

**Joint Workshop with Bastrop, TX City Council
and Planning & Zoning Commission**
Bastrop City Hall City Council Chambers
1311 Chestnut Street
Bastrop, TX 78602
(512) 332-8800



Special Workshop Agenda – January 16, 2018 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.

1. Call to Order
 - a. City of Bastrop City Council – Mayor Connie Schroeder
 - b. Planning and Zoning Commission – Chair Debbie Moore
2. **WORK SESSION**
 - 2A. Receive presentation from Terry Mitchell, President of Momark Development, on the State of Housing and its Challenges in Texas.
 - 2B. Review 2017 accomplishments of Planning and Zoning Commission.
 - 2C. Discuss summary of planning-related initiatives in City Council's Strategic Plan Focus Areas and List of Priorities.
 - 2D. Review roles, responsibilities and expectations of City Council, Planning and Zoning Commission, and Planning and Development staff.
 - 2E. Other planning-related issues or concerns and next steps.
3. **ADJOURNMENT**
 - a. City of Bastrop City Council – Mayor Schroeder
 - b. Planning and Zoning Commission – Chair Debbie Moore

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, January 12, 2018 at 5:00 p.m. and remained posted for at least two hours after said meeting was convened.

Ann Franklin, City Secretary



The American Planning Association's
Professional Institute

**American Institute
of Certified Planners**

Making Great Communities Happen

Ethical Principles in Planning

(As Adopted May 1992)

This statement is a guide to ethical conduct for all who participate in the process of planning as advisors, advocates, and decision makers. It presents a set of principles to be held in common by certified planners, other practicing planners, appointed and elected officials, and others who participate in the process of planning.

The planning process exists to serve the public interest. While the public interest is a question of continuous debate, both in its general principles and in its case-by-case applications, it requires a conscientiously held view of the policies and actions that best serve the entire community.

Planning issues commonly involve a conflict of values and, often, there are large private interests at stake. These accentuate the necessity for the highest standards of fairness and honesty among all participants.

Those who practice planning need to adhere to a special set of ethical requirements that must guide all who aspire to professionalism.

The Code is formally subscribed to by each certified planner. It includes an enforcement procedure that is administered by AICP. The Code, however, provides for more than the minimum threshold of enforceable acceptability. It also sets aspirational standards that require conscious striving to attain.

The ethical principles derive both from the general values of society and from the planner's special responsibility to serve the public interest. As the basic values of society are often in competition with each other, so do these principles sometimes compete. For example, the need to provide full public information may compete with the need to respect confidences. Plans and programs often result from a balancing among divergent interests. An ethical judgment often also requires a conscientious balancing, based on the facts and context of a particular situation and on the entire set of ethical principles.

This statement also aims to inform the public generally. It is also the basis for continuing systematic discussion of the application of its principles that is itself essential behavior to give them daily meaning.

The planning process must continuously pursue and faithfully serve the public interest.

Planning Process Participants should:

1. Recognize the rights of citizens to participate in planning decisions;



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2. Strive to give citizens (including those who lack formal organization or influence) full, clear and accurate information on planning issues and the opportunity to have a meaningful role in the development of plans and programs;
3. Strive to expand choice and opportunity for all persons, recognizing a special responsibility to plan for the needs of disadvantaged groups and persons;
4. Assist in the clarification of community goals, objectives and policies in plan-making;
5. Ensure that reports, records and any other non-confidential information which is, or will be, available to decision makers is made available to the public in a convenient format and sufficiently in advance of any decision;
6. Strive to protect the integrity of the natural environment and the heritage of the built environment;
7. Pay special attention to the interrelatedness of decisions and the long range consequences of present actions.

Planning process participants continuously strive to achieve high standards of integrity and proficiency so that public respect for the planning process will be maintained.

Planning Process Participants should:

1. Exercise fair, honest and independent judgment in their roles as decision makers and advisors;
2. Make public disclosure of all "personal interests" they may have regarding any decision to be made in the planning process in which they serve, or are requested to serve, as advisor or decision maker.
3. Define "personal interest" broadly to include any actual or potential benefits or advantages that they, a spouse, family member or person living in their household might directly or indirectly obtain from a planning decision;
4. Abstain completely from direct or indirect participation as an advisor or decision maker in any matter in which they have a personal interest, and leave any chamber in which such a matter is under deliberation, unless their personal interest has been made a matter of public record; their employer, if any, has given approval; and the public official, public agency or court with jurisdiction to rule on ethics matters has expressly authorized their participation;
5. Seek no gifts or favors, nor offer any, under circumstances in which it might reasonably be inferred that the gifts or favors were intended or expected to influence a participant's objectivity as an advisor or decision maker in the planning process;
6. Not participate as an advisor or decision maker on any plan or project in which they have previously participated as an advocate;
7. Serve as advocates only when the client's objectives are legal and consistent with the public interest.



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8. Not participate as an advocate on any aspect of a plan or program on which they have previously served as advisor or decision maker unless their role as advocate is authorized by applicable law, agency regulation, or ruling of an ethics officer or agency; such participation as an advocate should be allowed only after prior disclosure to, and approval by, their affected client or employer; under no circumstance should such participation commence earlier than one year following termination of the role as advisor or decision maker;
9. Not use confidential information acquired in the course of their duties to further a personal interest;
10. Not disclose confidential information acquired in the course of their duties except when required by law, to prevent a clear violation of law or to prevent substantial injury to third persons; provided that disclosure in the latter two situations may not be made until after verification of the facts and issues involved and consultation with other planning process participants to obtain their separate opinions;
11. Not misrepresent facts or distort information for the purpose of achieving a desired outcome;
12. Not participate in any matter unless adequately prepared and sufficiently capacitated to render thorough and diligent service;
13. Respect the rights of all persons and not improperly discriminate against or harass others based on characteristics which are protected under civil rights laws and regulations.

APA members who are practicing planners continuously pursue improvement in their planning competence as well as in the development of peers and aspiring planners. They recognize that enhancement of planning as a profession leads to greater public respect for the planning process and thus serves the public interest.

APA Members who are practicing planners:

1. Strive to achieve high standards of professionalism, including certification, integrity, knowledge, and professional development consistent with the AICP Code of Ethics;
2. Do not commit a deliberately wrongful act which reflects adversely on planning as a profession or seek business by stating or implying that they are prepared, willing or able to influence decisions by improper means;
3. Participate in continuing professional education;
4. Contribute time and effort to groups lacking adequate planning resources and to voluntary professional activities;
5. Accurately represent their qualifications to practice planning as well as their education and affiliations;
6. Accurately represent the qualifications, views, and findings of colleagues;

The logo for the American Planning Association's Professional Institute, featuring the letters 'APA' in white on a blue square background.

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Professional Institute

The logo for the American Institute of Certified Planners, featuring the letters 'AICP' in white on an orange square background.

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7. Treat fairly and comment responsibly on the professional views of colleagues and members of other professions;
8. Share the results of experience and research which contribute to the body of planning knowledge;
9. Examine the applicability of planning theories, methods and standards to the facts and analysis of each particular situation and do not accept the applicability of a customary solution without first establishing its appropriateness to the situation;
10. Contribute time and information to the development of students, interns, beginning practitioners and other colleagues;
11. Strive to increase the opportunities for women and members of recognized minorities to become professional planners;
12. Systematically and critically analyze ethical issues in the practice of planning.

City Council- Planning & Zoning Commission

Joint Workshop

January 16, 2018



2017 Planning & Zoning Commission Accomplishments

- Year of Transition
 - Two new staff members in February
 - Three new P&Z Commissioners in March
 - New Interim Planning Director in August
 - One new P&Z Commissioner in December
- Eight Regular P&Z Meetings, plus
 - One Joint City Council/P&Z Special Workshop (August 10)
 - One Special Called Meeting (October 19) to consider business postponed at September 28th meeting that was cancelled
- Annual P&Z training (in Summer after appointments)



2017 Commission Activity

- Conditional Use Permits 5
- Preliminary Plats 4
- Plat vacations 2
- Zoning map change 1
- Zoning text change 1
- PD site amendments 1
- Consent Agreement
Amendment 1
- Replat 1

- 1/26 - CUP for Hunters Crossing Apt. Height workshop on sign ordinance amendments workshop on County Subdivision IIA
- 3/30 - Vacate plat in Tahitian Village Pecan Park PD amendment
- 4/27 - CUP for Church Admin Bldg, Water Street
- 5/25 - CUP for manufactured home on Cedar St.
- 7/27 - CUP for communications tower in Industrial Park Zoning change to SF-7 in North Main Addition Amendment to Consent Agreement for The Colony MUD Preliminary Plat for Bastrop Grove Vacate plat in Pine Vista
- 8/31 - Preliminary Plat for Pecan Park 6B Preliminary Plat for The Colony MUD 1A, 2
- 10/19 - CUP for Indoor Amusement in Hunters Crossing
- 10/26 - Preliminary Plat for Piney creek Bend Replat of Bastrop-Chappa workshop on drainage workshop on proposed Subdivision ordinance-Part 1
- 11/30 - Zoning text amendment for exterior materials workshop of proposed Subdivision Ordinance—Part 2



Awards and Recognitions

- Comprehensive Planning Award
 - Central Texas Section, Texas Chapter American Planning Association
- Planning Excellence Certificate
 - Texas Chapter American Planning Association



Questions and Discussion



City Council Strategic Plan

- **Vision Statement**

- Bastrop – a welcoming community with a compassion for our diversity, a tapestry of people, arts, and structures; preserving our history and character while embracing progress around our unique environment.

- **Mission Statement**

- To continuously strive to provide efficient and proactive services that enhance our quality of life and achieve our vision.



City Council Strategic Plan Focus Areas

| | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------|
| <p>Fiscal Responsibility</p> | <p>Economic Vitality</p> | <p>Communication</p> |
| <p>Prepare and manage budget; fiduciary responsibility</p> | <p>Create sustainability by leveraging tourism; infrastructure renewal and investment; enhancing public/private partnerships; efficient planning & development processes; and fostering an inclusive & diverse environment that encourages entrepreneurial ventures.</p> | <p>Support and enhance 2-way communication between the City and its residents and businesses.</p> |
| <p>Uniquely Bastrop</p> | <p>Organizational Excellence</p> | <p>Multi-Modal Mobility</p> |
| <p>Maintain and enhance our historic community feel by leveraging the unique combination of community, cultural and recreational assets that make Bastrop a special place to live and work.</p> | <p>Organizational governance; progressive operational efficiency; employee and citizen volunteer recognition.</p> | <p>Improved mobility for all modes of transit; manage traffic congestion.</p> |
| <p>Community Safety</p> | <p>Unique Environment</p> | <p>Manage Growth</p> |
| <p>Keep citizens, businesses, and visitors safe.</p> | <p>Continue beautification and natural areas, green spaces, parks, river, and landscaping.</p> | <p>Plan for a manage growth, development, and redevelopment to maintain Bastrop’s unique feel and character.</p> |

Bastrop Organizational Work Plan

- 187 Action Statements covering all nine Focus areas
- Each Action Statement addresses responsible parties, comprehensive plan reference, funding source, timing by Fiscal Year Quarter, Council Priority Area, and Secondary Focus Areas.
- Each City department has developed their own Detailed Departmental Work Plan, with quarterly status updates to the City Manager.
- 29 Action Statements apply to Planning Department
 - Each has a target date, responsible party (by name), objective description, resource allocation, time allocation, and progress by quarter.
 - Listed here in order of schedule



Planning-related Work Plan Items

COM: Communication
CS: Community Safety
EV: Economic Vitality
FR: Fiscal Responsibility
MG: Manage Growth
MM: Multi-Modal Mobility
OE: Organizational Excellence
UB: Uniquely Bastrop
UE: Unique Environment

- Com #6: Develop a 2-way communication strategy with the Development Community
- CS #5: Create and adopt a formal addressing policy using the CAPCOG methodology
- OE #12: Develop a comprehensive internal records management system and policies for all Planning & Zoning case files
- OE #24: Hire Director of Planning and Zoning
- EV#12: Create a Code Enforcement Strategic Plan to implement contract mowing, assessing city-owned property, review ordinances and fines, and a communication program to educate public.



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- MG #1: Establish an annexation, development and utility service plan for Pine Forest Unit #6
- MG #2: Develop an Annexation Plan and corresponding Development plan
- EV #14: Develop a Food Truck Ordinance
- MG #3: Adopt an Interlocal Agreement that establishes development standards for the City's ETJ in partnership with Bastrop County.
- UB #2: Strengthen local preservation ordinance and obtain Certified Local Government designation



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- MG #4: Review Subdivision Ordinance and Construction Standards to reflect current development standards
- CS #10: Develop a sign inventory and replacement schedule
- EV #8: Develop a customer-friendly development process
- EV #2: Develop a GIS Utilities Strategy Plan to include water, wastewater, streets, and drainage utilities
- Com #22: Update the City's Development Manual with informative guides, checklists, and applications
- EV #17: Develop a holistic “obtainable” housing program that includes incentives, zoning standards, and low-impact development standards (i.e. goal looks like downtown Bastrop with 2017 standards)



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- MG #5: Review parking requirements for existing facilities and future development
- MG #7: Develop a Rights-of-Way Management Ordinance to include utility assignments, street cross-sections, and design standards to leverage existing and future developments
- MM #6: Develop a citywide walkability plan that establishes priority corridors and connection routes
- MM #9: Address mobility challenges on west side of river on the north and south sides of SH 71
- OE #25: Expand capabilities of EnerGov to allow online plan submittals and fee payments



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- UB #12: Apply for funding to develop design guidelines for the Historic District
- UE #9: Explore options for addressing development challenges in the Houston Toad area
- EV #19: Develop and maintain an in-house Utility Modeling System
- EV #20: Revise the Parkland Dedication ordinance
- MG #9: Create and adopt low-impact development standards
- UE #12: Update city ordinances to address current trends in landscaping, tree preservation and floodplain management.



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- UE #13: Establish an organizational standard to plant trees to provide shade and improve air quality along trails and other citywide walkways.
- EV #23: Develop a GIS Land Use Strategy Plan to include information related to zoning, property entitlements (easements, etc.) and other development-related agreements



Questions and Discussion



Roles, Responsibilities and Expectations in the Development Review Process

- City Council
 - Planning & Zoning Commission
 - City Staff
 - Applicants
-
- Bastrop is a home-rule Council-Manager form of government
 - Politics-Administration dichotomy
 - Dillon's Rule



Roles in Development Regulation

- City Council
- Planning and Zoning Commission
- Zoning Board of Adjustment
- Staff
 - Administrative
 - Planning
 - Engineering
 - Other staff (police, fire, etc.)
 - Other entities (TxDOT, franchised utilities)



Types of Decisions

- Advisory Recommendations
- Legislative Acts
 - E.g. Zoning, Planning
- Ministerial Acts
 - E.g. Subdivision approval
- Quasi-judicial Acts
 - E.g. ZBA variances



Legal Standards for Due Process

- An unbiased decision,
- Adequate notice of the hearing,
- A hearing at which witnesses are sworn and in which there is an opportunity to introduce evidence and an opportunity for cross-examination, and
- A decision based on the record supported by reasons and finding of fact.

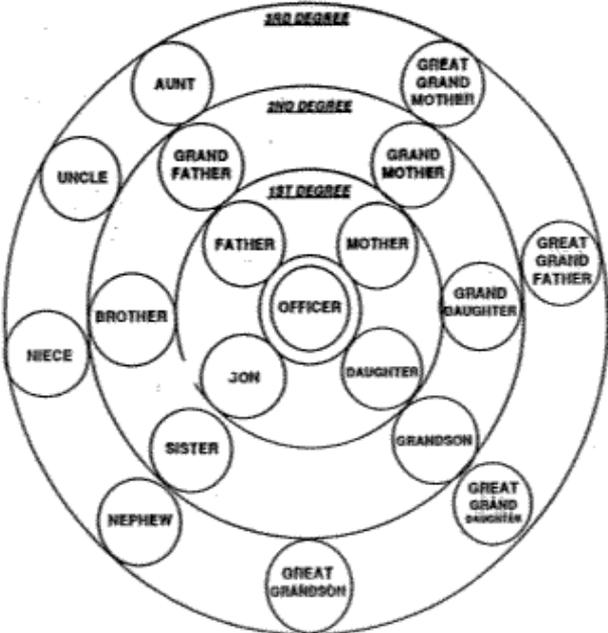


Potential Liability

- Conflict of Interest
 - Chapter 171 of Local Government Code
 - Substantial interest test
 - 10% of stock, equity (\$15,000), or income
 - \$2,500 interest in real property
 - Relationship test
 - First degree of consanguinity or affinity
 - Affidavit and recusal
 - Smell test, ethics
 - APA's Ethical Principles in Planning



TEXAS NEPOTISM 1992



Consanguinity Kinship Chart
(Blood)



Affinity Kinship Chart
(Marriage)

EXHIBIT A

AFFIDAVIT OF CONFLICT OF INTEREST

THE STATE OF TEXAS §

COUNTY OF BASTROP §

I, _____ as a member of the _____ make this affidavit and hereby on oath state the following: I, and/or a person or persons related to me in the first degree by either affinity or consanguinity, have a substantial interest in a business entity that would be peculiarly affected by a vote or decision of the _____ as those terms are defined in Chapter 171 of the Local Government Code.

Date of Meeting: _____

Agenda Item Number: _____

The Business Entity is: _____

I have a substantial interest in this business entity for the following reasons: (check all which are applicable)

- Ownership of 10% or more of the voting stock or shares of the business entity.
- Ownership of 10% or \$15,000 or more of the fair market value of the business entity.
- Funds received from the business entity exceed 10% of my gross income for the previous year.
- Real property is involved and I have an equitable or legal ownership with a fair market value of at least \$2,500.

Upon the filing of this affidavit with the Official Record Keeper of the City, I affirm that I will abstain from voting on any decision involving this business entity and from any further participation on this matter whatsoever.

Signed this _____ day of _____,

Signature of Official

Title

BEFORE ME, the undersigned authority, this day personally appeared _____ and on oath stated that the facts hereinabove stated are true to the best of their knowledge or belief.

SWORN TO AND SUBSCRIBED BEFORE ME on this _____ day of _____,

Notary Public in and for the State of Texas

Potential Liability

- Procedural errors
 - §1983 Civil Rights Act
- Substantive due process
 - Fifth and 14th Amendment takings
- Arbitrary and capricious decisions
- Ex parte contact
- Open Meetings Act
 - Deliberation of quorum
- Gifts to Public Servants



Role of the City Council

- Elected by citizenry
- Establishes policy by adopting ordinances and resolutions
 - Adopts Comprehensive Plan by ordinance
 - Adopts Zoning regulations, including map amendments, by ordinance
 - Adopts Conditional Use Permits, by ordinance
 - Adopts Planned Development regulations, by ordinance
 - Adopts Subdivision regulations, by ordinance
 - Adopts plats by resolution
 - Vacates dedicated streets by ordinance



Planning Commission

- In Texas, a *Planning Commission* is:
 - a group of citizens appointed by the legislative body that performs both required and discretionary functions in land use matters.*
 - May also include zoning matters and be called ***Planning and Zoning Commission***.



(*Texas Local Government Code 211.007)

Responsibilities and Activities of the Bastrop Planning & Zoning Commission

- Monitor current zoning ordinance
- Make recommendations on zoning changes
- Make recommendations on approval of subdivisions
- Interface with public on community values through public meetings, focus groups, and neighborhood organizations
- Make recommendations on adoption of the comprehensive plan
- Implement land use patterns



Some Typical Responsibilities and Activities of the Planning & Zoning Commission in Other Cities

- Make recommendations for annexation
- Recommend a Capital Improvements Program
- Coordinate with economic development activities
- Encourage and monitor the “visual image” through urban design
- Adopt an annual work program and prepare an annual report
- Use base data on population, land use, utilities, and topography in decision making



Typical Applications Reviewed by P&Z

- Comprehensive Plan amendments
 - Land use plan
 - Thoroughfare plan
- Zoning Changes
 - Map amendments
 - Text changes
 - Specific Use Permits
- Subdivision Plats



Role of P&Z in Typical Applications

- Zoning Changes
 - Map amendments (recommend to CC)
 - Text changes (recommend to CC)
 - Conditional Use Permits (recommend to CC)
- Subdivision Plats (recommend to CC)
- Comprehensive Plan amendments
 - Land use plan (recommend to CC)
 - Thoroughfare plan (recommend to CC)



Role of Staff

- Usually first contact with public (front counter, telephone, email, etc.)
- Meet with applicants to explain process and suggest ways project could be modified to comply with ordinance
- Accept and review development applications
- Provide mailed and newspaper notice of public meetings
- Prepare analysis of development application and recommendation
- Staff presentations for Board and City Council meetings
 - P&Z, ZBA/BOA, HLC
- Roles of Planning vs. Engineering & Development Departments
- File Final Plat at Courthouse



Role of Staff - continued

- Make recommendations for planning-related ordinances and policies
- Monitor development patterns – Maintain GIS data
- Make Lot-of-Record determinations
- Accept Building Permit Applications
- Work with Code Enforcement
- Provide support for Other Departments



Balancing Demands

- Developer's Wants
- Highest and Best Use
- Maximize short term gain
- Market Demands
- Past Experience
- Profitable Development
- Low cost-high return



- City's Wants
- Quality Development
- Long-term Benefits
- Compatible Land Uses
- Adequate Infrastructure
- Fiscal impacts

Expectations of City Council

- That P&Z comes to meetings prepared
- That P&Z makes objective, well-reasoned recommendations that are in the best interests of the community-at-large
- That Staff provides staff reports and presentations that provide Council with the salient facts to make a reasoned decision
- That staff gives CC a heads-up on potentially controversial cases



Expectations of Planning & Zoning Commission

- That CC gives their recommendations due weight and consideration
- That CC support training for P&Z Commissioners in budget
- That Staff provides staff reports and presentations that provide P&Z with the salient facts to make a reasoned recommendation



Expectations of Staff

- That CC and P&Z be fair, honest, ethical and objective
- That P&Z be prepared for meetings by reading and studying the packet; visit the site; avoid receiving information outside of the public hearing, and ask questions of staff
- That CC and P&Z treat the professional staff with trust and respect
- Whenever possible, that CC and P&Z give a heads-up on questions they may ask, so that staff can research and provide a complete response during the meeting
- That CC support the Planning Department during the budget process, including support of professional development
- That CC and P&Z avoid getting into administrative matters
 - Establish policy, ask questions, but avoid giving assignments or direction



Expectations of Developers and Public

- That Staff, P&Z, and CC provides an easily understood, timely and predictable approval process
- That Staff, P&Z, and CC make fair and objective decisions
- That adequate notice of meetings and projects is provided, as required by law, and that there will be an opportunity to speak when a public hearing is required



Questions and Discussion

