



# Bastrop City Council

1311 Chestnut Street, Bastrop, Texas 78602  
Phone (512) 332-8800 Fax (512) 332.8819

Pursuant to the Texas Government Code, Chapter 551, the Bastrop City Council will hold a Regular Session on **November 25, 2014 at 6:30 pm** at the City Council Chambers located at 1311 Chestnut Street, Bastrop, Texas to consider the following matters:

1. CALL TO ORDER
2. PLEDGES OF ALLEGIANCE & INVOCATION – *A Thanksgiving Prayer*
3. PRESENTATION
4. PROCLAMATIONS
5. CITIZEN COMMENTS
6. ANNOUNCEMENTS

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## City Manager’s Informational Report for November 25, 2014: Items for update, discussion & possible action:

### I. Meetings and Events Attended:

- A. Attended the Regular Monthly Board Meeting of the Bastrop EDC on November 17, 2014
- B. The Special City Council Meeting on November 18, 2014
- C. Attended the Regular Monthly Board Meeting of the Bastrop Main Street Program on November 17, 2014
- D. Attended the Regular Monthly Board Meeting of the Bastrop Chamber of Commerce on November 19, 2014
- E. Attended the Regular Monthly Board Meeting of the Lost Pines Groundwater District on November 19, 2014

### II. Update on City Projects and Issues:

- A. Discussion and Review of Water Usage for the period of November 1, 2014 through November 23, 2014
- B. Update on the AMI Project
- C. Review and Discussion Regarding the City-Wide Clean Project held on November 15, 2014.
- D. Review and Discussion Regarding the UT Mobility Study for the Proposed S.H. 71 Project.
- E. Update on the Chamber Street Reconstruction Project.
- F. Update on the Bastrop Fine Arts Guild “Lost Pines Art Guild and Commemorative Sculpture Garden Project”.
- G. Update on the Bastrop County Grant Program for the Construction of a “Shelter Facility”.
- H. Council Activities for the Month of December 2014.
- I. Update on the Form Base Code Project.
- J. Update on the Water Filtration Project.
- K. Review and Discussion of the “In-House Parking Study of the Central Business District”.
- L. Update on the Noon Whistle
- M. Update on the Solid-Waste RFP.
- N. City Council Planning Retreat.
- O. Discussion of a Grant Awarded By Campo to the City of Bastrop.
- P. Consideration of Adopting Resolution Requesting that the 84th Legislature Support Increasing the Funding for the Texas Recreation & Parks Account.
- Q. Update on the Construction of S.H. 71 Overpass at Tahitian Village.

### III. Other City Activities:

- A. City of Bastrop Convention Center Activities.
- B. The City of Bastrop Main Street Program.
- C. Planning Department – Inspection Report.
- D. Update on the YMCA Program.

Inviting input from the City Council related to issues for possible inclusion on future agenda’s related to items such as (but not limited to) municipal projects, personnel, public property, development and other City/public business.

**Keep Bastrop Green....Recycle!**



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

- |  | TAB | PG | REQUESTOR |
|--|-----|----|-----------|
| A.1 Approval of Minutes for Meetings on October 21, 2014 and October 28, 2014.   | A.1 | 4  | Lopez     |
| A.2 <b>SECOND READING:</b> Consideration, discussion and possible action on the Second Reading of a proposed <b>ORDINANCE</b> of the City Council of the City of Bastrop Texas, amending the budget for the Fiscal Year 2014 in accordance with existing statutory requirements; appropriating the various amounts herein; repealing all prior Ordinances and actions in conflict herewith; and providing for an effective date. | A.2 | 14 | McCollum  |

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**EXECUTIVE SESSION:** *The Council reserves the right to convene into Executive Session at any time during the meeting regarding any agenda item. In compliance with the Open Meetings Act, Ch. 551 Govt. Code, Vernon's Texas Code, Annotated, the item below will be discussed in closed session.* 1. SECTION 551.071 – Consultations with Attorney related to legal matters  
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**B. PUBLIC HEARINGS, ORDINANCES & OTHER ITEMS ELIGIBLE FOR CONSIDERATION AND/OR ACTION**

- |   |     |    |          |
|---|-----|----|----------|
| B.1 <b>PUBLIC HEARING:</b> Consideration, discussion, and possible action on <b>Adoption of the 2009 International Building Code</b> and other related codes as produced by the International Code Council and Adoption of the 2011 National Electric Code.   | B.1 | 26 | McCollum |
| B.2 <b>FIRST READING:</b> Consideration, discussion, and possible action on the First Reading of an Ordinance to amend <b>Chapter 3 &amp; Chapter 5 on Adoption of the 2009 International Building Codes</b> and other related codes as produced by the International Code Council and Adoption of the 2011 National Electric Code. | B.2 | 41 | McCollum |

**C. OLD BUSINESS – No Items**

**D. NEW BUSINESS**

- |   |     |    |                     |
|---|-----|----|---------------------|
| D.1 <b>FIRST READING:</b> Consideration, discussion and possible action on the <b>FIRST READING</b> of an Ordinance amending the Bastrop Economic Development Corporation's Fiscal Year 2014-2015 budget in the amount of \$35,000.   | D.1 | 42 | City Manager Talbot |
| D.2 <b>RESOLUTION:</b> Consideration and Possible Action with Respect to a " <b>Resolution Expressing Official Intent to Reimburse Certain Expenditures</b> " of the City of Bastrop, Texas.  | D.2 | 46 | City Manager Talbot |
| D.3 Consideration, discussion, and possible action on the request for <b>Approval</b> of the <b>Final Plat for Pecan Park Section 5A</b> consisting of <b>48 residential lots</b> , totaling +/- 17.31 acres out of a +/- 311.302 acre tract out of the <b>Mozea Rousseau Survey</b> within the city limits of Bastrop, Texas located south of Highway 71 West. | D.3 | 53 | McCollum            |

**E. EXECUTIVE SESSION**

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

1. **SECTION 551.071(1)(A) & SECTION 551.071(2)**–Consultation with Attorney concerning:

(1) Potential, pending, threatened, and/or contemplated litigation or claims, including but not limited to **Pine Forest Unit # 6**.

(2) and/or matter upon which the Attorney has a duty and/or responsibility to report to the governmental body, concerning same, and/or any other matters posted on the agenda.

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

3. **SECTION 551.074** – Personnel Matters – Administration

4. **SECTION 551.086** - Certain Public Power Utilities: Competitive Matters

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

**F. ADJOURNMENT**

CERTIFICATION

I, Elizabeth Lopez, City Secretary, certify that this notice of meeting was posted at the Bastrop City Hall on the 21<sup>st</sup> day of **November 2014** at **1:00 pm**

*Elizabeth Lopez*, City Secretary

NOTICE OF ASSISTANCE AT PUBLIC MEETINGS THE CITY OF BASTROP IS COMMITTED TO COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT. BASTROP CITY HALL AND COUNCIL CHAMBERS ARE WHEELCHAIR ACCESSIBLE AND SPECIAL MARKED PARKING IS AVAILABLE. PERSONS WITH DISABILITIES WHO PLAN TO ATTEND THIS MEETING AND WHO MAY NEED ASSISTANCE ARE REQUESTED TO CONTACT THE CITY SECRETARY'S OFFICE AT 512-332-8800. PLEASE PROVIDE A FORTY-EIGHT HOURS NOTICE WHEN FEASIBLE. Confirm time posted: KR

**CITY OF BASTROP**

**AGENDA ITEM A-1**

**STANDARDIZED AGENDA RECOMMENDATION FORM**

**CITY COUNCIL**

**DATE SUBMITTED: November 21, 2014**

**MEETING DATE: November 25, 2014**

1. Agenda Item: Approval of Minutes for Meetings on October 21, 2014 & October 28, 2014

2. Party Making Request: Elizabeth Lopez, City Secretary

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

4. Policy Implication: \_\_\_\_\_

5. Budgeted: \_\_\_\_\_Yes \_\_\_\_\_No N/A

Bid Amount: \_\_\_\_\_ Budgeted Amount: \_\_\_\_\_

Under Budget: \_\_\_\_\_ Over Budget: \_\_\_\_\_

Amount Remaining: \_\_\_\_\_

6. Alternate Option/Costs: \_\_\_\_\_

7. Routing: NAME/TITLE INITIAL DATE CONCURRENCE

8. Staff Recommendation:

9. Advisory Board: \_\_\_\_\_Approved \_\_\_\_\_Disapproved \_\_\_\_\_None

10. Manager's Recommendation: \_\_\_\_\_Approved \_\_\_\_\_Disapproved \_\_\_\_\_None

11. Action Taken: \_\_\_\_\_

**MINUTES  
BASTROP CITY COUNCIL  
SPECIAL MEETING/ UTILITY WORKSHOP  
Tuesday, October 21, 2014 at 6:30 pm**

**PRELIMINARY  
Subject To Change  
Date \_\_\_\_\_**

Pursuant to the Texas Government Code, Chapter § 551, the Bastrop City Council held a Special Meeting/Utility Workshop on the aforementioned date and time at the Bastrop City Hall located at 1311 Chestnut Street in Bastrop, Texas to consider and take any necessary action on the following matters:

- A. CALL TO ORDER** – Mayor Kesselus called the meeting to order at 6:30 pm. A quorum was present; Council Members Dock Jackson, Kay Garcia-McAnally, Kelley Gilleland, and Joe Beal, were in attendance. Mayor Pro-Tem Willie DeLaRosa was absent.
- B. ADJOURN THE SPECIAL MEETING – THE BASTROP CITY COUNCIL WILL CONVENE INTO A UTILITY WORKSHOP SESSION TO CONSIDER THE FOLLOWING:**
1. DISCUSSION AND EVALUATION OF ANY AND ALL MATTERS RELATED TO THE CITY'S UTILITIES, INCLUDING BUT NOT LIMITED TO:
- (A) REVIEW OF CURRENT OPERATIONS FOR WATER, WASTEWATER AND ELECTRIC
  - (B) UPDATE ON THE AMI PROJECT
  - (C) POSSIBILITY OF CREATING A \$1 CHECK-OFF ON THE UTILITY BILLS THAT COULD BE USED TO HELP PEOPLE IN DIRE CIRCUMSTANCES WITH UTILITY BILLS
  - (D) DISCUSSION REGARDING LATE PAYMENT AND FEES ASSOCIATED WITH LATE PAYMENT
  - ~~(E) CONSIDERATION OF CHRISTMAS TIME REBATE OF \$100 TO RESIDENTIAL CUSTOMERS AND \$250 TO COMMERCIAL CUSTOMERS~~
  - ~~(F) DISCUSSION ON THE INVESTIGATION OF THE ELECTRICAL PROBLEMS WITH THE HOUSE AT SPRING/HILL~~
  - (G) DISCUSSION ON COMMUNITY EDUCATION TO CONSERVE ENERGY
  - (H) UPDATE ON LONG TERM WATER SUPPLY
  - (I) OTHER OPERATIONAL MATTERS RELATED TO the Water/Wastewater Department and Electric Department.

At 6:31 pm, Mayor Kesselus adjourned the Special Meeting and convened into the Utility Workshop Session. Manager Talbot presented an overview of the items listed above with the exception of items (e) and (f) which were to be discussed in closed/executive session, as per Mayor's request.

City Manager Talbot provided a PowerPoint Presentation for the Utilities Quarterly report for the months of July through September 2014, and he invited BP&L Director Ervin who provided an overview of his department. Mr. Ervin noted the total hours worked were 3,232 with the highest hours spent on System Maintenance (887), Work Orders (372), and ROW Tree Trimming (327). He elaborated on the work orders that reflected a majority of their time was spent on Connect/Disconnect of Services (157), Line Locates (105), and Limbs in line (28). The Council acknowledged BP&L staff's response time to work orders were being completed in less than an hour.

City Manager Talbot thanked BP&L Director Ervin and invited Utility/Public Works Director Job to present the items under Water/Wastewater Department. Mr. Job reflected the total hours worked were 3,842, with the majority of hours with W/WW Work orders (845), Water Operations (560), and W/WW Projects (539). He noted the majority of the work orders were locating W/WW lines (207), Dirty Water (42) and Water Leans Main/Service (23). Mr. Job added that the work orders reflected did not include the routine functions performed on a daily basis. The Council acknowledged the lower monthly water usage in comparison to 2013.

City Manager Talbot invited CFO Stovall who presented the Utility Customer Service/Meter Services report. CFO Stovall noted a total of 3,584 hours worked during this quarter with the three highest work hours in Collection of Utility Payments (1196), Meter Reading (1071) and Work Orders (405). She commended her staff for their continuous efforts in extending quality service to our customers which was confirmed by the lower disconnects due to prior notification before scheduled disconnection. CFO Stovall followed with the review of the Financial Summary for the quarter which was evident with the increase in Sales, Service Fees and Extension Fees since 2013. She acknowledged Republic Services efforts in improving their service and response time during this quarter.

City Manager Talbot continued his presentation with an update of City's current projects. He noted that the following two generator projects had been primarily funded by a Hazardous Mitigation Grant. The Loop 150 Lift Station Generator Project was ninety-five percent (95%) complete with a completion date of October 16, 2014 and the at the Willow Street Lift Station Generator Project was ninety percent (90%) complete and expected completion date of October 21, 2014.

City Manager Talbot provided the Council Members information for their consideration on City Programs used to assist citizens with their utility bill. After a brief discussion, the Council expressed interest and their support in implementing such a program.

City Manager Talbot also requested their consideration on which organization they wanted as the select for to be responsible for overseeing the program.

City Manager Talbot provided the Council a review of the "City of Bastrop Water System Flow Chart for 2007-2014" and offered to answer any questions. The Council Members thanked City Manager Talbot for his research and the report.

**C. THE BASTROP CITY COUNCIL WILL ADJOURN THE UTILITY WORKSHOP SESSION AND RECONVENE BACK INTO SPECIAL MEETING AND/OR TAKE ANY ACTIONS NECESSARY RELATED TO THE SPECIAL UTILITY WORKSHOP NOTED HEREIN.**

At 7:03 pm, Mayor Kesselus adjourned the Utility Workshop Session and reconvened into the Special Meeting to take necessary action.

In efforts to help the City's BP&L utility customers, the Council agreed to create a one-dollar (\$1.00) check-off program on the utility bill that could help utility customers who facing disconnection due to a financial distress, but would finalize the details of the program on a later date.

**MOTION - Council Member McAnally made the motion to have staff develop a one-dollar (\$1.00) check-off program on the City's Utility Bill that would help our utility customer during a financial hardship.**

**SECONDED - Seconded by Council Member Gilleland and unanimously approved with a 4-0 vote.**

The Council Members extended their appreciation to City Manager Talbot for his research and report. Mayor Kesselus thanked City Manager Talbot by stating "*Great Job!*"

Mayor Kesselus then moved to Agenda Item D.

**D. THE BASTROP CITY COUNCIL WILL CONSIDER, DISCUSS AND TAKE POSSIBLE ACTION CONCERNING THE CITY OF BASTROP'S POTENTIAL PARTICIPATION WITH THE YMCA ON THE FUTURE CONSTRUCTION AND OPERATION OF A YMCA FACILITY IN THE CITY OF BASTROP, INCLUDING THE POSSIBLE FINANCING MECHANISMS RELATED TO SAME.**

City Manager Talbot informed the Council of the grant funds the City had been designated by the County and requested their direction on how they wanted to proceed with the invitation to partner for the YMCA project.

The Council held a discussion with consideration to various aspects but agreed to revisit the project and consider funding options at a City Council Meeting in January 2015.

Mayor Kesselus moved to Agenda Item E.

**E. CITY COUNCIL MAY/WILL ADJOURN THE SPECIAL MEETING AND CONVENE A CLOSED/EXECUTIVE SESSION PURSUANT TO THE TEXAS GOVERNMENT CODE, CHAPTER 551, SECTIONS 551.071(1) AND/OR 551.071(2) FOR: (I) CONSULTATION WITH ATTORNEY CONCERNING MATTERS UPON WHICH THE ATTORNEY HAS A DUTY AND/OR RESPONSIBILITY TO REPORT TO THE GOVERNMENTAL BODY RELATED TO LEGAL MATTERS ON ISSUES PERTAINING TO PROCEDURES/PROCESSES FOR GOVERNING BODIES, BOARDS, COMMISSIONS AND MEMBERS; (II) OTHER PENDING LEGAL MATTER(S)/CLAIMS CONCERNING THE CITY; AND (III) ANY OTHER ITEMS POSTED ON THE CURRENT AGENDA, AS REQUESTED BY THE COUNCIL, CITY MANAGER OR ATTORNEY.**

**PRELIMINARY  
Subject To Change**

At 7:22 pm, Mayor Kesselus adjourned the Special Meeting and convened into a Closed Executive Session to discuss the following items as previously mentioned during discussion of Agenda Item B.

- (E) CONSIDERATION OF CHRISTMAS TIME REBATE OF \$100 TO RESIDENTIAL CUSTOMERS AND \$250 TO COMMERCIAL CUSTOMERS
- (F) DISCUSSION ON THE INVESTIGATION OF THE ELECTRICAL PROBLEMS WITH THE HOUSE AT SPRING/HILL

**F. THE BASTROP CITY COUNCIL WILL ADJOURN THE CLOSED/EXECUTIVE SESSION AND RECONVENE INTO THE SPECIAL UTILITY MEETING TO DISCUSS, CONSIDER, AND/OR TAKE ANY ACTIONS NECESSARY RELATED TO THE EXECUTIVE SESSION NOTED HEREIN, OR REGULAR AGENDA ITEMS, NOTES ABOVE, AND/OR RELATED ITEMS.**

At 7:56 pm, Mayor Kesselus adjourned the Closed/Executive Session and reconvened into open Special Meeting to take necessary action if any on discussion of items withdrawn during the review of Agenda Item B); no action taken.

Mayor Kesselus proceeded to Agenda Item G.

**G. THE BASTROP CITY COUNCIL WILL/MAY MEET IN A CLOSED/EXECUTIVE SESSION PURSUANT TO THE TEXAS GOVERNMENT CODE, CHAPTER §551, ET SEQ, TO DISCUSS THE FOLLOWING:**

1. SECTION(S) **551.071(1) (A)** AND **551.071 (2)** - CONSULTATION(S) WITH ATTORNEY: (1) THREATENED AND/OR CONTEMPLATED LITIGATION, AND (2) MATTERS UPON WHICH THE ATTORNEY HAS A DUTY AND/OR RESPONSIBILITY TO REPORT TO THE GOVERNMENTAL BODY.
2. ~~SECTION **551.072** - DELIBERATION REGARDING REAL PROPERTY: REGARDING THE PURCHASE, EXCHANGE, LEASE, DISPOSITION, OR VALUE OF REAL PROPERTY.~~
3. SECTION **551.074** - THE BASTROP CITY COUNCIL MAY/WILL MEET IN A CLOSED/EXECUTIVE SESSION PURSUANT TO THE TEXAS GOVERNMENT CODE, CHAPTER 551, SECTION 551.074 - PERSONNEL MATTERS CONCERNING PENDING PERSONNEL/EMPLOYMENT MATTERS - CITY MANAGER
4. SECTION **551.086**- CERTAIN PUBLIC UTILITIES: COMPETITIVE MATTERS

At 8:19 pm, Mayor Kesselus adjourned the Closed/Executive Session to discuss Agenda Items 1, 3, and 4 as noted in the Closed/Executive Session pursuant to the Texas Government Code, Chapter §551.

**H. THE BASTROP CITY COUNCIL WILL RECONVENE INTO OPEN SPECIAL MEETING TO DISCUSS, CONSIDER, AND/OR TAKE ANY ACTIONS NECESSARY RELATED TO THE EXECUTIVE SESSION NOTED HEREIN, OR REGULAR AGENDA ITEMS, NOTES ABOVE, AND/OR RELATED ITEMS.**

At 9:40 pm, Mayor Kesselus reconvened into open Special Meeting to take necessary action on items discussed in the Closed/Executive Session; no action taken.

**I. ADJOURNMENT** – Mayor Kesselus requested a motion to adjourn. Council Member McAnally made the motion that was seconded by Council Member Gilleland and the meeting adjourned at 9:45 pm.

Approved: \_\_\_\_\_  
Kenneth W. Kesselus, Mayor

Attest: \_\_\_\_\_  
Elizabeth M. Lopez, City Secretary

**PRELIMINARY**  
**Subject To Change**  
**Date \_\_\_\_\_**

MINUTES  
BASTROP CITY COUNCIL REGULAR MEETING  
October 28, 2014 at 6:30 pm

**PRELIMINARY**  
**Subject To Change**  
**Date**



Pursuant to the Texas Government Code, Chapter 551, the Bastrop City Council held a Regular Meeting on the aforementioned date at the City Hall Council Chambers located at 1311 Chestnut Street in Bastrop, Texas to consider the following matters:

1. **CALL TO ORDER** – At 6:31 pm, Mayor Kesselus called the meeting to order. A quorum was present; Council Members Jackson, Beal, McAnally, Gilleland, and Mayor Pro-Tem DeLaRosa were in attendance.
2. **PLEDGE OF ALLEGIANCE**– Executive Assistant to the City Manager, Traci Chavez led the Pledge.
3. **INVOCATION** – Mayor Kesselus stated that Marie Blazek, Buddhist was not in attendance and he read the “Golden Chain Payer.”
4. **PRESENTATION(S)** – Mayor Kesselus invited Texas District 14, Senator Kirk Watson, who presented Former Mayor Terry Orr with a Proclamation on behalf of “The Senate of The State of Texas” in recognition of his retirement as Mayor of Bastrop, Texas. He was elected to office in May 2008 through May 2014, he played an instrumental role in the city’s ability to withstand the collapse of the United States Economy in 2008 and in the recovery from the devastating wildfires in 2011. Senator Watson acknowledged Former Mayor Orr’s educational endeavor to return to college to earn a bachelor’s degree in Liberal Arts, almost 40 years after receiving a Master’s Degree in Engineering. Senator Watson commended Former Mayor Terry Orr on his exemplary service to the community and wished him continued success with all his future endeavors.

Former Mayor Orr expressed a sincere appreciation for the acknowledgement and stated that this was a great day and in true form to his modesty, he thanked each Council Member and acknowledged the role they each played during his tenure as Mayor. He extended a heartfelt appreciation for City Manager Michael H. Talbot and his accomplishments and other City Staff Members. He concluded his speech acknowledging Senator Watson for his support during the wildfires which was before his installment as a Texas State Senator.

The Council each expressed their appreciation and the honor of having Senator Watson as our State Representative and most importantly as a friend. Former Mayor Terry Orr received a standing ovation in honor of this recognition.

5. **PROCLAMATION(S)** - Upon reading the Proclamations, Mayor Kesselus presented the “*America Recycles Day November 15, 2014*” Proclamation to Council Member Gilleland. He presented the “*National Municipal Court Week November 3-7, 2014*” Proclamation to The Honorable Judge Hinds and Court Administrator Phyllis Mathison.
6. **CITIZEN COMMENTS** – President of Keep Bastrop County Beautiful, Dorothy Skarnulis gave a video presentation on recycling and educating people on the importance of saving our resources. She thanked Council Member Gilleland and the Council in the collaboration of the upcoming cleanup project and stated she look forward to future collaborations with Council Member Gilleland.

Mayor Pro-Tem DeLaRosa congratulated Council Member Beal on the newest member to his family. Everyone joined him in welcoming Grandbaby Beal. Council Member Beal thanked everyone and stated that his daughter and grandbaby are doing well.

Council Member Jackson encouraged everyone to participate in the upcoming Sounds of Sharing Event on November 1, 2014.

Council Member Beal also encouraged meeting attendees to join the 100<sup>th</sup> Year Celebration of the Kerr Center on Thursday, October 30 at 6:30 pm.

7. **ANNOUNCEMENTS** - Mayor Kesselus invited City Manager Talbot to present his bi-weekly informational report for October 14, 2014. City Manager Talbot provided the Council Members a brief outline on the following projects:

**C. Review, Discussion, and Possible Action Regarding Bastrop Arts in Public Places “Transformer Project”**– City Manager Talbot informed the Council that the Bastrop Art in Public Places had requested funding of \$1,000 to award the winning artist of the Transformer Project. He advised the

Council that the funds would derive from the Hotel/Motel Tax Fund and if the Council approved the request the BAIPP would like for them to present the financial award to the winning artist at the first City Council Meeting in November.

After the Council consideration, they were in agreement to help with the \$1,000 fund and recognized the success of the project. A majority of the Council suggested the importance of securing funding beforehand on future projects.

**MOTION** – Council Member McAnally made the motion to approve the Bastrop Art In Public Places request to provide the \$1,000 funding for the winning artist of the Transformer Project.

**SECOND** – Council Member Gilleland seconded the motion.

**VOTE**– Motion passed unanimously 5-0; *Aye: McAnally, Gilleland, DeLaRosa, Beal, and Jackson,*

**D. Review and Discussion Regarding the “Public Forum on the S.H. 71 Project Improvements and the Main Street Project”.** – City Manager Talbot provided the Council Members a handout and informed them that the Public Forum held on October 23, 2014 was well attended. He will be providing a written update at the upcoming City Council Meeting.

**F. Update on the City Wide Clean-Up Project**– Council Member Gilleland provided an update on the upcoming City Wide Clean-up Project which already had ten teams who have signed up to participate. Many of the participants have expressed their enthusiasm in the program. Mayor Kesselus commended Council Member Gilleland on her efforts.

**H. Discussion and Possible Action on the Bastrop Arts in Public Places Proposed “Pedestal Projects”**– City Manager Talbot provided the Council an advance notice on the upcoming project proposed by the BIAPP for a \$17,000 Sculpture Project that will place sculptures at various locations within the City. City Manager requested the Council’s approval to pay the costs for the construction pads to place each sculpture. The Council agreed to use the allocated BIAPP Project Fund for the costs.

**I. Special City Council Meetings – November 18, 2014**–Mayor Pro-Tem DeLaRosa advised the YMCA of the Councils intent to hold a Bond Election for this project. The YMCA suggested a November Election, but City Manager Talbot reminded them of the Councils schedule during this time of year. Mayor Kesselus requested this item be placed on the agenda for the upcoming City Council Retreat.

**L. Review and Discussion Regarding parking and Transportation Issues in the Central Business District and Surrounding Area** – Mayor Kesselus requested to discuss this item along with agenda item D-2.

**M. Update on developing an RFQ for the Operation of the PEG Channel and Amendment to the Agreement for Filming Services** – Mayor Kesselus requested to discuss this item in Executive Session.

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**A.** *All the following items are considered to be self-explanatory by the Council and will be enacted with one motion. There will be no separate discussion of these items unless a Council Member(s) so request.*

**A.1** Consideration, discussion, and possible action on the SECOND READING of a proposed ORDINANCE of the City Council of the City of Bastrop, Texas for a zoning district change from LI, (Light Industrial) to SF-7, (Single Family Residential-7) comprising of all properties in Building Block 5 surrounded by Cypress, Linda and Rosanky Streets within the Young Subdivision more particularly described as

1. Being a +/-0.182 acres within Young Subdivision, Building Block 5, Lot 1, also known as 1508 Rosanky St (R33333)
2. Being a +/-0.364 acres within Young Subdivision, Building Block 5, Lot 2, also known as 1710 Linda St (R41403)
3. Being a +/-0.182 acres within Young Subdivision, Building Block 5, Lot 3, also known as 1702 Linda St. (R33325)

in the city limits of Bastrop, Texas; and establishing an effective date.

**PRELIMINARY**  
**Subject to Change**  
**Date**

- A.2 Consideration, discussion, and possible action on the SECOND READING of a proposed ORDINANCE of the City Council of the City of Bastrop, Texas, amending the budget for the Fiscal Year 2014 in accordance with existing statutory requirements, appropriating the various amounts herein; repealing all prior Ordinances and actions in conflict herewith; and providing for an effective date.
- A.3 Consideration, discussion, and possible action on the SECOND READING of an ORDINANCE of the City Council of the City of Bastrop Texas, amending Ch. 6, of the Code of Ordinances of the City of Bastrop, Texas, entitled "Health & Sanitation" Sec. 6.04.001, 6.04.004, and 6.06.009, to provide for mowing private property up to edge of public pavements(s) and right-of-way; establishing fines for the violation of said articles; establishing enforcement authority, repealing any inconsistent provisions; and providing an effective date.
- A.4 Consideration, discussion, and action with respect to the SECOND READING of an ORDINANCE of the City Council of the City of Bastrop, Texas, amending Ordinance 2005-22, which adopted the City of Bastrop's Personnel Policies Manual; related to Employee Benefits; repealing conflicting ordinances, resolutions and policies; including a savings clause; and establishing an effective date.
- A.5 Consideration, discussion, and possible action on the SECOND READING of a RESOLUTION, on a project of the Bastrop Economic Development Corporation to commission a Bastrop Area Housing Study by Robert Charles Lesser & Co., LLC, (RCLCO), in an amount not to exceed \$35,000.
- A.6 Consideration, discussion, and possible action on a request for approval of a STATUTORY DENIAL, for a period of 180 days from the date of Council action on this request for the Administrative Plat of Haywood 1 Subdivision, to create 1 residential lot located in Area A of the Extra Territorial Jurisdiction (ETJ) of Bastrop, Texas.
- A.7 Consideration, discussion, and possible action on a request for approval of a STATATUTORY DENIAL, for a period of 180 days from the date of Council action on this request, for the Replat of Lot 1-506 in Tahitian Village, Unit 1 to create 2 residential lots located east of Kukui Court within the city limits of Bastrop, Texas.
- A.8 Consideration, discussion, and possible action on a request for approval of the expiration of the Preliminary Plat for XS Ranch Rivercamp Estates, Phase 2 (29 residential lots) within the Extra Territorial Jurisdiction (ETJ) of Bastrop, Texas.
- A.9 Consideration, Discussion and possible action on a request to grant a variance to the Cemetery Ordinance, which is recommended for approval by the Cemetery Advisory Board. The variance requested would allow a plot owner to cover a cemetery plot in the Fairview Cemetery, legally described as being Block 7, Row C, Lot B (2 spaces), with a material (i.e., crushed rock) that is otherwise prohibited by the City's Cemetery Ordinance, "Fairview Cemetery", Section 15.01.015 (e) and (f), "Prohibited activities".

Mayor Kesselus read agenda item captions A-1 through A-5 in recognition of the Second Reading and followed with a request for a motion.

**MOTION** – Mayor Pro-Tem DeLaRosa made the motion to approve all items on the Consent Agenda.

**SECOND** – Council Member McAnally seconded the motion.

**VOTE**– Motion passed unanimously 5-0; *Ayes: DeLaRosa, McAnally, Gilleland, Beal and Jackson.*

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**EXECUTIVE SESSION:** *The Council reserves the right to convene into Executive Session at any time during the meeting regarding any agenda item. In compliance with the Open Meetings Act, Ch. 551 Govt Code Vernons TX Code, annotated, the item below will be discussed in closed session. SEC. 551.071 Consultations w/Attorney related to legal matters*  
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**PRELIMINARY**  
**Subject To Change**  
**Date** \_\_\_\_\_

- B. PUBLIC HEARINGS, ORDINANCES & OTHER ITEMS ELIGIBLE FOR CONSIDERATION/ACTION - NONE**
- C. OLD BUSINESS – NONE**
- D. NEW BUSINESS**

**D.1 CONSIDERATION AND ACTION WITH RESPECT TO "ORDINANCE AUTHORIZING THE ISSUANCE OF THE CITY OF BASTROP, TEXAS GENERAL OBLIGATION REFUNDING BONDS; LEVYING AN AD VALOREM TAX IN SUPPORT OF THE BONDS; ESTABLISHING PROCEDURES FOR SELLING AND DELIVERY OF ONE OR MORE SERIES OF THE BONDS; AND AUTHORIZING OTHER MATTERS RELATING TO THE BONDS". (CITY MANAGER TALBOT)**

City Manager Talbot advised the Council that the underwriters were prepared to begin the process. He introduced Mr. Dan Wegmiller, City's Bond Consultant who informed the Council of the improved market and the City's ability to break even.

The Council held a discussion acknowledging the City Manager's efforts and Council Member Beal stated "Good Job!"

Mayor Kesselus read the agenda caption and requested a motion.

**MOTION** – Council Member Gilleland made the motion to authorize the issuance of the City of Bastrop, Texas General Obligation Refunding Bonds; levying an Ad Valorem Tax in support of the bonds; and establishing procedures for selling and delivery of one or more series of the bonds and authorizing other matters relating to the bonds.

**SECOND** – Council Member McAnally seconded the motion.

**VOTE**–Motion passed unanimously 5-0; *Aye: Gilleland, McAnally, DeLaRosa, Beal & Jackson*

City Manager Talbot thanked Council Member Beal who planted the seed a year ago.

**D.2 CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION BY THE BASTROP CITY COUNCIL ON A REQUEST FROM THE BASTROP MAIN STREET PROGRAM DESIGN COMMITTEE TO CONDUCT A PUBLIC TEST OF A "2-POINT PARKING" VARIANT IN THE 700 BLOCK OF PINE ST. IN SPACES CURRENTLY MARKED FOR "3-POINT PARKING." (MAIN STREET ADVISORY BOARD)**

Mayor Kesselus introduced the Main Street Advisory Board Chairman who provided a PowerPoint Presentation with reference to various Parking Studies in the Bastrop Downtown District. He suggested a two-week public test that could commence in sixty days if the Council approved.

The Council held a discussion with regard on various aspects of the project and recommended that the City Manager hire a Consultant who could advise us of the project costs. Mayor Kesselus requested a motion.

**MOTION** – Council Member Beal made the motion to authorize an "interim two-month period to conduct the parking test and authorizing the City Manager to find a Consultant to offer the projected costs of the project.

**SECOND** – Council Member McAnally seconded the motion.

**VOTE**–Motion passed unanimously 5-0; *Aye: Beal, McAnally, DeLaRosa, Gilleland, & Jackson*

Mayor Kesselus then brought forward Item (L) as listed under the City Manager's bi-weekly report.

**(L) REVIEW AND DISCUSSION REGARDING PARKING AND TRANSPORTATION ISSUES IN THE CENTRAL BUSINESS DISTRICT AND SURROUNDING AREA**

After a brief discussion by the Council, the Mayor requested a motion.

**MOTION** – Council Member Beal made the motion to authorize the City Manager to approach the Bastrop Economic Development Corporation on a joint venture to address the Transportation Issues in the Central Business District and the surrounding Area.

**SECOND** – Mayor Pro-Tem DeLaRosa seconded the motion.

**VOTE**–Motion passed unanimously 5-0; *Aye: Beal, DeLaRosa, McAnally, Gilleland, & Jackson*

**D.3 CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION ON THE INSTALLATION OF RECREATIONAL VEHICLE STATIONS CONNECTED WITH THE CONVENTION CENTER. (CITIZEN RICHARD KESSELUS)**

Richard Kesselus Officer of the Texas Cushman Club and a member of the America Cushman Club thanked the Council for the opportunity to request their consideration on allowing recreational vehicle spaces at the Convention Center. That this would allow the organization a new meeting site which would bring in numerous members and additional revenue to local businesses.

The Council held a discussion in consideration to the impacts on the local Farmer's Market and the funding for the project. The Council requested that the City Manager research this request further.

City Manager Talbot acknowledged he had already made a note of the Council's directive.

**D.4 CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION REGARDING THE RELEASE OF HOT FUNDING TO UPSTART. (Council Member Gilleland)**

Council Member Gilleland requested the Council's consideration and approval on the aforementioned item. Mayor Kesselus requested a motion.

**MOTION** – Council Member Gilleland made the motion to release the Hot Funding to Upstart.

**SECOND** – Mayor Pro-Tem DeLaRosa seconded the motion.

**VOTE**–Motion passed unanimously 5-0; *Aye: Gilleland, DeLaRosa, McAnally, Beal & Jackson*

Mayor Kesselus moved Agenda Item D. 6 up for discussion, as suggested by Council Member Jackson.

**D.6 BOARD APPOINTMENT BY MAYOR KESSELUS, SUBJECT TO CONFIRMATION BY THE BASTROP CITY COUNCIL, ON THE APPOINTMENT OF MICHELLE ADAMS, AS PL. 1 MEMBER OF THE BASTROP MAIN STREET PROGRAM ADVISORY BOARD; FILLING AN UNEXPIRED TERM VACATED BY STEVE DEWIRE THAT EXPIRES JUNE 2015. (MAYOR KESSELUS)**

Mayor Kesselus requested the Councils confirmation on the appointment of Michelle Adams as the Place 1 Member on the Bastrop Main Street Program Advisory Board.

**MOTION** – Council Member Jackson made the motion to confirm the appointment of Michelle Adams as the Place 1 Member on the Bastrop Main Street Program Advisory Board filling the unexpired term vacated by Steve Dewire that expires June 2015.

**SECOND** – Council Member McAnally seconded the motion.

**VOTE**–Motion passed unanimously 5-0; *Aye: Jackson, McAnally, DeLaRosa, Gilleland and Beal.*

**D.5 CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION ON THE ADOPTION OF A RESOLUTION OF SUPPORT TO CONVEY THE FOLLOWING PROPERTIES WHICH ARE HELD IN TRUST BY BASTROP INDEPENDENT SCHOOL DISTRICT, BASTROP COUNTY AND CITY OF BASTROP TO HABITAT FOR HUMANITIES TO BUILD NEW SINGLE FAMILY RESIDENTIAL STRUCTURES (CITY MANAGER TALBOT)**

•R34561-BUILDING BLOCK 24 EAST OF WATER STREET BEING +/-0.165 ACRES ALSO KNOWN AS 1011 EMILE STREET.

•R35849 – BUILDING BLOCK 59 EAST OF WATER STREET BEING +/-0.219 ACRES ALSO KNOWN AS 306 MLK DRIVE.

•R28887 – FARM LOT 5 WEST OF MAIN STREET BEING +/-0.191 ACRES ALSO KNOWN AS 1905 WILSON STREET.

City Manager Talbot advised the Council the addressed listed herewith were the homes to be used by the BISSD, Bastrop County and Bastrop City for the Habitat for Humanity Program.

Mayor Kesselus followed with a request a motion.

**MOTION** – Mayor Pro-Tem DeLaRosa made the motion to approve the adoption of a Resolution of Support to convey the following properties which are held in trust by Bastrop Independent

School District, Bastrop County and City of Bastrop to Habitat for Humanities to build new single family residential structures

- R34561 - Building Block 24 East of Water Street being +/-0.165 acres also known as 1011 Emile Street.
- R35849 – Building Block 59 East of Water Street being +/-0.219 acres also known as 306 MLK Drive.
- R28887 – Farm Lot 5 West of Main Street being +/-0.191 acres also known as 1905 Wilson Street

**SECOND** – Council Member McAnally seconded the motion.

**VOTE**–Motion passed unanimously 5-0; *Aye: DeLaRosa, McAnally, Gilleland, Beal, and Jackson*

**D.7 CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION ON THE APPROVAL OF A RESOLUTION BY THE CITY OF BASTROP, TEXAS AND THE BASTROP ECONOMIC DEVELOPMENT CORPORATION”. (MAYOR KESSELUS)**

Mayor Kesselus requested to discuss the aforementioned item in executive session.

At 8:44 pm, Mayor Kesselus moved into Executive Session.

**PRELIMINARY**  
**Subject To Change**  
Date \_\_\_\_\_

**E. EXECUTIVE SESSION**

E.1 THE BASTROP CITY COUNCIL WILL MEET IN A CLOSED/EXECUTIVE SESSION PURSUANT TO THE TEXAS GOVERNMENT CODE, CHAPTER 551, *ET SEQ.*, TO DISCUSS THE FOLLOWING:

1. SECTION 551.071(1)(A) & SECTION 551.071(2) – CONSULTATION WITH ATTORNEY CONCERNING:
  - (1) POTENTIAL, PENDING, THREATENED, AND/OR CONTEMPLATED LITIGATION OR CLAIMS, INCLUDING BUT NOT LIMITED TO AND/OR
  - (2) MATTER UPON WHICH THE ATTORNEY HAS A DUTY AND/OR RESPONSIBILITY TO REPORT TO THE GOVERNMENTAL BODY, CONCERNING SAME, AND/OR ANY OTHER MATTERS POSTED ON THE AGENDA.
2. SECTION 551.072 – DELIBERATION REGARDING REAL PROPERTY: REGARDING THE PURCHASE, EXCHANGE, LEASE, DISPOSITION, OR VALUE OF REAL PROPERTY
3. SECTION 551.074 – PERSONNEL MATTERS – CITY MANAGER
4. SECTION 551.086 – CERTAIN PUBLIC POWER UTILITIES; COMPETITIVE MATTERS

E.2 THE BASTROP CITY COUNCIL WILL RECONVENE INTO OPEN SESSION TO DISCUSS, CONSIDER AND/OR TAKE ANY ACTIONS NECESSARY RELATED TO THE EXECUTIVE SESSIONS NOTED HEREIN, OR REGULAR AGENDA ITEMS, NOTED ABOVE, AND/OR RELATED ITEMS.

At 10:40 pm, Mayor Kesselus reconvened in open session to discuss, consider, and/or take necessary action(s) related to the Executive Session noted herein.

Mayor Kesselus requested a motion on the Bastrop Economic Corporation Joint Resolution posted as agenda item D-7; none was made. The Mayor stated that he would inform the BEDC Chairman of the Council’s decision not to act on the Resolution.

**F. ADJOURNMENT** - Mayor Kesselus requested a motion to adjourn the meeting. Council Member Jackson made the motion that was seconded by Council Member Gilleland and the meeting adjourned at 10:40 pm.

APPROVED: \_\_\_\_\_  
Ken Kesselus, Mayor

ATTEST: \_\_\_\_\_  
Elizabeth M. Lopez, City Secretary



ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING THE BUDGET FOR THE FISCAL YEAR 2014 IN ACCORDANCE WITH EXISTING STATUTORY REQUIREMENTS; APPROPRIATING THE VARIOUS AMOUNTS HEREIN; REPEALING ALL PRIOR ORDINANCES AND ACTIONS IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Manager of the City of Bastrop has submitted to the Mayor and Council proposed amendment(s) to the budget of the revenues and/or expenditures/expenses of conducting the affairs of said city and providing a complete financial plan for Fiscal Year 2014; and,

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

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

That the proposed budget amendments for the Fiscal Year 2014, as submitted to the City Council by the City Manager and which budget amendments are discussed in the attached memorandum is hereby adopted and approved as the amended budget of said city for Fiscal Year 2014; and

Ordinance and prior actions in conflict herewith are hereby repealed; and

This Ordinance shall be and remain in full force and effect from and after its final passage and publication in accordance with existing statutory requirements.

READ and APPROVED on First Reading on the \_\_\_\_\_ day of November, 2014.

READ and ADOPTED on Second Reading on the \_\_\_\_\_ day of November, 2014.

APPROVED:

ATTEST:

\_\_\_\_\_  
Ken Kesselus, Mayor

\_\_\_\_\_  
Elizabeth Lopez, City Secretary

**City of Bastrop  
Memorandum**

**TO: Mayor & City Council Members**

**FROM: Karla Stovall, Chief Financial Officer**

**SUBJECT: Ordinance Amending FY 2014 Budget**

**DATE: November 4, 2014**

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**Recommendation:**

To approve the following Ordinance Amending the Budget of Fiscal Year 2014 to place a liability on the Bastrop Economic Development Corporations books to properly account for the Municipal Water Project Funding Agreement.

**Background:**

The City of Bastrop and the Bastrop Economic Development Corporation entered into a Municipal Water Project Funding agreement thus requiring a liability to be established on the BEDC books.

On or about May 19, 2014 the Board of Directors of the BEDC took formal action to approve funding for the City in the amount of approximately \$60,000 per year for ten years (total amount of \$600,000) to assist with costs related to the City's municipal long-term funding with such funding being contingent on the availability of funding in the annual budget of the BEDC from year to year.

The Municipal Water Project Funding agreement was entered into by the City on October 10, 2014. The Finance Department in preparation of closing the books for the Fiscal Year 2014 and subsequent audit, is required to present this transaction as a liability on the BEDC books. A budget amendment is required as the entry will debit an expense account (Donated Assets 601-70-00-5999) and credit a liability account (Notes Payable 601-00-00-2084). No cash disbursements have been made and payments will start on or before January 2, 2015.



**WHEREAS**, on or about May 19, 2014, the Board of Directors of the BEDC took formal action to approve funding for the City in the amount of approximately \$60,000.00, per year, for ten (10) years, to assist with costs related to the City's municipal long-term water supply, with such funding by the BEDC being contingent on the availability of funding in the annual budget of the BEDC from year to year, and the allocation of same by the BEDC Board of Directors, from year to year, and

**WHEREAS**, on or about August 25, 2014, the BEDC held a public hearing to receive public input on this proposed project for funding by the BEDC, as required by law; and

**WHEREAS**, the usual City approval of this BEDC project is not required in this instance, inasmuch as it is a project undertaken specifically at the request of the City, and

**WHEREAS**, the Parties desire to enter into this Agreement, to memorialize the funding requests, responsibilities and duties agreed to amongst them.

**THEREFORE, FOR GOOD AND VALUABLE CONSIDERATION, THE RECEIPT AND SUFFICIENCY OF WHICH ARE ACKNOWLEDGED, INCLUDING THE AGREEMENTS SET FORTH BELOW, THE PARTIES AGREE AS FOLLOWS:**

#### **ARTICLE 1 FUNDS/USE**

The BEDC will use best efforts to make available to the City on an annual basis, beginning in 2015, Sixty Thousand U.S. Dollars and No/Cents (\$60,000.00), for a ten year period for total financial support to the City of \$600,000.00. ("Funds") The City will only expend the Funds to address costs directly associated with the City's municipal water supply needs.

#### **ARTICLE 2 CONDITIONAL NATURE OF FUNDING**

The Parties acknowledge and agree that the provision of the Funds by the BEDC under this Agreement is strictly contingent on the reasonable availability of same, on a year by year basis, in the BEDC's annual budget, and in the sole discretion of the Board of Directors of the BEDC. If the Funds are not available during any BEDC budgetary year, the Executive Director of the BEDC shall report same to the City Manager in writing as quickly as that deficiency is identified by the Board. That deficiency shall not result in any breach of this Agreement by the BEDC.

### **ARTICLE 3 TERM**

The Term of this Agreement shall be ten (10) Years ("Term"). However, in the event that the BEDC is ever not able to provide the Funds for one or more years, due to its annual budgetary constraints, as provided for in Article 2 of this Agreement, then, the term of this Agreement shall be extended by one or more years, so that, by the end of the term of the agreement, the BEDC will have provided total funding to the City in the amount of \$600,000.00. ("Extended Term")

### **ARTICLE 4 TIMING OF ANNUAL PAYMENTS**

The Funds shall be provided to the City each year, on or before January 2nd, by directing same to the City's Director of Finance.

### **ARTICLE 5 MISCELLANEOUS**

#### **Section 5.01 Notice**

Any notice given under this Agreement must be in writing and may be given: (i) by depositing it in the United States mail, certified, with return receipt requested, addressed to the party to be notified and with all charges prepaid; or (ii) by depositing it with Federal Express or another service guaranteeing "next day delivery", addressed to the party to be notified and with all charges prepaid; (iii) by personally delivering it to the party, or any agent of the party listed in this Agreement, or (iv) by facsimile with confirming copy sent by one of the other described methods of notice set forth. Notice by United States mail will be effective on the earlier of the date of receipt or 3 days after the date of mailing. Notice given in any other manner will be effective only when received. For purposes of notice, the address of the Parties will, until changed as provided below, be as follows:

CITY: City of Bastrop  
1311 Chestnut Street  
Bastrop, Texas 78602  
Attn: Michael Talbot, City Manager  
Phone: (512) 303-4966  
Fax: (512) 321-6684

With Required Copy to: Jo-Christy Brown  
Bastrop/BEDC City Attorney  
1411 West Avenue  
Austin, Texas 78701  
Phone: (512) 236-1000  
jcbrown@jcbrownlegal.com

BEDC: Bastrop Economic Development Corporation  
903 Main Street  
Bastrop, TX 78602  
Attn: Angela Ryan, Executive Assistant  
Phone: (512) 303-9700  
info@bastropedc.org

The Parties may change their respective addresses to any other address within the United States of America by giving at least 5 days' written notice to the other party. The BEDC may, by giving at least 5 days' written notice to the City, designate additional Parties to receive copies of notices under this Agreement.

**Section 5.02 Severability: Waiver**

If any provision of this Agreement is illegal, invalid, or unenforceable, under present or future laws, it is the intention of the Parties that the remainder of this Agreement not be affected, and, in lieu of each illegal, invalid, or unenforceable provision, that a provision be added to this Agreement which is legal, valid, and enforceable and is as similar in terms to the illegal, invalid or enforceable provision as is possible.

Any failure by a Party to insist upon strict performance by the other Party of any material provision of this Agreement will not be deemed a waiver thereof or of any other provision of this Agreement, and such Party may at any time thereafter insist upon strict performance of any and all of the provisions of this Agreement.

**Section 5.03 Applicable Law and Venue**

The interpretation, performance, enforcement and validity of this Agreement are governed by the laws of the State of Texas. Venue will be in a court of appropriate jurisdiction in Bastrop County, Texas.

**Section 5.04 Attorney's Fees**

If either party defaults, the prevailing party in the dispute will be entitled to recover its reasonable attorney's fees, expenses and court costs from the non-prevailing party.

**Section 5.05 Entire Agreement**

This Agreement contains the entire agreement of the Parties. There are no other agreements or promises, oral or written, between the Parties regarding the subject matter of this Agreement. This Agreement can be amended only by written agreement signed by the Parties. This Agreement supersedes all other agreements between the Parties concerning the subject matter.

#### **Section 5.06          Reservation of Rights**

To the extent not inconsistent with this Agreement, each Party reserves all rights, privileges, and immunities under applicable laws.

#### **Section 5.07          Exhibits, Headings, Construction and Counterparts**

All schedules and exhibits referred to in or attached to this Agreement are incorporated into and made a part of this Agreement for all purposes. The section headings contained in this Agreement are for convenience only and do not enlarge or limit the scope or meaning of the sections. Wherever appropriate, words of the masculine gender may include the feminine or neuter, and the singular may include the plural, and vice-versa. The Parties acknowledge that each of them have been actively and equally involved in the negotiation of this Agreement. Accordingly, the rule of construction that any ambiguities are to be resolved against the drafting party will not be employed in interpreting this Agreement or any exhibits hereto. This Agreement may be executed in any number of counterparts, each of which will be deemed to be an original, and all of which will together constitute the same instrument. This Agreement will become effective only when one or more counterparts, individually or taken together, bear the signatures of all of the Parties.

#### **Section 5.08          Times**

Time is of the essence of this Agreement. In computing the number of days for purposes of this Agreement, all days will be counted, including Saturday, Sunday and legal holidays; however, if the final day of any time period falls on a Saturday, Sunday or legal holiday, then the final day will be deemed to be the next day that is not a Saturday, Sunday or legal holiday.

#### **Section 5.09          Compliance with City, State and Federal Laws**

Notwithstanding any other provision of this Agreement, the BEDC, their successors and assigns, will comply with all applicable statutes or regulations of the United States and the State of Texas, as well as all City ordinances, except as otherwise provided herein. Enforcement of City ordinances or rules will not be deemed a breach or default under this Agreement.

#### **Section 5.10 Authority for Execution**

The City hereby certifies, represents, and warrants that the execution of this Agreement is duly authorized and adopted in conformity with the City Charter and City ordinances. The BEDC hereby certifies, represents, and warrants that the execution of this Agreement is duly authorized and adopted in conformity with the articles of incorporation and bylaws or partnership agreement of each entity.

#### **Section 5.11 Exhibits**

The following Exhibits are attached to this Agreement, and made a part hereof for all purposes:

Exhibit "A" - April 17, 2014 City Letter requesting Support of BEDC

[Remaining Page Blank]

The undersigned Parties have executed this Agreement on the dates indicated below.

CITY OF BASTROP

By: Michael H. Talbot

Michael H. Talbot, City Manager

Date: 10-10-14

ATTEST:

Traci Chavez

Printed Name: TRACI CHAVEZ

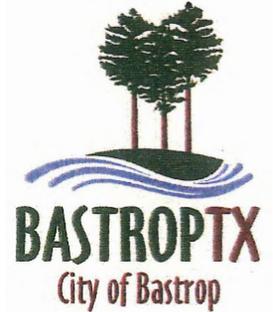
Title: Executive Asst.

BEDC

By: Steve Mills

Steve Mills, BEDC Board Chairman

Date: 9-29-14



April 17, 2014

Via Hand Delivery  
Bastrop Economic Development Corporation  
Mr. Steve Mills, Chairman  
BEDC Board Members  
Dave Quinn, BEDC Executive Director  
903 Main Street, Bastrop, Texas 78602

Re: Request by City of Bastrop for Consideration or participation in City's Short and Long Term Water Supply Project.

Dear Fellow BEDC Board Members and Mr. Quinn:

As I am confident you are all aware, over the past several years the City has been engaged in an exhaustive process to identify and acquire a future water supply for the community of Bastrop. This work recently intensified and culminated in a decision by the City Council, last week, to negotiate and execute an agreement with representatives of Costal Range Investments, d/b/a XS Water Company LLC ("XS") for the purchase of 3,000 acre feet of *in situ* water rights, which will assure an adequate water supply for the City for the next 30 to 50 years. This alternative was selected by the City as the best alternative considering factors such as the 'quality' and 'quantity' of water available from this source, combined with considerations such as price and the proximity of the water field to the City's current infrastructure (which naturally influences overall project costs).

It is the City's view that a reliable and adequate water supply is not only necessary for the basic health and safety of the current citizenry, but is also a key to attacking healthy growth to the area, including growth of businesses and industry that rely on a dependable long-term water supply. It is this "benefit" that spurs my correspondence with the BEDC today.

In 2009, the legislature expanded 4B Corporations' authority and scope to allow 4B type entities, such as the BEDC, to participate in the funding of water supply facilities and/or water conservation programs, in recognition of the fact that Texas communities need reliable and plentiful water supplies to thrive and grow. It was under this authority that, at an election held in November of 2011, the citizens of Bastrop approved the BEDC's use of sales and use tax proceeds for infrastructure relating to water supply facilities, such as those that the City will be undertaking in the near future to obtain its water supply from XS and/or any other providers.

In this regard, the City Council has asked that I formally request for BEDC's future consideration of participating with the City in the anticipated costs of the Project, which are currently estimated to be in the range of \$8,000,000.

The City Council and I would appreciate the BEDC's future consideration, discussion and action on the possibility of having some level of BEDC participation in the costs of providing long and short term water supplies, not only to mitigate the rate consequences to the City's current water customers, but also to promote economic growth and vitality in the Bastrop area, including growth of businesses and industry that rely on a dependable long-term water supply.

Very truly yours

A handwritten signature in blue ink, appearing to read "Michael H. Talbot", with a long horizontal flourish extending to the right.

Michael H. Talbot

City Manager

cc: Mayor Orr and Council Members  
G. Kruppa, City/BEDC Engineer  
JC Brown, City/BEDC Attorney  
File

**CITY OF BASTROP**

**AGENDA ITEM B-1**

**STANDARDIZED AGENDA RECOMMENDATION FORM**

**CITY COUNCIL**

**DATE SUBMITTED: November 17, 2014**

**MEETING DATE: November 25, 2014**

1. Agenda Item: **PUBLIC HEARING: Consideration, discussion and possible action on Adoption of the 2009 International Building Code and other related codes as produced by the International Code Council and Adoption of the 2011 National Electric Code.**

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

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

4. Policy Implication: \_\_\_\_\_

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

6. Alternate Option/Costs: \_\_\_\_\_

7. Routing: NAME/TITLE INITIAL DATE CONCURRENCE

8. Staff Recommendation: **Staff recommends adoption of the 2009 International Building Codes and other related codes as produced by the International Code Council and Adoption of the 2011 National Electric Code.**

9. Advisory Board: XX Approved \_\_\_\_\_ Disapproved \_\_\_\_\_ None  
**The Construction Standards Board conducted a Public Hearing on November 13, 2014 and voted unanimously 4-0 to recommend approval of the Adoption of the 2009 International Building Codes and other related codes as produced by the International Code Council and Adoption of the 2011 National Electric Code to City Council.**

10. Manager's Recommendation: \_\_\_\_\_ Approved \_\_\_\_\_ Disapproved \_\_\_\_\_ None

11. Action Taken: \_\_\_\_\_

## City of Bastrop

### Agenda Information Sheet:



**City Council Meeting Date:**

**November 25, 2014**

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**Project Description:**

Public Hearing, discussion, consideration and possible recommendation to adopt the **2009 International Building Code and other related codes** as produced by the International Code Council and to recommend adopting the **2011 National Electric Code**.

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**Background:**

Currently the City of Bastrop is under the 2000 International Building Code (IBC) and the 1999 National Electrical Code (NEC)

Staff has been in discussions with the Construction Standards Board and held a workshop on September 11, 2014 regarding the updates to 2009 IBC and 2011 NEC.

Staff also notified and held a Public Hearing on November 13, 2014. The Construction Standards Board recommends adoption of the 2009 IBC and 2011 NEC.

**Basis of Support:**

Staff recommends the City of Bastrop update all codes and ordinances to require building plans to be submitted and permitted under the 2009 IBC and the 2011 NEC. This would require changes to the Code of Ordinances - Chapter 3, Building Regulations and Chapter 5 Fire Prevention and Protection.

**Special Considerations:** None.

**Comments:** Builders and contractors were mailed letters regarding this meeting and proposed changes on October 6, 2014. Copies of letters were also available at the planning/permitting counter. Newspaper notification was also in the Bastrop Advertiser.

**Staff Recommendation:**

Staff recommends the Construction Standards Board recommend approval and draft code/ordinance changes for City Council to adopt the **2009 International Building Code and other related codes** as produced by the International Code Council and to recommend adopting the **2011 National Electric Code**.

**Construction Standards Board Recommendation:**

The Construction Standard Board conducted a meeting November 13, 2014 and made a motion 4-0 to recommend to the City Council to update and change the Code of Ordinances to draft an ordinance to adopt 2009 International Building Code and other related codes as produced by the International Code Council and to recommend adopting the 2011 National Electric Code.

**Attachments:**

Letters mailed to approximately sixty-five (65) local contractors. Six (6) letters were returned undeliverable; no comments have been received.

**City Contact:**

Ted Bowers, Building Official and  
Melissa M. McCollum, AICP, LEED AP, Director  
Planning and Development Department



October 6, 2014

**To:** Contractors working within the city limits of Bastrop, Texas

**Re:** City of Bastrop Updating Construction Codes to 2009 IBC and 2011 NEC

**From:** Ted C. Bowers, Building Official

The City of Bastrop has not updated our construction codes in over ten years. Currently the City of Bastrop is under the 2000 International Building Code (IBC) and 1999 National Electrical Code (NEC). The City of Bastrop is recommending to adopt the **2009 IBC and other related codes** as produced by the International Code Council. Also, we will recommend adopting the **2011 NEC**.

**Please come to a public hearing with staff and the Construction Standards Board on Thursday November 13, 2014, to be held at City Council Chambers located at 1311 Chestnut Street in Bastrop at 5:30 p.m.** The Construction Standards Board is the recommending board to City Council regarding changes to the building codes. At this meeting we hope to hear your ideas regarding the new codes and hope this meeting will be beneficial for all the contractors, developers, suppliers and vendors doing business in the City of Bastrop.

The Construction Standards Board and our office feels the industries have changed drastically in the last 10 to 15 years, and it is time for us to update our codes to match the manufacturers and construction trade schooling as well as all the new products now available for all trades. Many of the contractors working here also work in other communities and this has been confusing for them to have to revert to the older codes in doing their job here at the City. Please see second page listing some of the surrounding cities current adopted codes.

We look forward to seeing you at the meeting on Thursday, November 13, 2014. If you have any questions or concerns, please do not hesitate to call our office at (512) 332-8840.

## Current Building Codes in Surrounding Cities:

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<b>BASTROP</b>	2000 IBC	1999 NEC
<b>BASTROP Proposed</b>	<b>2009 IBC</b>	<b>2011 NEC</b>
<b>BRENHAM</b>	2003 IBC	
<b>BOERNE</b>	2006 IBC	2005 NEC
<b>BUDA</b>	2009 IBC	
<b>ELGIN</b>	2006 IBC	2005 NEC
<b>FREDRICKSBURG</b>	2006 IBC	2005 NEC
<b>GONZALES</b>	2009 IBC	
<b>GRANBURY</b>	2012 IBC	2011 NEC
<b>HUTTO</b>	2009 IBC	2008 NEC
<b>KYLE</b>	2009 IBC	2008 NEC
<b>LAGRANGE</b>	2003 IBC	1990 NEC
<b>LOCKHART</b>	2009 IBC	
<b>NEW BRAUNFELS</b>	2006 IBC	2005 NEC
<b>SAN MARCOS</b>	2009 IBC	2008 NEC
<b>TAYLOR</b>	2009 IBC	2008 NEC

## ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE GRANTING AN AMENDMENT TO PORTIONS OF CHAPTER 3, "BUILDING REGULATIONS" AND CHAPTER 5 "FIRE PREVENTION AND PROTECTION" CHAPTERS OF THE CODE OF ORDINANCES TO UPDATE AND REPLACE PORTIONS OF CHAPTER 3 AND 5 TO USE THE 2009 INTERNATIONAL BUILDING CODE (IBC) AND CODE FAMILY AS PRODUCED BY THE INTERNATIONAL CODE COUNCIL AND ADOPT THE 2011 NATIONAL ELECTRIC CODE (NEC) AS PRODUCED BY THE NATIONAL FIRE PROTECTION AGENCY RELATING TO THE BUILDING REGULATIONS AND FIRE PREVENTION AND PROTECTION WITHIN THE CITY OF BASTROP TEXAS FOR BOTH RESIDENTIAL AND COMMERCIAL CONSTRUCTION; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AND EFFECTIVE DATE.**

**WHEREAS**, the City of Bastrop adopted the Building Regulations and Fire and Prevention and Protection Ordinances, 1995 to provide for standards is in keeping with the character of the community; and

**WHEREAS**, the City Staff prepared recommendations for amendments and presented them to the Construction Standards Board in a workshop on September 11, 2014, notifications were sent to contractors and a Public Hearing was held before the Construction Standards Board on November 13, 2014 to wherein the Construction Standards Board discussed and gave direction to the City Staff to draft an ordinance to adopt the 2009 International Building Code (IBC) and other related codes by the International Code Council (ICC) and to also adopt the 2011 National Electric Code (NEC) by the National Fire Protection Agency and to amend the City's Code of Ordinances for Chapter 3 and Chapter 5; and

**WHEREAS**, the Construction Standards Board after notice, conducted a public hearing and voted unanimously 4-0 at their regular meeting on November 13, 2014 to recommend amendments to Chapter 3 and Chapter 5 to adopt 2009 International Building Code (IBC) and other related codes by the International Code Council (ICC), and to also adopt the 2011 National Electric Code (NEC) by the National Fire Protection Agency.

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

Part 1: Chapter 3, Building Regulations and Chapter 5, Fire Prevention and Protection of the Bastrop City Code of Ordinances is hereby amended to read as follows.

## CHAPTER 3 BUILDING REGULATIONS

## ARTICLE 3.01 GENERAL PROVISIONS

Sec. 3.01.001 ~~SBCCI Interpretations adopted~~ International Code Council (ICC) International Code Family

- (a) ~~The SBCCI Interpretations, 1997 edition, as published by the Southern Building Code Congress~~ The 2009 International Code Family, by the International Code Council (ICC) and 2011 National Electric Code (NEC), by the National Fire Protection Agency

~~is~~ adopted by reference as though copied herein fully, except such portions as are deleted, modified or amended in this chapter.

- (b) All portions of the existing code shall remain in effect unless specifically amended in this chapter.

~~Sec. 3.01.002 — Floodplain management code adopted~~

- (a) ~~SBCCI Flood Plain Management, SSTD 4-98, as published by the Southern Building Code Congress, is adopted by reference as though copied herein fully, except such portions as are deleted, modified or amended in this chapter.~~
- (b) ~~All portions of the existing code shall remain in effect unless specifically amended in this chapter.~~

~~Sec. 3.01.003 — Standard for proscenium curtains adopted~~

- (a) ~~SBCCI Standard for Proscenium Curtains, SSTD 1-88, as published by the Southern Building Code Congress The, is adopted by reference as though copied herein fully, except such portions as are deleted, modified or amended in this chapter.~~
- (b) ~~All portions of the existing code shall remain in effect unless specifically amended in this chapter.~~

ARTICLE 3.04 BUILDING CODE

Sec. 3.04.001 Adopted

- (a) The International Building Code (IBC) 2009 2000 edition, with the deletion of appendixes A, B, D and H with appendixes C through J and 2001 Supplement to the International Codes, as published by the International Code Council, Inc., is adopted by reference as though copied herein fully, except such portions as are deleted, modified or amended in this chapter.
- (b) All portions of the existing code shall remain in effect unless specifically amended in this chapter.

~~Sec. 3.04.002 — Addition to section 101.4.1 of Standard Building Code~~

~~The building official shall be appointed by the city manager. The appointment shall continue during good behavior and satisfactory service. He may be dismissed or removed at the will or pleasure of the city council or the city manager.~~

~~Sec. 3.04.003~~ — Fire district

- ~~(a) — The fire district shall be as identified in the city code, section 5.01.010.~~
- ~~(b) — Any wood veneer used on exterior walls in the fire district shall be limited as follows:~~

<u>Distance from Property Line</u> <u>(Common or Assumed)</u>	<u>% of Wood Veneer</u> <u>Permitted</u>
	-
0 ft. to 3 ft.	0%
Over 3 ft. to 10 ft.	10%
Over 10 ft. to 20 ft.	20%
Over 20 ft. to 30 ft.	40%
Over 30 ft.	No limits

~~Sec. 3.04.004~~ — Amendment to drawings and specifications requirements

~~Section 104.2.1 shall be applied to all commercial construction.~~

Sec. 3.04.006 Board of appeals

~~Section 108 of the Standard Building Code of 1999~~ The International Building Code (IBC) 2009 edition shall be and is hereby replaced with Article 3.02 of the code of the City relating to the Construction Board of Adjustments and Appeals.

ARTICLE 3.05 ELECTRICITY

Division 2. Electrical Code

Sec. 3.05.031 Adopted

- (a) The National Electrical Code, (NEC) 2011 ~~1999~~ edition, ~~with appendixes A through E,~~ as published by the National Fire Protection Association Agency, is adopted by reference as though copied herein fully, except such portions as are deleted, modified or amended in this chapter.
- (b) All portions of the existing code shall remain in effect unless specifically amended in this chapter.

Sec. 3.05.032 References to Uniform Building Code or Standard Building Code

All references to the Uniform Building Code or Standard Building Code in the administrative provisions shall mean the ~~Standard Building Code~~ International Building Code (IBC) 2009 edition as published by the International Code Council.

ARTICLE 3.06 PLUMBING

Division 2. Plumbing Code

Sec. 3.06.031 Adopted

- (a) The International Plumbing Code, ~~2000~~ 2009 edition, ~~with appendixes B, C, D, E, F and G,~~ as published by the International Code Council, Inc., is adopted by reference as though copied herein fully, except such portions as are deleted, modified or amended in this chapter.
- (b) All portions of the existing code shall remain in effect unless specifically amended in this chapter.

ARTICLE 3.07 MECHANICAL CODE

Sec. 3.07.001 Adopted

- (a) The International Mechanical Code (IMC), ~~2009~~ 2000 edition, ~~with appendix A,~~ as published by the International Code Council, Inc., is adopted by reference as though copied herein fully, except such portions as are deleted, modified or amended in this chapter.
- (b) All portions of the existing code shall remain in effect unless specifically amended in this chapter.

ARTICLE 3.08 FUEL GAS CODE

Sec. 3.08.001 Adopted

- (a) The International Fuel Gas Code (IFGC), ~~2009~~ 2000 edition, ~~with appendixes A, B, and G,~~ as published by the International Code Council, Inc., is adopted by reference as though copied herein fully, except such portions as are deleted, modified or amended in this chapter.
- (b) All portions of the existing code shall remain in effect unless specifically amended in this chapter.

ARTICLE 3.09 RESIDENTIAL CODE

Sec. 3.09.001 Adopted

- (a) The International Residential Code for One- and Two-Family Dwellings, ~~2000~~ 2009 edition, with appendixes E, G, H and K, as published by the International Code

Council, Inc., is adopted by reference as though copied herein fully, except such portions as are deleted, modified or amended in this chapter.

- (b) All portions of the existing code shall remain in effect unless specifically amended in this chapter.

#### ARTICLE 3.10 ENERGY CONSERVATION CODE

##### Sec. 3.10.001 Adopted

- (a) The International Energy Conservation Code (IECC), ~~2000-~~ 2009 edition, as published by the International Code Council, Inc., is adopted by reference as though copied herein fully, except such portions as are deleted, modified or amended in this chapter.
- (b) All portions of the existing code shall remain in effect unless specifically amended in this chapter.

#### ~~ARTICLE 3.12 UNSAFE OR SUBSTANDARD BUILDINGS AND STRUCTURES~~

##### ~~Division 1. Generally~~

##### ~~Sec. 3.12.001—Unsafe building abatement code adopted~~

~~(a) The Standard Unsafe Building Abatement Code, 1985 edition, as published by the Southern Building Code Congress, is adopted by reference as though copied herein fully, except such portions as are deleted, modified or amended in this chapter.~~

~~(b) All portions of the existing code shall remain in effect unless specifically amended in this chapter.~~

#### ARTICLE 3.13 EXISTING BUILDING CODE

##### Sec. 3.13.001 Adopted

- (a) ~~The Standard Existing Building Code, 1997~~ International Existing Building Code 2009 edition, as published by the ~~Southern Building Code Congress~~ International Code Council, is adopted by reference as though copied herein fully, except such portions as are deleted, modified or amended in this chapter.
- (b) All portions of the existing code shall remain in effect unless specifically amended in this chapter.

#### ARTICLE 3.14 ~~HOUSING~~ INTERNATIONAL RESIDENTIAL CODE

##### Sec. 3.14.001 Adopted

- (a) ~~The Standard Housing Code, 1997~~ The International Residential Code (IRC) and International Green Construction Code (IgCC) 2009 edition, as published by the ~~International Code Council (ICC) Southern Building Code Congress~~, is adopted by

reference as though copied herein fully, except such portions as are deleted, modified or amended in this chapter.

- (b) All portions of the existing code shall remain in effect unless specifically amended in this chapter.

#### ARTICLE 3.15 SWIMMING POOLS

##### Sec. 3.15.001 Swimming pool code adopted

- (a) ~~The Standard Swimming Pool Code, 1999~~ International Swimming Pool and Spa 2012 edition, as published by the ~~Southern Building Code Congress~~ International Code Council, is adopted by reference as though copied herein fully, except such portions as are deleted, modified or amended in this chapter.
- (b) All portions of the existing code shall remain in effect unless specifically amended in this chapter.

#### ARTICLE 3.20 SIGNS

##### Division 1. Generally

##### Sec. 3.20.013 Construction and installation

All signs shall be constructed and maintained in accordance to the following standards:

- (1) All signs shall comply with the applicable provisions of the adopted versions of the International Building Code (IBC) and the National Electrical Code (NEC) adopted by the city. ~~Signs must comply with appendix H and must comply with the requirements as detailed in chapters 16 and 17 of the IBC 2000.~~

#### CHAPTER 5 FIRE PREVENTION AND PROTECTION

##### ARTICLE 5.01 GENERAL PROVISIONS

##### Sec. 5.01.008 ~~Dangerous buildings and structures~~

~~(a) Prohibited. No person or occupant of a building or other structure or premises shall keep or maintain the same when, for want of repair, or by reason of age or dilapidated condition, or for any cause, it is especially liable to fire and which is so situated as to endanger buildings or property of others, or is especially liable to fire and which is so occupied that fire would endanger other persons or their property therein.~~

~~(b) Abatement. When the fire official finds that a building, structure, or other premises is dangerous for the causes described in subsection (a) above, he shall declare the building, structure or premises illegal and refer the matter to the building official for abatement by repair and rehabilitation or by demolition in accordance with the provisions of the Standard Unsafe Building Abatement Code.~~

~~Sec. 5.01.009 — Fireworks~~

~~(a) — The use, possession, storing, manufacturing, selling, offering for sale, exploding, or burning of any firecracker, rocket, Roman candle or any other type of fireworks within the city shall be, and is hereby defined to be, a nuisance, pursuant to section 217.002 of the Texas Local Government Code, subject to the exceptions set out below.~~

~~(b) — The term “fireworks,” as used herein, shall be defined so as to include, but not be limited to, any combustible or explosive composition or any substance or combination of substances or device prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration, or detonation, and shall include blank cartridges, toy pistols, toy cannons, toy canes, or toy guns in which explosives are used, firecrackers, torpedoes, skyrockets, Roman candles, dago bombs, sparklers, or other devices of like construction and any devices containing any explosive or flammable compound, or any tablet or other device containing an explosive substance, except that the term “fireworks” shall not include any auto flares, paper caps containing not in excess of an average of 0.25 grain of explosive content per cap, and toy pistols, toy canes, toy guns or other devices for use of such caps, the sale and use of which shall be permitted at all time.~~

~~Sec. 5.01.010 — Fire district~~

~~A fire district is hereby established within the incorporated limits of the city, and is located as described hereinafter. The fire district is established in accordance with and for the purposes set forth in the Standard Building Code and is more particularly described as follows:~~

~~Starting at the Colorado River east along Farm Street to the intersection with Pecan Street, south along Pecan Street to the intersection with Walnut, then west along Walnut to the Colorado River, north along the Colorado River to the starting point, and all areas encompassed therein, excluding Building Block 14.~~

ARTICLE 5.02 FIRE CODE

Sec. 5.02.001 Adopted

- (a) The International Fire Code (IFC), ~~2000~~ 2009 edition, with appendixes B, C, D, E, F, G, H, I, and J as published by the International Code Council, is adopted by reference as though copied herein fully, except such portions as may be deleted, modified or amended in this chapter.
- (b) All portions of the existing code shall remain in effect unless specifically amended in this chapter.

~~Sec. 5.02.003 — Amendment to section 603.13 of Standard Fire Prevention Code~~

~~Amend the exception to section 603.13 of the Standard Fire Prevention Code to read:~~

~~Exception: The distance to a fire hydrant may be increased from one hundred fifty (150) feet to three hundred (300) feet when the building in question is a one- or two-family dwelling with or without attached accessory structures.~~

Sec. 5.02.004 Board of adjustment and appeals

~~The board of adjustment and appeals will be in compliance with Section 3.02 Construction Standards Boards of Adjustment and Appeals, Chapter 3, Building Regulations, created by the Standard Fire Prevention Code shall consist of the members of the city council until such time as the city council may choose to appoint other members to serve in that capacity. The fire chief shall be an ex officio member. and shall act as secretary to the board.~~

~~Sec. 5.02.005 — Establishment of limits in which storage of explosives and blasting agents is restricted~~

~~The limits referred to in section 1901.4.2 of the Standard Fire Prevention Code are hereby established as the entire city limits except in that permission may be given by the chief in special applications.~~

~~Sec. 5.02.006 — New materials, processes or occupancies which may require permits~~

~~The city manager, the fire chief and the fire marshal shall act as a committee to determine and specify any new materials, processes, or occupancies for which permits are required in addition to those now enumerated in chapter 4 of the Standard Fire Prevention Code, and to reduce the list shown in chapter 4 of the Standard Fire Prevention Code as may be appropriate from time to time. The fire department shall post such list in a conspicuous place and distribute copies thereof to interested persons.~~

## ARTICLE 5.03 LIFE SAFETY CODE

Sec. 5.03.001 Adopted

(a) The Life Safety Code (NFPA 101), ~~2000~~ 2009 edition, as published by the National Fire Protection Association, is adopted by reference as though copied herein fully, except such portions as may be deleted, modified or amended in this chapter.

## ARTICLE 5.04 FIRE CHIEF

Sec. 5.04.002 Duties

The fire chief shall:

- (1) Be responsible for all equipment owned by the city and used by the fire department.
- (2) Be responsible for the efficient operation of the fire department.

- (3) Approve all bills incurred in the operation of the fire department.
- (4) Serve as the fire official in matters pertaining to and as described in section 1 of the ~~Standard Fire Prevention Code~~ International Fire Code (IFC) 2009 edition.

#### ARTICLE 5.07 FIRE LANES

##### Sec. 5.07.001 Identified

- (a) The areas identified on the fire lane map as maintained on file in the office of the city secretary are hereby identified as fire lanes in the central business district of the city.
- (b) All buildings constructed within the city shall identify and establish fire lanes in compliance with the International Fire Code (IFC), ~~2000-2009~~ 2009 edition, and applicable appendices thereto (fire code), or other pertinent code(s) adopted by the city. All such fire lanes shall be painted and appropriate signs shall be erected identifying for the public the fire lanes in which enforcement activities may occur, in accordance with the fire code.
- (c) The fire chief or his designee is authorized to establish temporary fire lanes during any fire, and to exclude all persons and vehicles other than those authorized to assist in extinguishing the fire from within such fire lanes.

Part 2: The City Manager and/or his designees are hereby authorized and directed to make the necessary changes to all records of the City of Bastrop to reflect this amendment.

Part 3: All ordinances and resolutions, or parts of ordinances and resolutions, in conflict with this Ordinance are hereby repealed, and are no longer of any force and effect. If any provision of this ordinance or application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions, or application thereof, of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are hereby declared to be severable.

Part 4: This Ordinance shall become effective in accordance with the City Charter and the laws of the State of Texas.

READ and ACKNOWLEDGED on First Reading on the \_\_\_\_\_ day of \_\_\_\_\_, 2014.

PASSED and ADOPTED on Second Reading on the \_\_\_\_\_ day of \_\_\_\_\_, 2014.

APPROVED:

ATTEST:

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Ken Kesselus  
Mayor

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Elizabeth Lopez  
City Secretary

**CITY OF BASTROP**

**AGENDA ITEM B-2**

**STANDARDIZED AGENDA RECOMMENDATION FORM**

**CITY COUNCIL**

**DATE SUBMITTED: November 18, 2014**

**MEETING DATE: November 25, 2014**

1. Agenda Item: **FIRST READING of an Ordinance to amend Chapter 3 and Chapter 5 on Adoption of the 2009 International Building Codes and other related codes as produced by the International Code Council and Adoption of the 2011 National Electric Code.**

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

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

4. Policy Implication: \_\_\_\_\_

5. Budgeted: \_\_\_\_\_ Yes \_\_\_\_\_ No N/A  
Bid Amount: \_\_\_\_\_ Budgeted Amount: \_\_\_\_\_  
Under Budget: \_\_\_\_\_ Over Budget: \_\_\_\_\_

6. Alternate Option/Costs: \_\_\_\_\_

7. Routing: NAME/TITLE INITIAL DATE CONCURRENCE

8. Staff Recommendation: **Staff recommends adoption of the 2009 International Building Codes and other related codes as produced by the International Code Council and Adoption of the 2011 National Electric Code.**

9. Advisory Board Recommendation: XX Recommended Approval \_\_\_ Denial \_\_\_ None

**The Construction Standards Board conducted a Public Hearing on November 13, 2014 and voted unanimously 4-0 to recommend approval of the Adoption of the 2009 International Building Codes and other related codes as produced by the International Code Council and Adoption of the 2011 National Electric Code to City Council.**

10. Manager's Recommendation: \_\_\_ Approved \_\_\_ Disapproved \_\_\_ None

11. Action Taken: \_\_\_\_\_

**CITY OF BASTROP**

**AGENDA ITEM D-1**

**STANDARDIZED AGENDA RECOMMENDATION FORM**

**CITY COUNCIL**

**DATE SUBMITTED: November 19, 2014**

**MEETING DATE: November 25, 2014**

1. Agenda Item: Consideration, discussion and possible action on approval of a request to amend the Bastrop Economic Development Corporation's Fiscal Year 2015 budget in the amount of \$35,000.
2. Party Making Request: Michael H. Talbot, City Manager
3. Nature of Request: (Brief Overview) Attachments: Yes  No

At the BEDC Board Meeting on 09/22/14, the Board approved entering into an agreement with RCLCO to perform a comprehensive housing study of the Bastrop Area. The Public Hearing was held on 09/08/14, and the City Council approved the project on 10/28/14. Now that the 60 day waiting period has passed, the BEDC Board is requesting approval of an amendment to the FY2015 budget to fund the cost of the study, in the amount of \$35,000.

4. Policy Implication: \_\_\_\_\_
5. Budgeted: \_\_\_\_\_ Yes \_\_\_\_\_ No  N/A  
 Bid Amount: \_\_\_\_\_ Budgeted Amount: \_\_\_\_\_  
 Under Budget: \_\_\_\_\_ Over Budget: \_\_\_\_\_  
 Amount Remaining: \_\_\_\_\_
6. Alternate Option/Costs: \_\_\_\_\_

7. Routing: 

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

8. Staff Recommendation: \_\_\_\_\_
9. Advisory Board: \_\_\_\_\_ Approved \_\_\_\_\_ Disapproved \_\_\_\_\_ None
10. Manager's Recommendation: \_\_\_\_\_ Approved \_\_\_\_\_ Disapproved \_\_\_\_\_ None
11. Action Taken: \_\_\_\_\_

**FY 2015  
BUDGET AMENDMENTS  
Bastrop Economic Development Corporation**

Un-Audited Fund Balance as of 9-30-14	2,366,890
FY 2015 Budgeted Revenues	1,790,650
FY 2015 Budgeted Appropriations	(1,790,650)
Budget Amendments (net)	<u>(35,000)</u>
Ending Fund Balance	<u><u>2,331,890</u></u>

<u>DEPARTMENT</u>	<u>BUDGET</u>	<u>AMOUNT</u>	<u>DESCRIPTION</u>	<u>ACCOUNT NUMBER</u>
New Expenditures:				
		\$35,000	Professional Services	601-70-00-5505
	Total Expenditures	<u>\$ 35,000.00</u>		

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING THE BUDGET FOR THE FISCAL YEAR 2014-2015 IN ACCORDANCE WITH EXISTING STATUTORY REQUIREMENTS; APPROPRIATING THE VARIOUS AMOUNTS HEREIN; REPEALING ALL PRIOR ORDINANCES AND ACTIONS IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Manager of the City of Bastrop has submitted to the Mayor and Council proposed amendment(s) to the budget of the revenues and/or expenditures/expenses of conducting the affairs of said city and providing a complete financial plan for Fiscal Year 2015; and,

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

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

That the proposed budget amendment for the fiscal year 2015, as submitted to the City Council by the City Manager and which budget amendment is attached hereto as Exhibit "A" is hereby adopted and approved as the amended budget of said city for Fiscal Year 2015; and

Ordinance and prior actions in conflict herewith are hereby repealed; and

This Ordinance shall be and remain in full force and effect from and after its final passage and publication in accordance with existing statutory requirements.

READ and APPROVED on First Reading on the 25<sup>th</sup> day of November 2014.

READ and ADOPTED on Second Reading on the 9<sup>th</sup> day of December 2014.

APPROVED:

ATTEST:

\_\_\_\_\_  
Ken Kesselus, Mayor

\_\_\_\_\_  
Elizabeth Lopez, City Secretary

**City of Bastrop  
Memorandum**

**TO: Mayor & City Council Members**

**FROM: Mike Talbot, City Manager**

**SUBJECT: Ordinance Amending FY 2015 Budget**

**DATE: November 19, 2014**

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**Recommendation:**

To approve Ordinance Amending the Budget for unanticipated revenue and expenses incurred not included in the original budget approved by City Council.

**Background:**

The city charter requires that when the budget is amended that the amendment be by ordinance. Staff is requesting budget amendments for the following:

**BASTROP ECONOMIC DEVELOPMENT CORPORATION**

At the BEDC Board Meeting on 09/22/14, the Board approved entering into an agreement with RCLCO to perform a comprehensive housing study of the Bastrop Area. The Public Hearing was held on 09/08/14, and the City Council approved the project on 10/28/14. Now that the 60 day waiting period has passed, the BEDC Board is requesting approval of an amendment to the FY2015 budget to fund the cost of the study, in the amount of \$35,000.

CITY OF BASTROP

AGENDA ITEM: **D-2**

**STANDARDIZED AGENDA RECOMMENDATION FORM**

CITY COUNCIL

DATE SUBMITTED: November 20, 2014

MEETING DATE: November 25, 2014

1. Agenda Item: **Consideration and Possible Action with Respect to a "Resolution Expressing Official Intent to Reimburse Certain Expenditures of the City of Bastrop, Texas.**

2. Party Making Request: **Michael H. Talbot**

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

The attached "Reimbursement Resolution" is related to the City's Long Term Water Supply Project. In the next thirty (30) to sixty (60) days the City Council may be facing with have to make expenditures regarding the purchase of additional water if the Council determines to exercise the "XS Ranch Option" to purchase an additional 3,000 acre feet of water. This resolution is merely a safe guard that if the Council decides to exercise this option, the Council will be able to reimburse any funds spent prior to issuing any bonds.

4. Policy Implication: \_\_\_\_\_

5. Budgeted: \_\_\_\_\_ Yes \_\_\_\_\_ No N/A

Bid Amount: \_\_\_\_\_ Budgeted Amount: \_\_\_\_\_

Under Budget: \_\_\_\_\_ Over Budget: \_\_\_\_\_

Amount Remaining: \_\_\_\_\_

6. Alternate Option/Costs: \_\_\_\_\_

7. Routing: **NAME/TITLE INITIAL DATE CONCURRENCE**

8. Staff Recommendation: \_\_\_\_\_

9. Advisory Board: \_\_\_\_\_ Approved \_\_\_\_\_ Disapproved \_\_\_\_\_ None

10. Manager's Recommendation: \_\_\_\_\_ Approved \_\_\_\_\_ Disapproved \_\_\_\_\_ None

11. Action Taken: \_\_\_\_\_

## LAW OFFICES

M<sup>c</sup>CALL, PARKHURST & HORTON L.L.P.

717 NORTH HARWOOD  
SUITE 900  
DALLAS, TEXAS 75201-6587  
TELEPHONE: 214 754-9200  
FACSIMILE: 214 754-9250

600 CONGRESS AVENUE  
SUITE 1800  
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TELEPHONE: 512 478-3805  
FACSIMILE: 512 472-0871

700 N. ST. MARY'S STREET  
SUITE 1525  
SAN ANTONIO, TEXAS 78205-3503  
TELEPHONE: 210 225-2800  
FACSIMILE: 210 225-2984

**MEMORANDUM**

**DATE:** November 19, 2014  
**TO:** Elizabeth Lopez, City Secretary  
**FROM:** J. Bart Fowler  
**RE:** Reimbursement Resolution for Water, Wastewater System Improvements

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With respect to the upcoming City of Bastrop, Texas council meeting, we recommend the following agenda language:

- \* Consideration and action with respect to "Resolution Expressing Official Intent to Reimburse Certain Expenditures of the City of Bastrop, Texas."

A draft of the Resolution is also attached. Please don't hesitate to contact me with any questions or comments.

cc: Mike Talbot  
Karla Stovall  
Dan Wegmiller  
Jennifer Douglas

**CERTIFICATE FOR RESOLUTION**

I, the undersigned City Secretary of the City of Bastrop, Texas, hereby certify as follows:

1. The City Council of said City convened in Regular Session on November 25<sup>th</sup>, 2014, at the regular meeting place thereof, and the roll was called of the duly constituted officers and members of said City Council, to-wit:

Ken Kesselus, Mayor  
Dock Jackson, Council Member, Place 1  
Joseph J. Beal, Council Member, Place 2  
Kay Garcia McAnally, Council Member, Place 3  
Willie DeLaRosa, Mayor Pro-Tem, Place 4  
Kelly Gilleland, Council Member, Place 5

and all of said persons were present, except for the following: \_\_\_\_\_;  
thus constituting a quorum. Whereupon, among other business, the following was transacted at said meeting: a written Resolution entitled

**RESOLUTION EXPRESSING OFFICIAL INTENT TO REIMBURSE  
CERTAIN EXPENDITURES OF THE CITY OF BASTROP, TEXAS**

was duly introduced for the consideration of the City Council. It was then duly moved and seconded that the said Resolution be passed; and, after due discussion, said motion, carrying with it the passage of said Resolution, prevailed and carried by the following vote:

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

ABSTENTIONS:

2. A true, full and correct copy of the aforesaid Resolution passed at the meeting described in the above and foregoing paragraph is attached to and follows this Certificate; said Resolution has been duly recorded in the official minutes of said City Council; the above and foregoing paragraph is a true, full and correct excerpt from said minutes of said meeting pertaining to the passage of said Resolution; the persons named in the above and foregoing paragraph, at the time of said meeting and the passage of said Resolution, were the duly chosen, qualified and acting officers and members of said City Council as indicated therein; each of said officers and members was duly and sufficiently notified officially and personally in advance, of the time, place and purpose of the aforesaid meeting and that said Resolution would be introduced and considered for passage at said meeting, and each of said officers and members consented in advance to the holding of said meeting for such purpose; and said meeting was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by Tex. Gov't Code Ann., ch. 551.

**SIGNED AND SEALED** this November 25, 2014.

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City Secretary, City of Bastrop, Texas

[CITY SEAL]

**RESOLUTION NO. \_\_\_\_\_****RESOLUTION EXPRESSING OFFICIAL INTENT TO REIMBURSE  
CERTAIN EXPENDITURES OF THE CITY OF BASTROP, TEXAS**

**WHEREAS**, the City Council of the City of Bastrop, Texas (the "Issuer") expects to pay expenditures in connection with the projects described on Exhibit A attached hereto (the "Project") prior to the issuance of obligations to finance the Project;

**WHEREAS**, the Issuer finds, considers and declares that the reimbursement of the Issuer for the payment of such expenditures will be appropriate and consistent with the lawful objectives of the Issuer and, as such, chooses to declare its intention, in accordance with the provisions of Section 1.150-2 of the Treasury Regulations, to reimburse itself for such payments at such time as it issues obligations to finance the Project;

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

Section 1. The Issuer reasonably expects to incur debt, as one or more separate series of various types of obligations, with an aggregate maximum principal amount not to exceed \$1,000,000 for the purpose of paying the costs of the Project.

Section 2. All costs to be reimbursed pursuant hereto will be capital expenditures. No tax-exempt obligations will be issued by the Issuer in furtherance of this Resolution after a date which is later than 18 months after the later of (1) the date the expenditures are paid or (2) the date on which the property, with respect to which such expenditures were made, is placed in service.

Section 3. The foregoing notwithstanding, no tax-exempt obligation will be issued pursuant to this Resolution more than three years after the date any expenditure which is to be reimbursed is paid.

**PASSED AND APPROVED THIS 25TH DAY OF NOVEMBER, 2014.**

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Mayor

**EXHIBIT A**

To pay costs related to (1) constructing, improving and upgrading the City's water, wastewater system and facilities, including acquisition of water rights, land and necessary easements and infrastructure including purchase of water from XS Ranch and (2) paying professional services in connection therewith including legal, fiscal, consulting, engineering fees and other related costs.



## City of Bastrop

### Agenda Information Sheet:



**City Council Meeting Date:**

**November 25, 2014**

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**Project Description:**

Discussion, consideration and possible action to approve the Final Plat for Pecan Park Section 5A consisting of 48 residential lots, totaling +/-17.31 acres out of a +/- 311.302 acre tract out of the Mozea Rousseau Survey within the city limits of Bastrop, Texas located south of Highway 71 West.

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**Item Summary:**

**Owner:** Duke McDowell, DM Pecan Park Associates, LTD  
**Applicant/Agent:** Lynn Alderson, PE, Alderson Group, Inc.  
**Location:** Located south of Highway 71 West in the city limits  
**Utilities:** Bluebonnet electric, City of Bastrop water and sewer

**Background:**

This is the Final Plat for 48 residential lots and 4 common areas. The previous Preliminary Plat consisting of Sections 4 and 5 was approved by City Council on November 12, 2014. This property is part of a development agreement between DM Pecan Park and the City of Bastrop approved by City Council in November, 2013. This Final Plat represents the first of two phases within Section 5.

**Basis of Support:**

Staff supports the Final Plat of Pecan Park Section 5A. The plat meets all other subdivision, zoning, and development agreement requirements.

**Special Considerations:** None.

**Comments:** Sixteen (16) adjacent property owner notifications were mailed November 17, 2014. At the time of report preparation, no comments have been received.

**Staff Recommendation:**

Staff recommends approval of the requested Final Plat for Pecan Park Section 5A consisting of 48 residential lots, totaling +/-17.31 acres out of a +/- 311.302 acre tract out of the Mozea Rousseau Survey within the city limits of Bastrop, Texas located south of Highway 71 West.

**Attachments:**

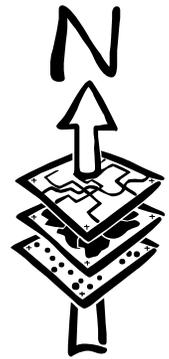
Location map and plat layout

**City Contact:**

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



# Property Location Map for Pecan Park Section 5A



### Legend

-  Pecan Park Residential Sections 4 and 5
-  Pecan Park Residential Section 5A



NOTES:

- This Plat conforms to the Pecan Park Residential Preliminary Plat approved by the City Council on November 12, 2014.
- All subdivision permits shall conform to the City of Bastrop Code of Ordinances, construction standards, and generally accepted engineering practices.
- Construction Plans and Specifications for all subdivision Improvements shall be reviewed and accepted by the City of Bastrop prior to any construction within the subdivision.
- Erosion and sedimentation controls constructed in accordance with the Subdivision Ordinance of the City of Bastrop are required for all construction on each lot.
- All work, including signs, shall comply with City of Bastrop Ordinances and the Memo of Understanding for Development of Land approved by Bastrop City Council November 12, 2013.
- City acceptance of Subdivision infrastructure or Fiscal surety for subdivision construction, in a form acceptable to the City of Bastrop, shall be provided prior to plat recordation by the City.
- The owner of this subdivision, and his or her successors and assigns, assumes sole responsibility for plans for construction of subdivision improvements which comply with applicable codes and requirements of the City of Bastrop. The owner understands and acknowledges that plat vacation or re-platting may be required, at the owner's sole expense, if plans to construct this subdivision do not comply with such codes and requirements.
- By approving this plat, the City of Bastrop assumes no obligation to construct any infrastructure in connection with this subdivision. Any subdivision infrastructure required for the development of the lots in this subdivision is the sole responsibility of the developer and/or the owners of the lots. Failure to construct any required infrastructure to City standards may be just cause for the City to deny applications for certain development permits including building permits, site plan approvals and/or certificates of occupancy.
- No lot or structure shall be occupied prior to the Applicant submitting to the City of Bastrop documentation of subdivision/site registration with the Texas Department of Licensing and Regulations (TDLR) and provide documentation of review and compliance of the subdivision construction plans with Texas Architectural Barriers Act (TABAA).
- Water service is provided by the City of Bastrop.
- Wastewater service is provided by the City of Bastrop.
- Electric service is provided by the Bluebonnet Electric and City of Bastrop.
- Gas service is provided by the Center Point Energy.
- Cable service is provided by the Time Warner Cable.
- No lot in this subdivision shall be occupied until connected to the approved water distribution and wastewater collection facilities.
- Wastewater and water systems shall conform to TCEQ (Texas Commission on Environmental Quality).
- Developer/Owner shall be solely responsible for all relocation and modifications to existing utilities.
- FLOOD WARNING:** The degree of flood protection required by the City of Bastrop Flood Damage Prevention Ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions, greater floods can and will occur and flood heights may be increased by man-made or natural causes. Acceptance of this plat by the City Council does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. Nor shall acceptance of this plat create liability on the part of the City of Bastrop or any official or employee thereof for any flood damages that result from reliance on the information contained within this plat or any administration decision lawfully made hereunder.
- All drainage easements, storm water facilities / features shall be maintained by the property owner or his or her assigns.
- All easements of record as indicated on the most recent title run dated: 4-7-2014, conducted by Investors Title Insurance Company, Title Commitment GF No. 1317DD73-LAK issued by Independence Title Company for this property are shown on this Plat.
- Temporary and permanent easements to be provided, as required at the City's sole discretion for off-site water, wastewater and drainage improvements.
- Property owner shall provide for access to all easements as may be necessary and shall not prohibit access by governmental authorities.
- The Benchmarks used are: LORA Control Monuments A753,AZ75, & SHD2. Temporary Bench Mark for an site is a 5/8" IRF at the southeastern most corner of existing Childers ROW. Top Elev.=361.18'.
- The impact fees for this subdivision shall be based on Ordinance No. 2011-21 and per Memo of Understanding for Development of Land approved by Bastrop City Council, November 12, 2013.
- It is the responsibility of each residential builder to design and construct a suitable grading and drainage scheme which will convey surface water, without ponding in or around the lot, from its structure to the drainage system constructed by the subdivision developer.
- Public utility and drainage easements where shown hereon are intended to indicate an easement for construction, operations, and maintenance of public utilities and drainage ways; including, but not limited to, sanitary sewers, force mains, water lines, telephone signal conduits, electric conductors, drainage pipes and natural gas lines.
- Evidence of a mandatory owner's association responsible for the maintenance of all common areas must be submitted prior to the recording of the final plat.
- Development of Section 5A shall conform to the Planned Development Zoning as approved by the Bastrop City Council on March 26, 2013.
- Prior to issuance of a Building Permit, Park Land Dedication per City Ordinance Section B.20.B is required. This requirement may be satisfied by cash payment in lieu of property dedication at a rate of two hundred fifty dollars (\$250) per lot.

PUBLIC UTILITY EASEMENT NOTE:

A Five Foot (5') Wide Public Utility Easement is hereby dedicated along all other property lines

CITY NOTE:

This subdivision lies within the City Limits of the City of Bastrop, Texas.

PLAT INFORMATION

Total Area: 17.31 Acres  
Total Number of Lots: 49  
Number of Common Areas: 3  
Number of Commercial Lots: 0  
Right of Way: 4.65 Acres  
Average Size of Lots: 0.384 Acres

SCHOOL DISTRICT

This subdivision lies within the Bastrop Independent School District.

FLOOD PLAIN NOTE

This tract is not within an identified Special Flood Hazard Area Inundated by 100-Year Flood as identified by the Federal Emergency Management Agency, Flood Insurance Rate Map for Bastrop County, Texas, and Incorporated Areas, Map Number 480219C0355E dated January 19, 2006.

Approved this day \_\_\_\_ of \_\_\_\_\_, A.D., 20\_\_\_\_, by the City Council of the City of Bastrop, Texas.

Mayor

ATTEST BY: \_\_\_\_\_ City Secretary

STATE OF TEXAS  
COUNTY OF BASTROP

I, Rose Pietach, County Clerk of Bastrop County, Texas, do hereby certify that the foregoing instrument of writing with its certificate of authentication was filed for record in my office on the \_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_, in the Plat Records of Bastrop County, Texas, in Book \_\_\_\_\_, Page \_\_\_\_\_.

WITNESS MY HAND AND SEAL OF OFFICE this the \_\_\_\_ of \_\_\_\_\_, A.D., 20\_\_\_\_

Rose Pietach  
County Clerk  
Bastrop County, Texas

STATE OF TEXAS  
COUNTY OF TRAVIS

KNOW ALL MEN BY THESE PRESENTS, That we, DM Pecan Park Associates, Ltd, o Texas limited liability company, with its home address at 1310 RR 620, STE B200 Austin, Texas, owner of the remainder of 311.302 acres of land being out of the Nancy Blakey Survey, A-98, Bastrop County, Texas, as conveyed to it by deed dated October 22, 2004, and recorded in Volume 1482, Page 70, of the Official Public Records of Bastrop County, Texas, DOES HEREBY SUBDIVIDE 17.26 acres of land out of the MOZEA ROUSSEAU SURVEY, A-56, Bastrop County, Texas, to be known as PECAN PARK Residential, PHASE 5A, in accordance with the plat shown hereon, subject to any and all easements or restrictions heretofore granted and do hereby dedicate to the public the use of the streets and easements shown hereon.

IN WITNESS WHEREOF the said DM Pecan Park Associates, Ltd, a Texas limited liability company, by Duke McDowell, Manager of McDowell Development, LLC, a Texas limited liability company, General Partner of DM Pecan Park Associates, Ltd., a Texas limited partnership on behalf of said limited liability company and limited partnership, has caused these presents to be executed by Duke McDowell, thereunto duly authorized.

Duke McDowell  
Manager

STATE OF TEXAS  
COUNTY OF TRAVIS

BEFORE ME, the undersigned authority, on this day personally appeared Duke McDowell, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same in such capacity as the act and deed of said limited liability company for the purposes and considerations therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the \_\_\_\_ day of \_\_\_\_\_, A.D. 2014.

Notary Public in and for the State of Texas

Lien Holder  
Pioneer Bank, S.S.B.  
a Texas state savings bank  
100 Creek Rd., Dripping Springs Texas 78620

By: \_\_\_\_\_  
David DeStefano  
Vice President

STATE OF TEXAS  
COUNTY OF HAYS

BEFORE ME, the undersigned authority, on this day personally appeared David DeStefano, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same in such capacity as the act and deed of said limited liability company for the purposes and considerations therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the \_\_\_\_ day of \_\_\_\_\_, A.D. 2014.

Notary Public in and for the State of Texas

THE STATE OF TEXAS  
KNOW ALL MEN BY THESE PRESENTS

That I, Bryan D. Newsome do hereby certify that I prepare this plat from an actual and accurate on-the-ground survey of the land and that the corner monuments shown thereon were properly placed under my personal supervision, in accordance with the subdivision regulations of the City of Bastrop, Texas.

"Preliminary, this document shall not be recorded for any purpose and shall not be used or viewed or relied upon as a final survey document."

Signature and Seal of Registered Public Surveyor with date

 <p>STAUDT SURVEYING, INC. Thomas E. Staudt RPLS # 3984 P.O. Box 1273 Dripping Springs, Texas 78620 (512)858-2236</p>	<p>FINAL PLAT OF <b>PECAN PARK RESIDENTIAL</b> <b>SECTION 5A</b> CITY OF BASTROP BASTROP COUNTY, TEXAS</p>	
	<p>60 30 0 60 120 GRAPHIC SCALE IN FEET</p>	<p>Rev: _____ Date: <b>AUGUST 2014</b></p>

STATE OF TEXAS  
 COUNTY OF BASTROP

17.31 ACRES - PARCEL H1  
 MOZEA ROUSSEAU  
 SURVEY, A-56

DESCRIPTION

DESCRIPTION OF A 17.31 ACRE TRACT OF LAND OUT OF THE MOZEA ROUSSEAU SURVEY, A-56, BASTROP COUNTY, TEXAS, AND BEING A PORTION OF A TRACT OF LAND CALLED TRACT A-1, BEING 189.952 ACRES, AND TRACT B-1 BEING 20.019 ACRES, BOTH DESCRIBED IN A DEED TO DM PECAN PARK ASSOCIATES, LTD. OF RECORD IN VOLUME 1482, PAGE 70, OF THE OFFICIAL PUBLIC RECORDS OF BASTROP COUNTY, TEXAS, SAID 17.31 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING in the north line of said 189.952 acre tract, at a 1/2 inch iron rod found southeast corner of a tract of land called 0.948 acres, described in a deed to Jayaankat, LTD., of record in Volume 1915, Page 482, of the Official Public Records of Bastrop County, Texas, same being the southwest corner of Childers Drive,

THENCE, with the north line of said 189.952 acre tract, the following three (3) courses:

- 1) N 87° 30' 46" E, a distance of 50.26 feet to a 5/8 inch iron rod found at the southeast corner of said Childers Drive, same being the southwest corner of a tract of land called to be 4.097 acres, described in a deed to 202 Childers Lane, LLC, of record in Volume 2066, Page 142, of the Official Public Records of Bastrop County, Texas;
- 2) N 87° 47' 49" E, at a distance of 360.24 feet, passing a 1/2 inch iron rod found at the southeast corner of said 4.097 acre tract, same being the southwest corner of a tract of land called to be 0.512 acres, described in a deed to Olen R. and Mary Jo Jenkins, of record in Volume 275, Page 839, of the Deed Records of Bastrop County, Texas, at approximately 186 feet, passing the southeast corner of said Jenkins tract, same being the southwest corner of a tract of land described in a deed to Victor Juarez Jr., and Mary A. Juarez, of record in Volume 257, Page 737, of the Deed Records of Bastrop County, Texas, and continuing for a total distance of 677.22 feet to a 1/2 inch iron rod found at the southeast corner of said Juarez tract, same being the southwest corner of a tract of land described in a deed to John P. and Rosa Calhoun, of record in Volume 277, Page 769, of the Deed Records of Bastrop County, Texas;
- 3) N 88° 05' 27" E, at approximately 80 feet, passing the southeast corner of said Calhoun tract, same being the southwest corner of a tract of land described in a deed to Robert L. Miller, of record in Volume 306, Page 593, of the Deed Records of Bastrop County, Texas, at approximately 160 feet, passing the southeast corner of said Miller tract same being the southwest corner of a tract of land called to be 0.26 acres, described in a Quit Claim deed to Theresia Brenner Roberts, of record in Volume 289, Page 550, of the Deed Records of Bastrop County, Texas, at approximately 254 feet, passing the southeast corner of said Roberts tract, same being the southwest corner of a tract of land called to be 0.26 acres, described in a deed to June M. Evans, of record in Volume 289, Page 535, of the Deed Records of Bastrop County, Texas. Continuing with the south line of said 0.26 acre tract, a distance of 327.74 feet to a point for the northeast corner of the herein described 17.31 acre tract.

THENCE, Leaving said north line over and across said 189.952 acre tract the following two (2) courses;

- 1) S 02°03'26" E, a distance of 202.42 feet to a point,
- 2) S 07° 43' 45" E, at 73.68 feet to a point in the east line of said 189.952 acre tract same being the west line of said 20.019 acre tract, with a total distance of 114.11 feet to a point,

THENCE, over and across said 20.019 acre tract the following four (4) courses:

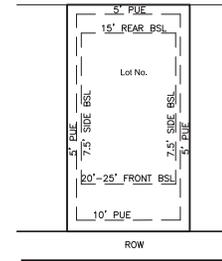
- 1) S 02° 19' 44" W, a distance of, 59.38 feet to a point,
- 2) S 11° 42' 47" W, a distance of 202.50 feet to a point,
- 3) S 78° 16' 53" E, a distance of 35.40 feet to a point,
- 4) S 11° 43' 07" W, at a distance of 170.00 feet to a point, in the north line of LCRA Electric Easement of record in Volume C, Page 417 Court Minutes Bastrop County, Texas, continuing across said easement, a distance of 100.00 feet to a point in the south line of said LCRA Electric Easement, for the southwest corner of the herein described 17.31 acre tract.

THENCE, N 78° 16' 53" W, with said south line of LCRA Electric Easement, and continuing over and across said 20.019 acre tract, at a distance of 189.16 feet to a point in the east line of said 20.019 acre tract, same being said west line of the 189.952 acre tract, with a total distance of 954.37 feet to a point for the southerly southwest corner of the herein described 17.31 tract.

THENCE, over and across said 189.952 acre tract, the following three (3) courses:

- 1) N 02° 12' 51" W, a distance of 103.03 feet to a point in the north line of said LCRA Electric Easement, for an interior ell corner of the herein described 17.31 acre tract,
- 2) N 78° 09' 31" W, along the northerly line of said LCRA Electric Easement, 61.85 feet to a point for the southwest corner of the herein described 17.31 acre tract,
- 3) N 02° 12' 51" W, a distance of 496.11 feet to a point in the north line of said 189.952 acre tract, same being in south line of said 0.948 acre tract, for the northwest corner of the herein described 17.31 acre tract,

THENCE, N 87° 48' 17" E, with the south line of said 0.948 acre tract, 4.88 feet to the POINT OF BEGINNING containing 17.31 acres of land within these metes and bounds.



SECTION 5a  
 TYPICAL LOT DETAIL  
 (See individual Lot for required easements and setbacks.)

not to scale

CURVE TABLE						
CURVE	DELTA	RADIUS	LENGTH	TANGENT	CHORD BEARING	CHORD DIST.
C1	80°00'00"	25.00	39.27	25.00	N 47°12'51" W	35.35
C2	34°09'16"	175.00	154.32	53.76	S 70°42'31" W	102.78
C3	0°16'42"	175.00	0.85	0.43	S 53°29'33" W	0.85
C4	9°38'57"	225.00	22.18	11.10	S 86°10'40" W	22.17
C5	15°14'45"	225.00	59.87	30.11	S 66°37'31" W	59.69
C6	13°3'10"	225.00	53.09	26.67	S 81°00'27" W	52.97
C7	52°0'12"	15.00	13.62	7.32	S 61°45'25" W	13.16
C8	30°3'11"	90.00	31.87	16.50	S 54°00'28" W	31.33
C9	55°14'56"	90.00	48.21	26.17	N 80°06'25" W	46.37
C10	184°11'21"	90.00	160.74	1367.12	N 52°09'31" W	99.63
C11	54°58'27"	90.00	47.97	26.01	N 24°59'43" W	46.15
C12	37°28'40"	90.00	32.68	16.95	N 21°12'50" E	32.10
C13	52°0'12"	15.00	13.62	7.32	N 13°55'33" E	13.16
C14	13°5'150"	225.00	54.44	27.36	S 6°09'08" W	54.31
C15	9°56'00"	225.00	39.01	19.55	N 6°44'47" E	38.96
C16	89°59'40"	15.00	23.56	15.00	N 33°17'03" W	21.21
C17	90°00'20"	15.00	23.56	15.00	S 66°42'57" W	21.21
C18	50°05'16"	175.00	152.98	81.77	N 53°14'15" W	148.16
C19	81°32'49"	15.00	21.35	12.94	N 12°34'47" E	19.59
C20	21°30'43"	175.00	65.70	33.24	N 64°08'33" E	65.32
C21	12°54'07"	175.00	39.41	19.79	N 81°18'58" E	39.32
C22	80°08'56"	15.00	20.98	12.62	S 52°09'31" E	19.31
C23	5°34'20"	175.00	17.02	8.52	S 91°17'50" E	17.02
C24	16°13'24"	175.00	55.66	28.07	S 2°36'05" W	55.43
C25	90°00'00"	25.00	39.27	25.00	S 42°47'09" W	35.36
C26	17°13'53"	225.00	67.67	34.09	S 79°10'12" W	67.41
C27	81°15'07"	15.00	21.27	12.87	N 68°49'11" W	19.53
C28	15°14'37"	225.00	55.86	30.11	N 40°30'32" W	55.68
C29	15°14'27"	225.00	55.85	30.10	N 55°45'04" W	55.67
C30	14°54'35"	225.00	55.55	29.44	N 70°49'35" W	55.39

Line Table		
Line #	Length	Direction
L2	18.74	S87° 47' 08.76" W
L1	12.90	S87° 47' 08.76" W
L3	30.52	N28° 11' 37.39" W

	STAUDT SURVEYING, INC. Thomas E. Staudt RPLS # 3984 P.O. Box 1273 Dripping Springs, Texas 78620 (512)858-2236	FINAL PLAT OF PECAN PARK RESIDENTIAL SECTION 5A CITY OF BASTROP BASTROP COUNTY, TEXAS
	60 30 0 60 120 GRAPHIC SCALE IN FEET	Rev: _____ Date: NOVEMBER 2014 Dr. By: LEA Job #: 14001 DWG #: PP R5A