

# Bastrop City Council

1311 Chestnut Street, Bastrop, Texas 78602  
Phone (512) 332-8800 Fax (512) 332.8819

Pursuant to the Texas Government Code, Chapter 551, the Bastrop City Council will hold a **Special Meeting** on **November 12, 2014** at **6:30 pm** at the City Council Chambers located at 1311 Chestnut Street, Bastrop, Texas to consider the following matters:



1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE–**World War II Veterans**
  - United States Army Air Corps – First Lieutenant, Eugene Wilkins
  - United States Army – Staff Sargent, Norman Crawford
  - United States Navy – Aviation Ordinance Man Second Class, Wayne Dayton
  - United States Navy – Radio Man Third-Class, James B. Kershaw
3. INVOCATION – “A Military Chaplin’s Prayer”
4. PRESENTATION–a) Bastrop Student Character Trait Education “**Compassion**”, by Callie Miller 11<sup>th</sup> Grade  
b) Bastrop Art in Public Places “*People’s Choice Award for the Transformer Project*”
5. PROCLAMATION(S) – a) “*National Diabetes Month November 2014*”  
b) “*Celebrate Arbor Day on November 14, 2014*”
6. CITIZEN COMMENTS
7. ANNOUNCEMENTS

**A. CONSENT AGENDA-** All the following items are considered to be self-explanatory by the Council and will be enacted with one motion; there will be no separate discussion of these items unless a Council Members so requests.

|                                                                                                                                                                                              | TAB | PG | REQUESTOR                          |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|----|------------------------------------|
| A.1 Approval of Minutes for the Regular Meetings held on September 23, 2014 and October 14, 2014.                                                                                            | A.1 | 5  | Lopez                              |
| A.2 Approval of request to accept the Public Improvements for Orchard Parkway located south of State Highway 71, within the Pecan Park Subdivision inside the city limits of Bastrop, Texas. | A.2 | 20 | Plan/&Dvlp<br>Director<br>McCollum |
| A.3 Approval of Bastrop Marketing Corporation’s request for reimbursement of expenses.                                                                                                       | A.3 | 23 | CFO/ACM<br>Stovall                 |
| A.4 Approval of the Twenty Percent Circus Contract from Hugo Oklahoma                                                                                                                        | A.4 | 26 | Utility/PW<br>Director Job         |

\*\*\*\*\*  
**EXECUTIVE SESSION:** *The Council reserves the right to convene into Executive Session at any time during the meeting regarding any agenda item. In compliance with the Open Meetings Act, Ch. 551 Govt. Code, Vernon’s Texas Code, Annotated, the item below will be discussed in closed session.*

1. SECTION 551.071 – Consultations with Attorney related to legal matters

## **B. PUBLIC HEARINGS, ORDINANCES, & OTHER ITEMS ELIGIBLE FOR CONSIDERATION ACTION**

- B.1 **PUBLIC HEARING:** Consideration, discussion and possible action on a **B.1 31**  
**Variance** to the **Subdivision Ordinance, Chapter 10**, Section 5.70 K to eliminate an additional 50’ setback from the LCRA high voltage transmission lines or transmission towers for the entire Pecan Park Subdivision, being +/- 311 acres within the A-56 Mozea Rousseau Tract A-1 and the A98 Nancy Blakey Surveys, located south of Highway 71 and south of Childers Drive within the city limits of Bastrop, Texas.

Plan/&Dvlp  
Director  
McCollum

**C. OLD BUSINESS****D. NEW BUSINESS**

- D.1 Consideration, discussion and possible action for acceptance of the presentation of the Bastrop County **Historical Society Museum and Visitors Center Operations and Maintenance Budget for 2015.** **D.1 37**

City  
Manager  
Talbot

- D.2 Consideration, discussion and possible action on the **FIRST READING** of a proposed **ORDINANCE** of the City Council of the City of Bastrop Texas, amending the budget for the Fiscal Year 2014 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. **D.2 49**

Asst.  
Finance  
Director,  
Waldron

On behalf  
of CFO  
Stovall

- D.3 Consideration, discussion, and possible action on the **Pecan Park Preliminary Plat** Sections 4 and 5 being +/-40.93 acres within the Mozea Rousseau Survey A-56, located south of Childers Drive and west of Perkins Street within the city limits of Bastrop, Texas. **D.3 62**

Plan/&Dvlp  
Director  
McCollum

- D.4 Consideration, discussion, possible action regarding the possibility of granting a **year-end rebate to Bastrop Power and Light utility customers.** **D.4 148**

Mayor Pro-  
Tem  
DeLaRosa

**E. EXECUTIVE SESSION**

- E.1 The Bastrop City Council will meet in a closed/executive session 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 or claims, including but not limited to and/or (2) matter upon which the Attorney has 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
3. **SECTION 551.086** - Certain Public Power Utilities: Competitive Matters

- E.2 The Bastrop City Council will reconvene into open session 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.

**F. ADJOURNMENT****CERTIFICATION**

I, Elizabeth Lopez, City Secretary, certify that this notice of meeting was posted at the Bastrop City Hall on the 7<sup>th</sup> day of **November 2014** at **10:00 am**

Elizabeth Lopez, City Secretary

NOTICE OF ASSISTANCE AT PUBLIC MEETINGS THE CITY OF BASTROP IS COMMITTED TO COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT. BASTROP CITY HALL AND COUNCIL CHAMBERS ARE WHEELCHAIR ACCESSIBLE AND SPECIAL MARKED PARKING IS AVAILABLE. PERSONS WITH DISABILITIES WHO PLAN TO ATTEND THIS MEETING AND WHO MAY NEED ASSISTANCE ARE REQUESTED TO CONTACT THE CITY SECRETARY'S OFFICE AT 512-332-8800. PLEASE PROVIDE A FORTY-EIGHT HOURS NOTICE WHEN FEASIBLE. Confirm time posted: KR



## Mayoral Proclamation

### National Diabetes Month, 2014



*Today*, nearly 30 million Americans have diabetes. This devastating disease affects men and women of all backgrounds and ages, and can cause serious health complications, including blindness, kidney failure, heart disease, stroke, and the loss of lower limbs. During National Diabetes Month, we stand with all those battling this chronic, life-threatening disease and their families, and we pay tribute to those committed to supporting healthy lifestyles in communities across our country.

*Whereas*, young people are most commonly diagnosed with type 1 diabetes which has no known method of prevention, but can be managed with exercise, nutrition, and medication.

*Whereas*, Type 2 diabetes accounts for roughly 90 to 95 percent of diagnosed cases of diabetes in adults, and the risk of developing it is commonly associated with older age, obesity, physical inactivity, and a family history of diabetes.

*Whereas*, those who are at risk for this disease can consult with a health care provider to discuss the steps they can take to reduce their chances of developing diabetes.

*Whereas*, everyone deserves the chance to lead healthy life to achieve their full potential. During National Diabetes Month, we honor the memory of those we have lost to diabetes, and we recommit to pursuing solutions that will shed light on this disease, let us all strive for a healthier tomorrow.

*Now, Therefore*, I, Mayor Kesselus, do hereby proclaim,

### November 2014 as National Diabetes Month

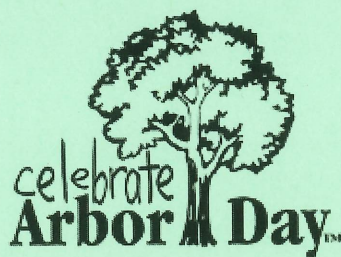
I and the Members of the Bastrop City Council, call upon all citizens, businesses, and community organizations to join us in promoting diabetes awareness and all efforts that will help prevent, treat, and manage the disease.

*In Witness Whereof*, I have set my hand and caused the seal of the City of Bastrop to be affixed this 6<sup>th</sup> day of November 2014.

Ken Kesselus, Mayor







*Whereas,* In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

*Whereas,* this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

*Whereas,* Arbor Day is now observed throughout the nation and the world, and

*Whereas,* trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife, and

*Whereas,* trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and

*Whereas,* trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and

*Whereas,* trees, wherever they are planted, are a source of joy and spiritual renewal.

*Now, Therefore, I,* Ken Kesselus, Mayor of the City of  
Bastrop, Texas, do hereby proclaim  
Friday, November 14, 2014 as

# Arbor Day

In the City of Bastrop, Texas, and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and

*Further,* I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

*Dated this* 7 th day of November, 2014  
Mayor Ken Kesselus

*Ken H. Kesselus*



**CITY OF BASTROP**

## AGENDA ITEM A-1

## STANDARDIZED AGENDA RECOMMENDATION FORM

# CITY COUNCIL

**DATE SUBMITTED: November 7, 2014**

**MEETING DATE: November 12, 2014**

1. Agenda Item: Approval of Minutes for the Regular Meetings held on September 23, 2014 and October 14, 2014.
2. Party Making Request: Elizabeth Lopez, City Secretary
3. Nature of Request: (Brief Overview) Attachments: 

|     |
|-----|
| Yes |
|-----|

 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> |
|-------------------|----------------|-------------|--------------------|
|-------------------|----------------|-------------|--------------------|
8. Staff Recommendation:
9. Advisory Board: \_\_\_\_\_ Approved    \_\_\_\_\_ Disapproved    \_\_\_\_\_ None
10. Manager's Recommendation: \_\_\_\_\_ Approved    \_\_\_\_\_ Disapproved    \_\_\_\_\_ None
11. Action Taken:

**M I N U T E S**  
**BASTROP CITY COUNCIL -REGULAR MEETING**  
**September 23, 2014 at 6:30 pm**

Pursuant to the Texas Government Code, Chapter § 551, the Bastrop City Council held a Regular Meeting on the aforementioned date at the City Hall Council Chambers located at 1311 Chestnut Street in Bastrop, Texas to consider the following matters:

1. **CALL TO ORDER** – At 6:30 pm, Mayor Kesselus called the meeting to order. A quorum was present, Council Members Dock Jackson, Joe Beal, Kay McAnally, Kelly Gilleland, and Mayor Pro-Tem DeLaRosa were in attendance.
2. **PLEDGE OF ALLEGIANCE AND INVOCATION** –Allison Hewett lead the Pledge of Allegiance and Brian Romney, Counselor at Later-Day Saints Church lead the invocation.
3. **PRESENTATION(S)** – “Volunteer Income Tax Assistance Program” Juan M. Carrizales IRS Senior Tax Consultant, Mr. Juan M. Carrizales thanked the Council Members for the opportunity to speak and inform the public about the “Volunteer Income Tax Assistance Program.” The program assists those interested in learning how to complete their own taxes and how the program financially benefits the community. He welcomed those interested to contact him at 210.841.2345 or via email at [juan.m.carrizales@irs.gov](mailto:juan.m.carrizales@irs.gov).

“Domestic Violence Awareness Month” Bernie Jackson, Family Crisis Center, Ms. Bernie Jackson thanked the Council for the opportunity to speak in efforts to bring public awareness about Domestic Violence and its negative impacts. She invited the community to show their support by wearing the color purple to help promote awareness and gifted the Council Members a purple tie or scarf to help them show their support. The Council Members thanked Ms. Jackson for her efforts to promote public awareness.

4. **PROCLAMATION(S)** - “National Night Out on October 7, 2014” Bastrop Police Chief Adcock, Mayor Kesselus read the Proclamation and presented it to Police Chief Adcock who invited the public to participate in the “National Night Out” Events throughout the City.

“National Bully Awareness Month”, Joshua Henry Bastrop YMCA - Mayor Kesselus read the Proclamation and presented it to Mr. Joshua Henry who took a moment to share a personal experience on being bullied and the importance of educating the public about this concern. The Council thanked him for his time and his efforts in helping bring awareness to the subject.

5. **CITIZEN COMMENTS** - Mayor Kesselus invited Allison Hewitt Chairperson of the Bastrop Parks Youth Committee who addressed the Council and expressed her interest to improve our Parks for the community. The Bastrop Parks Youth Committee is seeking the communities input and suggestions and those interested may contact her at 512.718.9664.

Andy Wong, Member of the Bastrop Kiwanis Club thanked the Council for the opportunity to address the Council and advise the public of their upcoming “Toad Trot” 5 K fun run in the City of Bastrop on October 25, 2014. He invited those interested in participating to contact Rhonda Garcia at 512.785.6256. Mayor Kesselus thanked them for their comments and for their interest in our community.

6. **ANNOUNCEMENTS** – Mayor Kesselus invited City Manager Talbot who took a moment to acknowledge the Finance Department Team and Chief Financial Officer Karla Stovall as recipients of the ICMA’s 2014 Service Award for their significant contributions and achievements in the advancement of local government administration. He expressed that the award is granted at the 10<sup>th</sup>, 20<sup>th</sup>, and five year increments after that. City Manager Talbot invited everyone to join him in extending his appreciation to CFO Karla Stovall and her team.

City Manager Talbot followed by acknowledging the Planning and Development staff for being acknowledged in a news article praising them for their cooperation during the construction of Southside Market. The article acknowledges Building Inspector Ted Bowers for his much appreciated assistance through the process. Most importantly they recognized City Planner Melissa McCollum for her guidance, cooperation and the great experience they had working with her and her department.

---

Mayor Kesselus invited City Manager Talbot to present his bi-weekly informational report for September 23, 2014. City Manager Talbot provided the Council Members a brief outline on the following projects:



- (F) **Update on the City Wide Clean-Up Project** – City Manager Talbot invited Council Member Gilleland who invited everyone to participate in the upcoming event on November 15, 2014; she stated it was a collaborative effort with Keep Bastrop County Beautiful in efforts to beautify our community.
- (G) **Review and Discussion with Mr. Dan Wegmiller Specialized Public Finance Regarding Restructuring the Convention Center Outstanding Debt** – City Manager Talbot provided the Council Members an update on the feasibility of restructuring the Convention Center's outstanding debt. He welcomed Mr. Dan Wegmiller, Cities Financial Advisor who addressed the Council and provided additional insight and scenarios to potentially restructure the Convention Center's debt by extending maturities for five (5) years. The Council held a discussion with emphasis on the debt service, at which time City Manager Talbot added that he would be providing debt service schedules for the Council's review and approval.
- (H) **Update on the PEG Channel** – City Manager Talbot informed the Council Members that he has been working with the City Attorney, Time Warner and U-verse on the various issues related to the PEG channel. He requested the Council's guidance on how they wanted to proceed with the operations and contract. To-date he had approved access points for connection to the Public Access Channel to be relocated to City Hall, which will assist with video streaming City Council Meetings in the near future. City Manager Talbot advised the Council of the \$35,000 in the PEG Account to be spent on items that will benefit the community such as camera needed for video streaming. He also added that another entity had expressed interest in operating the channel on the City's behalf.

The Council were in agreement of contracting with someone to meet the daily requirements for the channel. City Manager Talbot acknowledged the Council's interest to move forward and offered to bring this item forward on a future agenda for their consideration and possible action.

- (I) **Review/Discussion of the Agreement between the City of Bastrop & Republic Services for Solid waste Services** – City Manager Talbot advised the Council that the contract for solid waste services with Republic Services had a seven (7) year term date was coming to a close in January 2015. City Manager Talbot offered the following options for the Council's consideration; continue the contract, consider to terminate the contract and/or request RFP's for solid waste services.

Council Member Gilleland requested to abstain from voting, because Republic Services was a sponsor of the City's upcoming Team-up to Clean-Up Project.

Mayor Kesselus invited public comments that commenced with Steve Shannon, Rick Fraumann, Texas Disposal System, Kerry Getter, and Jason & Sharon Rowe, Lone Star Waste Management. All of whom expressed their thoughts for the Council's consideration on the positive impacts of continuing with the Republic Services contract and/or expressing interest in providing solid waste services to the City of Bastrop.

Council Member McAnally thanked Republic Services for their efforts but thinks that a seven (7) year contract is too long; Council Member Beal and Mayor Pro-Tem DeLaRosa echoed the comment. After weighing the various options proposed by City Manager Talbot, the Council Members held a discussion and acknowledged Republic Services effort to address recent concerns. However a majority of the Council opted to reconsider other alternatives.

City Manager Talbot requested the Council's direction and/or recommendation for action. Mayor Kesselus followed with a request for a motion.

**MOTION** – Mayor Pro-Tem DeLaRosa made the motion to solicit "Request for Proposals for solid waste services".

**SECOND** – Council Member Jackson seconded the motion.

**ROLL CALL** – Motion passed by unanimous vote of 3-1-1;

*Ayes: DeLaRosa, Jackson, and Beal    Nay: McAnally    Abstention: Gilleland*

- (K) **Set a Date for the month of January 2015 for the "Annual City Council Planning Retreat"** – In preparation for the upcoming City Council Retreat, City Manager Talbot invited the Council's feedback on proposed dates in January, 2015. The Council Members agreed on Saturday, January 31, 2015 from 9:00 am – 2:00 pm.
- (L) **Discussion regarding FY-15 Hotel/Motel Organizational Funding** – City Manager Talbot informed the Council that he and Chief Financial Officer Stovall were collaboratively working on the HOT Funds process. Council Member Beal suggested defining/outlining what the Council wanted to achieve and clarify or set specific guidelines. The Council then held a discussion with focus on the interpretation that the DBA was not going to host the Yester Fest Event, which was outlined in their initial HOT Funds application. Council



Member McAnally offered clarification that the DBA would in fact be hosting the Yester Fest Event as previously stated.

City Manager Talbot requested the Council's direction and/or interest to change the HOT Funds Application process. Council Member McAnally recognized the current process and expressed the importance of following it.

The Council expressed interest in holding a workshop session to discuss this topic in detail for clarification. City Manager Talbot offered a courtesy reminder that the months of October and November are the critical months for water and its allocation. Mayor Kesselus noted he would be meeting with the City Manager to set a date to hold the workshop.

---

**A.** All the following items are considered to be self-explanatory by the Council and will be enacted with one motion. There will be no separate discussion of these items unless a Council Member(s) so request.

A.1 ~~Approval of Minutes for Meetings held on August 19<sup>th</sup> & August 26<sup>th</sup>, 2014.~~

A.2 Consideration, discussion and possible action on the **Second Reading** of an Ordinance of the City Council of the City of Bastrop, TX amending Ch.14, Sec. 13.2.3 Permitted Uses to reflect that Agricultural/Open Space allow orchards and crops and retail operations of 500 square feet or less, relating to the regulation of Agricultural/Open Space Permitted Uses; providing a severability clause; and providing an effective date.

A.3 Consideration, discussion and possible action on the **Second Reading** of an Ordinance of the City Council of the City of Bastrop, Texas amending Chapter 14 Exhibit "A" Section 36.11 regarding the addition of wineries and breweries and distilleries as commercial uses allowed in the Central Business District (CBD), Commercial District Heavy (C-2) and Light Industrial (LI) with/under the terms of a Conditional Use Permit; amending Appendix A-3 entitled "Definitions" to include definitions for the terms winery, brewery, and distilleries; repealing conflicting provisions, providing for severability; and providing an effective date.

A.4 Consideration, discussion and possible action on the **Second Reading** of an Ordinance of the City Council of the City of Bastrop, Texas amending Chapter 4, Business and Commerce, Article 4.02 related to the sale and consumption of Alcoholic Beverages in the Central Business District (CBD) repealing conflicting provisions, providing a savings clause; and providing an effective date.

A.5 Consideration, discussion and possible action on the **Second Reading** of an Ordinance amending the Bastrop City Code of Ordinances, Appendix A Fee Schedule, Article A13.02 "Water/Wastewater Rates and Charges" repealing conflicting provisions; providing severability; and providing an effective date.

A.6 Approval of City of Bastrop Financial Management Policy and Purchasing Policy.

Mayor Kesselus pulled Consent Agenda item A-1, and read the captions outlined under A.2, A.3, A.4, and A.5 in recognition of the second reading of an ordinance and followed with a request for a motion.

**MOTION** – Mayor Pro-Tem DeLaRosa made the motion to approve items A.2 through A.6 on the Consent Agenda.

**SECOND** – Council Member McAnally seconded the motion.

**ROLL CALL** – Motion passed by unanimous vote of 5-0;

*Ayes: DeLaRosa, McAnally, Gilleland, Beal and Jackson Nays: None Absent: None*

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

\*\*\*\*\*

**EXECUTIVE SESSION:** The Council reserves the right to convene into Executive Session at any time during the meeting regarding any agenda item. In compliance with the Open Meetings Act, Ch.551 Govt Code Vernon's TX Code, annotated, the item below will be discussed in closed session. **SEC.551.071**–Consultations w/Attorney related to legal matters

\*\*\*\*\*

**C. OLD BUSINESS**

**C.1 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON THE CITY MANAGER'S SALARY.** (Mayor Kesselus)

At 8:33 pm, Mayor Kesselus called for an executive session. At 9:35 pm, The Council Members returned from Executive Session and Mayor Kesselus requested a motion.

**MOTION** – Council Member Gilleland made the motion to approve a 4.5 % increase for City Manager Talbot, which encompasses the step increase and the cost of living allowance.

**SECOND** – Council Member McAnally seconded the motion.

**ROLL CALL** – Motion passed by majority vote of 4-1;

*Ayes: Gilleland, McAnally, DeLaRosa, and Jackson    Nays: Beal    Absent: None*

- C.2 **CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION ON APPROVAL OF THE SECOND READING OF AN ORDINANCE OF THE CITY OF BASTROP, TEXAS, ADOPTING A BUDGET AND APPROPRIATING RESOURCES FOR FISCAL YEAR 2014-2015; BEGINNING OCTOBER 1, 2014 ENDING SEPTEMBER 30, 2015; IN ACCORDANCE WITH EXISTING STATUTORY REQUIREMENTS; REPEALING ALL CONFLICTING ORDINANCES; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE. (City Manager Talbot)**

City Manager Talbot offered to answer any questions the Council may have on the approval of the second reading for the aforementioned item; with no inquiries, Mayor Kesselus requested a motion.

**MOTION** – Council Member Jackson made the motion to approve the second reading of an ordinance adopting a budget and appropriating resources for the Fiscal Year 2014-2015, Beginning October 1, 2014 ending September 30, 2015.

**SECOND** – Mayor Pro-Tem DeLaRosa seconded the motion.

**ROLL CALL** – Motion passed by unanimous vote of 5-0;

*Ayes: Jackson, DeLaRosa, McAnally, Gilleland, and Beal    Nays: None    Absent: None*

- C.3 **CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION ON RATIFYING THE PROPERTY TAX INCREASE REFLECTED IN THE ANNUAL BUDGET FOR THE FISCAL YEAR 2014-2015; BEGINNING OCTOBER 1, 2014 ENDING SEPTEMBER 30, 2015. (City Manager Talbot)**

City Manager Talbot requested the Council consideration and approval on the property tax increase .5640 per \$100 valuation. Mayor Kesselus requested a motion.

**MOTION** – Council Member Beal made the motion to approve ratifying the property tax increase reflected in the annual budget for the Fiscal Year 2014-2015, beginning October 1, ending September 30, 2015.

**SECOND** – Mayor Pro-Tem DeLaRosa seconded the motion.

**ROLL CALL** – Motion passed by unanimous vote of 5-0;

*Ayes: Beal, DeLaRosa, McAnally, Gilleland, and Jackson    Nays: None    Absent: None*

- C.4 **CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON APPROVAL OF THE SECOND READING OF AN ORDINANCE FIXING THE TAX RATE AND LEVY FOR THE CITY OF BASTROP, TEXAS, FOR THE PURPOSE OF PAYING THE CURRENT EXPENSES OF THE CITY FOR THE FY ENDING SEPTEMBER 30, 2015, AND FOR THE FURTHER PURPOSE OF CREATING A SINKING FUND TO RETIRE THE PRINCIPLE AND INTEREST OF THE BOND INDEBTEDNESS OF THE CITY; PROVIDING FOR A LIEN ON ALL REAL AND PERSONAL PROPERTY TO SECURE PAYMENT OF TAXES DUE THEREON; CONTAINING A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES AND PARTS THEREOF IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.**

City Manager Talbot requested the Council consideration and approval of the second reading of an ordinance fixing the tax rate and levy for fiscal year ending September 2015. He requested attention to the verbiage needed to validate the adoption of the ordinance as outlined on the agenda coversheet.

Mayor Kesselus requested a motion.

**MOTION** – Council Member Beal made the motion to approve that the property tax rate increase by adoption of a tax rate of .564, which is effectively a 1.9 increase in the tax rate.”

**SECOND** – Council Member Jackson seconded the motion.

**ROLL CALL** – Motion passed by unanimous vote of 5-0;

*Ayes: Beal, Jackson, DeLaRosa, McAnally, and Gilleland    Nays: None    Absent: None*

**D. NEW BUSINESS****D.1 BOARD APPOINTMENT BY MAYOR KESSELUS, SUBJECT TO CONFIRMATION BY THE BASTROP CITY COUNCIL ON THE APPOINTMENT OF BRIAN RIDER, PL 2 ON THE HUNTERS CROSSING LOCAL GOVERNMENT CORPORATION BOARD; A 3 YEAR TERM THAT EXPIRES JUNE 2017. (MAYOR KESSELUS)**

Mayor Kesselus requested the Council's consideration and confirmation on the appointment of Brian Rider as the Place 2 Member on the Hunters Crossing Local Government Corporation Board; he advised the Council the appointment would fill the vacancy, which was previously held by Darlene Louk, Forestar Representative. Mayor Kesselus followed with a request for a motion.

**MOTION** – Mayor Pro-Tem DeLaRosa made the motion to confirm the appointment of Brian Rider as the Place 2 member of the Hunters Crossing Local Government Corporation Board, a three year term that expires on June 2017.

**SECOND** – Council Member Gilleland seconded the motion.

**ROLL CALL** – Motion passed by unanimous vote of 5-0;

*Ayes: DeLaRosa, McAnally, Gilleland, Beal and Jackson   Nays: None   Absent: None*

**D.2 CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION REGARDING THE DEVELOPMENT OF A PROCESS OR PROCEDURE FOR DEALING WITH REQUESTS FOR FUNDING FROM ORGANIZATIONS REQUESTING FUNDING SUBSEQUENT TO THE MAYOR PRO TEMPORE'S REQUEST OF THE CITY MANAGER TO OUTLINE LEVEL EXCESS FUNDS IN THE HOTEL OCCUPANCY TAX ACCOUNT AND HOW SUCH FUNDS MIGHT BE USED TO AID A BUILDING PROJECT OF THE BASTROP ARTS GUILD "LOST PINES ART CENTER & SCULPTURE GARDEN" AND THE CITY MANAGER'S AUGUST 12 REPORT IN RESPONSE. THIS ITEM MAY ALSO INCLUDE ACTION REGARDING SPECIFIC FUNDING AMOUNTS FOR ANY OR ALL SUCH REQUESTS. (MAYOR KESSELUS)**

Mayor Kesselus requested City Manager Talbot's assistance in figuring out a process for HOT Funds and excess funds (if available). The process will assist with Agenda Items such as D.2 through D.7. Mayor Kesselus proceeded to reference a Resolution No. R2013-9 passed on June 2013 that reflected a three tier process.

- Tier 1, Priority for the Hot Fund Expenditures for the Main Street Program and the Debt Service/ Operational Expenses of the Convention Center.
- Tier 2, Priority for Hot Fund Expenditures for Annual Grant Programs.
- Tier 3, Available Hot Funds in Reserves Account

Council Member McAnally inquired about the phrasing of Agenda Item D.2. Mayor Kesselus invited Council Member McAnally to elaborate on her thoughts. She proceeded and reiterated a portion of the agenda caption "*Consideration, discussion, and possible action regarding the development of a process or procedure for funding from organizations requesting funding from excess funds in the Hotel Occupancy Tax Account.*"

The Council held a short discussion that was followed by Council Member McAnally's motion.

**MOTION** – Council Member McAnally made the motion to take action on the item by having a process or procedure in place before considering all requests received from all/any organizations reflected on this agenda. Therefore, she requested to propose to postpone discussion on Agenda Items D.3, D.4, D.5, D.6, and D.7 until a fair and equitable process or procedure has been agreed upon by the Council for dealing with requests for funding from excess funds in the Hotel Occupancy Tax Account, by organizations.

**D.3** Consideration, discussion, and possible action on the additional funding request by the Bastrop Arts Guild's for the development of the "Lost Pines Art Center & Sculpture Garden" in the City of Bastrop. (Mayor Kesselus)



- D.4 Consideration, discussion and possible action on the Additional funding request for \$100,000 in roof repairs that will help preserve the Bastrop Opera House located in the Historic Area of Downtown Bastrop. (*Jackson*)
- D.5 Consideration, discussion and possible action on the ADDITIONAL Funding request by the Downtown Business Alliance. (*McAnally*)
- D.6 Consideration, discussion and possible action on the ADDITIONAL FUNDING request by the HOMECOMING COMMITTEE (*McAnally*)
- D.7 Consideration, discussion, and possible action by the Bastrop City Council on the FUNDING request by UPSTART for \$85,148 for program enhancements/ improvements. (*Hank Nations*)

**SECOND** – Council Member Beal seconded the motion.

**ROLL CALL** – Motion passed by unanimous vote of 5-0;

*Ayes: McAnally, Beal, Gilleland, DeLaRosa and Jackson    Nays: None    Absent: None*

Council Member Jackson stated that the Opera Houses request for funding was not restricted from the HOT Funds Account. Council Member Beal stated that the Art Guild had not tied this into the HOT Funds Account.

Council Member Gilleland suggested hosting a Workshop Session to include the items set here as topics for discussion. Council Member McAnally supported Council Member Gilleland's suggestion to host a Workshop as soon as possible or keep the current process in place.

Mayor Pro-Tem DeLaRosa suggested that the organizations hold fundraisers to raise funds and then request the City to match those funds for the project.

Council Member Beal encouraged the discussions be deferred until the Workshop Session.

Council Member Jackson suggested addressing the public members in attendance who were present to support their respective agenda item.

Mayor Kesselus addressed the public and apologized for the delay and acknowledged the need for a better process and thanked them for their patience.

The Council Members thanked the public members in attendance and Council Member Beal added his appreciation to all the Hotels and Motels for their funds.

**D.8 CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION REGARDING THE CITY OF BASTROP PARTICIPATING IN AN AGREEMENT FOR A PERIOD OF ONE (1) YEAR FOR THE RENTAL OF THE PARKING LOT LOCATED AT THE SOUTHWEST CORNER OF PINE STREET AND WATER STREET FOR THE PURPOSE OF CREATING ADDITIONAL PARKING IN THE CENTRAL BUSINESS DISTRICT. (CITY MANAGER TALBOT)**

City Manager Talbot requested the Council's consideration and approval of a one (1) year three party agreement for additional parking. He added that Dan Hepker member of the Ad-Hoc Parking Coming was part of a group who evaluated potential sites to create additional parking in Central Parking District. They have secured commitment from the owner of the property and the annual lease would be between the City, BEDC and the County for \$1,500 a month for a period of 1 year.

Mayor Kesselus requested a motion.

**MOTION** – Mayor Pro-Tem DeLaRosa made the motion to approval of agreement for the period of one (1) year for the rental of the Parking Lot located at the southwest corner of Pine Street and Water Street for the purpose of creating additional parking in the Central Business District.

**SECOND** – Council Member McAnally seconded the motion.

**ROLL CALL** – Motion passed by unanimous vote of 5-0;

*Ayes: DeLaRosa, McAnally, Gilleland, Beal and Jackson    Nays: None    Absent: None*

At 10:11 pm, Mayor Kesselus convened the Bastrop City Council into Executive Session to discuss Items E.1 through E.2 as posted.

**E. EXECUTIVE SESSION**

**E.1 THE BASTROP CITY COUNCIL WILL MEET IN A CLOSED/EXECUTIVE SESSION 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 OR CLAIMS, INCLUDING BUT NOT LIMITED TO AND/OR (2) MATTER UPON WHICH THE ATTORNEY HAS 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**
- 3. SECTION 551.086 – CERTAIN PUBLIC POWER UTILITIES: COMPETITIVE MATTERS**

**E.2 THE BASTROP CITY COUNCIL WILL RECONVENE INTO OPEN SESSION 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.**

At 10:30 pm, Mayor Kesselus reconvened in open session to discuss, consider, and/or take necessary action(s) related to the Executive Session noted herein; **NO ACTION TAKEN.**

**F. ADJOURNMENT** - Mayor Kesselus requested a motion to adjourn the meeting. Mayor Pro-Tem DeLaRosa made the motion, seconded by Council Member Gilleland and meeting adjourned at 10:31 pm.

APPROVED: \_\_\_\_\_  
Ken Kesselus, Mayor

ATTEST: \_\_\_\_\_  
Elizabeth M. Lopez, City Secretary

**M I N U T E S**  
**BASTROP CITY COUNCIL -REGULAR MEETING**  
**October 14, 2014 at 6:30 pm**

Pursuant to the Texas Government Code, Chapter § 551, the Bastrop City Council held a Regular Meeting on the aforementioned date at the City Hall Council Chambers located at 1311 Chestnut Street in Bastrop, Texas to consider the following matters:

1. **CALL TO ORDER** – At 6:30 pm, Mayor Kesselus called the meeting to order. A quorum was present; Council Members Jackson, McAnally, Gilleland, and Mayor Pro-Tem DeLaRosa were in attendance. Council Member Beal was absent.
2. **PLEDGE OF ALLEGIANCE AND INVOCATION** – Council Member McAnally joined by other Breast Cancer Survivors lead the Pledge of Allegiance followed by The Reverend Jonah Beyer, Director of Mission U-Too who lead the invocation.
3. **PRESENTATION(S)** – Mayor Kesselus invited Mathew Rodriguez, a 4<sup>th</sup> Grade Student at Bluebonnet Elementary to present the Bastrop Student Character Trait Education on “*Responsibility*.” Mayor introduced Matthew as a student who enjoys playing football, gardening with his mother, building things out of wood and going to church. Mayor also welcomed his parents Tammy and Robert who were in attendance. Matthew thanked the Council for the opportunity to speak on the importance of responsibility; his heartfelt and witty presentation was followed with a standing ovation from the Bastrop City Council, City Staff, and the public members in attendance. The Mayor and Council thanked Mathew for the inspiration.
4. **PROCLAMATION(S)** - Upon reading the Proclamations, Mayor Kesselus presented the “*Breast Cancer Awareness Month October 2014*” Proclamation to Council Member McAnally. He presented the “*Kerr Community Center’s 100<sup>th</sup> Year of Service*” Proclamation to Council Member Jackson and the “*National Chamber of Commerce Week October 20-24, 2014*” Proclamation to Chamber of Commerce President Becki Womble.
5. **CITIZEN COMMENTS**
6. **ANNOUNCEMENTS** – Mayor Kesselus acknowledged Council Member Beal’s absence.

Mayor Kesselus invited City Manager Talbot to present his bi-weekly informational report for October 14, 2014. City Manager Talbot provided the Council Members a brief outline on the following projects:

**C. Review and Discussion Regarding the Bastrop County Shelter Grant and the YMCA** – City Manager Talbot informed the Council of his meeting with the YMCA officials who are willing to commit \$2 million dollars for a \$5 million to a \$7 million dollar facility and they are seeking a maximum contribution of \$2 million dollars from the City. The County had designated \$1.5 million dollars to the City for a “Shelter Facility”, and the YMCA has offered to design their facility with a shelter element. City Manager Talbot recommended submission of a grant application if the Council desired to move forward on this project. After the Councils consideration, they expressed their support in allowing the City Manager to move forward with the Grant Application.

**H. Update on the Red Camera Program** – City Manager Talbot provided the Council Members an update on the red camera Program that was initiated by Council 2010. He invited Police Chief Adcock to give an update on the red light cameras are located at SH 71 and Tahitian Drive and SH 71 & SH 95. Chief Adcock confirmed a total of 13,240 violations; 5,626 at SH95 /SH71 and 7,614 at SH71/Tahitian Drive. City Manager Talbot noted that the five-year contract for the Red Light Camera Program ends on November 2, 2015 unless both parties agree to extend for another 4 years.

Mayor Kesselus suggested that the Red Light Advisory Board meet and provide the Council their recommendation.

**K. Update on upcoming Special City Council Meetings**– City Manager Talbot informed the Council Members of the upcoming workshop meetings:

- October 28, 2014 – Workshop with XS Ranch
- October 21, 2014- City Council Utility Meeting
- November 18, 2014 – Workshop Meeting
- December 9, 2014 Workshop on Form Based Codes
- January 20, 2015 Special Meeting on Hot Funds



**L. Discussion Regarding a Request for Variance Concerning the Amount HOT Fund Balance that Entity is allowed at the End of Fiscal Year** – City Manager Talbot requested the Council's consideration and approval on a variance that would allow entities to have a \$1,000.00 dollar balance in their Hot Fund account at the end of the Fiscal Year. The Council had previously stipulated that HOT Funds must be expended by the entities at the end of each fiscal year. The two entities who have not expended their funds are the Bastrop Museum & Visitor Center with a balance of \$842.15 and the Bastrop Juneteenth Committee with a balance of \$456.03. Mayor Kesselus requested a motion.

**MOTION** – Mayor Pro-Tem DeLaRosa made the motion to grant the variance allowing entities to have a \$1,000.00 Hot Fund Balance at the end of the Fiscal Year; balances exceeding \$1,000.00 will be directed to the City Council for consideration and action.

**SECOND** – Council Member McAnally seconded the motion.

**VOTE**– Motion passed unanimously 4-0; **Aye:** DeLaRosa, McAnally, Gilleland, and Jackson **Absent:** Beal

**T. Review, Discussion and possible Action regarding the Bastrop Economic Development Corporation Housing Study** –City Manager Talbot informed the Council that BEDC had previously approved a project to retain a consultant to conduct a Housing Study, however the contract requires a \$15,000 payment to begin the study. BEDC is unable to provide those funds until after November 15<sup>th</sup>, 2014, therefore City Manager Talbot recommended that the Council approve the City provide the funds in efforts not to delay the study. Mayor Kesselus requested a motion.

**MOTION** – Council Member Jackson made the motion to advance the Bastrop Economic Development Corporation the initial payment of \$15,000 to begin the Housing Study.

**SECOND** – Mayor Pro-Tem DeLaRosa seconded the motion.

**VOTE**– Motion passed unanimously 4-0; **Aye:** Jackson, DeLaRosa, Gilleland, & McAnally **absent:** Beal

Mayor Kesselus thanked City Manager Talbot for a great City Manager's Report. Bastrop Resident Anne Beck followed by expressing her appreciation for the hearing devices provided for those in need.

---

**A.** *All the following items are considered to be self-explanatory by the Council and will be enacted with one motion. There will be no separate discussion of these items unless a Council Member(s) so request.*

A.1 Approval of Minutes for Meetings on August 19<sup>th</sup> & 26<sup>th</sup> and September 9, 2014.

A.2 Consideration, discussion and possible action on approval by the Bastrop City Council of a reimbursement to KKG Bastrop Investments by the Bastrop Economic Development Corporation.

A.3 Approval of the statutory denial, for a period of 180 days from the date of Council action on this request, for the Administrative Plat of Hoover's BB-45-EMS Subdivision, to create 2 residential lots located south of Austin Street within the city limits of Bastrop, Texas.

A.4 Approval of the request to accept the roadway improvements for the reconstruction of Hasler Boulevard within the city limits of Bastrop, Texas.

A.5 Approval of Bastrop Marketing Corporation's request for reimbursement of expenses for August 2014.

A.6 Approval of Bastrop Marketing Corporation's request for reimbursement of expenses for July 2014.

A.7 Consideration, discussion and possible action on the approval of a sign permit fee waiver for the "Keep Bastrop County Beautiful" sign requested by Ms. Dorothy Skarnulis, President of KBCB, to be located at 1009 Main Street, Bastrop, Texas.

Mayor Kesselus requested a motion.

**MOTION** – Mayor Pro-Tem DeLaRosa made the motion to approve all items on the Consent Agenda.

**SECOND** – Council Member Gilleland seconded the motion.

**VOTE**– Motion passed unanimously 4-0; **Ayes:** DeLaRosa, Gilleland, McAnally, and Jackson **Absent:** Beal  
At 7:32, Mayor Kesselus called for a five (5) minute recess.

**B. PUBLIC HEARINGS, ORDINANCES & OTHER ITEMS ELIGIBLE FOR CONSIDERATION/ ACTION****B.1 PUBLIC HEARING: CONSIDERATION, DISCUSSION AND POSSIBLE ACTION FOR A ZONING DISTRICT CHANGE, FROM LI,(LIGHT INDUSTRIAL) TO SF-7, (SINGLE FAMILY RESIDENTIAL-7) ZONING FOR THE FOLLOWING PROPERTIES:**

1. BEING A +/-0.182 ACRES WITHIN YOUNG SUBDIVISION, BUILDING BLOCK 5, LOT 1, ALSO KNOWN AS 1508 ROSANKY STREET. (R33333)
2. BEING A +/-0.364 ACRES WITHIN YOUNG SUBDIVISION, BUILDING BLOCK 5, LOT 2, ALSO KNOWN AS 1710 LINDA STREET. (R41403)
3. BEING A +/-0.182 ACRES WITHIN YOUNG SUBDIVISION, BUILDING BLOCK 5, LOT3, ALSO KNOWN AS 1702 LINDA STREET. (R33325)

These properties are located in Building Block 5 of the Young Subdivision surrounded by Cypress, Linda and Rosanky Streets.

At 7:37 pm, Mayor Kesselus opened the Public Hearing and invited the public's input on the aforementioned agenda item. There was no response to Mayors invitation for comment, therefore Mayor closed the public hearing at 7:39 pm.

**B.2 Consideration, discussion and possible action on the FIRST READING of a proposed Ordinance of the City Council of the City of Bastrop, Texas for a zoning district change from LI, (Light Industrial) to SF-7, (Single Family Residential-7) comprising of all properties in Building Block 5 surrounded by Cypress, Linda and Rosanky Streets within the Young Subdivision more particularly described as**

1. Being a +/-0.182 acres within Young Subdivision, Building Block 5, Lot 1, also known as 1508 Rosanky Street. (R33333)
2. Being a +/-0.364 acres within Young Subdivision, Building Block 5, Lot 2, also known as 1710 Linda Street. (R41403)
3. Being a +/-0.182 acres within Young Subdivision, Building Block 5, Lot 3, also known as 1702 Linda Street. (R33325)

in the city limits of Bastrop, Texas; and establishing an effective date.

Mayor Kesselus requested a motion.

**MOTION** – Council Member Jackson made the motion to approve the First Reading of an ordinance for a zoning district change from LI, (Light Industrial) to SF-7 (Single Family Residential -7) comprising of all properties in Building Block 5 surrounded by Cypress Linda and Rosanky Streets within the Young Subdivision. He requested that the Second Reading be placed on the Consent Agenda at the next City Council Meeting.

**SECOND** – Mayor Pro-Tem DeLaRosa seconded the motion.

**VOTE**–Motion passed unanimously 4-0; **Aye:** Jackson, DeLaRosa, McAnally & Gilleland **Absent:** Beal

\*\*\*\*\*  
**EXECUTIVE SESSION:** *The Council reserves the right to convene into Executive Session at any time during the meeting regarding any agenda item. In compliance with the Open Meetings Act, Ch.551 Govt Code Vernon's TX Code, annotated, the item below will be discussed in closed session. SEC.551.071–Consultations w/Attorney related to legal matters*  
\*\*\*\*\*

**C. OLD BUSINESS – NO ITEMS****D. NEW BUSINESS** - Mayor Kesselus moved Agenda Item D.6 up for discussion with consideration to all the community members in attendance on this matter. He requested to recuse himself and called upon Mayor Pro-Tem DeLaRosa.**D.6 CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION REGARDING THE SPEED BUMPS LOCATED ON ALLEY “A” STREET IN BASTROP, TEXAS. (MAYOR KESSELUS)**

There was a discussion held on the height level of the speed bumps located at Alley A, which are located between the Calvary Episcopal Church and their Main Office.

Council Member McAnally shared concerns expressed to her by community members on the height level of the speed bumps that have caused scraping on the bottom of vehicles while crossing. City Manager Talbot offered clarification that the speeds bumps originally installed had been compressed due to repetitive use, therefore they were redone in asphalt. He also confirmed via Public Works Director Job that the speed bumps had recently been trimmed down to help address the recent height concerns.

Mayor Pro-Tem DeLaRosa proceeded with an invitation for public comment.

Samara Clampffer, Sara Clayton, Lisa Chavez, Tracy Bratton and Connie Schroeder all provided their individual support of the speed bumps for the safety of the children and staff using that crosswalk. There was concern with the previous speed bumps, because it didn't impede traffic which caused concern for pedestrian safety in Alley A.

Council Member Gilleland acknowledged the City Manager for taking the initiative to resolve the concern while ensuring pedestrian safety. Other Council Members were in agreement to continue with the use the asphalt speed bumps.

Mayor Pro-Tem DeLaRosa thanked everyone for their comments. No action was taken.

**D.1 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON THE ACCEPTANCE OF THE UNAUDITED MONTHLY FINANCIAL REPORT AND QUARTERLY INVESTMENT REPORT FOR THE PERIOD ENDING AUGUST 31, 2014. (CFO STOVALL)**

Chief Financial Officer Stovall requested the Councils consideration and approval of the above referenced agenda item. Mayor Kesselus recognized she was currently working within two budget years and thanked CFO Stovall for her good work; he then requested a motion.

**MOTION** – Council Member Gilleland made the motion to approve the unaudited Monthly Financial Report and the Quarterly Investment Report for the period ending August 31, 2014.

**SECOND** – Council Member McAnally seconded the motion.

**VOTE**–Motion passed unanimously 4-0; *Aye: Gilleland, McAnally, DeLaRosa & Jackson Absent: Beal*

**D.2 CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION ON APPROVAL OF THE FINAL PROPOSED FUNDING ALLOCATION TO ENTITY'S REQUESTING HOTEL MOTEL FUNDING FOR FISCAL YEAR 2014-15. (CFO STOVALL)**

Chief Financial Officer Stovall requested approval of the above referenced agenda item. City Manager Talbot confirmed that the Downtown Business Alliance would be hosting the Yester Fest Annual Fall Event. Mayor Kesselus followed with a request for a motion.

**MOTION** – Council Member Gilleland made the motion to approve the final proposed funding allocation to entity's requesting Hotel Motel Funding for Fiscal Year 2014-15 and **hold the funds for Upstart until they decide how they will use funds.**

**SECOND** – Council Member Jackson seconded the motion.

**VOTE**–Motion passed unanimously 4-0; *Aye: Gilleland, Jackson, McAnally, & DeLaRosa Absent: Beal*

**D.3 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON THE FIRST READING OF A PROPOSED ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP TEXAS, AMENDING THE BUDGET FOR THE FISCAL YEAR 2014 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. (CFO STOVALL)**

Chief Financial Officer Stovall requested approval of the amendment increase for budget appropriations for Fiscal Year 2014. Mayor Kesselus then requested a motion.

**MOTION** – Council Member McAnally made the motion to approve the First Reading of a proposed Ordinance of the City Council of the City of Bastrop Texas, amending the budget for the Fiscal Year 2014; and requested that the Second Reading be placed on the Consent Agenda for the upcoming City Council Meeting scheduled for October 28, 2014.

**SECOND** – Council Member Jackson seconded the motion.

**VOTE**–Motion passed unanimously 4-0; *Aye: McAnally, Jackson, Gilleland, & DeLaRosa Absent: Beal*

**D.4 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON THE FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP TEXAS, AMENDING CHAPTER 6, OF THE CODE OF ORDINANCES OF THE CITY OF BASTROP, TEXAS, ENTITLED "HEALTH AND SANITATION," SECTIONS 6.04.001, 6.04.004, AND 6.06.009, TO PROVIDE FOR MOWING PRIVATE PROPERTY UP TO EDGE OF PUBLIC PAVEMENTS(S) AND RIGHT-OF-WAY; ESTABLISHING FINES FOR THE VIOLATION OF SAID ARTICLES; ESTABLISHING ENFORCEMENT AUTHORITY, REPEALING ANY INCONSISTENT PROVISIONS; AND PROVIDING AN EFFECTIVE DATE. (Utility/PW Director Job)**

City Manager Talbot requested the Council's consideration and approval on the First Reading of an Ordinance that would make property owners responsible for mowing the grass up the edge of paved street. Mayor Kesselus requested that we take additional steps to advise the public. City Manager Talbot confirmed that this information would be placed on the City's website and posted at City Hall. Mayor Kesselus requested a motion.

**MOTION** – Mayor Pro-Tem DeLaRosa made the motion to approve the First Reading of an ordinance of the City Council of the City of Bastrop Texas, amending Chapter 6, "Health and Sanitation" Sections 6.04.001, 6.04.004, and 6.06.009, to provide for mowing private property up to edge of public pavements(s) and right-of-way. He requested that the Second Reading be placed on the Consent Agenda of the City Council Meeting scheduled for October 28, 2014.

**SECOND** – Council Member Gilleland seconded the motion.

**VOTE**–Motion passed unanimously 4-0; **Aye:** DeLaRosa, Gilleland, McAnally, & Jackson **Absent:** Beal

**D.5 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON THE FIRST READING OF A RESOLUTION, ON A PROJECT OF THE BASTROP ECONOMIC DEVELOPMENT CORPORATION TO COMMISSION A BASTROP AREA HOUSING STUDY BY ROBERT CHARLES LESSER & CO., LLC, IN AN AMOUNT NOT TO EXCEED \$35,000. (BEDC)**

Executive Assistant Angela Ryan informed the Council that the Bastrop Economic Development Corporation had unanimously approved this project for economic advancement. The BEDC has brought the item for final consideration and approval of the Resolution.

The Council Members applauded the study and acknowledged it would overlap the Form Based Code and Comprehensive Plan. Mayor Kesselus followed with a request a motion.

**MOTION** – Council Member Jackson made the motion to approve the First Reading of a Resolution, on a project of the Bastrop Economic Development Corporation to commission a Bastrop Area Housing Study by Robert Charles Lesser & Co., LLC, in an amount not to exceed \$35,000. He requested that the Second Reading be placed on the Consent Agenda of the City Council Meeting scheduled for October 28, 2014.

**SECOND** – Council Member Gilleland seconded the motion.

**VOTE**–Motion passed unanimously 4-0; **Aye:** Jackson, Gilleland, McAnally & DeLaRosa **Absent:** Beal

**D.7 CONSIDERATION, DISCUSSION AND ACTION WITH RESPECT TO THE FIRST READING AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, AMENDING ORDINANCE 2005-22, WHICH ADOPTED THE CITY OF BASTROP'S PERSONNEL POLICIES MANUAL; RELATED TO EMPLOYEE BENEFITS; REPEALING CONFLICTING ORDINANCES, RESOLUTIONS AND POLICIES; INCLUDING A SAVINGS CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE. (CITY MANAGER TALBOT)**

City Manager Talbot requested the Council approval of the First Reading of an amendment to an Ordinance that would authorize the City Manager to make necessary decisions regarding employee benefits and notify the Council of any modifications made to the employees benefit package. Mayor Kesselus requested a motion.

**MOTION** – Mayor Pro-Tem DeLaRosa made the motion to approve the First Reading amending ordinance 2005-22 of the City of Bastrop Texas, related to the City's Personnel Policies Manual; authorizing the City Manager to make necessary decisions regarding employee benefits and notification to Council on any modifications made to the employee benefit packet. He requested that the Second Reading be placed on the Consent Agenda of the City Council Meeting scheduled for October 28, 2014.



**SECOND** – Council Member Jackson seconded the motion.

**VOTE**–Motion passed unanimously 4-0; **Aye:** DeLaRosa, Jackson, McAnally & Gilleland **Absent:** Beal

**D.8 BOARD APPOINTMENT BY MAYOR KESSELUS, SUBJECT TO CONFIRMATION BY THE BASTROP CITY COUNCIL, ON THE APPOINTMENT OF JOSH COY, AS PL. 7 MEMBER OF THE PARKS BOARD & TREE ADVISORY BOARD; A 2 YEAR TERM THAT EXPIRES JUNE 2016. (MAYOR KESSELUS)**

Mayor Kesselus requested the Councils consideration and approval on the appointment of Josh Coy to the Parks Board and the Public Tree Advisory Board. Mayor Kesselus then requested a motion.

**MOTION** – Mayor Pro-Tem DeLaRosa made the motion to confirm the appointment of Josh Coy as the Place 7 Member on the Parks Board and the Public Tree Advisor Board, a two-year term that expires in June 2016.

**SECOND** – Council Member Gilleland seconded the motion.

**VOTE**–Motion passed unanimously 4-0; **Aye:** DeLaRosa, Gilleland, McAnally & Jackson **Absent:** Beal

**D.9 BOARD APPOINTMENT BY MAYOR KESSELUS, SUBJECT TO CONFIRMATION BY THE BASTROP CITY COUNCIL, ON THE APPOINTMENT OF KATHRYN NASH, AS PL. 1 MEMBER OF THE ART IN PUBLIC PLACES TASK FORCE; A 3 YEAR TERM THAT EXPIRES JUNE 2017. (MAYOR KESSELUS)**

Mayor Kesselus requested the Councils consideration and approval on the appointment of Kathryn Nash to the Art in Public Places Task Force. Mayor Kesselus then requested a motion.

**MOTION** – Council Member McAnally made the motion to confirm the appointment of Kathryn Nash as the Place 1 Member on the Art In Public Places Task Force, a three-year term that expires in June 2017.

**SECOND** – Council Member Gilleland seconded the motion.

**VOTE**–Motion passed unanimously 4-0; **Aye:** McAnally, Gilleland, DeLaRosa & Jackson **Absent:** Beal

**D.10 BOARD APPOINTMENT BY MAYOR KESSELUS, SUBJECT TO CONFIRMATION BY THE BASTROP CITY COUNCIL, ON THE APPOINTMENT OF DEBORAH JOHNSON AS CHAIRPERSON OF THE BASTROP ARTS IN PUBLIC PLACES TASK FORCE. (MAYOR KESSELUS)**

Mayor Kesselus requested the Councils consideration and approval on the appointment of Deborah Johnson as the Chairman of the Art in Public Places Task Force; he requested a motion.

**MOTION** – Council Member McAnally made the motion to confirm the Deborah Johnson as the Chairman of the Art In Public Places Task Force.

**SECOND** – Council Member Jackson seconded the motion.

**VOTE**–Motion passed unanimously 4-0; **Aye:** McAnally, Jackson, Gilleland & DeLaRosa **Absent:** Beal

At 8:44 pm, Mayor Kesselus convened the Bastrop City Council into Executive Session to discuss all item outlined in the executive session.

**E. EXECUTIVE SESSION**

**E.1 THE BASTROP CITY COUNCIL WILL MEET IN A CLOSED/EXECUTIVE SESSION 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 OR CLAIMS, INCLUDING BUT NOT LIMITED TO AND/OR (2) MATTER UPON WHICH THE ATTORNEY HAS 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

3. **SECTION 551.074** – PERSONNEL MATTERS – CITY MANAGER

**E.2 THE BASTROP CITY COUNCIL WILL RECONVENE INTO OPEN SESSION 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.**

At 10:29 pm, Mayor Kesselus reconvened in open session to discuss, consider, and/or take necessary action(s) related to the Executive Session noted herein. City Manager Talbot stated that after discussion of Executive Session Items 1, 2 and 3, and after receiving legal consultation regarding pending legal matters; City Manager Talbot recommended that no specific action was required by the Council at this time. No action taken.

**F. ADJOURNMENT** - Mayor Kesselus requested a motion to adjourn the meeting. Council Member McAnally made the motion that was seconded by Council Member Gilleland and meeting adjourned at 10:21 pm.

APPROVED: \_\_\_\_\_  
Ken Kesselus, Mayor

ATTEST: \_\_\_\_\_  
Elizabeth M. Lopez, City Secretary

## CITY OF BASTROP

AGENDA ITEM **A-2****STANDARDIZED AGENDA RECOMMENDATION FORM**

CITY COUNCIL

DATE SUBMITTED: November 5, 2014

MEETING DATE: November 12, 2014

1. Agenda Item: **Approval of request to accept the Public Improvements for Orchard Parkway located south of State Highway 71, within the Pecan Park Subdivision inside 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       

**Memo from Wesley Brandon, City Engineer and Trey Job, Director of Public Works and Water and Wastewater are included with this request, along with a location map.**

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  

8. Staff Recommendation: **Staff recommends acceptance of the Public Improvements for Orchard Parkway within Pecan Park Subdivision. The applicant has complied with all requirements of the Subdivision Ordinance and completed all necessary testing and other documentation with regards to the construction of the public improvements. A two year maintenance bond has been submitted to the City.**

9. Advisory Board: \_\_\_\_\_ Approved \_\_\_\_\_ Disapproved \_\_\_\_\_ None

10. Manager's Recommendation: \_\_\_\_\_ Approved \_\_\_\_\_ Disapproved \_\_\_\_\_ None

11. Action Taken: \_\_\_\_\_

November 3, 2014

The Honorable Ken Kesselus, Mayor  
& Members of the Bastrop City Council  
Bastrop City Hall  
1311 Chestnut Street  
Bastrop, Texas 78602



**RE: Pecan Park Commercial – Phase 1**

Acceptance of Subdivision Improvements

Dear Mayor Kesselus and Members of the City Council:

I am pleased to report that the construction of public improvements for the above-referenced project is complete and ready for acceptance into the City's maintenance program.

The improvements for this project were reviewed and inspected by City personnel, and all appropriate close-out documents (2-year maintenance bond, as-built drawings, etc.) have been received by the contractor and design engineer.

Please do not hesitate to contact me if you have any questions or need additional information regarding this project.

Sincerely,

Wesley Brandon, P.E.

City Engineer

Texas Registration No. 109732



**Concurrence:**

Mr. Trey Job

Director of Public Works

Cc: File



# ROAD AND UTILITY CONSTRUCTION PLANS FOR PECAN PARK COMMERCIAL PHASE - 1



VICINITY MAP

N.T.S.



**CITY OF BASTROP  
FINANCE  
DEPARTMENT**

# Memo

To: Mayor, City Council and City Manager  
From: Karla Stovall, Chief Financial Officer  
Date: November 7, 2014  
Re: Reimbursement of Accrued Bastrop Marketing Corporation Expenses

---

Attached is the request from Bastrop Marketing Corporation (BMC) for payment of funds in accordance with the Tourism Marketing Agreement that was signed with the City of Bastrop in November 2003.

This request is for the time period for Sept. 2014. There is a month lag in the receipt of the hotel occupancy tax monies.

It is recommended that Council approve the reimbursement of funds in the amount of \$68,424.33 for Sept. 2014 to BMC in accordance with our agreement to be spent on advertising and marketing the City of Bastrop area. This amount represents 43% of the tax collections.

If you have any questions regarding this agreement please contact me at 512-332-8820.

Bastrop Marketing Corporation ("BMC")  
October 2014 through September 2015 - Budget

| 2 0 1 4                               |                     |                 |                 |                 | 2 0 1 5         |                 |                 |                 |                 |                 |                 |                 |               |  |  |  |
|---------------------------------------|---------------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|---------------|--|--|--|
|                                       | September           | October         | November        | December        | January         | February        | March           | April           | May             | June            | July            | August          | September     |  |  |  |
| HRLPR Room Revenues                   | \$ 2,299,365.49     | \$ 2,635,854.00 | \$ 1,981,486.00 | \$ 1,470,129.00 | \$ 1,545,540.00 | \$ 1,791,500.00 | \$ 3,096,600.00 | \$ 2,403,800.00 | \$ 2,843,000.00 | \$ 3,308,000.00 | \$ 3,732,800.00 | \$ 3,541,500.00 | \$ 2,782,820  |  |  |  |
| Exemptions                            | (3,169.71)          | -               | -               | -               | -               | -               | -               | -               | -               | -               | -               | -               | -             |  |  |  |
| Taxable Room Revenues                 | 2,296,195.78        | 2,635,854.00    | 1,981,486.00    | 1,470,129.00    | 1,545,540.00    | 1,791,500.00    | 3,096,600.00    | 2,403,800.00    | 2,843,000.00    | 3,308,000.00    | 3,732,800.00    | 3,541,500.00    |               |  |  |  |
| City of Bastrop HOT Rate              | 7%                  | 7%              | 7%              | 7%              | 7%              | 7%              | 7%              | 7%              | 7%              | 7%              | 7%              | 7%              | 7%            |  |  |  |
| City of Bastrop HOT Tax               | \$ 160,733.70       | \$ 184,509.78   | \$ 138,704.02   | \$ 102,909.03   | \$ 108,187.80   | \$ 125,405.00   | \$ 216,762.00   | \$ 168,266.00   | \$ 199,010.00   | \$ 231,560.00   | \$ 261,296.00   | \$ 247,905.00   |               |  |  |  |
| Gross Liability to City               |                     | \$ 160,733.70   | \$ 184,509.78   | \$ 138,704.02   | \$ 102,909.03   | \$ 108,187.80   | \$ 125,405.00   | \$ 216,762.00   | \$ 168,266.00   | \$ 199,010.00   | \$ 231,560.00   | \$ 261,296.00   | \$ 247,905.00 |  |  |  |
| Hotel Owner Collection Allowance (1%) |                     | (1,607.34)      | (1,845.10)      | (1,387.04)      | (1,029.09)      | (1,081.88)      | (1,254.05)      | (2,167.62)      | (1,682.66)      | (1,990.10)      | (2,315.60)      | (2,612.96)      | (2,479.05)    |  |  |  |
| Net Collection by City                |                     | 159,126.36      | 182,664.68      | 137,316.98      | 101,879.94      | 107,105.92      | 124,150.95      | 214,594.38      | 166,583.34      | 197,019.90      | 229,244.40      | 258,683.04      | 245,425.95    |  |  |  |
| Applicable % payable to BMC           |                     | 43%             | 43%             | 43%             | 43%             | 43%             | 43%             | 43%             | 43%             | 43%             | 43%             | 43%             | 43%           |  |  |  |
| Funds Available to BMC                |                     | 68,424.33       | 78,545.81       | 59,046.30       | 43,808.37       | 46,055.55       | 53,384.91       | 92,275.58       | 71,630.84       | 84,718.56       | 98,575.09       | 111,233.71      | 105,533.16    |  |  |  |
| Total Budget                          | <u>\$913,232.21</u> | Allocated:      | 76,102.68       | 76,102.68       | 76,102.68       | 76,102.68       | 76,102.68       | 76,102.68       | 76,102.68       | 76,102.68       | 76,102.68       | 76,102.68       | 76,102.73     |  |  |  |
| Payment of Funds by City to BMC       |                     | \$ 68,424.33    | \$ 78,545.81    | \$ 59,046.30    | \$ 43,808.37    | \$ 46,055.55    | \$ 53,384.91    | \$ 92,275.58    | \$ 71,630.84    | \$ 84,718.56    | \$ 98,575.09    | \$ 111,233.71   | \$ 105,533.16 |  |  |  |
|                                       |                     | Currently due   |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |               |  |  |  |

check: \$ -

Prepared: 8/15/2014

|            |            |            |            |            |            |            |            |            |            |            |
|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|
| 146,970.14 | 206,016.44 | 249,824.81 | 295,880.36 | 349,265.27 | 441,540.85 | 513,171.69 | 597,890.25 | 696,465.34 | 807,699.05 | 913,232.21 |
| 152,205.36 | 228,308.04 | 304,410.72 | 380,513.40 | 456,616.08 | 532,718.76 | 608,821.44 | 684,924.12 | 761,026.80 | 837,129.48 | 913,232.21 |



## AGENDA ITEM A-4

1. Agenda Item: Approval of the Twenty Percent Contract from Hugo Oklahoma.
2. Party Making Request: Trey Job, PW Director
3. Nature of Request: (Brief Overview) Attachments: 

|     |
|-----|
| Yes |
|-----|

 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> |
|-------------------|----------------|-------------|--------------------|
|-------------------|----------------|-------------|--------------------|
8. Staff Recommendation:
9. Advisory Board: \_\_\_\_\_ Approved \_\_\_\_\_ Disapproved \_\_\_\_\_ None
10. Manager's Recommendation: \_\_\_\_\_ Approved \_\_\_\_\_ Disapproved \_\_\_\_\_ None
11. Action Taken: \_\_\_\_\_



P.O. Box J  
Hugo, OK 74743  
Ph: 580-326-2233 Fax: 580-326-7466

### **TWENTY PERCENT CIRCUS CONTRACT**

THIS Agreement is entered into this 5th Day of November, 2014 by and between Carson & Barnes Circus hereinafter referred to as the CIRCUS, and City of Bastrop, Parks Department hereinafter referred to as the SPONSOR. Whereas the SPONSOR hereby contracts with the CIRCUS, to sponsor the appearance of a BIG TOP CIRCUS, designed for Family entertainment in the city of Bastrop, Texas on the show grounds known as the Mayfest Park with the physical address of 25 American Legion Drive, Bastrop, TX 78602 for performances scheduled Monday, March 9, 2015 at 4:30 pm & 7:30 pm.

#### **(1) CIRCUS agrees to furnish at no cost to SPONSOR:**

- Performers, music, animals, show manager, all other personnel, tents and seating, costumes, props, music, sound, and lighting for the presentation of the CIRCUS.
- A Certificate of Public Liability & Property Damage in the amount of ONE million dollars naming additional insured, the Sponsor and property owner.
- Services as judged advisable by Circus such as newspaper, radio and outdoor advertising.
- Special promotion and marketing support. Including marketing packets for media use.
- 100 posters for Sponsor's use and comprehensive bill-posting in surrounding area.
- 1000 ADULT and 500 CHILDRENS TICKETS AND 500 FREE CHILDREN'S TICKETS (ONE VALID WITH PAID ADULT). ADVANCE TICKET PRICES ARE: \$6 FOR CHILDREN AND \$12 FOR ADULT
- Gate prices will be \$10.00 for Children and \$16.00 for Adults

#### **(2) SPONSOR agrees to furnish to CIRCUS at no cost:**

- Suitable show grounds (300 x 500 ft.) and additional space for parking. Said grounds to be mowed, firm and level, clear of wires with an entrance for semi-tractor trailers. Underground lines and cables must be marked.
- All local licenses and permits as may be required locally for the performance of the CIRCUS. 1000 gallons of potable water for circus needs from a water hydrant per day.  
Trash receptacles for trash and animal refuse. **You provide the receptacles...we clean the grounds!**

#### **(3) IT IS MUTUALLY AGREED:**

- **The sponsor is to receive 20% of all Adult and Children's tickets sold in advance of the Circus's arrival.**
- The circus will recommend a promoter to work directly with and for the local sponsor. The promoter will sell bulk children's tickets to businesses. Prices will be: CHILD (2-11) (purchased from Sponsor through a Phone Promotion) \$6.00. This is a \$4.00 savings on box office price and a great give away for the merchants. It also enhances your own adult advance ticket sales.
- The promoter will bundle tickets into an invoice, and send to Sponsor for distribution. After taxes are deducted the Sponsor will receive 25%, the promoter will receive 25% and the Circus will receive 50%. Many times purchased tickets are donated back to the sponsor for distribution within the community.
- Circus will pay Sponsor 10% less applicable taxes for all tickets sold and seating upgrades at box office or in the Big Top.
- **Settlement on advance sales is to be made at Circus office at 10:00 a.m. Circus Day. Final settlement to Sponsor will be made during intermission of the last performance.**
- The Circus shall have the exclusive rights to the operation of all midway attractions, animal rides, and concessions on show grounds and shall retain all revenue from same.
- The Circus shall have no liability to the Sponsor in the event the Circus is prevented from fulfillment of its obligations by reason of accident, riots, civil commotion, government order, act of god, or any other cause beyond its control.
- The Circus shall have exclusive control of its performance.
- All ticket prices include all applicable state and local sales and amusement taxes. Settlement of all ticket sales will be made after applicable tax monies have been deducted from gross sales. All taxes will be turned over to the Circus for direct payment to revenue agencies.

ABSOLUTELY NO VERBAL AGREEMENTS WILL BE RECOGNIZED, ALL CHANGES MUST BE IN WRITING, AND WILL CONSTITUTE PART OF THIS AGREEMENT.

**A non-refundable closing fee in the amount of \$295 payable to Carson & Barnes Circus must be attached to validate this agreement.**

In witness whereof the parties hereto have caused this agreement to be made and executed:  
Patricia Wagster

---

CIRCUS CONTRACTING AGENT

---

FOR THE SPONSOR

**Please fax completed contract and copy of validation fee to (580) 326-7466 then mail the originals to: Carson & Barnes Circus, attention: Summer Bates, PO Box J, Hugo, OK 74743. Contract much be returned within 7 days or contract will be voided.**

**Circus Contact Information:** General Offices, 580.326.2233, fax 580.326.7466, email: [sbates@carsonbarnescircus.com](mailto:sbates@carsonbarnescircus.com)

**Sponsor Contact Information: OFFICIAL NAME (used in advertising, etc.)**

**Organization:** \_\_\_\_\_

**Address (Street, City, State, Zip)** \_\_\_\_\_

**MAIN CONTACT: Contact me at: Home Work Both (circle one)**

**Name:** \_\_\_\_\_

**Email:** \_\_\_\_\_

**Fed Ex or UPS Address:** \_\_\_\_\_  
(materials will be shipped here, please include complete street address, city, state, zip)

**Day Telephone:** (\_\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_ **ext.** \_\_\_\_\_

**Home or Cell Telephone:** (\_\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

**SECONDARY CONTACT: Contact me at: Home Work Both (circle one)**

**Name:** \_\_\_\_\_

**Email:** \_\_\_\_\_

**Work Telephone:** (\_\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_ **ext.** \_\_\_\_\_

**Home or Cell Telephone:** (\_\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

**LOT & MEDIA: Contact for LOT: Name: \_\_\_\_\_ Phone: \_\_\_\_\_**

**Lot Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**List Local Media: Newspaper & Radio:** \_\_\_\_\_







**City of Bastrop****Agenda Information Sheet:****City Council Meeting Date:****November 12, 2014**

---

**Project Description:**

Public hearing, discussion, consideration and possible action on Variance to Subdivision Regulations Section 5.70 K. to eliminate an additional 50' setback from the LCRA high voltage transmission lines or transmission towers for Pecan Park Subdivision, being +/- 311 acres out of the A98 Nancy Blakey Survey and A56 Mozea Rousseau Survey Tract A-1, located south of Highway 71 and south of Childers Drive within the city limits of Bastrop, Texas.

---

**Item Summary:**

**Owner:** DM Pecan Park Associates, LTD, Duke McDowell  
**Applicant:** Lynn Alderson, Alderson Group  
**Location:** 311 acres south of Highway 71 with connections to Orchard Parkway, Childers Drive, Hasler Blvd and Perkins Streets.  
**Utilities:** City water, sewer, and Bluebonnet electric  
**Zoning:** Commercial-1 (Light), C-1, Multi Family Dwelling -2, MF-2, Planned Development, PD, Residential Single Family-7, SF-7, LCRA easement zoned Agricultural Open Space, AOS  
**Land Use Plan:** Commercial and Residential

**Background:**

This is a variance request prior to the submittal of final subdivision applications for the entire Pecan Park Development. The entire development comprises 311 acres, and the owner is requesting a variance to the high voltage power line setbacks. Currently, the LCRA power lines are within a 100' (foot) wide easement. The Subdivision Ordinance requires an additional 50' (foot) setback on each side of the power line easement in addition to the existing 100' (foot) wide easement. The owner is requesting a waiver from the additional setback of 50' (feet).

**Issues/Variance:**

In accordance with Section 9, Variances, Subdivision Ordinance, the applicant is asking for a variance to the building/setback line requirements in Section 5.70K.

Building lines or setbacks are required in the subdivision process in accordance with Section 5.70. Setbacks abutting high voltage transmission lines or transmission towers should be 50' (feet).

**5.70 BUILDING LINES**

*The minimum building setback shall be observed for all structures as indicated in the City of Bastrop Zoning Ordinance if applicable. If not otherwise specified, the indicated minimum setbacks shall be observed for the following features:*

*K. High voltage transmission lines or transmission towers - 50 feet (as measured from the nearest point of the easement).*

Setbacks and building lines are an important mechanism for separating structures from property lines, utility easements, and rights-of-way (ROW). However, because of the existing transmission line easement width of 100', Staff recommends that a variance waiving the additional 50' setback requirement be granted.

**Variances Granted in 2008:**

In June, 2008, Mayfair Park Subdivision, located within the City limits, received a variance from City Council which included a waiver from the setback from the LCRA/high voltage line easement.

**Comments:** Twelve (12) adjacent property owner notifications were mailed 10/29/2014. At the time of report preparation, no public comments have been received.

**Staff Recommendation:**

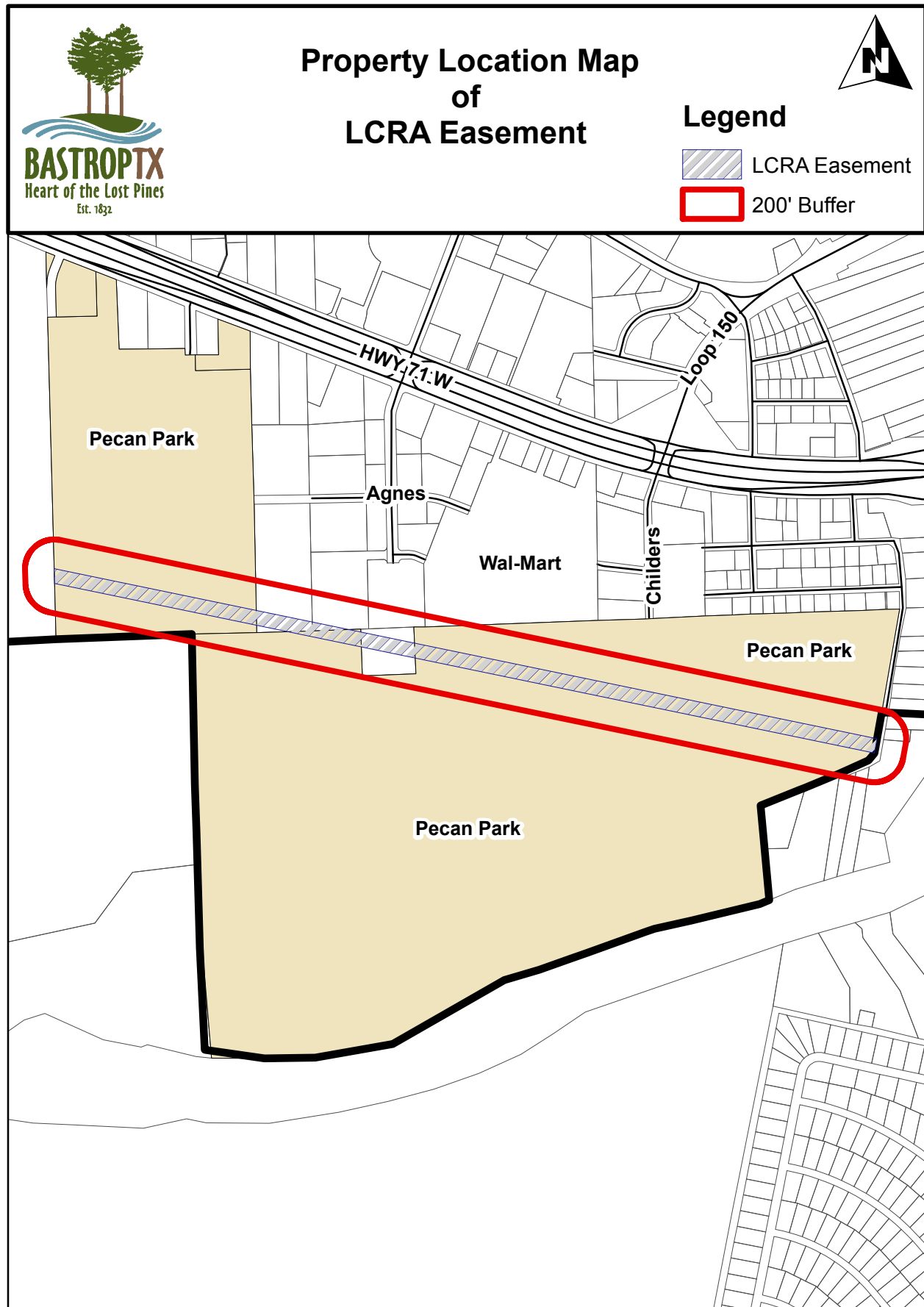
Staff recommends the approval of the variance waiving the additional 50' setback from the existing LCRA/high voltage line easement be granted.

**City Contact:**

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

**Attachments:**

Variance letter of support letter from Pecan Park, location map





DM Pecan Park Associates, Ltd.  
1310 Ranch Road 620 South, Suite B-200  
Austin, Texas 78734  
Office (512) 263-2214

October 23, 2014

Ms. Yvonne Pritchard, Project Coordinator  
City of Bastrop – Planning & Development Department  
1311 Chestnut Street  
Bastrop, Texas 78602

Re: Request for Variance – Pecan Park, Bastrop, Texas

Dear Ms. Pritchard,

As you are aware, the Pecan Park mixed-use development located in the city limits of Bastrop is currently impacted by an existing L.C.R.A. 100' wide high voltage power line easement, created in 1940, that transverses through the property, as depicted on the attached exhibit.

We are currently developing commercial, residential, and multi-family zoned parcels in Pecan Park and are concerned that the City's Building Line Ordinance (Section 5.70, K) would cause an unnecessary hardship, as it requires a 50 foot setback from the high voltage transmission lines or transmission towers; measured from the nearest point of the easement. The existing 100' easement width will allow adequate separation from the lines and towers. In some cases that additional set back distance would make a large portion of the property undevelopable.

My understanding is that setbacks from power line easements in the City are very unusual and that this particular Ordinance was initially created from concerns regarding hazardous pipelines.

I would respectfully request that the 50-foot setback from the edge of the easement for high voltage transmission lines or transmissions towers be waived within the Pecan Park Subdivision.

Thank you for your assistance with this request.

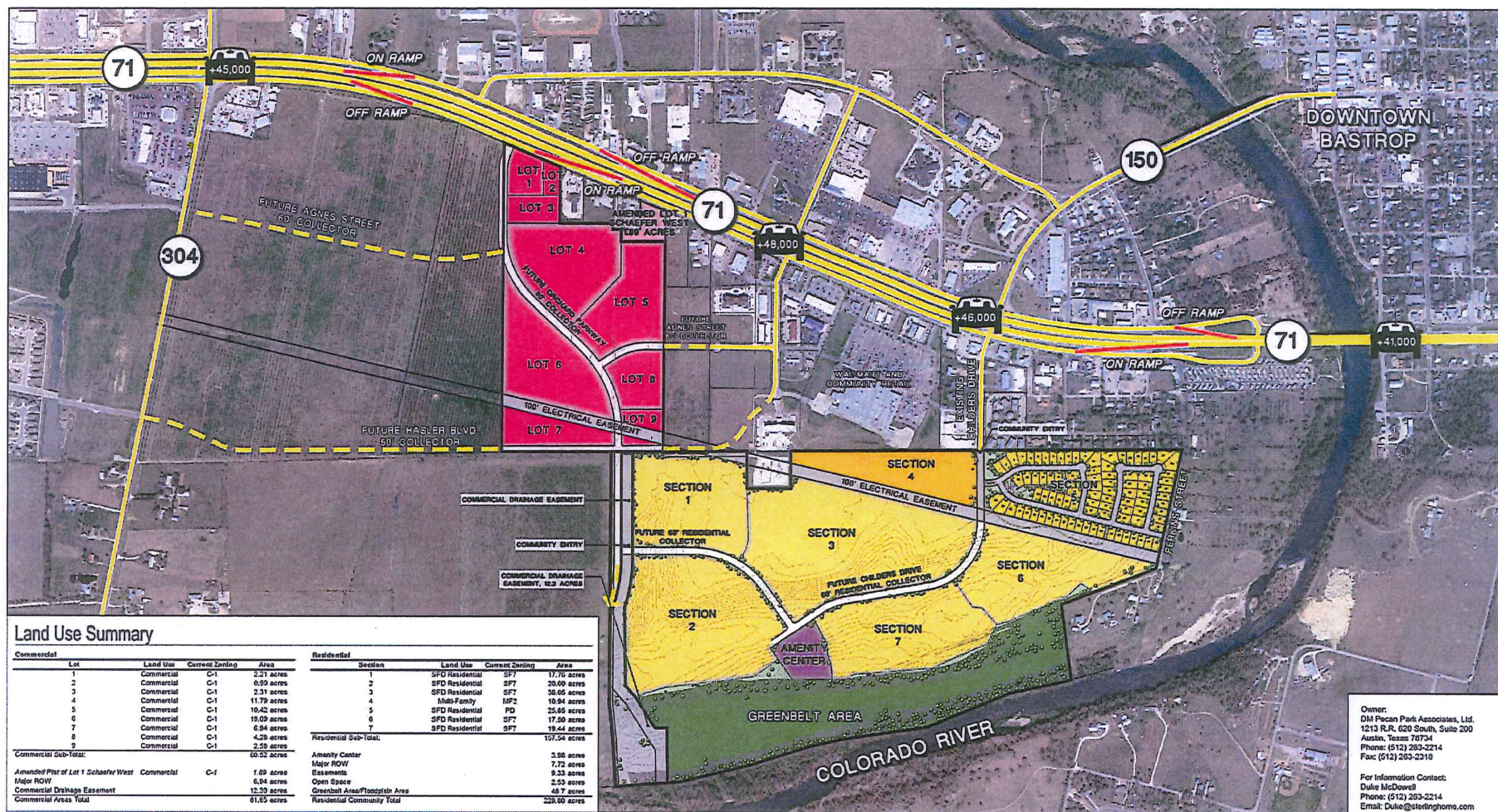
Sincerely

Duke McDowell, Owner/Manager  
D.M. Pecan Park Associates, LTD.

Cc: Melissa McCollum, Director of Planning & Development  
Wesley Brandon, P.E., City Engineer

attachment





Owner:  
DM Pecan Park Associates, Ltd.  
1213 R.R. 620 South, Suite 200  
Austin, Texas 78734  
Phone: (512) 263-2214  
Fax: (512) 263-2310

For Information Contact:  
Duke McDowell  
Phone: (512) 263-2214  
Email: Duke@sterlinghome.com

**SEC Planning, LLC**  
Land Planning + Landscape Architecture + Community Branding  
AUSTIN, TEXAS  
1 (512) 476-7881 • 1 (512) 261-7793  
www.secplanning.com • info@secplanning.com

CONCEPTUAL PLAN  
**PECAN PARK**  
BASTROP, TEXAS

Scale: 1" = 800'  
Date: April 4, 2014

SHEET FILE: M:\060025-FIVE\Castles\PLANNING\2014-04-04 Update\Overall Concept Plan 2014-04-04.dwg

Base mapping compiled from best available information. All map data should be considered as preliminary, in need of verification, and subject to change. This land plan is conceptual in nature and does not represent any regulatory approval. Plan is subject to change.





ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING THE BUDGET FOR THE FISCAL YEAR 2014 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 2014; 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 2014, as submitted to the City Council by the City Manager and which budget amendments are discussed in the attached memorandum is hereby adopted and approved as the amended budget of said city for Fiscal Year 2014; 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 \_\_\_\_\_ day of November, 2014.

READ and ADOPTED on Second Reading on the \_\_\_\_\_ day of November, 2014.

APPROVED:

ATTEST:

\_\_\_\_\_  
Ken Kesselus, Mayor

\_\_\_\_\_  
Elizabeth Lopez, City Secretary

**City of Bastrop  
Memorandum**

**TO: Mayor & City Council Members**

**FROM: Karla Stovall, Chief Financial Officer**

**SUBJECT: Ordinance Amending FY 2014 Budget**

**DATE: November 4, 2014**

---

**Recommendation:**

To approve the following Ordinance Amending the Budget of Fiscal Year 2014 to place a liability on the Bastrop Economic Development Corporations books to properly account for the Municipal Water Project Funding Agreement.

**Background:**

The City of Bastrop and the Bastrop Economic Development Corporation entered into a Municipal Water Project Funding agreement thus requiring a liability to be established on the BEDC books.

On or about May 19, 2014 the Board of Directors of the BEDC took formal action to approve funding for the City in the amount of approximately \$60,000 per year for ten years (total amount of \$600,000) to assist with costs related to the City's municipal long-term funding with such funding being contingent on the availability of funding in the annual budget of the BEDC from year to year.

The Municipal Water Project Funding agreement was entered into by the City on October 10, 2014. The Finance Department in preparation of closing the books for the Fiscal Year 2014 and subsequent audit, is required to present this transaction as a liability on the BEDC books. A budget amendment is required as the entry will debit an expense account (Donated Assets 601-70-00-5999) and credit a liability account (Notes Payable 601-00-00-2084). No cash disbursements have been made and payments will start on or before January 2, 2015.

**AGREEMENT FOR  
MUNICIPAL WATER PROJECT FUNDING**

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

This Agreement For Municipal Water Project Funding ("Agreement") is between the City of Bastrop, Texas, a home-rule city located in Bastrop County, Texas (the "City"), and the Bastrop Economic Development Corporation, a public instrumentality and non-profit economic development corporation ("BEDC" or "Developer"), incorporated and operating under State authority, found at Local Government Code, Chapters 501 and 505, as amended. The City and BEDC may be referred to jointly herein as the 'Parties' and individually as a 'Party'.

**RECITALS**

**WHEREAS**, it is the shared view of both the City and the BEDC that a reliable and adequate water supply is not only necessary for the basic health and safety of the current citizenry, but is also a key to attracting healthy growth to the area, including growth of businesses and industry that rely on a dependable long-term water supply; and

**WHEREAS**, in 2009, the Texas legislature expanded the authority of 4B Corporations, such as the BEDC, to allow this type of economic development entity to participate in the funding of water supply facilities and/or water conservations programs, in recognition of the fact that Texas communities need reliable and plentiful water supplies to thrive and grow; and

**WHEREAS**, in contemplation of a future need, under the statutory authority granted by the Texas legislature, an election was held in Bastrop, in November 2011, at which time the citizens of Bastrop approved the BEDC's future use of its portion of the sales and use tax proceeds for infrastructure related to water supply facilities, such as those that the City will be undertaking in the near future to obtain its long-term water supply from various sources; and

**WHEREAS**, over the past several years, the City has worked diligently to identify and acquire contractual rights to various long-term water supplies for the City, which work has come to fruition, with two (2) contractual sources pending production permitting by the Lost Pines Groundwater Conservation District; and

**WHEREAS**, on or about April 17, 2014, the City formally requested the assistance of the BEDC in funding such infrastructure, as is evidenced by the correspondence attached hereto as Exhibit A; and



**WHEREAS**, on or about May 19, 2014, the Board of Directors of the BEDC took formal action to approve funding for the City in the amount of approximately \$60,000.00, per year, for ten (10) years, to assist with costs related to the City's municipal long-term water supply, with such funding by the BEDC being contingent on the availability of funding in the annual budget of the BEDC from year to year, and the allocation of same by the BEDC Board of Directors, from year to year, and

**WHEREAS**, on or about August 25, 2014, the BEDC held a public hearing to receive public input on this proposed project for funding by the BEDC, as required by law; and

**WHEREAS**, the usual City approval of this BEDC project is not required in this instance, inasmuch as it is a project undertaken specifically at the request of the City, and

**WHEREAS**, the Parties desire to enter into this Agreement, to memorialize the funding requests, responsibilities and duties agreed to amongst them.

**THEREFORE, FOR GOOD AND VALUABLE CONSIDERATION, THE RECEIPT AND SUFFICIENCY OF WHICH ARE ACKNOWLEDGED, INCLUDING THE AGREEMENTS SET FORTH BELOW, THE PARTIES AGREE AS FOLLOWS:**

#### **ARTICLE 1 FUNDS/USE**

The BEDC will use best efforts to make available to the City on an annual basis, beginning in 2015, Sixty Thousand U.S. Dollars and No/Cents (\$60,000.00), for a ten year period for total financial support to the City of \$600,000.00. ("Funds") The City will only expend the Funds to address costs directly associated with the City's municipal water supply needs.

#### **ARTICLE 2 CONDITIONAL NATURE OF FUNDING**

The Parties acknowledge and agree that the provision of the Funds by the BEDC under this Agreement is strictly contingent on the reasonable availability of same, on a year by year basis, in the BEDC's annual budget, and in the sole discretion of the Board of Directors of the BEDC. If the Funds are not available during any BEDC budgetary year, the Executive Director of the BEDC shall report same to the City Manager in writing as quickly as that deficiency is identified by the Board. That deficiency shall not result in any breach of this Agreement by the BEDC.

### **ARTICLE 3 TERM**

The Term of this Agreement shall be ten (10) Years ("Term"). However, in the event that the BEDC is ever not able to provide the Funds for one or more years, due to its annual budgetary constraints, as provided for in Article 2 of this Agreement, then, the term of this Agreement shall be extended by one or more years, so that, by the end of the term of the agreement, the BEDC will have provided total funding to the City in the amount of \$600,000.00. ("Extended Term")

### **ARTICLE 4 TIMING OF ANNUAL PAYMENTS**

The Funds shall be provided to the City each year, on or before January 2nd, by directing same to the City's Director of Finance.

### **ARTICLE 5 MISCELLANEOUS**

#### **Section 5.01      Notice**

Any notice given under this Agreement must be in writing and may be given: (i) by depositing it in the United States mail, certified, with return receipt requested, addressed to the party to be notified and with all charges prepaid; or (ii) by depositing it with Federal Express or another service guaranteeing "next day delivery", addressed to the party to be notified and with all charges prepaid; (iii) by personally delivering it to the party, or any agent of the party listed in this Agreement, or (iv) by facsimile with confirming copy sent by one of the other described methods of notice set forth. Notice by United States mail will be effective on the earlier of the date of receipt or 3 days after the date of mailing. Notice given in any other manner will be effective only when received. For purposes of notice, the address of the Parties will, until changed as provided below, be as follows:

CITY:                                      City of Bastrop  
                                                 1311 Chestnut Street  
                                                 Bastrop, Texas 78602  
                                                 Attn: Michael Talbot, City Manager  
                                                 Phone: (512) 303-4966  
                                                 Fax: (512) 321-6684

With Required Copy to:      Jo-Christy Brown  
                                                 Bastrop/BEDC City Attorney  
                                                 1411 West Avenue  
                                                 Austin, Texas 78701  
                                                 Phone: (512) 236-1000  
                                                 jcbrown@jcbrownlegal.com

BEDC: Bastrop Economic Development Corporation  
903 Main Street  
Bastrop, TX 78602  
Attn: Angela Ryan, Executive Assistant  
Phone: (512) 303-9700  
info@bastropedc.org

The Parties may change their respective addresses to any other address within the United States of America by giving at least 5 days' written notice to the other party. The BEDC may, by giving at least 5 days' written notice to the City, designate additional Parties to receive copies of notices under this Agreement.

#### **Section 5.02 Severability: Waiver**

If any provision of this Agreement is illegal, invalid, or unenforceable, under present or future laws, it is the intention of the Parties that the remainder of this Agreement not be affected, and, in lieu of each illegal, invalid, or unenforceable provision, that a provision be added to this Agreement which is legal, valid, and enforceable and is as similar in terms to the illegal, invalid or enforceable provision as is possible.

Any failure by a Party to insist upon strict performance by the other Party of any material provision of this Agreement will not be deemed a waiver thereof or of any other provision of this Agreement, and such Party may at any time thereafter insist upon strict performance of any and all of the provisions of this Agreement.

#### **Section 5.03 Applicable Law and Venue**

The interpretation, performance, enforcement and validity of this Agreement are governed by the laws of the State of Texas. Venue will be in a court of appropriate jurisdiction in Bastrop County, Texas.

#### **Section 5.04 Attorney's Fees**

If either party defaults, the prevailing party in the dispute will be entitled to recover its reasonable attorney's fees, expenses and court costs from the non-prevailing party.

#### **Section 5.05 Entire Agreement**



This Agreement contains the entire agreement of the Parties. There are no other agreements or promises, oral or written, between the Parties regarding the subject matter of this Agreement. This Agreement can be amended only by written agreement signed by the Parties. This Agreement supersedes all other agreements between the Parties concerning the subject matter.

#### **Section 5.06          Reservation of Rights**

To the extent not inconsistent with this Agreement, each Party reserves all rights, privileges, and immunities under applicable laws.

#### **Section 5.07          Exhibits, Headings, Construction and Counterparts**

All schedules and exhibits referred to in or attached to this Agreement are incorporated into and made a part of this Agreement for all purposes. The section headings contained in this Agreement are for convenience only and do not enlarge or limit the scope or meaning of the sections. Wherever appropriate, words of the masculine gender may include the feminine or neuter, and the singular may include the plural, and vice-versa. The Parties acknowledge that each of them have been actively and equally involved in the negotiation of this Agreement. Accordingly, the rule of construction that any ambiguities are to be resolved against the drafting party will not be employed in interpreting this Agreement or any exhibits hereto. This Agreement may be executed in any number of counterparts, each of which will be deemed to be an original, and all of which will together constitute the same instrument. This Agreement will become effective only when one or more counterparts, individually or taken together, bear the signatures of all of the Parties.

#### **Section 5.08          Times**

Time is of the essence of this Agreement. In computing the number of days for purposes of this Agreement, all days will be counted, including Saturday, Sunday and legal holidays; however, if the final day of any time period falls on a Saturday, Sunday or legal holiday, then the final day will be deemed to be the next day that is not a Saturday, Sunday or legal holiday.

#### **Section 5.09          Compliance with City, State and Federal Laws**

Notwithstanding any other provision of this Agreement, the BEDC, their successors and assigns, will comply with all applicable statutes or regulations of the United States and the State of Texas, as well as all City ordinances, except as otherwise provided herein. Enforcement of City ordinances or rules will not be deemed a breach or default under this Agreement.

#### **Section 5.10            Authority for Execution**

The City hereby certifies, represents, and warrants that the execution of this Agreement is duly authorized and adopted in conformity with the City Charter and City ordinances. The BEDC hereby certifies, represents, and warrants that the execution of this Agreement is duly authorized and adopted in conformity with the articles of incorporation and bylaws or partnership agreement of each entity.

#### **Section 5.11            Exhibits**

The following Exhibits are attached to this Agreement, and made a part hereof for all purposes:

Exhibit "A"    - April 17, 2014 City Letter requesting Support of BEDC

[Remaining Page Blank]



The undersigned Parties have executed this Agreement on the dates indicated below.

CITY OF BASTROP

By: Michael H. Talbot

Michael H. Talbot, City Manager

Date: 10-10-14

ATTEST:

Traci Chavez

Printed Name: TRACI CHAVEZ

Title: Executive Asst.

BEDC

By: Steve Mills

Steve Mills, BEDC Board Chairman

Date: 9-29-14



April 17, 2014

Via Hand Delivery

Bastrop Economic Development Corporation

Mr. Steve Mills, Chairman

BEDC Board Members

Dave Quinn, BEDC Executive Director

903 Main Street, Bastrop, Texas 78602

Re: Request by City of Bastrop for Consideration or participation in City's Short and Long Term Water Supply Project.

Dear Fellow BEDC Board Members and Mr. Quinn:

As I am confident you are all aware, over the past several years the City has been engaged in an exhaustive process to identify and acquire a future water supply for the community of Bastrop. This work recently intensified and culminated in a decision by the City Council, last week, to negotiate and execute an agreement with representatives of Costal Range Investments, d/b/a XS Water Company LLC ("XS") for the purchase of 3,000 acre feet of *in situ* water rights, which will assure an adequate water supply for the City for the next 30 to 50 years. This alternative was selected by the City as the best alternative considering factors such as the 'quality' and 'quantity' of water available from this source, combined with considerations such as price and the proximity of the water field to the City's current infrastructure (which naturally influences overall project costs).

It is the City's view that a reliable and adequate water supply is not only necessary for the basic health and safety of the current citizenry, but is also a key to attacking healthy growth to the area, including growth of businesses and industry that rely on a dependable long-term water supply. It is this "benefit" that spurs my correspondence with the BEDC today.

In 2009, the legislature expanded 4B Corporations' authority and scope to allow 4B type entities, such as the BEDC, to participate in the funding of water supply facilities and/or water conservation programs, in recognition of the fact that Texas communities need reliable and plentiful water supplies to thrive and grow. It was under this authority that, at an election held in November of 2011, the citizens of Bastrop approved the BEDC's use of sales and use tax proceeds for infrastructure relating to water supply facilities, such as those that the City will be undertaking in the near future to obtain its water supply from XS and/or any other providers.

In this Regard, the City Council has asked that I formally request for BEDC's future consideration of participating with the City in the anticipated costs of the Project, which are currently estimated to be in the range of \$8,000,000.

The City Council and I would appreciate the BEDC's future consideration, discussion and action on the possibility of having some level of BEDC participation in the costs of providing long and short term water supplies, not only to mitigate the rate consequences to the City's current water customers, but also to promote economic growth to and vitality in the Bastrop area, including growth of businesses and industry that rely on a dependable long-term water supply.

Very truly yours



Michael H. Talbot

City Manager

cc: Mayor Orr and Council Members  
G. Kruppa, City/BEDC Engineer  
JC Brown, City/BEDC Attorney  
File

## CITY OF BASTROP

AGENDA ITEM **D-2****STANDARDIZED AGENDA RECOMMENDATION FORM**

CITY COUNCIL

DATE SUBMITTED: November 3, 2014

MEETING DATE: November 12, 2014

1. Agenda Item: **Consideration, discussion and possible action for acceptance of the presentation of the Bastrop County Historical Society Museum and Visitors Center Operations and Maintenance Budget for 2015.**

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

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

This is a recurring agenda item providing the Historical Society an opportunity to present their upcoming Operations and Maintenance Budget for the Museum and Visitors Center. The City's agreement specifically identifies that in Article 8.07 of the Historical Museum Land and Improvements Lease Agreement the Society shall prepare and present to City Council the operations and maintenance budget for the upcoming year, detailing all anticipated expenditures and noting the source and amount of funds that will be available to pay for same.

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**

8. Staff Recommendation: \_\_\_\_\_

9. Advisory Board: \_\_\_\_\_ Approved \_\_\_\_\_ Disapproved \_\_\_\_\_ None

10. Manager's Recommendation: \_\_\_\_\_ Approved \_\_\_\_\_ Disapproved \_\_\_\_\_ None

11. Action Taken: \_\_\_\_\_



The logo features the word "Bastrop" in a large, elegant, red cursive script. Below it, the words "MUSEUM & VISITOR CENTER" are written in a bold, black, serif font. The word "Bastrop" is partially overlaid by the "MUSEUM & VISITOR" text. Below this, the words "of the Bastrop County Historical Society" are written in a smaller, black, serif font.

**MUSEUM & VISITOR CENTER**  
of the Bastrop County Historical Society

**5 year Strategic Plan  
2015 Objectives  
Operations and  
Maintenance Budget  
Including Sources of Funds**





## Recent Accomplishments

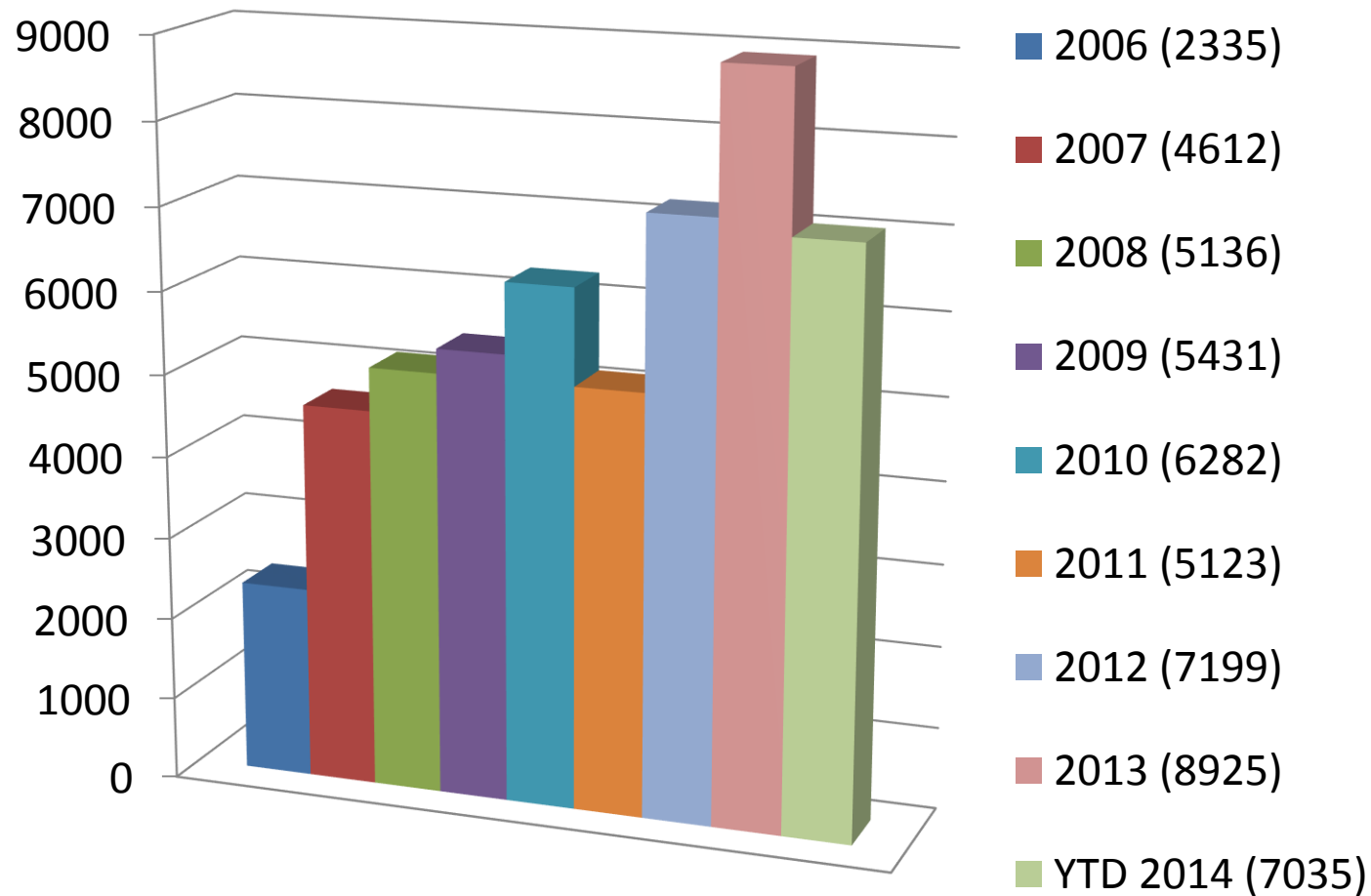
- Hosted Texas Geocache Challenge + Spit off the Bridge
- Completed Front Museum Gallery
- Temporary Exhibits
  - The Grey Ghost
  - Ascension Catholic Church 150 years
  - “The Way Things Were: Texas Settlers and Their Buildings, 1860s–1930s.
  - Quilt Exhibit
  - Hispanic Heritage
- Hosted 10 tour groups—4th graders through Seniors
- Presentations to Rotary, DAR, Texas Downtown Association, LCRA
- Texas Ranger Event at Fairview
- Texas Historical Commission Oral History Program
- Increased Museum visitors by at least 400%, and tourists by 15%-20%.
- New Museum Website





## MUSEUM & VISITOR CENTER

### Visitor Registration Counts 2006 through 3<sup>rd</sup> Quarter of 2014



Anticipate a total of 9500 visitors in 2014

# BCHS 10-year VISION THEMES



# 2015 to 2019 Goals

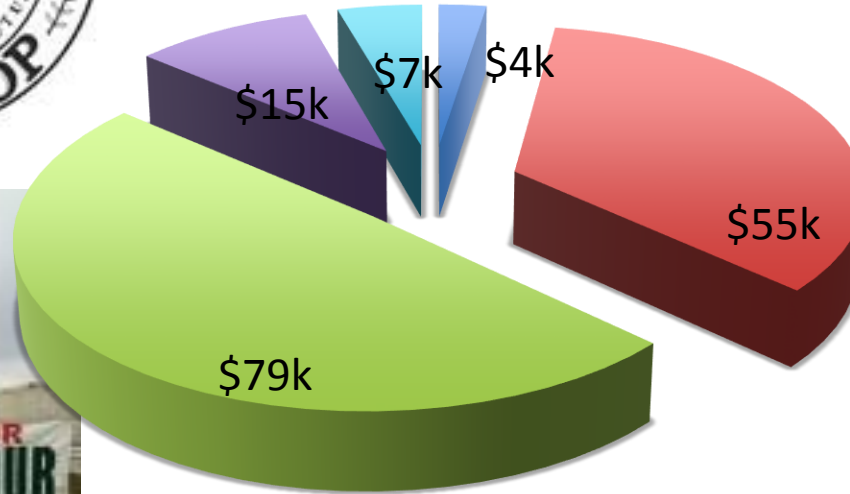




| Income                 | Museum             | Visitor Center     | Total               |
|------------------------|--------------------|--------------------|---------------------|
| Donation Box           | \$3,500.00         | \$0.00             | \$3,500.00          |
| Donations              | \$500.00           | \$0.00             | \$500.00            |
| Dues                   | \$15,000.00        | \$0.00             | \$15,000.00         |
| Rendezvous/Home Tour   | \$35,000.00        | \$0.00             | \$35,000.00         |
| HotFund                | \$18,200.00        | \$60,700.00        | \$78,900.00         |
| Tours                  | \$500.00           | \$0.00             | \$500.00            |
| Interest               | \$1,000.00         | \$0.00             | \$1,000.00          |
| Grants                 | \$0.00             | \$0.00             | \$0.00              |
| Museum Gift Shop Sales | \$5,000.00         | \$0.00             | \$5,000.00          |
| Photo Scans            | \$100.00           | \$0.00             | \$100.00            |
| Garage Sale            | \$20,000.00        | \$0.00             | \$20,000.00         |
| Water Sales            | \$500.00           | \$0.00             | \$500.00            |
|                        |                    |                    |                     |
| <b>Total Income</b>    | <b>\$99,300.00</b> | <b>\$60,700.00</b> | <b>\$160,000.00</b> |
|                        |                    |                    |                     |



## Income by Source



- Donations
- Events
- Hot Funds
- Dues
- Other

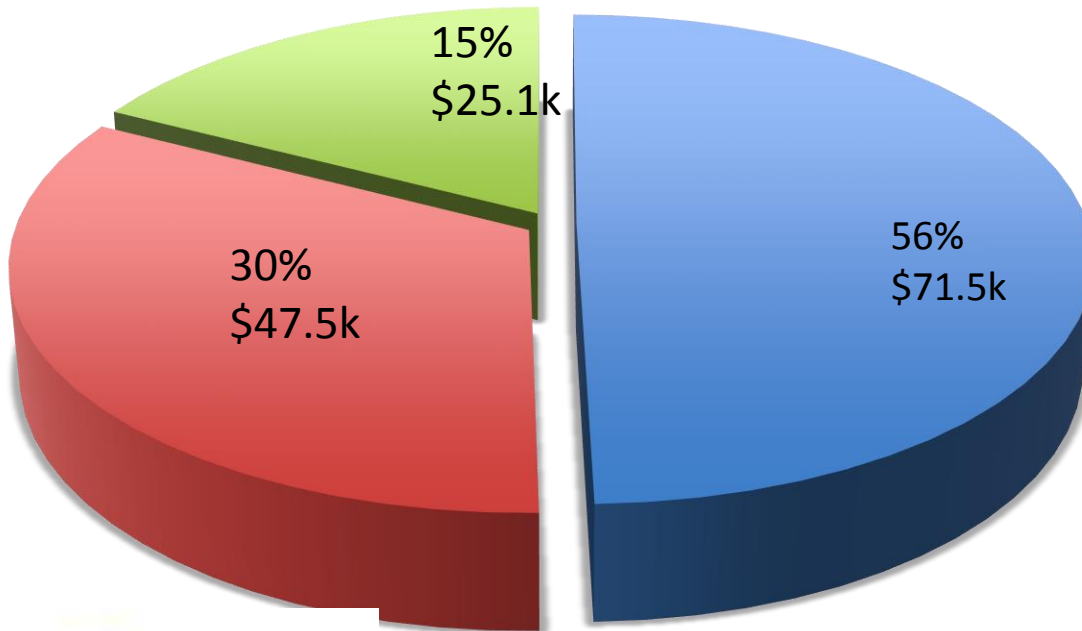


# FY 2015 Budget Expenses

| Expenses                                  | Museum      | Visitor Center | Total        |
|-------------------------------------------|-------------|----------------|--------------|
| Payroll expenses                          | \$25,000.00 | \$46,500.00    | \$71,500.00  |
|                                           |             |                |              |
| <b>Administrative and Office Expenses</b> |             |                |              |
| <b>Total</b>                              | \$35,250.00 | \$12,200.00    | \$47,450.00  |
|                                           |             |                |              |
| <b>Building Operations</b>                |             |                |              |
| Maintenance Elevator and AC               | \$1,000.00  | \$0.00         | \$1,000.00   |
| Grounds                                   | \$1,000.00  |                | \$1,000.00   |
| Janitorial Service                        | \$2,400.00  | \$2,400.00     | \$4,800.00   |
| Janitorial Supplies                       | \$500.00    | \$500.00       | \$1,000.00   |
| Trash Collection                          | \$300.00    | \$0.00         | \$300.00     |
| Utilities                                 | \$8,500.00  | \$8,500.00     | \$17,000.00  |
| <b>Total</b>                              | \$13,700.00 | \$11,400.00    | \$25,100.00  |
|                                           |             |                |              |
| <b>Total Expenses</b>                     | \$73,950.00 | \$70,100.00    | \$144,050.00 |

# Expense Categories

## Expenses



- Payroll Expense
- Office and Adm
- Building Maintenance







- Reserves are healthy—6 months operating expense
- We need \$150,000 to finish the Maynard Gallery
- Will hire a grant writer to support Exhibit installation and preservation efforts
- New Fundraising to support hiring a Executive Director/Museum professional next year

## Financial Notes



- Raise \$150k to complete permanent exhibits
- Hire Executive Director by April 1
- Plan two temporary Exhibits
- Develop and implement archive and artifact acquisition program focused on Bastrop history since 1950
- Develop marketing programs to raise awareness of our research and museum exhibits, and Visitor Center
- Offer historical/tourism programs to target students and families (5 per year by 2019)
- Add at least one more fundraising activity

## 2015 Goals

## CITY OF BASTROP

AGENDA ITEM **D-3****STANDARDIZED AGENDA RECOMMENDATION FORM**

CITY COUNCIL

DATE SUBMITTED: November 3, 2014

MEETING DATE: November 12, 2014

1. Agenda Item: Consideration, discussion and possible action on the Pecan Park Preliminary Plat Sections 4 and 5 being +/-40.93 acres within the Mozea Rousseau Survey A-56, located south of Childers Drive and west of Perkins Street 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
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 |
|------------|---------|------|-------------|
|------------|---------|------|-------------|
8. Staff Recommendation: Staff recommends approval of the Pecan Park Preliminary Plat, Section 4 and 5 being +/-40.93 acres within the Mozea Rousseau Survey A-56, located south of Childers Drive and west of Perkins Street within the city limits of Bastrop, Texas.
9. Advisory Board:   X   Recommended Approval        Disapproved        None  
The Planning and Zoning Commission conducted a meeting October 28, 2014 and made a motion to recommend to the City Council to accept Pecan Park Residential Sections 4 and 5 Preliminary Plat with the provision that Staff strongly recommend to Council to ask the developer to provide a reasonable gated ingress and egress onto Perkins during the construction phase of 5A in-case of emergency. The motion carried with four in favor and two opposed (4-2).
  - Lisa Patterson in favor
  - Christy Kosser in favor
  - Bryan Whitten in favor
  - Richard Kindred in favor
  - Bill Ennis opposed
  - David Bragg opposed
10. Manager's Recommendation:        Approved        Disapproved        None
11. Action Taken: \_\_\_\_\_

## City of Bastrop

### Agenda Information Sheet:



**City Council Meeting Date:**

**November 12, 2014**

---

**Project Description:**

Consideration, discussion and possible action on the Pecan Park Preliminary Plat Sections 4 and 5 being +/-40.93 acres within the Mozea Rousseau Survey A-56, located south of Childers Drive and west of Perkins Street within the city limits of Bastrop, Texas.

---

**Item Summary:**

**Owner:** DM Pecan Park Associates, LTD, Duke McDowell  
**Applicant:** Lynn Alderson, Alderson Group  
**Location:** West of Perkins Street south of Childers Drive  
**Utilities:** City water, sewer, and Bluebonnet electric  
**Zoning:** Multi Family Dwelling -2, MF-2, Section 4 and Planned Development, PD, Section 5 with the LCRA easement zoned Agricultural Open Space, AOS

**Background:**

Planning and Zoning Commission heard this item at their September 25, 2014 and October 30, 2014 Planning and Zoning Commission Meeting.

Pecan Park Development, comprising of 311 acres of both residential and commercial development, has a Memorandum of Understanding (MOU) that was approved by City Council (Agenda item D.4) on November 12, 2013. It was signed off by both parties (Pecan Park and City of Bastrop) on December 12, 2013. Staff has provided the first 12 pages of the agreement, and the exhibit MOU-8, Scope and Area of the Traffic Impact Analysis (TIA). See attached MOU and November 12, 2013 City Council minutes.

Section 5, (26.25 +/-) is zoned Planned Development (PD) and the Planning and Zoning Commission recommended approval on February 28, 2013 and 2<sup>nd</sup> reading by City Council on March 26, 2013. See attached Ordinance 2013-5 and the Planning and Zoning Commission minutes (Agenda item #7) from the February, 2013 meeting. Also attached is the original staff report submitted with the PD application.

**Status:**

Pecan Park Section 4 has received the zoning designation of MF-2, Multi Family Dwelling -2, Ordinance 2012-7 adopted by City Council April 24, 2012. Section 5 has received a zoning designation of PD, Planned Development District per Ordinance 2013-05, adopted by City Council March 26, 2013. Generally the standards approved for this PD, Pecan Park Development is below.



| <u>District</u> | <u>Min. Lot Area</u> | <u>Min. Dwelling Unit Size</u> | <u>Min. Lot Width</u> | <u>Min. Lot Depth</u> | <u>Min. Front Yard</u> | <u>Min. Interi or Side Yard</u> | <u>Min. Side when two-story &amp; adj. SF Zone</u> | <u>Min. Ext. Yard (See Sec.43.3)</u> | <u>Min. Rear Yard</u> | <u>Min. Rear when two-story &amp; Adj. SF Zone</u> | <u>Max. Height of Build</u> | <u>Max. Lot Coverage by Build</u> |
|-----------------|----------------------|--------------------------------|-----------------------|-----------------------|------------------------|---------------------------------|----------------------------------------------------|--------------------------------------|-----------------------|----------------------------------------------------|-----------------------------|-----------------------------------|
| SF-7            | 7,000 sq. ft.        | 1000 sq. ft.                   | 60'                   | 110'                  | 25'                    | 10'                             |                                                    | 15'                                  | 15'                   |                                                    | 2.5 stories                 | 50%                               |
| PD              | 7,800 sq. ft.        | 1000 sq. ft.                   | 65'                   | 120'                  | 20' - 25'              | 7.5'                            |                                                    | 15'                                  | 15'                   |                                                    | 2.5 stories                 | 50%                               |

Section 4, MF-2 is one large lot totaling 10.90 acres.

Section 5, PD, is split into two sections. 5A totaling 17.09 acres with 48 lots and 5B totaling 12.72 acres with 43 lots. This plat is consistent with the PD, Planned Development District approved by Planning and Zoning Commission and City Council.

The Development will be extending Childers Drive about 500' (feet) to the south to provide access to both Section 4 and Section 5. Section 5 will also have access to Perkins Street.

#### **Traffic Impact Analysis (TIA):**

A Traffic Impact Analysis (TIA) is required for the overall Pecan Park development. However, in accordance with Section 6.05 of the approved MOU, the submission of a TIA may be postponed until either the third development, or a second development that will generate over 2,000 average daily vehicle trips. At this time, the developer will be seeking final plat approval for Section 5A only, which will generate approximately 480 average daily trips and bring the total average daily trip count to 1,865 (1,385 average daily trips were previously allocated to the Southside Market development). All trip counts were calculated using the industry-accepted Trip Generation Manual, published by the Institute of Transportation Engineers.

The developer has indicated to staff that preparation of the Pecan Park TIA is currently underway and should be submitted for review and approval in the near future. Exhibit MOU-8 has been provided to depict the intersections to be included as part of the analysis.

#### **Drainage/Flood Plain:**

According to information provided by the design engineer, stormwater runoff generally flows southward toward the Colorado River, which defines the southern boundary of the overall Pecan Park development. In order to maintain this general flow path, the developer has proposed to install a storm sewer system designed to collect and route stormwater generated within the development to the Colorado River. The design engineer has provided a preliminary layout of the proposed system. In accordance with the approved MOU and a Technical Memorandum prepared by Espey Consultants, stormwater detention will not be required or necessary for the Pecan Park development.

Portions of Section 5B are located inside the FEMA 100-year floodplain, which will require that additional measures be taken to mitigate adverse flooding impacts to permanent structures during a 100-year storm event. This includes elevating the finish floor of a structure to at least 2 feet above the Base Flood Elevation (BFE). These minimum elevations, along with the affected lots, are provided on the Preliminary Plat.

**Easements:**

At the September Planning and Zoning Commission meeting, the issue of easements was discussed as it relates to the existing BP&L power lines behind the existing homes facing Maynard Street and adjacent to the Pecan Park property. This "Maynard Street" subdivision was divided through metes and bounds during the 1960's and the electric lines were also installed on the property to serve these existing homes. These BP&L facilities would be considered to be placed in "prescriptive" easements. Pecan Park will be served through Bluebonnet Electric. The developer, Pecan Park, but has given a 7.5' (foot) PUE in the rear of all lots that backup to the existing homes on Maynard Street. The existing BP&L electric facilities are located with the "Maynard Street" side of ownership.

**Streets:**

With the updated Preliminary Plat application, a clear connection of Cool Water Trail to Perkins Street is shown. As discussed this connection was shown and approved by City Council as part of the City Manager's Report on November 27, 2012. The preliminary design of all streets, including Cool Water Trail, meets the requirements of the Subdivision Ordinance. Per the Commission's request, additional traffic calming measures are indicated on the Preliminary Plat, and stop signs and cross walk are shown on Cool Water Trail intersection with Swift Water Loop.

**Basis of Support:**

Staff supports the Pecan Park, Sections 4 and 5 Preliminary Plat. The preliminary plat appears to comply with the approved MOU and all appropriate subdivision requirements.

**Comments:**

Thirty-nine (39) adjacent property owner notifications were mailed September 9, 2014. Five (5) surrounding property owner notices have been received, all opposed to the plat.

Surrounding property owners were also notified on October 15, 2014. By the Planning and Zoning Commission meeting nine (9) comments have been received, one (1) surrounding property owner notice has been received in favor of the plat and eight (8) opposed.

**Staff Recommendation:**

Staff recommends approval of the requested Preliminary Plat for Pecan Park Sections 4 and 5 being +/-40.93 acres within the Mozea Rousseau Survey A-56, located south of Childers Drive and west of Perkins Street within the city limits of Bastrop, Texas.

**Planning and Zoning Commission Recommendation:**

The Planning and Zoning Commission conducted a meeting October 28, 2014 and made a motion to recommend to the City Council to accept Pecan Park Residential Sections 4 and 5 Preliminary Plat, +/-40.93 acres, out of the Mozea Rousseau Survey A-56, located south of Childers Drive and west of Perkins Street, within the City Limits of Bastrop, Texas with the provision that Staff strongly recommend to Council to ask the developer to provide a reasonable gated ingress and egress onto Perkins during the construction phase of 5A in-case of emergency. The motion carried with four in favor and two opposed (4-2).

- Lisa Patterson in favor
- Christy Kosser in favor
- Bryan Whitten in favor
- Richard Kindred in favor
- Bill Ennis opposed
- David Bragg opposed

**Attachments:**

Location map and plat layout as well as surrounding property notification from both September and October notification.

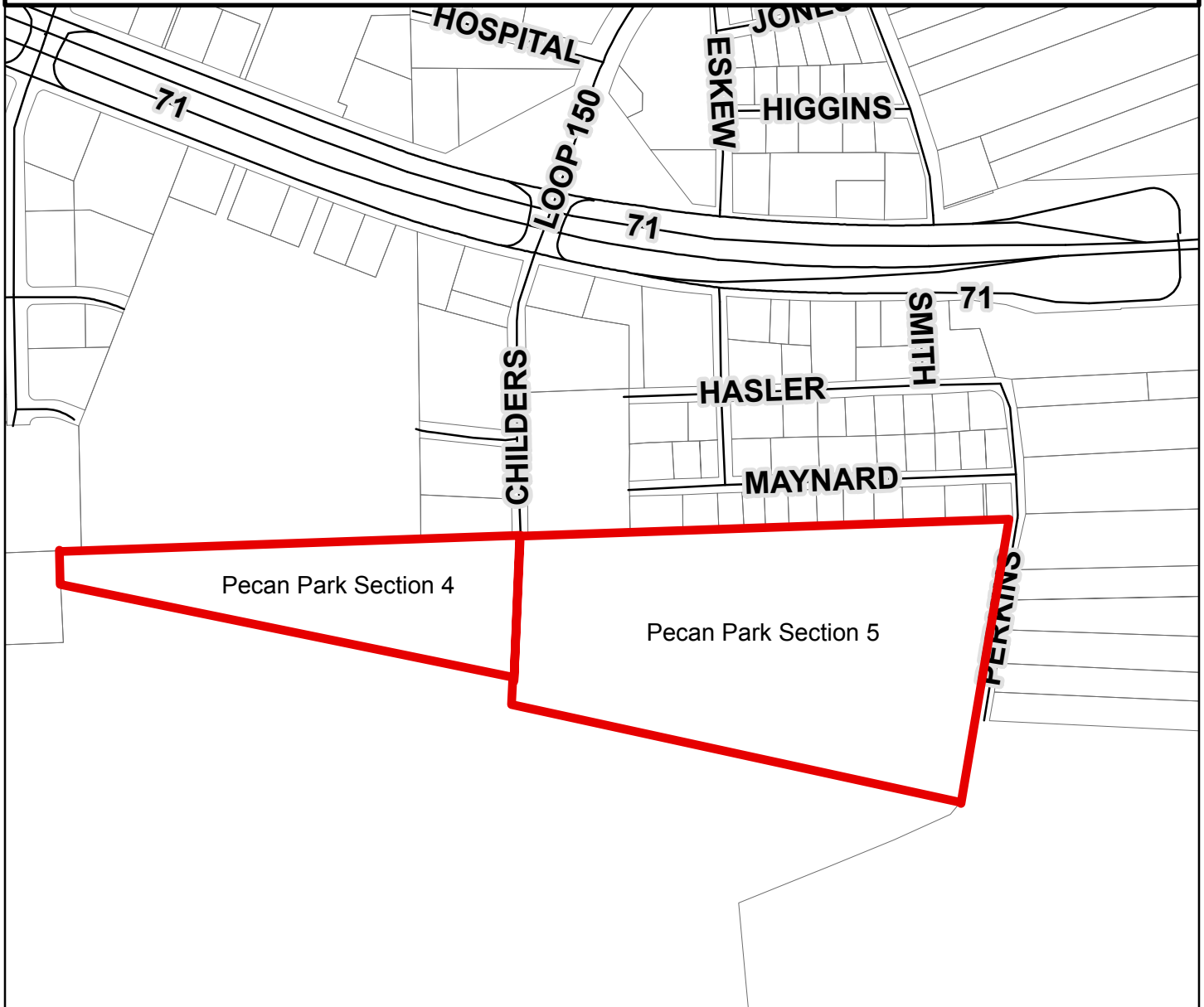
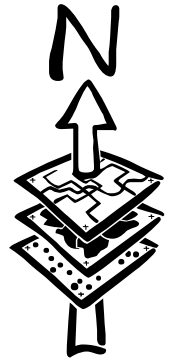
Additional attachments include the MOU, City Council Minutes from November 12, 2013, Planned Development Ordinance 2013-5, P&Z Staff Report from PD (February 28, 2013), P&Z Minutes from the February 28, 2013 meeting, Ordinance 2012-7, for the Multi Family -2, MF-2 (Section 4).

**City Contact:**

Melissa M. McCollum, AICP, LEED AP, Director and  
Wesley Brandon, PE, City Engineer  
Planning and Development Department



## Property Location Map for Pecan Park Sections 4 and 5



### Legend

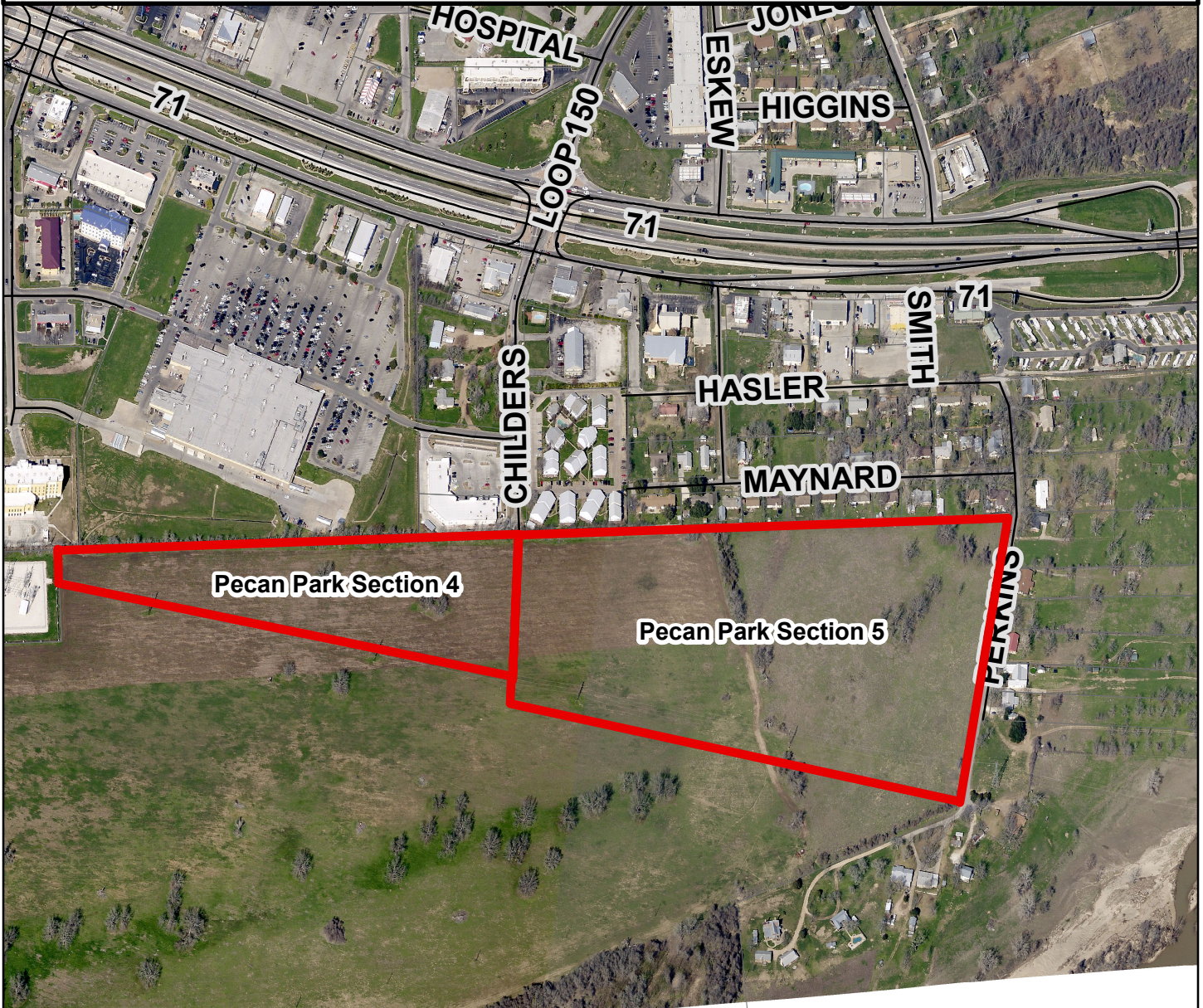
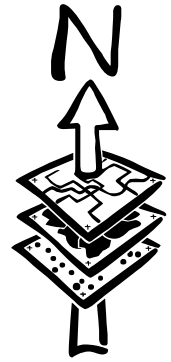


Pecan Park Residential Sections 4 and 5





## Property Location Map for Pecan Park Sections 4 and 5



### Legend



Pecan Park Residential Sections 4 and 5

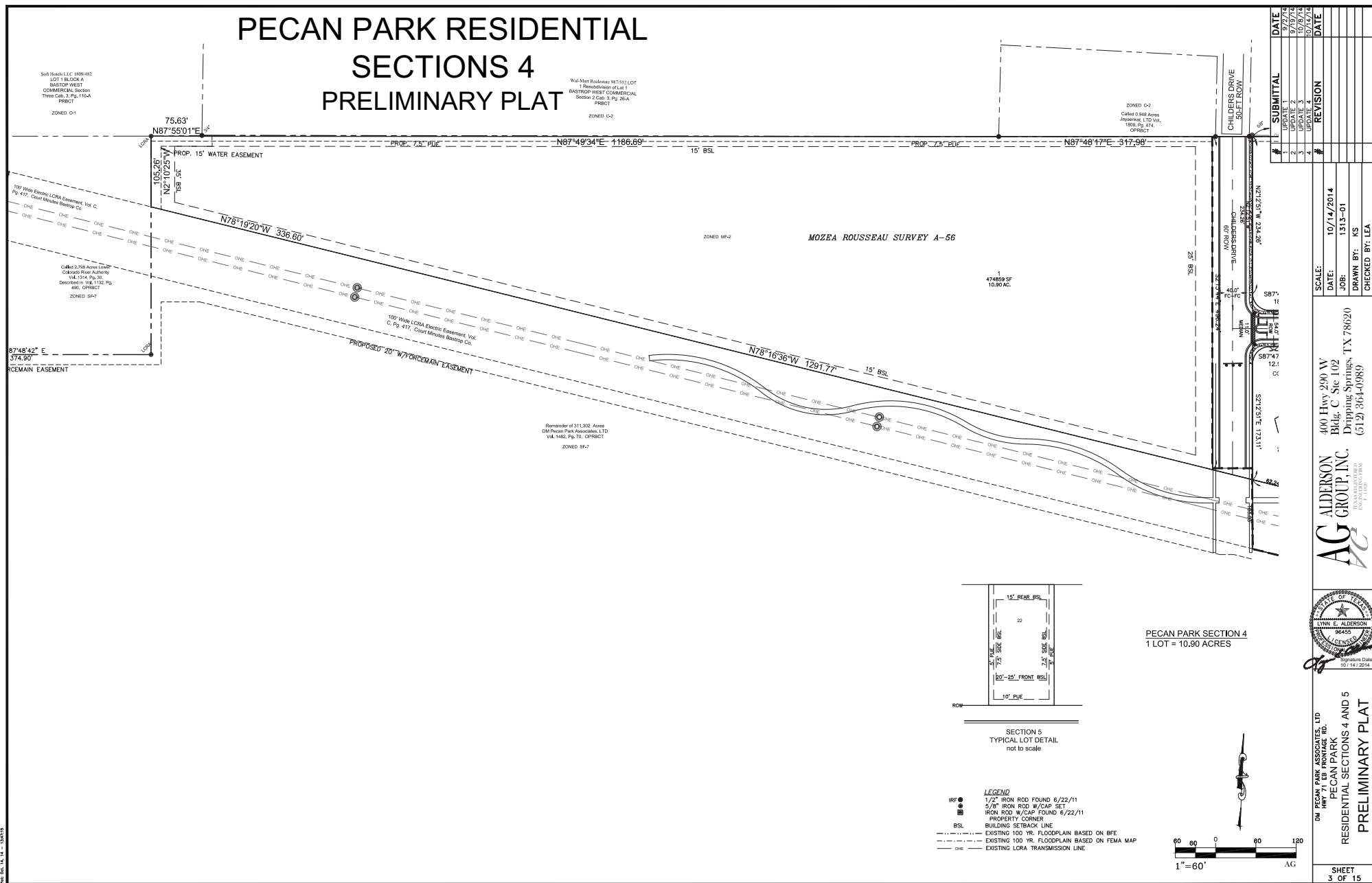


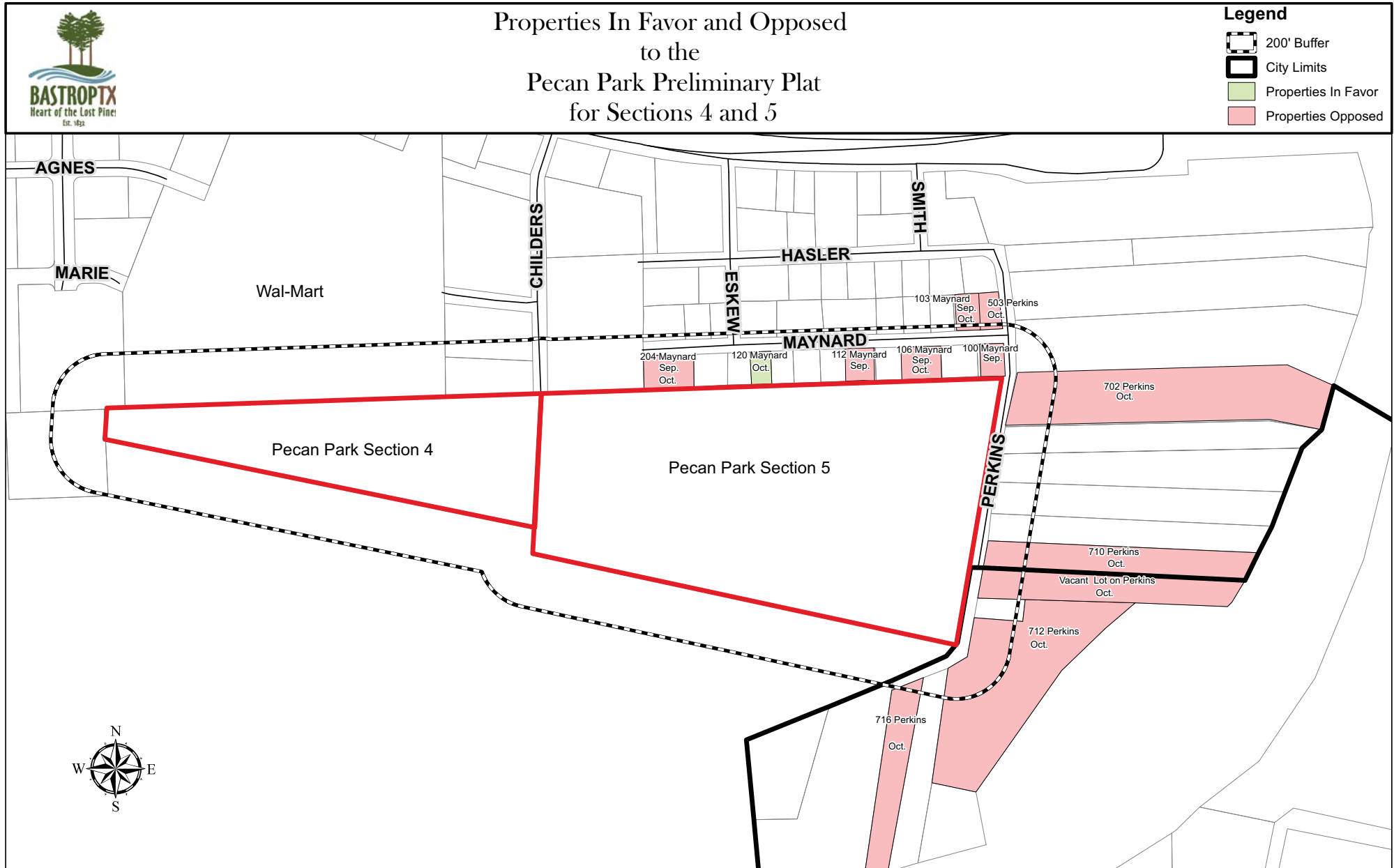
SURVEYOR: STAUDT SURVEYING, INC.  
P.O. Box 3984  
Dripping Springs, Texas 78620  
(512) 858-2236  
Bryan D. Newsome, RPLS  
BDN@Staudtsurveying.com

SHEET  
2 OF 15

Soft Hotels LLC 1809/482  
LOT 1 BLOCK A  
BASTOP WEST  
COMMERCIAL Section  
Three Cab. 3, Pg. 110-A  
PRBCT

Wal-Mart Realstate 987:552 LOT  
1 Resubdivision of Lot 1  
BASTROP WEST COMMERCIAL  
Section 2 Cdb. 3, Pg. 26-A  
PRBCT  
  
ZONED G-2





**NOTICE OF MEETINGS**  
**PLANNING AND ZONING COMMISSION AND BASTROP CITY COUNCIL**

Dear Property Owner:

The **Bastrop Planning and Zoning Commission** will hold a meeting on Thursday, October 30, 2014 at 6:00 p.m. and the **Bastrop City Council** will hold a special meeting Wednesday, November 12, 2014 at 6:30 p.m. in the Council Chambers, 1311 Chestnut Street, Bastrop, Texas to consider the Preliminary Plat for Pecan Park Residential Sections 4, 5A and 5B located in the city limits of Bastrop, Texas.

The Applicant is: Duke McDowell

Property Location: Section 4 is located west of Childers Drive  
Sections 5A and 5B is located east of Childers Drive  
and west of Perkins Street  
(Childers Drive is to be extended to the south to the  
LCRA electric easement)  
**11 x 17 Preliminary Plats Included with this Notice**

Legal Description: +/-40.93 acre tract in the Mozea Rousseau Survey A-56

As a property owner within 200' of the above referenced property, you are being notified of the meetings and invited to attend to express your opinion. Petitions and letters, either in support or opposition to this request, may be submitted to the Planning Department at City Hall located at 1311 Chestnut Street, Bastrop, Texas.

✂  
✂

-----  
PROPERTY OWNER'S RESPONSE

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

- ☒ I am in favor of the request.  
☐ I am opposed to the request.

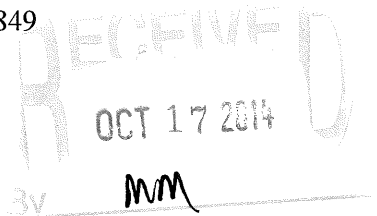
Property Owner Name: Robert J Miller  
Property Address: 120 MAYNARD ST  
Mailing Address: 101 HUNTER WEST

Phone (optional): (512) 321-5491  
Email (optional): \_\_\_\_\_

Property Owner's Signature: Robert Miller  
Comments: (Optional)

\_\_\_\_\_  
Please provide reply to: Planning and Development Department  
City of Bastrop, P.O. Box 427, Bastrop, Texas 78602 or via fax (512) 332-8849  
Planning and Development office phone number (512) 332-8840

Preliminary Plat – Pecan Park Section 4,5A and 5B (mailed 10/15/2014)





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

- ☐ I am in favor of the request.  
☒ I am opposed to the request.

Property Owner Name: Olen Mary Jo Jenkins

Property Address: 204 Maynard St.

Mailing Address: Same Bastrop, TX 78602

Phone (optional): 512-303-6308

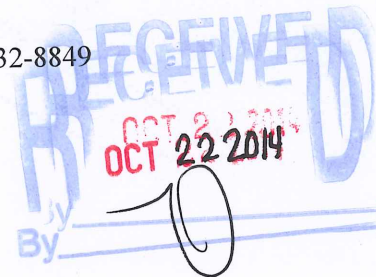
Email (optional): Mjenk77553@aol.com

Property Owner's Signature: Mary Jo Jenkins

Comments: (Optional)

Please provide reply to: Planning and Development Department  
City of Bastrop, P.O. Box 427, Bastrop, Texas 78602 or via fax (512) 332-8849  
Planning and Development office phone number (512) 332-8840

Preliminary Plat – Pecan Park Section 4,5A and 5B (mailed 10/15/2014)



X

PROPERTY OWNER'S RESPONSE

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

- ☐ I am in favor of the request.  
☒ I am opposed to the request.

Property Owner Name: David Rick & Mary E. Richards

Property Address: 106 Maynard Street

Mailing Address: 106 Maynard Street

Phone (optional): 832-703-9588

Email (optional): rickrichards-drum@hotmail.com

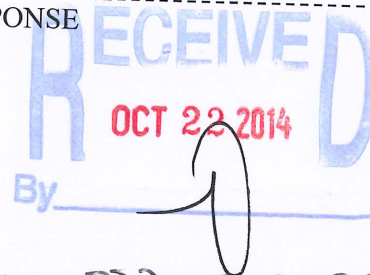
Property Owner's Signature: Mary E. Richards

Comments: (Optional)

My yard already floods after 3 or 4 days of rain.  
I am concerned that it will be worse with more houses.

Please provide reply to: Planning and Development Department  
City of Bastrop, P.O. Box 427, Bastrop, Texas 78602 or via fax (512) 332-8849  
Planning and Development office phone number (512) 332-8840

Preliminary Plat – Pecan Park Section 4,5A and 5B (mailed 10/15/2014)



## PROPERTY OWNER'S RESPONSE

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

- ☐ I am in favor of the request.  
☒ I am opposed to the request.

Property Owner Name: DONALD & ANNIA MARIE LITTELL

Property Address: 702 PERKINS ST

Phone (optional): 386-689-5415

Mailing Address: 702 PERKINS ST

Email (optional): DWLITTELL40@

GMAIL.COM

Property Owner's Signature: Donald Littrell

Comments: (Optional)

We are especially opposed to Cook Water Trail being connected to Perkins St. Perkins is a nice quiet dead end street and should remain so.

Please provide reply to: Planning and Development Department

City of Bastrop, P.O. Box 427, Bastrop, Texas 78602 or via fax (512) 332-8849

Planning and Development office phone number (512) 332-8840

Preliminary Plat – Pecan Park Section 4,5A and 5B (mailed 10/15/2014)

RECEIVED  
OCT 27 2014  
By Melissa M

**NOTICE OF MEETINGS  
PLANNING AND ZONING COMMISSION AND BASTROP CITY COUNCIL**

Dear Property Owner:

The **Bastrop Planning and Zoning Commission** will hold a meeting on Thursday, October 30, 2014 at 6:00 p.m. and the **Bastrop City Council** will hold a special meeting Wednesday, November 12, 2014 at 6:30 p.m. in the Council Chambers, 1311 Chestnut Street, Bastrop, Texas to consider the Preliminary Plat for Pecan Park Residential Sections 4, 5A and 5B located in the city limits of Bastrop, Texas.

The Applicant is: Duke McDowell

Property Location: Section 4 is located west of Childers Drive  
Sections 5A and 5B is located east of Childers Drive  
and west of Perkins Street  
(Childers Drive is to be extended to the south to the  
LCRA electric easement)  
**11 x 17 Preliminary Plats Included with this Notice**

Legal Description: +/-40.93 acre tract in the Mozea Rousseau Survey A-56

As a property owner within 200' of the above referenced property, you are being notified of the meetings and invited to attend to express your opinion. Petitions and letters, either in support or opposition to this request, may be submitted to the Planning Department at City Hall located at 1311 Chestnut Street, Bastrop, Texas.

X  
X

PROPERTY OWNER'S RESPONSE

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

- ☐ I am in favor of the request.  
☒ I am opposed to the request.

RECEIVED  
OCT 30 2014  
By MM

Property Owner Name: JACOB HENRY

Property Address: 716 PERKINS ST. BASTROP TX

Mailing Address: " " "

Phone (optional): \_\_\_\_\_

Email (optional): \_\_\_\_\_

Property Owner's Signature: Jacob D. Henry

Comments: (Optional)

I am opposed to the new subdivision street exiting on to Perkins for the following reasons: assisting in illegal access to river through our property, allowing traffic an exit that sends them to the same intersection as exiting the subdivision from the West, and increasing traffic through an existing neighborhood.

Please provide reply to: Planning and Development Department

City of Bastrop, P.O. Box 427, Bastrop, Texas 78602 or via fax (512) 332-8849

Planning and Development office phone number (512) 332-8840

Preliminary Plat – Pecan Park Section 4,5A and 5B (mailed 10/15/2014)

Jacob B. Henry, P.E.  
716 Perkins St.  
Bastrop, Texas 78602

October 30, 2014

Bastrop Planning and Zoning Commission  
1311 Chestnut Street  
Bastrop, Texas 78602

Re: Opposition of the Preliminary Plat for Pecan Park Section 5, PP: 14-03

Dear Planning and Zoning Commission,

I am writing in opposition to a portion of the Preliminary Plat for Section 5 of the new Pecan Park development. I am acceptable to the SF zoning of this section, but adamantly opposed to the new street shown exiting onto Perkins Street. There are a multitude of reasons that this would be irresponsible of the City of Bastrop and certainly unfavorable for the existing residents along Perkins Street, but here are a few:

- Increase the accessibility/opportunity to illegally access to the Colorado River through our private property.
- Creates an exit where ALL traffic MUST "double-back" 180 degrees to access any part of the Highway 71 corridor, and ultimately funnels traffic back the Chiders and Highway 71 intersection (the same intersection one would traverse if exiting Pecan Park Section 5 from the west)
- Increase traffic on Perkins Street which it was never designed, or intended for
- Devalue the riverfront properties along Perkins Street due

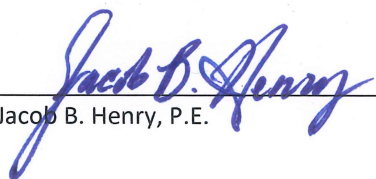
As most all of you know, the Colorado River is without a doubt one of the biggest attractions to our city and is something that has always defined Bastrop. Historically speaking, the river was an integral part of our town's creation. With that being said, the commission and council should protect the value and preserve the history of the river-front lots along Perkins St.

Some additional questions I have for this commission:

- What purpose does the new street outlet serve?
- If the plat is approved, could (or would) this street connection be physically constructed before the TIA was complete?

I'll conclude with the fact we have been shown multiple layouts and designs though the years that never displayed this outlet on to Perkins Street, so why the change so late in the process?

Sincerely,

  
\_\_\_\_\_  
Jacob B. Henry, P.E.

Recd 10/30/14  
Jeh @ 6:45 pm



**NOTICE OF MEETINGS  
PLANNING AND ZONING COMMISSION AND BASTROP CITY COUNCIL**

Dear Property Owner:

The Bastrop Planning and Zoning Commission will hold a meeting on Thursday, October 30, 2014 at 6:00 p.m. and the Bastrop City Council will hold a special meeting Wednesday, November 12, 2014 at 6:30 p.m. in the Council Chambers, 1311 Chestnut Street, Bastrop, Texas to consider the Preliminary Plat for Pecan Park Residential Sections 4, 5A and 5B located in the city limits of Bastrop, Texas.

The Applicant is: Duke McDowell

Property Location: Section 4 is located west of Childers Drive  
Sections 5A and 5B is located east of Childers Drive  
and west of Perkins Street  
(Childers Drive is to be extended to the south to the  
LCRA electric easement)  
11 x 17 Preliminary Plats Included with this Notice

Legal Description: +/-40.93 acre tract in the Mozea Rousseau Survey A-56

As a property owner within 200' of the above referenced property, you are being notified of the meetings and invited to attend to express your opinion. Petitions and letters, either in support or opposition to this request, may be submitted to the Planning Department at City Hall located at 1311 Chestnut Street, Bastrop, Texas.

X  
X

-----  
PROPERTY OWNER'S RESPONSE

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

TAX ID R30326

☐ I am in favor of the request.

☒ I am opposed to the request.

Property Owner Name: Royce W. Namken Jr.

Property Address: 710 Perkins St

Mailing Address: 555 Highway 95 N

Bastrop TX 78602

Property Owner's Signature: Royce W. Namken Jr.

Comments: (Optional)

Phone (optional): 512 321 - 3162 h/m

Email (optional): 512 321 - 2561 w/k

W.Namken@

fnbbastrop.com

I oppose the connection of Cool Water Trail to  
Perkins Street

Please provide reply to: Planning and Development Department  
City of Bastrop, P.O. Box 427, Bastrop, Texas 78602 or via fax (512) 332-8849  
Planning and Development office phone number (512) 332-8840

Preliminary Plat - Pecan Park Section 4, 5A and 5B (mailed 10/15/2014)

RECEIVED  
OCT 30 2014  
MM

**NOTICE OF MEETINGS  
PLANNING AND ZONING COMMISSION AND BASTROP CITY COUNCIL**

Dear Property Owner:

The Bastrop Planning and Zoning Commission will hold a meeting on Thursday, October 30, 2014 at 6:00 p.m. and the Bastrop City Council will hold a special meeting Wednesday, November 12, 2014 at 6:30 p.m. in the Council Chambers, 1311 Chestnut Street, Bastrop, Texas to consider the Preliminary Plat for Pecan Park Residential Sections 4, 5A and 5B located in the city limits of Bastrop, Texas.

The Applicant is: Duke McDowell

Property Location: Section 4 is located west of Childers Drive  
Sections 5A and 5B is located east of Childers Drive  
and west of Perkins Street  
(Childers Drive is to be extended to the south to the  
LCRA electric easement)  
11 x 17 Preliminary Plats Included with this Notice

Legal Description: +/-40.93 acre tract in the Mozea Rousseau Survey A-56

As a property owner within 200' of the above referenced property, you are being notified of the meetings and invited to attend to express your opinion. Petitions and letters, either in support or opposition to this request, may be submitted to the Planning Department at City Hall located at 1311 Chestnut Street, Bastrop, Texas.

-----  
PROPERTY OWNER'S RESPONSE  
-----

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

☐ I am in favor of the request.

☒ I am opposed to the request.

TAX ID R22508

Property Owner Name: Royce W. Namken Jr.

Property Address: VACANT lot adjacent to 710

Mailing Address: 555 Highway 95N 7 Perkins

Bastrop Texas 78662

Property Owner's Signature: Royce W. Namken Jr.

Comments: (Optional)

Phone (optional): (512) 321-3162 (hm)

Email (optional): (512) 321-2561 (wk)

Email (optional): wnamken@

fnbbastrop.com

I oppose the connection of Cool Water Trail  
to Perkins Street

Please provide reply to: Planning and Development Department  
City of Bastrop, P.O. Box 427, Bastrop, Texas 78602 or via fax (512) 332-8849  
Planning and Development office phone number (512) 332-8840

Preliminary Plat - Pecan Park Section 4, 5A and 5B (mailed 10/15/2014)

RECEIVED  
OCT 30 2014  
MM

**NOTICE OF MEETINGS  
PLANNING AND ZONING COMMISSION AND BASTROP CITY COUNCIL**

Dear Property Owner:

The Bastrop Planning and Zoning Commission will hold a meeting on Thursday, October 30, 2014 at 6:00 p.m. and the Bastrop City Council will hold a special meeting Wednesday, November 12, 2014 at 6:30 p.m. in the Council Chambers, 1311 Chestnut Street, Bastrop, Texas to consider the Preliminary Plat for Pecan Park Residential Sections 4, 5A and 5B located in the city limits of Bastrop, Texas.

The Applicant is: Duke McDowell

Property Location: ~~Section 4 is located west of Childers Drive~~  
Sections 5A and 5B is located east of Childers Drive  
and west of Perkins Street  
(Childers Drive is to be extended to the south to the  
LCRA electric easement)  
11 x 17 Preliminary Plats Included with this Notice

Legal Description: +/-40.93 acre tract in the Mozea Rousseau Survey A-56

As a property owner within 200' of the above referenced property, you are being notified of the meetings and invited to attend to express your opinion. Petitions and letters, either in support or opposition to this request, may be submitted to the Planning Department at City Hall located at 1311 Chestnut Street, Bastrop, Texas.

X  
X

PROPERTY OWNER'S RESPONSE

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

TAX ID R22508

☐ I am in favor of the request.

☒ I am opposed to the request.

Property Owner Name: Janet Namken

Property Address: vacant lot adjacent to

Mailing Address: 555 Hwy 95 N 710 Perkins

Phone (optional): 512-321-3162

Email (optional): \_\_\_\_\_

Property Owner's Signature: Janet Namken

Comments: (Optional)

I STRONGLY oppose exit from Cool Water Trail  
to Perkins Street.

Please provide reply to: Planning and Development Department  
City of Bastrop, P.O. Box 427, Bastrop, Texas 78602 or via fax (512) 332-8849  
Planning and Development office phone number (512) 332-8840

Preliminary Plat -- Pecan Park Section 4, 5A and 5B (mailed 10/15/2014)

RECEIVED  
OCT 30 2014  
By MM

Faxed 10-30-14  
12:3

**NOTICE OF MEETINGS**  
**PLANNING AND ZONING COMMISSION AND BASTROP CITY COUNCIL**

Dear Property Owner:

The **Bastrop Planning and Zoning Commission** will hold a meeting on Thursday, October 30, 2014 at 6:00 p.m. and the **Bastrop City Council** will hold a special meeting Wednesday, November 12, 2014 at 6:30 p.m. in the Council Chambers, 1311 Chestnut Street, Bastrop, Texas to consider the Preliminary Plat for Pecan Park Residential Sections 4, 5A and 5B located in the city limits of Bastrop, Texas.

The Applicant is: Duke McDowell

Property Location: ~~Section 4 is located west of Childers Drive~~  
Sections 5A and 5B is located east of Childers Drive  
and west of Perkins Street  
(Childers Drive is to be extended to the south to the  
LCRA electric easement)  
**11 x 17 Preliminary Plats Included with this Notice**

Legal Description: +/-40.93 acre tract in the Mozea Rousseau Survey A-56

As a property owner within 200' of the above referenced property, you are being notified of the meetings and invited to attend to express your opinion. Petitions and letters, either in support or opposition to this request, may be submitted to the Planning Department at City Hall located at 1311 Chestnut Street, Bastrop, Texas.

X  
X

-----  
**PROPERTY OWNER'S RESPONSE**

As a property owner within 200': (please check ☒ one)☐ I am in favor of the request.☒ I am opposed to the request.Property Owner Name: Kathy ThomasProperty Address: 712 Perkins StreetMailing Address: samePhone (optional): 512-303-2512

Email (optional): \_\_\_\_\_

Property Owner's Signature: Kathy Thomas

Comments: (Optional)

I strongly oppose the street exit onto Perkins. Our  
street is not conducive for the amount of traffic  
from a subdivision this size. I also am  
concerned about what will  
go in the "common"  
area on the SE  
corner - closest to  
my home. It

Please provide reply to: Planning and Development Department  
City of Bastrop, P.O. Box 427, Bastrop, Texas 78602 or via fax (512) 332-8849  
Planning and Development office phone number (512) 332-8840

Preliminary Plat - Pecan Park Section 4, 5A and 5B (mailed 10/15/2014)

OCT 30 2014

By mm



**NOTICE OF MEETINGS  
PLANNING AND ZONING COMMISSION AND BASTROP CITY COUNCIL**

Dear Property Owner:

The **Bastrop Planning and Zoning Commission** will hold a meeting on Thursday, October 30, 2014 at 6:00 p.m. and the **Bastrop City Council** will hold a special meeting Wednesday, November 12, 2014 at 6:30 p.m. in the Council Chambers, 1311 Chestnut Street, Bastrop, Texas to consider the Preliminary Plat for Pecan Park Residential Sections 4, 5A and 5B located in the city limits of Bastrop, Texas.

The Applicant is: Duke McDowell

Property Location: Section 4 is located west of Childers Drive  
Sections 5A and 5B is located east of Childers Drive  
and west of Perkins Street  
(Childers Drive is to be extended to the south to the  
LCRA electric easement)  
**11 x 17 Preliminary Plats Included with this Notice**

Legal Description: +/-40.93 acre tract in the Mozea Rousseau Survey A-56

As a property owner within 200' of the above referenced property, you are being notified of the meetings and invited to attend to express your opinion. Petitions and letters, either in support or opposition to this request, may be submitted to the Planning Department at City Hall located at 1311 Chestnut Street, Bastrop, Texas.

X  
X

-----  
PROPERTY OWNER'S RESPONSE

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

- ☐ I am in favor of the request.  
☒ I am opposed to the request.

Property Owner Name: Clifford Shaw & Susan Shaw

Property Address: 503 Perkins St, Bastrop, TX

Phone (optional): (512) 412-6175

Mailing Address: Same

Email (optional): cliffordshaw@mon.com

Property Owner's Signature: Clifford Shaw & Susan Shaw

Comments: (Optional)

See Attached

Please provide reply to: Planning and Development Department  
City of Bastrop, P.O. Box 427, Bastrop, Texas 78602 or via fax (512) 332-8849  
Planning and Development office phone number (512) 332-8840

Preliminary Plat - Pecan Park Section 4, 5A and 5B (mailed 10/15/2014)

RECEIVED  
OCT 30 2014  
By MM

**Comments For Preliminary Plat For Pecan Park Residential Section Sections 5, 5A and 5B (October 30, 2014 Meeting)**

We are opposed to the preliminary plat for the Pecan Park residential development prior to the City reviewing and accepting a TIA that includes the entire 311 acre development rather than just the initial phases.

We believe the potential impact on the residents that live close to where Cool Water Trail will intersect Perkins Street will not be adequately considered under the current MOU for the following reasons.

- 1) The MOU provides for a postponement until either approval is sought for a third development within the boundaries of the Land, or
- 2) Approval is sought for a second development within the boundaries of the land, which will make the total trip count exceed 2,000 average daily trips, when combined with the first development."

This approach to determining when to conduct a TIA seems to be a piecemeal approach that does not give full consideration to the potential impact with respect to the 311 acre proposed development. That is, the total impact of the Cool Water Trail/Perkins Street intersection will not be just from Sections 5, 5A and 5B, but from the majority the 311 acre proposed development.

The potential impact of any level of increased traffic on Perkins Street can easily be seen by driving it and trying to visualize either ingress or egress traffic for the proposed Pecan Park Development via Perkins Street. That point of egress will certainly be popular when residents of the first phase of the Pecan Park development become frustrated with the inevitable future traffic jams at the SH 71/Childers and SH 71/Hasler intersections, which will only increase with the completion of all phases.

To reiterate, the most probable impact of increased traffic on residents between the proposed Cool Water Trail/Perkins St intersection and the SH 71/Perkins St intersection cannot be determined absent a TIA for the entire 311 acre proposed Pecan Park development. Therefore, a TIA for the entire development (311 acres) should be conducted before approving the Cool Water Trail/Perkins St intersection component of the Preliminary Plat and/or Final Plat, and made available for public review.

Clifford Shaw and Susan Shaw  
503 Perkins St.  
Bastrop, Texas 78602



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

☐ I am in favor of the request.

☒ I am opposed to the request.

Property Owner Name: Robert & Carroll Connor

Property Address: 103 Maynard Street

Phone (optional): \_\_\_\_\_

Mailing Address: 103 Maynard Street

Email (optional): \_\_\_\_\_

Property Owner's Signature: Robert Connor & Carroll Connor

Comments: (Optional)

Please provide reply to: Planning and Development Department  
City of Bastrop, P.O. Box 427, Bastrop, Texas 78602 or via fax (512) 332-8849  
Planning and Development office phone number (512) 332-8840

Preliminary Plat – Pecan Park Section 4 and 5 (mailed 9/9/2014)

ACVD  
9/15/14 Jett

✂

PROPERTY OWNER'S RESPONSE

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

☐ I am in favor of the request.

☒ I am opposed to the request.

Property Owner Name: David Rick & Mary E Richards

Property Address: 106 Maynard St.

Phone (optional): 832-703-9588

Mailing Address: 106 Maynard St.

Email (optional): rickrichards-drum@hotmail.com

Property Owner's Signature: Mary E Richards + David Rick Richards

Comments: (Optional)

Please provide reply to: Planning and Development Department  
City of Bastrop, P.O. Box 427, Bastrop, Texas 78602 or via fax (512) 332-8849  
Planning and Development office phone number (512) 332-8840

Preliminary Plat – Pecan Park Section 4 and 5 (mailed 9/9/2014)

ACVD  
9/15/14 Jett

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

- ☐ I am in favor of the request.  
☒ I am opposed to the request.

Property Owner Name: Mary Jo Jenkins  
Property Address: 204 Maynard St  
Mailing Address: same

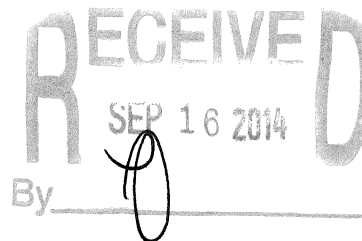
Phone (optional): 512-303-6308  
Email (optional): mjenk77553@aol.com

Property Owner's Signature: Mary Jo Jenkins  
Comments: (Optional)

Will make traffic terrible! Lower our property value.  
Increase crime. Ruin the deer population.

Please provide reply to: Planning and Development Department  
City of Bastrop, P.O. Box 427, Bastrop, Texas 78602 or via fax (512) 332-8849  
Planning and Development office phone number (512) 332-8840

Preliminary Plat – Pecan Park Section 4 and 5 (mailed 9/9/2014)



X

PROPERTY OWNER'S RESPONSE

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

- ☐ I am in favor of the request.  
☒ I am opposed to the request.

Property Owner Name: **Maurice Lowden**  
Property Address: **100 Maynard St.**  
Mailing Address: **Bastrop, TX 78602-4108**

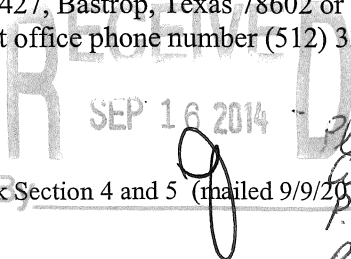
Phone (optional): \_\_\_\_\_  
Email (optional): \_\_\_\_\_

Property Owner's Signature: Maurice Lowden  
Comments: (Optional)

Just more than 20 Oaks (8 new ones) - Will have to cut Pear Trees  
Down - Lower End in Flood Plane

Please provide reply to: Planning and Development Department  
City of Bastrop, P.O. Box 427, Bastrop, Texas 78602 or via fax (512) 332-8849  
Planning and Development office phone number (512) 332-8840

Preliminary Plat – Pecan Park Section 4 and 5 (mailed 9/9/2014)



Planning & Development Department  
City of Bastrop  
P.O. Box 427  
Bastrop, Texas, 78602



✂

## PROPERTY OWNER'S RESPONSE

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

- ☐ I am in favor of the request.  
☒ I am opposed to the request.

Property Owner Name: JOSE REYESProperty Address: 112 MAYNARD ST.

Phone (optional): \_\_\_\_\_

Mailing Address: 112 MAYNARD ST.

Email (optional): \_\_\_\_\_

Property Owner's Signature: [Signature]

Comments: (Optional)

TAXES WILL GO UP. WE DON'T HAVE DITCHES where the water can  
drain when it rains. IF HOUSES ARE <sup>BUILT</sup> then we will have problems  
when it will rain. What about the Deers?

Please provide reply to: Planning and Development Department

City of Bastrop, P.O. Box 427, Bastrop, Texas 78602 or via fax (512) 332-8849

Planning and Development office phone number (512) 332-8840

Preliminary Plat – Pecan Park Section 4 and 5 (mailed 9/9/2014)



**MEMORANDUM OF UNDERSTANDING FOR DEVELOPMENT OF LAND**

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

---

This Memorandum of Understanding ("Agreement") is between the **City of Bastrop, Texas** ("City"), a home rule city located in Bastrop County, Texas and **DM Pecan Park Associates, Ltd.**, a Texas limited partnership ("Owner"), collectively referred to as ("Parties").

**INTRODUCTION**

Owner owns approximately 311 acres of land more particularly described by metes and bounds in Exhibit MOU-1 ("Land"). Owner has previously received City's approval of a plat related to the Land, dated 2005 ("2005 Plat"), which 2005 Plat Owner now agrees to void and vacate, for all purposes, so that the Land may now be developed, in accord with the provisions set forth herein.

Owner intends to develop, or sell to others for development, the Land as a planned, mixed-use community, locally referred to as "Pecan Park," that will consist of commercial, retail, office and residential uses ("Project") generally in accordance with the concept plan attached as Exhibit MOU-2 ("Concept Plan"). Development of the Property is expected to add significant new tax revenues to the City's tax base, create jobs and stimulate the overall local economy. Therefore, Owner and City wish to enter into this Agreement, which will encourage comprehensive planning for development of the Land, provide the Owner with certainty of regulatory requirements throughout the term of this Agreement, and result in a high-quality subdivision. The terms of this Agreement shall apply to any party, successor or assign who is developing all or any portion of the Land and in compliance with Exhibit MOU-2, i.e., the Concept Plan.

For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows.

**ARTICLE I.  
DEFINITIONS**

**Section 1.01 Definitions.** In addition to the terms defined elsewhere in this Agreement or in City's Code of Ordinances, the following terms and phrases used in this Agreement will have the meanings set out below:

City Manager: The City of Bastrop's City Manager.

**Concept Plan:** Owner's plan, as depicted in Exhibit MOU-2, which illustrates the planned roadway network and various anticipated land uses for the Project.

**Development Checklist:** City and Owner shall work together in good faith to satisfy all of the items on City's Development Checklist, as depicted in Exhibit MOU-3, prior to the commencement of development. The Development Checklist is subject to periodic update by City Council, from time to time.

**Director:** City's Director of Planning and Development.

**Effective Date of this Agreement:** The latest date when one or more counterparts of this Agreement, individually or taken together, bear the signature of all Parties.

**Final Plat:** A map of the subdivision, addition or development, which is to be recorded in the Bastrop County Clerk Plat Records after Owner's deposit of any required fiscal assurance with the City and upon final approval of the plat by the City.

**Original Owner:** Shall mean originally DM Pecan Park Associates, Ltd., or its legal successors in interest.

**Owner:** Shall mean Original Owner or any subsequent owner of any portion of the Land that is a successor or assignee of rights from Owner in accordance with Section 7.03 of this Agreement.

**Owners' Association:** One or more non-profit entities whose membership includes the owners of real property within Pecan Park created for the purpose of maintenance and repair of privately owned roads (if any are approved by City on a Final Plat), common open space and park areas, together with other common and related facilities and areas within Pecan Park.

## **ARTICLE II. DEVELOPMENT**

**Section 2.01 Development.** Owner intends to develop the Land in phases. City acknowledges that the portions of the Land not under active development may remain in use for agricultural or ranching purposes and/or wildlife management, if otherwise allowed by law.

**Section 2.02 Concept Plan.** City hereby confirms its approval of the Concept Plan (as shown on Exhibit MOU-2) and acknowledges that the Concept Plan complies with the City's Transportation Plan.

**Section 2.03 Term of Approval.** The Concept Plan will be effective for the term of this Agreement, unless otherwise amended or revised by mutual agreement of the Parties. Once a portion of the roadway network for the Project has been approved by Final Plat, the City shall not alter the approved roadway network depicted on the Final Plat, currently assumed to be as shown on Exhibit MOU-2 regardless of the term of this Agreement, unless mutually agreed by the Parties.

**Section 2.04 Amendments.** Due to the fact that the Project comprises a significant land area and its development will occur over a number of years, Owner may make minor amendments to the Concept Plan, but only as it applies to the portion of Land owned by Owner, and only upon notification of approval of the amendment by the City Manager. The City Manager reserves the right to take any request for amendment or revision, even if deemed minor by Owner, to the City Council for approval, in his sole discretion.

**Section 2.05 Review/Submittal Fees.** Owner shall pay City's then current application, review and development fees, which are applicable to all other development applicants, at the time of each submission. Owner recognizes that due to the fact that the development will occur over a number of years, the City's fees that will be applicable to the development may be updated by action of the City Council, from time to time.

**Section 2.06 Building Code Compliance.** Structures constructed on the Land shall comply with the building code that is in effect in the City at the start of construction of the structure, unless otherwise provided in this Agreement.

### **ARTICLE III. SALES AND INFORMATION CENTER**

**Section 3.01 Sales and Information Center.** Owner desires to install and maintain a sales and information center on a portion of the Property ("Sales and Information Center"). Owner and City agree that the Memorandum of Understanding, Exhibit MOU-4 shall regulate the use and operation of the Sales and Information Center.

### **ARTICLE IV. ECONOMIC INCENTIVES**

**Section 4.01 Economic Incentive Program.** The City's currently adopted "Economic Development Guidelines and Criteria" are attached as Exhibit MOU-5, which may be modified and/or rescinded by the City Council, from time to time, at its sole discretion.

### **ARTICLE V. SIGNS**

**Section 5.01 Signs.** Owner desires to install signage on the Property as generally depicted on Exhibit MOU-6 ("Sign Plan"). The exact locations of the signs shall be determined by mutual agreement of the Parties, upon development of the Property. Owner and City agree that the Sign Plan shall regulate the use and operation of signs throughout the Property. If Owner desires to install signs after the execution of this Agreement that are not in conformance with Exhibit MOU-6, then Owner shall submit an application to the City, in accordance with the City's Code of Ordinances.

### **ARTICLE VI. INFRASTRUCTURE IMPROVEMENTS**



**Section 6.01 Water and Wastewater Utility Commitments.** The City hereby acknowledges and agrees to provide potable water and wastewater utility service for the commercial and residential area(s). The City commits to provide the service unit equivalents ("SUEs") to service the Project in accordance with Exhibit MOU-7 ("SUE Commitment Letter").

**Section 6.02 Wastewater Improvements.** On-site and off-site wastewater lines, improvements and connections to the City's system, shall be to the City's central lift station, which is located near the north-west corner of the Lower Colorado River Authority Substation (the "Wastewater Collection System"), unless otherwise mutually agreed by the Parties. The Wastewater Collection System connection will be provided by Owner. The Wastewater Collection System infrastructure required for future development of the Land, and the connections to the City's central lift station will be provided by the Owner of the portion of the Land to be served. Off-site wastewater easements shall be obtained by the Owner with assistance from the City, as may be appropriate to the circumstances involved, in the City's discretion. The construction plans for the Wastewater Collection System will be prepared by Owner and submitted to the City for review and approval in accordance with City's Code of Ordinances. If the City determines the Wastewater Collection System is unable to handle additional wastewater flows from the Project after the Project uses 500 wastewater SUEs, then Owner shall be required to pay for the necessary improvements to expand the existing Wastewater Collection System. Owner's share of the improvement costs for the Wastewater Collection System shall be based on Owner's pro-rata use of the expanded Wastewater Collection System. Notwithstanding any of the above, in no event shall Owner be responsible for any expansion of the Wastewater Collection System prior to the Project using 500 wastewater SUEs.

**Section 6.03 Water Improvements.** All On-site and off-site water lines, improvements and connections to the existing City water lines (the "Water Distribution System") required for development of the Land will be constructed by Owner. The Water Distribution System and its connection(s) to the City's water distribution system will be constructed by Owner, in accordance with the City's Code of Ordinances. Owner shall provide the City hydraulic modeling for the Project in accordance with generally accepted engineering practices. The City's engineer will evaluate the hydraulic model for accuracy and will determine if off-site water improvements will be required. If improvements are needed to serve the Subdivision, the Owner shall make the necessary off-site water infrastructure improvements, at Owner's cost.

**Section 6.04 Stormwater Drainage.** Owner shall construct onsite and off-site drainage improvements to convey storm water from the Land and accommodate natural flows from adjacent properties to the Colorado River in compliance with any applicable State or Federal law related to storm water drainage and discharge (the "Drainage Improvements"). City shall not require Owner to construct onsite detention on any portion of the Land within the natural drainage area of the Property. Off-site drainage easements, if necessary to construct the Drainage Improvements shall be obtained by the Owner. Maintenance of the stormwater drainage improvements shall be Owner's responsibility.

The Drainage Improvements may include excess capacity above and beyond (i) what is necessary to serve the Land and (ii) any existing or natural flow from adjacent properties. After the Drainage Improvements are constructed, Owner shall be solely responsible for negotiating agreements with adjacent property owner(s) who desire to use any excess capacity (if available) of the Drainage Improvements. Owner's engineer shall notify City engineer of the amount of flow discharge to the Drainage Improvements as agreed to by Owner and any adjacent property owner. City shall have no role in these negotiations or agreements. All such agreements shall be filed by Owner in the Bastrop County Records.

**Section 6.05 Traffic Impact Analysis.** Original Owner and City agree that the submission of a traffic impact analysis ("TIA") for the Project may be postponed until either: (1) approval is sought for a 'third development' within the boundaries of the Land, or (2) approval is sought for a 'second development' within the boundaries of the Land, which will make the total trip count exceed 2,000 average daily trips, when combined with the "first development". By way of example, only: If "development 1" generates 800 average daily trips, and "development 2" will generate 1,500 average daily trips, then a TIA is required prior to starting "development 2." The TIA shall be in conformance with Section 1.30, Subdivision Ordinance. In addition, the scope and area of the TIA shall be in conformance with that shown on Exhibit MOU-8. If the Owner does not agree with the staff's/City's professional consultant's interpretation of the TIA requirements (as set forth either in the Code, or as shown on Exhibit MOU-8), then, in accordance with the City's Subdivision Ordinance, Section 9, entitled "Variances," the Owner may request a variance from such requirements, from the City Council.

## **ARTICLE VII.**

### **TERM, ASSIGNMENT AND REMEDIES**

**Section 7.01 Term.** The term of this Agreement will commence on the Effective Date and continue for fifteen (15) years, unless terminated on an earlier date under other provisions of this Agreement or by written agreement of City and Original Owner. At any time prior to the expiration of fifteen (15) years, this Agreement may be extended by mutual agreement of Original Owner and City for up to one (1) additional successive fifteen (15) year period.

**Section 7.02 Termination and Amendment by Agreement.** This Agreement may be terminated or amended as to all or a portion of the Land at any time by mutual written consent of City and Original Owner. In addition, Original Owner may unilaterally terminate this Agreement in the event that it elects not to proceed with any development under the Agreement, for economic reasons or otherwise. Original Owner shall be required to demonstrate to the City, at the time of termination, that all obligations of Owner, as contemplated by this Agreement and all applicable City ordinances and regulations, have been met including all required infrastructure for existing recorded sections of the Project has been built or bonded, all parkland and amenities for existing platted sections have been provided, and a current, updated master development plan has been submitted depicting the Project, as it exists at the time of termination.

**Section 7.03 Assignment.**

a. This Agreement, and the rights and obligations of Owner, in whole or in part, may be assigned to a subsequent Owner of all or a portion of the Land. Owner shall continue to be obligated for the performance of this Agreement unless such assignment or partial assignment is approved by City Manager, which approval shall not be unreasonably withheld. City Manager reserves the right to take any assignment request to the City Council for approval, in his sole discretion. City shall have the right to request and be provided by Owner with reasonable information about assignee to determine assignee's general reputation and ability to perform the obligations so assigned. City approval shall be granted if:

(i) Assignee demonstrates its agreement to the terms of this MOU, and demonstrates that it is reasonably capable of performing the obligations assigned, as stated herein; and

(ii) Assignee has a reasonably acceptable reputation in the industry with experience in the development of projects of a similar nature, size and scope; Assignee shall provide the City Manager with a list of comparable developments, which list shall include the names and contact information (phone, address and email address) for references related to each development identified.

In the event City denies a request for approval of an assignment, the City shall specify the reasons for such denial in writing.

Any assignment will be in writing, specifically set forth the assigned rights and obligations and be executed by the proposed assignee prior to the City's approval of the Assignment.

b. Any assignment will be in writing, specifically set forth the assigned rights and obligations and be executed by the proposed assignee prior to the City's approval of the Assignment

c. If City consents to such assignment, as set forth above, then the rights and obligations of the assignee and Owner or Original Owner will be severable, and Owner (or Original Owner) will not be liable for the nonperformance of the assignee, and vice versa. In the case of nonperformance by Owner (or Original Owner) or an assignee, City may pursue all remedies against that nonperforming party, but will not impede development activities of any performing party as a result of that nonperformance.

d. This Agreement is not intended to be binding upon, or create any encumbrance to title as to, any ultimate consumer or user who purchases any portion of the Land either as a lot or a structure.

**Section 7.04 Remedies.**

a. If City defaults under this Agreement, Owner shall give notice setting forth the event of default ("Notice") to City. In addition, if City fails to cure any alleged default

within a reasonable period of time, not less than forty-five (45) days after the date of the Notice and thereafter to diligently pursue such cure to completion, Owner may terminate this Agreement by providing written notice to City as to all of the Land owned by Owner, or as to the portion of the Land affected by the default, and/or Owner may pursue injunctive relief from a court of proper jurisdiction.

b. If Owner defaults under this Agreement, City shall give written Notice to Owner. If Owner fails to commence the cure of an alleged default specified in the Notice within a reasonable period of time, not less than forty-five (45) days, after the date of the Notice, and thereafter to diligently pursue such cure to completion, City may terminate the Agreement and/or may pursue injunctive relief from a court of proper jurisdiction.

c. Each Party waives any action for damages against the other except for the recovery of attorneys' fees, as per subparagraph d below.

d. If either Party defaults, the prevailing Party in the dispute will be entitled to recover its reasonable attorney's fees, expenses and court costs from the non-prevailing Party.

#### **Section 7.05 Cooperation.**

a. City and Owner each agree to cooperate with each other as may be reasonably necessary to carry out the intent of this Agreement, including but not limited to the execution of such further documents as may be reasonably necessary.

b. City and Owner agree to coordinate and cooperate with each other, in connection with any permits or approvals Owner or City may need from Bluebonnet Electric Cooperative, LCRA, Bastrop County, TCEQ or any other regulatory authority in order to carry out the Concept Plan and the Project.

c. In the event of any third party lawsuit or other claim relating to the validity of this Agreement, Owner and City agree to cooperate in the defense of such suit or claim, and to use their respective best efforts to resolve the suit or claim without diminution in their respective rights and obligations under this Agreement.

d. Owner or City may initiate non-binding mediation on any issues in dispute and the other Party shall participate in good faith. The cost of mediation shall be a joint expense.

### **ARTICLE VIII. MISCELLANEOUS PROVISIONS**

**Section 8.01 Notice.** Any notice given under this Agreement must be in writing and may be given: (i) by depositing it in the United States mail, certified, with return receipt requested, addressed to the Party to be notified and with all charges prepaid; or (ii) by depositing it with Federal Express or another service guaranteeing "next day delivery", addressed to the Party to be notified and with all charges prepaid; (iii) by personally delivering it to the Party, or any agent of the Party listed in this Agreement, or (iv) by facsimile with confirming copy sent by

one of the other described methods of notice set forth. Notice by United States mail will be effective on the earlier of the date of receipt or three (3) business days after the date of mailing. Notice given in any other manner will be effective only when received. For purposes of notice, the addresses of the Parties will, until changed as provided below, be as follows:

City: City of Bastrop  
P.O. Box 427  
Bastrop, Texas 78602  
Attn: City Manager

With Required Copy to: Jo-Christy Brown  
Law Offices of J. C. Brown, P.C.  
1411 West Avenue, Suite 100  
Austin, TX 78701

Owner: DM Pecan Park Associates, Ltd.  
c/o Duke McDowell  
1213 Ranch Road 620, Suite 200  
Austin, TX 78734

With Required Copy to: David Armbrust  
Armbrust & Brown, PLLC  
100 Congress Avenue, Suite 1300  
Austin, TX 78701

The Parties may change their respective addresses to any other address within the United States of America by giving at least five (5) days' written notice to the other Party. Owner may, by giving at least five (5) days' written notice to City, designate additional parties to receive copies of notices under this Agreement.

**Section 8.02 Severability; Waiver.** If any provision of this Agreement is illegal, invalid, or unenforceable, under present or future laws, it is the intention of the Parties that the remainder of this Agreement not be affected, and, in lieu of each illegal, invalid, or unenforceable provision, that a provision be added to this Agreement which is legal, valid, and enforceable and is as similar in terms to the illegal, invalid or enforceable provision as is possible.

Any failure by a Party to insist upon strict performance by the other Party of any material provision of this Agreement will not be deemed a waiver or of any other provision, and such Party may at any time thereafter insist upon strict performance of any and all of the provisions of this Agreement.

**Section 8.03 Applicable Law and Venue.** The interpretation, performance, enforcement and validity of this Agreement are governed by the laws of the State of Texas. Venue will be in a court of appropriate jurisdiction in Bastrop County, Texas.



**Section 8.04 Conflict.** Unless specifically modified by other provisions of this Agreement, the City's development regulations and other ordinances, in effect at the time of the Owner's filing of the Final Plat in the Bastrop County Records, shall govern the development of the Project.

**Section 8.05 Time.** Time is of the essence of this Agreement.

**Section 8.06 Authority for Execution.** City certifies, represents, and warrants that the execution of this Agreement is duly authorized and adopted in conformity with the City Charter. Owner hereby certifies, represents, and warrants that the execution of this Agreement is duly authorized and adopted in conformity with the articles of incorporation and bylaws or partnership agreement of each entity executing on behalf of Owner.

**Section 8.07** This Agreement supersedes and replaces all prior agreements, reservations, permits, plans, plats, and/or understandings, whether preliminary or final, that have been processed by Original Owner/Owner /predecessor owner through the City, with respect to the Land. Thus, the Parties agree that all prior agreements, reservations, permits, plans, plats, and/or understandings are void and without further effect at the time this Agreement becomes effective.

**Section 8.08 Exhibits.** The following exhibits are attached to this Agreement, and made a part for all purposes:

The entire MOU is  
120 Pages.

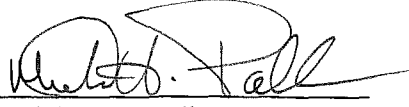
Staff has provided  
Exhibit MOU-8.

Exhibits MOU-1  
through MOU-7 will  
be available upon  
request or at the  
meeting.

|                          |   |                                                     |
|--------------------------|---|-----------------------------------------------------|
| <del>Exhibit MOU-1</del> | - | <del>Metes and Bounds Description of the Land</del> |
| <del>Exhibit MOU-2</del> | - | <del>Concept Plan</del>                             |
| <del>Exhibit MOU-3</del> | - | <del>Development Checklist</del>                    |
| <del>Exhibit MOU-4</del> | - | <del>Sales and Information Center Plan</del>        |
| <del>Exhibit MOU-5</del> | - | <del>City's Economic Development Guidelines</del>   |
| <del>Exhibit MOU-6</del> | - | <del>Sign Plan</del>                                |
| <del>Exhibit MOU-7</del> | - | <del>SUE Commitment Letter</del>                    |
| Exhibit MOU-8            | - | Scope and Area of Traffic Impact Analysis           |

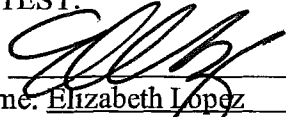
The undersigned Parties have executed this Agreement on the dates indicated below.

## CITY OF BASTROP

By: Name: Michael H. TalbotTitle: City Manager for the City of Bastrop

Date: \_\_\_\_\_

## ATTEST:

By: Name: Elizabeth LopezTitle: City of Bastrop Secretary

STATE OF TEXAS §

COUNTY OF BASTROP §

This instrument was acknowledged before me the 12 day of December  
2013, by \_\_\_\_\_, \_\_\_\_\_ City of Bastrop, Texas, on behalf of City.

  
Notary Public Signature

DM Pecan Park Associates, Ltd.,  
a Texas limited partnership

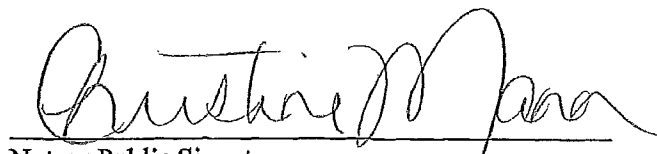
By: McDowell Development, LLC  
a Texas limited liability company  
its General Partner

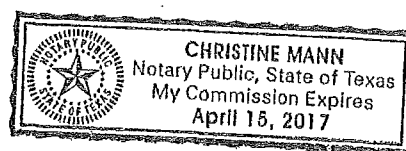
  
By: Duke McDowell, Manager

STATE OF TEXAS §

COUNTY OF TRAVIS §

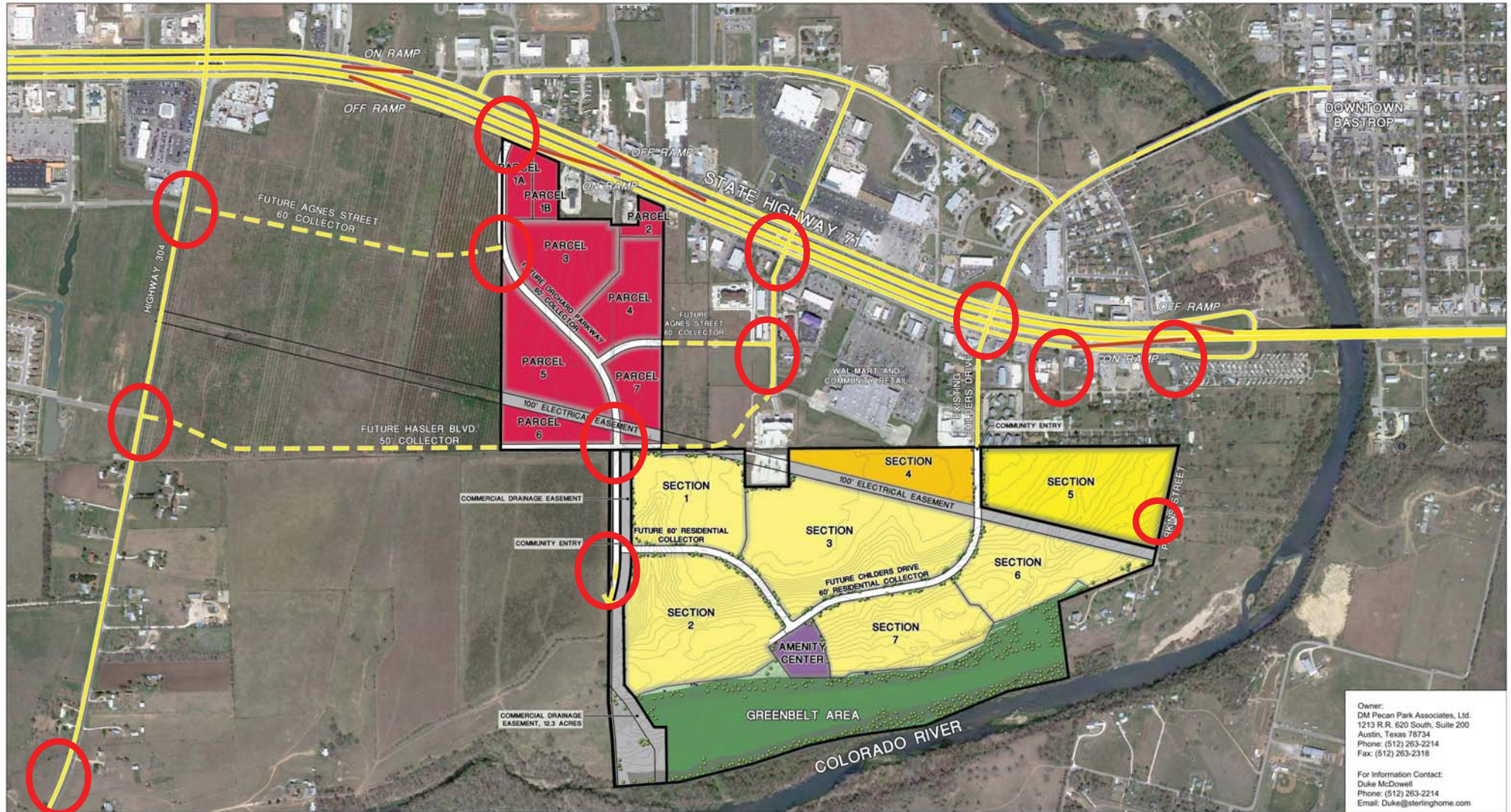
This instrument was acknowledged before me the 12<sup>th</sup> day of December, 2013, by Duke McDowell, Manager of McDowell Development, LLC, a Texas limited liability company, General Partner of DM Pecan Park Associates, Ltd., a Texas limited partnership on behalf of said limited liability company and limited partnership.

  
Notary Public Signature





## MOU-8



**○ Intersections to be included in TIA**



0 400 800 1600

Scale: 1" = 800'

## October 15, 2013 TIA Scope and Impact Area

Base mapping compiled from best available information. All map data should be considered as preliminary, in need of verification, and subject to change. This land plan is conceptual in nature and does not represent any regulatory approval. Plan is subject to change.



SEC Planning, LLC

Land Planning + Landscape Architecture + Community Branding

AUSTIN, TEXAS  
 ☎ 512.246.7003 • ☎ 512.246.7703  
 www.norplanning.com • info@norplanning.com

## CONCEPTUAL PLAN

PECAN PARK  
BASTROP, TEXAS

**BASTROP CITY COUNCIL  
MINUTES OF REGULAR MEETING  
November 12, 2013 at 6:15 pm**

Pursuant to the Texas Government Code, Chapter § 551, the City Council of Bastrop, Texas held a Regular Meeting on Tuesday, **November 12, 2013 at 6:15 p.m.** at the Bastrop City Hall Council Chambers located at 1311 Chestnut Street in Bastrop, Texas to consider the following matters:

1. **CALL TO ORDER** - Mayor Terry Orr called the meeting to order at 6:15 p.m. A full quorum was present: Council Members Kay Garcia McAnally, Ken Kesselus, and Dock Jackson were in attendance and an excused absence from Willie De La Rosa and Mayor Pro-Tem Joe Beal.
2. **PLEDGE OF ALLEGIANCE AND INVOCATION** – City Council Member Kay Garcia McAnally led the Pledge of Allegiance. Interim Police Chief Matt Wagner introduced Chaplain Bob Long who led us in prayer.
3. **PRESENTATION** - Bastrop Elementary Student Nathan Stuart addressed the City Council to present his Character Education presentation regarding “Compassion”. He was accompanied by his parents Harry and Gina Stuart and Sister Nya Stuart. Nathan loves learning, building Legos and helping people.
4. **PROCLAMATION** - Mayor Terry Orr proclaimed “Native American Heritage Day” on Friday, November 29<sup>th</sup>, 2013. Ms. Jeannie Weigl, Chairman of the local Lost Pines Chapter NSDAR was unable to attend the meeting, but extended her appreciation for the proclamation.
5. **ANNOUNCEMENTS**

The City Council Members congratulated Main Street Program Director Nancy Wood, as the recipient of the “Susan H. Campbell Award for Professional Excellence.”

City Manager Mike Talbot noted how pleased and excited that the Bastrop Main Street Program Advisory Board selected Nancy Wood as the recipient of this award in recognition of her outstanding leadership, energy, commitment to the growth of the Bastrop’s Main Street Program.

There were no additional announcements; therefore, Mayor Terry Orr thanked everyone for their announcements and introduced City Manager Mike Talbot to present his bi-weekly recap.

**City Manager’s Informational Report for November 12, 2013:** Items for update, discussion & possible action:

**A. Meetings and Events Attended:**

1. Attended a Special Meeting “Lost Pines Groundwater Conservation District” on November 4, 2013.
2. Attended the Texas Downtown Association Annual Banquet on November 7, 2013.

**B. Update on City Projects and Issues:**

1. Water Usage report for the period of October 21, 2013 through November 10, 2013.
2. Update and Discussion regarding Stage II of the Drought Contingency Plan.
3. Update on the Short and Long Term Water Supply Options/.
4. Update on the Top 10 Strategic Priorities as Established by the City Council for 2013-2016.
5. Update on the FY-14 Hotel/Motel Funding
6. Flooding of the Colorado River October 30, 2013 through November 2, 2014.
7. Colors of the Sidewalks on S.H. 304.
8. Bastrop Marketing Corporation Report for the period ending October 31, 2013.
9. Update on S.H. 71 Improvements
10. Status of Board Vacancies

**C. Update on City Various City Operations:**

1. Convention Center Activities
2. Main Street Program
3. Commercial/Residential Construction Projects in the City
4. YMCA Activities



**Inviting input from the City Council related to issues for possible inclusion on future agenda's related to items such as (but not limited to) municipal projects, personnel, public property, development and other City/public business.**

City Manager Mike Talbot pointed out the following items on his City Manager's report:

Update regarding Stage II of the Drought Contingency Plan: The City's daily water average has decreased during the recent two weeks as a result of the recent rain. Even prior to the rainy weather the City had maintained a lower average constant with that seen during the winter months. All water wells have been operating 5-6 hours which is well below the City's maximum run-time of 16 hours.

City Council Member Ken Kesselus noted that the citizens were in concert with the City on water conservation.

Flooding of the Colorado River on October 30, 2013: The Colorado River water level crested slightly over 28 feet in Bastrop during the heavy rains on October 30<sup>th</sup> - November 2<sup>nd</sup>, 2013. The Parks Department Personnel were unable to install the Christmas lights along the "Trail of Lights", due to the week delay taken to remove debris. The Parks Department Staff will undertake the significant task of installing the Christmas lights along the "Trail of Lights" by Thanksgiving.

Sidewalks on S.H. 304: TxDOT is in the process of improving the traffic lanes on SH 304, which will include sidewalks. They have submitted three color choices for the City's consideration on the color of the sidewalks.

Update on the SH 71 Improvements: City Manager Talbot and staff attended the local TxDOT meeting and met with the Engineer Roy Dill who noted potential projects for SH 71. They have requested grant funding for the overpass at Tahitian Village/Loop 150 intersection. TxDOT would like the City's input on the design of the 10 – 12 foot high ramp wall and the City Manager suggested it would be a great project for the Bastrop Art in Public Places Task Force.

With regard to the recent flooding of the Colorado River, City Council Member Ken Kesselus noted his concern that the LCRA's advisory missed the cresting by 20%. The City Manager referenced sites suggested by Mayor Pro-Tem Joe Beal and the City was referencing them throughout the day for up-to-date information. City Manager Mike Talbot stated he would follow up on this issue and invite the LCRA to attend a future meeting.

## **A. CONSENT AGENDA**

All of the following items on the Consent Agenda are considered to be self-explanatory by the Council and will be enacted with one motion. There will be no separate discussion of these items unless a Council Member(s) so request.

- A.1 Approval of meeting Minutes for the Regular Council Meetings held on October 22, 2013.
- A.2 Consideration, discussion and possible action on the SECOND READING of a proposed ORDINANCE of the City Council of the City of Bastrop Texas, amending the budget for the Fiscal Year 2013 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.
- A.3 Consideration, discussion and possible action on the SECOND READING of a proposed ORDINANCE granting an amendment to Section 37.2 Construction Standards adding C. Residential Design Standards in Single Family Residential Districts, Chapter 14, Zoning, "Exhibit A" Zoning Ordinance, relating to the regulations of residential design standards for single family homes in residential areas; providing a severability clause; and providing an effective date.
- A.4 Consideration, discussion and possible action on the SECOND READING of a proposed ORDINANCE granting an amendment to Section A-3 Definition 123 Home Occupation and

amending the Use Chart, Section 36.3 to reflect that Home Occupations do not require a Conditional Use Permit (CUP) Chapter 14, Zoning, "Exhibit A" Zoning Ordinance, relating to the regulation of Home Occupation uses in residential areas; providing a severability clause; and providing an effective date.

- A.5 Approval of the Preliminary Plat for XS Ranch, Rivercamp Estates, Phase 2 (29 residential lots) being +/- 251.03 acres within the Extra Territorial Jurisdiction (ETJ) of Bastrop, Texas located off Sayers Road, County Road 157.
- A.6 Approval of the statutory denial, for a period of 180 days from the date of Council action on this request, for the Little Colony Subdivision being a Re-subdivision of Lot 1, Bastrop West Commercial, Section 2 consisting of approximately 1.511 acres within the city limits of Bastrop, Texas.
- A.7 Board Appointment by Mayor Terry Orr and confirmation by the City Council on the appointment of Matthew Brian Lassen as the First Alternate Member for the Zoning Board of Adjustment; a 2-year term to commence on November 2013 through November 2015.
- A.8 Adoption of an Ordinance by the City Council of the City of Bastrop, Texas, Amending and Clarifying the City's Personnel Policies Manual: Chapter 5, Section 14; "Modified Work Duty Program," repealing conflicting Resolutions and Policies including a severability clause; and establishing an effective date.

Mayor Terry Orr pulled consent agenda item A.8 for a first reading at the City Council Meeting on November 26, 2013. Mayor Terry Orr read items A.1 through A.7 on the consent agenda for consideration and approval.

Council Member Kay Garcia McAnally made the motion to approve the consent agenda with exception of item A.8 and the addition of City Council Member Dock Jackson's name on the Meeting Minutes of October 22, 2013. Seconded by Council Member Dock Jackson and motion carried unanimously. Vote was taken and motion passed **3-0**.

## **B. PUBLIC HEARINGS AND ORDINANCES AND OTHER ITEMS ELIGIBLE FOR CONSIDERATION AND/OR ACTION:**

### **B.1 APPROVAL OF THE FIRST READING OF A RESOLUTION OF THE CITY COUNCIL OF BASTROP APPROVING A PROJECT (FAÇADE/MEGA GRANT TO CHARLIE AMOS IN AN AMOUNT NOT TO EXCEED \$25,000, FOR RENOVATIONS TO THE BUILDING AT 1008 MAIN ST.), USING FUNDS PROVIDED BY THE BASTROP ECONOMIC DEVELOPMENT CORPORATION, IN AN AMOUNT EXCEEDING \$10,000.**

At 6:44 pm, Mayor Terry Orr read the above caption and invited the public comments. There were no public comments; therefore Mayor Terry closed the public hearing at 6:48 pm.

Council Member Kay Garcia McAnally made a motion to the FIRST READING of a Resolution of the City Council of Bastrop approving a project (façade/mega grant to Charlie Amos in an amount not to exceed \$25,000, for renovations to the building at 1008 Main Street), using funds provided by the Bastrop Economic Development Corporation, in an amount exceeding \$10,000.

Seconded by Council Member Dock Jackson and motion carried unanimously. Vote was taken and Motion passed **3-0**.

### **B.2 CITIZEN COMMENTS – There were no citizen comments.**

## **C. OLD BUSINESS – No items for discussion.**

**D. NEW BUSINESS****D.1 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION FOR ACCEPTANCE OF THE PRESENTATION OF THE BASTROP COUNTY HISTORICAL SOCIETY MUSEUM AND VISITORS CENTER OPERATIONS AND MAINTENANCE BUDGET FOR 2014.**

Chief Financial Officer Karla Stovall introduced Bastrop Historical Society Museum Director Libby Sartain who gave a brief presentation on their FY 2014 Budget. She stated that they have done well on donations and they will have a \$3.00 admission fee.

Council Member Ken Kesselus acknowledged their extraordinary staff and stated the "Volunteers are wonderful. We can't put a value on our volunteers; we have volunteers who love helping us" Museum Director Libby Sartain estimated saving approximately \$30,000-40,000 a year due to their volunteers.

Council Member Kay Garcia McAnally made a motion to accept the presentation of the Bastrop County Historical Society Museum and Visitors Center Operations and Maintenance Budget for 2014.

Seconded by Council Member Ken Kesselus and motion carried unanimously. Vote was taken and Motion passed **3-0**.

**D2 APPROVAL OF BASTROP MARKETING CORPORATION'S REQUEST FOR REIMBURSEMENT OF EXPENSES.**

Council Member Kay Garcia McAnally made a motion to approve the Bastrop Marketing Corporation's request for reimbursement of expenses.

Seconded by Council Member Ken Kesselus and motion carried unanimously. Vote was taken and Motion passed **3-0**.

**D.3 THE BASTROP CENTRAL APPRAISAL DISTRICT HAS SUBMITTED THE OFFICIAL BALLOT FOR THE ELECTION OF THE BOARD OF DIRECTORS WITH THE TERM BEGINNING JANUARY 1, 2014 THROUGH DECEMBER 31, 2015.**

Council Member Ken Kesselus made a motion to cast the City's 214 votes for Emanuel Roderick on the Official Ballot for the Election of the Board of Directors on the Bastrop Central Appraisal District.

Seconded by Council Member Dock Jackson and motion carried unanimously. Vote was taken and Motion passed **3-0**.

**D.4 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF BASTROP AND DM PECAN PARK ASSOCIATES, LTD. FOR THE DEVELOPMENT OF LAND.**

City Manager gave a detailed overview of the agreement. City Council Member's held a brief discussion. Council Member Kay Garcia McAnally acknowledged the City Manager's and staffs time and effort into finalizing the agreement and stated "Well Done."

Mayor Terry Orr asked the Developer Duke McDowell how he felt about the agreement. Mr. McDowell responded he was "very pleased."

Council Member Dock Jackson made a motion to approve the MEMORANDUM of UNDERSTANDING between the City of Bastrop and DM PECAN PARK Associates, Ltd. For the Development of Land.

Seconded by Council Member Ken Kesselus and motion carried unanimously. Vote was taken and Motion passed **3-0**.

**E. EXECUTIVE SESSION**

- E.1 The Bastrop City Council met in a closed/executive session pursuant to the Texas Government Code, Chapter 551, *et seq*, to discuss the following:
1. SECTION 551.071(1) (A) and SECTION 551.071(2) – Consultation with Attorney concerning: (1) potential, pending, threatened, and/or contemplated litigation or claims, including but not limited to **“Pine Forest Investments Group, LLC v The City of Bastrop, et al, cause No. 29,052, In the 21<sup>st</sup> Judicial District Court of Bastrop County, Texas,”** and/or (2) matter upon which the Attorney has 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.
- E.2 The Bastrop City Council will reconvene into open session 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.

At 7:25 pm, Mayor Orr convened the Bastrop City Council into Executive Session. Mayor Orr reconvened the Bastrop City Council into open session to discuss, consider and/or take action(s) necessary related to the Executive Session noted herein at 8:49 pm.

City Manager Mike Talbot recommended that no action be taken as a result of the items posted for executive session. No action was taken.

**F. ADJOURN**

At **8:50 pm**, Council Member Kay Garcia McAnally made the motion to adjourn the meeting. Seconded by Council Member Ken Kesselus and motion was carried unanimously, vote of **3-0**.

APPROVED:

  
Terry Orr, Mayor

ATTEST:

  
Elizabeth Minerva Lopez, City Secretary



**ORDINANCE NO. 2013-5**

**AN ORDINANCE GRANTING A ZONING DISTRICT CHANGE FROM AOS, AGRICULTURAL OPEN SPACE TO PD, PLANNED DEVELOPMENT FOR APPROXIMATELY 26.25 ACRES, COMMONLY KNOWN AS PECAN PARK SUBDIVISION, SECTION 5, IN THE CITY LIMITS OF BASTROP, TEXAS; AND ESTABLISHING AN EFFECTIVE DATE.**

---

**WHEREAS**, the City of Bastrop has determined that it is in the best interest of the public to change the existing zoning designation of a 26.25 acre tract commonly known as Pecan Park Subdivision, Section 5, situated in the Mozea Rousseau Survey, Abstract 56, located south of Childers Drive described on a location map attached hereto as Exhibit "A" (the "Property; and

**WHEREAS**, pursuant to Section 10.4 of the City's Zoning Ordinance, notice of the rezoning was given to all property owners located within two hundred (200) feet of the Property, and the Planning and Zoning Commission of the City of Bastrop held a public hearing on the rezoning request on February 28, 2013; and

**WHEREAS**, after notice and hearing, the Planning and Zoning Commission has recommended a zoning designation of all of the Property to PD, Planned Development; and

**WHEREAS**, pursuant to Section 10.4 of the City's Zoning Ordinance, notice of the zoning request was given as required by the Ordinance, and the City Council of the City of Bastrop held a public hearing on the rezoning on March 12, 2013 to consider the City's intent to establish a zoning designation of PD, Planned Development and to consider the Commission's recommendation to zone all of the Property PD, Planned Development; and

**WHEREAS**, after consideration of public input received at the hearing, the information provided by the City of Bastrop Planning Department, and all other information presented, City Council finds that it is in the public interest to approve the zone of the Property, which is currently identified as AOS, Agricultural Open Space, to a new designation of PD, Planned Development.

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

Part 1: The Property, situated in Mozea Rousseau Survey, Abstract No. 56 south of Childers Drive commonly known Pecan Park Subdivision, Section 5, as more particularly shown and described on attached Exhibit "A", shall be and is hereby rezoned from its prior designation of AOS, Agricultural Open Space to a new zoning designation of PD, Planned Development.

Part 2: This ordinance shall take effect upon passage and in accordance with the laws of the State of Texas.

Part 3: Section 17, SF-7- Single Family Residential-7 District of the Zoning Ordinance standards should be amended as follows.

| District        | Min. Lot Area | Min. Dwelling Unit Size | Min. Lot Width | Min. Lot Depth | Min. Front Yard | Min. Interi or Side Yard | Min. Side when two-story & adj. SF Zone | Min. Ext. Yard (See Sec.43.3) | Min. Rear Yard | Min. Rear when two-story & Adj. SF Zone | Max. Height of Build | Max. Lot Cover age by Build |
|-----------------|---------------|-------------------------|----------------|----------------|-----------------|--------------------------|-----------------------------------------|-------------------------------|----------------|-----------------------------------------|----------------------|-----------------------------|
| SF-7            | 7,000 sq. ft. | 1000 sq. ft.            | 60'            | 110'           | 25'             | 10'                      |                                         | 15'                           | 15'            |                                         | 2.5 stories          | 50%                         |
| PD (Pecan Park) | 7,800 sq. ft. | 1000 sq. ft.            | 65'            | 120'           | 20' - 25'       | 7.5'                     |                                         | 15'                           | 15'            |                                         | 2.5 stories          | 50%                         |

- To allow seven and a half (7.5') feet side setback where ten (10') feet is normally required, as shown in Exhibit "B"
- To allow a reduction of front yard setbacks from twenty-five (25') feet to twenty (20') feet for homes construction to be no more than three homes aligned in a row, as shown in Exhibit "B"

Part 4: 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 5: This ordinance shall take effect upon the date of final passage noted below, or when all applicable publication requirements, if any, are satisfied in accordance with the City's Charter, Code of Ordinances, and the laws of the State of Texas.

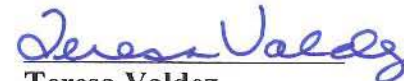
READ and APPROVED on First Reading on the 13<sup>th</sup> day of March 2013.

READ and ADOPTED on the Second Reading on the 26<sup>th</sup> day of March 2013.

**APPROVED:**

  
Terry Orr  
Mayor

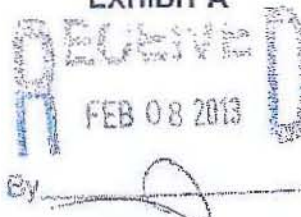
**ATTEST:**

  
Teresa Valdez  
City Secretary



## EXHIBIT A

STATE OF TEXAS  
COUNTY OF BASTROP



26.25 ACRES - PARCEL H.  
MOZEA ROUSSEAU  
SURVEY, A-56

## DESCRIPTION

DESCRIPTION OF A 26.25 ACRE TRACT OF LAND OUT OF THE MOZEA ROUSSEAU SURVEY, A-56, BASTROP COUNTY, TEXAS, AND BEING A PORTION OF A TRACT OF LAND CALLED TO BE 189.952 ACRES, CALLED TRACT A-1, AND A TRACT OF LAND CALLED TO BE 20.019 ACRES, CALLED TRACT B-1, BOTH DESCRIBED IN A DEED TO DM PECAN PARK ASSOCIATES, LTD, OF RECORD IN VOLUME 1482, PAGE 70, OF THE OFFICIAL PUBLIC RECORDS OF BASTROP COUNTY, TEXAS, SAID 26.25 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 3/8-inch iron rod found in the westerly line of Perkins Street, at the southeast corner of a tract of land described in a deed to Edward M. and Generosa B. Lowden, of record in Volume 160, Page 148, of the Deed Records of Bastrop County, Texas, said iron rod being the northeast corner of said 20.019 acre tract, and the northeast corner of the herein described tract;

THENCE, S 10° 31' 45" W, with the westerly line of said Perkins Street, 903.75 feet to a point in the northerly line of a one hundred foot (100') wide Electric Easement of record in Volume C, Page 417, of the Court Minutes of Bastrop County, Texas, said point being the southeast corner of the herein described tract;

THENCE, N 78° 16' 36" W, across said 20.019 acre tract and said 189.952 acre tract, with the northerly line of said 100 foot wide Electric Easement, 1579.57 feet to a point for the southwest corner of the herein described tract;

THENCE, N 00° 53' 43" W, across said 189.952 acre tract, 501.05 feet to a point in the south line of Childers Drive, same being the north line of said 189.952 acre tract, for the northwest corner of the herein described tract;

THENCE, with the north line of said 189.952 acre tract, the following six (6) courses:

- 1) N 87° 30' 46" E, 25.13 feet to a 5/8 inch iron rod found at the southeast corner of said Childers Drive, same being the southwest corner of a tract of land called to be 4.097 acres, described in a deed to 202 Childers Lane, LLC, of record in Volume 2066, Page 142, of the Official Public Records of Bastrop County, Texas;
- 2) N 87° 47' 49" E, at 360.24 feet, passing a 1/2 inch iron rod found at the southeast corner of said 4.097 acre tract, same being the southwest corner of a tract of land called to be 0.512 acres, described in a deed to Olen R. and Mary Jo Jenkins, of record in Volume 275, Page 839, of the Deed Records of Bastrop County, Texas, at approximately 186 feet, passing the southeast corner of said Jenkins tract, same being the southwest corner of a tract of land described in a deed to Victor Juarez Jr., and Mary A. Juarez, of record in Volume 257, Page 737, of the Deed Records of Bastrop County, Texas, and continuing for a total distance of 677.22 feet to a 1/2 inch iron rod found at the southeast corner of said Juarez tract, same being the southwest corner of a tract of land described in a deed to John P. and Rosa Calhoun, of record in Volume 277, Page 769, of the Deed Records of Bastrop County, Texas;
- 3) N 88° 05' 27" E, at approximately 80 feet, passing the southeast corner of said Calhoun tract, same being the southwest corner of a tract of land described in a deed to Robert L.



## EXHIBIT A

Miller, of record in Volume 306, Page 593, of the Deed Records of Bastrop County, Texas, at approximately 160 feet, passing the southeast corner of said Miller tract same being the southwest corner of a tract of land called to be 0.26 acres, described in a Quit Claim deed to Theresia Brenner Roberts, of record in Volume 289, Page 550, of the Deed Records of Bastrop County, Texas, at approximately 254 feet, passing the southeast corner of said Roberts tract, same being the southwest corner of a tract of land called to be 0.26 acres, described in a deed to June M. Evans, of record in Volume 289, Page 535, of the Deed Records of Bastrop County, Texas, at approximately 349 feet, passing the southeast corner of said Evans tract, same being the southwest corner of a tract of land described in a deed to Terry and Kay Jackson, of record in Volume 346, Page 774, of the Deed Records of Bastrop County, Texas, at 428.71 feet, passing a 3/8 inch iron rod found at the southeast corner of said Jackson tract, same being the southwest corner of a tract of land called to be 0.304 acres, described in a deed to Patsy Mikeska, of record in Volume 1864, Page 541, of the Official Public Records of Bastrop County, Texas, and continuing for a total distance of 478.69 feet to a 1/2 inch iron rod found for the northeast corner of said 189.952 acre tract, same being the northwest corner of said 20.019a acre tract;

- 4) N 87° 21' 38" E, at approximately 60 feet, passing the southeast corner of said Mikeska tract, same being the southwest corner of a tract of land described in a deed to Khalil Younes, of record in Volume 1628, Page 350, of the Official Public Records of Bastrop County, Texas, at 159.70 feet passing a 1/2 inch iron rod found at the southeast corner of said Younes tract, same being the southwest corner of a tract of land described in a deed to Ed Lowden, of record in Volume 164, Page 209, of the Deed Records of Bastrop County, Texas, for a total distance of 306.85 feet, to a 3/4 inch iron pipe found at the southwest corner of a tract of land called to be 0.3731 acres, described in a deed to David L. Potter, Jr., of record in Volume 1940, Page 189, of the Official Public Records of Bastrop County, Texas;
- 5) N 87° 39' 32" E, at approximately 136 feet, passing the southeast corner of said Potter tract, same being the southwest corner of a tract of land described in a deed to Edward M. and Generosa Lowden, of record in Volume 1935, Page 607, of the Official Public Records of Bastrop County, Texas, passing a 3/8 inch iron rod found at the southwest said Lowden tract (160/348), and continuing for a total distance of 233.04 feet to the POINT OF BEGINNING containing 26.25 acres of land within these metes and bounds.

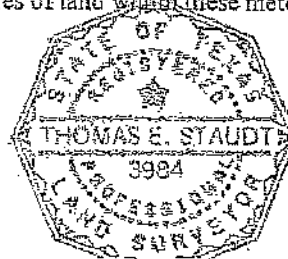
Description accompanied by sketch.

Surveyed by: *Staudt Surveying, Inc.*

P.O. Box 1273

Dripping Springs, Texas 78620

512-858-2236

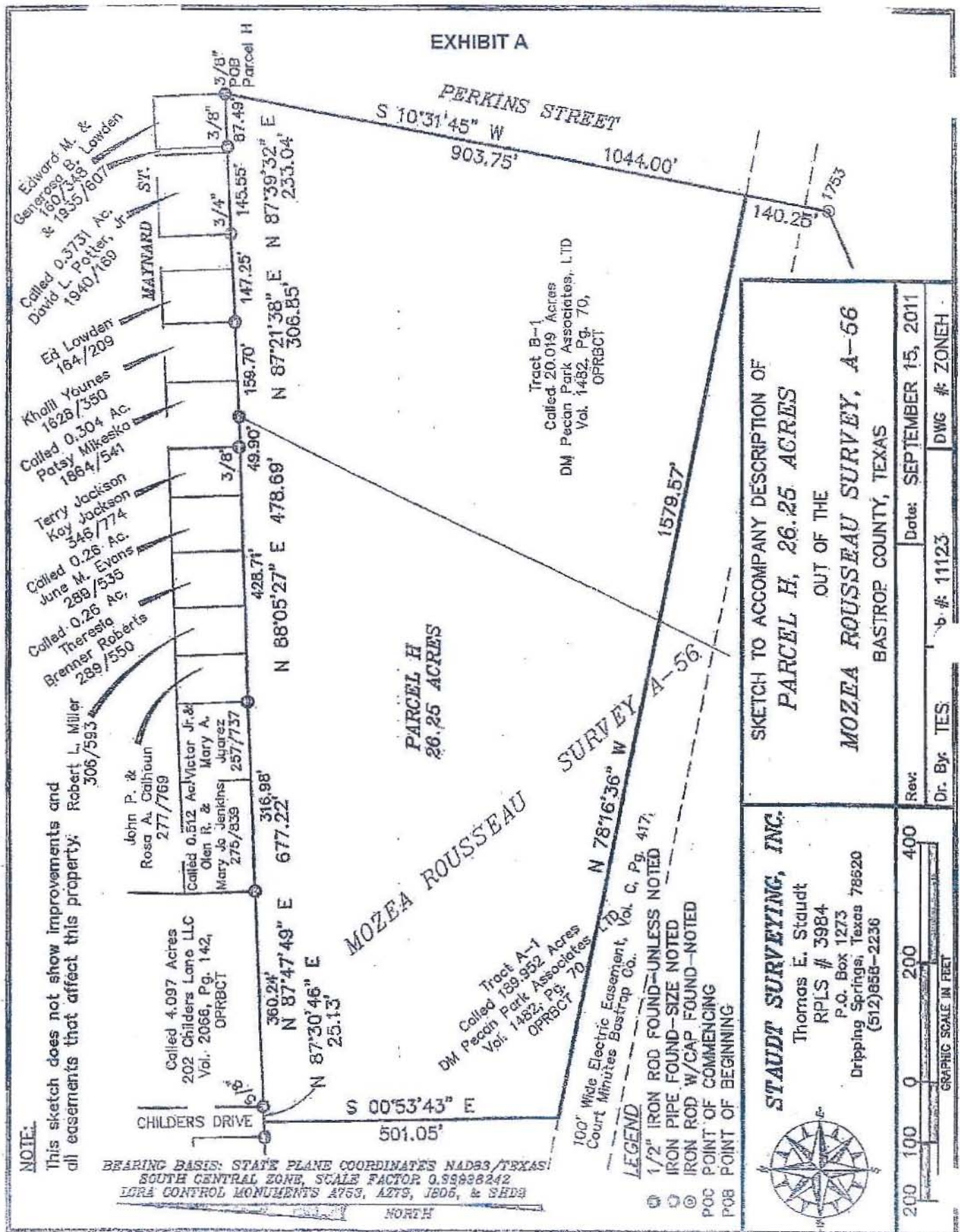


*Thomas E. Staudt*

Thomas E. Staudt

Registered Professional Land Surveyor No. 3984

Date 9/15/11





### House Elevation Repetition:

Note: Front yard setbacks vary between 20 ft. and 25 ft. as identified on the lotting plan to create a varied streetscape

|   | House Plan | Elevation | Side of Street | Masonry Material & Color | Number of Lots Separation |
|---|------------|-----------|----------------|--------------------------|---------------------------|
| 1 | Same       | Same      | Same           | Same                     | 2                         |
| 2 | Same       | Same      | Opposite       | Same                     | 2                         |
| 3 | Same       | Same      | Same           | Different                | 2                         |
| 4 | Same       | Same      | Opposite       | Different                | 2                         |
| 5 | Same       | Different | Same           | Same                     | 2                         |
| 6 | Same       | Different | Opposite       | Same                     | 2                         |
| 7 | Same       | Different | Same           | Different                | 2                         |
| 8 | Same       | Different | Opposite       | Different                | 2                         |

There must be a building setback from the front of the lot (the allowed 20'-25') on every fourth lot. Building setbacks vary between 20 ft. and 25 ft. as shown in the lotting plan to create a varied streetscape

|           | 7         | 8         | 9        | 10       |
|-----------|-----------|-----------|----------|----------|
| Same      | Same      | Different | Same     | Same     |
| Different | Different | Opposite  | Opposite | Opposite |

50 FT PUBLIC RIGHT OF WAY

0 30 60 120  
Scale: 1" = 60'  
Date: January 24, 2013



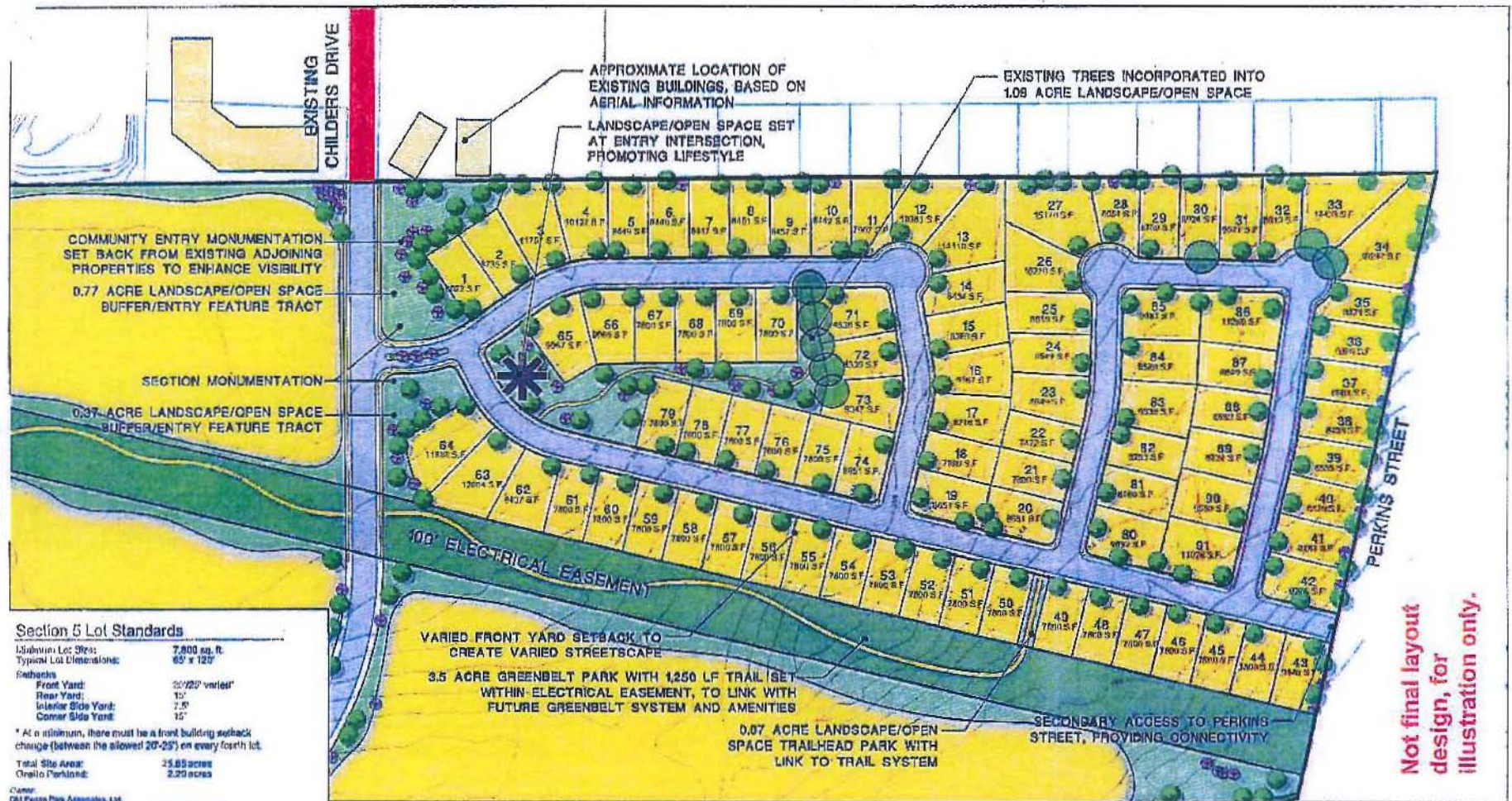
Land Planning + Landscape Architecture + Community Branding  
AUSTIN, TEXAS  
t 512.246.7993 • f 512.246.7709  
www.laplan.org • info@laplan.org

SECTION 5 LOT STANDARDS  
RIVER'S BEND at PECAN PARK  
BASTROP, TEXAS

Base mapping compiled from [www.ncbi.nlm.nih.gov/Genbank/](http://www.ncbi.nlm.nih.gov/Genbank/). All gene data should be considered as preliminary, in need of validation, and subject to change. This tool plan is conceptual in nature and does not represent any regulatory approval. Plan is subject to change.



EXHIBIT B



Not final layout  
design, for  
illustration only.



Scale: 1" = 150'  
Date: January 24, 2013



SEC Planning, LLC  
Land Planning • Landscape Architecture • Community Marketing

## SECTION 5 LOTTING PLAN

RIVER'S BEND at PECAN PARK  
BASTROP, TEXAS

Base mapping compiled from best available information. All map data should be provided as preliminary, in need of verification, and subject to change. This best plan is conceptual in nature and does not represent any regulatory approval. Plans are subject to change.

Ordinance for Planned Development, PD



## City of Bastrop

### Agenda Information Sheet:



**Planning and Zoning Commission Meeting Date:**  
**ZO 13-02**

**February 28, 2013**  
**Agenda Item #7**

---

**Public Notice Description:**

Public Hearing, consideration, discussion and possible recommendation on a request for a zoning change from AOS, 'Agricultural Open Space' to PD, 'Planned Development' for +/-26.25 acres, out of the Mozea Rousseau Survey, Abstract No. 56. The property is located south of Childers Drive within the corporate limits of Bastrop, Texas to be known as Section 5 of Pecan Park Subdivision.

---

**Item Summary:**

**Owner:** DM Pecan Park Associates, LTD, Duke McDowell  
**Applicant:** Lynn Alderson, Alderson Group  
**Location:** Between Perkins Street and Childers Drive  
**Utilities:** City water, sewer, and Bluebonnet electric  
**Zoning:** AOS, Agriculture Open Space  
**Land Use Plan:** Agricultural/Rural

**Background/Request:**

The 26.25 acres, located between Perkins Street and the east end of the terminus of Childers Drive. The property is currently vacant and is used agriculturally. The property is located adjacent to residentially zoned property. The tract currently has frontage on Perkins Street. Future access will be gained from the extension of Childers Drive, but is not currently constructed.

The Pecan Park Final Plat was approved by City Council in November 2005, but has never been recorded. The property owner is currently working with Staff to finalize a Concept Plan and Development Agreement for his entire property.

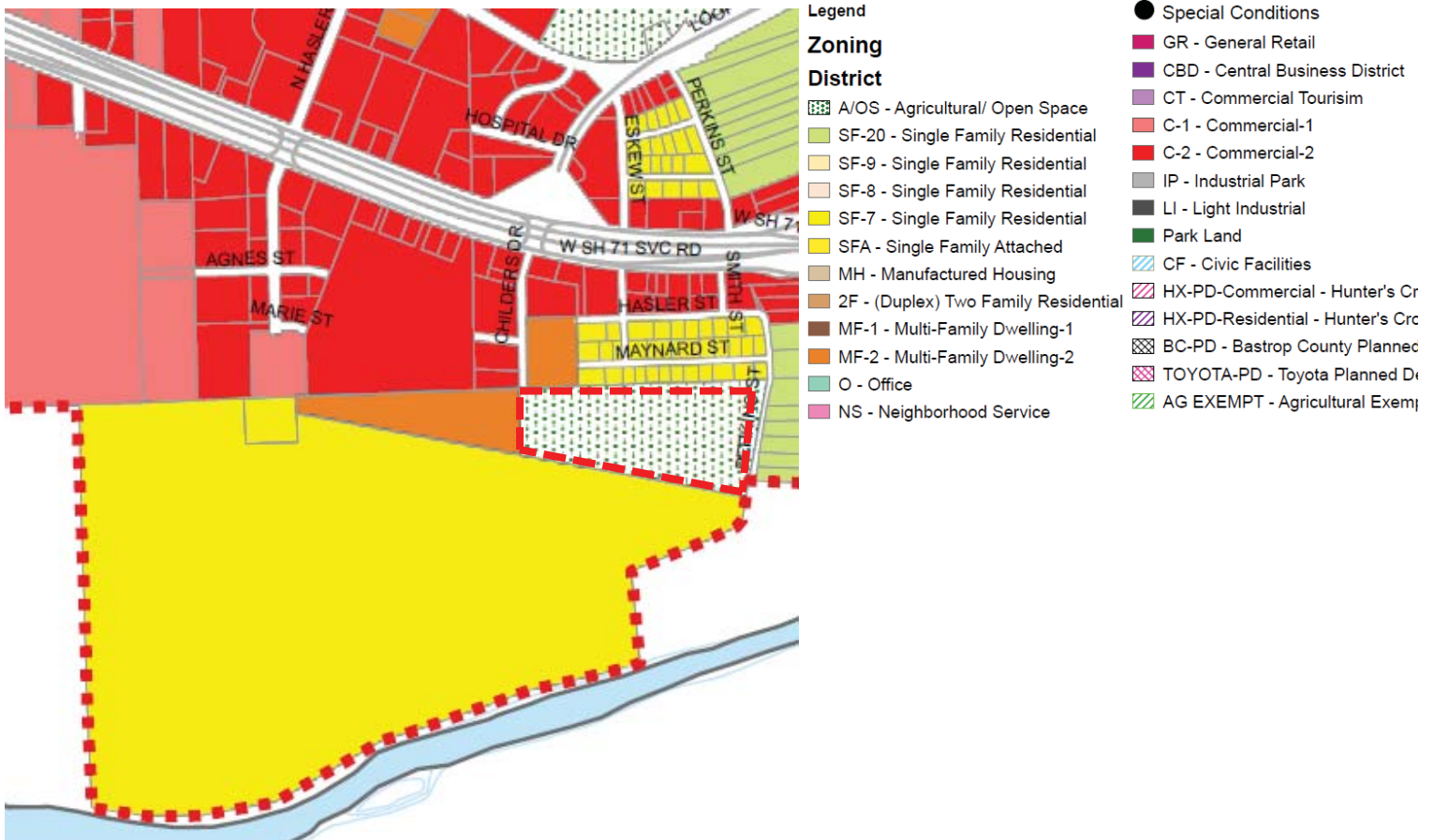
This property was previously part of a 37.54 acre rezoning request in September 2008 for MF-2 that was denied by City Council. The owners/applicants have come back with a proposed layout and design for a PD, Planned Development District. This PD would apply to Section 5 of the overall proposed Pecan Park Development. The owner would like to modify the current SF-7, Single Family Residential-7, Zoning district front and interior side yard setbacks. The remaining provisions of the zoning district would remain unchanged or exceed the minimums of SF-7.

The following chart depicts general lot size and zoning minimums for SF-7 and the proposed PD, Pecan Park district requirements.



**Surrounding Zoning and Land Uses:**

| Location                   | Zoning                                              | Future Land Use Plan |
|----------------------------|-----------------------------------------------------|----------------------|
| North (Residential)        | SF-7, Residential                                   | Residential          |
| South (Vacant, same owner) | SF-7, Residential                                   | Agricultural/Rural   |
| East (Residential)         | SF-20, Residential                                  | Residential          |
| West (Vacant, same owner)  | AOS, Agricultural Open Space<br>(applying for MF-2) | Agricultural/Rural   |

**Existing Zoning Map**



### Future Land Use Map



#### Comprehensive Plan Conformance:

The City's Comprehensive Plan, adopted by Bastrop City Council on May 8, 2001, serves as a guide for land use policy decisions to be made by the City. State law requires that zoning regulations are in conformance with the City's Comprehensive Plan. The Land Use chapter of the Comprehensive Plan



establishes land use policy priorities and goals for the City's future development. In establishing these policies, the Comprehensive Plan divides the community into various land use categories.

The Subject Tract is designated on the future Land Use Plan map as Agricultural/Rural Development.

Agriculture and Rural Development (Beige)

Cultivated cropland, orchards/vineyards, pasture and sparsely populated areas that are still distinct from more urbanized areas

**Comments:** Thirty-Eight (38) adjacent property owner notifications were mailed 2/14/13. Four (4) public comments have been received two (2) in favor of the request and two (2) in opposition.

**Staff Basis of Approval:**

Generally staff supports the idea of alternating front setbacks and reduced side setbacks. The fire department is supportive of the 15 feet (7.5 feet of side-yard setback) between structures. This Section 5 of Pecan Park is proposing to preserve open space and provide needed connection between Perkins and Childers Streets.

**Staff Recommendation:** Staff recommends the approval of the requested zoning change from AOS, 'Agricultural Open Space' to PD, 'Planned Development' for +/-26.25 acres, out of the Mozea Rousseau Survey, Abstract No. 56. The property is located south of Childers Drive within the corporate limits of Bastrop, Texas to be known as Section 5 of Pecan Park Subdivision.

**City Contact:**

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

**Attachments:**

Letter from property owner request, detailed exhibits, and surrounding property owner responses.



February 5, 2013

Ms. Melissa McCollum, AICP, LEED AP  
Director of Planning & Development  
1311 Chestnut  
Bastrop, Texas 78602

Re: River's Bend at Pecan Park, Section 5 – Zoning Request

Ms. McCollum,

We appreciate the opportunity to present this Section 5 of our proposed residential development in Pecan Park for the City's Zoning Approval. The residential areas of our development are currently being marketed as *River's Bend at Pecan Park*.

Section 5 is approximately 26.25 acres located southeast of the terminus of Childers Street and along the rear of the existing homes along Maynard Street and adjacent to Perkins Street. The property is currently zoned "A/OS- Agricultural/Open Space" and we are requesting the City's PD, Planned Development District Zoning for individually platted residential lots.

We appreciate that your ordinance recognizes innovation in design and flexibility that would facilitate an attractive development with park areas and trails and variable setback provisions. The use that we propose is for conventional single-family home development. We agree with your ordinance that variable setbacks enhance the look of the area and we hope to "stagger" building front setbacks to accomplish that goal. At minimum, there must be a front building setback change (between the allowed 20'-25') on every fourth lot. I have provided a Lot Standards exhibit which may help one to visualize that look; reflecting how 20-25' front setbacks might look. That same exhibit shows our intent to vary home elevation repetition to further insure the desired look of the development. All plans and exterior selections, home elevations and landscaping plans will need to be pre-approved by the Subdivision's Architectural Design Committee. A Property Owners Association will be established to further control the development and to help insure the overall look and maintenance of the area. As noted on the attached Conceptual Lotting Plan, 2.29 acres of Section 5 will be landscape/open space. There will also be trailheads leading to the Development's greenbelts and internal trail system.

Our proposed 65' width lots and 7.5' side setbacks will enable construction of 50' wide home product. Those factors will allow design flexibility for home interiors, home elevations and roof designs. We feel that flexibility with building front setbacks between 20'-25' will enhance the overall street appeal. Our Architectural Committee will control, dependent upon the unit type and elevations of the homes proposed to help insure the desired streetscape look for the development. Photographs and the Lot Standards exhibit are provided to help clarify what we have proposed. The "House Elevation Repetition" key provided will establish the minimum of what will be acceptable; however, the Developer and Architectural Control Committee will evaluate each house plan, elevation, masonry & color selection as they are presented for approval.



To better facilitate an understanding of our request, a conceptual plan for the entire residential development and a detailed site plan for Section 5 is provided. Section 5 is located outside of any flood prone area as on our property surveys and FEMA maps. Section 5 will consist of approximately 91 individual single-family platted lots, which may likely be developed in two phases. As requested by the City, our roadway connections have been designed to connect with Childers and Perkins Street. Internal streets will be constructed to current City roadway and street lighting requirements. City public water and wastewater will service the property with connection points adjacent to the Hampton Inn. The decision to extend gas lines to the area has not been finalized.

A summary of the development standards requested for Section 5 are provided as well as the standards for the City's "SF-7" zoning code as per your request.

Permitted Use:

Single Family detached dwelling "SF-7" Code; same

Minimum Dwelling

Unit Area: 1,200 square feet "SF-7" Code; 1,000 square feet

Maximum Height:

2 ½ stories for the main structure; "SF-7" Code; same  
1-story for accessory buildings.  
Overall height limitation -35'.

Parking –

A minimum of a two (2) enclosed "SF-7" Code; a minimum of two (2)  
car garage within building covered spaces behind the front  
setback lines building line on the same lot as the  
main structure.

Size of Lots:

Minimum Lot Area – 7,800 square feet "SF-7" Code; 7,000 square  
feet  
Minimum Lot Width – 65 feet "SF-7" Code; 60 feet  
Minimum Lot Depth – 120 feet "SF-7" Code; 110 feet

Size of Lots:

Minimum Front Yard –20 feet\* "SF-7" Code; 25 feet  
Minimum Interior Side Yard –7.5 feet "SF-7" Code; 10 feet  
Minimum Exterior Side Yard –15 feet "SF-7" Code; 15 feet  
Minimum Rear Yard –15 feet "SF-7" Code; 15 feet

\* At minimum, there must be a front building  
setback change (between the allowed 20'-25')  
on every fourth lot. There will be some  
flexibility as may be necessary for  
cul-de-sac or corner lots.



Maximum Lot Coverage:

50% by main buildings and accessory "SF-7" Code; same  
buildings, including swimming pool

I sincerely appreciate your assistance with this zoning request. Please let me know if you have any questions or if there is any additional information that may be required. Once you have reviewed our exhibits, I would be glad to provide an electronic file for your use.

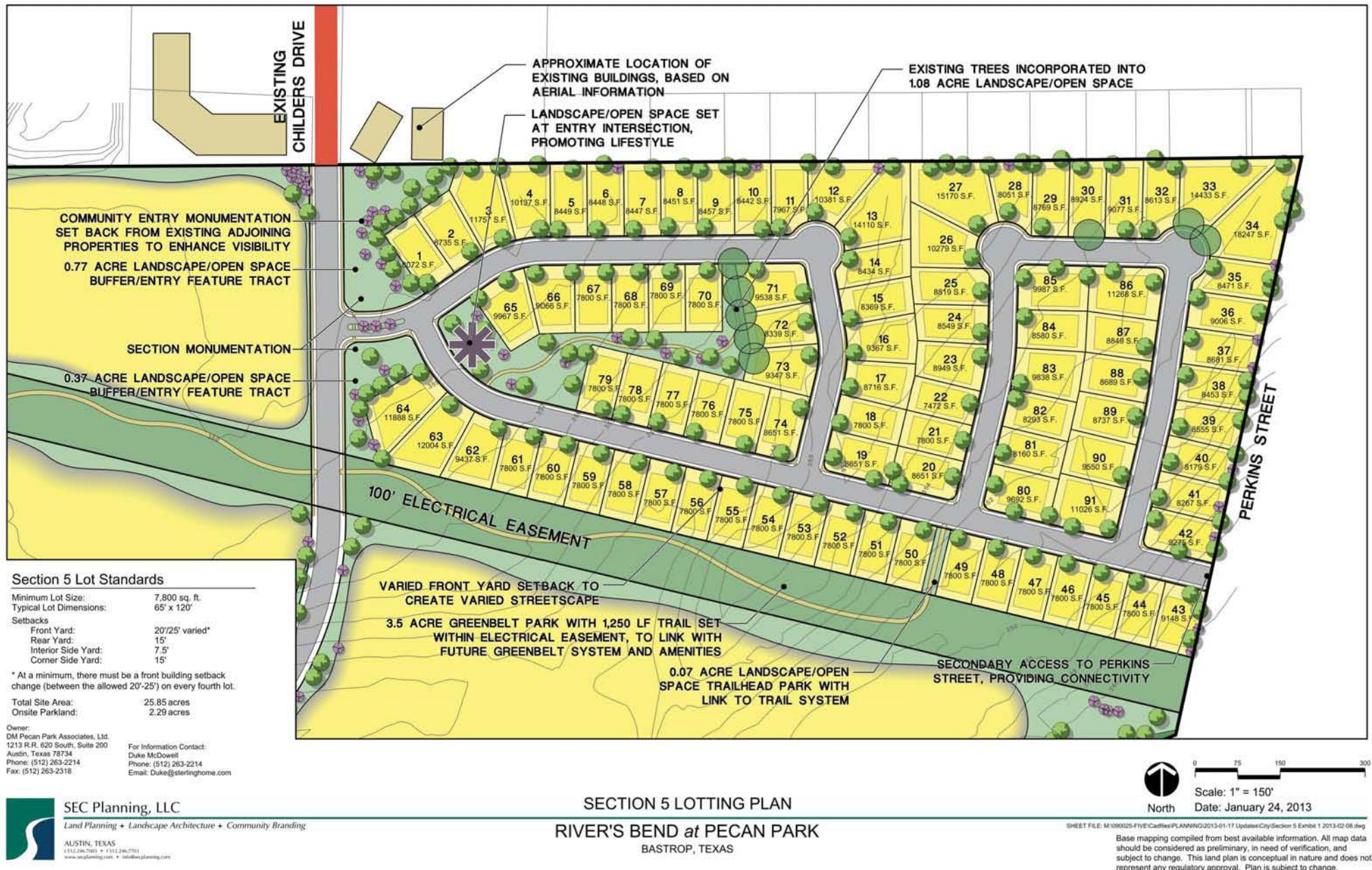
Thank you again,

Duke McDowell  
Owner/Manager  
[duke@pecanparkbastrop.com](mailto:duke@pecanparkbastrop.com)  
cell (512) 845-3552

Attachments

Zoning Application Fee  
Zoning Application  
Pecan Park Conceptual Plan  
Section 5 Lotting Plan  
Section 5 Lot Standards  
Photographs (*for visual comparisons*)





## Section 5 Lot Standards

Minimum Lot Size: 7,800 sq. ft.

Typical Lot Dimensions: 65' x 120'

### Setbacks

Front Yard: 20'/25' varied\*

Rear Yard: 15'

Interior Side Yard: 7.5'

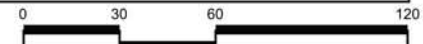
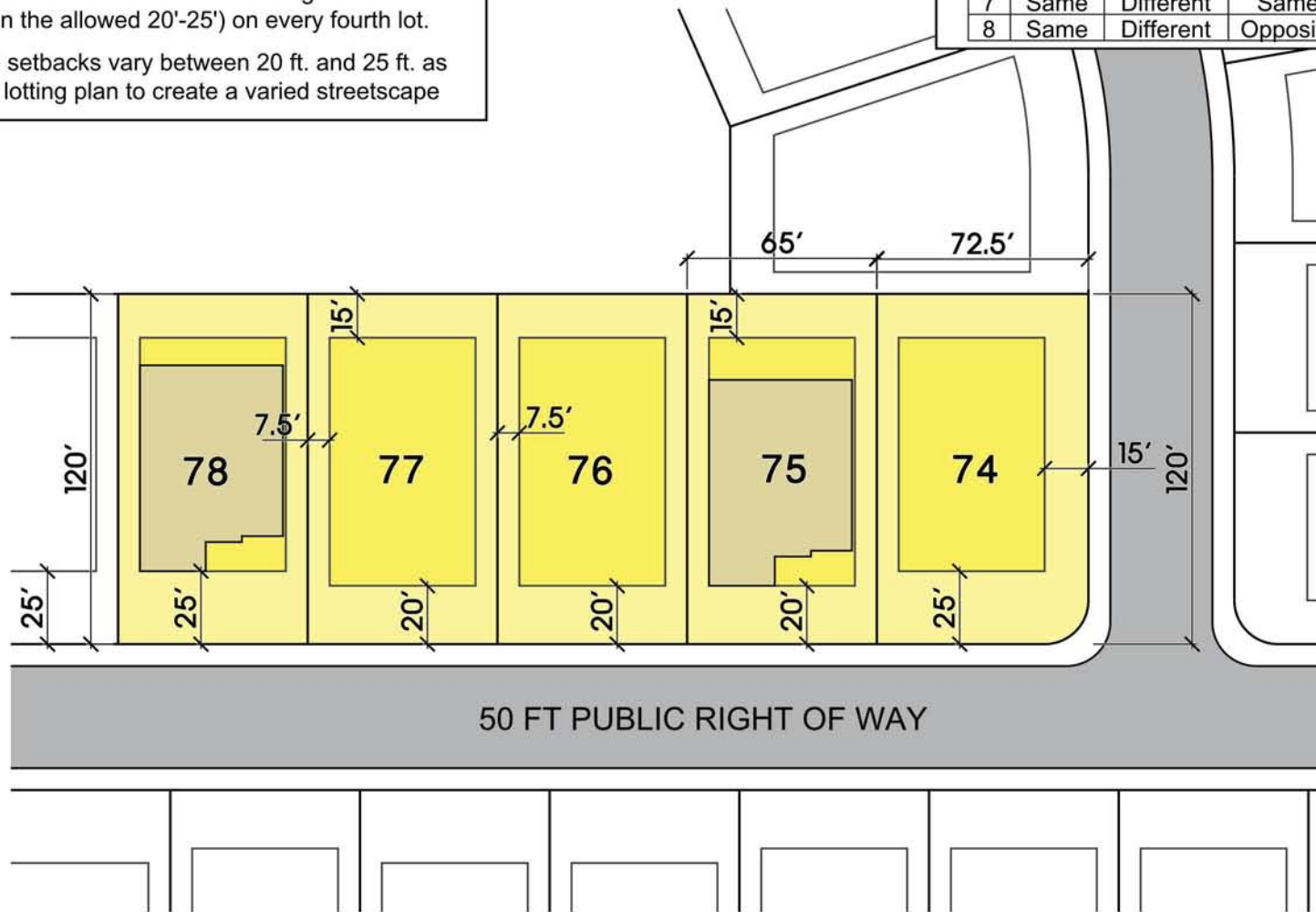
Corner Side Yard: 15'

\* At a minimum, there must be a front building setback change (between the allowed 20'-25') on every fourth lot.

Note: Front yard setbacks vary between 20 ft. and 25 ft. as identified on the lotting plan to create a varied streetscape

## House Elevation Repetition:

|   | House Plan | Elevation | Side of Street | Masonry Material & Color | Number of Lots Separation |
|---|------------|-----------|----------------|--------------------------|---------------------------|
| 1 | Same       | Same      | Same           | Same                     | 2                         |
| 2 | Same       | Same      | Opposite       | Same                     | 2                         |
| 3 | Same       | Same      | Same           | Different                | 2                         |
| 4 | Same       | Same      | Opposite       | Different                | 2                         |
| 5 | Same       | Different | Same           | Same                     | 2                         |
| 6 | Same       | Different | Opposite       | Same                     | 2                         |
| 7 | Same       | Different | Same           | Different                | 2                         |
| 8 | Same       | Different | Opposite       | Different                | 2                         |



Scale: 1" = 60'

Date: January 24, 2013



SEC Planning, LLC

Land Planning + Landscape Architecture + Community Branding

AUSTIN, TEXAS

t 512.246.7003 + f 512.246.7703

www.secplanning.com + info@secplanning.com

## SECTION 5 LOT STANDARDS

## RIVER'S BEND at PECAN PARK

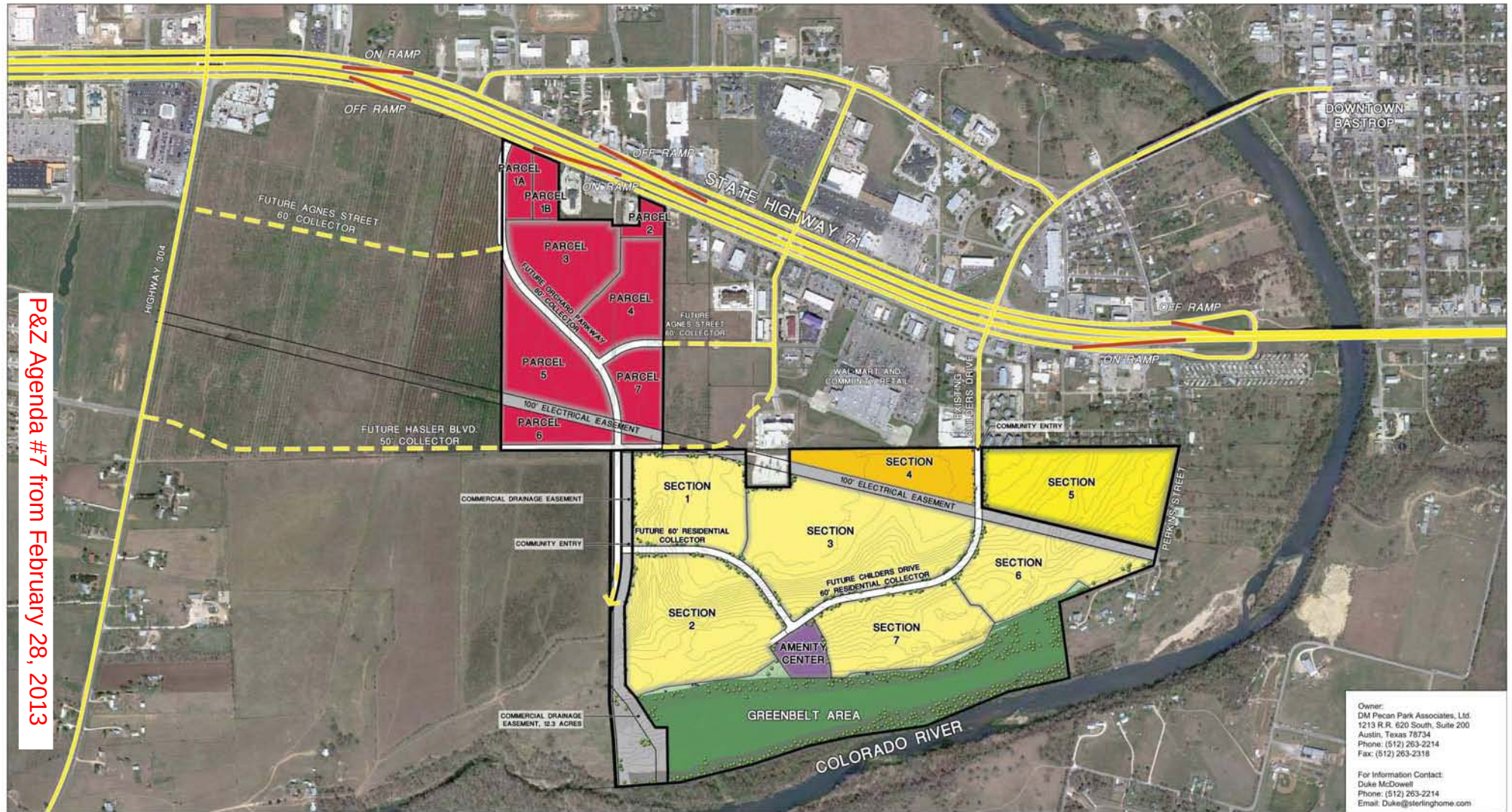
BASTROP, TEXAS

P&Z Agenda #7 from February 28, 2013

SHEET FILE: M:\090025-FIVE\Caddres\PLANNING\2013-01-17 Updates\City\Section 5 Exhibit 2 Lot Standards 2013-02-08.dwg

Base mapping compiled from best available information. All map data should be considered as preliminary, in need of verification, and subject to change. This land plan is conceptual in nature and does not represent any regulatory approval. Plan is subject to change.





SEC Planning, LLC

Land Planning + Landscape Architecture + Community Branding

AUSTIN, TEXAS  
1-512-296-7001 • 1-512-296-7703  
www.secplanning.com • info@secplanning.com

CONCEPTUAL PLAN

PECAN PARK  
BASTROP, TEXAS

North

0 400 800 1600

Scale: 1" = 800'

Date: January 24, 2013

SHEET FILE: C:\090025-FIVE\Cadline\PLANNING\2013-01-17 Updates\City\Overall Concept Plan 2013-01-18.dwg

Base mapping compiled from best available information. All map data should be considered as preliminary, in need of verification, and subject to change. This land plan is conceptual in nature and does not represent any regulatory approval. Plan is subject to change.



P&Z Agenda #7 from February 28, 2013



40' Product w/10' Side Setbacks





40' Product w/10' Side Setbacks



40' Product w/10' Side Setbacks

**SOLD**  
BRIDGTON  
American Dream



P&Z Agenda #7 from February 28, 2013



40' Product w/10' Side Setbacks



50' Product





50' Product



50' Product





50' Product

**PROPERTY OWNER'S RESPONSE**

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

☒ I am in favor to the request.

☐ I am opposed to the request.

Property Owner Name: Michele Tagliabue

Property Address: 503 Perkins

Phone (optional): \_\_\_\_\_

Mailing Address: 503 Perkins, Bastrop, Tx

Email (optional): \_\_\_\_\_

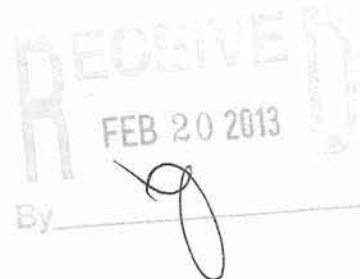
Property Owner's Signature: Michele Tagliabue

Comments: (Optional)

Please provide reply to:

The Planning and Development Department  
City of Bastrop, P.O. Box 427, Bastrop, Texas 78602  
or via fax (512) 332-8849

Zoning Change: AOS to PD, +/-26.25 acres, notices mailed out February 14, 2013.





**NOTICE OF PUBLIC HEARINGS  
PLANNING AND ZONING COMMISSION AND CITY COUNCIL**

Dear Property Owner:

The **Bastrop Planning and Zoning Commission** will conduct a public hearing **Thursday, February 28, 2013** at 6:00 p.m., and the **Bastrop City Council** will conduct a public hearing (first reading) at 6:15 p.m. on **Tuesday, March 12, 2013** and have a second reading (not a public hearing) on **Tuesday, March 26, 2013** at 6:15 p.m. in the Bastrop City Council Chambers, 1311 Chestnut Street, Bastrop, Texas to consider a zone change from AOS, Agricultural Open Space to PD, Planned Development for approximately 26.25 acres out of the Mozea Rousseau Survey, Abstract No. 56. The property is located south of Childers Drive within the city limits of Bastrop, Texas to be known as Section 5 of Pecan Park Subdivision. **A site location map is included with this notice and letter of request for zoning.**

Applicant: DM Pecan Park Associates, LTD

The property being considered is described as follows:

Legal Description: +/-26.25 acres out of the Mozea Rousseau Survey, Abstract No. 56.

As a property owner within 200' of the above referenced property, you are being notified of the public hearings and invited to attend to express your opinion. Responses and letters, either in support or opposition to this request, must be received at the Planning and Development Department prior to the scheduled public hearings or call (512) 332-8840.

X  
X

**PROPERTY OWNER'S RESPONSE**

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

- ☒ I am in favor of the request.  
☐ I am opposed to the request.

Property Owner Name: David Shuler  
Property Address: 113 W. Myrland Phone (optional): 512-286-8552  
Mailing Address: 1225 Garbure St. Austin TX 78757 Email (optional): \_\_\_\_\_  
Property Owner's Signature: David Shuler  
Comments: (Optional) \_\_\_\_\_

Please provide reply to: The Planning and Development Department  
City of Bastrop, P.O. Box 427, Bastrop, Texas 78602  
or via fax (512) 332-8849

Zoning Change: AOS to PD, +/-26.25 acres, notices mailed out February 14, 2013.

RECEIVED  
FEB 15 2013  
By [Signature]

**NOTICE OF PUBLIC HEARINGS  
PLANNING AND ZONING COMMISSION AND CITY COUNCIL**

Dear Property Owner:

The **Bastrop Planning and Zoning Commission** will conduct a public hearing **Thursday, February 28, 2013** at 6:00 p.m., and the **Bastrop City Council** will conduct a public hearing (first reading) at 6:15 p.m. on **Tuesday, March 12, 2013** and have a second reading (not a public hearing) on **Tuesday, March 26, 2013** at 6:15 p.m. in the Bastrop City Council Chambers, 1311 Chestnut Street, Bastrop, Texas to consider a zone change from AOS, Agricultural Open Space to PD, Planned Development for approximately 26.25 acres out of the Mozea Rousseau Survey, Abstract No. 56. The property is located south of Childers Drive within the city limits of Bastrop, Texas to be known as Section 5 of Pecan Park Subdivision. A **site location map is included with this notice and letter of request for zoning.**

Applicant: DM Pecan Park Associates, LTD

The property being considered is described as follows:

Legal Description: +/-26.25 acres out of the Mozea Rousseau Survey, Abstract No. 56.

As a property owner within 200' of the above referenced property, you are being notified of the public hearings and invited to attend to express your opinion. Responses and letters, either in support or opposition to this request, must be received at the Planning and Development Department prior to the scheduled public hearings or call (512) 332-8840.

X  
X

**PROPERTY OWNER'S RESPONSE**

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

- ☐ I am in favor to the request.  
☒ I am opposed to the request.

Property Owner Name: Donald & Anna Marie Littrell

Property Address: 702 Perkins St, Bastrop

Mailing Address: 702 Perkins St, Bastrop

Phone (optional): \_\_\_\_\_

Email (optional): amlittrell@austin.cc.com

Property Owner's Signature: Anna Marie Littrell

Comments: (Optional)

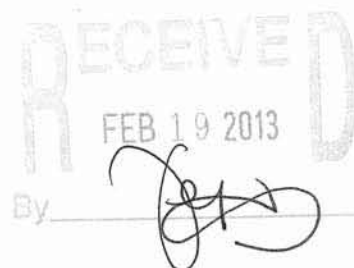
See attached

Please provide reply to:

The Planning and Development Department  
City of Bastrop, P.O. Box 427, Bastrop, Texas 78602  
or via fax (512) 332-8849

Zoning Change: AOS to PD, +/-26.25 acres, notices mailed out February 14, 2013.

1 of 2



We live directly across from the proposed development and are not opposed to the development in general. However, we are adamantly opposed to the entrance into the development on Perkins St. We moved from Florida in 2012 and purchased the home at 702 Perkins St because of the quietness and quaintness of the area; specifically the street. In our opinion, the developer can access the proposed area from another entrance.

Also, as discussed with City Planning staff on February 19<sup>th</sup>, we did not receive notice of the proposed zoning change. Please add our contact information to your mailing list for future correspondence.

Thanks!

Don & AnnaMarie Littrell  
702 Perkins St  
Bastrop, TX 78602



2 of 2



**NOTICE OF PUBLIC HEARINGS  
PLANNING AND ZONING COMMISSION AND CITY COUNCIL**

Dear Property Owner:

The **Bastrop Planning and Zoning Commission** will conduct a public hearing **Thursday, February 28, 2013** at 6:00 p.m., and the **Bastrop City Council** will conduct a public hearing (first reading) at 6:15 p.m. on **Tuesday, March 12, 2013** and have a second reading (not a public hearing) on **Tuesday, March 26, 2013** at 6:15 p.m. in the Bastrop City Council Chambers, 1311 Chestnut Street, Bastrop, Texas to consider a zone change from AOS, Agricultural Open Space to PD, Planned Development for approximately 26.25 acres out of the Mozea Rousseau Survey, Abstract No. 56. The property is located south of Childers Drive within the city limits of Bastrop, Texas to be known as Section 5 of Pecan Park Subdivision. **A site location map is included with this notice and letter of request for zoning.**

Applicant: DM Pecan Park Associates, LTD

The property being considered is described as follows:

Legal Description: +/-26.25 acres out of the Mozea Rousseau Survey, Abstract No. 56.

As a property owner within 200' of the above referenced property, you are being notified of the public hearings and invited to attend to express your opinion. Responses and letters, either in support or opposition to this request, must be received at the Planning and Development Department prior to the scheduled public hearings or call (512) 332-8840.

✂  
✂

**PROPERTY OWNER'S RESPONSE**

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

☐ I am in favor of the request.

☒ I am opposed to the request.

Property Owner Name: Robert Miller

Property Address: 120 MAYNARD ST

Phone (optional): \_\_\_\_\_

Mailing Address: 101 Hwy 71 West

Email (optional): \_\_\_\_\_

BASTROP TX 78602

Property Owner's Signature: Robert Miller

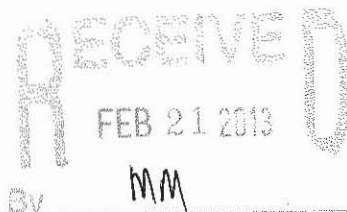
Comments: (Optional)

Please provide reply to:

The Planning and Development Department  
City of Bastrop, P.O. Box 427, Bastrop, Texas 78602  
or via fax (512) 332-8849

Zoning Change: AOS to PD, +/-26.25 acres, notices mailed out February 14, 2013.

P&Z Agenda #7 from February 28, 2013





## Meeting Minutes

The City of Bastrop Planning and Zoning Commission met Thursday, February 28, 2013 at 6:00 p.m. in the Bastrop City Council Chambers, 1311 Chestnut Street, Bastrop, Texas.

**1. Call to order.**

Lisa Patterson called the meeting to order at 6:00 p.m.

**2. Roll call and confirmation of a quorum of Commission members.**

|                  |         |
|------------------|---------|
| Richard Kindred  | Present |
| Kristi Koch      | Present |
| Christy Kosser   | Present |
| Debbie Moore     | Present |
| Lisa Patterson   | Present |
| Bryan Whitten    | Present |
| Tish Winston     | Present |
| Connie Schroeder | Present |

**3. Citizen comments.**

There were no citizen comments.

**4. Consider, discuss and/or approve the Planning and Zoning Commission meeting minutes of February 28, 2012.**

Connie Schroeder made a motion to approve the meeting minutes for February 28, 2012, pending the following amendments be added to the minutes; the historic status statement made by Kay Wesson be changed to read the museum is 'designated as a State Historic designation, but did not have a National or Local Historic designation', page numbers be added to the minutes, and the correction of some grammatical errors (to be given via email by the Commission members). Richard Kindred seconded the motion and the motion carried unanimously.

Lisa Patterson adjourned the Planning and Zoning Commission from its regular session into executive session at 6:05 pm.

The Planning and Zoning Commission adjourned from its executive session and reconvened into its regular session at 6:45 pm.

**5. ZO13-03: Public Hearing: Discussion and possible action on a requested zoning change from Park ("P") to Office for +/-0.703 acres, within Building Block 17 West of Water Street, including a portion of the original right-of-way of Walnut St. (according to Iredell Map), the property to be rezoned is also known as 702 Main Street, within the municipal limits of Bastrop, Texas.**

AND

6. **ZO13-02: Public Hearing: Discussion and possible action on a request for a zone change to Office "O" for +/-2,784 square feet, being a portion of a to-be-abandoned right-of-way locally known as Austin Street (see Iredell Maps- Volume G, Page 252), which is adjacent to the south line of Building Block 17, West of Water and West of Main and being across an unplatted portion of the City of Bastrop, also referred to as "Bastrop Commons", within the municipal limits of Bastrop, Texas.**

Lisa Patterson recused herself from agenda items #5 and #6.

Christy Kosser took control of the dais.

Melissa McCollum addressed the Commission stating the reason this item was being brought back before the Commission, was because of a mistake that was made on the previous zoning map, which showed the museum as being partially zoned Office and Parkland, when it in-fact is all zoned Parkland. She stated City Council had given the go ahead with this City initiated zoning. She explained to the Commission the Future Land Use Map has this area identified as Semi-Public Institutional.

Melissa McCollum distributed the notifications that were received after the Planning and Zoning Commission packets were sent out, and had not yet been given to the Commissioners.

Melissa McCollum stated staff was recommending approval of the museum property zoning be changed to Office from Parkland.

Christy Kosser asked the Commission if they would be in favor of hearing agenda items #5 and #6 together and then voting on them separately. The Commission responded they would be in favor of that.

Richard Kindred asked how the Commission was going to distinguish which items citizens were commenting on when they approached the Commission to speak. JC Brown stated the Commission could solve that problem by asking the citizens to distinguish which agenda item they are speaking on for the record.

Melissa McCollum addressed the Commission stating agenda item #6 was also being brought back before the Commission, because it also had some technical errors on the first zoning map of this property which was brought before the Commission in January. She stated the City Council had given the go ahead on this City initiated zoning as well. Melissa McCollum informed the Commission that Council is looking at abandoning the entire portion of Austin Street, and then selling to the Historical Society only the portion of Austin Street which the museum encroaches upon. In order for the museum to then be able to sell this as one piece of property to a buyer, they would need to have one zoning classification for this property, which is why the City was asking for the upgrade in the zoning classification on this item as well.

Melissa McCollum distributed the notifications that were received after the Planning and Zoning Commission packets were sent out, and had not yet been given to the Commissioners.

Melissa McCollum stated staff at this time was recommending approval of a portion of the Austin Street right-of-way be zoned to Office.

Christy Kosser opened up the floor for public comment.

Julie Hart, resident of 703 Main Street, addressed the Commission stating her comments would apply to both agenda items #5 and #6. She stated she was in opposition to the both requests for a zone change. She stated she was the only actual property owner, who resided on the premises that had responded to the request for a zone change. The other property owners who had responded in favor did not actually live on the surrounding parcels. Julie Hart said she did not believe the Office zoning was appropriate in the residential area, and went on to list different uses from the use chart that would be allowed if this rezone was granted. She stated she was not against the current use of the building, and would be more comfortable with discussing a zone change if there was a definitive use being discussed instead of an open range of potential uses. Julie Hart then read aloud a portion of the Comprehensive Plan from her attached response handed to the Commissioners. She stated she would prefer this property not be rezoned to Office, until further discussion could take place on exactly what would be going onto that piece of property. Waiting would allow it to be a utilized space but also fit in well with the surrounding fabric of the neighborhood. Her final concern in accordance with the Comprehensive Plan, when abutting to a residential area, there is a provision to keep intact some sort of buffer. A buffer would avoid continually encroaching into the neighborhood and protect the fabric of residential neighborhoods. This rezoning in her opinion had the opposite is happening, and the buffer was being used for justification for a continued encroachment into a residential neighborhood.

Christy Kosser stated for the record that Julie Hart was speaking for both agenda items #5 and #6.

Paula Pate, resident of 703 Main Street, addressed the Commission stating she wanted to go record stating she also opposed agenda items #5 and #6. She stated her concerns had been already addressed by Julie Hart.

Richard Kindred asked Julie Hart what her understanding of the Comprehensive Plan is. Julie Hart stated to her knowledge the Comprehensive Plan was adopted around 2000 by the City of Bastrop, and it is to her understanding State Law requires all Land Use decisions be made in accordance to the Comprehensive Plan. Richard Kindred stated he asked her that because he wanted to know if she was suggesting the Commission follow the Comprehensive Plan. Julie Hart replied yes, and she hoped the Commission had the same understanding she has about its interpretation.

Christy Kosser closed the public hearing.

Connie Schroeder asked Melissa McCollum to clarify the difference between the Comprehensive Plan and the Future Land Use Map. Melissa McCollum replied the Future Land Use Map is actually a chapter or element of the Comprehensive Plan, and a guiding tool in the Comprehensive Plan.

Connie Schroeder asked Melissa McCollum if she could pull up the map which listed the surrounding properties current uses. Melissa McCollum did as requested and stated this map was put together to show existing land uses, and was not directly related to the Future Land Use Map nor the zoning districts. Connie Schroeder stated when she goes to the map showing the current surrounding land uses map she, even though there are some properties in the current Office zoning which are being used as residences, she noticed when she looked further down the map, Mina Lodge is located on a piece of property zoned Single Family Residential, which on the Future Land Use Map is zoned Semi-Public Institutional. She stated she thought it was interesting that the City was able to zone that Single Family Residential while still having the Mina Lodge exist as a use there. Connie Schroeder stated she would like to propose since the museum is zoned Parkland, which is technically a non-defined zoning district but an existing land use; her proposal would be in order to be consistent with the Single Family that is around it, to make a motion to reduce the zoning to Single Family-7, with a grandfathered use of

the building that is currently on it, much like Mina Lodge. This way the museum could sell it, and if someone bought the property, and wanted to do something on it that a Conditional Use Permit did not cover in the Single Family District, they could come before the Commission with a definitive plan as to why they needed an upgrade in their zoning classification. Connie Schroeder concluded, her concern is if the Commission granted this zoning request, then essentially they are giving their blessing for this particular zoning district and opening it up to whatever uses are allowed in the Office zoning district.

JC Brown addressed the Commission stating from a procedural standpoint it was not appropriate to be having this conversation, and the recommendation would not be able to have a motion made on it, since the agenda that was posted did not read "for Office or a lesser zoning district". She stated it is possible for you to downgrade the zoning if it reads "for Office or a lesser zoning", but she believed in this instance since the applicant is the City but the owner is the Historical Society, that is why the agenda did not read this way; since that is a conversation that would first need to be had between the applicant and the owner. JC Brown also informed the Commission if this motion did have a favorable consensus among them, the Commission could in-fact table the item, and bring it back before the Commission once it was listed differently on the agenda.

Kristi Koch stated the staff recommendation for the Office zoning makes sense, fits in with the surrounding area, and has the support of the neighboring property owners.

Connie Schroeder made a motion to table both items, so the applicant and owners could have the discussion about the possibility of requesting a zone change for Office or a lesser zoning district.

Discussion commenced between the Commission.

Christy Kosser asked for specification if this motion was for both agenda items. Connie Schroeder stated the motion was for both items.

Item 6:

Connie Schroeder made a motion to table the request for a zoning change from Park "P" to Office "O" for +/-0.703 acres. Richard Kindred seconded the motion. The motion failed with a vote of 2-5 with Connie Schroeder and Richard Kindred in favor and Kristi Koch, Bryan Whitten, Christy Kosser, Debbie Moore and Tish Winston opposed to tabling the request for a zoning change from Park "P" to Office "O" for +/-0.703 acres. Lisa Patterson abstained.

Item 7:

Connie Schroeder made a motion to table the request for a zone change to Office "O" for +/-2,784 square feet, being a portion of a to-be-abandoned right-of-way locally known as Austin Street. Richard Kindred seconded the motion. The motion failed with a vote of 2-5 with Connie Schroeder and Richard Kindred in favor and Kristi Koch, Bryan Whitten, Christy Kosser, Debbie Moore, and Tish Winston opposed to tabling the request for a zone change to Office "O" for +/-2,784 square feet. Lisa Patterson abstained.

Christy Kosser called for a new motion.

Item 6:

Kristi Koch made a motion to recommend approval of a request for a zoning change from Park "P" to Office "O" for +/-0.703 acres. Bryan Whitten seconded the motion. The motion carried with a vote of 5-2 with Kristi Koch, Bryan Whitten, Christy Kosser, Tish Winston, and Debbie Moore in favor and Connie



Schroeder and Richard Kindred opposed to the recommendation for a zoning change from Park "P" to Office "O" for +/-0.703 acres. Lisa Patterson abstained.

Item 7:

Kristi Koch made a motion to recommend approval of a request for a zone change to Office "O" for +/-2,784 square feet, being a portion of a to-be-abandoned right-of-way locally known as Austin Street. Bryan Whitten seconded the motion. The motion carried with a vote of 5-2 with Kristi Koch, Bryan Whitten, Christy Kosser, Tish Winston, and Debbie Moore in favor and Connie Schroeder and Richard Kindred opposed to the recommendation for a zone change to Office "O" for +/-2,784 square feet. Lisa Patterson abstained.

Christy Kosser turned the dais back over to Lisa Patterson.

**7. Z013-04: Public Hearing: Discussion and possible action on a request for a zoning change from AOS, 'Agricultural Open Space' to PD, 'Planned Development' for +/-26.25 acres, out of the Mozea Rousseau Survey, Abstract No. 56. The property is located south of Childers Drive within the corporate limits of Bastrop, Texas to be known as Section 5 of Pecan Park Subdivision.**

Melissa McCollum addressed the Commission stating there was a notification received at 5:35 pm right before the meeting which she would be passing out.

Melissa McCollum stated the applicant was requesting a zone change to Planned Development, so they could negotiate with the City, on what some of the lot requirements would be for these single family lots. Melissa McCollum explained to the Commissioners the applicant was requesting to modify the front yard and side yard setbacks through the Planned Development zoning district.

Melissa McCollum stated this area was currently zoned Agricultural Open Space, and surrounded by Single Family Residential-7, Single Family Residential-20, and Commercial properties. She stated the applicant had provided a proposed schematic plan, which stated the applicant would be requesting a reduced side setback of a total of 15 feet in between each structure instead of the traditional 20 feet between structures, to have a 50 foot wide product instead of the traditional 60 foot front, and to have a staggering placements of the houses on the property for an aesthetic appeal.

She stated staff is in support of this request and that the fire chief had also approved of the conceptual layout as well.

Lynn Alderson, the agent for the applicant, addressed the Commission stating the only additional point he was going to make was since this had already come before the Commission twice was; at one time the developer had tried to get this tract rezoned in a single rezoning case to Multi-Family but it was denied, then last year the applicant was going bring before the Commission a zoning case for Multi-Family to allow a 50 foot lot width, but withdrew it after meeting with staff, and since then the developer has conducted more research and found that the staggering front lots are very desirable right now, and by reducing the setback width to 50 feet from 60 feet. When building these units with staggering front yards, you are able to achieve a very attractive development. He stated this particular request would be addressing the final zoning need and is a separate issue from the plat.

Christy Kosser asked if there are any special easements going through this parcel the Commission should be aware of. Lynn Alderson stated there were not.

Duke McDowell addressed the Commission stating he would like the Commission to be mindful of the overall feel, he as the developer, was trying to achieve by altering the setback requirements. He also showed the Commission two different photos of two different products, and showcased how the product with the tighter widths for the front and side-yard and deeper front yard setback had a better overall appeal than the product which had larger widths for the front and side-yard and a more shallow front yard setback.

Janyce Taylor, resident of 110 Maynard Street, addressed the Commission stating she did not have a question about the zoning, but about the temporary fencing that is surrounding this particular piece of property. Lisa Patterson informed her that since that was not a topic of discussion listed on the agenda the Commission could not hold conversation on it tonight; however she encouraged Janyce Taylor to go and speak with the developer about her concern.

Jacob Henry, resident of 716 Perkins Street but not within the surrounding 200 feet and not a resident of the City Limits, addressed the Commission stating he was in favor of passing Pecan Parks zoning request with the exception to the street entrance onto Perkins Street with his reasons being; majority of existing landowners approved the zoning proposal but objected to the proposed entrance onto Perkins Street, Perkins Street was not designed for additional traffic, devaluing of existing riverfront properties, it would increase ability to illegally access the Colorado River, all traffic would have to "double back" 180 degrees to access any part of Highway 71, all traffic would be funneled through the Childers & Highway 71 intersection, and it is a safety issue. He concluded by proposing the entrance to Perkins Street be removed and lots #43 and #44 be converted to cul-de-sac lots.

Lisa Patterson informed Jacob Henry that this topic was not listed on the agenda as an item for discussion, and also was not a part of the zoning but a part of the subdivision process, and the Commission could no longer entertain any discussion on these concerns. She did recommend he talk to the developer about his concerns.

Kenneth Fiebrich, resident of 714 Perkins Street, stated he wanted to go on record stating he was in agreement with what Jacob Henry had stated before the Commission.

Kathy Thomas, resident of 712 Perkins Street, stated since this hearing was not about the street access on Perkins Street she would just like to make mention she concurred with Jacob Henry.

Wally Namken, resident of 555 Highway 95 N, stated he too was opposed to the Perkins Street access.

Lisa Patterson stated when the Commission got to the subdivision process, city staff would be sure to send out a notice of a public hearing.

Lisa Patterson called for a motion.

Christy Kosser made a motion to recommend approval on a request for a zoning change from Agricultural Open Space "AOS" to Planned Development "PD" for +/-26.25 acres. Debbie Moore seconded the motion and the motion carried unanimously.

8. Discussion, evaluation and possible action regarding a Resolution of Support of Form Based Code by the Planning and Zoning Commission to be forwarded to City Council.

Melissa McCollum handed out to the Commissioners a resolution for the Commission's support for Form Based Code and stated she hoped the Planning and Zoning Commission would support. She stated she was going to be giving similar resolutions to the other Board and Commissions as well, and the Historic Landmark Commission had already passed a similar resolution. She stated these would be passed onto the City Council to show unanimous support among the Boards and Commissions for Form Based Code.

Discussion commenced between the Commission and Staff.

Kristi Koch asked a revision be made where the resolution listed the quantity and location of the requests which have come before the Commission; that staff instead use more liberal verbiage, so as to not limit the interpretation for the need of this request.

Debbie Moore made a motion to recommend approval of a Resolution of Support of Form Based Code by the Planning and Zoning Commission to be forwarded to City Council. Connie Schroeder seconded the motion and the motion carried unanimously.

#### **9. Director of Planning and Development report.**

Melissa McCollum addressed the Commission stating Yvonne Pritchard had been emailing the monthly report. She also informed the Commission about the Household Hazardous Waste cleanup that would be taking place, per the request of Christy Kosser. She went into detail about how the event would allow surrounding residents to dispose of hazardous waste, and some of the event day details.

Lisa Patterson requested Commission Meeting Procedures be included on the next agenda. Richard Kindred agreed with the request.

#### **10. Adjourn.**

Christy Kosser made a motion to adjourn the meeting. Connie Schroeder seconded the motion and the meeting adjourned at 7:20 p.m.



Lisa Patterson, Chair



Christy Kosser, Co-Chair

**ORDINANCE NO. 2012-7**

**AN ORDINANCE GRANTING A ZONING DISTRICT CHANGE FROM AOS, AGRICULTURE OPEN SPACE TO MF-2, MULTI-FAMILY DWELLING FOR +/- 11.20 ACRES WITHIN THE MOZEA ROUSSEAU SURVEY, A-56, LOCATED SOUTH OF CHILDERS DRIVE IN THE CITY LIMITS OF BASTROP, TEXAS; AND ESTABLISHING AN EFFECTIVE DATE.**

---

**WHEREAS**, DM Pecan Park Associates, LTD, Duke McDowell (hereinafter referred to as "Applicant") submitted a request for a zone change from AOS, Agriculture Open Space to MF-2 Multi-Dwelling for +/- 11.20 acres within the Mozea Rousseau Survey, A-56, located south of Childers Drive in the city limits of Bastrop, Bastrop County, Texas, hereinafter referred to as "the Property"; and

**WHEREAS**, A copy of the metes and bounds and a location map, is included as Exhibit A; and

**WHEREAS**, the Property is currently zoned as AOS, Agriculture Open Space; and

**WHEREAS**, pursuant to Section 10.4 of the City's Zoning Ordinance, notice of the rezoning request was given to all property owners located within two hundred feet of the Property, and the Planning and Zoning Commission of the City of Bastrop held a public hearing on the Applicant's rezoning request March 29, 2012; and

**WHEREAS**, after notice and hearing, the Planning and Zoning Commission has recommended a MF-2, Multi-Dwelling zoning designation for the Property; and

**WHEREAS**, pursuant to Section 10.4 of the City's Zoning Ordinance, notice of rezoning request was given as required by the Ordinance, and the City Council of the City of Bastrop held a public hearing on the rezoning on April 10, 2012 to consider the Applicant's request to rezone the Property to CBD, Central Business District; and

**WHEREAS**, after consideration of public input received at the hearing, the information provided by the Applicant, and all other information presented, City Council finds that it is in the public interest to approve the rezoning of the Property currently zoned as AOS, Agriculture Open Space to MF-2 Multi-Dwelling.



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

Part 1: The Property, being more particularly described as +/- 11.20 acres within the Mozea Rousseau Survey, A-56, located south of Childers Drive in the city limits of Bastrop, Bastrop County, Texas, as shown on Exhibit "A", shall and is hereby rezoned from its prior designation AOS, Agriculture Open Space to MF-2, Multi-Family Dwelling.

Part 2: This ordinance shall take effect upon passage and in accordance with the laws of the State of Texas.

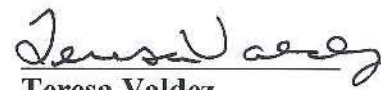
READ and APPROVED on First Reading on the 10<sup>th</sup> day of April 2012.

READ and ADOPTED on the Second Reading on the 24<sup>th</sup> day of April 2012.

**APPROVED:**

  
Terry Orr  
Mayor

**ATTEST:**

  
Teresa Valdez  
City Secretary

## Exhibit A

STATE OF TEXAS  
COUNTY OF BASTROP

11.20 ACRES – PARCEL G  
MOZEA ROUSSEAU  
SURVEY, A-56

## DESCRIPTION

DESCRIPTION OF A 11.20 ACRE TRACT OF LAND OUT OF THE MOZEA ROUSSEAU SURVEY, A-56, BASTROP COUNTY, TEXAS, AND BEING A PORTION OF A TRACT OF LAND CALLED TO BE 189.952 ACRES, CALLED TRACT A-1, DESCRIBED IN A DEED TO DM PECAN PARK ASSOCIATES, LTD, OF RECORD IN VOLUME 1482, PAGE 70, OF THE OFFICIAL PUBLIC RECORDS OF BASTROP COUNTY, TEXAS, SAID 11.20 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at an iron rod with cap marked "LCRA" found in the south line of Lot 1, Block B, *Beck, N.H.P., & Prokop Subdivision, Section One*, a subdivision of record in Cabinet 3, Page 181B – 182A, of the Plat Records of Bastrop County, Texas, at the northeast corner of a tract of land called to be 2.798 acres, conveyed to the Lower Colorado River Authority, in Volume 1314, Page 30, of the Official Public Records of Bastrop County, Texas, described in Volume 1132, Page 490, of the Official Public Records of Bastrop County, Texas, said iron rod being a northwest corner of said 189.952 acre tract, and the northwest corner of the herein described tract;

THENCE, with the north line of said 189.952 acre tract, the following four (4) courses:

- 1) N 86° 57' 03" E, 75.63 feet to a ¾ inch iron rod found at the southeast corner of said Lot 1, Block B, *Beck, N.H.P., and Prokop Subdivision Section One*, same being the southwest corner of Lot 1, *Resubdivision of Lot 1, Bastrop West Commercial, Section Two*, a subdivision of record in Cabinet 3, Page 26-A, of the Plat Records of Bastrop County, Texas;
- 2) N 87° 53' 15" E, 1186.70 feet to a ½ inch iron rod found at the southeast corner of said Lot 1, *Resubdivision of Lot 1, Bastrop West Commercial*, same being the southwest corner of a tract of land called to be 0.948 acres, described in a deed to Jayaenkat, LTD, of record in Volume 1915, Page 482, of the Official Public Records of Bastrop County, Texas;
- 3) N 87° 48' 17" E, 322.86 feet to a ½ inch iron rod found at the southeast corner of said 0.948 acre tract, same being the southwest corner of Childers Drive;
- 4) N 87° 30' 46" E, 25.13 feet to a point in the south line of said Childers Drive, for the northeast corner of the herein described tract;

THENCE, S 00° 53' 43" E, across said 189.952 acre tract, 501.05 feet to a point in the northerly line of a one hundred foot (100') wide Electric Easement of record in Volume C, Page 417, of the Court Minutes of Bastrop County, Texas, said point being the southeast corner of the herein described tract;

THENCE, N 78° 16' 53" W, across said 189.952 acre tract, with the northerly line of said 100 foot wide Electric Easement, 1647.31 feet to a point in the east line of said Lower Colorado River Authority tract, for the southwest corner of the herein described tract;

THENCE, N 02° 10' 23" W, with the east line of said Lower Colorado River Authority tract, 105.26 feet to the POINT OF BEGINNING containing 11.20 acres of land within these metes and bounds.

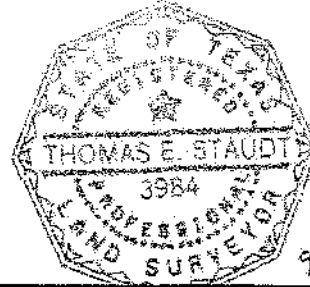
Description accompanied by sketch.

Surveyed by: *Staudt Surveying, Inc.*

*P.O. Box 1273*

*Dripping Springs, Texas 78620*

*512-858-2236*



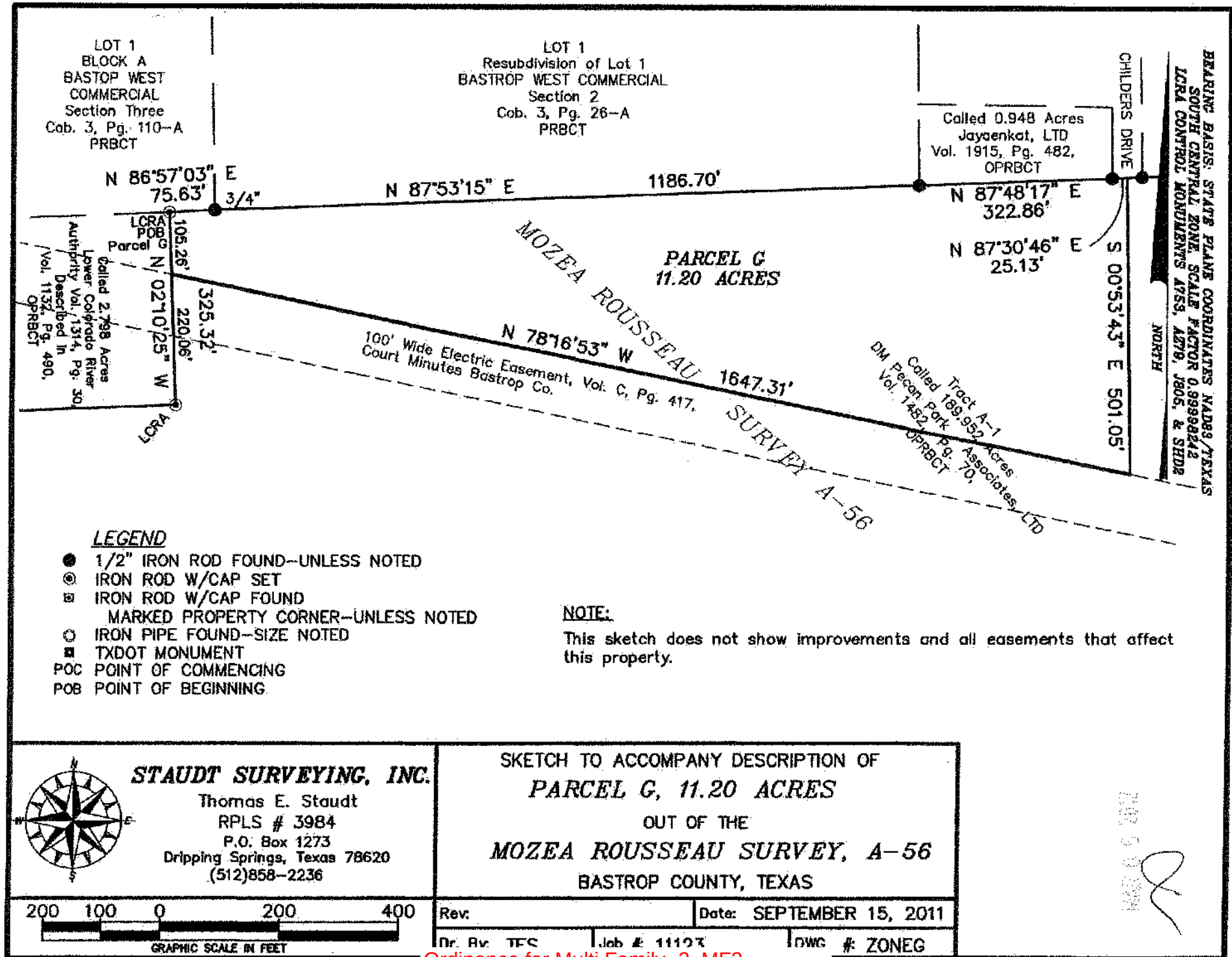
*Thomas E. Staudt*

Thomas E. Staudt

Registered Professional Land Surveyor No. 3984

*9/15/11*

Date





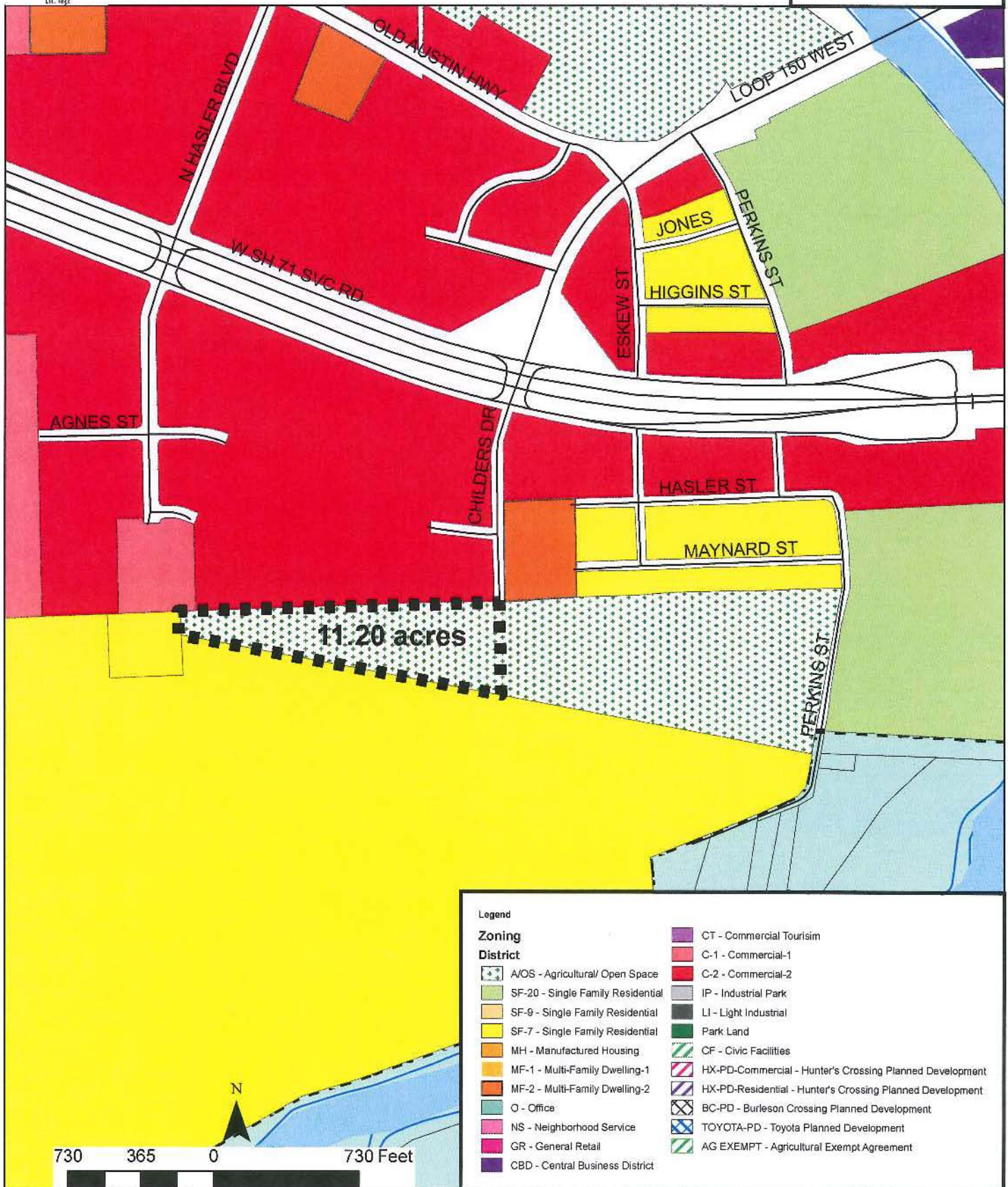


# Parcel & Zoning Location Map

Rezone: AOS to MF-2 for 11.20 acres

## Legend

- roads
- Parcels
- ▤ Bastrop City Limits



Ordinance for Multi Family -2, MF2

## CITY OF BASTROP

AGENDA ITEM **D-4****STANDARDIZED AGENDA RECOMMENDATION FORM**

CITY COUNCIL

DATE SUBMITTED: November 3, 2014

MEETING DATE: November 12, 2014

1. Agenda Item: **Consideration, discussion and possible action regarding the possibility of granting a year-end rebate to Bastrop Power and Light customers.**
2. Party Making Request: **Willie DeLaRosa, Mayor Pro-Tem**
3. Nature of Request: (Brief Overview) Attachments: Yes \_\_\_\_ 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> |
|-------------------|----------------|-------------|--------------------|
|                   |                |             |                    |
8. Staff Recommendation: \_\_\_\_\_
9. Advisory Board: \_\_\_\_\_ Approved \_\_\_\_\_ Disapproved \_\_\_\_\_ None
10. Manager's Recommendation: \_\_\_\_\_ Approved \_\_\_\_\_ Disapproved \_\_\_\_\_ None
11. Action Taken: \_\_\_\_\_