

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



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**June 25, 2019 at 6:30 P.M.**

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

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

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

**PLEASE NOTE: ANYONE WISHING TO ADDRESS THE COUNCIL MUST COMPLETE A CITIZEN COMMENT FORM AND GIVE THE COMPLETED FORM TO THE CITY SECRETARY PRIOR TO THE START OF THE CITY COUNCIL MEETING.**

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE** – Audrey Chan, Bastrop Public Library

**TEXAS PLEDGE OF ALLEGIANCE**

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

3. **INVOCATION** – Dale Burke, Police Chaplain
4. **PRESENTATIONS**
  - 4A. Mayor's Report
  - 4B. Councilmembers' Report
  - 4C. City Manager's Report

## **5. WORK SESSION/BRIEFINGS**

- 5A. Review and Update on International Building Codes - Construction Standards Review Process and Impact from HB 2439.
- 5B. Review Council Rules of Procedures.
- 5C. Provide an update on the Chicken Relocation Project in Downtown Bastrop, Texas.

## **6. STAFF AND BOARD REPORTS**

- 6A. Receive Monthly Development Update.
- 6B. Receive presentation on the unaudited Monthly Financial Report for the period ending May 31, 2019.
- 6C. Update on Main Street Advisory Board.

## **7. CITIZEN COMMENTS**

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

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

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

## **8. CONSENT AGENDA**

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

- 8A. Consider action to approve City Council minutes from the June 11, 2019, Regular meeting and June 18, 2019, Special meeting.
- 8B. Consider action to approve the second reading of Ordinance No. 2019-21 of the City Council of the City of Bastrop, Texas, amending the budget for the Fiscal Year 2019 in accordance with existing statutory requirements; appropriating the various amounts herein as attached in Exhibit A; repealing all prior ordinances and actions in conflict herewith; and establishing an effective date.

- 8C. Consider action to approve the second reading of Ordinance No. 2019-22 of the City Council of the City of Bastrop, Texas, amending the Bastrop City Code of Ordinances, Appendix A, Fee Schedule, Article A13.02 "Water and Wastewater Rates and Charges", Sections A13.02.002 Wastewater Service Charge and A13.02.004 Water Service Charge, adding new Subsections A13.02.002(c) and Subsection A13.02.004(b), as attached in Exhibit A; providing for: findings of fact, enactment, repealer, severability, effective date, codification, and proper notice and meeting.

**9. ITEMS FOR INDIVIDUAL CONSIDERATION**

- 9A. Consider action to approve the first reading of Ordinance No. 2019-23 of the City Council of the City of Bastrop, Texas, authorizing the City of Bastrop to convey to Garments to Go, Inc. that certain 6.000 acre real property legally described as Lot 3, Block A, Bastrop Business and Industrial Park Phase I Subdivision, located in Bastrop County, as set forth in volume 908, page 275 of the deed records of Bastrop County, Texas; and providing for the following: findings of fact; repealer; severability; proper notice and meeting; and move to include on the July 9, 2019 Consent Agenda for a second reading.
- 9B. Consider action to approve the first reading to amend Ordinance No. 2019-16 of the City Council of the City of Bastrop, Texas, Attachment A (1) a - No Impact Projects (Enhanced Permitting Process); and providing for legislative findings of fact, repealer, enactment, duration, extension, severability, enforcement, proper notice and meeting, effective date, applicability, alternate approvals, appeals, definitions, and move to include on the July 9, 2019 Consent Agenda for second reading.

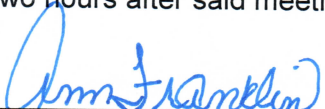
**10. EXECUTIVE SESSION**

- 10A. City Council shall convene into closed executive session pursuant to Sections 551.071, .072, and .087 of the Texas Government Code to discuss the Visit Bastrop contract with the City Attorney.
- 10B. City Council shall convene into closed executive session pursuant to Section 551.072 of the Texas Government Code to deliberate the purchase, exchange, lease, or value of real property.

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

**12. ADJOURNMENT**

I, the undersigned authority, do hereby certify that this Notice of Meeting as posted in accordance with the regulations of the Texas Open Meetings Act on the bulletin board located at the entrance to the City of Bastrop City Hall, a place of convenient and readily accessible to the general public, as well as to the City's website, [www.cityofbastrop.org](http://www.cityofbastrop.org) and said Notice was posted on the following date and time: Friday, June 21, 2018 at 10:00 a.m. and remained posted for at least two hours after said meeting was convened.

  
\_\_\_\_\_  
Ann Franklin, City Secretary



# STAFF REPORT

**MEETING DATE:** June 25, 2019

**AGENDA ITEM:** 4A

**TITLE:**

Mayor's Report

**STAFF REPRESENTATIVE:**

Lynda Humble, City Manager

**POLICY EXPLANATION:**

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

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

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

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

**ATTACHMENTS:**

- Power Point Presentation

*Mayor's Report*  
*June 25, 2019*



# Latest Activities

May 31 – June 11

Events in 2019: 145



Bi-Partisan Pancake Breakfast



Summer Reading



2<sup>nd</sup> Annual Strong Families Housing Authority



National Bank & Trust



Chamber Luncheon



Pop Up Event



TML Region 10 Mtg



# *Planned Events*

*June 12 – June 25*

- June 12 to 15 – CNU Conference Panelist
- June 15 – Juneteenth Parade
- June 17 – BEDC Board Meeting
- June 18 – Special Council Meeting
- June 19 – Annual Joint Visit Bastrop and City Council Meeting
- June 20 – Leo's Italian Grill Ribbon Cutting
- June 24 – TML Legislative Summary Seminar
- June 25– Council Meeting



# *Upcoming Events & City Meetings*

- June 26 – Come and Go Rodeo (feedback on Building Bastrop)
- June 27/28 – TML Board Meeting
- June 29 – Patriotic Festival
- July 4 – City Offices Closed
- July 9 –
  - Joint P&Z Workshop
  - Council Meeting







# STAFF REPORT

**MEETING DATE:** June 25, 2019

**AGENDA ITEM:** 4B

**TITLE:**

Councilmembers' Report

**STAFF REPRESENTATIVE:**

Lynda Humble, City Manager

**POLICY EXPLANATION:**

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

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

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- (1) expressions of thanks, congratulations, or condolence;
- (2) information regarding holiday schedules;
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- (5) information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the political subdivision; and
- (6) announcements involving an imminent threat to the public health and safety of people in the political subdivision that has arisen after the posting of the agenda.



# STAFF REPORT

**MEETING DATE:** June 25, 2019

**AGENDA ITEM:** 4C

**TITLE:**

City Manager's Report

**STAFF REPRESENTATIVE:**

Lynda Humble, City Manager

**POLICY EXPLANATION:**

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

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

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

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



# STAFF REPORT

**MEETING DATE:** June 25, 2019

**AGENDA ITEM:** 5A

**TITLE:**

Review and Update on International Building Codes - Construction Standards Review Process and Impact from HB 2439.

**STAFF REPRESENTATIVE:**

Matt Jones, Director of Planning and Development

**BACKGROUND/HISTORY:**

Building Bastrop launched on August 15, 2018 to create a new set of tools that will support the community in a responsible manner for generations to come. When looking at the Policy Statement adopted by City Council on February 26, 2019, a key component is that the codes be fiscally sustainable. The Building Bastrop Codes focus on the public realm (first 15' of a property), infrastructure, and life safety. The International Code Council (ICC) Building Codes (I-Codes) will regulate life safety. The I-Codes are standards used in the design, build, and compliance process to construct safe, sustainable, affordable, and resilient structures.

It is not uncommon for cities to update their codes every few years. Bastrop last updated these codes in 2012 when the 2009 I-Codes were adopted. There have been several updates to the I-Codes since 2009 and with the release of the 2018 I-Codes, we are now two (2) code updates behind and our building codes are over ten (10) years old.

The Construction Standards Board (CSB) has two main responsibilities. The first is to hear appeals of a decision made by the Building Official, and the second is to review and make recommendations to City Council regarding building codes. The CSB and Staff will review the 2018 I-Codes using the following proposed purpose statement as amended by City Council on March 26, 2019 for the basis of the code review:

***“Review national best practices and establish locally amended life safety expectations that protect our public and ensure the asset meets or exceeds its useful life.”***

The I-Code review process provides the CSB, Staff, and the community a chance to evaluate the codes for opportunities to make local amendments. Adopting localized amendments will ensure that the I-Codes as amended are fiscally sustainable, authentic Bastrop, and protect life safety.

Staff is committed to improve the development and permitting process. A part of that commitment will involve resolving conflicting language in different sections of the codes as part of this review. To decrease the chance of conflicting language in the future, the I-Codes will be referenced in the Building Bastrop Codes, but will be located in the Technical Manual. The Technical Manual will be a comprehensive manual serving as a single location for all technical criteria required to

develop or build in Bastrop. Having the codes located in one location will discourage the possibility of conflicting codes in different sections of the code.

Staff has established a set of review criteria that will serve as a guide when evaluating the codes. The evaluation criteria are listed below:

- Does it meet our purpose statement?
- Remember who the customer is.
- Does it make common sense?
- Can we legally enforce it?
- Does the code need to be inspected annually or another routine basis?

Using Council's Purpose Statement for Building Bastrop as a guide, Staff developed a Purpose Statement for the I-Code update for use by the Construction Standards Board and Staff related to all code review. The proposed statement was reviewed and revised by City Council at their March 26th meeting.

The Construction Standards Board held their first meeting on the 2018 I-Codes on June 4, 2019. At the meeting they discussed the City Council's Policy Statement, the code review journey to date, significant dates, and a proposed plan for review.

**POLICY EXPLANATION:**

This is an update to City Council regarding the progress of the 2018 I-Code Review and adoption.

**FUNDING SOURCE:**

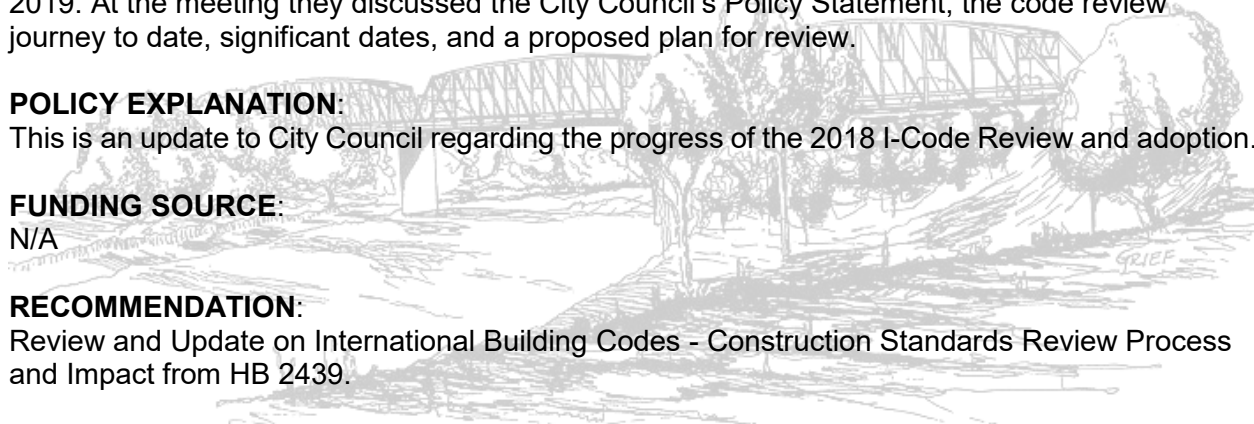
N/A

**RECOMMENDATION:**

Review and Update on International Building Codes - Construction Standards Review Process and Impact from HB 2439.

**ATTACHMENTS:**

- PowerPoint presentation





**BUILDING BASTROP**

HONORING OUR AUTHENTIC PAST.  
PLANNING FOR OUR SUSTAINABLE FUTURE.

# 2018 I-Code Update



# Proposed Purpose Statement\*:

“Review national best practices and establish locally amended life safety expectations that protect our public and ensure the asset meets or exceeds its useful life.”

*\*As amended by City Council on March 26, 2019.*



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# 2018 COMPLETE COLLECTION



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# Proposed Codes:

- **IBC** – Building Code
- **IRC** – Residential Code
- **IPC** – Plumbing Code
- **IMC** – Mechanical Code
- **NEC** – Electric Code
- **IEBC** – Existing Building Code
- **IFC** – Fire Code
- **IWUIC** – Wildland-Urban Interface Code
- **IFGC** – Fire and Gas Code
- **IGCC** – Green Conservation Code
- **IPMC** – Property Maintenance Code
- **IECC** – Energy Conservation Code



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# Process and Timeline:

- Review purpose and timeline with Council ✓
- Send codes to Construction Standards Board (CSB) ✓
- Internal Staff and CSB review
- Development Community input
- Present recommendations to Council
- Public Hearings and adoption – Nov. 2019



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# Timeline

Date	Time	Meeting
Tuesday June 4, 2019	6:00PM	Construction Standards Board
Tuesday June 18, 2019	6:00PM	Construction Standards Board
Tuesday July 2, 2019	6:00PM	Construction Standards Board
Tuesday July 16, 2019	6:00PM	Construction Standards Board
Monday August 19, 2019	6:00PM	Construction Standards Board
Monday September 9, 2019	6:00PM	Construction Standards Board
Tuesday September 17, 2019	6:00PM	Construction Standards Board
Thursday October 24, 2019	6:00PM	Construction Standards Board
Tuesday November 5, 2019	6:30PM	Joint Meeting with Council
<b>Additional Dates to Consider</b>		
August 6, 2019	2:30-4:30PM	Development Community Input #1
October 10, 2019	2:30-4:30PM	Development Community Input #2



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# Proposed Review Schedule

## June 18th

1. IGCC/IECC
2. IEBC

## July 2<sup>nd</sup>

1. NEC
2. IPC

## July 16<sup>th</sup>

1. IBC
2. IRC

## August 19<sup>th</sup>

1. IFC



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# Proposed Review Schedule

## September 9<sup>th</sup>

1. IFGC
2. IWUIC

## September 17<sup>th</sup>

1. IMC
2. IPMC

## October 24<sup>th</sup>

\*Review progress and draft recommendations for Council

## November 5<sup>th</sup>

\*Joint meeting with Council  
Time TBD



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# Questions or Comments?





# STAFF REPORT

**MEETING DATE:** June 25, 2019

**AGENDA ITEM:** 5B

**TITLE:**

Review Rules of Procedure for the City Council of the City of Bastrop, Texas.

**STAFF REPRESENTATIVE:**

Lynda Humble, City Manager

**POLICY EXPLANATION:**

The Rules of Procedure for the City Council of the City of Bastrop, Texas contains Section 1.4 Annual Review, which states:

*“Following the municipal elections each year, Council will review these rules of procedure annually, make changes as appropriate, and adopt their own rules of procedure in accordance with the Charter at the first scheduled meeting in July. In the event no annual review occurs, the standing rules of procedure continue in effect. This does not limit the Council’s right and ability to amend the rules at any other time during the year, in accordance with the Charter.”*

Staff is seeking direction on any proposed changes that Council would like to consider making to the Rules of Procedure. Proposed changes will be made and a draft will be placed on the July 9<sup>th</sup> agenda for Council consideration.

# Rules of Procedure for the City Council of the City of Bastrop, Texas



Adopted: August 23, 2005  
Revised: October 10, 2017  
Revised: July 24, 2018

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**ARTICLE 1. AUTHORITY, APPLICABILITY, AMENDMENT, AND ANNUAL REVIEW**

**1.1 Authority.**

Article III, Section 3.13 of the City Charter of the City of Bastrop, Texas grants the City Council the right to determine its own rules of procedure. The following rules are enumerated under and by authority of said provision.

**1.2 Applicability.**

The rules of procedure adopted by the City Council are applicable not only to the City Council, but also to all boards, commissions, and committees of the City of Bastrop.

**1.3 Amendment.**

These rules may be amended or new rules adopted by three (3) of the five (5) voting members of the City Council present.

**1.4 Annual Review.**

Following the municipal elections each year, Council will review these rules of procedure annually, make changes as appropriate, and adopt their own rules of procedure in accordance with the Charter at the first scheduled meeting in July. In the event no annual review occurs, the standing rules of procedure continue in effect. This does not limit the Council’s right and ability to amend the rules at any other time during the year, in accordance with the Charter.

**ARTICLE 2. GENERAL RULES OF PROCEDURE AND POLICIES**

**2.1 Construction of Authority.**

The construction of authority in all matters associated with the meetings and activities of the City Council, including the agenda, shall be: (1) the U.S. Constitution and statues of the United States of America; (2) The Texas Constitution and statues of the State of Texas; (3) the City Charter; (4) the Code of Ordinances of the City of Bastrop, Texas; (5) these rules; and, (6) Rosenberg’s Rules of Order as amended and set forth herein.

**2.2 Meetings Shall Be Public.**

All meetings of the City Council shall be public, and notices thereof shall be posted as provided under the Texas Government Code, Chapter 551, Open Meetings Act. Except in the case of an emergency meeting, notice of all meetings shall be given 72 hours before the time set for any meeting.

If meetings are held at Bastrop City Hall, they shall be televised live on the City’s television channel via the appropriate cable providers and live-streamed via social media. If unable to televise meetings live due to technical difficulties, the meeting shall be recorded for a later broadcast. The Council meetings shall be rebroadcast as a part of the City’s on-going channel programming.

The Bastrop City Hall is wheelchair accessible and special parking is available on the west side

of the building. If special accommodations are required, please contact the City Secretary a minimum of 24 hours in advance at 512-332-8800.

### **2.3 Conduct of Meetings.**

Meetings of the City Council shall be conducted according to the rules adopted by the City Council, as well as the terms and provisions of Rosenberg's Rules of Order as amended herein and when not inconsistent with these rules.

### **2.4 Regular Meetings.**

Regular meetings of the City Council shall be on the second and fourth Tuesday of each month at 6:30 p.m. The Council may, by majority vote at a regular meeting, change the days or times of meetings as circumstances may necessitate. Per the City Charter, the Council shall meet regularly and at least once each month.

### **2.5 Special Meetings.**

The City Council may hold as many additional, special meetings as may be necessary for the transaction of the business of the City. Special meetings of the City Council may be called as necessary upon written notice to the City Secretary by the Mayor or by any two (2) members of the City Council unless made at a regular meeting at which a quorum of Council Members is present. The City Manager and all Council Members shall be notified of all special meetings.

### **2.6 Emergency Meetings.**

In case of an emergency or urgent public necessity, which shall be expressed in the meeting notice, it shall be sufficient if members receive and notice is posted two (2) hours before the meeting is convened. Notice shall be provided also to the media in accordance with the Texas Government Code, Section 551.047.

### **2.7 Workshops (Work Session).**

Workshops are special meetings called for the purpose of conducting a detailed and thorough exploration of matters that may properly come before the City Council. Audience comments or questions will not be considered at a work session unless posted for citizen comment.

### **2.8 Executive Sessions.**

Executive sessions are sessions closed to the public. These sessions are only permitted for the purpose of discussing matters enumerated in Chapter 551, Open Meetings Act of the Texas Government Code. Disclosure of topics to be discussed shall be made to the public in accordance with the requirements of the Open Meetings Act.

The City Council can retire into an executive session as stated on a posted agenda during a regular or special meeting. However, before said session begins, the presiding officer shall announce that the executive session is commencing. The order in which an executive session may appear on the agenda is subject to the discretion of the City Council. A certified record of the meeting will be created by the presiding officer or his or her designee, sealed and permanently kept, subject to opening by court order. No voting or action shall be taken by the City Council during an executive session. No other subject but that posted on the agenda is to be considered. Adjournment of the executive session and any vote needed shall be made during the open public meeting.

## **2.9 Recessed Meetings.**

No meeting shall be recessed for a longer period of time than until the next regular meeting except when required information has not been received, or, in the case of work sessions or special meetings, to a date certain by motion duly passed.

## **2.10 Quorum.**

Four (4) members of the Council shall constitute a quorum to do business, and a majority vote of those attending any meeting at which there is a quorum present shall be sufficient to adopt any ordinance or resolution, except otherwise provided in the City's Charter. (Charter Article III, Section 3.13).

## **2.11 Conflict of Interest.**

A Council Member prevented from voting by a conflict of interest shall file a conflict of interest questionnaire with the City Secretary as soon as possible after the posting of an agenda, which contains a conflict, unless an applicable conflict of interest questionnaire has already been filed.

A Council Member prevented from voting by a conflict of interest shall step down from the dais and leave the Council Chambers, shall not vote on the matter, shall not participate in discussions regarding the matter or attempt to influence the Council's deliberation of the matter in any way, shall not attend Executive sessions regarding the matter, and shall otherwise comply with the State law and City ordinances concerning conflicts of interest including Chapter 171 of the Texas Local Government Code.

## **2.12 Presiding Officer.**

The Mayor shall serve as the Chief Presiding Officer for all meetings of the City Council. In the absence of the Mayor, the Mayor Pro Tem shall serve as the presiding officer. In the absence of the Mayor and Mayor Pro Tem, the City Manager shall call the meeting to order, if a quorum of the Council is present, and the first order of business shall be for Council to elect by majority vote, a temporary presiding officer from the members then seated and in attendance. The temporary presiding officer shall serve in such capacity until the meeting is adjourned.

The presiding officer shall serve as the chair of all meetings and shall make final rulings on all questions pertaining to these rules. All decisions of the presiding officer are final unless overruled by the City Council through a motion to appeal as described in Article 3.9 – Courtesy, Decorum and Order of these rules.

The Mayor, as Chief Presiding Officer, is entitled to participate in the discussion and debate, but may not vote, except in elections, to break a tie and as otherwise provided in the City's Charter. Because the presiding officer conducts the meeting, it is common courtesy for the chair to take a less active role than other members of the Council in debates and discussions. This practice in no way precludes the presiding officer from participating in the meeting fully and freely.

The presiding officer of boards and commissions shall be the person selected by the board or commission as the chair, co-chair, or vice chair. If these persons are not in attendance, the board or commission shall choose a temporary presiding officer from among the members in

attendance.

### **2.13 Minutes of Meetings.**

The City Secretary shall keep minutes of all proceedings of the City Council and they shall be open to public inspection in accordance with the laws of the State of Texas.

### **2.14 Suspension and Amendment of Rules.**

Any provisions of these rules not governed by federal, state law or the City Charter may be temporarily suspended by a super majority vote (see Article 3.7 of these rules) of the City Council. Any provisions of these rules may be amended by majority vote if such amendment is appropriately posted on an agenda of a regular meeting of the City Council and receives approval of the majority of City Council at such meeting.

### **2.15 Rules for the Press and Media.**

The use of media equipment, such as lights, cameras and/or microphones should be coordinated with the City Manager prior to the meeting to ensure that the equipment does not disturb or otherwise conflict with or disrupt the meeting or the Council's activities.

## **ARTICLE 3. PARLIAMENTARY PROCEDURE**

### **3.1 Purpose.**

The purpose of these rules of parliamentary procedure is to establish orderly conduct of the meetings. Simple rules lead to a wider understanding and participation. Complex rules create two classes: (1) those who understand the rules, and (2) those who do not fully understand and those who do not fully participate. The ultimate purpose of these rules of parliamentary procedure is to encourage and facilitate decision-making by the City Council. In a democracy, the majority opinion carries the day.

These rules enable the majority to express their opinion and fashion a result, while permitting the minority to also express itself (but not dominate) and fully participate in the process.

### **3.2 Model Format for an Agenda Item Discussion.**

The following ten (10) steps may be used as a model or guidebook by the Presiding Officer. The meeting is governed by the agenda and the agenda constitutes the only items to be discussed. Each agenda item can be handled by the Presiding Officer (Mayor) in the following basic format:

1. *Announce the Item.* The Mayor should clearly announce the agenda item number and should clearly state what the subject matter of the agenda item by reading the caption for the item being considered.
2. *Receive a Report.* The Mayor should invite the appropriate people to report on the item, including any recommendation they might have.
3. *Ask Clarifying Questions.* The Mayor should ask the Council Members if they have any technical questions for clarification. At this point, members of the City Council may ask

clarifying questions to the people who reported on the item, and they should be given time to respond.

4. *Seek Citizen Input.* The Mayor should invite citizen comments – or if a public hearing, open the public hearing. Upon conclusion, the Mayor should announce that public input is closed, or if a public hearing, close the public hearing.
5. *Motion First.* The Mayor should invite a motion from the City Council before debate is given on the merits of the item. The Mayor should announce the name of the member who makes the motion.
6. *Motion Second.* The Mayor should determine if any member of the City Council wishes to second the motion. The Mayor should announce the name of the member who seconds the motion. If no member of the City Council wishes to second the motion, then the motion fails, and should be so stated by the Mayor.
7. *Repeat Motion.* If the motion is made and seconded, the Mayor should make certain that everyone (including the audience) understands the motion. This is done in three ways:
  - a. The Mayor can ask the maker of the motion to repeat it;
  - b. The Mayor can repeat the motion; or
  - c. The Mayor can ask the City Secretary to repeat the motion.
8. *Discuss the Motion.* The Mayor should now invite the members of the City Council to discuss the motion. If there is no desired discussion, the Mayor may call for a vote. If there has been no discussion or a brief discussion, then there is no need to repeat the motion before taking a vote. If the discussion has been lengthy, it is a good idea to repeat the motion before calling for the vote.
9. *Vote.* The Mayor may ask the City Secretary to call roll. Unless a super-majority is required for passage of the motion, a simple majority vote determines whether the motion passes or fails. Unless a member of the Council seeks recusal from voting on any question where the vote would constitute a conflict of interest, and that recusal is consented to by a majority of the remainder of the Council, all members of the Council shall vote upon every question, ordinance or resolution. Action items require a vote.
10. *Announce the Outcome.* The Mayor announces the results of the vote and should also state what action (if any) the Council has taken. The Mayor should announce the name of any member who voted in the minority on the motion.

### **3.3 The Basic Motions.**

The basic motion is the one that puts forward a decision for consideration. A basic motion might be: “I move for approval of the ordinance as submitted,” or “I make a motion that we deny the resolution.”

### **3.4 The Motion to Amend.**

If a member wants to change a basic motion, he or she would have to motion to amend the original or previously amended motion. A motion to amend might be: “I move that we amend the motion to include the changes we discussed to the ordinance.” A motion to amend seeks to retain the basic motion on the floor (a motion made and seconded), but to modify it in some way. A motion to amend requires the agreement of the person making the original motion. If the basic motion has already been seconded, the motion to amend must be acknowledged and

accepted by the member who seconded the basic motion.

### 3.5 Discussion and Debate.

The basic rule of motions is that they are subject to discussion and debate. Accordingly, the basic motion and the motion to amend are all eligible, each in their turn for full discussion by and before the City Council. Discussion and debate can continue as long as the members wish to discuss it, or until the Mayor decides that it is time to move on and call a vote on the motion.

### 3.6 Other Motions.

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the Council to move on. The following motions are NOT debatable, and the Mayor must immediately call a vote on the motion, if seconded by another member.

- *Motion to Adjourn.* This motion, if passed, requires the Council to immediately adjourn to its next regularly scheduled meeting. This motion requires a simple majority vote.
- *Motion to Recess.* This motion, if passed, requires the Council to immediately take a recess. Normally the Mayor will determine the length of the recess which could last for a few minutes to several hours. It requires a simple majority vote.
- *Motion to Fix the Time to Adjourn.* This motion, if passed, requires the Council to adjourn the meeting at the specific time set in the motion. For example, "I move we adjourn this meeting at Midnight." It requires a simple majority vote.
- *Motion to Table.* This motion, if passed, requires discussion of the agenda item to be halted immediately, and the agenda to be placed on hold. The motion may contain a specific time to bring the item up again, or it may not specify a time. If no time is specified, the item shall be placed on the agenda at the following Council meeting.
- *Motion to Remove from Table.* This motion, if passed, allows the Council to remove an item previously placed on hold. A vote in favor of removing an item from the table must be made before the Council can take action on an item that was tabled.

### 3.7 Motions Requiring a Supermajority Vote to Pass.

A super majority vote consists of four votes (three to pass as a simple majority, plus one more).

- *Motion to Limit Debate.* This motion is sometimes referred to as, "moving the question" or, "calling the question." When a member of the Council makes such a motion, the member is saying, "I have had enough discussion, let's vote on the issue." When such a motion is made, the Mayor should ask for a second, stop the discussion and vote on the motion to limit debate. The motion requires a super majority vote to pass. Meaning, the number of council members voting for the motion must equal four or more.
- *Motion to Object to the Consideration of an Item.* This motion, if passed, precludes the City Council from even considering the item on the agenda. It does not preclude the item from appearing on a future agenda. The motion requires a super majority vote to pass. (Normally, this motion is unnecessary, because the objectionable item can be defeated outright or tabled.)

- *Motion to Suspend the Rules.* This motion is debatable, but requires a super majority vote to pass. This motion allows the Council to suspend its own rules for a particular purpose. For example, the Council may desire to give a particular speaker more time than normally allowed. A “motion to suspend the rules and give the speaker ten additional minutes,” accomplishes this desire.

### **3.8 Motion to Reconsider.**

There is a special motion that requires a bit of explanation all by itself: the motion to reconsider. A tenet of parliamentary procedure is finality. After vigorous discussion, debate and a vote, there must be some closure to the issue. As such, after a vote is taken, the matter is deemed closed, subject only to reopening if a proper motion to reconsider is made.

A motion to reconsider requires a simple majority vote to pass, but there are two special rules that apply only to the motion to reconsider.

The first issue involves timing. A motion to reconsider must be made at the meeting where the item was first voted upon or at the very next meeting (if properly noticed and on the posted agenda). A motion to reconsider made at a later time is considered untimely and it may not be considered unless the Council suspends the rules to consider it.

Secondly, the motion to reconsider can only be made by a member of the Council who voted in the majority on the original motion. The motion to reconsider may be seconded by any member of the City Council regardless of how they voted on the original motion. If a member of the Council who voted in the minority on the original motion seeks to make a motion to reconsider, it **MUST** be ruled out of order by the Mayor. The purpose of this rule is finality. If a member of the minority could make a motion to reconsider, then the item could be brought back again and again, which would defeat the purpose of finality.

If a motion to reconsider passes, then the original matter is back before the Council, and a new original motion is in order. The matter may be discussed as if it were on the floor for the first time.

### **3.9 Courtesy, Decorum and Order.**

These rules of order are meant to promote an atmosphere of courtesy and decorum appropriate for the efficient discussion of business. It is the responsibility of the Mayor (and the members of the City Council) to maintain that atmosphere of courtesy and decorum. The Mayor should always ensure that debate and discussion focus on the item and the policy in question, not on the personalities of the participants of the discussion. Debate on policy is healthy; debate on personalities is not. In order to assist in the creation and maintenance of that atmosphere, the following rules shall govern all meetings:

1. *Request to Speak.* Before a Council Member, staff member or an audience member may speak, they must first be recognized by the Mayor. Upon recognition the person requesting to speak shall hold the floor and shall make their point clearly and succinctly. Public comments must be kept relevant to the subject before the Council. The Mayor



shall rule on the relevance of comments. Persons making irrelevant, personal, impertinent, overly redundant or slanderous remarks may be barred by the Mayor from further comment before the Council during the meeting. Audience members who wish to speak during an agenda must first complete a 'request to speak card' and submit it to the City Secretary. The Mayor has the right to cut a speaker off if the discussion becomes too personal, too loud, too crude, irrelevant, impertinent, redundant, or slanderous.

2. *Order.* If a person fails to request to speak before speaking, the Mayor shall rule them 'out of order' and remind them that they do not have the floor. While the Council is in session, all Council Members must preserve order and decorum. A person shall neither, by conversation or otherwise, delay or interrupt the proceedings or the peace of the meeting, nor disturb any other person while speaking or refuse to obey the orders of the Mayor. Members of the City Council should not leave their seats during a meeting without first obtaining permission of the Mayor, or making a motion to recess.
3. *Improper References Prohibited.* Every person desiring to speak shall address the entire Council and shall not single out a member of the Council, the audience or a staff member. Speakers shall confine themselves to the question under debate, avoiding all personal attacks and indecorous language.
4. *Interruptions.* A Council Member, once recognized, shall not be interrupted when speaking unless it is to call him or her to order, or other such interruption expressed below. If the Council Member, while speaking, is called to order, he or she shall cease speaking until the question of order is determined, and if the Council Member is found to be in order, he or she shall be permitted to proceed speaking. Allowable interruptions or points of order are as follows:
  - a. *Point of Privilege.* The proper interruption would be: "Point of Privilege." The Mayor would then ask the interrupter to, "state your point." Appropriate points of privilege relate to anything that would interfere with the normal comfort of the meeting. For example, the room might be too hot or cold, or a fan motor might interfere with a Council Members ability to hear.
  - b. *Point of Order.* The proper interruption would be: "Point of Order." The Mayor would then ask the interrupter to, "state your point." Appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting. For example, if the Mayor called for a vote on a motion that permits debate without allowing any discussion.
  - c. *Motion to Appeal.* If the Mayor makes a ruling that a member of the body disagrees with, that member may appeal the ruling of the Mayor by stating, "motion to appeal." If the motion is seconded and after debate if it passes by a simple majority vote, the ruling of the Mayor is reversed.
  - d. *Call for orders of the day.* This is simply another way of saying, "let's return to the agenda." If a council member believes the discussion has strayed from the agenda. The motion does not require a vote. If the Mayor discovers that the discussion has strayed from the agenda, he or she simply returns to the business of the day.

- e. *Withdraw a Motion.* During the debate and discussion of a motion, the original maker of the motion on the floor, at any time, may interrupt the speaker to withdraw his or her motion. The motion is immediately deemed withdrawn and discussion on the motion shall cease. Council members are free to make the same motion or another motion.

### **3.10 City Council and Board Member Disruptions.**

As stated in Resolution R-2017-20, when members of the City Council or other Board Members become engaged in heated discussions that could be construed as not following parliamentary procedures; it will be the responsibility of the Presiding Officer (Mayor or Board Chair) to restore order to the meeting. In the event that order cannot be immediately restored, the Presiding Officer should call for a recess. When the recess is called, a sufficient number of the City Council or Board Members should depart the room so that a quorum is no longer present. Information Technology personnel will ensure that the microphones and audio for the television channel are turned off. The Presiding Officer will determine what action to take and will resume the meeting, when appropriate. Law enforcement personnel will not become involved unless a crime (i.e. assault, terroristic threat, etc.) is committed.

### **3.11 Audience Disruptions.**

As stated in Resolution R-2017-20, if a member of the audience (gallery) becomes disruptive, the Presiding Officer will inform that person that their conduct is not permissible and to cease. If that person receives a second warning, the Chief of Police or his/her designee will position themselves in proximity to that person. On the third warning (when appropriate), the Presiding Officer will inform the person that their actions are disrupting this lawful meeting and they must depart immediately. The Chief of Police or his/her designee will escort the person out of the chambers and off of City property. In the event the person does not leave the chambers, the person will be subjected to arrest under Section 42.05 of the Texas Penal Code (TPC). The person will be subject to arrest under Section 30.05 TPC if the person does not leave the property. In the event the same person comes to a subsequent meeting and disrupts that meeting to the point they are requested to leave again, a criminal trespass warning can be issued.

It should be noted that case law has determined that only using profane language in a public place does not rise to the level of Disorderly Conduct as defined in Section 42.01 TPC. The utterance of this language should rise to the level that a fight is imminent.

### **3.12 Council May Discipline its Own Members.**

In the event a Council Member violates the Charter, these rules or any other ordinance of the city, or acts in a manner that causes embarrassment or disgrace to the City of Bastrop, the City Council on supermajority vote may discipline the offending member.

Such action may only take place after an executive session is held to discuss the offense. The offending member shall be present at the executive session to answer any questions asked by members of the City Council or make other statements as he or she may desire to make in his or her defense. If the offending member refuses to attend the executive session, the remaining

members of the City Council may proceed in his or her absence.

The outcome of the executive session may be as follows and shall be made publicly in open session in accordance with the Texas Open Meetings Act:

1. *No Action.* The City Council chooses to take no action.
2. *Private Censure.* The City Council may choose to privately censure the offending member, leaving their comments to the offending member left in the confines of the executive session.
3. *Public Censure.* The City Council may choose to publicly censure the offending member through a resolution passed by supermajority vote and entered into the public record.

## **ARTICLE 4. AGENDA ORDER**

The Mayor and the City Manager or an appropriate designee shall prepare an agenda and cause the same to be posted a minimum of 72 hours prior to the meeting. Agendas and packet material shall be delivered to the City Council via electronic format uploaded into a cloud storage service, such as Dropbox. City Council shall be notified via email that the agenda and packet have been uploaded and available for review. The goal would be to upload the agenda and packet on Friday prior to a regularly scheduled Council Meeting. In the event of an emergency meeting of the City Council, this provision shall be suspended when not inconsistent with the provisions of federal or state law or the City Charter.

In order to facilitate the agenda process, the Mayor, two Council Members, or the City Manager may place an item on the agenda. Staff assistance, if required, should be requested through the City Manager (City Charter, Article III, Section 3.05 Prohibitions). Agenda items must be provided to the City Manager's Office at City Hall by 12:00 noon on the 11<sup>th</sup> calendar day preceding the date of the regular meeting. If the agenda topic does not allow for staff to adequately prepare information for Council's consideration, the item may be postponed until the next regular meeting.

### **4.1 Call to Order.**

The Mayor shall call the meeting to order. The Mayor shall announce that a quorum of the City Council is present and shall state for the record the names of all members of the City Council that are absent.

### **4.2 Pledges of Allegiance to the United States & Texas Flags.**

The Council shall recite the Pledge of Allegiance, first to the United States Flag, and then to the state Flag of Texas. The Council welcomes individuals and organizations, young and old, to lead the Pledges.

### **4.3 Invocation.**

All regular meetings of the City Council shall include an invocation.

#### **4.4 Presentations.**

Presentations may be made by the Mayor, City Council or Staff. The Mayor may deliver any proclamation as may be required from time to time. Outside entities and organizations granted permission to make a presentation shall be placed in this section.

#### **4.5 Work Session/Briefings.**

Items may be included in this section for the purpose of conducting a detailed and thorough exploration of matters that may come before City Council as an item for individual consideration. All questions of a technical nature, which require a detailed explanation for understanding, may be considered in a work session. Council may, through the City Manager, request the attendance of such staff members or outside experts as may be required to answer such questions. No formal action may be taken on items. Council may provide staff direction on the matter being considered. Audience comments or questions will not be considered at a work session unless posted accordingly.

#### **4.6 Staff and Board Briefings.**

Items that are provided to Council on a routine basis, such as monthly financial statements and quarterly investment reports, should be included in this section. Appointed boards of the City, who have been requested to provide periodic updates, such as the Bastrop Economic Development Corporation and Visit Bastrop, will be included in this section.

#### **4.7 Citizen Comments.**

Every agenda must include the following language for purposes of open and transparency to inform the public of how to appropriately address the City Council:

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

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

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

#### **4.8A Approval of the Minutes.**

The Council shall consider the minutes of any meeting presented for their review since the last regular meeting. This heading will only be used when there are no other items listed on a consent agenda.

#### **4.8B Consent Agenda Items.**

There is hereby established, as a part of every agenda for regular and/or special called meetings of the City Council, a portion of said agenda that shall be labeled “consent agenda.” Said consent agenda may consist of any and all business regularly coming before the City Council including approval of the minutes of previous meetings.

Any member of the City Council or a citizen may request that any item be removed from the consent agenda and considered separately prior to the City Secretary reading the caption of each item. If any item was removed from the consent agenda, it will be considered immediately following approval of the remainder of the consent agenda.

The City Secretary shall read the caption of each item and/or ordinance prior to a motion being made to approve the Consent Agenda. Once a second is received on the motion, the Council shall vote.

All items set out in the consent agenda shall be deemed passed upon passage of an affirmative motion, by a vote of the majority of the members of the City Council, that the consent agenda be adopted. No further action shall be deemed necessary, and all such items appearing on the consent agenda, upon passage of such motion, shall be deemed adopted as if voted upon separately.

#### **4.9 Items for Individual Consideration.**

Items for individual consideration shall be considered by the City Council individually and approved by either a simple majority vote or a super majority vote as the case may be.

Public hearings, which are statutorily required, shall be included in this section. The Mayor shall first request staff comments. The Mayor shall open the public hearing and receive citizen input. While the public hearing is open, Council may ask questions of the speakers, but may not deliberate or argue with the public on the matter at hand. Those speaking at a public hearing are required to follow the rules established herein for Citizen Comments. Upon conclusion of citizen comments, the Mayor shall close the public hearing. Council may deliberate or take action on the matter at hand upon the closing of the public hearing.

#### **4.10 Executive Session Items.**

This section is only used when it is necessary for the Council to convene in executive session. Executive sessions are sessions closed to the public. They are only permitted for the purpose of discussing matters enumerated in Chapter 551, Open Meetings Act of the Texas Government Code. Disclosure of topics to be discussed shall be made to the public in

accordance with the requirements of the Open Meetings Act.

If the subject of the executive session warrants, the executive session may be held prior to the regular session. Council shall agree in Executive Session what can be shared in public prior to concluding the Executive Session.

#### **4.11 Action on Executive Session Items.**

This section is only used if Council conducts an executive session. Action on executive session items must be taken during public/open session of the Council. Action may include the taking of no action at all.

#### **4.12 Adjournment.**

The Mayor shall adjourn the meeting upon passage of the appropriate motion.

### **ARTICLE 5. RULES GOVERNING CITIZEN COMMENTS**

#### **5.1 Purpose.**

It is the desire of the City Council to hear from the citizens of Bastrop and to stimulate discussion and offer a forum for a cordial and meaningful public debate on matters that are properly a concern of the City Council. The following rules shall control and govern audience comments.

#### **5.2 Rules for Audience Comments.**

Immediately preceding the opening of a public hearing, the Mayor may direct the City Secretary to read the rules governing citizen comments.

#### **5.3 Rules Governing Citizen Comments.**

1. Each speaker is limited to a maximum timed limit of three minutes on any item except for a public hearing item.
2. No individual may address the Council without submitting a speaker card. The card must clearly state the subject or issue on which the citizen wishes to speak. If the subject matter does not pertain to city business, the Mayor shall advise the individual and/or make recommendations as to how they may get the issue addressed.
3. Citizens speaking on agenda items shall restrict their comments to the subject matter listed.
4. Citizens speaking on non-agenda items shall only speak during the Citizens Comment portion of the agenda.
5. Council may not act upon or discuss any issue brought forth as a non-agenda item, except to:
  - a. Make a statement of specific factual information given in response to the inquiry, or
  - b. A recitation of existing policy in response to the inquiry.

Any deliberation of or decision about the subject of the inquiry shall be limited to a proposal to place the subject on the agenda for a subsequent meeting.

6. Proper respect, decorum, and conduct shall prevail at all times. Impertinent, slanderous,

or personal attacks are strictly prohibited and violators may be removed from the Council Chambers.

7. No placards, banners or signs may be displayed in the Council Chambers or City Hall. Exhibits relating to a presentation are acceptable.
8. Arguing, intimidation, or other disruptive behavior is prohibited. Discussion and/or debate are acceptable only on items specifically listed on the agenda.
9. Unauthorized remarks from the audience, stomping of feet, applauding, whistles, yells, or any type of disruptive behavior is prohibited. Applause of appreciation may be acceptable when recognizing a significant event or achievement.
10. Council meetings are the workplace to carry out the business of the City of Bastrop; therefore, any conduct that could constitute harassment in the workplace is prohibited.
11. In all cases, the Mayor shall preside over the Council meeting and ensure that proper conduct and decorum is adhered to.

#### 5.4 Preservation of Order.

As referenced in Article 3.11 above, the Mayor shall preserve order and decorum and, if necessary, shall cause to be silenced or removed from the Council Chambers any non-Council Member speaking out of order or disrupting the order of the meeting.

### ARTICLE 6. COUNCIL LIAISONS TO BOARDS AND COMMISSIONS

One Council Member will be appointed as the council liaison to each of the city’s boards and commissions annually as a part of the Board & Commission Member appointment process, except for the Ethics Commission, Bastrop Housing Authority, and the Zoning Board of Adjustments. Council liaisons will be appointed by Mayor with consideration given to applicable expertise. Council liaisons may attend, but are not required to attend, the meetings of the boards or commissions to which they have been appointed as liaison. Board and commission members may contact their council liaison concerning items of concern or interest with regard to their appointed board.

### ARTICLE 7. TABLE OF MOTIONS AND POINTS OF ORDER

MOTION/ORDER	REQUIRES SECOND	DEBATABLE	AMENDABLE	VOTE TYPE
Basic Motion	Yes	Yes	Yes	Simple
Motion to Amend	*	No	Yes	N/A
Motion to Adjourn	Yes	No	No	Simple
Motion to Recess	Yes	No	Yes	Simple
Motion to Fix the Time to Adjourn	Yes	No	No	Simple
Motion to Table	Yes	No	No	Simple

Motion to Limit Debate	Yes	No	No	Super
Motion to Object to the Consideration of an Item	Yes	No	No	Super
Motion to Suspend Rules	Yes	No	No	Super
Motion to Reconsider	Yes	Yes	Yes	Simple
Point of Privilege	No	No	No	N/A
Point of Order	No	No	No	N/A
Motion to Appeal	Yes	Yes	No	Simple
Call for Orders of the Day	No	No	No	N/A
Withdraw a Motion	No	No	No	N/A
Motion to Enforce	Yes	No	No	Simple

\* For the purposes of these rules, Amendments are not debatable and only require the approval of the member who made the original motion. An amendment to an amendment, requires first the approval of the member who made the original amendment and secondly the approval of the member who made the original motion.





# STAFF REPORT

**MEETING DATE:** June 25, 2019

**AGENDA ITEM:** 5C

**TITLE:**

Provide an update on the Chicken Relocation Project in Downtown Bastrop, Texas.

**STAFF REPRESENTATIVE:**

James K. Altgelt, Director of Public Safety/Chief of Police

Amy Jordan, Animal Services / Code Compliance Officer



# Monthly Breakdown

Month	Hens	Chicks	Roosters	Eggs	Monthly Total	Grand Total
March – December 2018	46	26	27	00	<b>99</b>	<b>99</b>
January 2019	0	0	0	00	<b>00</b>	<b>99</b>
February 2019	3	0	0	00	<b>3</b>	<b>102</b>
March 2019	13	6	14	00	<b>33</b>	<b>135</b>
April 2019	19	32	26	00	<b>77</b>	<b>212</b>
May 2019	4	2	5	10	<b>21</b>	<b>233</b>
June 2019	X	X	X	X	<b>XX</b>	<b>XXX</b>





# STAFF REPORT

**MEETING DATE:** June 25, 2019

**AGENDA ITEM:** 6A

**TITLE:**

Receive Monthly Development Update.

**STAFF REPRESENTATIVE:**

Matt Jones, Director of Planning and Development

**BACKGROUND/HISTORY:**

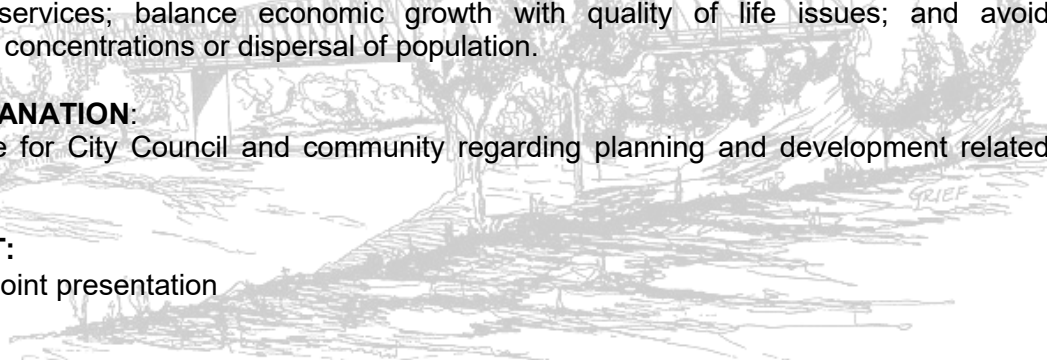
The Planning and Development Department's mission is preserving the past, while facilitating growth and quality of life in harmony with the vision for the City of Bastrop's future. The purpose of the department is to maximize community strengths and minimize weaknesses; protect property rights and enhance property values; anticipate growth and provide adequate public facilities and services; balance economic growth with quality of life issues; and avoid unmanageable concentrations or dispersal of population.

**POLICY EXPLANATION:**

Regular update for City Council and community regarding planning and development related items.

**ATTACHMENT:**

- PowerPoint presentation





# PLANNING & DEVELOPMENT



# Monthly Development Update



# Planning and Development

## Mission and Purpose

### **Mission:**

Preserving the past while facilitating growth and quality of life in harmony with the vision for the City of Bastrop's future.

### **Purpose:**

To maximize community strengths and minimize weaknesses; protect property rights and enhance property values; anticipate growth and provide adequate public facilities and services; balance economic growth with quality of life issues; and avoid unmanageable concentrations or dispersal of population.



# May - June Activity Matrix

	May - June	FYTD
Counter Visits	230	1,532
Permits Issued	93	642
Pre-Application Meetings	18	120

# New Certificate of Occupancy

- **Hunter's Crossing Apartments – 1006 Home Depot Way**
- **Building 3**
- **Silver Spur- 705 C Pine Street**



# Ongoing Commercial Projects

- **Stem and Stone – 1007 Chestnut**
  - **Estimated Completion June 2019 - 90% complete**





# Ongoing Commercial Projects

- **Home Goods – 753 C HWY 71 W**
- **Estimated Completion July 2019 – 90% complete**



# Ongoing Commercial Projects

- **Seton Hospital – 630 HWY 71 W**
- **Estimated Completion October 2019 – 65% complete**



# Ongoing Commercial Projects

- **365 Mini Storage – 510 HWY 71 W**
- **Estimated Completion December 2019 – 25% complete**



# Ongoing Commercial Projects

- **Lost Pines Professional Building – 711 Old Austin Highway**
- **Estimated Completion September 2019 – 50% complete**



# Residential Projects

- **Pecan Park**
  - **151 lots**
- **Piney Creek Bend**
  - **77 lots**
- **The Preserve at Hunter's Crossing**
  - **140 units**
- **Hunter's Crossing Apartment Homes**
  - **182 units**



# Training and Certifications

**Matt Jones**

- **Graduated the Certified Public Manager Program**



# Events

- **Chamber of Commerce Luncheon**
- **Participated in Employee Diversity Training**
- **Pop-Up Event**





**BUILDING BASTROP**

HONORING OUR AUTHENTIC PAST.  
PLANNING FOR OUR SUSTAINABLE FUTURE.

# Questions or Comments?







# STAFF REPORT

**MEETING DATE:** June 25, 2019

**AGENDA ITEM:** 6B

**TITLE:**

Receive presentation on the unaudited Monthly Financial Report for the period ending May 31, 2019.

**STAFF REPRESENTATIVE:**

Tracy Waldron, Chief Financial Officer

**BACKGROUND/HISTORY:**

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

**POLICY EXPLANATION:**

This reporting requirement is set forth by the City of Bastrop Financial Management Policies, Chapter IV. Operating Budget, Section D. Reporting, adopted in conjunction with the FY2019 budget on September 25, 2018.

**FUNDING SOURCE:**

N/A

**ATTACHMENTS:**

- Unaudited Monthly Financial Report for the period ending May 31, 2019

# CITY OF BASTROP

Comprehensive Monthly Financial Report

May 2019








# Performance at a Glance as of May 31, 2019



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

COMPREHENSIVE MONTHLY FINANCIAL REPORT – May 2019

ECONOMIC INDICATORS	May 31, 2019 – NEWS FOR YOU
<b>ECONOMY</b>	
<p><b>National:</b>  Real gross domestic product (GDP) increased at an annual rate of 3.2% in the 1<sup>st</sup> quarter of 2019. This is up from 2.2% from 4<sup>th</sup> quarter 2018. The personal income increased by .5% in Apr. 2019 after increasing in Mar. 2019 by .1%. (All of these reported by the Bureau of Economic Analysis.)</p> <p><b>U.S. Retail Sales:</b>  Down .2% in Apr. 2019</p> <p><b>Texas Leading Index:</b>  This index is a single summary statistic that sheds light on the future of the state's economy. The index is a composition of eight leading indicators. The index is at 128.70 in Apr. 2019, up .72% from Mar. 2019 and down 1.18% from one year ago.</p>	<p>Attached is the Comprehensive Monthly Financial report for May 2019. This is 8 month of FY2019, or 67% of the fiscal year is complete.</p> <p><b>Revenues:</b> Overall, the City has earned \$24,968,774. This amount is 64% of the approved budget of \$38,755,937 and is 1.1% higher than the amount forecasted through the month of May.</p> <p><b>Expense:</b> Overall, the City has spent 14% less than forecasted.</p>
<b>UNEMPLOYMENT</b>	<b>Noteworthy</b>
<p><b>State-wide:</b>  The state unemployment is 3.7% in Apr. 2019 which is down from Mar. 2019.</p> <p><b>Bastrop:</b>  Bastrop County has an unemployment rate of 2.5% in Apr. 2019 which is down from 3.0% in Mar. 2019.</p>	<p>Received notice that the Phase II (construction) of the Jasper-Newton Drainage Project was approved for funding by FEMA.</p>

COMPREHENSIVE MONTHLY FINANCIAL REPORT – May 2019

**BUDGET SUMMARY OF ALL FUNDS**

	<b>FY2019 <u>Budget</u></b>	<b>FY2019 <u>Forecast</u></b>	<b>FY2019 <u>YTD</u></b>	<b><u>Variance</u></b>
<b><u>Revenues:</u></b>				
General	\$ 11,509,784	\$ 8,630,361	\$ 8,657,237	0.3%
Designated	58,100	38,133	41,306	8.3%
Innovation	763,825	309,216	320,585	3.7%
Street Maintenance	1,106,000	1,104,000	1,117,272	1.2%
Debt Service	2,637,663	1,952,358	1,966,684	0.7%
Water/Wastewater	5,707,190	3,490,887	3,478,902	-0.3%
Water/Wastewater Debt	2,235,643	1,111,967	1,120,272	0.7%
Water/Wastewater Capital Proj	155,000	103,333	121,803	17.9%
Impact Fees	509,600	298,733	269,703	-9.7%
Vehicle & Equipment Replacement	611,563	475,542	488,029	2.6%
Electric	7,721,040	4,391,326	4,324,888	-1.5%
HOT Tax Fund	3,571,246	2,186,499	2,336,481	6.9%
Library Board	20,550	11,200	11,799	5.3%
Park/Trail Land Dedicaiton (1)	102,791	333	1,719	416.2%
Cemetery	113,700	66,667	56,730	-14.9%
Capital Bond Projects	75,000	50,000	83,376	66.8%
Grant Fund	1,416,576	53,500	54,171	1.3%
Hunter's Crossing PID	440,666	432,303	527,114	21.9%
<b>TOTAL REVENUES</b>	<b>\$ 38,755,937</b>	<b>\$ 24,706,358</b>	<b>\$ 24,978,071</b>	<b>1.1%</b>

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

Expense:

(1) Budgeted revenue was received at end of FY18

## COMPREHENSIVE MONTHLY FINANCIAL REPORT – May 2019

### BUDGET SUMMARY OF ALL FUNDS

	<u>FY2019 Budget</u>	<u>FY2019 Forecast</u>	<u>FY2019 YTD</u>	<u>Variance</u>
<b><u>Expense:</u></b>				
General	\$ 11,519,785	\$ 7,314,726	\$ 6,993,839	-4.4%
Designated	535,150	116,767	67,280	-42.4%
Innovation	2,210,488	1,145,327	934,166	-18.4%
Street Maintenance	566,797	45,000	43,314	-3.7%
Debt Service	2,716,641	648,337	646,025	-0.4%
Water/Wastewater	5,821,984	3,782,425	3,645,644	-3.6%
Water/Wastewater Debt	1,425,805	402,430	385,862	-4.1%
Water/Wastewater Capital Proj.	2,582,500	677,628	627,747	-7.4%
Impact Fees	710,242	54,115	52,969	-2.1%
Vehicle & Equipment Replacement	423,764	28,500	27,378	-3.9%
Electric	8,192,778	5,143,464	4,912,367	-4.5%
HOT Tax Fund	3,929,045	2,313,018	2,139,787	-7.5%
Library Board	21,475	14,317	4,569	-68.1%
Park Dedication	107,977	-	-	0.0%
Cemetery	97,480	61,853	49,276	-20.3%
Hunter's Crossing PID	112,720	83,480	103,846	24.4%
Capital Projects (Bond)	5,551,132	3,404,755	1,773,683	-47.9%
Grant Fund	1,416,576	249,789	220,502	-11.7%
<b>TOTAL EXPENSES</b>	<b>\$ 47,942,339</b>	<b>\$ 25,485,931</b>	<b>\$ 22,628,254</b>	<b>-11.2%</b>
Surplus/(Shortfall)	\$ (9,186,402)	\$ (779,573)	\$ 2,349,817	-401.4%

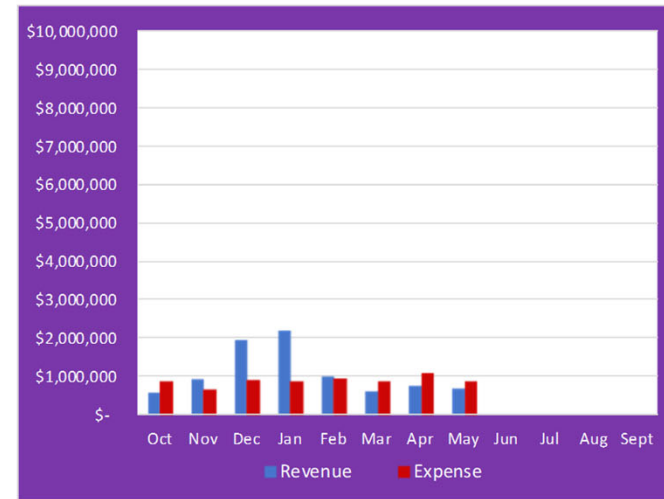
<b>POSITIVE</b>	= Negative variance or positive variance < 1% compared to forecast
<b>WARNING</b>	= Positive variance of 1-5% compared to forecast
<b>NEGATIVE</b>	= Positive variance of >5% compared to forecast

## COMPREHENSIVE MONTHLY FINANCIAL REPORT – May 2019

### OVERALL FUND PERFORMANCE

#### GENERAL FUND REVENUES VS EXPENSES

Month	FY2019 Revenue	FY2019 Expense	Monthly Variance
Oct	\$ 579,372	\$ 860,860	\$ (281,488)
Nov	911,134	664,939	\$ 246,195
Dec	1,937,802	897,305	\$ 1,040,497
Jan	2,180,486	846,227	\$ 1,334,259
Feb	998,718	931,640	\$ 67,078
Mar	611,908	864,243	\$ (252,335)
Apr	742,215	1,079,453	\$ (337,238)
May	695,602	849,171	\$ (153,569)
Jun			\$ -
Jul			\$ -
Aug			\$ -
Sept			\$ -
<b>Total</b>	<b>\$ 8,657,237</b>	<b>\$ 6,993,838</b>	<b>\$ 1,663,399</b>
Cumulative Forecast	\$ 8,630,361	\$ 7,314,726	\$ 1,315,635
Actual to Forecast \$	\$ 26,876	\$ 320,888	\$ 347,764
Actual to Forecast %	0.31%	4.39%	4.70%



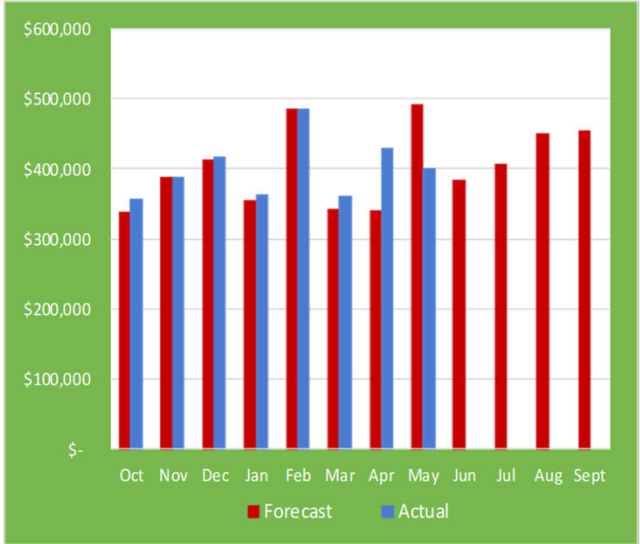
### POSITIVE

Cumulatively overall, the General Fund is better than forecasted for this time of year. The fund is net positive 5%. Even though the expense shows a positive variance, there are some departments that have experienced unforeseen expenses. Staff is monitoring these budgets closely and will bring to Council a budget amendment if necessary.

COMPREHENSIVE MONTHLY FINANCIAL REPORT – May 2019

SALES TAX REVENUE

Month	FY2019 Forecast	FY2019 Actual	Monthly Variance
Oct	\$ 340,507	\$ 357,918	\$ 17,411
Nov	389,151	389,073	\$ (78)
Dec	413,473	417,882	\$ 4,409
Jan	356,548	364,452	\$ 7,904
Feb	485,934	485,877	\$ (57)
Mar	342,660	362,397	\$ 19,737
Apr	341,233	430,868	\$ 89,635
May	492,115	402,469	\$ (89,646)
Jun	385,827		\$ -
Jul	408,944		\$ -
Aug	452,076		\$ -
Sept	455,922		\$ -
<b>Total</b>	<b>\$ 4,864,390</b>	<b>\$ 3,210,936</b>	<b>\$ 49,315</b>
Cumulative Forecast	\$ 3,161,621		
Actual to Forecast	\$ 49,315	1.6%	



POSITIVE

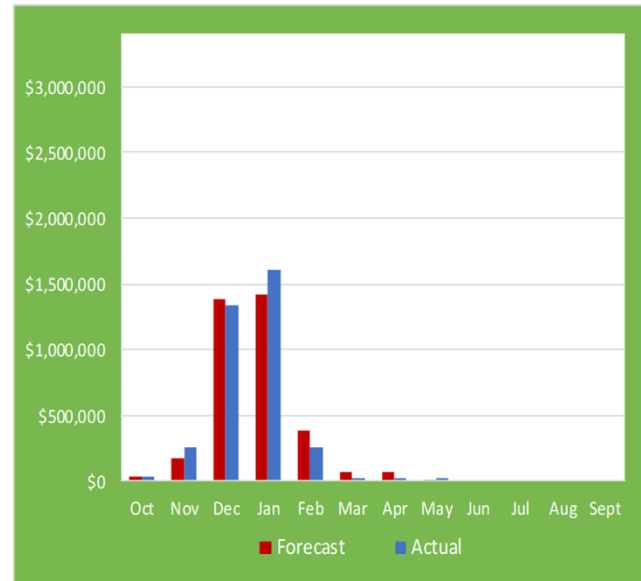
Sales Tax is 42% of the total budgeted revenue for General Fund. The actual amounts for Oct. and Nov. are estimated due to the State Comptroller's two month lag in payment of these earned taxes. The actual is 1.6% greater than forecasted YTD. The April actual is higher due to several taxpayers prepaying future tax periods causing the actual amount for May to be lower than forecasted.



COMPREHENSIVE MONTHLY FINANCIAL REPORT – May 2019

PROPERTY TAX REVENUE

Month	FY2019 Forecast	FY2019 Actual	Monthly Variance
Oct	\$ 35,395	\$ 39,476	\$ 4,081
Nov	176,976	251,445	\$ 74,469
Dec	1,380,410	1,331,743	\$ (48,667)
Jan	1,415,806	1,601,144	\$ 185,338
Feb	389,347	261,204	\$ (128,143)
Mar	70,790	21,379	\$ (49,411)
Apr	64,790	27,483	\$ (37,307)
May	6,000	19,361	\$ 13,361
Jun	-		
Jul	-		
Aug	-		
Sept	-		
<b>Total</b>	<b>\$ 3,539,514</b>	<b>\$ 3,553,235</b>	<b>\$ 13,721</b>
Cumulative Foreca	\$ 3,539,514		
Actual to Forecast	\$ 13,721	0.39%	



**POSITIVE**

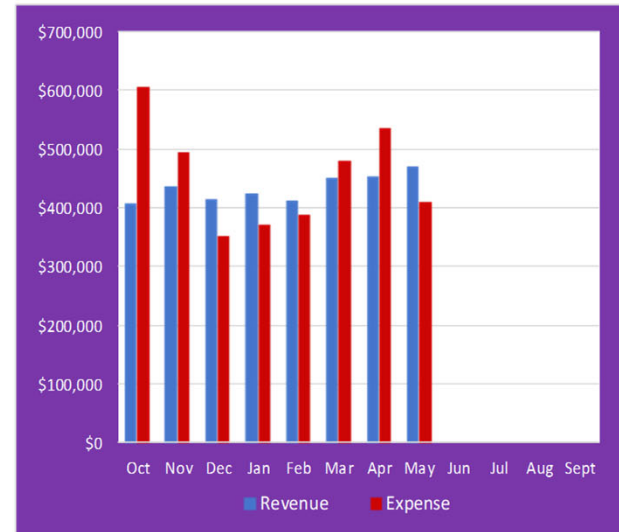
Property tax represents 31% of the total General Fund revenue budget. As you can see from the forecast, they are generally collected from December to February. The forecast to actual is almost breakeven YTD.

## COMPREHENSIVE MONTHLY FINANCIAL REPORT – May 2019

### OVERALL FUND PERFORMANCE

## WATER/WASTEWATER FUND REVENUES VS EXPENSES

Month	FY2019 Revenue	FY2019 Expense	Monthly Variance
Oct	\$ 407,528	\$ 606,317	\$ (198,789)
Nov	436,189	495,625	\$ (59,436)
Dec	416,157	353,565	\$ 62,592
Jan	425,650	372,610	\$ 53,040
Feb	413,959	388,972	\$ 24,987
Mar	452,893	480,740	\$ (27,847)
Apr	454,547	537,405	\$ (82,858)
May	471,979	410,410	\$ 61,569
Jun			\$ -
Jul			\$ -
Aug			\$ -
Sept			\$ -
<b>Total</b>	<b>\$ 3,478,902</b>	<b>\$ 3,645,644</b>	<b>\$ (166,742)</b>
Cumulative Forecas	\$ 3,490,887	\$ 3,782,425	\$ (291,538)
Actual to Forecast \$	\$ (11,985)	\$ 136,781	\$ 124,796
Actual to Forecast %	-0.34%	3.62%	3.27%



POSITIVE

Water and wastewater fund is 3.3% net positive. The elevated expense we experienced in Oct., due to a flood even and the purchase of extra filters, has leveled off over the last few months. Our summer months tend to generate higher revenue totals.

## COMPREHENSIVE MONTHLY FINANCIAL REPORT – May 2019

### REVENUE ANALYSIS

## WATER/WASTEWATER REVENUE

<u>Month</u>	<u>FY2019 Forecast</u>	<u>FY2019 Actual</u>	<u>Monthly Variance</u>
Oct	\$ 400,030	\$ 407,528	\$ 7,498
Nov	414,677	436,189	\$ 21,512
Dec	424,677	416,157	\$ (8,520)
Jan	424,677	425,650	\$ 973
Feb	412,353	413,959	\$ 1,606
Mar	444,384	452,894	\$ 8,510
Apr	456,707	454,547	\$ (2,160)
May	513,384	471,979	\$ (41,405)
Jun	541,722		
Jul	517,076		
Aug	545,414		
Sept	612,091		
<b>Total</b>	<b>\$ 5,707,192</b>	<b>\$ 3,478,903</b>	<b>\$ (11,986)</b>
Cumulative Forecast	\$ 3,490,889		
Actual to Forecast	\$ (11,986)	-0.34%	



**POSITIVE**

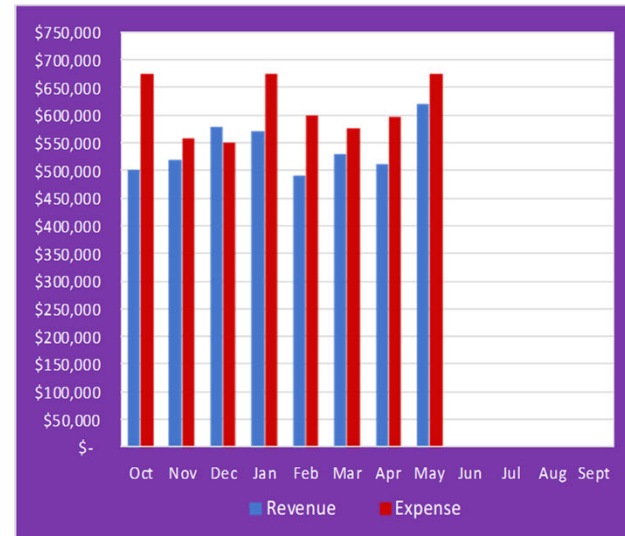
The water and wastewater actual revenue is .3% net negative to forecast. We are experiencing an exceptionally wet spring which effects water usage, specifically irrigation. There was 7 new residential meter sets and 1 commercial set this month.

## COMPREHENSIVE MONTHLY FINANCIAL REPORT – May 2019

### OVERALL FUND PERFORMANCE

### ELECTRIC FUND REVENUES VS EXPENSES

Month	FY2019 Revenue	FY2019 Expense	Monthly Variance
Oct	\$ 501,810	\$ 675,329	\$ (173,519)
Nov	519,423	559,757	\$ (40,334)
Dec	578,558	550,649	\$ 27,909
Jan	571,345	676,791	\$ (105,446)
Feb	491,235	599,338	\$ (108,103)
Mar	530,156	578,108	\$ (47,952)
Apr	511,244	597,689	\$ (86,445)
May	621,117	674,708	\$ (53,591)
Jun			\$ -
Jul			\$ -
Aug			\$ -
Sept			\$ -
<b>Total</b>	<b>\$ 4,324,888</b>	<b>\$ 4,912,369</b>	<b>\$ (587,481)</b>
Cumulative Foreca:	\$ 4,391,326	\$ 5,143,464	\$ (752,138)
Actual to Forecast	\$ (66,438)	\$ 231,095	\$ 164,657
Actual to Forecast	-1.51%	4.49%	2.98%



**POSITIVE**

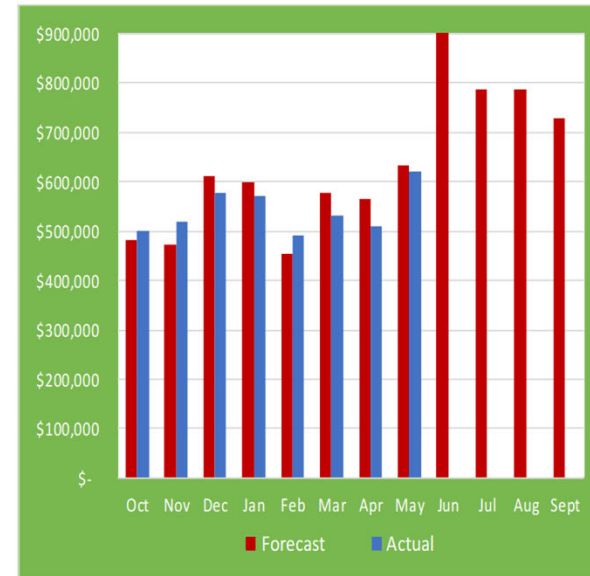
The Electric utility fund is 3% net positive. The expense is higher in October due to budgeted annual transfers that were processed during this month.

## COMPREHENSIVE MONTHLY FINANCIAL REPORT – May 2019

### REVENUE ANALYSIS

## ELECTRIC FUND REVENUE

Month	FY2019 Forecast	FY2019 Actual	Monthly Variance
Oct	\$ 481,451	\$ 501,810	\$ 20,359
Nov	472,138	519,423	\$ 47,285
Dec	610,524	578,558	\$ (31,966)
Jan	598,460	571,345	\$ (27,115)
Feb	453,699	491,235	\$ 37,536
Mar	578,521	530,156	\$ (48,365)
Apr	564,508	511,244	\$ (53,264)
May	632,025	621,117	\$ (10,908)
Jun	1,022,729		
Jul	788,496		
Aug	788,496		
Sept	729,993		
<b>Total</b>	<b>\$ 7,721,040</b>	<b>\$ 4,324,888</b>	<b>\$ (66,438)</b>
Cumulative Foreca:	\$ 4,391,326		
Actual to Forecast	\$ (66,438)	-1.51%	



**WARNING**

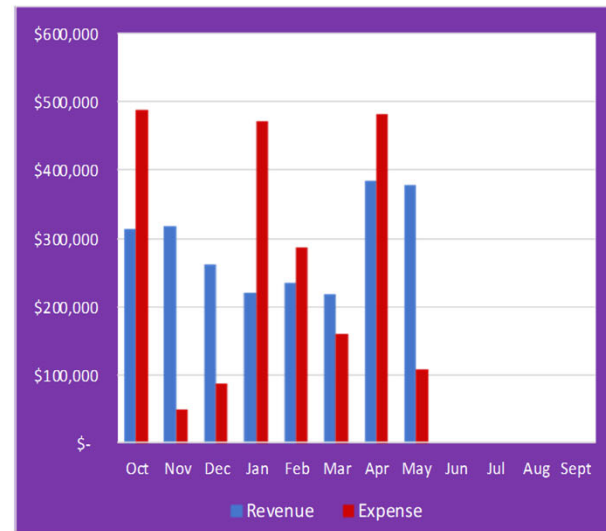
The Electric utility revenue is 1.5% negative to forecasted revenue. There were 2 new meter sets all residential. The mild weather is contributing to the shortfall. There are 8 more accounts than last year but consumption is down by 290,745 Kwh.

## COMPREHENSIVE MONTHLY FINANCIAL REPORT – May 2019

### OVERALL FUND PERFORMANCE

## HOT TAX FUND REVENUES VS EXPENSES

Month	FY2019 Revenue	FY2019 Expense	Monthly Variance
Oct	\$ 313,999	\$ 489,369	\$ (175,370)
Nov	318,578	50,241	\$ 268,337
Dec	263,379	89,111	\$ 174,268
Jan	221,133	471,250	\$ (250,117)
Feb	235,767	286,720	\$ (50,953)
Mar	220,037	160,987	\$ 59,050
Apr	384,575	483,210	\$ (98,635)
May	379,012	108,904	\$ 270,108
Jun			
Jul			
Aug			
Sept			
<b>Total</b>	<b>\$ 2,336,480</b>	<b>\$ 2,139,792</b>	<b>\$ 196,688</b>
Cumulative Forecast	\$ 2,186,499	\$ 2,313,018	\$ (126,519)
Actual to Forecast \$	\$ 149,981	\$ 173,226	\$ 323,207
Actual to Forecast %	6.86%	7.49%	14.35%



POSITIVE

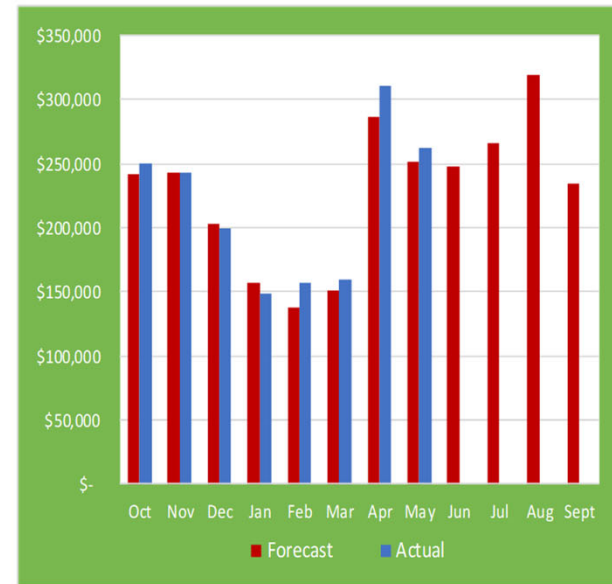
The HOT Tax fund is 14% net positive. For FY2019, this fund is now a combined fund of all the HOT funded programs. Visit Bastrop is paid on a quarterly basis along with community asset organizations.

## COMPREHENSIVE MONTHLY FINANCIAL REPORT –May 2019

### REVENUE ANALYSIS

## HOTEL OCCUPANCY TAX REVENUE

Month	FY2019 Forecast	FY2019 Actual	Monthly Variance
Oct	\$ 241,423	\$ 250,073	\$ 8,650
Nov	242,303	242,469	\$ 166
Dec	202,506	198,757	\$ (3,749)
Jan	156,454	148,141	\$ (8,313)
Feb	137,463	156,795	\$ 19,332
Mar	150,729	159,156	\$ 8,427
Apr	286,784	311,067	\$ 24,283
May	251,767	262,551	\$ 10,784
Jun	247,863		
Jul	265,283		
Aug	319,298		
Sept	234,127		
<b>Total</b>	<b>\$ 2,736,000</b>	<b>\$ 1,729,009</b>	<b>\$ 59,580</b>
Cumulative Forecast	\$ 1,669,429		
Actual to Forecast	\$ 59,580	3.6%	



**POSITIVE**

So far YTD we are 3.6% positive actual to forecast. **The Hotel Tax revenue YTD is \$29,756 less than same time last year.**

## Legal fees by Attorney/Category

COMPREHENSIVE MONTHLY FINANCIAL REPORT – May 2019

FIRM	CASE	FY16-17	FY17-18	FY18-19
<b>BUNDREN</b>				
	Pine Forest Interlocal	\$ 83,620	\$ 26,612	\$ 1,711
	Vandiver	\$ 2,343	\$ -	\$ -
	Aqua CCN	\$ 12,898	\$ -	\$ -
	Red Light Camera Suit	\$ -	\$ -	\$ -
<b>TERRELL LAW FIRM</b>				
	Water permit	\$ 37,630	\$ 135	\$ -
<b>DAVID BRAGG, P.C.</b>				
	General legal	\$ 48,215	\$ -	\$ -
	Vandiver	\$ 9,640	\$ -	\$ -
	Water Permit	\$ 3,120	\$ -	\$ -
	Pine Forest Interlocal	\$ 3,560	\$ -	\$ -
<b>BOJORQUEZ LAW FIRM</b>				
	General legal	\$ 3,299	\$ 245,168	\$ 225,514
	Vandiver	\$ 4,546	\$ 5,079	\$ 1,857
	Pine Forest Interlocal	\$ -	\$ 10,116	\$ -
	Prosecutor	\$ -	\$ 19,633	\$ 14,236
	Water/Wastewater	\$ -	\$ 18,425	\$ 17,360
<b>MULTIPLE FIRMS</b>				
	XS Ranch Bankruptcy	\$ 7,415	\$ 11,770	\$ -
<b>RUSSEL RODRIGUEZ HYDE</b>				
	XS Ranch Water Rights	\$ 7,607	\$ 27,965	\$ 6,204
	Hunters Crossing PID	\$ 17,927	\$ 83,524	\$ 38,113
	Water/Wastewater	\$ -	\$ 910	\$ -
<b>TAYLOR, OLSON, ADKINS, SRALLA &amp; ELAM, LLP</b>				
	Red Light Camera Suit	\$ 443	\$ 2,124	\$ 601
<b>Total Legal</b>		\$ 242,263	\$ 451,460	\$ 305,596

### Summary by Case/Type

Row Labels	Sum of FY16-17	Sum of FY17-18	Sum of FY18-19
Aqua CCN	\$ 12,898	\$ -	\$ -
General legal	\$ 51,514	\$ 245,168	\$ 225,514
Hunters Crossing PID	\$ 17,927	\$ 83,524	\$ 38,113
Pine Forest Interlocal	\$ 87,180	\$ 36,728	\$ 1,711
Prosecutor	\$ -	\$ 19,633	\$ 14,236
Red Light Camera Suit	\$ 443	\$ 2,124	\$ 601
Vandiver	\$ 16,529	\$ 5,079	\$ 1,857
Water permit	\$ 40,750	\$ 135	\$ -
Water/Wastewater	\$ -	\$ 19,335	\$ 17,360
XS Ranch Bankruptcy	\$ 7,415	\$ 11,770	\$ -
XS Ranch Water Rights	\$ 7,607	\$ 27,965	\$ 6,204
<b>Grand Total</b>	<b>\$ 242,263</b>	<b>\$ 451,460</b>	<b>\$ 305,596</b>





# STAFF REPORT

**MEETING DATE:** June 25, 2019

**AGENDA ITEM:** 6C

**TITLE:**

Update on Main Street Advisory Board.

**STAFF REPRESENTATIVE:**

Rebecca Gleason, Main Street Manager

**BACKGROUND/HISTORY:**

The City of Bastrop Main Street Program is a grassroots, economic revitalization program focusing on the preservation of the historic downtown as the core of the community. It is affiliated with Texas Main Street based in Austin, TX and the National Main Street Center based in Chicago, IL.

The Bastrop Main Street program operates as a department of the City of Bastrop and the Manager reports to the Interim Director of Hospitality and Downtown. The program's work plan is guided by a 9-member Advisory Board appointed by the Mayor and confirmed by the City Council. Advisory Board terms are three years and members cannot serve more than a total of six consecutive years.

Last year, the Bastrop Main Street Program hit its 10-year anniversary with the Texas Main Street Program thus leading to a re-envisioning undertaken by the Main Street Board and Main Street Manager, Rebecca Gleason. A Workshop was held by the Texas Main Street Association to help our Board members work through what they would like the next 10 years of the Bastrop Main Street Program to look like.

While the Board and Main Street Manager are still working through the process of rebuilding our program with the help of the Texas Main Street Program, a few major changes have been made to help us move in the right direction.

Our Vision Statement remains unchanged:

*The Bastrop Main Street Program will positively influence the continued preservation, enhancement, and commercial vitality of our historic downtown as a distinctive destination that engages and inspires both residents and visitors.*

Updated Mission Statement:

*The City of Bastrop Main Street Program, through community partnerships and grassroots community involvement, will be a stimulant for the economic health, design, and promotion of the historical Main Street District.*

The title of Core Values has been changed to a Core Belief although the statement remains unchanged:

*Bastrop Main Street participants are united in a strong belief that our historic downtown is the heart of this community, and an asset worthy of preserving and nurturing.*

The next major change the Board has made is to move from a four Committee system to a more project-based system. This is a growing trend within many Main Street communities as programs struggle to find volunteers. More Committees means that each Committee focuses on a smaller piece of the pie leading to a smaller commitment needed by the volunteers. The Bastrop Main Street Program will be moving to a nine (9) Committee System splitting our Committees with the largest responsibilities into smaller subsets. Please see below:

OLD SYSTEM	NEW SYSTEM
Organization	Volunteers
	Sponsors
Economic Vitality	Business Retention
	Business Expansion
Design	Design
Promotion	Table on Main
	Summer in the City
	Sip, Shop & Swirl
	Lost Pines Christmas

Each of the nine (9) Committee members will Chair one (1) of the New Committees and serve on a second Committee of their choosing. This will allow Board members to work together to grow and ensure each Committee experiences success.

Most recently, the Main Street Board has been working on Mind Mapping the enormous amount of data that has been collected on what the Main Street Program should focus on in its projects. Each of the new Committees work plans will be directly pulled from this Mind Map and expanded on or changed by the Committee members. The Mind Map is an accumulation of the research completed by the Board and Main Street Manager, the City of Bastrop Comprehensive Plan, Bastrop DNA Analysis, output from The Big Idea, City of Bastrop Organizational Work Plan and current Texas and National Main Street trends.

In July, the Main Street Board should be ready to launch our Reenvisioned Main Street Program to the Main Street Businesses, Friends, and Community. Our Board members have already begun the recruitment process to fill our vacant Board seats and our hope is through the help of the Board and Commissions Volunteer Fair, Board recruitment, reaching out to past Committee members, and social media pushes we will begin the process of rebuilding both our Board and Committees.

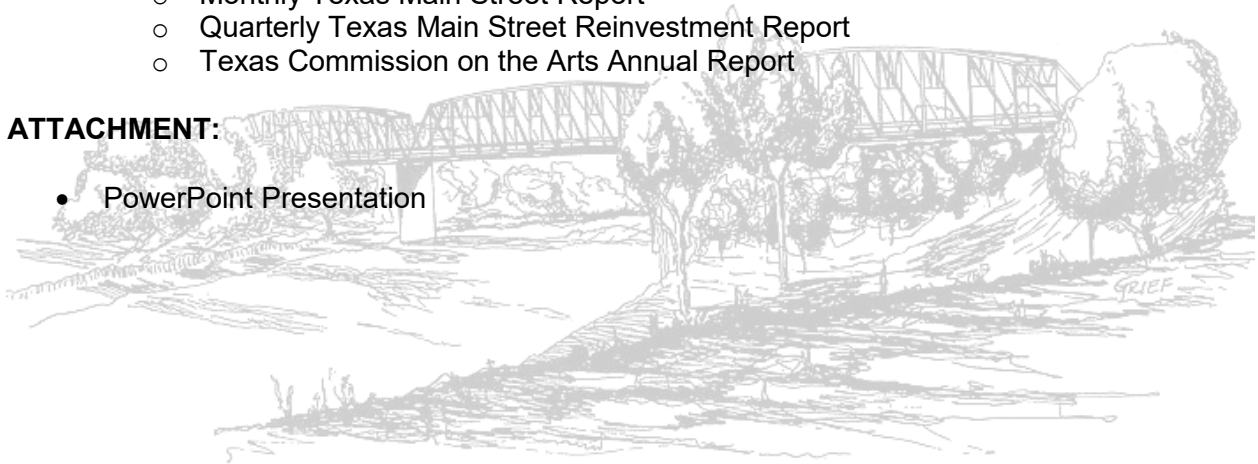
While the Reenvisioning of the City of Bastrop Main Street Program has been an exciting and fulfilling project, operations needed to continue as normal in the interim. Because of this the Main Street Board and Manager have been busy with the following projects:

- Events we hosted:
  - Sip, Shop & Swirl
  - Main Street Manager Meet & Greet
  - LCRA Steps Forward Day
  - Table on Main
  - Small Business Week
  - Summer in the City

- Events we assisted with:
  - TSPRA Conference Visit
  - MD Anderson Visit
  - Texas Independence Trail Shop Hop
  - Zooma Women's Race Series Visit
  - Summer is Coming
  - Bastrop Music Fest
  - Building Bastrop Pop-Up
  - Juneteenth
  - Texas Travel Industry Association Conference Visit
  - Corvette Invasion
- Training:
  - Main Street 101
  - Real Places- Austin
  - Main Street Now- Seattle
  - Texas Main Street Summer Professional Development- Mount Pleasant
- Reports:
  - Monthly Texas Main Street Report
  - Quarterly Texas Main Street Reinvestment Report
  - Texas Commission on the Arts Annual Report

**ATTACHMENT:**

- PowerPoint Presentation



# Update on Main Street Advisory Board



# Bastrop Main Street Reenvisioning Process



- Foundation Building
- Mind Mapping
- Committee Breakout

# Bastrop Main Street Foundation

## Mission

The City of Bastrop Main Street Program, through community partnerships and grassroots community involvement, will be a stimulant for the economic health, design and promotion of the historical Main Street District.

## Vision

The Bastrop Main Street Program will positively influence the continued preservation, enhancement and commercial vitality of our historic downtown as a distinctive destination that engages and inspires both residents and visitors.

## Core Belief

Bastrop Main Street Program participants are united in a strong belief that our historic downtown is the heart of this community and an asset worthy of preserving and nurturing. Historic Downtown is fundamental to the City's economic, social and cultural vitality and the essence of its tourism appeal.



# Bastrop Main Street Mind Mapping



- City of Bastrop Comprehensive Plan

- City of Bastrop Organizational Work Plan

- Bastrop DNA Analysis

- Current Trends in Texas and National Main Street

- The Big Idea



# Main Street Program Committees

OLD SYSTEM	NEW SYSTEM
Organization	Volunteers
	Sponsors
Economic Vitality	Business Retention
	Business Expansion
Design	Design
Promotion	Table on Main
	Summer in the City
	Sip, Shop & Swirl
	Lost Pines Christmas





# Hosted Events



# Hosted Events



Small Business Week



Summer in the City



Table on Main



# Helping Hands Events

- TSPRA Conference Visit
- MD Anderson Visit
- Texas Independence Trail Shop
- Zooma Women's Race Series Visit
- Summer is Coming
- Bastrop Music Fest
- Building Bastrop Pop-Up
- Juneteenth
- TX Travel Association Conference Visit
- Corvette Invasion

# Training

- Main Street 101
- Real Places- Austin
- Main Street Now- Seattle
- Texas Main Street Summer Professional Development- Mount Pleasant



# Reports

- Weekly Operational Update
- Monthly Main Street Board Report Out
- Monthly Texas Main Street Report
- Quarterly Texas Main Street Reinvestment Report
- Annual Texas Commission of the Arts Report

# Community Partners

- Bastrop Chamber of Commerce
- Lost Pines Art Center
- Community Gardens
- 1832 Farmers Market
- Bastrop EDC
- Bastrop County Museum & Visitors Center
- Bastrop YMCA
- Visit Bastrop
- Bastrop Area Cruisers



# Next Steps . . .

- Relaunch of Reenvisioned Main Street Program
- Boards & Commissions Volunteer Fair
- Lost Pines Christmas
- Main Street Rehabilitation Project

# Questions ?







# STAFF REPORT

**MEETING DATE:** June 25, 2019

**AGENDA ITEM:** 7

**TITLE:**

## **CITIZEN COMMENTS**

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

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

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



# STAFF REPORT

**MEETING DATE:** June 25, 2019

**AGENDA ITEM:** 8A

**TITLE:**

Consider action to approve City Council minutes from the June 11, 2019, Regular meeting and June 18, 2019, Special meeting.

**STAFF REPRESENTATIVE:**

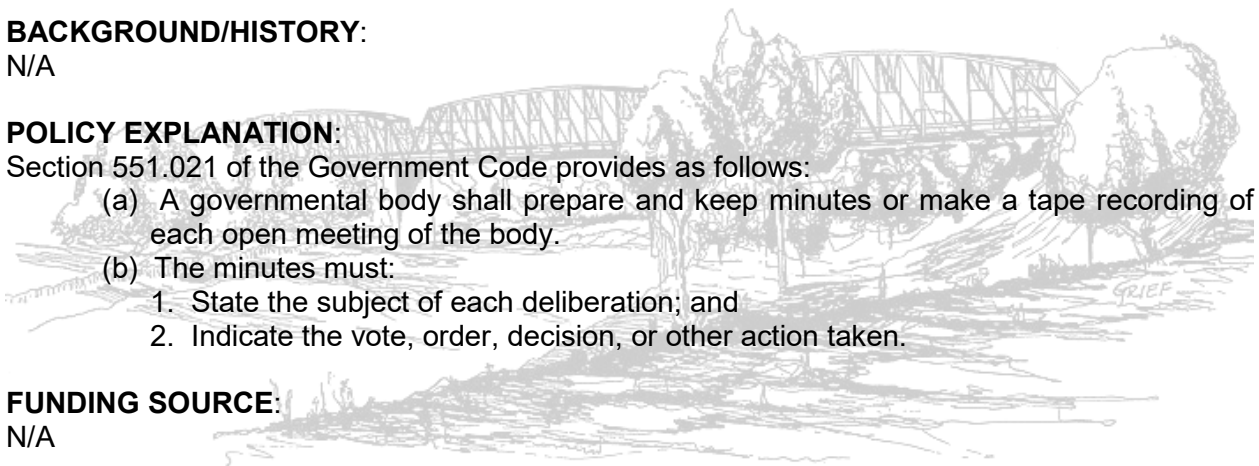
Lynda Humble, City Manager  
Ann Franklin, City Secretary

**BACKGROUND/HISTORY:**

N/A

**POLICY EXPLANATION:**

Section 551.021 of the Government Code provides as follows:

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

**FUNDING SOURCE:**

N/A

**RECOMMENDATION:**

Consider action to approve City Council minutes from the June 11, 2019, Regular meeting and June 18, 2019, Special meeting.

**ATTACHMENTS:**

- June 11, 2019, DRAFT Regular Meeting Minutes.
- June 18, 2019, DRAFT Special Meeting Minutes.

**BASTROP CITY COUNCIL**  
**June 11, 2019**

The Bastrop City Council met in a Regular Meeting on Tuesday, June 11, 2019, at 6:30 p.m. at the Bastrop City Hall Council Chambers, located at 1311 Chestnut Street, Bastrop, Texas. Members present were Mayor Schroeder, Mayor Pro Tem Nelson and Council Members Jones, Ennis, and Rogers. Officers present were City Manager, Lynda Humble, City Secretary, Ann Franklin and City Attorney, Alan Bojorquez.

**CALL TO ORDER**

At 6:30 p.m. Mayor Schroeder called the meeting to order with a quorum being present. Council Member Peterson was absent.

**PLEDGE OF ALLEGIANCE**

Kadin Nicholas, YMCA Youth Leader led the pledges.

**INVOCATION**

Lynda Sparks, Police Chaplain gave the invocation.

**PRESENTATIONS**

- 4A. Mayor's Report
- 4B. Councilmembers' Report
- 4C. City Manager's Report
- 4D. Receive presentation from Bastrop County Interim Chief Appraiser, Richard Petree and Faun Cullens, Chief Appraiser effective August 1, 2019, regarding appraisal district values and activities.  
**Presentation was given by Faun Cullens, Chief Appraiser effective August 1, 2019.**
- 4E. A joint proclamation of the City Council of the City of Bastrop, Texas and Bastrop County Commissioners Court recognizing and celebrating June 15, 2019, as Juneteenth Anniversary day.  
**The proclamation was read into record by Mayor Connie Schroeder.**

**5. WORK SESSION/BRIEFINGS**

- 5A. Review Noise as a Nuisance - Part of Code of Ordinance Update.  
**Review was provided by Director of Public Safety/Chief of Police, James K. Altgelt.**
- 5B. Provide an update on the Chicken Relocation Project in Downtown Bastrop, Texas.  
**Update was provided by Director of Public Safety/Chief of Police, James K. Altgelt.**

**STAFF AND BOARD REPORTS - NONE****CITIZEN COMMENTS**

Dock Jackson  
163 Tahitian Dr.  
Bastrop, Texas 78602

**CONSENT AGENDA**

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

- 8A. Consider action to approve City Council minutes from the May 28, 2019, Regular meeting and May 29, 2019 Special meeting.

**CONSENT AGENDA CONTINUED**

- 8B. Consider action to approve the second reading of Resolution No. R-2019-54 of the City Council of the City of Bastrop, Texas, approving the Executive Director or Interim Executive Director of the Bastrop Economic Development Corporation to obtain a loan in the amount of ONE MILLION EIGHT HUNDRED THOUSAND (\$1,800,000.00) DOLLARS for construction of a building to the lot at 921 Main Street; repealing all resolutions in conflict; providing severability; and providing an effective date.

**Presentation was made by Phallan Davis, Interim Director of Bastrop Economic Development Corporation.**

**SPEAKERS**

Dock Jackson  
163 Tahitian Dr.  
Bastrop, Texas 78602

Richard Smarzik  
925 Main Street  
Bastrop, Texas 78602

**A motion was made by Council Member Rogers to approve the second reading of Resolution No. R-2019-54, seconded by Council Member Ennis, motion was approved on a 4-0 vote. Council Member Peterson was absent.**

**9. ITEMS FOR INDIVIDUAL CONSIDERATION**

- 9A. Consider action to approve Resolution No. R-2018-52 of the City Council of the City of Bastrop, Texas awarding a contract in the amount of Three Hundred Forty One Thousand Dollars and no cents (\$341,000.00) to ASD Consultants, Inc. to undertake the work identified for the remodel of City Hall, attached as Exhibit A; Authorizing the City Manager to execute all necessary documents; providing for a repealing clause; and establishing an effective date.

**Presentation was made by Managing Director of Public Works and Utilities, Trey Job.**

**A motion was made by Mayor Pro Tem Nelson to approve Resolution No. R-2019-52, seconded by Council Member Rogers, motion was approved on a 4-0 vote. Council Member Peterson was absent.**

- 9D. Consider action to approve Resolution No. R-2019-56 of the City Council of the City of Bastrop, Texas approving the award of a contract with Angel Brothers Enterprises, LTD. in the amount of One Million Twelve Thousand Seven Hundred Nineteen Dollars and Seventy Cents ( \$1,012,719.70) for the reconstruction of Old Austin Highway; attached as Exhibit A; and authorizing the City Manager to execute all necessary documents for the agreement; providing for a repealing clause; and establishing an effective date.

**Presentation was made by Managing Director of Public Works and Utilities, Trey Job.**

**A motion was made by Council Member Rogers to reject all bids, seconded by Council Member Ennis, motion was approved on a 3-1 vote. Council Member Jones voted nay. Council Member Peterson was absent.**

**Mayor Schroeder recessed the Council Meeting at 8:18 p.m.**

**Mayor Schroeder called the Council Meeting back to order at 8:22 p.m.**

- 9E. Consider action to approve Resolution No. R-2019-57 of the City Council of the City of Bastrop, Texas awarding a contract to Barclays Premier Utility Services, LLC in the amount of Three hundred Seventy-four Thousand Seven Hundred Sixty-five dollars and zero cents (\$374,765.00) for the construction of a Sewer Line related to the North Bastrop Community Rehabilitation Project; attached as Exhibit A; and authorizing the City Manager to execute all necessary documents for the agreement; providing for a repealing clause; and establishing an effective date.

**Presentation was made by Managing Director of Public Works and Utilities, Trey Job.**

**A motion was made by Council Member Nelson to approve Resolution No. R-2019-57, seconded by Council Member Rogers, motion was approved on a 4-0 vote. Council Member Peterson was absent.**

- 9C. Consider action to approve the first reading of Ordinance No. 2019-22 of the City Council of the City of Bastrop, Texas, amending the Bastrop City Code of Ordinances, Appendix A, Fee Schedule, Article A13.02 "Water and Wastewater Rates and Charges", Sections A13.02.002 Wastewater Service Charge and A13.02.004 Water Service Charge, adding new Subsections A13.02.002(c) and Subsection A13.02.004(b), as attached in Exhibit A; providing for: findings of fact, enactment, repealer, severability, effective date, codification, proper notice and meeting; and move to include on the June 25, 2019 Consent Agenda for a second reading.

**Presentation was made by Chief Financial Officer, Tracy Waldron and Chris Ekrut, Director Environmental Practice, NewGen Strategies and Solutions.**

**A motion was made by Council Member Jones to approve the first reading of Ordinance No. 2019-22, seconded by Council Member Rogers, motion was approved on a 4-0 vote. Council Member Peterson was absent.**

- 9B. Consider action to approve the first reading of Ordinance No. 2019-21 of the City Council of the City of Bastrop, Texas, amending the budget for the Fiscal Year 2019 in accordance with existing statutory requirements; appropriating the various amounts herein as attached in Exhibit A; repealing all prior ordinances and actions in conflict herewith; establishing an effective date and move to include on the June 25, 2019 City Council Consent Agenda for a second reading.  
**Presentation was made by Chief Financial Officer, Tracy Waldron.**

**A motion was made by Mayor Pro Tem Nelson to approve the first reading of Ordinance No. 2019-21 excluding the street maintenance portion, seconded by Council Member Rogers, motion was approved on a 4-0 vote. Council Member Peterson was absent.**

**EXECUTIVE SESSION**

**The City Council met at 8:42 p.m. in a closed/executive session pursuant to the Texas Government Code, Chapter 551, et seq, to discuss the following:**

- 10A. City Council shall convene into closed executive session pursuant to Section 551.072 of the Texas Government Code to deliberate the purchase, exchange, lease, or value of real property.

**The Bastrop City Council reconvened at 8:52 p.m. into open (public) session.**

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

There was no action taken.

**ADJOURNMENT**

**Adjourned at 8:52 p.m. without objection.**

APPROVED:

ATTEST:

\_\_\_\_\_  
 Mayor Connie B. Schroeder

\_\_\_\_\_  
 City Secretary Ann Franklin

**The Minutes were approved on May 28, 2019, by Council Member \_\_\_\_\_'s motion, Council Member \_\_\_\_\_'s second. The motion was approved on a \_\_\_\_\_ vote.**

**MINUTES OF SPECIAL COUNCIL MEETING  
BASTROP CITY COUNCIL  
June 18, 2019**

The Bastrop City Council met in a Special Meeting on Tuesday, June 18, 2019 at 6:30 p.m. at the Bastrop City Hall Council Chambers, located at 1311 Chestnut Street, Bastrop, Texas. Members present were Mayor Schroeder, Mayor Pro Tem Nelson and Council Members Jones, Ennis, Rogers and Peterson. Officers present were City Manager Lynda Humble, City Secretary Ann Franklin and City Attorney Alan Bojorquez.

**CALL TO ORDER**

At 6:30 p.m. Mayor Schroeder called the meeting to order with a quorum being present.

**PLEDGE OF ALLEGIANCE**

Bobby D. Mitchell, III; Calvin (CJ) Henricks; and Aneas Henricks, led the pledges.

**INVOCATION**

Father James (Jim) Olmhausen, D. Min., Ascension Catholic Church gave the invocation.

**PRESENTATIONS**

- 4A. Presentations acknowledging the service and contributions of outgoing Councilmember Deborah Jones.
5. Consider action to approve Resolution No. R-2019-58 of the City Council of the City of Bastrop, Texas to canvass the June 8, 2019 Run-off Election for Place 5 of the Bastrop City Council; and establishing an effective date.  
**A motion was made by Council Member Ennis to approve Resolution No. R-2019-58, seconded by Council Member Rogers, motion was approved on a 5-0 vote.**

**OATH OF OFFICE**

- 6A. Incoming Council Member Dock Jackson, Place 5
- Swearing Oath of Office, The Honorable Woodie Jones, Retired, Third Court of Appeals
  - Signature of Official Documents, Ann Franklin, City Secretary
  - Welcome by Council
  - Comments by Council Member Jackson

**ADJOURNMENT**

**Mayor Schroeder adjourned the meeting at 6:56 p.m. without objection.**

APPROVED:

ATTEST:

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Mayor Connie B. Schroeder

---

City Secretary Ann Franklin

The Minutes were approved on June 25, 2019, by Council Member \_\_\_\_\_ motion,  
Council Member \_\_\_\_\_ second. The motion was approved on a \_\_\_ vote.

DRAFT





# STAFF REPORT

**MEETING DATE:** June 25, 2019

**AGENDA ITEM:** 8B

**TITLE:**

Consider action to approve the second reading of Ordinance No. 2019-21 of the City Council of the City of Bastrop, Texas, amending the budget for the Fiscal Year 2019 in accordance with existing statutory requirements; appropriating the various amounts herein as attached in Exhibit A; repealing all prior ordinances and actions in conflict herewith; and establishing an effective date.

**STAFF REPRESENTATIVE:**

Tracy Waldron, Chief Financial Officer

**BACKGROUND/HISTORY:**

The FY2019 budget was approved by City Council on September 24, 2018. Since that approval there have been some unforeseen amounts that need to be addressed through an amendment.

General Fund includes:

- Allocation of salary savings to reconcile salary adjustments and set aside balance for contingency.

Water/Wastewater Capital Fund:

- The North Main sewer project that is partially grant funded, was originally budgeted for FY2020. This project has been escalated and will need to be completed before the end of FY2019. This amendment moves this appropriation from FY2020 to FY2019.
- The Well J project was originally projected to be fully funded out of the 2014 Bond Fund. Due to a change order with the 16" river crossing water line project, the funds in the bond account were exhausted and the final payment for Well J needs to be funded out of the Water/Wastewater Capital Projects Fund.

BP& L Fund:

- This amendment is for carryover projects from FY2019. These funds were originally budgeted in FY2019 but will not complete until FY2020.

Hotel Occupancy Tax Fund:

- The Convention Center is offering catering packages as part of their new pricing. They have contracted with several sizable groups to offer this service. This amendment increases the revenue and expenses associated with this service. It is a net neutral amendment.

Impact Fee Fund:

- A portion of the Wastewater collection system will be funded out of available funds from the Impact Fee Fund. This amendment appropriates those available funds.

Hunter's Crossing Public Improvement District Fund:

- This amendment appropriates the unbudgeted revenue received from the assessments paid by the current developer. Also, this amendment increases the legal line item to cover the additional cost of the statutory audit currently being conducted.

Grant Fund:

- This is the grant portion of the North Main Sewer project. Appropriating the increase in revenue and expense for this project. This amendment is net neutral.

City Council approved first reading of this Ordinance with the removal of the Street Maintenance Fund portion of amendment.

**POLICY EXPLANATION:**

The City Charter requires that when the budget is amended, that the amendment be made by Ordinance.

**FUNDING SOURCE:**

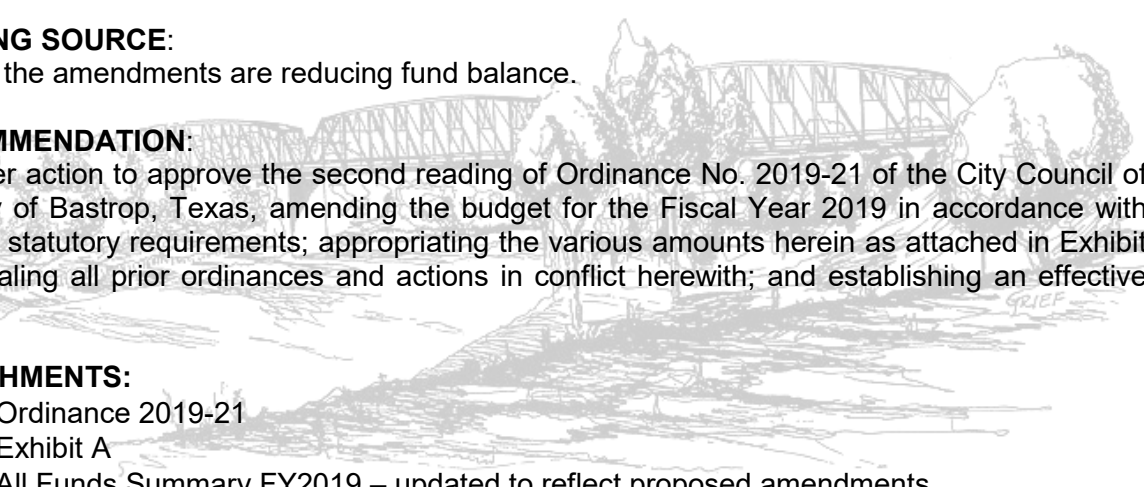
Most of the amendments are reducing fund balance.

**RECOMMENDATION:**

Consider action to approve the second reading of Ordinance No. 2019-21 of the City Council of the City of Bastrop, Texas, amending the budget for the Fiscal Year 2019 in accordance with existing statutory requirements; appropriating the various amounts herein as attached in Exhibit A; repealing all prior ordinances and actions in conflict herewith; and establishing an effective date.

**ATTACHMENTS:**

- Ordinance 2019-21
- Exhibit A
- All Funds Summary FY2019 – updated to reflect proposed amendments



**ORDINANCE NO. 2019-21**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, AMENDING THE BUDGET FOR THE FISCAL YEAR 2019 IN ACCORDANCE WITH EXISTING STATUTORY REQUIREMENTS; APPROPRIATING THE VARIOUS AMOUNTS HEREIN, AS ATTACHED IN EXHIBIT A; REPEALING ALL PRIOR ORDINANCES AND ACTIONS IN CONFLICT HEREWITH; AND ESTABLISHING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Manager of the City of Bastrop, Texas has submitted to the Mayor and City Council proposed amendment(s) to the budget of the revenues and/or expenditures/expenses of conducting the affairs of said city and providing a complete financial plan for Fiscal Year 2019; and

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

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

**Section 1:** That the proposed budget amendment(s) for the Fiscal Year 2019, as submitted to the City Council by the City Manager and which budget amendment(s) are attached hereto as Exhibit A, are hereby adopted and approved as the amended budget of said city for Fiscal Year 2019.

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

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

**READ and APPROVED** on First Reading on the 11<sup>th</sup> day of June 2019.

**READ and ADOPTED** on Second Reading on the 25<sup>th</sup> day of June 2019.

**APPROVED:**

\_\_\_\_\_  
Connie B. Schroeder, Mayor

**ATTEST:**

\_\_\_\_\_  
Ann Franklin, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Alan Bojorquez, City Attorney

**Exhibit "A"**  
**FY 2019**  
**BUDGET AMENDMENTS**  
**GENERAL FUND**

Audited Fund Balance as of 9-30-18	\$ 2,566,858
FY2019 Budgeted Revenues	\$ 11,507,934
FY2019 Budgeted Expenses	\$ (11,507,934)
10/2018 Budget Amendments (net)	\$ (10,000)
2/2019 Budget Amendments (net)	\$ -
5/2019 Budget Amendments (net)	\$ 0
Ending Fund Balance	<u>\$ 2,556,858</u>

DEPARTMENT	BUDGET	AMOUNT	DESCRIPTION	ACCOUNT #
<b>New Revenue:</b>				
<b>Matching Revenues to Expenditures:</b>				
	Neutral	\$918	Insurance Proceeds	101-00-00-4537
	<u>Total Revenues</u>		<u>\$918</u>	
<b>Matching Expenditures to Revenues:</b>				
Fire	Neutral	(\$918)	Vehicle Maintenance	101-11-00-5340
<b>New Expenditures:</b>				
City Manager	Decrease	(35,625)	Operating Salaries	101-03-00-5101
Finance	Decrease	(39,400)	Operating Salaries	101-05-00-5101
Human Resources	Increase	16,000	Operating Salaries	101-06-00-5101
IT	Decrease	(70,000)	Operating Salaries	101-07-00-5101
Police - Admin	Decrease	(13,000)	Operating Salaries	101-09-10-5101
Police-Code/Animal	Decrease	(9,500)	Operating Salaries	101-09-12-5101
Police-CID	Decrease	(5,000)	Operating Salaries	101-09-21-5101
Police - Patrol	Decrease	(45,000)	Operating Salaries	101-09-22-5101
Fire	Increase	26,700	Operating Salaries	101-11-00-5101
Planning & Zoning	Increase	22,500	Operating Salaries	101-15-00-5101
Building Maintenance	Decrease	(5,000)	Operating Salaries	101-18-20-5101
Library	Decrease	(70,000)	Operating Salaries	101-21-00-5101
City Secretary	Increase	20,000	Election Services	101-04-00-5681
Organizational	Increase	35,071	Contingency	101-02-00-5900
	Decrease	172,254	Salary Adjustment Plan (\$172,254)	101-02-00-5901
	<u>Total Expenditures</u>		<u>(\$918)</u>	
	Net Change		\$0	

**FY 2019  
BUDGET AMENDMENTS  
INNOVATION FUND**

Audited Fund Balance as of 9-30-18	\$ 1,468,984
FY 2019 Budgeted Revenues	\$ 763,825
FY 2019 Budgeted Appropriations	\$ (2,195,242)
10/2018 Budget Amendment	\$ (15,247)
5/2019 Budget Amendment	<u>\$ -</u>
Ending Fund Balance	<u>\$ 22,320</u>

BUDGET	AMOUNT	DESCRIPTION	ACCOUNT NUMBER
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**Matching Revenues to Expenditures:**

Neutral	165,000	Other Financing Sources-BP&L Loan	105-00-00-4518
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Total Revenues	<u>0</u>
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**Matching Expenditures to Revenues:**

Neutral	(165,000)	Capital Outlay	105-00-00-6000
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**New Expenditures:**

Total Expense	<u>\$ -</u>
Net Change	\$ -

**FY 2019  
BUDGET AMENDMENTS  
WATER/WASTEWATER CAPITAL FUND**

Audited Fund Balance as of 9-30-18	\$ 2,725,000
FY 2019 Budgeted Revenues	\$ 155,000
FY 2019 Budgeted Expenses	\$ (875,730)
2/2019 Budget Amendments (net)	\$ (1,706,770)
5/2019 Budget Amendments (net)	<u>\$ (274,605)</u>
Ending Fund Balance	<u>\$ 22,895</u>

DEPARTMENT	BUDGET	AMOUNT	DESCRIPTION	ACCOUNT #
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**Matching Revenues to Expenditures:**

Total Revenues \$ -

**Matching Expenditures to Revenues:**

Increase

**New Expenditures:**

Increase	\$ (124,605)	Water Supply Infrast-Well J	250-50-00-6727
Increase	\$ (150,000)	Wastewater System Rehab-N. Main Sewer	250-51-00-6723

Total Expense \$ (274,605)  
 Net Change \$ (274,605)

**FY 2019  
BUDGET AMENDMENTS  
BP&L**

Audited Fund Balance as of 9/30/18	4,128,870
FY2019 Budgeted Revenues	7,721,040
FY2019 Budgeted Appropriations	(8,192,778)
5/2019 Budget Amendments (net)	<u>(\$152,000)</u>
Ending Fund Balance	<u><u>3,505,132</u></u>

DEPARTMENT	BUDGET	AMOUNT	DESCRIPTION	ACCOUNT NUMBER
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**Matching Revenues to Expenditures:**

Total Revenues 0

**Matching Expenditures to Revenues:**

Increase      (152,000)      System Study Improvements      404-60-00-6501

**New Expenditures:**

Total Expense      (152,000)  
 Net Change      (152,000)



**FY 2019  
BUDGET AMENDMENTS  
HOTEL/MOTEL TAX FUND**

Audited Fund Balance as of 9-30-18	3,425,181
FY 2019 Budgeted Revenues	3,571,246
FY 2019 Budgeted Appropriations	(3,909,689)
10/2018 Budget Amendments (net)	(19,357)
5/2019 Budget Amendments (net)	<u>0</u>
Ending Fund Balance	<u><u>3,067,381</u></u>

DEPARTMENT	BUDGET	AMOUNT	DESCRIPTION	ACCOUNT #
<b>Matching Revenues to Expenditures:</b>				
Convention Center	Neutral	43,000	Catering Services	501-00-00-4048
	Total Revenue	<u>43,000</u>		
<b>Matching Expenditures to Revenues:</b>				
Convention Center	Neutral	(43,000)	Client Contracted Exp	501-85-75-5561
New Expenditures:				
	Increase			
	Increase			
	Total Expense	<u>(43,000)</u>		
	Net Change	0		

**FY 2019  
BUDGET AMENDMENTS  
IMPACT FUND #306**

Audited Fund Balance as of 9/30/18	\$ 682,570
FY 2019 Budgeted Revenues	\$ 499,600
FY 2019 Budgeted Appropriations	\$ (495,545)
2/2019 Budget Amendment	\$ (18,500)
5/2019 Budget Amendment	<u>\$ (262,405)</u>
Ending Fund Balance	<u>\$ 405,720</u>

DEPARTMENT	BUDGET	AMOUNT	DESCRIPTION	ACCOUNT NUMBER
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**New Expenditures:**

Water/Wastewater	Increase	\$ (262,405)	Design-Westside Collection System	306-51-51-6176
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Total Expense \$ (262,405)

Net Change \$ (262,405)

**FY 2019  
BUDGET AMENDMENTS  
HUNTER'S CROSSING PUBLIC IMPROVEMENT DISTRICT**

Audited Fund Balance as of 9-30-18	(95,221)
FY 2019 Budgeted Revenues	440,666
FY 2019 Budgeted Appropriations	(112,720)
5/2019 Budget Amendments (net)	<u>102,682</u>
Ending Fund Balance	<u><u>335,407</u></u>

DEPARTMENT	BUDGET	AMOUNT	DESCRIPTION	ACCOUNT #
		<b>New Revenue:</b>		
		41,832	Commercial-Current-M&O	710-00-00-4001
		90,850	Commercial-Current-CIP	710-00-00-4011
	Total Revenue	<u>132,682</u>		
		<b>Matching Revenues to Expenditures:</b>		
		Neutral		
	Total Revenue	<u>132,682</u>		
		<b>Matching Expenditures to Revenues:</b>		
	Increase	(30,000)	Legal Services	710-00-00-5525
		<b>New Expenditures:</b>		
	Total Expense	<u>(30,000)</u>		
	Net Change	102,682		



# STAFF REPORT

**MEETING DATE:** June 25, 2019

**AGENDA ITEM:** 8C

**TITLE:**

Consider action to approve the second reading of Ordinance No. 2019-22 of the City Council of the City of Bastrop, Texas, amending the Bastrop City Code of Ordinances, Appendix A, Fee Schedule, Article A13.02 "Water and Wastewater Rates and Charges", Sections A13.02.002 Wastewater Service Charge and A13.02.004 Water Service Charge, adding new Subsections A13.02.002(c) and Subsection A13.02.004(b), as attached in Exhibit A; providing for: findings of fact, enactment, repealer, severability, effective date, codification, and proper notice and meeting.

**STAFF REPRESENTATIVE:**

Tracy Waldron, Chief Financial Officer

**BACKGROUND/HISTORY:**

The City of Bastrop hired the consultants NewGen Strategies & Solutions to assist with the development of wholesale water and wastewater rates. These rates are critical to meet the goal of fiscal sustainability. These rates will allow the City to engage in agreements with developers to provide wholesale water and wastewater service which will reduce the financial burden of the wastewater facility infrastructure costs from our current customers. These proposed rates were presented to City Council at a Special Workshop on February 25, 2019. The wholesale water rates incorporate the pass-through costs that the City negotiated with Aqua Water Supply Corporation in November 2018. These rates will allow developers a one-stop-shop for development.

On April 23, 2019 the City Council approved a standard wholesale water and wastewater agreement to be used with potential developers. This ordinance takes the proposed rates presented in February and incorporates them into the City's Code of Ordinance Fee Schedule.

City Council approved 1<sup>st</sup> reading of Ordinance 2019-22 at the June 11, 2019 City Council Meeting.

**POLICY EXPLANATION:**

The City Charter, Section 3.14 requires that the rates charged for its services by a public utility be adopted and approved by Ordinance.

**FUNDING SOURCE:**

N/A

**RECOMMENDATION:**

Consider action to approve the second reading of Ordinance No. 2019-22 of the City Council of the City of Bastrop, Texas, amending the Bastrop City Code of Ordinances, Appendix A, Fee Schedule, Article A13.02 "Water and Wastewater Rates and Charges", Sections A13.02.002 Wastewater Service Charge and A13.02.004 Water Service Charge, adding new Subsections A13.02.002(c) and Subsection A13.02.004(b), as attached in Exhibit A; providing for: findings of fact, enactment, repealer, severability, effective date, codification, and proper notice and meeting.

**ATTACHMENTS:**

- Ordinance No. 2019-22



**ORDINANCE NO. 2019-22**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, AMENDING THE BASTROP CITY CODE OF ORDINANCES, APPENDIX A, FEE SCHEDULE, ARTICLE A13.02 "WATER AND WASTEWATER RATES AND CHARGES", SECTIONS A13.02.002 WASTEWATER SERVICE CHARGE AND A13.02.004 WATER SERVICE CHARGE, ADDING NEW SUBSECTIONS A13.02.002(c) AND SUBSECTION A13.02.004(b), AS ATTACHED IN EXHIBIT A; PROVIDING FOR: FINDINGS OF FACT, ENACTMENT, REPEALER, SEVERABILITY, EFFECTIVE DATE, CODIFICATION, AND PROPER NOTICE AND MEETING**

**WHEREAS**, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt ordinances or regulations that are for the good government, peace, or order of the City and that are necessary or proper for carrying out a power granted by law to the City; and

**WHEREAS**, the City Council of the City of Bastrop, Texas conducted a special workshop on water and wastewater on March 24, 2018 to discuss the current state of both utilities; and

**WHEREAS**, after careful engineering and technical analysis, the City has determined that, due to increased demands resulting from population growth within the City, and age of our infrastructure, the City's wastewater facilities and related infrastructure will not have the capacity to adequately handle the current or future demands for wastewater service placed upon such facilities and infrastructure; and

**WHEREAS**, after a study of the metal thickness of the current wastewater plant, the need to have a design for construction already in process was essential; and

**WHEREAS**, in order to address these critical needs, City Staff and professional consultants are developing a multi-year program to finance the needed wastewater facility and infrastructure improvements, with the objectives of providing for the health, safety and welfare of Bastrop's citizens, and providing for the orderly and equitable funding of these utility improvements which are necessary for the ongoing and future provision of wastewater services to the citizens of Bastrop; and

**WHEREAS**, in November 2018 City Council of the City of Bastrop, Texas approved an agreement with Aqua Water Supply Company to provide an emergency connection and the ability to purchase water through a wholesale rate. This would allow developers a one-stop-shop for water and wastewater; and

**WHEREAS**, at a Special Workshop on February 25, 2019, City Council of the City of Bastrop, Texas received a presentation from their rate consultant regarding water and wastewater wholesale rates; and

**WHEREAS**, on April 23, 2019, the City Council of the City of Bastrop, Texas approved standard wholesale water and wastewater agreements to be used with potential developers; and

**WHEREAS**, the City Council of the City of Bastrop, Texas has determined that in order to properly provide water and wastewater service to wholesales customers, it is necessary to amend the City Code of Ordinances Appendix A: Fee Schedule Article A13.02 Water and Wastewater Rates and Charges, as noted below.

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

**SECTION 1. FINDINGS OF FACT** The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

**SECTION 2. ENACTMENT** Appendix A, Article A13.02 Water and Wastewater Rates and Charges, Sections A13.02.002 Wastewater service charge and A13.02.004 Water service charge are hereby amended to read in accordance with Exhibit A which is attached hereto and incorporated into this Ordinance for all intents and purposes. Underlined language shall be added. Stricken language shall be deleted.

**SECTION 3. REPEALER** All ordinances, resolutions, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

**SECTION 4. SEVERABILITY** Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

**SECTION 5. EFFECTIVE DATE** This Ordinance shall be effective immediately upon passage and publication.

**SECTION 6. PROPER NOTICE & MEETING** It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

**READ & ACKNOWLEDGED** on First Reading on the 11<sup>th</sup> day of June 2019.

**READ & APPROVED** on the Second Reading on the 25<sup>th</sup> day of June 2019.

**APPROVED:**

\_\_\_\_\_  
Connie B. Schroeder, Mayor

**ATTEST:**

\_\_\_\_\_  
Ann Franklin, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Alan Bojorquez, City Attorney



Exhibit "A"

**CHAPTER 13 UTILITIES**  
**ARTICLE A13.02 WATER AND WASTEWATER RATES AND CHARGES**

**Sec. A13.02.002 –Wastewater service charge.**

(a) ~~These~~ **Retail Wastewater:** The following rates are applicable to all residential, multifamily and commercial retail wastewater customers within the corporate limits of the city who have metered water connections and to whom city wastewater service has actually been connected, except for customers who have a city-approved, on-site sewer system, septic system or other on-site wastewater system, and have not connected to the city's wastewater system, or customers who have a water meter for irrigation use only, as long as the irrigation meter does not provide water to plumbing fixtures.

Minimum charge:	\$36.97
Plus the following charges for consumption per 1,000 gallons:	
0-5,000 gallons	\$2.45
5,001-10,000 gallons	\$2.77
10,001-20,000 gallons	\$2.95
20,001-50,000 gallons	\$3.18
Over 50,000 gallons	\$3.47

**Commented [ES1]:** Tracy – you changed this to 36.97 – is that correct?

(Ord. No. 2014-21, 9-23-14; Ord. No. 2015-17, pt. 1, 9-22-15)

(b) In order to meet critical needs of the city's wastewater system, it is the city's intention to increase these rates, by separate ordinances, by not less than 3.5% each year, starting in December 2012, and each succeeding December until December 2020, consistent with the recommendations of the city's staff, K\* Friese and Associates and Rimrock Consulting. The intended future rate increases are as follows:

December 2013 - Minimum and volume charges not less than 6.3% higher than those shown adopted in 2012;

December 2014 - Minimum and volume charges not less than 3.5% higher than those shown adopted in 2013;  
 December 2015 - Minimum and volume charges not less than 3.5% higher than those shown adopted in 2014;  
 December 2016 - Minimum and volume charges not less than 4.5% higher than those shown adopted in 2015;  
 December 2017 - Minimum and volume charges not less than 4.5% higher than those shown adopted in 2016;  
 December 2018 - Minimum and volume charges not less than 4.0% higher than those shown adopted in 2017; and  
 December 2019 - Minimum and volume charges not less than 3.5% higher than those shown adopted in 2018.  
 (Ord. No. 2012-25, 12-11-12)

(c) **Wholesale Wastewater:** The following rates are applicable to all wholesale wastewater customers within the corporate limits of the city and the city's extraterritorial jurisdiction who have metered wastewater connections and whom have executed a wholesale wastewater agreement with the city:

<u>Monthly Fixed Charge</u>	
<u>Customer Charge</u>	<u>\$2.23 per wholesale meter</u>
<u>Plus the following charges per 1,000 gallons of metered contributed flow</u>	
<u>Volumetric Charge per 1,000 gallons</u>	<u>\$3.83 per 1,000 gallons of metered flow contributed</u>

**Sec. A13.02.004 - Water service charges.**

(a) **Retail Water:** ~~These~~ The following rates will be applicable to all retail sales or service of water within the corporate limits of the city.

(1) Residential - In city limits.

Meter Size	Minimum Charge
¾" (or smaller)	\$27.72
1"	\$47.13
1½"	\$79.47
2"	\$118.28
3"	\$221.78
4"	\$255.07
6"	\$661.68

Plus the following charges for consumption per 1,000 gallons:

0—3,000 gallons	\$ 2.85
3,001—5,000 gallons	\$ 3.04
5,001—10,000 gallons	\$ 3.22
10,001—20,000 gallons	\$ 3.42
20,001—50,000 gallons	\$ 3.69
Over 50,000 gallons	\$ 3.87

*Commercial - In city limits.*

Meter Size	Minimum Charge
¾" (or smaller)	\$27.72
1"	\$47.13
1½"	\$79.47
2"	\$118.28
3"	\$221.78
4"	\$255.07
6"	\$661.68

Plus the following charges for consumption per 1,000 gallons:

0—3,000 gallons	\$2.85
3,001—5,000 gallons	\$3.04
5,001—10,000 gallons	\$3.22
10,001—20,000 gallons	\$3.42
20,001—50,000 gallons	\$3.69
Over 50,000 gallons	\$3.87

(Ord. No. 2015-17, pt. 1, 9-22-15)

(2) *Residential and Commercial - Outside city limits.*

Meter Size	Minimum Charge
¾" (or smaller)	\$41.59
1"	\$70.69
1½"	\$119.22
2"	\$177.43
3"	\$332.68
4"	\$507.34
6"	\$992.48

Plus the following charges for consumption per 1,000 gallons:

0—3,000 gallons	\$4.13
3,001—5,000 gallons	\$4.42
5,001—10,000 gallons	\$4.70
10,001—20,000 gallons	\$4.98
20,001—50,000 gallons	\$5.39
Over 50,000 gallons	\$5.66

(Ord. No. 2014-21, 9-23-14; Ord. No. 2015-17, pt. 1, 9-22-15)

(3) In order to meet critical needs of the city's water system, it is the city's intention to increase these rates, by separate ordinances, by not less than 3.5% each year, starting in December 2012, and each succeeding December until December 2020, consistent with the recommendations of the city's staff, K\* Friese and Associates and Rimrock consulting. The intended future rate increases are as follows:

December 2013 - Minimum and volume charges not less than 6.3% higher than those shown adopted in 2012;  
 December 2014 - Minimum and volume charges not less than 3.5% higher than those shown adopted in 2013;  
 December 2015 - Minimum and volume charges not less than 3.5% higher than those shown adopted in 2014;  
 December 2016 - Minimum and volume charges not less than 4.5% higher than those shown adopted in 2015;  
 December 2017 - Minimum and volume charges not less than 4.5% higher than those shown adopted in 2016;  
 December 2018 - Minimum and volume charges not less than 4.0% higher than those shown adopted in 2017; and  
 December 2019 - Minimum and volume charges not less than 3.5% higher than those shown adopted in 2018.

(Ord. No. 2012-25, 12-11-12)

(b) **Wholesale Water:** The following rates are applicable to wholesale sales of water within the corporate limits of the city and the city's extraterritorial jurisdiction who have metered water connections and whom have executed a wholesale water agreement with the city.

<u>Monthly Fixed Charge</u>	
<u>Source Cost</u>	<u>\$45,000.00 per MGD subscribed capacity</u>
<u>Transmission Cost</u>	<u>\$4,243.70 per MGD subscribed capacity</u>
<u>Customer Charge</u>	<u>\$2.23 per wholesale meter</u>
<u>Plus the following charges for consumption per 1,000 gallons</u>	
<u>Volumetric Charge per 1,000 gallons</u>	<u>\$1.97 per 1,000 gallons of actual consumption</u>

Attachment-Exhibit "A"

**CHAPTER 13 UTILITIES**  
**ARTICLE A13.02 WATER AND WASTEWATER RATES AND CHARGES**

**Sec. A13.02.002 –Wastewater service charge.**

- (a) ~~These~~ **Retail Wastewater:** The following rates are applicable to all residential, multifamily and commercial retail wastewater customers within the corporate limits of the city who have metered water connections and to whom city wastewater service has actually been connected, except for customers who have a city-approved, on-site sewer system, septic system or other on-site wastewater system, and have not connected to the city's wastewater system, or customers who have a water meter for irrigation use only, as long as the irrigation meter does not provide water to plumbing fixtures.

Minimum charge:	\$36.97
Plus the following charges for consumption per 1,000 gallons:	
0-5,000 gallons	\$2.45
5,001-10,000 gallons	\$2.77
10,001-20,000 gallons	\$2.95
20,001-50,000 gallons	\$3.18
Over 50,000 gallons	\$3.47

**Commented [ES1]:** Tracy – you changed this to 36.97 – is that correct?

(Ord. No. 2014-21, 9-23-14; Ord. No. 2015-17, pt. 1, 9-22-15)

- (b) In order to meet critical needs of the city's wastewater system, it is the city's intention to increase these rates, by separate ordinances, by not less than 3.5% each year, starting in December 2012, and each succeeding December until December 2020, consistent with the recommendations of the city's staff, K\* Friese and Associates and Rimrock Consulting. The intended future rate increases are as follows:

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December 2019 - Minimum and volume charges not less than 3.5% higher than those shown adopted in 2018.

(Ord. No. 2012-25, 12-11-12)

- (c) **Wholesale Wastewater:** The following rates are applicable to all wholesale wastewater customers within the corporate limits of the city and the city's extraterritorial jurisdiction who have metered wastewater connections and whom have executed a wholesale wastewater agreement with the city:

<u>Monthly Fixed Charge</u>	
<u>Customer Charge</u>	<u>\$2.23 per wholesale meter</u>
<u>Plus the following charges per 1,000 gallons of metered contributed flow</u>	
<u>Volumetric Charge per 1,000 gallons</u>	<u>\$3.83 per 1,000 gallons of metered flow contributed</u>



**Sec. A13.02.004 - Water service charges.**

(a) **Retail Water:** ~~These~~ The following rates will be applicable to all retail sales or service of water within the corporate limits of the city.

(1) Residential - In city limits.

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6"	\$661.68

Plus the following charges for consumption per 1,000 gallons:

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3,001—5,000 gallons	\$ 3.04
5,001—10,000 gallons	\$ 3.22
10,001—20,000 gallons	\$ 3.42
20,001—50,000 gallons	\$ 3.69
Over 50,000 gallons	\$ 3.87

Commercial - In city limits.

Meter Size	Minimum Charge
¾" (or smaller)	\$27.72
1"	\$47.13
1½"	\$79.47
2"	\$118.28
3"	\$221.78
4"	\$255.07
6"	\$661.68

Plus the following charges for consumption per 1,000 gallons:

0—3,000 gallons	\$2.85
3,001—5,000 gallons	\$3.04
5,001—10,000 gallons	\$3.22
10,001—20,000 gallons	\$3.42
20,001—50,000 gallons	\$3.69
Over 50,000 gallons	\$3.87

(Ord. No. 2015-17, pt. 1, 9-22-15)

## (2) Residential and Commercial - Outside city limits.

Meter Size	Minimum Charge
¾" (or smaller)	\$41.59
1"	\$70.69
1½"	\$119.22
2"	\$177.43
3"	\$332.68
4"	\$507.34
6"	\$992.48

Plus the following charges for consumption per 1,000 gallons:

0—3,000 gallons	\$4.13
3,001—5,000 gallons	\$4.42
5,001—10,000 gallons	\$4.70
10,001—20,000 gallons	\$4.98
20,001—50,000 gallons	\$5.39
Over 50,000 gallons	\$5.66

(Ord. No. 2014-21, 9-23-14; Ord. No. 2015-17, pt. 1, 9-22-15)

- (3) In order to meet critical needs of the city's water system, it is the city's intention to increase these rates, by separate ordinances, by not less than 3.5% each year, starting in December 2012, and each succeeding December until December 2020, consistent with the recommendations of the city's staff, K\* Friese and Associates and Rimrock consulting. The intended future rate increases are as follows:

December 2013 - Minimum and volume charges not less than 6.3% higher than those shown adopted in 2012;  
 December 2014 - Minimum and volume charges not less than 3.5% higher than those shown adopted in 2013;  
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 December 2017 - Minimum and volume charges not less than 4.5% higher than those shown adopted in 2016;  
 December 2018 - Minimum and volume charges not less than 4.0% higher than those shown adopted in 2017; and  
 December 2019 - Minimum and volume charges not less than 3.5% higher than those shown adopted in 2018.

(Ord. No. 2012-25, 12-11-12)

- (b) **Wholesale Water:** The following rates are applicable to wholesale sales of water within the corporate limits of the city and the city's extraterritorial jurisdiction who have metered water connections and whom have executed a wholesale water agreement with the city.

<u>Monthly Fixed Charge</u>	
<u>Source Cost</u>	<u>\$45,000.00 per MGD subscribed capacity</u>
<u>Transmission Cost</u>	<u>\$4,243.70 per MGD subscribed capacity</u>
<u>Customer Charge</u>	<u>\$2.23 per wholesale meter</u>
<u>Plus the following charges for consumption per 1,000 gallons</u>	
<u>Volumetric Charge per 1,000 gallons</u>	<u>\$1.97 per 1,000 gallons of actual consumption</u>



# STAFF REPORT

**MEETING DATE:** June 25, 2019

**AGENDA ITEM:** 9A

**TITLE:**

Consider action to approve the first reading of Ordinance No. 2019-23 of the City Council of the City of Bastrop, Texas, authorizing the City of Bastrop to convey to Garments to Go, Inc. that certain 6.000 acre real property legally described as Lot 3, Block A, Bastrop Business and Industrial Park Phase I Subdivision, located in Bastrop County, as set forth in volume 908, page 275 of the deed records of Bastrop County, Texas; and providing for the following: findings of fact; repealer; severability; proper notice and meeting; and move to include on the July 9, 2019 Consent Agenda for a second reading.

**STAFF REPRESENTATIVE:**

Tracy Waldron, Chief Financial Officer

**BACKGROUND/HISTORY:**

On or about March 7, 1995, the City of Bastrop, Texas entered into an Economic Development Performance Agreement whereby the City agreed to provide certain economic development incentives to Garments to Go, L.P. in exchange for the Company's development of certain property. This parcel in the Industrial Park was transferred from the Economic Development Corporation to the City to facilitate a Texas Capital Grant to the City. As part of that agreement, the City agreed to grant the Company the right to lease the property for a period of two hundred forty (240) month amortization period for an amount specified therein, and following completion of the amortization payments and other terms and conditions under the agreement, the City will convey the property including all improvements to the Company.

City staff has determined that Garments to Go, L.P. has made all required payments and has satisfied all the terms and conditions of the agreement and therefore recommends that City Council authorize the conveyance of the property to Garments to Go, L.P.

**POLICY EXPLANATION:**

Section 272.001, Texas Local Government Code, provides that the bidding requirements of subsection (a) of this statute do not apply to a real property interest conveyed for economic development purposes.

**FUNDING SOURCE:**

N/A

**RECOMMENDATION:**

Consider action to approve the first reading of Ordinance No. 2019-23 of the City Council of the City of Bastrop, Texas, authorizing the City of Bastrop to convey to Garments to Go, Inc. that certain 6.000 acre real property legally described as Lot 3, Block A, Bastrop Business and Industrial Park Phase I Subdivision, located in Bastrop County, as set forth in volume 908, page 275 of the deed records of Bastrop County, Texas; and providing for the following: findings of fact;

repealer; severability; proper notice and meeting; and move to include on the July 9, 2019 Consent Agenda for a second reading.

**ATTACHMENTS:**

- Ordinance 2019-23
- Property Map



## ORDINANCE NO. 2019-23

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, AUTHORIZING THE CITY OF BASTROP TO CONVEY TO GARMENTS TO GO, INC. THAT CERTAIN 6.000 ACRE REAL PROPERTY LEGALLY DESCRIBED AS LOT 3, BLOCK A, BASTROP BUSINESS AND INDUSTRIAL PARK PHASE I SUBDIVISION, LOCATED IN BASTROP COUNTY, AS SET FORTH IN VOLUME 908, PAGE 275 OF THE DEED RECORDS OF BASTROP COUNTY, TEXAS; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; REPEALER; SEVERABILITY; PROPER NOTICE AND MEETING.**

**WHEREAS**, the City of Bastrop, Texas is the owner in fee simple of that certain 6.000 acre real property legally described as Lot 3, Block A, Bastrop Business and Industrial Park Phase I Subdivision, located in Bastrop County, Texas as set forth in Volume 908, Page 275 of the Deed Records of Bastrop County, Texas (the "Property");

**WHEREAS**, on or about March 7, 1995, the City of Bastrop, Texas entered into an Economic Development Performance Agreement ("EDC Agreement") whereby the City agreed to provide certain economic development incentives to Garments to Go, L.P. ("Company") in exchange for the Company's development of certain property owned by the City;

**WHEREAS**, as a part of the EDC Agreement, the City agreed to grant the Company the right to lease the Property for a period of Two Hundred Forty (240) month amortization period for an amount specified therein, and following completion of the amortization payments and other terms and conditions under the Agreement, that the City will convey the Property including all improvements to the Company;

**WHEREAS**, City staff has determined that the Company has made all required payments and has satisfied all the terms and conditions of the Agreement and therefore recommends that the City Council authorize the conveyance of the Property to the Company;

**WHEREAS**, Section 272.001, Texas Local Government Code, provides that the bidding requirements of subsection (a) of this statute do not apply to a real property interest conveyed for economic development purposes; and

**WHEREAS**, the parties now desire to authorize the conveyance of the Property to the Company pursuant to the EDC Agreement.

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

**SECTION 1: FINDINGS OF FACT:** The foregoing recitals are adopted as facts and incorporated fully herein.

**SECTION 2: ENACTMENT OF PROVISIONS:**

1. That the Mayor or his designee is authorized to sign any and all documents approved by the City Attorney or designee necessary to effectuate the conveyance of the Property, being that certain 6.000 acre real property legally described as Lot 3, Block A, Bastrop Business and

Industrial Park Phase I Subdivision, located in Bastrop County, Texas as set forth in Volume 908, Page 275 of the Deed Records of Bastrop County, Texas.

2. Effective Date. This ordinance shall become effective immediately upon adoption.

**SECTION 3: REPEALER:** To the extent reasonably possible, ordinances are to be read together in harmony. However, all ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

**SECTION 4: SEVERABILITY:** Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

**SECTION 5: PROPER NOTICE & MEETING:** It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

**READ and APPROVED** on First Reading on the 25<sup>th</sup> day of June 2019.

**READ and ADOPTED** on Second Reading on the 9<sup>th</sup> day of July 2019.

**APPROVED:**

\_\_\_\_\_  
Connie B. Schroeder, Mayor

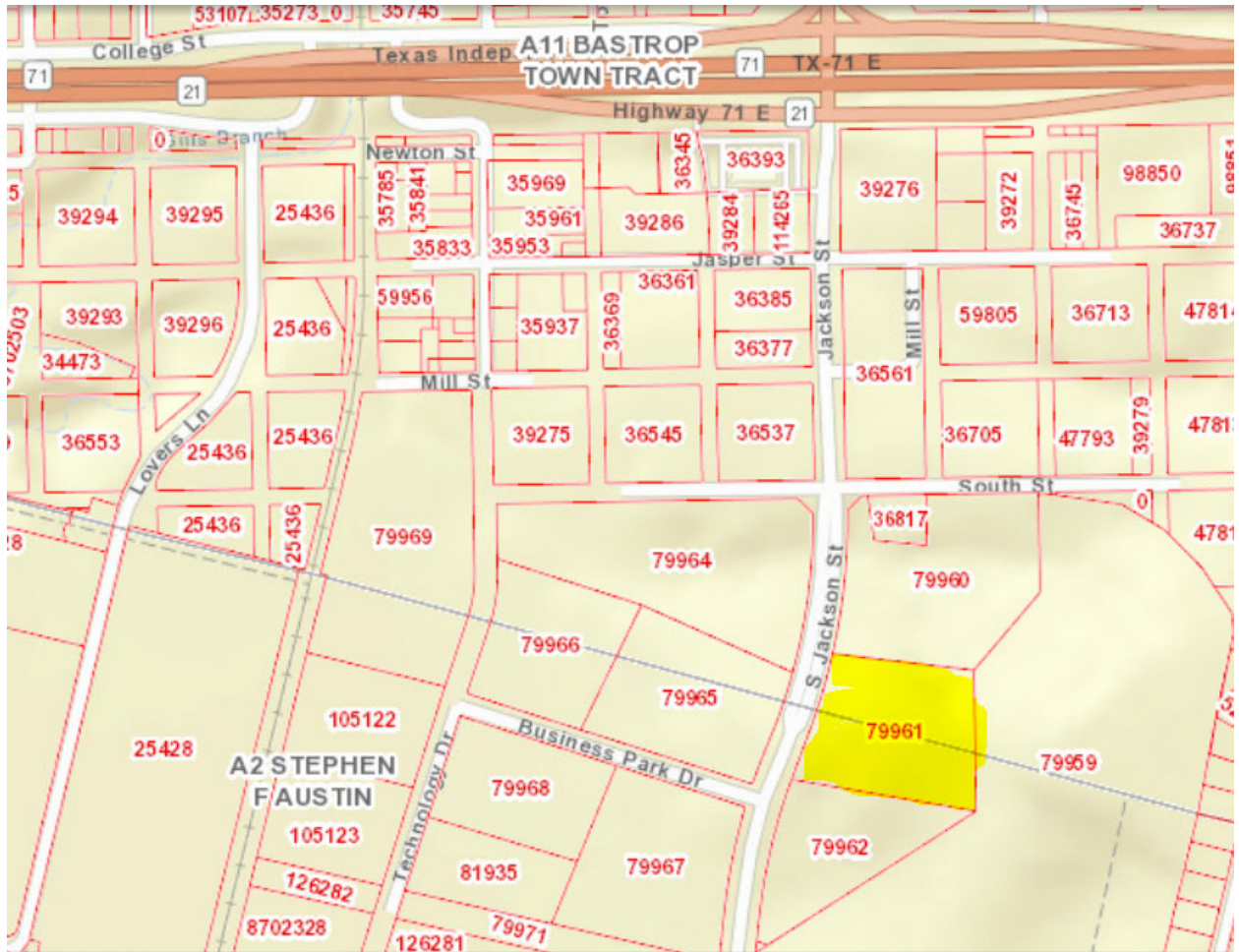
**ATTEST:**

\_\_\_\_\_  
Ann Franklin, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Alan Bojorquez, City Attorney







# STAFF REPORT

**MEETING DATE:** June 25, 2019

**AGENDA ITEM:** 9B

**TITLE:**

Consider action to approve the first reading to amend Ordinance No. 2019-16 of the City Council of the City of Bastrop, Texas, Attachment A (1) a - No Impact Projects (Enhanced Permitting Process); and providing for legislative findings of fact, repealer, enactment, duration, extension, severability, enforcement, proper notice and meeting, effective date, applicability, alternate approvals, appeals, definitions, and move to include on the July 9, 2019 Consent Agenda for second reading.

**STAFF REPRESENTATIVE:**

Matt Jones, Director of Planning and Development

**BACKGROUND/HISTORY:**

The City Council approved Ordinance No. 2019-16 – Enhanced Permit Review on May 14, 2019. This ordinance repealed Emergency Ordinance 2018-1 [Temporary Moratorium] and implementing enhanced permit review measures to continue a heightened level of evaluation for certain building, construction and development permits.

Over the next several weeks as Staff began to process permits under the new Enhanced Permit Review process, it was discovered that the intent behind the new process had not been met for No Impact Projects. Staff has determined that an Engineer's letter may not be necessary to determine if a project qualifies as a No Impact Project under Section 1 (a) 1 of the Enhanced Permit Review process.

Staff recommends amending the paragraph under Section 1 (a) 1 to read as follows:

“Applicants seeking to establish they have a No Impact Project, and thus exempt their project from compliance with the Enhanced Permit Review measures described in this Ordinance, must submit to the City with their permit application *a sealed letter from a licensed professional engineer documenting adequate documentation to the Planning and Development Department that the criteria listed above are satisfied. The City Engineer shall make a final determination whether or not the application qualifies as a No Impact Project.*”

**POLICY EXPLANATION:**

Provide clarity of the City Council's intent behind No Impact Projects by considering action on the proposed amendment to Ordinance No. 2019-16.

**FUNDING SOURCE:**

N/A

**RECOMMENDATION:**

Consider action to approve the first reading to amend Ordinance No. 2019-16 of the City Council of the City of Bastrop, Texas, Attachment A (1) a - No Impact Projects (Enhanced Permitting Process); and providing for legislative findings of fact, repealer, enactment, duration, extension, severability, enforcement, proper notice and meeting, effective date, applicability, alternate approvals, appeals, definitions, and move to include on the July 9, 2019 Consent Agenda for second reading.

**ATTACHMENTS:**

- Ordinance No. 2019-16 (as amended)



## **ORDINANCE NO. 2019-16**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, REPEALING EMERGENCY ORDINANCE NO. 2018-1 [TEMPORARY MORATORIUM] AND IMPLEMENTING ENHANCED PERMIT REVIEW MEASURES TO CONTINUE A HEIGHTENED LEVEL OF EVALUATION FOR CERTAIN BUILDING, CONSTRUCTION AND DEVELOPMENT PERMITS; AND PROVIDING FOR LEGISLATIVE FINDINGS OF FACT, REPEALER, ENACTMENT, DURATION, EXTENSION, SEVERABILITY, ENFORCEMENT, PROPER NOTICE AND MEETING, EFFECTIVE DATE, APPLICABILITY, ALTERNATE APPROVALS, APPEALS, AND DEFINITIONS**

**WHEREAS**, the Bastrop City Council enacted on August 14, 2018, and extended on November 15, 2018, Emergency Ordinance No. 2018-1 implementing a Temporary Moratorium staying the acceptance and processing of certain permits in the Bastrop City Limits and Extraterritorial Jurisdiction (ETJ); and

**WHEREAS**, the City Council enacted Emergency Ordinance No. 2018-1 to address significant historic and contemporary land use challenges that existing regulations and infrastructure were not designed to address; and

**WHEREAS**, Emergency Ordinance No. 2018-1 enabled the City of Bastrop, Texas ("City") to actively and diligently engage in its assessment of the City's drainage and regulatory program, including evaluating its subdivision ordinance, zoning codes, and the uniformity of its permitting process and goals for stormwater plans and improvements; and

**WHEREAS**, since the enactment of Emergency Ordinance No. 2018-1, the City has issued 617 permits, demonstrating that completely halting all development activity was not necessary in order to deter detrimental development while the City evaluated and updated its regulations and addressed infrastructure needs; and

**WHEREAS**, the heightened evaluation of certain permit applications under Emergency Ordinance No. 2018-1 proved sufficient to safeguard the public interest in orderly development while deterring detrimental development; and

**WHEREAS**, since enactment of Emergency Ordinance No. 2018-1, the City Council has approved Ordinance No. 2019-15, establishing drainage construction and development standards and procedures through the City of Bastrop Stormwater Design Manual; and

**WHEREAS**, the City Councils finds that Emergency Ordinance No. 2018-1, as amended, is no longer necessary to achieve the community's goals under the Building Bastrop initiative; and

**WHEREAS**, the City Council finds it to be reasonable, necessary, and proper to perpetuate a process and criteria maintaining an elevated level of scrutiny for applications seeking certain construction, building, and development permits for the remainder of the Building Bastrop endeavor; and

**WHEREAS**, the City Council anticipates that this temporary, elevated level of scrutiny will only be necessary until the additional development standards and procedures are put in place in the fall of 2019; and

**WHEREAS,** the City is a Home-Rule City acting under the authority granted by its Charter adopted by the electorate pursuant to Article XI, Section 5, of the Texas Constitution, and Chapter 9 of the Texas Local Government Code with the full power of local self-government under Texas Local Government Code §51.072; and

**WHEREAS,** Texas Local Government Code Section 51.001 provides the City general authority to adopt an Ordinance or police regulations that are for the good government, peace or order of the City and that is necessary or proper for carrying out a power granted by law to the City; and

**WHEREAS,** Texas Local Government Code Chapters 211, 213, 214 and 217 grant the City certain regulation authority concerning construction, land use, nuisances, structures, and development-related activities.

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

**SECTION 1. Repealer:** The City Council expressly and specifically repeals the Temporary Moratorium, Emergency Ordinance 2018-1 (as originally approved and as extended). In the case of any conflict between the other provisions of this ordinance and any existing ordinance of the city, the provisions of this Ordinance will control.

**SECTION 2. Enactment:** The City of Bastrop hereby enacts *Attachment "A"*, implementing an Enhanced Permit Review process. While the rules promulgated under *Attachment "A"* constitute an ordinance of the City, this Ordinance and *Attachment "A"* are temporary measures but have the full force of law, and thus are required to be published in the City's Code of Ordinances in accordance with Section 3.17 of the Bastrop Home-Rule Charter.

**SECTION 3. Duration:** The duration of the Enhanced Permit Review measures implemented by this Ordinance shall be through December 10, 2019, or until the repeal of this Ordinance by the City Council through enactment of the Building Bastrop (B3) codes, whichever is sooner.

**SECTION 4. Legislative Findings of Fact:** The foregoing recitals and those found in *Attachment "B"* are based on evidence presented to the City Council, and are hereby incorporated into this Ordinance by reference as legislative findings of fact as if expressly set forth herein.

**SECTION 5. Severability:** If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, that invalidity or the unenforceability will not affect any other provisions or applications of this Ordinance that can be given effect without the invalid provision.

**SECTION 6. Enforcement:** The City shall have the power to administer and enforce the provisions of this Ordinance as may be required by governing law. Any person violating any provision of this Ordinance is subject to suit for injunctive relief as well as prosecution for criminal violations, and such violation is hereby declared to be a public nuisance. Nothing in this

Ordinance shall be construed as a waiver of the City's right to bring a civil action to enforce the provisions of this Ordinance and to seek remedies as allowed by law and/or equity.

**SECTION 7. Proper Notice & Meeting:** It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice and a public hearing were also provided as required by Texas Government Code Chapter 212, Subchapter E.

**SECTION 8. Effective Date:** This Ordinance shall be effective immediately upon passage and final adoption, as provided by Texas Local Government Code Chapter 212, Subchapter E.

**READ & ACKNOWLEDGED** on First Reading on this, the 25<sup>th</sup> day of June 2019.

**READ & APPROVED** on the Second Reading on this, the July 9<sup>th</sup> day of July 2019.

**APPROVED:**

\_\_\_\_\_  
Connie B. Schroeder, Mayor

**ATTEST:**

\_\_\_\_\_  
Ann Franklin, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Alan Bojorquez, City Attorney



*Attachment "A"*

City of Bastrop, TX  
Code of Ordinances  
**Enhanced Permit Review**

**1. APPLICABILITY:** This Ordinance applies to the acceptance and processing of certain applications and issuance of particular Permits and other forms of municipal authorizations related to specific construction and land development activities. This Ordinance applies to all city zoning districts and uses within the City Limits and the ETJ. This Ordinance shall not apply to the following types of projects:

**(a) No Impact Projects:** endeavors that do not:

- (1) increase horizontal density; or
- (2) increase impervious cover greater than five percent (5%); or
- (3) expand the footprint of an existing structure greater than five percent (5%); or
- (4) alter the current drainage pattern on the property.

Applicants seeking to establish they have a No Impact Project, and thus exempt their project from compliance with the Enhanced Permit Review measures described in this Ordinance, must submit to the City with their permit application adequate documentation to the Planning and Development Department that the criteria listed above are satisfied. The City Engineer shall make a final determination whether or not the application qualifies as a No Impact Project.

**(b) Minimal Drainage Projects:** endeavors that discharge less than one (1) cubic feet of water (post-project). Applicants seeking to establish they have a Minimal Drainage Project, and thus exempt their project from compliance with the Enhanced Permit Review measures described in this Ordinance, must submit to the City with their permit application a sealed letter from a licensed professional engineer documenting the criteria listed in this section is satisfied.

**(c) Fences:** residential fences that comply with section 41 of the zoning ordinance (Bastrop Code of Ordinances Chapter 14) and do not obstruct a drainage way or easement in such a way that a structure or debris is blocking or diverting the drainage channel, as determined by City staff (at staff's sole discretion).

**(d) Ongoing Projects:** endeavors for which construction is currently, actively in progress, and for which valid City permits have been issued that have not expired (as of August 14, 2018).



- (e) **Grandfathered Projects:** endeavors that are grandfathered under state law. Property owners asserting grandfathered rights under Texas Local Government Code Chapter 245 must submit an application claiming an exception to this Ordinance in accordance with the City’s Grandfathered Development Status ordinance, Ordinance 2019-10.

**2. ENHANCED PERMIT REVIEW:**

**(a) Methodology:**

- (1) **Pre-Application Meetings:** Permits shall not be issued until after a pre-application meeting between the Applicant and representatives of the Planning and Development Department.
- (2) **Site Visits:** Permits shall not be issued until after a site visit by representatives of the Planning and Development Department. Submission of an application for a permit shall be construed as in an invitation for representatives of the Planning and Development Department to perform a site visit. Site visits shall be scheduled with the Applicant and/or Property Owner if conducting an effective site visit necessitates traversing the property.
- (3) **Suspension of Deadlines:** The deadlines specified in the Bastrop Code of Ordinances for City action on permit applications in the normal course of business are hereby temporarily suspended. Permit applications will be approved, denied, or addressed in staff comments as soon as reasonable under the circumstances. The City shall strive to provide approval, denial, or staff comments on permit applications within three (3) weeks of submittal.
- (4) **Criteria:** In providing this heightened review of permit applications, city staff will be guided by the policy statement approved by the city council on February 26, 2019, in the form of Resolution 2019-24, which establishes the city’s policy goals as creating a fiscally sustainable community through community land use regulations that are authentically Bastrop and geographically sensitive. Emphasis will be given to the need for gridded street layouts, connectivity between large projects, and walkability (i.e., multi-modality). Permit applications for projects that would exacerbate flooding, create unsustainable infrastructure, or be inconsistent with the historic culture of Bastrop, as determined by the City Engineer, will not proceed through the permitting process. The criteria stated in this subsection shall be cumulative of, and in addition to any standards listed elsewhere in the Bastrop Code of Ordinances. If there is a conflict between standards in this subsection and other sections in the Code of Ordinances, this subsection shall govern.

- (b) **Staff Approval.** The following permits may be issued by staff without first receiving approval by the City Council.

- (1) **Fence Permits:** residential fences that comply with section 41 of the zoning ordinance (Bastrop Code of Ordinances Chapter 14) so long as they do not obstruct a drainage way or easement in such a way that a structure or debris is blocking or diverting the drainage channel, as determined by City staff (at staff's sole discretion).
- (2) **Minor Plats in the ETJ:** minor plats, described in section 4.40.1(A)(2) of the subdivision ordinance (Bastrop Code of Ordinances Chapter 16) as being four (4) or fewer lots fronting on an existing street and not requiring the creation of any new street or the extension of municipal facilities, so long as drainage calculations showing that the lots will not exceed 60-percent (60%) impervious cover is submitted with the plat application.
- (3) **Accessory Structures:** residential accessory structures with a surface area of one hundred sixty (160) square feet or smaller, so long as they comply with all regulations as outlined in the City of Bastrop's Code of Ordinances.

(c) **City Council Approval.** All permits not listed above are subject to approval by the City Council.

### 3. ALTERNATE APPROVALS.

Any property owner who seeks authorization to proceed with the permitting process without complying with the Enhanced Permit Review procedures listed above can request the following alternative forms of approval from the City:

- (a) **Planned Development District:** Property Owners with an approval granted by the City Council including enactment of customized zoning regulations through negotiations of specialized rules applicable solely to the proposed project shall be exempt from application of this Ordinance. In considering whether to approve a Planned Development District, the City Council shall evaluate the project in accordance with the criteria listed in section 2(a)(4) of this Ordinance [above].
- (b) **ETJ Development Agreement:** Property Owners with a negotiated approval granted by the City Council providing for construction standards, platting and development rules pursuant to Texas Local Government Code Chapter 212, Subchapter G, shall be exempt from application of this Ordinance. In considering whether to approve an ETJ Development Agreement, the City Council shall evaluate the project in accordance with the criteria listed in section 2(a)(4) of this Ordinance [above].
- (c) **Waiver:** Property Owners agreeing to construct certain drainage infrastructure at property owners' sole expense, in accordance with Texas Local Government Code Chapter 212, Subchapter E, may apply for waiver from compliance with this Ordinance issued by the City Council in accordance with city policy.

### 4. APPEALS

Property Owners challenging application of this Ordinance to their property and/or projects may request to be excluded from the terms and conditions of this Ordinance by pursuing an appeal as provided below.

- (a) **Initial Review.** Property Owners challenging application of this Ordinance to their property and/or projects may request to be excluded from the terms and conditions of this Ordinance by filing a written notice of appeal with the Planning and Development Department explaining their position and offering evidence supporting their claim.

Within ten (10) business days of receipt of a notice of appeal, a group consisting of the Director of Planning and Development, the City Engineer, and the Public Works Director shall convene to review the evidence and regulations, and make an initial determination as to whether a Property Owner has made a valid claim for being excluded under this Ordinance. The initial determination shall promptly be sent to the Property Owner by U.S. Mail.

- (b) **Secondary Review.** Property Owners seeking to challenge an initial determination may appeal that determination to the City Manager by filing a written notice of appeal with the City Secretary within ten (10) business days of receipt of the written initial determination. Within ten (10) business days of receipt of a notice of appeal, the City Manager shall make a secondary determination as to whether a Property Owner has made a valid claim for being excluded under this Ordinance. The secondary determination shall promptly be sent to the Property Owner by U.S. Mail.

- (c) **Final Review:** Property Owners seeking to challenge a secondary determination may appeal that determination to the City Council by filing a written notice of appeal with the City Secretary within ten (10) business days of receipt of the written secondary determination. Within thirty (30) business days of receipt of a notice of appeal, the City Council shall make a final determination as to whether a Property Owner has made a valid claim for being excluded under this Ordinance. The final determination shall promptly be sent to the Property Owner by U.S. Mail. A final determination may be appealed to district court in accordance with applicable state law.

5. **DEFINITIONS:** As used in this Ordinance, these terms shall be defined as follows. Terms appearing in this Ordinance but not defined herein shall have the meanings provided in the City's Code of Ordinances, or, if not defined by the City then the common meanings in accordance with ordinary usage or as defined in applicable state statutes.

**Applicant:** means a person or entity applying for a permit from the City under this Ordinance.

**Commercial Property:** means property zoned for or otherwise authorized for use other than single-family use, multifamily use, heavy industrial use, or use as a quarry.

**Essential Public Facilities:** means water, sewer, or storm drainage facilities or street improvements provided by a municipality or private utility.

**Impervious Cover:** means structures, buildings, parking areas, roads, and other impermeable man-made improvements covering the natural land surface that prevents infiltration of water.

**Permit:** means a license, certificate, approval, registration, consent, permit, contract or other agreement for construction related to, or provision of, service from a water or wastewater utility owned, operated, or controlled by a regulatory agency, or other form of authorization required by law, rule, regulation, order, or ordinance that a person must obtain to perform an action or initiate, continue, or complete a project for which the permit is sought.

The term includes (but is not limited to) permits covered by the following sections of the Code of Ordinances:

- §3.16.001: Permits for moving of structures, demolition and site work
- §3.18.002: Permit for construction, alteration or extension; construction or occupancy of permanent structures
- §3.20.051: Permit to erect or install a sign
- §10.03: Plats
- §14.02: Zoning
- §42.1: Site Plan & Development Plan Review

The term does not include Trade Permits, which are excluded from complying with this Ordinance.

**Project:** means an endeavor over which a regulatory agency exerts its jurisdiction and for which one (1) or more permits are required to initiate, continue, or complete the endeavor.

**Property Development:** means the construction, reconstruction, or other alteration or improvement of residential or commercial buildings or the subdivision or replatting of a subdivision of residential or commercial property.

**Property Owner:** means the record owner of real property, or their designated agents (i.e., those holding Power of Attorney or other written authorization to act on behalf of the owner).

**Residential Property:** means property zoned for or otherwise authorized for single-family or multi-family use.

**Trade Permits:** means permits required by the City's Code of Ordinances for the following work by skilled tradesmen: Electrical, HVAC, Mechanical, and Plumbing. For purposes of this Ordinance, the term also includes Roofing and Irrigation permits.



**Legislative Findings of Fact**  
*of the*  
**City Council of the City of Bastrop, TX**

1. The City will change drastically if unlimited growth and development should occur under the City's existing Code of Ordinances, which do not currently adequately address concerns about the effect of development on the City; and
2. The City seeks to ensure that impending and future development is conducted in a fiscally sustainable and geographically sensitive manner that honors the City's rich heritage and unique geographic makeup; and
3. The City has experienced historical flooding events over the last four (4) FEMA-declared disasters in the past three (3) years; and
4. The City's existing development standards and regulations were based on 1983 and 1991 data that is outdated and used a one size fits all approach; and
5. The City Limits and Extraterritorial Jurisdiction ("ETJ") are comprised of a combination of geographical and topographical features that create significant drainage and development challenges when using the one size fits all approach; and
6. In 2016, the City commissioned engineering firm Halff and Associates to study the City's drainage issues; and
7. In 2018, Halff and Associates provided the City with Flood Protection Planning Studies for two (2) watersheds in the Bastrop area: Piney Creek and Gills Branch; and
8. On July 28, 2018, the City Council, accompanied by the Planning and Zoning Commission, participated in a properly posted, public bus tour of key locales around the community, including sites of significant development-related drainage challenges; and
9. The Gills Branch and Piney Creek Studies document the needs and challenges of the existing drainage and flood mitigation infrastructure across the City Limits and ETJ; and
10. The City and Bastrop County have been diligently evaluating and assessing the findings in the 2018 Gills Branch and Piney Creek Studies; and
11. The City Council held a work session on February 26, 2019, with Strand and Associates [engineers] to review the findings of the Gills Branch and Piney Creek Studies and outline potential action plans with the public; and

12. The City Council held a work session on February 26, 2019, with Verdunity, Inc. [planners and engineers] to review the findings of their public infrastructure fiscal sustainability studies and implications for the community; and
13. The City Council finds that certain essential public and private infrastructure, being drainage and storm water improvements throughout the City Limits and ETJ, are inadequate and insufficient to prevent, mitigate, or minimize flooding events; and
14. Additional evaluation of the existing infrastructure and development of measures to address flooding and drainage are needed to allow for growth and development within the City Limits and ETJ while protecting the health, safety, environment, quality of life, and general welfare of its residents; and
15. The City is in the process of studying and evaluating the impact of further development; appropriate impervious cover limitations; the need for drainage and detention improvements; appropriate zoning districts and district regulations; appropriate cut and fill regulations; and other issues that will affect future growth and development of the area within its jurisdiction; and
16. The City is in the process of seeking additional community input and providing opportunities for meaningful public participation in the planning and rule-making process; and
17. The City is in the process of studying and updating its development ordinances and procedures in order to clarify and improve its planning policies based on the forthcoming regulations, to strengthen the connection between the City's Code of Ordinances and the goals and needs of the City's residents, and to protect the health, safety, environment, quality of life, and general welfare of its residents; and
18. In order for the City to have adequate and reasonable time to continue to review, evaluate, and revise the City's development ordinances, and to continue to consider the impact of the ordinances upon future growth, public health and safety, development, the natural environment, and the place of architectural improvements, and ecological importance and significance within the City Limits and ETJ, the City wishes to continue the temporary, heightened degree of scrutiny in reviewing certain applications for development permits; and
19. The purpose of carefully evaluating certain applications for development permits and/ or approvals during this study period includes: eliminating incentives for hasty applications, facilitating thoughtful and consistent planning, avoiding exploitation of the delays inherent in the municipal legislative process, and preventing applications from undermining the effectiveness of the revised rules; and
20. The City Council has identified and considered evidence demonstrating that applying existing development ordinances or regulations and other applicable laws is inadequate to

prevent new development from causing the overcapacity of municipal and private drainage infrastructure or from being detrimental to the public health, safety, and welfare in an affected geographical area, that being the area within the City of Bastrop's City Limits and ETJ; and

21. The City Council has identified and considered evidence including that presented by City of staff, consulting engineering firms, FEMA, and observed during site visits demonstrating the extent of need beyond the estimated capacity of existing essential public and private drainage facilities that is expected to result from new property development, including identifying essential public facilities that are currently operating near, at, or beyond capacity in an affected area, that being the area within the City Limits and ETJ; and
22. The City Council has identified and considered evidence that alternative methods of achieving the objectives of the Enhanced Permit Review methodology are unsatisfactory; and
23. The City Council has approved a working plan and time schedule for achieving the objectives of the Building Bastrop initiative in the Fall of 2019; and
24. The City's program for addressing drainage issues during the temporary permit review includes planning, regulating, building, and educating; and
25. The City Council passed Emergency Ordinance No. 2018-1, which established a Temporary Moratorium commencing on August 23, 2018, for the purpose of creating a short-term freeze on the acceptance of applications for subdivision, building permits, or development permits for the purpose of preserving the *status quo* in order to allow the Council reasonable time to review, conduct research, receive public input, evaluate and establish reasonable policies, and prepare a comprehensive subdivision ordinance for future adoption; and
26. The City Council passed Emergency Ordinance No. 2018-2-A, which established additional requirements mandating data related to drainage and flooding for the acceptance, processing, and approval of certain projects in the city limits and the ETJ during the moratorium; and
27. The additional requirements mandated by Emergency Ordinance No. 2018-2-A have given the City the ability to assess the impact of these projects on potential future flooding events; and
28. The City Council adopted a temporary process that allows development to continue in the City of Bastrop during the Temporary Moratorium, requiring projects to be evaluated on a case-by-case basis through pre-application meetings and conformity to specific interim drainage measures to ensure that detrimental development does not occur; and
29. Although the purpose of the Temporary Moratorium was to create a short-term freeze on the acceptance of applications for subdivision, building permits, or development permits, since the inception of the moratorium (as of April 18<sup>th</sup>), the City has:



- (a) held 114 individual pre-application meetings; and
  - (b) issued 617 permits including:
    - 49 new single-family residences,
    - 13 commercial remodels,
    - 4 new commercial buildings including an office complex, self-storage facility, restaurant, and a home furnishings store, and
    - 3 commercial finish-out permits, and
  - (c) prevented one (1) house from unintentionally being built in a drainage area; and
30. The City has retained a planning consultant firm for the purpose of evaluating the City's historic, current and anticipated construction attributes, and is developing new standards to preserve the quality of life and to protect the health, safety, and general welfare of the citizens of the City and to direct and manage the rapid growth that is now occurring; and
31. The City's planning consulting firm has completed both an in-depth analysis of Downtown Bastrop's DNA and how it functions as a complete neighborhood and an extensive evaluation of the City's current development codes that identified significant challenges and code conflicts that are not aligned with the City's Comprehensive Plan 2036 or considered fiscally sustainable or geographically sensitive; and
32. The adoption process of new development standards will require community input and will take additional time to complete; and
33. Texas Local Government Code Section 212.136 allows a city to temporarily suspend or abate the routine permit approval process after holding a public hearing; and adopting written findings that identify the problem requiring the need for extending the short-term measures, describe the reasonable progress made to alleviate the problem, and specify a definite duration for the renewal period of the interim process; and
34. The City finds that the Temporary Moratorium (as enacted and extended) was necessary and proper, but is no longer warranted, although the heightened scrutiny of permit applications remains vital to the Building Bastrop effort; and
35. The City Council finds that continued temporary permit application review measures are necessary to provide the City with the time necessary to continue to properly conduct research, confer with experts, and solicit public input from residents, business owners, property owners, realtors and developers; and
36. In recognition of the importance of development permits and/ or approvals to the community, the City desires to extend the interim permit application review methods until September 10, 2019, and to include a waiver provision in accordance with Texas Local Government Code Chapter 212, Subchapter E; and

37. City officials and the city's planning consultants are diligently continuing their work to craft new regulations regarding planning, zoning, platting and construction. As a continuation of the Building Bastrop initiative, the city anticipates adopting new codes in the Fall of 2019 (including updated national / international codes, such as those from the International Code Council); and
38. The City is also evaluating and updating its Master Transportation Plan, which not only affects the framework for all development and redevelopment, it also addresses the primary form of drainage infrastructure in the city – streets; and
39. The City is also in the process of addressing funding and planning for massive public infrastructure improvements (such as the Gill's Branch project) and the formation of a municipal drainage utility; and
40. The City is preparing the engineering and financial data necessary for the City Council to consider creating a municipal drainage utility to fund the construction, maintenance, and operation of new municipal drainage infrastructure.
41. The City Council has approved Ordinance No. 2019-15, establishing drainage construction and development standards and procedures through the City of Bastrop Stormwater Design Manual, and thus other municipal regulations must be evaluated and revised to ensure consistency and compatibility.



# STAFF REPORT

**MEETING DATE:** June 25, 2019

**AGENDA ITEM:** 10A

**TITLE:**

City Council shall convene into closed executive session pursuant to Sections 551.071, .072, and .087 of the Texas Government Code to discuss the Visit Bastrop contract with the City Attorney.

**STAFF REPRESENTATIVE:**

Lynda Humble, City Manager





# STAFF REPORT

**MEETING DATE:** June 25, 2019

**AGENDA ITEM:** 10B

**TITLE:**

City Council shall convene into closed executive session pursuant to Section 551.072 of the Texas Government Code to deliberate the purchase, exchange, lease, or value of real property.

**STAFF REPRESENTATIVE:**

Lynda Humble, City Manager





# STAFF REPORT

**MEETING DATE:** June 25, 2019

**AGENDA ITEM:** 11

**TITLE:**

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

**STAFF REPRESENTATIVE:**

Lynda Humble, City Manager

