

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



May 9, 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. Presentations acknowledging the service and contributions of outgoing Councilmember Kay McAnally.

4B. Presentations acknowledging the service and contributions of outgoing Councilmember Willie DeLaRosa.

4C. Presentations acknowledging the service and contributions of outgoing Mayor Ken Kesselus.

RECEPTION FOR OUTGOING MEMBERS – RECESS MEETING FOR 20 MINUTES.

4D. Presentation by the 9th Grade Students from the Colorado River Collegiate Academy regarding the need for a Youth Advisory Council.

- 4E. Presentation of Proclamation recognizing "Lupus Awareness Declaring Put on Purple Day."
- 4F. Presentation of Proclamation declaring May "National Public Works Week."
- 4G. Presentation of Proclamation declaring May 14 – 20, 2017 National Police Week in Bastrop, TX.
- 4H. Presentation of Video Response by City Manager Lynda Humble & City Attorney David Bragg providing additional information on the recent lawsuit settlements.
- 4I. Councilmembers' Report
- 4J. Mayor's Report
- 4K. City Manager's Report

5. WORK SESSION/BRIEFINGS

- 5A. Receive presentations from organizations applying for Tier III Hotel Occupancy Tax Funding.

6. STAFF AND BOARD REPORTS

- 6A. Presentation from the Bastrop Main Street Program: Downtown, Texas, Preservation Month & Image the Possibilities Tour.

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

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

- 8A. Consider action to approve minutes from the April 25, 2017 meeting.
- 8B. Consider action to approve the second reading of Ordinance 2017-13 of the City of Bastrop, Texas updating and amending Bastrop Code of Ordinances, Chapter 10, Article 10.02, entitled "Impact Fees", updating the land use assumptions, Capital Improvement Plan, and amending impact fees for water and wastewater utilities, and providing for an effective date.
- 8C. Consider action to approve Resolution No. R-2017-22 of the City of Bastrop, TX establishing a protocol for the Consent Agenda and establishing an effective date.

9. ITEMS FOR INDIVIDUAL CONSIDERATION

- 9A. Consider action to approve Resolution No. R-2017-23 of the City Council of the City of Bastrop, TX authorizing the purchase of 3.0610 acres of land described as Farm Lot 5 E M Street, Bastrop, Texas, in the amount of \$119,000 for purposes of establishing a park; authorizing the Mayor to execute all closing documents; and establishing an effective date.
- 9B. Consider action to approve Resolution No. R-2017-24 of the City Council of the City of Bastrop, TX designating the 3.0610 acre property described as Farm Lot 5 E M Street, Bastrop, Texas, purchased for purposes of establishing a park, to be named in honor of Minerva Delgado; and providing an effective date.
- 9C. Consider action to approve Resolution R-2017-25 of the City Council of the City of Bastrop, TX to fund Organizations requesting Tier III funding from available reserves from Hotel Occupancy Tax Fund and establishing an effective date.
- 9D. Hold public hearing and consider action to approve the first reading of Ordinance 2017-14 of the City Council of the City of Bastrop, Texas granting an amendment to the Pecan Park Residential Planned Development (Ordinance #2015-15) for approximately 204.576 acres within the Mozea Rousseau survey, abstract number 56 located at the terminus of Childers Drive within the city limits of Bastrop, Texas as part of the overall Pecan Park Conceptual Plan; setting out conditions; establishing an effective date and move to include on the May 23, 2017 agenda for a second reading.
- 9E. Hold public hearing and consider action to approve the first reading of Ordinance 2017-16 of the City Council of the City of Bastrop, Texas granting a Conditional Use Permit to allow a one-story church administration building, for 0.44 acres of Farm Lot 1, East of Main Street, located at 1208 Water Street, within the city limits of Bastrop, Texas; setting out conditions; establishing an effective date and move to include on the May 23, 2017 agenda for a second reading.
- 9F. (No Item)
- 9G. Consider action to approve Resolution R-2017-26 of the City Council of the City of Bastrop, TX amending the Financial Management Policy for the City of Bastrop, Texas to include policy on Hotel Occupancy Tax Fund reserve balance; and establishing an effective date.

9H. Consider action to approve Resolution No. R-2017-21 of the City Council of the City of Bastrop, TX authorizing reimbursement of legal fees to Council Member Gary Schiff incurred in his defense against Ethics Complaint No. 2016-2; providing a precedence for future reimbursements of legal fees related to Ethics Complaints of Council Members or Staff where there are no violation(s) found; repealing Resolution R-2017-13; and establishing an effective date.

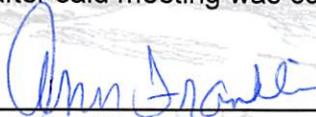
9I. Consider action to approve Resolution No. R-2017-19 of the City Council of the City of Bastrop, TX authorizing reimbursement of legal fees to Council Member Deborah Jones incurred in her defense against Ethics Complaint No. 2016-3; providing a precedence for future reimbursements of legal fees related to Ethics Complaints of Council Members or Staff where there are no violation(s) found; repealing Resolution R-2017-14; and establishing an effective date.

10. EXECUTIVE SESSION - NONE

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, May 5, 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: May 9, 2017

AGENDA ITEM: 4A

TITLE:

Presentations acknowledging the service and contributions of outgoing Councilmember Kay McAnally.

STAFF REPRESENTATIVE:

Lynda Humble, City Manager





STAFF REPORT

MEETING DATE: May 9, 2017

AGENDA ITEM: 4B

TITLE:

Presentations acknowledging the service and contributions of outgoing Councilmember Willie DeLaRosa.

STAFF REPRESENTATIVE:

Lynda Humble, City Manager





STAFF REPORT

MEETING DATE: May 9, 2017

AGENDA ITEM: 4C

TITLE:

Presentations acknowledging the service and contributions of outgoing Mayor Ken Kesselus

STAFF REPRESENTATIVE:

Lynda Humble, City Manager





STAFF REPORT

MEETING DATE: May 9, 2017

AGENDA ITEM: 4D

TITLE:

Presentation by the 9th Grade Students from the Colorado River Collegiate Academy regarding the need for a Youth Advisory Council.

STAFF REPRESENTATIVE:

Lynda Humble, City Manager

BACKGROUND/HISTORY:

Mrs. Megan Brandon, a 9th Grade Social Studies Research Methods Teacher at Colorado River Collegiate Academy, has four (4) classes working with a program called Generation Citizens. St. Edwards and University of Texas college students serve as democracy coaches. Generation Citizens is an action-civics curriculum where students select a community issue, research it, and come up with a potential solution. These students are some of the first in the state and central U.S. to take part in this program. To date, this program has only been available in Boston, New York, San Francisco, and Connecticut.

Mrs. Brandon's third period class has identified few opportunities for youth activities and leadership in Bastrop. Their identified solution is a Youth Advisory Council, which they would like to present to Council for consideration.

City Manager Humble and staff have met with Mrs. Brandon's students to understand their concerns. Staff is prepared to work with these students to establish a Youth Advisory Council and help them achieve their goal, should Council chose to support their request.



STAFF REPORT

MEETING DATE: May 9, 2017

AGENDA ITEM: 4E

TITLE:

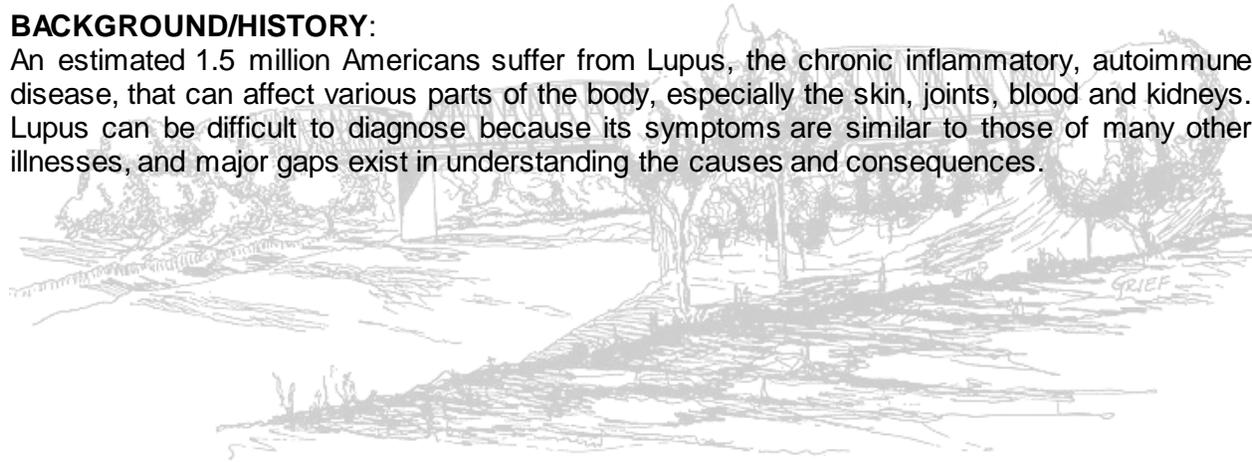
Presentation of Proclamation of the City Council of the City of Bastrop, Texas, recognizing May 19, 2017 as "Put on Purple Day" in recognition of Lupus awareness for the City of Bastrop.

STAFF REPRESENTATIVE:

Lynda Humble, City Manager
Ann Franklin, City Secretary

BACKGROUND/HISTORY:

An estimated 1.5 million Americans suffer from Lupus, the chronic inflammatory, autoimmune disease, that can affect various parts of the body, especially the skin, joints, blood and kidneys. Lupus can be difficult to diagnose because its symptoms are similar to those of many other illnesses, and major gaps exist in understanding the causes and consequences.



P

ROCLAMATION



BASTROPTX
Heart of the Lost Pines / Est. 1832

WHEREAS, an estimated 1.5 million Americans suffer from Lupus, the chronic inflammatory, autoimmune disease that can affect various parts of the body, especially the skin, joints, blood and kidneys; and

WHEREAS, Lupus can be difficult to diagnose because its symptoms are similar to those of many other illnesses, and major gaps exist in understanding the causes and consequences; and

WHEREAS, the Lupus Foundation of America, Lone Star Chapter, is part of a national force devoted to solving the cruel mystery of lupus while providing caring support to those who suffer from its brutal impact; and

WHEREAS, the Chapter rallied the City of Bastrop community to wear the color purple and to further unify the support for those living with the disease; and

WHEREAS, awareness is vital in raising funds for research for those affected by lupus; and it is our responsibility as a community to advocate on their behalf and to further encourage educational programs so everyone affected by lupus can have an improved quality of life;

NOW, THEREFORE, I, Ken Kesselus, Mayor of the City of Bastrop, Texas, do hereby proclaim May 19, 2017 as:

PUT ON PURPLE DAY

Throughout the City of Bastrop and urge all citizens to support the cause of raising awareness of lupus, so that we can have a world with NO lupus.

IN WITNESS WHEREOF, I have set my hand and caused the seal of the City of Bastrop to be affixed this 9th day of May 2017.

Kenneth W. Kesselus, Mayor



STAFF REPORT

MEETING DATE: May 9, 2017

AGENDA ITEM: 4F

TITLE:

Presentation of Proclamation for declaring May 21 – 27, 2017 as National Public Works Week in Bastrop, TX.

STAFF REPRESENTATIVE:

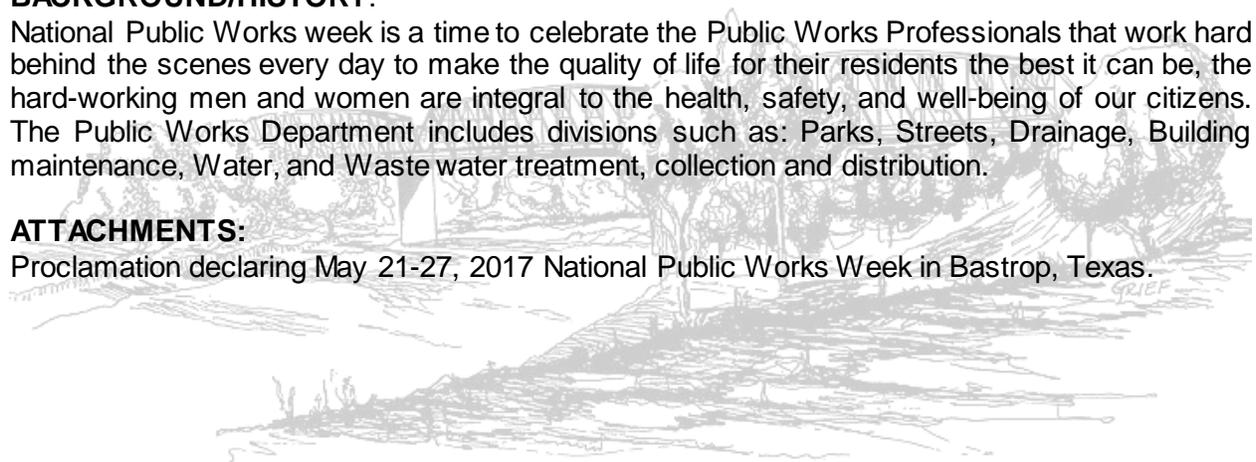
Trey Job, Director of Public Works

BACKGROUND/HISTORY:

National Public Works week is a time to celebrate the Public Works Professionals that work hard behind the scenes every day to make the quality of life for their residents the best it can be, the hard-working men and women are integral to the health, safety, and well-being of our citizens. The Public Works Department includes divisions such as: Parks, Streets, Drainage, Building maintenance, Water, and Waste water treatment, collection and distribution.

ATTACHMENTS:

Proclamation declaring May 21-27, 2017 National Public Works Week in Bastrop, Texas.



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ROCLAMATION



BASTROPTX
Heart of the Lost Pines / Est. 1832

WHEREAS, Public Works infrastructure, facilities, and services provided in our communities are an integral part of our citizens' health, safety, and well-being; and,

WHEREAS, such facilities and services could not be provided without the dedicated efforts of public works professionals, engineers, managers, and employees at all levels of government and the private sector, who are responsible for the planning, building, operation, and maintenance of transportation, water supply, water treatment, solid waste systems, public buildings, and other structures and facilities essential to serve our citizens; and,

WHEREAS, it is in the public interest for the citizens, civic leaders, and children in our country to understand and appreciate public works programs in their communities; and,

WHEREAS, the quality and effectiveness of these facilities, as well as their planning, design, and construction, are dependent upon the efforts and skill of public works officials; and,

WHEREAS, the year 2017 marks the 57th annual National Public Works Week sponsored by the American Public Works Association; now,

NOW THEREFORE, I, Mayor Kenneth Kesselus, Mayor of the City of Bastrop, do hereby proclaim the week of May 21-27, 2017 as:

National Public Works Week in the City of Bastrop, TX

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Official Seal of the City of Bastrop, Texas to be affixed this 9th day of May, 2017.

Kenneth W. Kesselus, Mayor



STAFF REPORT

MEETING DATE: May 9, 2017

AGENDA ITEM: 4G

TITLE:

Presentation of Proclamation declaring May 14- 20, 2017 as National Police Week for the City of Bastrop.

STAFF REPRESENTATIVE:

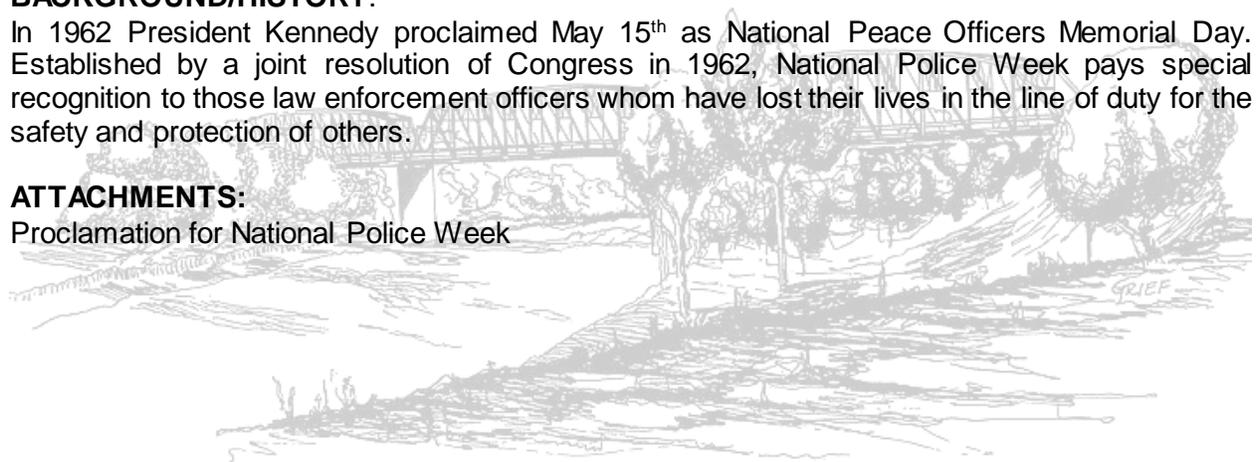
Steve Adcock, Public Safety Director

BACKGROUND/HISTORY:

In 1962 President Kennedy proclaimed May 15th as National Peace Officers Memorial Day. Established by a joint resolution of Congress in 1962, National Police Week pays special recognition to those law enforcement officers whom have lost their lives in the line of duty for the safety and protection of others.

ATTACHMENTS:

Proclamation for National Police Week



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ROCLAMATION



WHEREAS, citizens of Bastrop gather to recognize and honor our law enforcement officers for their faithful service and sacrifice while protecting our community and safeguarding our democracy; and

WHEREAS, there are more than 900,000 sworn law enforcement officers serving in communities across the United States, including the dedicated members of the Bastrop Police Department; and

WHEREAS, nearly 60,000 assaults against law enforcement officers are reported each year, resulting in approximately 16,000 injuries; and

WHEREAS, since the first recorded death in 1791, more than 20,000 law enforcement officers in the United States have made the ultimate sacrifice and been killed in the line of duty, including one member of the Bastrop Police Department; and

WHEREAS, the names of these dedicated public servants are engraved on the walls of the National Law Enforcement Officers Memorial in Washington, D.C.; and

WHEREAS, 38 fallen heroes have been added to the National Law Enforcement Officers Memorial this spring, 1 of which was killed in the State of Texas, and including 144 officers killed in the line of duty in 2016; and

WHEREAS, the service and sacrifice of all officers killed in the line of duty will be honored during the National Law Enforcement Officers Memorial Fund's 29th Annual Candlelight Vigil, on the evening of May 15, 2017; and

WHEREAS, May 15 is designated as Peace Officers Memorial Day, in honor of all fallen officers and their families and U.S. flags should be flown at half-staff;

NOW, THEREFORE, BE IT PROCLAIMED, that I, Mayor Ken Kesselus, do hereby proclaim May 14th, 2017 through May 20st, 2017, as:

POLICE WEEK IN BASTROP, TEXAS

and publicly salute the service of law enforcement officers in our community and in communities across the nation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Official Seal of the City of Bastrop, TX to be affixed this 9th day of May 2017.

Ken Kesselus, Mayor



STAFF REPORT

MEETING DATE: May 9, 2017

AGENDA ITEM: 4H

TITLE:

Presentation of Video Response by City Manager Lynda Humble & City Attorney David Bragg providing additional information on the recent lawsuit settlements.

STAFF REPRESENTATIVE:

Lynda Humble, City Manager
David Bragg, City Attorney





STAFF REPORT

MEETING DATE: May 9, 2017

AGENDA ITEM: 4I

TITLE:

Councilmembers' Report

STAFF REPRESENTATIVE:

Lynda Humble, City Manager





STAFF REPORT

MEETING DATE: May 9, 2017

AGENDA ITEM: 4J

TITLE:
Mayor's Report

STAFF REPRESENTATIVE:
Lynda Humble, City Manager





STAFF REPORT

MEETING DATE: May 9, 2017

AGENDA ITEM: 4K

TITLE:

City Manager's Report

STAFF REPRESENTATIVE:

Lynda Humble, City Manager





STAFF REPORT

MEETING DATE: May 9, 2017

AGENDA ITEM: 5A

TITLE:

Presentation from Organizations applying for FY2017 Tier III Hotel Occupancy Tax Funding.

STAFF REPRESENTATIVE:

Tracy Waldron, Chief Financial Officer

BACKGROUND/HISTORY:

The organizations applying for FY2017 Tier III Hotel Occupancy Tax Funding are:

- Bastrop Chamber of Commerce
- Bastrop Homecoming, Inc.
- Bastrop Juneteenth
- Bastrop Opera House
- Lost Pines Art League
- Neighbors Kitchen and Yard

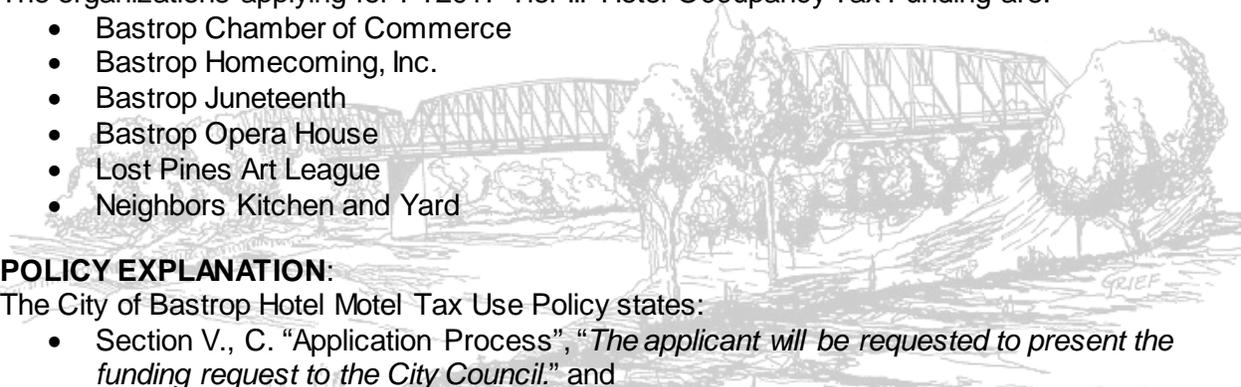
POLICY EXPLANATION:

The City of Bastrop Hotel Motel Tax Use Policy states:

- Section V., C. "Application Process", "*The applicant will be requested to present the funding request to the City Council.*" and
- Section V., F. "Evaluation of Applications", (2) "*If the application is found to be complete, the request will be brought forward to the City Council for consideration. The organization will be requested to be present during Council consideration to provide more information and/or clarification.*"

ATTACHMENTS:

- Applications



CITY OF BASTROP
2017 HOTEL OCCUPANCY TAX FUNDING APPLICATION

ORGANIZATION INFORMATION:

<u>Bastrop Chamber of Commerce</u>	<u>04/17/2017</u>
Official Name of Organization	Date
<u>Bastrop Chamber of Commerce</u>	<u>bwomble@bastropchamber.com</u>
Contact Person	E-mail
<u>Becki Womble, IOM</u>	<u>(512) 303-0558</u>
Organization Address	Phone Number
<u>www.bastropchamber.com</u>	
Website Address	

Is your Organization:

501(c)3

Other (provide description) 501(c)6

RECEIVED

APR 17 2017

CITY OF BASTROP
FINANCE DEPARTMENT

\$ 17,935
Total Amount Requested

Provide a brief description of your organization's mission:

“The mission of the Bastrop Chamber of Commerce is to improve the economy of Bastrop and thereby, the quality of life for all its citizens through economic, community, and leadership development.”

Required Attachments:

Only required if first application for 2017 (if you received 2017 funding already just complete #2 below)

- 1) Last fiscal year's financial statement (profit & loss statement) for your organization as a whole
- 2) Proposed Budget FY2016 (10/01/2016 - 09/30/2017) as directly related to funding, event specific, if applicable
- 3) Copy of 501 (c) letter from Internal Revenue Service
- 5) Identify other sources of funding
- 6) List of all Board Members
- 7) NO STAPLES, ALL ATTACHMENTS SHOULD BE PROVIDED IN 8.5" X 11" SIZE, NO OTHER ATTACHMENTS ACCEPTED

CITY OF BASTROP
2017 HOTEL OCCUPANCY TAX FUNDING APPLICATION

EVENT OR PROJECT INFORMATION

(COMPLETE A SEPARATE FORM FOR EACH EVENT)

Project Number

1 of 1

Bastrop Chamber of Commerce

2017

Name of Organization

26th Annual Patriotic Festival

Fiscal Year of Request

7/1/2017

Name of Event or Project

\$ 17,935

City of Bastrop - Fisherman's Park

Amount Requested

5000

Primary Location of Event or Project

26

Expected Attendance

0%

How many years have you held this Event or Program

20.00

Percentage of attendees that will be staying overnight in hotels

Estimated number of hotel room nights that will be generated by the Event

How will you measure the impact of your event on area hotel activity?

We will survey hotels following the event on Saturday, July 1, 2017. We can say hotels averaged \$109 prior and bump to \$129 the weekend of the Patriotic Festival in 2016.

Do your promotional materials/website note area lodging facilities that can host participants?



Tell us about your event or project:

Patriotic Festival set to make an even bigger bang in 2017....

Chamber staff, board and volunteers are gearing up for 26th annual Patriotic Festival presented by HEB. Organizers are excited to announce that festival goers will still get to enjoy the same classic Patriotic Festival events, but that the festival is expanding into a two-day event, with even more family friendly fun for everyone. Patriotic Festival is set to take place Friday, June 30th and Saturday, July 1st, "We are thrilled that we are able to build on the Patriotic Festival's success and make the event an entire weekend of family fun, celebrating our nation's independence and our wonderful Bastrop Community," said Chamber President & CEO Becki Womble. Just like past years the Austin Symphonic Band will perform before the largest display of fireworks in the area taking place on the banks of the beautiful Colorado River, in Fisherman's Park, located in downtown Bastrop.

The patriotic fun will begin on Friday evening with the inaugural Run, White & Blue 5k. "This 5K is designed for families of all types, and ages to celebrate the spirit of freedom by getting a little exercise and enjoying our countries colors, Red, White & Blue," said Membership Development Manager Vanessa Lindsley. Registration will be available online soon at www.bastropchamber.com. Friday night's activities will culminate with a Street Dance in Fisherman's park featuring food, music, and fun for folks of all ages.

Saturday, July 1st Bastrop will turn red white and blue with a jammed packed schedule of activities. The fun kicks off at 10 a.m. in Fisherman's Park with a petting zoo, sand volleyball games, Colorado River float, Children's activities, water wonderland activities, washer tournament, domino tournament and a different spin on the annual Pet & Pal Parade, with a Pet & Pal Costume Contest! "We wanted to create an environment where there would be something for everyone of all ages to enjoy," said Womble. Attendees are encouraged to come to Fisherman's Park early and celebrate. Kicking off at 1 p.m. festival goers are encouraged to bring their competitive spirit for some friendly competition! Hot Pepper Eating Contest, Watermelon Spitting Context, Pie Eating Context, Leg Shaving Contest and everyone's favorite an all American Hot Dog Eating Contest. Registration forms for the contests and a complete schedule of activities will be available online soon at www.bastropchamber.com.

This year the Bastrop Chamber of Commerce is excited to announce that shuttle service will be available to and from the park beginning at 3 p.m. and will run until 11 p.m. The Presentation of Colors will take place at 7:45 followed by the Austin Symphony Band. And everyone's favorite fireworks show will culminate the evening at 9:15 p.m. For more details on vendor, sponsorship, and attendee information call the Bastrop Chamber of Commerce at 512-303-0558, email info@bastropchamber.com or visit them online at www.bastropchamber.com

CITY OF BASTROP
2017 HOTEL OCCUPANCY TAX FUNDING APPLICATION

EVENT OR PROJECT INFORMATION

(COMPLETE A SEPARATE FORM FOR EACH EVENT)

Project Number

1 of 1

To qualify for financial assistance under the Hotel Occupancy Tax for Bastrop, the expenditure must satisfy Part One and at least ONE of the options in Part Two.

PART ONE - In order to be eligible to receive HOT Funding you must comply with State Law/Chapter 351 of the Tax Code. Revenues must be used to directly promote tourism and the convention and hotel industry. How will this event promote tourism and the convention and hotel industry?

We believe this event attracts tourists since it is held on a weekend and close to a national holiday creating an opportunity for a long weekend get-a-way. We do advertising beginning 60 days out but since it has been in existence for nearly 30 years, people have it marked on their annual calendar. We are doing advertising spots with Spectrum Advertising 14 days in advance and a live remote the day of the event. It is posted on our website which still tends to be where tourists look for information on events with the most comprehensive calendar in Bastrop. We utilize Facebook boost, are shipping out brochures to neighboring communities and print posters for distribution all over town, especially hotels.

PART TWO - Check which categories apply to funding request and amount requested under each category:

Expenditures will be utilized for the acquisition of convention center facilities or visitor center sites and the construction, improvement, enlarging, equipping, repairing, operations, and maintenance of convention center facilities or visitor information centers, or both.

\$ _____

Expenditures will be utilized for the furnishing of facilities, personnel, and materials for the registration of convention delegates or registrants.

\$ _____

Expenditure will be utilized for advertising and conducting solicitations and promotional programs to attract tourists and convention delegates or registrants to the municipality or its vicinity.

\$ _____

Expenditure will be utilized to the encouragement, promotion, improvement, and application of the arts, including instrumental and vocal music, dance, drama, folk art, creative writing, architecture, design and allied fields, painting, sculpture, photography, graphic and craft arts, motion pictures, radio, television, tape and sound recording, and other arts related to the presentation, performance, execution, and exhibition of these major art forms.

\$ _____

Expenditure will be utilized for historical restoration and preservation projects or activities or advertising and conducting solicitations and promotional programs to encourage tourists and convention delegates to visit preserved historic sites or museums.

\$ _____

Expenditure will be utilized for expenses, including promotion expenses, directly related to a sporting event in which the majority of participants are tourists who substantially increase economic activity at hotels and motels within the municipality.

\$ _____

CITY OF BASTROP
2017 HOTEL OCCUPANCY TAX FUNDING APPLICATION

The information contained herein and attached to this application is true and correct to the best of my knowledge. I hereby acknowledge that any funding received from the City of Bastrop must be expended as I have represented in this application and according to any requirements set by the City of Bastrop City Council and according to the program guidelines. I agree that if funds are not expended accordingly, in the opinion of the City of Bastrop, said funds will be returned to the City of Bastrop within ten (10) days from the date the City of Bastrop demands such.



Authorized Signature for the Applicant
Becki Womble, IOM

Name Printed or Typed

04/17/2017

Date
President/CEO

Title

Return completed application and attachments to:

City of Bastrop
Finance Department
P. O. Box 427
1311 Chestnut Street
Bastrop, Texas 78602

DEADLINE: 5:00 P.M., April 14, 2017

Electronic/Facsimile submissions will not be considered.

Budget

Children's Activities	6600	Petting zoo, water rides, stilt walker
Security	2840	
Entertainment/Staging	6895	
First Aid (add'l hrs)	600	
Additional Adverting Exp	1000	
TOTAL:	17935	

Patriotic Festival set to make an even bigger bang in 2017....

Chamber staff, board and volunteers are gearing up for 26th annual Patriotic Festival presented by HEB. Organizers are excited to announce that festival goers will still get to enjoy the same classic Patriotic Festival events, but that the festival is expanding into a two-day event, with even more family friendly fun for everyone. Patriotic Festival is set to take place Friday, June 30th and Saturday, July 1st.

Just like past years the Austin Symphonic Band will perform before the largest display of fireworks in the area taking place on the banks of the beautiful Colorado River, in Fisherman's Park, located in downtown Bastrop. Check out the entire schedule of activities listed in this brochure.

This year the Bastrop Chamber of Commerce is excited to announce that shuttle service will be available to and from the park beginning at 3 p.m. and will run until 11 p.m.

For more details on vendor, sponsorship, and attendee information call the Bastrop Chamber of Commerce.

512.303.0558

info@bastropchamber.com
www.bastropchamber.com



Friday
June 30th
7 PM - 12 AM

Saturday
July 1st
10 AM - 9 PM

Fisherman's Park
1200 Willow Street



512.303.0558

info@bastropchamber.com
www.bastropchamber.com

Friday June 30th

(all events subject to change)

- Food Vendor set-up** 5-7pm
Race Packet Pick-up 5-7:45pm
Run, White & Blue 5K 8pm

Come get your glow on at Bastrop's 1st Red, White & Blue Glow Run 5k!!! Work off all that yummy holiday food - bring the family, this is an all ages event! You can run, walk or skip and as you cross the finish line enter a huge dance party! Be sure you wear your best glow attire and come ready for fun! This will be a chip timed event.

Street Dance 9pm-12am
 Meet up with all your friends and dance to the night away to the lights and tunes spun by DJ Ivani! We'll get a jumpstart on the celebrations to be held on Saturday! There will be food vendors available and we will continue to party with everyone finishing up the 5k! We're bringing the "club" to Fisherman's Park!



Saturday July 1st

(all events subject to change)

- Petting Zoo** 10am-4pm
 Bastrop is home to all kinds of animals, but on July 1st, The Chamber will be bringing in some exotic options for young and old to get up and personal with about 10 different species of exotic animals! Including kangaroos and lemurs. Yay!
Sand Volleyball games 10am-4pm

Do you love volleyball? We will have the courts opened and ready for players! Get a team or just bring yourself, and let's play some volleyball!

Saturday July 1st

(all events subject to change)

- Water Wonderland** 10am-8pm
 Have your kids been begging you to take them to Schlitterbahn? Well, for the purchase of a wrist band they will have all day access to multiple water slides of all kinds! Come cool off and find some adventure in our Water Wonderland! Be sure to bring your water shoes! (armbands \$10)

Children's Activity Area 10am-8pm
 Games & crafts galore! We will have several free activities as well as booths with activities you can pay for. Lowes will be there to help them build something for free!

Pet 'n' Me Costume Contest 10am
 There's nothing more fun than dressing up to match your pet! Come enter the Pet & Me costume contest! Entry is free, and there will be a few prizes available for the best costumes!!

Washer Tournament 11am-2pm
CASH PRIZES!! You must register in advance.

Domino's Tournament 12pm/noon
 42 Tournament. Free entry! Come sit a spell under our pavilion and enter our Domino tournament!

Hot Pepper Eating Contest 1pm
 Can you handle the fire!?!? How many can you eat and how fast can you do it?!

Watermelon Spitting Contest 2pm

Sweet Eats Fruit Farm is bringing some organic, homegrown fruit for your spitting pleasure!

Saturday July 1st

(all events subject to change)

- Pie Eating Contest** 3pm

Only in Bastrop can you enter a pie eating contest sponsored by the Award-WINNING Maxine's Café & Bakery! Their pies are so good, it won't matter if you win, you'll be excited just to be playing!

- Shuttle Bus Service** 3pm-11pm
from Convention Center

Why walk all that way to your car? Let us Shuttle you in our yellow school busses right to where all the action is! Free Shuttle all day long!

- Leg Shaving Contest** 4pm
 How well do you and your partner work together? That's the big question!!!

Hot Dog Eating Contest 5pm
 Hungry? Nothing more Americana than Hot Dogs on the First of July! Come be a true patriot and demonstrate how well you can eat a true American Classic!!!

- Presentation of Colors & Judge Pape's remarks** 7:45pm

Austin Symphonic Band 8-9pm
 Listen to the iconic songs of yesteryear.

- Fireworks** 9:15pm
BOOM! POW!! So Beautiful!
God Bless America!



Thank you to the City of Bastrop and our generous sponsors for your support!

CITY OF BASTROP
2017 HOTEL OCCUPANCY TAX FUNDING APPLICATION

ORGANIZATION INFORMATION:

<u>Bastrop Homecoming, Inc.</u>	<u>03/02/2017</u>
Official Name of Organization	Date
<u>Lori Lloyd Chapin</u>	<u>lchapin_2@hotmail.com</u>
Contact Person	E-mail
<u>PO Box 215 Bastrop</u>	<u>(512) 923-1440</u>
Organization Address	Phone Number
<u>www.bastrophomecomingrodeo.org</u>	
Website Address	

Is your Organization:

501(c)3

Other (provide description) _____

\$ 60,000
Total Amount Requested

Provide a brief description of your organization's mission:

Bastrop Homecoming, Inc. supports local community activities by raising funds that assist youth groups and other non-profit organizations in the area with local project, and by providing scholarships for students in educational and outreach endeavors to both BHS and CCHS. Funds are generated for these endeavors by promoting tourism to Bastrop through a five day event that includes rodeos, live music, dances, vendors, exhibitors, class reunions, a carnival, sport tournaments and a parade. Bastrop Homecoming, Inc. contributes all proceeds to supporting local non-profit organizations.

Required Attachments:

Only required if first application for 2017 (if you received 2017 funding already just complete #2 below)

- 1) Last fiscal year's financial statement (profit & loss statement) for your organization as a whole
- 2) Proposed Budget FY2016 (10/01/2016 - 09/30/2017) as directly related to funding, event specific, if applicable
- 3) Copy of 501 (c) letter from Internal Revenue Service ✓
- 5) Identify other sources of funding
- 6) List of all Board Members ✓
- 7) NO STAPLES, ALL ATTACHMENTS SHOULD BE PROVIDED IN 8.5" X 11" SIZE, NO OTHER ATTACHMENTS ACCEPTED

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MAR - 3 2017

CITY OF BASTROP
FINANCE DEPARTMENT

**CITY OF BASTROP
2017 HOTEL OCCUPANCY TAX FUNDING APPLICATION**

EVENT OR PROJECT INFORMATION

(COMPLETE A SEPARATE FORM FOR EACH EVENT)

Project Number
1 _____ of 1 _____

Bastrop Homecoming, Inc

2017

Name of Organization

Fiscal Year of Request

Bastrop Homecoming & Rodeo

August 1-5, 2017

Name of Event or Project

Date of Event or Project

\$ 60,000

Mayfest Hill Park and Rodeo Arena

Amount Requested

Primary Location of Event or Project

9000

69 (2017 70th Anniversary)

Expected Attendance

How many years have you held this Event or Program

50%

3

Percentage of attendees that will be staying overnight in hotels

Estimated number of hotel room nights that will be generated by the Event

How will you measure the impact of your event on area hotel activity?

During the event a hard copy survey with questions specific to overnight lodging will be made available and promoted to all in attendance. Prior to and after the event, an online survey will be available at www.bastrophomecomingrodeo.org and Homecoming Facebook page. Utilize rodeo contestant day sheets to estimate travel distance.

Do your promotional materials/website note area lodging facilities that can host participants?

Tell us about your event or project:

The name for Bastrop's home-town celebration results from its beginnings. During World War II, business boomed in Bastrop as 90,000 military men were based at Camp Swift a few miles north of town. When the war ended and camp essentially closed, business lessened. As an attempt to give the city a boost, civic and business leaders created the first Homecoming Jubilee for area residents and to entice former residents, who spent time there during the war, to "come home" for the festivities. Past celebrations took place in various months, May-August, and some included such things as fishing boat class races from Montopolis Bridge in Austin to the boat docks at Fisherman's Park, Beauty Pageants, arts and crafts shows, kiddie parades, pet parades, speed boat races and dances at the American Legion Hall. This annual tradition has provided an enjoyable weekend for the citizens of Bastrop and the surrounding area while maintaining a positive impact on the community.

Bastrop Homecoming and Rodeo will celebrate its 70th year in 2017 making it the longest running festival in Bastrop. The event is held every year during the 1st full weekend of August, including three nights of live entertainment/music/dance and five nights of rodeo. Other activities include a carnival, food and gift vendors, memorial horseshoe/washer, and golf tournaments, high school class reunions, 4-H cake auction, and exhibits. A Grand Parade is held on Saturday with more than 250 invitations mailed locally and to surrounding areas. Immediately following the parade, a Sports Reunion is held at the Bastrop Convention Center, recognizing past and present athletes who have made an impact in the school system and in our community. In 2016, a total of thirteen \$1,000.00 scholarships were awarded to Bastrop High School (BHS) and Cedar Creek High School (CCHS) graduating seniors who will attend an institution of higher learning. The Fred Wright, Jr. Memorial Golf Tournament, held in conjunction with Homecoming, awards its own scholarship to BHS graduating seniors.

All event and lodging information, along with other community event information, is posted on our website and Facebook page.

CITY OF BASTROP
2017 HOTEL OCCUPANCY TAX FUNDING APPLICATION

EVENT OR PROJECT INFORMATION

(COMPLETE A SEPARATE FORM FOR EACH EVENT)

Project Number

1 of 1

To qualify for financial assistance under the Hotel Occupancy Tax for Bastrop, the expenditure must satisfy Part One and at least ONE of the options in Part Two.

PART ONE - In order to be eligible to receive HOT Funding you must comply with State Law/Chapter 351 of the Tax Code. Revenues must be used to directly promote tourism and the convention and hotel industry. How will this event promote tourism and the convention and hotel industry?

Advertising purchased through radio, movie ad, directories, publications, print, billboard, Homecoming website, and Facebook page will encourage tourists to visit Bastrop for a family oriented four day event. On average, 10 BHS class reunions are scheduled each year with an overnight stay of 1-2 days per group. Reunion organizers have been known to book blocks of hotel rooms in Bastrop along with renting hotel meeting room facilities. The Bastrop Convention Center is booked each year to offer a central location for reunions. Class reunion information along with travel and hotel/motel/B&B information is posted on the Homecoming website. Sport tournaments beginning Friday and ending late Saturday should bring teams from out of town. Rodeo workers, along with rodeo contestants will have overnight stays that average of 1-2 nights along with purchases of fuel and food. More than half of the rodeo contestants for 2015 traveled 200 miles or more. Homecoming purchases hotel rooms for the rodeo producer/stock contractor and for the music producer and band members. The Grand Parade averages 200 entries. Additional advertising is listed at www.cprarodeo.com and on websites for bands that have been booked for the event.

PART TWO - Check which categories apply to funding request and amount requested under each category:

- Expenditures will be utilized for the acquisition of convention center facilities or visitor center sites and the construction, improvement, enlarging, equipping, repairing, operations, and maintenance of convention center facilities or visitor information centers, or both.
\$ _____

- Expenditures will be utilized for the furnishing of facilities, personnel, and materials for the registration of convention delegates or registrants.
\$ _____

- Expenditure will be utilized for advertising and conducting solicitations and promotional programs to attract tourists and convention delegates or registrants to the municipality or its vicinity.
\$ 20,000.00

- Expenditure will be utilized to the encouragement, promotion, improvement, and application of the arts, including instrumental and vocal music, dance, drama, folk art, creative writing, architecture, design and allied fields, painting, sculpture, photography, graphic and craft arts, motion pictures, radio, television, tape and sound recording, and other arts related to the presentation, performance, execution, and exhibition of these major art forms.

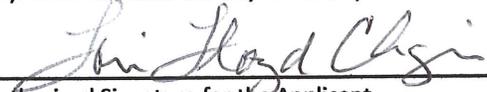
\$ 20,000.00

- Expenditure will be utilized for historical restoration and preservation projects or activities or advertising and conducting solicitations and promotional programs to encourage tourists and convention delegates to visit preserved historic sites or museums.
\$ _____

- Expenditure will be utilized for expenses, including promotion expenses, directly related to a sporting event in which the majority of participants are tourists who substantially increase economic activity at hotels and motels within the municipality.
\$ 20,000.00

CITY OF BASTROP
2017 HOTEL OCCUPANCY TAX FUNDING APPLICATION

The information contained herein and attached to this application is true and correct to the best of my knowledge. I hereby acknowledge that any funding received from the City of Bastrop must be expended as I have represented in this application and according to any requirements set by the City of Bastrop City Council and according to the program guidelines. I agree that if funds are not expended accordingly, in the opinion of the City of Bastrop, said funds will be returned to the City of Bastrop within ten (10) days from the date the City of Bastrop demands such.



Authorized Signature for the Applicant

Lori Lloyd Chapin

Name Printed or Typed

March 2, 2017

Date

Treasurer

Title

Return completed application and attachments to:

City of Bastrop
Finance Department
P. O. Box 427
1311 Chestnut Street
Bastrop, Texas 78602

DEADLINE: 5:00 P.M., April 14, 2017

Electronic/Facsimile submissions will not be considered.

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APR - 4 2017

CITY OF BASTROP
FINANCE DEPARTMENT

Profit and Loss Statement-BASTROP HOMECOMING, INC.

For period ending-December 31, 2016

Special Account	11/1/2015 Balance	\$66.00	
	11/6/2015 HOT Funds	\$20,788.00	
	12/31/2015 Balance-\$20,854.00		
	5/31/2016 HC Expense:Advertising	(\$4,583.00)	A
	6/14/2016 HC Expense:Entertainment-HC	(\$25,015.00)	E
	7/1/2016 Transferred from regular to special	\$16,000.00	
	7/1/2016 Transfer to Regular account	(\$7,200.00)	
	12/31/2016 Balance	\$56.00	
Regular Account	12/31/2015 Balance	\$27,942.00	
	Bank Loans	\$33,000.00	
	Transfer from regular to special	(\$16,000.00)	
	Transferred from Special account	\$7,200.00	
	May Rodeo:Income	\$6,795.00	Loss of
	May Rodeo:Expense	(\$23,072.00)	(\$16,277)
	HC Expense:Regular Business	(\$4,246.00)	
	HC Expense:Advertising	(\$12,572.00)	A
	HC Expense:Entertainment-HC	(\$39,000.00)	E
	HC Expense:Rodeo Production	(\$29,816.00)	
	HC Expense:Donations	(\$10,850.00)	
	HC Expense:Scholarships	(\$13,000.00)	
	HC Expense:MISC & Security	(\$30,463.00)	
	HC Income:All Sales	\$92,872.00	
	HC Income:Vendors	\$4,925.00	
	HC Income:Sponsors	\$6,950.00	
	12/31/2016 Balance	\$665.00	
TOTAL (A and E)			
	Advertising	(\$17,155.00)	A
	Entertainment	(\$64,015.00)	E

Bastrop Homecoming, Inc. received no other source of funding in 2016.

Bastrop Homecoming & Rodeo Budget-2017

Advertising-		\$30,000.00
City permits, fees-		
	Parks deposit (\$500 refundable)	
	Water meter deposit (\$500 refundable)	
	August special event fee	\$100.00
Cleanup [grounds]-		
	Homecoming	\$1,500.00
Chamber membership-(Due October)		\$75.00
Donations and memorials-		\$8,000.00
Entertainment / EMG- (Includes hotel rooms)		\$65,000.00
Insurance-		\$2,500.00
Lease-		
	Showbarn-Homecoming	\$1,100.00
	Bastrop Convention Center	\$2,000.00
License fees [TABC]-		
	Homecoming	\$300.00
Maintenance (Grounds)		\$2,000.00
Miscellaneous, Business-		\$2,500.00
Parade-		\$1,000.00
Parking-Donation to non profit group		\$1,500.00
Portable bathrooms-		\$3,500.00
Postage, box rental (USPS)-		\$500.00
Rentals-(table/chairs,marg machine)		
	Homecoming	\$1,000.00
Rodeo Production- (Includes hotel rooms)		\$40,000.00
Scholarship-		\$13,000.00
	Esther Wright Scholarship	\$1,000.00
Security-		\$5,000.00
Shuttle Service		\$2,000.00
Sponsor packets		\$500.00
Tax preparation-		\$400.00
Utilities-		
	Homecoming	\$1,000.00
Web Host-		\$200.00
	Anti virus and tech support	\$200.00
		\$185,675.00

DRAFT

Internal Revenue Service

Date: August 4, 2006

BASTROP HOMECOMING COMMITTEE
% RALPH SWEARINGEN
PO BOX 215
BASTROP TX 78602-0215

Department of the Treasury
P. O. Box 2508
Cincinnati, OH 45201

Person to Contact:
Mrs. E. Eckert ID 31-07436
Customer Service Specialist
Toll Free Telephone Number:
877-829-5500
Federal Identification Number:
74-2849719

Dear Sir or Madam:

This is in response to your request of August 4, 2006, regarding your organization's tax-exempt status.

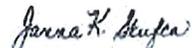
In March 1999 we issued a determination letter that recognized your organization as exempt from federal income tax. Our records indicate that your organization is currently exempt under section 501(c)(3) of the Internal Revenue Code.

Our records indicate that your organization is also classified as a public charity under sections 509(a)(1) and 170(b)(1)(A)(vi) of the Internal Revenue Code.

Our records indicate that contributions to your organization are deductible under section 170 of the Code, and that you are qualified to receive tax deductible bequests, devises, transfers or gifts under section 2055, 2106 or 2522 of the Internal Revenue Code.

If you have any questions, please call us at the telephone number shown in the heading of this letter.

Sincerely,



Janna K. Skufca, Director, TE/GE
Customer Account Services



BASTROP

HOMECOMING COMMITTEE, INC.

P.O. Box 215 • Bastrop, Texas 78602

Board Members 2017

Kasey Tausch-President

Betty Rucker-Vice President

Jane Sanders-Secretary

Lori Chapin-Treasurer

CITY OF BASTROP
2017 HOTEL OCCUPANCY TAX FUNDING APPLICATION

ORGANIZATION INFORMATION:

Bastrop Juneteenth Celebration	04/14/2017
Official Name of Organization	Date
Bastrop Juneteenth	bastropjuneteenth@yahoo.com
Contact Person	E-mail
Pamela Aldridge	(512) 988-5328
Organization Address	Phone Number
P.O. Box 1015, Bastrop, TX 78602	
Website Address	

Is your Organization:

501(c)3

Other (provide description) Tax ID #35-2526080

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APR 17 2017

CITY OF BASTROP
FINANCE DEPARTMENT

\$ 5,000

Total Amount Requested

Provide a brief description of your organization's mission:

The Bastrop Juneteenth is a celebration of ending of slavery in which to provide cultural and historic events to educate and inspire visitors as well as locals about the importance of Emancipation Day in Texas.

Required Attachments:

Only required if first application for 2017 (if you received 2017 funding already just complete #2 below)

- 1) Last fiscal year's financial statement (profit & loss statement) for your organization as a whole *Activity state + bank state*
- 2) Proposed Budget FY2016 (10/01/2016 - 09/30/2017) as directly related to funding, event specific, if applicable ✓
- 3) Copy of 501 (c) letter from Internal Revenue Service
- 5) ~~Identify other sources of funding~~ ✓
- 6) List of all Board Members ✓
- 7) NO STAPLES, ALL ATTACHMENTS SHOULD BE PROVIDED IN 8.5" X 11" SIZE, NO OTHER ATTACHMENTS ACCEPTED

CITY OF BASTROP
2017 HOTEL OCCUPANCY TAX FUNDING APPLICATION

EVENT OR PROJECT INFORMATION
(COMPLETE A SEPARATE FORM FOR EACH EVENT)

Project Number _____
of _____

To qualify for financial assistance under the Hotel Occupancy Tax for Bastrop, the expenditure must satisfy Part One and at least ONE of the options in Part Two.

PART ONE - In order to be eligible to receive HOT Funding you must comply with State Law/Chapter 351 of the Tax Code. Revenues must be used to directly promote tourism and the convention and hotel industry. How will this event promote tourism and the convention and hotel industry?

Upon receiving the HOT Funding, our event will promote tourism by advertising our Juneteenth Celebration with having a parade on Main Street, we are looking to host our banquet at the Convention Center and we will be advertising our local hotels as well as our tourism attractions and our convention center through social media and paid advertisements.

PART TWO - Check which categories apply to funding request and amount requested under each category:

Expenditures will be utilized for the acquisition of convention center facilities or visitor center sites and the construction, improvement, enlarging, equipping, repairing, operations, and maintenance of convention center facilities or visitor information centers, or both.
\$ _____

Expenditures will be utilized for the furnishing of facilities, personnel, and materials for the registration of convention delegates or registrants.
\$ _____

Expenditure will be utilized for advertising and conducting solicitations and promotional programs to attract tourists and convention delegates or registrants to the municipality or its vicinity.
\$ 4,000.00

Expenditure will be utilized to the encouragement, promotion, improvement, and application of the arts, including instrumental and vocal music, dance, drama, folk art, creative writing, architecture, design and allied fields, painting, sculpture, photography, graphic and craft arts, motion pictures, radio, television, tape and sound recording, and other arts related to the presentation, performance, execution, and exhibition of these major art forms.
\$ 1,000.00

Expenditure will be utilized for historical restoration and preservation projects or activities or advertising and conducting solicitations and promotional programs to encourage tourists and convention delegates to visit preserved historic sites or museums.
\$ _____

Expenditure will be utilized for expenses, including promotion expenses, directly related to a sporting event in which the majority of participants are tourists who substantially increase economic activity at hotels and motels within the municipality.
\$ _____

CITY OF BASTROP
2017 HOTEL OCCUPANCY TAX FUNDING APPLICATION

EVENT OR PROJECT INFORMATION
(COMPLETE A SEPARATE FORM FOR EACH EVENT)

Project Number _____
of _____

Bastrop Juneteenth

2016-2017

Name of Organization
Bastrop Juneteenth Celebration

Fiscal Year of Request
June 17, 2017

Name of Event or Project
\$ 5,000

Date of Event or Project

Amount Requested
1,000-2,000

Downtown Main Street
Primary Location of Event or Project

Expected Attendance
0%

40+
How many years have you held this Event or Program

Percentage of attendees that will be
staying overnight in hotels

25
Estimated number of hotel room nights that will be
generated by the Event

How will you measure the impact of your event on area hotel activity?

We will ask voluntarily for visitor information through our social media & at our events during this event date.

Do your promotional materials/website note area lodging facilities that can host participants?

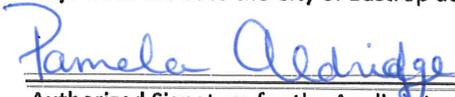


Tell us about your event or project:

The Bastrop Juneteenth Celebration is an annual event that is held on the 3rd Saturday in June. The celebration is to inform and educate visitors and locals about the Independence Day of the ending of slavery. The celebration includes a celebration parade, awards banquet to recognize African-American dignitaries of Bastrop County, spiritual musicals, dance, Emancipation Program, and cultural activities. The Bastrop Juneteenth Celebration weekend also brings a crowd for African-American who celebrate their family reunions specifically during Bastrop Juneteenth Celebration weekend and a local car club hosts their car show specifically during our celebration weekend which all draws a good crowd to our city and to our events.

CITY OF BASTROP
2017 HOTEL OCCUPANCY TAX FUNDING APPLICATION

The information contained herein and attached to this application is true and correct to the best of my knowledge. I hereby acknowledge that any funding received from the City of Bastrop must be expended as I have represented in this application and according to any requirements set by the City of Bastrop City Council and according to the program guidelines. I agree that if funds are not expended accordingly, in the opinion of the City of Bastrop, said funds will be returned to the City of Bastrop within ten (10) days from the date the City of Bastrop demands such.



Authorized Signature for the Applicant
Pamela Aldridge

Name Printed or Typed

April 14, 2017

Date
President of Bastrop Juneteenth

Title

Return completed application and attachments to:
City of Bastrop
Finance Department
P. O. Box 427
1311 Chestnut Street
Bastrop, Texas 78602

DEADLINE: 5:00 P.M., April 14, 2017

Electronic/Facsimile submissions will not be considered.

Donations	
1st National Bk	1,000. ⁰⁰
	900. ⁰⁰
Kenneth Strain	700. ⁰⁰
City of Bastrop Pool	800. ⁰⁰
19th Over	600. ⁰⁰
Last Pine Toyota	160. ⁰⁰
Judge Duggan	160. ⁰⁰
Court	160. ⁰⁰
Spring Street Dent.	150. ⁰⁰
Baptist Musical	120. ⁰⁰
Rosco Bk	100. ⁰⁰
Dorothy Hayward	20. ⁰⁰

Total \$1,170.⁰⁰

Spent	
Jackpot	150. ⁰⁰
Barb's Deli	145. ⁰⁰
Bastrop Copier	135. ⁰⁰
HEB ^{11/10/17} _{Food}	9. ³¹
Chick. Exp. Kals	47. ¹⁹
Ngela Catering	1,600. ⁰⁰
Ice	3. ⁰⁰
Donate School ^{Apr} Water	10. ⁰⁰
Scholarship	200. ⁰⁰
Senior ^{Center} Center	150. ⁰⁰
Sharp	150. ⁰⁰
HEB ^{11/10/17} _{Food}	66. ⁹⁸
Wal-Mart	40. ⁰⁰
Hampton Inn	551. ⁰⁰
Chamber ^{of} Commerce	185. ⁰⁰
Bo Kent	56. ⁰⁰
M. Eric Tavern	100. ⁰⁰
D.J. Music	300. ⁰⁰
Eng	355. ⁰⁰
First Star Church	100. ⁰⁰
City of Bastrop	100. ⁰⁰
Room Center	200. ⁰⁰

Total \$5,872.⁵²

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APR 24 2017

CITY OF BASTROP
FINANCE DEPARTMENT



P.O. Box 1015*Bastrop, TX 78602

bastropjuneteenth.com

Proposed Budget FY2017

HOT Funding

Advertisement	Source	Dollar Amount	
Radio	KAZI 88.7 & 96.3 & 102.3	\$2,530.00 Estimate	
Television	News 8 Austin BET ESPN VH-1 MTV	\$1,500.00 Estimate	
T-Shirts	Juneteenth Celebration	\$150.00 Estimate	
Printing	Juneteenth Celebration	\$415.00 Estimate	
Newspaper	Austin American Statesman (Austin, Bastrop, Elgin & Smithville)	\$1,170.00 Estimate	
Entertainment	Band/DJ	\$900.00 Estimate	



P.O. Box 1015* Bastrop, TX 78602

bastropjuneteenth.com

2016-2017 Funding Sources

Other Sources of Funding
Membership Dues
In Kind Donations
Sponsorships
Fundraising Events



P.O. Box 1015* Bastrop, TX 78602

bastropjuneteenth.com

2016-2017 Bastrop Juneteenth Board Members

Title	Name	Contact #
President	Pamela Aldridge	512-985-5328
Vice-President	Skyla Greene	512-786-1175
Treasurer	Betty Peterson	512-303-7912
Secretary	Rose Clemons	512-999-0266

CITY OF BASTROP
2017 HOTEL OCCUPANCY TAX FUNDING APPLICATION

ORGANIZATION INFORMATION:

<u>Bastrop Opera House, Inc.</u>	<u>04/13/2017</u>
Official Name of Organization	Date
<u>Lisa Holcomb</u>	<u>bastropplays@bastropoperahouse.com</u>
Contact Person	E-mail
<u>711 Spring Street Bastrop TX</u>	<u>(512) 517-6422</u>
Organization Address	Phone Number
<u>www.BastropOperaHouse.com</u>	
Website Address	

Is your Organization:

501(c)3

Other (provide description) _____

\$41,657

Total Amount Requested

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APR 17 2017

CITY OF BASTROP
FINANCE DEPARTMENT

Provide a brief description of your organization's mission:

The mission of the Bastrop Opera House is to produce quality theatrical performances that entertain, educate and stimulate audiences. The Opera House offers lively family-entertainment year round while its volunteers serve the community in developing local talent and in providing amateur actors a venue for performing their craft. Tourism plays a huge role in Bastrop's downtown and overall economy. Each year, thousands of visitors come to Bastrop from around Texas and the world. Many of these guests attend performances at the Opera House.

The Opera House is also home to the Bastrop Youth Performing Arts Academy of which approximately 50 children ranging in ages from 4-17 are enrolled. The Opera House charges a very small fee in order for the children to be able to afford to participate in the classes and performances. All children are included and able to participate in the Academy regardless of social, economic or physical/emotional needs. This part of the program is vital to the growth of the Opera House and is a very large benefit to the community and the families involved. The productions of the Academy is included in the season which draws out of town tourist.

Required Attachments:

Only required if first application for 2017 (if you received 2017 funding already just complete #2 below)

- 1) Last fiscal year's financial statement (profit & loss statement) for your organization as a whole
- 2) Proposed Budget FY2016 (10/01/2016 - 09/30/2017) as directly related to funding, event specific, if applicable
- 3) Copy of 501 (c) letter from Internal Revenue Service
- 5) Identify other sources of funding
- 6) List of all Board Members
- 7) NO STAPLES, ALL ATTACHMENTS SHOULD BE PROVIDED IN 8.5" X 11" SIZE, NO OTHER ATTACHMENTS ACCEPTED

CITY OF BASTROP
2017 HOTEL OCCUPANCY TAX FUNDING APPLICATION

EVENT OR PROJECT INFORMATION

(COMPLETE A SEPARATE FORM FOR EACH EVENT)

Project Number

of

Bastrop Opera House, Inc.

2017

Name of Organization

Fiscal Year of Request

Tier III Funding

April 2017

Name of Event or Project

Date of Event or Project

\$41,657

Bastrop Opera House

Amount Requested

Primary Location of Event or Project

41657

Bastrop Opera House nonprofit since 1981

Expected Attendance

How many years have you held this Event or Program

0%

Percentage of attendees that will be staying overnight in hotels

Estimated number of hotel room nights that will be generated by the Event

How will you measure the impact of your event on area hotel activity?

Comment box allows tickets purchasers that are from out of town to state where they will be staying during their visit to Bastrop.

Do your promotional materials/website note area lodging facilities that can host participants?



Tell us about your event or project:

1. Air conditioning: Opera House was informed that it needs to replace air conditioning units.
2. Floors: Sand, restain and clear coat wood floors in entry, bathrooms and theatre.
3. Lighting: Strip lighting necessary for stage.
4. Curtain: Raised theatre curtain for stage used during performances

CITY OF BASTROP
2017 HOTEL OCCUPANCY TAX FUNDING APPLICATION

EVENT OR PROJECT INFORMATION

(COMPLETE A SEPARATE FORM FOR EACH EVENT)

Project Number

of

To qualify for financial assistance under the Hotel Occupancy Tax for Bastrop, the expenditure must satisfy Part One and at least ONE of the options in Part Two.

PART ONE - In order to be eligible to receive HOT Funding you must comply with State Law/Chapter 351 of the Tax Code. Revenues must be used to directly promote tourism and the convention and hotel industry. How will this event promote tourism and the convention and hotel industry?

Same as mission statement

PART TWO - Check which categories apply to funding request and amount requested under each category:

Expenditures will be utilized for the acquisition of convention center facilities or visitor center sites and the construction, improvement, enlarging, equipping, repairing, operations, and maintenance of convention center facilities or visitor information centers, or both.

\$ _____

Expenditures will be utilized for the furnishing of facilities, personnel, and materials for the registration of convention delegates or registrants.

\$ _____

Expenditure will be utilized for advertising and conducting solicitations and promotional programs to attract tourists and convention delegates or registrants to the municipality or its vicinity.

\$ _____

Expenditure will be utilized to the encouragement, promotion, improvement, and application of the arts, including instrumental and vocal music, dance, drama, folk art, creative writing, architecture, design and allied fields, painting, sculpture, photography, graphic and craft arts, motion pictures, radio, television, tape and sound recording, and other arts related to the presentation, performance, execution, and exhibition of these major art forms.

\$ _____

Expenditure will be utilized for historical restoration and preservation projects or activities or advertising and conducting solicitations and promotional programs to encourage tourists and convention delegates to visit preserved historic sites or museums.

\$ _____

Expenditure will be utilized for expenses, including promotion expenses, directly related to a sporting event in which the majority of participants are tourists who substantially increase economic activity at hotels and motels within the municipality.

\$ _____

CITY OF BASTROP
2017 HOTEL OCCUPANCY TAX FUNDING APPLICATION

The information contained herein and attached to this application is true and correct to the best of my knowledge. I hereby acknowledge that any funding received from the City of Bastrop must be expended as I have represented in this application and according to any requirements set by the City of Bastrop City Council and according to the program guidelines. I agree that if funds are not expended accordingly, in the opinion of the City of Bastrop, said funds will be returned to the City of Bastrop within ten (10) days from the date the City of Bastrop demands such.



Authorized Signature for the Applicant

Lisa Holcomb

Name Printed or Typed

4/13/17

Date

Treasurer

Title

Return completed application and attachments to:

City of Bastrop

Finance Department

P. O. Box 427

1311 Chestnut Street

Bastrop, Texas 78602

DEADLINE: 5:00 P.M., April 14, 2017

Electronic/Facsimile submissions will not be considered.

Bastrop Opera House

Proposed Budget for Tier III as per amount requested

Requested Amount:

\$41,657

Air conditioning units (2) - \$ 15,000

Opera House floors 10,680

Stage Curtain 9,761.16

Lighting for stage 6,215.84

Total: \$41,657

received
4-17-17
x

CITY OF BASTROP 2017 HOTEL OCCUPANCY TAX FUNDING APPLICATION

ORGANIZATION INFORMATION:

Lost Pines Art League	04/17/2017
Official Name of Organization	Date
Patricia Rendulic	rendulic.patricia@gmail.com
Contact Person	E-mail
1204 Chestnut St	(512) 706-5668
Organization Address	Phone Number
www.lostpinesartcenter.org	
Website Address	

Is your Organization:

501(c)3

Other (provide description) _____

RECEIVED

APR 17 2017

CITY OF BASTROP
FINANCE DEPARTMENT

\$ 11,500
Total Amount Requested

Provide a brief description of your organization's mission:

The Lost Pines Art League is an association of artists formed for the mutual aid and promotion of artists and artists in the community and to encourage cultural interest in and appreciation of fine art.

The Lost Pines Art Center is the largest all inclusive art center in Texas. Our goal is to become a destination for all art lovers, enthusiasts, beginner to professional artists, and tourists seeking a creative experience.

Required Attachments:

Only required if first application for 2017 (if you received 2017 funding already just complete #2 below)

- 1) Last fiscal year's financial statement (profit & loss statement) for your organization as a whole
- 2) Proposed Budget FY2016 (10/01/2016 - 09/30/2017) as directly related to funding, event specific, if applicable ✓
- 3) Copy of 501 (c) letter from Internal Revenue Service
- 5) Identify other sources of funding
- 6) List of all Board Members
- 7) NO STAPLES, ALL ATTACHMENTS SHOULD BE PROVIDED IN 8.5" X 11" SIZE, NO OTHER ATTACHMENTS ACCEPTED

CITY OF BASTROP
2017 HOTEL OCCUPANCY TAX FUNDING APPLICATION

EVENT OR PROJECT INFORMATION
(COMPLETE A SEPARATE FORM FOR EACH EVENT)

Project Number
1 of 3

Lost Pines Art League

2017

Name of Organization

Fiscal Year of Request

First Friday Art Walk

First Friday of Each Month

Name of Event or Project

Date of Event or Project

\$ 3,300

Lost Pines Art Center

Amount Requested

Primary Location of Event or Project

900

8

Expected Attendance

How many years have you held this Event or Program

5%

45

Percentage of attendees that will be staying overnight in hotels

Estimated number of hotel room nights that will be generated by the Event

How will you measure the impact of your event on area hotel activity?

Attendees are asked to sign a guest registry that will show whether they stayed at a hotel or motel.

Do your promotional materials/website note area lodging facilities that can host participants?



Tell us about your event or project:

The First Friday of each month we host a group of artists who display a theme based art.

The event is advertised throughout the region through hotels and motels, visitors center, and chamber of commerce.

In addition to local artists, efforts have been made for the exhibition of artwork by regional, national, and international artists is on display in the Art of the Pines gallery. This gives the community and visiting guests the opportunity to see and experience artwork that they normally would not.

Funding requested for April through September.

CITY OF BASTROP
2017 HOTEL OCCUPANCY TAX FUNDING APPLICATION

EVENT OR PROJECT INFORMATION

(COMPLETE A SEPARATE FORM FOR EACH EVENT)

Project Number

1 of 3

To qualify for financial assistance under the Hotel Occupancy Tax for Bastrop, the expenditure must satisfy Part One and at least ONE of the options in Part Two.

PART ONE - In order to be eligible to receive HOT Funding you must comply with State Law/Chapter 351 of the Tax Code. Revenues must be used to directly promote tourism and the convention and hotel industry. How will this event promote tourism and the convention and hotel industry?

Tourism will be generated by way of marketing and advertising outside the community through flyers, website, rack cards, and email.

PART TWO - Check which categories apply to funding request and amount requested under each category:

- Expenditures will be utilized for the acquisition of convention center facilities or visitor center sites and the construction, improvement, enlarging, equipping, repairing, operations, and maintenance of convention center facilities or visitor information centers, or both.
\$ _____

- Expenditures will be utilized for the furnishing of facilities, personnel, and materials for the registration of convention delegates or registrants.
\$ _____

- Expenditure will be utilized for advertising and conducting solicitations and promotional programs to attract tourists and convention delegates or registrants to the municipality or its vicinity.
\$ 2,500.00

- Expenditure will be utilized to the encouragement, promotion, improvement, and application of the arts, including instrumental and vocal music, dance, drama, folk art, creative writing, architecture, design and allied fields, painting, sculpture, photography, graphic and craft arts, motion pictures, radio, television, tape and sound recording, and other arts related to the presentation, performance, execution, and exhibition of these major art forms.

\$ 800.00

- Expenditure will be utilized for historical restoration and preservation projects or activities or advertising and conducting solicitations and promotional programs to encourage tourists and convention delegates to visit preserved historic sites or museums.
\$ _____

- Expenditure will be utilized for expenses, including promotion expenses, directly related to a sporting event in which the majority of participants are tourists who substantially increase economic activity at hotels and motels within the municipality.
\$ _____

CITY OF BASTROP
2017 HOTEL OCCUPANCY TAX FUNDING APPLICATION

EVENT OR PROJECT INFORMATION
(COMPLETE A SEPARATE FORM FOR EACH EVENT)

Project Number
2 of 3

Lost Pines Art League

2017

Name of Organization
Art Getaway

Fiscal Year of Request
Monthly on the 3rd Saturday - All day

Name of Event or Project
\$ 4,000

Date of Event or Project
Lost Pines Art Center

Amount Requested
1000

Primary Location of Event or Project
1

Expected Attendance
5%

How many years have you held this Event or Program
50

Percentage of attendees that will be staying overnight in hotels

Estimated number of hotel room nights that will be generated by the Event

How will you measure the impact of your event on area hotel activity?

Registration sheets will show where attendees travel from and each attendee is greeted and asked to complete a visitor log to which will show their hotel stay.

Do your promotional materials/website note area lodging facilities that can host participants?



Tell us about your event or project:

This is a monthly event that occurs on the third Saturday of the month. The purpose of this event is to bring tourism into downtown Bastrop and to the Lost Pines Art Center. It is an all day art event that included free activities, beginner classes, music, a community art activity.

We select art experiences intended to appeal to a wide range of attendee. Our monthly event focuses on art as it relates to culture, history, and adventure in order to draw attention to the other amenities Bastrop has to offer.

Additionally, we are focusing our marketing and advertising on the entire Bastrop demographic community to encourage ethnic diversity and the "art for all" philosophy. We maintain demographic logs to keep ourselves accountable to our goal of increased diversity.

Our first months of this event has shown that we are making progress toward achieving these goals.

Seeking funds for April through September.

CITY OF BASTROP
2017 HOTEL OCCUPANCY TAX FUNDING APPLICATION

EVENT OR PROJECT INFORMATION

(COMPLETE A SEPARATE FORM FOR EACH EVENT)

Project Number

2 of 3

To qualify for financial assistance under the Hotel Occupancy Tax for Bastrop, the expenditure must satisfy Part One and at least ONE of the options in Part Two.

PART ONE - In order to be eligible to receive HOT Funding you must comply with State Law/Chapter 351 of the Tax Code. Revenues must be used to directly promote tourism and the convention and hotel industry. How will this event promote tourism and the convention and hotel industry?

We are promoting this event to be an "art for all" activity and by having a variety of events it encourages tourism from inside and outside the Bastrop area. Building it as a monthly event held on the same day each month creates a familiarity and pre-planning as part of the Bastrop Art Experience for any potential attendee.

PART TWO - Check which categories apply to funding request and amount requested under each category:

Expenditures will be utilized for the acquisition of convention center facilities or visitor center sites and the construction, improvement, enlarging, equipping, repairing, operations, and maintenance of convention center facilities or visitor information centers, or both.
\$ _____

Expenditures will be utilized for the furnishing of facilities, personnel, and materials for the registration of convention delegates or registrants.
\$ _____

Expenditure will be utilized for advertising and conducting solicitations and promotional programs to attract tourists and convention delegates or registrants to the municipality or its vicinity.
\$ 2,500.00

Expenditure will be utilized to the encouragement, promotion, improvement, and application of the arts, including instrumental and vocal music, dance, drama, folk art, creative writing, architecture, design and allied fields, painting, sculpture, photography, graphic and craft arts, motion pictures, radio, television, tape and sound recording, and other arts related to the presentation, performance, execution, and exhibition of these major art forms.
\$ 1,500.00

Expenditure will be utilized for historical restoration and preservation projects or activities or advertising and conducting solicitations and promotional programs to encourage tourists and convention delegates to visit preserved historic sites or museums.
\$ _____

Expenditure will be utilized for expenses, including promotion expenses, directly related to a sporting event in which the majority of participants are tourists who substantially increase economic activity at hotels and motels within the municipality.
\$ _____

CITY OF BASTROP
2017 HOTEL OCCUPANCY TAX FUNDING APPLICATION

EVENT OR PROJECT INFORMATION

(COMPLETE A SEPARATE FORM FOR EACH EVENT)

Project Number
3 of 3

Lost Pines Art League

2017

Name of Organization

Fiscal Year of Request

Special Event Art Shows

July, August, September 2017

Name of Event or Project

Date of Event or Project

\$ 4,200

Lost Pines Art Center

Amount Requested

Primary Location of Event or Project

900

First year

Expected Attendance

How many years have you held this Event or Program

5%

45

Percentage of attendees that will be staying overnight in hotels

Estimated number of hotel room nights that will be generated by the Event

How will you measure the impact of your event on area hotel activity?

Sign in sheets will provide a place to mark if attendees are staying overnight for this event.

Do your promotional materials/website note area lodging facilities that can host participants?



Tell us about your event or project:

The build of the new Lost Pines Art Center brings the opportunity for the Lost Pines Art League to host national artists for shows and workshops. The Largest gallery, Art of the Pines, will provide space to display and showcase these artists.

One such show: The Upshaws of County line is one of the shows that we are looking to bring in. Richard Orton is a photographer that took over 50 pictures covering a twenty-five year period and serves as a documentary for the black communities of Texas. This is an educational show to bring attention to one specific autonomous "safe" black community known as the Upshaws in northwest Nacagdoches County.

This gives the opportunity for the community, schools, and outside visitors to experience an art program that is normally not available to local small towns.

CITY OF BASTROP
2017 HOTEL OCCUPANCY TAX FUNDING APPLICATION

EVENT OR PROJECT INFORMATION

(COMPLETE A SEPARATE FORM FOR EACH EVENT)

Project Number

3 of 3

To qualify for financial assistance under the Hotel Occupancy Tax for Bastrop, the expenditure must satisfy Part One and at least ONE of the options in Part Two.

PART ONE - In order to be eligible to receive HOT Funding you must comply with State Law/Chapter 351 of the Tax Code. Revenues must be used to directly promote tourism and the convention and hotel industry. How will this event promote tourism and the convention and hotel industry?

This brings attention to the city of Bastrop and the opportunity to bring in attendees to special events that are not normally available to small communities.

PART TWO - Check which categories apply to funding request and amount requested under each category:

Expenditures will be utilized for the acquisition of convention center facilities or visitor center sites and the construction, improvement, enlarging, equipping, repairing, operations, and maintenance of convention center facilities or visitor information centers, or both.
\$ _____

Expenditures will be utilized for the furnishing of facilities, personnel, and materials for the registration of convention delegates or registrants.
\$ _____

Expenditure will be utilized for advertising and conducting solicitations and promotional programs to attract tourists and convention delegates or registrants to the municipality or its vicinity.
\$ 3,000.00

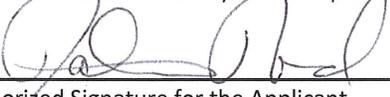
Expenditure will be utilized to the encouragement, promotion, improvement, and application of the arts, including instrumental and vocal music, dance, drama, folk art, creative writing, architecture, design and allied fields, painting, sculpture, photography, graphic and craft arts, motion pictures, radio, television, tape and sound recording, and other arts related to the presentation, performance, execution, and exhibition of these major art forms.
\$ 1,200.00

Expenditure will be utilized for historical restoration and preservation projects or activities or advertising and conducting solicitations and promotional programs to encourage tourists and convention delegates to visit preserved historic sites or museums.
\$ _____

Expenditure will be utilized for expenses, including promotion expenses, directly related to a sporting event in which the majority of participants are tourists who substantially increase economic activity at hotels and motels within the municipality.
\$ _____

CITY OF BASTROP
2017 HOTEL OCCUPANCY TAX FUNDING APPLICATION

The information contained herein and attached to this application is true and correct to the best of my knowledge. I hereby acknowledge that any funding received from the City of Bastrop must be expended as I have represented in this application and according to any requirements set by the City of Bastrop City Council and according to the program guidelines. I agree that if funds are not expended accordingly, in the opinion of the City of Bastrop, said funds will be returned to the City of Bastrop within ten (10) days from the date the City of Bastrop demands such.



Authorized Signature for the Applicant
Patricia Rendulic

Name Printed or Typed

4/17/17

Date
Executive Director

Title

Return completed application and attachments to:
City of Bastrop
Finance Department
P. O. Box 427
1311 Chestnut Street
Bastrop, Texas 78602

DEADLINE: 5:00 P.M., April 14, 2017
Extended 4/17/17

Electronic/Facsimile submissions will not be considered.

Lost Pines Art League
Project 1: Art Getaway

2016 Tier III - 2017

April through September 2017

Advertising - Marketing	2500
Art Supplies	600
Printing	300
Teachers	600
	4000

Project 2: First Friday Artwalk

Advertising - Marketing	2500
Printing - postcards/flyers	500
Postage	300
	3300

Project 3: Special Exhibits

Advertising	3000
Shipping of artwork	1200
	4200

Total requested 11500

CITY OF BASTROP
2017 HOTEL OCCUPANCY TAX FUNDING APPLICATION

ORGANIZATION INFORMATION:

Neighbors Kitchen and Yard

Official Name of Organization

Rick Brackett

Contact Person

601 Chestnut Bastrop Texas 78602

Organization Address

www.neighborsstx.com

Website Address

3/25/2017
Date

rfbrackett@aol.com
E-mail

979 412-2191
Phone Number

Is your Organization:

NO 501(c)3

Other (provide description) LLC

IN 46-5397725

\$ 36,000.00

Total Amount Requested

Provide a brief description of your organization's mission:

Neighbors Kitchen and Yard's vision is to promote and develop a destination music venue in association with our restaurant overlooking the Colorado River. We have the perfect site with our amphitheater in the Yard on the banks of the Colorado River for visitors/tourist to enjoy music in a memorable environment. We have been providing music in our Yard and Decks for three years, demonstrating our financial commitment to the Music venue for Bastrop. We are dedicated to bring music to Bastrop through a variety of events, thus programming destination live music year around. Therefore, our mission is to develop a: **Destination Music Venue for Bastrop** in order to promote tourism, retail/restaurant tax base, local hotels (including the Hyatt) and the Bastrop Convention Center.

RECEIVED

APR - 4 2017

CITY OF BASTROP
FINANCE DEPARTMENT

**CITY OF BASTROP
2017 HOTEL OCCUPANCY TAX FUNDING APPLICATION**

Required Attachments:

Only required if first application for 2017 (if you received 2017 funding already just complete #2 below)

- 1) Last fiscal year's financial statement (profit & loss statement) for your organization as a whole ✓
- 2) Proposed Budget FY2016 (10/01/2016 - 09/30/2017) as directly related to funding, event specific, if applicable
- 3) Copy of 501 (c) letter from Internal Revenue Service
- 5) Identify other sources of funding
- 6) List of all Board Members
- 7) NO STAPLES, ALL ATTACHMENTS SHOULD BE PROVIDED IN 8.5" X 11" SIZE, NO OTHER ATTACHMENTS ACCEPTED

RECEIVED

CITY OF BASTROP
2017 HOTEL OCCUPANCY TAX FUNDING APPLICATION

APR - 4 2017

CITY OF BASTROP
FINANCE DEPARTMENT

Project Number

of

EVENT OR PROJECT INFORMATION

(COMPLETE A SEPARATE FORM FOR EACH EVENT)

Neighbors Kitchen and Yard

2017

Name of Organization

Fiscal Year of Request

Bastrop Riverfront Music Series

Late July and Late October

Name of Event or Project

Date of Event or Project

\$ 36,000.00

Neighbors amphitheater in the Yard

Amount Requested

Primary Location of Event or Project

400-600 per event

3 years

Expected Attendance:

8-10%

How many years have you held this Event or Program

Percentage of attendees that will be generated

Estimated number of hotel room nights that will be staying overnight in hotels 30-50

How will you measure the impact of your event on area hotel activity?

Each organization must provide a Post Event Analysis 30 days after each event. It is the responsibility of the organization hosting the Event to monitor the number of out-of-town guest who stay in Bastrop local hotels including the Hyatt. We are working closely with The local hotels to develop a quest check-in form (attached example) to be generated for each guest attending the event. We would work with each hotel to provide a Neighbors rate or a block of rooms for the event. This special rate would be advertised on the Neighbors website and the Hotel's web site as another way to market the event. After the event, we would go to each hotel; collect the data for that event weekend for quest that attended the event and provide that data to the City.

Do your promotional materials/website note area lodging facilities that can host participants?

yes

Tell us about your event or project:

As stated earlier, Neighbors Kitchen and Yard has been providing music for the past three years Bastrop. Over the past several years We have had several bands as headliners in the Yard for our concerts. Each one of these music events attracts 300-500 visitor/tourist for the concerts. It has been our goal to have 3 major music events in the Yard to market our Spring, Summer and Fall series.

We just launched our Spring Series with the East of SXSW concert in our Yard on March 5th. This concert included 9 bands for the afternoon event with an attendance of over 500 visitors/tourist. This concert was open to the public and free admission.

Based on our experience, Neighbors Kitchen and Yard is requesting 36k with this application to help fund our Summer and Fall Music series. The approximate dates for Summer is late July and for the Fall is mid-October. The total funds would be split 18k for the Summer series and 18k for the Fall series. For each event, 90% of the funds for the band and 20% for advertising and marketing.

CITY OF BASTROP
2017 HOTEL OCCUPANCY TAX FUNDING APPLICATION

EVENT OR PROJECT INFORMATION

(COMPLETE A SEPARATE FORM FOR EACH EVENT)

Project Number

_____ of _____

In order to promote, advertise and market these events, we need at least 60-90 days prior to the event for a successful marketing campaign. We would promote the events through all the City departments, including websites and social media outlets with the Chamber, Main Street, DBA, Visit Bastrop, Visit Lost Pines, local hotels.

The request for the 36k is for a startup fund for the Summer and Fall Music series. It is our intent to sale tickets for each of these events. All proceeds from the ticket sales will be used for future Music series in order to continue concerts in the Yard. We expect to collect enough funds that we would not have to request additional HOT funds.

CITY OF BASTROP
2017 HOTEL OCCUPANCY TAX FUNDING APPLICATION

EVENT OR PROJECT INFORMATION
(COMPLETE A SEPARATE FORM FOR EACH EVENT)

Project Number _____
of _____

To qualify for financial assistance under the Hotel Occupancy Tax for Bastrop, the expenditure must satisfy Part One and at least ONE of the options in Part Two.

PART ONE - In order to be eligible to receive HOT Funding you must comply with State Law/Chapter 351 of the Tax Code. Revenues must be used to directly promote tourism and the convention and hotel industry. How will this event promote tourism and the convention and hotel industry?

Our goal and mission is to bring major bands to Bastrop and develop a destination music series. Another financial impact that must be considered for the visitors/tourist that visit Bastrop; they will eat, shop and tour thus bringing additional tax revenue to Bastrop. Per our marketing and advertising program, we are going to target tourist within a 100 mile radius of Bastrop. We will work closely with each hotel to promote our event via their website with special Event rates for tourist attending each event.

PART TWO - Check which categories apply to funding request and amount requested under each category:

Expenditures will be utilized for the acquisition of convention center facilities or visitor center sites and the construction, improvement, enlarging, equipping, repairing, operations, and maintenance of convention center facilities or visitor information centers, or both.
\$ _____

Expenditures will be utilized for the furnishing of facilities, personnel, and materials for the registration of convention delegates or registrants.
\$ _____

Expenditure will be utilized for advertising and conducting solicitations and promotional programs to attract tourists and convention delegates or registrants to the municipality or its vicinity.
\$6,000.00 _____

Expenditure will be utilized to the encouragement, promotion, improvement, and application of the arts, including instrumental and vocal music, dance, drama, folk art, creative writing, architecture, design and allied fields, painting, sculpture, photography, graphic and craft arts, motion pictures, radio, television, tape and sound recording, and other arts related to the presentation, performance, execution, and exhibition of these major art forms.
\$30,000.00 _____

Expenditure will be utilized for historical restoration and preservation projects or activities or advertising and conducting solicitations and promotional programs to encourage tourists and convention delegates to visit preserved historic sites or museums.
\$ _____

Expenditure will be utilized for expenses, including promotion expenses, directly related to a sporting event in which the majority of participants are tourists who substantially increase economic activity at hotels and motels within the municipality.
\$ _____

**CITY OF BASTROP
2017 HOTEL OCCUPANCY TAX FUNDING APPLICATION**

The information contained herein and attached to this application is true and correct to the best of my knowledge. I hereby acknowledge that any funding received from the City of Bastrop must be expended as I have represented in this application and according to any requirements set by the City of Bastrop City Council and according to the program guidelines. I agree that if funds are not expended accordingly, in the opinion of the City of Bastrop, said funds will be returned to the City of Bastrop within ten (10) days from the date the City of Bastrop demands such.

R7 Brackett

Authorized Signature for the Applicant

Rick Brackett

Name Printed or Typed

3/25/2017

Date

Owner

Title

Return completed application and attachments to:

City of Bastrop
Finance Department
P. O. Box 427
1311 Chestnut Street
Bastrop, Texas 78602

DEADLINE: 5:00 P.M., April 14, 2017

Electronic/Facsimile submissions will not be considered.

BAS Ventures LLC
Profit & Loss
 January through December 2016

	Jan - Dec 16
Ordinary Income/Expense	
Income	
Beer Income	177,853.78
Event Income	10,211.00
Food Sales	699,964.80
Liquor Sales	147,952.34
Ticket Sales	8,772.00
Wine Sales	36,322.36
Total Income	1,081,076.28
Cost of Goods Sold	
Beer Purchases	60,825.80
Food Purchases	221,407.33
Liquor Mix Purchase	9,517.25
Liquor Purchase	31,838.92
Merchant Account Fees	28,487.82
Wine Purchases	9,724.86
Yard Beverage	1,499.98
Yard Wine	46.20
Total COGS	363,348.16
Gross Profit	717,728.12
Expense	
Advertising and Promotion	2,558.78
Automobile Expense	25.00
Bank Service Charges	323.91
Business Licenses and Permits	250.00
Cash Over/Short	1,284.31
Computer and Internet Expenses	2,608.31
Consulting Fees	810.00
Contract Labor	68.39
Donation	2,037.58
Dues & Subscriptions	468.00
Employee Development	1,466.98
Entertainment	55,630.20
Equipment Rental	6,802.86
Insurance Expense	9,252.40

12:10 PM

02/02/17

Cash Basis

BAS Ventures LLC
Profit & Loss
January through December 2016

	Jan - Dec 16
Late Fee	51.34
Linens	5,225.32
Management Fee	50,300.00
Meals & Entertainment	816.79
Miscellaneous Expense	5,011.62
Occupancy Expenses	110,993.06
Payroll Expenses	324,652.50
Postage & Delivery	1,150.59
Professional Fees	8,202.61
Reconciliation Discrepancies	-0.19
Repairs and Maintenance	15,829.06
Supplies, Chemicals & Cleaning	6,785.20
Supplies, Dining	3,044.88
Supplies, Kitchen	2,872.36
Supplies, Office	1,206.67
Supplies, Paper Goods	19,530.41
Supplies, Yard	296.16
Taxes	26,137.52
Travel	500.00
Uncategorized Expenses	2,297.26
Uniforms	64.75
Website	96.00
Total Expense	668,650.63
Net Ordinary Income	49,077.49
Other Income/Expense	
Other Income	
Interest Income	0.24
Miscellaneous Income	150.00
Sales Tax Discount	-98.29
Tips	272.40
Total Other Income	324.35
Net Other Income	324.35
Net Income	<u>49,401.84</u>

Budgetary Expense for the Fall Music Series

Total Funds Requested: \$18,000.00

Promotion, Advertising, Marketing	\$3,000
AAS Digital Advertising (see attached)	\$2550
Austin 360 print ad	\$ 450
Email Marketing Bastrop area, LaGrange & Austin	
Graphic Design	\$ 300
Printing	\$330
Posters (50)	\$ 50
Half Flyers (2,000)	\$220
Event Form (500) NCR duplicate form	\$ 60
Social Media	\$400
Pre Event Expenses	
Security (5 security staff)	\$450
Lighting & Sound System	\$600
Porta Potties	\$300
Contract Execution with Band	
Band Fee	\$12,515
Post Event Expense	
Yard Cleanup/Disposal (2 staff)	\$105

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APR 13 2017

CITY OF BASTROP
FINANCE DEPARTMENT

Budgetary Expense for the Summer Music Series

Total Funds Requested: \$18,000.00

Promotion, Advertising, Marketing	\$3,000
AAS Digital Advertising (see attached)	\$2550
Austin 360 print ad	\$ 450
Email Marketing Bastrop area, LaGrange & Austin	
Graphic Design	\$ 300
Printing	\$330
Posters (50)	\$ 50
Half Flyers (2,000)	\$220
Event Form (500) NCR duplicate form	\$ 60
Social Media	\$400
Pre Event Expenses	
Security (5 security staff)	\$450
Lighting & Sound System	\$600
Porta Potties	\$300
Contract Execution with Band	
Band Fee	\$12,515
Post Event Expense	
Yard Cleanup/Disposal (2 staff)	\$105

RECEIVED

APR 13 2017

CITY OF BASTROP
FINANCE DEPARTMENT

NEIGHBOR'S KITCHEN & YARD

601 Chestnut St, Bastrop, TX 78602 ~ (512) 988-7036

Summer Music Series in the Yard

presents

JOE & THE BAND-JOE'S

July 22, 2017 at 7:00pm

Hotel Guest Questionnaire

Name:

Email:

Will you be attending Neighbor's Music Concert? Yes No

Will you be staying overnight? Yes No

Were you offered the Neighbor's Special Rate? Yes No

Where did you travel from?

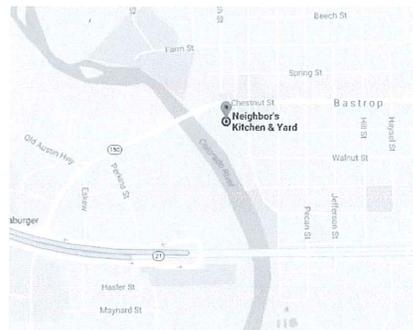
*Thank you for sharing this information with us!
We hope you will come down and join us.*

*Here's something from us when you
join us for the Summer Music Series:*

10% OFF Your Meal

Must present coupon to redeem.
Alcohol not included.

Offer good only on July 22, 2017 during the Summer Music Series.





STAFF REPORT

MEETING DATE: May 9, 2017

AGENDA ITEM: 6A

TITLE:

Presentation from the Bastrop Main Street Program: Downtown, TX, Preservation Month & Imagine the Possibilities Tour

STAFF REPRESENTATIVE:

Sarah O'Brien, Main Street Program Director

BACKGROUND/HISTORY:

Just in time for preservation month, the City of Bastrop Main Street Program will host an “Imagine the Possibilities Tour” in downtown to correspond with the recent, statewide launch of DowntownTX.org by the Texas Historical Commission—a software application designed to revolutionize how downtown programs connect potential investors to development opportunities in Texas’ historic downtowns. Bastrop’s event is one of a series of similar tours being held across the state during the month of May.

The tour will showcase available downtown properties as a way to engage potential investors, entrepreneurs, developers, residents and anyone else who has imagined themselves running a business, owning a building, or living downtown. Properties featured on the Downtown, TX site will be open and accessible to the public and tour attendees can obtain additional information on downtown development and business resources at a central gathering point.

The first of its kind, DowntownTX.org is an online building inventory for Texas downtowns featuring historic property listings. The concept originated in 2015 by the Town Square Initiative, an affiliate of the Texas Main Street Program, which focuses on the challenge of vacant and underutilized historic properties. The website officially launched on May 1st by the Texas Historical Commission as part of Preservation Month with about 30 cities online.

Main Street Director Sarah O'Brien will give a brief presentation on the database.



STAFF REPORT

MEETING DATE: May 9, 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: May 9, 2017

AGENDA ITEM: 8A

TITLE:

Consider action to approve minutes from the April 25, 2017 Regular Council meeting.

STAFF REPRESENTATIVE:

Lynda Humble, City Manager
Ann Franklin, City Secretary

BACKGROUND/HISTORY:

N/A

POLICY EXPLANATION:

Section 551.021 of the Government Code provides as follows:

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

FUNDING SOURCE:

N/A

RECOMMENDATION:

Consider action to approve minutes from the April 25, 2017 Regular Council meeting.

ATTACHMENTS:

- April 25, 2017 DRAFT Regular Council Meeting Minutes

**MINUTES OF REGULAR COUNCIL MEETING
BASTROP CITY COUNCIL
APRIL 25, 2017**

The Bastrop City Council met in a Regular Meeting on Tuesday, April 25, 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, Mayor Pro Tem DeLaRosa and Council Members Peterson, 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. Council Member Schiff was absent.

PLEDGE OF ALLEGIANCE

Glen Johnson led the Pledge of Allegiance

INVOCATION

Reverend Bernie Jackson gave the Invocation.

PRESENTATIONS

- 4A.** Proclamation recognizing "Air Quality Awareness Week."
- 4B.** Proclamation recognizing "Motorcycle Safety and Awareness Month."
- 4C.** Proclamation recognizing "National Firefighter Day" and declaring May 4, 2017 as Firefighter Appreciation Day for the City of Bastrop.
- 4D.** Councilmembers' Report
Council Member Jones –
 - Would like to see some type of golf activity at the State Park.
 - Excited about the work that is taking place on the north part of town.
- 4E.** Mayor's Report
 - Encouraged everyone to get involved in the process and to get out and vote.
- 4F.** City Manager's Report
 - Farm to Table event was a success and it is one of the things that makes this community unique. The event served as a fundraiser for Main Street.
 - Farm Street Opry is held on the first Thursday of each month at the Convention Center.
 - May 5th – Cinco De Mayo Pub Crawl

EXECUTIVE SESSION

The City Council met at 6:50 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 the appeal of property owners involved in water permit litigation (known as McCall Ranch) and the status of the XS Ranch Development.

The Bastrop City Council reconvened at 7:43 p.m. into open (public) session.

TAKE ANY NECESSARY OR APPROPRIATE ACTION ON MATTERS POSTED FOR CONSIDERATION IN CLOSED/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. **A motion was made by Council Member Peterson to approve the following motion, seconded by Mayor Pro Tem DeLaRosa, motion was approved on a 4-0 vote. Council Member Schiff was absent. The motion was to approve the settlement agreement between the City of Bastrop and Scotty and Rhonda Vandiver in the amount of \$150,000, to pay over three payments of \$50,000 each when certain requirements are met as outlined in the agreement, dismiss all City lawsuits regarding 909 and 911 Farm Street, and authorize the Mayor to execute the agreement.**

A motion was made by Council Member Peterson to approve the following motion. Seconded by Mayor Pro Tem DeLaRosa, motion was approved on a 4-0 vote. Council Member Schiff was absent. The motion was to approve the settlement agreement between the City of Bastrop and Judy and Tommy Hoover in the amount of \$32,272.26 to settle all potential claims with respect to the permits and other services and processes for the property and utility services at 1305 and 1610 Wilson Street and authorize the Mayor to execute the agreement.

- 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 the appeal of property owners involved in water permit litigation (known as McCall Ranch). **A motion was made by Council Member Peterson to authorize the Mayor to sign a memorandum settlement between the City of Bastrop and the McCall Ranch group. Seconded by Mayor Pro Tem DeLaRosa, motion was approved on a 4-0 vote. Council Member Schiff was absent.**

Addition by City Manager for public disclosure relative to funds being expended: The only monetary impact of this agreement is raising the mitigation fund associated with the City's water permit from \$100,000 to \$250,000 to ensure that should any damage occur to twelve identified property owners as a result of the permit, there is appropriate mitigation funds available. If there is no damage to the wells that can be documented and proved within a 10 year period, the mitigation money is then returned to the City.

- 4F City Manager's Report Continued
- **May 5th – First Friday Art Walk**

WORK SESSION/BRIEFINGS

- 5A. Discuss and receive consensus on an amendment to the Financial Management Policy requiring a reserve balance for the Hotel Occupancy Tax Fund.
Presentation was given by City Manager Lynda Humble.
- A resolution will be brought back on May 9, 2017 for action.**
- 5B. Discuss and receive feedback regarding changes to Article 4.03, "Taxicabs and Touring Vehicles."
Staff was directed to bring back proposed language to Council.
- 5C. Discuss and receive feedback regarding a protocol for Consent Agenda items.
In the future prior to the reading of the "Consent Agenda," the Mayor will ask the audience if there is anyone present who would like to pull an item from the "Consent Agenda".

STAFF AND BOARD REPORTS

- 6A. Receive presentation on the unaudited monthly financial report for the period ending March 31, 2017.
Report was given by the Chief Financial Officer, Tracy Waldron.
- 6B. Receive presentation on the Quarterly Investment Report for period ending March 31, 2017.
Report was given by the Chief Financial Officer, Tracy Waldron.
- 6C. Receive monthly report from Bastrop Economic Development Corporation.
Report was given by the Bastrop Economic Development Corporation Executive Director Shawn Kirkpatrick.

CITIZEN COMMENTS

Walker Haynes – Via video, promoted the First Thursday Film Festival in Bastrop.

David Perkins – Promoted the First Thursday Film Festival in Bastrop.

CONSENT AGENDA

A motion was made by Mayor Pro Tem DeLaRosa to approve items 8A, 8B, 8C, 8D, 8E, 8F and 8J listed on the Consent Agenda after being read into the record by City Secretary Ann Franklin. Seconded by Council Member Peterson, motion was approved on a 4-0 vote. Council Member Schiff was absent.

- 8A. Consider action to approve minutes from the March 28, 2017 and April 11, 2017 regular Council meetings.
- 8B. Consider action to approve the second 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.

- 8C.** Consider action to approve Resolution R-2017-18 by the City Council of the City of Bastrop, Texas authorizing the City Manager and consultants to proceed with the establishment of a nonprofit corporation to facilitate the City's destination and marketing functions; preparing any required documents and agreements necessary to effectuate the corporation's organization; and those matters necessary or incidental in connection therewith.
- 8D.** Consider action to approve the Budget Planning Calendar for the Fiscal Year 2017-2018.
- 8E.** Consider action to approve the second 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.
- 8F.** Consider action to approve Resolution No. R-2017-15 of the City Council of the City of Bastrop, Texas, requesting the members of the 85th Legislative Session of the State of Texas to support legislation that provides a fair and equitable distribution of the sporting goods sales tax revenue for local and state parks.
- 8H.** Consider action to approve Resolution No. R-2017-20 authorizing reimbursement of legal fees to Council Member Gary Schiff incurred in his defense against Ethics Complaint No. 2016-2; providing a precedence for future reimbursements of legal fees related to Ethics Complaints of Council Members or Staff where there are no violation(s) found; and repealing Resolution R-2017-13.
This item was withdrawn.
- 8I.** Consider action to approve Resolution No. R-2017-19 authorizing reimbursement of legal fees to Council Member Deborah Jones incurred in her defense against Ethics Complaint No. 2016-3; providing a precedence for future reimbursements of legal fees related to Ethics Complaints of Council Members or Staff where there are no violation(s) found; and repealing Resolution R-2017-14.
This item was withdrawn.
- 8J.** Consider action to approve Resolution No. R-2017-20 approving a Public Decorum Protocol and providing for an effective date.

DISCUSSION ITEM

- 8G.** Consider action to approve Resolution No. R-2017-17 of the City Council of the City of Bastrop, Texas, authorizing the City Manager to execute an application for \$5,800,000 to the Texas Water Development Board for low interest funding available through the State Water Implementation Fund for Texas.
Presentation was made by Public Works, Parks and Utilities Director Trey Job.

Resolution No. R-2017-17 was approved on the motion made by Council Member Jones, seconded by Mayor Pro Tem DeLaRosa on a 4-0 vote. Council Member Schiff was absent.

ITEMS FOR INDIVIDUAL CONSIDERATION

- 9A. Hold public hearing and consider action to approve the first reading of Ordinance 2017-13 of the City of Bastrop, Texas updating and amending Bastrop Code of Ordinances, Chapter 10, Article 10.02, entitled "Impact Fees", updating the land use assumptions, capital improvement plan and amending impact fees for water and wastewater utilities, and providing for an effective date; and move to include on the May 9, 2017 agenda for a second reading.
Presentation was made by Nelisa Heddin, NH Consulting, LLC.

The public hearing was closed.

Ordinance No. 2017-13 was approved on a motion by Mayor Pro Tem DeLaRosa, seconded by Council Member Peterson on a 4-0 vote. Council Member Schiff was absent.

EXECUTIVE SESSION CONTINUED

The City Council met at 9:45 p.m. in a closed/executive session pursuant to the Texas Government Code, Chapter 551, et seq, to discuss the following:

- 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 the status of the XS Ranch Development.
- 10C. City Council shall convene into closed executive session pursuant to Section 551.072 of the Texas Government Code to consider the purchase of five (5) parcels of land within the City of Bastrop.

The Bastrop City Council reconvened at 11:20 p.m. into open (public) session.

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

No Action taken.

12. ADJOURNMENT

Mayor Pro Tem DeLaRosa made the motion to adjourn the meeting at 11:21 p.m., seconded by Council Member Peterson. The motion was approved on a 4-0 vote. Council Member Schiff 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: May 9, 2017

AGENDA ITEM: 8B

TITLE:

Consider action to approve the second reading of Ordinance 2017-13 of the City of Bastrop, Texas updating and amending Bastrop Code of Ordinances, Chapter 10, Article 10.02, entitled "Impact Fees", updating the land use assumptions, Capital Improvement Plan, and amending impact fees for water and wastewater utilities, and providing for an effective date.

STAFF REPRESENTATIVE:

Tracy Waldron, Chief Financial Officer

BACKGROUND/HISTORY:

The City started the study of its Impact Fees in December 2015. This process involved many of the City's staff to collect data on consumption, capital projects and history of revenue and expenditures. The last Impact Fee Study was adopted on August 9, 2011. A Public Hearing and first reading was held at the April 25, 2017 meeting.

POLICY EXPLANATION:

Texas Local Government Code Chapter 395.052 requires a political subdivision imposing an impact fee to update the land use assumptions and capital improvements plan at least every five years. The initial five-year period begins on the day the Capital Improvements Plan is adopted.

FUNDING SOURCE:

N/A

RECOMMENDATION:

Consider action to approve the second reading of Ordinance 2017-13 of the City of Bastrop, Texas updating and amending Bastrop Code of Ordinances, Chapter 10, Article 10.02, entitled "Impact Fees", updating the land use assumptions, Capital Improvement Plan, and amending impact fees for water and wastewater utilities, and providing for an effective date.

ATTACHMENTS:

- Ordinance

ORDINANCE NO. 2017-13

**AN ORDINANCE OF THE CITY OF BASTROP, TEXAS
UPDATING AND AMENDING BASTROP CODE OF
ORDINANCES, CHAPTER 10, ARTICLE 10.02, ENTITLED
"IMPACT FEES", UPDATING THE LAND USE
ASSUMPTIONS, CAPITAL IMPROVEMENT PLAN, AND
AMENDING IMPACT FEES FOR WATER AND WASTEWATER
UTILITIES, AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the City of Bastrop is responsible for and committed to the provision of public facilities and services (including water and wastewater service) at levels necessary to cure any existing public service deficiencies in already developed areas; and

WHEREAS, such facilities and service levels shall be provided by the City of Bastrop utilizing funds allocated in the capital budget and capital improvements programming processes and relying upon the funding sources indicated therein; and

WHEREAS, new residential and nonresidential development causes and imposes increased demands upon Bastrop public facilities and services, including water and wastewater facilities, that would not otherwise occur; and

WHEREAS, planning projections indicate that such development will continue and will place ever-increasing demands on the City to provide necessary public facilities; and

WHEREAS, the development potential and value of properties is strongly influenced and encouraged by City policy as expressed in the Comprehensive Plan and as implemented via the City zoning ordinance and map; and

WHEREAS, to the extent that such new development places demands upon the public facility infrastructure, those demands should be satisfied by more equitably assigning responsibility for financing the provision of such facilities from the public at large to the developments actually creating the demands for them; and

WHEREAS, the amount of the impact fee to be imposed shall be determined by the cost of the additional public facilities needed to support such development, which public facilities shall be identified in a capital improvements

program; and

WHEREAS, the City Council, after careful consideration of the matter, hereby finds and declares that impact fees imposed upon residential and nonresidential development to finance specified major public facilities, the demand for which is created by such development, is in the best interests of the general welfare of the City and its residents, is equitable, and does not impose an unfair burden on such development;

WHEREAS, in 1987 the Texas Legislature adopted Senate Bill 336, now Chapter 395 of the Texas Local Government Code, and subsequently amended said Chapter from time to time; and

WHEREAS, the City Council finds that in all things the City has complied with said statute in the notice, adoption, promulgation and methodology necessary to adopt Impact Fees;

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

Part 1: CHAPTER 10, ARTICLE 10.02 - IMPACT FEES, SHALL BE AMENDED AS FOLLOWS:

DIVISION 1. - GENERALLY

Sec. 10.02.001 - Short Title.

No changes.

Sec. 10.02.002 - Intent.

No changes.

Sec. 10.02.003 - Authority.

No changes.

Sec. 10.02.004 - Definitions.

No changes.

Sec. 10.02.005 - Applicability.

No changes.

Sec. 10.02.006 - Impact Fees as Conditions of Development Approval.

No changes.

Sec. 10.02.007 - Establishment of Water and Wastewater Service Areas.

A. The water and wastewater service areas are established as shown on the Service Area Map which is Exhibit A to Ordinance 2017-13.

B. *No changes.*

Sec. 10.02.008 - Land Use Assumptions.

Land use assumptions used in the development of the impact fees are contained in Exhibit B to Ordinance 2017-13. These assumptions may be revised by the City Council according to the procedure set forth in V.T.C.A. Local Government Code, chp. 395 and its successors.

Sec. 10.02.009 - Service Units.

No changes.

Sec. 1.02.010 - Impact Fees Per Service Unit.

A. The maximum impact fee per service unit for each service area shall be computed by dividing the growth-related capital construction cost of service in the service area identified in the capital improvements plan for that category of capital improvements, by the total number of projected service units anticipated within the service area which are necessitated by and attributable to new development, based on the land use assumptions for that service area, and adjusted by subtracting credits in the form of future rate or tax contributions to water and/or wastewater CIP funding and adding any additional amount as may be yielded in the inflation-escalator portion of the fee assessment formula set forth in Sec. 10.02.011. Maximum impact fees per service unit for each service area shall be established by category of capital improvements and shall be

set forth in Exhibit C to Ordinance 2017-13.

- B. Exhibit C to Ordinance 2017-13 may be amended by the City Council according to the procedure set forth in Chapter 395 of the Texas Local Government Code and its successors.
- C. The effective impact fees per service unit may be amended from time to time by the City Council through ordinance amendment to any amount less than that set forth in Exhibit C to Ordinance 2017-13.

Sec. 10.02.011 - Assessment.

- A. *No changes.*
- B. Assessment of the impact fee for any new development shall be made as follows:
 - 1. *No changes.*
 - 2. For new development, which has received final plat approval prior to the effective date of this article and for which no replatting is necessary prior to the issuance of a building permit, assessment shall be upon the issuance of a building permit, and shall be the value of the effective impact fee per service unit set forth in Exhibit C to Ordinance 2017-13.
 - 3. For new development, which occurs or is proposed to occur without platting, assessment shall be upon the issuance of a building permit, and shall be the value of the effective impact fee per service unit set forth in Exhibit C to Ordinance 2017-13.
 - 4. *No changes.*
 - 5. *No changes.*
- C. *No changes.*
- D. *No changes.*

Sec. 10.02.012 - Calculation of Impact Fees.

No changes

Sec. 10.02.013 - Collection of Impact Fees.

No changes.

Sec. 10.02.014 - Offsets Against Impact Fees.

No changes.

Sec. 10.02.015 - Establishment of Accounts and Records.

No changes.

Sec. 10.02.016 - Use of Proceeds of Impact Fee Accounts.

No changes.

Sec. 10.02.017 – Appeals.

No changes.

Sec. 10.02.018 – Refunds.

No changes.

Sec. 10.02.019 - Updates to Plan and Revision of Fees.

No changes.

Sec. 10.02.020 - Functions of Advisory Committee.

No Changes.

Sec. 10.02.021 - Agreement for Capital Improvements.

No changes.

Sec. 10.02.022 - Use of Other Financing Mechanisms.

No changes.

Sec. 10.02.023 - Impact Fees as Additional and Supplemental Regulation.

No changes.

Sec. 10.02.024 - Relief Procedures.

No changes.

Sec. 10.02.025 - Exemptions.

No changes.

Sec. 10.02.026 - Certification of Compliance Required.

No changes.

Secs. 10.02.027 – 10.02.060 Reserved

DIVISION 2. – WATER FACILITIES

Sec. 10.02.061 - Service Area.

A. There is hereby established a water service area as depicted on Exhibit A to Ordinance 2017-13 and incorporated herein by reference.

B. *No changes.*

Sec. 10.02.062 - Improvements Plan.

A. The Water Improvements Plan for the City is hereby adopted as Exhibit D to Ordinance 2017-13 and incorporated by reference herein.

B. *No changes.*

Sec. 10.02.063 - Impact Fees.

A. The maximum impact fee values per service unit for water facilities are hereby adopted and incorporated in Exhibit C to Ordinance 2017-13 and made a part hereof by reference.

B. *No changes.*

Secs. 10.02.064-10.02.090 – Reserved.

DIVISION 3. - WASTEWATER FACILITIES

Sec. 10.02.091 - Service Area.

- A. There is hereby established a wastewater service area as depicted on Exhibit A to Ordinance 2017-13 and incorporated herein by reference.
- B. *No changes.*

Sec. 10.02.092 - Improvements Plan.

- A. The Wastewater Improvements Plan for the City is hereby adopted as Exhibit E to Ordinance 2017-13 hereto and incorporated by reference herein.
- B. *No changes.*

Sec. 10.02.093 - Impact Fees.

- A. The maximum impact fee values per service unit for wastewater facilities are hereby adopted and incorporated in Exhibit C to Ordinance 2017-13 and made a part hereof by reference.
- B. *No changes.*

PART 2. This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

PART 3: If any sentence, section, subsection, clause, phrase, part or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part declared to be invalid.

PART 4: The provisions of this Ordinance shall be liberally construed to effectively carry out its purposes, which are hereby found and declared to be in furtherance

of the public health, safety, and welfare. Any member of the Council or any City official or employee charged with the enforcement of this ordinance, acting for the City in the discharge of his or her duties, shall not thereby render himself or herself personally liable; and is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of said duties.

PART 5: Any violation of this ordinance can be enjoined by a suit filed in the name of the City in court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City.

PART 6: This Ordinance shall take effect immediately upon passage of the second reading.

READ and APPROVED on First Reading on the 25th day of April, 2017.

READ and ADOPTED on Second Reading on the 9th day of May, 2017.

APPROVED:

ATTEST:

Ken Kesselus, Mayor

Ann Franklin, City Secretary

APPROVED AS TO FORM:

David Bragg, City Attorney

EXHIBIT A

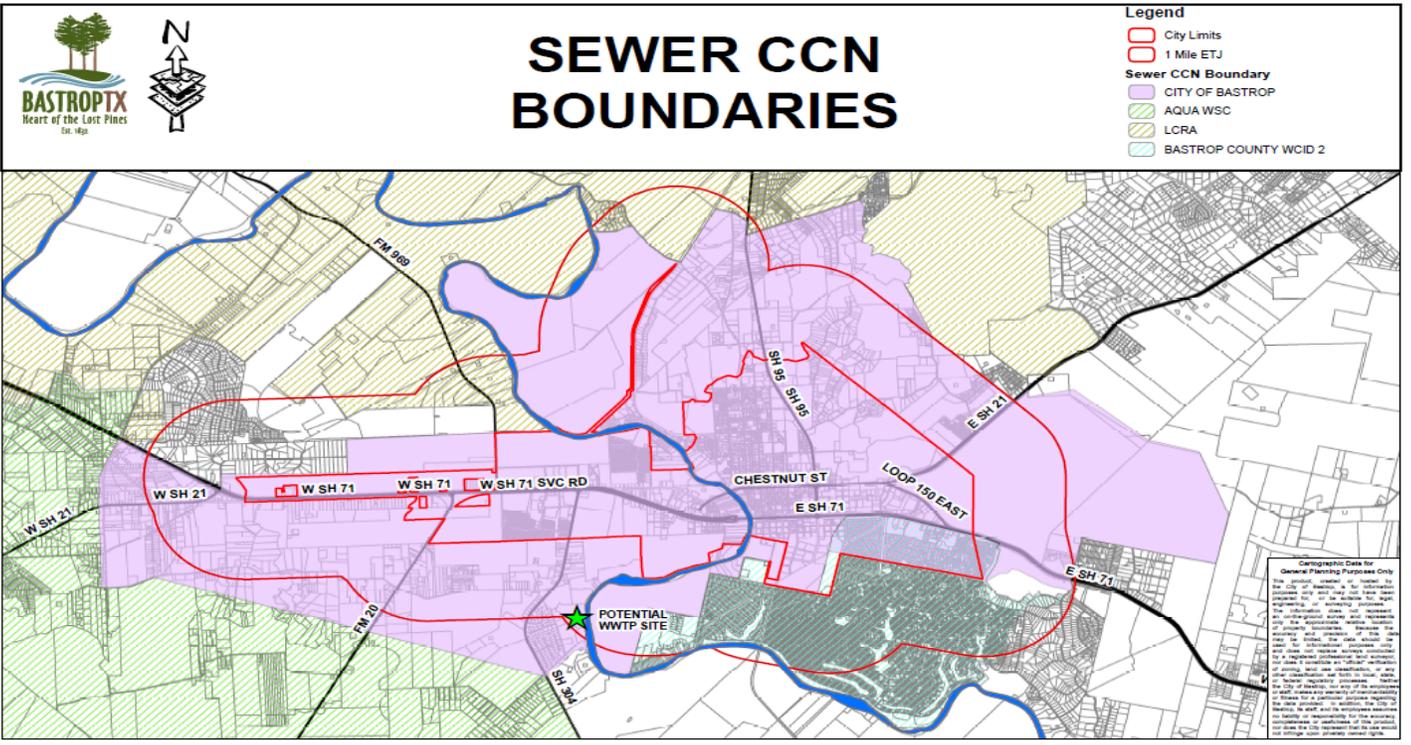
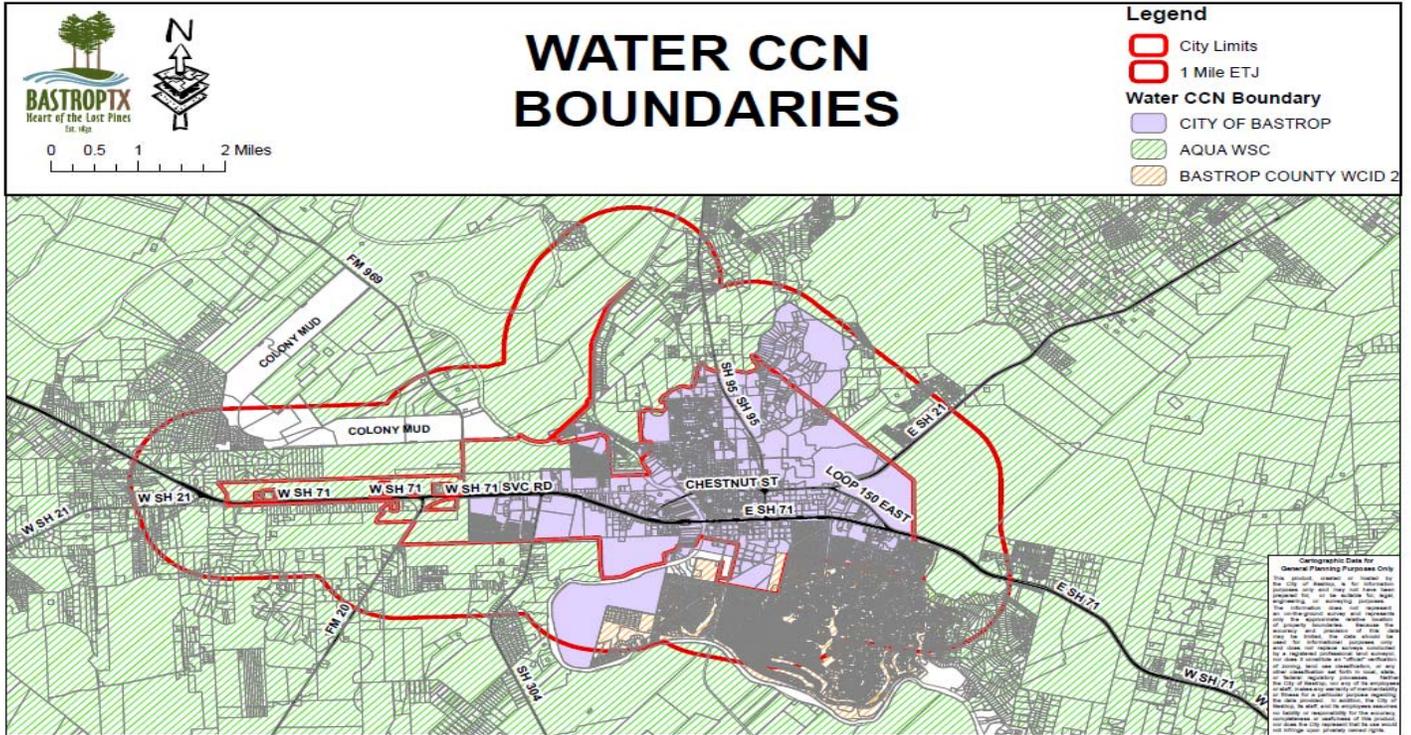


EXHIBIT B

Table 3: Future Land Use Assumptions, Acres Developed

Land Use (Acres)	2016	2026	Build Out
Single Family Residential	1,697	2,476	3,616
Retail/Office	96	140	211
Commercial	1,181	1,723	2,274
Industrial	174	254	459
Parks and Open Space and Agriculture	748	748	748
TOTAL Developed ACREAGE	3,896	5,341	7,307

Table 4: Future Land Use Assumptions, Service Unit Equivalents and Population

	2016	2026	2055
Population	10,581	13,596	17,700
Water Service Population	8,130	11,145	15,249
Sewer Service Population	7,960	10,975	15,079
Water SUEs	4,877	6,686	9,147
Sewer SUEs	5,676	7,826	10,752
Water Service Population per Acre (Total Acres)	2.09		

EXHIBIT C
MAXIMUM AND EFFECTIVE IMPACT FEES

METER	METER		MAXIMUM IMPACT FEE			EFFECTIVE IMPACT FEE		
TYPE	SIZE	MULTIPLIER	WATER	SEWER	BOTH	WATER	SEWER	BOTH
SIMPLE	5/8" x 3/4"	1.0	\$ 1,353.00	\$ 3,554.00	\$ 4,907.00	\$ 1,353.00	\$ 3,554.00	\$ 4,907.00
SIMPLE	3/4"	1.0	\$ 1,353.00	\$ 3,554.00	\$ 4,907.00	\$ 1,353.00	\$ 3,554.00	\$ 4,907.00
SIMPLE	1"	2.5	\$ 3,382.50	\$ 8,885.00	\$ 12,267.50	\$ 3,382.50	\$ 8,885.00	\$ 12,267.50
SIMPLE	1 1/2"	5.0	\$ 6,765.00	\$ 17,770.00	\$ 24,535.00	\$ 6,765.00	\$ 17,770.00	\$ 24,535.00
SIMPLE	2"	8.0	\$ 10,824.00	\$ 28,432.00	\$ 39,256.00	\$ 10,824.00	\$ 28,432.00	\$ 39,256.00
COMPOUND	2"	8.0	\$ 10,824.00	\$ 28,432.00	\$ 39,256.00	\$ 10,824.00	\$ 28,432.00	\$ 39,256.00
TURBINE	2"	10.0	\$ 13,530.00	\$ 35,540.00	\$ 49,070.00	\$ 13,530.00	\$ 35,540.00	\$ 49,070.00
COMPOUND	3"	16.0	\$ 21,648.00	\$ 56,864.00	\$ 78,512.00	\$ 21,648.00	\$ 56,864.00	\$ 78,512.00
TURBINE	3"	24.0	\$ 32,472.00	\$ 85,296.00	\$ 117,768.00	\$ 32,472.00	\$ 85,296.00	\$ 117,768.00
COMPOUND	4"	25.0	\$ 33,825.00	\$ 88,850.00	\$ 122,675.00	\$ 33,825.00	\$ 88,850.00	\$ 122,675.00
TURBINE	4"	42.0	\$ 56,826.00	\$ 149,268.00	\$ 206,094.00	\$ 56,826.00	\$ 149,268.00	\$ 206,094.00
COMPOUND	6"	50.0	\$ 67,650.00	\$ 177,700.00	\$ 245,350.00	\$ 67,650.00	\$ 177,700.00	\$ 245,350.00
TURBINE	6"	92.0	\$ 124,476.00	\$ 326,968.00	\$ 451,444.00	\$ 124,476.00	\$ 326,968.00	\$ 451,444.00
COMPOUND	8"	80.0	\$ 108,240.00	\$ 284,320.00	\$ 392,560.00	\$ 108,240.00	\$ 284,320.00	\$ 392,560.00
TURBINE	8"	160.0	\$ 216,480.00	\$ 568,640.00	\$ 785,120.00	\$ 216,480.00	\$ 568,640.00	\$ 785,120.00
COMPOUND	10"	115.0	\$ 155,595.00	\$ 408,710.00	\$ 564,305.00	\$ 155,595.00	\$ 408,710.00	\$ 564,305.00
TURBINE	10"	250.0	\$ 338,250.00	\$ 888,500.00	\$ 1,226,750.00	\$ 338,250.00	\$ 888,500.00	\$ 1,226,750.00
TURBINE	12"	330.0	\$ 446,490.00	\$ 1,172,820.00	\$ 1,619,310.00	\$ 446,490.00	\$ 1,172,820.00	\$ 1,619,310.00

**EXHIBIT D
WATER CAPITAL IMPROVEMENT PLAN
INVENTORY**

City of Bastrop, Texas
Water and Wastewater Department
Impact Fee Study



Schedule 1
Water Capital Improvement Plan Inventory

Water Supply	Year Planned	Total Construction Cost	Total Facility Capacity	Units	2016	2026	2055
Existing Facilities							
Willow Street Plant (Wells C-G)		\$ 781,865	3,319,200	Average Gpd	3,319,200	3,319,200	3,319,200
Bob Bryan Park Site Phase 1 (Wells H and I)		\$ 424,853	1,224,000	Average Gpd	1,224,000	1,224,000	1,224,000
Bob Bryan Park Side Phase 2		\$ 1,462,720	1,152,000	Average Gpd	1,152,000	1,152,000	1,152,000
Future Facilities							
Additional water supply*	2017	\$ 1,000,000	1,058,400	Average Gpd	-	1,058,400	1,058,400
TOTAL WATER SUPPLY			6,753,600		5,695,200	6,753,600	6,753,600
Capacity Required					5,358,096	10,049,703	-
Percent Used					94%	149%	0%

*Per City, combined additional water supply and New River Crossing to provide supplies for 2500 SUEs. Used gpd water supply requirements per SUE to convert to average day capacity provided.

Water Pumping	Year Planned	Total Construction Cost	Total Facility Capacity	Units	2016	2026	2055
Existing Facilities							
Willow High Service 1		\$ 9,962	720,000	Peak Hour	720,000	720,000	720,000
Willow High Service 2		\$ 9,962	720,000	Peak Hour	720,000	720,000	720,000
Willow High Service 3		\$ 9,962	720,000	Peak Hour	720,000	720,000	720,000
Willow High Service 4		\$ 19,638	768,000	Peak Hour	768,000	768,000	768,000
Willow High Service 5		\$ 19,638	768,000	Peak Hour	768,000	768,000	768,000
Willow High Service 6		\$ 19,638	768,000	Peak Hour	768,000	768,000	768,000
Bob Bryant High Service 1		\$ 74,815	1,344,000	Peak Hour	1,344,000	1,344,000	1,344,000
Bob Bryant High Service 2		\$ 74,815	1,344,000	Peak Hour	1,344,000	1,344,000	1,344,000
Bob Bryant Transfer Pump 1		\$ 20,000	384,000	Peak Hour	384,000	384,000	384,000
Bob Bryant Transfer Pump 2		\$ 20,000	384,000	Peak Hour	384,000	384,000	384,000
Loop 150 Tank Yard Pump 1		\$ 4,862	384,000	Peak Hour	384,000	384,000	384,000
Loop 150 Tank Yard Pump 2		\$ 4,862	384,000	Peak Hour	384,000	384,000	384,000
				Peak Hour	-	-	-
Future Facilities							
				Peak Hour	-	-	-
				Peak Hour	-	-	-
TOTAL WATER PUMPING			8,688,000		8,688,000	8,688,000	8,688,000

City of Bastrop, Texas
 Water and Wastewater Department
 Impact Fee Study



Schedule 1
 Water Capital Improvement Plan Inventory

Ground Storage	Year Planned	Total Construction Cost	Total Facility Capacity	Units	2016	2026	2055
Existing Facilities							
Bob Bryant (Tank 4)		\$ 263,080	285,000	Gallons	285,000	285,000	285,000
GST Re-Use at WWTP		\$ 128,762	40,000		40,000	40,000	40,000
Tank 1 at Willow Street		\$ 350,000	500,000		500,000	500,000	500,000
Tank 2 at Willow Street		\$ 350,000	500,000	Gallons	500,000	500,000	500,000
Future Facilities							
				Gallons	-	-	-
TOTAL GROUND STORAGE			1,325,000		1,325,000	1,325,000	1,325,000

Elevated Storage	Year Planned	Total Construction Cost	Total Facility Capacity	Units	2016	2026	2055
Existing Facilities							
EST at Loop 150		\$ 375,000	250,000	Gallons	250,000	250,000	250,000
Standpipe at Loop 150		\$ 700,000	1,000,000	Gallons	1,000,000	1,000,000	1,000,000
GST at Loop 150		\$ 140,000	225,000	Gallons	225,000	225,000	225,000
Future Facilities							
Elevated tower west at HWY 20 (supply)	2017	\$ 3,800,000	1,000,000	Gallons	-	1,000,000	1,000,000
TOTAL ELEVATED STORAGE			2,475,000		1,475,000	2,475,000	2,475,000



Schedule 1
 Water Capital Improvement Plan Inventory

Transmission Lines	Year Planned	Total Construction		Units	2016	2026	2055
		Cost	Total SUEs				
Existing Facilities							
8-inch line on Old Austin Hwy		\$ 146,590	1,000		1,000	1,000	1,000
12-inch line on Perkins/Higgins		\$ 96,491	1,000		1,000	1,000	1,000
12-inch line on Eskew/Loop 150		\$ 48,904	1,000		1,000	1,000	1,000
Hunters Crossing Blvd (16-inch)		\$ 100,160	1,200		1,200	1,200	1,200
Downtown Feeder (8"-inch)		\$ -	450		450	450	450
Willow/Wilson Connection (6-inch)		\$ -	250		250	250	250
Loop 150 Standpipe Feeder (10, 12-inch)		\$ -	1,000		1,000	1,000	1,000
SH 95 North (12-inch)		\$ -	1,000		1,000	1,000	1,000
Hoffman Road (8-inch)		\$ -	450		450	450	450
Loop 150 West Feeder (12-inch)		\$ -	1,000		1,000	1,000	1,000
SH 71 (North Line) (12-inch)		\$ -	1,000		1,000	1,000	1,000
SH 71 (South Line) (12-inch)		\$ -	1,000		1,000	1,000	1,000
Hasler Blvd (12-inch)		\$ -	1,000		1,000	1,000	1,000
Agnes Street (12-inch)		\$ -	1,000		1,000	1,000	1,000
SH 71 (West Line) (12-inch)		\$ -	1,000		1,000	1,000	1,000
Hunters Point Drive (12, 16-inch)		\$ -	1,200		1,200	1,200	1,200
Elevated Tank Feeder (12, 16-inch)		\$ -	1,200		1,200	1,200	1,200
SH 71 East/Buc-ee's (12-inch)		\$ -	1,000		1,000	1,000	1,000
Ground Storage Tank Feeder (12-inch)		\$ -	1,000		1,000	1,000	1,000
Loop 150 River Crossing (8-inch)		\$ -	450		450	450	450
Bob Bryant Feeder (12-inch)		\$ -	1,000		1,000	1,000	1,000
Blair Avenue (12-inch)		\$ -	1,000		1,000	1,000	1,000
Future Facilities							
Phase II Infrastructure for Well & Transmissi	2017	\$ 5,800,000	2,500			2,500	2,500
16" watermain crossing under river	2017	\$ 1,200,000	250			250	250
Watermain Replacement Pine Street Size In	2017	\$ 250,000	100			100	100
Carter & Mesquite Water Line Extensions	2018	\$ 700,000	250			250	250
Riverwood Waterline Improvements (Size Ir	2018	\$ 1,000,000	250			250	250
Transmission Main Extension Hunters Cross	2018	\$ 1,200,000	250			250	250
Watermain ext. piney ridge Hoffman to end	2019	\$ 350,000	250			250	250
Additional Water Main ext. to Pineforest	2019	\$ 850,000	250			250	250
Watermain ext. Tahitian drive to McAllister	2019	\$ 650,000	250			250	250
Water main ext. Arena Dr to Pitt	2020	\$ 350,000	250			250	250
Watermain ext (hwy 21) east to City Limits	2020	\$ 350,000	250			250	250
Tahitian Dr. Deadend to Mahalua Dr.	2020	\$ 250,000	250			250	250
Mahalua Dr. to Hulu Ct	2020	\$ 250,000	250			250	250
Water Main Ext SH304 to WWTP 3	2021	\$ 800,000	250			250	250
Watermain ext. Blakey Ln (Deadend to Char	2021	\$ 350,000	250			250	250

**EXHIBIT E
WASTEWATER CAPITAL IMPROVEMENT PLAN
INVENTORY**

City of Bastrop, Texas
Water and Wastewater Department
Impact Fee Study



Schedule 2
Wastewater Capital Improvement Plan Inventory

Wastewater Treatment	Year Planned	Total Construction Cost	Total Facility Capacity	Units	2016	2026	2055
Existing Facilities							
WWTP No. 1		\$ 505,014	1,060,000	Average Gallons per Day	1,060,000	1,060,000	1,060,000
WWTP No. 2		\$ 654,392	340,000	Average Gallons per Day	340,000	340,000	340,000
Future Facilities							
1 MGD WWTP # 3 Construction/Design	2018	\$ 10,553,000	1,000,000	Average Gallons per Day	-	1,000,000	1,000,000
TOTAL WASTEWATER TREATMENT			2,400,000		1,400,000	2,400,000	2,400,000

Wastewater Pumping	Year Planned	Total Construction Cost	Total Facility Capacity	Units	2016	2026	2055
Existing Facilities							
Home Depot LS		\$ 70,000	115,200	Gallons per Day	115,200	115,200	115,200
Riverside Grove LS		\$ 69,500	662,400	Gallons per Day	662,400	662,400	662,400
Old Austin LS		\$ 52,000	180,000	Gallons per Day	180,000	180,000	180,000
Central LS		\$ 255,730	1,339,200	Gallons per Day	1,339,200	1,339,200	1,339,200
Hunters Crossing LS		\$ 100,000	751,680	Gallons per Day	751,680	751,680	751,680
River LS		\$ 100,000	648,000	Gallons per Day	648,000	648,000	648,000
North Pecan LS		\$ 66,500	475,200	Gallons per Day	475,200	475,200	475,200
Lincoln LS		\$ 50,000	48,960	Gallons per Day	48,960	48,960	48,960
Wilson LS 1		\$ 15,000	72,000	Gallons per Day	72,000	72,000	72,000
Wilson LS 2		\$ 15,000	72,000	Gallons per Day	72,000	72,000	72,000
Fisherman Park LS		\$ 225,930	329,000	Gallons per Day	329,000	329,000	329,000
Main Street LS		\$ 100,000	648,000	Gallons per Day	648,000	648,000	648,000
Mauna LOA SL		\$ 250,000	432,000	Gallons per Day	432,000	432,000	432,000
WWTP		\$ 50,000	1,080,000	Gallons per Day	1,080,000	1,080,000	1,080,000
Industrial		\$ 200,000	662,400	Gallons per Day	662,400	662,400	662,400
Gills Branch LS		\$ 250,000	648,000	Gallons per Day	648,000	648,000	648,000
Future Facilities							
				Gallons per Day	-	-	-
				Gallons per Day	-	-	-
				Gallons per Day	-	-	-
TOTAL WASTEWATER PUMPING			8,164,040		8,164,040	8,164,040	8,164,040



Schedule 2
 Wastewater Capital Improvement Plan Inventory

Major Collection Lines	Year Planned	Total Construction Cost	Total Facility Capacity	Units	2016	2026	2055
Existing Facilities							
MLK Street Gravity Main		\$ 146,590	3,192,000	Gallons	3,192,000	3,192,000	3,192,000
Pecan Street Gravity Main		\$ 171,255	3,192,000	Gallons	3,192,000	3,192,000	3,192,000
Central LS Force Main		\$ 143,956	1,762,000	Gallons	1,762,000	1,762,000	1,762,000
North Pecan LS Force Main		\$ 5,775	282,000	Gallons	282,000	282,000	282,000
Existing Facilities							
Highway 71 Pipe Bursting Project (Expansion from 10" to 15")		\$ 659,000	1,117	SUEs	1,117	1,117	1,117
Fayette St Improvement (Expansion from 12" to 18")		\$ 230,837	1,502	SUEs	1,502	1,502	1,502
Future Facilities							
24" wastewater main installation for WWTP #	2017	\$ 750,000	3,941	SUEs		3,941	3,941
Trunk line # 1 36" Wastewater main install (ca	2017	\$ 1,223,000	636	SUEs		636	636
Trunk line # 2 WBV to 304 (capacity)	2017	\$ 735,000	5,506	SUEs		5,506	5,506
Trunk line # 3 FM 304 (capacity)	2017	\$ 1,822,000	1,584	SUEs		1,584	1,584
WW main ext Hwy 71 City Limits to Home De	2017	\$ 800,000	1,650	SUEs		1,650	1,650
Trunk line # 4 FM 304 & WWTP # 3 connectior	2018	\$ 1,100,000	6,747	SUEs		6,747	6,747
WW main ext Hay 21/Loop 150	2019	\$ 300,000	1,650	SUEs		1,650	1,650
WW main ext. HSH 71 McAllister to Tahitian C	2019	\$ 600,000	1,010	SUEs		1,010	1,010
Carter & Mesquite WW Main ext	2019	\$ 600,000	560	SUEs		560	560
WW Main ext. SH 71 (Duff dr. to SH 21)	2020	\$ 1,000,000	1,650	SUEs		1,650	1,650
wastewater main ext. Blakey Ln. (deadend to	2021	\$ 450,000	1,010	SUEs		1,010	1,010
Trunk line # 4 FM 304 & WWTP # 3 connection	2018	\$ 1,100,000	22,400	SUEs		22,400	22,400
12" Force Main and Central Lift Station	2018	\$ 208,000	3,500			3,500	3,500



STAFF REPORT

MEETING DATE: May 9, 2017

AGENDA ITEM: 8C

TITLE:

Consider action to approve Resolution No. R-2017-22 establishing a protocol for the Consent Agenda Protocol and establishing an effective date.

STAFF REPRESENTATIVE:

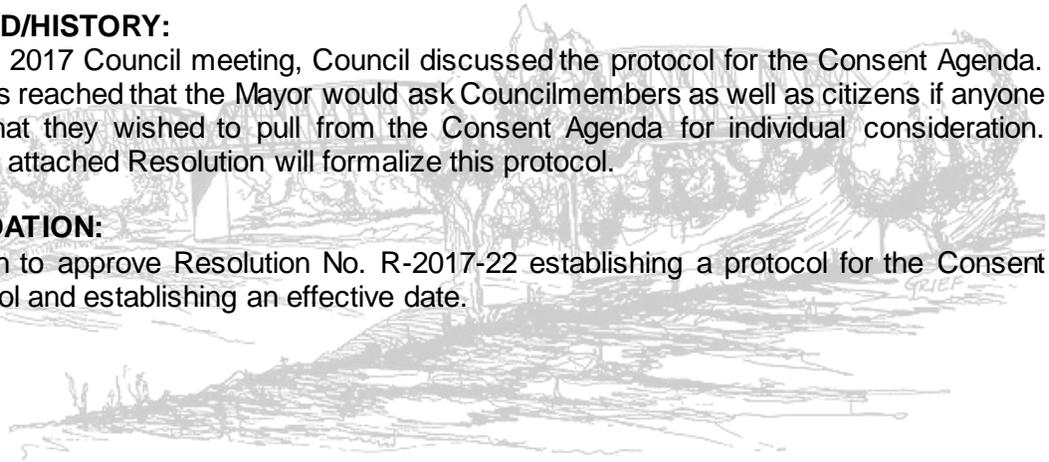
Lynda Humble, City Manager

BACKGROUND/HISTORY:

At the April 25, 2017 Council meeting, Council discussed the protocol for the Consent Agenda. Consensus was reached that the Mayor would ask Councilmembers as well as citizens if anyone had an item that they wished to pull from the Consent Agenda for individual consideration. Approval of the attached Resolution will formalize this protocol.

RECOMMENDATION:

Consider action to approve Resolution No. R-2017-22 establishing a protocol for the Consent Agenda Protocol and establishing an effective date.



RESOLUTION NO. R-2017-22

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BASTROP, TX
ESTABLISHING A PROTOCOL FOR THE CONSENT AGENDA AND
ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, the City Council of the City of Bastrop, Texas is committed to open and transparent government; and

WHEREAS, the Consent Agenda provides an efficient way to take action on matters considered routine in nature or items previously discussed with City Council; and

WHEREAS, the Council is committed to ensuring that Bastrop citizens have an opportunity to request additional information and/or discussion on items posted under the Consent Agenda.

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

Section 1: The following language be added to the Consent Agenda portion of a posted City Council agenda:

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

Section 2: That this Resolution shall take effect immediately upon its passage, and it is so resolved.

READ and ADOPTED on the 9TH day of May 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: May 9, 2017

AGENDA ITEM: 9A

TITLE:

Consider action to approve Resolution No. R-2017-23 of the City Council of the City of Bastrop, TX authorizing the purchase of 3.0610 acres of land described as Farm Lot 5 E M Street, Bastrop, Texas, in the amount of \$119,000 for purposes of establishing a park; authorizing the Mayor to execute all closing documents; and establishing an effective date.

STAFF REPRESENTATIVE:

Lynda Humble, City Manager

Trey Job, Managing Director of Public Works & Leisure Services

BACKGROUND/HISTORY:

Both the City Council and Parks Board have expressed the need to an additional park site in the northern portion of Bastrop. Recently, the Bastrop County Historical Commission was notified that the Mina Ward School will be acknowledged with an Undertold Stories Historical Marker for Delgado, et al vs. Bastrop Independent School District, et al on the original school site, which is approximately one block from the location of this site. Former Senator Barrientos, who attended first grade at the Mina Ward School, and Councilmember Kay Garcia McAnally were instrumental in securing this historical marker.

POLICY EXPLANATION:

Additional information will be provided in Agenda Item 9B.

FUNDING SOURCE:

Parkland Dedication Fund will fund the purchase of this 3.0610 acre parcel.

RECOMMENDATION:

Consider action to approve Resolution No. R-2017-23 of the City Council of the City of Bastrop, TX authorizing the purchase of 3.0610 acres of land described as Farm Lot 5 E M Street, Bastrop, Texas, in the amount of \$119,000 for purposes of establishing a park; authorizing the Mayor to execute all closing documents; and establishing an effective date.

ATTACHMENTS:

- Resolution
- Exhibit A

RESOLUTION NO. R-2017-23

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BASTROP, TX OF THE CITY COUNCIL OF THE CITY OF BASTROP, TX AUTHORIZING THE PURCHASE OF 3.0610 ACRES OF LAND DESCRIBED AS FARM LOT 5 E M STREET, BASTROP, TEXAS, IN THE AMOUNT OF \$119,000 FOR PURPOSES OF ESTABLISHING A PARK; AUTHORIZING THE MAYOR TO EXECUTE ALL CLOSING DOCUMENTS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Council and Park Board of the City of Bastrop, Texas have expressed interest in the purchase of an additional park site in the northern portion of Bastrop; and

WHEREAS, there is 3.0610 acres of land described as Farm Lot 5 E M Street, Bastrop, Texas available for purchase in the amount of \$119,000.

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

Section 1: The City Council approves the purchase of 3.0610 acres of land described as Farm Lot 5 E M Street, Bastrop, TX in the amount of \$119,000 for purposes of establishing a park.

Section 2: The City Council authorizes the Mayor to execute all closing documents.

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

READ and ADOPTED on the 9TH day of May 2017.

CITY OF BASTROP, TEXAS

Ken Kesselus, Mayor

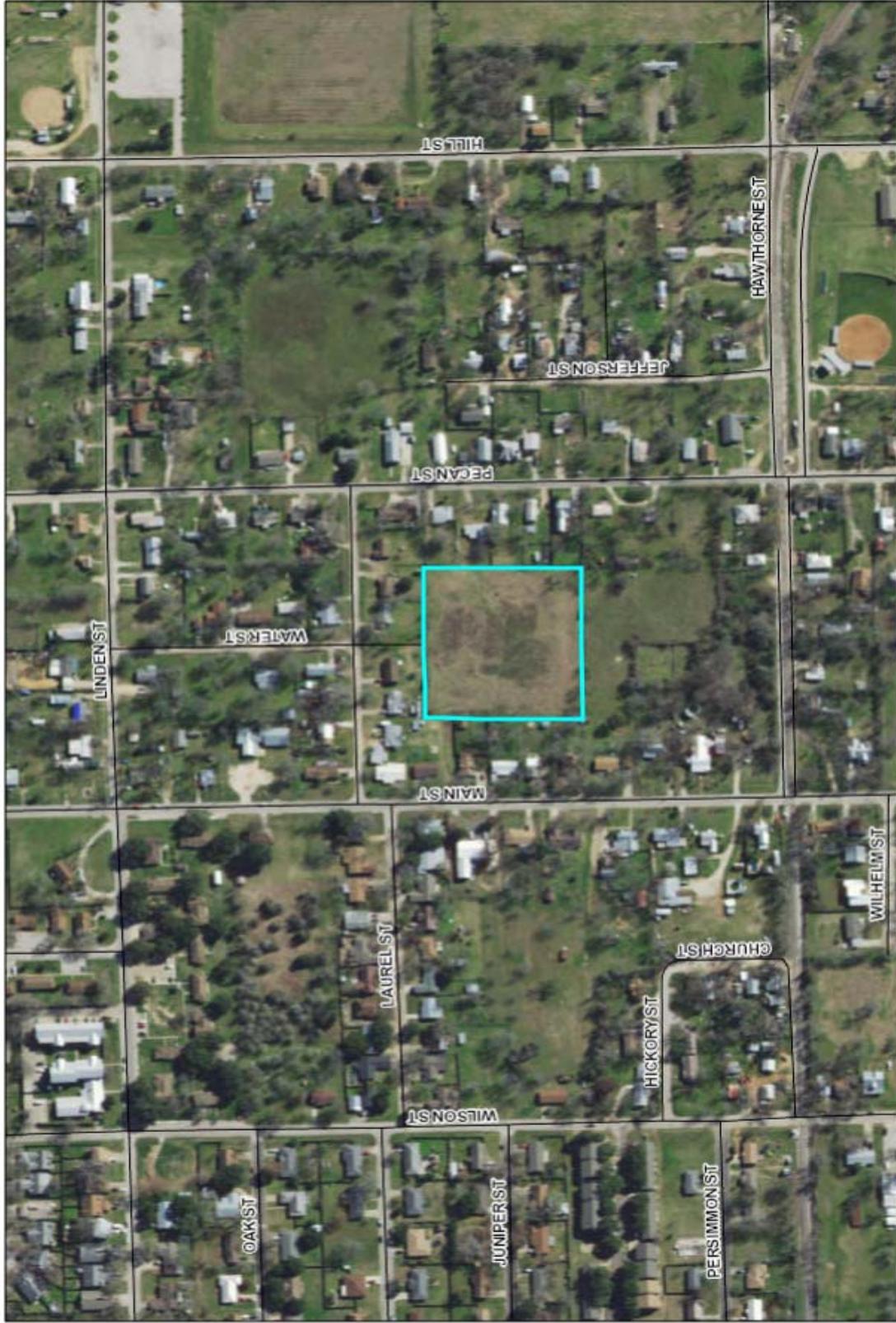
ATTEST:

Ann Franklin, City Secretary

APPROVED AS TO FORM:

David Bragg, City Attorney

Exhibit A - 3.0610 Acres described as Farm Lot 5E M Street, Bastrop, TX



April 24, 2017
— Roads



STAFF REPORT

MEETING DATE: May 9, 2017

AGENDA ITEM: 9B

TITLE:

Consider action to approve Resolution No. R-2017-24 of the City Council of the City of Bastrop, TX designating the 3.0610 acre property described as Farm Lot 5 E M Street, Bastrop, Texas, purchased for purposes of establishing a park, to be named in honor of Minerva Delgado; and providing an effective date.

STAFF REPRESENTATIVE:

Lynda Humble, City Manager
Trey Job, Managing Director of Public Works & Leisure Services

BACKGROUND/HISTORY:

Both the City Council and Parks Board have expressed the need to an additional park site in the northern portion of Bastrop. Recently, the Bastrop County Historical Commission was notified that the Mina Ward School will be acknowledged with an Undertold Stories Historical Marker for Delgado, et al vs. Bastrop Independent School District, et al on the original school site, which is approximately one block from the location of this site. Former Senator Barrientos, who attended first grade at the Mina Ward School, and Councilmember Kay Garcia McAnally were instrumental in securing this historical marker.

POLICY EXPLANATION:

The language, which will be included on the Undertold Stories Historical Marker as shown below, tells the significance of the lawsuit, filed on behalf of Minerva Delgado and 19 other students. This case ultimately resulted in the integration of school systems for Mexican-American children across the United States.

MINA WARD SCHOOL

BASTROP WAS ESTABLISHED AS A MEXICAN MUNICIPALITY (LATER NAMED MINA) IN 1832. AS IN MANY TEXAS TOWNS, EARLY 20TH CENTURY GRADE SCHOOLS HERE WERE DIVIDED INTO THREE CAMPUSES, WITH SEPARATE FACILITIES FOR MEXICAN AMERICAN, AFRICAN AMERICAN AND ANGLO AMERICAN STUDENTS. BASTROP ESTABLISHED A SCHOOL FOR MEXICAN AMERICANS IN THE 1910s, AND IN 1933 BUILT THE MINA WARD SCHOOL ON LAND EAST OF MAIN STREET AND NORTH OF THE MKT RAILROAD TRACKS. THE ONE-STORY YELLOW FRAME SCHOOLHOUSE HAD CLASSROOM SPACE AND A STAGE FOR ONE TEACHER EDUCATING EIGHT GRADES OF STUDENTS FROM BASTROP AND THE SURROUNDING RURAL AREA.

IN 1947, SAMUEL AND NANAMENSIA GARCÍA ASKED SCHOOL OFFICIALS TO LET THEIR GRANDDAUGHTER ATTEND THE ANGLO AMERICAN SCHOOL, BUT THE REQUEST WAS DENIED. ON NOV. 17, 1947, ON BEHALF OF TWENTY STUDENTS IN FOUR LOCAL SCHOOL DISTRICTS, UNIVERSITY OF TEXAS PROFESSOR GEORGE I. SANCHEZ, ATTORNEY GUSTAVO (GUS) GARCIA OF SAN ANTONIO AND THE LEAGUE OF UNITED LATIN AMERICAN CITIZENS (LULAC) FILED A CLASS ACTION LAWSUIT TITLED MINERVA DELGADO, ET AL. vs. BASTROP INDEPENDENT SCHOOL DISTRICT OF BASTROP COUNTY, ET AL. THE COMPLAINT ACCUSED THE SCHOOLS OF

DEPRIVING CHILDREN OF EQUAL EDUCATIONAL OPPORTUNITIES. AT THE TRIAL ON JUN. 15, 1948, FEDERAL JUDGE BEN H. RICE ISSUED A SUMMARY JUDGMENT, RULING THAT THE SEGREGATION OF CHILDREN OF "MEXICAN OR OTHER LATIN AMERICAN DESCENT" WAS "ARBITRARY AND DISCRIMINATORY AND IN VIOLATION OF PLAINTIFF'S CONSTITUTIONAL RIGHTS AS GUARANTEED BY THE FOURTEENTH AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES." THE MINA WARD SCHOOL CLOSED, BUT STATEWIDE THE DECISION PRESERVED SEGREGATION OF AFRICAN AMERICAN STUDENTS AND ANY FIRST GRADERS WHO DID NOT EXHIBIT ENGLISH-LANGUAGE PROFICIENCY. THE SCHOOL AND THE DELGADO v. BASTROP CASE ARE REMEMBERED FOR THEIR SIGNIFICANT CONTRIBUTIONS TO THE CIVIL RIGHTS MOVEMENT AND FOR PROVIDING GREATER OPPORTUNITIES FOR GENERATIONS OF TEXANS.

(2015)

MARKER IS PROPERTY OF THE STATE OF TEXAS

As noted above, naming this park after Ms. Delgado will honor the contributions made by the Mexican-American community to the Civil Rights movement, which began in the City of Bastrop, providing for greater opportunities for generations to come.

FUNDING SOURCE:

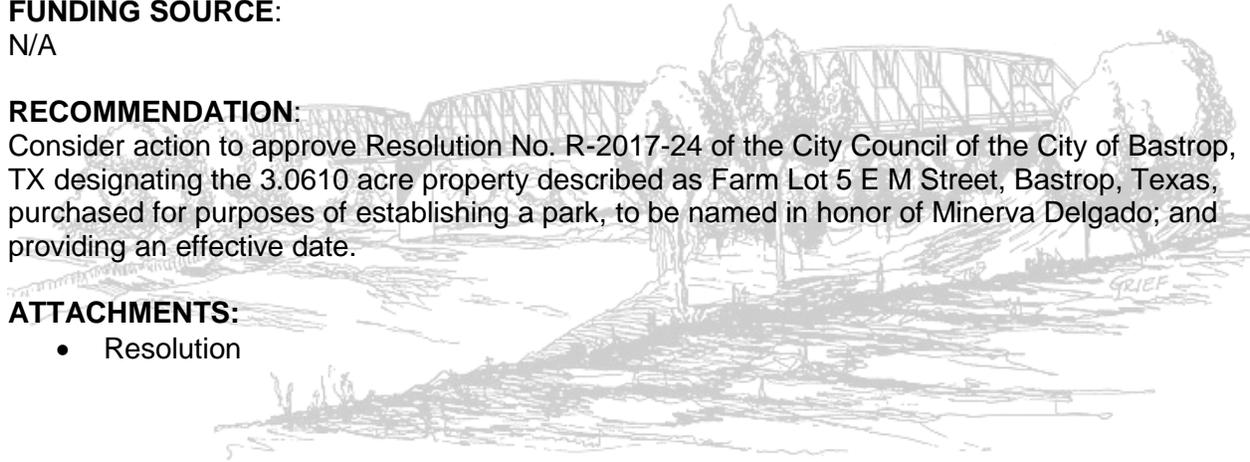
N/A

RECOMMENDATION:

Consider action to approve Resolution No. R-2017-24 of the City Council of the City of Bastrop, TX designating the 3.0610 acre property described as Farm Lot 5 E M Street, Bastrop, Texas, purchased for purposes of establishing a park, to be named in honor of Minerva Delgado; and providing an effective date.

ATTACHMENTS:

- Resolution



RESOLUTION NO. R-2017-24

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS DESIGNATING THE 3.0610 ACRE PROPERTY DESCRIBED AS FARM LOT 5 E M STREET, BASTROP, TEXAS, PURCHASED FOR PURPOSES OF ESTABLISHING A PARK, TO BE NAMED IN HONOR OF MINERVA DELGADO; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, until the late 1940's, the public education system in Texas for Mexican Americans offered segregated campuses with often minimal facilities and a curriculum frequently limited to vocational training; and

WHEREAS, the 1950 census showed that the median educational attainment for persons over twenty-five was 3.5 years for those with Spanish surnames and, by comparison, 10.3 years for other white Americans; about 27 percent of persons over twenty-five with Spanish surnames had received no schooling at all; and

WHEREAS, in 1947 the Ninth Circuit Court in California found that separation "within one of the great races" without a specific state law requiring the separation was not permitted; therefore, segregation of Mexican-American children, who were considered Caucasian, was illegal; and

WHEREAS, the Texas Attorney General, following this ruling and in response to an inquiry by Gustavo C. (Gus) Garcia, a Mexican-American attorney, agreed that segregation of Mexican-American children in the public school system by national origin was unlawful and pedagogically justified only by scientific language tests applied to all students; and

WHEREAS, on June 15, 1948, League of United Latin American Citizens (LULAC) joined by the American G.I. Forum of Texas, successfully challenged these inequities of the Texas public school system by filing suit against the Bastrop Independent School District and three (3) other districts representing Minerva Delgado and twenty other Mexican-American parents claiming segregation of Mexican children from other white races without specific state law and in violation of the attorney general's opinion; and

WHEREAS, the suit accused these districts of depriving such children of equal facilities, services, and education instruction; and

WHEREAS, Judge Ben H. Rice of the United States District Court agreed and ordered the cessation of this separation by September 1949. However, the court did allow separate classes on the same campus, in the first grade only, for language-deficient or non-English-speaking students as identified by scientific and standardized tests applied to all; and

WHEREAS, the Delgado decision undermined the rigid segregation of Mexican Americans and began a ten-year struggle led by the American G.I. Forum and LULAC, which culminated in 1957 with the decision in *Herminca Hernandez et al. v. Driscoll Consolidated ISD*, which ended pedagogical and de jure segregation in the Texas public school system.

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

Section 1: That the City Council of the City of Bastrop, Texas does hereby authorize the 3.0610 acres of land described as Farm Lot 5 E M Street, Bastrop, Texas, purchased for purposes of establishing a park, to be named in honor of Minerva Delgado once the purchase of the land has been executed by the City of Bastrop, TX.

Section 2: That said resolution shall become effective immediately upon its passage, and is accordingly so resolved.

PASSED AND ADOPTED by the City Council of the City of Bastrop, Texas on the 9th day of May, 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: May 9, 2017

AGENDA ITEM: 9C

TITLE:

Consider action to approve Resolution R-2017-25 of the City Council of the City of Bastrop, TX to fund Organizations requesting Tier III funding from available reserves from Hotel Occupancy Tax Fund and establishing an effective date.

STAFF REPRESENTATIVE:

Tracy Waldron, Chief Financial Officer

BACKGROUND/HISTORY:

This is the second time the Council has considered Tier III funding since establishing the Tier priorities.

POLICY EXPLANATION:

Resolution 2013-9 established a Tier priority for future grant funding out of the Hotel Occupancy Tax fund.

“TIER THREE” – In approximately April of each year, the City Manager will report to the Council as to whether, during that annual HOT Funding cycle, HOT Funds remain available in the City’s HOT Fund reserves/account, after the Tier One and Tier Two priorities are approved and committed by the Council, then the following additional “Tier Three” HOT Fund expenditures may be considered for approval and funding by the Council:

FUNDING SOURCE:

Hotel Occupancy Tax Fund

RECOMMENDATION:

Consider action to approve Resolution R-2017-25 of the City Council of the City of Bastrop, TX to fund Organizations requesting Tier III funding from available reserves from Hotel Occupancy Tax Fund and establishing an effective date.

ATTACHMENTS:

- Resolution
- Exhibit A

RESOLUTION NO. R-2017-25

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, REGARDING TIER III FUNDING FROM HOTEL OCCUPANCY RESERVES AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Bastrop, Texas, ("City"), is a Home Rule municipality incorporated and operating under the laws of the state of Texas, and accordingly has been granted full legal authority to enact rules and procedures related to its grant of Hotel Occupancy Tax funds to local recipients to enhance and encourage tourism in the City of Bastrop, as per the Texas Tax Code, Chapter 351; and

WHEREAS, the City has implemented a "Tiered Priority" process for evaluation, allocation, and use of the City's Hotel Occupancy Tax Fund available reserves; and

WHEREAS, the City has determined that there are available reserves in the Hotel Occupancy Fund in which to fund Tier III applicants.

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

SECTION 1. That the City Council hereby approves and adopts the Proposed Tier III Funding as reflected on the attached Exhibit A to this resolution.

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

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

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

PASSED AND APPROVED this 9th day of May, 2017.

CITY OF BASTROP, TEXAS

Ken W. Kesselus, Mayor

ATTEST:

Ann Franklin, City Secretary

APPROVED AS TO FORM:

David Bragg, City Attorney

CITY OF BASTROP
FY2017 TIER III FUNDING REQUESTS

Organization	FY 2015-2016	FY 2016-2017	TIER III FY 2016-2017		
	Amount Received	Amount Received	REQUESTED FUNDING	PROPOSED FUNDING	Staff Notes
Bastrop Chamber of Commerce					
Project: 25th Annual Patriotic Festival/Pet 'n' Pal Parade	\$ 12,000	\$ 14,230	\$ 17,935	\$ 17,935	Event has been expanded to two days improving the possibility for room nights.
Bastrop Homecoming, Inc.					
Project: Bastrop Homecoming and Rodeo	\$ 20,788	\$ -	\$ 60,000	\$ 60,000	This is Homecoming's 70th year making it the longest running festival in Bastrop.
Bastrop Juneteenth					
Project: Bastrop Juneteenth Celebration	\$ 5,000	\$ -	\$ 5,000	\$ 5,000	
Bastrop Opera House					
Project: Destination: Bastrop Opera House - New Beginnings	\$ 58,555	\$ 78,700			
Project: Tier III Funding	\$ -	\$ -	\$ 41,657	\$ 41,657	Received Tier III funding in FY2015 in the amount of \$68,000 for roof replacement
Lost Pines Art League					
Project 1: Lost Pines Regional Art Conference	\$ -	\$ 10,000			
Project 2: Artful Afternoon	\$ -	\$ 10,000			
Project 3: Salinas Student Art Event	\$ -	\$ 5,000			
Project : 1st Friday Art Walk			\$ 3,300	\$ 3,300	
Project : Art Getaway			\$ 4,000	\$ 4,000	
Project : Specific Event Art Shows			\$ 4,200	\$ 4,200	
First Thursdays Film Festival					
Project: Lost Pines Interntional Film Festival			\$ 120,000	\$ -	This applicant is an individual - Our policy states that to be eligible for funding "the applicant must be an organization or corporation governed by a board of directors or a business applying for a public project to support tourism efforts within the City."
Neighbors Kitchen and Yard					
Project: Bastrop Riverfront Music Series			\$ 36,000	\$ 18,000	Only one of the events requested for is within the dates of the current fiscal year. We communicated that the budget dates were from 10/1/16-9/30/17.
TOTAL	\$ 96,343	\$ 241,028	\$ 292,092	\$ 154,092	



STAFF REPORT

MEETING DATE: May 9, 2017

AGENDA ITEM: 9D

TITLE:

Hold public hearing and consider action to approve the first reading of Ordinance 2017-14 of the City Council of the City of Bastrop, Texas granting an amendment to the Pecan Park Residential Planned Development (Ordinance #2015-15) for approximately 204.576 acres within the Mozea Rousseau survey, abstract number 56 located at the terminus of Childers Drive within the city limits of Bastrop, Texas as part of the overall Pecan Park Conceptual Plan; setting out conditions; establishing an effective date and move to include on the May 23, 2017 agenda for a second reading.

STAFF REPRESENTATIVE:

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

BACKGROUND/HISTORY:

DM Pecan Park Associates LTD, has requested three modifications to the existing Pecan Park Residential PD (Planned Development) zoning district (Ordinance No. 2015-15) regarding setbacks, parking requirements and a minor amendment process for future modifications (Attachment 3).

1. Reduce the rear setback for the Patio Homes—PD-PH (40 foot lots) and Single Family Select—PD-SFS (50 foot lots), from 15 feet to 10 feet.
 - This request would allow the developer to move the structure closer to the rear property line and provide more recreational space in front of the house. Additionally, comparison to other surrounding cities' development codes show a 10-foot rear setback to be a standard distance and has not created negative impacts.
2. Remove the off-street guest parking requirement for the Patio Homes.
 - The original requirement for additional off-street guest parking was due to proposed tandem garage design that would leave each house with only one driveway space. This amendment would remove this requirement when a traditional two-car garage is built and would include two driveway spaces. Furthermore, staff is recommending that driveway spacing be designed to allow street parking without blocking driveways.
3. Include an administrative process to approve minor amendment to the PD in the future.
 - Allowing a minor amendment process would authorize the Planning Director to approve minor changes administratively. Currently, any change to a PD would require the developer or builder to go through the entire rezoning process. This creates additional time requirements and may stifle creativity in development. If

there is question if the amendment is minor, the City Manager will make the final determination.

RECOMMENDATION:

Staff recommends approval of the proposed language modifications and changes to the Planned Development as presented in the P& Z report, to 1.) Reduce the rear setback for the PD-PH and PD-SFS from 15 feet to 10 feet; 2.) Remove the guest parking requirement from the PD-PH uses; and 3.) Include a minor amendment process for future PD changes.

The Planning and Zoning Commission discussed the request and held a public hearing at their March 30, 2017 meeting and voted 6 to 1 (with Richard Kindred in opposition) to recommend denial of the three requested amendments to the Pecan Park Residential Planned Development.

Per the Local Government Code 211.006 (f) City Council will need to have a three-fourths vote of all members (6 out of 7) to overrule the recommendation from P&Z and approve the rezoning. In the case of the City of Bastrop, four (4) out of five (5) Councilmembers will need to vote in favor to overturn Planning & Zoning Commission's recommendation.

ATTACHMENTS:

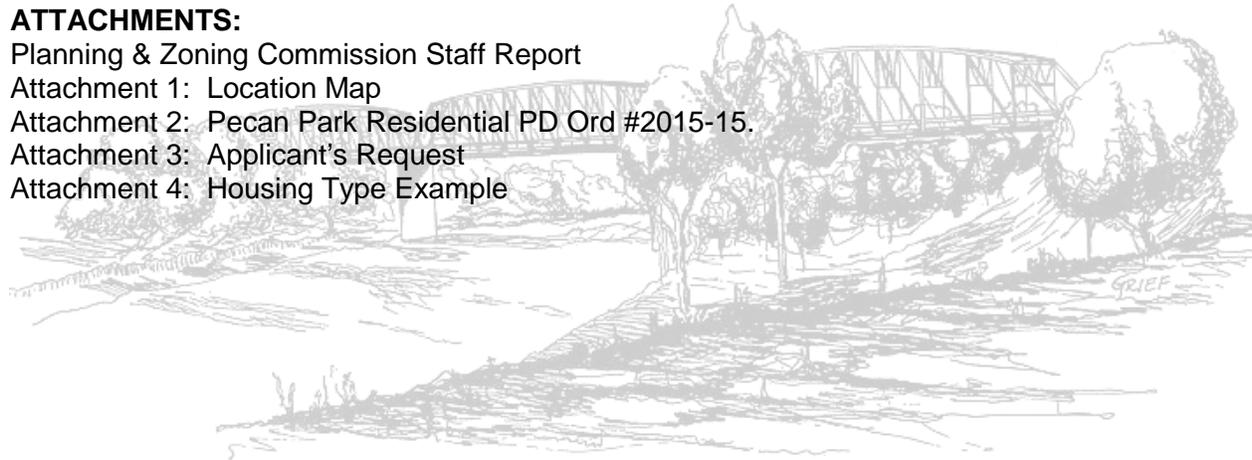
Planning & Zoning Commission Staff Report

Attachment 1: Location Map

Attachment 2: Pecan Park Residential PD Ord #2015-15.

Attachment 3: Applicant's Request

Attachment 4: Housing Type Example



ORDINANCE 2017-14

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS GRANTING AN AMENDMENT TO THE PECAN PARK RESIDENTIAL PLANNED DEVELOPMENT (ORD #2015-15) FOR APPROXIMATELY 204.576 ACRES WITHIN THE MOZEA ROUSSEAU SURVEY, ABSTRACT NO. 56 LOCATED AT THE TERMINUS OF CHILDERS DRIVE WITHIN THE CITY LIMITS OF BASTROP, TEXAS AS PART OF THE OVERALL PECAN PARK CONCEPTUAL PLAN; SETTING OUT CONDITIONS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, DM Pecan Park Associates, LTD, Duke McDowell (hereinafter referred to as “Applicant”) submitted a request for a zone change to amend the Pecan Park Residential Planned Development, Ordinance #2105-15, for approximately 204.576 acres situated in the Mozea Rousseau Survey, Abstract 56, located at the terminus of Childers Drive within the City limits of Bastrop, Texas, hereinafter referred to as “the Property”; and

WHEREAS, a copy of the Metes and Bounds Survey and location map is attached hereto as Exhibit “A” (the “Property”); and

WHEREAS, the Property is currently zoned as Pecan Park Residential Planned Development (Ord #2105-15); and

WHEREAS, pursuant to Section 10.4 of the City’s Zoning Ordinance, notice of the rezoning was given to all property owners located within two hundred (200) feet of the Property, and the Planning and Zoning Commission of the City of Bastrop held a public hearing on the rezoning request on March 30, 2017; and

WHEREAS, after notice and hearing, the Planning and Zoning Commission has recommended **denial** of the proposed amendments; and

WHEREAS, pursuant to Section 10.4 of the City’s Zoning Ordinance, notice of the rezoning request was given as required by the Ordinance, and the City Council of the City of Bastrop held a public hearing on the rezoning on May 9, 2017 to consider the Applicant’s request to amend the PD, Residential Planned Development; and

WHEREAS, after consideration of public input received at the hearing, the information provided by the Applicant, and all other information presented, City Council finds by a three-fourths vote of all members that it is in the public interest to approve the amendment to the PD, Residential Planned Development.

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

Section 1: The Property, situated in Mozea Rousseau Survey, Abstract No. 56 located at the terminus of Childers Drive within the city limits of Bastrop, Texas as more particularly shown and described on attachments Exhibit “A” and “A-1”, shall be and is hereby amended to:

- a. Reduce the rear setback on the PD-SFS and PD-PH from 15 feet to 10 feet.
- b. Remove the guest parking requirement on PD-PH lots when a side-by-side two car garage is provided and driveways are spaced to allow at least one on street parking space for every two lots;
- c. Allow the following minor amendment process:
 The Planning Director shall have the authority to administratively approve a minor amendment to the standards and requirements of the Planned Development. A minor amendment is one which: 1) does not increase the overall density and/or traffic impacts of the development; or 2) has no significant adverse impact upon neighboring properties, the public or persons who will occupy or use the proposed development. Changes in allowable uses will not be approved administratively. If there is any question of whether the amendment is minor, the issue shall be referred to the City Manager for final determination.

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

Section 3: The Zoning Ordinance standards should be amended as follows:

<u>District</u>	<u>Min. Lot Area</u>	<u>Min. Dwelling Unit Size</u>	<u>Min. Lot Width</u>	<u>Min. Lot Depth</u>	<u>Min. Front Yard</u>	<u>Min. Interior Side Yard</u>	<u>Min. Side when two-story & adj. SF Zone</u>	<u>Min. Ext. Yard (See Sec.43.3)</u>	<u>Min. Rear Yard</u>	<u>Min. Rear when two-story & Adj. SF Zone</u>	<u>Max. Height of Build</u>	<u>Max. Lot Coverage by Build</u>
PD-SFS	6,000 sq. ft.	1,200 sq. ft.	50'	120'	20' - 25'	5'		15'	15' 10'		2.5 stories 35'	75%
PD PH Not Allowed in Section 6	4,600 sq. ft.	1,000 sq. ft.	40'	115'	20' - 25'	5'		10'	15' 10'		2.5 stories 35'	75%

- **PD-SFS – Single Family Select** – Traditional lots, minimum lot size 50' x 120', home size 1,200 square feet; staggered 20'-25' front building setbacks, Homes in these areas shall be at least ten feet (10') apart, five feet (5') from the property line. 45% maximum acreage
- **PD-PH – Patio Home** - minimum lot size 40' x 115', home size 1,000 square feet; staggered 20'-25' front building setbacks, Homes in these areas shall be at least ten feet (10') apart, five feet (5') from the property line. 30% maximum acreage (Not allowed in Section 6)

Standards for all homes in the residential areas will meet the criteria:

- **Guest Parking** - Shared Guest Parking will be provided in the following Land Use District; PD-SFA, PD-PH, and PD-SFC. **Shared Guest Parking will not be required on PD-PH lots that require side-by-side two car garages and driveways are spaced to allow one 20 foot on-street parking area for every two lots.**

Section 4: If any provision of this ordinance or application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions, or application thereof, of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are hereby declared to be severable.

Section 5: This ordinance shall take effect upon the date of final passage noted below, or when all applicable publication requirements, if any, are satisfied in accordance with the City's Charter, Code of Ordinances, and the laws of the State of Texas.

READ and ACKNOWLEDGED on First Reading on the 9th day of May 2017.

READ and APPROVED on the Second Reading on the 23rd day of May 2017.

APPROVED:

Mayor

ATTEST:

Ann Franklin, City Secretary

APPROVED AS TO FORM:

David Bragg, City Attorney

Agenda Information Sheet:

Planning and Zoning Commission Meeting Date:

March 30, 2017

Public Hearing Description:

Consideration, discussion, and possible action on a request for amendments to the Pecan Park Residential PD (Planned Development) Zoning Classification (Ordinance #2015-15) regarding setbacks, parking requirements and a minor PD amendment process.

Item Summary:

Owner: DM Pecan Park Associates LTD
Zoning: PP-PD, Pecan Park Residential PD (Ord. #2015-15; Attachment 2)
Land Use Plan: Neighborhood Residential, Transitional Residential
Legal Description: 204.576 acres of the Mozea Rousseau Survey, Abstract 56

Request:

DM Pecan Park Associates LTD, would like to propose some modifications/changes to the existing Pecan Park Residential PD (Planned Development) zoning district (Ordinance No. 2015-15) regarding setbacks, parking requirements and a minor amendment process for future modifications (Attachment 3).

1. Reduce the rear setback for the Patio Homes—PD-PH (40 foot lots) and Single Family Select—PD-SFS (50 foot lots), from 15 feet to 10 feet.
2. Remove the off-street guest parking requirement for the Patio Homes.
3. Include an administrative process to approve minor amendment to the PD in the future.

Background:

Representatives from DM Pecan Park Associates LTD, developers of Pecan Park, would like to receive recommendation for approval of the proposed modifications to both the Pecan Park Residential Planned Development (PD).

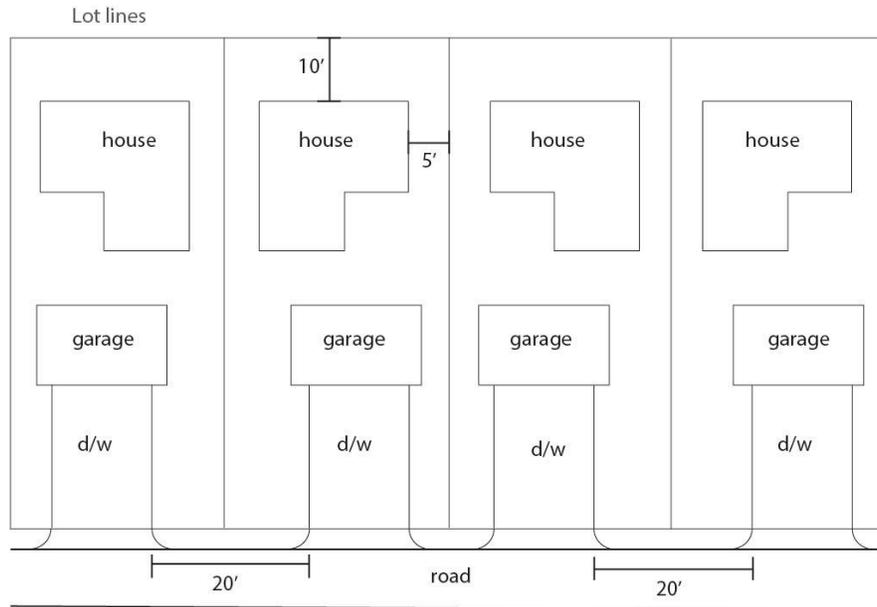
The Pecan Park development is included in four different Planned Development zoning documents.

- Ordinance #2013-05: Pecan Park Residential Section 5
- Ordinance #2015-08: Pecan Park Residential Section 4
- Ordinance #2015-14: Pecan Park Commercial
- Ordinance #2015-15: Pecan Park Residential Sections 1-3, Sections 6-7 and related amenities.

The requested amendments would apply only to Ord. #2015-15, for Sections 1, 2, 3, 6, and 7.

The reduced rear setback is being requested due to the housing style they are considering for the Patio Homes and Single Family Select lots. The house would be located closer to the rear lot line, with a detached garage in front to allow for an interior courtyard/patio (Attachment 4).

The off-street guest parking requirement was included when the original housing style included a tandem garage, leaving only a single car-wide driveway. With this request, the guest parking would not be required when a side-by-side two car garage is included. Additionally, staff is requesting that the driveways must also be configured to leave 20 feet of on-street parking between each set of two lots. See the illustration below.



Not To Scale

The developer would like to include an allowance for a minor amendment process to allow for the Planning Director to administratively approve minor changes to standards in the Planned Development requirements. Staff recommends the following language be included:

The Planning Director shall have the authority to administratively approve a minor amendment to the standards and requirements of the Planned Development. A minor amendment is one which: 1) does not increase the overall density and/or traffic impacts of the development; or 2) has no significant adverse impact upon neighboring properties, the public or persons who will occupy or use the proposed development. Changes in allowable uses will not be approved administratively. If there is any question of whether the amendment is minor, the issue shall be referred to the City Manager for final determination.

Comments: Twenty-one (21) adjacent property owner notifications were mailed 3/09/2017. Two (2) public comments have been received in opposition to the requested Amendment at the time of doing this report. A notice ran in the Bastrop Advertiser on March 16, 2017. Responses from notifications are included in your packet and additional notices will be provided at the meeting.

Staff Recommendations: Staff supports the proposed language modifications and changes to the Planned Development as presented in this report, to 1.) Reduce the rear setback for the PD-PH and PD-SFS from 15 feet to 10 feet; 2.) Remove the guest parking requirement from the PD-PH uses; and 3.) Include a minor amendment process for future PD changes.

City Contact:

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

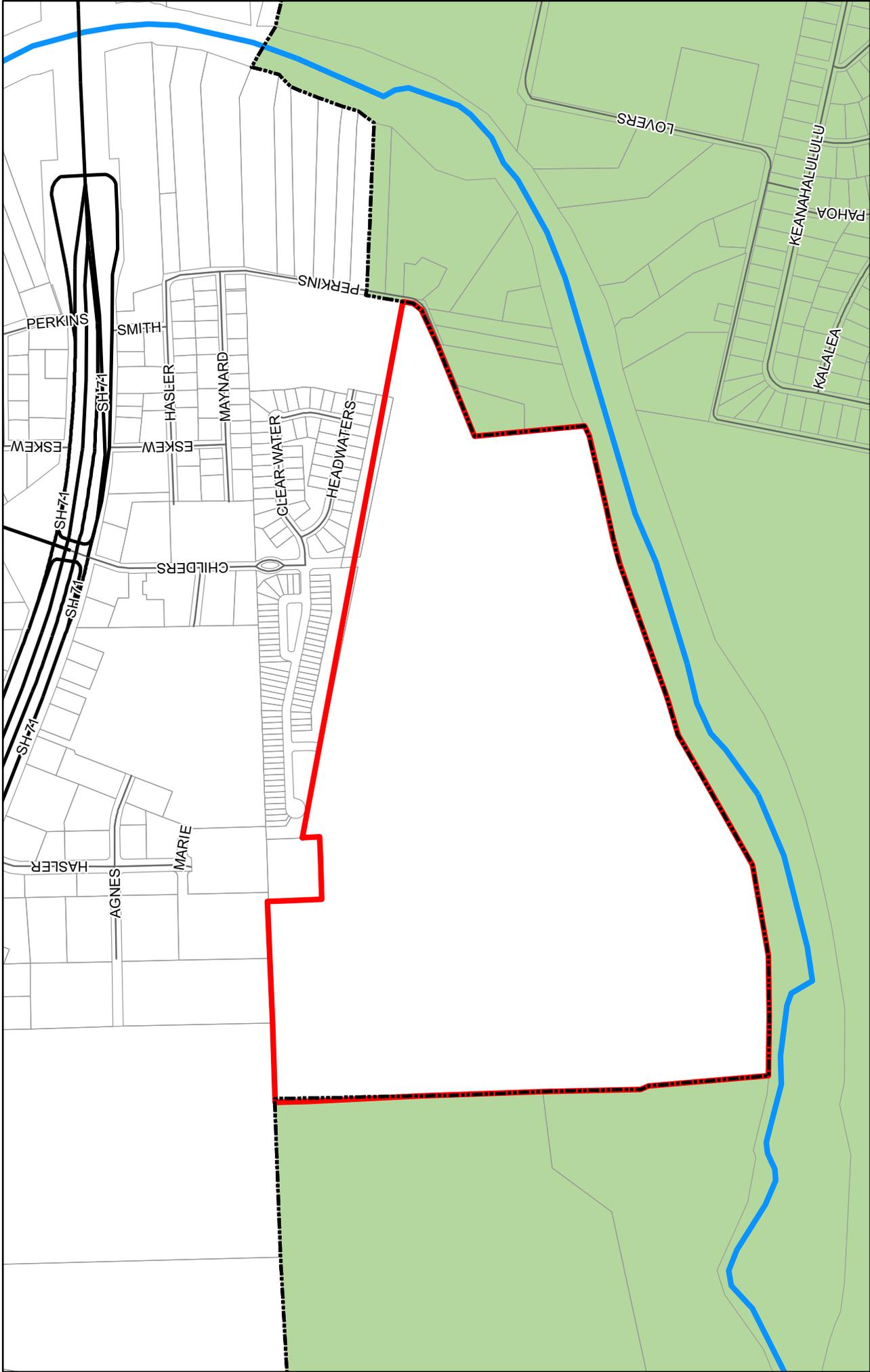
Attachments

Attachment 1: Location Map

Attachment 2: Pecan Park Residential PD Ord #2015-15.

Attachment 3: Applicant's Request

Attachment 4: Housing Type Example



Date: 3/23/2017
 The accuracy and precision of this cartographic data is limited and should be used for information /planning purposes only. This data does not replace surveys conducted by registered Texas land surveyors nor does it constitute an "official" verification of zoning, land use classification, or other classification set forth in local, state, or federal regulatory processes. The City of Bastrop, nor any of its employees, do not make any warranty or merchantability and fitness for particular purpose, or assumes any legal liability or responsibility for the accuracy, completeness, usefulness or any such accuracy, completeness, usefulness or any such accuracy, in the design or construction that does not infringe upon privately owned rights.

Location Map Pecan Park Residential PD

- Legend**
-  Pecan Park Residential PD Boundary
 -  Area Ord. 2015-15
 -  Parcels
 -  City Limits
 -  ETJ



ORDINANCE NO. ORD – 2015 - 15

AN ORDINANCE GRANTING A ZONE CHANGE FROM SF7, SINGLE FAMILY RESIDENTIAL AND A/OS –AGRICULTURAL/OPEN SPACE TO PD, RESIDENTIAL PLANNED DEVELOPMENT FOR APPROXIMATELY 204.576 ACRES WITHIN THE MOZEA ROUSSEAU SURVEY, ABSTRACT NO. 56 LOCATED AT THE TERMINUS OF CHILDERS DRIVE WITHIN THE CITY LIMITS OF BASTROP, TEXAS AS PART OF THE OVERALL PECAN PARK CONCEPTUAL PLAN; SETTING OUT CONDITIONS AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, DM Pecan Park Associates, LTD, Duke McDowell (hereinafter referred to as “Applicant”) submitted a request for a zone change from SF7, Single Family Residential and A/OS – Agricultural/Open Space to PD, Residential Planned Development for approximately 204.576 acres situated in the Mozea Rousseau Survey, Abstract 56, located at the terminus of Childers Drive within the City limits of Bastrop, Texas, hereinafter referred to as “the Property”; and

WHEREAS, a copy of the Metes and Bounds Survey and location map is attached hereto as Exhibit “A” (the “Property”); and

WHEREAS, the Property is currently zoned as SF7, Single Family Residential and A/OS – Agricultural/Open Space; and

WHEREAS, pursuant to Section 10.4 of the City’s Zoning Ordinance, notice of the rezoning was given to all property owners located within two hundred (200) feet of the Property, and the Planning and Zoning Commission of the City of Bastrop held a public hearing on the rezoning request on July 30, 2015; and

WHEREAS, after notice and hearing, the Planning and Zoning Commission has recommended a PD, Residential Planned Development zoning designation for the Property, See Exhibit A-1; and

WHEREAS, pursuant to Section 10.4 of the City’s Zoning Ordinance, notice of the rezoning request was given as required by the Ordinance, and the City Council of the City of Bastrop held a public hearing on the rezoning on August 11, 2015 to consider the Applicant’s request to rezone the Property to PD, Residential Planned Development; and

WHEREAS, after consideration of public input received at the hearing, the information provided by the Applicant, and all other information presented, City Council finds that it is in the public interest to approve the rezoning of the Property, which is currently zoned as SF7, Single Family Residential and A/OS – Agricultural/Open Space, to a new designation of PD, Residential Planned Development.

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

Part 1: The Property, situated in Mozea Rousseau Survey, Abstract No. 56 located at the terminus of Childers Drive within the city limits of Bastrop, Texas as more particularly shown and described on attachments Exhibit “A” and “A-1”, shall be and is hereby rezoned from its prior designation of SF7, Single Family Residential and A/OS – Agricultural/Open Space to a new zoning designation of PD, Residential Planned Development.

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

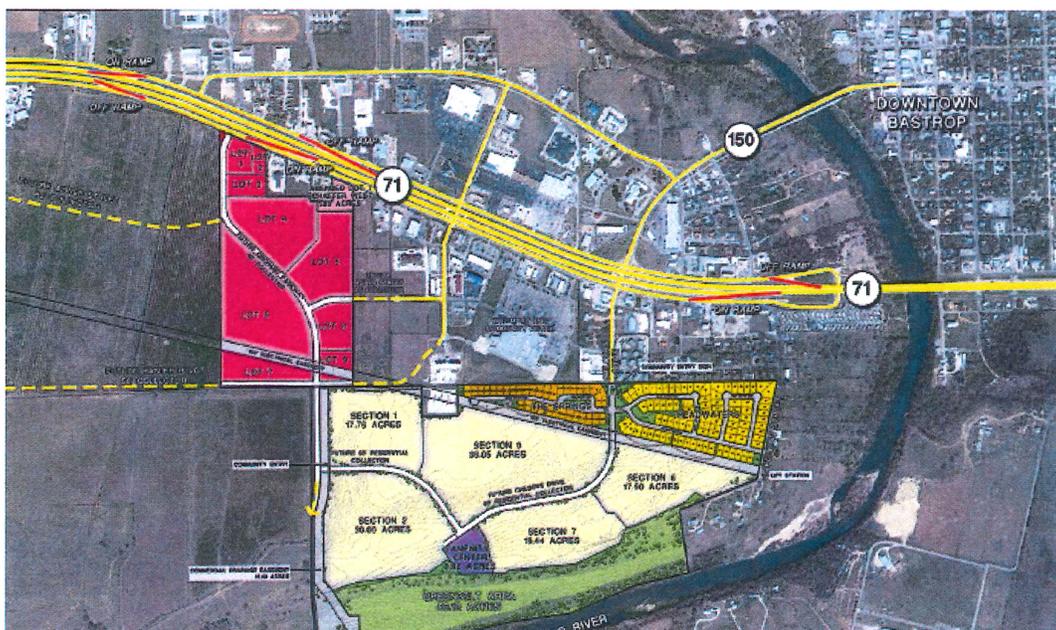
Part 3: The Zoning Ordinance standards should be amended as follows:

<u>District</u>	<u>Min. Lot Area</u>	<u>Min. Dwelling Unit Size</u>	<u>Min. Lot Width</u>	<u>Min. Lot Depth</u>	<u>Min. Front Yard</u>	<u>Min. Interior Side Yard</u>	<u>Min. Side when two-story & adj. SF Zone</u>	<u>Min. Ext. Yard (See Sec.43.3)</u>	<u>Min. Rear Yard</u>	<u>Min. Rear when two-story & Adj. SF Zone</u>	<u>Max. Height of Build</u>	<u>Max. Lot Coverage by Build</u>
PD-SFE	8,400 sq. ft.	1,800 sq.ft.	70'	120'	20'-25'	10'		15'	20'		2.5 stories 35'	60%
PD-SFG (Sec 5)	7,800 sq. ft.	1,000 sq. ft.	65'	120'	20'-25'	7.5'		15'	15'		2.5 stories 35'	60%
PD-SFS	6,000 sq. ft.	1,200 sq. ft.	50'	120'	20'-25'	5'		15'	15'		2.5 stories 35'	75%
PD SFA (Sec 4)	4,000 sq. ft.	1,200 sq. ft.	34'	120'	20' - 25'	5'		10'	20'		2.5 stories 35'	70%
PD PH Not Allowed in Section 6	4,600 sq. ft.	1,000 sq. ft.	40'	115'	20' - 25'	5'		10'	15'		2.5 stories 35'	75%
PD SFC Not Allowed in Section 6	1 acres	900 sq. ft.	75'	100''	15' - 20'	10'		10'	10'		2.5 stories 35'	75%

- **PD-SFE** – **Single Family Estate** – Larger lots, minimum lot size 70' x 120', minimum home size 1,800 square feet; staggered 20'-25' front building setbacks, Homes in these areas shall be at least twenty feet (20') apart, ten feet (10') from the property line. 25% maximum acreage
- **PD-SFG** – **Single Family Grand** – Traditional lots, minimum lot size 65' x 120', home size 1,000 square feet; staggered 20'-25' front building setbacks, Homes in these areas shall be at least fifteen feet (15') apart, seven and one-half feet (7.5') from the property line. 30% maximum acreage
- **PD-SFS** – **Single Family Select** – Traditional lots, minimum lot size 50' x 120', home size 1,200 square feet; staggered 20'-25' front building setbacks, Homes in these areas shall be at least ten feet (10') apart, five feet (5') from the property line. 45% maximum acreage
- **PD-SFA** – **Single Family Attached Housing** – Townhome style lots, minimum lot size 34' x 120', home size 1,200 square feet; staggered 20'-25' front building setbacks, Homes in these areas shall be at least ten feet (10') apart, five feet (5') from the property line. 25% maximum acreage
- **PD-PH** – **Patio Home** - minimum lot size 40' x 115', home size 1,000 square feet; staggered 20'-25' front building setbacks, Homes in these areas shall be at least ten feet (10') apart, five feet (5') from the property line. 30% maximum acreage (Not allowed in Section 6)
- **PD-SFC** – **Single Family Condominium** –Cluster type housing, areas that will provide a variety of housing styles, minimum lot size one (1) acre, minimum unit size 900 square feet; staggered 20'-25' front building setbacks, Minimum rear setback from any adjacent residential will be fifteen feet (15'). Minimum side setback from an adjacent building will be ten feet (10'). 15% maximum acreage (Not allowed in Section 6)

Other-Use Categories –

- **PD-CA** – Use for Public & Private Parks, Trail Systems, Public Utility Services, Drainage Channels, Roadways, Private Community Amenity Areas that may be accompanied by retail, food, and beverage, and accessory uses, which will meet site development permitting in the City of Bastrop.



Standards for all homes in the residential areas will meet the criteria:

- **C,C&Rs** - Other regulations and restrictions will be established by the Development's C,C,& R's and Design Guideline Standards that will be created for each section. Those Design Guideline Standards will include provisions for limiting house plan elevations, building street setbacks, home exterior selections and uniform standards for landscaping
- **Exterior Masonry Requirements** - Minimum Masonry Requirements will be set at 75%. Masonry includes: brick, stone, stucco, and hardiplank,
- **Landscaping** - Use of drought-resistant landscaping or water-conserving techniques in the Development is encouraged. Xeriscaping will be allowed in certain instances in the common areas and at residences in accordance with that certain Xeriscaping Policy set forth in the Development Area's Declaration and each area's Design Guidelines. All landscapes and landscaping must be approved by the Developer prior to installation. To further help conserve water, large expansive areas of natural grass and vegetation shall not be required to be irrigated. The use of drip irrigation is encouraged.
- **Front Setbacks** - All of these Land Use Districts will be allowed to have staggered, 20' - 25' building setbacks to help achieve aesthetically pleasing street view. All front setbacks will be measured from the property line or right-of-way. At minimum, there must be a front building setback change (between the allowed 20'-25') on every fourth lot.
- **Maximum Lot Coverage** - The percentage determined by dividing (a) the gross area of the lot (in square feet) by (b) the footprint of the main building; and any swimming pools surface area including decks.
- **Utilities** - All utilities shall be provided separately to each lot so that each unit will be individually metered
- **Site Plans** - A site plan will be submitted at time of home development within a section of the Development
- **Recreational vehicles** - Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling purposes and will be hidden from public view.
- **Fencing** - Electrical Fencing and barbed wire is prohibited as perimeter fencing. Only 6' Cedar, Wrought Iron or masonry fencing will be allowed.
- **Yard Storage Facilities** - Open storage is prohibited (except for materials for the resident's personal use or consumption (i.e. firewood, gardening materials, etc.)
- **Side Entry Garages** - Single-family homes with side entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum of twenty-five feet (25') from the garage door to the side property line for maneuvering.

- **Roofs** - All residential structures shall have roof slopes with a minimum of 3:12 pitch
- **Road Standards** -Cul-de-sac shall comply with the current Fire Code adopted by the City of Bastrop Distances are measured from centerline of the intersecting street to the center of the bulb of the Cul-de-sac. Turnarounds shall have a minimum pavement diameter of ninety-six (96) feet. Hammerhead turnarounds may be permitted if approved by the Fire Department.
- **Roadway Improvements** – Brick or stone pavers will be allowed across paved roadway services to create an aesthetically pleasing look for the area roadways and to promote additional safety control of roadway traffic speeds.
- **Condominium Areas** - Condominium areas will have the flexibility to have private roadways, gated entrances, twenty-six (26) foot wide streets and street design configurations that will benefit the overall intended look for those areas. Walkway paths would be allowed rather than sidewalks along the roadways. A Site Development Plan will be submitted.
- **Guest Parking** - Shared Guest Parking will be provided in the following Land Use District; PD-SFA, PD-PH, and PD-SFC.

Part 4: If any provision of this ordinance or application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions, or application thereof, of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are hereby declared to be severable.

Part 5: This ordinance shall take effect upon the date of final passage noted below, or when all applicable publication requirements, if any, are satisfied in accordance with the City's Charter, Code of Ordinances, and the laws of the State of Texas.

READ and ACKNOWLEDGED on First Reading on the 11th day of August 2015.

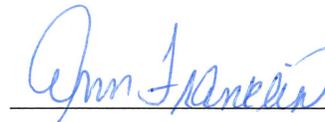
READ and APPROVED on the Second Reading on the 25th day of August 2015.

APPROVED:



Kenneth W. Kesselus, Mayor
Mayor

ATTEST:



Ann Franklin
City Secretary

Exhibit A

HEARITIGE SURVEYING, CO.

TIM. D. HEARITIGE
727 West Point Loop
West Point, Texas 78963

Registered Professional Land Surveyor No. 5036
Licenced State Land Surveyor
Phone (979)242-3485

July 20, 2004

FIELD NOTE DESCRIPTION OF 242.006 ACRES OF LAND OUT OF THE MOZEA ROUSSEAU SURVEY, ABSTRACT NO. 56, IN BASTROP COUNTY, TEXAS, AND BEING A PORTION OF THAT CERTAIN (282.1 ACRE) TRACT OF LAND CONVEYED TO K.G. SCHAEFER IN A DEED AS RECORDED IN VOLUME 100 PAGE 376 OF THE DEED RECORDS OF BASTROP COUNTY, TEXAS, AND ALSO BEING A PORTION OF THOSE TRACTS OF LAND CONVEYED TO FRANCES SCHAEFER BUCKHAULTS IN A WILL AS RECORDED IN VOLUME 82 PAGE 483 OF THE PROBATE RECORDS OF BASTROP COUNTY, TEXAS, AND BEING ALL OF THAT CERTAIN (16.007 ACRE) TRACT OF LAND CONVEYED TO JULIA JEAN RABENBURG AND CARL G. RABENBURG IN A DEED AS RECORDED IN VOLUME 658 PAGE 429 OF THE OFFICIAL RECORDS OF BASTROP COUNTY, TEXAS, AND ALL OF THAT CERTAIN (1.012 ACRE) TRACT OF LAND CONVEYED TO CARL G. RABENBURG AND JULIE S. RABENBURG IN A DEED AS RECORDED IN VOLUME 555 PAGE 138 OF THE OFFICIAL RECORDS OF BASTROP COUNTY, TEXAS, AND ALSO ALL OF THAT CERTAIN (5.134 ACRE) TRACT OF LAND CONVEYED TO JULIE S. RABENBURG AND CARL G. RABENBURG IN A DEED AS RECORDED IN VOLUME 818 PAGE 508 OF THE OFFICIAL RECORDS OF BASTROP COUNTY, TEXAS, AND BEING ALL OF THAT CERTAIN (20.000 ACRE) TRACT OF LAND CONVEYED TO CARL G. RABENBURG, JR. IN A CONTRACT OF SALE AND PURCHASE AS DESCRIBED AND RECORDED IN VOLUME 332 PAGE 547 OF THE OFFICIAL RECORDS OF BASTROP COUNTY, TEXAS, AND BEING ALL OF THAT CERTAIN (6.500 ACRE) TRACT OF LAND CONVEYED TO LYNN MARIE OUALLINE IN A DEED AS RECORDED IN VOLUME 831 PAGE 246 OF THE OFFICIAL RECORDS OF BASTROP COUNTY, TEXAS, AND BEING ALL OF THAT CERTAIN (1.500 ACRE) TRACT OF LAND CONVEYED TO JULIE JEAN RABENBURG AND LYNN MARIE OUALLINE, AS TRUSTEES FOR JAMIE LYNN MARTIN IN A DEED AS RECORDED IN VOLUME 329 PAGE 579 OF THE OFFICIAL RECORDS OF BASTROP COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½" iron rod found at the base of a fence corner post, being at the most southeasterly corner of that certain (100 acre) tract of land conveyed to K.G. Schaefer in a deed as recorded in Volume 100 Page 376 of the Deed Records of Bastrop County, Texas, and also being in the northerly line of that certain (282.1 acre) tract conveyed to K.G. Schaefer in the same deed, said tracts being a portion of those tracts of land conveyed to Frances Schaefer Buckhaults in a will as recorded in Volume 82 Page 483 of the Probate Records of Bastrop County, Texas, said iron rod also being the southwesterly corner of that certain (17.516 acre) tract of land conveyed to the Merle Arnold Prokop, jr. Revocable Living Trust, dated November 22, 1991 in a deed as recorded in Volume 617 Page 308 of the Official Records of Bastrop County, Texas, and also being for the most northeasterly corner of that certain (16.007 acre) tract of land conveyed to Julie Jean Rabensburg and Carl G. Rabensburg in a deed as recorded in Volume 658 Page 429 of the Official Records of Bastrop County, Texas,

THENCE, with the southerly line of the Prokop tract N 89 deg. 37' 52" E 387.06 feet to a ¾" iron pipe found at the most southwesterly corner of Lot 3 of the Beck, NHP, and Prokop Subdivision, Section One, a subdivision in Bastrop County, Texas, according to the map or plat thereof recorded in Cabinet 3 Slide 191B of the Plat Records of Bastrop County, Texas,

THENCE, with southerly line of said Lot 3, N 89 deg. 32' 41" E 322.40 feet to a capped ½" iron rod found at the most northwesterly corner of that certain (2.798 acre) tract of land conveyed to the Lower Colorado River Authority (L.C.R.A.) in a deed as recorded in Volume 1132 Page 490 of the Official Records of Bastrop County, Texas,

THENCE, with the bounds of the L.C.R.A. tract, S 00 deg. 26' 02" E 325.06 feet to a capped iron rod found, N 89 deg. 34' 02" E 374.92 feet to a capped iron rod found, and N 00 deg. 25' 55" W 324.98 feet to a capped ½" iron rod found in the southerly line of Lot 1, Block A, of Bastrop West Commercial, Section 3, a subdivision in Bastrop County, Texas, according to the map or plat thereof recorded in Cabinet 3 Slide 110A of the Plat Records of Bastrop County, Texas,

THENCE, with the southerly line of said Lot 1, Block A, N 88 deg. 48' 06" E 75.62 feet to a ½" iron rod found at the southwesterly corner of Lot 1, of Bastrop West Commercial, Section 2, a subdivision in Bastrop County, Texas, according to the map or plat thereof, recorded in Cabinet 2 Slide 377B of the Plat Records of Bastrop County, Texas,

Exhibit A

Page 2
242.006 acres

THENCE, with the southerly line of said Lot 1, N 89 deg. 37' 24" E 1186.72 feet to a 3/4" iron pipe found at the base of a fence corner post, being at the most southwesterly corner of that certain (0.947 acre-Lot 1) tract of land conveyed to the Utley Cattle Limited Partnership in a deed as recorded in Volume 1012 Page 907 of the Official Records of Bastrop County, Texas,

THENCE, with the southerly line of said Cattle tract, N 89 deg. 34' 36" E 322.83 feet to a 1/2" iron rod found at the southwesterly terminus of Childers Drive,

THENCE, N 89 deg. 33' 34" E, passing at or about 50' the southeasterly terminus of Childers Drive, and being the southwesterly corner of that certain (4.096 acre) tract of land conveyed to FM Partners, VII in a deed as recorded in Volume 400 Page 353 of the Official Records of Bastrop County, Texas, and continuing on the same course, with the southerly line of the Partners tract, and passing the most southwesterly corner of that certain (0.512 acre) tract of land conveyed to Olen Russell Jenkins and Mary Jo Jenkins in a deed as recorded in Volume 275 Page 839 of the Official Records of Bastrop County, Texas, at or about 410.55 feet, and continuing on the same course another 186 feet for a total distance of 596.55 feet to a 1/2" iron rod found at the southwesterly corner of that certain (130' X 120') tract of land conveyed to Victor Juarez, Jr. and Mary Ann Juarez in a deed as recorded in Volume 257 Page 737 of the Official Records of Bastrop County, Texas,

THENCE, with the southerly line of the Juarez tract, N 89 deg. 26' 57" E 131.02 feet to a 1/2" iron rod found at the most southwesterly corner of that certain (80' X 120') tract of land conveyed to John P. Calhoun and Rose A. Calhoun in a deed as recorded in Volume 277 Page 769 of the Deed Records of Bastrop County, Texas,

THENCE, with the southerly line of the Calhoun tract, N 89 deg. 52' 01" E, passing the southwesterly corner of that certain (80' X 120') tract of land conveyed to Robert L. Miller, Sr. and Robert L. Miller, Jr. in a deed as recorded in Volume 306 Page 593 of the Official Records of Bastrop County, Texas, at or about 80' and continuing on the same course, and passing southwesterly corner of that certain (94' X 120') tract of land conveyed to Theresia Brenner Roberts in a deed as recorded in Volume 256 Page 870 of the Official Records of Bastrop County, Texas, at or about 80', and continuing on that same course, and passing the most southwesterly corner of that certain (94.3' X 120') tract of land conveyed to Ray Barron in a deed as recorded in Volume 289 Page 550 of the Official Records of Bastrop County, Texas, at or about 94', and continuing on the same course and passing the most southwesterly corner of that certain (80' X 120') tract of land conveyed to Terry Jackson and Kay Jackson in a deed as recorded in Volume 346 Page 774 of the Official Records of Bastrop County, Texas, at or about 94.3', and continuing on the same course, and passing the most southwesterly corner of that certain (0.304 acre) tract of land conveyed to Forrest D. Wilson and Kimberly K. Wilson in a deed as recorded in Volume 1244 Page 467 of the Official Records of Bastrop County, Texas, at or about 80', and continuing on the same course another 50.35 feet for a total distance of 478.65 feet to a 1/2" iron rod found at the most northwesterly corner of that certain (20.000 acre) tract of land conveyed to Carl G. Rabensburg, jr. in a Contract of Sale and Purchase as described and recorded in Volume 332 Page 547 of the Official Records of Bastrop County, Texas,

THENCE, with the southerly line of the Wilson tract, N 89 deg. 14' 29" E, passing the southwesterly corner of that certain (0.2749 acre) tract of land conveyed to Debra L. Perry and Douglas L. Perry in a deed as recorded in Volume 1250 Page 763 of the Official Records of Bastrop County, Texas at or about 60' and continuing on the same course another 99.62 feet for a total distance of 159.62 feet to a 1/2" iron rod found at the most southwesterly corner of that certain (0.241 acre) tract of land conveyed to Ed Lowden in a deed as recorded in Volume 164 Page 209 of the Deed Records of Bastrop County, Texas,

THENCE, with the southerly line of the Lowden tract, N 89 deg. 15' 43" E, passing the southwesterly corner of that certain (0.241 acre) tract of land conveyed to E. W. Baker in a deed as recorded in Volume 166 Page 654 of the Deed Records of Bastrop County, Texas, at or about 87.56 feet, and continuing on the same course, and passing the southwesterly corner of that certain (0.390 acre) tract of land conveyed to Mary S. Weatherford in a deed at or about another 87.56 feet, and passing the southwesterly corner of the Lowden (0.241 acre) tract at or about another 118 feet, in all a total distance of 380.31 feet to a 1/2" iron rod found in the westerly right-of-way line of Perkins Street, being for the most northwesterly corner of this tract,

THENCE, with the westerly right-of-way line of Perkins Street (as found fenced and used on the ground, and as described in the Rabensburg (20.000 acre) description) S 12 deg. 18' 11" W 1044.05 feet to a 60d nail found at the base of a fence corner post, being at an angle in the right-of-way line of Perkins Street, and being at the most southeasterly corner of this tract,

THENCE, with the northerly right-of-way line of Perkins Street S 68 deg. 40' 21" W 863.76 feet to a 1/2" iron rod set at the most northwesterly corner of that certain (1.626 acre) tract of land conveyed to Lynn Schaefer Oualline in a deed as recorded in Volume 421 Page 607 of the Official Records of Bastrop County, Texas,

Exhibit A

Page 3
242.006 acres

THENCE, with the westerly line of the Oualline (1.626 acre) tract, S 07 deg. 34' 14" E, passing a ½" iron rod set at the most southwesterly corner of the Oualline (1.626 acre) tract at 286.78 feet, and continuing on the same course another 365.40 feet, for a total distance of 652.18 feet to a point on the low bank of the Colorado River, being for the most southeasterly corner of this tract,

THENCE, with the low bank of the Colorado River, S 73 deg. 46' 04" W 53.45 feet to a point at the most southeasterly corner of that certain (6.500 acre) tract of land conveyed to Lynn Schaefer Oualline in a deed as recorded in Volume 831 Page 246 of the Official Records of Bastrop County, Texas,

THENCE, with the low bank of the Colorado River S 77 deg. 26' 05" W 481.30 feet to a point for the most southerly corner of the Oualline (6.500 acre) tract and being for the most southerly corner of this tract,

THENCE, with the low bank of the Colorado River the following six (6) general courses:

- 1) S 67 deg. 28' 34" W 758.29 feet,
- 2) S 81 deg. 36' 16" W 670.03 feet,
- 3) S 77 deg. 41' 19" W 346.22 feet,
- 4) S 71 deg. 49' 38" W 506.08 feet,
- 5) S 76 deg. 00' 10" W 638.98 feet,
- 6) S 85 deg. 52' 23" W 554.84 feet to a point on the low bank of the Colorado River where the fence between the Schaefer (282.10 acre) tract and that certain (94.00 acre) tract of land conveyed to Jo Ann Griesenbeck Cantrell in a deed as recorded in Volume 445 Page 684 of the Official Records of Bastrop County, Texas, being for the most southwesterly corner of this tract,

THENCE, with the fence between the Schaefer (282.1 acre) tract and the Cantrell tract, N 03 deg. 10' 00" W 418.69 feet, and N 05 deg. 54' 13" W 313.26 feet to a capped ½" iron rod found at the most southwesterly corner of that certain (5.134 acre) tract of land conveyed to Julie S. Rabensburg and Carl G. Rabensburg in a deed as recorded in Volume 818 Page 508 of the Official Records of Bastrop County, Texas,

THENCE, with the westerly line of the Rabensburg (5.134 acre) tract, N 00 deg. 30' 49" E 781.27 feet to a ½" iron rod found in the concrete around a fence corner post at the most southwesterly corner of that certain (1.012 acre) tract, conveyed to Carl G. Rabensburg and Julie S. Rabensburg in a deed as recorded in Volume 555 Page 138 of the Official Records of Bastrop County, Texas,

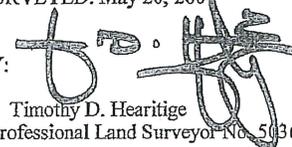
THENCE, with the westerly line of the Rabensburg (1.012 acre) tract of land N 00 deg. 12' 05" W 350.02 feet to a capped ½" iron rod found at the most westerly southwest corner of the Rabensburg (16.007 acre) tract,

THENCE, with the westerly line of the Rabensburg (16.007 acre) tract, N 00 deg. 25' 59" E 1016.05 feet to a ½" iron rod found at the base of a fence corner post, being in the southerly line of the Schaefer (100 acre) tract of land, and being for the most northwesterly corner of this tract,

THENCE, with the northerly line of the Rabensburg (16.007 acre) tract, N 89 deg. 26' 27" E 444.41 feet to the PLACE OF BEGINNING, in all containing 242.006 acres of land.

SURVEYED: May 20, 2004

BY:



Timothy D. Hearitige
Registered Professional Land Surveyor No. 5036



see accompanying map no. B 120002

Exhibit A

CENTRAL TEXAS SURVEYING

PROFESSIONAL LAND SURVEYING
ROBERT C. STEUBING OWNER
517 BARTSCH LANE • RED ROCK, TEXAS 78662 • PHONE (512) 581-4345 • FAX (512) 581-4360

EXHIBIT "A"

LEGAL DESCRIPTION

BEING A 37.43 ACRE TRACT OF LAND OUT OF THE NORTHEAST CORNER OF PECAN PARK, A PROPOSED DEVELOPMENT, IN THE MOZEA ROUSSEAU SURVEY, ABSTRACT NUMBER 56, IN THE CITY OF BASTROP, BASTROP COUNTY, TEXAS, AND BEING OUT OF AND A PORTION OF THE FOLLOWING TWO (2) TRACTS OF LAND: 1) TRACT A-1: 189.952 ACRE TRACT OF LAND DESCRIBED TO DM PECAN PARK ASSOCIATES, LTD., IN THAT CERTAIN SPECIAL WARRANTY DEED AS RECORDED IN VOLUME 1482, PAGE 70, OFFICIAL RECORDS BASTRPO COUNTY, TEXAS, 2) TRACT B-1: 20.019 ACRE TRACT OF LAND DESCRIBED TO DM PECAN PARK ASSOCIATES LTD., IN THAT SAME SPECIAL WARRANTY DEED RECORDED IN VOLUME 1482, PAGE 70, OF THE OFFICIAL RECORDS OF BASTROP COUNTY, TEXAS, SAID 37.43 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a one-half inch iron rod found on the west line of Perkins Street for the southeast corner of that tract of land described to Edward Maurice Lowden and Genarose Lowden in that certain General Warranty Deed With Vendor's Lien as recorded in Volume 254, Page 313, of the Deed Records of Bastrop County, Texas and the northeast corner of said 20.019 acre tract of land, same being the northeast corner of the herein described 37.43 acre tract of land;

THENCE South $12^{\circ}18'11''$ West, along the common dividing line of said Perkins Street and said 20.019 acre tract of land, a distance of 903.51 feet to a calculated point at the intersection of the east line of said 20.019 acre tract of land with the north line of that certain 100 foot Easement described to LCRA Transmission Services Corporation as recorded in Volume C, Page 477, of the Official Records of Bastrop County, Texas for the southeast corner of the herein described 37.43 acre tract of land and from this point a five-eighths capped iron rod found for the most southeasterly corner of the said 20.019 acre tract of land bears South $12^{\circ}18'11''$ West, a distance of 140.42 feet;

THENCE North $76^{\circ}30'36''$ West, through said and severing from said 20.019 acre tract of land and said 189.952 acre tract of land, a same being along the north line of said LCRA 100 foot transmission easement a distance of 3226.86 feet to a calculated point on the east line of that certain 2.798 acre tract of land described to Transmission Services Corporation as recorded in Volume 1182, Page 90, of the Official Records of Bastrop County, Texas for the southwest corner of the herein described 37.43 acre tract of land and from this point a capped iron rod found bears South $00^{\circ}23'34''$ East, a distance of 219.79 feet for the southeast corner of the said LCRA 2.798 acre tract of land;

THENCE North $00^{\circ}23'34''$ West, along the common dividing line of said 2.798 acre tract of land and said 189.952 acre tract of land, a distance of 105.13 feet to a capped iron rod found on the common dividing line of said 189.952 acre tract of land and Lot 1, Block A, Bastrop West Commercial, Section 3, a subdivision in Bastrop County, Texas, according to the plat recorded in Plat Cabinet 3, Page 110A, of the Plat Records of Bastrop County, Texas, same being the northeast corner of the said LCRA 2.798 acre tract of land;

THENCE along a portion of the north line of the said Tract A-1: 189.952 acre tract of land, along the north line of the said Tract B-1: 20.019 acre tract of land and along the south line of the following eighteen (18) tracts of land: 1) The said Lot 1, Block A, Bastrop West Commercial, Section 3, 2) Lot 1, Bastrop West Commercial, Section 2, a subdivision in Bastrop County, Texas, according to the plat recorded in Plat Cabinet 2, Page 377B, of the Plat Records of Bastrop County, Texas, 3) That called 0.948 acre tract of land described to Jayavenkat, LTD., in that certain General Warranty deed a recorded in Volume 1809, Page 474, Official Records of Bastrop County, Texas, 4) Terminus of Childers Drive, a street in the City of Bastrop, Bastrop County, Texas, 5) That called 4.095 acre tract of land described to Arbors At Bastrop Apartments LP as recorded in Volume 1795, Page 178, Official Records of Bastrop County, Texas, 6) That called 0.512 acre tract of land described to Olen Russell Jenkins and wife, Mary Jo Jenkins in that certain Assumption Deed as recorded in Volume 275, Page 839, Official Records of Bastrop County, Texas, 7) That $130' \times 120'$ tract of land described to Victor Juarez, Jr. and wife, Mary Juarez in that certain General Warranty Deed With Vendor's Lien as recorded in Volume 257, Page 737, Official Records Bastrop County, Texas, 8) That $80' \times 120'$ tract of land described to John P. Calhoun and wife, Rosa A. Calhoun in that certain Warranty Deed With

Exhibit A

CENTRAL TEXAS SURVEYING

PROFESSIONAL LAND SURVEYING
ROBERT C. STEUBING OWNER

517 BARTSCH LANE • RED ROCK, TEXAS 78662 • PHONE (512) 581-4345 • FAX (512) 581-4360

(BEING A 37.43 ACRE TRACT OF LAND OUT OF THE NORTHEAST CORNER OF PECAN PARK, A PROPOSED DEVELOPMENT, IN THE MOZEA ROUSSEAU SURVEY, ABSTRACT NUMBER 56, IN THE CITY OF BASTROP, BASTROP COUNTY, TEXAS)

Vendor's Lien as recorded in Volume 277, Page 769, Deed Records Bastrop County, Texas, 9) That 80' x 120' tract of land described to Robert L. Miller Sr. and Robert L. Miller Jr., in that certain General Warranty Deed With Vendor's Lien as recorded in Volume 306, Page 593, Official Records Bastrop County, Texas; 10) That 94' x 120' tract of land described to Theresia Brenner Roberts in that certain Warranty Deed With Vendor's Lien as recorded in Volume 256, Page 870, Official Records Bastrop County, Texas, 11) That 94.3' x 120' tract of land described to Ray Barron in that certain Quitclaim Deed as recorded in Volume 289, Page 550, Deed Records Bastrop County, Texas, 12) That 80' x 120' tract of land described to Terry Jackson and wife, Kay Jackson in that certain Assumption Deed as recorded in Volume 346, Page 774, Official Records Bastrop County, Texas, 13) That called 0.304 acre tract of land described to Forrest D. Wilson and Kimberly K. Wilson in that certain General Warranty Deed With Vendor's Lien in Favor of Third Party as recorded in Volume 1244, Page 467, Official Records Bastrop County, Texas, Official Records Bastrop County, Texas, 14) That called 0.2749 acre tract of land described to Khalil Younes in that certain General Warranty Deed With Vendor's Lien as recorded in Volume 1628, Page 350, Official Records of Bastrop County, Texas, 15) That called 0.241 acre tract of land described to Ed Lowden in that certain Warranty Deed as recorded in Volume 164, Page 209, Deed Records Bastrop County, Texas, 16) That called 0.241 acre tract of land described to E. W. Baker in that certain Warranty Deed as recorded in Volume 166, Page 654, Deed Records Bastrop County, Texas, 17) That called 0.390 acre tract of land described to Mary S. Weatherford in that certain Warranty Deed as recorded in Volume 224, Page 402, Deed Records Bastrop County, Texas, 18) The said 0.241 acre tract of land described to Edward Maurice Lowden and Generosa Lowden in the said General Warranty Deed With Vendor's Lien as recorded in said Volume 254, Page 313, Official Records Bastrop County, Texas, the following eight (8) courses:

- 1) North 88°50'27" East, a distance of 75.62 feet to a point for the southeast corner of the said Lot 1, Block A, Bastrop West Commercial, Section 3, same being the southwest corner of the said Lot 1, Bastrop West Commercial, Section 2;
- 2) North 89°38'48" East, a distance of 1186.65 feet to a three-quarter inch inside diameter pipe found for the southeast corner of the said Lot 1, Bastrop West Commercial, Section 2, and the southwest corner of the said Jayavenkat, Ltd., tract of land;
- 3) North 89°35'48" East, a distance of 322.84 feet to a one-half inch iron rod found for the southeast corner of the said Jayavenkat, Ltd., tract of land and the terminus of and intersection of the west line of the said Childers Drive with the north line of the said Tract A-1: 189.952 acre tract of land;
- 4) North 89°33'37" East, passing at a distance of 50.29 feet a five-eighths inch iron rod found at the terminus of and intersection of the east line of the said Childers Drive with the north line of the said Tract A-1: 189.952 acre tract of land, same being the southwest corner of the said Arbors At Bastrop Apartments tract of land, continuing for a **Total Distance** of 596.44 feet to a one-half inch iron rod found for the southeast corner of the said Jenkins tract of land and the southwest corner of the said Juarez tract of land;
- 5) North 89°28'07" East, a distance of 131.08 feet to a one-half inch iron rod found for the southeast corner of the said Juarez tract of land and the southwest corner of the said Calhoun tract of land;
- 6) North 89°52'13" East, a distance of 478.68 feet to a one-half inch iron rod found for the northeast corner of the said Tract A-1: 189.952 acre tract of land, same being the northwest corner of the said Tract B-1: 20.019 acre tract of land and a point on the south line of the said Wilson tract of land;
- 7) North 89°14'39" East, a distance of 159.57 feet to a one-half inch bar found for the southwest corner of the said Lowden tract of land and the southeast corner of the said Younes tract of land;
- 8) North 89°16'43" East, a distance of 380.31 to the POINT OF BEGINNING, and containing 37.43 acres of land, more or less, within these metes and bounds.

Exhibit A

CENTRAL TEXAS SURVEYING

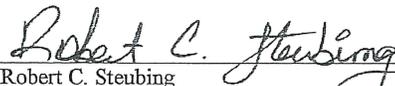
PROFESSIONAL LAND SURVEYING
ROBERT C. STEUBING OWNER

517 BARTSCH LANE • RED ROCK, TEXAS 78662 • PHONE (512) 581-4345 • FAX (512) 581-4360

(BEING A 37.43 ACRE TRACT OF LAND OUT OF THE NORTHEAST CORNER OF PECAN PARK, A PROPOSED DEVELOPMENT, IN THE MOZEA ROUSSEAU SURVEY, ABSTRACT NUMBER 56, IN THE CITY OF BASTROP, BASTROP COUNTY, TEXAS)

BASIS OF BEARINGS for this survey is the east common dividing line of the said 20.019 acre tract of land and the said Perkins Streets between a one-half inch iron rod found for the northeast corner of said 20.019 acre tract of land and a five-eighths inch iron rod found for an exterior angle corner as South 12°18'11" West as per Volume 1482, Page 70, of the Official Records of Bastrop County, Texas.

I, Robert C. Steubing, a Registered Professional Land Surveyor, do hereby certify that the above survey was made upon the ground, under my supervision in February 2008 and is true and correct according to my best belief and knowledge.


Robert C. Steubing
Registered Professional Land Surveyor
State of Texas - No. 5548



04/10/08
Date



DM Pecan Park Associates, Ltd.
1310 Ranch Road 620 South, Suite B-200
Austin, Texas 78734
Office (512) 263-2214

March 6, 2017

Mr. Wesley Brandon P.E.
Director of Planning and Development
Ms. Jennifer Bills, AICP, LEED AP
Assistant Planning Director
City of Bastrop Planning Department
1311 Chestnut Street
Bastrop, Texas 78602

Re: River's Bend at Pecan Park
Amendment Request to Ordinance No. Ord. – 2015 - 15

Dear Mr. Brandon and Ms. Bills,

River's Bend at Pecan Park continues its success thanks to many factors starting with the City Council, P&Z, your staff and the excellent group of Builders that we have been able to work with in the subdivision. As we have discussed throughout this process, our hope is to attract the best builders that we can and to offer several different home product styles and price ranges to accommodate the housing needs of the City. In our attempt to facilitate that desire, it has become apparent to us that a few modifications to our Pecan Park Residential Zoning Ordinance would help us expand into additional, very attractive home styles and subdivision designs which will help make this a subdivision recognized as a quality asset for the City and a quality standard for future developments.

There are a few amendments that we would like to request to the current Ordinance. We feel they are reasonable and will help us provide more affordable housing, be a better fit for our new Bastrop residents and aid our Builders and improve the development of the project.

Our request can be summarized in a few paragraphs.

1. We request a modification to the rear setbacks for our 40' and 50' lots (Zoning Districts: Patio Home, "PD-PH" and Single Family Select, "PD-SFS"). Per the Ordinance, the rear setback is currently established at 15'. We request that the rear setback for both of those Districts be reduced to 10'. We have found that most surrounding central Texas cities have setbacks similar to our request. We have recently been approached by a successful quality builder who wants to build in our community. They have been very successful with a home design that has a center interior courtyard, which provides a nice alternative to the conventional style homes with the backyard area located behind the house. Although our lots are at a good 120' depth, considering the desired driveway depths, garage offsets, and desire for large well-landscaped interior courtyards, the current setback requirement makes their courtyard plan designs impossible to accomplish. Your approval of our request will help make their plans more workable, functional and aesthetically pleasing.



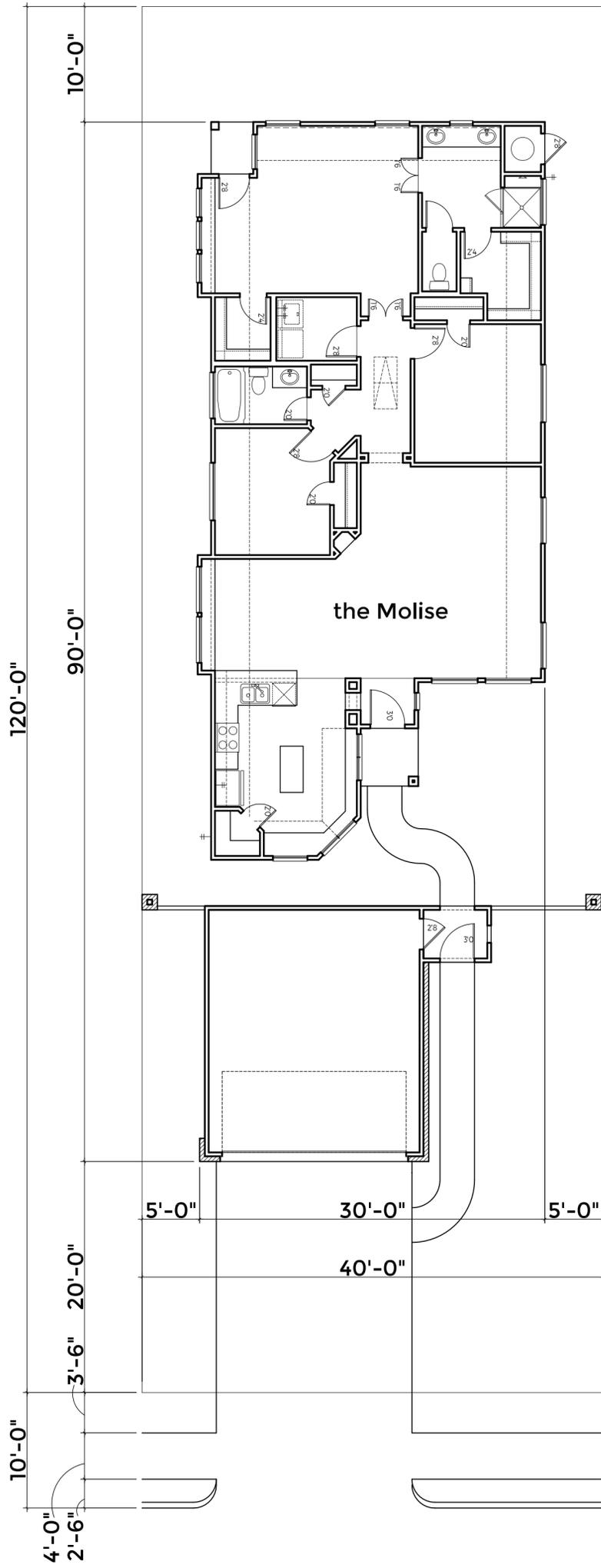
2. Per the current Ordinance, the Patio Home (PD-PH) areas are required to have shared guest parking. That additional parking would be located within the City's public street. We request that if our recorded Design Guidelines for a Patio Home Section requires, at minimum, that each home located within that Section must have an enclosed two-car garage, additional guest parking would not be required in that Section. We hope that you will agree that the 2-car enclosed garage requirement and the stipulated driveway depths required by the current Ordinance should provide adequate guest parking.
3. Regarding future Amendments to this Ordinance, due to the fact that the property comprises a significant land area and its development will occur in phases over a number of years, we request that minor amendments may be made to the Ordinance, administratively approved by the Director of the City's Planning Department. If there is any question of whether the amendment is minor, the issue shall be referred to the City Manager for final determination.

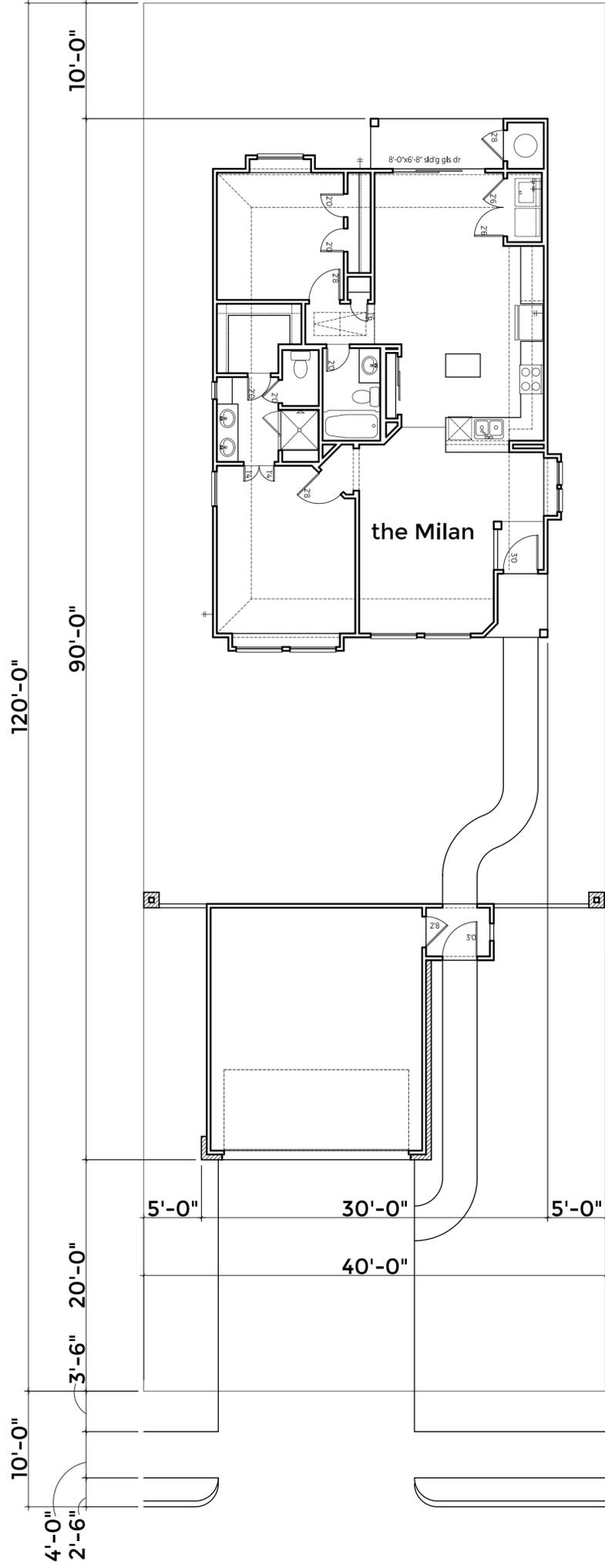
We sincerely appreciate your consideration for the above amendments to our current Zoning Ordinance. Please let us know if there is anything we can do to help expedite this request. It is of most importance that we receive a favorable and timely response.

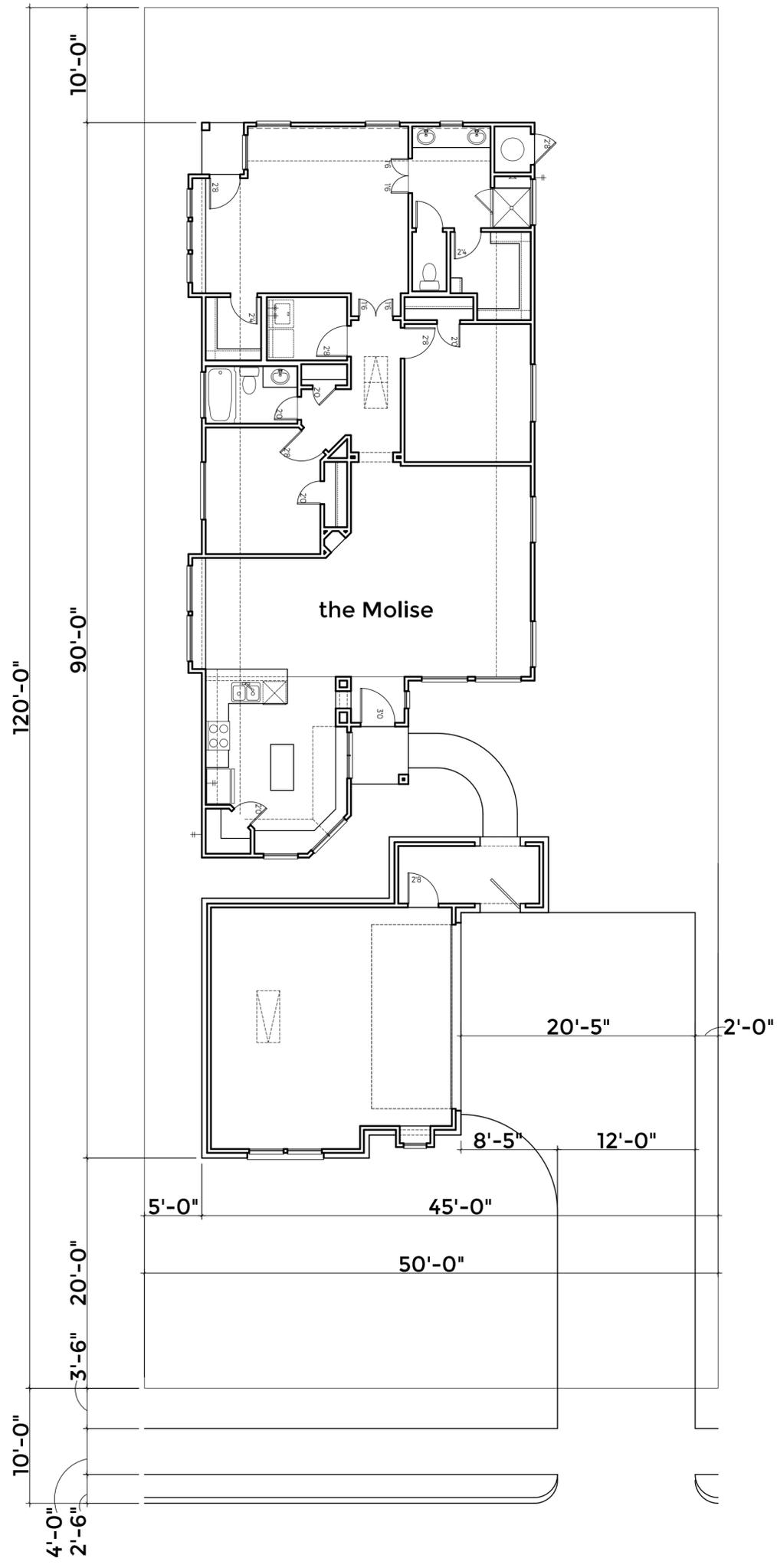
Sincerely

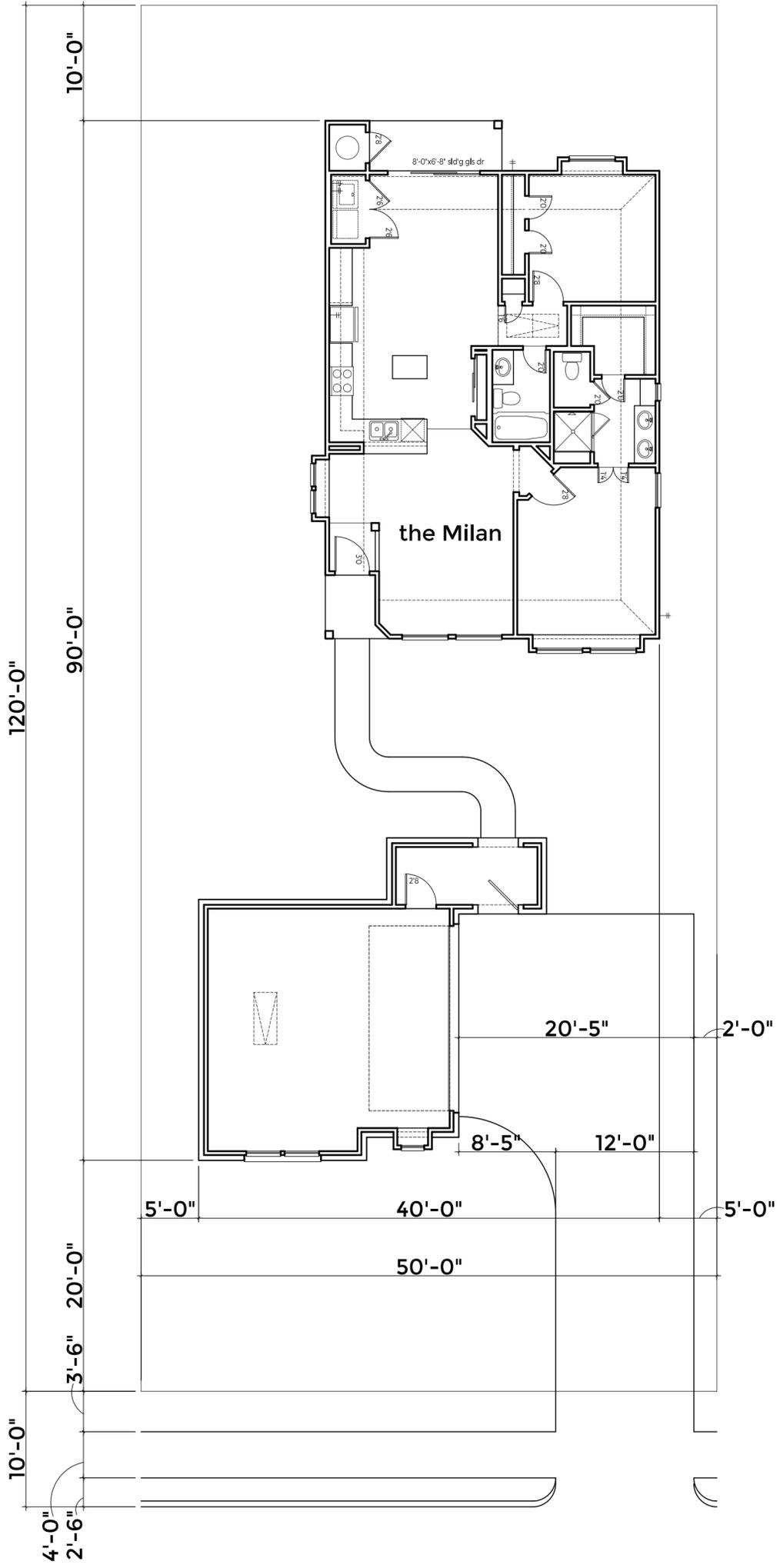
Duke McDowell
Owner/Manager
D.M. Pecan Park Associates, LTD.

Attachments: Ordinance 2015 - 15 Area Boundary
Sample Courtyard Home Site Plans and Floor Plans
Aerial Depictions of Courtyard Homes
Sample Front Elevations (40' Home Product)
Sample Front Elevations (50' Home Product)
Ordinance No. Ord. - 2015-15















STAFF REPORT

MEETING DATE: May 9, 2017

AGENDA ITEM: 9E

TITLE:

Hold public hearing and consider action to approve the first reading of Ordinance 2017-16 of the City Council of the City of Bastrop, Texas granting a Conditional Use Permit to allow a one-story church administration building, for 0.44 acres of Farm Lot 1, East of Main Street, located at 1208 Water Street, within the city limits of Bastrop, Texas; setting out conditions; establishing an effective date and move to include on the May 23, 2017 agenda for a second reading.

STAFF REPRESENTATIVE:

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

BACKGROUND/HISTORY:

The First United Methodist Church is requesting a Conditional Use Permit to allow the construction of a one story church administration building on the subject property, located at 1208 Water Street. Under the current zoning classification N, Neighborhood, religious institution uses are only allowed with a Conditional Use Permit (CUP).

The agent is applying for a Conditional Use Permit (CUP) to allow for the construction of a new church administration building on the existing vacant lot.

RECOMMENDATION:

Staff recommends approval of the Conditional Use Permit to build an administrative building at 1208 Water Street situated on an 0.44 acre tract, being a portion of Farm Lot 1, East of Main Street, an area currently zoned N, Neighborhood, within the city limits of Bastrop.

1. Construction shall be in conformance with the City of Bastrop regulations, and a Site Development Plan will be approved before development starts.
2. All necessary permits for the proposed development shall be acquired prior to construction of the church administration building on the subject property.
3. A Building Permit shall be applied for and secured within one (1) year from the date the Conditional Use Permit is granted (second reading of the ordinance).

Planning & Zoning Commission Action

The Planning and Zoning Commission held a **public hearing** at the April 27, 2017 meeting and reviewed the requested CUP.

Motion to **approve** a CUP to allow a one-story church administration building with the additional conditions:

1. The east facing façade facing Water Street appears as residential as possible based on the Planning Directors opinion.
2. The building only be used for church administrative uses only.
3. There be at least four new parking spaces for the site be placed solely on this property.

Motion made by Patrick Connell, second by Alyssa Halle-Schramm and **approved 4-1** (Opposed: Cynthia Meyer, Recused: Lisa Patterson and Bryan Whitten, Absent: Richard Kindred and Tish Winston).

ATTACHMENTS:

Planning & Zoning Commission Staff Report
Conceptual Site Plan
Property owners' petitions
Letter from applicant



ORDINANCE 2017-16

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS GRANTING A CONDITIONAL USE PERMIT TO ALLOW A ONE-STORY CHURCH ADMINISTRATION BUILDING, FOR 0.44 ACRES OF FARM LOT 1, EAST OF MAIN STREET, LOCATED AT 1208 WATER STREET, WITHIN THE CITY LIMITS OF BASTROP, TEXAS; SETTING OUT CONDITIONS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, First United Methodist Church (hereinafter referred to as “Applicant”) submitted a request for a for a Conditional Use Permit (CUP) to allow construction of a one-story church administration building for 0.44 within a portion of Farm Lot 1, East of Main Street within the City limits of Bastrop, Texas, hereinafter referred to as “the Property”; and

WHEREAS, a location map is attached hereto as Exhibit “A” (the “Property”); and

WHEREAS, the Property is currently zoned as N, Neighborhood; and

WHEREAS, pursuant to Section 10.4 of the City’s Zoning Ordinance, notice of the rezoning was given to all property owners located within two hundred (200) feet of the Property, and the Planning and Zoning Commission of the City of Bastrop held a public hearing on the CUP request on April 27, 2017; and

WHEREAS, after notice and hearing, the Planning and Zoning Commission has recommended **approval** of the proposed request, subject to certain conditions set forth herein; and

WHEREAS, pursuant to Section 10.4 of the City’s Zoning Ordinance, notice of the rezoning request was given as required by the Ordinance, and the City Council of the City of Bastrop held a public hearing on the Conditional Use Permit on May 9, 2017 to consider the Applicant’s request to construct a new church administration building; and

WHEREAS, after consideration of public input received at the hearing, the information provided by the Applicant, and all other information presented, City Council finds by a majority vote of all members that it is in the public interest to approve the CUP.

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

Section 1: The Property, situated in for 0.44 within a portion of Farm Lot 1, East of Main Street located 1208 Water Street within the city limits of Bastrop, Texas as

more particularly shown and described on attachments Exhibit "A", shall be and is hereby approved with the following conditions to:

- a. Construction shall be in conformance with the City of Bastrop regulations, and a Site Development Plan will be approved before development starts.
- b. All necessary permits for the proposed development shall be acquired prior to construction of the church administration building on the subject property.
- c. A Building Permit shall be applied for and secured within one (1) year from the date the Conditional Use Permit is granted (second reading of the ordinance).
- d. The east facing façade facing Water Street appears as residential as possible based on the Planning Directors opinion.
- e. The building only be used for church administrative uses only.
- f. There be at least four new parking spaces for the site be placed solely on this property.

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

Section 3: If any provision of this ordinance or application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions, or application thereof, of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are hereby declared to be severable.

Section 4: This ordinance shall take effect upon the date of final passage noted below, or when all applicable publication requirements, if any, are satisfied in accordance with the City's Charter, Code of Ordinances, and the laws of the State of Texas.

READ and ACKNOWLEDGED on First Reading on the 9th day of May 2017.

READ and APPROVED on the Second Reading on the 23rd day of May 2017.

APPROVED:

Mayor

ATTEST:

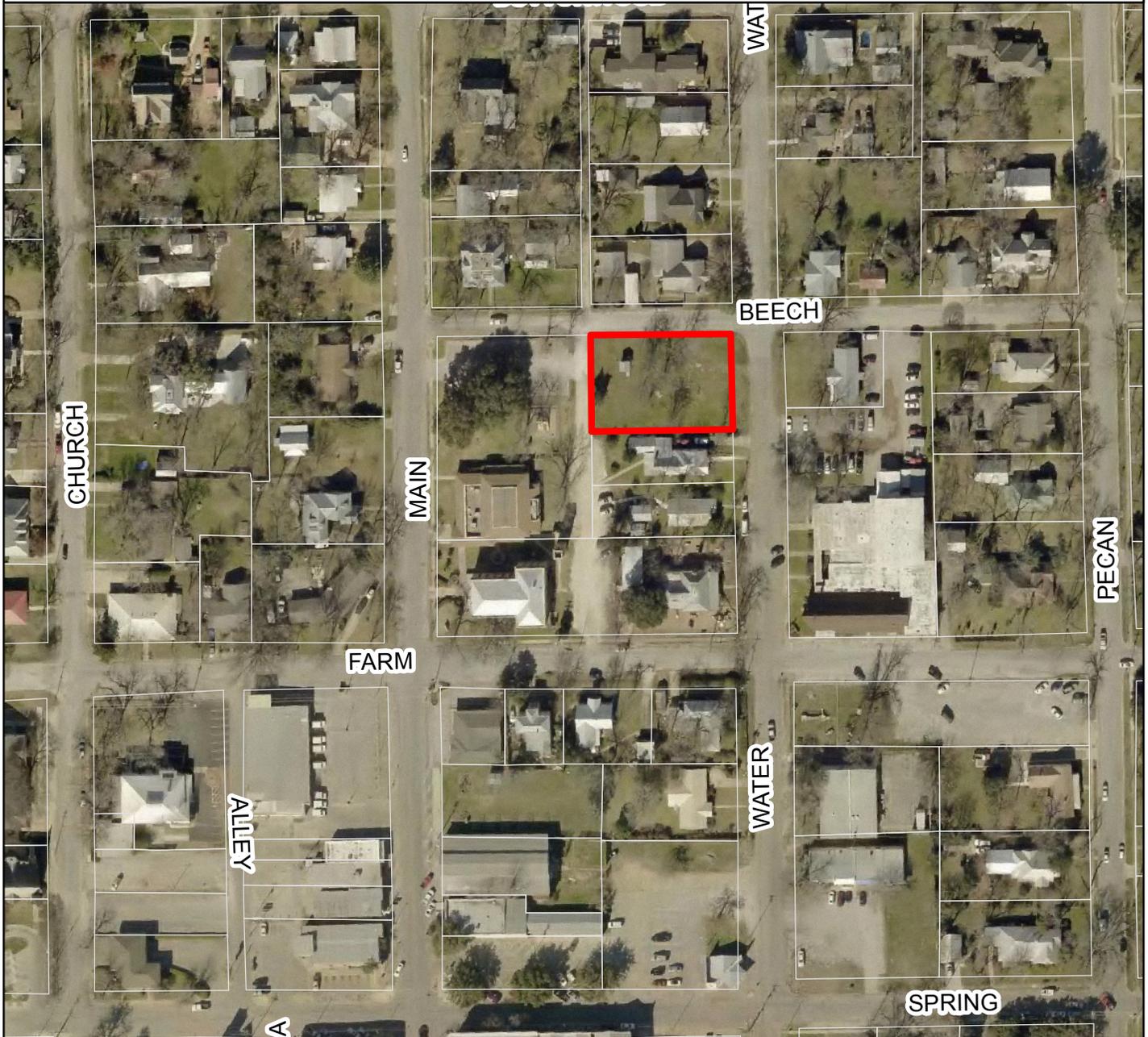
Ann Franklin, City Secretary

APPROVED AS TO FORM:

David Bragg, City Attorney



Property Location Map for 1208 Water Street



Legend

 1208 Water Street

Agenda Information Sheet:

Planning and Zoning Commission Meeting Date:

April 27, 2017

Public Hearing Description:

Conditional Use Permit to allow a church administration building to be constructed at 1208 Water Street, situated on 0.44 acre tract, being a portion of Farm Lot 1, East of Main Street, an area zoned N, Neighborhood, within the city limits of Bastrop.

Item Summary:

Owner: First United Methodist Church
Agent Gene Moulden
Location: 1208 Water Street
Utilities: City water, sewer, and electric
Zoning: N, Neighborhood
Land Use Plan: Downtown Bastrop

Request:

Gene Moulden, the agent for the First United Methodist Church is requesting a Conditional Use Permit to allow the construction of a one story church administration building on the subject property, located at 1208 Water Street. Under the current zoning classification N, Neighborhood, any religious institution uses are only allowed with a Conditional Use Permit (CUP).

The agent is applying for a Conditional Use Permit (CUP) to allow for the construction of a new church administration building on the existing vacant lot.



Aerial Map of the lot area 0.44 acres

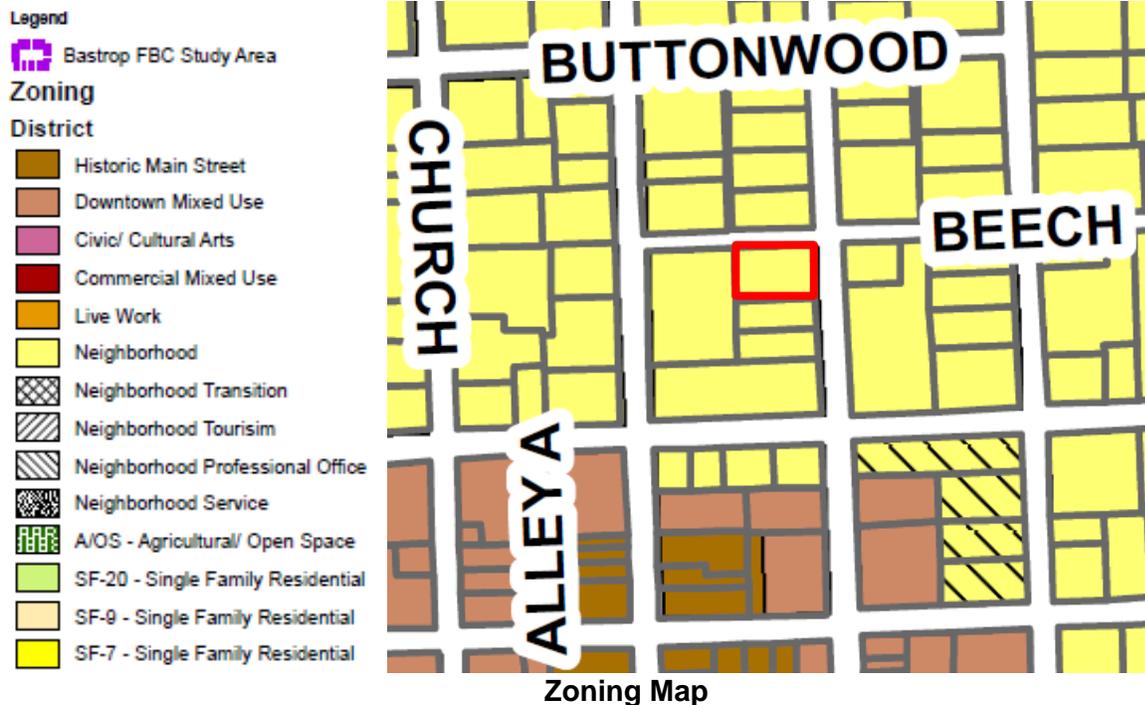
Description:

The subject property includes the vacant parcel located at the corner of Beech and Water Street, and the applicant would construct a new church administration building on the site.

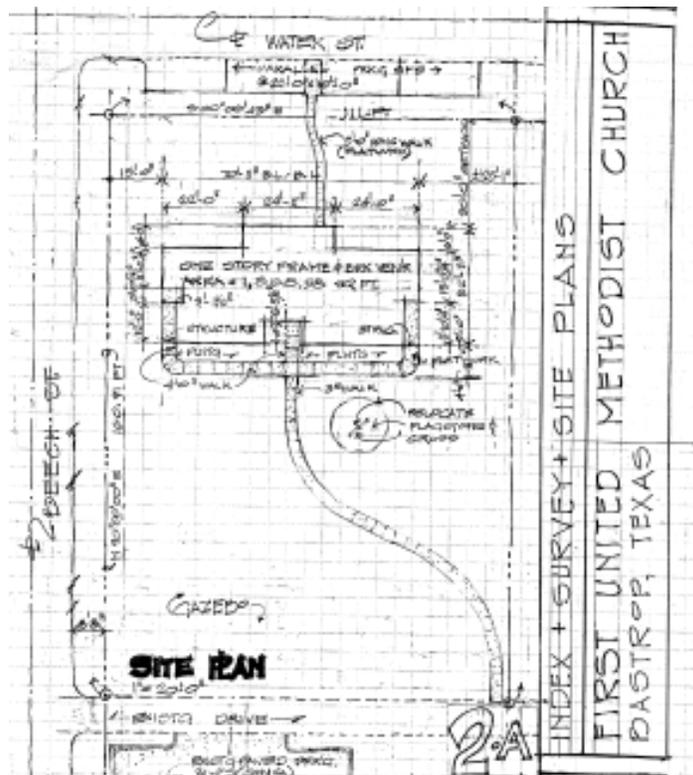
The new church administration building meet all requirements as outlined in the Form Based Code, and Chapters 3 and 14 of the Code of Ordinances.

Surrounding current Zoning Land Uses:

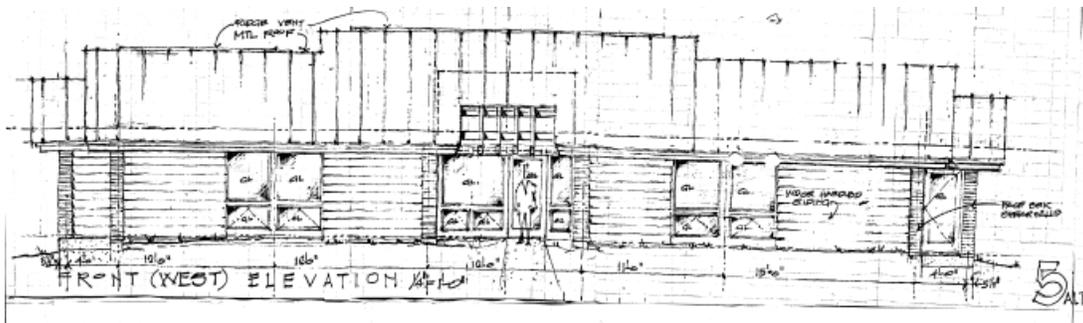
Location	Zoning	Future Land Use Plan
North (Residential)	N, Neighborhood	Downtown Bastrop
South (Religious Institution/Residential/Commercial)	N-Neighborhood, HMS-Historic Main Street, DMU-Downtown Mixed Use	Downtown Bastrop, Public and Institutional
East (Residential/Religious Institution)	N, Neighborhood	Downtown Bastrop
West (Religious Institution/Residential)	N, Neighborhood	Downtown Bastrop



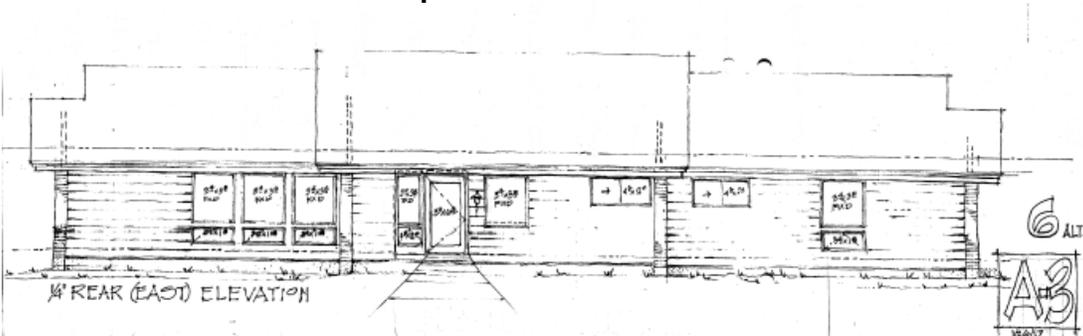
The church is proposing a 1,869 sq. ft. single story frame and brick veneer building facility that will house their administration staff of four to six people. Currently, the church has an adequate amount of off-street parking. The parking lot and alleyway parking located on the property is adjacent to this parcel. A Site Development Plan will need to be submitted and approved prior to building/construction.



Proposed Site Plan



Proposed Front Elevation



Proposed Rear Elevation

Basis of Support:

Staff supports the Conditional Use Permit. The use will comply with all other area regulations, including setbacks and lot coverage and will have no detrimental impacts on adjacent property.

Special Considerations: None.

Financial Impact: None.

Comments: Ten (10) adjacent property owner notifications were mailed 3/15/2017. Three public comments have been received, with two being in opposition and one having no objection to the requested CUP.

Staff Recommendations:

Staff recommends approval of the Conditional Use Permit to build the an administrative building at 1208 Water Street situated on an 0.44 acre tract, being a portion of Farm Lot 1, East of Main Street, an area currently zoned N, Neighborhood, within the city limits of Bastrop.

1. Construction shall be in conformance with the City of Bastrop regulations, and a Site Development Plan will be approved before development starts.
2. All necessary permits for the proposed development shall be acquired prior to construction of the church administration building on the subject property.
3. A Building Permit shall be applied for and secured within one (1) year from the date the Conditional Use Permit is granted (second reading of the ordinance).

City Contact:

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

Attachments:

Conceptual Site Plan, property owners' petitions, letter from applicant



First United Methodist Church
1201 Main Street
Bastrop, TX 78602

Office 512-321-2201
Email: admin@fumcbastrop.org
Website: fumcbastrop.org

To: Members of the Planning and Development Commission

Re: Conditional Use Permit application for Church Administration building

The First Methodist Church of Bastrop, propose to build a single story frame and brick veneer building containing 1869 square feet. The building materials will be compatible with the existing buildings that are on our property.

At present, there is no required paving of streets or alleyways. Any sidewalk construction on this property will be concrete and be contained on the property. The only ingress and egress to the property will be the alley with entrance on Farm street and exit to Beech street. When the lot is developed, the drainage of the property will be addressed during the site development process.

At present, we have adequate off-street parking, with one parking lot and alleyway parking. We also have street parking on Main and Farm street. There will be no screening or fencing planned for this project.

This building will be used as Administrative offices, with four to six people working there Monday thru Friday.

Respectfully Submitted,

First United Methodist Church Building Committee

Date Feb 13, 2017

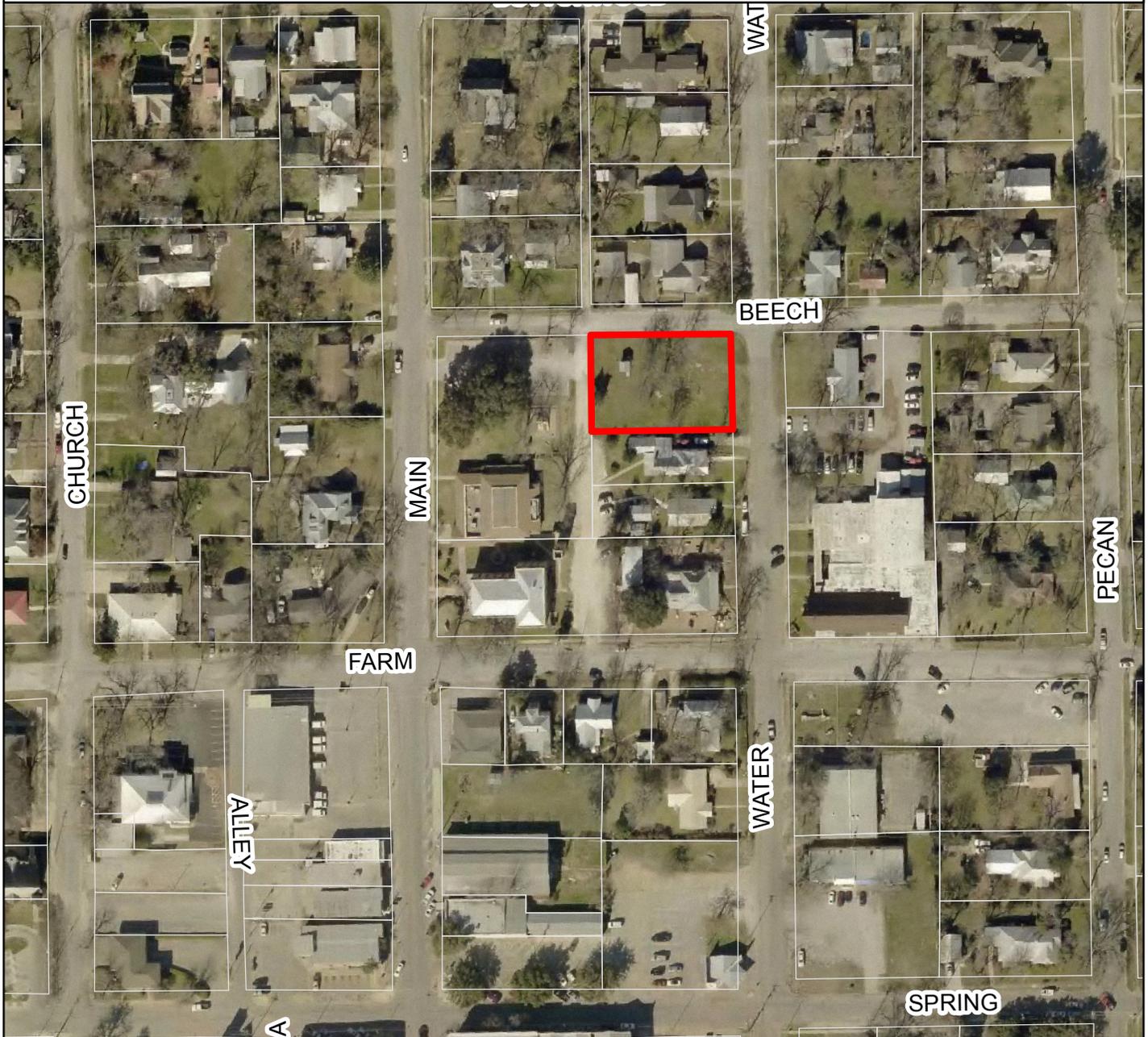
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Property Location Map for 1208 Water Street



Legend

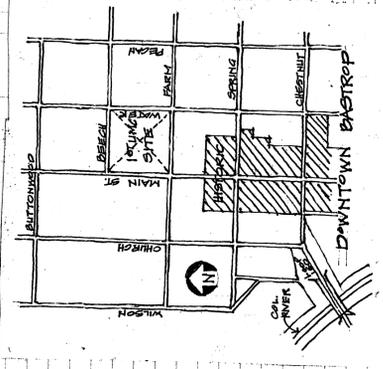


INDEX TO DRAWINGS:

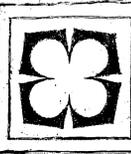
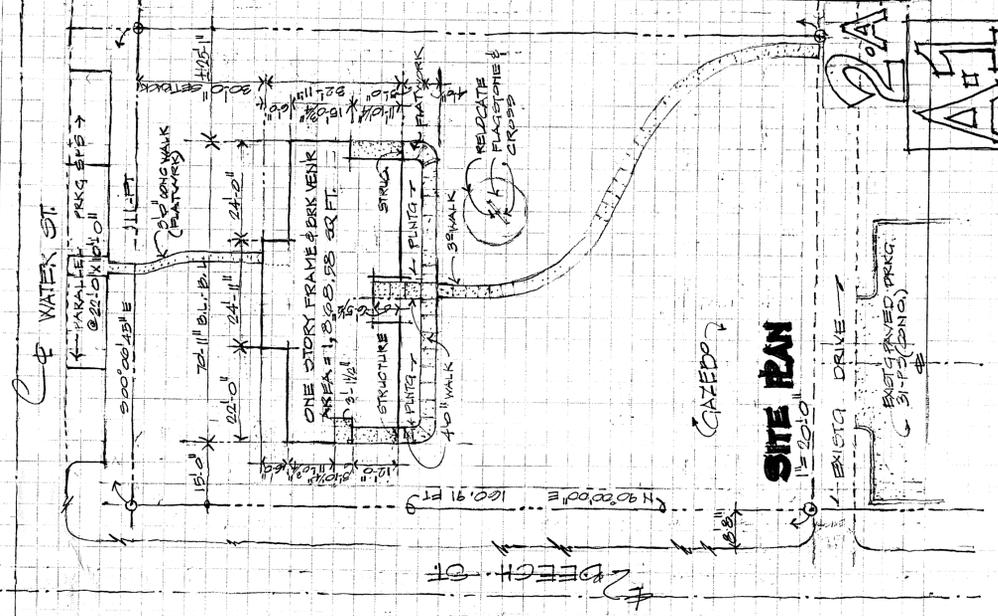
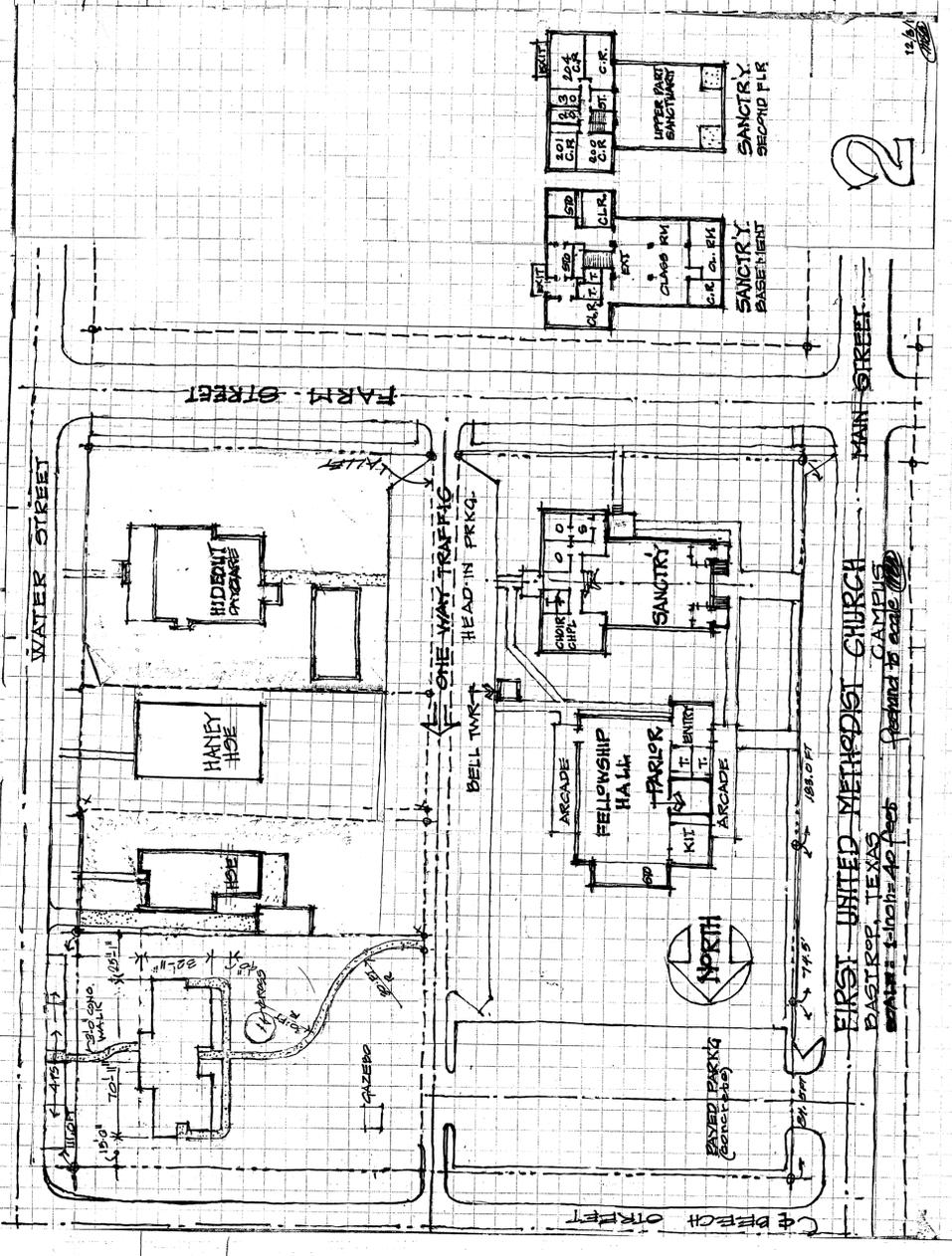
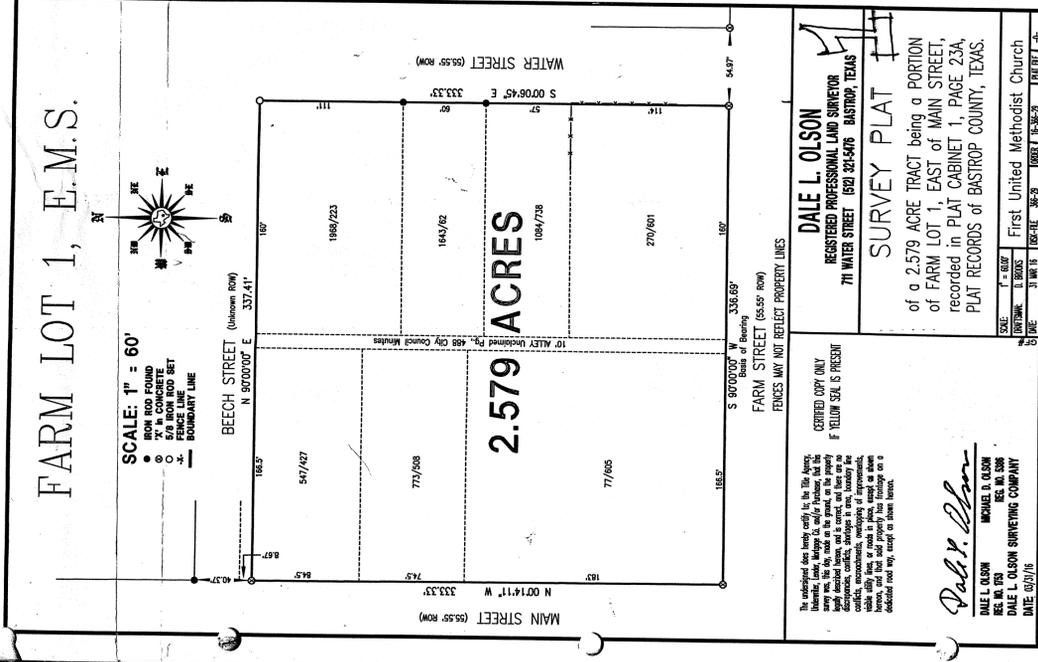
- SHT 1 No 1 SITE SURVEY (200 MAIN ST) 1/40. inch ADDRESS: MAIN ST & FARM ST, WATER ST TO EAST & BEECHST. TO THE NORTH, BASTROP TEX 76601
- No 2 1/40. inch SITE PLAN, CHURCH CAMPUS
- SHT 2 No 2A 1/20. inch SITE PLAN
- No 3B 1/8" FOUNDATION PLAN
- SHT 4 No 3A 1/8" FRAMING PLAN
- No 3B 1/8" FRAMING/CLTH'G PLAN
- No 4 1/4" FLOOR PLAN
- No 5 1/4" WEST ELEVATION
- No 6A 1/4" EAST ELEVATION
- SHT 5 No 7 1/4" NORTH ELEV.
- No 8 1/4" SOUTH ELEV.
- No 9A 1/4" WEST ELEV.
- No 9B 1/4" EAST ELEV.
- No 9C 1/4" NORTH ELEV.
- No 9D 1/4" SOUTH ELEV.

ADMINISTRATIONAL & EDUCATIONAL BUILDING

- No 9A 1/4" TRANSVRS SECTN
- No 9B 1/4" TRANSVRS SECTN
- No 10 3/4" TYPICAL WALL DETN
- No 11 1/2" WALL SECTN DETLS



FIRST UNITED METHODIST CHURCH
BASTROP, TX



DALE L. OLSON
1/20/17

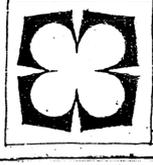
20A

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FIRST UNITED METHODIST CHURCH
BASTROP, TEXAS

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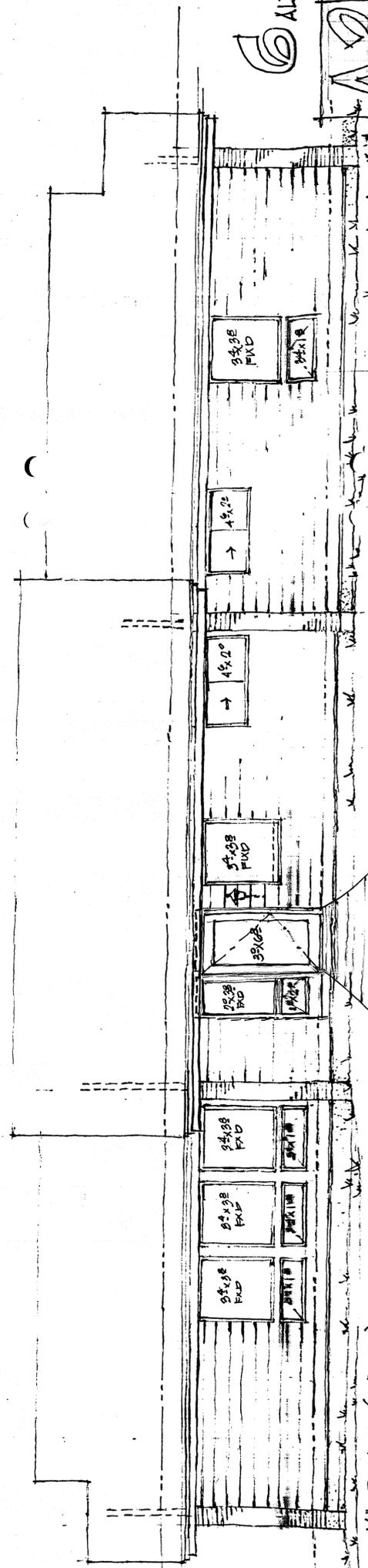


1st UNITED METHODIST CHURCH
DAKOTAP, TEXAS
18002

1/4 REAR (ELEV. ADMIN/EDR BRD)
1/4 WEST (COURTYARD) ELEV.
ALTERNATE SIDING

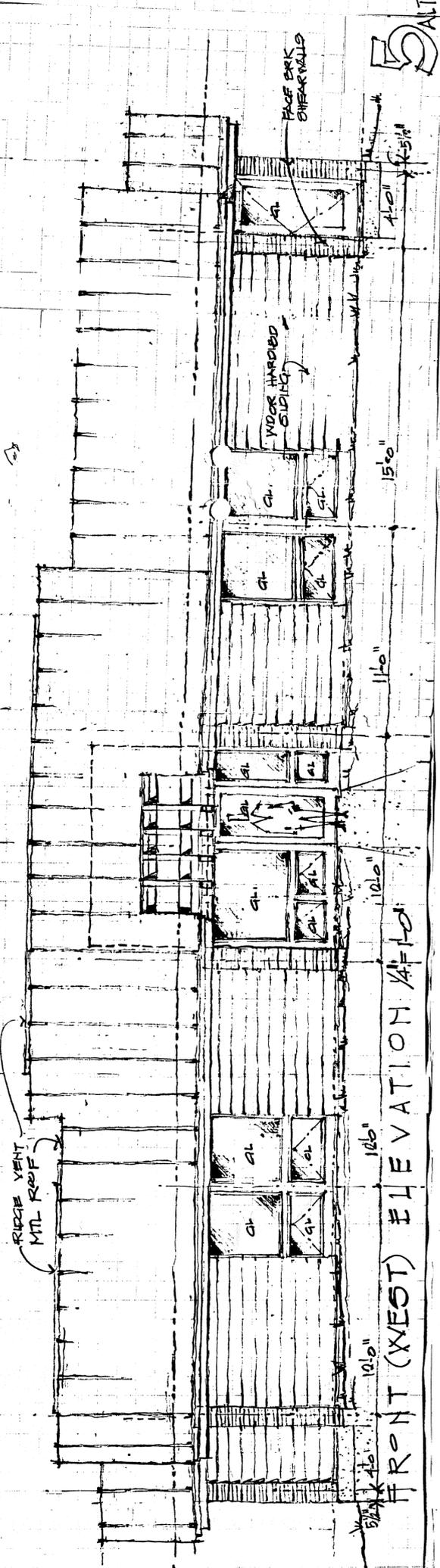


ALT. 12017
A3



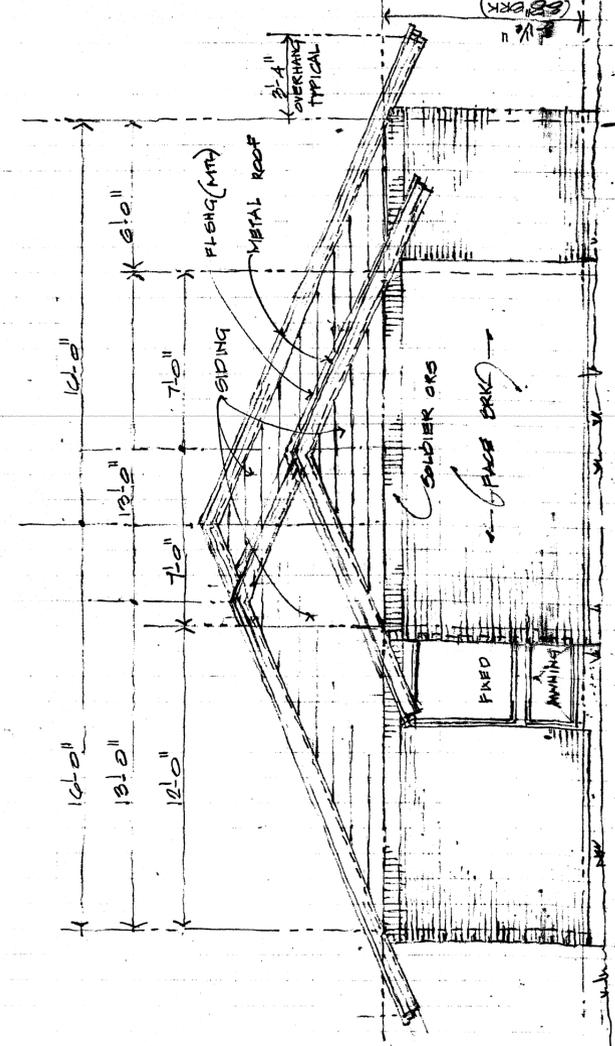
1/4 REAR (EAST) ELEVATION

ALT. 12017



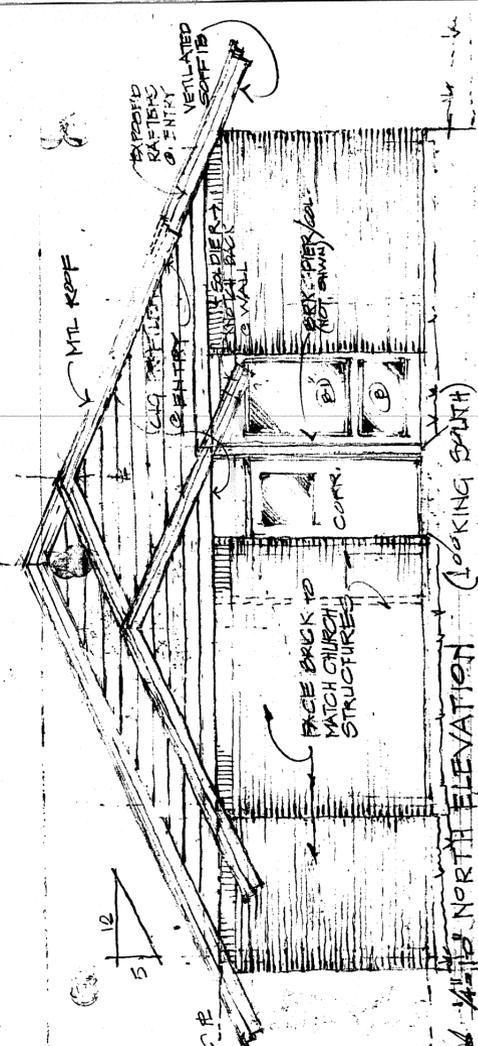
FRONT (WEST) ELEVATION 1/4" = 1'-0"

ALT. 12017

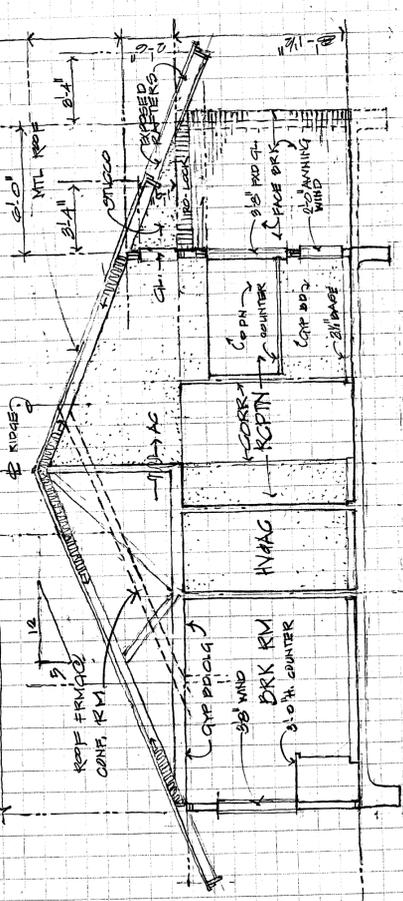
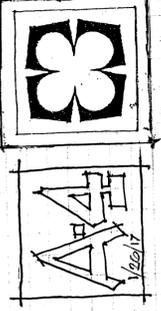


SOUTH ELEVATION (LOOKING NORTH)
1/4" = 1'-0"

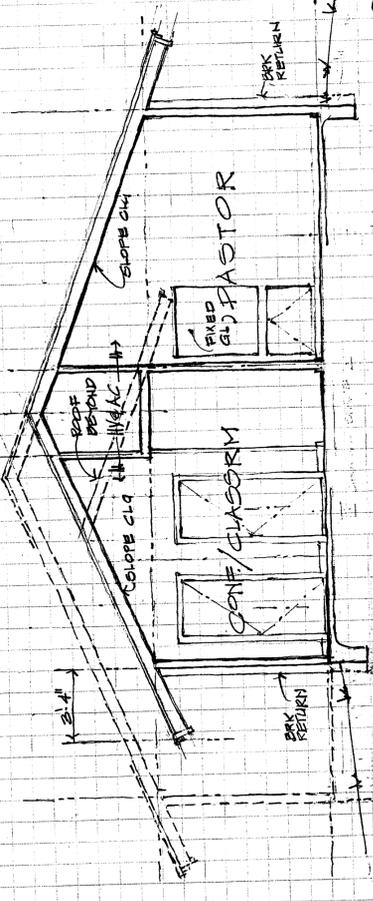
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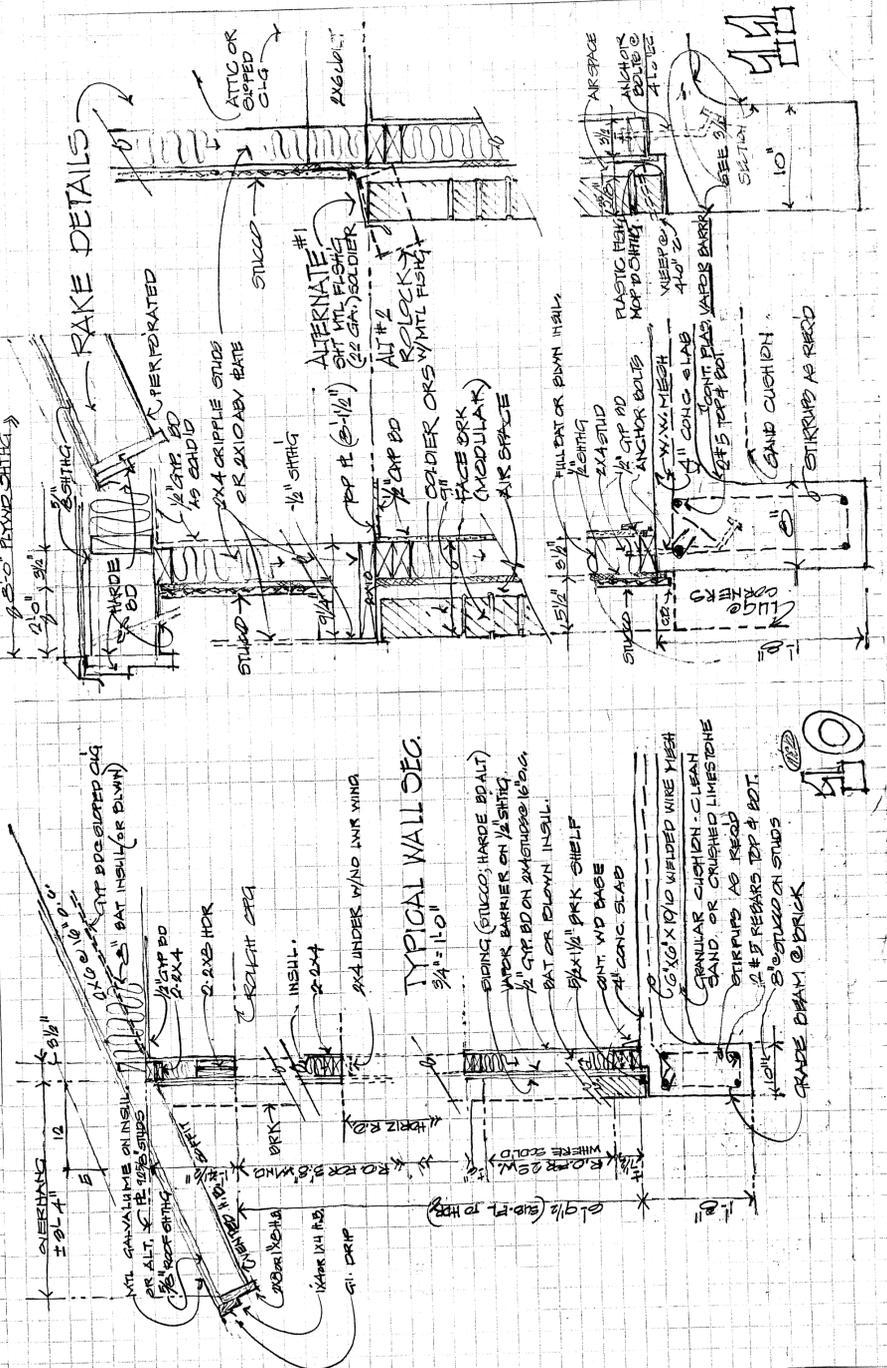
NORTH ELEVATION (LOOKING SOUTH)
1/4" = 1'-0"



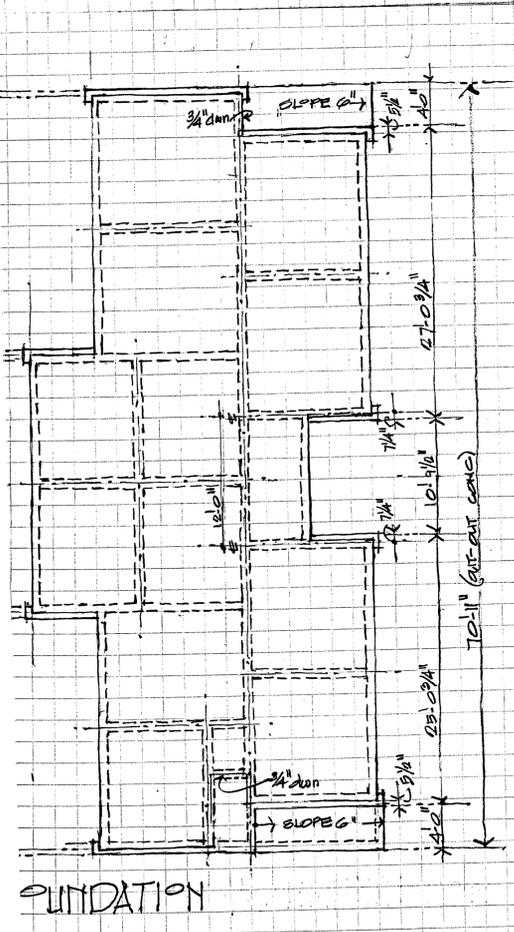
9/A
 TRANSVERSE BLDG SECTION
 @ RECFIN @ BDRK ROOM



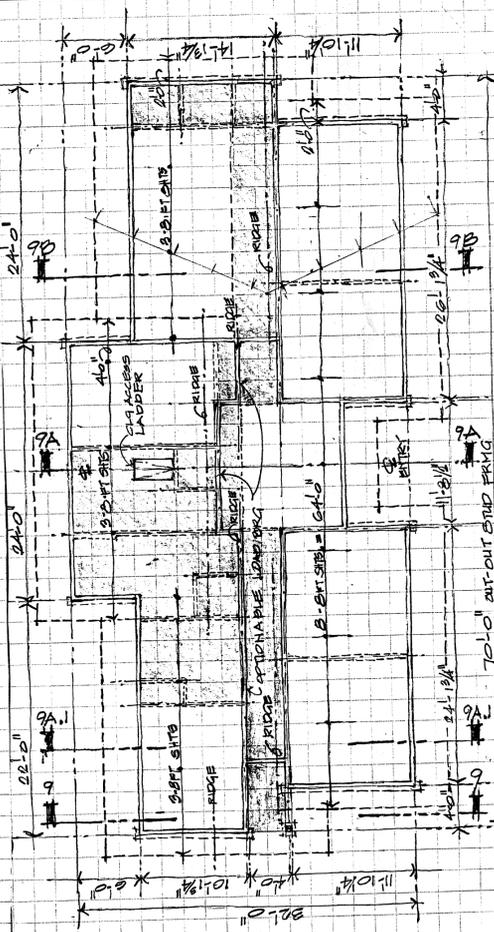
9/B
 TRANSVERSE SECTION LOOKING SOUTH



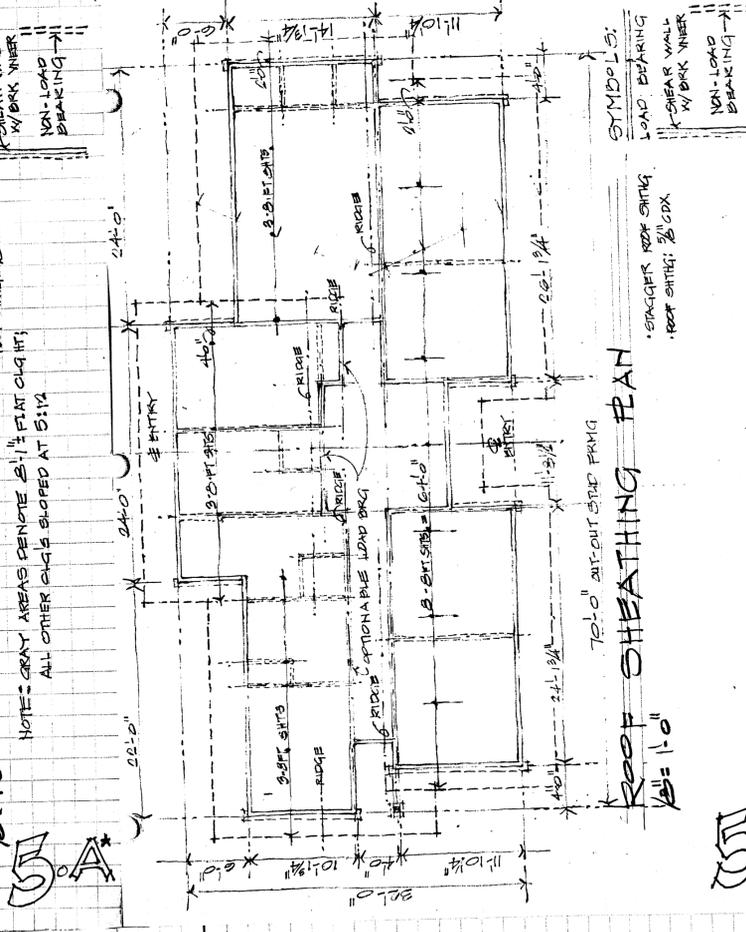
9/C
 TYPICAL WALL SEC.



5/A
 FOUNDATION PLAN - SLAB ON GRADE



5/B
 FRAMING & ROOF SHEATHING PLAN



5/C
 ROOF SHEATHING PLAN

FOUNDATION

5

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

Dear Property Owner:

The **Planning and Zoning Commission** will conduct a public hearing on **Thursday, March 30, 2017 at 6:00 p.m.** and the **City Council** will conduct a public hearing (first reading) **Tuesday, April 11, 2017 at 6:30 p.m.** and have a second reading **Tuesday, April 25, 2017 at 6:30 p.m.** in the **City Hall Council Chambers** located at **1311 Chestnut Street, Bastrop, Texas** to consider a request for a Conditional Use Permit to allow a church administration building to be constructed at 1208 Water Street, situated on an +/-0.44 acre tract, being a portion of Farm Lot 1, East of Main Street, an area currently zoned N, Neighborhood, within the city limits of Bastrop.

Applicant: First United Methodist Church

Agent: Gene Moulden

Legal Description: +/-0.44 acre tract, being a portion of Farm Lot 1, East of Main Street

PLEASE SEE ATTACHED SITE LOCATION MAP AND 11X17 SITE PLAN

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

✂

✂

PROPERTY OWNER'S RESPONSE

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

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

Property Owner Name: MARtha HARRIS
Property Address: 1304 WATER Phone (optional): 512.718.0058
Mailing Address: Same Email (optional): _____

Property Owner's Signature: Martha Harris

Comments: (Optional)

Be glad to discuss

Please provide reply to:

Planning and Development Department

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

Re: Conditional Use Permit to allow a church administration building at 1208 Water St, notices mailed March 15, 2017

RECEIVED

MAR 28 2017

By _____

Jen

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

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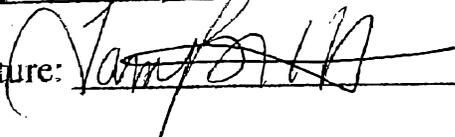
PROPERTY OWNER'S RESPONSE

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

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

Property Owner Name: Tammy Boatright
 Property Address: 1303 Main St.
 Mailing Address: 1303 Main St.

Phone (optional): 707.364.8866
 Email (optional): tammy@vingdirect.com

Property Owner's Signature: 
 Comments: (Optional)

Please provide reply to:

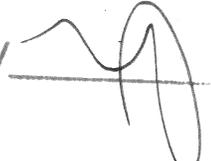
Planning and Development Department

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

Re: Conditional Use Permit to allow a church administration building at 1208 Water St, notices mailed March 15, 2017

RECEIVED

MAR 30 2017

By 

✕

PROPERTY OWNER'S RESPONSE

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

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

Property Owner Name: Carolyn Ferguson
Property Address: 1306 Water St.
Mailing Address: P.O. Box 61, Bastrop,

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

Property Owner's Signature: Carolyn E. Ferguson
Comments: (Optional) _____

Please provide reply to:
Planning and Development Department
City of Bastrop, P.O. Box 427, Bastrop, Texas 78602 or via fax (512) 332-8829
Re: Conditional Use Permit to allow a church administration building at 1208 Water St, notices mailed March 15, 2017

RECEIVED

APR 03 2017

By [Signature]

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

Dear Property Owner:

The **Planning and Zoning Commission** will conduct a public hearing on **Thursday, March 30, 2017 at 6:00 p.m.** and the **City Council** will conduct a public hearing (first reading) **Tuesday, April 11, 2017 at 6:30 p.m.** and have a second reading **Tuesday, April 25, 2017 at 6:30 p.m.** in the **City Hall Council Chambers** located at **1311 Chestnut Street, Bastrop, Texas** to consider a request for a Conditional Use Permit to allow a church administration building to be constructed at 1208 Water Street, situated on an +/-0.44 acre tract, being a portion of Farm Lot 1, East of Main Street, an area currently zoned N, Neighborhood, within the city limits of Bastrop.

Applicant: First United Methodist Church

Agent: Gene Moulden

Legal Description: +/-0.44 acre tract, being a portion of Farm Lot 1, East of Main Street

PLEASE SEE ATTACHED SITE LOCATION MAP AND 11X17 SITE PLAN

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

X
X

PROPERTY OWNER'S RESPONSE

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

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

RECEIVED

APR 26 2017

By JE

Property Owner Name: KENNETH L NEWMAN
Property Address: 1301 MAIN ST, BASTROP
Mailing Address: "

Phone (optional): 512/468-9485
Email (optional): kenman0550@gmail.com

Property Owner's Signature: Kenneth L Newman
Comments: (Optional)

WHEN I PURCHASED MY HOUSE OVER 27 YEARS AGO, IT WAS SURROUNDED BY ATTRACTIVE HOUSES. SLOWLY THE CHURCHES IN THE VICINITY HAVE BEEN ENCROACHING ON THIS HISTORIC NEIGHBORHOOD, MAKING IT APPEAR LESS HISTORIC AND MORE COMMERCIAL.
Please provide reply to: NEIGHBORHOOD,
Planning and Development Department
City of Bastrop, P.O. Box 427, Bastrop, Texas 78602 or via fax (512) 332-8829

Re: Conditional Use Permit to allow a church administration building at 1208 Water St, notices mailed March 15, 2017

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✕
✕

PROPERTY OWNER'S RESPONSE

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

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

RECEIVED

APR 27 2017

By _____

Property Owner Name: Lucy Todd
Property Address: 1307 main St
Mailing Address: _____

Phone (optional): 512 304 0803
Email (optional): _____

Property Owner's Signature: Lucy Todd

Comments: (Optional)

This is dependent on the structure conforming in style and lot coverage to the properties to the north

Please provide reply to:

Planning and Development Department

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

Re: Conditional Use Permit to allow a church administration building at 1208 Water St, notices mailed March 15, 2017



STAFF REPORT

MEETING DATE: May 9, 2017

AGENDA ITEM: 9G

TITLE:

Consider action to approve Resolution R-2017-26 of the City Council of the City of Bastrop, TX amending the Financial Management Policy for the City of Bastrop, Texas to include policy on Hotel Occupancy Tax Fund reserve balance; and establishing an effective date.

STAFF REPRESENTATIVE:

Tracy Waldron, Chief Financial Officer

BACKGROUND/HISTORY:

The current Financial Management Policy, adopted by Council on October 25, 2016, does not give guidance to financial management for the Hotel Occupancy Tax Fund reserves. Given the importance of tourism to our local economy, it is important to determine what is reasonable and appropriate to establish as a reserve for use in the event the economy has a down turn.

POLICY EXPLANATION:

At the April 25, 2017 Council Work Session, the proposed policy was discussed to establish a fund balance reserve for the Hotel Occupancy Tax Fund given the importance of the organizations in the City of Bastrop, who count on funding support from the Hotel Occupancy Fund, and represent an important infrastructure to the success of our tourism economy. If approved, the City's financial policies will be amended as follows:

HOTEL OCCUPANCY TAX FUND – *This fund has a long-term effect on the City's economy and the reserve level needs to be sufficient to allow the fund to operate if a down turn in the economy occurred. Sufficient level of reserves should be a minimum of one year of expenditures to allow the City to ensure continuity of the organizations promoting tourism. Policy makers will need to determine priorities and funding levels should the economic downturn be expected to exceed the current adopted budget plus one-year reserves.*

FUNDING SOURCE:

N/A

RECOMMENDATION:

Consider action to approve Resolution R-2017-26 of the City Council of the City of Bastrop, TX amending the Financial Management Policy for the City of Bastrop, Texas to include policy on Hotel Occupancy Tax Fund reserve balance; and establishing an effective date.

ATTACHMENTS:

- Resolution Policy

RESOLUTION NO. R- 2017-26

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS AMENDING THE FINANCIAL MANAGEMENT POLICY FOR THE CITY OF BASTROP, TEXAS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Bastrop has adopted a Financial Management Policy to provide guidelines for the financial management staff;

WHEREAS, the current Financial Management Policy, adopted by Council on October 25, 2016 does not give guidance to financial management for the Hotel Occupancy Tax Fund reserves; and

WHEREAS, the City believes it is reasonable and appropriate to establish reserves in this fund for use in the event the economy has a down turn; and

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

Section 1: The City Council of the City of Bastrop, Texas approves and adopts the amendment to the Financial Management Policy, adding the fund balance reserve requirement of one year of expenditures. The amended Policy is attached as Exhibit A to this resolution.

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

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

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

PASSED, AND ADOPTED by the City Council of the City of Bastrop on 9th day of May, 2017.

Ken Kesselus, Mayor

ATTEST:

Ann Franklin, City Secretary

APPROVED AS TO FORM:

David Bragg, City Attorney

Exhibit A

City of Bastrop

Financial Management Policies

Draft for approval

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I. PURPOSE STATEMENT

The overriding goal of the Financial Management Policies is to enable the city to achieve a long-term stable and positive financial condition while conducting its operations consistent with the Council-Manager form of government established in the City Charter. The watchwords of the city's financial management include integrity, prudent stewardship, planning, accountability, and full disclosure.

The purpose of the Financial Management Policies is to provide guidelines for the financial management staff in planning and directing the city's day-to-day financial affairs and in developing recommendations to the City Manager.

The scope of the policies spans accounting, auditing, financial reporting, internal controls, operating and capital budgeting, revenue management, cash management, expenditure control and debt management.

II. ACCOUNTING, AUDITING, AND FINANCIAL REPORTING

A. ACCOUNTING – The City of Bastrop finances shall be accounted for in accordance with generally accepted accounting principles as established by the Governmental Accounting Standards Board. The fiscal year of the City shall begin on October first of each calendar year and shall end on September thirtieth of the following calendar year. This fiscal year shall also be established as the accounting and budget year. Governmental fund types use the modified accrual basis of accounting, revenues are recognized when susceptible to accrue (i.e., when they are measurable and available). Expenditures are recognized when the related funds liability is incurred, if measurable, except for principle and interest on general long-term debt, which are recorded when due.

Proprietary fund types are accounted for on a full accrual basis of accounting. Under this method, revenues are recorded when earned and expenses are recorded at the time liabilities are incurred

B. FUNDS – Self-balancing groups of accounts are used to account for city financial transactions in accordance with generally accepted accounting principles. Each fund is created for a specific purpose except for the General Fund, which is used to account for all transactions not accounted for in other funds. Governmental funds are used to account for the government's general government activities and include the General, Special Revenue, Debt Service and Capital Project funds.

C. EXTERNAL AUDITING – The city will be audited annually by outside independent auditors. The auditors must be a CPA firm of national reputation, and must demonstrate that they have the breadth and depth of staff to conduct the city's audit in accordance with generally accepted auditing standards, generally accepted government auditing standards, and contractual requirements. The auditors' report on the city's financial statements including any federal grant single audits will be completed within 120 days of the city's

fiscal year end, and the auditors' management letter will be presented to the city staff within 150 days after the city's fiscal year end. An interim management letter will be issued prior to this date if any materially significant internal control weaknesses are discovered. The city staff and auditors will jointly review the management letter with the City Council within 60 days of its receipt by the staff.

- D. EXTERNAL AUDITORS RESPONSIBLE TO CITY COUNCIL** - The external auditors are accountable to the City Council and will have access to direct communication with the City Council if the city staff is unresponsive to auditor recommendations or if the auditors consider such communication necessary to fulfill their legal and professional responsibilities.
- E. EXTERNAL AUDITOR ROTATION** – The city will not require external auditor rotation, but will circulate requests for proposal for audit services periodically, normally at five-year intervals or less.
- F. EXTERNAL FINANCIAL REPORTING** – The city will prepare and publish a Comprehensive Annual Financial Report (CAFR). The CAFR will be prepared in accordance with generally accepted accounting principles, and may be presented annually to the Government Finance Officers Association (GFOA) for evaluation and possibly awarding of the Certification of Achievement for Excellence in Financial Reporting. The CAFR will be published and presented to the City Council within 180 days after the end of the fiscal year. City staffing and auditor availability limitations may preclude such timely reporting. In such case, the Chief Financial Officer will inform the City Manager and the City Manager will inform the City Council of the delay and the reasons therefore.

III. INTERNAL CONTROLS

- A. WRITTEN POLICIES & PROCEDURES** – The Finance Department is responsible for developing city-wide written policies & procedures on accounting, cash handling, and other financial matters. The Policies will be reviewed by the City Manager and approved by the City Council. The procedures will only need approval by the City Manager.

The Finance Department will assist department managers as needed in tailoring these written procedures to fit each department's requirements.

- B. INTERNAL AUDIT** – The Finance Department may conduct reviews of the departments to determine if the departments are following the written procedures as they apply to the departments.

Finance will also review the written policies and procedures on accounting, cash handling and other financial matters. Based on these reviews Finance will recommend internal control improvements as needed.

- C. **DEPARTMENT MANAGERS RESPONSIBLE** – Each department manager is responsible to the City Manager to ensure that good internal controls are followed throughout his or her department, that all guidelines on accounting and internal controls are implemented, and that all independent and internal control recommendations are addressed.

IV. OPERATING BUDGET

- A. **PREPARATION** – The city’s “operating budget” is the city’s annual financial operating plan. It consists of governmental and proprietary funds, including the general obligation debt service fund. The budget is prepared by the City Manager with the assistance of the Chief Financial Officer and cooperation of all city departments. The City Manager transmits the document to the City Council. The budget should be enacted by the City Council prior to the fiscal year beginning. The operating budget may be submitted to the GFOA annually for evaluation and possible awarding of the Award for Distinguished Budget Presentation.
- B. **BALANCED BUDGETS** – An operating budget will be balanced, with current revenues, inclusive of beginning resources, greater than or equal to current operating expenditures/expenses.
- C. **PLANNING** – The budget process will begin with each Department Director submitting Expanded Level of Service (ELS) forms accompanied by a summary form ranking their requests by priority. The Chief Financial Officer will use the current budget as a base line and enter all ELS requests into the accounting system. Meetings are scheduled with the City Manager, Chief Financial Officer and Department Directors, to review their draft budgets. A summary of this draft budget is presented to City Council by the City Manager, at a Budget workshop. There will be several more Council budget workshops as the City Manager and staff work through estimating revenue and making the necessary expense cuts to prepare a balanced budget for final approval.
- D. **REPORTING** – Periodic financial reports are available within INCODE to enable the department managers to manage their budgets and to enable the Finance Department to monitor and control the budget as approved by the City Council. Summary monthly financial reports will be presented to the City Council within 45 days after the end of each month, if council meetings do not interfere with reporting requirement. Such reports will include current year revenue and expenditure budgets and year-to-date actual figures for all major funds.
- E. **CONTROL** – Operating Expenditure Control is addressed in another section of the Policies.
- F. **PERFORMANCE MEASURES** – Where appropriate, performance measures and productivity indicators will be used as guidelines and reviewed for efficiency and effectiveness. This information will be included in the annual budgeting process.

V. CAPITAL BUDGET

- A. **PREPARATION** – The city’s capital budget will be included in the city’s operating budget. The capital budget will be prepared by the City Manager with assistance from the Finance Department and involvement of all required city departments.
- B. **APPROPRIATION** – An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned
- C. **CONTROL** – All capital project expenditures must be appropriated in the capital budget. Finance must certify the availability of resources so an appropriation can be made before a capital project contract is presented by the City Manager to the City Council for approval.
- D. **ALTERNATE RESOURCES** – Where applicable, assessments, impact fees, or other user-based fees should be used to fund capital projects which have a primary benefit to certain property owners.
- E. **DEBT FINANCING** – Recognizing that debt is usually a more expensive financing method, alternative financing sources will be explored before debt is issued. When debt is issued, it will be used to acquire major assets with expected lives that equal or exceed the average life of the debt issue. The exceptions to this requirement are the traditional costs of marketing and issuing the debt, capitalized labor for design and construction of capital projects, and small component parts which are attached to major equipment purchases.
- F. **REPORTING** – Financial reports will be available to enable the department managers to manage their capital budgets and to enable the finance department to monitor the capital budget as authorized by the City Manager.

VI. REVENUE MANAGEMENT

- A. **SIMPLICITY** – The city will strive to keep the revenue system simple which will result in a decrease of compliance costs for the taxpayer or service recipient and a corresponding decrease in avoidance to pay.
- B. **CERTAINTY** – An understanding of the revenue source increases the reliability of the revenue system. The city will try to understand its revenue sources, and enact consistent collection policies so that assurances can be provided that the revenue base will materialize according to budgets and plans.
- C. **EQUITY** – The city will strive to maintain equity in the revenue system structure. It is recognized that public policy decisions may lead to subsidies in certain circumstances, e.g., Over 65 property tax exemptions.

D. ADMINISTRATION – The benefits of revenue will exceed the cost of producing the revenue. The cost of collection will be reviewed annually for cost effectiveness as a part of the indirect cost, and cost of services analysis.

E. REVENUE ADEQUACY – The city will require that there be a balance in the revenue system. That is, the revenue base will have the characteristic of fairness and neutrality as it applies to cost of service, willingness to pay, and ability to pay.

F. COST/BENEFIT OF ABATEMENT – The city will use due caution in the analysis of any tax, fee, or water and wastewater incentives that are used to encourage development. A cost/benefit (fiscal impact) analysis will be performed as a part of such analysis and presented to the appropriate entity considering using such incentive.

G. DIVERSIFICATION AND STABILITY – In order to protect the government from fluctuations in revenue source due to fluctuations in the economy, and variations in weather (in the case of water and wastewater), a diversified revenue system will be sought.

H. NON-RECURRING REVENUES – One-time revenues will not be used for ongoing operations. Non-recurring revenues will be used only for non-recurring expenditures. Care will be taken not to use these revenues for budget balancing purposes.

I. PROPERTY TAX REVENUES – Property shall be assessed at 100% of the fair market value as appraised by the Bastrop Central Appraisal District. Reappraisal and reassessment shall be done regularly as required by State law. A 97% collection rate will serve as a minimum goal for tax collection, with the delinquency rate of 4% or less. The 97% rate is calculated by dividing total current year tax collections for a fiscal year by the total tax levy for the fiscal year.

All delinquent taxes will be aggressively pursued by being turned over to an attorney, and a penalty assessed to compensate the attorney as allowed by State law, and in accordance with the attorney's contract.

J. USER-BASED FEES – For services associated with a user fee or charge, the direct and indirect costs of that service will be offset by a fee where possible. There will be an annual review of fees and charges to ensure that fees provide adequate coverage of costs and services.

K. GENERAL AND ADMINISTRATIVE CHARGES – A method will be maintained whereby the General Fund can impose a charge to the enterprise/ proprietary funds for general and administrative services (indirect costs) performed on the funds' behalf. The details will be documented and said information will be maintained in the Finance Department.

L. UTILITY RATES – The city will strive to review utility rates annually and, if necessary, adopt new rates to generate revenues required to fully cover operating expenditures, meet the legal restrictions of all applicable bond covenants, and provide for an adequate level of

working capital needs. This policy does not preclude drawing down cash balances to finance current operations. However, it is best that any extra cash balance be used instead to finance capital projects.

M.INTEREST INCOME – Interest earned from investment of available monies that are pooled will be distributed to the funds monthly in accordance with the claim on cash balance of the fund from which monies were provided to be invested.

N.REVENUE MONITORING – Revenues actually received will be regularly compared to budgeted revenues and variances will be investigated. This process will be summarized in the appropriate budget report.

VII. EXPENDITURE CONTROL

A. APPROPRIATIONS – The level of budgetary control is the department level budget in all Funds. Transfers between expenditure accounts within a department may occur with the approval of the Chief Financial Officer. City Manager approval is required if transferring from a personnel or capital accounts within a department. When budget adjustments (i.e., amendments), are required between departments and/or funds, these must be approved by the City Council through an Ordinance

B. VACANCY SAVINGS AND CONTINGENCY ACCOUNT – The General Fund Contingency Account will be budgeted at a minimal amount (\$35,000). The contingency account balance for expenditures may be increased quarterly by the amount of available vacancy savings.

C. CONTINGENCY ACCOUNT EXPENDITURES – The City Council must approve all contingency account expenditures over \$50,000. The City Manager must approve all other contingency account expenditures.

D. CENTRAL CONTROL – Significant vacancy (salary) and capital budgetary savings in any department will be centrally controlled by the City Manager.

E. PURCHASING CONTROL– All purchases shall be made in accordance with the city's Purchasing Policy. Authorization levels for appropriations previously approved by the City Council are as follows: below Directors \$1,000 (Directors can request to have this amount raised by submitting a written request to the Finance Department), for Directors up to \$9,999, for Chief Financial Officer up to \$14,999, and with any purchases exceeding \$15,000 to be approved by the City Manager.

F. PROFESSIONAL SERVICES – Professional services will generally be processed through a request for proposals process, except for smaller contracts. The City Manager may execute any professional services contract less than \$50,000 provided there is an appropriation for such contract.

G. PROMPT PAYMENT – All invoices will be paid within 30 days of receipt in accordance with the prompt payment requirements of State law. Procedures will be used to take advantage of all purchase discounts where considered cost effective. However, payments will also be reasonably delayed in order to maximize the city's investable cash, where such delay does not violate the agreed upon terms.

VIII. ASSET MANAGEMENT

A. INVESTMENTS – The city's investment practices will be conducted in accordance with the City Council approved Investment Policies.

B. CASH MANAGEMENT – The timing and amount of cash needs and availability shall be systematically projected in order to maximize interest earnings from investments.

C. INVESTMENT PERFORMANCE – A quarterly report on investment performance will be provided by the Chief Financial Officer to the City Council.

D. FIXED ASSETS AND INVENTORY – These assets will be reasonably safeguarded properly accounted for, and prudently insured. The City will perform an annual inventory of all assets with a value greater than \$1,000.

IX. FINANCIAL CONDITION AND RESERVES

A. NO OPERATING DEFICITS – Current expenditures should be paid with current revenues. Deferrals, short-term loans, or one-time sources should be avoided as budget balancing technique. Reserves will be used only for emergencies on non-recurring expenditures, except when balances can be reduced because their levels exceed guideline minimums.

B. OPERATING RESERVES – Failure to meet these standards will be disclosed to the City Council as soon as the situation is recognized and a plan to replenish the ending resources over a reasonable time frame shall be adopted.

1. The General Fund ending fund balance will be maintained at an amount up to three months' worth of estimated expenditures or at a level of 25% of budgeted operating expenditures.
2. The Enterprise/ Proprietary Funds will be maintained at a minimum level of 35% of budgeted operating expenditures.
3. Fund balances which exceed the minimum level established for each fund may be appropriated for non-recurring capital projects.

C. RISK MANAGEMENT PROGRAM – The city will aggressively pursue every opportunity to provide for the public's and city employees' safety and to manage its risks.

D. LOSS FINANCING – All reasonable options will be investigated to finance losses. Such options may include risk transfer, insurance and risk retention. Where risk is retained, reserves will be established based on a calculation of incurred but not reported claims, and actuarial determinations and such reserves will not be used for any purpose other than for financing losses.

E. ENTERPRISE/ PROPRIETARY FUND SELF-SUFFICIENCY – The city’s enterprise funds’ resources will be sufficient to fund operating and capital expenditures. The enterprise funds will pay (where applicable) their fair share of general and administrative expenses, in-lieu-of-property taxes and/or franchise fees. If an enterprise fund is temporarily unable to pay all expenses, then the City Council may waive general and administrative expenses, in-lieu-of-property taxes and/or franchise fees until the fund is able to pay them.

F. HOTEL OCCUPANCY TAX FUND – This fund has a long-term effect on the City’s economy and the reserve level needs to be sufficient to allow the fund to operate if a downturn in the economy occurred. Sufficient level of reserves should be a minimum of one year of expenditures to allow the City to ensure continuity of the organizations promoting tourism. Policy makers will need to determine priorities and funding levels should the economic downturn be expected to exceed the current adopted budget plus one-year reserves.

X. DEBT MANAGEMENT

A. SELF-SUPPORTING DEBT – When appropriate, self-supporting revenues will pay debt service in lieu of tax revenues.

B. ANALYSIS OF FINANCING ALTERNATIVES – The city will explore all financing alternatives in addition to long-term debt including leasing, grants and other aid, developer contributions, impact fees, and use of reserves or current monies.

C. VOTER AUTHORIZATION – The city shall obtain voter authorization before issuing General Obligation Bonds as required by law. Voter authorization is not required for the issuance of Revenue Bonds and Certificates of Obligation. However, the city may elect to obtain voter authorization for Revenue Bonds.

D. BOND DEBT – The City of Bastrop will attempt to maintain base bond ratings of AA2(Moody’s Investors Service) and AA (Standard & Poor’s) on its general obligation debt. In an attempt to keep the debt service tax rate flat, retirement of debt principal will be structured to ensure constant annual debt payments when possible.

E. IRS COMPLIANCE – The City will have a written policy for monitoring compliance with IRS laws and regulations for tax exempt debt.

XI. STAFFING AND TRAINING

- A. ADEQUATE STAFFING** – Staffing levels will be adequate for the fiscal functions of the city to function effectively. Overtime shall be used only to address temporary or seasonal demands that require excessive hours. Workload scheduling alternatives will be explored before adding staff.
- B. TRAINING** – The city will support the continuing education efforts of all financial staff including the investment in time and materials for maintaining a current perspective concerning financial issues. Staff will be held accountable for communicating, teaching, and sharing with other staff members all information and training materials acquired from seminars, conferences, and related education efforts.

XII. GRANTS FINANCIAL MANAGEMENT

- A. GRANT SOLICITATION** – The City Manager will be informed about available grants by the departments. The City Council will have final approval over which grants are applied for. The grants should be cost beneficial and meet the city’s objectives.
- B. RESPONSIBILITY** – Departments will oversee the day to day operations of grant programs, will monitor performance and compliance, and will also keep the Finance Department informed of significant grant-related plans and activities. Finance Department staff members will serve as liaisons with grantor financial management personnel, will prepare invoices, and will keep the books of account for all grants.

XIII. ANNUAL REVIEW AND REPORTING

- A.** These Policies will be reviewed administratively by the City Manager at least annually, prior to preparation of the operating budget.
- B.** The Chief Financial Officer will report annually to the City Manager on compliance with these policies.

Tracy Waldron, CFO
Humble, City Manager

~~Marvin Townsend, Interim~~ Lynda,

History

~~Previously~~ Approved 9/23/14

Approved 10/25/16



STAFF REPORT

MEETING DATE: May 9, 2017

AGENDA ITEM: 9H

TITLE:

Consider action to approve Resolution No. R-2017-21 of the City Council of the City of Bastrop, TX authorizing reimbursement of legal fees to Council Member Gary Schiff incurred in his defense against Ethics Complaint No. 2016-2; providing a precedence for future reimbursements of legal fees related to Ethics Complaints of Council Members or Staff where there are no violation(s) found; repealing Resolution R-2017- 13; and establishing an effective date.

STAFF REPRESENTATIVE:

Lynda Humble, City Manager
David Bragg, City Attorney

POLICY EXPLANATION:

Article 1.15.130 (a) of the Code of Ethics states that the City Attorney shall serve as legal counsel and staff liaison to the Ethics Commission. Article 1.15.130 (b) states that the City Attorney shall serve as ethics advisory, only, to city employees and city officials, and **shall not represent employees or city officials before the Ethics Commission and may not represent any person or party in any proceeding, as legal counsel, to the Ethics Commission.**

Therefore, when Council Member Kay McAnally filed an ethics complaint with the City of Bastrop Ethics Commission against Council Member Gary Schiff, Council Member Schiff hired personal legal counsel for representation during the proceedings of the Ethics Commission because the City Attorney is prohibited by ordinance from representing members of Council or Staff as noted above.

In addition, Section 3.07 of the City's charter says "Council Members may receive reimbursement for necessary expenses incurred in the performance of their duties of office, according to policies to be determined by the Council."

Ethics violations alleged against Councilmember Schiff were dismissed by the Ethics Commission on March 23, 2017. Councilmember Schiff incurred legal expenses, which were paid personally, to defend himself against these charges.

FUNDING SOURCE:

General Fund, Organization Department, Legal Fees

RECOMMENDATION:

Consider action to approve Resolution No. R-2017-21 of the City Council of the City of Bastrop, TX authorizing reimbursement of legal fees to Council Member Gary Schiff incurred in his defense against Ethics Complaint No. 2016-2; providing a precedence for future reimbursements of legal fees related to Ethics Complaints of Council Members or Staff where there are no violation(s) found; repealing Resolution R-2017- 13; and establishing an effective date.

RESOLUTION NO. R-2017-21

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BASTROP, TX AUTHORIZING REIMBURSEMENT OF LEGAL FEES TO COUNCIL MEMBER GARY SCHIFF INCURRED IN HIS DEFENSE AGAINST ETHICS COMPLAINT NO. 2016-2; PROVIDING A PRECEDENCE FOR FUTURE REIMBURSEMENTS OF LEGAL FEES RELATED TO ETHICS COMPLAINTS OF COUNCIL MEMBERS OR STAFF WHERE THERE ARE NO VIOLATION(S) FOUND; REPEALING RESOLUTION R-2017-13; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, under Article 1.15.130 (a) of the Code of Ethics states that the City Attorney shall serve as legal counsel and staff liaison to the Ethics Commission; and

WHEREAS, when complaints related to the violations of this article are filed relating to the Mayor, City Councilmembers, City Manager, City Attorney, City Prosecutor, or Municipal Court Judge, independent legal counsel may be utilized to advise the Ethics Commission; and

WHEREAS, Article 1.15.130 (b) states that the City Attorney shall serve as ethics advisory, only, to city employees and city officials, and shall not represent employees or city officials before the Ethics Commission and may not represent any person or party in any proceeding, as legal counsel, to the Ethics Commission.

WHEREAS, Council Member Kay McAnally filed an ethics complaint with the City of Bastrop Ethics Commission against Council Member Gary Schiff, which complaint were assigned case numbers 2016-2 by the Commission; and

WHEREAS, Council Member Schiff hired personal legal counsel for representation during the proceedings of the Ethics Commission; and

WHEREAS, the Commission ruled that the conduct alleged in Complaint No. 2016-2 was not illegal conduct and that there was no violation of the Ethics Ordinance by Council Member Schiff and that the complaint was not brought in bad faith or for the purpose of harassment by Council Member McAnally; and

WHEREAS, the City Council finds that a very significant public interest is served by this resolution because without it, individuals who may desire to run for Mayor or the City Council or accept an appointment to any of the City's Boards and Commissions will be reluctant to consider such service because of the risk of having to pay for personal legal counsel to defend against ethics charges; and

WHEREAS, under Section 3.07 of the Bastrop City Charter, “[c]ouncil members may receive reimbursement for necessary expenses incurred in the performance of their duties of office;” and

WHEREAS, the Attorney General of Texas has ruled repeatedly that the legal expenses of city officials and council members may be reimbursed under the common law when there is no violation found against the city official or council member; and

WHEREAS, the City Council finds that Council Member Schiff has incurred legal fees defending against the ethics complaints in the amount of \$3,362.50 and that these fees are reasonable; and

WHEREAS, the City Council finds that the legal expenses incurred by Council Member Gary Schiff were necessary expenses incurred in the performance of his duties of office;

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

Section 1. The City Manager is authorized to cause a reimbursement check to be issued, payable to Council Member Gary Schiff in the amount of \$3,362.50 for his necessary legal fees in defending against Ethics Complaint No 2.

Section 2. Resolution 2017-13 is repealed and replaced with this Resolution, which will serve as precedence for future reimbursements of legal fees.

Section 3. The provisions of this Resolution are intended to be and are severable which means that if any part or provision is found to be illegal or improper, all other parts and provisions will remain in full force and effect.

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

PASSED AND APPROVED this 9th day of May, 2017.

Kenneth Kesselus, Mayor

ATTEST:

Ann Franklin, City Secretary

APPROVED AS TO FORM:

David F. Bragg, City Attorney



STAFF REPORT

MEETING DATE: May 9, 2017

AGENDA ITEM: 9I

TITLE:

Consider action to approve Resolution No. R-2017-19 of the City Council of the City of Bastrop, TX authorizing reimbursement of legal fees to Council Member Deborah Jones incurred in her defense against Ethics Complaint No. 2016-3; providing a precedence for future reimbursements of legal fees related to Ethics Complaints of Council Members or Staff where there are no violation(s) found; repealing Resolution R-2017-14; and establishing an effective date.

STAFF REPRESENTATIVE:

Lynda Humble, City Manager
David Bragg, City Attorney

POLICY EXPLANATION:

Article 1.15.130 (a) of the Code of Ethics states that the City Attorney shall serve as legal counsel and staff liaison to the Ethics Commission. Article 1.15.130 (b) states that the City Attorney shall serve as ethics advisory, only, to city employees and city officials, and **shall not represent employees or city officials before the Ethics Commission and may not represent any person or party in any proceeding, as legal counsel, to the Ethics Commission.**

Therefore, when Council Member Kay McAnally filed an ethics complaint with the City of Bastrop Ethics Commission against Council Member Deborah Jones, Council Member Jones hired personal legal counsel for representation during the proceedings of the Ethics Commission because the City Attorney is prohibited by ordinance from representing members of Council or Staff as noted above.

In addition, Section 3.07 of the City's charter says "Council Members may receive reimbursement for necessary expenses incurred in the performance of their duties of office, according to policies to be determined by the Council."

Ethics violations alleged against Councilmember Jones were dismissed by the Ethics Commission on March 23, 2017.

FUNDING SOURCE:

General Fund, Organization Department, Legal Fees

RECOMMENDATION:

Consider action to approve Resolution No. R-2017-19 of the City Council of the City of Bastrop, TX authorizing reimbursement of legal fees to Council Member Deborah Jones incurred in her defense against Ethics Complaint No. 2016-3; providing a precedence for future reimbursements of legal fees related to Ethics Complaints of Council Members or Staff where there are no violation(s) found; repealing Resolution R-2017-14; and establishing an effective date.

RESOLUTION NO. R-2017-19

A RESOLUTION AUTHORIZING REIMBURSEMENT OF LEGAL FEES TO COUNCIL MEMBER DEBORAH JONES INCURRED IN HER DEFENSE AGAINST ETHICS COMPLAINT NO. 2016-3; PROVIDING A PRECEDENCE FOR FUTURE REIMBURSEMENTS OF LEGAL FEES RELATED TO ETHICS COMPLAINTS OF COUNCIL MEMBERS OR STAFF WHERE THERE ARE NO VIOLATION(S) FOUND; REPEALING RESOLUTION R-2017-14; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, under Article 1.15.130 (a) of the Code of Ethics states that the City Attorney shall serve as legal counsel and staff liaison to the Ethics Commission; and

WHEREAS, when complaints related to the violations of this article are filed relating to the Mayor, City Councilmembers, City Manager, City Attorney, City Prosecutor, or Municipal Court Judge, independent legal counsel may be utilized to advise the Ethics Commission; and

WHEREAS, Article 1.15.130 (b) states that the City Attorney shall serve as ethics advisory, only, to city employees and city officials, and shall not represent employees or city officials before the Ethics Commission and may not represent any person or party in any proceeding, as legal counsel, to the Ethics Commission.

WHEREAS, Council Member Kay McAnally filed an ethics complaint with the City of Bastrop Ethics Commission against Council Member Deborah Jones, which complaint was assigned case number 2016-3 by the Commission; and

WHEREAS, Council Member Deborah Jones hired personal legal counsel for representation during the proceedings of the Ethics Commission; and

WHEREAS, the Commission ruled that the conduct alleged in Complaint No. 2016-3 was not illegal conduct and that there was no violation of the Ethics Ordinance by Council Member Jones and that the complaint was not brought in bad faith or for the purpose of harassment by Council Member McAnally; and

WHEREAS, the City Council finds that a very significant public interest is served by this resolution because without it, individuals who may desire to run for Mayor or the City Council or accept an appointment to any of the City's Boards and Commissions will be reluctant to consider such service because of the risk of having to pay for personal legal counsel to defend against ethics charges; and

WHEREAS, under Section 3.07 of the Bastrop City Charter, "[c]ouncil members may receive reimbursement for necessary expenses incurred in the performance of their duties of office;" and

WHEREAS, the Attorney General of Texas has ruled repeatedly that the legal expenses of city officials and council members may be reimbursed under the common law when there is no violation found against the city official or council member; and

WHEREAS, the City Council finds that Council Member Jones has incurred legal fees defending against the ethics complaint in the amount of \$3,576.42 and that these fees are reasonable; and

WHEREAS, the City Council finds that the legal expenses incurred by Council Member Deborah Jones were necessary expenses incurred in the performance of her duties of office;

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

Section 1. The City Manager is authorized to cause a reimbursement check to be issued, payable to Council Member Deborah Jones in the amount of \$3,576.42 for her necessary legal fees in defending against Ethics Complaint No. 2016-3.

Section 2. Resolution 2017-14 is repealed and replaced with this Resolution, which will serve as precedence for future reimbursements of legal fees.

Section 3. The provisions of this Resolution are intended to be and are severable which means that if any part or provision is found to be illegal or improper, all other parts and provisions will remain in full force and effect.

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

PASSED AND APPROVED this 9th day of May, 2017.

kenneth Kesselus, Mayor

ATTEST:

Ann Franklin, City Secretary

APPROVED AS TO FORM:

David F. Bragg, Bastrop City Attorney