

**Bastrop City Council
January 26, 2016 at 6:30 pm**



In compliance with the requirements of Chapter 551 of the Texas Government Code, the public is hereby provided notice that it is possible that a quorum, or more, of the membership of the Bastrop Economic Development Corporation may be in attendance, to observe and/or participate in the above-referenced meeting of the Bastrop City Council.

Pursuant to the Texas Government Code, Chapter 551, the Bastrop City Council will hold a Regular Meeting on January 26, 2016, in the City Council Chambers located at 1311 Chestnut Street, Bastrop, Texas to consider the following matters:

1. CALL TO ORDER

EXECUTIVE SESSION

(Estimated/Approximate time period for executive session is 6:30 PM – 7:15 PM)

1. The Bastrop City Council may/will meet in a closed/executive session pursuant to the Texas Government Code, Chapter 551, *et seq.*, to discuss any or all of the following matters:

A. SECTION 551.071(1)(A) & SECTION 551.071(2) – Consultation with Attorney concerning: (1) potential, pending, threatened or contemplated litigation or claims, including but not limited to: *Pine Forest, et al, v. City, et al, Vandiver v Bastrop BOA; Watson v. City of Bastrop; SOAH (Administrative Hearing) on the City’s LPGWD pending permit for City Well No. 1;* and/ or matters upon which the attorney has a duty and/or responsibility to report to the governmental body concerning same, and or any other matters posted on the agenda. Pursuant to Section 551.129, which provides that a governmental body may Use a telephone conference call to conduct a private consultation in a closed meeting of the governmental body, one or more Attorneys representing the City may/will attend the above-referenced closed, executive session by telephone.

B. SECTION 551.072 – Deliberation regarding real property: Regarding the purchase, exchange, lease, disposition, or value of real property;

C. SECTION 551.0-74 – Personnel Matters: CITY MANAGER

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

2. PLEDGES OF ALLEGIANCE

3. INVOCATION

4. **PRESENTATIONS –**

- A. Update on TxDOT projects – TxDot Personnel
- B. Update on Bastrop Economic Development Corp. – Executive Director Shawn Kirkpatrick

5. **PROCLAMATIONS**

6. **CITIZEN COMMENTS**

7. **ANNOUNCEMENTS**

- A. Update on Comprehensive Plan Steering Committee – Kay Garcia McAnally and Dock Jackson

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

	<u>TAB</u>	<u>PG</u>	<u>REQUESTOR</u>
A.1 Consideration, discussion and possible action regarding approval of minutes from Special Workshop of November 17, 2015.	A.1	1	City Secretary Ann Franklin
A.2 Approval of Contract for Election Services between Bastrop County Elections Administrator and the City of Bastrop, Texas.	A.2	7	City Secretary Ann Franklin
A.3 Approval of a Bastrop County Agreement to Conduct a Joint Election between the City of Bastrop, Bastrop County Water Control and Improvement District No. 2, the Colony Municipal Utility District 1A, the Colony Municipal Utility District 1B, the Colony Municipal Utility District 1C, the Colony Municipal Utility District 1D, the Colony Municipal Utility District 1E, the Colony Municipal Utility District 1F, the Colony Municipal Utility District 1G and the Bastrop Independent School District for the May 7, 2016 Election	A.3	22	City Secretary Ann Franklin
A.4 APPROVAL OF A RESOLUTION CALLING FOR AND ESTABLISHING PROCEDURE FOR A GENERAL ELECTION IN BASTROP, TEXAS FOR THE MAY 7, 2016 ELECTION.	A.4	36	City Secretary Ann Franklin
A.5 Approval of the Final Plat of Home Place Subdivision being +/- 5.098 acres out of the Stephen F. Austin Survey, Abstract No.	A.5	45	Director of P&D

2 located on Lovers Lane in the Bastrop, Texas Extra Territorial Jurisdiction (ETJ).

Melissa McCollum

EXECUTIVE SESSION: *The Council reserves the right to convene into Executive Session at any time during the meeting regarding any agenda item. In compliance with the Open Meetings Act, Ch. 551 Govt. Code, Vernon’s TX Code, Annotated, the item below will be discussed in closed session.* 1. SECTION 551.071 – Consultations with Attorney related to legal matters

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

- B.1 SECOND READING OF AN ORDINANCE GRANTING A ZONE CHANGE FROM SF9, SINGLE FAMILY RESIDENTIAL-9 AND A/OS – AGRICULTURAL/OPEN SPACE TO PD, RESIDENTIAL PLANNED DEVELOPMENT FOR APPROXIMATELY 90.91 ACRES WITHIN A11 BASTROP TOWN TRACT, LOCATED NORTH OF THE RAILROAD TRACTS ON THE NORTHWEST CORNER OF RIVERWOOD/HAWTHORNE AND CARTER STREET WITHIN THE CITY LIMITS OF BASTROP, TEXAS AS PART OF THE PINEY CREEK BEND; SETTING OUT CONDITIONS AND ESTABLISHING AN EFFECTIVE DATE.**

B.1 49 Planning Director
Melissa McCollum

- B.2 PUBLIC HEARING:** Conduct a public hearing to receive citizens input on an amendment to the Zoning Ordinance, Chapter 14, Section 36.2, Zoning Use Charts and A-3, Definitions regulating the movement of existing building(s) structures(s). Adopting a Conditional Use Permit (CUP) process within residential zoning classifications for relocation and rehabilitation of such moved buildings and amend Chapter 3, Building Regulations, Article 3.16.002 and 3.16. 006.

B.2 66 Planning Director
Melissa McCollum

- B.3 FIRST READING OF AN ORDINANCE OF THE CITY OF BASTROP AMENDING THE ZONING ORDINANCE, CHAPTER 14, SECTION 36.2, ZONING USE CHARTS AND A.3 DEFINITIONS REGULATING THE MOVEMENT OF EXISTING BUILDING(S)/STRUCTURE(S); ADOPTING A CONDITIONAL USE PERMIT PROCESS WITHIN RESIDENTIAL ZONING CLASSIFICATIONS FOR RELOCATION AND REHABILITATION OF SUCH MOVED BUILDINGS; AMENDING CHAPTER 3, “BUILDING REGULATIONS” ARTICLE 3.16.002 AND 3.16.006; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

B.3 71 Planning Director
Melissa McCollum

C. OLD BUSINESS - NONE

D. NEW BUSINESS

- D.1 Consideration, discussion and possible action on renting the property west of Bastrop Convention Center. **D.1 78** Mayor Ken Kesselus
- D.2 Discussion regarding presence of three council members on the Bastrop Economic Development Board. **D.2 79** Mayor Kesselus
- D.3 Consideration, discussion and possible action regarding clarification of appointment for Jimmy Crouch to the Construction Standards Board. **D.3 80** Mayor Kesselus
- D.4 FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, AMENDING CHAPTER 8 OF THE CITY CODE, ENTITLED “OFFENSES & NUISANCES,” AND REVISING CERTAIN DEFINITIONS IN SECTION 8.07.001, AMENDING SECTION 8.07.003 ENTITLED “CARRYING IN CITY BUILDING OR VEHICLE”, PROVIDING FOR PUBLICATION; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE. MOVED FROM 1/12/16 MTG**

D.4 83 City Manager Mike Talbot
- D.5 Discussion on items discussed at the 23rd retreat **D.5 88** City Manager Mike Talbot

D.6 Consideration, discussion and possible action regarding items posted for discussion at the January 23, 2016 Council Planning Meeting: **D.6 90** Mayor Kesselus

- A. Baron de Bastrop Video – Stan Ginsel and BEDC
- B. Best practices for meetings – Katherine Ray
- C. Council meetings
- D. City Manager reports and questions:
 - Water
 - Waste water
 - Traffic
 - Comprehensive plan
 - Priorities for City Manager and staff
 - Issues related to the North Area of Town
 - City Manager’s contract
 - Staff Restructuring
 - Volume of Open Meeting and Open Records Requests
 - Police Department
 - The Y contract
 - Ally D and Main Street project
 - Other outstanding issues and projects

E. Prioritized Items

- i. Bond:
 - fire station;
 - street improvements;
 - infrastructure improvement need for infill development; and
 - other
- ii. Possible extension/revision of the Bastrop Marketing Corporation
- iii. Consideration of creating a Destination Marketing Organization
- iv. Annexation Issues
- v. City legal fees and consideration of hiring an in-house attorney
- vi. Quality of Life Issues

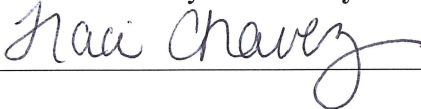
- vii. Consideration of issues regarding boards and commissions (other than diversity)
- viii. Open Meetings Act and who gets to say what at Council meetings; Roles & Responsibilities of City Council and Mayor (review charter?)
- ix. Applications of Rules for new projects and questions of whether we need to change any rules
- x. Diversity on Boards, Commissions, committees, and task forces
- xi. Team work between city council and staff

- D.7 Presentation And Discussion Regarding The Proposed “Public Improvement District’ For The XS Ranch Project. **D.7 91** City Manager Mike Talbot
- D.8 Review And Discussion Regarding A Presentation By representatives Of The 1832 Farmers Markets Regarding The 1832 Farmers Market Located On City Property Adjacent To The Bastrop Convention Center. **D.8 92** City Manager Mike Talbot

E. ADJOURNMENT

CERTIFICATION

I, Traci Chavez, Deputy City Secretary, certify that this notice of meeting was posted at the Bastrop City Hall on the **22nd**. Day of **January 2016** at **5:00 pm**



NOTICE OF ASSISTANCE AT PUBLIC MEETINGS; THE CITY OF BASTROP IS COMMITTED TO COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT. BASTROP CITY HALL COUNCIL CHAMBERS ARE WHEELCHAIR ACCESSIBLE AND SPECIAL MARKED PARKING IS AVAILABLE. PERSONS WITH DISABILITIES WHO PLAN TO ATTEND A MEETING AND WHO MAY NEED ASSISTANCE ARE ENCOURAGED TO CONTACT THE CITY SECRETARY AT 512-332-8800. PLEASE PROVIDE A FORTY-EIGHT (48) HOUR NOTICE. Confirmed by **KR**

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: January 20, 2016

MEETING DATE: January 26, 2016

1. Consideration, discussion and possible action regarding approval of minutes from Special Workshop of November 17, 2015.

2. Party Making Request: Ann Franklin, City Secretary

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

4. Policy Implication: _____

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

6. Alternate Option/Costs: _____

7. Routing: NAME/TITLE INITIAL DATE CONCURRENCE

8. Staff Recommendation: _____

9. Advisory Board: _____ Approved _____ Disapproved _____ None

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

11. Action Taken:

**NOTICE OF SPECIAL WORKSHOP MEETING
INCLUDING A PRESENTATION ON AND DISCUSSION RELATED TO
EXPENDITURES OF HOTEL OCCUPANCY TAX REVENUES**

**Bastrop City Council
November 17, 2015 6:00 P.M.**

The Bastrop City Council met in a Workshop on Tuesday, November 17, 2015 at 6:00 p.m. at the Bastrop City Hall Council Chambers, located at 1311 Chestnut Street, Bastrop, Texas. Members present were Mayor Ken Kesselus, Council Members, Kelly Gilleland, Gary Schiff and Dock Jackson. Council Member McAnally arrived later during the meeting.

CALL TO ORDER

At 6:00 PM Mayor Kesselus called the Meeting to order with a Quorum being present. Mayor Pro Tem Willie DeLaRosa was absent.

1. **Consideration, discussion and possible action regarding approval of the ‘First Amendment to the Amended and Restated XS MUD Consent Agreement’, pertaining to the XS Ranch MUD/PID development located in the City’s ETJ.**

The City Manager stated that clarification was made to item one of the agreement and he asked for direction from Council to change the language in the development agreement to have it coincide with the language of the consent agreement for item number one. The Mayor asked if anything done with the PID and bonds would be the responsibility of the City of Bastrop. The City Manager stated that the City of Bastrop is just the vehicle through which the statue requires that the bonds be issued. The biggest risk holders are the bond holders that is why typically there is a little higher interest rate being paid for the bonds than typical Municipal bonds that are taxed with the tax rate. Under the Statue if there is a default it does not fall back on the City.

Council Member Schiff made the motion to approve the first amendment with direction to the City Manager to change the language in the development agreement to have it coincide with the language of the consent agreement, seconded by Council Member Gilleland. Motion was approved on a vote of 3-0. Mayor Pro Tem DeLaRosa and was absent. Council Member McAnally was off the dais.

2. **WORKSHOP SESSION –**

The Bastrop City Council convened into a Workshop Session with the City Manager to discuss the following:

- A. **Discuss the following but not limited to:**
 - a. **Hotel Occupancy Tax (HOT) income and how to structure ways to spend it.**
 - b. **Bastrop Marketing Corporation.**
 - c. **The City’s relationship with the Hyatt Regency.**
 - d. **Potential development of a Destination Marketing Organization.**
 - e. **Ways to seek and receive input from other interested groups and individuals in the community regarding the use of HOT funds.**
- B. **Presentation.**

The City Manager stated that he had been directed by Council to locate an individual/entity to help the City as a crossroad is reached regarding where to go with the Hotel Motel tax to

come in and speak with the Council to help them understand and possibly set a path about what should be considered now and in the future and what decisions need to be made today to impact the future. The City Manager acknowledged Ms. Britton from the Hyatt for helping to put the workshop together as well as a meeting with the Texas Travel Industry Association at the Convention Center.

The City Manager introduced Mr. David Teel, CEO of the Texas Travel Industry Association (TTIA). Mr. Teel and his team Diane Bayes and Bob Phillips gave a presentation to the Council regarding DMO.

Mayor Kesselus asked Mr. Teel if he had an idea of what a ballpark figure would be to run a DMO with staff etc. for a town the size of Bastrop. Mr. Teel stated he would take it in a different perspective, it depended on what the City wanted to do, City Office verses a 501C6. A 501C6 for some is the best way to go however, smaller cities have smaller budgets departments will have to be recreated whereas if it were a City Department departments would not have to be recreated. Another advantage to the 501C6 is that this is an advantage this is an industry that moves fast. Mr. Teel stated that to answer the Mayors question he believes there needs to be more benchmarking with the cities that were found to be more comparable to the City of Bastrop. Mr. Teel stated that he feels regardless of the DMO model the City of Bastrop decides to pursue there will be an issue of competitiveness of the salaries. The City Manager stated that one of the initial steps that appears to be of help is a development of a strategic plan i.e. where the City is today where they would like to be and what steps it takes to be there. Mr. Teel agreed with the City Manager. The City Manager asked Mr. Teel if that is something that his company does for communities. Mr. Teel stated that his company could help with that. Council Member Gilleland asked for more examples of cities that have the structure as part of the city verses 501C6 with specific city names. Mr. Teel stated Granbury houses DMO as well as San Antonio. Council Member Gilleland asked if that is within the City structure not by itself. Mr. Teel stated that is correct. Mr. Teel stated that San Antonio at this time is having a discussion as to whether or not this is the right DMO structure for them. Council Member Gilleland asked for examples of cities that use the 501C6 that are the size of Bastrop. Ms. Bayes stated that McKinney is not the same size population as Bastrop but she managed that DMO and when she started the Chamber housed the DMO but it did not work well for McKinney. Ms. Bayes stated that McKinney was 501C6 but contracted by the City, they were not on the org chart but did receive benefits from the City and worked directly with the Finance Department and City Manager Office and City Council. City Council attended board meetings. Council Member McAnally asked Ms. Bayes if she was a contract business. Ms. Bayes stated no that she works for TTIA but that she was a CBD Director in McKinney previously. Council Member McAnally asked if TTIA contracted with cities to run the DMO. Mr. Teel stated no. The City Manager stated that Mr. Teel has gone through the process of developing the strategic plan in order for the City to decide which model would best work for Bastrop. Council Member Schiff asked Mr. Teel if the DMO would distribute some of the HOT funds or all of the HOT funds, are there different structures for that, how does the City get buy in from all of the other organizations wanting a share. Mr. Teel stated that there are different structures for that, one is like San Antonio which is the HOT tax, roughly a third goes toward the Convention Center, a third towards the CBD Office and a third goes toward other groups that receive occupancy tax. There can be an independent CBD that comes before Council for funding. This is a decision that the City has to make and Mr. Teel feels that his presentation will better help the City make this decision. Council Member McAnally asked Mr. Teel if he was aware of any cities that contract services to run

their DMO. Mr. Teel stated that there are a couple of different ways to contract services you can contract with the Chamber of Commerce, New Braunfels has done that there is another model to hire a company to come in and run the DMO, El Paso has done that. The Mayor asked what are the options other than what the City is doing that would be different from a DMO. Mr. Teel stated his initial reaction would be that he does not know but he believes that Grandbury has fragmented theirs out but he would not recommend that, Greenville has done it but he does not recommend it. The Mayor asked if it is necessary to have professionals to operate the DMO or if it is possible to have it run on a voluntary basis. Mr. Teel stated that he would not recommend voluntary at all. Council Member Schiff asked Mr. Teel if he has an idea of why the Convention Center is not used any more than it is. Mr. Teel stated that it has been discussed a little but he has not looked into the operations of the Convention Center he thinks that the City has some challenges with the Convention Center. Mr. Teel stated that there needs to be overnight stays in the hotels he stated that it appears to him that the City does not have hotel mass in proximity to the Convention Center. Ideally there needs to be foot traffic i.e. hotels down the street or across the street from the Convention Center. Mr. Teel stated that he is not sure what the Convention Center's focus is in its marketing. He feels that the City's biggest challenge is to get multiple groups here to do multiple day events. Having said that Mr. Teel stated that the Convention Center is in direct competition with the Lost Pine Resort. He stated that the City going forward will need to look at how to coexist with the Hyatt. Council Member McAnally stated that she would be interested in seeing the Convention Center study that was done prior to Council Member Schiff coming onto the Council. Council Member Gilleland asked Mr. Teel to expand on why he feels the City should continue their relationship with the Bastrop Marketing Corporation. Mr. Teel stated because the BMC is the major generator of the occupancy tax in the City. He feels that occupancy tax revenues will be hurt if the relationship is discontinued. Mr. Teel stated that he strongly suggests the City maintaining the relationship with the BMC because that is the greatest communication with consumers. Mr. Teel stated that the City might look at partnering with the Hyatt to get some of the leisure money spent in downtown Bastrop. The City Manager stated that this is some of the discussions that he is having with Ms. Britton at this time. The City Manager stated that in 2008 and 2009 especially in the metroplex area municipalities were cutting their workforces by a third because of the economic downturn, that did not happen in Bastrop and one of the major reasons it did not happen was because the economic engine was moving along with the support the City provided. The City Manager stated the more the City's relationship with the Hyatt is strengthened the more of a return on the dollars the City will see.

C. Questions and general discussion in response to the presentation.

Georgina Ngozi – Commented on the relationship with the BMO and how to maximize the relationship to get from it what is needed.

Mayor Kesselus stated the only bottom line is no other tax other than HOT tax will be used to pay for the Convention Center. That is the starting point.

Deborah Johnson – Ms. Johnson asked the question, if the level of giving for the BMC and Convention Center is left the same and a DMO that has staff is created will there be anything left for marketing.

The Mayor stated that the first draw is the Convention Center good question and it is on the list.

Council Member Gilleland asked Mr. Teel to explain in detail what functions a DMO handles.

Mr. Teel stated the easiest way to explain is that a DMO handles everything it is statutorily empowered to do. He stated the reason he answered that way was because a DMO can promote tourism, advertising, events, marketing and sales there is a wide variety of things they can do. Regarding the discussion about the Convention Center and the DMO he would suggest to Council those two need to be lock stepped together because both are destination just different target audiences.

Council Member Gilleland asked Mr. Teel if he could envision the DMO running the Convention Center or running the marketing for the Convention Center as well as the regional marketing.

Mr. Teel stated that there are such things out there as this so yes. As long as you stay within the confines of the law you can do whatever you would like to do.

Council member Gilleland asked if the DMO should be responsible for bringing a hotel or should it be the BEDC.

Mr. Teel stated that the BEDC should be bringing the hotel to the community working with the DMO. DMO core competency is Destination Marketing Organization. The BEDC has the expertise to do this.

Becki Womble – Stated that it is her understanding that it is this time of year when decisions for advertising would be made for the following year. She would like to know the status of the current contract with the BMC which is set to expire on May 31, 2015. The City Manager stated that he anticipated bringing something to the Council within the next 30 days. The Mayor stated that Council turned down an opportunity to extend it to next year. Maybe the City Manager will come up with something that the Council likes better.

Tom Scott – Asked Mr. Teel has not the Hyatt and the City built up residual value at this time does there need to be the same model going forward.

Mr. Teel stated that is something the City and the Hyatt should work out, whatever works better for the City and the Hyatt. Once market share is lost it is hard to get it back. His advice is to be very smart about the action taken to avoid losing revenue.

4. The Bastrop City Council adjourned the Workshop Session and reconvened into Special Session to Take any necessary action(s).
5. EXECUTIVE SESSION - NONE

The Mayor summarized by saying there have been some very wise people layout a process for the City which is going to take a matter of months and the City of Bastrop is engaged in many major ventures at this time. What is going to impact and has been is the transition nature of the community. The transition and transformation is hitting the City Manager and his staff at this time. It is going to take a while to complete the many things being worked on but it must be done for the future. He asked for the patience, tolerance and participation of the citizens.

7:30 p.m. Council Member McAnally made the motion to adjourn the meeting, seconded by Council Member Schiff. The motion passed on a vote of 4-0.

Mayor Ken Kesselus

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: January 20, 2016

MEETING DATE: January 26, 2016

1. APPROVAL OF CONTRACT FOR ELECTION SERVICES BETWEEN BASTROP COUNTY ELECTIONS ADMINISTRATOR AND THE CITY OF BASTROP, TEXAS.

2. Party Making Request: Ann Franklin, City Secretary

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

4. Policy Implication: **The City of Bastrop enters into a contract to have the County of Bastrop conduct their Election.**

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

6. Alternate Option/Costs: _____

7. Routing: NAME/TITLE INITIAL DATE CONCURRENCE

8. Staff Recommendation: _____

9. Advisory Board: _____ Approved _____ Disapproved _____ None

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

11. Action Taken:

CONTRACT FOR ELECTION SERVICES
BETWEEN
THE ELECTIONS ADMINISTRATOR OF BASTROP COUNTY
AND
THE CITY OF BASTROP
FOR THE MAY 7, 2016 ELECTION

THIS CONTRACT is made and entered into by and between Bridgette Escobedo, the Elections Administrator of Bastrop County, Texas, hereinafter referred to as "Contracting Officer," and the City of Bastrop, hereinafter referred to as the "CITY," pursuant to the authority under Section 31.092(a) of the Texas Election Code and Chapter 791 of the Texas Government Code. In consideration of the mutual covenants and promises hereinafter set forth, the parties agree to this interlocal agreement with regard to the coordination, supervision, and running of the CITY's May 7, 2016 Election, hereinafter referred to as "the election". The purpose of this agreement is to maintain consistency and accessibility in voting practices, polling places and election procedures to assist the voters of the CITY.

I. RESPONSIBILITIES OF CONTRACTING OFFICER. The Contracting Officer shall be responsible for performing the following services and furnishing the following materials and equipment in connection with the election:

A. *Notification to Presiding and Alternate Judges; Appointment of Clerks.*

1. The Contracting Officer shall notify each presiding judge and alternate judge of his or her appointment. The notification will also include the assigned polling location, the date of the election school(s), the eligibility requirements that pertain to them and to the selection of election day clerks, the date and time of the election, the rate of compensation, the number of election clerks the presiding judge may appoint, and the name of the presiding or alternate judge, as appropriate.

2. The Contracting Officer shall ensure that the presiding judges make the appropriate election clerk appointments and notify the clerks of their appointments. The recommendations of the CITY will be the accepted guidelines for the number of clerks secured to work in each polling place. The presiding election judge of each polling place, however, will use his/her discretion to determine when additional manpower is needed during peak voting hours. Election judges shall be secured by the Contracting Officer with the approval of the CITY.

3. Notification to the election judges and alternates shall be made no later than April 22, 2016.

B. Contracting with Third Parties. In accordance with Section 31.098 of the Texas Election Code, the Contracting Officer is authorized to contract with third persons for election services and supplies. The cost of such third-person services and supplies will be paid by the Contracting Officer and reimbursed by the CITY as agreed upon on Exhibit "C."

C. Election School(s). The Contracting Officer shall be responsible for conducting one or more, at her discretion, election schools to train the presiding judges, alternate judges, election clerks, and early voting clerks, and Early Voting Ballot Board members in the conduct of elections, including qualifying voters, provisional voting, and the counting of ballots. The Contracting Officer shall determine the date, time, and place for such school(s) and notify the presiding judges, alternate judges, and election clerks of such. The Contracting Officer may hold the election school(s) on a Saturday in order to increase its availability to election workers who are employed during the regular work week. If at all possible, such election schools shall be conducted within the CITY territory.

D. Publication/Posting of Election Notice. The Contracting Officer shall be responsible for having the required election notice under Section 4.003(a)(1) of the Texas Election Code published in the newspaper as required by State law. The Contracting Officer shall also be responsible for posting the notice required under Section 4.003(b) of the Texas Election Code as required by law and may require the assistance of the CITY in having such notice posted.

E. Election Supplies. The Contracting Officer shall procure, prepare, and distribute to the presiding judges for use at the polling locations on Election Day and the Early Voting Ballot Board (and to the Deputy Early Voting Clerks during Early Voting) the following election supplies: election kits from third-party vendors (including the appropriate envelopes, sample ballots, lists, forms, name tags, posters, and signage described in Chapters 51, 61, and 62, and Subchapter B of Chapter 66 of the Texas Election Code); pens; pencils; tape; markers; paper clips; ballot box seals; sample ballots; tacks, and all consumable-type office supplies necessary to hold an election.

F. Registered Voter List. The Contracting Officer shall provide all lists of registered voters required for use on Election Day and for the early voting period required by law. The Election Day list of registered voters shall be arranged in alphabetical order by each precinct.

G. Ballots. The Contracting Officer shall be responsible for the programming of the direct recording electronic voting devices (referred to as DRE's) and the printing of ballots requested by mail or used for early voting or

election day. The Contracting Officer shall be responsible for distributing the DRE's along with the election supplies.

H. *Early Voting.* In accordance with Sections 31.096 and 31.097(b) of the Texas Election Code, the Contracting Officer will serve as Early Voting Clerk for the election.

1. As Early Voting clerk, the Contracting Officer shall receive applications for early voting ballots to be voted by mail in accordance with Chapters 31 and 86 of the Texas Election Code. The Contracting Officer shall work with the CITY in securing personnel to serve as Early Voting Deputies.

The Contracting Officer shall, upon request, provide the CITY a copy of the early voting report on a daily basis and a cumulative final early voting report following the election.

2. Early Voting by personal appearance for the election shall be conducted during the hours and time period and at the locations listed in Exhibit "A," attached hereto and made a part of this contract.

3. The Contracting Officer shall receive mail ballot applications on behalf of the CITY. All applications for mail ballots shall be processed in accordance with Title 7 of the Texas Election Code by the Contracting Officer or her deputies at 804 Pecan Street, Bastrop, Texas 78602. Any requests for early voting ballots to be voted by mail received by the CITY shall be forwarded immediately to the Contracting Officer for processing.

4. All Early Voting ballots (those cast by mail and those cast by personal appearance) shall be secured and maintained by the Contracting Officer and delivered by her or her deputy for counting in accordance with Chapter 87 of the Texas Election Code to the Early Voting Ballot Board at the Bastrop County Courthouse on Election Day, May 7, 2016.

I. *Election Day Polling Locations.* The Election Day polling locations are those listed in Exhibit "B," attached hereto and made a part of this contract. The Contracting Officer shall arrange for the use of all Election Day polling places and shall arrange for the setting up of all polling locations for Election Day, including ensuring that each polling location has the necessary tables, chairs, and voting booths.

J. *Central Counting Station.* The Contracting Officer shall be responsible for establishing and operating the Central Counting Station to receive and tally the voted ballots in accordance with Section 127.001 of the Election Code and of this agreement. Counting Station Manager and Central Count Judge shall be Bridgette Escobedo. The Tabulation Supervisor shall be Krista Bartsch. The tabulation

supervisor shall handle ballot tabulation in accordance with statutory requirements and county policies, under the auspices of the Contracting Officer.

Election night reports will be available to the CITY at the Central Counting Station on election night and will provide individual polling location totals.

K. *Manual Counting.* The Contracting Officer shall conduct a manual count as prescribed by Section 127.201 of the Texas Election Code and submit a written report to the CITY in a timely manner. The Secretary of State may waive this requirement. If applicable, a written report shall be submitted to the Secretary of State as required by Section 127.201(E) of the aforementioned code.

L. *Election Reports.* The Contracting Officer shall prepare the unofficial tabulation of precinct results under Section 66.056(a) of the Texas Election Code and shall provide a copy of the tabulation to the CITY as soon as possible after the Contracting Officer has received the precinct returns on Election Day night. Provisional ballots will be tabulated after election night in accordance with state laws.

M. *Custodian of Voted Ballots.* The Contracting Officer is hereby appointed the custodian of voted ballots and shall preserve them in accordance with Chapter 66 of the Texas Election Code and other applicable law.

II. RESPONSIBILITIES OF THE CITY. The CITY shall assume the following responsibilities:

A. *Election School(s).* At the request of the Contracting Officer, and at no cost to the Contracting Officer, the CITY will make available space in a CITY building to hold the election school(s), if applicable.

B. *Polling Locations.* The CITY shall pay the respective cost of all employee services required to provide access, security, or custodial services for the polling locations.

C. *Applications for Mail Ballots.* The CITY shall date stamp and then immediately hand deliver to the Contracting Officer all original mail ballot applications for mail ballots that it receives.

D. *Election Orders, Election Notices, Canvass.* The CITY shall prepare the election order, resolutions, notices, official canvass, and other pertinent documents for adoption by the CITY's governing body. Promptly after approval of election order, resolutions, notices, official canvass, and other pertinent documents by the CITY's governing body and within such time so as not to impede the orderly conduct of the election, the CITY shall return said documents to the Contracting Officer for proper posting and recordkeeping. The CITY

assumes the responsibility of promoting the schedules for Early Voting and Election Day

E. Paper Ballots. In advance of the March 23, 2016 date on which the Texas Secretary of State's Office encourages the mailing out of ballots for early voting by mail, the Contracting Officer shall arrange with a third party to prepare the necessary optical paper ballots for the election. The ballots shall be in English with the Spanish translation included.

The CITY shall furnish the Contracting Officer a list of candidates and/or propositions showing the order and the exact manner in which their names or proposition(s) are to appear on the official ballot (including bilingual titles and text). This list shall be delivered to the Contracting Officer as soon as possible after ballot positions have been determined. The CITY shall perform the duties required for drawing for place on the ballot by candidates. The CITY shall be responsible for proofreading and approving the ballot insofar as it pertains to the authority's candidates and/or propositions.

III. SPECIAL PROVISIONS RELATING TO ELECTION WORKERS

A. Compensation. The parties agree that presiding judges and alternate judges will be compensated at a rate of \$10.00/hr, and election clerks will be compensated at a rate of \$8.00/hr. They will be compensated for all hours actually worked, including the time to set up the polling location and the time to complete the counting and to wrap up the paper work, but not to exceed one hour before and two hours after the polling location is open for voting. The presiding judge, or the election worker at the polling location that he or she designates, who picks up the election supplies on May 7, 2016 from the Contracting Officer and who returns the remaining supplies, ballot boxes, and all other election records from the polling location to the Contracting Officer will be compensated with a delivery fee of \$25 at the same time that payment is made for the hours worked. The Contracting Officer will pay the election workers directly and be reimbursed for such by the CITY.

B. Number of Election Workers. The parties agree that at all polling locations there will be a minimum of three election workers, consisting of the presiding judge, alternate judge, and one clerk.

IV. JOINT EXPENSES AND PAYMENT

A. Expenses Incurred and Billing. The participating authorities agree to share actual costs incurred to the extent that the costs and expenses are incurred in connection with a polling location used by more than one local political subdivision, such as (without limitation) the cost of renting polling locations and voting equipment, programming the voting equipment, supplies needed for the

polling place, wages and salaries of election workers. Election expenses shall be pro-rated equally among the participants.

The parties agree, for those polling locations used solely by the CITY and not shared by any other participating authority, that the CITY will pay the wages, salaries, and other applicable election costs and expenses directly related to such polling location.

It is understood that to the extent space is available, other districts and political subdivisions may wish to participate in the use of the County's election equipment and voting places, and it is agreed that the Elections Administrator may contract with such other districts or political subdivisions for such purposes and that in such event there may be an adjustment of the pro-rata share to be paid to the County by the participating authorities.

Billing. As soon as reasonably possible after Election Day, the Contracting Officer will submit an itemized invoice to the CITY for (1) actual expenses directly attributable to the coordination, supervision, and running of the election and incurred on behalf of the CITY by the Contracting Officer, including expenses for supplies in connection with the election school(s), publication and printing of election notices, election supplies, wages paid to the Contracting Officer's employees for services under this contract performed outside of normal business hours, election workers, and any other expenses reasonably and directly related to the election, including, without limitation, rental and programming of DREs and audio ballots, and (2) the Contracting Officer's fee under Section 31.100(d) of the Texas Election Code and as provided in Section IV.E below. Expenses related to wages shall be supported by compensation sheets. Other expenses shall be supported by invoices or receipts, except that the price of items coming out of the Contracting Officer's stock of election supplies shall be supported by the Contracting Officer's certificate about the number of items used and the unit cost therefore according to the vendor's standard price list.

B. *Payment.* The CITY shall pay the Contracting Officer's invoice within 30 days from the date of receipt to: **Bastrop County, Attn: Bridgette Escobedo, Elections Administrator, 804 Pecan Street, Bastrop, TX 78602.** If the CITY disputes any portion of the invoice, the CITY shall pay the undisputed portion of the invoice, and the parties will discuss in good faith a resolution of the disputed portion. All payments shall be made from current revenues available to the CITY.

C. *Expense Item Larger than \$500.* If a single election expense exceeds \$500, the Contracting Officer reserves the right to invoice the CITY for such expense at the time it is incurred, supported by an invoice or receipt, rather than waiting until after Election Day. The CITY shall pay such invoice within 30 days from the date of receipt.

D. *Estimated Cost of Services.* A cost estimate for election expenses is attached hereto and made a part of this contract as Exhibit "C." The parties agree that this is an estimate only and that the CITY is obligated to pay their respective portion of the actual expenses of the election as set forth herein. The Contracting Officer agrees to advise the CITY if it appears that the actual expenses incurred by the Contracting Officer will exceed by 20% or more the estimated expenses to be paid initially by the Contracting Officer and reimbursed jointly by the CITY.

E. *Administrative Fee.* The CITY shall pay the Contracting Officer a 10 % administrative fee, pursuant to the Texas Election Code, Section 31.100.

V. GENERAL PROVISIONS

A. *Nontransferable Functions.* In accordance with Section 31.096 of the Texas Election Code, nothing in this contract shall be construed as changing

1. the authority required by state law to order the election;
2. the authority with whom applications of candidates for a place on the ballot are filed;
3. the authority with whom documents relating to political funds and campaigns under Title 15 of the Texas Election Code are filed; or
4. the authority to serve as custodian of voted ballots or other election records, except that the Contracting Officer, if requested in writing by the CITY, will become the custodian of the voted ballots.

B. *Joint Election.* The parties acknowledge that the Contracting Officer may contract with other entities holding elections at the same time as the CITY on May 7, 2016.

C. *Cancellation of Election.* If the CITY cancels its election pursuant to Section 2.053 of the Texas Election Code, the Contracting Officer shall only be entitled to receive the actual expenses incurred before the date of cancellation in connection with the election and an administrative fee of \$75. The Contracting Officer shall submit an invoice for such expenses (properly supported as described in **IV. PAYMENT** above) as soon as reasonably possible after the cancellation and the CITY shall make payment therefore in a manner similar to that set forth in **IV. PAYMENT** above. The Contracting Officer agrees to use reasonable diligence not to incur major costs in connection with election preparations until it is known that the election will be held, unless the CITY authorizes such major costs in writing. An entity canceling an election will not be liable for any further costs incurred by the Contracting Officer in conducting the May 7, 2016 Joint Election.

D. Contract Copies to Treasurer and Auditor. In accordance with Section 31.099 of the Texas Election Code, the Contracting Officer agrees to file copies of this contract with the County Treasurer of Bastrop County, Texas and the County Auditor of Bastrop County, Texas.

E. Representatives. For purposes of implementing this contract and coordinating activities hereunder, the CITY and the Contracting Officer designate the following individuals, and whenever the contract requires submission of information or documents or notice to the CITY or the Contracting Officer, respectively, submission or notice shall be to these individuals:

For the CITY:

Ann Franklin
City Secretary
City of Bastrop
1311 Chestnut Street/PO Box 427
Bastrop, TX 78602
Tel: (512) 332-8800
Fax: (512) 332-8819
Email: citysec@cityofbastrop.org

For the Contracting Officer:

Bridgette Escobedo
Elections Administrator
Bastrop County
804 Pecan Street
Bastrop, TX 78602
Tel: (512) 581-7160
Fax: (512) 581-4260
Email: elections@co.bastrop.tx.us

F. Amendment/Modification. Except as otherwise provided, this Agreement may not be amended, modified, or changed in any respect whatsoever, except by a further Agreement in writing, duly executed by the parties hereto. No official, representative, agent, or employee of the County has any authority to modify this Agreement except pursuant to such expressed authorization as may be granted by the Commissioners Court of Bastrop County, Texas. No official, representative, agent, or employee of the CITY has any authority to modify this Agreement except pursuant to such expressed authorization as may be granted by the governing body of the CITY. Both the Contracting Officer and the CITY may propose necessary amendments or modifications to this Agreement in writing in order to conduct a Joint Election smoothly and efficiently, except that any such proposals must be approved by the Commissioners Court of the County and the governing body of the Participating Entity, respectfully.

G. Entire Agreement. This Agreement contains the entire agreement of the parties relating to the rights herein granted and the obligations herein assumed and supersedes all prior agreements, including prior election services contracts and prior agreements to conduct joint elections. Any prior agreements, promises, negotiations, or representations not expressly contained in this Agreement are of no force and effect. Any oral representations or modifications concerning this Agreement shall be of no force or effect, excepting a subsequent modification in writing as provided herein.

H. Severability. If any provision of this Agreement is found to be invalid, illegal or unenforceable by a court of competent jurisdiction, such invalidity, illegality or unenforceability shall not affect the remaining provisions of this Agreement; and, parties to this Agreement shall perform their obligations under this Agreement in accordance with the intent of the parties to this Agreement as expressed in the terms and provisions of this Agreement.

I. Third Party Beneficiaries. Except as otherwise provided herein, nothing in this Agreement, expressed or implied, is intended to confer upon any person, other than the parties hereto, any benefits, rights or remedies under or by reason of this Agreement.

J. Mediation. Any controversy, claim or dispute arising out of or relating to this contract, shall be settled through mediation by the parties. The parties agree to use a mutually agreed upon mediator, or a person appointed by a court of competent jurisdiction, for mediation as described in Section 154.023 of the Texas Civil Practice and Remedies Code. Unless both parties are satisfied with the result of mediation, the mediation will not constitute a final and binding resolution of the dispute. All communications within the scope of the mediation shall remain confidential as described in Section 154.023 of the Texas Civil Practice and Remedies Code unless both parties agree, in writing, to waive the confidentiality. Notwithstanding the foregoing, the parties intend to fully comply with the Texas Open Meetings Act and the Texas Public Information Act whenever applicable. The term “confidential” as used in this Agreement has the same meaning as defined and construed under the Texas Public Information Act and the Texas Open Meetings Act.

WITNESS BY MY HAND THIS THE _____ DAY OF _____, 2016.

Ken Kesselus
Mayor
City of Bastrop
Bastrop, Texas

WITNESS BY MY HAND THIS THE _____ DAY OF _____, 2016.

Paul Pape
County Judge
Bastrop County, Texas

WITNESS BY MY HAND THIS THE _____ DAY OF _____, 2016.

Bridgette Escobedo
Elections Administrator
Bastrop County, Texas

EXHIBIT "A"

EARLY VOTING DATES, TIMES, AND LOCATIONS

Time Period:

Monday, April 25, 2016 through Tuesday, May 3, 2016.

Main Location:

Bastrop ISD Service Center, 906 Farm Street, Bastrop, TX 78602

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
25 7:30 am – 5:00 pm	26 7:30 am – 5:00 pm	27 7:30 am – 5:00 pm	28 7:30 am – 5:00 pm	29 7:00 am – 7:00 pm
2 7:30 am – 5:00 pm	3 7:00 am – 7:00 pm	4	5	6

Branch Locations:

Bastrop Intermediate, 509 Old Austin Hwy., Bastrop, TX 78602

Cedar Creek Middle, 125 Voss Pkwy., Cedar Creek, TX 78612

Lost Pines Elementary, 151 Tiger Woods, Bastrop, TX 78602

Red Rock Elementary, 2401 FM 20, Red Rock, TX 78662

Cedar Creek High, 793 Union Chapel, Cedar Creek, TX 78612

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
25 7:30 am – 5:00 pm	26 7:30 am – 5:00 pm	27 7:30 am – 5:00 pm	28 7:30 am – 5:00 pm	29 7:00 am – 7:00 pm
2 7:30 am – 5:00 pm	3 7:00 am – 7:00 pm	4	5	6

Voting by Mail:

Bridgette Escobedo, Bastrop County Elections Administrator, 804 Pecan Street, Bastrop, TX 78602

EXHIBIT "B"

CITY OF BASTROP ELECTION DAY POLLING LOCATION

Precincts 1001, 1002, 1003, 2009, 2011

Bastrop ISD Service Center, 906 Farm Street, Bastrop, TX 78602

EXHIBIT "C"
ESTIMATED COST OF MAY 7, 2016 ELECTION
JOINT ELECTION WITH BASTROP ISD

CITY OF BASTROP

Newspaper Publication Expenses	\$ 388.50
Optical Ballots and Programming Expenses	\$ 1,292.24
Rental Fee for AutoMARK and Vote Tabulator (voting equipment) Staff Time and Mileage, Early Voting Clerks, Election Judges & Clerks, and Ballot Board	\$ 3,721.70
Election Kits & other precinct supplies	\$ 200.00
SUBTOTAL	\$ 5,602.44
10% ADMINISTRATIVE FEE	<u>\$ 560.24</u>
TOTAL	<u>\$ 6,162.68</u>

EXHIBIT "C-1"
ESTIMATED COST OF MAY 7, 2016 ELECTION
WITHOUT JOINT ELECTION

CITY OF BASTROP

Newspaper Publication Expenses	\$ 388.50
Optical Ballots and Programming Expenses	\$ 1,292.24
Rental Fee for AutoMARK and Vote Tabulator (voting equipment) Staff Time and Mileage, Early Voting Clerks, Election Judges & Clerks, and Ballot Board	\$ 8,531.48
Election Kits & other precinct supplies	\$ 200.00
SUBTOTAL	\$ 10,412.22
10% ADMINISTRATIVE FEE	\$ <u>1,041.22</u>
TOTAL	\$ <u>11,453.44</u>

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: January 20, 2016

MEETING DATE: January 26, 2016

1. APPROVAL OF A BASTROP COUNTY AGREEMENT TO CONDUCT A JOINT ELECTION BETWEEN THE CITY OF BASTROP, BASTROP COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 2, THE COLONY MUNICIPAL UTILITY DISTRICT 1A, THE COLONY MUNICIPAL UTILITY DISTRICT 1B, THE COLONY MUNICIPAL UTILITY DISTRICT 1C, THE COLONY MUNICIPAL UTILITY DISTRICT 1D, THE COLONY MUNICIPAL UTILITY DISTRICT 1E, THE COLONY MUNICIPAL UTILITY DISTRICT 1F, THE COLONY MUNICIPAL UTILITY DISTRICT 1G AND THE BASTROP INDEPENDENT SCHOOL DISTRICT FOR THE MAY 7, 2016 ELECTION

2. Party Making Request: Ann Franklin, City Secretary

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

4. Policy Implication: **The City of Bastrop enters into a joint election with other entiteis to have the County of Bastrop conduct their Election.**

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

6. Alternate Option/Costs: _____

7. Routing: NAME/TITLE INITIAL DATE CONCURRENCE

8. Staff Recommendation: _____

9. Advisory Board: ___ Approved _____ Disapproved ___ None

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

11. Action Taken:

**AGREEMENT TO CONDUCT JOINT ELECTION BETWEEN
THE CITY OF BASTROP, BASTROP COUNTY WCID #2,
THE COLONY MUD'S 1A – 1G AND
BASTROP INDEPENDENT SCHOOL DISTRICT
FOR THE MAY 7, 2016 ELECTION**

**THE STATE OF TEXAS §
 §
COUNTY OF BASTROP §**

This Agreement to Conduct Joint Election (this “**Contract**”) is entered into by and among the City of Bastrop, a political subdivision of the State of Texas (the “**CITY**”), Bastrop County Water Control and Improvement District No. 2, a political subdivision of the State of Texas (the “**WCID**”), the Colony Municipal Utility District 1A, a political subdivision of the State of Texas (the “**MUD 1A**”), The Colony Municipal Utility District 1B, a political subdivision of the State of Texas (the “**MUD 1B**”), The Colony Municipal Utility District 1C, a political subdivision of the State of Texas (the “**MUD 1C**”), The Colony Municipal Utility District 1D, a political subdivision of the State of Texas (the “**MUD 1D**”), The Colony Municipal Utility District 1E, a political subdivision of the State of Texas (the “**MUD 1E**”), The Colony Municipal Utility District 1F, a political subdivision of the State of Texas (the “**MUD 1F**”), The Colony Municipal Utility District 1G, a political subdivision of the State of Texas (the “**MUD 1G**”), and Bastrop Independent School District, a political subdivision of the State of Texas, (the “**ISD**”), individually, a “**Party**” or, collectively, the “**Parties**,” pursuant to Section 31.092 and Chapter 271 of the Texas Election Code.

RECITALS

WHEREAS, the CITY, the WCID, the MUD 1A, the MUD 1B, the MUD 1C, the MUD 1D, the MUD 1E, the MUD 1F, the MUD 1G, and the ISD each expect to call an election to be held on May 7, 2016; and

WHEREAS, the CITY, the WCID, the MUD 1A, the MUD 1B, the MUD 1C, the MUD 1D, the MUD 1E, the MUD 1F, the MUD 1G, and the ISD desire to conduct such elections jointly pursuant to Chapter 271 of the Texas Election Code, and

WHEREAS, the CITY, the WCID, the MUD 1A, the MUD 1B, the MUD 1C, the MUD 1D, the MUD 1E, the MUD 1F, the MUD 1G, and the ISD desire to enter into a contract setting out the respective responsibilities of the Parties;

NOW, THEREFORE, the Parties agree as follows:

**ARTICLE I
PURPOSE**

1.01 The Parties have entered into this Contract to conduct a joint election on May 7, 2016. The purpose of this agreement is to maintain consistency and accessibility in voting practices, polling places, and election procedures in order to best assist the voters of the Parties.

**ARTICLE II
JOINT ELECTION**

2.01 The Parties agree to conduct their respective May 7, 2016 elections jointly pursuant to Chapter 271 of the Texas Election Code.

**ARTICLE III.
TERM**

3.01 Except as hereinafter set out, the term of this Contract shall be from the time of execution until all items with respect to this Contract have been completed.

**ARTICLE IV
COST OF SERVICE AND BILLING**

4.01 All costs incurred by the Parties attributable to the coordination, supervision, and running of the election and incurred on behalf of the Parties, including expenses for supplies in connection with the election school(s), election supplies, wages paid for election workers, any paper ballots to be used for the election, and any other expenses reasonably and directly related to the election, including, without limitation, rental and programming of direct recording electronic voting devices and audio ballots shall be shared by the Parties and each Party will be billed their pro-rata portion.

**ARTICLE V
GENERAL PROVISIONS**

5.01 This Contract shall be construed under and in accordance with the laws of the State of Texas, and all obligations of the parties created hereunder are performable in Bastrop County, Texas.

5.02 In case any one or more of the provisions contained in this Contract shall for any reason be held to be invalid, illegal or unenforceable in any respect, the invalidity, illegality, or unenforceability shall not affect any other provision, and this Contract shall be construed as if the invalid, illegal, or unenforceable provision had never been a part of the Contract.

5.03 This Contract constitutes the only agreement of the Parties hereto and supersedes any prior understanding or written or oral agreement between the parties respecting the written subject matter.

5.04 No amendment, modification, or alteration of this Contract shall be binding unless it is in writing, dated subsequent to the date of the Contract and duly executed by all of the Parties.

5.05 Any notice to be given hereunder by any party to the other shall be in writing and may be affected by personal delivery, by certified mail, or by common carrier. Notice to a party shall be addressed as follows:

CITY:

Ken Kesselus
Mayor
City of Bastrop
PO Box 427
Bastrop, TX 78602

WCID:

Bastrop County Water Control and Improvement District No. 2
Attn: Alma Rodriguez
Office Manager
PO Box 708
Bastrop, Texas 78602

MUD 1A - MUD 1G:

Sam Lundeen
Legal Assistant
Armburst & Brown, PLLC
100 Congress Ave., Suite 1300
Austin, TX 78701

ISD:

Emily Parks
Executive Director of Communications
& Community Services
Bastrop Independent School District
906 Farm Street
Bastrop, TX 78602

Notice by hand-delivery is deemed effective immediately, notice by certified mail is deemed effective three days after deposit with a U.S. Postal Office or in a U.S. Mail Box, and notice by a common carrier, is deemed effective upon receipt. Each party may change the address for notice to it by giving notice of such change in accordance with the provisions of this Section.

Executed to be effective the ____ day of _____, 2016.

CITY:

BY: _____
Ken Kesselus, Mayor
City of Bastrop

Executed to be effective the ____ day of _____, 2016.

WCID:

BY: _____

NAME: _____

TITLE: _____

Executed to be effective the ____ day of _____, 2016.

MUD 1A:

BY: _____

NAME: _____

TITLE: _____

Executed to be effective the ____ day of _____, 2016.

MUD 1B:

BY: _____

NAME: _____

TITLE: _____

Executed to be effective the ____ day of _____, 2016.

MUD 1C:

BY: _____

NAME: _____

TITLE: _____

Executed to be effective the ____ day of _____, 2016.

MUD 1D:

BY: _____

NAME: _____

TITLE: _____

Executed to be effective the ____ day of _____, 2016.

MUD 1E:

BY: _____

NAME: _____

TITLE: _____

Executed to be effective the ____ day of _____, 2016.

MUD IF:

BY: _____

NAME: _____

TITLE: _____

Executed to be effective the ____ day of _____, 2016.

MUD IG:

BY: _____

NAME: _____

TITLE: _____

Executed to be effective the ____ day of _____, 2016.

DISTRICT:

BY: _____
Steve Murray, Superintendent
Bastrop Independent School District

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: January 20, 2016

MEETING DATE: January 26, 2016

1. APPROVAL OF A RESOLUTION CALLING FOR AND ESTABLISHING PROCEDURE FOR A GENERAL ELECTION IN BASTROP, TEXAS FOR THE MAY 7, 2016 ELECTION.

2. Party Making Request: Ann Franklin, City Secretary

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

4. Policy Implication: **The City of Bastrop will hold a Council Election on May 7, 2016. By State Law the City is required to call the election in an open meeting.**

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

6. Alternate Option/Costs: _____

7. Routing: NAME/TITLE INITIAL DATE CONCURRENCE

8. Staff Recommendation: _____

9. Advisory Board: ___ Approved _____ Disapproved ___ None

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

11. Action Taken:

RESOLUTION No. R-2016-2

A RESOLUTION CALLING FOR AND ESTABLISHING THE PROCEDURES FOR A GENERAL ELECTION FOR BASTROP, TEXAS

WHEREAS, the laws of the State of Texas and the City of Bastrop, provide that on May 7, 2016 there shall be elected the following officials for the City at a general election:

**Place 1 – Council Member at large, for a term of 3 years;
Place 5 – Council Member at large, for a term of 3 years; and**

WHEREAS, the laws of the State of Texas further provide that the Election Code of the State of Texas is applicable to the elections, and in order to comply with said Code, a resolution shall be passed establishing the procedures to be followed in the elections, and designating the voting places for the elections.

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

That all candidates, for the general election to be held on the first Saturday in May 2016, (May 7, 2016) for the above mentioned City offices, shall file their application to become candidates with the City Secretary of the City of Bastrop, at City Hall, 1311 Chestnut Street, Bastrop, Texas 78602 on or before 5:00 p.m. on February 19, 2016, the seventy-eighth (78th) day before the elections, and that all of the applications shall be on a form as prescribed by Section 141.031 of the Election Code of the State of Texas.

The order in which the names of the candidates are to be printed on the ballot for the general election shall be determined by a drawing by the Bastrop City Secretary as provided by Section 52.094 of the Election Code.

The Election Day polling place shall be held at the Bastrop ISD Service Center, at 906 Farm Street, Bastrop, Texas for election precincts 1001, 1002, 1003, 2009 and 2011 (these precincts include all of the area within the boundaries of the Bastrop City limits.) The polling shall be open on Election Day from 7:00 a.m. to 7:00 p.m.

The County Elections Administrator is hereby authorized and instructed to provide and furnish all necessary election supplies to conduct the elections. Voting at such elections shall be upon paper ballots prepared in conformity to the Texas Election Code.

Section 61.012 of the Texas Election Code requires that the Bastrop City Council must provide at least one accessible voting system in each polling place used in a Texas election. This system must comply with state and federal laws setting the requirements for voting systems that permit voters with physical disabilities to cast a secret ballot.

The Office of the Texas Secretary of State has certified that the ES&S's AutoMARK Voter Assist Terminal version 1.0 is an accessible voting system that may legally be used in Texas elections.

Sections 123.032 and 123.035 of the Texas Election Code authorize the acquisition of voting systems by local political subdivisions and further mandate certain minimum requirements for contracts relating to the acquisition of such voting systems.

As chief elections officer of the Bastrop City Council, the Bastrop County Elections Administrator shall provide at least one ES&S AutoMARK Voter Assist Terminal version 1.0 in each polling place in every polling location used to conduct any election ordered on or after January 1, 2006.

The following named persons are hereby appointed officers for the general election:

P.K. Barnett will serve as the Presiding Judge for Election Precincts 1001, 1002, 1003, 2009 and 2011;

Pam Barnett will serve as the Alternate Judge for Precincts 1001, 1002, 1003, 2009 and 2011; and

Two clerks will be appointed by the presiding judge.

Bridgette Escobedo is hereby appointed Clerk for Early Voting. The Main Early Voting location for the above designated election shall be at the Bastrop ISD Service Center, 906 Farm Street, Bastrop, Texas, and this place shall remain open for at least eight (8) hours on each day for early voting, which is not on a Saturday, Sunday, or an official State holiday, beginning on Monday, April 25, 2016 and continuing through Tuesday, May 3, 2016.

Main Location:

Bastrop ISD Service Center, 906 Farm Street	Monday, April 25, 2016 through Thursday, April 28, 2016 7:30 a.m. – 5:00 p.m.
	Friday, April 29, 2016 7:00 a.m. – 7:00 p.m.
	Monday, May 2, 2016 7:30 a.m. – 5:00 p.m.
	Tuesday, May 3, 2016 7:00 a.m. – 7:00 p.m.

Branch Locations:

Bastrop Intermediate, 509 Old Austin Hwy	Monday, April 25, 2016 through Thursday, April 28, 2016 7:30 a.m. – 5:00 p.m.
	Friday, April 29, 2016 7:00 a.m. – 7:00 p.m.
	Monday, May 2, 2016 7:30 a.m. – 5:00 p.m.
	Tuesday, May 3, 2016 7:00 a.m. – 7:00 p.m.
Cedar Creek Middle 125 Voss Parkway	Monday, April 25, 2016 through Thursday, April 28, 2016 7:30 a.m. – 5:00 p.m.
	Friday, April 29, 2016

	7:00 a.m. – 7:00 p.m.
	Monday, May 2, 2016 7:30 a.m. – 5:00 p.m.
	Tuesday, May 3, 2016 7:00 a.m. – 7:00 p.m.
Lost Pines Elementary 151 Tiger Woods	Monday, April 25, 2016 through Thursday, April 28, 2016 7:30 a.m. – 5:00 p.m.
	Friday, April 29, 2016 7:00 a.m. – 7:00 p.m.
	Monday, May 2, 2016 7:30 a.m. – 5:00 p.m.
	Tuesday, May 3, 2016 7:00 a.m. – 7:00 p.m.
Red Rock Elementary 2401 FM 20	Monday, April 25, 2016 through Thursday, April 28, 2016 7:30 a.m. – 5:00 p.m.
	Friday, April 29, 2016 7:00 a.m. – 7:00 p.m.
	Monday, May 2, 2016 7:30 a.m. – 5:00 p.m.
	Tuesday, May 3, 2016 7:00 a.m. – 7:00 p.m.
Cedar Creek High 793 Union Chapel	Monday, April 25, 2016 through Thursday, April 28, 2016 7:30 a.m. – 5:00 p.m.
	Friday, April 29, 2016 7:00 a.m. – 7:00 p.m.
	Monday, May 2, 2016 7:30 a.m. – 5:00 p.m.
	Tuesday, May 3, 2016 7:00 a.m. – 7:00 p.m.

Ballot applications and ballots voted by mail should be addressed to the Early Voting Clerk, Bridgette Escobedo, Bastrop County Elections Administrator, 804 Pecan Street, Bastrop, Texas 78602. Applications

for ballots by mail must be received no later than the close of business on April 26, 2016, the 11th day before Election Day. The early voting clerk may receive applications for ballot by mail at elections@co.bastrop.tx.us.

For Election Precincts 1001, 1002, 1003, 2009 and 2011, Staci Calvert is hereby appointed as Presiding Judge of the Early Voting Ballot Board. In accordance with Section 87.002 et seq. of the Texas Election Code the presiding judge shall appoint at least two other members to the Early Voting Ballot Board and shall process early voting results in accordance with the Texas Election Code.

The Presiding Judge will receive compensation at the rate of \$10.00 per hour. The Alternate Presiding Judge and Clerks will receive compensation at the rate of \$8.00 per hour. The Presiding Judge will receive an additional \$25.00 for picking up the election supplies prior to election to Election Day and for returning the supplies after the polls close.

The General Election shall be held in accordance with the Election Code of this State and only resident qualified voters of the City shall be eligible to vote at the Election.

The Mayor shall give notice of this election in accordance with the terms and provisions of Sections 4.004, 83.010, 85.004 and 85.007 of the Election Code, and all necessary orders and writs for the elections shall be issued by the proper authority. Returns of the elections shall be made to the City Council immediately after the closing of the polls.

It is further found and determined that in accordance with the order of this governing body, the City Secretary will post notice of the date to hold the drawing for a place on the ballot on the bulletin board located in the City Hall, a place convenient and readily accessible to the general public, and the notice will be posted and remain posted continuously for at least seventy-two hours prior to the scheduled time of the meeting.

PASSED, APPROVED AND ADOPTED this 26th day of January 2016.

Ken Kesselus
Mayor of Bastrop

ATTEST:

Ann Franklin
City Secretary

RESOLUCIÓN NÚM. R-2016-2

UNA RESOLUCIÓN PARA CONVOCAR E INSTITUIR LOS PROCEDIMIENTOS PARA LA ELECCIÓN GENERAL DE BASTROP, TEXAS

POR CUANTO, Las leyes del Estado de Texas y de la Ciudad de Bastrop, disponen que en el 7 de mayo, 2016 sean electos los siguientes oficiales de la Ciudad en una elección general:

- Puesto 1 – Miembro del Consejo de la Ciudad entera, para plazo de 3 años;**
- Puesto 5 – Miembro del Consejo de la Ciudad entera, para plazo de 3 años; y**

POR CUANTO, Las leyes del Estado de Texas además disponen que el Código Electoral del Estado de Texas aplica a las elecciones, y que para cumplir con dicho Código, una resolución deberá aprobarse instituyendo procedimientos para llevar a cabo las elecciones y para designar los sitios de votación de las elecciones.

AHORA, POR LO TANTO, RESUÉLVASE Y ORDÉNESE POR EL CONSEJO MUNICIPAL DE LA CIUDAD DE BASTROP, TEXAS:

Que todos los candidatos, en la elección general que se efectuará el primer sábado de mayo del 2016 ((7 de mayo, 2016) para los antedichos puestos de la Ciudad, archivarán sus solicitudes para ser candidatos con la Secretaria de la Ciudad de la Ciudad de Bastrop, en el Edificio Municipal, 1311 Chestnut Street, Bastrop, Texas 78602 en o antes de las 5:00 P.M. el 19 de febrero, 2016, que es el setenta y ocho (78) día anterior a las elecciones, y que toda solicitud será en un formulario prescrito por la Sección 141.031 del Código Electoral del Estado de Texas.

El orden en cual los nombres de los candidatos serán impresos en la boleta de la elección general se determinará por un sorteo efectuado por la Secretaria de la Ciudad de Bastrop de acuerdo con las provisiones de la Sección 52.094 del Código electoral.

La votación el Día de las Elecciones será en el Centro de Servicios (Service Center) de Bastrop ISD en 906 Farm Street, Bastrop, Texas para los precintos electorales 1001, 1002, 1003, 2009 y 2011 (estos precintos incluyen todo el área dentro de los límites de la Ciudad de Bastrop.) Los sitios de votación estarán abiertos el Día de Elecciones de las 7:00 a.m. a 7:00 p.m.

El/la Administrador/a de Elecciones del Condado por lo presente queda autorizado y se le instruye que proporcione y entregue todos los suministros electorales necesarios para llevar a cabo las elecciones. La votación en dicha elección será con boletas de papel preparadas en conformidad con el Código Electoral de Texas.

La Sección 61.012 del Código Electoral de Texas requiere que El Consejo Municipal de la Ciudad de Bastrop proporcione al menos un sistema de votar accesible en cada sitio de votación utilizado en toda elección efectuada en Texas. Dicho sistema deberá cumplir con las leyes estatales y federales que decretan los requisitos para sistemas de votar que permiten a votantes con discapacidades físicas votar su boleta en secreto.

La Oficina del Secretario de Estado de Texas ha certificado que el equipo ES&S AutoMARK Voter Assist Terminal versión 1.0 es sistema de votación accesible que legalmente se puede usar en las elecciones en Texas.

Las Secciones 123.032 y 123.035 del Código Electoral de Texas autorizan adquisición de sistemas de votación por subdivisiones locales políticas y además ordenan cumplimiento con ciertos requisitos mínimos para contratos relacionados con la adquisición de dichos sistemas de votación.

En cumplimiento con sus deberes de oficial electoral del Consejo Municipal de la Ciudad de Bastrop, el/la Administrador/a de Elecciones del Condado de Bastrop proporcionará al menos un ES&S AutoMARK Voter Assist Terminal versión 1.0 en cada sitio de votación en cada una de las ubicaciones de votación utilizadas en toda elección ordenada en o después del 1 de enero, 2006.

Las siguientes personas son por lo presente nombradas oficiales de la elección general:

P.K. Barnett será Juez Presidente de los Precintos Electorales 1001, 1002, 1003, 2009 y 2011;

Pam Barnett será Juez Alterno de los Precintos Electorales 1001, 1002, 1003, 2009 y 2011; y

El Juez Presidente nombrará a dos secretarios.

Brigette Escobedo por lo presente es nombrada Secretaria de la Votación Adelantada. La ubicación del Sitio Principal de la Votación Adelantada en la elección ya indicada será en el Centro de Servicios (Service Center) de Bastrop ISD en 906 Farm Street, Bastrop, y este sitio permanecerá abierto al menos ocho (8) horas diario para la votación adelantada, mientras no sea sábado, domingo, ni día festivo oficial del estado, principiando desde el lunes, 25 de abril, 2016 y continuando hasta el martes, 3 de mayo, 2016.

Sitio Principal:

Bastrop ISD Service Center, 906 Farm Street Lunes, 25 de Abril, 2016 a Jueves, 28 de Abril, 2016
7:30 a.m. – 5:00 p.m.

Viernes, 29 de Abril, 2016
7:00 a.m. – 7:00 p.m.

Lunes, 2 de Mayo, 2016
7:30 a.m. – 5:00 p.m.

Martes, 3 de Mayo, 2016
7:00 a.m. – 7:00 p.m.

Sitios Sucursales:

Bastrop Intermediate, Lunes, 25 de Abril, 2016 a Jueves, 28 de Abril, 2016
509 Old Austin Hwy 7:30 a.m. – 5:00 p.m.

Viernes, 29 de Abril, 2016
7:00 a.m. – 7:00 p.m.

Lunes, 2 de Mayo, 2016
7:30 a.m. – 5:00 p.m.

Martes, 3 de Mayo, 2016
7:00 a.m. – 7:00 p.m.

Cedar Creek Middle Lunes, 25 de Abril, 2016 a Jueves, 28 de Abril, 2016

125 Voss Parkway

7:30 a.m. – 5:00 p.m.

Viernes, 29 de Abril, 2016

7:00 a.m. – 7:00 p.m.

Lunes, 2 de Mayo, 2016

7:30 a.m. – 5:00 p.m.

Martes, 3 de Mayo, 2016

7:00 a.m. – 7:00 p.m.

Lost Pines Elementary

151 Tiger Woods

Lunes, 25 de Abril, 2016 a Jueves, 28 de Abril, 2016

7:30 a.m. – 5:00 p.m.

Viernes, 29 de Abril, 2016

7:00 a.m. – 7:00 p.m.

Lunes, 2 de Mayo, 2016

7:30 a.m. – 5:00 p.m.

Martes, 3 de Mayo, 2016

7:00 a.m. – 7:00 p.m.

Red Rock Elementary

2401 FM 20

Lunes, 25 de Abril, 2016 a Jueves, 28 de Abril, 2016

7:30 a.m. – 5:00 p.m.

Viernes, 29 de Abril, 2016

7:00 a.m. – 7:00 p.m.

Lunes, 2 de Mayo, 2016

7:30 a.m. – 5:00 p.m.

Martes, 3 de Mayo, 2016

7:00 a.m. – 7:00 p.m.

Cedar Creek High

793 Union Chapel

Lunes, 25 de Abril, 2016 a Jueves, 28 de Abril, 2016

7:30 a.m. – 5:00 p.m.

Viernes, 29 de Abril, 2016

7:00 a.m. – 7:00 p.m.

Lunes, 2 de Mayo, 2016

7:30 a.m. – 5:00 p.m.

Martes, 3 de Mayo, 2016

7:00 a.m. – 7:00 p.m.

Las solicitudes de boletas y las boletas que serán votadas por correo deberán enviarse al/la Secretario/a de la Votación Adelantada, Bridgette Escobedo, Administradora de Elecciones del Condado de Bastrop (Bastrop County Elections Administrator), 804 Pecan Street, Bastrop, Texas 78602. Solicitudes de boletas por correo deberán recibirse a no más tardar del final del día hábil el 26 de abril, 2016, que es el 11vo día antes del Día de la Elección. El/la Secretario/a de la votación adelantada puede recibir solicitudes por correo en elections@co.bastrop.tx.us.

Para los Precintos Electorales 1001, 1002, 1003, 2009, y 2011, **Staci Calvert** por lo presente es nombrado/a Juez Presidente de la Junta de Boletas de la Votación Adelantada. De acuerdo con la Sección 87.002 et seq. del Código Electoral de Texas dicho juez presidente nombrará al menos dos (2) otros miembros a la Junta de Boletas de la Votación Adelantada y procesará los resultados de la votación adelantada de acuerdo con el Código Electoral de Texas.

El Juez Presidente recibirá compensación de \$10.00 por hora. El Juez Alterno Presidente y los secretarios recibirán compensación de \$8.00 por hora. El Juez Presidente recibirá \$25.00 adicional por recoger los suministros de la elección antes de llevarse a cabo la elección el Día de la Elección, y por devolver los suministros después de cerrarse los sitios de votación.

La Elección General se llevará a cabo de acuerdo con el Código Electoral de este Estado y solo votantes residentes calificados de dicha Ciudad serán elegibles para votar en la elección.

El Alcalde dará aviso de esta elección de acuerdo con los términos y provisiones de las secciones 4.004, 83.010, 85.004, y 85.007 del Código Electoral, y todas las órdenes y decretos pertinentes a las elecciones serán emitidos por la autoridad apropiada. Los resultados de las elecciones se reportarán al Consejo Municipal inmediatamente después de cerrarse los sitios de votación.

Además se afirma y determina que de acuerdo con la orden de este cuerpo gubernamental, la Secretaria de la Ciudad fijará el aviso de la fecha para llevar a cabo el sorteo para ser apuntado en la boleta y dicho aviso será en el tablón de anuncios ubicado en el Edificio Municipal (City Hall), lugar conveniente y muy accesible al público en general, y que dicho aviso será fijado y permanecerá fijado continuamente al menos por setenta y dos (72) horas antes de la hora indicada de la reunión.

VOTADA, APROBADA, Y ADOPTADA este día 26 de Enero, 2016.

Ken Kesselus,
Alcalde de Bastrop

CERTIFICO:

Ann Franklin
Secretaria de la Ciudad

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: January 20, 2016

MEETING DATE: January 26, 2016

1. Agenda Item: **Approval of the Final Plat of Home Place Subdivision being +/-5.098 acres out of the Stephen F. Austin Survey, Abstract No. 2 located on Lovers Lane in the Bastrop, Texas Extra Territorial Jurisdiction (ETJ).**

2. Party Making Request: **Melissa McCollum, Director of Planning and Development**

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

4. Policy Implication: _____

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

6. Alternate Option/Costs: _____

7. Routing:	<u>NAME/TITLE</u>	<u>INITIAL</u>	<u>DATE</u>	<u>CONCURRENCE</u>
a)	_____	_____	_____	_____
b)	_____	_____	_____	_____

8. Staff Recommendation: **Staff recommends approval of the Final Plat of Home Place Subdivision with variances to the Subdivision Ordinance granted by City Council January 12, 2016.**

9. Advisory Board Recommendation: _____ Recommended Approval _____ Denial _____ None

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

11. Motion Requested: **Recommend approval of the plat.**

City of Bastrop

Agenda Information Sheet:



City Council Meeting Date:

January 26, 2016

Project Description:

Approval of the Final Plat of Home Place Subdivision is +/-5.098 acres out of the Stephen F. Austin Survey, Abstract No. 2 located on Lovers Lane in the Bastrop, Texas Extra Territorial Jurisdiction (ETJ).

Item Summary:

Owner/Applicant: Judy Adams

Location: 5.098 acres out of the Stephen F. Austin Survey, Abstract No. 2

Utilities: Onsite water well, septic, and Bluebonnet Electric

Background:

The proposed three (3) residential lots are located in the City of Bastrop, Texas Extra Territorial Jurisdiction (ETJ), between the Colorado River and Lovers Lane. The subdivision consists of three (3) proposed residential parcels – Lot 1 being +/-1.065 acres, Lot 2 being +/- 2.502 acres and Lot 3 being +/- 1.511 acres. Lot 1 has two existing homes, Lot 2 is vacant and Lot 3 has an existing home. Currently the three homes exist on one large parcel.

Issues/Variances:

January 12, 2016 City Council granted variances to Subdivision Ordinance, Section 5.50.1 (A) states that subdivision layouts shall avoid the inclusion of flag lots, Section 6.50.2 (A) requires each lot in a subdivision abut a public street and Section 7.10.2(A) requires a minimum lot width of 125 feet.

Staff also requested a “hold harmless” plat note to be added with regards to the variances.

The language for those plat notes has been sent to the Surveyor and are added to this plat.

Comments: Twelve (12) adjacent property owner notifications were mailed 12/28/2015. At the time of report preparation, we received a total of three (3) responses, two (2) in favor and one (1) no objection.

Staff Recommendation:

Staff recommends approval of the Final Plat of Home Place Subdivision.

City Contact:

Melissa M. McCollum, AICP, LEED AP, Director
Planning and Development Department
Wesley Brandon, PE, City Engineer

Attachments:

Copy of the final plat and property owner responses

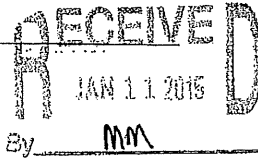
As a property owner within 200' (please check one)

- I am in favor of the request.
- I am opposed to the request.
- I have no objection to the request

Property Owner Name: Tachary Stevenson
 Property Address: 7 S. 098 Acres out of Stephen F. Austin, Abstract No 2
 Mailing Address: 2308 Wind Lane West

Property Owner's Signature: Tachary Stevenson
 Comments: (Optional)

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



Re: Variance to Subdivision Ordinance and possible Final Plat of Home Place Subdivision -- notices mailed 12/28/2015

X PROPERTY OWNER'S RESPONSE X

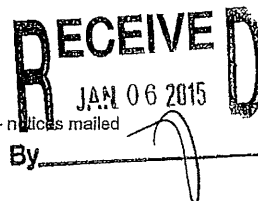
As a property owner within 200' (please check one)

- I am in favor of the request.
- I am opposed to the request.
- I have no objection to the request

Property Owner Name: Judy Adams
 Property Address: 1214 A Lovers Lane
 Mailing Address: 1214 A Lovers Lane

Property Owner's Signature: Judy Adams
 Comments: (Optional)

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



Re: Variance to Subdivision Ordinance and possible Final Plat of Home Place Subdivision -- notices mailed 12/28/2015

X PROPERTY OWNER'S RESPONSE X

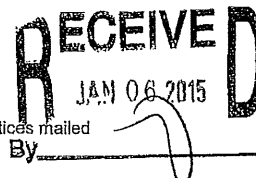
As a property owner within 200' (please check one)

- I am in favor of the request.
- I am opposed to the request.
- I have no objection to the request

Property Owner Name: Charles Adams Jr.
 Property Address: 1218 Lovers Lane, Bastrop, TX 78602
 Mailing Address: 1218 Lovers Lane, Bastrop, TX 78602

Property Owner's Signature: Charles Adams Jr.
 Comments: (Optional)

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



Re: Variance to Subdivision Ordinance and possible Final Plat of Home Place Subdivision -- notices mailed 12/28/2015

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: January 20, 2016

MEETING DATE: January 26, 2016

1. Agenda Item: **SECOND READING OF AN ORDINANCE GRANTING A ZONE CHANGE FROM SF9, SINGLE FAMILY RESIDENTIAL-9 AND A/OS –AGRICULTURAL/OPEN SPACE TO PD, RESIDENTIAL PLANNED DEVELOPMENT FOR APPROXIMATELY 90.91 ACRES WITHIN A11 BASTROP TOWN TRACT, LOCATED NORTH OF THE RAILROAD TRACTS ON THE NORTHWEST CORNER OF RIVERWOOD/HAWTHORNE AND CARTER STREET WITHIN THE CITY LIMITS OF BASTROP, TEXAS AS PART OF THE PINEY CREEK BEND; SETTING OUT CONDITIONS AND ESTABLISHING AN EFFECTIVE DATE.**

2. Party Making Request: **Melissa McCollum, Director of Planning and Development**

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

4. Policy Implication: _____

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

6. Alternate Option/Costs: _____

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

8. Staff Recommendation:

See attached memos regarding City Council recommendation of discussion re: Carter Street and staff memo that answered an email circulated regarding the project.

9. Advisory Board Recommendation: XX Recommended Approval ___ Denial ___ None

The Planning and Zoning Commission conducted a public hearing December 3, 2015 and by a vote of 5 (favor)-3 (opposed) recommended approval to rezone approximately +/-90.91 acres out of the A11 Bastrop Town Tract from SF-9, Single Family Residential and A/OS, Agricultural/Open Space to PD, Residential Planned Development, located north of the railroad tracks on the northwest corner of Riverwood/Hawthorne and Carter Street, within the city limits of Bastrop, Texas along with the guidelines set forth in the Staff Report.

The motion carried 5 to 3 with Connie Schroeder, Richard Kindred, Debbie Moore, Christy Kosser, and Lisa Patterson in favor and Bryan Whitten, Tish Winston, and Bill Ennis opposed.

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

11. Motion Requested: **Recommend approval of the zone change.**

MEMO



Date: January 22, 2016

To: Mayor and City Council

Cc: Mike Talbot, City Manager

From: Melissa McCollum, Director of Planning
Wesley Brandon, City Engineer

RE: Piney Creek Bend Rezoning Request meeting re: Carter Street

City Council made a motion on January 12, 2016 regarding the 1st Reading.

Gary Schiff made the motion to approve the Piney Creek Bend rezone request to PD, Planned Development and instruct the City manager to work with the Developer to minimize traffic issues on Carter Street, Kay McAnally seconded: Dock Jackson also added to take into consideration the neighborhood comments. Motion passed 3-2 with Schiff, McAnally, and Jackson approving and Gilleland and DeLaRosa opposed.

Staff and the City Manager met with the developer of Piney Creek Bend, David Singleton, on Thursday, January 21, 2016.

After discussions the developer indicated he would continue to work with the City during future development phases (subdivision, construction plans, final platting) to assist in the enhancement of Carter Street. Specifically, he has proposed to assist with the following:

- Dedicate the additional right-of-way (ROW) to meet the City's current collector street width standards, which are 60' (feet). The current ROW width is approximately 55' (feet), and the developer would dedicate 5' (feet). According to the City's current standards, Piney Creek Bend would be required to dedicate only 2.5' (feet), or ½ of the ROW width deficit;
- Construct sidewalks on Carter Street along the entire eastern boundary of the development, approximately 2,200 linear feet, but will be located outside of the right-of-way within a landscape/access easement. When Carter Street is reconstructed/improved, the sidewalk would not be affected/damaged during the construction process;
- Equitable participation in the future reconstruction/improvement of Carter Street, the details of which will be finalized during the subdivision development process
- Provide improvements as required to accommodate Carter Street storm drainage along the eastern boundary of the development;
- Mitigate impact of infrastructure and home construction by restricting traffic ingress and egress points as appropriate, as well as repair any damage resulting from the work.

MEMO



Date: January 20, 2016

To: Mike Talbot, City Manager

From: Melissa McCollum, Director of Planning
Wesley Brandon, City Engineer

RE: Piney Creek Bend Rezoning Request
Response to email by Margaret Silbernagel per P&Z Commissioner's Request

Recently, we were provided with an email written by Ms. Margaret Silbernagel regarding the City's development regulations, followed by a request to respond by Planning and Zoning Commissioner Ms. Tish Winston. After reading Ms. Silbernagel's message, it is clear that there is some confusion related to the City's standards and their applicability and/or interpretation regarding the Piney Creek Bend rezoning request. In order to clear up and prevent further confusion, we felt it would be appropriate to offer you our response, based on our knowledge of and experience with these regulations. Please note this application is currently in the zoning process, which generally considers land use (residential) and lot sizes (setbacks). The subdivision process (division of land, analysis of flood plain, etc.) typically occurs once the zoning is determined.

Below you will find a copy of Ms. Silbernagel's email message, followed by our response to the issues and interpretations discussed.

Email from Ms. Margaret Silbernagel, dated 1/17/2016:

Subject: Piney Creek misinformation.

Hello All, we ain't done yet! I have been reading the City of Bastrop Subdivision Ordinance and the related Chapter on Parks and Trails in the Comprehensive Plan. These are on the City website under Code of Ordinances (in the middle of the brown ribbon) Sections 5 specifies the requirements for any subdivision of this size whether SF-9 or Planned Development. The biggie here is that nothing can be built in the 100 year floodplain. Section 8 "Reservations" specifies requirements for park land and trails. The part about trails is important because according to the Comprehensive Plan Chapter 9, ([http://www.cityofbastrop.org/users/0001/pz/ords/City Comprehensive Plan.pdf](http://www.cityofbastrop.org/users/0001/pz/ords/City%20Comprehensive%20Plan.pdf)) they would still have to provide the public trail even under SF-9! In further reading of the Comp Plan, if we keep the SF-9, we would possibly have an opportunity to acquire a neighborhood park with amenities like a playground.

Please read these documents and let me know what you think. Am I completely mis-reading this? It sure seemed like no one on the council had read this, and no one else provided correct information.

I have emailed Kelly Gilleland (I thought she had voted against the rezoning, but the paper said she voted for it) with questions about this.

I think we finally have a solid argument. Now it looks like the biggest REAL difference between these 2 zonings is that with the PD, we would have an almost solid 35' (or higher if 2 story) wall along Carter St with 10' less distance from the street. SF-9 would have more space in between houses, they would be farther from the street and according to construction standards could not be more than 1 story.

If you read this stuff and come to the same conclusions, let me know. AND put the word out.

If the vote was made on the basis of the developer's information that SF-9 would produce 173 lots and if to arrive at that number, any of the houses were in the flood plain - well - that looks like a pretty big problem to me.

There are many layers to this - and all point to this being a poorly misinformed and misguided decision on the part of the City.

Margaret Silbernagel

Response from Planning Department

Floodplain:

Regarding development within the floodplain: City Code, Chapter 3, Building Regulations, Article 3.17 ("Flood Damage Prevention), as well as Chapter 10, Subdivision Ordinance Section 1.40 define the majority of regulations and requirements related to floodplain development and drainage system design within the City's jurisdiction. While the presence of floodplain areas certainly create a design constraint, neither of these Codes (or any other City Code that Staff is aware of) specifically prohibits development within the 100-year floodplain. They provide regulations and minimum design standards related to building construction and consideration of property outside of the development. It is also important to note that the floodplain areas that affect the Piney Creek Bend development (as well as other properties along Piney Creek) are classified as "Zone A", meaning a detailed flood study defining base flood elevations (BFEs) has not been conducted and incorporated in the official FEMA Flood Map. The developer would be required to prepare and submit an engineering analysis that defines the floodway limits, floodplain areas and the associated BFE requirements for any

structural improvements within permitted areas. (This will be analyzed during the subdivision process)

Lot layout/division of land:

Regarding the potential to develop up to 173 lots under the SF-9 zoning classification: the City of Bastrop's Zoning Ordinance and Subdivision Ordinance provide requirements and regulations pertaining to minimum lot dimensions, building setbacks, and right-of-way geometry. However, these ordinances do not provide a "maximum" number of residential lots that may be developed within a subdivision. The number of lots is largely a function of many factors, such as site topography, access to utilities, and roadway alignments. In other words, the developer could potentially design a layout to include much more than 173 lots and remain compliant with the applicable requirements. The developer did provide Staff a "schematic/conceptual" layout indicating lot sizes and streets that yielded 173 lots. This schematic has not been analyzed in detail by staff because the developer does not wish to proceed with this layout. The 173-lot conceptual layout was provided by the developer simply to illustrate one of any number of layouts that could potentially meet the City's requirements.

Parkland:

Regarding the dedication of parkland and trails: Section 8 of the Subdivision Ordinance ("Reservations") defines the requirements for the dedication and/or improvement of land for public park and trail uses. In general, the developer is required to dedicate an area of land equal to the greater of: 1) one acre per 100 dwelling units, or 2) 5% of the total residential platted area (excluding streets). The developer is also required to dedicate land and funding for public "greenway" improvements within the subdivision. In the case of Piney Creek Bend, this requirement would equate to approximately 4.5 acres (excluding the trail dedication), depending on the final subdivision layout (as a reference, the rezoning request proposes a parkland dedication of approximately 47 acres). Alternatively, the City Council has the option to require an equivalent cash deposit into a special park fund in lieu of land dedication. These minimum requirements apply to all residential subdivisions, including PD zones. The Comprehensive Plan, Chapter 9, does highlight parks and recreation needs in the City including a neighborhood park in the general area. Unfortunately, the chapter does not dictate regulations and amenities requirements. However, the Piney Creek Bend development, as proposed, does meet the trails system highlighted and exceeds the acreage required by the Subdivision regulations which could include park amenities.

Setbacks and Height of Structures:

The following chart depicts minimum standards for the zoning classifications. Bastrop zoning designations of SF-9 and SF-7 and **current Piney Creek Bend proposal** for lot size, shape, and dimensions. Both SF-9 and the current proposed Piney Creek Bend are proposing a **maximum** building (house) height of 2.5 stories or 35' (feet). The height standard is not being modified/amended by the Piney Creek Bend development. However, as discussed, the developer of Piney Creek Bend is proposing to modify/amend the size and shape of

general lot standards. The proposed front (street) setback is 20' (feet) versus 25' (SF-9) and the side setback to be either 5' (feet) or 7.5' (feet) instead of 10' (feet) required for SF-9 zones. Therefore, the minimum structure (house) separation would equate to 10' (feet) or 15' (feet) instead of 20' (feet).

District	Min. Lot Area	Min. Dwelling Unit Size	Min. Lot Width	Min. Lot Depth	Min. Front Yard	Min. Interior Side Yard	Min. Side when two-story & adj. SF Zone	Min. Ext. Yard (See Sec.43.3)	Min. Rear Yard	Min. Rear when two-story & Adj. SF Zone	Max. Height of Build	Max. Lot Coverage by Build
SF-9	9,000 sq. ft.	1600 sq. ft.	70'	115'	25'	10'		15'	25'		2.5 stories 35'	40%
SF-7	7,000 sq. ft.	1000 sq. ft.	60'	110'	25'	10'		15'	15'		2.5 stories 35'	50%
PD*** URBAN 50'	6,000 sq. ft.	1000 sq. ft.	50'	110'*	20'	5'		15'***	15'		2.5 stories 35'	50%
PD**** SUB-URBAN 60'	7,200 sq. ft.	1200 sq. ft.	60'	120'*	20'	7.5'		15'***	15'		2.5 stories 35'	50%

Let me know if you have any questions or need additional information.

ORDINANCE NO. _____

AN ORDINANCE GRANTING A ZONE CHANGE FROM SF9, SINGLE FAMILY RESIDENTIAL-9 AND A/OS –AGRICULTURAL/OPEN SPACE TO PD, RESIDENTIAL PLANNED DEVELOPMENT FOR APPROXIMATELY 90.91 ACRES WITHIN A11 BASTROP TOWN TRACT, LOCATED NORTH OF THE RAILROAD TRACTS ON THE NORTHWEST CORNER OF RIVERWOOD/HAWTHORNE AND CARTER STREET WITHIN THE CITY LIMITS OF BASTROP, TEXAS AS PART OF THE PINEY CREEK BEND; SETTING OUT CONDITIONS AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, David Singleton, Southwest Land Services (hereinafter referred to as “Applicant”) submitted a request for a zone change from SF9, Single Family Residential and A/OS – Agricultural/Open Space to PD, Residential Planned Development for approximately 90.91 acres situated in the A11 Bastrop Town Tract, located north of the railroad tracks on the northwest corner of Riverwood/Hawthorne and Carter Street within the City limits of Bastrop, Texas, hereinafter referred to as “the Property”; and

WHEREAS, a copy of the Metes and Bounds Survey and location map is attached hereto as Exhibit “A” (the “Property”); and

WHEREAS, the Property is currently zoned as SF9, Single Family Residential and A/OS – Agricultural/Open Space; and

WHEREAS, pursuant to Section 10.4 of the City’s Zoning Ordinance, notice of the rezoning was given to all property owners located within two hundred (200) feet of the Property, and the Planning and Zoning Commission of the City of Bastrop held a public hearing on the rezoning request on December 3, 2015; and

WHEREAS, after notice and hearing, the Planning and Zoning Commission has recommended a PD, Residential Planned Development zoning designation for the Property, See Exhibit A-1, Exhibit B and Exhibit C; and

WHEREAS, pursuant to Section 10.4 of the City’s Zoning Ordinance, notice of the rezoning request was given as required by the Ordinance, and the City Council of the City of Bastrop held a public hearing on the rezoning on January 12, 2016 to consider the Applicant’s request to rezone the Property to PD, Residential Planned Development; 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 that it is in the public interest to approve the rezoning of the Property, which is currently zoned as SF9, Single Family Residential and A/OS – Agricultural/Open Space, to a new designation of PD, Residential Planned Development.

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

Part 1: The Property, situated in A11 Bastrop Town Tract, located north of the railroad tracks on the northwest corner of Riverwood/Hawthorne and Carter Street within the City limits of Bastrop, Texas, as more particularly shown and described on attachments Exhibit “A”, shall be and is hereby rezoned from its prior designation of SF9, Single Family Residential and A/OS – Agricultural/Open Space to a new zoning designation of PD, Residential Planned Development.

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

Part 3: The Zoning Ordinance standards should be amended as follows:

Piney Creek Bend has been designed to create a walkable, pedestrian friendly neighborhood. The PD standards are shown in **Exhibit A-1**. The contents of this PD further explain and illustrate the overall appearance and function desired for this community. A Land Use Plan (**Exhibit B**) and Conceptual Lot Layout (**Exhibit C**) are attached to illustrate the general community vision and design. The Conceptual Lot Layout depicts a mix of residential products and open space areas that are contemplated within the community.

Proposed Lot Size

District	Min. Lot Area	Min. Dwelling Unit Size	Min. Lot Width	Min. Lot Depth	Min. Front Yard	Min. Interior Side Yard	Min. Ext. Yard (See Sec.43.3)	Min. Rear Yard	Max. Height of Build	Max. Lot Coverage by Build
PD*** URBAN 50'	6,000 sq. ft.	1000 sq. ft.	50'	110'*	20'	5'	15'***	15'	2.5 stories 35'	50%
PD**** SUB-URBAN 60'	7,200 sq. ft.	1200 sq. ft.	60'	120'*	20'	7.5'	15'***	15'	2.5 stories 35'	50%

* A maximum of 10% of the lots may be less than the required depth due to the geometry of a cul-de-sac or other geographic feature.

** Corner lots shall be ten feet (10') wider to provide for the additional side setback.

*** Minimum of 50 lots but no more than 60% of the total single-family lot count

**** Minimum of 50 lots but no less than 40% of the single-family lot count

To allow architectural consistency with locally prevalent and regionally appropriate architectural styles, roof pitches lower than 4:12 will be allowed within the PD.

- **Urban 5** (Single-Family Residential Detached) – 6,000 sf. lots Minimum of 50 lots but no more than 60% of the total single-family lot count.
- **Suburban 6** (Single-Family Residential Detached) – 7,200 sf. lots Minimum of 50 lots but

no less than 40% of the single-family lot count.

Other-Use Categories –

Trails and Parkland

A substantial portion of the site will be dedicated as parkland/open space and development of the site will include a trail system tying back into the sidewalks creating a network of pedestrian ways within the community that can ultimately be connected to and become a critical link in the regional trail system envisioned by the City. A proposed Land Use Plan with a schematic layout of proposed trails is shown on attached Exhibit B.

Garage / Parking Standards

All garage and parking standards established in the City of Bastrop Code of Zoning Ordinances shall apply.

Fencing

All lots that back onto parks or floodplain areas shall utilize 6 foot, wrought iron or decorative tubular metal view fencing.

Flag Lots

In order to provide a legal lot for the detention ponds [if necessary] within the Piney Creek Bend subdivision, the minimum flag lot width shall be fifteen (15) feet. This provision shall not apply to residential lots.

Part 4: If any provision of this ordinance or application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions, or application thereof, of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are hereby declared to be severable.

Part 5: 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 January 2016.

READ and APPROVED on the Second Reading on the ___ day of January 2016.

APPROVED:

ATTEST:

Kenneth W. Kesselus, Mayor
Mayor

Ann Franklin
City Secretary

EXHIBIT A
CENTRAL TEXAS SURVEYING

PROFESSIONAL LAND SURVEYING
ROBERT C. STEUBING OWNER

517 BARTSCH LANE • RED ROCK, TEXAS 78662 • PHONE (512) 581-4345 • FAX (512) 581-4360

EXHIBIT "A"

LEGAL DESCRIPTION

BEING A 90.91 ACRE TRACT OF LAND IN THE BASTROP TOWN TRACT, ABSTRACT NUMBER 11, CITY OF BASTROP, BASTROP COUNTY, TEXAS, SAID 90.91 ACRE TRACT OF LAND BEING ALL OF THOSE TWO TRACTS OF LAND DESCRIBED AS TRACT TWO: 48.2 ACRES OF LAND AND TRACT THREE: 38 ACRES OF LAND DESCRIBED TO WILLIAM EDWARD MAYNARD, III IN THAT CERTAIN WARRANTY DEED RECORDED IN VOLUME 1290, PAGE 821, OF THE OFFICIAL RECORDS OF BASTROP COUNTY, TEXAS, LESS AND EXCEPT THAT CALLED 0.2013 ACRES OF LAND DESCRIBED TO COUNTY OF BASTROP IN THAT CERTAIN WARRANTY DEED AS RECORDED IN VOLUME 326, PAGE 256, DEED RECORDS BASTROP COUNTY, TEXAS, SAID 90.91 ACRE TRACT OF LAND BEING ALSO COMPRISED OF ALL OF THAT CALLED 0.2 ACRES OF LAND DESCRIBED TO WILLIAM EDWARD MAYNARD III IN THAT CERTAIN WARRANTY DEED AS RECORDED IN VOLUME 163, PAGE 284, DEED RECORDS BASTROP COUNTY, TEXAS, SAID 90.91 ACRE TRACT OF LAND SHOWN ON THE ATTACHED SKETCH MARKED EXHIBIT "B" AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½" iron rod set at a concrete monument found lying at the base of a railroad tie post for the northwest corner of the herein described 90.91 acres of land and the said 48.2 acre tract of land, same being the northeast corner of that called 58.74 acre tract of land described to Kermit W. Fox in that certain Contract of Sale and Purchase, Texas Veterans Land Program, recorded in Volume 153, Page 249, of the Deed Records of Bastrop County, Texas and the apparent southeast corner of that called 5 acre tract of land described to Woodrow Charles Froehlich in that certain Warranty Deed recorded in Volume 203, Page 9, of the Deed Records of Bastrop County, Texas and the apparent southwest corner of and remainder of that called 41.27 acre tract of land described to Clarence E. Dolgener and wife, Hulda Dolgener and Robert E. Willenberg and wife, Emilie Willenberg in that certain Warranty Deed recorded in Volume 158, Page 194, of the Deed Records of Bastrop County, Texas;

THENCE along the common dividing line of said 48.2 acre tract of land, said 38 acre tract of land and the said Dolgener 41.27 acre tract of land and that called 111 acre tract of land described to John Odom and wife, Kelley Odom in that certain Warranty Deed recorded in Volume 155, Page 184, of the Deed Records of Bastrop County, Texas, the following six courses:

- 1) North 90°00'00" East, passing at a distance of 971 feet the occupied right of way line of Reids Bend Road, continuing and within the bounds of said road a **Total Distance** of 1181.11 feet to a cotton gin spindle set within the margins of said road for an ell corner of the herein described 90.91 acres of land, same being the northwest corner of the said 0.2013 acres of land;
- 2) South 00°00'00" East, along the west line of said 0.2013 acres of land and through said 38 acres of land a distance of 25.26 feet to a ½" iron rod set in the occupied south line of said Reids Bend Road for an interior angle corner of the herein described 90.91 acres of land and the southwest corner of the said 0.2013 acres of land;
- 3) South 83°00'34" East, along the south line of said 0.2013 acres of land and through said 38 acres of land a distance of 125.78 feet to a ½" iron rod set for an interior angle corner of the herein described 90.91 acres of land, same being an exterior angle corner of the said 0.2013 acres of land;
- 4) South 90°00'00" East, along the south line of said 0.2013 acres of land and through said 38 acres of land a distance of 135.58 feet to a point in the center of Piney Creek for an interior angle corner of the herein described 90.91 acres of land, same being southeast corner of the said 0.2013 acres of land;

EXHIBIT A
CENTRAL TEXAS SURVEYING

PROFESSIONAL LAND SURVEYING
ROBERT C. STEUBING OWNER

517 BARTSCH LANE • RED ROCK, TEXAS 78862 • PHONE (512) 581-4345 • FAX (512) 581-4360
(BEING A 90.91 ACRE TRACT OF LAND IN THE BASTROP TOWN TRACT,
ABSTRACT NUMBER 11, CITY OF BASTROP, BASTROP COUNTY, TEXAS)

- 5) North 33°05'00" East, with the center of Piney Creek a distance of 48.41 feet to a point in the margins of said Reids Bend Road for an exterior angle corner of the herein described 90.91 acres of land, same being the northeast corner of the said 0.2013 acres of land and a point on the south line of the said 111 acres of land;
- 6) North 90°00'00" East, within the margins of said Reids Bend Road a distance of 286.01 feet to a ½" iron rod set for the northeast corner of the herein described 90.91 acres of land, same being a point on the south line of the said 111 acres of land and the projected west line of Carter Street (Right of Way 55.56 feet);

THENCE South 00°30'00" East, along the common dividing line of the said 38 acres of land the said 48.2 acres of land and the west line of the said Carter Street a distance of 2244.75 feet ½" iron rod set for the southeast corner of the herein described 90.91 acres of land, same being at the intersection of the west line of Carter Street with the north line of the Missouri, Kansas and Texas Railroad (55.56 feet Right of Way width) for the southeast corner of said 48.2 acre tract of land;

THENCE coincident with the north line of the said railroad the following three (3) courses:

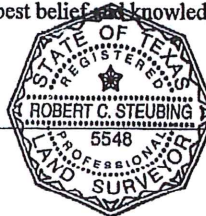
- 1) South 89°08'41" West, a distance of 1199.85 feet to a point in the center of Piney Creek, for an ell corner of the herein described 90.91 acres of land, same being the transition point in the north right of way line of said railroad right of way width and the City Limits of the city of Bastrop and from this point a ½" iron rod set for reference to said creek bears North 89°08'41" East, a distance of 86.30 feet;
- 2) North 00°51'19" West, a distance of 22.22 feet to a point in said Piney Creek for a transition in the rail road right of way width to 100 feet and a point on the City limits;
- 3) South 88°57'39" West, passing a ½" iron rod set for reference to said creek at a distance of 92.05 feet, continuing for a **Total Distance** of 573.60 feet to a concrete monument found for the southwest corner of the herein described 90.91 acres of land and the southwest corner of the said Fox 58.74 acre tract of land;

THENCE North 00°00'00" West, along the common dividing line of said 48 acre tract of land and said 58.74 acre tract of land, a distance of 2250.76' feet to the **POINT OF BEGINNING**, and containing 90.91 acres of land, more or less, within these metes and bounds.

BASIS OF BEARINGS for this survey is the common dividing line of said Tract Two: 48.2 acres of land and said 58.74 acre tract of land between a ½" iron rod set for the northwest corner and a concrete monument found for the southwest corner of the said Tract Two: 48.2 acres of land as North 00°00'00" West as per Volume 93, Page 13, of the Deed Records of Bastrop County, Texas.

I, Robert C. Steubing, a Registered Professional Land Surveyor, do hereby certify that the above survey was made upon the ground, under my supervision on or about November, 2006 and is true and correct according to my best belief and knowledge.

Robert C. Steubing
Robert C. Steubing
Registered Professional Land Surveyor
State of Texas - No. 5548



06-06-07
Date

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS

Rose Pietsch

August 06, 2007 03:34:46 PM
KRISTAB FEE: \$24.00 BOOK: 1766 PAGE: 165-167
ROSE PIETSCH, County Clerk
Bastrop, Texas

Exhibit A-1

Piney Creek Bend Planned Development

A. Purpose and Intent

The Piney Creek Bend PD is composed of approximately 90.91 acres, as described in Exhibit D (Field Notes). The development of this property is planned as a high quality, residential community with multiple residential product types.

Piney Creek Bend has been designed to create a walkable, pedestrian friendly neighborhood. The contents of this PD further explain and illustrate the overall appearance and function desired for this community. A Land Use Plan (Exhibit B) and Conceptual Lot Layout (Exhibit C) are attached to illustrate the general community vision and design. The Conceptual Lot Layout depicts a mix of residential products and open space areas that are contemplated within the community.

B. Land Use Plan and Conceptual Lot Layout

The Conceptual Lot Layout (Exhibit C) is a schematic development plan intended to visually convey the design intent for the Piney Creek Bend community. The design of the community is not final, and is subject to refinement during the Preliminary and Final platting stages. This PD zoning document does not constitute plat or site plan approval of the attached plan.

Piney Creek Bend is composed of two single-family detached products. The project will include a cohesive network of open spaces, including parks, storm-water detention areas [if necessary], floodplain and trail corridors. The open space and trails system combined with the sidewalk network will be critical in establishing a walkable community.

The intent for this development is to save as many of the existing trees as possible. On each lot where native trees are not present or preserved in the front yard, the builder will install (2) - 2" caliper trees and 10 shrubs in the front yard during the construction of each residential unit. [No additional trees are required to be planted on a lot if at least two (2) native trees with a minimum diameter of 4" measured 18" above finished grade are preserved on the lot.]

C. Applicability and Base Zoning

All aspects regarding the development of this PD shall comply with the City of Bastrop Composite Zoning Ordinance, except as established in this exhibit, titled Exhibit A.

For the purpose of establishing development standards for the PD, base zoning districts have been selected from the Bastrop Composite Zoning Ordinance for the various residential products proposed within the PD.

- *For Lots 6,000 - 7,199 sf. - Urban 5*
- *For Lots 7,200 sf. and above - Suburban 6*

This PD allows the flexibility to mix the various residential products and define boundaries for each lot type during the platting process. Each plat submitted to the City will identify the type at the time of Final Plat submittal. In the case that this PD does not address a specific City requirement, the Bastrop Composite Zoning Ordinance shall apply. In the event of a conflict between this PD and the base-zoning district found in the Bastrop Composite Zoning Ordinance, the PD shall be the controlling document.

D. Residential Product Type Requirements

To ensure a variety and mix of residential product types within Piney Creek Bend, the following standards have been established:

1. Urban 5 (Single-Family Residential Detached) – 6,000 sf. lots
Minimum of 50 lots but no more than 60% of the total single-family lot count.
2. Suburban 6 (Single-Family Residential Detached) – 7,200 sf. lots
Minimum of 50 lots but no less than 40% of the single-family lot count.

To allow architectural consistency with locally prevalent and regionally appropriate architectural styles, roof pitches lower than 4:12 will be allowed within the PD.

E. Lot Design Standards

Piney Creek Bend will include a mix of residential product types and sizes. The detached residential products have been broken into two categories based upon lot width and area. Detailed design standards are included within this PD as Table 1, and are based upon the type of residential product being constructed.

Table 1 Development Standards

	<i>(Proposed PD Zoning)</i> Urban 5 **	<i>(Proposed PD Zoning)</i> Suburban 6 ***	<i>(Bastrop Zoning Ordinance)</i> SF-7
Lot Area (minimum)	6,000 sf.	7,200 sf.	7,000 sf.
Lot Width (minimum)	50 ft.	60 ft.	60 ft.
Lot Depth* (minimum)	110 ft.	120 ft.	110 ft.
Front Yard Setback (minimum)	20 ft.	20 ft.	25 ft.
Interior or Side Setback (minimum)	5 ft.	7.5 ft.	10 ft.
Exterior or Street Side Setback (minimum)	15 ft.	15 ft.	15 ft.
Rear Setback (minimum)	15 ft.	15 ft.	15 ft.
Max Height of Building	2.5 Stories	2.5 Stories	2.5 Stories
Max Lot Coverage	50%	50%	50%
Dwelling Unit Size (minimum)	1,000 sf.	1,200 sf.	1,000 sf.

* A maximum of 10% of the lots may be less than the required area due to the geometry of a cul-de-sac or other geographic feature.

** Corner lots shall be ten feet (10') wider to provide for the additional side setback.

*** Minimum of 50 lots but no more than 60% of the total single-family lot count

**** Minimum of 50 lots but no less than 40% of the single-family lot count

F. Garage / Parking Standards

All garage and parking standards established in the City of Bastrop Code of Zoning Ordinances shall apply.

G. Fencing

All lots that back onto parks or floodplain areas shall utilize 6 foot, wrought iron or decorative tubular metal view fencing.

H. Flag Lots

In order to provide a legal lot for the detention ponds [if necessary] within the Piney Creek Bend subdivision, the minimum flag lot width shall be fifteen (15) feet. This provision shall not apply to residential lots.

I. Trails and Parkland

A substantial portion of the site will be dedicated as parkland/open space and development of the site will include a trail system tying back into the sidewalks creating a network of pedestrian ways within the community that can ultimately be connected to and become a critical link in the regional trail system envisioned by the City. A proposed Land Use Plan with a schematic layout of proposed trails is shown on attached Exhibit B.

J. Street Standards

Right-of-way dedication for all public streets shall conform to current City regulations at the time of platting. Street widths shall be a minimum of 26' (twenty-six feet) face-of-curb to face-of-curb within the Piney Creek Bend subdivision. Cul-de-sacs shall have a minimum radius of 50' (fifty feet).

SOUTHWEST LAND SERVICES, INC.
 P.O. BOX 984 Leander, Texas 78641
 512.259.9000 southwestlandsgmail.com

PINEY CREEK BEND
EXHIBIT "B"
LAND USE PLAN

CARTER ENGINEERING SERVICES, INC.
 1200 THURSDAY CORP. CENTER, SUITE 100
 512-941-8119 (F) 512-942-6200

EnVision Design
 1200 THURSDAY CORP. CENTER, SUITE 100
 512-941-8119 (F) 512-942-6200



LEGEND

- TRAILS (dashed red line)
- EXISTING TREE COVERAGE (green leaf icon)
- RESIDENTIAL (yellow box)
- ROADS (grey box)
- DEVELOPMENT RESERVE (green box)



0 125 250
 SCALE: 1" = 125'-0"

This plan is conceptual. The street layout and lot divisions are subject to change. Other lot divisions may be shown by other lot maps. All lot divisions are subject to change. All lot divisions are subject to change. All lot divisions are subject to change.

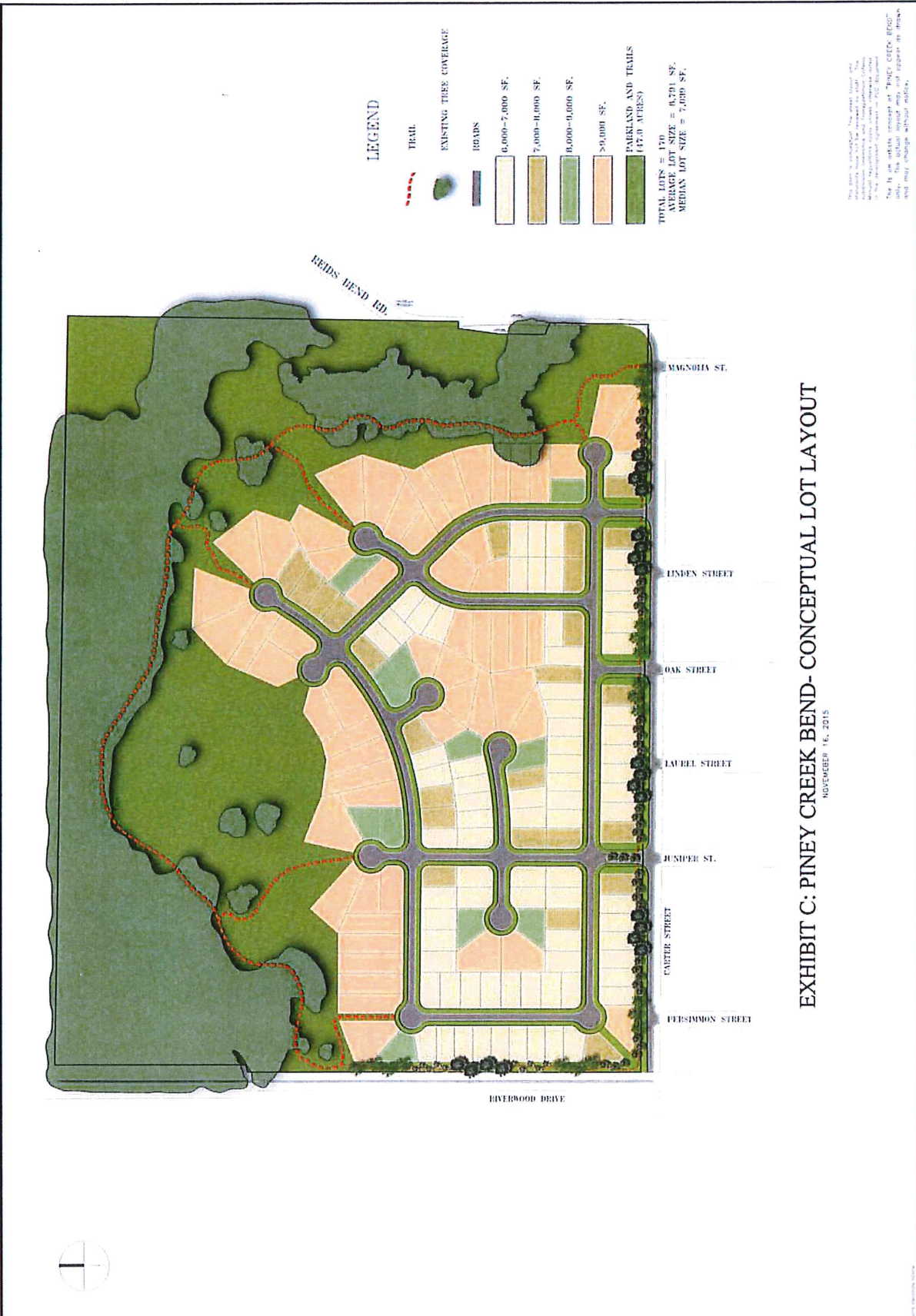
EXHIBIT B: PINEY CREEK BEND- LAND USE PLAN
 NOVEMBER 16, 2015

SOUTHWEST LAND SERVICES, INC.
 P.O. BOX 984 Leander, Texas 78641
 512.259.9000 Southwestern@swl.com

PINEY CREEK BEND
EXHIBIT "C"
CONCEPTUAL LOT LAYOUT

CARTEK ENGINEERING SERVICES, INC.
 2020 W. BRIDGES BLVD., SUITE 1000, AUSTIN, TEXAS 78758
 512.419.0818 / 512.412.5200
 www.cartek.com

ENVISION DESIGN
 7000 W. BRIDGES BLVD., SUITE 1000, AUSTIN, TEXAS 78758
 512.419.0818 / 512.412.5200
 www.envisiondesign.com



- LEGEND**
- TRAIL
 - EXISTING TREE COVERAGE
 - ROADS
 - 6,000-7,000 SF.
 - 7,000-8,000 SF.
 - 8,000-9,000 SF.
 - >9,000 SF.
 - PARKLAND AND TRAILS (47.0 ACRES)
- TOTAL LOTS = 170
 AVERAGE LOT SIZE = 8,201 SF.
 MEDIAN LOT SIZE = 7,000 SF.

EXHIBIT C: PINEY CREEK BEND- CONCEPTUAL LOT LAYOUT
 NOVEMBER 16, 2015

This plan is intended for informational purposes only. It is not a contract. The actual project may vary from the information contained herein. The information contained herein is for informational purposes only. It is not intended to be used for any other purpose. The information contained herein is for informational purposes only. It is not intended to be used for any other purpose. The information contained herein is for informational purposes only. It is not intended to be used for any other purpose.

City of Bastrop

Agenda Information Sheet:



City Council Meeting Date:

January 26, 2016

Public Notice Description:

Public hearing, discussion and possible action on an amendment to the Zoning Ordinance, Chapter 14, Section 36.2, Zoning Use Charts and A-3, Definitions regulating the movement of existing building(s) structure(s). Adopting a Conditional Use Permit (CUP) process within residential zoning classifications for relocation and rehabilitation of such moved buildings and amend Chapter 3, Building Regulations, Article 3.16.002 and 3.16.006.

Update:

This item was considered at the November 10, 2015 City Council meeting. At this meeting there was a lot of discussion. The first reading was approved by a vote 4-0, but staff has since clarified some of the language related to this item.

Notice was placed in the Bastrop Advertiser, Saturday, January 9, 2016 meeting ordinance requirements.

This is a new Public Hearing and First Reading.

Item Summary:

The City's zoning code does not currently speak to movement of existing single family structures within the city limits. This code amendment would amend the Zoning Ordinance and Chapter 3, Building Regulations to define "existing structures" and allow these uses with a Conditional Use Permit (CUP) within residential zoning classifications.

Background:

These code amendment changes are a result of discussions among staff, Construction Standards Board, and Planning and Zoning Commission. The Construction Standards Board met on April 21, 2015 to discuss changes and had a joint meeting with the Planning and Zoning Commission on May 28, 2015. The Construction Standards Board also met on October 1, 2015 and adopted the attached Resolution to support the changes to both the Zoning Ordinance and Building Regulations. This is a continuation of the discussion held by City Council at the November 10, 2015 meeting.

Code Amendments:

Chapter 14 Exhibit "A" of the Code of Ordinances of the City of Bastrop, Section 36.2, shall be, and is hereby, amended so that Section 36.2 shall be added hereafter read as follows:

SECTION 36.2 ZONING USE CHART – Primary Residential Uses

Primary Residential Uses	AOS	SF20	SF9	SF8	SF7	2F	SFA	MF1	MF2	MH	O	NS	GR	CBD	CF	CT	C-1	C-2	IP	LI	PD	MHO
Existing Residential Building(s)/ Structure(s) being "moved into/relocated" within the City	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>											<u>C</u>	<u>C</u>

Chapter 14, Exhibit A, Appendix A-3 of the Code of Ordinances of the City of Bastrop, shall be, and is hereby, amended to include the following definitions:

A-3 DEFINITIONS

EXISTING BUILDING(S)/STRUCTURE(S) – building(s)/structure(s) erected prior to the date of adoption of the currently applicable code and/or originally erected outside of the City's corporate limits. If such structure(s) is to be moved/placed within the City's corporate limits, then a CUP shall be required and must be obtained by the individual proposing to move the structure into the City corporate limits prior to moving same. The individual proposing to move and rehabilitate the structure into the City must additionally comply with all provisions of Chapter 3, Article 3.16, of the Code of Ordinances, governing "Moving of Structures."

Chapter 3, Building Regulations, Article 3.16, Moving of Structures, Demolition and Site Work, of the Code of Ordinances of the City of Bastrop, shall be, and is hereby, amended:

ARTICLE 3.16 MOVING OF STRUCTURES, DEMOLITION AND SITE WORK

Sec. 3.16.002 Standards for moving

(b) No moving permit shall be issued for an existing structure to be moved onto any property within the City's corporate limits from outside of the City unless the applicant first submits to the City Planning Department:

- (1) A certified third-party inspection of the condition of the existing structure;
- (2) Photographs of the existing buildings(s)/structure proposed to be moved and rehabilitated;
- (3) A detailed explanation of the proposed upgrades and other actions necessary to bring the existing structure up to all City requirements;
- (4) A site plan specifying where the existing building will be locate/placed during/after rehabilitation, and demonstrating that the proposed placement of the existing structure meets all existing City siting requirements; and.
- (5) A detailed explanation and request for any variances from the City's Ordinances required for the movement, relocation and/or rehabilitation of an existing structure.

(c) No moving permit shall be issued for an existing structure to be moved onto any property within the City's corporate limits from outside of the City unless the applicant first applies for and the City approves and issues a Conditional Use Permit ("CUP") pursuant to the process set forth in this Chapter and Chapter 14, Section 33.

(d) No substandard or unsafe or hazardous existing structure will be allowed or permitted to be moved into the City's corporate limits unless the City has first issued a CUP containing a specific finding that the structure can be can be adequately brought to a safe, nonhazardous condition meeting City standards.

(e) Permits to move a building or a structure into the city limits shall first meet all the requirements of the Zoning Ordinance and CUP.

Sec. 3.16.006 Moved buildings to comply with minimum building standards

(c) Time for compliance. All existing structures that are proposed to be moved or relocated into or within the City's corporate limits must be brought into compliance with City minimum building standards pursuant to a construction schedule that will be specified in the CUP, as set forth in subsection (d) below.

(d) Conditional Use Permit (CUP) For Existing Structures. No CUP for an existing structure shall be issued unless the applicant for submits a detailed construction schedule for the entire moving and/or rehabilitation process of the structure, submitted by the applicant to the Planning Department. Following the issuance of a CUP containing the approved construction schedule for the moving and renovation/rehabilitation process, the applicant shall submit a project status report to the Planning Department on a monthly basis. Failure to complete all required repairs or renovations will cause the building to be subject to: (1) Article 3.12 of the Code of Ordinances regarding abatement of substandard structures; and (2) upon determination of the Building Official that construction is not consistent with the schedule or other requirements set forth in the CUP, the City may require that by the City Planning Department of the building and clearing of the lot. No CUP shall be issued for an existing structure that authorizes a term of more than one (1) year for completion of the rehabilitation and repair and obtaining a certificate of occupancy for the structure.

(e) Enforcement. Absent a showing of good cause and receipt of a written exception issued by the City Planning Department, no rehabilitation or repair of an existing structure moved into the City's corporate limits subject to a CUP shall be completed later than one year following the issuance of a CUP for the structure. Any delay not caused directly by a force majeure event, as determined by the Building Official, shall be reviewed by the Director of Planning to determine whether the structure building has been abandoned or whether the developer/applicant is in breach of the terms of the CUP and, therefore, subject to enforcement proceedings by the City. Any individual or entity that obtains a permit and CUP for the rehabilitation of an existing building in the City, and subsequently fails to perform in accord with the applicable City Codes and/or the CUP conditions for the project to such an extent that the City finds it necessary to take any form of action to enforce same, shall be barred from seeking additional permits for moving and rehabilitating existing buildings in the City for a minimum period of five (5) years from the date the City commences efforts to enforce the City's Code and CUP on the prior project.

Staff Recommendation: Staff recommends the above changes to Zoning Ordinance Section 36.2 and A-3, Definitions and Chapter 3, Building Regulations.

Planning and Zoning Commission Recommendation:

The Planning and Zoning Commission conducted a public hearing October 29, 2015 and unanimously voted six (6) in favor to recommend approval of the changes to Zoning Ordinance Section 36.2 and A-3, Definitions, adopt a Conditional Use Permit process and amend Chapter 3, Building Regulations.

City Contact:

Melissa M. McCollum, AICP, LEED AP - Director
Planning and Development

Attachments:

Resolution

RESOLUTION NO. 2015-_____

WHEREAS, the Construction Standards Board formally presents the following Resolution of support for code changes to amend Chapter 3 Building Regulations, Article 3.16 and Chapter 14, Section 36 of the Zoning Ordinance to the Planning and Zoning Commission for a recommendation to City Council; and

WHEREAS, the Construction Standards Board held and discussed issues regarding moving/relocating existing structures during their regularly scheduled individual board meetings on April 21, 2015; and

WHEREAS, the Construction Standards Board had a joint meeting with the Planning and Zoning Commission May 28, 2015 discuss possible ordinance changes; and

WHEREAS, the Construction Standards Board on October 1, 2015 voted to establish an amendment to require a Condition Use Permit (CUP) to move an existing structure within the city limits; and

WHEREAS, the Construction Standards Board asks for Council's consideration and approval of a City initiated amendment to Chapter 3 Building Regulations, Article 3.16 and Chapter 14, Section 36 of the Zoning Ordinance; and

WHEREAS, the Construction Standards Board met and as a part of the Conditional Use Permit (CUP) process the applicant shall submit pictures of the buildings/structures to be moved. Such pictures shall include all views of the buildings/structures so it can be determined what is being moved into the City. It shall include a certified inspection

on the condition of the structure. Also an artistic or architectural rendition (site plan) showing the proposed finished building and site at the completion of the project which will show where the building will be located/placed meeting setbacks etc.; and

WHEREAS, building permits shall be applied for to show what is to be done to upgrade and bring the building up to City Building Code requirements as well as to comply with the granted CUP; and

WHEREAS, the residential CUP will require a schedule of the complete project from start of the move to the completion of the project and request for a Certificate of Occupancy; and

WHEREAS, during the remodel/construction period, the schedule shall be updated monthly. Any extended delay of non-substantial progress as determined by the Building Official shall be reviewed to determine if the building is being abandoned or stalled in construction indefinitely; and

WHEREAS, such a ruling will require removal from the City and/or demolition of the building and clearing of the lot; and

WHEREAS, such a project is expected to be done in one year excluding valid weather delays. Any project expected to exceed this expectation shall include a very detailed schedule with explanations for the long term construction; and

NOW, THEREFORE BE IT RESOLVED, that the Staff and the Construction Standards Board hereby formally urges and requests the Planning and Zoning Commission and City Council accept the Resolution to amend Article 3.16 and Chapter 14, Section 36 to require an approved Conditional Use Permit (CUP) before allowing the moving/relocation of existing structures into the city limits.

Passed and Approved this 1st day of October, 2015.


Charles Schroeder, Chair Construction Standards Board

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: January 20, 2016

MEETING DATE: January 26, 2016

1. Agenda Item: **FIRST READING OF AN ORDINANCE OF THE CITY OF BASTROP AMENDING THE ZONING ORDINANCE, CHAPTER 14, SECTION 36.2, ZONING USE CHARTS AND A.3 DEFINITIONS REGULATING THE MOVEMENT OF EXISTING BUILDING(S)/STRUCTURE(S); ADOPTING A CONDITIONAL USE PERMIT PROCESS WITHIN RESIDENTIAL ZONING CLASSIFICATIONS FOR RELOCATION AND REHABILITATION OF SUCH MOVED BUILDINGS; AMENDING CHAPTER 3, "BUILDING REGULATIONS" ARTICLE 3.16.002 AND 3.16.006; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

2. Party Making Request: **Melissa McCollum, Director of Planning and Development**

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

This item was considered at the November 10, 2015 City Council meeting. At this meeting there was a lot of discussion. The first reading was approved by a vote 4-0, but staff has since clarified some of the language related to this item.

4. Policy Implication: _____

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

6. Alternate Option/Costs: _____

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

8. Staff Recommendation: **Staff recommends the changes to Zoning Ordinance Section 36.2and A-3, Definitions, adopting a Conditional Use Permit process and amend Chapter 3, Building Regulations.**

9. Advisory Board Recommendation: XX Recommended Approval ___ Denial ___ None

The Planning and Zoning Commission conducted a public hearing October 29, 2015 and unanimously voted six (6) in favor to recommend approval of the changes to Zoning Ordinance Section 36.2and A-3, Definitions, adopting a Conditional Use Permit process and amend Chapter 3, Building Regulations.

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

11. Motion Requested **Recommend approval of the first reading.**

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BASTROP AMENDING THE ZONING ORDINANCE, CHAPTER 14, SECTION 36.2, ZONING USE CHARTS AND A.3 DEFINITIONS REGULATING THE MOVEMENT OF EXISTING BUILDING(S)/STRUCTURE(S); ADOPTING A CONDITIONAL USE PERMIT PROCESS WITHIN RESIDENTIAL ZONING CLASSIFICATIONS FOR RELOCATION AND REHABILITATION OF SUCH MOVED BUILDINGS; AMENDING CHAPTER 3, "BUILDING REGULATIONS" ARTICLE 3.16.002 AND 3.16.006; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the maintenance and enforcement of certain minimum building and safety standards governing the relocation and rehabilitation of existing residential structures onto property that is in the corporate limits of the City is governed by the City of Bastrop's Zoning Ordinance and Building Regulations and is in the interest of the health, safety and welfare of the citizens of the City of Bastrop; and

WHEREAS, the Council finds that citizens of the City of Bastrop would be best served by amending Chapters 14 and 3 of the Bastrop Code of Ordinances to prohibit the movement of substandard existing single family structures into the City's corporate limits unless such structures are rehabilitated to meet all applicable safety and building regulations, under reasonable conditions and stipulations that are to be determined by the City's Planning and Zoning Commission and/or the City Council, on a case-by-case basis; and

WHEREAS, this Ordinance amends Chapter 14, the Zoning Ordinance, and Chapter 3, the City's Building Regulation Ordinance, to further regulate the movement and rehabilitation of "existing structures" into the City's residential zoning districts, and subjects these relocated structures to the requirements of a Conditional Use Permit ("CUP"); and

WHEREAS, the City Staff prepared recommendations for such Code amendments and presented them to the Construction Standards Board on April 21, 2015; and

WHEREAS, the City Construction Standards Board and the Planning and Zoning Commission held a joint public meeting on May 28, 2015, to discuss the proposed amendments to the Zoning Ordinance and Building Code noted herein; and

WHEREAS, subsequently, after concluding that a change to the City's regulations related to such relocated structures would be beneficial to the City and its citizens, the Construction Standards Board held a public meeting on October 1, 2015 and adopted the attached "Exhibit A" Resolution in support of the amendments to both Chapter 14, the Zoning Ordinance and Chapter 3, the City's Building Regulations; and

WHEREAS, the Planning and Zoning Commission conducted a public hearing on October 29, 2015 and unanimously recommended that the City Council approve amendments to the City's Zoning Ordinance and Building Regulations to further regulate the movement and rehabilitation of "existing structures" that are relocated into the City within residential zoning districts, and to subject such structures to the requirements of a CUP; and

WHEREAS, after careful evaluation of the recommendations of the Construction Standards Board and the Planning and Zoning Commission concerning these matters, and after hearing the input from the City’s staff and the public concerning same, the Council concurs with the recommendations made and desires to amend the City’s Code of Ordinances as noted herein , to put additional requirements and conditions on the moving and rehabilitation of existing structures in residential zoning districts within the City of Bastrop, for the protection of the health, safety and welfare of the Citizens of the City.

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

Part 1: Chapter 14 Exhibit “A” of the Code of Ordinances of the City of Bastrop, Section 36.2, shall be, and is hereby, amended so that Section 36.2 shall hereafter read as follows:

SECTION 36.2 ZONING USE CHART – Primary Residential Uses

Primary Residential Uses	AOS	SF20	SF9	SF8	SF7	2F	SFA	MF1	MF2	MH	O	NS	GR	CBD	CF	CT	C-1	C-2	IP	LI	PD	MHO
Existing Residential Building(s)/ Structure(s) being “moved into/relocated” within the City	C	C	C	C	C	C	C	C	C	C											C	C

Part 2: Chapter 14, Exhibit A, Appendix A-3 of the Code of Ordinances of the City of Bastrop, shall be, and is hereby, amended to include the following definitions:

A-3 DEFINITIONS

EXISTING BUILDING(s)/STRUCTURE(s) – building(s)/structure(s) erected prior to the date of adoption of the currently applicable code and/or originally erected outside of the City’s corporate limits. If such structure(s) is to be moved/placed within the City’s corporate limits, then a CUP shall be required and must be obtained by the individual proposing to move the structure into the City corporate limits prior to moving same. The individual proposing to move and rehabilitate the structure into the City must additionally comply with all provisions of Chapter 3, Article 3.16, of the Code of Ordinances, governing “Moving of Structures.”

Part 3: Chapter 3, Building Regulations, Article 3.16, Moving of Structures, Demolition and Site Work, of the Code of Ordinances of the City of Bastrop, shall be, and is hereby, amended to hereafter read as follows:

ARTICLE 3.16 MOVING OF STRUCTURES, DEMOLITION AND SITE WORK

Sec. 3.16.002 Standards for moving existing buildings and existing structures.

(b) No moving permit shall be issued for an existing structure to be moved onto any property within the City's corporate limits from outside of the City unless the applicant first submits to the City Planning Department:

- (1) A certified third-party inspection of the condition of the existing structure;
- (2) Photographs of the existing buildings(s)/structure proposed to be moved and rehabilitated;
- (3) A detailed explanation of the proposed upgrades and other actions necessary to bring the existing structure up to all City requirements;
- (4) A site plan specifying where the existing building will be locate/placed during/after rehabilitation, and demonstrating that the proposed placement of the existing structure meets all existing City siting requirements; and.
- (5) A detailed explanation and request for any variances from the City's Ordinances required for the movement, relocation and/or rehabilitation of an existing structure,

(c) No moving permit shall be issued for an existing structure to be moved onto any property within the City's corporate limits from outside of the City unless the applicant first applies for and the City approves and issues a Conditional Use Permit ("CUP") pursuant to the process set forth in this Chapter and Chapter 14, Section 33.

(d) No substandard or unsafe or hazardous existing structure will be allowed or permitted to be moved into the City's corporate limits unless the City has first issued a CUP containing a specific finding that the structure can be can be adequately brought to a safe, nonhazardous condition meeting City standards.

(e) Permits to move a building or a structure into the city limits shall first meet all the requirements of the Zoning Ordinance and CUP.

Sec. 3.16.003-3.16.005

[no changes]

Sec. 3.16.006 Moved buildings to comply with minimum building standards

(c) Time for compliance. All existing structures that are proposed to be moved or relocated into or within the City's corporate limits must be brought into compliance with City minimum building standards pursuant to a construction schedule that will be specified in the CUP, as set forth in subsection (d) below.

(d) Conditional Use Permit (CUP) For Existing Structures. No CUP for an existing structure shall be issued unless the applicant for submits a detailed construction schedule for the entire moving and/or rehabilitation process of the structure, submitted by the applicant to the Planning Department. Following the issuance of a CUP containing the approved construction schedule for the moving and renovation/rehabilitation process, the applicant shall submit a project status report to the Planning Department on a monthly basis. Failure to complete all required repairs or renovations will cause the building to be subject to: (1) Article 3.12 of the Code of Ordinances regarding abatement of substandard structures; and (2) upon determination of the Building Official that construction is not consistent with the schedule or other requirements set forth in the CUP, the City may require that by the City Planning Department of the building and clearing of the lot. No CUP shall be issued for an existing structure that authorizes a term of more than one (1) year for completion of the rehabilitation and repair and obtaining a certificate of occupancy for the structure.

(e) Enforcement. Absent a showing of good cause and receipt of a written exception issued by the City Planning Department, no rehabilitation or repair of an existing structure moved into the City's corporate limits subject to a CUP shall be completed later than one year following the issuance of a CUP for the structure. Any delay not caused directly by a force majeure event, as determined by the Building Official, shall be reviewed by the Director of Planning to determine whether the structure building has been abandoned or whether the developer/applicant is in breach of the terms of the CUP and, therefore, subject to enforcement proceedings by the City. Any individual or entity that obtains a permit and CUP for the rehabilitation of an existing building in the City, and subsequently fails to perform in accord with the applicable City Codes and/or the CUP conditions for the project to such an extent that the City finds it necessary to take any form of action to enforce same, shall be barred from seeking additional permits for moving and rehabilitating existing buildings in the City for a minimum period of five (5) years from the date the City commences efforts to enforce the City's Code and CUP on the prior project.

Part 4: The City Manager and/or his designees are hereby authorized and directed to make the necessary changes to all records of the City of Bastrop to reflect this amendment.

Part 5: All ordinances and resolutions, or parts of ordinances and resolutions, in conflict with this Ordinance are hereby repealed, and are no longer of any force and effect. If any provision of this ordinance or application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions, or application thereof, of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are hereby declared to be severable.

Part 6: This Ordinance shall become effective in accordance with the City Charter and the laws of the State of Texas.

READ and ACKNOWLEDGED on First Reading on the ____ day of January, 2016.

PASSED and ADOPTED on Second Reading on the _____ day of _____, 2016.

APPROVED:

ATTEST:

Ken Kesselus
Mayor

Ann Franklin
City Secretary

EXHIBIT A

RESOLUTION NO. 2015-_____

WHEREAS, the Construction Standards Board formally presents the following Resolution of support for code changes to amend Chapter 3 Building Regulations, Article 3.16 and Chapter 14, Section 36 of the Zoning Ordinance to the Planning and Zoning Commission for a recommendation to City Council; and

WHEREAS, the Construction Standards Board held and discussed issues regarding moving/relocating existing structures during their regularly scheduled individual board meetings on April 21, 2015; and

WHEREAS, the Construction Standards Board had a joint meeting with the Planning and Zoning Commission May 28, 2015 discuss possible ordinance changes; and

WHEREAS, the Construction Standards Board on October 1, 2015 voted to establish an amendment to require a Condition Use Permit (CUP) to move an existing structure within the city limits; and

WHEREAS, the Construction Standards Board asks for Council's consideration and approval of a City initiated amendment to Chapter 3 Building Regulations, Article 3.16 and Chapter 14, Section 36 of the Zoning Ordinance; and

WHEREAS, the Construction Standards Board met and as a part of the Conditional Use Permit (CUP) process the applicant shall submit pictures of the buildings/structures to be moved. Such pictures shall include all views of the buildings/structures so it can be determined what is being moved into the City. It shall include a certified inspection

on the condition of the structure. Also an artistic or architectural rendition (site plan) showing the proposed finished building and site at the completion of the project which will show where the building will be located/placed meeting setbacks etc.; and

WHEREAS, building permits shall be applied for to show what is to be done to upgrade and bring the building up to City Building Code requirements as well as to comply with the granted CUP; and

WHEREAS, the residential CUP will require a schedule of the complete project from start of the move to the completion of the project and request for a Certificate of Occupancy; and

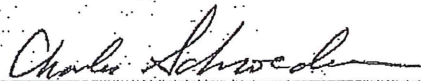
WEREAS, during the remodel/construction period, the schedule shall be updated monthly. Any extended delay of non-substantial progress as determined by the Building Official shall be reviewed to determine if the building is being abandoned or stalled in construction indefinitely; and

WHEREAS, such a ruling will require removal from the City and/or demolition of the building and clearing of the lot; and

WHEREAS, such a project is expected to be done in one year excluding valid weather delays. Any project expected to exceed this expectation shall include a very detailed schedule with explanations for the long term construction; and

NOW, THEREFORE BE IT RESOLVED, that the Staff and the Construction Standards Board hereby formally urges and requests the Planning and Zoning Commission and City Council accept the Resolution to amend Article 3.16 and Chapter 14, Section 36 to require an approved Conditional Use Permit (CUP) before allowing the moving/relocation of existing structures into the city limits.

Passed and Approved this 1ST day of October, 2015.



Charles Schroeder, Chair Construction Standards Board

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: January 21, 2016

MEETING DATE: January 26, 2016

1. Agenda Item: DISCUSSION, CONSIDERATION AND POSSIBLE ACTION ON THE RENTING OUT PROPERTY WEST OF THE BASTROP CONVENTION CENTER

2. Party Making Request: MAYOR KEN KESSELUS

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

4. Policy Implication: _____

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

6. Alternate Option/Costs: _____

7. Routing:	<u>NAME/TITLE</u>	<u>INITIAL</u>	<u>DATE</u>	<u>CONCURRENCE</u>
a)	_____	_____	_____	_____
b)	_____	_____	_____	_____
c)	_____	_____	_____	_____

8. Staff Recommendation:

9. Advisory Board: _____ Approved _____ Disapproved _____ None

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

11. Motion Requested _____

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: January 21, 2016

MEETING DATE: January 26, 2016

1. Agenda Item: DISCUSSION REGARDING PRESENCE OF THREE COUNCIL MEMBERS ON THE BASTROP ECONOMIC DEVELOPMENT BOARD.

2. Party Making Request: MAYOR KEN KESSELUS

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

4. Policy Implication: _____

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

6. Alternate Option/Costs: _____

7. Routing:	<u>NAME/TITLE</u>	<u>INITIAL</u>	<u>DATE</u>	<u>CONCURRENCE</u>
a)	_____	_____	_____	_____
b)	_____	_____	_____	_____
c)	_____	_____	_____	_____

8. Staff Recommendation:

9. Advisory Board: _____ Approved _____ Disapproved _____ None

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

11. Motion Requested _____

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: January 21, 2016

MEETING DATE: January 26, 2016

1. Agenda Item: Consideration, discussion and possible action regarding clarification of appointment for Jimmy Crouch to the Construction Standards Board.

2. Party Making Request: Mayor Kesselus

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

4. Policy Implication: _____

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

6. Alternate Option/Costs: _____

7. Routing:	<u>NAME/TITLE</u>	<u>INITIAL</u>	<u>DATE</u>	<u>CONCURRENCE</u>
a)	_____	_____	_____	_____
b)	_____	_____	_____	_____
c)	_____	_____	_____	_____

8. Staff Recommendation:

9. Advisory Board: _____ Approved _____ Disapproved _____ None

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

11. Motion Requested _____

To the City Council:

I seek your advice about a proposed effect on my part to retain Jimmy Crouch on the Construction Standards Board, despite indicating otherwise last year. This involves a somewhat peculiar set of circumstances as follows:

Mr. Crouch, who has lived in Bastrop for about 3 or 4 years, indicated to me last year that he wanted to be of service to the city on one of our boards. I determined that he is a citizen of high quality and sincere commitment, and looked into possible positions for him. Because he is involved in the construction business in several areas of the United States, I asked him to fill a vacant position on the Construction Standards Board. He agreed, I appointed him, and the council confirmed the appointment.

Shortly thereafter, a position came free on the Parks Board. I told Mr. Crouch that I thought his service on the Parks Board would be more valuable to the city, and he agreed to leave the Construction Standards Board and take a seat on the Parks Board. I indicated this to the council, appointed him to the Parks Board, and the council confirmed him.

Of note:

- Mr. Crouch is still officially on the Construction Standards Board. I thought that he had resigned from the Construction Standards Board when I appointed him to the Parks Board, however, in late December, the City Secretary informed me that we never received a resignation letter from Mr. Crouch for his position on the Construction Standards Board. (He and I apparently miscommunicated.)
- The City Secretary also informed me that when she checked with him about a resignation letter, he indicated that he would be willing to serve on both boards if needed.
- The Construction Standards Board Chair, Charlie Schroeder, told me that he would be very pleased to have Mr. Crouch remain on the board.

Furthermore:

- I told the council, when I appointed him to the Parks Board, that he would be leaving the Construction Standards Board. I want to figure out what to do about the misunderstanding.
- I am mindful of an important conversation the council engaged in during a time when only Council Member McAnally and I (of the present council) were on the council, involving having citizens serve on more than one board only in special circumstances.
- As far as I can tell, we only have 2 citizens in this position – Lisa Patterson, who serves on P&Z, is an ex-officio member of the Historic Landmark Commission, chosen by P&Z to fill that required position – and Dan Hays-Clark, who fills the “design professional” position on the Historic Landmark Commission and serves on the Zoning Board of Adjustment. In Dan’s case, he is uniquely qualified for the professional position on HLC and is a very key member of ZBA. This is why Mayor Orr appointed him to both positions, and it is why, I believe, that the council

confirmed both appointments. Ms. Patterson and Mr. Hays-Clark are also on the Form Base Code Task Force.

- I believe that Mr. Crouch is one of those individuals who needs to serve on both boards. He can serve well on the Parks Board and fill a unique professional position on the Construction Standard Board that requires specific technical experience among its members and which meets irregularly, as needed. Mr. Crouch's name has been temporarily removed from the Construction Standards Board on the web.

Conclusion:

Despite the fact that I had indicated to the council that Mr. Crouch would leave the Construction Standards Board, I think it is good that he is still on the board.

Advice

I seek your advice about taking advantage of the fact that he did not resign (due to our misunderstanding) and leave him on the Construction Standards Board rather than asking him to turn in the resignation I asked for last year and then appointing him again to the board.

Ken Kesselus

Mayor

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: January 21, 2016

MEETING DATE: January 26, 2016

1. Agenda Item: **FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS AMENDING CHAPTER 8 OF THE CITY CODE, ENTITLED "OFFENSES & NUISANCES," AND REVISING CERTAIN DEFINITIONS IN SECTION 8.07.001, AMENDING SECTION 8.07.003 ENTITLED "CARRYING IN CITY BUILDING OR VEHICLE", PROVIDING FOR PUBLICATION; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

2. Party Making Request: **MICHAEL H. TALBOT**

3. Nature of Request: (Brief Overview) Attachments: Yes X No _____
At the end of last year's State of Texas Legislative Session the Council was advised that the "State Legislature made several changes to the "State Law – Regarding Handguns". One of the changes was that a properly licensed person could carry either an open and/or concealed Hand-Gun into a City Council Meeting unless the "Governing Body" prohibited a properly licensed open or concealed hand gun into a Council meeting. It was my understanding that the Council did want to prohibit a properly licensed person from carrying either an open or concealed hand gun into a City Council meeting. The attached ordinance will prohibit such activity during a meeting of the City Council.

4. Policy Implication: _____

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

6. Alternate Option/Costs: _____

7. Routing:

	<u>NAME/TITLE</u>	<u>INITIAL</u>	<u>DATE</u>	<u>CONCURRENCE</u>
a)	_____	_____	_____	_____
b)	_____	_____	_____	_____
c)	_____	_____	_____	_____

8. Staff Recommendation:

9. Advisory Board: _____ Approved _____ Disapproved _____ None

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

11. Motion Requested _____

CITY OF BASTROP ORDINANCE NO. 2016 - 01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, AMENDING CHAPTER 8 OF THE CITY CODE, ENTITLED "OFFENSES & NUISANCES," AND REVISING CERTAIN DEFINITIONS IN SECTION 8.07.001, AMENDING SECTION 8.07.003 ENTITLED "CARRYING IN CITY BUILDING OR VEHICLE", PROVIDING FOR PUBLICATION; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, the City of Bastrop has the authority pursuant to Local Government Code, Section 229.001 and pursuant to the Texas Penal Code, Sections 46.035 and 30.05 through 30.07, to regulate the carrying of firearms on certain City premises; and

WHEREAS, the Texas Legislature has, from time to time, amended the scope of authority of Texas cities, such as the City of Bastrop, to regulate firearms; and

WHEREAS, the City Council has determined that portions of Section 8.07 of the Code of Ordinances should be amended to establish consistency with State law requirements, regarding the regulation of firearms, related to recent changes to State laws concerning same; and

WHEREAS, the City Council has determined that in order to ensure the health, safety and welfare of the citizens of the City of Bastrop, Texas, it is necessary to prohibit the carrying of firearms in City buildings and City owned and operated vehicles, with specific enumerated exceptions, to comply with recently amended State law.

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

Part 1: That Section 8.07.001 of the Code of Ordinances of the City of Bastrop, Texas, entitled "Definitions: is amended to read as follows:

Sec. 8.07.001 Definitions

As used in this article:

City building and city vehicle. Any building or portion of a building or any vehicle owned, occupied, leased, or under the authorized use or control of the city for city operations and activities. The term does not include any public or private driveway, street, sidewalk or walkway, parking lot, parking garage, or other parking area.

Gun, pistol, rifle, shotgun, and firearm. Any device designed, made, or adapted to expel a projectile through a barrel by using explosive energy generated by an explosion or burning substance, or any device readily convertible to that use, and shall include all air guns, air pistols, air rifles, and all other firearms using air pressure to propel a projectile. For purposes of this section, “taser” type weapons, crossbows, and bows and arrows are considered to be firearms.

Handgun. Any firearm that is designed, made, or adapted to be fired with one (1) hand.

Part 2: That Section 8.07.003 titled “Carrying in city building or city vehicle” of the Code of Ordinances of the City of Bastrop is amended to read as follows:

Sec. 8.07.003 Carrying in city building or city vehicle

- (a) It shall be unlawful for any person, other than a peace officer, while carrying a firearm, regardless of whether or not the person is duly licensed by the state to carry a handgun, to enter into or remain on the premises of:
- (1) Any city building that is utilized by a court, while carrying a firearm, unless written authorization is first obtained from the court;
 - (2) Any city building that is serving as a polling place on the day of an election or at any time while early voting is in progress in the city building; and
 - (3) Any city building in which a public meeting of the city is being held.

(b) It shall be unlawful for any person, other than a peace officer, who is not duly licensed by the state to carry a handgun, to enter into or remain on the premises of any city building or in a city vehicle while carrying a firearm.

(c) The city manager shall direct the city staff to:

- (1) Provide notice at all entries to all city buildings in the form and language prescribed by Chapter 30 of the Texas Penal Code, and as that Chapter may be amended from time to time, that entry into that city building is forbidden to any person carrying a firearm in accordance with this section.
- (2) Provide a notice to anyone who is found to be carrying a firearm in accordance with this Ordinance and applicable state law, to exit the city building and/or the city vehicle.

(d) This section does not apply to a peace officer or a commissioned security officer hired by or under contract with the city and acting within the scope of that employment, or to a peace officer of another unit of government lawfully acting within the scope of the peace officer's duties.

Part 3: All other provisions of Article 8.07 entitled "Firearms" shall remain in full force and effect.

Part 4: This Ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Bastrop, and this ordinance shall not operate to repeal or affect any of such other ordinances, except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any in such other ordinance or ordinances are superseded.

Part 5: If any provision of this Ordinance or application thereof to any person or circumstance, shall be held invalid, such invalidity shall not affect the other provisions, or application thereof, of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are hereby declared to be severable.

Part 6: The Mayor is hereby authorized to sign this ordinance and the City Secretary to attest. This Ordinance shall become effective and be in full force and effect in accordance with the provisions of the Charter of the City of Bastrop and State Law.

READ AND APPROVED, on FIRST READING, on this the 12th day of January 2016.

READ AND ADOPTED, on SECOND READING, on this the ___ day of _____ 2016.

ADOPTED:

Ken Kesselus, Mayor

ATTEST:

Ann Franklin, City Secretary

APPROVED AS TO FORM:

Jo-Christy Brown, City Attorney
Shan Rutherford, Esq.

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: January 21, 2016

MEETING DATE: January 26, 2016

1. Agenda Item: DISCUSSION ON ITEMS DISCUSSED AT THE JANUARY 23, 2016 COUNCIL RETREAT.

2. Party Making Request: CITY MANAGER MICHAEL H. TALBOT

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

4. Policy Implication: _____

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

6. Alternate Option/Costs: _____

7. Routing:	<u>NAME/TITLE</u>	<u>INITIAL</u>	<u>DATE</u>	<u>CONCURRENCE</u>
a)	_____	_____	_____	_____
b)	_____	_____	_____	_____
c)	_____	_____	_____	_____

8. Staff Recommendation:

9. Advisory Board: _____ Approved _____ Disapproved _____ None

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

11. Motion Requested _____

JANUARY 23, 2016 RETREAT TOPICS

- A. Baron de Bastrop Video – Stan Ginsel and BEDC
- B. Best practices for meetings – Katherine Ray
- C. Council meetings
- D. City Manager reports and questions:
 - Water
 - Waste water
 - Traffic
 - Comprehensive plan
 - Priorities for City Manager and staff
 - Issues related to the North Area of Town
 - City Manager’s contract
 - Staff Restructuring
 - Volume of Open Meeting and Open Records Requests
 - Police Department
 - The Y contract
 - Ally D and Main Street project
 - Other outstanding issues and projects

- E. Prioritized Items
 - i. Bond:
 - fire station;
 - street improvements;
 - infrastructure improvement need for infill development; and
 - other
 - ii. Possible extension/revision of the Bastrop Marketing Corporation
 - iii. Consideration of creating a Destination Marketing Organization
 - iv. Annexation Issues
 - v. City legal fees and consideration of hiring an in-house attorney
 - vi. Quality of Life Issues
 - vii. Consideration of issues regarding boards and commissions (other than diversity)
 - viii. Open Meetings Act and who gets to say what at Council meetings; Roles & Responsibilities of City Council and Mayor (review charter?)
 - ix. Applications of Rules for new projects and questions of whether we need to change any rules
 - x. Diversity on Boards, Commissions, committees, and task forces
 - xi. Team work between city council and staff

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: January 20, 2016

MEETING DATE: January 26, 2016

1. Agenda Item: **Consideration, discussion and Possible Action on 1-23-16 Council Retreat Agenda Items**

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

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

4. Policy Implication: _____

5. Budgeted: ___ Yes ___ No N/A

Bid Amount: _____

Budgeted Amount: _____

Under Budget: _____

Over Budget: _____

6. Alternate Option/Costs: _____

7. Routing: NAME/TITLE INITIAL DATE CONCURRENCE

a) _____

8. Staff Recommendation:

9. Advisory Board Recommendation: ___ **Recommended Approval** ___ Denial ___ None

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

11. Motion Requested:

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: January 22, 2016

MEETING DATE: January 26, 2016

1. Agenda Item: PRESENTATION AND DISCUSSION REGARDING THE PROPOSED "PUBLIC IMPROVEMENT DISTRICT" FOR THE XS RANCH PROJECT.

2. Party Making Request: Michael H. Talbot

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

The progress on creating a "Public Improvement District" for the XS Ranch Project has been moving forward and I anticipate in a few weeks officials from XS Ranch will be requesting that the City Council commence taking the necessary steps to create the "Public Improvement District" [PID] as well as issue bonds associated with [PID]. I wanted to take this opportunity to review and discuss with the Council what type of documents you will be asked approve and what to these documents mean to the City. In that regard I have asked Mr. Dan Wegmiller the City's Financial Advisor and Mr. Bart Fowler to provide a presentation to the Council in more detail what you'll be dealing with and being requested to approve as it relates to the creation of PID at XS Ranch.

4. Policy Implication: _____

5. Budgeted: _____ Yes _____ No N/A

Bid Amount: _____

Budgeted Amount: _____

Under Budget: _____

Over Budget: _____

Amount Remaining: _____

6. Alternate Option/Costs: _____

7. Routing: NAME/TITLE INITIAL DATE CONCURRENCE

a) _____

b) _____

c) _____

8. Staff Recommendation:

9. Advisory Board: _____ Approved _____ Disapproved _____ None

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

11. Motion Requested: This is an informational item only and no action or motion is being requested at this time.

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: January 22, 2016

MEETING DATE: January 26, 2016

1. Agenda Item: REVIEW AND DISCUSSION REGARDING A PRESENTATION BY REPRESENTATIVES OF THE 1832 FARMERS MARKETS REGARDING THE 1832 FARMERS MARKET LOCATED ON CITY PROPERTY ADJACENT TO THE BASTROP CONVENTION CENTER.

2. Party Making Request: Michael H. Talbot

3. Nature of Request: (Brief Overview) Attachments: Yes x No _____
Ms. Erika Bradshaw a representative of the 1832 Farmers Market Organization has requested an opportunity to make a presentation to the City Council regarding the current operations of the 1832 Farmers Market. The 1832 Farmers Market organization currently has a month to month lease to operate a Farmers Market on City property which is adjacent to the Bastrop Convention Center.

4. Policy Implication: _____

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

6. Alternate Option/Costs: _____

7. Routing:	<u>NAME/TITLE</u>	<u>INITIAL</u>	<u>DATE</u>	<u>CONCURRENCE</u>
a)	_____	_____	_____	_____
b)	_____	_____	_____	_____
c)	_____	_____	_____	_____

8. Staff Recommendation:

9. Advisory Board: _____ Approved _____ Disapproved _____ None

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

11. Motion Requested: This is an informational item only and no action or motion is being requested at this time.

Jan. 6, 2016

Mike Talbot,

Bastrop Farmers' Market requests
to be put on the docket for the near
future to discuss the operation,
policies and over-view regarding the
Farmers Market utilization of city property

Emka A Brackshaw
(512) 360-4799

2 MARKETS EQUIVALENT TO BASTROP 1832

PLUGERVILLE - POP 54,000

- OPENED ~~12~~ 4 YRS MAY → OCT. CITY BLDG.
- START w/ @ 20 VENDORS, END w/ @ 10
- 2 VENDOR REPRESENTATION / SPECIALTY
- ~~NO~~ LIMIT ON AGRICULTURE
- REIMBURSE VENDORS FOR LICENSES
- OPEN 1 DAY / WK
- * MAIN VENDOR COMPLAINT - MORE CUSTOMERS, ↑ \$
- NO COMMUNITY CONTRIBUTION

DRIPPING SPRINGS - POP 4500

- RE-OPENED 6 YRS YEAR ROUND PARK #290
- 25 - 30 VENDORS, LOSE MOST FARMERS AUG-MAR
- BOARD DESIGNATES QUANTITY OF SPECIALTIES
- OPEN 1 DAY / WK.
- MANAGER SALARY FROM VENDOR FEES
- NO COMMUNITY CONTRIBUTIONS
- * MAIN VENDOR COMPLAINTS - MORE CUSTOMERS, MORE SALES

SMALLER AREA MARKETS

- ELGIN
- GIDDINGS
- LAGRANGE
- WIMBERLY
- ROUND ROCK
- GEORGETOWN
- SUN CITY
- CALDWELL

} ALL SEASONAL
 2 TO VENDORS
1 DAY / WK

10-10-2015

Dear Patty,

I am deeply troubled and saddened that you left the market yesterday. I heard everything you said and can't help but think you have issues outside the market making you this upset. The entire market's sales are way down, not just yours. Without a strong showing of vegetables less people come to the market, which will pick back up soon and return things to normal.

You need to understand that a lot of thought went into the decision of allowing Granny's Garden to bring their beef to the market; it was neither a rash nor vindictive move. We all felt you have a strong enough customer base to introduce a new beef vendor--and you DO. Your customers are very loyal to you even if a few decide to try their meat as well, which is their right. Even on the Saturday you were absent they only sold \$150, meaning your customers would prefer to await your return. EVERYONE'S sales are down, not just yours, but as the Holidays approach and veggies return things will bounce back--they always do.

Yes, last year was a banner year, but I knew that level of increase would slow from time to time. We are and always will be a market in a small town with your impressive sales average the highest in the market. No one here is happy about the slump, but it will pass and your business here will continue to thrive.

I must add that your complaints and dissatisfaction related to our customers has not helped your cause and is a highly unprofessional way of conducting business.

To be fair, it was always stated that a second meat vendor could be added down the line. You repeatedly stated that you had no objections, yet I turned away two requests this year. Seven and one-half years later you have a strong enough following for this to occur. Granny's was here over 3 months before we even knew they had beef, at which time they were already established in their spot up front. Inside spots go to those selling both days, a policy held since day one. They did not "sneak in", nor were there thoughts at the time of beef sales. Mike and Diana are good, hard-working people who are also trying to help us build the market and make a living in this difficult line of work.

I sincerely hope you will reconsider leaving us, as you are a valued vendor. There is no benefit for you to lose your retail venue, please stick it out with the rest of us as all will return to good soon enough. The market will continue on either way but is much better with Bastrop Cattle as part of our family.

Sincerely,

Erika Bradshaw

Community Outreach

Bastrop Sustainable Agricultural Community (BSAC), a non-profit 501 (C) 3 Corporation DBA the Bastrop 1832 Farmers Market also contributes to a number of community causes:

- Accepts the **Texas Lone Star Card** program at market to help feed our hungry neighbors
- **Donates hundreds of pounds of fresh vegetables each year** to the **Bastrop Country Emergency Food Pantry** from our **Demonstration & Giving Garden** planted on the market grounds
- Supports the **Friends of the Bastrop County Animal Shelter** with **Doggie Adoption Days at Market** several times a year
- Supports **Bastrop Cats Anonymous TRN Society** with **Cat Adoption & Fund Raising events**
- Sponsors the **Annual Harvest Art Fest** on market grounds Thanksgiving, featuring a 2 day Arts & Crafts fair with almost 50 vendors. Out of town vendors (Heads & Beds) occupy many seats in restaurants
- Holds **Monthly Cooking Demonstrations** featuring what's in season to show customers how to prepare fresh vegetables with samples to taste and recipes to take home
- Dispenses **Free literature and Advice** about healthy eating and gardening concerns/problems
- **Advertises for and gives cash donations** to other non-profits to help the victims of the **Lost Pines Fires, CASA, The Empty Bowl Project, Bastrop Lost Pines Arts, and others**

Business Memberships include:

- Bastrop Chamber of Commerce
- Smithville Chamber of Commerce
- Texas Department of Agriculture Certified Farmers Market
- Texas Department of Agriculture Go Texan Program
- Texas Farmers Markets Association
- Farm & Ranch Freedom Association

Local Advertising includes:

- Dine Shop Local Magazine
- KOA Magazine
- Chamber publications including the Bastrop Map
- Bastrop Advertiser
- Smithville Times

Media outlets include:

- Website: www.bastrop1832farmersmarket.org
- Face Book: <https://www.facebook.com/Bastrop-1832-Farmers-Market-118950738119102/>
- Face Book Group: <https://www.facebook.com/groups/Bastrop1832FarmersMarket/>
- Twitter: <https://twitter.com/bastrop1832>
- Pinterest: <https://www.pinterest.com/dlpr/bastrop-1832-farmers-market/>

Submitted on January 6, 2016 by Dolores Svoboda Leeper
Secretary/Treasurer
Bastrop 1832 Farmers Market

Rec'd -
1-6-16

Year 2015 Report

Bastrop 1832 Farmers Market

Opened in May, 2008, The **Bastrop 1832 Farmers Market** is a project of the **Bastrop Sustainable Agricultural Community (BSAC)**, a non-profit 501 (C) 3 corporation.

Our Mission includes operating the **Bastrop 1832 Farmers Market** to provide Bastrop and the surrounding region with locally grown foods and farm products in a direct farm-to-consumer marketing that serves a diverse population, preserves and promotes our local agriculture and improves the quality of life in the greater Bastrop county area. We provide a market designed for farmers and artisans, including those who are economically disadvantaged, to sell their farm and ranch products, artisan goods, prepared foods, and other handmade products.

Farmers markets bring business to neighboring stores and communities where the market is located. Spending money at farmers markets keeps monies in circulation within the local community. A series of case studies by Civic Economics shows that for every dollar spent at a large chain store, only 15 cents stays in the area, while locally owned enterprises like a farmers market retains 30 to 45 cents of every dollar spent in the area.

Since the Bastrop 1832 Farmers Market began in May 2008, our vendor sales have contributed nearly \$1.4 million dollars to the Bastrop economy.

2008	\$ 92,948 (Opened in May)
2009	\$127,528
2010	\$151,492
2011	\$156,660
2012	\$178,870
2013	\$199,817
2014	\$254,671
2015	\$232,475
TOTAL	\$1,395,229

- In 2011 the market spent over \$1000 to repair the parking lot and in 2015 spent over \$1,400 (10% of our operating budget) to resurface the entire parking lot, both contributing directly to our local business economy.
- Many vendors sell taxable items and a portion of that sales tax is returned directly to the Bastrop economy. Permits and licenses required to operate the various individual businesses (vendors) are funds collected and paid directly to the county.

RECEIVED
1-8-16

Year 2015 Report Bastrop 1832 Farmers Market

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Submitted on January 6, 2016 by Dolores Svoboda Leeper
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