

**BASTROP PUBLIC LIBRARY
MEMORANDUM**

TO: Mayor Kesselus, Council Members Willie DeLaRosa (Mayor Pro Tem), Gary Schiff, Deborah Jones, Willie Lewis "Bill" Peterson, Kay Garcia McAnally and City Manager, Marvin Townsend

FROM: Mickey DuVall, Library Director

SUBJECT: Final Report on the replacement of the Library's roof

DATE: March 6, 2017

I am happy to report that the replacement of the Library's roof is now complete. After a final walk-through and inspection, Clayton Daniels, of the Garland Company, submitted a report stating all work had been completed. I am satisfied that the work was completed in a timely manner and to the specifications listed in our contract.

I received and Marvin signed the warranty on February 27, 2017. The new roof will have a 15 year warranty as to materials and workmanship which can be extended to 30 years if certain conditions are met.

The final cost of the roof replacement is \$99,811. After receiving the warranty, the final invoice and retainage were processed and paid.

NOTICE OF SPECIAL MEETING
City of Bastrop
DMO Start Up Board
Monday, February 27th, 2017
8:30 A.M.

Pursuant to the Texas Government Code, Chapter 551, the City of Bastrop DMO Study Committee will hold a Special Meeting on Monday, February 27th, 2017 at 8:30 a.m. at Bastrop City Hall, 1311 Chestnut Street, Bastrop, Texas, to consider the following matters:

1. Call to Order
2. Consider approval of minutes from February 20th meeting
3. Discussion with DMO_Proz and its contractor concerning Phase II, "Initiation of the DMO" contract.
4. Discussion and consideration of legal name of Destination Marketing Organization.
5. Future Meetings
6. Adjourn.

Sarah O'Brien, Main Street Director

I, Sarah O'Brien, Main Street Program Director of the City of Bastrop certify that the above notice was posted on Thursday, February 23th, 2017 at 8:30 a.m.

THE CITY OF BASTROP IS COMMITTED TO COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT. REASONABLE MODIFICATIONS AND EQUAL ACCESS TO COMMUNICATIONS WILL BE PROVIDED UPON REQUEST.

PLEASE CALL 512-332-8800.

Confirm time posted:

Confirm time removed:

CITY COUNCIL

AGENDA COVER SHEET

DATE SUBMITTED: March 7, 2017

MEETING DATE: March 14, 2017

1. Agenda Item: **APPROVAL OF MINUTES FROM REGULAR COUNCIL MEETING OF FEBRUARY 28, 2017 AND AMENDMENT TO APPROVED JUNE 28, 2016 MINUTES.**

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

3. Attachments: Yes X No

The City Council minutes for the June 28, 2016 meeting were approved by Council at the July 26, 2016 meeting. It has been determined that the minutes as approved contained an error. The "EXECUTIVE SESSION" heading contained the words "WAS NOT HELD". The Executive Session was held during the July 28, 2016 meeting and the minutes are being brought back to Council for approval with the words "WAS NOT HELD" being removed from the "Executive Session" heading. The heading will read as follows.

EXECUTIVE SESSION- ~~WAS NOT HELD~~

E1. The Bastrop City Council met at 11:45 p.m. in a closed/executive session pursuant to the Texas Government Code, Chapter 551, *et seq.* to discuss the following:

1. **SECTION 551.071(1)(A)(B) & SECTION 551.071(2)** – Consultation with Attorney(s) concerning: (1) potential, pending, threatened, and/or contemplated litigation, claims, and/or settlement/mediation, including (*but not limited to*) the following: municipal water supply, code enforcement matters, subdivision development, and or pending litigation matters concerning 909/ 911 Farm Street, and/or (2) matter upon which the Attorney(s) have a duty and/or responsibility pursuant to the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas to report to the governmental body, concerning these matters, and/or any other matters posted on the agenda.
2. **SECTION 551.072** – Deliberation regarding real property: Regarding the purchase, exchange, lease, disposition, negotiations or value of real property.
This item was withdrawn.
3. **Section 551.087** – To discuss, evaluate or deliberate regarding commercial, financial, business or other information that the City has received related to economic development opportunities or prospects in or near the territory of the City, and/or to deliberate the potential offer of economic incentives to a business prospect, as note herein.
This item was withdrawn.

E2. The Bastrop City Council reconvened at 12:19 a.m. into open (public) session to discuss, consider and/or take any actions necessary related to the executive session(s) items noted herein, or regular agenda items, noted above, and/or related agenda items.

ACTION

In open session, the Mayor stated that the Council had received legal advice from its special attorney/litigator, Charles Bundren, concerning pending litigation concerning property at 911 Farm Street.

Council Member Schiff made a motion to authorize Charles Bundren, Esq. to contact Chris Bradford, Esq., the attorney representing the property owners of property located at 911 Farm Street, to propose a counter-offer to a settlement sent to the City by Bradford last week, regarding pending litigation, seconded by Mayor Pro Tem DeLaRosa. The motion was approved on a vote of 5-0.

**MINUTES OF REGULAR COUNCIL MEETING
BASTROP CITY COUNCIL
JUNE 28, 2016**

The Bastrop City Council met in a Regular Meeting on Tuesday, June 28, 2016 at 6:30 p.m. at the Bastrop City Hall Council Chambers, located at 1311 Chestnut Street, Bastrop, Texas. Members present were Mayor Ken Kesselus, Mayor Pro Tem DeLaRosa, and Council Members, Kay McAnally, Bill Peterson, Gary Schiff and Council Member Jones.

CALL TO ORDER

At 6:34 p.m. Mayor Kesselus called the Meeting to order with a Quorum being present.

PLEDGE OF ALLEGIANCE

Council Member Jones led the Pledge.

INVOCATION

Mayor Kesselus gave the Invocation.

PRESENTATIONS**A. Update on Bastrop Economic Development Corp. – Executive Director Shawn Kirkpatrick**

- Announced that Willie Delarosa left the BEDC Board and the Board recognized his service on the Board
- Board Members Camillo Chavez and Drusilla Rogers took their place on the Board.
- The Board selected officers at the last meeting and there were no changes to the Board Members.
- Shawn Kirkpatrick is now the BEDC representative on the Main Street Board.
- The Downtown Trail connecting with the 71 project will go into the 2016-2017 FY budget.
- BEDC held a budget workshop for the 2016-2017 FY.
- Another budget workshop will be held on July 11, 2016.
- The Board approved the sale of 903 Main Street.

PROCLAMATIONS**ANNOUNCEMENTS****A. Update on Comprehensive Plan Steering Committee – Kay Garcia McAnally**

Wesley Brandon provided Council with an update – Halff Associates has submitted Chapter 5 which talks about Land Use and Community and are making a few changes before sending it out to the Steering Committee. The next Steering Committee meeting is scheduled for July 13, 2016 at this meeting Chapter 5 will be discussed and the schedule for the remaining meetings will be set. Halff has also provided Chapter 7.

B. Update on process for choosing consultant for DMO process – Council Member Jones and City Manager

Council Member Jones – The committee which consists of Council Members Jones and McAnally, City Manager Talbot, Bill Ennis, Lee Harle and Mike Jokovich met last week and had a unanimous agreement on DMOPro and Young Strategies. The Committee would now like to have a public meeting possibly next week and the meeting will be posted and the two candidates will be Skyped

in rather than flown in. The panel will consist of the Committee members and the Committee will receive questions from the public.

Mike Talbot – He wanted to inform the public that the process used Requests for Qualifications because it was important that individuals that had experience in creating a DMO were selected. There was a total of five responses received. Both firms are qualified and both have had experience in Texas.

C. Process for providing information not in the council packet for the Mayor, Council Members, and City Manager at council meetings - Mayor Kesselus

- If the public has information that they would like distributed to Council try to get it to Council prior to the Council meeting day, via email, phone, regular mail and/or the City Secretary.
- If a citizen is not able to get information to Council prior to the meeting and feels it is of urgency and needs to be distributed to Council on the day of the meeting, the citizen should make a request of the City Secretary to do so.
- Anyone making a presentation or has the privilege of the floor and has not provided written information in the council packet but desires to distribute something may ask the presiding officer for permission to do so.

D. Distribution of Items to Council (If Necessary) – Ann Franklin

E. Items Targeted for Future Meetings.

Transition in City Leadership

Consideration, discussion and possible action regarding reassignments of City Manager, Mike Talbot and Public Safety Director, Steve Adcock.

Council Member McAnally made the motion to amend the agreement by striking the following sentence, seconded by Council Member Schiff. The motion passed on a vote of 5-0. The sentence to be struck should read, “The Council will relieve Mike from the health threatening stress he is experiencing by shifting his roll to a less stressful but immediately more effective and needed set of functions.”

Council Member Peterson made the motion to approve the amended agreement between City Manager, Mike Talbot and the City Council, seconded by Council Member Schiff. The motion was approved on a vote of 5-0. The following agreement was written and agreed to by the City Manager, Mike Talbot and Mayor Kesselus.

AGREEMENT BETWEEN CITY MANAGER, MIKE TALBOT AND THE CITY COUNCIL

The Bastrop City Council and Bastrop City Manager Mike Talbot agree on a transitional plan that takes into account a number of important factors that Mike mentioned in his letter of resignation and that the council finds essential to the well-being of the city.

The council appreciates Mike’s following through on his commitment to remain with the city for a significant amount of time after announcing his retirement.

In order to make the best use of Mike Talbot’s remaining months of full-time employment with the city, beginning on June 30, he will transition to the position of Senior Advisor. In this role, he will provide advice, information, and other forms of assistance to the council, the staff, and citizens at large.

Public Safety Director Steve Adcock will assume responsibility for day to day operations of the city in the position of acting city manager until the council employs an interim city manager. Mike has consistently turned to Steve as acting city manager when he has been out of town, and the council follows his assessment in making this appointment.

Mike's most important function during the following two months will be to provide the necessary support for the acting and interim city managers so that by the end of August, the manager will be able to work effectively with Mike no longer available for full time support.

In addition after August, Mike will graciously assist the City at no cost by answering questions, providing information, and giving advice regarding city operations.

PUBLIC HEARINGS, ORDINANCES, & OTHER ITEMS ELIGIBLE FOR CONSIDERATION AND/OR ACTION

- B.1 Conduct a public hearing/town hall discussion: the City Council will hold a public hearing and town hall discussion to receive public input from the citizens of the City Of Bastrop regarding the effects of the major storm event on the citizens, which occurred on May 26 & 27 2016 in the City Of Bastrop, including discussion of the flood conditions which occurred at residences and businesses in town.**

SPEAKERS

Fred Matella – Stated he was flooded out twice and stated his concern was with the pond. The City Manager stated the City is looking at a process to control the water flow during a heavy rain.

Jane Campos – Stated the flooding in her house was due to impervious cover by the City and Gills Branch needs to be cleaned out, holding ponds need drains in order for drainage to flow. She stated the electric bills will be impacted by the flood.

Thomas Jefferson – Stated his house and his son's house was flooded. The water flows down from businesses above his property. He requested that the City do something to prevent this from happening again. He stated that the water accumulates at the railroad tracks.

Richard Kindred – A moratorium on building on the north end of town that flows down to the south including the shelter (The shelter that is being discussed being built next to the retention pond.). He encouraged Council not to put drainage on the Bond Package. Mr. Kindred suggested to Council to look at how the Smithville City Manager found a way to avoid charging the citizens for the drainage.

Herb Goldsmith – Presented a slide show of drainage into Gills Branch. He stated what should have been done in 2001 was not addressed and that is why there are so many problems with Gills Branch.

Derek Mingelder - Stated that his house was flooded due to drainage ditches not being cleaned out properly.

Belinda Williams – Stated the City should financially compensate citizens whose property flooded due to the City's negligence.

Betty Peterson – Stated that the water is running off from Popeye's Chicken.

Pamela Aldridge – Stated that her family’s land is washing away. She asked for cement to be poured to stop the erosion.

Barbara Wood – Asked the City to dig a ditch in front of their house because there is no drainage on her side of the street and asked for a culvert.

Heather Wiley – Stated her house flooded six times since 2011. She stated her home has mold from flood.

Johnny Washington – Stated that FEMA told him today that they were not eligible for FEMA funds.

Esther Washington – Spoke in favor of Macedonia First Baptist Church. She stated that the second flooding came from Gills Branch and the holding tank in front of City Hall. Would like the Core Engineer to widen and deepen Gills Branch.

Bernetta Tolbert – Stated that her property has had a lot of water on her property the last two floods which caused her to not be able to get off of her property for approximately two days after the flooding.

Johnny Sanders – Spoke in favor of the City maintaining Gills Branch.

The public hearing was closed without objection.

B.2 Consideration, discussion and possible action regarding citizens input on item B.1 the impact on flood conditions that were experienced by citizens of Bastrop during the storm event that occurred in the City of Bastrop on May 26 and 27, 2016 as well as the “Gills Branch Drainage Basin” within the City Limits of the City of Bastrop.

The question was asked of the City Manager regarding a grant the City received to clean out Gills Branch how effective it was, whether it has grown back or not and will it be a continual maintenance that needs to be performed on a regular basis. The City Manager stated that with the amount of debris that was carried back into Gills Branch as a result of the rain the majority of the work done in 2015 has been voided out, the City will have to go back and clean out the debris that was previously cleaned out. The City Manager addressed the comment regarding the trees growing in Gills Branch, he stated the grant the City received to clean out Gills Branch was a FEMA grant and FEMA for bid any trees six inches or wider to be cut down in Gills Branch. Gills Branch is now scheduled to be cleaned out annually and this time will be more extensive due to the rain. The question was asked if there was a potential FEMA grant to do more cleaning. The City Manager replied the City just got additional funding to use from approximately HWY 71 to the Colorado River and upstream from this will be incorporated into the drainage work, there isn’t any more funding available.

Council Member Peterson made the motion to instruct the City Manager to get all of the permits needed from the Core of Engineering and any other entities involved in Gills Branch water way as soon as possible in order to get the cleanup done, seconded by Council Member McAnally. The motion was approved on a vote of 5-0.

The City Manager stated that as soon as the City receives the easements the work will begin.

Mayor Kesselus recessed the Council Meeting at 8:50 p.m.

Mayor Kesselus called the meeting back to order at 9:04 p.m.

CITIZEN COMMENTS

David Siler – Stated that he is the manager at Pecan Park and is available to meet with Council and the neighborhood to address any concerns.

Joe Grady Tuck – Congratulated the Council on curbing what he considers excessive expenditures on the legal fees and believes that it is in the purview of the Council. He made it clear that he has no criticism of Ms. Brown and is sure she has done a good job but for a city of 8,000 people \$1,000,000 per year for legal fees he thinks is imprudent.

Carlos Liriano – He thanked the Council; previous Council; City Manager, Mike Talbot; Director of Public Works and Parks, Trey Job; and the Bastrop Independent School District, the City and the school system came together to open the gym for open play. Mr. Liriano thanked the Council for making recreation a priority.

City Manager's Informational Report for the June 28, 2016 City Council Meeting: - NONE

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

- A.1** Consideration, discussion and possible action regarding approval of minutes from the special workshop meeting of February 16, 2016.
- A.2** Approval of the statutory denial for a period of 180 days from the date of Council action on a Preliminary Plat for Pecan Park, Section 3A (68 residential lots) being +/-12.181 acres out of the Mozea Rousseau Survey Abstract No. 56 west of Childers Drive and south of the LCRA 100' electric easement within the city limits.
- A.3** Approval of the statutory denial for a period of 180 days from the date of Council action on a Preliminary Plat for Pecan Park, Section 6A (44 residential lots) being +/-10.913 acres out of the Mozea Rousseau Survey Abstract No. 56 east of Childers Drive and south of the LCRA 100' electric easement within the city limits.
- A.4** Approval of Bastrop Marketing Corporation's request for reimbursement of funds for May 2016 in accordance with the agreement to be spent on advertising and marketing the City of Bastrop area.
- A.5** Consideration, discussion and possible action on acceptance of the unaudited Monthly Financial Reports for the period ending May 31, 2016.

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

PUBLIC HEARINGS, ORDINANCES, & OTHER ITEMS ELIGIBLE FOR CONSIDERATION AND/OR ACTION CONTINUED

B.3 PUBLIC HEARING: conduct a public hearing on a proposed assessment to be levied against property located in the XS Ranch Public Improvement District (“PID”) as presented in the XS Ranch PID Preliminary Service and Assessment Plan (“SAP”) approved by the City Council at the May 24, 2016 Regular City Council Meeting. The public hearing was held open through July 26, 2016.

B.4 First reading of an ordinance of the City Council of the City of Bastrop, Texas, accepting and approving a service and assessment plan and assessment roll for the XS Ranch Public Improvement District; making a finding of special benefit to the property in the district; levying special assessments against property within the district and establishing a lien on such property; providing for payment of the special assessment in accordance with Chapter 372, Texas Local Government Code, as amended; providing for the method of assessment and the payment of the special assessment, providing for penalties and interest on delinquent special assessments; and providing an effective date.

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

B.5 PUBLIC HEARING: Receive public input on a request for an Amendment to the Zoning Ordinance, Chapter 14, Appendix A-3, Definitions.

- **Section A-3 Definitions to update definitions for 270.2 Tattoo Studio, to reference micropigmentation (permanent makeup) as an allowable incidental/accessory use in definition #75, Custom Personal Service Shop definition.**

The public hearing was closed without objection.

B.6 First reading of an ordinance of the City Council of the City Of Bastrop, Texas amending definitions #75 and #270.2 in appendix a-3 in Chapter 14 of the City of Bastrop Zoning Ordinance for the term “Custom Personal Service Shops” to include permanent makeup services as accessory use to barber/beauty shop uses; providing a severability clause; and providing an effective date.

Council Member McAnally made the motion to postpone this item to July 12, 2016, seconded by Council Member Schiff. The motion was approved on a 5-0 vote.

B.7 PUBLIC HEARING: Receive public input on a request for an Amendment to the Zoning Ordinance, Chapter 14, Section 36.11, Zoning Use Charts, Section 43.9(B) Supplemental Regulations.

- **Section 43 Supplemental Regulations, Section 43.9 (B) Uses classified as sexually oriented business or as tattoo studio or body piercing studios, to modify phrasing referencing “tattoo studio or body piercing studios”; and**

- **Section 36 Use Regulation (Charts) Section 36.11 to add Tattoo Studio and Body Piercing Studio to the Use Chart; and**

Conor McAnally – Asked in the future there could be a planning map for the public to show what the districts are. The City Manager stated that this would be implemented.

The public hearing was closed without objection.

- B.8 First reading of an ordinance of the City Council of the City of Bastrop, Texas amending sections 36.11 related to zoning to add uses for tattoo studios and body piercing studio to allow tattoo and body piercing studios to be located in districts zoned c-2, ip, li and pd, and section 43.9(b) related to amend locations for piercing and tattoo studios; providing a severability clause; and providing an effective date.**

Mayor Pro Tem DeLaRosa made the motion to approve the first reading of the ordinance with the amendment of changing the distance from 500 feet to 1,000 feet for residential areas, seconded by Council Member Jones. The maker of the motion and Council Member Jones, who made the second later withdrew the motion.

Council member Schiff made the motion to deny the request, seconded by Mayor Pro Tem DeLaRosa. The motion was approved on a vote of 5-0.

Council Member McAnally made the motion to direct staff to study this item and bring it back with more information in order for Council to revisit. The motion failed for lack of a second.

OLD BUSINESS - NONE

NEW BUSINESS

- D.1 Consideration, discussion and possible action regarding purchase of the kiosk located on the City owned parking lot at the northwest corner of Spring Street and Main Street or generally located at 702 Main Street.**

Council Member Schiff made the motion to purchase the kiosk located on the City owned parking lot at the northwest corner of Spring Street and Main Street or generally located at 702 Main Street, seconded by Council Member McAnally. The motion was approved on a vote of 5-0.

- D.2 Consideration, discussion and possible action on a proposed change in the type of parking on Main Street from the intersection of Pine Street traveling south for approximately 225 feet.(FROM THE JUNE 14TH MEETING ITEM D.6)**

Council Member McAnally made the motion to approve parallel parking on Main Street from the intersection of Pine Street traveling south for approximately 225 feet, seconded by Council Member Schiff. The motion was approved on a vote of 5-0.

- D.3 Consideration, discussion and possible action regarding approval of a resolution requesting that the Texas Department of Parks and Wildlife not repurpose the Bastrop State Park Golf Course in order that it might remain a golf course.**

Council Member Jones made the motion to approve the resolution, seconded by Council Member Schiff. The motion was approved on a vote of 5-0.

D.4 Consideration, discussion and possible action regarding moving the proposed “General Obligations Bond Election” from November 2016 to May 2017.

Mayor Pro Tem DeLaRosa made the motion to set the Bond Election for May 2017, seconded by Council Member Jones. The motion was approved on a vote of 4-1. Council Member Schiff voted nay.

D.5 Consideration, discussion and possible action on approval of an application by the Bastrop Economic Development Corporation approving and authorizing BEDC’s Restated and Amended Articles of Incorporation.

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

D.7 Consideration, discussion and possible action concerning the possible use, sale(s), offer(s), and/or disposition by the City of the slab portion of property owned by the City located at 921 Main Street, including, but not limited to: (1) a proposal by/offer from the Bastrop Economic Development Corporation (BEDC) to acquire the slab portion of the lot at 921 Main Street from the City of Bastrop in order to perform necessary repairs and remediation activities and to subsequently utilize the property for purposes allowed by the authority granted to the Corporation by the Texas Economic Development Act, (2) City alternative(s) concerning offering the slab portion of the 921 Main Street lot, in conjunction with potential LGC Chpt. 380 Development Incentives, to individuals, developers, and/or non-profit entities for use/development projects to enhance downtown and benefit the Bastrop community, (3) evaluation of proposals already under consideration by the Council, previously proposed or provided by individuals, businesses, or non-profits, to enhance downtown and benefit the Bastrop community, (4) provide direction to the City Manager and staff to perform necessary work to establish a fair market value using a certified appraiser’s assessment (including consideration of costs related to repairs and condition, etc.) and/or (5) other issues concerning the disposition of the Property.

Council Member Schiff made the motion to have the City Manager get an appraisal and report back to Council as soon as possible, seconded by Council Member Jones. The motion was approved on a vote of 3-2. Mayor Pro Tem DeLaRosa and Council Member Jones voted nay. A request was made of the City Manager to go back to the original appraiser and reflect the current conditions onto the appraisal and report back to Council.

SPEAKERS

Herb Goldsmith – The 2011 report it recommended a completely different configuration of the river, it talked about the river loop etc. and that was going to be the meeting place that some people wanted along with the open space which is where people were going to gather. He stated that having it in the packet that it should not ever be used as an open space is kind of misleading because in reading the entire report the whole river area was going to be completely changed.

Conor McAnally – Stated that the council is not the only ones driving down the value of the property and if you are going to sell something you don’t announce that it is worthless. He

stated that the tax payer's money was spent on this property, \$265,000. He asked Council to please stop driving down the price of the property.

Richard Smarzik – Stated that he is next door to this property and it is his problem, the water leaks in and he feels that Shawn Kirkpatrick has come up with a great proposal. He suggested to Council that they get the appraisal find out the value and what it will take to get the property fixed and get it fixed.

Donna Cunningham – Stated that she feels Council is on the right path, get the property taken care of. She urged the Council to fix the property. She feels that the property should be open space.

Debbie Moore – Held her comments to a later date.

Carlos Liriano – Stated that he agrees that something needs to be done to the lot. He agrees with getting an appraisal and getting someone to tell the City how to fix it and get it done but is opposed to transferring this issue to the BEDC. He is opposed to the BEDC being involved.

D.6 Consideration, discussion and possible action on approval of a resolution regarding the replacement of the speed bumps on Alley A.

Council Member Peterson made the motion to direct the City Manager to obtain the cost of the replacement of the speed bumps on Alley A and report back to Council before school begins, seconded by Council Member Schiff. The motion passed on a vote of 3-0. The Mayor recused himself and Mayor Pro Tem DeLaRosa resided over this item. Council Member McAnally was off the dais.

D.8 Discussion, consideration and possible action to approve the Final Plat for Pecan Park Section 5B consisting of 43 residential lots, totaling +/-12.63 acres out of a +/- 311.302 acre tract out of the Mozea Rousseau Survey within the city limits of Bastrop, Texas located west of Perkins Street.

This item was withdrawn without objection.

D.9 Consideration, discussion and possible action concerning a presentation from the “Bastrop 1832 Farmers Market Organization” that the City Council reconsider the resolution passed on May 17, 2016 turning the City owned property adjacent to the City of Bastrop’s Convention Center back to the City of Bastrop and under the direction of the Main Street Program.

SPEAKERS

Charles Mattern – Provided a brief presentation. He described how the market has grown and that his produce is grown without chemicals. He stated that one of the objections that he has to the people against the 1832 Market is that most of them are not farmers that have produced crops. He is asking the Council to at least give the 1832 Market the Saturday market.

Delores Leeper – Stated the market has donated over 4,000 pounds of produce to the Bastrop Emergency Food Pantry over the past eight years. Asked the Council to grant the 1832 Farmers Market a Saturday Morning lease.

Diana Teinnerd – Stated that the members of the 1832 Farmers Market have put a lot of hard work into this market and that they are like a family, she asked the Council to allow the Market to keep the Saturday Market day.

Erika Bradshaw – Stated she and her husband have served this community for thirteen years providing fresh and local produce. She stated that they are proud of the 1832 Market and it belongs to the members and they want to keep it as such.

Robert Ficas – Stated that he and his family have been serving Bastrop for over 17 years with fresh and local produce and he is one of the founding members. He stated he would not join different market on this site. He requested that Council grant the 1832 Farmers Market a rental of the property.

Council Member Schiff made the following motion, seconded by Mayor Pro Tem DeLaRosa. The motion was approved on a 5-0 vote. The motion was to extend the lease to the 1832 Farmers Market for six months – Saturday from 8:00 a.m. to 3:00 p.m. and honoring any existing contracts in that space. During this time the Main Street Director will coordinate and develop a business plan with the intent of the 1832 Farmers Market and Main Street Director making the Farmers Market flourish,

D.10 Consideration, discussion and possible action regarding review of the FY-17 Budget Calendar and setting additional City Council meeting dates.

This item was withdrawn without objection.

EXECUTIVE SESSION- WAS NOT HELD

E1. The Bastrop City Council met at 11:45 p.m. in a closed/executive session pursuant to the Texas Government Code, Chapter 551, *et seq.*, to discuss the following:

1. **SECTION 551.071(1)(A)(B) & SECTION 551.071(2)** – Consultation with Attorney(s) concerning: (1) potential, pending, threatened, and/or contemplated litigation, claims, and/or settlement/mediation, including (*but not limited to*) the following: municipal water supply, code enforcement matters, subdivision development, and or pending litigation matters concerning 909/ 911 Farm Street, and/or (2) matter upon which the Attorney(s) have a duty and/or responsibility pursuant to the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas to report to the governmental body, concerning these matters, and/or any other matters posted on the agenda.
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In open session, the Mayor stated that the Council had received legal advice from its special attorney/litigator, Charles Bundren, concerning pending litigation concerning property at 911 Farm Street.

Council Member Schiff made a motion to authorize Charles Bundren, Esq. to contact Chris Bradford, Esq., the attorney representing the property owners of property located at 911 Farm Street, to propose a counter-offer to a settlement sent to the City by Bradford last week, regarding pending litigation, seconded by Mayor Pro Tem DeLaRosa. The motion was approved on a vote of 5-0.

ADJOURNMENT

Council Member Schiff made the motion to adjourn the meeting at 12:22a.m., seconded by Council Member Peterson. The motion was approved on a 5-0 vote.

APPROVED:

ATTEST:

Mayor Ken Kesselus

City Secretary Ann Franklin

**MINUTES OF REGULAR COUNCIL MEETING
BASTROP CITY COUNCIL
FEBRUARY 28, 2017**

The Bastrop City Council met in a Regular Meeting on Tuesday, February 28, 2017 at 6:30 p.m. at the Bastrop City Hall Council Chambers, located at 1311 Chestnut Street, Bastrop, Texas. Members present were Mayor Kesselus and Mayor Pro Tem DeLaRosa, and Council Members Peterson, Schiff, Jones and McAnally. Officers present were Interim City Manager Marvin Townsend, Traci Chavez and City Attorney David Bragg.

CALL TO ORDER

At 6:30 p.m. Mayor Kesselus called the Meeting to order with a Quorum being present.

PLEDGE OF ALLEGIANCE

Zigmund Urbanek, Troop 187 led the Pledge of Allegiance

INVOCATION

Council Member Peterson gave the Invocation.

PRESENTATIONS

- B. Chicken Sanctuary – Public Safety Director, Steve Adcock
Public Safety Director, Steve Adcock gave the presentation on the “Chicken Sanctuary”. The Public Safety Director stated that he has contacted PETA and SPCA and conducted a lot of research and the conclusion is that no one knows what to do about the chicken problem. The Public Safety Director was asked to: find a solution to the chicken problem;
- A. Report of Accidents on Highway 95 – Public Safety Director, Steve Adcock
Public Safety Director, Steve Adcock gave the report of accidents on Highway 95.
- C. Certificate of Appreciation – Bastrop Municipal Court – Mayor Kesselus
Mayor Kesselus presented the Certification of Appreciation to the Bastrop Municipal Court Administrator Kimberly Walters.

REPORT FROM DMO BOARD

- 1. Report from DMO Start Up Board – Anne Smarzik, Chair
 - Other items from the February 20th meeting
- 2. Consideration, discussion and possible action in response to this report - by the Council, City Manager and City Attorney

PROCLAMATIONS - NONE**ANNOUNCEMENTS**

- A. Distribution of Items to Council (If Necessary) – Ann Franklin
- B. Requests by Council Members for items on future agendas and requests for information from City Manager.
 - **There is construction around the city and construction debris is ending up in the City’s tributary. Would like for the City Manager to take a look at this problem.**
- C. Open House will be held on March 13, 2017 at City Hall from 5:00 p.m. to 7:00 p.m. to introduce Lynda Humble the new City Manager on her first day of work.

CITIZENS COMMENTS

Terry Moore – She announced that the Association Track meet is usually held in Austin but this past week it was held in Bastrop and approximately 300 people were in town to attend this event. Ms. Moore announced that the YMCA is in the middle of their annual “No One is Turned Away” campaign and the “Spinning for Support” will be held on March 8, 2017 and she is asking for volunteers to sit on a bike for 30 minutes in front of the YMCA office and help raise \$100 every 30 minutes.

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

- A.1.** Approval of minutes from regular council meeting of February 14, 2017.
Mayor Pro Tem DeLaRosa made the motion to approve the minutes from the regular council meeting of February 14, 2017, seconded by Council Member Schiff. The motion was approved on a 5-0 vote
- A.2** Approval of amendment to Contract for Election Services between Bastrop County Elections Administrator and the City of Bastrop, Texas.
Mayor Pro Tem DeLaRosa made the motion to approve the amendment to the Contract for Election services between Bastrop County Elections Administrator and the City of Bastrop, seconded by Council Member Schiff. The motion was approved on a 5-0 vote
- A.3** Approval of resolution amending calling for and establishing procedure for a General and Special Election in Bastrop, Texas for the May 6, 2017 Election.
Resolution No. R-2017-11 was approved on Mayor Pro Tem DeLaRosa’ motion, Council Member Schiff’s second. The motion was approved on a 5-0 vote
- B. PUBLIC HEARINGS, ORDINANCES & OTHER ITEMS ELIGIBLE FOR CONSIDERATION AND/OR ACTION - NONE**
- C. OLD BUSINESS**
- C.1** Second reading of an ordinance granting a conditional use permit to allow structures to be three (3) stories, 44 feet, for use as the Hunters Crossing Apartments to be located on Home Depot way, approximately 300’ west of its intersection with FM 304, within the city limits of Bastrop, Texas, an area zoned HX-MR in the Hunters Crossing Planned Development, being the equivalent of MF-2, Multi-Family-2, in the code of ordinances; setting out conditions; and providing an effective date.
Director of Planning and Engineering, Wesley Brandon gave the presentation.
- Council Member Schiff made the motion to approve the ordinance, seconded by Council Member Peterson. The maker of the motion later withdrew his motion.**
- Council Member McAnally made the motion to postpone this item until the following has been explored: the commitment that should be in writing from the developer addressing the questions that were asked; Council Member Schiff’s consideration regarding the 2 story; and the Council has a chance to discuss what they would like in writing for a CUP permit. The motion died for lack of a second.**

Ordinance No. 2017-06 was approved on Council Member Schiff's motion with the following amendment, Council Member Peterson's second. The amendment was to approve the conditional use permit subject to the developer addressing in a way acceptable to the Council: 1) drainage issue, the drainage should be designed as if it was 2 story buildings and 2) light pollution from the 3 story complex be no more than the amount of light that would have come by code from a 2 story structure. The motion was approved on a 4-1 vote. Council Member McAnally voted nay.

Mayor Kesselus recessed the Council Meeting at 8:12 p.m.

Mayor Kesselus called the meeting back to order at 8:23 p.m.

D. NEW BUSINESS

- D.1** A. Consideration, discussion and possible action regarding a motion to remove Council Member DeLaRosa from his office as Mayor Pro Tem.
B. If the motion under A prevails election of a Council Member to serve as Mayor Pro Tem.
This item was postponed for rewording to March 14, 2017.

- D.2** Report regarding the status of work regarding Pine Forest #6 redevelopment and the 10 year path to completion.
Interim City Manager Marvin Townsend gave the report.

- D.3** Consideration, discussion and possible action on acceptance of the unaudited Monthly Financial Reports for the period ending January 31, 2017.
Chief Financial Officer, Tracy Waldron made the presentation.

Council Member Schiff made the motion to accept the unaudited Monthly Financial Reports for the period ending January 31, 2017, seconded by Council Member Jones. The motion was approved on a 5-0 vote.

- D.4** Consideration, discussion and possible action on presentation and acceptance of City of Bastrop, Texas Comprehensive Annual Financial Report for the year ended September 30, 2016.
Paula Lowe of Pattillo, Brown & Hillo, L.L.P. made the presentation.

Council Member Schiff made the motion to approve the Texas Comprehensive Annual Financial Report, seconded by Mayor Pro Tem DeLaRosa. The motion was approved on a 5-0 vote.

- D.5** Consideration, discussion and possible action on acceptance of the FY 2017 Tier III HOT Funding Calendar and setting a funding limit.
Council Member Schiff made the motion to approve the FY 2017 Tier III HOT Funding Calendar and setting a funding limit, seconded by Council Member Peterson. The motion was approved on a 5-0 vote.

- D.6** First reading of an ordinance to amend Bastrop City Code, Chapter 12 – Traffic And Vehicles, Article 12.06 – Stopping, Standing And Parking (Specifically Sections 12.06.004 and 12.06.011) to delete two hour parking in the Central Business District and revise Section 12.06.01.

Council Member Jones made the motion to approve the first reading of the ordinance to amend Bastrop City Code, Chapter 12, seconded by Council Member Schiff. The motion was approved on a 5-0 vote.

- D.7** Consideration, Discussion, and possible action regarding the adoption of the City of Bastrop Transportation Master Plan.
Director of Planning and Engineering, Wesley Brandon and Project Consultant Jim Harvey gave the presentation.

Council Member Schiff made the motion to adopt the City of Bastrop Transportation Master Plan, seconded by Mayor Pro Tem DeLaRosa. The motion was approved on a 5-0 vote.

- D.8** Consideration, discussion, and possible action regarding an Advanced Funding Agreement (AFA) for drainage improvements on SH 71 near Newton Street and the Union Pacific Railroad.
Director of Planning and Engineering, Wesley Brandon gave the presentation.

Council Member Jones made the motion to approve the Advanced Funding Agreement (AFA), seconded by Council Member Schiff. The motion was approved on a 5-0 vote.

- D.9** Consideration, discussion, and possible action awarding the contract for concrete paving work in Alley D to be performed by M&C Fonseca Construction Company. For the total price of \$ 453,480.75 work includes alternate bids A1-A5 described as excavation and installation of pervious pavement.
Parks and Wildlife and Utilities Director, Trey Job gave the presentation.

Council Member Schiff made the motion to award the contract for concrete paving work in Alley D to M&C Fonseca Construction Company, seconded by Mayor Pro Tem DeLaRosa. The motion was approved on a 5-0 vote.

- D.10** Consideration, discussion, and possible action on the official acceptance of Olaa, Homonu, and Pahala Court as City maintained roads in accordance with the interlocal agreement between BWCID #2 and the City of Bastrop. The work was authorized using \$60,000 from County FEMA money from 2011, \$15,000 from the City and \$18,000 from the District.
Parks and Wildlife and Utilities Director, Trey Job gave the presentation.

Council Member Schiff made the motion to accept Olaa, Homonu and Pahala Court as City maintained roads, seconded by Mayor Pro Tem DeLaRosa. The motion was approved on a 5-0 vote.

- D.11** First reading of ordinance amending Section 3.20 signs of the City Code to add provisions regarding signs in excess of 35 feet in height and 160 square feet of sign area when certain conditions regarding divided highways, speed limits in excess of 50 miles per hour and overpasses are met. in no case would signs over 70 feet in height or 400 square feet in area be authorized.
This proposed ordinance was discussed by the City Council on January 10, 2017 and referred to the Planning Commission for its recommendation.
Interim City Manager Marvin Townsend gave the presentation.

Council Member Schiff made the motion to approve the first reading of the ordinance to amend Section 3.20, seconded by Council Member Jones. The motion was approved on a 5-0 vote.

- D.12** First reading of ordinance amending Section 3.20.022 signs of the City Code to delete Section 3.20.022 Municipal Sign Review Board variances which will acknowledge that any appeals relating to administration of the sign section of the City Zoning Ordinance are to the Zoning Board of Appeals.

Interim City Manager Marvin Townsend gave the presentation.

Council Member Schiff made the motion to approve the first reading of the ordinance to amend Section 3.20.022 signs of the City Code, seconded by Council Member Jones. The motion was approved on a 5-0 vote.

- D.13** First reading of ordinance amending the ordinance creating the Bastrop Zoning Board Of Adjustment and deleting Section F to eliminate 1-year limitation on time period to utilize a granted variance and delete Section 9.9E first sentence to delete 4-week automatic approval provision. On January 6, 2017 a memorandum was distributed regarding suggested changes in the ordinances and practices of the Bastrop Zoning Board of Adjustment. Some of the recommended changes involved administrative activities. These changes have been implemented.

To carry out the balance of the recommendations the following ordinance amendments should be considered on first reading:

A) Delete Chapter 14, Section 9.8 the one-year limit on the unused life of a variance by deleting the following:

“F. Any rights authorized by a variance which are not exercised within one (1) year from the date of granting such variance shall lapse and may be reestablished only after application and a new hearing in accordance with this article.”

B) Delete Chapter 14, Section 9.9E first sentence which provides for automatic approval of a variance if not denied within 4 weeks of “placement on the agenda”, by deleting:

“E. The Board shall decide the appeal within four (4) weeks after placement on its agenda after which time the request shall be deemed automatically approved”.

Interim City Manager Marvin Townsend gave the presentation.

Council Member Schiff made the motion to approve the first reading of the ordinance amending the ordinance creating the Bastrop Zoning Board of Adjustment, seconded by Council Member Jones. The motion was approved on a 5-0 vote.

E. EXECUTIVE SESSION – NO EXECUTIVE SESSION WAS HELD

- E.1** Pursuant to Texas Government Code §551.071 the City Council will meet in Executive Session to consult with its attorney to seek his advice about pending or contemplated litigation, or settlement offers, discuss legal issues related to the Texas Open Meetings Act and Texas Public Information Act, and pursuant to §551.071(2) to consult on matters in which the duty of the attorney to the City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code.

E1. The City Council will also meet in a closed/executive session pursuant to the Texas Government Code, Chapter 551, *et seq*, to discuss the following:

- A. **SECTION 551.071(1)(A)(B) & SECTION 551.071(2)** – Consultation with Attorney concerning: (1) potential, pending, threatened, and/or contemplated litigation, claims, and/or settlement/mediation, including *but not limited to* municipal water supply, McCall Ranch water permit litigation, Pine Forest Unit 6, and (2) other matters upon which the Attorney(s) have a duty and/or responsibility pursuant to the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas to report to the governmental body, concerning these matters, and/or any other matters posted on the agenda, including procedures and policies dealing with open records.

E2. The Bastrop City Council will reconvene into open (public) session to discuss, consider and/or take any actions necessary related to the executive session(s) items noted herein, or regular agenda items, noted above, and/or related agenda items.

ACTION ITEMS FROM EXECUTIVE SESSION (If any are needed.)

Citizens are allowed to sign up for discussion on items proposed for action.

- E2.A **SECTION 551.071(1)(A)(B) & SECTION 551.071(2)** – Consultation with Attorney concerning: (1) potential, pending, threatened, and/or contemplated litigation, claims, and/or settlement/mediation, including *but not limited to* municipal water supply, McCall Ranch water permit litigation, Pine Forest Unit 6, and (2) other matters upon which the Attorney(s) have a duty and/or responsibility pursuant to the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas to report to the governmental body, concerning these matters, and/or any other matters posted on the agenda, including procedures and policies dealing with open records.

F. Observation/final comments by Council on matters listed above.

G. ADJOURNMENT

Mayor Pro Tem DeLaRosa made the motion to adjourn the meeting at 9:20 p.m., seconded by Council Member Schiff. The motion was approved on a 5-0 vote.

APPROVED:

ATTEST:

Mayor Ken Kesselus

City Secretary Ann Franklin

Minutes were approved on (Mon/Date/Year) by Council Member motion, Council Member second. The motion was approved on a vote.

CITY COUNCIL

AGENDA COVER SHEET

DATE SUBMITTED: March 7, 2017

MEETING DATE: March 14, 2017

1. Agenda Item: **APPOINTMENT BY MAYOR, SUBJECT TO CONFIRMATION BY CITY COUNCIL OF DAWN KANA TO THE IMPACT FEE BOARD SPECIAL MEMBER ON THE PLANNING AND ZONING COMMISSION/IMPACT FEE ADVISORY COMMITTEE FULFILLING AN UNEXPIRED TERM ENDING JUNE 2018.**

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

3. Attachments: Yes X No _____



3/19/17

CITY OF BASTROP

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

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

New Appointment:

Request for Re-Appointment:

SECTION A: APPLICANT INFORMATION			
Last Name	Kana	First	Dawn
Middle	Ellen		
Street Address	170 Woodland Ct.		Mailing Address
Apt/Unit #	City	Bastrop	State TX
ZIP Code	78602		
Phone	(512) 413-3988		E-mail Address Dawn@Dawnkana.com
Date Available	3/13/17	I have lived in Bastrop	40 years.
Place of Employment	Kana Real Estate LLC		
Have you filed an application here before?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	If so, when? P+Z in 2000's for 8 yr on P+Z
Have you ever been convicted of a crime?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	If so, when?
Do you reside within the City Limits of Bastrop?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	Currently Employed YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
<p><i>Note: Various boards, commissions and committees of the City either allow for or require appointments of persons who reside in the County, the City's Extra Territorial Jurisdiction, and/or the Bastrop Independent School District. For more information on this please refer to the Articles of Incorporation or By Laws of the entities of interest. The City Secretary is able to assist in obtaining copies of the By-Laws, upon request.</i></p>			

SECTION B: REFERENCES	
<i>Please list three professional references.</i>	
Full Name	Jolene Jaehne
Relationship	Lender / friend
Company	Sente Mortgage
Phone	(512) 496 6776
Full Name	James Allen
Relationship	Client / friend
Company	State Farm
Phone	(512) 626 0916
Full Name	Ashley Mutschnick
Relationship	Client / friend
Company	Nitsche Group
Phone	(512) 304 - 8901

SECTION C: ADDITIONAL INFORMATION
<p>Do you currently serve on any other boards, commissions, or committees? Please list any below:</p> <p>No</p>
<p>What qualifies you to serve on the board(s) you are applying for?</p> <p>I served on P+Z for 8 years. I am a tenured Realtor, licensed since 1986.</p>
<p>Why do you want to serve on the board(s) you are applying for?</p> <p>I miss being on P+Z and can't serve on it since I am out of the City limits now. I like to give back to our wonderful Community.</p>

SECTION D: BOARDS/COMMISSIONS/COMMITTEES

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

<input type="checkbox"/> Bastrop Parks Board	<input type="checkbox"/> Bastrop Economic Development Corporation	<input type="checkbox"/> Bastrop Housing Authority
<input type="checkbox"/> Planning and Zoning Commission	<input checked="" type="checkbox"/> Board of Adjustment	<input type="checkbox"/> Construction Standards Board of Adjustments
<input type="checkbox"/> Main Street Advisory Board	<input type="checkbox"/> Fairview Cemetery Advisory Board	<input type="checkbox"/> Art in Public Places Board
<input type="checkbox"/> Hunters Crossing Local Government Corporation Board	<input type="checkbox"/> Bastrop Library Board (<input type="checkbox"/> City Resident / <input type="checkbox"/> BISD Area Resident)	
<input type="checkbox"/> Automated Red Light Advisory Committee	<input checked="" type="checkbox"/> Other: <i>Impact Fee</i>	
<input type="checkbox"/> Historic Landmark Commission	<p>*Please indicate which position(s) you are qualified to serve under.</p> <input type="checkbox"/> Architect, Planner, Designer <input checked="" type="checkbox"/> Licensed Real Estate Professional <input type="checkbox"/> Own Commercial Historic Structure/Property <input type="checkbox"/> Own Residential Historic Structure/Property <input type="checkbox"/> General Resident of City of Bastrop <input type="checkbox"/> Planning and Zoning Member <input type="checkbox"/> Bastrop County Historic Society Member	

DISCLAIMER AND SIGNATURE

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

Signature *Dawn Kana* Date *03-09-17*

WRITTEN NOTICE

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

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

OFFICE USE ONLY

Date Application Received:	<i>3/9/17</i>	Application Received by:	<i>Ann Hankins</i>
Position Appointed:		Date Appointed:	
Term Starts:		Term Expires:	

CITY COUNCIL

AGENDA COVER SHEET

DATE SUBMITTED: March 7, 2017

MEETING DATE: March 14, 2017

1. Agenda Item: **SECOND READING OF AN ORDINANCE TO AMEND BASTROP CITY CODE, CHAPTER 12 – TRAFFIC AND VEHICLES, ARTICLE 12.06 – STOPPING, STANDING AND PARKING (SPECIFICALLY SECTIONS 12.06.004 AND 12.06.011) TO DELETE TWO HOUR PARKING IN THE CENTRAL BUSINESS DISTRICT AND REVISE SECTION 12.06.01.**

2. Party Making Request: **Director of Public Safety, Chief Steve Adcock**

3. Attachments: Yes X No _____

ORDINANCE NO. 2017-05

AN ORDINANCE TO AMEND BASTROP CITY CODE, CHAPTER 12 – TRAFFIC AND VEHICLES, ARTICLE 12.06 – STOPPING, STANDING AND PARKING (SPECIFICALLY SECTIONS 12.06.004 AND 12.06.011) TO DELETE TWO HOUR PARKING IN THE CENTRAL BUSINESS DISTRICT AND REVISE Section 12.06.01.

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

That the Bastrop City Code, Chapter 12, Article 12.06.004 and Article 12.06.011 be amended to read as follows:

Sec. 12.06.004 - Restricted parking zones.

- (a) When signs are erected giving notice thereof, no person shall park a motor vehicle for more than fifteen (15) consecutive minutes between the hours of 8:00 a.m. and 5:00 p.m., except Sundays and business holidays, in the following areas:
 - (1) Central business district.
- (b) When signs are erected giving notice thereof, no person shall park a vehicle in a zone which is officially marked as a zone for physically handicapped persons unless that vehicle is marked with a device showing that a disabled person is being transported therein.
- (c) Upon conviction of violations of this section, violators will be fined as provided in section 1.01.009 of this code.

Sec. 12.06.011 - Parking enforcement volunteers.

- (a) Parking enforcement volunteers are hereby authorized to issue citations on any vehicle found to be in violation of sections 12.06.004 and/or 5.07 of the code of the city, and the parking laws of the state or the city, notwithstanding other provisions of the traffic laws. The term parking enforcement volunteers shall include all personnel designated by the Chief of Police as having the authority to issue parking citations as part of their job functions, regardless of job title.
- (b) That the Chief of Police shall have the authority and sole discretion to appoint and/or remove any person, with consideration given to the recommendations from the fire chief when related to enforcement under section 5.07, who is a citizen of the United States to issue citations for any vehicle found to be illegally parked in either:
 - (1) A parking area designated for the exclusive use of vehicles transporting persons with disabilities in the city, pursuant to V.T.C.A. Transportation Code, §§ 52.202 and 681.0101;

- (2) A designated and marked fire lane, only for parking of vehicles of fire department volunteers under section 5.07.004; and
 - (3) All other applicable law(s).
- (c) That each parking enforcement volunteer appointed pursuant to this article shall complete an application, and satisfactorily complete a course of training related to parking enforcement pursuant to this section, to be developed and conducted by the Chief of Police, or his designee.
- (d) That the application required by subsection (c) of this section shall show the correct name, current address and telephone number of the applicant. The Chief of Police, or his/her designee, is specifically authorized to require additional information from the applicant. Upon receipt of the application required by subsection (c) of this section, the Chief of Police will then make the final decision regarding the application.
- (e) Parking enforcement volunteers are hereby authorized to issue citations on any vehicle found to be in violation of sections 12.06.004 and/or 5.07 of the Code of Ordinances of the city, or found to be stopped, standing or parked in violation of the V.T.C.A. Transportation Code, ch. 681 (disabled/handicapped parking) and/or the fire code, in the same manner as any law enforcement officer of the state or county or municipality of the state, subject to the following limitations:
- (1) No parking enforcement volunteer shall be deemed a peace officer, nor receive any compensation from the city while in the capacity of a parking enforcement volunteer.
 - (2) No parking enforcement volunteer shall be required to complete training as a peace officer.
 - (3) No parking enforcement volunteer shall have the power or duty to enforce any traffic or civil or criminal laws, other than those specifically identified herein.
 - (4) No parking enforcement volunteer shall possess or carry firearms or other weapons for the purpose of enforcing the parking law(s).

Passed and Approved on First Reading on this 28th day of February, 2017

Passed and Adopted on Second Reading on this 14th day of March, 2017

APPROVED

ATTEST

Ken Kesselus, Mayor

Ann Franklin, City Secretary

CITY COUNCIL

AGENDA COVER SHEET

DATE SUBMITTED: March 7, 2017

MEETING DATE: March 14, 2017

1. Agenda Item: **SECOND READING OF ORDINANCE AMENDING SECTION 3.20 SIGNS OF THE CITY CODE TO ADD PROVISIONS REGARDING SIGNS IN EXCESS OF 35 FEET IN HEIGHT AND 160 SQUARE FEET OF SIGN AREA WHEN CERTAIN CONDITIONS REGARDING DIVIDED HIGHWAYS, SPEED LIMITS IN EXCESS OF 50 MILES PER HOUR AND OVERPASSES ARE MET. IN NO CASE WOULD SIGNS OVER 70 FEET IN HEIGHT OR 400 SQUARE FEET IN AREA BE AUTHORIZED. THIS PROPOSED ORDINANCE WAS DISCUSSED BY THE CITY COUNCIL ON JANUARY 10, 2017 AND REFERRED TO THE PLANNING COMMISSION FOR ITS RECOMMENDATION.**

2. Party Making Request: **Interim City Manager, Marvin Townsend**

3. Attachments: Yes X No

ORDINANCE NO. 2017-07
CONCERNING THE SIGN ORDINANCE

AMENDMENT TO SECTION 3.20 SIGNS OF THE CITY CODE TO ADD PROVISIONS REGARDING SIGNS IN EXCESS OF 35 FEET IN HEIGHT AND 160 SQUARE FEET OF SIGN AREA WHEN CERTAIN CONDITIONS REGARDING DIVIDED HIGHWAYS, SPEED LIMITS IN EXCESS OF 50 MILES PER HOUR AND OVERPASSES ARE MET. IN NO CASE WOULD SIGNS OVER 70 FEET IN HEIGHT OR 400 SQUARE FEET IN AREA BE AUTHORIZED.

WHEREAS; the construction of main-lane overpasses on certain state highways have restricted visibility of signs identifying major business locations; and

WHEREAS, higher speed limits have aggravated the sign visibility problem.

NOW, THEREFORE, the following addition to Section 3.20 of the City Code is hereby adopted to lessen the limitations of sign visibility along certain highways:

Amending Section 3.20 of the City code to incorporate provisions related for pylon poles greater than 35 feet and 160 square feet of sign area, and revising any provision not consistent with this amendment.

In addition to the regulations set forth in various provisions of Section 3.20 Signs, regarding pylon heights and total area of signs, the following additional provisions will apply to property abutting a state highway when anyone of the following conditions exist:

1. Divided highways with or without separate local access roads.
2. Authorized speed limits in excess of 50 miles per hour.
3. Overpasses in which at least the main lanes are elevated over local cross traffic.

One pylon sign exceeding the requirements of Section 3.20.015(13) if the following conditions are met:

1. The pylon sign must meet all location and spacing requirements contained within the current sign ordinance.
2. All other requirements for a pylon sign must be met.
3. For every 1 foot of elevation variance between the main lane pavement and frontage road pavement, one additional foot of sign height is allowed.

4. For each additional 5 miles of posted main-lane speed limit in excess of 50 mph, 2 additional feet of sign height is allowed.
5. Each applicant must own or lease at least 100 feet of frontage along the access road or any public roadway perpendicular thereto within one block of the highway. For each additional 50 feet of highway frontage, up to 1 additional foot of height may be added.
6. In no event shall the pylon sign exceed 70 feet in overall height, or 48 feet above the adjacent main-lane pavement grade, whichever is lower.
7. For each additional 1 foot of allowable height in excess of 35 feet, 7 square feet of additional sign area is allowed, up to a maximum area of 400 square feet. For example, a 60-foot tall pylon sign may increase the maximum allowable sign area from 160 square feet to 335 square feet.

Signage allowed under these provisions shall consist of not more than 2 separate sign areas, and shall comply with all other standards and requirements provided in section 3.20 of the Bastrop Code of Ordinances. Additionally, all factors described above shall be measured within the frontage limits of the subject property.

Any provision of Section 3.20 not consistent with this amendment is hereby revised to be consistent with the provisions set forth above.

PASSED AND APPROVED ON FIRST READING ON THIS 28th DAY OF February, 2017

PASSED AND ADOPTED ON SECOND READING ON THIS 14th DAY OF March, 2017

APPROVED:

ATTEST:

KEN KESSELUS, MAYOR

ANN FRANKLIN, CITY SECRETARY

Memo

To: Marvin Townsend, City Manager
From: Wesley Brandon, Director of Planning and Engineering
Date: March 8, 2017
Re: Board of Adjustment Meeting March 1, 2017

Here is a brief recap of the discussions and motions made at the Board of Adjustment Meeting and Workshop session on Wednesday March 1, 2017.

Workshop Item A: Amendments to the Sign Ordinance.

A motion was made to have a 90-day period to review and propose a recommendation to City Council regarding the proposed amendment to the Sign Ordinance and potentially present Council with a new draft of the amendment.

The Board had concerns with several items within the proposed amendment.

- Speeds between main lanes of Highway 71 and the service road should not factor into sign height and sign area.
- Additional height allowances should only reflect the actual difference between the current elevation and new elevated roadway.
- Members expressed interest in exploring codes of other cities that address similar situations.
- What was the basis for these specific recommendations?
- More specific examination of actual properties that could be impacted or able to utilize the new amendments as written.
- Postpone City Council action for 90 days, in which the BOA and staff will review and then present possible alternative recommendations.

Workshop Item B: Various pending issues related to both the Board of Adjustment and the Municipal Sign Review Board.

A motion was made to move the Sign Ordinance into the Zoning Ordinance section of the Municipal Code, with advisement from outside legal counsel to make sure it is legal to have one board.

A motion was made to remove timelines (automatic approval of appeal after 4 weeks and 1 year expiration date of variances granted through the Board of Adjustments), from Zoning in the Code of Ordinances.

CITY COUNCIL

AGENDA COVER SHEET

DATE SUBMITTED: March 7, 2017

MEETING DATE: March 14, 2017

1. Agenda Item: . SECOND READING OF ORDINANCE AMENDING SECTION 3.20.022 SIGNS OF THE CITY CODE TO DELETE SECTION 3.20.022 MUNICIPAL SIGN REVIEW BOARD VARIANCES WHICH WILL ACKNOWLEDGE THAT ANY APPEALS RELATING TO ADMINISTRATION OF THE SIGN SECTION OF THE CITY ZONING ORDINANCE ARE TO THE ZONING BOARD OF APPEALS.

2. Party Making Request: **City Manager Marvin Townsend**

3. Attachments: Yes X No _____

NOTE: Memo dated January 6, 2017 and attachment to be included in the City Council Packet. (4 pages)

ORDINANCE NO. 2017-09

CONCERNING THE SIGN ORDINANCE

AMENDING SECTION 3.20.022 SIGNS OF THE CITY CODE TO DELETE SECTION 3.20.022 MUNICIPAL SIGN REVIEW BOARD VARIANCES WHICH WILL ACKNOWLEDGE THAT ANY APPEALS RELATING TO ADMINISTRATION OF THE SIGN SECTION OF THE CITY ZONING ORDINANCE IS TO THE ZONING BOARD OF APPEALS.

WHEREAS, Section 211.008, Board of Adjustment of the State of Texas Local Government Code establishes the appeal process for all zoning appeals; and

WHEREAS, sign zoning regulations are a segment of land use zoning and regulation; and

WHEREAS, Section 211.008 of the Texas Local Government Code preempts local regulations governing any aspect of zoning appeals,

NOW, THEREFORE, Section 3.20.022, Signs of the City Code is hereby deleted because the regulatory matters involved have been preempted by the State of Texas adoption of Section 211.008, Board of Adjustment in the Local Government Code.

Any cases pending before the Municipal Sign Review Board will be transferred to the docket of the Zoning Board of Adjustment now and processed according to the rules and procedures of the Zoning Board of Adjustment.

Passed and Approved on First Reading on this 28th day of February, 2017

Passed and Adopted on Second Reading on this 14th day of March, 2017

APPROVED:

ATTEST:

Ken Kesselus, Mayor

Ann Franklin, City Secretary

Memo

To: Marvin Townsend, City Manager
From: Wesley Brandon, Director of Planning and Engineering
Date: March 8, 2017
Re: Board of Adjustment Meeting March 1, 2017

Here is a brief recap of the discussions and motions made at the Board of Adjustment Meeting and Workshop session on Wednesday March 1, 2017.

Workshop Item A: Amendments to the Sign Ordinance.

A motion was made to have a 90-day period to review and propose a recommendation to City Council regarding the proposed amendment to the Sign Ordinance and potentially present Council with a new draft of the amendment.

The Board had concerns with several items within the proposed amendment.

- Speeds between main lanes of Highway 71 and the service road should not factor into sign height and sign area.
- Additional height allowances should only reflect the actual difference between the current elevation and new elevated roadway.
- Members expressed interest in exploring codes of other cities that address similar situations.
- What was the basis for these specific recommendations?
- More specific examination of actual properties that could be impacted or able to utilize the new amendments as written.
- Postpone City Council action for 90 days, in which the BOA and staff will review and then present possible alternative recommendations.

Workshop Item B: Various pending issues related to both the Board of Adjustment and the Municipal Sign Review Board.

A motion was made to move the Sign Ordinance into the Zoning Ordinance section of the Municipal Code, with advisement from outside legal counsel to make sure it is legal to have one board.

A motion was made to remove timelines (automatic approval of appeal after 4 weeks and 1 year expiration date of variances granted through the Board of Adjustments), from Zoning in the Code of Ordinances.

CITY COUNCIL

AGENDA COVER SHEET

DATE SUBMITTED: March 7, 2017

MEETING DATE: March 14, 2017

1. Agenda Item: SECOND READING OF ORDINANCE AMENDING THE ORDINANCE CREATING THE BASTROP ZONING BOARD OF ADJUSTMENT AND DELETING SECTION F TO ELIMINATE 1-YEAR LIMITATION ON TIME PERIOD TO UTILIZE A GRANTED VARIANCE AND DELETE SECTION 9.9E FIRST SENTENCE TO DELETE 4-WEEK AUTOMATIC APPROVAL PROVISION.

On January 6, 2017 a memorandum was distributed regarding suggested changes in the ordinances and practices of the Bastrop Zoning Board of Adjustment. Some of the recommended changes involved administrative activities. These changes have been implemented.

To carry out the balance of the recommendations the following ordinance amendments should be considered on first reading:

A) Delete Chapter 14, Section 9.8 the one-year limit on the unused life of a variance by deleting the following:

“F. Any rights authorized by a variance which are not exercised within one (1) year from the date of granting such variance shall lapse and may be reestablished only after application and a new hearing in accordance with this article.”

B) Delete Chapter 14, Section 9.9E first sentence which provides for automatic approval of a variance if not denied within 4 weeks of “placement on the agenda”, by deleting:

“E. The Board shall decide the appeal within four (4) weeks after placement on its agenda after which time the request shall be deemed automatically approved”.

2. Party Making Request: City Manager Marvin Townsend

3. Attachments: Yes X No _____

NOTE: Memo dated January 6, 2017 and attachment to be included in the City Council Packet. (4 pages)

ORDINANCE 2017-08

CONCERNING BASTROP ZONING BOARD OF ADJUSTMENT

AMENDING THE CREATION OF THE BASTROP ZONING BOARD OF ADJUSTMENT BY DELETING SECTION F TO ELIMINATE 1-YEAR LIMITATION ON TIME PERIOD TO UTILIZE A GRANTED VARIANCE, DELETE SECTION 9.9E FIRST SENTENCE TO DELETE 4-WEEK AUTOMATIC APPROVAL PROVISION.

WHEREAS, no provision exists in the State of Texas enabling statute to authorize time limits on variances approved by the Zoning Board of Adjustment; and

WHEREAS, no provision exists in state law to allow automatic approval of variances not acted on by the Zoning Board of Adjustment within 4 weeks of being placed on agenda;

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

1. Paragraph F of Section 9.8 Procedure of Section 9 Zoning Board of Adjustment of the City Code which states as follows be deleted;

“F) Any rights authorized by a variance which are not exercised within one (1) year from the date of granting such variance shall lapse and may be reestablished only after application and a new hearing in accordance with this article.”

2. The first sentence of paragraph 9.9E which reads as follows be deleted;

E) The Board shall decide the appeal within four (4) weeks after placement on its agenda after which time the request shall be deemed automatically approved, is hereby deleted so that paragraph E will henceforth read as follows:

F) The Board may reverse or affirm, in whole or in part, or modify the administrative official’s order, requirement, decision or determination from which an appeal is taken, and make the correct order, requirement, decision, or determination.

Passed and Approved on First Reading on this 28th day of February, 2017

Passed and Adopted on Second Reading on this 14th day of March, 2017

APPROVED:

ATTEST:

KENNETH KESSELUS, MAY

ANN FRANKLIN, CITY SECRETARY

Memo

To: Marvin Townsend, City Manager
From: Wesley Brandon, Director of Planning and Engineering
Date: March 8, 2017
Re: Board of Adjustment Meeting March 1, 2017

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CITY COUNCIL

AGENDA COVER SHEET

DATE SUBMITTED: March 7, 2017

MEETING DATE: March 14, 2017

1. Agenda Item: **REPORT REGARDING DEVELOPER ACCEPTANCE OF THE TWO ADDITIONAL REQUIREMENTS INCLUDED IN THE FEBRUARY 28, 2017 MOTION TO APPROVE 3 STORY APARTMENTS, RATHER THAN 2-1/2 STORY AT THE HUNTERS CROSSING APARTMENTS AT HOME DEPOT WAY APPROXIMATELY 300 FEET WEST OF FM 304.**

2. Party Making Request: **Interim City Manager, Marvin Townsend**

3. Attachments: Yes X No _____

MEMO

Date: October 6, 2016
To: Marvin Townsend, City Manager
From: Wesley Brandon, City Engineer
RE: Hunters Crossing Apartments
Request for Conditional Use Permit



Mr. Townsend,

As part of City Council's approval of the above-referenced Conditional Use Permit, they included conditions related to drainage mitigation and exterior lighting design. I have attached a letter from the developer committing to these conditions.

Thanks

Wesley

Robert E. Reetz, Jr.
rreetz@mcginnislaw.com
(512) 495-6062 o
(512) 505-6362 f

March 1, 2017

VIA EMAIL wbrandon@cityofbastrop.org

Wesley Brandon
City of Bastrop
1311 Chestnut Street
P.O. Box 427
Bastrop, Texas 78602

Re: Conditional Use Permit for Hunters' Crossing Apartment Project

Dear Mr. Brandon:

I represent Mr. Howard Schain with reference to the above described project. Pursuant to the City Council meeting of the City of Bastrop on Tuesday, February 28, 2017 wherein the City Council voted to approve the Conditional Use Permit with certain conditions, Mr. Schain hereby agrees to those conditions. Specifically, the Council approved the Condition Use Permit on the condition that Mr. Schain design and build the project with the following described conditions:

1. That the drainage design for the project be completed and built "as if" the project was designed as a two story complex with the same number of units which would increase the impervious cover. To be clear, the drainage design and build out should be done in manner that would accomplish the same capacity of drainage that would occur in a two story project with the same number of units.
2. That the exterior lighting for the facility be designed in a manner that would be same as if the project were limited to two stories.

If this above fairly represents the resolutions adopted by the Bastrop City Council on February 28, 2017, please acknowledge below on behalf of the City of Bastrop.

Sincerely,

Robert E. Reetz, Jr.
Partner

RER/va

Wesley Brandon
March 1, 2017
Page 2

cc: Howard Schain
Kay Wesson
Randy Mason
John White
Steve Jackson

Acknowledged and agreed to:

Wesley Brandon, City Engineer
City of Bastrop Planning and Development

CITY COUNCIL

AGENDA COVER SHEET

DATE SUBMITTED: March 7, 2017

MEETING DATE: March 14, 2017

1. Agenda Item: **STATUS REPORT REGARDING DRAINAGE IMPROVEMENTS IN THE HUNTERS CROSSING SUBDIVISION.**

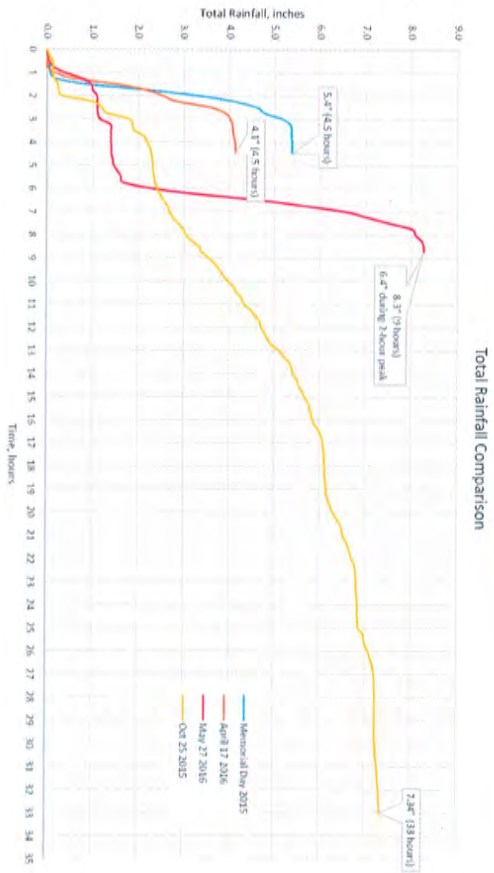
2. Party Making Request: **Public Works, Parks and Wildlife & Utilities, Trey Job**

3. Attachments: Yes X No

Drainage update

VARIOUS LOCATIONS

Rain Totals



	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
January	5.83	1.45	0.37	2.87	3.34	5.48	4.93	0.47	4.54	0.74
February	0.10	1.31	1.13	4.19	0.65	4.13	0.32	1.39	0.56	1.71
March	8.88	2.77	2.76	2.95	0.28	8.17	0.95	1.91	4.72	3.92
April	3.99	2.08	4.85	1.92	0.09	0.24	2.55	0.44	7.86	10.74
May	5.55	0.25	3.37	4.18	1.46	5.51	3.09	7.24	14.11	16.32
June	6.59	0.03	0.12	3.66	1.52	1.29	0.59	4.09	2.73	0.00
July	7.91	0.69	0.24	3.84	0.32	3.47	2.16	2.92	0.88	0.00
August	5.01	3.96	2.42	1.77	0.14	3.13	0.78	0.63	0.33	0.00
September	2.48	1.04	5.44	4.11	0.22	3.09	2.84	4.70	0.34	0.00
October	0.76	1.33	9.29	0.10	1.67	1.99	7.28	1.62	11.45	0.00
November	4.16	0.25	4.83	0.62	3.18	0.14	2.44	4.54	3.72	0.00
December	1.36	1.01	3.35	1.06	4.68	2.65	0.99	1.76	3.20	0.00

Annual Total	52.62	16.17	38.17	31.27	17.57	39.29	28.52	31.71	54.44	33.43
Annual Avg.	4.39	1.35	3.18	2.61	1.46	3.27	2.38	2.64	4.54	6.69

Time line

April 2016

- 10.74" of Rain

May 2016

- 16.32" of Rain

June – July 2016

- Crews began in-house repairs cleaning the outlet of Gills Branch south of HWY 71
- Funds were reallocated for Drainage studies & Materials for in-house improvements

October 2016

- Budgeted for additional Drainage equipment
- LGC Budgeted for Maintenance of Pond at HC

November 2016

- Purchase of New Gradall

December 2016

- Received Drainage Study from LJA for Hunters Crossing

Jan. 2017

- Received New Gradall

Feb. 2017

- Crews began in-house repairs cleaning the outlet structures and silt removal at HC
- Funds were allocated for Drainage study in Pine Forrest 6
- RFP issued for contractors portion of Drainage repairs for HC

Immediate needs

Drainage Action Items

Clean/Clear Debris

Regrade to Drain

Install energy dissipaters and stabilize to prevent erosion

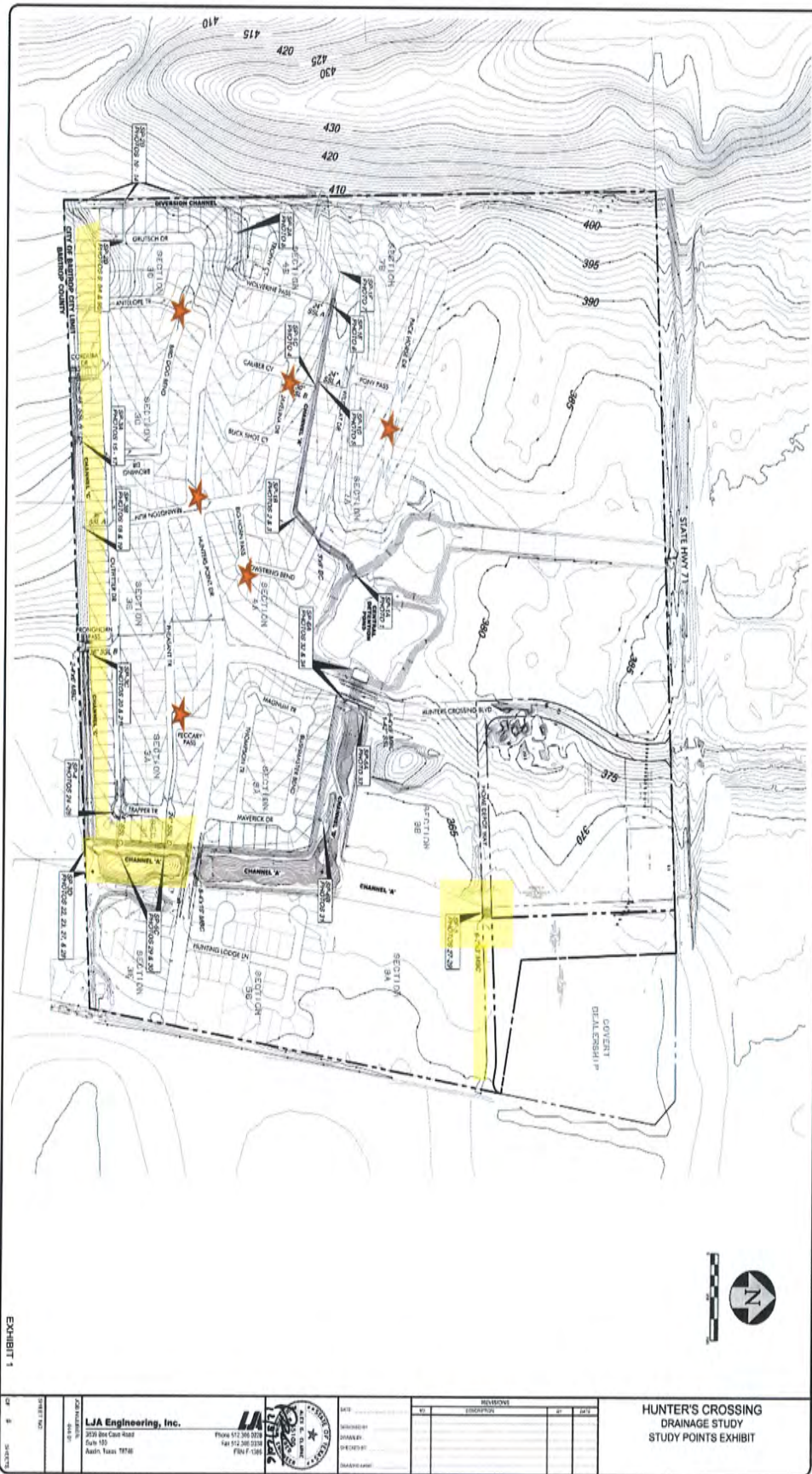


EXHIBIT 1

DATE	11/11/16
SCALE	AS SHOWN
PROJECT NO.	16010
DRAWN BY	W. J. BROWN
CHECKED BY	W. J. BROWN
DATE	11/11/16

LJA Engineering, Inc.
 2510 4th East Road
 Suite 100
 Austin, Texas 78746

Phone: 512.390.2919
 Fax: 512.390.2918
 FID # 1345

NO.	RELATIONS	
	DESCRIPTION	DATE

**HUNTER'S CROSSING
 DRAINAGE STUDY
 STUDY POINTS EXHIBIT**



SEDIMENT REMOVAL AREAS



DRAINAGE STUDIES

Gils Branch / Piney Creek Study (Half Associates)

- Study On-going
- Bastrop County / TX Water Development Board Grant
- Coordination w/ TX DOT (RR Culverts)

Hunters Crossing Drainage Report (Longaro-Clarke)

- Final Report Issued Dec. 9th
- Recommendations for Maintenance, Minor Improvements

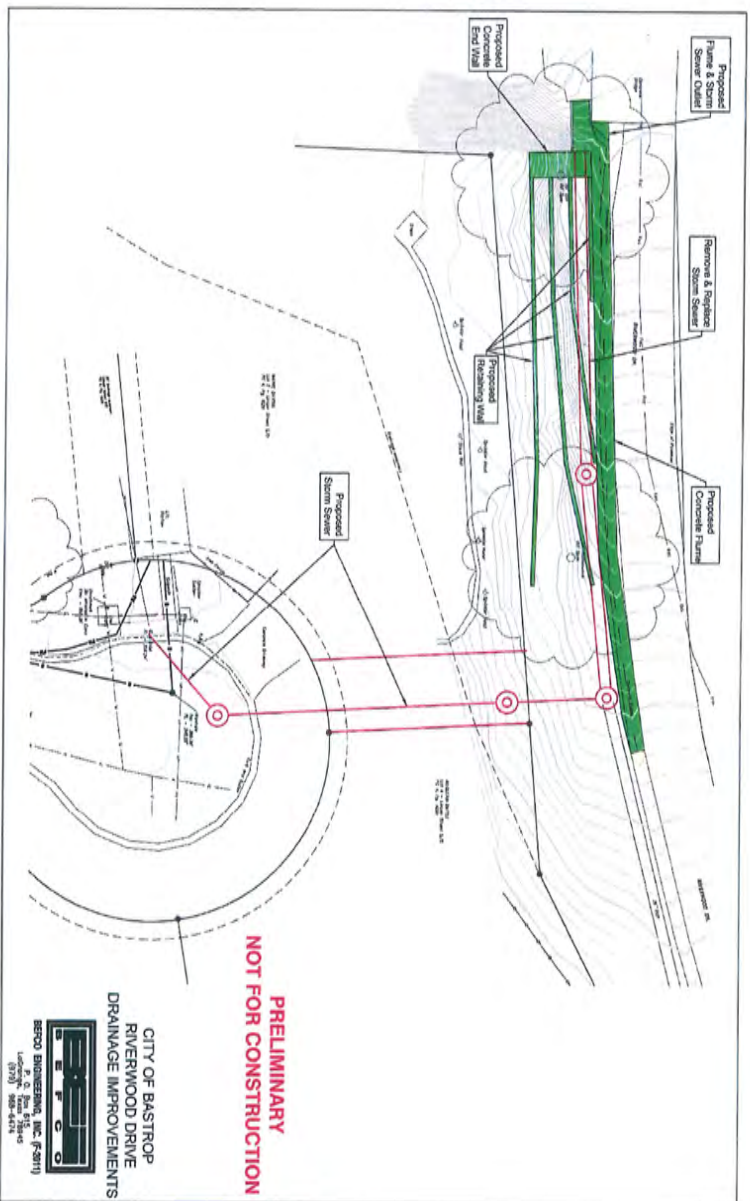
EXAMPLES IN-HOUSE WORK

On-Going System Improvements, Maintenance that addresses localized flooding

- 1006 Jefferson
- Walnut & MLK
- Pine street & MLK



Riverwood Project – Proposed Bid-Date Mid-March



Conclusion

- ✓ Some progress has been made
- ✓ More projects are in design phase
- ✓ Various studies on drainage are being performed
- ✓ Everyone is talking about the solution.



CITY COUNCIL

AGENDA COVER SHEET

DATE SUBMITTED: March 7, 2017

MEETING DATE: March 14, 2017

1. Agenda Item: **CONSIDERATION, DISCUSSION AND POSSIBLE ACTION REGARDING ELECTION OF A MAYOR PRO TEM.**

2. Party Making Request: **Council Member McAnally**

3. Attachments: Yes _____ No X

Council Member McAnally's Backup Material

By declaring his candidacy for Mayor, Mayor Pro Tem Willie DeLaRosa effectively and legally resigned his position as a Council Member. His continued service as a council member is in accordance with the City Charter until his replacement is elected but a resigned member of council should not serve as Mayor Pro Tem. This is even more important since Mr. DeLaRosa is running for Mayor and his election literature cites Mayor Pro Tem experience as a qualification for office. Twice since he has announced his candidacy the Mayor has left the dais and left him to conduct business. It is improper for someone who has resigned to hold the position and gives an unfair competitive advantage in the electoral campaign for Mayor over his opponent.

I propose that Mr. DeLaRosa is asked to step down as Mayor Pro Tem and an interim Mayor Pro Tem should be selected by council until the new Council meets in May after the May 6th election.

LAW OFFICE OF DAVID F. BRAGG

A Professional Corporation

Website: dbragglaw.com

P. O. Box 2047
Bastrop, Texas 78602-9047
Email: dbragg@sbcglobal.net

Telephone: 512-581-0061
Telecopier: 512-581-0245
Cellular: 512-496-9031

February 22, 2017
MEMORANDUM

TO: Mayor Kesselus
Members of the City Council

Council Member DeLaRosa announced his candidacy for Mayor on January 31, 2017. Mr. DeLaRosa not only was a member of the City Council but also was Mayor Pro Tempore.

QUESTION: What is Mr. DeLaRosa's current status as a council member and as Mayor Pro Tempore?

ANSWER: Mr. DeLaRosa continues to hold both positions until his successor is duly elected and qualified.

DISCUSSION: The Bastrop City Charter, Sec. 3.02(d) includes a "resign to run" provision which means that when a member of the City Council or Mayor announces that he or she will be a candidate for a different City office, an automatic resignation of that person's existing position occurs. In Council Member DeLaRosa's situation, when he announced his candidacy for Mayor, he automatically resigned from his position on the City Council and his position as Mayor Pro Tempore.

The Texas Constitution, Art. XVI, Sec. 17 provides that "[a]ll officers within this State shall continue to perform the duties of their offices until their successor shall be duly qualified." As interpreted, a council member or Mayor is an "officer of this state." This "hold-over" provision means that Council Member DeLaRosa shall continue to perform the duties of council member and Mayor Pro Tempore until his replacement is elected and qualified.

A member of the City Council may be replaced only by a general or special election, i.e. the Council has no authority to appoint someone to replace a council member who has automatically resigned. The Mayor Pro Tempore, however, may be replaced in the same way he was selected: by a majority vote of the City Council. And, the vote to replace the Mayor Pro Tempore may be done at any time (assuming the subject has been posted properly).

cc: Marvin Townsend

CITY COUNCIL

AGENDA COVER SHEET

DATE SUBMITTED: March 7, 2017

MEETING DATE: March 14, 2017

1. Agenda Item: **DISCUSSION OF BILLS WHICH WOULD HAVE A DIRECT IMPACT ON THE CITY OF BASTROP.**
 1. **SENATE BILL 2 BY SENATOR PAUL BETTENCOURT WILL, IF PASSED, LIMIT PROPERTY TAX REVENUE TO A 4% INCREASE CAP PER YEAR.**
 2. **HB2322 BY REPRESENTATIVE JOHN CYRIER SPECIFICALLY AIMED AT BASTROP COUNTY. IT APPEARS TO MAKE IT MORE DIFFICULT FOR PROPERTY OWNERS OWNING MORE THAN 25 ACRES TO OBTAIN CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) DECLARATION OF INABILITY TO SERVE SO THAT THE CITY OF BASTROP COULD COMMENCE SERVICE.**
2. Party Making Request: **Interim City Manager Marvin Townsend**
3. Attachments: Yes X No

Ann Franklin

From: Texas Municipal League <tmladmin@tml.ccsend.com> on behalf of Texas Municipal League <tmladmin@tml.org>
Sent: Tuesday, March 07, 2017 3:57 PM
To: Ann Franklin
Subject: S.B. 2 (Revenue Cap bill) Talking Points



The Senate Finance Committee will hear Senate Bill 2 by Senator Paul Bettencourt on Tuesday, March 14, at 9:00 a.m. in room E1.036 at the Texas State Capitol Building. S.B. 2 would impose a 4 percent property tax revenue cap on all city budgets.

Click [here](#) to read the bill and TML's summary [here](#).

The League has prepared talking points against S.B. 2, below. Testifying IN PERSON is essential to defeating S.B. 2. Please also call your senator to voice your opposition. A list of senators, with Capitol office telephone numbers, is available here: <http://www.senate.texas.gov/directory.php>.

Recommendations for testifying against S.B. 2

City officials will get two minutes to make their case against revenue caps. The goal of all our communications - testimony, media interviews, and meetings with legislators - is to convince legislators that the negative consequences of S.B. 2 far outweigh its negligible benefits.

Our message

All our testimony should focus on the negative consequences of revenue caps on our citizens without producing any tax relief. A revenue cap will seriously damage public safety, economic development, and transportation. And, property taxes will continue to rise because school district taxes - the real cause of high property taxes in Texas - will continue to escalate. The bottom line of our message is that legislators will get no credit for reducing taxes and will receive all the blame for everything that cities can't afford to do.

Points to make

- **S.B. 2 is an assault on public safety.** Tell them what percentage of your city budget goes to police, fire, and EMS. Legislators can't proclaim that they support law enforcement officers if they vote to restrict the source of funding that pays for salaries, equipment, vehicles, technology, health insurance and pensions of the men and women who protect our citizens. A vote for S.B. 2 is a vote against law enforcement.

Give specific examples of improvements the city wants to make in public safety services that

would be threatened by revenue caps: additional personnel, better salaries, body cameras, protective vests, more training, fixing pension problems. S.B. 2 would slam the door on the progress you want to make to protect the citizens of your city.

- **S.B. 2 will damage economic growth.** Cities are on the front line of the competition to attract and keep job-creating businesses. Cities provide the tax abatements and other incentives that bring in new businesses and the services and infrastructure that businesses and their employees need. Revenue caps will reduce the ability of cities to offer the tax abatements and infrastructure improvements that have been crucial to closing the deal in many corporate relocation decisions that create jobs for our citizens.

Give specific examples of job creating deals your city might not have been able to afford under a revenue cap. Even better, give an example of a project that is under consideration now that might be put on hold because of the uncertainty created by S.B. 2.

- **S.B. 2 threatens highway construction.** Over the past two decades, the state has demanded ever increasing financial contributions from local governments for state highway construction projects. Revenue caps will force cities to focus their restricted funding on local street improvements and curtail discretionary spending on state projects.

Give specific examples of projects currently under consideration that could be put on hold because of the budget constraints that S.B. 2 would impose on your city.

Responding to questions

There are a few things we can predict from supporters that you should be prepared for.

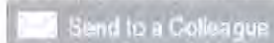
- **Misleading statistics.** Supporters will recite the increase in city "tax levies" over a certain period of time. Response: That is the increase in total tax collections that reflect economic growth, population growth, and new construction. It is a measure of our success in growing our economy. That does not reflect the taxes on an individual home or business. It is misleading for them to portray it that way.
- **It's not a cap.** Supporters will say it's not a cap because you can exceed it with an election. Response: They can call it whatever they want but we call it a cap, just like the spending limit in the Constitution that senators call a spending cap that can be exceeded by a simple majority vote in both houses. S.B. 2 would be an additional state-imposed restriction on our ability to provide services to our citizens.
- **We're not here to talk about school district taxes.** Supporters may try to stifle any mention of school property taxes. Response: We know some in the legislature don't want to address the real cause of high property taxes and they don't even want anyone to talk about it. OR We know they don't want anyone to say 'the emperor has no clothes,' but we should be honest with the people of Texas about the real cause of high property taxes.
- When in doubt, return to one of your major talking points.

What to avoid

- Don't spend time talking about the principle of local control. For anyone in the legislature that stills believes in the idea of local control, we already have their vote.
- Don't spend time reciting what the bill does. Everyone can read the bill on their own time.

- You don't have to be defensive about your local tax rates. City taxes are not the cause of high property taxes in Texas. The legislature's failure to fund public education is the problem.
- The cost of holding a rollback election is a budgeting concern for cities but not the strongest argument against the bill.
- Supporters say S.B. 2 reduces the rollback rate to 4 percent. We say S.B. 2 imposes a state cap on the revenue and budget of every city in Texas.

Please contact Shanna Igo at sigo@tml.org or 512-750-8718 for any questions.



Texas Municipal League, 1821 Rutherford Lane, Suite 400, Austin, TX 78754

SafeUnsubscribe™_afranklin@cityofbastrop.org

[About our service provider](#)

Sent by tmladmin@tml.org

2017 Legislature Online Committee Membership History

Finance (C540)

Legislature: 85(R) - 2017

Appointment Date: 1/10/2017

Position	Member	Begin Date	End Date
Chair:	Sen. Jane Nelson	1/17/2017	
Vice Chair:	Sen. Juan Hinojosa	1/18/2017	
	Sen. Paul Bettencourt	1/18/2017	
	Sen. Brian Birdwell	1/18/2017	
	Sen. Kelly Hancock	1/18/2017	
	Sen. Joan Huffman	1/18/2017	
	Sen. Lois W. Kolkhorst	1/18/2017	
	Sen. Robert Nichols	1/18/2017	
	Sen. Charles Schwertner	1/18/2017	
	Sen. Kel Seliger	1/18/2017	
	Sen. Larry Taylor	1/18/2017	
	Sen. Carlos Uresti	1/18/2017	
	Sen. Kirk Watson	1/18/2017	
	Sen. Royce West	1/18/2017	
	Sen. John Whitmire	1/18/2017	

By: Cyrier

H.B. No. 2322

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the applicability of petitions to release an area for
3 certificates of public convenience and necessity for water or sewer
4 services.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 13.254, Water Code, is amended by adding
7 Subsection (a-12) to read as follows:

8 (a-12) Subsection (a-5) does not apply to a county:

9 (1) with a population of more than 70,000 and less than
10 100,000 and contains a portion of the Colorado River; and

11 (2) that is adjacent to a county with a population of
12 one million or more.

13 SECTION 2. The changes in law made by Section 13.254, Water
14 Code, as amended by this Act, apply only to a petition filed on or
15 after the effective date of this Act. A petition filed before the
16 effective date of this Act is subject to the law in effect on the
17 date the petition is filed, and that law is continued in effect for
18 that purpose.

19 SECTION 3. This Act takes effect September 1, 2017.

Bastrop
pop.
80,527

Sec. 13.254. REVOCATION OR AMENDMENT OF CERTIFICATE. (a) The utility commission at any time after notice and hearing may revoke or amend any certificate of public convenience and necessity with the written consent of the certificate holder or if the utility commission finds that:

(1) the certificate holder has never provided, is no longer providing, is incapable of providing, or has failed to provide continuous and adequate service in the area, or part of the area, covered by the certificate;

(2) in an affected county as defined in Section [16.341](#), the cost of providing service by the certificate holder is so prohibitively expensive as to constitute denial of service, provided that, for commercial developments or for residential developments started after September 1, 1997, in an affected county as defined in Section [16.341](#), the fact that the cost of obtaining service from the currently certificated retail public utility makes the development economically unfeasible does not render such cost prohibitively expensive in the absence of other relevant factors;

(3) the certificate holder has agreed in writing to allow another retail public utility to provide service within its service area, except for an interim period, without amending its certificate; or

(4) the certificate holder has failed to file a cease and desist action pursuant to Section [13.252](#) within 180 days of the date that it became aware that another retail public utility was providing service within its service area, unless the certificate holder demonstrates good cause for its failure to file such action within the 180 days.

(a-1) As an alternative to decertification under Subsection (a), the owner of a tract of land that is at least 50 acres and that is not in a platted subdivision actually receiving water or sewer service may petition the utility commission under this subsection for expedited release of the area from a certificate of public convenience and necessity so that the area may receive service from another retail public

utility. The fact that a certificate holder is a borrower under a federal loan program is not a bar to a request under this subsection for the release of the petitioner's land and the receipt of services from an alternative provider. On the day the petitioner submits the petition to the utility commission, the petitioner shall send, via certified mail, a copy of the petition to the certificate holder, who may submit information to the utility commission to controvert information submitted by the petitioner. The petitioner must demonstrate that:

(1) a written request for service, other than a request for standard residential or commercial service, has been submitted to the certificate holder, identifying:

(A) the area for which service is sought;

(B) the timeframe within which service is needed for current and projected service demands in the area;

(C) the level and manner of service needed for current and projected service demands in the area;

(D) the approximate cost for the alternative provider to provide the service at the same level and manner that is requested from the certificate holder;

(E) the flow and pressure requirements and specific infrastructure needs, including line size and system capacity for the required level of fire protection requested; and

(F) any additional information requested by the certificate holder that is reasonably related to determination of the capacity or cost for providing the service;

(2) the certificate holder has been allowed at least 90 calendar days to review and respond to the written request and the information it contains;

(3) the certificate holder:

(A) has refused to provide the service;

(B) is not capable of providing the service on a continuous and adequate basis within the timeframe, at the level, at the approximate cost that the alternative provider is capable of providing for a comparable level of service, or in

the manner reasonably needed or requested by current and projected service demands in the area; or

(C) conditions the provision of service on the payment of costs not properly allocable directly to the petitioner's service request, as determined by the utility commission; and

(4) the alternate retail public utility from which the petitioner will be requesting service possesses the financial, managerial, and technical capability to provide continuous and adequate service within the timeframe, at the level, at the cost, and in the manner reasonably needed or requested by current and projected service demands in the area.

(a-2) A landowner is not entitled to make the election described in Subsection (a-1) or (a-5) but is entitled to contest under Subsection (a) the involuntary certification of its property in a hearing held by the utility commission if the landowner's property is located:

(1) within the boundaries of any municipality or the extraterritorial jurisdiction of a municipality with a population of more than 500,000 and the municipality or retail public utility owned by the municipality is the holder of the certificate; or

(2) in a platted subdivision actually receiving water or sewer service.

(a-3) Within 60 calendar days from the date the utility commission determines the petition filed pursuant to Subsection (a-1) to be administratively complete, the utility commission shall grant the petition unless the utility commission makes an express finding that the petitioner failed to satisfy the elements required in Subsection (a-1) and supports its finding with separate findings and conclusions for each element based solely on the information provided by the petitioner and the certificate holder. The utility commission may grant or deny a petition subject to terms and conditions specifically related to the service request of the petitioner and all relevant information submitted by the petitioner and the certificate

holder. In addition, the utility commission may require an award of compensation as otherwise provided by this section.

(a-4) Chapter 2001, Government Code, does not apply to any petition filed under Subsection (a-1). The decision of the utility commission on the petition is final after any reconsideration authorized by the utility commission's rules and may not be appealed.

(a-5) As an alternative to decertification under Subsection (a) and expedited release under Subsection (a-1), the owner of a tract of land that is at least 25 acres and that is not receiving water or sewer service may petition for expedited release of the area from a certificate of public convenience and necessity and is entitled to that release if the landowner's property is located in a county with a population of at least one million, a county adjacent to a county with a population of at least one million, or a county with a population of more than 200,000 and less than 220,000 that does not contain a public or private university that had a total enrollment in the most recent fall semester of 40,000 or more, and not in a county that has a population of more than 45,500 and less than 47,500.

(a-6) The utility commission shall grant a petition received under Subsection (a-5) not later than the 60th day after the date the landowner files the petition. The utility commission may not deny a petition received under Subsection (a-5) based on the fact that a certificate holder is a borrower under a federal loan program. The utility commission may require an award of compensation by the petitioner to a decertified retail public utility that is the subject of a petition filed under Subsection (a-5) as otherwise provided by this section.

(a-7) The utility shall include with the statement of intent provided to each landowner or ratepayer a notice of:

- (1) a proceeding under this section related to certification or decertification;
- (2) the reason or reasons for the proposed rate change; and

(3) any bill payment assistance program available to low-income ratepayers.

(a-8) If a certificate holder has never made service available through planning, design, construction of facilities, or contractual obligations to serve the area a petitioner seeks to have released under Subsection (a-1), the utility commission is not required to find that the proposed alternative provider is capable of providing better service than the certificate holder, but only that the proposed alternative provider is capable of providing the requested service.

(a-9) Subsection (a-8) does not apply to a county that borders the United Mexican States and the Gulf of Mexico or a county adjacent to a county that borders the United Mexican States and the Gulf of Mexico.

(a-10) Subsection (a-8) does not apply to a county:

(1) with a population of more than 30,000 and less than 35,000 that borders the Red River; or

(2) with a population of more than 100,000 and less than 200,000 that borders a county described by Subdivision (1).

(a-11) Subsection (a-8) does not apply to a county:

(1) with a population of 130,000 or more that is adjacent to a county with a population of 1.5 million or more that is within 200 miles of an international border; or

(2) with a population of more than 40,000 and less than 50,000 that contains a portion of the San Antonio River.

(b) Upon written request from the certificate holder, the utility commission may cancel the certificate of a utility or water supply corporation authorized by rule to operate without a certificate of public convenience and necessity under Section [13.242\(c\)](#).

(c) If the certificate of any retail public utility is revoked or amended, the utility commission may require one or more retail public utilities with their consent to provide service in the area in question. The order of the utility commission shall not be effective to transfer property.

(d) A retail public utility may not in any way render retail water or sewer service directly or indirectly to the public in an area that has been decertified under this section without providing compensation for any property that the utility commission determines is rendered useless or valueless to the decertified retail public utility as a result of the decertification.

(e) The determination of the monetary amount of compensation, if any, shall be determined at the time another retail public utility seeks to provide service in the previously decertified area and before service is actually provided. The utility commission shall ensure that the monetary amount of compensation is determined not later than the 90th calendar day after the date on which a retail public utility notifies the utility commission of its intent to provide service to the decertified area.

(f) The monetary amount shall be determined by a qualified individual or firm serving as independent appraiser agreed upon by the decertified retail public utility and the retail public utility seeking to serve the area. The determination of compensation by the independent appraiser shall be binding on the utility commission. The costs of the independent appraiser shall be borne by the retail public utility seeking to serve the area.

(g) For the purpose of implementing this section, the value of real property owned and utilized by the retail public utility for its facilities shall be determined according to the standards set forth in Chapter [21](#), Property Code, governing actions in eminent domain and the value of personal property shall be determined according to the factors in this subsection. The factors ensuring that the compensation to a retail public utility is just and adequate shall include: the amount of the retail public utility's debt allocable for service to the area in question; the value of the service facilities of the retail public utility located within the area in question; the amount of any expenditures for planning, design, or construction of

service facilities that are allocable to service to the area in question; the amount of the retail public utility's contractual obligations allocable to the area in question; any demonstrated impairment of service or increase of cost to consumers of the retail public utility remaining after the decertification; the impact on future revenues lost from existing customers; necessary and reasonable legal expenses and professional fees; and other relevant factors. The utility commission shall adopt rules governing the evaluation of these factors.

(g-1) If the retail public utilities cannot agree on an independent appraiser within 10 calendar days after the date on which the retail public utility notifies the utility commission of its intent to provide service to the decertified area, each retail public utility shall engage its own appraiser at its own expense, and each appraisal shall be submitted to the utility commission within 60 calendar days. After receiving the appraisals, the utility commission shall appoint a third appraiser who shall make a determination of the compensation within 30 days. The determination may not be less than the lower appraisal or more than the higher appraisal. Each retail public utility shall pay half the cost of the third appraisal.

(h) A certificate holder that has land removed from its certificated service area in accordance with this section may not be required, after the land is removed, to provide service to the removed land for any reason, including the violation of law or utility commission or commission rules by a water or sewer system of another person.

Added by Acts 1985, 69th Leg., ch. 795, Sec. 3.005, eff. Sept. 1, 1985. Amended by Acts 1987, 70th Leg., ch. 539, Sec. 20, eff. Sept. 1, 1987; Acts 1989, 71st Leg., ch. 567, Sec. 31, eff. Sept. 1, 1989; Acts 1993, 73rd Leg., ch. 652, Sec. 4, eff. Aug. 30, 1993; Acts 1997, 75th Leg., ch. 1010, Sec. 6.10, eff. Sept. 1, 1997.

Amended by:

Acts 2005, 79th Leg., Ch. 1145 (H.B. [2876](#)), Sec. 9, eff. September 1, 2005.

Acts 2005, 79th Leg., Ch. 1145 (H.B. [2876](#)), Sec. 13(1), eff. September 1, 2005.

Acts 2011, 82nd Leg., R.S., Ch. 1325 (S.B. [573](#)), Sec. 4, eff. September 1, 2011.

Acts 2013, 83rd Leg., R.S., Ch. 170 (H.B. [1600](#)), Sec. 2.55, eff. September 1, 2013.

Acts 2013, 83rd Leg., R.S., Ch. 171 (S.B. [567](#)), Sec. 55, eff. September 1, 2013.

CITY COUNCIL

AGENDA COVER SHEET

DATE SUBMITTED: 3.07.17

MEETING DATE: 3.14.17

1. Agenda Item: **CONSIDERATION AND POSSIBLE ACTION APPROVING THE CHANGE ORDER FOR THE WW PLANT IMPROVEMENTS, AND LIFT STATION REHABILITATION PROJECT, THE ADDITIONAL WORK INCLUDES ADDITIONAL PIPING REQUIRED FOR MONA LOA, AND GILLS BRANCH LIFT STATIONS, AND MODIFICATIONS TO THE HEADWORKS AT WASTE WATER TREATMENT PLANT 1. THE NEW FINE SCREEN EQUIPMENT INCREASE BACK PRESSURE ON THE EXISTING FORCE MAIN AND REQUIRED ADDITIONAL SUPPORT STRUCTURE AND PIPING MODIFICATIONS. THE CHANGE ORDER WILL INCREASE THE PREVIOUS CONTRACT AMOUNT FROM**
2. **\$ 932,396 TO \$ 1,034,457.00, THE PROJECT WILL STILL BE UNDER THE ORIGINAL BUDGETED AMOUNT.**

3. Party Making Request: DIRECTOR OF PW, PARKS, & UTILITIES- TREY JOB
4. Attachments: Yes X No


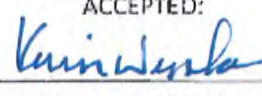
Date of Issuance: February 22, 2016	Effective Date:
Owner: City of Bastrop	Owner's Contract No.:
Contractor: Excel Construction Services, LLC	Contractor's Project No.:
Engineer: BEFCO Engineering, Inc.	Engineer's Project No.: 12-5787
Project: Wastewater Improvements	Contract Name: Wastewater Improvements

The Contract is modified as follows upon execution of this Change Order:

Description: Additional work at Lift Stations, South WWTP and North WWTP

Attachments: See attached letter from Excel dated December 21 and 22, 2016.

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES <i>[note changes in Milestones if applicable]</i>
Original Contract Price: \$ <u>895,000.00</u>	Original Contract Times: Substantial Completion: <u>180 calendar days</u> Ready for Final Payment: <u>July 2, 2016</u>
Increase from previously approved Change Orders No. <u>1</u> to No. <u>2</u> : \$ <u>37,396.00</u>	Increase from previously approved Change Orders No. <u>1</u> to No. <u>2</u> : Substantial Completion: <u>90 calendar days</u> Ready for Final Payment: _____
Contract Price prior to this Change Order: \$ <u>932,396.00</u>	Contract Times prior to this Change Order: Substantial Completion: <u>270 calendar days</u> Ready for Final Payment: <u>October 2, 2016</u>
Increase of this Change Order: \$ <u>102,061.00</u>	Increase of this Change Order: Substantial Completion: <u>60 calendar days</u> Ready for Final Payment: <u>January 2, 2017</u>
Contract Price incorporating this Change Order: \$ <u>1,034,457.00</u>	Contract Times with all approved Change Orders: Substantial Completion: <u>360 calendar days</u> Ready for Final Payment: <u>January 2, 2017</u>

RECOMMENDED:	ACCEPTED:	ACCEPTED:
By: 	By: _____	By: 
BEFCO Engineering, Inc.	City of Bastrop	Excel Construction Services, LLC
Title <u>Engineer</u>	Title _____	Title <u>VICE PRESIDENT</u>
Date <u>February 22, 2017</u>	Date _____	Date <u>2/22/2017</u>

CITY COUNCIL

AGENDA COVER SHEET

DATE SUBMITTED: 3.7.17

MEETING DATE: 3.14.17

1. Agenda Item: **CONSIDERATION AND POSSIBLE ACTION AMENDING THE ORIGINAL CONTRACT FOR ENGINEERING SERVICES FOR THE DESIGN OF A 16" WATER MAIN AND ELEVATED STORAGE TANK THE CHANGES INCLUDE AN ADDITIONAL 2,700 L.F. OF 16" WATER THAT WILL TRAVEL WEST FROM THE ELEVATED STORAGE TANK SITE AT HWY 20. THE ORIGINAL CONTRACT PRICE IS \$380,000 AND IT WILL INCREASE BY \$24,000.**

2. Party Making Request: **DIRECTOR OF PW, PARKS, & UTILITIES- TREY JOB**

3. Attachments: Yes X No



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 Texas Licensed Surveying Firm #10001700

February 27, 2017

**Trey Job, Public Works Director
City of Bastrop
P.O. Box 427
Bastrop, Texas 78602**

**RE: City of Bastrop
ADDENDUM No. 1: Water Improvements Proposal (Elevated Storage Tank & 16" WL)
BEFCO Job No. 15-6497**

Mr. Job:

This letter serves as an addendum to the ongoing design contract between the City of Bastrop and BEFCO Engineering, Inc. for the 16" Water Line and Elevated Storage Tank. The City has requested the scope of work be adjusted to include an additional 2,700 linear feet of water line. The following changes and additions to the contract are proposed:

A. Scope of Project:

- Lay a new 16" water line (2,700 feet) along the south side of SH 71 from the property owned by the City of Bastrop at the intersection of FM 20 and SH 71 west to the city limits.

G. The total cost for the base fee proposal is:

Base fee proposal:	
Design/Survey	\$ 250,000.00
Pre-Construction	\$ 16,000.00
Permits	\$ 20,000.00
Construction	\$ 44,000.00
EST Inspection	\$ 35,000.00
Close Out	\$ 15,000.00
Total	\$ 380,000.00

Addendum No. 1:	
Design/Survey	\$ 18,500.00
Pre-Construction	\$ 1,000.00
Permits	\$ 1,000.00
Construction	\$ 2,500.00
Close Out	\$ 1,000.00
Total	\$ 24,000.00

Revised total fee proposed, including Addendum No. 1:

Design/Survey	\$ 268,500.00
Pre-Construction	\$ 17,000.00
Permits	\$ 21,000.00
Construction	\$ 46,500.00
EST Inspection	\$ 35,000.00
Close Out	\$ 16,000.00
Total	\$ 404,000.00

M. Approval/Acceptance:

BEFCO proposes to perform the services listed in the original proposal, executed March 10, 2016, for \$380,000 plus the Addendum No. 1 scope listed above for an additional \$24,000, for a total of \$404,000. If you have any questions, please advise. Thank you and the City for the continued confidence and support.

Accepted:

BEFCO Engineering, Inc.

By 

Chad Emmel, Project Manager

Date 2/27/2017

Accepted:

City of Bastrop

By _____

Trey Job, Public Works Director

Date _____

CITY COUNCIL

AGENDA COVER SHEET

DATE SUBMITTED: 3.07.17

MEETING DATE: 3.14.17

1. Agenda Item: **CONSIDERATION AND POSSIBLE ACTION APPROVING THE TIMELINE SHOWN IN THE UPDATE REGARDING THE CITY OF BASTROP SHELTER GRANT TO BE CONSTRUCTED AT 1209 LINDEN STREET BASTROP TX.**

2. Party Making Request: **DIRECTOR OF PW, PARKS, & UTILITIES- TREY JOB**

3. Attachments: Yes X No

Memo

Date: March 7, 2017
TO: Marvin Townsend City Manager
CC: Tracy Waldron
From: Trey Job, Director of Public Works
RE: Shelter Grant/Building update

Dear Mr. Townsend,

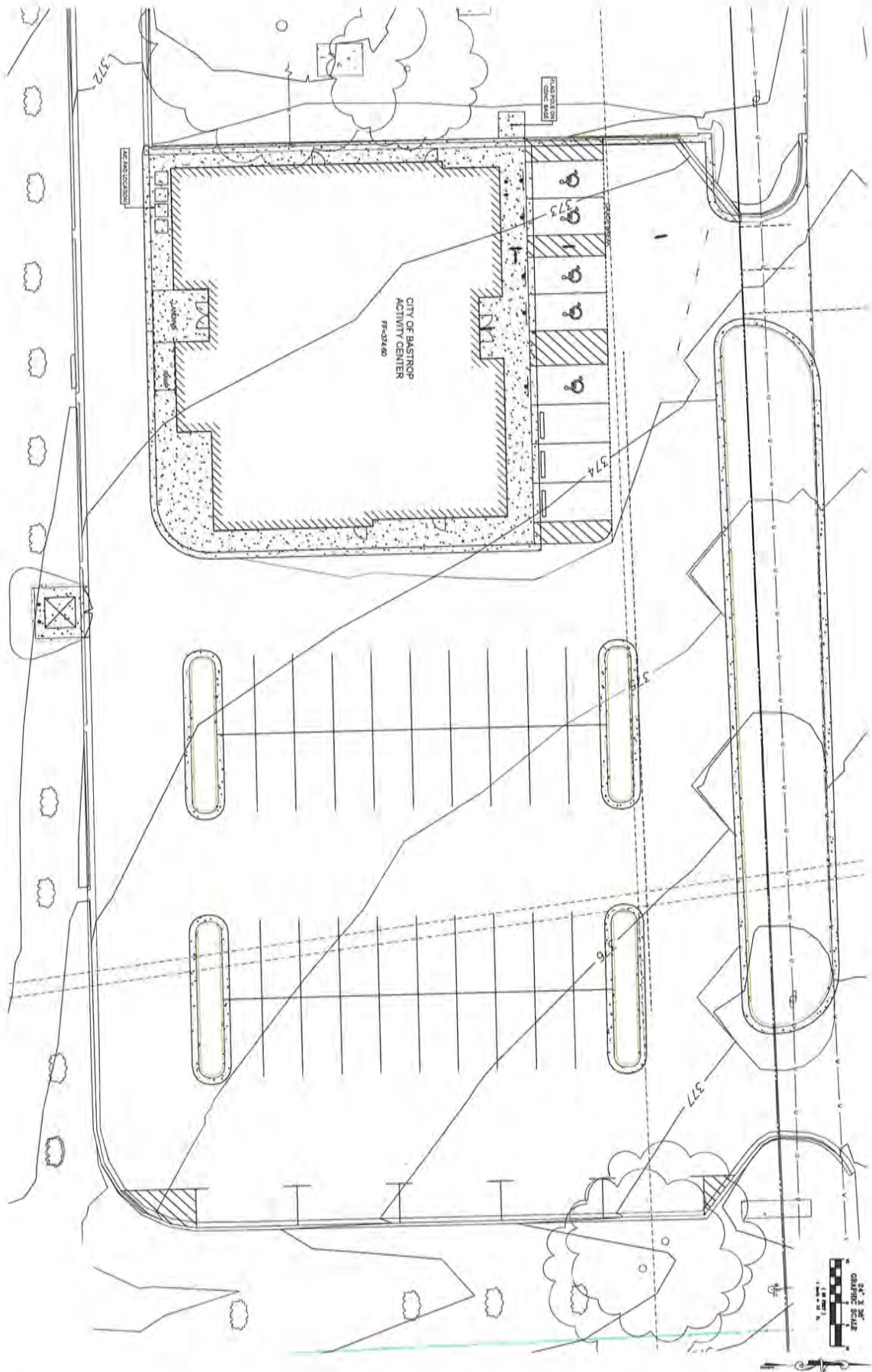
The shelter plans have been completed and the 100% plans will be submitted to the General Land Office on March 8, 2017 for review. There may be some small changes nevertheless the basic design is complete. The improvements will include approximately 6,000 sq. feet of space that can be used for indoor recreation activities when it is not being used as a shelter. The shelter can temporarily house 50 people. Since the building will be adjacent to Jewells park, access from the park to a restroom will be available. In addition, lighting, will be installed in the parking lot and near the park. When the construction of the building begins the city utility crews will install all the necessary utilities to the building and include improvements to the park such as: outdoor power, water, and fencing around the park for safety.

The time line for completion is as follows:

- | | |
|-----------------|---|
| 8 March 2017 | • Submit 100% package to GLO (1 week) |
| 15 March 2017 | • Advertise and Bid project – (6 weeks) |
| 26 April 2017 | • Receive Bids and Evaluate – (2 weeks) |
| 11 May 2017 | • Award contract to General Contractor – (4 weeks) |
| 18 May 2017 | • Commence Construction – (1 week) |
| 25 January 2018 | • Complete construction and issue certificate or occupancy – (36 weeks) |
| 8 February 2018 | • Walk final Punch List and receive close out documents – (2 weeks) |

I spoke to Mike Fisher with Bastrop County about the extended time-line, and there is no problem with extending the project into 2018. Please see the attached floorplan and building elevations for your review.

Regards,
Trey Job



Notes:
 1. Owner to provide final site plan to City of Bastrop for review and approval.
 2. Submittals must be accompanied by a copy of the City of Bastrop's Ordinance 10-10-01.
 3. Submittals must be accompanied by a copy of the City of Bastrop's Ordinance 10-10-02.
 4. Submittals must be accompanied by a copy of the City of Bastrop's Ordinance 10-10-03.

1 SITE PLAN

SCALE: 1"=10'-0"

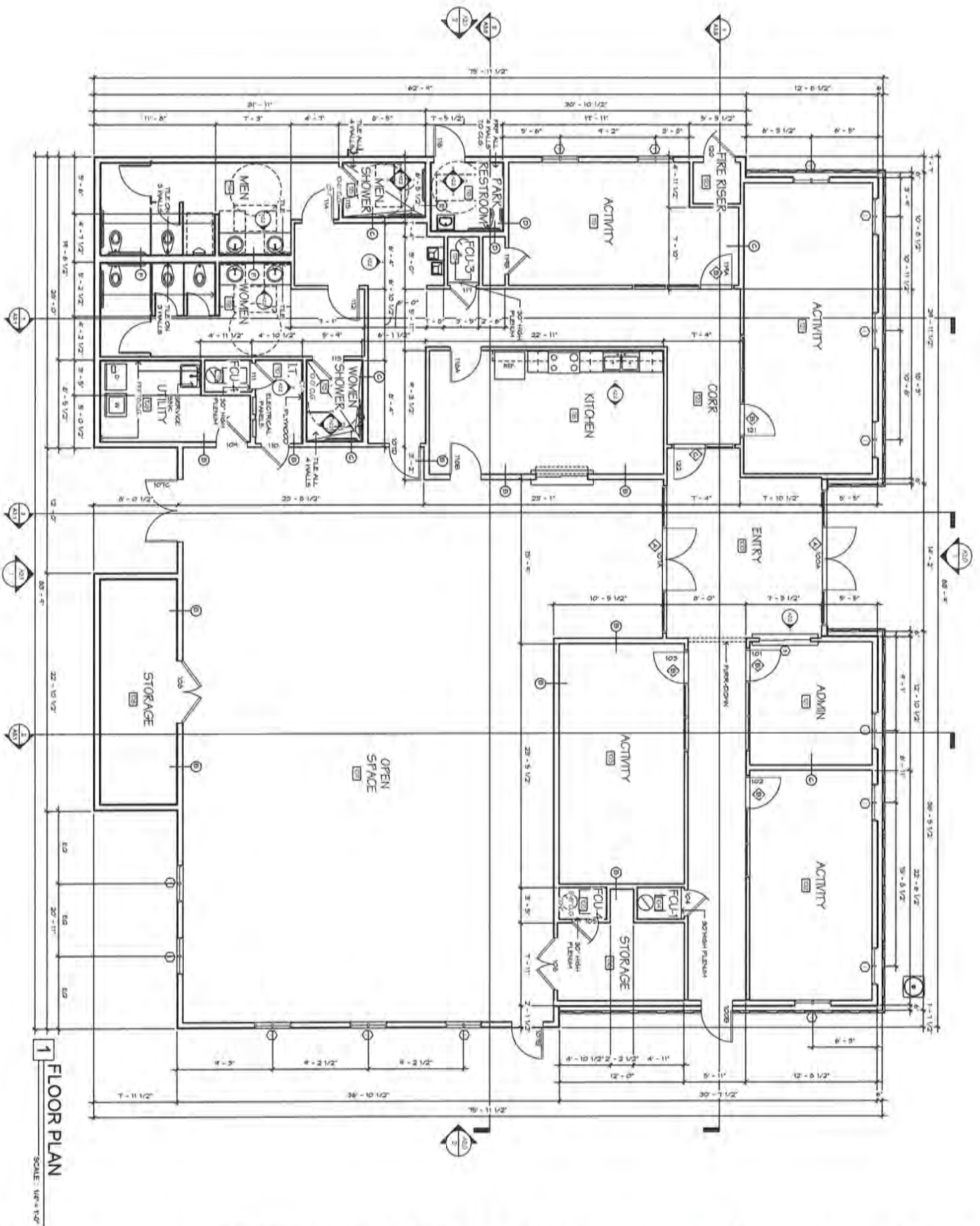
A1.0

SHEET TITLE
SITE PLAN
 DATE:
MARCH 7, 2017

**CITY OF BASTROP
 ACTIVITY CENTER**
 1209 LINDEN ST. BASTROP, TEXAS 78602



FATTER & EVANS
 ARCHITECTS, INC.
 7509 MARCHACK RD.
 SUITE 100
 AUSTIN, TX 78724
 PHONE 512.471.3181
 FAX 512.477.1739



1 FLOOR PLAN
SCALE: 1/8" = 1'-0"

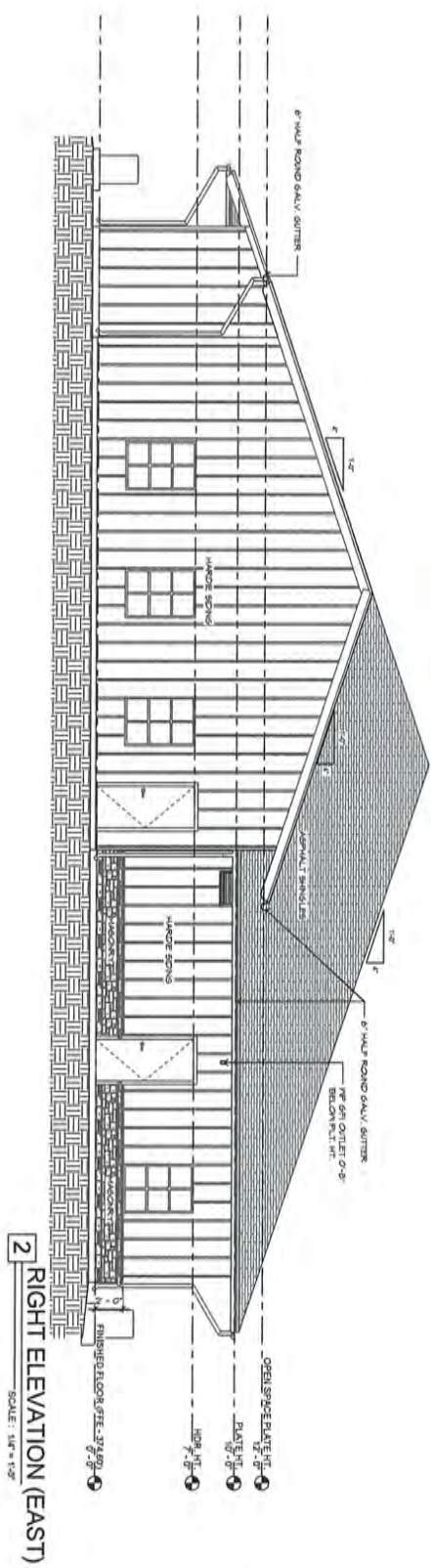
Sheet No.
FLOOR PLAN
03-14-2017
A1.1
DATE: 03/14/2017
DRAWN BY: [Signature]

NO.	DESCRIPTION	DATE

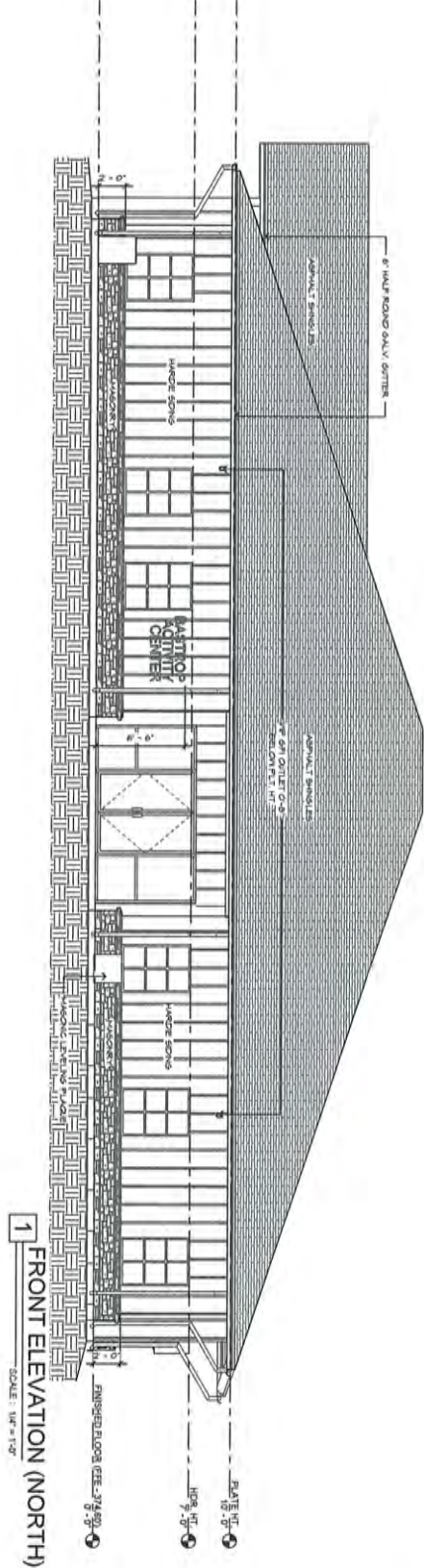
CITY OF BASTROP
ACTIVITY CENTER
1209 LINDEN ST. BASTROP, TEXAS 78602



FATTER & EVANS
ARCHITECTS
83
2801 Westwood Blvd., Suite 100
Austin, Texas 78745
Phone: 512.452.3861
Fax: 512.457.1737



2 RIGHT ELEVATION (EAST)
SCALE: 1/8" = 1'-0"



1 FRONT ELEVATION (NORTH)
SCALE: 1/8" = 1'-0"

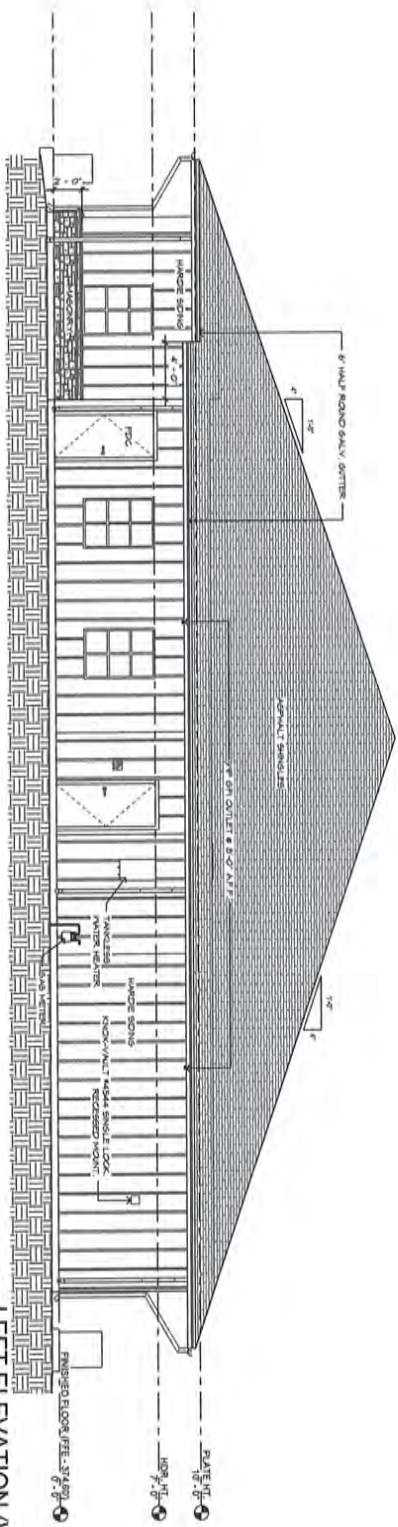
No.	Description	Date

**CITY OF BASTROP
ACTIVITY CENTER**
1209 LINDEN ST. BASTROP, TEXAS 78602

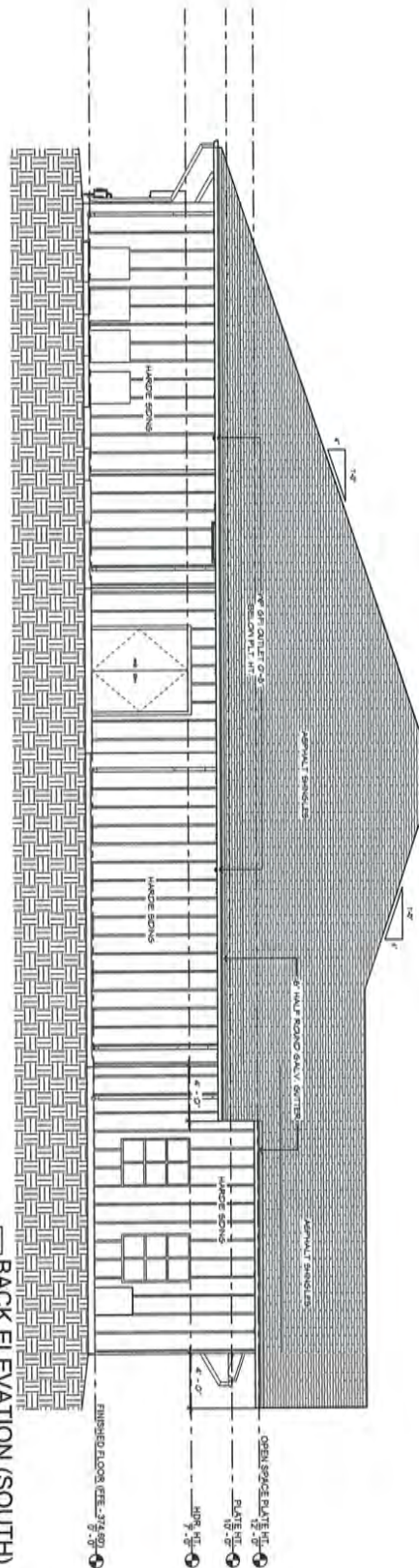


FATTER & EVANS
ARCHITECTS **84**
7509 Manchaca Rd., Suite 100
Austin, Texas 78745
Phone: 512.455.3181
Fax: 512.457.1728

Sheet 05
**EXTERIOR
ELEVATIONS**
A2.0
03-14-2017
DATE: 03/17/2017



2 LEFT ELEVATION (WEST)
SCALE: 1/8" = 1'-0"



1 BACK ELEVATION (SOUTH)
SCALE: 1/8" = 1'-0"

NO.	DESCRIPTION	DATE

**CITY OF BASTROP
ACTIVITY CENTER**
1209 LINDEN ST. BASTROP, TEXAS 78602



**FATTER & EVANS
ARCHITECTS, P.C.**
85
7509 MAPLEWOOD RD., SUITE 100
AUSTIN, TEXAS 78742
PHONE: 512.474.3181
FAX: 512.477.1739

Sheet Title
**EXTERIOR
ELEVATIONS**
DATE: MARCH 7, 2017
AZ:1
1314-2017