NOTICE OF REGULAR MEETING
BASTROP CITY COUNCIL
Tuesday, November 26, 2013 at 6:15 PM

Pursuant to the Texas Government Code, Chapter 551, the City Council of Bastrop, Texas will hold a regular meeting on **November 26, 2013 at 6:15 p.m**. at the Council Chambers of City Hall located at 1311 Chestnut Street, Bastrop, Texas and will consider the following matters:

1. Call to Order
2. Pledge of Allegiance and Invocation
3. Presentation - First Annual Adult Entrepreneur Business Plan Competition to introducing the winner, Jennifer Johnson & Johnson's Bakery and presenting the prize package.
4. Proclamations
5. Announcements

City Manager's Informational Report for November 26, 2013: Items for update, discussion & possible action:

A. Meetings and Events Attended:
1. Attended a Monthly Meeting of the Historic Landmark Commission on November 13, 2013.
2. Attended the Monthly Meeting of the Bastrop Economic Development Corporation on November 18, 2013.
3. Chaired the Monthly Meeting of the Lost Pines Groundwater Conservation District on November 20, 2013.

B. Update on City Projects and Issues:
1. Water Usage report for the period of November 11, 2013 through November 24, 2013.
2. Update and Discussion Regarding Water and Wastewater Rates and FY-14 Proposed Water and Wastewater Improvements.
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 Texas Department of Transportation State Highway 20 Overpass Project.
6. Update on the Bastrop Economic Development Corporations Business Improvements Phase I.
7. Colors of the Sidewalks on S.H. 304.
8. Update on the Austin Street Paving Project.
9. Update on the Ethics Committee.
10. Status of Board Vacancies.
11. Trail of Lights.
12. Hasler Street Improvements.
13. Provision of Wastewater Service to the local Texas Department of Transportation Area Office on Loop 150.
14. Utility Reports for the Period Ending September 30, 2013.
15. Update on the filling the City of Bastrop's Chief of Police Position.
16. City Council Calendar for 2014.
17. Update on Revising the Alcoholic Beverage Ordinance.
18. Main Street Department –Farmers Market.

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 on related to items such as (but not limited to) municipal projects, personnel, public property, development and other City/public business.

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 Members so requests.

		TAB	PG	REQUESTOR
A.1	Approval of meeting Minutes for the Regular Council Meetings held on November 12, 2013.	**A.1**	**4**	Elizabeth Lopez
A.2	Approval of the Final Plat for Hunters Crossing, Section 9C being approximately 3.102 acres of land situated in the Hunters Crossing Subdivision, located on State Highway 304 and Home Depot Way in the City limits of Bastrop, Texas.	**A.2**	**10**	Melissa McCollum

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

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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 Government 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*

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C. OLD BUSINESS

D. NEW BUSINESS

ORDINANCES FOR FIRST READING & POSSIBLE ACTION

D.1	Consideration, discussion and possible action on the **FIRST READING** 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.	**D.1**	**14**	Tanya Cantrell
D.2	Consideration, discussion and possible action on the **FIRST READING** of an **ORDINANCE** of the City Council of the City of Bastrop, Texas, **AMENDING** Section 1.15.126; "**Ethics Ordinance – Chair/Quorum**" in the Code of Ordinances of the City of Bastrop; providing a severability clause; and providing an effective date.	**D.2**	**20**	Jo-Christy Brown

ORDINANCES & OTHER ITEMS ELIGIBLE FOR CONSIDERATION AND/OR ACTION:

D.3	Consideration, discussion and possible action on a **RESOLUTION** from the **Bastrop Economic Development Corporation** recommending that the Bastrop City Council adopt the **Texas Freeport Tax Exemption**.	**D.3**	**23**	Dave Quinn
D.4	Consideration, discussion and possible action regarding authorizing the City Manager to provide a letter to the Texas Department of Transportation (TXDOT) **expressing the City Council's and Citizens' strong concern over TXDOT'S future plan to route additional vehicular traffic onto Gutierrez Street, parallel to and South of Highway 71, in Bastrop, Texas**.	**D.4**	**26**	Council Member Willie 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) 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 21st 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.

F. ADJOURNMENT

CERTIFICATE

I, the undersigned authority, do hereby certify that this Notice of Meeting was posted on the bulletin board, at the City Hall of the City of Bastrop, Texas, a place convenient and readily accessible to the general public at all times, and said notice was posted the 22nd day of ***November 2013*** *at* ***1:00 p.m****. Copies of this agenda have been provided to those members of the media requesting such information.*

Elizabeth Minerva 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 FORTY-EIGHT HOURS NOTICE WHEN FEASIBLE.

Confirm time posted: KR

CITY OF BASTROP **AGENDA ITEM** **A-1**

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: **November 22, 2013**
MEETING DATE: **November 26, 2013**

1. Agenda Item: **Approval of the meeting Minutes from the Regular City Council Meetings held on November 12, 2013.**

2. Party Making Request: **Elizabeth Lopez, City Secretary**

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

4. Policy Implication: ______________________________

5. Budgeted: _________Yes __________No _____**N/A**
   Bid Amount: ______________ Budgeted Amount: ______________
   Under Budget: ______________ Over Budget: ______________
   Amount Remaining: ______________

6. Alternate Option/Costs: ______________________________

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

8. Staff Recommendation: ______________________________

9. Advisory Board: _________Approved _________Disapproved ___________None

10. Manager's Recommendation: _______Approved ______Disapproved __________None

11. Action Taken: ______________________________

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 29th, 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. **ANNOUNCMENTS**

   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 30th - November 2nd, 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 21st 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: ATTEST:

Terry Orr, Mayor

Elizabeth Minerva Lopez, City Secretary

CITY OF BASTROP **AGENDA ITEM A-2**

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: November 20, 2013
MEETING DATE: November 26, 2013

1. Agenda Item: **Approval of the Final Plat for Hunters Crossing, Section 9C being approximately 3.102 acres of land situated in the Hunters Crossing Subdivision, located on State Highway 304 and Home Depot Way in 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
   a) ______________________________

8. Staff Recommendation: **Staff recommends approval of the Final Plat for Hunters Crossing, Section 9C.**

9. Advisory Board Recommendation: ___Approval _____Disapproval _____None

10. Manager's Recommendation: _______Approved ______Disapproved ______None

11. Action Taken: ______________________________

City of Bastrop

Agenda Information Sheet:

BASTROPTX
Heart of the Lost Pines
Est. 1832

City Council Meeting Date: **November 26, 2013**

Project Description:
Approval of the Final Plat for Hunters Crossing Section 9C, being approximately 3.102 acres of land situated in the Hunters Crossing Subdivision, located on State Highway 304 and Home Depot Way in the city limits of Bastrop, Texas.

Item Summary:

Owner:	Forestar (USA) Real Estate Group
Applicant:	Carlson, Brigance & Doering Civil Engineering and Surveying
Location:	Located in the City Limits
Utilities:	City water, sewer, and Bluebonnet electric
Zoning:	PD, Planned Development

Background:
This area was previous platted as part of Hunters Crossing Section 8, but was recently vacated by City Council. This new plat Section 9C, is a portion of the previous vacated plat, located on the corner of SH 304 and Home Depot Way. This property was identified as commercial in the Hunters Crossing Master Plan. At this time the lot is proposed as a gas station and commercial shopping center.

Basis of Support:
The final plat and construction plans for Hunters Crossing, Section 9C meet all City of Bastrop subdivision requirements and the Hunters Crossing Planned Development Agreement.

The Engineer's Estimate has been reviewed and accepted by staff. Escrow is on deposit with the City to cover the costs to review any changes to the construction plans, construction inspections, all testing associated with construction within this section of the subdivision and any administration associated with the construction phase. A pre-construction meeting will be scheduled with the developer's general contractor and City staff prior to construction commencing.

Any unused amount of escrow placed on deposit will be returned to the developer after final acceptance of the subdivision by the City. Upon final acceptance, the subdivision plat will be recorded at the County Courthouse.

Special Considerations: None.

Comments: Eight (8) adjacent property owner notifications were mailed November 14, 2013. No public comment has been received from the property owners notified.

Staff Recommendation:
Staff recommends approval of the requested Final Plat for Hunters Crossing Section 9C, being approximately 3.102 acres of land situated in the Hunters Crossing Subdivision, located on State Highway 304 and Home Depot Way in the city limits of Bastrop, Texas.

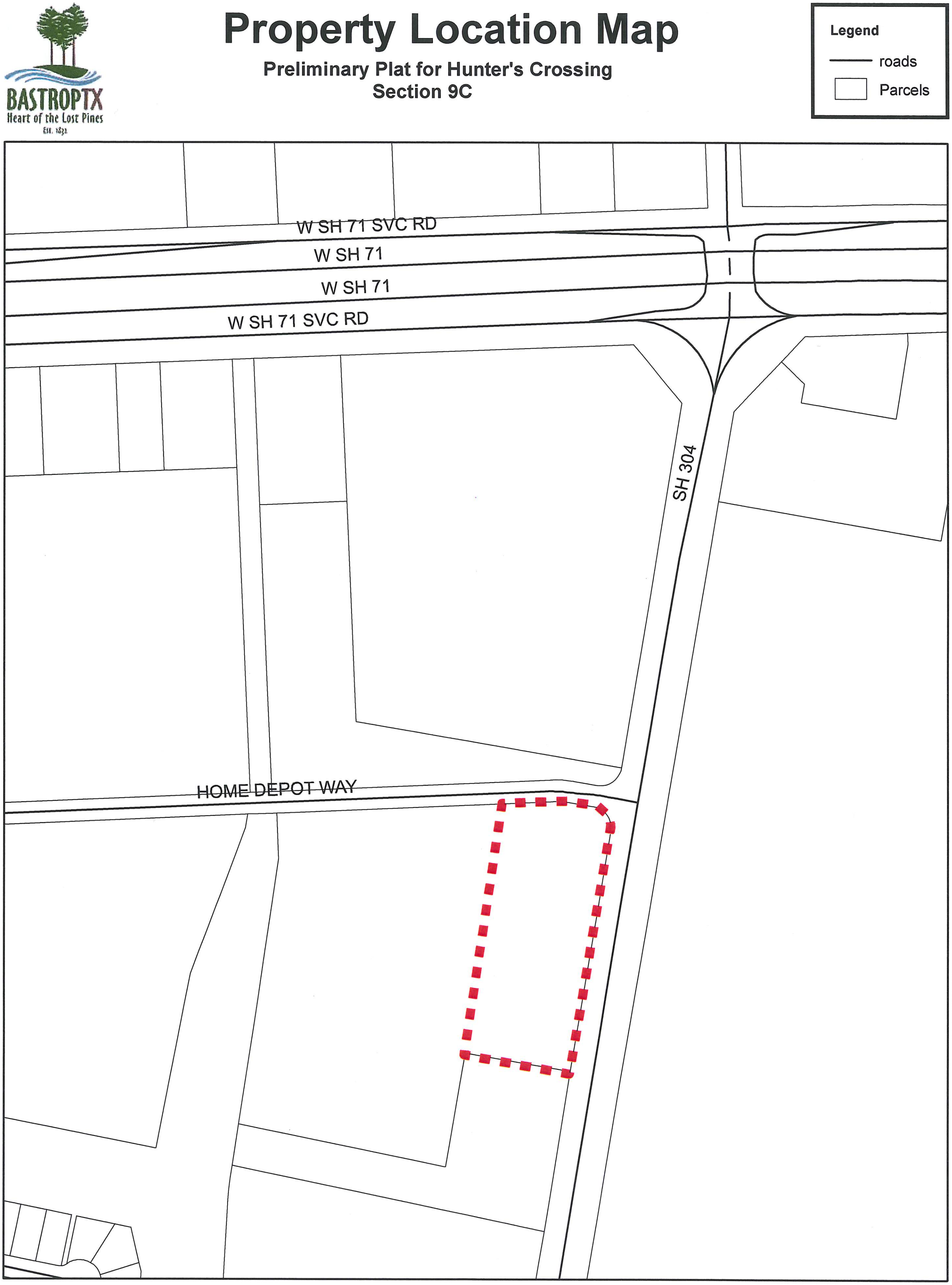
City Contact:
Melissa M. McCollum, AICP, LEED AP, Director
Planning and Development Department

Attachments: Final Plat and location map

BASTROPTX
Heart of the Lost Pines
Est. 1832

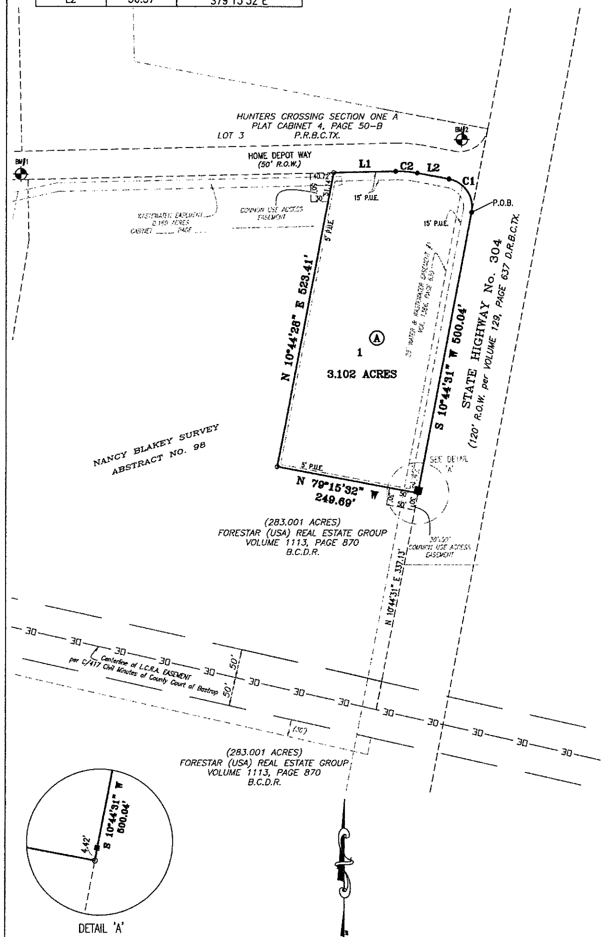
Property Location Map

Preliminary Plat for Hunter's Crossing
Section 9C



CURVE TABLE					
CURVE	RADIUS	LENGTH	CHORD	CHORD BEARING	TANGENT
C1	50.00'	78.54'	70.71'	S34°15'32"E	50.00
C2	180.00'	38.01'	37.94'	S85°18'33"E	19.08

LINE TABLE		
LINE	LENGTH	BEARING
L1	108.00	N88°38'35"E
L2	56.37	S79°15'32"E



LEGEND

- ■ CONCRETE MONUMENT
- ○ IRON ROD SET
- ● IRON ROD FOUND
- 1 LOT NUMBER
- Ⓐ BLOCK LETTER
- B.L. BUILDING SETBACK LINE
- P.U.E. PUBLIC UTILITY EASEMENT
- D.E. DRAINAGE EASEMENT
- HV HIGH VOLTAGE POWER LINE
- BENCHMARK

FINAL PLAT OF
HUNTERS CROSSING SECTION NINE C

STATE OF TEXAS)(
COUNTY OF BASTROP)(KNOW ALL MEN BY THESE PRESENTS:

THAT, FORESTAR (USA) REAL ESTATE GROUP INC., FORMERLY SABINE INVESTMENT COMPANY, ACTING HEREIN BY AND THROUGH DARLENE LOUK, VICE PRESIDENT AND BEING OWNER OF THAT CERTAIN 283.001 ACRES OF LAND OUT OF THE NANCY BLAKEY SURVEY, ABSTRACT NO. 98, SITUATED IN BASTROP COUNTY, TEXAS, AS CONVEYED TO SABINE INVESTMENTS COMPANY, BY DEED RECORDED IN VOLUME 1113, PAGE 870, OF THE DEED RECORDS OF BASTROP COUNTY, TEXAS, DO HEREBY SUBDIVIDE 3.102 ACRES OF LAND, IN ACCORDANCE WITH THE ATTACHED MAP OR PLAT, TO BE KNOWN AS

"FINAL PLAT OF HUNTERS CROSSING SECTION NINE C".

AND DOES HEREBY DEDICATE TO THE PUBLIC, THE USE OF THE STREETS AND EASEMENTS SHOWN HEREON, SUBJECT TO ANY EASEMENTS AND/OR RESTRICTIONS HERETOFORE GRANTED AND NOT RELEASED.

WITNESS MY HAND, THIS THE ____ DAY OF ______________, 20____, A.D.

____
DARLENE LOUK, VICE PRESIDENT
FORESTAR (USA) REAL ESTATE GROUP INC.
6300 BEE CAVE ROAD
BLDG. II, SUITE 500
AUSTIN, TEXAS 78746

STATE OF TEXAS)(
COUNTY OF BASTROP)(KNOW ALL MEN BY THESE PRESENTS:

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED STEVE MILLS, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT OF WRITING, AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.

WITNESS MY HAND AND SEAL OF OFFICE, THIS THE ____ DAY OF ______________, 20____, A.D.

____
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

STATE OF TEXAS)(
COUNTY OF BASTROP)(KNOW ALL MEN BY THESE PRESENTS:

I, ROSE PIETSCH, CLERK OF BASTROP COUNTY, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING AND ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE ON THE ___ DAY OF __________, 20____, A.D., IN THE PLAT RECORDS OF SAID COUNTY AND STATE IN PLAT CABINET ____, PAGE(s)__________. FILED FOR RECORD AT ______ O'CLOCK __.M., THIS ____ DAY OF __________, 20____, A.D.,

WITNESS MY HAND AND SEAL OF OFFICE OF THE COUNTY CLERK, THE ___ DAY OF ______________, 20____, A.D.

______________________, COUNTY CLERK, BASTROP COUNTY, TEXAS

____
BY: DEPUTY

STATE OF TEXAS)(
COUNTY OF BASTROP)(KNOW ALL MEN BY THESE PRESENTS:

I, DOUGLAS R. RUMMEL, JR., P.E. DO HEREBY CERTIFY THAT THE STREETS AND DRAINAGE DESIGN, AS SHOWN HEREON, COMPLIES WITH THE SUBDIVISION REGULATIONS FOR THE CITY OF BASTROP, AND THAT THE 100 YEAR FLOOD PLAIN IS AS SHOWN AND WILL BE CONTAINED WITHIN THE DRAINAGE EASEMENT AND OR DRAINAGE RIGHT-OF-WAY, AS SHOWN HEREON.

ENGINEERING BY: ______________________ DATE 10-14-15
DOUGLAS R. RUMMEL, JR., P.E. NO. 97387
CARLSON, BRIGANCE & DOERING, INC.
5501 WEST WILLIAM CANNON DRIVE
AUSTIN, TEXAS 78749
(512) 280-5160
dougjr@cbdeng.com

STATE OF TEXAS DOUGLAS R. RUMMEL, JR. 97387 LICENSED PROFESSIONAL ENGINEER
CARLSON, BRIGANCE & DOERING, INC. ID# F3791

STATE OF TEXAS)(
COUNTY OF BASTROP)(KNOW ALL MEN BY THESE PRESENTS:

THAT I, AARON V. THOMASON, DO HEREBY CERTIFY THAT I PREPARED THIS PLAT FROM AN ACTUAL AND ACCURATE ON-THE-GROUND SURVEY OF THE LAND AND THAT THE CORNER MONUMENTS SHOWN THEREON WERE PROPERLY PLACED UNDER MY PERSONAL SUPERVISION, IN ACCORDANCE WITH THE SUBDIVISION REGULATION OF THE CITY OF BASTROP, BASTROP COUNTY, TEXAS. ALL EASEMENTS OF RECORD HAVE BEEN IDENTIFIED ON THIS PLAT TO THE BEST OF MY KNOWLEDGE.

SURVEYED BY: ______________________ DATE 15 OCT 2013
AARON V. THOMASON ~ R.P.L.S. NO. 6214
CARLSON, BRIGANCE & DOERING, INC.
5501 WEST WILLIAM CANNON DRIVE
AUSTIN, TEXAS 78749
(512) 280-5160
aaron@cbdeng.com

STATE OF TEXAS REGISTERED AARON V. THOMASON 6214 PROFESSIONAL LAND SURVEYOR

APPROVED THIS _____ DAY OF __________, 20____, BY THE CITY COUNCIL OF BASTROP COUNTY, TEXAS.

APPROVED:

____
TERRY ORR,
MAYOR OF THE CITY OF BASTROP, TEXAS

ATTEST:

____
CITY SECRETARY,
CITY OF BASTROP, TEXAS

FLOOD PLAIN NOTE:

NO PORTION OF THIS TRACT LIES WITHIN A DESIGNATED FLOOD HAZARD AREA, AS SHOWN ON THE FEDERAL FLOOD INSURANCE ADMINISTRATION RATE MAP NO. 48021 C 0355 E, FOR BASTROP COUNTY TEXAS, DATED JANUARY 19, 2006.

GENERAL NOTES:

1. LOT 1 IS A COMMERCIAL LOT.
2. BUILDING LINES SHALL CONFORM TO THE P.D.D. ORDINANCE APPROVAL BY THE CITY OF BASTROP.
3. A 15' PUE IS HEREBY DEDICATED ADJACENT TO AND PARALLEL WITH ALL THE STREETS AND A 5' PUE IS DEDICATED ALONG ALL SIDE LOT LINES IN THIS SUBDIVISION. CONSTRUCTION WITHIN THE P.U.E. BY PRIVATE LOT OWNERS IS SUBJECT TO THE RESTRICTIONS AS SET OUT IN THE HUNTERS CROSSING P.D.D. ORDINANCE AS APPROVED BY THE CITY OF BASTROP.
4. LOTS IN THIS PLAT ARE SUBJECT TO "ACCELERATION FEES" FOR WATER AND WASTEWATER SERVICE FROM THE CITY OF BASTROP. THESE "ACCELERATION FEES" ARE NOT TO EXCEED $2,800 PER SERVICE UNIT EQUIVALENT (SUE) AS PER DEVELOPER AGREEMENT VOLUME 1353, PAGE 640 BCDR.
5. THE LOT IN THIS PLAT IS PART OF THE HUNTERS CROSSING PLANNED DEVELOPMENT DISTRICT AND SUBJECT TO THE ORDINANCE AS CURRENT WITH THE CITY OF BASTROP.
6. LOTS IN THIS PLAT ARE WITHIN THE HUNTERS CROSSING PUBLIC IMPROVEMENT DISTRICT (PID). THE LOTS, AND ALL OTHER PROPERTY WITHIN THE PID, ARE SUBJECT TO PID ASSESSMENTS. THE PID IS RESPONSIBLE FOR MAINTENANCE OF COLLECTOR STREET RIGHT OF WAY LANDSCAPING, PARKLAND AND TRAIL MAINTENANCE, LANDSCAPING AND DRAINAGE RIGHT-OF-WAY. OBLIGATIONS TO PRIVATE PROPERTY OWNERS ARE SET FORTH IN THE CURRENT ORDINANCE AS APPROVED BY THE CITY OF BASTROP.
7. THE DEVELOPER, FORESTAR AND THEIR ASSIGNS ARE RESPONSIBLE FOR INSTALLATION AND MAINTENANCE OF LANDSCAPE, IRRIGATION AND PEDESTRIAN FEATURES IN ADJACENT RIGHT-OF-WAYS. PER THE P.D.D.
8. A WATERLINE EASEMENT IS HEREBY DEDICATED TO THE CITY OF BASTROP WHICH EXTENDS 7.5 FEET IN EITHER DIRECTION FROM A WATERLINE, WATERLINE FITTING, WATER METER, SERVICE TAP, OR FIRE HYDRANT WHICH MAY BE INSTALLED WITHIN THIS SUBDIVISION FOR ACCESS BY IT'S EMPLOYEES OR AGENTS FOR THE PURPOSE OF MAINTENANCE, OPERATION, REPAIR, REPLACEMENT, OR ABANDONMENT.
9. DRAINAGE SHALL BE IN COMPLIANCE WITH CITY OF BASTROP CODES AND REGULATIONS.
10. NO OBSTRUCTIONS SHALL BE PLACED UPON OR ACROSS ANY DRAINAGE EASEMENTS HEREBY DEDICATED WITH THIS PLAT.
11. ALL UTILITIES WILL BE PLACED UNDERGROUND.
12. PRIOR TO CONSTRUCTION OF ANY IMPROVEMENTS ON LOTS IN THIS SUBDIVISION, BUILDING PERMITS WILL BE OBTAINED FROM THE CITY OF BASTROP.
13. A 5' CURVILINEAR SIDEWALK SHALL BE CONSTRUCTED BETWEEN THE CURB AND BUILDING SETBACK PER THE HUNTER'S CROSSING P.D. ALONG HOME DEPOT WAY AND HWY 304.
14. ALL SETBACKS ARE AS PER HUNTERS CROSSING P.D. ARTICLE III, SECTION 305.5.1 LOT STANDARDS
15. ALL SUBDIVISION PERMITS SHALL CONFORM TO THE CITY OF BASTROP CODE OF ORDINANCES, CONSTRUCTION STANDARDS, AND GENERALLY ACCEPTED ENGINEERING PRACTICES.
16. CONSTRUCTION PLANS AND SPECIFICATIONS FOR ALL SUBDIVISIONS IMPROVEMENTS SHALL BE REVIEWED AND ACCEPTED BY THE CITY OF BASTROP PRIOR TO ANY CONSTRUCTION WITHIN THE SUBDIVISION.
17. EROSION AND SEDIMENTATION CONTROLS CONSTRUCTED IN ACCORDANCE WITH THE SUBDIVISION ORDINANCE OF THE CITY OF BASTROP ARE REQUIRED FOR ALL CONSTRUCTION ON EACH LOT, INCLUDING SINGLE FAMILY AND DUPLEX CONSTRUCTION.
18. ALL SIGNS SHALL COMPLY WITH THE BASTROP SIGN ORDINANCE.
19. FISCAL SURETY FOR SUBDIVISION CONSTRUCTION, IN A FORM ACCEPTABLE TO THE CITY OF BASTROP, SHALL BE PROVIDED PRIOR TO PLAT APPROVAL BY THE CITY.
20. THE OWNER OF THIS SUBDIVISION, AND HIS OR HER SUCCESSORS AND ASSIGNS, ASSUMES SOLE RESPONSIBILITY FOR PLANS FOR CONSTRUCTION OF SUBDIVISION IMPROVEMENTS WHICH COMPLY WITH APPLICABLE CODES AND REQUIREMENTS OF THE CITY OF BASTROP. THE OWNER UNDERSTANDS AND ACKNOWLEDGES THAT PLAT VACATION OR RE-PLATTING MAY BE REQUIRED AT THE OWNER'S SOLE EXPENSE, IF PLANS TO CONSTRUCT THIS SUBDIVISION DO NOT COMPLY WITH SUCH CODES AND REQUIREMENTS
21. BY APPROVING THIS PLAT THE CITY OF BASTROP ASSUMES NO OBLIGATION TO CONSTRUCT ANY INFRASTRUCTURE IN CONNECTION WITH THIS SUBDIVISION. ANY SUBDIVISION INFRASTRUCTURE REQUIRED FOR THE DEVELOPMENT OF THE LOTS IN THIS SUBDIVISION IS THE SOLE RESPONSIBILITY OF THE DEVELOPER AND/OR THE OWNERS OF THE LOTS. FAILURE TO CONSTRUCT ANY REQUIRED INFRASTRUCTURE TO CITY STANDARDS MAY BE JUST CAUSE FOR THE CITY TO DENY APPLICATIONS FOR CERTAIN DEVELOPMENT PERMITS INCLUDING BUILDING PERMITS, SITE PLAN APPROVALS AND/OR CERTIFICATES OF OCCUPANCY.
22. SITE DEVELOPMENT CONSTRUCTION PLANS SHALL BE REVIEWED AND ACCEPTED BY THE CITY OF BASTROP PRIOR TO ANY MULTI-FAMILY OR NON-RESIDENTIAL CONSTRUCTION.
23. THIS PLAT CONFORMS TO THE PRELIMARY PLAT APPROVED BY THE CITY COUNCIL ON ______________, 2013.
24. NO LOT OR STRUCTURE SHALL BE OCCUPIED PRIOR TO THE APPLICANT SUBMITTING TO THE CITY OF BASTROP DOCUMENTATION OF SUBDIVISION/SITE REGISTRATION WITH THE TEXAS DEPARTMENT OF LICENSING AND REGULATIONS (TDLR) AND PROVIDE DOCUMENTATIONOF REVIEW AND COMPLIANCE OF THE SUBDIVISION CONSTRUCTION PLANS WITH TEXAS ARCHITECTURAL BARRIERS ACT (TABA).

FIELD NOTES

BEING ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF AND A PART OF THE NANCY BLAKEY SURVEY ABSTRACT NUMBER 98, SITUATED IN BASTROP COUNTY, TEXAS, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS BEING OUT OF AND A PART OF THAT CERTAIN 283.001 ACRE TRACT OF LAND CONVEYED BY WARRANTY DEED TO FORESTAR (USA) REAL ESTATE GROUP, INC., RECORDED IN VOLUME 1113, PAGE 870 OF THE DEED RECORDS OF BASTROP COUNTY, TEXAS, SAID TRACT BEING 3.102 ACRES OF LAND MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a capped ½" iron rod found for an eastern corner of said 283.001 acre tract, also being in the western right-of-way line of State Highway 304 (120' R.O.W.), recorded in Vol. 129, Pg. 637, Deed Records of Bastrop County, Texas, also being in the southern right-of-way line of Home Depot Way (50' R.O.W.),

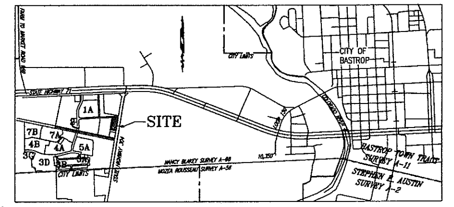
THENCE, with the common boundary line of said 283.001 acre tract and the western right-of-way line of said S.H. 304, S10°44'31"W, a distance of 500.04 feet to a capped ½" iron rod set,

THENCE, leaving said common boundary line and crossing said 283.001 acre tract the following two (2) courses and distances, numbered 1 and 2,

1. N79°15'32"W, a distance of 249.69 feet to a capped ½" iron rod set, and
2. N10°44'28"E, a distance of 523.41 feet to a capped ½" iron rod set, in the southern right-of-way line of said Home Depot Way,

THENCE, with the common boundary line of said 283.001 acre tract and the southern right-of-way line of said Home Depot Way, the following four (4) courses and distances, numbered 1 through 4,

1. N88°38'35"E, a distance of 108.00 feet to a capped ½" iron rod found, at a point of curvature to the right,
2. With said curve to the right having a radius of 180.00 feet, an arc length of 38.01 feet, and whose chord bears S85°18'33"E, a distance of 37.94 feet to a capped ½" iron rod found,
3. S79°15'32"E, a distance of 56.37 feet to a capped ½" iron rod found, at a point of curvature to the right, and
4. With said curve to the right having a radius of 50.00 feet, an arc length of 78.54 feet, and whose chord bears S34°15'32"E, a distance of 70.71 feet to the **POINT OF BEGINNING** and containing 3.102 acres of land.



LOCATION MAP
NOT TO SCALE

UTILITY NOTES:

1. WATER SERVICE IS PROVIDED BY THE CITY OF BASTROP.
2. WASTEWATER SERVICE IS PROVIDED BY THE CITY OF BASTROP.
3. ELECTRIC SERVICE IS PROVIDED BY BLUEBONNET ELECTRIC.
4. GAS SERVICE IS PROVIDED BY CENTERPOINT ENERGY.
5. CABLE SERVICE IS PROVIDED BY TIME WARNER CABLE.
6. NO LOT IN THIS SUBDIVISION SHALL BE OCCUPIED UNTIL CONNECTED TO THE APPROVED WATER DISTRIBUTION AND WASTEWATER COLLECTION FACILITIES.
7. WASTEWATER AND WATER SYSTEMS SHALL CONFORM TO TCEQ (TEXAS COMMISSION ON ENVIRONMENTAL QUALITY).
8. THE IMPACT FEES FOR THIS SUBDIVISION SHALL BE BASED ON CITY OF BASTROP CODE OF ORDINANCES ADOPTED 01/10/12 AND SHALL BE PAID PRIOR TO BUILDING PERMIT ISSUANCE.
9. DEVELOPER/OWNER SHALL BE SOLELY RESPONSIBLE FOR ALL RELOCATION AND MODIFICATIONS TO EXISTING UTILITIES.

DRAINAGE NOTES:

1. FLOOD WARNING: THE DEGREE OF FLOOD PROTECTION REQUIRED BY THE CITY OF BASTROP FLOOD DAMAGE PREVENTION ORDINANCE IS CONSIDERED REASONABLE FOR REGULATORY PURPOSES AND IS BASED ON SCIENTIFIC AND ENGINEERING CONSIDERATIONS. ON RARE OCCASIONS, GREATER FLOODS CAN AND WILL OCCUR AND FLOOD HEIGHTS MAY BE INCREASED BY MAN-MADE OR NATURAL CAUSES. ACCEPTANCE OF THIS PLAT BY THE CITY COUNCIL DOES NOT IMPLY THAT LAND OUTSIDE THE AREAS OF SPECIAL FLOOD HAZARDS OR USES PERMITTED WITHIN SUCH AREAS WILL BE FREE FROM FLOODING OR FLOOD DAMAGES. NOR SHALL ACCEPTANCE OF THIS PLAT CREATE LIABILITY ON THE PART OF THE CITY OF BASTROP OR ANY OFFICIAL OR EMPLOYEE THEREOF FOR ANY FLOOD DAMAGES THAT RESULT FROM RELIANCE ON THE INFORMATION CONTAINED WITHIN THIS PLAT OR ANY ADMINISTRATION DECISION LAWFULLY MADE HEREUNDER.
2. ON-SITE STORM WATER DETENTION FACILITIES WILL BE PROVIDED TO REDUCE POST-DEVELOPMENT PEAK RATES OF DISCHARGE OF THE 5, 10, 25, 50 A ND 100 YEAR STORM EVENTS

EASEMENT NOTES:

1. ALL DRAINAGE EASEMENTS, STORM WATER FACILITIES / FEATURES SHALL BE MAINTAINED BY THE PROPERTY OWNER OR HIS OR HER ASSIGNS.
2. ALL EASEMENTS OR RECORD AS INDICATED ON THE MOST RECENT TITLE RUN (DATED: 15 FEBRUARY 2001, CONDUCTED BY BASTROP ABSTRACT COMPANY) FOR THIS PROPERTY ARE SHOWN ON THIS PLAT.
3. TEMPORARY AND PERMANENT EASEMENTS TO BE PROVIDED, AS REQUIRED AT THE CITY'S SOLE DISCRETION FOR OFF-SITE WATER, WASTEWATER AND DRAINAGE IMPROVEMENTS.
4. PROPERTY OWNER SHALL PROVIDE FOR ACCESS FOR ALL EASEMENTS AS MAY BE NECESSARY AND SHALL NOT PROHIBIT ACCESS BY GOVERNMENTAL AUTHORITIES.

STREET ACCESS NOTES:

1. SIDEWALKS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE HUNTERS CROSSING P.D.D.
2. SUBDIVISION WALLS SHALL BY CONSTRUCTED ADJACENT TO STREETS PER THE HUNTERS CROSSING P.D.D.
3. ACCESS TO LOT 1A FROM HWY 304 RESTRICTED TO ACCESS EASEMENT SHOWN HEREON.

BENCHMARKS:

BM#1: SQUARE CUT IN TOC ON THE SOUTHERN RIGHT-OF-WAY LINE OF HOME DEPOT WAY, APROXIMATELY 546' WEST OF THE NORTHWEST CORNER OF THIS TRACT ELEV=368.33'

BM#2: SQUARE CUT IN SOUTHWEST CORNER OF A CONCRETE ELECTRIC TRANSFORMER PAD LOCATED ON THE NORTHERN RIGHT-OF-WAY LINE OF HOME DEPOT WAY, APROXIMATELY 24' NORTH OF THE RETURN AT STATE HIGHWAY NO. 304 ELEV=368.42'

DATE: MAY 23, 2012

OWNERS:
FORESTAR (USA) REAL ESTATE GROUP INC.
6300 BEE CAVE ROAD
BLDG. II, SUITE 500
AUSTIN, TEXAS 78746
PHONE: (512) 433-5200
FAX: (512) 433-5201

ENGINEER & SURVEYOR:
CARLSON, BRIGANCE & DOERING, Inc.
5501 WEST WILLIAM CANNON
AUSTIN, TX 78749
(512) 280-5160
(512) 280-5165 fax

TOTAL ACREAGE: 3.102 ACRES

SURVEY: NANCY BLAKEY SURVEY, A-98

NO. OF COMMERCIAL LOTS: 1
NO. OF BLOCKS: 1

F.E.M.A. MAP NO. 48021 C 0355 H
BASTROP COUNTY, TEXAS DATED: JANUARY 19, 2006.

Carlson, Brigance & Doering, Inc.
Civil Engineering ◆ Surveying
3401 Slaughter Lane West ◆ Austin, Texas 78748
Phone No. (512) 280-5160 ◆ Fax No. (512) 280-5165

PATH: J\AUTOCADLP2004\4533\SURVEY\PLAT 9C.DWG

CITY OF BASTROP **AGENDA ITEM D-1**

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: November 12, 2013
MEETING DATE: November 26, 2013

1. Agenda Item: Consideration, discussion and possible action on the **FIRST READING** 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.

2. Party Making Request: **Tanya Cantrell, Human Resources 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: **NAME/TITLE** **INITIAL** **DATE CONCURRENCE**
   a) ___

8. Staff Recommendation: ___

9. Advisory Board: ___ Approved ___ Disapproved ___ None

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

11. Action Taken: ___

ORDINANCE No. 2013-26

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, AMENDING AND CLARIFYING THE CITY OF BASTROP'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.

WHEREAS, pursuant to the authority granted to it by State law and its Home Rule Charter, the City Council, acting in the best interest of the City, has determined that revisions to the City's Personnel Policies Manual should be made to Chapter 5, Section 14, "Modified Work Duty Program"; and

WHEREAS, the City Council of the City of Bastrop, Texas, finds that it is in the best interest of the City to approve these amendments to the City's Personnel Policies Manual, as set forth herein below.

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

Part 1. The existing Personnel Policies Manual, Chapter 5, Section 14, is hereby amended as follows:

SECTION 14: MODIFIED WORK DUTY PROGRAM

The Modified Work Duty Program will apply to non-introductory employees who sustain an injury or an illness at work or elsewhere which prevents them from performing their normal work duties but nonetheless leaves them with some work capacity. Modified Work Duty is considered to be a rehabilitative tool in assisting an employee in regaining or maintaining his/her work tolerance and is used to provide an injured worker a feeling of self-worth and to help prevent post-injury or illness related emotional problems. It is the intent and policy of the City to apply the modified Work Duty program equally to all non-introductory City employees.

The City's Modified Work Duty Program is established for non-introductory City employees who are temporarily unable to perform their regular assigned work duties, as a result of a work or non-work related disabling injury or illness subject to the guidelines below. An injured employee who is certified by his/her health care provider, in writing, to be eligible for participation in the City's Modified Work Duty program may be allowed to participate in Modified Work Duty that is consistent with his/her physical abilities and limitations, as indicated by the treating physician during the employee's recovery period. The maximum time that a City employee may be permitted to participate in Modified Work Duty for any specific illness, injury or re-injury is three (3) months in any fifteen (15) month period. However, after an evaluation of all factors, including consultation with the Director of Human Resources and the employee's Department Head, in extraordinary circumstances the City Manager may, in his sole discretion, permit a limited extension of the time periods stated herein.

<u>GUIDELINES</u>: If an employee is approved by the City Manager and the City's Human Resource Department for Modified Work Duty, the employee's treating physician shall be required to describe, in writing, a suitable work or task assignment appropriate to the physical and mental capabilities of the employee.

When possible, approved temporary Modified Work Duty assignments that are suited to the physical limitations of the employee, as determined by the treating physician, shall be located in the employee's regular work unit or department and shall be managed by the employee's regular Department Head (which under certain circumstances may also be referred to herein as the "Loaning Department Head").

If no suitable temporary Modified Work Duty assignment is available within the employee's regular department. The Director of Human Resources will evaluate and report to the City Manager to coordinate the potential options for arranging alternative employment in the City and to determine if, after consideration of all factors, including potential effects on the Loaning Department, there is an available task within the City which can be safely and effectively performed by the employee in consideration of the restrictions involved. In the event the employee is provided a Modified Work Duty assignment in a different department than the one for which the employee was originally hired, the "Loaning Department Head", the Director of Human Resources, and the City Manager shall communicate regarding the progress of the employee and the time remaining on the Modified Work Duty assignment. Any temporary re-assignment of the employee on an interdepartmental basis shall be coordinated and approved by the City Manager and the Director of Human Resources. In the event of an interdepartmental Modified Work Duty assignment, the department to which the employee is regularly assigned shall continue to provide wages from its regularly budgeted salary account. However, the City Manager and the Human Resources Department shall periodically evaluate the potential drain on the Loaning Department's Resources resulting from the "loan" of the employee.

Employees on Modified Work Duty shall not be scheduled for overtime, standby, or compensatory time.

Prescribed medical treatments, doctor's visits, and physical therapy shall be given assignment consideration. Supervisors, (whether it is the Loaning Department Head or the Receiving Department Head), will be notified of any scheduling issues and will arrange work activities in such a manner as to encourage the rapid recovery of the employee.

Employees assigned to Modified Work Duty are responsible for maintaining acceptable performance standards and for compliance with all other procedures and policies set forth in the City of Bastrop Personnel Manual in regard to work related duties.

It is the responsibility of the Department Head who is assigned supervisory responsibility of an employee on Modified Work Duty, (i.e., the "Supervising Department Head") (whether it is the Loaning Department Head or the Receiving Department Head), to:

1. Supervise the employee in a manner that encourages the employee's recovery.

2. Insure, to the extent possible, that the employee meets the performance standards of the assigned position regardless of whether the position is in the employee's regularly assigned department or in a different department. The Supervising Department Head shall provide the Human Resources Director, who will then report to the City Manager, with weekly performance evaluations, as well as information on any relevant matters or changed conditions of the assignment.

3. Notify the City Manager and the Human Resources Department immediately if disciplinary action is indicated and assist in counseling an employee who fails to perform up to the standards of the position to which the employee was assigned.

4. If, after consultation with the employee, the Supervising Department Head, the Human Resource Director, and the City Manager, a determination is made that it is not feasible and/or in the best interest of the operations of the department to have the employee reassigned to temporary Modified Work Duty, the Supervising Department Head, with approval from the Human Resources Director and the City Manager, may terminate the employee's Modified Work Duty.

Upon release by the treating physician to work without restrictions, if the employee has been on Modified Work Duty for a period of less than three (3) months during any fifteen (15) month period, the employee shall be returned to his regular work unit and position with the City.

Modified Work Duty assignments are temporary, discretionary, must be explicitly approved by both the Director of Human Resources and the City Manager in advance of any such assignment and will be discontinued if/when any one of the following occur:

1. The treating physician returns the employee to full duty with no restrictions.

2. The treating physician temporarily prohibits the employee from continuing with a Modified Work Duty assignment, for any reason.

3. There is no longer any available task within the City which can be performed by the employee given his/her current restrictions and qualifications.

4. The treating physician indicates that the employee has reached maximum improvement and will not be able to return to his/her prior position, resulting in reassignment to another position or release from employment with the City.
5. An employee has been on Modified Work Duty for a period of three (3) months during any fifteen (15) month period, which is the maximum time allowed for an employee to remain on Modified Work Duty.

PROCEDURE: The injured employee and the City's Director of Human Resources shall inform the treating physician of the City's policy regarding Modified Work Duty for all injured City employees.

The injured employee and the Human Resources Department shall give the treating physician the City of Bastrop's "Return to Work Evaluation Form" with the employee's job description which includes the physical demands of the employee's temporary job. In addition, the employee shall be responsible for obtaining from Human Resources the appropriate forms to be completed by the treating physican – **on each visit during the recovery process** – and then providing same to the Director of Human Resources so that the City may continue to monitor the physical condition of the employee while on Modified Work Duty.

If the treating physician agrees to Modified Work Duty, the employee shall meet with his/her current Department Head, who will coordinate a meeting with the City Manager, the Director of Human Resources and the proposed Receiving Department Head (either in person or by written communication) to discuss the appropriateness of a Modified Work Duty program, and activities and a schedule consistent with the medical release and restrictions involved.

The City may require an employee to obtain a second opinion by a health care provider designated or approved by the City at the City's expense before approving a Modified Work Duty Program. A health care provider designated or approved by the City may not be employed by the City.

Adjustments to the employee's temporary work schedule and Modified Work Program duties will be made as dictated by common sense and the circumstances of each Loaning Department Head, Receiving Department Head, if applicable, the Human Resource Director, the City Manager, and the employee.

When applicable, the Loaning and the Receiving Department Head will meet with the City Manager and the Human Resource Director to confirm that the injured employee has been assigned to a Modified Work Duty program, and to confirm the details of such assignment. In all such cases, within twenty-four (24) hours of the assignment, the Return to Work Evaluation Form shall be completed by the attending health care provider and employee confirming the start and end dates of the Modified Work Duty assignment. Once the attending physician completes the Return to Work Evaluation Form, it shall be provided to the Human Resources Department for review, and then, upon approval by the Director of Human Resources, forward to the City Manager for execution.

The employee's time card shall be maintained by the specific department to which the employee was assigned for Modified Work Duty.

Part 2. All ordinances, policies, resolutions, or parts of ordinances, policies and resolutions, in conflict with this Ordinance are hereby repealed, and are no longer of any force and effect.

Part 3. If any provision of this Ordinance and the Policies adopted herein 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 and the Policies adopted hereby 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 4. The Mayor is hereby authorized to sign this Ordinance and the City Secretary to attest.

Part 5. The Ordinance shall take effect immediately after passage noted below in accordance with the City's Charter and the laws of the State of Texas.

READ and APPROVED on **FIRST READING** on the **26th** day of NOVEMBER, **2013**.

READ and ADOPTED on **SECOND READING** on the __ th day of DECEMBER, **2013**.

APPROVED:

____
Mayor Terry Orr

ATTEST:

____
Elizabeth Lopez, City Secretary

APPROVED AS TO FORM:

____
J.C. Brown, City Attorney

CITY OF BASTROP **AGENDA ITEM D-2**

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: 11/21/13
MEETING DATE: 11/26/13

1. Agenda Item: **Consideration, discussion and possible action on the FIRST READING of an ORDINANCE of the City Council of the City of Bastrop, Texas, AMENDING SECTION 1.15.126; "ETHICS ORDINANCE – CHAIR/QUORUM" in the Code of Ordinances of the City of Bastrop; providing a severability clause; and providing an effective date.**

2. Party Making Request: **Dave Quinn, BEDC Executive Director**

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

4. Policy Implication: ____________________________

5. Budgeted: ________Yes ________No N/A
   Bid Amount: __________ Budgeted Amount: __________
   Under Budget: __________ Over Budget: __________
   Amount Remaining: __________

6. Alternate Option/Costs: ____________________________

7. Routing:

NAME/TITLE	INITIAL	DATE	CONCURRENCE
a)			

8. Staff Recommendation: ____________________________

9. Advisory Board: ________Approved ________Disapproved ________None

10. Manager's Recommendation: ________Approved ________Disapproved ________None

11. Action Taken: ____________________________

ORDINANCE NO. 2013 -____-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, AMENDING SECTION 1.15.126; "ETHICS ORDINANCE – CHAIR/QUORUM" IN THE CODE OF ORDINANCES OF THE CITY OF BASTROP; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on or about January 10, 2012, the City Council of the City of Bastrop, Texas adopted a Code of Ethics, for officials and employees of the City of Bastrop, and

WHEREAS, after careful study and review, the City Council has determined that in order to promote the efficient and orderly operation of the Ethics Commission, with regards to the Ethics Commission's routine administrative business (which specifically would not include meetings of the commission convened to review and investigate a complaint related to violation(s) of the Code), the Council should amend the Code to provide that two (2) members of the Commission constitute a 'quorum' to conduct the Commission's administrative business, and to allow up to one (1) member to participate in such administrative meetings by telephone, video or other technological means, as set forth herein below.

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

Part 1: That Section 1.15.126, entitled "Chair/quorum" is hereby amended to read as follows:

Sec. 1.15.126 Chair/quorum

The ethics commission shall elect a chairperson, who shall preside over the hearings before the ethics commission. The chairperson shall serve a one (1) year term. The city secretary shall serve as the administrative record keeper for the ethics commission.

Unless otherwise stipulated by the chairperson at his/her discretion, for purposes of convening and conducting the administrative work of the commission, such as evaluating and developing recommendation to the City Council concerning matters related to the standard of conduct for city officials and employees, two (2) members of the commission shall constitute a quorum to conduct the business of the commission. In addition, for such administrative meetings, up to one (1) member of the commission may participate in (and be considered to be present at) the commission meeting by use of remote technology, such as telephone or video conferencing. However, a~~A~~ll three (3) members of the ethics commission shall ~~constitute a quorum, and all ethics commission members shall~~ be present, in person, at any time ~~for~~ the ethics commission is ~~to~~ convened to review and investigate a complaint related to violation(s) of the Code. ~~conduct business.~~

Part 2: All other provisions of the Bastrop Code of Ethics shall remain in full force and effect.

Part 3: This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Bastrop, and this ordinance shall not operate to repeal or affect any of such other ordinances, except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any in such other ordinance or ordinances are superseded.

Part 4: If any provision of this ordinance or application thereof to any person or circumstance is 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: The Mayor is hereby authorized to sign this ordinance and the City Secretary to attest. This ordinance shall become effective immediately.

PASSED AND APPROVED ON FIRST READING ON THIS __ DAY OF _____, 2013.

PASSED AND ADOPTED ON SECOND READING ON THE ___ DAY OF _____, 2013.

APPROVED: ATTEST:

_____________________ _____________________

Mayor Terry Orr Elizabeth Lopez, City Secretary

APPROVED AS TO FORM:

____

Jo-Christy Brown, City Attorney

CITY OF BASTROP AGENDA ITEM **D-3**

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: 11/20/13
MEETING DATE: 11/26/13

1. Agenda Item: **Consideration, discussion and possible action on a RESOLUTION from the Bastrop ECONOMIC DEVELOPMENT CORPORATION recommending that the Bastrop City Council adopt the TEXAS FREEPORT TAX EXEMPTION.**

2. Party Making Request: **Dave Quinn, BEDC Executive Director**

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

   Recognizing that Freeport Exemption can be a vital tool in economic development growth, the Bastrop EDC Board voted unanimously to pass a resolution recommending the Bastrop City Council adopt the Freeport Exemption for the City of Bastrop. This will allow Bastrop to remain competitive in the site selection process.

   Attached for the Council's review is a summary from the BEDC about Freeport Exemptions and the resolution from the BEDC Board of Directors.

4. Policy Implication: ____________________

5. Budgeted: ______Yes ______No N/A
   Bid Amount: ________ Budgeted Amount: ________
   Under Budget: ________ Over Budget: ________
   Amount Remaining: ________

6. Alternate Option/Costs: ____________________

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

   a) ____________________

8. Staff Recommendation: ____________________

9. Advisory Board: ______Approved ______Disapproved ______None

10. Manager's Recommendation: ______Approved ______Disapproved ______None

11. Action Taken: ____________________

RESOLUTION NO. 11182013-1

A RESOLUTION OF THE BASTROP ECONOMIC DEVELOPMENT CORPORATION RECOMMENDING THAT THE CITY COUNCIL OF BASTROP CONSIDER APPROVAL OF THE ADOPTION OF AN AD VALOREM 'FREEPORT TAX EXEMPTION', FOR CERTAIN 'IN TRANSIT' GOODS THAT ARE LOCATED IN THE CITY OF BASTROP'S TAXING JURISDICTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Bastrop Economic Development Corporation, ("BEDC" or "Corporation") is a public instrumentality and non-profit industrial development corporation duly established and operating under Local Government Code, Chapters 501 and 505, *et seq.*, as amended, known as the Development Corporation Act of 1979 (the "Act"); and

WHEREAS, after careful evaluation and consideration by the Board, the BEDC's governing body (the "Board") has determined that in order to promote the economic vitality of the City of Bastrop, support and facilitate future development within the city's taxing jurisdiction, and encourage the growth of employment in the City of Bastrop, the City Council should consider adoption of an ad valorem Freeport Tax Exemption, as provided by the Texas Constitution, Sec. 1-j, and the Texas Tax Code, Section 11.251, *et seq.*

NOW THEREFORE, BE IT RESOLVED BY THE BASTROP ECONOMIC DEVELOPMENT CORPORATION, THAT:

Section 1. On this date, the governing body of the BEDC took formal action, to recommend to the City Council of the City of Bastrop, Texas, that it consider approval of the adoption of a Freeport Tax Exemption, as provided by the Texas Constitution, Sec. 1-j, and the Texas Tax Code, Section 11.251, *et seq*, whereby certain inventory that is 'in transit' in the State of Texas, (i.e., for short term storage, assembly, manufacture, processing or fabrication), would be exempt from ad valorem inventory taxation.

Section 2. The Board recommends adoption of this limited ad valorem tax exemption because it is deemed to be a proven mechanism to incentivize economic development and job growth in communities that adopt such an exemption. A brief overview of the Freeport Tax Exemption, and the State laws related to it, are attached hereto as Exhibit A.

Section 3. The Board authorizes Chairman Steve Mills, and/or Executive Director Dave Quinn, and/or *ex officio* member, Michael H. Talbot, City Manager, to execute this Resolution, reflecting the recommendation of the Board, and to provide it to the City Council for its consideration.

Section 4. This Resolution shall take effect immediately from and after its adoption in accordance with the law.

PASSED AND APPROVED on the 18th day of November 2013, by the Board of Directors of the Bastrop Economic Development Corporation.

Steve Mills

Steve Mills, Board Chairman

Pat Crawford

ATTEST:

This instrument was attested before me on the 21st day of November, 2013, by Pat Crawford, Secretary of BEDC, Bastrop County, Texas, on behalf of the Board of Directors of the Bastrop Economic Development Corporation, of Bastrop, Texas.

ANGELA RYAN
Notary Public
STATE OF TEXAS
My Comm. Exp. Nov. 14, 2016

Angela Ryan

Notary Public, State of Texas

CITY OF BASTROP **AGENDA ITEM D-4**

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: November 19, 2013
MEETING DATE: November 26, 2013

1. AGENDA ITEM: **DISCUSSION AND POSSIBLE ACTION REGARDING AUTHORIZING THE CITY MANAGER TO PROVIDE A LETTER TO TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) EXPRESSING THE CITY COUNCIL'S AND CITIZENS' STRONG CONCERN OVER TXDOT'S FUTURE PLAN TO ROUTE ADDITIONAL VEHICULAR TRAFFIC ONTO GUTIERREZ STREET, PARALLEL TO AND SOUTH OF HIGHWAY 71, IN BASTROP, TEXAS.**

2. Party Making Request: **Willie DeLaRosa**

3. Nature of Request: (Brief Overview)

   It has come to the City's attention that TXDOT is making future plans, related to the redesign of portions of Highway 71, to route a significant amount of vehicular traffic onto a local street, i.e., Gutierrez Street. The portion of Gutierrez Street in question runs parallel to, and immediately to the south of Highway 71. It is my recommendation that the City Council authorize the City Manager to send written communication to TXDOT expressing the City's concern over this future traffic plan, and asking TXDOT to reconsider the plan in light of the negative impact this would have on the City's small, surface roads, in that area. In, the alternative, the City Manager should ask that TXDOT make funds available to the City to mitigate the effects of the proposed traffic re-routing.

   Attachments: None.

4. Policy Implication: __City Future Traffic

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: ____