, the Chairperson shall unilaterally dismiss the request for reconsideration and provide notice to the Parties.

1.15.20 Nepotism

- (a) **City Council.** No Person shall be employed by the City who is related to any member of the City Council within the third (3rd) degree of affinity or consanguinity.
- (b) **Department Supervisor.** No Person shall be employed by the City in a department if the Person is related to the City Manager or the department supervisor within the third (3rd) degree of affinity or consanguinity.
- (c) **Preexisting Employment.** The prohibitions of this Section do not apply to a Person who was employed by the City more than six (6) months prior.

1.15.21 General Procedural Matters

- (a) **Deadlines.** Any deadline provided in this Article shall be construed as expiring at 5:00 p.m. local time on the last day.
- (b) **Mailbox Rule.** Under this Article, a deadline for any response or request for appeal is met when the date the response or request for appeal is mailed falls within the timeline requirements of this Article. The posted date of any mailing will control whether it meets the timeline requirements of this Article.



STAFF REPORT

MEETING DATE: May 22, 2018

AGENDA ITEM: 9A

TITLE:

Consider action to approve Resolution No. R-2018-36 of the City Council of the City of Bastrop, Texas relating to the "Bastrop Economic Development Corporation Sales Tax Revenue Bonds, Series 2018", including the approval of the resolution of the Board of Directors of the Corporation authorizing the issuance of such Bonds; resolving other matters incident and related to the issuance of such Bonds; and providing an effective date.

STAFF REPRESENTATIVE:

Tracy Waldron, Chief Financial Officer

BACKGROUND/HISTORY:

The EDC Board of Directors has found and determined that infrastructure street improvements and extension, including Agnes Street/Home Depot Way and related drainage improvements, will promote and develop new and expanded business enterprises and constitute projects within the meaning of Section 501.103 of the Act ("The Project") and the costs of constructing and equipping such Project should be financed from the proceeds of sale of \$1,250,000 "Bastrop Economic Development Corporation Sales Tax Revenue Bonds, Series 2018" (the "Bonds").

The Resolution authorizing the issuance of the Bonds adopted by the Bastrop Economic Development Board on May 21, 2018 (the "Issuer Resolution") and submitted to the City Council this day is hereby approved in all respects.

POLICY EXPLANATION:

Section 501.204 of the Local Government Code requires the City Council of the City approve the resolution of the Issuer (Bastrop Economic Development Corp.) providing for the issuance of the Bonds no more than sixty (60) days prior to the delivery of the Bonds

RECOMMENDATION:

Consider action to approve Resolution No. R-2018-36 of the City Council of the City of Bastrop, Texas relating to the "Bastrop Economic Development Corporation Sales Tax Revenue Bonds, Series 2018", including the approval of the resolution of the Board of Directors of the Corporation authorizing the issuance of such Bonds; resolving other matters incident and related to the issuance of such Bonds; and providing an effective date.

ATTACHMENTS:

- Resolution R-2018-36

RESOLUTION NO. R-2018-36

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, RELATING TO THE “BASTROP ECONOMIC DEVELOPMENT CORPORATION SALES TAX REVENUE BONDS, SERIES 2018”, INCLUDING THE APPROVAL OF THE RESOLUTION OF THE BOARD OF DIRECTORS OF THE CORPORATION AUTHORIZING THE ISSUANCE OF SUCH BONDS; RESOLVING OTHER MATTERS INCIDENT AND RELATED TO THE ISSUANCE OF SUCH BONDS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Bastrop Economic Development Corporation (the “Issuer”) has been duly created and organized pursuant to the provisions of the Development Corporation Act, Texas Local Government Code, Title 12, Subtitle C1, as amended (formerly known as the Development Corporation Act of 1979. Tex. Rev. Civ. Stat. Ann. Article 5190.6), specifically Chapters 501 and 505 of the Local Government Code (the “Act”); and

WHEREAS, pursuant to the Act, the Issuer is empowered to issue bonds for the purpose of defraying the cost of any “project” defined as such by the Act; and

WHEREAS, the Board of Directors of the Issuer has found and determined that infrastructure street improvements and extension, including Agnes Street/Home Depot Way and related drainage improvements, will promote and develop new and expanded business enterprises and constitute projects within the meaning of Section 501.103 of the Act (“The Project”) and the costs of constructing and equipping such project should be financed from the proceeds of sale of \$1,250,000 “Bastrop Economic Development Corporation Sales Tax Revenue Bonds, Series 2018” (the “Bonds”); and

WHEREAS, Section 501.204 of the Act requires the City Council of the City approve the resolution of the Issuer providing for the issuance of the Bonds no more than sixty (60) days prior to the delivery of the Bonds;

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

SECTION 1: The Resolution authorizing the issuance of the Bonds adopted by the Issuer on May 21, 2018 (the “Issuer Resolution”) and submitted to the City Council this day is hereby approved in all respects. The Bonds are being issued to finance the costs of acquiring and purchasing the Project, which is located within the City of Bastrop.

SECTION 2: The approvals herein given are in accordance with Section 501.204 of the Act and the Bylaws of the Issuer, and the Bonds shall never be construed as an indebtedness or pledge of the City, or the State of Texas (the “State”), within the meaning of any constitutional or statutory provision, and the owner of the Bonds shall never be paid in whole or in part out of any funds raised or to be raised by taxation (other than sales tax proceeds as authorized pursuant to the Act) or any other revenues of the Issuer, the City, or the State, except those revenues assigned and pledged by the Issuer Resolution.

SECTION 3: The City hereby agrees to promptly collect and remit to the Issuer the sales tax revenues in accordance with the terms of the Issuer Resolution and the Act to provide for the prompt payment of the Bonds, and to assist and cooperate with the Issuer in the enforcement and collection of sales and use taxes imposed on behalf of the Issuer.

SECTION 4: The Mayor, the Mayor Pro Tem, the City Secretary, the City Manager and Chief Financial Officer of the City are hereby authorized, jointly and severally, to execute and deliver such endorsements, instruments, certificates, documents, or other papers necessary and advisable to carry out the intent and purposes of this Resolution and Issuer Resolution.

SECTION 5: The City hereby acknowledges and recognizes that the Bonds are being issued as tax exempt obligations under and pursuant to section 103(a) of the Code (as defined below) and the proceeds of sales of such Bonds are to be deposited with the City following their receipt by the Issuer and the City shall have full control and responsibility for the acquisition and purchase of the Project and the investment and disbursement of the proceeds of sales of the Bonds. Therefore, as a result of the foregoing, the City hereby makes the following representations and warranties to the Issuer:

(a) Definitions. When used in this Section, the following terms have the following meanings:

“Closing Date” means the date on which the Bonds are first authenticated and delivered to the initial purchasers against payment therefor.

“Code” means the Internal Revenue Code of 1986, as amended by all Legislation, if any, effective on or before the Closing Date.

“Computation Date” has the meaning set forth in Section 1.148-1(b) of the Regulations.

“Gross Proceeds” means any proceeds as defined in Section 1.148-1(b) of the Regulations, and any replacement proceeds as defined in Section 1.148-1 (c) of the Regulations, of the Bonds.

“Investment” has the meaning set forth in Section 1.148-1(b) of the Regulations.

“Nonpurpose Investment” means any investment property, as defined in Section 148(b) of the Code, in which Gross Proceeds of the Bonds are invested and which is not acquired to carry out the governmental purposes of the Bonds.

“Rebate Amount” has the meaning set forth in Section 1.148-1(b) of the Regulations.

“Regulations” means any proposed, temporary, or final Income Tax Regulations issued pursuant to Sections 103 and 141 through 150 of the Code, and 103 of the Internal Revenue Code of 1954, which are applicable to the Bonds. Any reference to any specific Regulation shall also mean, as appropriate, any proposed, temporary or final Income Tax Regulation designed to supplement, amend or replace the specific Regulation referenced.

“Yield” of (1) any Investment has the meaning set forth in Section 1.148-5 of the Regulations and (2) the Bonds has the meaning set forth in Section 1.148-4 of the Regulations.

(b) Not to Cause Interest to Become Taxable. The City shall not use, permit the use of, or omit to use Gross Proceeds or any other amounts (or any property the acquisition, construction or improvement of which is to be financed directly or indirectly with Gross Proceeds) in a manner which if made or omitted, respectively, would cause the interest on any Bond to become includable in the gross income, as defined in section 61 of the Code, of the owner thereof for federal income tax purposes. Without limiting the generality of the foregoing, unless and until the City received a written opinion of council nationally recognized in the field of municipal bond law to the effect that failure to comply with such covenant will not adversely affect the exemption from federal income tax of the interest on any Bond, the City shall comply with each of the specific covenants in this Section.

(c) No Private Use or Private Payments. Except as permitted by Section 141 of the Code and the Regulations and rulings thereunder, the City shall at all times prior to the last Stated Maturity of Bonds:

(1) exclusively own, operate and possess all property the acquisition, construction or improvement of which is to be financed or refinanced directly or indirectly with Gross Proceeds of the Bonds, and not use or permit the use of such Gross Proceeds (including all contractual arrangements with terms different than those applicable to the general public) or any property acquired, constructed or improved with such Gross Proceeds in any activity carried on by any person or entity (including the United States or any agency, department and instrumentality thereof) other than a state or local government, unless such use is solely as a member of the general public; and

(2) not directly or indirectly impose or accept any charge or other payment by any person or entity who is treated as using Gross Proceeds of the Bonds or any property the acquisition, construction or improvement of which is to be financed or refinanced directly or indirectly with such Gross Proceeds, other than taxes of general application within the City or interest earned on investments acquired with such Gross Proceeds pending application for their intended purposes.

(d) No Private Loan. Except to the extent permitted by Section 141 of the Code and the Regulations and rulings thereunder, the City shall not use Gross Proceeds of the Bonds to make or finance loans to any person or entity other than a state or local government. For purposes of the foregoing covenant, such Gross Proceeds are considered to be “loaned” to a person or entity if: (1) property acquired, constructed or improved with such Gross Proceeds is sold or leased to such person or entity in a transaction which creates a debt for federal income tax purposes; (2) capacity in or service from such property is committed to such person or entity under a take-or-pay, output or similar contract or arrangement; or (3) indirect benefits, or burdens and benefits of ownership, of such Gross Proceeds are otherwise transferred in a transaction which is the economic equivalent of a loan.

(e) Not to Invest at Higher. Except to the extent permitted by Section 148 of the Code and the Regulations and rulings thereunder, the City shall not at any time prior to the final Stated Maturity of the Bonds directly or indirectly invest Gross Proceeds in any Investment (or use Gross Proceeds to replace money so invested), if as a result of such investment the Yield from the Closing Date of all Investments acquired with Gross Proceeds (or with money replaced thereby), whether then held or previously disposed of, exceeds the Yield of the Bonds.

(f) Not Federally Guaranteed. Except to the extent permitted by Section 149(b) of the Code and Regulations and rulings thereunder, the City shall not take or omit to take any action which cause the Bonds to be federally guaranteed within the meaning of Section 149(b) of the Code and the Regulations and rulings thereunder.

(g) Payment of Rebatable Arbitrage. Except to the extent otherwise provided in Section 148(f) of the Code and the Regulations and rulings thereunder:

(1) The City shall account for all Gross Proceeds (including all receipts, expenditures and investments thereof) on its books of accounts separately and apart from all other funds (and receipts, expenditures and investments thereof) and shall retain all records of accounting for at least six years after the day on which the last Outstanding Bond is discharged. However, to the extent permitted by law, the City may commingle Gross Proceeds of the Bonds with other money of the City, provided that the City separately accounts for each receipt and expenditure of Gross Proceeds and the obligations acquired therewith.

(2) Not less frequently than each Computation Date, the City shall calculate the Rebate Amount in accordance with rules set forth in Section 148(f) of the Code and the Regulations and rulings thereunder. The City shall maintain such calculations with its official transcript of proceedings relating to the issuance of the Bonds until six years after the final Computation Date.

(3) As additional consideration for the purchase of the Bonds by the Purchasers and the loan of the money represented thereby and in order to induce such purchase by measures designed to insure the excludability of the interest thereon from the gross income of the owners thereof for federal income tax purposes, the City shall remit to the Issuer for payment to the United States the amount described in paragraph (3) above and the amount described in paragraph (4) below, at the times, in the manner and accompanied by such forms or other information as is or may be required by Section 148 (f) of the Code and the Regulations and rulings thereunder.

(4) The City shall exercise reasonable diligence to assure that no errors are made in the calculations and payments required by paragraph (2), and if an error is made, to discover and promptly correct such error within a reasonable amount of time thereafter (and in all events within one hundred eighty (180) days after discovery of the error), including the amount remitted to the Issuer for payment to the United States of any additional Rebate Amount owed to it, interest thereon, and any penalty imposed under Section 1.148-3(h) of the Regulations.

SECTION 6. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject

matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Texas Government Code, Chapter 551, as amended.

SECTION 7. This Resolution shall be in force and effect from and after its passage on the date shown below.

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DULY RESOLVED AND ADOPTED by the City Council of the City of Bastrop this 22nd.
day of May 2018.

APPROVED:

Connie B. Schroeder, Mayor

ATTEST:

Ann Franklin, City Secretary

APPROVED AS TO FORM:

Alan Bojorquez, City Attorney



STAFF REPORT

MEETING DATE: May 22, 2018

AGENDA ITEM: 9B

TITLE:

Consider action to approve Resolution No. R-2018-34 of the City Council of the City of Bastrop, Texas confirming the Youth Advisory Council appointments of the Mayor, as required in Section 3.08 of the City's Charter; providing for a repealing clause; and establishing an effective date.

STAFF REPRESENTATIVE:

Trey Job, Managing Director of Public Works & Leisure Services

BACKGROUND/HISTORY:

Mrs. Megan Brandon, a 9th Grade Social Studies Research Methods Teacher at Colorado River Collegiate Academy, has four (4) classes working with a program called Generation Citizens. St. Edwards and University of Texas college students serve as democracy coaches. Generation Citizens is an action-civics curriculum where students select a community issue, research it, and come up with a potential solution. These students are some of the first in the state and central U.S. to take part in this program. To date, this program has only been available in Boston, New York, San Francisco, and Connecticut.

Mrs. Brandon's third period class identified few opportunities for youth activities and leadership in Bastrop. Their identified solution to help solve this issue was the Youth Advisory Council (YAC), which they presented to Council for consideration on May 9, 2017. City Council was supportive of this concept and approved an Ordinance establishing the YAC on January 9, 2018 and the YAC's Bylaws on February 13, 2018. Forty-nine applications were received and, after review, 12 were recommended for appointment.

POLICY EXPLANATION:

This 12-member board will serve as a conduit to the youth of the Bastrop community. An Ordinance establishing the YAC was approved by the Council on January 9, 2018, and the Bylaws were approved on February 13, 2018.

FUNDING SOURCE:

N/A

RECOMMENDATION:

Consider action to approve Resolution No. R-2018-34 of the City Council of the City of Bastrop, Texas confirming the Youth Advisory Council appointments of the Mayor, as required in Section 3.08 of the City's Charter; providing for a repealing clause; and establishing an effective date.

ATTACHMENTS:

- Resolution

RESOLUTION NO. R-2018-34

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS CONFIRMING THE YOUTH ADVISORY COUNCIL APPOINTMENTS OF THE MAYOR, AS REQUIRED IN SECTION 3.08 OF THE CITY CHARTER; PROVIDING FOR A REPEALING CLAUSE; 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 City Council; and

WHEREAS, Mayor Connie Schroeder has received recommendations regarding the applications to the Youth Advisory Council Board and made appointments; and

WHEREAS, The City of Bastrop has an interest in supporting opportunities for youth activities and leadership in Bastrop and Bastrop County; and

WHEREAS, The City of Bastrop has recognized the need to promote an action-civics curriculum where students select a community issue, research it, and come up with a potential solution; and

WHEREAS, the City Council finds that a very significant public interest is served by development and support of the Youth Advisory Council.

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

Section 1: That Mayor Connie Schroeder appointed the following members to the Youth Advisory Council:

Students	High School	Grade for 2018-19
Marc Alger	CRCA	12th
Emily Anguiano	CRCA	10th
Amanda Branecky	BHS	12th
Amber Dodge	CCHS	12th
Cade Edwards	CCHS	11th
Xavier Gomez	CCHS	10th
Ashauri Lewis	BHS	10th
Caitlyn Ingram	BHS	10th
Elizabeth Mora	CCHS	12th

Kacie Morriss	CCHS	9th
Charles Ramirez	CRCA	11th
Jessica Tran	CRCA	11th

Section 2: That the City Council of the City of Bastrop confirms Mayor Schroeder's appointments to the Youth Advisory Council.

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 ADOPTED by the City Council of the City of Bastrop this 22nd day of May, 2018.

APPROVED:

Connie B. Schroeder, Mayor

ATTEST:

Ann Franklin, City Secretary

APPROVED AS TO FORM:

Alan Bojorquez, City Attorney



STAFF REPORT

MEETING DATE: May 22, 2018

AGENDA ITEM: 9C

TITLE:

Consider action to approve Resolution R-2018-33 of the City Council of the City of Bastrop, Texas approving a Municipal Maintenance Agreement between the City of Bastrop and the Texas Department of Transportation; attached as Exhibit A; authorizing the City Manager to execute all necessary documents; and establishing an effective date.

STAFF REPRESENTATIVE:

Trey Job, Managing Director of Public Works & Leisure Services

BACKGROUND/HISTORY:

This is an updated Municipal Maintenance Agreement, which will replace year 2000 version. This Agreement includes expanded language detailing what Highway frontage roads, etc., the City will be responsible for mowing and landscaping. Specifically, they include:

Non-Controlled Access Highways

- SH 21: From State Hwy 95 to east Bastrop City limit
- SH 95: From State Hwy 71 to norther Bastrop City limit
- SH 304: From State Hwy 71 to southern Bastrop City limit
- SL 150: From State Hwy 71 west to State Hwy 71 east
- FM 969: From State Hwy 71 to norther Bastrop City limit
- FM 20: From State Hwy 71 to southern Bastrop City limit

Controlled Access Highways

- State Hwy 71 at Loop 150/Tahitian Village
- State Hwy 71 at State Hwy 95
- State Hwy 71 at Loop 150/Childers Dr.
- State Hwy 71 at State Hwy 304
- State Hwy 71 at FM 20
- State Hwy 95 at State Hwy 21/Loop 150

POLICY EXPLANATION:

Chapter 311 of the Transportation Code give the City exclusive dominion, control, and jurisdiction over and under the public streets within its corporate limits and authorizes the City to enter agreements with the State to fix responsibilities for maintenance, control, supervision, and regulation of State highways within and through its corporate limits.

FUNDING SOURCE:

This project will be funded through the Innovation Fund and will continue to budgeted annually.

RECOMMENDATION:

Consider action to approve Resolution R-2018-33 of the City Council of the City of Bastrop, Texas approving a Municipal Maintenance Agreement between the City of Bastrop and the Texas Department of Transportation; attached as Exhibit A; authorizing the City Manager to execute all necessary documents; and establishing an effective date.

ATTACHMENTS:

- Resolution
- Municipal Maintenance Agreement



RESOLUTION NO. R-2018-33

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS
APPROVING A MUNICIPAL MAINTENANCE AGREEMENT BETWEEN THE
CITY OF BASTROP AND THE TEXAS DEPARTMENT OF TRANSPORTATION;
ATTACHED AS EXHIBIT A; AND AUTHORIZING THE CITY MANAGER TO
EXECUTE ALL NECESSARY DOCUMENTS; AND ESTABLISHING AN
EFFECTIVE DATE.**

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

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

WHEREAS, The City of Bastrop has an interest in maintaining State Highways within and through the City of Bastrop and Bastrop County; and

WHEREAS, The City of Bastrop has recognized the need of a Municipal Maintenance Agreement with the Texas Department of Transportation; and

WHEREAS, Pursuant to Chapter 311 of the Transportation Code gives the City of Bastrop exclusive dominion, control and jurisdiction over and under the public streets within its corporate limits and authorizes the City to enter agreements with the State to fix responsibilities for maintenance, control, supervision, and regulation of State highways within and through its corporate limits; and

WHEREAS, the City Council finds that a very significant public interest is served by the completion of a Municipal Maintenance Agreement.

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

Section 1: That the City Manager is hereby authorized to execute a Municipal Maintenance Agreement between the City of Bastrop and the Texas Department of Transportation. (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, and it is so resolved.

DULY RESOLVED AND ADOPTED by the City Council of the City of Bastrop this 22nd day of May, 2018.

APPROVED:

Connie B. Schroeder, Mayor

ATTEST:

Ann Franklin, City Secretary

APPROVED AS TO FORM:

Alan Bojorquez, City Attorney



MUNICIPAL MAINTENANCE AGREEMENT

Form 1038
(Rev. 03/12)
Page 1 of 6

STATE OF TEXAS §

COUNTY OF TRAVIS §

THIS AGREEMENT made this _____ day of _____, 20____, by and between the State of Texas, hereinafter referred to as the "State," party of the first part, and the City of _____ (population _____, 2010, latest Federal Census) acting by and through its duly authorized officers, hereinafter called the "City," party of the second part.

W I T N E S S E T H

WHEREAS, Chapter 311 of the Transportation Code gives the City exclusive dominion, control, and jurisdiction over and under the public streets within its corporate limits and authorizes the City to enter agreements with the State to fix responsibilities for maintenance, control, supervision, and regulation of State highways within and through its corporate limits; and

WHEREAS, Section 221.002 of the Transportation Code authorizes the State, at its discretion, to enter agreements with cities to fix responsibilities for maintenance, control, supervision, and regulation of State highways within and through the corporate limits of such cities; and

WHEREAS, the Executive Director, acting for and in behalf of the Texas Transportation Commission, has made it known to the City that the State will assist the City in the maintenance and operation of State highways within such City, conditioned that the City will enter into agreements with the State for the purpose of determining the responsibilities of the parties thereto; and

WHEREAS, the City has requested the State to assist in the maintenance and operation of State highways within such City:

A G R E E M E N T

NOW, THEREFORE, in consideration of the premises and of the mutual covenants and agreements of the parties hereto to be by them respectively kept and performed, it is agreed as follows:

For this agreement, the use of the words "State Highway" shall be construed to mean all numbered highways that are part of the State's Highway System.

COVERAGE

1. This agreement is intended to cover and provide for State participation in the maintenance and operation of the following classifications of State Highways within the City:
 - A. Non-Controlled Access highways or portions thereof which are described and/or graphically shown as "State Maintained and Operated" highways in Exhibit "A," which is attached hereto and made a part hereof.
 - B. All State highways or portions thereof which have been designated by the Texas Transportation Commission or maintained and operated as Controlled Access Highways and which are described and/or graphically shown in Exhibit "B," which is attached hereto and made a part hereof.
2. In the event that the present system of State highways within the City is changed by cancellation, modified routing, or new routes, the State will terminate maintenance and operation and this agreement will become null and void on those portions of the highways which are no longer on the State Highway System; and the full effect and all conditions of this agreement will apply to the changed highways or new highways on the State Highway System within the City; and they shall be classified as "State Maintained and Operated" under paragraph 1 above, unless the execution of a new agreement on the changed or new portions of the highways is requested by either the City or the State.
3. Exhibits that are a part of this agreement may be changed with both parties' written concurrence. Additional exhibits may also be added with both parties' written concurrence.

GENERAL CONDITIONS

1. The City authorizes the State to maintain and operate the State highways covered by this agreement in the manner set out herein.
2. This agreement is between the State and the City only. No person or entity may claim third party beneficiary status under this contract or any of its provisions, nor may any non-party sue for personal injuries or property damage under this contract.
3. This agreement is for the purpose of defining the authority and responsibility of both parties for maintenance and operation of State highways through the City. This agreement shall supplement any special agreements between the State and the City for the maintenance, operation, and/or construction of the State highways covered herein, and this agreement shall supersede any existing Municipal Maintenance Agreements.
4. Traffic regulations, including speed limits, will be established only after traffic and engineering studies have been completed by the State and/or City and approved by the State.
5. The State will erect and maintain all traffic signs and associated pavement markings necessary to regulate, warn, and guide traffic on State highways within the State right-of-way except as mentioned in this paragraph and elsewhere in this agreement. At the intersections of off-system approaches to State highways, the City shall install and maintain all stop signs, yield signs, and one-way signs and any necessary stop or yield bars and pedestrian crosswalks outside the main lanes or outside the frontage roads, if such exist. The City shall install and maintain all street name signs except for those mounted on State maintained traffic signal poles or arms or special advance street name signs on State right-of-way. All new signs installed by the City on State right-of-way shall meet or exceed the latest State breakaway standards and be in accordance with the *Texas Manual on Uniform Traffic Control Devices*, latest edition and revision. All existing signs shall be upgraded on a maintenance replacement basis to meet these requirements.
6. Subject to approval by the State, any State highway lighting system may be installed by the City provided the City shall pay or otherwise provide for all cost of installation, maintenance, and operation except in those installations specifically covered by separate agreements between the City and State.

7. The City shall enforce the State laws governing the movement of loads which exceed the legal limits for weight, length, height, or width as prescribed by Chapters 621, 622, and 623 of the Transportation Code for public highways outside corporate limits of cities. The City shall also, by ordinance/resolution and enforcement, prescribe and enforce lower weight limits when mutually agreed by the City and the State that such restrictions are needed to avoid damage to the highway and/or for traffic safety.
8. The City shall prevent future encroachments within the right-of-way of the State highways and assist in removal of any present encroachments when requested by the State except where specifically authorized by separate agreement; and prohibit the planting of trees or shrubbery or the creation or construction of any other obstruction within the right-of-way without prior approval in writing from the State.
9. Traffic control devices such as signs, traffic signals, and pavement markings, with respect to type of device, points of installation and necessity, will be determined by traffic and engineering studies. The City shall not install, maintain, or permit the installation of any type of traffic control device which will affect or influence the use of State highways unless approved in writing by the State. Traffic control devices installed prior to the date of this agreement are hereby made subject to the terms of this agreement and the City agrees to the removal of such devices which affect or influence the use of State highways unless their continued use is approved in writing by the State. It is understood that basic approval for future installations of traffic control signals by the State or as a joint project with the City, will be indicated by the proper City official's signature on the title sheet of the plans. Both parties should retain a copy of the signed title sheet or a letter signed by both parties acknowledging which signalized intersections are covered by this agreement. Any special requirements not covered within this agreement will be covered under a separate agreement.
10. New construction of sidewalks, ramps or other accessibility related items shall comply with current ADA standards. The city is responsible for the maintenance of these items.
11. If the City has a driveway permit process that has been submitted to and approved by the State, the City will issue permits for access driveways on State highway routes and will assure the grantee's conformance, for proper installation and maintenance of access driveway facilities, with either a Local Access Management Plan that the City has adopted by ordinance and submitted to the State or, if the City has not adopted by ordinance and submitted to the State a Local Access Management Plan, the State's "Regulations for Access Driveways to State Highways" and the State's Access Management Manual. If the City does not have an approved city-wide driveway permit process, the State will issue access driveway permits on State highway routes in accordance with the City's Local Access Management Plan, adopted by city ordinance and submitted to the State or, if the City has not adopted by ordinance and submitted a Local Access Management Plan, the State's "Regulations for Access Driveways to State Highways" and the State's Access Management Manual.
12. The use of unused right-of-way and areas beneath structures will be determined by a separate agreement

NON-CONTROLLED ACCESS HIGHWAYS

The following specific conditions and responsibilities shall be applicable to non-controlled access State highways in addition to the "General Conditions" contained herein above. Non-controlled access State highways or portions thereof covered by this section are those listed and/or graphically shown in Exhibit "A."

State's Responsibilities (Non-Controlled Access)

1. Maintain the traveled surface and foundation beneath such traveled surface necessary for the proper support of same under vehicular loads encountered and maintain the shoulders.
2. Assist in mowing and litter pickup to supplement City resources when requested by the City and if State resources are available.
3. Assist in sweeping and otherwise cleaning the pavement to supplement City resources when requested by the City and if State resources are available.

4. Assist in snow and ice control to supplement City resources when requested by the City and if State resources are available.
5. Maintain drainage facilities within the limits of the right-of-way and State drainage easements. This does not relieve the City of its responsibility for drainage of the State highway facility within its corporate limits.
6. Install, maintain, and operate, when required, normal regulatory, warning and guide signs and normal markings (except as provided under "General Conditions" in paragraph 5). In cities with less than 50,000 population, this also includes school safety devices, school crosswalks, and crosswalks installed in conjunction with pedestrian signal heads. This does not include other pedestrian crosswalks. Any other traffic striping desired by the City may be placed and maintained by the City subject to written State approval.
7. Install, operate, and maintain traffic signals in cities with less than 50,000 population.
8. In cities equal to or greater than 50,000 population, the State may provide for installation of traffic signals when the installation is financed in whole or in part with federal-aid funds if the City agrees to enter into an agreement setting forth the responsibilities of each party.

City's Responsibilities (Non-Controlled Access)

1. Prohibit angle parking, except upon written approval by the State after traffic and engineering studies have been conducted to determine if the State highway is of sufficient width to permit angle parking without interfering with the free and safe movement of traffic.
2. Install and maintain all parking restriction signs, pedestrian crosswalks [except as provided in paragraph 6 under "State's Responsibilities (Non-Controlled Access)"], parking stripes and special guide signs when agreed to in writing by the State. Cities greater than or equal to 50,000 population will also install, operate, and maintain all school safety devices and school crosswalks.
3. Signing and marking of intersecting city streets with State highways will be the full responsibility of the City (except as provided under "General Conditions" in paragraph 5).
4. Require installations, repairs, removals or adjustments of publicly or privately owned utilities or services to be performed in accordance with Texas Department of Transportation specifications and subject to approval of the State in writing.
5. Retain all functions and responsibilities for maintenance and operations which are not specifically described as the responsibility of the State. The assistance by the State in maintenance of drainage facilities does not relieve the City of its responsibility for drainage of the State highway facility within its corporate limits except where participation by the State is specifically covered in a separate agreement between the City and the State.
6. Install, maintain, and operate all traffic signals in cities equal to or greater than 50,000 population. Any variations will be handled by a separate agreement.
7. Perform mowing and litter pickup.
8. Sweep and otherwise clean the pavement.
9. Perform snow and ice control.

CONTROLLED ACCESS HIGHWAYS

The following specific conditions and responsibilities shall be applicable to controlled access highways in addition to the "General Conditions" contained herein above. Controlled access State highways or portions thereof covered by this section are those listed and/or graphically shown in Exhibit "B."

State's Responsibilities (Controlled Access)

1. Maintain the traveled surface of the through lanes, ramps, and frontage roads and foundations beneath such traveled surface necessary for the proper support of same under vehicular loads encountered.
2. Mow and clean up litter within the outermost curbs of the frontage roads or the entire right-of-way width where no frontage roads exist and assist in performing these operations between the right-of-way line and the outermost curb or crown line of the frontage roads in undeveloped areas.
3. Sweep and otherwise clean the through lanes, ramps, separation structures or roadways and frontage roads.
4. Remove snow and control ice on the through lanes and ramps and assist in these operations as the availability of equipment and labor will allow on the frontage roads and grade separation structures or roadways.
5. Except as provided under "General Conditions" in paragraph 5, the State will install and maintain all normal markings and signs, including sign operation if applicable, on the main lanes and frontage roads. This includes school safety devices, school crosswalks and crosswalks installed on frontage roads in conjunction with pedestrian signal heads. It does not include other pedestrian crosswalks.
6. Install, operate and maintain traffic signals at ramps and frontage road intersections unless covered by a separate agreement.
7. Maintain all drainage facilities within the limits of the right-of-way and State drainage easements. This does not relieve the City of its responsibility for drainage of the highway facility within its corporate limits.

City's Responsibilities (Controlled Access)

1. Prohibit, by ordinance or resolution and through enforcement, all parking on frontage roads except when parallel parking on one side is approved by the State in writing. Prohibit all parking on main lanes and ramps and at such other places where such restriction is necessary for satisfactory operation of traffic, by passing and enforcing ordinances/resolutions and taking other appropriate action in addition to full compliance with current laws on parking.
2. When considered necessary and desirable by both the City and the State, the City shall pass and enforce an ordinance/resolution providing for one-way traffic on the frontage roads except as may be otherwise agreed to by separate agreements with the State.
3. Secure or cause to be secured the approval of the State before any utility installation, repair, removal or adjustment is undertaken, crossing over or under the highway facility or entering the right-of-way. In the event of an emergency, it being evident that immediate action is necessary for protection of the public and to minimize property damage and loss of investment, the City, without the necessity of approval by the State, may at its own responsibility and risk make necessary emergency utility repairs, notifying the State of this action as soon as practical.
4. Pass necessary ordinances/resolutions and retain its responsibility for enforcing the control of access to the expressway/freeway facility.
5. Install and maintain all parking restriction signs, pedestrian crosswalks (except as mentioned above in paragraph 5 under "State's Responsibilities") and parking stripes when agreed to by the State in writing. Signing and marking of intersecting city streets to State highways shall be the full responsibility of the City (except as discussed under "General Conditions" in paragraph 5).

TERMINATION

All obligations of the State created herein to maintain and operate the State highways covered by this agreement shall terminate if and when such highways cease to be officially on the State highway system; and further, should either party fail to properly fulfill its obligations as herein outlined, the other party may terminate this agreement upon 30 days written notice. Upon termination, all maintenance and operation duties on non-controlled access State highways shall revert to City responsibilities, in accordance with Chapter 311 of the Texas Transportation Code. The State shall retain all maintenance responsibilities on controlled access State highways in accordance with the provisions of Chapter 203 of the Texas Transportation Code and 23 United States Code Section 116.

Said State assumption of maintenance and operations shall be effective the date of execution of this agreement by the Texas Department of Transportation.

IN WITNESS WHEREOF, the parties have hereunto affixed their signatures, the City of _____

on the _____ day of _____, 20____, and the Texas Department of Transportation, on the _____ day of _____, 20____.

ATTEST:

CITY OF _____

BY _____

(Title of Signing Official)

THE STATE OF TEXAS

Executed and approved for the Texas Transportation Commission for the purpose and effect of activating and/or carrying out the orders, and established policies or work programs heretofore approved and authorized by the Texas Transportation Commission

BY _____

(District Engineer)

_____ District

The Texas Department of Transportation maintains the information collected through this form. With few exceptions, you are entitled on request to be informed about the information that we collect about you. Under Sections 552.021 and 552.023 of the Government Code, you also are entitled to receive and review this information. Under Section 559.004 of the Government Code, you are also entitled to have us correct information about you that is incorrect. For more information, call 512/416-3048.

NOTE: To be executed in duplicate and supported by Municipal Maintenance Ordinance/Resolution and City Secretary Certificate.

EXHIBIT A

TABLE I
NON-CONTROLLED ACCESS HIGHWAYS
(See Figure A-1)

HWY	Description
SH 21	From State Highway 95 to east Bastrop City limit
SH 95	From State Highway 71 to northern Bastrop City limit
SH 304	From State Highway 71 to southern Bastrop City limit
SL 150	From State Highway 71 west to State Highway 71 east
FM 969	From State Highway 71 to northern Bastrop City limit
RM 20	From State Highway 71 to southern Bastrop City limit

Maintenance Activity/Facility-Type	Responsibility	
	State	City
Traffic control signs and pavement striping/markings, highway routing signs.	X	
All pavement base and surface maintenance, repair, reconstruction, and resurfacing.	X	
Assist with mowing, sweeping, cleaning, and litter control to supplement City resources when requested by the City and if State resources are available.	X	
Assist with mowing, sweeping, cleaning, and litter control to supplement City resources when requested by the City and if State resources are available.	X	
Assist with snow and ice control to supplement City resources when requested by the City and if State resources are available.	X	
All pedestrian and bicycle assets including pedestrian bridges, pedestrian rail, sidewalks, curb ramps, shared use path, bike lanes, bikeways or trails.		X
Drainage facilities outside of normal highway right-of-way.		X
All duties not specifically delineated as being State's responsibility.		X

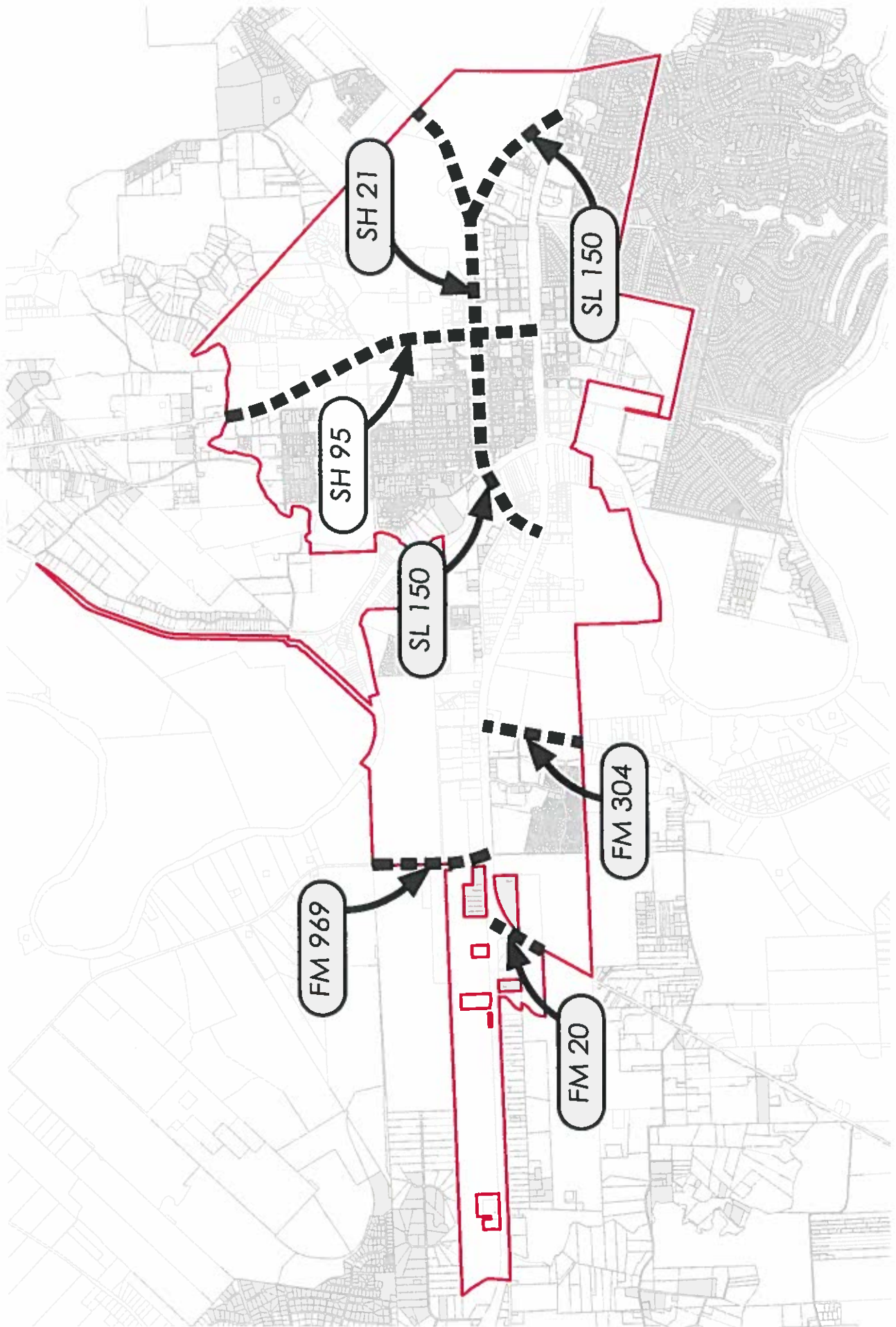
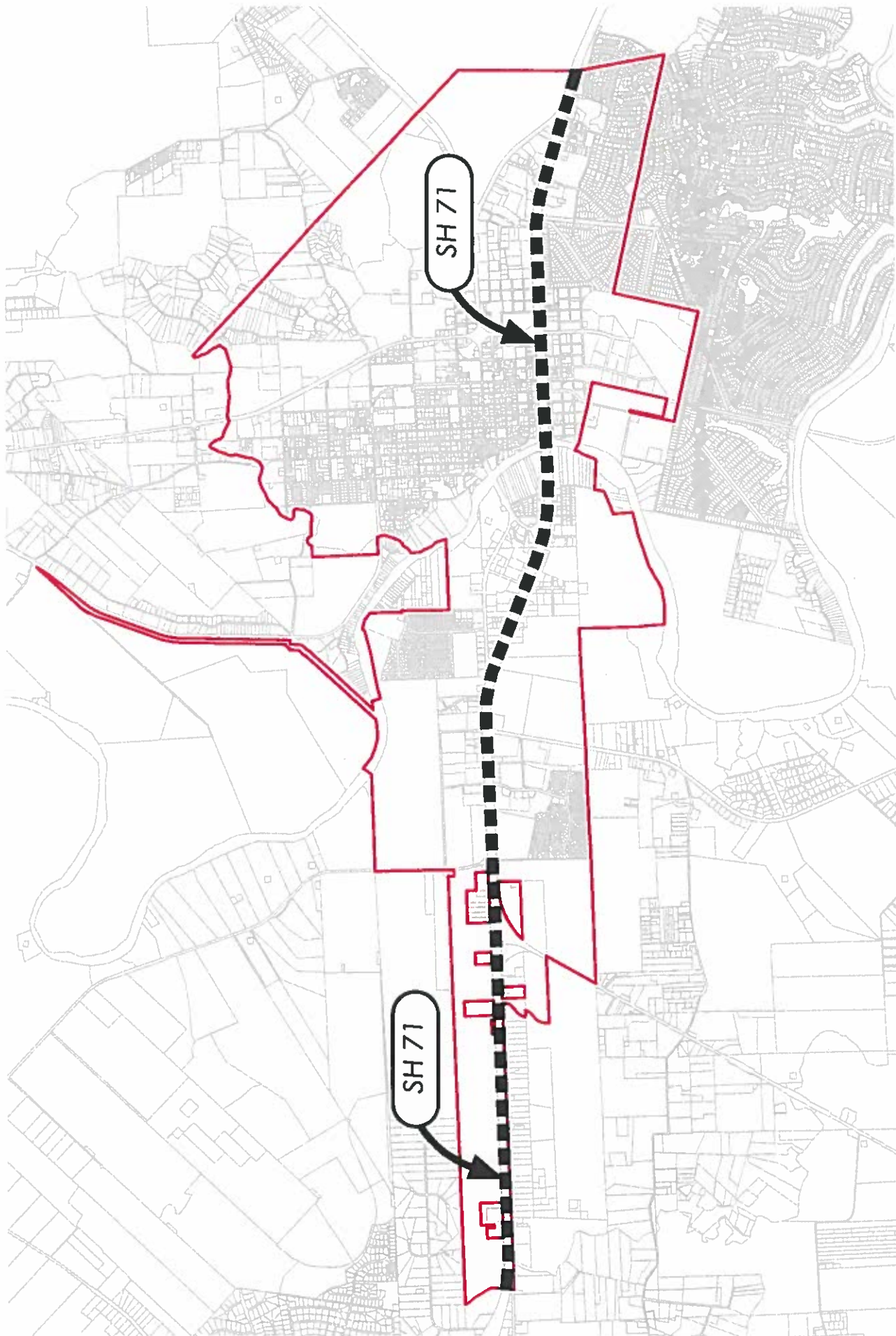


EXHIBIT B
TABLE II
CONTROLLED ACCESS HIGHWAYS
(See Figure B-1)

SH 71	From east city limit to west city limit	
Maintenance Activity/Facility-Type	Responsibility	
	State	City
1. Main lanes, main lane bridges and entrance/exit ramps:	X	
Normal route markings, directional and destination signs and pavement striping/markings.	X	
All pavement base and surface maintenance, repair, reconstruction, and resurfacing.	X	
Drainage facilities	X	
Snow and ice control	X	
Mowing	X	
Litter and debris control.	X	
2. Frontage roads, median between main lane and frontage road, area between frontage road and right-of-way line:		
Same as above except: Assist with mowing and litter/debris control to supplement City resources when requested by the City and if State resources are available.	X	
3. Frontage roads, median between main lane and frontage road, area between frontage road and right-of-way line:		
Mowing and landscaping at intersections		X
State Highway 71 at Loop 150/Tahitian Village		X
State Highway 71 at State Highway 95		X
State Highway 71 at Loop 150/Childress Dr.		X
State Highway 71 at State Highway 304		X
State Highway 71 at Farm to Market 20		X
State Highway 95 at State Highway 21 / Loop 150		X



Signal Agreement

Loop 150 (Chestnut Street) and Pecan Street



P.O. BOX 15426 | AUSTIN, TEXAS 78761-5426 | (512) 832-7000 | WWW.TXDOT.GOV

December 6, 2013

Mike Talbot, City Manager
City of Bastrop
1311 Chestnut Street
Bastrop, Texas 78602

Dear Mr. Talbot:

The Texas Department of Transportation (TxDOT) would like to enter an agreement with the City of Bastrop to modify the signal at the intersection of Loop 150 (Chestnut St.) and Pecan St. We are in the process of upgrading the existing signal design to new mast arm signals. However, limited state right of way at the above intersection requires that we use city right of way along Pecan Street to install signal poles and equipment.

With your concurrence for the use of the right of way, TxDOT will be responsible for the installation, maintenance and operation of these signals, including the relocation of these signals, should that ever be necessary.

The authority to enter this agreement can be found in the Municipal Maintenance Agreement of 2000. This agreement allows the City and State to determine the maintenance responsibilities of each entity. Specifically, it addresses *"Traffic control devices, such as signs, traffic signals ... in respect to type of device, points of installation, and necessity will be fixed by agreement with the State after traffic and Engineering surveys have been made."* See the attached exhibit for the locations and types of devices to be installed within the city's right of way.

By your signature below, the City of Bastrop will allow TxDOT to install and maintain signal equipment within the right of way of Pecan St. at the intersection of Loop 150. After signing each of these duplicate letters please retain one for your files and return the other for our files. You may retain the attached exhibit for your files. Should you have any questions, please contact Wayne Rehnberg, P.E. at (512) 832-7019.

Sincerely,

Greg A. Malatek P.E.
Austin District Engineer

The City of Bastrop agrees to the conditions stated in this letter:

Mike Talbot, City Manager
City of Bastrop

cc: Roy M. Dill, P.E., Bastrop Area Engineer, TxDOT, Austin District
Imelda L. Barrett, P.E., Director of Transportation Operations, TxDOT, Austin District

OUR GOALS
MAINTAIN A SAFE SYSTEM • ADDRESS CONGESTION • CONNECT TEXAS COMMUNITIES • BEST IN CLASS STATE AGENCY
An Equal Opportunity Employer

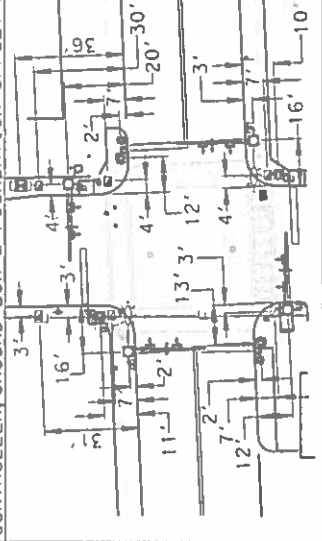
PROPOSED MAST ARMS

- (E) INS TRF SIG PL AM(S) 1 ARM (24') (686-2023)
- (F) INS TRF SIG PL AM(S) 1 ARM (24') LUM (686-2025)
- (G) INS TRF SIG PL AM(S) 1 ARM (24') (686-2023)
- (H) INS TRF SIG PL AM(S) 1 ARM (24') LUM (686-2025)

PROPOSED PED POLE LEGEND

- (J) (K) (L) PED POLE ASSY (687-2001)

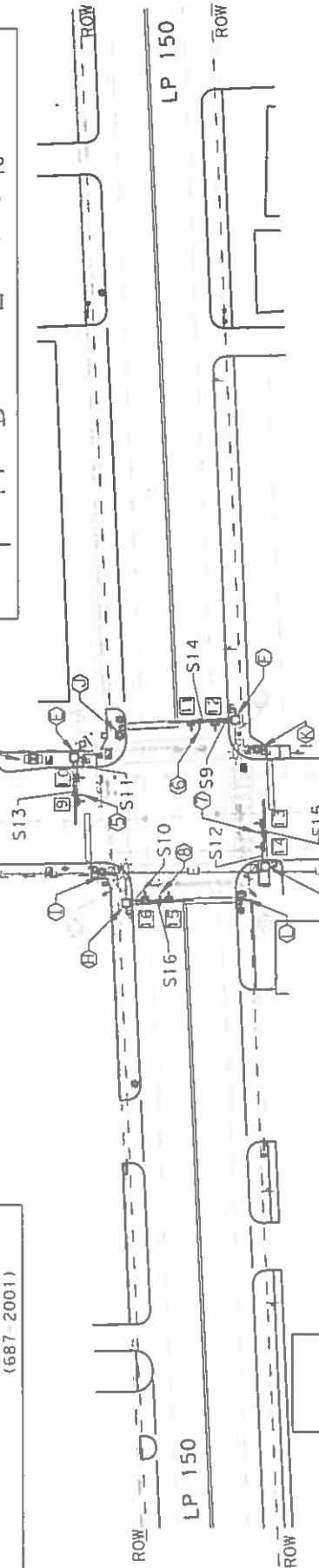
CONTROLLER, GROUND BOX & FOUNDATION OFFSET DIMENSIONS



INSTALL ELEC SVC TY D (120/240) 070 (NS) AL (E) SP (10)

PECAN ST
CITY ROW

CONTROLLER



PROPOSED MAST ARM SIGNALS

Chestnut St	Pecan St
S11, S12	S9, S10

LEFT TURN YIELD ON GREEN

S13, S14, S15, S16

PROPOSED SIGNALS (ITEM 682)

9, 10, 11, 12, 13, 14, 15, 16

LEGEND

- (E) CONTROLLER
- (G) GROUND BOX TYPE 'D'
- (C) GROUND BOX TYPE 'C'
- (M) MAST ARM FOUNDATION
- (M) MAST ARM
- (---) CONDUIT (TRENCH)
- (---) CONDUIT (BORED)
- (P) PED POLE ASSY
- (P) PED SIGNAL
- (P) PED PUSH BUTTON
- (P) 5 SECTION SIGNAL HEAD
- (P) 3 SECTION SIGNAL HEAD
- (P) WOOD POLE
- (P) SERVICE POLE
- (P) STEEL POLE
- (P) CAMERA
- (P) POLE IDENTIFICATION
- (P) CAMERA IDENTIFICATION
- (P) SIGNAL HEAD IDENTIFICATION
- (R-3) CONDUIT RUNS
- (L) LUMINAIRE
- (A) ANTENNA



PROPOSED LAYOUT
LP 150 at
Pecan Street
Bastrop County

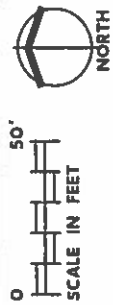
STATE	FEDERAL AID PROJECT NO.	DATE
6		
COUNTY	DATE	DATE
Bastrop		
LP 150		



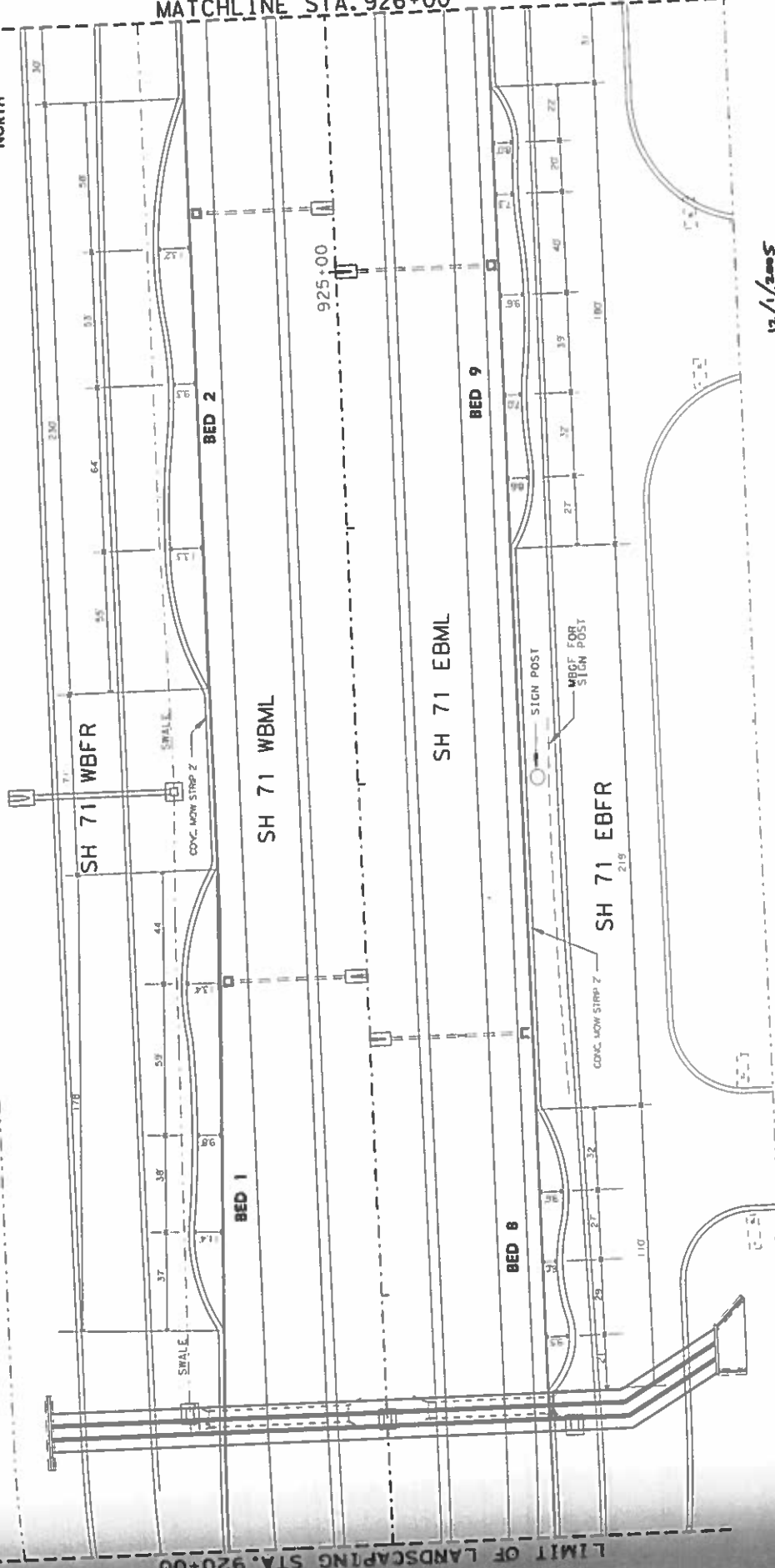
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Project Layout /
Landscaping Layout

State Highway 71 at State Highway 304



MATCHLINE STA. 926+00



LIMIT OF LANDSCAPING STA. 920+00

BED LAYOUT

© 2005 State of Texas Department of Transportation

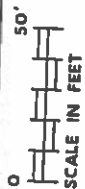
SHEET 1 OF 4

NO.	DATE	BY	CHKD	APP'D	DESCRIPTION
1	07/25/05	SH 71			DESIGN
2	07/25/05	SH 71			DESIGN
3	07/25/05	SH 71			DESIGN
4	07/25/05	SH 71			DESIGN
5	07/25/05	SH 71			DESIGN
6	07/25/05	SH 71			DESIGN
7	07/25/05	SH 71			DESIGN
8	07/25/05	SH 71			DESIGN
9	07/25/05	SH 71			DESIGN
10	07/25/05	SH 71			DESIGN
11	07/25/05	SH 71			DESIGN
12	07/25/05	SH 71			DESIGN
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98	07/25/05	SH 71			DESIGN
99	07/25/05	SH 71			DESIGN
100	07/25/05	SH 71			DESIGN



NOTES:

1. PLANTING BED AREAS SHALL BE LAID OUT IN SMOOTH CURVES.
2. ALL BED DIMENSIONS ARE MADE TO THE INSIDE OF THE MOW STRIP.
3. CONTRACTOR SHALL MARK BED AREAS FOR ENGINEERS' REVIEW.
4. UPON APPROVAL, CONTRACTOR SHALL PROCEED WITH PLANTING.
5. IF BED LAYOUT CONFLICTS WITH OTHER ELEMENTS, CONTACT ENGINEER FOR DIRECTION.

[illegible]

NOTES:

1. PLANTING BED AREAS SHALL BE LAID OUT IN SMOOTH CURVES.
2. ALL BED DIMENSIONS ARE MADE TO THE INSIDE OF THE MOW STRIP.
3. CONTRACTOR SHALL MARK BED AREAS FOR ENGINEER'S APPROVAL.
4. UPON APPROVAL CONTRACTOR SHALL REMOVE EXISTING VEGETATION FROM PLANTING BED AREAS AS DESCRIBED IN THE GENERAL NOTES.
5. IF BED LAYOUT CONFLICT WITH OTHER ELEMENTS, CONTACT ENGINEER FOR DECISION.

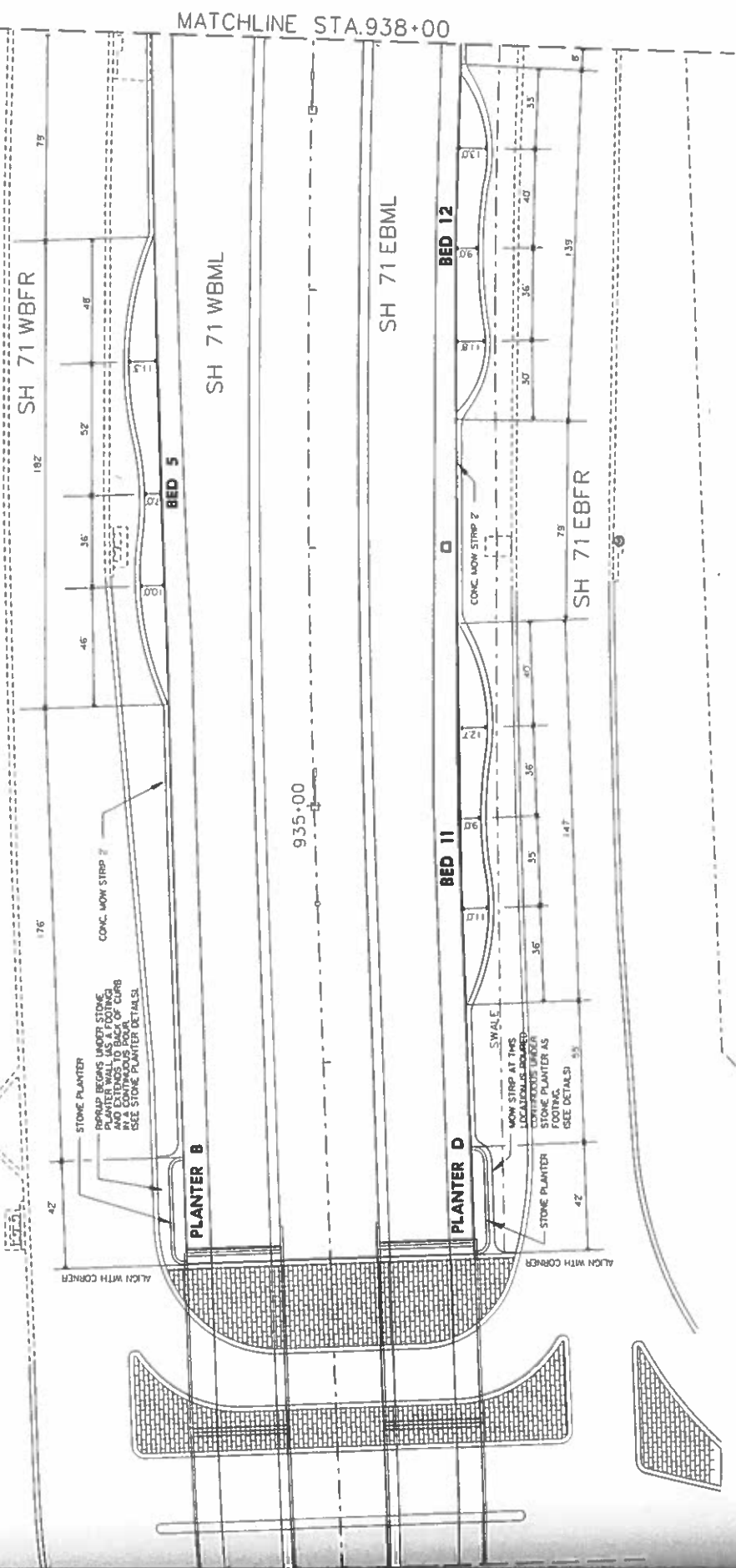


BED LAYOUT

SHEET 2 OF 4

 The car icon is a simple silhouette of a sedan. The house icon is a simple outline of a house with a chimney. The person icon is a simple silhouette of a person standing. The tree icon is a simple outline of a deciduous tree. The leaf icon is a simple outline of a single leaf.

STATE	FEDERAL AID PROJECT NO.	31
6		115
STATE	COUNTY	
TEXAS	14	BASTROP
COUNTY	00127	



NOTES:

1. PLANTING BED AREAS SHALL BE LAG OUT IN SMOOTH CURVES
2. ALL BED DIMENSIONS ARE MADE TO THE INSIDE OF THE MOW STRIP
3. CONTRACTOR SHALL MAINTAIN EXISTING VEGETATION
4. UPON APPROVAL CONTRACTOR SHALL REMOVE EXISTING VEGETATION FROM PLANTING BED AREAS AS DESCRIBED IN THE GENERAL NOTES
5. IF BED LAYOUT CONFLICT WITH OTHER ELEMENTS, CONTACT ENGINEER FOR DIRECTION

BED LAYOUT

SHEET 3 OF 4

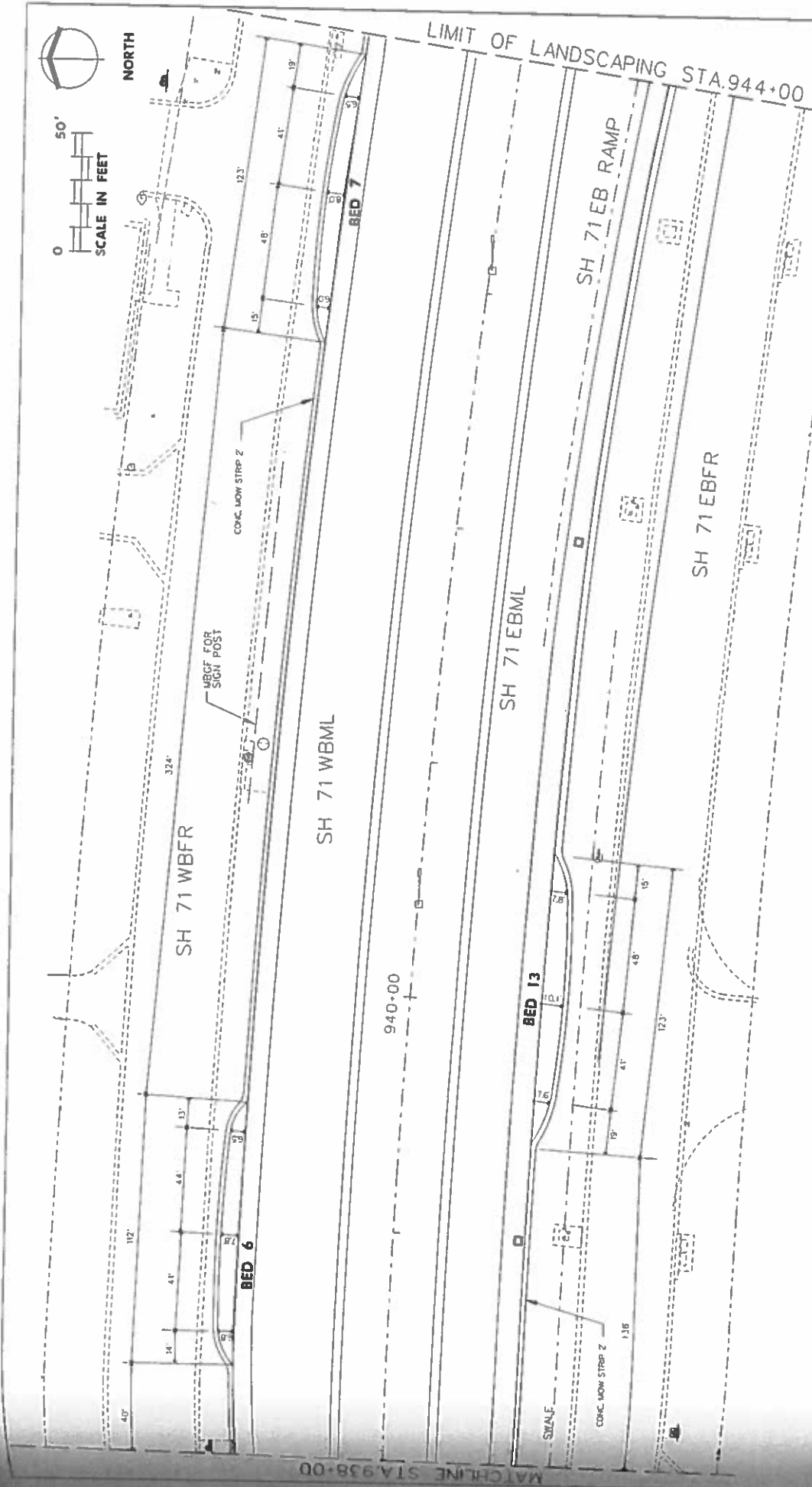
©2000 Texas Department of Transportation

PROJECT NO.	0765	SECTION	04	PROJECT NO.	7169
DATE	10/11/00	BY	WJ	DESIGNED BY	WJ
DATE	10/11/00	BY	WJ	CHECKED BY	WJ
DATE	10/11/00	BY	WJ	APPROVED BY	WJ



0 50'
SCALE IN FEET

NORTH



NOTES:

1. PLANTING BED AREAS SHALL BE Laid OUT IN SMOOTH CURVES.
2. ALL BED DIMENSIONS ARE MADE TO THE INSIDE OF THE MOW STRIP.
3. CONTRACTOR SHALL MARK BED AREAS FOR ENGINEER'S APPROVAL.
4. CONTRACTOR SHALL REMOVE EXISTING VEGETATION FROM PLANTING BEDS.
5. IF BED LAYOUT CONFLICT WITH OTHER ELEMENTS, CONTACT ENGINEER FOR DIRECTION.

BED LAYOUT
SHEET 4 OF 4

PROJECT	10285-04	PROJECT NO.	10285-04
SHEET	4	SHEET TOTAL	178
DATE	02/18/08	DATE	02/18/08
DESIGNER	TEXAS	DESIGNER	TEXAS
CHECKER	0285	CHECKER	0285
DATE	04	DATE	04
BY	053	BY	053
SH	71	SH	71

January 25, 2017

Texas Department of Transportation
Bastrop Area Office
174 Highway 21 East,
Bastrop, Texas 78602



**RE: Letter of Commitment
SH 71 Corridor Landscaping Project**

To Whom It May Concern:

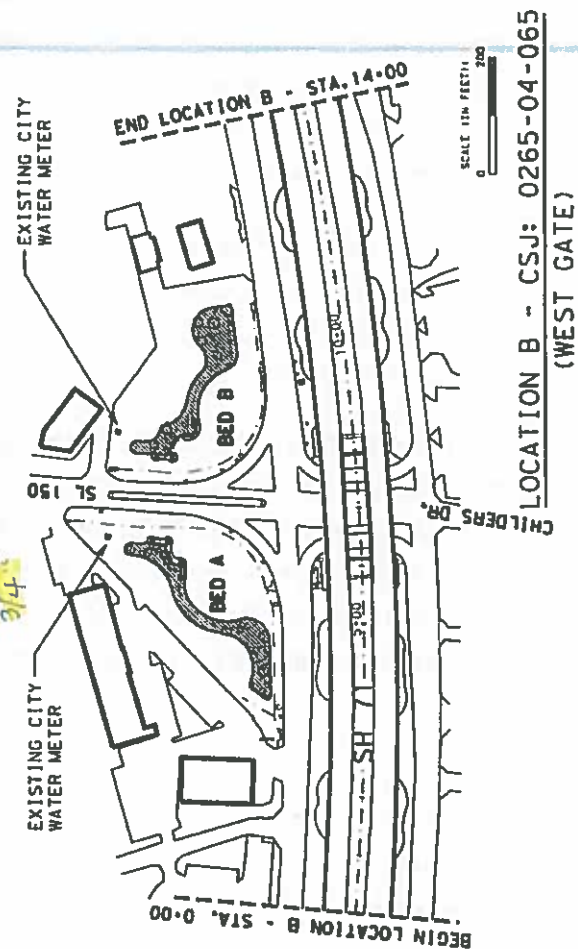
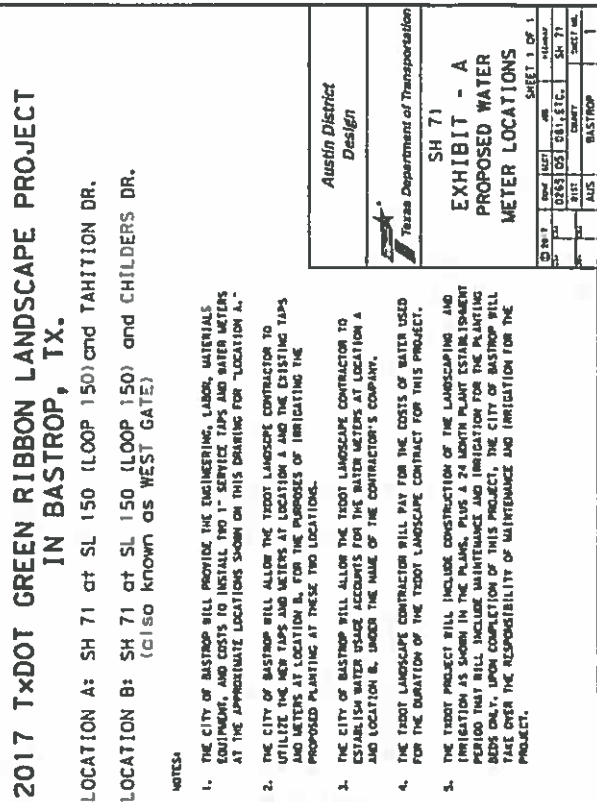
As part of its support for the above-referenced project, The City of Bastrop agrees to the following:

1. Provide the engineering, labor, materials, equipment, and costs to install two 3/4" service taps and water meters at the approximate locations shown for PROJECT LOCATION A on EXHIBIT A.
2. Allow the TxDOT landscape contractor to utilize the new taps and meters at PROJECT LOCATION A, and the existing taps and meters at PROJECT LOCATION B, for the purposes of irrigating the proposed landscape project.
3. Allow the TxDOT landscape contractor to establish water usage accounts, under the name of the contractor's company, for the water meters at both project locations. The TxDOT landscape contractor will pay the City of Bastrop for the costs of water used for the duration of the contract.
4. Upon completion of the contract, the City of Bastrop will assume the responsibility for maintaining and irrigating the project. The City of Bastrop agrees to keep the plantings in an acceptable and presentable condition for the public and for the safe operations of the highway. This includes the immediate stoppage and repair of irrigation leaks, water spills, or maintenance issues that negatively impact highway safety, as well as providing an immediate response to complaints or concerns from the public.

Sincerely,

A handwritten signature in black ink, appearing to read "Marvin Townsend".

Marvin Townsend
City Manager, City of Bastrop



DATE	03/14/00	03/14/00
TIME	03:14:00	03:14:00

Project Layout /

State Highway 71 at Farm to Market 20

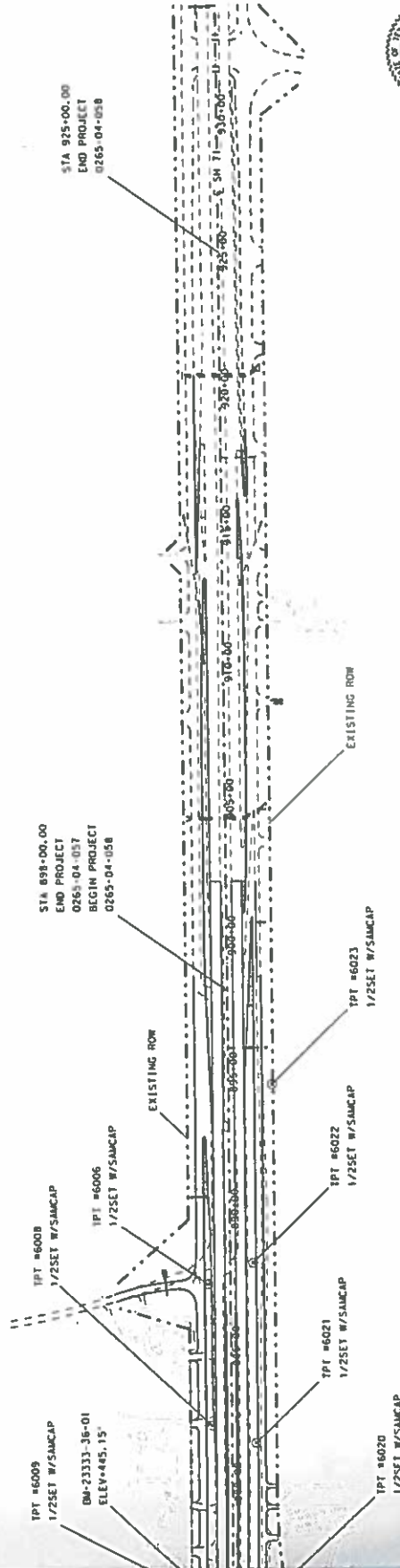
0265-04-058 REVISED 10/03 RBT/PROJECT2.DGN
9/04/31 AM

OBJECT BENCHMARK LIST (VERTICAL ONLY)

4. 23333-36-01: "SQUARE" CUT IN CONCRETE DRIVEWAY FOR BLUEBONNET
ELECTRIC COMPANY, NORTH SIDE OF FM 71, +/- 1500 FEET EAST OF FM 20, +/- 1200
FEET WEST OF FM 969.
ELEV. 445.15'

SECONDARY CONTROL POINTS - SURFACE COORDINATES

POINT #	Y	X	Z	DESCRIPTION
5000	10016743.62	3235355.09	415.39	TPT1: COT-SPIN SET/STA-808+00
6006	10016822.20	3235280.83	417.74	TPT1: 1/2SET SAMCAP
6008	10016791.86	3234764.07	437.62	TPT1: 1/2SET SAMCAP
6009	10016762.46	3234095.65	445.54	TPT1: 1/2SET SAMCAP
6020	10016545.55	3234143.10	442.02	TPT1: 1/2SET SAMCAP
6021	10016630.34	3234705.20	443.27	TPT1: 1/2SET SAMCAP
6022	10016660.07	3235363.32	409.68	TPT1: 1/2SET SAMCAP
6023	10016610.75	3236017.99	388.95	TPT1: 1/2SET SAMCAP
6024	10017439.42	3235116.26	412.65	TPT1: COT-SPIN SET/STA-876+06
10002	10016697.27	3234161.99	445.36	



ALL PROJECT COORDINATES ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM,
CENTRAL ZONE, NAD 83 (1983). ALL COORDINATES HAVE BEEN ADJUSTED TO SURFACE
BY A COMBINED ADJUSTMENT FACTOR OF 1.00001.
VERTICAL DATUM = NAVD83
UNITS = U.S. SURVEY FEET



24 JUN 2011

PROJECT LAYOUT

SHEET 2 OF 2

STA 875+00 TO STA 934+00

0265-04-057

0265-04-058

0265-04-059

0265-04-060

0265-04-061

0265-04-062

0265-04-063

0265-04-064

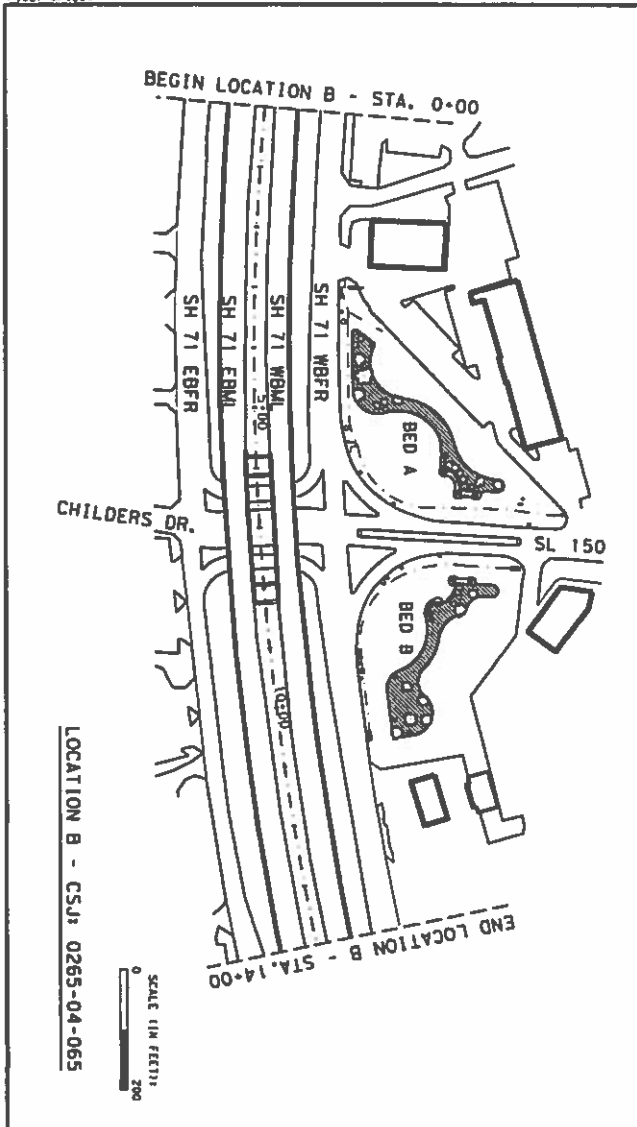
0265-04-065

0265-04-066

0265-04-067

Project Layout /

State Highway 71 at Lp 150 / Tahitian Drive



- ### SITE CONDITIONS AND MEASUREMENTS
- BE ADVISED THAT DITCHES, TRENCHES, SLOPES, UNSTABILIZED, AND OTHER POTENTIAL CONFLICTS MAY NOT BE SHOWN ON THE PLANS. EXAMINE THE SITE PRIOR TO CONSTRUCTION AND REPORT AREAS OF POTENTIAL EROSION AND OTHER CONFLICTS, FOR DIRECTION, PLACE, EROSION CONTROL, DEVICES AND ADJUST BED LOCATIONS, AS DIRECTED.
 - BED LAYOUT DIMENSIONS ARE MEASURED FROM BACK OF CURB, UNLESS SHOWN OTHERWISE. LAYOUT BEDS BEFORE ERADICATING TREES TO ENSURE THAT BEDS ARE PLACED TO MINIMIZE POTENTIAL EROSION AND BLOWOUT.
- ### TREE PROTECTION
- REFER TO TRP-16 AND TREE PROTECTION DETAILS SHEET
- PRIOR TO CONSTRUCTION, PROVIDE AND SECURELY INSTALL SAFETY FENCING AROUND THE CRITICAL ROOT ZONES FOR EACH EXISTING TREE ON THE GROUPING. THE CRITICAL ROOT ZONE LIMITS ARE MEASURED AT 1 FOOT DISTANCE FROM TRUNK FOR EVERY 1 INCH OF TRUNK DIAMETER.
 - DO NOT ALLOW THE FOLLOWING ACCESS ACTIVITIES OR STORAGE WITHIN THE CRITICAL ROOT ZONES:
 - (a) VEHICLES, EQUIPMENT, OR MATERIAL STOCKPILES
 - (b) MECHANICAL, TILLAGE, OR TRENCHING
 - (c) HAZARDOUS CHEMICALS, PRODUCTS, AND THEIR CONTAINERS
 - PROTECT THE FOLLOWING ACTIVITIES AFTER PLANT BEDS ARE PREPARED:
 - (a) EXISTING TREE PROTECTION FENCING
 - (b) DO NOT TILL OR INCORPORATE COMPOST
 - (c) SPREADS IN ROOT ZONE, PROTECT PLANT, ONLY
 - (d) DO NOT CUT ROOTS 1 INCH DIAM. OR GREATER
 - (e) PREPARE WITH DIRT TUBING SECURED TO GROUND, DO NOT TRENCH IN CRITICAL ROOT ZONES
 - (f) APPLY MULCH AT SPECIFIED DEPTH TO COVER DIRT TUBING
 - ACTUAL LOCATIONS OF EXISTING TREES MAY BE DIFFERENT THAN SHOWN. EXAMINE SITE TO DETERMINE ACTUAL LOCATIONS OF EXISTING TREES. REPORT MAJOR OBSTACLES OR CONFLICTS FOR DIRECTION.

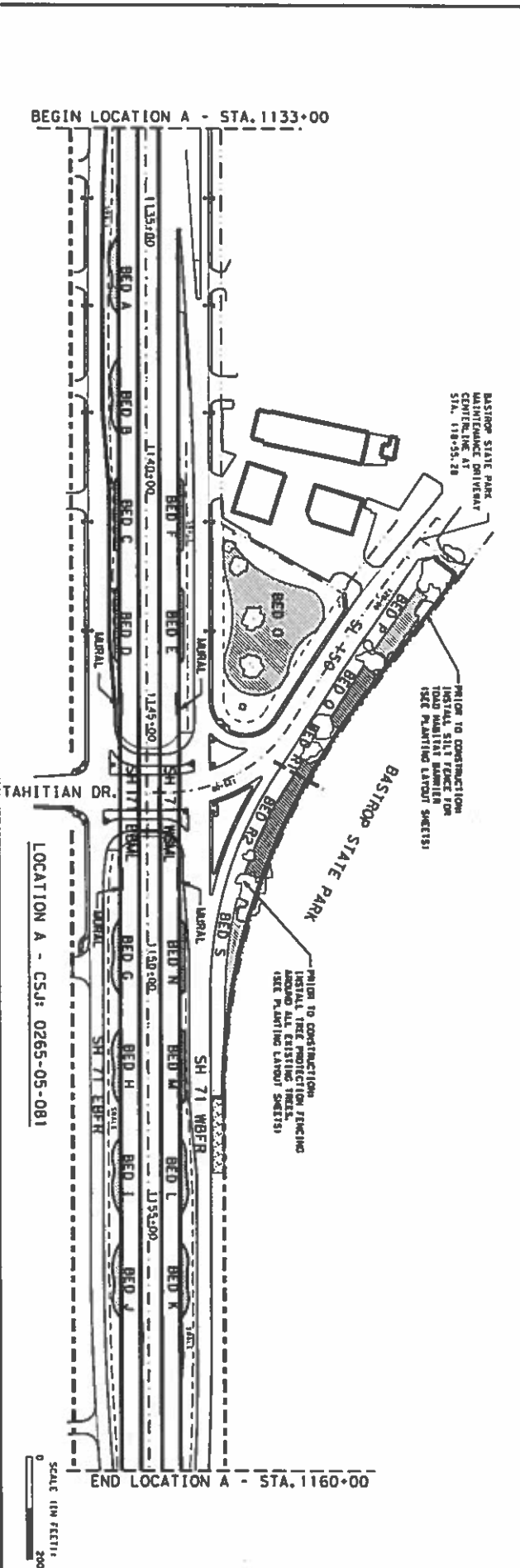
Austin District
Design

SH 71
SITE PLAN
LOCATION A & B

DATE: 04/26/17
 FILE: 0265-04-065

SCALE: 1" = 200'

6



Austin District
Design

SH 71
SITE PLAN
LOCATION A & B

DATE: 04/26/17
 FILE: 0265-05-081

SCALE: 1" = 200'

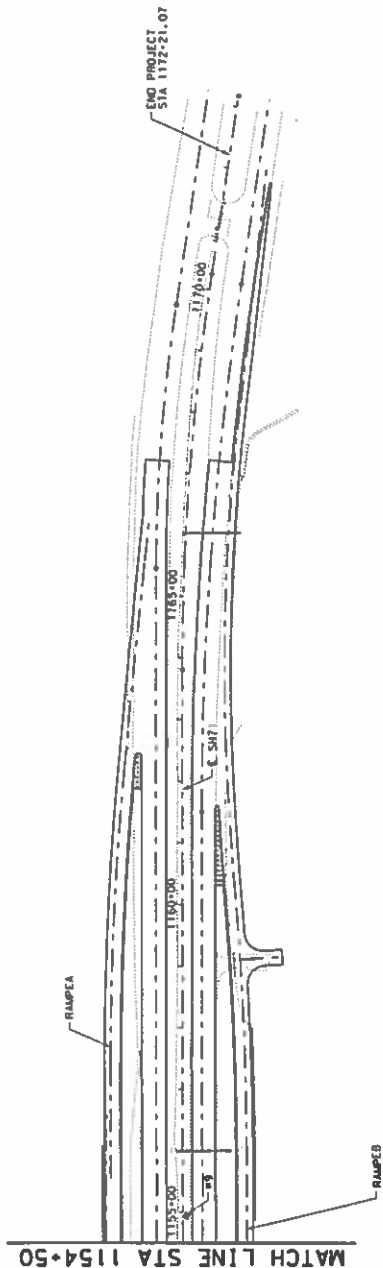
6



 JAMES W. LANGSTON 72891 TEXAS STATE SEAL	JAMES W. LANGSTON & SONS, INC. 10000 WEST 10TH AVE., SUITE 100 DALLAS, TEXAS 75243		SHEET 1 OF 2
	S.H. 71 PROJECT LAYOUT		

S.H. 71
PROJECT
LAYOUT

6	HP 2012	4371	4
SPARE	BIST.	GRABIT	
TEKAS	14	58370P	
DOAC	SERT.	JAN	ACCOUNT NO.
0765	05	031	5-8-11



◆ BOREHOLE LOCATIONS



James H. Harrison
State Engineer
Office of the State Engineer
Austin, Texas

© 2012 Texas Department of Transportation

STATE OF TEXAS
DEPARTMENT OF TRANSPORTATION
1000 RICHARDSON AVENUE
AUSTIN, TEXAS 78701

100' 0' 100' 200'

Scale: 1" = 200'

S. H. 71
PROJECT
LAYOUT

SHEET 2 OF 2

DATE	REVISION	PROJECT NO.	SHEET NO.
6/12/12	1	1172-21.07	2
6/12/12	2	1172-21.07	2
6/12/12	3	1172-21.07	2
6/12/12	4	1172-21.07	2
6/12/12	5	1172-21.07	2

STATE	DIST.	COUNTY
TEXAS	14	BASTROP

CONTRACT NO.	SECTION	PROJECT NO.
0265	05	071

Project Layout /
Landscaping Layout

State Highway 71 at
Hasler Blvd and Lp 150

INTERSECTION OF
SH 71 AND SH 304

GPS MONUMENT
E = 1470.444, 117
ELEVATION = 304.75
AZIMUTH POINT
E = 1470.444, 117
ELEVATION = 304.75

INTERSECTION OF
SH 71 AND HASLER BLVD

NOTES: COORDINATES AND BEARINGS ARE STATE PLANE
COORDINATE, CENTRAL ZONE (NAD 83/2011),
RADIUS TO SURFACE BY A FACTOR OF 1.00004.

INTERSECTION OF
SH 71 AND LP 150 WEST

COLORADO RIVER BRIDGE

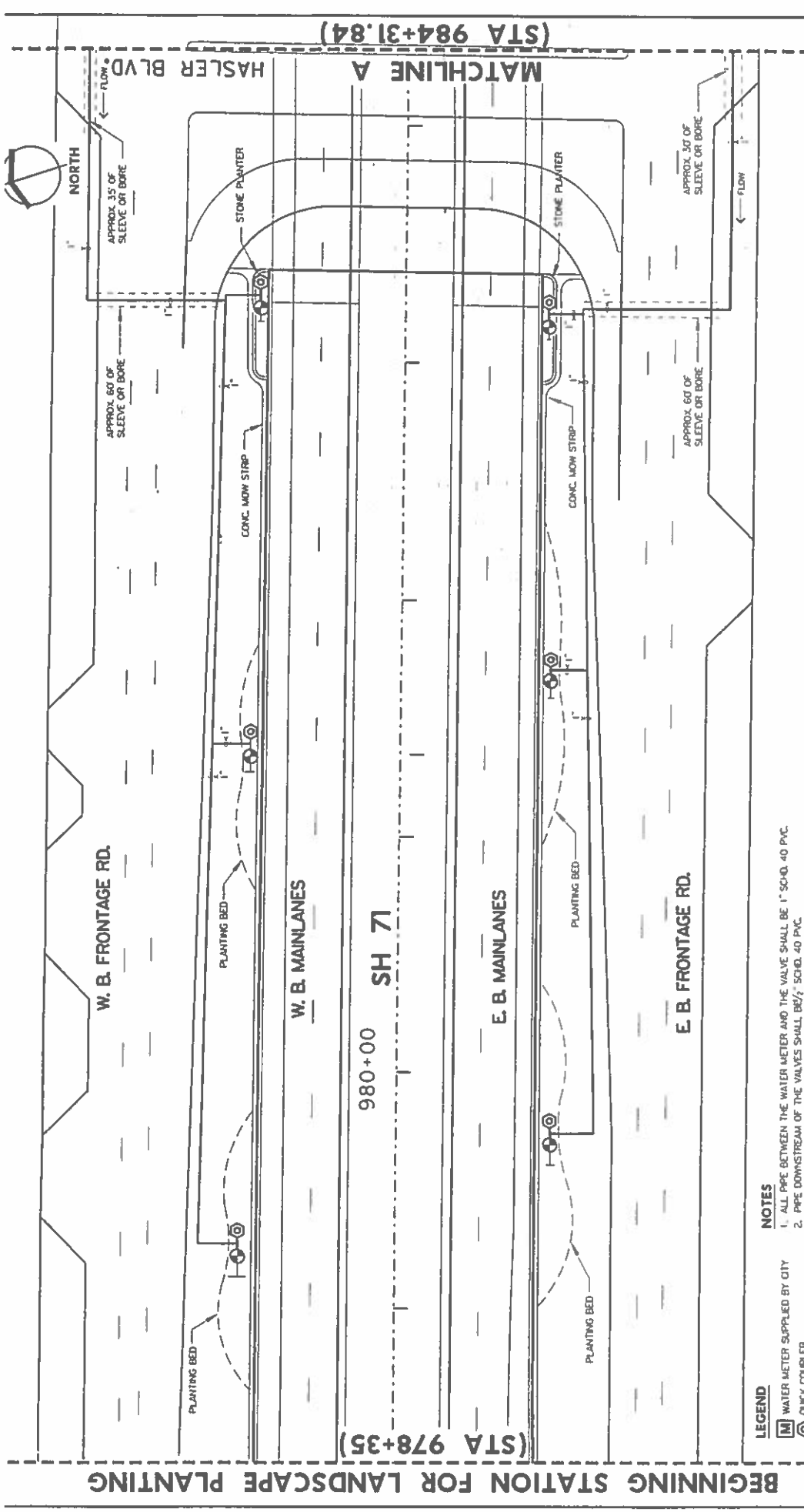


John M. Retakes
JOHN M. RETAKES P.E.
DATE 04-13-03

STATE HIGHWAY 71 PROJECT LAYOUT

N. T. S.

SHEET NO.	1	OF 2
PROJECT NO.	20021849J-ETC.1	28
DATE	01/11/03	DATE
DESIGN	BAK/DP	DATE
REVISION	1.0	DATE
BY	BAK/DP	DATE
CHECKED	BAK/DP	DATE
APPROVED	BAK/DP	DATE



BEGINNING STATION FOR LANDSCAPE PLANTING

(STA 978+35)

(STA 984+31.84)

NOTES

1. ALL PIPE BETWEEN THE WATER METER AND THE VALVE SHALL BE 1" SCH. 40 PVC.
2. PIPE DOWNSTREAM OF THE VALVES SHALL BE 1/2" SCH. 40 PVC.

LEGEND

- [M] WATER METER SUPPLIED BY CITY
- [C] QUICK COUPLER
- [P] DRIP VALVE ASSEMBLY
- SLEEVE OR BORE
- CITY WATER MAIN
- MAIN LINE
- LATERAL LINE
- DRIP LINE TUBING

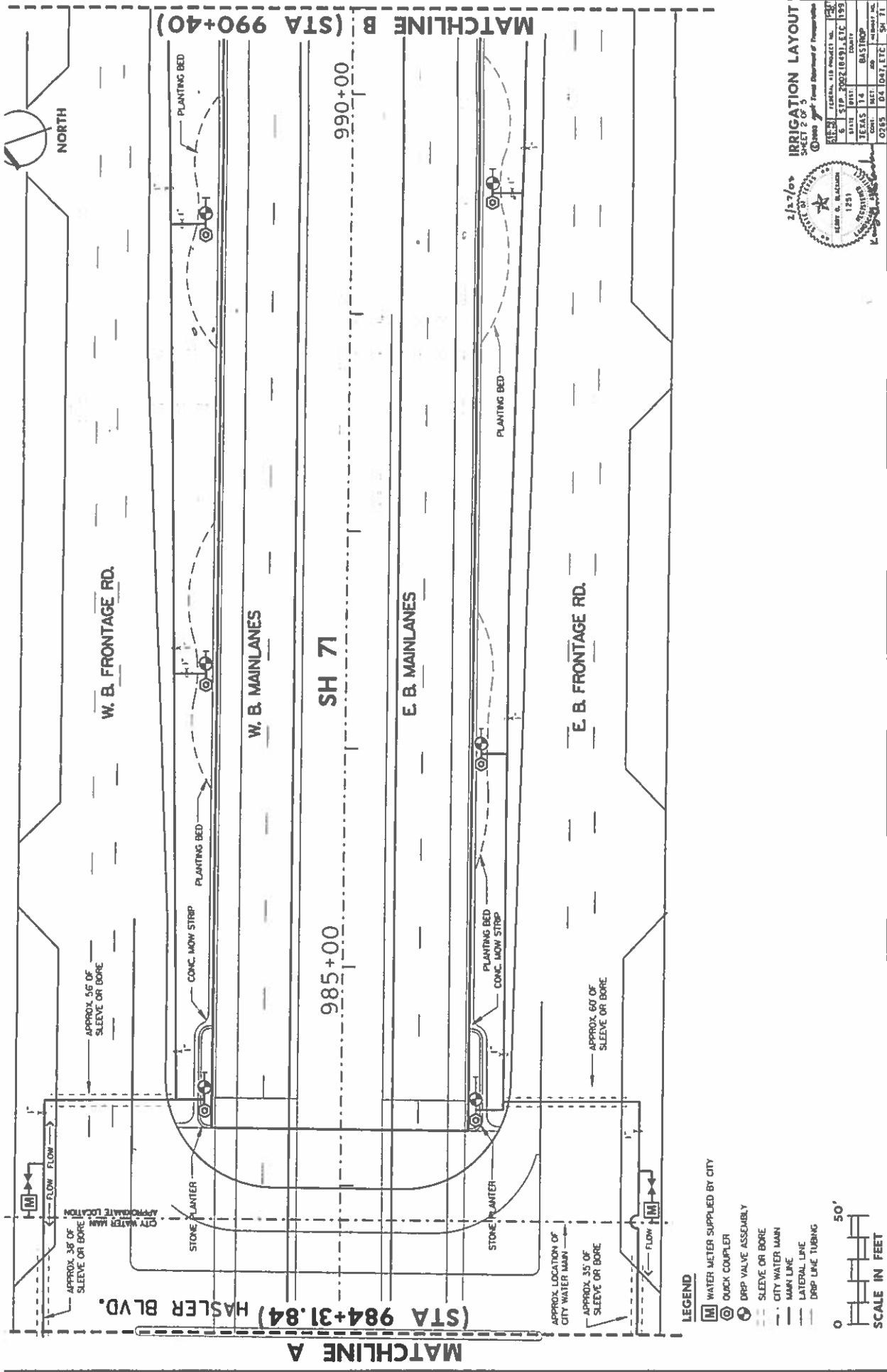


IRRIGATION LAYOUT

SHEET 1 OF 5

PROJECT NO.	1231
DATE	12/21
DESIGNED BY	BL/JP/JP
CHECKED BY	JP
APPROVED BY	JP
DATE	04/04/17
SHEET NO.	SH 71





LEGEND

- [M] WATER METER SUPPLIED BY CITY
- [C] QUICK COUPLER
- [V] DRIP VALVE ASSEMBLY
- SLEEVE OR BORE
- CITY WATER MAIN
- MAIN LINE
- LATERAL LINE
- DRIP LINE TUBING



IRRIGATION LAYOUT
SHEET 2 OF 5

2/27/09

SEAL OF THE CITY OF HUNTSVILLE
HUNTSVILLE, ALABAMA
1251

DESIGNER	GENERAL	PROJECT NO.	1251
DATE	2/27/09	DATE	2/27/09
REVISIONS	1.0	REVISIONS	1.0
DATE	2/27/09	DATE	2/27/09
BY	DRP	BY	DRP
DATE	2/27/09	DATE	2/27/09



NORTH

W. B. FRONTAGE RD.



W. B. MAINLANES

SH 71

995+00

E. B. MAINLANES



E. B. FRONTAGE RD.

MATCHLINE B (STA 990+40)

MATCHLINE C (STA 996+65)

LEGEND

- WATER METER SUPPLIED BY CITY
- QUICK COUPLER
- DRIP VALVE ASSEMBLY
- SLEEVE OR BORE
- CITY WATER MAIN
- MARK LINE
- LATERAL LINE
- DRIP LINE TUBING



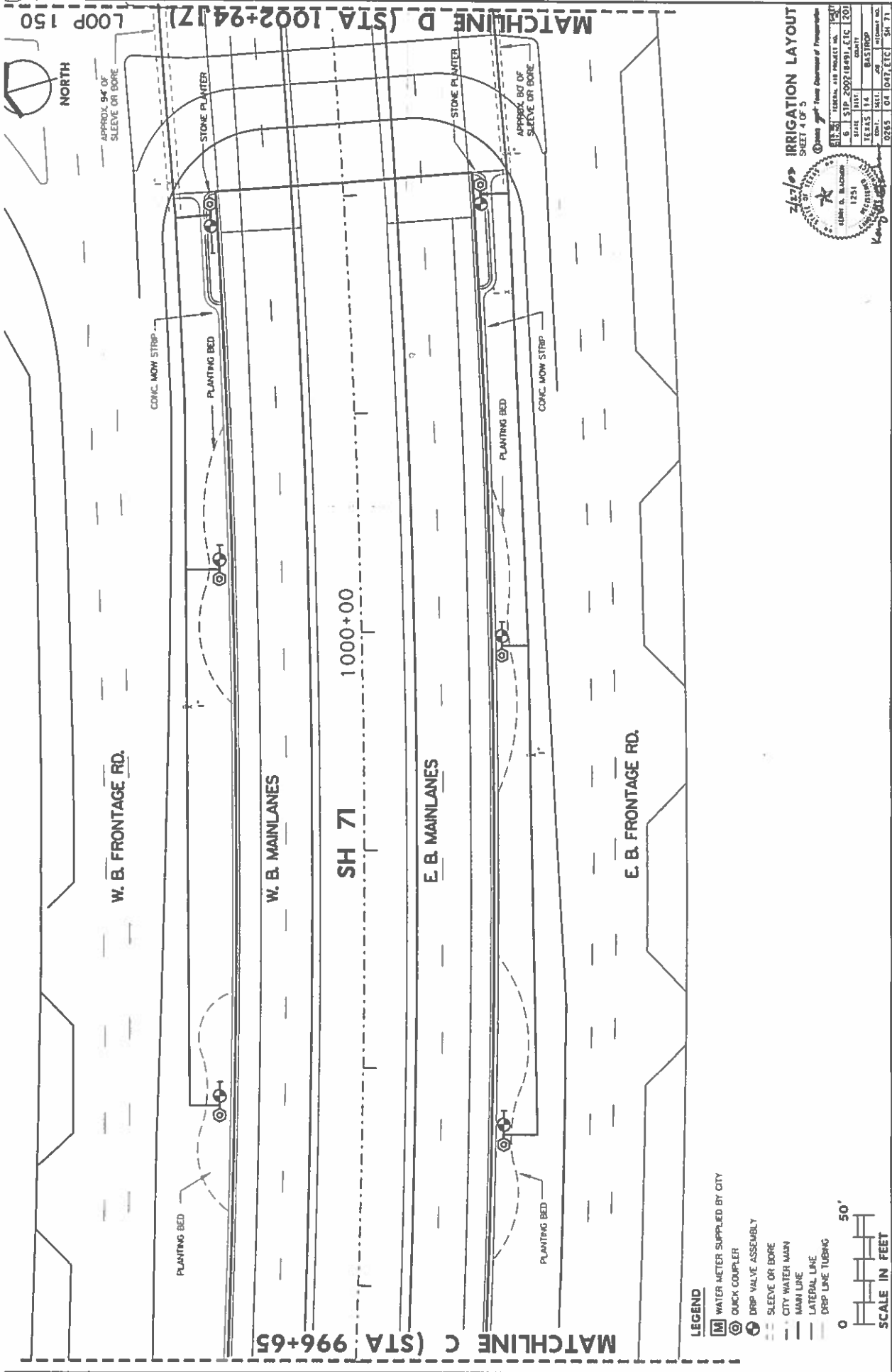
SCALE IN FEET

IRRIGATION LAYOUT

SHEET 3 OF 3



DATE	12/31	PROJECT NO.	1231
BY	12/31	CLIENT	STATE OF TEXAS
CHKD	12/31	PROJECT NAME	IRRIGATION LAYOUT
DATE	12/31	PROJECT NO.	1231
BY	12/31	CLIENT	STATE OF TEXAS
CHKD	12/31	PROJECT NAME	IRRIGATION LAYOUT



LEGEND

- [M] WATER METER SUPPLIED BY CITY
- [C] QUICK COUPLER
- [V] DRIP VALVE ASSEMBLY
- [S] SLEEVE OR BORE
- [---] CITY WATER MAIN
- [---] MAIN LINE
- [---] LATERAL LINE
- [---] DRIP LINE TUBING

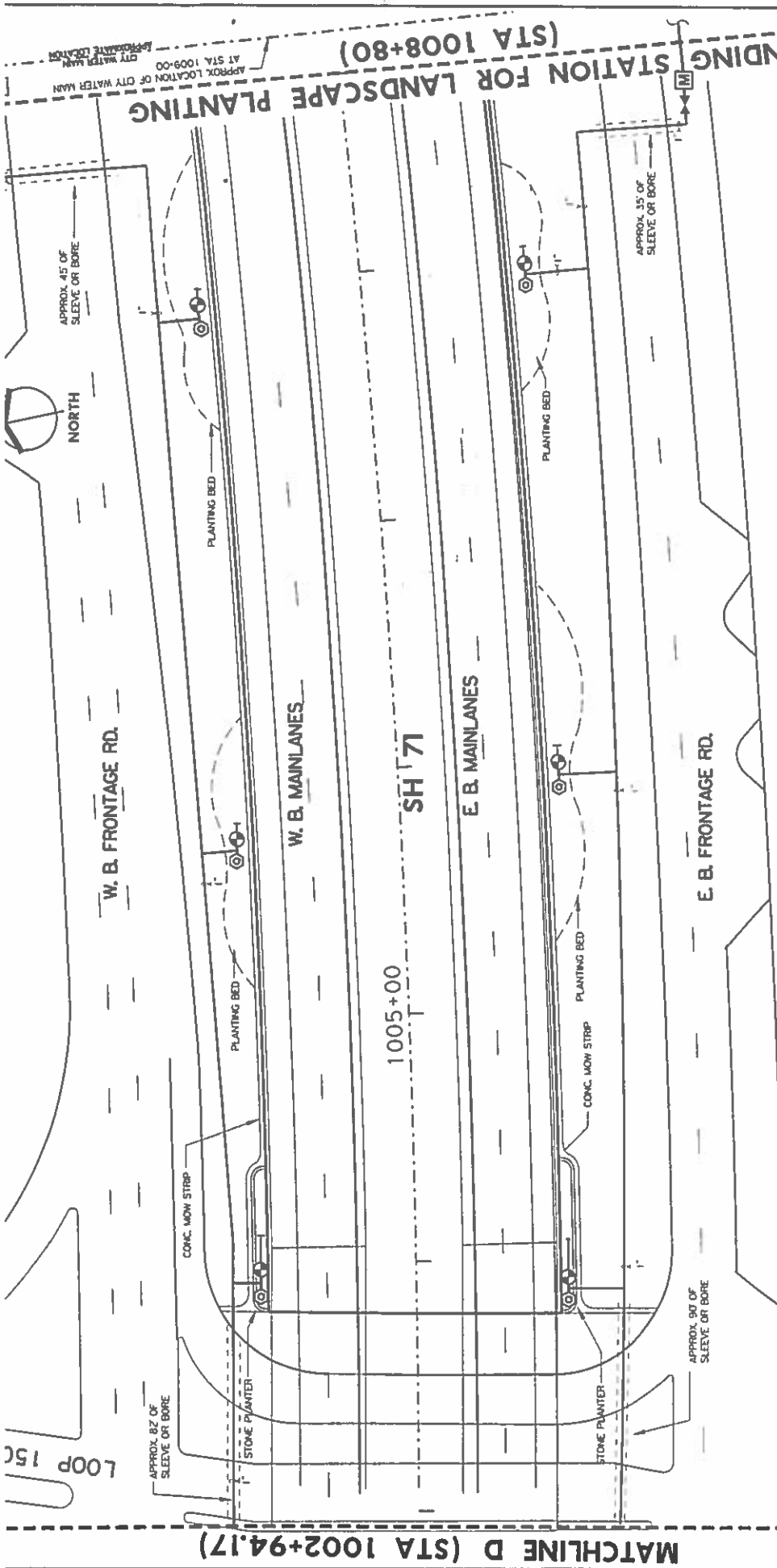
0 50'
SCALE IN FEET

IRRIGATION LAYOUT
SHEET 4 OF 5

2/27/03

James J. Jones, Engineer of Professional Engineering

PROJECT NO.	6	STATE	TEXAS	DATE	12/21
FEDERAL AID PROJECT NO.	2002(849) AIC	COUNTY	BASTROP	SHEET	4 OF 5
DRAWN BY: J. JONES					
CHECKED BY: J. JONES					
APPROVED BY: J. JONES					
JOB NO. 0285 04 1047 ETC SH 71					



LEGEND

- WATER METER SUPPLIED BY CITY
- QUICK COUPLER
- DRIP VALVE ASSEMBLY
- SLEEVE OR BORE
- CITY WATER MAIN
- MAIN LINE
- LATERAL LINE
- DRIP LINE TUBING



2/27/03
 IRRIGATION LAYOUT
 SHEET 5 OF 5
 © 2003 J. Paul Thompson & Associates
 J. Paul Thompson & Associates
 12251
 DALLAS, TEXAS 75243
 TEL: 972.344.1234
 FAX: 972.344.1235
 E-MAIL: jpt@jptassoc.com
 PROJECT NO. 041000000
 SHEET NO. 0285

ENDING STATION FOR LANDSCAPE PLANTING (STA 1008+80)

AT STA. 1009+00
 APPROXIMATE LOCATION OF CITY WATER MAIN



LOOP 150

APPROX. 45' OF SLEEVE OR BORE

APPROX. 82' OF SLEEVE OR BORE

W.B. FRONTAGE RD.

W.B. MAINLANES

E.B. MAINLANES

E.B. FRONTAGE RD.

APPROX. 35' OF SLEEVE OR BORE

PLANTING BED

PLANTING BED

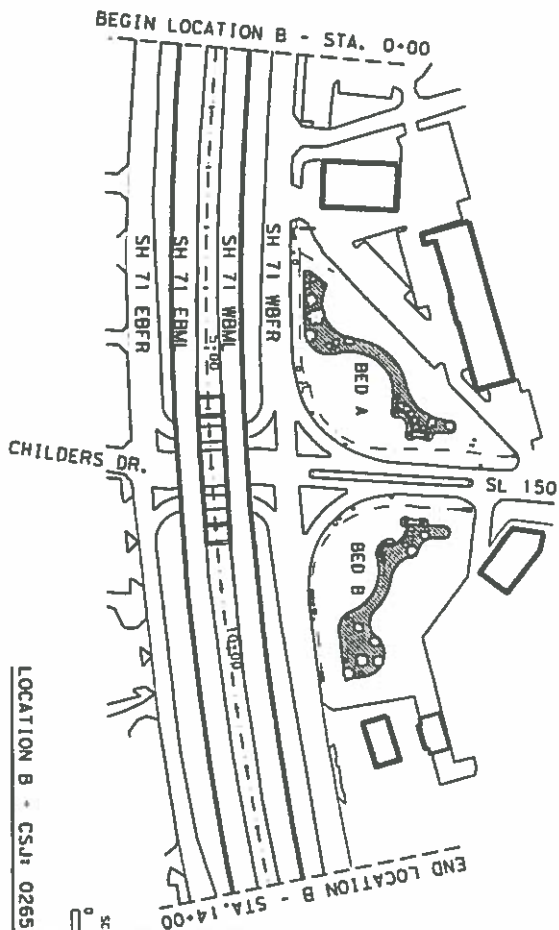
PLANTING BED

PLANTING BED

CONC. MOW STRIP

STONE PLANTER

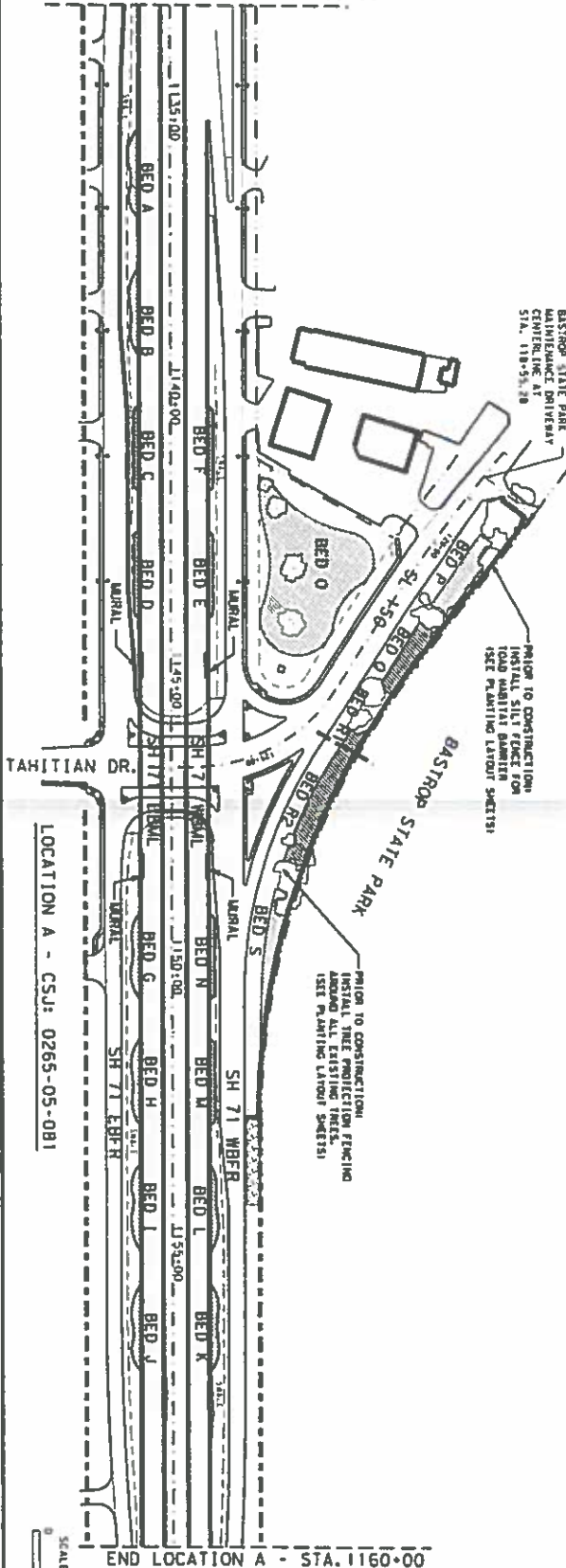
APPROX. 90' OF SLEEVE OR BORE



LOCATION B - CSJ: 0265-04-065

SCALE (IN FEET)
 0 200

BEGIN LOCATION A - STA. 1133+00



LOCATION A - CSJ: 0265-05-081

SCALE (IN FEET)
 0 200

SITE CONDITIONS AND MEASUREMENTS

- BE ADVISED THAT DITCHES, SEWERS, SLOPES, APPROPRIATE, AND OTHER POTENTIAL CONFLICTS MAY NOT BE SHOWN ON THE PLANS. EXAMINE THE SITE PRIOR TO CONSTRUCTION AND REPORT AREAS OF POTENTIAL EROSION AND OTHER CONFLICTS, FOR DIRECTION, PLACE, EROSION CONTROL, DEVICES AND ADJUST BED LOCATIONS, AS DIRECTED.
- BED LAYOUT DIMENSIONS ARE MEASURED FROM RITE OF CORN. LINES, SHOW CONCRETE, WITHOUT BEDS, BEFORE ERODING TURE TO ENSURE THAT BEDS ARE PLACED TO MINIMIZE POTENTIAL EROSION AND BASTROP.

TREE PROTECTION

REFER TO PRO-16 AND TREE PROTECTION DETAILS SHEET

- PRIOR TO CONSTRUCTION, PROVIDE AND SECURELY INSTALL SAFETY FENCING AROUND THE CRITICAL ROOT ZONES FOR EACH EXISTING TREE OR TREE GROUPING. THE CRITICAL ROOT ZONE LIMITS ARE MEASURED AT 1 FOOT DISTANCE FROM TRUNK FOR EVERY 1 INCH OF TRUNK DIAMETER.
- DO NOT ALLOW THE FOLLOWING ACTIVITIES, ACTIVITIES OR INTERFERENCE WITH THE CRITICAL ROOT ZONES:
 (a) VEHICLES EQUIPMENT, OR MATERIAL STOCKPILES
 (b) MECHANICAL TILING, OR TRENCHING
 (c) HARMFUL CHEMICALS, PRODUCTS, AND OTHER CONTAMINANTS
 (d) EXCESSIVE TRAFFIC
 (e) EXCESSIVE TRAFFIC
- PROTECT THE FOLLOWING ACTIVITIES AFTER PLANT BEDS ARE PREPARED:
 (a) DO NOT CUT OR REMOVE EXISTING TREES.
 (b) DO NOT CUT OR REMOVE EXISTING TREES.
 (c) DO NOT CUT OR REMOVE EXISTING TREES.
 (d) DO NOT CUT OR REMOVE EXISTING TREES.
 (e) DO NOT CUT OR REMOVE EXISTING TREES.
- ACTUAL LOCATIONS OF EXISTING TREES MAY BE DIFFERENT THAN SHOWN. EXAMINE SITE TO DETERMINE ACTUAL LOCATIONS OF EXISTING TREES. REPORT MAJOR DISCREPANCIES OR CONFLICTS FOR DIRECTION.



Austin District
 Design

Texas Department of Transportation

SH 71
 SITE PLAN
 LOCATION A & B

DATE	BY	CHKD	APP'D	SCALE	SHEET
04/26/17	0265-05-081-ETC	SH 71			6
BASTROP					6

Project Layout

State Highway 71 at State Highway 95



STAFF REPORT

MEETING DATE: May 22, 2018

AGENDA ITEM: 9D

TITLE:

Consider action to approve Resolution No. R-2018-35 of the City Council of the City of Bastrop, Texas approving a Developer's Agreement for Piney Creek Bend Subdivision between the City of Bastrop and KB Homes; attached in Exhibit A; and authorizing the City Manager to execute all necessary documents for the agreement; providing for a repealing clause; and establishing an effective date.

STAFF REPRESENTATIVE:

Trey Job, Managing Director of Public Works & Leisure Services

BACKGROUND/HISTORY:

KB Homes is working to develop approximately 37 acres near the intersection of Carter and Linden Streets within the City of Bastrop, Texas. KB Homes has contacted Bastrop Power & Light to provide electrical service to the subdivision, and a line extension fee was provided. KB Homes asked if the fee for Phase I of the project could be paid in two (2) installments, so that design work for the project could be started. The first installment will be paid upon execution of the agreement, and the second shall be paid upon completion of the electrical infrastructure design. The Director of Bastrop Power & Light met with the City Manager, who agreed that this would be a satisfactory arrangement with City Council's approval and pending an executed Developer's Agreement. The City Attorney was asked to draft the Developer's Agreement.

The Preliminary Plat for Piney Creek Bend was approved by Bastrop City Council on May 8, 2018.

POLICY EXPLANATION:

FUNDING SOURCE:

N/A

RECOMMENDATION:

Consider action to approve Resolution No. R-2018-35 of the City Council of the City of Bastrop, Texas approving a Developer's Agreement for Piney Creek Bend Subdivision between the City of Bastrop and KB Homes; attached in Exhibit A; and authorizing the City Manager to execute all necessary documents for the agreement; providing for a repealing clause; and establishing an effective date.

ATTACHMENTS:

- Resolution
- Exhibit A - Proposed Developer's Agreement between the City of Bastrop and KB Homes

RESOLUTION NO. R-2018-35

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS APPROVING A DEVELOPERS AGREEMENT FOR PINEY CREEK BEND SUBDIVISION BETWEEN THE CITY OF BASTROP AND KB HOMES; ATTACHED AS EXHIBIT A; AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL NECESSARY DOCUMENTS FOR THE AGREEMENT; PROVIDING FOR A REPEALING CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

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

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

WHEREAS, The City of Bastrop has interest in providing expedited housing options for its citizens; and

WHEREAS, The City of Bastrop, through Bastrop Power & Light, endeavors to provide excellent customer service by providing reliable, safe, and affordable power to its customers; and

WHEREAS, The City of Bastrop has recognized the need to execute a Developer's Agreement for the Piney Creek Bend Subdivision with KB Homes to allow for engineering and design of the electrical service to the project; and

WHEREAS, the City Council finds that a very significant public interest is served by the completion of a Developer's Agreement for the Piney Creek Bend subdivision with KB Homes.

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

Section 1: That the City Manager is hereby authorized to execute a Developer's Agreement for the Piney Creek Bend subdivision between the City of Bastrop and the KB Homes. (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, and it is so resolved.

DULY RESOLVED AND ADOPTED by the City Council of the City of Bastrop this 22nd day of May 2018.

APPROVED:

Connie B. Schroeder, Mayor

ATTEST:

Ann Franklin, City Secretary

APPROVED AS TO FORM:

Alan Bojorquez, City Attorney

UTILITY CONSTRUCTION AGREEMENT

THE STATE OF TEXAS §
 §
COUNTY OF BASTROP §

This Utility Construction Agreement (this "Agreement") is between The City of Bastrop (the "City"), a municipality, and KB Homes, a Texas corporation (the "Developer").

RECITALS

WHEREAS, the City, provides electric services within its boundaries; and

WHEREAS, the Developer seeks to develop approximately 37 acres near the intersection of Carter and Linden Streets within the City of Bastrop; and

WHEREAS, the development requires the installation of new electrical lines; and

WHEREAS, the Developer has contacted Bastrop Power & Light to provide electrical service to the subdivision; and

WHEREAS, a line extension fee request was provided by the City; and

WHEREAS, Developer has requested the fee for Phase I of the project be paid in two (2) installments so that design work for the project could be started.

WHEREAS, the Developer desires to have the city design and install the electrical lines and infrastructure, including phase 3 power to the site; and

WHEREAS, the City is willing to construct the electrical service for the property, provided that the Developer pay all costs and assumes all risks of any delay or failure to complete the project in a timely manner.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS, that, in consideration of the mutual promises, covenants, obligations, and benefits set forth in this Agreement, the City and the Developer agree as follows:

ARTICLE I.
REPRESENTATIONS

1. **Representations by Developer:** The Developer represents and covenants to the City that it will use reasonable efforts:

- (a) The execution and delivery of this Agreement and the transactions contemplated hereby have been duly authorized by the Developer;
- (b) This Agreement, the representations and covenants contained herein, and the consummation of the transactions contemplated hereby do not violate or constitute a breach of any contract or other agreement to which the Developer is a party;
- (c) The Developer has made financial arrangements sufficient to assure its ability to perform its obligations hereunder;
- (d) The Developer will send a representative to all meetings of the City at which such presence is requested.

2. **Representations by the City.** The City represents and covenants to the Developer that it will use reasonable efforts:

- (a) To provide reasonable notice of all meetings to the Developer;
- (b) To executed design of all necessary equipment in a timely manner;

ARTICLE II PAYMENT

The hereby Parties agree:

- 1. The total cost of the project is \$308,512.50.
- 2. The first installment of \$154,265.25 will be paid upon execution of the agreement.
- 3. The second of \$154,265.25 shall be paid upon completion of the electrical infrastructure design.

ARTICLE III DEFAULT

1. **Default by the Developer:** If the Developer defaults hereunder, the City may

- (a) Terminate this Agreement without thereby incurring any liability to the Developer whatsoever;
- (b) Pursue all other legal or equitable remedies; and
- (c) Recover from the Developer all expenses incurred in pursuing its legal rights hereunder, including reasonable attorneys' fees.

2. **Default by City.** If the City defaults hereunder, the Developer may, as its sole remedy, seek a writ of mandamus from a court of competent jurisdiction compelling and requiring the City and its officers to observe and perform their obligations under this Agreement.

ARTICLE IV
MISCELLANEOUS

1. **Severability.** If any provision of this Agreement is held to be invalid, illegal or unenforceable in any respect, this invalidity, illegality, or unenforceability will not affect any other provision, and this Agreement will be construed as if the invalid, illegal, or unenforceable provision had never been contained herein.
2. **Entire Agreement** This Agreement contains the entire agreement of the Parties. There are no other promises or conditions in any other agreement either oral or written. This Agreement supersedes any prior written agreements between the Parties.
3. **Assignability.** This Agreement may not be assigned in whole or in part by the Developer without the prior written consent of the City.
4. **Notice.** Any notice, communication, request, reply, or advice (severally and collectively referred to as "**Notice**") given under this Agreement must be in writing. Notice may be given or served: (i) by depositing it in the United States Mail, postage paid, certified with return receipt requested, and addressed to the party to be notified; or (ii) by personally delivering it to the party to be notified. Notice deposited in the mail will be effective three days after such deposit. Notice given in any other manner will be effective only if and when received by the party to be notified. For the purposes of notice, the addresses of the parties will be, until changed as provided below, as follows:

City : City of Bastrop
 Lynda Humble
 City Manager
 1311 Chestnut Street
 Bastrop, Texas 78602

with a copy to: Alan Bojorquez
 Bojorquez Law Firm
 12325 Hymeadow Dr.
 Ste. 2-100
 Austin, TX 78750

Developer: KB Homes
 John Zinsmeyer
 Vice President Planning/Development
 Address:

The parties may change their respective addresses for purposes of notice by giving at least five days written notice of the new address to the other party. If any date or any period provided in this Agreement ends on a Saturday, Sunday, or legal holiday,

the applicable period will be extended to the next business day.

5. **Captions.** The captions used in this Agreement are for convenience only and do not construe or limit the meaning of the language contained in this Agreement.
6. **Applicable Law.** This Agreement will be construed and interpreted under the laws of the State of Texas and the obligations of the parties are performable in Bastrop County, Texas.
7. **Parties at Interest.** This Agreement is for the exclusive benefit of the parties and it will never be construed to confer a benefit on a third party.
8. **Term.** Except as otherwise provided herein, this Agreement will be in force from the date of execution for a term of 2 years, or until the transactions contemplated hereby are consummated, whichever first occurs.
9. **Force Majeure.** If the City is rendered unable, in whole or in part, by force majeure to carry out any of its obligations under this Agreement, then those obligations, to the extent affected by force majeure and to the extent that due diligence is being used to remedy the inability and to resume performance at the earliest practicable time, will be suspended during the continuance of the inability, but for no longer. The term 'force majeure' includes, without limitation, acts of God; strikes, lockouts, or other industrial disturbances; acts of the public enemy; orders of any kind of the Government of the United States or of the State of Texas or any civil or military authority; insurrections; riots; epidemics; landslides; lightning; earthquakes; fires; hurricanes; storms; floods; washouts; droughts; arrests; restraint of government and people; civil disturbances; explosions; breakage or accidents to machinery, pipelines or canals; and any other incapacities of the City, whether similar to those enumerated or otherwise, which are not within the control of the City, and which the City could not have avoided by the exercise of due diligence and care. The settlement of strikes and lockouts will be entirely within the discretion of the City, and the requirement that any force majeure be remedied with all reasonable dispatch does not require the settlement of strikes and lockouts by acceding to the demand of the opposing party or parties when the settlement is unfavorable, in the judgment of the City.
10. **Counterparts:** This Amendment may be executed in counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same document. Facsimile or electronic transmission of executed signatures are agreed and deemed to constitute fully enforceable and binding originals.

IN WITNESS WHEREOF, the undersigned Parties have executed this Agreement on the dates indicated below.

Signature Page(s) follow.

CITY OF BASTROP

Lynda Humble, City Manager

Date

Attest:

City Secretary

Date

KB Homes

Developer

Date

John Zinsmeyer, Vice President Planning/Development