

Bastrop, TX City Council Meeting Agenda
Bastrop City Hall City Council Chambers
1311 Chestnut Street
Bastrop, TX 78602
(512) 332-8800



June 26, 2018 at 6:30 P.M.

City of Bastrop City Council meetings are available to all persons regardless of disability. If you require special assistance, please contact the City Secretary at (512) 332-8800 or write 1311 Chestnut Street, 78602, or by calling through a T.D.D. (Telecommunication Device for the Deaf) to Relay Texas at 1-800-735-2989 at least 48 hours in advance of the meeting.

As authorized by Section 551.071 of the Texas Government Code, this meeting may be convened into closed Executive Session for the purposes of seeking confidential legal advice from the City Attorney on any item on the agenda at any time during the meeting.

The City of Bastrop reserves the right to reconvene, recess, or realign the Regular Session or called Executive Session or order of business at any time prior to adjournment.

1. CALL TO ORDER

- 2. PLEDGE OF ALLEGIANCE** – Ciana Salinas, Alycia Wallace, Samantha Wallace, Izybella Harris, and Cameron Tucker, Bastrop YMCA.

TEXAS PLEDGE OF ALLEGIANCE

Honor the Texas Flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible.

- 3. INVOCATION** – Pastor Kyle Adams, Christian Fellowship, Youth Pastor

4. PRESENTATIONS

- 4A. Mayor's Report
- 4B. Councilmembers' Report
- 4C. City Manager's Report
- 4D. Presentation regarding the closure of the Old Iron Bridge on June 29th through June 2, 2018.

- 5. WORK SESSION/BRIEFINGS – N/A**

6. STAFF AND BOARD REPORTS

- 6A. Receive monthly report from Visit Bastrop.
- 6B. Receive presentation on the unaudited Comprehensive Monthly Financial Report for the period ending May 31, 2018.

7. CITIZEN COMMENTS

At this time, three (3) minute comments will be taken from the audience on any topic. To address the Council, please submit a fully completed request card to the City Secretary prior to the beginning of the Citizens' Comment portion of the Council meeting. In accordance with the Texas Open Meetings Act, if a citizen discusses any item not on the agenda, City Council cannot discuss issues raised or make any decision at this time. Instead, City Council is limited to making a statement of specific factual information or a recitation of existing policy in response to the inquiry. Issues may be referred to City Staff for research and possible future action.

To address the Council concerning any item on the agenda, please submit a fully completed request card to the City Secretary prior to the consideration of that item.

It is not the intention of the City of Bastrop to provide a public forum for the embarrassment or demeaning of any individual or group. Neither is it the intention of the Council to allow a member of the public to slur the performance, honesty and/or integrity of the Council, as a body, or any member or members of the Council individually or collectively, or members of the City's staff. Accordingly, profane, insulting or threatening language directed toward the Council and/or any person in the Council's presence will not be tolerated.

8. CONSENT AGENDA

The following may be acted upon in one motion. A Councilmember or a citizen may request items be removed from the Consent Agenda for Individual consideration.

- 8A. Consider action to approve City Council minutes from the June 12, 2018 meeting.
- 8B. Consider action to approve the second reading of Ordinance No. 2018-09 of the City Council of the City of Bastrop, Texas amending the Code of Ordinances Chapter 7, titled "Municipal Court" Article 7.01 "General Provisions" to establish a Municipal Court of Record; to provide for purpose, jurisdiction, and definitions; to provide for the appointment of the Municipal Court judges; to provide for the appointment of a court clerk; repealing all prior ordinances and actions in conflict herewith; providing for an effective date.
- 8C. Consider action to approve the second reading of Ordinance No. 2018-11 of the City Council of the City of Bastrop, Texas, granting a Conditional Use Permit for a brewery, distillery, or winery use on 0.046 acres of Building Block 3 West of Water Street, located at 809 Main Street, and 0.184 acres of Building Block 3 West of Water Street, located at 705 Pine Street, within the city limits of Bastrop, Texas; as shown in Exhibit A; setting out conditions; including a severability clause; and establishing an effective date.
- 8D. Consider action to approve Resolution No. R-2018-44 of the City Council of the City of Bastrop, Texas suspending the effective date for ninety (90) days in connection with the rate increase filing made on or about June 1, 2018 by Atmos Energy for its Midtex division;

finding that the meeting complies with the Open Meetings Act; making other findings and provisions related to the subject; and declaring an effective date.

9. ITEMS FOR INDIVIDUAL CONSIDERATION

- 9A. Consider action to approve Resolution No. R-2018-45 of the City Council of the City of Bastrop, Texas donating its ownership interest in 0.6340 acres located at 1303 Jasper Street, Bastrop, Texas from delinquent taxes, penalty, and interest owed to the County of Bastrop; authorizing the City Manager to execute any documents required to convey the property in fee simple title; providing for a repealing clause; and establishing an effective date.
- 9B. Consider action to approve Resolution No. R-2018-37 of the City Council of the City of Bastrop, Texas approving the Bastrop Police Department to accept a grant for twenty (20) rifle-resistant ballistic vests at a total cost of Thirteen Thousand Six Hundred Five and 06/100 Dollars (\$13,605.06) from the 2018 State Homeland Security Grant Program with no matching grant funds from the City of Bastrop; authorizing Public Safety Director as the Grantee's Authorized Official; providing for a severability clause; and establishing an effective date.
- 9C. Consider action to approve Resolution No. R-2018-46 of the City Council of the City of Bastrop, Texas, relating to the "Bastrop Economic Development Corporation Sales Tax Revenue Bonds, Series 2018", including the approval of the resolution of the board of directors of the corporation amending certain provisions of resolution authorizing the issuance of such bonds, attached as Exhibit A; resolving other matters, incident and related to the issuance of such bonds; and providing an effective date.

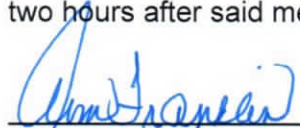
10. EXECUTIVE SESSION

- 10A. Consider action to approve Resolution No. City Council shall convene into closed executive session pursuant to Section 551.071 of the Texas Government Code to confer with City Attorney regarding legal advice related to Personnel Policies Manual Chapter 1, Section 2 [Equal Opportunity Policy], and Chapter 7, Section 9 [Grievance Procedures], in light of completion of recent Diversity Training by senior staff.

11. TAKE ANY NECESSARY OR APPROPRIATE ACTION ON MATTERS POSTED FOR CONSIDERATION IN CLOSED/EXECUTIVE SESSION

12. ADJOURNMENT

I, the undersigned authority, do hereby certify that this Notice of Meeting as posted in accordance with the regulations of the Texas Open Meetings Act on the bulletin board located at the entrance to the City of Bastrop City Hall, a place of convenient and readily accessible to the general public, as well as to the City's website, www.cityofbastrop.org and said Notice was posted on the following date and time: Friday, June 22, 2018 at 11:00 a.m. and remained posted for at least two hours after said meeting was convened.



Ann Franklin, City Secretary



STAFF REPORT

MEETING DATE: June 26, 2018

AGENDA ITEM: 4A

TITLE:

Mayor's Report

STAFF REPRESENTATIVE:

Lynda Humble, City Manager

POLICY EXPLANATION:

Texas Local Government Code, Section 551.045 – Governing Body of Municipality or County: Reports about Items of Community Interest Regarding Which No Action Will Be Taken:

(a) Notwithstanding Sections 551.041 and 551.042, a quorum of the governing body of a municipality or county may receive from staff of the political subdivision and a member of the governing body may make a report about items of community interest during a meeting of the governing body without having given notice of the subject of the report as required by this subchapter if no action is taken and, except as provided by Section 551.042, possible action is not discussed regarding the information provided in the report.

(b) For purposes of Subsection (a), "items of community interest" includes:

- (1) expressions of thanks, congratulations, or condolence;
- (2) information regarding holiday schedules;
- (3) an honorary or salutary recognition of a public official, public employee, or other citizen, except that a discussion regarding a change in the status of a person's public office or public employment is not an honorary or salutary recognition for purposes of this subdivision;
- (4) a reminder about an upcoming event organized or sponsored by the governing body;
- (5) information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the political subdivision; and
- (6) announcements involving an imminent threat to the public health and safety of people in the political subdivision that has arisen after the posting of the agenda.

ATTACHMENTS:

- Power Point Presentation

Mayor's Report
June 26, 2018



Chamber After Hours



Latest Activities

June 2 – June 14



Senior Center Luncheon



2018 Art Reception



Libraries Rock Over 300 Participated on June 2



Community Support

Events in 2018: 174



Safety Mondays YMCA



Planned Events

June 15 – June 26

- June 15 - Juneteenth Celebration Banquet & Dance
- June 16
 - Juneteenth Parade
 - Emancipation Program
 - Blue Flame Cruisers Car Show
 - Street Dance & Cruise In
- June 17 - Father's Day!
- June 18 - BEDC meeting
- June 19 - Special Council Budget Workshop
- June 20
 - Ribbon Cutting – Centennial Mortgage
 - Ribbon Cutting – Austin Title
 - TML Region 10 meeting
- June 21 – City Council Joint Meeting with Visit Bastrop Board
- June 23 – Leatherneck Banquet
- June 26
 - Big Games
 - City Council Meeting



Upcoming Events & City Meetings

- June 27 – Texas Housing Foundation
- June 28
 - Ribbon cutting; Firestone Complete Auto Care
- June 29
 - BEST breakfast (Smithville)
 - Patriotic Festival
- June 30 – Patriotic Festival
- July 5 – Farm Street Opry
- July 6 – First Friday Art Walk
- July 7 – Swing Dance
- July 10 - City Council Meeting





STAFF REPORT

MEETING DATE: June 26, 2018

AGENDA ITEM: 4B

TITLE:

Councilmembers' Report

STAFF REPRESENTATIVE:

Lynda Humble, City Manager

POLICY EXPLANATION:

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STAFF REPORT

MEETING DATE: June 26, 2018

AGENDA ITEM: 4C

TITLE:

City Manager's Report

STAFF REPRESENTATIVE:

Lynda Humble, City Manager

POLICY EXPLANATION:

Texas Local Government Code, Section 551.045 – Governing Body of Municipality or County: Reports about Items of Community Interest Regarding Which No Action Will Be Taken:

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STAFF REPORT

MEETING DATE: June 26, 2018

AGENDA ITEM: 4D

TITLE:

Presentation regarding the closure of the Old Iron Bridge on June 29th through June 2, 2018.

STAFF REPRESENTATIVE:

Trey Job, Managing Director of Public Works & Leisure Services

BACKGROUND/HISTORY:

The City hired Burgess & Niple Engineering to perform an in-depth inspection of the Old Iron Bridge on January 25th-27th, 2014. The limits of the bridge, including the three truss spans over the Colorado River, were inspected and an underwater study was performed on the substructure of the bridge by Stantec Engineering. No damage or deterioration, which may significantly affect the integrity, stability or load bearing capacity of the observed substructure elements, was detected below the water surface in 2014. Because the original plans were not available, Stantec could not give a numerical rating for the concrete substructure. However, there were no areas of undermining or scour noted during the inspection. It was recommended that routine underwater inspections of the substructure elements be performed at a maximum interval of five years. There were no priority repair recommendations at that time.

Recommendations were made for repair on the upper and lower chords of the truss bridge. At the time of inspection, the superstructure is in poor condition. The bridge decking was found to be in satisfactory condition, and the load rating calculation that accompanied the inspection report established a load rating of 85 pound per square foot for pedestrian traffic. During Bastrop's annual Patriotic Festival, the bridge is often used as a gathering place for the people who enjoy watching the fireworks show at the end of the evening. The Bridge itself is not part of the festival and will not be utilized for watching fireworks to ensure that the load rating will be followed. Because the report is over four years old and the recommended repairs have not been performed, the bridge will be closed during large events to prevent accidental overloading of the bridge that could result in failure.

POLICY EXPLANATION:

Article Three of the City of Bastrop City Charter Section 3.01 (15) gives the City authority to exercise exclusive dominion, control and jurisdiction in, upon, over and under the public streets, avenues, sidewalks, alleys, highways, boulevards and public grounds of the City and provide for the improvement of same.

ATTACHMENTS:

PowerPoint Presentation

Bridge Inspection 2014

Prior to 2014 bridge inspections were performed: 1992, 2001, 2009, 2011.



What you can see:



What you can't see below:



What you can't see below:



What you can't see below:



What you can't see below:



What you can't see below:



What you can't see below:



What you can't see below:



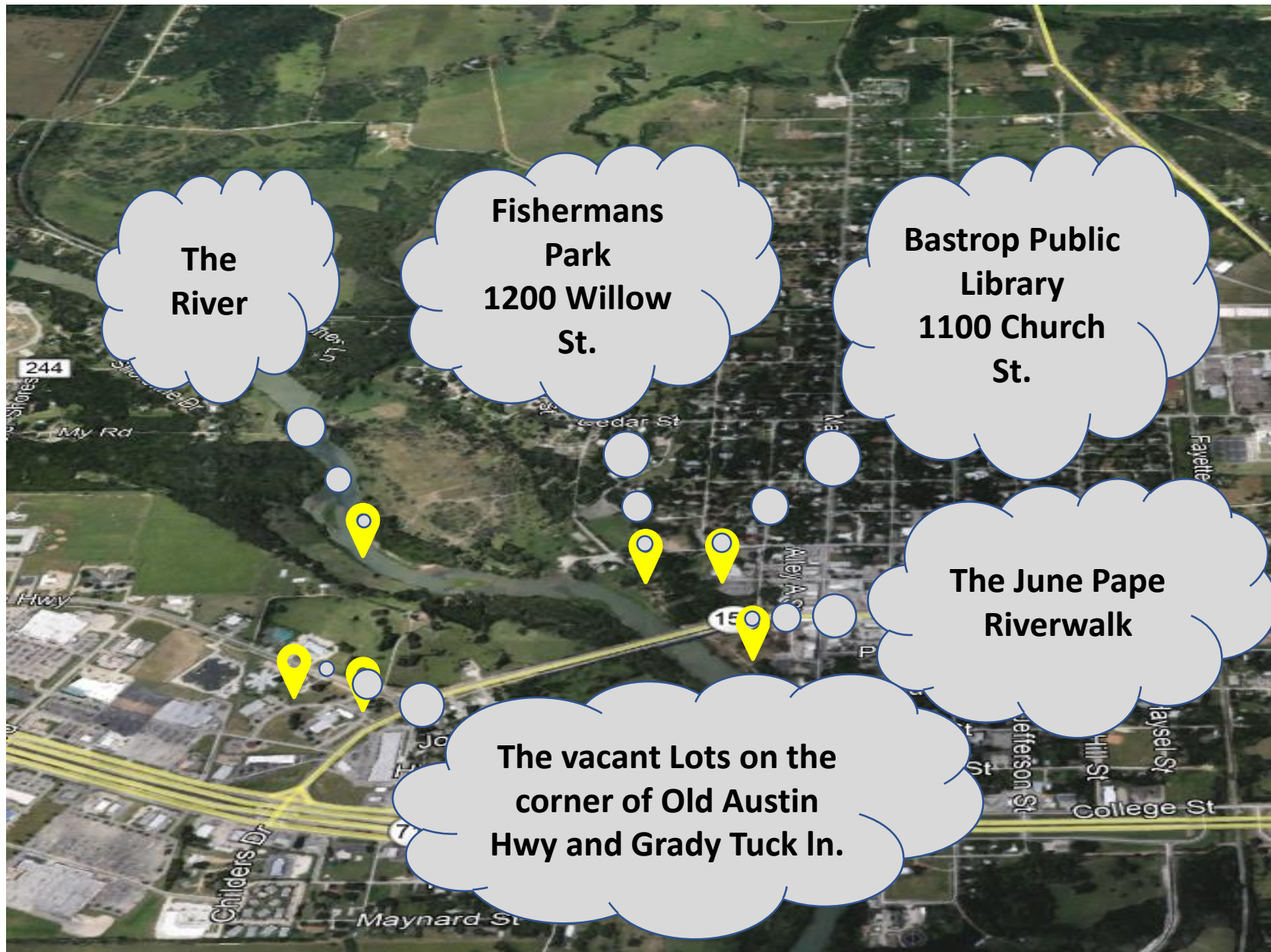
What you can't see below:



What you can't see below:



Where
can I
watch the
fireworks
show
from?





STAFF REPORT

MEETING DATE: June 26, 2018

AGENDA ITEM: 6A

TITLE:

Receive monthly report from Visit Bastrop.

STAFF REPRESENTATIVE:

Sarah O'Brien, Hospitality & Downtown Department Director

BACKGROUND/HISTORY:

Per the management agreement with Visit Bastrop, a monthly presentation must be made to the City Council outlining its progress in implementing their annual Business Plan and meeting performance targets and the scope of services pursuant to that agreement.

Specifically Visit Bastrop shall work to:

- (1) attract leisure visitors to the City and its vicinity;
- (2) attract and secure meetings, events, retreats, and conventions to the City and its vicinity; and
- (3) serve as a liaison to local businesses (including hoteliers, restaurateurs, and other similar entities) and City departments to attract leisure and business visitors, meetings, events, retreats, and conventions to the City and its vicinity.

Visit Bastrop, shall also:

- (A) carry out the actions defined in the applicable annual Business Plan;
- (B) utilize research reports on economic trends, growth sectors, and regional competitive strengths and weaknesses, as is customary in the destination and marketing organization industry;
- (C) provide marketing and imaging campaigns for the City's tourism and convention industry;
- (D) inform and partner with the City regarding high-profile or significant recruitment/attraction efforts;
- (E) provide, in appropriate detail in accordance with the Tax Code, reports listing the Visit Bastrop's expenditures made with HOT, and Visit Bastrop's progress in performing the Services in conformance with implementation of the annual Business Plan; and
- (F) Provide expertise in destination management in conjunction with the City of Bastrop to leverage available resources such as community assets and activities to maximize opportunities to attract visitors to Bastrop, both leisure and business, recognizing the critical role tourism plays in Bastrop's economy, both in HOT and sales tax revenue.

POLICY EXPLANATION:

Visit Bastrop, a 501(c)6 organization, was engaged to provide Destination Marketing Services and provide brand marketing for Bastrop as a destination.

As outlined in the annual management agreement, the City and Visit Bastrop recognize the visitor industry as a key economic generator. Visit Bastrop's purpose is to provide "brand" marketing for Bastrop as a destination and to serve as the primary brand advocate. Visit Bastrop will also leverage utilization of existing facilities, while providing global oversight of Bastrop's visitor assets and activities. Visit Bastrop will also provide a level of unity and representation to maximize Bastrop's brand potential.

The Visit Bastrop Board of Directors meets monthly on the third Thursday at 8:30 a.m. and rotates meeting locations at different hospitality venues. March's meeting was moved to accommodate Spring Break and was held on Thursday, March 22nd.

City Council established that the Visit Bastrop Board of Directors include broad representation of community assets and identified those as Arts, History, Hotels, Restaurants, Sports, Outdoors, Recreation, Hyatt, Nightlife, Entertainment and Film in the Destination Services Management Agreement.

Per their management agreement, Visit Bastrop must present an approved business plan and annual budget to the City Council no later than September 1, 2018 for FY 2019.

FUNDING SOURCE:

Visit Bastrop receives approximately \$1.4 million dollars in Hotel Occupancy Tax annually from the City of Bastrop to provide destination marketing services and serve as the brand advocate for our community.

RECOMMENDATION:

Provide any direction or feedback to Visit Bastrop staff and their Board of Directors on the organization's progress in meeting the annual requirements outlined in the management agreement.

ATTACHMENTS:

#1 May President's Report



VISIT BASTROP
www.visitbastrop.com

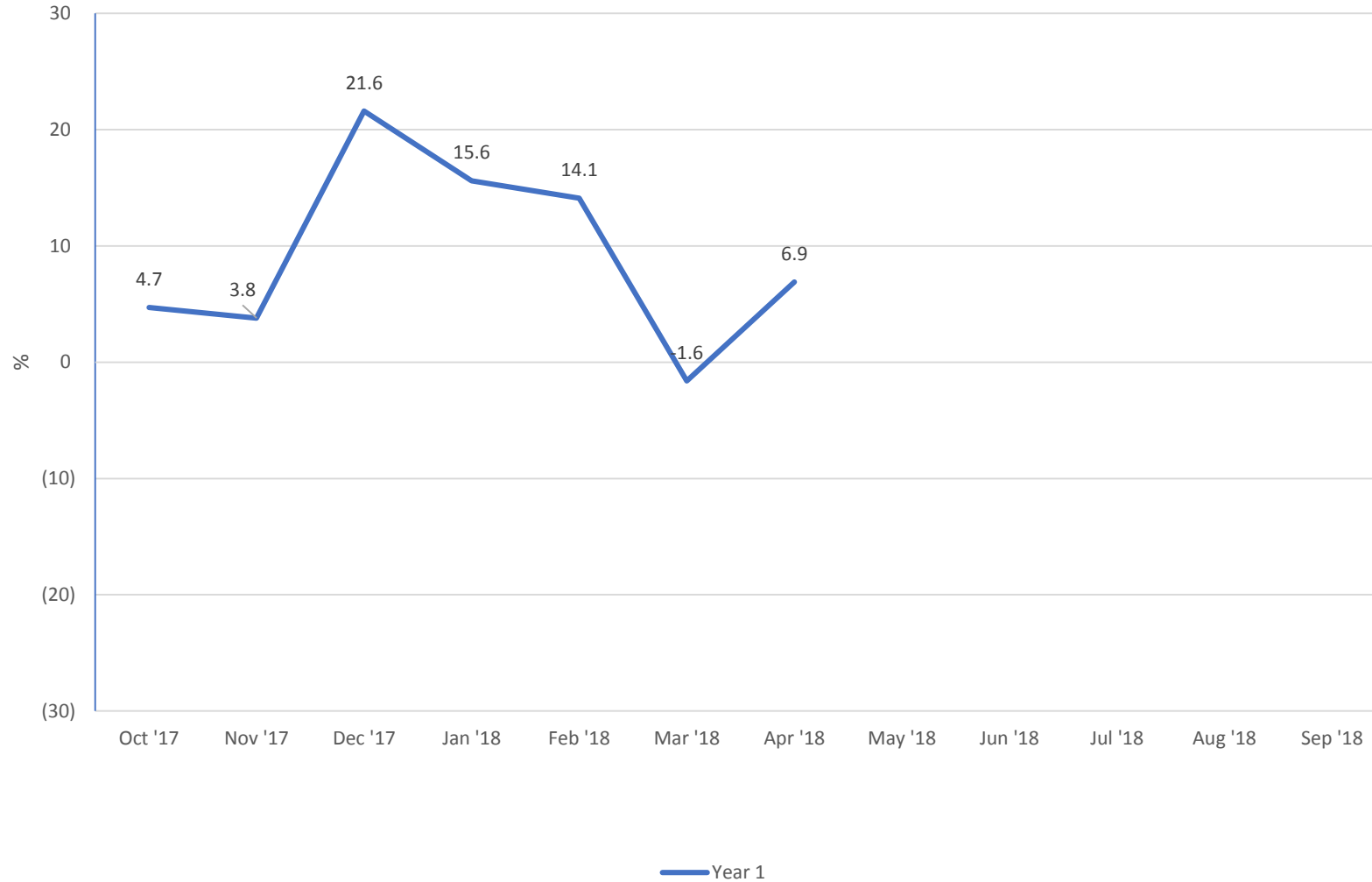
**Visit Bastrop
President's Report
May 2018**



Lodging Industry Report

Lodging Industry Report												
	April '18						Calendar Year to Date					
	Occ	%CH Occ	ADR	% Ch ADR	% CH RevPAR	% CH Rooms Sold	Occ	% Change from YTD 2017				
								%CH Occ	ADR	% Ch ADR	% CH RevPAR	% CH Rooms Sold
Bastrop	67.6	6.9	100.63	-1.6	5.3	6.9	58.2	6.6	91.62	-1.3	5.2	6.6
1	62.3	12.9	93.45	6.0	19.7	25.7	55.4	2.9	89.16	6.3	9.4	14.6
2	52.1	-0.5	84.52	5.4	4.9	-0.5	52.3	-4.5	81.39	3.0	-1.6	-4.5
3	66.3	4.5	114.04	-4.5	-0.2	5.0	58.3	5.9	107.28	-0.9	5.0	6.4
4	72.3	10.0	119.68	-1.0	8.8	10.0	60.9	6.6	110.88	-0.1	6.5	6.6
5	54.1	-11.9	99.10	-3.0	-14.6	2.0	52.4	-6.9	94.80	-2.2	-9.0	3.2
6	71.8	0.5	133.33	10.2	10.8	2.3	68.1	-0.9	127.16	6.7	5.8	0.7
7	79.5	-3.2	164.43	3.0	-0.3	4.3	75.2	-2.8	163.57	0.7	-2.1	3.0
8	78.9	-3.1	135.56	-3.9	-6.9	4.3	73.1	-3.1	131.81	-4.7	-7.7	6.4
9	63.7	10.4	109.22	3.6	14.3	24.9	57.0	-1.0	99.05	1.7	0.7	16.2
Average	66.86	2.65	115.40	1.42	4.18	8.49	61.09	.28	109.67	.92	1.22	5.92

Hotel Occupancy Monthly Percent Change Year Over Year





Convention Sales

Room Nights Booked- Fiscal Year to Date

	Convention Center	Hyatt	Other	Total
FYTD Room Nights		1044	330	1374

Definite Future Room Night Bookings– May

Number of Definite Bookings		Total Room Night Production	Total Attendance	Economic Impact*
Originated				
Assisted				

Lead Production - May

Number of Leads Sent	Total Room Night Potential	Total Attendance

*Per city contract, Direct Spending is calculated using the DMAI Event Impact Calculator

Convention Sales Initiatives

Tradeshow/Industry Meetings:

- May 4-6 Military Reunion Network – Branson, MO

Meetings/Appointments:

- May 2 Chris Bacack Site Tour
- May 29 Greg Lashmet - Producer of L&H Productions (potential new event)



MARKETING

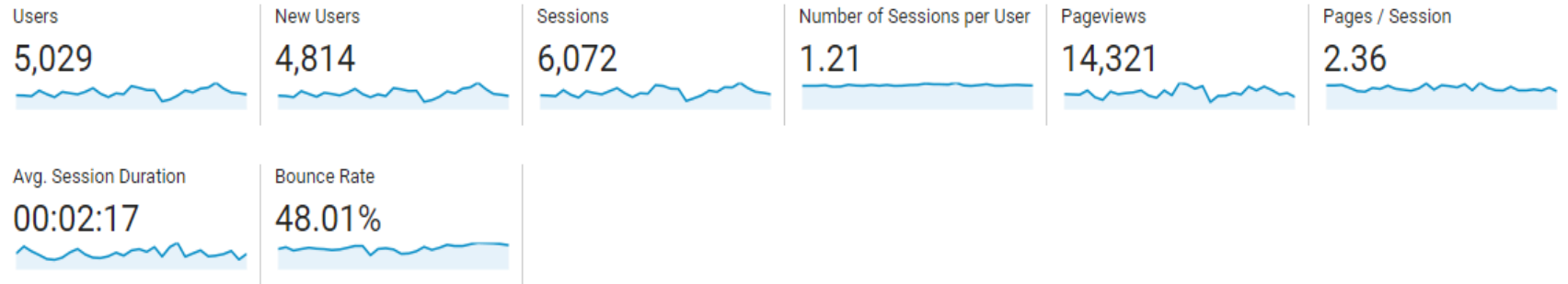
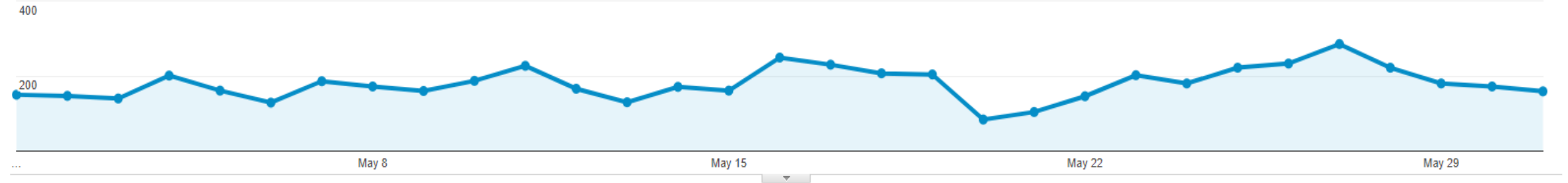
May Website Overview

Overview

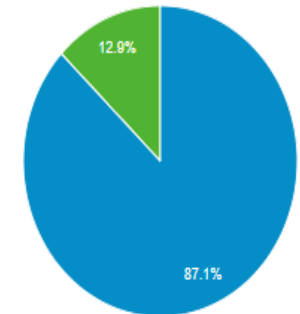
Users ▾ VS. Select a metric

Hourly Day Week Month

● Users



■ New Visitor ■ Returning Visitor



May Website Overview

Organic Traffic Overview: In May 2018, VisitBastrop.com, had 3,458 organic sessions. This is the 6th month in a row that our site has seen an increase in the number of organic sessions compared to prior months. Top organic landing page last month was again the homepage which had 945 sessions. Other organic landing pages include:

- Homepage
- Bastrop Music Festival
- Play Page
- Hyatt On-Site Activities

**In regards to engagement metrics, visitbastrop.com is performing better than the industry average in all measured areas. Our audience is visiting more pages, spending more time on the site, and bouncing less often than other DMO audiences.*

IndustryAverages

Engagement Metrics	Industry Average	VisitBastrop.com		% Difference
Total Pages Per Visit:	2.07	2.36	●	12.23%
Total Average Visit Duration:	0:01:52	0:02:17	●	18.15%
Total Bounce Rate:	53.70%	48.01%	●	-11.86%
Organic Pages Per Visit:	2.19	2.57	●	14.81%
Organic Average Visit Duration:	0:01:52	0:02:13	●	15.67%
Organic Bounce Rate:	49.73%	41.12%	●	-20.93%

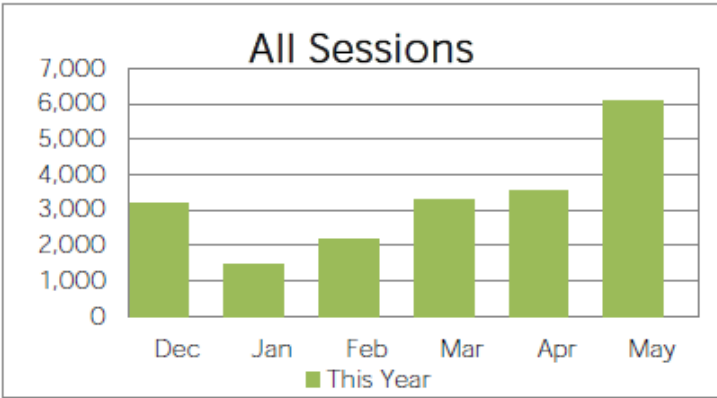
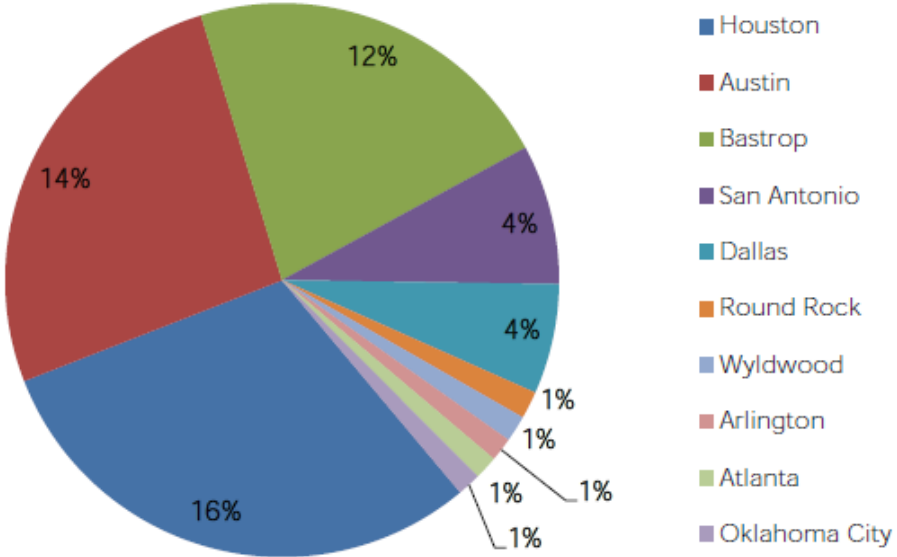
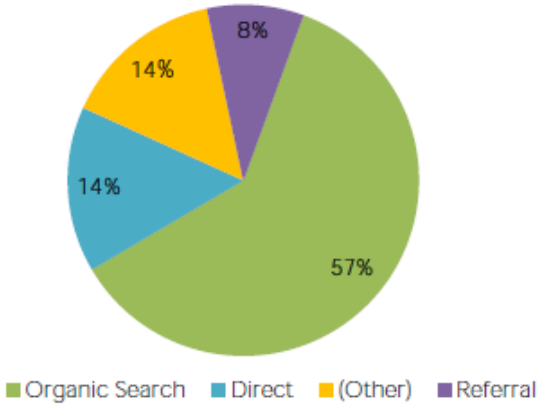


May Website Overview

Traffic Overview:

	Dec	Jan	Feb	Mar	Apr	May
Total Sessions	3,201	1,487	2,153	3,274	3,526	6,072
Users	2,741	1,101	1,747	2,649	2,926	5,029
Bounce Rate:	70%	49%	44%	47%	44%	48%
Pageviews:	6,591	4,730	5,612	8,767	8,931	14,321
Avg Page per Session:	1.89	2.71	2.61	2.68	2.53	2.36
Avg Session Duration:	0:01:18	0:02:45	0:02:37	02:34	02:21	02:17
Total Organic Search Traffic:	582	729	1,268	1,801	2,192	3,458
% of Traffic From Organic Search:	18%	49%	59%	55%	62%	57%
Entry Pages From Search:	80	105	109	139	142	155

Traffic Sources



Top Social Networks:

Source	Sessions	Avg. Time on	Pages per
Facebook	397	0:01:32	1.77
Pinterest	2	0:00:00	1.00
Twitter	2	0:00:06	1.00



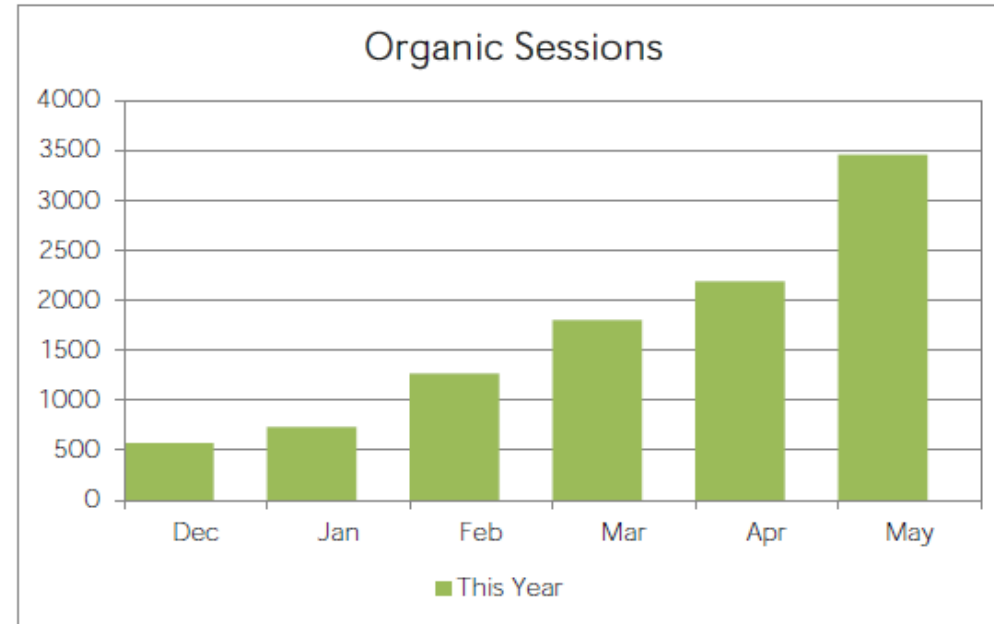
May Website Overview

OrganicSearchTraffic:

Organic Traffic	% of Total Site Traffic	
Sessions	3,458	56.95%

Organic Engagement compared to Site Engagemen		
Pageviews per Session	2.57	9.00%
Average Session Duration	0:02:13	-2.94%
New Sessions	81.55%	2.86%
Bounce Rate	41.12%	-14.34%

Search Engine	Sessions	Percent
google	3,123	90.31%
bing	176	5.09%
yahoo	154	4.45%
ask	5	0.14%



Search Console Queries	Clicks	Impressions	CTR
bastrop tx	290	11,070	2.62%
bastrop music festival	165	3,026	5.45%
bastrop	135	6,363	2.12%
bastrop texas	109	5,007	2.18%
visit bastrop	84	116	72.41%
things to do in bastrop tx	66	629	10.49%
music festivals in texas	50	988	5.06%
bastrop, tx	25	915	2.73%
hyatt lost pines activities	24	117	20.51%
bastrop festival	24	66	36.36%

Landing Page	Sessions	Percent
/	945	27.33%
/event/bastrop-music-festival/38/	703	20.33%
/stay/hyatt/on-site-activities/	197	5.70%
/play/	195	5.64%
/play/calendar/	187	5.41%
/event/mothers-day-brunch-at-hyatt-regency-lost-pines/78/	165	4.77%
/event/backyard-bash/89/	86	2.49%
/play/downtown-bastrop/	69	2.00%
/event/pine-street-market-days/3/	51	1.47%
/event/blue-flame-cruisers-car-truck-&-motorcycle-show/87/	35	1.01%



May Website Overview

Demographics&Interests

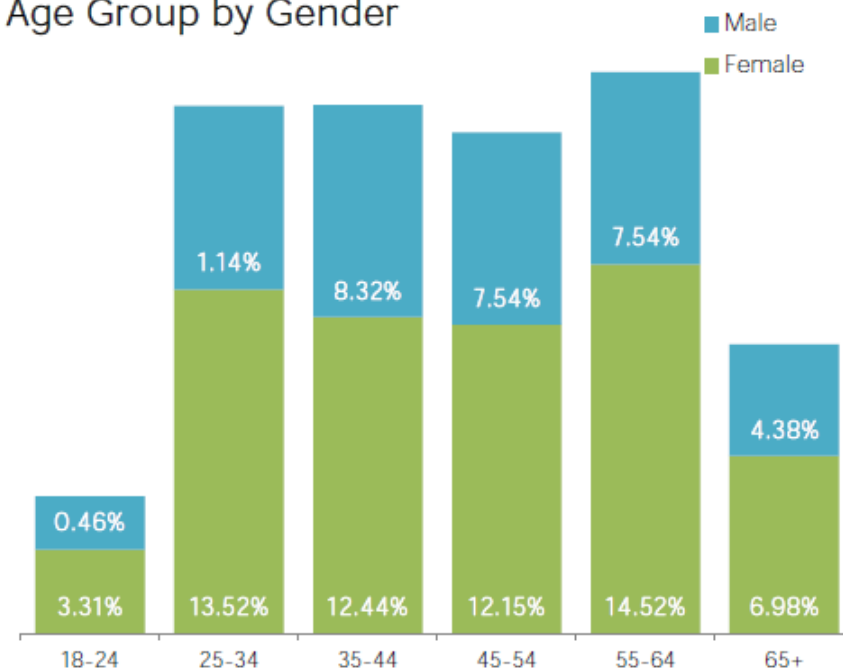
AffinityCategories:

Top 10 Affinity Categories	Visits
Food & Dining/Cooking Enthusiasts/30 Minute Chefs	1,970
News & Politics/News Junkies/Entertainment & Celebrity News Junkies	1,719
Shoppers/Value Shoppers	1,619
Lifestyles & Hobbies/Family-Focused	1,431
Media & Entertainment/Book Lovers	1,391
Travel/Travel Buffs	1,302
Media & Entertainment/TV Lovers	1,266
Shoppers/Bargain Hunters	1,238
Banking & Finance/Avid Investors	1,237
Lifestyles & Hobbies/Pet Lovers	1,214

OtherCategories:

Top 10 Categories	Visits
Arts & Entertainment/Celebrities & Entertainment News	1,064
News/Weather	639
Food & Drink/Cooking & Recipes	546
Law & Government/Government/Royalty	396
Real Estate/Real Estate Listings/Residential Sales	390
News/Politics	317
Arts & Entertainment/TV & Video/Online Video	305
Travel/Air Travel	305
Travel/Hotels & Accommodations	305
Reference/General Reference/Dictionaries & Encyclopedias	298

Age Group by Gender



Affinity Categories broaden the scope to identify users in terms of lifestyle; for example, Technophiles, Sports Fans, and Cooking Enthusiasts. These categories are defined in a similar way to TV audiences, and represent an opportunity to understand the behavior of your audience.




Other Categories are used to classify groups of users based on the specific content they consume, along with how recently and frequently they consume that content. This category data provides a more focused view of your users, and lets you analyze behavior more narrowly than Affinity Categories.

* Per Google



Facebook Overview: April

Facebook Activity Overview

 93.9k Impressions	 1,395 Engagements	 249 Clicks
---	---	--

Audience Growth Metrics	Totals
Total Fans	44.6k
Paid Likes	6
Organic Likes	139
Unlikes	126
Net Likes	19
Publishing Metrics	Totals
Photos	18
Videos	22
Posts	10
Notes	0
Total Posts	50

Total fans increased by

 since previous month

The number of posts you sent
 increased by
▲51.5%
 since previous month



Facebook Overview: May



05/31/2018 5:20 pm		Road Trip Ready: tomorrow evening, Bastrop, TX comes			747		41 20		Boost Post
05/30/2018 10:48 am		Live music, great food, boutique shopping, trunk shows a			428		7 5		Boost Post
05/29/2018 5:02 pm		From one festival to the next, mark your calendars for the			1.1K		35 33		Boost Post
05/23/2018 5:56 pm		ICYMI: Take a peek at this a mazing Bastrop Music Festiv			4.5K		314 105		View Promotion
05/21/2018 2:11 pm		The Fantasticks! There's always time to remember this ro			3.1K		35 144		View Promotion
05/21/2018 10:40 am		Bastrop Music Festival 2018 was one for the history book			1.3K		84 45		Boost Post
05/17/2018 7:04 pm		El Tule! Join us for the Bastrop Music Festival this weeke			9.4K		144 58		View Promotion
05/14/2018 4:14 pm		Mark your calendars June 29 - 30! Celebrate freedom in B			3.6K		239 110		Boost Post
05/11/2018 4:50 pm		Grab Mom and get out of town for a last minute getaway			2.3K		214 102		Boost Post
05/09/2018 3:03 pm		Visit Bastrop for the first ever Bastrop Music Festival! This			17.6K		396 196		View Promotion
05/04/2018 1:38 pm		Take a break from the big city life, grab a friend and get o			6.4K		399 245		View Promotion

Instagram Overview: May

Instagram Activity Overview

478 Total Followers	1,105 Likes Received	32 Comments Received
-------------------------------	--------------------------------	--------------------------------

Follower Metrics	Totals
Total Followers	478
Followers Gained	72
People that you Followed	15

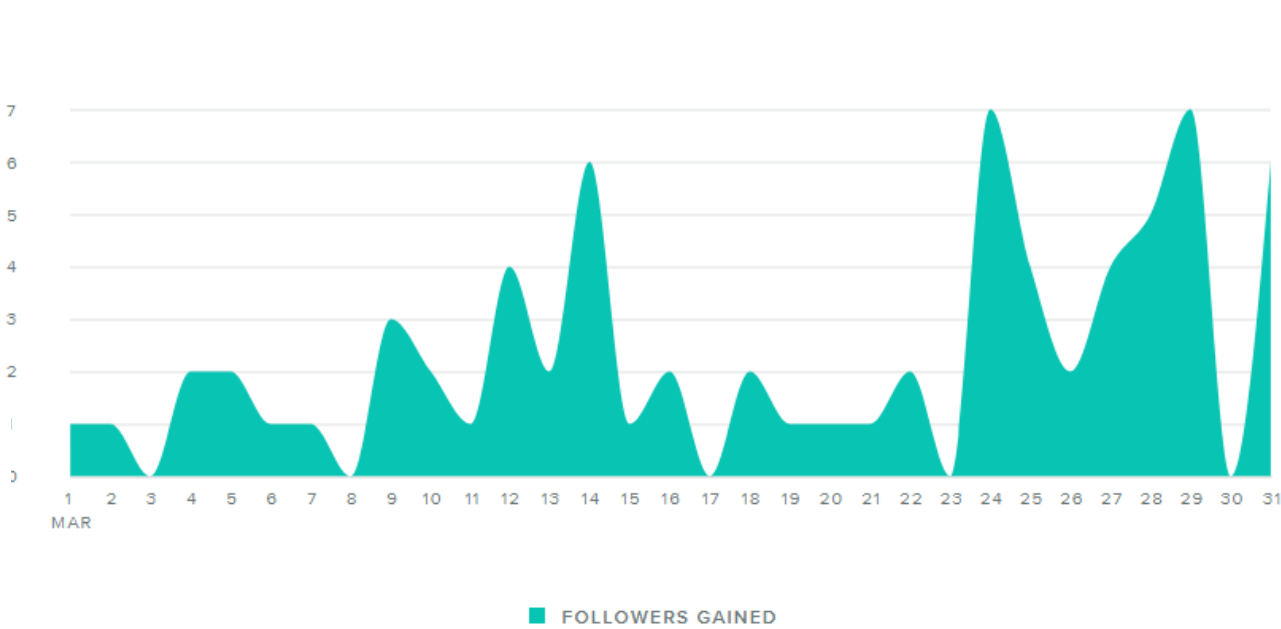
Publishing Metrics	Totals
Photos	33
Videos	5
Other	1
Total Media	39

Top Cities	Totals
Bastrop, Texas	176
Austin, Texas	83
Houston, Texas	18
Smithville, Texas	15
Cedar Creek, Texas	12

Total followers increased by
-17.7%
 since previous month

The number of media you sent increased by
-30%
 since previous month

AUDIENCE GROWTH, BY DAY



MOST ENGAGED HASHTAGS

#visitbastroptx	701
#livemusic	417
#mybastrop	388
#visitbastrop	338

Instagram Top Posts

@visitbastroptx 53 Engagements	@visitbastroptx 58 Engagements	@visitbastroptx 52 Engagements



Strategic Marketing Initiatives

Bastrop Music Festival: music festival month has arrived. All major marketing efforts are in place. Marketing platforms include, print ads, digital ads, (OOH) out of home advertising (billboards, gas pump toppers), social media efforts across Instagram, Twitter, two Facebook platforms (Visit Bastrop & Bastrop Music Festival) including promoted posts and ticket giveaways. All marketing efforts are raise awareness and generate buzz about Bastrop having something fun to do, encourage overnight stays to our destination and spending at the local level. Our marketing partnerships include TX Music Magazine, Texas Monthly, Sun Radio. Local promotion of the event includes hanging of pole sign banners throughout the downtown corridor, an email blast, large signage at City Hall, the Museum and Visitors Center & ABRI Gallery.

Bastrop Patriotic Fest: (June 29 – 30) marketing drivers: fireworks, sky divers, family fun. Overall goal for this festival is to build awareness and interest, ideally encouraging overnight stays and spending at the local level among target audience. Billboards and gas pump topper are scheduled to go live June 4. This event was featured inside the Bastrop Music Festival Program, provided to each festival-goer. Other marketing avenues for consideration: traditional print (newspaper), social media, digital ads, email blasts and radio.

Branding: Branding research is currently underway with Augustine. Discovery meetings have been scheduled and phase one is well on it's way. Community Survey launched May 4th and will close June 12th. Visit Bastrop has had internal discussion with Augustine regarding a "Gap" marketing campaign to assist with marketing efforts while branding effort are ongoing.



Bastrop Music Festival Marketing Overview

Partner – TX Music Magazine

Media Objective:

Build awareness into inaugural event ideally encouraging overnight stay and spending at the local level amongst target audience

KPI/Measure:

Drive traffic to event pages to learn more and if applicable, purchase tickets.

How are we reaching them:

Print Ads, Digital Ads, Social Media, (OOH) Out of Home (Billboards, Gas Pump Toppers), Radio



Texas Music Festival Media Exposure

Austin Monthly

April Issue – Full page ad

May Issue – Full Page ad

April Digital Ads: 50K ROS Ads (50K impressions, run of site ads)

May Digital Ads: 50K ROS Ads (50K impressions, run of site ads)

San Antonio Magazine

March Issue – Full page ad

April Issue – Full page ad

May – Full page ad

April Digital Ads: 75K ROS Ads (75K impressions, run of site ads)

April - From our Partner Exclusive

Facebook Post – May

Texas Music Magazine

Fall Issue – 2 Page Spread (one for city, one for festival)

Winter Issue – 2 Page Spread (one for city, one for festival)

Spring Issue – 2 Page Spread

Digital Advertising (website, social media eblasts)

Editorial Content – 4 pages (winter/spring)



Visit Bastrop
 Published by Ashton LaFuente [?] · May 9 at 3:03pm · 🌐

Visit Bastrop for the first ever Bastrop Music Festival! This event is happening now, May 17 - 20. 30 bands, 40 + performances, 10 venues. Featuring Shinyribs, Kelly Willis, Charley Crockett, Tejas Brothers, Micky and the Motorcars and more. See full line-up and details at www.bastropmusicfestival.com #visitbastroptx #nttw18



Visit Bastrop - Bastrop Music Festival

[Learn More](#)

👤 17,543 people reached

[Boost Again](#)

Recent Activity

Boosted on May 11

Audience: United States: Austin, Bastrop, Buda, 25...
 By Ashton LaFuente · Completed

[View Results](#)

8.6K Views

👍 Like 💬 Comment ➦ Share 👤

👤 Ted Branson, Gary E. McKee and 60 others Most Relevant ▾

Visit Bastrop
 Published by Ashton LaFuente [?] · May 4 at 1:38pm · 🌐

Take a break from the big city life, grab a friend and get out of town for the weekend! Visit Bastrop is giving away tickets for TWO to the Bastrop Music Festival, May 17 – 20. For a chance to be part of the inaugural music festival fun:

1. Click on the link below and submit your info.
2. Comment on this post and tell us why you'd like to win and tag the person you're bringin' with you.
3. Share this post.... See More



Visit Bastrop

Travel Company

[Learn More](#)

👤 6,385 people reached

[Boost Again](#)

Recent Activity

Boosted on May 04

Audience: United States: Austin, Dallas, Houston, S...
 By Ashton LaFuente · Completed

[View Results](#)

👍 Like 💬 Comment ➦ Share 👤

TM Texas Monthly with Visit Bastrop.
 April 21 · Paid · 🌐

Bastrop is inviting you to the first-ever Bastrop Music Festival, May 17-20. With over 30 bands and 40 performances, the festival will feature a wide variety of Texas music. It's the perfect way to kick off summer. Tickets on sale now! #sponsored



[About this article](#)

Celebrate Music in Small Town Texas

Enjoy Texas music at Bastrop Music Festival, May 17-20.

FEATURES.TEXASMONTHLY.COM

[Learn More](#)

👍 Like 💬 Comment ➦ Share 🌐

👤 780

Most Relevant

222 Shares

72 Comme

TM Post Reach: 106, 142

Music Festival Synopsis

as reported by Bastrop Music Festival

- Estimated Wristband Presale: 1,200 (800 purchased, 400 promo)
- Estimated Walk-up Ticket Sales: 400; total for event
- Hotel Rooms use by Bands & Production Teams: 50 room nights
- Conservative Estimate of Attendee Room Nights: 50 room nights
- Print Ad Reach: (Texas Music Magazine, Austin Monthly, San Antonio Magazine): 914,000
- Social Media Potential Reach | Bastrop Music Festival (Magazine & Individual Band): 747,874
- Social Media Potential Reach | Visit Bastrop: 1,124,142

Total Exposure Potential(advertising & social media): 3,741,296

Room nights generated: 100/average rate \$90 = \$9,000

Marketing Efforts – Bastrop Patriotic Fest

Partner – Bastrop Chamber of Commerce, City of Bastrop, Texas Monthly



- Objective: Build awareness into yearly summertime event ideally encouraging overnight stay and spending at the local level amongst target audience
- Target Audience: Family Audience with interests in food, art and history
- How are we reaching them: Outdoor, Digital (banner ads, email blast), Social Media, Radio, Print ads (newspaper)

Marketing Efforts – Bastrop Patriotic Fest

Partner – Bastrop Chamber of Commerce, City of Bastrop, Texas Monthly





Marketing Meetings/Activities

DATE	ACTIVITY/MEETING	PURPOSE
5/5-6	Tough Mudder	Promote Bastrop before, during & after the event (work booth)
5/10	Bastrop Music Festival Logistics Meeting	Discuss innerworkings of the Music Festival
5/9	Music Festival Site Meeting	Final Run Through for festival
5/17	Visit Bastrop Board Meeting	Board meeting, monthly report
5/21	Simpleview Support Call	Website Training & troubleshooting
5/23	Simpleview CRM Monthly Support Call	Troubleshoot and explore opportunities within the CRM
5/24	Meeting with Norm Glenn with Scream Hollow	To discuss marketing of Halloween and New Christmas Event
5/24	Meeting with Grizz from To the Point Sharpening	Discuss potential for future event
5/30	Proof Agency Asset Turnover Call	Transition of all marketing assets
5/30	Visit Widget Discussion	Social Media/Website integration tool troubleshooting
5/31	Wrap-Up Music Festival Meeting with City	Discuss & recap pf Music Festival efforts



STAFF REPORT

MEETING DATE: June 26, 2018

AGENDA ITEM: 6B

TITLE:

Receive presentation on the unaudited Comprehensive Monthly Financial Report for the period ending May 31, 2018.

STAFF REPRESENTATIVE:

Tracy Waldron, Chief Financial Officer

BACKGROUND/HISTORY:

The Chief Financial Officer provides the City Council a monthly financial report overview for all funds to include detailed analysis for General Fund, Water-Wastewater Fund, Bastrop Power & Light and the Hotel Occupancy Tax Fund.

POLICY EXPLANATION:

This reporting requirement is set forth by the City of Bastrop Financial Management Policies, Chapter IV. Operating Budget, Section D. Reporting, as adopted by Resolution R2017-75 on September 26, 2017.

FUNDING SOURCE:

N/A

ATTACHMENTS:

- Unaudited Comprehensive Monthly Financial Report for the period ending May 31, 2018

CITY OF BASTROP






Comprehensive Monthly Financial Report
May 2018



Performance at a Glance as of May 31, 2018



	YEAR TO DATE	REFERENCE
ALL FUNDS SUMMARY		
ALL FUNDS SUMMARY	POSITIVE	Page 4-5
GENERAL FUND REV VS EXP	POSITIVE	Page 6
SALES TAXES	POSITIVE	Page 7
PROPERTY TAXES	POSITIVE	Page 8
WATER/WASTEWATER FUND REV VS EXP	POSITIVE	Page 9
WATER/WASTEWATER REVENUES	POSITIVE	Page 10
ELECTRIC FUND REV VS EXP	POSITIVE	Page 11
ELECTRIC REVENUES	POSITIVE	Page 12
HTOEL OCCUPANCY TAX FUND REV VS EXP	POSITIVE	Page 13
HOTEL OCCUPANCY TAX REVENUES	POSITIVE	Page 14
Legal fees	N/A	Page 15
PERFORMANCE INDICATORS		
POSITIVE	= Positive variance or negative variance < 1% compared to seasonal trends	
WARNING	= Negative variance of 1-5% compared to seasonal trends	
NEGATIVE	= Negative variance of > 5% compared to seasonal trends	

ECONOMIC INDICATORS	May 31, 2018– NEWS FOR YOU
ECONOMY	
<p><u>National:</u>  Real gross domestic product (GDP) increased at an annual rate of 2.2% in the 1st quarter of 2018. The personal income increased by .3% in Apr. 2018 with disposable personal income increasing .9%. The personal consumption expenditures increased .3%. All of these reported by the Bureau of Economic Analysis.</p> <p><u>U.S. Retail Sales:</u>  March 2018 is up 4.5% from last year.</p> <p><u>Texas Retail Sales:</u>  This index is a single summary statistic that sheds light on the future of the state's economy. The index is a composition of eight leading indicators. The index is at 131.23 in Feb. 2018 which is up 7.7% from one year ago.</p>	<p>Attached is the Comprehensive Monthly Financial report for May 2018. This is six months of FY2018, or 66.7% of the fiscal year is complete.</p> <p><u>Revenues:</u> Overall, the City has earned \$23,597,198. This amount is 69% of the approved budget of <u>\$33,973,741</u> and is 6.5% higher than the amount forecasted through the month of May.</p> <p><u>Expense:</u> Overall, the City has spent 10% less than forecasted.</p>
UNEMPLOYMENT	Noteworthy
<p><u>State-wide:</u>  The state unemployment is up at 4.1% in Apr. 2018 from 4.0 Mar. 2018.</p> <p><u>Bastrop:</u>  Bastrop County has an unemployment rate of 3.1% in Apr. 2018 which is down from Mar. 2018.</p>	<p>None to report</p>

BUDGET SUMMARY OF ALL FUNDS

<u>Revenues:</u>	<u>FY2018 Budget</u>	<u>FY2018 Forecast</u>	<u>FY2018 YTD</u>	<u>Variance</u>
General	\$ 10,712,030	\$ 8,022,942	\$ 8,472,287	5.6%
Designated	47,450	27,800	65,629	136.1%
Innovation	256,500	171,000	309,851	81.2%
Debt Service	2,565,113	1,778,182	1,832,039	3.0%
Water/Wastewater	5,121,640	3,228,393	3,292,814	2.0%
Water/Wastewater Debt	2,007,586	960,144	1,241,355	29.3%
Impact Fees	896,439	258,400	477,504	84.8%
Vehicle & Equipment Replacement	561,371	377,581	405,648	7.4%
Electric	7,323,696	4,377,200	4,484,877	2.5%
Hotel/Motel Tax	2,882,000	1,760,027	1,776,177	0.9%
Hospitality & Downtown	1,034,788	697,535	697,335	0.0%
Art in Public Places	75,041	50,024	51,261	2.5%
Library Board	20,150	11,767	27,447	133.3%
Cemetery	90,700	60,464	86,536	43.1%
Hunter's Crossing PID	379,237	372,102	376,438	1.2%
TOTAL REVENUES	\$ 33,973,741	\$ 22,153,561	\$ 23,597,198	6.5%

POSITIVE
WARNING
NEGATIVE

= Positive variance or negative variance < 1% compared to forecast
 = Negative variance of 1-5% compared to forecast
 = Negative variance of >5% compared to forecast

BUDGET SUMMARY OF ALL FUNDS

	<u>FY2018 Budget</u>	<u>FY2018 Forecast</u>	<u>FY2018 YTD</u>	<u>Variance</u>
<u>Expense:</u>				
General	\$ 10,712,030	\$ 7,051,956	\$ 6,899,976	-2.2%
Designated	612,000	259,666	46,970	-81.9%
Innovation	664,500	507,336	413,725	-18.5%
Debt Service	2,354,274	591,799	591,008	-0.1%
Water/Wastewater	6,679,564	3,867,398	3,279,819	-15.2%
Water/Wastewater Debt	1,440,212	388,911	388,911	0.0%
Impact Fees	730,021	90,500	92,888	2.6%
Vehicle & Equipment Replacement	82,000	375,276	237,811	-36.6%
Electric	7,908,734	4,947,997	4,522,250	-8.6%
Hotel/Motel Tax	3,369,730	2,225,756	1,811,072	-18.6%
Hospitality & Downtown	1,027,522	711,881	615,947	-13.5%
Art in Public Places	94,050	44,740	16,132	-63.9%
Library Board	22,386	14,924	10,314	-30.9%
Cemetery	131,177	94,785	82,677	-12.8%
Hunter's Crossing PID	415,750	411,667	411,528	0.0%
TOTAL EXPENSES	\$ 36,243,950	\$ 21,584,592	\$ 19,421,028	-10.0%
Surplus/(Shortfall)	\$ (2,270,209)	\$ 568,969	\$ 4,176,170	634.0%

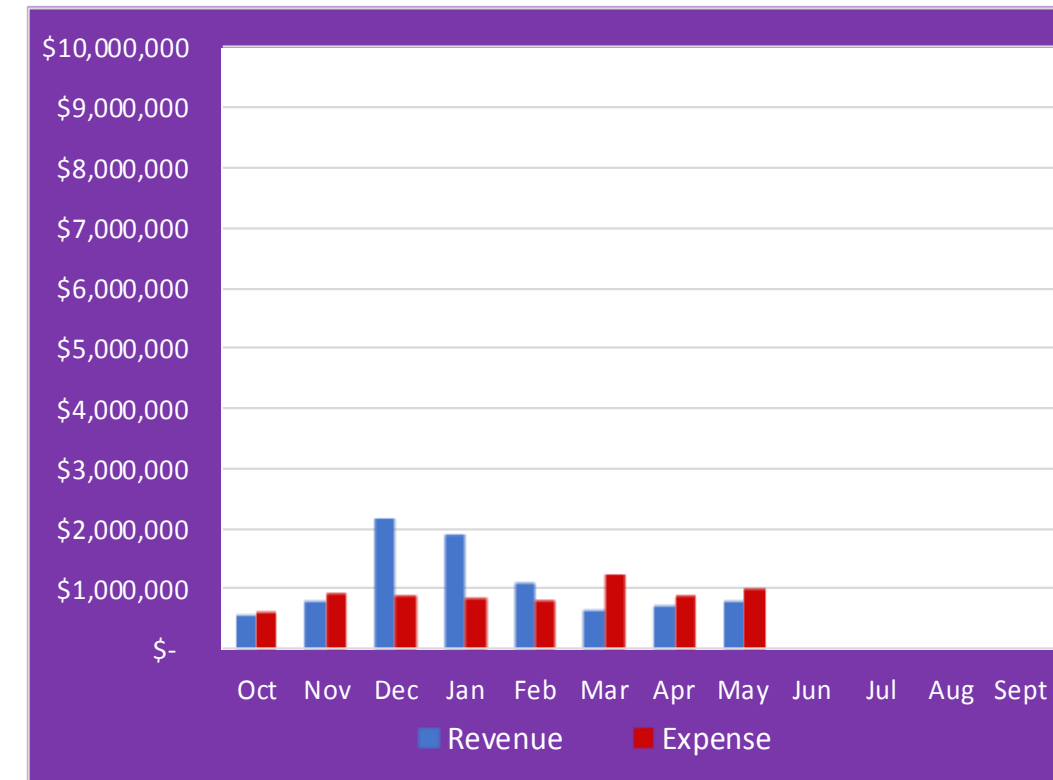
POSITIVE = Negative variance or positive variance < 1% compared to forecast
WARNING = Positive variance of 1-5% compared to forecast
NEGATIVE = Positive variance of >5% compared to forecast

COMPREHENSIVE MONTHLY FINANCIAL REPORT – May 2018

OVERALL FUND PERFORMANCE

GENERAL FUND REVENUES VS EXPENSES

<u>Month</u>	<u>FY2018 Revenue</u>	<u>FY2018 Expense</u>	<u>Monthly Variance</u>
Oct	\$ 547,821	\$ 589,749	\$ (41,928)
Nov	773,721	901,783	\$ (128,062)
Dec	2,129,343	841,355	\$ 1,287,988
Jan	1,840,816	828,636	\$ 1,012,180
Feb	1,090,678	756,976	\$ 333,702
Mar	611,326	1,183,300	\$ (571,974)
Apr	715,793	842,381	\$ (126,588)
May	762,789	955,796	\$ (193,007)
Jun			\$ -
Jul			\$ -
Aug			\$ -
Sept			\$ -
Total	\$ 8,472,287	\$ 6,899,976	\$ 1,572,311
Cumulative Forecast	\$ 8,022,942	\$ 7,051,956	\$ 970,986
Actual to Forecast \$	\$ 449,345	\$ 151,980	\$ 601,325
Actual to Forecast %	5.60%	2.16%	



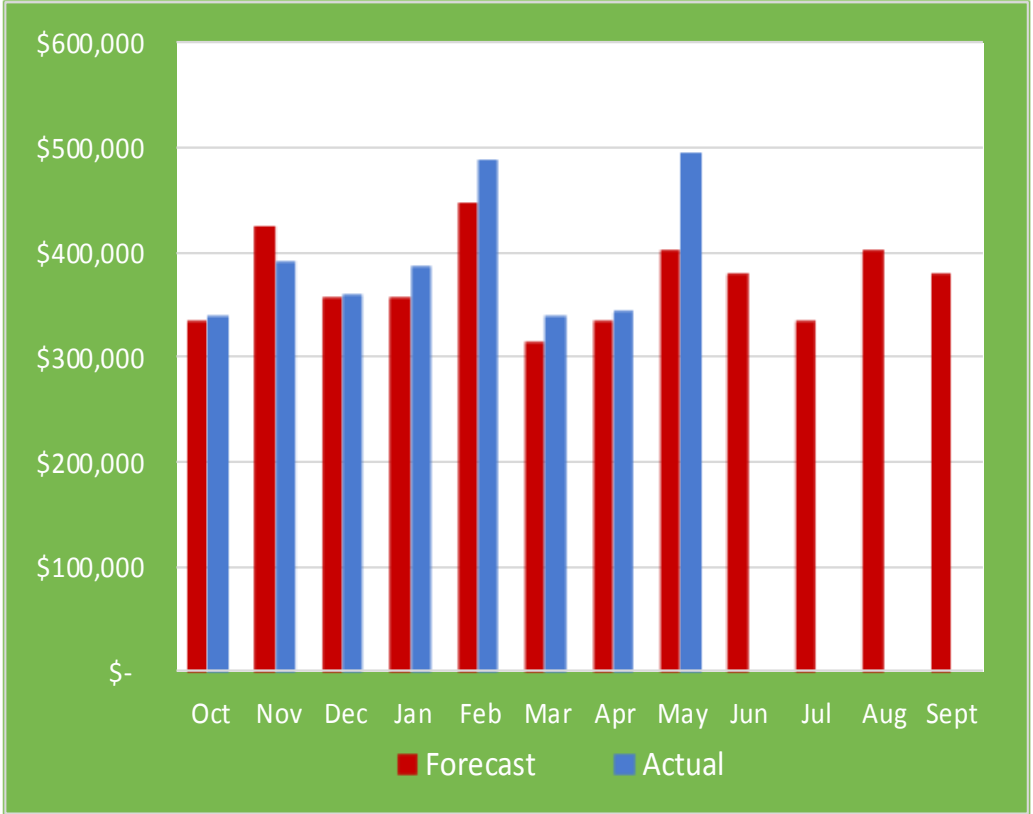
POSITIVE

Cumulatively overall, the General Fund is better than forecasted for this time of year. Revenues are 5% higher than forecasted and expenses are 2% lower than expected. This would be due to vacancies and forecasting assumptions.

REVENUE ANALYSIS

SALES TAX REVENUE

<u>Month</u>	<u>FY2018 Forecast</u>	<u>FY2018 Actual</u>	<u>Monthly Variance</u>
Oct	\$ 334,264	\$ 338,511	\$ 4,247
Nov	423,401	388,767	\$ (34,634)
Dec	356,548	357,359	\$ 811
Jan	356,548	384,847	\$ 28,299
Feb	445,685	485,934	\$ 40,249
Mar	311,980	336,978	\$ 24,998
Apr	334,264	341,233	\$ 6,969
May	401,117	492,115	\$ 90,998
Jun	378,832		\$ -
Jul	334,264		\$ -
Aug	401,117		\$ -
Sept	378,832		\$ -
Total	\$ 4,456,852	\$ 3,125,744	\$ 161,937
Cumulative Forecast	\$ 2,963,807		
Actual to Forecast	\$ 161,937	5.2%	



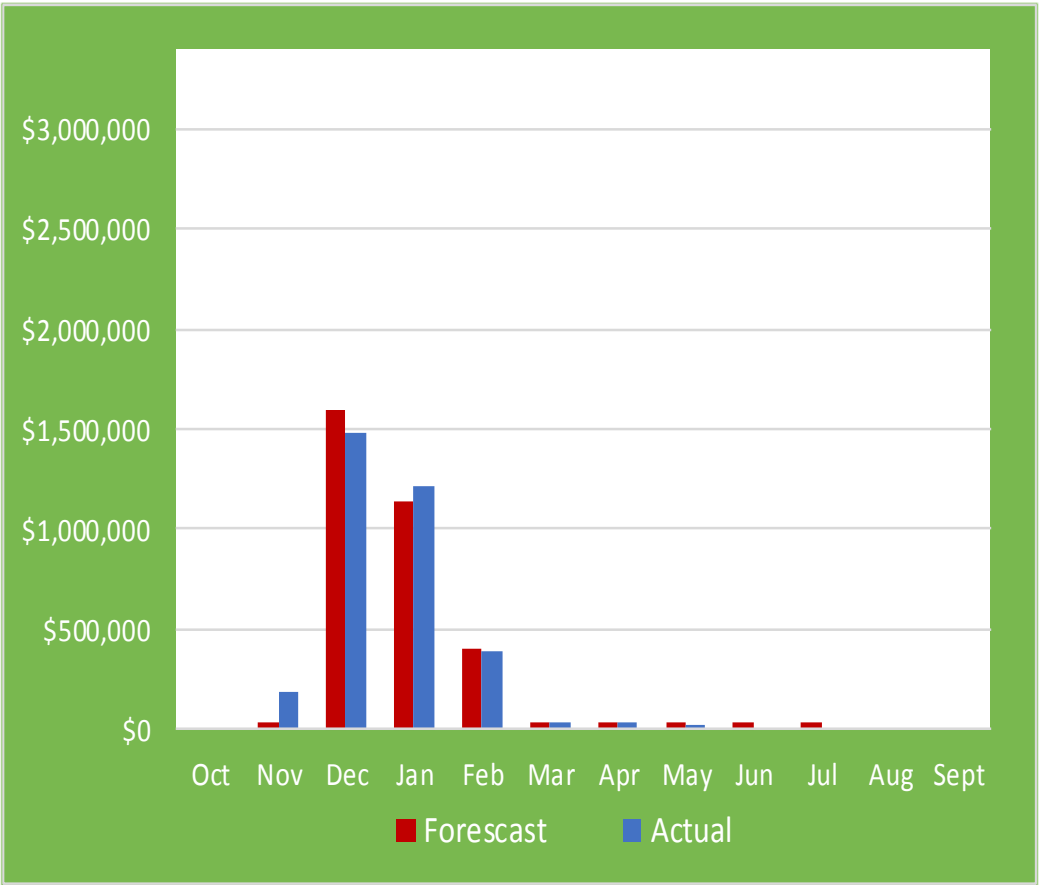
POSITIVE

Sales Tax is 42% of the total budgeted revenue for General Fund. The actual amounts for Oct. and Nov. are estimated due to the State Comptroller's two month lag in payment of these earned taxes. The actual is 5% greater than forecasted. Please note that May included a prior period adjustment of approx. \$72,000.

REVENUE ANALYSIS

PROPERTY TAX REVENUE

Month	FY2018 Forecast	FY2018 Actual	Monthly Variance
Oct	\$ -	\$ -	\$ -
Nov	33,336	190,830	\$ 157,494
Dec	1,600,131	1,478,112	\$ (122,019)
Jan	1,133,426	1,209,437	\$ 76,011
Feb	400,033	396,438	\$ (3,595)
Mar	33,336	40,735	\$ 7,399
Apr	33,336	31,324	\$ (2,012)
May	33,336	17,901	\$ (15,435)
Jun	33,336		\$ -
Jul	33,336		\$ -
Aug	-		\$ -
Sept	-		\$ -
Total	\$ 3,333,606	\$ 3,364,777	\$ 97,843
Cumulative Forecast	\$ 3,266,934		
Actual to Forecast	\$ 97,843	2.91%	



POSITIVE

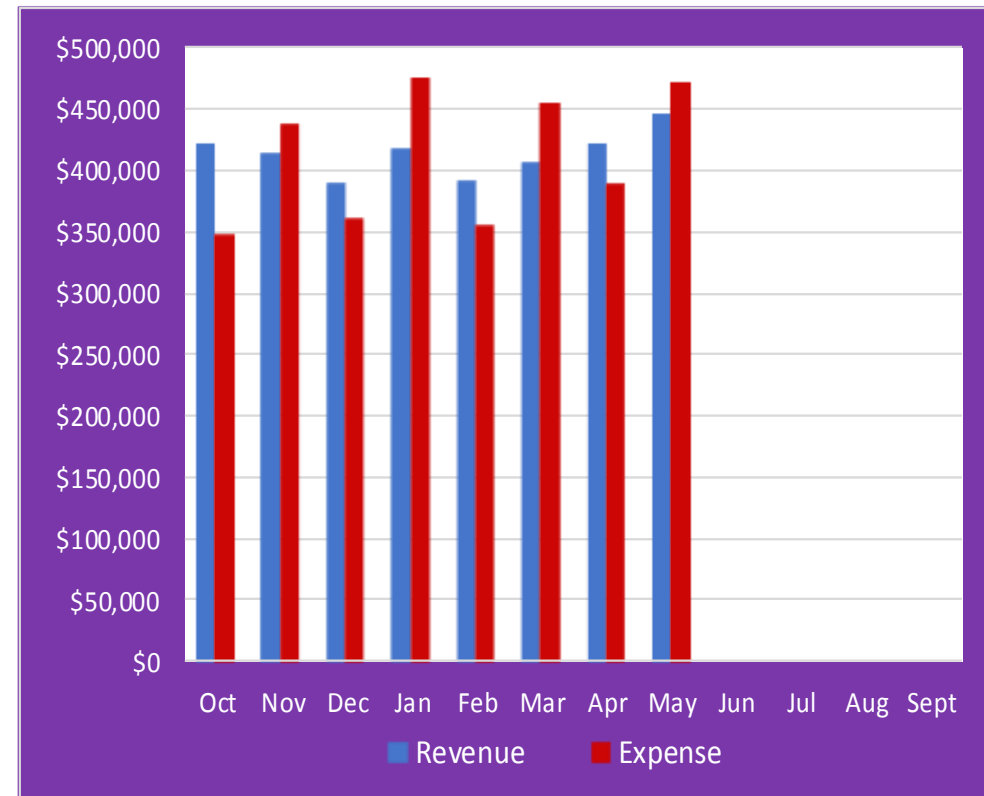
Property tax represents 31% of the total General Fund revenue budget. As you can see from the forecast, they are generally collected from December to February. The forecast was based on FY17 actuals. Through the month of May actual has exceeded the budget.

COMPREHENSIVE MONTHLY FINANCIAL REPORT – May 2018

OVERALL FUND PERFORMANCE

WATER/WASTEWATER FUND REVENUES VS EXPENSES

<u>Month</u>	<u>FY2018 Revenue</u>	<u>FY2018 Expense</u>	<u>Monthly Variance</u>
Oct	\$ 419,499	\$ 345,905	\$ 73,594
Nov	411,848	435,971	\$ (24,123)
Dec	388,292	359,304	\$ 28,988
Jan	416,118	473,510	\$ (57,392)
Feb	389,783	355,072	\$ 34,711
Mar	404,673	453,275	\$ (48,602)
Apr	418,727	387,712	\$ 31,015
May	443,875	469,069	\$ (25,194)
Jun			\$ -
Jul			\$ -
Aug			\$ -
Sept			\$ -
Total	\$ 3,292,815	\$ 3,279,818	\$ 12,997
Cumulative Forecast	\$ 3,228,393	\$ 3,867,398	\$ (639,005)
Actual to Forecast \$	\$ 64,422	\$ 587,580	\$ 652,002
Actual to Forecast %	2.00%	15.19%	



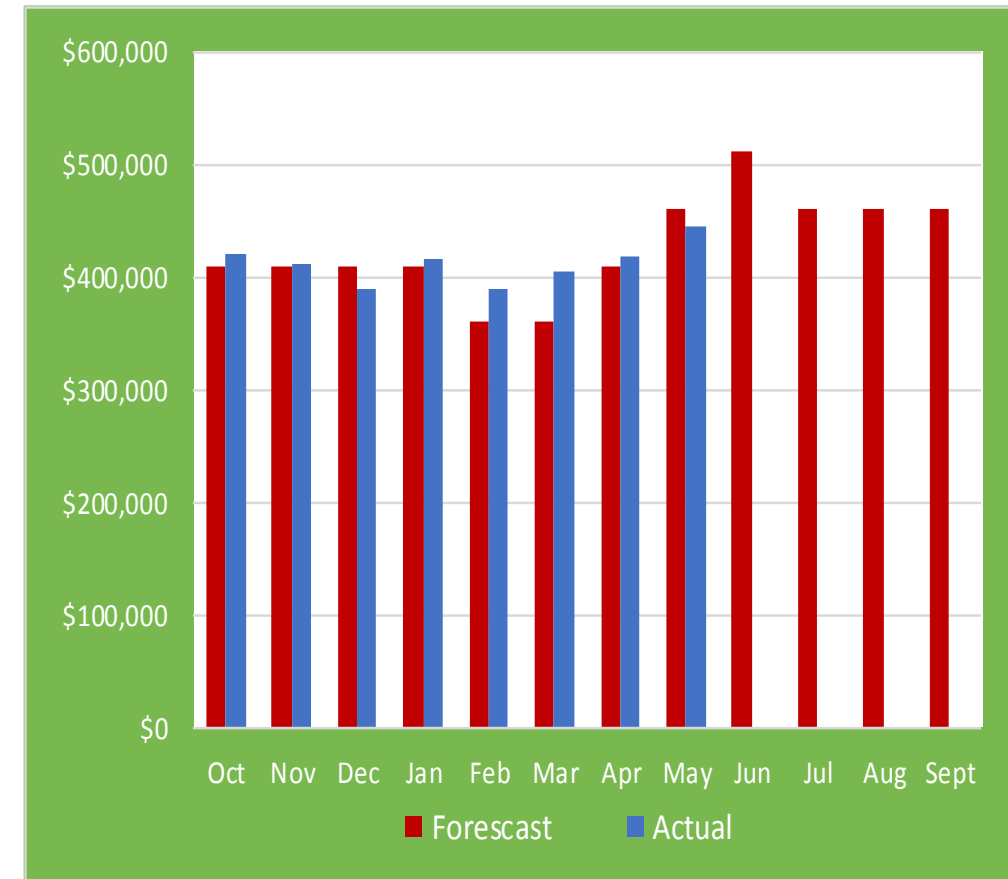
POSITIVE

Water and wastewater fund is 17% net positive. There are salary savings and capital projects that have not been expensed.

REVENUE ANALYSIS

WATER/WASTEWATER REVENUE

<u>Month</u>	<u>FY2018 Forecast</u>	<u>FY2018 Actual</u>	<u>Monthly Variance</u>
Oct	\$ 409,891	\$ 419,499	\$ 9,608
Nov	409,891	411,848	\$ 1,957
Dec	409,891	388,292	\$ (21,599)
Jan	409,891	416,118	\$ 6,227
Feb	359,155	389,783	\$ 30,628
Mar	359,155	404,673	\$ 45,518
Apr	409,891	418,727	\$ 8,836
May	460,628	443,875	\$ (16,753)
Jun	511,364		\$ -
Jul	460,628		\$ -
Aug	460,628		\$ -
Sept	460,628		\$ -
Total	\$ 5,121,641	\$ 3,292,815	\$ 64,422
Cumulative Forecast	\$ 3,228,393		
Actual to Forecast	\$ 64,422	2.00%	



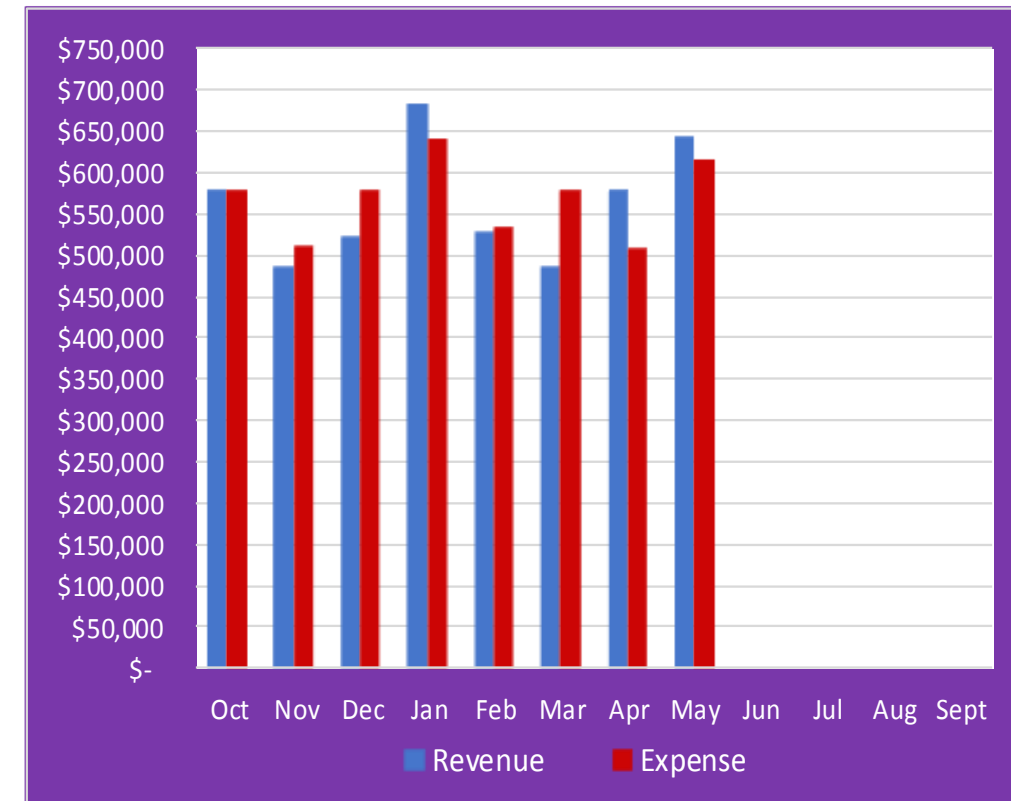
POSITIVE

The water and wastewater actual revenue was 2% over forecast. There were 7 new meters set this month (2-Comm and 5-Resid).

OVERALL FUND PERFORMANCE

ELECTRIC FUND REVENUES VS EXPENSES

Month	FY2018 Revenue	FY2018 Expense	Monthly Variance
Oct	\$ 575,828	\$ 575,543	\$ 285
Nov	482,650	509,673	\$ (27,023)
Dec	519,759	574,941	\$ (55,182)
Jan	678,275	638,368	\$ 39,907
Feb	526,302	530,494	\$ (4,192)
Mar	483,323	576,608	\$ (93,285)
Apr	576,949	505,452	\$ 71,497
May	641,790	611,171	\$ 30,619
Jun			\$ -
Jul			\$ -
Aug			\$ -
Sept			\$ -
Total	\$ 4,484,876	\$ 4,522,250	\$ (37,374)
Cumulative Forecast	\$ 4,377,200	\$ 4,947,997	\$ (570,797)
Actual to Forecast \$	\$ 107,676	\$ 425,747	\$ 533,423
Actual to Forecast %	2.46%	8.60%	11.06%



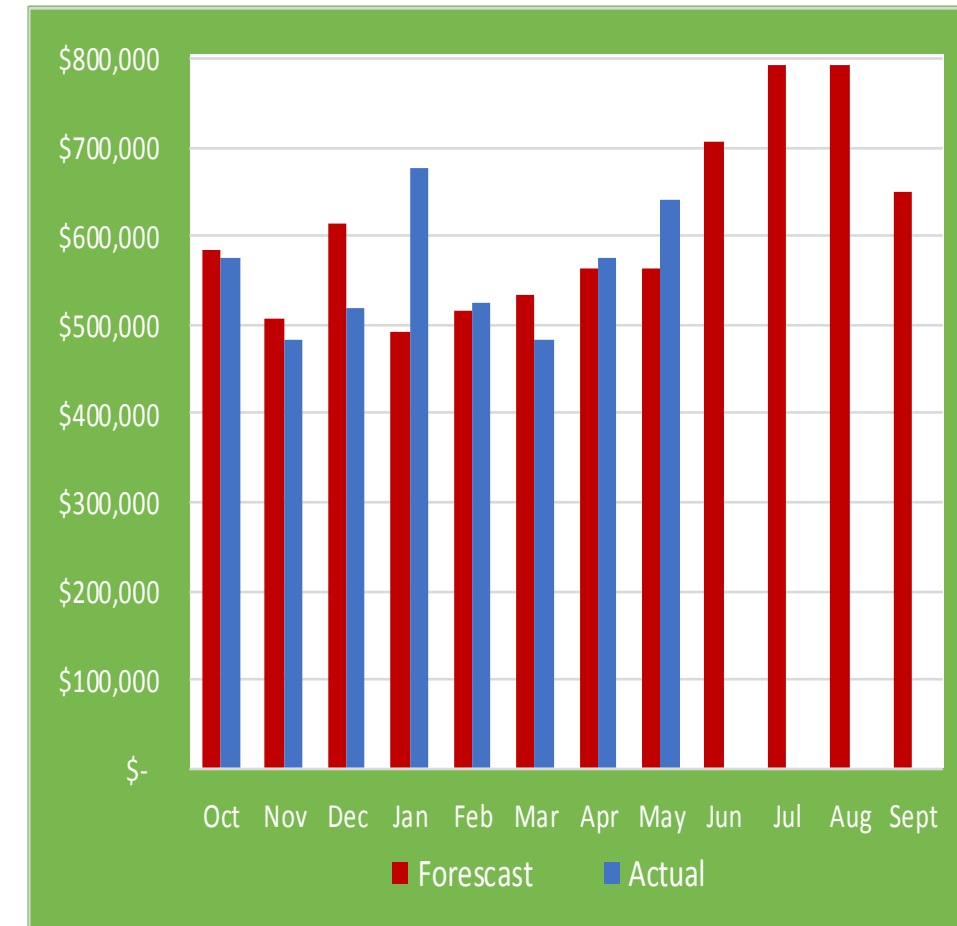
POSITIVE

The Electric utility fund is 11% net position. This fund has capital improvement projects budgeted that have not had actual expenses produced yet.

REVENUE ANALYSIS

ELECTRIC FUND REVENUE

Month	FY2018 Forecast	FY2018 Actual	Monthly Variance
Oct	\$ 585,682	\$ 575,828	\$ (9,854)
Nov	506,618	482,650	\$ (23,968)
Dec	614,433	519,759	\$ (94,674)
Jan	492,242	678,275	\$ 186,033
Feb	514,618	526,302	\$ 11,684
Mar	535,368	483,323	\$ (52,045)
Apr	564,119	576,949	\$ 12,830
May	564,119	641,790	\$ 77,671
Jun	707,873		\$ -
Jul	794,126		\$ -
Aug	794,126		\$ -
Sept	650,372		\$ -
Total	\$ 7,323,696	\$ 4,484,876	\$ 107,677
Cumulative Forecast	\$ 4,377,199		
Actual to Forecast	\$ 107,677	2.46%	



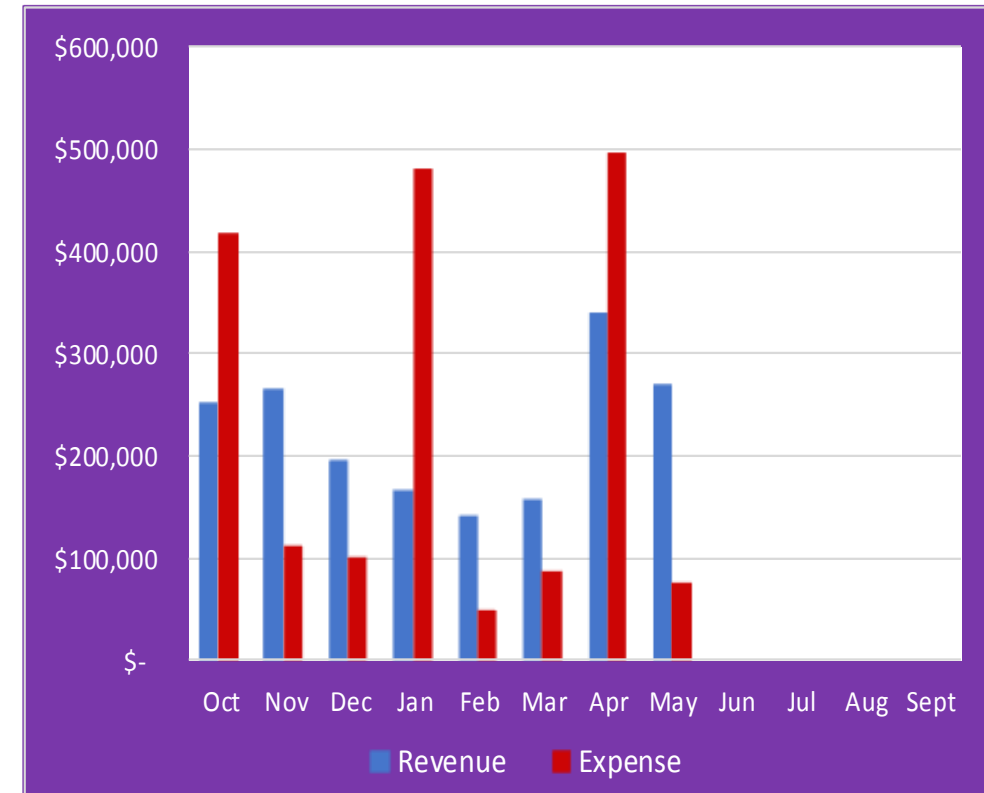
POSITIVE

The Electric utility revenue is almost 2.5% above forecasted revenue. There were three (3) new meter sets this month (1-Comm, 2-Resid).

OVERALL FUND PERFORMANCE

HOTEL OCCUPANCY TAX FUND REVENUES VS EXPENSES

Month	FY2018 Revenue	FY2018 Expense	Monthly Variance
Oct	\$ 250,340	\$ 416,596	\$ (166,256)
Nov	263,130	110,633	\$ 152,497
Dec	195,275	100,993	\$ 94,282
Jan	165,533	478,487	\$ (312,954)
Feb	140,248	48,335	\$ 91,913
Mar	156,724	87,049	\$ 69,675
Apr	336,568	494,443	\$ (157,875)
May	268,359	74,537	\$ 193,822
Jun			\$ -
Jul			\$ -
Aug			\$ -
Sept			\$ -
Total	\$ 1,776,177	\$ 1,811,073	\$ (34,896)
Cumulative Forecast	\$ 1,760,027	\$ 2,225,756	\$ (465,729)
Actual to Forecast \$	\$ 16,150	\$ 414,683	\$ 430,833
Actual to Forecast %	0.92%	18.63%	19.55%



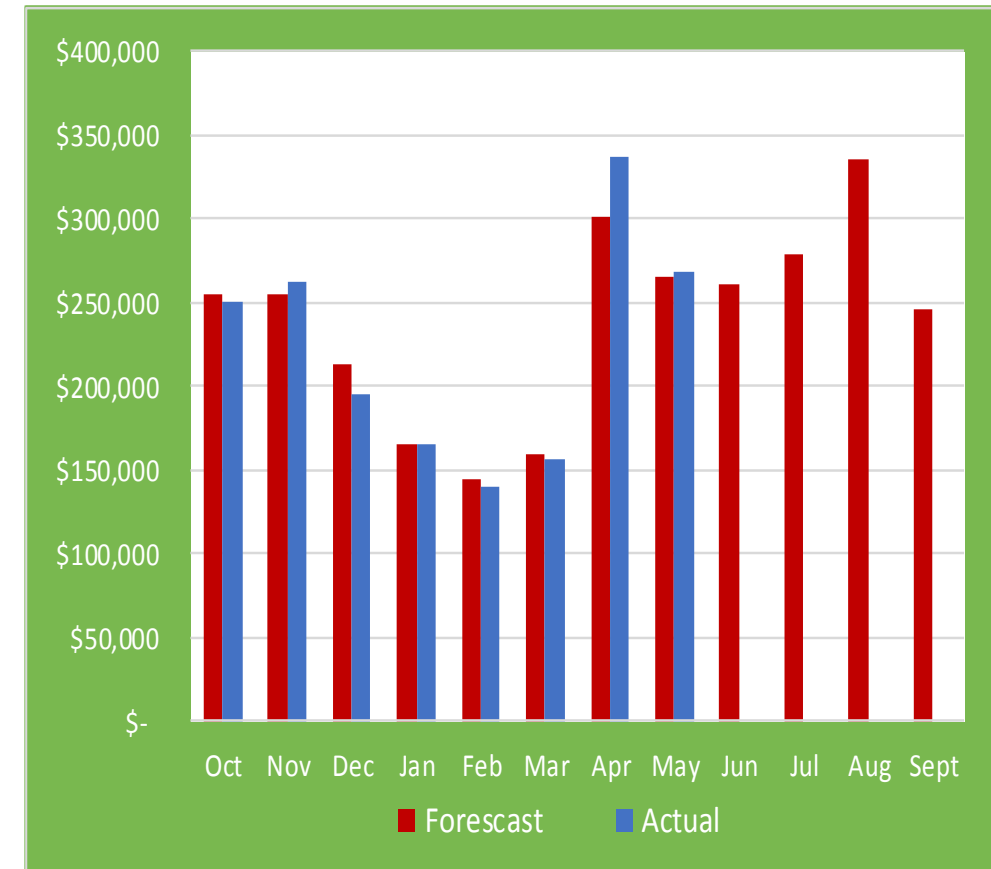
POSITIVE

The Hotel Occupancy Tax fund is overall in a positive position at a 19% net positive. The revenue is ~1% higher than forecasted and the expenses are 18% lower than forecasted. Visit Bastrop is paid on a quarterly basis.

REVENUE ANALYSIS

HOTEL OCCUPANCY TAX REVENUE

Month	FY2018 Forecast	FY2018 Actual	Monthly Variance
Oct	\$ 255,390	\$ 250,340	\$ (5,050)
Nov	255,196	263,130	\$ 7,934
Dec	213,377	195,275	\$ (18,102)
Jan	164,985	165,444	\$ 459
Feb	145,030	140,248	\$ (4,782)
Mar	158,970	156,814	\$ (2,156)
Apr	301,938	336,568	\$ 34,630
May	265,141	268,359	\$ 3,218
Jun	261,039		\$ -
Jul	279,344		\$ -
Aug	336,103		\$ -
Sept	245,488		\$ -
Total	\$ 2,882,001	\$ 1,776,178	\$ 16,151
Cumulative Forecast	\$ 1,760,027		
Actual to Forecast %	\$ 16,151	0.9%	



POSITIVE

The Hotel Occupancy Tax revenue is ~ 1% higher than forecasted. We budgeted revenue flat from FY17 to FY18 and in FY17 we were short reaching our budget. We were hopeful that we would be able to meet this budget amount in FY18 with increased tourism promotion.

Legal fees by Attorney/Category

COMPREHENSIVE MONTHLY FINANCIAL REPORT – May 2018

FIRM	CASE	FY15-16	FY16-17	FY17-18
BUNDREN				
	Pine Forest Interlocal	\$ 700,800	\$ 83,620	\$ 21,243
	Vandiver	\$ 79,951	\$ 2,343	\$ -
	Aqua CCN	\$ 21,735	\$ 12,898	\$ -
	Red Light Camera Suit	\$ 60,279	\$ -	\$ -
TERRELL LAW FIRM				
	Water permit	\$ 482,815	\$ 37,630	\$ 135
DAVID BRAGG, P.C.				
	General legal	\$ 8,603	\$ 48,215	\$ -
	Vandiver	\$ -	\$ 9,640	\$ -
	Water Permit	\$ -	\$ 3,120	\$ -
	Pine Forest Interlocal		\$ 3,560	\$ -
BOJORQUEZ LAW FIRM				
	General legal	\$ -	\$ 3,299	\$ 110,680
	Vandiver	\$ -	\$ 4,546	\$ 3,842
	Pine Forest Interlocal	\$ -	\$ -	\$ 9,891
	Prosecutor	\$ -	\$ -	\$ 13,899
	Water/Wastewater	\$ -	\$ -	\$ 14,244
MULTIPLE FIRMS				
	XS Ranch Bankruptcy		\$ 7,415	\$ 11,770
RUSSEL RODRIGUEZ HYDE				
	XS Ranch Bankruptcy		\$ 7,607	\$ 13,015
	Hunters Crossing PID		\$ 17,927	\$ 22,939
TAYLOR, OLSON, ADKINS, SRALLA & ELAM, LLP				
	Red Light Camera Suit	\$ 1,246	\$ 443	\$ 1,481
Total Legal		\$ 1,355,428	\$ 242,263	\$ 223,138

Summary by Case/Type

Row Labels	SUM FY15-16	SUM FY16-17	SUM FY17-18
Aqua CCN	\$ 21,735	\$ 12,898	\$ -
General legal	\$ 8,603	\$ 51,514	\$ 110,680
Hunters Crossing PID		\$ 17,927	\$ 22,939
Pine Forest Interlocal	\$ 700,800	\$ 87,180	\$ 31,134
Prosecutor	\$ -	\$ -	\$ 13,899
Red Light Camera Suit	\$ 61,525	\$ 443	\$ 1,481
Vandiver	\$ 79,951	\$ 16,529	\$ 3,842
Water permit	\$ 482,815	\$ 40,750	\$ 135
Water/Wastewater	\$ -	\$ -	\$ 14,244
XS Ranch Bankruptcy		\$ 15,022	\$ 24,785
Grand Total	\$ 1,355,428	\$ 242,263	\$ 223,138



STAFF REPORT

MEETING DATE: June 26, 2018

AGENDA ITEM: 7

TITLE:

CITIZEN COMMENTS

At this time, three (3) minute comments will be taken from the audience on any topic. To address the Council, please submit a fully completed request card to the City Secretary prior to the beginning of the Citizens' Comment portion of the Council meeting. In accordance with the Texas Open Meetings Act, if a citizen discusses any item not on the agenda, City Council cannot discuss issues raised or make any decision at this time. Instead, City Council is limited to making a statement of specific factual information or a recitation of existing policy in response to the inquiry. Issues may be referred to City Staff for research and possible future action.

To address the Council concerning any item on the agenda, please submit a fully completed request card to the City Secretary prior to the consideration of that item.

It is not the intention of the City of Bastrop to provide a public forum for the embarrassment or demeaning of any individual or group. Neither is it the intention of the Council to allow a member of the public to slur the performance, honesty and/or integrity of the Council, as a body, or any member or members of the Council individually or collectively, or members of the City's staff. Accordingly, profane, insulting or threatening language directed toward the Council and/or any person in the Council's presence will not be tolerated.



STAFF REPORT

MEETING DATE: June 26, 2018

AGENDA ITEM: 8A

TITLE:

Consider action to approve City Council minutes from the June 12, 2018 meeting.

STAFF REPRESENTATIVE:

Lynda Humble, City Manager
Ann Franklin, City Secretary

BACKGROUND/HISTORY:

N/A

POLICY EXPLANATION:

Section 551.021 of the Government Code provides as follows:

- (a) A governmental body shall prepare and keep minutes or make a tape recording of each open meeting of the body.
- (b) The minutes must:
 1. State the subject of each deliberation; and
 2. Indicate the vote, order, decision, or other action taken.

FUNDING SOURCE:

N/A

RECOMMENDATION:

Consider action to approve City Council minutes from the June 12, 2018 meeting.

ATTACHMENTS:

- June 12, 2018, DRAFT Regular Meeting Minutes.

**MINUTES OF REGULAR COUNCIL MEETING
BASTROP CITY COUNCIL
June 12, 2018**

The Bastrop City Council met in a Regular Meeting on Tuesday, June 12, 2018, at 6:30 p.m. at the Bastrop City Hall Council Chambers, located at 1311 Chestnut Street, Bastrop, Texas. Members present were Mayor Schroeder and Council Members Jones, Ennis, Rogers and Peterson. Officers present were City Manager Lynda Humble, City Secretary Ann Franklin and City Attorney Alan Bojorquez.

CALL TO ORDER

At 6:30 p.m. Mayor Schroeder called the meeting to order with a quorum being present. Mayor Pro Tem Nelson was absent.

PLEDGE OF ALLEGIANCE

All Scouts, led the Pledge of Allegiance.

INVOCATION

Bishop Sampleton, Inspiration Pentecostal Church, gave the invocation.

PRESENTATIONS

- 4A. A proclamation of the City Council of the City of Bastrop, Texas recognizing June 12, 2018, as Girl Scout Gold Award Recipient Emily Bowlin Day.

Proclamation was read into record by Mayor Schroeder and accepted by Emily Bowlin.

- 4B. Mayor's Report

A MINUTE WITH THE MAYOR

Hurricane season readiness – June 1st was the first day of hurricane season. There are three things to be aware of for hurricane season:

- **Maintain flood insurance**
- **Safeguard all important papers**
- **Make sure you have emergency supplies**

The Fire Department is having a bottle water drive. Please donate bottle water or sports drinks to the Fire Department.

- 4C. Councilmembers' Report

Council Member Peterson

- **Reminded everyone of the upcoming Juneteenth celebration.**

Council Member Ennis

- **Attended the Texas Association of Municipal Information Officer's Conference in Georgetown, Texas.**

Council Member Jones

- **Expressed thanks to Council Member Peterson for overseeing the Memorial Day program and thanks to Council Member Peterson and Nelson for serving our country.**

- 4D. City Manager's Report
Nothing to report.

WORK SESSION/BRIEFINGS

- 5A. Discuss Changes to the Boards & Commissions Ordinances/Resolutions.
5B. Review Revised Application for Boards & Commissions.

STAFF AND BOARD REPORTS

- 6A. Receive presentation and update on the Bastrop 1832 Farmer's Market.
Presentation was made by Hospitality & Downtown Department and Main Street Program Director, Sarah O'Brien.

CITIZEN COMMENTS

SPEAKER(S)

Tammy Bell Johnson

CONSENT AGENDA

A motion was made by Council Member Ennis to approve Items 8A listed on the Consent Agenda after being read into the record by Mayor, Schroeder. Seconded by Council Member Peterson, motion was approved on a 4-0 vote. Mayor Pro Tem Nelson was absent.

- 8A. Consider action to approve City Council minutes from the May 22, 2018 meeting.

ITEMS FOR INDIVIDUAL CONSIDERATION

- 9A. Consider action to approve Resolution No. R-2018-43 of the City Council of City of Bastrop, Texas authorizing the City Manager to execute amendments on behalf of the City modifying the deadlines for construction for projects funded by the 2013 Funding Agreement and the 2015 380 Agreement with the Bastrop Fine Arts Guild; and establishing an effective date.
Presentation was made by City Manager, Lynda Humble.

A motion was made by Council Member Ennis to approve Resolution No. R-2018-43, seconded by Council Member Rogers, motion was approved on a 4-0 vote. Mayor Pro Tem Nelson was absent.

- 9G. Hold public hearing and consider action to approve the first reading of Ordinance No. 2018-12 of the City Council of the City of Bastrop, Texas, rezoning Lots 1 & 2 of the Lee-Jackson & Fowler Subdivision (1.717 acres) from Form-based Code Character Zone CMU, Commercial Mixed Use, to C-1, Commercial 1, and 0.398 acres of Bastrop Town Tract Abstract 11 and 2.046 acres of Building Block 12 East of Water Street from C-2, Commercial 2 to C-1, Commercial 1, LOCATED AT the Northeast corner of SH 95 and Chestnut Street, within the city limits of Bastrop, Texas; as shown in Exhibit

A; including a severability clause; establishing an effective date and move to include on the June 26, 2018 agenda for second reading.

Presentation was made by Assistant Director of Planning and Zoning Department, Jennifer Bills.

Public hearing was opened.

SPEAKERS

David Myer, Jr.

Carlton Harris

Marvin Beck

Ronald Reynolds

Public hearing was closed.

A motion was made by Council Member Jones to send this item back to the Planning and Zoning Commission for a workshop; staff will notify the neighborhood of the workshop; and city staff will meet with the Texas Department of Transportation to specify access, seconded by Council Member Peterson, motion was approved on a 4-0 vote. Mayor Pro Tem Nelson was absent.

- 9H. Hold public hearing and consider action to approve the first reading of Ordinance No. 2018-11 of the City Council of the City of Bastrop, Texas, granting a Conditional Use Permit for a brewery, distillery, or winery use on 0.046 acres of Building Block 3 West of Water Street, located at 809 Main Street, and 0.184 acres of Building Block 3 West of Water Street, located at 705 Pine Street, within the city limits of Bastrop, Texas; as shown in Exhibit A; setting out conditions; including a severability clause; establishing an effective date, and move to include on the June 26, 2018 agenda for second reading.

Presentation was made by Assistant Director of Planning and Zoning Department, Jennifer Bills.

Public hearing was opened.

Public hearing was closed.

A motion was made by Council Member Ennis to approve the first reading of Ordinance No. 2018-11 and include on the June 26, 2018 consent agenda, seconded by Council Member Peterson, motion was approved on a 4-0 vote. Mayor Pro Tem Nelson was absent.

- 9I. Hold public hearing and consider action to approve Resolution No. R-2018-39 of the City Council of the City of Bastrop, Texas, approving a Subdivision Variance, for street improvements related to the Farms End Estate Subdivision, being 2.94 acres of Farm Lot 67 East of Main Street, located at 1706, 1708, and 1712 Farm Street, within the city limits of Bastrop, Texas; repealing all conflicting resolutions; and providing an effective date.

Presentation was made by Assistant Director of Planning and Zoning Department, Jennifer Bills.

Public hearing was opened.

Public hearing was closed.

A motion was made by Council Member Jones to approve Resolution No. R-2018-39, seconded by Council Member Peterson, motion was approved on a 4-0 vote. Mayor Pro Tem Nelson was absent.

Mayor Schroeder recessed the Council Meeting at 8:55 p.m.

Mayor Schroeder called the meeting back to order at 8:57 p.m.

- 9J. Consider action to approve Resolution No. R-2018-38 of the City Council of the City of Bastrop, Texas, approving the Preliminary Plat known as The Colony MUD 1A, Section 3, Phase A & B, being 100.289 acres of the Jose Manuel Bangs Survey, Abstract 5, located east of FM 969 and west of the Colorado River, within the Extra-Territorial Jurisdiction of Bastrop, Texas; as shown in Exhibit A; repealing all conflicting resolutions; and providing an effective date.

Presentation was made by Assistant Director of Planning and Zoning Department, Jennifer Bills.

A motion was made by Council Member Ennis to approve Resolution No. R-2018-38, seconded by Council Member Rogers, motion was approved on a 4-0 vote. Mayor Pro Tem Nelson was absent.

- 9B. Consider action to approve Resolution No. R-2018-33 of the City Council of the City of Bastrop, Texas approving a Municipal Maintenance Agreement between the City of Bastrop and the Texas Department of Transportation; attached as Exhibit A; authorizing the City Manager to execute all necessary documents; and establishing an effective date.

Presentation was made by Director of Public Works, Utilities and Leisure Services, Trey Job.

A motion was made by Council Member Rogers to approve Resolution No. R-2018-33, seconded by Council Member Peterson, motion was approved on a 4-0 vote. Mayor Pro Tem Nelson was absent.

- 9C. Consider action to approve Resolution No. R-2018-38 of the City Council of the City of Bastrop, Texas, amending Chapter 4, Section 6 of the City of Bastrop Personnel Policies Manual regarding Emergency Duty Pay "Extra Duty" and "On-Call" procedures as attached as Exhibit A; providing for a repealing clause; and providing an effective date.

Presentation was made by Director of Human Resources, Tanya Cantrell.

A motion was made by Council Member Jones to approve Resolution No. R-2018-38 with clarification of "emergency event worked" under "Exempt Employees", seconded by Council Member Ennis, motion was approved on a 4-0 vote. Mayor Pro Tem Nelson was absent.

- 9D. Consider action to approve Resolution No. R-2018-40 of the City Council of the City of Bastrop, Texas, approving an easement allowing TxDOT to construct the slope of

the overpass in the City's rights-of-way, as attached as Exhibit A; authorizing the City Manager to execute all necessary documentation; providing for a repealing clause; and establishing an effective date.

Presentation was made by Director of Public Works, Utilities and Leisure Services, Trey Job.

A motion was made by Council Member Jones to approve Resolution No. R-2018-40, seconded by Council Member Rogers, motion was approved on a 4-0 vote. Mayor Pro Tem Nelson was absent.

- 9E. Consider action to approve Resolution No. R-2018-41 of the City Council of the City of Bastrop, Texas, amending a contract for the construction of a 16" Water Line to M&C Fonseca Construction Company, Inc., in the amount of \$86,458.00 (Eighty-six thousand four hundred fifty-eight dollars) as attached as Exhibit A; authorizing the City Manager to execute all necessary documents for the Change Order; and establishing an effective date.

Presentation was made by Director of Public Works, Utilities and Leisure Services, Trey Job.

A motion was made by Council Member Jones to approve Resolution No. R-2018-41, seconded by Council Member Ennis, motion was approved on a 4-0 vote. Mayor Pro Tem Nelson was absent.

- 9F. Consider action to approve Resolution No. R-2018-42 of the City Council of the City of Bastrop, Texas, authorizing the City Manager to enter into a 75-Year Land Lease Agreement with Bastrop County in the amount of \$102,366 for property in the City's Mayfest Park for a Community Center to be built by Bastrop County; providing for a repealing clause and establishing an effective date.

Presentation was made by Director of Public Works, Utilities and Leisure Services, Trey Job.

A motion was made by Council Member Jones to approve Resolution No. R-2018-42, seconded by Council Member Rogers, motion was approved on a 4-0 vote. Mayor Pro Tem Nelson was absent.

EXECUTIVE SESSION

The City Council met at 9:32 p.m. in a closed/executive session pursuant to the Texas Government Code, Chapter 551, et seq, to discuss the following:

- 10A. City Council shall convene into closed executive session pursuant to Section 551.072 of the Texas Government Code to discuss purchase of right-of-way for construction of an 18" water distribution line from Well J to the Willow Street Plant.

- 10B. City Council shall convene into closed executive session pursuant to Section 551.072 of the Texas Government Code to discuss purchase of one (1) piece of property in and around the Downtown area.

The Bastrop City Council reconvened at 9:57 p.m. into open (public) session.

TAKE ANY NECESSARY OR APPROPRIATE ACTION ON MATTERS POSTED FOR CONSIDERATION IN CLOSED/EXECUTIVE SESSION

No action was taken.

ADJOURNMENT

Adjourned at 9:57 p.m. without objection.

APPROVED:

ATTEST:

Mayor Connie B. Schroeder

City Secretary Ann Franklin

DRAFT



STAFF REPORT

MEETING DATE: June 26, 2018

AGENDA ITEM: 8B

TITLE:

Consider action to approve the second reading of Ordinance No. 2018-09 of the City Council of the City of Bastrop, Texas amending the Code of Ordinances Chapter 7, titled "Municipal Court" Article 7.01 "General Provisions" to establish a Municipal Court of Record; to provide for purpose, jurisdiction, and definitions; to provide for the appointment of the Municipal Court judges; to provide for the appointment of a court clerk; repealing all prior ordinances and actions in conflict herewith; providing for an effective date.

STAFF REPRESENTATIVE:

Lynda K. Humble, City Manager
Alan Bojorquez, City Attorney

BACKGROUND/HISTORY:

The City of Bastrop Municipal Court is not a court of record, which allows defendants to appeal municipal court rulings to County Court. By doing so, defendants are automatically granted a new trial, which is prosecuted by the County District Attorney's Office. County prosecutors have their own caseload to handle and city case appeals tend not to be priorities. It also requires all evidence and witnesses to be presented again.

When Municipal Courts become a Court of Record, an appeal is no longer granted a new trial, but rather a review of the recorded evidence. Recording court proceedings can be accomplished by purchasing audio equipment. The City of Bastrop meets all of the other requirements to become a Court of Record.

POLICY EXPLANATION:

Chapter 30 of the Texas Government Code authorizes the City Council to establish a Municipal Court of Record. Being a Municipal Court of Records will provide a more efficient disposition of cases arising in Bastrop for both the State of Texas and the defendant.

FUNDING SOURCE:

N/A

RECOMMENDATION:

Consider action to approve the second reading of Ordinance No. 2018-09 of the City Council of the City of Bastrop, Texas amending the Code of Ordinances Chapter 7, titled "Municipal Court" Article 7.01 "General Provisions" to establish a Municipal Court of Record; to provide for purpose, jurisdiction, and definitions; to provide for the appointment of the Municipal Court judges; to provide for the appointment of a court clerk; repealing all prior ordinances and actions in conflict herewith; providing for an effective date.

ATTACHMENT:
• Ordinance



ORDINANCE NO. 2018-09

AN ORDINANCE OF THE CITY OF BASTROP, TEXAS, AMENDING THE BASTROP CODE OF ORDINANCES BY AMENDING CHAPTER 7, TITLED “MUNICIPAL COURT,” ARTICLE 7.01, “GENERAL PROVISIONS,” TO ESTABLISH A MUNICIPAL COURT OF RECORD, TO PROVIDE FOR PURPOSE, JURISDICTION, AND DEFINITIONS; TO PROVIDE FOR THE APPOINTMENT OF A MUNICIPAL COURT JUDGE; TO PROVIDE FOR THE APPOINTMENT OF A COURT CLERK; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; PROVIDING FOR PROPER NOTICE AND MEETING.

WHEREAS, the City Council of the City of Bastrop, Texas (“City”) seeks to provide for the enforcement of its municipal ordinances through a Municipal Court of Record; and

WHEREAS, the City Council is authorized to establish a Municipal Court of Record by ordinance pursuant to Chapter 30 of the Texas Government Code; and

WHEREAS, the City Council hereby determines that the creation of a Court of Record is necessary to more effectively enforce the ordinances of the City; and

WHEREAS, the City Council further determines that the creation of a Municipal Court of Record is necessary to provide a more efficient disposition of cases arising in the municipality for both the State of Texas and the Defendant; and

WHEREAS, the City Council hereby deems it in the public interest to establish a Municipal Court of Record by ordinance, pursuant to Chapter 30 of the Texas Government Code.

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

1. FINDINGS OF FACT

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

2. AMENDMENT

Chapter 7, Article 7.01 of the City of Bastrop Code of Ordinances is hereby deleted in its entirety and replaced to read in accordance with *Attachment “A”*, which is attached hereto and incorporated into this Ordinance for all intents and purposes.

3. REPEALER

To the extent reasonably possible, ordinances are to be read together in harmony. However, all ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

4. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

5. CODIFICATION

The City Secretary is hereby directed to record and publish the attached rules, regulations and policies in the City's Code of Ordinances as authorized by Section 52.001 of the Texas Local Government Code.

6. EFFECTIVE DATE

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

7. PROPER NOTICE & MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

READ & ACKNOWLEDGED on First Reading on this, the 8th day of May 2018.

READ & APPROVED on the Second Reading on this, the 26th day of June 2018.

APPROVED:

Connie B. Schroeder, Mayor

ATTEST:

Ann Franklin, City Secretary

APPROVED AS TO FORM:

Alan Bojorquez, City Attorney

Attachment "A"

Bastrop Code of Ordinances

Chapter 7: Municipal Court

Article 7.01: General Provisions

Chapter 7 - MUNICIPAL COURT OF RECORD

ARTICLE 7.01 – MUNICIPAL COURT OF RECORD GENERAL PROVISIONS

Sec. 7.01.001 Municipal Court of Record Created

- (a) There is hereby created the “Municipal Court of Record in the City of Bastrop, Texas.” The Municipal Court of Record shall be comprised of as many divisions as the City Council deems necessary.” The Municipal Court that is operating on the date that this Ordinance is adopted shall complete its pending cases and be abolished, and all cases arising from alleged actions or inactions occurring after the date of the adoption of this Ordinance shall be filed within the new Municipal Court of Record for disposition.
- (b) The court shall have no term and may sit at any time for the transaction of business of the Court. Where the term “Municipal Court” is used in the City’s Code of Ordinances, it shall mean the Municipal Court of Record created herein. Any provision of the City’s Charter, ordinances or state law that is applicable to a municipal court shall be applicable to the Municipal Court of Record created herein unless the provision is in conflict with or inconsistent with Chapters 29 or 30 of the Texas Government Code, as amended, which governs municipal courts of record.

Sec. 7.01.002 Jurisdictional Limits of Court

- (a) The Court has all such jurisdiction as is provided to municipal courts by Section 29.003, Texas Government Code.
- (b) The Court has concurrent jurisdiction with a justice court in any precinct in which the municipality is located in criminal cases that arise within the territorial limits of the City of Bastrop and are punishable by fine only.
- (c) The Court has civil jurisdiction for the purpose of enforcing municipal ordinances enacted under Subchapter A, Chapter 214, Texas Local Government Code, or Subchapter E, Chapter 683, Texas Transportation Code.
- (d) The Court has concurrent jurisdiction with a district court or a county court at law under Subchapter B, Chapter 54, Texas Local Government Code, within the City's territorial limits and property owned by the City located in the City’s extraterritorial jurisdiction for the purpose of enforcing health and safety and nuisance abatement ordinances.
- (e) The Court has authority to issue:

- (1) Search warrants for the purpose of investigating a health and safety or nuisance abatement ordinance violation; and
- (2) Seizure warrants for the purpose of securing, removing, or demolishing the offending property and removing the debris from the premises.

Sec. 7.01.003 Municipal Judge Appointment

- (a) The Municipal Court of Record shall be presided over by a judge, who shall be known as the "municipal judge." The judge shall be appointed by the City Council for a term of two (2) years and shall be entitled to a salary set by the City Council. The amount of the judge's salary may not be diminished during the judge's term of office. The salary may not be based directly or indirectly on fines, fees, or costs collected by the court.
- (b) Upon the adoption of this Ordinance, the current presiding judge of the Municipal Court of Bastrop shall become the judge of the Municipal Court of Record in the City of Bastrop. The initial term shall expire two years from the date of his/her last appointment by the City Council as judge of the Municipal Court. At the conclusion of the initial term described herein, all succeeding terms of the Municipal Judge shall be two (2) years from the date of the last appointment by the City Council.
- (c) The municipal judge must:
 - (1) be a citizen of the United States;
 - (2) be a resident of this state;
 - (3) be a licensed attorney in good standing;
 - (4) have two (2) or more years of experience in the practice of law in this state; and
 - (5) reside within one (1) hour or a fifty (50) mile radius of the city.
- (d) A person may not serve as a municipal judge if the person is otherwise employed by the municipality. A municipal judge who accepts other employment with the municipality vacates the judicial office.
- (e) If a vacancy occurs in the office of municipal judge, the City Council shall adopt an ordinance appointing a qualified person to fill the office for the remainder of the unexpired term.
- (f) There may also be alternate judges appointed by the City Council, subject to the same qualifications, who shall have all the powers and shall discharge all the duties of a municipal judge while serving as municipal judge. In the event of the appointment of any such alternate judge, the regular municipal judge shall be titled and known as "presiding judge." Each alternate judge shall be appointed for a term of two (2) years. If the presiding judge is temporarily absent due to illness, family death, continuing legal or judicial education programs, or any other reason, he/she shall select one of the alternate judge(s) to serve during his/her absence.
- (g) Upon the adoption of this Ordinance, the current alternate judge(s) of the Municipal Court of Bastrop shall become the alternate judge(s) of the Municipal Court of Record in the City of Bastrop. The initial term shall expire two years from the date of his/her

last appointment by the City Council as alternate judge of the Municipal Court. At the conclusion of the initial term described herein, all succeeding terms of the Alternate Municipal Judge shall be two (2) years from the date of the last appointment by the City Council.

- (h) The municipal judges may exchange benches and act for each other in any proceeding pending in the court. An act performed by any of the judges is binding on all parties to the proceeding.
- (i) The municipal judge(s) shall take judicial notice of state law and the ordinances and corporate limits of the municipality.
- (j) The judge(s) of the municipal Court may grant writs of mandamus, injunction, attachment, and other writs necessary to the enforcement of the Court's jurisdiction and may issue writs of habeas corpus in cases in which the offense charged is within the jurisdiction of the Court.
- (k) A municipal judge is a magistrate and may issue administrative search warrants.
- (l) A municipal judge may be removed from office by the City Council:
 - (1) as provided by Section 1-a, Article V, Texas Constitution; or
 - (2) for the reasons and by the procedure provided in Subchapter B, Chapter 21, Texas Local Government Code.

Sec. 7.01.004 Court Rules

The Code of Criminal Procedure and the Texas Rules of Appellate Procedure, as modified by Chapter 30, Texas Government Code, govern the trial of cases before the municipal court of record. The court may make and enforce all rules of practice and procedure necessary to expedite the trial of cases before the court that are not inconsistent with law.

Sec. 7.01.005 Municipal Court Clerk Appointment, Powers and Duties

The city manager of the city shall appoint a clerk of the municipal court of record who may hire, direct, and remove the personnel authorized in the city's annual budget for the clerk's office. The clerk or the clerk's deputies shall keep the records of the municipal court of record, issue process, and generally perform the duties for the court that a clerk of the county court at law exercising criminal jurisdiction is required by law to perform for that court. In addition, the clerk or the clerk's deputies shall maintain an index of all court judgments in the same manner as county clerks are required by law to prepare for criminal cases arising in county courts. The clerk shall perform the duties in accordance with statutes, and the charter and ordinances of the city.

Sec. 7.01.006 Preserving Court Record

For the purpose of recording the proceedings and preserving a record in all cases tried before the municipal court of record, a good quality electronic recording device shall be used. When the recording device is used, a court reporter need not be present at the trial to certify the reporter's

record. Proceedings of the court that are appealed shall be transcribed from the recording by an official court reporter. The recording shall be kept and stored for a 20-day period beginning the day after a final order has been entered in the proceeding, upon completion of the trial, or after the denial of motion for a new trial, whichever occurs last. If a case is appealed, the proceedings shall be transcribed from the recording by an official court reporter.

Sec. 7.01.007 Court Facilities and Seal

- (a) The City Council shall provide courtrooms, jury rooms, offices, office furniture, libraries, law books, and other facilities and supplies that the City Council determines necessary for the proper operation of the municipal court of record.
- (b) The City Council shall provide the municipal court of record with a seal that contains the phrase "Municipal Court of The City of Bastrop, Texas". The seal's use must conform to Article 45.012 of the Code of Criminal Procedure.

Sec. 7.01.008 Complaints and Pleadings

Proceedings in the municipal court of record shall commence by complaint, as provided by state law. Complaints and pleadings must substantially conform to the relevant provisions of Chapters 27 and 45, Code of Criminal Procedure.

Sec. 7.01.009 Prosecution

Prosecution in the municipal court of record shall be conducted as provided by Article 45.201, Code of Criminal Procedure. Prosecution may be performed by the City Attorney or another lawyer designated as Municipal Prosecutor/Deputy City Attorney.

Sec. 7.01.010 Jury

- (a) A person who is brought before the municipal court of record and who is charged with an offense is entitled to be tried by a jury of six (6) persons. Trial by jury, including the summoning of jurors, must substantially conform to Chapter 45, Code of Criminal Procedure.
- (b) The court clerk shall supervise the selection of persons for jury service.

Sec. 7.01.011 Appeal from Judgment of Conviction

- (a) A defendant has the right of appeal from a judgment or conviction in the municipal court of record. The State of Texas has the right to appeal as provided by Article 44.01, Code of Criminal Procedure.
- (b) The appellate court shall determine each appeal from a municipal court of record conviction and each appeal from the state on the basis of the errors that are set forth in the appellant's motion and that are presented in the clerk's record and reporter's record prepared from the proceedings leading to the conviction or appeal. An appeal from the municipal court of record shall not be by trial de novo.

- (c) To perfect an appeal, the appellant must file a motion for new trial not later than the 10th day after the date on which the judgment and sentence are rendered. The motion must be in writing and must be filed with the clerk of the municipal court of record. The motion must set forth the points of error of which the appellant complains. The motion or an amended motion may be amended by leave of court at any time before action on the motion is taken, but not later than the 20th day after the date on which the original or amended motion is filed. The court may for good cause extend the time for filing or amending, but the extension may not exceed ninety (90) days from the original filing deadline. If the court does not act on the motion before the expiration of the thirty (30) days allowed for determination of the motion, the original or amended motion is overruled by operation of law.
- (d) To perfect an appeal, the appellant must also give notice of the appeal. If the appellant requests a hearing on the motion for new trial, the appellant may give the notice of appeal orally in open court on the overruling of the motion. If there is no hearing, the appellant must give a written notice of appeal and must file the notice with the court no later than the 10th day after the date on which the motion is overruled. The court may for good cause extend that time period, but the extension may not exceed ninety (90) days from the original filing deadline.
- (e) The fee for the preparation of the clerk's record, which does not include the fee the defendant must pay for an actual transcript of the proceedings, is \$25.00. The clerk shall note the payment of the fee on the docket of the court. If the case is reversed on appeal, the fee shall be refunded to the defendant.

Sec. 7.01.012 Appeal Bond and Record on Appeal

- (a) If the defendant is not in custody, the defendant may not take an appeal until the defendant files an appeal bond with the municipal court of record. The bond must be approved by the court and must be filed not later than the 10th day after the date on which the motion for new trial is overruled. If the defendant is in custody, the defendant shall be committed to jail unless the defendant posts the appeal bond.
- (b) The appeal bond must be in the amount of \$100.00 or double the amount of fines and costs adjudged against the defendant, whichever is greater.
- (c) The bond must:
 - (1) state that the defendant was convicted in the case and has appealed;
 - (2) be conditioned on the defendant's immediate and daily personal appearance in the court to which the appeal is taken; and
 - (3) be in the form of either a cash bond, or surety bond naming two or more good and sufficient sureties as approved by the clerk of the court.
- (d) After an order overruling a motion for new trial, the defendant shall give written notice of appeal and pay a fee for the preparation of the clerk's record of \$25.00 not later than ten (10) days after the date on which the motion is overruled. The court shall note the payment of the fee on the docket of the court. If the case is reversed on appeal, the fee shall be

refunded to the defendant. The defendant shall pay the fee for the preparation of the clerk's record and the fee for an actual transcription of the proceedings.

- (e) The record on appeal must substantially conform to the provisions relating to the preparation of a transcript in the Texas Rules of Appellate Procedure and the Code of Criminal Procedure.

Sec. 7.01.013 Statement of Facts

- (a) A reporter's record included in the record on appeal must substantially conform to the provisions relating to the preparation of a reporter's record in the Texas Rules of Appellate Procedure and the Code of Criminal Procedure.
- (b) The appellant shall pay for the reporter's record.

Sec. 7.01.014 Bills of Exception

Bills of exception must substantially conform to the provisions relating to the preparation of bills of exception in the Texas Rules of Appellate Procedure and the Code of Criminal Procedure.

Sec. 7.01.015 Transfer of Record

- (a) Not later than the 60th day after the date on which the notice of appeal is given or filed, the parties must file the following with the clerk of the municipal court:
 - (1) the reporter's record;
 - (2) a written description of material to be included in the clerk's record in addition to the required material; and
 - (3) any material to be included in the clerk's record that is not in the custody of the clerk.
- (b) On completion of the record, the municipal judge shall approve the record in the manner provided for record completion, approval, and notification in the court of appeals.
- (c) After the court approves the record, the clerk shall promptly forward the record to the appellate court clerk.

Sec. 7.01.016 New Trial

- (a) Each party, on filing the party's brief on appeal with the appellate court clerk, shall deliver a copy of the brief to the municipal judge.
- (b) The trial court shall decide from the briefs of the parties whether the appellant should be permitted to withdraw the notice of appeal and be granted a new trial by the court. The court may grant a new trial at any time before the record is filed with the appellate court.
- (c) If the appellate court awards a new trial to the appellant, the case stands as if a new trial had been granted by the municipal court of record.

Sec. 7.01.017 Certificate of Appellate Proceedings

- (a) Upon receipt of the certificate of appellate proceedings from the appellate court clerk, the clerk of the municipal court of record shall file the certificate with the papers in the case and note the certificate on the case docket.

- (b) If the municipal court of record judgment is affirmed, to enforce the judgment the court may:
 - (1) forfeit the bond of the defendant;
 - (2) issue a Writ of Capias for the defendant;
 - (3) issue an execution against the defendant's property;
 - (4) order a refund for the defendant's costs; or
 - (5) conduct an indigency hearing at the court's discretion.



STAFF REPORT

MEETING DATE: June 26, 2018

AGENDA ITEM: 8C

TITLE:

Consider action to approve the second reading of Ordinance No. 2018-11 of the City Council of the City of Bastrop, Texas, granting a Conditional Use Permit for a brewery, distillery, or winery use on 0.046 acres of Building Block 3 West of Water Street, located at 809 Main Street, and 0.184 acres of Building Block 3 West of Water Street, located at 705 Pine Street, within the city limits of Bastrop, Texas; as shown in Exhibit A; setting out conditions; including a severability clause; and establishing an effective date.

STAFF REPRESENTATIVE:

Jennifer C. Bills, AICP, LEED AP, Assistant Planning Director

ITEM DETAILS:

Site Address: 705 Pine Street and 809 Main Street (Exhibit A)
Total Acreage: 0.644 acres
Legal Description: 0.046 acres of Building Block 3 West of Water Street (809 Main Street) and 0.184 acres of Building Block 3 West of Water Street (705 Pine Street)

Property Owner: Thomas and Judi Hoover
Applicant Contact: Stephen and Cheri Todee

Existing Use: Vacant Retail Commercial Building
Existing Zoning: DMU, Downtown Mixed Use and HMS, Historic Main Street (Attachment 4)
Future Land Use: Downtown Bastrop

BACKGROUND/HISTORY:

The Copper Shot Distillery is currently in business at 604 Chestnut Street. The applicant is looking to move to a bigger site to expand production and seating availability. (Attachment 2).

POLICY EXPLANATION:

The purpose of conditional uses is to allow certain uses in districts that under some circumstances would not be compatible with other permitted uses, but may be compatible if certain conditions and development restrictions are met. A Conditional Use Permit (CUP) is adopted by Ordinance, similar to a standard zoning request, with public hearings at Planning & Zoning Commission and City Council meetings, as well as two ordinance readings at separate City Council meetings.

Per Section 33.2 Conditional Use Permit Regulations, the Planning and Zoning Commission and City Council may consider the following for approval of a requested CUP:

1. The use is harmonious and compatible with surrounding existing uses or proposed uses;

Small scale production businesses and assembly space is compatible with the surrounding uses of historic downtown offices, retail, and restaurants.

2. The activities requested by the applicant are normally associated with the permitted uses in the base district;

Small scale production businesses and assembly space is compatible with the Downtown Mixed Use and Historic Main Street zoning districts.

3. The nature of the use is reasonable;

Small retail breweries, distilleries and wineries are a reasonable size and scale use for the downtown.

4. Any negative impact on the surrounding area has been mitigated;

The production operations of the use will not produce any noxious emissions or noise. The wastewater discharge will comply with the City of Bastrop utility requirements in Chapter 13, Article 13.03, Sections 1 – 10, which regulates the discharge of water in public sewers.

5. That any additional conditions specified ensure that the intent of the district purposes are being upheld.

No additional criteria are required.

PUBLIC COMMENTS:

Property owner notifications were mailed to 18 adjacent property owners on May 11, 2018. At the time of this report, three responses in favor were received. (Attachment 3).

PLANNING & ZONING RECOMMENDATION:

The Planning & Zoning Commission recommended approval of the Conditional Use Permit by a vote of 7-0.

CITY COUNCIL FIRST READING ACTION:

The City Council held a public hearing and conducted the first reading of the ordinance at the June 12, 2018 meeting and motioned to consider the second reading at the June 26, 2018 meeting by a vote of 4-0.

RECOMMENDATION:

Consider action to approve the second reading of Ordinance No. 2018-11 of the City Council of the City of Bastrop, Texas, granting a Conditional Use Permit for a brewery, distillery, or winery use on 0.046 acres of Building Block 3 West of Water Street, located at 809 Main Street, and 0.184 acres of Building Block 3 West of Water Street, located at 705 Pine Street, within the city limits of Bastrop, Texas; as shown in Exhibit A; setting out conditions; including a severability clause; and establishing an effective date.

ATTACHMENTS:

- Ordinance
- Exhibit A: Property Location Map
- Attachment 1: Letter from Applicant
- Attachment 2: Conceptual Site Plan
- Attachment 3: Property Owner's Notification
- Attachment 4: Zoning Map



ORDINANCE 2018-11

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS GRANTING A CONDITIONAL USE PERMIT FOR A BREWERY, DISTILLERY, OR WINERY USE ON 0.046 ACRES OF BUILDING BLOCK 3 WEST OF WATER STREET, LOCATED AT 809 MAIN STREET, AND 0.184 ACRES OF BUILDING BLOCK 3 WEST OF WATER STREET, LOCATED AT 705 PINE STREET, WITHIN THE CITY LIMITS OF BASTROP, TEXAS; AS SHOWN IN EXHIBIT A; SETTING OUT CONDITIONS; INCLUDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Stephen and Cheri Todee (the “Applicant”) submitted a request for a Conditional Use Permit (CUP) for a brewery, distillery or winery use on 0.046 acres of Building Block 3 West of Water Street, located at 809 Main Street, and 0.184 acres of Building Block 3 West of Water Street, located at 705 Pine Street, within the City limits of Bastrop, Texas, hereinafter referred to as “the Property”; and

WHEREAS, a location map is attached hereto as Exhibit “A” (the “Property”); and

WHEREAS, the Property is currently zoned as Form-base Code HMU, Historic Mixed Use and DMU, Downtown Mixed Use; and

WHEREAS, pursuant to Section 10.4 of the City’s Zoning Ordinance, notice of the CUP was given to all property owners located within two hundred (200) feet of the Property, and the Planning and Zoning Commission of the City of Bastrop held a public hearing on the CUP request on May 31, 2018; and

WHEREAS, after notice and hearing, the Planning and Zoning Commission, by a unanimous vote, recommended approval of the proposed request, subject to certain conditions set forth herein; and

WHEREAS, after consideration of public input received at the hearing, the information provided by the Applicant, and all other information presented, City Council finds by a majority vote of all members that it is in the public interest to approve the CUP.

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

Section 1: A Conditional Use Permit for a brewery, distillery and winery use, situated on 0.046 acres of Building Block 3 West of Water Street, located at 809 Main Street, and 0.184 acres of Building Block 3 West of Water Street, located at 705 Pine Street, within the city limits of Bastrop, Texas as more particularly shown on Exhibit “A”, shall be and is hereby approved with the following conditions:

- a. Construction shall be in conformance with the City of Bastrop regulations.
- b. All necessary permits for the proposed development shall be acquired prior to occupying the building.
- c. A Building Permit shall be applied for and secured within one year from the date the Conditional Use Permit is granted (second reading of the ordinance).
- d. The wastewater discharge will comply with the City of Bastrop utility requirements in Chapter 13, Article 13.03, Sections 1 – 10, which regulates the discharge of water in public sewers.

Section 2: If any provision of this ordinance or application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions, or application thereof, of this ordinance, which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are hereby declared to be severable.

Section 3: This ordinance shall take effect upon the date of final passage noted below, or when all applicable publication requirements, if any, are satisfied in accordance with the City's Charter, Code of Ordinances, and the laws of the State of Texas.

READ and ACKNOWLEDGED on First Reading on the 12th day of June 2018.

READ and APPROVED on the Second Reading on the 26th day of June 2018.

APPROVED:

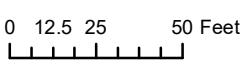
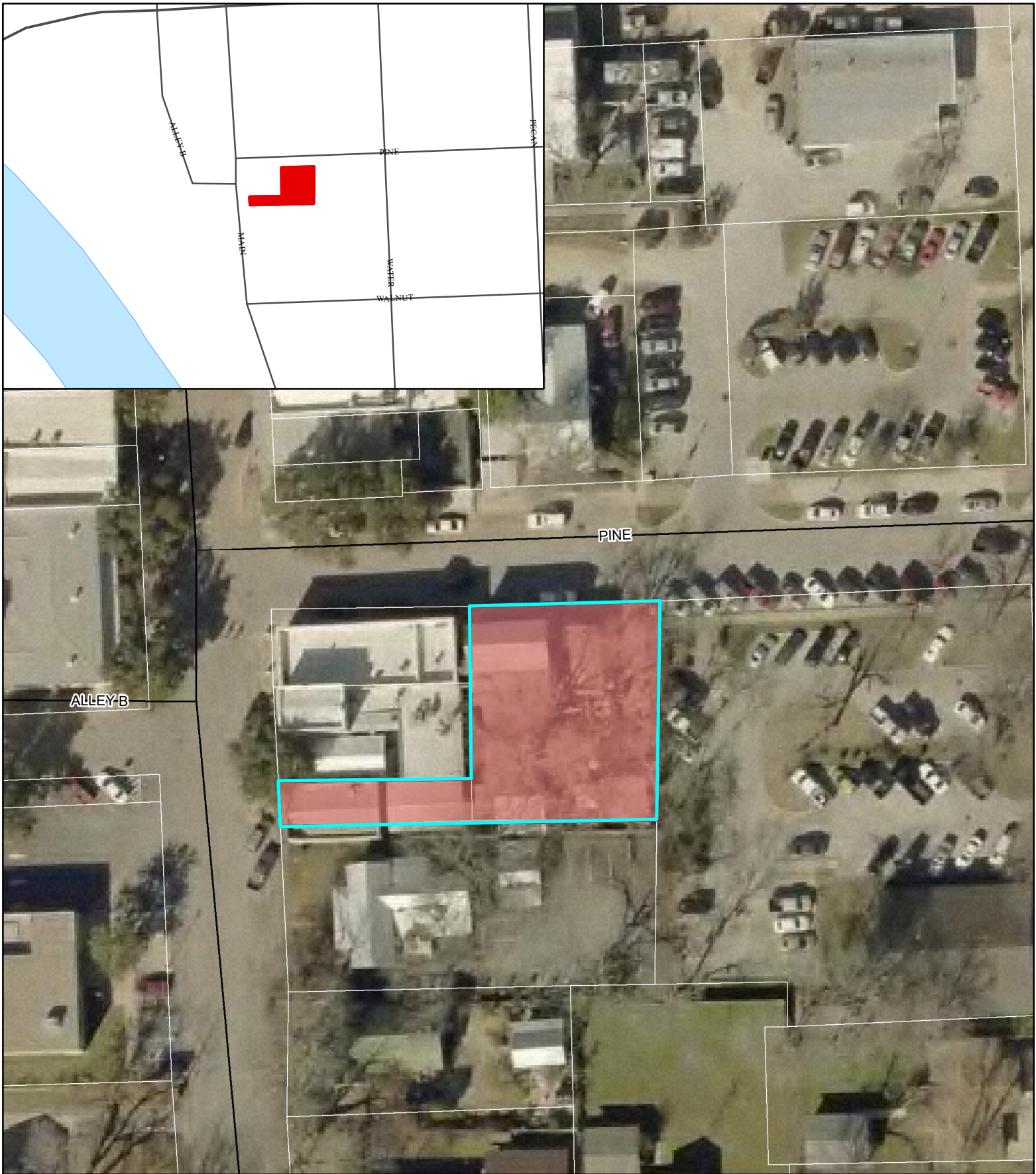
Connie B. Schroeder, Mayor

ATTEST:

Ann Franklin, City Secretary

APPROVED AS TO FORM:

Alan Bojorquez, City Attorney



Location Map
 Conditional Use Permit (CUP)
 Portion of Building Block 3 West of Water St
 705 Pine St and 809 Main St



The accuracy and precision of this cartographic data is limited and should be used for information /planning purposes only. This data does not replace surveys conducted by registered Texas land surveyors nor does it constitute an "official" verification of zoning, land use classification, or other classification set forth in local, state, or federal regulatory processes. The City of Bastrop, nor any of its employees, do not make any warranty of merchantability and fitness for particular purpose, or assumes any legal liability or responsibility for the accuracy, completeness or usefulness of any such information, nor does it represent that its use would not infringe upon privately owned rights.

Date: 5/11/2018



STAFF REPORT

MEETING DATE: June 26, 2018

AGENDA ITEM: 8D

TITLE:

Consider action to approve Resolution No. R-2018-44 of the City Council of the City of Bastrop, Texas suspending the effective date for ninety (90) days in connection with the rate increase filing made on or about June 1, 2018 by Atmos Energy for its Midtex division; finding that the meeting complies with the Open Meetings Act; making other findings and provisions related to the subject; and declaring an effective date.

STAFF REPRESENTATIVE:

Lynda Humble, City Manager
Alan Bojorquez, City Attorney

BACKGROUND

On or about June 1, 2018, Atmos Energy Corporation (“Atmos” or “Company”) filed a Statement of Intent with members of the coalition of cities known as the Atmos Texas Municipalities (“ATM”) comprised of about 50 cities, of which the City is a member, to increase rates by approximately \$4.5 million, which equates to an increase of about 8% in annual non-gas-cost revenue in the ATM cities. On a system-wide basis, Atmos’s proposed increase would be the equivalent of about \$46.0 million; this equates to an increase in annual revenue of about 7.3%.

Atmos proposes an effective date of July 6, 2018 for its change in rates. As is explained below, the proposed resolution related to Atmos’s application to increase rates, if adopted, suspends Atmos’s proposed effective date for the statutory time period of 90 days, to October 4, 2018.

BILL IMPACT:

Atmos proposes to **increase base rates for residential customers** and to **decrease base rates for commercial customers**. The effect on a customer’s bill under Atmos’s proposed rates is as follows:

Class of Customer	Change in Average Bill (excluding cost of gas)
Residential – Rate R	11.15% increase
Commercial – Rate C	4.22% <i>decrease</i>
Industrial – Rate I	12.39% <i>decrease</i>
Transportation – Rate T	12.39% <i>decrease</i>

Class of Customer	Change in Average Bill (including cost of gas)
Residential – Rate R	4.82% increase
Commercial – Rate C	1.35% <i>decrease</i>
Industrial – Rate I	2.14% <i>decrease</i>
Transportation – Rate T	2.33% <i>decrease</i>

REVENUE IMPACT:

Assuming Atmos’s proposed increase is approved, the effect on the percentage change in *revenue* for each customer class is shown below:

Class of Customer	Change in Revenue (excluding cost of gas)
Residential – Rate R	11.18% increase
Commercial – Rate C	5.17% <i>decrease</i>
Industrial – Rate I	9.20% <i>decrease</i>
Transportation – Rate T	9.20% <i>decrease</i>

CURRENT BASE RATES VERSUS PROPOSED BASE RATES:

Atmos proposes to increase the fixed customer charge for the Residential class, while charges based on consumption would be reduced. For commercial customers, Atmos proposes a decrease in the customer charge and the commodity charge. The table below shows Atmos’s current base rates and its proposed base rates:

Rate R - Residential	Current	Proposed	\$ Change	% Change
Customer Charge per month	\$18.35	\$20.25	\$1.90	10.35%
Consumption Charge (per CCF)	\$ 0.13734	\$0.15701	\$0.01967	14.32%

Rate C - Commercial					
Customer Charge per month		\$41.95	\$41.85	<\$0.10>	<0.24%
Consumption Charge (per CCF)		\$0.08746	\$0.07729	<\$0.01017>	<11.63%>
Rate I & T – Industrial & Transportation					
Customer Charge per month		\$752.00	\$752.00	\$0.00	0.0%
Consumption Charge (per MMBTU):					
First 1,500		\$0.3172	\$0.2390	<\$0.07820>	<24.65%>
Next 3,500		\$0.2322	\$0.1901	<\$0.04210>	<18.13%>
Over 5,000		\$0.0498	\$0.0498	\$0.00000	0.0%

Because of the material increase to the Residential class and decreases to the commercial and industrial and transportation classes, the City should evaluate Atmos's proposed allocation of costs to the customer classes.

Atmos's application represents its first general rate case since 2012 (GUD No. 10170). Prior to this filing, Atmos sought annual increases in rates pursuant to the Rate Review Mechanism ("RRM"). However, the RRM tariff has since expired, thus necessitating Atmos's application. Note that Atmos is seeking an increase in rates in those cities that continued the RRM tariff.

ACTION REQUIRED BY July 6, 2018

The City must take action on Atmos's Statement of Intent before July 6, 2018. Absent such action, Atmos's rates are deemed approved by operation of law.

ATMOS TEXAS MUNICIPALITIES

The Atmos Texas Municipalities ("ATM") was organized by a number of municipalities, served by Atmos. Alfred R. Herrera with the law firm of Herrera Law & Associates, PLLC, has previously represented the City as part of ATM in rate cases involving Atmos.

CITY JURISDICTION TO SET ATMOS'S RATES

Unless a city ceded its original jurisdiction to the Railroad Commission of Texas, the Gas Utility Regulatory Act § 103.001 grants a city exclusive original jurisdiction over a gas utility's rates, services, and operations within the city limits. But even if a city has ceded its jurisdiction, to the Railroad Commission, the Gas Utility Regulatory Act § 103.023, grants a city the statutory right to participate in rate proceedings before the Railroad Commission.

RATE CASE EXPENSES

Cities by statute are entitled to recover their reasonable rate case expenses from the utility. See Gas Utility Regulatory Act § 103.022. Legal counsel and consultants approved by ATM will submit monthly invoices to the coalition-designated city that will be forwarded to Atmos for reimbursement; the City of Longview has served in that capacity for several years. No individual city's budget is negatively affected.

SUSPENSION

Atmos's rate-filing package is voluminous containing thousands of pages of data. In order to have time to review the rate-filing package, the Council is requested to suspend Atmos's proposed effective date for ninety (90) days as provided by GURA. It is a virtual impossibility for the City to set just and reasonable rates without suspending the rate request for ninety days; suspension of Atmos's proposed effective date will permit its special regulatory counsel and experts an opportunity to perform a better review of Atmos's application. Further, should Atmos's notice prove to be deficient, then the statutory period would be extended; also by agreement between the City and Atmos, the statutory suspension period may be extended.

RECOMMENDATION

It is recommended that the City continue its participation in the Atmos Texas Municipalities and retain the law firm of Herrera Law & Associates, PLLC to represent the City's interest in matters related to Atmos's rate case and to advise the City with regard to Atmos's application, and that, if Atmos either submits its application to the Railroad Commission of Texas, or appeals the City's final decision to the Railroad Commission, the City intervene in the proceeding before the Railroad Commission of Texas, should such proceedings develop, and court appeals, if any.

The recommendation is also to suspend Atmos's proposed effective date of July 6, 2018, for its proposed increase in rates as set forth in Atmos's Statement of Intent for 90 days. Assuming Atmos's notice meets the statutory criteria for sound notice, the suspension period runs until October 4, 2018.

The City must take action no later than July 6, 2018. If the City does not take action by July 6, 2018, Atmos's proposed rates will be deemed approved by operation of law, subject to the City's right to hold a hearing to address Atmos's rate application.

ATTACHMENTS:

Resolution

RESOLUTION NO. R-2018-44

**A RESOLUTION BY THE CITY OF BASTROP, TEXAS ("CITY")
SUSPENDING THE EFFECTIVE DATE FOR NINETY (90) DAYS IN
CONNECTION WITH THE RATE INCREASE FILING MADE ON OR
ABOUT JUNE 1, 2018 BY ATMOS ENERGY FOR ITS MIDTEX DIVISION;
FINDING THAT THE MEETING COMPLIES WITH THE OPEN MEETINGS
ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE
SUBJECT; AND DECLARING AN EFFECTIVE DATE**

WHEREAS, Atmos Energy ("Atmos" or "Company") filed a Statement of Intent with the City on or about June 1, 2018, to increase its annual revenue by approximately \$4.5 million in the cities known as Atmos Texas Municipalities ("ATM"), which equates to an increase in annual revenue of approximately 8.0 percent, and is the equivalent of an increase of about \$46.0 million on a system-wide basis; and

WHEREAS, the City is a regulatory authority under the Gas Utility Regulatory Act ("GURA") and under Chapter 104, §103.001 et seq. of GURA has exclusive original jurisdiction over Atmos's rates, operations, and services within the municipality; and

WHEREAS, in order to maximize the efficient use of resources and expertise in reviewing, analyzing and investigating Atmos's rate request and its changes in tariffs it is prudent to coordinate the City's efforts with a coalition of similarly situated municipalities; and

WHEREAS, the City, in matters regarding applications by Atmos to change rates, has in the past joined with other local regulatory authorities to form an alliance of cities known as Atmos Texas Municipalities ("ATM"), and hereby continues its participation in ATM; and

WHEREAS, Atmos' rate request consists of a voluminous amount of information including Atmos's rate-filing package, exhibits, schedules, and work papers; and

WHEREAS, Atmos' rate application is the Company's first general rate case since about 2012, and follows annual increases approved under the now-expired tariff known as the "Rate Review Mechanism" ("RRM"); and

WHEREAS, Atmos' proposed July 6, 2018, as the effective date for its requested increase in rates; and

WHEREAS, it is not reasonably possible for the City to complete its review of Atmos's filing by July 6, 2018; and

WHEREAS, the City will need an adequate amount of time to review and evaluate Atmos's rate application to enable the City to adopt a final decision as a local regulatory authority with regard to Atmos' requested rate increase; and

WHEREAS, the City will require the assistance of specialized legal counsel and rate experts to review the merits of Atmos's application to increase rates; and

WHEREAS, if Atmos submits a corresponding application with the Railroad Commission of Texas or appeals the City's action to the Railroad Commission of Texas, the decision of the Railroad Commission of Texas will have a direct impact on the City and its citizens who are customers of Atmos, and in order for the City's participation to be meaningful it is important that the City intervene in any such proceedings at the Railroad Commission of Texas related to Atmos's application to increase rates.

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

Section 1: The findings set out in the preamble are in all things approved and incorporated herein as if fully set forth.

Section 2: Atmos's proposed effective date for its proposed increase in rates is hereby SUSPENDED for ninety days beyond July 6, 2018.

Section 3: The statutory suspension period may be further extended if Atmos does not provide timely and meaningful, and proper public notice of its request to increase rates, if its rate-filing package is materially deficient, or by agreement.

Section 4: The City shall participate in a coalition of cities known as the Atmos Texas Municipalities ("ATM"), and authorizes intervention in proceedings related to Atmos's Statement of Intent before the Railroad Commission of Texas and related proceedings in courts of law; and

Section 5: The City hereby orders Atmos to reimburse the City's rate case expenses consistent with the Gas Utility Regulatory Act and that Atmos shall do so on a monthly basis and within 30 days after submission of the City's invoices for the City's reasonable costs associated with the City's activities related to this rate review or related to proceedings involving Atmos before the City, the Railroad Commission of Texas, or any court of law.

Section 6: Subject to the right to terminate employment at any time, the City retains and authorizes the law firm of Herrera Law & Associates, PLLC to act as Special Counsel with regard to rate proceedings involving Atmos before the City, the Railroad Commission of Texas, or any court of law, and to retain such experts as may be reasonably necessary for review of Atmos's rate application subject to approval by the steering committee of the ATM.

Section 7: The City, in coordination with the Steering Committee, shall review the invoices of the lawyers and rate experts for reasonableness before submitting the invoices to Atmos for reimbursement.

Draft "A"

Section 8: A copy of this resolution shall be sent to Mr. Alfred R. Herrera, Herrera Law & Associates, PLLC, 816 Congress Ave., Suite 950, Austin, Texas 78701, and a courtesy copy to Atmos' local representative.

Section 9: The meeting at which this resolution was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

DULY RESOLVED AND ADOPTED by the City Council of the City of Bastrop this 26th day of June, 2018.

APPROVED:

Connie B. Schroeder, Mayor

ATTEST:

Ann Franklin, City Secretary

APPROVED AS TO FORM:

Alan Bojorquez, City Attorney



STAFF REPORT

MEETING DATE: June 26, 2018

AGENDA ITEM: 9A

TITLE:

Consider action to approve Resolution No. R-2018-45 of the City Council of the City of Bastrop, Texas donating its ownership interest in 0.6340 acres located at 1303 Jasper Street, Bastrop, Texas from delinquent taxes, penalty, and interest owed to the County of Bastrop; authorizing the City Manager to execute any documents required to convey the property in fee simple title; providing for a repealing clause; and establishing an effective date.

STAFF REPRESENTATIVE:

Tracy Waldron, Chief Financial Officer

BACKGROUND/HISTORY:

The County of Bastrop has acquired title in trust for itself, the Bastrop Independent School District and the City of Bastrop (“Taxing Units”) of .6340 acres located at 1303 Jasper Street, Bastrop, Texas 78602 with the legal description of Building Block 60 E W St. This property has failed to sell at auction by the Sheriff, with the minimum bid of \$13,626.46 for the property, being the delinquent taxes, penalty and interest owed to the above-mentioned entities. The County of Bastrop would like to own this property and is requesting the City of Bastrop to donate the City’s ownership interest to the County.

POLICY EXPLANATION:

Article II, Powers of the City, Section 2.01 – General Powers of the City in the Code of Ordinances states the City may convey property. Chapters 31 and 34 of the Texas Property Tax Code authorize the resale of those property for less than the minimum bid.

FUNDING SOURCE:

N/A

RECOMMENDATION:

Consider action to approve Resolution No. R-2018-45 of the City Council of the City of Bastrop, Texas donating its ownership interest in 0.6340 acres located at 1303 Jasper Street, Bastrop, Texas from delinquent taxes, penalty, and interest owed to the County of Bastrop; authorizing the City Manager to execute any documents required to convey the property in fee simple title; providing for a repealing clause; and establishing an effective date.

ATTACHMENTS:

- Additional Property Information
- Resolution R-2018-45

Property Search Results > 59956 BASTROP COUNTY TRUSTEE for Year 2018

Property

Account

Property ID:	59956	Legal Description:	BUILDING BLOCK 60 E W ST, ACRES 0.6340
Geographic ID:	R59956	Agent Code:	
Type:	Real		
Property Use Code:			
Property Use Description:			

Location

Address:	1303 JASPER ST BASTROP, TX 78602	Mapsc0:	
Neighborhood:	BASTROP CITY 005	Map ID:	3-C-1
Neighborhood CD:	NBHD0205		

Owner

Name:	BASTROP COUNTY TRUSTEE	Owner ID:	703964
Mailing Address:	P O BOX 579 BASTROP, TX 78602	% Ownership:	100.0000000000%
		Exemptions:	EX

Values

(+) Improvement Homesite Value:	+	\$0	
(+) Improvement Non-Homesite Value:	+	\$55,212	
(+) Land Homesite Value:	+	\$0	
(+) Land Non-Homesite Value:	+	\$63,400	Ag / Timber Use Value
(+) Agricultural Market Valuation:	+	\$0	\$0
(+) Timber Market Valuation:	+	\$0	\$0
<hr/>			
(=) Market Value:	=	\$118,612	
(-) Ag or Timber Use Value Reduction:	-	\$0	
<hr/>			
(=) Appraised Value:	=	\$118,612	
(-) HS Cap:	-	\$0	
<hr/>			
(=) Assessed Value:	=	\$118,612	

Taxing Jurisdiction

Owner:	BASTROP COUNTY TRUSTEE
% Ownership:	100.0000000000%

Total Value: \$118,612

Entity	Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax
C04	CITY OF BASTROP	0.564000	\$118,612	\$0	\$0.00
CAD	APPRAISAL DISTRICT	0.000000	\$118,612	\$0	\$0.00
G01	BASTROP COUNTY	0.481600	\$118,612	\$0	\$0.00
RD1	COUNTY ROAD	0.108100	\$118,612	\$0	\$0.00
S04	BASTROP ISD	1.441000	\$118,612	\$0	\$0.00
Total Tax Rate:		2.594700			
Taxes w/Current Exemptions:					\$0.00
Taxes w/o Exemptions:					\$3,077.63

Improvement / Building

Improvement #1: RESIDENTIAL State Code: XV Living Area: 1275.0 sqft Value: \$55,212

Type	Description	Class CD	Exterior Wall	Year Built	SQFT
MA	MAIN AREA	W3 - *	Wood	1955	1275.0
OF	OPEN FRAME	W3 - *		1955	232.0

Land

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	L	RESIDENTIAL LOT	0.6340	27617.04	0.00	0.00	\$63,400	\$0

Roll Value History

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2018	\$55,212	\$63,400	0	118,612	\$0	\$118,612
2017	\$55,212	\$63,400	0	118,612	\$0	\$118,612
2016	\$41,551	\$63,400	0	104,951	\$0	\$104,951
2015	\$41,551	\$63,400	0	104,951	\$0	\$104,951
2014	\$41,551	\$47,550	0	89,101	\$0	\$89,101
2013	\$41,551	\$47,550	0	89,101	\$0	\$89,101
2012	\$41,551	\$47,550	0	89,101	\$0	\$89,101
2011	\$41,551	\$47,550	0	89,101	\$0	\$89,101
2010	\$41,551	\$47,550	0	89,101	\$0	\$89,101
2009	\$41,551	\$47,550	0	89,101	\$0	\$89,101
2008	\$41,551	\$47,550	0	89,101	\$0	\$89,101
2007	\$25,761	\$47,550	0	73,311	\$0	\$73,311

Deed History - (Last 3 Deed Transactions)

#	Deed Date	Type	Description	Grantor	Grantee	Volume	Page	Deed Number
1	12/3/2013	SHERIFF	SHERIFF'S DEED	WAITES, STANLEY W	BASTROP COUNTY TRUSTEE	2286	502	0

2	11/1/1996	CONV	CONVERSION	SAMPSON, ITASCA W	WAITES, STANLEY W	823	551	0
3	2/24/1995	CONV	CONVERSION	SAMPSON, ITASCA W	SAMPSON, ITASCA W	741	875	0

Tax Due

Property Tax information as of 05/04/2018

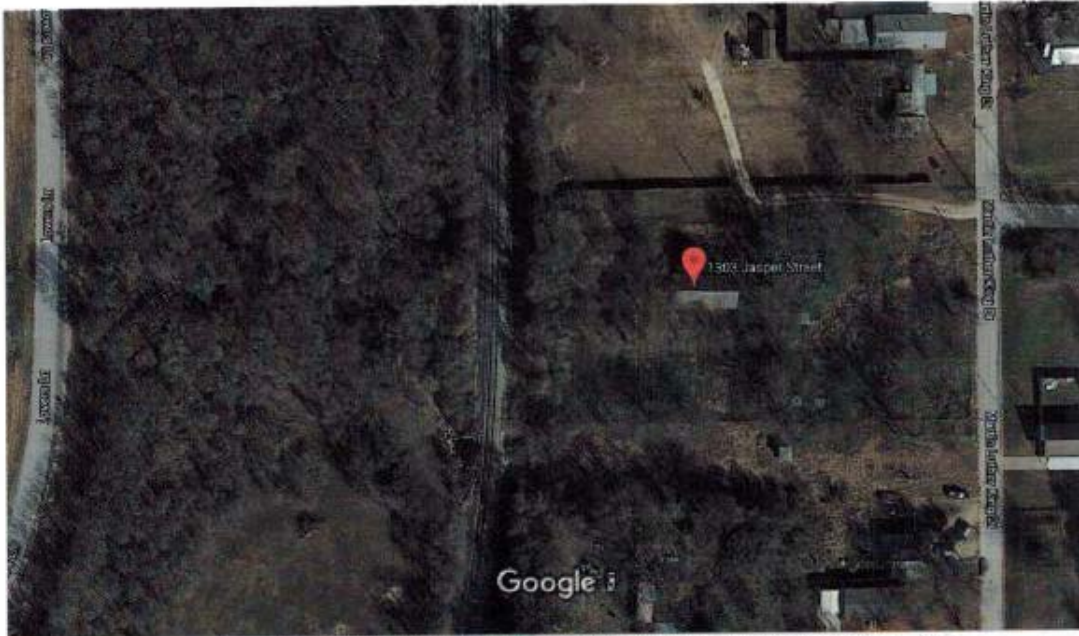
Amount Due if Paid on:  -

Year	Taxing Jurisdiction	Taxable Value	Base Tax	Base Taxes Paid	Base Tax Due	Discount / Penalty & Interest	Attorney Fees	Amount Due
------	---------------------	---------------	----------	-----------------	--------------	-------------------------------	---------------	------------

NOTE: Penalty & Interest accrues every month on the unpaid tax and is added to the balance. Attorney fees may also increase your tax liability if not paid by July 1. If you plan to submit payment on a future date, make sure you enter the date and RECALCULATE to obtain the correct total amount due.

Questions Please Call (512) 303-1930

Google Maps 1303 Jasper St



Imagery ©2018 CAPCOG, DigitalGlobe, Texas Orthoimagery Program, Map data ©2018 Google 50 ft



1303 Jasper St
Bastrop, TX 78602

RESOLUTION NO. R-2018-45

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, DONATING ITS OWNERSHIP INTEREST IN 0.6340 ACRES LOCATED AT 1303 JASPER STREET, BASTROP, TEXAS FROM DELINQUENT TAXES, PENALTY, AND INTEREST OWED TO THE COUNTY OF BASTROP; AUTHORIZING THE CITY MANAGER TO EXECUTE ANY DOCUMENTS REQUIRED TO CONVEY THE PROPERTY IN FEE SIMPLE TITLE; PROVIDING FOR A REPEALING CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Bastrop (“City Council”) finds it to be in the public interest, and necessary for the public health, safety and welfare; and

WHEREAS, the County of Bastrop has acquired title in trust for itself, the Bastrop Independent School District and the City of Bastrop (“Taxing Units”) in the property shown on the attached Disbursement Sheet being located at 1303 Jasper Street, in Bastrop County through delinquent tax foreclosures; and

WHEREAS, the Sheriff has attempted to sell this lot located at 1303 Jasper Street, in Bastrop County with the minimum bid for the property being the delinquent taxes, penalty and interest due to the above-mentioned entities; and

WHEREAS, the Sheriff did not receive the minimum bid for property; and

WHEREAS, Chapters 31 and 34 of the Texas Property Tax Code authorize the resale of those property(s) for less than the minimum bid; and

WHEREAS, the County of Bastrop has requested fee simple ownership of the lot located at 1303 Jasper Street, in Bastrop County as shown on the attached Disbursement Sheet from the City of Bastrop through donation.

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

Section 1: The findings set out in the preamble are in all things approved and incorporated herein as if fully set forth.

Section 2: The City Manager of the City of Bastrop, Texas, is hereby authorized to execute any documents required to convey the property(s) located at 1303 Jasper Street, which are held in trust by the County of Bastrop to: The County of Bastrop, in fee simple title.

Section 3: The meeting at which this Resolution was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Texas Open Meetings Act.

Section 4: All orders, ordinances and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

Section 5: This Resolution shall take effect upon passage and in accordance with the laws of the State of Texas.

DULY RESOLVED AND ADOPTED by the City Council of the City of Bastrop, TX, on this, the 26th day of June, 2018.

APPROVED:

Connie B. Schroeder, Mayor

ATTEST:

Ann Franklin, City Secretary

APPROVED AS TO FORM:

Alan Bojorquez, City Attorney

“DISBURESEMENT SHEET”

Account Summary

Office of Linda Harmon Tax Assessor-Collector
 Bastrop County Tax Office
 PO Box 579
 Bastrop, TX 78602
 Ph: (512) 581-7161 Fax: (512) 581-7167

Property: R59956
 Quick Ref ID: R59956
 Owner: BASTROP COUNTY TRUSTEE
 Situs Address: 1303 JASPER ST BASTROP 78602
 Legal Description: BUILDING BLOCK 60 E W ST, ACRES 0.6340

BASTROP COUNTY TRUSTEE
 P O BOX 579
 BASTROP, TX 78602

Exemptions: EX

Tax Bill (Effective Date: 05/30/2018) Balance Due if Paid By May 31, 2018: 13,626.46

Bill	Levy	Levy Balance	P & I	Atty Fees	Date Paid	Amt Paid	Balance
2002							
City Of Bastrop	320.42	266.25	548.15	130.29	03/21/2006	92.55	906.31
Totals	320.42	266.25	548.15	130.29		92.55	906.31
2003							
City Of Bastrop	342.38	342.38	629.97	145.85		0.00	1,118.20
Totals	342.38	342.38	629.97	145.85		0.00	1,118.20
2004							
City Of Bastrop	400.67	400.67	689.16	163.48		0.00	1,253.31
Totals	400.67	400.67	689.16	163.48		0.00	1,253.31
2005							
City Of Bastrop	421.94	421.94	675.10	164.55		0.00	1,261.59
Totals	421.94	421.94	675.10	164.55		0.00	1,261.59
2006							
City Of Bastrop	466.56	466.56	690.51	173.56		0.00	1,330.63
Totals	466.56	466.56	690.51	173.56		0.00	1,330.63
2007							
City Of Bastrop	392.21	392.21	533.40	138.84		0.00	1,064.45
Totals	392.21	392.21	533.40	138.84		0.00	1,064.45
2008							
City Of Bastrop	493.62	493.62	612.10	165.86		0.00	1,271.58
Totals	493.62	493.62	612.10	165.86		0.00	1,271.58
2009							
City Of Bastrop	493.62	493.62	552.86	156.97		0.00	1,203.45
Totals	493.62	493.62	552.86	156.97		0.00	1,203.45
2010							
City Of Bastrop	493.62	493.62	493.62	148.08		0.00	1,135.32
Totals	493.62	493.62	493.62	148.08		0.00	1,135.32
2011							
City Of Bastrop	520.35	520.35	457.92	146.74		0.00	1,125.01
Totals	520.35	520.35	457.92	146.74		0.00	1,125.01
2012							
City Of Bastrop	520.35	520.35	395.47	137.37		0.00	1,053.19
Totals	520.35	520.35	395.47	137.37		0.00	1,053.19
2013							
City Of Bastrop	479.01	479.01	306.57	117.84		0.00	903.42
Totals	479.01	479.01	306.57	117.84		0.00	903.42

Account Summary

Office of Linda Harmon Tax Assessor-Collector
 Bastrop County Tax Office
 PO Box 579
 Bastrop, TX 78602
 Ph: (512) 581-7161 Fax: (512) 581-7167

Property: R59956
 Quick Ref ID: R59956
 Owner: BASTROP COUNTY TRUSTEE
 Situs Address: 1303 JASPER ST BASTROP 78602
 Legal Description: BUILDING BLOCK 60 E W ST, ACRES 0.6340

Tax Bill (Effective Date: 05/30/2018)		Balance Due if Paid By May 31, 2018:					13,626.46
Bill	Levy	Levy Balance	P & I	Atty Fees	Date Paid	Amt Paid	Balance
Totals	5,344.75	5,290.58	6,584.83	1,789.43		92.55	13,626.46

Balance Due if Paid By May 31, 2018: 13,626.46

Pay By	Total Due
June 30, 2018	13,687.29
July 31, 2018	13,748.16
August 31, 2018	13,809.00



STAFF REPORT

MEETING DATE: June 26, 2018

AGENDA ITEM: 9B

TITLE:

Consider action to approve Resolution No. R-2018-37 of the City Council of the City of Bastrop, Texas approving the Bastrop Police Department to accept a grant for twenty (20) rifle-resistant ballistic vests at a total cost of Thirteen Thousand Six Hundred Five and 06/100 Dollars (\$13,605.06) from the 2018 State Homeland Security Grant Program with no matching funds from the City of Bastrop; authorizing the Public Safety Director as the Grantee's Authorized Official; providing for a severability clause; and establishing an effective date.

STAFF REPRESENTATIVE:

James Altgelt, Public Safety Director / Chief of Police

BACKGROUND/HISTORY:

The number of assaults against law enforcement officers, when the assailant utilized a rifle, has been on the rise. These incidents culminated on July 7, 2016 in Dallas, Texas. On this date, Micah Xavier Johnson ambushed law enforcement officers during a protest that was being conducted over the shooting of black men. Micah Johnson murdered five (5) law enforcement officers, wounded eight (8) other officers, and wounded two (2) civilians during his attack. Four (4) of the slain officers were from the Dallas Police Department and one (1) was from the Dallas Area Rapid Transit (DART) Police Department. This tragic event is now the deadliest attack on law enforcement officers since the September 11th attacks.

Funds for providing rifle-resistant ballistic vests became available through the 2018 State Homeland Security Grant Program. These rifle-resistant ballistic vests will enhance an officer's level of protection during any incident involving the use of a rifle.

In September 2017, the Bastrop Police Department applied for a grant through the 2018 State Homeland Security Grant Program to purchase twenty (20) rifle-resistant ballistic vests at a total cost of Thirteen Thousand Six Hundred Five and 06/100 Dollars. This grant did not require any matching funds from the City of Bastrop and would be sufficient to increase the level of protection for every Bastrop Police Officer that may respond to this type of event.

In January 2018, the Bastrop Police Department received notification that it would be awarded this grant pending acceptance by the City of Bastrop. These funds are available until March 31, 2019.

FUNDING SOURCE:

This project is completely grant funded and has no adverse impact to the City's budget.

RECOMMENDATION:

Consider action to approve Resolution No. R-2018-37 of the City Council of the City of Bastrop, Texas approving the Bastrop Police Department to accept a grant for twenty (20) rifle-resistant ballistic vests at a total cost of Thirteen Thousand Six Hundred Five and 06/100 Dollars (\$13,605.06) from the 2018 State Homeland Security Grant Program with no matching funds from the City of Bastrop; authorizing the Public Safety Director as the Grantee's Authorized Official; providing for a severability clause; and establishing an effective date.

ATTACHMENTS:

- Resolution



RESOLUTION NO. R-2018-37

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, APPROVING THE BASTROP POLICE DEPARTMENT TO ACCEPT A GRANT FOR TWENTY (20) RIFLE-RESISTANT BALLISTIC VESTS AT A TOTAL COST OF THIRTEEN THOUSAND SIX HUNDRED FIVE AND 06/100 DOLLARS (\$13,605.06) FROM THE 2018 STATE HOMELAND SECURITY GRANT PROGRAM WITH NO MATCHING GRANT FUNDS FROM THE CITY OF BASTROP; AUTHORIZING PUBLIC SAFETY DIRECTOR AS THE GRANTEE'S AUTHORIZED OFFICIAL; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Bastrop finds it is in the best interest of the citizens of Bastrop, that the Bastrop Police Department utilize a grant that has been awarded to them from the 2018 State Homeland Security Grant Program for twenty rifle-resistant ballistic vests at a total cost of \$13,605.06 with no matching funds from the City of Bastrop; and

WHEREAS, the City of Bastrop agrees that in the event of loss or misuse of the 2018 State Homeland Security Grant, the City of Bastrop City Council assures that the funds will be returned to the State Homeland Security Grant Program in full; and

WHEREAS, the City of Bastrop designates Public Safety Director James K. Altgelt as the Grantee's authorized official. The authorize official is given the power to apply for, reject, alter, or terminate the grant on behalf of the applicant agency.

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

Section 1. The City Council of the City of Bastrop approves acceptance of the grant award for the Bastrop Police Department's 2018 Homeland Security Grant Program and designates the Public Safety Director as the Grantee's authorized official.

Section 2. Any prior resolution of the City Council in conflict with the provisions contained in this resolution are hereby repealed and revoked.

Section 3: Should any part of this resolution be held to be invalid for any reason, the remainder shall not be affected thereby, and such remaining portions are hereby severable.

Section 4: This resolution shall take effect immediately from and after its passage, and it is duly resolved.

DULY RESOLVED AND ADOPTED by the City Council of the City of Bastrop this 26th day of June, 2018.

APPROVED:

Connie B. Schroeder, Mayor

ATTEST:

Ann Franklin, City Secretary

APPROVED AS TO FORM:

Alan Bojorquez, City Attorney



STAFF REPORT

MEETING DATE: June 26, 2018

AGENDA ITEM: 9C

TITLE:

Consider action to approve Resolution No. R-2018-46 of the City Council of the City of Bastrop, Texas, relating to the "Bastrop Economic Development Corporation Sales Tax Revenue Bonds, Series 2018", including the approval of the resolution of the board of directors of the corporation amending certain provisions of resolution authorizing the issuance of such bonds, attached as Exhibit A; resolving other matters, incident and related to the issuance of such bonds; and providing an effective date.

STAFF REPRESENTATIVE:

Tracy Waldron, Chief Financial Officer

BACKGROUND/HISTORY:

The EDC Board of Directors has found and determined that infrastructure street improvements and extension, including Agnes Street/Home Depot Way and related drainage improvements, will promote and develop new and expanded business enterprises and constitute projects within the meaning of Section 501.103 of the Act ("The Project") and the costs of constructing and equipping such Project should be financed from the proceeds of sale of \$1,250,000 "Bastrop Economic Development Corporation Sales Tax Revenue Bonds, Series 2018" (the "Bonds").

The Resolution authorizing the issuance of the Bonds adopted by the Bastrop Economic Development Board on May 21, 2018 (the "Issuer Resolution") and submitted to the City Council this day is hereby approved in all respects.

The term sheet sent to potential bank bidders did not include the requirement of a reserve fund. The lowest bidder did not specify any provisions to the term sheet when submitting their bid. They have since then stated that they cannot honor their bid without a reserve fund being required by the Corporation. The EDC board has amended the resolution to include the requirement of the reserve fund.

POLICY EXPLANATION:

Section 501.204 of the Local Government Code requires the City Council of the City approve the resolution of the Issuer (Bastrop Economic Development Corp.) providing for the issuance of the Bonds no more than sixty (60) days prior to the delivery of the Bonds

RECOMMENDATION:

Consider action to approve Resolution No. R-2018-46 of the City Council of the City of Bastrop, Texas, relating to the "Bastrop Economic Development Corporation Sales Tax Revenue Bonds, Series 2018", including the approval of the resolution of the board of directors of the corporation amending certain provisions of resolution authorizing the issuance of such bonds, attached as Exhibit A; resolving other matters, incident and related to the issuance of such bonds; and providing an effective date.

ATTACHMENTS:

- Resolution 2018-46
- Exhibit A



RESOLUTION NO. R-2018-46

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, RELATING TO THE "BASTROP ECONOMIC DEVELOPMENT CORPORATION SALES TAX REVENUE BONDS, SERIES 2018", INCLUDING THE APPROVAL OF THE RESOLUTION OF THE BOARD OF DIRECTORS OF THE CORPORATION AMENDING CERTAIN PROVISIONS OF RESOLUTION AUTHORIZING THE ISSUANCE OF SUCH BONDS, ATTACHED AS EXHIBIT A; RESOLVING OTHER MATTERS INCIDENT AND RELATED TO THE ISSUANCE OF SUCH BONDS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Bastrop Economic Development Corporation (the "Issuer") has been duly created and organized pursuant to the provisions of the Development Corporation Act, Texas Local Government Code, Title 12, Subtitle C1, as amended (formerly known as the Development Corporation Act of 1979, Tex. Rev. Civ. Stat. Ann. Article 5190.6), specifically Chapters 501 and 505 of the Local Government Code (the "Act"); and

WHEREAS, on May 22, 2018, the City Council of the City approved the Resolution authorizing the issuance of the \$1,250,000 "Bastrop Economic Development Corporation Sales Tax Revenue Bonds, Series 2018" (the "Bonds"); adopted by the Issuer on May 21, 2018 (the "Issuer Resolution") as required by Section 501.204 of the Act; and

WHEREAS, on June 18, 2018, the Board of Directors of the Issuer adopted a Resolution (the "Amendatory Resolution") amending certain provisions of the Issuer Resolution and the City Council hereby finds and determine that the Amendatory Resolution should be approved by the City Council, now; therefore,

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

SECTION 1. The Amendatory Resolution adopted by the Issuer on June 18, 2018 and attached hereto as Exhibit A is hereby approved in all respects.

SECTION 2. The approvals herein given are in accordance with Section 501.204 of the Act and the Bylaws of the Issuer, and the Bonds shall never be construed as an indebtedness or pledge of the City, or the State of Texas (the "State"), within the meaning of any constitutional or statutory provision, and the owner of the Bonds shall never be paid in whole or in part out of any funds raised or to be raised by taxation (other than sales tax proceeds as authorized pursuant to the Act) or any other revenues of the Issuer, the City, or the State, except those revenues assigned and pledged by the Issuer Resolution.

SECTION 3. The Mayor, the Mayor Pro Tern, the City Secretary, the City Manager and Chief Financial Officer of the City are hereby authorized, jointly and severally, to execute and deliver such endorsements, instruments, certificates, documents, or other papers necessary and advisable to carry out the intent and purposes of this Resolution, the Issuer Resolution and the Amendatory Resolution.

SECTION 4. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Texas Government Code, Chapter 551, as amended.

SECTION 5. This Resolution shall be in force and effect from and after its passage on the date shown below.

DULY RESOLVED AND ADOPTED by the City Council of the City of Bastrop this 26th, day of June 2018.

APPROVED:

Connie B. Schroeder, Mayor

ATTEST:

Ann Franklin, City Secretary

APPROVED AS TO FORM:

Alan Bojorquez, City Attorney

Exhibit A

RESOLUTION NO. R-2018-36

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, RELATING TO THE “BASTROP ECONOMIC DEVELOPMENT CORPORATION SALES TAX REVENUE BONDS, SERIES 2018”, INCLUDING THE APPROVAL OF THE RESOLUTION OF THE BOARD OF DIRECTORS OF THE CORPORATION AUTHORIZING THE ISSUANCE OF SUCH BONDS; RESOLVING OTHER MATTERS INCIDENT AND RELATED TO THE ISSUANCE OF SUCH BONDS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Bastrop Economic Development Corporation (the “Issuer”) has been duly created and organized pursuant to the provisions of the Development Corporation Act, Texas Local Government Code, Title 12, Subtitle C1, as amended (formerly known as the Development Corporation Act of 1979. Tex. Rev. Civ. Stat. Ann. Article 5190.6), specifically Chapters 501 and 505 of the Local Government Code (the “Act”); and

WHEREAS, pursuant to the Act, the Issuer is empowered to issue bonds for the purpose of defraying the cost of any “project” defined as such by the Act; and

WHEREAS, the Board of Directors of the Issuer has found and determined that infrastructure street improvements and extension, including Agnes Street/Home Depot Way and related drainage improvements, will promote and develop new and expanded business enterprises and constitute projects within the meaning of Section 501.103 of the Act (“The Project”) and the costs of constructing and equipping such project should be financed from the proceeds of sale of \$1,250,000 “Bastrop Economic Development Corporation Sales Tax Revenue Bonds, Series 2018” (the “Bonds”); and

WHEREAS, Section 501.204 of the Act requires the City Council of the City approve the resolution of the Issuer providing for the issuance of the Bonds no more than sixty (60) days prior to the delivery of the Bonds;

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

SECTION 1: The Resolution authorizing the issuance of the Bonds adopted by the Issuer on May 21, 2018 (the “Issuer Resolution”) and submitted to the City Council this day is hereby approved in all respects. The Bonds are being issued to finance the costs of acquiring and purchasing the Project, which is located within the City of Bastrop.

SECTION 2: The approvals herein given are in accordance with Section 501.204 of the Act and the Bylaws of the Issuer, and the Bonds shall never be construed as an indebtedness or pledge of the City, or the State of Texas (the “State”), within the meaning of any constitutional or statutory provision, and the owner of the Bonds shall never be paid in whole or in part out of any funds raised or to be raised by taxation (other than sales tax proceeds as authorized pursuant to the Act) or any other revenues of the Issuer, the City, or the State, except those revenues assigned and pledged by the Issuer Resolution.

SECTION 3: The City hereby agrees to promptly collect and remit to the Issuer the sales tax revenues in accordance with the terms of the Issuer Resolution and the Act to provide for the prompt payment of the Bonds, and to assist and cooperate with the Issuer in the enforcement and collection of sales and use taxes imposed on behalf of the Issuer.

SECTION 4: The Mayor, the Mayor Pro Tem, the City Secretary, the City Manager and Chief Financial Officer of the City are hereby authorized, jointly and severally, to execute and deliver such endorsements, instruments, certificates, documents, or other papers necessary and advisable to carry out the intent and purposes of this Resolution and Issuer Resolution.

SECTION 5: The City hereby acknowledges and recognizes that the Bonds are being issued as tax exempt obligations under and pursuant to section 103(a) of the Code (as defined below) and the proceeds of sales of such Bonds are to be deposited with the City following their receipt by the Issuer and the City shall have full control and responsibility for the acquisition and purchase of the Project and the investment and disbursement of the proceeds of sales of the Bonds. Therefore, as a result of the foregoing, the City hereby makes the following representations and warranties to the Issuer:

(a) **Definitions.** When used in this Section, the following terms have the following meanings:

“Closing Date” means the date on which the Bonds are first authenticated and delivered to the initial purchasers against payment therefor.

“Code” means the Internal Revenue Code of 1986, as amended by all Legislation, if any, effective on or before the Closing Date.

“Computation Date” has the meaning set forth in Section 1.148-1(b) of the Regulations.

“Gross Proceeds” means any proceeds as defined in Section 1.148-1(b) of the Regulations, and any replacement proceeds as defined in Section 1.148-1 (c) of the Regulations, of the Bonds.

“Investment” has the meaning set forth in Section 1.148-1(b) of the Regulations.

“Nonpurpose Investment” means any investment property, as defined in Section 148(b) of the Code, in which Gross Proceeds of the Bonds are invested and which is not acquired to carry out the governmental purposes of the Bonds.

“Rebate Amount” has the meaning set forth in Section 1.148-1(b) of the Regulations.

“Regulations” means any proposed, temporary, or final Income Tax Regulations issued pursuant to Sections 103 and 141 through 150 of the Code, and 103 of the Internal Revenue Code of 1954, which are applicable to the Bonds. Any reference to any specific Regulation shall also mean, as appropriate, any proposed, temporary or final Income Tax Regulation designed to supplement, amend or replace the specific Regulation referenced.

“Yield” of (1) any Investment has the meaning set forth in Section 1.148-5 of the Regulations and (2) the Bonds has the meaning set forth in Section 1.148-4 of the Regulations.

(b) **Not to Cause Interest to Become Taxable.** The City shall not use, permit the use of, or omit to use Gross Proceeds or any other amounts (or any property the acquisition, construction or improvement of which is to be financed directly or indirectly with Gross Proceeds) in a manner which if made or omitted, respectively, would cause the interest on any Bond to become includable in the gross income, as defined in section 61 of the Code, of the owner thereof for federal income tax purposes. Without limiting the generality of the foregoing, unless and until the City received a written opinion of council nationally recognized in the field of municipal bond law to the effect that failure to comply with such covenant will not adversely affect the exemption from federal income tax of the interest on any Bond, the City shall comply with each of the specific covenants in this Section.

(c) **No Private Use or Private Payments.** Except as permitted by Section 141 of the Code and the Regulations and rulings thereunder, the City shall at all times prior to the last Stated Maturity of Bonds:

(1) exclusively own, operate and possess all property the acquisition, construction or improvement of which is to be financed or refinanced directly or indirectly with Gross Proceeds of the Bonds, and not use or permit the use of such Gross Proceeds (including all contractual arrangements with terms different than those applicable to the general public) or any property acquired, constructed or improved with such Gross Proceeds in any activity carried on by any person or entity (including the United States or any agency, department and instrumentality thereof) other than a state or local government, unless such use is solely as a member of the general public; and

(2) not directly or indirectly impose or accept any charge or other payment by any person or entity who is treated as using Gross Proceeds of the Bonds or any property the acquisition, construction or improvement of which is to be financed or refinanced directly or indirectly with such Gross Proceeds, other than taxes of general application within the City or interest earned on investments acquired with such Gross Proceeds pending application for their intended purposes.

(d) **No Private Loan.** Except to the extent permitted by Section 141 of the Code and the Regulations and rulings thereunder, the City shall not use Gross Proceeds of the Bonds to make or finance loans to any person or entity other than a state or local government. For purposes of the foregoing covenant, such Gross Proceeds are considered to be “loaned” to a person or entity if: (1) property acquired, constructed or improved with such Gross Proceeds is sold or leased to such person or entity in a transaction which creates a debt for federal income tax purposes; (2) capacity in or service from such property is committed to such person or entity under a take-or-pay, output or similar contract or arrangement; or (3) indirect benefits, or burdens and benefits of ownership, of such Gross Proceeds are otherwise transferred in a transaction which is the economic equivalent of a loan.

(e) Not to Invest at Higher. Except to the extent permitted by Section 148 of the Code and the Regulations and rulings thereunder, the City shall not at any time prior to the final Stated Maturity of the Bonds directly or indirectly invest Gross Proceeds in any Investment (or use Gross Proceeds to replace money so invested), if as a result of such investment the Yield from the Closing Date of all Investments acquired with Gross Proceeds (or with money replaced thereby), whether then held or previously disposed of, exceeds the Yield of the Bonds.

(f) Not Federally Guaranteed. Except to the extent permitted by Section 149(b) of the Code and Regulations and rulings thereunder, the City shall not take or omit to take any action which cause the Bonds to be federally guaranteed within the meaning of Section 149(b) of the Code and the Regulations and rulings thereunder.

(g) Payment of Rebatable Arbitrage. Except to the extent otherwise provided in Section 148(f) of the Code and the Regulations and rulings thereunder:

(1) The City shall account for all Gross Proceeds (including all receipts, expenditures and investments thereof) on its books of accounts separately and apart from all other funds (and receipts, expenditures and investments thereof) and shall retain all records of accounting for at least six years after the day on which the last Outstanding Bond is discharged. However, to the extent permitted by law, the City may commingle Gross Proceeds of the Bonds with other money of the City, provided that the City separately accounts for each receipt and expenditure of Gross Proceeds and the obligations acquired therewith.

(2) Not less frequently than each Computation Date, the City shall calculate the Rebate Amount in accordance with rules set forth in Section 148(f) of the Code and the Regulations and rulings thereunder. The City shall maintain such calculations with its official transcript of proceedings relating to the issuance of the Bonds until six years after the final Computation Date.

(3) As additional consideration for the purchase of the Bonds by the Purchasers and the loan of the money represented thereby and in order to induce such purchase by measures designed to insure the excludability of the interest thereon from the gross income of the owners thereof for federal income tax purposes, the City shall remit to the Issuer for payment to the United States the amount described in paragraph (3) above and the amount described in paragraph (4) below, at the times, in the manner and accompanied by such forms or other information as is or may be required by Section 148 (f) of the Code and the Regulations and rulings thereunder.

(4) The City shall exercise reasonable diligence to assure that no errors are made in the calculations and payments required by paragraph (2), and if an error is made, to discover and promptly correct such error within a reasonable amount of time thereafter (and in all events within one hundred eighty (180) days after discovery of the error), including the amount remitted to the Issuer for payment to the United States of any additional Rebate Amount owed to it, interest thereon, and any penalty imposed under Section 1.148-3(h) of the Regulations.

SECTION 6. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject

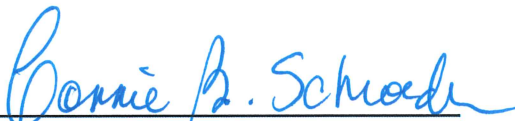
matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Texas Government Code, Chapter 551, as amended.

SECTION 7. This Resolution shall be in force and effect from and after its passage on the date shown below.

[remainder of page left blank intentionally]

DULY RESOLVED AND ADOPTED by the City Council of the City of Bastrop this 22nd.
day of May 2018.

APPROVED:



Connie B. Schroeder, Mayor

ATTEST:



Ann Franklin, City Secretary

APPROVED AS TO FORM:



Alan Bojorquez, City Attorney



STAFF REPORT

MEETING DATE: June 26, 2018

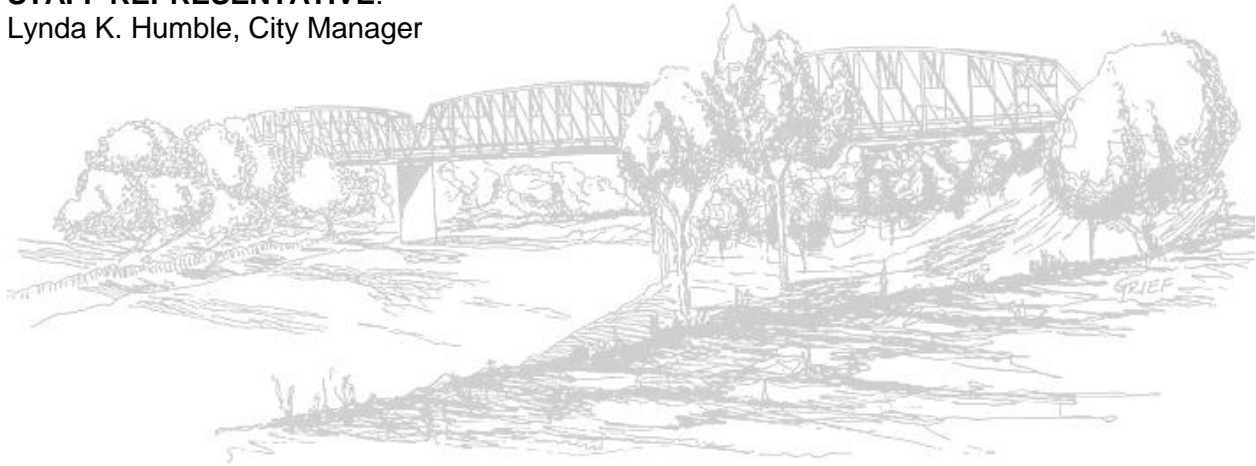
AGENDA ITEM: 10A

TITLE:

City Council shall convene into closed executive session pursuant to Section 551.071 of the Texas Government Code to confer with City Attorney regarding legal advice related to Personnel Policies Manual Chapter 1, Section 2 [Equal Opportunity Policy], and Chapter 7, Section 9 [Grievance Procedures], in light of completion of recent Diversity Training by senior staff.

STAFF REPRESENTATIVE:

Lynda K. Humble, City Manager





STAFF REPORT

MEETING DATE: June 26, 2018

AGENDA ITEM: 11

TITLE:

Take any necessary or appropriate action on matters posted for consideration in closed/executive session

STAFF REPRESENTATIVE:

Lynda Humble, City Manager

