**NOTICE OF REGULAR MEETING**
**BASTROP CITY COUNCIL**
**May 22, 2012 6:00 P.M.**

Pursuant to the Texas Government Code, Chapter 551, the City Council of Bastrop, Texas will hold a regular meeting on **May 22, 2012 at 6:00 p.m**. at Council Chambers of City Hall, 1311 Chestnut Street, Bastrop, Texas and will consider the following matters to wit:

| REGULAR MEETING | TAB | PAGE | ORIGINATOR | STATUS |
|---|---|---|---|---|

**ANNOUNCEMENTS**

1. Call to Order
2. Pledge of Allegiance and Invocation
3. Presentations
    A. Main Street Bench Project – Nancy Wood
4. Proclamations
5. Announcements

**CANVASS OF ELECTION RETURNS:**

1. Council to canvass returns and declare results of May 12, 2012 General Election.

2. Oath of Office to be administered to newly elected officials of the City.

**RECOGNITION OF OUTGOING COUNCIL MEMBER:**

1.. Presentation to Council Member Julie Hart.

**ORGANIZATION OF THE COUNCIL:**

1. Consider adoption of Robert's Rules of Order.

2. Consider election by Council of Mayor Pro-Tem.

**CITY MANAGER INFORMATIONAL UPDATE REPORT: Items for update, discussion and possible action:**

A. Meetings and Events Attended:
   1. Utility Committee Meeting on May 10, 2012.
   2. Bastrop Economic Development Corporation monthly Board meeting on May 14, 2012
   3. Lost Pines Groundwater Conservation District monthly Board meeting on May 6, 2012.
   4. Capital Area Council Of Governments meeting on May 17, 2012.

B. Update on City Projects:
   1. Status of the construction of the new sidewalk behind the Library.
   2. Special Council Meeting of May 29, 2012 regarding the Strategic Directions Report.
   3. Splash Pad Project.
   4. New sewer line for Fisherman's Park.
   5. Bastrop Art Guild and Bastrop Association for the Art update regarding "Art from the Ashes."
   6. Revisions to the City of Bastrop's Ordinances regarding Boards and Commissions.
   7. Pecan Street Wastewater Improvements Project.
   8. Water well operations in Fisherman's Park.

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

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

**A. CONSENT AGENDA**

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

| | | | |
|---|---|---|---|
| A.1 Approval of meeting minutes of May 5 and May 8, 2012. | A.1 | 3 | Teresa Valdez |
| A.2 Approval of Interlocal Cooperation Agreement between the Texas Colorado River Floodplain Coalition and the City of Bastrop, Texas. | A.2 | 14 | Mike Talbot |
| A.3 Approval of the FIRST READING of a Resolution of the City Council of Bastrop approving a project (construction overrun cost associated with Phase II of the Chestnut Street Sidewalk Improvement Project) using funds provided by the Bastrop Economic Development Corporation, in an amount exceeding $10,000. | A.3 | 22 | Mike Talbot |

**B. PUBLIC HEARINGS:**

| | | | |
|---|---|---|---|
| B.1 PUBLIC HEARING: Requesting variances to Subdivision Regulations Section 1.30.6 A. "Minimum Road Standards" and Section 1.30.6 C. "Substandard Street Improvements" to not require the extension of Industry Lane to be built to the end of Murchison 1 Lot 1, being approximately 0.525 acres of land within the city limits of Bastrop, Texas. | B.1 | 25 | Melissa McCollum |
| B.2 Discussion, consideration and possible action to grant variances to Subdivision Regulations Section 1.30.6 A. "Minimum Road Standards" and Section 1.30.6 C. "Substandard Street Improvements" to not require the extension of Industry Lane to be built to the end of Murchison 1 Lot 1, being approximately 0.525 acres of land within the City of Bastrop, Texas. | B.2 | 35 | Melissa McCollum |

B.3 Citizen Comments.

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Executive Session: The Council reserves the right to convene into Executive Session at any time during the meeting regarding any agenda item. In compliance with the Open Meetings Act, 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

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**C. OLD BUSINESS**

**D. NEW BUSINESS**

**ORDINANCES FOR FIRST READING:**

| | | | |
|---|---|---|---|
| D.1 Consideration, discussion and possible action on the FIRST READING of an Ordinance amending the budget for the Fiscal Year 2012 in accordance with existing statutory requirements; appropriating the various amounts herein; repealing all prior ordinances and actions In conflict herewith; and providing for an effective date. | D.1 | 36 | Karla Stovall |

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

| | | | |
|---|---|---|---|
| D.2 Consideration, discussion and possible action on awarding the bid for the Bob Bryant Park Water Facilities Improvements Phase II Project. | D.2 | 48 | Mike Talbot |
| D.3 Consideration, discussion and possible action on awarding the bid for the relocation of the waterline at Lost Pines Movie Theater 8 as per the Economic Development Agreement between the City of Bastrop and SP Bastrop Theater, L.P. | D.3 | 53 | Mike Talbot |

| | | | |
|---|---|---|---|
| D.4 Consideration, discussion and possible action on approving the City of Bastrop, Bastrop Art in Public Places Task Force Bylaws. | D.4 | 56 | Mike Talbot |
| D.5 Consideration, discussion and possible action on a Resolution of the City Council of Bastrop, Texas approving an emergency public health and safety related expenditure, in excess of $50,000 pursuant to the applicable general exemption set forth in the Local Government Code §252.022, *et seq.* | D.5 | 69 | Mike Talbot |
| D.6 Consideration, discussion and possible action on an emergency Ordinance of the City Council of the City of Bastrop, Texas amending the City of Bastrop's Drought Contingency Plan to amend the definition of total production capability and the permitted water times for "Stage 3" restrictions; providing the City Manager with authority to impose additional water restrictions during certain events; declaring a safety and health necessity to dispense with two readings of the Ordinance due to public emergency; providing a severability clause; and providing an effective date. | D.6 | 74 | Mike Talbot |
| D.7 Consideration, discussion and possible action on adjusting the speed limit on Farm Street. | D.7 | 79 | 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 to discuss the following:

1. Section 551.071(1)(A) and Section 551.071(2) - Consultations 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 - Deliberations about Real Property: Acquisition, exchange, lease or value of real property for public purposes.
3. Section 551-086 – Certain Public Power Utilities: Competitive Matters

E.2 The Bastrop City Council will reconvene into open session to discuss, consider and/or take any actions necessary related to the executive sessions noted herein, or regular agenda items, noted above, and/or related items.

**F. ADJOURNMENT**

***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 18th day of May at 10:30 a.m. Copies of this agenda have been provided to those members of the media requesting such information.*

Teresa Valdez

Teresa Valdez, 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 512-332-8811. PLEASE PROVIDE FORTY-EIGHT HOURS NOTICE WHEN FEASIBLE.**

**Confirm time posted: TC**

**CITY OF BASTROP** **AGENDA ITEM : City Manager Report**

**STANDARDIZED AGENDA RECOMMENDATION FORM**

**CITY COUNCIL**

**DATE SUBMITTED: May 17, 2012**
**MEETING DATE: May 22, 2012**

1. Agenda Item: **City Manager informational update report: Items for update, discussion and possible action:**
   - **A. Meetings and Events Attended:**
     1. **Utility Committee Meeting on May 10, 2012.**
     2. **Bastrop Economic Development Corporation monthly Board meeting on May 14, 2012**
     3. **Lost Pines Groundwater Conservation District monthly Board meeting on May 6, 2012.**
     4. **Capital Area Council Of Governments meeting on May 17, 2012.**
   - **B. Update on City Projects:**
     1. **Status of the construction of the new sidewalk behind the Library.**
     2. **Special Council Meeting of May 29, 2012 regarding the Strategic Directions Report.**
     3. **Splash Pad Project.**
     4. **New sewer line for Fisherman's Park.**
     5. **Bastrop Art Guild and Bastrop Association for the Art update regarding "Art from the Ashes."**
     6. **Revisions to the City of Bastrop's Ordinances regarding Boards and Commissions.**
     7. **Pecan Street Wastewater Improvements Project.**
     8. **Water well operations in Fisherman's Park.**
   - **C. Update on City Business:**
     1. **Convention Center Activities.**
     2. **Main Street Program Activities.**
     3. **Commercial/Residential Construction Projects in the City.**
     4. **YMCA Activities.**
   - **D. Inviting input from Council related to issues for possible inclusion on future agendas, related to issues such as (but not limited to) municipal projects, personnel, public property, development and other City/public business.**

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

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

4. Policy Implication: ____________________

5. Budgeted: __________Yes ___________No N/A
   Bid Amount: _________________ Budgeted Amount: __________________

Under Budget: ________________ Over Budget: ______________________
Amount Remaining: _________________

6. Alternate Option/Costs: ____________________________________________________________________

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

8. Staff Recommendation: __________________________________________________________________

9. Advisory Board: _________Approved _________Disapproved ___________None

10. Manager's Recommendation: __________Approved __________Disapproved __________None

11. Action Taken: __________________________________________________________________________
______________________________________________________________________________________

**CITY OF BASTROP** **AGENDA ITEM: A.1**

## STANDARDIZED AGENDA RECOMMENDATION FORM

**CITY COUNCIL**

**DATE SUBMITTED: May 9, 2012**
**MEETING DATE: May 22, 2012**

1. Agenda Item: **Approval of meeting minutes of May 5 and May 8, 2012.**

2. Party Making Request: **Teresa Valdez, City Secretary**

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

4. Policy Implication: ____________________

5. Budgeted: _________Yes __________No N/A
   Bid Amount: ________________ Budgeted Amount: ________________
   Under Budget: _______________ Over Budget: ______________________
   Amount Remaining: ________________

6. Alternate Option/Costs: ____________________

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

8. Staff Recommendation: ____________________

9. Advisory Board: _________Approved _________Disapproved ___________None

10. Manager's Recommendation: __________Approved __________Disapproved __________None

11. Action Taken: ____________________
____________________

**May 5, 2012**

The Bastrop City Council met in Special Workshop/Retreat Meeting on Saturday, May 5, 2012 at 9:00 a.m. at the Hyatt Regency Lost Pines and Spa, 575 Hyatt Lost Pines Road, Lost Pines, Texas. Members present were Mayor Terry Orr and Council Members Dock Jackson, Joe Beal, Ken Kesselus and Kay Garcia McAnally.

1. CALL TO ORDER

At 9:15 a.m., Mayor Terry Orr called the meeting to order with all members present, with the exception of Julie Hart who was absent.

2. WORKSHOP SESSION – THE BASTROP CITY COUNCIL WILL CONVENE INTO A SPECIAL WORKSHOP/RETREAT SESSION TO DISCUSS THE FOLLOWING:

A. KATHERINE RAY & ASSOCIATES WILL CONDUCT A STRATEGIC PLANNING RETREAT WITH THE CITY COUNCIL REGARDING ISSUES, CONCERNS, POLICIES, PROGRAMS, PROJECTS AND ECONOMIC DEVELOPMENT OPPORTUNITIES FOR THE CITY OF BASTROP.

At 9:16 A.m., Mayor Orr convened the Bastrop City Council into a Special Workshop/Retreat session to discuss:

A. Katherine Ray & Associates will conduct a Strategic Planning Retreat with the City Council regarding issues, concerns, policies, programs, projects and economic development opportunities for the City of Bastrop.

Katherine Ray began the Workshop/Retreat by stating that the focus for the day was "How can we best serve the people of Bastrop and create a world-class City?" Ms. Ray stated the objectives: 1) Identify the service issues facing us during the period 18 months from now to five years from now: October 2012 – September 2017; 2) Consider the City's strengths, weaknesses, opportunities, and threats (SWOT Analysis) as we approach these issues; 3) Develop our priorities for providing services: a) Top challenges and opportunities facing the City; and b) Ways we as policy leaders can best address these challenges and opportunities; and c) Add details as to who is responsible as well as how an action might affect other City priorities and when the project should be complete; and 4) Build teamwork as we go. Ms. Ray then reviewed the Mission Statement which the Council had drafted last year at their Planning Retreat: Bastrop is a charming, vibrant, and inclusive community where people are welcomed, valued, and appreciated. With an eye toward the future and becoming a world class city. Bastrop cherishes and protects its rich history and natural resources, and maintains a small town neighborly attitude. Ms. Ray reviewed the values listed by Council at last year's Planning Retreat: Integrity, Loyalty, Teamwork, Respect, Leadership, Open Honest Communication, High Quality, and Efficient Service. Ms. Ray then lead the Council through a SWOT Analysis.

Strengths, Weaknesses, Opportunities and Threats were listed. Accomplishments of the past year were listed and discussed.

Ms. Ray reviewed the list of issues submitted to her for the Retreat.

City Manager, Mike Talbot called the Council's attention to a Summary of Department Head Issues.

Ms. Ray then asked the Council to select/vote for their top 10 priorities. The priorities receiving the most votes in priority order were: 1) Develop a new Comprehensive Plan, 2) The City Manager's Budget Needs; 3) Get out ahead of Formula One; 4) Develop/revise incentive plan to attract businesses to City on continual basis; 5) Incorporate Colorado River (flooding concerns, current City-owned land and other river related issues); 6) Police Dispatch Services and 7) Reasonable/practical long-term water plan.

Ms. Ray led the discussion on each of the seven (7) priorities. Council listed steps, the person(s) responsible and the time frame for each of the priorities.

City Manager, Mike Talbot stated Ms. Ray will develop a Report on this and provide to the Council for review between now and May 29, 2012. Mr. Talbot stated the Council has a Special Meeting on May 29, 2012 to discuss the report.

3. THE BASTROP CITY COUNCIL WILL RECONVENE INTO OPEN SESSION TO DISCUSS, CONSIDER AND/OR TAKE ANY ACTIONS NECESSARY RELATED TO THE WORKSHOP SESSION.

At 2:12 p.m., Mayor Orr reconvened the Bastrop City Council into open session to take any actions necessary related to the workshop session.

No action was taken.

4. ADJOURN

At 2:13 p.m., it was the consensus of Council to adjourn.

APPROVED: ATTEST:

_________________________ _________________________

Terry Orr, Mayor Teresa Valdez, City Secretary

**May 8, 2012**

The Bastrop City Council met in regular session on May 8, 2012 at 6:00 p.m. at the Council Chambers of City Hall, 1311 Chestnut Street, Bastrop, Texas. Members present were Mayor Terry Orr and Council Members Ken Kesselus, Julie Hart, Dock Jackson and Joe Beal.
ANNOUNCEMENTS

1. CALL TO ORDER

At 6:00 p.m. Mayor Terry Orr called the meeting to order with all members present, with the exception of Kay Garcia McAnally who was absent.

2. PLEDGE OF ALLEGIANCE AND INVOCATION

Danielle Jurney, Sophia Castellow, Brylee Johnson, Kascee Johnson, Celine Taylor and Antonio Robertson, Emile Elementary School Fourth Grade students, led the pledges of allegiance to the U.S. and Texas flags. Reverend Mike Vega led the invocation.

3. PRESENTATIONS

A. CHARACTER EDUCATION – BASTROP STUDENT

Celine Donyell Taylor a Fourth Grade student at Emile Elementary School presented the Character Education character trait "Integrity" for the month of May.

Evelyn Weilert addressed the Council. Ms. Weilert stated in August of 2007 the City of Bastrop was declared a "City of Character". Ms. Weilert stated in July 2011 Bastrop County was declared a "County of Character". Ms. Weilert presented a Certificate to Mayor Orr stating the following: character first recognized the City officials, community leaders, and local residents of the City of Bastrop for demonstrating Initiative, Discernment and Boldness in passing a resolution on August 28, 2007 in their effort to promote good character in all sectors of the community. The Certificate was signed by Beau Bailey, Character First Regional Director.

4. PROCLAMATIONS

A. PRESERVATION MONTH

Mayor Orr proclaimed May 2012 as National Preservation Month in the City of Bastrop.

Main Street Manager Nancy Woods encouraged everyone to discover Bastrop's hidden gems and encouraged everyone to pick up three brochures at the Visitor's Center.

B. RELAY FOR LIFE

Mayor Orr stated they he and Smithville Mayor Mark Bunte will be presenting a proclamation on May 19, 2012 proclaiming May 19, 2012 as Relay For Life Day in the Cities of Smithville and Bastrop.

5. ANNOUNCEMENTS

Mayor Orr stated Council Member Kay Garcia McAnally was absent tonight due to family requirements.

CITY MANAGER INFORMATIONAL UPDATE REPORT: ITEMS FOR UPDATE, DISCUSSION AND POSSIBLE ACTION:

A. MEETINGS AND EVENTS ATTENDED:
   1. CEMETERY BOARD MEETING ON APRIL 26, 2012.
   2. PLANNING & ZONING COMMISSION MEETING ON MARCH 28, 2012.
   3. PARKS BOARD MEETING ON MAY 3, 2012.
   4. CITY COUNCIL RETREAT ON MAY 5, 2012.
   5. ENVIRONMENTAL STEWARDSHIP – TEXAS WATER DEVELOPMENT BOARD PETITION HEARING IN MILANO ON MARCH 7, 2012.
   6. ASSOCIATION OF WHOLESALE CUSTOMERS OF LCRA MEETING IN JOHNSON CITY ON MARCH 8, 2012.

B. UPDATE ON CITY PROJECTS:
   1. STATUS OF NEW SIDEWALK BEHING THE LIBRARY.
   2. POSSIBLE DISCUSSION OF THE PLANNING RETREAT ON MAY 5, 2012.
   3. SPLASH PAD PROJECT.
   4. NEW SEWER LINE FOR FISHERMAN'S PARK.
   5. OPENING OF BIDS FOR PHASE II CHESTNUT STREET SIDEWALK IMPROVEMENTS PROJECT.
   6. REVISIONS TO THE CITY OF BASTROP'S PARK ORDINANCE.
   7. PECAN STREET WASTEWATER IMPROVEMENTS PROJECT.
   8. MOWING OF CITY RIGHTS-OF-WAYS AND PARKS.
   9. REVIEW OF PROPOSED BENCHES ON MAIN STREET.
   10. APPROVAL OF FINAL PROCESS FOR REQUESTING HOTEL OCCUPANCY TAX (HOT) FUNDS.
   11. APPROVAL OF FINAL PROCESS FOR REQUESTING COMMUNITY SERVICES FUNDS.
   12. WATER WELL OPERATIONS IN FISHERMAN'S PARK.

C. UPDATE ON CITY BUSINESS:
   1. CONVENTION CENTER ACTIVITIES.
   2. MAIN STREET PROGRAM ACTIVITIES.
   3. COMMERCIAL/RESIDENTIAL CONSTRUCTION PROJECTS IN THE CITY.
   4. YMCA ACTIVITIES.

D. DEPARTMENT AND BOARD REPORTS.

E. INVITING INPUT FROM COUNCIL RELATED TO ISSUES FOR POSSIBLE INCLUSION ON FUTURE AGENDAS, RELATED TO ISSUES SUCH AS (BUT NOT LIMITED TO) MUNICIPAL PROJECTS, PERSONNEL, PUBLIC PROPERTY, DEVELOPMENT AND OTHER CITY/PUBLIC BUSINESS.

City Manager, Mike Talbot stated his written City Manager's Report was given to Council on Monday.

Mr. Talbot discussed Item B.2. Mr. Talbot thanked the Council for taking time to attend the Planning Retreat. Mr. Talbot asked if there were any Council comments regarding the Retreat.

Mayor Orr stated that recreational facilities needed to be put into the Comprehensive Plan.

Mr. Talbot discussed Item B.5. Mr. Talbot stated the project came in over budget. Mr. Talbot stated he had met with Mayor Orr yesterday and the Mayor had concerns about the overrun because a big portion was on the north side of Chestnut Street – bridge, and he also had concerns about the sidewalk going nowhere. Mr. Talbot called the Council's attention to an overhead projection showing the picture of the project which had been submitted as part of the grant application to the Texas Parks and Wildlife Department. Mr. Talbot stated there are three options: 1) Do away with that portion which represents 44% of the project – the project would have to be rebid; 2) Bring the sidewalk to the front of the businesses and stop there which would reduce the project approximately $25,000 and would not have to rebid the project; and 3) Leave as originally submitted and go to the Bastrop Economic Development Corporation (BEDC) for additional funding. Mr. Talbot stated he was requesting direction from the Council.

Council Member Ken Kesselus asked Mr. Talbot what his recommendation was.

Mr. Talbot stated he agrees with the Mayor that the sidewalk does appear to go nowhere, but there are two businesses that would benefit from the enhancement.

Mayor Orr stated he is in full concurrence of doing the bridge, sidewalk from MLK to Gills Branch, he just cannot see going to the BEDC for $50,000 and justify the value received for money spent since the business is a tire/vehicular business and not pedestrian travel.

Discussion was held among Council and Mr. Talbot.

Ken Kesselus moved to follow the City Manager's recommendation to remove/eliminate a portion of the sidewalk and construct the sidewalk up to the two businesses located along Chestnut Street with the possibility of future expansion and ask Bastrop Economic Development Corporation to help funding. Seconded by Joe Beal and carried unanimously.

Mr. Talbot stated Council Member Kesselus would like to discuss an additional item related to Items B.10 and B.11.

Council Member Ken Kesselus stated the Mayor had asked Mr. Talbot, Council Member Kay Garcia McAnally and himself to meet with the Bastrop State Park representatives and see if it is viable for the golf course to stay open. After having discussions with the State Park Superintendent Ms. Garcia McAnally and I are prepared to offer to Council the following proposal: Take $25,000 off of the top of the total amount of funding designated for Hotel Occupancy Tax grants and have a pre-empted grant to offer vouchers for golf. Mr. Kesselus stated that the Bastrop State Park Superintendent stated this would be a very big help.
Mr. Kesselus stated he would like to find the right opportunity to persuade Council to do that.

Discussion was held among Council.

Julie Hart stated she would have concerns of taking the $25,000 off the top without them going through the grant process like everyone else had to do. Ms. Hart stated she did not like the Council just arbitrarily selecting that. Ms. Hart stated that whoever receives these funds needs to be responsible for them. Ms. Hart stated the State Park Golf Course works with a non-profit and they can make the application for funding.

Mayor Orr stated it was the concurrence of Council to put this on a future agenda for discussion.

City Manager, Mike Talbot stated the HOT funding and the Community Services funding letter to applicants and the Fiscal Year 2013 Application form will be mailed within the next week or so.

Mr. Talbot addressed Item B.12. Mr. Talbot stated on Thursday the City started experiencing problems with water wells "D" & "E". Mr. Talbot stated Mr. Bene has been analyzing the 12 month flow from the Colorado River, pump testing and other operational or chemical items. Mr. Talbot stated he is recommending the Utility Committee meet on Thursday.

It was determined that the Utility Committee have a meeting on Thursday with the time to be determined by Mr. Talbot after the Utility Committee members have been contacted.

A. CONSENT AGENDA

ALL OF THE FOLLOWING ITEMS ON THE CONSENT AGENDA ARE CONSIDERED TO BE SELF-EXPLANATORY BY THE COUNCIL AND WILL BE ENACTED WITH ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS UNLESS A COUNCIL MEMBER SO REQUESTS.

A.1 APPROVAL OF MEETING MINUTES OF APRIL 24, 2012.

A.2 APPROVAL OF BASTROP MARKETING CORPORATION'S REQUEST FOR REIMBURSEMENT OF EXPENSES.

A.3 ADOPTION OF A RESOLUTION OF THE CITY COUNCIL OF BASTROP APPROVING A PROJECT (A GRANT TO SP BASTROP THEATRE, LP, FOR RENOVATIONS AND NEW CONSTRUCTION AT THE FORMER CHESTNUT SQUARE ENTERTAINMENT CENTER LOCATED AT 1600 CHESTNUT STREET, BASTROP, TEXAS, IN THE AMOUNT OF $100,000), USING FUNDS PROVIDED BY THE BASTROP ECONOMIC DEVELOPMENT CORPORATION, IN AN AMOUNT EXCEEDING $10,000.

A.4 ADOPTION OF A RESOLUTION OF THE CITY COUNCIL OF BASTROP APPROVING A PROJECT (A RAIL MARKET SURVEY IN THE AMOUNT OF $15,750), USING FUNDS PROVIDED BY THE BASTROP ECONOMIC DEVELOPMENT CORPORATION, IN AN AMOUNT EXCEEDING $10,000.

A.5 ADOPTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS AMENDING THE BYLAWS OF THE HUNTERS CROSSING LOCAL GOVERNMENT CORPORATION, PROVIDING A SEVERABILITY CLAUSE, REPEALING CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

A.6 APPROVAL OF WAIVER OF FEE FOR HANGING BANNER PER REQUEST FROM KEEP BASTROP COUNTY BEAUTIFUL.

Mayor Orr read the caption of the Ordinance listed as Consent Agenda Item A.5.

Joe Beal moved to approve the Consent Agenda. Seconded by Julie Hart and carried unanimously.

B. PUBLIC HEARINGS:

B.1 PUBLIC HEARING: TO RECEIVE PUBLIC INPUT/COMMENTS REGARDING A REQUEST TO VACATE HUNTERS CROSSING, SECTION 8A. THE PLAT TO BE VACATED CONSISTS OF APPROXIMATELY 12.455 ACRES ON THE HUNTERS CROSSING SUBDIVISION LOCATED WEST OF HIGHWAY 304 AND SOUTH OF HOME DEPOT WAY, IN THE CITY LIMITS OF BASTROP, TEXAS.

Melissa McCollum, Planning and Development Director, addressed the Council. Ms. McCollum stated the owner, Forestar Real Estate Group, Inc. is requesting that Section 8A be vacated. Ms. McCollum stated Section 8A is currently vacant and staff supports the vacation request because it complies with the Texas Local Government Code, and the property has not been developed. Ms. McCollum stated the Planning and Zoning Commission conducted a public hearing on April 26, 2012 and voted 7-0 to recommend approval of vacating the plat for Hunters Crossing, Section 8A.

Brief discussion was held among Council and Ms. McCollum.

There were no public comments.

B.2 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION TO VACATE HUNTERS CROSSING, SECTION 8A. THE PLAT TO BE VACATED CONSISTS OF APPROXIMATELY 12.455 ACRES IN THE HUNTERS CROSSING SUBDIVISION LOCATED WEST OF HIGHWAY 304 AND SOUTH OF HOME DEPORT WAY, IN THE CITY LIMITS OF BASTROP, TEXAS.

Joe Beal moved to vacate the Plat. Seconded by Julie Hart and carried unanimously.

B.3 CITIZEN COMMENTS.

There were no citizen comments.

C. OLD BUSINESS

D. NEW BUSINESS

ORDINANCES FOR FIRST READING:

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

D.1 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON ADJUSTING THE SPEED LIMIT ON FARM STREET.

Mayor Terry Orr stated this item has been pulled from the Agenda and will be put on the next Council Agenda.

D.2 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON AWARDING THE BID FOR THE BASTROP POWER & LIGHT TRAINING BUILDING.

City Manager, Mike Talbot called the Council's attention to the bid tabulation sheet for the proposed Bastrop Power & Light Training Building. Mr. Talbot stated that based on the calls he has received regarding this the building would be better called the "Administrative Training Building". Mr. Talbot stated the construction of this "Training Building" was approved in FY-12 budget. Mr. Talbot stated Fazzone Construction was low bidder in the amount of $247,800.00 and this bid was considerably higher than amount approved in the Fiscal Year 2012 budget. Mr. Talbot called the Council's attention to the "Training Building Reconciliation Sheet", included in the Agenda packet, which illustrates the budget shortfall. Mr. Talbot stated it is being proposed to cover the budget shortfall by: 1) The City staff and I have worked with the architect and contractor and are proposing to make a reduction of $20,853.60 in construction elements if the contract is awarded to Fazzone; 2) The City will be receiving funds back from the LCRA ESA account in the amount of $95,492.56. The ESA account is the amount the City has paid in over the years for marketing activities done by LCRA for the City. Since LCRA will no longer be providing this service for the City the fund balance is being returned to the City and 3) This still leaves a budget shortfall of $14,909.93 plus a 2% or $4,500.00 for public art in public places for a total shortfall of $19,409.93. Mr. Talbot stated he has reviewed this shortfall with the City's Chief Financial Officer and has been advised that the electric fund operating budget is in a very good position at this time and can cover the additional amount of $19,409.93. Mr. Talbot stated Bastrop Power and Light has been trying to build this training facility for several years and it is greatly needed by the department. Mr. Talbot stated this training facility will be set up so that it can be used by Street Department, Parks Department, and Water & Wastewater Department or really by any department in the City.

Council Member Ken Kesselus asked how urgent this was and did Mr. Talbot think waiting two weeks so that the Utility Committee could meet and review this and make a recommendation to the Council would impede anything.

Mr. Talbot stated waiting two weeks could have an effect and he will stand by his recommendation because the staff has worked in less than acceptable conditions for quite some time.

Council Member Julie Hart asked Mr. Talbot if he thought the low bid may not be held for six weeks and withdrawn.

Mr. Talbot stated there is a possibility that they could happen.

Ms. Hart stated she did not know if that is a gamble the Council wanted to take. Ms. Hart stated that the City Council is the governing body and did not know why they would refer this to the Utility Committee.

Mayor Orr stated that what the City is seeing in recent bids received is the moving away from the low bids previously received by the City. Mayor Orr urged the Council to move forward with this and take action in a positive manner.

Dock Jackson moved to award the bid for the Bastrop Power & Light Training Building to Fazzone Construction in the amount of $24,800 and the budget shortfall be provided as the City Manager had proposed, and do change order for the shower to be unisex. Motion was seconded by Julie Hart.

FOR MOTION: Dock Jackson, Julie Hart and Ken Kesselus.
AGAINST MOTION: Joe Beal

Motion carried 3:1.

E. EXECUTIVE SESSION:

E.1 THE BASTROP CITY COUNCIL WILL MEET IN A CLOSED/EXECUTIVE SESSION PURSUANT TO THE TEXAS GOVERNMENT CODE, CHAPTER 551, TO DISCUSS THE FOLLOWING:

1. SECTION 551.071(1)(A) AND SECTION 551.071(2) - CONSULTATIONS 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 ABOUT REAL PROPERTY: ACQUISITION, EXCHANGE, LEASE OR VALUE OF REAL PROPERTY FOR PUBLIC PURPOSES.

At 7:10 p.m., Mayor Orr convened the Bastrop City Council into a closed/executive session pursuant to the Texas Government Code, Chapter 551, to discuss the following:

1. Section 551.071(1)(A) and Section 551.071(2) – Consultations 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 About Real Property: Acquisition, exchange, lease or value of real property for public purposes.

***At 7:20 p.m., Council Member Dock Jackson left the Executive Session due to a conflict of interest.***

E.2 THE BASTROP CITY COUNCIL WILL RECONVENE INTO OPEN SESSION TO DISCUSS, CONSIDER AND/OR TAKE ANY ACTIONS NECESSARY RELATED TO THE EXECUTIVE SESSIONS NOTED HEREIN, OR REGULAR AGENDA ITEMS, NOTED ABOVE, AND/OR RELATED ITEMS.

At 7:30 p.m., Mayor Orr reconvened the Bastrop City Council 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.

Ken Kesselus moved to authorize the City Manager to negotiate and/or purchase real property for the public benefit and use of Bastrop Power & Light. Motion was seconded by Julie Hart.

Motion carried 3:0.

FOR MOTION: Ken Kesselus, Julie Hart and Joe Beal.

ABSTAIN: Dock Jackson

F. ADJOURNMENT

At 7:32 p.m., Joe Beal moved to adjourn. Seconded by Julie Hart and carried unanimously.

| APPROVED: | ATTEST: |
|---|---|
| ______________________ | ______________________ |
| Terry Orr, Mayor | Teresa Valdez, City Secretary |

**CITY OF BASTROP** **AGENDA ITEM: A.2**

**STANDARDIZED AGENDA RECOMMENDATION FORM**

**CITY COUNCIL**

**DATE SUBMITTED: May 10, 2012**
**MEETING DATE: May 22, 2012**

1. Agenda Item: **Approval of Interlocal Cooperation Agreement between the Texas Colorado River Floodplain Coalition and the City of Bastrop, Texas.**

2. Party Making Request: **Teresa Valdez, City Secretary**

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

   **This is an update of the original Agreement approved by Council in December 2002.**

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: ______________________________
______________________________

# INTERLOCAL COOPERATION AGREEMENT

## Between the Texas Colorado River Floodplain Coalition and Bastrop, Texas

THIS INTERLOCAL COOPERATION AGREEMENT (Agreement) is made effective and entered into on ________________________, 20____, by and between the undersigned governmental entities (Parties) to maintain and operate the Texas Colorado River Floodplain Coalition (TCRFC), whose representatives have signed this Agreement with the authorization of their governing bodies.

**Preamble**

WHEREAS, pursuant to the Inerlocal Cooperation Act, Texas Government Code Chapter 791, as amended (Act), cities, counties, special districts and other legally constituted political subdivisions of the State of Texas are authorized to enter into interlocal contracts and agreements with each other regarding governmental functions and services as set forth in the Act; and

WHEREAS, the natural resources and functions of riverine and coastal floodplains with the Colorado River basin help maintain the integrity of natural systems and provide multiple benefits such as the storage and conveyance of flood waters, recreation, the recharging of ground water, the maintenance of surface water quality, and the provision of habitats for fish and wildlife; and

WHEREAS periodic flows on the Colorado River, its tributary streams, surrounding areas, and the Highland Lakes, cause extensive damage to property and loss of life; and

WHEREAS the lower Colorado River basin and surrounding areas is experiencing rapid populations growth and continued development within the floodplains; and

WHEREAS, local floodplain management programs in the lower Colorado River basin and surrounding areas need assistance in the areas of technical expertise and review, emergency management, training for floodplain management and emergency operations, and legislative relations; and

WHEREAS, the actions of upstream and downstream communities along the Colorado River, its tributaries, and surrounding areas directly affect each other such that individual goals for flood protection and abatement, drainage, transportation, greenway establishment and protection, and development can be better achieved through cooperative floodplain management; and

WHEREAS, building consensus among all affected stakeholders, however diverse, best provides an opportunity to establish mutually supportive partnerships and offers the benefits of commitment to basic goals and objectives and more meaningful implementations; and

WHEREAS, there does not presently exist a regional entity that can comprehensively address the region's floodplain management needs;

NOW, THEREFORE, in consideration of the premises and mutual covenants herein contained, and subject to the conditions herein set forth, the Parties hereto covenant, agree, and bind themselves as follows:

**Article 1 Purpose of Agreement**

The purpose of this Agreement is to accomplish the following goals and objectives:

1.1. To maintain a consensus-based coalition that seeks mutually agreeable solutions to common floodplain management problems through a collaborative process;

1.2. To facilitate local floodplain management and emergency management program coordination;

1.3. To stabilize and reduce flooding risks, minimize property damage and loss of life through the effective and consistent enforcement of all applicable laws and by discouraging development in flood hazard areas and encouraging responsible development in the floodplain;

1.4. To develop and implement a plan to update and maintain Flood Insurance Rate Maps for the TCRFC communities;

1.5. To establish a single entity partner with state and federal floodplain and emergency management agencies;

1.6. To maintain a regional entity to coordinate with the Colorado River Basin Congressional delegation, federal administration, state legislators, and others to accomplish the purposes of this Agreement;

1.7. To maintain an administrative structure through this Agreement to provide administrative functions and services for the TCRFC and to provide a means for the Parties to negotiate agreements and obtain funding from state and federal agencies;

1.8. To assist the Parties with their training, technical assistance and public education needs with respect to floodplain management;

1.9. To maintain a mechanism for sharing ideas, programs, and resources among the Parties;

1.10. To provide a public forum for floodplain management issues so that affected stakeholders and the public at large may have timely and meaningful notice and opportunity to comment on the activities of the TCRFC;

1.11. To achieve or exceed, where appropriate, full and continuous compliance by the Parties with the National Flood Insurance Program (NFIP) and related state laws and regulations;

1.12. To encourage the Parties to coordinate other related programs such as their National Pollutant Discharge Elimination System (NPDES), storm water permitting programs, on-site sewerage system programs, greenway and parks acquisition programs, and wetland preservation programs with their floodplain management permitting program in order to achieve floodplain management goals; and

1.13. To encourage the consideration and use, where appropriate, of cost-effective alternatives to structural controls that may also provide recreational and environmental benefits including, but not limited to, the acquisition of open areas and significant wetlands through voluntary agreements with landowners, the acquisition of structures in the floodplain and their relocation, and the use of tax incentives and recognition programs.

## Article 2 Accords

2.1 The Parties agree to do the following according the Texas Colorado River Floodplain Coalition Administrative Handbook, attached hereto as Attachment 1:

- Training, Education, and Technical Assistance;
- Local National Flood Insurance Program Reviews and Assistance;
- Floodplain Management Program Assessment; and
- Regional Opportunity for Review and Comment

However, nothing in this Agreement shall be construed to affect a Party's permitting discretion or authority. The local permitting jurisdiction retains ultimate control over permitting decisions including the granting of any reasonable and necessary variances or exemptions.

2.2 The Parties agree to assign one person and an alternate to the Executive Committee and to the Technical Committee of the TCRFC, as defined in the Bylaws and the Administrative Handbook.

2.3 **Administrative Agent:** The TCRFC may enter into a contract, or contracts, with a political subdivision, local government, individuals, entities, associations, or private business to serve as the TCRFC's fiscal agent and to provide administrative support.

The Administrative Agent may be reimbursed for its services, in whole or in part, with money from membership fees collected by the TCRFC as provided by 3.2 of this agreement and/or any other available sources of funds.

Each Party to this Agreement agrees to HOLD HARMLESS the Administrative Agent from and against any claims that may arise from the performance of its duties as Administrative Agent under this Agreement except to the extent caused by the gross negligence or intentional misconduct of the Administrative Agent and as provided by law.

**Article 3 Funding**

3.1 **Funding Sources:** The goal of the TCRFC is to fund its activities and administration through the use of fees, grant monies, and loans matched with existing in-kind services to the greatest extent possible.

3.2 **Annual Membership Fee:** Except as otherwise provided in this section, each Party shall pay an annual membership fee in the amount established in Appendix A of this Agreement to go toward the administrative costs of the TCRFC. Procedures for variances from this fee schedule are addressed in the Administrative Handbook attached hereto as Attachment 1.

3.3 **Additional Funding:** As approved by the TCRFC members, the Administrative Agent is authorized to seek additional funding including grants for cooperative planning studies, projects, models, data, and any other information, activities, or projects on behalf of the TCRFC necessary to accomplish the purposes of this Agreement.

**Article 4 Additional Parties**

Additional political subdivisions may become parties to this Agreement by first obtaining endorsement by the TCRFC members, approving the terms and conditions of this Agreement, and affixing hereto the signature of its authorized representative indicating the date of approval of this Agreement by said entity.

**Article 5 Renewal and Amendments**

This Agreement shall take effect ___________________, 20___ or upon the signature of a Party, whichever occurs later. A Party may withdraw from this Agreement, through a vote of its governing body, provided it has notified the TCRFC of such action in writing at least 60 days before its intended withdrawal date. Amendments may be made to this Agreement upon the approval of the governing bodies of all Parties. Amendments to this Agreement not related to the payment to, or the providing of services by, the Administrative Agent does not require the approval of the Administrative Agent.

**Article 6 Dissolution**

This Agreement may be dissolved at any time by the written mutual consent of the Parties.

**Article 7 Severability Clause**

If any provision of this Agreement or any application hereof shall be invalid, illegal, or unenforceable, the validity, legality, and enforceability of the remaining provisions and applications shall not be in any way affected or impaired thereby.

**Article 8 Governing Law**

This Agreement shall be construed and enforced in accordance with and governed by the laws of the State of Texas.

ORDER AUTHORIZING EXECUTION OF INTERLOCAL AGREEMENT BETWEEN City of Bastrop AND VARIOUS CITIES, COUNTIES AND OTHER POLITICAL SUBDIVISIONS OF THE STATE OF TEXAS.

On this, the ______ day of ______________, 20_____, the City Council of Bastrop, Texas, sitting as the governing body of Bastrop, upon the motion of ____________________, seconded by ____________________, duly put and carried.

IT IS ORDERED that Mayor Terry Orr be, and he/~~she~~ is hereby authorized to execute for and on behalf of City of Bastrop an Interlocal Agreement between City of Bastrop and other cities, counties, special districts, and other legally constituted political subdivisions of the State of Texas relating to the maintenance and operation of the Texas Colorado River Floodplain Coalition for the pursuit of common goals for the lower Colorado River basin including flood protection and damage reduction and other appropriate floodplain management goals. Said agreement being incorporated herein by reference for all purposes as though fully set forth herein.

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be duly executed and their respective seals to be hereunto affixed and attested, as of the date and year noted below.

EXECUTED this ________day of ______________________, 20_____.

Name, Title, Entity Terry Orr, Mayor - City of Bastrop

STATE OF TEXAS COUNTY OF Bastrop

On this day, the individual named above personally appeared before me and acknowledged that he/she executed the same for the purposes and consideration therein expressed.

Date

Notary Public Signature and Seal

Date Commission Expires

Notary Public Typed or Printed Name

## Appendix A – Annual Membership Fee

| Population Based upon Latest U.S. Census* | Fee |
|---|---|
| ≤ 1,500 | $250 |
| ≤ 2,500 | $500 |
| ≤ 5,000 | $750 |
| ≤ 7,500 | $1,000 |
| ≤ 10,000 | $1,250 |
| > 10,000 | $1,500 |

*County population will be calculated to include only those Census population figures in the unincorporated part of the County, and not include the populations of incorporated Cities, for the purposes of dues.

*The above dues structure was approved June 6, 2005 at the Annual TCRFC meeting.*

**CITY OF BASTROP** **AGENDA ITEM** **A.3**

**STANDARDIZED AGENDA RECOMMENDATION FORM**

**CITY COUNCIL**

**DATE SUBMITTED: May 16, 2012**
**MEETING DATE: May 22, 2012**

1. Agenda Item: **Approval of the FIRST READING of a Resolution of the City Council of Bastrop approving a project (construction overrun cost associated with Phase II of the Chestnut Street Sidewalk Improvement Project) using funds provided by the Bastrop Economic Development Corporation, in an amount exceeding $10,000.**

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

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

**On May 14, 2012, the Bastrop Economic Development Corporation Board of Directors approved funding the construction overrun cost associated with Phase II of the Chestnut Street Sidewalk Improvement Project, to be covered by the Bastrop Economic Development Corporation Chestnut Street Bond Fund Balance, in the amount of $32,276.13.**

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) ________________
   b) ________________
   c) ________________

8. Staff Recommendation: ________________

9. Advisory Board: ______Approved ______Disapproved ______None

10. Manager's Recommendation: ______Approved ______Disapproved ______None

11. Action Taken: ________________

**RESOLUTION NO. R-2012-__**

**A RESOLUTION OF THE CITY COUNCIL OF BASTROP, TEXAS, APPROVING A PROJECT, USING FUNDS PROVIDED BY THE BASTROP ECONOMIC DEVELOPMENT CORPORATION, IN AN AMOUNT EXCEEDING $10,000.**

---

**WHEREAS**, the Board of the Bastrop Economic Development Corporation ("BEDC") met on May 14, 2012, and at that time took formal action to support and provide funds for various projects; and

**WHEREAS**, Section 4B(3), of the Texas Economic Development Act, mandates that prior to the BEDC funding a project involving an expenditure by the BEDC of more that $10,000, per project, the City Council shall adopt a Resolution authorizing the project, which Resolution shall be read by the City Council, on two separate occasions; and

**WHEREAS**, the City has reviewed the May 14, 2012, actions of the BEDC related to the project noted herein below, has considered and evaluated that project, and has found it meritorious of the Council's approval.

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

(1) The City Council of the City of Bastrop, Texas, hereby approves the following project, which had been approved for funding by the BEDC:

   a. To fund the construction overrun associated with Phase II of the Chestnut Street Sidewalk Improvement Project in the amount of $32,276.13, from the Bastrop Economic Development Corporation Chestnut Street Bond Fund Balance.

(2) The City Manager is hereby authorized to convey a copy of this Resolution of approval, as appropriate.

(3) That this Resolution shall take effect immediately from and after its passage, and is accordingly so resolved.

READ and ACKNOWLEDGED on First Reading on the 22nd of May 2012.

READ and ADOPTED on Second Reading on the __ day of June 2012.

**APPROVED:**

______________________________
Terry Orr, Mayor

**ATTEST:**

______________________________
Teresa Valdez, City Secretary

**APPROVED AS TO FORM:**
Jo-Christy Brown, City Attorney

**CITY OF BASTROP** **AGENDA ITEM B.1**

# STANDARDIZED AGENDA RECOMMENDATION FORM

**CITY COUNCIL**

**DATE SUBMITTED: May 16, 2012**
**MEETING DATE: May 22, 2012**

1. Agenda Item: **Public Hearing: Requesting Variances to Subdivision Regulations Section 1.30.6 A. "Minimum Road Standards" and Section 1.30.6 C. "Substandard Street Requirements" to not require the extension of Industry Lane to be built to the end of Murchison 1 Lot 1, being approximately 0.525 acres of land within the city limits of Bastrop, Texas.**

2. Party Making Request: **Sierra Classic Custom Homes**

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

**Variances to the City's Subdivision Ordinance take City Council approval or denial.**

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 requested Variances to Subdivision Regulations Section 1.30.6 A. "Minimum Road Standards" and Section 1.30.6 C. "Substandard Street Requirements" for Murchison 1, Lot 1.**

9. Advisory Board: ____Approved _________Disapproved ___ ____None

10. Manager's Recommendation: __________Approved __________Disapproved __________None

11. Action Taken: ______________________________
______________________________

**City of Bastrop**

**Agenda Information**

**City Council Meeting Date:** **May 22, 2012**

---

**Project Description:**
Discussion, consideration and possible action to approve a Variance to Subdivision Regulations Section 1.30.6 A and 1.30.6 C Minimum Road Standards for Murchison 1, Lot 1 being approximately 0.525 acres of land, located within the city limits of Bastrop, Texas.

---

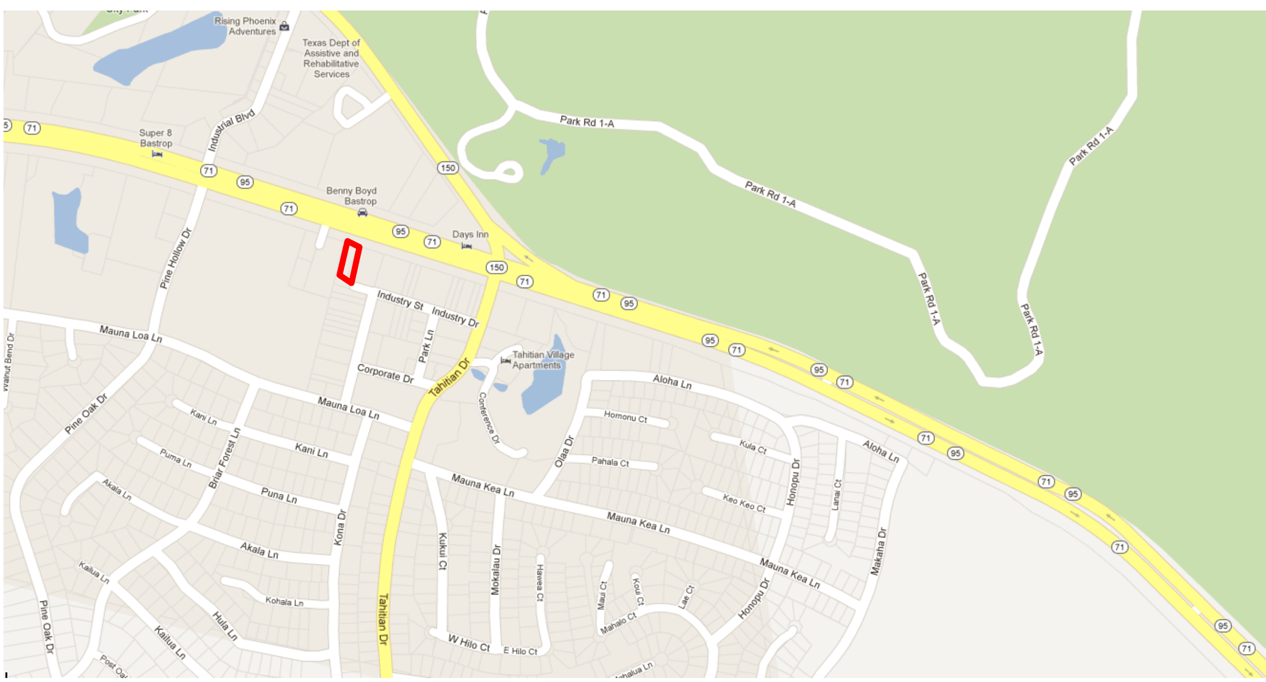
**Item Summary:**

**Owner:** Sierra Classic Custom Homes
**Rep/Applicant:** Joanie Ramser, Sierra Classic Custom Homes
**Location:** Located in the 1 Mile ETJ
**Utilities:** WCID water and sewer, Bluebonnet electric

**Project:**
Joanie Ramser, representative for Sierra Classic Custom Homes is requesting approval of a variance to the Subdivision Ordinance to not require the developer to extend Industry Lane to be built to the end of the platted lot that is being developed. The right-of-way (ROW) is already dedicated but the actual construction of Industry Lane does not extend to the end of this property/lot.

This property is currently in the Site Development Plan process.

**Location of Murchison 1, Lot 1**



**Description:**
Murchison 1, Lot was recorded as a subdivision March 27, 2002 and has a total of +/- 0.525 acres. The property is located between Highway 71 East and the undeveloped Industry Lane within the city limits of Bastrop, Texas.

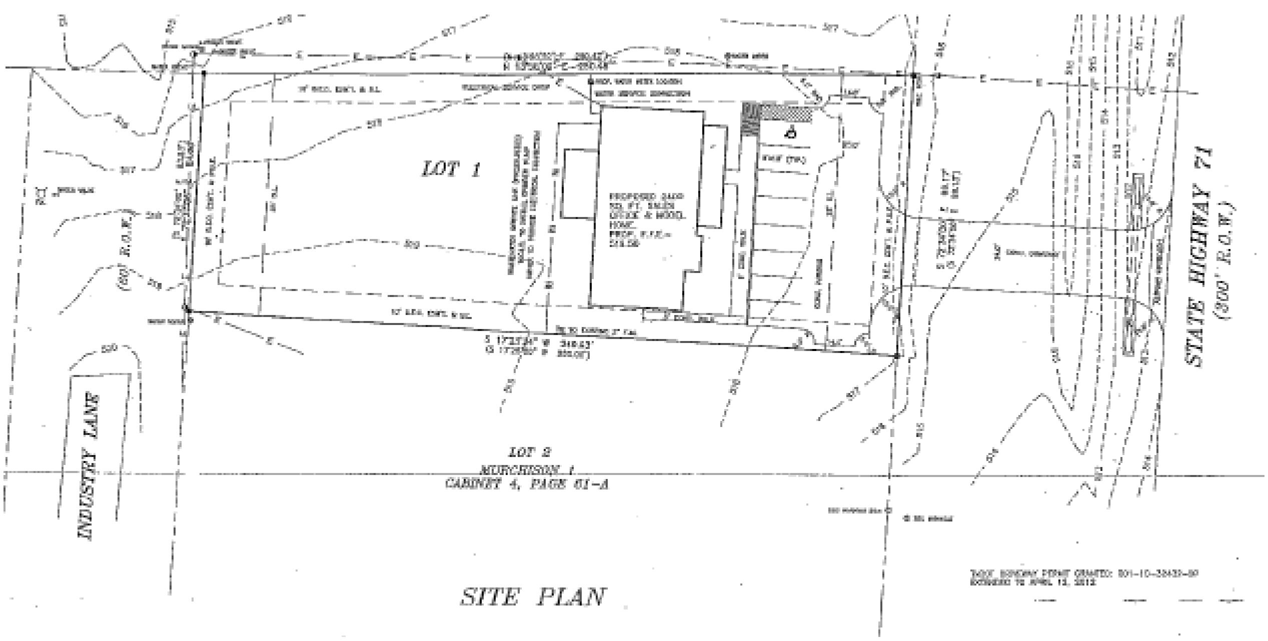
The lot has frontage on Highway 71 East. A permit from TxDOT has been granted to install a driveway entrance from Highway 71 East on to the lot that is to be developed.

The applicant is requesting a variance to not extend Industry Lane located to the rear of the platted lot. The access to this lot is from Highway 71.

This property is currently in the Site Development application process. During the Site Development process the property owner shows private improvements such as where the building will be constructed, parking, landscaping, and driveway access points. The rear of the lot is not shown to contain any site improvements and access to Industry Lane is not proposed with the current Site Development application.

Site Development Plans do not usually require public improvements, such as ROW and water and wastewater extensions to be constructed. Public infrastructure construction such as new roadways and utility extensions are usually constructed and completed during the platting phase which includes the public infrastructure construction plans phase. However, some public infrastructure improvements such as sidewalks are shown and constructed during the Site Development phase because often sidewalks would be destroyed during the individual site construction.

**Proposed Sierra Classic Site Development Plan**




The open/improved section of Industry Lane ends at the southern boundary of Sierra Classic lot. The length of the Industry Lane extension would be equal to the width of the Sierra Classic lot, approximately 75 feet. This section of roadway extension would be equal to the open section of Industry Lane, approximately 24 feet of paved asphalt roadway with open drainage. The Industry Lane ROW does not appear to extend west beyond Sierra Classic to connect with Industrial Drive/Pine Hollow Drive.

CAPPS Medical will be requesting a variance from 1.30.6 Minimum Road Standards at a future City Council meeting (See Exhibit A). This site is located on the south side of Industry Lane across from Sierra Classic and would seek a variance from improving the same section of Industry Lane described above. The CAPPS Medical current Site Development application does not propose development on the west side of the tract adjacent to the unimproved section of Industry Lane and does not propose access to Industry Lane. The CAPPS Medical site will access Commercial Drive.

**Subdivision Variance Issues:**
The Subdivision Ordinance does require that all development applications including Site Development applications be reviewed for compliance to Section 1.30.6 to ensure that adequate transportation infrastructure is in place to support the development. Access to the property in question is available from other adjacent roadways, Hwy 71 in this case.

**The applicants are seeking the following variances to the City's Subdivision Ordinance which will take City Council approval or denial:**

- Section 1.30.6.A – Minimum Road Standards - All applications for plat approval, site plan approval, zoning change or PUD zoning shall provide for adequate roads to support proposed development through compliance with the following minimum standards governing dedication and improvement of internal and adjacent thoroughfares. For purposes of this section "adjacent thoroughfares" shall include thoroughfares abutting the proposed subdivision or site development, whether located within the boundaries of the subdivision or within public rights-of-way.
- Section 1.30.6.C – Substandard Street Improvements: Where an existing thoroughfare that does not meet the City's right-of-way or design standards abuts a proposed new development, the City may require the property owner to dedicate the right-of-way for a standard thoroughfare width, and to improve the street according to the dimensions and specifications in this Code, depending on factors such as the impact of the development on the thoroughfare, the timing of development in relation to need for the thoroughfare, and the likelihood that adjoining property will develop in a timely manner.

**Comments:** Nine (9) adjacent property owner notifications were mailed 5/7/2012. Two (2) public comments have been received and both of these responses are in favor to the variance request.

**Staff Recommendation:**
Staff recommends approval of the requested Variances to Subdivision Regulations Section 1.30.6 A and C Minimum Road Standards for Murchison 1, Lot 1.

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

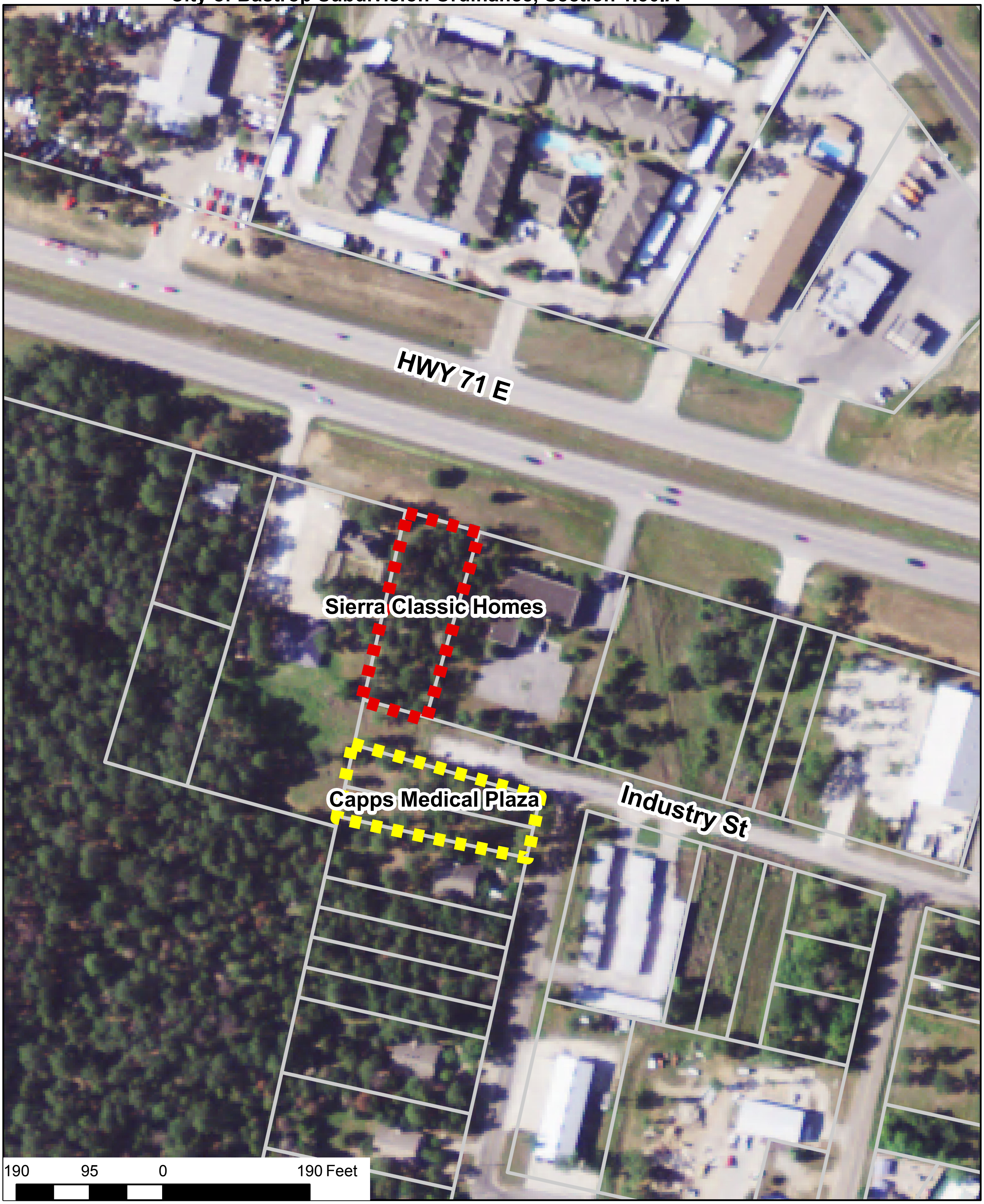
**Attachments:**
Exhibits, and surrounding property owners, and requested Variance letters

05/18/2012

29

# Property Location Map

Sierra Classic Homes
Variance to the
City of Bastrop Subdivision Ordinance, Section 1.30.A




Legend
Parcels

SIERRA
CLASSIC
CUSTOM HOMES

May 1, 2012

Mayor Terry Orr and
City Council Members
City of Bastrop

Re: Application for Variance to Subdivision Ordinance
3965 E. State Highway 71, Bastrop, Texas

Dear Mayor Orr and Council Members:

Please accept this correspondence as our written request for variance to the City of Bastrop Subdivision Ordinance. The facts surrounding this request are as follows:

1. Sierra Classic Homes, Inc. has submitted a commercial application for site development for the construction of a custom home sales center at 3965 E. State Highway 71.

2. In a response to the application for site development dated April 20, 2012, Melissa McCollum, Director of Planning and Development stated: ***"Per 1.30.6A of the Subdivision Ordinance, road improvements can be required by either a plat or site development application. Please provide public construction plans, fiscal and escrow for Industry Road."***

3. Additionally, in the same April 20, 2012 response, Charlotte Gilpin, P.E.,-K. Friese & Associates stated: ***"Construction access can be taken to the Industry ROW and end of existing pavement prior to roadway construction or at the end of the completed roadway, Agreement on construction access does not negate street improvement requirements."***

4. Subdivision Ordinance 1.30.6A states that "All applications for plat approval, site plan approval, zoning change or PUD zoning shall provide for adequate roads to support proposed development through compliance with the following minimum standards governing dedication and improvement of internal and adjacent thoroughfares."

5. The proposed site development already has adequate road access to support the intended use. Adequate access is available by way of Highway 71 which runs in front of the property. Further, a permit has been received from the Texas Department of Transportation to install a driveway entrance from Highway 71 onto the development.

SIERRA
CLASSIC
CUSTOM HOMES

6. We did propose as part of our application for site development the installation and use of a temporary construction entrance to the rear of the property from Industry Road. This temporary entrance was proposed to be used during the term of construction only, and would be removed when construction was completed. The construction entrance was proposed as a convenience, safety, and aesthetic measure, but is not required.

7. An extension of Industry Road will not be necessary and will not be used as a result of the site development.

8. Industry Road will bear no additional traffic as a result of our site development. We will direct no traffic to Industry Road. All traffic will be directed to the entrance from Hwy 71, and all parking and access will be in the front of the property as was noted on our site plans.

Based on the foregoing, we find the requirement to complete Industry Road to be an incorrect application of the Subdivision Ordinance. Industry Road does not support or service our site. Further, we find the request to extend a road that in essence goes nowhere and would not be used as an unnecessary and unfair financial burden.

Therefore, we respectfully request that a variance for the requirement be granted so that we might continue with the permitting process and complete the construction of the new sales center. Thank you for your consideration, and we look forward to being a member of the Bastrop community.

Respectfully,

Joanie Ramser

Joanie Ramser
Vice President

**Katy Corporate Office**
814 East Avenue, Ste. A
Katy, TX 77493
281-391-1303
281-391-1444 Fax

**Hill Country Corporate Office**
2660 Common Street, Suite 203
New Braunfels, TX 78130
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Bastrop, TX 78602

Robert Capps
1604 Industry Dr. Ste.101
Bastrop, TX 18602

Robert Capps
1604 Industry Dr. Ste.101
Bastrop, TX 18602

The Emerson Group
901 S. Mopac Expwy Bldg 111
Ste.110
Austin, TX 78746

David Muralt
Revocable Trust 3101 Jeanne
Marie CT.
Austin, TX 78745

Lamesa Corporation
3701 Kirby Dr. Ste.1030
Houston, TX 78602

H288 & 64LLC
5306 Clinton Dr.
Houston, TX 77020

Bill and Gwen O'Barr
112 Mahalua Lane
Bastrop, TX 78602

Thomas and Christy Le France
463 Leisure Lane
Cedar Creek, TX 78621

## 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: Darian Young
Property Address: Commercial Dr
Mailing Address: P.O. 1464 Bastrop Tx

MAY 1 3 2012

Property Owner's Signature:
Comments: (Optional)

Please reply to: Planning and Development Department
City of Bastrop
P.O. Box 427
Bastrop, Texas 78602

Re: Variance to Subdivision Ordinance – Murchison 1 (Sierra Classic Custom Homes)
(Notices mailed to property owners 5/7/2012)

# NOTICE OF PUBLIC HEARING
# CITY COUNCIL

Dear Property Owner:

The City of Bastrop City Council will conduct a public hearing on Tuesday, May 22, 2012 at 6:00 p.m. in the City Council Chambers, 1311 Chestnut Street, Bastrop, Texas on the following variance to the City of Bastrop Subdivision Ordinance:

> Variance to the City of Bastrop Subdivision Ordinance, Section 1.30.6 A Minimum Road Standards, to not require the extension of Industry Lane to be built to the end of the platted lot being developed

The Applicant is: Sierra Classic Custom Homes

Property Location: 3965 E. State Highway 71 within the city limits of Bastrop, Texas

Legal Description: Murchison 1, Lot 1 being approximately 0.525 acres

**An 11 x 17 site plan is included with this notice**

As a property owner within 200' of the above referenced property, you are being notified of the public hearing and invited to attend to express your opinion at the meeting or in writing by completing the form below. Written comments, either in support or opposition to this request, must be submitted to the Planning Department prior to the May 22, 2012 meeting at 1311 Chestnut Street, P.O. Box 427, Bastrop, Texas 78602 or call the Planning Department at (512) 332-8842.

✂ - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - -

## 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: Robert Capps
Property Address: 135 Industry LN
Mailing Address: 1604 Industry Ste #101
Bastrop TX 78602
Property Owner's Signature: ______________________
Comments: (Optional)

______________________________________________

______________________________________________

Please reply to: Planning and Development Department
City of Bastrop
P.O. Box 427
Bastrop, Texas 78602

Re: Variance to Subdivision Ordinance – Murchison 1 (Sierra Classic Custom Homes)
(Notices mailed to property owners 5/7/2012)

G

**CITY OF BASTROP** **AGENDA ITEM B.2**

**STANDARDIZED AGENDA RECOMMENDATION FORM**

**CITY COUNCIL**

**DATE SUBMITTED: May 16, 2012**
**MEETING DATE: May 22, 2012**

1. Agenda Item: **Discussion, consideration and possible action granting variances to Subdivision Regulations Sections 1.30.6 A. "Minimum Road Standards" and Section 1.30.6 C "Substandard Street Improvements" to not require the extension of Industry Lane to be built to the end of Murchison 1 Lot 1, being approximately 0.525 acres of land within the city of Bastrop, Texas.**

2. Party Making Request: **Sierra Classic Custom Homes**

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

**Variances to the City's Subdivision Ordinance take City Council approval or denial.**

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 requested Variances to Subdivision Regulations Section 1.30.6 A. "Minimum Road Standards" and Section 1.30.6 C. "Substandard Street Improvements" for Murchison 1, Lot .**

9. Advisory Board: ______Approved _________Disapproved ___ ____None

10. Manager's Recommendation: __________Approved __________Disapproved __________None

11. Action Taken: ____________________
____________________

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

**STANDARDIZED AGENDA RECOMMENDATION FORM**

**CITY COUNCIL**

**DATE SUBMITTED: May 14, 2012**
**MEETING DATE: May 22, 2012**

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, amending the budget for the Fiscal Year 2012 in accordance with existing statutory requirements; appropriating the various amount herein; repealing all prior Ordinances and actions in conflict herewith; and providing for an effective date.**

2. Party Making Request: **Karla Stovall, Chief Financial Officer**

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

4. Policy Implication:

**These budget amendments increase the budget appropriations for Fiscal Year 2012. See attached memo.**

5. Budgeted: _________Yes __________No N/A
   Bid Amount: ________________ Budgeted Amount: _________________
   Under Budget: _______________ Over Budget: _____________________
   Amount Remaining: ________________

6. Alternate Option/Costs: ________________________________________________

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

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

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

**SUBJECT:** **Ordinance Amending FY 2012 Budget**

**DATE:** **May 14, 2012**

---

**Recommendation:**

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

**Background:**

The city charter requires that when the budget is amended that the amendment be by ordinance. The budget amendments include an increase to the budget appropriations for Fiscal Year 2012.

Funds included in these amendments include: General Fund, Water Wastewater Fund, Acceleration Fee Recovery Fund, General Obligation Bond Fund #709, Certificates of Obligation Fund #722, and General Obligation Bond Fund #723.

- General Fund includes:
  Police Department revenue and expenditure budget for Red Light Camera Program.
  Police Department requests use of designated funds for Seizure and Leose expenses.
  Bastrop Public Library received donations from the Humanities of Texas Book Fair.
  Parks Department received a donation for Splash Park and an insurance proceeds for damaged vehicles.
  City Secretary received $500 in scholarship training from TMCA.
  Fire Department has received donations to be used for fire equipment.
  Public Works received insurance proceeds for damaged vehicle.
  Revenue received for Property Lien Payments.
  Revenue received for Public Assistance grant by FEMA.
  Revenue received for Department of Justice Grant.
  Request use of reserved Emergency Management funds budgeted within Organizational.
- Water Wastewater Fund includes transfer of funds from Bond issue for reimbursement of Loop 150.
- Acceleration Fee Recovery Fund includes Forestar prepaid SUE's in lieu of acceleration fee revenue and budgeted expenditure of reimbursement of SUE's to Forestar.
- Bastrop Power & Light includes budgeting revenues for the LCRA transmission rebate and the LCRA ESA reimbursement. Expenditures budgeted include funding for the training building and for the rebate to customers.

- General Obligation Bond Fund #709 includes budgeting expenses for Street Improvements and Traffic Study.
- Certificates of Obligation Fund #722 includes revenue and expenditures as identified in issuance of Vehicles, and Water Wastewater Improvements.
- General Obligation Bond Fund #723 includes budgeting the revenue and expenditures for Alley D Parking Improvements and issuance costs.

ORDINANCE NO. _________

AN ORDINANCE AMENDING THE BUDGET FOR THE FISCAL YEAR 2012 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 2012; and,

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

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

That the proposed budget amendments for the fiscal year 2012, as submitted to the City Council by the City Manager and which budget amendments are attached hereto as Exhibit "A" is hereby adopted and approved as the amended budget of said city for Fiscal Year 2012; 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 22nd day of May 2012.

READ and ADOPTED on Second Reading on the ________ day of June 2012.

APPROVED: ATTEST:

_______________________________ _______________________________

Terry Orr, Mayor Teresa Valdez, City Secretary

# FY 2012
# BUDGET AMENDMENTS
# GENERAL FUND

| | |
|---|---|
| Un-Audited Fund Balance as of 9-30-1' | 2,035,470 |
| FY 2012 Budgeted Revenues | 8,051,848 |
| FY 2012 Budgeted Appropriations | (8,049,090) |
| | |
| 01/2012 Budget Amendments (net) | (219,066) |
| 05/2012 Budget Amendments (net) | 51,112 |
| Ending Fund Balance | 1,870,274 |

| DEPARTMENT | BUDGET | AMOUNT | DESCRIPTION |
|---|---|---|---|
| Matching Revenues to Expenditures: | | | |
| Police Department | neutral | 133,280 | Red Light Camera Program |
| PD Designated Seizure Funds | neutral | 2,984 | Designated Funds for Police Department Use |
| PD Designated Leose Funds | neutral | 1,200 | Designated Funds for Police Department Use |
| Library Department | neutral | 1,600 | Humanities of Texas Book Fair |
| Parks Department | neutral | 8,420 | Insurance proceeds for Damaged Vehicles |
| Parks Department | neutral | 3,100 | Splash Pad Donations |
| City Secretary | neutral | 500 | Scholarship training - TMCA |
| Fire Department Donations | neutral | 13,760 | Donations for Fire Department |
| PW Department | neutral | 11,580 | Insurance proceeds for Damaged Vehicles |
| New Revenues: | | | |
| | increase | 4,000 | Property Lien Payments |
| | increase | 13,692 | PA- Fema Funds Received |
| | increase | 33,420 | Department of Justice Grant |
| | Total Revenues | 227,536 | |

# FY 2012
## BUDGET AMENDMENTS
## GENERAL FUND

Matching Expenditures to Revenues:

Expenditures for Emergency Management:

| | | | |
|---|---|---|---|
| Request use of Reserved EM funds | neutral | 91,384 | Budgeted funds reserved |
| | neutral | (3,848) | FEMA/ EM Training March 2012 expenses |
| | neutral | (3,711) | Legal expenses attributable to Fire |
| | neutral | (6,803) | Command Post Trailer - BCCF |
| | neutral | (4,501) | Generator for Emergency Management - City Hall |
| | neutral | (688) | PW expenses for Tahitian Village Dumpsters |
| | neutral | (11,970) | Parks Dept Vehicle loss less insurance |
| | neutral | (6,449) | IT Commuincation costs |
| | neutral | (2,500) | Insurance Deductible for Library Books/ Parks |
| | neutral | (35,050) | 25% Expenses not reimbursable of Fire, submitted FMAG |
| | neutral | (3,064) | 25% expenses not reimbursable by FEMA-PA |
| | neutral | (7,000) | Fire Department WC expenses - Due to Fire |
| | neutral | (5,800) | Fire Department Maintenance - Due to Fire |
| | | | |
| Police Department | neutral | (133,280) | Red Light Camera expenses |
| Police Department Designated | neutral | (2,984) | Uniform Gear for Officers |
| Police Department Leose Funds | neutral | (1,200) | Tactical Training for Police Department |
| Library Department | neutral | (1,600) | Purchase Library Supplies with Grant |
| Parks Department | neutral | (8,420) | Insurance Claim for vehicles |
| Parks Department | neutral | (3,100) | Splaspark Expenses |
| City Secretary | neutral | (500) | City Secretary Training - scholarship |
| Fire Department | neutral | (13,760) | Donations |
| PW Department | neutral | (11,580) | Insurance Claim for vehicles |
| | Total Expenditures | (176,424) | |
| | Net Change | 51,112 | |

**FY 2012**
**BUDGET AMENDMENTS**
**WATER WASTEWATER FUND**

| | |
|---|---|
| Un-Audited Fund Balance as of 9-30-11 | 1,322,493 |
| FY 2012 Budgeted Revenues | 3,226,700 |
| FY 2012 Budgeted Appropriations | (3,175,873) |
| 05/2012 Budget Amendments (net) | 440,000 |
| Ending Fund Balance | 1,813,320 |

| DEPARTMENT | BUDGET | AMOUNT | DESCRIPTION |
|---|---|---|---|
| New Revenues: | | | |
| | | 440,000 | Transfer in for Reimbursement of Loop 150. |
| Total Revenues | | 440,000 | |
| New Expenditures: | | | |
| | | 0 | |
| Total Expenditures | | 0 | |
| Net Change | | 440,000 | |

**FY 2012**
**BUDGET AMENDMENTS**
**ACCELERATED RECOVERY FEE FUND #304**

| | |
|---|---|
| Un-Audited Fund Balance as of 9-30-11 | 120,188 |
| FY 2012 Budgeted Revenues | 174,500 |
| FY 2012 Budgeted Appropriations | (173,710) |
| | |
| 05-2012 Budget Amendments (net) | 525,000 |
| Ending Fund Balance | 645,978 |

| DEPARTMENT | BUDGET | AMOUNT | DESCRIPTION |
|---|---|---|---|
| New Revenues: | | | |
| | | 650,000 | *Forestar Prepaid S.U.E.'s |
| | Total Revenues | 650,000 | |
| New Expenditures: | | | |
| | | (125,000) | Refund Prepaid S.U.E.'s to Forestar |
| | Total Expenditures | (125,000) | |
| | Net Change | 525,000 | |

* Amount to be restricted in a capital improvement account.

**FY 2012**
**BUDGET AMENDMENTS**
**BASTROP POWER & LIGHT FUND**

| | |
|---|---|
| Un-Audited Fund Balance as of 9-30-11 | 3,616,138 |
| FY 2012 Budgeted Revenues | 6,986,560 |
| FY 2012 Budgeted Appropriations | (6,998,816) |
| 05/2012 Budget Amendments (net) | (92,330) |
| Ending Fund Balance | 3,511,552 |

| DEPARTMENT | BUDGET | AMOUNT | DESCRIPTION |
|---|---|---|---|
| New Revenues: | | 95,500 | LCRA ESA Account Reimbursement |
| | | 142,580 | LCRA Transmission Rate Rebate |
| Total Revenues | | 238,080 | |
| New Expenditures: | | | |
| | | (110,410) | BP&L - Building |
| | | (220,000) | BP&L - Rebate |
| Total Expenditures | | (330,410) | |
| Net Change | | (92,330) | |

**FY 2012**
**BUDGET AMENDMENTS**
**BOND FUND #709**

| | |
|---|---|
| Un-Audited Fund Balance as of 9-30-11 | 379,500 |
| FY 2012 Budgeted Revenues | 0 |
| FY 2012 Budgeted Appropriations | 0 |
| Budget Amendments (net) | (379,500) |
| Ending Fund Balance | 0 |

| DEPARTMENT | BUDGET | AMOUNT | DESCRIPTION |
|---|---|---|---|
| Matching Revenues to Expenditures: | | | |
| | neutral | 0 | Street Capital Improvement Funds |
| | Total Revenues | 0 | |
| New Expenditures: | | | |
| | increase | (351,115) | Street Improvements |
| | | (28,385) | Traffic Study |
| | Total Expenditures | (379,500) | |
| | Net Change | 0 | |

# FY 2012
## BUDGET AMENDMENTS
## CERTIFICATES OF OBLIGATION, SERIES 2012 FUND #722

| | |
|---|---|
| Un-Audited Fund Balance as of 9-30-11 | 0 |
| FY 2012 Budgeted Revenues | 0 |
| FY 2012 Budgeted Appropriations | 0 |
| Budget Amendments (net) | 0 |
| Ending Fund Balance | 0 |

| DEPARTMENT | BUDGET | AMOUNT | DESCRIPTION |
|---|---|---|---|
| Matching Revenues to Expenditures: | | | |
| Other Revenue | neutral | 4,484,580 | Revenue Received from issuance of debt |
| Total Revenues | | 4,484,580 | |
| Matching Expenditures to Revenues: | | | |
| | neutral | (100,000) | Vehicles |
| | neutral | (855,000) | Hwy. 71 Pipe Bursting |
| | neutral | (1,525,000) | B Bryant Park Phase II |
| | neutral | (560,000) | B Bryant Park Simsboro Well |
| | neutral | (500,000) | Water System Rehab |
| | neutral | (500,000) | WW System Rehab |
| | neutral | (440,000) | Transfer to WW fund reimbursement of Loop 150 Water Line Replacement |
| | neutral | (4,580) | Issuance Costs |
| Total Expenditures | | (4,484,580) | |
| Net Change | | 0 | |

**FY 2012**
**BUDGET AMENDMENTS**
**GENERAL OBLIGATION BONDS, SERIES 2012 FUND #723**

| | |
|---|---|
| Un-Audited Fund Balance as of 9-30-11 | 0 |
| FY 2012 Budgeted Revenues | 0 |
| FY 2012 Budgeted Appropriations | 0 |
| Budget Amendments (net) | 0 |
| Ending Fund Balance | 0 |

| DEPARTMENT | BUDGET | AMOUNT | DESCRIPTION |
|---|---|---|---|
| Matching Revenues to Expenditures: | | | |
| Other Revenue | neutral | 352,095 | Revenue Received from issuance of debt |
| Total Revenues | | 352,095 | |
| Matching Expenditures to Revenues: | | | |
| | neutral | (350,000) | Alley D - Parking Improvements |
| | neutral | (2,095) | Issuance Costs |
| Total Expenditures | | (352,095) | |
| Net Change | | 0 | |

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

## STANDARDIZED AGENDA RECOMMENDATION FORM

**CITY COUNCIL** **DATE SUBMITTED: May 17, 2012**

**MEETING DATE: May 22, 2012**

1. Agenda Item: **Consideration, discussion and possible action on awarding the bid for the Bob Bryant Park Water Facilities Improvements Phase II Project.**

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

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

**Attached for your review is the engineer's letter of recommendation and bid tabulation sheet for the proposed Bob Bryant Park Water Facilities Improvements Phase II Project. The constructions of these "Improvements" will be funded by the Water & Wastewater Bonds issued earlier this year. The amount of bond funds issued for this project was in the amount $1,525,000.00. The Engineer's letter of recommendation is that the City award the bid to the low bidder Archer Western Construction in the amount of $1,616,000.00. As a result the City will be short $91,000.00 cost of this project. I have reviewed the financial situation of this project with the City's Chief Financial Officer and have been advised the City has a $100,000.00 in a capital reserve account in the wastewater fund for FY-12. This reserve account will cover the shortage in the bid for this project.**

4. Policy Implication: ______________________________

5. Budgeted: _________Yes __________No N/A
   Bid Amount: $1,616,000.00 Budgeted Amount: $1,525,000.00
   Under Budget: _______________ Over Budget: $91,000.00
   Amount Remaining: ________________

6. Alternate Option/Costs: ______________________________

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

8. Staff Recommendation: **The City Manager recommends the award of the bid to the low bidder Archer Western Construction**

9. Advisory Board: _________Approved _________Disapproved ___________None

10. Manager's Recommendation: _____X_____Approved __________Disapproved __________None

11. Action Taken: ______________________________________________________________________

______________________________________________________________________

K FRIESE
& ASSOCIATES, INC.

May 10, 2012

Mr. Michael H. Talbot
City of Bastrop
904 Main Street
Bastrop, Texas 78602

RE: B. Bryant Park Water Facilities, Phase II - Bid Tab & Award Recommendation

Dear Mike,

Sealed bids were received for the above-referenced project on May 7, 2012 at 10:00 AM from the following contractors:

| | |
|---|---|
| Archer Western Construction, LLC | Excel Construction Services, LLC |
| Austin Engineering Co., Inc. | Keystone Construction, Inc. |
| Cunningham Constructors & Assoc., Inc. | Patin Construction, LLC |

The certified bid tabulation is attached. The bid included a lump sum Base Bid for the entire project, and an Additive Alternate Bid for extension of the Contractor's warranty from 1 to 2 years. ***The lowest bid received was from Archer Western Construction, LLC with a Base Bid amount of $1,613,000.00, and a total Base Bid plus Additive Alternate Bid of $1,616,000.00.*** The second lowest bid received was from Excel Construction Services, LLC with a Base Bid amount of $1,706,700.00, and a total Base Bid plus Additive Alternate Bid of $1,731,700.00. The third lowest bid received was from Cunningham Constructors & Associates, Inc. with a Base Bid amount of $1,722,800.00, and a total Base Bid plus Additive Alternate Bid of $1,740,800.00.

We have reviewed the Bidder's Qualification forms submitted with the bid and all requested supporting documents were submitted and found to meet the requirements of the bid documents. We believe that Archer Western Construction, LLC has the experience and capacity to complete the B. Bryant Park Water Facilities, Phase II project within the time frame of the Contract.

As Archer Western's bid amount for the Additive Alternate to increase the warranty period for the project from 1 to 2 years was $3,000.00, it is KFA's recommendation to award the contract to Archer Western Construction, LLC, for their Base Bid plus Additive Alternate in an amount of $1,616,000.00. Should you have any questions, please feel free to contact me.

Sincerely,

STATE OF TEXAS
DALE P. MURPHY
90614
LICENSED
PROFESSIONAL ENGINEER

Dale P. Murphy, PE
Project Manager

Attachments

# CITY OF BASTROP - B. BRYANT PARK WATER FACILITIES, PHASE II
## BID TABULATION - MAY 7, 2012

STATE OF TEXAS
DALE P. MURPHY
90614
LICENSED
PROFESSIONAL ENGINEER
5-10-12

BASE BID ITEMS

| | | | | BIDDERS | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | | | | Archer Western Construction, LLC<br>2121 Ave. J, Suite 103<br>Arlington, Texas 76006 | | Excel Construction Services, LLC<br>PO Box 2260<br>Leander, Texas 78646 | | Cunningham Constructors & Assoc. Inc.<br>PO Box 69<br>Walburg, Texas 78673 | |
| | | | | Addendum | Bid Bond | Addendum | Bid Bond | Addendum | Bid Bond |
| | | | | 1 / 2 | Y | 1 / 2 | Y | 1 / 2 | Y |
| | | | | Y / Y | Y | Y / Y | Y | Y / Y | Y |
| Item | Description | Unit | Qty | Unit Cost | Total Cost | Unit Cost | Total Cost | Unit Cost | Total Cost |
| 1 | Complete all Work in accordance with the Contract Documents for the following price: | LS | 1 | $1,613,000.00 | $1,613,000.00 | $1,706,700.00 | $1,706,700.00 | $1,722,800.00 | $1,722,800.00 |
| ADD. ALT. | One additional year of Contractor's Warranty to make the total warranty period two years | LS | 1 | $3,000.00 | $3,000.00 | $25,000.00 | $25,000.00 | $18,000.00 | $18,000.00 |
| | ***Total - Base Bid + Additive Alternate*** | | | $1,616,000.00 | | $1,731,700.00 | | $1,740,800.00 | |

**CITY OF BASTROP - B. BRYANT PARK WATER FACILITIES, PHASE II**
**BID TABULATION - MAY 7, 2012**

| | | | | BIDDERS | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | Keystone Construction, Inc.<br>PO Box 90398<br>Austin, Texas 78709 | | | Austin Engineering, Co., Inc.<br>PO Box 342349<br>Austin, Texas 78734 | | | Patin Construction LLC<br>3800 W. 2nd Street<br>Taylor, Texas 76574 | | | |
| | | | | Addendum | | Bid Bond | Addendum | | Bid Bond | Addendum | | Bid Bond | |
| | | | | 1 | 2 | Y | 1 | 2 | Y | 1 | 2 | Y | |
| | | | | Y | Y | Y | Y | Y | Y | Y | Y | Y | |
| **BASE BID ITEMS** | | | | | | | | | | | | | |
| **Item** | **Description** | **Unit** | **Qty** | **Unit Cost** | | **Total Cost** | **Unit Cost** | | **Total Cost** | **Unit Cost** | | **Total Cost** | |
| 1 | Complete all Work in accordance with the Contract Documents for the following price: | LS | 1 | $1,732,018.00 | | $1,732,018.00 | $2,400,000.00 | | $2,400,000.00 | $2,539,000.00 | | $2,539,000.00 | |
| ADD. ALT. | One additional year of Contractor's Warranty to make the total warranty period two years | LS | 1 | $28,000.00 | | $28,000.00 | $100,000.00 | | $100,000.00 | $40,000.00 | | $40,000.00 | |
| | ***Total - Base Bid + Additive Alternate*** | | | $1,760,018.00 | | | $2,500,000.00 | | | $2,579,000.00 | | | |

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

## STANDARDIZED AGENDA RECOMMENDATION FORM

**CITY COUNCIL** **DATE SUBMITTED: May 17, 2012**

**MEETING DATE: May 22, 2012**

1. Agenda Item: **Consideration, discussion and possible action on awarding the bid for the relocation of the waterline at Lost Pines Movie Theater 8 as per the Economic Development Agreement between the City of Bastrop and SP Bastrop Theater, L.P.**

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

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

**Attached for your review is the engineer's letter of recommendation and bid tabulation sheet for the proposed relocation of the waterline at the Lost Pines Movie Theater 8. The relocation of the waterline is in accordance with the City Economic Development Agreement entered into with SP Bastrop Theater L.P. This project will be funded by the funds received for the reimbursement of the Loop 150 project.**

4. Policy Implication: ____________________

5. Budgeted: _________Yes __________No N/A
   Bid Amount: $43,500.00 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 recommends the award of the bid to the low bidder Qro Mex Construction**

9. Advisory Board: _________Approved _________Disapproved ___________None

10. Manager's Recommendation: _____X_____Approved __________Disapproved __________None

11. Action Taken: ____________________
____________________

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

Texas Registered Engineering Firm F-2011

May 16, 2012

**Mr. Mike Talbot**
**City Manager**
**City of Bastrop**
**P.O. Box 427**
**Bastrop, Texas 78602**

**RE: City of Bastrop**
**Chestnut Square Water Improvements**
**BEFCO Job No. 11-5568**

Dear Mike:

On May 9, 2012, the City of Bastrop received proposals for the Chestnut Square Water Improvements Project. There were five (5) proposal packages sent out to selected bidders. There were two (2) proposals received and they ranged in price from $43,500 to $57,000 for the total bid items (nos. 1-4) as noted on the attached bid tabulation.

The low bidder was Qro Mex from Granite Shoals. Qro Mex is presently constructing the new Library to Fisherman's Park Sidewalk. In addition, Qro Mex has constructed numerous jobs in Bastrop with timely completion and good workmanship.

BEFCO recommends that the City of Bastrop award the Chestnut Square Water Line Improvements Project to Qro Mex. The contract will be in the amount of $43,500.

If you have any questions, please advise. I am thanking you and the City for continued confidence and support.

Very truly yours,

**BEFCO ENGINEERING, INC.**

**Gene Kruppa, P.E., R.P.L.S.**

GK:bms

Attachment – Bid Tab

*"Proficient, practical engineering and land surveying services with a sense of small-town values and care".*

CITY OF BASTROP
CHESTNUT SQUARE WATER LINE IMPROVEMENTS
BEFCO JOB NO. 12-5568
May 9, 2012

| Item No. | TxDOT or SPL Spec. | Est. Qty. | Units | Description in Words | Qro-Mex Const., 2801 Prairie Creek Rd., Granite Shoals, TX 78654 Unit Price | Total Price | Patin Construction, 3800 West 2nd Street, Taylor, TX 76574 Unit Price | Total Price |
|---|---|---|---|---|---|---|---|---|
| 1 | 530 | 1 | LS | Concrete Pavement Repairs for Water Line Installation. | | $ 9,500.00 | | $ 5,000.00 |
| **Water** | | | | | | | | |
| 2 | | 325 | LF | Furnish & install 12" PVC, C-900, DR-14 Water line with fittings, tracer wire, bedding, etc. | $ 70.00 | $ 22,750.00 | $ 100.00 | $ 32,500.00 |
| 3 | | 1 | EA | Furnish and relocate water meter service including tapping saddle, stop, tubing & angle stop. | $ 3,750.00 | $ 3,750.00 | $ 2,500.00 | $ 2,500.00 |
| 4 | | 2 | EA | Tie-in to existing lines at the ends including fittings. | $ 3,750.00 | $ 7,500.00 | $ 8,500.00 | $ 17,000.00 |
| | | | | **TOTAL BID ITEMS (Item Nos. 1-4)** | | **$ 43,500.00** | | **$ 57,000.00** |

I certify that this is correct and true to the best of my knowledge and belief
BEFCO Engineering, Inc.

Eugene Kruppa
Registration No.43989
May 9, 2012

STATE OF TEXAS
EUGENE J. KRUPPA
43989
LICENSED
PROFESSIONAL ENGINEER

f:\msoffice\excel\contract.12\bid tab\12-5568.Bastrop,Chestnut Square Water Line Imp.

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

## STANDARDIZED AGENDA RECOMMENDATION FORM

**CITY COUNCIL** **DATE SUBMITTED: May 17, 2012**

**MEETING DATE: May 22, 2012**

1. Agenda Item: **Consideration, discussion and possible action on approving the City of Bastrop, Bastrop Art in Public Places Task Force Bylaws.**

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

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

**Attached for City Council review and approval is the proposed "Bylaws" for the Arts In Public Places Task .**

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: _____X_____Approved __________Disapproved __________None

11. Action Taken: ______________________________
______________________________

**DRAFT 5.9.12**

# CITY OF BASTROP

# BASTROP ART IN PUBLIC PLACES

# TASK FORCE

# BYLAWS

## Article 1
## NAME AND ADDRESS AND PURPOSE

Article 1.1 Name:
The name of this organization shall be "Bastrop Art in Public Places" hereinafter also referred to as BAIPP, a Task Force of the City of Bastrop.

Article 1.2 Address:
The mailing address of BAIPP is 1311 Chestnut Street, Bastrop, TX 78602.

Article 1.3 Purpose:
The purpose of the BAIPP is to expand the enjoyment, access and appreciation of art in Bastrop, Texas. This includes assisting the Bastrop City Council in developing guidelines and standards for the selection, display, and maintenance of art in the City and to acquire by purchase or donation, works of art for display.

Article 1.4 Open Meetings Act/Public Information Act:
Because the BAIPP is a Task Force, rather than a formal Board or Commission, the BAIPP shall not be subject to the Open Meetings Act for the purpose of posting regular meetings. However, the Texas Public Information Act shall apply to the records of the BAIPP.

## Article 2
## MISSION, VISION, AND GOALS

Article 2.1 Mission Statement:
To increase awareness and appreciation of art, as well as increase civic pride through the display of art in Bastrop, Texas.

Article 2.2 Vision Statement:
To create an environment where the City of Bastrop is locally and nationally recognized as an art and cultural center.

Article 2.3 Goals:

- Use the display of public Works of Art to further the Bastrop community's sense of civic pride.

- Use the display of public Works of Art as an educational opportunity for the public, as well as to enhance art education with artists in the community, and beyond.
- Contribute to cultural tourism.
- Support cultural diversity through art.
- Make art accessible to all individuals, including those with special needs.
- Encourage early collaboration concerning artwork and display or art for civic projects with design professionals and artists.

## Article 3
## DEFINITIONS

Article 3.1 Definitions:

Article 3.1a "Art in Public Places":
"Art in Public Places" means any visual Work of Art displayed for two weeks or more located on City property or private property that is accessible to the public. This includes outside space, the exterior of a City owned facility, inside any City building, or on private property if the Work of Art is intended by the display to be visible to and enjoyed by the public.

Article 3.1b "Work of Art":
"Work of Art" includes, but is not limited to a sculpture, water feature, monument, mural, fresco, relief, painting, photograph, and glass installation. "Work of Art" would normally not include landscaping, paving, architectural ornamentation, or signs.

## Article 4
## ART COLLECTION POLICY

Article 4.1 Art Ownership:

Article 4.1a Works of Art acquired in whole or in part by the City of Bastrop with the assistance of the BAIPP shall be acquired in the name of and under the ownership of the City of Bastrop.

Article 4.1b The BAIPP will assist the City in obtaining funding for the City's acquisition of art, whether through the City's budget process, fund raising or grant procurement. All funds obtained for the benefit of the BAIPP shall be held by the City of Bastrop.

Article 4.2 Art Selection Guidelines:
The BAIPP shall assist the City Council with acquiring Works of Art by :

- Identifying and recommending suitable Works of Art to be displayed.
- Facilitating the preservation of Works of Art to be displayed.

- Assisting with the process and methodology for competitively selecting Works of Art for acquisition and/or display.

- Assisting with any other matter necessary and appropriate for the administration of the BAIPP in accord with its mission, vision, and goals.

- Work within the Bastrop community to collaborate with entities on "art projects" that will enhance its citizen's appreciation and understanding of art.

Article 4.3 Art Selection and Display Standards:

The BAIPP shall give special attention to the following issues, when applicable:

- Appropriateness of the Work of Art to the property on which the Work of Art is to be displayed, taking into consideration the surrounding environment, natural landscape features, and the historical significance/character of the property.

- Appropriateness of the material, textures, colors, and design of the Work of Art to the property and surrounding areas.

- Establishing continuity of the Works of Art displayed in the City through design and placement.

- Providing aesthetic and cultural diversity among the Works of Art to be displayed in the City of Bastrop, through an unbiased selection process, a balanced inventory, and the display of variety of styles, design, and media.

## Article 5
## PUBLIC ART DISPLAYS

Article 5.1 Displays of Works of Art in Public Places:

Article 5.1a Authority:

All Works of Art to be displayed in the City of Bastrop shall be approved by the City Council, with the assistance of and recommendations from the BAIPP. No final display decisions, alterations or changes to Works of Art shall be made without the oversight and approval of the City Council.

Article 5.1b Location and Selection:

Works of Art recommended by the BAIPP and selected and approved by the City Council may be displayed on public property or by agreement between a private property Owner and the City of

Bastrop, on private property that has substantial public exposure to the Bastrop community and its visitors.

Article 5.1c City Facilities:

BAIPP may advise the City Council and City Manager regarding the design, execution, and placement of Works of Art when applicable to certain public improvement projects.

Article 5.1d Art Maintenance:

BAIPP shall inform the City Manager of required maintenance for Works of Art on display in the City of Bastrop. Works of Art which require substantial or significant maintenance shall be discussed and approved by the City Manager before proceeding with the required maintenance. The BAIPP shall be responsible for preparing. and providing to the City. an estimate of the anticipated maintenance responsibilities prior to the acquisition of a Work of Art.

Article 5.1e Loans:

Works of Art owned by the City may be loaned for exhibition, pursuant to recommendations by the BAIPP, and upon terms agreed to by the City and the party seeking to borrow the Work of Art, with Council approval.

## Article 6
## MANAGEMENT

Article 6.1 Management, Funding and Policies of the BAIPP:

Article 6.1a The BAIPP shall have the authority to promote the goals for which the BAIPP is created.

Article 6.1b The BAIPP shall adopt policies as may be deemed necessary to acquire and display Works of Art in the City of Bastrop, within the terms of the Bylaws and the Resolution that created the BAIPP, with such Policies to be presented for approval by the Council.

Article 6.1c Depending on the scope of the Work of Art to be acquired and displayed in the City of Bastrop, the BAIPP may be responsible for reporting to the City Manager, and/or the City Council regarding the progress of the project and the use of funds.

Article 6.1d The BAIPP shall be responsible for developing a "proposed" yearly operating budget for the acquisition and display of new Works of Art in the City of Bastrop, as well as any on going maintenance responsibilities for those Works for Art currently under the City's possession or control. This budget shall be submitted to the City Manager on or before June 1st, of each calendar year.

Article 6.1e The BAIPP shall be responsible for establishing an "Art Registry" through which artists may register their Works of Art for potential selection and display in the City of Bastrop. In addition, the BAIPP shall develop and implement, with the approval of the City Council, a fair and unbiased mechanism for selecting Works of Art to be displayed by the City.

## Article 7
## MEMBERSHIP

Article 7.1 Number and Description:

The members of the BAIPP shall be appointed by the Mayor, subject to confirmation by the City Council. The BAIPP shall consist of a minimum of five (5), but shall not exceed seven (7) voting members. The BAIPP may have a minimum of one "non-voting" *ex officio* representative from the City Council who shall not count as a "member" of the BAIPP, for any purpose. The *ex officio* representative shall operate as a Council liaison with the Task Force.

Article7.2 Community Participants:

The BAIPP shall have the responsibility for identifying and recommending to the Mayor and the City Council individuals who shall be appointed by the Mayor with Council concurrence to assist the Task Force as 'non-voting' community participants of the BAIPP. Such non-voting community participants may include a Bastrop youth. Community Participants shall be appointed for a one year term, with the right of re-appointment for a single additional one year term.

Article 7.3 Terms of Office:

- Members of the BAIPP shall be appointed by the Mayor, subject to confirmation by the City Council, to serve three (3) year terms. Terms shall be staggered, by the drawing of lots by the initial appointees, so that the entirety of the BAIPP will not be replaced at one time.

- The Mayor, subject to confirmation by the City Council, shall name the Chairperson of the BAIPP.

Article 7.4 Meetings:

The BAIPP shall meet at least five (5) times per year. Regular and special meetings may be called or cancelled by the Chair and/or by petition of one-third of the then current membership of the BAIPP. The location of the meeting shall be as follows will be at City Hall unless otherwise determined and announce.

Article 7.5 Quorum:
A simple majority of the then existing voting membership shall constitute a quorum of the Task Force. A quorum is required for the BAIPP to convene and/or to take any action.

Article 7.6 Vacancies:

The BAIPP can make recommendations to the City Council to expand the Task Force membership, fill vacancies and/or appoint Community Participants. In the event of a vacancy in the membership of the BAIPP, the individual serving as the replacement, who shall be appointed by the Mayor and confirmed by the City Council, will serve the remaining term of the individual who is no longer serving.

Article 7.7 Resignations:

Any BAIPP member may resign, at any time, by giving notice of such resignation to the Chairperson and the City Manager, in writing. Unless otherwise specified, such resignations will take effect upon receipt. The Mayor, subject to confirmation by the City Council, shall appoint a successor to serve the remainder of the resigning member's unexpired term.

Article 7.7 Removal:

A member may be removed by the City Council at its sole discretion or upon recommendation by the BAIPP, for cause or no cause.

## Article 8
## OFFICERS

Article 8.1 Officers:

The officers of the BAIPP shall be: Chair, Vice-Chair, and Secretary/Treasurer.

Article 8.2 Election:

The Chair, who is appointed by the City Council, will solicit recommendations from the remaining BAIPP membership for appointment of the other Officers of the BAIPP. All nominees will have given their consent to having been nominated. The proposed slate of nominees will be reviewed and voted upon annually, by the BAIPP voting membership.

Article 8.3 Terms of Office:
The elected Officers of BAIPP will be elected to serve in their Office, for one year terms, with that service beginning on January 1.

Article 8.4 Duties of Officers:

Article 8.4a Chair:

- Shall serve as the Chief Executive Officer, act as spokesperson, appoint committee chairs, preside at Board meetings, prepare the meeting agenda and perform other duties as necessary to meet the objectives of BAIPP.

Article 8.4b Vice Chair:

- Shall preside in the absence of the Chair and shall perform such other duties as may be delegated by the Chair.

Article 8.4c Secretary/Treasurer:

- Shall transcribe the minutes of each meeting taken by the BAIPP, ensure that meeting minutes and attendance records are available when requested, assist the Chair as needed in notifying members of meetings, and maintain the roster and contact information.

- Shall work with the City Manager and the Finance Department to keep an accurate accounting of all funds received and expended by the BAIPP, which shall be held in the possession of the City, regardless of the source and whether from public or private sources.

- All written statements and accounts shall be maintained and filed in the office of the City Manager of the City a minimum of quarterly a year and when requested by the City Council, the Finance Department or the City Manager.

Article 8.5 Vacancies in Offices:

In case of a vacancy in an elected Office, the BAIPP will appoint an existing member to serve as a successor, to fill the unexpired term of Office.

## Article 9
## COMMITTEES

Article 9.1 BAIPP Committee:

Committees shall be appointed, as needed by the Chair, to assist the BAIPP with matters related to the Task Force's work. These committees shall cease to exist when the purpose for which the Committee was created has been accomplished.

## Article 10
## AMENDMENTS TO THE BYLAWS

Article 10.1 Amendments to the Bylaws

These Bylaws may be amended either by: (1) the City council, or (2) with the subsequent approval of the Council, upon a two-thirds vote of the then existing membership of the BAIPP, at any regular meeting, provided that ,the proposed changes have been presented to all members of the BAIPP, in writing, at least two weeks prior to the meeting during which the amendment will be acted upon.

## Article 11
## FISCAL YEAR

Article 11.1 Fiscal/Business Year:

The fiscal and business year of BAIPP shall be the same as the City of Bastrop.

Article 11.2 BAIPP/Committee Year:

The terms of Officers of the task force/committees shall coincide with the beginning and end of the calendar year.

## Article 12
## PARLIMENTARY AUTHORITY

Article 12.1 Parliamentary Procedure:

"Robert's Rules of Order", the most current publication, will be the final authority on all questions of parliamentary law, not covered by these Bylaws. The Chair may appoint a Parliamentarian if required.

## Article 13
## POLITICAL ACTIVITY

Article 13.1 Support of Issues:

BAIPP will work with City officials for preparation, enactment and enforcement of laws, ordinances, policies and regulations compatible with the objectives and purposes of the BAIPP.

Article 13.2 Candidate Support:

BAIPP shall not engage in any activity either supporting or opposing the candidacy of any individual, group of individuals, or party for political office.

Article 13.3 Use of Membership:
Members of the organization will refrain from utilizing their membership and/or the BAIPP name for political gain or for expressing opinions in a manner that suggests BAIPP supports the Task Force member's issue or opinion.

## Article 14
## CONFLICT OF INTEREST

Article 14.1 Conflicts of Interest:

Conflicts of Interest shall be resolved pursuant to the City of Bastrop's Ethics Ordinance.

# RESOLUTION R-2010-21

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS ESTABLISHING AN ART IN PUBLIC PLACES PROGRAM RELATED TO ACQUIRING, SHOWCASING AND PROMOTING ART IN CITY-OWNED FACILITIES AND SPACES AND ESTABLISHING A TASK FORCE THAT WILL SERVE AS AN ADVISORY BODY TO THE CITY COUNCIL IN MATTERS RELATED TO PUBLIC ART.**

---

**WHEREAS,** the City recognizes the important role of public art in the cultural enrichment of residents, the aesthetic quality of the City's physical environment, and the community character and civic identity of Bastrop, Texas; and

**WHEREAS,** the City acknowledges that original visual creations sited in a manner that are accessible and visible to the public, generally referred to as "Public Art" enriches publicly owned places and the lives of the citizens of Bastrop, as well as enhances the experience of visitors to the Bastrop community; and

**WHEREAS,** the City believes that Public Art contributes to a sense of ownership and community pride in a municipality's public facilities and spaces, both for City residents and visitors; and

**WHEREAS,** establishing an Art in Public Places Program to incorporate Public Art into specified City-owned public places will expand access to and appreciation for art and cultural heritage, and the enjoyment of public places; and

**WHEREAS**, the Council has determined that it is necessary and beneficial to establish a volunteer body, to be known as the "Bastrop Art in Public Places Task Force" ("Public Art Task Force"), to assist and advise the City Council on matters related to incorporating art into City-owned public places.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, DOES RESOLVE AS FOLLOWS:**

Section 1: Establishment of the Bastrop Art in Public Places Program. In recognition of the benefit to the citizens of and visitors to Bastrop that are derived from the availability of and access to Public Art, the City Council hereby establishes an Art in Public Places Program, as an investment in the City's aesthetics, values, vitality, diversity and beauty. The purpose of the Art in Public Places Program is to expand access to and appreciation of art, as well as to encourage the enjoyment of art in public places. The Bastrop City Council finds that Public Art is any type of visual art that is generally accessible to the public, which is installed in Bastrop's City-owned, publicly used facilities and spaces.

Section 2: Establishment of the "Bastrop Art in Public Places Task Force" ("Public Art Task Force"). The City Council hereby establishes a volunteer body, composed of no more than 7 members identified and appointed by the City Council, to be known as the "Bastrop Art in Public Places Task Force," that will act as an advisory body to the City Council in matters related to the Bastrop Art in Public Places Program.

A. The Public Art Task Force shall be the body responsible for forwarding recommendations on public art projects to the City Council for approval.

B. The Public Art Task Force shall be composed of members who represent the community and have experience with art issues and concerns.

C. The Public Art Task Force will recommend public art projects that may be evaluated, considered, approved, implemented and/or funded by the City Council, at the Council's discretion.

D. The Public Art Task Force shall be responsible for the:

- Development of the Task Force's By-Laws, for presentation to and approval by the City Council.
- Development of proposed public art projects for presentation to and approval by the City Council.

E. The volunteer members of the Public Art Task Force shall serve two-year terms. The City Council shall name the Chairperson of Public Art Task Force.

F. The Public Art Task Force will be guided by the following considerations in developing and implementing its recommended and approved public art projects:

1) Public art projects will be responsive to the community by reflecting and respecting local values and character, and providing a source of pride for generations of residents.
2) Public art projects will reflect the scope, scale, and character of the site.
3) Public art projects will be assessed for durability and public safety.
4) Public art projects will consider long-term maintenance in any decision regarding acquisition, donation, or display of public art.

5) Public art projects will promote a multicultural and diverse experience for all residents.

Section 3. Objectives of the Bastrop Art in Public Places Task Force. The objectives of the Bastrop Art in Public Places Task Force are:

A. To assist and advise the City of Bastrop in its efforts to enhance our community's artistic richness, by making public art a permanent part of our environment and a legacy for future generations, and

B. To identify and showcase emerging and established artists to produce innovative public art projects, new commission projects and exhibitions in public spaces which will create a strong sense of place, enhance community pride and establish an understanding of Bastrop's unique history, diverse cultural heritage and ecological assets and will inspire artists of all mediums.

Section 4. Objectives of the Bastrop Art in Public Places Program. The program's objectives are to:

A. Integrate public art into a variety of public settings, thereby increasing the awareness of local and national artists and artistic resources available to Bastrop,

B. Position our community as a cultural tourist destination, stimulating Bastrop's vital art community and economy, though the presentation of Public Art and providing opportunities for increased knowledge and appreciation of art, an

C. Enhance the beauty and aesthetic quality of public places and facilities.

RESOLVED AND ADOPTED BY THE CITY COUNCIL, AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THE 12TH DAY OF OCTOBER 2010.

**APPROVED:** **ATTEST:**

Terry Orr

Terry Orr, Mayor
On Behalf of the City Council

Teresa Valdez

Teresa Valdez
City Secretary

**CITY OF BASTROP** **AGENDA ITEM D.5**

## STANDARDIZED AGENDA RECOMMENDATION FORM

**CITY COUNCIL** **DATE SUBMITTED: May 17, 2012**

**MEETING DATE: May 22, 2012**

1. Agenda Item: **Consideration, discussion and possible action on a Resolution of the City Council of Bastrop, Texas approving an emergency public health and safety related expenditure, in excess of $50,000, pursuant to the applicable general exemptions set forth in the Local Government Code §252.022, *et seq.***

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

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

**I am proposing to the Mayor and City Council that the City of Bastrop expends approximately $300,000.00 to drill three deep test wells for the development of three additional water wells for the City. Attached is map with yellow stars indicating the location where these test wells will to be drilled in the City. I can assure you I have given this item considerable thought and feel this is a prudent course of action to take. With wells "C", "D" &"E" causing us problems and having reduced in water production capacity we must begin exploring for more water. The sites selected were based upon recommendation from the City's Consultants as the best place to drill for additional water. Also these wells are close to the City's water distribution system and cost of connecting the wells to the water distribution would be greatly reduced. Secondly if any of these test wells turns out to be a good producing well, it takes a considerable amount of time to take a test well into making the well a producing water well for the City. I understand at this time if the City finds a producing well the City would not be granted an operating permit from the Lost Pines Groundwater District at this time. Based upon the fact that the Lost Pines Groundwater Conversation District (Groundwater District) released their revised Management Plan this week and in discussion with the Groundwater District Management and Legal Counsel the Groundwater District could very well begin issuing permits for wells in the early fall of 2012 or possible sooner. The City could be well ahead of the game in getting a well permitted if the City has these test wells in place. The reason for the high cost for drilling these wells is that they will be a minimum of at 1,000 feet deep, if not deeper. I will have a better price range for drilling these wells Tuesday evening. I just felt this was an issue that the Council should give serious consideration.**

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: _____X_____Approved ___________Disapproved ___________None

11. Action Taken: ___________________________________________
___________________________________________

**RESOLUTION NO. 2012 - ______**

**A RESOLUTION OF THE CITY COUNCIL OF BASTROP, TEXAS APPROVING AN EMERGENCY PUBLIC HEALTH AND SAFETY RELATED EXPENDITURE, IN EXCESS OF $50,000, PURSUANT TO THE APPLICABLE GENERAL EXEMPTIONS SET FORTH IN THE LOCAL GOVERNMENT CODE §252.022, *ET SEQ.*,**

---

**WHEREAS**, the City of Bastrop, Texas, ("City"), a Home Rule municipality incorporated and operating under the Laws of the State of Texas and, accordingly has been granted full legal authority to take actions, as deemed necessary, in its reasonable judgment, to protect the public health, safety and welfare; and

**WHEREAS**; pursuant to State law, as set forth in the Local Government Code, Chapter 252, Section 252.022 (a) (1) – (3) ("LGC") the City is legally authorized to approve and make expenditures in excess of $50,000, without the need to undertake competitive bidding processes, when certain critical conditions exist; and

**WHEREAS**; the City Council has determined that such critical conditions exist that make it reasonable and necessary to undertake the expenditure of amounts in excess of $50,000, which are exempted from the competitive bidding process, due to circumstances noted herein below, and which action is necessary to protect the public health, safety and welfare.

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

1. The City Council hereby formally finds that the supply of water from existing municipal water wells has recently been threatened and/or significantly reduced due to the calamitous failure of water production and/or unforeseen damage to equipment from Well C; as well as reduced water production from Well D and Well E, thereby prompting application of two exemptions from the State's competitive bidding requirements, as allowed by LGC §252.022(a)(1)and(3); and

2. The City Council hereby formally finds that procurement of the services of "Water Well Driller", to drill three (3) exploratory wells to locate additional water supply sources for the City of Bastrop, which well drilling services will be in the total amount not to exceed of $300,000.00, is necessary to preserve and protect the public heath, safety and welfare, thereby prompting application of an exemption from the State's competitive bidding requirements, as allowed by LGC §252.022(a)(2); and

3. Accordingly, the City Council authorizes the City Manager to contract with a "Water Well Driller", in the total amount not to exceed $300,000.00, to provide water well test drilling service for three (3) additional exploratory wells, for the City of Bastrop.

4. The terms of this Resolution shall become effective immediately upon passage of this Resolution, subject to publication as required by State law, if any.

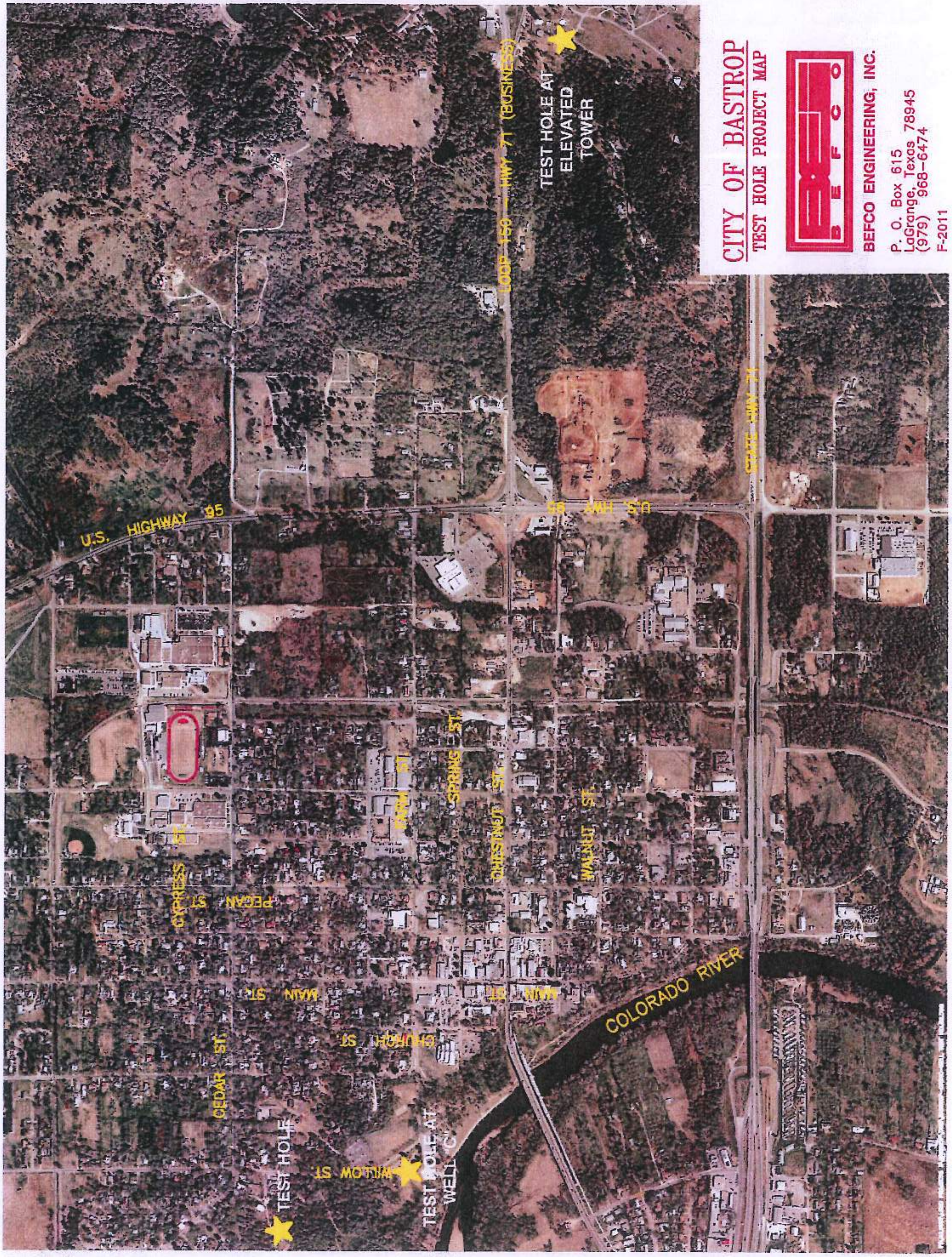
**PASSED, ADOPTED AND APPROVED this the ___ day of _______, 2012.**

APPROVED:

______________________________
MAYOR TERRY ORR

ATTEST:

______________________________
TERESA VALDEZ, CITY SECRETARY


CITY OF BASTROP
TEST HOLE PROJECT MAP
BEFCO
BEFCO ENGINEERING, INC.
P. O. Box 615
LaGrange, Texas 78945
(979) 968-6474
F-2011
LOOP 150 — HWY 71 (BUSINESS)
TEST HOLE AT ELEVATED TOWER
U.S. HIGHWAY 95
U.S. HWY 95
STATE HWY 71
CYPRESS ST.
PECAN ST.
FARM ST.
SPRING ST.
CHESTNUT ST.
WALNUT ST.
MAIN ST.
MAIN ST.
CHURCH ST.
CEDAR ST.
COLORADO RIVER
TEST HOLE
WILLOW ST
TEST HOLE AT WELL 'C'

**CITY OF BASTROP** **AGENDA ITEM D.6**

## STANDARDIZED AGENDA RECOMMENDATION FORM

**CITY COUNCIL** **DATE SUBMITTED: May 17, 2012**

**MEETING DATE: May 22, 2012**

1. Agenda Item: **Consideration, discussion and possible action on an emergency Ordinance of the City Council of the City of Bastrop, Texas amending the City of Bastrop's Drought Contingency Plan to amend the definition of total production capability and the permitted water times for "Stage 3" restrictions; providing the City Manager with authority to impose additional water restrictions during certain events; declaring a safety and health necessity to dispense with two readings of the Ordinance due to public emergency; providing a severability clause; and providing an effective date.**

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

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

**Attached for your review is a proposed Ordinance amending certain aspects of the City of Bastrop's Drought Contingency Plan. With the loss of Wells "C", "D", &"E", the City has suffered a reduction of approximately 800 gpm of water. In accordance with the Texas Commission on Environmental Quality, the City needs to operate its water system in what they call a "Safe Matter". The proposed changes will allow the City to meet that standard. The changes are: (1) a slight reduction in the length of time allowed for irrigation in Stage 2 (from 8 hours, down to 6 per day, (1) a revised definition of the term "total production capacity" (to more closely represent how the operation of the system should be done), allowing us to craft solutions that fit certain circumstances - without having to take an "all or nothing" approach in applying conservation measures). I recommend approval of the ordinance which will allow the City to operate the City's water system in a safe and effective manner.**

4. Policy Implication: Better water system operations and water conservation measures, as we approach the Summer season.

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 recommends the approval of the amending Ordinance.**

9. Advisory Board: __________Approved __________Disapproved ____________None

10. Manager's Recommendation: _____X_____Approved ___________Disapproved ___________None

11. Action Taken: ______________________________________________________________________________
______________________________________________________________________________

EMERGENCY ORDINANCE NO. __________

AN EMERGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS AMENDING THE CITY OF BASTROP'S DROUGHT CONTINGENCY PLAN TO AMEND THE DEFINITION OF TOTAL PRODUCTION CAPABILITY AND THE PERMITTED WATERING TIMES FOR "STAGE 3" RESTRICTIONS; PROVIDING THE CITY MANAGER WITH AUTHORITY TO IMPOSE ADDITIONAL WATER RESTRICTIONS DURING CERTAIN EVENTS; DECLARING A SAFETY AND HEALTH NECESSITY TO DISPENSE WITH TWO READINGS OF THE ORDINANCE DUE TO PUBLIC EMERGENCY; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

**WHEREAS**, the City is constitutionally and statutorily obligated to ensure the delivery of a safe and potable water supply to its citizens and customers, and to protect the safety and welfare of its citizens, customers, and the Bastrop community by safeguarding a sufficient water supply for human consumption and other activities, such as fire suppression, if necessary; and

**WHEREAS**, to conserve and protect the availability and integrity of the City's available water supply, protect and preserve public health, welfare, and safety, and to minimize the potential adverse impacts of a water supply shortage or other water supply emergency condition, the City, in accord with Senate Bill 1 Regulatory Requirements, adopted the City's Drought Contingency Plan, dated November 9, 2009; and

**WHEREAS**, the City's Drought Contingency Plan seeks to regulate or prohibit nonessential water uses during times of water shortage, or other emergency water supply conditions; and

**WHEREAS**, the Drought Contingency Plan establishes criteria for the initiation and termination of increasingly restrictive drought response stages (Stages 1, 2, and 3) based on daily water demand, triggers, and emergency conditions; and

**WHEREAS**, after review of the City's Drought Contingency Plan and the TCEQ Requirements related to same, as well as communications with the City's Engineer, outside consultants, the City Manager and the Director of Water and Wastewater, the City has determined that the definition of "Total Production Capability," which is pertinent to triggering drought stages, should be reduced to a "safe system operation capacity," which for purposes of the City's Drought Contingency Plan is a 16-hour period, rather than the current stated 24-hour period; and

**WHEREAS**, in addition to changing the definition of Total Production Capability, the City has determined that it is in the best interest of the City to decrease the number of hours that the irrigation of landscaped areas by means of hand-held hoses, hand-held buckets or drip irrigation is permitted, during Stage 3 Drought Conditions; and

**WHEREAS**, the City Council has determined that it is in the best interest of the City to expand the authority of the City Manager to make decisions and take action pursuant to the Drought Contingency Plan, as deemed prudent and in the best interest of the City; during certain water availability and drought conditions; and

**WHEREAS**, the City Council of the City of Bastrop has determined that due to emergency health and safety requirements of the citizens of the community and pursuant to the authority granted the Council by the City's Home Rule Charter, Section 3.15(b), it should dispense with the requirement that this Ordinance be read at two separate meetings of the Council and, rather, that this Ordinance should become effective immediately on passage after approval on a single reading.

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

**Part 1**: The definition of "Total Production Capability" in Section 13.06.008 of the Drought Contingency Plan be revised as follows:

> *Total Production Capability.* The total net aggregate amount of water than can be produced from all water wells capable of supplying water to the system in any given 16-hour period.

**Part 2**: The restrictions set forth in the Drought Contingency Plan, Section 13.06.010(5)(C)(i), "Mandatory water use restrictions" of "Stage 3 response – Critical water shortage conditions/water warning", be revised as follows:

> Restricted days/hours. Irrigation of landscaped areas by means of hand-held hoses, hand-held buckets or drip irrigation shall be limited to designated watering days, as outlined in phase 2 of this plan and between the hours of 6:00 a.m. and 8:00 a.m. and between 8:00 p.m. and midnight. The use of hose-end sprinklers or automatic sprinkler systems are prohibited at all times.

**Part 3**: Section 13.06.013, "City Manager's Authority to Impose Additional Restrictions" is hereby added to the Drought Contingency Plan as follows:

(a) The City Manager may, in his sole discretion, implement mandatory water restrictions in addition to those previously described in this Drought Contingency Plan, to protect the public health and safety in the event of an unusual water system operation event, equipment failure, catastrophic occurrence, or severe weather event.

(b) The City Manager may implement mandatory restrictions, immediately effective, by public announcement.

**Part 4**: All other provisions of City of Bastrop Drought Contingency Plan, dated November 10, 2009, that are not amended hereby shall remain in full force and effect.

**Part 5:** This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Bastrop, and this ordinance shall not operate to repeal or affect any of such other ordinances, except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any in such other ordinance or ordinances are superseded.

**Part 6**: 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 7**: The Mayor is hereby authorized to sign this ordinance and the City Secretary to attest. This ordinance shall become immediately effective after approval following a single reading, as per the authority granted to the Council under City Charter Section 3.15(b), as detailed herein.

PASSED AND APPROVED ON FIRST AND SOLE READING ON THIS 22nd DAY OF MAY 2012.

APPROVED: ATTEST:

______________________ ______________________

Mayor Terry Orr Teresa Valdez, City Secretary

APPROVED AS TO FORM:
Jo-Christy Brown.
City Attorney

**CITY OF BASTROP** **AGENDA ITEM D.7**

# STANDARDIZED AGENDA RECOMMENDATION FORM

**CITY COUNCIL** **DATE SUBMITTED: May 2, 2012**

**MEETING DATE: May 22, 2012**

1. Agenda Item: **Consideration, discussion and possible action on adjusting the speed limit on Farm Street.**

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

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

**Attached for your review is a summary memo concerning the results of the traffic speed survey (attached) that was undertaken by City staff regarding Farm Street. This traffic speed survey was done at the request of the City Council.**

4. Policy Implication: ______________________________

5. Budgeted: __________Yes __________No N/A
   Bid Amount: ______________ Budgeted Amount: ______________
   Under Budget: ______________ Over Budget: ______________
   Amount Remaining: ______________

6. Alternate Option/Costs: ______________________________

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

8. Staff Recommendation:

9. Advisory Board: _________Approved _________Disapproved ___________None

10. Manager's Recommendation: __________Approved __________Disapproved __________None

11. Action Taken: ______________________________
______________________________

# CITY OF BASTROP

## SPEED ANALYSIS – FARM STREET

The City of Bastrop Police Department, with the assistance of the Public Works Department, conducted a speed analysis on Farm Street. The traffic/speed counters were set on Fayette/Farm and Pecan/Farm. The test was performed over the period of Tuesday, April 17 at 10 am to Friday, April 20 at 10 am.

**Farm/Fayette Street**

Enclosed you will find Attachment A for the Farm/Fayette Street section with a posted speed limit (PSL) of 30 mph. Reviewing the data, you will note that during the test period there were 1,610 vehicles as shown in the second from left column. During this period, there was a total of 380 vehicles or 23.6%, which exceeded the speed limit of 30 mph. Therefore, 1,230 (1,610 – 380) or 76.4% of the vehicles posted a speed of less than 30 mph. The mean speed for all 1,610 vehicles was 25.9 mph and the median was 26.2 mph. The column of 85%, which represents 85% of all vehicles the speed was 31.5 mph and 95% was 34.4 mph.

For example, reviewing the time of 10:00 am, there were 60 vehicles with a mean speed of 25.8 mph, median of 26.8 mph, 85% of vehicles of 30.4 mph and 14 vehicles or 23.3% exceeding the 30 mph posted speed limit.

Overall, the residents are complying with the posted speed limit. With the mean and median being below the 30 mph posted speed limit and the 85% equaling 31.5 mph and 95% equaling 34.4 mph, less than 5% exceed a 5 mph tolerance.

**Farm/Pecan Street**

Enclosed you will find Attachment B for the Farm/Pecan Street section with a posted speed limit (PSL) of 20 mph. Reviewing the data, you will note that during the test period there were 2,851 vehicles as shown in the second from left column. During this period, there was a total of 1,821 vehicles or 63.9%, which exceeded the speed limit of 20 mph. Therefore, 1,030 (2,851 – 1,821) or 36.1% of the vehicles posted a speed of less than 20 mph. The mean speed for all 2,851 vehicles was 21.0 mph and the median was 21.0 mph. The column of 85%, which represents 85% of all vehicles the speed was 24.2 mph and 95% was 26.2 mph.

For example, reviewing the time of 10:00 am, there were 159 vehicles with a mean speed of 20.6 mph, median of 20.6 mph, 85% of vehicles of 23.7 mph and 94 vehicles or 59.1% exceeding the 20 mph posted speed limit.

Overall, the majority of the residents are exceeding the posted speed limit. With the mean and median being 21.0 mph and the 85% equaling 24.2 mph and 95% equaling 26.2 mph, less than 15% exceed a 5 mph tolerance. It should be noted that the police department normally allows a tolerance above the posted speed limit.

**Summary**

The City of Bastrop residential streets have a posted speed limit of 30 mph. Normally, a narrow street, school zone or other obstacles would warrant a lesser speed limit. However, Farm Street from Fayette to Gill's Branch is a newly constructed wide residential street with adequate space. With the data above, I would recommend that the speed limit of 30 mph remain in place as is common with residential streets. Changing the speed limit on a residential street could cause other issues in other locations for the City of Bastrop.

April 27, 2012

Exhibit A

# MetroCount Traffic Executive
# Speed Statistics by Hour

82

**SpeedStatHour-21 -- English (ENU)**

| | |
|---|---|
| **Datasets:** | |
| **Site:** | **[Farm @ Fayette] !<30MPH>** |
| **Direction:** | 8 - East bound A>B, West bound B>A. **Lane:** 0 |
| **Survey Duration:** | 9:53 Monday, April 16, 2012 => 9:27 Monday, April 23, 2012 |
| **Zone:** | |
| **File:** | UMFarm @ Fayette423.EC0 (Plus) |
| **Identifier:** | U680S0SJ MC56-L5 [MC55] (c)Microcom 19Oct04 |
| **Algorithm:** | Factory default (v3.21 - 15315) |
| **Data type:** | Axle sensors - Paired (Class/Speed/Count) |

| | |
|---|---|
| **Profile:** | |
| **Filter time:** | **10:00 Tuesday, April 17, 2012 => 10:00 Friday, April 20, 2012** |
| **Included classes:** | 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 |
| **Speed range:** | 5 - 100 mph. |
| **Direction:** | North, East, South, West (bound) |
| **Separation:** | All - (Headway) |
| **Name:** | Default Profile |
| **Scheme:** | Vehicle classification (Scheme F2) |
| **Units:** | Non metric (ft, mi, ft/s, mph, lb, ton) |
| **In profile:** | Vehicles = 1610 / 3415 (47.14%) |

05/18/2012

83

# Speed Statistics by Hour

**SpeedStatHour-22**

| | |
|---|---|
| **Site:** | FARM @ PECAN.0.0EW |
| **Description:** | !<20MPH> |
| **Filter time:** | **10:00 Tuesday, April 17, 2012 => 10:00 Friday, April 20, 2012** |
| **Scheme:** | Vehicle classification (Scheme F2) |
| **Filter:** | Cls(1 2 3 4 5 6 7 8 9 10 11 12 13 ) Dir(NESW) Sp(5,100) Headway(>0) |

**Vehicles** = 2851
**Posted speed limit** = 20 mph, Exceeding = 1821 (63.87%), Mean Exceeding = 22.96 mph
**Limit 1** (20 * 100%) + 10 = 30 mph, Exceeding = 10 (0.35%)
**Limit 2** (20 * 100%) + 15 = 35 mph, Exceeding = 0 (0.00%)
**Limit 3** (20 * 100%) + 20 = 40 mph, Exceeding = 0 (0.00%)
**Maximum** = 34.9 mph, **Minimum** = 6.9 mph, **Mean** = 21.0 mph
**85% Speed** = 24.2 mph, **95% Speed** = 26.2 mph, **Median** = 21.0 mph
**10 mph Pace** = 16 - 26, **Number in Pace** = 2482 (87.06%)
**Variance** = 12.03, **Standard Deviation** = 3.47 mph

## Hour Bins

| Time | Bin | | Min | Max | Mean | Median | 85% | 95% | >PSL 20 mph | | Limit 1 30 mph | | Limit 2 35 mph | | Limit 3 40 mph | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 0000 | 2 | 0.1% | 17.8 | 19.4 | 18.6 | 17.7 | 19.2 | 19.2 | 0 | 0.0% | 0 | 0.0% | 0 | 0.0% | 0 | 0.0% |
| 0100 | 4 | 0.1% | 15.9 | 25.2 | 21.2 | 21.3 | 22.1 | 25.1 | 3 | 75.0% | 0 | 0.0% | 0 | 0.0% | 0 | 0.0% |
| 0200 | 0 | 0.0% | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0 | 0.0% | 0 | 0.0% | 0 | 0.0% | 0 | 0.0% |
| 0300 | 1 | 0.0% | 25.9 | 25.9 | 25.9 | 25.7 | 25.7 | 25.7 | 1 | 100.0% | 0 | 0.0% | 0 | 0.0% | 0 | 0.0% |
| 0400 | 5 | 0.2% | 9.6 | 21.5 | 16.5 | 18.6 | 19.0 | 21.3 | 1 | 20.0% | 0 | 0.0% | 0 | 0.0% | 0 | 0.0% |
| 0500 | 8 | 0.3% | 15.5 | 23.8 | 20.2 | 19.9 | 22.1 | 23.7 | 5 | 62.5% | 0 | 0.0% | 0 | 0.0% | 0 | 0.0% |
| 0600 | 26 | 0.9% | 12.9 | 28.0 | 20.7 | 21.5 | 23.0 | 24.6 | 16 | 61.5% | 0 | 0.0% | 0 | 0.0% | 0 | 0.0% |
| 0700 | 239 | 8.4% | 14.8 | 29.7 | 21.3 | 20.8 | 24.4 | 26.2 | 168 | 70.3% | 0 | 0.0% | 0 | 0.0% | 0 | 0.0% |
| 0800 | 183 | 6.4% | 10.9 | 30.4 | 20.4 | 20.4 | 23.3 | 25.3 | 102 | 55.7% | 1 | 0.5% | 0 | 0.0% | 0 | 0.0% |
| 0900 | 168 | 5.9% | 7.9 | 30.4 | 20.4 | 20.4 | 23.7 | 25.9 | 96 | 57.1% | 1 | 0.6% | 0 | 0.0% | 0 | 0.0% |
| 1000 | 159 | 5.6% | 8.5 | 32.1 | 20.6 | 20.6 | 23.7 | 25.5 | 94 | 59.1% | 1 | 0.6% | 0 | 0.0% | 0 | 0.0% |
| 1100 | 201 | 7.1% | 9.7 | 34.9 | 21.0 | 21.0 | 23.7 | 25.7 | 130 | 64.7% | 2 | 1.0% | 0 | 0.0% | 0 | 0.0% |
| 1200 | 244 | 8.6% | 7.7 | 32.4 | 21.2 | 21.3 | 24.4 | 26.6 | 157 | 64.3% | 2 | 0.8% | 0 | 0.0% | 0 | 0.0% |
| 1300 | 217 | 7.6% | 9.9 | 28.9 | 21.3 | 21.7 | 24.6 | 27.1 | 145 | 66.8% | 0 | 0.0% | 0 | 0.0% | 0 | 0.0% |
| 1400 | 215 | 7.5% | 9.6 | 29.5 | 21.0 | 21.5 | 24.2 | 25.7 | 140 | 65.1% | 0 | 0.0% | 0 | 0.0% | 0 | 0.0% |
| 1500 | 212 | 7.4% | 9.0 | 33.3 | 21.2 | 21.5 | 24.2 | 26.6 | 142 | 67.0% | 1 | 0.5% | 0 | 0.0% | 0 | 0.0% |
| 1600 | 262 | 9.2% | 7.3 | 33.9 | 21.3 | 21.3 | 24.2 | 26.4 | 185 | 70.6% | 1 | 0.4% | 0 | 0.0% | 0 | 0.0% |
| 1700 | 324 | 11.4% | 6.9 | 30.7 | 21.1 | 21.0 | 24.4 | 26.4 | 208 | 64.2% | 1 | 0.3% | 0 | 0.0% | 0 | 0.0% |
| 1800 | 140 | 4.9% | 11.5 | 29.7 | 21.3 | 21.3 | 24.8 | 26.4 | 91 | 65.0% | 0 | 0.0% | 0 | 0.0% | 0 | 0.0% |
| 1900 | 92 | 3.2% | 9.9 | 25.9 | 19.8 | 20.6 | 23.5 | 24.4 | 55 | 59.8% | 0 | 0.0% | 0 | 0.0% | 0 | 0.0% |
| 2000 | 87 | 3.1% | 9.4 | 27.7 | 19.8 | 19.9 | 23.7 | 25.1 | 44 | 50.6% | 0 | 0.0% | 0 | 0.0% | 0 | 0.0% |
| 2100 | 36 | 1.3% | 16.8 | 26.1 | 20.9 | 20.4 | 23.5 | 24.8 | 22 | 61.1% | 0 | 0.0% | 0 | 0.0% | 0 | 0.0% |
| 2200 | 19 | 0.7% | 11.5 | 25.6 | 21.0 | 21.3 | 23.5 | 24.8 | 12 | 63.2% | 0 | 0.0% | 0 | 0.0% | 0 | 0.0% |
| 2300 | 7 | 0.2% | 13.5 | 24.0 | 19.9 | 21.5 | 23.0 | 23.9 | 4 | 57.1% | 0 | 0.0% | 0 | 0.0% | 0 | 0.0% |
| ---- | **2851** | **100.0%** | **6.9** | **34.9** | **21.0** | **21.0** | **24.2** | **26.2** | **1821** | **63.9%** | **10** | **0.4%** | **0** | **0.0%** | **0** | **0.0%** |

1030 < 20 mph
PSL
36.1%

1821 is Total exceeding PSL

05/18/2012

# MetroCount Traffic Executive
# Speed Statistics by Hour



## SpeedStatHour-22 -- English (ENU)

**Datasets:**

| | |
|---|---|
| **Site:** | **[FARM @ PECAN] !<20MPH>** |
| **Direction:** | 8 - East bound A>B, West bound B>A. **Lane:** 0 |
| **Survey Duration:** | 10:06 Monday, April 16, 2012 => 10:35 Monday, April 23, 2012 |
| **Zone:** | |
| **File:** | UMFARM @ PECAN423.EC0 (Plus) |
| **Identifier:** | U6842XZ8 MC56-L5 [MC55] (c)Microcom 19Oct04 |
| **Algorithm:** | Factory default (v3.21 - 15315) |
| **Data type:** | Axle sensors - Paired (Class/Speed/Count) |

**Profile:**

| | |
|---|---|
| **Filter time:** | **10:00 Tuesday, April 17, 2012 => 10:00 Friday, April 20, 2012** |
| **Included classes:** | 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 |
| **Speed range:** | 5 - 100 mph. |
| **Direction:** | North, East, South, West (bound) |
| **Separation:** | All - (Headway) |
| **Name:** | Default Profile |
| **Scheme:** | Vehicle classification (Scheme F2) |
| **Units:** | Non metric (ft, mi, ft/s, mph, lb, ton) |
| **In profile:** | Vehicles = 2851 / 5631 (50.63%) |

# Speed Statistics by Hour

**SpeedStatHour-21**
85
**Site:** Farm @ Fayette.0.0EW
**Description:** !<30MPH>
**Filter time:** **10:00 Tuesday, April 17, 2012 => 10:00 Friday, April 20, 2012**
**Scheme:** Vehicle classification (Scheme F2)
**Filter:** Cls(1 2 3 4 5 6 7 8 9 10 11 12 13 ) Dir(NESW) Sp(5,100) Headway(>0)

**Vehicles** = 1610
**Posted speed limit** = 30 mph, Exceeding = 380 (23.60%), Mean Exceeding = 33.17 mph
**Limit 1** (30 * 100%) + 10 = 40 mph, Exceeding = 18 (1.12%)
**Limit 2** (30 * 100%) + 15 = 45 mph, Exceeding = 3 (0.19%)
**Limit 3** (30 * 100%) + 20 = 50 mph, Exceeding = 1 (0.06%)
**Maximum** = 50.2 mph, **Minimum** = 6.0 mph, **Mean** = 25.9 mph
**85% Speed** = 31.5 mph, **95% Speed** = 34.4 mph, **Median** = 26.2 mph
**10 mph Pace** = 22 - 32, **Number in Pace** = 1019 (63.29%)
**Variance** = 33.50, **Standard Deviation** = 5.79 mph

## Hour Bins

| Time | Bin | | Min | Max | Mean | Median | 85% | 95% | >PSL 30 mph | | Limit 1 40 mph | | Limit 2 45 mph | | Limit 3 50 mph | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 0000 | 1 | 0.1% | 35.6 | 35.6 | 35.6 | 35.6 | 35.6 | 35.6 | 1 | 100.0% | 0 | 0.0% | 0 | 0.0% | 0 | 0.0% |
| 0100 | 3 | 0.2% | 18.9 | 31.8 | 26.2 | 27.7 | 31.8 | 31.8 | 1 | 33.3% | 0 | 0.0% | 0 | 0.0% | 0 | 0.0% |
| 0200 | 0 | 0.0% | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0 | 0.0% | 0 | 0.0% | 0 | 0.0% | 0 | 0.0% |
| 0300 | 2 | 0.1% | 22.1 | 23.9 | 23.0 | 21.9 | 23.7 | 23.7 | 0 | 0.0% | 0 | 0.0% | 0 | 0.0% | 0 | 0.0% |
| 0400 | 6 | 0.4% | 16.6 | 29.1 | 25.5 | 27.3 | 28.6 | 29.1 | 0 | 0.0% | 0 | 0.0% | 0 | 0.0% | 0 | 0.0% |
| 0500 | 2 | 0.1% | 23.3 | 23.5 | 23.4 | 23.3 | 23.5 | 23.5 | 0 | 0.0% | 0 | 0.0% | 0 | 0.0% | 0 | 0.0% |
| 0600 | 36 | 2.2% | 10.5 | 33.3 | 27.2 | 27.5 | 31.3 | 32.7 | 10 | 27.8% | 0 | 0.0% | 0 | 0.0% | 0 | 0.0% |
| 0700 | 244 | 15.2% | 9.1 | 50.2 | 25.0 | 25.1 | 30.4 | 33.6 | 48 | 19.7% | 4 | 1.6% | 1 | 0.4% | 1 | 0.4% |
| 0800 | 80 | 5.0% | 6.0 | 37.1 | 24.4 | 24.4 | 29.8 | 31.1 | 12 | 15.0% | 0 | 0.0% | 0 | 0.0% | 0 | 0.0% |
| 0900 | 73 | 4.5% | 12.6 | 36.9 | 24.6 | 24.4 | 30.2 | 33.3 | 12 | 16.4% | 0 | 0.0% | 0 | 0.0% | 0 | 0.0% |
| 1000 | 60 | 3.7% | 8.8 | 38.8 | 25.8 | 26.8 | 30.4 | 33.8 | 14 | 23.3% | 0 | 0.0% | 0 | 0.0% | 0 | 0.0% |
| 1100 | 72 | 4.5% | 6.4 | 38.2 | 25.1 | 25.7 | 30.9 | 32.7 | 15 | 20.8% | 0 | 0.0% | 0 | 0.0% | 0 | 0.0% |
| 1200 | 103 | 6.4% | 11.9 | 39.5 | 26.9 | 27.7 | 32.9 | 34.9 | 37 | 35.9% | 0 | 0.0% | 0 | 0.0% | 0 | 0.0% |
| 1300 | 84 | 5.2% | 9.0 | 46.5 | 25.7 | 26.4 | 30.6 | 32.9 | 16 | 19.0% | 1 | 1.2% | 1 | 1.2% | 0 | 0.0% |
| 1400 | 119 | 7.4% | 12.5 | 42.0 | 26.4 | 26.6 | 32.2 | 34.4 | 33 | 27.7% | 2 | 1.7% | 0 | 0.0% | 0 | 0.0% |
| 1500 | 105 | 6.5% | 8.4 | 47.9 | 25.4 | 25.5 | 31.1 | 34.9 | 25 | 23.8% | 1 | 1.0% | 1 | 1.0% | 0 | 0.0% |
| 1600 | 156 | 9.7% | 13.7 | 40.0 | 26.9 | 26.6 | 32.0 | 34.7 | 39 | 25.0% | 1 | 0.6% | 0 | 0.0% | 0 | 0.0% |
| 1700 | 174 | 10.8% | 12.5 | 42.7 | 27.8 | 28.0 | 33.3 | 35.8 | 56 | 32.2% | 5 | 2.9% | 0 | 0.0% | 0 | 0.0% |
| 1800 | 99 | 6.1% | 13.7 | 35.9 | 25.9 | 26.4 | 31.8 | 33.3 | 21 | 21.2% | 0 | 0.0% | 0 | 0.0% | 0 | 0.0% |
| 1900 | 72 | 4.5% | 13.0 | 42.6 | 26.7 | 25.5 | 33.8 | 37.1 | 18 | 25.0% | 4 | 5.6% | 0 | 0.0% | 0 | 0.0% |
| 2000 | 62 | 3.9% | 9.0 | 38.9 | 24.7 | 24.2 | 30.2 | 32.0 | 12 | 19.4% | 0 | 0.0% | 0 | 0.0% | 0 | 0.0% |
| 2100 | 31 | 1.9% | 17.6 | 33.4 | 25.0 | 23.9 | 30.2 | 32.7 | 6 | 19.4% | 0 | 0.0% | 0 | 0.0% | 0 | 0.0% |
| 2200 | 16 | 1.0% | 15.3 | 33.0 | 24.9 | 24.6 | 30.4 | 32.7 | 3 | 18.8% | 0 | 0.0% | 0 | 0.0% | 0 | 0.0% |
| 2300 | 10 | 0.6% | 15.5 | 35.4 | 24.8 | 27.3 | 29.1 | 35.3 | 1 | 10.0% | 0 | 0.0% | 0 | 0.0% | 0 | 0.0% |
| ---- | **1610** | **100.0%** | **6.0** | **50.2** | **25.9** | **26.2** | **31.5** | **34.4** | **380** | **23.6%** | **18** | **1.1%** | **3** | **0.2%** | **1** | **0.1%** |

TOTAL

1,230 < PSL (30)
76.4 %

05/18/2012