

**NOTICE OF REGULAR MEETING
BASTROP CITY COUNCIL
October 8, 2013
6:15 P.M.**

Pursuant to the Texas Government Code, Chapter 551, the City Council of Bastrop, Texas will hold a regular meeting on **October 8, 2013 at 6:15 p.m.** at Council Chambers of City Hall, 1311 Chestnut Street, Bastrop, Texas and will consider the following matters to wit:

ANNOUNCEMENTS

1. Call to Order
2. Pledge of Allegiance and Invocation
3. Presentations
 - A. Character Education Presentation by a Bastrop Student on "Responsibility"
4. Proclamations
5. Announcements

CITY MANAGER'S INFORMATIONAL REPORT FOR SEPTEMBER 24, 2013:

Items for update, discussion and possible action:

A. Meetings and Events Attended:

1. Attended the monthly meeting of the Zoning Board of Adjustment on October 2, 2013.
2. Attended the monthly meeting of the Parks Board on October 3, 2013 Review

B. Update on City Projects and Issues:

1. Water Usage report for the period of August 24, 2013 through October 3, 2013.
2. Traffic Plan for the Annual Halloween Event.
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 AMI Project.
6. City Council Utility Meeting.
7. Update on the Proposed Improvements for the Bastrop Business Park.
8. Update Wineries & Breweries in the Central Business District
9. Filling the vacancy of the Chief of Police position.
10. Review of current vacancies on City Board.
11. Update on the upcoming Issuances of Certificate of Obligations.
12. Update on Proposed Changes to the City of Bastrop's Personnel Policies.

13. Update on Golf Voucher Program
14. Update on the October 3, 2013 Parks Board Meeting

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 issues 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	PAGE	ORIGINATOR
A.1	Approval of meeting MINTUES for Special Utility Meeting/Workshop on September 17, 2013.	A.1	8	Elizabeth Lopez
A.2	Consideration, discussion and possible action on the SECOND READING of a proposed Ordinance of the City Council of the City of Bastrop, Amending Section 1.10.002 " Park Rules " and Amending " PROHIBITED ACTIVITIES " of Chapter 1 "General Provisions" and providing an effective date.	A.2	13	Trey Job
A.3	Discussion, Consideration and Possible Action Regarding the SECOND READING Approving "an Ordinance amending and clarifying article 4.06, Special Events Permits , Public Gatherings and Parades of Chapter 4, Business Regulations; Providing a severability clause, a savings clause, and an effective date."	A.3	24	Mike Talbot
A.4	Approval of Bastrop Marketing Corporation's request for reimbursement of expenses.	A.4	41	Karla Stovall
A.5	Consideration, discussion and possible action on SECOND READING for approval of a request to amend the Bastrop Economic Development Corporation's Fiscal Year 2013 budget in the amount of \$50,000.	A.5	44	Dave Quinn

- A.6 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 Lots 165 and 166 to combine two residential lots in Lake Bastrop Pines being approximately 0.484 acres within the 1 mile Extra Territorial Jurisdiction (ETJ) of the City of Bastrop, Texas. A.6 50 Melissa McCollum
- A.7 Approval of the Special Event Permit Application submitted by the Downtown Business Alliance to host “**Veteran’s Day Car Show**” on **Friday, November 8, 2013** in Fisherman’s Park (movie) and on **Saturday, November 09, 2013**, in Downtown Bastrop. A.7 52 Trey Job

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

- B.1 **CONDUCT A PUBLIC HEARING** to receive citizens input on our request for a change in zoning/re-zoning for the following adjacent tracts of land: B.1 67 Melissa McCollum
- 1) **C2**, Commercial Heavy to C1, Commercial Light for +/- 0.1299 acres within Building Block 118 East of Water Street; and
 - 2) **C1**, Commercial Light for +/-0.2131 acres being a portion of vacated Newton Street South of Building Block 118 and North of Building Block 119; and
 - 3) **SF7**, Single Family Residential to C1, Commercial Light for +/-1.2757 acres within Building Block 119 East of Water Street.

These properties are located South of State Highway 71 East, West of unopened Pitt Street and North of Jasper within the City limits of the City of Bastrop, Texas.

- 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 granting a zoning/re-zoning district change for the following adjacent tracts of land: B.2 74 Melissa McCollum
- C2**, Commercial Heavy to C1, Commercial Light for +/- 0.1299 acres within Building Block 118 East of Water Street; and

C1, Commercial Light for +/-0.2131 acres being a portion of vacated Newton Street South of Building Block 118 and North of Building Block 119; and

SF7, Single Family Residential to C1, Commercial Light for +/-1.2757 acres within Building Block 119 East of Water Street in the City limits of Bastrop, Texas; and establishing an effective date.

B.3 Citizen Comments

B.3

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, Chapter 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

C. OLD BUSINESS

D. NEW BUSINESS

D.1 Consideration, discussion and possible action for selecting a financial institution to serve as the City's primary banking services depository for the deposit of certain City funds and provision of banking functions for designated funds of the City. D.1 85 Mike Talbot

D.2 The calendar developed and approved by City Council for the Hotel Motel funding distribution identifies October 8, 2013 for City Council to approve the final funding levels for organizations. Total amount to be distributed is \$283,500. Year-end summary reports provided at meeting. D.2 91 Mike Talbot

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 4th day of October 2013 at 3 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

Planning and Development Department

Monthly Report – September 1, 2013 – September 30, 2013

<u>Building Permit Type</u>	<u>Month</u>	<u>YTD</u>	<u>2012 YTD</u>
Single Family Residences	3	50	28
Commercial Starts	1	11	6
Miscellaneous (electrical, plumbing, HVAC, pools, sprinklers, storage buildings, patio covers, signs	37	445	362
Residential Remodels	3	33	36
Commercial Remodels	2	18	31
Total Permits Issued	46	557	514
Commercial and Residential Inspections	215	1748	1296

Business Information requests:

- Dance Hall

Projects in Process:

Commercial Construction

- Riverwood Commons Phase 1 Senior Apartments
- Covert Chevrolet – Remodel
- Bastrop County Development and Tax Assessors Office
- BEDC Industrial Park – Art Warehouse
- H2O Ice House
- Garner/Riley Physical Therapy
- Lone Star Circle of Care
- Bastrop Junction Retail

Land Development Plans

- Pine Vista Restaurant (old Roadhouse)
- BEDC Industrial Park – JAMCO
- Long John Silvers

Site Work

Subdivisions

- Hunters Crossing, Section 9C Final
- Industrial Park Subdivision – Combining 2 lots into 1
- XS Ranch 29 Estate Lots – Prelim
- Young Subdivision Replat – create 2 residential lots on Gordon Street
- The Grove Preliminary Plat – 7 commercial lots
- The Grove Final Plat for 1 commercial lot
- Replat of Lot 51 in Piney Ridge
- Lake Bastrop Pines – 1 mile ETJ

Commercial Const Remodels

- Clothing Boutique Finish out – Hwy 95

Other Projects/Activities in Process:

Regulatory/Policy Documents:

Official Meetings:

- 2 City Council Meetings
- 0 Planning and Zoning Commission Meeting
- 0 Board of Adjustment Meeting
- 0 Historic Landmark Commission Meeting
- 0 Form Based Code Meetings
- 3 Predevelopment Meeting (Tuesdays with developers)
- 1 preconstruction meeting with contractor

A detailed monthly report is available in the P and D Office – 1311 Chestnut Street

9/1/2013-9/30/2013

Last update: 10/2/2013

Planning and Development Monthly Report

BASTROP POLICE DEPARTMENT

MONTHLY CRIMINAL STATISTICAL REPORT

MONTH OF: September 2013

PART 1 OFFENSES	September 2012	September 2013	DIFFERENCE	PERCENTAGE INC/DEC
1. Murder	0	0	0	0%
2. Rape	0	0	0	0%
3. Agg. Assault	0	2	2	200%
4. Robbery	0	1	1	100%
5. Burglary	5	4	-1	-1%
6. Larceny	37	33	-4	-11%
7. Auto theft	0	0	0	0%
8. Arson	0	0	0	0%
TOTAL PART 1	42	40	-2	-5%
ALL OTHER OFFENSES	September 2012	September 2013	DIFFERENCE	PERCENTAGE INC/DEC
TOTAL ALL OTHER	57	38	-19	-33%

September	YTD 2013
Cases Cleared	Cases Cleared
0	0
0	0
2	12
0	1
1	11
25	101
0	6
0	1
28	132

Year-to-Date	YTD 2012	YTD 2013	DIFFERENCE	PERCENTAGE INC/DEC
PART 1 OFFENSES				
1. Murder	0	0	0	0%
2. Rape	3	1	-2	-67%
3. Agg. Assault	8	12	4	50%
4. Robbery	3	4	1	33%
5. Burglary	37	27	-10	-27%
6. Larceny	302	275	-27	-9%
7. Auto theft	7	20	13	186%
8. Arson	2	3	1	50%
TOTAL PART 1	362	342	-20	-6%
ALL OTHER OFFENSES	YTD 2012	YTD 2013	DIFFERENCE	PERCENTAGE INC/DEC
TOTAL ALL OTHER	577	405	-172	-30%
YTD ALL OFFENSES	939	747	-192	-20%

YEAR-TO-DATE	2013	
	September	YTD 13
PART I # CLEARED	28	132
PART I % CLEARED	70.0%	38.6%
PART II # CLEARED	18	192
PART II % CLEARED	47.4%	47.4%

CITY OF BASTROP

AGENDA ITEM

A-1**STANDARDIZED AGENDA RECOMMENDATION FORM**

CITY COUNCIL

DATE SUBMITTED: **October 4, 2013**MEETING DATE: **October 8, 2013**

1. Agenda Item: **Approval of the meeting Minutes from the Special Utility Meeting/Workshop held on Tuesday, September 17, 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:

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

**BASTROP CITY COUNCIL
MINUTES OF SPECIAL UTILITY MEETING/WORKSHOP
September 17, 2013 at 6:15 pm**

Pursuant to the Texas Government Code, Chapter § 551, the City Council of Bastrop, Texas will hold a Special Utility Meeting/Workshop on Tuesday, **September 17, 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:

A. CALL TO ORDER

Mayor Terry Orr called the meeting to order at 6:15 p.m. A full quorum was present: Mayor Pro-Tem Joe Beal and Council Members Kay Garcia McAnally, Dock Jackson, Ken Kesselus, and Willie De La Rosa who arrived at 6:23 pm.

B. ADJOURN THE SPECIAL UTILITY MEETING/WORKSHOP – THE BASTROP CITY COUNCIL WILL CONVENE INTO A UTILITY WORKSHOP SESSION TO:

- 1. Discuss and evaluate any and all matters related to the City's utilities, specifically current and future provision of water / waste water and electric service to the citizens of the City and in the extraterritorial jurisdiction, including but not limited to the protection and preservation of future water and electric sources, operations, competitive matters, potential upgrades, planning and the resolution of utility issues as they arise.**

Mayor Terry Orr adjourned the Special Utility Meeting and convened into the Utility Workshop session at 6:17 p.m.

City Manager presented a PowerPoint presentation of the "Utility Committee Quarterly Report for the period of July – August 2013 to the City Council Members. He welcomed City employee Curtis Ervin Director of the Electric Department at BP&L Department who gave a brief insight with regard to the Power & Light duties:

- Total Hours worked – 1,899 (*A majority in work orders and system maintenance*)
- Work Orders – 169 (*Over 55 % were locating in-ground electric lines*)
- Meter Reading – Total 2,584 (*Residential 2,019 / Commercial 520/ BISD 45*)
- Reinsulating distribution lines - at Hill Street for improved system reliability.
- Tree Trimming/System Maintenance – at Linden/Wilson, Right-of- way at Hwy 21, and at the LCRA Conference Center.

Council Member Ken Kesselus requested clarification on the 55% noted under work orders, at which time City Manager Mike Talbot stated that the staff had worked a total of 1,899 hours for the period of July – August 2013 and 55% of the total work hours were 501 man hours spent on work-orders /locating in-ground electric lines. Additionally, the City Manager stated that the utility line location requests are escalating.

Mayor Terry Orr inquired about the equipment used in reinsulating the distribution lines at Hill Street. Curtis Ervin stated they are fiberglass bucket type if equipment used along with liners to reinsulate the distribution lines. The staff work includes tree trimming and system maintenance along Linden & Wilson, the LCRA Conference Center and along the right-of-way at Highway 21.

City Manager Mike Talbot elicited additional questions from the Council Members at which time Council Member Kay McAnally stated she had stopped and taken pictures of the Power & Light staff working in these areas and said "it was pretty amazing."

City Manager acknowledged the Bastrop's Power & Light staff because they promptly respond to reinstating power outages with a current two-hour response time in addition to addressing work orders and system maintenance. He added that the Morale of the BP&L staff was happy with their new facility and Curtis Ervin took a moment to praise his staff.

Mayor Pro-Tem Joe Beal and Mayor Terry Orr thanked the B&PL staff for their work and quick response times in addressing everyday issues.

City Manager Mike Talbot invited additional feedback with the Council, with no additional inquiries he proceeded to introduce the Public Works Director, Trey Job who presented the Water & Wastewater Report

- Water & Wastewater - Total hours worked this quarter were 3,270 (*with a majority of work hours attributed to water operations, water work orders, and wastewater operations*)
- Waste & Water Work Orders – For July and August, over 250 works hours were spent locating water/wastewater lines equivalent to 71% of hour total work hours.
- Meters Billed – a combined total of 2,941 water meters and 2,599 wastewater meters were read for residential and commercial accounts in 2013.
 - Water Residential 2,305 an increase from 2,262 in 2012
 - Wastewater Residential 2,085 a slight increase from 2,045 in 2012
 - Water Commercial 628 an increase from 614 in 2012
 - Wastewater Commercial 514 a slight increase from 507 in 2012
- To date, water consumed in 2013 is 86,492,900 gallons in comparison to the 69,996,300 gallons in 2012.
- To date, water treated is 48,218,000 gallons in comparison to the 56,387,000 gallons in 2012.

Trey Job presented additional information on the Well Water levels respective to optimal conditions, drought stressed conditions and the well static levels for Wells' C, E, F & G.

Mayor Pro-Tem Joe Beal inquired about the total water consumption per day, after careful review of our water reports, City Manager Mike Talbot responded the water consumption was 350,226 gallons for Jan-August 2013.

City Manager Mike Talbot introduced Chief Financial Officer, Karla Stovall who provided an in-depth presentation on the Utility Customer Service Department and the Meter Technicians workload for the months of July & August 2013. CFO Karla Stovall noted that they had worked a total of 2,464 hours, with a majority of 840 hours allotted to collecting payments, followed by 708 work hours in meter reading, 278 work hours addressing & resolving work orders and 196 work hours responding to customer inquiries.

City Manager Mike Talbot and CFO Karla Stovall stated that the number of water/wastewater disconnections were down to 35 this year in comparison to the 45-50 for previous years. City Manager Mike Talbot and CFO Karla Stovall were happy to report this reduction was a direct reflection of the on-line payments (user friendly website) and to our department staff are glad to offer assistance to our customers with their account inquiries.

City Manager Mike Talbot stated he couldn't remember the last time he had a customer disputing a utility bill and he credited this to the friendly and well trained staff who take time to explain and answer inquiries posed by our customers.

CFO, Karla Stovall presented additional information to the City Council Members on the analysis of Water accounts being billed in comparison to the Electric accounts.

- Residential - We have a total of 1414 Electric and 2321 Water accounts.
- Commercial – We have a total of 632 Electric and 600 Water accounts.

Council Member Dock Jackson thanked staff for their “self-explanatory” staff reports.

Mayor Terry Orr stated he did not understand the billing of the water usage despite numerous efforts to calculate usage and billing amount. At which time City Manager Mike Talbot offered additional explanation during the next scheduled meeting on Monday, September 23, 2013.

Kay Garcia McAnally and Dock Jackson once again thanked staff for their efforts and insightful reports.

C. THE BASTROP CITY COUNCIL WILL ADJOURN THE UTILITY WORKSHOP SESSION AND RECONVENE BACK INTO SPECIAL UTILITY MEETING.

Mayor Terry Orr adjourned the Utility Workshop Session and reconvened into the Utility Meeting at 6:58 p.m. No action was taken.

D. 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(S) 551.071(1) (A) AND 551.071 (2) - CONSULTATION(S) WITH ATTORNEY: (1) THREATENED AND/OR CONTEMPLATED LITIGATION, AND (2) MATTERS UPON WHICH THE ATTORNEY HAS A DUTY AND/OR RESPONSIBILITY TO REPORT TO THE GOVERNMENTAL BODY.
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 UTILITIES: COMPETITIVE MATTERS

During Executive Session at approximately 8:35 pm, Mayor Pro-Tem Joe Beal left the meeting.

E. THE BASTROP CITY COUNCIL WILL RECONVENE INTO OPEN UTILITY WORKSHOP MEETING TO DISCUSS, CONSIDER, AND/OR TAKE ANY ACTIONS NECESSARY RELATED TO THE EXECUTIVE SESSION NOTED HEREIN, OR REGULAR AGENDA ITEMS, NOTES ABOVE, AND/OR RELATED ITEMS.

Council Member Willie DeLaRosa moved that the City Council approve a one (1) year extension to the agreement between the City, the BEDC, and the City Manager, Mike Talbot, that provides that Mr. Talbot will perform professional services for the Board, and the Board will compensate the City Manager Mike Talbot for same. Seconded by Council Member Kay Garcia McAnally and motion carried unanimously.

Approved 4-0; Mayor Pro-Tem Joe Beal left the meeting earlier, otherwise there would have been 5 votes.

F. ADJOURN

At 8:51 pm, Council Member Ken Kesselus made the motion to adjourn the meeting. Seconded by Council Member Willie DeLaRosa and motion was carried unanimously.

Approved 4-0

APPROVED:

ATTEST:

Terry Orr, Mayor

Elizabeth Minerva Lopez, City Secretary

AGENDA ITEM A-2

11. Action Taken: At the Regular Council Meeting held on Tuesday, September 24, 2013, Council Member Kay Garcia McAnally made the motion to accept the First Reading of the Proposed Ordinance of the City Council of the City of Bastrop, Amending Section 1.10.002 “Park Rules” and Amending “Prohibited Activities” of Chapter 1 “General Provisions and providing an effective date. Seconded by Council Member Dock Jackson and motion was carried unanimously. (4/0)

City of Bastrop



Agenda Information Sheet:

City Council Meeting Date:

September 27, 2013

Public Notice Description:

Consideration, discussion and possible action on the SECOND READING of a proposed Ordinance of the City Council of the City of Bastrop, Amending Section 1.10.002 "Park Rules" and Amending "PROHIBITED ACTIVITIES" of Chapter 1 "General Provisions" and providing an effective date.

Item Summary:

At the Regular Council Meeting held on Tuesday, September 24, 2013, Council Member Kay Garcia McAnally made the motion to accept the First Reading of the Proposed Ordinance of the City Council of the City of Bastrop, Amending Section 1.10.002 "Park Rules" and Amending "Prohibited Activities" of Chapter 1 "General Provisions and providing an effective date. Seconded by Council Member Dock Jackson and motion was carried unanimously. (4/0)

Staff Recommendation: Staff recommends approval of the revisions to the Parks Ordinance section 1.10.002 prohibited activities.

Parks Board Recommendation:

The Parks Board on Aug 1, 2013 voted unanimously 8-0 to recommend approval of the changes to Section 1.10.002 "Prohibited activities"

City Contact:

Trey Job - Director
Public Works Department

Attachments:

Ordinance for second reading and proposed sign examples



Real Birds

Don't Eat Bread !!

Below are a few important reasons why bread and other foods are a health risk to the birds. Wildlife experts say:

- Bread is low in nutrients and is hard for birds to digest.
- Bread expands and causes birds to feel full. This makes them less likely to search for their natural foods, filled with the proper nutrients.
- Birds can get breathing infections caused by mold from decaying bread.
- Birds can rapidly become conditioned to and dependent on handouts.
- Fed ducks and geese behave differently and can become more aggressive and eventually lose their wariness of humans.
- Feeding alters normal migration patterns of birds, by shortening or even eliminating them. Ducks reluctant to leave in the winter may not survive sudden cold.

ORDINANCE No. _____**AN ORDINANCE AMENDING SECTION 1.10.002 "PARK RULES" AND
ADDING SECTION 1.10.003 "COMMERCIAL USE OF PARKS" TO
ARTICLE 1.10 "PARKS" OF CHAPTER 1 "GENERAL PROVISIONS";
AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the City of Bastrop ("City") has observed a growing demand for use of City parklands by a variety of private commercial entities as well as citizens of the City and surrounding areas; and

WHEREAS, to optimize public access, use and enjoyment of the City's park system by all users, and to reasonably accommodate the growing demand for organized privately run outdoor vendors, the City has determined that it is in the best interest of the City and its citizens to expand the rules related to fees and reservations for patrons seeking to use the City parks, to specify certain areas of the parks for commercial uses, and to develop an applicable fee schedule for commercial and non-commercial uses.

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

PART 1: Chapter 1: General Provisions, Article 1.10 "Parks," Section 1.10.002 "Parks Rules" are hereby amended to provide as follows:

Sec. 1.10.002 Park rules

- (a) Overnight camping; hours when closed.
 - (1) There shall be no person, vehicle, equipment or activity within any publicly owned park or playground within the city limits from 10:00 p.m. to 6:00 a.m. each day, unless an exception to this rule is provided, in writing.
- (b) Reserved areas.
 - (1) Unless controlled by a separate lease agreement, the following areas of Bastrop Public Parks may be reserved and a permit obtained either for commercial or non-commercial purposes a minimum of three (3) business days in advance (excluding holidays) of the use on application to the Parks Department.
 - a. Multipurpose fields in Fisherman's Park and Bob Bryant Park.
 - b. Pavilions in Fisherman's Park and Bob Bryant Park (with associated BBQ's.)
 - c. Pavilion in Kerr Park
 - d. Mayfest Park
 - e. Pavilion in Hunter's Crossing Park
 - f. Hunter's Crossing Park

- g. Concessions stand at splash pad
- h. Jewell Hodges Park
- i. and Rusty Reynolds Field

In the event of a conflict between the City Ordinance and a Lease Agreement, the terms of the Lease Agreement shall control.

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

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

- (3) Pavilions (non-commercial use and commercial use). For reservation of City pavilions a fee and a deposit is required. See A1-10.002 of the fee schedule in Appendix A for additional information related to the applicable commercial and non-commercial uses and fees.
- (4) Concessions stand. The concession stand shall be available for use by individuals under the age of 17 and for a period of no longer than 14 consecutive days. Parent or guardian adult supervision is required for use of the concession stand. For reservation of the City concession stand a deposit is required. All individuals who reserve the concession stand shall comply with Chapter 4 of the Code of Ordinances and shall be responsible for payment of all applicable vendor and permitting fees. Use of the concession stand will be on a first come first serve basis. See A1-10.002 of the fee schedule in Appendix A for additional information related to commercial and non-commercial uses and fees.
- (5) Youth Sports Leagues. Commercially sponsored and/or organized youth league sports play (ages 17 and under) shall contact the Parks Department for reservations, times, and field designations. All organized youth sports leagues shall submit their schedules to the Parks Department as soon as possible, but in no event later than 30 days before the first scheduled practice to ensure that a field is available for use at the desired times and locations. Unless otherwise controlled by the terms of a lease agreement, no area of a park is specifically designated or reserved for one organization or youth team and areas will be provided on a first come first serve basis.

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

- (6) Tennis courts and basketball courts located in City parks shall be used for their intended purposes only, may not be reserved, and are on a first come first serve basis.
- (7) On receipt of an application to reserve an area in a City park, the Parks Department, or its designee, will review the application to determine the applicable fee, deposit, and necessary insurance, if any. On approval and payment of same, the City will provide the applicant with a permit stating that the applicant has successfully reserved the area on the requested date.
- (8) Refunds of Deposits and Fees. Reservations must be made a minimum of three (3) business days in advance (excluding holidays) of the use. A reservation is not valid, and a permit will not be issued, until all fees, deposits, and proof of insurance, if necessary, are paid in full to the Parks Department. Deposits and fees paid in accord with this section may be refunded under the following conditions:
 - a. Full refund of the reservation deposit and fee if the Parks Department is notified, in writing, of the cancellation not less than seven (7) days prior to the date of use of the reserved area.
 - b. Refund of one-half of the reservation deposit and fee if notice of cancellation is received by the Parks Department, in writing, between seven (7) days and 24 hours prior to the date of use of the reserved area.
 - c. The reservation deposit and fee will not be refunded if the event is cancelled less than 24 hours before the day of the event.
 - d. The reservation deposit will be returned to the individual or group reserving the area after the event so long as the area being reserved is clean and free of trash and debris at the conclusion of the event. Any damage, cleaning or maintenance required, in the sole discretion of the City and/or the Parks Department, will be charged against the deposit.
 - e. In the event a field is closed by the Parks Department (or other applicable City personnel) due to inclement weather or necessary construction or maintenance which causes an event to be cancelled, the reservation deposit and fee will be returned or applied to the "rain date", if an alternative date is sought.
 - f. Exceptions to the deposits and refunds are allowed only on written approval of the City Manager.
- (9) Tables in City owned parks may not be reserved and are available on a first come, first serve basis.

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

(c) Control of park and recreation areas.

- (1) The City shall have and shall exercise the power to control all activities, hours of visitation, and days and times in City parks in order to properly protect the citizens of this community. City parks and recreation areas shall be under the direct operation and control of the City Manager or his/her designee. In accord herewith, the City Manager, or his/her designee, shall be permitted to close the park or field in the event of inclement weather, field conditions, or necessary maintenance or construction which, in his/her sole discretion, renders the field's non-playable or is a risk to person or property.
- (2) City park and recreation areas shall be open to the public during the hours from 6:00 a.m. to 10:00 p.m. each day, with the exception of the splash pad which shall be open between 10:00 a.m. and 8:00 p.m. Monday-Sunday beginning the second week of April and ending on Labor Day. Any area of a City park, including the splash pad may closed by orders of the City Manager, or his/her designee, or the Park's Department, for the purposes of rehabilitation, cleaning, maintenance or general supervision, or upon reservation or general danger to the public. The City Manager shall have the authority to vary the splash pad hours and days of operation on request by the Parks Department.
- (3) Permission to use City parks from 10:00 p.m. to 6:00 a.m. may be granted by the City Council or the City Manager, as directed by City Ordinance, at the discretion of the City Manager, and in consideration of the requested use of the park. To request that a park be opened after hours (i.e. 10:00 p.m. to 6:00 a.m.), the Parks Department must be contacted with sufficient time in advance of the event to determine if a Special Event application is required or if City Council approval is necessary.
- (4) The Bastrop Police Department is charged with the responsibility of supervising and maintaining law and order in City parks. In order to carry out this provision, Officers of the Bastrop Police Department shall have the authority to make any arrests for violation of any State Law or City Ordinance. In addition thereto, it is declared that a person commits an offense if he/she enters or remains in a City park, recreation area, or other designated park area, during hours other than those set out hereinabove, without written approval of the City Manager or the City Council, and the person:
 - a. Had notice that the entry was forbidden; or
 - b. Received notice to depart but failed to do so.
- (5) For purposes of this subsection, "entry" means the intrusion of the entire body and "notice" means an oral, written, or demonstrative

communication by: 1) the City Manager or his/her authorized designee(s) or a Bastrop Police Officer; 2) fencing, gate or other enclosure obviously designed to exclude intruders during the closed hours; 3) signs posted to be reasonably likely to come to the attention of intruders. The Director of Public Works and the Park's Superintendent are specifically authorized to control and regulate the use of the Parks as the City Manager's designee.

- (6) For purposes of this Article, streets and parking in City parks shall be treated the same as any other City streets, and shall be supervised and regulated by the Bastrop Police Department in the same manner as all City streets. An individual sitting inside his/her vehicle shall be treated the same as any other individual in the park regardless of whether the vehicle is parked or is being driven.
- (7) Special Items in City Parks. Due to the special risks associated with the use of the items listed below an application requesting a special permit to allow the use, and proof of insurance in the amount of \$1,000,000.00 which names the City of Bastrop, and its officers, employees, volunteers, and officials as additionally insured, must be submitted to the Parks Department a minimum of three (3) business days (excluding holidays) prior to an event:
 - a. Moonwalks, bouncy castles, or other inflatable play areas;
 - b. Climbing Walls; and
 - c. Any other item which, at the discretion of the Parks Department and/or the City Manager, poses a unique safety concern.

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

- (8) Sale of Food and Drink in City Parks. The sale of food and drink concessions in the City of Bastrop, including at the concession stand, is strictly prohibited without compliance with Section 4.04 of the Code, including obtaining a vendor permit and certificate of health inspection, as well as any other applicable State and local permits and licensing.
 - (9) The refusal of any person to carry out the orders and provisions of this subsection shall be deemed a misdemeanor, punishable by a fine as provided for in Section 1.01.009 of this Code.
- (d) Prohibited activities.
- (1) Horses and Farm Animals are strictly prohibited in City Parks, unless permitted pursuant to a Special Events Permit and approved by the Parks Department and the City Council, as applicable, in advance of the use.
 - (2) Jumping, diving, wading into waterways. It is an offense and a violation of this subsection for any person to enter a river, stream or waterway by jumping, diving or doing any other dangerous act on or off any bank, bridge, street, highway, or appurtenance of publicly owned land, City park or public right-of-way. It shall likewise be illegal for any person to jump,

dive or do any other dangerous act from trees, platforms, high banks, dams or other walkways to enter streams, rivers, or waterways along, over or a part of public property or public right-of-way, including in a City park.

- (3) Inflatable, plastic or other types of portable pools.
- (4) Slip-N-Slides (exceptions may be made for individual “family” size slides, on approval by the Bastrop Parks Department).
- (5) Sprinklers (hoses may be used for cleaning purposes only).
- (6) No feeding Wildlife including Waterfowl such as ducks or geese and all other indigenous species native to Bastrop TX.

(e) Swimming or wading in Colorado River:

- (1) It is an offense and a violation of this subsection for any person, child or adult to enter, wade, swim, or engage in any aquatic activity in any portion of the Colorado River in the City parks.
- (2) Exception: The public shall be allowed to enter the water while in the process of embarking or disembarking any boat, canoe or any other flotation device upon waters of the Colorado River.

(f) – (k) **No changes**

PART 2: Chapter 1: General Provisions, Article 1.10 “Parks,” Section 1.10.003 “Commercial Use of Parks” is hereby added to provide as follows:

Sec. 1.10.003 “Commercial Use of Park”

(a) Definitions:

- (1) Commercial Use – a use which is undertaken for a business purpose and for which a fee is collected. This definition specifically includes organized adult sports leagues, teams, or groups where “fees” or “dues” are collected in order to participate in an activity and non-members are prohibited from joining the activity. In accord with Section 1.10.002(b)(5), for purposes of this Ordinance and the corresponding fee schedule, unless otherwise controlled by a lease agreement, Youth Sports Leagues are not considered a “Commercial Use” and are excluded from payment of a fee or deposit.
 - (2) General Course/Class – a class that meets regularly for a certain specific period of time which is organized for the purpose of teaching individuals and/or their pets a hobby, skill, or for other enjoyment or exercise and for which the owner or operator is paid a fee or for which “dues” are collected, including dog (or other pet) training classes.
- (b) Permit Required. Persons or entities shall not conduct the Commercial sale or offer to sell any item nor render or offer to render any Commercial service for hire, including coaching or organizing a Commercial sports event, at any park or other location in the City without obtaining a reservation and a commercial use

permit properly issued by the City of Bastrop Parks Department. Examples of activities or services in City parks which may qualify as Commercial Uses include boot camps, yoga, dog training, organized adult sports leagues, fitness professionals, meditation groups, and running clubs.

(c) Fees and Deposits.

- (1) The Parks Department reserves the right to increase any fees, deposits or insurance, or to require additional assurances in the event an activity poses a unique safety concern or would be detrimental to the park or the citizens of the City. See Section A1.1-.002 of the Fee Schedule in Appendix "A" of the Bastrop Code for information regarding City fees and deposits for Commercial Uses.
- (2) All fees and reservations for Commercial Uses shall be made through the Parks Department. Fees and security deposits shall be made only by cash or check. Once the applicable fee and deposit is paid, a permit to conduct the requested activity, class or course will be issued. A failure to comply with any of the terms set forth herein will subject the applicant to loss of the deposit.
- (3) Additional information regarding refunds of fees and deposits for Commercial Uses shall be as stated in Section 1.10.002(b)(8).

(d) Waitlist for Commercial Use and other Restrictions.

- (1) The Parks Department shall maintain a "waitlist" of individuals or entities who wish to use the Bastrop City Parks for a Commercial Use. The maximum amount of time an applicant may continuously reserve space in a Bastrop Park for a Commercial Use, as shown on the Permit received by the Parks Department, is ten (10) weeks per six (6) months. Once the ten (10) weeks has been utilized, and six (6) months have passed, the applicant may notify the Bastrop Parks Department that he/she would like to be placed back on the waitlist to apply for an additional ten (10) week period. At the discretion of the Parks Department, if there is no other individuals on the wait list, an Applicant may immediately renew their ten (10) weeks of Commercial Use.
- (2) The maximum number of Patrons who may utilize Fisherman's Park at one time for a Commercial Use is 500. The maximum number of individuals who may utilize Bob Bryant Park for a Commercial Use at any one time is 250. The maximum number of individuals who may utilize Hunter's Crossing Park for a Commercial Use at any time is 100. For purposes of calculating the restrictions set forth herein, a Patron shall include all individuals attending the event including, as applicable, players, participants, guests, children, spectators, coaches, relatives, family, friends, and parents.
- (3) The City Council shall have the right to vary the above restrictions in its discretion when in the best interest of the City and its citizens.

(e) Location and time of certain activities restricted.

- (1) Dog trainers who use the park for Commercial purposes are prohibited from using any area other than the Bark Park located on Grady Tuck Avenue to conduct training classes.
 - (2) Unless otherwise stated herein, Commercial Use of a City park is restricted to the hours from 6:00 a.m. to 10:00 p.m. Specific written permission must be secured from the Parks Board, for additional hours.
- (f) Insurance. The individual or entity involved in a Commercial Use of the park shall provide proof of insurance to the City in the amount of \$250,000.00 which names the City of Bastrop, and its officers, employees, volunteers and officials as additionally insured. Proof of insurance must be received by the Parks Department prior to the issuance of a Commercial Use permit.

Part 3: All other provisions of Section 1.10.002 "Park Rules" that are not amended hereby shall remain in full force and effect.

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

READ and Approved on First Reading on the 24th day of **September, 2013.**

READ and Adopted on Second Reading on the ____ day of _____, 2013.

APPROVED:

ATTEST:

Terry Orr, Mayor

Elizabeth Minerva Lopez, City Secretary

APPROVED AS TO FORM:

Jo-Christy Brown
City Attorney, City of Bastrop

CITY OF BASTROP

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

CITY COUNCIL

DATE SUBMITTED: **September 24, 2013**MEETING DATE: **October 8, 2013**

1. Agenda Item: Discussion, Consideration and Possible Action Regarding the **SECOND READING** Approving "an Ordinance amending and clarifying article 4.06, Special Events Permits, Public Gatherings and Parades of Chapter 4, Business Regulations; Providing a severability clause, a savings clause, and an effective date."
2. Party Making Request: **Michael H. Talbot**
3. Nature of Request: (Brief Overview) Attachments: Yes X No
Attached for City Council review and consideration is a "Revised Special Events Permit Ordinance" which basically will make approval of a "Special Events Application" an administrative function of the City Manager and will no longer be a matter coming before the City Council. There are a few other minor revisions highlighted in red which are just clean up items to the ordinance.
4. Policy Implication: _____
5. Budgeted: _____ Yes _____ No N/A
Bid Amount: _____ Budgeted Amount: _____
Under Budget: _____ Over Budget: _____
Amount Remaining: _____
6. Alternate Option/Costs: _____
7. Routing:

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

ORDINANCE NO. No. 2013-_____

AN ORDINANCE AMENDING AND CLARIFYING ARTICLE 4.06, SPECIAL EVENT PERMITS, PUBLIC GATHERINGS AND PARADES OF CHAPTER 4, BUSINESS REGULATIONS; PROVIDING A SEVERABILITY CLAUSE, A SAVINGS CLAUSE, AND AN EFFECTIVE DATE.

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

WHEREAS, in 1995 the City of Bastrop adopted an Ordinance regulating permits and activities related to Special Events held in the City of Bastrop to ensure public safety and minimize citizen and City inconvenience, which Ordinance was later repealed and replaced in 2009; and

WHEREAS, with the increase in Special Events being held in the City of Bastrop, the City finds it necessary to amend and clarify the existing Ordinance to further the goals of the community related to protecting the health, safety and welfare of the citizens, as well as the health and safety of participants of a Special Event held in Bastrop.

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

Part 1: That Article 4.06 of the Code of Ordinances is hereby amended and clarified, as follows:

**ARTICLE 4.06 SPECIAL EVENTS PERMITS, PUBLIC GATHERINGS
AND PARADES**

Sec. 4.06.001 Purpose:

It is the purpose of the Bastrop City Council to establish a comprehensive process for permitting Special Events by the public and private sector using City streets, facilities, or services. It is recognized that Special Events provide benefits to the City of Bastrop through the creation of unique venues for expression and entertainment. However, certain Special Events, due to their size and special requirements, may place unique demands on public resources or pose a danger to public health, safety, and welfare. In order to plan for these demands on public resources and to ensure that the public health and safety of its citizens is protected, the City of Bastrop must receive advance notice of any Special Events that are to occur within its boundaries. The provisions of this Ordinance are intended to address those concerns and are not intended to place an unreasonable burden on individuals' rights of association or freedom of expression. It is the intent of the Bastrop City Council to protect the rights of its citizens to engage in free

speech activities, yet allow for the least restrictive and reasonable regulation of time, place, and manner of those activities within the overall context of rationally regulating Special Events that have an impact on public facilities and services.

Sec. 4.06.002 Definitions:

Applicant. A person who has filed a written application for a Special Event Permit.

City. The City of Bastrop, Texas.

Sidewalk. That portion of a street between the curb lines or lateral lines of a roadway and the adjacent property lines intended for the use of pedestrians.

Special Event. A temporary event, gathering, or organized activity on any City street, public property, or private property, or in any City park, building, or other facility, when an organized activity is conducted involving one (1) or more of the following factors:

- (1) Closing of a public street, sidewalk, or alleyway;
- (2) Blocking or restricting public property;
- (3) Blocking or restricting access to private property of others;
- (4) Use of pyrotechnics or special effects;
- (5) Use of open flame, explosions, or other potentially dangerous displays or actions;
- (6) Use or display of animals, aircraft, or watercraft;
- (7) Sale or service of merchandise, food, or non-alcoholic and alcoholic beverages on public and private property where otherwise prohibited by Ordinance;
- (8) Installation of a stage, band shell, vehicle(s) of any kind, trailer, van, portable building, booth, grandstand, or bleachers on public or private property where otherwise prohibited by Ordinance;
- (9) Placement of portable toilets on public or private property where otherwise prohibited by Ordinance;
- (10) Placement of "No Parking" signs or barricades in a public right-of-way;

- (11) Amplification of music, voices, sounds, or activities that require a Sound Permit or the production of amplified sound that can be heard on public property or on the private property of others;
- (12) The Special Event Coordinator, in consultation with the City Manager, reasonably determines that the event will result in substantial impact on City resources, facilities, or public safety services in response thereto;
- (13) Examples of Special Events include but are not limited to: Concerts, dances, assemblages, processions, parades, circuses, amusement rides, public or private party with amplified sounds, fairs, festivals, block parties, community events, marathons and other running events, bicycle races and tours, football games, basketball games, baseball games, golf tournaments, boat races, and other organized activity conducted for the purpose of fundraising for profit, non-profit fundraising, community promotion, or charity.
- (14) The Special Event Coordinator shall consult with the City Manager to determine if a Special Event Permit is required. The City Manager's determination is final.

Special Event Coordinator - Appointed by the City Manager to be the "City Secretary" who will function as the primary contact person for the submission and approval of Special Event Permit Applications.

Special Event Permit. Written, signed authorization to hold a Special Event issued by the Special Event Coordinator and approved by the City Manager, or in the City Manager's discretion, presented to and approved by the Bastrop City Council.

Special Event Review Committee – Committee appointed by the City Manager, based on the Special Event location, type, and/or related circumstances, to oversee the Special Event permitting process. The appointees on the Committee shall, at a minimum, consist of the applicable Directors of the City, or his/her appointee, as determined by the City Manager in his discretion.

Special Event Venue. The area of the City for which a Special Event Permit has been issued.

Street. The entire width between the boundary lines of every publicly-maintained right-of-way when any part thereof is open to use by the public for the purpose of vehicular traffic.

Sec. 4.06.003 Special Event Permit Required

Except as provided in this Ordinance, no person or entity shall conduct, facilitate, promote, manage, aid, or solicit attendance at a Special Event until a Special Event Permit has been issued by the Special Event Coordinator and approved by the City Manager or, in the City Manager's discretion, presented to and approved by the City Council. To obtain a Special Event Permit, the appropriate steps illustrated in section 4.06.021, Event Location, shall be followed.

Sec. 4.06.004 Date of Special Event Not Confirmed Until Permit Issued

(a) Notwithstanding the Special Event Coordinator's acceptance of a completed Application, no date for a Special Event shall be considered confirmed until an Applicant has fully complied with all necessary requirements and the Special Event Permit has been issued by the Special Event Coordinator after review by the Special Event Review Committee and approved by the City Manager, or in the City Manager's discretion, presented to and approved by the City Council. If an Application for a Special Event has been submitted for a specific date but is waiting for approval, no other Application can be accepted for that same date until a final decision on the first Special Event Application has been made.

(b) Certain annual Special Events have a "standing tentative reserved date," such as Yesterfest, Halloween, Christmas Parade, Juneteenth, Veterans Day Car Show, Bastrop Homecoming and Rodeo. These dates will be honored providing the Applicant timely and correctly submits the Special Event Permit Application in accordance with this Article.

(c) If applicable, to avoid double-booking a park pavilion rental, the Park's Department should be notified immediately of the proposed date and event so that the park pavilion can be tentatively reserved for said date.

Sec. 4.06.005 Application for Special Event Permit

An individual requiring a Special Event Permit shall pick up from and submit to, the City Secretary, a completed Application for a Special Event Permit. Each Applicant shall be required to pay a Processing Fee and a Security Deposit Fee, **neither of which will be waived**, as specified in *Exhibit B: Fees Schedule*. A Special Event Permit Application shall be submitted to the City Secretary **at least sixty (60) days (two [2] months) but no more than one hundred eighty (180) days (six [6] months) prior** to the date proposed for the Special Event. The Special Event Coordinator, on approval by the City Manager, where good cause is shown, may, but is not required to, consider an Application filed **less than sixty (60) days (two [2] months)** prior to the proposed date of said event or activity *only if agenda deadlines and meeting dates for Special Event Review Committee, Parks Board (if applicable), and City Council, if necessary, can be met.*

Sec. 4.06.006 Content of a Special Event Permit Application

- (a) The name of the event.
- (b) The location of the event.
- (c) The purpose of the event.
- (d) The dates, days, and times of the event.
- (e) The setup, tear-down, and cleanup dates and times.
- (f) Name of organization's Applicant acting as its event coordinator.
- (g) Name of organization sponsoring the event.
- (h) Address of said organization.
- (i) Daytime phone, fax, and cell phone numbers for Applicant.
- (j) E-mail address for Applicant, if any.
- (k) Maps detailing proposed site locations and/or routes along with written descriptions of the following:
 - 1) Amplification Devices: Types used and for what purposes.
 - 2) Electrical Requirements: Voltage, amperage, and apparatus associated with electrical needs for activities, vendors, etc.
 - 3) Emergency Medical Stations: First aid or emergency medical services, including the times of available service, shall be based on Special Event risk factors, as determined by the City Manager or City Manager's designee and the Fire Department and Police Department, as necessary.,
 - 4) Equipment: Types of equipment used to service the Special Event and/or to be showcased in the Special Event.
 - 5) Fire Lanes: Contingency plan for access by fire-fighting and emergency medical vehicles, equipment, and personnel.

- 6) Fireworks or Pyrotechnic Displays: Amount, type, and fire safety plans, including proof of application for State Permit, which shall be approved by the Fire Chief and the City Manager.
- 7) Litter Control: Number, size, and location of trash receptacles, as well as trash removal and disposal plan.
- 8) Parade, Race, Other Similar Activities: Including but not limited to marathons, "fun-runs," "walk-a-thons," trail rides, cycle and motorbike tours, watercraft events, scavenger hunts, etc. Show start and finish locations.
- 9) Portable Toilets: The number of portable sanitation facilities based on the Portable Sanitation Association International (PSAI) policy, City policies, and City codes, including quantity that will be ADA accessible.
- 10) Signage: Type of proposed on-site and off-site signage, including quantity, dimensions, and materials.
- 11) Street Closures and Detours: A statement as to whether the Special Event will occupy all or only a portion of the width of the streets, sidewalks, or other public rights-of-way proposed for pedestrian and vehicular traffic control.
- 12) Structures: All temporary structures, including but not limited to booths, buildings, stages, bleachers, fences, tents, awnings, and canopies.
 - (a) If any temporary structure is equal to or larger than two hundred (200) square feet in diameter the Building Official must approve the structure and the Applicant must obtain and provide to the City a certificate confirming the use of flame-retardant material..
- 13) Vendors: Identify each vendor that will be present at the Special Event, including products and services offered. Texas law requires a valid tax ID number for each vendor. (In addition to the restrictions, herein, the sale of food and drink at an event must comply with all applicable state and local health and permit requirements).
- 14) Vehicles: Types and number of vehicles used to support services to the Special Event and/or to be showcased in the event.

- (l) Admission Fees: The cost of admission, if any, and whether the event is a public or private event.
- (m) Alcoholic Beverages:
- (1) Conditions and restrictions on the use of alcoholic beverages.
 - (2) Submit a list all vendors who will be providing alcohol, along with copies of their current TABC certificates.
- (n) Animals: A description of the types of animals anticipated to be part of the Special Event, if any. Refer to *Section 2.01.004* of the Animal Control Ordinance for requirements for proper control and handling of animals and animal waste during Special Events.
- (o) Attendance:
- (1) The approximate/anticipated number of persons who will be attending the Special Event each day as patrons or guests for the duration of the Special Event Permit.
 - (2) The approximate number of persons who will participate in the event as volunteers or workers.
- (p) Insurance: Proof of comprehensive general liability insurance in the minimum amount of one million dollars (\$1,000,000.00), naming the City of Bastrop as additional insured shall be provided to the Special Event Coordinator no later than two (2) weeks prior to the event. All additional affected entities, i.e., BEDC, must be included. Notwithstanding the above, additional restrictions and increased insurance amounts may be required in consideration of the location and circumstances of the Special Event, as determined by the Special Events Committee, the City Manager, or, if in the discretion of the City Manager, the City Council. (See Section 4.06.017 for additional information related to insurance.)
- (q) Miscellaneous: Any special or unusual requirements that may be imposed or created by virtue of the nature or operation of the proposed Special Event activity, as well as any other information required by the Special Event Coordinator, City Manager, or City Council.
- (r) Water/Wastewater: If applicable, a plan for the disposal of waste water, including capture and containment, which plan shall be approved by the Director of the Public Works Department and the City Manager. All water generated must be disposed of

through an approved sanitary sewage system that is constructed, maintained, and operated according to law.

Sec. 4.06.007 Exceptions to Special Event Permit Requirement

A Special Event Permit is not required for the following activities:

- (1) Funeral processions by a licensed mortuary.
- (2) House-moving and construction activities.
- (3) Activities of a governmental agency acting within the scope of its authority.
- (4) Lawful demonstrations on sidewalks.
- (5) Students traveling to and from classes or participating in school district sanctioned educational activities, provided such conduct is under the immediate direction and supervision of the proper school authorities.
- (6) The lease of public property on a permanent or temporary basis, such as park pavilion rentals and long-term leases of City property by the City to individuals or groups.

Sec.4.06.008 Fees, Time Limit, and Cost

(a) Fees. Due and payable at the time of filing application if event occurs on City property. The fees are as provided for in the fee schedule found in the appendix of this code.

(b) Time limit for filing and changes.

- (1) A timely application for a Special Event Permit shall be filed no less than sixty (60) days (two (2) months) and no more than one hundred and eighty (180) days (six (6) months) prior to the date on which the proposed Special Event shall occur.
- (2) The Special Event Coordinator, where good cause is shown, may, but is not required to, consider an application filed less than sixty (60) days (two (2) months) prior to the proposed date of the Special Event or activity only if the agenda deadlines and meeting dates for the Special Event Review Committee, parks board (if applicable), and the City Council (if necessary and recommended by the City Manager) can be met.

- (3) Any proposed substantive changes to the Application prior to the date of the Event must be approved by the Special Event Coordinator and the City Manager, whose decision is final based on time constraints. Substantive changes at or near the time of the Event, may cause the City to cancel the Event. No changes whatsoever are permitted within two (2) weeks of the Event.

Sec. 4.06.009 Conditions for Issuance of a Special Event Permit

After review by the City Manager, the Special Events Review Committee, and the City Council, if necessary and in the discretion of the City Manager, the Special Event Coordinator may issue a Special Event Permit when:

- (1) An Application is successfully completed and filed in accordance with sections 4.06.005, 4.06.006 and 4.06.008; and
- (2) All of the following conditions are satisfied:
 - (A) The Special Event will not substantially interrupt the safe and orderly movement of vehicular and pedestrian traffic.
 - (B) The Special Event will not require the diversion of police officers or department employees so as to significantly impact the Police Department's ability to respond appropriately to police-related calls and normal police activity throughout the remainder of the community.
 - (C) The concentration of persons, animals, vehicles, or things at the staging and disbanding areas, as well as along the event or Street activity route, will not unduly interfere with the movement of police, fire, ambulance, and other emergency vehicles on the Streets.
 - (D) The Special Event is not being conducted for an unlawful purpose, nor will it violate any Ordinance of the City or any other applicable law.
 - (E) The Special Event will not substantially interfere with any other Special Event for which a Special Event Permit has already been issued; nor shall it substantially interfere with the provision of City services in support of other scheduled events or unscheduled government functions.
 - (F) The Special Event will not have any adverse impact upon residential or business access and traffic circulation in the same general venue

which has not already been considered and addressed by the Special Events Committee and the City Manager in the Special Event Permit.

Sec. 4.06.010 Denial or Revocation of a Special Event Permit and Application

The Special Event Coordinator and the City Manager may deny or revoke a Special Event Permit Application if the Applicant fails to satisfy or violates any of the requirements set forth in *Sections 4.06.005, 4.06.006 and 4.06.008*; or

- (1) The Applicant has made or permitted the making of a false or misleading statement or omission of material fact on the Special Event Permit Application; or
- (2) The Applicant has violated this Ordinance or has had a Special Event Permit revoked within the preceding twelve (12) months.
- (3) The Applicant violates or has violated within the past twelve (12) months any City Ordinance or federal, state, or local law.

Sec. 4.06.011 Notice of Decision

If the Special Event Coordinator, or the City Manager, as applicable, rejects denies, or revokes an Application or Permit, the Special Event Coordinator shall provide by facsimile transmission, e-mail, telephone, and/or U.S. mail directed to the Applicant within ten (10) business days after the date upon which the Application was filed, a notice of the City's action, stating the facts and conclusions which are the basis for the denial or revocation of the Permit.

Sec. 4.06.012 Street Activity and Route Restrictions

Special Events shall comply with the following restrictions. The Special Event Coordinator and the City Manager may alter the time restrictions stated herein upon review of the Special Event's location, time, type, safety concerns, the City's capabilities, and proximity to residential properties.

- (1) Special Events held on public property within the City limits or on a publicly-maintained right-of-way may begin staging (setting up) at 6:00 a.m. and shall disband (shut down) at 10:00 p.m. Cleanup must be completed by midnight.
- (2) Special Events held primarily in a residential area may begin staging (setting up) at 8:00 a.m. and shall disband (shut down) by 8:00 p.m. Cleanup must be completed by 10:00 p.m.

- (3) For Special Events held primarily in a residential area and requiring street closures, the appropriate safety/security measures must be approved by the Chief of Police and the City Manager for the duration of the Special Event and at the expense of the Applicant.
- (4) Noise levels for such Special Events shall not exceed maximum permissible sound levels in accordance with the City's noise decibel Ordinance. This includes but is not limited to air horns and other horn-blowing apparatus, whistles, and amplified music, speech, and other sounds.
- (5) Throwing any items, including but not limited to candy, gum, food, beads, confetti, balloons, and toys, from any and all kinds of moving vehicles, equipment, trailers, bicycles, motorcycles, animals, etc. during Special Event parades is strictly prohibited. However, such items may be handed to individual's curbside.
- (6) Only licensed drivers may operate motorized vehicles and equipment during parades. This includes but is not limited to automobiles, tractors, trucks of all makes, all-terrain vehicles (ATV), and go-carts.

Sec. 4.06.013 Temporary Signs for Special Events

(a) It is unlawful for any person to place, post, paint, erect, display, secure, or maintain any sign, banner, lighting, or advertising without the prior written approval of the Special Event Coordinator and the City's Planning and Development Department. In case of conflict with the City's sign regulations in the Code of Ordinances, the City's Sign Ordinance shall control.

(b) All Special Event signs, banners, flyers, or advertisements of any kind shall be contained within the boundaries of the event location and shall be removed within twenty-four (24) hours of the completion of the Special Event. A Special Event sign not removed in compliance with this section may be removed by the City at the expense of the Applicant to include costs incurred by the City for removal of same. If a Special Event sign, banner, flyer, or advertisement becomes a hazard to the public's safety or welfare due to inclement weather, inadequate maintenance, accidental damage, or other cause, the City shall remove the sign immediately at the sole cost of the Applicant. After removal by the City, the City may store, dispose, destroy, or otherwise handle the sign as it deems appropriate and shall have no liability to the Applicant or sign owner related to same. *All banners not picked up by the Applicant or designee within one (1) week after completion of said Special Event, may be disposed, destroyed, or otherwise handled as deemed appropriate with no liability on the part of the City.*

Sec. 4.06.014 Public Conduct

- (a) Interference. No person shall unreasonably hamper, obstruct, impede, or interfere with a Special Event, event assembly, or with any person, vehicle, or animal participating in a Special Event.
- (b) Driving through Special Events. No driver of a vehicle shall drive between the vehicles or persons comprising an event when such vehicles or persons are in motion and are conspicuously designated as a Special Event.
- (c) Parking on Special Event Route(s). The Chief of Police, City Manager, or the City Manager's designated representative shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a street, highway, or part thereof constituting a part of the route of a Special Event. The Bastrop Police Department shall have the authority to tow any vehicles that obstructs an event route.
- (d) Noise. No person, animal, music, sound, activity, vehicle, or equipment used during a Special Event will be permitted to produce noise levels that exceed the maximum permissible sound levels in accordance with the City's noise decibel Ordinance. In no circumstances does obtaining a Special Event Permit negate the City's noise decibel Ordinance or authorize the sound level of the Event to exceed the restrictions therein.

Sec. 4.06.015 Inspections

- (a) Amusement rides and/or attractions associated with Special Events shall conform to statutory rules and regulations set forth in *Chapter 21, Article 21.53*, of the Texas Insurance Code, designated the *Amusement Ride Safety Inspection and Insurance Act, As Amended*. Copies of inspection reports shall be required prior to use in the City limits and verified by authorized City personnel. Additionally, all erected rides will require inspection by authorized City personnel. Amusement rides in enclosed areas greater than one thousand (1,000) square feet are required to be "fire-sprinklered-ready" with an external fire department connection (FDC).
- (b) All temporary structures that equal or exceed two-hundred 200 square feet in diameter, including but not limited to booths, buildings, stages, bleachers, fences, tents, awnings, and canopies shall be inspected and approved by the City's Building Official. If any temporary structure is equal to or larger than two hundred (200) square feet in diameter, a certificate confirming the use of flame-retardant material on the temporary structure shall be provided by Applicant.
- (c) Special electrical and water/wastewater needs must be inspected and approved by City personnel, as designated by the City Manager, prior to the event.

Sec. 4.06.016 Animal Waste

Refer to *Section 2.01.004* of the Animal Control Ordinance for requirements related to Special Event activities involving animals. Applicants are responsible for properly controlling and handling all animals and animal waste.

Sec. 4.06.017 Insurance Required to Conduct Special Event

a) An Applicant for a Special Event must provide proof of comprehensive general liability insurance in the minimum amount of one million dollars (\$1,000,000.00) to protect the City against loss from liability imposed by law for damages on account of bodily injury and/or property damage arising from any aspect of the Special Event. Such insurance shall name the City of Bastrop, its officers, employees, agents, and, if required, any other public entity involved in the Special Event, as additional insured on a separate endorsement maintained for the duration of the Special Event. Notice of limitation, reduction, or cancellation of insurance coverage shall be provided immediately to the City of Bastrop by the carrier and the Applicant. Notice of limitation, reduction, or cancellation of insurance coverage shall be provided immediately to the City by the carrier and the applicant. Notwithstanding the above, additional restrictions and increased insurance amounts may be required in consideration of the location and circumstances of the Special Event, as determined by the Special Events Committee, the City Manager, or, if in the discretion of the City Manager, the City Council.

b) The insurance required by Subsection (a) shall encompass all liability insurance requirements imposed for other permits required under other sections of this Ordinance and is to be provided for the benefit of the City and not as a duty, expressed or implied, to provide insurance protection for spectators or participants.

c) The insurance required by Subsection (a) must be submitted to the Special Event Coordinator ***no later than two (2) weeks prior*** to the event. Before this time, a ***letter of intent to insure*** from the Applicant's/Event's insurance agency must be on file with the Application that states the City of Bastrop will be additionally insured. Failure to provide the insurance stated in Subsection (a) or the letter of intent for insurance could result in the denial/revocation of the Special Event Permit.

Sec. 4.06.018 Indemnification

The Applicant for a Special Event Permit shall indemnify and hold harmless the City, its officers, employees, agents, and representatives, and other applicable entities, i.e. the BEDC, against all claims of liability and causes of action resulting from injury or damage to persons or property arising out of the Special Event.

Sec. 4.06.019 Conditions Of Premises After the Special Event

The Applicant is required to restore the premises back to the same or better condition as it was prior to the Special Event. Failure to comply with this section, will result in a prohibition by the City of future events to be held by the Applicant or associated organization.

Sec. 4.06.020 Penalty for Violations of Ordinance

A person commits an offense of this Chapter if he/she:

1. Commences or holds a Special Event without a Special Event Permit or with a permit that has expired or has been revoked; or
2. Violates any terms or provisions of this Ordinance.
3. Violations of this Ordinance shall be treated as strict liability offenses regardless of intent.
4. This Ordinance governs fire safety and public health, safety, and general welfare. Accordingly, any person, firm, corporation, or organization violating or failing to comply with any of the provisions of this Ordinance shall be subject to the penalty as provided for in Section 1.01.009 of the City of Bastrop Code of Ordinances.

Sec. 4.06.021 Event Location

The following chart shows the steps that are to be followed for a Special Event Permit to be issued, depending upon the location.

PROPOSED EVENT LOCATED IN A CITY PARK	PROPOSED EVENT LOCATED ON ANY OTHER CITY PROPERTY
Application fully completed and submitted to the Special Event Coordinator.	Application fully completed and submitted to the Special Event Coordinator.
Special Event Review Committee approves and submits the Application to the Parks Board.	Special Event Review Committee approves and submits the Application to City Council, if deemed necessary, in the sole discretion of the City Manager.
Applicant or designee attends the Parks Board meeting, regularly scheduled the 1 st Thursday of every month, unless otherwise noted.	City Council meets on the 2 nd and 4 th Tuesdays of the month. If applicable, Applicant will be advised if attendance is necessary.
The Parks Board submits the Application to the City Council, if deemed necessary, in the sole discretion of the City Manager.	If applicable, the City Council approves the Special Event Permit with any changes that are recommended or denies the Permit.
If applicable, City Council approves the Special Event Permit with any changes that are recommended or denies the Special Event Permit.	

No Special Events, including but not limited to paid tours or groups of ten (10) or more people, may be held in the City of Bastrop Cemetery without City Council's prior approval, and the submission of an Application to the Special Events Coordinator and the City Manager. Approved school events and services on or related to federally recognized memorial days and national holidays are excluded from this restriction.

Sec. 4.06.022 Fees for special events.

The fees are as provided for in the fee schedule found in the appendix of this code.

Part 2: This Ordinance shall repeal any of such other ordinances related to special events permitting, as well as provisions that may be inconsistent or in conflict with the provisions of any other ordinance of the Bastrop Code of Ordinance, in which event such conflicting provisions, if any, are superseded.

Part 3: 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: The Mayor is hereby authorized to sign this Ordinance and the City Secretary to attest. This Ordinance shall become effective and be in full force and effect in accordance with the provisions of the Charter of the City of Bastrop.

PASSED and APPROVED on FIRST READING on this **24th** DAY OF **September, 2013**.

PASSED and APPROVED on SECOND READING on the ____ DAY OF _____ **2013**.

APPROVED:

ATTEST:

Mayor Terry Orr

Elizabeth Minerva Lopez, City Secretary

APPROVED AS TO FORM:

Jo-Christy Brown.
City Attorney

CITY OF BASTROP

AGENDA ITEM **A-4****STANDARDIZED AGENDA RECOMMENDATION FORM**

CITY COUNCIL

DATE SUBMITTED: **Oct. 1, 2013**MEETING DATE: **Oct. 8, 2013**

1. Agenda Item: **Approval of Bastrop Marketing Corporation's request for reimbursement of expenses.**
2. Party Making Request: **Karla Stovall, Chief Financial Officer**
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>
a)	_____	_____	_____	_____
b)	_____	_____	_____	_____
c)	_____	_____	_____	_____
8. Staff Recommendation: _____
9. Advisory Board: _____ Approved _____ Disapproved _____ None
10. Manager's Recommendation: _____ Approved _____ Disapproved _____ None
11. Action Taken: _____

**CITY OF BASTROP
FINANCE
DEPARTMENT**

Memo

To: Mayor, City Council and City Manager
From: Karla Stovall, Chief Financial Officer
Date: October 2, 2013
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 Aug. 2013. 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 \$96,540.85 for Aug. 2013 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 2012 through September 2013 - Budget

Updated: September 23, 2013

	2 0 1 2				2 0 1 3								
	September	October	November	December	January	February	March	April	May	June	July	August	September
HRLPR Room Revenues	\$ 2,215,639.80	\$ 2,293,230.63	\$ 2,593,665.28	\$ 1,304,184.17	\$ 1,023,075.37	\$ 1,139,364.72	\$ 3,175,229.09	\$ 2,584,046.03	\$ 2,821,263.33	\$ 2,925,109.49	\$ 3,614,693.37	\$ 3,276,631.49	\$ 2,382,970
Exemptions	(5,106.00)	(66,136.00)	(2,843.71)	(129.00)	(45,186.14)	100.00	(3,514.00)	(1,892.00)	(13,291.00)	(18,380.43)	(4,402.29)	(36,896.71)	
Taxable Room Revenues	2,210,533.80	2,227,094.63	2,590,841.57	1,304,055.17	977,889.23	1,139,464.72	3,171,715.09	2,582,154.03	2,807,972.33	2,906,729.06	3,610,291.08	3,239,734.78	
City of Bastrop HOT Rate	7%	7%	7%	7%	7%	7%	7%	7%	7%	7%	7%	7%	
City of Bastrop HOT Tax	\$ 154,737.37	\$ 155,896.62	\$ 181,358.91	\$ 91,283.86	\$ 68,452.25	\$ 79,762.53	\$ 222,020.06	\$ 180,750.78	\$ 196,558.06	\$ 203,471.03	\$ 252,720.38	\$ 226,781.43	
Gross Liability to City													
Hotel Owner Collection Allowance (1%)	\$ 154,737.37	\$ 155,896.62	\$ 181,358.91		\$ 91,283.86	\$ 68,452.25	\$ 79,762.53	\$ 222,020.06	\$ 180,750.78	\$ 196,558.06	\$ 203,471.03	\$ 252,720.38	\$ 226,781.43
Net Collection by City	(1,547.37)	(1,558.97)	(1,813.59)		(912.84)	(684.52)	(797.63)	(2,220.20)	(1,807.51)	(1,965.58)	(2,034.71)	(2,527.20)	(2,267.81)
Applicable % payable to BMC	45%	45%	45%	45%	45%	45%	45%	45%	45%	45%	43%	43%	43%
Funds Available to BMC	68,935.50	69,451.94	80,795.39		40,666.96	30,495.48	35,534.21	98,909.94	80,524.47	87,566.62	86,617.62	107,583.07	96,540.86
Total Budget	\$883,622.06												
Allocated:													
Payment of Funds by City to BMC	\$ 68,935.50	\$ 69,451.94	\$ 80,795.39		\$ 40,666.96	\$ 30,495.48	\$ 35,534.21	\$ 98,909.94	\$ 80,524.47	\$ 87,566.62	\$ 86,617.62	\$ 107,583.07	\$ 96,540.86
Paid													
check: \$													
Currently due													

CITY OF BASTROP

AGENDA ITEM **A-5****STANDARDIZED AGENDA RECOMMENDATION FORM**

CITY COUNCIL

DATE SUBMITTED: 10/01/13

MEETING DATE: 10/08/13

1. AGENDA ITEM: Consideration, discussion and possible action on **SECOND READING** for approval of a request to amend the Bastrop Economic Development Corporation's Fiscal Year 2013 budget in the amount of \$50,000.

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

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

At the Board Meeting on September 16, 2013, the Bastrop Economic Development Corporation Board of Directors voted to amend the FY2013 BEDC budget in order to pay for the engineering costs associated with the extension of the infrastructure in the Bastrop Business & Industrial Park to accommodate the JAMCo Project. There will be bonds issued to pay for the project, and a reimbursement resolution has been approved to reimburse any expenditures made on the project prior to the bond issuance. The BEDC is requesting City Council's approval for this budget amendment so that engineering expenses incurred this fiscal year prior to the bond issuance can be funded.

4. Policy Implication: _____

5. Budgeted: _____ Yes X 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: _____

**City of Bastrop
Memorandum**

TO: Mayor & City Council Members

FROM: David Quinn, BEDC Director

SUBJECT: Ordinance Amending FY 2013 Budget

DATE: September 18, 2013

Recommendation:

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

Background:

The city charter requires that when the budget is amended that the amendment be by ordinance. Staff is requesting budget amendments for the following:

BASTROP ECONOMIC DEVELOPMENT CORPORATION

At the Board Meeting on September 16, 2013, the Bastrop Economic Development Corporation Board of Directors voted to amend the FY2013 BEDC budget in order to pay for the engineering costs associated with the extension of the infrastructure in the Bastrop Business & Industrial Park to accommodate the JAMCo Project. There will be bonds issued to pay for the project, and a reimbursement resolution has been approved to reimburse any expenditures made on the project prior to the bond issuance.

I am requesting a budget amendment to the FY2013 BEDC budget in the amount of \$50,000, to be transferred into account 601-70-10-6602, "Technology and Jackson Drive", in order to fund the engineering costs of the project.



BASTROP ECONOMIC DEVELOPMENT CORPORATION FUND**FY 2012-2013 BUDGET****Amended Budget**

Audited Operating Balance 9-30-2012	\$ 1,624,568*
FY 2012-2013	
Budgeted Revenues	<u>\$ 1,486,700</u>
Total FY 2012 Resources	\$ 3,111,268
Budgeted Expenditures	<u>\$ (1,511,700)</u>
Projected Ending Operating Balance 09-30-2013	\$ 1,599,568**

* The projected operating balance includes a \$150,000 reduction for designated operating equity.

** In order to maintain a 25% or 90 day balance, the ending operating balance cannot be less than \$639,568. The budget Bastrop Economic Development Corporation can only increase \$960,000 and the total budgeted expenditures may not exceed

**FY 2013
BUDGET AMENDMENTS
Bastrop Economic Development Corporation**

Un-Audited Fund Balance as of 9-30-12	1,624,568
FY 2013 Budgeted Revenues	1,486,700
FY 2013 Budgeted Appropriations	(1,511,700)
Budget Amendments (net)	(50,000)
Ending Fund Balance	<u>1,549,568</u>

DEPARTMENT	BUDGET	AMOUNT	DESCRIPTION
------------	--------	--------	-------------

New Expenditures:

\$50,000	Technology and Jackson Drive
----------	------------------------------

Total Expenditures	<u>\$ 50,000.00</u>
--------------------	---------------------

Exhibit "A"

ACCOUNT NUMBER

601-70-10-6602

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE BUDGET FOR THE FISCAL YEAR 2012-2013 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.

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 2013; 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 amendment for the fiscal year 2013, as submitted to the City Council by the City Manager and which budget amendment is attached hereto as Exhibit "A" is hereby adopted and approved as the amended budget of said city for Fiscal Year 2013; 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 24th day of September, 2013.

READ and ADOPTED on Second Reading on the 8th day of October, 2013.

APPROVED:

ATTEST:

Terry Orr, Mayor

Elizabeth Lopez, City Secretary

CITY OF BASTROP

AGENDA ITEM **A-6****STANDARDIZED AGENDA RECOMMENDATION FORM**

CITY COUNCIL

DATE SUBMITTED: **October 2, 2013**MEETING DATE: **October 8, 2013**

1. Agenda Item: **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 Lots 165 and 166 to combine two residential lots in Lake Bastrop Pines being approximately 0.484 acres within the 1 mile Extra Territorial Jurisdiction (ETJ) of the City of Bastrop, Texas.**

2. Party Making Request: **City of Bastrop**

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

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

4. Policy Implication: _____

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

6. Alternate Option/Costs: _____

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

8. Staff Recommendation:

9. Advisory Board: _____ Approved _____ Disapproved _____ None

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

11. Action Taken: _____

CITY OF BASTROP

AGENDA ITEM A-7

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: October 01, 2013

MEETING DATE: **October 08, 2013**

1. Agenda Item: Approval of the Special Event Permit Application submitted by the Downtown Business Alliance to host "Veteran's Day Car Show" on Friday, **November 08, 2013**, in Fisherman's Park (movie) and on Saturday, **November 09, 2013**, in Downtown Bastrop.
2. Party Making Request: **Trey Job, Director of Public Works, Parks, & Recreation.**
3. Nature of Request: (Brief Overview) Attachments: Yes X No _____
4. Policy Implication: _____
5. Budgeted: _____ Yes _____ No X 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:

Event:

DBA VETS CAR SHOW

Date(s):

Nov 8 & 9, 2013

Date Submitted:

Wed AUG 28 2013



Bastrop Public Works, Parks, and Recreation
1209 Linden Street • P. O. Box 427 • Bastrop, TX
Revised 6/25/2013 8:22 AM

Special Event Permit Application

Revised 6/25/2013

Veteran's Day Car Show

Friday 11/08/13 & Saturday 11/09/13

Name of event:

DBA VETERANS DAY CAR SHOW

Location of event:

FISHERMAN'S PARK MAIN, PINE, SPRING, FARM

Purpose of event:

Celebrate Veterans Day & Classic Cars

Day 1 of Event:

Fri Nov. 8 - Drive In 4:30 ^{dusk} pm - 10:30 (approx)

Date & Day

Times Open to Public

Setup for Day 1:

Fri, Nov. 8, 4:30

Date & Day

Time

Cleanup:

Fri, Nov. 8, 10:30 (approx)

Date/Day

Time

Day 2 of Event:

Sat Nov. 9

Date & Day

Cars Registration

6:00 A.M. - 5:00 P.M.

Times Open to Public

Setup for Day 2:

Sat Nov. 9, 5:15 AM

Date & Day

Time

Cleanup:

Sat Nov. 9, 5:00 PM

Date & Day

Time

Day 3 of Event:

/

Date & Day

Times Open to Public

Setup for Day 3:

/

Date & Day

Time

Cleanup:

/

Date & Day

Time

Day 4 of Event:

/

Date & Day

Times Open to Public

Setup for Day 4:

/

Date & Day

Time

Cleanup:

/

Date & Day

Time

Name of organization:

Downtown Business Alliance

Address of organization:

926 Main St, #123, Bastrop

Event coordinator #1:

Debbie Moore

Phone No:

225/802-4702

E-mail address:

diamonddebeal@gmail.com

Event coordinator #2:

Martha Granger

Phone No:

512/944-2112

E-mail address:

fringeme@austin.rr.com

Please describe event activities (please continue on a separate sheet of paper, if necessary):

11/8 - Drive in on soccer field @ Fisherman's Park
11/9 - Vendor booths on South Main; Classic cars on South Main; Veterans walk fm. Spring/Main to stage @ Main & Pine at 11:00 A.M.

Event: DBA Vets. Car Show Date(s): Nov 8 & 9 Date Submitted: AUG 28 2013

Processing Fee (cannot be waived and must accompany application – NO PERSONAL OR BUSINESS CHECKS):

- \$100.00 for nonprofit applicants
- ☐ Nonprofit status letter submitted
- ☐ Nonprofit status letter on file from prior event(s)
- \$300 for applicants without nonprofit status
- Cashier's Check # 906 404 OR Post Office-issued Money Order # _____ payable to City of Bastrop

Security Deposit Fee (cannot be waived and must accompany application – NO PERSONAL OR BUSINESS CHECKS):

- \$500.00 for all applicants
- Refunded if City property is clean and free of litter and damage after the event
- Cashier's Check # _____ OR Post Office-issued Money Order # _____ payable to City of Bastrop
- ☒ On file from prior event(s)

Insurance (one- million-dollar comprehensive general liability policy naming City and other affected entities as insured parties):

- ☐ Certificate submitted with app
- ☐ Letter of intent to insure event from potential insurance carrier submitted with app
- ☐ Renewal or new certificate to be submitted on _____
- ☒ On file from prior event(s)

Please describe/explain/list the following (may continue on separate sheet). Mark "N/A" if not applicable.

Admission Fees: ☒ No ☐ Yes (location of ticket booth): _____

Alcohol: N/A
• TABC permit required. City Manager issues a variance letter to coordinator if Council approves sale and consumption of alcohol on city property

Animals (waste control): N/A

Attendance (anticipated #): 11,000 people

Banner Permit (location[s]): PLAZA

Electrical (hot check, cord covers): AT KIOSK - MAIN & Spring @ 921 Main

Emergency Services (First Aid Station, ambulance standby): Chestnut @ Water

Fireworks Permit & Safety Plan (State Fire Marshal 512/305-7932): N/A

Inspections (Ted Bowers: tents larger than 10x10, stages, electrical, etc): N/A

Litter Control (possible 20-yard dumpster fee): N/A cardboard boxes

Map (location of activities, vendors, parking, etc): Included

Parking Plan (remote, shuttle): N/A

Portacans (site locations): Spring across from post office, 921 Main

Event: DBA Vets Car Show Date(s): Nov 8 & 9 Date Submitted: AUG 28 2013

Rodeo Arena (Rhonda Lock 512/ 563-8816): N/A

Security Plan (off-duty police 512/332-8600): N/A

Show Barn (Allen Stewart 512/413-8512): N/A

Signage (remove within 24 hours after event): street closure signs

Sound Permit (for amplified sound): submitted

Street Closures (show on map): Main Pine to Buttonwood / Spring Main to Water /
Water Spring to Beech / Farm - Church to Water

Temporary Structures (description and location—show on map): N/A trailer stage @
Main & Pine

Vehicles, Equipment, etc (description and location—show on map): Show Cars - North Main &
side streets; stage Main & Pine - by museum

Vendors (Valid Tax ID#): ☒ Food—must display Bastrop County Health and Sanitation Department permit (512) 332-7276 ☒ Other goods

Volunteers (how many & how identified): 20-25 - Vets

Water/Wastewater requirements: _____

I, the undersigned Applicant, hereby agree to indemnify and hold harmless the City of Bastrop, its officers, employees, agents, and representatives against all claims of liability and causes of action resulting from injury or damage to persons or property arising out of the Special Event.

Deborah A. Moore
Applicant — Please print or write legibly

AUG 28 2013

Date

Event:

DBA Vets Car Show

Date(s):

Nov-8 & 9

Date Submitted:

AUG 28 2013

Special Event Review Committee

Veteran's Day Car Show

Friday 11/08/13 & Saturday 11/09/13

The City's Special Event Coordinator will obtain the following applicable signatures.
In order to expedite the process, a designee may sign for any of the following in his or her absence

☒ Public Works, Parks, & Recreation Department

Date

9-18-13

☒ Police Department

Date

9-18-13

☒ City Manager

Date

10-3-13

☐ Bastrop Power & Light Department

Date

☐ Water/Wastewater Department

Date

☐ Other

Date

City of Bastrop
Public Works, Parks, & Recreation
1209 Linden Street physical address
P. O. Box 427 mailing address
Bastrop, TX 78602
(512) 332-8920 main - Marty DuVall
(512) 321-1313 fax



Trey Job, Director, Public Works, Parks, & Rec
Kevin Wilson, Public Works Foreman
Jason Alfaro, Parks Superintendent
Curtis Ervin, Director, Power & Light
Matt Wagner, Assistant Police Chief
Ted Bowers, City Inspector

512/848-5716
512/848-6916
512/718-3766
512/848-6934
512/848-6930
512/629-5033

This application must be submitted in person and by appointment only: (512) 332-8920. This application will not be accepted without the following applicable items:

✓	Item	✓	Item	✓	Item	✓	Item
	Dated w/coordinator's signature		Nonprofit status letter		Map(s)		Fireworks permit & safety plan
	Processing fee		Insurance certificate OR ↓		Sound permit		
	Security deposit		Letter of intent to insure		Banner permit		

- TABC permit required if alcohol will be sold/consumed at event.
- City Manager issues a variance letter to coordinator if Council approves sale/consumption of alcohol at event.



DOWNTON1

OP ID: MZ

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

08/27/2013

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND (REPEATING) OR CONTRADICT ANY POLICY. THE CERTIFICATE HOLDER IS NOT A REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

Veteran's Day Car Show

Friday 11/08/13 & Saturday 11/09/13

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER TX Assoc-Smithville P O Box 29 Smithville, TX 78957 Texas Asso Insurers-Smithville		Phone: 512-360-2565 Fax: 512-237-3294	CONTACT NAME: PHONE (A/C, No, Ext): E-MAIL ADDRESS: INSURER(S) AFFORDING COVERAGE INSURER A: Scottsdale Insurance INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:	FAX (A/C, No): NAIC #
INSURED Bastrop Downtown Business Alliance 906 Main St. #123 Bastrop, TX 78602				

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY					EACH OCCURRENCE \$ 1,000,000
	☒ COMMERCIAL GENERAL LIABILITY		CPS1857969	08/23/2013	08/23/2014	DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000
	☐ CLAIMS-MADE ☒ OCCUR					MED EXP (Any one person) \$ 5,000
						PERSONAL & ADV INJURY \$ 1,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:					GENERAL AGGREGATE \$ 2,000,000
	☐ POLICY ☐ PROJECT ☐ LOC					PRODUCTS - COMP/OP AGG \$ 2,000,000
	AUTOMOBILE LIABILITY					COMBINED SINGLE LIMIT (Ea accident) \$
	☐ ANY AUTO					BODILY INJURY (Per person) \$
	☐ ALL OWNED AUTOS	☐ SCHEDULED AUTOS				BODILY INJURY (Per accident) \$
	☐ HIRED AUTOS	☐ NON-OWNED AUTOS				PROPERTY DAMAGE (Per accident) \$
	UMBRELLA LIAB	☐ OCCUR				EACH OCCURRENCE \$
	EXCESS LIAB	☐ CLAIMS-MADE				AGGREGATE \$
	DED	RETENTION \$				\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY	Y/N	N/A			WC STATUTORY LIMITS
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	☐				E.L. EACH ACCIDENT \$
	If yes, describe under DESCRIPTION OF OPERATIONS below					E.L. DISEASE - EA EMPLOYEE \$
						E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

CERTIFICATE HOLDER

CANCELLATION

CITY OF BASTROP 904 Main Street P.O. BOX 427 BASTROP, TX 78602	CITYBAS SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE
---	---

Veteran's Day Car Show**Friday 11/08/13 & Saturday 11/09/13***Additional General Liability Forms*

- CG2002 (11-85) Additional Insured – Club Members
 CG2010 (07-04) Additional Insured – Scheduled Person or Organization
 < City of Bastrop
 903 Main St.
 Bastrop, TX 78602
 CG2116 (07-98) Exclusion – Designated Professional Services
 < Any and All Professional Services
 CG2144 (07-98) Designated Premises or Projects Limitation
 < Office Located 908 Main St., Bastrop, TX 78602
 < Halloween Celebration
 < **Veterans Day Car Show**
 < Christmas Parade
 < Yesterfest
 < Juneteenth Celebration
 < Pet and Pal Parade
 < Lot located 921 Main St., Bastrop, TX 78602
 < 16' x 16' Trailer
 < Free Concerts
 GLS-5s (04-08) Special Event Participant Exclusion
 GLS-103s (09-06) Designated Operations Exclusion
 < Any Special Event Not Scheduled on the policy
 GLS-106s (01-11) Total Liquor Exclusion
 GLS-227s (02-07) Assault and/or Battery Exclusion

MINIMUM EARNED PREMIUM: 100%**POLICY TERM:** Annual**SUBJECT TO:**

- I. Fully Completed and Signed Acord Application
- II. Signed TRIA form At Binding

We can include limited terrorism coverage per the Terrorism Risk Insurance Act of 2003 for the additional premium disclosed on the attached form. The premium listed does not include the surplus lines tax and fees. This premium is not included below. Please complete the attached form and return at binding.

ALL OTHER TERMS AND CONDITIONS APPLY PER FORM**PREMIUM AND FEES:**

Policy Premium:	\$2,536.00
Policy Fee	\$200.00
Surplus Lines Tax	\$132.70
Stamping Office Fee	\$1.64
TRIA Premium:	
TOTAL:	\$2,870.34

Disclosure:

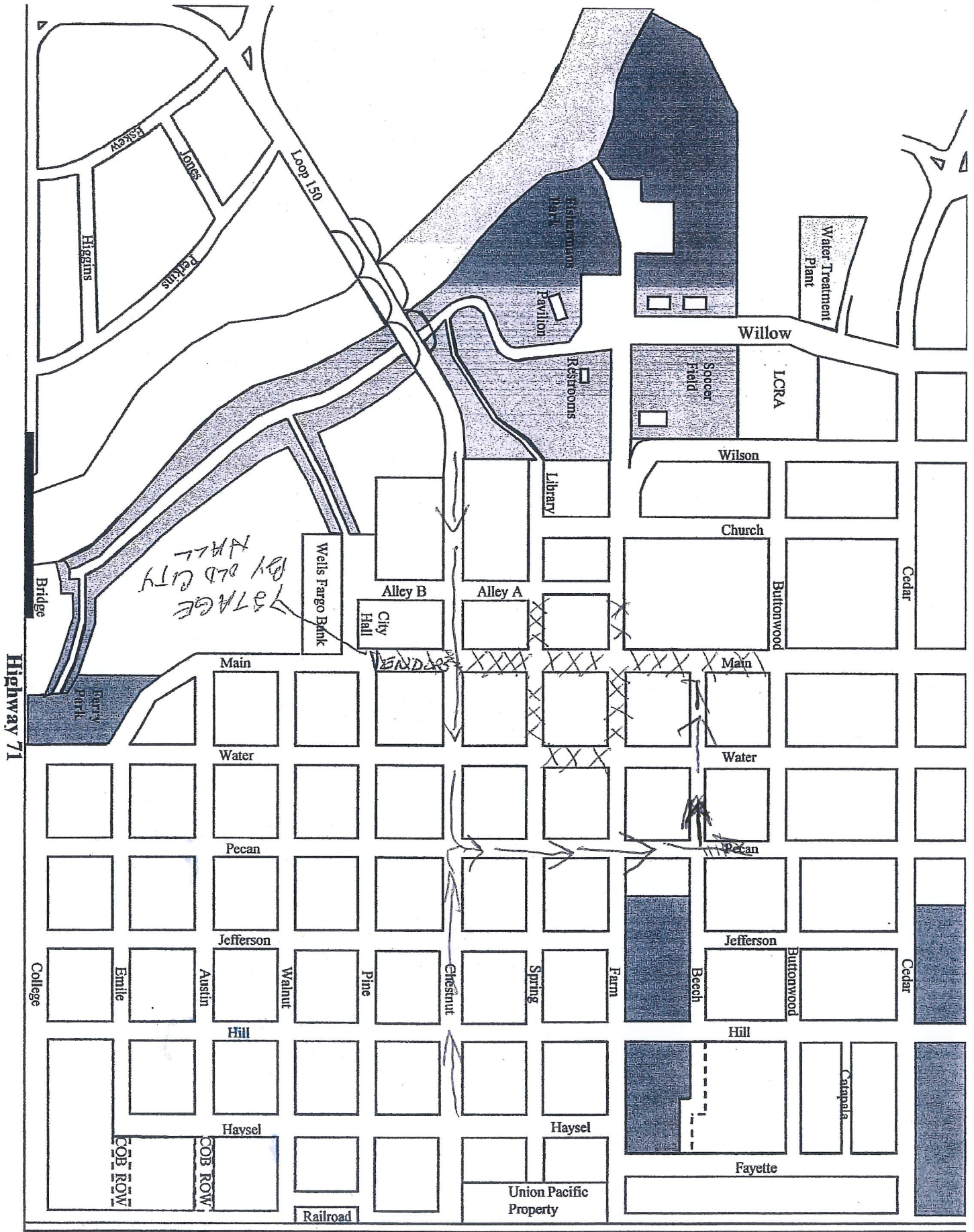
This is a quote. The terms and conditions of coverage may not be as broad as requested by Producer. This quote is intended to contain only an outline of the terms and conditions of coverage. We cannot bind coverage until all subjectivities have been performed. All risks are subject to inspection. This quote is valid for 30 days, or until the effective date of coverage, whichever is earliest.

DATE ISSUED: August 8, 2013

x = Car parking
→ = Vehicle entry
AUG 28 2013

Veteran's Day Car Show

Friday 11/08/13 & Saturday 11/09/13



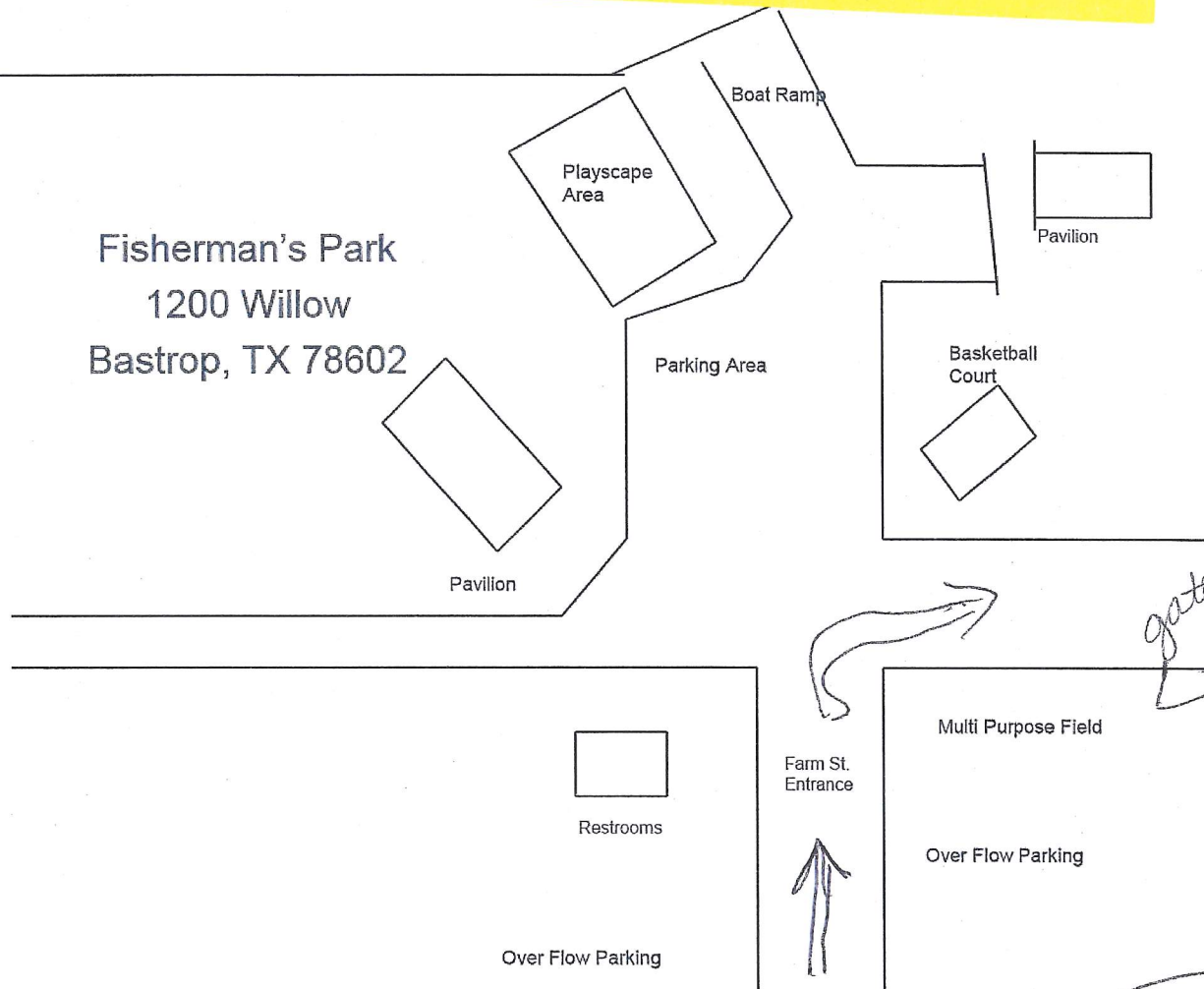
AUG 28 2013

COLORADO RIVER

Veteran's Day Car Show

Friday 11/08/13 & Saturday 11/09/13

Fisherman's Park
1200 Willow
Bastrop, TX 78602



⇒ Vehicle entry

Movie
screen

Event: DBA Vets Car Show Date(s): Nov. 8 & 9 Date Submitted: AUG 28 2013



Sound Permit Application

Revised 6/25/2013 8:31

Veteran's Day Car Show

Friday 11/08/13 & Saturday 11/09/13

City of Bastrop - Public Works, Parks, & Recreation
1209 Linden Street; Bastrop, Texas 78602
Tel: (512) 332-8920 • Fax: (512) 321-1313

Office Hours: 7:30 a.m. to 11:30 a.m. and 1:00 p.m. to 3:30 p.m.

Special Event on City Property ☒

Special Event on Private (not City) Property ☐

Park Pavilion Rental ☐

Activity on City Property ☐

Activity on Private (not City) Property ☐

Permits are required for use of any and all amplified sound within the city limits by other than normal household portable stereo equipment, occurring on private (not City) and public residential and non-residential property. Permits are valid only for the duration of the event named in this application.

A permit for events held in residential areas is valid between the hours of **8:00 a.m. and 10:00 p.m.**

A permit for events held in non-residential areas is valid between the hours of **8:00 a.m. and midnight (12:00 a.m.)**.

The volume of the sound amplified shall not exceed **85 dB(A) (daytime)** or **80 dB(A) (night time)** when measured from the nearest receiving property. The Police Department can request the permit holder to turn down or turn off the amplified sound if there are complaints.

YOU MUST HAVE THIS PERMIT IN YOUR POSSESSION AT THE TIME OF THE EVENT!

Responsible party: Bastrop DBA
Address: 906 Main Street, Bastrop, TX 78602
Phone No: 512/657-4275 Fax No: 225/802-4702
E-mail address: info@dba.org
Date(s) of event, rental, or activity: Nov. 9 2013 & Nov. 8
Name of event or activity: DBA Vets Car Show - Drive in 11/8 & DJ 11/9
Location(s) of event, rental, or activity: Fidelerman's Park & downtown
Location(s) of amplified sound equipment: 11/8 - Soccer field
11/9 - Corner Main & Spring; stage Main & Pine
Start time (AM or PM): 11/8 ≈ 8:pm End time (AM or PM): ≈ 10:00pm
11/9 ≈ 8: A.M. ≈ 5:00 p.m

Comments:

Deborah A. Moore
Signature of Applicant

AUG 28 2013
Date

Event:

DBA Veterans Show

Date(s):

Nov. 8 & 9

Date Submitted:

AUG 28 2013

Banner Dropped Off: _____

Goes Up: _____

Comes Down: _____

Picked Up: _____

Veteran's Day Car Show**Friday 11/08/13 & Saturday 11/09/13****Special Event Banner Permit Application for Banner Plaza**

Revised 06/25/2013 8:33 AM

Special Event:

DBA Veterans Day Car Show

Date(s) of Event:

Nov. 8 & 9, 2013

Contact person:

Debbie Moore

Address:

1306 Church, Bastrop

E-Mail:

diamonddebeal@gmail.com

Phone: () _____

Fax: () _____

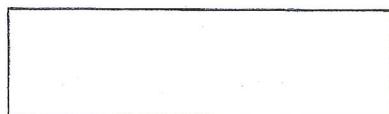
Cell Phone:

225/802-4702

ONLY NON-PROFIT organization banners will be hung on Banner Plaza, which is at the intersection of Perkins and Loop 150 (a/k/a Chestnut). **Fees are automatically waived for nonprofit organizations.**

- Banner Plaza will accommodate 3 banners at a time.
- Banners will hang for **no more than 3 weeks** prior to date of the event. If there are more than 3 banners submitted to hang for the same time period, the timeframe for hanging each banner may be shortened at the discretion of the City staff.
- Banners must measure 18 feet in width and 3 feet in height.

↓
3'
↑



→ 18' ←

- Banners made of vinyl must have numerous slits to prevent wind tears.
- A banner must have grommets/eyelets (metal reinforced holes) on each corner and at least one in the middle of both sides, as well as grommets/eyelets spaced equally across the top and bottom of the banner.
- Banners must be delivered to Public Works with a storage container (pvc pipe with cap on each end, plastic bin, plastic storage bag, etc) labeled with event name and a contact name and number.
- Please contact Public Works at (512) 332-8920 **within 1 week** after completion of the event to arrange to pickup banner(s). Unclaimed banners will be disposed of due to lack of storage space.

Event: DBA Vets Car Show Date(s): Nov. 8 & 9Date Submitted: AUG 28 2013

Banner Dropped Off: _____

Goes Up: _____

Comes Down: _____

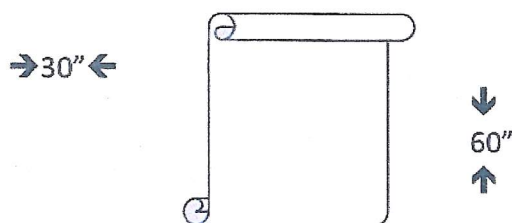
Picked Up: _____

**Veteran's Day Car Show****Friday 11/08/13 & Saturday 11/09/13****Special Event Banner Permit Application for Old Iron Bridge Light Poles**

Revised 06/25/2013 8:33 AM

Special Event: DBA Veterans Day Car ShowDate(s) of Event: Nov. 8 & 9, 2013Contact person: Debbie MooreAddress: 1306 Church St, BastropE-Mail: diamonddebcal@gmail.comPhone: () _____ Fax: () _____ Cell Phone: 225/302-4702

- Banners will hang for **no more than 3 weeks** prior to date of the event. If more than one banner permit is requested for the same time period, the timeframe for each permit may be shortened at the discretion of the City staff.
- Banners must measure 30 inches in width (rods inserted inside pockets across top and bottom of banner) x 60 inches in height (down the sides from top to bottom).



- This is standard size. There are nine (9) poles. Nancy Wood, Main Street Manager, at (512) 332-8996 can assist with current vendor catalogs/information.
- Banners made of vinyl, canvas, Sunbrella, or other materials must be durable and able to withstand extreme wind buffs.
- Banners must be delivered to Public Works with a storage container (pvc pipe with cap on each end, plastic bin, plastic storage bag, etc) labeled with event name and a contact name and number.
- Please contact Public Works at (512) 332-8920 **within 1 week** after completion of the event to arrange to pickup banner(s). Unclaimed banners will be disposed of due to lack of storage space.

Veteran's Day Car Show**Friday 11/08/13 & Saturday 11/09/13****AUG 28 2013****FIRST NATIONAL BANK***Bastrop County's Bank... Since 1889*

Member FDIC

Notice to Customer
If this check is lost, destroyed, or stolen, the bank will not accept a replacement request on the check until 90 days after the issue date and then only with the issuance of a "Declaration of Loss" certification.

MRW

February 05, 2013

CASHIER'S CHECK**906404****\$100.00**

Purchaser: BASTROP DOWNTOWN BUSINESS ALLIANCE
VETERANS DAY PERMIT

One Hundred Dollars And 00/100*****

PAY TO THE
ORDER OF:

CITY OF BASTROP

Erica Thomas
Authorized Signature

Signature area contains the SGP™ Eagle Thumbprint Security Icon

⑈906404⑈ ⑆114904953⑆

⑈187898⑈

CITY OF BASTROP
PUBLIC WORKS, PARKS, & REC.
P.O. Box 427 • Bastrop, Texas 78602
(512) 332-8920

CASH RECEIPT

DATE

9/05

20

13

19847

Received From

DBA

Address

926 Main St #123

Bastrop, TX 78602

Dollars \$

100

For

SE-Veteran's Day 11/8-9/13

ACCOUNTAMT. OF
ACCOUNT

AMT. PAID

BALANCE
DUE**HOW PAID**

CASH

CHECK

MONEY
ORDER

100 00

By

014906404
[Signature]

Veteran's Day Car Show

Friday 11/08/13 & Saturday 11/09/13

THIS DOCUMENT HAS A COLORED BACKGROUND AND MICROPRINTING. THE REVERSE SIDE INCLUDES AN ARTIFICIAL WATERMARK.

DBA
Bastrop Downtown Business Alliance908 Main Street
Bastrop, TX 78602
512-303-3738First National Bank
1028 Main St
Bastrop, TX 78602-3217
512-321-2561

4563

DATE 2/2/2010

887-495 / 1149

PAY TO THE
ORDER OF

City of Bastrop

\$ **500.00

Five Hundred and 00/100***** DOLLARS

City of Bastrop

MEMO

Event Deposit for 2010

⑆114904953⑆ ⑈4563⑈ ⑈0316000⑈

DBA

4563

City of Bastrop

Date	Type	Reference	Original Amt.	Balance Due	2/2/2010 Discount	Payment
2/2/2010	Bill	Event Deposit 2010	500.00	500.00		500.00
				Check Amount		500.00

First National Bank Event Deposit for 2010

500.00

INTERNAL REVENUE SERVICE
P. O. BOX 2508
CINCINNATI, OH 45201

Date **APR 07 2008**

BASTROP DOWNTOWN BUSINESS ALLIANCE
908 MAIN ST
BASTROP, TX 78602-3810

DEPARTMENT OF THE TREASURY

Veteran's Day Car Show

Friday 11/08/13 & Saturday 11/09/13

Employer

20-5587587

DLN:

408071030

Contact Person:

KAREN T HOOD

ID# 75069

Contact Telephone Number:

(877) 829-5500

Accounting Period Ending:

December 31

Form 990 Required:

Yes

Effective Date of Exemption:

September 21, 2006

Contribution Deductibility:

No

Dear Applicant:

We are pleased to inform you that upon review of your application for tax-exempt status we have determined that you are exempt from Federal income tax under section 501(c)(6) of the Internal Revenue Code. Because this letter could help resolve any questions regarding your exempt status, you should keep it in your permanent records.

Please see enclosed Information for Organizations Exempt Under Sections Other Than 501(c)(3) for some helpful information about your responsibilities as an exempt organization.

Sincerely,



Robert Choi

Director, Exempt Organizations
Rulings and Agreements

Enclosure: Information for Organizations Exempt Under Sections Other Than 501(c)(3)

CITY OF BASTROP

AGENDA ITEM **B-1**STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: October 2, 2013

MEETING DATE: October 8, 2013

1. AGENDA ITEM: **CONDUCT A PUBLIC HEARING** to receive citizens input on our request for a change in zoning/re-zoning for the following adjacent tracts of land:

1. **C2, Commercial Heavy to C1, Commercial Light** for +/- 0.1299 acres within Building Block 118 East of Water Street; and
2. **C1, Commercial Light** for +/-0.2131 acres being a portion of vacated Newton Street South of Building Block 118 and North of Building Block 119; and
3. **SF7, Single Family Residential to C1, Commercial Light** for +/-1.2757 acres within Building Block 119 East of Water Street.

These properties are located South of State Highway 71 East, West of unopened Pitt Street and North of Jasper within the City limits of the City of Bastrop, Texas.

2. Party Making Request: **City of Bastrop**
3. Nature of Request: (Brief Overview) Attachments: Yes XX 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 zoning district classification of C-1, Commercial-1 Light for the +/-0.1299 acres located within Building Block 118, +/- 0.2131 acres of unopened Newton Street situated between Building Block 118 and 119 and +/-1.2757 acres within Building Block 119.**
9. Advisory Board Recommendation: XX Recommended Approval ___ Denial ___ None
The Planning and Zoning Commission conducted a Public Hearing August 29, 2013 and voted unanimously 8-0 to recommend approval of a zoning district classification of C-1, Commercial-1 Light for the +/-0.1299 acres located within Building Block 118, +/- 0.2131 acres of unopened Newton Street situated between Building Block 118 and 119 and +/-1.2757 acres within Building Block 119.
10. Manager's Recommendation: _____ Approved _____ Disapproved _____ None
11. Action Taken: _____

City of Bastrop



Agenda Information Sheet:

City Council Meeting Date:

October 8, 2013

Public Notice Description:

Public Hearing, discussion and possible action by City Council for C1, Commercial Light zoning the following City owned properties:

- C2, Commercial Heavy to C1, Commercial Light for +/- 0.1299 acres within Building Block 118 East of Water Street
- C1, Commercial Light for +/-0.2131 acres being a portion of vacated Newton Street South of Building Block 118 and North of Building Block 119; and
- SF7, Single Family Residential to C1, Commercial Light for +/-1.2757 acres within Building Block 119 East of Water Street.

These properties are located South of State Highway 71 East, West of unopened Pitt Street and North of Jasper Street within the City limits of Bastrop, Texas.

Item Summary:

Owner/Applicant: City of Bastrop
Location: Building Block 118, Building Block 119 and vacated Newton Street
Utilities: City water, sewer, and electric
Zoning: SF7, Single Family Residential and C2, Commercial Heavy
Land Use Plan: Light Commercial

Background/Request:

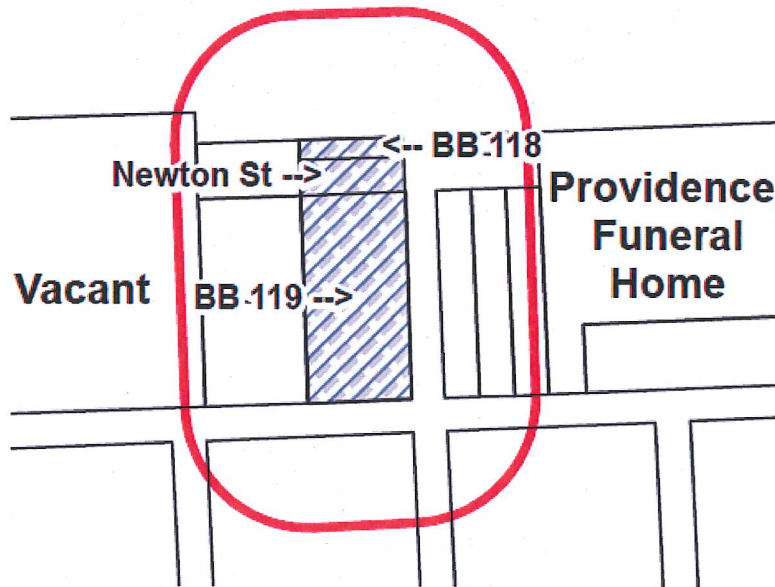
The +/- 0.1299 acres located within Building Block 118 was purchased September 12, 1939.

The +/- 0.2131 acres of unopened Newton Street situated between Building Block 118 and 119 was vacated January 5, 2011 by City Ordinance No. 2011-2.

The +/- 1.2757 acres within Building Block 119 was purchased by the City of Bastrop in a Tax Resale Deed, June 28, 2013. The Deed was recorded at the Bastrop County Courthouse July 3, 2013.

The properties listed above being +/-1.6178 acres are vacant. All of the above properties have been surveyed by BEFCO Engineering, Inc.

Properties to be zoned/ rezoned

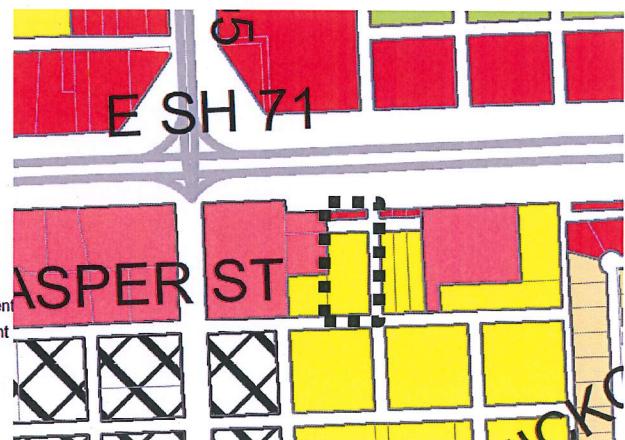


Proposal:

The City as, owner/applicant, is requesting a zoning change to C-1, Commercial (Light) for the properties zoned C2, Commercial Heavy and SF7, Single Family Residential. The vacated portion of Newton Street has no zoning classification, the City is requesting C-1, Commercial (Light).

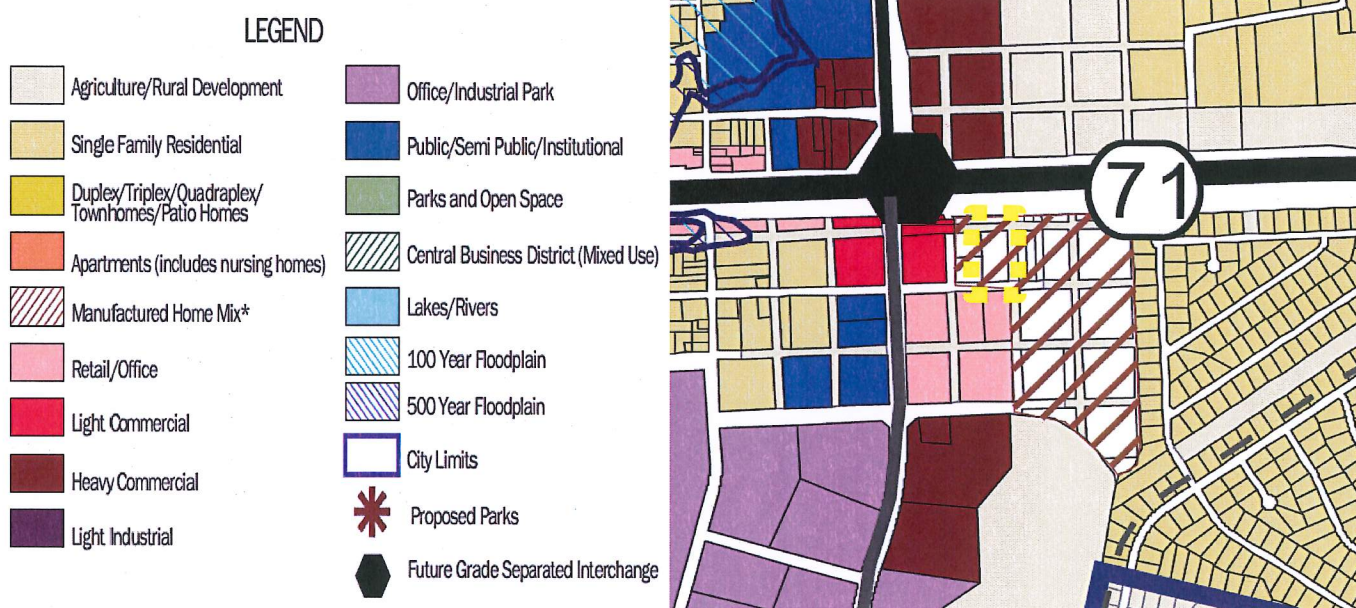
Current zoning of properties to zoned/ rezoned

Legend	
Bastrop City Limits	GR - General Retail
Zoning District	CBD - Central Business District
A/OS - Agricultural/ Open Space	CT - Commercial Tourism
SF-20 - Single Family Residential	C-1 - Commercial-1
SF-9 - Single Family Residential	C-2 - Commercial-2
SF-8 - Single Family Residential	IP - Industrial Park
SF-7 - Single Family Residential	LI - Light Industrial
SFA - Single Family Attached	Park Land
MH - Manufactured Housing	CF - Civic Facilities
2F - (Duplex) Two Family Residential	HX-PD-Commercial - Hunter's Crossing Planned Development
MF-1 - Multi-Family Dwelling-1	HX-PD-Residential - Hunter's Crossing Planned Development
MF-2 - Multi-Family Dwelling-2	BC-PD - Bastrop County Planned Development
O - Office	TOYOTA-PD - Toyota Planned Development
NS - Neighborhood Service	AG EXEMPT - Agricultural Exempt Agreement
	Special Conditions



Surrounding Zoning and Land Uses:

Location	Zoning	Future Land Use Plan
North (Commercial, Across Highway 71 East)	C-2, Commercial -2 (Heavy)	Heavy Commercial
South (Residential)	SF-7, Single Family Residential	Manufactured Home Mix
East (Vacant)	SF-7, Single Family Residential	Manufactured Home Mix
West (Vacant))	C-1, Commercial -1 (Light) and SF-7, Single Family Residential	Light Commercial

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 Land Use Plan and Future Land Use Plan map as Manufactured Home Mix.

Manufactured Home Mix (Brown Cross-Hatch Overlay)

Areas of primarily single family residential development where manufactured homes may also be sited on individual lots subject to development standards.

Future Land Use Designation:

The Comprehensive Plan also establishes a future Land Use Plan map that distributes the various land use districts throughout the City's planning area. While the future Land Use Plan map is not intended to be a parcel specific or mandate for how land is developed, it is the primary guide for the City in evaluating development proposals. When a development proposal differs from the future Land Use Plan, it is the responsibility of the City to determine whether the proposal is in keeping with the general goals and objectives of the Comprehensive Plan.

The Subject Tract is designated on the future Land Use Plan map as Manufactured Home Mix. This area has changed tremendously since the Comprehensive Plan was adopted in 2001. As this area along Highway 71 East continues to develop commercially, the proposed zoning classification of C-1, Commercial-1 (Light) would be a more appropriate zoning classification within this land use category.

If the City Council finds that the requested zoning C-1, Commercial-1, or another zoning district is appropriate, the Planning and Zoning Commission and City Council should take the necessary steps to update to the future Land Use Plan map during the annual amendment process to change the land use designation of the Subject Property to Light Commercial (or more appropriate district).

Comments: Seven (7) adjacent property owner notifications were mailed August 6, 2013 and September 18, 2013. One public comment has been received in favor.

Staff Recommendation: Staff recommends approval of the zoning district classification of C-1, Commercial-1 (Light) for the +/-0.1299 acres located within Building Block 118, +/- 0.2131 acres of unopened Newton Street situated between Building Block 118 and 119 and +/-1.2757 acres within Building Block 119 being a total of +/-1.6187 acres within the corporate limits of Bastrop, Texas.

Planning and Zoning Commission Recommendation:

The Planning and Zoning Commission held their regular meeting August 29, 2013 and voted unanimously 8-0 to recommend approval of the zoning district classification of C-1, Commercial-1 (Light) for the +/-0.1299 acres located within Building Block 118, +/- 0.2131 acres of unopened Newton Street situated between Building Block 118 and 119 and +/-1.2757 acres within Building Block 119 being a total of +/-1.6187 acres within the corporate limits of Bastrop, Texas.

City Contact:

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

Attachments:

Metes and bounds survey documents with location maps, Use Charts from the Zoning Ordinance and one surrounding property owner response.



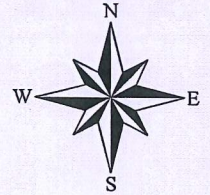
Property Location Map

for

+/-0.1299 acres, BB118 EW, C-2 to C-1

+/-1.2757 acres, BB119 EW, SF-7 to C-1

+/-0.2131 acres, portion of vacated Newton St, vacant land to C-1



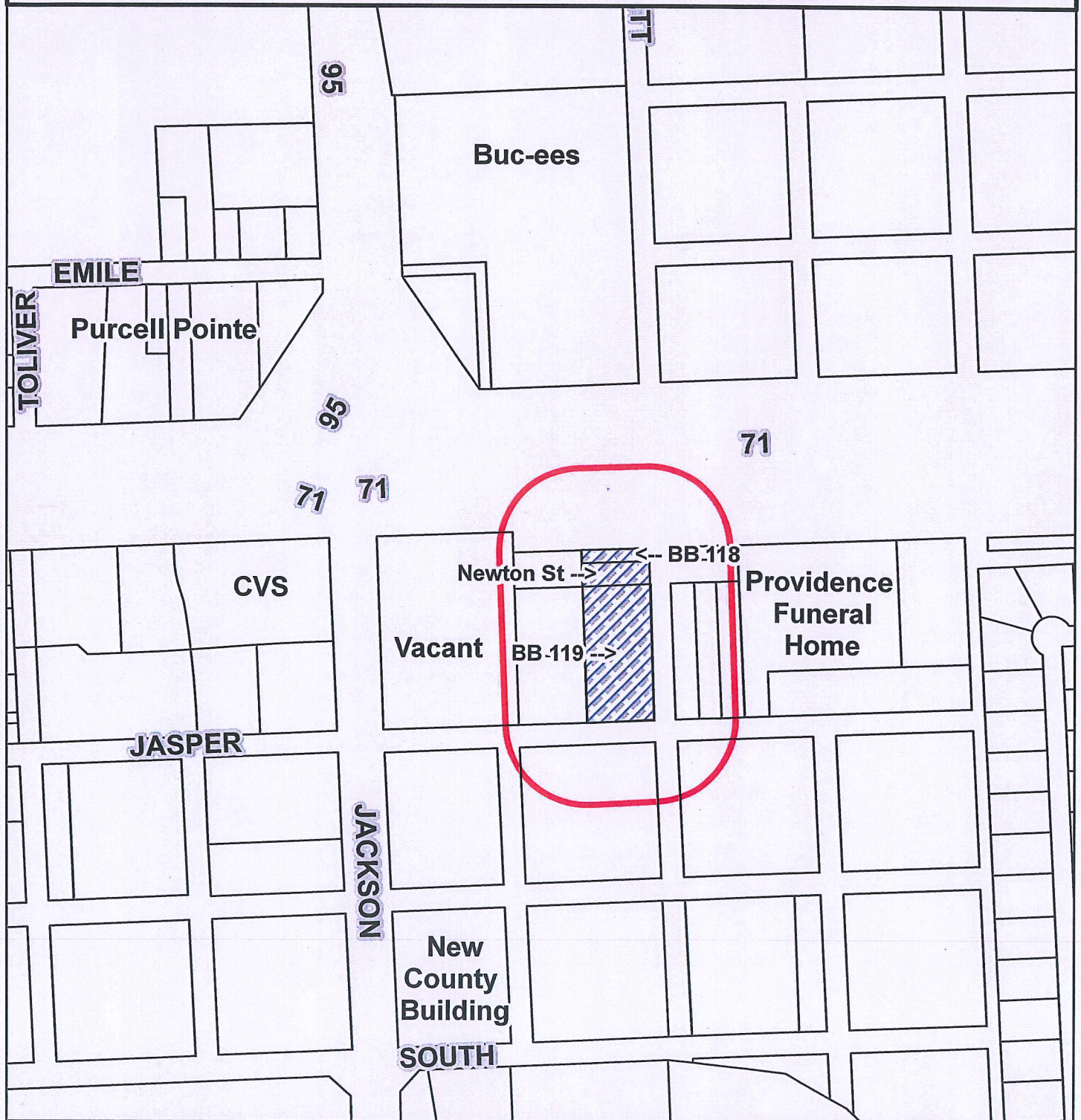
Legend



Property for Zone Change



200' Buffer



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, August 29, 2013 at 6:00 p.m.**, and the Bastrop City Council will conduct a public hearing at 6:15 p.m. on **Tuesday, September 10, 2013 (first reading)** and have a second reading (not a public hearing) on **Tuesday, September 24, 2013** in the Bastrop City Council Chambers, 1311 Chestnut Street, Bastrop, Texas to consider the following zone changes:

- BB 118 EW – C2, Commercial (Heavy) to C1, Commercial (Light)
- Portion of vacated Newton Street zone request of C1, Commercial (Light)
- BB 119 EW – SF7, Single Family Residential to C1, Commercial (Light)

A site location is included with this notice.

Applicant: City of Bastrop

The property being considered is described as follows:

Legal Descriptions: +/-0.1299 acres within BB 118 East of Water
 +/-0.2131 acres being a portion of vacated Newton Street
 +/-1.2757 acres within BB 119 East of Water.

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 at 1311 Chestnut Street or mailed to P.O. Box 427, Bastrop, Texas 78602 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 the request.
☐ I am opposed to the request.

Property Owner Name:

Property Address: Bastrop Providence LLC
2079 Hwy 71 East Bastrop 78602

Mailing Address: 807 Carlow Parkway NW
Taylor, TX 76574

Phone (optional):

Email (optional):

Property Owner's Signature:

Comments: (Optional)

Franklin Rimmer, Chairman

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 – C2 to C1 +/-0.1299 acres, vacant land to C1 +/-0.2131 acres, SF7 to C1 +/-1.2757, mailed out August 6, 2013

CITY OF BASTROP

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

CITY COUNCIL

DATE SUBMITTED: October 2, 2013

MEETING DATE: October 8, 2013

1. AGENDA ITEM: Consideration, discussion and possible action on the **FIRST READING** of a proposed Ordinance of the City Council of the City of Bastrop, Texas granting a district change in zoning/re-zoning for the following tracts of land:
 - 1) C2, Commercial Heavy to C1, Commercial Light for +/- 0.1299 acres within Building Block 118 East of Water Street; and
 - 2) C1, Commercial Light for +/-0.2131 acres being a portion of vacated Newton Street South of Building Block 118 and North of Building Block 119; and
 - 3) SF7, Single Family Residential to C1, Commercial Light for +/-1.2757 acres within Building Block 119 East of Water Street in the City limits of Bastrop, Texas; and establishing an effective date.
2. Party Making Request: **City of Bastrop**
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: **Staff recommends approval of the zoning district classification of C-1, Commercial-1 Light for the +/-0.1299 acres located within Building Block 118, +/- 0.2131 acres of unopened Newton Street situated between Building Block 118 and 119 and +/-1.2757 acres within Building Block 119.**
9. Advisory Board Recommendation: XX Recommended Approval ____ Denial ____ None
The Planning and Zoning Commission conducted a Public Hearing August 29, 2013 and voted unanimously 8-0 to recommend approval of a zoning district classification of C-1, Commercial Light for the +/-0.1299 acres located within Building Block 118, +/- 0.2131 acres of unopened Newton Street situated between Building Block 118 and 119 and +/-1.2757 acres within Building Block 119.
10. Manager's Recommendation: ____ Approved ____ Disapproved ____ None
11. Action Taken: _____

ORDINANCE No. _____**AN ORDINANCE GRANTING A ZONING/RE-ZONING DISTRICT CHANGE FOR THE FOLLOWING ADJACENT TRACTS OF LAND:**

- 1. C2, COMMERCIAL HEAVY TO C1, COMMERCIAL LIGHT FOR +/- 0.1299 ACRES WITHIN BUILDING BLOCK 118 EAST OF WATER STREET; AND**
- 2. C1, COMMERCIAL LIGHT FOR +/-0.2131 ACRES BEING A PORTION OF VACATED NEWTON STREET SOUTH OF BUILDING BLOCK 118 AND NORTH OF BUILDING BLOCK 119; AND**
- 3. SF7, SINGLE FAMILY RESIDENTIAL TO C1, COMMERCIAL LIGHT FOR +/-1.2757 ACRES WITHIN BUILDING BLOCK 119 EAST OF WATER STREET 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

1. C2, Commercial Heavy to C1, Commercial Light for +/- 0.1299 acres within Building Block 118 East of Water Street
2. C1, Commercial Light for +/-0.2131 acres being a portion of vacated Newton Street South of Building Block 118 and North of Building Block 119; and
3. SF7, Single Family Residential to C1, Commercial Light for +/-1.2757 acres within Building Block 119 East of Water Street.

more particularly shown and 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 August 29, 2013; and

WHEREAS, after notice and hearing, the Planning and Zoning Commission has recommended a zoning designation of the properties to C1, Commercial Light; 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 October 8, 2013 to consider the City's intent to establish a

zoning designation of C1, Commercial Light and to consider the Commission's recommendation to zone the properties to C1, Commercial Light; and

WHEREAS, after consideration of public input received at the hearing, the information provided by the City of Bastrop Planning and Development Department, and all other information presented, City Council finds that it is in the public interest to approve the C1, Commercial Light zone of the Properties,

- C2, Commercial Heavy to C1, Commercial Light for +/- 0.1299 acres within Building Block 118 East of Water Street
- C1, Commercial Light for +/-0.2131 acres being a portion of vacated Newton Street South of Building Block 118 and North of Building Block 119; and
- SF7, Single Family Residential to C1, Commercial Light for +/-1.2757 acres within Building Block 119 East of Water Street.

to a new designation of C1, Commercial Light.

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

Part 1: The Property, being approximately +/-1.6187 acres located South of State Highway 71 East, West of unopened Pitt Street and North of Jasper Street within the City limits of Bastrop, Texas as more particularly shown and described on attached Exhibit "A", shall be and is hereby rezoned from its prior designations

- C2, Commercial Heavy to C1, Commercial Light for +/- 0.1299 acres within Building Block 118 East of Water Street
- C1, Commercial Light for +/-0.2131 acres being a portion of vacated Newton Street South of Building Block 118 and North of Building Block 119; and
- SF7, Single Family Residential to C1, Commercial Light for +/-1.2757 acres within Building Block 119 East of Water Street.

to a new zoning designation of C1, Commercial Light.

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

READ and ACKNOWLEDGED on First Reading on the 8th day of October, 2013.

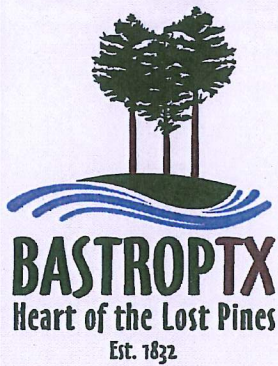
READ and APPROVED on the Second Reading on the ____ day of October, 2013.

APPROVED:

ATTEST:

Terry Orr
Mayor

Elizabeth Lopez
City Secretary

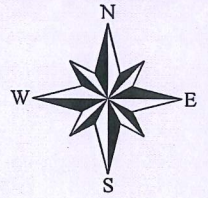


Property Location Map

+/-0.1299 acres, BB118 EW, C-2 to C-1

+/-1.2757 acres, BB119 EW, SF-7 to C-1

+/-0.2131 acres, portion of vacated Newton St, vacant land to C-1



Legend



Property for Zone Change



200' Buffer

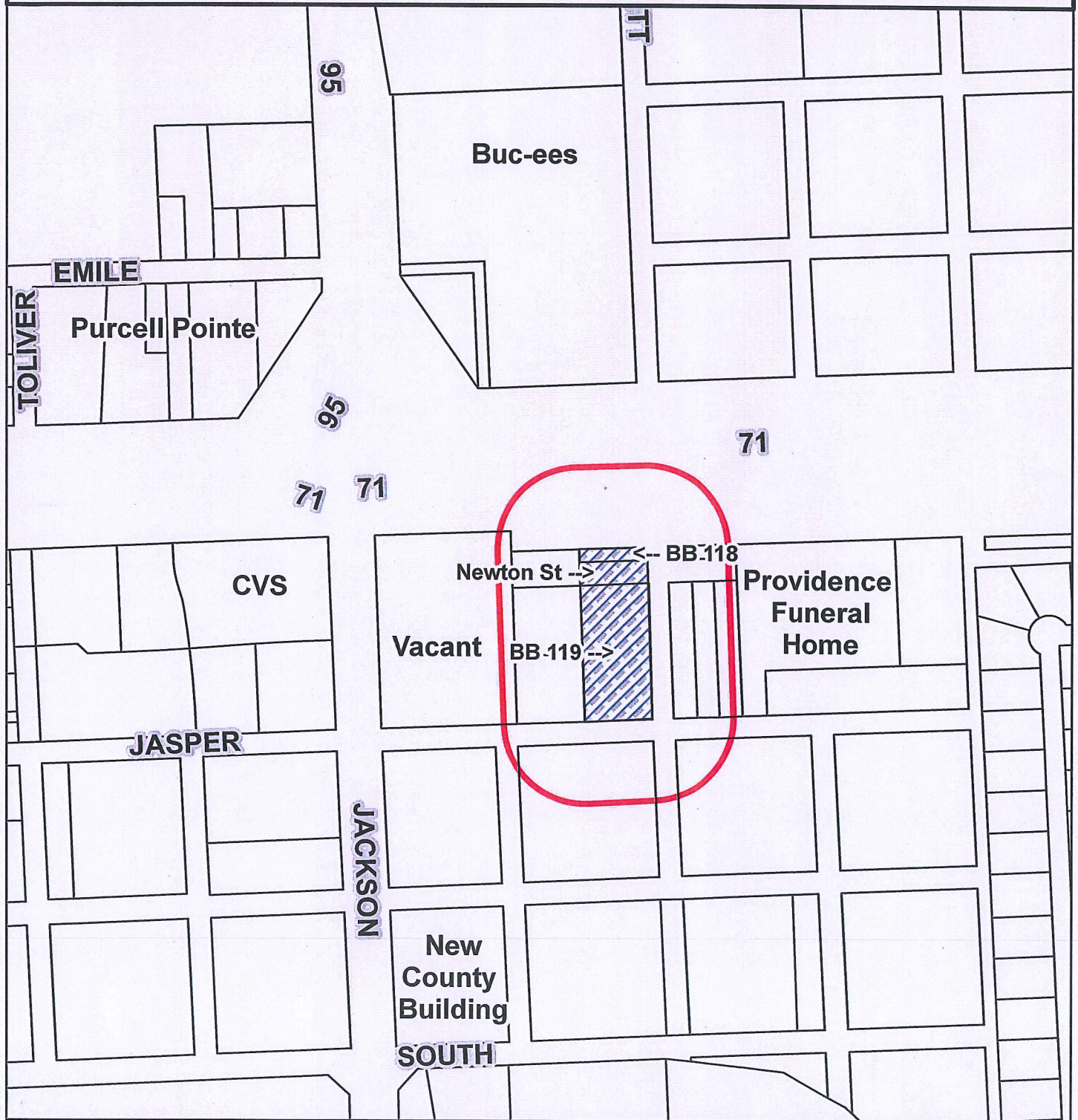


EXHIBIT A

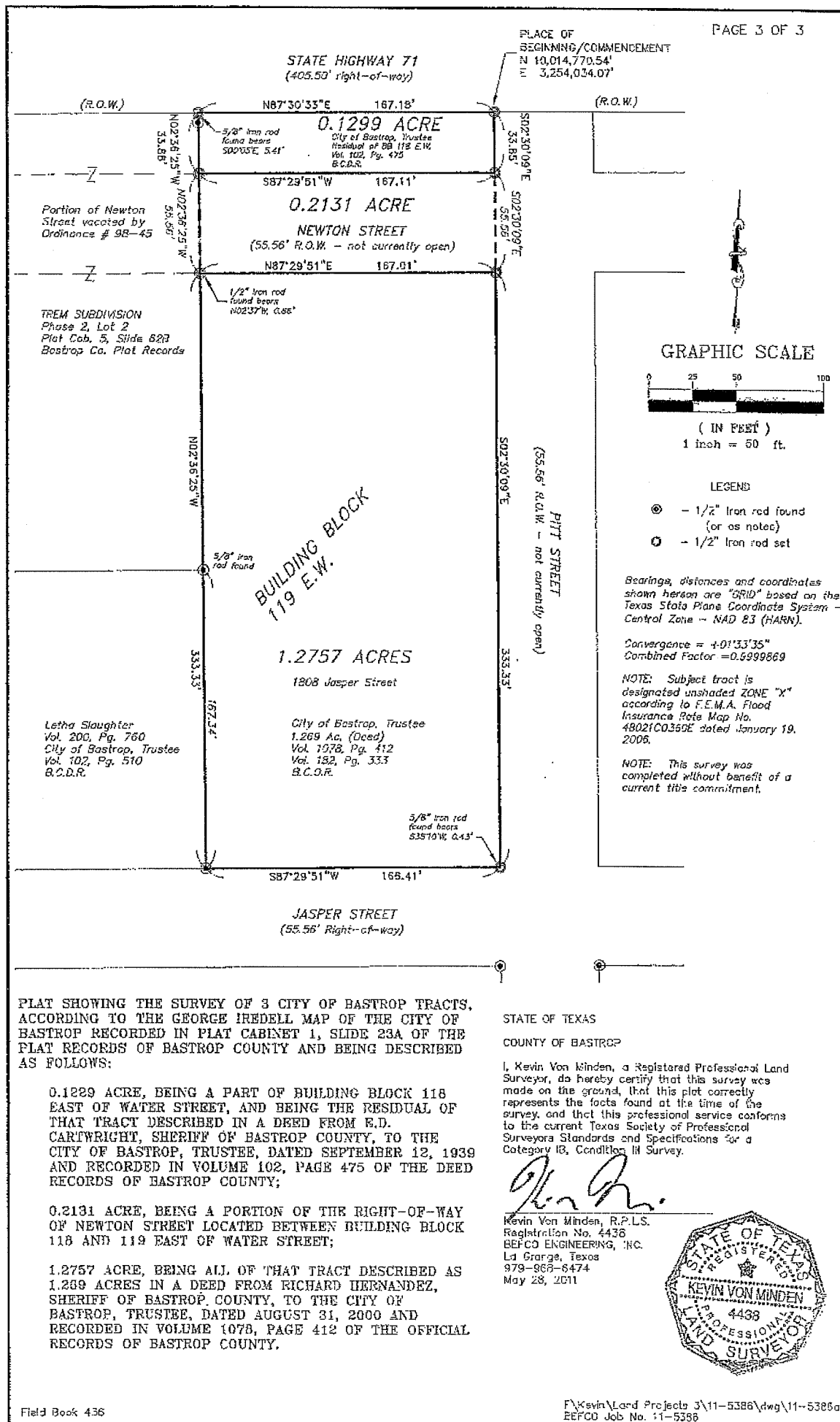


EXHIBIT A

STATE OF TEXAS

CITY OF BASTROP

COUNTY OF BASTROP

BUILDING BLOCK 118 E.W.
0.1299 ACRE

All that certain tract or parcel of land containing 0.1299 acre, situated in Building Block 118 East of Water Street, according to the George Iredell Map of the City of Bastrop recorded in Plat Cabinet 1, Slide 23A of the Plat records of Bastrop County, and being the residual of that tract described in a deed from E.D. Cartwright, Sheriff of Bastrop County, to the City of Bastrop, Trustee, dated September 12, 1939 and recorded in Volume 102, Page 475 of the Deed Records of Bastrop County, said 0.1299 acre tract being more particularly described by metes and bounds as follows:

Beginning at a 1/2" iron rod set in the South right-of-way line of State Highway 71 at its intersection with the West margin of "Pitt Street" (not currently open) and the East line of said Building Block 118 for the Northeast corner of the tract herein described and the **PLACE OF BEGINNING**, said point having a coordinate value of North = 10,014,770.54 feet and East = 3,254,034.07 feet according to the Texas State Plane Coordinate System - Central Zone - NAD 83(HARN);

Thence **South 02 degrees 30 minutes 09 seconds East**, departing said Highway 71 right-of-way line, **33.85 feet** along said West margin of "Pitt Street" to a 1/2" iron rod set at its intersection with the North margin of "Newton Street" (not currently open) for the Southeast corner of said Building Block 118 and the Southeast corner of the tract herein described;

Thence **South 87 degrees 29 minutes 51 seconds West**, **167.11 feet** along said North margin of "Newton Street" to a 1/2" iron rod set in the East line of TREM SUBDIVISION, Phase 2, Lot 2 (Plat Cabinet 5, Slide 62B) for the Southwest corner of the tract herein described;

Thence **North 02 degrees 36 minutes 25 seconds West**, **33.88 feet** along said East line of TREM SUBDIVISION to a 1/2" iron rod set in said South right-of-way line of State Highway 71 for the Northeast corner of said TREM SUBDIVISION and the Northwest corner of the tract herein described;

Thence **North 87 degrees 30 minutes 33 seconds East**, **167.18 feet** along said South right-of-way line to the **PLACE OF BEGINNING** and containing 0.1299 acre.

EXHIBIT A

CITY OF BASTROP
BUILDING BLOCK 118 E.W.
0.1299 ACRE
PAGE 2 OF 3

Bearings, distances and coordinates used herein are "GRID" based on the Texas State Plane Coordinate System - Central Zone - NAD 83(HARN). Convergence = +01 degree 33 minutes 35 seconds. Combined factor = 0.9999869.

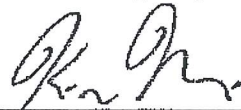
STATE OF TEXAS

COUNTY OF BASTROP

I, Kevin Von Minden, a Registered Professional Land Surveyor, do hereby certify the foregoing field notes to be true and correct to the best of my knowledge and belief.

BEFCO ENGINEERING, INC.

Consulting Engineering & Land Surveying



Kevin Von Minden, R.P.L.S.

Registration No. 4438

May 28, 2011

BEFCO Job No. 11-5386(1)

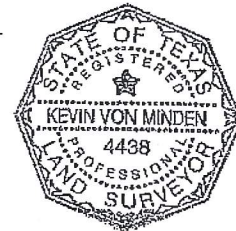


EXHIBIT A

STATE OF TEXAS

CITY OF BASTROP

COUNTY OF BASTROP

NEWTON STREET

0.2131 ACRE

All that certain tract or parcel of land containing 0.2131 acre, being a portion of the right-of-way of "Newton Street" between Building Block 118 and Building Block 119 East of Water Street, according to the George Iredell Map of the City of Bastrop recorded in Plat Cabinet 1, Slide 23A of the Plat records of Bastrop County, said 0.2131 acre tract being more particularly described by metes and bounds as follows:

Commencing at a 1/2" iron rod set in the South right-of-way line of State Highway 71 at its intersection with the West margin of "Pitt Street" (not currently open) and the East line of said Building Block 118 (City of Bastrop - Vol. 102, Pg. 475 B.C.D.R.), said point having a coordinate value of North = 10,014,770.54 feet and East = 3,254,034.07 feet according to the Texas State Plane Coordinate System - Central Zone - NAD 83 (HARN);

Thence South 02 degrees 30 minutes 09 seconds East, departing said Highway 71 right-of-way line, 33.85 feet along said West margin of "Pitt Street" to a 1/2" iron rod set at its intersection with the North margin of "Newton Street" (not currently open) for the Southeast corner of said Building Block 118, the Northeast corner of the tract herein described and the PLACE OF BEGINNING;

Thence South 02 degrees 30 minutes 09 seconds East, severing said "Newton Street", 55.56 feet to a 1/2" iron rod set for the Northeast corner of Building Block 119 (City of Bastrop - Vol. 1078, Pg. 412 B.C.O.R.) and the Southeast corner of the tract herein described;

Thence South 87 degrees 29 minutes 51 seconds West, 167.01 feet along the South margin of "Newton Street" to a 1/2" iron rod set in the East line of TREM SUBDIVISION, Phase 2, Lot 2 (Plat Cabinet 5, Slide 62B) for the Southeast corner of that portion of "Newton Street" vacated by City of Bastrop Ordinance No. 98-45 and the Southwest corner of the tract herein described, from which a 5/8" iron rod found bears North 02 degrees 37 minutes West, 0.86 feet;

Thence North 02 degrees 36 minutes 25 seconds West, 55.56 feet along said East line of TREM SUBDIVISION to a 1/2" iron rod set in the North margin of "Newton Street" for the Northeast corner of said vacated portion of "Newton Street", the Southwest corner of the residual of said Building Block 118 (City of Bastrop - Vol. 102, Pg. 475 B.C.D.R.) and the Northwest corner of the tract herein described;

EXHIBIT A

CITY OF BASTROP
NEWTON STREET RIGHT-OF-WAY
0.2131 ACRE
PAGE 2 OF 3

Thence North 87 degrees 29 minutes 51 seconds East, 167.11 feet
along said North margin of "Newton Street" to the PLACE OF
BEGINNING and containing 0.2131 acre.

Bearings, distances and coordinates used herein are "GRID" based
on the Texas State Plane Coordinate System - Central Zone - NAD
83(HARN). Convergence = +01 degree 33 minutes 35 seconds.
Combined factor = 0.9999869.

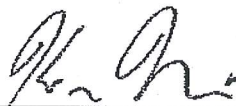
STATE OF TEXAS

COUNTY OF BASTROP

I, Kevin Von Minden, a Registered Professional Land Surveyor, do
hereby certify the foregoing field notes to be true and correct
to the best of my knowledge and belief.

BEFCO ENGINEERING, INC.

Consulting Engineering & Land Surveying



Kevin Von Minden, R.P.L.S.
Registration No. 4438
May 28, 2011
BEFCO Job No. 11-5386(2)



EXHIBIT A

STATE OF TEXAS
COUNTY OF BASTROP

CITY OF BASTROP
BUILDING BLOCK 119 E.W.
1.2757 ACRES

All that certain tract or parcel of land containing 1.2757 acres, situated in Building Block 119 East of Water Street, according to the George Iredell Map of the City of Bastrop recorded in Plat Cabinet 1, Slide 23A of the Plat records of Bastrop County, and being that same tract described as 1.269 acres in a deed from Richard Hernandez, Sheriff of Bastrop County, to the City of Bastrop, Trustee, dated August 31, 2000 and recorded in Volume 1078, Page 412 of the Official Records of Bastrop County, said 1.2757 acre tract being more particularly described by metes and bounds as follows:

Commencing at a 1/2" iron rod set in the South right-of-way line of State Highway 71 at its intersection with the West margin of "Pitt Street" (not currently open) and the East line of said Building Block 118 (City of Bastrop - Vol. 102, Pg. 475 B.C.D.R.), said point having a coordinate value of North = 10,014,770.54 feet and East = 3,254,034.07 feet according to the Texas State Plane Coordinate System - Central Zone - NAD 83 (HARN);

Thence South 02 degrees 30 minutes 09 seconds East, departing said Highway 71 right-of-way line, along said West margin of "Pitt Street", at 33.85 feet passing a 1/2" iron rod set at its intersection with the North margin of "Newton Street" (not currently open) for the Southeast corner of said Building Block 118, and continuing for a total distance of 89.41 feet to a 1/2" iron rod set at the intersection of said West margin of "Pitt Street" with the South margin of "Newton Street" for the Northeast corner of said Building Block 119, the Northeast corner of the tract herein described and the **PLACE OF BEGINNING**;

Thence South 02 degrees 30 minutes 09 seconds East, 333.33 feet along said West margin of "Pitt Street" to a 1/2" iron rod set at its intersection with the North margin of "Jasper Street" for the Southeast corner of Building Block 119 and the Southeast corner of the tract herein described, from which a 5/8" iron rod found bears South 38 degrees 10 minutes West, 0.43 feet;

Thence South 87 degrees 29 minutes 51 seconds West, 166.41 feet along said North margin of "Jasper Street" to a 1/2" iron rod found for the Southeast corner of the Letha Slaughter tract (Vol. 200, Pg. 760 B.C.D.R.) and the Southwest corner of the tract herein described;

EXHIBIT A

CITY OF BASTROP
BUILDING BLOCK 119 E.W.
1.2757 ACRE
PAGE 2 OF 3

Thence North 02 degrees 36 minutes 25 seconds West, departing said North margin of "Jasper Street", at 167.34 feet passing a 5/8" iron rod found for the Northeast corner of said Slaughter tract and the Southeast corner of TREM SUBDIVISION, Phase 2, Lot 2 (Plat Cabinet 5, Slide 62B Bastrop County Plat Records), and continuing for a total distance of 333.33 feet along said East line of TREM SUBDIVISION to a 1/2" iron rod set in the South margin of "Newton Street" for the Southeast corner of that portion of "Newton Street" vacated by City of Bastrop Ordinance No. 98-45 and the Northwest corner of the tract herein described;

Thence North 87 degrees 29 minutes 51 seconds East, 167.01 feet along said South margin of "Newton Street" to the PLACE OF BEGINNING and containing 1.2757 acre.

Bearings, distances and coordinates used herein are "GRID" based on the Texas State Plane Coordinate System - Central Zone - NAD 83(HARN). Convergence = +01 degree 33 minutes 35 seconds. Combined factor = 0.9999869.

STATE OF TEXAS

COUNTY OF BASTROP

I, Kevin Von Minden, a Registered Professional Land Surveyor, do hereby certify the foregoing field notes to be true and correct to the best of my knowledge and belief.

BEFCO ENGINEERING, INC.

Consulting Engineering & Land Surveying


Kevin Von Minden, R.P.L.S.
Registration No. 4438
May 28, 2011
BEFCO Job No. 11-5386(3)



CITY OF BASTROP

AGENDA ITEM D-1

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: September 24, 2013

MEETING DATE: **October 8, 2013**

1. **AGENDA ITEM: Consideration, discussion and possible action for selecting a financial institution to serve as the City's primary banking services depository for the deposit of certain City funds and provision of banking functions for designated funds of the City.**

2. PARTY MAKING REQUEST: **Michael Talbot, City Manager**

3. NATURE OF REQUEST: (Brief Overview) Attachments: Yes X No _____

On August 1, 2013 the RFP for Depository and Banking Services was issued. The deadline for proposal submission was on September 5, 2013. After receiving the proposals, the City forwarded them to Linda Patterson, with Patterson and Associates for her evaluation and recommendation. Ms. Patterson has recommended First National Bank due to their service levels and potential earnings capability. The Patterson and Associates evaluation is attached.

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: The City Manager and the Chief Financial Officer both support Ms. Patterson's recommendation.

- | | | | | |
|----|-----------------|----------|-------------|------|
| 9. | ADVISORY BOARD: | Approved | Disapproved | None |
|----|-----------------|----------|-------------|------|

10. MANAGER'S RECOMMENDATION: Approved Disapproved None

11. ACTION TAKEN:

**REQUEST FOR PROPOSALS (RFP) FOR
DEPOSITORY AND BANKING SERVICES**

Two (2) Respondents to RFP included:

1. First National Bank
2. Prosperity Bank

CITY OF BASTROP, TEXAS**Analysis of Bank Depository Service Proposals
September 2013**

In August 2013, the City of Bastrop solicited proposals for banking services to serve the City with efficient and cost effective banking services. The City intended for its banking partner to continue to provide state-of-the-art technology to assure that its current banking needs would be met and that it will be able to incorporate technological changes and improvements into its operations over the period of the contract. The contract is to be for a three year period with one optional two year period if approved by City Council.

The City received two proposals for banking services in response to the Request for Proposal (RFP). The proposals were made by the incumbent First National Bank and Prosperity Bank. Both banks have facilities and services within the City and are solid financial institutions which can provide the basic services. Both have offered no-direct-fee proposals relying on the balances retained by the City in the bank. The average balance of City funds in the bank is approximately \$750,000 per month.

The current economic conditions have somewhat dictated how this evaluation and bank services are reviewed and evaluated because of the various earnings capabilities within the banks. With overnight rates currently hovering at zero percent the earnings, for these banks the earnings potential must be focused on the interest bearing accounts. Rates are anticipated to be low for at least the first year of the contract based on Federal Reserve statements. However, it is quite possible that rates will rise and therefore the bottom line rates and the indexes they are based on will have a major influence on earnings potential.

The evaluation was guided by the City's guiding objectives in the RFP:

- banking services costs and earnings potential,
- responsiveness and ability to provide services and reports required,
- collateral capacity,
- earnings potential, and
- creditworthiness and stability of the bank.

Since banks bundle services and price services differently, the evaluation of the proposals was made on several different levels to capture and evaluate those differences equitably.

- (1) All services offered and recommended have been evaluated as to the level of service offered compared to the required specifics. The bank was also evaluated to determine its adaptability and capability to grow into new technologies as they become available.
- (2) The cost of specific and overall services has been compared based on actual historical volumes.
- (3) The potential for earnings has been compared based on various account structures and based on historical data incorporating any floor rates offered.
- (4) The proposals have been evaluated combining all these factors and netting earnings and costs to create a final, unbiased assessment of net impact to the City.

These four levels of analysis have been completed through a detailed compilation of findings. The worksheets which were used to make these analyses are attached. The following report summarizes those findings highlighting only key areas to identify differences between banks. Comments are not all-inclusive but are made to highlight specific differences by way of explanation and illustration of the recommendation.

REQUIRED SERVICES EVALUATION

The City's RFP outlined and requested detailed information on all the services which would be required under the contract to perform its current banking services and to meet its projected needs. The goal is to assure that the bank performs those duties in the most cost effective/cost efficient manner.

The analysis evaluated all services which will be used initially or added during the term of the contract. Specific functional areas of required services are discussed briefly here noting significant differences in service levels or capabilities between banks. Neither the analysis nor recommendations automatically include all services available through the banks if the costs were prohibitive or if their use by the City was unlikely. It is imperative, however, that the bank be capable of providing the service should it be needed.

The banks were ranked on services by (a) weighting each question in the RFP by its relative importance to the City and to the performance of the service and (b) scoring each proposal's response. The total points received by each bank for service provisions are:

First National	668
Prosperity	570

The difference in service ratings indicates differences between service level capabilities. The RFP requested information on four additional *optional* services: stored value cards, retail lockbox, smart safes and check printing. Prosperity does not offer any of these services. First National does provide stored value cards and is willing to research a lockbox through the correspondent bank.

Account Structure

Neither bank has the ability to sweep but First National is willing to discuss the possibility in the future. In addition, the FDIC Assessment Fees have been waived by First National.

The major difference between the banks is the interest rate offered to the City. First National is setting a floor on rates for all DDA (demand deposit accounts) at 0.40% which is a highly competitive rate. (By comparison the pools are averaging 0.04% currently.) In addition, as rates rise their rate should stay competitive because when rates rise above 0.40% the rate will be set on the 3-month Treasury Bill rate plus 26 basis points. Prosperity Bank has not offered any specific rate structure and the bank has lagged First National in rates for the prior year which can be anticipated to continue even without the floor rate offered by First National.

Automation and Online Transactions

Prosperity Bank did rank higher than First National in online services and Treasury automation. Prosperity offers a few more downloadable options.

Deposit/Collection Services

Deposit and collection services at the two banks are quite similar. Both offer remote deposit with First National providing the scanners to be used (averaging \$800-\$1,000 per scanner).

Disbursing Services

Disbursing services are also quite similar at both banks. Both maintain check images for 24 months. First National has agreed to cash payroll checks at no charge for employees but Prosperity has added the caveat of positive pay to make such a guarantee.

Wires and Internal Transfers

In the area of wires and internal account transfers the banks are almost identical. Notification of incoming wire activity is found on reports at First National and Prosperity provides confirms.

Both require security managed by the City. Prosperity can provide future dating of wires.

Investment Safekeeping

The City does not currently invest in securities for its portfolio so safekeeping is a required but not currently critical service. Only First National will offer the service through its correspondent bank. Prosperity will not offer the service.

Collateral Conditions

The RFP outlined specific conditions for the provision and safekeeping of required collateral which were directed to maximum safety of the City's funds and listed authorized collateral. The requirements included the 102% margin level for collateral, authorized collateral types, and the provision for independent third party safe-keeping and reporting. The banks were required to accept the conditions as stated. Both confirmed the conditions without exceptions. First National will utilize TIB as custodian and Prosperity will use FHLB. FHLB is very reluctant of not adamant about not providing monthly collateral reports to municipal entities.

Company Banking

As an optional service the City asked the banks whether they had company banking programs to offer service to direct deposit employees, at no cost to the City. Prosperity does have a program of this type but First National does not.

BANKING COSTS EVALUATION

Both banks have chosen to not charge direct fees therefore a cost evaluation is impossible. The difference in potential earnings however is sizable between the banks.

Transition Incentives

The cost of the contract is directly impacted by the transition incentives being offered by the banks. In the RFP, the banks were asked if they were offering the City any transition incentive to reduce the cost of changing banks or as an incentive to maintain the account.

- **First National, as the incumbent depository, is offering a floor rate on DDA accounts of 0.40% and an index of the 3-month Treasury Bill plus 26 basis points when rates increase above the 0.40%. There are also very competitive floor rates on time deposits (CD) which should be utilized by the City. The bank is also offering free remote scanners for remote deposit.**
- **Prosperity is not offering any transition incentive.**

Earnings Potential

Assuming that a balance of approximately \$ 750,000 is left at the bank, the earnings at the proposed 0.40% from First National would generate approximately \$250 a month versus the Prosperity rate (0.07% interest bearing and 0.20% money market accounts) generating \$44 or \$125 per month respectively. Even without the floor rate being applied First National has averaged an additional 0.213% and 0.092% in these accounts over the past year.

RECOMMENDATION

The purpose of this analysis was to find the most cost effective and efficient banking situation for the City which provided all the necessary services. With only a few difference in service level capabilities between the banks, but, with that difference favoring First National and with the material difference in potential earnings capability at First National the evaluation clearly rated First National as the better choice for the City.

It is therefore recommended that the City award the banking services contract to First National.

Patterson & Associates
Austin, TX

CITY OF BASTROP

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

CITY COUNCIL

DATE SUBMITTED: September 30, 2013

MEETING DATE: October 8, 2013

1. Agenda Item: **Consideration, discussion and possible action on the final funding level allocation to entities requesting HOTEL OCCUPANCY TAX REVENUE FUNDING FOR FISCAL YEAR 2013-2014 after review of the entities year-end summary reports.**
2. Party Making Request: **Karla Stovall**
3. Nature of Request: (Brief Overview) Attachments: Yes X No
4. Policy Implication: **The calendar developed and approved by City Council for the Hotel Motel funding distribution identifies October 8, 2013 for City Council to approve the final funding levels for organizations. Total amount to be distributed is \$283,500. Year-end summary reports provided at meeting.**

Attachment 1: A spreadsheet identifying FY2012-2013 Funding Approved, FY2013-2014 Funding Request, and FY2013-2014 Preliminary Funding Level approved.

5. Budgeted: Yes No N/A
Bid Amount: Budgeted Amount:
Under Budget: Over Budget:
Amount Remaining:
6. Alternate Option/Costs:
7. Routing:

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

CITY OF BASTROP
FY 2014 HOT FUNDING

Organization	FY 2012-2013 FUNDING APPROVED	FY 2013-2014	
		FUNDING REQUEST	PROPOSED FUNDING
Bastrop Association for the Arts	\$ 8,200	\$ 13,876	\$ 7,800.00
Bastrop Chamber of Commerce	\$ 54,100	\$ 71,100	\$ 48,500.00
Bastrop Downtown Business Alliance	\$ 52,400	\$ 54,500	\$ 51,500.00
Bastrop Fine Arts Guild	\$ 7,800	\$ 10,000	\$ 8,000.00
Bastrop Historical Society	\$ 16,000	\$ 25,000	\$ 16,200.00
Bastrop Homecoming Committee	\$ 17,000	\$ 30,000	\$ 17,300.00
Bastrop Juneteenth Committee	\$ 4,400	\$ 10,000	\$ 5,100.00
Bastrop Old Town Visitor's Center	\$ 55,000	\$ 78,000	\$ 55,100.00
Bastrop Opera House	\$ 50,000	\$ 62,000	\$ 50,700.00
Family Crisis Center	\$ 1,300	\$ 1,500	\$ 1,600.00
Keep Bastrop County Beautiful	\$ 4,700	\$ 10,000	\$ 5,200.00
Retreet America	\$ -	\$ 2,500	\$ 1,600.00
Upstart, Inc.	\$ 10,700	\$ 53,515	\$ 12,000.00
YMCA of Austin	\$ -	\$ 7,000	\$ 2,900.00
Other-Organizations not requesting fund	\$ 1,900	\$ -	\$ -
Total	\$ 283,500	\$ 428,991	\$ 283,500.00