

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



April 11, 2017 at 6:30 P.M.

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

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

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

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

TEXAS PLEDGE OF ALLEGIANCE

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

3. INVOCATION

4. PRESENTATIONS

4A. Presentation of the Guardian Angel Award from the 100 Club to Officer Tamera McIntyre

4B. Mayor's Report

4C. Councilmembers' Report

4D. City Manager's Report

5. WORK SESSION/BRIEFINGS

5A. Discussion of Public Decorum Protocol

6. STAFF AND BOARD REPORTS

- 6A. Receive Board, Committee and Commission attendance report from City Manager Lynda Humble

7. CITIZEN COMMENTS

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

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

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

8. CONSENT AGENDA

- 8A. Consider action to approve minutes from the March 28, 2017 meeting and minutes from April 4, 2017 Special Workshop.
- 8B. Consider action to approve the second reading of Ordinance No. 2017-10 amending the budget for the Fiscal Year 2017 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.
- 8C. Consider action to approve the second reading of Resolution No. R-2017-12 of the City Council of the City of Bastrop, TX approving a project to conduct a comprehensive drainage study of the Pine Forest Unit 6 Subdivision using funds provided by the Bastrop Economic Development Corporation in an amount exceeding \$10,000 in accordance to Section 505.158(b) of the Local Government Code.
- 8D. Consider action to approve the vacation of the re-subdivision of Lots 1-522 and 1-523, Block 19, Tahitian Village, Unit 1 as recorded May 31, 1994 in Cabinet 2, Page 379-A in the Bastrop County, Texas plat records. The lot to be vacated is 0.516 acres within the city limits of Bastrop, Texas.

9. ITEMS FOR INDIVIDUAL CONSIDERATION

- 9A. Hold public hearing and consider action to approve the first reading of Ordinance No. 2017-12 of the City Council of the City of Bastrop, Texas, continuing the curfew, for minors,

as established in Ordinance 2008-26, and providing an effective date and move to include on the April 25, 2017 agenda for a second reading.

- 9B. Consider action to approve Resolution No. R-2017-16 of the City Council of the City of Bastrop, TX authorizing the City Manager to execute agreements allowing certain improvements within the public right-of-way.
- 9C. Consider action to approve the first reading of Ordinance 2017-11 by the City of Bastrop, Texas, ("City") responding to the application of Centerpoint Energy Resources Corp., South Texas Division, to increase rates under the Gas Reliability Infrastructure Program; suspending the effective date of this rate application for forty-five days; authorizing the City to continue to participate in a coalition of cities known as the "Alliance of Centerpoint Municipalities;" determining that the meeting at which the ordinance was adopted complied with the Texas Open Meetings Act; making such other findings and provisions related to the subject; and providing for an effective date; and move to include on the April 25, 2017 agenda for a second reading.

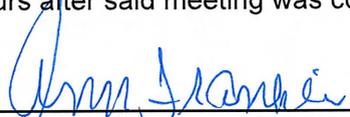
10. EXECUTIVE SESSION

- 10A. City Council shall convene into closed executive session pursuant to Section 551.071 of the Texas Government Code to discuss and deliberate litigation matters with the City Attorney regarding City of Bastrop vs. Vandiver and Hoover claims.
- 10B. City Council shall convene into closed executive session pursuant to Section 551.071 of the Texas Government Code to discuss and deliberate litigation matters with the City Attorney regarding Pine Forest 6, et al vs. City of Bastrop, et al.
- 10C. City Council shall convene into closed executive session pursuant to Section 551.071 of the Texas Government Code to discuss and deliberate litigation matters with the City Attorney regarding the appeal of property owners involved in water permit litigation (known as McCall Ranch).
- 10D. City Council shall convene into closed executive session pursuant to Section 551.071 of the Texas Government Code to discuss and deliberate litigation matters with the City Attorney regarding Paul Burt v. City of Bastrop regarding alleged Open Meeting Act violation.

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

12. ADJOURNMENT

I, the undersigned authority, do hereby certify that this Notice of Meeting as posted in accordance with the regulations of the Texas Open Meetings Act on the bulletin board located at the entrance to the City of Bastrop City Hall, a place of convenient and readily accessible to the general public, as well as to the City's website, www.cityofbastrop.org and said Notice was posted on the following date and time: Friday, April 7, 2017 at 5:00 p.m. and remained posted for at least two hours after said meeting was convened.



Ann Franklin, City Secretary



STAFF REPORT

MEETING DATE: 4-11-17

AGENDA ITEM: 4A

TITLE:

Presentation of the Guardian Angel Award from the 100 Club to Officer Tamera McIntyre

STAFF REPRESENTATIVE:

Steve Adcock, Director of Public Safety

BACKGROUND/HISTORY: I am proud to announce that one of our very own officers, Tamera McIntyre, was selected by the 100 Club as a Guardian Angel for 2017. This award is given to a first responder, nominated by a citizen, for their efforts in law enforcement. Only one nomination is awarded this award from all of Bastrop, Caldwell, Williamson, Bell, Travis, and Hays counties. An awards banquet will be held April 22nd for the official awarding at the Hyatt Regency Lost Pines Hotel.





STAFF REPORT

MEETING DATE: April 11, 2017

AGENDA ITEM: 4B

TITLE:
Mayor's Report

STAFF REPRESENTATIVE:
Lynda Humble, City Manager





STAFF REPORT

MEETING DATE: April 11, 2017

AGENDA ITEM: 4C

TITLE:

Councilmembers' Report

STAFF REPRESENTATIVE:

Lynda Humble, City Manager





STAFF REPORT

MEETING DATE: April 11, 2017

AGENDA ITEM: 4D

TITLE:
City Manager's Report

STAFF REPRESENTATIVE:
Lynda Humble, City Manager





STAFF REPORT

MEETING DATE: April 11, 2017

AGENDA ITEM: 5A

TITLE: Discussion of Public Decorum Protocol

STAFF REPRESENTATIVE:

Lynda Humble, City Manager
Steve Adcock, Director of Public Safety

BACKGROUND/HISTORY:

The City Manager and Public Safety Director / Chief of Police are committed to ensuring that the Bastrop Police Department continues to accomplish its mission in a fair, professional, and consistent manner without becoming involved in the political process. Therefore, we would like to propose the following procedures in order to accomplish this goal:

City Council and Board Member Disruptions

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

Audience Disruptions

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

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

POLICY EXPLANATION:

Staff is seeking feedback and consensus on this Public Decorum Protocol.

FUNDING SOURCE:

N/A

RECOMMENDATION:

Staff is seeking feedback regarding the suggested Public Decorum Protocol. Once consensus is reached, staff will place a resolution on the next agenda to formally adopt this Public Decorum Protocol. Upon approval, it will be shared with all City Boards, Committees, and Commissions.





STAFF REPORT

MEETING DATE: April 11, 2017

AGENDA ITEM: 6A

TITLE:

Receive Board, Committee, and Commission attendance report from City Manager Lynda Humble

STAFF REPRESENTATIVE:

Lynda Humble, City Manager

BACKGROUND/HISTORY:

N/A

POLICY EXPLANATION:

Section 1.04.001 City Code provides as follows:

- (a) The City Manager shall provide an attendance report of all boards at the first Council meeting held in April of each year. The attendance report will detail the number of absences of each current member and status on all advisory body vacancies.

FUNDING SOURCE:

N/A

RECOMMENDATION:

ATTACHMENTS:

- Board, Committee, and Commission attendance sheets.



STAFF REPORT

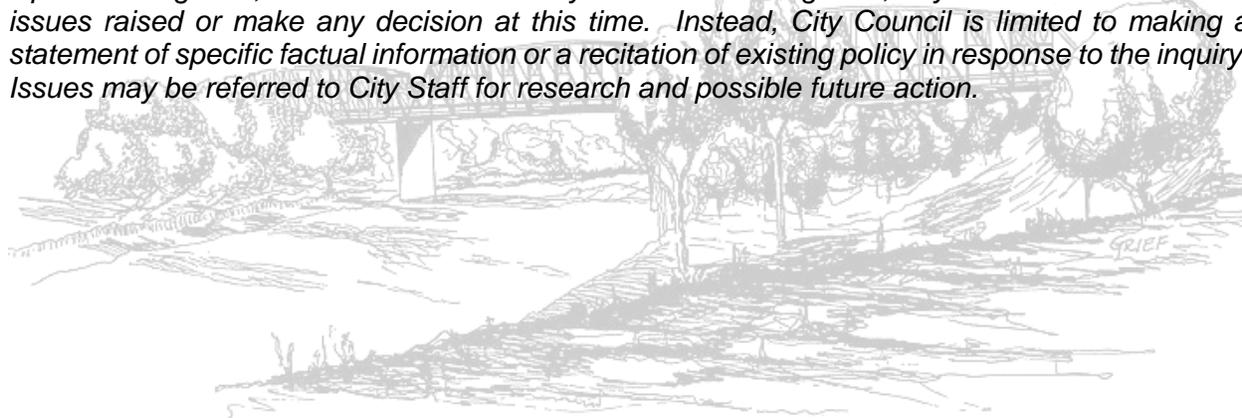
MEETING DATE: April 11, 2017

AGENDA ITEM: 7

TITLE:

CITIZEN COMMENTS

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





STAFF REPORT

MEETING DATE: April 11, 2017

AGENDA ITEM: 8A

TITLE:

Consider action to approve minutes from the March 28, 2017 meeting and minutes from April 4, 2017 Special Workshop.

STAFF REPRESENTATIVE:

Lynda Humble, City Manager
Ann Franklin, City Secretary

BACKGROUND/HISTORY:

N/A

POLICY EXPLANATION:

Section 551.021 of the Government Code provides as follows:

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

FUNDING SOURCE:

N/A

RECOMMENDATION:

Approve, amend, or correct the minutes of the March 28, 2017 Regular City Council Meeting and April 4, 2017 Special Workshop minutes.

ATTACHMENTS:

- March 28, 2017 DRAFT Regular City Council Meeting Minutes
- April 4, 2017 DRAFT Special Workshop Minutes

**MINUTES OF REGULAR COUNCIL MEETING
BASTROP CITY COUNCIL
MARCH 28, 2017**

The Bastrop City Council met in a Regular Meeting on Tuesday, March 28, 2017 at 6:30 p.m. at the Bastrop City Hall Council Chambers, located at 1311 Chestnut Street, Bastrop, Texas. Members present were Mayor Kesselus and Mayor Pro Tem DeLaRosa, and Council Members Peterson, Schiff, Jones and McAnally. Officers present were City Manager Lynda Humble, City Secretary Ann Franklin, and City Attorney David Bragg.

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

Mayor Kesselus led the Pledge of Allegiance

TEXAS PLEDGE OF ALLEGIANCE

Mayor Kesselus led the Texas Pledge of Allegiance

INVOCATION

Mayor Kesselus gave the Invocation.

PRESENTATIONS**4A. Presentation on “Why I Love Bastrop” Video Collection by Debbie Denny.**

Debbie Denny made the presentations. The winner of the “Fan Favorite Video” was Ken Ladd and the winner of the “Overall Video” was Daniel Michalik.

4B. Mayor’s Report

Mayor reported that Seton is bringing a medical center to Bastrop.

4C Councilmembers’ Report

Council Member Peterson stated that the Seton medical center would be a great asset to Bastrop.

Council Member Schiff reported that March 25, 2017 the Friends of Bastrop Public Library and the Lost Pines Garden Club held a joint annual book and plant sale and raised \$11,957 which in part helps fund the Summer Reading program.

Council Member Jones reported:

- Main Street Program will be hosting the First Friday Art Walk on April 7, 2017 from 5:30 p.m. to 8:30 p.m.;
- March 25, 2017 the Inaugural Half Marathon was held and hosted 160 runners;
- The Parks and Recreation will sponsor the YMCA Healthy Kids Day at Fisherman’s Park on Saturday, April 9, 2017 from 11:00 a.m. to 2:00 p.m.;
- The Public Library will hold an Easter Egg Hunt on Wednesday, April 12, 2017, at Bob Bryant Park from 9:30 a.m. to 12:00 p.m.; and
- The YMCA will hold an Easter Egg Hunt on Friday, April 14, 2017 at Bob Bryant Park from 9:00 a.m. to 12:00 p.m.

4D City Manager’s Report -NONE

WORK SESSION/BRIEFINGS

- 5A. Receive presentation by City Manager and provide feedback regarding changes to the Council Agenda and process to provide greater transparency and clarity of policy actions.**
City Manager Lynda Humble explained the new format and contents of the Council agenda.
- 5B. Receive update on meeting with Representative John Cyrier regarding HB 2322 and provide feedback regarding possible future action.**
City Manager Lynda Humble stated that Representative Cyrier called a meeting for March 10, 2017 and she, Mayor Kesselus, Council Member Jones, Trey Job and Shawn Kirkpatrick represented the City and there were representatives from Aqua Water and Judge Pape. There was an agreement between Aqua representatives and City representatives that going forward all of the stakeholders will have a seat at the table for discussion.

STAFF AND BOARD REPORTS

- 6A. Receive update on the process in relation to Council and the Start-Up Board of the DMO and Introduction of DMO Interim Director Dale Lockett.**
City Manager Lynda Humble introduced the Interim DMO Director Dale Lockett. A joint workshop with the Council and the DMO Start Up Board was set for Tuesday, April 4, 2017 at 6:30 p.m.
- 6B. Receive report from Ethics Commission regarding Councilmember Deborah Jones and Councilmember Gary Schiff and receive a statement from Councilmember Jones.**
City Manager Lynda Humble stated that Judge Dugan was unable to attend the Council meeting, but sends his apologies. Judge Dugan asked the City Manager to ask Council to consider a discussion in a future workshop regarding potential changes to the Ethics Ordinance.

City Manager Lynda Humble, the liaison for the Ethics Commission, read into record two letters submitted by Judge Dugan, Chair for the Ethics Commission of the City of Bastrop.

Council Member Jones read her statement as follows.

“Bastrop is a community in transition and change in this region is inevitable. I was elected to be an agent of change, someone who can guide growth and modernization, while preserving what is great about Bastrop. As expected, a few in this town favor the status quo at City Hall. They oppose my positions on policy and personnel matters, so they stoop to using our Ethics Code as a weapon. The complaint against me was a political ploy. I didn’t violate any rule. The complaint was severely defective and incomplete. The true victors throughout this process are the citizens of Bastrop.”

Council Member Schiff read his statement. (Exhibit A)

Mayor Kesselus recessed the meeting at 7:30 p.m.

Mayor Kesselus called the meeting back to order at 7:31 p.m.

Council Member McAnally attempted to read a statement; however, the Mayor ruled that Council Member McAnally's statement was out of order.

Council Member McAnally made the motion to override the Mayor’s ruling. The motion died for lack of a second.

ITEMS FOR INDIVIDUAL CONSIDERATION

- 9C. Consideration, discussion and possible action concerning reimbursement of Councilmember Deborah Jones for legal expenses incurred in defending against an ethics complaint filed against her that was dismissed.**

Resolution No. R-2017-14 was approved on a motion made by Mayor Pro Tem DeLaRosa, seconded by Council Member Peterson. The motion was approved on a 3-0 vote. Council Member Jones recused herself. Council Member McAnally was off the dais.

- 9D. Consideration, discussion and possible action concerning reimbursement of Council Member Gary Schiff for legal expenses incurred in defending against ethics complaints filed against him that were dismissed.**

Resolution No. R-2017-13 was approved on a motion by Mayor Pro Tem DeLaRosa, seconded by Council Member Peterson. The motion was approved on a 3-0 vote. Council Member Schiff recused himself. Council Member McAnally was off the dais.

STAFF AND BOARD REPORTS CONTINUED

- 6C. Hear presentation of the unaudited Monthly Financial Report for the period ending February 28, 2017.**

Presentation was given by Chief Financial Officer Tracy Waldron.

Mayor Pro Tem DeLaRosa made the motion to approve the unaudited Monthly Financial Report, seconded by Council Member Schiff. The motion was approved on a 4-0 vote. Council Member McAnally was off the dais.

- 6D. Receive report from Bastrop Economic Development Corporation (BEDC).**

BEDC Executive Director Shawn Kirkpatrick gave the report.

CITIZEN COMMENTS

Anne Beck – Ms. Beck asked the Council for the good of Bastrop to not get hung up on all of the negative.

David Perkins – Mr. Perkins announced an online language learning program where eight languages may be offered on line and it will be free of charge. The program should be up by next fall. Mr. Perkins also offered ideas for TV shows. He announced that he would be filming two scenes in Bastrop and would like to use local people.

CONSENT AGENDA

A motion was made by Mayor Pro Tem DeLaRosa to approve items 8A, 8B, 8C, 8D and 8E, listed on the consent agenda after being read into the record by City Secretary Ann Franklin. Seconded by Council Member Schiff, motion was approved on a 5-0 vote.

- 8A. Consider action to approve minutes from the March 14, 2017 meeting.**

- 8B. Consider action to confirm appointment by the Mayor of Lynette Philpot to Place 7 on the Bastrop Art in Public Places with the term ending in June 2019.**

- 8C. Consider action to accept and approve the FY 2018 Hotel Occupancy Tax Funding Calendar and the FY 2018 Community Support Funding Calendar.**

- 8D. Consider action to approve a resolution amending authorized representatives for Texpool/Texpool Prime local investment pool by adding City Manager Lynda Humble as an authorized representative of the City.**
- 8E. Consider action to confirm appointment by the Mayor of City Manager Lynda Humble to Place 1 on the Hunters Crossing Local Government Corporation Board.**

ITEMS FOR INDIVIDUAL CONSIDERATION CONTINUED

- 9A. Consider action to approve the first reading of Resolution No. R-2017-12 of the City Council of the City of Bastrop, TX approving a project to conduct a comprehensive drainage study of the Pine Forest Unit 6 Subdivision using funds provided by the Bastrop Economic Development Corporation in an amount exceeding \$10,000 in accordance to Section 505.158(b) of the Local Government Code and move to include on the April 11, 2017 agenda for a second reading.**
Resolution No. R-2017-12 was approved on a motion by Mayor Pro Tem DeLaRosa, seconded by Council Member Peterson. The motion was approved on a 5-0 vote.
- 9B. Consider action to approve the first reading of ordinance No. 2017-10 amending the budget for the Fiscal Year 2017 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 and move to include on the April 11, 2017 agenda for a second reading.**
Chief Financial Officer Tracy Waldron gave the presentation.

Ordinance No. 2017-10 was approved on a motion by Council Member Schiff, seconded by Mayor Pro Tem DeLaRosa. The motion was approved on a 5-0 vote.

EXECUTIVE SESSION

The City Council met at 8:30 p.m. in a closed/executive session pursuant to the Texas Government Code, Chapter 551, *et seq.*, to discuss the following:

- 10A. City Council shall convene into closed executive session pursuant to Section 551.071 of the Texas Government Code to discuss and deliberate litigation matters with the City Attorney regarding City of Bastrop vs. Vandiver and Hoover claims.**
- 10B. City Council shall convene into closed executive session pursuant to Section 551.071 of the Texas Government Code to discuss and deliberate litigation matters with the City Attorney regarding Pine Forest 6, et al vs. City of Bastrop, et al.**

The Bastrop City Council reconvened at 9:07 p.m. into open (public) session.

- 11. TAKE ANY NECESSARY OR APPROPRIATE ACTION ON MATTERS POSTED FOR CONSIDERATION IN CLOSED/EXECUTIVE SESSION.**
No Action was taken.

12. ADJOURNMENT

Council Member Schiff made the motion to adjourn the meeting at 9:08 p.m., seconded by Council Member Peterson. The motion was approved on a 5-0 vote.

APPROVED:

ATTEST:

Mayor Ken Kesselus

City Secretary Ann Franklin

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

DRAFT

EXHIBIT C

March 28, 2017

Statement of Council Member Gary Schiff regarding the recent Ethics Commission activities:

I learned at a young age that if you did not have something good to say about someone, you should not say it. So when I was asked by the Mayor if I wished to make a statement about the false charges made against me by Council Member McAnally, I declined the offer.

However, since then I have meditated on the situation and on a passage from the bible: Matthew 18:15. Paraphrased, it states that if a brother sins against you, you are to bring it to their individual attention and if they hear you, you have gained a brother. If he does not hear you, take it to him in the presence of two or three others. If he still does not hear, take it to the church.

I think this passage is very applicable here.

On October 11, 2016 when Council Member McAnally first brought her charge against me, I was devastated that she would do such a thing when surely she knew that I was authorized to do what I did. It wasn't until months later after great anguish to me that I realized Ms. McAnally was absent at the Council executive session when I was encouraged by City Manager Marvin Townsend, with all other Council Members present, to discuss with the party to a City lawsuit, an architectural solution that I devised for settling that case.

When I realized that Ms. McAnally was not present at that executive session, I requested and received from the City Manager a sworn and notarized affidavit stating that I was encouraged during that executive session to help settle the case by talking to the parties involved in the lawsuit. On January 26, 2017 I sent the affidavit to Ms. McAnally, then a day later asked her if she would drop her complaint and she said "No." I asked her why she would not drop her complaint and she said she was "still digging." I wanted to but did not ask "digging for what?" when my evidence was so clear and irrefutable.

On March 7, after almost six weeks of more anguish and legal fees expended by me, Ms. McAnally finally sent me the following email:

Dear Gary,

As previously discussed with you on the telephone I have been collecting information and evaluating the situation surrounding your discussions with representatives of the Vandivers' about which I made a complaint to the Ethics Commission. While I am still very unhappy about Councilmembers getting personally involved in City litigation, I accept the explanation that you were encouraged to do so by the City Manager and have withdrawn the complaint.

Kay

Let the public record state that I believe it was very unfair and unkind for Ms. McAnally to draw out this painful episode that was so clearly settled upon her receipt of the City Manager's affidavit.

I also want to add that the filing of unfounded complaints against council members as a means of political retribution has become a favorite tool of those who could not prevail at the voting booth.

These actions result in public embarrassment to the entire Bastrop community and the attendant necessity of hiring lawyers has become a hurdle which will without a doubt deter many good candidates from serving this city.

Even though all complaints against me and Deborah Jones were dismissed by the ethics commission, I fear the public will remember only their filings, as announced by Ms. McAnally very inappropriately from the dais. In the future, I hope we can deter persons from using the ethics committee for political purposes by:

1. Encouraging complainers, before filing a complaint, to have open and honest discussions with any public official whom they feel has violated the ethics ordinance. This is especially applicable to Council Members who have a public responsibility for keeping order on the dais.
2. Enforcing the rules of decorum that state that Council Members not demean other Council Members from the dais.
3. Requiring complainers to be counselled as to the legal merits of their claims prior to filing. This counselling would not prevent complainers from filing anyway but would at least expose obvious flaws in their complaints before filing.
4. Requiring the Ethics Commission to act more expeditiously in resolving ethics cases so they are not tried and retried in the public forum to the detriment of innocent people. These simple cases took five months to resolve.
5. Drafting and enforcing meaningful sanctions against those who file unfounded complaints.

**MINUTES OF JOINT WORKSHOP WITH BASTROP, TX CITY
COUNCIL AND BASTROP DESTINATION MARKETING
ORGANIZATION (DMO) START-UP BOARD
BASTROP CITY COUNCIL
APRIL 4, 2017**

The Bastrop City Council and the DMO Start-Up Board met in a Joint Workshop Meeting on Tuesday, April 4, 2017 at 6:30 p.m. at the Bastrop City Hall Council Chambers, located at 1311 Chestnut Street, Bastrop, Texas. Members present for the Bastrop City Council were: Mayor Pro Tem DeLaRosa, and Council Members Peterson, Schiff, Jones and McAnally. Officers present were City Manager Lynda Humble, City Secretary Ann Franklin and Bastrop Economic Development Executive Director Shawn Kirpatrick. Members present for the DMO Start-Up Board were: Ann Smarzik, Tom Scott, Clint Howard and Rick Brackett. Staff present was Main Street Director Sarah O'Brien and Dale Lockett. Bill Giest with DMOProz was present via phone.

1. CALL TO ORDER

- a. Mayor Pro Tem DeLaRosa called the meeting of the Bastrop City Council to order with a quorum being present at 6:30 p.m. Mayor Kesselus was absent.
- b. Chair Ann Smarzik called the meeting of the DMO Start-Up Board to order with a quorum being present at 6:30 p.m. Board Member. Board Member Hiren Patel was absent.

- 2. Presentation and discussion regarding "What is a Destination Marketing Organization (DMO)?" – Dale Lockett**

Interim Director Dale Lockett gave the presentation.

- 3. Presentation and discussion regarding the potential power and impact of a DMO on Bastrop – Dale Lockett**

Interim Director Dale Lockett gave the presentation.

- 4. Discussion and consensus regarding the mission of the Bastrop DMO – Lynda Humble
City Manager Lynda Humble led the discussion. The following were the consensus regarding the mission of the Bastrop DMO.**

Purpose of Bastrop DMO:

- **Marketing the destination "brand"**
- **Primary Brand Advocate**
- **Facility Underutilization – Leverage what we have**
- **Attendees could bring economic development**
- **Bring groups together (Unity & Representation)**
- **Providing cost effective services**
- **"Global" oversight of community "assets" & "activities"**
- **Strong focus on marketing**

- 5. Presentation and consensus regarding contractual relationship between City of Bastrop and the DMO (Where does the control of DMO reside?) – Lynda Humble**

City Manager Lynda Humble gave the presentation. The following were the consensus regarding the contractual relationship between City of Bastrop and the DMO (the control).

Power/Control for Purposes of the Contract:

- **Continuity of Leadership with Past Chair, Chair, and Chair Elect**
- **Board Rotation with Terms**

- **Broad Representation of Community Assets: Art, History, Hotels, Restaurants, Retail, Sports, Outdoors, Recreation, Hyatt, Nightlife, Entertainment, Film**
- **Community Assets must be a “driver” with strong ties to the hospitality industry given the legal requirements on how Hotel Occupancy Funds are spent**
- **Dialog Mechanism (i.e. must have ability to add another category of community assets as times change)**
- **No Council representation on the board**

6. Discussion and consensus regarding the critical (non-negotiable) elements of the contract – Lynda Humble

City Manager Lynda Humble led the discussion. The following were the consensus regarding the critical (non-negotiable) elements of the contract.

Non-negotiables:

- **Ensure each community assets is represented in a way that there is balance of power**
- **Must seek input of each “community asset” group**
- **Establish annual goals**
- **Detailed reporting mechanism on a monthly basis similar to Albuquerque, NM report**
- **Annual workshop between City Council and DMO Board to have opportunity to dialog**
- **Open Meetings**
- **DMO International Accreditation within a certain number of years**
- **3-5 year contract (longer term ensures better quality of applicant for employees; better ability to attract conventions long-term)**
- **60-90 day provision of contract**

7. Discussion and consensus regarding the measurement(s) of “success” of DMO’s mission – Lynda Humble

City Manager Lynda Humble led the discussion.

Results of the discussion of measurement of success of DMO’s mission are included in non-negotiables in item number 6.

ADJOURNMENT

Council Member Peterson made the motion to adjourn the Bastrop City Council meeting at 8:35 p.m., seconded by Council Member Jones. The motion was approved unanimously. Mayor Kesselus was absent.

Board Member Howard made the motion to adjourn the DMO Start-Up Board meeting at 8:35 p.m., seconded by Board Member Brackett. The motion was approved unanimously. Board Member Hiren Patel was absent.

APPROVED:

ATTEST:

Mayor Ken Kesselus

City Secretary Ann Franklin

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

DRAFT



STAFF REPORT

MEETING DATE: April 11, 2017

AGENDA ITEM: 8B

TITLE:

Consider action to approve the second reading of Ordinance No. 2017-10 amending the budget for the Fiscal Year 2017 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.

STAFF REPRESENTATIVE:

Tracy Waldron, Chief Financial Officer

BACKGROUND/HISTORY:

Ordinance No. 2017-10 was approved on its first reading by City Council at the March 28, 2017 meeting. As approved by motion on March 28th, this ordinance is on the agenda to be read a second time for final consideration in order to comply with the City's Charter requirements.

POLICY EXPLANATION:

The city charter requires that when the budget is amended that the amendment be by ordinance. The budget amendments do, in some funds, increase the budget appropriations for Fiscal Year 2017. Funds included in these amendments are detailed below:

- General Fund includes:
 1. The original budget had an error on the number of hours budgeted for the HR assistant. This fixes the budgeted amount in that department.
- Debt Service Fund:
 1. Budget to use excess fund balance for a cash contribution to the 2017 GO Refunding.
- Vehicle/Equipment Replacement Fund includes:
 1. BP&L had in their budget a transfer to the Vehicle & Equipment Replacement Fund, increasing available funds to purchase a new bucket truck. This budget transfer just reflects the transfer from BP&L and increases the capital budget by the same.
- Water/Wastewater Fund includes:
 1. Offsetting revenue received for costs associated with extending the water line on Buttonwood.
 2. Using available fund balance to cover the cost of burying the power lines over the wells at Bob Bryant Park which will put the City back into compliance for Texas Parks & Wildlife grants in the future.
 3. Need the amount of the Hazard Mitigation Grant Program match budgeted that will provide a generator for the Gills Branch Lift station

FUNDING SOURCE:

N/A

RECOMMENDATION:

Consider action to approve the second reading of Ordinance No. 2017-10 amending the budget for the Fiscal Year 2017 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.

ATTACHMENTS:

- Ordinance No. 2017-10



ORDINANCE NO. 2017-10

AN ORDINANCE AMENDING THE BUDGET FOR THE FISCAL YEAR 2017 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 2017; 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, TEXAS:

Section 1: That the proposed budget amendments for the Fiscal Year 2017, as submitted to the City Council by the City Manager and which budget amendments are attached hereto as Exhibit "A" is hereby adopted and approved as the amended budget of said city for Fiscal Year 2017; and

Section 2: That all ordinances of the City of Bastrop in conflict with the provisions of this ordinance be and the same are hereby repealed and all other ordinances of the City of Bastrop not in conflict with the provisions of this ordinance shall remain in full force and effect; and

Section 3: This ordinance shall take effect immediately after its final passage and publication in accordance with existing statutory requirements.

READ and APPROVED on First Reading on the 28th day of March, 2017.

READ and ADOPTED on Second Reading on the 11th day of April, 2017.

APPROVED:

Ken Kesselus, Mayor

ATTEST:

Ann Franklin, City Secretary

APPROVED AS TO FORM:

David Bragg, City Attorney

Exhibit "A"

**FY 2017
BUDGET AMENDMENTS
GENERAL FUND**

Audited Fund Balance as of 9-30-16	3,661,166
FY 2017 Budgeted Revenues	9,947,361
FY 2017 Budgeted Appropriations	(11,093,257)
11/2016 Budget Amendments (net)	0
3/2017 Budget Amendments (net)	(5,950)
Ending Fund Balance	<u>2,509,320</u>

<u>DEPARTMENT</u>	<u>BUDGET</u>	<u>AMOUNT</u>	<u>DESCRIPTION</u>	<u>ACCOUNT #</u>
-------------------	---------------	---------------	--------------------	------------------

Matching Revenues to Expenditures:

Neutral
Neutral
Neutral

Total Revenues 0

Matching Expenditures to Revenues:

Neutral
Neutral

New Expenditures:

Human Resources	Increase	(5,950)	Operating Salaries	101-06-00-5101
-----------------	----------	---------	--------------------	----------------

Total Expenditures (5,950)
Net Change (5,950)

**FY 2017
BUDGET AMENDMENTS
DEBT SERVICE FUND**

Audited Fund Balance as of 9-30-16	230,749
FY 2017 Budgeted Revenues	2,557,101
FY 2017 Budgeted Appropriations	(2,372,895)
3/2017 Budget Amendment	<u>(225,000)</u>
Ending Fund Balance	<u>189,955</u>

	BUDGET	AMOUNT	DESCRIPTION	ACCOUNT NUMBER
--	--------	--------	-------------	----------------

Matching Revenues to Expenditures:

Neutral	0	Capital Contributions	120-00-00-4600
---------	---	-----------------------	----------------

Total Revenues 0

Matching Expenditures to Revenues:

New Expenditures:

Increase	(225,000)	Other Uses-Bond Refunding	120-00-00-8941
----------	-----------	---------------------------	----------------

Total Expense (225,000)

Net Change (225,000)

FY 2017
BUDGET AMENDMENTS
VEHICLE & EQUIPMENT REPLACEMENT FUND

Audited Fund Balance as of 9-30-16	1,295,007
FY 2017 Budgeted Revenues	288,170
FY 2017 Budgeted Appropriations	(686,274)
11/2016 Budget Amendments (net)	(130,000)
3/2017 Budget Amendments (net)	0
Ending Fund Balance	<u>766,903</u>

DEPARTMENT	BUDGET	AMOUNT	DESCRIPTION	ACCOUNT #
Matching Revenues to Expenditures:				
	Neutral	75,000	Transfer In-BP&L	380-00-00-4703
	Total Revenue	<u>75,000</u>		
Matching Expenditures to Revenues:				
BP&L	Neutral	(75,000)	Capital Outlay	380-00-00-6000
New Expenditures:				
	Total Expense	<u>(75,000)</u>		
	Net Change	0		

**FY 2017
BUDGET AMENDMENTS
WATER/WASTEWATER FUND**

Operating Fund Balance as of 9/30/16	4,289,809
FY 2017 Budgeted Revenues	4,258,480
FY 2017 Budgeted Appropriations	(4,315,474)
3/2017 Budget Amendments (net)	<u>(209,000)</u>
Ending Fund Balance	<u>4,023,815</u>

	BUDGET	AMOUNT	DESCRIPTION	ACCOUNT NUMBER
Matching Revenues to Expenditures:				
Neutral		13,043	Special Project Reimb.	202-00-00-4161
Total Revenues		<u>13,043</u>		
Matching Expenditures to Revenues:				
Neutral		(13,043)	Improvements W/WW Distribution	202-35-41-6240
New Expenditures:				
Increase		(169,000)	Professional Service	202-35-43-5505
Increase		(40,000)	Equipment-Capital outlay	202-35-46-6010
Total Expense		<u>(222,043)</u>		
Net Change		(209,000)		



STAFF REPORT

MEETING DATE: April 11, 2017

AGENDA ITEM: 8C

TITLE:

Consider action to approve the second reading of Resolution No. R-2017-12 of the City Council of the City of Bastrop, TX approving a project to conduct a comprehensive drainage study of the Pine Forest Unit 6 Subdivision using funds provided by the Bastrop Economic Development Corporation in an amount exceeding \$10,000 in accordance to Section 505.158(b) of the Local Government Code.

STAFF REPRESENTATIVE:

Shawn Kirkpatrick, Executive Director
Bastrop Economic Development Corporation

BACKGROUND/HISTORY:

The EDC Board approved a Resolution on February 27, 2017, making certain findings regarding eligible expenditures of the Corporation. Those findings document that the funding for a Comprehensive Drainage Study of the Pine Forest Unit 6 Subdivision is an eligible expense of the Corporation under Texas Local Government Code Sections 505.152, 505.153, and 505.158. As such, the expenditure is above \$10,000 and requires two readings of a Resolution of the Governing Body.

The EDC published the required Public Hearing in the *Bastrop Advertiser* on February 25, 2017. Texas Local Government Code for Type B projects includes a provision for a 60-day window from the date of posting to funding. The earliest possible funding date is April 27, 2017, or the 61st calendar day.

The first reading of the Resolution was approved at the March 28, 2017 Council meeting.

The EDC Board will be asked to take additional action at its regularly scheduled meeting on April 17, 2017, to fund the project with 2013 Certificate of Obligation funds. Should the Board not elect to use 2013 CO funds, it will be necessary for the EDC to pass a budget amendment for FY 2016-2017. An EDC budget amendment would require an additional two readings of a separate Resolution by the City Council, delaying the funding date until May 24, 2017.

POLICY EXPLANATION:

Sec. 505.158, PROJECTS RELATED TO BUSINESS DEVELOPMENT IN CERTAIN SMALL MUNICIPALITIES, of the Local Government Code states:

- (a) For a Type B corporation authorized to be created by a municipality with a population of 20,000 or less, "project" also includes the land, buildings, equipment, facilities,

expenditures, targeted infrastructure, and improvements found by the corporation's board of directors to promote new or expanded business development.

(b) A Type B corporation may not undertake a project authorized by this section that requires an expenditure of more than \$10,000 until the governing body of the corporation's authorizing municipality adopts a resolution authorizing the project after giving the resolution at least two separate readings.

FUNDING SOURCE:

Bastrop Economic Development Corporation will fund this project with 2013 Certificate of Obligations Funds, which will require additional action scheduled for consideration at its April 17, 2017 regularly scheduled meeting.

RECOMMENDATION:

Consider action to approve the second reading of Resolution No. R-2017-12 of the City Council of the City of Bastrop, TX approving a project to conduct a comprehensive drainage study of the Pine Forest Unit 6 Subdivision using funds provided by the Bastrop Economic Development Corporation in an amount exceeding \$10,000 in accordance to Section 505.158(b) of the Local Government Code.

ATTACHMENTS:

- Resolution No. R-2017-12



RESOLUTION NO. R-2017-12

A RESOLUTION OF THE CITY COUNCIL OF CITY OF BASTROP, TEXAS, APPROVING A PROJECT TO CONDUCT A COMPREHENSIVE DRAINAGE STUDY OF PINE FOREST UNIT 6 SUBDIVISION USING FUNDS PROVIDED BY THE BASTROP ECONOMIC DEVELOPMENT CORPORATION IN AN AMOUNT EXCEEDING \$10,000 IN ACCORDANCE TO SECTION 505.158(b) OF THE LOCAL GOVERNMENT CODE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of the Bastrop Economic Development Corporation (“BEDC”) met on February 27, 2017, and at that time took formal action to support and provide funds for various 4B projects; and

WHEREAS, Section 505.158(b) of the Local Government code, a/k/a the Texas Economic Development Act, mandates that prior to the BEDC funding a project that does not directly create primary jobs, involving an expenditure by the BEDC of more than \$10,000, per project, the City Council shall adopt a Resolution authorizing the project, which Resolution shall be read by the City Council, on two separate occasions; and

WHEREAS, the Pine Forest Unit 6 Subdivision (“Subdivision”) in the City of Bastrop (“City”) platted in 1979 contains 6.25 miles of existing creeks and associated floodplains and floodways; and,

WHEREAS, the Subdivision has historically experienced extensive and repeated flooding rendering a vast number of the lots unbuildable as the Subdivision currently exists; and,

WHEREAS, due to the current condition of the Subdivision as it relates to the pervasive flooding, approximately 60% of the lots have defaulted on taxes and have been acquired by the taxing entities; and,

WHEREAS, it is in the best interest of the taxing entities and the Corporation for the defaulted lots to be developable for their highest and best use; and,

WHEREAS, the City’s Comprehensive Plan encourages subdivisions where there is residential, parks and green space, and compatible commercial development in a cohesive pattern; and,

WHEREAS, the Bastrop area is experiencing growth that has outpaced available and affordable housing; and,

WHEREAS, a comprehensive drainage study of the Subdivision is needed before any redevelopment can occur; and,

WHEREAS, the Texas Local Government Code Chapter Section 505.152 authorizes the expenditure of Corporation funds for a project that the board of directors of the Economic Development Corporation determines to be required or suitable for use for parks and park facilities, open space improvements, and related roads, streets, and water and sewer facilities, and other related improvements that enhance any of the items described by this section; and,

WHEREAS, the Texas Local Government Code Chapter Section 505.153 authorizes expenditure of Corporation funds for a project that the board of directors of the Economic Development Corporation determines to be required or suitable for use for the promotion of development and expansion of affordable housing, as described by 42 U.S.C. Section 12745; and,

WHEREAS, the Texas Local Government Code Chapter Section 505.158 authorizes a Corporation created by a municipality of 20,000 or less to fund a project that includes the land, buildings, equipment, facilities, expenditures, targeted infrastructure, and improvements found by the corporation's board of directors to promote new or expanded business development; and,

WHEREAS, it is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public, and public notice of the time, place and purpose at which it was read was given in accordance with Chapter 551, Texas Government Code; and,

WHEREAS, the City has reviewed the February 27, 2017, actions of the Bastrop EDC related to the project noted herein, has considered and evaluated that project, and has found it meritorious of the Council's approval.

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

Section 1: Findings and Determination

- a. The Council hereby finds and determines that it is in the best interest of the Corporation to make funding available to the City for reimbursement of costs incurred for the completion of a comprehensive drainage study in an amount not to exceed \$75,100.00.
- b. The Council hereby finds and determines that Texas Local Government Code Chapter Section 505.152 authorizes the expenditure of Corporation funds for this study because the City agrees that 15% of the lots owned by the taxing entities shall be dedicated for use as parks and park facilities or open space improvements.
- c. The Council hereby finds and determines that Texas Local Government Code Chapter Section 505.153 authorizes expenditure of Corporation funds for this

project because the City agrees that some of the lots owned by taxing entities shall be reserved for use for the promotion of development and expansion of affordable housing, as described by 42 U.S.C. Section 12745.

- d. The Council hereby finds and determines that drainage improvements, including a comprehensive drainage study, constitute an expenditure for targeted infrastructure that will promote new or expanded business development.

Section 2. Authorization of expenditure

- (1) The City Council of the City of Bastrop, Texas, hereby approves the following project, which had been approved for funding by the Bastrop EDC:
 - a. To fund a project (a Comprehensive Drainage Study of the Pine Forest Unit 6 Subdivision) in an amount not to exceed \$75,100.00.
- (2) The City Manager is hereby authorized to convey a copy of this Resolution of approval, as appropriate.
- (3) That this Resolution shall take effect immediately from and after its passage, and is accordingly so resolved.

READ and ACKNOWLEDGED on First Reading on the 28th of March 2017.

READ and ADOPTED on Second Reading on the 11th day of April 2017.

APPROVED:

Ken Kesselus, Mayor

ATTEST:

Ann Franklin, City Secretary

APPROVED AS TO FORM:

David Bragg, City Attorney



STAFF REPORT

MEETING DATE: April 11, 2017

AGENDA ITEM: 8D

TITLE:

Consider action to approve the vacation of the re-subdivision of Lots 1-522 and 1-523, Block 19, Tahitian Village, Unit 1.

STAFF REPRESENTATIVE:

Wesley Brandon, Director of Planning & Engineering

BACKGROUND/HISTORY:

The re-subdivision of Lots 1-522 and 1-523, Block 19, Tahitian Village, Unit 1 is currently platted as one lot, which is now vacant. The re-subdivision in 1994 combined two lots within the original subdivision into one lot. The current property owner has requested approval to vacate the plat, which would return the property to its original configuration of two lots.

The Planning & Zoning Commission voted unanimously to approve the request to vacate the plat at their March 30, 2017 meeting.

POLICY EXPLANATION:

N/A

FUNDING SOURCE:

N/A

RECOMMENDATION:

Staff recommends approval of the request to vacate the re-subdivision of Lots 1-522 and 1-523, Block 19, Tahitian Village, Unit 1.

ATTACHMENTS:

- Planning & Zoning Commission Staff Report
- Letter from Applicant
- Current Plat
- Original Plat

City of Bastrop



Agenda Information Sheet:

Planning and Zoning Commission Meeting Date:

March 30, 2017

Public Notice Description:

To receive public input regarding a request to vacate the Resubdivision of Lots 1-522 and 1-523, Block 19, Tahitian Village, Unit 1 as recorded May 31, 1994 in Cabinet 2, Page 379-A in the Bastrop County, Texas plat records. The lot to be vacated is +/- 0.516 acres within the city limits of Bastrop, Texas.

Owner/ Applicant: Olson Surveying
Location: 112 Mokalau Drive, Located in the City Limits
Utilities: BCWID #2 and Bluebonnet
Zoning: SF-9, Single Family Residential-9 District
Land Use Plan: Neighborhood Residential

Background:

The Resubdivision of Lots 1-522 and 1-523, Block 19, Tahitian Village, Unit 1, being +/- 0.516 acres is currently platted as one lot, which is now vacant. The resubdivision in 1994 combined two lots within the original subdivision into one lot. On the north side was a single family home that was destroyed in a fire. The south side was never developed. The current property owner would like to return the property to its original configuration of two lots as recorded in the final plat for Tahitian Village, Unit 1 on August 14, 1972 in the Plat Records Volume 2 on pages 40 thru 47, of Bastrop County, Texas.

Proposal:

Olson Surveying

Vacating plats, must follow the Texas Local Government Code, Section 212.013 and through this process, a plat can be vacated if it follows the same procedures of the original plat.

Basis of Support:

Staff supports the vacation request, because it complies with the Texas Local Government Code, and the property is not developed.

Comments:

Twelve (12) adjacent property owner notifications were mailed on March 6, 2017, which own property within 200 feet of the Resubdivision of Lots 1-522 and 1-523, Block 19, Tahitian Village, Unit 1. One property notification has been received with no objection to the request.

Recommended Action:

Staff recommends approval of the request to vacate the Resubdivision of Lots 1-522 and 1-523, Block 19, Tahitian Village, Unit 1 located within the city limits of Bastrop Texas, as recorded May 31, 1994 in Cabinet 2, Page 379-A in the Bastrop County, Texas plat records.

City Contact:

Wesley Brandon, PE, Director of Planning and Engineering

Attachments: Recorded copy of Location map, Tahitian Village, Unit 1 final plat, Resubdivision of Lots 1-522, Block 19, Tahitian Village, Unit 1 and 1-523 and applicant letter

✂

PROPERTY OWNER'S RESPONSE

✂

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

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

Property Owner Name: Guy Berry Phone (optional): _____
 Property Address: 123 Kukului Ct.
BASTROP, TX 78602
 Mailing Address: SAME Email (optional): _____

Property Owner's Signature: Guy Berry
 Comments: (Optional) _____

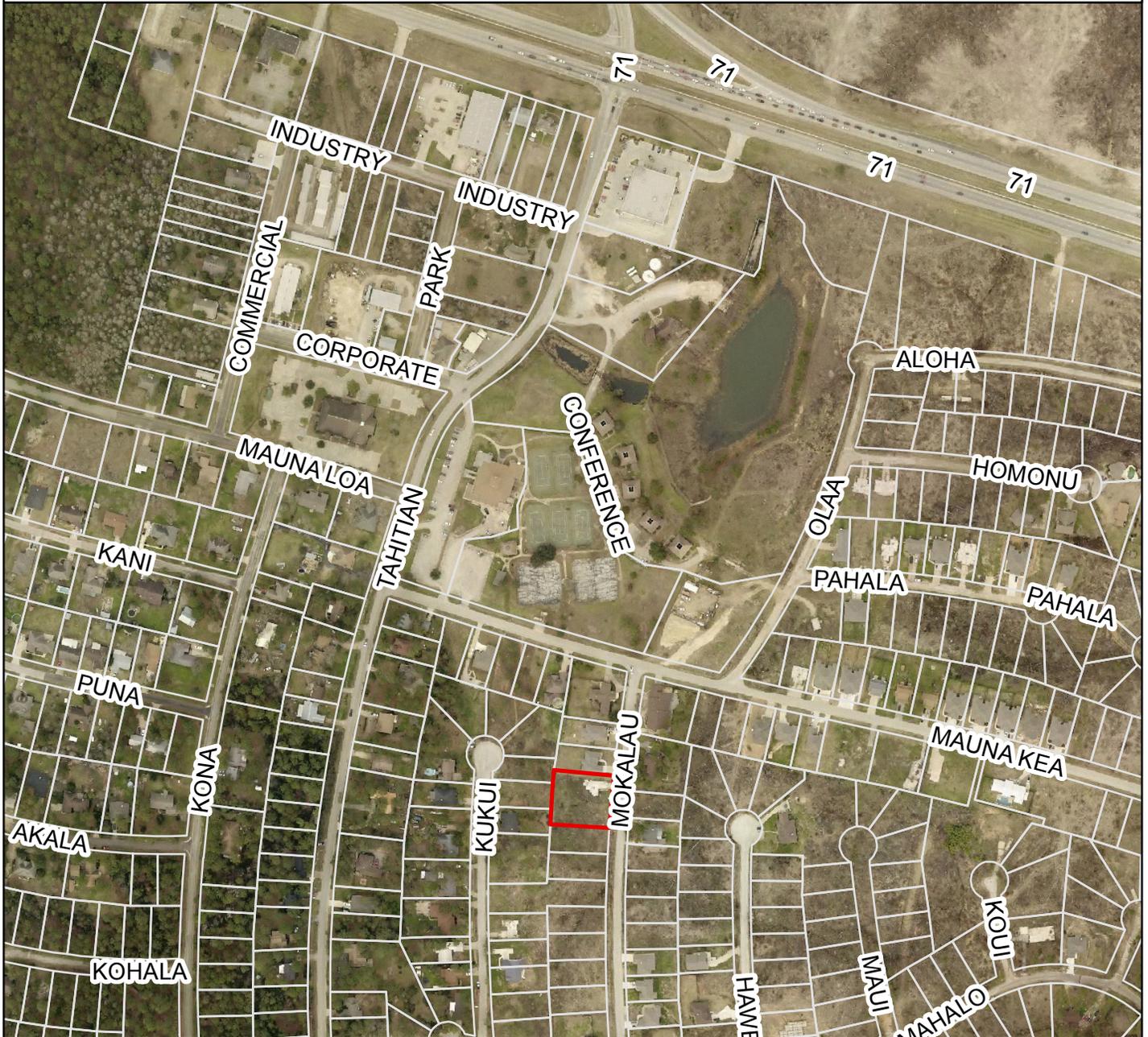
Please provide reply to: Planning and Development Department
City of Bastrop, P.O. Box 427, Bastrop, Texas 78602
or via fax (512) 332-8829

Re: Vacation of Resubdivision of Lots 1-522 & 1-523, Block 19, Tahitian Village, Unit 1-3/6/2017

RECEIVED
 MAR 13 2017
 By JL



Property Location Map for Lots 1-522 and 1-523, Block 19, Tahitian Village, Unit 1



Legend



Lots 1-522 and 1-523

DALE L. OLSON SURVEYING
711 Water Street
Bastrop, Texas 78602
512.321.5476

January 20, 2017

The Honorable Kenneth Kesselus, Mayor of Bastrop
Members of the Bastrop City Council
1131 Chestnut Street
Bastrop, Texas 78602

RE: Vacating plat of Resubdivision of Lots 1-522 & 1-523, Block 19, Tahitian Village,
Unit 1

Dear Mayor Kesselus and Council members,

On behalf of our client Able Mondragon, we would like to request the plat of
Resubdivision of Lots 1-522 & 1-523, Block 19, Tahitian Village, Unit 1 recorded in Plat
cabinet 2, Page 379A be vacated.

Mr. Mondragon desires to return the property to the original configuration of two lots
for the purpose of building.

We would appreciate your consideration and favorable response to this request.

Sincerely,


DeAnna Brooks.

RECEIVED

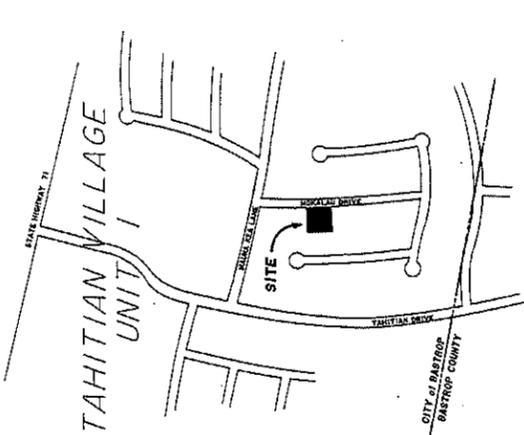
JAN 24 2017

By *ju*

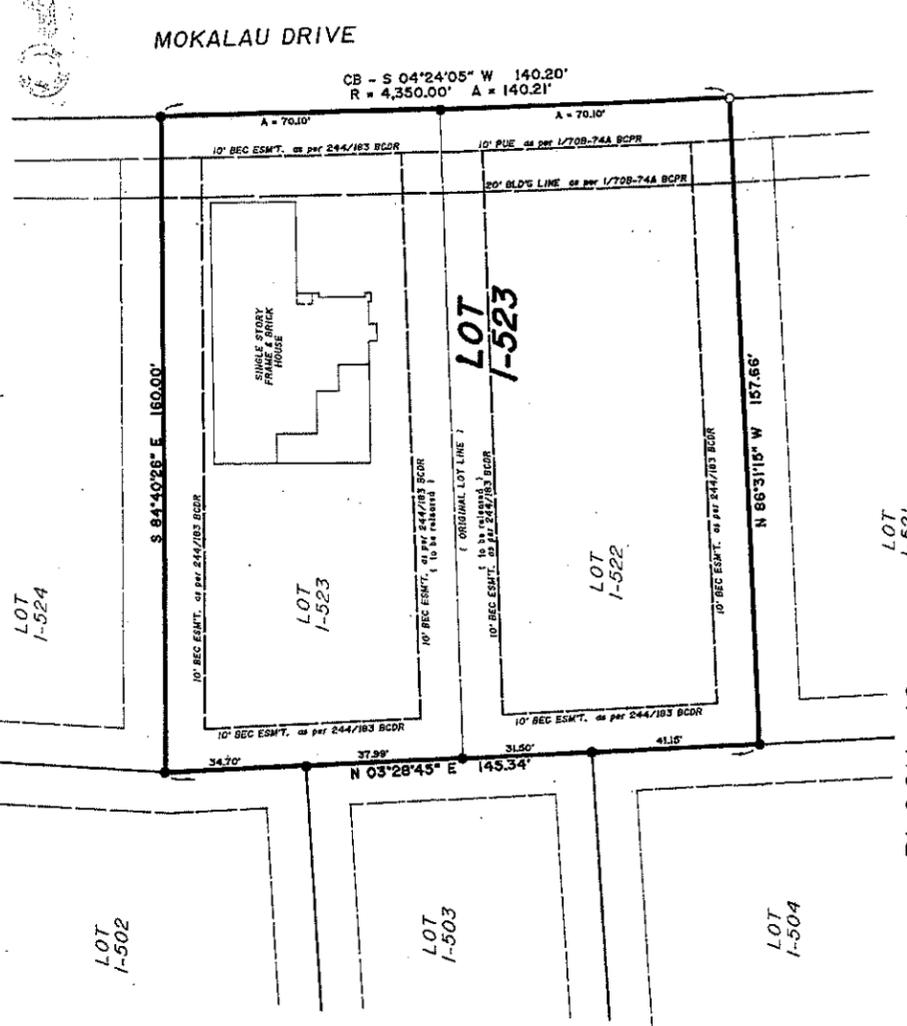
RESUBDIVISION OF LOTS 1-522 & 1-523, BLOCK 19, TAHITIAN VILLAGE UNIT 1

NO PORTION OF THIS INSTRUMENT SHALL BE USED TO RECLAIM OR RECONSTRUCT A SPECIAL FLOOD HAZARD AREA designated on any map by the Environmental Protection Agency, the Federal Emergency Management Agency, or the State of Texas, or any other governmental authority. THE EFFECTIVE DATE IS 08/19/01.

WARNING:
- THIS INSTRUMENT IS NOT TO BE USED TO RECLAIM OR RECONSTRUCT A SPECIAL FLOOD HAZARD AREA designated on any map by the Environmental Protection Agency, the Federal Emergency Management Agency, or the State of Texas, or any other governmental authority.
- THIS STATEMENT SHALL NOT BE PART OF THE INSTRUMENT.



SCALE: 1" = 20'
 1/4" = 5' (from Red Box)
 5/8" = 10' (from Red Box)



STATE OF TEXAS
 COUNTY OF BASTROP

KNOW ALL MEN BY THESE PRESENTS:

That, Norman D. Hansen, owner of Lots No. 1-522 and 1-523, Block 19, Tahitian Village, Unit 1, a subdivision in Bastrop County, Texas, as recorded in Plat 244/183 BCR, Book 1, Page 106, and Plat 244/183 BCR, Book 1, Page 107, recorded in Vol. 609 of the Public Records of Bastrop County, Texas, do hereby Re-Subdivide said Lots in accordance with the plat shown hereon, subject to any easements or restrictions heretofore granted to be known as RESUBDIVISION OF LOTS 1-522 & 1-523, BLOCK 19, TAHITIAN VILLAGE, UNIT 1 and do dedicate to the Public the use of the streets and easements shown hereon.

Witness my hand this the 31 day of May, 1994.

A.D. 1994

Norman D. Hansen
 Norman D. Hansen

STATE OF TEXAS
 COUNTY OF BASTROP

This Instrument was acknowledged before me on this the 31st day of May, 1994, Norman D. Hansen.

Suzette Fahl
 Suzette Fahl
 Notary Public State of Texas

Loretta Fahl
 Loretta Fahl
 Printed Name of Notary

6-15-96
 My Commission Expires

STATE OF TEXAS
 COUNTY OF BASTROP

KNOW ALL MEN BY THESE PRESENTS

That, Shirley Wilhelm, Clerk of Bastrop County does hereby certify that the foregoing instrument of writing and the certificate of recording thereon, dated and captioned as above on the 31st day of May, 1994, A.D., in the Plat Records of said County and State in Plat Book 244, Page(s) 106, 107, 108.

Witness my hand and seal of office of County Clerk of said County on this the 31st day of May, 1994.

Shirley Wilhelm
 Shirley Wilhelm
 County Clerk
 Bastrop County, Texas

Filed for Record at 4:40 o'clock P.M. this the 31st day of May, 1994, A.D.



STATE OF TEXAS
 COUNTY OF BASTROP

Approved this 31st day of May, 1994, by the City of Council of the City of Bastrop, Texas.

APPROVED: *[Signature]*
 David L. Olson, Mayor of the City of Bastrop, Texas

ATTEST:
[Signature]
 City Secretary, City of Bastrop, Texas

STATE OF TEXAS
 COUNTY OF BASTROP

That Dale L. Olson, do hereby certify that I prepared this plat, that I am a duly qualified and licensed Surveyor, and that the corner monuments shown hereon were properly placed under my personal supervision, in accordance with the Subdivision Regulations of the City of Bastrop, Texas.

Dale L. Olson
 Dale L. Olson, Registered Professional Land Surveyor, Reg. No. 1753



RECEIVED
 JAN 24 2017
 By *[Signature]*



STAFF REPORT

MEETING DATE: 4-11-17

AGENDA ITEM: 9A

TITLE:

Hold public hearing and consider action to approve the first reading of Ordinance No. 2017-12 of the City Council of the City of Bastrop, Texas, continuing the curfew, for minors, as established in Ordinance 2008-26, and providing an effective date and move to include on the April 25, 2017 agenda for a second reading.

STAFF REPRESENTATIVE:

Steve Adcock, Director of Public Safety

BACKGROUND/HISTORY:

Section 8.03.036 of the City of Bastrop Ordinance requires periodic review of the curfew ordinance every three years. The review must be in a public hearing on the need to continue, abolish or modify the ordinance. It should also include the curfew's effects on the community and on the problems this ordinance was intended to remedy. At the conclusion of the public hearing the Council will vote to continue, modify or abolish the curfew ordinance.

POLICY EXPLANATION:

As discussed above, this ordinance is to continue the curfew ordinance in affect for the City of Bastrop for the public safety, health and welfare of all citizens.

FUNDING SOURCE:

N/A

RECOMMENDATION:

Hold public hearing and consider action to approve the first reading of Ordinance No. 2017-12 of the City Council of the City of Bastrop, Texas, continuing the curfew, for minors, as established in Ordinance 2008-26, and providing an effective date and move to include on the April 25, 2017 agenda for a second reading.

ATTACHMENTS:

- Ordinance 2017-12
- Article 8.03 of the Code of Ordinance

ORDINANCE NO. R-2017-15

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, CONTINUING THE CURFEW, FOR MINORS, AS ESTABLISHED IN ORDINANCE 2008-26, 6-24-08, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 8.03.36 of the City's Code of Ordinances requires that the City Council periodically conduct public hearings concerning the efficacy of its regulations related to a curfew for minors in the City of Bastrop, and following the hearing to determine whether, in the judgement of the Council, it is in the best interest of the public safety, health and welfare to either continue, modify or abolish the curfew regulations set out in the City Code.

WHEREAS, at a regularly scheduled meeting of the City Council, held on April 11, 2017, the Council conducted a public hearing and, at the conclusion of the hearing, after considering all information provided and testimony given, the Council found that it is in the best interest of the health, safety and welfare of the citizens of the City, to continue the City's regulations related to a curfew for minors in the City of Bastrop, Texas.

WHEREAS, the City of Bastrop Council finds that adaption of this juvenile curfew ordinance is in the best interest of the City of Bastrop and that this ordinance will promote and provide for the health, safety and welfare of the City.

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

SECTION 1. The public hearing on the date noted above constituted the periodic review of this City regulation, pursuant to City Ordinance, Section 8.03.036 and this Ordinance reflect the Council's decision to continue application and enforcement of the curfew regulations in the City of Bastrop, Texas.

SECTION 2. 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 circumstances shall be held invalid, such invalidity shall not affect the other provisions, or application thereof, of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are hereby declared to be severable.

SECTION. 3. The City Manager and City Secretary are hereby authorized and directed to make the necessary changes to all records of the City of Bastrop to reflect this amendment.

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

READ and APPROVED on First Reading on the 11th day of April, 2017.

READ and ADOPTED on Second Reading on the 25th day of April, 2017.

CITY OF BASTROP, TEXAS

APPROVED:

Ken W. Kesselus, Mayor

ATTEST:

Ann Franklin, City Secretary

APPROVED AS TO FORM:

David Bragg, City Attorney

ARTICLE 8.03 - MINORS

DIVISION 1. - GENERALLY

Secs. 8.03.001—8.03.030 - Reserved.

DIVISION 2. - CURFEW⁽¹⁾

Sec. 8.03.031 - Definitions.

In this division:

Curfew hours.

- (1) 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday, until one-half hour before sunrise of the following day; and
- (2) 12:01 a.m. until one-half hour before sunrise on any Friday or Saturday; and
- (3) During school hours on any Monday, Tuesday, Wednesday, Thursday, or Friday when Bastrop Independent School District public schools are in session.

Custodian. A person over the age of 21 who is authorized or designated by a parent, guardian, or court of competent jurisdiction to supervise and control a minor.

Emergency. An unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

Establishment. Any privately owned place of business operated for a profit to which the public is invited, including but not limited to any place of amusement or entertainment.

Guardian.

- (1) A person who, under court order, is the guardian of the person of a minor; or
- (2) A public or private agency with whom a minor has been placed by a court.

Minor. Any person:

- (1) Ten years of age or older and under 17 years of age; or
- (2) 17 years of age or older and under 18 years of age.

Operator. Any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.

Parent. A person who is a natural parent, adoptive parent, or stepparent of the minor (excluding any person whose parental rights have been terminated in accordance with the Texas Family Code).

Public place. Any place in which the public or a substantial group of the public has access, but excluding areas where access is controlled by property owners and/or management by use of signs, policy or personnel. Public places may include but are not limited to, streets, highways, common areas beyond the exterior walls of school buildings, hospitals, apartment houses, office buildings, transport facilities, shops, and shopping centers.

Remain. To:

- (1) Linger or stay; or

- (2) Fail to leave premises when requested to do so by a peace officer or the owner, operator, or other person in control of the premises.

Serious bodily injury. Bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

(1995 Code, § 7.201; Ord. No. 2008-26, 6-24-08)

Sec. 8.03.032 - Offenses.

- (a) A minor commits an offense if he knowingly remains, walks, runs, stands, drives, rides, or otherwise is present in, on or upon any public place, or any private place other than his place of residence, or on the premises of any establishment within the city during curfew hours.
- (b) A parent, guardian, or custodian of a minor commits an offense if he knowingly permits, or by insufficient control allows, the minor to remain, walk, run, stand, drive, ride, or otherwise be present in, on, or upon any public place or on the premises of any establishment within the city during curfew hours.
- (c) The owner, operator, or any other person in control of a public place or establishment commits an offense if he or she knowingly allows or permits a minor to remain upon the premises of the public place or establishment during curfew hours.

(1995 Code, § 7.202)

Sec. 8.03.033 - Defenses.

- (a) It is a defense to prosecution under section 8.03.032 that the minor was:
 - (1) Accompanied by the minor's parent, guardian, or spouse, or custodian;
 - (2) On an errand at the direction of the minor's parent or guardian, without any detour or stop;
 - (3) In a motor vehicle involved in interstate travel with the consent of the minor's parent, guardian, or custodian;
 - (4) Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
 - (5) Involved in an emergency;
 - (6) On private property at which the minor resides or is present with consent of the parent, guardian, custodian, or spouse;
 - (7) Attending an official school, religious, or other recreational activity supervised by a person over the age of 21 and sponsored by the city, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by a person over the age of 21 and sponsored by the city, a civic organization, or another similar entity that takes responsibility for the minor;
 - (8) Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or
 - (9) A minor who has had disabilities of minority removed in accordance with V.T.C.A. Family Code, ch. 31.
- (b) It is a defense to prosecution under section 8.03.032(c) that the owner, operator, or employee of an establishment promptly notified the police department that a minor was present on the premises of the establishment during curfew hours and refused to leave.

- (c) With respect to the school hours curfew only (see section 8.03.031, definition of "curfew hours," subsection (3)), it is a defense that the school which the minor attends was not in session, that the minor is a high school graduate or has equivalent certification, that the minor is on an excused absence from his or her place of schooling, or that the minor is participating in a work-study program which requires the minor to be off campus during school hours.

(1995 Code, § 7.203)

Sec. 8.03.034 - Enforcement procedures.

All enforcement procedures adopted by the police department shall be in compliance with the provisions of the Texas Family Code.

(1995 Code, § 7.204)

Sec. 8.03.035 - Penalties.

- (a) Any minor violating this division shall be guilty of a class C misdemeanor.
- (b) Any other person violating this division shall be guilty of a class C misdemeanor, which shall be punishable by a fine of not less than \$50 nor more than \$500.
- (c) When required by V.T.C.A. Family Code, § 51.08, as amended, the municipal court shall waive original jurisdiction over a minor who violates section 8.03.032 of this division and shall refer the minor to juvenile court.

(1995 Code, § 7.205)

Sec. 8.03.036 - Periodic review of regulations.

Before the third anniversary of the date of the adoption of this division (October 24, 1995), and on every third year thereafter, the City Council shall:

- (1) Review this division's effects on the community and on the problems this division was intended to remedy;
- (2) Conduct public hearings on the need to continue this division; and
- (3) Abolish, continue, or modify this division.

(1995 Code, § 7.206)

Secs. 8.03.037—8.03.060 - Reserved.



STAFF REPORT

MEETING DATE: April 11, 2017

AGENDA ITEM: 9B

TITLE:

Consider action to approve Resolution No. R-2017-16 of the City Council of the City of Bastrop, TX authorizing the City Manager to execute agreements allowing certain improvements within the public right-of-way.

STAFF REPRESENTATIVE:

Wesley Brandon, Director of Planning & Engineering

BACKGROUND/HISTORY:

The City, in the exercise of its governmental functions, has priority over all uses of the public right-of-way. It also has the authority to allow improvements within the right-of-way. Typically, this authority takes the form of license agreements that define the rights, obligations, and responsibilities of each party. These agreements are routinely needed when improvements such as buildings, parking areas, and utilities are proposed by abutting property owners.

Some examples of these improvements are:

- An existing building that encroaches in the right-of-way and needs improvement;
- Proposed parking areas that would be paved inside a public utility easement; and
- Existing or proposed signage located within an easement or right-of-way.

This resolution would provide an expeditious process for the City to consider each request on a case-by-case basis, and allow the City Manager to execute a license agreement. This license agreement would require the property owner to acknowledge and agree that the City continues to control the right-of-way, and any improvements must be removed if it is determined that the property is needed for another public purpose.

POLICY EXPLANATION:

This resolution, if approved, would authorize the City Manager to execute the necessary documents required to allow certain improvements within the right-of-way. It would also authorize the City Manager to determine the need and/or appropriateness of these agreements on a case-by-case basis.

FUNDING SOURCE:

N/A

RECOMMENDATION:

Consider action to approve Resolution No. R-2017-16 of the City Council of the City of Bastrop, TX authorizing the City Manager to execute agreements allowing certain improvements within the public right-of-way.

ATTACHMENTS:

- Resolution No. R-2017-16



RESOLUTION NO. R-2017-16

A RESOLUTION OF THE CITY COUNCIL OF CITY OF BASTROP, TEXAS, AUTHORIZING THE CITY MANAGER TO ACT IN ALL MATTERS CONCERNING AGREEMENTS ALLOWING CERTAIN IMPROVEMENTS WITHIN THE PUBLIC RIGHT-OF-WAY; AND PROVIDING AN EFFECTIVE DATE.

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

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

WHEREAS, The City, in the exercise of its governmental functions, has priority over all uses of the public rights-of-way; and

WHEREAS, The City desires to execute agreements allowing certain improvements by abutting landowners to occupy space within the public right-of-way.

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

Section 1: That the City of Bastrop, Texas hereby finds and determines that it is in the best interest of the City to execute agreements allowing certain improvements by abutting landowners to occupy space within the public right-of-way.

Section 2: That the City Manager is hereby authorized to determine the appropriateness of such agreements.

Section 3: That the City Manager is hereby authorized to execute the necessary documents to conform to this resolution as appropriate.

Section 4: That this Resolution shall take effect immediately upon its passage.

READ and ADOPTED on the 11th day of April 2017.

CITY OF BASTROP, TEXAS

Ken Kesselus, Mayor

ATTEST:

Ann Franklin, City Secretary

APPROVED AS TO FORM:

David Bragg, City Attorney



STAFF REPORT

MEETING DATE: April 11, 2017

AGENDA ITEM: 9C

TITLE:

Consider action to approve the first reading of Ordinance 2017-11 by the City of Bastrop, Texas, ("City") responding to the application of Centerpoint Energy Resources Corp., South Texas Division, to increase rates under the Gas Reliability Infrastructure Program; suspending the effective date of this rate application for forty-five days; authorizing the City to continue to participate in a coalition of cities known as the "Alliance of Centerpoint Municipalities;" determining that the meeting at which the ordinance was adopted complied with the Texas Open Meetings Act; making such other findings and provisions related to the subject; and providing for an effective date; and move to include on the April 25, 2017 agenda for a second reading.

STAFF REPRESENTATIVE:

Lynda Humble, City Manager

BACKGROUND/HISTORY:

The City is a member of the Alliance of CenterPoint Municipalities (ACM). The ACM group was organized by a number of municipalities served by CenterPoint Energy Resources Corp., South Texas Division ("CenterPoint") and has been represented by the law firm of Herrera & Boyle, PLLC (through Mr. Alfred R. Herrera) to assist in reviewing applications to change rates submitted by CenterPoint.

POLICY EXPLANATION:

"GRIP" RATE APPLICATION

Under Section 104.301 of the Gas Utility Regulatory Act (GURA), a gas utility is allowed to request increases in its rates to recover a return on investments it makes between rate cases. This section of GURA is commonly referred to as the "GRIP" statute, that is, the "Gas Reliability Infrastructure Program."

Under a decision by the Supreme Court of Texas, the Court concluded that a filing made under the GRIP statute permitted gas utilities the opportunity to recover return on capital expenditures made during the interim period between rate cases by applying for interim rate adjustment and that proceedings under the GRIP statute did not contemplate either adjudicative hearings or substantive review of utilities' filings for interim rate adjustments. Instead, the Court concluded, the GRIP statute provides for a *ministerial* review of the utility's filings to ensure compliance with the GRIP statute and the Railroad Commission's rules, and that it is within the Railroad Commission's authority to preclude cities from intervening and obtaining a hearing before the Railroad Commission.

CENTERPOINT'S "GRIP" APPLICATION

On or about March 30, 2017 CenterPoint Energy Resources Corp., South Texas Division ("CenterPoint") filed for an increase in gas utility rates under the Gas Reliability Infrastructure Program ("GRIP"). CenterPoint's application if approved by the Commission will result in an increase in the monthly customer charges as shown below:

Rate Schedules	Current Customer Charge	2017 "GRIP" Adjustment	Adjusted Charge	Percentage Increase in Cust. Charge
R-2085-GRIP 2017 - Residential	\$21.20 per customer per month	\$2.04 per customer per month	\$23.24 per customer per month	10%
GSS-2085-GRIP 2017 - General Service Small	\$34.74 per customer per month	\$4.13 per customer per month	\$38.87 per customer per month	12%
GSLV-616-GRIP 2017 - General Service Large Volume	\$188.15 per customer per month	\$25.06 per customer per month	\$213.21 per customer per month	13%

In light of the Texas Supreme Court's opinion, the City's ability to review and effectuate a change in CenterPoint's requested increase is limited. Nonetheless, to allow for a limited review of CenterPoint's GRIP application, it is recommended that the City suspend CenterPoint's proposed effective date of May 29, 2017 for forty-five days, so that the City may evaluate whether the data and calculations in CenterPoint's rate application are correctly done.

Therefore, ACM's Special Counsel, the law firm of Herrera & Boyle, PLLC (through Alfred R. Herrera) recommends that the City adopt an ordinance suspending CenterPoint's proposed effective date for 45 days. Assuming a proposed effective date of May 29, 2017 CenterPoint's proposed effective date is suspended until July 13, 2017.

FUNDING SOURCE:

N/A

RECOMMENDATION:

Consider action to approve the first reading of Ordinance 2017-11 by the City of Bastrop, Texas, ("City") responding to the application of Centerpoint Energy Resources Corp., South Texas Division, to increase rates under the Gas Reliability Infrastructure Program; suspending the effective date of this rate application for forty-five days; authorizing the City to continue to participate in a coalition of cities known as the "Alliance of Centerpoint Municipalities;" determining that the meeting at which the ordinance was adopted complied with the Texas Open Meetings Act; making such other findings and provisions related to the subject; and providing for an effective date; and move to include on the April 25, 2017 agenda for a second reading.

ATTACHMENT:

- Ordinance

ORDINANCE 2017-11

AN ORDINANCE BY THE CITY OF BASTROP, TEXAS, ("CITY") RESPONDING TO THE APPLICATION OF CENTERPOINT ENERGY RESOURCES CORP., SOUTH TEXAS DIVISION, TO INCREASE RATES UNDER THE GAS RELIABILITY INFRASTRUCTURE PROGRAM; SUSPENDING THE EFFECTIVE DATE OF THIS RATE APPLICATION FOR FORTY-FIVE DAYS; AUTHORIZING THE CITY TO CONTINUE TO PARTICIPATE IN A COALITION OF CITIES KNOWN AS THE "ALLIANCE OF CENTERPOINT MUNICIPALITIES;" DETERMINING THAT THE MEETING AT WHICH THE ORDINANCE WAS ADOPTED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; MAKING SUCH OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on or about March 30, 2017 CenterPoint Energy Resources Corp., South Texas Division ("CenterPoint") filed for an increase in gas utility rates under the Gas Reliability Infrastructure Program ("GRIP"), which if approved, results in an increase in the monthly customer charges as follows;

Rate Schedules	Current Customer Charge	2014 "GRIP" Adjustment	Adjusted Charge	Percentage Increase in Cust. Charge
R-2085-GRIP 2017 - Residential	\$21.20 per customer per month	\$2.04 per customer per month	\$23.24 per customer per month	10%
GSS-2085-GRIP 2017 - General Service Small	\$34.74 per customer per month	\$4.13 per customer per month	\$38.87 per customer per month	12%
GSLV-616-GRIP 2017 - General Service Large Volume	\$188.15 per customer per month	\$25.06 per customer per month	\$213.21 per customer per month	13%

and

WHEREAS, the City has a special responsibility to exercise due diligence with regard to rate increases of monopoly utilities who operate within its boundaries; and

WHEREAS, the application to increase rates by CenterPoint is complex; and

WHEREAS, it is necessary to suspend the effective date for the increase in rates for forty-five days, so that the City can assure itself that the data and calculations in CenterPoint's rate application are correctly done and are in conformity with section 104.301 of the Gas Utility Regulatory Act; and

WHEREAS, the effective date proposed by CenterPoint is May 29, 2017 but a suspension by the City will mean that the rate increase cannot go into effect prior to July 13, 2017.

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

Section 1. That the statements and findings set out in the preamble to this ordinance are hereby in all things approved and adopted.

Section 2. The City suspends the requested effective date by CenterPoint for forty-five days pursuant to the authority granted the City under Section 104.301 of the Texas Utilities Code. The City finds that additional time is needed in order to review the data and calculations that provide the basis for the rate increase application.

Section 3. The City shall continue to act jointly with other cities that are part of a coalition of cities known as the Alliance of CenterPoint Municipalities ("ACM").

Section 4. The City authorizes the law firm of Herrera & Boyle, PLLC, to act on its behalf in connection with CenterPoint's application to increase rates.

Section 5. To the extent CenterPoint's application to increase rates under section 104.301 of the Gas Utility Regulatory Act (GURA) is considered a ratemaking proceeding, CenterPoint is ordered to reimburse the City's reasonable rate case expenses incurred in response to CenterPoint's rate increase application within 30 days of receipt of invoices for such expenses to the extent allowed by law.

Section 6. A copy of this ordinance shall be sent to Mr. Thomas D. Stevens, Director of Regulatory Affairs, CenterPoint Energy, P.O. Box 2628, Houston, Texas 77252=2628; and to Mr. Alfred R. Herrera, Herrera & Boyle, PLLC, 816 Congress Ave., Suite 1250, Austin, Texas 78701.

Section 7. The meeting at which this ordinance was approved was in all things conducted in compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section 8. This ordinance shall take effect immediately after its final passage and publication in accordance with existing statutory requirements.

PASSED AND APPROVED this 11th day of April, 2017.

Ken Kesselus, Mayor

ATTEST:

Ann Franklin, City Secretary

APPROVED AS TO FORM:

David Bragg, City Attorney



STAFF REPORT

MEETING DATE: April 11, 2017

AGENDA ITEM: 10A

TITLE:

City Council shall convene into closed executive session pursuant to Section 551.071 of the Texas Government Code to discuss and deliberate litigation matters with the City Attorney regarding City of Bastrop vs. Vandiver and Hoover claims.

STAFF REPRESENTATIVE:

Lynda Humble, City Manager





STAFF REPORT

MEETING DATE: April 11, 2017

AGENDA ITEM: 10B

TITLE:

City Council shall convene into closed executive session pursuant to Section 551.071 of the Texas Government Code to discuss and deliberate litigation matters with the City Attorney regarding Pine Forest 6, et al vs. City of Bastrop, et al.

STAFF REPRESENTATIVE:

Lynda Humble, City Manager





STAFF REPORT

MEETING DATE: April 11, 2017

AGENDA ITEM: 10C

TITLE:

City Council shall convene into closed executive session pursuant to Section 551.071 of the Texas Government Code to discuss and deliberate litigation matters with the City Attorney regarding the appeal of property owners involved in water permit litigation (known as McCall Ranch).

STAFF REPRESENTATIVE:

Lynda Humble, City Manager





STAFF REPORT

MEETING DATE: April 11, 2017

AGENDA ITEM: 10D

TITLE:

City Council shall convene into closed executive session pursuant to Section 551.071 of the Texas Government Code to discuss and deliberate litigation matters with the City Attorney regarding Paul Burt v. City of Bastrop regarding alleged Open Meeting Act violation.

STAFF REPRESENTATIVE:

Lynda Humble, City Manager





STAFF REPORT

MEETING DATE: March 28, 2017

AGENDA ITEM: 11

TITLE:

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

STAFF REPRESENTATIVE:

Lynda Humble, City Manager

