
S&P Global Ratings

500 North Akard Street
Lincoln Plaza, Suite 3200
Dallas, TX 75201
tel (214) 871-1400
reference no.: 1470751

February 1, 2017

City of Bastrop
1311 Chestnut Street
Bastrop, TX 78602
Attention: Ms. Tracy Waldron, Chief Financial Officer

Re: *US\$3,970,000 Bastrop City, Texas, General Obligation Refunding Bonds, Series 2017,
dated: March 02, 2017, due: August 01, 2029*

Dear Ms. Waldron:

Pursuant to your request for an S&P Global Ratings rating on the above-referenced obligations, S&P Global Ratings has assigned a rating of "AA". S&P Global Ratings views the outlook for this rating as stable. A copy of the rationale supporting the rating is enclosed.

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Please send hard copies to:
S&P Global Ratings
Public Finance Department
55 Water Street

New York, NY 10041-0003

The rating is subject to the Terms and Conditions, if any, attached to the Engagement Letter applicable to the rating. In the absence of such Engagement Letter and Terms and Conditions, the rating is subject to the attached Terms and Conditions. The applicable Terms and Conditions are incorporated herein by reference.

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Sincerely yours,

S&P Global Ratings

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pp
enclosures

cc: Ms. Monica Melvin, Administrative Assistant
Specialized Public Finance, Inc.

S&P Global Ratings

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NOTICE OF SPECIAL MEETING
City of Bastrop DMO Start Up
Board Monday, February 13th, 2017
8:30 A.M.

Pursuant to the Texas Government Code, Chapter 551, the City of Bastrop DMO Study Committee will hold a Special Meeting on Monday, February 13th, 2017 at 8:30 a.m. at Bastrop City Hall, 1311 Chestnut Street, Bastrop, Texas, to consider the following matters:

1. Call to Order.
2. IRS 501(c)(6) discovery
 - Resolve the question posed by Marvin Townsend and David Bragg as to whether a DMO can operate under a 501(c)(6) designation
 - Present recommendations for tax attorney
 - Present estimates for fees
 - Ask City Manager for funding to hire tax attorney with knowledge of nonprofit 501(c)(6)
3. Review and combine Anne Smarik's and Tom Scott's DMO Scope Documents
4. Next meeting on Thursday, February 16, 2017 at 8:30 a.m. at Bastrop City Hall
5. Adjourn.

Sarah O'Brien, Main Street Director

I, Sarah O'Brien, Main Street Program Director of the City of Bastrop certify that the above notice was posted on Thursday, February 9th, 2017 at 8:30 a.m..

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

PLEASE CALL 512-332-8800.

Confirm time posted:

Confirm time removed:

CITY COUNCIL

AGENDA COVER SHEET

DATE SUBMITTED: February 7, 2017

MEETING DATE: February 14, 2017

1. Agenda Item: **APPROVAL OF MINUTES FROM REGULAR COUNCIL MEETINGS OF JULY 26, 2016 AND JANUARY 10, 2017.**

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

3. Attachments: Yes X No

**MINUTES OF REGULAR COUNCIL MEETING
BASTROP CITY COUNCIL
July 26, 2016**

The Bastrop City Council met in a Regular Meeting on Tuesday, July 26, 2016 at 6:30 p.m. at the Bastrop City Hall Council Chambers, located at 1311 Chestnut Street, Bastrop, Texas. Members present were Mayor Ken Kesselus and Mayor Pro Tem DeLaRosa and Council Members Peterson, Schiff and Jones.

CALL TO ORDER

At 6:30 p.m. Mayor Kesselus called the Meeting to order with a Quorum being present. Council Member McAnally was absent. Council approved the absence as excused.

E. EXECUTIVE SESSION

E1. The Bastrop City Council met at 6:35 p.m. in a closed/executive session pursuant to the Texas Government Code, Chapter 551, *et seq.* to discuss the following:

1. **SECTION 551.071(1)(A)(B) & SECTION 551.071(2)** – Consultation with Attorney(s) concerning: (1) potential, pending, threatened, and/or contemplated litigation, claims, and/or settlement/mediation, including (*but not limited to*) the following: municipal water supply, code enforcement matters, subdivision development, and or pending litigation matters concerning 909/ 911 Farm Street, and/or (2) matter upon which the Attorney(s) have a duty and/or responsibility pursuant to the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas to report to the governmental body, concerning these matters, and/or any other matters posted on the agenda.

E2. The Bastrop City Council reconvened at 7:05 p.m. into open (public) session to discuss, consider and/or take any actions necessary related to the executive session(s) items noted herein, or regular agenda items, noted above, and/or related agenda items.

ACTION ON EXECUTIVE SESSION

1. **SECTION 551.071(1)(A)(B) & SECTION 551.071(2)** – Consultation with Attorney(s) concerning: (1) potential, pending, threatened, and/or contemplated litigation, claims, and/or settlement/mediation, including (*but not limited to*) the following: municipal water supply, code enforcement matters, subdivision development, and or pending litigation matters concerning 909/ 911 Farm Street, and/or (2) matter upon which the Attorney(s) have a duty and/or responsibility pursuant to the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas to report to the governmental body, concerning these matters, and/or any other matters posted on the agenda.

Interim City Manager Steve Adcock summarized the discussion: Pending litigation with the VanDiver, Red Light and Pine Forest cases.

Senior Advisor Mike Talbot made the announcement that today the Administrative Law Judge O'Malley issued his proposal for the decision concerning the City's well permit at XS Ranch. The Judge's conclusion was that all evidence show that the City's application for its operating permit for Well Number 1 should be granted with the full amount requested of 2,000 acre feet and pumping at a 150 gallons per minute by the Lost Pines Groundwater District with

a spacing drainage granted and the City's proposed mitigation fund will protect all well owners in the area affected in any way.

Council Member Jones made the motion to have the City Council put under review the local cases that the City has in litigation with an attorney to be determined by the Mayor, City Manager and one Council Member of the Mayor's choice for the merits on how the Council moves forward, seconded by Council Member Schiff. The motion was approved on a vote of 4-0. Council Member McAnally was absent.

Council Member Jones made the motion that going forward the City Manager is instructed to make sure all invoices for legal fees are in a form that will allow the invoices to be published for the public upon request, seconded by Mayor Pro Tem DeLaRosa. The motion was approved on a 4-0 vote. Council Member McAnally was absent.

Council Member Jones made the motion directing the City Manager to determine how all previous invoices may be made available to the public without jeopardizing any sort of strategy or previous information provided in the invoices that might create some sort of compromising situation, seconded by Council Member Schiff. Additional direction was given to the City Manager to look at the cost associated with carrying out the direction above and bring this information back to the City Council with the information on how far back it is practical to go in retrieving this information without an undue expense. Council Member Schiff who made the second later withdrew his second.

Council Member Jones made the motion that previous invoices up to six months be made available to the public understanding that those need to be resubmitted to the Attorney, opportunity for redacting in order to avoid jeopardizing any pending litigation and if it needs to go further than six months Council Member Jones would look to the City Manager to determine if it is reasonable, seconded by Council Member Schiff. The motion was approved on a 4-0 vote. Council Member McAnally was absent.

PLEDGE OF ALLEGIANCE

Mayor Kesselus led the Pledge of Allegiance

INVOCATION

Council Member Jones gave the Invocation.

PRESENTATIONS

- A. Update on Bastrop Economic Development Corp (BEDC). – Executive Director, Shawn Kirkpatrick
Shawn Kirkpatrick gave the update.
- B. Presentation and possible discussion from organizations seeking 2017 Hotel Occupancy Funding (HOT Funds) – Chief Financial Officer, Tracy Waldron
 - a. Tough Mudder Event Production, Inc. – **Via video**
 - b. Bastrop Opera House –**David Bragg was the presenter.**
 - c. Bastrop Fine Arts Guild (Lost Pines Art League) –**Patricia Rendulic and Jeannette Condray were the presenters.**
 - d. Bastrop Family YMCA –**Terry Moore was the presenter.**

- e. Bastrop Downtown Business Alliance - **Brad Cook and Kathileen Queso were the presenters.**
- f. Bastrop County Women’s Shelter, dba Family Crisis Center - **Charlotte Pietsch was the presenter.**
- g. Bastrop County Historical Society - **Georgina Ngozi was the presenter.**
- h. Bastrop Chamber of Commerce - **Becki Womble was the presenter.**

PROCLAMATIONS - NONE

ANNOUNCEMENTS AND INFORMATION

- A. Update on Comprehensive Plan Steering Committee – Kay Garcia McAnally
- B. Distribution of Items to Council (If Necessary) – Ann Franklin
- C. Items Targeted for Future Meetings.
- D. Communication regarding offer of “BALD KNOB.”

7. City Manager’s Informational Report for the July 26, 2016 City Council Meeting:

I. Meetings and Events Attended:

- Met with Judge Pape
- DMO Interviews
- City Council 7-12-16
- Comp Plan Steering Committee
- Certified Public Manager Training in Round Rock
- Water Rate and Impact Fees Meeting
- EDC Board Meeting
- Joint City Council/P&Z Meeting
- Chamber of Commerce Board Meeting
- YMCA Meeting
- Bastrop West Developer Meeting
- Pecan Park Developer Meeting
- Open Forum with Citizens about Pecan Park
- Bastrop County Office of Emergency Management
- Numerous Citizen Meetings
- Cemetery Board Meeting
- Numerous staff meetings

II. Update on City Projects and Issues:

- Staff Reports

Announcement by JC Brown, City Attorney – Ms. Brown announced her resignation effective immediately.

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

Mayor Kesselus called the meeting back to order at 9:00 p.m.

8. CITIZEN COMMENTS

Jane Sanders – Ms. Sanders is with the Bastrop Homecoming, she stated that she thought they were on the agenda for receiving HOT Funds from the City of Bastrop but they were not because of an oversight on their part. She requested to submit the application at this time.

Bonnie Coffey – Stated there is a lack of supporting documents and the agenda has vague items.

Lee Harle – Voiced his concern with some of the bickering.

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

- A.1** Consideration, discussion and possible action regarding approval of minutes from the regular Council Meeting of June 28, 2016.
Mayor Pro Tem DeLaRosa made the motion to approve the minutes from the regular Council Meeting of June 28, 2016, seconded by Council Member Peterson. The motion was approved on a vote of 4-0. Council Member McAnally was absent.
- A.2** Approval of Bastrop Marketing Corporation's request for reimbursement of funds for June 2016 in accordance with the agreement to be spent on advertising and marketing the City of Bastrop area.
Mayor Pro Tem DeLaRosa made the motion to approve the Bastrop Marketing Corporation's request for reimbursement of funds for June 2016, seconded by Council Member Schiff. The motion was approved on a vote of 4-0. Council Member McAnally was absent.
- A.3** Consideration, discussion and possible action on acceptance of the unaudited Monthly Financial Reports for the period ending June 30, 2016.
Council Member Schiff made the motion to accept the unaudited Monthly Financial Reports for the period ending June 30, 2016, seconded by Mayor Pro Tem DeLaRosa. The motion was approved on a vote of 4-0. Council Member McAnally was absent.
- A.4** Appointment by Mayor, subject to confirmation by City Council of Steve Adcock to Place 1 on the Hunters Crossing Local Government Corporation Board.
Mayor Pro Tem DeLaRosa made the motion to appoint Steve Adcock to Place 1 on the Hunters Crossing Local Government Corporation Board, seconded by Council Member Schiff. The motion was approved on a vote of 4-0. Council Member McAnally was absent.
- A.5** Consideration, discussion and possible action regarding the release of the City Attorney's legal fees to the public.
This item was withdrawn.
- A.6** Consideration, discussion and possible action on setting the funding available for Community Support Services funded in FY 17 in the amount of \$80,000.

Council Member Schiff made the motion to set the funding available for Community Support Services funded in FY 17 in the amount of \$80,000, seconded by Mayor Pro Tem DeLaRosa. The motion was approved on a vote of 4-0. Council Member McAnally was absent.

- A.7 Consideration, discussion and possible action regarding the revision to correct textual errors in the original ordinance - 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 tracks 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.

Council Member Schiff made the motion to correct textual errors, seconded by Council Member Peterson. The motion was approved on a vote of 3-1. Mayor Pro Tem DeLaRosa voted nay. Council Member McAnally was absent.

- A.8 Consideration, discussion and possible action regarding the approval of the Bastrop Art in Public Places 2017 Transformer Cabinet Mural Project Call to Artist.

Council Member Schiff made the motion to approve the Bastrop Art in Public Places 2017 Transformer Cabinet Mural Project Call to Artist, seconded by Mayor Pro Tem DeLaRosa. The motion was approved on a vote of 4-0. Council Member McAnally was absent.

- A.9 Consideration, discussion and possible action regarding the approval of the Bastrop Art in Public Places 2017 Sculpture Project Call to Artist

Council Member Schiff made the motion to approve the Bastrop Art in Public Places 2017 Sculpture Project Call to Artist, seconded by Council Member Peterson. The motion was approved on a vote of 4-0. Council Member McAnally was absent.

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

- B.1 **CONDUCT A PUBLIC HEARING** to receive citizens input on a Replat of Lots 21 and 22-B being +/- 9.8665 acres in Surburbia Estates Subdivision and +/- 3.500 acres out of the Nancy Blakey Survey, Abstract No. 98 located within the Bastrop, Texas One Mile Extra Territorial Jurisdiction (ETJ).

Public hearing was conducted.

- B.2 Discussion, consideration and possible action by the City Council on a Replat of Lots 21 and 22-B being +/- 9.8665 acres in Surburbia Estates Subdivision and +/- 3.500 acres out of the Nancy Blakey Survey, Abstract No. 98 located within the Bastrop, Texas One Mile Extra Territorial Jurisdiction (ETJ).

Council Member Schiff made the motion to approve the replat, seconded by Council Member Peterson. The motion was approved on a vote of 4-0. Council Member McAnally was absent.

C. OLD BUSINESS - NONE

D. NEW BUSINESS

- D.1** Consideration, discussion and action regarding the creation of a Charter Review Committee. **Council Member Peterson made the motion to create a Charter Review Committee selected as outlined below with a deadline of August 9, 2016 for Council Members to turn in their appointments, seconded by Council Member Jones. The motion was approved on a vote of 4-0. Council Member McAnally was absent.**

Selection process for Charter Review Committee:

- **Mayor appoint and Council approve a Council Member as the Chair.**
- **Each Council Member make one appointment.**
- **The Mayor appoint a single appointment.**
- **Mayor may have up to an additional two appointments of qualified citizens if the Mayor feels one or both will help the committee better reflect the overall nature of the citizenry with the approval of Council.**

Council Member Jones made the motion to appoint Council Member Schiff as the chair of the Charter Review Committee, seconded by Council Member Peterson. The motion was approved on a vote of 4-0. Council Member McAnally was absent.

- D.2** Discussion, consideration and possible action to approve the Final Plat for Pecan Park Section 5B consisting of 43 residential lots, totaling +/-12.63 acres out of a +/- 311.302 acre tract out of the Mozea Rousseau Survey within the city limits of Bastrop, Texas located west of Perkins Street.

Council Member Jones made the motion to approve the Final Plat for Pecan Park Section 5B and authority be given to the Planning Department to enforce the proposed construction schedule provided by the contractor and to pursue and work with the developer to get a more detailed set of construction plans for the proposed drainage plan, seconded by Council Member Schiff. Council Member Jones later withdrew her motion.

Council Member Jones made the motion to approve the Final Plat for Pecan Park Section 5B and authority be given to the Planning Department to enforce the proposed construction schedule provided by the contractor and to pursue and work with the developer to get a more detailed set of construction plans for the proposed drainage plan and to give specific attention to cleaning out the area along Perkins Street, seconded by Council Member Schiff. The motion was approved on a 4-0 vote. Council Member McAnally was absent.

- D.3** First reading of an ordinance of the City Council of the City of Bastrop, Texas amending definitions #75 and #270.1 and adding a new definition #77.1 in Appendix A-3 in Chapter 14 of the City of Bastrop zoning ordinance for the term "Custom Personal Service Shops" to include dermapigmentation services as accessory use to barber/beauty shop uses and add definition of dermapigmentation (A/K/A permanent makeup); providing a severability clause; and providing an effective date.

Council Member Jones made the motion to approve the first reading of the ordinance, seconded by Council Member Schiff. The motion was approved on a 3-1 vote. Mayor Pro Tem DeLaRosa voted nay. Council Member McAnally was absent.

- D.4** Consideration, discussion and possible action regarding the vote to accept offer from BEDC to purchase the 921 Main Street property.
Council Member Jones made the motion to instruct the City Manager to negotiate and execute a contract with BEDC to accept the BEDC offer, seconded by Mayor Pro Tem DeLaRosa. The motion was approved on a 4-0 vote. Council Member McAnally was absent.
- D.5** Consideration, discussion, and possible action on the Council setting the funding amount available for organizations requesting the use of 2017 Hotel Occupancy Tax funds (HOT Funds).
Council Member Schiff made the motion to set \$225,000 HOT Fund Tier 2 for 2017, seconded by Council Member Jones. The motion was approved on a 4-0 vote. Council Member McAnally was absent.
- D.6** First reading of an ordinance of the City Council of the City of Bastrop, Texas, amending City Code, Chapter 7, Article 7.01, Section 7.01.10, related to Municipal Court prosecutions by City Attorney(S); Chapter 9, Article 9.04, related to appointment and powers and duties of the City Attorney; and Chapter 11, Article 11.04, Section 11.04.008, related to City Attorney's authority to bring suit to collect the tax imposed by the City; repealing conflicting ordinances; including a severability clause; and establishing an effective date.
This item was withdrawn.
- D.7** Consideration, discussion and possible action regarding the creation of a Sign Ordinance Committee.
This item was withdrawn.
- D.8** Consideration, discussion, and possible action regarding JC Brown, City Attorney.
Council Member Jones made the motion to direct the City Manager and Mayor to hire an interim City Attorney until further direction from the Council, seconded by Council Member Schiff. The motion was approved on a 3-1 vote. Mayor Pro Tem DeLaRosa voted nay. Council Member McAnally was absent.
- D.9** Consideration, discussion, and possible action regarding the process that City will use to search for and select a permanent City Manager.
Council Member Jones made the motion to have the Mayor, City Manager, Libby Sartain and Mayor Pro Tem DeLaRosa form a committee; over the next week input from staff and commissions and boards a list of describing the desired city manager in order for the list to be provided to the prospective head hunter, seconded by Council Member Schiff. The motion was later withdrawn by Council Member Jones, the maker of the motion.

Council Member Jones made the motion to approve the following procedure regarding the search and selection of a permanent City Manager, seconded by Council Member Schiff. The motion was approved on a 4-0 vote. Council Member McAnally was absent.

Creating a Request for Proposal (RFP) for consultants to help find a City Manager:

- (1) On July 26, the Council will authorize a drafting-only committee composed of the Mayor, Council Member DeLaRosa and Libby Sartain, with staff support from the Human Resource Director Tanya Cantrell.**

- (2) The drafting committee will begin immediately by soliciting emailed or written suggestions from Council Members, all employees, and all members of boards, commissions, and task forces regarding ingredients to be considered in the writing of a draft RFP.
- (3) The drafting committee will propose a draft RFP to be presented to the Council on August 2, 2016.
- (4) August 2, 2016 Meeting:
 - (a) The committee will present a draft RFP.
 - (b) Citizens may offer their input.
 - (c) The Council will decide on the final version of the RFP.
- (5) After making any required adjustments, the Human Resources Director will expeditiously advertise the search for assistance in finding candidates for City Manager and promulgate the RFP to specific, identified consultants and firms.

E. EXECUTIVE SESSION

E1. The Bastrop City Council met at 11:00 p.m. in a closed/executive session pursuant to the Texas Government Code, Chapter 551, *et seq.* to discuss the following:

1. SECTION 551.071(1)(A)(B) & SECTION 551.071(2) – Consultation with Attorney(s) concerning: (1) potential, pending, threatened, and/or contemplated litigation, claims, and/or settlement/mediation, including (*but not limited to*) the following: municipal water supply, code enforcement matters, subdivision development, and or pending litigation matters concerning 909/ 911 Farm Street, and/or (2) matter upon which the Attorney(s) have a duty and/or responsibility pursuant to the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas to report to the governmental body, concerning these matters, and/or any other matters posted on the agenda.
This item was withdrawn.
2. SECTION 551.072 – Deliberation regarding real property: Regarding the purchase, exchange, lease, disposition, negotiations or value of real property.
3. Section 551.087 – To discuss, evaluate or deliberate regarding commercial, financial, business or other information that the City has received related to economic development opportunities or prospects in or near the territory of the City, and/or to deliberate the potential offer of economic incentives to a business prospect, as note herein.
This item was withdrawn.
4. SECTION 551.086 – To discuss Certain Public Power Utilities: Competitive Matters – Bastrop Power & Light Budget, and/or related electric public power utility information and matters.
5. SECTION 551.074 – Personnel Matters - City Manager

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

Mayor Kesselus stated the Council would place the discussion of hiring a City Attorney on the August 2, 2016 agenda.

ACTION ITEMS FROM EXECUTIVE SESSION (If any are needed.) –NO ACTION NEEDED

- E.2.2. SECTION 551.072 – Deliberation regarding real property: Regarding the purchase, exchange, lease, disposition, negotiations or value of real property.**
- E.2.4 SECTION 551.086 – To discuss Certain Public Power Utilities: Competitive Matters – Bastrop Power & Light Budget, and/or related electric public power utility information and matters.**
- E.2.5 SECTION 551.074 – Personnel Matters - City Manager**

ADJOURNMENT

Council Member Schiff made the motion to adjourn the meeting at 11:30 p.m., seconded by Council Member Peterson. The motion was approved on a 4-0 vote. Council Member McAnally was absent.

APPROVED:

ATTEST:

Mayor Ken Kesselus

City Secretary Ann Franklin

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

**MINUTES OF REGULAR COUNCIL MEETING
BASTROP CITY COUNCIL
JANUARY 24, 2017**

The Bastrop City Council met in a Regular Meeting on Tuesday, January 24, 2017 at 6:30 p.m. at the Bastrop City Hall Council Chambers, located at 1311 Chestnut Street, Bastrop, Texas. Members present were Mayor Kesselus and Mayor Pro Tem DeLaRosa, and Council Members Peterson, Schiff, Jones and McAnally. Officers present were Interim City Manager Marvin Townsend, City Secretary Ann Franklin and City Attorney David Bragg.

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

Mayor Kesselus led the Pledge of Allegiance

INVOCATION

Pastor Nava gave the Invocation.

PRESENTATIONS

- A. Update on Bastrop Economic Development Corp. – Executive Director, Shawn Kirkpatrick
Update given by Executive Director, Shawn Kirkpatrick
- B. Required notification of the Bastrop Police Department’s racial profile report. – Director of Public Safety, Steve Adcock
The notification in the packet provided as presentation.

PROCLAMATIONS - NONE**ANNOUNCEMENTS**

- A. Distribution of Items to Council (If Necessary) – Ann Franklin
- B. Items Targeted for Future Meetings.
- C. Requests by Council Members for items on future agendas and requests for information from City Manager.
 - **Concern was expressed regarding the stretch of road between Highway 95/Chestnut and Highway 71. There is an enormous amount of traffic coming out into lanes. Staff was directed to take a look at this.**
- E. **ANNOUNCEMENT** – City Manager
City Manager brought Council up to date on projects.
 - There will be a series of meetings for Pine Forest – Property Owners Association will meet on Saturday, February 4, 2017.
 - Time for draft contracts with the school board and County
 - A draft contract will come to Council with the Water District
 - The great all authorized by Council for drainage has arrived, the key people are being trained and the key project to start with will be in Hunters Crossing
 - The answer was filed in the Well lawsuit, the Lost Pines Water Control District met and did not approve any rehearing. The next step for those who are contesting it is to the District Court.

- The CCN is now cleaned up and is the City's

ANNOUNCEMENTS CONTINUED

- D. Report on search for city manager – Mayor Kesselus
- **The Council along with the consultant will meet next week to interview six candidates for City Manager. The Council will decide after the interviews where to go next.**

CITIZENS COMMENTS

Pastor Roland Nava –Bastrop's North Area Community Concern Committee (BNACCC) will be having a community picnic at Jewel Hodge's Park on February 11, 2017, 3:00 – 5:30 p.m.

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

- A.1.** Approval of minutes from regular council meeting of January 10, 2017.
- A.2** Consideration, discussion and possible action on acceptance of the Quarterly Investment Report for the period ending December 31, 2016.
- A.3** Approval of Contract for Election Services between Bastrop County Elections Administrator and the City of Bastrop, Texas.
- A.4** Approval of a Bastrop County Agreement to Conduct a Joint Election between the City of Bastrop and the Bastrop Independent School District for the May 6, 2017 Election.
- A.5** Approval of a resolution calling for and establishing procedure for a General and Special Election in Bastrop, Texas for the May 6, 2017 Election.

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

B. PUBLIC HEARINGS, ORDINANCES & OTHER ITEMS ELIGIBLE FOR CONSIDERATION AND/OR ACTION - NONE

C. OLD BUSINESS

- C.1** Second reading of an ordinance revising the City Code Of Ordinances, Chapter 13, "Utilities", by adding Article 13.12, "Licensing Agreement For Attachments To Utility Facilities"; adding Section 13.12.001, "General Provisions"; adding Section 13.12.002 "Standard Licensing Agreement For Attachments To Utility Facilities"; adding Section 13.12.003 "Application Of Fees And Charges"; amending Appendix "A" "Fee Schedule," adding Section A16.01.001 "Attachments To Utility Facilities Fees And Charges"; and providing an effective date and

discussion and possible action regarding adoption of a standard leasing agreement for attachments to Utility Facilities.

Director of Information Technology, Andres Rosales made the presentation.

Ordinance 2016-35 was approved on Council Member Schiff's motion, Council Member McAnally's second. The motion was approved on a 5-0 vote.

- C.2** Second reading of an ordinance amending Chapter 15, "Fairview Cemetery", to the Code of Ordinances of the City Of Bastrop, Texas; in accordance with existing statutory requirements; repealing all conflicting ordinances; containing a severability clause; and providing for an effective date.

Chief Financial Officer, Tracy Waldron made the presentation.

Ordinance 2017-02 was approved on Council Member Schiff's motion, Mayor Pro Tem DeLaRosa's second. The motion was approved on a 5-0 vote.

- C.3** Investigation Report to Mayor and Members of City Council.
The report was provided in the backup for the viewing of the public.

D. NEW BUSINESS

- D.1** Consideration of the following actions related to establishing a destination marketing organization.
1. Report about the city's current tourism marketing program in place of marketing previously carried out by the Bastrop Marketing Corporation – Sarah O'Brien
 2. Consideration discussion and possible action, regarding the following report from the recently established DMO Advisory Committee:
The committee advises to Council to:
 - a. Hire DMOpvoz at its requested \$36,000 fee to work with the City on phase two of the plan to move toward creating a DMO.
 - b. Choose the following individuals to work as a starting board, representing the following categories:
 - i.) Hiren Patel – Hotels
 - ii.) Rick Brackett – Dining and Night Life
 - iii.) Anne Smarzik – Retail
 - iv.) Clint Howard – Arts, Culture and Heritage
 - v.) Sarah O'Brien – City
 3. Consideration discussion and possible action in response to the DMO Advisory Committee report.

Director of Main Street Program, Sarah O'Brien gave the presentation.

Council Member Schiff made the motion to approve the resolution as read into record, seconded by Mayor Pro Tem DeLaRosa. The maker of the motion later withdrew the motion.

Mayor Kesselus recessed the Council Meeting at 7:45 p.m.

Mayor Kesselus called the meeting back to order at 7:56 p.m

Resolution No. R-2017-08 was approved as amended below on Council Member Schiff's motion, Council Member Peterson's second. The motion was approved on a 4-1 vote. Council Member McAnally voted nay. The amendment was to remove the wording "serve as chair of the board and" from number 2e of the resolution to have it read "2(e) Former Mayor Tom Scott who will represent the City Council." and removing number 4(a) – (n). The resolution should read as follows:

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF BASTROP, TEXAS, PERTAINING TO EXPENDITURES TO BE MADE PURSUANT TO TEXAS TAX CODE § 351.101 OF THE MUNICIPAL HOTEL OCCUPANCY TAX, INCLUDING THE ESTABLISHMENT OF A STARTER BOARD AND THE ASSIGNMENT OF DUTIES TO THE STARTER BOARD AND PROVIDING FOR SEVERABILITY.

WHEREAS the City of Bastrop receives a share of the municipal hotel occupancy tax levied on certain businesses in the City of Bastrop and its extra territorial jurisdiction; and

WHEREAS pursuant to Texas Tax Code § 351.101(a) such funds may be used only to promote tourism and the convention and hotel industry; and

WHEREAS for the City of Bastrop Texas Tax Code § 351.101(a)(1) – (9) limits the use of such funds for the purposes specified in these sections of the statute; and

WHEREAS Texas Tax Code § 351.101(b) provides that such funds shall be expended in a manner directly enhancing and promoting tourism and the convention and hotel industry and may not be used for the general revenue purposes or general government operations of the City of Bastrop; and

WHEREAS under Texas Tax Code § 351.101(c), the City of Bastrop may by contract delegate to a person, another governmental entity or a private organization the management or supervision of programs and activities funded with revenue from the municipal hotel occupancy tax so long as (1) the City of Bastrop in writing shall approve in advance the annual budget of the person to which it delegates those functions, (2) the person provides at least quarterly reports to the City of Bastrop listing the expenditures made by the person with revenue from the municipal hotel occupancy tax, (3) the person does not commingle such funds with any other funds, and (4) the approval of the annual budget creates a fiduciary duty on the part of the person to whom the function is delegated with respect to the revenue provided to the person; and

WHEREAS funds from the municipal hotel occupancy may be spent by the person to whom the functions described above are delegated for day-to-day operations, salaries, office rental, travel expenses and other administrative costs only if those administrative costs are incurred directly in the promotion and servicing expenditures authorized under Texas Tax Code § 351.101(a)(1) – (9) which expenditures are subject to further limitations as outlined in Texas Tax Code § 351.101(e) and (f); and

WHEREAS the City of Bastrop has a duty to insure that the person, other governmental entity or private organization to which management and supervision are delegated is organized, structured and operated in a manner consistent with Texas Tax Code § 351.101;

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

1. The City Manager is instructed to execute a contract with DMO-proz at the company's regular hourly rate of \$250 per hour plus expenses, with total cost not to exceed \$36,000 plus expenses so that DMO-proz will assist the starting board created below and the city council in working through details to create a DMO;

2. The Destination Marketing Organization (DMO) starting board is hereby created composed of the following members:

- (a) Clint Howard – Arts Industry**
- (b) Hiren Patel – Hotels and Lodging**
- (c) Richard Bracket – Restaurants and night life**
- (d) Anne Smarzik – Retail**
- (e) Former Mayor Tom Scott who will represent the City council,**

3. The Starting Board will meet in public sessions at posted meetings and at city hall whenever possible.

D.2 Consideration, discussion and possible action on the recommendation of the Ethics Commission that its membership be increased from 3 to 5 members. The proposed change will alter the quorum provision to require 4 members of the Commission to be present for any hearing. The proposed ordinance amendment will also eliminate several duplicate paragraphs. This item was withdrawn until the City Manager meets with the Ethics Commission to gather more information regarding the ordinance amendment.

NO ACTION WAS TAKEN

D.3 Consideration and possible action for the approval of Bastrop Art in Public Places to award a general service contract to Burditt and Associates for the design of the Culture Walk as part of phase one of a multiple year project. Director of Public Works, Parks and Utilities, Trey Job made the presentation.

Council Member McAnally made the motion to approve the Bastrop Art in Public Places to award a general service contract to Burditt and Associates, seconded by Council Member DeLaRosa. The motion was approved on a 5-0 vote.

D.4 First reading of an ordinance revising the City Code of Ordinances, Chapter 4 of the Code of Ordinances of the City of Bastrop, "Bastrop Regulations", Article 4.03 "Taxicabs, Shuttles and Touring Vehicles," to add definitions of terms, add exemptions from coverage, add regulations pertaining to pedicabs, horse-drawn carriages, low speed vehicles ("LSV"), neighborhood electric vehicles ("NEV"), providing additional remedies for violations; and

amending Appendix A4.03.001 – “License” of the Code of Ordinances of the City Of Bastrop, concerning inspection and drivers’ fees for same; providing for penalties; and establishing an effective date.

City Attorney, David Bragg made the presentation.

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

- D.6** Consideration and possible action for the approval of a policy that provides criteria for infill development within designated areas of the City of Bastrop.

Director of Public Works, Parks and Utilities, Trey Job made the presentation.

Council Member Jones made the motion to approve a policy that provides criteria for infill development within designated areas of the City of Bastrop, seconded by Council Member McAnally. The motion was approved on a 5-0 vote.

- D.5** Consideration, discussion, and possible action on the Final Plat and Development Agreement for the Buttonwood Subdivision, being ±0.611 acres of land out of Farm Lots 19 and 20, east of Main Street, located within the Bastrop city limits.

Director of Planning and Engineer, Wesley Brandon made the presentation.

Council Member Jones made the motion to approve the final plat and development agreement for the Buttonwood Subdivision, seconded by Mayor Pro Tem DeLaRosa. The motion was approved on a 4-1 vote. Council Member McAnally voted nay.

Mayor Kesselus left the meeting at 8:53 p.m.

- D.7** Consideration, discussion and possible action by the City Council for approval and adoption of the Resolution adding Texas Term, a Local Government Investment Pool, thus creating a program for diversification of the City of Bastrop’s investments in accordance with the Public Funds Investment Act, Texas Government Code, Section 2256.001 et seq. and the City of Bastrop’s Investment Policy.

Chief Financial Officer, Tracy Waldron gave the presentation.

Resolution No. R-2017-02 was approved on Council Member Jones’ motion, Council Member Schiff’s second. The motion was approved on a 4-0 vote. Mayor Kesselus was off the dais.

- D.8** Consideration, discussion and possible action on a recommendation by the Fairview Cemetery Advisory Board that the City Council either Grant or Deny a variance request to allow for the cemetery plot(s) legally described as being (A) Block 8, Row N, Lots 16-18 (3 spaces) or (B) only Block 8, Row N, Lot 16, to have fencing erected around the perimeter of the plot(s) as prohibited in CHAPTER 15, “FAIRVIEW CEMETERY”, Code of Ordinance of the City of Bastrop, Texas, Section 15.01.15 (a) “Prohibited Activities”.

Chief Financial Officer, Tracy Waldron gave the presentation.

Council Member Jones made the motion to accept the recommendation made by the Fairview Cemetery Advisory Board, seconded by Council Member Schiff. The motion was approved on a 4-0 vote. Mayor Kesselus was off the dais.

- D.9** Consideration, discussion and possible action on acceptance of the unaudited Monthly Financial Reports for the period ending December 31, 2016.
Council Member Jones made the motion to accept the unaudited Monthly Financial Reports for the period ending December 31, 2016, seconded by Council Member Schiff. The motion was approved on a 4-0 vote. Mayor Kesselus was off the dais.

- D.10** Consideration, discussion, and possible action on a resolution approving the renewal of an existing Municipal Maintenance Agreement (MMA) between the City of Bastrop and the Texas Department of Transportation.
This item was postponed to February 14, 2017.

NO ACTION WAS TAKEN

- D.11** Consideration, discussion, and possible action on a Letter of Commitment regarding a TxDOT "Green Ribbon" Landscape project to install landscaping improvements within the city limits.
Director of Planning and Engineer, Wesley Brandon made the presentation.

Council Member Jones made the motion to approve the Letter of Commitment regarding a TxDOT "Green Ribbon" Landscape project, seconded by Council Member McAnally. The motion was approved on a 4-0 vote. Mayor Kesselus was off the dais.

- D.12** Discussion and possible action on authorizing Bastrop Fire Department to apply for four firefighters through the Staffing for Adequate Fire and Emergency Response Grant.
Council Member Schiff made the motion authorizing the Bastrop Fire Department to apply for four firefighters through the Staffing for Adequate Fire and Emergency Response Grant, seconded by Council Member Jones. The motion was approved on a 4-0 vote. Mayor Kesselus was off the dais.

- D.13** Consideration, discussion and possible action on resolution granting the request of petitioners desiring to establish Travis County ESD #15 which will be an overlay district generally following the boundaries of Travis County ESD #11. One district will provide fire services and the other emergency medical services. Bastrop's ETJ was extended into Travis County at several locations when in the 1980's property owner signed contracts with Bastrop to join Bastrop's ETJ and thus avoided feared annexation by Austin. The proposed district needs the consent of Bastrop to include area outside of Bastrop County but in Bastrop's ETJ. Both county appraisal districts report that only Travis County property will be assessed by the new district and only Bastrop County property is being assessed by Bastrop County's ESD. Consent by the City of Bastrop is recommended.
Resolution No. R-2015-05 was approved on Council Member Jones' motion, Council Member McAnally's second. The motion was approved on a 4-0 vote. Mayor Kesselus was off the dais.

- D.14** Discussion and possible action regarding resolution authorizing Bastrop Police Department to apply for storage space under the body worn camera grant through the Bureau of Justice Assistance.
Resolution No. R-2015-03 was approved on Council Member Schiff's motion, Council Member McAnally's second. The motion was approved on a 4-0 vote. Mayor Kesselus was off the dais.

- D.15** Discussion and possible action on awarding a contract to the low bidder of Royce Construction Company Inc. for the remodel of the police/court building. The following bids were received: Royce Construction-\$304,650, Ichor Construction-\$323,146, Gaeke Construction-\$323,537, ASD Consultants-\$329,300, LMC Corporation-\$372,705, HCS Inc-\$373,200, Tegrity-\$385,331, Allbrite Construction-\$420,000, Don Kruger Construction-\$431,000, Lyness Construction-\$590,000
Council Member Schiff made the motion to award a contract to Royce Construction Company Inc. for the remodeling of the police/court building, seconded by Council Member McAnally. The motion was approved on a 4-0 vote. Mayor Kesselus was off the dais.
- D.16** Discussion and possible action regarding resolution approving the police department to apply for a grant through the Office of the Governor to staff the Austin Regional Intelligence Center. **Resolution No. R-2015-04 was approved on Council Member Schiff's motion, Council Member McAnally's second. The motion was approved on a 4-0 vote. Mayor Kesselus was off the dais.**
- D.17** Consideration and possible action approving the solicitation of bids for the removal of the radio tower located at Mayfest Park.
Director of Public Works, Parks and Utilities, Trey Job made the presentation.
Council Member McAnally made the motion to approve solicitation of bids for the removal of the radio tower located at Mayfest Park, seconded by Council Member Jones. The motion was approved on a 4-0 vote. Mayor Kesselus was off the dais.
- D.18** First reading of an ordinance revising the City Code of Ordinances, Chapter 12 - Establishing A Three-Hour Parking Time Limit on Main Street and striking the portion of parking on Chestnut Street that is no longer applicable; and establishing an effective date.
Director of Public Safety, Steve Adcock made the presentation.
Council Member Schiff made the motion to approve the first reading of the ordinance, seconded by Council Member Jones. Council Member Schiff, the maker of the motion later withdrew his motion.
Council Member McAnally requested that the City Manager bring the ordinance back before Council on February 14, 2017 with unlimited parking on Main Street.
- NO ACTION WAS TAKEN**
- D.19** First reading of an ordinance contractually annexing Tract I and Tract II, Trinidad Business Park to the City of Bastrop and providing an effective date. (January 10, 2017 Council meeting Item D.8: Recommendation that the annexation process be completed regarding Trinidad Business Park Phase I, Lots 1 AND 2, being an approximately 8 acre Tract on the south side of highway 71 west of its intersection with FM 20. Public hearings were held on September 27, 2011 and October 11, 2011. On October 24, 2011, Mr. Richard Welch and Mr. Jason Alleyas the owners of the above described property, presented an executed contract for voluntary annexation with such voluntary annexation to occur no sooner than 3 years after the 2011 annexation was completed. The 2011 annexation was effective on November 8, 2011, the service plan presented in 2011 is still timely.)
Interim City Manager, Marvin Townsend made the presentation.

Council Member McAnally made the motion to approve the first reading of the ordinance, seconded by Council Member Peterson. The motion was approved on a 4-0 vote. Mayor Kesselus was off the dais.

F. EXECUTIVE SESSION -NONE

ADJOURNMENT

Council Member Schiff made the motion to adjourn the meeting at 9:30 p.m., seconded by Council Member McAnally. The motion was approved on a 4-0 vote. Mayor Kesselus was off the dais.

APPROVED:

ATTEST:

Mayor Ken Kesselus

City Secretary Ann Franklin

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

CITY COUNCIL

AGENDA COVER SHEET

DATE SUBMITTED: February 7, 2017

MEETING DATE: February 14, 2017

1. Agenda Item: **APPOINTMENT BY MAYOR, SUBJECT TO CONFIRMATION BY CITY COUNCIL OF CYNTHIA MEYER TO PLACE 5 ON THE PLANNING AND ZONING COMMISSION/IMPACT FEE ADVISORY COMMITTEE FULFILLING AN UNEXPIRED TERM ENDING JUNE 2018.**

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

3. Attachments: Yes X No

From: **Connie Schroeder** connie238@icloud.com
Subject: **Resignation from Planning and Zoning Commission**
Date: January 23, 2017 at 4:57 PM
To: **Lisa Patterson** lisap@pattersonlawlx.com



To: **Lisa Patterson**
Chair of Planning and Zoning

From: **Connie Schroeder**
Commissioner Place 5 (Secretary)

Please allow this to serve as my resignation from Place 5 on the City of Bastrop's Planning and Zoning Commission. I have enjoyed serving the community during my time on the Board, however; since I have announced my candidacy for Mayor and I wish to follow the Constitution of Texas, I must resign.

I have reviewed Article 11, Section 11 and Article 16, Section 65 in order to make my decision. The City website indicates my term to be completed in June of 2018 which clearly exceeds the one year 30 day time frame defined in the constitution.

I can still remember taking the oath of office on September 29, 2011 and it has been an honor to serve on the Board.

Connie Schroeder



RECEIVED
FEB 14 2017

CITY OF BASTROP

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

Application for BY: [Signature]
City Board/Commission/Committee
Please Print or Type Clearly.

New Appointment:

Request for Re-Appointment:

SECTION A: APPLICANT INFORMATION

Last Name <u>Meyer</u>		First <u>Cynthia</u>	Middle <u>Sanders</u>
Street Address <u>110 BRIAR Forest Drive</u>		Mailing Address <u>P.O. Box 422</u>	
Apt/Unit #	City <u>Bastrop</u>	State <u>TX</u>	ZIP Code <u>78602</u>
Phone <u>(512) 332-6882</u>		E-mail Address <u>Cynthiameyer311@gmail.com</u>	
Date Available <u>2/1/2017</u>	I have lived in Bastrop <u>56</u> years.	Place of Employment <u>SELF- Body Toner's Fitness</u>	
Have you filed an application here before? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		If so, when?	
Have you ever been convicted of a crime? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		If so, when?	
Do you reside within the City Limits of Bastrop? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		Currently Employed YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	

Note: Various boards, commissions and committees of the City either allow for or require appointments of persons who reside in the County, the City's Extra Territorial Jurisdiction, and/or the Bastrop Independent School District. For more information on this please refer to the Articles of Incorporation or By Laws of the entities of interest. The City Secretary is able to assist in obtaining copies of the By-Laws, upon request.

SECTION B: REFERENCES

Please list three professional references.

Full Name <u>BARBARA Albright</u>	Relationship <u>realtor</u>
Company <u>Albright Realty</u>	Phone <u>(512) 921-6350</u>
Full Name <u>Forrest Chalmers</u>	Relationship <u>acquaintance</u>
Company <u>Tracy's Drive In Grocery</u>	Phone <u>(512) 968-8934</u>
Full Name <u>Cindy Goertz</u>	Relationship <u>acquaintance</u>
Company <u>Goertz Construction + Pools</u>	Phone <u>(512) 964-9627</u>

SECTION C: ADDITIONAL INFORMATION

Do you currently serve on any other boards, commissions, or committees? Please list any below:

NO

What qualifies you to serve on the board(s) you are applying for?

* see attachment

Why do you want to serve on the board(s) you are applying for?

* see attachment


SECTION D: BOARDS/COMMISSIONS/COMMITTEES

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

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

DISCLAIMER AND SIGNATURE

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

Signature 	Date 2/1/2017
---	---------------

WRITTEN NOTICE

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

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

OFFICE USE ONLY

Date Application Received:		Application Received by:	
Position Appointed:		Date Appointed:	
Term Starts:		Term Expires:	

Section C: Additional Information

Qualifications to serve on the board:

I have owned and operated two businesses for over thirty years in the city of Bastrop. During this time, I have experienced changes in planning and zoning effecting businesses, some good and some bad. I have also lived in Bastrop over 56 years. As a citizen, I also experience the positive effects of intelligent planning for positive growth; however, I have witnessed the opposite in some instances. Due to being a lifelong resident and longtime business owner, I have experience, perspective, and knowledge of what has and hasn't worked in the city, and this experience is critical in building on the future of the city.

I also hold certifications in Sustainable Gardening/Landscaping and in Native Plant Gardening from the Ladybird Johnson Wildflower Center through the University of Texas. I understand how important cohesive and balanced plans are critical in design. Whether the design is for green space or hard space, it must work in concert to accomplish the given goal. I believe this is important in planning and zoning in the city to accomplish a goal for positive and smart growth. This growth should benefit all citizens from all parts of the city and establish an optimal quality of life.

Desire to serve on the board:

As stated above, I am a lifelong resident of Bastrop and longtime business owner. I have invested many years in Bastrop and have a strong love for our city. With growth inevitable, I think it is imperative to have "smart growth". This growth begins with excellent planning and intelligent zoning to create a city that maintains its small town hospitality and friendliness but welcomes the excitement of growth to enhance our community. As with any construction, everything starts with a strong foundation. Planning and zoning are the foundation of a city, and the city's structure has the potential to flourish once it is in place.

POTENTIAL CONFLICT OF INTEREST DISCLOSURE
BASTROP'S CODE OF ETHICS

PLANNING AND ZONING COMMISSION

Planning and Zoning Commission members are tasked with advising the City Council and making recommendations regarding: (1) amendments to the Comprehensive Plan and general City planning; (2) changes to current zoning; (3) the zoning to be applied to newly-annexed areas; (4) the approval of plats of subdivisions; and (5) other related matters.

Answer the following questions by checking the boxes and providing additional detailed information, as needed.

Yes No

- I work, or one of my relatives* works, in the residential, commercial, industrial and/or public property development industry.

Who: _____ Relationship: _____

What trade: _____

Explain further: _____

- I have, or one of my relatives* has, an interest in a company that is involved in the residential, commercial, industrial and/or public property development industry.

Who: _____ Relationship: _____

What type of activity is done: _____

- I own shares or serve, or one of my relatives* owns shares or serves, on the board of directors of a property development company.

Who: _____ Name of Company: _____

Explain further: _____

CITY COUNCIL

AGENDA COVER SHEET

DATE SUBMITTED: February 7, 2017

MEETING DATE: February 14, 2017

1. Agenda Item: **APPOINTMENT BY MAYOR, SUBJECT TO CONFIRMATION BY CITY COUNCIL OF ALYSSA HALLE-SCHRAMM TO PLACE 9 ON THE PLANNING AND ZONING COMMISSION/IMPACT FEE ADVISORY COMMITTEE FULFILLING AN UNEXPIRED TERM ENDING JUNE 2017.**
2. Party Making Request: **Mayor Kesselus**
3. Attachments: Yes X No

WILLIAM ENNIS

January 26, 2017

The Honorable Kenneth Kesselus
Mayor of Bastrop
P. O. Box 427
Bastrop, TX 78602

Dear Mr. Mayor:

As you know, yesterday, January 25th, I filed for candidacy to fill the Place Four seat on the Bastrop City Council vacated by Councilman Willie DeLaRosa.

As I believe my continued service as a member of the Planning and Zoning Commission while running for City office would be inappropriate, I am confirming my oral resignation from that Commission seat as announced tonight, to take effect immediately.

Thank you for the opportunity to serve the City on the Commission. It is populated with strong, intelligent folks who have only the best interests of the City at heart and I have been honored to be counted among their number.

Best regards

A handwritten signature in black ink that reads "William Ennis". The signature is written in a cursive style with a long, sweeping tail on the letter "s".

Cc: Wesley Brandon, director, Planning and Engineering
Lisa Patterson, chair, Planning & Zoning Commission



CITY OF BASTROP

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

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

New Appointment:

Request for Re-Appointment:

SECTION A: APPLICANT INFORMATION

Last Name	Halle-Schramm	First	Alyssa	Middle	-
Street Address	3950 Hwy 71 E		Mailing Address	same as street address	
Apt/Unit #	815	City	Bastrop	State	TX
ZIP Code	78602				
Phone	(910) 547-4563		E-mail Address	alyssa.halle@gmail.com	
Date Available	08/01/16	I have lived in Bastrop	1 month years.	Place of Employment	The University of Texas at Austin
Have you filed an application here before?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	If so, when?		
Have you ever been convicted of a crime?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	If so, when?		
Do you reside within the City Limits of Bastrop?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	Currently Employed	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>

Note: Various boards, commissions and committees of the City either allow for or require appointments of persons who reside in the County, the City's Extra Territorial Jurisdiction, and/or the Bastrop Independent School District. For more information on this please refer to the Articles of Incorporation or By Laws of the entities of interest. The City Secretary is able to assist in obtaining copies of the By-Laws, upon request.

SECTION B: REFERENCES

Please list three professional references.

Full Name	Jim Walker	Relationship	Current supervisor
Company	The University of Texas at Austin, Office of Sustainability	Phone	(512) 499-0526
Full Name	Denny Cochrane	Relationship	Former co-worker
Company	Virginia Polytechnic Institute and State University (Virginia Tech), Office of Energy and Sustainability	Phone	(540) 231-5184
Full Name	Karen Drake	Relationship	Former internship supervisor & liaison to Town of Blacksburg's Long Range Planning Cmte.
Company	Town of Blacksburg, VA, Planning and Building Department	Phone	(757) 570-3622

SECTION C: ADDITIONAL INFORMATION

Do you currently serve on any other boards, commissions, or committees? Please list any below:

Texas Regional Alliance for Campus Sustainability (TRACS) - Executive Committee & Communications Committee
 TRACS is a network of sustainability professionals in higher education institutions across Texas. TRACS seeks to share resources, best practices, and connect individuals to a network of professionals facing similar sustainability challenges and opportunities.

What qualifies you to serve on the board(s) you are applying for?

I have extensive experience in city planning, land use issues, and sustainability (see resume). I received dual master's degrees in Urban & Regional Planning and Public Administration. I have worked as staff in public sector planning offices, higher education sustainability offices, and previously served on a sub-committee of a Planning Commission. My passions are public sector planning and sustainability.

Why do you want to serve on the board(s) you are applying for?

I strongly believe in serving my community. I enjoy comprehensive planning and was excited to see the City is currently updating its plan. Previously, I helped update a town's comprehensive plan, revised Virginia Tech's sustainability plan, and recently developed UT's first-ever sustainability plan. Though new to the area, I am a quick learner and my past experiences would be an asset to the City.

SECTION D: BOARDS/COMMISSIONS/COMMITTEES

Please indicate the Boards, Commissions or Committees you are interested in serving. List in order of preference. * **NUMBERED IN ORDER OF PREFERENCE**

<input checked="" type="checkbox"/> Bastrop Parks Board (3)	<input checked="" type="checkbox"/> Bastrop Economic Development Corporation (4)	<input type="checkbox"/> Bastrop Housing Authority
<input checked="" type="checkbox"/> Planning and Zoning Commission (1)	<input checked="" type="checkbox"/> Board of Adjustment (5)	<input type="checkbox"/> Construction Standards Board of Adjustments
<input checked="" type="checkbox"/> Main Street Advisory Board (2)	<input type="checkbox"/> Fairview Cemetery Advisory Board	<input type="checkbox"/> Art in Public Places Board
<input type="checkbox"/> Hunters Crossing Local Government Corporation Board	<input type="checkbox"/> Bastrop Library Board (<input type="checkbox"/> City Resident / <input type="checkbox"/> BISD Area Resident)	
<input type="checkbox"/> Automated Red Light Advisory Committee	<input type="checkbox"/> Other:	

Historic Landmark Commission

*Please indicate which position(s) you are qualified to serve under.

- Architect, Planner, Designer
- Licensed Real Estate Professional
- Own Commercial Historic Structure/Property
- Own Residential Historic Structure/Property
- General Resident of City of Bastrop
- Planning and Zoning Member
- Bastrop County Historic Society Member

DISCLAIMER AND SIGNATURE

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

Signature Alyssa Halle-Schramm Date 7/25/16

WRITTEN NOTICE

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

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



OFFICE USE ONLY

Date Application Received:	BY:	Application Received by:	<u>Ann Franklin</u>
Position Appointed:		Date Appointed:	
Term Starts:		Term Expires:	

02-14-2017

34

POTENTIAL CONFLICT OF INTEREST DISCLOSURE
BASTROP'S CODE OF ETHICS

PLANNING AND ZONING COMMISSION

Planning and Zoning Commission members are tasked with advising the City Council and making recommendations regarding: (1) amendments to the Comprehensive Plan and general City planning; (2) changes to current zoning; (3) the zoning to be applied to newly-annexed areas; (4) the approval of plats of subdivisions; and (5) other related matters.

Answer the following questions by checking the boxes and providing additional detailed information, as needed.

Yes No

I work, or one of my relatives* works, in the residential, commercial, industrial and/or public property development industry.

Who: _____ Relationship: _____

What trade: _____

Explain further: I HAVE NO RELATIVES IN BASTROP OR THE STATE OF TEXAS OTHER THAN MY HUSBAND, WHO WORKS AT TEXAS A&M'S AGRILIFE EXTENSION, TEXAS WATER RESOURCES INSTITUTE

I have, or one of my relatives* has, an interest in a company that is involved in the residential, commercial, industrial and/or public property development industry.

Who: _____ Relationship: _____

What type of activity is done: _____

I own shares or serve, or one of my relatives* owns shares or serves, on the board of directors of a property development company.

Who: _____ Name of Company: _____

Explain further: _____

POTENTIAL CONFLICT OF INTEREST DISCLOSURE
BASTROP'S CODE OF ETHICS

Yes No

I have an interest in or work for, or one of my relatives* has an interest in or works for, a company that owns real property that could potentially derive an economic benefit from a change in zoning or in the City's Comprehensive Plan.

Who: _____ Relationship: _____

Explain the interest or company position: _____

*In some cases, your relatives, whether by blood or marriage, may tie you so closely to contracts, businesses and other organizations that you have a 'conflict of interest' and need to refrain from working on a particular matter or case while serving on a City board or commission. The relatives that generally fall within the City's Ethics Code (and that you need to list on this form above) include your spouse, parents, children, grandparents, grandchildren, uncles/aunts, nieces/nephews, in-laws and cousins.

I have read and understand the statement above.

Alyssa Halle-Schramm
Signature

ALYSSA HALLE-SCHRAMM
Printed Name

Alyssa Halle-Schramm

3950 Hwy 71 E #815 Bastrop, TX 78602 • alyssa.halle@gmail.com • (910) 547-4563

City of Bastrop
1311 Chestnut Street
Bastrop, TX 78602

July 24, 2016

Dear Mayor Kesselus & Council:

I am writing to express my interest in serving on the City of Bastrop's Planning & Zoning Commission. I strongly believe in serving my community and being involved in local issues. I am passionate about improving cities and regions to create more sustainable places to live, work, and play.

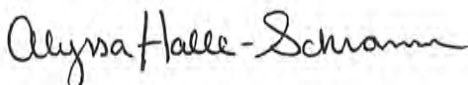
I recently moved to Bastrop and seek to become an active participant in the community. Though new to the area, I am a quick learner and believe I would be an asset to the City and the Planning & Zoning Commission due to my background in land use planning and sustainability, my past experiences within the public sector, and my leadership skills. I currently serve as the Sustainability Program Coordinator within the Office of Sustainability at The University of Texas at Austin. I am a dual-master's graduate of Virginia Tech with a Master's of Urban & Regional Planning and a Master's of Public Administration. Please see the attached resume for full details of my past experiences.

Previously, I served in a staff role as Planner I/Applicant Liaison within the Planning Department of Hanover County, VA. I assisted citizens with property questions and helped applicants apply for special use permits, property rezonings, and variances. Beyond my experience at Hanover County, I also have two years of part-time experience through internships with the planning departments of the Town of Blacksburg, VA and New Hanover County, NC. During these internships I gained experience with many facets of land use planning including: current and long range planning, grant writing, zoning administration, development review, historic preservation, and public outreach. Additionally, I served on the Town of Blacksburg's Long Range Planning Committee, a sub-committee of the Planning Commission, and contributed to updating the Town's Comprehensive Plan. I greatly enjoy comprehensive planning and was excited to see the City of Bastrop is currently updating its plan.

I appreciate your consideration for the Planning & Zoning Commission. While planning is my preference, I would be happy to serve on any of the other boards and commissions selected in my application.

I look forward to getting involved and serving the City of Bastrop.

Respectfully,



Alyssa Halle-Schramm

3950 Hwy 71 E #815 Bastrop, TX 78602 • alyssa.halle@gmail.com • (910) 547-4563

EXPERIENCE – SUSTAINABILITY & URBAN PLANNING

Sustainability Program Coordinator – Office of Sustainability

02/15 – present

The University of Texas at Austin – Austin, TX

- Supervise 24 student staff working on sustainability projects across campus
- Assist staff with project management, event planning, and understanding UT policies
- Handle all personnel functions such as hiring, firing, performance reviews, etc.
- Manage an operational budget over \$100,000 with multiple accounts
- Collaborate with stakeholders across campus to advance UT's sustainability goals
- Co-led the planning process to develop UT's first-ever sustainability plan, convened the working group tasked with writing the plan, structured the plan layout and visioning process
- Developed curriculum and designed a sustainability leadership program, launching Fall 2016

Planner I / Applicant Liaison – Planning Department

07/13 – 03/14

Hanover County Government – Hanover, VA

- Assisted citizens and the development community with property questions and applications for special use permits and rezonings; reviewed permit extensions
- Served as the department's project manager for the county-wide website redesign; managed five staff tasked with writing content; used Ektron CMS to create website
- Led *Hanover Youth Perspective*, a monthly program for 6th-12th grade students interested in land use issues and local government

Graduate Assistant – Office of Energy and Sustainability

02/11 – 05/13

Virginia Polytechnic Institute and State University – Blacksburg, VA

- Tracked over 100 actions/measures and assessed progress toward sustainability goals
- Co-led the committee tasked with updating the sustainability policy and plan
- Facilitated data collection and management of the Sustainability Tracking, Assessment, and Rating System (STARS) program; Successfully achieved two STARS Silver Ratings
- Organized sustainability outreach events such as Sustainability Week and Earth Week
- Managed all electronic marketing including the office website and social media

Planning Intern – Planning and Building Department

01/11 – 05/11

Town of Blacksburg, VA

08/11 – 12/11

- Created staff reports and presentations for various rezonings, conditional use permits, and Historic Design Review Board hearings
- Developed and implemented a community survey
- Organized community outreach events
- Reformatted and updated the Town's Historic Design Review Board website

Planning Intern – Planning and Inspections Department

05/11 – 08/11

New Hanover County, NC

- Assisted the *Lower Cape Fear Sustainable Communities Consortium* with HUD's FY2011 Sustainable Communities Regional Planning Grant; Developed surveys, templates, and metrics to collect data for the application; Consortium successfully received \$1.13 million
- Developed a Green Resources and Sustainable Design webpage

Sustainability Coordinator Intern – Campus Life Facilities

10/08 – 05/10

University of North Carolina at Wilmington – Wilmington, NC

- Developed sustainability awareness initiatives and coordinated events
- Promoted recycling awareness and tracked monthly recycling data
- Tracked, analyzed, and submitted monthly utility reports; Data analysis caught a metering anomaly that resulted in a \$37,000 refund
- Extensively researched LEED for Existing Buildings certification for the facilities

BOARDS & COMMITTEES

- Executive Committee Member – Texas Regional Alliance for Campus Sustainability** 03/16 – present
- Review and update strategic goals to advance sustainability in higher education
 - Serve on the Communications Committee to recruit membership and share information
- Long Range Planning Committee Member – Town of Blacksburg, VA** 01/12 – 01/13
- Revised and edited the 2012 Update to the *Blacksburg 2046 Comprehensive Plan*, incorporating sustainability throughout the plan
 - Organized community outreach sessions to garner public input
 - Recommended the 2012 Update to the Planning Commission for approval
- Sustainability Committee Member – UNC Wilmington** 08/08 – 05/10
- Reported sustainability progress to campus administration
- Board of Directors Member – Cape Fear Green Building Alliance**
- Local affiliate of the U.S. Green Building Council – Wilmington, NC
- **Treasurer** – Managed operational budget and presented monthly reports 01/09 – 01/10
 - **Student Liaison** – Promoted student involvement in CFGBA 01/08 – 01/09

EDUCATION

- Master of Urban and Regional Planning** Graduated 05/13
- Master of Public Administration**
- Virginia Polytechnic Institute and State University – Blacksburg, VA
Dual Master's Program, specialized in environmental policy and planning, 4.0 GPA
- Bachelor of Arts in Environmental Studies, Magna Cum Laude** Graduated 05/10
- University of North Carolina at Wilmington – Wilmington, NC
- Associate of Applied Sciences in Architectural Technology** Graduated 07/08
- Cape Fear Community College – Wilmington, NC

HONORS & AWARDS

- *2013 Commonwealth of Virginia Governor's Environmental Excellence Gold Award*, in conjunction with Virginia Tech's Office of Energy and Sustainability
- *Vice President for Administrative Services Certificate of Appreciation* for exemplary service to the Virginia Tech Community for efforts with the Office of Energy and Sustainability
- First place winner of the *2008 North Carolina Sustainable Building Design Competition*; Sponsored to compete in the *Emerging Green Builders National Competition* at the *2008 USGBC Greenbuild Conference*

PERSONAL & PROFESSIONAL SKILLS

- Excellent leadership, facilitation, communication, and organizational skills
- Excellent at working independently, in multidisciplinary teams, and multitasking
- Excellent with Microsoft Office Suite, AutoCAD, and social media
- Experience with ArcGIS, Adobe Creative Suite (PhotoShop, Acrobat, InDesign), and SketchUp
- Extensive knowledge of the LEED program

PROFESSIONAL MEMBERSHIPS

- American Planning Association 2010 – Present
- Association for the Advancement of Sustainability in Higher Education 2008 – Present
- Texas Regional Alliance for Campus Sustainability 2015 – Present

CITY COUNCIL

AGENDA COVER SHEET

DATE SUBMITTED: February 7, 2017

MEETING DATE: February 14, 2017

1. Agenda Item: **APPOINTMENT BY MAYOR, SUBJECT TO CONFIRMATION BY CITY COUNCIL OF JAMIE CREACY TO PLACE 9 ON THE PARKS BOARD/PUBLIC TREE ADVISORY BOARD FULFILLING AN UNEXPIRED TERM ENDING JUNE 2018.**
2. Party Making Request: **Mayor Kesselus**
3. Attachments: Yes X No

January 25, 2017

Mayor Ken Kesselus
1301 Church Street
Bastrop, Texas 78602

Mayor Kesselus,

It is with great honor that I've been able to serve as the Member at Large (Bastrop State Park Representative) on the City of Bastrop Parks Board for the previous 7 ½ years. Maintaining the strong relationship between Texas Parks & Wildlife Department and the City of Bastrop has been instrumental for many decades and I'm fortunate to have been able to contribute to that positive relationship. However, the time has come for me to relinquish this responsibility to the current Park Superintendent, Jamie Creacy. As you know, Jamie has been deeply involved with the community of Bastrop for several years and will continue to represent Bastrop State Park as the Member at Large seat on the Parks Board.

I have thoroughly enjoyed my time spent with fellow board members and witnessing how their passion and dedication has improved the quality of life for the citizens of Bastrop. Trey Job and Jason Alfaro have demonstrated outstanding leadership and guidance for the entire Parks Department. One of the greatest accomplishments during my tenure on the Parks Board was the recognition of Bastrop as a Tree City USA member and hosting the State of Texas Arbor Day Celebration in 2013. Bastrop is such a great example of rich history and exceptional natural and cultural resources. I hope city leaders will continue to keep this in mind as development and urban sprawl continue to leave their mark. Maintaining open green spaces and continuing to add accessible recreation opportunities such as hike and bike trails, skate parks and youth sports fields are critical to the health and quality of life of our citizens. Measuring the tangible benefits are sometimes difficult, but for many, their very first connection to the outdoors was done in a park, whether on a hiking trail, birthday party, playground or on the basketball court. We must keep these important qualities of Bastrop as a high priority for our future generations.

I plan to attend the Parks Board meeting on February 2, 2017 and will make the announcement during that meeting of my resignation. As always, please don't hesitate to reach out if you ever need anything.

Respectfully,



Todd McClanahan

Cc: Marvin Townsend, City Manager



CITY OF BASTROP

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

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

New Appointment:

Request for Re-Appointment:

SECTION A: APPLICANT INFORMATION

Last Name	Creacy	First	Jamie	Middle	A
Street Address	100 Park Road 1A		Mailing Address	PO Box 518	
Apt/Unit #	City	Bastrop	State	Texas	ZIP Code 78602
Phone	(512) 308-7148		E-mail Address	jamie.creacy@tpwd.texas.gov	
Date Available	2/10/2017	I have lived in Bastrop	4 years.	Place of Employment	Bastrop and Buescher State Parks
Have you filed an application here before?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	If so, when?		
Have you ever been convicted of a crime?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	If so, when?		
Do you reside within the City Limits of Bastrop?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	Currently Employed	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>

Note: Various boards, commissions and committees of the City either allow for or require appointments of persons who reside in the County, the City's Extra Territorial Jurisdiction, and/or the Bastrop Independent School District. For more information on this please refer to the Articles of Incorporation or By Laws of the entities of interest. The City Secretary is able to assist in obtaining copies of the By-Laws, upon request.

SECTION B: REFERENCES

Please list three professional references.

Full Name	Todd McClanahan	Relationship	Supervisor
Company	Texas Parks and Wildlife Department	Phone	(512) 308-1475
Full Name	Brent Leisure	Relationship	State Parks Director
Company	Texas Parks and Wildlife Department	Phone	(512) 389-8545
Full Name	Cullen Sartor	Relationship	Employee
Company	Texas Parks and Wildlife Department	Phone	(512) 321-1673

SECTION C: ADDITIONAL INFORMATION

Do you currently serve on any other boards, commissions, or committees? Please list any below:

Texas A&M University, Department of Recreation and Tourism Sciences, Parks and Conservation Advisory Council.

What qualifies you to serve on the board(s) you are applying for?

With over 13 years of experience in Park, Recreation and Conservation management, I currently serve as the Superintendent of the Lost Pines State Park Complex including Bastrop and Buescher State Parks.

Why do you want to serve on the board(s) you are applying for?

I enjoy being an engaged citizen and I believe that my experience can be an asset to the board.

SECTION D: BOARDS/COMMISSIONS/COMMITTEES

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

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

DISCLAIMER AND SIGNATURE

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

Signature *Joanne Crealey* Date 2/9/2017

WRITTEN NOTICE

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

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

OFFICE USE ONLY

Date Application Received:		Application Received by:	
Position Appointed:		Date Appointed:	
Term Starts:		Term Expires:	

POTENTIAL CONFLICT OF INTEREST DISCLOSURE
BASTROP'S CODE OF ETHICS

PARKS BOARD

PUBLIC TREE ADVISORY BOARD

Parks Board members are tasked with assisting and advising the City Council and City Manager in recommending future improvement and development of public parks, playgrounds and recreational facilities, including the purchase of land and the maintenance, use and care of same for the public welfare. Parks Board members also serve on the Public Tree Advisory Board, which is tasked with the promotion of healthy trees on public property, reviewing City department and public concerns related to tree care on the City's public property, and developing public awareness and education programs relating to trees in the City.

Answer the following questions by checking the boxes and providing additional detailed information, as needed.

Yes No

I work for or own, or one of my relatives* works for or owns, a company that has a financial interest in and/or provides goods or services to City parks, playgrounds, and/or recreational facilities.

Who: _____ Relationship: _____

Position held: _____ How long employed: _____

I have, or one of my relatives* has, an interest in real property that is connected to or otherwise near or adjacent to, or that is potentially related to the City's current or planned City parks, playgrounds or recreational facilities.

Who: _____ Relationship: _____

Property location: _____

I work for or own, or a relative* works for or owns, a company that engages in the planting, maintenance, and/or removal of trees and/or other landscaping services.

Who: _____ Name of Company: _____

Position held: _____ How long employed: _____

Explain further: _____

*In some cases, your relatives, whether by blood or marriage, may tie you so closely to contracts, businesses and other organizations that you have a 'conflict of interest' and need to refrain from working on a particular matter or case while serving on a City board or commission. The relatives that generally fall within the City's Ethics Code (and that you need to list on this form above) include your spouse, parents, children, grandparents, grandchildren, uncles/aunts, nieces/nephews, in-laws and cousins.

CITY COUNCIL

AGENDA COVER SHEET

DATE SUBMITTED: February 7, 2017

MEETING DATE: February 14, 2017

1. Agenda Item: **Approval of designation of 1005 Hill Street as a Historic Landmark**
2. Party Making Request: **Wesley Brandon, Director of Planning and Engineering**
3. Nature of Request: (Brief Overview) **The Historic Landmark Commission met January 18, 2017 and unanimously approved the request to designate 1005 Hill Street, known as the Campbell Taylor-Greenlief (or Greenleaf) Fisk Building, as a Historic Landmark.**
4. Attachments: Yes XX No _____
5. Motion Requested: **Approve the Historic Landmark designation for 1005 Hill Street.**



City of Bastrop Agenda Information Sheet:

City Council Meeting Date:

February 14, 2017

Project:

Historic Landmark designation for 1005 Hill Street- structure only.

Description and Background:

The property at 1005 Hill Street is currently owned by Mildred Namken. The house is listed on the National Register of Historic Places as the Campbell Taylor-Greenleaf (or Greenleaf) Fisk building, as well as a Texas Historical Medallion Building. It was designated as a Significant Landmark in 2008.

Public Hearings were held before the Historic Landmark Commission on August 13, 2008, Planning and Zoning Commission on August 28, 2008 and City Council on September 9, 2008 to designate 1005 Hill Street as a Significant Landmark. The structure met 1, 2, 3, 4, 6 and 7 of the criteria listed below:

1. Possesses significance in history, architecture, archeology or culture.
2. Is associated with events that have made a significant contribution to the broad patterns of local, region, state or national history.
3. Is associated with the lives of persons significant in Bastrop's past.
4. Embodies the distinctive characteristics of a type, period, or method of construction.
5. Represents the work of a master designer, builder or craftsman.
6. Represents an established and familiar visual feature of the city.
7. Is designated as a Recorded Texas Historic Landmark or State Archeological Landmark, or is included on the National Register of Historic Places.

The City of Bastrop Historic Landmark Commission considered the request at their meeting on January 18, 2017, and voted unanimously to approve the recommendation to designate the property as a Historic Landmark.

The Historic Landmark designation entitles the owner to a rebate on a portion of the ad valorem taxes and an official City of Bastrop Historic Landmark plaque to designate the structure.

The historic designation requires a Certificate of Appropriateness, approved by the Historic Landmark Commission, for any construction, reconstruction, alteration, restoration, rehabilitation or relocation of any Historic Landmark. Any material change to fences or other exterior elements visible from the public right-of-way which affect the appearance and cohesiveness requires an approved Certificate of Appropriateness.

City Contact:

Launa Eckert, Planning Technician

Attachments:

Agreement for Historic Landmark Designation, History and pictures



Historic Landmark Application and Agreement

As owner(s) of a City of Bastrop Significant Landmark located on _____

Building Block 32 E W St., 292 acres

(legal description)

commonly known as 1005 Hill Street, Bastrop (street address).

I/we, Mildred Namken wish to have said property designated as a Historic Landmark.

By the signature(s) below, I/we, the property owner(s) hereby acknowledge that I/we have received a copy of the current Historic Landmark Preservation Ordinance (Ordinance #2007-30), and any amendments thereto; that I/we understand and agree to abide by the terms and obligations related to a Historic Landmark designation; and, in obtaining Historic Landmark status for this property, I/we agree to maintain said property in accordance with provisions governing Historic Landmarks in the Ordinance and the design guidelines governing same, as adopted by the Bastrop Historic Landmark Commission, as such ordinance and guidelines now exist or may exist in the future.

Furthermore, I/we understand that by entering into this agreement with the City of Bastrop, I/we will be entitled to all incentives specified within Ordinance 2007-30 and amendments thereto.

Mildred Namken 1-11-2017
Signature of Property Owner Date

Signature of Property Owner Date

Susan R. Long 1-18-17
Signature for Historic Landmark Commission Date

APPROVED BY THE BASTROP CITY COUNCIL ON THE _____ DAY OF _____, 20 ____.

APPROVED:

ATTEST:

Terry Orr, Mayor

Teresa Valdez, City Secretary

CITY COUNCIL

AGENDA COVER SHEET

DATE SUBMITTED: February 7, 2017

MEETING DATE: February 14, 2017

1. Agenda Item: Approval of designation 1201 Main Street as a Historic Landmark
2. Party Making Request: Wesley Brandon, Director of Planning and Engineering
3. Nature of Request: (Brief Overview) The Historic Landmark Commission met January 18, 2017 and unanimously approved the request to designate 1201 Main Street, known as the First United Methodist Church, including The Memorial Bell Tower, as an Historic Landmark.
4. Attachments: Yes XX No _____
5. Motion Requested: Approve the Historic Landmark designation for 1201 Main Street.

City of Bastrop Agenda Information Sheet:



February 14, 2017

City Council Meeting Date:

Project:

Historic Landmark designation of the First United Methodist Church, including The Memorial Bell Tower located at 1201 Main Street

Description and Background:

The 1925 the First United Methodist Church building was built during an architectural period after the First World War when so many public buildings borrowed from Neoclassical and Romanesque details. The flat (no pitch) roof (parapet) and modified arch Romanesque window openings were designed to accommodate stained glass. There are fifteen windows in the sanctuary, and all are associated with members who contributed to major events in Bastrop's past.

Public Hearings were held before the Historic Landmark Commission on September 21, 2016, Planning and Zoning Commission on September 29, 2016 and City Council on October 11, 2016 to designate 1201 Main Street as a Significant Landmark. The Sanctuary structure met 1, 2, 3, 4, and 6 and The Memorial Bell Tower met 1, 2, 3, 4, 6 and 7 of the criteria listed below:

1. Possesses significance in history, architecture, archeology or culture.
2. Is associated with events that have made a significant contribution to the broad patterns of local, region, state or national history.
3. Is associated with the lives of persons significant in Bastrop's past.
4. Embodies the distinctive characteristics of a type, period, or method of construction.
5. Represents the work of a master designer, builder or craftsman.
6. Represents an established and familiar visual feature of the city.
7. Is designated as a Recorded Texas Historic Landmark or State Archeological Landmark, or is included on the National Register of Historic Places.

January 18, 2017 the Historic Landmark Commission voted unanimously to designate 1201 Main Street as a historic landmark.

City Contact:

Launa Eckert, Planning Technician

Attachments:

Agreement for Historic Landmark Designation, History and pictures



Historic Landmark Application and Agreement

As owner(s) of a City of Bastrop Significant Landmark located on _____

First United Methodist Church

(legal description)
commonly known as 1201 Main Street (street address).

I/we, Charles W. Day wish to have said property designated as a Historic Landmark.

By the signature(s) below, I/we, the property owner(s) hereby acknowledge that I/we have received a copy of the current Historic Landmark Preservation Ordinance (Ordinance #2007-30), and any amendments thereto; that I/we understand and agree to abide by the terms and obligations related to a Historic Landmark designation; and, in obtaining Historic Landmark status for this property, I/we agree to maintain said property in accordance with provisions governing Historic Landmarks in the Ordinance and the design guidelines governing same, as adopted by the Bastrop Historic Landmark Commission, as such ordinance and guidelines now exist or may exist in the future.

Furthermore, I/we understand that by entering into this agreement with the City of Bastrop, I/we will be entitled to all incentives specified within Ordinance 2007-30 and amendments thereto.

[Signature] 8/4/16
Signature of Property Owner Date

Signature of Property Owner Date

[Signature] 1.18.2017
Signature for Historic Landmark Commission Date

APPROVED BY THE BASTROP CITY COUNCIL ON THE _____ DAY OF _____, 20 ____.

APPROVED:

Mayor

ATTEST:

City Secretary

Revised November 7, 2013

CITY COUNCIL

AGENDA COVER SHEET

DATE SUBMITTED: February 7, 2017

MEETING DATE: February 14, 2017

1. Agenda Item: **PUBLIC HEARING: Receive public input on a request for a Conditional Use Permit (CUP) to Section 43.4 special height regulations to allow for structures of three (3) stories, 44 feet, for use as the Hunters Crossing Apartments to be located on Home Depot Way, approximately 300' west of its intersection with FM 304, within the city limits of Bastrop, Texas, currently zoned Hx-MR in the Hunters Crossing Planned Development, being the equivalent of MF-2, Multi-Family-2, in the Code of Ordinances.**

2. Party Making Request: **Wesley Brandon, Director of Planning and Engineering**

3. Nature of Request: (Brief Overview) **Request for a Conditional Use Permit (CUP) to allow for an increase of nine (9) feet to the overall height of the structures where thirty five (35) feet is allowed. The Planning and Zoning Commission conducted a public hearing on January 26, 2017 and voted unanimously to recommend approval of the requested CUP.**

4. Attachments: Yes XX No _____

5. Motion Requested: **N/A – Public Hearing**

Agenda Information Sheet:

City Council Meeting Date:

February 14, 2017

Public Notice Description:

Consideration, discussion and possible action on a Conditional Use Permit (CUP) for Section 43.4 special height regulations to allow for structures of three (3) stories, 44 feet, for use as the Hunters Crossing Apartments to be located on Home Depot Way, approximately 300' west of its intersection with FM 304, within the city limits of Bastrop, Texas, currently zoned Hx-MR in the Hunters Crossing Planned Development, being the equivalent of MF-2, Multi-Family-2, in the Code of Ordinances.

Item Summary:

Owner: Howard Schain
Applicant: Robert Reetz
Location: Located in the City Limits
Utilities: City water and sewer and Bluebonnet Electric
Zoning: Hx-MR – equivalent to MF2, Multiple Family-2
Land Use Plan: Transitional Residential

Lot area +/-11.328 acres (CUP for Height of buildings)



Background:

The +/-11.328 acre tract from Section 9A of the Hunters Crossing Planned Development, being all of that certain tract or parcel of land out of and a part of the Nancy Blakey Survey Abstract Number 98, is currently vacant. This tract will be combined to house the future Hunters Crossing Apartments. The proposed development is privately-funded, and will offer market-rate apartments. The property is currently zoned Hx-MR in the Hunters Crossing Planned Development, and under Section 301 – Hx-MR District it states the following:

The Hx-MR District (i.e. Sections 3E, 5B, 9A and 9B) can be developed using any one or two of the five (5) following districts, in any single section, in compliance with the City of Bastrop Code of Ordinances:

1. SF-7 (Chapter 14, Section 17) and SF-7 as amended by this PD (section 300.52)
2. 2F (Chapter 14, Section 18)
3. SFA (Chapter 14, Section 19)
4. MF-1 (Chapter 14, Section 20)
5. MF-2 (Chapter 14, Section 21)

The applicant will be utilizing the MF-2 zoning designation for the construction of this project. In accordance with Section 43.4 Code of Ordinance requirements, they are requesting a Conditional Use Permit (CUP) under the exception of 43.4B Special Height Regulations which allows the maximum height of a structure to increase above the maximum height (35 feet and or two and one half (2 ½ stories)) in the base zoning district, CUP and additional factors outlined in 43.4.B1.

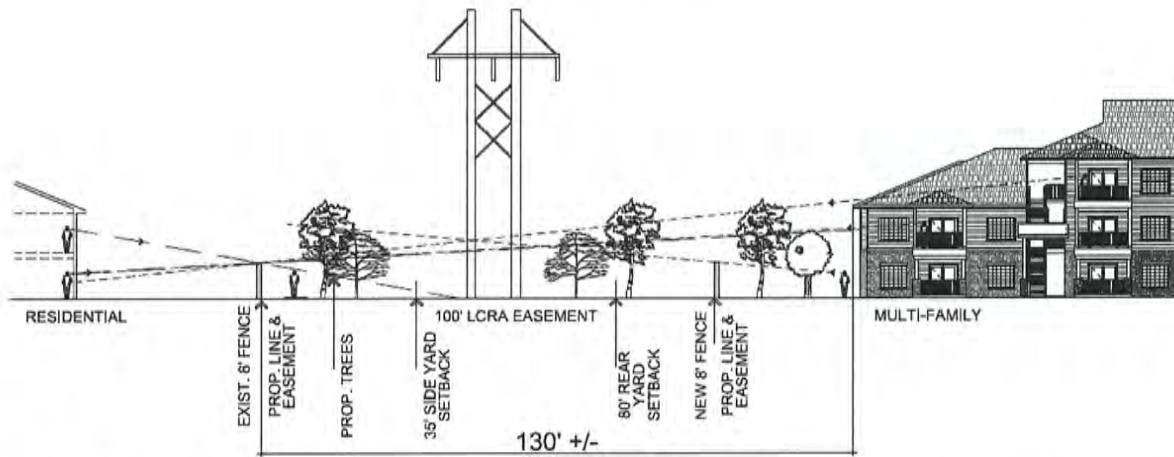
If the Conditional Use Permit (CUP) is approved the applicant will continue with the land development process, including filling a subdivision plat, site development and building permits to construct the 44 feet apartment buildings. City utility services are available, and any extensions that might be required as part of construction will be at the owner/applicants expense. The development of the site will be required to comply with all other city regulations related to land development.



(Conceptual Site Plan)



(Exterior Elevations)



(View Study)

Request:

Conditional Use Permit (CUP) in accordance with Section 43.4 B and Section 33 of the Zoning Ordinance, as requested by Robert Reetz, to exceed the height limits of the buildings where the height of the buildings must meet the maximum height of the zoning district, being multifamily building height regulations of 35 feet and/or two and one-half (2 ½) stories. The proposed building is 44 feet and contains three stories. The building will be required to have fire sprinkler systems.

The following are the code sections that apply to the proposed height exception/Conditional Use Permit (CUP).

43.4 SPECIAL HEIGHT REGULATIONS:

Section 43.4B

B. Increasing Maximum Height. *The maximum height of buildings and structures may be increased above the maximum height allowed in the base zoning district by conditional use permit, as provided in Section 33, Conditional Use Permits, for those buildings and structures located in non-residential districts, and those buildings and facilities occupied by a church, political subdivision, or utility company in any zoning district.*

- 1. In addition to the conditional use standards, the Planning and Zoning Commission and City Council shall consider, but not be limited to, the following factors when determining the maximum height:*

- a. *Preservation of views of landmark buildings, significant open spaces, vistas or water bodies.*
- b. *Access to light and air of surrounding properties.*
- c. *Shadowing of residential properties or significant public spaces.*
- d. *Height, bulk and scale relationships with surrounding uses and structures.*
 - i. *Type and amount of separation between surrounding uses and structures (e.g. separation by only a property line, by an alley or street, or by other physical features such as grade changes).*
 - ii. *Use of architectural style, details (such as roof lines or fenestration), color or materials that derive from the less intensive surrounding uses and structures.*
 - iii. *Creative use of landscaping or other screening*
 - iv. *Location of features on-site to facilitate transition, such as locating open space on the property edge so the building or structure is farther from lower intensity development.*
 - v. *Articulation of the building's facades vertically on horizontally in intervals that conform to existing structures or platting pattern.,*
 - vi. *Reducing the bulk of the building's upper floors.*
 - vii. *Limiting the length of, or otherwise modifying, facades.*
- e. *Treating topographic conditions in ways that minimize impacts on neighboring development, such as by using a rockery rather than a retaining wall to give a more human scale to a project, or stepping a project down a hillside.*
- f. *Relationship of windows, doors, exterior stairways, exterior balconies, sundecks, etc. with the privacy of neighbors.*

2. *Fire related standards:*

- a. *Fire flow is adequate.*
- b. *Buildings or structures over two (2) stories in height shall be in compliance with four (4) story fire code requirements for commercial fire suppression systems.*

33.2 CONDITIONAL USE PERMIT REGULATIONS:

- A. *In recommending that a Conditional Use Permit for the premises under consideration be granted, the City shall determine that such uses are harmonious and adaptable to building structures and uses of abutting property and other property in the vicinity of the premises under consideration, and shall make recommendations as to requirements for the paving of streets, alleys and sidewalks, means of ingress and egress to public streets, provisions for drainage, adequate off-street parking, screening and open space, heights of structures, and compatibility of buildings. In*

approving a requested CUP, the Planning and Zoning Commission and City Council may consider the following:

1. *The use is harmonious and compatible with surrounding existing uses or proposed uses;*
 2. *The activities requested by the applicant are normally associated with the permitted uses in the base district;*
 3. *The nature of the use is reasonable;*
 4. *Any negative impact on the surrounding area has been mitigated;*
 5. *That any additional conditions specified ensure that the intent of the district purposes are being upheld.*
- B. *In granting a Conditional Use Permit, the Planning and Zoning Commission and City Council may impose conditions which shall be complied with by the owner or grantee before a Certificate of Occupancy may be issued by the Building Official for use of the building on such property pursuant to such Conditional Use Permit and such conditions precedent to the granting of the Certificate of Occupancy. Any special conditions shall be set forth in writing by the City Council prior to issuance of the Certificate of Occupancy.*
- C. *No Conditional Use Permit shall be granted unless the applicant, owner and grantee of the Conditional Use Permit shall be willing to accept and agree to be bound by and comply with the written requirements of the Conditional Use Permit, as attached to the site plan drawing (or drawings) and reviewed by the Planning and Zoning Commission and approved by the City Council.*
- D. *A building permit or Certificate of Occupancy shall be applied for and secured within one (1) year from the time of granting the Conditional Use Permit, provided however, that the City Council may authorize an extension. After one (1) year from the date of approval has elapsed, the Planning and Zoning Commission and City Council may review the site plan for compliance. If the site plan is determined to be invalid, the property owner(s) must submit a new or revised site plan for approval prior to any construction or application for building permit for the area designated for the Conditional Use Permit. A public hearing is required for consideration of the new site plan.*
- E. *No building, premise, or land used under a Conditional Use Permit may be enlarged, modified, structurally altered, or otherwise significantly changed unless an amended Conditional Use Permit is granted for such enlargement, modification, structural alteration, or change.*
- Minor changes or alterations may be approved by the Director of Planning.*
- F. *The Board of Adjustment shall not have jurisdiction to hear, review, reverse, or modify any decision, determination, or ruling with respect to the specific land use designated by any Conditional Use Permit.*

- G. *When the City Council authorizes granting of a Conditional Use Permit, the Zoning Map shall be amended according to its legend to indicate that the affected area has conditional and limited uses, and said amendment is to indicate the appropriate zoning district for the approved use and prefixed by a "C" designation.*

Description:

The property is proposed for the Hunters Crossing Apartments, the proposed development is privately-funded, and will offer market-rate apartments and will have a total of 182 apartment units, ranging from one to three bedrooms. The property will fill in the vacant property next to Hunters Crossing Retail Center (east), Hunters Crossing residential subdivision (south) and Hunters Crossing commercial development (north). The proposed buildings will range from 2 to 3 stories in height, up to a maximum height of 44 feet tall. This exceeds the height limitation by 7 feet. This property must also go through the Site Development Process. (Exhibits are attached)

CUP Criteria:

Based on City Staff's review and understanding of the project, the proposed multi-family development is a harmonious and compatible transition between the Hunters Crossing residential subdivision and Hunters Crossing commercial development, and also has a compatible height, bulk and scale relationship with surrounding uses and structures. The proposed buildings would exceed the current height restrictions by approximately 9 feet allowed in this base zoning.

"City shall determine that such uses are harmonious and adaptable to building structures and uses of abutting property and other property in the vicinity of the premises under consideration (Section 33.2A)"

1. *The use is harmonious and compatible with surrounding existing uses or proposed uses;*
2. *The activities requested by the applicant are normally associated with the permitted uses in the base district;*
3. *The nature of the use is reasonable;*
4. *Any negative impact on the surrounding area has been mitigated;*
5. *That any additional conditions specified ensure that the intent of the district purposes are being upheld.*

Special Considerations: The adjacent regional stormwater management system within the Hunters Crossing subdivision has been designed and built to accommodate storm-water runoff from the proposed development. All subsequent design plans must incorporate the drainage criteria according to the approved drainage study for Hunters Crossing. Additional reports and information regarding factors such as traffic impacts may also be required. Additionally, the development must comply with four (4) story fire code requirements for commercial fire suppression systems.

Financial Impact: None.

Comments: Twenty nine (29) adjacent property owner notifications were mailed on January 9, 2017 as well as public notification published in the local newspaper on January 12, 2017. At the time of this report, thirty-three (33) notifications have been received indicating three (3) in favor and twenty-nine (29) opposed the CUP request. One notification provided no opinion.

Staff Recommendation:

Staff has no objection to the Commission's approval of the Conditional Use Permit (CUP) to Section 43.4 Special Height Regulations for structures to increase maximum height buildings to

allow the proposed 44 feet/3 story tall proposed Hunters Crossing apartments within the MF-2, Multi Family-2 district where two and one half (2 ½) stories or 35 feet is allowed. The proposed height is a compatible transition between the existing adjacent commercial and single family residential areas, and would meet the intent of the CUP requirements.

Planning and Zoning Recommendation:

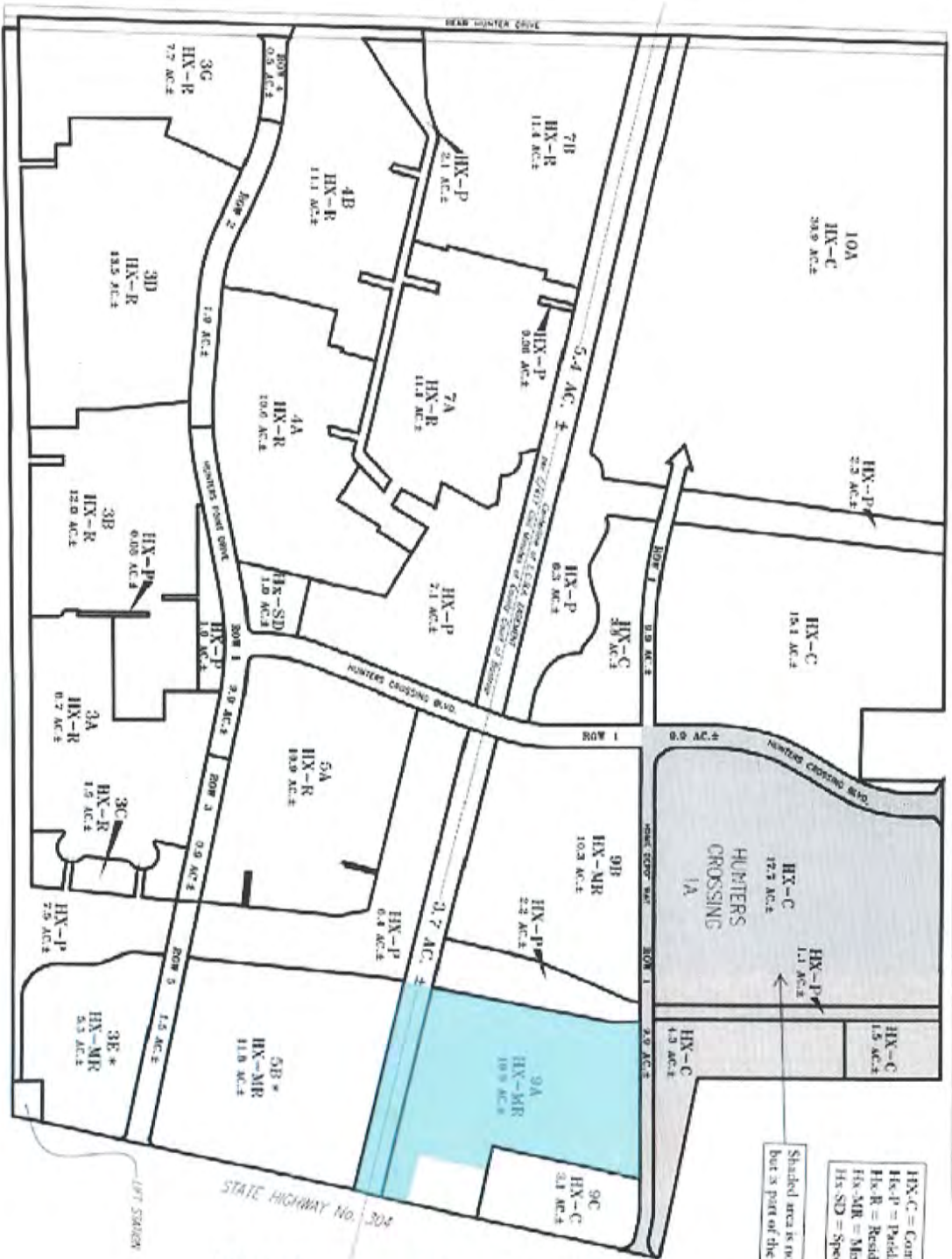
The Planning and Zoning Commission conducted a public hearing on January 26, 2017 and voted 6-0 to recommend approval of the Conditional Use Permit (CUP) to Section 43.4 Special Height Regulations for structures to increase maximum height buildings to allow the proposed 44 foot/3 story tall apartment buildings within the currently zoned Hx-MR in the Hunters Crossing Planned Development, being the equivalent of MF-2, Multi-Family-2, in the Code of Ordinances.

City Contact:

Wesley Brandon, P.E., Director of Planning and Engineering
Planning and Development Department

Attachments:

Letter from property owner, surrounding property owner responses, multiple exhibits both pictorial and surveyed.



HX-C = Commercial
HX-P = Pedestrian
HX-R = Residential
HX-MR = Mixed Residential
HX-SD = Special District

Shaded area is not part of the PD but a part of the Master Plan.

SCALE: 1" = 100'



5/99-A

* Sections 31c and 51b cannot utilize the MFC-2 zoning district

AMENDED
HUNTERS CROSSING
MASTER PLAN
REVISED MASTER PLAN AS
APPROVED BY CITY COUNCIL, FEBRUARY 25,
2003 AND RECORDED IN BASTROP COUNTY,
TEXAS IN PLAT CAB. 4, PG. 103-A



DATE OF THIS PLAN: 5/99
DATE OF REVISION: 5/99
DRAWN BY: [Signature]
CHECKED BY: [Signature]
APPROVED BY: [Signature]

APPROVED BY: [Signature]
[Signature]
[Signature]



Carlson, Bagnace & Denting, Inc.
Civil Engineering
1001 West 10th Street, Suite 100
Bastrop, Texas 77971
Phone No. (512) 231-1100 • Fax No. (512) 231-1101



Hunters Crossing Apartments



Split 2/3 Story Example Images

Hwy 304 & Home Depot Way
Bastrop, Texas



January 25, 2017

Lisa Patterson, Chair
Planning & Zoning Commission
City of Bastrop, Texas
1311 Chestnut Street
P.O. Box 427
Bastrop, Texas 78602

Re: Hunters Crossing Apartment CUP 17-01

Dear Planning & Zoning Commissioners,

I apologize for not being available to attend tonight's Planning & Zoning Commission meeting to share my perspective as the community's economic developer. The Economic Development Corporation has expended a great deal of community resources to research and investigate the local housing market.

In July 2015, the EDC Board commissioned a Multi-Family Feasibility Report from Capitol Market Research, Charles H. Heimsath, President. The findings of the report demonstrate a high demand for multi-family housing options in BastropTX. Specifically, the report states "an average annual demand of 191 units from 2015 through 2020, enough to support one new 200-unit apartment community per year." Our community's demand for multi-family housing over that five year period is 900 to 1,000 new units.

Through our business retention and expansion program, the EDC conducts interviews with local business owners. Available workforce housing continues to be a major concern. As an example, Bastrop ISD continually shares with the EDC that school district employees are short 100 to 150 rental units at the start of each school year.

Thank you for considering the approval of the Conditional Use Permit granting the additional story and height for this quality project.

Sincerely,

A handwritten signature in black ink that reads "Shawn".

Shawn Kirkpatrick, Executive Director
Bastrop Economic Development Corporation

301 Highway 71 West, Bastrop, Texas 78602
(512) 303-9700 info@bastropedc.org

02-14-2017

ncvd
1/25/17
64

**NOTICE OF PUBLIC HEARINGS
PLANNING AND ZONING COMMISSION AND CITY COUNCIL**

Dear Property Owner:

The Planning and Zoning Commission will conduct a public hearing on **Thursday, January 26, 2017 at 6:00 p.m.** and the City Council will conduct a public hearing (first reading) **Tuesday, February 14, 2017 at 6:30 p.m.** and have a second reading **Tuesday, February 28, 2017 at 6:30 p.m.** in the City Hall Council Chambers located at 1311 Chestnut Street, Bastrop, Texas to consider a request for a Conditional Use Permit for a height variance to allow for 3 stories, where 2 1/2 is currently allowed, for the proposed Hunters Crossing Apartments to be situated on an +/-11.328 acre tract, being all of that certain tract or parcel of land out of and a part of the Nancy Blakey Survey Abstract Number 98, located on Home Depot Way, approximately 300' west of its intersection with FM 304, within the city limits of Bastrop, Texas in accordance with Section 43.4 B in Chapter 14 of the Code of Ordinances. The property is currently zoned Hx-MR in the Hunters Crossing Planned Development, being the equivalent of MF-2, Multi-Family-2, in the Code of Ordinances.

Applicant: Howard Schain

Agent: Robert Reetz

Legal Description: +/-11.328 acre tract, being all of that certain tract or parcel of land out of and a part of the Nancy Blakey Survey Abstract Number 98

PLEASE SEE ATTACHED SITE LOCATION MAP AND 11X17 SITE PLAN

As a property owner within 200' of the above referenced property, you are being notified of the public hearings and invited to attend to express your opinion. Petitions and letters, either in support or opposition to this request, may be submitted to the Planning Department at 1311 Chestnut Street or mailed to P.O. Box 427, Bastrop, Texas 78602 (512) 332-8840 any time prior to the public hearings.

PROPERTY OWNER'S RESPONSE

RECEIVED

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

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

JAN 13 2017

By JC

Property Owner Name: SUSAN EVANS

Property Address: 220 WILDCAT DR, BASTROP Phone (optional): 913-216-0317

Mailing Address: 28 GLENDALE RD Email (optional): smenj2@opt
LANDERS, NJ 07860

Property Owner's Signature: Susan Evans

Comments: (Optional)

I oppose the development of the Hunters Crossing apartments altogether. As a home owner I invested my pay taxes. Apartment dwellers do not. Concern this will impact negatively my home value.

Please provide reply to:
Planning and Development Department
City of Bastrop, P.O. Box 427, Bastrop, Texas 78602 or via fax (512) 332-8829
Re: Conditional Use Permit for height variance to allow 3 stories, notices mailed January 9, 2017.

NOTICE OF PUBLIC HEARINGS
PLANNING AND ZONING COMMISSION AND CITY COUNCIL

Dear Property Owner:

The Planning and Zoning Commission will conduct a public hearing on Thursday, January 26, 2017 at 6:00 p.m. and the City Council will conduct a public hearing (first reading) Tuesday, February 14, 2017 at 6:30 p.m. and have a second reading Tuesday, February 28, 2017 at 6:30 p.m. in the City Hall Council Chambers located at 1311 Chestnut Street, Bastrop, Texas to consider a request for a Conditional Use Permit for a height variance to allow for 3 stories, where 2 1/2 is currently allowed, for the proposed Hunters Crossing Apartments to be situated on an +/-11.328 acre tract, being all of that certain tract or parcel of land out of and a part of the Nancy Blakey Survey Abstract Number 98, located on Home Depot Way, approximately 300' west of its intersection with FM 304, within the city limits of Bastrop, Texas in accordance with Section 43.4 B in Chapter 14 of the Code of Ordinances. The property is currently zoned Hx-MR in the Hunters Crossing Planned Development, being the equivalent of MF-2, Multi-Family-2, in the Code of Ordinances.

Applicant: Howard Schain

Agent: Robert Retz

Legal Description: +/-11.328 acre tract, being all of that certain tract or parcel of land out of and a part of the Nancy Blakey Survey Abstract Number 98

PLEASE SEE ATTACHED SITE LOCATION MAP AND 11X17 SITE PLAN

As a property owner within 200' of the above referenced property, you are being notified of the public hearings and invited to attend to express your opinion. Petitions and letters, either in support or opposition to this request, may be submitted to the Planning Department at 1311 Chestnut Street or mailed to P.O. Box 427, Bastrop, Texas 78602 (512) 332-8840 any time prior to the public hearings.

PROPERTY OWNER'S RESPONSE

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

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

Property Owner Name: Kimberly Brown
Property Address: 318 Wild Cat Dr
Mailing Address: 318 Wild Cat Dr

Phone (optional): (512) 718-1801
Email (optional): _____

Property Owner's Signature: Kimberly Brown
Comments: (Optional)

I oppose of any apartment complex being constructed at the location where indicated. Do NOT want this in our area

Please provide reply to:
Planning and Development Department
City of Bastrop, P.O. Box 427, Bastrop, Texas 78602 or via fax (512) 332-8829
Re: Conditional Use Permit for height variance to allow 3 stories, notices mailed January 9, 2017.

RECEIVED

JAN 13 2017

By JK 66

**NOTICE OF PUBLIC HEARINGS
PLANNING AND ZONING COMMISSION AND CITY COUNCIL**

Dear Property Owner:

The Planning and Zoning Commission will conduct a public hearing on Thursday, January 26, 2017 at 6:00 p.m. and the City Council will conduct a public hearing (first reading) Tuesday, February 14, 2017 at 6:30 p.m. and have a second reading Tuesday, February 28, 2017 at 6:30 p.m. in the City Hall Council Chambers located at 1311 Chestnut Street, Bastrop, Texas to consider a request for a Conditional Use Permit for a height variance to allow for 3 stories, where 2 ½ is currently allowed, for the proposed Hunters Crossing Apartments to be situated on an +/-11.328 acre tract, being all of that certain tract or parcel of land out of and a part of the Nancy Blakey Survey Abstract Number 98, located on Home Depot Way, approximately 300' west of its intersection with FM 304, within the city limits of Bastrop, Texas in accordance with Section 43.4 B in Chapter 14 of the Code of Ordinances. The property is currently zoned Hx-MR in the Hunters Crossing Planned Development, being the equivalent of MF-2, Multi-Family-2, in the Code of Ordinances.

Applicant: Howard Schain

Agent: Robert Reetz

Legal Description: +/-11.328 acre tract, being all of that certain tract or parcel of land out of and a part of the Nancy Blakey Survey Abstract Number 98

PLEASE SEE ATTACHED SITE LOCATION MAP AND 11X17 SITE PLAN

As a property owner within 200' of the above referenced property, you are being notified of the public hearings and invited to attend to express your opinion. Petitions and letters, either in support or opposition to this request, may be submitted to the Planning Department at 1311 Chestnut Street or mailed to P.O. Box 427, Bastrop, Texas 78602 (512) 332-8840 any time prior to the public hearings.

X
X

PROPERTY OWNER'S RESPONSE

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

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

Property Owner Name: Theresa Barnes
Property Address: 409 S. Hunting Lodge Ln. Phone (optional): 512.718.2210
Mailing Address: Same Email (optional): theresabarnes62@gmail.com
Property Owner's Signature: Theresa Barnes 409 S. Hunting Lodge Ln., Bastrop, Tx. 78602
Comments: (Optional)

Please provide reply to:
Planning and Development Department
City of Bastrop, P.O. Box 427, Bastrop, Texas 78602 or via fax (512) 332-8829
Re: Conditional Use Permit for height variance to allow 3 stories, notices mailed January 9, 2017.

RECEIVED

JAN 17 2017

By JK 68

**NOTICE OF PUBLIC HEARINGS
PLANNING AND ZONING COMMISSION AND CITY COUNCIL**

Dear Property Owner:

The Planning and Zoning Commission will conduct a public hearing on **Thursday, January 26, 2017 at 6:00 p.m.** and the City Council will conduct a public hearing (first reading) **Tuesday, February 14, 2017 at 6:30 p.m.** and have a second reading **Tuesday, February 28, 2017 at 6:30 p.m.** in the **City Hall Council Chambers** located at **1311 Chestnut Street, Bastrop, Texas** to consider a request for a Conditional Use Permit for a height variance to allow for 3 stories, where 2 ½ is currently allowed, for the proposed Hunters Crossing Apartments to be situated on an +/-11.328 acre tract, being all of that certain tract or parcel of land out of and a part of the Nancy Blakey Survey Abstract Number 98, located on Home Depot Way, approximately 300' west of its intersection with FM 304, within the city limits of Bastrop, Texas in accordance with Section 43.4 B in Chapter 14 of the Code of Ordinances. The property is currently zoned Hx-MR in the Hunters Crossing Planned Development, being the equivalent of MF-2, Multi-Family-2, in the Code of Ordinances.

Applicant: Howard Schain

Agent: Robert Reetz

Legal Description: +/-11.328 acre tract, being all of that certain tract or parcel of land out of and a part of the Nancy Blakey Survey Abstract Number 98

PLEASE SEE ATTACHED SITE LOCATION MAP AND 11X17 SITE PLAN

As a property owner within 200' of the above referenced property, you are being notified of the public hearings and invited to attend to express your opinion. Petitions and letters, either in support or opposition to this request, may be submitted to the Planning Department at 1311 Chestnut Street or mailed to P.O. Box 427, Bastrop, Texas 78602 (512) 332-8840 any time prior to the public hearings.

X
X

PROPERTY OWNER'S RESPONSE

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

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

Property Owner Name: Ruby Driscoll
Property Address: 180 W. Jefferson St Bastrop
Mailing Address: Box 460 - Bastrop TX 75602

Phone (optional): 512-3031581
Email (optional): _____

Property Owner's Signature: Ruby Driscoll

Comments: (Optional)
Drainage Problem High Traffic Prohibits

Please provide reply to:
Planning and Development Department
City of Bastrop, P.O. Box 427, Bastrop, Texas 78602 or via fax (512) 332-8829
Re: Conditional Use Permit for height variance to allow 3 stories, notices mailed January 9, 2017.

02-14-2017

RECEIVED

JAN 19 2017

By [Signature] 69

**NOTICE OF PUBLIC HEARINGS
PLANNING AND ZONING COMMISSION AND CITY COUNCIL**

Dear Property Owner:

The Planning and Zoning Commission will conduct a public hearing on Thursday, January 26, 2017 at 6:00 p.m. and the City Council will conduct a public hearing (first reading) Tuesday, February 14, 2017 at 6:30 p.m. and have a second reading Tuesday, February 28, 2017 at 6:30 p.m. in the City Hall Council Chambers located at 1311 Chestnut Street, Bastrop, Texas to consider a request for a Conditional Use Permit for a height variance to allow for 3 stories, where 2 1/2 is currently allowed, for the proposed Hunters Crossing Apartments to be situated on an +/-11.328 acre tract, being all of that certain tract or parcel of land out of and a part of the Nancy Blakey Survey Abstract Number 98, located on Home Depot Way, approximately 300' west of its intersection with FM 304, within the city limits of Bastrop, Texas in accordance with Section 43.4 B in Chapter 14 of the Code of Ordinances. The property is currently zoned Hx-MR in the Hunters Crossing Planned Development, being the equivalent of MF-2, Multi-Family-2, in the Code of Ordinances.

Applicant: Howard Schain

Agent: Robert Reetz

Legal Description: +/-11.328 acre tract, being all of that certain tract or parcel of land out of and a part of the Nancy Blakey Survey Abstract Number 98

PLEASE SEE ATTACHED SITE LOCATION MAP AND 11X17 SITE PLAN

As a property owner within 200' of the above referenced property, you are being notified of the public hearings and invited to attend to express your opinion. Petitions and letters, either in support or opposition to this request, may be submitted to the Planning Department at 1311 Chestnut Street or mailed to P.O. Box 427, Bastrop, Texas 78602 (512) 332-8840 any time prior to the public hearings.

PROPERTY OWNER'S RESPONSE

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

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

Property Owner Name: Tanya Griesenbeck
 Property Address: 1128 Griesenbeck Ranch Rd Bastrop TX 78602
 Mailing Address: P.O. Box 1009 Phone (optional): _____
 Email (optional): _____
 Property Owner's Signature: Tanya Griesenbeck
 Comments: (Optional) _____

Please provide reply to:
Planning and Development Department
City of Bastrop, P.O. Box 427, Bastrop, Texas 78602 or via fax (512) 332-8829
Re: Conditional Use Permit for height variance to allow 3 stories, notices mailed January 9, 2017.

RECEIVED

JAN 13 2017

By JS

**NOTICE OF PUBLIC HEARINGS
PLANNING AND ZONING COMMISSION AND CITY COUNCIL**

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Applicant: Howard Schain

Agent: Robert Rectz

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X
X

PROPERTY OWNER'S RESPONSE

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

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

Property Owner Name: Jo Ann Centrell
Property Address: 1811 Greenback Road Rd
Mailing Address: P.O. Box 713

Phone (optional): 512 321-1845
Email (optional): _____

Property Owner's Signature: Jo Ann Centrell
Comments: (Optional)

Please provide reply to:
Planning and Development Department
City of Bastrop, P.O. Box 427, Bastrop, Texas 78602 or via fax (512) 332-8829
Re: Conditional Use Permit for height variance to allow 3 stories, notices mailed January 9, 2017.

RECEIVED

JAN 17 2017

By Y2

71



NOTICE OF PUBLIC HEARINGS
PLANNING AND ZONING COMMISSION AND CITY COUNCIL

Dear Property Owner:

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Applicant: Howard Schain

Agent: Robert Reetz

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X
X -----
PROPERTY OWNER'S RESPONSE

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

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

Property Owner Name: Christina Calvey
Property Address: 100 Carbine Ct Bastrop TX Phone (optional): _____
Mailing Address: 100 Carbine Ct, Bastrop TX 78602 Email (optional): _____

Property Owner's Signature: [Signature]
Comments: (Optional)

RECEIVED

JAN 17 2017

By [Signature]

72

02-14-2017

Please provide reply to:
Planning and Development Department
City of Bastrop, P.O. Box 427, Bastrop, Texas 78602 or via fax (512) 332-8829
Re: Conditional Use Permit for height variance to allow 3 stories, notices mailed January 9, 2017.

✕

PROPERTY OWNER'S RESPONSE

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

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

Property Owner Name: CARL T. DAWSON
 Property Address: 112 Carbine Ct Bastrop Tx Phone (optional): 512-213-9864
 Mailing Address: 112 Carbine Ct Bastrop Tx 78609 Email (optional): ctdawson@hotmail.com
 Property Owner's Signature: [Signature]
 Comments: (Optional)

RECEIVED

JAN 27 2017

Please provide reply to:
 Planning and Development Department
 City of Bastrop, P.O. Box 427, Bastrop, Texas 78602 or via fax (512) 332-8829
 Re: Conditional Use Permit for height variance to allow 3 stories, notices mailed January 9, 2017.

By [Signature]

✕

PROPERTY OWNER'S RESPONSE

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

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

Property Owner Name: Flowers
 Property Address: 315 Bird Dog Bend Phone (optional): _____
 Mailing Address: " " " " Email (optional): _____
 Property Owner's Signature: [Signature]
 Comments: (Optional)

Should not be apartments built at all -
should be single family homes!

Please provide reply to:
 Planning and Development Department
 City of Bastrop, P.O. Box 427, Bastrop, Texas 78602 or via fax (512) 332-8829
 Re: Conditional Use Permit for height variance to allow 3 stories, notices mailed January 9, 2017.

X

PROPERTY OWNER'S RESPONSE

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

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

RECEIVED

JAN 23 2017

By JL

Property Owner Name: MARY FLOWERS
 Property Address: 318 BIRD DOG DR
 Mailing Address: SAME

Phone (optional): _____
 Email (optional): MARY FLOWERS@yahoo.com

Property Owner's Signature: 
 Comments: (Optional)

I BELIEVE THIS HIGH DENSITY APARTMENT DEVELOPMENT
WILL BE DETRIMENTAL TO THE PROPERTY VALUES AND THE
SOCIAL STRUCTURE OF THE FAMILY AT MASTERS
OF HUNTERS CROSSING.

Please provide reply to:
 Planning and Development Department
 City of Bastrop, P.O. Box 427, Bastrop, Texas 78602 or via fax (512) 332-8829
 Re: Conditional Use Permit for height variance to allow 3 stories, notices mailed January 9, 2017.

OTHER PROPERTY OWNER

RECEIVED

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

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

JAN 20 2017

By JL

Property Owner Name: Bigang Liu
 Property Address: 110 Carbine CT, Bastrop TX
 Mailing Address: 110 Carbine CT, Bastrop, TX

Phone (optional): 512-360 7128
 Email (optional): liubigang11@yahoo.com

Property Owner's Signature: Bigang Liu
 Comments: (Optional)

The planning Apartment will impair the flooding service of our community
and it also will affect the safety, privacy of our community

Please provide reply to:
 Planning and Development Department
 City of Bastrop, P.O. Box 427, Bastrop, Texas 78602 or via fax (512) 332-8829
 Re: Conditional Use Permit for height variance to allow 3 stories, notices mailed January 9, 2017.

PROPERTY OWNER'S RESPONSE

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

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

Property Owner Name: AURORA GOMEZ
 Property Address: 105 MAGNUM TRAIL Phone (optional): _____
 Mailing Address: 105 MAGNUM TRAIL Email (optional): _____

Property Owner's Signature: Aurora Gomez
 Comments: (Optional)

Please provide reply to:
 Planning and Development Department
 City of Bastrop, P.O. Box 427, Bastrop, Texas 78602 or via fax (512) 332-8829
 Re: Conditional Use Permit for height variance to allow 3 stories, notices mailed January 9, 2017.

RECEIVED

JAN 23 2017

By JL

PROPERTY OWNER'S RESPONSE

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

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

Property Owner Name: COVERT CHEV
 Property Address: _____ Phone (optional): _____
 Mailing Address: PO Box 78602 Email (optional): _____

Property Owner's Signature: [Signature]
 Comments: (Optional) congested traffic flow on 304 and Home Depot way congested traffic

Please provide reply to:
 Planning and Development Department
 City of Bastrop, P.O. Box 427, Bastrop, Texas 78602 or via fax (512) 332-8829
 Re: Conditional Use Permit for height variance to allow 3 stories, notices mailed January 9, 2017.

RECEIVED

JAN 23 2017

By JL

X

PROPERTY OWNER'S RESPONSE

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

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

RECEIVED

JAN 17 2017

Property Owner Name: BSR Properties I By JK
 Property Address: 202 CALIBER COVE Phone (optional): _____
 Mailing Address: P.O. Box 522 Email (optional): KTurner@BSRproperties.info
FULLSTEAR, TX 77441
 Property Owner's Signature: [Signature]
 Comments: (Optional) _____

Please provide reply to:
 Planning and Development Department
 City of Bastrop, P.O. Box 427, Bastrop, Texas 78602 or via fax (512) 332-8829
 Re: Conditional Use Permit for height variance to allow 3 stories, notices mailed January 9, 2017.

X

PROPERTY OWNER'S RESPONSE

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

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

RECEIVED

JAN 18 2017

Property Owner Name: Bill Rhodes Road By JK
 Property Address: 109 Griesenbeck Ranch Phone (optional): (512) 629-3406
 Mailing Address: P.O. Box 1326 Email (optional): call DO NOT email unless you call first
 Property Owner's Signature: Jodie Rhodes jodierhodes01@gmail.com
 Comments: (Optional) _____

Please provide reply to:
 Planning and Development Department
 City of Bastrop, P.O. Box 427, Bastrop, Texas 78602 or via fax (512) 332-8829
 Re: Conditional Use Permit for height variance to allow 3 stories, notices mailed January 9, 2017.

Too busy and would cause more accidents on 304.
No. Please
Just got.

X

PROPERTY OWNER'S RESPONSE

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

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

RECEIVED

JAN 19 2017

By JC

Property Owner Name: Rachael Youngblood
 Property Address: 311 Grutsch Dr
 Mailing Address: same

Phone (optional): 512-560-6275
 Email (optional): rachanne1976@yahoo.com

Property Owner's Signature: [Signature]
 Comments: (Optional)

Please provide reply to:
 Planning and Development Department
 City of Bastrop, P.O. Box 427, Bastrop, Texas 78602 or via fax (512) 332-8829
 Re: Conditional Use Permit for height variance to allow 3 stories, notices mailed January 9, 2017.

* I am opposed to the ENTIRE project. I live further back in the neighborhood, but a project like this affects the whole neighborhood AND our property values.

X

PROPERTY OWNER'S RESPONSE

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

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

RECEIVED

JAN 17 2017

By JC

Property Owner Name: Ben & Heather Coleman
 Property Address: 201 Massberg Ln
 Mailing Address: Bastrop TX 78602

Phone (optional): _____
 Email (optional): _____

Property Owner's Signature: [Signature]
 Comments: (Optional)

Please provide reply to:
 Planning and Development Department
 City of Bastrop, P.O. Box 427, Bastrop, Texas 78602 or via fax (512) 332-8829
 Re: Conditional Use Permit for height variance to allow 3 stories, notices mailed January 9, 2017.

X

PROPERTY OWNER'S RESPONSE

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

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

RECEIVED

JAN 25 2017

By JE

Property Owner Name: Colleen L. Murphy
 Property Address: 717 Park Noise
 Mailing Address: _____

Phone (optional): _____
 Email (optional): _____

Property Owner's Signature: _____

Comments: (Optional)

I oppose the entire project. The whole neighborhood should have been notified as it affects all of

Please provide reply to: Hunters Crossing.
 Planning and Development Department

City of Bastrop, P.O. Box 427, Bastrop, Texas 78602 or via fax (512) 332-8829
 Re: Conditional Use Permit for height variance to allow 3 stories, notices mailed January 9, 2017.

X

PROPERTY OWNER'S RESPONSE

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

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

RECEIVED

JAN 25 2017

By JE

Property Owner Name: Misty Roe
 Property Address: 208 Wild Cat Dr.
 Mailing Address: 208 Wild Cat Dr

Phone (optional): _____
 Email (optional): _____

Property Owner's Signature: Misty Roe
 Comments: (Optional)

Please provide reply to:

Planning and Development Department

City of Bastrop, P.O. Box 427, Bastrop, Texas 78602 or via fax (512) 332-8829

Re: Conditional Use Permit for height variance to allow 3 stories, notices mailed January 9, 2017.

PROPERTY OWNER'S RESPONSE RECEIVED

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

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

JAN 20 2017

By JE

Property Owner Name: Valerie + Charles Miller
 Property Address: 211 Park House Dr. Phone (optional): _____
 Mailing Address: SAME Email (optional): _____
 Property Owner's Signature: Valerie C Miller
 Comments: (Optional)

Please provide reply to:
 Planning and Development Department
 City of Bastrop, P.O. Box 427, Bastrop, Texas 78602 or via fax (512) 332-8829
 Re: Conditional Use Permit for height variance to allow 3 stories, notices mailed January 9, 2017.

PROPERTY OWNER'S RESPONSE

RECEIVED

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

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

JAN 20 2017

By JE

Property Owner Name: Stephanie White
 Property Address: 214 Mossburg Lane Phone (optional): _____
 Mailing Address: 214 Mossburg Lane Email (optional): _____
 Property Owner's Signature: Stephanie White
 Comments: (Optional)

I'm not within 200 feet but I oppose this request.

Please provide reply to:
 Planning and Development Department
 City of Bastrop, P.O. Box 427, Bastrop, Texas 78602 or via fax (512) 332-8829
 Re: Conditional Use Permit for height variance to allow 3 stories, notices mailed January 9, 2017.

PROPERTY OWNER'S RESPONSE

RECEIVED

JAN 25 2017

Rv *jc*

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

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

Property Owner Name: James Davis

Property Address: 208 Wildcat Dr, Bastrop TX 78602

Mailing Address: "same"

Phone (optional): 936-465-3028

Email (optional): _____

Property Owner's Signature: *James Davis*

Comments: (Optional)

Please provide reply to:

Planning and Development Department

City of Bastrop, P.O. Box 427, Bastrop, Texas 78602 or via fax (512) 332-8829

Re: Conditional Use Permit for height variance to allow 3 stories, notices mailed January 9, 2017.

PROPERTY OWNER'S RESPONSE

RECEIVED

JAN 19 2017

3y *jc*

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

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

Property Owner Name: Shuen Zhao

Property Address: 201 N. Hunting Lodge Ln

Mailing Address: Bastrop, TX 78602

Phone (optional): _____

Email (optional): _____

Property Owner's Signature: *Shuen Zhao*

Comments: (Optional)

Please provide reply to:

Planning and Development Department

City of Bastrop, P.O. Box 427, Bastrop, Texas 78602 or via fax (512) 332-8829

Re: Conditional Use Permit for height variance to allow 3 stories, notices mailed January 9, 2017.

X
X

PROPERTY OWNER'S RESPONSE

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

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

I oppose the entire project - as most people do in the neighborhood of Hunters Crossing

Property Owner Name: Michele Dodson

Property Address: 110 Outlets Drive

Phone (optional): 629-6100

Mailing Address: _____

Email (optional): _____

Property Owner's Signature: [Signature]

Comments: (Optional)

This affects the entire neighborhood not just those who reside within 200'

Please provide reply to:

Planning and Development Department

City of Bastrop, P.O. Box 427, Bastrop, Texas 78602 or via fax (512) 332-8829

Re: Conditional Use Permit for height variance to allow 3 stories, notices mailed January 9, 2017.

RECEIVED

JAN 17 2017

By [Signature]

X

PROPERTY OWNER'S RESPONSE

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

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

RECEIVED

JAN 17 2017

By [Signature]

Property Owner Name: Shari Haywood

Property Address: 202 Pheasant Trl.

Phone (optional): _____

Mailing Address: 202 Pheasant Trl.
Bastrop TX 78602

Email (optional): _____

Property Owner's Signature: [Signature]

Comments: (Optional)

Talk to me! Why should I pay higher HOA fees for this! Already I can not get anyone to call me!

Please provide reply to:

Planning and Development Department

City of Bastrop, P.O. Box 427, Bastrop, Texas 78602 or via fax (512) 332-8829

Re: Conditional Use Permit for height variance to allow 3 stories, notices mailed January 9, 2017.

512-923-6795

x

PROPERTY OWNER'S RESPONSE

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

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

RECEIVED

JAN 19 2017

By JE

Property Owner Name: Cindy Meyer
 Property Address: 106 Thompson Trail, Bastrop Phone (optional): 512-468-2741 wk
 Mailing Address: 205 Margies Way, Bastrop Email (optional): cindy-meyer@twc.com

Property Owner's Signature: Cindy Meyer

Comments: (Optional)

My husband and I are against this complex due to traffic concerns. Additionally, a 3 story building in Bastrop will be the beginning of making our town half small town, half big city. We have seen this happen elsewhere and the towns end up ugly with no sense of identity.
 Please provide reply to: Planning and Development Department
 City of Bastrop, P.O. Box 427, Bastrop, Texas 78602 or via fax (512) 332-8829
 Re: Conditional Use Permit for height variance to allow 3 stories, notices mailed January 9, 2017.

x

PROPERTY OWNER'S RESPONSE

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

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

IN REGARDS TO THE REFERENCED PROPERTY OF +/- 11.328 ACRE TRACT.

Property Owner Name: DALTON ELLIOTT 5227
 Property Address: 307 BIRD DOG BEND - 78602 Phone (optional): 512-567-5227
 Mailing Address: 118 LUMBERSACK CT. BASTROP, TX. 78602 Email (optional): _____

Property Owner's Signature: Dalton Elliott

Comments: (Optional)

CONCERNED ABOUT AN INCREASE OF CRIME IN THE HUNTERS CROSSING NEIGHBORHOOD. LOWERING PROPERTY VALUES AND UNREGULATED USE + VIOLATIONS OF CURRENT AMMENITIES.

Please provide reply to:
 Planning and Development Department
 City of Bastrop, P.O. Box 427, Bastrop, Texas 78602 or via fax (512) 332-8829
 Re: Conditional Use Permit for height variance to allow 3 stories, notices mailed January 9, 2017.

RECEIVED

JAN 17 2017

By JE

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

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

RECEIVED

JAN 23 2017

By JK

Property Owner Name: Xianghong Kuang
Property Address: 200 Outfitter Dr.
Mailing Address: 200 Outfitter Dr.

Phone (optional): _____
Email (optional): _____

Property Owner's Signature: Xianghong Kuang

Comments: (Optional)

We've already experience probelm to drain water during thunderstorm.
If more land was covered by buildings, we will suffer from flooding for sure.
And the traffic around is also problematic!

Please provide reply to:

Planning and Development Department

City of Bastrop, P.O. Box 427, Bastrop, Texas 78602 or via fax (512) 332-8829

Re: Conditional Use Permit for height variance to allow 3 stories, notices mailed January 9, 2017.

upper.



These pictures were took in summer of 2015 during a thunderstorm. from 200 Outfitter Dr. (at Hunters Crossing).

02-14-2017

→ Next sider

upper

RECEIVED

JAN 23 2017

By je



← Half of the ^{vehicle} tires are soaked in ~~the~~ running water.



Drive way in water. →

These pictures were took in summer of 2015 during a thunderstrom from 200. Outfitter Dr. The drainage system is not enough efficient.

02-14-2017

→ Not ~~the~~ side.

**NOTICE OF PUBLIC HEARINGS
PLANNING AND ZONING COMMISSION AND CITY COUNCIL**

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Applicant: Howard Schain

Agent: Robert Reetz

Legal Description: +/-11.328 acre tract, being all of that certain tract or parcel of land out of and a part of the Nancy Blakey Survey Abstract Number 98

PLEASE SEE ATTACHED SITE LOCATION MAP AND 11X17 SITE PLAN

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✂
✂

PROPERTY OWNER'S RESPONSE

~~As a property owner within 200':~~ (please check ~~1/one~~) **Not w/in 200'**

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

Property Owner Name: ROBERT M. HUNT

Property Address: 105 MAVERICK DR

Mailing Address: SAME

Phone (optional): 572-303-1991
Email (optional): THEHUNTSPLAIN@hotmail.com

Property Owner's Signature: 

Comments: (Optional)

RECEIVED

Please provide reply to:
Planning and Development Department
City of Bastrop, P.O. Box 427, Bastrop, Texas 78602 or via fax (512) 332-8829
Re: Conditional Use Permit for height variance to allow 3 stories, notices mailed January 9, 2017.

JAN 13 2017

By RS
86

02-14-2017

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

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

Property Owner Name: Gwendolyn De Leon
Property Address: 104 Double Barrel Ct
Mailing Address: same

Phone (optional): _____
Email (optional): txyellowgirl@gmail.com

Property Owner's Signature: [Signature]
Comments: (Optional) _____

Please provide reply to:
Planning and Development Department
City of Bastrop, P.O. Box 427, Bastrop, Texas 78602 or via fax (512) 332-8829
Re: Conditional Use Permit for height variance to allow 3 stories, notices mailed January 9, 2017.

RECEIVED

JAN 23 2017

By [Signature]

NOTICE OF PUBLIC HEARINGS
PLANNING AND ZONING COMMISSION AND CITY COUNCIL

FORESTAR GROUP

JAN 09 2017

Dear Property Owner:

The Planning and Zoning Commission will conduct a public hearing on Thursday, January 26, 2017 at 6:00 p.m. and the City Council will conduct a public hearing (first reading) Tuesday, February 14, 2017 at 6:30 p.m. and have a second reading Tuesday, February 28, 2017 at 6:30 p.m. in the City Hall Council Chambers located at 1311 Chestnut Street, Bastrop, Texas to consider a request for a Conditional Use Permit for a height variance to allow for 3¹/₂ stories, where 2 1/2 is currently allowed, for the proposed Hunters Crossing Apartments to be situated on an +/-11.328 acre tract, being all of that certain tract or parcel of land out of and a part of the Nancy Blakey Survey Abstract Number 98, located on Home Depot Way, approximately 300' west of its intersection with FM 304, within the city limits of Bastrop, Texas in accordance with Section 43.4 B in Chapter 14 of the Code of Ordinances. The property is currently zoned Hx-MR in the Hunters Crossing Planned Development, being the equivalent of MF-2, Multi-Family-2, in the Code of Ordinances.

Applicant: Howard Schain

Agent: Robert Reetz

Legal Description: +/-11.328 acre tract, being all of that certain tract or parcel of land out of and a part of the Nancy Blakey Survey Abstract Number 98

PLEASE SEE ATTACHED SITE LOCATION MAP AND 11X17 SITE PLAN

As a property owner within 200' of the above referenced property, you are being notified of the public hearings and invited to attend to express your opinion. Petitions and letters, either in support or opposition to this request, may be submitted to the Planning Department at 1311 Chestnut Street or mailed to P.O. Box 427, Bastrop, Texas 78602 (512) 332-8840 any time prior to the public hearings.

X
X

PROPERTY OWNER'S RESPONSE

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

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

Property Owner Name: Forestar Group

Property Address: Hunters Crossing, 9B | A98 Blakey, Nancy

Mailing Address: 6300 Bee Cave Rd, Bldg Two, # 500

Phone (optional): _____

Email (optional): _____

Property Owner's Signature: _____

Comments: (Optional)

Please provide reply to:

Planning and Development Department

City of Bastrop, P.O. Box 427, Bastrop, Texas 78602 or via fax (512) 332-8829

Re: Conditional Use Permit for height variance to allow 3 stories, notices mailed January 9, 2017.

RECEIVED

JAN 17 2017

By RS 88

02-14-2017



PROPERTY OWNER'S RESPONSE

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

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

Property Owner Name: Gwendolyn De Leon
 Property Address: 104 Double Barrel Ct
 Mailing Address: same

Phone (optional): _____
 Email (optional): txyellowgirl@gmail.com

Property Owner's Signature: [Signature]
 Comments: (Optional)

Please provide reply to:
 Planning and Development Department
 City of Bastrop, P.O. Box 427, Bastrop, Texas 78602 or via fax (512) 332-8829
 Re: Conditional Use Permit for height variance to allow 3 stories, notices mailed January 9, 2017.

CITY COUNCIL

AGENDA COVER SHEET

DATE SUBMITTED: February 7, 2017

MEETING DATE: February 14, 2017

1. Agenda Item: **THE FIRST READING OF AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT TO ALLOW FOR STRUCTURES OF THREE (3) STORIES, 44 FEET, FOR USE AS THE HUNTERS CROSSING APARTMENTS TO BE LOCATED ON HOME DEPOT WAY, APPROXIMATELY 300' WEST OF ITS INTERSECTION WITH FM 304, WITHIN THE CITY LIMITS OF BASTROP, TEXAS, AN AREA ZONED HX-MR IN THE HUNTERS CROSSING PLANNED DEVELOPMENT, BEING THE EQUIVALENT OF MF-2, MULTI-FAMILY-2, IN THE CODE OF ORDINANCES; SETTING OUT CONDITIONS; AND PROVIDING AN EFFECTIVE DATE.**

2. Party Making Request: **Wesley Brandon, Director of Planning and Engineering**

3. Nature of Request: (Brief Overview) **Request for a Conditional Use Permit (CUP) to allow for an increase of nine (9) feet to the overall height of the structures where thirty five (35) feet is allowed. The Planning and Zoning Commission conducted a public hearing on January 26, 2017 and voted unanimously to recommend approval of the requested CUP.**

4. Attachments: Yes XX No _____

5. Motion Requested: **Approve the request for a conditional use permit to allow for structures of three (3) stories, 44 feet, for use as the Hunters Crossing Apartments, and place the second reading of the ordinance on the City Council consent agenda.**

ORDINANCE NO. 2017-06

AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT TO ALLOW FOR THE CONSTRUCTION OF STRUCTURES TO BE THREE (3) STORIES, 44 FEET, WHERE 35 FEET IS ALLOWED, FOR USE AS THE HUNTERS CROSSING APARTMENTS TO BE SITUATED ON AN +/-11.328 ACRE TRACT, BEING ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF AND A PART OF THE NANCY BLAKEY SURVEY ABSTRACT NUMBER 98, LOCATED ON HOME DEPOT WAY, APPROXIMATELY 300' WEST OF ITS INTERSECTION WITH FM 304, WITHIN THE CITY LIMITS OF BASTROP, TEXAS, CURRENTLY ZONED HX-MR IN THE HUNTERS CROSSING PLANNED DEVELOPMENT, BEING THE EQUIVALENT OF MF-2, MULTI-FAMILY-2, IN THE CODE OF ORDINANCES; SETTING OUT CONDITIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Howard Schain (hereinafter referred to as the "Applicant"), filed a request for a Conditional Use Permit on December 5, 2016 to allow for the construction of structures to be three (3) stories, 44 feet, where 35 feet is allowed, for use as the Hunters Crossing Apartments to be situated on an +/-11.328 acre tract, being all of that certain tract or parcel of land out of and a part of the Nancy Blakey Survey Abstract Number 98, located on Home Depot Way, approximately 300' west of its intersection with FM 304, within the city limits of Bastrop, Texas, currently zoned Hx-MR in the Hunters Crossing Planned Development, being the equivalent of MF-2, Multi-Family-2, in the Code of Ordinances as shown on Exhibit "A" and Exhibit "A1"; and

WHEREAS, pursuant to Section 43.4, Special Height Regulations in the Zoning Ordinance of the City of Bastrop, Texas, to allow a 44 foot tall multi family structure, senior housing, in an area zoned Hx-MR, being the equivalent of MF-2, Multi-Family-2 zoning district where the maximum allowable height of a structure is 35'; and

WHEREAS, pursuant to Section 33 of the City's Zoning Ordinance of the City of Bastrop, Texas, a public notice has been given, and a public hearing was held on January 26, 2017, by the Planning and Zoning Commission (hereinafter referred to as the "Commission") regarding the Applicant's request for a Conditional Use Permit; and

WHEREAS, following a public hearing on January 26, 2017 and consideration of the evidence and testimony presented therein, the Commission recommended approval of the Applicant's request for a Conditional Use Permit, subject to certain conditions set forth herein; and

WHEREAS, pursuant to Section 33 of the Zoning Ordinance of the City of Bastrop, Texas, a public notice has been given, and a public hearing was held February 14, 2017, by the City Council regarding the request for a Conditional Use Permit by the Applicant; and

WHEREAS, after consideration of the information presented, City Council finds that it is in the public interest to approve the requested Conditional Use Permit to allow three (3) story, 44 foot tall multi family structures, subject to conditions noted herein.

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

Part 1: The Conditional Use Permit requested by Howard Schain (hereinafter referred to as the "Applicant"), filed a request for a Conditional Use Permit to allow for the construction of structures to be three (3) stories, 44 feet, where 35 feet is allowed, for use as the Hunters Crossing Apartments to be located on Home Depot Way, approximately 300' west of its intersection with FM 304, within the city limits of Bastrop, Texas, currently zoned Hx-MR in the Hunters Crossing Planned Development, being the equivalent of MF-2, Multi-Family-2, in the Code of Ordinances is hereby approved, subject to compliance with the following conditions:

1. Construction shall be in conformance with the City of Bastrop regulations and shall meet the special requirements of Section 42, Site Development.
2. All necessary permits for the proposed development shall be acquired prior to construction of the three (3) story apartment complex on the subject property.
3. A Site Development Permit shall be applied for and secured within one (1) year from the date the Conditional Use Permit is granted (second reading of the ordinance).

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

READ and ACKNOWLEDGED on First Reading on the 14th day of February, 2017.

READ and APPROVED on the Second Reading on the _____ day of _____, 2017.

APPROVED:

ATTEST:

Kenneth Kesselus
Mayor

Anne Franklin
City Secretary

CITY COUNCIL

AGENDA COVER SHEET

DATE SUBMITTED: February 7, 2017

MEETING DATE: February 14, 2017

1. Agenda Item: **SECOND READING OF AN ORDINANCE REVISING THE CITY CODE OF ORDINANCES, CHAPTER 4 OF THE CODE OF ORDINANCES OF THE CITY OF BASTROP, "BASTROP REGULATIONS", ARTICLE 4.03 "TAXICABS, SHUTTLES AND TOURING VEHICLES," TO ADD DEFINITIONS OF TERMS, ADD EXEMPTIONS FROM COVERAGE, ADD REGULATIONS PERTAINING TO PEDICABS, HORSE-DRAWN CARRIAGES, LOW SPEED VEHICLES ("LSV"), NEIGHBORHOOD ELECTRIC VEHICLES ("NEV"), PROVIDING ADDITIONAL REMEDIES FOR VIOLATIONS; AND AMENDING APPENDIX A4.03.001 – "LICENSE" OF THE CODE OF ORDINANCES OF THE CITY OF BASTROP, CONCERNING INSPECTION AND DRIVERS' FEES FOR SAME; PROVIDING FOR PENALTIES; AND ESTABLISHING AN EFFECTIVE DATE.**

2. Party Making Request: **City Attorney, David Bragg**

3. Nature of Request: (Brief Overview)

4. Attachments: Yes X No

5. Motion Requested:

ORDINANCE NO. 2017 - 03

AN ORDINANCE AMENDING CHAPTER 4 OF THE CODE OF ORDINANCES OF THE CITY OF BASTROP, "BASTROP REGULATIONS", ARTICLE 4.03 "TAXICABS, SHUTTLES AND TOURING VEHICLES," TO ADD DEFINITIONS OF TERMS, ADD EXEMPTIONS FROM COVERAGE, ADD REGULATIONS PERTAINING TO PEDICABS, HORSE-DRAWN CARRIAGES, LOW SPEED VEHICLES ("LSV"), NEIGHBORHOOD ELECTRIC VEHICLES ("NEV"), PROVIDING ADDITIONAL REMEDIES FOR VIOLATIONS; AND AMENDING APPENDIX A4.03.001 – "LICENSE" OF THE CODE OF ORDINANCES OF THE CITY OF BASTROP, CONCERNING INSPECTION AND DRIVERS' FEES FOR SAME; PROVIDING FOR PENALTIES; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, State and local laws and the City of Bastrop's ("City") Home Rule Charter authorize the City to adopt and enforce laws related to transportation to enhance and protect the health, safety and welfare of the citizens of, and visitors to, the Bastrop community; and

WHEREAS, The City Council finds that the regulation of pedicabs , low speed vehicles, and neighborhood electric vehicles operating in the City, and annual inspection and licensing fees for same, are necessary for the purpose of promoting the safety of individuals utilizing pedicabs; and

WHEREAS, the City of Bastrop finds that it is necessary to provide additional civil remedies for the violation of Article 4.03 to insure that effective tools for the regulation of the vehicles covered by this Article are sufficient to protect public health and safety; and

WHEREAS, the City of Bastrop finds that the amendments to Article 4.03 "Taxicabs, Shuttles and Touring Vehicles" and Appendix A, concerning annual inspection and licensing fees for same are necessary and proper and will enhance and protect 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:

PART 1. That Article 4.03 "Taxicabs, Shuttles and Touring Vehicles" of the Code of Ordinances of the City of Bastrop is hereby amended to rename the article, add definitions, provide for the regulation of alternative vehicles, additional remedies for violations, and make other necessary revisions for clarification and consistency.

ARTICLE 4.03 - TAXICABS, SHUTTLES, TOURING AND ALTERNATIVE VEHICLES

DIVISION 1. – General Provisions

Sec. 4.03.001 – Definitions

The definition of a term in this section applies to each grammatical variation of the term. In this article, unless the context requires a different definition:

“**Alternative vehicle**” means vehicles for hire that are horse-drawn carriages, pedicabs, NEVs or LSVs.

“**Bicycle**” means a vehicle with two wheels in tandem, usually propelled by pedals connected to the rear wheel by a chain, belts or gears, and having handlebars for steering and a saddle-like seat.

“**Chargeable accident**” means an accident for which a citation is issued for a moving violation to a driver licensed or permitted under this ordinance.

“**City Secretary**” means the City Secretary of the City of Bastrop or his/her designee.

“**Conviction**” means a conviction or deferred adjudication in a federal court or a court of any state or foreign nation or political subdivision of a state or foreign nation that has not been reversed, vacated, or pardoned.

“**Department**” means the Police Department of the City of Bastrop.

“**Driver**” means an individual who drives or operates a vehicle for hire and is granted a driver's permit under this article.

“**Driver's permit**” means a license issued to an individual by the city secretary authorizing that person to operate a vehicle for hire in the city.

“**Electric bicycle**” means a bicycle with an integrated electric motor which can be used for propulsion while still retaining the ability to be pedaled by the rider.

“**For hire**” means the business of carrying passengers where the destination and route traveled may be controlled by a passenger and the fare is calculated based on a fixed rate or it is negotiated prior to service being rendered unless the fare is "tips only" at the customer's discretion.

“**Gross vehicle weight**” rating or “**GVWR**” means the value specified by the manufacturer as the loaded weight of a single vehicle.

“**Holder**” or “**licensee**” means a person who has a license or permit under this article.

“**Horse**” shall mean horse and all equine species.

“**Legal resident**” means a citizen of the United States or a person residing in the United States in accordance with federal immigration laws.

“Limousine” means a motor vehicle that is a luxury sedan with a manufacturer's rated seating capacity of not more than 15 passengers that is used for the transportation of persons from a location in the city to another location either inside or outside the city.

“Low speed vehicle” or **“LSV”** means a motor vehicle that is four-wheeled, whose speed attainable in one mile is not more than 25 miles per hour on a paved level surface and whose GVWR is less than 3,000 pounds.

“Motor vehicle” means a vehicle as defined in sec. 541.201(11) of the Texas Transportation Code.

“Neighborhood electric vehicle” or **“NEV”** means a vehicle that can attain a maximum speed of 35 miles per hour on a paved level surface and otherwise complies with Federal Motor Safety Standard 500 (49 C.F.R. Section 571.500) for LSVs.

“Pedicab” means a chauffeured bicycle (including an electric bicycle) or tricycle that transports passengers for hire where passengers occupy seats attached to a trailer, sidecar or similar device.

“Person” means an individual; corporation; government or governmental subdivision; or agency, trust, partnership, or two or more persons having a joint or common economic interest.

“Shuttle” means every vehicle or trailer of any type or size used for the transportation for hire of individuals or water oriented recreational equipment for the purpose of transporting such individuals or water oriented recreational equipment to locations in the city, hotels, public events, or in connection with tubing, kayaking, rafting, or similar water recreation activities upon rivers and streams that flow within or through the city limits. A vehicle shall be deemed to be a "shuttle vehicle": (1) whether or not the vehicle operates on a regular fixed route within the city; (2) whether or not the business operating the vehicle is principally located within the city limits or outside the city limits, so long as the vehicle is operating on the public streets of the city; or (3) regardless of whether there is a separate fee for the transportation service or the transportation is included as a part of any other rental, fee, expense, or use cost paid by the public. Water oriented recreational equipment shall mean tubes, kayaks, rafts, canoes and any other forms of personal watercraft.

“Taxicab” means a chauffeured motor vehicle with a rated passenger capacity of eight or less, used to transport persons for hire that typically operates on irregular routes, irregular schedules, and a call and demand basis, but not including limousines, special service vehicles or courtesy vehicles.

“Taximeter” means a device that mechanically or electronically computes a fare based upon the distance traveled, the time the taxicab is engaged, and any other basis for charges which are specified in the operating authority or rate ordinance pertaining to the holder.

“Tricycle” means a vehicle with three wheels, usually propelled by pedals connected to the rear wheel by a chain, belts or gears, and having handlebars for steering and a saddle-like seat.

“Vehicle” means a device in or by which a person or property is or may be transported or drawn on a public roadway (including a road, street, bridge or thoroughfare), other than a device used exclusively on stationary rails or tracks. Pedicabs, horse-drawn carriages, NEVs and LSVs are vehicles for purposes of this article.

“Vehicle for hire” means a chauffeured vehicle used to transport passengers on city streets for compensation under the authority of this chapter.

“Vehicle for hire service” means a passenger transportation service for hire that offers/provides one or more vehicles for hire in the operation of the service and includes (but is not limited to) a facility from which the service is operated; vehicle for hire used in the operation; and a person who owns, controls, or operates the service.

Sec. 4.03.002-.010 Reserved for expansion

Division 2. –Requirements for Vehicles and Licensees

Sec. 4.03.011 - License required; exemptions.

- (a) No person shall operate a taxicab, shuttle, touring or alternative vehicle for hire within the city unless such person shall have first obtained from the city secretary prior to such operation a license to operate the vehicle. Licenses shall expire within three hundred sixty-five days after issuance. The following are exempt from licensing under this article:
- (1) Taxicabs, shuttles or touring vehicles that are only temporarily in the city and that have their operating base outside of the city;
 - (2) Touring vehicles that are stopping over in the city for three (3) days or less;
 - (3) Public transit authority vehicles (e.g., Carts);
 - (4) The transportation of a person by a vehicle for hire licensed by another governmental entity from a point outside the city to a destination inside the city, if the vehicle for hire leaves the city without receiving a new passenger inside the city limits;
 - (5) A vehicle for hire service operated under state or federal authority unless the service is subject to the city's regulatory authority;
 - (6) Other than an alternative vehicle, a vehicle used by a hotel, motel or other similar business, commonly referred to as a courtesy vehicle, used to transport its patrons to various locations without charge; or
 - (7) A vehicle service that is arranged for a specific special event such as a wedding, funeral, prom and other similar special events.
- (b) Before the City Secretary issues an annual license to an applicant for a taxi, shuttle, touring or alternative vehicle, the City Secretary, after consulting with the Chief of Police and any other applicable staff and directors, shall first determine whether the applicant is fit, able, and willing to perform the proposed service. If the City Manager finds that the applicant is not fit, able and willing to perform the service the City Manager shall notify the applicant in writing that the application has been rejected. The applicant may, within ten (10) days after written notice of the decision of the City Manager, appeal the City Manager's decision to the City Council.
- (c) A written application for a yearly license for the operation of a taxicab, shuttle, touring or alternative vehicle within the city shall be signed and sworn to by the applicant or by a duly authorized officer, if the applicant is a corporation and shall be filed with the City Secretary's

office on a form provided by the city. Applications for renewal for existing licenses shall be filed annually prior to expiration of the license. Applications for an initial license may be made at any time. The applicant shall provide the following information:

- (1) Name, physical address, and telephone number of the company;
 - (2) If a corporation, name and address of the principal officers and major stockholders of the corporation;
 - (3) If a partnership, name and address of the partners;
 - (4) If a proprietorship, name and address of the owners;
 - (5) Description of the make, vehicle identification, and license number of each vehicle, or in the case of alternative vehicles, a unique identifying number;
 - (6) Names, addresses, ages, driver's license numbers, and proof of insurance for each driver operating a taxicab, shuttle, touring or alternative vehicle for the company. This information shall be updated and immediately provided to the city in the event of any change and must be kept current during the year. The applicants will be required to provide the city with current (i.e., no older than ninety days) driving and criminal history records for each driver of applicant's vehicles that will be operated in the city. No applicant will be permitted to use drivers who have been ticketed for two or more moving violations and/or for one or more chargeable motor vehicle accidents, within the most recent twelve-month period. A driver in violation of this section is prohibited to drive a taxicab, shuttle, touring or alternative vehicle. Failure to provide such information for each driver operating a taxicab, shuttle, touring or alternative vehicle, within the city shall be grounds for revoking the license of the related company;
 - (7) A written sworn statement that no taxicabs, shuttles, touring or alternative vehicles will be operated by any driver that is not identified in the owner's license application; and
 - (8) In the event the operation of a taxicab, shuttle, touring or alternative vehicle during an event will substantially affect the general public, the proposed route to be used by the taxicab, shuttle, touring or alternative vehicle, as well as the hours of operation shall be provided to the Chief of Police and the City Manager. Thereafter, the police chief or the City Manager shall identify the location that is the safest area for the loading and unloading of passengers, if necessary. A "substantial affect" is more than three (3) vehicles in use during an event or more than fifty (50) people being transported by the vehicles.
- (d) *Insurance binder.* Before any license will be issued, or before the annual renewal of a license is granted, applicants shall file with the City Secretary and thereafter keep in full force and effect, a policy of public liability and property damage insurance as prescribed in section 4.03.014. The City Manager may require a license holder to obtain additional insurance depending on the service to be provided, the type of event and the number of people to be transported. In accord with this section, the City Manager or the police chief may require a meeting with the proposed license holder to determine whether there are any "risk factors" anticipated which may increase the insurance.
- (e) In addition to the requirements of state law regarding vehicle safety inspection, and the requirements specified in this article, the city shall have the right to inspect all taxicabs,

shuttles, touring and alternative vehicles operating in the city to determine if such vehicles meet the following minimum standards:

- (1) Each vehicle shall be equipped with a fire extinguisher that is in good operating order;
 - (2) Each vehicle shall be reasonably free from dirt or rubbish and shall be otherwise clean and sanitary;
 - (3) The vehicle identification number and license number shall be compared to the numbers listed on the taxicab, shuttle or touring permit or license application to confirm that the numbers are the same; and
 - (4) Except as to alternative vehicles, each vehicle shall have lettering permanently affixed to the front doors in letters at least two and one-half (2½) inches high designating the vehicle as a taxicab, shuttle or touring vehicle and identifying the licensee.
- (f) Each application shall be accompanied by payment of license and driver(s) fees, as provided for in section A4.03.001 of the fee schedule in appendix A to this code. Such fees shall be paid prior to the receipt of a license, or in the case of annual license renewal, then, on or before the anniversary date of the issuance of the license. The license fees provided for herein shall be used to defray the expenses incurred in administering and enforcing this article.
- (g) All taxicab operators licensed under the provisions of this article shall maintain a valid phone number for public use during operational hours. Current addresses and phone numbers for each taxicab, shuttle, touring and alternative vehicle shall at all times be on file with the City Secretary.
- (h) If any of the representations in any application filed under this article are found to be false or fraudulent, such application may be refused or rejected by the city.

Sec. 4.03.012 - Vehicle operation requirements.

- (a) No vehicle for which a permit or license has been issued shall be operated by anyone except the driver(s) listed on the permit application. The permit or license and proof of insurance must be in the driver's possession when operating a vehicle.
- (b) No person may drive or operate any taxicab, shuttle, touring or alternative vehicle unless and until he or she has provided his or her name, address, age, driver's license number and social security number to the City Secretary's office and a current background check is completed by the owner/operator and provided to the city. For good cause, at any time, the police chief shall have the discretion to require that the owner/ operator provide an additional background check of any driver or operator of a vehicle in the city.
- (c) No driver of an alternative vehicle shall operate a vehicle for more than twelve (12) hours in any twenty-four-hour period. A log book shall be kept by the driver.
- (d) No person under the age of 21 shall operate a taxicab, shuttle, touring or alternative vehicle.
- (e) No person shall operate a taxicab, shuttle, touring or alternative vehicle without a driver's license issued by the Texas department of public safety.
- (f) No person may drive any taxicab, shuttle, touring or alternative vehicle in the city if he or she has been convicted of any alcohol or drug related offense in connection with the operation of a vehicle. No license shall be transferable to any other person, firm or corporation, nor shall

such license be used for the operation of any vehicle except the vehicle for which the license is issued.

- (h) All taxicabs, shuttles, and touring vehicles shall operate only on the public streets of the city. This specifically includes those vehicles used for transporting individuals or items associated with water oriented recreational equipment. In the event access to a certain area is restricted and cannot be reached by a public street, the licensee shall contact the Chief of Police, the City Manager or the parks department to determine appropriate access.

Sec. 4.03.013 - Inspection of vehicles.

The Chief of Police, or his designee, may cause inspections to be made at random intervals during each year of every vehicle licensed as a taxicab, shuttle, touring or alternative vehicle in the city. Licensees shall cooperate with such inspection requirements by making their vehicles available for inspection at reasonable times. Such inspections shall insure that all taxicabs, shuttles, touring and alternative vehicles are in good operating condition and are equipped with proper brakes, lighting systems, and safety equipment (including fire extinguishers), and are clean, undamaged and in good appearance. Vehicles failing such random city inspections shall not be allowed to operate on city streets or alleys until brought into a condition satisfactory to the Chief of Police.

Sec. 4.03.014 - Insurance.

- (a) *Minimum requirements.* The applicant and licensee must obtain, and keep in full force and effect, a policy of public liability and property damage insurance issued by a casualty insurance company authorized to do business in the state, in the standard form required pursuant to the laws of the state, with the insured provision of such policy including the city as an additional insured, and the coverage provision insuring the public from any loss or damage that may arise to any person or property by reason of the operation of the vehicle of such applicant, and providing that the amount of recovery on each such vehicle shall be in limits of not less than the following:
 - (1) For any one person injured or killed in one accident: \$100,000.
 - (2) For any number of persons injured or killed in one accident: \$300,000.
 - (3) For property damage resulting from one accident: \$50,000.
- (b) *Policy cancellation.* Such policy shall provide for notice to the city prior to cancellation, and should such policy be cancelled during the term of the license, such license shall automatically terminate therewith.

Sec. 4.03.015 - Cancellation of license.

Any license granted under this article shall be subject to cancellation and all rights of the licensee may be forfeited at the will of the City Council for failure to observe any ordinance of the city, any rules set forth herein, for the violation of any law of the state or for the failure of the licensee to secure and file the necessary information. Such license may also be cancelled by the City Council if the licensee (or a driver for the licensee) is found guilty of immoral conduct, or intoxicated to any degree, or should become addicted to the use of any drug that affects the mental or physical powers of such licensee or driver, or is guilty of using obscene vulgar or profane

language on the streets of the city or in the presence of a passenger, or if the licensee or driver should engage in any character or conduct deemed improper and detrimental to the best interest of the city by the Council. Before canceling any license, the Council shall hold a public hearing, notice of which shall be given the licensee at least three (3) days in advance of such hearing.

Sec. 4.03.016 – Additional restrictions on operation of taxicabs.

- (a) Any taxicab driver employed to carry passengers to a definite point shall take the most direct route possible that will carry the passengers safely and expeditiously to their destination.
- (b) There shall be a conspicuous place on the inside of each taxicab a card showing the rates charged for use of the taxicab. It shall be the duty of the driver of the taxicab to post the card. If any owner or driver of any taxicab shall refuse to convey a passenger at the rate specified on the rate card so displayed, or shall demand an amount in excess of the rates so displayed, he shall be guilty of a misdemeanor.
- (c) It shall be the duty of every taxicab operated in the city to render for ad valorem taxes to the city all vehicles or other equipment used in such business. Failure to render for and pay such ad valorem taxes to the city before they become delinquent shall operate as a revocation of any license authorizing the operating of any taxicab over the public streets alleys and ways of the city.
- (d) It shall be unlawful for any person to refuse to pay the full fare of any taxicab after having hired the same, and any person who shall hire any taxicab with the intent to defraud the person from whom it is hired shall be guilty of a misdemeanor.

Sec. 4.03.017 – Additional restrictions on shuttle operations.

- (a) In the event a shuttle service will substantially affect the public (more than three (3) shuttles or more than fifty (50) people to be transported at one time), the licensee shall provide to the City Manager and the Chief of Police the routes to be used by the shuttles, including stops to let off or pick up persons, so that the safest area for loading and unloading passengers can be identified.
- (b) Shuttles shall only be operated during the dates and times designated on their license, if applicable.
- (c) All shuttles that carry passengers will be equipped with seating for each passenger carried.
- (d) All persons carried by a shuttle operated on streets within the city limits must be seated.
- (e) Persons may not be transported in the city without designated and enclosed seating specifically designed for the safe transportation of such persons.

Secs. 4.03.018—4.03.030 - Reserved.

Sec. 4.03.031 – Additional requirements for horse-drawn carriages.

In the case of a horse-drawn carriage or other touring vehicle employing the use of draft animals for locomotion, the City Secretary shall issue a touring vehicle permit only if the manager finds that the following additional requirements have been satisfied:

- (1) The proposed route of the service does not operate on any hike and bike trail or foot path within the city.
- (2) The carriages and equipment proposed to be used in the service are in safe and presentable condition.
- (3) The applicant has agreed to operate only on a schedule and route and over the designated traffic lanes approved by the City Manager and to park said carriages or vehicles only at such locations approved by the city.
- (4) The carriage wheels shall have all steel or iron outer rims adequately sheathed in rubber or other synthetic material to prevent damage to the street pavement.
- (5) All horseshoes shall be of a type approved by the city and shall have non-skid base surfaces.
- (6) The applicant has agreed to maintain all barns, stables, or other housing for horses and carriages in a safe and sanitary condition, and has agreed to permit the city to inspect such facilities at any time.
- (7) The applicant has agreed to keep all carriage routes clear and free from animal void and excrement and to maintain all permitted stands in a clean and sanitary manner.
- (8) The applicant has agreed to post the fares for each ride or trip such that they are visible to the public.
- (9) The applicant has agreed that, in order to protect the health and well-being of each animal employed in this service, applicant specifically covenants and agrees:
 - (A) Each animal shall be inspected and certified as to its good health every three (3) months by a licensed veterinarian. Proof of such certification shall be provided to the City's Animal Control Officer upon request.
 - (B) No animal shall be worked longer than four (4) continuous hours without feeding and rest.
 - (C) Each animal shall be provided water at each carriage stand.
 - (D) Animals shall not be whipped unless necessary for the safety of the animal or carriage passengers.
 - (E) Animals shall not be overworked.
 - (F) Each animal shall be provided with its own custom-fit harness.
 - (G) No animal with an open sore or wound, nor any animal which is lame or has any other ailment, shall be worked without specific written authorization from a veterinarian that such work will not endanger the health or well-being of the animal.
 - (H) Each animal shall be groomed daily.
 - (I) No animal shall be allowed to pull more than seven (7) people, including the driver.
 - (J) No animal shall be worked during times when the combined temperature and humidity index exceeds a numerical value of 150.

Sec. 4.03.032 – Termination of horse- drawn carriage license.

Operation of a horse-drawn carriage under a touring vehicle license shall be conditioned upon continued compliance by the licensee with each of the requirements of division 2 of this article and section 4.03.031. Any violation of said requirements shall subject the licensee to termination of the license upon proper notice and hearing before the City Manager and such other penalties as provided by this Article.

Sec. 4.03.034- .040 reserved.

Sec. 4.03.041- Pedicab additional safety equipment and specifications.

(a) The holder or driver of a pedicab shall, at all times, provide and maintain in good operating condition the following items and equipment for each pedicab vehicle;

- (1) White headlight(s) visible from a distance of at least 500 feet;
- (2) Two red taillights visible from a distance of at least 500 feet;
- (3) A reliable braking system. Brakes must be capable of making a braked wheel stop within a distance determined by the Chief of Police.
- (4) Sufficient rubber and treading on all wheels;
- (5) A form of two-way communication, which may include a cellular phone, that can be used to request assistance in the event of an emergency; and
- (6) A red reflector on the rear of the pedicab.
- (7) A pedicab is limited to a maximum passenger capacity as recommended by the manufacturer, or if no manufacturer, then by the Chief of Police.
- (8) A pedicab must meet the following dimensional requirements:
- (9) A frame may not exceed 55 inches in width;
- (10) A bicycle tire must be at least 1.5 inches in width;
- (11) A trailer tire must be at least 1.5 inches in width; and
- (12) All wheels must have a minimum of 32 spokes and be securely mounted to the vehicle.
- (13) All spokes must be tight and none may be missing or broken;
- (14) Floorboards must have non-skid contact surfaces without holes;

(15) If a trailer is used, it must be attached to the bicycle in a manner approved by the Chief of Police.

(16) The passenger seat must be bench style and at least 17 inches deep unless the pedicab is equipped with individual bicycle style seats. No passenger seat may face to the rear.

(17) The pedicab paint may not be noticeably rusted, flaked, scraped, or faded. Paint repairs must be neat and inconspicuous;

(18) Any sharp edges or open tubes must be capped in a manner approved by the Chief of Police; and

(19) A trailer/pedicab unit must display the following:

(i) a company name, telephone number, and individual unit number, with clear and legible lettering displayed in characters at least 1-3/4 inches in height and at least 1 inch in width, with colors contrasting the color of the pedicab;

(ii) a permit decal, valid annual city inspection decal, and sign limiting the passenger capacity to 3 passengers; and

(iii) a slow-moving vehicle emblem that:

(1) Complies with Section 547.108 of the Texas Transportation Code;

(2) Is displayed on the rear of the pedicab and mounted in a manner approved by the department; and

(3) Uses a reflective surface visible day or night from a distance of 500 feet.

Sec. 4.03.042 The department may immediately require a vehicle to be removed from service for any violation of a safety-related requirement of this section. The department may require a permit holder to make any non-safety related repairs within 10 days. A vehicle must be re-inspected following completion of repairs required by the department under this section.

Sec. 4.03.043. – Pedicab additional operational restrictions.

In addition to complying with all applicable traffic laws, a pedicab driver may not:

(1) Operate a pedicab on any street, highway or parkway where the posted speed limit exceeds 35 miles per hour but it may cross a road or street at an intersection where the road or street has a posted speed limit of more than 35 miles per hour;

(2) Operate a pedicab on any sidewalk, median, bike trail or hike trail, except for access to or exit from the Old Bridge, the Old Austin Highway and along the Colorado River from Fisherman's Park to the concrete steps; or

(3) Permit or allow a passenger to ride in or on a pedicab in such a position that the driver's vision forward, to the side or behind is blocked. A pedicab passenger older than 6 years must sit on a seat in the pedicab and not in any other place on or in the pedicab, including the lap of another passenger. If a passenger refuses to comply with this requirement, a driver must stop the pedicab and ask the passenger to exit the pedicab.

Sec. 4.03.044. – Pedicab hours of operation and service area.

(A) A pedicab service may not operate between the hours of 2:00 a.m. and 6:00 a.m.

(B) A pedicab may not operate in the following areas:

(1) Any school zone during posted hours;

(2) Chestnut Street may be used only as a crossing street.

(3) Such other area restrictions as the Chief of Police determines are required on a temporary basis to prevent undue congestion and to insure public safety.

(C) A pedicab driver must:

(1) comply with the traffic laws and regulations applicable to vehicles in addition to the requirements of this section;

(2) limit operation to the travel lane nearest the curb or edge of the roadway, except when necessary to negotiate an obstruction, to turn onto another roadway, to enter a private drive, or if the pedicab is travelling faster than other traffic; and

(3) tow no more than one trailer, which may not be attached to a combination bike/passenger unit.

Sec. 4.03.045-.046 Reserved.

Sec. 4.03.047- NEV and LSV additional safety equipment and specifications.

(a) The holder or driver of a NEV and LSV shall, at all times, provide and maintain in good operating condition the following items and equipment for each neighborhood electric vehicle;

(1) White headlight(s) visible from a distance of at least 500 feet;

(2) Two red taillights visible from a distance of at least 500 feet;

(3) Front and rear turn signal lights;

(4) Stop lights;

(5) A slow-moving vehicle sign attached to the rear of the vehicle;

- (6) A form of two-way communication, which may include a cellular phone, that can be used to request assistance in the event of an emergency;
 - (7) Red reflectors;
 - (8) An exterior mirror mounted on the driver's side of the vehicle and either an exterior mirror mounted on the passenger's side of the vehicle or an interior mirror;
 - (9) A parking brake;
 - (10) Glazed windshield; and
 - (11) Seatbelts at the designated seating positions.
- (b) In addition the requirements of this section, an NEV and LSV must meet the following standards:
- (1) The interior upholstery must not have any noticeable tears or similar damage;
 - (2) Any missing, broken or significantly damaged interior and exterior parts must be repaired or replaced;
 - (3) The vehicle must have a vehicle identification number (VIN);
 - (4) The NEV or LSV must not tow a trailer; and
 - (5) The NEV or LSV must comply with any additional requirements established by fleet services.

Sec. 4.03.048. – NEV and LSV additional operational restrictions.

- (a) NEV and LSV service area does not include:
- (1) Any school zone during posted hours;
 - (2) All of Chestnut Street.
 - (3) Such other area restrictions as the Chief of Police determines are required on a temporary basis to prevent undue congestion and to insure public safety.
- (b) Additional area restrictions for NEV and LSV:
- (1) An NEV or LSV may not operate on any street, highway or parkway where the posted speed limit exceeds 45 miles per hour but it may cross a road or street at an intersection where the road or street has a posted speed limit of more than 45 miles per hour;

(2) Operate on any sidewalk, median, bike trail or hike trail; or

(3) Permit or allow a passenger to ride in or a NEV or LSV vehicle in such a position that the driver's vision forward, to the side or behind is blocked.

Sec. 4.03.049 - .059 Reserved.

Division 3. – Enforcement

Sec. 4.03.060. - Injunctive relief.

The city may seek an order from a court of competent jurisdiction to enjoin a violation of this article. If the city prevails in such an action, it shall be entitled to its reasonable attorney's fees and costs.

Sec. 4.03.061. – Removal of evidence of authorization.

Whenever a holder's business permit or a driver's permit is suspended, revoked, or denied or whenever a vehicle fails to pass inspection as a vehicle for hire, the City Secretary may remove or require the surrender of all evidence of authorization as a holder, driver, or vehicle for hire, including, but not limited to, removal or surrender of business permit, driver's permit, decals, signs, insignia, radios, top lights, and meters if applicable.

Sec. 4.03.062. - Enforcement by police department.

Officers of the police department shall assist in the enforcement of this article. A police officer, upon observing a violation of this article shall take necessary enforcement action to ensure effective compliance with this article by vehicles for hire.

Sec. 4.03.063 - Criminal penalty for violations.

(a) Any person, agent, or business who shall knowingly violate a provision of this article shall be deemed guilty of a misdemeanor, in addition to any other penalties provided. Each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of the provisions of this article is committed or continued, and upon conviction by a court of competent jurisdiction for any such violation such person shall be punished in accordance with this article.

(b) It shall be an offense to allow the occupancy of more persons in a touring vehicle, taxicab, shuttle or alternative vehicle that is operated within the city limits than the number of passengers for which the vehicle is designed or equipped.

(c) The owner of the taxicab, touring, shuttle or alternative vehicle, as well as the driver of the vehicle is responsible for compliance with this article.

(e) A person who is found guilty under either subsection (a) or (b) of this section shall be punished by a fine of not less than \$300 nor more than \$500.

(f) A business whose owner or employees have been found guilty of violating this provision two (2) or more times in a given year will have its license revoked for a minimum of three (3) years.

(g) Authority to enforce this article is vested in the city's police department, and the City Manager.

Sec. 4.03.064. - Correction order.

(a) If the City Secretary determines that a holder has violated or is in violation of this article, or other applicable law, the City Secretary may notify the holder in writing of the violation and by written order directing the holder to correct the violation within a reasonable period of time. In setting the time for correction, the Chief of Police shall determine the degree of danger to the public health or safety and the nature of the violation. If the violation involves equipment that is unsafe or functioning improperly, the Chief of Police shall order the holder to immediately cease use of the equipment.

(b) If the Chief of Police determines that a violation constitutes an imminent and serious threat to the public health or safety, the City Secretary shall order the holder to correct the violation immediately, and, if the holder fails to comply, the City Manager shall promptly take or cause to be taken such action as he or she considers necessary to enforce the order immediately, including but not limited to application to a court of competent jurisdiction for injunctive relief.

(c) The City Secretary shall include in a notice issued under this section an identification of the violation, the date of issuance of the notice and the time period within which the violation must be corrected, a warning that failure to comply with the order may result in suspension or revocation of operating authority or imposition of a fine or both, and a statement indicating that the order may be appealed to the city council.

Sec. 4.03.065. - Service of notice.

(a) A holder or driver licensed under this article must be served by the City Secretary at the holder's or driver's address provided to the City Secretary. Service may be had on the holder's or driver's designated representative, if any, at the address provided by the holder or driver.

(b) Service executed in accordance with this section constitutes notice to the person to whom the notice is addressed. The date of service for notice that is mailed is the date received and it is presumed that the notice is received within four days after it has been mailed.

Sec. 4.03.066. - Appeal.

(a) A holder or driver may appeal the following decisions of the City Secretary if he or she requests an appeal in writing and delivers it to the city manager's office not more than 14 days after receiving notice:

- (1) A denial of an application for a business or driver's permit;
- (2) A suspension or revocation of a business or driver's permit;
- (3) A denial of renewal of business or driver's permit;

(b) The city council or designee shall hear all appeals made under this subsection within 30 days of the date the request for an appeal is received in the city manager's office. The city council or designee shall give the appealing party an opportunity to present evidence and make argument in his or her behalf. The formal rules of evidence do not apply to an appeal hearing under this section, and the city council or designee shall make its decision within seven business days after the close of the hearing on the basis of a preponderance of the evidence presented at the hearing.

(c) The city council or designee may affirm, modify, or reverse all or part of the action of the City Secretary being appealed. The decision of the city council or designee is final.

4.03.067. – Cumulative remedies.

The remedies provided to the city under this article are cumulative and the pursuit of one does not foreclose the pursuit of others.

PART 2. That Appendix A4.03.001, entitled “License,” of the Code of Ordinances of the City of Bastrop is hereby amended to add information regarding the annual inspection and license fee to include “Pedicabs”, “Low speed vehicles” and “Neighborhood Electric Vehicles” (alternative vehicles) operating in the City, as follows:

ARTICLE A4.03 TAXICABS, SHUTTLES, TOURING AND ALTERNATIVE VEHICLES

Division 1. Generally

Sec. A4.03.001 - License.

(f) Fee. Annual license and inspection fee for taxicabs, shuttles, touring and alternative vehicles:

Per vehicle: \$25.00.

Additional fee, per driver: \$12.00.

PART 3. The City Manager and City Secretary are hereby authorized and directed to make the necessary changes to all records of the City of Bastrop to reflect these amendments.

PART 4. 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 5. This Ordinance shall be effective upon final approval by the City Council upon the date noted herein below.

READ and APPROVED on First Reading on the 24th day of January, 2017.

READ and APPROVED on Second Reading on the 14th day of February, 2017.

APPROVED:

ATTEST:

Ken Kesselus, Mayor

Ann Franklin, City Secretary

APPROVED AS TO FORM:

David F. Bragg,
City Attorney

CITY COUNCIL

AGENDA COVER SHEET

DATE SUBMITTED: 2.7.17

MEETING DATE: 2.14.17

1. Agenda Item:

CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION APPROVING A 75-YEAR LEASE WITH BASTROP COUNTY FOR A 2.35 ACRES OF LAND LOCATED AT MAYFEST PARK TO BE USED AS AN EMERGENCY SHELTER AND MULTIUSE FACILITY OF APPROXIMATELY 12,000 SQUARE FEET WITH APPROXIMATELY 150 ALL-WEATHER PARKING SPACES. COMPENSATION FOR THE 75-YEAR LEASE IS \$102,366.00 THE CITY RESPONSIBILITY INCLUDES REMOVAL OF THE EXISTING RADIO TOWER AND DELIVERY OF THE PROPERTY WITHIN 30 DAYS OF THE AGREEMENT COMMENCEMENT.

2. Party Making Request: PW DIRECTOR TREY JOB

3. Attachments: Yes X No

LAND LEASE AGREEMENT

PURSUANT TO TEXAS LOCAL GOVERNMENT CODE 272.005, this land lease ("Lease") is made and entered into as of _____, 2017, by and between City and County, as described in the following basic lease information. City and County hereby agree as follows:

ARTICLE 1--BASIC LEASE INFORMATION

1.1 Defined Terms. In addition to the terms, which are defined elsewhere in this Lease, the following terms shall have the following meaning:

- (a) CITY: City of Bastrop, Texas, a home rule Texas City, hereinafter "City",
- (b) CITY'S ADDRESS: 1311 Chestnut St., Bastrop, Texas 78602
- (c) COUNTY: Bastrop County, Texas, HEREINAFTER "County",
- (d) COUNTY'S ADDRESS: 804 Pecan Street, Bastrop, Texas 78602
- (e) LAND: Approximately 2.35 acres of land which is described and depicted in Exhibit A attached hereto and incorporated herein by this reference, and which is a part of the parcel of real property owned by City and located in Bastrop County at Mayfest Park between Loop 150 East and State Highway 71.
- (f) PERMITTED USE: The Land may be used for an emergency shelter/multiuse facility of approximately 12,000 square feet with approximately 150 all-weather parking spaces.
- (g) TERM: The term of the lease shall be for 75 years.
- (h) COMPENSATION: One single rent payment from County to City of \$ 102,366.00 to be paid prior to initiation of construction.

ARTICLE 2--AGREEMENT AND USE

2.1 Lease. City hereby leases to County the land, and County leases the land from City, according to the terms and conditions of this Lease Agreement.

2.2 Use. County shall use the land only for the Permitted Use. County shall not allow land to be used for any unlawful purposes and will not commit waste or create any nuisance. County shall not erect signs or other improvements on the land without approval of City, which approval may be withheld at the sole discretion of City, unless such signs are required by state or federal law, in which case such approval shall not be unreasonably withheld or delayed. County will keep and maintain the improvements in good condition and repair. County will keep the land free from all trash, debris, and waste. County agrees that it will not use, generate, store or dispose of any Hazardous Material on, under, about or within the leased site or improvements in violation of any law or regulation. This paragraph shall survive the termination of the Agreement. City will provide County with access to the land, subject to limitations in Section 2.5 of this agreement. City will have the right to enter leased premises with prior notice to County. Notwithstanding anything to the contrary contained in this Lease Agreement, if, in the exercise of any rights hereunder, County, its licensee, or agents cause damage to the City's Property,

County shall, within 10 days after receipt of a statement from City evidencing the amount of such damage, pay City the costs to repair such damage. The cost of repair shall include a reasonable sum to compensate City for its direct and indirect staff time in obtaining quotes for the repair work and preparing the cost statement to County.

2.3 Delivery of Possession. City will deliver possession of the Land to County within 30 days of the date of this Agreement. The radio tower (shown on Exhibit A) and all appurtenances will be removed by the City at the City's cost prior to delivery of possession. Otherwise, the property will be transferred "AS-IS" in its present condition. County acknowledges neither City nor its agents or employees have made any representations or warranties as to the suitability or fitness of the Land for the conduct of County's business or as to the physical condition of the Land, nor has the City or its agents or employees agreed to undertake any alterations or construct any improvements to the Land.

2.4 Governmental Approvals. County shall, at its sole cost and expense apply for and obtain all licenses, permits and approvals required by any local, state or federal governmental authorities for its use of the Land. City shall cooperate with County to obtain all necessary governmental approvals, provided however, City shall not be required to expend any money in such cooperation. County understands and agrees that County's right to use the Land is contingent upon County obtaining and continually maintaining in full force and effect all governmental approvals. In the event any governmental approvals issued to County are canceled, expire, lapse, or are otherwise withdrawn or terminated by any governmental authority so the County will be unable to use the Land for its intended purposes, this lease shall automatically terminate.

2.5 Access. County shall be provided access to the Land, across City's Property in a location mutually agreed by both City and County. Any improvements provided for access to County's facility will be installed and maintained by County.

2.6 Free from Liens. County shall pay as due all claims for work done on, and for services rendered or material furnished to its facilities, free and clear of all liens. In the event a mechanic's or materialmen's lien is filed, County shall be in default under this Lease and, if same is not discharged within three business days, City may terminate this Lease. County may not encumber its interest in the Lease.

ARTICLE 3--UTILITIES AND TAXES

3.1 Utilities. County shall, at its sole cost and expense, arrange for electricity, water, gas, and other utilities necessary for County's operations directly from such providers. County shall be billed directly for the use of such services, and shall promptly pay the same when due.

3.2 Taxes. Both the County and the City are exempt from taxes.

3.3 Limitation on Liability. City will not be in default under this Lease or be liable to County or any other person, for direct or consequential damages, or otherwise, for any failure to supply any electricity, water, gas, security or other utilities, or for surges or interruptions of electricity, or other such services or utilities.

ARTICLE 4—INSURANCE

4.1 County's Insurance. At all times during the Term, County will carry and maintain, at County's expense, the following insurance in the amounts specified below or such other amounts as City may from time to time reasonably request. A Certificate of Insurance shall be supplied to City on an annual basis for proof of insurance. Such certificate shall bear a legend whereby the carrier undertakes to give City at least thirty days' prior notice of cancellation of coverage and shall show City as an "Additional Named Insured".

(a) Bodily injury and property damage liability insurance, with a combined single occurrence limit of not less than \$2,000,000. All such insurance will be equivalent to coverage offered by a Commercial General Liability form including, without limitation, personal injury, death of persons, or damage to property occurring in, on, or about the Land.

(b) insurance covering the Improvements, and any other personal property owned by County or any Licensee located on or about the Land, and any leasehold improvements to the Land, in an amount not less than the full replacement cost. Property forms will provide coverage on a broad form basis insuring against "all risks of direct physical loss."

(c) worker's compensation coverage insuring against and satisfying County's and any Licensee's obligations and liabilities under the worker's compensation laws of Texas.

ARTICLE 5--MAINTENANCE; REQUIREMENTS OF LAW

5.1 Maintenance. County shall at all times throughout the Term, at its sole cost and expense, maintain and repair the Land, the Improvements, and all trade fixtures and personal property of County located thereon. County understands that City is a retail public utility and a primary purpose of the City, including, but not limited to the Property, is to provide continuous and adequate water service to its members. Nothing in this Lease shall be construed to limit or constrain City from making improvements to the Property, including technical improvements, required by the City to fulfill its primary purpose. In the event of a conflict between this paragraph and the Lease, this paragraph shall control.

5.2 Compliance with Laws. For the purposes of this Section 7.2, "Applicable Laws" means all laws, statutes, ordinances and governmental rules, regulations, or requirements now in force or in force after the Commencement Date, the requirements of any board of fire underwriters or other similar body constituted now or after the Commencement Date, and any direction or permanent occupancy certificate issued pursuant to any law by any public officer or officers, as well as the provisions of all recorded documents affecting the Land. At its sole cost and expense, County will promptly comply with Applicable Laws insofar as they relate to (a) County's use, occupancy, or alteration of the Land; (b) the condition of the Land resulting from County's use, occupancy, or alteration of the Land; or (c) alterations to the Land required as a result of County's status under Applicable Laws.

ARTICLE 6--DEFAULT

6.1 Events of Default. The following events are referred to, collectively, as "Events of Default" or, individually, as an "Event of Default":

(a) County defaults if it fails to pay \$102,366 in Section 1.1(h), and such default continues for 30 days after written notice from City and if after such written notice any rent is not paid when due, an Event of Default will be considered to have occurred without further notice;

(b) County vacates or abandons the Premises;

(c) If any part of the Premises is taken upon execution or by other process of law directed against County, or are taken upon or subject to any attachment by any creditor of County or claimant against County, and said attachment is not discharged or disposed of within fifteen days after its levy;

(d) County purports to assign this Lease, or sublet all or a portion of the Premises, in violation of the terms hereof;

(e) Failure on the part of the County to comply with any of the provisions of this lease shall be grounds for termination of the Lease.

ARTICLE 7—GENERAL

7.1 Limitation on Liability. County specifically agrees to look solely to City's interest in the Land for the recovery of any judgments from City. It is agreed that City (and its officers, directors and employees) will not be personally liable for any such judgments. The provisions contained in the preceding sentences are not intended to, and will not, limit any right that County might otherwise have to obtain injunctive relief against City.

7.2 Notices. All notices and other communications required or permitted under this Lease shall be in writing and shall be given (a) by United States first class mail, postage prepaid, registered or certified, return receipt requested; (b) by hand delivery (including by means of a professional messenger service); or (c) by delivery from a nationally recognized overnight delivery service that routinely issues receipts, which notice shall be addressed to the party to whom such notice is being given, at their address set forth in Section 1.1 above. Any such notice or other communication shall be deemed to be effective when actually received or rejected. Either party may by similar notice given change the address to which future notices or other communications shall be sent.

7.3 Inspection. City reserves the right to enter, at any time, the Land to inspect the same.

7.4 No Waiver. The waiver by either City or County of any agreement, condition, or provision contained in this Lease will not be deemed to be a waiver of any subsequent breach of the same or any other agreement, condition, or provision contained in this Lease.

7.5 Authority. County and the party executing this Lease on behalf of County represent to City that such party is authorized to do so by requisite action of the Bastrop County Commissioners Court.

7.6 Governing Law. This Lease shall be governed by and construed pursuant to the laws of the State of Texas

7.7 Captions. The captions of the various Articles and Sections of this Lease are for convenience only and do not necessarily define, limit, describe or construe the contents of such Articles or Sections.

7.8 Recordation. County shall record this Lease in the public records.

7.9 Severability. If any provision of this Lease proves to be illegal, invalid or unenforceable, the remainder of this Lease shall not be affected by such finding, and in lieu of each provision of this Lease that is illegal, invalid or unenforceable, a provision will be added as a part of this Lease as similar in terms to such illegal, invalid or unenforceable provision as may be possible and be legal, valid and enforceable.

7.10 Entire Agreement; Amendment. This Lease contains the entire agreement between City and County. No amendment, alteration, modification of, or addition to the Lease will be valid or binding unless expressed in writing and signed by City and County.

7.11 Attorney's Fees - If any action is instituted by either party to this Lease Agreement to enforce any of the terms of this Lease or the License Agreement, the prevailing party shall be entitled to receive its reasonable attorneys' fees, expert witness fees, costs, and expenses.

IN WITNESS WHEREOF, the parties have hereunto set their hands as of the day and year first above written.

Executed on _____ Day of January, 2017 at Bastrop, Texas

Judge Paul Pape
Bastrop County Judge

R. Marvin Townsend
Bastrop City Manager

CITY COUNCIL

AGENDA COVER SHEET

DATE BUSMITTED: February 7, 2017

MEETING DATE: February 14, 2017

1. Agenda Item: **SECOND READING OF AN ORDINANCE CONTRACTUALLY ANNEXING TRACT I AND TRACT II, TRINIDAD BUSINESS PARK TO THE CITY OF BASTROP AND PROVIDING AN EFFECTIVE DATE.** (January 10, 2017 Council meeting Item D.8: Recommendation that the annexation process be completed regarding Trinidad Business Park Phase I, Lots 1 AND 2, being an approximately 8 acre Tract on the south side of highway 71 west of its intersection with FM 20. Public hearings were held on September 27, 2011 and October 11, 2011. On October 24, 2011, Mr. Richard Welch and Mr. Jason Alleyas the owners of the above described property, presented an executed contract for voluntary annexation with such voluntary annexation to occur no sooner than 3 years after the 2011 annexation was completed. The 2011 annexation was effective on November 8, 2011, the service plan presented in 2011 is still timely.)

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

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

ORDINANCE NO. 2017-04

**AN ORDINANCE CONTRACTUALLY ANNEXING TRACT 1 AND TRACT II,
TRINIDAD BUSINESS PARK TO THE CITY OF BASTROP AND PROVIDING AN
EFFECTIVE DATE.**

WHEREAS, Trinity Development, LLC, A Texas Limited Liability Company, the owners of tracts 1 and 2 Described on Exhibit A, agreed on October 25, 2011 to the voluntary annexation of Tracts 1 and 2 no sooner than three years after the City's 2011 Annexation program Exhibit A and;

WHEREAS, the required public hearings were held by the Bastrop City Council on September 27, 2011 and October 11, 2011;

WHEREAS, the 2011 Annexation Program was completed by City Council adoption of Ordinance 2011-27 on November 8, 2011;

WHEREAS, it is timely and appropriate that Tracts 1 and 2 be voluntarily annexed to the City of Bastrop

NOW THEREFORE, THE CITY COUNCIL OF BASTROP HEREBY FINDS THAT ALL REQUIRED STEPS HAVING BEEN COMPLETED:

- Tract 1: Trinidad Business Park, Phase I, Lot 2 containing 6.26 acres identified in 2011 by the Bastrop Central Appraisal District as parcel R23168 and;
- Tract 2: Trinidad Business Park, Phase I, Lot 1 containing 0.834 acres, identified in 2011 by the Bastrop Central Appraisal District as parcel R23176

are hereby annexed to the City of Bastrop, effective immediately after the second reading of this ordinance and its caption having been published in the City's official paper, the Bastrop Advertiser

The City Secretary is hereby directed to file with the Comptroller's Office of the State of Texas and the County Clerk of Bastrop Texas, a certified copy of this ordinance, including all Exhibits.

READ and ACKNOWLEDGED on First Reading on the 24th day of January, 2017.

PASSED and APPROVED on Second Reading on the 14th day of February 2017.

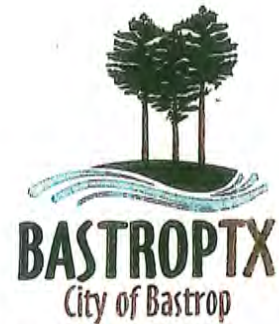
APPROVED:

ATTEST:

Mayor Ken Kesselus

City Secretary Ann Franklin

COPY



Mr. Alan David McMurry
General Manager
Aqua Water Supply Corporation
415 Old Austin Highway
Drawer P
Bastrop, TX 78602

Dear Mr. McMurry:

While reviewing the platting process related to an annexation issue, I became aware of the attached plat note, Exhibit A, that has apparently been placed on plats proposed to be served by Aqua. I do not know the relevance of the note or its purpose.

The standards to be met for water service approval for platting purposes are set forth in section 212.010 of the Texas Local Government Code. The City of Bastrop's general plan conditions are set forth in the platting section of the City's Code on enclosed page CD 10:66 . The requirements apply within the city and its extraterritorial limits. The developer has the obligation to submit plans and specifications meeting Bastrop's standards. If Aqua is intending to serve the subdivision or the lots involved in the plats, the submitted plans must also meet Aqua's standards. In any event, these requirements can be enforced by injunctive relief and any official as described in section 212.012 is prohibited from connecting utilities until the property has been platted and required water service constructed. In addition, section 212.012 makes the illegal connection of water service prior to plat approval a Class C misdemeanor (section 212.012).

I have instructed the Engineering and Planning Department to explain the requirements involved to owners, engineers, and surveyors, cease any use of the plat note set forth in Exhibit A, and establish whatever reporting and enforcing procedures maybe necessary to obtain compliance. If any code revisions are needed to enable the use of bonds or other types of assurances, please let me know what is needed.

Thanks.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Marvin Townsend".

R. Marvin Townsend
City Manager

As of the date indicated below, Aqua Water Supply Corporation has not agreed to provide water supply service to this subdivision because the subdivision has not complied with the Tariff of Aqua Water Supply Corporation, including specifically the Rules and Regulations Concerning Aqua's Service to Subdivisions. Under the Aqua Tariff, retail water service is not available to any lot in a subdivision that is not in compliance with all of such rules and regulations, including the payment of applicable fees. No lot in this subdivision will be eligible to receive retail water service from Aqua's distribution system until the subdivision fully complies with all of the provisions of Aqua's Tariff, including the Rules and Regulations Concerning Aqua's Service to Subdivisions.

Alan David McMurry
General Manager
Aqua Water Supply Corporation

Date: _____

Exhibit A

COPY



Mr. Alan David McMurry
General Manager
Aqua Water Supply Corporation
415 Old Austin Highway
Drawer P
Bastrop, TX 78602

Re: Annexation of Tracts 1 and 2, Trinidad Business Park

Dear Mr. McMurry:

On October 24, 2011, the City of Bastrop entered into a voluntary annexation agreement with the owner of a 2 lot subdivision known as Trinidad Business Park. That annexation agreement included the consent of the owner to annexation at any time after October 26, 2014. The Planning Department files indicate a plat of Trinidad Business Park, Phase I signed by the Mayor on November 25, 2008. This plat includes Lot 1 and identifies the balance of the tract as Future Development (Phase II). If there is a later plat of the 6.260 acres future development, the city staff has not been able to locate a copy. If the balance of the tract has not been platted, service to that tract would not be legal, but this question is not the main inquiry of this letter.

Assuming Lot 2 of Phase I or Lot 1 of Phase II has been finally platted, and plat notes are the same as on the Phase I plat, I need to address several concerns:

1. Note 1 states water is to be provided by Aqua Water Supply Corporation. Note 28 acknowledges the subdivision is within the city's extraterritorial limits. Note 15 states that all subdivision permits shall comply with City of Bastrop standards. City of Bastrop standards set forth pipe specifications and require both fire hydrants and fire flow availability. There is no issue over the ability of Aqua to require higher standards for water service than the standards set by the city, but I am not aware of any legal interpretations that would allow water taps to be approved with water facilities built to a lower standard than that imposed by Bastrop's requirements in its extraterritorial limits. (see enclosed section 5.100)
2. If you are aware of a second plat concerning Trinidad Business Park, please provide a copy of that plat or recording information so we can obtain a copy.

3. Please indicate the service Aqua is providing to the 2 tracts. If this service does not include a fire hydrant or platting required fire flow, please indicate what type of waiver of the City of Bastrop's standards was granted.

Since the city limits surround this tract on all sides and September 26, 2014 is now history, I need to bring this voluntary annexation to the City Council for acceptance in the near future.

Please call if we need to meet to discuss this request. Thank you for your assistance.

Sincerely,



R. Marvin Townsend
City Manager

5.100 WATER SYSTEM

The subdivider shall provide all water lines necessary to properly serve each lot of the subdivision and insure that existing, and/or new water facilities can supply the required demand for domestic use and for fire protection at the desired pressure. The subdivider shall bear all costs for extending water service from existing City water lines to the subdivision. All water lines and service connections shall meet the current City of Bastrop Construction Standards. The subdivider shall submit a certificate to the Director of Planning and Development certifying that the system has been designed in accordance with the current requirements of the State regulatory agency and the City of Bastrop.

5.100.1 Water Lines: Piping for water mains and connections shall be ductile iron, or AWWA C900 polyvinyl chloride pipe. Service piping shall be copper for all commercial services and polyethylene for all residential services as approved by the City Engineer. All pipe and fittings shall be new and unused. All pipe and fittings shall conform to the latest standards of the American Water Works Association.

- A. The minimum size water lines to be installed shall be six (6) inches in diameter.
- B. When recommended by the City Engineer and approved by the City Council and so noted in the preliminary plat or final plat review, larger lines shall be installed.

5.100.2 Threading: Threading on fire hydrant outlets shall be the National Standard Hose Threads.

5.100.3 Valves: At intersections of water distribution lines, the number of valves shall be one less than the number of radiating lines (two valves for tee connection and three for cross connection). Valves shall be located at the P.C. or P.T. of the nearest property line. All valves shall conform to the latest standards of the American Water Works Association.

5.100.4 Fire Hydrants: Fire hydrants will be provided at a maximum spacing of six hundred (600) feet in residential areas and three hundred (300) feet in commercial or industrial areas. All hydrants shall be standard three-way post-type dry barrel hydrants complying to AWWA Standards with six (6) inch or larger connections to mains. Fire hydrants shall be in accordance with current City of Bastrop Construction Standards.

5.110 ON-SITE WASTEWATER SYSTEMS

Septic tanks will not be permitted within a Standard Subdivision.

5.120 STREET LIGHTING

Street lighting shall be provided by the developer and shall be coordinated with the City of Bastrop electrical department or their representative. Lighting levels shall be as recommended for very light traffic in residential areas; medium traffic on feeder streets; and heavy traffic on thoroughfares.

**ANNEXATION AGREEMENT
VOLUNTARY PETITION FOR FUTURE ANNEXATION OF TERRITORY**

THE STATE OF TEXAS §
 §
COUNTY OF BASTROP §

This Annexation Agreement and Petition for Future Voluntary Annexation of territory ("Agreement") is between the City of Bastrop ("City"), a home rule city located in Bastrop County, Texas and Trinidad Development, LLC, a Texas limited liability company and Trinidad Properties, LLC, a Texas limited liability company, the Tracts 1 and 2 owner ("Tract 1 and 2 Owner") described on Exhibit A ("Tracts 1 and 2" and/or "Property for Future Annexation"), and Jason Alley, the owner of the Property to be annexed in October 2011 "2011 Annexation Owner") described on Exhibit B ("Property for 2011 Annexation"), with all owners to be collectively referred to herein as "Owners".

RECITALS

WHEREAS, all of the property described on Exhibits A and B is located within the City's extraterritorial jurisdiction ("ETJ"); and

WHEREAS, Section 43.051 of the Texas Local Government Code empowers the City to annex areas in the City's extraterritorial jurisdiction, including Tracts 1 and 2 and/or the Property for 2011 Annexation; and

WHEREAS, the City is currently in the process of annexing both Tracts 1 and 2 and the Property for 2011 Annexation; and

WHEREAS, the 2011 Annexation Owner and Tract 1 and 2 Owner have granted consent to the City's annexation of the Property for 2011 Annexation, as well as for the future Annexation of Tracts 1 and 2 as set forth herein, and Owners hereby waive any and all claims, causes, challenges or contests thereto, in return for the City's agreement that the future annexation of Tracts 1 And 2 will be done by the City, in accord with State law, no sooner than on or before October 26, 2014.

NOW, THEREFORE, FOR GOOD AND VALUABLE CONSIDERATION ACKNOWLEDGED BY ALL PARTIES HERETO, THE OWNERS AND THE CITY HEREBY AGREE, AS FOLLOWS:

1. The facts and recitations contained in the preamble of this Agreement are hereby found and declared to be true and correct, and are incorporated by reference herein and expressly made a part hereof, as if copied verbatim.

2. In consideration of the 2011 Annexation Owner's consent to the immediate and uncontested annexation of the Property for 2011 Annexation, the Tracts 1 and 2 Owner of hereby irrevocably and voluntarily petitions the City to annex Tracts 1 and 2, pursuant to procedures set forth in State law but without the need of future action by the Tract 1 and 2 Owner, with such future annexation to occur no sooner than three years after the date that the Property for 2011

Annexation is annexed into the City's corporate limits, or no sooner than October 26, 2014, whichever occurs last.

3. The Owners agree and acknowledge that this Agreement and Petition for Future Voluntary Annexation is binding on all heirs, assigns, successors in interest to the Owners, and further that it is irrevocable unless otherwise agreed to by the City, in writing.

CITY OF BASTROP

By: Michael H. Talbot
Name: Michael H. Talbot
Title: City Manager
Date: 10-25-11

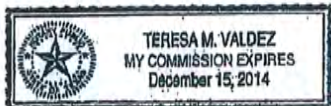
ATTEST

By: Teresa Valdez
Name: Teresa Valdez
Title: City of Bastrop Secretary

STATE OF TEXAS §
 §
COUNTY OF BASTROP §

This instrument was acknowledged before me this 25th day of October, 2011, by Michael Talbot, City Manager of City of Bastrop, Texas on behalf of City.

Teresa Valdez
Notary Public - State of Texas



Tract 1 Owner:

Trinidad Development LLC, a Texas limited liability company

By: *Richard Welch*
Name: Richard Welch
Title: Member
Date: 10-24-11

STATE OF TEXAS §
 §
COUNTY OF BASTROP §

This instrument was acknowledged before me this 24TH day of OCTOBER, 2011, by Richard Welch, a Member of Trinidad Development LLC, a Texas limited liability corporation.



Traci H Chavez

Notary Public - State of Texas

Tract 2 Owner:

Trinidad Properties LLC, a Texas limited liability company

By: *Richard Welch*
Name: Richard Welch
Title: Member
Date: 10-24-11

STATE OF TEXAS §
 §
COUNTY OF BASTROP §

This instrument was acknowledged before me this 24TH day of OCTOBER, 2011, by Richard Welch, a Member of Trinidad Properties LLC, a Texas limited liability corporation.



Traci H Chavez

Notary Public - State of Texas

Property to be Annexed Owner:

Jason Alley, an individual

By: [Signature]
Name: Jason Alley
Title: Owner
Date: 10-25-11

STATE OF TEXAS

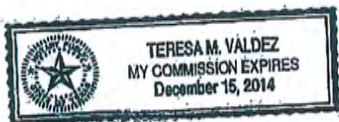
§
§
§

COUNTY OF BASTROP

This instrument was acknowledged before me this 25th day of October, 2011,
by Jason Alley, owner of Property to be Annexed.

[Signature]

Notary Public - State of Texas



CITY COUNCIL

AGENDA COVER SHEET

DATE SUBMITTED: February 7, 2017

MEETING DATE: February 14, 2017

1. Agenda Item: **CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION RECORDING REQUEST FROM THE BASTROP HOMECOMING COMMITTEE REGARDING POSSIBLE FUNDING.**

2. Party Making Request:

3. Attachments: Yes X No _____

Ann Franklin

To: Ken Kesselus
Subject: RE: Homecoming

From: <jane0869@gmail.com>
Date: Thu, Feb 2, 2017 at 7:01 PM
Subject: Homecoming
To: "bastropmayorken@gmail.com" <bastropmayorken@gmail.com>

Ken, this is Jane Sanders from Bastrop Homecoming. I'd like for the Homecoming Committee to be on the agenda to request possible funding for our 70th Homecoming. Unfortunately, we did not turn in our request for HOT funding in a timely manner and we apologize. However, Homecoming is the biggest and oldest event for Bastrop and definitely puts "Heads in Beds", and I'd like the opportunity to address the council for reconsideration of possible funding.

jane sanders [\(512\) 496-5451](tel:5124965451)

jane0869@gmail.com

Sent from [Mail](#) for Windows 10

--

Ken Kesselus
Mayor - City of Bastrop
512-940-7897

CITY COUNCIL

AGENDA COVER SHEET

DATE SUBMITTED: 02/07/17

MEETING DATE: 02/14/17

1. Agenda Item: **Consideration, discussion and possible action to retain DP Consulting to conduct a hotel feasibility study for the Bastrop Convention and Exhibit Center (BCEC).**

2. Party Making Request: **Shawn Kirkpatrick, Bastrop EDC Executive Director**

3. Nature of Request: The Bastrop EDC has been approached by developers with interest in developing a full-service hotel in conjunction with the Bastrop Convention and Exhibit Center (BCEC). A hotel feasibility study for the BCEC is recommended by both the potential developers and staff.

The EDC and Main Street staff solicited three proposals from CBRE Hotels, DP Consulting, and HVS, all highly recommended and respected as hotel and convention center consultants. After evaluating the proposals, the recommendation to City Council is to select DP Consulting at a cost of \$19,500 plus fees for the project.

Funding for the study has been previously allocated in the current Hotel Occupancy Tax budget and is an eligible expense.

4. Attachments: Yes No

5. Motion Requested: Motion to approve engaging DP Consulting to perform a hotel feasibility study for the Bastrop Convention and Exhibit Center, authorizing the City Manager to negotiate and execute the necessary contracts.



AGENDA MEMORANDUM

Meeting Date: February 14, 2017

Agenda Item: Consideration, discussion and possible action to retain DP Consulting to conduct a hotel feasibility study for the Bastrop Convention and Exhibit Center (BCEC).

Prepared by: Shawn A. Kirkpatrick, Executive Director

The Bastrop EDC has been approached by developers with interest in developing a full-service hotel in conjunction with the Bastrop Convention and Exhibit Center (BCEC). A hotel feasibility study for the BCEC is recommended by both the potential developers and staff.

The EDC and Main Street staff solicited three proposals from CBRE Hotels, DP Consulting, and HVS, all highly recommended and respected as hotel and convention center consultants. After evaluating the proposals, the recommendation to City Council is to select DP Consulting at a cost of \$19,500 plus fees for the project.

Funding for the study has been previously allocated in the current Hotel Occupancy Tax budget and is an eligible expense.

Shawn Kirkpatrick, EDC Executive Director, and Sarah O'Brien, Main Street Director, will be present to answer any questions.

Recommendation

[Sample Motion] I move to approve engaging DP Consulting to perform a hotel feasibility study for the Bastrop Convention and Exhibit Center, authorizing the City Manager to negotiate and execute the necessary contracts.

January 6, 2017

Mr. Shawn Kirkpatrick
Executive Director
Bastrop Economic Development Corporation
301 Highway 71 West, Suite 214
Bastrop, Texas 78602

Re: Full-Service Hotel Bastrop, Texas

Mr. Kirkpatrick:

At your request, we are pleased to present this engagement letter to assist you in evaluating the market justification of developing a Full-Service Hotel to be attached to the Bastrop Convention and Exhibit Center (BCEC) in Bastrop, Texas. At this point in your deliberations, you require an independent study to analyze the future hotel supply and demand situation in the competitive market and to project future trends. Based on the market information we gather, you need us to estimate the likely change in operating performance of the hotel market and the performance of proposed hotel operating in conjunction with the convention center. The objectives of our study will be to:

- Evaluate the proposed site and its surrounding area to determine its impact on the market performance of the proposed hotel and its demand for meetings.
- Determine anticipated market conditions for the proposed hotel within the context of supply, demand, site, and facility factors.
- Estimate the future competitive position of the proposed hotel operating in conjunction with the Bastrop Convention and Exhibit Center and prepare projections of occupancy, average room rate and cash flow from operations available for debt service and equity distribution.
- Provide a written letter report summarizing our findings and conclusions.

Scope of Work

To accomplish these objectives, we have prepared the following scope of our work that will include, but not necessarily be limited to, the following Phases:

Phase I - Fieldwork and Analysis

- Meet with you and/or your associates in order to obtain input from you that confirms or amends our understanding of the details of the project and provides additional pertinent information such as master plans, appraisals, detailed construction budgets, and other material you may have on the project.
- Inspect the subject site and its surrounding areas in order to determine its impact on the proposed hotel. Such determinations will not include any engineering or environmental considerations, but will encompass an evaluation of the property's accessibility, visibility, proximity to lodging demand generators, and physical characteristics that might affect the marketability of a full-service hotel.
- Evaluate existing and proposed transportation patterns in the area to determine their impact on the marketability of the proposed hotel.
- Assemble, review and analyze economic, demographic and real estate data pertaining to the local market. In particular, evaluate the present economic climate and estimate future growth potential, particularly as it relates to lodging demand.
- Interview key representatives of area commerce and industry to identify and quantify specific sources of lodging demand.
- Develop a census of competitive lodging facilities for the proposed hotel. This census will include the following factors:
 - Name / Age / Last Renovation
 - Location
 - Occupancy and Rate (in the aggregate to protect confidentiality)
 - Distance of competitors
 - Type and size of food, beverage, and meeting facilities and amenities
 - Parking: Structure vs Surface, Costs to Guest
- To the extent the information is available; identify other proposed lodging developments to assess their probability of completion and the degree to which they will compete with your project.
- Determine the current overall market demand for rooms in the market area and the share of market demand that is generated by commercial travelers, leisure travelers, group meetings, and any other identifiable sources of demand.

- Study the timing and amount of lodging supply as well as actual occupancy and room rate patterns to determine the number of additional transient lodging rooms supportable in the market.
- Make recommendations as to the appropriate brand or brands, mix of room types, number of food and beverage outlets, amount of additional meeting space (if any), and description of amenities that best suits this market and the resulting project.
- Estimate the average annual occupancies and attainable room rates that could be achieved by the proposed hotel on the subject site over a five-year period.
- Estimate the future annual utilization of the Bastrop Convention and Exhibit Center as if the proposed hotel operated it as its primary meeting space.
- Prepare estimates of annual revenue and expenses to the point of cash flow from operations available for debt service and equity distribution for the first ten full years of operation for the proposed hotel and BCEC. Our prospective financial analysis will be presented in inflated dollars and will have sufficient detail to reflect the major revenue and expense categories. Bases for the prospective financial analysis and key assumptions underlying inflation estimates will be made explicit in the report.
- Prepare an estimate of the potential return on investment based on a summary estimate of the costs to build and open the hotel, an assumed loan amount, our projected cash flow after debt service, and an assumed sale. This analysis will express the potential return as an internal rate of return (IRR) over the life of the deal. The results of this analysis may highlight the potential need for public-sector incentives. If so, we will assist the City in determining the appropriate amount to contribute and from which sources.
- Prepare a table-oriented Discussion Memo that summarizes our findings and conclusions to be reviewed by you with the following standard exhibits:
 - A five-year historical analysis of market supply and demand that notes supply additions, market occupancy and ADR, and RevPAR.
 - A five-year projection of anticipated market occupancies and rates.
 - Estimates of occupancies and average daily rate for the proposed hotel through stabilization and for ten years of operation.
 - A ten-year projection of anticipated net operating incomes
 - A calculation of potential return on investment (IRR)
 - A presentation of potential public incentives

- Meet with you and/or your associates to present our findings, conclusions and recommendations.

Phase II - Narrative Report

Prepare a narrative report that can be submitted to potential developers, their lenders and management companies, and hotel franchise companies. This report will contain a description of the project and will cover all the analysis of the summary memorandum in sufficient detail so that the reader will have confidence in the analysis. To coincide with the narrative report, we will also prepare a visual presentation (Prezi) to your City Council.

Qualifications

DP Consulting is a hospitality, tourism, and real estate oriented consulting and brokerage firm. We have developed a particular expertise that includes limited-service hotels, extended-stay hotels, full-service hotels, and resorts.

The principal of DP Consulting, David Parker, has over 30 years experience in the hotel industry, to include operations, consulting and development. Prior to forming DP Consulting, Mr. Parker was employed by PKF Consulting for nearly a decade, where he developed numerous methodologies for collecting market information on hotels and meeting facilities, and developed multiple modeling techniques for projecting utilization, income and expense.

In conjunction with hotel research, Mr. Parker developed the system through which occupancy data was collected from individual hotels and reported in aggregate on a monthly basis, known as *Trends in the Hotel Industry*. In addition, Mr. Parker developed a database based on Hotel Occupancy Tax receipts collected by the State of Texas in order to develop a census of hotel performance for various market areas. Mr. Parker directed numerous and varied projects, a summary of which are listed in the Addendum.

Limiting Conditions

Our reports will not ascertain the legal and regulatory requirements applicable to this project, including state and local government regulations, permits and licenses. Further, no effort will be made to determine the possible effect on this project of present or future federal, state, or local legislation including environmental or ecological matters or interpretations thereof.

The prospective financial analyses included in our reports will be based on estimates, assumptions, and other information developed from our research of the market, knowledge of the industry, and meetings with you and your representatives during which we will be provided with certain information. The sources of information and bases of the estimates and assumptions will be stated in the reports.

Some assumptions inevitably will not materialize, and unanticipated events and circumstances may occur; therefore actual results achieved during the period under study will vary from our estimates and the variations may be material. Our reports will contain a statement to that effect. The reports will be dated to coincide with our last day of fieldwork. The terms of this engagement are such that we have no obligation to update our estimates to reflect events or conditions that occur subsequent to the last day of our fieldwork. However, we will be available to discuss the necessity for revision in view of changes in the economic or market factors affecting the project.

Our reports and the estimates included therein will be intended for your internal use, for submission to a financial institution for the purpose of financing the venture, and for submission to a hotel franchise or management company. Otherwise, neither the reports nor their contents may be referred to or quoted in any registration statement, prospectus, loan or other agreement or document without our prior written consent. Consent will be given only upon meeting certain conditions.

Fees and Timing

Real estate advisory services are invoiced based on the actual amount of time spent in the performance of the study. We have capped our fee for Phase I and II of this engagement at \$19,500 + data and out-of-pocket travel expenses. Data from Smith Travel Research will cost \$475. Travel-related costs will be billed separately without mark-up and have been capped at 10% of the fee. A retainer is due at the commencement of our study in the amount of \$13,500. All invoices are payable upon presentation. We reserve the right to withhold delivery of any report, oral or written, if payments are in arrears.

Our current work schedule allows us to commence our fieldwork upon receiving the retainer and your notice to proceed. We anticipate spending two days in the field conducting interviews and collecting data on the market. The discussion memo should be ready within two to three weeks of completing our fieldwork. The narrative report should be ready within two to three weeks of completing the analysis.

Our fee estimate includes two trips to the market, the first being the kick-off meeting and any meetings related to the fieldwork. The second trip will include a presentation of our findings and conclusions. We would be delighted to make additional trips to discuss our findings and conclusions or to conduct a workshop, but you will be billed at our standard government hourly rate of \$300 per hour.

Acceptance

As your confirmation that the terms set forth in this proposal are acceptable to you, please sign the enclosed copy of this letter and return it to us together with your retainer as your authorization to us to undertake this assignment. If you have any questions regarding this proposal, please contact us.

Very truly yours,



David Parker
DP Consulting

ACCEPTED BY:

Signature

Name Printed

Title

Company or Venture

Date



Projects Completed by David Parker

Market Studies of Limited-Service Hotels:

Dallas Area:

- Market Study of Proposed Best Western Premier – Denton, Texas (Open 2009)
- Market Study of Proposed Fairfield Inn – Decatur, Texas
- Market Study and Valuation of Proposed Comfort Suites – Grapevine, Texas (Open 2005)
- Market Study of a Hampton Inn and Suites – Alliance Airport, Fort Worth Texas (Open 1999)
- Due Diligence Analysis of five hotels (Holiday Inn Expresses and Quality Suites) – Dallas, Texas
- Market Study of Proposed Hampton Inn and Suites – Hurst, Texas (Open 2004)
- Due Diligence Analysis Wyndham Garden Hotel Los Colinas – Irving, Texas
- Due Diligence Analysis Wyndham Garden Hotel Market Center – Dallas, Texas

Houston Area:

- Market Study of Proposed Hampton Inn & Suites – Bush Intercontinental Airport – Houston, Texas (Open 2015)
- Market Study of Proposed Comfort Suites (Westchase) – Houston, Texas (Open 2013)
- Market Study of Proposed Hampton Inn & Suites – Missouri City, Texas (Open 2013)
- Market Study of Proposed Courtyard & TownePlace Suites – Galveston, Texas (Open 2013)
- Market Study of Proposed SpringHill Suites – Houston, Texas
- Market Study of Proposed Sleep Inn – Clute/Lack Jackson, Texas
- Market Study of Proposed Microtel Inn & Suites – Port Arthur, Texas
- Market Study of Proposed SpringHill Suites – Seabrook, Texas
- Market Study of Proposed La Quinta – West Chase - Houston, TX (Open 2007)
- Market Study of Proposed Best Western Mini Suites – Texas City, Texas (Open 2005)
- Market Study of Proposed Bed & Breakfast – Kemah, Texas (Open 2004)
- Market Study of a Proposed TownePlace Suite – College Station, Texas (Open 1999)
- Market Study of a Proposed TownePlace Suite – Clear Lake, Texas (Open 1999)
- Market Evaluations of four Baymont Inns – Houston, Texas
- Market Study of Proposed Hampton Inn & Suites – League City, Texas (Open 2010)

Central Texas:

- Market Study of Proposed Homewood Suites – (Parmer Lane) Austin, Texas (Open 2015)
- Market Study of Proposed Home2 Suites – Round Rock, Texas (Open 2015)
- Market Study of Proposed Bed and Breakfast Cabins – Fredericksburg, Texas (Open 2013)
- Market Study of Proposed Hampton Inn & Suites – Downtown Austin, Texas (Open 2012)
- Market Study of Proposed Homewood Suites – Round Rock, Texas (Open 2010)
- Market Study of Proposed Sleep Inn & Suites – Manor, Texas (Open 2012)
- Market Study of Proposed Limited-Service Hotel – Marble Falls, Texas
- Market Study of Proposed Microtel Inn & Suites – Austin, Texas (Airport) (Open 2010)
- Market Study of Proposed Staybridge Suites – San Antonio, Texas (Open 2008)
- Market Study of Proposed La Quinta - Medical Center - San Antonio, Texas (Open 2007)

South Texas:

- Market Study of Proposed Microtel – Gonzales, Texas (Open 2013)
- Market Study of Proposed Home2 Suites – Mission, Texas
- Market Study of Proposed Holiday Inn Express – South Padre Island, Texas (Open 2005)



North Texas:

Market Study of Proposed Hampton Inn – Vernon, Texas (Open 2011)
Market Study of Proposed Holiday Inn Express – Vernon, Texas (Open 2006)

West Texas:

Market Study of Proposed Microtel – San Angelo, Texas (Open 2010)
Market Study of Proposed Hawthorn Suites – Lubbock, Texas (Open 2008)
Market Study of Proposed Best Western – Hamilton, Texas (Open 2007)
Market Study of Proposed La Quinta – Lubbock, Texas (Open 2006)

East Texas:

Market Study of Proposed Microtel Inn & Suites – Texarkana, Texas
Market Study of Proposed Hampton Inn – Sulphur Springs, Texas (Open 2010)
Market Study of Proposed Best Western – Mt. Vernon, Texas

Outside of Texas:

Market Study of Proposed Home2 Suites – Tallahassee, Florida (Open 2016)
Market Study of Proposed Home2 Suites – Stillwater, Oklahoma (Open 2016)
Market Study of Proposed Home2 Suites – Tuscaloosa, Alabama (Open 2015)
Market Study of Proposed Home2 Suites – Lexington, Kentucky (Open 2015)
Market Study of Proposed Hilton Garden Inn & Homewood Suites – Oklahoma City, Oklahoma (Open 2014)
Market Study of Proposed Hampton Inn & Suites - Mulvane, Kansas (Open 2012)
Market Study of Proposed Hampton Inn & Suites – Dodge City, Kansas (Open 2012)
Market Study of Proposed Homewood Suites – Nashville, Tennessee (Open 2013)
Market Study of Proposed Fairfield Inn – Maize, KS (Open 2011)
Market Study of Proposed La Quinta Inn & Suites – Olathe, Kansas (Open 2008)
Market Study of Proposed Holiday Inn Express & Suites – Bloomington, Indiana (Open 2006)
Market Study of Converting historic buildings into Residence Inn and Courtyard by Marriott – Omaha, NE (Open 1999)
Market Study of Proposed Sleep Inn Limited-Service hotel – Thornton, Colorado (Open 1998)
Market Study and Valuation of Proposed All-Suite Hotel at Isle of Capri Casino – Lake Charles, Louisiana (Open 1998)
Market Study and Valuation of Proposed Limited-Service Hotel at Isle of Capri Casino – Lake Charles, Louisiana (Open 1997)

Market Studies Select and Full-Service Hotels:

Dallas Area:

Market Study of Proposed Hilton Garden Inn – Hurst, Texas (Open 2016)
Market Study of Proposed Hilton Dallas/Plano Granite Park – Plano, TX (Open 2014)
Market Study of Proposed Cambria Suites – Plano, Texas (Open 2014)
Market Study of Proposed Courtyard Hotel & Conference Center – Carrollton, Texas
Market Study of Renovating the Historic Blackstone Hotel into a Courtyard by Marriott – Fort Worth, Texas (Open 1999)
Market Study of Proposed Embassy Suites Galleria – Dallas, Texas (Open 1998)
Evaluation of Converting the Employers Life Insurance Building into a Headquarters Hotel – Dallas, Texas



Market Study of Proposed Holiday Inn – McKinney, Texas (Open 2008)
Market Study of Proposed Resort Hotel and Water Park – Frisco, Texas
Impact Assessment of Converting Ramada Plaza into Holiday Inn Select (Presently The Sheraton) – Fort Worth, Texas

Houston Area:

Market Study of Proposed Courtyard & TownePlace Suites – Galveston, Texas (Open 2013)
Market Study of Proposed Courtyard by Marriott – Galveston, TX (Open 2013)
Market Study of Proposed Embassy Suites & Water Park – Beaumont, Texas
Market Study of Proposed Embassy Suites – Texas Medical Center – Houston, TX
Market Study of Proposed Holiday Inn – Shenandoah, Texas
Market Study of Proposed Hilton Garden Inn Galleria – Houston, Texas (Open 2005)
Market Study and Economic Impact Assessment of 1,200-Room Hilton Americas
– Downtown Houston, Texas (Open 2004)
Market Study of Converting the Medical Towers into the Marriott Medical Center Expansion – Houston, Texas
Market Study of Converting Historic Texas State Hotel into Sheraton Suites – Downtown Houston, Texas
Market Study and Valuation of Omni Galleria – Houston, Texas
Market Study and Valuation of Red Lion Hotel Galleria – Houston, Texas

Central Texas:

Market Study of Proposed SoCo Hotel – (South Congress) Austin, Texas (Open 2015)
Economic Impact Study of Proposed Hilton Garden Inn – Live Oak, Texas
Market Study of Proposed Select-Service Hotel & Conference Center – Boerne, Texas
Market Study of Proposed Four Points (Now Wyndham Garden Inn Near La Cantera) – San Antonio, Texas (Open 2009)
Market Study of Proposed Boutique Hotel – Fredericksburg, Texas
Market Study of Proposed Cambria Suites – Medical Center – San Antonio, Texas
Market Study of Proposed Westin Riverwalk – San Antonio, Texas (Open 1999)
Market Study of Proposed Full-Service Hotel – New Braunfels, Texas
Market Study and Valuation of St. Anthony Hotel – San Antonio, Texas

South Texas:

Market Study of Proposed Hotel & Conference Center – Port Aransas, Texas
Market Study of Proposed Full-Service Hotel Adjacent to McAllen Convention Center – McAllen, Texas
Market Study of Proposed All-Suite Hotel and Resort on North Padre Island – Corpus Christi, Texas
Market Study, Economic Impact Study, and Financing Recommendations of Proposed Full-Service Hotel
– South Padre Island, Texas
Market Study of Proposed Executive Conference Center – North Padre Island, Corpus Christi, Texas

North Texas:

Market Study of Proposed Hotel Conversion to a Full-Service Wyndham Hotel – Wichita Falls, Texas

West Texas:

Market Study of Proposed Full-Service Hotel & Conference Center – Odessa, Texas

Outside of Texas:

Market Study of Proposed Full-Service Resort with Golf – Franklin, Tennessee
Market Study of Proposed Hilton Garden Inn & Homewood Suites – Oklahoma City, Oklahoma (Open 2014)
Market Study of Proposed Conversion of the Fulton Hotel to a Holiday Inn – Alexandria, Louisiana



Market Study of Proposed Office Building Conversion into Hilton Garden Inn –
Airport - Phoenix, Arizona (Open 2009)
Market Study of Proposed Hilton Garden Inn (Converted Office Building) – Phoenix, AZ at Airport (Open 2008)
Market Study of Proposed Full-Service Hotel – Colorado Springs, Colorado
Performance Review of Operating Standards – Radisson Fort McDowell Resort & Casino – Scottsdale, Arizona
Market Study of Proposed Holiday Inn – Colorado Springs, Colorado
Market Study and Valuation of Cypress Bend Golf Resort and Conference Center – Sabine Parish, Louisiana

Market Study of Converting historic buildings into Residence Inn and Courtyard by Marriott
– Omaha, NE (Open 1999)
Market Study of Proposed Full-Service Hotel – Sandy City, Utah
Market Study of Proposed Full-Service Hotel adjacent to Jazz Land Theme Park – New Orleans, LA
Market Study and Valuation of 780-room Regal Riverfront – St. Louis, Missouri

Public Assembly Facility Studies:

Dallas Area:

Market Study of Proposed Dallas County School District Meeting Facility – Dallas, Texas
Market Study of Proposed 500,000-Square foot Exhibition Center – Grapevine, Texas
Market Study of Proposed Conference Center – Hurst, Texas (Open 2007)
Management RFP of Proposed Conference Center – Hurst, Texas

Houston Area:

Market Study of Proposed Convention Center – Stafford, Texas (Open 2003)
Market Study of Proposed Performing Arts Theater – Stafford, Texas (Open 2003)
Market Study and Economic Impact of Proposed Waterway Convention Center –
The Woodlands, Texas (Open 2002)
Citywide occupancy tax collection forecast for City of Houston, used in securing \$700 million in bonds for the
purpose of expanding the George R. Brown Convention Center, constructing the 1,200-room Hilton
Hotel, parking garage, and NBA basketball arena – Houston, Texas
Market Study and Economic Impact Study of Expanding the George R. Brown Convention Center
– Downtown Houston, Texas
Market Study of Proposed Convention Center, Mall Conversion – Baytown, Texas
Market Study of Proposed Natatorium – Stafford, Texas
Market Study of Repositioning a portion of Greenspoint Mall into a Convention Center – Houston, Texas
Market Study of Proposed Civic Center – Kemah, Texas
Market Study of Proposed Civic Center – Freeport, Texas

Central Texas:

Market Study of Proposed Convention Center – New Braunfels, Texas
Market Study of Proposed Civic Center & Exhibit Hall – Gonzales, Texas

South Texas:

Market Study of Expanding the Bayfront Convention Center – Corpus Christi, Texas (Completed 1999)

East Texas:

Market Study of Proposed Convention Center – Lufkin, Texas



DP Consulting

Professionals in Hotel Development

10700 Richmond Ave. Suite 821

Houston, Texas 77042

713-809-0101

dpconsultingusa.com

Outside of Texas:

Market Study and Economic Impact Study of Proposed 453,000-square foot Exhibition Center
– Sandy City, Utah

Market Study of Proposed Ballroom Addition to the Welk Resort – Branson, Missouri

Market Study of Proposed Convention Center, Mall Conversion – Tupelo, Mississippi

Other Projects:

Houston's First Baptist Church – Hunt Retreat – Lodge/Conference Facility – Fulshear, Texas (Open 2013)

Market Study of Proposed Baseball Facility – The Zone – Kingwood, Texas (Open 2012)

Market Study of Proposed Water Park – Beaumont, Texas

Market Study of Proposed Time Share – Lake Havasu, Arizona

Lakeview Methodist Conference Center – Lodge/Conference Facility – Palestine, Texas

Market Study for Three Proposed Buffalo Wild Wings locations – Greater New Orleans, Louisiana

Market Study for Proposed Apartments – Jackson, Tennessee

Developer of five high-end town homes near Texas Medical Center

Developer of three-unit loft project east of Mid-Town - Houston, Texas

Due Diligence of new construction 400-unit Self Storage in southwest Houston

Due Diligence of new construction 400-unit Self Storage in Baytown, Texas

CITY COUNCIL

AGENDA COVER SHEET

DATE SUBMITTED: FEBRUARY 6, 2017

MEETING DATE: FEBRUARY 14, 2017

1. Agenda Item: **RECOMMENDATION** that the proposal from HALFF Associates to carry out a **Drainage Study for Pine Forest Unit 6** for \$75,100 be accepted. The first 3 tasks at a cost of \$39,307 are proposed to be advanced from the General Fund. The actual expenses for the first 3 phases are proposed to be reimbursed by the Bastrop Economic Development Corporation if the Corporation approves the necessary steps to undertake the project. The Corporation would then authorize tasks 4 through 6 at a cost of \$35,793 for a total cost of \$75,100. All tasks should be completed within 4 months.

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

3. Nature of Request: (Brief Overview)

4. Attachments: Yes X No _____

5. Motion Requested _____



October 13, 2016

Wesley Brandon, PE
City Engineer
City of Bastrop
1311 Chestnut Street
Bastrop, Texas 78602

Sent via email: wbrandon@cityofbastrop.org

RE: City of Bastrop – Pine Forest Unit 6 Drainage Study

Wesley,

We are pleased to submit our proposal to provide engineering services to prepare a Drainage Study for the Pine Forest Unit 6 Subdivision which will include the evaluation of the floodplain extents, determination of mitigation solutions, and assistance in land planning formulation.

We trust this proposal is satisfactory and we appreciate the opportunity to be of service to the City of Bastrop. If you have any questions regarding this proposal, please contact me or Mike Moya.

Sincerely,
HALFF ASSOCIATES, INC.

A handwritten signature in blue ink, appearing to read "Paul Morales", is written over the typed name.

Paul Morales, PE, CFM, CPESC
Project Manager

Attachments

PROPOSED STATEMENT OF WORK
City of Bastrop
Pine Forest Unit 6 Drainage Study

PROJECT DESCRIPTION

On September 28, 2016, Halff met with City staff to discuss a drainage study for the Pine Forest Unit 6 subdivision. Pine Forest Unit 6 is located east of downtown Bastrop and south of Highway 71 between Tahitian Drive and Jackson Street. The subdivision is approximately 500-acres and is entirely within the City of Bastrop extraterritorial jurisdiction. Approximately 60% of the northern area of the subdivision is located within the City limits and 40% of the southern area is located in Bastrop County jurisdiction. There are approximately 700 lots which were platted and recorded in 1979. It appears the plat was laid out with little regard to natural creeks and/or drainage considerations. Road drainage currently consists of road side ditches and in many cases the ditches are showing signs of erosion. Most of the roads are dirt roads and several of the creek crossings are impassable due to the dirt roads being washed out. Based on information provided by the City of Bastrop, approximately 60% of the lots have defaulted and are currently owned by government entities.

The City asked Halff to provide a proposal to conduct a drainage study to determine floodplain extents within the subdivision and to recommend conceptual mitigation solutions to minimize downstream impacts due to fully developed conditions. This scope will also identify lots that will be affected by the floodplains and recommend next steps for the City to phase development. This scope is prepared to analyze approximately 6.25 miles of existing creeks within the Pine Forest Unit 6 subdivision boundary and shown on Figure 1.

The following is a list of general project assumptions used in preparing this scope of work, but could be included as additional scope:

- Existing topographic LiDAR data will be used to the extent possible.
- No field survey for channel cross sections are included in this scope.
- No platting, title work or boundary surveys of properties will be required.
- Lot boundaries will be based on the parcel data provide by the City.
- A FEMA Conditional/Letter of Map Revision (C/LOMR) is not included in this scope.
- Environmental documents and permits are not considered in this scope.
- If any permitting submittals require any permitting and filing fees, Halff will invoice the necessary fees as a pass through charge.
- Property acquisitions or negotiations are not considered in this scope.
- Design, bidding, or construction phase services are not included in this scope.

SCOPE OF WORK:

Task 1: SITE DATA ACQUISITION

The purpose of this task is to acquire detailed field data needed for the development of the hydrologic and hydraulic analysis for the project area. This task will include collection of data by means of ground surveys, field reconnaissance, and data requests from the City of Bastrop. The following items are included as part of this task:

- Obtain available data that may include topographic LiDAR, existing utilities, existing drainage studies, other existing documents or studies prepared for the subdivision.
- Field survey at existing culvert crossings and other key areas identified. This scope assumes approximately 15 road crossing to be surveyed.
- Field reconnaissance to determine watershed parameters for model development. This scope assumes up to 2 site visits.

This drainage study assumes that field survey acquired will be minimal and existing topographic LiDAR data will be used to develop the hydrologic and hydraulic models as well as the land planning formulation recommendations.

Task 2: HYDROLOGY & HYDRAULICS ANALYSIS

A detailed hydrologic model (HEC-HMS) will be developed for the Unnamed Tributary to Colorado River watershed using methods appropriate for the study area. The contributing drainage is estimated at approximately 1.1 square miles and includes approximately 0.4 square miles that contribute north of Highway 71. The model will include both existing and anticipated fully developed land use conditions within the subdivision, and will utilize available city and county GIS data, CAPCOG data, and SSURGO soil information to generate hydrologic parameters. Sub-basins will be developed based on the current subdivision layout. Rainfall data for 10-, 25-, 50-, 100-, and 500-yr storm events will be developed using USGS depth-duration-frequency methods. Results of the hydrologic analysis will be compared to USGS regression equation and FEMA FIS flow rates where available.

A limited detailed hydraulic model (HEC-RAS) with supporting work maps and corresponding documentation will be developed for Unnamed Tributary to Colorado River and its tributaries. The hydraulic model will be used to define existing and fully developed water surface elevations for the identified 6.5 stream miles shown on Figure 1. Hydraulic models shall be developed utilizing collected limited field survey data, information from "as-built" design plans, and 2007 LIDAR terrain. This information, along with any existing hydraulic model data, will be used to create an updated hydraulic model. The HEC-RAS model will be geo-referenced to correlate with the City and County GIS dataset, using the HEC-GeoRAS extension in ArcGIS 10.2. Water surface profiles shall be developed for the 10-, 25-, 50-, 100-, and 500-yr storm frequencies for existing and fully developed conditions.

Task 3: CONCEPTUAL MITIGATION FORMULATION

Conceptual mitigation solutions to minimize downstream impacts to reduce potential downstream increases due to proposed development in Pine Forest Unit 6. The models developed in the previous task will be updated to include up to two (2) combination of mitigations solutions. Mitigation solutions may include but are not limited to:

Structural Alternatives:

- Detention and retention ponds
- Dredging and clearing
- Channel improvements
- Improved road crossings
- Improved storm drainage systems

The scope also includes consideration of various environmental constraints that may be related to the evaluation of mitigation solutions and the selection of the recommended mitigation plan for Pine Forest Unit 6. This will involve a cursory review of critical environmental features (CEF). This effort will utilize existing available documents, as well as research, to identify other CEFs that need to be considered during the development of mitigations solutions.

Task 4: CONCEPTUAL LAND PLANNING AND LOT FORMULATION

Halfff will review the 100-year floodplains and mitigation solutions developed in the previous tasks and provide conceptual land planning and phasing for the Pine Forest Unit 6 subdivision. Potential lot formulation to combine or swap existing platted lots will be considered and based on available information obtained from the City, including existing topographic LiDAR, ownership information regarding government versus private owned lots, infrastructure needs, roadway accessibility, drainage and detention needs. This task will be developed at a concept level and will outline potential next steps for the City to consider for more in-depth design of the development.

Task 5: REPORTING

A final Drainage Study report will be prepared to document all modeling and mitigation analysis results developed. A summary of Unnamed Tributary to Colorado River and its tributaries hydrologic and hydraulic modeling, mitigation solutions, environmental constraints, and land planning next steps will also be included in the final report. A draft report will be submitted to the City for review. Upon receiving comments from the City, Halfff will respond to the comments and revise the report and deliver a final Drainage Study report.

Task 6: PROJECT MANAGEMENT

Project management includes all oversight of the project components and executing the plan and making necessary adjustments or changes when needed. The project manager shall be the single point of contact for all correspondences. Project management task includes:

- Kick off meeting with City staff to define project goals, submittal procedures, project schedule, and billing instructions.
- Define project team roles and information and distribute to team members.

- Prepare and submit monthly progress reports and invoices.
- Prepare and distribute meeting minutes.
- Attend two (2) project meetings with City staff to discuss results.

PROJECT DELIVERABLES:

- Drainage Study report detailing all modeling methodologies including workmaps that indicate the floodplain extents, environmental constraints, and recommendations based on conceptual land planning formulations for phasing next steps in the design development.
- All data obtained during Task 1, including photos and field sheets from site visits and field survey.
- Flood profiles and work maps with final floodplains for the 25- and 100-year storm events.
- Conceptual plans identifying potential locations for mitigation solutions as needed such as culvert improvements, channel improvements, and/or detention ponds.
- Hydrologic and hydraulic models and associated spatial GIS files.

FEE ESTIMATE:

The fees for Task 1 through 6, established above, shall be considered **lump sum** fees unless otherwise noted. Our services will be invoiced monthly based on the percentage of work completed. Costs incurred will be carefully monitored during the progress of this project and the fees will not be exceeded without prior approval from the City.

Pine Forest Unit 6 Drainage Study	
	Total
Task 1: SITE DATA ACQUISITION	\$ 9,961.00
Task 2: HYDROLOGY AND HYDRAULIC ANALYSIS	\$ 16,086.00
Task 3: CONCEPTUAL MITIGATION FORMULATION	\$ 13,260.00
Task 4: LAND PLANNING & LOT FORMULATION	\$ 13,835.00
Task 5: REPORTING	\$ 11,646.00
Task 6: PROJECT MANAGEMENT	\$ 10,312.00
TOTAL	\$ 75,100.00




ANTICIPATED SCHEDULE:

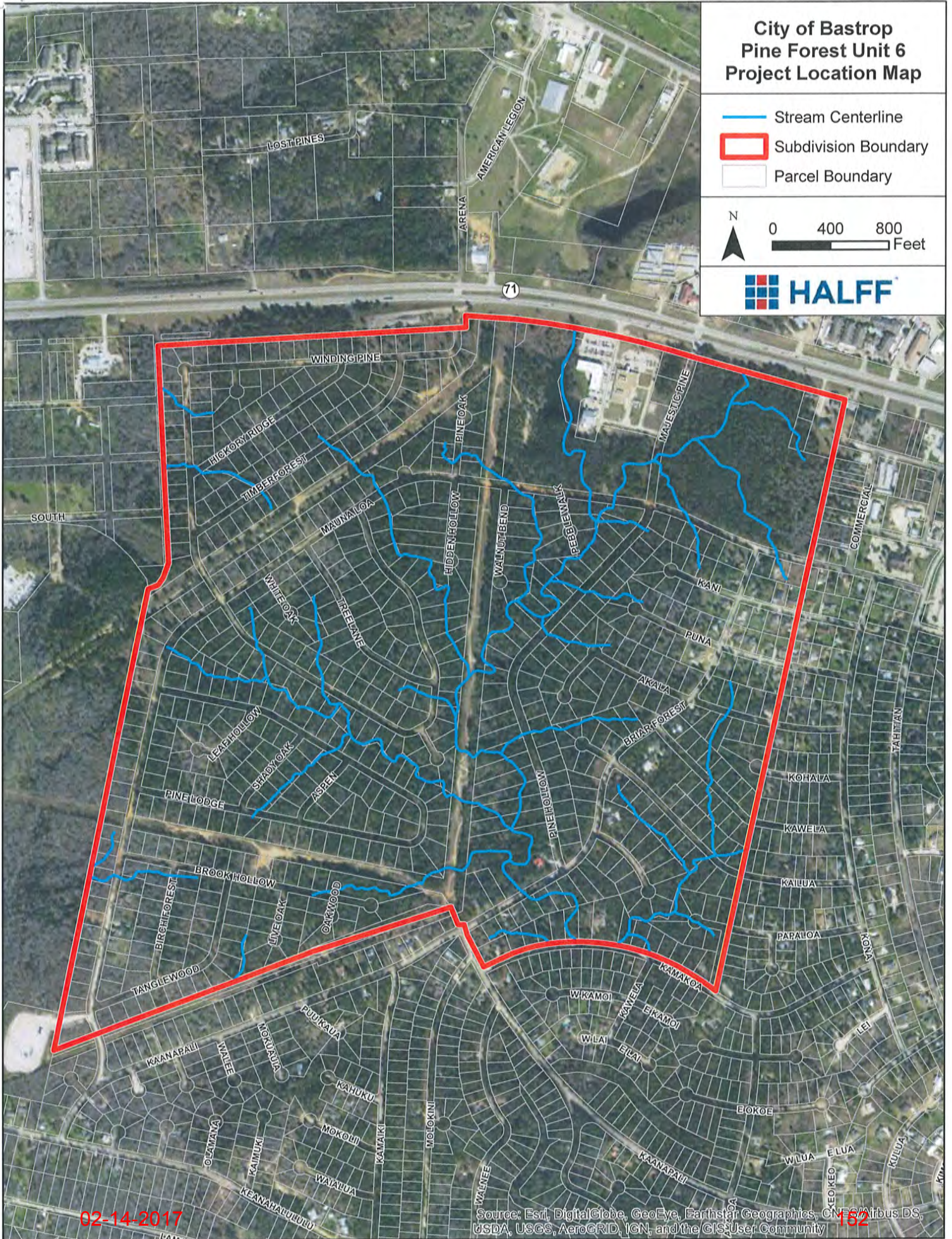
Halff can commence work on this project within 1 week after notice-to-proceed is received from the City of Bastrop. Halff anticipates completion of all effort and submittal of deliverables within 4 months of the notice to proceed.

City of Bastrop - Pine Forest Unit 6 Drainage Study

	MONTH 1				MONTH 2				MONTH 3				MONTH 4			
	WK1	WK2	WK3	WK4	WK1	WK2	WK3	WK4	WK1	WK2	WK3	WK4	WK1	WK2	WK3	WK4
Task 1: SITE DATA ACQUISITION																
1.1 Obtain and review available data																
1.2 Field reconnaissance (2 site visits)																
1.3 Field survey																
Task 2: DRAINAGE ANALYSIS																
2.1 Determine hydrologic parameters																
2.2 Develop hydrologic model (1.1 sq. mi)																
2.3 Determine hydraulic parameters																
2.4 Develop hydraulic models (6.5 stream miles)																
2.5 Model QA/QC																
Task 3: CONCEPTUAL MITIGATION FORMULATION																
3.1 Determine mitigation solutions																
3.2 Analyze combination of solutions (2 max)																
3.3 Recommend mitigation solutions																
Task 4: LAND PLANNING & LOT FORMULATION																
4.1 Review existing subdivision layout																
4.2 Coordination of mitigations																
4.3 Determine lot formation and phasing																
Task 5: REPORTING																
5.1 Obtain data from team																
5.2 Prepare exhibits																
5.3 Prepare report																
5.4 QA/QC report																
Task 6: PROJECT MANAGEMENT																
6.1 Kick off meeting																
6.2 Team management																
6.3 Monthly progress report (est. 4 months)																
6.4 Project meeting w/ staff (2 max)																

City of Bastrop Pine Forest Unit 6 Project Location Map

-  Stream Centerline
-  Subdivision Boundary
-  Parcel Boundary



02-14-2017

CITY COUNCIL

AGENDA COVER SHEET

DATE SUBMITTED: 02/7/17

MEETING DATE: 02/14/17

1. Agenda Item: **Consideration, discussion and possible action by the City Council for approval and adoption of a Resolution expressing official intent to reimburse certain expenditures for initiation of a drainage master plan for Pine Forest Unit 6 Subdivision.**
2. Party Making Request: **Tracy Waldron, Chief Financial Officer**
3. Nature of Request: Requesting to use funds available from the Certificate of Obligation, Series 2013 bond. Currently, the BEDC is obligated for the debt of these funds. The BEDC's board, at their January 23, 2017 meeting, approved consideration of these expenditures as a potential 4B project.
4. Attachments: Yes X No _____
5. Motion Requested: Pass and adopt the proposed Resolution.

RESOLUTION NO. R-2017-10

**RESOLUTION EXPRESSING OFFICIAL INTENT TO REIMBURSE
CERTAIN EXPENDITURES OF THE CITY OF BASTROP, TEXAS**

WHEREAS, the City Council of the City of Bastrop, Texas expects to pay expenditures in connection with the drainage study for Pine Forest Unit 6 (the "Project") prior to the approval from the Bastrop Economic Development Board;

WHEREAS, the City Council of the City of Bastrop, Texas has bond funds available for this designated purpose through their Certificate of Obligation, Series 2013, funds which the debt obligation is currently with the Bastrop Economic Development Corporation;

WHEREAS, the Bastrop Economic Development Corporation, on January 23, 2017 unanimously approved the consideration for funding the drainage study for Pine Forest Unit 6 if such expenditure is appropriate and consistent under the type 4B law;

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

- (1) If the Bastrop Economic Development Corporation determines that it is appropriate and consistent to fund the Project, it will pay the debt obligations for the expenditure, but if they determine such expenditure is not an appropriate 4B expenditure, the debt obligation for the Project will be transferred to the City of Bastrop.

PASSED AND ADOPTED by the City Council of the City of Bastrop on this 14TH day of February, 2017.

APPROVED:

Ken Kesselus, Mayor

ATTEST:

Ann Franklin, City Secretary

APPROVED AS TO FORM:

David Bragg, City Attorney

CITY COUNCIL

AGENDA COVER SHEET

DATE SUBMITTED: 02/07/17

MEETING DATE: 02/14/17

1. Agenda Item: **Consideration, discussion and possible action on a Resolution approving amendments to the Bastrop Economic Development Corporation bylaws.**

2. Party Making Request: **Shawn Kirkpatrick, Bastrop EDC Executive Director**

3. Nature of Request: The EDC Board directed a comprehensive review of the 8th amended bylaws of the Corporation. The EDC's legal counsel recommended amending the Articles of Incorporation first, which has been completed. The Bastrop EDC Board of Directors approved sending the draft 9th amended bylaws to City Council for approval at the 01/23/17 Board meeting. That draft is attached for the Council's review, as well as the draft Resolution.

Please see my attached memo for additional information.

4. Attachments: Yes No

5. Motion Requested: Motion to approve Resolution 2017-_____ approving the amendments to the Bastrop Economic Development Corporation's bylaws.

RESOLUTION NO. R-2017-09

APPROVING AMENDMENTS TO THE BASTROP ECONOMIC DEVELOPMENT CORPORATION'S BYLAWS

WHEREAS the Bastrop Economic Development Corporation (the "Corporation") has existing bylaws; and

WHEREAS the Texas Local Government Code Chapter 501 (the "Code") Section 501.064 authorizes a Corporation to amend its bylaws; and

WHEREAS the Corporation has amended its bylaws as provided for in the attached Exhibit "A" (the "Amended Bylaws"); and

WHEREAS, it is hereby officially found and determined that the Amended Bylaws are consistent with the certificate of formation of the Corporation and state law; and

WHEREAS, it is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code;

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

SECTION 1. Finding and Determination

The Council hereby finds and determines that it is advisable to adopt the amendments to the Corporation's bylaws as provided for in Exhibit "A".

SECTION 2. Authorization of Adoption

The Council hereby authorizes the Corporation to adopt the amended bylaws established in Exhibit "A".

SECTION 3. Approval

The Bastrop City Council hereby approves the form of the amendments to the Corporation's bylaws as established in Exhibit "A".

READ and ADOPTED on the 14th day of February 2017.

[SIGNATURE PAGE FOLLOWS]

Ken Kesselus, Mayor

ATTEST:

Ann Franklin, City Secretary

APPROVED AS TO FORM:

David Bragg, City Attorney



AGENDA MEMORANDUM

Meeting Date: February 14, 2017

Agenda Item: Consideration, discussion and possible action on a Resolution approving amendments to the Bastrop Economic Development Corporation bylaws.

Prepared by: Shawn A. Kirkpatrick, Executive Director

The EDC Board directed a comprehensive review of the 8th amended bylaws of the Corporation. To do so, the Board approved a committee of Steve Mills (Board Chair), Kristi Koch (Board Vice Chair), Ashley Mutschink, Sherry Schena, and Shawn Kirkpatrick (BEDC Executive Director), and Angela Ryan as staff support. The committee requested independent third party legal counsel with expertise in local government and economic development corporations. Charlie Zech with the law firm of Denton, Navarro, Rocha, Hyde, and Zech was retained for the project.

After an initial review of the draft 9th amended bylaws prepared by the committee, and review of the Articles of Incorporation, Mr. Zech recommended restating and amending the Articles of Incorporation prior to amending the bylaws, which was completed last summer.

The draft 9th amended bylaws were again vetted against the local government code and Articles and a revision was completed to eliminate any discrepancies and duplication. This version was released to the public for review and input. The EDC staff held two public input sessions to address any additional concerns of the public.

Following public input, the EDC Board reviewed and provided feedback on the draft 9th amended bylaws. The changes agreed to by the Board were incorporated into the final version. Mr. Zech provided an additional legal review of this version, making a few additional recommendations.

At their January 2017 meeting, the EDC Board approved submitting the 9th amended bylaws to the City Council for approval by Resolution.

One item the Board and public felt strongly about was term limits for the Board of Directors. Unfortunately, including such language in the bylaws has no binding effect on the governing body's (City Council) appointments to the Board. Any such provision is a responsibility of the Council to be included in its governing documents. In contrast, the qualifications section within the bylaws are guidelines for the Council to consider when making appointments to the Board.

The bylaws are truly a codification and rewrite, with no redlined version from the 8th adopted to the 9th draft amended bylaws. The EDC staff has prepared a summary of significant changes for your review:

- Established board “seats” numbered 1 – 7, in order to maintain staggered board terms (as per previous BEDC resolution).
- Added “Any director may be removed from office by the Council at will, with or without cause.” (State law)
- Removed the requirement for the Mayor to be on the board
- The number of City councilmembers on the board was reduced from three to two.
- Deleted references to ex officio members.
- Added qualifications for board members.
- Number of directors allowed outside the city limits (but within the ETJ) is now two.
- Added that resignations are considered immediate upon receipt, and a board member who files for elected office other than Mayor or Council (unless seeking re-election to an office already held) must resign immediately.
- Added Board meeting attendance to the Bylaws instead of referencing the City’s Code of Ordinances.
- The deadline for agenda items increased from five days to ten days.
- Added “A director may not vote by proxy.”
- Added Section 7 “Conduct of Business”.
- Established an order for meetings where the chair is not in attendance.
- Clarified section on gifts and established a limit.
- Added Article IV, Section 6 “Expenditures of Corporate Money”.
- Removed Executive Director’s spending authority in Section 5.10, which should be done by resolution or internal financial control Policy.

Recommendation

[Sample Motion] I move to approve Resolution 2017-____ approving the amendments to the Bastrop Economic Development Corporation’s bylaws.

“Exhibit A”

**NINTH AMENDED BYLAWS OF
THE BASTROP ECONOMIC DEVELOPMENT CORPORATION
OF THE CITY OF BASTROP, TEXAS
A NON-PROFIT CORPORATION**

These bylaws (referred to as the “Bylaws”) govern the affairs of the Bastrop Economic Development Corporation, a public instrumentality and a non-profit corporation (hereinafter referred to as the “Corporation”) created under Section 4B of the Development Corporation Act of 1979, Local Government Code, Subchapter A, Sections 501.001 and 505.001, *et seq.*, as amended (hereinafter referred to as the “Act”).

**ARTICLE I
PURPOSE AND POWERS**

Section 1. Purpose. The Corporation is incorporated for the purposes set forth in Article IV of its Articles of Incorporation, the same to be accomplished on behalf of the City of Bastrop, Texas (the “City”), as its duly constituted authority and instrumentality in accordance with the Act.

Section 2. Powers. The Corporation shall have all of the express and implied powers set forth and conferred in its Articles of Incorporation, in the Act, and in other applicable law.

**ARTICLE II
BOARD OF DIRECTORS**

Section 1. Number and Terms of Office.

- (a) The affairs of the Corporation shall be managed and controlled by a Board of Directors (the “Board”) and, subject to the restrictions imposed by law, by the Articles of Incorporation, the Act, and by these Bylaws, the Board shall exercise all of the powers of the Corporation.
- (b) The Board shall consist of seven (7) Directors, each of whom shall be appointed by and serve at the pleasure of the City Council (the “Council”) of the City of Bastrop.
- (c) Directors are appointed for terms of two (2) years each. Seats on the Board shall be numbered one (1) through seven (7), with the terms of odd numbered seats expiring in June of odd numbered years, and even numbered seats expiring in June of even numbered years.
- (d) Any director may be removed from office by the Council at will, with or without cause.
- (e) In the event of a vacancy on the Board, the City Council shall make an appointment to fill the remainder of the unexpired term.

Section 2. Qualifications.

- (a) The City Council shall appoint the Directors of the Corporation.

1. A minimum of five (5) of the Directors shall be persons who are not members of the City Council of Bastrop. Up to two (2) Directors may be the Mayor or members of the City Council.
 2. Employees of the City of Bastrop are not qualified to serve on the Board.
- (b) The City Council shall consider an individual's experience, accomplishments, and education background in appointing Directors to the Board to ensure that the interests and concerns of all segments of the community are considered.
- (c) Each Director shall have at least one (1) of the following qualifications:
1. Experience in management or in an executive capacity.
 2. Experience in the evaluation of financial and business records and projections.
 3. Experience in economic development matters.
 4. Education, training, or experience useful to the Corporation's purposes.
- (d) Directors of the Board shall be:
1. A resident of the City of Bastrop and reside within corporate city limits; except that
 2. A maximum of two (2) Directors may be a resident within the City of Bastrop's extended extraterritorial jurisdiction (ETJ).
- (e) Each Director shall be capable of obtaining appropriate bonding in compliance with Article V.

Section 3. Resignations.

- (a) Director resignations shall be made in writing and shall take effect immediately upon receipt by the chair or the Executive Director. The acceptance of a resignation shall not be necessary to make it effective unless expressly so provided in the resignation.
- (b) Any Director who files for elected office other than that of Mayor or City Council shall automatically resign from the Board, with the exception of elected officials then serving on the Board and seeking reelection to the same office. Such automatic resignation shall take effect upon the Director filing an application for candidacy.

Section 4. Meetings of Directors.

- (a) The Board shall annually set regular meeting dates and times in the corporate city limits as the Board may determine; provided, however, in the absence of any such determination by the Board or in the event of a conflict, the Board chair shall select a reasonable date and time to hold the meeting.
- (b) The Board shall hold regular meetings at Bastrop City Hall. In the event that City Hall is not available, the Board chair shall select a suitable location.

- (c) The annual meeting of the Board shall be held at a date and time determined by the chair.
- (d) The chair in consultation with the vice-chair and Executive Director may call a special meeting of the Board.
- (e) Directors shall be expected to regularly attend all Board meetings. Special consideration can be granted for absences for good cause. The Council shall be advised of and may remove any Director who is absent from three (3) consecutive regular or special meetings, or 66% of total meetings.
- (f) Any Director may request an item be placed on the agenda by delivering the same in writing to the Executive Director no later than ten (10) days prior to the date of the Board meeting.

Section 5. Open Meetings Act.

All meetings and deliberations of the Board shall be called, convened, held and conducted, in accordance with the requirements of the Texas Open Meetings Act.

Section 6. Quorum.

A majority of the Directors shall constitute a quorum for the conduct of official business of the Corporation. The act of a majority of the Directors present at a meeting at which a quorum is in attendance shall constitute the act of the Board and of the Corporation, unless the act of a greater number is required by law, or is otherwise required within these Bylaws. A Director may not vote by proxy.

Section 7. Conduct of Business.

- (a) At the meetings of the Board, matters pertaining to the business of the Corporation shall be considered in accordance with the rules of procedure as from time to time may be prescribed by the Board by resolution.
- (b) At all meetings of the Board, the chair shall preside and, in the absence of the chair, in the order of availability, the vice-chair, the treasurer or the secretary shall exercise the powers of the chair.

Section 8. Committees of the Board.

The Board may constitute from time to time committees of the Board that are deemed necessary or appropriate. No such committee shall have independent authority to act for or in the stead of the Board.

Section 9. Compensation of Directors.

Directors shall not receive any salary or compensation for their service as Directors. However, they may be reimbursed for their actual reasonable expenses incurred in the performance of their

duties hereunder. The policy regulating payment of reasonable actual expenses incurred in performance of official duty shall be determined by the Board.

Section 10. Conflicts of Interest.

The Directors are subject to the City's Code of Ethics, set forth in the City's Code of Ordinances, Article 1.15, *et seq.*, and shall conform thereto for purposes of addressing potential and/or actual conflicts of interest.

Section 11. Gifts.

The Board may accept on behalf of the Corporation, any contribution, gift, bequest, or devise for the general purposes or for any special purposes of the Corporation. Directors may not receive personal gifts valued above \$50.

ARTICLE III OFFICERS

Section 1. Titles and Term of Office.

- (a) The officers of the Corporation shall be a Chair, Vice-Chair, Secretary, and Treasurer. Any two (2) offices may be held by the same person, except the office of Chair of the Board. Terms of office shall be one (1) year with the right of an officer to be reelected.
- (b) All officers shall be subject to removal from office at any time by a vote of the majority of the Board.
- (c) A vacancy in the office of any officer shall be filled by a vote of the majority of the Board.
- (d) Neither the office of chair or vice-chair may be held by a member of the City Council.

Section 2. Powers and Duties of the Chair.

The chair of the Board shall:

- (a) Preside over all meetings of the Board.
- (b) Have the right to vote on all matters coming before the Board.
- (c) Have the authority to, upon seventy-two (72) hour notice to the Directors, call a special meeting of the Board, when in his or her judgment such meeting is required.
- (d) Have the authority to appoint ad hoc committees of the Board, which may address issues of a temporary nature of concern or which have a temporary effect on the business of the Board.

- (e) Have the authority to appoint advisory committees to the Board to further the overall development plan of the Board.
- (f) Shall sign with the co-signature of the secretary, any document which the Board has approved, unless the execution of said document has been expressly delegated to some other officer or agent of the Corporation by appropriate Board resolution, by a specific provision of these By-laws, or by statute.
- (g) In general, the Chair of the Board shall perform all duties incident to the office, and such other duties as shall be prescribed from time to time by the Board.

Section 3. Vice-Chair.

In the absence of the chair, or in the event of his or her inability to act, the vice-chair shall perform the duties of the chair. When so acting, the vice-chair shall have all power of and be subject to all the same restrictions as those incumbent upon the chair. The vice-chair shall also perform other duties as from time to time may be assigned to him or her by the chair.

Section 4. Secretary.

The secretary shall keep the minutes of all proceedings of the Board and make a proper record of the same, which shall be attested by the secretary. The secretary shall keep such books as may be required by the Board and shall perform such other duties as may be required by the Board. The secretary shall cause notices to be posted of all Board meetings in accordance with the Texas Open Meetings Act.

Section 5. Treasurer.

The treasurer shall, in general, perform all the duties incident to that office and such other duties as from time to time may be assigned to him or her by the chair of the Board or the Board in general. The treasurer shall receive and give receipt for money due and payable to the Corporation and shall deposit such monies received by the Corporation, in accordance with Article IV of these Bylaws, if such monies are not directly deposited in the Corporation's accounts.

Section 6. Assistant Secretaries and Assistant Treasurers.

The Board may appoint assistant secretaries and assistant treasurers as it may consider desirable, who shall in general perform such duties as may be assigned to them by the Secretary or the Treasurer, or by the Chair of the Board. The assistant secretaries and assistant treasurers need not necessarily be Directors.

Section 7. Executive Director.

- (a) The Board shall employ an Executive Director, who shall be the Chief Executive Officer of the Corporation and who shall serve at the will and pleasure of the Board.

- (b) The Executive Director shall have responsibility for all day-to-day activities of the Corporation, and shall be responsible for all applicable administrative requirements of its Articles of Incorporation, these Bylaws, and the Act, as amended.
- (c) The Executive Director may have a staff to assist in the carrying out of his responsibilities.
- (d) The Board shall develop a job description for the Executive Director position, a performance review schedule and criteria for review, and shall review the performance of the Executive Director based upon the schedule and criteria.
- (e) The Executive Director and staff shall be required to follow all other current Personnel Policies of the City of Bastrop, and for such purposes, the Executive Director shall be under the same provisions as those for the City Manager.

ARTICLE IV FUNCTIONAL CORPORATE DUTIES AND REQUIREMENTS

Section 1. Program of Work.

- (a) It shall be the duty and obligation of the Board to develop, prepare, finance, and implement a Program of Work with the objective and for the purpose of developing and diversifying the economic, recreational, educational and cultural aspects of the City.
- (b) The Board shall periodically submit reports to the City Council as to the status of its activities in carrying out the Program of Work.

Section 2. Annual Corporate Budget.

The Board shall cause to be prepared, and shall submit to the City Council of the City, a budget for the forthcoming fiscal year, and in accordance with the annual budget preparation schedule set forth by the City Manager. The budget shall be submitted to the City Manager for inclusion in the annual budget presentation to the City Council. The budget proposed for adoption shall include the projected operating expenses, and such other budgetary information as shall be useful to or appropriate for the Board and the City Council. No budget amendments shall become effective without City Council approval. No expenditures of funds shall be made unless such expenditure is provided for by the City Council approved budget of the Corporation.

Section 3. Contracts for Service.

- (a) The Corporation may contract with any qualified and appropriate person, association, corporation or governmental entity to perform and discharge designated tasks which will aid or assist the Board in the performance of its duties.
- (b) No such contract shall ever be approved or entered into which seeks or attempts to divest the Board of its discretion and policy-making functions.

Section 4. Books, Records, and Audits.

- (a) The Corporation shall keep and properly maintain, in accordance with generally accepted accounting principles, complete books, records, accounts, and financial statements pertaining to its corporate funds, activities, and affairs.
- (b) The Corporation shall cause its books, records, accounts, and financial statements to be audited at least once each fiscal year by an outside, independent auditing and accounting firm approved by the Corporation. Such audit shall be at the expense of the Corporation.
- (c) All books, records, accounts, and financial statements shall be kept and administered in accordance with the Texas Public Information Act, Chapter 552, Texas Government Code.

Section 5. Deposit and Investment of Corporate Funds.

- (a) All funds of the Corporation shall be deposited on a regular basis, consistent with generally accepted accounting practices, in a local bank that is a depository of the City, which shall be federally insured and shall be selected following procedures and requirements for selecting a depository as set forth in Chapter 105 of the Local Government Code. All deposits shall be properly accounted for as deposits of the Corporation.
- (b) Temporary and idle funds, which are not needed for immediate obligations of the Corporation, shall be maintained on deposit in the Corporation's depository, or may be invested in any other legal manner in compliance with the Internal Financial Control Policies of the Corporation and City Investment Policy.
- (c) All proceeds from loans or from the issuance of bonds, notes, or other debt instruments ("Obligations") issued by the Corporation shall be deposited and invested as provided in the resolution, order, indenture, or other documents authorizing or relating to their execution or issuance.

Section 6. Expenditures of Corporate Money.

The monies of the Corporation, including sales and use taxes collected pursuant to the Act, monies derived from the repayment of loans, rents received from the lease or use of property, the proceeds from the investment of funds of the Corporation, the proceeds from the sale of property, and the proceeds derived from the sale of Obligations, may be expended by the Corporation for any of the purposes authorized by the Act, subject to the following limitations:

- (a) Expenditures from the proceeds of Obligations shall be identified and described in the orders, resolutions, indentures, or other agreements submitted to and approved by the City Council prior to the execution of loan or financing agreements or the sale and delivery of the Obligations, to the purchasers thereof required by Section 7 of this Article;
- (b) Expenditures that may be made from a fund created with the proceeds of Obligations, and expenditures of monies derived from sources other than the proceeds of Obligations, may be

used for the purposes of financing or otherwise providing one or more "Projects", as defined in the Act. The specific expenditures shall be described in a resolution or order of the Board, and shall be made only after the approval thereof by the City Council;

- (c) All checks, drafts, or orders for the payment of money, notes, or other evidences of indebtedness issued in the name of the Corporation shall be handled in compliance with the finance and payment policies, and applicable Codes, of the City of Bastrop, Texas, as amended from time to time.

Section 7. Issuance of Obligations.

Any debt issuance issued by the Corporation shall be in accordance with the statute governing this corporation, but in any event, no debt issuance shall be issued without approval of the City Council, after review and comment by the City's bond counsel and financial advisor.

ARTICLE V MISCELLANEOUS PROVISIONS

Section 1. Principal Office.

- (a) The principal office of the Corporation shall be located at such place as determined by the Board.
- (b) The Corporation shall have and shall continually designate a registered agent at its Registered Office, as required by the Act.

Section 2. Fiscal Year.

The fiscal year of the Corporation shall be the same as the fiscal year of the City.

Section 3. Surety Bonds.

The chair, vice-chair, and treasurer of the Board shall give an official bond in the sum of not less than One Hundred Thousand and no/100 Dollars (\$100,000). The bonds referred to in this section shall be considered for the faithful accounting of all monies and things of value coming into the hands of such officers. The bonds shall be procured from some regularly accredited surety company authorized to do business in the State. The premiums thereafter shall be paid by the Corporation. A copy of each officer's bond shall be filed with the Secretary of State.

Section 4. Indemnification of Directors, Officers, and Employees.

- (a) The Directors shall authorize the Corporation to pay or reimburse any current or former director or officer of the Corporation for any costs, expenses, fines, settlements, judgments, and other amounts, actually and reasonably incurred by such person in any action, suit, or proceeding to which he or she is made a party by reason of holding such position as officer or director; provided, however, that such officer or director shall not receive such

indemnification if he be finally adjudicated in such instance to be liable for gross negligence or intentional misconduct in office. The indemnification herein provided shall also extend to good faith expenditures incurred in anticipation of, or preparation for, threatened or proposed litigation. The Board may, in proper cases, extend the indemnification to cover the good faith settlement of any such action, suit, or proceedings, whether formally instituted or not.

Section 5. Legal Construction.

These Bylaws shall be construed in accordance with the laws of the State of Texas.

Section 6. Severability.

If any provision or section of these Bylaws is held to be invalid, illegal or unenforceable in any respect, the invalidity, illegality or unenforceability shall not affect any other provision, and the Bylaws shall be construed as if the invalid, illegal, or unenforceable provision had not been included in the Bylaws.

**ARTICLE VI
EFFECTIVE DATE AND APPROVAL**

Section 1. Effective Date.

These Bylaws shall become effective upon the occurrence of the following events:

- (1) the adoption of these Bylaws by the Board, and
- (2) the approval of the Bylaws by the City Council.

Section 2.

These Ninth Amended Bylaws of the Bastrop Economic Development Corporation were approved and adopted at a meeting of the Board of the Bastrop Economic Development Corporation, held on _____, 20__.

[SIGNATURE PAGE FOLLOWS]

_____, Chair of the Bastrop EDC

Approved and adopted at a meeting of the City Council held on _____, 20__.

Ken Kesselus, Mayor of Bastrop, Texas

Attest:

Ann Franklin, City Secretary

CITY COUNCIL

AGENDA COVER SHEET

DATE SUBMITTED: 2.7.17

MEETING DATE: 2.14.17

1. Agenda Item:

CONSIDERATION DISCUSSION AND POSSIBLE ACTION APPROVING A MURAL DESIGN INCLUDING APPROVAL TO ENTER A CONTRACT FOR \$4,300.00. THE PROJECT IS LOCATED IN FISHERMANS PARK ON THE NORTH WALL OF THE RESTROOM. THIS IS A BUDGETED PROJECT.

2. Party Making Request: PW DIRECTOR TREY JOB

3. Attachments: Yes X No



KM FRITZ

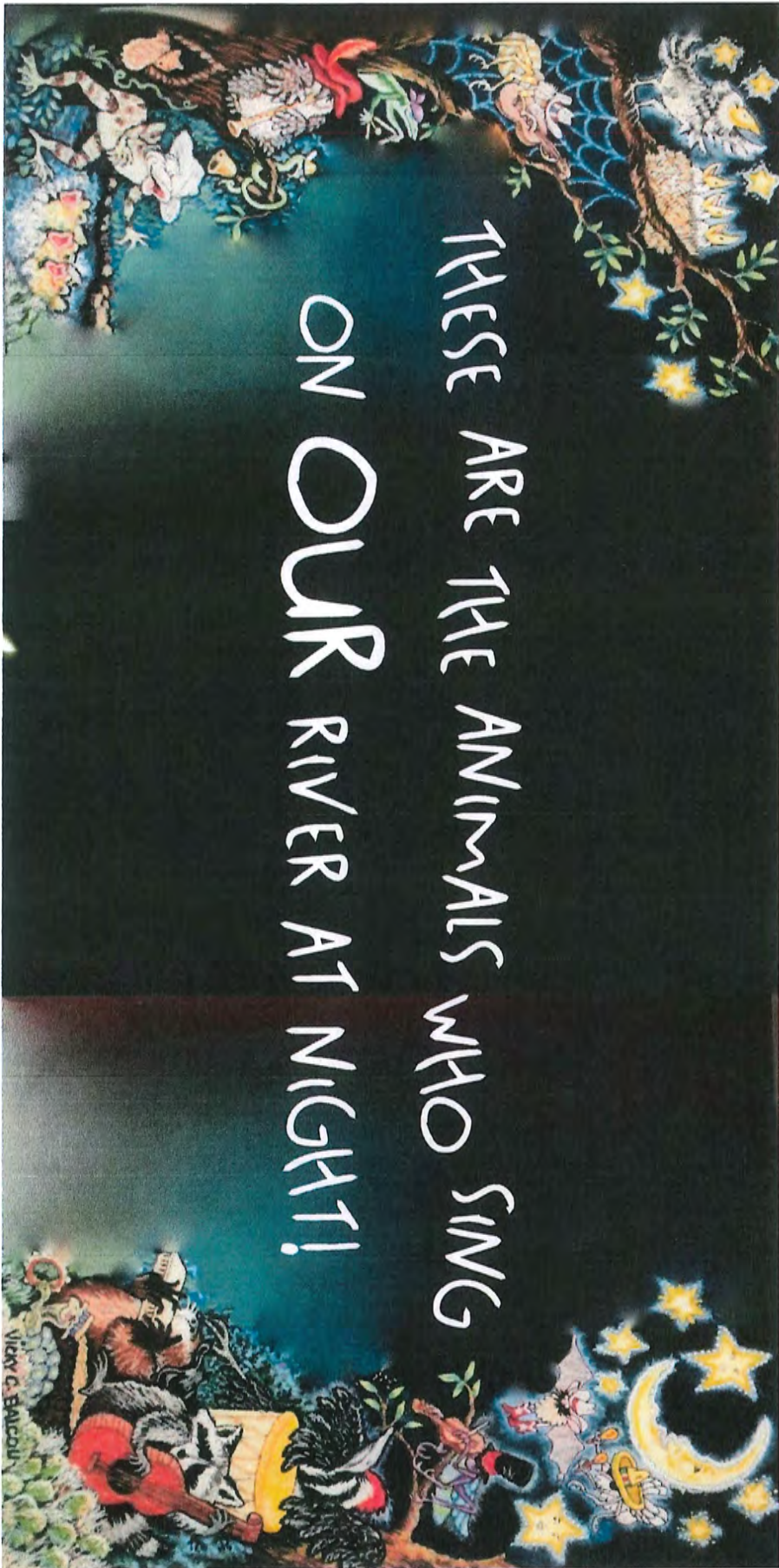
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SIGNS·MURALS
& OTHER CREATIVE NONSENSE

TEL. 512-666-9306

FRITZTHESIGNPAINTER@GMAIL.COM

@FRITZTHESIGNPAINTER & FRITZTHESIGNPAINTER.COM



CITY COUNCIL

AGENDA COVER SHEET

DATE SUBMITTED: 2.7.17

MEETING DATE: 2.14.17

1. Agenda Item:

CONSIDERATION DISCUSSION AND POSSIBLE ACTION APPROVING THE (ART FUND). THE FUND WILL BE USED TO STABILIZE BUDGETING FOR MAJOR PURCHASES, ENSURE FUNDS ARE AVAILABLE FOR FUTURE MAINTENANCE, AND ENSURE ADEQUATE FUNDS ARE AVAILABLE TO FUND THE REPLACEMENT OF ART WORK AND INCREASING THE COLLECTION.

2. Party Making Request: PW DIRECTOR TREY JOB

3. Attachments: Yes X No

Art Replacement & Transfer policy



1. Purpose

The purpose of establishing an Art Replacement & Transfer Fund, or ART fund, policy is to establish a decision making process and criteria for purchase, replacement, repair, and maintenance of painting, sculptures, and other mediums of artistic nature (the collection). The Policy also establishes procedures to ensure that adequate funds will be available to purchase & maintain the "collection", and to fund that part of the Bastrop Art in Public Places capital budget related to the purchases, thereby stabilizing the budgeting for major works of art to purchased. The ART FUND is intended to:

- a. Ensure adequate funds are available to fund the replacement of art work and increasing the collection
- b. Stabilize budgeting for major purchases.
- c. Ensure funds are available for future maintenance.
- d. Provide sufficient cash flows for annual purchases of contest winners of sculpture call.

2. Roles and Responsibilities

1) BAIPP Chair

- a) The board shall designate a (manager) to be responsible for oversight of city's Collection, and designate a manager for each medium.
- b) The manager shall be responsible to determine "best value" when determining the Art work is to be purchased.
- c) The manager shall be responsible for projection annual maintenance cost.
- d) The manager shall be the contact for person for the coordination of the placement of the art with the staff liaison.

2) Art Advisory Committee (AAC)

- a) An Art Advisory Committee should be established with the appropriate board members, usually consisting of each art manager(s).
- b) The committee will consider department requests in comparison to make a determination of assets to be purchased, transferred, replaced or eliminated.
- c) The AAC will provide an annual recommendation to the BAIPP Board– as part of the annual budget process – for purchases, replacements, eliminations and/or any other changes regarding collection management.

3. Collection Inventory

- a. By **September 30** of every year a physical inventory of all collection assets shall be completed.
- b. By **October 20** of each year, the City Finance Department shall distribute an inventory of assets to the Department Heads or appropriate boards.
- c. By **November 15** of each year, the AAC shall verify the accuracy of the inventory. The final inventory shall include: asset list, value and location.

4. Funding the collection assets

- a) The collection is owned by the city of Bastrop, however Art in Public Places is responsible for the upkeep and display of works of art in, and around public property the collection leased to the board and shall be part of the annual budgeting process. All assets purchased through the ART fund are approved during the regular budget process prior to purchase. Accessories for collection assets may be funded by the ART fund as follows:
 - (1) Accessories that will be funded by the ART fund
 - (a) Initial purchase of accessories attached to the work of art or required for the art work to perform its intended function.
 - (b) Art work peripherals, i.e. Frames, plaques, beacons, and other items used in mounting, hanging or setting a work of art.
 - (c) Accessories must be included in total cost of art purchase.
 - (2) Accessories that will not be funded by the Art fund
 - (a) Maintenance items or services.
 - (b) Accessories added to the unit or replaced after the initial purchase is made and the artwork is put into service.
 - (c) Items or works of art that are on loan to the city, i.e. sculptures, paintings photography etc...
- b) Bastrop Art in Public Places will be charged an annual lease fee for each collection asset allocated to their use from the City. Such fee will provide funds to purchase, replacement assets, relocate assets, install and purchase new assets.
- c) Money received from assets sold as surplus property will be credited to the ART fund.
- d) The collection shall be appraised according to its original purchase value.
- e) Any remaining portion of the unused AIPP budget will be allocated to the ART fund but shall not exceed 10% of the annual budget

5. Emergency Collection replacement/repair

- a. In the event the city's collection is damaged and needs to be immediately replaced or repaired funds from the ART fund can be used to replace/repair the works of art.
- b. In the event a budget amendment is required due to emergency purchases, the CFO or designee shall address accordingly.

6. ART Fund Revenues

- a) Art in Public Places will be charged an annual lease fee for assets assigned to them. Lease fees will be calculated in accordance with the following formula:
- b) New assets to the collection, to be determined by the Board, may be purchased by the ART Fund. When a new asset is purchased by the ART fund, the AIPP board will be charged a double lease fee, in order to fund both the original asset and its replacement.

- c) Collection assets will be charged the standard rate as determined by the lease formula. Original purchase value time five percent equals the lease amount. For example: a 50,000.00 X 5% = 2,500.00 annually that must be allocated in the next fiscal years' budget and will continue payment until the original purchase is reached.
- d) Maintenance costs are not included in the lease fee.
- e) The entire collection shall be appraised every five (5) years for appreciation or depreciation and the lease payments will be adjusted accordingly.
- f) The ART fund shall not exceed 125% of the annual budget unless approved

CITY COUNCIL

AGENDA COVER SHEET

DATE SUBMITTED: 2.7.17

MEETING DATE: 2.14.17

1. Agenda Item:

CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION GRANTING A VARIANCE TO MR. FRANK WISE AT 1410 WILLOW STREET TO DRILL A WELL FOR THE PURPOSE OF IRRIGATION DIFFERING FROM CITY ORDINANCE CHAPTER FOUR (BUSINESS REGULATIONS) SPECIFIC TO ARTICLE 4.09 DRILLING OR MINING. AND IN ACCORDIANCE WITH SEC. 4.09.002 VARIANCES

2. Party Making Request: PW DIRECTOR TREY JOB

3. Attachments: Yes X No

REQUEST FOR VARIANCE - Permit Application

Request For Variance To Drill A Water Well Within The Bastrop City Limits
If approved, this form will also serve as the Well Drilling Permit Application

Applicant's Name: FRANK J. WISE Site Address: (Home) 1410 Willow St R69045
Mailing Address: 1410 Willow St. Bastrop TX Zip 78602
Email: FRANKJWISE@GMAIL.COM Phone: (512) 581-2883
Is the applicant the OWNER of the property? (Yes) No
Well Driller: FRANK J. WISE Consultant:
Driller's Certificate Number: PROPERTY OWNER Mailing Address:
Mailing Address: SAME AS ABOVE Zip
Phone: () Fax: ()

Purpose of Water Well: Domestic [checked] Irrigation/Ag Commercial Other
If "Other", please describe purpose: YARD AND GARDEN WATER NOT IN HOUSE
Well Description: Approximate Size/Depth 6 INCH. DRIVEN POINT CASING DEPTH 30ft. Location of Well
Cost Estimate For Well (Including Specification) \$ 2,000 CASING, PUMP, TANK

NOTE: A copy of the engineering plans or detailed description of the operation to be conducted MUST be attached to this application as Exhibit 'A'.

- FW (initials) Applicant agrees that after the Variance is granted by the Council, but prior to the issuance of the well drilling permit by the City, the Applicant must provide documentation to the Director of Utilities that he/she has received a well drilling permit from the Lost Pines Ground Water Conservation District (or other applicable authority).
FW (initials) Applicant agrees that NO DRILLING will be allowed until the Permit for Well Drilling has been issued by the City of Bastrop's Director of Utilities.
FW (initials) Applicant agrees that Driller (listed above) has or will perform all of the necessary line checks prior to beginning the requested work on the property.
FW (initials) Applicant agrees to be liable to the City for any and all damages that may occur as a result of the work on the property, pursuant to the indemnity clause set forth herein, executed and agreed to by the Applicant.

N/A

(initials)

Applicant and/or Driller must provide the City with written documentation of the Driller's valid certificate of insurance, covering the general liability for the proposed drilling activities, in the minimum amount of \$1 million US Dollars. In addition, Driller agrees to be liable to the City for any and all damages that may occur as a result of the work on the property, pursuant to the indemnity clause set forth herein, executed and agreed to by the Driller.

FW

(initials)

Applicant agrees that this Variance shall remain valid and in affect for 120 days from the date executed by the City. A single extension of 60 additional days may be requested, in writing, by the Applicant and may be granted at the discretion of the Director of Utilities.

Indemnity Clause:

To the fullest extent permitted by law, the Driller and the Applicant shall indemnify and hold harmless the City and its' officers, agents, affiliates and employees from and against all claims, damages, losses and expenses, including, but not limited to attorney's fees, whether incurred in the investigation or defense of same, arising out of or related to the performance of any of the driller's activities on the property, whether for bodily or personal injury, sickness, disease or death, or injury to or destruction of personal property, including the loss of use of any personal property, in whole or in part, by any negligent, grossly negligent or intentional act or omission of the driller or anyone directly or indirectly employed by or working at the direction of or in concert with the driller.

Pursuant to Section 4.09.002 "Variances" of Chapter 4, Business Regulations, Article 4.09 "Drilling or Mining"; I, FRANK J. WISE, allege that strict compliance with the City's Code of Ordinances would result in undue hardship and hereby request that a variance for water well drilling be granted.

Name of Applicant

Acknowledged and Agreed:

Frank Wise
Applicant / Property Owner

2-2-2017
Date

Notary:

State of Texas
County of Bastrop

Sworn to and subscribed before me on the 2 day of February, 2017
by Frank J. Wise

(Seal)



[Signature]
Notary Public's Signature

Acknowledged and Agreed:

Frank J. Wise OWNER 2-2-2017
Well Driller Date

Notary:

State of Texas
County of Bastrop

Sworn to and subscribed before me on the 2 day of February, 2017
by Frank J. Wise.



Misha Walker
Notary Public's Signature

This section to be completed by Mayor of City of Bastrop:

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF BASTROP FINDS THAT:

The circumstances required for granting approval of the above described variance, as set out in Section 4.09.002 of the Code of Ordinances do exist on the Property, and therefore, after consideration of the input received from the Applicant and the City's Staff, the request to grant the variance to the Applicant IS HEREBY GRANTED, with the following conditions, if any:

The above request for a well drilling variance was heard and granted on _____ by
the City Council of Bastrop. Date

Ordered and Executed on Behalf of the City Council:

Mayor, City of Bastrop

STATE OF TEXAS
COUNTY OF BASTROP

§
§

I, Elizabeth Lopez, City Secretary of the City of Bastrop, hereby certify that the attached "Action of the City Council of the City of Bastrop Granting a Variance to Drill a Well Within the City Limits" is a true and correct copy of the original document located in the City Secretary's Office, and I further certify that such document accurately reflects the action granting a variance taken by the City Council on _____, 20_____.

Elizabeth Lopez
City Secretary
City of Bastrop

EXHIBIT A
[Diagram of Plans For Well]

Forms Verification:

- Approved Variance Request Application
 - Proof of Driller's Insurance (attached)
 - Exhibit A (Diagram of Plans For Well)
 - Certificate of Authenticity of Variance From City of Bastrop
 - Copy of the City Council Minutes Reflecting the City's Final Action To Approve This Variance
 - Copy of Well Permit (Issued by Lost Pines Ground Water Conservation District or other applicable authority.)
-

Permit # _____ for water well drilling inside the city limits of Bastrop has been approved and issued to _____ on this _____ day of _____, 20____.

Acknowledged By:

Trey Job, Director of Utilities, City of Bastrop

EA WELL

SITE EXACTLY LOCATION SHOWN ON PAGE 2

EXHIBIT A PAGE 1 of 2

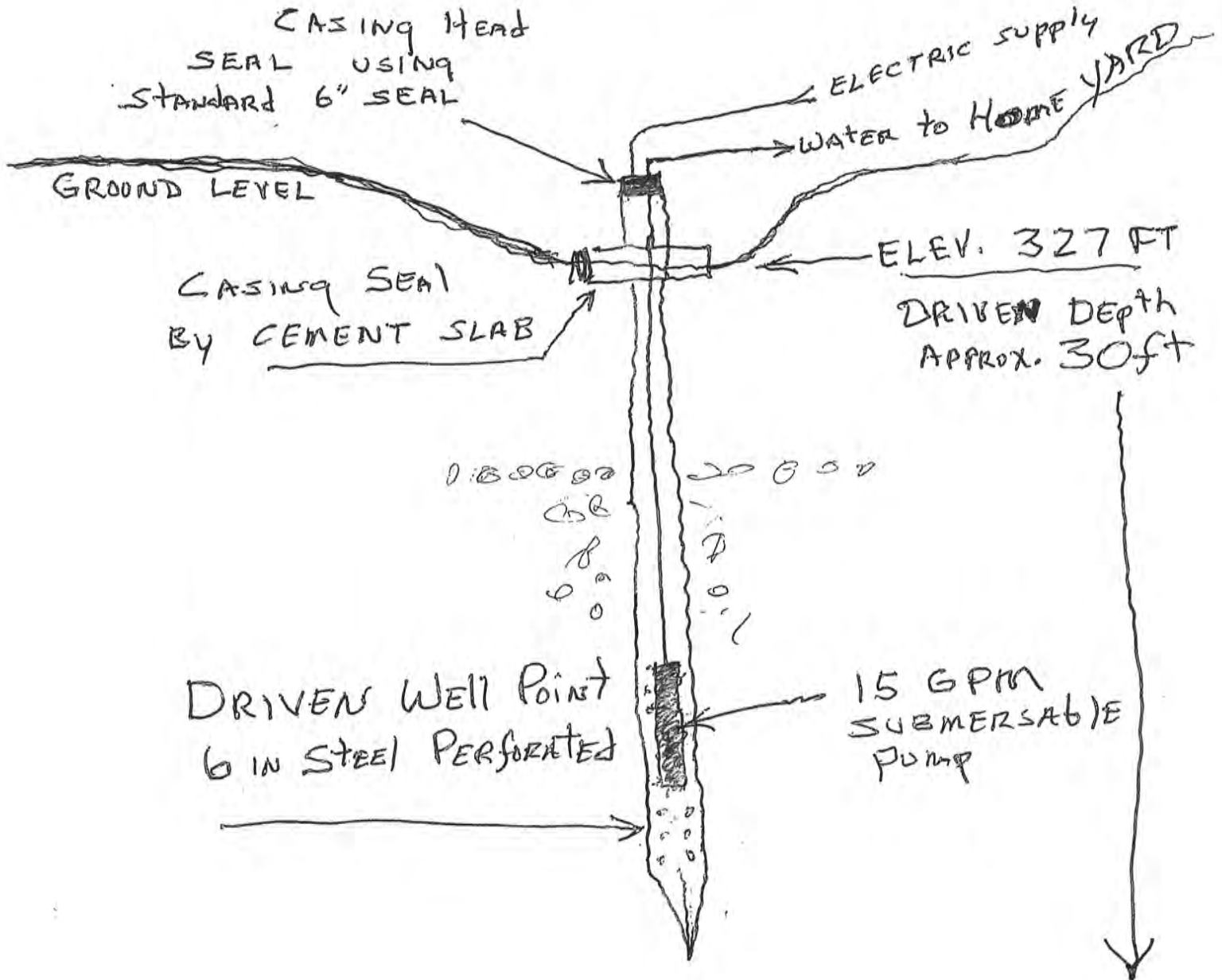
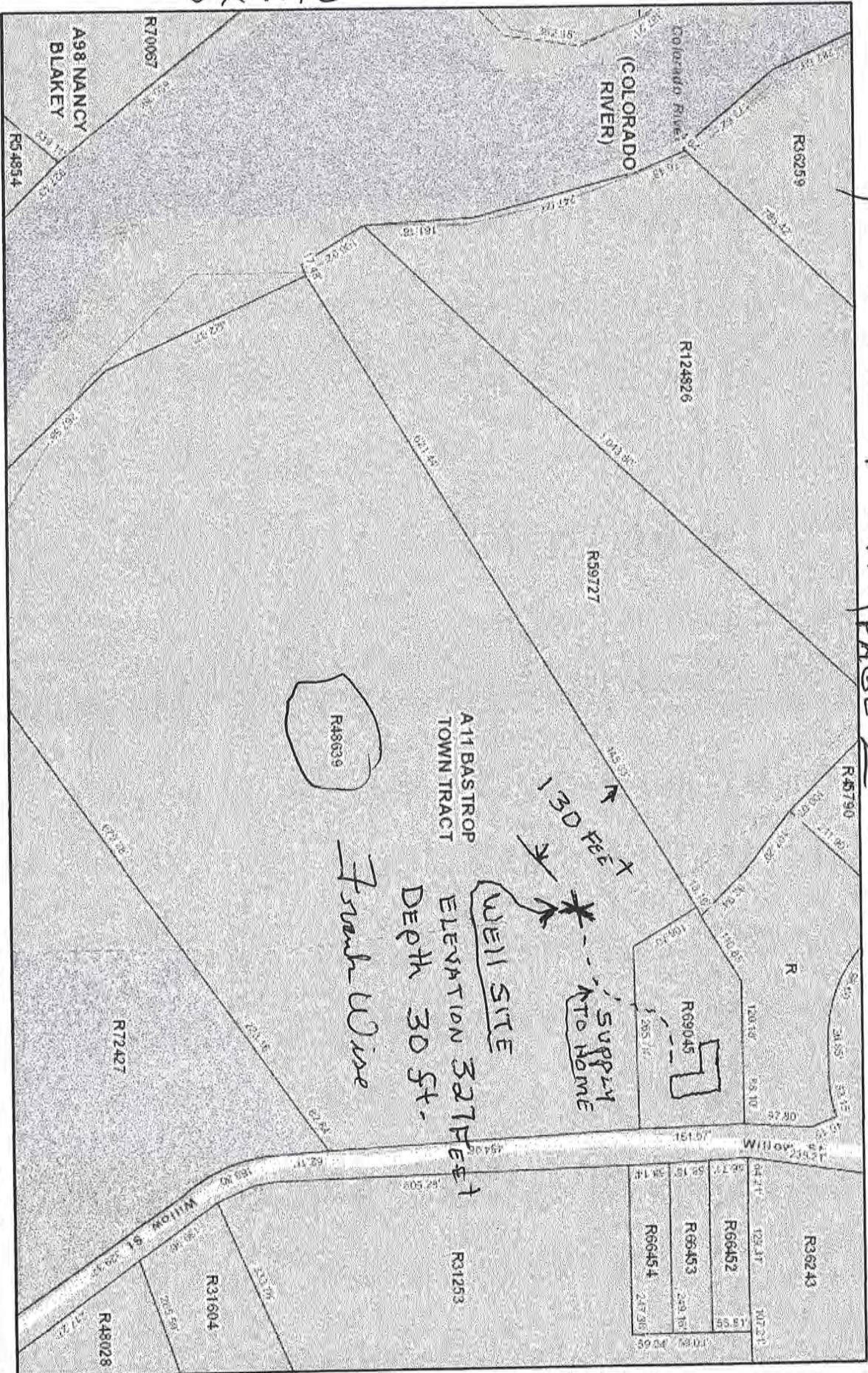


Exhibit A Site

EXHIBIT A Site

Map Page 2

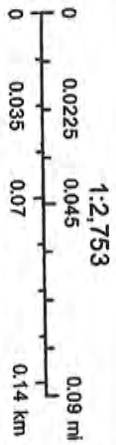
Page 2 of 2



March 11, 2016

- Parcels
- Abstracts
- Lot Lines

Disclaimer: This product is for informational purposes only and has not been prepared for or suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of boundaries.



Sources: Esri, HERE, DeLorme, USGS, Intermap, increment P Corp., NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), Basemap County Appraisal District, & BIS Consulting - www.bisconsultants.com

This product is for informational purposes and may not have been prepared for or suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

EXHIBIT A Site Page 2 of 2 02-14-2017



Lost Pines Groundwater Conservation District
908 NE Loop 230
Post Office Box 1027
Smithville, TX 78957
Tax ID Number 74-2955722

512-360-5088
FAX: 512-360-5448
Email: lpgcd@lostpineswater.org
Web Site: www.lostpineswater.org

James Totten, General Manager

January 31, 2017


Frank J. Wise
1410 Willow St.
Bastrop, TX 78602

Re: Drilling Registration No. 58 62 256

Mr. Wise:

Your drilling registration dated March 11, 2016 expired September 11, 2016. Per your request, Lost Pines GCD extended your registration for an additional one hundred eighty (180) days, which give you an expiration date of March 11, 2017. If at that time you have been unable to complete your well, please contact the District for an additional extension.

Sincerely,



James Totten
General Manager

Board of Directors

Michael Talbot President, Billy Sherrill Vice-President, Doug Prinz Secretary-Treasurer
David Fleming, Keith Hansberger, Larry Schatte, Clifton Seidel, Michael Simmang, Sheril Smith, Carl Steinbach

02-14-2017

185

CITY COUNCIL

AGENDA COVER SHEET

DATE SUBMITTED: 2.7.17

MEETING DATE: 2.14.17

1. Agenda Item:

CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION GRANTING A VARIANCE TO MR. BILLY DAVIS AT 303 B CEDAR STREET TO DRILL A WELL FOR THE PURPOSE OF IRRIGATION DIFFERING FROM CITY ORDINANCE CHAPTER FOUR (BUSINESS REGULATIONS) SPECIFIC TO ARTICLE 4.09 DRILLING OR MINING. AND IN ACCORDIANCE WITH SEC. 4.09.002 VARIANCES

2. Party Making Request: PW DIRECTOR TREY JOB

3. Attachments: Yes X No

REQUEST FOR VARIANCE - Permit Application

Request For Variance To Drill A Water Well Within The Bastrop City Limits
If approved, this form will also serve as the Well Drilling Permit Application

Applicant's Name: BILLY G. DAVIS Site Address: 1600 ALLBRIGHT Street, Bastrop, Texas
Mailing Address: PO BOX 1807 Bastrop, tx Zip 7
Email: Lovedove2@gmail.com TAX ASSESSORS PARCEL # ALL Bastrop R124826 TOWN tract
Phone: (512) 412-6096
Is the applicant the OWNER of the property? Yes No If no, list relationship to property: _____
Well Driller: Applicant Consultant: N/A
Driller's Certificate Number: N/A Mailing Address: _____ Zip _____
Mailing Address: P.O. Box 1807 Bastrop, tx Zip 78602 Phone: () _____ Fax: () _____
Phone: (512) 412-6096 Fax: () _____

Purpose of Water Well: Domestic Irrigation/Ag _____ Commercial _____ Other
If "Other", please describe purpose: to water garden, trees & Landscape
Well Description: Approximate Size/Depth 6"/20-40 Feet Location of Well see attached Map
Cost Estimate For Well (Including Specification) \$ N/A

NOTE: A copy of the engineering plans or detailed description of the operation to be conducted MUST be attached to this application as **Exhibit 'A'**.

BGD (initials) Applicant agrees that after the Variance is granted by the Council, but prior to the issuance of the well drilling permit by the City, the Applicant must provide documentation to the Director of Utilities that he/she has received a well drilling permit from the Lost Pines Ground Water Conservation District (or other applicable authority).

BGD (initials) Applicant agrees that NO DRILLING will be allowed until the Permit for Well Drilling has been issued by the City of Bastrop's Director of Utilities.

BGD (initials) Applicant agrees that Driller (listed above) has or will perform all of the necessary line checks prior to beginning the requested work on the property.

BGD (initials) Applicant agrees to be liable to the City for any and all damages that may occur as a result of the work on the property, pursuant to the indemnity clause set forth herein, executed and agreed to by the Applicant.

N/A (initials) Applicant and/or Driller must provide the City with written documentation of the Driller's valid certificate of insurance, covering the general liability for the proposed drilling activities, in the minimum amount of \$1 million US Dollars. In addition, Driller agrees to be liable to the City for any and all damages that may occur as a result of the work on the property, pursuant to the indemnity clause set forth herein, executed and agreed to by the Driller.

BGD (initials) Applicant agrees that this Variance shall remain valid and in affect for 120 days from the date executed by the City. A single extension of 60 additional days may be requested, in writing, by the Applicant and may be granted at the discretion of the Director of Utilities.

Indemnity Clause:

To the fullest extent permitted by law, the Driller and the Applicant shall indemnify and hold harmless the City and its' officers, agents, affiliates and employees from and against all claims, damages, losses and expenses, including, but not limited to attorney's fees, whether incurred in the investigation or defense of same, arising out of or related to the performance of any of the driller's activities on the property, whether for bodily or personal injury, sickness, disease or death, or injury to or destruction of personal property, including the loss of use of any personal property, in whole or in part, by any negligent, grossly negligent or intentional act or omission of the driller or anyone directly or indirectly employed by or working at the direction of or in concert with the driller.

Pursuant to Section 4.09.002 "Variances" of Chapter 4, Business Regulations, Article 4.09 "Drilling or Mining"; I, Billy G. Davis, Name of Applicant, allege that strict compliance with the City's Code of Ordinances would result in undue hardship and hereby request that a variance for water well drilling be granted.

Acknowledged and Agreed:

Billy G. Davis
Applicant / Property Owner

2-2-2017
Date

Notary:

State of Texas
County of Bastrop

Sworn to and subscribed before me on the 2 day of Feb, 2017
by Billy G. Davis

Sharon K. Slay
Notary Public's Signature



Acknowledged and Agreed:

Applicant Billy G. Davis
Well Driller

2 Feb 2017
Date

Notary:

State of Texas
County of Bastrop

Sworn to and subscribed before me on the 2 day of Feb., 2017
by Billy G. Davis.



Sharon K Slay
Notary Public's Signature

This section to be completed by Mayor of City of Bastrop:

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF BASTROP FINDS THAT:

The circumstances required for granting approval of the above described variance, as set out in Section 4.09.002 of the Code of Ordinances do exist on the Property, and therefore, after consideration of the input received from the Applicant and the City's Staff, the request to grant the variance to the Applicant IS HEREBY GRANTED, with the following conditions, if any:

The above request for a well drilling variance was heard and granted on _____ by
the City Council of Bastrop. Date

Ordered and Executed on Behalf of the City Council:

Mayor, City of Bastrop

STATE OF TEXAS
COUNTY OF BASTROP

§
§

I, Elizabeth Lopez, City Secretary of the City of Bastrop, hereby certify that the attached "Action of the City Council of the City of Bastrop Granting a Variance to Drill a Well Within the City Limits" is a true and correct copy of the original document located in the City Secretary's Office, and I further certify that such document accurately reflects the action granting a variance taken by the City Council on _____, 20____.

Elizabeth Lopez
City Secretary
City of Bastrop

EXHIBIT A
[Diagram of Plans For Well]

EA WELL

SITE EXACTLY LOCATION SHOWN ON PAGE 2

EXHIBIT A PAGE 1 of 2

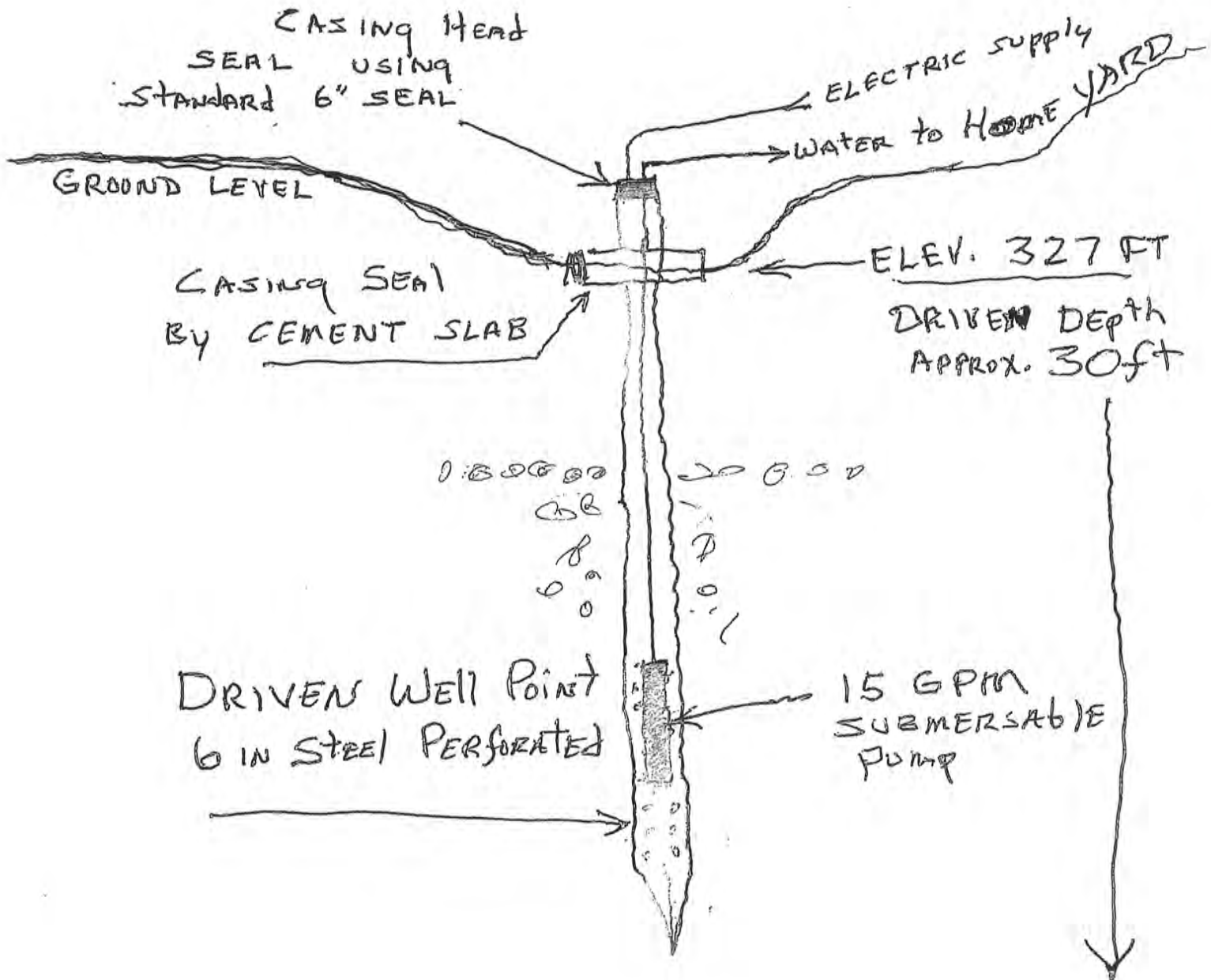
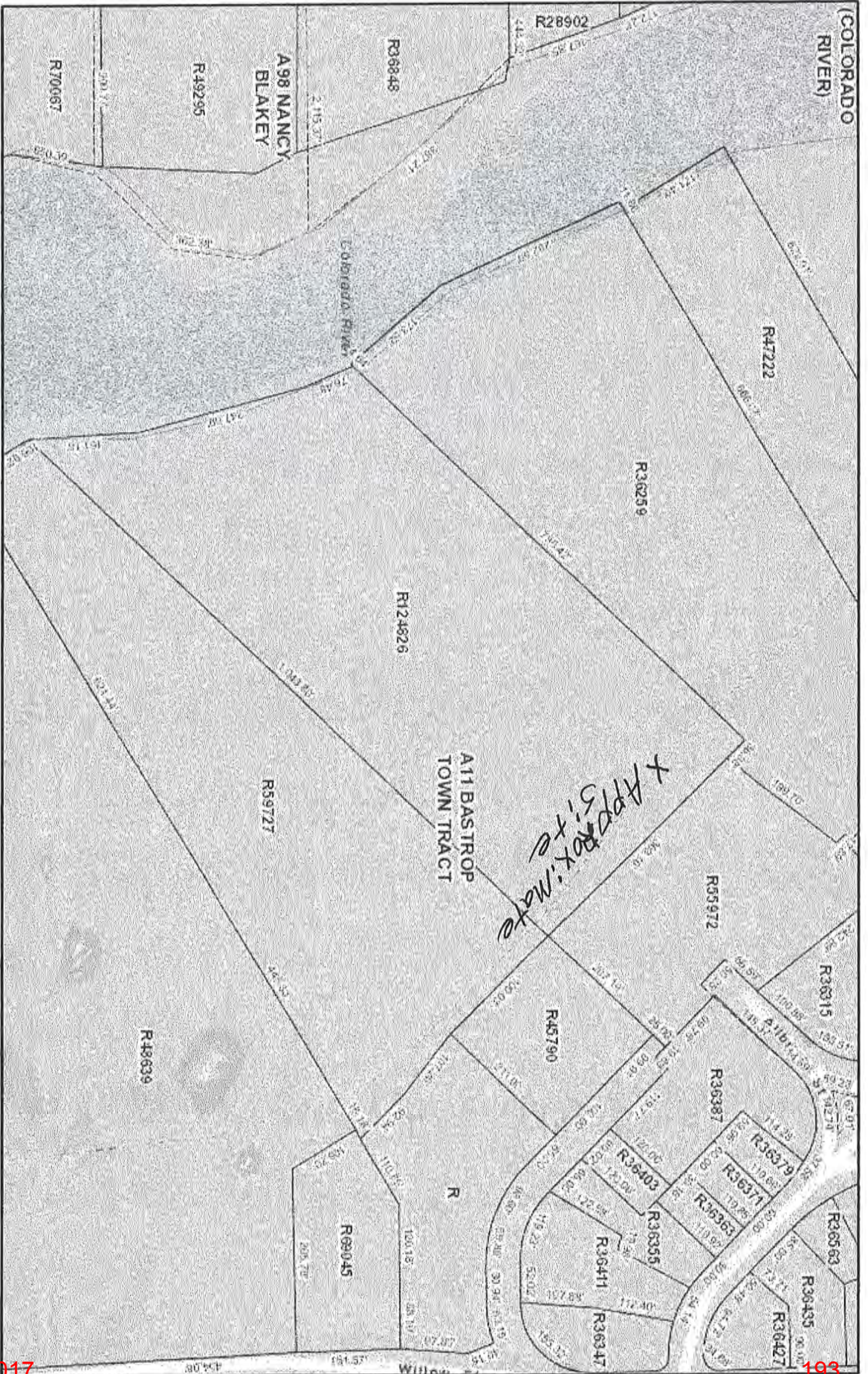


EXHIBIT "A"

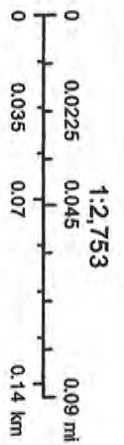
Map Title



March 11, 2016

- Parcels
- Abstracts
- Lot Lines

Disclaimer: This product is for informational purposes only and has not been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of boundaries



Sources: Esri, HERE, DeLorme, USGS, Intermap, Incorpant, P Corp., NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Taiwan).

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Bastrop County Appraisal District & BIS Consulting - www.bisconsultants.com

02-14-2017

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Forms Verification:

- Approved Variance Request Application
 - Proof of Driller's Insurance (attached)
 - Exhibit A (Diagram of Plans For Well)
 - Certificate of Authenticity of Variance From City of Bastrop
 - Copy of the City Council Minutes Reflecting the City's Final Action To Approve This Variance
 - Copy of Well Permit (Issued by Lost Pines Ground Water Conservation District or other applicable authority.)
-

Permit # _____ for water well drilling inside the city limits of Bastrop has been approved and issued to _____ on this _____ day of _____, 20_____.

Acknowledged By:

Trey Job, Director of Utilities, City of Bastrop

LOST PINES GROUNDWATER
CONSERVATION DISTRICT
DRILLING REGISTRATION

Application Number: 5862255

Date Of Application: 3/11/2016

Owner:

Billy
G
Davis

Address:

1600 Allbright
Bastrop
TX 78602-

Type Of Well: Exempt Domestic

It has been determined that the above applicant plans to drill a water well which would be exempt under Lost Pines Groundwater Conservation District rule 8.6. The applicant has registered the well with the District and may proceed with the drilling of the well. The drilling must comply with Lost Pines Groundwater Conservation District rules and must be completed within one hundred eighty (180) days.

Dana Goertz

Joe Cooper, General Manager
Lost Pines Groundwater
Conservation District

3-11-16

Date

*extended m
12-22-16
Dana Goertz*

Lost Pines Groundwater
Conservation District Deposit
Receipt

Billy
Davis
1600 Allbright
Bastrop TX 78602-

Has deposited \$100.00 on 3/11/2016 by cash 0
for the drilling of a water well within the district's boundaries. The deposit will be returned
upon filing of a well completion report with the district.

Dana Boutz

*Joe Cooper, General Manager
Lost Pines Groundwater
Conservation District*

3-11-16

Date

CITY COUNCIL

AGENDA COVER SHEET

DATE SUBMITTED: 2.7.17

MEETING DATE: 2.14.17

1. Agenda Item:

CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION APPROVING THE REPLACEMENT SUBMERSIBLE PUMP FOR WELL (I) LOCATED AT BOB BRYANT WATER TREATMENT PLANT. THE REPLACEMENT WILL INCREASE WATER PRODUCTION BY APPROXIMATELY 400 GALLONS PER MINUTE. THE COST OF REPLACEMENT IS \$29,030.

2. Party Making Request: PW DIRECTOR TREY JOB

3. Attachments: Yes No

PURCHASING SUMMARY DOCUMENT

City of Bastrop
(Purchases over \$3,000 in total)

REASONS FOR PURCHASE/ADDITIONAL PURCHASE INFORMATION
--

Pull and Install Submersible Pump for Well I

Purchase Recommendation:

Recommended Vendor: <u>Layne Christensen Co.</u>			
Goods or Services to be Purchased:			
Description	QTY	Unit Cost	TOTAL COST
Labor to pull & reinstall Pump			17,850.00
50 HP 460 volt subm motor			9,680.00
Splice kits, banding sply			1,500.00
TOTAL			\$29,030.00

If the lowest Bid was not selected please give explanation here: *(CM Approval Required)*

Is this purchase with:

- COOPERATIVE CONTRACT COOP NAME: _____
(if using Coop. contract you must attach proof from vendor that purchase was made through Coop)
- SOLE SOURCE – Attachments required (refer to Purchasing Policy for details)
(CM approval required)
- EMERGENCY PURCHASE – Attach memo stating why the purchase is an emergency
(CM approval required)
- CONTRACTED SERVICE *(Finance must have a copy of the contract on file)*
- PROFESSIONAL SERVICE (those allowable under Gov't Code CH 2254)
- QUOTES (required if none of the above apply)

	COMPANY NAME	HUB*	COST
1.			\$
2.			\$
3.			\$
4.			\$

*Historically underutilized Business (HUB)-Two quotes must be from HUB's if available and if over \$3,000

Requested by: _____ Date: _____

Approved by: _____ Date: _____
(Dept. Director)

Approved by: _____ Date: _____
(CFO)

Approved by: _____ Date: _____
(City Manager)

