

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: March 16, 2016

MEETING DATE: March 22, 2016

1. Agenda Item: **CONSIDERATION, DISCUSSION AND POSSIBLE ACTION REGARDING APPROVAL OF MINUTES FROM REGULAR COUNCIL MEETING OF MARCH 8, 2016.**

2. Party Making Request: **City Secretary, Ann Franklin**

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

This is to receive approval of accuracy from Council for the minutes recorded during March 8, 2016 Council Meeting.

4. Policy Implication: _____

5. Budgeted: _____ Yes _____ No N/A

Bid Amount: _____ Budgeted Amount: _____

Under Budget: _____ Over Budget: _____

Amount Remaining: _____

6. Alternate Option/Costs: _____

7. Routing: NAME/TITLE INITIAL DATE CONCURRENCE

a) _____

b) _____

c) _____

8. Staff Recommendation:

9. Advisory Board: _____ Approved _____ Disapproved _____ None

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

11. Motion Requested: **Approval of the March 8, 2016 Council Minutes.**

**MINUTES OF REGULAR COUNCIL MEETING
BASTROP CITY COUNCIL
MARCH 8, 2016**

The Bastrop City Council met in a Regular Meeting on Tuesday, March 8, 2016 at 6:30 PM at the Bastrop City Hall Council Chambers, located at 1311 Chestnut Street, Bastrop, Texas. Members present were Mayor Ken Kesselus, Mayor Pro Tem DeLaRosa, and Council Members, Dock Jackson, Kelly Gilleland, Kay Garcia McAnally, and Gary Schiff.

CALL TO ORDER

At 6:33 p.m. Mayor Kesselus called the Meeting to order with a Quorum being present.

PLEDGE OF ALLEGIANCE

Mayor Kesselus led the Pledge of Allegiance and David Butler led the Pledge to the Texas Flag.

INVOCATION

Police Chaplain Bill Hobby gave the Invocation.

PRESENTATIONS – NONE

PROCLAMATIONS – NONE

CITIZEN COMMENTS

ANNOUNCEMENTS

- A. Update on Comprehensive Plan Steering Committee – Kay Garcia McAnally and Dock Jackson
- B. Election update regarding joint election with Bastrop Independent School District and polling locations. – Ann Franklin
- C. Items Targeted for Future Meetings – City Manager and Mayor
 - i. March 22nd Consideration of:
 - a. Proposal by City Manager for use of City property West of the Convention Center and contract with the Farmers Market Association
 - b. Report by Vision Task Force regarding DMO
 - c. Action on City Manager's Recommendations regarding Ally D
 - d. Finalizing list of priorities for City Manager
 - e. Process for allowing staff to approve requests for beer sales in City parks.
- D. Special Meeting – March 15 or March 29
 - 1. Public input about potential bond issues.

City Manager's Informational Report for the March 8, 2016 City Council Meeting:

- I. Meetings and Events Attended:**
 - A. None.**

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- II. Update on City Projects and Issues:**

- A. Discussion and Review of Water Usage for the period of February 22, 2016 through March 6, 2016.
 - B. Update on the Improvements to the Fire Department Building on Chestnut Street.
 - C. Discussion and Review of the Color or Colors for the Bus Shelter.
 - D. Review and Discussion of the Proposed Cost for the Infrastructure Improvements for Alley D.
 - E. Update on filling the vacancy of the Main Street Director Position.
 - F. Update on the Texas Department of Transportation "Tahitian Village Overpass Project".
 - G. Review and Discussion Regarding Priorities for the City Manager.
 - H. Update on the Water Filtration Project at the Willow –Well Field in Fisherman's Park.
 - I. Update on the Status of the XS.
 - J. Update on Zika Virus.
 - K. Update and Discussion on Holding a Bond Election in November 2016.
 - L. Management/Administrative Activities.
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III. Other City Activities:

- A. City of Bastrop Convention Center Activities.
 - B. The City of Bastrop Main Street Program.
 - C. Planning Department – Inspection Report.
 - D. Update on the YMCA Program.
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Inviting input from the City Council related to issues for possible inclusion on future agendas related to issues such as (but not limited to) municipal projects, personnel, public property, development and other City/public business.

- A.1 Consideration, discussion and possible action regarding approval of minutes from Special Workshop of December 1, 2015 and Regular Council Meeting of February 23, 2016.
- A.2 Approval of the statutory denial, for a period of 180 days from the date of Council action on a request for Hill Subdivision being a +/- 1.595 acre tract out of the Nancy Blakey Survey Abstract No. 98, located north of State Highway 21 within Area A of the Extra Territorial Jurisdiction (ETJ).
- A.3 Approval of the Final Plat of Prescott Allen Subdivision being +/-0.725 acres out of the Bastrop Town Tract A-11 located on Main Street (Old Bastrop-McDade Road) in the City of Bastrop, Texas One Mile Extra Territorial Jurisdiction (ETJ).
- A.4 Acknowledge receipt of the Bastrop Market Corporation fourth quarter report.
- A.5 Approval of Bastrop Marketing Corporation's request for reimbursement of funds for January 2016 in accordance with the agreement to be spent on advertising and marketing the City of Bastrop area.
- A.6 Consideration, discussion and possible action on acceptance of the unaudited Monthly Financial Reports for the period ending in Jan. 31, 2016.

Council Mayor Pro Tem DeLaRosa made the motion to approve the consent agenda, seconded by Council Member Schiff. The motion was approved on a vote of 5-0.

B. PUBLIC HEARINGS, ORDINANCES, & OTHER ITEMS ELIGIBLE FOR CONSIDERATION AND/OR ACTION - NONE

D. NEW BUSINESS

- D.8 Consideration, discussion and possible action regarding an approval of a proposal from “BEFCO Engineering” to perform engineering services for certain water system improvements including: 1.) The design of elevated water storage tank to be located on the west side of the City Of Bastrop, 2.) Design of new sixteen-inch (16”) water main approximately 5,700 feet in length from the south side of SH. 71 near Lost Pines Toyota to property owned by the City Of Bastrop at the intersection of SH 71 & SH 20 and 3. a new sixteen-inch (16”) water main from on the north side of SH 71 from the intersection of SH. 71/SH 95 crossing the Colorado River and tying into the twelve-inch (12”) existing water main at Eskew Street.**

Council Member Schiff made the motion to approve the proposal from BEFCO Engineering to design the elevated tank and perform engineering services for certain water system improvements, seconded by Council Member Gilleland. The motion was approved on a 5-0 vote. Direction was given to the City Manager to include the Bastrop Arts in Public Places in choosing the design.

C. OLD BUSINESS

- C.1 Consideration, discussion and possible action regarding approval of an agreement between the City of Bastrop and the YMCA of Austin; for the YMCA to construct a recreation facility jointly with a Seton Medical Center (Ascension Health) in the City Of Bastrop, with a portion of the funding for construction of the facility coming from the City Of Bastrop, plus the \$1.6 HUD grant.**

James Fink, YMCA Austin stated that the YMCA representatives were unable to secure land for a recreation building to be built on. In light of this turn of events the YMCA will not be able to move forward with their proposal in its current form. He stated that the YMCA is committed to working with this community.

Chris Hartle, President of North and South Market, Seton Healthcare expressed his disappointment in not being able to make the partnership with the YMCA and the City of Bastrop work regarding a building. Mr. Hartle stated that his company remains committed to the Bastrop community and they remain in conversation with the YMCA representative to see what the two can do collectively in the Bastrop community. He expressed commitment to working with the City of Bastrop in the future.

No action was taken.

- C.2 Consideration, discussion and possible action on decision to proceed with “Plan B” for building a facility to be used as shelter, to be located in Bob Bryant Park in compliance with the “HUD” Grant” requirements shelter facility, as previously accepted by the City Council or with modifications as suggested by the City Manager.**

Council Member Jackson made the motion to authorize the City Manager to move forward with the new plan for the shelter project, seconded by Council Member Gilleland. The motion passed on a 5-0 vote.

D. NEW BUSINESS CONTINUED**D.1 Consideration, discussion and possible action regarding an approval of a second amendment to the 2003 Tourism and Marketing Agreement by and between the Bastrop Resort Partners, Bastrop Marketing Corporation, and the City of Bastrop Texas.**

Council Member Gilleland made the motion to approve the second amendment to the 2003 Tourism and Marketing Agreement with the following amendments and direction, seconded by Council Member McAnally. The motion was approved on a 5-0 vote. Direction was given to the City Manager to keep whomever is chosen to fulfill the CCSS position abreast of the City's plan as the DMO evolves.

The amendments are as follows:

- The Hyatt would prefer that the person hired be under the auspice of the City. The change will be made accordingly.
- Replace the word "prototype" in item number 2 with a more satisfactory word.

D.2 Consideration, discussion and possible action on replacing the Bastrop Marketing Corporation with a Destination Marketing Organization: 1.) Presentation by the City Manager, 2.) Presentation by representatives of the Bastrop Chamber of Commerce and 3.) General discussion by City Council regarding Destination Marketing Organization.

Presentation was made by City Manager Mike Talbot and Lee Harle, representative of the Bastrop Chamber of Commerce.

E. EXECUTIVE SESSION

E1. The Bastrop City Council recessed the Council Meeting to meet in Executive Session at 8:26 p.m. pursuant to the Texas Government Code, Chapter 551, *et seq*, to discuss the following:

3. SECTION 551.0-74 – Personnel Matters: City Manager Contract.

E2. The Bastrop City Council reconvened into open session at 9:05 p.m. to discuss, consider and/or take any actions necessary related to the executive sessions noted herein, or regular agenda items, noted above, and/or related items.

ACTION FROM EXECUTIVE SESSION

The Mayor announced that Council anticipates having a finalized contract between the City of Bastrop and City Manager Mike Talbot which will be drawn up by the City Attorney and voted on at the March 22, 2016 Council meeting. The City Manager expressed his gratitude to the Mayor and Council for an open and honest discussion. The City Manager shared that he had reconsidered his previous decision to not extend his contract when it expires in May, 2016 and he has decided to extend his service as the City Manager of Bastrop until December, 2018, provided he remains healthy and capable of serving the community. The City Manager expressed his gratitude to the many citizens who reached out to him with words of encouragement and support in the past two weeks.

D. NEW BUSINESS CONTINUED**D.3 Consideration, discussion and possible action on the first reading of a proposed ordinance by the City Council of the City of Bastrop Texas, amending the budget for the Fiscal Year**

2016 in accordance with existing statutory requirements; appropriating the various amounts herein; repealing all prior ordinances and actions in conflict herewith; and providing for an effective date.

Mayor Pro Tem DeLaRosa made the motion to approve the first reading of the ordinance, seconded by Council Member Schiff. The motion was approved on a 5-0 vote.

- D.4 First reading of an ordinance of the City Council of the City of Bastrop, Texas, amending Chapter 8 of the City Code, entitled "Offenses & Nuisances," and revising certain definitions in Section 8.07.001, amending Section 8.07.003 entitled "Carrying in City Building or Vehicle", providing for publication; providing a severability clause; and providing an effective date.**

Council Member Schiff made the motion to approve the first reading of the ordinance, seconded by Mayor Pro Tem DeLaRosa. The motion was approved on a 5-0 vote.

- D.5 Approval of amendment to the Contract for Election Services between Bastrop County Elections Administrator and the City of Bastrop, Texas.**

Council Member Jackson made the motion to approve the amendment to the contract for election services between Bastrop County Elections Administrator and the City of Bastrop, seconded by Council Member Gilleland. The motion was approved on a 5-0 vote.

- D.6 An ordinance amending Bastrop Code of Ordinances, Chapter 1 "General," Article 1.10 "Parks" concerning the commercial use of City of Bastrop Parks and amending Appendix A, Article A1.10 "Parks" amending and setting fees for various uses of City Parks; providing a severability clause; and providing an effective date.**

Council Member Schiff made the motion to approve the first reading of the ordinance, seconded by Council Member McAnally. The motion was approved on a vote of 5-0.

- D.7 Consideration, discussion and possible action for allocation of additional funds for the Chestnut fire station improvements.**

Council Member Jackson made the motion to authorize the City Manager to execute the contract for improvements to the fire station in the amount of \$81,239.00, seconded by Council Member Schiff. The motion was approved on a vote of 5-0.

E. EXECUTIVE SESSION CONTINUED

- E1.** The Bastrop City Council recessed the Council Meeting to meet in Executive Session at 9:25 p.m. pursuant to the Texas Government Code, Chapter 551, *et seq.* to discuss the following:

1. **SECTION 551.071(1)(A) & SECTION 551.071(2)** – Consultation with Attorney concerning: (1) potential, pending, threatened, and/or contemplated litigation, claims, and/or settlement/mediation, including (but not limited to) the following: water supply/permitting, code enforcement litigation, appeal of denials of requests for variance(s) from zoning code and Zoning Board of Adjustment actions/orders, litigation related to subdivision development, and/or (2) matter upon which the Attorney(s) have a duty and/or responsibility to report to the governmental body, concerning same, and/or any other matters posted on the agenda.
2. **SECTION 551.072** – Deliberation regarding real property: Regarding the purchase, exchange, lease, disposition, or value of real property

- E2. The Bastrop City Council reconvened into open session at 9:52 p.m. to discuss, consider and/or take any actions necessary related to the executive sessions noted herein, or regular agenda items, noted above, and/or related items.

ACTION FROM EXECUTIVE SESSION

Mayor Kesselus announced that Charles Bundren, consulting attorney and Jo-Christy Brown, City Attorney had provided the Council with an update on pending claims, litigation and mediation in which the City is involved, but no action was needed. City Manager Talbot confirmed that no action by the Council was required.

No action was taken.

ADJOURNMENT

Mayor Kesselus adjourned the meeting at 9:54 on Mayor Pro Tem DeLaRosa's motion, Council Member Schiff's second. The motion was approved on a 5-0 vote.

APPROVED:

ATTEST:

Mayor Ken Kesselus

City Secretary Ann Franklin

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: MAR 16, 2016

MEETING DATE: MAR 22, 2016

1. Agenda Item: **CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON THE SECOND READING OF A PROPOSED ORDINANCE BY THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, AMENDING THE BUDGET FOR THE FISCAL YEAR 2016 IN ACCORDANCE WITH EXISTING STATUTORY REQUIREMENTS; APPROPRIATING THE VARIOUS AMOUNTS HEREIN; REPEALING ALL PRIOR ORDINANCES AND ACTIONS IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.**

2. Party Making Request: **Tracy Waldron, Chief Financial Officer**

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

4. Policy Implication:

These budget amendments increase the budget appropriations for Fiscal Year 2016. See attached memo.

5. Budgeted:	Yes	No	N/A
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Bid Amount: _____

Budgeted Amount: _____

Under Budget: _____

Over Budget: _____

Amount Remaining: _____

6. Alternate Option/Costs: _____

7. Routing:	NAME/TITLE	INITIAL	DATE	CONCURRENCE
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a) _____

b) _____

c) _____

8. Staff Recommendation: **Staff recommends approval of the Budget Amendments**

9. Advisory Board: _____ Approved _____ Disapproved _____ None

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

11. Motion Requested: Approval of the ordinance amending the FY2016 budget

ORDINANCE NO. 2016-05

AN ORDINANCE AMENDING THE BUDGET FOR THE FISCAL YEAR 2016 IN ACCORDANCE WITH EXISTING STATUTORY REQUIREMENTS; APPROPRIATING THE VARIOUS AMOUNTS HEREIN; REPEALING ALL PRIOR ORDINANCES AND ACTIONS IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Manager of the City of Bastrop has submitted to the Mayor and Council proposed amendment(s) to the budget of the revenues and/or expenditures/expenses of conducting the affairs of said city and providing a complete financial plan for Fiscal Year 2016; and,

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

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BASTROP, BASTROP COUNTY, TEXAS:

That the proposed budget amendments for the Fiscal Year 2016, as submitted to the City Council by the City Manager and which budget amendments are attached hereto as Exhibit "A" is hereby adopted and approved as the amended budget of said city for Fiscal Year 2016; and

Ordinance and prior actions in conflict herewith are hereby repealed; and

This Ordinance shall be and remain in full force and effect from and after its final passage and publication in accordance with existing statutory requirements.

READ and APPROVED on First Reading on the 8th day of March, 2016.

READ and ADOPTED on Second Reading on the 22nd day of March, 2016.

APPROVED:

ATTEST:

Ken Kesselus, Mayor

Ann Franklin, City Secretary

Exhibit "A"

**City of Bastrop
Memorandum**

TO: Mayor & City Council Members
FROM: Tracy Waldron, Chief Financial Officer
SUBJECT: Ordinance Amending FY 2016 Budget
DATE: March 8, 2016

Recommendation:

To approve Ordinance Amending the Budget for unanticipated revenue and expenses incurred not included in the original budget approved by City Council.

Background:

The city charter requires that when the budget is amended that the amendment be by ordinance. The budget amendments do not increase the budget appropriations for Fiscal Year 2016. Funds included in these amendments are detailed below:

- General Fund includes:
 - To re-class how overhead support from W/WW, BP&L and Convention Center are recorded in the General Fund (per the audit)
 - To move from contingency in Organizational to Parks the amount set aside for the replacement of the restrooms at Fisherman's Park
 - Transfer excess Fund Balance from FY2015 into the Vehicle & Equipment Replacement fund (see attached)
- Debt Service Fund includes:
 - Record the contribution in from BEDC for bond payments and the corresponding expenses.
- Water/Wastewater Fund includes:
 - See memo attached for explanation
- Vehicle & Equipment Replacement Fund includes:
 - Transfer in of excess Fund Balance over the required reserve amount from General Fund

FY 2016
BUDGET AMENDMENTS
GENERAL FUND

Fund Balance as of 9-30-15	4,139,117
FY 2016 Budgeted Revenues	10,252,797
FY 2016 Budgeted Appropriations	(11,966,627)
2/2016 Budget Amendments (net)	(3,720)
3/2016 Budget Amendments (net)	(625,000)
Ending Fund Balance	<u>2,425,287</u>

	BUDGET	AMOUNT	DESCRIPTION	ACCOUNT NUMBER
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Matching Revenues to Expenditures:

Neutral	(423,740)	Electric In-Kind	101-00-00-4490
Neutral	(455,160)	Water/Wastewater In-Kind	101-00-00-4491
Neutral	(159,260)	Convention Center In-Kind	101-00-00-4495
Total Revenues	<u>(1,038,160)</u>		

Matching Expenditures to Revenues:

Legislative	Neutral	26,970	Overhead allocation	101-01-00-5670
Organizational	Neutral	0	Overhead allocation	101-02-00-5670
City Manager	Neutral	199,304	Overhead allocation	101-03-00-5670
City Secretary	Neutral	60,735	Overhead allocation	101-04-00-5670
Finance	Neutral	231,667	Overhead allocation	101-05-00-5670
Finance/Utility Services	Neutral	327,223	Overhead allocation	101-05-15-5670
Human Resources	Neutral	30,818	Overhead allocation	101-06-15-5670
IT	Neutral	114,380	Overhead allocation	101-07-00-5670
Planning	Neutral	14,509	Overhead allocation	101-15-00-5670
Building Maintenance	Neutral	32,554	Overhead allocation	101-18-20-5670

New Expenditures:

Organization	Neutral	250,000	Contingency	101-02-00-5900
Parks	Neutral	(250,000)	Capital Outlay-Riverfront	101-18-19-6107
	Increase	(625,000)	Transfer out-Vehicle Replacement Fund	101-02-00-8130

Total Expenditures	<u>413,160</u>
Net Change	(625,000)

FY 2016
BUDGET AMENDMENTS
DEBT SERVICE FUND

Fund Balance as of 9-30-15	804,205
FY 2015 Budgeted Revenues	2,185,499
FY 2015 Budgeted Appropriations	(2,188,765)

??/2016 Budget Amendment	0
Ending Fund Balance	<u>800,939</u>

DEPARTMENT	BUDGET	AMOUNT	DESCRIPTION	ACCOUNT NUMBER
Matching Revenues to Expenditures:				
	Neutral	291,339	Capital Contributions	120-00-00-4600
	Total Revenues	<u>291,339</u>		
Matching Expenditures to Revenues:				
	Neutral	(21,263)	CO SERIES 2008A, PRINC	120-00-00-7129
	Neutral	(10,767)	CO SERIES 2008A, INT	120-00-00-7130
	Neutral	(42,334)	CO SERIES 2010 PRINC	120-00-00-7137
	Neutral	(33,494)	CO SERIES 2010 INT	120-00-00-7138
	Neutral	(76,230)	TAX & LIM REV CO SERIES 2013 PRINC	120-00-00-7147
	Neutral	(100,926)	TAX & LIM REV CO SERIES 2013 INT	120-00-00-7148
	Neutral	(6,325)	GO REFUNDING SER 2014 INT	120-00-00-7152
	Total Expense	<u>(291,339)</u>		
	Net Change	0		

FY 2016
BUDGET AMENDMENTS
DESIGNATED FUND

Operating Fund Balance as of 9/30/15	4,289,809
FY 2015 Budgeted Revenues	4,258,480
FY 2015 Budgeted Appropriations	(4,315,474)
3/2016 Budget Amendments (net)	<u>(69,812)</u>
Ending Fund Balance	<u>4,163,003</u>

DEPARTMENT	BUDGET	AMOUNT	DESCRIPTION	ACCOUNT NUMBER
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Matching Revenues to Expenditures:

Total Revenues	<u>0</u>
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Matching Expenditures to Revenues:

New Expenditures:

Increase	(69,812)	Equipment Maint. - Water Production	202-35-43-5320
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Total Expense	<u>(69,812)</u>
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Net Change	(69,812)
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FY 2016
BUDGET AMENDMENTS
VEHICLE & EQUIPMENT REPLACEMENT FUND

Fund Balance as of 9-30-15	0
FY 2016 Budgeted Revenues	0
FY 2016 Budgeted Appropriations	0
3/2016 Budget Amendments (net)	<u>625,000</u>
Ending Fund Balance	<u><u>625,000</u></u>

DEPARTMENT	BUDGET	AMOUNT	DESCRIPTION	ACCOUNT NUMBER
New Revenues:				
	Increase	625,000	Transfer In- General Fund	380-00-00-4701
New Expenditures:				
	Total Expense	<u>0</u>		
	Net Change	625,000		

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: March 16, 2016MEETING DATE: March 22, 2016

1. Agenda Item: **SECOND READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, AMENDING CHAPTER 8 OF THE CITY CODE, ENTITLED "OFFENSES & NUISANCES," AND REVISING CERTAIN DEFINITIONS IN SECTION 8.07.001, AMENDING SECTION 8.07.003 ENTITLED "CARRYING IN CITY BUILDING OR VEHICLE", PROVIDING FOR PUBLICATION; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

2. Party Making Request: **City Manager Michael H. Talbot**

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

At the end of last year's State of Texas Legislative Session the Council was advised that the "State Legislature made several changes to the "State Law – Regarding Handguns". One of the changes was that a properly licensed person could carry either an open and/or concealed Hand-Gun into a City Council Meeting unless the "Governing Body" prohibited a properly licensed open or concealed hand gun into a Council meeting. It was my understanding that the Council did want to prohibit a properly licensed person from carrying either an open or concealed hand gun into a City Council Meeting. The attached ordinance will prohibit such activity during a meeting of the City Council.

4. Policy Implication: _____

5. Budgeted: _____ Yes _____ No N/A

Bid Amount: _____ Budgeted Amount: _____

Under Budget: _____ Over Budget: _____

Amount Remaining: _____

6. Alternate Option/Costs: _____

7. Routing: **NAME/TITLE** **INITIAL** **DATE** **CONCURRENCE**

a) _____

b) _____

c) _____

8. Staff Recommendation:

9. Advisory Board: _____ Approved _____ Disapproved _____ None

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

11. Motion Requested _____

CITY OF BASTROP ORDINANCE NO. 2016 - 01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, AMENDING CHAPTER 8 OF THE CITY CODE, ENTITLED “OFFENSES & NUISANCES,” AND REVISING CERTAIN DEFINITIONS IN SECTION 8.07.001, AMENDING SECTION 8.07.003 ENTITLED “CARRYING IN CITY BUILDING OR VEHICLE”, PROVIDING FOR PUBLICATION; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, the City of Bastrop has the authority pursuant to Local Government Code, Section 229.001 and pursuant to the Texas Penal Code, Sections 46.035 and 30.05 through 30.07, to regulate the carrying of firearms on certain City premises; and

WHEREAS, the Texas Legislature has, from time to time, amended the scope of authority of Texas cities, such as the City of Bastrop, to regulate firearms; and

WHEREAS, the City Council has determined that portions of Section 8.07 of the Code of Ordinances should be amended to establish consistency with State law requirements, regarding the regulation of firearms, related to recent changes to State laws concerning same; and

WHEREAS, the City Council has determined that in order to ensure the health, safety and welfare of the citizens of the City of Bastrop, Texas, it is necessary to prohibit the carrying of firearms in City buildings and City owned and operated vehicles, with specific enumerated exceptions, to comply with recently amended State law.

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

Part 1: That Section 8.07.001 of the Code of Ordinances of the City of Bastrop, Texas, entitled “Definitions: is amended to read as follows:

Sec. 8.07.001 Definitions

As used in this article:

City building and city vehicle. Any building or portion of a building or any vehicle owned, occupied, leased, or under the authorized use or control of the city for city operations and activities. The term does not include any public or private driveway, street, sidewalk or walkway, parking lot, parking garage, or other parking area.

Gun, pistol, rifle, shotgun, and firearm. Any device designed, made, or adapted to expel a projectile through a barrel by using explosive energy generated by an explosion or burning substance, or any device readily convertible to that use, and shall include all air guns, air pistols, air rifles, and all other firearms using air pressure to propel a projectile. For purposes of this section, “taser” type weapons, crossbows, and bows and arrows are considered to be firearms.

Handgun. Any firearm that is designed, made, or adapted to be fired with one (1) hand.

Part 2: That Section 8.07.003 titled “Carrying in city building or city vehicle” of the Code of Ordinances of the City of Bastrop is amended to read as follows:

Sec. 8.07.003 Carrying in city building or city vehicle

- (a) It shall be unlawful for any person, other than a peace officer, while carrying a firearm, regardless of whether or not the person is duly licensed by the state to carry a handgun, to enter into or remain on the premises of:
 - (1) Any city building that is utilized by a court, while carrying a firearm, unless written authorization is first obtained from the court;
 - (2) Any city building that is serving as a polling place on the day of an election or at any time while early voting is in progress in the city building; and
 - (3) Any city building in which a public meeting, of the city is being held, pursuant to the Open Meetings Act requirements.

(b) It shall be unlawful for any person, other than a peace officer, who is not duly licensed by the state to carry a handgun, to enter into or remain on the premises of any city building or in a city vehicle while carrying a firearm.

(c) The city manager shall direct the city staff to:

- (1) Provide notice at all entries to all city buildings in the form and language prescribed by Chapter 30 of the Texas Penal Code, and as that Chapter may be amended from time to time, that entry into that city building is forbidden to any person carrying a firearm in accordance with this section.
- (2) Provide a notice to anyone who is found to be carrying a firearm in accordance with this Ordinance and applicable state law, to exit the city building and/or the city vehicle.

(d) This section does not apply to a peace officer or a commissioned security officer hired by or under contract with the city and acting within the scope of that employment, or to a peace officer of another unit of government lawfully acting within the scope of the peace officer's duties.

Part 3: All other provisions of Article 8.07 entitled "Firearms" shall remain in full force and effect.

Part 4: This Ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Bastrop, and this ordinance shall not operate to repeal or affect any of such other ordinances, except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any in such other ordinance or ordinances are superseded.

Part 5: If any provision of this Ordinance or application thereof to any person or circumstance, shall be held invalid, such invalidity shall not affect the other provisions, or application thereof, of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are hereby declared to be severable.

Part 6: The Mayor is hereby authorized to sign this ordinance and the City Secretary to attest. This Ordinance shall become effective and be in full force and effect in accordance with the provisions of the Charter of the City of Bastrop and State Law.

READ AND APPROVED, on FIRST READING, on this the 8th day of March 2016.

READ AND ADOPTED, on SECOND READING, on this the 22nd day of March 2016.

ADOPTED:

Ken Kesselus, Mayor

ATTEST:

Ann Franklin, City Secretary

APPROVED AS TO FORM:

Jo-Christy Brown, City Attorney
Shan Rutherford, Esq.

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: March 16, 2016

MEETING DATE: March 22, 2016

1. Agenda Item:

SECOND READING OF AN ORDINANCE AMENDING BASTROP CODE OF ORDINANCES, CHAPTER 1 "GENERAL," ARTICLE 1.10 "PARKS" CONCERNING THE COMMERCIAL USE OF CITY OF BASTROP PARKS AND AMENDING APPENDIX A, ARTICLE A1.10 "PARKS" AMENDING AND SETTING FEES FOR VARIOUS USES OF CITY PARKS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

2. Party Making Request: Trey Job Director of Public works, Parks, & Utilities

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

The following amendments to the ordinance are for the purpose of updating new amenities that have been added to the parks system by prior city council approval, and the changes to fee schedule that has been approved by the City of Bastrop Parks board, and Tree advisory committee. Specifically the (Rodeo Arena, Fireman's Parks softball field, & multipurpose fields in Hunters Crossing)

4. Policy Implication: _____

5. Budgeted: _____ Yes _____ No N/A X

Bid Amount: _____

Budgeted Amount: _____

Under Budget: _____

Over Budget: _____

Amount Remaining: _____

6. Alternate Option/Costs: _____

7. Routing: NAME/TITLE INITIAL DATE CONCURRENCE

a) _____

b) _____

c) _____

8. Staff Recommendation:

Staff recommends approval of the new fee schedule and the changes shown in the attached ordinance.9. Advisory Board: X Approved _____ Disapproved _____ None

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

11. Motion Requested: Make a motion to change the ordinance & fee schedule as shown in the attachment, and place it on the consent agenda for the second reading.

ORDINANCE NO.2016-06

**AN ORDINANCE AMENDING BASTROP CODE OF ORDINANCES, CHAPTER 1
"GENERAL," ARTICLE 1.10 "PARKS" CONCERNING THE COMMERCIAL USE OF CITY
OF BASTROP PARKS AND AMENDING APPENDIX A, ARTICLE A1.10 "PARKS"
AMENDING AND SETTING FEES FOR VARIOUS USES OF CITY PARKS; PROVIDING A
SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the City of Bastrop ("City") owns, controls and maintains a municipal park system, which is financed by the taxes assessed on the citizens of the City of Bastrop and by the fees assessed on the various users of the parks, for various purposes; and

WHEREAS, over the past several years, the City has observed and experienced a growing demand for use of City parks and parklands by a variety of private commercial entities; and

WHEREAS, in order to provide for proper maintenance of the City park system, the City finds that it is necessary to adequately fund such maintenance and operational activities; and

WHEREAS, over the past many months, the City Manager, Parks Board, Public Works Director and City Park staff members have worked to carefully evaluate the various uses and recommendations to the City Council related to the future uses, fees and maintenance of the City Park system, and have formally recommended the changes noted herein below to the City Council; and

WHEREAS, in order optimize public access, use and enjoyment of the City's park system by all users, and to reasonably accommodate the growing demand for organized privately run outdoor vendors, the City has determined that it is in the best interest of the City and its citizens to specify certain areas of the parks for commercial use and to adopt an applicable fee schedule for those various commercial uses and updating use fees for other uses of City Parks.

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

Part 1: Chapter 1: General Provisions, Article 1.10 "Parks," Sections 1.10.001 "Commercial Use of Parks" is hereby added to provide as follows:

Sec. 1.10.003 "Parks Board"

(a) Created; composition; compensation; appointment.

- (1) There is hereby created a parks board of the city to be composed of eight (8) regular members and one (1) special member, for a total of nine (9) voting members. In addition, in their discretion, the parks board may identify and name one minor, who resides within the BISD jurisdiction, to serve on the board as an ex officio, nonvoting youth member of the board. The youth member shall be enrolled in grades 9–12 and serve a term in length identified by the parks board at the time of the youth member's selection, but not to

exceed three (3) consecutive years. The regular and special voting members of the board shall be appointed by the mayor and confirmed by the city council and shall serve without compensation by the city for terms of three (3) years. The members shall be known to be interested in public parks and public recreation and the proper use of the leisure time of the people of the city.

- (2) The special member position on the board shall be held by the superintendent of the city's state park, or his/her designee, who may reside either within the city limits or in any other area within the BISD's jurisdiction.
- (3) A minimum of six (6) of the regular members on the board will be persons who reside within the city limits, however two (2) of the regular members may be a person who resides outside of the city limits but within the BISD's jurisdiction.

(b) Terms of members. Each seat on the board will be assigned a "place." Board members' terms of service shall be "staggered," so that the entire membership of the board will not be subject to replacement at any single point in time. To the extent possible, staggering shall be done so that the board membership is divided into thirds. Initial staggering of the membership will be accomplished by having all appointees/members who are serving as of the first annual meeting following approval and passage of this section (held in July), "draw lots" to determine which "place" will have what number of service in the transition period (e.g., 1/3 of the places will draw for one-year terms, 1/3 of the places will draw for two-year terms, and the remaining 1/3 of the places will draw for three-year terms.) After the first July meeting, staggering of membership, by place, will begin.

(c) Vacancies. In the event of a vacancy, an individual appointed to fill the vacancy will serve only the remaining term of the individual who is being replaced by the appointee, so that the staggering of terms shall remain intact.

(d) Attendance. Attendance requirements for the board members are set forth in this code, section 1.02.002(b), et seq.

Section. 1.10.002 Park Rules

(a) Overnight camping; hours when closed. There shall be no person, vehicle, equipment or activity within any publicly owned park or playground within the city limits from 10:00 p.m. to 6:00 a.m. each day, unless an exception to this rule is provided, in writing.

(b) Reserved areas.

(1) Unless controlled by a separate lease agreement, the following areas of the city's public parks may be reserved and a permit obtained either for commercial or noncommercial purposes a minimum of three (3) business days in advance (excluding holidays) of the use on application to the parks department.

- (A) Multipurpose fields in Fisherman's Park and Bob Bryant Park;
- (B) Pavilions in Fisherman's Park and Bob Bryant Park (with associated BBQ's);
- (C) Pavilion in Kerr Park;
- (D) Pavilion in Hunter's Crossing Park;
- (E) Mayfest Park;
- (F) Mayfest Park rodeo arena
- (G) Fireman's Park softball field;
- (H) Hunter's Crossing Park multipurpose field;
- (I) Concession stand at splash pad;
- (~~F~~) ~~Jewell Hodges Park~~; and
- (J) Rusty Reynolds Little League Fields.

In the event of a conflict between the city ordinance and a lease agreement, the terms of the lease agreement shall control.

(2) **Multipurpose fields (noncommercial use).** The noncommercial reservation policies of the multipurpose fields in Fisherman's Park, Hunter's Crossing Park and Bob Bryant Park are as stated below. For purposes of this section and determining whether a fee and reservation is required, a patron shall include all individuals attending the event including, as applicable to the event, players, participants, guests, children, spectators, coaches, relatives, family, friends, and parents. An area may not be reserved more than three (3) times in one month for a noncommercial use. See section 1.10.003 below for information related to commercial uses of the multipurpose fields and section A1.10.002 of the fee schedule in appendix A for additional information related to fees.

Patrons	Fee	Deposit	Reservation
0-14	None	None	None
15-45	None	Required	Required
46+	Required	Required	Required

(3) **Pavilions (noncommercial use and commercial use).** For reservation of city pavilions a fee and a deposit is required. See section A1.10.002 of the fee schedule in appendix A for additional information related to the applicable commercial and noncommercial uses and fees.

(4) **Concessions stand.** The concession stand at the splash pad located in Fisherman Park shall be available for use by individuals under the age of 17 and for a period of no longer than 14 consecutive days. Parent or guardian adult supervision is required for use of the concession stand. For reservation of the city concession stand a deposit is required. All other concession stand will be handled through a spate permit. All individuals who reserve the concession stands shall comply with chapter 4 of this code and shall be responsible for payment of all applicable vendor and permitting fees. Use of the concession stand will be on a first come, first served basis. See section A1.10.002 of the fee schedule in appendix A for additional information related to commercial and noncommercial uses and fees.

(5) **Youth sports leagues.**

(A) Commercially sponsored and/or organized youth league sports play (ages 17 and under) that require a registration fee for participation shall contact the parks department for reservations, times, and field designations. All organized youth sports leagues shall submit their schedules to the parks department as soon as possible, but in no event later than 30 days before the first scheduled practice to ensure that a field is available for use at the desired times and locations. Unless otherwise controlled by the terms of a lease agreement, no area of a park is specifically designated or reserved for one organization or youth team and areas will be provided on a first come, first served basis.

(B) No deposit or fee is required for a youth league that does not collect registration "fees" or "dues" to reserve an area. However, after the conclusion of an event, the area that was reserved shall be clean and free of trash and debris. In the event an area is not properly cleaned, the entity reserving the area may be prohibited from future use of city parks.

(6) **Tennis courts and basketball courts.** Tennis courts and basketball courts located in city parks shall be used for their intended purposes, only. Activities other than the intended use of the courts will require approval by the parks department, or its designee.

(7) **Permit.** On receipt of an application to reserve an area in a city park, the parks department, or its designee, will review the application to determine the applicable fee, deposit, and necessary insurance, if any. On approval and payment of same, the city will provide the applicant with a permit stating that the applicant has successfully reserved the area on the requested date.

(8) **Refunds of deposits and fees.** Reservations must be made a minimum of three (3) business days in advance (excluding holidays) of the use. A reservation is not valid, and a permit will not be issued, until all fees, deposits, and proof of

insurance, if necessary, are paid in full to the parks department. Deposits and fees paid in accord with this section may be refunded under the following conditions:

(A) Full refund of the reservation deposit and fee if the parks department is notified, in writing, of the cancellation not less than seven (7) days prior to the date of use of the reserved area.

(B) Refund of one-half of the reservation deposit and fee if notice of cancellation is received by the parks department, in writing, between seven (7) days and 24 hours prior to the date of use of the reserved area.

(C) The reservation deposit and fee will not be refunded if the event is cancelled less than 24 hours before the day of the event.

(D) The reservation deposit will be returned to the individual or group reserving the area after the event so long as the area being reserved is clean and free of trash and debris at the conclusion of the event. Any damage, cleaning or maintenance required, in the sole discretion of the city and/or the parks department, will be charged against the deposit.

(E) In the event a field is closed by the parks department (or other applicable city personnel) due to inclement weather or necessary construction or maintenance which causes an event to be cancelled, the reservation deposit and fee will be returned or applied to the "rain date," if an alternative date is sought.

(F) Exceptions to the deposits and refunds are allowed only on written approval of the city manager.

(9) Tables. Tables in city-owned parks may not be reserved and are available on a first come, first served basis.

(10) Reserved signs. The parks department will be responsible for posting reserved signs at the reserved areas by 8:00 a.m. the day of the event. Reserved signs must include the name of the party and the time and date of the reservation.

(c) Control of park and recreation areas.

(1) The city shall have and shall exercise the power to control all activities, hours of visitation, and days and times in city parks in order to properly protect the citizens of this community. City parks and recreation areas shall be under the direct operation and control of the city manager or his/her designee. In accord herewith, the city manager, or his/her designee, shall be permitted to close the park or field in the event of inclement weather, field conditions, or necessary maintenance or construction which, in his/her sole discretion, renders the field's no playable or is a risk to person or property.

(2) City park and recreation areas shall be open to the public during the hours from 6:00 a.m. to 10:00 p.m. each day, with the exception of the splash pad which shall be open between 10:00 a.m. and 8:00 p.m. Monday–Sunday beginning the

second week of April and ending on Labor Day. Any area of a city park, including the splash pad may be closed by orders of the city manager, or his/her designee, or the park's department, for the purposes of rehabilitation, cleaning, maintenance or general supervision, or upon reservation or general danger to the public. The city manager shall have the authority to vary the splash pad hours and days of operation on request by the parks department.

(3) Permission to use city parks from 10:00 p.m. to 6:00 a.m. may be granted by the city council or the city manager, as directed by city ordinance, at the discretion of the city manager, or his/her designee, and in consideration of the requested use of the park. To request that a park be opened after hours (i.e. 10:00 p.m. to 6:00 a.m.), the parks department must be contacted with sufficient time in advance of the event to determine if a special event application is required or if city council approval is necessary.

(4) The city's police department is charged with the responsibility of supervising and maintaining law and order in city parks. In order to carry out this provision, officers of the police department shall have the authority to make any arrests for violation of any state law or city ordinance. In addition thereto, it is declared that a person commits an offense if he/she enters or remains in a city park, recreation area, or other designated park area, during hours other than those set out hereinabove, without written approval of the city manager or the city council, and the person:

(A) Had notice that the entry was forbidden; or

(B) Received notice to depart but failed to do so.

(5) For purposes of this subsection, "entry" means the intrusion of the entire body and "notice" means an oral, written, or demonstrative communication by: (A) the city manager or his/her authorized designee(s) or a city police officer; (B) fencing, gate or other enclosure obviously designed to exclude intruders during the closed hours; (C) signs posted to be reasonably likely to come to the attention of intruders. The director of public works and the park's superintendent are specifically authorized to control and regulate the use of the parks as the city manager's designee.

(6) For purposes of this article, streets and parking in city parks shall be treated the same as any other city streets, and shall be supervised and regulated by the police department in the same manner as all city streets. An individual sitting inside his/her vehicle shall be treated the same as any other individual in the park regardless of whether the vehicle is parked or is being driven.

(7) Special items in city parks.

(A) Due to the special risks associated with the use of the items listed below an application requesting a special permit to allow the use, and proof of insurance in the amount of \$1,000,000.00 which names the city, and its officers, employees, volunteers, and officials as additionally insured, must

be submitted to the parks department a minimum of three (3) business days (excluding holidays) prior to an event:

- (i) Moonwalks, bouncy castles, or other inflatable play areas;
- (ii) Climbing walls; and
- (iii) Any other item which, at the discretion of the parks department and/or the city manager, poses a unique safety concern.

(B) To avoid the potential removal of an item from the park during an event, it is advisable to notify the parks department of any specialty item a patron wishes to have at an event to confirm if insurance will be necessary.

(8) Sale of food and drink in city parks. The sale of food and drink concessions in the city, including at the concession stand, is strictly prohibited without compliance with article 4.04 of this code, including obtaining a vendor permit and certificate of health inspection, as well as any other applicable state and local permits and licensing.

(9) The refusal of any person to carry out the orders and provisions of this subsection shall be deemed a misdemeanor, punishable by a fine as provided for in section 1.01.009 of this code.

(d) Prohibited activities.

(1) Horses and farm animals are strictly prohibited in city parks, unless permitted pursuant to a special events permit or approved by the parks department and the city council, as applicable, in advance of the use.

(2) Jumping, diving, wading into waterways. It is an offense and a violation of this subsection for any person to enter a river, stream or waterway by jumping, diving or doing any other dangerous act on or off any bank, bridge, street, highway, or appurtenance of publicly owned land, city park or public right-of-way. It shall likewise be illegal for any person to jump, dive or do any other dangerous act from trees, platforms, high banks, dams or other walkways to enter streams, rivers, or waterways along, over or a part of public property or public right-of-way, including in a city park.

(3) Inflatable, plastic or other types of portable pools.

(4) Slip-n-slides (exceptions may be made for individual "family" size slides, on approval by the city's parks department).

(5) Sprinklers (hoses may be used for cleaning purposes only).

(6) No feeding wildlife including waterfowl such as ducks or geese and all other indigenous species native to the city.

(e) Swimming or wading in Colorado River.

(1) It is an offense and a violation of this subsection for any person, child or adult to enter, wade, swim, or engage in any aquatic activity in any portion of the Colorado River in the city parks.

(2) Exception: The public shall be allowed to enter the water while in the process of embarking or disembarking any boat, canoe or any other flotation device upon waters of the Colorado River.

(f) Littering. It shall be unlawful for any person to throw, deposit, place or drop loose paper, cans, bottles, sacks, boxes, cloth, waste materials, or any kind of rubbish on or alongside any roadway, body of water, playground or recreation area of ~~the riverfront~~ all park land within the city limits.

(g) Operation of vehicles.

(1) Prohibited areas. It shall be unlawful for any person to drive any motor-driven vehicle into, along or across any grassy area of a city park which is owned, operated or maintained by the city except upon public roadways maintained by the city for the operation of such vehicles. No such vehicles shall be driven upon any hike-bike trail, footpath, or foot bridge spanning a creek or stream located therein. This subsection shall not apply to vehicles being used strictly for the purpose of loading and unloading freight therein or in the construction, maintenance or repair of said public parks, public playgrounds or public recreation areas which are owned or maintained by the city.

(2) Speed limit. It shall be unlawful for any person to operate any vehicle on any street, drive, roadway, or surface within any city park property at a speed greater than twenty (20) miles per hour.

(3) Parking. No person shall park a vehicle upon any public roadway, city-owned or -maintained park lands, public playground or public recreation area which is owned, operated or maintained by the city for the principal purpose of:

(A) Displaying such vehicle for sale;

(B) Washing, greasing, or repairing such vehicle, except repairs necessitated by an emergency.

(4) Barricades authorized. The parks board is hereby authorized and directed to install barricades at the designated locations to prohibit vehicle traffic on designated streets.

(h) Alcoholic beverages. Possession, use or consumption of any alcoholic beverage, as defined in the Texas Alcoholic Beverage Code, now or as amended, within the area of the city parks shall conform to the laws of the city and the state.

(i) Destruction of trees and plants. It shall be unlawful for any person to willfully pick, pull, pull up, tear up, dig up or out, mutilate, break, bruise, injure, burn, remove, carry away, or destroy any tree, shrub, plant, vine, flower, moss, foliage, berries, fruit, grass, turf, humus, cones, or dead or downed wood, except by written approval issued by the parks board for scientific or educational purposes.

(j) Glass containers. It shall be considered a misdemeanor offense for anyone to exhibit, use, carry, or dispose of glass beverage containers in all city parks which have adjacent areas by rivers, lakes, and streams within the city limits. (Ordinance 2010-13 adopted 6/8/10)

(k) Weapons, firewood or dangerous items. The use or display of any weapons, firearms, knives, firewood or any other dangerous item is prohibited without prior written consent of the parks board, unless otherwise permitted by applicable State law(s).

Section 1.10.003 Commercial Use of Parks

(a) Definitions:

(1) Commercial use. A use which is undertaken for a business purpose and for which a fee is collected. This definition specifically includes organized adult and youth sports leagues, teams, or groups where "fees" or "dues" are collected in order to participate in an activity and nonmembers are prohibited from joining the activity.

(2) Non-Commercial Use. A use which is undertaken for a recreational purpose with no intention to gain commercial advantage and/or monetary compensation. The participation of patrons are not required to pay "dues" or "fees" while participating in a organized program, such as sports leagues, teams, or groups.

(3) General course/class. A class that meets regularly for a certain specific period of time which is organized for the purpose of teaching individuals and/or their pets a hobby, skill, or for other enjoyment or exercise and for which the owner or operator is paid a fee or for which "dues" are collected, including dog (or other pet) training classes.

(b) Permit required. Persons or entities shall not conduct the commercial sale or offer to sell any item nor render or offer to render any commercial service for hire, including coaching or organizing a commercial sports event, at any park or other location in the city without obtaining a reservation and a commercial use permit properly issued by the city's parks department. Examples of activities or services in city parks which may qualify as commercial uses include boot camps, yoga, dog training, organized adult sports leagues, fitness professionals, meditation groups, and running clubs.

(c) Fees and deposits.

(1) The parks department reserves the right to increase any fees, deposits or insurance, or to require additional assurances in the event an activity poses a unique safety concern or would be detrimental to the park or the citizens of the

city. See section A1.10.002 of the fee schedule in Appendix A of this code for information regarding city fees and deposits for commercial uses.

(2) All fees and reservations for commercial uses shall be made through the parks department. Fees and security deposits shall be made only by cash or check. Once the applicable fee and deposit is paid, a permit to conduct the requested activity, class or course will be issued. A failure to comply with any of the terms set forth herein will subject the applicant to loss of the deposit.

(3) Additional information regarding refunds of fees and deposits for commercial uses shall be as stated in section 1.10.002(b) (8).

(d) Waitlist for commercial use and other restrictions.

(1) The parks department shall maintain a "waitlist" of individuals or entities who wish to use the city parks for a commercial use. The maximum amount of time an applicant may continuously reserve space in a city park for a commercial use, as shown on the permit received by the parks department, is ten (10) weeks per six (6) months. Once the ten (10) weeks has been utilized, and six (6) months have passed, the applicant may notify the parks department that he/she would like to be placed back on the waitlist to apply for an additional ten (10) week period. At the discretion of the parks department, if there is no other individuals on the wait list, an applicant may immediately renew their ten (10) weeks of commercial use.

(2) The maximum number of patrons who may utilize Fisherman's Park at one time for a commercial use is 500. The maximum number of individuals who may utilize Bob Bryant Park for a commercial use at any one time is 500. The maximum number of individuals who may utilize Hunter's Crossing Park for a commercial use at any time is 250. For purposes of calculating the restrictions set forth herein, a patron shall include all individuals attending the event including, as applicable, players, participants, guests, children, spectators, coaches, relatives, family, friends, and parents.

(3) The city council shall have the right to vary the above restrictions in its discretion when in the best interest of the city and its citizens.

(e) Location and time of certain activities restricted.

(1) Dog trainers who use the park for commercial use purposes are prohibited from using any area other than the Bark Park located on Grady Tuck Avenue to conduct training classes.

(2) Unless otherwise stated herein, commercial use of a city park is restricted to the hours from 6:00 a.m. to 10:00 p.m. specific written permission must be secured from the parks board, for additional hours.

(f) Insurance. The individual or entity involved in a commercial use of the park shall provide proof of insurance to the city in the amount of \$250,000.00 which names the city, and its officers, employees, volunteers and officials as additionally insured. Proof of

insurance must be received by the parks department prior to the issuance of a commercial use permit.

Part 2: Related to Setting Fees for use of City Parks:

APPENDIX A – ARTICLE A1.10 PARKS

Section A1.10.002 Parks

(a) Noncommercial fees and deposits.

(1) Pavilions (including BBQ pits when available) and concession stand. Schedule for noncommercial fees and deposits for the pavilions located in Fisherman's Park, Bob Bryant Park, Kerr Park, and Hunter's Crossing Park.

	Number of Patrons	Fee	Deposit
	Less than 100	\$50.00	\$50.00
	101-200	\$100.00	\$150.00
	201-300	\$150.00	\$250.00
	Concessions stands*	\$0.00	\$50.00

* The concession stand at the splash pad may only be reserved by youth (17 and under). Parent or guardian adult supervision is required. Other fees, including vendor and/or permit fees may apply (see chapter 4 of this code).

(2) Multipurpose fields. Schedule for noncommercial fees and deposits for multipurpose fields in Fisherman's Park, Bob Bryant Park and Hunter's Crossing Park.

Number of Patrons	Fee	Deposit
0-100	\$50.00	\$100.00
101-300	\$75.00	\$150.00
301-500	\$100.00	\$ 200.00

(3) Additional park amenities fees non-commercial use.

Facility/Amenity	Fee	Additional Fee Rates & Information	Additional Fee Rates & Information	Deposit

Softball fields (daily/practice use)	\$20.00 per hour	Additional lighting fee	\$10.00 per hour (from 6pm-10pm)	\$50 flat fee
Softball fields (tournament use)	\$150.00 per day	Additional lighting fee	\$10.00 per hour (from 6pm-10pm)	\$100 flat fee
Sand volleyball court	\$40.00 per 4 hour block	No lighting available		
Pier/scenic outlook	\$40.00 per 4 hour block	Seating at additional cost	\$2.00 per chair	
Tennis & Basketball courts	\$40.00 per 4 hour block	Limited lighting available	\$10.00 per hour (from 6pm-10pm)	
City Staff	\$25.00 per hour	Required with 100+ patrons	If additional equipment is required standard FEMA rates apply.	
Barricades	Type I \$3.00 ea.	Type II \$10.00 ea.	Type III \$20.00 ea.	
Cones	24-36" \$1.00 ea.	48" \$ 2.00 ea.		

(b) Commercial fees and deposits.

(1) Pavilions (including BBQ pits when available). Schedule for commercial use fees and deposits for the pavilions located in Fisherman's Park, Bob Bryant Park, Kerr Park, and Hunter's Crossing Park.

	Number of Patrons	Fee	Deposit
	Less than 100	\$100.00	-\$200.00
	101-200	\$200.00	\$300.00
	201-300	\$300.00	\$400.00
Special event permit required	Greater than 300		

(2) Multipurpose fields. Schedule for commercial use fees and deposits for the multipurpose fields in Fisherman's Park, Bob Bryant Park and Hunter's Crossing Park.

Number of Patrons	Fee	Deposit
0-100	\$100.00	\$200.00
101-300	\$250.00	\$400.00
301-500	\$400.00	\$600.00

(3) Additional park amenities fees commercial use.

Facility/Amenity	Fee	Additional Fee Rates & Information	Additional Fee Rates & Information	Deposit
Softball fields (daily/practice use)	\$30.00 per hour	Additional lighting fee	\$10.00 per hour (from 6pm-10pm)	\$100 flat fee
Softball fields (tournament use)	\$250.00 per day	Additional lighting fee	\$10.00 per hour (from 6pm – 10pm)	\$200 flat fee
Sand volleyball court	\$ 80.00 per 4 hour block	No lighting available		
Pier/Scenic outlook	\$ 80.00 per 4 hour block	Additional seating	\$3.00 per chair	
Tennis & Basketball courts	\$80.00 per 4 hour block	Limited lighting available	\$10.00 per hour (from 6pm-10pm)	
City Staff	\$25.00 per hour	Required with 100+ patrons	If additional equipment is required standard FEMA rates apply	
Barricades	Type I \$5.00 ea.	Type II \$20.00 ea.	Type III \$25.00 ea.	
Cones	24-36" \$2.00 ea.	48" \$ 4.00 ea.		

(4) The fees and deposits provided for in this section are for one ten (10) week period of the commercial use. Each ten (10) week period shall require a new fee and deposit.

(c) **Rodeo Arena Rental Fees.**

Rental Fee	Security Deposit
\$200 per day – includes lighting	\$400 for entire event
\$50 per 4 hour block before dark	\$100 per 4 hour block
\$100 per 4 hour block after dark	\$200 per 4 hour block

Services requested during event	Fee Schedule
Arena dirt work by city crew	\$50.00 per hour (tractor, drag)
City staff (litter, assistance, etc.)	\$20.00 per hour per person
Electricity for arena lights	\$10.00 per hour
Water for arena dirt work	\$5.00 per 1,000 gallons
RV and/or campsites with hook-ups	\$35.00 per day (includes electricity and water)
Concession stand/kitchen	See concession stand agreement

- (d) Youth sports league. All organized youth sports leagues shall submit their schedules to the parks department as soon as possible, but in no event later than thirty (30) days before the first scheduled practice to ensure that a field is available for use at the desired times and locations. Unless otherwise controlled by a lease agreement, no area of a park is specifically designated or reserved for one organization or youth team and areas will be provided on a first come, first served basis.
- (e) Dog training.

Dog Training Classes in Bark Park Only	Fee	Deposit
Per/class	\$20.00 \$25.00	\$50.00

(f)

Refunds of deposits and fees. In accord with section 1.10.002(b) (8), deposits and fees may be refunded as follows:

(1) Reservations must be made a minimum three (3) business days in advance (excluding holidays) of the use. A reservation is not valid, and a permit will not be issued, until all fees, deposits, and proof of insurance, if necessary, are paid in full to the parks department.

(2) Deposits and fees paid in accord with this section may be refunded under the following conditions:

(A) Full refund of the reservation deposit and fee if the parks department is notified, in writing, of the cancellation not less than seven (7) days prior to the date of use of the reserved area.

(B) Refund of one-half of the reservation deposit and fee if notice of cancellation is received by the parks department, in writing, between seven (7) days and 24 hours prior to the date of use of the reserved area.

(C) The reservation deposit and fee will not be refunded if the event is cancelled less than 24 hours before the day of the event.

(D) The reservation deposit will be returned to the individual or group reserving the area after the event so long as the area being reserved is clean and free of trash and debris at the conclusion of the event. Any damage or maintenance required, in the sole discretion of the city and/or the parks department, will be charged against the deposit.

(E) In the event a field is closed by the parks department (or other applicable city personnel) due to inclement weather, construction and/or maintenance which cause an event to be cancelled, the reservation deposit and fee will be returned or applied to the "rain date."

(F) Exceptions to the above are allowed only on written approval of the city manager.

(g) Application to parks department (commercial and noncommercial use). An application for a reservation and permit may be obtained from the parks department. All fees and deposits shall be paid in person by separate checks or cash from 7:00 a.m. until 3:30 p.m. (except city holidays). There will be a \$25.00 service charge for all returned checks. The person or organization reserving an area of a city park, including a pavilion, is responsible for the enforcement of city policies during the event and for the activities and behavior of the individuals at the event.

(h) General rules (commercial and noncommercial use). Fees and deposits must be paid at the time the reservation is made or a permit will not be issued by the parks department for the use. This includes the use of a BBQ pit. There is no additional fee for use of the BBQ pit, but the renter will be required to pick up and return the required key from the parks department. Failure to return the key within seven (7) days after the event will cause the deposit to be forfeited. In the event of improper use of a city park or facility, or if the user fails to clean and restore city parks and facilities to the same condition in which they found them, the park's department, in its sole discretion, reserves the right to prohibit future use by that person or entity.

(i) Special events. A request to use a park, or a portion of a park, or an application for a significant use that is likely to result in a substantial impact on the park, facilities, or public safety services must seek a special event permit in accord with article 4.06.

(j) Exceptions. The fees and deposit described herein do not apply to the following local governmental entities which provide reciprocal privileges to the city: Bastrop Independent School District, the county, and the Lower Colorado River Authority. However, if such entities wish to close a city park, or if such use will result in a substantial impact on the park, facilities, or public safety, or the entity will charge admission fees to an event, such entities will be required to obtain a special event permit. In addition, the entities will be required to clean and restore city parks and facilities to the same condition in which they found them. Failure to do so will result in a claim by the city against the entity for the actual costs, including administrative costs, of restoring or repairing city property. In accord with general city policy, nonprofit organizations that can demonstrate proof of nonprofit status will receive a 15% discount.

Part 3: All other provisions of Chapter 1, Article 1.10 "Parks" that are not amended hereby shall remain in full force and effect.

Part 4: This Ordinance shall take effect upon the date of final passage noted below, or when all applicable hearing and publication requirements, if any, are satisfied in accordance with the City's Charter, Code of Ordinances, and the laws of State of Texas.

READ and Approved on First Reading on the 8th day of March, 2016.

READ and Adopted on Second Reading on the 22nd day of March, 2016.

APPROVED:

ATTEST:

Ken Kesselus, Mayor

Ann Franklin, City Secretary

APPROVED AS TO FORM:

Law Office of JC Brown, PC
Jo-Christy Brown, City Attorney

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: March 3, 2016

MEETING DATE: March 8, 2016

1. Agenda Item: **CONSIDERATION, DISCUSSION AND POSSIBLE ACTION REGARDING AUTHORIZING THE CITY SECRETARY TO CHANGE THE TERM END DATE FOR PLACE 7 ON THE BASTROP ARTS IN PUBLIC PLACES BOARD FROM JUNE 2018 TO JUNE 2019.**
2. Party Making Request: **City Secretary, Ann Franklin**
3. Nature of Request: (Brief Overview) Attachments: Yes X No
4. Policy Implication: _____
5. Budgeted: _____ Yes _____ No _____ N/A
 Bid Amount: _____ Budgeted Amount: _____
 Under Budget: _____ Over Budget: _____
 Amount Remaining: _____
6. Alternate Option/Costs: _____
7. Routing: NAME/TITLE INITIAL DATE CONCURRENCE
 a) _____
 b) _____
 c) _____
8. Staff Recommendation: _____
9. Advisory Board: _____ Approved _____ Disapproved _____ None
10. Manager's Recommendation: _____ Approved _____ Disapproved _____ None
11. Motion Requested: **Approval to change term end date for place 7 on the Bastrop Arts in Public Places Board.**

TO: Mayor and Council
FROM: Ann Franklin, City Secretary
DATE: March 16, 2016
RE: Bastrop Arts in Public Places Board Term Date

The Bastrop Arts in Public Places nine member board has an uneven amount of term end dates for the members. In 2016 two member's term will end, which will cause the next term end date to move to 2019; in 2017 three member's term will end; and in 2018 four member's term will end.

In order to balance out the turnover of the terms I am asking the Council to allow me to extend the term of the place 7 position out to 2019 (Place 7 is vacant at this time) this would increase the existing term dates of 2016 to 3. (The 2016 term dates will change to 2019 in June) In changing the end date of place 7 this would balance out the amount of places with term endings to three each time a term ended.

Boards & Commissions

To assist in the governing process, the City of Bastrop utilizes various boards and commissions. Each board or commission, with a city official liaison, serves an important role and is comprised of citizens who are nominated and appointed by the City of Bastrop City Council. The Bastrop City Council adopted Resolution No. R-2011-8 on April 26, 2011 to honor certain individuals who have faithfully and diligently served the City. Any member of the community may recommend an individual for consideration of receipt of a Service Pine award. For more information see Resolution No. R-2011-8.

[Click here to apply for a Board/Commission position.](#)

Bastrop Arts in Public Places Board

Place 1	Kathryn Nash	June 2017
Place 2	Kristi Koch	June 2016
Place 3	Diana Rose	June 2017
Place 4	Deborah Johnson	June 2018
Place 5	Sergio Altamirano	June 2017
Place 6	Georgina Ngozi	June 2016
Place 7	Vacant	June 2018
Place 8	Jo Albers	June 2018
Place 9	Ann Beck	June 2018

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: March 16, 2016

MEETING DATE: March 22, 2016

1. Agenda Item: **Approval of the statutory denial, for a period of 180 days from the date of Council action on a request for the Pecan Park, Section 5B Final Plat being a +/- 12.72 acre tract out of the Mozea Rousseau Survey Abstract No. 56, located within the city limits of Bastrop Texas.**

2. Party Making Request: **Melissa McCollum, Director of Planning and Development**

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

A city must take action on a plat within 30 days or the plat is automatically approved.

4. Policy Implication: _____

5. Budgeted: _____ Yes _____ No N/A

Bid Amount: _____

Budgeted Amount: _____

Under Budget: _____

Over Budget: _____

Amount Remaining: _____

6. Alternate Option/Costs: _____

7. Routing: NAME/TITLE INITIAL DATE CONCURRENCE

a) _____

b) _____

c) _____

8. Staff Recommendation: **Staff recommends approval of the statutory denial.**

9. Advisory Board: _____ Approved _____ Disapproved _____ None

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

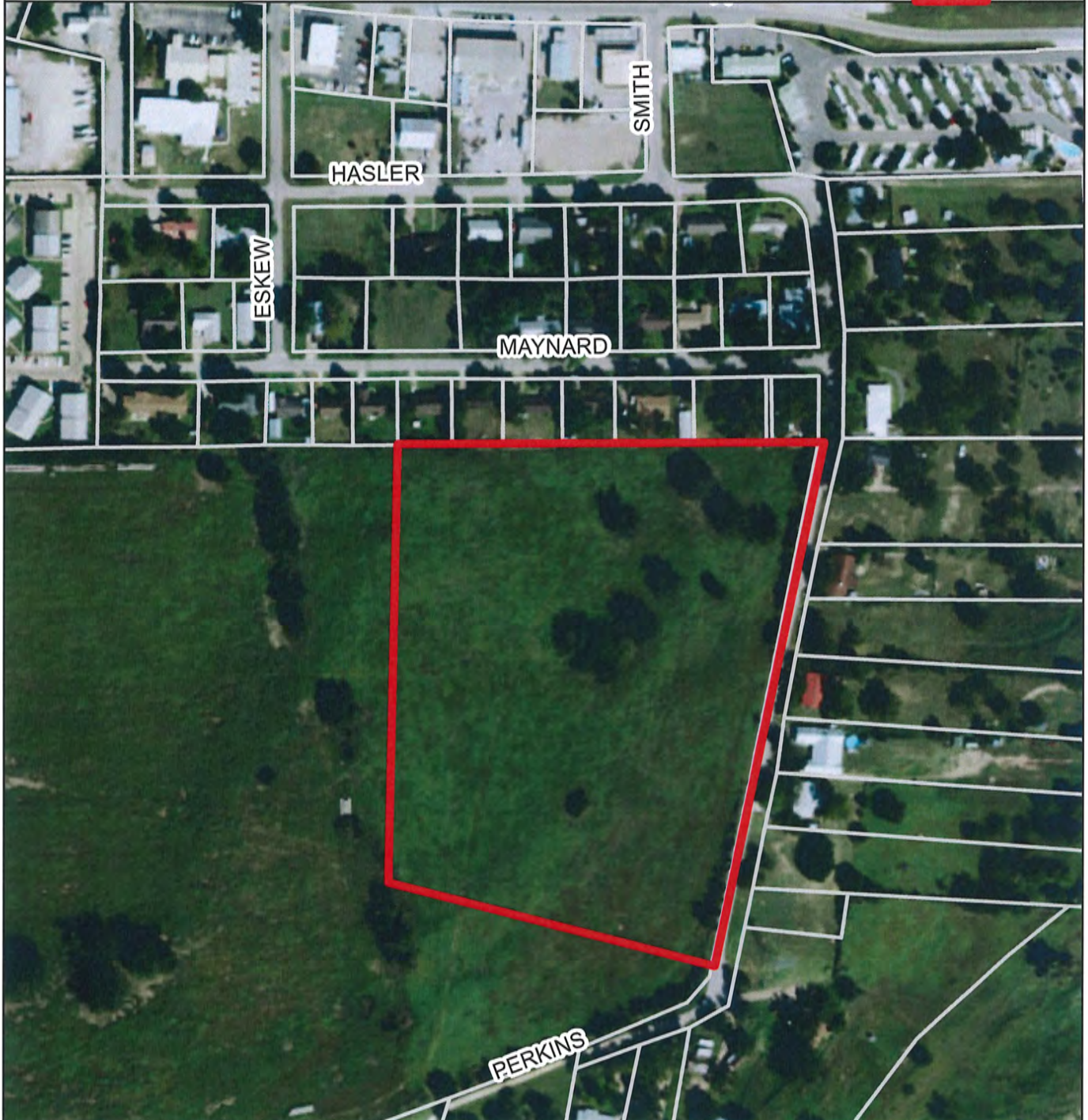
11. Motion Requested: **Recommend approval of the statutory denial.**



Pecan Park Section 5B Property Location Map



Legend





Approved this day _____ of _____ A.D. 20____ by the City Council
of the City of Boston, Texas.

Major _____

ATTEST BY: _____ City Secretary

STATE OF TEXAS
COUNTY OF BASTROP

I, Rose Fietisch, County Clerk of San Diego County, Texas, do hereby certify that the foregoing instrument of writing with its certificate of authentication was filed for record in my office on the _____ day of _____, 19____.

at _____ A.D. 20____ at _____ o'clock _____
day of _____
of _____
in the _____
Page _____

WITNESS MY HAND AND SEAL OF OFFICE this _____ day of _____, 20____.

A.D. 2000

State Platform
County Clerk
Bassett County, Texas

STATE OF TEXAS
COUNTY OF TRAVIS

KNOW ALL MEN BY THESE PRESENTS, That we, EMF PINE ASSOCIATES, Inc., a Texas limited liability company, with its name address at 1310 RR 6202, STE B200 Austin, Texas 78741, for and in behalf of the undersigned, do hereby certify that the following is a true and correct copy of the remainder of 311.502 acres of land being out of the Nancy Bailey Survey, A-36, Baileys Crossing, Travis County, Texas, as conveyed to it by deed dated October 22, 2004, and recorded in the Public Records of Travis County, Texas, Book 100, Page 102.

WE DO HEREBY SUBVENE 12.72 acres of land out of the MOORE HOUSEHOLD SURVEY, A-46, Baileys Crossing, Travis County, Texas, as conveyed to it by deed dated October 22, 2004, and recorded in the Public Records of Travis County, Texas, Book 100, Page 102.

IN WITNESS WHEREOF, we have hereunto set our hand and the seal of our company, and the seal of the State of Texas, this 12th day of January, 2005, at Austin, Texas.

EMF PINE ASSOCIATES, Inc., a Texas limited liability company, by its duly authorized officer, subject to ratification.

Notary Public in and for the State of Texas, my commission expires _____.

IN WITNESS WHEREOF the said DM Pecan Park Associates, Ltd. a Texas limited liability company, by Duke McGowan, Manager of McGowan Development, LLC, a Texas limited liability company, General Partner of DM Pecan Park Associates, Ltd., a Texas limited partnership on behalf of said limited liability company and limited partnership, has caused these presents to be executed by Duke McGowan, thereunto duly authorized.

Cathy McDowell
Manager

STATE OF TEXAS
COUNTY OF TRAVIS

BEFORE ME, the undersigned authority, on this day personally appeared Dale McGowan, known to me to be the person whose name is subscribed to the foregoing instrument as grantor, and acknowledged to me that he executed the same in such capacity on the act and deed of said involved liability company for the purposes and considerations therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the _____ day of _____ A.D. 2018.

Notary Public in and for the State of Texas

Liam Mulvey

Flower Bank, S.S.B.
a Texas violet springs bank
150 Crest Rd., Dripping Springs Texas 78620

87

Linda Berggren
 Vice President

STATE OF TEXAS
COUNTY OF HAYS

BEFORE ME, the undersigned authority, on this day personally appeared David DeGardou, known to me to be the person whose name is subscribed to the foregoing instrument on this day, and acknowledged to me that he executed the same in such capacity as the act and deed of said David DeGardou, and that he executed the same for the purposes and considerations therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the _____ day of _____ A.D. 2016

Secretary Public in and for the State of Texas

THE STATE OF TEXAS
KNOW ALL MEN BY THESE PRESENTS

That I, Bryan D. Newsome do hereby certify that I prepare this plat from an actual and accurate on-the-ground survey of the land and that the corner monuments shown thereon were properly placed under my personal supervision, in accordance with the subdivision regulations of the City of Bismarck, North Dakota.

*Preliminary; this document shall not be recorded for any purpose and shall not be used or relied upon as a final survey document.

Signature and Seal of Registered Public Surveyor with date

		STANLEY SUBMITTING, INC. 8150 W. 13th Street Suite 100 Dallas, TX 75244 Phone: 972-251-1622 Fax: 972-251-1623 Email: stanley@stanley.com	
FINAL PLAN OF PECAN PARK RESIDENTIAL SECTION 5B CITY OF BASTROP BASTROP COUNTY, TEXAS		Map No. 133	Date 12-13-07
By LEA	Job # 14-000	Date 12-13-07	Date 12-13-07

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: March 16, 2016

MEETING DATE: March 22, 2016

1. Agenda Item: **CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION ON A REQUEST FROM THE BASTROP HOMECOMING COMMITTEE TO ADD MAY 12, 2016 TO THE VARIANCE APPROVED BY COUNCIL ON FEBRUARY 9, 2016, A VARIANCE TO SECTION 8.02.001 OF THE CITY OF BASTROP CODE OF ORDINANCES TO ALLOW FOR THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES DURING THE MAYFEST HILL DISASTER RELIEF RODEO EVENT SCHEDULED FOR MAY 13-14, 2016 AT THE MAYFEST HILL PARK LOCATED ON AMERICAN LEGION DRIVE.**

2. Party Making Request: **City Manager Mike Talbot**

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

4. Policy Implication: This report is required by State law under the CCP 2.135

5. Budgeted: ☐ Yes ☐ No **N/A**

Bid Amount:

Budgeted Amount:

Under Budget:

Over Budget:

Amount Remaining:

6. Alternate Option/Costs:

7. Routing: **NAME/TITLE** **INITIAL** **DATE** **CONCURRENCE**

- a)
- b)
- c)

8. Staff Recommendation:

9. Advisory Board: ☐ Approved ☐ Disapproved ☐ None

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

11. Motion Requested: **Approve the request from the Bastrop Homecoming Committee for a variance to Section 8.02.001 of the City of Bastrop Code of Ordinances to add an additional day to the variance approval from the February 9, 2016 meeting.**

March 23, 2016

TABC
7700 Chevy Chase Drive, Suite 200
Austin, TX 78752

To whom it may concern:

The Bastrop City Council met on Tuesday, March 22, 2016 and approved an amendment to the previous request from the Bastrop Homecoming Committee, Inc. for the sale of beer and wine, from May 13, 2016 through May 14, 2016, 5:00 p.m. to 12:00 a.m. each day at Mayfest Park located at 25 American Legion Drive, Bastrop, Texas. The amended dates are from May 12, 2016 through May 14, 2016, 5:00 p.m. to 12:00 a.m. each day at Mayfest Park located at 25 American Legion Drive, Bastrop, Texas.

If you have any questions please do not hesitate to contact me at 512-332-8800.

Sincerely,

Michael H. Talbot
City Manager

cc: T. Chavez



BASTROP

HOMECOMING COMMITTEE, INC.

P.O. Box 215 • Bastrop, Texas 78602

March 11, 2016

Mike Talbot, City Manager
City of Bastrop
PO Box 427
Bastrop, Texas 78602

Dear Mr. Talbot,

Bastrop Homecoming, Inc. is requesting one additional day be added to the variance request dated January 29, 2016. Copies of the original request and your signed approval letter have been enclosed for your convenience. The Mayfest Hill Disaster Relief Rodeo event is now scheduled for May 12-14, 2016.

Please contact me if you have other concerns or questions.

Respectfully submitted,

Lori Chapin, Treasurer
Bastrop Homecoming and Rodeo Committee
512-923-1440

[2] Attachments



BASTROP

HOMECOMING COMMITTEE, INC.

P.O. Box 215 • Bastrop, Texas 78602

January 29, 2016

COPY

Mike Talbot, City Manager
City of Bastrop
PO Box 427
Bastrop, Texas 78602

Dear Mr. Talbot,

Bastrop Homecoming, Inc. is requesting a variance from the City of Bastrop to sell and allow consumption of alcoholic beverages during the Mayfest Hill Disaster Relief Rodeo event scheduled for May 13-14, 2016, at the area known as Mayfest Hill Park located on American Legion Drive.

All permits and liability insurance, to include liquor liability, in the amount required by the City of Bastrop, will be obtained and copies will be hand delivered to the city office by April 22, 2016.

A special event application was been submitted to the Parks Department January 14, 2016, requesting the use of the rodeo arena to include all parking areas, public picnic areas, electric/water hookups, trash cans, and public restrooms.

Please contact me as soon as possible if you have other concerns or questions.

Respectfully submitted,

Lori Chapin, Treasurer
Bastrop Homecoming and Rodeo Committee
512-923-1440



COPY

February 10, 2016

TABC
7700 Chevy Chase Drive, Suite 200
Austin, TX 78752

To whom it may concern:

The Bastrop City Council met on Tuesday, February 9, 2016 and approved a request from the Bastrop Homecoming Committee, Inc. for the sale of beer and wine, from May 13, 2016 through May 14, 2016 from 5:00 PM to 12:00 AM each day at Mayfest Park located at 25 American Legion Drive, Bastrop, Texas.

If you have any questions please do not hesitate to contact me at 512-332-8800.

Sincerely,

Michael H. Talbot
City Manager

cc: T. Chavez

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: 03/16/2016

MEETING DATE: 03/22/2016

1. Agenda Item: Consideration, discussion and possible action on acceptance and approval of the FY 2017 Hotel Funding Calendar and FY 2017 Community Support Funding Calendar.

2. Party Making Request: Tracy Waldron

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

4. Policy Implication: _____

5. Budgeted: ☐ Yes ☐ No ☐ N/A

Bid Amount: _____ Budgeted Amount: _____
Under Budget: _____ Over Budget: _____
Amount Remaining: _____

6. Alternate Option/Costs: _____

7. Routing:	NAME/TITLE	INITIAL	DATE	CONCURRENCE
-------------	------------	---------	------	-------------

a) _____
b) _____
c) _____

8. Staff Recommendation: **Staff recommends approval of the FY 2017 Hotel Funding Calendar and Community Support Funding Calendar.**

9. Advisory Board: _____ Approved _____ Disapproved _____ None

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

11. Motion Requested: **Approval of the FY 2017 Hotel Funding Calendar and Community Support Funding Calendar.**

HOT FUNDING CALENDAR

Funding for FISCAL YEAR 2017

March 22, 2016	Council to accept HOT Funding Application, Policy and Calendar for FY2017
May 16, 2016	Funding applications available at City Hall or online
May 30, 2016	Committee to meet with organizations to review new funding process and HOT Use Policy Hotel Occupancy Tax Recipients - 5:30 p.m.
June 30, 2016	Deadline for submitting funding applications to Finance Office, 5:00 P.M.
July 20, 2016	Submit information to City Secretary for council agenda (to include Organizations - History Summary, Funding Application, Council Ranking Worksheet)
July 26, 2016	Council Meeting Organizations to present their requests Council to receive funding score list from Finance Council to set funding amount for Tier II funding
August 9, 2016	Council to return funding score list to the Finance
August 23, 2016	Finance to hand out the average ranking of score to Council - no agenda item
September 13, 2016	Council to approve funding levels for organizations

After approval of the FY 2017 Budget, Agreements will be prepared for signatures

COMMUNITY SUPPORT FUNDING CALENDAR

Funding for FISCAL YEAR 2017

- March 22, 2016 Council to accept Community Support Calendar
- May 16, 2016 Funding applications available at City Hall or online
- June 30, 2016 Deadline for submitting funding applications to Finance Office, 5:00 P.M.
- July 6, 2016 Submit information to City Secretary for council agenda
(to include Organizations - History Summary, Funding Application, Council Ranking Worksheet)
- July 12, 2016 Council Meeting
Organizations to present their requests
Council to receive funding score list from Finance
Council to approve total funding available
- July 26, 2016 Council to return funding score list to the Finance Director
- August 23, 2016 Finance to hand out the average ranking of score to Council - no agenda item
- September 13, 2016 Council to approve funding levels for organizations.
- After approval of the FY 2017 Budget, Agreements will be sent out for signatures

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: MAR. 16, 2016

MEETING DATE: MAR. 22, 2016

- 1. Agenda Item: CONSIDERATION, DISCUSSION AND POSSIBLE ACTION REGARDING THE APPROVAL AND ACCEPTANCE OF A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS ADDING THE COSTS ASSOCIATED WITH THE OPERATION OF A VISITOR INFORMATION CENTER TO THE CITY'S HOTEL/MOTEL TAX REVENUE "TIER ONE" FUNDING.**

2. Party Making Request: **Tracy Waldron, Chief Financial Officer**

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

4. Policy Implication:

5. Budgeted: Yes No N/A

Bid Amount: _____

Under Budget: _____

Budgeted Amount: _____

Over Budget: _____

Amount Remaining: _____

6. Alternate Option/Costs: _____

7. Routing:	NAME/TITLE	INITIAL	DATE	CONCURRENCE
-------------	------------	---------	------	-------------

a) _____

b) _____

c) _____

8. Staff Recommendation: Approval and acceptance of the Resolution adding operation of a visitor information center as an approved "Tier One" funded expense.

9. Advisory Board: Approved Disapproved None

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

11. Motion Taken: Move to approve this Resolution adding operation of a visitor information center as an approved “Tier One” funded expense.

RESOLUTION NO. R-2016- 10

**A RESOLUTION OF THE
CITY COUNCIL OF BASTROP, TEXAS REGARDING FUNDING AND
REPORTING REQUIREMENTS FOR HOTEL/MOTEL TAX REVENUE
GRANTS BY THE CITY, FOR PUBLICITY AND TOURISM GRANTS, AND
PROCESSES FOR FUTURE GRANT CYCLES**

WHEREAS, the City of Bastrop, Texas, ("City"), is a Home Rule municipality incorporated and operating under the Laws of the State of Texas and, accordingly has been granted full legal authority to enact rules and procedures related to its grant of Hotel/Motel Tax revenue funds ("HOT Funds") to local recipients to enhance and encourage tourism in the City of Bastrop, as per the Texas Tax Code, Chapter 351.001 *et seq.*; and

WHEREAS, the City Council has determined that identifying certain "tiers" of priorities, related to the City's allocation and expenditure of HOT Funds, is advisable and will assist both the City and the Grant Recipients in accomplishing their grant objectives, as well as assist the City in ensuring compliance with applicable State laws pertaining to the use of HOT Funds; and

WHEREAS, the City Council has determined that identification of the City's HOT Fund priorities, and implementation of a "Tiered Priority" process for evaluation, allocation and use of the City's HOT Funds, should be adopted, as set out herein, below

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

Part 1: The Council hereby adopts the following Tiered Priority process for its annual evaluation, establishment of priorities, and approval of City expenditures/commitments of the City's Hotel/Motel Tax revenue funds (HOT Funds):

A. **"TIER ONE"** - The "Tier One" priority for the City's HOT FUND expenditures shall be placed on those budget items which the Council has determined necessitate the City's use of HOT Funds, as set forth in the City Manager's rolling, five year debt/expenditure projection. The following list comprises the City's agreed upon "Tier One" priority expenses, and the Council hereby agrees that these identified payment and retention obligations of the City shall have priority on approval and expenditure of HOT Funds, by the Council, each year during the Council's HOT Fund disbursement process:

1. Payment of debt service and operational expenses associated with the City's Convention and Exhibition Center;
2. Payment of expenses associated with operating a visitor information center,
3. Payment of expenses associated with the City's "Main Street Program" commitments;
4. Payment of expenses associated with the City's operation of the Rodeo Arena;

5. Payment of administration and City staffing expenses related to the City's provision of support for any HOT Funded events, projects, or programs; and
 6. Retention of HOT Funds, as appropriate, for maintaining the reserve funds related to maintaining the City's bond rating.
- B. **"TIER TWO"** - The "Tier Two" priority for the City's HOT FUND expenditures shall be placed on those annual HOT grant programs, that are customarily evaluated and approved for HOT Fund grants, by the Council.
- C. **"TIER THREE"** – In approximately April of each year, the City Manager will report to the Council as to whether, during that annual HOT Funding cycle, HOT Funds remain available in the City's HOT Fund reserves/account, after the Tier One and Tier Two priorities are approved and committed by the Council, then the following additional "Tier Three" HOT Fund expenditures may be considered for approval and funding by the Council:
1. Any action(s) taken in a prior HOT Funding year that binds the Council to appropriate and utilize HOT Funds for authorized projects, programs and events; and
 2. Projects, events, programs that the Council has identified for evaluation and consideration as a "Tier Three" priority during the prior 12 month period; and
 3. Accelerated payment on the debt of the City related to the City's Convention and Exhibition Center.

Part 2: This Resolution shall become effective immediately upon passage, subject to publication as required by State law.

PASSED, ADOPTED AND APPROVED this 22nd day of March, 2016.

APPROVED:

KEN KESSELUS, MAYOR

ATTEST:

ANN FRANKLIN, CITY SECRETARY

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: March 15, 2016

MEETING DATE: March 22, 2016

1. Agenda Item: **PUBLIC HEARING: Consideration, discussion and possible action on the Replat of Lot #24 being +/- 5.642 acres within The Replat of Piney Ridge Subdivision, Section 3. The replat will create two single family residential lots within the City of Bastrop, Texas One Mile Extra Territorial Jurisdiction (ETJ).**

2. Party Making Request: **Melissa McCollum, Director of Planning and Development**

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

4. Policy Implication: N/A

5. Budgeted: _____ Yes _____ No _____ N/A
 Bid Amount: _____ Budgeted Amount: _____
 Under Budget: _____ Over Budget: _____
 Amount Remaining: _____

6. Alternate Option/Costs: _____

- | 7. Routing: | NAME/TITLE | INITIAL | DATE | CONCURRENCE |
|-------------|------------|---------|------|-------------|
| a) | | | | |
| b) | | | | |

8. Staff Recommendation:

Staff recommends approval of the requested Replat of Lot #24 being +/- 5.642 acres within The Replat of Piney Ridge Subdivision, Section 3. The replat will create two single family residential lots within the City of Bastrop, Texas One Mile Extra Territorial Jurisdiction (ETJ).

9. Advisory Board Recommendation: Recommended Approval _____ Denial _____ None _____

10. Manager's Recommendation: Approved Disapproved None

11. Motion Requested: **Recommend approval of the replat.**

City of Bastrop Agenda Information Sheet:



City Council Meeting Date:

March 22, 2016

Project Description:

Public Hearing: Consideration, discussion and possible action on the Replat of Lot #24 being +/- 5.642 acres within The Replat of Piney Ridge Subdivision, Section 3. The replat will create two single family residential lots within the City of Bastrop, Texas One Mile Extra Territorial Jurisdiction (ETJ).

Item Summary:

Owner:

Applicant: James E. Garon & Associates, Inc.

Location: Piney Ridge Subdivision

Utilities: City of Bastrop water, individual on-site septic and Bluebonnet Electric

Background:

The Replat of Piney Ridge Subdivision, Section 3 was recorded June 16, 1981 and consisted of approximately 288.978 acres. The subject property (Lot 24) consists of +/- 5.642 acres. The owner wishes to subdivide the lot into two single family residential lots with each lot consisting of +/- 2.821 acres. The lots have existing street frontage on Black Jack Lane.

Basis of Support:

Staff supports the request to subdivide the property into two lots. The replat was reviewed by City and County Staff and it appears to meet the City of Bastrop subdivision requirements.

Special Considerations: None.

Comments: Twelve surrounding property owner notifications were mailed March 1, 2016. One (1) response was received opposing the request.

Staff Recommendation:

Staff recommends approval of the Replat of Lot #24 within Piney Ridge Subdivision, Section 3 creating two single family residential lots within the Bastrop, Texas One Mile Extra Territorial Jurisdiction (ETJ).

City Contact:

Melissa M. McCollum, AICP, LEED AP, Director
Planning and Development Department

Attachments:

Plat and one property owner response



Lot 24 Property Location Map



Legend





PROPERTY OWNER'S RESPONSE

As a property owner within 200': (please check ☒ one) Your input is important!

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

Property Owner Name: LONNIE & LOANETTE BUCK

Property Address: 10120 Laura Lane Piney Ridge Addition Phone (optional): _____

Mailing Address: 352 Laura Lane Bastrop Texas 78602 Email (optional): _____

Property Owner's Signature: Lonnie J Buck Loanette Buck
Comments: (Optional) _____

Please provide reply to: Planning and Development Department
City of Bastrop, P.O. Box 427, Bastrop, Texas 78602 or via fax (512) 322-8829

Re: Piney Ridge Section 3 Replat of Lot 24 – notices mailed 3/1/2016

RECEIVED
MAR 10 2016
By [Signature]

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: March 16, 2016

MEETING DATE: March 22, 2016

1. Agenda Item: **CONCERNS BY CITIZENS LIVING ON PERKINS, HIGGINS AND JONES STREETS REGARDING THE PRESENCE OF A SOUP KITCHEN IN THEIR NEIGHBORHOOD.**

2. Party Making Request: **Mayor Kesselus**

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

4. Policy Implication: _____

5. Budgeted: _____ Yes _____ No N/A

Bid Amount: _____ Budgeted Amount: _____

Under Budget: _____ Over Budget: _____

Amount Remaining: _____

6. Alternate Option/Costs: _____

7. Routing: NAME/TITLE INITIAL DATE CONCURRENCE

a) _____

b) _____

c) _____

8. Staff Recommendation:

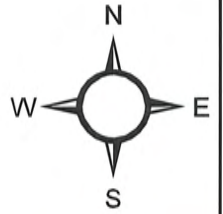
9. Advisory Board: _____ Approved _____ Disapproved _____ None

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

11. Motion Requested:



117 Loop 150 West, Sutie A Property Location Map



Legend

 Proposed Source Location

03-22-2016

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: March 16, 2016

MEETING DATE: March 22, 2016

1. Agenda Item: **APPOINTMENT BY MAYOR, SUBJECT TO CONFIRMATION BY CITY COUNCIL OF TRESHA SILVA TO PLACE 7 ON THE BASTROP VISION TASK FORCE.**

2. Party Making Request: **Mayor Kesselus**

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

This is to receive approval of approval of a member to the Bastrop Vision Task Force.

4. Policy Implication: _____

5. Budgeted: _____ Yes _____ No N/A

Bid Amount: _____ Budgeted Amount: _____

Under Budget: _____ Over Budget: _____

Amount Remaining: _____

6. Alternate Option/Costs: _____

7. Routing: **NAME/TITLE** **INITIAL** **DATE** **CONCURRENCE**

a) _____
b) _____
c) _____

8. Staff Recommendation:

9. Advisory Board: _____ Approved _____ Disapproved _____ None

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

11. Motion Requested: **Approval of Tresha Silva to Place 7 on the Bastrop Vision Task Force.**

On Thursday, March 17, 2016, John Landwehr <jlandwehr@cr-invests.com> wrote:
Mayor Kesselus,

On Monday March 14th, the Vision Task Force voted unanimously to submit Tresha Silva's nomination to the City Council for appointment. Tresha is a respected member of society and would be a valued asset to the VTF.

Regards,

Chairman - Vision Task Force
John Landwehr

512.638-6682
jlandwehr@cr-invests.com



CITY OF BASTROP

City Secretary's Office
1311 Chestnut Street
Bastrop, Texas 78602
(512) 332-8800
<http://www.cityofbastrop.org>

Application for City Board/Commission/Committee Please Print or Type Clearly.

New Appointment: ☒

Request for Re-Appointment: ☐

SECTION A: APPLICANT INFORMATION

Last Name	Silva	First	Tresha	Middle	LaVern
Street Address	143 Papawai		Mailing Address	PO Box 842	
Apt/Unit #	City	Bastrop	State	TX	ZIP Code 78602
Phone	(512) 203-8570		E-mail Address	tislavern@gmail.com	
Date Available	02/01/2016	I have lived in Bastrop	42 years.	Place of Employment	Bastrop County Emergency Food Pantry
Have you filed an application here before?		YES ☐	NO ☒	If so, when?	
Have you ever been convicted of a crime?		YES ☐	NO ☒	If so, when?	
Do you reside within the City Limits of Bastrop?		YES ☐	NO ☒	Currently Employed	YES ☒ NO ☐

Note: Various boards, commissions and committees of the City either allow for or require appointments of persons who reside in the County, the City's Extra Territorial Jurisdiction, and/or the Bastrop Independent School District. For more information on this please refer to the Articles of Incorporation or By Laws of the entities of interest. The City Secretary is able to assist in obtaining copies of the By-Laws, upon request.

SECTION B: REFERENCES

Please list three professional references.

Full Name	Jennifer Scott	Relationship	Former Supervisor
Company	Capital Area Council of Government /Area Agency On Aging	Phone	(512) 916-6000
Full Name	Tonda Owens	Relationship	Board President
Company	Bastrop County Emergency Food Pantry & Support Center	Phone	(512) 799-4359
Full Name	Caffee M Hill	Relationship	Co-Worker
Company	CACOG	Phone	(512) 799-3152

SECTION C: ADDITIONAL INFORMATION

Do you currently serve on any other boards, commissions, or committees? Please list any below:

No

What qualifies you to serve on the board(s) you are applying for?

I am qualified to serve on this board that I am applying for because I understand the importance of working with others to achieve a goal. I was appointed to the Capital Area Council Of Government's Aging Advisory Board by former County Judge Ronnie McDonald. During my 4 years of service to the board I was entrusted with the position such as Vice Chair and Board Chair. I believe in hard work to reach goals.

Why do you want to serve on the board(s) you are applying for?

I want to serve on the Vision Task Force board because I care about the City of Bastrop and I want to be involved with helping to make a difference and strengthen our city and its citizen. I also feel that I have skills and talents that would be an asset to the group and look forward to learning from the group as well.

SECTION D: BOARDS/COMMISSIONS/COMMITTEES

Please indicate the Boards, Commissions or Committees you are interested in serving. List in order of preference.

☐ Bastrop Parks Board	☐ Bastrop Economic Development Corporation	☐ Bastrop Housing Authority
☐ Planning and Zoning Commission	☐ Board of Adjustment	☐ Construction Standards Board of Adjustments
☐ Main Street Advisory Board	☐ Fairview Cemetery Advisory Board	☐ Art in Public Places Board
☐ Hunters Crossing Local Government Corporation Board	☐ Bastrop Library Board (☐ City Resident / ☐ BISD Area Resident)	
☐ Automated Red Light Advisory Committee	☒ Other: Vision Task Force	

☐ Historic Landmark Commission	*Please indicate which position(s) you are qualified to serve under.
	☐ Architect, Planner, Designer
	☐ Licensed Real Estate Professional
	☐ Own Commercial Historic Structure/Property
	☐ Own Residential Historic Structure/Property
	☐ General Resident of City of Bastrop
	☐ Planning and Zoning Member
	☐ Bastrop County Historic Society Member

DISCLAIMER AND SIGNATURE

- It is understood and agreed upon that any misrepresentation by me on this application will be sufficient cause for cancellation of this application and/or separation from the board/commission/committee.
- I give the City of Bastrop the right to investigate all references and to secure additional information about me, if related. I hereby release from liability the City of Bastrop and its representatives for seeking such information and all other persons, corporations or organizations for furnishing such information.
- This application is kept on active file at the City Secretary's Office for 1 year. At the conclusion of this time, if I have not heard from the City Secretary and still wish to be considered for a board/commission/committee, it will be necessary to fill out a new application.
- I understand that just as I am free to resign at any time, the City of Bastrop reserves the right to terminate my status as member at any time, with or without cause and without prior notice. I understand that no representative of the City of Bastrop has the authority to make any assurances to the contrary.
- I understand it is the City of Bastrop's policy not to refuse to hire a qualified individual with a disability because of this person's need for an accommodation that would be required by the ADA.
- I agree to participate and complete any required training the city deems necessary, such as Open Meetings Act training, as a condition of my board service, and I agree to submit a copy of completion documentation on file with the City Secretary.
- If selected, I agree to adhere to the City of Bastrop's Ethics Ordinance and to represent the City's business ethically at all times.

Signature

Anucha Silva

Date

January 28, 2016

WRITTEN NOTICE

A hardcopy of this application with the original signature must be printed and mailed to be officially accepted for a board/commission/committee. Please return by mail or in person to:

City of Bastrop, TX
City Secretary's Office
1311 Chestnut Street
Bastrop, Texas 78602

OFFICE USE ONLY

Date Application Received:		Application Received by:	
Position Appointed:		Date Appointed:	
Term Starts:		Term Expires:	

To Whom It may concern:

I would like to also add Richard Smith as a reference for my application for the Vision Task Force. Mr. Smith has known me for many years. His contact number is 512 731-5927.

Tresha Silva

POTENTIAL CONFLICT OF INTEREST DISCLOSURE
BASTROP'S CODE OF ETHICS

received
3/17/16

VISION TASK FORCE

The Vision Task Force (VTF) Commission members are tasked with acting as an "informal advisory group" of individuals who meet periodically to discuss and develop "big picture" creative concepts for programs and projects that will enhance the lives of citizens in the Bastrop community, encourage a healthy economy and the growth of local businesses in town, and facilitate communication and cooperation between local entities, governmental groups, business organizations and non-profits and other groups, for the long-range benefit of the entire Bastrop community. As some VTF programs end, others will arise and be identified. Thus, the ever-shifting scope of the VTF's work makes it very difficult to effectively develop a set of 'conflict of interest' questions that is pertinent to all VTF projects, throughout time. Nevertheless, certain basic background information may be of assistance, and that is what this form is seeking from you, as a member of the VTF.

Answer the following questions by checking the boxes and providing additional detailed information, as needed.

Yes No

☐ ☒ I work, or one of my relatives* works, in a company that provides services or products to the City of Bastrop.

Who: _____ Relationship: _____

What do they do: _____

Explain further: _____

☐ ☒ I own, operate or one of my relatives* owns, operates a company that does business directly with the City of Bastrop.

Who: _____ Relationship: _____

What type of business activity is done: _____

☐ ☒ I own shares or serve, or one of my relatives* owns shares or serves, on the board of directors of a company that is in some way related to the City of Bastrop.

Who: _____ Name of Company: _____

Explain further: _____

*In some cases, your relatives, whether by blood or marriage, may tie you so closely to contracts, businesses and other organizations that you have a 'conflict of interest' and need to refrain from working on a particular matter or case while serving on a City board or commission. The relatives that generally fall within the City's Ethics Code (and that you need to list on this form above)

POTENTIAL CONFLICT OF INTEREST DISCLOSURE
BASTROP'S CODE OF ETHICS

include your spouse, parents, children, grandparents, grandchildren, uncles/aunts,
nieces/nephews, in-laws and cousins.

I have read and understand the statement above.

Tresha Silva
Signature

Tresha Silva
Printed Name

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: March 16, 2016

MEETING DATE: March 22, 2016

1. Agenda Item: **CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION ON THE ADOPTION OF A RESOLUTION TO SELECT THE PROXY TO REPRESENT THE CITY OF BASTROP, TEXAS AT THE BLUEBONNET ELECTRIC COOPERATIVE ANNUAL MEETING TO BE HELD AT 2:30 PM, ON TUESDAY, MAY 10, 2016 AT THE SONS OF HERMANN HALL, 1031 CR 223, IN GIDDINGS, TEXAS.**
2. Party Making Request: **City Manager Mike Talbot**
3. Nature of Request: (Brief Overview) Attachments: Yes X No
Authorization of a proxy for the City of Bastrop at the Bluebonnet Electric Cooperative Annual Meeting.
4. Policy Implication: _____
5. Budgeted: _____ Yes _____ No _____ N/A
 Bid Amount: _____ Budgeted Amount: _____
 Under Budget: _____ Over Budget: _____
 Amount Remaining: _____
6. Alternate Option/Costs: _____
7. Routing:

	<u>NAME/TITLE</u>	<u>INITIAL</u>	<u>DATE</u>	<u>CONCURRENCE</u>
a)	_____	_____	_____	_____
b)	_____	_____	_____	_____
c)	_____	_____	_____	_____
8. Staff Recommendation: _____
9. Advisory Board: _____ Approved _____ Disapproved _____ None
10. Manager's Recommendation: _____ Approved _____ Disapproved _____ None
11. Motion Requested: _____

RESOLUTION NO. R-2016 -09

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BASTROP,
TEXAS, RELATED TO SELECTING THE PROXY TO REPRESENT THE
CITY OF BASTROP TEXAS AT THE BLUEBONNET ELECTRIC
COOPERATIVE ANNUAL MEETING.**

The Bastrop City Council Members, as the governing body for the City of Bastrop, Texas do hereby resolve to approve the following:

- ☐ Assign our proxy to the Proxy Committee of Bluebonnet Electric Cooperative, Inc. comprised of Byron Balke, Roderick L. Emanuel, Russell Jurk, James B. Kershaw, Robert Mikeska, Richard Schmidt and Suanna Tumlinson, with full power of substitution.
- ☐ Assign our proxy to the individual named below:
_____ with full power of substitution

WHEREAS, to serve as the proxy to represent the City of Bastrop, Texas at the Bluebonnet Electric Cooperative Annual Meeting to be held at 2:30 p.m. on Tuesday, May 10, 2016, at the Sons of Hermann Hall, 1031 CR 223, Giddings, Texas.

READ and ADOPTED on the 22nd day of March, 2016.

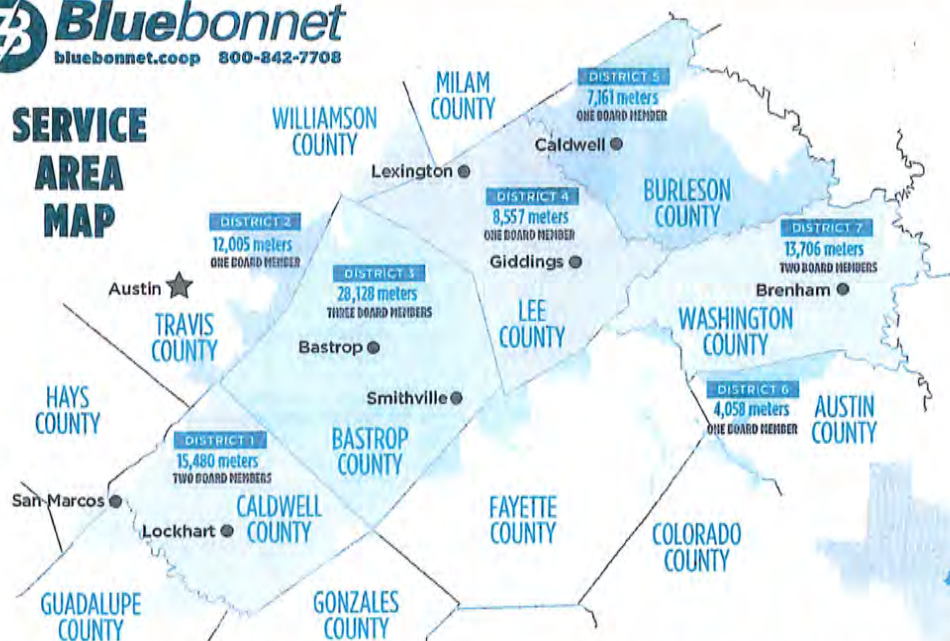
APPROVED:

Ken Kesselus
Mayor

ATTEST:

Ann Franklin
City Secretary

SERVICE AREA MAP



2016 ANNUAL MEETING & BOARD ELECTION Q&A

Bluebonnet Electric Cooperative's Annual Meeting is Tuesday, May 10, 2016, at Sons of Hermann Hall, 1031 CR 223 in Giddings. Registration begins at 1:30 p.m. and ends at 2:30 p.m. The meeting starts at 2:30 p.m. If you have questions about the Annual Meeting, call a member service representative at 800-842-7708 from 7 a.m. to 5:30 p.m., Monday through Friday, or email memberservices@bluebonnet.coop.

Q: What is the Annual Meeting and why is it important to attend?

A: Bluebonnet's Annual Meeting is one of the many benefits of being a member of an electric cooperative. The meeting, held each year in May, offers members the opportunity to meet the Board of Directors, the general manager, the deputy general manager and the co-op's executive staff. Members hear a "State of the Co-op" message and elect, or re-elect, directors.

Q: How many Board of Director seats are up for election?

A: Four of the 11 seats on Bluebonnet's Board of Directors are up for election this year. Six candidates are on the ballot. The three incumbent directors in District 1, District 5 and District 7 are running unopposed. Three candidates, including one incumbent, seek to represent District 3. (On the other side of this handout, find candidate profiles and the districts they will represent.)

Q: Can I vote for candidates in all districts or only the district in which I live?

A: The co-op's service area is divided into seven districts that are drawn along Bluebonnet's service area boundary and county lines. Each district is represented by one to three directors (based upon, among other things, the number of meters in each district). Directors serve staggered terms. Co-op members can vote for candidates in all districts.

Q: I can't attend this year's Annual Meeting. Can I still vote in the election?

A: If you can't attend the meeting, you can vote by proxy.

Q: What is proxy voting?

A: Proxy voting is a method that allows a member who cannot attend the Annual Meeting to designate another person to vote in his or her place.

Q: How do I vote by proxy?

A: Complete the proxy form that was mailed to you in March and return it by mail or drop it off at any of Bluebonnet's member service centers in Bastrop, Brenham, Giddings, Lockhart or Manor. If you misplace the proxy form, stop by a member service center to pick one up or call 800-842-7708 and ask a representative to mail one to you. Proxies must be hand-delivered to a member service center by 5:30 p.m. May 3, 2016, or mailed to:

Bluebonnet Elections Processing,
c/o Election Services Co.
P.O. Box 9020
Ronkonkoma, NY 11779-9822

Mailed proxies must be postmarked by May 3, 2016.

Q: How does proxy voting work?

A: On the proxy form, members can assign their vote to either Bluebonnet's Proxy Committee or to a person of their choice. Members can tell their proxy how to vote by marking their selections on the proxy form, or they can allow proxies to vote at their discretion.

Q: Who serves on Bluebonnet's Proxy Committee?

A: The Proxy Committee is composed of all Bluebonnet Board members whose terms are not currently up for election. This year's Proxy Committee members are Byron Balke, Roderick L. Emanuel, Russell Jurk, James B. Kershaw, Robert Mikeska, Richard Schmidt and Suanna Tumlinson.

Q: Can this proxy be used again at future Annual Meetings?

A: No, the proxy is valid only for the meeting specified on the proxy form.

Q: Can I vote at the Annual Meeting if I sent in a proxy form?

A: When you register at the meeting, your proxy will automatically be revoked, so you can cast your ballot in person.

Q: What information do I need to bring with me to register at the Annual Meeting?

A: You will be asked to verbally recite two pieces of information that are on your account. This account verification process is identical to the one performed when members would like to transact business on their accounts. You can simply tell the member service representative at the registration desk any two of the following pieces of information about your account: the name(s) listed on the account, your birthday, last four digits of your Social Security number, your driver's license number, your mailing address or your Bluebonnet account number.

Q: Who administers the Board election?

A: Election Services Co., which is a third party, independent vendor that specializes in administering corporate elections nationwide. It has the skills, experience and equipment to efficiently and accurately tally proxies and votes while adhering to the Federal Trade Commission's Red Flag requirements that protect members' confidential account information. This is the seventh year Election Services has administered Bluebonnet's election.

Q: What if I have questions about the election at the Annual Meeting?

A: Bluebonnet's member service representatives will be staffing the registration desk at the Annual Meeting and will be able to answer any questions.

Q: Can I change my address or do other business at the Annual Meeting?

A: Bluebonnet's member service representatives at the information booth will be able to help members with most of their co-op business and answer any questions they would normally handle at any of the member service centers or through the call center.

Q: I still have questions. Who can I contact?

A: Call a member service representative at 800-842-7708 or email memberservices@bluebonnet.coop.

2016 NOMINEES FOR BLUEBONNET'S BOARD OF DIRECTORS

Milton Shaw District 1



Shaw has served on the Bluebonnet Board of Directors since May 2010 and earned his Credentialed Cooperative Director certification through the National Rural Electric Cooperative Association. He also completed the NRECA's Board Leadership Program. Shaw is chairman of Bluebonnet's Legal & Governance Committee and is a member of the Employee Services and Member Experience committees. He grew up in Luling and traveled America during a 30-year career with Shell Oil Company. He and his family moved to six states while he managed marketing of Shell's real estate assets and oversaw multi-million dollar budgets. Shaw brings decades of experience in community relations and customer service. After graduating from what is now Texas State University in San Marcos in 1962, Shaw managed a store for Western Auto and later was a manager for the Sears department store chain. He retired in 1998 and returned to Luling with his wife Judy, his high school sweetheart. They run a few head of cattle on 46 acres in Caldwell County. Shaw is active in his community, including service over the years in the Luling Chamber of Commerce, Community Action, Kiwanis Club, Caldwell County Development Board, Polonia Water Supply Corporation and the McNeil Baptist Church. He and his wife, Judy, have three sons: Milton Jr., a worldwide customer service manager for Shell Oil; Mark, vice president and general counsel for Southwest Airlines; and Michael, partner in Andrews and Kurth law firm in Houston. The Shaws have seven grandchildren.

Dustin Haisler District 3



Haisler is a technology and innovation expert working to help state and local government entities use cutting-edge technology to better serve and engage with citizens. He is the Chief Innovation Officer for e.Republic, a national digital media and research company focused exclusively on state and local government and education. Haisler, who lives in Elgin, earned a national reputation when he worked for the City of Manor in 2006-2010 and developed creative ways to drive innovation and engage residents through an online community called Manor Labs. To this day, Manor Labs remains a prominent model of government and citizen engagement used by hundreds of cities throughout the world. In 2009 he was named a Government Technology magazine Top 25 Doer, Dreamer and Driver for technology in the United States. He left Manor as Assistant City Manager in 2010 and joined the private sector to work on building and implementing emerging technologies for Fortune 500 companies and government agencies worldwide. He worked for a California technology company that specialized in crowdsourcing software for collecting and improving ideas from employees and citizens to drive innovation. From 2012-2014, he was president of KlabLab, a California-based startup that developed tech tools to improve the way students learn and create. Haisler graduated from high school in Elgin and earned a bachelor's degree in business administration from LeTourneau University in 2009. Haisler works with numerous nonprofits and education foundations and helps mentor startup companies. He and his wife, Amanda, have three children: Kaden, 10, Kye, 9, and Eden, 6.

Frank Skube District 3



Skube has more than 40 years of accounting, finance and business systems experience. He was employed by two electric cooperatives — Johnson City-based Pedernales Electric Cooperative (PEC) and Trinity Valley Electric Cooperative (TVEC) in Kaufman. He was CFO at PEC from 2011-2013 and served as Interim CEO for five months. He helped PEC develop new budget processes, launch a new accounting/billing system and implement changes in how PEC distributed capital credits to its members. He also spearheaded a debt-restructuring project. At TVEC, he was CFO for almost five years. Skube continues to work as a financial consultant for electric cooperatives across the country. Skube's career began with Dow Jones after earning a bachelor's degree in accounting from the University of Scranton in Pennsylvania. He worked at Dow Jones for 30 years in various positions overseeing accounting services, systems development and financial operations. He earned an MBA from Rider University. Skube lives in Bastrop with his wife of 38 years, Ronda. Their son Michael, a civilian engineer for the Naval Air Systems Command (NAVAIR), his wife, Alex, and one grandson, Nicholas, live in Maryland; their daughter Chelsea graduates in May with a nursing degree from Blinn College. Skube is president of the Drayton House condominium HOA in Myrtle Beach, S.C. and served on the Upper Freehold School District (N.J.) school board and as a director at the Gastonia-Scurry Special Utility District in Scurry, southwest of Kaufman. He and Ronda volunteer at the University of Texas at Austin's Texas Performing Arts Center and helped a family restore their home following the 2013 Halloween floods.

Kathleen Handy District 3



Handy is a small-business owner and longtime community volunteer in Bastrop. She has served on the Bluebonnet Board of Directors since 2013 and earned her Credentialed Cooperative Director certification through the National Rural Electric Cooperative Association. She is a member of the co-op's Energy Services, Technology and Member Experience committees. Her interest in electric co-ops dates to her East Texas childhood, when her grandfather was on the Bowie-Cass Electric Cooperative Board of Directors for 35 years. Handy studied speech communication at Centenary College of Louisiana and earned a degree in dental hygiene from Wharton County Junior College. She and her husband, Dr. James Handy, moved to Bastrop in 2003 and opened Bastrop Regional Foot & Ankle Center, a podiatric medical practice. She managed that practice while working part-time as a dental hygienist and continues in a management role today. Handy helps negotiate contracts, works with insurance companies, deals with personnel issues and helps with all aspects of customer service. She is a community volunteer and organizing member of Bastrop's newly formed National Society of the Daughters of the American Revolution chapter. She holds a leadership position on the Bastrop County Long Term Recovery Team and has volunteered for the Bastrop County Historical Society, Bastrop County Emergency Food Pantry, Rotary Club and Calvary Episcopal School. She is a former board member of the Bastrop Education Foundation and the Children's Advocacy Center, where she served as fundraising chair. The Handys have four sons: Alexander, 11, Nicholas, 9, Phillip, 7, and Maximus, 4.

Ben Flencher District 5



Flencher, chairman of the Bluebonnet Board of Directors, has been on the electric co-op's Board since 1987. He is an ex-officio member of Bluebonnet's Board committees — Audit & Finance, Employee Services, Energy Services, Legal & Governance, Member Experience and Technology. He grew up in a banking family in Somerville and began his lifelong banking career by rolling coins and filling checks as a young boy at the bank where his father worked. He was officially hired when he was in eighth grade and continued to work at the bank while in college. Today, he is president of that same bank — Citizens State Bank, Somerville — a position he's held since 1981. Under his leadership, the bank has grown to six locations and \$450 million in assets. Flencher graduated from Texas A&M University in 1974 with a degree in finance. He lends his financial savvy to many community organizations, including the Burleson County Economic Development Corporation and Blinn College Foundation Board. He is a lifelong member of the First Lutheran Church in Somerville. He and his wife Betsy, have four sons: Aaron and Cory, who work in the banking industry; Ryan, who works in commercial real estate; and Josh, who owns a dirt contracting company. The Flenchers have four grandchildren.

Kenneth Mutscher District 7



Mutscher, vice chairman of the Bluebonnet Board of Directors, has been on the electric co-op's Board since 1998. He earned his Credentialed Cooperative Director and Board Leadership certifications through the National Rural Electric Cooperative Association. He is chairman of the Employee Services Committee and a member of the Legal & Governance and Technology committees. He also serves as an ex-officio member of Audit & Finance, Energy Services and Member Experience committees. Mutscher owned a financial services business in Brenham and is now retired. He was an all-round athlete at Brenham High School, lettering in football, baseball, basketball and track. He attended Blinn College on a baseball scholarship and graduated from the University of Texas at Austin in 1965 with a degree in business administration. Before his financial business, Mutscher was an investigator for the Texas State Board of Pharmacy and was also an officer in the National Guard. He has been involved in several community organizations, including the Lions Club, the Chamber of Commerce, the Coastal Conservation Association, Washington County Little League and the Bluebonnet Beef Breeders Association of Washington County. He is a director of the Blinn College Foundation Board and is a member of Grace Lutheran Church where he has held numerous offices. Mutscher enjoys golf, fishing, hunting, traveling and raising Brangus cattle. He and his wife, Sarita, have one son, Kevin, an attorney in Brenham. Kevin and his wife, Renee, have a son, Kaden.





c/o Election Services Co.
P.O. Box 9020
Ronkonkoma, NY 11779-9822

Election Validation Number

0847347226

Voting Instructions

VOTING BY PROXY

- Mark your selections by placing a ✓ or an ✕ in the appropriate box(es).
- Fold and mail this form in the enclosed postage-paid envelope addressed to: Bluebonnet Electric Cooperative, c/o Election Services Co., P.O. Box 9020, Ronkonkoma, NY 11779-9822.
- All mailed proxies must be postmarked by May 3, 2016, in order to be valid.
- Proxies may also be registered with Bluebonnet's principal office by returning to any Bluebonnet Member Service Center by 5:30 p.m. May 3, 2016.

VOTING IN PERSON AT THE ANNUAL MEETING

- The Annual Meeting will be held on Tuesday, May 10, 2016, at 2:30 p.m. at the Sons of Hermann Hall, 1031 CR 223, Giddings, Texas. Registration will open at 1:30 p.m. and close at 2:30 p.m.
- Once you register at the Annual Meeting, your previously submitted proxy will be automatically revoked.

If you need voting assistance, please call toll-free 866-720-4357
Monday through Friday, 9 a.m. to 4 p.m. (CDT)
or email: bluebonnethelp@electionservicescorp.com

T58 P1*****AUTO**5-DIGIT 78602
CITY OF BASTROP
P.O. BOX 427
BASTROP TX 78602-0427



PROXY

This proxy shall remain in effect on any subsequent date, time and place to which said Annual Meeting may be recessed or postponed, giving full authority to said appointed proxy and agent to vote for me, as if I were present in person, on all matters to come before such meeting, including election of directors and passing upon reports as well as the transaction of such other business as may come before the meeting.

PLEASE CHOOSE WHO YOU WANT TO VOTE YOUR PROXY.

☐

I assign my proxy to the Proxy Committee:

The Proxy Committee of Bluebonnet Electric Cooperative, Inc. comprised of Byron Balke, Roderick L. Emanuel, Russell Jurk, James B. Kershaw, Robert Mikeska, Richard Schmidt and Suanna Tumlinson, with full power of substitution, as my proxy or agent for the Annual Meeting of the Cooperative to be held at 2:30 p.m. on Tuesday, May 10, 2016, at the Sons of Hermann Hall, 1031 CR 223, Giddings, Texas.

OR

☐

I assign my proxy to the individual named below:

_____ with full power of substitution, as my proxy and agent for the Annual Meeting of the Cooperative to be held at 2:30 p.m. on Tuesday, May 10, 2016, at the Sons of Hermann Hall, 1031 CR 223, Giddings, Texas.

CHECK EITHER A OR B. IF YOU CHECK BOTH, YOUR VOTE WILL NOT BE COUNTED.

☐

A. I instruct the Proxy Committee or Individual named above to vote my proxy at its discretion.

OR

☐

B. I instruct the Proxy Committee or the individual named above to vote for the candidates checked below.
(You may cast only one vote per district.)

DISTRICT 1
(CALDWELL, GONZALES,
GUADALUPE, HAYS COUNTIES)

☐

Milton Shaw
(incumbent)*

DISTRICT 3
(BASTROP COUNTY)

☐

Dustin Haisler

☐

Frank Skube

☐

Kathleen Handy
(incumbent)

DISTRICT 5
(BURLESON COUNTY)

☐

Ben Flencher
(incumbent)*

DISTRICT 7
(WASHINGTON COUNTY)

☐

Kenneth Mutscher
(incumbent)*

* As the election for Districts 1, 5 and 7 were uncontested, these candidates were elected by general consent in accordance with Article II, Section 5B of the Bylaws.

SIGNATURE

DATE

TELEPHONE #

CITY OF BASTROP

5000001311

ACCOUNT NAME

ACCOUNT NUMBER

0847347226

ALTERNATE NAME ON ACCOUNT (IF APPLICABLE)

03-22-2016

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: March 16, 2016

MEETING DATE: March 22, 2016

1. Agenda Item: **CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION FOR APPROVAL OF A MAY 17, 2016 SPECIAL MEETING AND CANVASS FOR THE MAY 7, 2016 ELECTION.**

2. Party Making Request: **City Secretary, Ann Franklin**

3. Nature of Request: (Brief Overview) Attachments: Yes X No
This is to receive approval of a special called meeting and canvass for the May 7, 2016 Election.

4. Policy Implication: _____

5. Budgeted: _____ Yes _____ No _____ N/A
 Bid Amount: _____ Budgeted Amount: _____
 Under Budget: _____ Over Budget: _____
 Amount Remaining: _____

6. Alternate Option/Costs: _____

7. Routing:	<u>NAME/TITLE</u>	<u>INITIAL</u>	<u>DATE</u>	<u>CONCURRENCE</u>
a)	_____	_____	_____	_____
b)	_____	_____	_____	_____
c)	_____	_____	_____	_____

8. Staff Recommendation:

9. Advisory Board: _____ Approved _____ Disapproved _____ None

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

11. Motion Requested: **Approval of the March 17, 2016 special called meeting and canvassing.**

TO: Mayor and Council
FROM: Ann Franklin, City Secretary
DATE: March 22, 2016
RE: May 7, 2016 Canvass

I have been in conversation with the Election Administrator for Bastrop County regarding the earliest date for canvassing. It has been determined that May 17, 2016 would be the best date for the City of Bastrop to canvass the May 7, 2016 Election results. The legal window prescribed by Section 67.003 of the Texas Election Code begins on May 10th and ends on May 18th. (The results may be canvassed at this time only if all Federal Post Card Application (FPCA) ballots have been received and the Early Voting Ballot Board (EVBB) has completed the count of provisional ballots.) Council would need to call a special meeting for the canvassing to take place on the 17th of May.

I would also ask Council to give consideration to distributing the Election Certificates to the newly elected Council Members at this meeting. In my past position a ceremony was held to acknowledge the winners of the election. If the Council so desires this acknowledgement could be held at the special called meeting for the canvassing along with a brief meet and greet reception immediately following the meeting.

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: March 16, 2016

MEETING DATE: March 22, 2016

1. Agenda Item: **CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION REGARDING AN EMPLOYMENT AGREEMENT BY AND BETWEEN THE CITY OF BASTROP AND CITY MANAGER MIKE TALBOT.**

2. Party Making Request: **Mayor Kesselus**

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

4. Policy Implication: _____

5. Budgeted: _____ Yes _____ No N/A

Bid Amount: _____

Under Budget: _____

Budgeted Amount: _____

Over Budget: _____

Amount Remaining: _____

6. Alternate Option/Costs: _____

7. Routing: NAME/TITLE INITIAL DATE CONCURRENCE

a) _____

b) _____

c) _____

8. Staff Recommendation:

9. Advisory Board: _____ Approved _____ Disapproved _____ None

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

11. Motion Requested:

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: 03/16/2016MEETING DATE: 03/22/2016

1. Agenda Item: Consideration, discussion and possible action on acceptance and approval of the revised Hotel Motel Tax Use Policy and Hotel Occupancy Tax Funding Application.

2. Party Making Request: Tracy Waldron

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

4. Policy Implication: _____

5. Budgeted: _____ Yes _____ No _____ N/A

Bid Amount: _____ Budgeted Amount: _____

Under Budget: _____ Over Budget: _____

Amount Remaining: _____

6. Alternate Option/Costs: _____

7. Routing:	<u>NAME/TITLE</u>	<u>INITIAL</u>	<u>DATE</u>	<u>CONCURRENCE</u>
a)	_____	_____	_____	_____
b)	_____	_____	_____	_____
c)	_____	_____	_____	_____

8. Staff Recommendation: Staff recommends approval of the revised Hotel Motel Tax Use Policy and Hotel Occupancy Tax Funding Application.

9. Advisory Board: _____ Approved _____ Disapproved _____ None

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

11. Motion Requested: Approval of the revised Hotel Motel Tax Use Policy and Hotel Occupancy Tax Funding Application.

City of Bastrop



HOT Funding Application FY 2016-2017

**1311 Chestnut St.
Bastrop, Texas 78602
512-332-8820**

Revised 3/15/2016

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Revised 3/15/2016



Dear Prospective Applicant:

Attached is a copy of the application for Hotel Occupancy Tax funding for your 2016-2017 special event. It is with great pride that the City of Bastrop enters into an agreement with prospective applicants to provide our community with rich, cultural, and exciting events.

Our application process consists of the following stages:

- Application Deadline – June 30, 2016 5:00pm
- Meeting with Organizations to review Appl. Process & Policy – May 30, 2016 5:30pm
- Organizations to Present to Council – July 26, 2016 6:30pm
- Review & Selection of Events for funding – August - September 2016
- Recommendation to City Council – before September 30, 2016
- Disbursement of Funds – October 2016

We would like to fund all applications, however funding is selective and is based on the application you submit. It is critical that you complete the application in its entirety especially the worksheet and the support consideration checklist and submit to the City of Bastrop Finance Department, 1311 Chestnut St., Bastrop, Texas 78602.

Thank you for your application and we wish you much success with your event.

Tracy Waldron

Tracy Waldron
Chief Financial Officer

Revised 3/15/2016

Overview of the Application Process

This packet was designed to establish guidelines to apply universally to all events and activities requesting support from the City of Bastrop. There are stringent requirements in the Tax Code regulating the use of HOT funds. A copy of the applicable Tax Codes has been included in this packet (Page 11) for your review.

The City of Bastrop will review the applications and make recommendations to the city council on the portion of the Hotel/Motel Fund budget allocated to special event support.

Funding for event support is available from the Hotel Occupancy Tax collected by our lodging properties.

To apply for support, the event must be sponsored by an entity located within the corporate limits, extra-territorial jurisdiction, or sufficiently close proximity as to reasonably attract tourists to the City of Bastrop and, the event must take place within the same parameters as stated above.

The sponsoring organization will be required to provide their tax filing status and ID number as part of the application. The sponsoring organization must be tax-exempt, unless otherwise approved at the discretion of the Bastrop City Council. It is preferred that the sponsoring organization have 501(c)3 tax-exempt status, but it is not required.

Rules Governing your Application:

1. The applicant must present reasonable evidence that the expenditure or event will increase overnight stays in the local hotels in Bastrop.
2. For any applicant applying for HOT funds to advertise an event, the City Council recommends these funds focus on targeting visitors outside a 30 mile radius of Bastrop.
3. The applicant must ensure that all Bastrop hotels and B&Bs current contact phone number, email and/or website are listed on the information provided to registrants, vendor/event attendees, including event websites. Also all Bastrop hoteliers must be made aware of the event, and have sufficient time to participate in the bidding process for both primary bookings and overflow.
4. If the request is for cooperative advertising support, the Main St. Director (will defer to the DMO once established) must approve the final advertising copy for appropriate representation of the City of Bastrop and local lodging one (1) week before the ad or publication's proof/print deadline.
5. **Any promotional materials (brochures, website, advertisements, etc.) using HOT funds are required to include the appropriate Bastrop brand/logo with the**

Revised 3/15/2016

www.cityofbastrop.org website below the logo. Also, any event sponsor signage is required to include the appropriate Bastrop logo.

(Contact the City of Bastrop, 512-332-8820 for the correct version of the logo to use for each promotional item.)

6. After the application process is complete, and upon recommendation, the contact name on the application or a designated representative will be expected to attend a City Council meeting to present an overview of the information and/or items included in the application such as visitor attendance, hotel selection; number of visitor overnight stays expected due to the event and expenditure. The date of this meeting is listed on Page 3.

The Post Event Analysis Process:

The Post Event Analysis must include all of the items outlined in the application, including advertisements produced with the use of HOT funds. The Post Event Analysis is due 30 days after the event. The packet can be mailed or delivered to the attention of:

Tracy Waldron
City of Bastrop, Finance Dept.
1311 Chestnut St.
Bastrop, Texas 78602

If the Post Event Analysis and the final accounting of room nights are not received by the due date, the City of Bastrop reserves the right to reject any future application by the organization.

It is the responsibility of the organization hosting the event to monitor the number of out-of-town guests who stay in Bastrop lodging properties. We strongly recommend working with the hotels to ensure proper credit and tracking. Some suggestions for tracking out-of-town guests would be to use a zip code tracking system or a survey distributed to attendees. ***Please note that stated room nights generated will be subject to an audit by the City Manager and staff.***

If you need assistance in completing the application or have further questions, please contact Tray Waldron, at 512-332-8820 or via e-mail at twaldron@cityofbastrop.org.

Revised 3/15/2016

Support Considerations Checklist

Name of Event _____

Year Applying _____

_____ The event "directly enhances and promotes tourism AND the convention and hotel industry." (Tax Code, Section 351.101) **(This is a requirement)**

_____ The event qualifies under AT LEAST ONE of the following categories:
(Please circle category number)

- (1) the establishment, improvement, or maintenance of a convention center or visitor information center
- (2) the facilitation of convention registration
- (3) advertising, solicitations and promotions that attract tourists and convention delegates to City of Bastrop
NOTE: If applying under this category, legitimate media must be utilized IN ADVANCE of the event (examples include direct mail, postage, newspapers, magazines, radio, television, billboards, newsletters, brochures and other collateral material).
- (4) the encouragement, promotion, improvement and application of the arts -
NOTE: Must be a viable art form (examples include instrumental and vocal music, dance, drama, folk art, creative writing, architecture, design and allied fields, painting, sculpture, photography, graphic and craft arts, motion pictures, radio, television, tape and sound recording)
- (5) the enhancement of historical restoration and preservation projects
- (6) funding costs in certain counties to hold sporting events that substantially increase hotel activity: (cities within counties of under 1 million population)
- (7) the enhancement or upgrading of existing sports facilities or sports fields for certain municipalities
- (8) funding transportation systems for tourists

_____ The application is filled out thoroughly and completely with all requested documentations attached.

_____ The Post Event Analysis for last year's event have been previously submitted.
(Write "N/A" if you did not receive support last year)

_____ It has been determined how the event will track out-of-town guests, demonstrating that the event will attract tourists that will support the convention and hotel industry.

Revised 3/15/2016

CITY OF BASTROP
2017 HOTEL OCCUPANCY TAX FUNDING APPLICATION

ORGANIZATION INFORMATION:

Official Name of Organization _____

_____ Date _____

Contact Person _____

_____ E-mail _____

Organization Address _____

_____ Phone Number _____

Website Address _____

Is your Organization:

☐

501(c)3

Other (provide description) _____

Tax ID# _____

\$ _____

Total Amount Requested

\$ _____

Total Amount Granted prior year

Provide a brief description of your organization's mission:

Required Attachments:

- 1) Last fiscal year's financial statement (profit & loss statement) for your organization as a whole
- 2) Proposed Budget FY2017 (10/01/2016 - 09/30/2017) itemized detail relevant to HOT fund revenue requesting
- 3) Copy of 501 (c) letter from Internal Revenue Service
- 4) Event Planning Timeline, if applicable
- 5) Identify other sources of funding
- 6) List of all Board Members
- 7) ALL ATTACHMENTS SHOULD BE PROVIDED IN 8.5" X 11" SIZE, NO OTHER ATTACHMENTS ACCEPTED

CITY OF BASTROP
2017 HOTEL OCCUPANCY TAX FUNDING APPLICATION

EVENT OR PROJECT INFORMATION
(COMPLETE A SEPARATE FORM FOR EACH EVENT)

Project Number _____
of _____

Name of Organization

Fiscal Year of Request

Name of Event or Project

Date of Event or Project

\$ _____

Amount Requested

Primary Location of Event or Project

Expected Attendance

How many years have you held this Event or Program

Percentage of attendance that will be
staying overnight in hotels

Estimated number of hotel room nights will be
generated by the Event

How will you measure the impact of your event on area hotel activity?

Do your promotional materials/website note area lodging facilities that can host participants? _____

Tell us about your event or project:

CITY OF BASTROP
2017 HOTEL OCCUPANCY TAX FUNDING APPLICATION

EVENT OR PROJECT INFORMATION

(COMPLETE A SEPARATE FORM FOR EACH EVENT)

Project Number

_____ of _____

To qualify for financial assistance under the Hotel Occupancy Tax for Bastrop, the expenditure must satisfy Part One and at least ONE of the options in Part Two.

PART ONE - In order to be eligible to receive HOT Funding you must comply with State Law/Chapter 351 of the Tax Code. Revenues must be used to directly promote tourism and the convention and hotel industry. Which expenditure category from page 6 is most relevant to your project event? Please explain

CITY OF BASTROP
2017 HOTEL OCCUPANCY TAX FUNDING APPLICATION

The information contained herein and attached to this application is true and correct to the best of my knowledge. I hereby acknowledge that any funding received from the City of Bastrop must be expended as I have represented in this application and according to any requirements set by the City of Bastrop City Council and according to the program guidelines. I agree that if funds are not expended accordingly, in the opinion of the City of Bastrop, said funds will be returned to the City of Bastrop within ten (10) days from the date the City of Bastrop demands such.

Authorized Signature for the Applicant

Date

Name Printed or Typed

Title

Return completed application and attachments to:

DEADLINE: 5:00 P.M., JUNE 30, 2016

City of Bastrop

Finance Department

P. O. Box 427

1311 Chestnut Street

Bastrop, Texas 78602

Electronic/Facsimile submissions will not be considered.

Post Event Analysis

Event Information

Event Name
Event Date(s)

Event Final Outcome

Event Attendance	Hotel Room Nights*
_____	_____
Provide the total # of rooms picked-up for the event and provide a form of proof.	

* Subject to audit

Number of advertisements placed for the event. <i>Attach a copy of each ad and the name of the publication.</i>	
--	--

The above accounting of our Special Event is accurate and true to the best of my knowledge.

Authorized Signature

Date

Print name here

Title/Responsibility

Return this form and supporting documentation to the City of Bastrop Finance Department, 1311 Chestnut St., Bastrop, TX 78602. If you have any questions, please contact Tracy Waldron at 512-332-8820.

Revised 3/15/2016

Tax Code – Use of Hotel Occupancy Tax Revenue

§ 351.101. USE OF TAX REVENUE.

(a) Revenue from the municipal hotel occupancy tax may be used only to promote tourism and the convention and hotel industry, and that use is limited to the following:

(1) the acquisition of sites for and the construction, improvement, enlarging, equipping, repairing, operation, and maintenance of convention center facilities or visitor information centers, or both;

(2) the furnishing of facilities, personnel, and materials for the registration of convention delegates or registrants;

(3) advertising and conducting solicitations and promotional programs to attract tourists and convention delegates or registrants to the municipality or its vicinity;

(4) the encouragement, promotion, improvement, and application of the arts, including instrumental and vocal music, dance, drama, folk art, creative writing, architecture, design and allied fields, painting, sculpture, photography, graphic and craft arts, motion pictures, radio, television, tape and sound recording, and other arts related to the presentation, performance, execution, and exhibition of these major art forms;

(5) historical restoration and preservation projects or activities or advertising and conducting solicitations and promotional programs to encourage tourists and convention delegates to visit preserved historic sites or museums;

(6) for a municipality located in a county with a population of one million or less, expenses, including promotion expenses, directly related to a sporting event in which the majority of participants are tourists who substantially increase economic activity at hotels and motels within the municipality or its vicinity.

(7) the promotion of tourism by the enhancement and upgrading of existing sports facilities or fields, including facilities or fields for baseball, softball, soccer, and flag football

(8) for funding transportation systems for tourists

§ 351.108. RECORDS.

(a) A municipality shall maintain a record that accurately identifies the receipt and expenditure of all revenue derived from the tax imposed under this chapter.

(b) A municipality or entity that spends revenue derived from the tax imposed under this chapter shall, before making an expenditure, specify in a list each scheduled activity, program, or event that:

(1) is directly funded by the tax or has its administrative costs funded in whole or in part by the tax; and

(2) is directly enhancing and promoting tourism and the convention and hotel industry.

(c) If a municipality delegates to another entity the management or supervision of an activity or event funded by the tax imposed under this chapter, each entity that is ultimately funded by the tax shall, before making an expenditure, specify in a list each scheduled activity, program, or event that:

(1) is directly funded by the tax or has its administrative costs funded in whole or in part by the tax; and

(2) is directly enhancing and promoting tourism and the convention and hotel industry.

Revised 3/15/2016

CITY OF BASTROP
POLICY AND PROCEDURES

HOTEL OCCUPANCY TAX USE POLICY

I. Objective

The purpose of the policy is to provide guidelines relating to the use of Hotel Occupancy Taxes collected in accordance with Chapter 351 of the Texas Tax Code. The policy shall be adopted by the City Council and will be amended as needed.

II. Scope

This policy further outlines the use of hotel occupancy tax revenue to promote tourism and the convention and hotel industry.

The Hotel Occupancy Tax Policy is only intended to provide further clarification and guidance on use of collected Hotel Occupancy Tax revenues. State law shall prevail. Any changes to Chapter 351 of the State of Texas Tax Code shall supersede the City Policy.

III. Definitions

"Disbursement" - Disbursement is defined as payment to any "organization" for approved expenses in accordance with the City policy and state law.

"Fiscal Year" - The fiscal year shall mean the period between October 1 and September 30 of each year.

"Hotel Occupancy Tax" - The City levies a tax upon the occupant of any room or space furnished by any hotel where such costs of occupancy is at the rate of two dollars (\$2.00) or more per day, such tax to be equal to seven (7) percent of the consideration paid by the occupant of such room, space or facility to such hotel, exclusive of other occupancy taxes imposed by other governmental agencies (Code of Ordinances Section 11.04).

"Municipality" - Municipality shall mean the City of Bastrop.

"Organization" - Organization shall mean any person, governmental entity, or private organization requesting use of Hotel Occupancy Tax Revenues.

"Revenues" - Shall be defined as Hotel Occupancy Tax revenues.

IV. Uses

The following are permitted uses of Hotel Occupancy Tax revenues, in accordance with Chapter 351 of the Texas Tax Code Section 351.101(a) and this policy. The percentage breakdown between uses is intended to provide a general guideline and may be annually modified by the City Council without amendment to this policy.

A. Convention and Visitor's Bureau

- (1) The acquisition of sites for and the construction, improvement, enlarging, equipping, repairing, operation, and maintenance of convention center facilities or visitor information.
- (2) The furnishing of facilities, personnel, and materials for the registration of convention delegates or registrants.
- (3) Advertising and conducting solicitations and promotional programs to attract tourists and convention delegates or registrants to the municipality or its vicinity.

The funding of the City of Bastrop Convention Center is proposed during the budget process and approved by City Council by September 30 of each year.

Hotel Tax revenues may be pledged for the repayment of bonds. The City Council may set aside up to seventy-five percent (75%) of Hotel Tax revenues for repayment of bonds issued for construction related to this policy.

B. Promotion of the Arts

- (1) The encouragement, promotion, improvement, and application of the arts, including instrumental and vocal music, dance, drama, folk art, creative writing, architecture, design and allied fields, painting, sculpture, photography, graphic and craft arts, motion pictures, radio, television, tape and sound recording, and other arts related to the presentation, performance, execution, and exhibition of these major art forms.

No more than fifteen percent (15%) of annual Hotel Occupancy Tax revenues will be set aside for this purpose.

C. Historical Restoration and Museums

- (1) Revenues may be used for historical restoration and preservation projects or activities advertising and conducting solicitations and promotional programs to encourage tourists to visit preserved historic sites or museums located within the municipality.

Funding will be considered on a case-by-case basis for this category.

D. Sporting Event Promotion

- (1) Revenues may be used for promotion of sporting events in which the majority of participants are tourists who substantially increase economic activity at hotels and motels within the municipality or its vicinity.

Sporting event promotion will be given the same funding consideration as outlined for advertising and conducting solicitations and promotional programs in Section A(3).

E. Enhancement of Existing Sports Facilities

- (1) Revenues may be used for the promotion of tourism by the enhancement and upgrading of existing sports facilities or fields, including facilities or fields for baseball, softball, soccer, and flag football so long as:
 - (a) the municipality owns the facilities or fields;
 - (b) the municipality meets population requirements defined in Chapter 351 of the Tax Code (Section 351.101 (a.7));
 - (c) the sports facilities and fields have been used, in the preceding calendar year, a combined total of more than ten (10) times for district, state, regional, or national sports tournaments.

F. Signage

Hotel Tax revenues may be used to construct signage directing the public to sights and attractions that are visited frequently by hotel guests in the municipality.

G. Fund Balance Requirement

The City shall strive to maintain a fund balance of twenty-five percent (25%) of estimated annual Hotel Occupancy Tax revenues. Fund balance may be used for eligible expenses at the City Council's discretion.

V. Procedure

A. Eligibility

- (1) Any organization, non-profit, or entity may apply for funding.
- (2) The applicant's proposed project/event must be located in the City's corporate limits, extra-territorial jurisdiction, or in sufficiently close proximity as to reasonably attract tourists to the City.
- (3) The applicant must demonstrate that the funds will be used to promote the tourism, convention and hotel industry for the Bastrop region.
- (4) The applicant must be an organization or corporation governed by a board of directors or a business applying for a public project to support tourism efforts within the City
- (5) The applicant must be a legal entity with legal capacity to enter into contracts.
- (6) The applicant must demonstrate that the programs and/or events are open and appropriate for the general public.
- (7) The applicant must demonstrate that they are in good financial standing and that financial safe guards are in place to protect public funds.

B. Use of Funds

Organizations must use granted Hotel Occupancy Tax revenues in accordance with this policy and Chapter 351 of the Tax Code. Applicants must demonstrate that the disbursement will directly enhance and promote tourism by attracting visitors from outside of Bastrop into the City or its vicinity.

The applicant must present reasonable evidence that the request will increase overnight stays in Bastrop. Any funded applicant must notify overnight lodging establishments of the upcoming event. Any promotional material must reference Bastrop lodging establishments.

C. Application Process

The City Council will accept applications for funding consideration starting mid-May through the end of June of each year. Applications will be considered by the City Council and funding approved prior to September 30. The applicant will be requested to present the funding request to the City Council.

D. Financial Information

To be eligible to receive funds, organizations must demonstrate that they are in good financial standing and that they will act as responsible stewards of public funds.

- (1) Organizations must include their most recent audited financial statements with the application, unless they are a newly formed organization.
- (2) Organizations must demonstrate that it maintains internal financial controls that will allow for proper tracking, accounting, and reporting of Hotel Occupancy Tax revenues and related expenditures. The organization must include a copy of their financial policies with the application.
- (3) Organizations must keep Hotel Occupancy Tax revenues in a separate account so that revenues may not commingle with any other money, as defined in Section 351.007(b) of the State of Texas Tax Code.
- (4) For events funded through Hotel Occupancy Tax revenues, organizations must provide proof of insurance. The organization must forward Certificates of Insurance to the City prior to the event. The insurance required shall be procured and maintained in full force and effect for the duration of the scheduled event. Certificate Holder shall be the City of Bastrop, 1311 Chestnut St., Bastrop TX 78602.

E. Audit

The City of Bastrop may, at any time, inspect the books or records of the organization that may be related to the use of Hotel Occupancy Tax revenues. The City, at its sole expense, has a right to audit any report or document submitted by the organization to the City by giving thirty (30) days prior written notice to the organization of its intention to do so.

F. Evaluation of Applications

- (1) City Staff Review of eligibility - Once an application is received, the City will review the application to ensure that all information has been submitted and that the application is complete. Applicant will be notified in writing if deficiencies are noted. No application will be presented for Council consideration if deficiencies are present. The following scoring will be assigned by staff prior to submitting to Council:

<u>POINTS</u>	<u>CRITERIA</u>
40	Estimated # of hotel nights generated by event
30	Concrete method of measuring impact at local hotels
15	Event location proximity to the City's Corporate Limits
15	Included area lodging info into promotional materials
5	Organization is non-profit/tax-exempt status

- (2) Council Review - If the application is found to be complete, the request will be brought forward to the City Council for consideration. The organization will be requested to be present during Council consideration to provide more information and/or clarification.

The City Council may only award funds for uses that comply with Chapter 351 of the Texas Tax Code and this policy. Sufficient funds must be available before the Council may award funding.

- (a) Conflict of Interest - Any City Council member shall recuse themselves from voting on a funding request of an organization with which they are affiliated.
- (b) Evaluation Criteria - The City Council will use the following criteria to evaluate requests:
 - 1) Proposed event/program has broad Visitor Appeal
 - 2) Proposed expenditure adheres to legal requirements

- 3) Application provides for concrete methods of measuring tourism draw
 - 4) Proposed event/program will significantly enhance the image of Bastrop as a tourism destination
- (3) Funding Contract - If funding is awarded, the City Council will authorize a funding contract with the organization. The organization must return two signed original funding contract documents to the City. Failure to return the executed agreements shall be deemed a rejection of the offer for funding by the City Council and the offer shall be deemed withdrawn.

G. Reporting

Funded organizations will be required to submit a report detailing the use of Hotel Occupancy Tax revenues. Copies of receipts and other documents as required by the City shall be provided for expenses. Only expenses that meet Chapter 351 of the Tax Code and this policy shall be allowed. The City has the right to request a refund by the organization for expenses where no receipt or invoice is provided.

Organization's provided funding for a one-time expense or event will be required to submit a report within thirty (30) days of the event. Partial or incomplete reports will not be accepted.

Organization's that are provided funding for ongoing promotion and multiple events will be required to submit a report each quarter.

Reports should provide information specific to the event including total revenues, total expenses, estimated number of attendees versus expected, financial impact of the event, etc. Reports shall be submitted using the template provided by the City.

The City of Bastrop, Texas is under no obligation to allocate any portion of collected Hotel Occupancy Tax revenues unless the City enters into a funding contract. The adoption of this policy shall at no time be deemed to create any expectation that funds will be allocated to any one or more of the applicants. Award of funds does not guarantee future funding. The City may enter into other agreements above and beyond this policy in pursuit of economic development at the City Council's discretion. The City Council shall have the final decision regarding the allocation of funds pursuant to this policy.

Bastrop Lodging Accommodations

Name	Units	Location	Phone
Bastrop Colorado River KOA	3	98 TX-71, Bastrop, TX 78602	(512) 321-7500
Bastrop Inn	32	102 Childers Dr., Bastrop, TX 78602	(512) 321-3949
Bastrop River House	1	119 Lower Wood Lane Bastrop, TX 78602	(512)-440-8730
Bastrop State Park	14	3001 Hwy 21 East Bastrop, TX	(512)-321-2101
Best Western	60	107 Hunters Crossing Blvd, Bastrop, TX 78602	(512) 321-0900
Budget Inn	15	506 Pecan St, Bastrop, TX 78602	(512) 321-6200
Buttonwood Row Bed & Breakfast	1	1402 Hill Street Bastrop, TX	(512)-321-2679
Comfort Suites	69	505 Agnes Street, Bastrop, TX 78602	(512) 321-3377
Days Inn	51	4102 Texas 71, Bastrop, TX 78602	(512) 321-1157
Hampton Inn	89	240 S Hasler Blvd, Bastrop, TX 78602	(512) 321-2898
Holiday Inn	56	491 Agnes, Bastrop, TX 78602	(512) 321-1900
Hyatt Regency Lost Pines	491	575 Hyatt Lost Pines Rd, Cedar Creek, TX 78612	(512)-308-1234
Morris Mansion	4	1508 Church St, Bastrop, TX 78602	(512) 321-5558
Pecan Street Inn	4	1010 Pecan St, Bastrop, TX 78602	(512) 321-3315
Quality Inn	40	106 Hasler Blvd, Bastrop, TX 78602	(512) 321-3303
Super 8	37	3110 TX-71, Bastrop, TX 78602	(512) 321-6000
Tropicana Motel	31	West, 105 TX-71, Bastrop, TX 78602	(512) 321-2526
The Weathered Door Bed & Breakfast	1	605 Water St, Bastrop, TX 78602	(512) 626-1191

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: March 18, 2016MEETING DATE: March 22, 2016

1. Agenda Item: **CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON THE APPROVAL OF A RESOLUTION OF THE CITY COUNCIL OF BASTROP, TEXAS REGARDING AUTHORITY PROVIDED TO THE COUNTY OF BASTROP, TEXAS AND THE BASTROP INDEPENDENT SCHOOL DISTRICT CONCERNING REAL PROPERTY HELD IN TRUST FOR THE CITY, LOCATED IN PINE FOREST, UNIT 6, BASTROP COUNTY, TEXAS AND RESOLVING MATTERS REGARDING A REAL ESTATE CONTRACT.**

2. Party Making Request: Michael H. Talbot

3. Nature of Request: (Brief Overview) Attachments: Yes X No _____
Attached is a "Resolution" in which the City of Bastrop is confirming that the lots held in trust by either the Bastrop County [County] or the Bastrop Independent School District [BISD], in Pine Forrest Unit #6. The County and the BISD have and will continue to have the City's authority to vote the City's interest in these lots.

4. Policy Implication: _____

5. Budgeted: _____ Yes _____ No _____ N/A
Bid Amount: _____ Budgeted Amount: _____
Under Budget: _____ Over Budget: _____
Amount Remaining: _____

6. Alternate Option/Costs: _____

7. Routing: **NAME/TITLE** **INITIAL** **DATE** **CONCURRENCE**
a) _____
b) _____
c) _____

8. Staff Recommendation:

9. Advisory Board: _____ Approved _____ Disapproved _____ None

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

11. Action Taken: _____

RESOLUTION NO. R-2016 – 11

RESOLUTION OF THE CITY COUNCIL OF BASTROP, TEXAS REGARDING AUTHORITY PROVIDED TO THE COUNTY OF BASTROP, TEXAS AND THE BASTROP INDEPENDENT SCHOOL DISTRICT CONCERNING REAL PROPERTY HELD IN TRUST FOR THE CITY, LOCATED IN PINE FOREST, UNIT 6, BASTROP COUNTY, TEXAS AND RESOLVING MATTERS REGARDING A REAL ESTATE CONTRACT

WHEREAS, the County of Bastrop, Texas collects *ad valorem* property taxes on behalf of the City of Bastrop, Texas; and

WHEREAS, certain properties located in the subdivision locally known as PINE FOREST UNIT 6, BASTROP COUNTY, TEXAS, are involved in delinquent tax foreclosure actions, pursuant to Section 34.01 of the Texas Property Tax Code; and

WHEREAS, certain properties located in the subdivision known as PINE FOREST UNIT 6, BASTROP COUNTY, TEXAS, have resulted in the payment of delinquent taxes by conveyance of real property to the County of Bastrop, Texas or the Bastrop Independent School District, as trustees, pursuant to Section 36.061 of the Texas Property Tax Code; and

WHEREAS, the attached document, identified as Exhibit A, lists all of those properties identified above including, but not limited to, the properties for which the County of Bastrop, Texas or the Bastrop Independent School District are acting as trustees for the applicable taxing unit, as defined in Section 1.04 (12) of the Texas Property Tax Code; and

WHEREAS, the Texas Property Tax Code provides that the taxing unit that holds record title to a property, as a result of delinquent tax foreclosure(s) or by conveyance of real property in satisfaction of delinquent taxes owed, is the owner of such property subject only to disbursements of delinquent taxes owed to other taxing units from the proceeds of a sale of the property, in accordance with the provisions of the Texas Property Tax Code; and

WHEREAS, on or about February 22, 2012 the City of Bastrop, Texas signed a Real Estate Contract with Pine Forest Investments Group, LLC (as the "Purchaser") (hereinafter referred to as the "Real Estate Contract"); and

WHEREAS, it was not the intent of the City of Bastrop, Texas to create any equitable interest of any nature or kind in Pine Forest Investments Group, LLC or any other person, by reason of the signing of the Real Estate Contract; and

WHEREAS, it was not the intent of the City of Bastrop, Texas to transfer to Pine Forest Investments Group, LLC any membership voting rights in the Pine Forest Property Owners' Association, Inc. by reason of the signing of the Real Estate Contract; and

WHEREAS, it was and is the intent of the City of Bastrop, Texas to affirm, grant or transfer, if needed, all membership voting rights within the Pine Forest Property Owners' Association, Inc., as to all property described on Exhibit A, to the County of Bastrop, Texas or the Bastrop Independent School District, as applicable, as trustees for the other taxing units as defined by the Texas Property Tax Code; and

WHEREAS, on June 4, 2013, the City of Bastrop, Texas terminated the Construction/Development Agreement between the City of Bastrop, Texas and Pine Forest Investments Group, LLC, which was a Condition Precedent to the effectiveness of the Real Estate Contract; and

WHEREAS, on June 10, 2013, Bastrop County, Texas, by Resolution of the Bastrop County Commissioners Court, terminated the Real Estate Contract; and

WHEREAS, Pine Forest Property Owners' Association, Inc. and certain members of the Board of Directors of Pine Forest Property Owners' Association, Inc. have caused confusion regarding matters surrounding the Real Estate Contract and membership voting rights in the Pine Forest Property Owners' Association, Inc., and

WHEREAS, the City Council of the City of Bastrop, Texas finds it to be in the public interest to clarify matters regarding the Real Estate Contract, and to affirm, grant or transfer, if needed, to the County of Bastrop, Texas and the Bastrop Independent School District, where applicable, the authority to vote in all membership matters in the Pine Forest Property Owners' Association, Inc. on behalf of the City of Bastrop, Texas, a taxing unit, as defined in the Texas Property Tax Code, with regard to the properties described on Exhibit A, pursuant to the Texas Property Tax Code provisions identified herein.

NOW, THEREFORE, BE IT RESOLVED by City Council of the City of Bastrop, Texas, that:

1. The City Council of Bastrop, Texas affirms, grants and transfers, if required, authority to the County of Bastrop, Texas and the Bastrop Independent School District, where applicable, authority to vote in all membership matters in the Pine Forest Property Owners' Association, Inc. on behalf of the City of Bastrop, Texas, a taxing unit, with regard to the properties described on Exhibit A pursuant to the Texas Property Tax Code; and

2. The City Council reconfirms that the Real Estate Contract did not and was never intended to create any equitable interest, of any nature or kind, in Pine Forest Investments Group, LLC, or any other person; and

3. The City Council of Bastrop, Texas did not transfer to Pine Forest Investments Group, LLC membership any voting rights in the Pine Forest Property Owners' Association, Inc. by the signing of the Real Estate Contract; and

4. The Real Estate Contract was terminated effective as of the 10th day of June, 2013; and

5. The City Council of Bastrop, Texas ratifies and affirms, if required, all prior votes of the County of Bastrop, Texas and the Bastrop Independent School District, where applicable, in all membership matters in the Pine Forest Property Owners' Association, Inc. with regard to the properties described on Exhibit A, made on behalf of the City of Bastrop as trustees.

The foregoing Resolution was moved and seconded, and finally adopted by majority vote at a meeting of the City Council of the City of Bastrop, Texas on the 22nd day of March, 2016.

Ken Kesselus
Mayor of the City of Bastrop, Texas

ATTEST:

Ann Franklin, City Secretary, City of Bastrop

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: March 18, 2016MEETING DATE: March 22, 2016

1. Agenda Item: **CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON THE APPROVAL OF A RESOLUTION OF THE CITY COUNCIL OF BASTROP, TEXAS ACCEPTING INTO THE CITY'S PUBLIC RECORDS VARIOUS COMMUNICATIONS FROM MEMBERS OF THE PINE FOREST PROPERTY OWNERS' ASSOCIATION, INC.**

2. Party Making Request: **Michael H. Talbot**

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

Attached is a "Resolution" in which the City of Bastrop is confirming various members of the Pine Forest Property Owners' Association, Inc. have sent communications to representatives and officials of the City of Bastrop, thanking the City, Bastrop County, and the Bastrop Independent School District for their efforts, to clarify and assist with membership authority, voting rights and membership structure in the Pine Forest Property Owner's Association, Inc.

4. Policy Implication: _____

5. Budgeted: _____ Yes _____ No N/A

Bid Amount: _____ Budgeted Amount: _____

Under Budget: _____ Over Budget: _____

Amount Remaining: _____

6. Alternate Option/Costs: _____

7. Routing: **NAME/TITLE** **INITIAL** **DATE** **CONCURRENCE**

a) _____

b) _____

c) _____

8. Staff Recommendation: _____

9. Advisory Board: _____ Approved _____ Disapproved _____ None

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

11. Action Taken: _____

RESOLUTION NO. R-2016 -12

RESOLUTION OF THE CITY COUNCIL OF BASTROP, TEXAS ACCEPTING
INTO THE CITY'S PUBLIC RECORDS VARIOUS COMMUNICATIONS
FROM MEMBERS OF THE PINE FOREST PROPERTY OWNERS'
ASSOCIATION, INC.

WHEREAS, various members of the Pine Forest Property Owners' Association, Inc. have sent communications to representatives and officials of the City of Bastrop, thanking the City, Bastrop County, and the Bastrop Independent School District for their efforts, *inter alia*, to clarify and assist with membership authority, voting rights and membership structure in the Pine Forest Property Owner's Association, Inc.; and,

WHEREAS, the City Council of Bastrop, Texas desires to make these expressions of gratitude a permanent part of the City's public record, so that in the future, others may have an opportunity to reflect on the value of the City's, the County's and the Bastrop Independent School District's activities in this matter and more fully grasp the benefit intended to be forthcoming to the citizens of the Bastrop community as a result of the efforts and actions of the City, Bastrop County, and the Bastrop Independent School District in attempting to, *inter alia*, resolve the matters facing the membership of the Pine Forest Property Owners' Association, Inc.; and,

WHEREAS, copies of the expressions of gratitude from residents and members of the Pine Forest Property Owners' Association, Inc., are attached hereto, as Exhibit A, and will thereby be entered into the City's public records, pursuant to the action taken by the City Council of Bastrop, Texas in formally adopting this Resolution.

NOW, THEREFORE, BE IT RESOLVED by City Council of the City of Bastrop, Texas, that:

1. The City Council of Bastrop, Texas hereby makes the attached communications received by the City through its representatives and officers, from members of the Pine Forest Property Owners' Association, Inc., expressing gratitude to the City of Bastrop, Bastrop County and the Bastrop Independent School District for the efforts taken by them to resolve controversies, confusion and legal issues currently existing as to, *inter alia*, the membership, voting rights, and structure of the Pine Forest Property Owners' Association, Inc., formal public records of the City of Bastrop, Texas.

2. The City shall maintain the attached documents, expressing gratitude, as public records of the City, so that in the future, others may refer to and reflect on these public documents.

The foregoing Resolution was moved and seconded, and finally adopted by majority vote at a meeting of the City Council of the City of Bastrop, Texas on the 22nd day of March, 2016.

Ken Kesselus
Mayor of the City of Bastrop, Texas

ATTEST:

Ann Franklin, City Secretary, City of Bastrop

EXHIBIT A

Pine Forest Property Owners' Association, Inc.

Member comments and email

[Print](#) | [Close Window](#)

Subject: Thank You For Your Support Of The Pine Forest Property Owners And For Your Efforts To Restore Order To Our Community...

From: Bill Gooldy <wgooldy@hotmail.com>

Date: Tue, Mar 08, 2016 10:05 pm

To: <'Paul.pape@co.bastrop.tx.us', <smurray@bisdtx.org>, <mtalbot@cityofbastrop.org>

Cc: <nreyes@mvalaw.com>, <charles@bundrenlaw.net>

My wife of thirty years and I currently live and work in Austin having moved here from Houston a number of years ago, and, being longtime admirers of the community in the town of Bastrop and the surrounding area we have purchased several adjoining lots in Pine Forest with the intent of someday building a retirement home there, but the things that we have watched the board doing, mostly through proxy votes from absentee owners, to revamp the PFPOA Covenants and By-Laws to consolidate their hold on the board, and consequently their control of the corporation, has forced us over the last several years to be re-evaluating these plans...

We are both heartened by all of your efforts to restore some semblance of order to this subdivision, and we extend our every gratitude for your service and hope that this endeavor will culminate in a win for the community...

Bill Gooldy
wgooldy@hotmail.com
512.820.8428

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[Print](#) | [Close Window](#)**Subject:** Thank You**From:** Charles LeBlanc <cgleblanc91@gmail.com>**Date:** Tue, Mar 08, 2016 9:10 pm**To:** paul.pape@co.bastrop.tx.us, smurray@bisdtx.org, mtalbot@cityofbastrop.org**Cc:** nreyes@bvbalaw.com, charles@bundrenlaw.net

Dear Sirs,

I would like to thank you for assisting the Pine Forest Property Association to resolve issues with it's current Board. As a former PFPOA Board president, I appreciate just how far the current Board has moved from the goals of the Association's property owners. I also understand how overwhelming it is for property owners to deal with people who are acting outside of their best interest, but feel helpless to resolve it. Your efforts are providing hope in an otherwise hopeless situation for many residents.

I attended the meeting recently called by the City, County, and School District. It was refreshing to once again attend a meeting where I and other property owners were allowed to speak and those conducting the meeting cared what we had to say. I look forward to many more similar meetings in the future thanks to your efforts.

Sincerely,

Charles LeBlanc
Pine Forest

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[Print](#) | [Close Window](#)**Subject:** Thank You for your efforts and support of the Pine Forest property owners**From:** Steve Forsdick <forsdick@dawson3d.com>**Date:** Tue, Mar 08, 2016 8:48 pm**To:** <Paul.pape@co.bastrop.tx.us>, <smurray@bisdtx.org>, <mtalbot@cityofbastrop.org>, <nreyes@mvalaw.com>, <charles@bundrenlaw.net>

Gentlemen,

As a homeowner and property owner in the Pine Forest subdivision, Unit 9, I would like to take this opportunity to express my appreciation for the efforts of Bastrop County, BISD, and the City of Bastrop in the ongoing litigation and proceedings with Pine Forest Investment Group, LLC and the individuals who have been acting as board directors for the Pine Forest Property Owners Association. This group does not represent my interest and what I believe to be the majority of property owners in the association, but are instead promoting Mr. Robert Leffingwell's development agenda.

For me, it has been disturbing to see how this group has been able to take control of the property owner's association over the past three years. Coming from Houston, where I was a board member of a HOA for more than five years, it was astonishing to see these Board members so flagrantly manipulate the bylaws of the association and misrepresent the vast of property owners wishes here in Pine Forest. Consequently, it was very encouraging to me to see your entities enter into the fray on yours as well as the majority of the property owners in Pine Forest's behalf.

Again, I would like to thank you for your efforts and expenditure of resources, without which, the property owners would have had little chance to regaining control of our own property owners association.

Sincerely,

K. S. Steve Forsdick
151 Kipahulu Dr.
Bastrop, Texas 78602

Office 713-579-0206
Cell 432-413-3146

Confidentiality Warning: This message and any attachments are intended only for the use of the intended recipient(s), are confidential, and may be privileged. If you are not the intended recipient, you are hereby notified that any review, retransmission, conversion to hard copy, copying, circulation or other use of all or any portion of this message and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender immediately by return e-mail, and delete this message and any attachments from your system.

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[Print](#) | [Close Window](#)**Subject:** Thank You, and support from Pine Forest property owners**From:** Tim Rupp <Tim@timrupp.com>**Date:** Tue, Mar 08, 2016 4:53 pm**To:** "Paul.pape@co.bastrop.tx.us" <Paul.pape@co.bastrop.tx.us>, "smurray@bisdtx.org" <smurray@bisdtx.org>, "mtalbot@cityofbastrop.org" <mtalbot@cityofbastrop.org>**Cc:** "nreyes@mvalaw.com" <nreyes@mvalaw.com>, "charles@bundrenlaw.net" <charles@bundrenlaw.net>

Dear Sirs,

As a property owner (and former association board member) in the Pine Forest subdivision I would like to express my appreciation for all of the efforts of Bastrop County, BISD, and the City of Bastrop in the ongoing litigation and proceedings with Pine Forest Investment Group, LLC and the illegitimate group of individuals that purports to be acting as board directors for the property owners association. This group most certainly does not represent the vast majority of property owners but instead are pushing Robert Leffingwell's agenda for their own undisclosed interests in his development.

For so many of us in the subdivision it is still incomprehensible how this small group of individuals has been able to effectively hijack our own association and misrepresent the vast majority of property owners. Through manipulation of the bylaws, misleading official communications, and maneuvers we feel are illegal, they have effectively neutered the ability of the property owners to regain control of the board and our subdivision without the intervention of the entities each of you represent.

While there is a long list of actions that illustrate this group's abandonment of their responsibility to the property owners and their complicity with the developer including their filing as Intervenor, perhaps most evident were the striking differences in the Special Meetings following our legal election of two new board members at the Annual Meeting. In a disgusting maneuver, the board called a Special Meeting on Feb. 19th in which they refused to allow any participation or comments from the property owners while without our consent they attempted to "sever" the properties of the board members we had just elected in a bid to remove them from the board. Following that with another Special Meeting on Feb. 25th where once again refusing any participation of the property owners they attempted to sever the remaining properties in Unit 6. In contrast, the Special Meeting on Feb. 26th called by the entities you represent and supported by the vast majority of Pine Forest property owners ran much differently. As should have been expected in any Property Owners meeting, all comments from any property owner were allowed and recorded irrespective of the individuals position, and ultimately the will of the majority of property owners was followed.

I realize each of you is likely aware of everything I have stated here, but I am compelled to reach out and thank you all for your efforts, without which we have no means of regaining control of our own property owners association. As a REALTOR and property owner in Pine Forest I am absolutely supportive of the long overdue successful development of Unit 6 which would benefit each of the entities you represent as well as the property owners who have been unable to utilize their properties. The fair and honest representation of the property owners in Pine Forest by a legally elected board is paramount in that process.

Again, thank you for your ongoing efforts and let me know if there is anything the property owners in Pine Forest (as opposed to the association board) can assist with.

Sincerely,

Tim Rupp

[Print](#) | [Close Window](#)**Subject:** Pine Forest Property Owners Association**From:** Ken and Donna Fred <donnaken3663@sbcglobal.net>**Date:** Wed, Mar 09, 2016 10:12 am**To:** "Paul.pape@co.bastrop.tx.us" <Paul.pape@co.bastrop.tx.us>, "smurray@bisdtx.org" <smurray@bisdtx.org>, "mtalbot@cityofbastrop.org" <mtalbot@cityofbastrop.org>**Cc:** "nreyes@mvalaw.com" <nreyes@mvalaw.com>, "charles@bundrenlaw.net" <charles@bundrenlaw.net>

Dear Sirs,

My wife, Donna, and I moved to Bastrop county in 1994 and built our home on Mcallister Road then. We were only one of a few houses in Pine Forest back then. If you remember, that was before Colovista existed. We loved every minute of our years there. In all those years we participated in the neighborhood association even serving on the Architectural Control Committee for a few of those years. All were pleasant experiences and members of both the Board and ACC were there to serve the neighborhood, other than a few occasions where Les Appelt attempted to serve himself and that was quickly rebuffed. We, among many of our neighbors, lost our homes in the 2011 Bastrop Complex fire and unfortunately saw a self-serving PFPOA Board leverage the opportunity of the devastation to seize control of the neighborhood association to use it for their own purposes, beginning with the poorly attended annual meeting in February 2012. Most folks were so distracted by the fire that they didn't attend the meeting and for the first time ever in our years there, the board voted all the foreclosed lots to support their position and overrode the residents of our destroyed subdivision. That ignoring of the voice of our members has continued unchecked ever since. That is, until the City and County of Bastrop and Bastrop Independent School District rode in on a white horse to help the residents of Pine Forest rescue their subdivision.

Donna and I want to express our deep, heart-felt gratitude for what you have done and are continuing to do on behalf of the owners of property in Pine Forest. While there are a few who support the Board, as the information gets out as to what has been done, folks are getting wise to the situation and are in large numbers, supporting you in helping us regain control of our own subdivision. The member meeting at the Performing Arts Center was a huge step in the area of informing our members of the facts and was phenomenally chaired and run. Thank you, thank you, thank you! I realize that your job is to protect the best interest of the lots you own, but in doing so, you are helping a great many other residents of Bastrop county who had been rendered powerless to defend themselves against a POA Board willing to do anything to maintain its power to do whatever it wanted. Again, our tremendous appreciation to you for your efforts.

With much gratitude,

Ken & Donna Fred
(512) 922-1558

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STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: March 18, 2016MEETING DATE: March 22, 2016

1. Agenda Item: **CONSIDERATION, DISCUSSION AND POSSIBLE ACTION REGARDING A PROPOSED CHARTER AMENDMENT STATING THAT THE CITY OF BASTROP COULD NOT SELL A PORTION OF THE CITY'S WATER SYSTEM WITHOUT VOTER APPROVAL.**

2. Party Making Request: Mayor Pro-Tem De La Rosa3. Nature of Request: (Brief Overview) Attachments: Yes _____ No X

At the last City Council meeting Mayor Pro-Tem De La Rosa mention the Council should consider having a "Charter Election" with the purpose of adding language where appropriate: "The City of Bastrop could not sell or lease a portion of the City's water system without voter approval. This is formally being placed on Tuesday agenda for the Mayor Pro-Tem to more fully discuss with Council this proposed amendment to the City's Charter.

4. Policy Implication: _____

5. Budgeted: _____ Yes _____ No N/A

Bid Amount: _____

Budgeted Amount: _____

Under Budget: _____

Over Budget: _____

Amount Remaining: _____

6. Alternate Option/Costs: _____

7. Routing:

	<u>NAME/TITLE</u>	<u>INITIAL</u>	<u>DATE</u>	<u>CONCURRENCE</u>
a)	_____	_____	_____	_____
b)	_____	_____	_____	_____
c)	_____	_____	_____	_____

8. Staff Recommendation: _____

9. Advisory Board: _____ Approved _____ Disapproved _____ None

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

11. Action Taken: _____

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: March 18, 2016MEETING DATE: March 22, 2016

1. Agenda Item: CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON THE APPROVAL ON THE FIRST READING OF AN ORDINANCE AMENDING THE BASTROP CITY CODE, CHAPTER 1, ARTICLE 1.10 PARKS, SECTION 1.10.002 (h) AND CHAPTER 8, ARTICLE 8.02, SEC. 8.02.002 (a) CONCERNING ADMINISTRATIVE APPROVAL FOR THE SALE, POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES IN CITY PARKS AND CERTAIN OTHER AREAS, ALLOWING FOR COUNCIL TO GRANT SUCH WAIVERS WHEN NECESSARY; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

2. Party Making Request: Michael H. Talbot3. Nature of Request: (Brief Overview) Attachments: Yes X No _____

Attached is an Ordinance that would grant the City Manager the authority to approve a waiver allowing for the consumption of "Alcoholic Beverages" in City Parks as long as the person and/or group making the request complies with all of "State of Texas Alcoholic Beverages Commission" rules and regulations regarding the sale and consumption of alcoholic beverages. The ordinance does allow the City Manager to defer a request for a waiver to the allow for the consumption of "Alcoholic Beverages" in City Parks for consideration by City Council if the City Manager deems that special circumstances necessitate that the matter be considered by the City Council.

4. Policy Implication: _____

5. Budgeted: _____ Yes _____ No _____ N/A

Bid Amount: _____

Budgeted Amount: _____

Under Budget: _____

Over Budget: _____

Amount Remaining: _____

6. Alternate Option/Costs: _____

7. Routing: NAME/TITLE INITIAL DATE CONCURRENCE

a) _____

b) _____

c) _____

8. Staff Recommendation:

9. Advisory Board: _____ Approved _____ Disapproved _____ None

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

11. Action Taken: _____

ORDINANCE NO. 2016- 07

AN ORDINANCE AMENDING THE BASTROP CITY CODE, CHAPTER 1, ARTICLE 1.10 PARKS, SECTION 1.10.002 (h) AND CHAPTER 8, ARTICLE 8.02, SEC. 8.02.002 (a) CONCERNING ADMINISTRATIVE APPROVAL FOR THE SALE, POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES IN CITY PARKS AND CERTAIN OTHER AREAS, ALLOWING FOR COUNCIL TO GRANT SUCH WAIVERS WHEN NECESSARY; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, pursuant to the authority granted by the State of Texas and its Home Rule Charter, as a home rule municipality, the City Council has developed and approved regulations, codes, policies and procedures that adequately provide for and allow for the sale, possession and consumption of alcoholic beverages in various locations in the City of Bastrop, including City Parks and open spaces, and

WHEREAS, the City Council now desires to amend certain provisions in the existing valid City Code in a manner that reflects and supports the Council's approval of a process for administrative approval when done in accordance with approved policies and procedures and in compliance with State permitting and licensing laws and regulations.

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

PART 1: Article 1.10 PARKS shall be amended, as follows:

Sec. 1.10.002 (h) Alcoholic Beverages. Possession, use or consumption of any alcoholic beverage, as defined in the Texas Alcoholic Beverage Code, now or as amended, within the area of the city parks shall conform with the laws of the city and the state. For specific regulations related to the Sale, possession and consumption of alcoholic beverages in Bastrop's public parks please refer to City Code, Article 8.02, Section 8.02.002, which provides additional information on this topic in addition to this general requirement to conform to all laws and codes.

PART 2: Article 8.02 ALCOHOLIC BEVERAGES shall be amended as follows:

Sec. 8.02.002 Sale, possession and consumption prohibited in parks and certain other areas

(a) Prohibited areas. It shall be unlawful for any person to knowingly or willfully sell, possess with the intent to sell, possess, consume or possess with the intent to consume any alcoholic beverage in the following areas, except as provided herein:

- (1) Within any public park, playground or recreation area in the city, not including park land owned by the state.
- (2) Within any area zoned parks and open space within the city, not including park land owned by the state.
- (3) Within any park, recreation area, playground, athletic field or athletic facility owned by a public school district and located within the city.
- (4) Upon any public street, sidewalk, or right-of-way which is located within a public park, playground, recreation area, or area zoned parks and open space within the city, not including land owned by the state. Street which have been temporarily closed for use for parties, dances or other recreational purposes shall be considered to be public recreational areas for purposes of this section.

(b) Administrative Waivers by City Manager. Notwithstanding any provision contained herein, the City Manager shall have the authority to approve an administrative waiver for the sale, possession, and consumption of alcoholic beverages in parks and other public areas, on a case-by-case basis when, in his sole discretion, an administrative waiver is in the best interest of the applicant, the City and the citizens of Bastrop, with all pertinent factors considered, and when the request for a waiver involves the sale, possession and consumption of alcoholic beverages: (1) for a special event to be held by a non-for profit entity, pursuant to a Special Event Permit issued by the City; (2) in a City of Bastrop public park or public area or property controlled by the City; (3) the applicant for the waiver adequately demonstrates to the City Manager that the sales, possession and consumption will not negatively impact immediately surrounding property owners or the public at large, and (4) the applicant provides the City Manager with any pertinent licensing, insurance and/or other applicable business information and documentation deemed necessary by the City Manager to grant the waiver. The City Manager is authorized to require applicants for waivers to provide proof of insurance in amounts approved by the City for the event(s), on a case-by-case basis, and to establish other reasonable and necessary limits and conditions when granting such waivers, such as hiring private security personnel or posting a refundable security deposit for post-event clean-up cost and/or trash collection, or other necessary services related to the event and the sale/consumption of alcoholic beverages. All waivers will be in effect for a stated location and period of time, as determined by the City Manager, but in no event to be longer than 72 hours.

- (c) Deferral of Waivers to the City Council. In the event that the City Manager so desires, he may defer his administrative decision on a requested waiver related to the sale, possession and consumption of alcoholic beverages in City Parks and in public areas to the City Council, for its evaluation and determination. If a request for a waiver is to be deferred to the Council, the City Manager will place the request for a waiver on an upcoming Council Agenda. In making exemption council decision on a requested waiver, the city council may consider all pertinent information provided, the possible impact on the immediately adjacent neighborhood, as well as any citizen input deemed relevant and presented to the Council at the meeting. Further, the city council shall require an applicant for exemption waiver to provide proof of liability insurance in amounts that adequately protect the public and the city.

PART 3: Severability: If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this order.

PART 4: Disclaimer: This ordinance shall not create liability on the part of the community or any official or employee thereof for any damages that result from reliance on this order or any administrative decision lawfully made thereunder.

PART 5: Effective Date: The provisions of this Ordinance shall take effect immediately after passage and in accordance with applicable law.

READ and Approved on First Reading on the 22nd day of March, 2016.

READ and Adopted on Second Reading on the ____ day of _____, 2016.

APPROVED:

ATTEST:

Ken Kesselus
Mayor

Ann Franklin
City Secretary

Approved as to Form:

Jo-Christy Brown, City Attorney