

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



February 8, 2022

Executive Session at 5:30 P.M.

Regular Meeting at 6:30 P.M.

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

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 IN ATTENDANCE 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. ALTERNATELY, IF YOU ARE UNABLE TO ATTEND THE COUNCIL MEETING, YOU MAY COMPLETE A CITIZEN COMMENT FORM WITH YOUR COMMENTS AT WWW.CITYOFBASTROP.ORG/CITIZENCOMMENTFORM BEFORE 5:00 P.M. ON February 8, 2022. COMMENTS SUBMITTED BY THIS TIME WILL BE DISTRIBUTED TO THE CITY COUNCIL PRIOR TO MEETING COMMENCEMENT, REFERENCED AT THE MEETING, AND INCLUDED WITH THE MEETING MINUTES. COMMENTS FROM EACH INDIVIDUAL WILL BE LIMITED TO THREE (3) MINUTES WHEN READ ALOUD.

1. CALL TO ORDER

2. EXECUTIVE SESSION

2A. City Council shall convene into closed executive session pursuant to Texas Government Code sections 551.071 and 551.087 to seek the advice of legal counsel regarding the enactment of Economic Development policies, approval of a Support Services Agreement with the Bastrop Economic Development Corporation, and related matters.

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

4. CALL TO ORDER – REGULAR SESSION – 6:30 P.M.

5. PLEDGE OF ALLEGIANCE – Brylen Coleman and Brody Bolding, Cedar Creek Intermediate School – Cedar Creek Intermediate Youth Community Leaders

TEXAS PLEDGE OF ALLEGIANCE

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

6. INVOCATION – Stephen Heleman, Lead Pastor for Calvary Baptist Church

7. PRESENTATIONS

7A. Presentations acknowledging the service and contributions of outgoing Mayor Pro Tem Lyle Nelson.

RECEPTION FOR MAYOR PRO TEM NELSON

7B. Mayor’s Report

7C. Council Members’ Report

7D. City Manager’s Report

7E. A proclamation of the City Council of the City of Bastrop, Texas, recognizing the month of February as Black History Month. (Submitted by: Ann Franklin, City Secretary)

8. WORK SESSION/BRIEFINGS - NONE

9. STAFF AND BOARD REPORTS

9A. Receive presentation on the FY 2022 First Quarterly Report. (Submitted by: Rebecca Gleason, Assistant City Manager)

10. CITIZEN COMMENTS

At this time, three (3) minute comments will be taken from the audience on any topic. Anyone in attendance 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. Alternately, if you are unable to attend the council meeting, you may complete a citizen comment form with your comments at www.cityofbastrop.org/citizencommentform before 5:00 p.m. on February 8, 2022. Comments submitted by this time will be distributed to the city council prior to meeting commencement, referenced at the meeting, and included with the meeting minutes. Comments from each individual will be limited to three (3) minutes when read aloud. 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 Manager for research and possible future action.

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.

11. CONSENT AGENDA

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

- 11A. Consider action to approve City Council minutes from the January 25, 2022, Regular meeting. (Submitted by: Ann Franklin, City Secretary)
- 11B. Consider action to approve the second reading of Ordinance No. 2022-03 of the City Council of the City of Bastrop, Texas, calling for and establishing the procedures for a May 7, 2022, Special Election for the purpose of amending the Home Rule Charter; and providing an effective date. (Submitted by: Ann Franklin, City Secretary)
- 11C. Consider action to approve Resolution No. R-2022-24 of the City Council of the City of Bastrop, Texas to award a Grant Administrative Service contract to GrantWorks to provide pre-award and post-award administrative services for the FEMA Hazard Mitigation Grant Program application: authorizing the City Manager to execute all necessary documents; providing for a repealing clause; and establishing an effective date. (Submitted by: Tracy Waldron, Chief Financial Officer)
- 11D. Consider action to approve Resolution No. R-2022-25 of the City Council of the City of Bastrop, Texas approving a list of qualified engineering firms to provide pre-award and post-award through FEMA Hazard Mitigation Grant Program application: authorizing the City Manager to execute all necessary documents; providing for a repealing clause; and establishing an effective date. (Submitted by: Tracy Waldron, Chief Financial Officer)

12. ITEMS FOR INDIVIDUAL CONSIDERATION

- 12A. Consider action to approve Resolution No. 2022-26 of the City Council of the City of Bastrop, Texas enacting a policy regarding the Bastrop Economic Development Corporation. (Submitted by: Paul A. Hofmann, City Manager)
- 12B. Consider action to approve Resolution No. 2022-27 of the City Council of the City of Bastrop, Texas a support services agreement between the City of Bastrop, Texas and the Bastrop Economic Development Corporation. (Submitted by Paul A. Hofmann, City Manager)
- 12C. Consider action to approve Resolution No. R-2022-20 of the City Council of the City of Bastrop, Texas, approving a professional services contract with Garver, LLC for the Old Iron Bridge Project and Loop 150 Corridor Study in an amount not to exceed one-hundred ninety eight thousand three hundred thirty four dollars (\$198,334.00); as attached in Exhibit A; authorizing the City Manager to execute all necessary documents; providing for a repealing clause; and establishing an effective date. (Submitted by: Jennifer Bills, Director of Planning Department.)

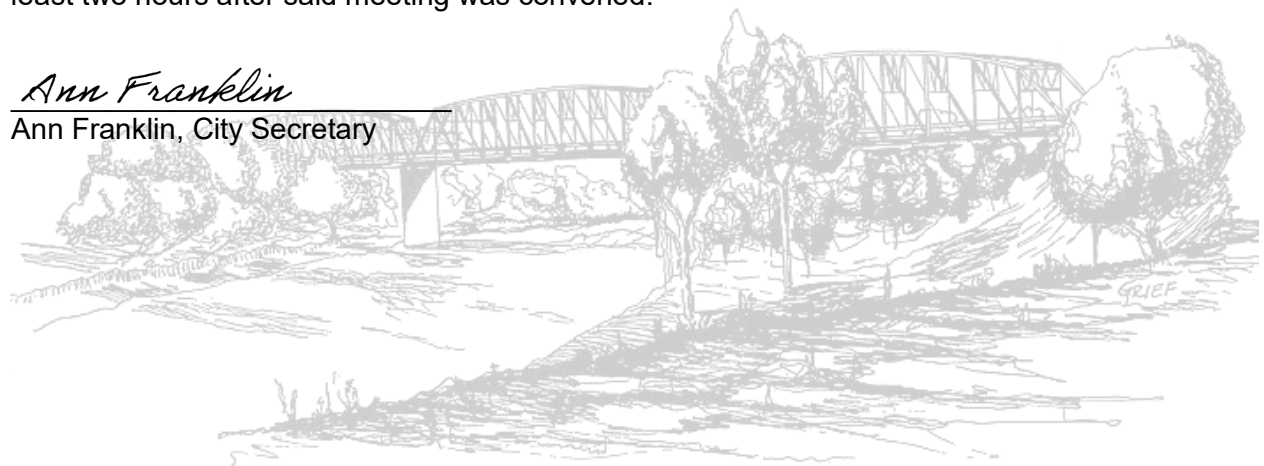
13. ADJOURNMENT

All items on the agenda are eligible for discussion and action unless specifically stated otherwise.

The Bastrop City Council reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices), and 551.087 (Economic Development), and §551.086 (Competitive Matters regarding Electric Utility).

I, the undersigned authority, do hereby certify that this Notice of Meeting as posted in accordance with the regulations of the Texas Open Meetings Act on the bulletin board located at the entrance to the City of Bastrop City Hall, a place of convenient and readily accessible to the general public, as well as to the City's website, www.cityofbastrop.org and said Notice was posted on the following date and time: Thursday, February 3, 2022 at 4:30 p.m. and remained posted for at least two hours after said meeting was convened.

Ann Franklin
Ann Franklin, City Secretary





STAFF REPORT

MEETING DATE: February 8, 2022

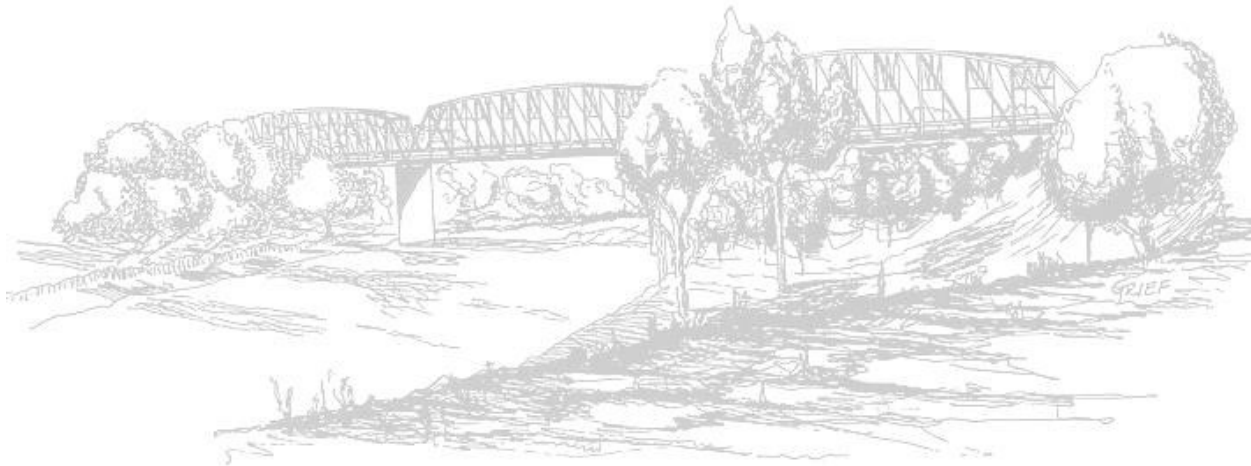
AGENDA ITEM: 2A

TITLE:

City Council shall convene into closed executive session pursuant to Texas Government Code sections 551.071 and 551.087 to seek the advice of legal counsel regarding the enactment of Economic Development policies, approval of a Support Services Agreement with the Bastrop Economic Development Corporation, and related matters.

STAFF REPRESENTATIVE:

Paul A. Hofmann, City Manager





STAFF REPORT

MEETING DATE: February 8, 2022

AGENDA ITEM: 7A

TITLE:

Presentations acknowledging the service and contributions of outgoing Mayor Pro Tem Lyle Nelson.

AGENDA ITEM SUBMITTED BY:

Paul A. Hofmann, City Manager





STAFF REPORT

MEETING DATE: February 8, 2022

AGENDA ITEM: 7B

TITLE:

Mayor's Report

AGENDA ITEM SUBMITTED BY:

Paul A. Hofmann, 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: February 8, 2022

AGENDA ITEM: 7C

TITLE:

Council Members' Report

AGENDA ITEM SUBMITTED BY:

Paul A. Hofmann, 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: February 8, 2022

AGENDA ITEM: 7D

TITLE:

City Manager's Report

AGENDA ITEM SUBMITTED BY:

Paul A. Hofmann, 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: February 8, 2022

AGENDA ITEM: 7E

TITLE:

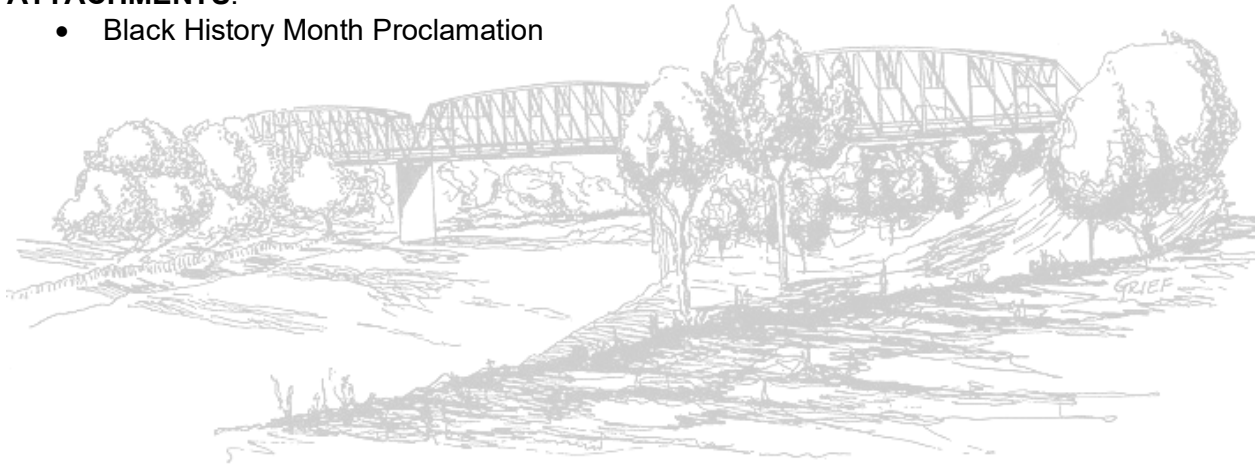
A proclamation of the City Council of the City of Bastrop, Texas, recognizing the month of February as Black History Month.

AGENDA ITEM SUBMITTED BY:

Ann Franklin, City Secretary

ATTACHMENTS:

- Black History Month Proclamation



P

ROCLAMATION



WHEREAS, The origins of Black History Month can be traced to the scholar Dr. Carter G. Woodson, who created the Association for the Study of African American Life and History in 1915, because African-Americans have played a central role in our nation's history, but for too long, historians ignored or glossed over their contributions and the injustices they have suffered; and

WHEREAS, in 1926, Dr. Woodson also known as "Father of Black History" conceived a yearly celebration to help rectify the omission of African-Americans from history books, and was made official by Presidential designation in 1976; and

WHEREAS, Today, the observance of Black History Month throughout the United States stands as testament to the success of Woodson's project and an example of how we can work together to make the teaching of history more honest; and

WHEREAS, the theme of 2022 Black History Month is "**Black Health and Wellness**"; and

WHEREAS, African Americans have served in all of America's wars, from the American Revolution to present day. For example, during World War II, more than 2.5 million black men registered for the draft and experienced discrimination and segregation, yet served in every branch of the armed forces: 167,000 served in the Navy with the first thirteen African-American naval officers commissioned in 1944; 17,000 served in the Marine Corps with the first African American commissioned in 1945; 5,000 served in the Coast Guard with the first African-American commissioned in 1943; and 909,000 served in the Army; and

WHEREAS, More than 12,000 black men who served in the segregated [92nd Division](#) received citations or were decorated for "extraordinary heroism" on the battlefield. Perhaps more famously, the [Tuskegee Airmen](#) also became legendary for their heroic feats, and in total received a Distinguished Unit Citation, several silver stars, 150 distinguished flying crosses, fourteen bronze stars, and 744 air medals; and

WHEREAS, World War II was a watershed for race relations within the Armed Forces, and it marked the beginning of the end for racial separation within Military units. In 1948 with the demand for civil rights mounting, President Harry S. Truman ordered desegregation of the Armed Services and equality of treatment and opportunity without regard to race, color, religion or national origin; and

WHEREAS, reform was slow and it was not until 1953 that segregation officially ended when the Secretary of Defense announced that the last all-black unit has been abolished; and

WHEREAS, forty years after military segregation ended, the Chairman of the Joint Chiefs of Staff, the highest military position in the Department of Defense, oversaw Operational Desert Storm in Iraq. He was an African-American named Colin L. Powell; and

WHEREAS, in honor of Black History Month the Bastrop Opera House is hosting the musical Crowns, by Regina Taylor which is the first all Black musical at the Bastrop Opera House. This is a moving and celebratory musical play in which hats become a springboard for an exploration of Black history.

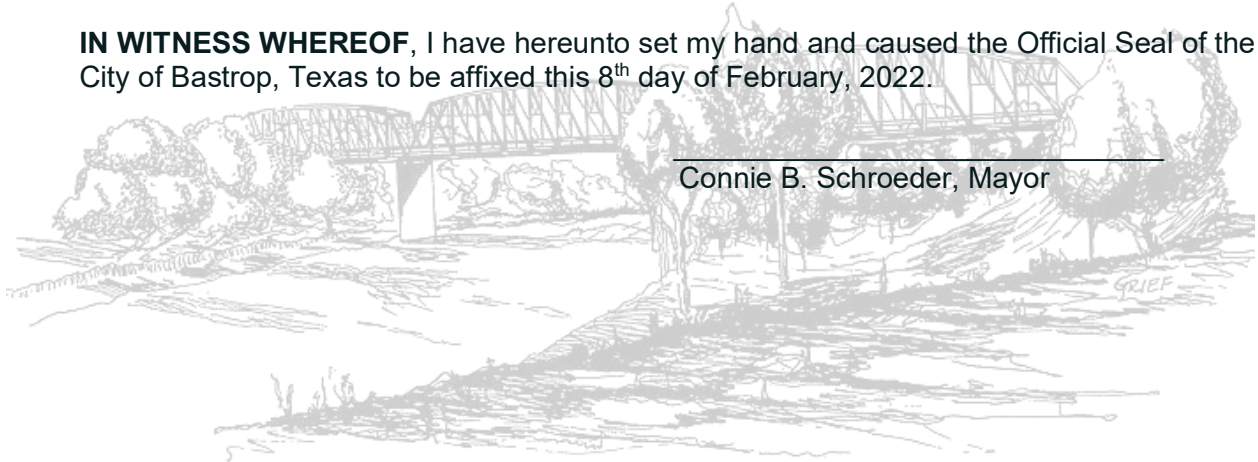
NOW, THEREFORE, I, Connie Schroeder, Mayor of the City of Bastrop, do hereby recognize the month of February 2022 as:

Black History Month

And, along with the members of City Council, encourage all residents, business owners, schools, churches, and visitors to join the City of Bastrop in celebrating Black History Month with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Official Seal of the City of Bastrop, Texas to be affixed this 8th day of February, 2022.

Connie B. Schroeder, Mayor





STAFF REPORT

MEETING DATE: February 8, 2022

AGENDA ITEM: 9A

TITLE:

Receive presentation on the FY 2022 First Quarterly Report.

AGENDA ITEM SUBMITTED BY:

Rebecca Gleason, Assistant City Manager for Community Engagement

UPDATES:

The Assistant City Manager for Community Engagement will be providing the City Council a Quarterly Report overview to include updates on Financial Reports, Investment Reports, Capital Improvement Projects, Management Projects, and projects supporting Council's 9 Focus Areas for the Fiscal Quarter that just ended.

The objectives of preparing and presenting a Quarterly Report are to begin tracking trends across our ongoing data sources in a single place, as well as to communicate to Council the progress that is being made under each of the 9 Focus Areas. The reports can be used as a resource by council for making decisions and setting priorities during the budget season.

The Report was largely compiled by one of our cross functional teams. The Communications & Special Events Team (CSET) is made up of staff members across all Departments that come together several times a month to push several projects forward including the Quarterly Report.

ATTACHMENTS:

- Please follow this link:
<https://www.cityofbastrop.org/upload/page/0472/docs/FY22%20Q1%20report%20-%20FINAL.pdf>



STAFF REPORT

MEETING DATE: February 8, 2022

AGENDA ITEM: 10

TITLE:

CITIZEN COMMENTS

At this time, three (3) minute comments will be taken from the audience on any topic. Anyone in attendance 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. Alternately, if you are unable to attend the council meeting, you may complete a citizen comment form with your comments at www.cityofbastrop.org/citizencommentform before 5:00 p.m. on February 8, 2022. Comments submitted by this time will be distributed to the city council prior to meeting commencement, referenced at the meeting, and included with the meeting minutes. Comments from each individual will be limited to three (3) minutes when read aloud. 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 Manager for research and possible future action.

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: February 8, 2022

AGENDA ITEM: 11A

TITLE:

Consider action to approve City Council minutes from the January 25, 2022, Regular meeting.

AGENDA ITEM SUBMITTED BY:

Ann Franklin, City Secretary

BACKGROUND/HISTORY:

N/A

FISCAL IMPACT:

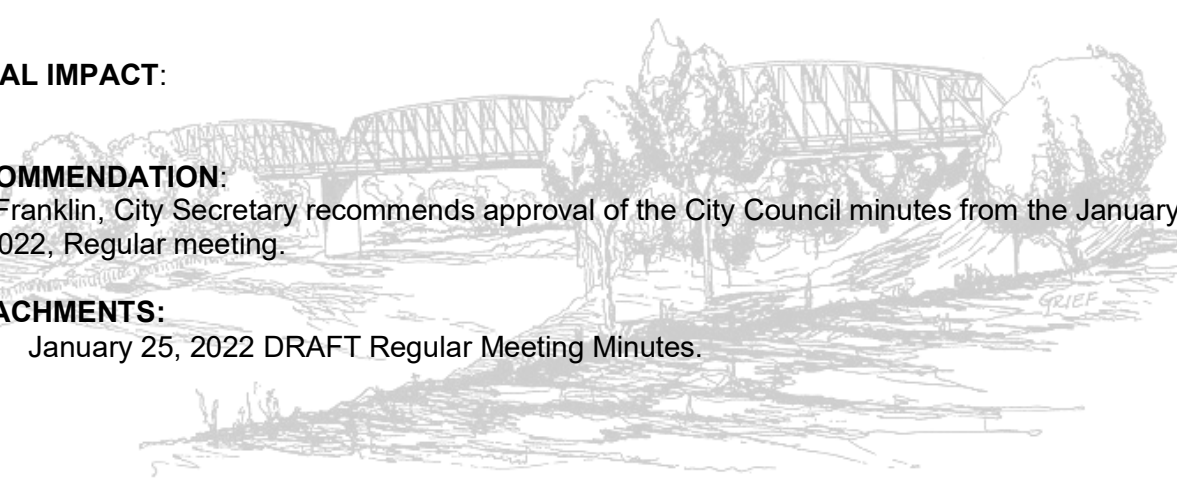
N/A

RECOMMENDATION:

Ann Franklin, City Secretary recommends approval of the City Council minutes from the January 25, 2022, Regular meeting.

ATTACHMENTS:

- January 25, 2022 DRAFT Regular Meeting Minutes.



JANUARY 25, 2022

The Bastrop City Council met in a regular meeting on Tuesday, January 25, 2022, at 5:00 p.m. at the Bastrop City Hall Council Chambers, located at 1311 Chestnut Street, Bastrop, Texas. Members present were: Mayor Schroeder and Council Members Jackson, Crouch, Rogers, and Peterson. Officers present were City Manager, Paul A. Hofmann; City Secretary, Ann Franklin; and City Attorney, Alan Bojorquez.

CALL TO ORDER – EXECUTIVE SESSION

Mayor Schroeder called the meeting to order at 5:00 p.m. with a quorum present. Mayor Pro Tem Nelson was absent.

EXECUTIVE SESSION

The City Council met at 5:01 p.m. in a closed/executive session pursuant to the Texas Government Code, Chapter 551, et seq, to discuss the following:

- 2B. City Council shall convene into closed executive session pursuant to Texas Government Code section 551.071 to seek the advice of legal counsel regarding *State of Texas v. James Robert Crouch*, Cause No. 20211193, Notice of Ordinance Violation for *Working without a Permit* at 602 Martin Luther King, Jr. Drive, Bastrop, Texas, including a briefing on the assignment of a visiting judge, appointment of an outside prosecutor, upcoming jury trial, and related expenses.

Mayor Schroeder recessed the Executive Session at 6:00 p.m.

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

No action taken.

MAYOR’S STATE OF THE CITY ADDRESS – 6:00 P.M.

CALL TO ORDER – REGULAR SESSION

Mayor Schroeder called the Regular Council Meeting to order at 6:30 p.m. Mayor Pro Tem Nelson was absent.

PLEDGE OF ALLEGIANCE

Charlee Torres, Bastrop Intermediate School Debate/Government Club, led the Pledge of Allegiance.

INVOCATION

Mayor Schroeder, gave the invocation.

PRESENTATIONS

- 8A. Mayor’s Report
- 8B. Council Members’ Report
- 8C. City Manager’s Report

- 8D. Receive Annual Racial Profiling Report from the Bastrop Police Department. (Submitted by: Clint Nagy, Chief of Police)
The presentation was made by Clint Nagy, Chief of Police.

ITEMS FOR INDIVIDUAL CONSIDERATION

- 13A. Consider action to approve Resolution No. R-2022-22 of the City Council of the City of Bastrop, Texas confirming the Youth Advisory Council appointments of the Mayor, as required in Section 3.08 of the City Charter; providing for a repealing clause; and establishing an effective date. (Submitted by: Rebecca Gleason, Assistant City Manager)
Members were sworn in by Mayor Schroeder.

STAFF AND BOARD REPORTS

- 10A. Receive presentation on the unaudited Monthly Financial Report for the period ending December 31, 2021. (Submitted by: Tracy Waldron, Chief Financial Officer)
The presentation was made by Tracy Waldron, Chief Financial Officer.

Mayor Schroeder recessed the Council Meeting at 7:24 p.m.

Mayor Schroeder called the Council Meeting back to order at 7:27 p.m.

WORK SESSION/BRIEFINGS - NONE

CITIZEN COMMENTS

Willie Peterson

CONSENT AGENDA

A motion was made by Council Member Jackson to approve Items 12A, 12B, 12C, 12D, 12E, and 12F as listed on the Consent Agenda after being read into the record by City Secretary, Ann Franklin. Seconded by Council Member Peterson, motion was approved on a 4-0 vote. Mayor Pro Tem Nelson was absent.

- 12A. Consider action to approve City Council minutes from the January 11, 2022, Regular meeting. (Submitted by: Ann Franklin, City Secretary)
- 12B. Consider action to approve the second reading of Ordinance No. 2022-02 to approve a change in the zoning for 78.128 acres out of land out of Bastrop Business and Industrial Park, Phase 1, Block A, Lot 1 from P2 Rural to P-EC Employment Center, and establish the Bastrop Business and Industrial Park Zoning Concept Scheme on 146.213 acres in the Bastrop Business and Industrial Park Subdivision, with the condition of adding a 75-foot greenbelt buffer along the south and east sides of the park in which trees cannot be removed, located south of SH 71, within the city limits of Bastrop, Texas, , as shown in Exhibit A, providing for findings of fact, adoption, repealer, severability, and enforcement; establishing and effective date; and proper notice and meeting. (Submitted by: Jennifer C. Bills, Director of Planning & Development)

- 12C. Consider action to approve Resolution No. R-2022-16 of the City Council of the City of Bastrop, Texas to approve the Bastrop Police Department to apply for a grant from the Office of the Governor - Criminal Justice Division (OG-DOJ) Grant for a crime scene vehicle, with no matching funds from the City of Bastrop; at a total cost of **seventy-four thousand seven hundred forty-five dollars and forty-five cents (\$74,745.45)**; authorizing the Chief of Police as the Grantee's Authorized Official; providing for a severability clause and establishing an effective date. (Submitted by: Clint Nagy, Chief of Police)
- 12D. Consider action to approve Resolution No. R-2022-16 of the City Council of the City of Bastrop, Texas to approve a Standard Contract with Arch Technical Services, LLC (ATS) for thirty-party building review and inspection services in an amount not to exceed Eight Hundred Thousand Dollars and 00/100 Cents (\$800,000.00); authorizing the City Manager to execute all necessary documents, providing for a repealing clause; and establishing an effective date. (Submitted by: Jennifer C. Bills, Director of Planning & Development)
- 12E. Consider action to approve Resolution No. R-2022-18 of the City Council of the City of Bastrop, Texas to approve a Standard Contract with SAFEbuilt, LLC for third-party building review and inspection services in an amount not to exceed Six Hundred Fifty Thousand Dollars and 00/100 Cents (\$650,000.00); authorizing the City Manager to execute all necessary documents, providing for a repealing clause; and establishing an effective date. (Submitted by: Jennifer C. Bills, Director of Planning & Development)
- 12F. Consider action to approve Resolution No. R-2022-19 of the City Council of the City of Bastrop, Texas approving a Public Improvement Plan Agreement with JOT Holdings LLC for Legends Cove, Section Two, as attached in Exhibit A; authorizing the City Manager to execute all necessary documents; providing for a repealing clause; and establishing an effective date. (Submitted by: Jennifer C. Bills, Director of Planning & Development)

ITEMS FOR INDIVIDUAL CONSIDERATION CONTINUED

- 13A. Consider action to approve Resolution No. R-2022-22 of the City Council of the City of Bastrop, Texas confirming the Youth Advisory Council appointments of the Mayor, as required in Section 3.08 of the City Charter; providing for a repealing clause; and establishing an effective date. (Submitted by: Rebecca Gleason, Assistant City Manager)

Members were sworn in by Mayor Schroeder earlier in the meeting.

A motion was made by Council Member Rogers to approve Resolution No. R-2022-22, seconded by Council Member Peterson, motion was approved on a 4-0 vote. Mayor Pro Tem Nelson was absent.

- 13B. Consider action to approve Resolution No. R-2022-23 of the City Council of the city of Bastrop, to approve the City of Bastrop to receive a grant from the St. David's Foundation for a two-hundred and fifty thousand dollars and no cents (\$250,000) in contribution to the City of Bastrop Parks & Recreation Master Plan; authorizing the City Manager to sign a Grant Agreement on behalf of the City; providing for a

severability clause and establishing an effective date. (Submitted by: Rebecca Gleason, Assistant City Manager)

Presentation was made by Rebecca Gleason, Assistant City Manager.

A motion was made by Council Member Jackson to approve Resolution No. R-2022-23, seconded by Council Member Crouch, motion was approved on a 4-0 vote. Mayor Pro Tem Nelson was absent.

- 13C. Consider action to approve Resolution No. R-2022-15 of the City of Bastrop, Texas approving the Bastrop Police Department to apply for a grant from the U.S. Department of Justice's 2022 General Victims Assistance Grant Program for a Victim's Assistance Specialist at a total cost of sixty-two thousand three hundred and seventy-six dollars and eighty-seven cents (\$62,376.87) with no matching funds from the City of Bastrop; authorizing the Chief of Police as a the grantee's authorized official; providing for a severability clause; and establishing an effective date. (Submitted by: Clint Nagy, Chief of Police)

Presentation was made by Clint Nagy, Chief of Police.

A motion was made by Council Member Rogers to approve Resolution No. R-2022-15, seconded by Council Member Crouch, motion was approved on a 4-0 vote. Mayor Pro Tem Nelson was absent.

- 13D. Consider action to approve Resolution No. R-2022-09 of the City Council of the City of Bastrop, Texas, calling for and establishing the procedures for a May 7, 2022, General Election for Bastrop, Texas; and providing an effective date. (Submitted by: Ann Franklin, City Secretary)

Presentation was made by Ann Franklin, City Secretary.

A motion was made by Council Member Peterson to approve Resolution No. R-2022-09, seconded by Council Member Rogers, motion was approved on a 4-0 vote. Mayor Pro Tem Nelson was absent.

- 13E. Consider action to approve Ordinance No. 2022-03 of the City Council of the City of Bastrop, Texas, calling for and establishing the procedures for a May 7, 2022, Special Election for the purpose of amending the Home Rule Charter; and providing an effective date. (Submitted by: Ann Franklin, City Secretary)

Presentation was made by Alan Bojorquez, City Attorney.

A motion was made by Council Member Jackson to approve the first reading of Ordinance No. 2022-03, and to include on the February 8, 2022, agenda, seconded by Council Member Rogers, motion was approved on a 4-0 vote. Mayor Pro Tem Nelson was absent.

- 13F. Consider action to approve Resolution No. R-2022-10 of the City Council of the City of Bastrop, Texas, approving a Joint Agreement between the City of Bastrop (City) and Bastrop County, Bastrop Independent School District (BISD), Bastrop-Travis Counties Emergency Services District No. 1, City of Elgin, City of Smithville, Elgin Independent School District (EISD), Bastrop County Emergency Services District No. 2, Smithville Independent School District (SISD), and Bastrop County Water Control and Improvement District #2 for the May 7, 2022 Special and General Election for

Bastrop, Texas, attached as Exhibit A; authorizing the City Manager to execute all necessary documents; and providing an effective date. (Submitted by: Ann Franklin, City Secretary)

Presentation was made by Ann Franklin, City Secretary.

A motion was made by Council Member Rogers to approve Resolution No. R-2022-10, seconded by Council Member Peterson, motion was approved on a 4-0 vote. Mayor Pro Tem Nelson was absent.

- 13G. Consider action to approve Resolution No. R-2022-11 of the City Council of the City of Bastrop, Texas, approving a contract for election services between the Elections Administrator of Bastrop County and the City of Bastrop for the May 7, 2022, Special and General Election for Bastrop, Texas, attached as Exhibit A; authorizing the City Manager to execute all necessary documents; and providing an effective date. (Submitted by: Ann Franklin, City Secretary)

Presentation was made by Ann Franklin, City Secretary.

A motion was made by Council Member Rogers to approve Resolution No. R-2022-11, seconded by Council Member Jackson, motion was approved on a 4-0 vote. Mayor Pro Tem Nelson was absent.

- 13H. Consider action to approve Resolution No. R-2022-21 of the City Council of the City of Bastrop, Texas confirming appointment by the Mayor of Eva Ballard to Place 1 of the Bastrop Housing Authority, as required in Section 3.08 of the City's Charter, and establishing an effective date. (Submitted by: Ann Franklin, City Secretary)

Presentation was made by Ann Franklin, City Secretary.

A motion was made by Council Member Crouch to approve Resolution No. R-2022-21, seconded by Council Member Jackson, motion was approved on a 4-0 vote. Mayor Pro Tem Nelson was absent.

- 13I. Consider action to approve Resolution No. R-2022-12 of the City Council of the City of Bastrop, Texas, appointing Mayor Connie Schroeder as the City of Bastrop's Clean Air Coalition representative, as required in Article II of the Clean Air Coalition of the Capital Area Council of Governments by-laws; and establishing an effective date. (Submitted by: Paul A. Hofmann, City Manager)

A motion was made by Council Member Peterson to approve Resolution No. R-2022-12, seconded by Council Member Crouch, motion was approved on a 4-0 vote. Mayor Pro Tem Nelson was absent.

EXECUTIVE SESSION

The City Council met at 8:11 p.m. in a closed/executive session pursuant to the Texas Government Code, Chapter 551, et seq, to discuss the following:

- 2A. City Council shall convene into closed executive session pursuant to Texas Government Code Sections 551.071 and 551.072, to seek the advice of legal counsel, and to deliberate upon the acquisition of real property interests associated with the construction of Wastewater Treatment Plant #3 at 385 SH 304, Unit B, Bastrop, TX 78602, and its collections systems, including all related agreements, authorizations, easements, resolutions, and associated legal actions.

- 2C. City Council shall convene into closed executive session pursuant to Texas Government Code sections 551.071 and 551.072 to seek the advice of legal counsel regarding the purchase, exchange, lease, or value of real property in the City Limits for possible parkland, drainage, or open space purposes.

Mayor Schroeder recessed the Executive Session at 8:41 p.m.

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

No action taken.

Adjourned at 8:41 p.m. without objection.

APPROVED:

ATTEST:

Mayor Connie B. Schroeder

City Secretary Ann Franklin

The Minutes were approved on February 8, 2022, by Council Member motion, Council Member second. The motion was approved on a vote.



STAFF REPORT

MEETING DATE: February 8, 2022

AGENDA ITEM: 11B

TITLE:

Consider action to approve the second reading of Ordinance No. 2022-03 of the City Council of the City of Bastrop, Texas, calling for and establishing the procedures for a May 7, 2022, Special Election for the purpose of amending the Home Rule Charter; and providing an effective date.

AGENDA ITEM SUBMITTED BY:

Ann Franklin, City Secretary

BACKGROUND/HISTORY:

Texas Election Code

Chapter 3. Ordering Election

Sec. 3.001. Order Required

Each general and special election shall be ordered as provided by this chapter.

Sec. 3.004. Election of Political Subdivision.

(a) The following authority shall order an election:

- (1) the county judge, for the general election for officers of the county government;
- (2) the mayor, for the general election for city officers in a city with a population of 1.9 million or more; and
- (3) the governing body of a political subdivision, other than a county or a city described by Subdivision (2), that has elective offices, for the general election for those officers.

FISCAL IMPACT:

Estimated Amount:

- Joint Election with Bastrop County, Bisd, Bastrop-Travis Counties Emergency Services District No. 1, City of Elgin, City of Smithville, Eisd, Bastrop County Emergency Services District No. 2, Sisd, and Bastrop County Water Control and Improvement District #2 – \$10,168.25

This cost was approved in the 2021-2022 FY budget in account 101 04-00-5681.

RECOMMENDATION:

Ann Franklin recommends approval of Ordinance No. 2022-03 of the City Council of the City of Bastrop, Texas, calling for and establishing the procedures for a May 7, 2022, Special Election for the purpose of amending the Home Rule Charter; and providing an effective date.

ATTACHMENTS:

- Resolution – English
- Resolution – Spanish

ORDINANCE NO. 2022-03

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, CALLING FOR AND ESTABLISHING THE PROCEDURES FOR A MAY 7, 2022, SPECIAL ELECTION FOR THE PURPOSE OF AMENDING THE HOME RULE CHARTER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Bastrop, Texas, seeks to call a special election to be held on **May 7, 2022**, for the purpose of amending the Home Rule Charter as hereinafter set out; and

WHEREAS, the City of Bastrop's Home-Rule Charter is a foundational governmental document. Much like a municipality's constitution, the Charter is both the legal source of authority and a limit on the City's authority. Along with state law, it establishes the essential framework for the local government; and

WHEREAS, the proposed Charter amendments will be adopted if approved by a majority of the qualified voters at an election held for that purpose in accordance with the Charter, Article 11, Section 5 of the Texas Constitution, Chapter 52 of the Texas Election Code, and Section 9.005 of the Texas Local Government Code; and

WHEREAS, the laws of the State of Texas further provide that the Election Code of the State of Texas is applicable to the elections, and an ordinance must be passed establishing the procedures to be followed in the election and designating the voting places for the election.

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

SECTION 1. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the City Council.

SECTION 2. It is hereby ordered that a special election be held in the City of Bastrop on May 7, 2022, in conformance with all applicable laws and as provided in this Ordinance, for the purpose of submitting to the voters certain proposed amendments to the Charter of the City of Bastrop.

SECTION 3. All qualified voters of the City shall be entitled to cast a vote in the special election of the City.

SECTION 4. At the special election for consideration of proposed Charter amendments, the voters of the City of Bastrop may vote FOR or AGAINST each of the following amendments to the City Charter of the City of Bastrop, Texas:

PROPOSITION A

Shall Section 2.03 of the Charter be amended to conform with state law by removing reference to the City’s power to annex territory without consent of the inhabitants?

_____FOR
_____AGAINST

PROPOSITION B

Shall Section 3.06(6) of the Charter be amended to conform with state law creating a vacancy on the city council when a council member announces their candidacy for certain elected offices and the unexpired term of the council member exceeds one year and thirty days?

_____FOR
_____AGAINST

PROPOSITION C

Shall Section 3.15(b) of the Charter be amended to authorize the city council to waive by an affirmative vote of four (4) or more Council Members the requirement that an ordinance be read in two separate meetings?

_____FOR
_____AGAINST

PROPOSITION D

Shall Section 3.16 of the Charter be amended to reflect the fact that codes of technical regulations are available to the public digitally and free of charge?

_____FOR
_____AGAINST

PROPOSITION E

Shall Section 3.17(b) of the Charter be amended to reflect the fact that ordinances are available to the public digitally and free of charge?

_____FOR

_____AGAINST

PROPOSITION F

Shall Section 5.02 of the Charter be amended to conform with state law by stating that the term of office of municipal court judges shall be provided for by ordinance?

_____FOR

_____AGAINST

PROPOSITION G

Shall Section 10.04 of the Charter be amended to conform with state law by requiring petitions calling for initiative or referendum elections to comply with the Texas Election Code?

_____FOR

_____AGAINST

PROPOSITION H

Shall Section 10.08 of the Charter be amended to conform with state law by requiring petitions calling for recall elections to comply with the Texas Election Code?

_____FOR

_____AGAINST

PROPOSITION I

Shall Section 12.01 of the Charter be amended to establish 7 as the minimum number of Planning and Zoning commissioners?

_____FOR

_____AGAINST

PROPOSITION J

Shall Sections 14.03 and 14.04 of the Charter be repealed in their entirety as outdated, transitional provisions that are now irrelevant?

_____FOR

_____AGAINST

PROPOSITION K

Shall the Charter be amended throughout to replace gender -specific language with gender-neutral terminology?

_____FOR

_____AGAINST

Section 5. This City has eight (8) election precincts and voters are allowed to vote at any of the locations. The election shall be held at the following locations:

For Election Precincts 1001, 1003, 1004, 1005, 1007, 2010, 2011, and 3017 (including all of the area within the boundaries of the Bastrop City limits) the election polling places shall be as follows:

Wyldwood Baptist Church	398 Union Chapel Road	Cedar Creek
River Valley Christian Fellowship	1224 W. State Highway 71	Bastrop
Ascension Catholic Church	804 Pine Street	Bastrop
Paige Community Center	107 S. Main Street	Paige
Bastrop Co. ESD No. 2 Fire Station 3	926 FM 1441	Bastrop
Calvary Baptist Church	3001 Loop 150 East	Bastrop
Smithville Recreation Center	106 Royston Street	Smithville
Rosanky Community Center	135 Main Street	Rosanky
Bastrop County Substation	5785 FM 535	Cedar Creek
Bastrop Church of Christ	287 FM 20	Bastrop
Hills Prairie Baptist Church	1338 State Highway 304	Bastrop
Red Rock Community Center	114 Red Rock Road	Red Rock
Elgin Recreation Center	361 N. Highway 95	Elgin
New Life Baptist Fellowship	175 S. State Highway 95	Elgin
Faith Lutheran Church	230 Waco Street	McDade
Family Worship Center	2425 FM 1704	Elgin
Bastrop Co. ESD No. 2 Fire Station 4	1432 N. State Highway 95	Bastrop

Section 6. The County Elections Administrator is hereby authorized and instructed to provide and furnish all necessary election supplies to conduct the elections. Voting at such elections shall be prepared in conformity to the Texas Election Code.

Section 7. Section 61.012 of the Texas Election Code requires that the Bastrop City Council must provide at least one accessible voting system in each polling place used in a Texas election on or after January 1, 2006. This system must comply with state and federal laws setting the requirements for voting systems that permit voters with physical disabilities to cast a secret ballot.

Section 8. The Office of the Texas Secretary of State has certified that the Election Systems & Software's (ES&S) EVS 6110 which includes the Express Vote ballot marking device, the DS850 central scanner, and the DS200 precinct scanner is an accessible voting system that may legally be used in Texas elections.

Section 9. Sections 123.032 and 123.035 of the Texas Election Code authorize the acquisition of voting systems by local political subdivisions and further mandate certain minimum requirements for contracts relating to the acquisition of voting of such voting systems.

Section 10. As chief elections officer as appointed by the Bastrop City Council, **the Elections Administrator** must, according to Section 61.012 of the Texas Election Code provide at least one accessible voting system in each polling place used in a Texas election on or after January 1, 2006. This system must comply with state and federal laws setting the requirements for voting systems that permit voters with physical disabilities to cast a secret ballot.

Section 11. For Election precincts 1001, 1003, 1004, 1005, 1007, 2010, 2011, and 3017 the presiding officer will be determined at a later date by Bastrop County Elections Administrator. The Presiding Judge at such election shall appoint no less than two (2), no more than five (5) clerks on election day.

Section 12. The polls at the above designated polling place shall be open on the Election Day from 7:00 a.m. to 7:00 p.m.

Section 13. The City will use its official website to post those notices required by law and any election information it deems necessary during the conduct of this election. The City's website is <https://www.cityofbastrop.org/>.

Section 14. Kristin Miles is hereby appointed Clerk for Early Voting. Early voting begins on April 25, 2022, the twelfth (12th) day before the election and ends on May 3, 2022, the fourth (4th) day preceding the date of the election.

EARLY VOTING DATES, TIMES, AND LOCATIONS

(voters are allowed to vote at any of the locations)

Main Location:

Bastrop County Courthouse Annex, Lower Level Conference Room, 804 Pecan St., Bastrop, Texas 78602.

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
25 8:00 am – 5:00 pm	26 8:00 am – 5:00 pm	27 8:00 am – 5:00 pm	28 8:00 am – 5:00 pm	29 8:00 am – 5:00 pm
2 7:00 am – 7:00 pm	3 7:00 am – 7:00 pm			

Branch Locations:

Smithville Rec Center, 106 Royston St., Smithville
Cedar Creek Tax Office Annex, 5785 FM 535, Cedar Creek
Elgin Rec Center, 361 N. Hwy 95, Elgin

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
25 8:00 am – 5:00 pm	26 8:00 am – 5:00 pm	27 8:00 am – 5:00 pm	28 8:00 am – 5:00 pm	29 8:00 am – 5:00 pm
2 7:00 am – 7:00 pm	3 7:00 am – 7:00 pm			

Section 15. Ballot applications and ballots voted by mail should be addressed to the Early Voting Clerk, Kristin Miles, Bastrop County Elections Administrator, 804 Pecan Street, Bastrop, Texas 78602. Applications for ballots by mail must be received no later than the close of business on April 26, 2022, the eleventh (11th) day before the election.

Section 16. For Election Precincts 1001, 1003, 1004, 1005, 1007, 2010, 2011, and 3017, Staci Calvert is hereby appointed as Presiding Judge of the Early Voting Ballot Board. In accordance with Section 87.002 et seq. of the Texas Election Code the presiding judge shall appoint at least two (2) other members to the Early Voting Ballot Board and shall process early voting results in accordance with the Texas Election Code.

Section 17. The Presiding Judge and Alternate Presiding Judge will receive compensation at the rate of \$12.00 per hour. The Clerks will receive compensation at the rate of \$10.00 per hour. The Presiding Judge or his/her designee will receive an additional \$25.00 for picking up the election supplies prior to Election Day and for returning the supplies after the polls close.

Section 18. The special election shall be held in accordance with the Election Code and Local Government Code of this State and only resident qualified voters of the City shall be eligible to vote at the election.

Section 19. The Mayor shall give notice of this election in accordance with the terms and provisions of Sections 4.004, 83.010, 85.004 and 85.007 of the Election Code, Section 9.004 of the Local Government Code, and all necessary orders and writs for the election shall be issued by the proper authority. Returns of the election shall be made to the City Council immediately after the closing of the polls.

Section 20. It is further found and determined that in accordance with the order of this governing body, the City Secretary will post notice of the date to hold the drawing for a place on the ballot on the bulletin board located in the City Hall, a place convenient and readily accessible to the general public, and the notice will be posted and remain posted continuously for at least seventy-two (72) hours preceding the scheduled time of the meeting. A copy of the return of the posting shall be attached to the minutes of this meeting and shall be made a part thereof for all intents and purposes.

Section 21. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby adopted and made a part of this ordinance for all purposes.

Section 22. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

Section 23. This ordinance shall be in full force and effect from and after its passage on the date shown below; provided that if any term or provision of this ordinance conflicts with, or is inconsistent with, the Texas Elections Code, the Texas Election Code shall govern and control and the Election Officer shall comply with the Texas Election Code.

READ and APPROVED on First Reading on the 25th day of January, 2022.

READ and APPROVED on Second Reading on the 8th day of February, 2022.

APPROVED:

Connie B. Schroeder, Mayor

ATTEST:

Ann Franklin, City Secretary

APPROVED AS TO FORM:

Alan Bojorquez, City Attorney

ORDENANZA NUM. 2022-03

ORDENANZA DEL CONSEJO DE LA CIUDAD DE BASTROP, TEXAS, PARA CONVOCAR E INSTITUIR LOS PROCEDIMIENTOS DE LA ELECCIÓN ESPECIAL DEL 7 DE MAYO, 2022 CON EL PROPÓSITO DE ENMENDAR LA CARTA DE AUTONOMÍA; Y PROPORCIONAR LA FECHA DE VIGOR.

POR CUANTO, el Consejo de la Ciudad de Bastrop, Texas, desea convocar una elección especial que se lleve a cabo el **7 de mayo, 2022**, con el proposito de enmendar la Carta de Autonia en conformidad con lo que se detalla en la presente; y

POR CUANTO, la Carta de Autonomía de la Ciudad de Bastrop es un documento gubernamental fundacional. Al igual que la constitución de un municipio, la Carta es ambos, fuente legal de autoridad y también puede limitar la autoridad de la Ciudad. Junto con la ley estatal, establece el marco esencial para el gobierno local; y

POR CUANTO, las enmiendas propuestas a la Carta se adoptarán si son aprobadas por la mayoría de los votantes calificados en la elección que se lleve a cabo para ese propósito de acuerdo con la Carta, con el Artículo 11, Sección 5 de la Constitución de Texas, con el Capítulo 52 del Código Electoral de Texas y la Sección 9.005 del Código de Gobierno Local de Texas; y

POR CUANTO, las leyes del Estado de Texas establecen además que el Código Electoral del Estado de Texas es aplicable a las elecciones, y que se debe aprobar una ordenanza que instituya los procedimientos a seguir en la elección y que designe los sitios de votación para la elección.

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

SECCIÓN 1. Los considerandos que figuran en el preámbulo por la presente se determinan ser ciertos, y dichos considerandos se adoptan y forman parte de la presente Ordenanza a todos los efectos, y se adoptan como parte del juicio y las determinaciones del Consejo de la Ciudad.

SECCIÓN 2. Por la presente se ordena que se lleve a cabo una elección especial en la Ciudad de Bastrop el 7 de mayo de 2022, de conformidad con todas las leyes aplicables y según lo dispuesto en esta Ordenanza, con el propósito de presentar a los votantes ciertas enmiendas propuestas a la Carta de la Ciudad de Bastrop.

SECCIÓN 3. Todos los votantes calificados de la Ciudad tendrán derecho a emitir su voto en la elección especial de la Ciudad.

SECCIÓN 4. En la elección especial para la consideración de las enmiendas propuestas a la Carta, los votantes de la Ciudad de Bastrop podrán votar A FAVOR o EN CONTRA de cada una de las siguientes enmiendas a la Carta de la Ciudad de Bastrop, Texas:

PROPOSICIÓN A

¿Será enmendada la Sección 2.03 de la Carta para que sea en conformidad con la ley estatal eliminando la referencia al poder de la Ciudad para anexar territorio sin el consentimiento de los habitantes?

_____ A FAVOR

_____ EN CONTRA

PROPOSICIÓN B

¿Será enmendada la Sección 3.06 (6) de la Carta para que sea en conformidad con la ley estatal que crea una vacante en el consejo municipal cuando un miembro del consejo anuncia su candidatura para ciertos cargos electos y si el plazo aun no vencido del miembro del consejo excede un año y treinta días?

_____ A FAVOR

_____ CONTRA

PROPOSICIÓN C

¿Será enmendada la Sección 3.15 (b) de la Carta para autorizar al concejo municipal para que con el voto afirmativo de cuatro (4) o más miembros del Concejo pueda suspender el requisito de que una ordenanza deberá ser leída en dos reuniones separadas?

_____ A FAVOR

_____ CONTRA

PROPOSICIÓN D

¿Será enmendada la Sección 3.16 de la Carta para que indique que los códigos de reglamentos técnicos están a disposición del público en formato digital y gratis?

_____ A FAVOR

_____ CONTRA

PROPOSICIÓN E

¿Será enmendada la Sección 3.17 (b) de la Carta para que indique que las ordenanzas están disponibles para el público en formato digital y gratis?

_____ A FAVOR

_____ EN CONTRA

PROPOSICIÓN F

¿Será enmendada la Sección 5.02 de la Carta para que sea en conformidad con la legislación estatal instituyendo que el plazo de los puestos de jueces municipales se establecerá por ordenanza?

_____ A FAVOR

_____ EN CONTRA

PROPOSICIÓN G

¿Será enmendada la Sección 10.04 de la Carta para cumplir con la ley estatal al requerir que las peticiones para llevar a cabo elecciones de iniciativa o referéndum cumplan con el Código Electoral de Texas?

_____ A FAVOR

_____ EN CONTRA

PROPOSICIÓN H

¿Será enmendada la Sección 10.08 de la Carta para cumplir con la ley estatal al requerir que las peticiones para llevar a cabo elecciones revocatorias cumplan con el Código Electoral de Texas?

_____ A FAVOR

_____ EN CONTRA

PROPOSICIÓN I

¿Será enmendada la Sección 12.01 de la Carta para establecer que al minimo deberían haber 7 comisionados de Planificación y Zonificación?

_____ A FAVOR

_____ EN CONTRA

PROPOSICIÓN J

¿Serán eliminadas totalmente las Secciones 14.03 y 14.04 de la Carta por que son disposiciones transitorias obsoletas que ahora son irrelevantes?

_____ A FAVOR

_____ EN CONTRA

PROPOSICIÓN K

¿Será enmendada la Carta entera para sustituir el lenguaje de género en particular y reemplazarlo con terminología neutral en cuanto al género?

_____ A FAVOR

_____ EN CONTRA

SECCIÓN 5. La Ciudad cuenta con ocho (8) precintos electorales y se permite que los votantes voten en cualquiera de los sitios de votación. La elección será llevada a cabo en los siguientes sitios:

Para los precintos electorales 1001, 1003, 1004, 1005, 1007, 2010, 2011, y 3017 (incluyendo todo el área dentro de los límites de la Ciudad de Bastrop) los sitios de votación serán:

Wyldwood Baptist Church	398 Union Chapel Road	Cedar Creek
River Valley Christian Fellowship	1224 W. State Highway 71	Bastrop
Ascension Catholic Church	804 Pine Street	Bastrop
Paige Community Center	107 S. Main Street	Paige
Bastrop Co. ESD No. 2 Fire Station 3	926 FM 1441	Bastrop
Calvary Baptist Church	3001 Loop 150 East	Bastrop
Smithville Recreation Center	106 Royston Street	Smithville
Rosanky Community Center	135 Main Street	Rosanky
Bastrop County Substation	5785 FM 535	Cedar Creek
Bastrop Church of Christ	287 FM 20	Bastrop
Hills Prairie Baptist Church	1338 State Highway 304	Bastrop
Red Rock Community Center	114 Red Rock Road	Red Rock
Elgin Recreation Center	361 N. Highway 95	Elgin
New Life Baptist Fellowship	175 S. State Highway 95	Elgin
Faith Lutheran Church	230 Waco Street	McDade
Family Worship Center	2425 FM 1704	Elgin
Bastrop Co. ESD No. 2 Fire Station 4	1432 N. State Highway 95	Bastrop

Sección 6. El/la Administrador/a de Elecciones del Condado por la presente queda autorizado/a y se le instruye que proporcione y entregue todos los suministros electorales

necesarios para llevar a cabo las elecciones. La votación en dicha elección será preparada en conformidad con el Código Electoral de Texas.

Sección 7. La Sección 61.012 del Código Electoral de Texas requiere que El Consejo Municipal de la Ciudad de Bastrop proporcione al menos un sistema de votar accesible en cada sitio de votación del tipo que desde la fecha del 1 de enero, 2006 se ha utilizado en toda elección efectuada en Texas. Dicho sistema deberá cumplir con las leyes estatales y federales que decretan los requisitos para sistemas de votar que permiten a votantes con discapacidades físicas emitir/votar su boleta en secreto.

Sección 8. La Oficina del Secretario de Estado de Texas ha certificado que el equipo electoral llamado Election Systems & Software (ES&S) EVS 6110 que incluye el equipo de votación exprés para marcar boletas sea usado junto con el equipo DS850 escaneador central, y el DS200 escaneador de precinto, es sistema de votar accesible que se puede usar legalmente en las elecciones de Texas.

Sección 9. Las Secciones 123.032 y 123.035 del Código Electoral de Texas autorizan adquisición de sistemas de votación por subdivisiones locales políticas y además ordenan cumplimiento con ciertos requisitos mínimos para contratos relacionados con la adquisición de dichos sistemas de votación..

Sección 10. En su puesto de oficial electoral principal nombrado por el Consejo de la Ciudad de Bastrop, **el/la Administrador/a Electoral** deberá proporcionar de acuerdo con la Sección 61.012 del Código Electoral de Texas al menos un sistema de votación accesible en cada sitio de votación utilizado en cualquier elección de Texas que sea llevada a cabo en o después del 1 de enero, 2006. Dicho sistema deberá cumplir con las leyes estatales y federales que establecen los requisitos para sistemas de votación que permiten a votantes discapacitados emitir sus boletas en secreto.

Sección 11. Para los precintos electorales 1001, 1003, 1004, 1005, 1007, 2010, 2011, y 3017, el/la oficial presidente será determinado en una futura fecha por el/la Administrador/a Electoral del Condado de Bastrop. El/la Juez Presidente de dicha elección nombrará a no menos de dos (2) pero a no más de cinco (5) secretarios para el día de elecciones.

Sección 12. Las casillas electorales en los sitios de votación indicados arriba estarán abiertas el Día de Elecciones de las 7:00 a.m. a las 7:00 p.m.

Sección 13. La Ciudad usará su sitio web oficial para anunciar los avisos requeridos por ley y cualquier información electoral que sea necesaria durante el periodo que se lleve a cabo esta elección. El sitio web de la Ciudad es <https://www.cityofbastrop.org/>.

Sección 14. Kristen Miles por la presente es nombrada Secretaria de la Votación Adelantada. La votación adelantada se inicia el 25 de abril, 2022, el doceavo (12vo) día antes de la elección y se concluye el 3 de mayo, 2022, el cuarto (4to) día antes de la fecha de la elección.

FECHAS DE LA VOTACIÓN ADELANTADA, HORAS, Y UBICACIONES
(se permite que votantes voten en cualquier ubicación)

Sitio Principal:

Anexo de la Corte Del Condado Bastrop, Salón de Conferencias en el Nivel Bajo (*County Courthouse Annex, Lower Level Conference Room*), 804 Pecan St., Bastrop, Texas 78602.

LUNES	MARTES	MIÉRCOLES	JUEVES	VIERNES
25 8:00 am – 5:00 pm	26 8:00 am – 5:00 pm	27 8:00 am – 5:00 pm	28 8:00 am – 5:00 pm	29 8:00 am – 5:00 pm
2 7:00 am – 7:00 pm	3 7:00 am – 7:00 pm			

Sitios Sucursales de Votación:

Smithville Rec Center, 106 Royston St., Smithville
 Cedar Creek Tax Office Annex, 5785 FM 535, Cedar Creek
 Elgin Rec Center, 361 N. Hwy 95, Elgin

LUNES	MARTES	MIÉRCOLES	JUEVES	VIERNES
25 8:00 am – 5:00 pm	26 8:00 am – 5:00 pm	27 8:00 am – 5:00 pm	28 8:00 am – 5:00 pm	29 8:00 am – 5:00 pm
2 7:00 am – 7:00 pm	3 7:00 am – 7:00 pm			

Sección 15. Las solicitudes de boletas y las boletas que serán votadas por correo deberán enviarse al/la Secretario/a de la Votación Adelantada, Kristen Miles, Administradora Electoral del Condado de Bastrop (Bastrop County Elections Administrator), 804 Pecan Street, Bastrop, Texas 78602. Solicitudes de boletas por correo deberán recibirse a no más tardar del final del día hábil el 26 de abril, 2022, que es el 11vo día antes de las elecciones.

Sección 16. Para los precintos electorales 1001, 1003, 1004, 1005, 1007, 2010, 2011, y 3017, Staci Calvert por la presente es nombrado/a Juez Presidente de la Junta de Boletas de la Votación Adelantada. De acuerdo con la Sección 87.002 et seq. del Código Electoral de Texas dicho juez presidente nombrará al menos dos (2) miembros adicionales a la Junta de Boletas de la Votación Adelantada y procesará los resultados de la votación adelantada de acuerdo con el Código Electoral de Texas.

Sección 17. El/la Juez Presidente y el/la Juez Presidente Alterno recibirán compensación de \$12.00 por hora. Los secretarios recibirán compensación de \$10.00 por hora. El/la Juez Presidente o su designado recibirán \$25.00 adicional por recoger los suministros de la elección antes de llevarse a cabo la elección el Día de la Elección, y por devolver los suministros después de cerrarse los sitios de votación.

Sección 18. La Elección Especial se llevará a cabo de acuerdo con el Código Electoral y el Código de Gobierno Local de este Estado y solo votantes residentes calificados de dicha Ciudad serán elegibles para votar en la elección.

Sección 19. El Alcalde dará aviso de esta elección de conformidad con los términos y disposiciones de las Secciones 4.004, 83.010, 85.004 y 85.007 del Código Electoral, Sección 9.004 del Código de Gobierno Local, y todas las órdenes y decretos pertinentes a las elecciones serán emitidas por la autoridad competente. Los resultados de las elecciones se reportarán al Consejo Municipal inmediatamente después de cerrarse los sitios de votación.

Sección 20. Además se afirma y determina que de acuerdo con la orden de este cuerpo gubernamental, la Secretaria de la Ciudad anunciará el aviso de la fecha para llevar a cabo el sorteo para ser apuntado en la boleta y dicho aviso será fijado en el tablón de anuncios ubicado en el Edificio Municipal (City Hall), lugar conveniente y muy accesible al público en general, y que dicho aviso será fijado y permanecerá fijado continuamente al menos por setenta y dos (72) horas antes de la hora indicada de la reunión. Una copia del recibo indicando que se ha fijado el aviso será adjuntada a los minutos de esta reunión y será considerada ser parte de lo mismo a todos los efectos.

Sección 21. Los considerandos que figuran en el preámbulo se determinan ser ciertos, y dichos considerandos se adoptan y forman parte de la presente ordenanza a todos los efectos.

Sección 22. Si cualquier sección, subsección, oración, cláusula o frase de esta ordenanza se considera por cualquier razón inconstitucional, dicha determinación no afectará la validez de las partes restantes de esta ordenanza.

Sección 23. La presente ordenanza estará en pleno vigor y efecto a partir de su aprobación en la fecha que se indica a continuación; siempre que si algún término o disposición de esta ordenanza entra en conflicto con, o es inconsistente con, el Código Electoral de Texas, entonces el Código Electoral de Texas predominará y controlará, y el Oficial Electoral cumplirá con el Código Electoral de Texas.

LEÍDO Y APROBADO en su Primera Lectura el día 25 de enero, 2022.

LEÍDO y APROBADO en su Segunda Lectura el día 8^{de} febrero, 2022.

APROBADO:

Connie B. Schroeder, Alcalde

CERTIFICADO:

Ann Franklin, Secretaria de la Ciudad

APROBADO EN SU REDACCIÓN:

Alan Bojorquez, Fiscal de la Ciudad



Explanation of proposed 2022 Amendments to the Bastrop Home Rule Charter

Introduction

The City of Bastrop’s Home-Rule Charter is a foundational governmental document. Much like a municipality’s constitution, the Charter is both the legal source of authority and a limit on the City’s authority. Along with state law, it establishes the essential framework for the local government.

The Charter was last amended by the voters at an election held on in 2016. State law prevents charters from being amended more frequently than every two years. Bastrop’s Charter states that it should be evaluated at least every six years. Accordingly, the City Council of the City of Bastrop wishes to order a Special Election for the purpose of submitting to the voters certain amendments to the Charter. The City Council ordered an election to be held on May 7, 2022. Early voting starts on Monday, April 25, 2022.

The proposed Charter amendments will be adopted if approved by a majority of the qualified voters at an election held for that purpose. All registered voters of the City will be entitled to cast a vote.

At the Special Election voters can vote FOR or AGAINST each of the individual amendments to the Charter. Below are the individual propositions and brief explanations of why they are offered for consideration. Most propositions may be characterized as non-substantive clean-up edits. This is *educational material, only*. The City of Bastrop as an organization offers these propositions for consideration but does not advocate for or against passage of these items.

Propositions

Prop A: Shall Section 2.03 of the Charter be amended to conform with state law by removing reference to the City’s power to annex territory without consent of the inhabitants?

Explanation: Legislative changes to Texas statutory law have made it difficult to annex property without the consent of the property owners. See Texas Local Government Code Chapter 43.

Amended Text: If approved, the section will read (in relevant part):

Section 2.03 - Annexation

The Council shall have the power by ordinance to fix the boundary limits of the City

to provide for the alteration and the extension of said boundary limits, and the annexation of additional territory lying adjacent to the City, in compliance with state law ~~with or without the consent of the territory and inhabitants annexed~~. During the annexation process, the Council shall provide an opportunity for all interested persons to be heard at public hearing(s), in conformance with state law....

Prop. B: Shall Section 3.06(6) of the Charter be amended to conform with state law creating a vacancy on the city council when a council member announces their candidacy for certain elected offices and the unexpired term of the council member exceeds one year and thirty days?

Explanation: The Texas Constitution has a provision commonly referred to as the *Resign to Run* rule, which automatically creates a vacancies in certain elected offices if the incumbent announces they are seeking another elected office. The *Resign to Run* rule applies (in relevant part) when certain candidates for other offices have 1 year and 30 days left on their current term. The current Charter provision only references the 1 year mark, but omits the additional 30 days.

Amended Text: If approved, the section will read (in relevant part):

Section 3.06 - Vacancies, Forfeiture of Office and Filling of Vacancies.
 The office of a Council Member shall become vacant upon the member's death, resignation, removal from or forfeiture of that office. A Council Member shall forfeit that office if the Council Member: ...
 (6) announces his/her candidacy, or shall in fact become a candidate, in any General, Special or Primary Election, for any office of profit or trust under the laws of the State of Texas or the United States other than the office then held, at any time when the unexpired term of the Council Member then held shall exceed one (1) year and 30 days, such announcement or such candidacy shall constitute an automatic resignation of the Council position then held, as set forth in Article XVI, Sec. 65(b) of the Texas Constitution.

Prop. C: Shall Section 3.15(b) of the Charter be amended to authorize the city council to waive by an affirmative vote of four (4) or more Council Members the requirement that an ordinance be read in two separate meetings?

Explanation: State law does not require that all ordinances be read at two separate meetings before being adopted. However, the current Charter does. There are occasions when it would be expeditious and advantageous to dispense with the second reading (e.g., at the end of the year and during holiday seasons). This amendment allows waiver of the two-reading requirement if the waiver is approved by a super-majority vote of the City Council.

Amended Text: If approved, the section will read (in relevant part):

Section 3.15 - Ordinances in General.

(b) Procedure. An ordinance may be introduced and acted upon at any regular or special meeting of the Council. No ordinance shall be passed, except in cases of emergency, until the descriptive caption of the ordinance shall have been read in two separate meetings of the Council.

The requirement for considering ordinances and reading the descriptive caption thereof at two (2) separate meetings may be dispensed with: (1) where an ordinance relating to the immediate preservation of the public peace, health or safety is adopted as an emergency measure by a majority vote of the Council Members and such emergency ordinance shall take effect immediately upon its adoption and execution without a second consideration; or (2) when a majority vote of four or more Council Members determines through a separate motion that the first reading is sufficient for adequate consideration of the ordinance.

Prop. D: Shall Section 3.16 of the Charter be amended to reflect the fact that codes of technical regulations are available to the public digitally and free of charge?

Explanation: Technical regulations such as the *Building Bastrop Block Technical Manual* are often necessary to implement city policies regarding building and construction. State law does not require such rules to be posted online. Whether to provide technical codes online is a local policy decision. With advances in technology, it is not always necessary or feasible to print and sell hardcopy versions of the City’s Code of Ordinances. Instead, the technical codes can now be accessed by the public at-will and without fees from the City’s home page.

Amended Text: If approved, the section will read (in relevant part):

Section 3.16 Codes of Technical Regulations.

The Council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedures and requirements governing such an adopting ordinance shall be that prescribed for ordinances generally. A copy of each adopted code of technical regulations, as well as the adopting ordinance, shall be authenticated and recorded by the City Secretary pursuant to Section 3.17.

Copies of any adopted code of technical regulations shall be made available by the City Secretary digitally without charge through the City’s website ~~for purchase at a reasonable price.~~

Prop. E: Shall Section 3.17(b) of the Charter be amended to reflect the fact that ordinances are available to the public digitally and free of charge?

Explanation: Ordinances are municipal rules and regulations. State law does not require ordinances be compiled into a published collection called the Code of Ordinances (i.e., codified). Whether to codify ordinances is a local policy decision. State law does not mandate how Codes of Ordinances are published when codified. Bastrop has a Code of Ordinances. With advances in technology, it is no longer necessary or feasible to print expensive hardcopy versions of the City’s Code of

Ordinances. Instead, the ordinances can now be accessed by the public at-will and without fees from the City’s home page.

Amended Text: If approved, the section will read (in relevant part):

Section 3.17 Authentication and Recording; Codification

(b) Codification. All City ordinances having the force of law shall be codified. The general codification shall be adopted by the Council by ordinance and shall be published ~~online in loose leaf form~~ and shall include this Charter and any amendments thereto. The official copy of the City Code in the office of the City Secretary shall be kept up to date and properly indexed. It shall not be necessary to repeat in this codification any technical codes adopted by reference. Copies of the City Code shall be available to the public digitally without charge through the City’s website ~~furnished to City offices, placed in libraries and public offices for free public reference and made otherwise available for purchase by the public at a reasonable price fixed by the Council. Amendments to the City Code shall also be made available for purchase by the public as they become available.~~

Prop. F: Shall Section 5.02 of the Charter be amended to conform with state law by stating that the term of office of municipal court judges shall be provided for by ordinance?

Explanation: State law states that the city council shall provide by ordinance for the term of office of its municipal judges. The term must be for a definite term of two or four years. Tex. Gov't Code § 30.00006(d). The Bastrop Code of Ordinances provides for a two-year term. The current Charter provision states that the term is three years.

Amended Text: If approved, the section will read (in relevant part):

Section 5.02 - Judge of the Municipal Court.

The Municipal Court shall be presided over by a Judge(s). The Judge(s) shall be nominated by the Mayor and appointed by the Council for a term provided by ordinance of three (3) years to run concurrently with the term of the office of the Mayor, or for the portion of such unexpired term as may remain at the time of the appointment.

Prop. G: Shall Section 10.04 of the Charter be amended to conform with state law by requiring petitions calling for initiative or referendum elections to comply with the Texas Election Code?

Explanation: Texas Election Code Ch. 277 states that once petitions can’t be amended or supplemented (with certain exceptions) after they are filed. The current language is inconsistent with state law.

Amended Text: If approved, the section will read (in relevant part):

Section 10.04 Filing, Examination and Certification of Petitions

All papers comprising a petition for initiative or referendum shall be assembled and filed with the City Secretary as one instrument.... A petition may be amended or supplemented in compliance with the Texas Election Code ~~at any time within ten (10) days after a notice of insufficiency has been sent by the City Secretary, by filing a supplementary petition. In such event, the same procedures shall then be followed by the City Secretary and Council as in the case of the original petition for the same purpose.~~

Prop. H: Shall Section 10.08 of the Charter be amended to conform with state law by requiring petitions calling for recall elections to comply with the Texas Election Code?

Explanation: Texas Election Code Ch. 277 states petitions can't be amended or supplemented (with certain exceptions) after they are filed. The current language is inconsistent with state law.

Amended Text: If approved, the section will read (in relevant part):

Section 10.08 - Recall Election.

All papers comprising a recall petition shall be assembled and filed with the City Secretary. Within thirty (30) days after the petition is filed, the City Secretary shall determine its sufficiency and, if found to be sufficient, shall certify this fact to the Council at its next regular meeting. A petition may be amended or supplemented in compliance with the Texas Election Code. ~~If a recall petition is found to be insufficient, it may be amended within ten (10) days after notice of such insufficiency by the City Secretary, by filing a supplementary petition.~~

Prop. I: Shall Section 12.01 of the Charter be amended to establish 7 as the minimum number of Planning and Zoning commissioners?

Explanation: State law does not specify the membership of a Planning and Zoning Commission; thus, it is a matter of local preference. The current size of the P&Z under the Charter is 9. The City has sometimes found it difficult to recruit 9 members, and to then meet the quorum requirement of having 5 in attendance to conduct meetings. This amendment establishes the minimum number of commissioners as 7 and allows the City Council to set the actual size of the P&Z by ordinance.

Amended Text: If approved, the section will read (in relevant part):

Section 12.01 - Planning and Zoning Commission.

There shall be established a Planning and Zoning Commission which the membership shall be established by ordinance providing for a minimum of seven (7) ~~shall be consist of nine (9)~~ residents, serving staggered three-year terms.

Any vacancy on the Commission shall be filled by the Council for the remainder of the unexpired term in question. Members of the Commission shall serve without compensation and may be removed by the Council at its sole discretion. The Commission shall annually elect a Chair and a Vice Chair from among its membership. A majority of members shall constitute a quorum. The Commission shall keep minutes of its proceedings and such minutes shall be of public record.

Prop. J: Shall Sections 14.03 and 14.04 of the Charter be repealed in their entirety as outdated, transitional provisions that are now irrelevant?

Explanation: These provisions are surplus language included as part of the 2010 Charter amendments as an explanation regarding the implementation of that collection of modifications, which included increasing terms of office from 2 to 3 years. They no longer have any relevance to the current Charter and will not affect any future amendments.

~~Section 14.03—Submission of Charter Amendment to Election.~~

~~The City Council, in preparing these Charter Amendments, finds and declares that it is impracticable to segregate each subject so that the voter may vote "yes" or "no" on the same, for the reason that the Charter is so constructed that in order to enable it to properly function it is necessary that it should be amended as set forth on the seven (7) separate ballots presented. For this reason, the City Council directs that the ballot provisions related to these Charter Amendments be voted upon as set forth on the seven (7) ballot propositions presented, and that these amendments shall be submitted to the qualified voters of the City at an election to be held on the 2nd day of November, 2010. The various Charter Amendments approved by a majority of the qualified voters, voting at this election, shall become the Amended Charter of the City of Bastrop on the date the Council enters an order in the records of the City declaring that the various approved Charter Amendments are adopted and the Home Rule Charter is, thus, Amended to include the ballot changes approved by the voters of the City of Bastrop. No amendments to the Charter are intended nor shall same be made other than those specifically approved by the voters in the upcoming election, and as noted herein.~~

~~Section 14.04—Transitional Elections/Staggered Terms.~~

~~In order to provide for a smooth transition from the former two-year terms for all Council Members to the three-year staggered terms set forth in Charter Section 3.02, the following transitional election rules shall be applied:~~

- ~~(1) Staggering Terms. At the first Council meeting following the approval by the electorate of three-year terms of office pursuant to the Amended Charter, then sitting Council Members, including the Mayor, shall draw lots to determine which Council places and/or Mayoral position shall be subject to a transitional length term of office, in order to provide for staggering of terms, the objective being that as stated in Section 3.02; specifically that each year, two (2) Council places, including the Mayoral position, shall be up for election for 3-year terms of office.~~

~~(2) Implementation of Staggered Terms. No City Council Member shall be required to draw lots that would result in a transitional term of less than two years or exceeding four years to accomplish the staggering of terms as set forth herein.~~

~~(3) Deadline for Accomplishing Staggering Terms. The City Council shall accomplish staggering the terms of office for all Council Member places and the Mayoral position on or before the General Election that will occur in 2015.~~

Prop. K: Shall the Charter be amended throughout to replace gender -specific language with gender-neutral terminology?

Explanation: The Charter is replete with gender-specific terms, including:

- his,
- his or her,
- his/her,
- him,
- him/her

Amended Text: If approved, the gender-specific wording listed above will be replaced with they, their, or theirs, as appropriate in context.

Conclusion

This explanation is provided by the City of Bastrop as *educational material, only*. While the City Council voted in favor of calling the Special Election to place these propositions before the voters, the City of Bastrop as an entity does not advocate for or against passage of any particular item.



STAFF REPORT

MEETING DATE: February 8, 2022

AGENDA ITEM: 11C

TITLE:

Consider action to approve Resolution No. R-2022-24 of the City Council of the City of Bastrop, Texas to award a Grant Administrative Service contract to GrantWorks to provide pre-award and post-award administrative services for the FEMA Hazard Mitigation Grant Program application: authorizing the City Manager to execute all necessary documents; providing for a repealing clause; and establishing an effective date.

AGENDA ITEM SUBMITTED BY:

Tracy Waldron, Chief Financial Officer

BACKGROUND/HISTORY:

The City was notified by Texas Department of Emergency Management (TDEM) of grant funding opportunity through FEMA Hazardous Mitigation Grant Program (HMGP) funds. The City has current projects that would be eligible for this funding stream.

Part of the application process is procuring grant administrative services through a bid process. The city has complied with this procurement process and is recommending a contract with GrantWorks for these services.

The grant administrator will guide the city in the project selection, completion of the application and post-award project management if funded.

FISCAL IMPACT:

The funding for the project will be part of the FY 22/23 budget discussion.

RECOMMENDATION:

Tracy Waldron recommends approval Resolution No. R-2022-24 of the City Council of the City of Bastrop, Texas to award a Grant Administrative Service contract to GrantWorks to provide pre-award and post-award administrative services for the FEMA Hazard Mitigation Grant Program application: authorizing the City Manager to execute all necessary documents; providing for a repealing clause; and establishing an effective date.

ATTACHMENTS:

- Resolution R-2022-24

RESOLUTION NO. R-2022-24

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS TO AWARD A GRANT ADMINISTRATION SERVICE CONTRACT TO GRANTWORKS FOR PRE-AWARD AND POST-AWARD ADMINISTRATIVE SERVICES FOR THE FEMA HAZARDOUS MITIGATION GRANT PROGRAM APPLICATION; AUTHORIZING THE CITY MANAGER TO EXECUTE ALL NECESSARY DOCUMENTS; PROVIDING FOR A REPEALING CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, certain conditions exist which represent a threat to public health and safety;
and

WHEREAS, it is necessary and in the best interests of the City of Bastrop to apply for funding under the Hazardous Mitigation Grant Program (HMGP);

WHEREAS, the City of Bastrop has sought proposals from administrative consultants through a competitive process; and

WHEREAS, The City of Bastrop, Texas has found GrantWorks to be qualified to provide application and project management services for grant programs including the HMGP program.

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

Section 1: That the City Manager is hereby authorized to execute an agreement for Grant Administration Services with GrantWorks, to provide application and implementation services for the Hazardous Mitigation Grant Program.

Section 2: That the city's application be placed in competition for funding under the FEMA Hazardous Mitigation Grant Program.

Section 3: That all funds will be used in accordance with all applicable federal, state, local and programmatic requirements including but not limited to procurement, environmental review, labor standards, real property acquisition, and civil rights requirements.

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

Section 5: That this Resolution shall take effect immediately upon its passage, and it is so resolved.

DULY RESOLVED AND ADOPTED by the City Council of the City of Bastrop this 8th day of February 2022.

APPROVED:

Connie B. Schroeder, Mayor

ATTEST:

Ann Franklin, City Secretary

APPROVED AS TO FORM:

Alan Bojorquez, City Attorney



STAFF REPORT

MEETING DATE: February 8, 2022

AGENDA ITEM: 11D

TITLE:

Consider action to approve Resolution No. R-2022-25 of the City Council of the City of Bastrop, Texas approving a list of qualified engineering firms to provide pre-award and post-award through FEMA Hazard Mitigation Grant Program application: authorizing the City Manager to execute all necessary documents; providing for a repealing clause; and establishing an effective date.

AGENDA ITEM SUBMITTED BY:

Tracy Waldron, Chief Financial Officer

BACKGROUND/HISTORY:

The City was notified by Texas Department of Emergency Management (TDEM) of grant funding opportunity through FEMA Hazardous Mitigation Grant Program (HMGP) funds. The City has current projects that would be eligible for this funding stream.

Part of the application process is procuring engineering services through a Request for Qualification process. The city has complied with this procurement process and is recommending approval of a list of qualified engineering firms for these services. The RFQ process allowed the applicant to choose a project. We ended up with each engineering firm choosing a different project. Because of this we will end up with different engineers for various projects.

The projects that were stated in the RFQ were riverbank stabilization and emergency generators.

The engineer will guide the city in confirming the project selection, completion of the application and post-award project management if funded.

FISCAL IMPACT:

The funding for the project will be part of the FY 22/23 budget discussion.

RECOMMENDATION:

Tracy Waldron recommends approval Resolution No. R-2022-25 of the City Council of the City of Bastrop, Texas approving a list of qualified engineering firms to provide pre-award and post-award through FEMA Hazard Mitigation Grant Program application: authorizing the City Manager to execute all necessary documents; providing for a repealing clause; and establishing an effective date.

ATTACHMENTS:

- Resolution R-2022-25

RESOLUTION NO. R-2022-25

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS APPROVING A LIST OF QUALIFIED ENGINEERING FIRMS TO PROVIDE ENGINEERING SERVICES FOR PRE-AWARD AND POST-AWARD THROUGH THE FEMA HAZARDOUS MITIGATION GRANT PROGRAM APPLICATION; AUTHORIZING THE CITY MANAGER TO EXECUTE ALL NECESSARY DOCUMENTS; PROVIDING FOR A REPEALING CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, certain conditions exist which represent a threat to public health and safety;
and

WHEREAS, it is necessary and in the best interests of the City of Bastrop to apply for funding under the FEMA Hazard Mitigation Grant Program (HMGP) application;

WHEREAS, in order to identify qualified and responsive providers for these services a Request for Qualifications (RFQ) process for engineering services has been completed in accordance with HMGP requirements; and

WHEREAS, the city will be seeking funding for multiple projects that will require different skill sets; and

WHEREAS, the proposals received by the due date have been reviewed to determine the most qualified and responsive providers for engineering services based on the projects.

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

Section 1: That the City of Bastrop City Council will use the list of qualified engineering firms to ensure Government Code of Texas Title 10, Subtitle F, Chapter 2254, Subchapter A has been met, which is as follows:

Bleyl Engineering
Kimley Horn

Section 2: That the City Manager is hereby authorized to execute all necessary documents to engage the services of the list of qualified engineering firms.

Section 3: That all funds will be used in accordance with all applicable federal, state, local and programmatic requirements including but not limited to procurement, environmental review, labor standards, real property acquisition, and civil rights requirements.

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

Section 5: That this Resolution shall take effect immediately upon its passage, and it is so resolved.

DULY RESOLVED AND ADOPTED by the City Council of the City of Bastrop this 8th day of February 2022.

APPROVED:

Connie B. Schroeder, Mayor

ATTEST:

Ann Franklin, City Secretary

APPROVED AS TO FORM:

Alan Bojorquez, City Attorney



STAFF REPORT

MEETING DATE: February 8, 2022

AGENDA ITEM: 12A

TITLE:

Consider action to approve Resolution No. R-2022-26 of the City Council of the City of Bastrop, Texas enacting a policy regarding the Bastrop Economic Development Corporation.

AGENDA ITEM SUBMITTED BY:

Paul A. Hofmann, City Manager

BACKGROUND/HISTORY:

The City Council is requested to consider a resolution providing policy direction to the Bastrop Economic Development Corporation. The draft policy was developed with the assistance of Joe Esch of Esch Development Services in accordance with a workplan presented to the City Council on July 12, 2021. The attached memorandum from the City Manager chronicles the process and describes the draft policy resolution.

FISCAL IMPACT:

Not applicable

RECOMMENDATION:

The City Manager recommends approval of the Policy Resolution No. R-2022-26.

ATTACHMENTS:

Memorandum from the City Manager
Draft Policy Resolution No. 2022-26

TO: Honorable Mayor and Members of the City Council
FROM: Paul A. Hofmann, City Manager
DATE: February 3, 2022
SUBJECT: Proposed Policy Direction to the Bastrop Economic
Development Corporation



=====
During the February 8, 2022, City Council meeting, we will present to the City Council a resolution to adopt policy direction to the Bastrop Economic Development Corporation (BEDC). The City Council will also be asked to consider a proposed service agreement with the BEDC which would outline the services provided by the City of Bastrop relative to economic development and the funding provided for those services.

The City Manager recommends approval of the policy resolution and the support services agreement.

Background

The City Council and the BEDC met in joint session on July 12, 2021. A significant area of discussion was how to align the City Council's Focus Areas and priorities with the strategic objectives of the BEDC. A question raised by the BEDC Interim Director during the discussion was, "[w]hat is the City's vision?"

On September 10, 2021, the Mayor, City Manager, BEDC Chair, BEDC Interim Director, and attorneys for both entities met to discuss the next steps following the July 12 joint session. During this meeting, BEDC attorney Charlie Zech suggested (correctly) that the City of Bastrop had not recently provided sufficient policy direction to the BEDC.

The City of Bastrop took this suggestion seriously. The City Manager entered a contract with Joe Esch of Esch Development Services to facilitate the creation of clear and concise economic development policy direction from the City Council.

Policy Development Workplan

The scope of Mr. Esch's work and a workplan was presented to the City Council on October 12, 2021. The desired outcome was described as the creation of a clear and concise policy directive regarding:

- Alignment of the purpose of the BEDC with the City of Bastrop
- Role of the BEDC in support of the city's economic development efforts
- Operational relationship between the BEDC and the City
- Roles and responsibilities of the board and staff of the BEDC

The workplan included:

- A presentation to the BEDC to inform them of the plan to develop the policy direction (held on November 15, 2021)
- In-person interviews with Board Members, Council Members, the Interim Director, and the Assistant City Manager for Community Development
- A facilitated Council workshop (held on December 13, 2021)
- An update to the BEDC following the Council workshop (held on January 24, 2022)

- Council consideration of the policy direction (on the February 8, 2022 City Council agenda)

December 13 City Council Workshop

Topics covered during the December 13 workshop were:

- The need for clear understanding of roles between the City Council, BEDC, and staff
- The importance of alignment with the Council's Focus Areas, especially "Manage Growth"
- A common definition of economic development, which involves the use of public resources in conjunction with private development, with the ultimate outcome of public benefit
- The consultant's observations, including insight from the interviews
- An outline of policy recommendations

January 24 BEDC Meeting

Mr. Esch attended the January 24 meeting of the BEDC with the intention of presenting the results of the Council workshop.

Feedback received from some board members and staff during January 24 meeting included:

- Concern that the interviews did not include BEDC staff other than the Interim Director, as previously requested by a board member
- Concern that a standard set of interview questions was not used
- A Return on Investment (ROI) analysis process was already in place
- Communication at the staff level is already happening
- The City has issues with fiduciary responsibility
- The City took illegal and inappropriate steps toward awarding a professional services contract

Response to January 24 BEDC Meeting Feedback

The issue of whom to include in the interviews was addressed in the contracted scope of services provided by Mr. Esch. The interviews were intended to receive input on the current level of policy alignment and understanding among policy makers. The interviews didn't include staff members other than the BEDC Interim Director and the City's Assistant City Manager for Community Development.

The request to interview other staff members, and a suggestion that the BEDC be more actively involved in policy development, was discussed, and fully addressed by the City Manager during the November 15 discussion with the BEDC.

Mr. Esch used a standard set of questions. Those questions were not shared with the interviewees beforehand. Mr. Esch did vary the questions asked in response to how each conversation progressed.

There has been no evidence of an established approach to conducting a ROI analysis on BEDC projects, even though Mr. Esch requested such evidence in writing. More to the point, there is no evidence that the Board has ever established clear objectives or standards that would be the foundation of a ROI analysis.

It is true to say staff-level communication is happening, especially after that was a point of discussion at the July 2021 joint meeting. The recommended policy will provide needed structure and documentation of staff level work toward successful outcomes.

The statements about the city's management of finances stem from the funding of the Main Street Program. The FY 2022 Budget, as approved by the BEDC calls for \$50,000 in Type B Sales Tax being allocated to the Main Street Program. The BEDC approved a funding agreement that outlined the parameters of this funding amount. I have not brought that funding agreement to the City Council, as I recommend the issue should be addressed in the policy resolution on the February 8 Agenda. In the meantime, the City implemented two monthly transfers from EDC budget to the City, in equal amounts of 1/12 of the \$50,000. This approach has been standard practice for several years, but not consistent with the BEDC's most recent requirements per their proposed funding agreement. Once concerns were brought to our attention, we reversed the transfers. Prior to the January 24 meeting, CFO Waldron met with Board Member Gossett to explain why the transfers happened and the steps taken to correct it.

I do not agree with any assertion that this is an example of fiduciary irresponsibility on the part of the City. The recommended policy will tie the annual use of Type B Sales Tax funding for the Main Street Program to the approval of the budget.

Recommended Policy and Service Agreement

It is unfortunate that some members of the BEDC board are displeased with the approach the City has taken to developing the policy direction, and potentially the recommended policy itself. Therefore, while respecting the opinions of board members, I recommend the attach policy resolution and support services agreement be approved by Council on February 8.

The recommended policy accomplishes our original intended purpose to communicate to the BEDC the City's vision in the area of economic development. The policy:

- Recognizes the role and responsibilities of the City and the City Council
- Respects the role of the BEDC
- Expects multi-year strategic plans and annual business plans from the BEDC
- Expects the creation and implementation of a BEDC board policy on measurable goals as well as a consistent ROI analysis on projects in support of those goals
- Requires staff level coordination and inclusion of the City in all projects and Non-Disclosure Agreements as is provided for in the International Economic Development Council's Code of Ethics
- Expects appropriate documentation of processes
- Provides for joint meetings and information sharing
- Outlines services provided by the City, where the City has in-place systems for providing those services, including capital project management, as the City has a unique responsibility for the infrastructure assets owned and maintained in perpetuity by the City.

The policy establishes an expectation of collaboration and provides the structure for that collaboration. The policy recognizes there are roles in which the BEDC should be in the lead, for example concerning the management of the Business and Industrial Park.

There are services that the City is uniquely able to efficiently provide, such as finance, information technology, and human resources. The policy and the support services agreement would add capital project management to that list of services. The City has project management procedures in place that ensure consistent approaches to project budgeting, scheduling, contract administration, construction management, and reporting. These procedures would enhance communication in those instances where the BEDC is the project owner.

Moving Forward

Economic Vitality is one, but only one of Council's Focus Areas. The City's approach to maintaining economic vitality is broader than the using of Type B Sales Tax funding and the offering of incentives to prospective developers. Managing Growth, another important Focus Area, is strategically connected to economic vitality. In fact, one could legitimately argue each of Council's Focus Areas relate to the community's economic well-being.

The nine Focus Areas are an example of how effective policymaking works. The adoption of these Focus Areas is a task unique to the City Council. While Council can and should seek input from various sources, Council can't give away the responsibility of setting policy. This fundamental truth applies to the relationship between the City Council and each of its appointed boards. In this relationship, only Council has the broad perspective of the elected representatives of the City.

Moving forward, we realize that the adoption of the policy resolution, while a critically important foundation, does not automatically achieve alignment. However, the draft policy moves us forward toward a path for success in our efforts toward Managing Growth. The city staff team has worked, and will continue to work, to approach the relationship with the BEDC with respect and professionalism. We will avoid unnecessary and public arguments, we understand the limits of our authority, we value teamwork and good communication, and we don't care who gets the credit because our mission is to humbly serve. We will also hold ourselves accountable for the processes we manage because accountability is the key to building trust and creating value for our City of Bastrop residents.

RESOLUTION NO. R-2022-26

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, ENACTING A POLICY REGARDING THE BASTROP ECONOMIC DEVELOPMENT CORPORATION.

WHEREAS, the City Council of the City of Bastrop, Texas (City Council) finds that Economic Development is a valid, legitimate governmental function that is in the best interest of the community, its citizenry, and visitors; and

WHEREAS, the City Council seeks to encourage and promote reasonable, responsible Economic Development activities designed to support existing businesses, and recruit businesses that are consistent with the goals and values of the Bastrop community as well as the City's Strategic Plan, Focus Areas, and Comprehensive Land Use Plan, as well as zoning, development regulations and other elements of the Development Code as these documents are adopted and updated from time to time; and

WHEREAS, the City Council has identified that a critical component of their overall economic development effort is to promote and support the health, vitality as well as the growth of businesses in historic downtown Bastrop through the City's Main Street Program; and

WHEREAS, the City Council embraces the full range of Economic Development tools and their application ranging from public financial assistance to land use permitting and utilities in addition to the resources available through the Bastrop Economic Development Corporation (BEDC); and

WHEREAS, the City Council is assured that City officials and BEDC personnel are united in seeking the best outcomes for the community; and

WHEREAS, the City Council determines that the attached policy is reasonable and necessary to provide guidance to the BEDC in an effort to enhance cooperation, improve clarity of purpose, facilitate a shared vision, prioritize projects worthy of public incentives, encourage a process for shared information and decision-making, and achieve general alignment.

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

SECTION 1. The City Council hereby deems the recitals above to be true and accurate legislative findings.

SECTION 2. The City Council hereby approves the attached Policy.

SECTION 3. This resolution shall take effect immediately from and after its passage.

DULY RESOLVED AND ADOPTED by the City Council of the City of Bastrop
this 8th day of February 2022.

APPROVED:

Connie B. Schroeder, Mayor

ATTEST:

Ann Franklin, City Secretary

APPROVED AS TO FORM:

Alan Bojorquez, City Attorney

**City of Bastrop
Policy Regarding the
Bastrop Economic Development Corporation**

WHEREAS, the City of Bastrop (City) is a municipal corporation that is a political subdivision of the State of Texas, and the Bastrop Economic Development Corporation (BEDC) is a nonprofit corporation created by the City; and

WHEREAS, Economic Development is the allocation of public resources in partnership with private parties in a cooperative effort to produce public benefits such as enhanced property values, increased sales taxes, improved job opportunities, and vital commercial and industrial services that complement the community; and

WHEREAS, the BEDC was created through municipal action and voter approval to utilize its full range of resources to assist and support the City in accomplishing the City's Economic Development objectives; and

WHEREAS, the City Council appoints the BEDC Board of Directors to establish and oversee an economic development program that enhances the economy of Bastrop through specific list of activities including recruiting and supporting business ventures in a manner that is consistent with the policies provided by City Council to ensure the City of Bastrop's goals for Economic Development and overall vision for the community; and

WHEREAS, the City Council has statutory oversight and approval authority over BEDC's budget and projects; and

WHEREAS, the City Council acknowledges the BEDC as integral component of the City's overall, diverse economic development efforts and recognizes the unique tools and incentives that the BEDC contributes to the process of recruiting, retaining, and assisting industrial and commercial ventures in the community; and

WHEREAS, the keys to successful economic development policy formation for the City and BEDC include consistency with established managed growth principles regarding public infrastructure, economic vitality, multi-modal connectivity, fiscal and environmental sustainability, and authentic Bastrop; and

WHEREAS, the keys to successful economic development policy formation for the City and BEDC also include alignment amongst the parties in terms of vision, personnel, measurements for success, implementation processes and systems, accountability; and

NOW, THEREFORE, SHALL IT BE RESOLVED as follows by the Bastrop City Council.

- 1. Purpose.** The purpose of this Policy is to support successful economic development efforts in Bastrop by aligning the BEDC Board of Directors with the City Council's expectations through the creation of clear and concise policy direction. Through enactment of this Policy the City Council seeks to clarify the respective roles of City officials and BEDC personnel in furtherance of a positive, productive relationship.

2. Priorities. The Bastrop of 2030 is anticipated to have:

- (a) A growing economy attracting capital investment and creating new jobs which offer employment opportunities to residents of the city and surrounding area;
- (b) a fully built-out and-occupied Business and Industrial Park;
- (c) a comfortable and thriving historic downtown;
- (d) a thriving commercial corridor along Highway 71; and
- (e) connected and diverse neighborhoods that include quality housing.

3. BEDC Performance.

(a) Leadership Roles: The City will rely upon the BEDC to exhibit leadership in:

- (1) Business Recruitment focused on the sectors as recommended by the Board and approved by City Council
- (2) Maximization of the Business and Industrial Park
- (3) Business Retention and Expansion
- (4) Promotion of the Film, Media, and Entertainment industries
- (5) Workforce Development

(b) Funding Roles: The City will turn to BEDC to demonstrate priority in funding:

- (1) The Main Street Program in the funding amount as established by the annual budget process. Funding of the Program is in support of strengthening economic development in the District through increased visitation, increased consumer spending in the District, retention of current residents and attraction of new residents through adding to the quality of life, small business support and expansion, and the connection of people to economic opportunities. Funding amounts will be within the parameters established by Texas Local Government Code for Promotional Purposes.
- (2) Infrastructure that facilitates or enhances Economic Development.
- (3) Identified quality of life projects found in the City of Bastrop Capital Improvement Plan.

4. Strategic Planning. BEDC shall formulate for City review and approval a series of roadmaps that identify long-term and short-term goals. These plans shall establish Benchmarks by which proposed projects can be compared and evaluated. Components of BEDC's strategic planning process will include:

- (a) a multi-year strategic plan that is to be reviewed annually and updated every 5-7 years
- (b) an annual business plan
- (c) a *proforma* for the Business and Industrial Park based on financial assumptions or projections for which decisions on which opportunities to pursue will be made
- (d) Business Incentive Program and underwriting strategy with approval process

5. Metrics. The BEDC shall evaluate projects to measure the consistent assessment of Return on Investment (ROI) received by the community as a result of the projects and from any incentives provided. The evaluation will consider the totality of public BEDC and City financial expense and investment in comparison to the benefits received from the project. The analysis will recognize the different certainty of commitments between projected and

guaranteed benefits from a project (i.e., the timing of incentive payment vs received benefit, contractual obligations, and claw backs). The BEDC shall establish a means of measuring the benefits (direct and indirect; tangible and intangible) of BEDC projects (quantitatively and qualitatively).

6. Coordination. The BEDC Board will require the Executive Director coordinate with the City through the City Manager's Office regarding:

- (a) Ensuring the inclusion of the City of Bastrop in all Non- Disclosure Agreements related to economic development prospects and projects the BEDC seeks to attract, expand, locate, or otherwise assist.
- (b) Regular Bi-monthly staff meetings with the City Manager to:
 - (1) Share information and status updates on economic development prospects and projects the BEDC seeks to attract, expand, locate, or otherwise assist.
 - (2) Proactively discuss projects to identify any required governmental approvals, requirements, or restrictions including land use, utility, traffic, and other infrastructure requirements that would impact the prospect/project.
 - (3) Receive information on city projects and initiatives that impact economic development efforts.
- (c) Any and all public relations efforts in the form of press releases to ensure accurate representation of City goals and priorities as well as to ensure leverage of messaging across City platforms.

7. Accountability. The BEDC shall routinely articulate specific goals, project assessments, and reporting as a means of determining the benefit to the community of the proposed incentives for a project. Individual project reports shall be compiled into an overall annual report that is presented to the City Council, in writing and as a presentation at four City Council meetings. The Board shall task the Executive Director with the development of an agenda format and cover letter for all incentive projects that the Board considers. The agenda format will include the sign off from the city planning, engineering, public works, and City Manager to demonstrate that the project is without critical flaws that are not consistent with existing city development regulations and requirements. (i.e., zoning conformance, available utility capacity, etc.).

8. Administration.

- (a) Systems and Processes. BEDC will create standard applications, performance measures, and processes for the identification, review, underwriting, and report of incentive programs. This undertaking will include forms for underwriting worksheets and applications for incentives to be recommended by the Board and approved by City Council.
- (b) Point of Contact. BEDC Board of Directors, individually or acting through BEDC's Director, are to coordinate with the City through the Office of the City Manager.
- (c) Budgeting. BEDC will ensure its budget forecasting, creation, and adoption is coordinated with the City's Strategic Calendar.
- (d) Joint Meetings. BEDC will schedule with the City Manager periodic meetings to be held jointly with the City Council.

(e) Information Sharing. BEDC shall provide standard procedures for the thorough and timely dissemination of data regarding BEDC projects to the City Manager for provision to the City Council.

9. Administrative Support Services. The City has significant capability, resources, and capacity for which the BEDC and their efforts may materially benefit. To this end, the City will continue to provide, for a fee, administrative support services through an annual agreement with BEDC. The agreement will include all relevant activities including, but not limited to, the following elements: general administrative services, payroll, finance administration, information technology, human resource services, capital project management, contract administration of all Capital Projects approved by the BEDC, and any other ancillary services provided to all city departments.



STAFF REPORT

MEETING DATE: February 8, 2022

AGENDA ITEM: 12B

TITLE:

Consider action to approve Resolution No. R-2022-27 of the City Council of the City of Bastrop, Texas a support services agreement between the City of Bastrop, Texas and the Bastrop Economic Development Corporation.

AGENDA ITEM SUBMITTED BY:

Paul A. Hofmann, City Manager

BACKGROUND/HISTORY:

In conjunction with the economic development policy resolution, the City Council is requested to approve a support services agreement with the Bastrop Economic Development Corporation. The agreement addresses the provision of support services such as financial, human resources, and information technology. The draft agreement also includes funding for the Main Street Program and capital project management.

FISCAL IMPACT:

Funding to provide for these services is provided in the approved FY 2022 budget.

RECOMMENDATION:

The City Manager recommends approval of the Policy Resolution No. R-2022-27.

ATTACHMENTS:

Resolution No. R-2022-27
Support Services Agreement

RESOLUTION NO. R-2022-27

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, APPROVING A SUPPORT SERVICE AGREEMENT BETWEEN THE CITY OF BASTROP AND THE BASTROP ECONOMIC DEVELOPMENT CORPORATION; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT, REPEALING ALL RESOLUTIONS IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Bastrop Economic Development Corporation ("BEDC") is a public instrumentality and non-profit industrial development corporation duly established and operating under Texas Local Government Code, Chapters 501 and 505, et seq., as amended, known as the Development Corporation Act of 1979 (the "Act"); and

WHEREAS, in order to fulfill its public purpose in advancing qualifying projects under Texas Local Government Code, Chapters 501 and 505, et seq., as amended, the BEDC requires certain administrative services and support, including without limitation, financial, bookkeeping, records management, information technology, and employee benefit services and support; and

WHEREAS, the BEDC had found that administrative expenses are included within the term "cost" with respect to qualifying projects and are, therefore, authorized expenditures, as provided by Texas Local Government Code § 501.152; and

WHEREAS, after careful evaluation and consideration by the City Council, it has determined that these services and support can be provided most beneficially, efficiently and economically by the City of Bastrop, BEDC's authorizing unit, under a service agreement by and between the parties as attached hereto as Exhibit "A" (the "Agreement"); and

WHEREAS, the City is prohibited under Texas Local Government Code § 501.007 from granting public money or another thing of value (i.e., services) in aid of the BEDC, unless such value is provided under a contract authorized by Texas Local Government Code § 380.002; and

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

SECTION 1. That the City Council hereby approves the Agreement attached hereto and incorporated herein as Exhibit "A" and, further, authorizes the City Manager to execute the same and take all other actions necessary to implement said Agreement.

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

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

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

DULY RESOLVED AND ADOPTED by the City Council of the City of Bastrop

this 8th day of February 2022.

APPROVED:

Connie B. Schroeder, Mayor

ATTEST:

Ann Franklin, City Secretary

APPROVED AS TO FORM:

Alan Bojorquez, City Attorney

**SUPPORT SERVICES AGREEMENT BETWEEN
THE CITY OF BASTROP, TEXAS,
AND THE BASTROP ECONOMIC DEVELOPMENT CORPORATION**

This Agreement is made between the City of Bastrop, Texas, (City), a home-rule municipality and the Bastrop Economic Development Corporation (Corporation), a non-profit Texas corporation created under the authority of section 4B of the Development Corporation Act of 1979, as amended. The parties agree as follows:

1. Supplies and Facilities. The City will endeavor to provide meeting rooms, telephone, and communications equipment, as requested, or needed by the Corporation in its day- to-day activities. Scheduling meeting space will be done, as possible, and consistent with the City's available resources.

2. Support Personnel and Services. The City will provide the personnel and services necessary to support the operations of the Corporation, including the following:

- (a) Financial Services.** The City will maintain the financial books, accounts, and records of the Corporation, invest the Corporation's funds according to the City's adopted investment policy, assist in the preparation of the Corporation's proposed annual budget, and provide similar routine financial services to the Corporation. The City will provide for the annual audit of the Corporation's accounts and its financial condition by contracting with the same auditing firm that audits the City's accounts, the cost of which will be paid by the Corporation.
- (b) Administration of Contracts and Projects.** The City will administer contracts and projects funded by the Corporation for capital improvements for public facilities or infrastructure to be dedicated to and maintained by the City unless administration is specifically delegated to another person or entity by the contract.
- (c) Main Street Program.** The Main Street Program will support the strengthening economic development in the District through supporting business expansion and retention in the Main Street District, support the Corporation and community in its entrepreneurial and small business programs, assist with business recruitment in the Main Street District, collaborate to provide training and small business resources, collaborate to market the Main Street District and its assets, inclusive of branding for sponsored events.
- (c) Shared Services.** The City will coordinate with the Corporation and provide identified personnel resource assistance and technology services. The scope of the human resource service will include common and typical human resource services of staffing support, job posting, applicant screening and processing. Additionally, the Corporation personnel will be extended all the same payroll and insurance benefits available to City of Bastrop employees. The City will also provide technology services including hardware and software acquisition, software licenses, internet access,

technology maintenance and other services that may be requested or required by the Corporation.

- (d) **Miscellaneous Services.** The Corporation may request, and the City may choose to provide, any other support services of a type that are generally provided by the City in its day-to-day operations. If services are requested by the Corporation from the City but are outside the scope of those listed in this Agreement, the City will notify the Corporation of the anticipated costs to be reimbursed.

3. Support Services Expenditures. By approval of this Agreement, the Corporation's Board of Directors authorizes the following expenditures to be made to the City for the materials, facilities, and services provided under this Agreement:

- (a) **Costs of Materials, Supplies, and Services.** The Corporation will reimburse the City's actual costs of providing services, supplies, and materials authorized to be provided to the Corporation under this Agreement.
- (b) **City Support Service Fees.** For the City services provided by City staff, including the general administrative services, financial services, and legal services, the Corporation will pay the City the fees established by Exhibit A, attached to, and incorporated into this Agreement by reference.
- (c) **CIP Project Management Fee.** For projects funded by the Corporation in accordance with the Funding Agreement approved between the City and the Corporation, the Corporation will pay to the City the CIP Management Fees for managing the authorized projects as provided for in Exhibit A.
- (d) **Main Street Program.** The funding amount is currently \$50,000 annually, future amounts will be established by the annual budget process. Funding amounts will be within the parameters established by Texas Local Government Code for Promotional Purposes and shall not be spent on Personnel.
- (e) **Shared Services.** The Corporation will reimburse the City for the cost of the benefits provided to Corporation staff members. The City will also provide technology services including hardware and software acquisition, software licenses, internet access, technology maintenance and other services which may be requested or required by the Corporation. The Corporation will reimburse the City for the actual cost of employee benefits as well as directly associated hardware and software costs. The fee for City personnel support in human resources and technology maintenance and support service will be included in the City Support Services Fee.

4. General Administrative Authority. In providing services to the Corporation under this Agreement, including the purchase of supplies or equipment, the acquisition of services, the payment of contracts, bills, and debts of the Corporation, the City Manager and employees of the City responsible for providing those services have the same authority to take the administrative action necessary on behalf of the Corporation to provide the services under this Agreement as they

have in providing the same services to the City, as of the date of this Agreement, except as specifically provided otherwise in the Corporation's articles of incorporations or bylaws.

5. Term and Termination. This Agreement is effective from the date approved by both parties and continues in effect for consecutive one-year terms until terminated by either party giving the other thirty days prior written notice of termination.

6. Prior Agreement. This Agreement supersedes and replaces any prior agreements between the parties, including the agreement made between the City and the Corporation, dated September 12, 2017.

CITY OF BASTROP:

BASTROP ECONOMIC DEVELOPMENT CORPORATION:

Paul A. Hofmann, City Manager
Date: _____

Chair
Date: _____

ATTEST:

ATTEST:

Ann Franklin, City Secretary

Secretary

APPROVED AS TO FORM:

APPROVED AS TO FORM:

Alan Bojorquez, City Attorney

Charles Zech, General Counsel

Attachment: Exhibit A: Contract Service Fees

EXHIBIT A - CONTRACT SERVICE FEES

City Support Service Fees:

Costs of Materials, Technology Expenses,
Supplies & Services:

Reimbursement of actual costs

City Support Service Fees:

\$25,000 per year (invoiced in monthly installments)

Main Street Program

\$50,000 per year, or as established in the adopted Budget (invoiced in monthly installments)

CIP Project Management Fee:

5% of Amount of Project Cost (invoiced as incurred)

Shared Services

Reimbursement of actual cost of the or a set allocation of shared costs for employment benefits received by Corporation employees (posted directly to the Corporation's accounts as processed and paid)

10% of the cost of the Audit (invoiced as incurred)



STAFF REPORT

MEETING DATE: February 8, 2022

AGENDA ITEM: 12C

TITLE:

Consider action to approve Resolution No. R-2022-20 of the City Council of the City of Bastrop, Texas, approving a professional services contract with Garver, LLC for the Old Iron Bridge Project and Loop 150 Corridor Study in an amount not to exceed one-hundred ninety eight thousand three hundred thirty four dollars (\$198,334.00); as attached in Exhibit A; authorizing the City Manager to execute all necessary documents; providing for a repealing clause; and establishing an effective date.

AGENDA ITEM SUBMITTED BY:

Jennifer C. Bills, Director of Planning & Development

BACKGROUND/HISTORY:

The City of Bastrop has been seeking funding sources to repair the Old Iron Bridge. Staff has met with Garver, LLC, a design firm that provides engineering, architectural, and environmental services. Garver has a strong background aiding with applications for grant funding on transportation and historic bridge projects. With this contract, Garver will provide assistance with identifying and making application for federal grant funds specifically for the Old Iron Bridge. The recent Infrastructure Investment and Jobs Act provides for \$1.2 trillion in federal spending over the next five years. \$110 billion will be spent on roads and bridges, \$65 billion in broadband internet, and \$11 billion in transportation safety. The Rebuilding American Infrastructure with Sustainability and Equity (RAISE) grant Notice of Funding Opportunity is available, and the grant application is due April 14, 2022. Additionally, the City and the Capital Area Metropolitan Planning Organization (CAMPO) will be working on a multimodal corridor study for Loop 150, that will look at the corridor between the intersection at West State Highway 71 to the intersection at East State Highway 71. All costs of the Loop 150 Corridor Study will be covered by CAMPO, budgeted at \$200,000. This study will take approximately a year. Garver will participate during the study period, provide any assistance at staff request. Once projects are identified, Garver will find grants, and provide engineering services to create grant exhibits to apply for specific capital improvement projects that impact the Loop 150 Corridor.

Task	Total Cost
1. Project Management	\$ 39,868.00
2. RAISE Grant Application	\$ 63,098.00
3. Loop 150 Corridor Plan Support	\$ 39,738.00
4. Concept Development of Recommended Projects	\$ 53,530.00
Direct Non-labor Expenses	\$ 2,100.00

FISCAL IMPACT:

The funds for this project are budgeted from the 2018 Certificate of Obligation (CO) Bonds for the Old Iron Bridge.

RECOMMENDATION:

The Director of Planning & Development recommends approval of Resolution No. R-2022-20 of the City Council of the City of Bastrop, Texas, approving a professional services contract with Garver, LLC for the Old Iron Bridge Project and Loop 150 Corridor Study in an amount not to exceed one-hundred ninety eight thousand three hundred thirty four dollars (\$198,334.00); as attached in Exhibit A; authorizing the City Manager to execute all necessary documents; providing for a repealing clause; and establishing an effective date.

ATTACHMENTS:

- Resolution R-2022-20
- Exhibit A: Contract with Garver LLC
- Presentation



RESOLUTION NO. R-2022-20

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS APPROVING A PROFESSIONAL SERVICES CONTRACT WITH GARVER, LLC FOR THE OLD IRON BRIDGE PROJECT AND LOOP 150 CORRIDOR STUDY IN AN AMOUNT NOT TO EXCEED ONE-HUNDRED NINETY EIGHT THOUSAND THREE HUNDRED THIRTY FOUR DOLLARS (\$198,334.00); AS ATTACHED IN EXHIBIT A; AUTHORIZING THE CITY MANAGER TO EXECUTE ALL NECESSARY DOCUMENTS; PROVIDING FOR A REPEALING CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, The City Council of the City of Bastrop, Texas has appointed the City Manager as the Chief Administrative Officer of the City; and

WHEREAS, The City Manager is responsible for the proper administration of all affairs of the City; and

WHEREAS, The City Council is committed to maintaining the Old Iron Bridge as a Historical Landmark and a part of our multimodal transportation system; and

WHEREAS, Loop 150 (Chestnut Street) is a primary corridor that is an integral part of the City's Historic Downtown, Main Street District and transportation network; and

WHEREAS, a third-party engineering service will provide experience and assistance to City Staff to find and apply for grant funds to support the Old Iron Bridge and other capital improvement projects that impact the Loop 150 commercial corridor.

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

Section 1: That the City Manager is hereby authorized to execute a contract (and contract extensions) not to exceed One Hundred Ninety-Eight Thousand Three Hundred Thirty Four Dollars and no cents (\$198,334.00) with Garver, LLC.

Section 2: All orders, ordinances, and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

Section 3: That this Resolution shall take effect immediately upon its passage, and it is so resolved.

DULY RESOLVED AND ADOPTED by the City Council of the City of Bastrop this 8th day of February, 2022.

APPROVED:

Connie B. Schroeder, Mayor

ATTEST:

Ann Franklin, City Secretary

APPROVED AS TO FORM:

Alan Bojorquez, City Attorney

CITY OF BASTROP
STANDARD CONTRACT FOR GENERAL SERVICES

Over \$50K
(8-16-2021)

This General Services Contract (“Contract”) is entered by and between the **City of Bastrop**, a Texas Home-Rule Municipal Corporation (the “City”), and **Garver, LLC**, an Arkansas limited liability company (the “Engineer/Contractor”), and together with the City jointly referred to as the “Parties,” for the following work described on the Scope of Services, Exhibit A-2, attached and incorporated herein to this Contract (the “Work” or “Project”).

I. General Information and Terms.

Engineer’s/Contractor’s Name and Address:	Garver, LLC. 4701 Northshore Dr. North Little Rock, AR Attn: Susan Chavez
General Description of Services:	Engineering technical services for grant applications.
Maximum Contract Amount:	\$198,334.00
Effective Date:	On the latest of the dates signed by both parties.
Termination Date:	One (1) year with the option to review for one (1) additional one (1) year terms for a total of three (3) years. Any renewal must be in writing and executed by the Parties. See additional provisions in Section II.D.

See II.D.

Contract Parts: This Contract consists of the following parts:

- I. General Information and Terms
- II. Standard Contractual Provisions
- III. Additional Terms or Conditions
- IV. Additional Contract Documents
- V. Signatures

II. Standard Contractual Provisions.

A. Contractor’s Services. The Contractor will provide to the City the professional engineering services (“Services”) described in the Scope of Services, Exhibit A-2 attached and incorporated

herein to this Contract under the terms and conditions of this Contract.

B. Billing and Payment. The Contractor will bill the City for the Services provided at intervals of at least 30 days of receipt of Contractor's invoices, except for the final billing. The City will pay the Contractor within 30 days of receipt of Contractor's invoices for the Services provided for in this Contract with current revenues available to the City, but all of the City's payments to the Contractor, including the time of payment and the payment of interest on overdue amounts, are subject to the provisions of Chapter 2251 of the Texas Government Code. The City shall have the right to withhold payment, or any part thereof, of any of invoice presented by Contractor until resolution providing reasonable verification of the correctness thereof of is reached. The City shall notify the Contractor, in writing, of the disputed amount within twenty-one (21) days after receipt of the Contractor's invoice. If a dispute is resolved in favor of the Contractor, the Contractor is entitled to receive interest on the unpaid balance of the invoice submitted by the Contractor beginning on the date under Section 2251.021 (Time for Payment by Governmental Entity) of the Texas Government Code that the payment for the invoice is overdue. The City is not liable to the Contractor for any taxes which the City is not liable by law, including state and local sales and use taxes (Section 151.309 and Title 3, Texas Tax Code) and federal excise tax (Subtitle D of the Internal Revenue Code). Accordingly, those taxes may not be added to any bill.

C. Executed Contract. The "Notice to Proceed" will not be given nor shall any Services commence until this Contract is fully executed and all exhibits and other attachments are completely executed and attached to this Contract.

D. Termination Provisions.

(1) Unless terminated earlier as allowed by this Contract, this Contract terminates:

- (a) On the termination date, if any, specified in the General Information in Part I, but the obligation of a party to complete a contract requirement pending on the date of termination survives termination; or
- (b) If there is no termination date specified in the General Information in Part I, the Contract terminates when both parties have completed all their respective obligations under the Contract.

(2) The City Manager may terminate this Contract during its term at any time for any reason by giving written notice to the Contractor not less than five (5) business days prior to the termination date, but the City will pay the Contractor for all Services rendered in compliance with this Contract up to the date of termination. The City may terminate the Contract anytime if the City does not have available funds pursuant to Texas Government Code Chapter 2251.

(3) If the City Council does not appropriate funds to make any payment for a fiscal year after the City's fiscal year in which the Contract becomes effective and there are no proceeds available for payment from the sale of bonds or other debt instruments, then the Contract automatically terminates at the beginning of the first day of the successive fiscal year. (Section

5, Article XI, Texas Constitution).

E. Delays. Contractor shall have no damages for delay or hindrance. In the event of delay or hindrance not the fault of Contractor, an extension of time shall be the Contractor's sole remedy.

F. Independent Contractor. It is understood and agreed by the Parties that the Contractor is an independent contractor retained for the Services described in the Scope of Services, Exhibit A-2, attached and incorporated herein. The City will not control the manner or the means of the Contractor's performance but shall be entitled to work product as detailed in the Exhibit A-2 but in compliance with Section Q herein. The City will not be responsible for reporting or paying employment taxes or other similar levies that may be required by the United States Internal Revenue Service or other State or Federal agencies. This Contract does not create a joint venture. Services performed by the Contractor under this Contract are solely for the benefit of the City. Nothing contained in this Contract creates any duties on the part of the Contractor toward any person not a party to this Contract. No person or entity not a signatory to this Contract shall be entitled to rely on the Contractor's performance of its Services hereunder, and no right to assert a claim against the Contractor by assignment of indemnity rights or otherwise shall accrue to a third party as a result of this Contract or the performance of the Contractor's Services hereunder.

G. Subcontractor. The term "subcontractor" shall mean and include only those hired by and having a direct contract with Contractor for performance of work on the Project. The City shall have no responsibility to any subcontractor employed by Contractor for performance of work on the Project, and all subcontractors shall look exclusively to the Contractor for any payments due. The Contractor shall be fully responsible to the City for the acts and omissions of its subcontractors. Nothing contained herein shall create any contractual or employment relations between any subcontractor and the City.

H. Assignment. The Contractor may not assign this Contract without the City's prior written consent.

I. Law Governing and Venue. This Contract is governed by the law of the State of Texas and a lawsuit may only be prosecuted on this Contract in a court of competent jurisdiction located in or having jurisdiction in Bastrop County, Texas.

J. Entire Contract. This Contract represents the entire Contract between the City and the Contractor and supersedes all prior negotiations, representations, or contracts, either written or oral. This Contract may be amended only by written instrument signed by both Parties.

K. Dispute Resolution Procedures. If either Party disputes any matter relating to this Contract, the Parties agree to try in good faith, before bringing any legal action, to settle the dispute by submitting the matter to mediation before a third party who will be selected by agreement of the Parties. The Parties will each pay one-half of the mediator's fees.

L. Attorney's Fees. Should either Party to this Contract bring suit against the other Party for any matter relating to this Contract, the prevailing Party shall be entitled to have and recover from the losing Party reasonable attorney's fees and all other costs of such action.

M. INDEMNIFICATION. TO THE FULLEST EXTENT PERMITTED BY APPLICABLE LAW, THE CONTRACTOR SHALL INDEMNIFY AND HOLD HARMLESS THE CITY, ITS OFFICERS, AGENTS, VOLUNTEERS, AND EMPLOYEES FROM AND AGAINST THIRD PARTY CLAIMS, LOSSES, DAMAGES, CAUSES OF ACTION, SUITS, AND LIABILITY, INCLUDING REIMBURSEMENT OF REASONABLE ATTORNEY'S FEES AND COST IN PROPORTION OF CONTRACTOR'S LIABILITY, FOR BODILY INJURY TO OR DEATH OF ANY PERSON OR FOR DAMAGE TO ANY TANGIBLE PROPERTY TO THE EXTENT CAUSED BY THE NEGLIGENT ACT, ERROR, OR WILLFUL MISCONDUCT OF THE CONTRACTOR, ITS AGENTS, REPRESENTATIVES, EMPLOYEES, OR ANYONE WHOM THE CONTRACTOR IS LEGALLY LIABLE FOR IN PERFORMANCE OF SERVICES UNDER THIS CONTRACT.

NOTWITHSTANDING ANYTHING HEREIN TO THE CONTRARY, UNDER NO CIRCUMSTANCES WHETHER UNDER BREACH OF CONTRACT, TORT (INCLUDING NEGLIGENCE OF ANY KIND OR CHARACTER INCLUDING GROSS NEGLIGENCE), STRICT LIABILITY, OR ANY OTHER THEORY OF LIABILITY, SHALL EITHER PARTY BE LIABLE TO THE OTHER FOR ANY CONSEQUENTIAL, SPECIAL, INDIRECT, INCIDENTAL, EXEMPLARY, ENHANCED, TREBLE (OR STATUTORY EQUIVALENT), OR PUNITIVE DAMAGES, INCLUDING WITHOUT LIMITATION, LOSS OF PROFITS, LOSS OF BUSINESS OPPORTUNITY OR LOSS OF PROSPECTIVE REVENUE, ARISING OUT OF THIS AGREEMENT OR ANY WORK OR SERVICES PERFORMED OR TO BE PERFORMED HEREUNDER.

N. Section Removed.

O. Severability. If a court finds or rules that any part of this Contract is invalid or unlawful, the remainder of the Contract continues to be binding on the Parties.

P. Conflicting Provisions. If there is a conflict between a provision in the Contractor's Additional Contract Documents and a provision in the remainder of this Contract, the latter controls.

Q. Documents and Data, Licensing of Intellectual Property, and Copyright. All Work progress and final Documents and Data produced by Contractor during the term of the Contract shall be and remain the property of the City. For purposes of this Contract, the term "Documents and Data" include any original work (the Work), reports, analyses, plans, drawings, designs, renderings, specifications, notes, summaries, charts, schedules, spreadsheets, calculations, lists, data compilations, documents, or any other material developed and assembled by or on behalf of the City in the performance of this Contract. It also includes any medium in which the Documents and Data are kept, including digitally, magnetically, or electronically. This Contract creates at no cost to the City, a perpetual license for the City to use any picture, video, music, brochure, writing, trademark, logo, or other work created by the Contractor for the use of the City, as a "work made for hire" as defined by federal copyright law. The City hereby releases the Contractor of any legal liability in the event the City does alter, reproduce, distribute, or make any other use of the Work contrary to the purposes for which it was prepared for this Project.

R. Standard of Care for Architects and Engineers. Services must be performed with the professional skill and care ordinarily provided by competent licensed engineers or registered architects practicing in the same or similar locality and under the same or similar circumstances and professional license.

S. Disclosure of Interested Persons for Council-Approved Contracts. Contracts that require City Council approval, such as contracts that exceed \$50,000, are subject to the requirements of Section 2252.908, Tex Gov't Code. Under the provisions of this statute:

(1) The City may not enter into a contract with a business entity that requires Council approval unless the business entity submits a disclosure of interested persons at the time the business entity submits a signed contract to the City;

(2) A disclosure of interested parties must be submitted on a form prescribed by the Texas Ethics Commission (Commission), attached and incorporated herein as Exhibit A-1, that includes:

(a) A list of each interested party for the contract of which the contractor business entity is aware, an interested party being a person who has a controlling interest in the business entity or who actively participates in facilitating or negotiating the terms of the contract, including a broker, intermediary, adviser, or attorney for the business entity; and

(b) The signature of the authorized agent of the contracting business entity, acknowledging that the disclosure is made under oath and under penalty of perjury.

T. Compliance with Laws. The Contractor must comply with the federal, state, and local laws, rules and regulations applicable to the Project and its Services under this Contract.

U. Prohibition on Contracts with Companies Boycotting Israel. Certain contracts for goods and services are subject to the requirements of Section 2270.002, Tex Gov't Code (H.B. 89, as amended by H.B. 793). Specifically, contracts for good and services that:

(1) are between the City and a company with ten (10) or more full-time employees; and

(2) have a value of \$100,000.00 or more that is to be paid wholly or partly from public funds of the City.

Under the provisions of this statute, if the above conditions apply the City may not enter into a contract with a company for goods and services unless the contract contains a written verification from the company that it:

(1) does not boycott Israel; and

(2) will not boycott Israel during the term of the contract.

If this is a contract to which the verification requirement applies, the City has approved a verification form which must be filled out and signed by the Contractor and submitted to the City at the time of execution of this Contract.

III. Additional Terms or Conditions.

Insurance

At all times this Agreement is in effect, Contractor shall maintain insurance of the types and amounts as those required in Exhibit B-1. All of Contractor's insurance policies required by this Agreement shall: (a) other than the worker's compensation and professional liability insurance, name City as additional insureds on a broad form basis with such additional insured coverage including coverage for the concurrent negligence of the additional insured and not being restricted to (i) "ongoing operations," (ii) coverage for vicarious liability, or (iii) circumstances in which the named insured is partially negligent; (b) provide for waiver of all rights of subrogation against City; and (c) be primary and noncontributory as to all other policies (including any deductibles or self-insured retentions) and self-insurance that may provide coverage to City, and the specific limits required herein shall be fully applied and exhausted before application of any applicable insurance coverage provided by City.

A. Audit

Contractor shall, and shall ensure that its affiliates, subsidiaries, contractors, subcontractors, consultants, agents, and any other person associated with Contractor, keep full and accurate books and records with respect to all Work performed, and all payments and expenditures in connection with this Agreement. The records to be maintained and retained by the Contractor shall include, without limitation, (a) payroll records accounting for total time distribution of Contractor's employees working full or part time on the Project, as well as canceled payroll checks or signed receipts for payroll payments in cash; (b) invoices for purchases, receiving and issuing documents, and all other unit inventory records for Contractor's stores, stock, or capital items; (c) paid invoices and canceled checks for materials purchased and for subcontractors' and any other third parties' charges, including, but not limited to, Equipment rental; (d) travel and entertainment documentation, including, but not limited to, employee expense reports and Contractor facility usage reports; and (e) all field tickets or similar documentation evidencing the Work. The City shall have the right at all reasonable times upon prior written request, for a period of five (5) years from the completion of the Work, to audit and inspect such books and records (excluding trade secrets, formulas, confidential data, proprietary information, or processes).

B. Reports of Incidents

Within twenty-four (24) hours upon occurrence, Contractor shall provide in writing to the City notice and details of any accidents or occurrences resulting in injuries to persons, property, or pollution arising in any way arising out of or related to the Work whether done by Contractor or

any subcontractor of Contractor performing Work pursuant to this Contract. Contractor shall in writing within twenty-four (24) hours of any claim, demand, or suit that may be presented to or served upon it arising out of or as a result of Work.

C. Liability

NOTWITHSTANDING ANY PROVISION TO THE CONTRARY HEREIN, CONTRACTOR'S (INCLUDING ITS SUBCONSULTANTS, AGENTS, ASSIGNEES, AFFILIATES AND VENDORS) TOTAL AGGREGATE LIABILITY UNDER THIS CONTRACT SHALL BE LIMITED TO AN AMOUNT EQUAL TO TWO (2) TIMES THE AMOUNT OF COMPENSATION ACTUALLY RECEIVED BY CONTRACTOR FROM CITY UNDER THIS CONTRACT REGARDLESS OF THE CAUSE OR ACTION (INCLUDING NEGLIGENCE OF ANY KIND OR CHARACTER INCLUDING GROSS NEGLIGENCE).

IV. Additional Contract Documents. The following documents attached to this Contract are part of this Contract:

- EXHIBIT A-1: Certificate of Interested Parties (1295 Form)
- EXHIBIT A-2 Scope of Work
- EXHIBIT A-3 House Bill 89 Verification
- EXHIBIT B-1 Requirements for General Services Contract

V. Signatures.

GARVER, LLC

CITY OF BASTROP

By: _____

By: _____

Printed Name: _____

Printed Name: _____

Title: _____

Title: _____

Date: _____

Date: _____

EXHIBIT A-1

Certificate of Interested Persons with Certification of Filing
(Form 1295)

(See Attached)

CERTIFICATE OF INTERESTED PARTIES

FORM 1295

1 of 1

Complete Nos. 1 - 4 and 6 if there are interested parties.
Complete Nos. 1, 2, 3, 5, and 6 if there are no interested parties.

OFFICE USE ONLY CERTIFICATION OF FILING

Certificate Number:
2021-833839

Date Filed:
12/16/2021

Date Acknowledged:

1 Name of business entity filing form, and the city, state and country of the business entity's place of business.

GARVER, LLC
AUSTIN, TX United States

2 Name of governmental entity or state agency that is a party to the contract for which the form is being filed.

CITY OF BASTROP

3 Provide the identification number used by the governmental entity or state agency to track or identify the contract, and provide a description of the services, goods, or other property to be provided under the contract.

COB01
Bastrop Loop 150 Corridor Planning Support

4	Name of Interested Party	City, State, Country (place of business)	Nature of interest (check applicable)	
			Controlling	Intermediary
	MCILLWAIN, FRANK	AUSTIN, TX United States	X	
	GRIFFIN, MICHAEL	AUSTIN, TX United States	X	
	SOBER, JEFFREY	AUSTIN, TX United States	X	
	SCHNIERS, BRENT	AUSTIN, TX United States	X	
	HOLDER, JR, JERRY	AUSTIN, TX United States	X	
	GRAVES, MICHAEL	AUSTIN, TX United States	X	
	HOSKINS, BROCK	AUSTIN, TX United States	X	

5 Check only if there is NO Interested Party.

6 UNSWORN DECLARATION

My name is Glenn Gregory, and my date of birth is 10/3/58.

My address is 3755 S.CAPITOL OF TEXAS HWY., SUITE 325 AUSTIN, TX, 78704, USA.
(street) (city) (state) (zip code) (country)

I declare under penalty of perjury that the foregoing is true and correct.

Executed in TRAVIS County, State of TEXAS, on the 17th day of December, 2021.
(month) (year)



Signature of authorized agent of contracting business entity
(Declarant)

EXHIBIT A-2

Scope of Services **dated January 25, 2022**

(See Attached)



EXHIBIT A (SCOPE OF SERVICES)

The City of Bastrop is requesting assistance from Garver with grant application and support for the Loop 150 Corridor Multi-modal study. Generally, the scope of services includes preparation of a federal RAISE Grant application and communications strategy for the Old Iron Bridge. Additionally, the scope of services includes assistance with supporting the Loop 150 Corridor Multi-modal Study led by CAMPO by providing data collection and background information for CAMPO's study, and participating in stakeholder and public involvement meetings. The scope also includes coordination with CAMPO and TxDOT on recommended projects, identification of potential project funding including federal grant opportunities, and initial development of select projects for grant application.

1. Project Management

Garver will conduct monthly meetings with the City to discuss project progress. Garver will prepare monthly invoice and progress reports for the duration of the project, and provide administration through status updates, emails, phone calls, follow-ups, and meeting notes for all meetings. Garver will also coordinate and meet with other agencies such as CAMPO and TxDOT. Garver will provide QA/QC reviews for all deliverables.

Deliverables:

- Meetings with the City (up to 24)
- Monthly invoicing and progress reports for duration of project (up to 24)
- Provide status updates, emails, phone calls, follow-ups, and meeting minutes for all meetings
- Quality Control Reviews

2. RAISE Grant Application for Old Iron Bridge

The Engineer shall collect data, perform analysis, and prepare an application for a FY 2022 RAISE Grant for the Old Iron Bridge. The project is anticipated to include rehabilitation of the historic bridge structure for use as a multi-modal (non-vehicular) facility or deck park. Information from the *Rehabilitation Evaluation Report for the Chestnut Street (S.H. 150) Pedestrian Bridge over the Colorado River in Bastrop, Texas* (Kimley Horn 2019) will be used to inform the analysis. The scope below assumes that the FY 2022 RAISE evaluation criteria will be the same as FY 2021 as outlined in the Notice of Funding Opportunity (NOFO) dated April 13, 2021. Specific services are described below.

- Fact Sheet Updates: Update and revise the Historic Bridge fact sheet provided by the City for communication of the need, importance, and funding requirements for repairs to the Old Iron Bridge.
- Strategic Guidance, Coordination, and Meetings: The Engineer will coordinate with City of Bastrop, CAMPO, and other entities as needed on the USDOT guidelines, application development, schedule, criteria, and overall strategy to produce the FY 2022 RAISE Grant Application. The Consultant will provide information and feedback gathered regarding the FY 2021 RAISE grant program.
- Data Compilation: The Engineer will identify the data needed to complete the application and coordinate with the City of Bastrop to identify sources. The Kimley Horn report is anticipated to provide all needed data on the bridge condition. The Engineer shall review and update the estimated costs to rehabilitate the bridge as a pedestrian bridge or a deck park. New traffic



counts, pedestrian/bicycle counts, and detailed simulations are not part of this scope of work.

Data collection is anticipated to include:

- Pedestrian/bicycle volumes (pre-closure)
- Traffic volumes on SH-150 (pre- and post-closure)
- Pedestrian/bicycle collision history on surrounding facilities (pre- and post-closure)
- Operations and Maintenance Costs for current and future bridge
- Committed funding and status of programming
- Project schedule including all pre-construction and construction activities
- **RAISE Grant Application:** The Engineer shall prepare the project application narrative according to the NOFO criteria, including but not limited to:
 - Project Description and transportation challenges
 - Project Location
 - Grant Funds, Sources, and Uses of Project Funds
 - Cost estimate for pre-construction and construction
 - Schedule for pre-construction and construction
 - Selection Criteria, including:
 - PRIMARY CRITERIA
 - Safety
 - Environmental Sustainability
 - Quality of Life
 - Economic Competitiveness
 - State of Good Repair
 - SECONDARY CRITERIA
 - Partnership
 - Innovation
 - Risk Review including project schedule, status of design/environmental, required approvals, public involvement conducted to date or planned
 - Benefit Cost Analysis per USDOT guidance. Presented in Excel spreadsheet with accompanying technical memo.
- **Submittal and Forms:** The Engineer shall complete the SF-424 and other required forms to accompany the narrative and BCA. The City of Bastrop will be responsible for the submittal of the application on grants.gov and will provide a website link to post supporting materials. Administration of a grant award is not part of this scope of work.

Deliverables:

- Updated Old Iron Bridge Fact Sheet
- Updated cost estimates
- RAISE Grant Application
- Benefit Cost Analysis technical memo and model

3. Loop 150 Corridor Plan Support

Will be as directed by the City Project Manager in writing for all or part of the following scope.



3.1. Data Collection

Garver will collect and analyze data to identify projects planned by the city and constraints in the Loop 150 corridor. The general limits are Loop 150 West intersecting West SH 71, becoming Chestnut Street, to where it becomes Loop 150 East intersecting East SH 71. Garver will coordinate with the City GIS staff to obtain data to supplement publicly available data and develop a GIS map showing existing land use, environmental constraints, and other information to assess existing conditions. Data collected shall include:

- GIS list of currently proposed projects
- Demographic data (including people commuting into/out of Bastrop for work)
- Existing Land use data
- Existing City planning documents
- Building Bastrop Block (B3) code requirements
- Environmental constraints
- Existing sidewalk/bike/ped/trails plans and network
- Previous community feedback on Loop 150

Deliverables:

- Map of transportation inventory, land use and constraints

3.2 Background Study Technical Memo

The Engineer shall prepare a technical memo that will include an assessment of status of projects identified through prior studies and the on-going CAMPO Multi-modal study. The Engineer shall work with the City to develop prioritization categories and prioritize projects for implementation. The Engineer will also assess potential grants, criteria, and competitiveness of the top 3 projects.

Deliverables:

- Background Technical Memo

3.3 Stakeholder Coordination and Communication

The Engineer shall develop a communications strategy and assist the City with materials to communicate proposed improvements along Loop 150 to elected officials and other stakeholders as identified. The Engineer shall coordinate with the City to set up and conduct a workshop with the City engineering, public works, planning staff and CAMPO to define, prioritize, and map proposed projects in the Loop 150 corridor. The Engineer shall coordinate with CAMPO on the Multimodal Corridor Study and assist the City with identifying projects for inclusion in the Capital Improvement Plan (CIP). The Engineer shall develop project sheets for up to 3 priority projects that includes a project description, map, and talking points.

Deliverables:

- Communications Strategy
- Monthly coordination with CAMPO
- TxDOT coordination (up to 5 meetings)



- Workshop and summary
- GIS map of proposed identified projects based on workshop
- Project sheets (up to 3)
- Attend up to 2 public meetings and 2 stakeholder meetings for the SL 150 Multi-modal Study

3.4. Funding Sources and Grant Criteria Analysis

The Engineer shall develop a list of planning and infrastructure grants and perform a qualitative assessment of how well the 3 highest priority projects would compete and what information would be needed to apply. The Engineer shall assist the City in coordination with TxDOT (AUS, Government Affairs DIV, ADM) on the process TxDOT uses to select projects for grants.

Deliverables:

- Technical memo summarizing potential funding and grants
- Identification of data needs for applications

4. Concept Development of Recommended Projects

4.1 Conceptual Design Exhibits

The Engineer shall develop a 10% conceptual planview exhibits of up to 3 projects as identified in the SL 150 Multi-modal Study to support grant application. It is anticipated that these exhibits shall be planview only and contain the following elements:

- Roadway alignment
- Pavement edges, face of curbs and shoulder lines
- Typical section of existing and proposed roadways
- Preliminary ROW requirements
- Direction of traffic flow and the number of lanes
- Existing and project traffic volumes

Deliverables:

- 10% conceptual design exhibits, draft and final (up to 3)

4.2 Refinement Cost Estimates

The Engineer shall refine planning-level cost estimates for up to 3 projects provided in the SL 150 Multiple-modal Study and prepare a project schedule to support grant application. Anticipated elements shall include cost of construction, proposed ROW, and eligible utility adjustments. Recent bid tabulations from the City will be used in preparation of the estimate. Draft and final preliminary cost estimates will be prepared as part of the conceptual exhibit packages.



Deliverables:

- Cost estimates, draft and final (up to 3)

4.3 Environmental Constraints Analysis

The Engineer shall conduct a desktop environmental constraints analysis of up to 3 projects identified in the SL 150 Multi-modal Study in support of grant application. The Engineer shall use publicly available data to analyze environmental features with the project area such as historic properties, waters, State or Federally-listed species, community resources, and hazardous materials. The Engineer shall prepare a technical memo to document the findings.

Deliverables:

- Environmental Constraints Technical Memo, draft and final (up to 3)

5. EXTRA WORK

The following items are not included under this agreement but will be considered as extra work:

- A. Redesign for the Owner's convenience or due to changed conditions after previous alternate direction and/or approval.
- B. Submittals or deliverables in addition to those listed herein.
- C. Pavement Design
- D. Design of any utilities relocation
- E. Retaining walls or other significant structural design.
- F. Street lighting or other electrical design.
- G. Preparation of a Storm Water Pollution Prevention Plan (SWPPP).
- H. Construction materials testing.
- I. Environmental Handling and Documentation, including wetlands identification or mitigation plans or other work related to environmentally or historically (culturally) significant items.
- J. Coordination with FEMA and preparation/submittal of a CLOMR and/or LOMR.
- K. Services after construction, such as warranty follow-up, operations support, etc.
- L. Survey
- M. Geotechnical studies
- N. Traffic counts, pedestrian/bicycle counts, and detailed simulations
- O. Grant applications beyond the RAISE grant application listed herein.

Extra Work will be as directed by the Project Manager in writing for an additional fee as agreed upon by the Owner and Garver.

6. SCHEDULE

Garver shall begin work under this Agreement within ten (10) days of a Notice to Proceed and shall complete the work in accordance with the schedule below:



Phase Description	Calendar Days
RAISE Grant Application	280 days from start date (dependent on release of Federal grant application criteria and submittal dates)
Old Iron Bridge Fact Sheet	February, 2022
Draft Grant Application	July, 2022 (assumes Notice of Funding Opportunity in June 2022)
Final Grant Application for submittal	August, 2022 (Dependent on grant application due date)
Loop 150 Corridor Plan Support	365 days from Notice to Proceed
Concept Development of Recommended Projects	120 days from identification of projects from the SL 150 Multi-modal Study

7. Fee

The scope provided in this proposal is a Not to Exceed amount of \$198,334.00 based on the fee schedule provided.

Exhibit B – Cost Table Summary

Task	Total Cost
1. Project Management	\$ 39,868.00
2. RAISE Grant Application	\$ 63,098.00
3. Loop 150 Corridor Plan Support	\$ 39,738.00
4. Concept Development of Recommended Projects	\$ 53,530.00
Direct Non-labor Expenses	\$ 2,100.00

Exhibit B

**City of Bastrop
Loop 150 Corridor Study**

Planning Studies

WORK TASK DESCRIPTION	Personnel									MANHOUR SUBTOTALS	FEE SUBTOTALS
	Wendy Travis	Susan Chavez/Kirsten McCullough	Michele Lopez/Sean Wray	Leigh Mercer	Spayd/Blake Stator/Stephen Johnson	Bret Thomas/Stephanie Russell	Ashley Maggio	Jon Hetzel	Kelly Radriel		
	P-7	P-4	P-2	P-1	E-5	E-4	E-2	X-3	X-2		
	\$406.00	\$249.00	\$179.00	\$143.00	\$238.00	\$195.00	\$138.00	\$128.00	\$93.00		
	hr	hr	hr	hr	hr	hr	hr	hr	hr		
1. Project Management											
Meetings (up to 24)	8	48		20	24		10				
Invoice and Progress Reports (up to 24)		12						12			
Administration and coordination		16						8			
Quality Control Review	2	8			10						
Subtotal - Project Management	10	84	0	20	34	0	10	20	0	178	\$ 39,868.00
2. RAISE Grant Application											
Old Iron Bridge Fact Sheet		2						8	16		
Meetings	2	4	4		4						
Data Compilation and Tables		12	32								
Grant Application		36	32		12		12				
Model		8	60		12						
Updated Cost Estimates		8			16	24					
Project schedule		4			2	4			4		
Subtotal - RAISE Grant Application	2	74	128	0	46	28	12	8	20	318	\$ 63,098.00
3. Loop 150 Corridor Plan Support											
3.1 Data Collection			24	24							
3.2 Background Technical Memo			32								
3.3 Stakeholder Coordination and Communication											
3.3.1 Communications Strategy		4	8								
3.3.2 TxDOT Coordination (up to 5 meetings)	4	10									
3.3.3 Workshop and Summary	2	12	8	4	4						
3.3.4 Project Sheets (up to 3)		4		4				2	8		
3.3.5 Participate in Stakeholder and Public meetings (up to 2 public meetings and 2 stakeholder meetings)		10				10					
3.4 Funding Sources and Grant Criteria Analysis		24									
Subtotal - Loop 150 Corridor Plan Support	6	64	72	32	4	10	0	2	8	198	\$ 39,738.00
4. Concept Development of Recommended Projects											
4.1 Conceptual Design Exhibits (up to 3 projects)	2				10	40	80				
4.2 Refinement of cost estimates (up to 3 projects)	2				10	40	80				
4.3 Environmental constraint analysis (up to 3 projects)	2		10	48							
Subtotal - Concept Development of Recommended Projects	6	0	10	48	20	80	160	0	0	324	\$ 53,530.00

Hours 24 222 210 100 104 118 182 30 28 1,018

Salary Costs \$9,744.00 \$55,278.00 \$37,590.00 \$14,300.00 \$24,752.00 \$23,010.00 \$25,116.00 \$3,840.00 \$2,604.00 **\$196,234.00**

SUBTOTAL - SALARIES: \$196,234.00

DIRECT NON-LABOR EXPENSES

Document Printing/Reproduction/Assembly	\$500.00
Postage/Freight/Courier	\$100.00
Office Supplies/Equipment	\$0.00
Communications	\$0.00
Survey Supplies	\$0.00
Aerial Photography	\$0.00
GPS Equipment	\$0.00
Computer Modeling/Software Use	\$0.00
Traffic Counting Equipment	\$0.00
Locator/Tracer/Thermal Imager Equipment	\$0.00
Travel Costs	\$1,500.00

SUBTOTAL - DIRECT NON-LABOR EXPENSES: \$2,100.00

SUBTOTAL: \$198,334.00

SUBCONSULTANT FEE: \$0.00 No Subconsultant

TOTAL FEE: \$198,334.00

EXHIBIT A-3

House Bill 89 Verification

(See Attached)

House Bill 89 Verification Form

I, Glenn G. Gregory, Jr., PE (printed person's name), the undersigned representative of (Company or Business name) Garver, LLC (hereafter referred to as company) **being an adult over the age of eighteen (18) years of age, after being duly sworn by the undersigned notary, do hereby depose and verify under oath that the company named-above, under the provisions of Subtitle F, Title 10, Government Code Chapter 2270:**

- 1. Does not boycott Israel currently; and**
- 2. Will not boycott Israel during the term of the contract.**

Pursuant to Section 2270.001, Texas Government Code:

1. "Boycott Israel" means refusing to deal with, terminating business activities with, or otherwise taking any action that is intended to penalize, inflict economic harm on, or limit commercial relations specifically with Israel, or with a person or entity doing business in Israel or in an Israeli-controlled territory, but does not include an action made for ordinary business purposes; and

2. "Company" means a for-profit sole proprietorship, organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, or any limited liability company, including a wholly owned subsidiary, majority-owned subsidiary, parent company or affiliate of those entities or business associations that exist to make a profit.

January 4, 2022

DATE



SIGNATURE OF COMPANY REPRESENTATIVE

ON THIS THE 4th day of January, 2022, personally appeared Glenn G. Gregory, Jr., PE, the above-named person, who after by

me being duly sworn, did swear and confirm that the above is true and correct.

NOTARY SEAL

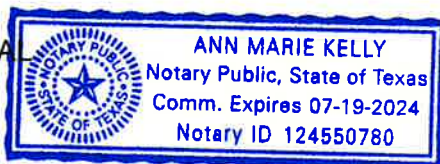




EXHIBIT B-1
REQUIREMENTS FOR GENERAL SERVICES CONTRACT

The Contractor shall comply with each and every condition contained herein. The Contractor shall provide and maintain the minimum insurance coverage set forth below during the term of its agreement with the City, including any delay periods. If the Project is not finalized and the insurance expires, Contractor is obligated to extend the insurance coverage. Any Subcontractor(s) hired by the Contractor shall maintain insurance coverage equal to that required of the Contractor. It is the responsibility of the Contractor to assure compliance with this provision. The City of Bastrop accepts no responsibility arising from the conduct, or lack of conduct, of the Subcontractor.

INSTRUCTIONS FOR COMPLETION OF INSURANCE DOCUMENT

With reference to the foregoing insurance requirements, Contractor shall specifically endorse applicable insurance policies as follows:

- A.** The City of Bastrop shall be named as an additional insured with respect to General Liability and Automobile Liability **on a separate endorsement**
- B.** A waiver of subrogation in favor of The City of Bastrop shall be contained in the Workers Compensation and all liability policies and must be provided **on a separate endorsement.**
- C.** All insurance policies shall be endorsed to the effect that The City of Bastrop will receive at least thirty (30) days' written notice prior to cancellation or non-renewal of the insurance.
- D.** All insurance policies, which name The City of Bastrop as an additional insured, must be endorsed to read as primary and non-contributory coverage regardless of the application of other insurance.
- E.** **Chapter 1811 of the Texas Insurance Code, Senate Bill 425 82(R) of 2011, states that the above endorsements cannot be on the certificate of insurance. Separate endorsements must be provided for each of the above.**
- F.** Contractor will immediately, but no less than five (5) business days of learning the same, notify The City of Bastrop of any material change in the insurance coverage required herein.
- G.** All liability policies shall contain no cross-liability exclusions or insured versus insured restrictions.
- H.** Required limits may be satisfied by any combination of primary and umbrella liability insurances.
- I.** Contractor may maintain reasonable and customary deductibles, subject to approval by The City of Bastrop.
- J.** Insurance must be purchased from insurers having a minimum AmBest rating of B+.
- K.** All insurance must be written on forms filed with and approved by the Texas Department of Insurance. (ACORD 25 2016/03) Coverage must be written on an occurrence form excepting any Professional Liability policies.
- L.** Contractual Liability must be maintained covering the Contractors obligations contained in the Contract. Certificates of Insurance shall be prepared and executed by the insurance company or its authorized agent and shall contain provisions representing and warranting all endorsements and insurance coverages according to requirements and instructions contained herein.
- M.** Upon request, Contractor shall furnish The City of Bastrop with certified copies of all insurance policies which may be redacted as to premium amounts.
- N.** A valid certificate of insurance verifying each of the coverages required above shall be issued directly to the City of Bastrop within ten (10) business days after contract award and prior to starting any work by the successful contractor's insurance agent of record or insurance company. Also, prior to the start of any work and at the same time that the Certificate of Insurance is issued and sent to the City of Bastrop, all required endorsements identified in sections A, B, C and D, above shall be sent to the City of Bastrop. The certificate of insurance and endorsements shall be sent to:

**City of Bastrop
Engineering and Capital Project Management Department
P. O. Box 427
1311 Chestnut Street
Bastrop, TX 78602**

Items for Individual Consideration

Consider action to approve Resolution No. R-2022-20 of the City Council of the City of Bastrop, Texas, approving a professional services contract with Garver, LLC for the Old Iron Bridge Project and Loop 150 Corridor Study in an amount not to exceed one hundred ninety-eight thousand three hundred thirty-four dollars (\$198,334.00); as attached in Exhibit A; authorizing the City Manager to execute all necessary documents; providing for a repealing clause; and establishing an effective date.



Garver LLC

- Design firm that provides engineering, architectural, and environmental services.
- Strong background with applications for grant funding on transportation and historic bridge projects.
- Has identified federal RAISE grant specifically for the Old Iron Bridge.

Old Iron Bridge Grant Application

- Infrastructure Investment and Jobs Act provides for \$1.2 trillion in federal spending over the next five years.
 - \$110 billion will be spent on roads and bridges
 - \$65 billion in broadband internet
 - \$11 billion in transportation safety.
- The Rebuilding American Infrastructure with Sustainability and Equity (RAISE) grant Notice of Funding Opportunity was published January 27, 2022
 - Grant application is due April 14, 2022

Loop 150 Corridor Study

- Corridor Study will be led by the Capital Area Metropolitan Planning Organization (CAMPO)
- Study area will be Loop 150 from the intersection at SH 71 west to SH 71 east
- Will look at the existing constraints, demographics, land uses and existing plans to identify future land uses and capital improvement project
- \$200,000 value provided by CAMPO

Loop 150 Corridor Study – Garver support

- Will be involved during the corridor study
- Capital improvement projects identified
 - Identify future federal grant sources
 - Create grant application exhibits
 - Submit applications

Grant Scope

Task	Total Cost
1. Project Management	\$ 39,868.00
2. RAISE Grant Application	\$ 63,098.00
3. Loop 150 Corridor Plan Support	\$ 39,738.00
4. Concept Development of Recommended Projects	\$ 53,530.00
Direct Non-labor Expenses	\$ 2,100.00

Recommendation

Approve Resolution No. R-2022-20 of the City Council of the City of Bastrop, Texas, approving a professional services contract with Garver, LLC for the Old Iron Bridge Project and Loop 150 Corridor Study in an amount not to exceed one hundred ninety-eight thousand three hundred thirty-four dollars (\$198,334.00); as attached in Exhibit A; authorizing the City Manager to execute all necessary documents; providing for a repealing clause; and establishing an effective date.

