

Technical Report

CITY OF BASTROP

COST OF SERVICE AND RATE DESIGN STUDY

FINAL REPORT
DECEMBER 5, 2016



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December 6, 2016

Tracy Waldron
Chief Financial Officer
Finance Department
City of Bastrop
1311 Chestnut Street
Bastrop, Texas 78602

Dear Ms. Waldron,

Nelisa Heddin Consulting (NH Consulting) is pleased to present the City of Bastrop (City) with a Final Report for a Cost of Service and Rate Design Study for the City's Water and Wastewater Utility. This report details our findings and recommendations. The project team reviewed available data and interviewed City staff to perform a detailed analysis by carefully examining the City's costs. From this exercise, we were able to develop recommendations for the City's water rates.

The enclosed report details the methodology utilized by the project team during the course of our analysis and describes our findings and recommendations.

It is a pleasure working with you and your staff. Please feel free to contact the NH Consulting office with any questions or comments regarding this report, at (512) 589-1028.

Sincerely,

A handwritten signature in blue ink, appearing to be 'NH' followed by a long horizontal stroke.

Nelisa Heddin
President

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COST OF SERVICE ANALYSIS

Nelisa Heddin Consulting, LLC (NH Consulting) is pleased to present the City of Bastrop (City) with the results of a cost of service and rate design study performed for the City's water and wastewater utility.

The City retained NH Consulting to perform a cost of service and rate design study for the City's water and wastewater utility. The study's intent is to achieve a water and wastewater rate structure that will assure equitable and adequate revenues for operations, debt service retirements, capital improvements and bond covenant requirements; therefore ensuring the utility operates on a self-sustaining basis while considering the economic impact on the City's customers.

The project team has worked closely with City staff to develop revenue requirements and determine the cost of providing service to each of the City's customers. The project team identified that in order to meet future revenue requirements, the City needs to implement future water and wastewater rate increases. The project team developed a transitional plan that includes gradual rate increases over time and will allow the City to slowly transition into rates that will sufficiently cover future revenue requirements. The recommended transitional implementation plan is outlined in Tables 1 through 5.

Executive Summary



COST OF SERVICE ANALYSIS



Table 1: Recommended Water Rates, Base Fee, All Customer Classes

	Current	2017	2018	2019	2020	2021
Commercial Inside 3/4"	\$27.72	\$27.72	\$27.78	\$33.26	\$35.22	\$35.43
Commercial Inside 1"	\$47.13	\$47.13	\$47.13	\$47.13	\$47.13	\$47.13
Commercial Inside 1 1/2"	\$79.47	\$79.47	\$79.47	\$79.47	\$79.47	\$79.47
Commercial Inside 2"	\$118.28	\$118.28	\$118.28	\$118.28	\$118.28	\$118.28
Commercial Inside 3"	\$221.78	\$221.78	\$277.79	\$332.63	\$352.19	\$354.33
Commercial Inside 4"	\$255.07	\$255.07	\$353.55	\$423.35	\$448.25	\$450.96
Commercial Inside 6"	\$661.68	\$661.68	\$661.68	\$661.68	\$672.37	\$676.44
Commercial Outside 3/4"	\$41.49	\$41.49	\$41.49	\$41.58	\$44.02	\$44.29
Commercial Outside 1"	\$70.69	\$70.69	\$70.69	\$70.69	\$70.69	\$70.69
Water Compound	\$-	\$49.62	\$73.24	\$87.69	\$92.85	\$93.41
Fire Hydrant 2"	\$118.28	\$118.28	\$118.28	\$118.28	\$118.28	\$118.28
Fire Hydrant 3"	\$221.78	\$221.78	\$277.79	\$332.63	\$352.19	\$354.33
Residential Inside 3/4"	\$27.72	\$27.72	\$27.78	\$33.26	\$35.22	\$35.43
Residential Inside 1"	\$47.13	\$47.13	\$47.13	\$47.13	\$47.13	\$47.13
Residential Inside 1 1/2"	\$79.47	\$79.47	\$79.47	\$79.47	\$79.47	\$79.47
Residential Inside 2"	\$118.28	\$118.28	\$118.28	\$118.28	\$118.28	\$118.28
Residential Outside 3/4"	\$41.59	\$41.59	\$41.59	\$41.59	\$44.02	\$44.29
Residential Outside 1"	\$70.69	\$70.69	\$70.69	\$70.69	\$70.69	\$70.69
Residential Outside 2"	\$119.22	\$119.22	\$119.22	\$119.22	\$119.22	\$119.22

COST OF SERVICE ANALYSIS



Table 2: Recommended Water Rates, Volumetric Rate, Residential Customers (per Thousand Gallons)

Volumetric Rates	Current	2017	2018	2019	2020	2021
0-2,000	\$2.85	\$2.97	\$3.33	\$3.33	\$3.33	\$3.33
2,001-3,000	\$2.85	\$2.97	\$3.33	\$3.33	\$3.33	\$3.33
3,001-5,000	\$3.04	\$3.47	\$3.83	\$3.83	\$3.83	\$3.83
5,001-10,000	\$3.22	\$4.22	\$4.58	\$4.58	\$4.58	\$4.58
10,001-20,000	\$3.42	\$4.97	\$5.33	\$5.33	\$5.33	\$5.33
20,001-30,000	\$3.69	\$4.97	\$5.33	\$5.33	\$5.33	\$5.33
30,001-50,000	\$3.69	\$5.72	\$6.08	\$6.08	\$6.08	\$6.08
Above 50,001	\$3.87	\$5.72	\$6.08	\$6.08	\$6.08	\$6.08

Table 3: Recommended Water Rates, Volumetric Rate, Commercial Customers (per Thousand Gallons)

Volumetric Rates	Current	2017	2018	2019	2020	2021
0-2,000	\$2.85	\$2.85	\$2.85	\$3.05	\$3.10	\$3.12
2,001-3,000	\$2.85	\$2.85	\$2.85	\$3.05	\$3.10	\$3.12
3,001-5,000	\$3.04	\$3.04	\$3.04	\$3.55	\$3.60	\$3.62
5,001-10,000	\$3.22	\$3.79	\$4.19	\$4.30	\$4.35	\$4.37
10,001-20,000	\$3.42	\$4.54	\$4.94	\$5.05	\$5.10	\$5.12
20,001-30,000	\$3.69	\$4.54	\$4.94	\$5.05	\$5.10	\$5.12
30,001-50,000	\$3.69	\$5.29	\$5.69	\$5.80	\$5.85	\$5.87
Above 50,001	\$3.87	\$5.29	\$5.69	\$5.80	\$5.85	\$5.87

COST OF SERVICE ANALYSIS



Table 4: Recommended Water Rates, Volumetric Rate, Fire Hydrant Customers, (per Thousand Gallons)

Volumetric Rates	Current	2017	2018	2019	2020	2021
0-2,000	\$2.85	\$8.76	\$8.76	\$8.76	\$8.76	\$8.76
2,001-3,000	\$2.85	\$8.76	\$8.76	\$8.76	\$8.76	\$8.76
3,001-5,000	\$3.04	\$9.26	\$9.26	\$9.26	\$9.26	\$9.26
5,001-10,000	\$3.22	\$10.01	\$10.01	\$10.01	\$10.01	\$10.01
10,001-20,000	\$3.42	\$10.76	\$10.76	\$10.76	\$10.76	\$10.76
20,001-30,000	\$3.69	\$10.76	\$10.76	\$10.76	\$10.76	\$10.76
30,001-50,000	\$3.69	\$11.51	\$11.51	\$11.51	\$11.51	\$11.51
Above 50,001	\$3.87	\$11.51	\$11.51	\$11.51	\$11.51	\$11.51

Table 5: Recommended Wastewater Rates

	Current	2017	2018	2019	2020	2021
Base Fee	\$26.97	\$26.97	\$37.55	\$39.90	\$41.26	\$41.26
Volumetric Fee	\$2.45- \$3.47	\$8.01	\$7.74	\$7.95	\$7.96	\$8.10

COST OF SERVICE ANALYSIS

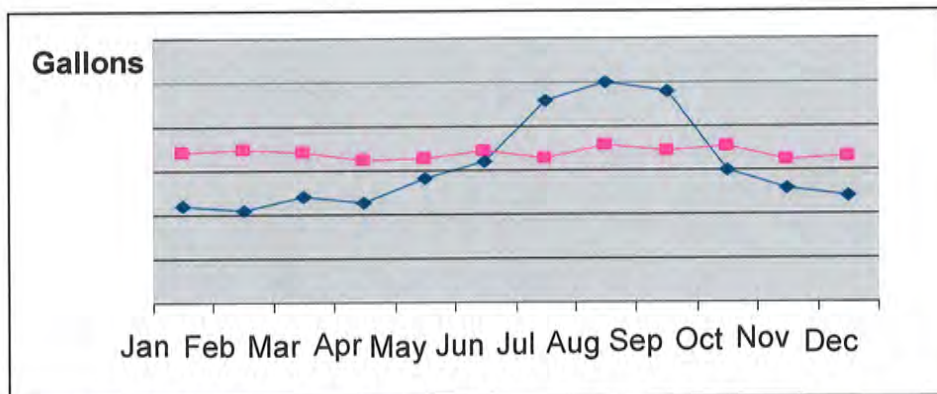
RATE SETTING THEORY

The American Water Works Association (AWWA) sets forth a methodology for rate setting based on cost-of-service principles. The premise of this methodology is to require users to pay the cost incurred by the utility to provide that user with water service.

The water utility infrastructure is created to meet times of peak demand. Although on an annual basis, the average usage of water is at a lower level, the system must meet times of peak usage, such as irrigation in summer months or early mornings when residents are showering, doing laundry and washing dishes. Chapter 290 of the Texas Administrative Code outlines strict guidelines that the water utility must abide by while providing retail water services. These guidelines outline specific requirements for items such as minimal system capacities, to meet these times of peak usage. Thus, the water utility must maintain the infrastructure to meet these requirements. To determine the utilities capacity requirements, one must factor in the number of connections served, the size of each connection, in addition to the usage patterns of those customers. Therefore, even though the utility may have average usage at a certain level, it must have the capacity to serve customers at a greater level in order to meet peaking demands.

Different customer classes utilize water in different manners, thus putting different strains on the utility. Examination of the utility's customer classes while applying a cost-of-service methodology recommended by the AWWA reveals the usage pattern of each class. Figure 1 exhibits different usage patterns for two different types of customers.

Figure 1: Usage Patterns



COST OF SERVICE ANALYSIS



The customers represented by a blue line in Figure 1 show a dramatic peaking pattern in summer months. This peak pattern commonly occurs with customers who, for example, irrigate during the summer. The customers represented by a pink line show very little deviation in their month-to-month usage. An example of a customer using water in this manner may be a commercial customer who uses water in a consistent pattern year round.

According to the AWWA, “A water utility is required to supply water in total amounts and at such rates of use desired by the customer. A utility incurs costs in relationship to the various expenditure requirements caused by meeting those customer demands. Since the needs for total volume of supply and peak rates of use vary among customers, the costs to the utility of providing service also vary among customers or classes of customers.” In other words, there are significant cost implications to the ability a utility system must have to meet peaking patterns.

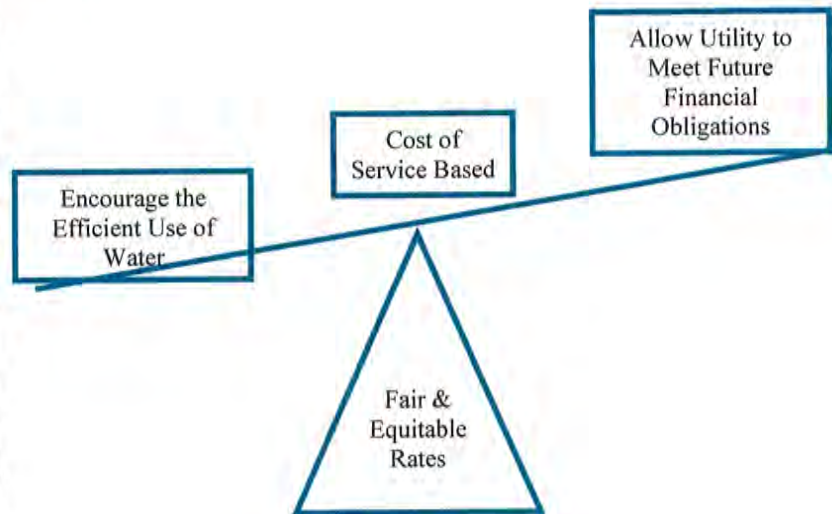
The blue-line customer in Figure 1 has a higher peak to average ratio of water usage. Whereas the pink-line customer has a lower peak to average ratio, even though the total volume used is greater for this customer class. In this example, the utility has to maintain a total system capacity to serve the maximum (or peak) usage of all customers, even though the blue-line customer uses a peak amount of water for 3-months out of the year. There is a significant cost implication to this irregular usage pattern. The rates charged to customers should reflect this cost differential.

COST OF SERVICE ANALYSIS



RATE DESIGN GENERAL COMPONENTS

During rate analysis, the primary consideration is to determine rates that are fair and equitable among all customers. Rates should recover the cost associated with providing service to each customer from that particular customer. Determining rates that fully achieve this goal involves a detailed analysis of each individual customer's consumption pattern. Since this is an impractical feat for most utility systems, a typical rate design establishment fits average conditions for groups of customers having similar service requirements. When grouping customer classes, one divides customers that utilize water in a similar pattern (such as residential, commercial, apartments and irrigation). Then, analysis of historical usage patterns for each customer grouping and assignment of costs accordingly.



The AWWA emphasizes, “Departure from rates based on cost of service is generally a decision made for political, legal or other reasons. Consideration of rates deviating from cost of service, therefore, is made by politicians, not the rate designer.” In addition, the AWWA states that “when a deviation from cost-related rates is made, the reason for such modification should be explicitly understood so that the responsibility for such deviation is placed on legal and policy-making factors, and the public is not misled into believing that the resulting rates are fully cost-related when they are not.”

It is important to consider when designing and implementing a new rate structure that, while the goal is to get as close as possible to cost of service based rates, the rates need to be compatible with the City's political environment.

RATE COMPONENTS

Typically, billing of water services are in a structure that consists of a minimum bill and a volumetric component. The intention of the minimum bill is to recover the basic costs associated with providing service to the customer, regardless of the volume of the water utilized. The bill structure usually recovers a high percentage of the utility's fixed costs to ensure the utility some degree of revenue stability. Minimum bills are a fixed monthly fee. The second component of the rates is a volumetric charge. This charge is based on the amount of water utilized by the customer, and may fluctuate based on actual usage.

COST OF SERVICE ANALYSIS



Minimum Bill

The AWWA provides guidelines for the determination of the minimum bill on a cost basis. Many utilities set their minimum bill based on policy initiatives. The utility may want to use the minimum charge to guarantee a certain percentage of revenue. Another strategy in setting a minimum bill involves providing lifeline rates for customers, where the customer receives a certain amount of water included in the base charge fee. This allows the customer a higher degree of control over their water bill.

There are two (2) primary options available regarding the structure of the minimum bill:

Meter Size – As previously described, the utility is obligated under State Law to maintain system capacity based on the number and size of connections the utility serves. The reasoning is that the larger the meter a customer has, the greater the ability to place a larger demand on the system. Thus, regardless of the amount of water that a customer actually uses, the utility is still required to maintain the capacity to serve that customer based on their meter size.

Accordingly, a minimum bill based on meter size, in which the larger the meter, the higher the bill, recovers the cost the utility incurs due to the potential increased demand placed on the system by that particular customer. The AWWA provides “meter size equivalency factors,” a scale of factors are applied to the base charge for a 5/8 inch connection to determine the minimum that should be charged to larger connections.

Table 6: Meter Equivalency Ratios.

Meter Size (Inches)	Equivalent Meter & Service Ratio
5/8"	1
3/4"	1.1
1"	1.4
1 1/2"	1.8
2"	2.9
3"	11

Equalized Minimum Bill – The alternative minimum bill structure would be an equalized minimum bill in which all customers pay the same fee, regardless of meter size. This very simple fee structure is easy to understand by the utility’s customers. In addition, most billing systems are able to accommodate this fee structure.

Volumetric Rate

The second component of the fee structure is the volumetric rate. The basis for the volumetric fees is the actual volume of water each customer uses each month. The volumetric rates usually recover the variable costs associated with providing water to the utility’s customers as well as a portion of fixed costs. Utilities also use volumetric rates as a pricing signal to encourage the efficient usage of water. Below are some volumetric rate design options for consideration.

COST OF SERVICE ANALYSIS



Customer Class – As previously described, different classes of customers utilize water in different ways. Some customers use large amounts of water seasonally for irrigation, while other customers' monthly water use varies only slightly. There is a significant cost implication to different water usage patterns. Those customers who use water irregularly throughout the year, such as those who irrigate, cause the utility's water system to have a higher peaking than those customers who use a consistent amount of water monthly. A case can be made that utilities should classify customers into like groupings (such as residential, commercial, apartments and irrigation) and charge those customers different rates based on their relative usage patterns. The AWWA has outlined a methodology for determining these rates called the Base-Extra Capacity methodology. The basic premise of this methodology is to isolate usage patterns based on customer classifications and allocate costs to those customers based on peaking patterns. While this is a complex task, it is arguably the most equitable means of charging customers for water usage.

The drawback to this methodology is that it is a slightly more complex fee structure that some customers may have difficulty understanding. Prior to implementation, the utility's billing system requires examination to ensure that it is capable of charging customers based on this structure.

Equalized Rate – An alternative to varying volumetric rates based on customer class is to charge all customers the same volumetric rate. This is appropriate for utilities that have a relatively homogenous customer base in which most customers use water in a similar pattern. This rate structure is easy for customers to understand, and usually most billing systems can accommodate equalized rates. The industry recommends that each utility examine its customer base to determine if it is a homogenous group of customers, or if there are customers who use water in different patterns. If the latter is the case, then equalized rates may not be equitable to some customer classifications.

In analyzing the City's customer base and usage patterns, the project team recommends that the City continue use volumetric billing based upon customer class.

WATER UTILITY

WATER PRODUCTION

In 2015, the City produced approximately 464 million gallons of water, with a peak day production of 2.32 MG.

Table 7: Historical Water Production (Gallons)

	2013	2014	2015
Total Production	474,363,000	450,839,000	464,635,000
Average Daily Demand	1,299,625	1,235,175	1,272,973
Peak Day Demand	2,041,000	2,082,000	2,323,000
Peak to Average Ratio	1.57	1.69	1.82

As emphasized in the previous section, there is a direct correlation between a system's production and peaking patterns and the system's costs. The City's peak to average ratio, as determined by dividing maximum daily production by the average daily production, was 1.82:1 for 2015.

WATER CONSUMPTION

As of December 2015, the City provides water services to 3,060 retail, potable water customers. The City meters all active potable water connections. Annual metered water consumption was approximately 422 million gallons in 2015, as shown in Table 8.

Table 8: Total Customer Count and Consumption (Gallons)

Year	Customers	Consumption
2013	2,937	408,917,300
2014	3,050	397,977,800
2015	3,060	422,271,300



COST OF SERVICE ANALYSIS



CURRENT RATES

Outlined below are the City's current water rates.

Table 9: Current Water Rates, Base Fee

	Current
Commercial Inside 3/4"	\$27.72
Commercial Inside 1"	\$47.13
Commercial Inside 1 1/2"	\$79.47
Commercial Inside 2"	\$118.28
Commercial Inside 3"	\$221.78
Commercial Inside 4"	\$255.07
Commercial Inside 6"	\$661.68
Commercial Outside 3/4"	\$41.49
Commercial Outside 1"	\$70.69
Water Compound	\$-
Fire Hydrant 2"	\$118.28
Fire Hydrant 3"	\$221.78
Residential Inside 3/4"	\$27.72
Residential Inside 1"	\$47.13
Residential Inside 1 1/2"	\$79.47
Residential Inside 2"	\$118.28
Residential Outside 3/4"	\$41.59
Residential Outside 1"	\$70.69
Residential Outside 2"	\$119.22

Table 10: Current Water Rates, Volumetric Rate, (per Thousand Gallons)

Volumetric Rates	Current
0-2,000	\$2.85
2,001-3,000	\$2.85
3,001-5,000	\$3.04
5,001-10,000	\$3.22
10,001-20,000	\$3.42
20,001-30,000	\$3.69
30,001-50,000	\$3.69
Above 50,001	\$3.87

COST OF SERVICE ANALYSIS



WORK PLAN

In determining water rates, NH Consulting relies upon a methodology described by the American Water Works Association called the Base-Extra Capacity methodology. This methodology approximates the cost associated with serving various classifications of customers.

Essentially, the methodology utilizes a five-step approach:

- Step 1: Revenue Requirement Determination
- Step 2: Cost Functionalization
- Step 3: Customer Cost Allocation
- Step 4: Customer Count and Billing Unit Determination
- Step 5: Rate Design

NH Consulting has performed each of these steps in coordination with City staff. The next section describes each step along with the results.

STEP 1: REVENUE REQUIREMENT DETERMINATION

BASE YEAR REVENUE REQUIREMENT

WATER FUND

To account for the water utility operations, the City has an Enterprise Fund that accounts for water operational revenues and expenditures. To determine the water utility revenue requirements, NH Consulting relied on the City's budgeted and historical actual expenditures within the Water Enterprise Fund as a starting point.

SYSTEM EXPENDITURES

A base year estimate of costs helps to determine the City's future revenue requirements. This cost estimate is reflective of the normal operation of the water utility, and adjusted for known and measurable changes into the future. NH Consulting used the FYE2016 budget as the Test Year for the revenue requirement phase of the study. A comparison of the budget to the audited financial statements FYE2011, FYE2012, FYE2013, FYE2014 and FYE2015 shows that the FYE2016 Budget provides a reasonable estimate of the revenues and expenses associated with the operation of the water utility.

REVENUE OFFSETS

In order to isolate the revenues required by rates from all customers, it was necessary to capture all revenue offsets and remove the corresponding dollar amount from the gross revenue requirement to determine the net revenue requirement. Revenue offsets are items such as late fees and interest income that offset the City's expense.

COST OF SERVICE ANALYSIS



BASE YEAR REVENUE REQUIREMENT

The base year total revenue requirement determined by the project team for the water utility for FYE 2016 was \$2,787,129.

FIVE-YEAR REVENUE REQUIREMENT

INFLATION

NH Consulting accounted for inflationary influences on annual expenditures by applying a 3% annual inflation rate for most expenditure categories in developing the five-year revenue requirement.

VARIABLE COSTS

Chemicals and electricity expenses were determined using a variable cost analysis. NH Consulting determined the actual cost per thousand gallons for the previous year, and applied that cost, plus inflation, to projected water production in the future.

REVENUE OFFSETS

Revenue-offset projections remained constant throughout the study period, for the benefit of conservative estimations.

FIVE-YEAR REVENUE REQUIREMENT

Table 11 outlines the five-year revenue requirement for the Water Utility. Schedule 1 shows each line item with details.

Table 11: Water Utility Five-Year Revenue Requirement.

2017	2018	2019	2020	2021
\$2,787,129	\$3,127,116	\$3,308,154	\$3,409,383	\$3,472,174

COST OF SERVICE ANALYSIS



STEP 2: COST FUNCTIONALIZATION

BACKGROUND ON COST FUNCTIONALIZATION

The American Water Works Association (“AWWA”) and the Texas Commission on Environmental Quality (“TCEQ”) have accepted the base-extra capacity methodology and it is commonly used in the water utility industry. This is a methodology of functionalization, allocating costs to service functions, and distributing costs to customer classes. It recognizes the differences in the cost of providing service due to variations in average rate of use and peak rate of use by a customer class. This method also distinguishes the effects of system diversity on costs. Generally, the three components of costs include:

- Base Costs
- Extra-Capacity Costs
- Customer Billing Costs

Base costs fluctuate with the total amount of water taken under average operating conditions. Extra-capacity costs are those costs incurred that are above the average operating conditions and are necessary to support peaking conditions. Customer billing costs are those costs associated with serving customers, such as meter reading and billing.

COST FUNCTIONALIZATION ANALYSIS

The project team thoroughly analyzed The City’s cost structure and functionalized the costs into appropriate categories. Table 12 presents the cost functionalization for the five-year study period.

Table 12: Cost Functionalization.

	2017	2018	2019	2020	2021
Base Costs	\$1,563,620	\$1,753,598	\$1,856,772	\$1,916,533	\$1,955,576
Extra-Capacity Costs	1,123,672	1,270,458	1,345,002	1,383,051	1,403,276
Customer Costs	<u>99,837</u>	<u>103,060</u>	<u>106,380</u>	<u>109,799</u>	<u>113,321</u>
Total	\$2,787,129	\$3,127,116	\$3,308,154	\$3,409,383	\$3,472,174

COST OF SERVICE ANALYSIS



STEP 3: CUSTOMER COST ALLOCATION

CUSTOMER COST ALLOCATION BACKGROUND

The establishment of customer classes is important in setting equitable rates, so that costs designated for each class are appropriate. A customer class should include only those customers who:

- a. Are in similar location in relation to the utility;
- b. Use the same or similar facilities of the utility;
- c. Receive similar service from the utility;
- d. Place similar demands on the utility.

The objective of the distribution of costs to customer groups is to avoid cross-subsidization (inequities between customer classes). With this objective in mind, it is imperative to weigh all differences in service commitment and service requirements when determining the customer classes.

Once all appropriate customer classifications have been determined, the next step is to analyze usage patterns for each customer class. Usage analysis includes evaluating the average and peak usage for each customer class. Finally, the cost allocation to customer classes, based on relative usage patterns, is completed. Table 13 presents the cost allocations to customer classes. It is with these cost allocations that rates are designed.

Table 13: Customer Cost Allocation.

	2017	2018	2019	2020	2021
Residential	\$1,489,420	\$1,690,009	\$1,809,051	\$1,886,737	\$1,944,413
Commercial	1,287,919	1,426,224	1,487,763	1,511,162	1,516,284
Fire Hydrant	<u>9,790</u>	<u>10,882</u>	<u>11,341</u>	<u>11,484</u>	<u>11,476</u>
Total	\$2,787,129	\$3,127,116	\$3,308,154	\$3,409,383	\$3,472,174

COST OF SERVICE ANALYSIS



STEP 4: CUSTOMER GROWTH AND BILLING UNITS

CUSTOMER GROWTH

Population projections for a City should reasonably reflect anticipated future conditions within the City. In light of the City’s historical growth, the project team assumed residential customers will increase at a rate of 3% residential growth per year.

Table 14: Projected Customer Count.

	2017	2018	2019	2020	2021
Residential	2,479	2,549	2,621	2,695	2,771
Commercial	647	647	647	647	647
Fire Hydrant	<u>2</u>	<u>2</u>	<u>2</u>	<u>2</u>	<u>2</u>
Total	3,128	3,198	3,270	3,344	3,420

BILLING UNIT PROJECTION

To anticipate usage for each customer classification requires an examination of historical billing units, also known as water consumption, to find the “normal” pattern for each class. Normalized use is considered to be what is anticipated in a normal rainfall year, in normal circumstances for the utility. The project team first determines “normalized” average usage, per connection, per month; this normalized average use was then multiplied by the projected customer count - resulting in projections of future billing units and consumption

Table 15: Projected Water Consumption (Gallons).

	2017	2018	2019	2020	2021
Residential	201,257,208	206,849,285	212,609,124	218,541,759	224,652,372
Commercial	215,156,439	215,156,439	215,156,439	215,156,439	215,156,439
Fire Hydrant	<u>334,418</u>	<u>334,418</u>	<u>334,418</u>	<u>334,418</u>	<u>334,418</u>
Total	416,748,065	422,340,142	428,099,981	434,032,616	440,143,229

COST OF SERVICE ANALYSIS



STEP 5: RATE DESIGN

There are many different rate design options regarding water rate development, however, the goal is to provide a fair and equitable rate for all customer classes, mitigate “rate-shock” on the City’s customers and allow for the water utility to move towards operating on a self-sustaining basis.

MINIMUM BILL

The minimum bill is designed to recover 100% of the City’s debt service for water projects that cannot otherwise be funded through impact fees as well as the customer costs of service.

VOLUMETRIC RATE

The volumetric rates for the City have been designed to recover revenue requirements not otherwise recovered through the base charge. The project team recommends that the City charge volumetric fees based upon the following Customer Classes: Residential, Commercial and Fire Hydrant.

Tables 16 through 19 present the recommended water rates.

COST OF SERVICE ANALYSIS



Table 16: Recommended Water Rates, Base Fee, All Customer Classes

	Current	2017	2018	2019	2020	2021
Commercial Inside 3/4"	\$27.72	\$27.72	\$27.78	\$33.26	\$35.22	\$35.43
Commercial Inside 1"	\$47.13	\$47.13	\$47.13	\$47.13	\$47.13	\$47.13
Commercial Inside 1 1/2"	\$79.47	\$79.47	\$79.47	\$79.47	\$79.47	\$79.47
Commercial Inside 2"	\$118.28	\$118.28	\$118.28	\$118.28	\$118.28	\$118.28
Commercial Inside 3"	\$221.78	\$221.78	\$277.79	\$332.63	\$352.19	\$354.33
Commercial Inside 4"	\$255.07	\$255.07	\$353.55	\$423.35	\$448.25	\$450.96
Commercial Inside 6"	\$661.68	\$661.68	\$661.68	\$661.68	\$672.37	\$676.44
Commercial Outside 3/4"	\$41.49	\$41.49	\$41.49	\$41.58	\$44.02	\$44.29
Commercial Outside 1"	\$70.69	\$70.69	\$70.69	\$70.69	\$70.69	\$70.69
Water Compound	\$-	\$49.62	\$73.24	\$87.69	\$92.85	\$93.41
Fire Hydrant 2"	\$118.28	\$118.28	\$118.28	\$118.28	\$118.28	\$118.28
Fire Hydrant 3"	\$221.78	\$221.78	\$277.79	\$332.63	\$352.19	\$354.33
Residential Inside 3/4"	\$27.72	\$27.72	\$27.78	\$33.26	\$35.22	\$35.43
Residential Inside 1"	\$47.13	\$47.13	\$47.13	\$47.13	\$47.13	\$47.13
Residential Inside 1 1/2"	\$79.47	\$79.47	\$79.47	\$79.47	\$79.47	\$79.47
Residential Inside 2"	\$118.28	\$118.28	\$118.28	\$118.28	\$118.28	\$118.28
Residential Outside 3/4"	\$41.59	\$41.59	\$41.59	\$41.59	\$44.02	\$44.29
Residential Outside 1"	\$70.69	\$70.69	\$70.69	\$70.69	\$70.69	\$70.69
Residential Outside 2"	\$119.22	\$119.22	\$119.22	\$119.22	\$119.22	\$119.22

COST OF SERVICE ANALYSIS



Table 17: Recommended Water Rates, Volumetric Rate, Residential Customers

Volumetric Rates	Current	2017	2018	2019	2020	2021
0-2,000	\$2.85	\$2.97	\$3.33	\$3.33	\$3.33	\$3.33
2,001-3,000	\$2.85	\$2.97	\$3.33	\$3.33	\$3.33	\$3.33
3,001-5,000	\$3.04	\$3.47	\$3.83	\$3.83	\$3.83	\$3.83
5,001-10,000	\$3.22	\$4.22	\$4.58	\$4.58	\$4.58	\$4.58
10,001-20,000	\$3.42	\$4.97	\$5.33	\$5.33	\$5.33	\$5.33
20,001-30,000	\$3.69	\$4.97	\$5.33	\$5.33	\$5.33	\$5.33
30,001-50,000	\$3.69	\$5.72	\$6.08	\$6.08	\$6.08	\$6.08
Above 50,001	\$3.87	\$5.72	\$6.08	\$6.08	\$6.08	\$6.08

Table 18: Recommended Water Rates, Volumetric Rate, Commercial Customers (per Thousand Gallons)

Volumetric Rates	Current	2017	2018	2019	2020	2021
0-2,000	\$2.85	\$2.85	\$2.85	\$3.05	\$3.10	\$3.12
2,001-3,000	\$2.85	\$2.85	\$2.85	\$3.05	\$3.10	\$3.12
3,001-5,000	\$3.04	\$3.04	\$3.04	\$3.55	\$3.60	\$3.62
5,001-10,000	\$3.22	\$3.79	\$4.19	\$4.30	\$4.35	\$4.37
10,001-20,000	\$3.42	\$4.54	\$4.94	\$5.05	\$5.10	\$5.12
20,001-30,000	\$3.69	\$4.54	\$4.94	\$5.05	\$5.10	\$5.12
30,001-50,000	\$3.69	\$5.29	\$5.69	\$5.80	\$5.85	\$5.87
Above 50,001	\$3.87	\$5.29	\$5.69	\$5.80	\$5.85	\$5.87

COST OF SERVICE ANALYSIS



Table 19: Recommended Water Rates, Volumetric Rate, Fire Hydrant Customers, (per Thousand Gallons)

Volumetric Rates	Current	2017	2018	2019	2020	2021
0-2,000	\$2.85	\$8.76	\$8.76	\$8.76	\$8.76	\$8.76
2,001-3,000	\$2.85	\$8.76	\$8.76	\$8.76	\$8.76	\$8.76
3,001-5,000	\$3.04	\$9.26	\$9.26	\$9.26	\$9.26	\$9.26
5,001-10,000	\$3.22	\$10.01	\$10.01	\$10.01	\$10.01	\$10.01
10,001-20,000	\$3.42	\$10.76	\$10.76	\$10.76	\$10.76	\$10.76
20,001-30,000	\$3.69	\$10.76	\$10.76	\$10.76	\$10.76	\$10.76
30,001-50,000	\$3.69	\$11.51	\$11.51	\$11.51	\$11.51	\$11.51
Above 50,001	\$3.87	\$11.51	\$11.51	\$11.51	\$11.51	\$11.51

WASTEWATER SYSTEM

Wastewater System

As of December 2015, The City's wastewater system provides service to approximately 2,744 customers. The City collects wastewater from its retail customers, and provides treatment.

Wastewater Customers and Billing Units

As of December 2015, the City had 2,744 wastewater connections. As wastewater is not typically metered, and for many residential customers, a portion of their water use is for outdoor irrigation purposes, their water use is not necessarily representative of what is coming back to the system as wastewater. As a result, it is necessary to employ a methodology for reasonably estimating wastewater use based on water consumption for residential customers. The project team recommends utilizing a winter averaging methodology for estimating residential wastewater use; this methodology is consistent with industry best and has been found to most-accurately estimate the demands residential customers place on the system.

Generally commercial customers are not irrigating, thus, their water use also comes back to the system as wastewater. For that reason, commercial customer billing uses water consumption as a foundation for wastewater billing.

Table 20 below illustrates the historical wastewater billed consumption.

Table 20 - Historical Wastewater Consumption.

Year	Customers	Consumption
2013	2,605	2,381,976
2014	2,691	2,319,941
2015	2,744	2,349,287

CURRENT RATES

The City currently bills residential customers a base of \$26.97 per month for wastewater services plus a volumetric fee that ranges between \$2.45 to \$3.47 per thousand gallons.



WASTEWATER SYSTEM



WORK PLAN

The determination of wastewater rates is somewhat simpler as the wastewater utility is not subject to the same influences of peaking as the water utility.

NH Consulting utilized a three-step approach to determining the wastewater rates:

- Step 1: Revenue Requirement Determination
- Step 2: Customer Count and Billing Unit Determination
- Step 3: Rate Design

NH Consulting has performed each of these steps in coordination with City staff; below shows the description and results of each step.

WASTEWATER SYSTEM



STEP 1: REVENUE REQUIREMENT DETERMINATION

To account for the wastewater utility operations, the City has an Enterprise Fund that accounts for water operational revenues and expenditures. To determine the wastewater utility revenue requirements, NH Consulting relied on the City's budgeted and historical actual expenditures within the Enterprise Fund as a starting point.

SYSTEM EXPENDITURES

A base year estimate of costs helps to determine the City's future revenue requirements. This cost estimate is reflective of the normal operation of the water utility, and adjusted for known and measurable changes into the future. NH Consulting used the FYE2016 budget as the Test Year for the revenue requirement phase of the study. A comparison of the budget to the audited financial statements FYE2011, FYE2012, FYE2013, FYE2014, and FYE2015 shows that the FYE2016 Budget provides a reasonable estimate of the revenues and expenses associated with the operation of the wastewater utility.

REVENUE OFFSETS

In order to isolate the revenues required by rates from all customers, it was necessary to capture all revenue offsets and remove the corresponding dollar amount from the gross revenue requirement to determine the net revenue requirement. Revenue offsets are items such as late fees and interest income that offset the City's expense.

BASE YEAR REVENUE REQUIREMENT

The base year total revenue requirement determined by the project team for the wastewater utility for FYE 2016 was \$1,863,275.

FIVE-YEAR REVENUE REQUIREMENT

INFLATION

NH Consulting accounted for inflationary influences on annual expenditures by applying a 3% annual inflation rate for most expenditure categories in developing the five-year revenue requirement.

VARIABLE COSTS

Chemicals and electricity expenses were determined using a variable cost analysis. NH Consulting determined the actual cost per thousand gallons for the previous year, and applied that cost, plus inflation, to projected water production in the future.

WASTEWATER SYSTEM



REVENUE OFFSETS

Revenue-offset projections remained constant throughout the study period, for the benefit of conservative estimations.

FIVE-YEAR REVENUE REQUIREMENT

Table 21 outlines the five-year revenue requirement for the Wastewater Utility. Schedule 6 shows each line item with details.

Table 21: Wastewater Utility Five-Year Revenue Requirement.

2016	2017	2018	2019	2020
\$1,863,275	\$2,595,481	\$2,755,029	\$3,072,780	\$3,131,505

STEP 2: CUSTOMER GROWTH AND BILLING UNITS

CUSTOMER GROWTH

The project team worked with City staff to develop reasonable growth projections for the wastewater utility.

Table 22: Wastewater Customer Count Projection.

	2016	2017	2018	2019	2020
Residential	2,302	2,359	2,418	2,478	2,539
Commercial	498	498	498	498	498
Total	2,800	2,857	2,916	2,976	3,037

BILLING UNIT PROJECTION

To anticipate usage for each customer classification requires an examination of historical billing units, also known as water consumption, to find the “normal” pattern for each class. Normalized use is considered to be what is anticipated in a normal rainfall year, in normal circumstances for the utility. The project team first determines “normalized” average wastewater usage, per connection, per month; this normalized average use was then multiplied by the projected customer count - resulting in projections of future billing units and consumption. Table 23 presents wastewater billing projections.

WASTEWATER SYSTEM



Table 23: Wastewater Usage (Gallons)

	2016	2017	2018	2019	2020
Residential	1,108,060	1,135,605	1,163,834	1,192,765	1,222,414
Commercial	<u>1,240,465</u>	<u>1,240,465</u>	<u>1,240,465</u>	<u>1,240,465</u>	<u>1,240,465</u>
Total	2,348,525	2,376,069	2,404,298	2,433,229	2,462,879

STEP 3: DETERMINATION OF WASTEWATER RATES

The recommended wastewater rates are presented on Table 24.

Table 24: Recommended Wastewater Rates

	Current	2017	2018	2019	2020	2021
Base Fee	\$26.97	\$26.97	\$37.55	\$39.90	\$41.26	\$41.26
Volumetric Fee	\$2.45- \$3.47	\$8.01	\$7.74	\$7.95	\$7.96	\$8.10

City of Bastrop, Texas
 Water and Wastewater Department
 Cost of Service and Rate Design Study



Schedule 1
 Five Year Projection of Water Revenue Requirement

	2017	2018	2019	2020	2021	Inflation Rate	NOTES
EXPENSES							
ADMINISTRATION							
202-35-10-5101 OPERATIONAL SALARIES, W/WW ADM							
202-35-10-5101 OPERATIONAL SALARIES, W/WW ADM	\$ 304,809	\$ 313,954	\$ 323,372	\$ 333,073	\$ 343,066	3%	
202-35-10-5114 PRE-EMPLOYMENT EXP, W/WW ADM	250	258	265	273	281	3%	
202-35-10-5116 LONGEVITY, W/WW ADM	1,617	1,666	1,715	1,767	1,820	3%	
202-35-10-5117 OVERTIME, W/WW ADM	-	-	-	-	-	3%	
202-35-10-5150 SOCIAL SECURITY, W/WW ADM	23,989	24,709	25,450	26,213	27,000	3%	
202-35-10-5151 RETIREMENT, W/WW ADM	34,530	35,566	36,633	37,732	38,864	3%	
202-35-10-5155 GROUP INSURANCE, W/WW ADM	54,313	55,942	57,621	59,349	61,130	3%	
202-35-10-5156 WORKERS COMPENSATION, W/WW ADM	12,181	12,546	12,923	13,310	13,710	3%	
202-35-10-5159 RETIREES BENEFITS, W/WW ADM	-	-	-	-	-	3%	
202-35-10-5201 SUPPLIES, W/WW ADM	4,500	4,635	4,774	4,917	5,065	3%	
202-35-10-5203 POSTAGE, W/WW ADM	2,250	2,318	2,387	2,459	2,532	3%	
202-35-10-5206 OFFICE EQUIPMENT/FURN, W/WW AD	500	515	530	546	563	3%	
202-35-10-5209 SAFETY/FIRST AID, W/WW ADM	3,475	3,579	3,687	3,797	3,911	3%	
202-35-10-5218 SPECIAL PRINTING, W/WW ADM	905	932	960	989	1,019	3%	
202-35-10-5222 EQUIPMENT	-	-	-	-	-	3%	
202-35-10-5228 SMALL TOOLS, W/WW ADM	100	103	106	109	113	3%	
202-35-10-5229 CONSERVATION PROGRAM, W ADM	2,750	2,833	2,917	3,005	3,095	3%	
202-35-10-5240 FUEL & LUBE, W/WW ADM	10,500	10,815	11,139	11,474	11,818	3%	
202-35-10-5320 EQUIPMENT MAINT, W/WW ADM	1,465	1,509	1,554	1,601	1,649	3%	
202-35-10-5325 COMPUTER MAINT/UPGRAD, W/WW AD	1,500	1,545	1,591	1,639	1,688	3%	
202-35-10-5340 BUILDING MAINTENANCE, W/WW ADM	1,750	1,803	1,857	1,912	1,970	3%	
202-35-10-5345 VEHICLE MAINTENANCE, W/WW ADM	5,000	5,150	5,305	5,464	5,628	3%	
202-35-10-5401 COMMUNICATIONS, W/WW ADM	9,635	9,924	10,222	10,528	10,844	3%	
202-35-10-5403 UTILITIES, W/WW ADM	2,100	2,163	2,228	2,295	2,364	3%	
202-35-10-5505 PROFESSIONAL SERVICES, W/WW AD	10,000	10,300	10,609	10,927	11,255	3%	
202-35-10-5507 CREDIT CARD PROCESSING FEES	9,498	9,783	10,076	10,379	10,690	3%	
202-35-10-5509 PRO & LIAB INSURANCE, W/WW ADM	19,484	20,068	20,670	21,290	21,929	3%	
202-35-10-5515 UNIFORMS, W/WW ADM	6,450	6,644	6,843	7,048	7,260	3%	
202-35-10-5525 LEGAL SERVICES, W/WW ADM	25,000	25,750	26,523	27,318	28,138	3%	
202-35-10-5530 ENGINEERING/CONSULT, W/WW ADM	12,500	12,875	13,261	13,659	14,069	3%	
202-35-10-5539 W/WW JOINT STUDY, W/WW ADM	-	-	-	-	-	3%	
202-35-10-5544 UNEMPLOYMENT, W/WW ADM	-	-	-	-	-	3%	
202-35-10-5545 DEBT COLLECTION SERV, W/WW ADM	132	136	140	144	148	3%	
202-35-10-5560 ADMINISTRATIVE SUPPORT, W/WW A	274,981	283,231	291,728	300,479	309,494	3%	

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Schedule 1
 Five Year Projection of Water Revenue Requirement

	2017	2018	2019	2020	2021	Inflation Rate	NOTES
202-35-10-5585 AQUA CCN, W ADM	100,000	103,000	106,090	109,273	112,551	3%	
202-35-10-5601 ADVERTISING, W/WW ADM	3,166	3,261	3,359	3,460	3,563	3%	
202-35-10-5605 TRAVEL/TRAINING, W/WW ADM	7,000	7,210	7,426	7,649	7,879	3%	
202-35-10-5607 CONSUMER CONFIDENCE RPT, W ADM	844	870	896	923	950	3%	
202-35-10-5610 BOND ISSUANCE COST	-	-	-	-	-	3%	
202-35-10-5615 DUES, SUBSCRIPT, PUB, W/WW ADM	1,700	1,751	1,804	1,858	1,913	3%	
202-35-10-5655 EQUIPMENT RENTAL, W/WW ADM	2,500	2,575	2,652	2,732	2,814	3%	
202-35-10-5679 BAD DEBTS, W/WW ADM	8,443	8,696	8,957	9,225	9,502	3%	
202-35-10-5697 INS CLAIM-LIGHTING 4/2/13	-	-	-	-	-	3%	
202-35-10-5900 CONTINGENCY	5,277	5,435	5,598	5,766	5,939	3%	
Net Debt Service	1,137,592	1,407,927	1,524,864	1,563,680	1,563,680		
Capital Replacement Reserve Contribution	136,257	152,446	161,067	165,888	168,878		
W/WW DISTRIBUT/COLLECT							
202-35-41-5210 SMALL EQUIP	-	-	-	-	-	3%	
202-35-41-5212 CHEMICALS, W/WW DIST	150	155	159	164	169	3%	
202-35-41-5215 NEW METERS, W/WW DIST	6,500	6,695	6,896	7,103	7,316	3%	
202-35-41-5228 SMALL TOOLS, W/WW DIST	1,500	1,545	1,591	1,639	1,688	3%	
202-35-41-5303 SYSTEM MAINTENANCE, W/WW DIST	30,000	30,900	31,827	32,782	33,765	3%	
202-35-41-5320 EQUIPMENT MAINT, W/WW DIST	10,200	10,506	10,821	11,146	11,480	3%	
202-35-41-5403 UTILITIES, W/WW DIST	-	-	-	-	-	3%	
202-35-41-5505 PROFESSIONAL SERVICE, W/WW DIS	2,420	2,493	2,567	2,644	2,724	3%	
202-35-41-5511 MAPPING, W/WW DIST	2,500	2,575	2,652	2,732	2,814	3%	
202-35-41-5655 EQUIPMENT RENTAL, W/WW DIST	750	773	796	820	844	3%	
202-35-41-6010 EQUIPMENT, CAP OUT, W/WW DIST	-	-	-	-	-	3%	
202-35-41-6060 REAL PROPERTY	-	-	-	-	-	3%	
202-35-41-6241 GILLS BRANCH WASTEWATER LINE	-	-	-	-	-	3%	
202-35-41-6242 CHESTNUT SQ. WATER LINE	-	-	-	-	-	3%	
WATER PRODUCTION/TREAT							
202-35-43-5212 CHEMICALS, W PROD	35,387	37,655	40,077	42,664	45,428		Based on variable cost analysis
202-35-43-5228 SMALL TOOLS, WATER PROD	1,000	1,030	1,061	1,093	1,126	3%	
202-35-43-5303 SYSTEM MAINTENANCE, W PROD	159,200	163,976	168,895	173,962	179,181	3%	
202-35-43-5320 EQUIPMENT MAINT, W PROD	85,700	88,271	90,919	93,647	96,456	3%	
202-35-43-5403 UTILITIES, WATER PROD	135,790	144,492	153,786	163,713	174,319		Based on variable cost analysis

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Schedule 1
 Five Year Projection of Water Revenue Requirement

	2017	2018	2019	2020	2021	Inflation Rate	NOTES
202-35-43-5505 PROFESSIONAL SERV, WATER PROD	17,350	17,871	18,407	18,959	19,528	3%	
202-35-43-5506 LAB FEES, WATER PROD	25,000	25,750	26,523	27,318	28,138	3%	
202-35-43-5524 PUMPING FEES, WATER PROD	109,000	112,270	115,638	119,107	122,680	3%	
202-35-43-6010 EQUIPMENT, CAP OUT, W/WW PROD	-	-	-	-	-	3%	
202-35-43-6233 WATER WELL DEVELOP, WATER PRO	-	-	-	-	-	3%	
WW TREATMENT PLANT							
202-35-46-5212 CHEMICALS, WW TP	-	-	-	-	-	3%	
202-35-46-5228 SMALL TOOLS, WW TP	-	-	-	-	-	3%	
202-35-46-5303 SYSTEM MAINT, WW TP	-	-	-	-	-	3%	
202-35-46-5320 EQUIPMENT MAINT, WW TP	-	-	-	-	-	3%	
202-35-46-5403 UTILITIES, WW TP	-	-	-	-	-	3%	
202-35-46-5505 PROFESSIONAL SERVICES, WW TP	-	-	-	-	-	3%	
202-35-46-5506 LAB FEES, WW TP	-	-	-	-	-	3%	
202-35-46-6010 CAPITAL OUTLAY	-	-	-	-	-	3%	
TOTAL EXPENSE	\$ 2,861,389	\$ 3,201,376	\$ 3,382,414	\$ 3,483,643	\$ 3,546,434		

REVENUES

	2017	2018	2019	2020	2021
WATER REVENUES					
202-00-00-4101 WATER SALES-RESIDENTIAL	\$ -	\$ -	\$ -	\$ -	\$ -
202-00-00-4102 WATER SALES-COMMERCIAL	-	-	-	-	-
202-00-00-4150 PENALTIES	32,700	32,700	32,700	32,700	32,700
202-00-00-4152 WATER TAPPING FEES	5,000	5,000	5,000	5,000	5,000
202-00-00-4154 WATER SERVICE FEES	22,000	22,000	22,000	22,000	22,000
202-00-00-4156 OTHER	-	-	-	-	-
202-00-00-4161 SPECIAL PROJECT REIMB	-	-	-	-	-
WASTEWATER REVENUES					
202-00-00-4201 WASTEWATER SALES-RESIDENTIAL	-	-	-	-	-
202-00-00-4202 WASTEWATER SALES-COMMERCIAL	-	-	-	-	-
202-00-00-4250 PENALTIES	-	-	-	-	-
202-00-00-4252 SEWER TAPPING FEES	-	-	-	-	-
202-00-00-4253 SEPTIC TANK DUMP FEES	-	-	-	-	-
202-00-00-4256 OTHER	-	-	-	-	-

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Schedule 1
 Five Year Projection of Water Revenue Requirement

	2017	2018	2019	2020	2021	Inflation Rate	NOTES
INTEREST INCOME							
202-00-00-4400 INTEREST RECEIPTS	11,648	11,648	11,648	11,648	11,648		
202-00-00-4401 INTEREST RECEIPTS	-	-	-	-	-		
MISCELLANEOUS							
202-00-00-4501 GRANT PROCEEDS	-	-	-	-	-		
202-00-00-4512 SALE OF FIXED ASSETS	-	-	-	-	-		
202-00-00-4519 BACKFLOW TESTING COST	2,912	2,912	2,912	2,912	2,912		
202-00-00-4528 CONSERVATION PROGRAM	-	-	-	-	-		
202-00-00-4546 SPECIAL PROJECT REIMBURSEMENT	-	-	-	-	-		
202-00-00-4547 BY THE WAY CAMPGROUND	-	-	-	-	-		
202-00-00-4548 LCRA/WCID	-	-	-	-	-		
TOTAL REVENUES	\$ 74,260	\$ 74,260	\$ 74,260	\$ 74,260	\$ 74,260		
TOTAL REVENUE REQUIREMENT	\$ 2,787,129	\$ 3,127,116	\$ 3,308,154	\$ 3,409,383	\$ 3,472,174		

TRUE

City of Bastrop, Texas
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Schedule 2
 Five Year Projection of Wastewater Revenue Requirement

	2017	2018	2019	2020	2021	Inflation Rate	NOTES
EXPENSES							
ADMINISTRATION							
202-35-10-5101 OPERATIONAL SALARIES, W/WW ADM							
202-35-10-5101 OPERATIONAL SALARIES, W/WW ADM	\$ 304,809	\$ 313,954	\$ 323,372	\$ 513,073	\$ 528,466	3%	Added 3 additional operators in 2018 per staff.
202-35-10-5114 PRE-EMPLOYMENT EXP, W/WW ADM	250	258	265	273	281	3%	
202-35-10-5116 LONGEVITY, W/WW ADM	1,617	1,666	1,715	1,767	1,820	3%	
202-35-10-5117 OVERTIME, W/WW ADM	-	-	-	-	-	3%	
202-35-10-5150 SOCIAL SECURITY, W/WW ADM	23,989	24,709	25,450	26,213	27,000	3%	
202-35-10-5151 RETIREMENT, W/WW ADM	34,530	35,566	36,633	37,732	38,864	3%	
202-35-10-5155 GROUP INSURANCE, W/WW ADM	54,313	55,942	57,621	59,349	61,130	3%	
202-35-10-5156 WORKERS COMPENSATION, W/WW ADM	12,181	12,546	12,923	13,310	13,710	3%	
202-35-10-5159 RETIREES BENEFITS, W/WW ADM	-	-	-	-	-	3%	
202-35-10-5201 SUPPLIES, W/WW ADM	4,500	4,635	4,774	4,917	5,065	3%	
202-35-10-5203 POSTAGE, W/WW ADM	2,250	2,318	2,387	2,459	2,532	3%	
202-35-10-5206 OFFICE EQUIPMENT/FURN, W/WW AD	500	515	530	546	563	3%	
202-35-10-5209 SAFETY/FIRST AID, W/WW ADM	3,475	3,579	3,687	3,797	3,911	3%	
202-35-10-5218 SPECIAL PRINTING, W/WW ADM	905	932	960	989	1,019	3%	
202-35-10-5222 EQUIPMENT	-	-	-	-	-	3%	
202-35-10-5228 SMALL TOOLS, W/WW ADM	100	103	106	109	113	3%	
202-35-10-5229 CONSERVATION PROGRAM, W ADM	-	-	-	-	-	3%	
202-35-10-5240 FUEL & LUBE, W/WW ADM	10,500	10,815	11,139	11,474	11,818	3%	
202-35-10-5320 EQUIPMENT MAINT, W/WW ADM	1,465	1,509	1,554	1,601	1,649	3%	
202-35-10-5325 COMPUTER MAINT/UPGRAD, W/WW AD	1,500	1,545	1,591	1,639	1,688	3%	
202-35-10-5340 BUILDING MAINTENANCE, W/WW ADM	1,750	1,803	1,857	1,912	1,970	3%	
202-35-10-5345 VEHICLE MAINTENANCE, W/WW ADM	5,000	5,150	5,305	5,464	5,628	3%	
202-35-10-5401 COMMUNICATIONS, W/WW ADM	9,635	9,924	10,222	10,528	10,844	3%	
202-35-10-5403 UTILITIES, W/WW ADM	2,100	2,163	2,228	2,295	2,364	3%	
202-35-10-5505 PROFESSIONAL SERVICES, W/WW AD	10,000	10,300	10,609	10,927	11,255	3%	
202-35-10-5507 CREDIT CARD PROCESSING FEES	8,502	8,757	9,020	9,290	9,569	3%	
202-35-10-5509 PRO & LIAB INSURANCE, W/WW ADM	12,766	13,149	13,544	13,950	14,369	3%	
202-35-10-5515 UNIFORMS, W/WW ADM	6,450	6,644	6,843	7,048	7,260	3%	
202-35-10-5525 LEGAL SERVICES, W/WW ADM	25,000	25,750	26,523	27,318	28,138	3%	
202-35-10-5530 ENGINEERING/CONSULT, W/WW ADM	12,500	12,875	13,261	13,659	14,069	3%	
202-35-10-5539 W/WW JOINT STUDY, W/WW ADM	-	-	-	-	-	3%	
202-35-10-5544 UNEMPLOYMENT, W/WW ADM	-	-	-	-	-	3%	
202-35-10-5545 DEBT COLLECTION SERV, W/WW ADM	118	122	125	129	133	3%	
202-35-10-5560 ADMINISTRATIVE SUPPORT, W/WW A	180,179	185,584	191,152	196,886	202,793	3%	
202-35-10-5585 AQUA CCL, W ADM	-	-	-	-	-	3%	
202-35-10-5601 ADVERTISING, W/WW ADM	2,834	2,919	3,007	3,097	3,190	3%	
202-35-10-5605 TRAVEL/TRAINING, W/WW ADM	7,000	7,210	7,426	7,649	7,879	3%	

City of Bastrop, Texas
 Water and Wastewater Department
 Cost of Service and Rate Design Study



Schedule 2
 Five Year Projection of Wastewater Revenue Requirement

	2017	2018	2019	2020	2021	Inflation Rate	NOTES
202-35-10-5607 CONSUMER CONFIDENCE RPT, W ADM	756	778	802	826	851	3%	
202-35-10-5610 BOND ISSUANCE COST	-	-	-	-	-	3%	
202-35-10-5615 DUES, SUBSCRIPT, PUB, W/WW ADM	1,700	1,751	1,804	1,858	1,913	3%	
202-35-10-5655 EQUIPMENT RENTAL, W/WW ADM	2,500	2,575	2,652	2,732	2,814	3%	
202-35-10-5679 BAD DEBTS, W/WW ADM	7,557	7,784	8,018	8,258	8,506	3%	
202-35-10-5697 INS CLAIM-LIGHTING 4/2/13	-	-	-	-	-	3%	
202-35-10-5900 CONTINGENCY	4,723	4,865	5,011	5,161	5,316	3%	
Net Debt Service	532,010	1,184,429	1,289,675	1,363,723	1,363,723		
Capital Replacement Reserve Contribution	97,700	132,777	140,591	155,944	158,970		
W/WW DISTRIBUTE/COLLECT							
202-35-41-5210 SMALL EQUIP	-	-	-	-	-	3%	
202-35-41-5212 CHEMICALS, W/WW DIST	150	155	159	164	169	3%	
202-35-41-5215 NEW METERS, W/WW DIST	-	-	-	-	-	3%	
202-35-41-5228 SMALL TOOLS, W/WW DIST	1,500	1,545	1,591	1,639	1,688	3%	
202-35-41-5303 SYSTEM MAINTENANCE, W/WW DIST	30,000	30,900	31,827	32,782	33,765	3%	
202-35-41-5320 EQUIPMENT MAINT, W/WW DIST	10,200	10,506	10,821	11,146	11,480	3%	
202-35-41-5403 UTILITIES, W/WW DIST	-	-	-	-	-	3%	
202-35-41-5505 PROFESSIONAL SERVICE, W/WW DIS	2,420	2,498	2,567	2,644	2,724	3%	
202-35-41-5511 MAPPING, W/WW DIST	2,500	2,575	2,652	2,732	2,814	3%	
202-35-41-5655 EQUIPMENT RENTAL, W/WW DIST	750	773	796	820	844	3%	
202-35-41-6010 EQUIPMENT, CAP OUT, W/WW DIST	-	-	-	-	-	3%	
202-35-41-6060 REAL PROPERTY	-	-	-	-	-	3%	
202-35-41-6241 GILLS BRANCH WASTEWATER LINE	-	-	-	-	-	3%	
202-35-41-6242 CHESTNUT SQ. WATER LINE	-	-	-	-	-	3%	
WATER PRODUCTION/TREAT							
202-35-43-5212 CHEMICALS, W PROD	-	-	-	-	-	3%	
202-35-43-5228 SMALL TOOLS, WATER PROD	-	-	-	-	-	3%	
202-35-43-5303 SYSTEM MAINTENANCE, W PROD	-	-	-	-	-	3%	
202-35-43-5320 EQUIPMENT MAINT, W PROD	-	-	-	-	-	3%	
202-35-43-5403 UTILITIES, WATER PROD	-	-	-	-	-	3%	
202-35-43-5505 PROFESSIONAL SERV, WATER PROD	-	-	-	-	-	3%	
202-35-43-5506 LAB FEES, WATER PROD	-	-	-	-	-	3%	
202-35-43-5524 PUMPING FEES, WATER PROD	-	-	-	-	-	3%	
202-35-43-6010 EQUIPMENT, CAP OUT, W/WW PROD	-	-	-	-	-	3%	
202-35-43-6233 WATER WELL DEVELOP, WATER PRO	-	-	-	-	-	3%	
WW TREATMENT PLANT							
202-35-46-5212 CHEMICALS, WW TP	29,165	30,988	32,918	34,980	37,177		
202-35-46-5228 SMALL TOOLS, WW TP	800	824	849	874	900	3%	

City of Bastrop, Texas
 Water and Wastewater Department
 Cost of Service and Rate Design Study



Schedule 2
 Five Year Projection of Wastewater Revenue Requirement

	2017	2018	2019	2020	2021	Inflation Rate	NOTES
202-35-46-5303 SYSTEM MAINT, WW TP	185,000	190,550	196,267	202,154	208,219	3%	
202-35-46-5320 EQUIPMENT MAINT, WW TP	60,100	61,903	63,760	65,673	67,643	3%	
202-35-46-5403 UTILITIES, WW TP	170,753	181,394	192,726	204,797	217,658		
202-35-46-5505 PROFESSIONAL SERVICES, WW TP	40,000	41,200	42,436	43,709	45,020	3%	
202-35-46-5506 LAB FEES, WW TP	37,000	38,110	39,253	40,431	41,644	3%	
202-35-46-6010 CAPITAL OUTLAY	93,692	96,503	99,398	102,380	105,451	3%	
TOTAL EXPENSE	\$ 2,051,695	\$ 2,788,311	\$ 2,952,401	\$ 3,274,831	\$ 3,338,375		

REVENUES							
WATER REVENUES							
202-00-00-4101 WATER SALES-RESIDENTIAL	\$ --	\$ --	\$ --	\$ --	\$ --		
202-00-00-4102 WATER SALES-COMMERCIAL	--	--	--	--	--		
202-00-00-4150 PENALTIES	--	--	--	--	--		
202-00-00-4152 WATER TAPPING FEES	--	--	--	--	--		
202-00-00-4154 WATER SERVICE FEES	--	--	--	--	--		
202-00-00-4156 OTHER	--	--	--	--	--		
202-00-00-4161 SPECIAL PROJECT REIMB	--	--	--	--	--		
WASTEWATER REVENUES							
202-00-00-4201 WASTEWATER SALES-RESIDENTIAL	--	--	--	--	--		
202-00-00-4202 WASTEWATER SALES-COMMERCIAL	--	--	--	--	--		
202-00-00-4250 PENALTIES	23,980	23,980	23,980	23,980	23,980		
202-00-00-4252 SEWER TAPPING FEES	2,000	2,000	2,000	2,000	2,000		
202-00-00-4253 SEPTIC TANK DUMP FEES	--	--	--	--	--		
202-00-00-4256 OTHER	5,000	5,000	5,000	5,000	5,000		
INTEREST INCOME							
202-00-00-4400 INTEREST RECEIPTS	8,352	8,352	8,352	8,352	8,352		
202-00-00-4401 INTEREST RECEIPTS	--	--	--	--	--		
MISCELLANEOUS							
202-00-00-4501 GRANT PROCEEDS	--	--	--	--	--		
202-00-00-4512 SALE OF FIXED ASSETS	--	--	--	--	--		
202-00-00-4519 BACKFLOW TESTING COST	2,088	2,088	2,088	2,088	2,088		
202-00-00-4528 CONSERVATION PROGRAM	--	--	--	--	--		
202-00-00-4546 SPECIAL PROJECT REIMBURSEMENT	--	--	--	--	--		
202-00-00-4547 BY THE WAY CAMPGROUND	22,000	22,660	23,340	24,040	24,761	3%	
202-00-00-4548 LCRA/WCID	125,000	128,750	132,613	136,591	140,689	3%	
TOTAL REVENUES	\$ 188,420	\$ 192,830	\$ 197,372	\$ 202,051	\$ 206,870		

City of Bastrop, Texas
 Water and Wastewater Department
 Cost of Service and Rate Design Study



Schedule 2
 Five Year Projection of Wastewater Revenue Requirement

	2017	2018	2019	2020	2021	Inflation Rate	NOTES
TOTAL REVENUE REQUIREMENT	\$ 1,868,275	\$ 2,595,481	\$ 2,755,029	\$ 3,072,780	\$ 3,131,505		
	TRUE						

CITY COUNCIL

AGENDA COVER SHEET

DATE SUBMITTED: January 3, 2017

MEETING DATE: January 10, 2017

1. Agenda Item: APPROVAL OF MINUTES FROM SPECIAL MEETING OF SEPTEMBER 8, 2016 AND REGULAR COUNCIL MEETINGS OF JULY 26, 2016 AND DECEMBER 13, 2016.

2. Party Making Request: City Secretary, Ann Franklin

3. Attachments: Yes XX No _____

**MINUTES OF REGULAR COUNCIL MEETING
BASTROP CITY COUNCIL
July 26, 2016**

The Bastrop City Council met in a Regular Meeting on Tuesday, July 26, 2016 at 6:30 p.m. at the Bastrop City Hall Council Chambers, located at 1311 Chestnut Street, Bastrop, Texas. Members present were Mayor Ken Kesselus and Mayor Pro Tem DeLaRosa and Council Members Peterson, Schiff and Jones.

CALL TO ORDER

At 6:30 p.m. Mayor Kesselus called the Meeting to order with a Quorum being present. Council Member McAnally was absent. Council approved the absence as excused.

E. EXECUTIVE SESSION

E1. The Bastrop City Council met at 6:35 p.m. in a closed/executive session pursuant to the Texas Government Code, Chapter 551, *et seq.* to discuss the following:

1. **SECTION 551.071(1)(A)(B) & SECTION 551.071(2)** – Consultation with Attorney(s) concerning: (1) potential, pending, threatened, and/or contemplated litigation, claims, and/or settlement/mediation, including (*but not limited to*) the following: municipal water supply, code enforcement matters, subdivision development, and or pending litigation matters concerning 909/ 911 Farm Street, and/or (2) matter upon which the Attorney(s) have a duty and/or responsibility pursuant to the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas to report to the governmental body, concerning these matters, and/or any other matters posted on the agenda.

E2. The Bastrop City Council reconvened at 7:05 p.m. into open (public) session to discuss, consider and/or take any actions necessary related to the executive session(s) items noted herein, or regular agenda items, noted above, and/or related agenda items.

ACTION ON EXECUTIVE SESSION

1. **SECTION 551.071(1)(A)(B) & SECTION 551.071(2)** – Consultation with Attorney(s) concerning: (1) potential, pending, threatened, and/or contemplated litigation, claims, and/or settlement/mediation, including (*but not limited to*) the following: municipal water supply, code enforcement matters, subdivision development, and or pending litigation matters concerning 909/ 911 Farm Street, and/or (2) matter upon which the Attorney(s) have a duty and/or responsibility pursuant to the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas to report to the governmental body, concerning these matters, and/or any other matters posted on the agenda.

Interim City Manager Steve Adcock summarized the discussion: Pending litigation with the VanDiver, Red Light and Pine Forest cases.

Senior Advisor Mike Talbot made the announcement that today the Administrative Law Judge O'Malley issued his proposal for the decision concerning the City's well permit at XS Ranch. The Judge's conclusion was that all evidence show that the City's application for its operating permit for Well Number 1 should be granted with the full amount requested of 2,000 acre feet and pumping at a 150 gallons per minute by the Lost Pines Groundwater District with

a spacing drainage granted and the City's proposed mitigation fund will protect all well owners in the area affected in any way.

Council Member Jones made the motion to have the City Council put under review the local cases that the City has in litigation with an attorney to be determined by the Mayor, City Manager and one Council Member of the Mayor's choice for the merits on how the Council moves forward, seconded by Council Member Schiff. The motion was approved on a vote of 4-0. Council Member McAnally was absent.

Council Member Jones made the motion that going forward the City Manager is instructed to make sure all invoices for legal fees are in a form that will allow the invoices to be published for the public upon request, seconded by Mayor Pro Tem DeLaRosa. The motion was approved on a 4-0 vote. Council Member McAnally was absent.

Council Member Jones made the motion directing to the City Manager to determine how all previous invoices may be made available to the public without jeopardizing any sort of strategy or previous information provided in the invoices that might create some sort of compromising situation, seconded by Council Member Schiff. Additional direction was given to the City Manager to look at the cost associated with carrying out the direction above and bring this information back to the City Council with the information on how far back it is practical to go in retrieving this information without an undue expense. Council Member Schiff who made the second later withdrew his second.

Council Member Jones made the motion that previous invoices up to six months be made available to the public understanding that those need to be resubmitted to the Attorney, opportunity for redacting in order to avoid jeopardizing any pending litigation and if it needs to go further than six months Council Member Jones would look to the City Manager to determine if it is reasonable, seconded by Council Member Schiff. The motion was approved on a 4-0 vote. Council Member McAnally was absent.

PLEDGE OF ALLEGIANCE

Mayor Kesselus led the Pledge of Allegiance

INVOCATION

Council Member Jones gave the Invocation.

PRESENTATIONS

- A. Update on Bastrop Economic Development Corp (BEDC). – Executive Director, Shawn Kirkpatrick
Shawn Kirkpatrick gave the update.
- B. Presentation and possible discussion from organizations seeking 2017 Hotel Occupancy Funding (HOT Funds) – Chief Financial Officer, Tracy Waldron
 - a. Tough Mudder Event Production, Inc. – **Via video**
 - b. Bastrop Opera House –**David Bragg was the presenter.**
 - c. Bastrop Fine Arts Guild (Lost Pines Art League) –**Patricia Rendulic and Jeannette Condray were the presenters.**
 - d. Bastrop Family YMCA –**Terry Moore was the presenter.**

- e. Bastrop Downtown Business Alliance - **Brad Cook and Kathileen Queso were the presenters.**
- f. Bastrop County Women's Shelter, dba Family Crisis Center - **Charlotte Pietsch was the presenter.**
- g. Bastrop County Historical Society - **Georgina Ngozi was the presenter.**
- h. Bastrop Chamber of Commerce - **Becki Womble was the presenter.**

PROCLAMATIONS - NONE

ANNOUNCEMENTS AND INFORMATION

- A. Update on Comprehensive Plan Steering Committee – Kay Garcia McAnally
- B. Distribution of Items to Council (If Necessary) – Ann Franklin
- C. Items Targeted for Future Meetings.
- D. Communication regarding offer of “BALD KNOB.”

7. City Manager's Informational Report for the July 26, 2016 City Council Meeting:

I. Meetings and Events Attended:

- Met with Judge Pape
- DMO Interviews
- City Council 7-12-16
- Comp Plan Steering Committee
- Certified Public Manager Training in Round Rock
- Water Rate and Impact Fees Meeting
- EDC Board Meeting
- Joint City Council/P&Z Meeting
- Chamber of Commerce Board Meeting
- YMCA Meeting
- Bastrop West Developer Meeting
- Pecan Park Developer Meeting
- Open Forum with Citizens about Pecan Park
- Bastrop County Office of Emergency Management
- Numerous Citizen Meetings
- Cemetery Board Meeting
- Numerous staff meetings

II. Update on City Projects and Issues:

- Staff Reports

Announcement by JC Brown, City Attorney – Ms. Brown announced her resignation effective immediately.

Mayor Kesselus recessed the Council Meeting at 8:50 p.m.

Mayor Kesselus called the meeting back to order at 9:00 p.m.

8. CITIZEN COMMENTS

Jane Sanders – Ms. Sanders is with the Bastrop Homecoming, she stated that she thought they were on the agenda for receiving HOT Funds from the City of Bastrop but they were not because of an oversight on their part. She requested to submit the application at this time.

Bonnie Coffey – Stated there is a lack of supporting documents and the agenda has vague items.

Lee Harle – Voiced his concern with some of the bickering.

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

- A.1** Consideration, discussion and possible action regarding approval of minutes from the regular Council Meeting of June 28, 2016.
Mayor Pro Tem DeLaRosa made the motion to approve the minutes from the regular Council Meeting of June 28, 2016, seconded by Council Member Peterson. The motion was approved on a vote of 4-0. Council Member McAnally was absent.
- A.2** Approval of Bastrop Marketing Corporation's request for reimbursement of funds for June 2016 in accordance with the agreement to be spent on advertising and marketing the City of Bastrop area.
Mayor Pro Tem DeLaRosa made the motion to approve the Bastrop Marketing Corporation's request for reimbursement of funds for June 2016, seconded by Council Member Schiff. The motion was approved on a vote of 4-0. Council Member McAnally was absent.
- A.3** Consideration, discussion and possible action on acceptance of the unaudited Monthly Financial Reports for the period ending June 30, 2016.
Council Member Schiff made the motion to accept the unaudited Monthly Financial Reports for the period ending June 30, 2016, seconded by Mayor Pro Tem DeLaRosa. The motion was approved on a vote of 4-0. Council Member McAnally was absent.
- A.4** Appointment by Mayor, subject to confirmation by City Council of Steve Adcock to Place 1 on the Hunters Crossing Local Government Corporation Board.
Mayor Pro Tem DeLaRosa made the motion to appoint Steve Adcock to Place 1 on the Hunters Crossing Local Government Corporation Board, seconded by Council Member Schiff. The motion was approved on a vote of 4-0. Council Member McAnally was absent.
- A.5** Consideration, discussion and possible action regarding the release of the City Attorney's legal fees to the public.
This item was withdrawn.
- A.6** Consideration, discussion and possible action on setting the funding available for Community Support Services funded in FY 17 in the amount of \$80,000.

Council Member Schiff made the motion to set the funding available for Community Support Services funded in FY 17 in the amount of \$80,000, seconded by Mayor Pro Tem DeLaRosa. The motion was approved on a vote of 4-0. Council Member McAnally was absent.

- A.7 Consideration, discussion and possible action regarding the revision to correct textual errors in the original ordinance - an ordinance granting a zone change from SF9, single family residential-9 and A/OS – agricultural/open space to PD, residential planned development for approximately 90.91 acres within all Bastrop Town Tract, located north of the railroad tracks on the northwest corner of Riverwood/Hawthorne and Carter Street within the city limits of Bastrop, Texas as part of the Piney Creek Bend; setting out conditions and establishing an effective date.

Council Member Schiff made the motion to correct textual errors, seconded by Council Member Peterson. The motion was approved on a vote of 3-1. Mayor Pro Tem DeLaRosa voted nay. Council Member McAnally was absent.

- A.8 Consideration, discussion and possible action regarding the approval of the Bastrop Art in Public Places 2017 Transformer Cabinet Mural Project Call to Artist.

Council Member Schiff made the motion to approve the Bastrop Art in Public Places 2017 Transformer Cabinet Mural Project Call to Artist, seconded by Mayor Pro Tem DeLaRosa. The motion was approved on a vote of 4-0. Council Member McAnally was absent.

- A.9 Consideration, discussion and possible action regarding the approval of the Bastrop Art in Public Places 2017 Sculpture Project Call to Artist

Council Member Schiff made the motion to approve the Bastrop Art in Public Places 2017 Sculpture Project Call to Artist, seconded by Council Member Peterson. The motion was approved on a vote of 4-0. Council Member McAnally was absent.

B. PUBLIC HEARINGS, ORDINANCES & OTHER ITEMS ELIGIBLE FOR CONSIDERATION AND/OR ACTION

- B.1 **CONDUCT A PUBLIC HEARING** to receive citizens input on a Replat of Lots 21 and 22-B being +/- 9.8665 acres in Surburbia Estates Subdivision and +/- 3.500 acres out of the Nancy Blakey Survey, Abstract No. 98 located within the Bastrop, Texas One Mile Extra Territorial Jurisdiction (ETJ).

Public hearing was conducted.

- B.2 Discussion, consideration and possible action by the City Council on a Replat of Lots 21 and 22-B being +/- 9.8665 acres in Surburbia Estates Subdivision and +/- 3.500 acres out of the Nancy Blakey Survey, Abstract No. 98 located within the Bastrop, Texas One Mile Extra Territorial Jurisdiction (ETJ).

Council Member Schiff made the motion to approve the replat, seconded by Council Member Peterson. The motion was approved on a vote of 4-0. Council Member McAnally was absent.

C. OLD BUSINESS - NONE

D. NEW BUSINESS

- D.1** Consideration, discussion and action regarding the creation of a Charter Review Committee. **Council Member Peterson made the motion to create a Charter Review Committee selected as outlined below with a deadline of August 9, 2016 for Council Members to turn in their appointments, seconded by Council Member Jones. The motion was approved on a vote of 4-0. Council Member McAnally was absent.**

Selection process for Charter Review Committee:

- **Mayor appoint and Council approve a Council Member as the Chair.**
- **Each Council Member make one appointment.**
- **The Mayor appoint a single appointment.**
- **Mayor may have up to an additional two appointments of qualified citizens if the Mayor feels one or both will help the committee better reflect the overall nature of the citizenry with the approval of Council.**

Council Member Jones made the motion to appoint Council Member Schiff as the chair of the Charter Review Committee, seconded by Council Member Peterson. The motion was approved on a vote of 4-0. Council Member McAnally was absent.

- D.2** Discussion, consideration and possible action to approve the Final Plat for Pecan Park Section 5B consisting of 43 residential lots, totaling +/-12.63 acres out of a +/- 311.302 acre tract out of the Mozea Rousseau Survey within the city limits of Bastrop, Texas located west of Perkins Street.

Council Member Jones made the motion to approve the Final Plat for Pecan Park Section 5B and authority be given to the Planning Department to enforce the proposed construction schedule provided by the contractor and to pursue and work with the developer to get a more detailed set of construction plans for the proposed drainage plan, seconded by Council Member Schiff. Council Member Jones later withdrew her motion.

Council Member Jones made the motion to approve the Final Plat for Pecan Park Section 5B and authority be given to the Planning Department to enforce the proposed construction schedule provided by the contractor and to pursue and work with the developer to get a more detailed set of construction plans for the proposed drainage plan and to give specific attention to cleaning out the area along Perkins Street, seconded by Council Member Schiff. The motion was approved on a 4-0 vote. Council Member McAnally was absent.

- D.3** First reading of an ordinance of the City Council of the City of Bastrop, Texas amending definitions #75 and #270.1 and adding a new definition #77.1 in Appendix A-3 in Chapter 14 of the City of Bastrop zoning ordinance for the term "Custom Personal Service Shops" to include dermapigmentation services as accessory use to barber/beauty shop uses and add definition of dermapigmentation (A/K/A permanent makeup); providing a severability clause; and providing an effective date.

Council Member Jones made the motion to approve the first reading of the ordinance, seconded by Council Member Schiff. The motion was approved on a 3-1 vote. Mayor Pro Tem DeLaRosa voted nay. Council Member McAnally was absent.

- D.4** Consideration, discussion and possible action regarding the vote to accept offer from BEDC to purchase the 921 Main Street property.
Council Member Jones made the motion to instruct the City Manager to negotiate and execute a contract with BEDC to accept the BEDC offer, seconded by Mayor Pro Tem DeLaRosa. The motion was approved on a 4-0 vote. Council Member McAnally was absent.
- D.5** Consideration, discussion, and possible action on the Council setting the funding amount available for organizations requesting the use of 2017 Hotel Occupancy Tax funds (HOT Funds).
Council Member Schiff made the motion to set \$225,000 HOT Fund Tier 2 for 2017, seconded by Council Member Jones. The motion was approved on a 4-0 vote. Council Member McAnally was absent.
- D.6** First reading of an ordinance of the City Council of the City of Bastrop, Texas, amending City Code, Chapter 7, Article 7.01, Section 7.01.10, related to Municipal Court prosecutions by City Attorney(S); Chapter 9, Article 9.04, related to appointment and powers and duties of the City Attorney; and Chapter 11, Article 11.04, Section 11.04.008, related to City Attorney's authority to bring suit to collect the tax imposed by the City; repealing conflicting ordinances; including a severability clause; and establishing an effective date.
This item was withdrawn.
- D.7** Consideration, discussion and possible action regarding the creation of a Sign Ordinance Committee.
This item was withdrawn.
- D.8** Consideration, discussion, and possible action regarding JC Brown, City Attorney.
Council Member Jones made the motion to direct the City Manager and Mayor to hire an interim City Attorney until further direction from the Council, seconded by Council Member Schiff. The motion was approved on a 3-1 vote. Mayor Pro Tem DeLaRosa voted nay. Council Member McAnally was absent.
- D.9** Consideration, discussion, and possible action regarding the process that City will use to search for and select a permanent City Manager.
Council Member Jones made the motion to have the Mayor, City Manager, Libby Sartain and Mayor Pro Tem DeLaRosa form a committee; over the next week input from staff and commissions and boards a list of describing the desired city manager in order for the list to be provided to the prospective head hunter, seconded by Council Member Schiff. The motion was later withdrawn by Council Member Jones, the maker of the motion.
- Council Member Jones made the motion to approve the following procedure regarding the search and selection of a permanent City Manager, seconded by Council Member Schiff. The motion was approved on a 4-0 vote. Council Member McAnally was absent.**
- Creating a Request for Proposal (RFP) for consultants to help find a City Manager:**
(1) On July 26, the Council will authorize a drafting-only committee composed of the Mayor, Council Member DeLaRosa and Libby Sartain, with staff support from the Human Resource Director Tanya Cantrell.

- (2) The drafting committee will begin immediately by soliciting emailed or written suggestions from Council Members, all employees, and all members of boards, commissions, and task forces regarding ingredients to be considered in the writing of a draft RFP.
- (3) The drafting committee will propose a draft RFP to be presented to the Council on August 2, 2016.
- (4) August 2, 2016 Meeting:
 - (a) The committee will present a draft RFP.
 - (b) Citizens may offer their input.
 - (c) The Council will decide on the final version of the RFP.
- (5) After making any required adjustments, the Human Resources Director will expeditiously advertise the search for assistance in finding candidates for City Manager and promulgate the RFP to specific, identified consultants and firms.

E. EXECUTIVE SESSION

E1. The Bastrop City Council met at 11:00 p.m. in a closed/executive session pursuant to the Texas Government Code, Chapter 551, *et seq.*, to discuss the following:

1. SECTION 551.071(1)(A)(B) & SECTION 551.071(2) – Consultation with Attorney(s) concerning: (1) potential, pending, threatened, and/or contemplated litigation, claims, and/or settlement/mediation, including (*but not limited to*) the following: municipal water supply, code enforcement matters, subdivision development, and or pending litigation matters concerning 909/ 911 Farm Street, and/or (2) matter upon which the Attorney(s) have a duty and/or responsibility pursuant to the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas to report to the governmental body, concerning these matters, and/or any other matters posted on the agenda.
This item was withdrawn.
2. SECTION 551.072 – Deliberation regarding real property: Regarding the purchase, exchange, lease, disposition, negotiations or value of real property.
3. Section 551.087 – To discuss, evaluate or deliberate regarding commercial, financial, business or other information that the City has received related to economic development opportunities or prospects in or near the territory of the City, and/or to deliberate the potential offer of economic incentives to a business prospect, as note herein.
This item was withdrawn.
4. SECTION 551.086 – To discuss Certain Public Power Utilities: Competitive Matters – Bastrop Power & Light Budget, and/or related electric public power utility information and matters.
5. SECTION 551.074 – Personnel Matters - City Manager

E2. The Bastrop City Council will reconvene into open (public) session to discuss, consider and/or take any actions necessary related to the executive session(s) items noted herein, or regular agenda items, noted above, and/or related agenda items.

ACTION ITEMS FROM EXECUTIVE SESSION (If any are needed.) –NO ACTION NEEDED

- E.2.2. SECTION 551.072** – Deliberation regarding real property: Regarding the purchase, exchange, lease, disposition, negotiations or value of real property.
- E.2.4 SECTION 551.086** – To discuss Certain Public Power Utilities: Competitive Matters – Bastrop Power & Light Budget, and/or related electric public power utility information and matters.
- E.2.5 SECTION 551.074** – Personnel Matters - City Manager

ADJOURNMENT

Council Member Schiff made the motion to adjourn the meeting at 11:30 p.m., seconded by Council Member Peterson. The motion was approved on a 4-0 vote. Council Member McNally 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.

**MINUTES OF SPECIAL COUNCIL MEETING
BASTROP CITY COUNCIL
SEPTEMBER 8, 2016**

The Bastrop City Council met in a Special Meeting on Tuesday, September 8, 2016 at 6:30 p.m. at the Bastrop City Hall Council Chambers, located at 1311 Chestnut Street, Bastrop, Texas. Members present were Mayor Kesselus and Mayor Pro Tem DeLaRosa, and Council Members Peterson, Schiff, Jones and McAnally. Officers present were Interim City Manager Marvin Townsend, 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.

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

- A.1** Board appointment by Mayor Ken Kesselus and confirmation by the Bastrop City Council Members on the appointment of Tom Scott to Place 5 on the Fairview Cemetery Advisory Board with a term of 2016 - 2019.
Council Member Schiff made the motion to appoint Tom Scott to Place 5 on the Fairview Cemetery Advisory Board, seconded by Mayor Pro Tem DeLaRosa. The motion was approved on a vote of 5-0 vote.
- A.2** Approval of the second reading of an ordinance of the City Council of the City of Bastrop, Texas, amending City Code, Chapter 7, Article 7.01, Section 7.01.10, related to Municipal Court prosecutions by City Attorney(S); Chapter 9, Article 9.04, related to appointment and powers and duties of the City Attorney; and Chapter 11, Article 11.04, Section 11.04.008, related to City Attorney's authority to bring suit to collect the tax imposed by the City; repealing conflicting ordinances; including a severability clause; and establishing an effective date.
Council Member Schiff made the motion to approve the ordinance, seconded by Council Member Peterson. The motion was approved on a 5-0 vote.
- A.3** Approval of second reading of a proposed ordinance by the City Council of the City of Bastrop Texas, amending the budget for the Fiscal Year 2016 in accordance with existing statutory requirements; appropriating the various amounts herein; repealing all prior ordinances and actions in conflict herewith; and providing for an effective date.
Mayor Pro Tem DeLaRosa made the motion to approve the ordinance, seconded by Council Member Schiff made the motion to approve the ordinance. The motion was approved on a 5-0 vote.
- A.4** Approval of second reading of a proposed ordinance by the City Council of the City of Bastrop, Texas: revising the City Code of Ordinances, Chapter 13, "Utilities," by: amending Section 13.02.008 "Billing; Discontinuance of Service" by adding Subsection 13.02.008(b) "Average Monthly Payment Plan" and by amending Section 13.07.005 by adding Subsection 13.07.005(h) "Average Monthly Payment Plan" and providing an effective date.

Council Member Schiff made the motion to approve the ordinance, seconded by Mayor Pro Tem DeLaRosa. The motion was approved on a 5-0 vote.

- A.5** Approval of revisions to correct textual errors in the original ordinance - an ordinance of the City Council of the City of Bastrop, Texas, amending Section 1.15.151 "Creation of Ethics Commission" of the "Ethics Ordinance" in the Code of Ordinances of the City of Bastrop; providing a severability clause; and providing an effective date
Mayor Pro Tem DeLaRosa made the motion to approve the revisions to the ordinance, seconded by Council Member Schiff. The motion was approved on a 5-0 vote.

- A.6** Consideration, discussion and possible action on acceptance of the unaudited Monthly Financial Reports for the period ending July 31, 2016.
Council Member Schiff made the motion to approve the acceptance of the unaudited Monthly Financial Reports for the period ending July 31, 2016. The motion was approved on a 5-0 vote.

B. PUBLIC HEARINGS, ORDINANCES & OTHER ITEMS ELIGIBLE FOR CONSIDERATION AND/OR ACTION

- B.1** Conduct a public hearing: The City Council will conduct the first "Public Hearing" on the Proposed Property Tax Rate for the City of Bastrop for Fiscal Year 2017.
Public hearing was closed.

- B.2** Status of extending Bastrop's Certificate of Convenience and Necessity (CCN) - water along Highway 71. The legal work carried out by Charles Bundren is essentially complete. Trey Job will keep up with any responses to the final notice which has been distributed to CCN's in the vicinity. The CCN extension will be final in 90 days.
The status was given by Trey Job, Director of Public Works, Parks and Utilities and Marvin Townsend, Interim City Manager.

Council Member McAnally made the motion to instruct the Interim City Manager to investigate a more aggressive annexation approach, seconded by Mayor Pro Tem DeLaRosa. The second was later withdrawn by Mayor Pro Tem DeLaRosa, who made the second.

EXECUTIVE SESSION

The Bastrop City Council met at 7:25 p.m. in a closed/executive session pursuant to the Texas Government Code, Chapter 551, et seq, to discuss the following:

- SECTION 551.071(1)(A)(B) & SECTION 551.071(2)** – Consultation with Attorney concerning: (1) potential, pending, threatened, and/or contemplated litigation, claims, and/or settlement/mediation, including (*but not limited to*) the following: municipal water supply, pending and/or potential code enforcement, and/or (2) matters upon which the Attorney(s) have a duty and/or responsibility pursuant to the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas to report to the governmental body, concerning these matters, and/or any other matters posted on the agenda, including Bastrop v. VanDiver, Watson, et al v. City of Allen, et al. and Bastrop County, et al v Pine Forest Investment's Group.

ACTION FROM EXECUTIVE SESSION

- SECTION 551.071(1)(A)(B) & SECTION 551.071(2)** – Consultation with Attorney concerning: (1) potential, pending, threatened, and/or contemplated litigation, claims, and/or

settlement/mediation, including *(but not limited to)* the following: municipal water supply, pending and/or potential code enforcement, and/or (2) matters upon which the Attorney(s) have a duty and/or responsibility pursuant to the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas to report to the governmental body, concerning these matters, and/or any other matters posted on the agenda, including *Bastrop v. VanDiver, Watson, et al v. City of Allen, et al. and Bastrop County, et al v Pine Forest Investment's Group.*

Interim City Manager Marvin Townsend summarized the executive session discussion by stating: City Council discussed the status of the current contract, what its terms provide and a lot of discussion about the status of progress/non progress regarding the development of the next well; what the future holds and an amendment that has been suggested by the owners that would stretch out some of the deadlines and would assure the City of an additional 3,000 acres for the water. The issues that are involved in the factors have been what the Council has been discussing during this executive session.

The Bastrop City Council reconvened at 8:21 p.m. into open (public) session to discuss, consider and/or take any actions necessary related to the executive session(s) items noted herein, or regular agenda items, noted above, and/or related agenda items.

B. PUBLIC HEARINGS, ORDINANCES & OTHER ITEMS ELIGIBLE FOR CONSIDERATION AND/OR ACTION - CONTINUED

B.3 Status update on XS Ranch water.

Council Member Schiff made the motion that the Council accept the principals that are in amendment three and that the Council instruct the City Manager and the City Attorney to follow those principles but to clear up several inconsistencies that are apparent in the contract amendment and bring a new amendment that has been reviewed and accepted by XS Ranch back to Council at a future meeting, seconded by Council Member Jones. The motion was approved on a 4-1 vote. Mayor Pro Tem DeLaRosa voted nay.

B.4 Status of Well Permit Application.

Interim City Manager Marvin Townsend gave a status update.

- **Notice was received from the Administrative Law Judge that the Administrative Law Judge has issued his actions regarding the request to modify the proposal for decision and has so notified the Lost Pines Groundwater Conservation District.**
- **Mr. Townsend anticipates this item being on the Council's October agenda.**

B.5 Horses and Parades.

Update was given by Interim City Manager Marvin Townsend. It was made clear that horses were not/are not prohibited by the City in parades.

B.6 Discussion of legal bills.

The discussion was led by Interim City Manager Marvin Townsend.

C. OLD BUSINESS

C.1 Consideration, discussion and possible action regarding any final adjustments to the FY 2016-2017 Budget.

Discussion was held.

D. NEW BUSINESS

- D.1** Consideration, discussion and possible action regarding the approval to renew the lease agreement with LCRA for the Rusty Reynolds little league baseball fields. The lease of the 20.97 acre site will be for 5 years with mutual consent renewals.
Mayor Pro Tem DeLaRosa made the motion to approve the lease agreement with LCRA for the Rusty Reynolds little league baseball fields and an amendment to correct the City of Bastrop address in the agreement, seconded by Council Member Schiff. The motion was approved on a 5-0 vote.
- D.2** Consideration, discussion and possible action regarding entering into a maintenance agreement between L&L Ranch LLC, through its authorized agent Robert K. Long, Sr. and the City of Bastrop. The agreement includes Gills Branch from the Colorado River to the South side of Highway 71 for approximately 3,500 feet and a maintenance working area about 40 feet on each side of the ditch. The easement will be for 9 years with the possibility of negotiating a 10 year renewal or an easement in perpetuity at the end of the first 9 year lease
Mayor Pro Tem DeLaRosa made the motion to approve entering into a maintenance agreement between L&L Ranch LLC, through Robert K Long, Sr, authorized agent and the City of Bastrop, seconded by Council Member McAnally. The motion was approved on a 5-0 vote.
- D.3** Consideration, discussion and possible action on a recommendation that a public hearing be held at the September 13, 2016 regular council meeting for the closing of portions of the following unopened streets”
- 1) Mill Street (Blocks 20,21,97 and 98 generally running east/west from Paul C Bell/Pecan to Hill Street
 - 2) South Street (Blocks 98,97) generally running east/west from old city limits to Hill Street/Lovers Lane
 - 3) Paul C Bell/Pecan (Blocks 98, 99) generally running north/south from Mill Street to old city limits
 - 4) Jefferson Street (Blocks 20, 21, 97, 98) generally running north/south from Jasper to South Street
- D.4** Status Report – Pine Forest litigation
- a. Regional Presiding Judge Olen Underwood on August 11, 2016 denied the motion to recuse Judge Campbell
 - b. The hearing on those motions originally scheduled for July 27, 2016 have now been set for September 21, 2016 at 10:30 a.m.

E. EXECUTIVE SESSION CONTINUED

The Bastrop City Council met AT 9:06 p.m. in a closed/executive session pursuant to the Texas Government Code, Chapter 551, et seq, to discuss the following:

1. **SECTION 551.071(1)(A)(B) & SECTION 551.071(2)** – Consultation with Attorney concerning: (1) potential, pending, threatened, and/or contemplated litigation, claims, and/or settlement/mediation, including (*but not limited to*) the following: municipal water supply, pending and/or potential code enforcement, and/or (2) matters upon which the Attorney(s) have a duty and/or responsibility pursuant to the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas to report to the governmental body, concerning these matters, and/or any other matters posted on the agenda, including Bastrop v. VanDiver, Watson, et al v. City of Allen, et al. and Bastrop County, et al v Pine Forest Investment’s Group.

The Bastrop City Council reconvened at 10:18 p.m. into open (public) session to discuss, consider and/or take any actions necessary related to the executive session(s) items noted herein, or regular agenda items, noted above, and/or related agenda items.

D. NEW BUSINESS - CONTINUED

D.5 Recommendation that the City not extend the red light camera contract with American Traffic Solutions, ask the contractor to continue to pursue collection of unpaid tickets and not incur new obligations against the special camera fund until pending litigation is resolved.

The Interim City Manager, Marvin Townsend made the recommendation to the City Council that Bastrop County be advised that the City of Bastrop does not intend to extend the red light camera contract with American Traffic Solutions but request that Bastrop County continue to collect the unpaid tickets. The Interim City Manager will have a further recommendation to the Council as far as the future litigation.

Council Member Schiff made the motion to accept the recommendation, seconded by Mayor Pro Tem DeLaRosa. The motion was approved on a 5-0 vote.

ADJOURNMENT

Council Member Schiff made the motion to adjourn the meeting at 10:19 p.m., seconded by Mayor Pro Tem DeLaRosa. The motion was approved on a 5-0 vote.

APPROVED:

ATTEST:

Mayor Ken Kesselus

City Secretary Ann Franklin

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

**MINUTES OF REGULAR COUNCIL MEETING
BASTROP CITY COUNCIL
DECEMBER 13, 2016**

The Bastrop City Council met in a Regular Meeting on Tuesday, December 13, 2016 at 6:30 p.m. at the Bastrop City Hall Council Chambers, located at 1311 Chestnut Street, Bastrop, Texas. Members present were Mayor Kesselus and Mayor Pro Tem DeLaRosa, and Council Members Peterson, Schiff, Jones and McAnally. Officers present were Interim City Manager Marvin Townsend, City Secretary Ann Franklin and City Attorney David Bragg.

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

Mayor Pro Tem DeLaRosa led the Pledge of Allegiance

INVOCATION

Council Member Schiff gave the Invocation.

PRESENTATIONS

- A. Update regarding ongoing drainage improvements, including Hunters Crossing.
Wesley Brandon, Director of Planning and Engineering provided the update.
- B. Update on the Police Department remodel – Steve Adcock
Steve Adcock, Public Safety Director

PROCLAMATIONS - NONE**ANNOUNCEMENTS**

- A. Distribution of Items to Council (If Necessary) – Ann Franklin
- B. Items Targeted for Future Meetings.
- C. Requests by Council Members for items on future agendas and requests for information from City Manager.
City Manager was directed to:
 - **Look the litter situation - after the shredding the litter situation is bad along Highway 71, Government Street, underneath the bridge at Main and Water Street;**
 - **Look into a Council Chamber Management System.**
 - **Obtain a three minute timer for the dais.**
- D. Announcements from Interim City Manager Marvin Townsend:
 - 1. The McCall Ranch Group and the Odem Group, landowners who have previously protested the City's well permit application being granted by the Lost Pines Groundwater Conservation District, filed a motion for rehearing by the District. The motion was filed on December 6, 2016.
 - 2. Travis County ESD #11 has sent a letter asking the City to consent to creation of a new overlay Fire District overlapping Bastrop's Extra-Territorial Jurisdiction (ETJ). It appears that 3 parcels, primarily in Bastrop County, extend into Travis County. These parcels were added to Bastrop's ETJ around 1985 and have since been divided. The properties are near the intersection of Highway 71 and Tucker Hill Road in the general vicinity of the CARTS

- Facility. The formal request has not been received. A replat will be prepared indicating the history of the parcels and the boundaries of Bastrop.
3. Report on progress of process of creating a DMO.

CITIZENS COMMENTS

David Perkins – Suggested that the City make a TV channel where Bastrop makes its own shows. He also offered his services to help with this due to his background.

Deborah Johnson – Thanked Council for donation of \$30,000 for support for the Wassail Fest.

Ann Beck – Stated the Wassail Fest was fabulous and Bastrop is a fun place. Ms. Beck stated that she is upset that Wesley Brandon's position has been joined with the City Planner and she hates that the City will not have a professional planner.

Richard Smarzik – Wanted to know when the DMO report will be released to the public. He stated the Wassail Fest was the best.

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

- A.1** Approval of minutes from workshops of February 16, 2016 and August 2, 2016 and regular council meetings of July 12, 2016, September 27, 2016 and November 22, 2016. (Due to an omission from previous agendas for approval this agenda contains a large group of minutes listed for approval. Going forward a system is in place to assure timely approval of written minutes. The minutes for July 26, 2016 and September 8, 2016 will be posted for approval on the January 10, 2017 meeting. Video recordings of the minutes are available on the City web page at http://www.cityofbastrop.org/page/cc.council_agendas)
- A.2** Approval of the proposed tax rebates for City designated Historic Landmarks.
- A.3** Approval and adoption of the Resolution adding Multi-Bank Securities, Inc. to the Eligible Broker/Dealer List to engage in investment transactions on behalf of the City of Bastrop in accordance with the City of Bastrop's Investment Policy.

Mayor Pro Tem DeLaRosa made the motion to approve the consent agenda, seconded by Council Member Schiff. The motion was approved on a vote of 5-0.

B. PUBLIC HEARINGS, ORDINANCES & OTHER ITEMS ELIGIBLE FOR CONSIDERATION AND/OR ACTION - NONE

C. OLD BUSINESS

- C.1** A report was provided to the City Council on November 22, 2016 regarding the status of the Third Amendment to the Water Purchase Agreement with XS Ranch. The report stated that

XS Ranch has approved the revisions to the amendment recommended by Mr. Bragg. The amendment provides an option to obtain 3,000 additional acre feet with the stipulation that the option must be exercised no later than 90 days after the City obtains a final non-appealable order from the Groundwater District for Well #1. The additional \$1,000,000 for the additional water rights will be paid in five annual payments of \$200,000 each beginning June 20, 2021. The Amendment has been signed by Mr. Foster for XS Ranch. Recommendation that Amendment #3 to the raw water purchase contract be approved and be executed by the City Manager.

Council Member Jones made the motion to approve and authorize the City Manager to execute Amendment #3 to the raw water purchase contract, seconded by Council Member McAnally. The motion was approved on a 4-1 vote. Mayor Pro Tem DeLaRosa voted nay.

- C.2 Second reading of an ordinance amending the budget for the Fiscal Year 2017 in accordance with existing statutory requirements; appropriating the various amounts herein; repealing all prior ordinances and actions in conflict herewith; and providing for an effective date.
Ordinance No. 2016-33 was approved on Council Member Jones' motion, Council Member Schiff's second. The motion was approved on a 5-0 vote.

D. NEW BUSINESS

- D.4 Consideration and discussion of the Bastrop 1832 Farmer's Market goals and objectives and future lease agreement. The Bastrop 1832 Farmer's Market board of directors has made great strides in setting goals and objectives in relationship to their evolving Business Plan development to ensure their future success as a destination market that is inclusive. Their current lease agreement expires on 12/31/16. The Board of Directors has also submitted an offer for continuation of their lease in 2017.
Mayor Pro Tem DeLaRosa made the motion to approve the Bastrop 1832 Farmer's Market lease on a month to month basis, seconded by Council Member Jones. The motion was approved on a 5-0 vote.
- D.5 Consideration, discussion and possible action concerning the appointment of the Interim City Attorney to the position of City Attorney as discussed at the Council meeting on November 22, 2016 and consideration, discussion and possible action concerning a proposed Attorney and Client Agreement to be effective December 13, 2016.
Council Member Schiff made the motion to appoint the Interim City Attorney to the position of City Attorney and approval of the Attorney and Client Agreement to be effective December 13, 2016, seconded by Council Member Jones. The motion was approved on a 4-1 vote.
- D.10 Consideration discussion and possible action to award a contract to MWM DESIGN GROUP from Austin to provide engineering services for design, bidding and construction phase for a field engineering project in the amount of \$73,370.75 the service will reconstruction of sidewalks including ramp relocation and mill/overly of roads in Historic Downtown Bastrop.
Presentation was made by Trey Job, Director of Public Works, Parks and Utilities.
Council Member made the motion to award a contract to MWM Design Group, seconded by Council Member. The motion was approved on a vote.

- D.11** Consideration discussion and possible action approving the Bastrop Art in Public Places Call to Artist for the 2017 Two Dimensional Art Project.

Presentation was made by Trey Job, Director of Public Works, Parks and Utilities.

Council Member Schiff made the motion to approve the Bastrop Art in Public Places Call to Artist, seconded by Council Member McAnally. The motion was approved on a 5-0 vote.

- D.13** Consideration discussion and possible action approving the draft agreement for infrastructure improvement in the Form Based Code Area of the City of Bastrop when it promotes water quality and improved fire flow.

Presentation was made by Trey Job, Director of Public Works, Parks and Utilities.

Council Member Jones made the motion to approve the draft agreement for infrastructure improvement, seconded by Council Member Schiff. The motion was approved on a 5-0 vote.

- D.14** Consideration, discussion and possible action regarding the request for City approval of FORESTAR (USA) REAL ESTATE GROUP INC. application to assign its consent agreement regarding the creation of the Colony Municipal Utility District #1 and successor Districts created by division of the Colony Municipal Utility District. Consent of the City to any assignment is a requirement of Section 5.03 of the original consent agreement when the City concurred in the creation of the Colony MUD. The requested assignment is to HUNT COMMUNITIES BASTROP, LLC who will be accepting all the original duties and obligations of FORESTAR (USA) REAL ESTATE GROUP INC.

Presentation was made by Marvin Townsend, Interim City Manager.

Mayor Pro Tem DeLaRosa made the motion to approve the request for City approval of Forestar (USA) Real Estate Group Inc., seconded by Council Member Jones. The motion was approved on a 5-0 vote.

- D.1** Consideration, discussion and possible action on repealing the current City Code, Section 12.06.004 regarding 2 hour parking in the downtown area and replacing it with a new ordinance limiting legal parking in the following areas to three (3) consecutive hours between the hours of 8 AM and 5 PM, except business holidays: east and west sides of Main Street from Pine Street to Farm Street. City Code, Section 12.06.011(b)(1) referring to "two-hour" parking would need to be changed to "three-hour" parking.

Council Member Schiff made the following motion, seconded by Mayor Pro Tem DeLaRosa. The motion was approved on a 5-0 vote.

The motion was to repeal parking ordinance Section 12.06.004 and direct the City Manager and Director of Public Safety to develop a new parking ordinance limiting legal parking in the following areas to three consecutive hours between the hours of 8:00 a.m. and 5:00 p.m., except business holidays: east and west sides of Main Street from Pine Street to Farm Street and to bring the new ordinance back to Council for consideration and possible approval by January 10, 2017.

- D.2** Consideration, discussion and possible action regarding the creation of a Charter Review Committee.

This item was withdrawn.

- D.6** Consideration, discussion and possible action regarding adoption of a standard leasing agreement for attachments to Utility Facilities.

Presentation was made by Andres Rosales, Director of Information Technology.

Council Member Schiff made the motion to adopt a standard leasing agreement for attachments to Utility Facilities, seconded by Council Member Jones. The motion was approved on a 4-0 vote. Mayor was off dais, Mayor Pro Tem presided over item.

- D.7** First reading of an ordinance revising the City Code of Ordinances, Chapter 13, "Utilities", by adding Article 13.12, "Licensing Agreement for Attachments to Utility Facilities"; adding Section 13.12.001, "General Provisions"; adding Section 13.12.002 "Standard Licensing Agreement for Attachments to Utility Facilities"; adding Section 13.12.003 "Application of Fees and Charges"; amending Appendix "A" "Fee Schedule," adding Section A16.01.001 "Attachments to Utility Facilities Fees and Charges"; and providing an effective date.

Presentation was given by Andres Rosales, Director of Information Technology.

Council Member Schiff made the motion to approve the first reading of an ordinance, seconded by Council Member Peterson. The motion was approved on a 4-0 vote. Mayor was off dais, Mayor Pro Tem presided over item.

- D.3** Consideration, discussion and possible action regarding "Pedicab Service" in the City of Bastrop.

Presentation was made by Ann Franklin, City Secretary.

Council Member McAnally made the motion directing staff to bring forth an ordinance before Council for approval to amend the City Code to include "Pedicab Service", seconded by Council Member Jones. The motion was approved on a 5-0 vote.

- D.8** Consideration discussion and possible action to purchase a 2018 freightliner dump-truck for the amount of \$102,715 from FREIGHTLINER OF AUSTIN. Using the price obtained through the TASB Buyboard. This purchase was authorized in the 2016/17 Budget Year and will replace a 1986 Model International Dump Truck

Council Member Schiff made the motion to approve the purchase of a 2018 freightliner dump-truck, seconded by Mayor Pro Tem DeLaRosa. The motion was approved on a 5-0 vote.

- D.9** Consideration discussion and possible action for renewing the lease agreement executed by and between the CITY OF BASTROP and the BASTROP LITTLE LEAGUE for a period of five years from October 11, 2016. The lease includes City provided power, water and grounds maintenance outside the Rusty Reynold Ball Fields.

Mayor Pro Tem DeLaRosa made the motion to renew the lease agreement executed by and between the City of Bastrop and the Bastrop Little League, seconded by Council Member Schiff. The motion was approved on a 5-0 vote.

- D.12** Consideration discussion and possible action to award a well engineering contract to CH2M HILL to initiate design services for Well Number 1 at XS Ranch in the Simsboro Aquifer and related monitor wells at an estimated cost of \$159,342.45.
Council Member Schiff made the motion to award a well engineering contract to CH2MHill, seconded by Mayor Pro Tem DeLaRosa. The motion was approved on a 4-0 vote. Council Member McAnally was off the dais.
- D.15** Recommendation that plans and specification be approved and bids be received on January 5, 2016 for renovations and space build out at the Adell Powell Police and Courts Building. When the building was completed in 2000, 1,056 square feet was roughed in and set aside for future expansion. This space is now needed for both the Police Department and Municipal Court. The budget includes up to \$500,000 for this renovation.
Mayor Pro Tem DeLaRosa made the motion to approve the plans and specification and bids for renovations and space build out at the Adell Powell Police and Courts Building, seconded by Council Member Jones. The motion was approved on a 4-0 vote. Council Member McAnally was off the dais.
- D.16** Consideration of addressing the sign ordinance review in two segments, signage related to major state highway, and all other sign regulations. The height and square footage of signs impacted by elevated and high speed state highway, have been the basis of a number of appeals to the Municipal Sign Review Board. A staff recommendation to address sign issues involving overpasses and high speeds can be prepared more rapidly than a review of the entire ordinance.
No action was taken.

E. EXECUTIVE SESSION

- E.1** Pursuant to Texas Government Code §551.071 the City Council met 8:37 p.m. in Executive Session to consult with its attorney to seek his advice about pending or contemplated litigation, or settlement offers. The City Council also will meet with its attorney to discuss legal issues related to the Texas Open Meetings Act and Texas Public Information Act. The City Council also will meet with its attorney pursuant to Texas Government Code §551.071(2) to consult on matters in which the duty of the attorney to the City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code. The Council also will discuss with the City Attorney the items described below in paragraphs A through D.
- A. SECTION 551.071(1)(A)(B) & SECTION 551.071(2)** – Consultation with Attorney concerning: (1) potential, pending, threatened, and/or contemplated litigation, claims, and/or settlement/mediation, including *but not limited to* municipal water supply, McCall Ranch water permit litigation, VanDiver litigation, and Pine Forest Unit 6, Open Records Act and Open Meetings Act legal issues and (2) other matters upon which the Attorney(s) have a duty and/or responsibility pursuant to the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas to report to the governmental body, concerning these matters, and/or any other matters posted on the agenda, including procedures and policies dealing with open records.
 - B. SECTION 551.074 Personnel Matters** – City Manager Selection and report from Mike Tanner of Strategic Government Resources.
 - C. Section 551.072** – Deliberation about the purchase, exchange, lease, or value of real property: Project(s) ‘Main Stay’

- D. Section 551.087** – Deliberation regarding economic development negotiations: Project(s) ‘Main Stay’

E2. The Bastrop City Council reconvened at 10:54 p.m. into open (public) session to discuss, consider and/or take any actions necessary related to the executive session(s) items noted herein, or regular agenda items, noted above, and/or related agenda items.

ACTION ITEMS FROM EXECUTIVE SESSION (If any are needed.) –No Action.

- E2.A SECTION 551.071(1)(A)(B) & SECTION 551.071(2)** – Consultation with Attorney concerning: (1) potential, pending, threatened, and/or contemplated litigation, claims, and/or settlement/mediation, including *but not limited to* municipal water supply, McCall Ranch water permit litigation, VanDiver litigation, and Pine Forest Unit 6, Open Records Act and Open Meetings Act legal issues and (2) other matters upon which the Attorney(s) have a duty and/or responsibility pursuant to the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas to report to the governmental body, concerning these matters, and/or any other matters posted on the agenda, including procedures and policies dealing with open records.
- E2.B SECTION 551.074 Personnel Matters** – City Manager Selection and report from Mike Tanner of Strategic Government Resources.
- E2.C Section 551.072** – Deliberation about the purchase, exchange, lease, or value of real property: Project(s) ‘Main Stay’
- E2.D Section 551.087** – Deliberation regarding economic development negotiations: Project(s) ‘Main Stay’

ADJOURNMENT

Mayor Pro Tem DeLaRosa made the motion to adjourn the meeting at 10:56 p.m., seconded by Council Member Schiff. The motion was approved on a 5-0 vote.

APPROVED:

ATTEST:

Mayor Ken Kesselus

City Secretary Ann Franklin

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

CITY COUNCIL

AGENDA COVER SHEET

DATE SUBMITTED: 01/03/2017

MEETING DATE: 01/10/2017

1. Agenda Item: **CONSIDERATION, DISCUSSION AND POSSIBLE ACTION BY THE CITY COUNCIL TO SELECT THE BASTROP COUNTY EMERGENCY FOOD PANTRY & SUPPORT CENTER AS THE SOCIAL SERVICE AGENCY DESIGNATED TO ADMINISTER THE FUNDS OF THE CITY OF BASTROP'S "GOOD NEIGHBOR FUND".**

2. Party Making Request: Tracy Waldron, Chief Financial Officer

3. Nature of Request: City of Bastrop Resolution No. R2015-09 created the "Good Neighbor Fund" which is intended to provide temporary hardship monetary assistance to qualified City utility customers. The Resolution requires that the City Council select a Social Service Agency to administer the funds on the City's behalf. As the designated Agency, the Bastrop County Emergency Food Pantry & Support Center will be responsible for screening applicants, determining eligibility, and approving funding to be applied to the customer's account as funds are available.

4. Attachments: Yes X No _____

5. Motion Requested: Motion to select the Bastrop County Emergency Food Pantry & Support Center as the Social Service Agency designated to administer the funds of the City of Bastrop's "Good Neighbor Fund".

Bastrop County Emergency Food Pantry & Support Center

UTILITY ASSISTANCE PROGRAM (UAP)

CITY OF BASTROP UTILITIES FUND

PURPOSE

The purpose of the Utility Assistance Program (UAP) is to support customers who are challenged with being able to pay their utility bill and experiencing a temporary, financial hardship; which impacts their ability to pay their utility bill.

ELIGIBILITY CRITERIA-

City of Bastrop Utility Funding is limited and will not, in most cases, cover the entire amount owed. Assistance is not guaranteed.

1. Household gross income should be at or below **200%** of current Federal Poverty Income Guidelines (FPIG) for the past 30 days. Income for all adults in the household will be considered when determining program eligibility.
2. Applicant and household members must have City of Bastrop Utilities.
3. The applicant and/or account holder must reside at the address on the bill.
4. Applicant must be at least 18 years of age or an emancipated minor.
5. The household can only be provided with assistance from this fund **once** per calendar year.

ALLOWABLE ASSISTANCE

- These funds **cannot** pay for deposits.
- The maximum benefit allowance is **\$100.00**.
- If the amount owed exceeds the maximum benefit allowance, the balance to be paid by the customer, must be paid prior to any of these funds being applied to the account.
- These funds may only be utilized on **open** utility accounts only.
- The household can only be provided with assistance from this fund **once** per calendar year.

PLEASE KEEP IN MIND

- These funds are dispensed on a first-come, first-served basis.
- Funds applied will never exceed the amount that is owed on the account (i.e. if the amount owed is \$59.35 that is the only amount that will be paid).
- The person seeking assistance need not be the account holder. However, they must be an adult member of the household and be able to provide documentation to support this. Further, they must be listed on the account as a person able to make decisions regarding the account.

Release of Information Forms

The account holder must sign a release of information form.

RESOLUTION NO. R 2015-09

**A RESOLUTION OF THE CITY COUNCIL OF BASTROP, TEXAS
REGARDING CREATION OF A "GOOD NEIGHBOR FUND" TO PROVIDE
MONETARY ASSISTANCE TO CITY UTILITY CUSTOMERS.**

WHEREAS, the City of Bastrop desires to create a program to collect donated funds to assist eligible customers who are having difficulty paying their City owned Utility Bill;

WHEREAS, the City of Bastrop "Good Neighbor Fund" is not replacing the efforts already offered by Social Service Agencies but is adding to the amount of available funding to Utility Bill customers needing assistance. The Good Neighbor Fund will provide an additional funding source to provide assistance to those customers who are in need of assistance with their Utility Bill;

WHEREAS, the City of Bastrop "Good Neighbor Fund" amount of assistance available will be limited to moneys collected by the Program. These funds are restricted for use and may only be used to assist eligible customers with their City of Bastrop Utility Bill. These funds may not be applied to inactive accounts with outstanding Bad debts owed to the City. Eligible customers will need to meet eligibility requirements determined by the Social Service Agency selected by the City;

WHEREAS, the City of Bastrop "Good Neighbor Fund" program will commence voluntary collections to be retained in a separate restricted account at such time City Council has selected a Social Service Agency to administer the funds on our behalf. This agency will screen applicants, determine eligibility, and approve funding to be applied to a customer's account;

WHEREAS, the City of Bastrop Finance Department shall establish specific accounting codes for collection and disbursement of funds. A voucher system will be established with the necessary GL codes for the selected Social Service Agency to distribute funding from. No actual dollars are given to the Social Service Agency; and

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

The City Council of the City of Bastrop, Texas, approves the creation of a Good Neighbor Fund program to assist eligible customers who are having difficulty paying their City Utility Bill and for the Program to be administered by a Social Service Agency to approve of funding to be applied to a customer's account.

PASSED AND ADOPTED by the City Council of the City of Bastrop, Texas on the 12th. Day of MAY, 2015.

APPROVED:



Ken Kesselus, Mayor

ATTEST:



Traci Chavez, Interim City Secretary

CITY COUNCIL

AGENDA COVER SHEET

DATE SUBMITTED: January 3, 2017

MEETING DATE: January 10, 2017

1. Agenda Item: **CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON THE FINAL PLAT FOR THE BECK, N.H.P. & PROKOP SUBDIVISION, SECTION THREE, BEING +/-4.813 ACRES WITHIN THE NANCY BLAKEY SURVEY, ABSTRACT NO. 98, LOCATED WITHIN THE BASTROP CITY LIMITS.**

2. Party Making Request: **Wesley Brandon, PE, Director of Planning and Engineering**

3. Nature of Request: (Brief Overview) **This is the Final Plat for Beck, N.H.P. & Prokop Subdivision, Section Three, creating one commercial lot. City Council approved the preliminary plat on June 22, 1999.**

4. Attachments: Yes XX No _____

5. Motion Requested: **Approve the Final Plat for Beck, N.H.P. & Prokop Subdivision, Section Three.**

**City of Bastrop
Agenda Information Sheet:**



City Council Meeting Date:

January 10, 2017

Project Description:

Consideration, discussion and possible action regarding the Final Plat for the Beck, N.H.P. & Prokop Subdivision, Section Three, being +/-4.813 acres within the Nancy Blakey Survey, Abstract No. 98, located within the city limits of Bastrop, Texas.

Item Summary:

Applicant: Michael Arnold Prokop, Lena Prokop Purcell and Deborah Ruth Cecil
Location: Proposed extension of Agnes Street, 725 feet west of its intersection with Hasler Blvd.
Utilities: City of Bastrop water and sewer and Bluebonnet electric

Background:

This is the Final Plat for one commercial lot. The Preliminary Plat for the Beck, N.H.P. & Prokop Subdivision was approved by City Council on June 22, 1999. The current zoning is C-1 Commercial. Construction and other required documents for the proposed extension of Agnes Street, which will provide roadway and utility service to the property, have been reviewed and accepted by city staff.

Basis of Support:

Staff supports the Final Plat for the Beck, N.H.P. & Prokop Subdivision, Section Three to create one commercial lot. The plat appears to conform with the City's Subdivision Ordinance and other applicable regulations.

Special Considerations: None.

Comments: Nine (9) surrounding property owner notifications were mailed December 22, 2016. At the time of this report, no responses have been received.

Staff Recommendation:

Staff recommends approval of the of the requested Final Plat for the Beck, N.H.P. & Prokop Subdivision, Section Three, being +/-4.813 acres within the Nancy Blakey Survey, Abstract No. 98, located within the city limits of Bastrop, Texas.

City Contact:

Wesley Brandon, PE, Director of Planning and Engineering

Attachments:

Proposed Final Plat and Location Map



Property Location Map for Beck, N.H.P. & Prokop Subdivision, Section Three



Legend

 Beck, N.H.P. & Prokop Subdivision, Section 3

CITY COUNCIL

AGENDA COVER SHEET

DATE SUBMITTED: January 3, 2017

MEETING DATE: January 10, 2017

1. Agenda Item: **DISCUSSION, CONSIDERATION AND POSSIBLE ACTION ON THE FINAL PLAT FOR 512 HOUSE GROUP SUBDIVISION BEING +/-0.997 ACRES, WITHIN THE STEPHEN F. AUSTIN SURVEY ABSTRACT NO.3, TO CREATE ONE RESIDENTIAL LOT EAST OF PHELAN ROAD LOCATED WITHIN THE CITY OF BASTROP, TEXAS, ONE MILE EXTRA TERRITORIAL JURISDICTION (ETJ).**

2. Party Making Request: **Wesley Brandon, PE, Director of Planning and Engineering**

3. Nature of Request: (Brief Overview) **This is the Final Plat for 512 House Group Subdivision. City Council approved variances to the Suburban Subdivision Standards Section 7.10.2.A to allow a lot width less than one hundred and twenty-five feet; and Section 7.10.2.G to allow a lot depth to width ratio to exceed 3 to 1, in accordance with the plan submitted by the applicant, at the October 11, 2016 meeting.**

4. Attachments: Yes XX No _____

5. Motion Requested: **Approve the Final Plat for 512 House Group Subdivision as submitted.**

**City of Bastrop
Agenda Information Sheet:**



City Council Meeting Date:

January 10, 2017

Project Description:

Consideration, discussion and possible action by the City Council on the Final Plat for 512 House Group Subdivision, being +/-0.997 acres, within the Stephen F. Austin Survey Abstract No.3, to create one residential lot east of Phelan Road located within the City of Bastrop, Texas, One Mile Extra Territorial Jurisdiction (ETJ).

Item Summary:

Applicant: 512 House Group, LLC
Location: Phelan Road, approximately 2,680' north of its intersection with Sayers Road
Utilities: On-site water well, Bluebonnet Electric and on-site septic

Background:

The proposed lot being +/-0.997 acres, within the Stephen F. Austin Survey Abstract No.3, to create one residential lot east of Phelan Road located within the City of Bastrop, Texas, One Mile Extra Territorial Jurisdiction (ETJ).

Variances:

City Council granted variances at the meeting on October 11, 2016, to the Subdivision Ordinance Section 7.10.2.A to allow a lot width less than one hundred and twenty-five feet; and Section 7.10.2.G to allow a lot depth to width ratio to exceed 3 to 1, in accordance with the plan submitted by the applicant.

Basis of Support:

Staff supports the Final Plat for the 512 House Group Subdivision to create one residential lot. City staff, along with the Bastrop County Planning and Economic Development department, has reviewed the Final Plat and determined that it appears to conform with the City's Subdivision Ordinance and other applicable regulations. Additional information describing the proposed development of the property, including its impact on the surrounding drainage system, was also submitted by the applicant.

Special Considerations: None.

Comments: Four (4) surrounding property owner notifications were mailed December 22, 2016. At this time, we have not received any responses in regards to the final plat request.

Staff Recommendation:

Staff recommends approval of the of the requested Final Plat for 512 House Group Subdivision, being +/-0.997 acres, within the Stephen F. Austin Survey Abstract No.3, to create one residential lot east of Phelan Road located within the City of Bastrop, Texas, One Mile Extra Territorial Jurisdiction (ETJ).

City Contact:

Wesley Brandon, PE, Director of Planning and Engineering

Attachments:

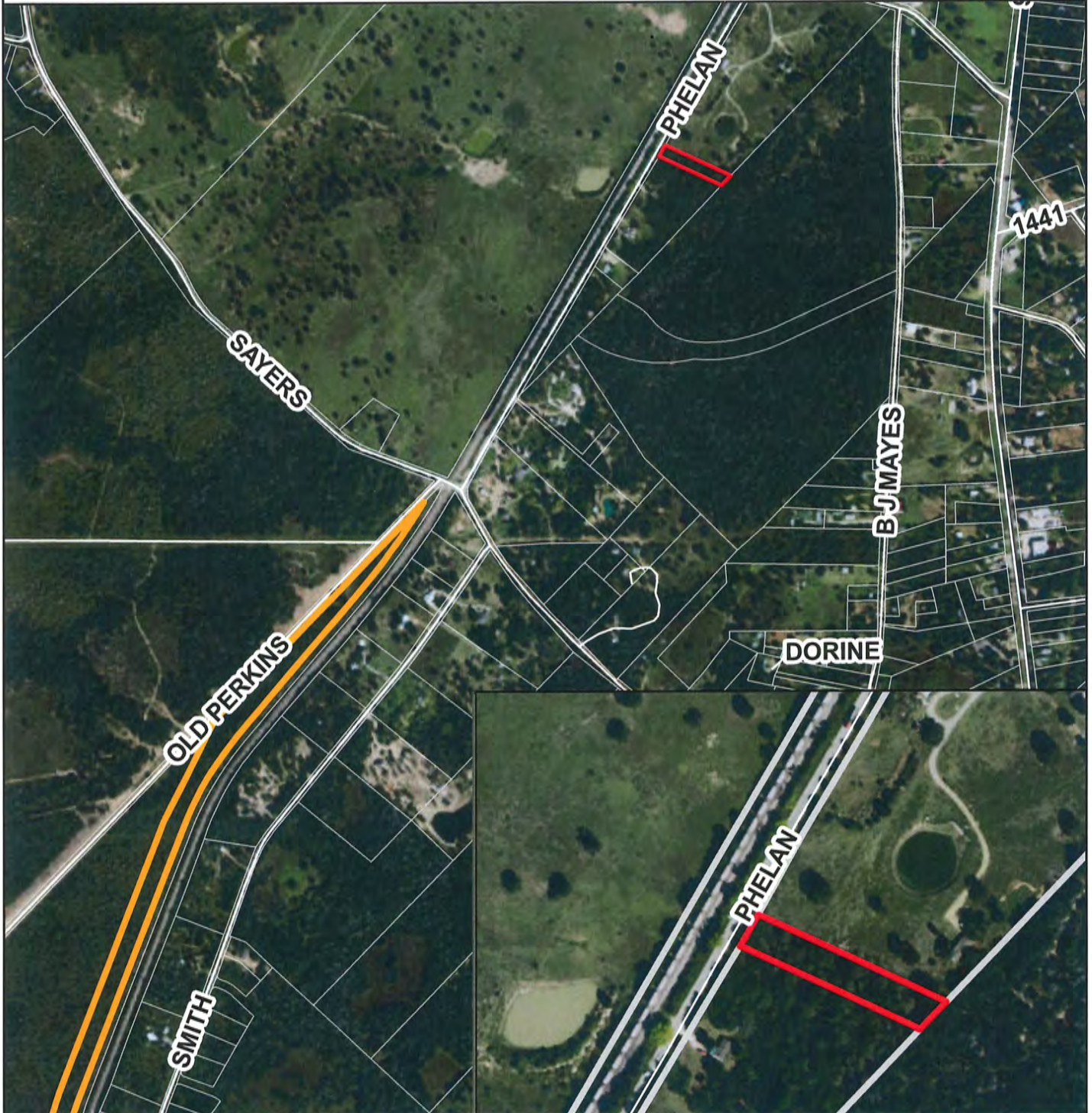
Proposed Final Plat, Engineer's Letter regarding proposed drainage system and location map



512 House Group Property Location Map



City Council



DRAINAGE REPORT
FOR
512 HOUSE GROUP
Bastrop, Texas

PREPARED BY:

VanGarD Engineering, Inc.
P.O. Box 1917
Bastrop, Texas 78602
(512) 303-4185
Firm Registration #F-5398

December 2016



Derek R. Van Gilder
12/7/2016

Contents

Summary	1
Watershed	1
Drainage Analysis	1
Curve Number Determination	2
Time of Concentration (T_c) Calculation	2
Hydraulic Analysis	3
Drainage Easement Delineation.....	3

Exhibits

USGS Lake Bastrop Quadrangle (portion)	Exhibit A
FEMA Firmette.....	Exhibit B
Drainage Area Map.....	Exhibit C
Excerpt of <i>Peak-Flow Frequency for Tributaries of the Colorado River Downstream of Austin, Texas</i> .	Exhibit D
Web Soil Survey	Exhibit E
Flood Map.....	Exhibit F
Summary Report of HydroCAD Output	Exhibit G

Summary

This Drainage Report was prepared to accompany the plat application for 512 House Group Subdivision located in Bastrop County, Texas within the extraterritorial jurisdiction of the City of Bastrop. The proposed subdivision consists of one 0.997 acre lot. The tract is located on Phelan Road approximately 2680 feet north of the intersection of Phelan Road and Sayers Road.

An intermittent stream as classified by the United States Geologic Survey (USGS) crosses the subject tract. The extent of inundation due to the 100-year recurrence interval storm was determined by this study.

Watershed

The site falls within the Piney Creek watershed, contributing to the Colorado River Basin. An intermittent stream enters the site from the north and flows southerly approximately 2.6 miles to the confluence of Piney Creek. The contributing drainage area upstream of the subject tract is classified as a natural drainage basin by the USGS, having less than 10% impervious cover and no flood control by reservoirs. See **Exhibit A** for a portion of the **USGS Lake Bastrop Quadrangle**.

No portion of the site falls within a special flood hazard area according to the FEMA Flood Insurance Rate Map (FIRM) number 48021C0215E revised January 19, 2006. See **Exhibit B** for the **FIRMETTE**.

Drainage Analysis

The drainage analysis consisted of the following tasks:

- Identifying the contributing drainage area
- Identifying the existing soils and hydrologic ratings within the drainage area
- Calculating the time of concentration
- Determining the peak runoff rates.
- Determining the stage of the existing channel through the site due to peak runoff rates.

HydroCAD 10.0, developed by HydroCAD Software Solutions, was used to complete computations summarized in this report.

See **Exhibit C** for the **Drainage Area Map**.

Peak runoff for natural drainage basins may also be computed using USGS Regression Equations for the associated river basin. The study contributing drainage area did not fall within the region

defined by basin characteristics according to the USGS regression analysis. Therefore, a conservative estimation of peak runoff was conducted by the SCS Unit Hydrograph procedure. See **Exhibit D** for an excerpt from *Peak-Flow Frequency for Tributaries of the Colorado River Downstream of Austin, Texas*.

Curve Number (CN) Determination

The proportion of the total rainfall that will reach the drainage system depends on the imperviousness of the surface, the slope, ponding characteristics, and character of the soil. This coefficient represents the effects of infiltration, detention storage, evaporation, retention, flow routing, and interception for various storm frequencies.

The hydrologic soil groups and existing ground covers were delineated throughout the contributing drainage area. These two parameters were used to determine a curve number for each land cover/soil group area. A composite CN was computed by the modeling software by summing the products of each CN multiplied by its percentage of the total area.

Ground covers were determined by aerial photography of the drainage area. Soil strata data were retrieved from the Bastrop County Web Soil Survey. See **Exhibit E** for a summary of the **Web Soil Survey**.

Time Of Concentration (T_c) Calculation

The lag/curve number method was used to determine the time of concentration for the contributing drainage area. Input parameters consist of the weighted curve number and average land slope of the contributing drainage area. The weighted curve number calculation is outlined in the previous section of this report. Average land slope was determined by a digital terrain model of the contributing drainage area.

The Time of Concentration was then computed by the modeling software using the following equations:

$$T_c = T_l / 0.6$$

$$T_l = \frac{l^{0.8}(S + 1)^{0.7}}{1900Y^{0.5}}$$

$$S = \frac{1000}{CN} - 10$$

Where:

T_c = Time of Concentration (hours)

T_l = Lag time (hours)

l = Hydraulic length of the watershed (feet)

Y = Average land slope (percent)

S = Potential maximum retention (inches)

CN = Weighted Curve Number

Hydraulic Analysis

Hydraulic analysis of the existing channel was performed. Geometry of the channel was determined from data collected in the field in December 2016. The maximum water surface elevation due to peak runoff from the 100-year recurrence interval event was computed by the modeling software using Manning's equation, commonly used to determine the velocity of steady, normal flow.

$$V = \frac{1.486}{n} R^{\frac{2}{3}} S^{\frac{1}{2}} \text{ (Manning's Equation)}$$

$$r = A/P_w$$

$$Q = VA$$

Where:

V = Average velocity

n = Manning's coefficient

S = Channel slope $\left(\frac{ft}{ft}\right)$

r = Hydraulic radius

A = Cross Sectional Flow Area

P_w = Wetted Perimeter

Q = Flow Rate

Drainage Easement Delineation

A drainage easement was delineated for the proposed subdivision to contain runoff due to the 100-year recurrence interval event within the easement. The easement boundary is situated to contain the maximum stage reached in the channel determined by the analysis discussed in this report. See **Exhibit E** and **Exhibit F** for the **Flood Map** and **Summary Report of HydroCAD Output**, respectively.

CITY COUNCIL

AGENDA COVER SHEET

DATE SUBMITTED: January 3, 2017

MEETING DATE: January 10, 2017

1. Agenda Item: **CONSIDERATION, DISCUSSION AND POSSIBLE ACTION TO APPROVE THE STREET NAME M. BENNIGHT BOULEVARD, BEING A PUBLICLY-ACCESSED, PRIVATELY-OWNED ROADWAY LOCATED BETWEEN STATE HIGHWAY 71 AND OLD AUSTIN HIGHWAY, AND WITHIN THE CITY LIMITS OF BASTROP, TEXAS.**

2. Party Making Request: **Wesley Brandon, Director of Planning and Engineering**

3. Nature of Request: (Brief Overview)

Staff is requesting approval of the naming of M. Bennight Boulevard, an existing privately-owned roadway providing public access to multiple properties within the Don A. Stewart Subdivision. Approval of the road name will establish addressing and emergency service coordination among properties taking access from the roadway. Maintenance of the roadway will remain the responsibility of the property owners within the subdivision.

4. Attachments: Yes XX No _____

5. Motion Requested: **Approve the naming of M. Bennight Boulevard.**

**City of Bastrop
Agenda Information Sheet:**



City Council Meeting Date:

January 10, 2017

Project Description:

Consideration, discussion and possible action to approve the street name M. Bennight Boulevard, being a publicly-accessed, privately-owned roadway located between State Highway 71 and Old Austin Highway, and within the City Limits of Bastrop, Texas.

Item Summary:

Staff is requesting approval of the naming of M. Bennight Boulevard, an existing privately-owned roadway providing public access to multiple properties within the Don A. Stewart Subdivision.

Location:

The existing roadway is located within a 45' access easement as shown on the Replat of Don A. Stewart Subdivision, and extends between State Highway 71 (west-bound frontage road) and Old Austin Highway, within the city limits of Bastrop, Texas.

Background:

This existing roadway is within a 45' wide access easement dedicated to public use by the owner Don A. Stewart, in the Replat of Don A. Stewart Subdivision, recorded on October 1, 2008.

Basis of Support:

Approval of the road name will establish addressing and emergency service coordination among properties taking access from the roadway. Maintenance of the roadway will remain the responsibility of the property owners within the subdivision.

Staff Recommendation:

Staff recommends approval of the street name M. Bennight Boulevard.

City Contact:

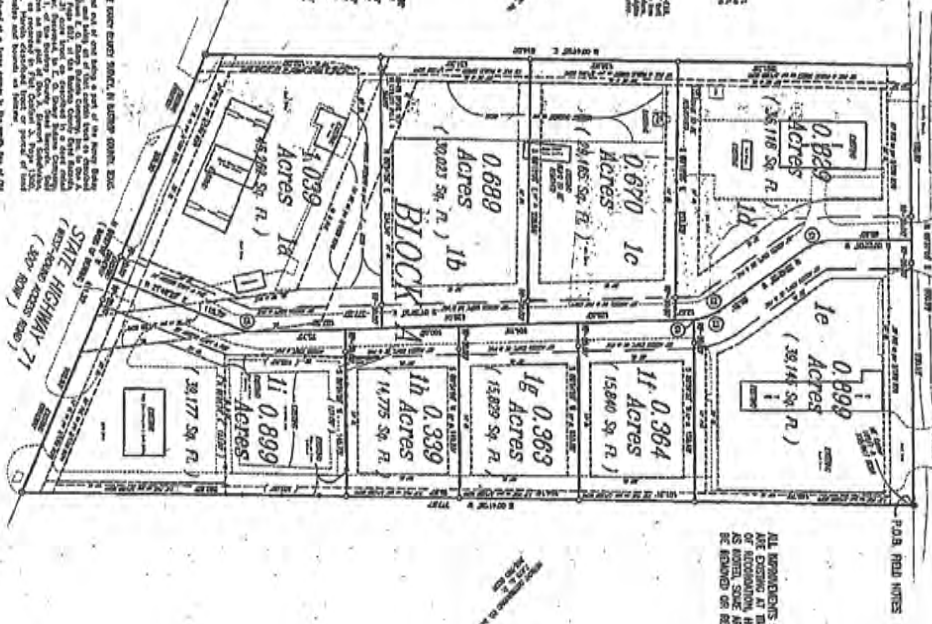
Wesley Brandon, PE, Director of Planning and Engineering

Attachments:

Replat of Don A. Stewart Subdivision and Location map

REPLAT of DON A. STEWART SUBDIVISION

OLD AUSTIN HIGHWAY
(100' ROW)

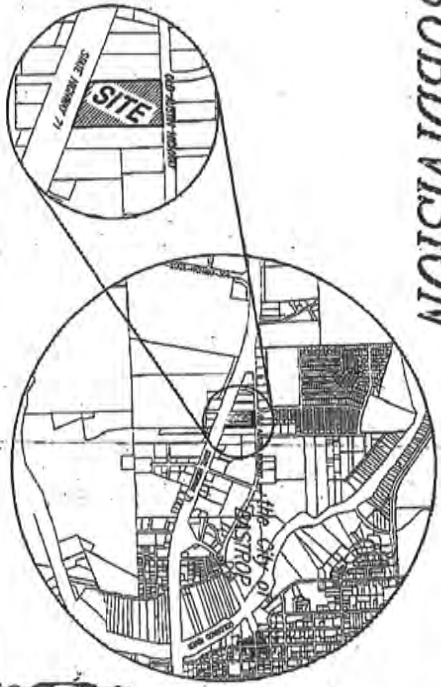


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- 1-1-2008
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 - 12-1-2008

STATE OF TEXAS
COUNTY OF DALLAS

Don A. Stewart, Plaintiff, vs. The City of Austin, Defendant.

This is a case of eminent domain. The City of Austin has taken possession of certain land owned by Don A. Stewart. The City claims that the land is needed for a public use. The City has offered to pay for the land. Don A. Stewart has refused the offer. The City has filed this lawsuit to force Don A. Stewart to accept the offer.



ARTICLE 1. That the City of Austin has taken possession of certain land owned by Don A. Stewart. The City claims that the land is needed for a public use. The City has offered to pay for the land. Don A. Stewart has refused the offer. The City has filed this lawsuit to force Don A. Stewart to accept the offer.

ARTICLE 2. That the City of Austin has taken possession of certain land owned by Don A. Stewart. The City claims that the land is needed for a public use. The City has offered to pay for the land. Don A. Stewart has refused the offer. The City has filed this lawsuit to force Don A. Stewart to accept the offer.

STATE OF TEXAS
COUNTY OF DALLAS

Robert P. Smith, Plaintiff, vs. The City of Austin, Defendant.

This is a case of eminent domain. The City of Austin has taken possession of certain land owned by Robert P. Smith. The City claims that the land is needed for a public use. The City has offered to pay for the land. Robert P. Smith has refused the offer. The City has filed this lawsuit to force Robert P. Smith to accept the offer.

STATE OF TEXAS
COUNTY OF DALLAS

Don A. Stewart, Plaintiff, vs. The City of Austin, Defendant.

This is a case of eminent domain. The City of Austin has taken possession of certain land owned by Don A. Stewart. The City claims that the land is needed for a public use. The City has offered to pay for the land. Don A. Stewart has refused the offer. The City has filed this lawsuit to force Don A. Stewart to accept the offer.

STATE OF TEXAS
COUNTY OF DALLAS

Don A. Stewart, Plaintiff, vs. The City of Austin, Defendant.

This is a case of eminent domain. The City of Austin has taken possession of certain land owned by Don A. Stewart. The City claims that the land is needed for a public use. The City has offered to pay for the land. Don A. Stewart has refused the offer. The City has filed this lawsuit to force Don A. Stewart to accept the offer.

STATE OF TEXAS
COUNTY OF DALLAS

Don A. Stewart, Plaintiff, vs. The City of Austin, Defendant.

This is a case of eminent domain. The City of Austin has taken possession of certain land owned by Don A. Stewart. The City claims that the land is needed for a public use. The City has offered to pay for the land. Don A. Stewart has refused the offer. The City has filed this lawsuit to force Don A. Stewart to accept the offer.

STATE OF TEXAS
COUNTY OF DALLAS

Don A. Stewart, Plaintiff, vs. The City of Austin, Defendant.

This is a case of eminent domain. The City of Austin has taken possession of certain land owned by Don A. Stewart. The City claims that the land is needed for a public use. The City has offered to pay for the land. Don A. Stewart has refused the offer. The City has filed this lawsuit to force Don A. Stewart to accept the offer.

CITY COUNCIL

AGENDA COVER SHEET

DATE SUBMITTED: January 3, 2017

MEETING DATE: January 10, 2017

1. Agenda Item: APPOINTMENT BY MAYOR, SUBJECT TO CONFIRMATION BY CITY COUNCIL OF DIXIE WEST TO PLACE 9 ON THE BASTROP PUBLIC LIBRARY BOARD FULFILLING AN UNEXPIRED TERM ENDING JUNE 2018.

2. Party Making Request: Mayor Kesselus

3. Attachments: Yes XX No _____

**BASTROP
PUBLIC
LIBRARY**


1100 CHURCH STREET
P. O. DRAWER 670
BASTROP, TEXAS 78602
(512) 332-8880
www.bastroplibrary.org

The Honorable Ken Kesselus
Mayor of Bastrop
1311 Chestnut Street
Bastrop, Texas 78602

Dear Mayor Kesselus.

Due to illness, Ruben Soriano has resigned from the Bastrop Public Library, Library Board. His resignation is effective as of January 3, 2017.

The Library Board and Staff of the Bastrop Public Library appreciates his service to the Library. He will be missed.



Mickey DuVall, Director
Bastrop Public Library





CITY OF BASTROP

City Secretary's Office
 1311 Chestnut Street
 Bastrop, Texas 78602
 (512) 332-8800
<http://www.cityofbastrop.org>

Application for City Board/Commission/Committee Please Print or Type Clearly.

New Appointment:

Request for Re-Appointment:

SECTION A: APPLICANT INFORMATION

Last Name West		First Dixie	Middle Gibbons
Street Address 223 Bryant Drive		Mailing Address 223 Bryant Drive	
Apt/Unit #	City Bastrop	State TX	ZIP Code 78602
Phone (512) 308-0298		E-mail Address dgwest721@gmail.com	
Date Available 1-5-17	I have lived in Bastrop 5 years.	Place of Employment ACC-Elgin	
Have you filed an application here before? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		If so, when? for Library, 2014	
Have you ever been convicted of a crime? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		If so, when?	
Do you reside within the City Limits of Bastrop? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		Currently Employed YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	

Note: Various boards, commissions and committees of the City either allow for or require appointments of persons who reside in the County, the City's Extra Territorial Jurisdiction, and/or the Bastrop Independent School District. For more information on this please refer to the Articles of Incorporation or By Laws of the entities of interest. The City Secretary is able to assist in obtaining copies of the By-Laws, upon request.

SECTION B: REFERENCES

Please list three professional references.

Full Name Ginni L. Smith	Relationship friend + neighbor
Company Riverside Grove HOA President	Phone (512) 332-2510
Full Name Rev. Mike Schwartz	Relationship pastor
Company Wylldwood Baptist Church	Phone (512) 718-2566
Full Name Pat Tips	Relationship co-worker
Company ACC Elgin	Phone (512) 303-2211

SECTION C: ADDITIONAL INFORMATION

Do you currently serve on any other boards, commissions, or committees? Please list any below:

no

What qualifies you to serve on the board(s) you are applying for? **also ^{co-}founded Friends of BPL degreed Librarian w/ Bastrop ISD, 30+ years, currently working as Reference Librarian at ACC Elgin**

Why do you want to serve on the board(s) you are applying for?

I believe a strong community needs an active + strong community library.

SECTION D: BOARDS/COMMISSIONS/COMMITTEES

Please indicate the Boards, Commissions or Committees you are interested in serving. List in order of preference.

<input type="checkbox"/> Bastrop Parks Board	<input type="checkbox"/> Bastrop Economic Development Corporation	<input type="checkbox"/> Bastrop Housing Authority
<input type="checkbox"/> Planning and Zoning Commission	<input type="checkbox"/> Board of Adjustment	<input type="checkbox"/> Construction Standards Board of Adjustments
<input type="checkbox"/> Main Street Advisory Board	<input type="checkbox"/> Fairview Cemetery Advisory Board	<input type="checkbox"/> Art in Public Places Board
<input type="checkbox"/> Hunters Crossing Local Government Corporation Board	<input checked="" type="checkbox"/> Bastrop Library Board (<input type="checkbox"/> City Resident / <input type="checkbox"/> BISD Area Resident)	
<input type="checkbox"/> Automated Red Light Advisory Committee	<input type="checkbox"/> Other:	
<input type="checkbox"/> Historic Landmark Commission	<p>*Please indicate which position(s) you are qualified to serve under.</p> <input type="checkbox"/> Architect, Planner, Designer <input type="checkbox"/> Licensed Real Estate Professional <input type="checkbox"/> Own Commercial Historic Structure/Property <input type="checkbox"/> Own Residential Historic Structure/Property <input type="checkbox"/> General Resident of City of Bastrop <input type="checkbox"/> Planning and Zoning Member <input type="checkbox"/> Bastrop County Historic Society Member	

DISCLAIMER AND SIGNATURE

- It is understood and agreed upon that any misrepresentation by me on this application will be sufficient cause for cancellation of this application and/or separation from the board/commission/committee.
- I give the City of Bastrop the right to investigate all references and to secure additional information about me, if related. I hereby release from liability the City of Bastrop and its representatives for seeking such information and all other persons, corporations or organizations for furnishing such information.
- This application is kept on active file at the City Secretary's Office for 1 year. At the conclusion of this time, if I have not heard from the City Secretary and still wish to be considered for a board/commission/committee, it will be necessary to fill out a new application.
- I understand that just as I am free to resign at any time, the City of Bastrop reserves the right to terminate my status as member at any time, with or without cause and without prior notice. I understand that no representative of the City of Bastrop has the authority to make any assurances to the contrary.
- I understand it is the City of Bastrop's policy not to refuse to hire a qualified individual with a disability because of this person's need for an accommodation that would be required by the ADA.
- I agree to participate and complete any required training the city deems necessary, such as Open Meetings Act training, as a condition of my board service, and I agree to submit a copy of completion documentation on file with the City Secretary.
- If selected, I agree to adhere to the City of Bastrop's Ethics Ordinance and to represent the City's business ethically at all times.

Signature *Dorie G. West* Date 1-5-17

WRITTEN NOTICE

A hardcopy of this application with the original signature must be printed and mailed to be officially accepted for a board/commission/committee. Please return by mail or in person to:

City of Bastrop, TX
 City Secretary's Office
 1311 Chestnut Street
 Bastrop, Texas 78602

OFFICE USE ONLY

Date Application Received:	<u>1-5-17</u>	Application Received by:	<u><i>Ann Johnson</i></u>
Position Appointed:		Date Appointed:	
Term Starts:		Term Expires:	

POTENTIAL CONFLICT OF INTEREST DISCLOSURE
BASTROP'S CODE OF ETHICS

LIBRARY BOARD

The Library Board members are tasked with assisting the City in making recommendations to the City Council and the Library staff for the supervision, management and operation of the Library, and shall carry out the directives and policies established by the City Council.

Answer the following questions by checking the boxes and providing additional detailed information, as needed.

Yes No

I work, or one of my relatives* works, in a company that provides services or products to the City's Library, such as publications, books, copiers, computer services or other library services.

Who: _____ Relationship: _____

What do they do: _____

Explain further: _____

I have, or one of my relatives* has, an interest in a company that is involved in the provision of services or materials to the City's Library system.

Who: _____ Relationship: _____

What type of activity is done: _____

I share or serve, or one of my relatives* shares or serves, on the board of directors of a company that is in some way related to the City of Bastrop's Library and the services and products it uses.

Who: _____ Name of Company: _____

Explain further: _____

*In some cases, your relatives, whether by blood or marriage, may tie you so closely to contracts, businesses and other organizations that you have a 'conflict of interest' and need to refrain from working on a particular matter or case while serving on a City board or commission. The relatives that generally fall within the City's Ethics Code (and that you need to list on this form above) include your spouse, parents, children, grandparents, grandchildren, uncles/aunts, nieces/nephews, in-laws and cousins.

POTENTIAL CONFLICT OF INTEREST DISCLOSURE
BASTROP'S CODE OF ETHICS

I have read and understand the statement above. Dixie G. West
Signature

Dixie G. West
Printed Name

CITY COUNCIL

AGENDA COVER SHEET

DATE SUBMITTED: 1.3.2017

MEETING DATE: 1.10.2017

1. Agenda Item:

PUBLIC HEARING TO: RECEIVE PUBLIC INPUT ON THE SUBMISSION OF AN APPLICATION TO THE TEXAS DEPARTMENT OF AGRICULTURE FOR A TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (TXCDBG). THE PURPOSE OF THIS MEETING IS TO ALLOW CITIZENS AN OPPORTUNITY TO DISCUSS THE CITIZEN PARTICIPATION PLAN, THE DEVELOPMENT OF LOCAL HOUSING AND COMMUNITY DEVELOPMENT NEEDS, THE AMOUNT OF TXCDBG FUNDING AVAILABLE, ALL ELIGIBLE TXCDBG ACTIVITIES, AND THE USE OF PAST TXCDBG FUNDS.

2. Party Making Request: DIRECTOR OF PW, PARKS, & UTILITIES- TREY JOB

3. Attachments: Yes X No _____

PUBLIC HEARING NOTICE

The City of Bastrop will hold a public hearing during the regular scheduled council meeting that begins at 6:30 P.M. on January 10, 2017, at the Bastrop City Hall located at 1311 Chestnut, Bastrop, Texas regarding the submission of an application to the Texas Department of Agriculture for a Texas Community Development Block Grant Program (TxCDBG) grant. The purpose of this meeting is to allow citizens an opportunity to discuss the citizen participation plan, the development of local housing and community development needs, the amount of TxCDBG funding available, all eligible TxCDBG activities, and the use of past TxCDBG funds. The City encourages citizens to participate in the development of this TxCDBG application and to make their views known at this public hearing. Citizens unable to attend this meeting may submit their views and proposals to Marvin Townsend, Interim City Manager at Bastrop City Hall, 1311 Chestnut St., P.O. Box 427, Bastrop, Texas 78602. Persons with disabilities or who require auxiliary aids or services that wish to attend this meeting should contact Ann Franklin at (512) 332-8811 for assistance at least two days before the meeting for appropriate arrangements to be made.

CITY COUNCIL

AGENDA COVER SHEET

DATE SUBMITTED: 1.3.2017

MEETING DATE: 1.10.2017

1. Agenda Item: **CONSIDERATION AND POSSIBLE ACTION REGARDING A RESOLUTION ALLOCATING FUNDING AND APPROVING THE SUBMITTAL OF AN APPLICATION FOR A TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT FOR THE AMOUNT OF \$300,000 WITH THE TEXAS DEPARTMENT OF AGRICULTURE. AND ALLOCATION \$150,000.00 FROM THE WATER WASTE WATER FUND FOR THE REPAIR & REPLACEMENT OF WASTE WATER INFRASTRUCTURE APPROXIMATELY 4,500 FEET IN LENGTH.**

2. Party Making Request: DIRECTOR OF PW, PARKS, & UTILITIES- TREY JOB

3. Attachments: Yes X No

RESOLUTION R-2017-01

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, AUTHORIZING THE SUBMISSION OF A TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM APPLICATION TO THE TEXAS DEPARTMENT OF AGRICULTURE FOR THE COMMUNITY DEVELOPMENT FUND; AND AUTHORIZING THE CITY MANAGER TO ACT AS THE CITY'S EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE CITY'S PARTICIPATION IN THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.

WHEREAS, the City Council of the City of Bastrop desires to develop a viable community, including decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low/moderate income; and

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

WHEREAS, it is necessary and in the best interests of the City of Bastrop to apply for funding under the Texas Community Development Block Grant Program;

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

1. That a Texas Community Development Block Grant Program application for the Community Development Fund is hereby authorized to be filed on behalf of the City with the Texas Department of Agriculture.
2. That the City's application be placed in competition for funding under the Community Development Fund.
3. That the application be for \$300,000.00 of grant funds to carry out wastewater system improvements.
4. That the City directs and designates the City Manager as the City's Chief Executive Officer and Authorized Representative to act in all matters in connection with this application and the City's participation in the Texas Community Development Block Grant Program.
5. That all funds will be used in accordance with all applicable federal, state, local and programmatic requirements including but not limited to procurement, environmental review, labor standards, real property acquisition, and civil rights requirements.
6. That it further be stated that the City of Bastrop is committing \$150,000.00 maximum from its Water/Wastewater Fund as a cash contribution toward the activities of this project.

Passed and approved by the City Council of the City of Bastrop this 10th day of January, 2017.

ATTEST:

Ken W. Kesselus
Mayor

Ann Franklin
City Secretary

0110-2017

CITY COUNCIL

AGENDA COVER SHEET

DATE SUBMITTED: 1.3.2017

MEETING DATE: 1.10.2017

1. Agenda Item: **CONSIDERATION, DISCUSSION AND POSSIBLE ACTION TO AWARD A CONTRACT FOR ENGINEERING SERVICES TO STRAND AND ASSOCIATES TO PROVIDE PREPERATION OF AN APPLICATION AND PROJECT IMPLEMENTATION IF AWARDED FOR A TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT TO THE TEXAS DEPARTMENT OF AGRICUTURE.**

2. Party Making Request: **DIRECTOR OF PW, PARKS, & UTILITIES- TREY JOB**

3. Attachments: Yes X No

RECEIPT

Account: G27266
Name: FINANCE
Address: BASTROP CITY OF
PO BOX 427
BASTROP TX 78602-0427

Phone: 512-332-8800
E-mail: ZGJONES@CITYOFBASTROP.ORG

Order Name: PUBLIC NOTICE
Order Id: 681999
Original Order Id:
Copy Line: 681999
Sales Rep: S1134 April Emberton (S)
Purchase Order: PUBLIC NOTICE
Pay Type: Billed
Account Group:
Caller: TREY JOB

Section: 6205 Legal Notices
Reply Request:
Tear Sheets: 0

Order Summary
Base: \$405.61
Other Charges: \$0.00
Discounts: \$0.00
Agency Commission: \$0.00
Sales Tax: \$0.00

Total Order \$405.61

Payment Summary
No payment information available.

Date Printed 12/01/2016
Time Printed 05:14 PM

Austin American Statesman

Statesman.com/Austin360.com

RECEIPT

Order 681999
Page 2 of 4

Ad Name: 1334460A

Ad Id: 1334460

Original Ad Id:

Start: 12/10/2016
Stop: 12/15/2016
Issues: 2
Words: 211
Dimensions: 1 X 47
Color:

Editions

SACN Bastrop
SACN Smithville

RECEIPT

**COMBINED
PROCUREMENT OF ENGINEERING &
ADMINISTRATION SERVICES
PUBLIC NOTICE**

The City of Bastrop seeks to develop an application to the Texas Department of Agriculture for the 2017/2018 Community Development Fund for eligible activities associated to the Texas Community Development Block Grant Program. Accordingly, the City is separately soliciting (A) proposals from Administrative Consultants for Application Preparation and Project Administration and (B) qualifications from Texas-Registered Engineers to provide engineering services associated to Application Preparation and Project Implementation. Firms and/or individuals should have past experience with federally funded programs. Please submit a proposal of services and/or a statement of qualifications to: Marvin Townsend, Interim City Manager, Bastrop City Hall, 1311 Chestnut Street, Bastrop, Texas 78602.

Submittals for these services must be received by the city no later than 4:00 PM on December 20, 2016. The same firm will not be awarded contracts to provide both services. The City reserves the right to negotiate with any and all individuals or firms that submit proposals, as per the Texas Professional Services Procurement Act and the Uniform Grant and Contract Management Standards. Section 3 Residents and Business Concerns, Minority Business Enterprises, Small Business Enterprises and Women Business Enterprises are encouraged to submit proposals.

The City of Bastrop is an Affirmative Action/Equal Opportunity Employer
12-10, 12-15/2016 #681999

Ad shown is not actual print size.

CITY COUNCIL

AGENDA COVER SHEET

DATE SUBMITTED: 1.3.2017

MEETING DATE: 1.10.2017

1. Agenda Item: **CONSIDERATION AND POSSIBLE ACTION TO AWARD A CONTRACT FOR GRANT ADMINISTRATION SERVICES TO LANGFORD AND ASSOCIATES TO PREPARE AND SUBMIT AN APPLICATION FOR A TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT TO THE TEXAS DEPARTMENT OF AGRICULTURE.**

2. Party Making Request: **DIRECTOR OF PW, PARKS, & UTILITIES- TREY JOB**

3. Attachments: Yes X No

RECEIPT

Account: G27266
Name: FINANCE
Address: BASTROP CITY OF
PO BOX 427
BASTROP TX 78602-0427

Phone: 512-332-8800
E-mail: ZGJONES@CITYOFBASTROP.ORG

Order Name: PUBLIC NOTICE
Order Id: 681999
Original Order Id:
Copy Line: 681999
Sales Rep: S1134 April Emberton (S)
Purchase Order: PUBLIC NOTICE
Pay Type: Billed
Account Group:
Caller: TREY JOB

Section: 6205 Legal Notices
Reply Request:
Tear Sheets: 0

Order Summary	
Base:	\$405.61
Other Charges:	\$0.00
Discounts:	\$0.00
Agency Commission:	\$0.00
Sales Tax:	\$0.00
Total Order	\$405.61

Payment Summary
No payment information available.

RECEIPT

Ad Name: 1334460A

Ad Id: 1334460

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SACN Bastrop
SACN Smithville

RECEIPT

**COMBINED
PROCUREMENT OF ENGINEERING &
ADMINISTRATION SERVICES
PUBLIC NOTICE**

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The City of Bastrop is an Affirmative Action/Equal Opportunity Employer
12-10, 12-15/2016 #681999

Date Printed 12/01/2016
Time Printed 05:14 PM

Austin American Statesman
Statesman.com/Austin360.com
RECEIPT

Order 681999
Page 4 of 4

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CITY COUNCIL

AGENDA COVER SHEET

DATE SUBMITTED: January 3, 2017

MEETING DATE: January 10, 2017

1. Agenda Item: **CONSIDERATION AND DISCUSSION OF DRAFT AMENDMENT TO THE CITY OF BASTROP SIGN ORDINANCE SECTION 3.20 REGARDING CERTAIN PROVISIONS RELATED TO PYLON SIGNS.**
2. Party Making Request: **Marvin Townsend, City Manager**
3. Nature of Request: (Brief Overview) **Consideration of Draft Amendment to the City of Bastrop Sign Ordinance regarding the height and area of pylon signs, specifically to allow heights and sign areas that exceed the current allowances, if the site is affected by high speeds and overpasses along state highways.**
4. Attachments: Yes XX No _____
5. Motion Requested: **N/A – Item for consideration only.**

Amending Section 3.20 of the City code to incorporate provisions related to pylon signs greater than 35 feet in height and 160 square feet of sign area, and revising any related provision not considered with this amendment.

In addition to the regulations set forth in various provisions of Section 3.20 Signs, regarding pylon sign heights and total sign area, the following additional provisions will apply to business property abutting a state highway when all of the following conditions exist:

1. Divided highways with or without separate local access roads.
2. Authorized speed limits in excess of 50 miles per hour.
3. Overpasses in which at least the main lanes are elevated over local cross traffic.

One pylon sign exceeding the requirements of Section 3.20.015(13) if the following conditions are met:

1. The pylon sign must meet all location and spacing requirements contained within the current Sign Ordinance.
2. All other requirements for a pylon sign must be met.
3. For every 1 foot of elevation variance between the main lane pavement and frontage road pavement, one additional foot of sign height is allowed.
4. For each additional 5 miles of posted main-lane speed limit in excess of 50 mph, 2 additional feet of sign height are allowed.
5. Each applicant must own or lease at least 100 feet of frontage along the access road or any public roadway perpendicular thereto within one block of the highway. For each additional 50 feet of highway frontage, up to 1 additional foot of height may be added.
6. In no event shall the pylon sign exceed 70 feet in overall height, or 48 feet above the adjacent main-lane pavement grade, whichever is lower.
7. For each additional 1 foot of allowable height in excess of 35 feet, 7 square feet of additional sign area are allowed, up to a maximum area of 400 square feet. For example, a 60-foot tall pylon sign may increase the maximum allowable sign area from 160 square feet to 335 square feet.

Signage allowed under these provisions shall consist of not more than 2 separate sign areas, and shall comply with all other standards and requirements provided in section 3.20 of the Bastrop Code of Ordinances. Additionally, all factors described above shall be measured within the frontage limits of the subject property.

Any provision of Section 3.20 not consistent with this amendment is hereby revised to be consistent with the provisions set forth above.

CITY COUNCIL

AGENDA COVER SHEET

DATE SUBMITTED: January 3, 2017

MEETING DATE: January 10, 2017

1. Agenda Item: **PUBLIC HEARING: “REQUEST BY BUC-EE’S LTD TO OVERTURN A PRIOR DECISION OF THE BASTROP MUNICIPAL SIGN REVIEW BOARD, MADE DECEMBER 7, 2016, DENYING A REQUEST BY BUC-EE’S LTD FOR WAIVER “VARIANCES” TO THE CITY OF BASTROP SIGN ORDINANCE, TO ALLOW A PYLON SIGN WITH A MAXIMUM HEIGHT OF 70 FEET WHERE A MAXIMUM HEIGHT ALLOWANCE IS 35 FEET AND A MAXIMUM SIGN AREA OF 400 SQUARE FEET, WHERE A MAXIMUM SIGN AREA OF 160 SQUARE FEET IS ALLOWED.**

2. Party Making Request: **Wesley Brandon, PE, Director of Planning and Engineering**

3. Nature of Request: (Brief Overview) **Buc-ee’s Ltd. has filed a request to reverse a previously denied request for variances to Section 3.20.016 (4)(D) of the Bastrop Sign Ordinance. The Municipal Sign Review Board voted to deny the request at their regular meeting held on December 7, 2016, with four (4) members being opposed due to a desire for consistency in their rulings, and one (1) member being in favor.**

4. Attachments: Yes XX No _____

5. Motion Requested: **N/A Public Hearing: Motion will be the following item.**

City of Bastrop



Agenda Information Sheet:

City Council Meeting Date:

January 10, 2017

Item Description:

CONDUCT A PUBLIC HEARING: "Request by Buc-ee's LTD to overturn a prior decision of the Bastrop Municipal Sign Review Board, made December 7, 2016, denying a request by Buc-ee's LTD for waiver "variances" to the City of Bastrop Ordinance, Section 3.20.016 (4)(D), to allow a pylon sign with a maximum height of 70 feet where a maximum height allowance is 35 feet and a maximum sign area of 400 square feet, where a maximum sign area of 160 square feet is allowed."

Owner/ Applicant: Buc-ee's LTD.
Location: 601 State Highway 95, Located in the City Limits
Utilities: City water, sewer and electric
Zoning: C-2- Commercial (Heavy)
Land Use Plan: Commercial

Background:

The subject property consists of +/-13.431 acres within the Buc-ee's Store 28 Subdivision, Block A, Lot 1, located at 601 Highway 95, at the northeast corner of Highway 71 and Highway 95.

Buc-ee's Ltd. has filed a request to reverse a previously denied request for variances to Section 3.20.016 (4)(D) of the Bastrop Sign Ordinance. The Municipal Sign Review Board voted to deny the request at their regular meeting held on December 7, 2016, with four (4) members being opposed due to a desire for consistency in their rulings, and one (1) member being in favor.

Blas Coy	against
Dan Hays-Clark	against
Matthew Lassen	for
Herb Goldsmith	against
Bob Rogers	against

- Variances to Sign Ordinance:
 - (1) Section 3.20.016, (4) Pylon signs on Highway 71, which states in subparagraph (D)(i)(a) that the maximum area of a pylon sign is 160 square feet and
 - (2) Section 3.20.016, (4) Pylon signs on Highway 71, which states in subparagraph (D)(ii) maximum allowable height is 35 feet.

- Buc-ee's LTD. requests that the Council allow the following:
 - (1) a total sign area of 400 square feet, and
 - (2) a sign height of 70 feet.

The Owner has stated that the placement of the proposed, 70-foot tall, 400 square foot pylon sign will ensure that the sign is legible and will help patrons locate this business without undue hardship created by the overpass, under construction at the corner of Highway 71 and Highway 95. With the elevation change the height restriction would render a 35-foot-tall sign ineffective. A sign area of 400 square feet is typical of the size required for visibility at freeway speeds.

Comments:

Notifications for the requested waiver "variances" were mailed on November 14, 2016 to ten (10) adjacent property owners, which own property within 200 feet of the Buc-ee's site. One comment has been received opposing the request at the time of this report.

Recommended Action:

Staff recommends approval of waiver "variances" for a pylon sign with an overall height of 70-feet and a total sign area of 400 square feet.

City Contact:

Wesley Brandon, PE, Director of Planning and Engineering

Attachments: Owners request for appeal and the Municipal Sign Review Board packet, including: Location map, proposed signage, comparison signage, property owner letter, property owner response and Findings of Fact.



December 9, 2016

Mr. Wesley Brandon, Director
City of Bastrop Planning and Engineering
1311 Chestnut Street
Bastrop, Texas 78602

Re: Sign Variance Request MSRB V16-03
Via: Email wbrandon@cityofbastrop.org and US Mail

Dear Mr. Brandon,

As you know, at the December 7th, 2016 meeting of the Municipal Sign Review Board our request for Wavier "Variance" to Sign Ordinance, Section 3.20.016(1)(D)(i)(a)(ii) was considered and denied. Per Section 3.20.022(h), please accept this letter as our notice of request to the City Council to reverse, in whole, the Municipal Sign Review Board's order.

Per the requirement set forth in Section 3.20.022(h)(2), I am requesting your cooperation in coordinating our submission information, final approving said submission, and presenting the approved submission to the City Council for their final consideration. I am requesting that this matter be placed on the agenda for the regularly held meeting of the City Council on January 10, 2017.

Your continued assistance is appreciated, and we look forward to presenting our hardship to the City Council. Please confirm your receipt of this letter at your earliest convenience so that we may begin coordinating the submission materials.

Sincerely,

Stan Beard, Jr.
Director of Real Estate

CC: Mr. Sagness Girouard, via email
Store #28 File

City of Bastrop



Agenda Information Sheet:

Municipal Sign Review Board Meeting Date:
MSRB V16:03

December 7, 2016
Agenda # 6

Public Notice Description:

Wavier "Variance" to Sign Ordinance, Section 3.20.016 (1)(D)(i)(a)(ii), to allow a pylon sign to be approximately 70 feet in height with an area of 400 square feet, where a maximum height allowance is 35 feet with an area of 160 square feet for the property, located at 601 Highway 95, at the northeast corner of Highway 71 and Highway 95 Buc-ee's Store 28 Subdivision, Block A, Lot 1 being +/- 13.431 acres within the city limits.

Applicant: Buc-ee's
Owner: Buc-ee's LTD.
Location: 601 State Highway 95, Located in the City Limits
Utilities: City water, sewer and electric
Zoning: C-2- Commercial 2
Land Use Plan: Commercial

Request:

Buc-ee's is located at 601 Highway 95, at the northeast corner of Highway 71 and Highway 95 within Buc-ee's Store 28 Subdivision, Block A, Lot 1 being +/- 13.431 acres. Buc-ee's LTD., the owner of the property, is requesting to allow the sign be 70 feet in height with an area of approximately 400 square feet where 35 feet tall and 160 square feet are the maximums allowed in the City's Sign Ordinance, Section 3.20.016 (1)(D)(i)(a)(ii). The Owner has stated that the placement of the proposed, 70-foot tall, 400 square foot pylon sign will ensure that the sign is legible and will help patrons locate this business without undue hardship created by the overpass, under construction at the corner of Highway 71 and Highway 95. With the elevation change the height restriction would render a 35-foot-tall sign ineffective. A sign area of 400 square feet is typical of the size required for visibility at freeway speeds.

Sec. 3.20.016 - Sign dimensional standards by sign category

(4) Pylon

(D) Business.

(i) Area

a. Sign Area: 160 square feet

ii. Height: 35 feet

Location Map



Existing Site Location



Proposed Signage



Comparable Signage on SH 71



Westbound 71, North side of 71



Westbound 71, North side of 71



Eastbound 71, North of 71: 86 Feet OAH



Westbound 71, South of 71: 84 Feet OAH



Eastbound 71 Frontage Rd., South side of 71



Eastbound 71 Frontage Rd., South side of 71



Westbound 71, South side of 71



Eastbound 71, South side of 71

Variance Criteria:

Variances to the City's sign standards are allowed under City's Sign Code, Section 3.20.022. The Municipal Sign Review Board, comprised of all BOA members (members and alternates), hear requests for such variances and may authorize variances to the City's sign regulations when application of the Code would result in undue hardship to the applicant, and the applicant proves a non-economic hardship is posed that is not of the applicant's making. [Note: The Criteria for making Findings, when determining whether to allow a variance, is different for the Municipal Sign Review Board, than for the Board of Adjustments.]

3.20.022 Municipal Sign Review Board; Variances

- (b) Variances. A variance to the provisions of this article shall be considered an exception to the regulations, rather than a right. The Municipal Sign Review Board may authorize a variance from the regulations of this article by a majority vote when, in its opinion, **undue hardship will result from requiring strict compliance**. The following limitations and criteria shall be used by the board to evaluate, "grant" or "deny" any sign variance request:

Criteria for Findings

1. **Undue hardship:**

Special circumstances exist which affect the land and development involved such that the strict application of the provisions of this Article:

- a. **Would deprive the owner or applicant of the ability to advertise the business or a product;**

In this case, the Owner has stated that the placement of the proposed, 70-foot tall, 400 square foot pylon sign will ensure that the sign is legible and will help patrons locate this business without undue hardship created by the overpass under construction at the corner of Highway 71 and Highway 95. With the elevation change the height restriction would render a 35-foot-tall sign ineffective. A sign area of 400 square feet is typical of the size required for visibility at freeway speeds.

- b. **Granting of a variance shall be based on a finding that the applicant's difficulties or hardship are due to unusual conditions or circumstances, such as irregularly shaped parcel of land;**

Although the site is not irregularly shaped, TXDOT is currently building an overpass on Highway 71, in front of this business location.

- c. **Granting of a variance will not adversely affect surrounding property owners and use;**

Surrounding property owners would not be affected by the installation of this sign. There are no other signs for this space on the frontage roads.

- d. **Granting a variance shall not be detrimental to the public health, safety or welfare;**

The granting of the variances will not be detrimental to the public health, safety or welfare.

- e. **Financial hardship alone shall not be grounds for a variance.**

Financial consideration has not been identified by the Applicant as a reason for the variance request.

2. **A variance shall not be approved if the circumstance for the hardship were caused or created by the owner of the property or the applicant seeking the variance.**

The Owner did not create the issues/hardships.

Comments:

Notifications of the requested variance were mailed on November 14, 2016 to ten (10) adjacent property owners, which own property within 200 feet of the Buc-ee's site. No comments have been received at the time of this report.

Recommended Action:

Staff recommends approval of waiver "Variance" for a pylon sign with an overall height of 70-feet and a total of 400 square feet. This will serve as the only street signage for this business with two highway frontages.

City Contact:

Wesley Brandon, City Engineer

Attachments: Location map, proposed signage, comparison signage, property owner letter, surrounding property owner response, and Findings of Fact.



20'-0" LOGO @ 70' OAH
& NAME CABINET

400 Square Feet of Sign Area

SCALE: 3/32" = 1'-0"



The remaining information of Southwest Signs, Inc. and the party for which it was prepared, the accuracy of, or any responsibility for, any drawing shall be assumed, respectively, at all times without the written consent of Southwest Signs, Inc. Please contact your Account Manager for questions regarding this document.

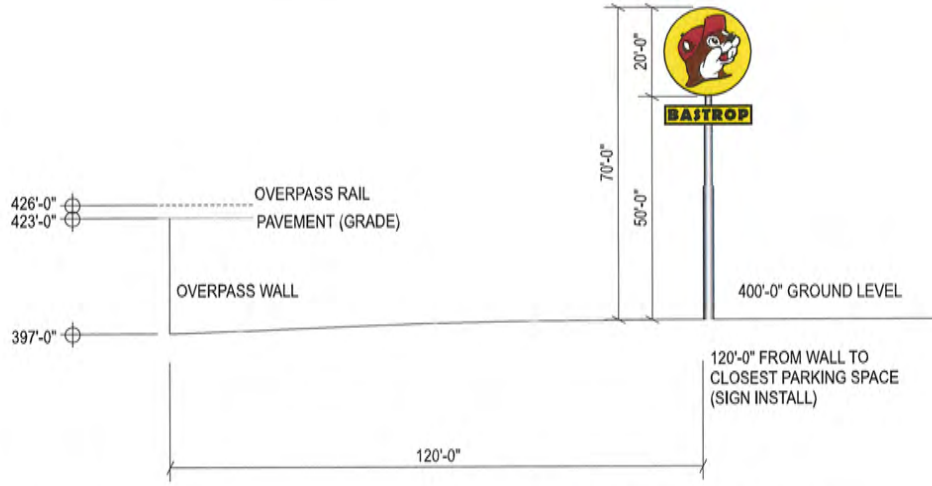
Buc-ee's #28

1700 Highway 71 E
Bastrop, TX 78602

Project ID#: **110764**
Project Mgr: **Brenda B.**
Designer: **DR**
Created on: **9/23/2016**

REVISION

R2 10/04/16 DR- Add City Name cabinet option
R3 10/18/16 DR- 20ft logo @ 70ft, cab NTE 86sq.ft



SCALE: 1/32" = 1'-0" DRIVING WESTBOUND VIEW

20'-0" LOGO & NAME CABINET @ 70' OAH



SCALE: 1/128" = 1'-0"



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Buc-ee's #28
1700 Highway 71 E
Bastrop, TX 78602

Project ID#: **110764**
Project Mgr: **Brenda B.**
Designer: **DR**
Created on: **9/23/2016**

REVISION	DESCRIPTION
R2	10/04/16 DR- Add City Name cabinet option
R3	10/18/16 DR- 20ft logo @ 70ft, cab NTE 86sq.ft

70-FT HEIGHT
400 SF



50-FT HEIGHT
200 SF



60-FT HEIGHT
120 SF



60-FT HEIGHT
280 SF



75-FT HEIGHT
285 SF



70-FT HEIGHT
400 SF



54-FT HEIGHT
446 SF



48-FT HEIGHT
860 SF



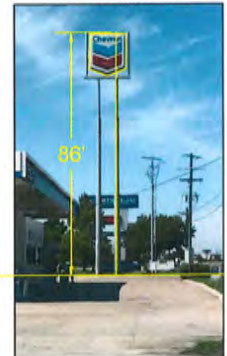
70-FT HEIGHT
400 SF



80-FT HEIGHT
250 SF



86-FT HEIGHT
170 SF



CITY COUNCIL

AGENDA COVER SHEET

DATE SUBMITTED: January 3, 2017

MEETING DATE: January 10, 2017

1. Agenda Item: **CONSIDERATION, DISCUSSION AND POSSIBLE ACTION TO GRANT “REQUEST BY BUC-EE’S LTD TO OVERTURN A PRIOR DECISION OF THE BASTROP MUNICIPAL SIGN REVIEW BOARD, MADE DECEMBER 7, 2016, DENYING A REQUEST BY BUC-EE’S LTD FOR WAIVER “VARIANCES” TO THE CITY OF BASTROP SIGN ORDINANCE, TO ALLOW A PYLON SIGN WITH A MAXIMUM HEIGHT OF 70 FEET WHERE A MAXIMUM HEIGHT ALLOWANCE IS 35 FEET AND A MAXIMUM SIGN AREA OF 400 SQUARE FEET, WHERE A MAXIMUM SIGN AREA OF 160 SQUARE FEET IS ALLOWED.**

2. Party Making Request: **Wesley Brandon, PE, Director of Planning and Engineering**

3. Nature of Request: (Brief Overview) **Buc-ee’s Ltd. has filed an appeal to the City Council requesting a reversal of the Municipal Sign Review Board’s prior decision to deny the waiver “variance” to the City of Bastrop Code of Ordinances - Sign Ordinance, Section 3.20.016 (4)(D), to allow a pylon sign to be a maximum of 70 feet in height with a maximum sign area of 400 square feet, where a maximum height allowance is 35 feet with an area of 160 square feet for the property. This waiver “variance” request failed during the Municipal Sign Review Board meeting held on December 7, 2016.**

4. Attachments: Yes XX No _____

5. Motion Requested: **Grant the waiver “variance” request to allow a pylon sign with a maximum overall height of 70 feet and a maximum sign area of 400 square feet.**

**ACTION OF THE CITY OF BASTROP
CITY COUNCIL**

GRANTING WAIVER “VARIANCES”

WHEREAS, Buc-ee’s LTD. (“Applicant”) of Bastrop, Texas, the owner of the property legally described as being approximately 13.431 acres located at 601 Highway 95, at the northeast corner of Highway 71 and Highway 95 Buc-ee’s Store 28 Subdivision, Block A, Lot 1. The subject property is in the City of Bastrop, Bastrop County, Texas (“Property”); and

WHEREAS, said Property is zoned C-2 (Commercial) and is classified in the Business sign category of the City’s Sign Ordinance; and

WHEREAS, Applicant has applied for a waiver “variances” to the City of Bastrop Sign Ordinance for the Property within the Business sign category, in accordance with Sign Code, Section 3.20.016(4)(D) to allow a pylon sign adjacent to Highway 71 that will be seventy feet (70’) in height and will have a total sign area of 400 square feet; which standards exceed the City’s current sign regulations; and

WHEREAS, Applicant originally filed a request for the waiver “variances” with the City’s Municipal Sign Review Board, which heard the request for the waiver “variances” and denied same on December 7, 2016, but subsequently, was granted the right to file an appeal to the Sign Boards denials to the City Council (“Application of Appeal”) for the variances sought for the sign for the Property; and

WHEREAS, Applicant alleges that strict compliance with the City’s Sign Ordinance would result in undue hardship to the Applicant, pursuant to Section 3.20.022(b)(1) of the City’s Sign Ordinance; and

WHEREAS, public notice was given by the city and a public hearing related to the request was held on January 10, 2017 before the Bastrop City Council.

WHEREAS, the City Council having heard the comments of the public, the Applicant and the staff, related to the proposed sign and the factual circumstances posed by the location of same, vis-à-vis the elevated Texas of Department of Transportation’s overpass on Highway 71, immediately adjacent to the property, evaluated and considered all facts and information presented in reaching the decision noted herein, below and, accordingly, issues this decision and grants the Waiver “Variances” sought by the Applicant and Decision on Appeal.

NOW THEREFORE, THE BASTROP CITY COUNCIL FINDS THAT:

1. The circumstances required for granting approval of the above described variance, as set out in Section 3.20.022(b) of the City’s Sign Ordinance, do exist on the

property legally described as being approximately 13.431 acres located at 601 Highway 95, at the northeast corner of Highway 71 and Highway 95, Buc-ee's Store 28 Subdivision, Block A, Lot 1, City of Bastrop, Bastrop County, Texas:

CRITERIA for Findings	
X	<p>1. Undue Hardship. Special circumstances exist which affect the land and development involved such that the strict application of the provisions of this article: (a) would deprive the owner or applicant of the ability to advertise the business or a product:</p> <p><i>In this case, the Owner has stated that the placement of the proposed, 70-foot tall, 400 square foot pylon sign will ensure that the sign is legible and will help patrons locate this business without undue hardship created by the overpass under construction at the corner of Highway 71 and Highway 95. With the elevation change the height restriction would render a 35-foot-tall sign ineffective. A sign area of 400 square feet is typical of the size required for visibility at freeway speeds.</i></p>
X	<p>2. Granting of the variance is based on a finding that the applicant's difficulties or hardship is due to unusual conditions or circumstances, such as irregularly shaped parcel of land; and</p> <p><i>Although the site is not irregularly shaped, TXDoT is currently building an overpass on Highway 71, in front of this business location.</i></p>
X	<p>3. Granting of the variance is based upon the determination that the variances would not adversely affect surrounding property owners and use; and</p> <p><i>Surrounding property owners would not be affected by the installation of this sign. There are no other signs for this space on the frontage roads.</i></p>
X	<p>4. Granting the variance would not be detrimental to the public health, safety or welfare; and</p> <p><i>The granting of the variances will not be detrimental to the public health, safety or welfare.</i></p>
X	<p>5. Financial hardship to the applicant, standing alone, has NOT been claimed.</p> <p><i>Financial consideration has not been identified by the Applicant as a reason for the variance request.</i></p>
X	<p>6. A variance shall not be approved if the circumstance for the hardship is caused or created by the owner of the property or the applicant seeking the variance.</p> <p><i>The Owner did not create the circumstances or hardships.</i></p>
X	<p>7. Financial hardship to the applicant, standing alone, has NOT been claimed.</p>

2. Therefore, the request to grant the variance to the Sign Standards, as noted herein, IS HEREBY GRANTED.
 - a. The height of the sign can be increased by thirty-five feet (35"), to a total of seventy feet (70').
 - b. The square footage of the sign can be increased to a total sign area of 400 square feet.

3. This matter was heard by members of the Bastrop City Council who voted as follows:

A. Mayor Pro Tem Willie DeLaRosa	_____
B. Council Member Gary Schiff	_____
C. Council Member Kay Garcia McAnally	_____
D. Council Member Willie Lewis "Bill" Peterson	_____
E. Council Member Deborah Jones	_____
F. Mayor Ken Kesselus	_____

4. The action of the Bastrop City Council, concerning this request for the waiver "variances" to the City's Sign Ordinance, was approved by a majority vote of the Council, as required by Section 3.20.022(b).

5. Minutes of this proceeding shall be kept on file in the City Secretary's office, and are public records.

NOW THEREFORE, the above request for a variance was heard and granted on January 10, 2017, by the Bastrop City Council.

By: Presiding Officer

STATE OF TEXAS

§
§

COUNTY OF BASTROP

§

**BASTROP CITY COUNCIL
CERTIFICATE OF AUTHENTICITY OF
VARIANCE FROM CITY OF BASTROP'S SIGN CODE REQUIREMENTS**

I, Ann Franklin, City Secretary of the City of Bastrop, hereby certify that the attached "Action of the City of Bastrop City Council Granting Variance" is a true and correct copy of the original document in the Bastrop City Secretary's Office, and I further certify that such document accurately reflects the action granting a variance taken by the members of the Bastrop City Council, on January 10, 2017.

Ann Franklin
City Secretary
City of Bastrop

Subscribed and sworn to before me on this the _____ day of _____, 2017 to certify which witness my hand and official seal.

Notary Public in and for the State of Texas

My Commission Expires: _____, 20__

CITY COUNCIL

AGENDA COVER SHEET

DATE SUBMITTED: January 3, 2017

MEETING DATE: January 10, 2017

1. Agenda Item: **THE NEED FOR REVISIONS IN THE ORDINANCES CREATING THE ZONING BOARD OF APPEALS AND THE SIGN BOARD OF APPEALS HAVE BEEN IDENTIFIED IN APPEAL ACTIVITIES DURING THE LAST FEW YEARS. SINCE THERE ARE NO PENDING CASES BEFORE EITHER BOARD IT IS TIMELY TO CONSIDER CHANGES AT THIS TIME. THE NEED FOR CHANGES WILL BE DISCUSSED WITH EACH BOARD AND THE PLANNING COMMISSION BEFORE A RECOMMENDATION WILL BE SUBMITTED TO THE CITY COUNCIL FOR CONSIDERATION.**

2. Party Making Request: **Interim City Manager, Marvin Townsend**

3. Attachments: Yes XX No _____

Memo

To: Mayor Kesselus and Council Members

From: City Manager Marvin Townsend

Date: January 6, 2017

Re: Various pending issues and prior events have caused this office to review the ordinances related to both Boards of Adjustments.

A home rule city like Bastrop has broad discretion to carry out specific authority granted by its voter approved charter, but such authority is limited by any state laws which preempt or limit that authority. Sign regulations occur under the state's broad grant of authority to adopt land use regulations. Some cities adopt sign regulation by a separate chapter of their zoning ordinance. Other cities carry out sign regulations as a separate ordinance. The state specifically allows sign removal when it is part of a city wide program in which the city can create a board to determine how much payment a sign owner is entitled to receive. The state and federal government have also granted cities certain authority over billboards along state highways. But neither of these areas of state preemption modifies the law authorizing the city to regulate zoning. It is that law that specifically requires the establishment of a right of appeal to the Board of Adjustment and an appeal from the board's decision to a state district court.

Apparently the authority to carry out zoning, the need to have a Board of Adjustment and the desire to have a different appeals process regarding signs has caused adoption of several rules and procedures that may need to be reviewed for appropriateness and consistent with state law including:

- A) The existence of 2 boards of appeal, zoning and sign;
- B) Lack of clarity as to who can file an appeal to the board;
- C) Adoption of time limits for certain variances;

- D) Adoption of a rule that creates automatic appeal approval if the board does not act within 4 weeks.
- E) Lack of clarity as to who can appeal a board action to the District Court;
- F) The role, if any, of the County Clerk's office in recording variances;
- G) The probability that the Sign Board of Appeals should be transitioned into the Zoning Board of appeals.

Each of the concerns are discussed in the attached memorandum.

If the City Council concurs, these concerns will be discussed with the Zoning Boards of Adjustment and with the Planning Commission. Proposed amendments will then be submitted for City Council action with the recommendations of the Planning Commission and the Zoning Board of Adjustment.



Suggested changes regarding the Zoning Board
Of Adjustment and the Administration of Requests for Sign Board of Adjustment

1) The Establishment of a Zoning Board of Adjustment is authorized in Texas law found in the Local Government Code, Article 211 and following sections. Article 211.010 Appeal to the Board, identifies those eligible to file an appeal as:

- 1) "a person aggrieved by a decision of the Board or;
- 2) any officer, department, board, or bureau of the municipality affected by the decision."

A City department would not be authorized to appeal to the Board, without authority being given by the City Council or a City Board directly impacted by the decision being appealed. Inter-departmental conflicts should be resolved through the City's administrative procedures ending at the City Manager's office or on a City Council agenda. Since previous guidance from the City Attorney's office had endorsed the Planning Department initiating appeals to the Zoning Board of Adjustment, I have advised the staff that it has no authority to initiate appeals to the Zoning Board of Adjustment. Any staff initiated zoning changes should be initiated through the Planning Commission, not directly to the Board of Adjustment.

2) The state law (Local Government Code, Article 211.008 and following) makes no mention of time limits on the life of a decision of the Zoning Board of Adjustment and, since any individual decision of the Board could be limited by the Board adding a time schedule setting deadlines for certain related actions, there is no basis to support the one-year time limit set forth on page 14A-12 of the City's ordinance which states:

F. "Any rights authorized by a variance which are not exercised within one (1) year from the date of granting such variance shall lapse and may be reestablished only after application and a new hearing in accordance with this article."

Since there is no state law authority for such a time limit and such a limit is probably subject to attack under other state property law provisions, generally referred to as vested rights statutes. Section 9.8 Procedures, subsection F, should be deleted from the Zoning Board of Adjustment ordinance.

3) Section 9.9E of the Zoning Board of Adjustment provides for automatic approval of any pending appeal not acted on by the Board within 4 weeks after placement on the agenda. There is no such authority provided in state law which requires 75% vote of the entire Board to modify a decision being appealed to the Board. A proposed ordinance amendment to delete 9.7 sub-section E and Section 9.9E will be submitted to the Planning Commission and Zoning Board of Adjustment for their comments, before submitting it to the City Council for consideration.

4) The next issue to be addressed is who can initiate an appeal for the City from a decision by the Zoning Board of Adjustment?

A challenge to a decision of any City Board should only be filed by authority separately granted for each appeal by the City Council. All involved departments have been so advised. Appeals from the Board of Adjustment are to the District Court.

5) A procedure is now in place to file decisions by the Zoning Board of Adjustment in the County Clerk's Office. Zoning of individual lots and the overall zoning maps of the city are not filed with the County. The City Secretary and the Planning Department have the responsibility of maintaining a map indicating the current zoning of all property (See Section 3, Zoning District Map in the Zoning Ordinance in the City Code C D 14:28). This map should include by notation or in some other manner all lots impacted by decisions of the Zoning Board of Adjustment. The Planning Department has been notified to cease filing actions of the Zoning Board of Adjustment at the Court House.

6) If there is no legal foundation for a separate Sign Board of Adjustment with appeals to the City Council, the ordinance creating the Sign Board of Appeals should be rescinded and sign appeals be adjudicated according to the procedures for all other Zoning appeals.

CITY COUNCIL

AGENDA COVER SHEET

DATE SUBMITTED: January 3, 2017

MEETING DATE: January 10, 2017

1. **AGENDA ITEM: THOUGHTS FOR DISCUSSION. CONTINUING DISCUSSION AND POSSIBLE ACTION RELATED TO THE PHASE 2 REPORT ON THE POSSIBLE CREATION OF A DESTINATION MARKETING ORGANIZATION.**
 - A. **WHAT TYPE OF ORGANIZATION? TEXAS NON-PROFIT CORPORATION, 501C6 FEDERALLY RECOGNIZED ENTITY, CITY BOARD WITH OVERLAPPING TERMS.**
 - B. **WHAT TYPE OF ANNUAL CONTRACT IS CONTEMPLATED? PROPOSED ADVERTISING PROGRAM BASED ON ESTIMATED ALLOCATION FOR ADVERTISING? CITY COUNCIL APPROVAL OF MAJOR CHANGES?**
 - C. **SHOULD AN INITIATING COMMITTEE BE ESTABLISHED TO RECOMMEND STRUCTURE OF CONTINUING BOARD, NUMBER OF MEMBERS, GROUPS TO PROVIDE NOMINATIONS FOR CITY COUNCIL APPROVAL?**
 - D. **THE CONSULTANT CONTRACT PROVIDES FOR A PHASE 2 AND PHASE 3 OF THE CONTRACT. PHASE 1 IS BASICALLY COMPLETE. DOES THE CITY COUNCIL WISH TO AUTHORIZE PHASE 2 OR SOME PORTION OF PHASE 2?**

2. Party Making Request: **Mayor Kesselus and Interim City Manager, Marvin Townsend**

3. Attachments: Yes XX No _____

SUGGESTED TOPIC FOR POSSIBLE ACTION

1. Decision about the DMOproz recommendation for an Independent Board
 - A. Basic idea of what Independence must mean
 - B. Options that will be considered during phase 2
 - (1) 501c6 with contract
 - (2) mostly independently appointed board, with stake holders choosing them and no more than 1/3 of members appointed by Council, created by ordinance, not reporting to anyone, with rules set forth in the ordinance, and "contract" laid out by Council
 - (3) other form(s) of independent board
2. Decision to Hire DMOproz for Phase 2, instructing the City Manager to set terms and execute a contract
3. Selection of a Committee to deal with all details (those suggested by DMO-proz and those submitted by others) and to report to Council and recommend a plan to Council and working with DMOproz if it is employed to assist with phase 2
 - (A) Designated stake holders each will select a member and the Mayor will serve as chair and represent the Council and citizens in general and sub-committee of Council will select two others (see below)
 - (1) if so, best to decide tonight so we can get moving quickly. --- suggestion for starters - 1 each chosen by groups that made presentations about a DMO in 2016 (Chamber of Commerce, Main Street Board, Vision Task Force, Hyatt Regency,) and appointment by a sub-committee of three Council Members who will select one representative from the restaurant sector and one representative from the arts and cultural sector.
 - (2) this committee will begin work on Jan 17 and will meet each Tuesday when there is no Council meeting and will finish work in time for the Council to finish its decisions in response by the 2nd April meeting (but sooner if possible)
 - (3) Council Members, the public, and City Manager will be asked to submit questions and issues by Monday January 16 for the committee to consider along with those stated in the DMOproz report
 - (4) the committee will report to each Council meeting on its progress
4. At the January 24 meeting the Council will begin dealing with questions it might want to answer, including
 - A. Whether to Retain the current process of Tier funding and whether to assign the total decision making process for organization grants to the DMO (which will allocate HOT money appropriated by Council on an annual basis)
 - B. Essential rules for DMO operations - for example, must follow state HOT law rules, must follow same open meetings procedures as Council and BEDC, definition that the City will not legislate business management practices of the independent DMO.
 - C. Establishing a format for future Council to consider with a set minimum % of annual HOT income for use by the DMO (with Council allowed to raise, but not lower in any given year)
 - D. Bastrop Exhibition and Convention Center Marketing (which would also be considering by the Planning Committee)

1. The role of the DMO in this regard needs to be determined, (for example, assigning the task entirely to the DMO or for there to be a coordination among the DMO board with the City Manager and Council.
- E. Establishing Performance goals to power the work of the DMO

CITY COUNCIL

AGENDA COVER SHEET

DATE SUBMITTED: January 3, 2017

MEETING DATE: January 10, 2017

1. Agenda Item: **CONSIDERATION, DISCUSSION AND POSSIBLE ACTION REGARDING 2017 CITY COUNCIL MEETING SCHEDULE.**

2. Party Making Request: **City Secretary, Ann Franklin**

3. Attachments: Yes XX No

COUNCIL REGULAR MEETINGS

2017

(All meetings begin at 6:30 p.m. unless otherwise noted.)

****NOTE: The City Council will select the dates for the Quarterly Workshop Meetings during the course of the year.**

January 10 Regular Council Meeting

January 24 Regular Council Meeting

February 14 Regular Council Meeting

February 28 Regular Council Meeting

March 14 Regular Council Meeting

March 28 Regular Council Meeting

April 11 Regular Council Meeting

April 25 Regular Council Meeting

May 9 Regular Council Meeting

May 23 Regular Council Meeting

June 13 Regular Council Meeting

June 27 Regular Council Meeting

July 11 Regular Council Meeting

July 25 Regular Council Meeting

August 8 Regular Council Meeting

August 22 Regular Council Meeting

September 12 Regular Council Meeting

September 26 Regular Council Meeting

October 10 Regular Council Meeting

October 24 Regular Council Meeting

November 14 Regular Council Meeting

November 28 Regular Council Meeting

December 12 Regular Council Meeting – 1 Regular Meeting in December

2017 Holidays

The most common (Federal) holidays of the United States (USA) in 2017 are listed below.

Date	Holiday	Day
January 1	<u>New Year's Day 2017</u>	Sunday
January 16	<u>Martin Luther King Day 2017</u>	Monday
January 24	<u>Belly Laugh Day 2017</u>	Tuesday
February 2	<u>Groundhog Day 2017</u>	Thursday
February 12	<u>Lincoln's Birthday 2017</u>	Sunday
February 14	<u>Valentine's Day 2017</u>	Tuesday
February 20	<u>Presidents Day and Washington's Birthday 2017</u>	Monday
February 28	<u>Mardi Gras Carnival 2017</u>	Tuesday
March 12	<u>Daylight Saving 2017</u>	Sunday
March 17	<u>St. Patrick's Day 2017</u>	Friday
April 1	<u>April Fool's Day 2017</u>	Saturday
April 14	<u>Good Friday 2017</u>	Friday
April 16	<u>Easter 2017</u>	Sunday
April 17	<u>Easter Monday 2017</u>	Monday
April 22	<u>Earth Day 2017</u>	Saturday
May 5	<u>Cinco de Mayo 2017</u>	Friday
May 14	<u>Mother's Day 2017</u>	Sunday
May 20	<u>Armed Forces Day 2017</u>	Saturday
May 29	<u>Memorial Day 2017</u>	Monday
June 4	<u>Pentecost 2017</u>	Sunday
June 5	<u>Pentecost Monday 2017</u>	Monday

Date	Holiday	Day
June 14	<u>Flag Day 2017</u>	Wednesday
June 18	<u>Father's Day 2017</u>	Sunday
July 4	<u>Independence Day 2017</u>	Tuesday
July 23	<u>Parents' Day 2017</u>	Sunday
September 4	<u>Labor Day 2017</u>	Monday
September 10	<u>Grandparents' Day 2017</u>	Sunday
September 11	<u>Patriot Day or September 11th 2017</u>	Monday
September 16	<u>Stepfamily Day 2017</u>	Saturday
September 17	<u>Citizenship Day 2017</u>	Sunday
September 22	<u>Native American Day 2017</u>	Friday
October 9	<u>Columbus Day 2017</u>	Monday
October 16	<u>Boss's Day 2017</u>	Monday
October 21	<u>Sweetest Day 2017</u>	Saturday
October 31	<u>Halloween 2017</u>	Tuesday
November 5	<u>Daylight Saving 2017</u>	Sunday
November 11	<u>Veterans' Day 2017</u>	Saturday
November 23	<u>Thanksgiving 2017</u>	Thursday
November 24	<u>Black Friday 2017</u>	Friday
November 27	<u>Cyber Monday 2017</u>	Monday
December 7	<u>Pearl Harbor Remembrance Day 2017</u>	Thursday
December 25	<u>Christmas Day 2017</u>	Monday
December 31	<u>New Year's Eve 2017</u>	Sunday

CITY COUNCIL

AGENDA COVER SHEET

DATE SUBMITTED: 1.3.2017

MEETING DATE: 1.10.2017

1. Agenda Item: CONSIDERATION, DISCUSSION AND POSSIBLE ACTION APPROVING THE SOLICITATION OF BIDS FOR CONSTRUCTION RELATED TO THE ALLEY D PARKING LOT CONCRETE PAVING PROJECT. THE BIDS WILL BE OPENED ON FEBRUARY 16, 2017 AT 1311 CHESTNUT STREET BEGINNING AT 10:30 AM.

2. Party Making Request: DIRECTOR OF PW, PARKS, & UTILITIES- TREY JOB

3. Attachments: Yes X No

Advertisement and Invitation for Bids

The City of Bastrop will receive bids for Alley D Improvements (BEFCO Job No. 16-6565) at Bastrop City Hall, 1311 Chestnut Street, Bastrop, Texas until 10:30 a.m. on Thursday, February 16, 2017. The bids will be publicly opened and read aloud at 10:30 a.m. at City Hall.

Bids are invited for concrete pavement / curbing.

Bid/Documents, including Technical Specifications, are on file at BEFCO Engineering, Inc., 485 N. Jefferson (P. O. Box 615), La Grange, Texas 78945, (979) 968-6474.

Copies of the Bid/Contract Documents may be obtained electronically by contacting BEFCO Engineering, Inc. or by payment of non-refundable \$30.00 for each set of hard copies obtained. Electronic copies may be obtained at no charge by request at office@befcoengineering.com. For questions please call BEFCO Engineering, Inc. at (979) 968-6474.

A bid bond in the amount of 5% of the bid issued by an acceptable surety shall be submitted with each bid. A certified check or bank draft payable to the City of Bastrop may be submitted in lieu of the Bid Bond.


The successful bidder may not discriminate against its employees or applicants for employment on the basis of race, color, religion, sex, age or national origin.

The City of Bastrop reserves the right to reject any or all bids or to waive any minor informalities in the bid documents. **Contract will be awarded to lowest responsible bidder.**

Bids may be held by the City of Bastrop for a period not to exceed 60 days from the date of the bid opening for the purpose of reviewing the bids and investigating the bidder's qualifications prior to the contract award. The contract will be awarded to the lowest responsible bidder.

All qualified applicants shall receive consideration for employment without regard to race, color, religion, sex, or national origin. Bidders will be required to comply with the President's Executive Order No. 11246, as amended by Executive Order 11375, and as supplemented in Department of Labor regulations 41 CFR Part 60.

The successful Bidder shall furnish Performance and Payment Bonds on the forms furnished with the Proposal, in the amount of 100% of the total Contract price, from a surety company holding a permit from the State of Texas to act as surety. The surety company must have a minimum Best Key Rating of "B" or be eligible to participate in the surety bond guarantee program of the Small Business Administration and must be an approved surety listed in the current U.S. Department of Treasury Circular 570, and must meet all of the related rules and regulations of the Treasury Department. The surety company and the agency or agent issuing the Payment and Performance Bonds must be authorized to issue and sign Payment and Performance Bonds in Texas in an amount equal to or greater than the total contract price.

 _____ Date 1-5-17
Trey Job, Director of Public Works
City of Bastrop

CITY COUNCIL

AGENDA COVER SHEET

DATE SUBMITTED: 1.3.2017

MEETING DATE: 1.10.2017

1. Agenda Item: CONSIDERATION, DISCUSSION AND POSSIBLE ACTION FOR THE APPROVING THE SOLICITATION OF BIDS FOR THE INSTALLATION OF TWO SECTIONS 16-INCH WATER MAIN. THE LIMITS OF CONSTRUCTION FOR SECTION (1) ARE FROM AN EXISTING CONNECTION WEST OF THE INTERSECTION OF HWY 95 AND HWY 71 AND CONNECTING AT ESKEW STREET, AND SECTION (2) FROM AN EXISTING CONNECTION SOUTH OF HWY 71 AND TRAVELING WEST ALONG HWY 71 UNTIL THE CITY OF BASTROP NEW ELEVATED STORAGE TANK LOCATION IS REACHED.

2. Party Making Request: DIRECTOR OF PW, PARKS, & UTILITIES- TREY JOB

3. Attachments: Yes X No



BEFCO ENGINEERING, INC.
Consulting Engineering/Land Surveying
P.O. BOX 615 485 NORTH JEFFERSON
LA GRANGE, TEXAS 78945-0615
979 / 968-6474 FAX 979 / 968-3056
www.befcoengineering.com E-mail: office@befcoengineering.com
Texas Registered Engineering Firm F-2011 Texas Licensed Surveying Firm #10001700

March 1, 2016

Mr. Mike Talbot
City Manager
City of Bastrop
P.O. Box 427
Bastrop, Texas 78602

RE: City of Bastrop
Water Improvements Proposal (Elevated Storage Tank & 16" WL)
BEFCO Job No. 15-6497

Dear Mike:

BEFCO is pleased to submit a proposal for performing engineering services associated with the water improvements project along SH71, as shown on the attached drawing, in the City of Bastrop. The proposal will include the following services:

A. Scope of Project

- Lay a new 16" water line (5,800 feet) from the 12" crossing of SH 71 on the west side of the 71/95/21 intersection near BUC-EE'S and extend the 16" water line along SH 71 crossing the Colorado River and tie into the 12" water line at Eskew Street;
- Lay a new 16" water line (5,700 feet) on the south side of SH 71 near Lost Pines Toyota and extend along SH 71 to the property owned by the City of Bastrop at the intersection of FM 20 and SH 71; and,
- Build a new elevated storage tank (EST) on the City of Bastrop property at FM 20 and SH 71.

B Design Activities

- BEFCO will provide a topographic and river crossing survey of the project area;
- All work will utilize State Plane datums for horizontal and vertical control;
- BEFCO will develop plans showing existing topographic features, manhole locations, water features, and other improvements;
- BEFCO will secure TxDOT permits and river crossing permits, if needed;

"Providing technical engineering and land surveying services with a sense of small-town values and care"

- BEFCO will meet with staff to review the preliminary plans and solicit comments (3 meetings);

C. Pre-Construction Activities

- BEFCO will prepare contract documents for soliciting bids;
- BEFCO will conduct a pre-bid conference for the project;
- BEFCO will assist in preparation of addendums required for bidding process;
- BEFCO will conduct the bid opening and prepare bid tabulation for recommendation to the Bastrop City Council;

D. Construction Activities

- BEFCO will prepare the contract documents for execution by the contractor and City and conduct a pre-construction meeting;
- BEFCO will conduct periodic inspections and visit with staff regarding construction issues (10 visits);
- BEFCO will attend periodic Public Works meetings (4 meetings);
- BEFCO will contract with tank inspector for the EST to inspect all the various aspects from welding to coating system;
- BEFCO will review and approve monthly pay requests from the contractor;
- BEFCO will prepare and process Change Orders;
- BEFCO will perform a walk-through of the project to develop a punch list and beginning of the warranty period;
- BEFCO will finalize the project with the certificate of completion, final bill, and the affidavit that all bills have been paid by the contractor;
- BEFCO will submit to the City a set of record drawings and CD for future use;

E. The following items are not included in this proposal:

- Geotechnical Engineer's borings, testing and reports. (City has contracted)
- Advertising for the project in the official paper.

- Resident Inspection is to be furnished by the City.
- Any outside testing, such as concrete, etc.

F. Basis of Compensation

Compensation for extra services performed in this Proposal shall be based on direct salary cost of personnel, plus reimbursement of direct expenses. Salary cost will be billed at the following rates:

Principal	\$120/hr
Design or Field Engineer	\$110/hr
Registered Public Land Surveyor	\$100/hr
Technician	\$90/hr
Survey Crew	\$90/hr
Three-Man Survey Crew	\$115/hr
Two-Man Survey Crew / Incl. RPLS	\$130/hr
Three-Man Survey Crew / Incl. RPLS	\$145/hr
GPS Equipment	\$35/hr
Robotic Equipment	\$10/hr
Special Services or Expenses	Cost Plus 15%
Clerical	\$45/hr

G. The total cost for the base fee proposal is:

Water Improvements — 16" water line and Elevated Storage Tank (EST). See attached drawing.

Design / Surveying	\$ 250,000.00
Pre-Construction	\$ 16,000.00
Permits	\$ 20,000.00
Construction	\$ 44,000.00
EST Inspection	\$ 35,000.00
Close Out	\$ 15,000.00
Total	<u>\$ 380,000.00</u>

All additional services and reimbursable expenses incurred will be billed to City of Bastrop for payment.

The total cost for the base fee proposal shall not exceed \$380,000.00, without prior approval. **Reimbursables** will be invoiced in addition to this amount. All payments are due within 30 days of receipt of invoice. City of Bastrop will be billed on a monthly basis.

H. Estimated Schedule and Project Budget

It is anticipated that the **Design Phase** of this project will be completed within one-hundred fifty (150) working days from the execution of this contract, depending on survey requirements. However, additional time may be required if approvals by the City of Bastrop, TxDOT, Corp of Engineers or other landowners are delayed due to unforeseen circumstances.

As of the date of this Agreement, City of Bastrop's Design & Construction Project budget is **\$ 4,700,000**. City of Bastrop agrees to promptly notify BEFCO if City's schedule or project scope changes due to unforeseen circumstances. City of Bastrop acknowledges that significant changes to the Project schedule, budget or scope may require Additional Services of BEFCO.

I. Client's Responsibilities

City of Bastrop agrees to advise BEFCO of any known or suspected contaminants at the Project site. Soil testing has been performed as needed by an outside consultant hired by the City.

City of Bastrop will obtain and pay for all necessary permits from authorities having jurisdiction over the project. BEFCO will assist City of Bastrop with this obligation by completing and submitting appropriate paperwork and forms to governing authorities (TxDOT, Corp. of Engineers and others).

J. Limited Construction Phase Services

Periodic construction inspection services will be provided by the Project Engineer to determine the general progress of the work, but will not include supervision of the contractors, or of their means, methods, techniques, schedules, sequences or procedures, or for construction safety or any other related programs. However, it should be noted that any concerns will be brought to the Contractor.

The City of Bastrop will provide resident inspection of this project. Construction meetings will be held on a routine basis at the City's Public Works meeting (4).

K. Indemnification

City of Bastrop agrees to indemnify, defend and hold BEFCO harmless from and against any and all claims, liabilities, suits, demands, losses, costs and expenses, including, but not limited to, reasonable attorneys' fees and all legal expenses and fees incurred on appeal, and all interest thereon, accruing or resulting to any and all persons, firms or any other legal entities on account of any damages or losses to property or persons, including injury or death, or economic losses, arising out of the Project and/or the performance or non-performance of obligations under this Agreement, except to the extent such damages or losses are found by a court or forum of competent jurisdiction to be caused by BEFCO's negligent errors or omissions.

L. Termination

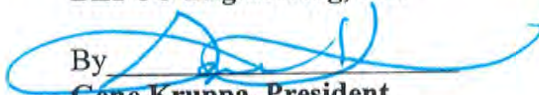
Either City of Bastrop or BEFCO may terminate this Agreement upon seven days written notice. If terminated, City of Bastrop agrees to pay BEFCO for all Basic and Additional Services rendered and Reimbursable Expenses incurred up to the date of termination.

M. Approval/Acceptance

BEFCO proposes to perform the services listed above for \$380,000. If you have any questions, please advise. I am thanking you and the City for continued confidence and support.

Accepted:


BEFCO Engineering, Inc.

By 
Gene Kruppa, President

Date March 1, 2016

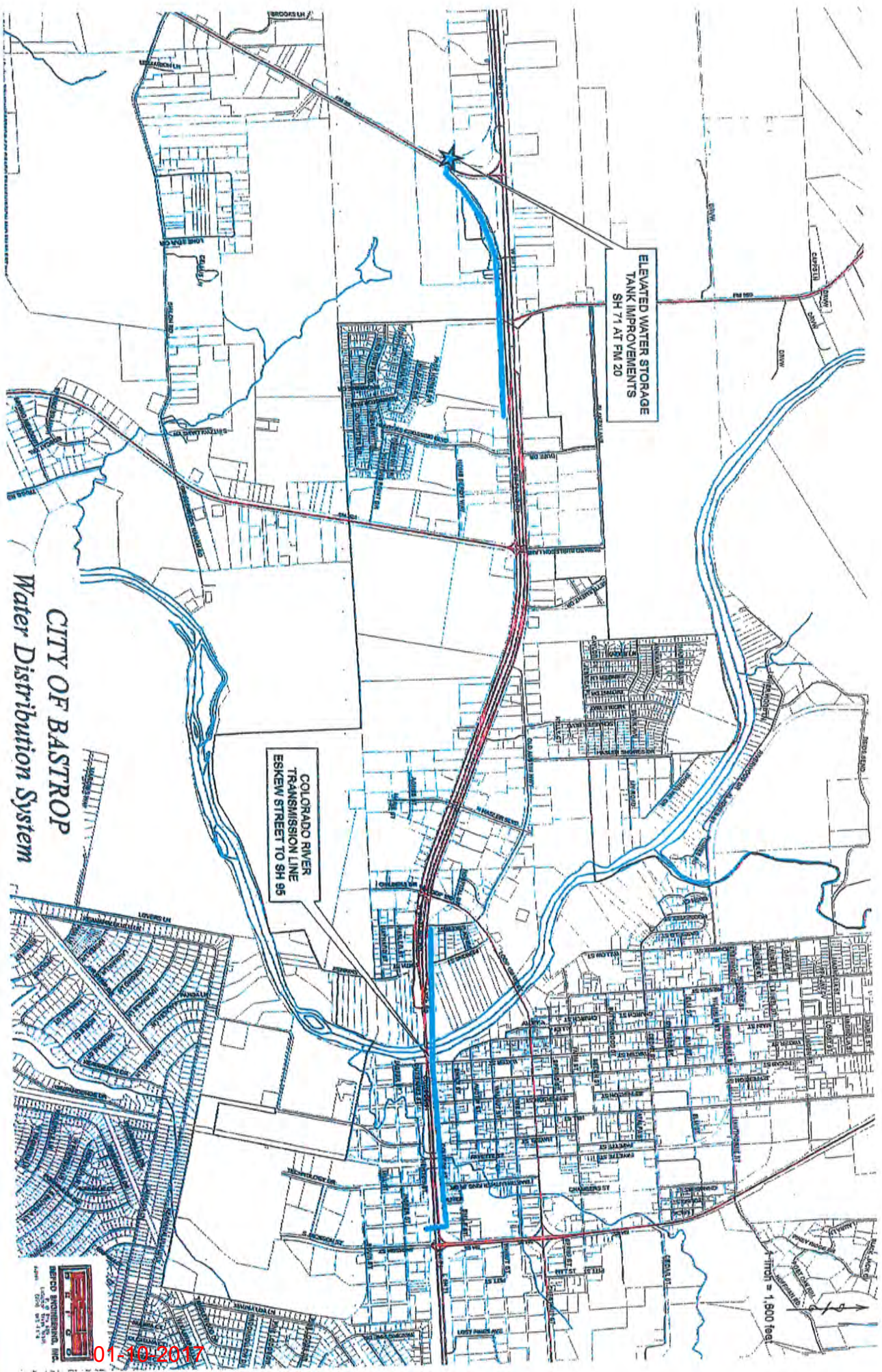
Accepted:

City of Bastrop

By 
Michael H. Talbot, City Manager

Date 3-10-16





CITY OF BASTROP
Water Distribution System

ELEVATED WATER STORAGE
 TANK IMPROVEMENTS
 SH 71 AT FM 20

COLORADO RIVER
 TRANSMISSION LINE
 ESKEW STREET TO SH 95

1" = 1,500' feet

BERCO ENGINEERING, INC.
 1000 N. 10th St.
 Metairie, LA 70002
 Phone: 504-885-1111
 Fax: 504-885-1112

01-10-2017

CITY COUNCIL

AGENDA COVER SHEET

DATE SUBMITTED: January 3, 2017

MEETING DATE: January 10, 2017

1. Agenda Item: CONSIDERATION AND DISCUSSION REGARDING AMENDMENT TO CHAPTER 4 OF THE CODE OF ORDINANCES OF THE CITY OF BASTROP, "BASTROP REGULATIONS", ARTICLE 4.03 "TAXICABS, SHUTTLES AND TOURING VEHICLES," TO ADD DEFINITIONS OF TERMS, ADD EXEMPTIONS FROM COVERAGE, ADD REGULATIONS PERTAINING TO PEDICABS, HORSE-DRAWN CARRIAGES, LOW SPEED VEHICLES ("LSV"), NEIGHBORHOOD ELECTRIC VEHICLES ("NEV"), PROVIDING ADDITIONAL REMEDIES FOR VIOLATIONS; AND AMENDING APPENDIX A4.03.001 – "LICENSE" OF THE CODE OF ORDINANCES OF THE CITY OF BASTROP, CONCERNING INSPECTION AND DRIVERS' FEES FOR SAME; PROVIDING FOR PENALTIES; AND ESTABLISHING AN EFFECTIVE DATE.

2. Party Making Request: **City Attorney, David Bragg**

3. Attachments: Yes XX No _____

ORDINANCE NO. 2017 -

AN ORDINANCE AMENDING CHAPTER 4 OF THE CODE OF ORDINANCES OF THE CITY OF BASTROP, "BASTROP REGULATIONS", ARTICLE 4.03 "TAXICABS, SHUTTLES AND TOURING VEHICLES," TO ADD DEFINITIONS OF TERMS, ADD EXEMPTIONS FROM COVERAGE, ADD REGULATIONS PERTAINING TO PEDICABS, HORSE-DRAWN CARRIAGES, LOW SPEED VEHICLES ("LSV"), NEIGHBORHOOD ELECTRIC VEHICLES ("NEV"), PROVIDING ADDITIONAL REMEDIES FOR VIOLATIONS; AND AMENDING APPENDIX A4.03.001 – "LICENSE" OF THE CODE OF ORDINANCES OF THE CITY OF BASTROP, CONCERNING INSPECTION AND DRIVERS' FEES FOR SAME; PROVIDING FOR PENALTIES; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, State and local laws and the City of Bastrop's ("City") Home Rule Charter authorize the City to adopt and enforce laws related to transportation to enhance and protect the health, safety and welfare of the citizens of, and visitors to, the Bastrop community; and

WHEREAS, The City Council finds that the regulation of pedicabs , low speed vehicles, and neighborhood electric vehicles operating in the City, and annual inspection and licensing fees for same, are necessary for the purpose of promoting the safety of individuals utilizing pedicabs; and

WHEREAS, the City of Bastrop finds that it is necessary to provide additional civil remedies for the violation of Article 4.03 to insure that effective tools for the regulation of the vehicles covered by this Article are sufficient to protect public health and safety; and

WHEREAS, the City of Bastrop finds that the amendments to Article 4.03 "Taxicabs, Shuttles and Touring Vehicles" and Appendix A, concerning annual inspection and licensing fees for same are necessary and proper and will enhance and protect the health, safety, and welfare of the citizens of the City.

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

PART 1. That Article 4.03 "Taxicabs, Shuttles and Touring Vehicles" of the Code of Ordinances of the City of Bastrop is hereby amended to rename the article, add definitions, provide for the regulation of alternative vehicles, additional remedies for violations, and make other necessary revisions for clarification and consistency.

ARTICLE 4.03 - TAXICABS, SHUTTLES, TOURING AND ALTERNATIVE VEHICLES

DIVISION 1. – General Provisions

Sec. 4.03.001 – Definitions

The definition of a term in this section applies to each grammatical variation of the term. In this article, unless the context requires a different definition:

“Alternative vehicle” means vehicles for hire that are horse-drawn carriages, pedicabs, NEVs or LSVs.

“Bicycle” means a vehicle with two wheels in tandem, usually propelled by pedals connected to the rear wheel by a chain, belts or gears, and having handlebars for steering and a saddle-like seat.

“Chargeable accident” means an accident for which a citation is issued for a moving violation to a driver licensed or permitted under this ordinance.

“City Secretary” means the City Secretary of the City of Bastrop or his/her designee.

“Conviction” means a conviction or deferred adjudication in a federal court or a court of any state or foreign nation or political subdivision of a state or foreign nation that has not been reversed, vacated, or pardoned.

“Department” means the Police Department of the City of Bastrop.

“Driver” means an individual who drives or operates a vehicle for hire and is granted a driver's permit under this article.

“Driver's permit” means a license issued to an individual by the city secretary authorizing that person to operate a vehicle for hire in the city.

“Electric bicycle” means a bicycle with an integrated electric motor which can be used for propulsion while still retaining the ability to be pedaled by the rider.

“For hire” means the business of carrying passengers where the destination and route traveled may be controlled by a passenger and the fare is calculated based on a fixed rate or it is negotiated prior to service being rendered unless the fare is "tips only" at the customer's discretion.

“Gross vehicle weight” rating or “GVWR” means the value specified by the manufacturer as the loaded weight of a single vehicle.

“Holder” or “licensee” means a person who has a license or permit under this article.

“Horse” shall mean horse and all equine species.

“Legal resident” means a citizen of the United States or a person residing in the United States in accordance with federal immigration laws.

“Limousine” means a motor vehicle that is a luxury sedan with a manufacturer's rated seating capacity of not more than 15 passengers that is used for the transportation of persons from a location in the city to another location either inside or outside the city.

“Low speed vehicle” or “LSV” means a motor vehicle that is four-wheeled, whose speed attainable in one mile is not more than 25 miles per hour on a paved level surface and whose GVWR is less than 3,000 pounds.

“Motor vehicle” means a vehicle as defined in sec. 541.201(11) of the Texas Transportation Code.

“Neighborhood electric vehicle” or “NEV” means a vehicle that can attain a maximum speed of 35 miles per hour on a paved level surface and otherwise complies with Federal Motor Safety Standard 500 (49 C.F.R. Section 571.500) for LSVs.

“Pedicab” means a chauffeured bicycle (including an electric bicycle) or tricycle that transports passengers for hire where passengers occupy seats attached to a trailer, sidecar or similar device.

“Person” means an individual; corporation; government or governmental subdivision; or agency, trust, partnership, or two or more persons having a joint or common economic interest.

“Shuttle” means every vehicle or trailer of any type or size used for the transportation for hire of individuals or water oriented recreational equipment for the purpose of transporting such individuals or water oriented recreational equipment to locations in the city, hotels, public events, or in connection with tubing, kayaking, rafting, or similar water recreation activities upon rivers and streams that flow within or through the city limits. A vehicle shall be deemed to be a “shuttle vehicle”: (1) whether or not the vehicle operates on a regular fixed route within the city; (2) whether or not the business operating the vehicle is principally located within the city limits or outside the city limits, so long as the vehicle is operating on the public streets of the city; or (3) regardless of whether there is a separate fee for the transportation service or the transportation is included as a part of any other rental, fee, expense, or use cost paid by the public. Water oriented recreational equipment shall mean tubes, kayaks, rafts, canoes and any other forms of personal watercraft.

“Taxicab” means a chauffeured motor vehicle with a rated passenger capacity of eight or less, used to transport persons for hire that typically operates on irregular routes, irregular schedules, and a call and demand basis, but not including limousines, special service vehicles or courtesy vehicles.

“Taximeter” means a device that mechanically or electronically computes a fare based upon the distance traveled, the time the taxicab is engaged, and any other basis for charges which are specified in the operating authority or rate ordinance pertaining to the holder.

“Tricycle” means a vehicle with three wheels, usually propelled by pedals connected to the rear wheel by a chain, belts or gears, and having handlebars for steering and a saddle-like seat.

“Vehicle” means a device in or by which a person or property is or may be transported or drawn on a public roadway (including a road, street, bridge or thoroughfare), other than a device used

exclusively on stationary rails or tracks. Pedicabs, horse-drawn carriages, NEVs and LSVs are vehicles for purposes of this article.

“Vehicle for hire” means a chauffeured vehicle used to transport passengers on city streets for compensation under the authority of this chapter.

“Vehicle for hire service” means a passenger transportation service for hire that offers/provides one or more vehicles for hire in the operation of the service and includes (but is not limited to) a facility from which the service is operated; vehicle for hire used in the operation; and a person who owns, controls, or operates the service.

Sec. 4.03.002-.010 Reserved for expansion

Division 2. –Requirements for Vehicles and Licensees

Sec. 4.03.011 - License required; exemptions.

- (a) No person shall operate a taxicab, shuttle, touring or alternative vehicle for hire within the city unless such person shall have first obtained from the city secretary prior to such operation a license to operate the vehicle. Licenses shall expire within three hundred sixty-five days after issuance. The following are exempt from licensing under this article:
- (1) Taxicabs, shuttles or touring vehicles that are only temporarily in the city and that have their operating base outside of the city;
 - (2) Touring vehicles that are stopping over in the city for three (3) days or less;
 - (3) Public transit authority vehicles (e.g., Carts);
 - (4) The transportation of a person by a vehicle for hire licensed by another governmental entity from a point outside the city to a destination inside the city, if the vehicle for hire leaves the city without receiving a new passenger inside the city limits;
 - (5) A vehicle for hire service operated under state or federal authority unless the service is subject to the city's regulatory authority;
 - (6) Other than an alternative vehicle, a vehicle used by a hotel, motel or other similar business, commonly referred to as a courtesy vehicle, used to transport its patrons to various locations without charge; or
 - (7) A vehicle service that is arranged for a specific special event such as a wedding, funeral, prom and other similar special events.
- (b) Before the City Secretary issues an annual license to an applicant for a taxi, shuttle, touring or alternative vehicle, the City Secretary, after consulting with the Chief of Police and any other applicable staff and directors, shall first determine whether the applicant is fit, able, and willing to perform the proposed service. If the City Manager finds that the applicant is not fit, able and willing to perform the service the City Manager shall notify the applicant in writing that the application has been rejected. The applicant may, within ten (10) days after written notice of the decision of the City Manager, appeal the City Manager's decision to the City Council.

- (c) A written application for a yearly license for the operation of a taxicab, shuttle, touring or alternative vehicle within the city shall be signed and sworn to by the applicant or by a duly authorized officer, if the applicant is a corporation and shall be filed with the City Secretary's office on a form provided by the city. Applications for renewal for existing licenses shall be filed annually prior to expiration of the license. Applications for an initial license may be made at any time. The applicant shall provide the following information:
- (1) Name, physical address, and telephone number of the company;
 - (2) If a corporation, name and address of the principal officers and major stockholders of the corporation;
 - (3) If a partnership, name and address of the partners;
 - (4) If a proprietorship, name and address of the owners;
 - (5) Description of the make, vehicle identification, and license number of each vehicle, or in the case of alternative vehicles, a unique identifying number;
 - (6) Names, addresses, ages, driver's license numbers, and proof of insurance for each driver operating a taxicab, shuttle, touring or alternative vehicle for the company. This information shall be updated and immediately provided to the city in the event of any change and must be kept current during the year. The applicants will be required to provide the city with current (i.e., no older than ninety days) driving and criminal history records for each driver of applicant's vehicles that will be operated in the city. No applicant will be permitted to use drivers who have been ticketed for two or more moving violations and/or for one or more chargeable motor vehicle accidents, within the most recent twelve-month period. A driver in violation of this section is prohibited to drive a taxicab, shuttle, touring or alternative vehicle. Failure to provide such information for each driver operating a taxicab, shuttle, touring or alternative vehicle, within the city shall be grounds for revoking the license of the related company;
 - (7) A written sworn statement that no taxicabs, shuttles, touring or alternative vehicles will be operated by any driver that is not identified in the owner's license application; and
 - (8) In the event the operation of a taxicab, shuttle, touring or alternative vehicle during an event will substantially affect the general public, the proposed route to be used by the taxicab, shuttle, touring or alternative vehicle, as well as the hours of operation shall be provided to the Chief of Police and the City Manager. Thereafter, the police chief or the City Manager shall identify the location that is the safest area for the loading and unloading of passengers, if necessary. A "substantial affect" is more than three (3) vehicles in use during an event or more than fifty (50) people being transported by the vehicles.
- (d) *Insurance binder.* Before any license will be issued, or before the annual renewal of a license is granted, applicants shall file with the City Secretary and thereafter keep in full force and effect, a policy of public liability and property damage insurance as prescribed in section 4.03.014. The City Manager may require a license holder to obtain additional insurance depending on the service to be provided, the type of event and the number of people to be transported. In accord with this section, the City Manager or the police chief

may require a meeting with the proposed license holder to determine whether there are any "risk factors" anticipated which may increase the insurance.

- (e) In addition to the requirements of state law regarding vehicle safety inspection, and the requirements specified in this article, the city shall have the right to inspect all taxicabs, shuttles, touring and alternative vehicles operating in the city to determine if such vehicles meet the following minimum standards:
 - (1) Each vehicle shall be equipped with a fire extinguisher that is in good operating order;
 - (2) Each vehicle shall be reasonably free from dirt or rubbish and shall be otherwise clean and sanitary;
 - (3) The vehicle identification number and license number shall be compared to the numbers listed on the taxicab, shuttle or touring permit or license application to confirm that the numbers are the same; and
 - (4) Except as to alternative vehicles, each vehicle shall have lettering permanently affixed to the front doors in letters at least two and one-half (2½) inches high designating the vehicle as a taxicab, shuttle or touring vehicle and identifying the licensee.
- (f) Each application shall be accompanied by payment of license and driver(s) fees, as provided for in section A4.03.001 of the fee schedule in appendix A to this code. Such fees shall be paid prior to the receipt of a license, or in the case of annual license renewal, then, on or before the anniversary date of the issuance of the license. The license fees provided for herein shall be used to defray the expenses incurred in administering and enforcing this article.
- (g) All taxicab operators licensed under the provisions of this article shall maintain a valid phone number for public use during operational hours. Current addresses and phone numbers for each taxicab, shuttle, touring and alternative vehicle shall at all times be on file with the City Secretary.
- (h) If any of the representations in any application filed under this article are found to be false or fraudulent, such application may be refused or rejected by the city.

Sec. 4.03.012 - Vehicle operation requirements.

- (a) No vehicle for which a permit or license has been issued shall be operated by anyone except the driver(s) listed on the permit application. The permit or license and proof of insurance must be in the driver's possession when operating a vehicle.
- (b) No person may drive or operate any taxicab, shuttle, touring or alternative vehicle unless and until he or she has provided his or her name, address, age, driver's license number and social security number to the City Secretary's office and a current background check is completed by the owner/operator and provided to the city. For good cause, at any time, the police chief shall have the discretion to require that the owner/ operator provide an additional background check of any driver or operator of a vehicle in the city.
- (c) No driver of an alternative vehicle shall operate a vehicle for more than twelve (12) hours in any twenty-four-hour period. A log book shall be kept by the driver.
- (d) No person under the age of 21 shall operate a taxicab, shuttle, touring or alternative vehicle.

- (e) No person shall operate a taxicab, shuttle, touring or alternative vehicle without a driver's license issued by the Texas department of public safety.
- (f) No person may drive any taxicab, shuttle, touring or alternative vehicle in the city if he or she has been convicted of any alcohol or drug related offense in connection with the operation of a vehicle. No license shall be transferable to any other person, firm or corporation, nor shall such license be used for the operation of any vehicle except the vehicle for which the license is issued.
- (h) All taxicabs, shuttles, and touring vehicles shall operate only on the public streets of the city. This specifically includes those vehicles used for transporting individuals or items associated with water oriented recreational equipment. In the event access to a certain area is restricted and cannot be reached by a public street, the licensee shall contact the Chief of Police, the City Manager or the parks department to determine appropriate access.

Sec. 4.03.013 - Inspection of vehicles.

The Chief of Police, or his designee, may cause inspections to be made at random intervals during each year of every vehicle licensed as a taxicab, shuttle, touring or alternative vehicle in the city. Licensees shall cooperate with such inspection requirements by making their vehicles available for inspection at reasonable times. Such inspections shall insure that all taxicabs, shuttles, touring and alternative vehicles are in good operating condition and are equipped with proper brakes, lighting systems, and safety equipment (including fire extinguishers), and are clean, undamaged and in good appearance. Vehicles failing such random city inspections shall not be allowed to operate on city streets or alleys until brought into a condition satisfactory to the Chief of Police.

Sec. 4.03.014 - Insurance.

- (a) *Minimum requirements.* The applicant and licensee must obtain, and keep in full force and effect, a policy of public liability and property damage insurance issued by a casualty insurance company authorized to do business in the state, in the standard form required pursuant to the laws of the state, with the insured provision of such policy including the city as an additional insured, and the coverage provision insuring the public from any loss or damage that may arise to any person or property by reason of the operation of the vehicle of such applicant, and providing that the amount of recovery on each such vehicle shall be in limits of not less than the following:
 - (1) For any one person injured or killed in one accident: \$100,000.
 - (2) For any number of persons injured or killed in one accident: \$300,000.
 - (3) For property damage resulting from one accident: \$50,000.
- (b) *Policy cancellation.* Such policy shall provide for notice to the city prior to cancellation, and should such policy be cancelled during the term of the license, such license shall automatically terminate therewith.

Sec. 4.03.015 - Cancellation of license.

Any license granted under this article shall be subject to cancellation and all rights of the licensee may be forfeited at the will of the City Council for failure to observe any ordinance of

the city, any rules set forth herein, for the violation of any law of the state or for the failure of the licensee to secure and file the necessary information. Such license may also be cancelled by the City Council if the licensee (or a driver for the licensee) is found guilty of immoral conduct, or intoxicated to any degree, or should become addicted to the use of any drug that affects the mental or physical powers of such licensee or driver, or is guilty of using obscene vulgar or profane language on the streets of the city or in the presence of a passenger, or if the licensee or driver should engage in any character or conduct deemed improper and detrimental to the best interest of the city by the Council. Before canceling any license, the Council shall hold a public hearing, notice of which shall be given the licensee at least three (3) days in advance of such hearing.

Sec. 4.03.016 – Additional restrictions on operation of taxicabs.

- (a) Any taxicab driver employed to carry passengers to a definite point shall take the most direct route possible that will carry the passengers safely and expeditiously to their destination.
- (b) There shall be a conspicuous place on the inside of each taxicab a card showing the rates charged for use of the taxicab. It shall be the duty of the driver of the taxicab to post the card. If any owner or driver of any taxicab shall refuse to convey a passenger at the rate specified on the rate card so displayed, or shall demand an amount in excess of the rates so displayed, he shall be guilty of a misdemeanor.
- (c) It shall be the duty of every taxicab operated in the city to render for ad valorem taxes to the city all vehicles or other equipment used in such business. Failure to render for and pay such ad valorem taxes to the city before they become delinquent shall operate as a revocation of any license authorizing the operating of any taxicab over the public streets alleys and ways of the city.
- (d) It shall be unlawful for any person to refuse to pay the full fare of any taxicab after having hired the same, and any person who shall hire any taxicab with the intent to defraud the person from whom it is hired shall be guilty of a misdemeanor.

Sec. 4.03.017 – Additional restrictions on shuttle operations.

- (a) In the event a shuttle service will substantially affect the public (more than three (3) shuttles or more than fifty (50) people to be transported at one time), the licensee shall provide to the City Manager and the Chief of Police the routes to be used by the shuttles, including stops to let off or pick up persons, so that the safest area for loading and unloading passengers can be identified.
- (b) Shuttles shall only be operated during the dates and times designated on their license, if applicable.
- (c) All shuttles that carry passengers will be equipped with seating for each passenger carried.
- (d) All persons carried by a shuttle operated on streets within the city limits must be seated.
- (e) Persons may not be transported in the city without designated and enclosed seating specifically designed for the safe transportation of such persons.

Secs. 4.03.018—4.03.030 - Reserved.

Sec. 4.03.031 – Additional requirements for horse-drawn carriages.

In the case of a horse-drawn carriage or other touring vehicle employing the use of draft animals for locomotion, the City Secretary shall issue a touring vehicle permit only if the manager finds that the following additional requirements have been satisfied:

- (1) The proposed route of the service does not operate on any hike and bike trail or foot path within the city.
- (2) The carriages and equipment proposed to be used in the service are in safe and presentable condition.
- (3) The applicant has agreed to operate only on a schedule and route and over the designated traffic lanes approved by the City Manager and to park said carriages or vehicles only at such locations approved by the city.
- (4) The carriage wheels shall have all steel or iron outer rims adequately sheathed in rubber or other synthetic material to prevent damage to the street pavement.
- (5) All horseshoes shall be of a type approved by the city and shall have non-skid base surfaces.
- (6) The applicant has agreed to maintain all barns, stables, or other housing for horses and carriages in a safe and sanitary condition, and has agreed to permit the city to inspect such facilities at any time.
- (7) The applicant has agreed to keep all carriage routes clear and free from animal void and excrement and to maintain all permitted stands in a clean and sanitary manner.
- (8) The applicant has agreed to post the fares for each ride or trip such that they are visible to the public.
- (9) The applicant has agreed that, in order to protect the health and well-being of each animal employed in this service, applicant specifically covenants and agrees:
 - (A) Each animal shall be inspected and certified as to its good health every three (3) months by a licensed veterinarian. Proof of such certification shall be provided to the City's Animal Control Officer upon request.
 - (B) No animal shall be worked longer than four (4) continuous hours without feeding and rest.
 - (C) Each animal shall be provided water at each carriage stand.
 - (D) Animals shall not be whipped unless necessary for the safety of the animal or carriage passengers.
 - (E) Animals shall not be overworked.
 - (F) Each animal shall be provided with its own custom-fit harness.
 - (G) No animal with an open sore or wound, nor any animal which is lame or has any other ailment, shall be worked without specific written authorization from a

veterinarian that such work will not endanger the health or well-being of the animal.

- (H) Each animal shall be groomed daily.
- (I) No animal shall be allowed to pull more than seven (7) people, including the driver.
- (J) No animal shall be worked during times when the combined temperature and humidity index exceeds a numerical value of 150.

Sec. 4.03.032 – Termination of horse- drawn carriage license.

Operation of a horse-drawn carriage under a touring vehicle license shall be conditioned upon continued compliance by the licensee with each of the requirements of division 2 of this article and section 4.03.031. Any violation of said requirements shall subject the licensee to termination of the license upon proper notice and hearing before the City Manager and such other penalties as provided by this Article.

Sec. 4.03.034- .040 reserved.

Sec. 4.03.041- Pedicab additional safety equipment and specifications.

- (a) The holder or driver of a pedicab shall, at all times, provide and maintain in good operating condition the following items and equipment for each pedicab vehicle;
 - (1) White headlight(s) visible from a distance of at least 500 feet;
 - (2) Two red taillights visible from a distance of at least 500 feet;
 - (3) A reliable braking system. Brakes must be capable of making a braked wheel stop within a distance determined by the Chief of Police.
 - (4) Sufficient rubber and treading on all wheels;
 - (5) A form of two-way communication, which may include a cellular phone, that can be used to request assistance in the event of an emergency; and
 - (6) A red reflector on the rear of the pedicab.
 - (7) A pedicab is limited to a maximum passenger capacity as recommended by the manufacturer, or if no manufacturer, then by the Chief of Police.
 - (8) A pedicab must meet the following dimensional requirements:
 - (9) A frame may not exceed 55 inches in width;

- (10) A bicycle tire must be at least 1.5 inches in width;
- (11) A trailer tire must be at least 1.5 inches in width; and
- (12) All wheels must have a minimum of 32 spokes and be securely mounted to the vehicle.
- (13) All spokes must be tight and none may be missing or broken;
- (14) Floorboards must have non-skid contact surfaces without holes;
- (15) If a trailer is used, it must be attached to the bicycle in a manner approved by the Chief of Police.
- (16) The passenger seat must be bench style and at least 17 inches deep unless the pedicab is equipped with individual bicycle style seats. No passenger seat may face to the rear.
- (17) The pedicab paint may not be noticeably rusted, flaked, scraped, or faded. Paint repairs must be neat and inconspicuous;
- (18) Any sharp edges or open tubes must be capped in a manner approved by the Chief of Police; and
- (19) A trailer/pedicab unit must display the following:
 - (i) a company name, telephone number, and individual unit number, with clear and legible lettering displayed in characters at least 1-3/4 inches in height and at least 1 inch in width, with colors contrasting the color of the pedicab;
 - (ii) a permit decal, valid annual city inspection decal, and sign limiting the passenger capacity to 3 passengers; and
 - (iii) a slow-moving vehicle emblem that:
 - (1) Complies with Section 547.108 of the Texas Transportation Code;
 - (2) Is displayed on the rear of the pedicab and mounted in a manner approved by the department; and
 - (3) Uses a reflective surface visible day or night from a distance of 500 feet.

Sec. 4.03.042 The department may immediately require a vehicle to be removed from service for any violation of a safety-related requirement of this section. The department may require a permit holder to make any non-safety related repairs within 10 days. A vehicle must be re-inspected following completion of repairs required by the department under this section.

Sec. 4.03.043. – Pedicab additional operational restrictions.

In addition to complying with all applicable traffic laws, a pedicab driver may not:

- (1) Operate a pedicab on any street, highway or parkway where the posted speed limit exceeds 35 miles per hour but it may cross a road or street at an intersection where the road or street has a posted speed limit of more than 35 miles per hour;
- (2) Operate a pedicab on any sidewalk, median, bike trail or hike trail, except for access to or exit from the Old Bridge, the Old Austin Highway and along the Colorado River from Fisherman's Park to the concrete steps; or
- (3) Permit or allow a passenger to ride in or on a pedicab in such a position that the driver's vision forward, to the side or behind is blocked. A pedicab passenger older than 6 years must sit on a seat in the pedicab and not in any other place on or in the pedicab, including the lap of another passenger. If a passenger refuses to comply with this requirement, a driver must stop the pedicab and ask the passenger to exit the pedicab.

Sec. 4.03.044. – Pedicab hours of operation and service area.

- (A) A pedicab service may not operate between the hours of 2:00 a.m. and 6:00 a.m.
- (B) A pedicab may not operate in the following areas:
 - (1) Any school zone during posted hours;
 - (2) Chestnut Street may be used only as a crossing street.
 - (3) Such other area restrictions as the Chief of Police determines are required on a temporary basis to prevent undue congestion and to insure public safety.

(C) A pedicab driver must:

- (1) comply with the traffic laws and regulations applicable to vehicles in addition to the requirements of this section;
- (2) limit operation to the travel lane nearest the curb or edge of the roadway, except when necessary to negotiate an obstruction, to turn onto another roadway, to enter a private drive, or if the pedicab is travelling faster than other traffic; and
- (3) tow no more than one trailer, which may not be attached to a combination bike/passenger unit.

Sec. 4.03.045-.046 Reserved.

Sec. 4.03.047- NEV and LSV additional safety equipment and specifications.

- (a) The holder or driver of a NEV and LSV shall, at all times, provide and maintain in good operating condition the following items and equipment for each neighborhood electric vehicle;

- (1) White headlight(s) visible from a distance of at least 500 feet;
 - (2) Two red taillights visible from a distance of at least 500 feet;
 - (3) Front and rear turn signal lights;
 - (4) Stop lights;
 - (5) A slow-moving vehicle sign attached to the rear of the vehicle;
 - (6) A form of two-way communication, which may include a cellular phone, that can be used to request assistance in the event of an emergency;
 - (7) Red reflectors;
 - (8) An exterior mirror mounted on the driver's side of the vehicle and either an exterior mirror mounted on the passenger's side of the vehicle or an interior mirror;
 - (9) A parking brake;
 - (10) Glazed windshield; and
 - (11) Seatbelts at the designated seating positions.
- (b) In addition the requirements of this section, an NEV and LSV must meet the following standards:
- (1) The interior upholstery must not have any noticeable tears or similar damage;
 - (2) Any missing, broken or significantly damaged interior and exterior parts must be repaired or replaced;
 - (3) The vehicle must have a vehicle identification number (VIN);
 - (4) The NEV or LSV must not tow a trailer; and
 - (5) The NEV or LSV must comply with any additional requirements established by fleet services.

Sec. 4.03.048. – NEV and LSV additional operational restrictions.

- (a) NEV and LSV service area does not include:
- (1) Any school zone during posted hours;
 - (2) All of Chestnut Street.

(3) Such other area restrictions as the Chief of Police determines are required on a temporary basis to prevent undue congestion and to insure public safety.

(b) Additional area restrictions for NEV and LSV:

(1) An NEV or LSV may not operate on any street, highway or parkway where the posted speed limit exceeds 45 miles per hour but it may cross a road or street at an intersection where the road or street has a posted speed limit of more than 45 miles per hour;

(2) Operate on any sidewalk, median, bike trail or hike trail; or

(3) Permit or allow a passenger to ride in or a NEV or LSV vehicle in such a position that the driver's vision forward, to the side or behind is blocked.

Sec. 4.03.049 - .059 Reserved.

Division 3. – Enforcement

Sec. 4.03.060. - Injunctive relief.

The city may seek an order from a court of competent jurisdiction to enjoin a violation of this article. If the city prevails in such an action, it shall be entitled to its reasonable attorney's fees and costs.

Sec. 4.03.061. – Removal of evidence of authorization.

Whenever a holder's business permit or a driver's permit is suspended, revoked, or denied or whenever a vehicle fails to pass inspection as a vehicle for hire, the City Secretary may remove or require the surrender of all evidence of authorization as a holder, driver, or vehicle for hire, including, but not limited to, removal or surrender of business permit, driver's permit, decals, signs, insignia, radios, top lights, and meters if applicable.

Sec. 4.03.062. - Enforcement by police department.

Officers of the police department shall assist in the enforcement of this article. A police officer, upon observing a violation of this article shall take necessary enforcement action to ensure effective compliance with this article by vehicles for hire.

Sec. 4.03.063 - Criminal penalty for violations.

(a) Any person, agent, or business who shall knowingly violate a provision of this article shall be deemed guilty of a misdemeanor, in addition to any other penalties provided. Each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of the provisions of this article is committed or continued, and upon conviction by a court of competent jurisdiction for any such violation such person shall be punished in accordance with this article.

(b) It shall be an offense to allow the occupancy of more persons in a touring vehicle, taxicab, shuttle or alternative vehicle that is operated within the city limits than the number of passengers for which the vehicle is designed or equipped.

(c) The owner of the taxicab, touring, shuttle or alternative vehicle, as well as the driver of the vehicle is responsible for compliance with this article.

(e) A person who is found guilty under either subsection (a) or (b) of this section shall be punished by a fine of not less than \$300 nor more than \$500.

(f) A business whose owner or employees have been found guilty of violating this provision two (2) or more times in a given year will have its license revoked for a minimum of three (3) years.

(g) Authority to enforce this article is vested in the city's police department, and the City Manager.

Sec. 4.03.064. - Correction order.

(a) If the City Secretary determines that a holder has violated or is in violation of this article, or other applicable law, the City Secretary may notify the holder in writing of the violation and by written order directing the holder to correct the violation within a reasonable period of time. In setting the time for correction, the Chief of Police shall determine the degree of danger to the public health or safety and the nature of the violation. If the violation involves equipment that is unsafe or functioning improperly, the Chief of Police shall order the holder to immediately cease use of the equipment.

(b) If the Chief of Police determines that a violation constitutes an imminent and serious threat to the public health or safety, the City Secretary shall order the holder to correct the violation immediately, and, if the holder fails to comply, the City Manager shall promptly take or cause to be taken such action as he or she considers necessary to enforce the order immediately, including but not limited to application to a court of competent jurisdiction for injunctive relief.

(c) The City Secretary shall include in a notice issued under this section an identification of the violation, the date of issuance of the notice and the time period within which the violation must be corrected, a warning that failure to comply with the order may result in suspension or revocation of operating authority or imposition of a fine or both, and a statement indicating that the order may be appealed to the city council.

Sec. 4.03.065. - Service of notice.

(a) A holder or driver licensed under this article must be served by the City Secretary at the holder's or driver's address provided to the City Secretary. Service may be had on the holder's or driver's designated representative, if any, at the address provided by the holder or driver.

(b) Service executed in accordance with this section constitutes notice to the person to whom the notice is addressed. The date of service for notice that is mailed is the date received and it is presumed that the notice is received within four days after it has been mailed.

Sec. 4.03.066. - Appeal.

(a) A holder or driver may appeal the following decisions of the City Secretary if he or she requests an appeal in writing and delivers it to the city manager's office not more than 14 days after receiving notice:

- (1) A denial of an application for a business or driver's permit;
- (2) A suspension or revocation of a business or driver's permit;
- (3) A denial of renewal of business or driver's permit;

(b) The city council or designee shall hear all appeals made under this subsection within 30 days of the date the request for an appeal is received in the city manager's office. The city council or designee shall give the appealing party an opportunity to present evidence and make argument in his or her behalf. The formal rules of evidence do not apply to an appeal hearing under this section, and the city council or designee shall make its decision within seven business days after the close of the hearing on the basis of a preponderance of the evidence presented at the hearing.

(c) The city council or designee may affirm, modify, or reverse all or part of the action of the City Secretary being appealed. The decision of the city council or designee is final.

4.03.067. – Cumulative remedies.

The remedies provided to the city under this article are cumulative and the pursuit of one does not foreclose the pursuit of others.

PART 2. That Appendix A4.03.001, entitled “License,” of the Code of Ordinances of the City of Bastrop is hereby amended to add information regarding the annual inspection and license fee to include “Pedicabs”, “Low speed vehicles” and “Neighborhood Electric Vehicles” (alternative vehicles) operating in the City, as follows:

ARTICLE A4.03 TAXICABS, SHUTTLES, TOURING AND ALTERNATIVE VEHICLES

Division 1. Generally

Sec. A4.03.001 - License.

(f) Fee. Annual license and inspection fee for taxicabs, shuttles, touring and alternative vehicles:

Per vehicle: \$25.00.

Additional fee, per driver: \$12.00.

PART 3. The City Manager and City Secretary are hereby authorized and directed to make the necessary changes to all records of the City of Bastrop to reflect these amendments.

PART 4. All ordinances and resolutions, or parts of ordinances and resolutions, in conflict with this Ordinance are hereby repealed, and are no longer of any force and effect. If any provision of this Ordinance or application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions, or application thereof, of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are hereby declared to be severable.

PART 5. This Ordinance shall be effective upon final approval by the City Council upon the date noted herein below.

READ and APPROVED on First Reading on the day of 2017.

READ and APPROVED on Second Reading on the day of 2017.

APPROVED:

ATTEST:

Ken Kesselus, Mayor

Ann Franklin, City Secretary

APPROVED AS TO FORM:

David F. Bragg,

City Attorney

CITY COUNCIL

AGENDA COVER SHEET

DATE SUBMITTED: 01/03/17

MEETING DATE: 01/10/17

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

2. Party Making Request: **Tracy Waldron, Chief Financial Officer**

3. Nature of Request: This ordinance gives authorization to the City Manager or Mayor to execute a pricing certificate if there is a refunding opportunity that will generate a savings to the City.

4. Attachments: Yes X No _____

5. Motion Requested: Motion to approve the ordinance as presented.

DRAFT

ORDINANCE NO. 2017- 01

**ORDINANCE AUTHORIZING THE ISSUANCE OF THE
CITY OF BASTROP, TEXAS GENERAL OBLIGATION REFUNDING BONDS;
LEVYING AN AD VALOREM TAX IN SUPPORT OF THE BONDS; ESTABLISHING
PROCEDURES FOR SELLING AND DELIVERY OF ONE OR MORE SERIES OF THE
BONDS; AND AUTHORIZING OTHER MATTERS RELATING TO THE BONDS**

Adopted January 10, 2017

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EXHIBIT A DEFINITIONS

EXHIBIT B DESCRIPTION OF ANNUAL FINANCIAL INFORMATION

ORDINANCE NO. 2017-__

**ORDINANCE AUTHORIZING THE ISSUANCE OF THE
CITY OF BASTROP, TEXAS GENERAL OBLIGATION REFUNDING BONDS;
LEVYING AN AD VALOREM TAX IN SUPPORT OF THE BONDS; ESTABLISHING
PROCEDURES FOR SELLING AND DELIVERY OF ONE OR MORE SERIES OF THE
BONDS; AND AUTHORIZING OTHER MATTERS RELATING TO THE BONDS**

THE STATE OF TEXAS '
COUNTY OF BASTROP '
CITY OF BASTROP '

WHEREAS, the City has duly issued and there is now outstanding various series of ad valorem tax obligations and utility system obligations; and

WHEREAS, the City Council of the City deems it advisable and in the best interest of the City to refund the Refunded Obligations, as defined in Exhibit "A" attached hereto, in order to achieve a net present value debt service savings of not less than 3.0% of the principal amount of the Refunded Obligations net of any City contribution with such savings, among other information and terms to be included in a pricing certificate to be executed by the City Manager, acting as the designated pricing officer of the City, or, in the absence of the City Manager, the Mayor, all in accordance with the provisions of Chapter 1207 of the Texas Government Code thereof; and

WHEREAS, Chapter 1207, Texas Government Code, as amended ("Chapter 1207") authorizes the City to issue refunding bonds and to deposit the proceeds from the sale thereof together with any other available funds or resources, directly with a place of payment (paying agent) for the Refunded Obligations or with a trust company or commercial bank that does not act as depository for the City, and such deposit, if made before such payment dates, shall constitute the making of firm banking and financial arrangements for the discharge and final payment of the Refunded Obligations; and

WHEREAS, Chapter 1207 further authorizes the City to enter into an escrow agreement with a paying agent for the Refunded Obligations or with a trust company or commercial bank that does not act as depository for the City with respect to the safekeeping, investment, reinvestment, administration and disposition of any such deposit, upon such terms and conditions as the City and such escrow agent may agree, provided that such deposits may be invested and reinvested in Defeasance Securities, as defined herein; and

WHEREAS, the Escrow Agreement hereinafter authorized, constitutes an agreement of the kind authorized and permitted by said Chapter 1207; and

WHEREAS, all the Refunded Obligations mature or are subject to redemption prior to maturity within 20 years of the date of the bonds hereinafter authorized: and

WHEREAS, the Bonds authorized by this Ordinance are being issued and delivered pursuant to the City Charter and Chapter 1207 of the Texas Government Code, as amended, and other applicable laws: and

WHEREAS, it is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and public notice of the time, place and purpose of the meeting was given, all as required by Chapter 551, Texas Government Code.

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

Section 1. RECITALS. The recitals set forth in the preamble hereof are incorporated herein and shall have the same force and effect as if set forth in this Section.

Section 2. DEFINITIONS. For all purposes of this Ordinance, except as otherwise expressly provided or unless the context otherwise requires, the terms defined in Exhibit "A" to this Ordinance have the meanings assigned to them in Exhibit "A".

Section 3. AMOUNT, NAME, PURPOSE AND AUTHORIZATION. The Bonds, each to be designated the "**CITY OF BASTROP, TEXAS GENERAL OBLIGATION REFUNDING BONDS,**" are hereby authorized to be issued and delivered in accordance with the Constitution and laws of the State of Texas, particularly Chapter 1207, Texas Government Code, as amended, and the Charter of the City. The Bonds shall be issued in the aggregate principal amount not to exceed \$7,000,000 for the purpose of providing funds for (i) refunding the Refunded Obligations, and (ii) paying the costs of issuing the Bonds.

Section 4. DATE, DENOMINATION, MATURITIES, NUMBERS, INTEREST AND REDEMPTION. (a) Initially there shall be issued, sold, and delivered hereunder one Series of fully registered Bonds, without interest coupons, which may be in the form of Current Interest Bonds or Premium Compound Interest Bonds, numbered consecutively from R-1 upward, in the case of Current Interest Bonds, and from PC-1 upward, in the case of Premium Compound Interest Bonds (except the Initial Bond delivered to the Attorney General of the State of Texas which shall be numbered T-1 and TPC-1 respectively) payable to the respective initial Registered Owners thereof, or to the registered assignee or assignees of said Bonds or any portion or portions thereof, in Authorized Denominations, maturing not later than August 1, 2034, serially or otherwise on the dates, in the years and in the principal amounts, respectively, and dated, as all set forth in the Pricing Certificate to be executed and delivered by the Pricing Officer pursuant to subsection (b) of this section. The Pricing Certificate is hereby incorporated in and made a part of this Ordinance. The Bonds shall be designated by the year in which they are awarded as set forth in the Pricing Certificate for the Bonds and the Pricing Certificate shall determine and designate the tax status of the Bonds as the Taxable Bonds or Tax-Exempt Bonds. The authority for the Pricing Officer to execute and

deliver a Pricing Certificate for the Bonds shall expire at 5:00 p.m. C.D.T. on July 10, 2017. Bonds priced on or before July 10, 2017 may be delivered to the initial purchaser after such date.

(b) As authorized by Chapter 1207, Texas Government Code, as amended, the Pricing Officer is hereby authorized to act on behalf of the City in selling and delivering the Bonds, determining which of the Refundable Obligations shall be refunded and constitute Refunded Obligations under this Ordinance and carrying out the other procedures specified in this Ordinance, including determining the date of the Bonds, any additional or different designation or title by which the Bonds shall be known, the price at which the Bonds will be sold, the years in which the Bonds will mature, the principal amount to mature in each of such years, the aggregate principal amount of Current Interest Bonds and Premium Compound Interest Bonds, the rate or rates of interest to be borne by each such maturity, the interest payment periods, the dates, price, and terms upon and at which the Bonds shall be subject to redemption prior to maturity at the option of the City, as well as any mandatory sinking fund redemption provisions, whether the Bonds shall be issued as Taxable Bonds or Tax-Exempt Bonds and all other matters relating to the issuance, sale, and delivery of the Bonds and the refunding of the Refunded Obligations, all of which shall be specified in the Pricing Certificate; provided that (i) the price to be paid for the Bonds shall not be less than 90% of the aggregate original principal amount thereof plus accrued interest thereon from its date to its delivery, (ii) none of the Bonds shall bear interest at a rate, or yield in the case of Premium Compound Interest Bonds, greater than the maximum authorized by law, and (iii) the refunding must produce a net present value debt service savings of at least 3.0% of the principal amount of the Refunded Obligations, net of any City contribution. In establishing the aggregate principal amount of the Bonds, the Pricing Officer shall establish an amount not to exceed the amount authorized in Section 3, which shall be sufficient to provide for the purposes for which the Bonds are authorized and to pay the costs of issuing the Bonds. The Bonds shall be sold by either competitive sale, private placement or negotiated sale as determined by the Pricing Officer, at such price, with and subject to such terms, as determined by the Pricing Officer in the Pricing Certificate. The Pricing Officer may not execute a Pricing Certificate unless the minimum required savings as described in this subsection is achieved.

To achieve advantageous borrowing costs for the City, the Bonds shall be sold on a negotiated, placement or competitive basis as determined by the Pricing Officer in the Pricing Certificate. In determining whether to sell the Bonds by negotiated, placement or competitive sale, the Pricing Officer shall take into account any material disclosure issues which might exist at the time, the market conditions expected at the time of the sale and any other matters which, in the judgment of the Pricing Officer, might affect the net borrowing costs on the Bonds.

If the Pricing Officer determines that the Bonds should be sold at a competitive sale, the Pricing Officer shall cause to be prepared a notice of sale and official statement in such manner as the Pricing Officer deems appropriate, to make the notice of sale and official statement available to those institutions and firms wishing to submit a bid for the Bonds, to receive such bids, and to award the sale of the Bonds to the bidder submitting the best bid in accordance with the provisions of the notice of sale.

If the Pricing Officer determines that the Bonds should be sold by a negotiated sale or placement, the Pricing Officer shall designate the placement purchaser or the senior managing underwriter for the

Bonds and such additional investment banking firms as the Pricing Officer deems appropriate to assure that the Bonds are sold on the most advantageous terms to the City. The Pricing Officer, acting for and on behalf of the City, is authorized to enter into and carry out a Bond Purchase Agreement or other agreement for the Bonds to be sold by negotiated sale or placement, with the underwriters or placement purchasers at such price, with and subject to such terms as determined by the Pricing Officer pursuant to Section 3.02(b) above. Any Bond Purchase Agreement or other agreement shall be substantially in the form and substance previously approved by the City in connection with the authorization of ad valorem tax debt with such changes as are acceptable to the Pricing Officer.

In satisfaction of Section 1201.022(a)(3), Texas Government Code, the City Council determines that the delegation of the authority to the Pricing Officer to approve the final terms and conditions of the Bonds as set forth in this Ordinance is, and the decisions made by the Pricing Officer pursuant to such delegated authority and incorporated in the Pricing Certificate will be, in the best interests and shall have the same force and effect as if such determination were made by the City Council and the Pricing Officer is hereby authorized to make and include in a Pricing Certificate an appropriate finding to that effect.

(c) The Current Interest Bonds shall bear interest calculated on the basis of a 360-day year composed of twelve 30-day months from the dates specified in the FORM OF BONDS set forth in this Ordinance to their respective dates of maturity or redemption at the rates per annum set forth in the Pricing Certificate.

The Premium Compound Interest Bonds shall bear interest from the Issuance Date, calculated on the basis of a 360-day year composed of twelve 30-day months (subject to rounding to the Compounded Amounts thereof), compounded on the Compounding Dates as set forth in the Pricing Certificate, and payable, together with the principal amount thereof, in the manner provided in the Form of Bonds at the rates set forth in the Pricing Certificate. Attached to the Pricing Certificate, if Premium Compound Interest Bonds are to be issued, shall be the Accretion Table. The Accreted Value with respect to any date other than a Compounding Date is the amount set forth on the Accretion Table with respect to the last preceding Compounding Date, plus the portion of the difference between such amount and the amount set forth on the Accretion Table with respect to the next succeeding Compounding Date that the number of days (based on 30-day months) from such last preceding Compounding Date to the date for which such determination is being calculated bears to the total number of days (based on 30-day months) from such last preceding Compounding Date to the next succeeding Compounding Date.

(d) Right of Redemption. The City reserves the right, at its option, to redeem the Bonds as set forth in the FORM OF BOND and the Pricing Certificate. The City, at least thirty (30) days before the date of any optional redemption, shall notify the Paying Agent/Registrar of such redemption date and of the amount and maturity of the Bonds to be redeemed.

(e) Notice of Redemption to Bondholder. The Paying Agent/Registrar shall give notice of any redemption of the Bonds by sending notice by first class United States mail, postage prepaid, not less than twenty (20) days before the date fixed for redemption, to the Bondholder at the address

shown in the Register. The notice shall state among other things, the redemption date, the redemption price, the place at which the Bonds are to be surrendered for payment, and that the Bonds so called for redemption shall cease to bear interest after the redemption date. Any notice given as provided in this Section shall be conclusively presumed to have been duly given, whether or not the Bondholder receives such notice. With respect to any optional redemption of the Bonds, unless certain prerequisites to such redemption required by or this Ordinance have been met and moneys sufficient to pay the principal of and premium, if any, and interest on the Bonds to be redeemed shall have been received by the Paying Agent/Registrar prior to the giving of such notice of redemption, such notice shall state that said redemption may, at the option of the City, be conditional upon the satisfaction of such prerequisites and receipt of such moneys by the Paying Agent/Registrar on or prior to the date fixed for such redemption, or upon any prerequisite set forth in such notice of redemption. If a conditional notice of redemption is given and such prerequisites to the redemption and sufficient moneys are not received, such notice shall be of no force and effect, the City shall not redeem such Bonds and the Paying Agent/Registrar shall give notice, in the manner in which the notice of redemption was given, to the effect that the Bonds have not been redeemed.

(f) Effect of Redemption. Notice of redemption having been given as provided in this Section, the Bonds called for redemption shall become due and payable on the date fixed for redemption and, unless the City defaults in the payment of the principal thereof or accrued interest thereon, such Bonds thereof shall cease to bear interest from and after the date fixed for redemption, whether or not such Bond is presented and surrendered for payment on such date. If the Bonds thereof called for redemption are not so paid upon presentation and surrender thereof for redemption, such Bonds thereof shall continue to bear interest at the rate stated on the Bond until paid or until due provision is made for the payment of same.

(g) Conditional Notice of Redemption. With respect to any optional redemption of the Bonds, unless certain prerequisites to such redemption required by this Ordinance have been met and moneys sufficient to pay the principal of the premium, if any, and interest on the Bonds to be redeemed shall have been received by the Paying Agent prior to the giving of such notice of redemption, such notice shall state that said redemption may, at the option of the City, be conditional upon the satisfaction of such prerequisites and receipt of such moneys by the Paying Agent/Registrar on or prior to the date fixed for such redemption, or upon any prerequisite set forth in such notice of redemption. If a conditional notice of redemption is given and such prerequisites to the redemption and sufficient moneys are not received, such notice shall be of no force and effect, the City shall not redeem such Bonds and the Paying Agent/Registrar shall give notice, in the manner in which the notice of redemption was given, to the effect that the Bonds have not been redeemed.

Section 5. CHARACTERISTICS OF THE BONDS. (a) Registration, Transfer, Conversion and Exchange; Authentication. The City shall keep or cause to be kept at the Paying Agent/Registrar, which shall be Regions Bank, in Houston, Texas unless such other bank or trust company is hereafter appointed as may be determined by the Pricing Officer at pricing of the Bonds (the "Paying Agent/Registrar") books or records for the registration of the transfer, conversion and exchange of the Bonds (the "Registration Books"), and the City hereby appoints the Paying Agent/Registrar as its registrar and transfer agent to keep such books or records and make such registrations of transfers, conversions and exchanges under such reasonable regulations as the City

and Paying Agent/Registrar may prescribe; and the Paying Agent/Registrar shall make such registrations, transfers, conversions and exchanges as herein provided within three days of presentation in due and proper form. The Paying Agent/Registrar shall obtain and record in the Registration Books the address of the Registered Owner of each Bond to which payments with respect to the Bonds shall be mailed, as herein provided; but it shall be the duty of each Registered Owner to notify the Paying Agent/Registrar in writing of the address to which payments shall be mailed, and such interest payments shall not be mailed unless such notice has been given. The City shall have the right to inspect the Registration Books during regular business hours of the Paying Agent/Registrar, but otherwise the Paying Agent/Registrar shall keep the Registration Books confidential and, unless otherwise required by law, shall not permit their inspection by any other entity. The Paying Agent/Registrar shall make a copy of the Registration Books available in the State of Texas. The City shall pay the Paying Agent/Registrar's standard or customary fees and charges for making such registration, transfer, conversion, exchange and delivery of a substitute Bond or Bonds. Registration of assignments, transfers, conversions and exchanges of Bonds shall be made in the manner provided and with the effect stated in the FORM OF BOND set forth in this Ordinance. Each substitute Bond shall bear a letter and/or number to distinguish it from each other Bond.

Except as provided in Section 5(c) hereof, an authorized representative of the Paying Agent/Registrar shall, before the delivery of any such Bond, date and manually sign the Bond, and no such Bond shall be deemed to be issued or outstanding unless such Bond is so executed. The Paying Agent/Registrar promptly shall cancel all paid Bonds and Bonds surrendered for conversion and exchange. No additional orders, ordinances, or resolutions need be passed or adopted by the governing body of the City or any other body or person so as to accomplish the foregoing conversion and exchange of any Bond or portion thereof, and the Paying Agent/Registrar shall provide for the printing, execution, and delivery of the substitute Bonds in the manner prescribed herein, and the Bonds shall be of type composition printed on paper with lithographed or steel engraved borders of customary weight and strength. Pursuant to Chapter 1206, Texas Government Code, as amended, and particularly Subchapter B thereof, the duty of conversion and exchange of Bonds as aforesaid is hereby imposed upon the Paying Agent/Registrar, and, upon the execution of the Bond, the converted and exchanged Bond shall be valid, incontestable, and enforceable in the same manner and with the same effect as the Bonds which initially were issued and delivered pursuant to this Ordinance, approved by the Attorney General, and registered by the Comptroller of Public Accounts.

(b) Payment of Bonds and Interest. The City hereby further appoints the Paying Agent/Registrar to act as the paying agent for paying the principal of and interest on the Bonds, all as provided in this Ordinance. The Paying Agent/Registrar shall keep proper records of all payments made by the City and the Paying Agent/Registrar with respect to the Bonds, and of all conversions and exchanges of Bonds, and all replacements of Bonds, as provided in this Ordinance. However, in the event of a nonpayment of interest on a scheduled payment date, and for thirty (30) days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the City. Notice of the Special Record Date and of the scheduled payment date of the past due interest (which shall be 15 days after the Special Record Date) shall be sent at least five (5) business days prior to the Special Record Date by United States mail, first-class postage prepaid, to the

address of each Registered Owner appearing on the Registration Books at the close of business on the last business day next preceding the date of mailing of such notice.

(c) In General. The Bonds (i) shall be issued in fully registered form, without interest coupons, with the principal of and interest on such Bonds to be payable only to the Registered Owners thereof, (ii) may be transferred and assigned, (iii) may be converted and exchanged for other Bonds, (iv) shall have the characteristics, (v) shall be signed, sealed, executed and authenticated, (vi) the principal of and interest on the Bonds shall be payable, and (vii) shall be administered and the Paying Agent/Registrar and the City shall have certain duties and responsibilities with respect to the Bonds, all as provided, and in the manner and to the effect as required or indicated, in the Pricing Certificate and the FORM OF BOND set forth in this Ordinance. The Bonds initially issued and delivered pursuant to this Ordinance are not required to be, and shall not be, authenticated by the Paying Agent/Registrar, but on each substitute Bond issued in conversion of and exchange for any Bond or Bonds issued under this Ordinance the Paying Agent/Registrar shall execute the PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE, in the form set forth in the FORM OF BOND.

(d) Substitute Paying Agent/Registrar. The City covenants with the Registered Owners of the Bonds that at all times while the Bonds are outstanding the City will provide a competent and legally qualified bank, trust company, financial institution, or other agency to act as and perform the services of Paying Agent/Registrar for the Bonds under this Ordinance, and that the Paying Agent/Registrar will be one entity. The City reserves the right to, and may, at its option, change the Paying Agent/Registrar upon not less than 30 days written notice to the Paying Agent/Registrar, to be effective at such time which will not disrupt or delay payment on the next principal or interest payment date after such notice. In the event that the entity at any time acting as Paying Agent/Registrar (or its successor by merger, acquisition, or other method) should resign or otherwise cease to act as such, the City covenants that promptly it will appoint a competent and legally qualified bank, trust company, financial institution, or other agency to act as Paying Agent/Registrar under this Ordinance. Upon any change in the Paying Agent/Registrar, the previous Paying Agent/Registrar promptly shall transfer and deliver the Registration Books (or a copy thereof), along with all other pertinent books and records relating to the Bonds, to the new Paying Agent/Registrar designated and appointed by the City. Upon any change in the Paying Agent/Registrar, the City promptly will cause a written notice thereof to be sent by the new Paying Agent/Registrar to each Registered Owner of the Bonds, by United States mail, first-class postage prepaid, which notice also shall give the address of the new Paying Agent/Registrar. By accepting the position and performing as such, each Paying Agent/Registrar shall be deemed to have agreed to the provisions of this Ordinance, and a certified copy of this Ordinance shall be delivered to each Paying Agent/Registrar.

(e) Book-Entry-Only System. The Bonds issued in exchange for the Bonds initially issued as provided in Section 4(i) shall be issued in the form of a separate single fully registered Bond for each of the maturities thereof registered in the name of Cede & Co., as nominee of The Depository Trust Company of New York ("DTC") and except as provided in subsection (f) hereof, all of the outstanding Bonds shall be registered in the name of Cede & Co., as nominee of DTC.

With respect to Bonds registered in the name of Cede & Co., as nominee of DTC, the City and the Paying Agent/Registrar shall have no responsibility or obligation to any securities brokers and dealers, banks, trust companies, clearing corporations and certain other organizations on whose behalf DTC was created to hold securities to facilitate the clearance and settlement of securities transactions among DTC participants (the "DTC Participant") or to any person on behalf of whom such a DTC Participant holds an interest in the Bonds. Without limiting the immediately preceding sentence, the City and the Paying Agent/Registrar shall have no responsibility or obligation with respect to (i) the accuracy of the records of DTC, Cede & Co. or any DTC Participant with respect to any ownership interest in the Bonds, (ii) the delivery to any DTC Participant or any other person, other than a Registered Owner, as shown on the Registration Books, of any notice with respect to the Bonds, or (iii) the payment to any DTC Participant or any person, other than a Registered Owner, as shown on the Registration Books of any amount with respect to principal of or interest on the Bonds.

Notwithstanding any other provision of this Ordinance to the contrary, but to the extent permitted by law, the City and the Paying Agent/Registrar shall be entitled to treat and consider the person in whose name each Bond is registered in the Registration Books as the absolute owner of such Bond for the purpose of payment of principal of and interest, with respect to such Bond, for the purposes of registering transfers with respect to such Bond, and for all other purposes of registering transfers with respect to such Bonds, and for all other purposes whatsoever. The Paying Agent/Registrar shall pay all principal of and interest on the Bonds only to or upon the order of the respective Registered Owners, as shown in the Registration Books as provided in this Ordinance, or their respective attorneys duly authorized in writing, and all such payments shall be valid and effective to fully satisfy and discharge the City's obligations with respect to payment of principal of and interest on the Bonds to the extent of the sum or sums so paid. No person other than a Registered Owner, as shown in the Registration Books, shall receive a Bond evidencing the obligation of the City to make payments of principal, and interest pursuant to this Ordinance. Upon delivery by DTC to the Paying Agent/Registrar of written notice to the effect that DTC has determined to substitute a new nominee in place of Cede & Co., and subject to the provisions in this Ordinance with respect to interest checks being mailed to the registered owner at the close of business on the Record Date the word "Cede & Co." in this Ordinance shall refer to such new nominee of DTC.

(f) Successor Securities Depository; Transfer Outside Book-Entry-Only System. In the event that the City determines to discontinue the book-entry system through DTC or a successor or DTC determines to discontinue providing its services with respect to the Bond, the City shall either (i) appoint a successor securities depository, qualified to act as such under Section 17(a) of the Securities and Exchange Act of 1934, as amended, notify DTC and DTC Participants of the appointment of such successor securities depository and transfer one or more separate Bonds to such successor securities depository or (ii) notify DTC and DTC Participants of the availability through DTC of Bonds and transfer one or more separate Bonds to DTC Participants having Bonds credited to their DTC accounts. In such event, the Bonds shall no longer be restricted to being registered in the Registration Books in the name of Cede & Co., as nominee of DTC, but may be registered in the name of the successor securities depository, or its nominee, or in whatever name or names the Registered Owner transferring or exchanging Bond shall designate, in accordance with the provisions of this Ordinance.

(g) Payments to Cede & Co. Notwithstanding any other provision of this Ordinance to the contrary, so long as any Bond is registered in the name of Cede & Co., as nominee of DTC, all payments with respect to principal of, and interest on such Bond and all notices with respect to such Bond shall be made and given, respectively, in the manner provided in the Letter of Representations of the City to DTC.

(h) DTC Blanket Letter of Representations. The City confirms execution of a Blanket Issuer Letter of Representations with DTC establishing the Book-Entry-Only System which will be utilized with respect to the Bonds.

(i) Cancellation of Initial Bond. On the closing date, one Initial Bond representing the entire principal amount of the Bonds, payable in stated installments to the order of the Underwriter of the Bonds or its designee, executed by manual or facsimile signature of the Mayor or Mayor Pro-tem and City Secretary, approved by the Attorney General of Texas, and registered and manually signed by the Comptroller of Public Accounts of the State of Texas, will be delivered to such Underwriters or its designee. Upon payment for the Initial Bond, the Paying Agent/Registrar shall cancel the Initial Bond and deliver to DTC on behalf of such Underwriters one registered definitive Bond for each year of maturity of the Bonds, in the aggregate principal amount of all the Bonds for such maturity.

Section 6. FORM OF BOND. The form of the Bond, including the form of Paying Agent/Registrar's Authentication Certificate, the form of Assignment, the form of initial Bond and the form of Registration Certificate of the Comptroller of Public Accounts of the State of Texas to be attached to the Bonds initially issued and delivered pursuant to this Ordinance, shall be, respectively, substantially as follows, with such appropriate variations, omissions, or insertions as are permitted or required by this Ordinance including any reproduction of an opinion of counsel and information regarding the issuance of any bond insurance policy.

FORM OF BOND

(All blanks and any appropriate or necessary insertions or deletions, to be completed as determined by the Pricing Officer in the Pricing Certificate.)

NO. R-	UNITED STATES OF AMERICA STATE OF TEXAS BASTROP COUNTY	PRINCIPAL AMOUNT \$ _____
	CITY OF BASTROP, TEXAS GENERAL OBLIGATION REFUNDING BOND, SERIES ____ *	

[FORM OF FIRST PARAGRAPHS OF CURRENT INTEREST BONDS]

*To be completed as determined by the Pricing Officer in the Pricing Certificate. To the extent that the Pricing Certificate relating to the Bonds is inconsistent with any provisions in the Form of Bond or contains information to complete missing information in this Form of Bond, the language in the Pricing Certificate shall be used in the executed Bonds.

INTEREST RATE DATE OF BOND MATURITY DATE CUSIP NO.

REGISTERED OWNER:

PRINCIPAL AMOUNT:

DOLLARS

ON THE MATURITY DATE specified above, **CITY OF BASTROP, TEXAS** (the "City"), being a political subdivision of the State of Texas, hereby promises to pay to the Registered Owner set forth above, or registered assigns (hereinafter called the "Registered Owner") the principal amount set forth above, and to pay interest thereon from _____, 20__*, on _____, 20__* and semiannually thereafter on each _____* and _____* to the maturity date specified above, or the date of redemption prior to maturity, at the interest rate per annum specified above calculated on the basis of a 360-day year of twelve 30-day months; except that if this Bond is required to be authenticated and the date of its authentication is later than the first Record Date (hereinafter defined), such principal amount shall bear interest from the interest payment date next preceding the date of authentication, unless such date of authentication is after any Record Date but on or before the next following interest payment date, in which case such principal amount shall bear interest from such next following interest payment date; provided, however, that if on the date of authentication hereof the interest on the Bond or Bonds, if any, for which this Bond is being exchanged or converted from is due but has not been paid, then this Bond shall bear interest from the date to which such interest has been paid in full. Notwithstanding the foregoing, during any period in which ownership of the Bonds is determined only by a book entry at a securities depository for the Bonds, any payment to the securities depository, or its nominee or registered assigns, shall be made in accordance with existing arrangements between the City and the securities depository.

THE PRINCIPAL OF AND INTEREST ON this Bond are payable in lawful money of the United States of America, without exchange or collection charges. The principal of this Bond shall be paid to the Registered Owner hereof upon presentation and surrender of this Bond at maturity or upon the date fixed for its redemption prior to maturity, at Regions Bank, (the "Paying Agent/Registrar") at their office for payment in Houston, Texas (the "Designated Payment/Transfer Office"). The payment of interest on this Bond shall be made by the Paying Agent/Registrar to the Registered Owner hereof on each interest payment date by check or draft, dated as of such interest payment date, drawn by the Paying Agent/Registrar on, and payable solely from, funds of the City required by the ordinance authorizing the issuance of this Bond (the "Bond Ordinance") to be on deposit with the Paying Agent/Registrar for such purpose as hereinafter provided; and such check or draft shall be sent by the Paying Agent/Registrar by United States mail, first-class postage prepaid, on each such interest payment date, to the Registered Owner hereof, at its address as it appeared on the close of business on the 15th day of the month next preceding each such date (the "Record Date") on the registration books kept by the Paying Agent/Registrar (the "Registration Books"). In addition, interest may be paid by such other method, acceptable to the Paying Agent/Registrar, requested by, and at the risk and expense of, the Registered Owner. In the event of a non-payment of interest on a

scheduled payment date, and for 30 days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the City. Notice of the Special Record Date and of the scheduled payment date of the past due interest (which shall be 15 days after the Special Record Date) shall be sent at least five business days prior to the Special Record Date by United States mail, first-class postage prepaid, to the address of each owner of a Bond appearing on the Registration Books at the close of business on the last business day next preceding the date of mailing of such notice.

DURING ANY PERIOD in which ownership of the Bonds is determined only by a book entry at a securities depository for the Bonds, if fewer than all of the Bonds of the same maturity and bearing the same interest rate are to be redeemed, the particular Bonds of such maturity and bearing such interest rate shall be selected in accordance with the arrangements between the City and the securities depository.

**[FORM OF FIRST PARAGRAPHS
OF PREMIUM COMPOUND INTEREST BOND]**

NO. PC-

**MATURITY
AMOUNT
\$ _____**

INTEREST RATE ISSUANCE DATE DATE OF BONDS MATURITY DATE

REGISTERED OWNER:

MATURITY AMOUNT:

ON THE MATURITY DATE SPECIFIED ABOVE, CITY OF BASTROP, TEXAS (the "City"), being a political subdivision and municipal corporation of the State of Texas, hereby promises to pay to the Registered Owner set forth above, or registered assigns (hereinafter called the "Registered Owner") the Maturity Amount set forth above, representing the principal amount hereof and accrued and compounded interest hereon. Interest shall accrue on the principal amount hereof from the Issuance Date at the interest rate per annum specified above, calculated on the basis of a 360 day year comprised of twelve 30 day months, compounded semiannually on _____* and _____* of each year commencing _____, 20__*. For convenience of reference a table of the "Accreted Value" per \$5,000 Maturity Amount is printed on the reverse side of this Bond. The term "Accreted Value" as set forth in the table on the reverse side hereof shall mean the original

* To be completed as determined by the Pricing Officer in the Pricing Certificate. To the extent that the Pricing Certificate relating to the Bonds is inconsistent with any provisions in the Form of Bond or contains information to complete missing information in this Form of bond, the language in the Pricing Certificate shall be used in the executed Bonds.

principal amount plus initial premium per \$5,000 Maturity Amount compounded semiannually on _____* and _____* at the yield shown on such table.

THE MATURITY AMOUNT of this Bond is payable in lawful money of the United States of America, without exchange or collection charges. The Maturity Amount of this Bond shall be paid to the Registered Owner hereof upon presentation and surrender of this Bond at maturity, at the designated office for payment of Regions Bank, Houston, Texas, which is the "Paying Agent/Registrar" for this Bond, and shall be drawn by the Paying Agent/Registrar on, and solely from, funds of the City required by the order authorizing the issuance of the Bonds (the "Bond Ordinance") to be on deposit with the Paying Agent/Registrar for such purpose as hereinafter provided, payable to the Registered Owner hereof, as it appears on the Registration Books kept by the Paying Agent/Registrar, as hereinafter described. The City covenants with the Registered Owner of this Bond that on or before the Maturity Date for this Bond it will make available to the Paying Agent/Registrar, from the "Interest and Sinking Fund" created by the Bond Ordinance, the amounts required to provide for the payment, in immediately available funds of the Maturity Amount, when due. Notwithstanding the foregoing, during any period in which ownership of the Bonds is determined only by a book entry at a securities depository for the Bonds, any payment to the securities depository, or its nominee or registered assigns, shall be made in accordance with existing arrangements between the City and the securities depository.

[FORM OF REMAINDER OF EACH BOND]

ANY ACCRUED INTEREST due at maturity as provided herein shall be paid to the Registered Owner upon presentation and surrender of this Bond for payment at the Designated Payment/Transfer Office of the Paying Agent/Registrar. The City covenants with the Registered Owner of this Bond that on or before each payment date for this Bond it will make available to the Paying Agent/Registrar, from the "Interest and Sinking Fund" created by the Bond Ordinance, the amounts required to provide for the payment, in immediately available funds, of all principal of and interest on the Bonds, when due.

IF THE DATE for the payment of the principal of or interest on this Bond shall be a Saturday, Sunday, a legal holiday, or a day on which banking institutions in the City where the principal corporate trust office of the Paying Agent/Registrar is located are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not such a Saturday, Sunday, legal holiday, or day on which banking institutions are authorized to close; and payment on such date shall have the same force and effect as if made on the original date payment was due.

THIS BOND is one of a series of Bonds dated _____, 20__*, authorized in accordance with the Constitution and laws of the State of Texas in the principal amount of \$ _____*, **TO PROVIDE FUNDS FOR THE FOLLOWING: (I) REFUNDING THE**

*To be completed as determined by the Pricing Officer in the Pricing Certificate. To the extent that the Pricing Certificate relating to the Bonds is inconsistent with any provisions in the Form of Bond or contains information to complete missing information in this Form of bond, the language in the Pricing Certificate shall be used in the executed Bonds.

REFUNDED OBLIGATIONS; AND (II) PAYING THE COSTS ASSOCIATED WITH THE ISSUANCE OF THE BONDS.

ON _____, 20__*, or on any date thereafter, the Bonds of this Series maturing on and after _____, 20__* may be redeemed prior to their scheduled maturities, at the option of the City, with funds derived from any available and lawful source, at par plus accrued interest to the date fixed for redemption as a whole, or from time to time in part, and, if in part, the particular maturities to be redeemed shall be selected and designated by the City and if less than all of a maturity is to be redeemed, the Paying Agent/Registrar shall determine by lot the Bonds, or a portion thereof, within such maturity to be redeemed (provided that a portion of a Bond may be redeemed only in an integral multiple of \$5,000).

[THE BONDS MATURING ON _____, __* are subject to mandatory sinking fund redemption by lot prior to maturity in the following amounts on the following dates and at a price of par plus accrued interest to the redemption date ("Term Bonds").

Term Bonds Maturing on _____, 20__*

<u>Redemption Date</u> *	<u>Principal Amount</u> *
_____, 20__	\$ _____
_____, 20__†	\$ _____ †

† Final Maturity

THE PRINCIPAL AMOUNT of the Term Bonds required to be redeemed pursuant to the operation of the mandatory sinking fund redemption provisions shall be reduced, at the option of the City by the principal amount of any Term Bonds of the stated maturity which, at least 50 days prior to a mandatory redemption date, (1) shall have been acquired by the City at a price not exceeding the principal amount of such Term Bonds plus accrued interest to the date of purchase thereof, and delivered to the Paying Agent/Registrar for cancellation, (2) shall have been purchased and canceled by the Paying Agent/Registrar at the request of the City with monies in the Interest and Sinking Fund at a price not exceeding the principal amount of the Term Bonds plus accrued interest to the date of purchase thereof, or (3) shall have been redeemed pursuant to the optional redemption provisions and not theretofore credited against a mandatory sinking fund redemption requirement.]*

NO LESS THAN 30 days prior to the date fixed for any such redemption, the City shall cause the Paying Agent/Registrar to send notice by United States mail, first-class postage prepaid to the Registered Owner of each Bond to be redeemed at its address as it appeared on the Registration Books of the Paying Agent/Registrar at the close of business on the 45th day prior to the redemption date and to major securities depositories, national bond rating agencies and bond information services; provided, however, that the failure to send, mail or receive such notice, or any defect therein or in the sending or mailing thereof, shall not affect the validity or effectiveness of the proceedings for the redemption of any Bonds. By the date fixed for any such redemption due

*Use of Term Bonds, if any, to be determined by the Pricing Officer.

provision shall be made with the Paying Agent/Registrar for the payment of the required redemption price for the Bonds or portions thereof which are to be so redeemed. If due provision for such payment is made, all as provided above, the Bonds or portions thereof which are to be so redeemed thereby automatically shall be treated as redeemed prior to their scheduled maturities, and they shall not bear interest after the date fixed for redemption, and they shall not be regarded as being outstanding except for the right of the Registered Owner to receive the redemption price from the Paying Agent/Registrar out of the funds provided for such payment. If a portion of any Bonds shall be redeemed a substitute Bonds or Bonds having the same maturity date, bearing interest at the same rate, in any denomination or denominations in any integral multiple of \$5,000, at the written request of the Registered Owner, and in aggregate principal amount equal to the unredeemed portion thereof, will be issued to the Registered Owner upon the surrender thereof for cancellation, at the expense of the City, all as provided in the Bond Ordinance.

WITH RESPECT TO any optional redemption of the Bonds, unless certain prerequisites to such redemption required by the Bond Ordinance have been met and moneys sufficient to pay the principal of and premium, if any, and interest on the Bonds to be redeemed shall have been received by the Paying Agent/Registrar prior to the giving of such notice of redemption, such notice shall state that said redemption may, at the option of the City, be conditional upon the satisfaction of such prerequisites and receipt of such moneys by the Paying Agent/Registrar on or prior to the date fixed for such redemption, or upon any prerequisite set forth in such notice of redemption. If a conditional notice of redemption is given and such prerequisites to the redemption and sufficient moneys are not received, such notice shall be of no force and effect, the City shall not redeem such Bonds and the Paying Agent/Registrar shall give notice, in the manner in which the notice of redemption was given, to the effect that the Bonds have not been redeemed.

ALL BONDS OF THIS SERIES are issuable solely as fully registered Bonds, without interest coupons, in the denomination of any integral multiple of \$5,000. As provided in the Bond Ordinance, this Bond, or any unredeemed portion hereof, may, at the request of the Registered Owner or the assignee or assignees hereof, be assigned, transferred, converted into and exchanged for a like aggregate principal amount of fully registered Bonds, without interest coupons, payable to the appropriate Registered Owner, assignee or assignees, as the case may be, having the same denomination or denominations in any integral multiple of \$5,000 as requested in writing by the appropriate Registered Owner, assignee or assignees, as the case may be, upon surrender of this Bond to the Paying Agent/Registrar for cancellation, all in accordance with the form and procedures set forth in the Bond Ordinance. Among other requirements for such assignment and transfer, this Bond must be presented and surrendered to the Paying Agent/Registrar, together with proper instruments of assignment, in form and with guarantee of signatures satisfactory to the Paying Agent/Registrar, evidencing assignment of this Bond or any portion or portions hereof in any integral multiple of \$5,000 to the assignee or assignees in whose name or names this Bond or any such portion or portions hereof is or are to be registered. The form of Assignment printed or endorsed on this Bond may be executed by the Registered Owner to evidence the assignment hereof, but such method is not exclusive, and other instruments of assignment satisfactory to the Paying Agent/Registrar may be used to evidence the assignment of this Bond or any portion or portions hereof from time to time by the Registered Owner. The Paying Agent/Registrar's reasonable standard or customary fees and charges for assigning, transferring, converting and exchanging any

Bond or portion thereof will be paid by the City. In any circumstance, any taxes or governmental charges required to be paid with respect thereto shall be paid by the one requesting such assignment, transfer, conversion or exchange, as a condition precedent to the exercise of such privilege. The Paying Agent/Registrar shall not be required to make any such transfer, conversion, or exchange during the period commencing on the close of business on any Record Date and ending with the opening of business on the next following principal or interest payment date.

WHENEVER the beneficial ownership of this Bond is determined by a book entry at a securities depository for the Bonds, the foregoing requirements of holding, delivering or transferring this Bond shall be modified to require the appropriate person or entity to meet the requirements of the securities depository as to registering or transferring the book entry to produce the same effect.

IN THE EVENT any Paying Agent/Registrar for the Bonds is changed by the City, resigns, or otherwise ceases to act as such, the City has covenanted in the Bond Ordinance that it promptly will appoint a competent and legally qualified substitute therefor, and cause written notice thereof to be mailed to the Registered Owners of the Bonds.

IT IS HEREBY certified, recited, and covenanted that this Bond has been duly and validly authorized, issued, and delivered; that all acts, conditions, and things required or proper to be performed, exist, and be done precedent to or in the authorization, issuance, and delivery of this Bond have been performed, existed, and been done in accordance with law; and that ad valorem taxes sufficient to provide for the payment of the interest on and principal of this Bond, as such interest comes due, and as such principal matures, have been levied and ordered to be levied against all taxable property in the City, and have been pledged for such payment, within the limit prescribed by law.

BY BECOMING the Registered Owner of this Bond, the Registered Owner thereby acknowledges all of the terms and provisions of the Bond Ordinance, agrees to be bound by such terms and provisions, acknowledges that the Bond Ordinance is duly recorded and available for inspection in the official minutes and records of the governing body of the City, and agrees that the terms and provisions of this Bond and the Bond Ordinance constitute a contract between each Registered Owner hereof and the City.

IN WITNESS WHEREOF, the City has caused this Bond to be signed with the manual or facsimile signature of the Mayor of the City and countersigned with the manual or facsimile signature of the City Secretary and has caused the official seal of the City to be duly impressed, or placed in facsimile, on this Bond.

City Secretary

Mayor

[CITY SEAL]

FORM OF PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE

PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE

(To be executed if this Bond is not accompanied by an
executed Registration Certificate of the Comptroller
of Public Accounts of the State of Texas)

It is hereby certified that this Bond has been issued under the provisions of the Bond Ordinance described in the text of this Bond; and that this Bond has been issued in conversion or replacement of, or in exchange for, a Bond, Bonds, or a portion of a Bond or Bonds of a Series which originally was approved by the Attorney General of the State of Texas and registered by the Comptroller of Public Accounts of the State of Texas.

Dated

REGIONS BANK
Paying Agent/Registrar

By _____
Authorized Representative

FORM OF ASSIGNMENT

ASSIGNMENT

For value received, the undersigned hereby sells, assigns and transfers unto

Please insert Social Security or Taxpayer
Identification Number of Transferee

(Please print or typewrite name and address,
including zip code, of Transferee)

the within Bond and all rights thereunder, and hereby irrevocably constitutes and appoints _____, attorney, to register the transfer of the within Bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: _____

Signature Guaranteed:

NOTICE: Signature(s) must be guaranteed by a member firm of the New York Stock Exchange or a commercial bank or trust company.

NOTICE: The signature above must correspond with the name of the Registered Owner as it appears upon the front of this Bond in every particular, without alteration or enlargement or any change whatsoever.

**FORM OF REGISTRATION CERTIFICATE OF
THE COMPTROLLER OF PUBLIC ACCOUNTS FOR THE INITIAL BOND ONLY:**

COMPTROLLER'S REGISTRATION CERTIFICATE: REGISTER NO.

I hereby certify that this Bond has been examined, certified as to validity, and approved by the Attorney General of the State of Texas, and that this Bond has been registered by the Comptroller of Public Accounts of the State of Texas.

Witness my signature and seal this _____.

Comptroller of Public Accounts
of the State of Texas

[COMPTROLLER'S SEAL]

INSERTIONS FOR THE INITIAL BONDS

(i) The initial Current Interest Bonds shall be in the form set forth in this Exhibit, except that:

A. immediately under the name of the Bond, the headings "INTEREST RATE" and "MATURITY DATE" shall both be completed with the words "As shown below" and "CUSIP NO." shall be deleted.

B. the first paragraph shall be deleted and the following will be inserted:

"**ON THE MATURITY DATE SPECIFIED ABOVE**, the City of Bastrop, Texas (the "Issuer"), being a political subdivision, hereby promises to pay to the Registered Owner specified

above, or registered assigns (hereinafter called the "Registered Owner"), on _____, 20__* in each of the years, in the principal installments and bearing interest at the per annum rates set forth in the following schedule:

Principal	Interest	
<u>Amount</u>	<u>Maturity Date</u>	<u>Rates</u>

(Information for the Current Interest Bonds from the Pricing Certificate to be inserted)

The Issuer promises to pay interest on the unpaid principal amount hereof (calculated on the basis of a 360-day year of twelve 30-day months) from _____, 20__* at the respective Interest Rate per annum specified above. Interest is payable on _____, 20__* and semiannually on each _____* and _____* thereafter to the date of payment of the principal installment specified above; except, that if this Bond is required to be authenticated and the date of its authentication is later than the first Record Date (hereinafter defined), such principal amount shall bear interest from the interest payment date next preceding the date of authentication, unless such date of authentication is after any Record Date but on or before the next following interest payment date, in which case such principal amount shall bear interest from such next following interest payment date; provided, however, that if on the date of authentication hereof the interest on the Bond or Bonds, if any, for which this Bond is being exchanged is due but has not been paid, then this Bond shall bear interest from the date to which such interest has been paid in full."

C. The initial Bond shall be numbered "T-1."

(ii) The Initial Compound Interest Bond shall be in the form set forth in this Section, except that:

A. immediately under the name of the Bond, the headings "INTEREST RATE" and "MATURITY DATE" shall both be completed with the words "As shown below" and "CUSIP NO. _____" shall be deleted.

B. the first paragraph shall be deleted and the following will be inserted:

"THE CITY OF BASTROP, TEXAS (the "City"), being a political subdivision of the State of Texas, hereby promises to pay to the Registered Owner set forth above, or registered assigns (hereinafter called the "Registered Owner") the Payment at Maturity on _____* in each of the years and in installments of the respective Maturity Amounts set forth in the following schedule:

* To be completed as determined by the Pricing Officer in the Pricing Certificate. To the extent that the Pricing Certificate relating to the Bonds is inconsistent with any provisions in the Form of Bond or contains information to complete missing information in this Form of bond, the language in the Pricing Certificate shall be used in the executed Bonds.

*To be completed as determined by the Pricing Officer in the Pricing Certificate. To the extent that the Pricing Certificate relating to the Bonds is inconsistent with any provisions in the Form of Bond or contains information to complete missing information in this Form of bond, the language in the Pricing Certificate shall be used in the executed Bonds.

<u>Principal</u> <u>Amount</u>	<u>Maturity Date</u>	<u>Interest</u> <u>Rate</u>
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(Information for the Premium Compound Interest Bonds from the Pricing Certificate to be inserted)

The amount shown above as the respective Maturity Amounts represent the principal amount hereof and accrued and compounded interest hereon. Interest shall accrue on the principal amount hereof from the Issuance Date at the interest rate per annum specified above, compounded semiannually on _____* and _____* of each year commencing _____, 20__.* For convenience of reference, a table appears on the back of this Bond showing the "Compounded Amount" of the original principal amount plus initial premium, if any, per \$5,000 Maturity Amount compounded semiannually at the yield shown on such table."

C. the Initial Premium Compound Interest Bond shall be numbered "TPC-1."

Section 7. TAX LEVY. A special Interest and Sinking Fund (the "Interest and Sinking Fund") is hereby created solely for the benefit of the Bonds, and the Interest and Sinking Fund shall be established and maintained by the City at an official depository bank of the City. The Interest and Sinking Fund shall be kept separate and apart from all other funds and accounts of the City, and shall be used only for paying the interest on and principal of the Bonds. All ad valorem taxes levied and collected for and on account of the Bonds shall be deposited, as collected, to the credit of the Interest and Sinking Fund. During each year while any of the Bonds or interest thereon are outstanding and unpaid, the governing body of the City shall compute and ascertain a rate and amount of ad valorem tax which will be sufficient to raise and produce the money required to pay the interest on the Bonds as such interest comes due, and to provide and maintain a sinking fund adequate to pay the principal of the Bonds as such principal matures (but never less than 2% of the original principal amount of the Bonds as a sinking fund each year); and the tax shall be based on the latest approved tax rolls of the City, with full allowance being made for tax delinquencies and the cost of tax collection. The rate and amount of ad valorem tax is hereby levied, and is hereby ordered to be levied, against all taxable property in the City for each year while any of the Bonds or interest thereon are outstanding and unpaid; and the tax shall be assessed and collected each such year and deposited to the credit of the Interest and Sinking Fund. The ad valorem taxes sufficient to provide for the payment of the interest on and principal of the Bonds, as such interest comes due and such principal matures, are hereby pledged for such payment, within the limit prescribed by law. Accrued interest on the Bonds shall be deposited in the Interest and Sinking Fund.

Chapter 1208, Texas Government Code, applies to the issuance of the Bonds and the pledge of the ad valorem taxes granted by the City under this Section, and is therefore valid, effective, and perfected. If Texas law is amended at any time while the Bonds are outstanding and unpaid such that the pledge of the ad valorem taxes granted by the City under this Section is to be subject to the filing

* To be completed as determined by the Pricing Officer in the Pricing Certificate. To the extent that the Pricing Certificate relating to the Bonds is inconsistent with any provisions in the Form of Bond or contains information to complete missing information in this Form of bond, the language in the Pricing Certificate shall be used in the executed Bonds.

requirements of Chapter 9, Business & Commerce Code, then in order to preserve to the Owners of the Bonds the perfection of the security interest in said pledge, the City agrees to take such measures as it determines are reasonable and necessary under Texas law to comply with the applicable provisions of Chapter 9, Business & Commerce Code and enable a filing to perfect the security interest in said pledge to occur.

Section 8. ESTABLISHMENT OF ESCROW FUND. (a) Escrow Fund. A portion of the proceeds of the Bonds, together with any cash contribution, in an amount necessary to refund the Refunded Obligations shall be deposited in the Escrow Fund created and governed by the terms of the Escrow Agreement.

(b) Investment of Funds. The City hereby covenants that the proceeds of the sale of the Bonds will be used as soon as practicable for the purposes for which the Bonds are issued. Obligations purchased as an investment of money in any fund shall be deemed to be a part of such fund. Any money in any fund created by this Ordinance may be invested in Permitted Investments as permitted by the Public Funds Investment Act, as amended and the City's Investment Policy.

(c) Security for Funds. All funds created by this Ordinance shall be secured in the manner and to the fullest extent required by law for the security of funds of the City.

(d) Maintenance of Funds. Any funds created pursuant to this Ordinance, other than the Escrow Fund, may be created as separate funds or accounts or as subaccounts of the City's General Fund held by the City's depository, and, as such, not held in separate bank accounts, such treatment shall not constitute a commingling of the monies in such funds or of such funds and the City shall keep full and complete records indicating the monies and investments credited to each such fund.

(e) Interest Earnings. Interest earnings derived from the investment of proceeds from the sale of the Bonds shall be used along with the Bond proceeds for the purpose for which the Bonds are issued as set forth in Section 3 hereof or to pay principal or interest payments on the Bonds; provided that after completion of such purpose, if any of such interest earnings remain on hand, such interest earnings shall be deposited in the Interest and Sinking Fund. It is further provided, however, that any interest earnings on bond proceeds which are required to be rebated to the United States of America pursuant to Section 12 hereof in order to prevent the Bonds from being arbitrage bonds shall be so rebated and not considered as interest earnings for the purposes of this Section.

Section 9. DEFEASANCE OF BONDS (a) Any Bond and the interest thereon shall be deemed to be paid, retired and no longer outstanding (a "Defeased Bond") within the meaning of this Ordinance, except to the extent provided in subsections (c) and (e) of this Section, when payment of the principal of such Bond, plus interest thereon to the due date or dates (whether such due date or dates be by reason of maturity, upon redemption, or otherwise) either (i) shall have been made or caused to be made in accordance with the terms thereof (including the giving of any required notice of redemption or the establishment of irrevocable provisions for the giving of such notice) or (ii) shall have been provided for on or before such due date by irrevocably depositing with or making available to the Paying Agent/Registrar or an eligible trust company or commercial bank for such payment (1) lawful money of the United States of America sufficient to make such payment, (2)

Defeasance Securities, certified by an independent public accounting firm of national reputation to mature as to principal and interest in such amounts and at such times as will ensure the availability, without reinvestment, of sufficient money to provide for such payment and when proper arrangements have been made by the City with the Paying Agent/Registrar or an eligible trust company or commercial bank for the payment of its services until all Defeased Bonds shall have become due and payable or (3) any combination of (1) and (2). At such time as a Bond shall be deemed to be a Defeased Bond hereunder, as aforesaid, such Bond and the interest thereon shall no longer be secured by, payable from, or entitled to the benefits of, the ad valorem taxes herein levied as provided in this Ordinance, and such principal and interest shall be payable solely from such money or Defeasance Securities.

(b) The deposit under clause (ii) of subsection (a) shall be deemed a payment of a Bond as aforesaid when proper notice of redemption of such Bonds shall have been given or upon the establishment of irrevocable provisions for the giving of such notice, in accordance with this Ordinance. Any money so deposited with the Paying Agent/Registrar or an eligible trust company or commercial bank as provided in this Section may at the discretion of the City also be invested in Defeasance Securities, maturing in the amounts and at the times as hereinbefore set forth, and all income from all Defeasance Securities in possession of the Paying Agent/Registrar or an eligible trust company or commercial bank pursuant to this Section which is not required for the payment of such Bond and premium, if any, and interest thereon with respect to which such money has been so deposited, shall be remitted to the City.

(c) Notwithstanding any provision of any other Section of this Ordinance which may be contrary to the provisions of this Section, all money or Defeasance Securities set aside and held in trust pursuant to the provisions of this Section for the payment of principal of the Bonds and premium, if any, and interest thereon, shall be applied to and used solely for the payment of the particular Bonds and premium, if any, and interest thereon, with respect to which such money or Defeasance Securities have been so set aside in trust. Until all Defeased Bonds shall have become due and payable, the Paying Agent/Registrar shall perform the services of Paying Agent/Registrar for such Defeased Bonds the same as if they had not been defeased, and the City shall make proper arrangements to provide and pay for such services as required by this Ordinance.

(d) Notwithstanding anything elsewhere in this Ordinance, if money or Defeasance Securities have been deposited or set aside with the Paying Agent/Registrar or an eligible trust company or commercial bank pursuant to this Section for the payment of Bonds and such Bonds shall not have in fact been actually paid in full, no amendment of the provisions of this Section shall be made without the consent of the registered owner of each Bond affected thereby.

(e) Notwithstanding the provisions of subsection (a) immediately above, to the extent that, upon the defeasance of any Defeased Bond to be paid at its maturity, the City retains the right under Texas law to later call that Defeased Bond for redemption in accordance with the provisions of this Ordinance, the City may call such Defeased Bond for redemption upon complying with the provisions of Texas law and upon the satisfaction of the provisions of subsection (a) immediately above with respect to such Defeased Bond as though it was being defeased at the time of the exercise

of the option to redeem the Defeased Bond and the effect of the redemption is taken into account in determining the sufficiency of the provisions made for the payment of the Defeased Bond.

Section 10. DAMAGED, MUTILATED, LOST, STOLEN, OR DESTROYED BONDS.

(a) Replacement Bonds. In the event any outstanding Bond is damaged, mutilated, lost, stolen, or destroyed, the Paying Agent/Registrar shall cause to be printed, executed, and delivered, a new Bond of the same principal amount, maturity, and interest rate, as the damaged, mutilated, lost, stolen, or destroyed Bond, in replacement for such Bond in the manner hereinafter provided.

(b) Application for Replacement Bonds. Application for replacement of damaged, mutilated, lost, stolen, or destroyed Bonds shall be made by the Registered Owner thereof to the Paying Agent/Registrar. In every case of loss, theft, or destruction of a Bond, the Registered Owner applying for a replacement bond shall furnish to the City and to the Paying Agent/Registrar such security or indemnity as may be required by them to save each of them harmless from any loss or damage with respect thereto. Also, in every case of loss, theft, or destruction of a Bond, the Registered Owner shall furnish to the City and to the Paying Agent/Registrar evidence to their satisfaction of the loss, theft, or destruction of such Bond, as the case may be. In every case of damage or mutilation of a Bond, the Registered Owner shall surrender to the Paying Agent/Registrar for cancellation the Bond so damaged or mutilated.

(c) No Default Occurred. Notwithstanding the foregoing provisions of this Section, in the event any such Bond shall have matured, and no default has occurred which is then continuing in the payment of the principal of, redemption premium, if any, or interest on the Bond, the City may authorize the payment of the same (without surrender thereof except in the case of a damaged or mutilated Bond) instead of issuing a replacement Bond, provided security or indemnity is furnished as above provided in this Section.

(d) Charge for Issuing Replacement Bonds. Prior to the issuance of any replacement Bond, the Paying Agent/Registrar shall charge the Registered Owner of such Bond with all legal, printing, and other expenses in connection therewith. Every replacement Bond issued pursuant to the provisions of this Section by virtue of the fact that any Bond is lost, stolen, or destroyed shall constitute a contractual obligation of the City whether or not the lost, stolen, or destroyed Bond shall be found at any time, or be enforceable by anyone, and shall be entitled to all the benefits of this Ordinance equally and proportionately with any and all other Bonds duly issued under this Ordinance.

(e) Authority for Issuing Replacement Bonds. In accordance with Subchapter B of Texas Government Code, Chapter 1206, this Section of this Ordinance shall constitute authority for the issuance of any such replacement Bond without necessity of further action by the governing body of the City or any other body or person, and the duty of the replacement of such Bonds is hereby authorized and imposed upon the Paying Agent/Registrar, and the Paying Agent/Registrar shall authenticate and deliver such Bonds in the form and manner and with the effect, as provided in Section 4(a) of this Ordinance for Bonds issued in conversion and exchange for other Bonds.

Section 11. CUSTODY, APPROVAL, AND REGISTRATION OF BONDS; BOND COUNSEL'S OPINION; CUSIP NUMBERS AND CONTINGENT INSURANCE PROVISION, IF OBTAINED. The Pricing Officer is hereby authorized to have control of the Bonds initially issued and delivered hereunder and all necessary records and proceedings pertaining to the Bonds pending their delivery and their investigation, examination, and approval by the Attorney General of the State of Texas, and their registration by the Comptroller of Public Accounts of the State of Texas. Upon registration of the Bonds the Comptroller of Public Accounts (or a deputy designated in writing to act for the Comptroller) shall manually sign the Comptroller's Registration Certificate attached to such Bonds, and the seal of the Comptroller shall be impressed, or placed in facsimile, on such Certificate. The approving legal opinion of the City's Bond Counsel and the assigned CUSIP numbers may, at the option of the City, be printed on the Bonds issued and delivered under this Ordinance, but neither shall have any legal effect, and shall be solely for the convenience and information of the Registered Owners of the Bonds. In addition, if bond insurance or other credit enhancement is obtained, the Bonds may bear an appropriate legend.

Section 12. COVENANTS REGARDING TAX EXEMPTION OF INTEREST ON THE TAX-EXEMPT BONDS. (a) Covenants. The City covenants to take any action necessary to assure, or refrain from any action which would adversely affect, the treatment of the Tax-Exempt Bonds as obligations described in section 103 of the Internal Revenue Code of 1986, as amended (the "Code"), the interest on which is not includable in the "gross income" of the holder for purposes of federal income taxation. In furtherance thereof, the Issuer covenants as follows:

(1) to use all of the proceeds of the Tax-Exempt Bonds for the purposes set forth in Section 3 and the payment of principal, interest and redemption premium on the Refunded Obligations;

(2) to take any action to assure that no more than 10 percent of the proceeds of the Tax-Exempt Bonds or the Refunded Obligations or the projects financed or refinanced therewith (less amounts deposited to a reserve fund, if any) are used for any "private business use," as defined in section 141(b)(6) of the Code or, if more than 10 percent of the proceeds of the Tax-Exempt Bonds or the Refunded Obligations or the projects financed or refinanced therewith are so used, such amounts, whether or not received by the City, with respect to such private business use, do not, under the terms of this Ordinance or any underlying arrangement, directly or indirectly, secure or provide for the payment of more than 10 percent of the debt service on the Tax-Exempt Bonds, in contravention of section 141(b)(2) of the Code;

(3) to take any action to assure that in the event that the "private business use" described in subsection (1) hereof exceeds 5 percent of the proceeds of the Bonds or the Refunded Obligations or the projects financed or refinanced therewith (less amounts deposited into a reserve fund, if any) then the amount in excess of 5 percent is used for a "private business use" which is "related" and not "disproportionate," within the meaning of section 141(b)(3) of the Code, to the governmental use;

(4) to take any action to assure that no amount which is greater than the lesser of \$5,000,000, or 5 percent of the proceeds of the Tax-Exempt Bonds (less amounts deposited into a reserve fund, if any) is directly or indirectly used to finance loans to persons, other than state or local governmental units, in contravention of section 141(c) of the Code;

(5) to refrain from taking any action which would otherwise result in the Tax-Exempt Bonds being treated as "private activity bonds" within the meaning of section 141(b) of the Code;

(6) to refrain from taking any action that would result in the Tax-Exempt Bonds being "federally guaranteed" within the meaning of section 149(b) of the Code;

(7) to refrain from using any portion of the proceeds of the Tax-Exempt Bonds, directly or indirectly, to acquire or to replace funds which were used, directly or indirectly, to acquire investment property (as defined in section 148(b)(2) of the Code) which produces a materially higher yield over the term of the Tax-Exempt Bonds, other than investment property acquired with --

(A) proceeds of the Tax-Exempt Bonds invested for a reasonable temporary period of 3 years or less or, in the case of a refunding bond, for a period of 30 days,

(B) amounts invested in a bona fide debt service fund, within the meaning of section 1.148-1(b) of the Treasury Regulations, and

(C) amounts deposited in any reasonably required reserve or replacement fund to the extent such amounts do not exceed 10 percent of the proceeds of the Tax-Exempt Bonds;

(8) to otherwise restrict the use of the proceeds of the Tax-Exempt Bonds or amounts treated as proceeds of the Tax-Exempt Bonds, as may be necessary, so that the Tax-Exempt Bonds do not otherwise contravene the requirements of section 148 of the Code (relating to arbitrage) and, to the extent applicable, section 149(d) of the Code (relating to advance refundings); and

(9) to pay to the United States of America at least once during each five-year period (beginning on the date of delivery of the Tax-Exempt Bonds) an amount that is at least equal to 90 percent of the "Excess Earnings," within the meaning of section 148(f) of the Code and to pay to the United States of America, not later than 60 days after the Tax-Exempt Bonds have been paid in full, 100 percent of the amount then required to be paid as a result of Excess Earnings under section 148(f) of the Code.

(b) Rebate Fund. In order to facilitate compliance with the above covenant (8), a "Rebate Fund" is hereby established by the City for the sole benefit of the United States of America, and such fund shall not be subject to the claim of any other person, including without limitation the

bondholders. The Rebate Fund is established for the additional purpose of compliance with section 148 of the Code.

(c) Proceeds. The City understands that the term "proceeds" includes "disposition proceeds" as defined in the Treasury Regulations and, in the case of refunding bonds, transferred proceeds (if any) and proceeds of the Refunded Obligations not expended prior to the date of issuance of the Tax-Exempt Bonds. It is the understanding of the City that the covenants contained herein are intended to assure compliance with the Code and any regulations or rulings promulgated by the U.S. Department of the Treasury pursuant thereto. In the event that regulations or rulings are hereafter promulgated which modify or expand provisions of the Code, as applicable to the Tax-Exempt Bonds, the City will not be required to comply with any covenant contained herein to the extent that such failure to comply, in the opinion of nationally recognized bond counsel, will not adversely affect the exemption from federal income taxation of interest on the Tax-Exempt Bonds under section 103 of the Code. In the event that regulations or rulings are hereafter promulgated which impose additional requirements which are applicable to the Tax-Exempt Bonds, the City agrees to comply with the additional requirements to the extent necessary, in the opinion of nationally recognized bond counsel, to preserve the exemption from federal income taxation of interest on the Bonds under section 103 of the Code. In furtherance of such intention, the City hereby authorizes and directs the City Manager or Director of Finance to execute any documents, certificates or reports required by the Code and to make such elections, on behalf of the City, which may be permitted by the Code as are consistent with the purpose for the issuance of the Tax-Exempt Bonds. This Ordinance is intended to satisfy the official intent requirements set forth in Section 1.150-2 of the Treasury Regulations.

(d) Allocation Of, and Limitation On, Expenditures for the Project. The City covenants to account for the expenditure of sale proceeds and investment earnings to be used for the purposes described in Section 3 of this Ordinance (the "Project") on its books and records in accordance with the requirements of the Internal Revenue Code. The City recognizes that in Ordinance for the proceeds to be considered used for the reimbursement of costs, the proceeds must be allocated to expenditures within 18 months of the later of the date that (1) the expenditure is made, or (2) the Project is completed; but in no event later than three years after the date on which the original expenditure is paid. The foregoing notwithstanding, the City recognizes that in Ordinance for proceeds to be expended under the Internal Revenue Code, the sale proceeds or investment earnings must be expended no more than 60 days after the earlier of (1) the fifth anniversary of the delivery of the Tax-Exempt Bonds, or (2) the date the Tax-Exempt Bonds are retired. The City agrees to obtain the advice of nationally-recognized bond counsel if such expenditure fails to comply with the foregoing to assure that such expenditure will not adversely affect the tax-exempt status of the Tax-Exempt Bonds. For purposes hereof, the City shall not be obligated to comply with this covenant if it obtains an opinion that such failure to comply will not adversely affect the excludability for federal income tax purposes from gross income of the interest.

(f) Disposition of Project. The City covenants that the property constituting the projects financed or refinanced with the proceeds of the Tax-Exempt Bonds will not be sold or otherwise disposed in a transaction resulting in the receipt by the City of cash or other compensation, unless the City obtains an opinion of nationally-recognized bond counsel that such sale or other disposition will

not adversely affect the tax-exempt status of the Tax-Exempt Bonds. For purposes of the foregoing, the portion of the property comprising personal property and disposed in the ordinary course shall not be treated as a transaction resulting in the receipt of cash or other compensation. For purposes hereof, the City shall not be obligated to comply with this covenant if it obtains an opinion that such failure to comply will not adversely affect the excludability for federal income tax purposes from gross income of the interest.

(g) Designation as Qualified Tax-Exempt Obligations. The Pricing Officer is authorized to designate the Tax-Exempt Bonds as bank qualified obligations if the City qualifies to make such a designation at the time of pricing the Tax-Exempt Bonds.

Section 13. APPROVAL OF OFFERING DOCUMENTS, PAYING AGENT/REGISTRAR AGREEMENT AND ESCROW AGREEMENT. Unless the pricing Officer determines to sell the Bonds pursuant to a Private Placement, in which case no Official Statement will be necessary, the Pricing Officer is hereby authorized to approve the Preliminary Official Statement, the Official Statement relating to the Bonds and any addenda, supplement or amendment thereto and to deem such documents final in accordance with Rule 15c2-12. The City further approves the distribution of such Official Statement in the reoffering of the Bonds by the underwriters in final form, with such changes therein or additions thereto as the Pricing Officer executing the same may deem advisable, such determination to be conclusively evidenced by his execution thereof.

The Paying Agent/Registrar Agreement by and between the City and the Paying Agent/Registrar ("Paying Agent Agreement") in substantially the form and substance previously approved by the City Council is hereby approved and the Pricing Officer is hereby authorized and directed to complete, amend, modify and execute the Paying Agent Agreement as necessary.

The discharge and defeasance of Refunded Obligations shall be effectuated pursuant to the terms and provisions of an Escrow Agreement, in the form and containing the terms and provisions as shall be approved by a Pricing Officer, including any insertions, additions, deletions, and modifications as may be necessary (a) to carry out the program designed for the City by the underwriters or purchaser, (b) to maximize the City's present value savings and/or to minimize the City's costs of refunding, (c) to comply with all applicable laws and regulations relating to the refunding of the Refunded Obligations and (d) to carry out the other intents and purposes of this Ordinance; and, the Pricing Officer is hereby authorized to execute and deliver such Escrow Agreement, on behalf of the City, in multiple counterparts.

To maximize the City's present value savings and to minimize the City's costs of refunding, the City hereby authorizes and directs that certain of the Refunded Obligations shall be called for redemption prior to maturity in the amounts, at the dates and at the redemption prices set forth in the Pricing Certificate, and the Pricing Officer is hereby authorized and directed to take all necessary and appropriate action to give or cause to be given a notice of redemption to the holders or paying agent/registrar, as appropriate, of such Refunded Obligations, in the manner required by the documents authorizing the issuance of such Refunded Obligations.

The Pricing Officer and the Escrow Agent are each hereby authorized (a) to subscribe for, agree to purchase, and purchase Defeasance Securities that are permitted investments for a defeasance escrow established to defease Refunded Obligations, and to execute any and all subscriptions, purchase agreements, commitments, letters of authorization and other documents necessary to effectuate the foregoing, and any actions heretofore taken for such purpose are hereby ratified and approved, and (b) to authorize such contributions to the escrow fund as are provided in the Escrow Agreement.

Section 14. INSURANCE PROVISIONS. In connection with the sale of the Bonds, the City may obtain municipal bond insurance policies from one or more recognized municipal bond insurance organizations (the "Bond Insurer" or "Bond Insurers") to guarantee the full and complete payment required to be made by or on behalf of the City on the Bonds. The Pricing Officer is hereby authorized to sign a commitment letter or insurance agreement with the Bond Insurer or Bond Insurers and to pay the premium for the bond insurance policies at the time of the delivery of the Bonds to the Underwriter out of the proceeds of sale of the Bonds or from other available funds and to execute such other documents and certificates as necessary in connection with the bond insurance policies as the Pricing Officer may deem appropriate. Printing on the Bonds covered by the bond insurance policies a statement describing such insurance, in form and substance satisfactory to the Bond Insurer and the Pricing Officer, is hereby approved and authorized. The Pricing Certificate may contain provisions related to the bond insurance policies, including payment provisions thereunder, and the rights of the Bond Insurer or Insurers, and any such provisions shall be read and interpreted as an integral part of this Ordinance.

Section 15. CONTINUING DISCLOSURE UNDERTAKING. (a) Annual Reports. Unless the Bonds are sold pursuant to a Private Placement, in which case the Pricing Officer may determine the appropriate annual disclosure, if any, the City shall provide annually to the MSRB, in an electronic format as prescribed by the MSRB, within six months after the end of any fiscal year, financial information and operating data with respect to the City as determined by the Pricing Officer at the time the Bonds are sold. The Pricing Certificate shall specify such financial and operating data of the general type included in the final Official Statement authorized by Section 13 of this Ordinance. Any financial statements to be so provided shall be (1) prepared in accordance with the accounting principles described in Exhibit "B" hereto, or such other accounting principles as the City may be required to employ from time to time pursuant to state law or regulation, and (2) audited, if the City commissions an audit of such statements and the audit is completed within twelve months after the end of any fiscal year. If the audit of such financial statements is not complete within twelve months after the end of any fiscal year, then the City shall provide unaudited financial statements within such period, and audited financial statements for the applicable fiscal year to the MSRB, when and if the audit report on such statements become available.

If the City changes its fiscal year, it will notify the MSRB of the change (and of the date of the new fiscal year end) prior to the next date by which the City otherwise would be required to provide financial information and operating data pursuant to this Section.

The financial information and operating data to be provided pursuant to this Section may be set forth in full in one or more documents or may be included by specific reference to any document

that is available to the public on the MSRB's internet web site or filed with the SEC. All documents provided to the MSRB pursuant to this Section shall be accompanied by identifying information as prescribed by the MSRB.

(b) Certain Event Notices. The City shall notify the MSRB, in an electronic format as prescribed by the MSRB, in a timely manner not in excess of ten business days after the occurrence of the event, of any of the following events with respect to the Bonds:

- A. Principal and interest payment delinquencies;
- B. Non-payment related defaults, if material within the meaning of the federal securities laws;
- C. Unscheduled draws on debt service reserves reflecting financial difficulties;
- D. Unscheduled draws on credit enhancements reflecting financial difficulties;
- E. Substitution of credit or liquidity providers, or their failure to perform;
- F. Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the status of the Bonds, or other events affecting the status of the Bonds.
- G. Modifications to rights of holders of the Bonds, if material within the meaning of the federal securities laws;
- H. Bond calls, if material within the meaning of the federal securities laws and tender offers;
- I. Defeasances;
- J. Release, substitution, or sale of property securing repayment of the Bonds, if material within the meaning of the federal securities laws;
- K. Rating changes;
- L. Bankruptcy, insolvency, receivership or similar event of the City;
- M. The consummation of a merger, consolidation, or acquisition involving the City or the sale of all or substantially all of the assets of the City, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material within the meaning of the federal securities laws; and

N. Appointment of a successor or additional trustee or the change of name of a trustee, if material within the meaning of the federal securities laws.

The City shall notify the MSRB, in an electronic format as prescribed by the MSRB, in a timely manner, of any failure by the City to provide financial information or operating data in accordance with subsection (a) of this Section by the time required by such subsection. All documents provided to the MSRB pursuant to this Section shall be accompanied by identifying information as prescribed by the MSRB.

(c) Limitations, Disclaimers, and Amendments. The City shall be obligated to observe and perform the covenants specified in this Section for so long as, but only for so long as, the City remains an "obligated person" with respect to the Bonds within the meaning of the Rule, except that the City in any event will give notice of any deposit made in accordance with Section 8 of this Ordinance that causes the Bonds no longer to be outstanding.

The provisions of this Section are for the sole benefit of the holders and beneficial owners of the Bonds, and nothing in this Section, express or implied, shall give any benefit or any legal or equitable right, remedy, or claim hereunder to any other person. The City undertakes to provide only the financial information, operating data, financial statements, and notices which it has expressly agreed to provide pursuant to this Section and does not hereby undertake to provide any other information that may be relevant or material to a complete presentation of the City's financial results, condition, or prospects or hereby undertake to update any information provided in accordance with this Section or otherwise, except as expressly provided herein. The City does not make any representation or warranty concerning such information or its usefulness to a decision to invest in or sell Bonds at any future date.

UNDER NO CIRCUMSTANCES SHALL THE CITY BE LIABLE TO THE HOLDER OR BENEFICIAL OWNER OF ANY CERTIFICATE OR ANY OTHER PERSON, IN CONTRACT OR TORT, FOR DAMAGES RESULTING IN WHOLE OR IN PART FROM ANY BREACH BY THE CITY, WHETHER NEGLIGENT OR WITHOUT FAULT ON ITS PART, OF ANY COVENANT SPECIFIED IN THIS SECTION, BUT EVERY RIGHT AND REMEDY OF ANY SUCH PERSON, IN CONTRACT OR TORT, FOR OR ON ACCOUNT OF ANY SUCH BREACH SHALL BE LIMITED TO AN ACTION FOR *MANDAMUS* OR SPECIFIC PERFORMANCE.

No default by the City in observing or performing its obligations under this Section shall comprise a breach of or default under this Ordinance for purposes of any other provision of this Ordinance.

Should the Rule be amended to obligate the City to make filings with or provide notices to entities other than the MSRB, the City hereby agrees to undertake such obligation with respect to the Bonds in accordance with the Rule as amended.

Nothing in this Section is intended or shall act to disclaim, waive, or otherwise limit the duties of the City under federal and state securities laws.

The provisions of this Section may be amended by the City from time to time to adapt to changed circumstances that arise from a change in legal requirements, a change in law, or a change in the identity, nature, status, or type of operations of the City, but only if (1) the provisions of this Section, as so amended, would have permitted an underwriter to purchase or sell Bonds in the primary offering of the Bonds in compliance with the Rule, taking into account any amendments or interpretations of the Rule since such offering as well as such changed circumstances and (2) either (a) the holders of a majority in aggregate principal amount (or any greater amount required by any other provision of this Ordinance that authorizes such an amendment) of the outstanding Bonds consents to such amendment or (b) a person that is unaffiliated with the City (such as nationally recognized bond counsel) determines that such amendment will not materially impair the interest of the holders and beneficial owners of the Bonds. If the City so amends the provisions of this Section, it shall include with any amended financial information or operating data next provided in accordance with paragraph (a) of this Section an explanation, in narrative form, of the reason for the amendment and of the impact of any change in the type of financial information or operating data so provided. The City may also amend or repeal the provisions of this continuing disclosure agreement if the SEC amends or repeals the applicable provision of the Rule or a court of final jurisdiction enters judgment that such provisions of the Rule are invalid, but only if and to the extent that the provisions of this sentence would not prevent an underwriter from lawfully purchasing or selling Bonds in the primary offering of the Bonds.

Section 16. AMENDMENT OF ORDINANCE. The City hereby reserves the right to amend this Ordinance subject to the following terms and conditions, to-wit:

(a) The City may from time to time, without the consent of any holder, except as otherwise required by paragraph (b) below, amend or supplement this Ordinance in Ordinance to (i) cure any ambiguity, defect or omission in this Ordinance that does not materially adversely affect the interests of the holders, (ii) grant additional rights or security for the benefit of the holders, (iii) add events of default as shall not be inconsistent with the provisions of this Ordinance and that shall not materially adversely affect the interests of the holders, (iv) qualify this Ordinance under the Trust Indenture Act of 1939, as amended, or corresponding provisions of federal laws from time to time in effect, (v) obtain insurance or ratings on the Bonds, (vi) obtain the approval of the Attorney General of the State Texas, or (vii) make such other provisions in regard to matters or questions arising under this Ordinance as shall not be inconsistent with the provisions of this Ordinance and that shall not in the opinion of the City's Bond Counsel materially adversely affect the interests of the holders.

(b) Except as provided in paragraph (a) above, the holders of Bonds aggregating in principal amount 51% of the aggregate principal amount of then outstanding Bonds that are the subject of a proposed amendment shall have the right from time to time to approve any amendment hereto that may be deemed necessary or desirable by the City; provided, however, that without the consent of 100% of the holders in aggregate principal amount of the then outstanding Bonds, nothing herein contained shall permit or be construed to permit amendment of the terms and conditions of this Ordinance or in any of the Bonds so as to:

- (1) Make any change in the maturity of any of the outstanding Bonds;

- (2) Reduce the rate of interest borne by any of the outstanding Bonds;
- (3) Reduce the amount of the principal of, or redemption premium, if any, payable on any outstanding Bonds;
- (4) Modify the terms of payment of principal or of interest or redemption premium on outstanding Bonds or any of them or impose any condition with respect to such payment; or
- (5) Change the minimum percentage of the principal amount of any series of Bonds necessary for consent to such amendment.

(c) If at any time the City shall desire to amend this Ordinance under this Section, the City shall send by U.S. mail to each registered owner of the affected Bonds a copy of the proposed amendment and cause notice of the proposed amendment to be published at least once in a financial publication published in The City of New York, New York or in the State of Texas. Such published notice shall briefly set forth the nature of the proposed amendment and shall state that a copy thereof is on file at the office of the City for inspection by all holders of such Bonds.

(d) Whenever at any time within one year from the date of publication of such notice the City shall receive an instrument or instruments executed by the holders of at least 51% in aggregate principal amount of all of the Bonds then outstanding that are required for the amendment, which instrument or instruments shall refer to the proposed amendment and that shall specifically consent to and approve such amendment, the City may adopt the amendment in substantially the same form.

(e) Upon the adoption of any amendatory Ordinance pursuant to the provisions of this Section, this Ordinance shall be deemed to be modified and amended in accordance with such amendatory Ordinance, and the respective rights, duties, and obligations of the City and all holders of such affected Bonds shall thereafter be determined, exercised, and enforced, subject in all respects to such amendment.

(f) Any consent given by the holder of a Bond pursuant to the provisions of this Section shall be irrevocable for a period of six months from the date of the publication of the notice provided for in this Section, and shall be conclusive and binding upon all future holders of the same Bond during such period. Such consent may be revoked at any time after six months from the date of the publication of said notice by the holder who gave such consent, or by a successor in title, by filing notice with the City, but such revocation shall not be effective if the holders of 51% in aggregate principal amount of the affected Bonds then outstanding, have, prior to the attempted revocation, consented to and approved the amendment.

Section 17. DEFAULT AND REMEDIES. (a) Events of Default. Each of the following occurrences or events for the purpose of this Ordinance is hereby declared to be an Event of Default:

(i) the failure to make payment of the principal of or interest on any of the Bonds when the same becomes due and payable; or

(ii) default in the performance or observance of any other covenant, agreement or obligation of the City, the failure to perform which materially, adversely affects the rights of the Registered Owners of the Bonds, including, but not limited to, their prospect or ability to be repaid in accordance with this Ordinance, and the continuation thereof for a period of 60 days after notice of such default is given by any Registered Owner to the City.

(b) Remedies for Default.

(i) Upon the happening of any Event of Default, then and in every case, any Registered Owner or an authorized representative thereof, including, but not limited to, a trustee or trustees therefor, may proceed against the City, or any official, officer or employee of the City in their official capacity, for the purpose of protecting and enforcing the rights of the Registered Owners under this Ordinance, by mandamus or other suit, action or special proceeding in equity or at law, in any court of competent jurisdiction, for any relief permitted by law, including the specific performance of any covenant or agreement contained herein, or thereby to enjoin any act or thing that may be unlawful or in violation of any right of the Registered Owners hereunder or any combination of such remedies.

(ii) It is provided that all such proceedings shall be instituted and maintained for the equal benefit of all Registered Owners of Bonds then outstanding.

(c) Remedies Not Exclusive.

(i) No remedy herein conferred or reserved is intended to be exclusive of any other available remedy or remedies, but each and every such remedy shall be cumulative and shall be in addition to every other remedy given hereunder or under the Bonds or now or hereafter existing at law or in equity; provided, however, that notwithstanding any other provision of this Ordinance, the right to accelerate the debt evidenced by the Bonds shall not be available as a remedy under this Ordinance.

(ii) The exercise of any remedy herein conferred or reserved shall not be deemed a waiver of any other available remedy.

(iii) By accepting the delivery of a Bond authorized under this Ordinance, such Registered Owner agrees that the certifications required to effectuate any covenants or representations contained in this Ordinance do not and shall never constitute or give rise to a personal or pecuniary liability or charge against the officers, employees or trustees of the City or the City Council.

(iv) None of the members of the City Council, nor any other official or officer, agent, or employee of the City, shall be charged personally by the Registered Owners with any liability, or be held personally liable to the Registered Owners under any term or provision of

this Ordinance, or because of any Event of Default or alleged Event of Default under this Ordinance.

Section 18. NO RECOURSE AGAINST CITY OFFICIALS. No recourse shall be had for the payment of principal of or interest on the Bonds or for any claim based thereon or on this Ordinance against any official of the City or any person executing any Bonds.

Section 19. PAYMENT OF ATTORNEY GENERAL FEE. The City hereby authorizes the disbursement of a fee equal to the lesser of (i) one-tenth of one percent of the principal amount of the Bonds or (ii) \$9,500, provided that such fee shall not be less than \$750, to the Attorney General of Texas Public Finance Division for payment of the examination fee charged by the State of Texas for the Attorney General's review and approval of public securities and credit agreements, as required by Section 1202.004 of the Texas Government Code. The appropriate member of the City's staff is hereby instructed to take the necessary measures to make this payment. The City is also authorized to reimburse the appropriate City funds for such payment from proceeds of the Bonds.

Section 20. FURTHER ACTIONS. The officers and employees of the City are hereby authorized, empowered and directed from time to time and at any time to do and perform all such acts and things and to execute, acknowledge and deliver in the name and under the corporate seal and on behalf of the City all such instruments, whether or not herein mentioned, as may be necessary or desirable in Ordinance to carry out the terms and provisions of this Ordinance, the Bonds, the initial sale and delivery of the Bonds, the Paying Agent/Registrar Agreement, the Bond Purchase Agreement and the Official Statement. In addition, prior to the initial delivery of the Bonds, the Mayor, Director of Finance and Bond Counsel are hereby authorized and directed to approve any changes or corrections to this Ordinance or to any of the instruments authorized and approved by this Ordinance necessary in Ordinance to (i) correct any ambiguity or mistake or properly or more completely document the transactions contemplated and approved by this Ordinance and as described in the Official Statement or (ii) obtain the approval of the Bonds by the Texas Attorney General's office.

In case any officer of the City whose signature shall appear on any Bond shall cease to be such officer before the delivery of such Bond, such signature shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery.

Section 21. INTERPRETATIONS. All terms defined herein and all pronouns used in this Ordinance shall be deemed to apply equally to singular and plural and to all genders. The titles and headings of the articles and sections of this Ordinance have been inserted for convenience of reference only and are not to be considered a part hereof and shall not in any way modify or restrict any of the terms or provisions hereof. This Ordinance and all the terms and provisions hereof shall be liberally construed to effectuate the purposes set forth herein and to sustain the validity of the Bonds and the validity of the lien on and pledge to secure the payment of the Bonds.

Section 22. INCONSISTENT PROVISIONS. All ordinances or resolutions, or parts thereof, which are in conflict or inconsistent with any provisions of this Ordinance are hereby

repealed to the extent of such conflict and the provisions of this Ordinance shall be and remain controlling as to the matters contained herein.

Section 23. INTERESTED PARTIES. Nothing in this Ordinance expressed or implied is intended or shall be construed to confer upon, or to give to, any person or entity, other than the City and the registered owners of the Bonds, any right, remedy or claim under or by reason of this Ordinance or any covenant, condition or stipulation hereof, and all covenants, stipulations, promises and agreements in this Ordinance contained by and on behalf of the City shall be for the sole and exclusive benefit of the City and the registered owners of the Bonds.

Section 24. NO PERSONAL LIABILITY. No covenant or agreement contained in the Bonds, this Ordinance or any corollary instrument shall be deemed to be the covenant or agreement of any member of the City Council or any officer, agent, employee or representative of the City Council in his individual capacity, and neither the directors, officers, agents, employees or representatives of the City Council nor any person executing the Bonds shall be personally liable thereon or be subject to any personal liability for damages or otherwise or accountability by reason of the issuance thereof, or any actions taken or duties performed, whether by virtue of any constitution, statute or rule of law, or by the enforcement of any assessment or penalty, or otherwise, all such liability being expressly released and waived as a condition of and in consideration for the issuance of the Bonds.

Section 25. SEVERABILITY. The provisions of this Ordinance are severable; and in case any one or more of the provisions of this Ordinance or the application thereof to any person or circumstance should be held to be invalid, unconstitutional, or ineffective as to any person or circumstance, the remainder of this Ordinance nevertheless shall be valid, and the application of any such invalid provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

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IN ACCORDANCE WITH SECTION 1201.028, Texas Government Code, passed and approved on the first and final reading on the 10th day of January, 2017.

CITY OF BASTROP:

By: Ken Kesselus, Mayor
City of Bastrop, Texas

ATTEST:

Ann Franklin, City Secretary

EXHIBIT A

DEFINITIONS

As used in this Ordinance, the following terms and expressions shall have the meanings set forth below, unless the text hereof specifically indicates otherwise:

"*Accountant*" means an independent certified public accountant or accountants or a firm of an independent certified public accountants, in either case, with demonstrated expertise and competence in public accountancy.

"*Accreted Value*" means, with respect to a Premium Compound Interest Bond, as of any particular date of calculation, the original principal amount thereof, plus all interest accrued and compounded to the particular date of calculation, as determined in accordance with the Pricing Certificate and the Accretion Table attached as an exhibit to the Pricing Certificate relating to the respective Bonds that shows the Accreted Value per \$5,000 maturity amount on the calculation date of maturity to its maturity.

"*Accretion Table*" means the exhibit attached to the Pricing Certificate that sets forth the rounded original principal amounts at the Issuance Date for the Premium Compound Interest Bonds and the Accreted Values and maturity amounts thereof as of each Compounding Date until final maturity.

"*Authorized Denominations*" means the denomination of \$5,000 or any integral multiple thereof with respect to the Current Interest Bonds and in the denomination of \$5,000 in maturity amount or any integral multiple thereof with respect to the Premium Compound Interest Bonds.

"*Bond Insurer*" or "*Insurer*" means the provider of a municipal bond insurance policy, if any, for the Bonds as determined by the Pricing Officer in the Pricing Certificate or any other entity that insures or guarantees the payment of principal and interest on any Bonds.

"*Bonds*" means the bonds authorized by this Ordinance and includes collectively the Premium Compound Interest Bonds and Current Interest Bonds initially issued and delivered pursuant to this Bond order and the Pricing Certificate and including any Tax-Exempt Bonds and/or Taxable Bonds as designated by the Pricing Officer, and all substitute Bonds exchanged therefor, as well as all other substitute bonds and replacement bonds issued pursuant hereto, and the term "Bond" shall mean any of the Bonds.

"*Book-Entry-Only System*" means the book-entry system of bond registration provided in Section 5, or any successor system of book-entry registration.

"*Business Day*" means any day which is not a Saturday, Sunday or a day on which the Paying Agent/Registrar is authorized by law or executive order to remain closed.

"*Cede & Co.*" means the designated nominee and its successors and assigns of The Depository Trust Company, New York.

"*City*" and "*Issuer*" mean the City of Bastrop, Texas, and where appropriate, the City Council.

"*City Council*" means the governing body of the City.

"*Closing Date*" means the date of initial delivery of and payment for the Bonds.

"*Compounded Amount*" means, with respect to a Premium Compound Interest Bond, as of any particular date of calculation, the original principal amount thereof plus all interest accrued and compounded to the particular date of calculation.

"*Compounding Dates*" means the dates on which interest is compounded on the Premium Compound Interest Bonds as set forth in the Accretion Table attached to the Pricing Certificate.

"*Current Interest Bonds*" means the Bonds paying current interest and maturing in each of the years and in the aggregate principal amounts set forth in the Pricing Certificate.

"*Defeasance Securities*" means (i) Federal Securities, (ii) noncallable obligations of an agency or instrumentality of the United States of America, including obligations that are unconditionally guaranteed or insured by the agency or instrumentality and that, on the date the City Council adopts or approves proceedings authorizing the issuance of refunding bonds or otherwise provide for the funding of an escrow to effect the defeasance of the Bonds are rated as to investment quality by a nationally recognized investment rating firm not less than "AAA" or its equivalent, (iii) noncallable obligations of a state or an agency or a county, municipality, or other political subdivision of a state that have been refunded and that, on the date the City Council adopts or approves proceedings authorizing the issuance of refunding bonds or otherwise provide for the funding of an escrow to effect the defeasance of the Bonds, are rated as to investment quality by a nationally recognized investment rating firm no less than "AAA" or its equivalent, and (iv) any other then authorized securities or obligations under applicable State law that may be used to defease obligations such as the Bonds.

"*Depository*" means one or more official depository banks of the City.

"*DTC*" means The Depository Trust Company, New York, New York and its successors and assigns.

"*DTC Participant*" means securities brokers and dealers, banks, trust companies, clearing corporations, and certain other organizations on whose behalf DTC was created to hold securities to facilitate the clearance and settlement of securities transactions among DTC Participants.

"*Escrow Agent*" means Regions Bank, Houston, Texas unless such other bank or trust company is hereafter appointed as may be determined by the Pricing Officer at pricing of the Bonds or any successor escrow agent under the Escrow Agreement.

"*Escrow Agreement*" means the agreements by and between the City and the Escrow Agent relating to refunding the Refunded Obligations and the cash defeasance, respectively.

"*Federal Securities*" as used herein means direct, noncallable obligations of the United States of America, including obligations that are unconditionally guaranteed by the United States of America (including Interest Strips of the Resolution Funding Corporation).

"*Fiscal Year*" means the twelve-month accounting period used by the City in connection with the operation of the System, currently ending on September 30 of each year, which may be any twelve consecutive month period established by the City, but in no event may the Fiscal Year be changed more than one time in any three calendar year period.

"*Holder*," "*Holder*s," "*Owner*s" or "*Registered Owner*s" means any person or entity in whose name a Bond is registered in the Register, for any Bonds.

"*Initial Bonds*" means the Bonds authorized, issued, and initially delivered as provided in Section 4 of this Ordinance.

"*Insurance Policy*" means an insurance policy issued by any Insurer guaranteeing the scheduled principal of and interest on the Bonds when due.

"*Interest and Sinking Fund*" means the special fund maintained by the provisions of Section 6 of this Ordinance.

"*Interest Payment Date*" means a date on which interest on the Bonds is due and payable.

"*Issuance Date*" means the date of delivery of the related Series of the Bonds.

"*MSRB*" means the Municipal Securities Rulemaking Board.

"*Ordinance*" means this ordinance finally adopted by the City Council on January 10, 2017.

"*Outstanding*", when used with respect to Bonds, means, as of the date of determination, all Bonds theretofore delivered under this Ordinance, except:

- (1) Bonds theretofore cancelled and delivered to the City or delivered to the Paying Agent/Registrar for cancellation;
- (2) Bonds deemed paid pursuant to the provisions of Section 9 of this Ordinance;

(3) Bonds upon transfer of or in exchange for and in lieu of which other Bonds have been authenticated and delivered pursuant to this Ordinance

(4) Bonds under which the obligations of the City have been released, discharged or extinguished in accordance with the terms thereof.

"*Permitted Investments*" means any security or obligation or combination thereof permitted under the Public Funds Investments Act, Chapter 2256, Texas Government Code, as amended or other applicable law.

"*Premium Compound Interest Bonds*" means the Bonds on which no interest is paid prior to maturity, maturing in various amounts and in the aggregate principal amount as set forth in the Pricing Certificate.

"*Pricing Certificate*" means the certificate of the City's Pricing Officer to be executed and delivered pursuant to Section 4 hereof in connection with the issuance of the Bonds.

"*Pricing Officer*" means the City Manager, acting as the designated pricing officer of the City to execute the Pricing Certificate. In the absence of the City Manager, the Mayor may act as the designated pricing officer of the City to execute the Pricing Certificate.

"*Rating Agency*" means any nationally recognized securities rating agency which has assigned, at the request of the City, a rating to the Bonds.

"*Record Date*" means Record Date as defined in Section 6 the Form of Bonds and the Pricing Certificate.

"*Redemption Date*" means a date fixed for redemption of any Bond pursuant to the terms of this Ordinance and the Pricing Certificate.

"*Refunded Obligations*" means those Refundable Obligations designated by the Pricing Officer in the Pricing Certificate to be refunded.

"*Refundable Obligations*" means all or a portion of the City's outstanding ad valorem tax obligations and utility system obligations.

"*Register*" or "*Registration Books*" means the registry system maintained on behalf of the City by the Registrar in which are listed the names and addresses of the Registered Owners and the principal amount of Bonds registered in the name of each Registered Owner.

"*Replacement Bonds*" means the Bonds authorized by the City to be issued in substitution for lost, apparently destroyed, or wrongfully taken Bonds as provided in Section 10 of this Ordinance.

"*Rule*" means SEC Rule 15c2-12, as amended from time to time.

"SEC" means the United States Securities and Exchange Commission.

"*Taxable Bonds*" means any Bonds designated by the Pricing Officer in the Pricing Certificate as Taxable Bonds, the interest on which is includable in the gross income of the owner thereof for federal income tax purposes.

"*Tax-Exempt Bonds*" means any Bonds designated by the Pricing Officer as Tax-Exempt Bonds, the interest on which is excludable in the gross income of the owner thereof for federal income tax purposes, pursuant to Section 103 of the Code.

"*Underwriters*" means the Senior Managing Underwriter and any additional investment banking firms designated by the Pricing Officer in the Pricing Certificate.

EXHIBIT B

DESCRIPTION OF ANNUAL FINANCIAL INFORMATION

The following information is referred to in Section 15 of this Ordinance.

Accounting Principles

The accounting principles referred to in such Section are the accounting principles described in the notes to the financial statements contained in the Official Statement.

CITY COUNCIL

AGENDA COVER SHEET

DATE SUBMITTED: 01/03/17

MEETING DATE: 01/10/17

1. Agenda Item: **FIRST READING OF AN ORDINANCE AMENDING CHAPTER 15, "FAIRVIEW CEMETERY", TO THE CODE OF ORDINANCES OF THE CITY OF BASTROP, TEXAS; IN ACCORDANCE WITH EXISTING STATUTORY REQUIREMENTS; REPEALING ALL CONFLICTING ORDINANCES; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

2. Party Making Request: **Tracy Waldron, Chief Financial Officer**

3. Nature of Request: The current Fairview Cemetery ordinance includes sections that need revised for clarity or for removal entirely. The Fairview Cemetery Advisory Board met on October 19, 2016 to review and recommend approval of the attached changes to Chapter 15 "Fairview Cemetery" of the code of ordinances of the City of Bastrop. An excerpt of the unapproved minutes are included in the packet for reference. Many of the changes are essentially administrative clarifications. Rationale for significant changes include:

- Section 15.01.015. Prohibited Activities: Several revisions and deletions were made to this section. The intent is to provide opportunities for property owners in all sections of the cemetery to honor their loved ones in an equal manner (i.e. curbing). In addition, the focus on prohibited activities is shifted to place the emphasis on activities that are hazardous or dangerous to the environment, public, or City employees.
- Sec. 15.01.016 - Monument, memorial or tombstones: construction permit required. Recently, variances have been approved for requests related to two parts of this section. Therefore, the revised ordinance removes of the prohibition against mausoleums and increases the height allowed for monuments to 6' in height or less from the previous 4' maximum.
- Sec. 15.01.017 - Placement of objects in the Fairview Cemetery. The Fairview Cemetery Board and City Council previously indicated that they prefer that plot owners have the ability to honor loved ones at rest in Fairview Cemetery in a personal manner. Revisions and additions to this section are intended to allow the personalization of plots, provided that they are maintained by the property owner or heirs. Many previously prohibited items such as ground coverings, long-term holiday decorations, benches, and flags larger than 12" are now permitted.
- Sec. 15.01.018 - Planting in the Fairview Cemetery. Revisions in this section are intended to allow some planting on plots provided the plot owners maintain the growth per the ordinance.

4. Attachments: Yes X No _____

5. Motion Requested: Motion to approve the ordinance as presented.

ORDINANCE NO. 2017-02

AN ORDINANCE AMENDING CHAPTER 15, "FAIRVIEW CEMETERY", TO THE CODE OF ORDINANCES OF THE CITY OF BASTROP, TEXAS; IN ACCORDANCE WITH EXISTING STATUTORY REQUIREMENTS; REPEALING ALL CONFLICTING ORDINANCES; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Bastrop, Texas, a Home Rule municipality incorporated and operating under the Laws of the State of Texas,

WHEREAS, the City of Bastrop is the permanent trustee for the perpetual care of lots and graves in the Fairview Cemetery, and

WHEREAS, the City of Bastrop has authority to adopt rules and regulations governing operations of the cemetery, and

WHEREAS, the Fairview Cemetery Advisory Board met on October 19, 2016, to review and approve changes to Chapter 15 "Fairview Cemetery" of the code of ordinances of the City of Bastrop; and

WHEREAS, the Bastrop City Council has determined that the changes approved by the Fairview Cemetery Advisory Board on October 19, 2016, are in the best interest of the City and its citizens and should be adopted.

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

PART 1. That the following Sections of Chapter 15 "Fairview Cemetery" of the code of ordinances of the City of Bastrop be amended to read as follows:

Sec. 15.01.002 - City as permanent trustee for perpetual care and creation of cemetery advisory board.

(a) *No changes.*

(b) *No changes.*

(2) *No changes.*

(3) *No changes*

(4) *The role of the Advisory Board shall be to recommend rules to the City Council, as are necessary, concerning the use, care, control, management, restriction, and protection of the Fairview Cemetery. Any matter relating to the Fairview Cemetery shall be referred to the Bastrop Cemetery Advisory Board for their consideration and recommendation before the action is taken by the City Council, however, the Advisory Board's role shall be advisory only., with no formal action taken.*

Sec. 15.01.008 Management.

(a) *No changes.*

(b) The ~~finance director~~ Chief Financial Officer ~~or assistant finance director~~, or his designee, shall be responsible for the day-to-day operation of the Fairview Cemetery, including the sale of plots, the filing of deeds in the county clerk's office, providing notification and permits for interment, and for all record-keeping associated therewith.

(c) *No changes.*

(d) *No changes.*

(e) All funerals within the Fairview Cemetery property shall be scheduled and coordinated through the Finance Department. ~~under the charge and supervision of an officer of the city designated by the City Manager.~~

Sec. 15.01.009 Hours of Operation.

Visitation at the Fairview Cemetery is permitted from sunrise to sunset seven (7) days a week. Burials, on receipt of an interment permit, shall be permitted from 9:00 a.m. to 4:00 p.m. Monday – Friday, except in the case of special circumstances and on a case-by-case basis the City Manager, ~~or his designee~~, may permit interment at other times. No interment is permitted on State, Federal or City holidays. In the event the City Manager ~~or his designee~~ permits a burial to occur outside of the cemetery's regular hours, the individual requesting the burial shall ~~may~~ be responsible for paying any and all associated costs, including but not limited to the payment of overtime costs of City employees. All construction, maintenance or digging of a grave shall cease during a funeral service unless authorized by the Finance department in advance.

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Sec 15.01.010. Record-keeping.

(a) The City shall maintain a permanent, cemetery records ~~book~~, which shall be the official records regarding the purchase and ownership of deeds in the Fairview Cemetery. These records ~~book~~ shall contain:

(1) ~~The Nname, and address, telephone number, and email address~~ of each person purchasing a grave site.

(2) The purchased burial site identified by ~~section, row, lot, and block~~ (as applicable).

(3) *No changes.*

(4) *No changes.*

(5) *No changes.*

(b) *No changes.*

(c) *No changes.*

Sec. 15.01.012. Sale of Cemetery Plots; Generally.

(a) *No changes.*

(b) *Warranty deed/payment in full.* Grave sites in the Fairview Cemetery shall be conveyed to a purchaser by warranty deed, identified by ~~section, row, block and lot~~, for the purpose of the burial of

human remains only. Every purchaser of a lot shall be required to complete an application and pay the city for the cost of the grave site and the recordation of the deed in the county clerk's office. Deeds may be delivered to a purchaser only upon full payment of the purchase price, which must be paid prior to interment.

c. *Cost.* The cost of a cemetery plot shall be as set forth in the fee schedule in appendix "A" of the city code. The purchaser shall also be required to pay the cost to the city for filing the ~~cemetery deed and certificate of ownership~~ with the county clerk's office. The city and the county clerk's office reserve the right to change the above referenced fees at any time at their discretion.

d. *Maximum number of cemetery plots.* A maximum of eight ~~(8)~~ cemetery plots shall be available for purchase at any one time by the same individual. However, the maximum number of plots for purchase may be increased above eight ~~(8)~~ at the discretion of the City Manager, ~~or his designee~~, should specific circumstances indicate that additional plots are required.

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(e) *No changes.*

(f) *No changes.*

(g) *No changes.*

(1) *No changes.*

(2) *No changes.*

(3) *No changes.*

(4) *No changes.*

(5) *No changes.*

(h) *No changes.*

(i) *No changes.*

(j) *No changes.*

Sec. 15.01.013. Opening or Reopening of Graves; Interment Permit Required.

(a) *Permit required.* New graves in the Fairview Cemetery shall be opened only under the direct supervision of the city, ~~and~~ upon receipt of an interment permit. A permit for interment will be issued only if proper certificates, as required by state law, have been provided, along with the name of the deceased, the name and address of the purchaser, the exact location of the plot, burial details, and payment information. Whenever possible, a person seeking a permit for interment shall provide the city with a copy of an official report of death, certificate of death, or original death record for the state. The city shall use their best efforts to promptly issue requests for interment permits and shall when possible process issue permits within twenty-four (24) hours of receiving all necessary information. A person or entity desiring to dig a grave in the Fairview Cemetery shall file with the finance ~~director~~ department a ~~corporate surety bond~~ certificate of liability insurance, with the city as an additional insured, in the ~~minimum~~ amount of \$500,000, ~~\$5,000~~ which sum may be used to pay for any damages occurring to person or property in the process of digging the grave. The ~~bond~~ certificate may be held by the city for

application to future burials, ~~or if for a single interment only, shall be returned after burial and inspection to assure the city that no damage has occurred.~~

(b) *Reopening of graves.* Reopening a grave for the purpose of burying a second decedent, whether the decedent is cremated or intact, shall require an interment permit from the city under the same regulations set forth in subsection (a), ~~the payment of a corporate surety bond, payable to the city in the amount of \$5,000 which sum may be used to pay for any damages occurring to person or property in the process of reopening the grave,~~ and the payment of a reopening fee.

(c) *No changes.*

(d) *Twenty-four-hour notice.* The city ~~shall require~~ prefers a minimum of twenty-four (24) hours' notice prior to interment to issue the interment permit and identify the grave site for excavation and burial by a licensed or approved contractor. ~~This requirement may be waived by the City Manager in the event of a hardship or special circumstances.~~

(e) *No changes.*

(f) *No changes.*

(g) *Grave backfilling.* All graves shall be backfilled and force settled by hydraulics or mechanical means to the satisfaction of the city. ~~staff overseeing the burial.~~

(h) *No changes.*

(i) *Hand digging.* The hand/shovel excavation of a grave is prohibited in the Fairview Cemetery, except for cremation sites with an interment permit. This prohibition may be waived at the sole discretion of the City Manager, ~~or his designee,~~ should extenuating circumstances arise.

Sec. 15.01.015. Prohibited Activities.

(a) The placement of objects which are deemed hazardous, or injurious, to the environment, public, or City employees (i.e. glass objects; loose, sharp, pointed/jagged or metal wire objects etc.) is prohibited in Fairview Cemetery.

(b) Glass vases are prohibited in the cemetery.

(c) ~~As of the date of this article,~~ curbing is permitted in all areas of the Fairview Cemetery ~~where lots are available for purchase~~ after the obtainment of the required construction permit from the city through an application to the finance ~~department director,~~ and shall comply with all city and cemetery construction rules, specifications and requirements. ~~Curbing shall not be permitted, however, in any area of the cemetery not currently open for sale. This includes block 8, as well as any additional blocks established after the effective date of this article.~~

(d) No party shall enlarge, reduce, replat or change the boundaries or grade of the cemetery or the location of any roads, drives, walks, parkways, or gardens, which shall be the exclusive right of the city. All grading, landscaping, planting, trimming, and cutting of trees and other vegetation shall be the sole responsibility of the city.

(e) The drinking of alcoholic beverages in the Fairview Cemetery is strictly prohibited.

(f) No dogs are permitted in the Fairview Cemetery, with the exception of service dogs. ~~providing assistance to individuals with physical disabilities.~~

(g) No advertising of any type is permitted in the Fairview Cemetery, including the posting of signs advertising the sale of private burial spaces, funeral homes, or grave digging services.

(h) Construction or reconstruction, including, but not limited to fencing, trellises, coping, or other enclosures, whether of vegetation or other matter, is prohibited around any plot within the Fairview Cemetery, except, however, as of the effective date of this article, nonconforming, permanently installed fencing, coping, trellises or enclosures of any kind may remain 'as is.' In the event the nonconforming improvement is removed or damaged, the improvement will be removed without a replacement permitted. This section shall not apply to fencing or other improvement that, at the discretion of the City Council, is historical in nature and replacement or repairs can be made safe and in a manner that preserves the original historical design or integrity of the grave site.

~~(d) — No maintenance, decoration or preparation of any kind shall be permitted on a burial site until the city has received payment in full for the plot.~~

~~(e) — No granite, brick, stone, wood, concrete, cornerstones or any kind of artificial walkways or walks are permitted on or adjoining plots in the Fairview Cemetery, except those existing prior to the passing of this article or installed by the city.~~

~~(f) — No graves in the Fairview Cemetery shall be covered with a concrete slab or other type of slab or covering.~~

~~(g) — Digging for the placement of potted plants, baskets or other items is strictly prohibited.~~

~~(h) — Digging for the purpose of burying cremated remains is strictly prohibited without an interment permit from the city.~~

~~(i) — The Fairview Cemetery is for the interment of human remains only, except as provided in section 15.01.012(g).~~

Sec. 15.01.016 - Monument, memorial or tombstones; construction permit required.

(a) *Permit required.* Any person desiring to erect a monument, memorial, tombstone or other marker in the Fairview Cemetery shall obtain a written ~~construction~~ permit from the city through an application to the finance ~~director~~ department, and shall comply with all city and cemetery construction rules, specifications, and requirements.

(b) *Certificate of InsuranceBond.* Prior to the issuance of a ~~construction~~ permit by the city for the purposes of ~~building erecting~~ a monument, tombstone or other marker or memorial in the Fairview Cemetery, the applicant shall file with the finance ~~director~~ department a certificate of insurance with the city listed as an additionally insured as stipulated in Section 15.01.013(a). ~~Corporate surety bond payable to the city in the amount of \$5,000. The city, on notice to the applicant, shall be permitted to use the bond amount~~ This insurance coverage shall be for the repair or replacement of cemetery property, if necessary, caused by a contractor, which repair and replacement shall be the sole responsibility of the individual performing the work.

(c) *No changes.*

(d) *No changes.*

(e) *Height restrictions.* Monuments, markers, memorials, or tombstones in the Fairview Cemetery shall be ~~four (4) feet six feet (6')~~ in height or less, unless otherwise approved by the City Manager.

~~(f) Mausoleum and crypts are not permitted in the Fairview Cemetery.~~

Sec. 15.01.017 - Placement of objects in the Fairview Cemetery.

~~(a) — No objects of any kind may be placed or planted on grave sites or other cemetery property, except as specifically provided herein. No advertising of any type is permitted in the Fairview Cemetery, including the posting of signs advertising the sale of private burial spaces, funeral homes, or grave digging services.~~

~~(ab) Interested individuals shall have the right to place Fflowers, potted plants, wreaths, baskets, floral pieces, funeral designs, decorations, and sentimental objects are permitted to be placed on a grave sites. The City shall have the right to remove and dispose of, in its sole discretion, any item(s) placed on a grave site that have become withered, deteriorated, hazardous, or an obstruction to maintenance. In no event shall the city be responsible for locating and returning items to the original owner. Further, the city shall not be responsible for the upkeep or protection of items placed in the cemetery.~~

(b) Gravel, rock, or mulch placed upon any grave, require a commercial grade weed control liner, and must be surrounded and contained by a continuous curbing or border that prevents the movement of the materials beyond the gravesite. Gravesites that are covered with such materials must be maintained by the property owner or heirs. If not maintained, the city reserves the right to remove the covering.

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~~(c) — The city shall have the right to remove and dispose, in its sole discretion any item placed on a grave site that has become withered, unsightly or an obstruction to maintenance. Persons desiring to retain these objects must remove them within ninety six (96) hours of placement. In no event shall the city be responsible for locating and returning items to the original owner.~~

~~(d) — Holiday decorations on grave sites are permitted on a temporary basis only and may be placed no sooner than five (5) days prior to a city, state, or national holiday calendar date and must be removed from the site within ten (10) days of expiration of the holiday.~~

~~(e) — Flags smaller than twelve (12) inches are permitted on graves sites, but may be removed by the city if they become weathered, unsightly, or pose maintenance problems.~~

~~(f) — As of the date of this article, benches, chairs, and settees are permitted in all areas of the Fairview Cemetery where lots are currently available for purchase. Benches, chairs, and settees are not permitted, however, in any area of the cemetery not open for sale as of the date of this article. This includes block 8, as well as any additional blocks established after the effective date of this article. Any bench, chair, or settee placed in the Fairview Cemetery must be aligned with the headstone if space is available on the plot or at the foot of the grave parallel to the headstone. The city shall not be responsible for the upkeep or protection of such items in the cemetery and may remove the items if they interfere with city maintenance or upkeep.~~

~~(g) — Up to two (2) flower vases twelve (12) inches in height or smaller may be placed on a headstone or monument. No glass or metal vases are permitted in the cemetery.~~

Sec. 15.01.018 - Planting in the Fairview Cemetery.

~~(a) — The planting of trees, shrubs, grass, flowers or other vegetation on graves other than by the city is strictly prohibited.~~

(ab) ~~Trees, Sshrubs, grass, flowers or other vegetation may be planted prior to the passing of this article and shall be permitted to remain, unless the visible vegetation planting and/or roots becomes dangerous to adjacent plots, walkways or streets, grows beyond a 4' height restriction and/or plot boundaries, or becomes unsightly or inconvenient for other visitors. In such event, the city may remove the planting in its sole discretion.~~

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~~(b) Potentially hazardous or invasive species of plants, such as bamboo are prohibited.~~

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(c) Any diseased, ~~or~~ infected, ~~or~~ dead trees or shrubbery ~~in the cemetery~~ may be immediately removed by the city.

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Sec. 15.01.019 - Grave site beautification by relations of deceased.

None of the rights, powers and duties provided for in this article shall deprive any person having any interest in a grave or plot from beautifying or caring for the grave or plot, individually, at his own expense, under the rules and regulations stated herein. ~~Any person having an interest in a grave or plot that provides beautification, shall insure proper disposal of shrubs, bushes, weeds, trees, tree limbs, decorations, or any other objects removed from the site. If beautification is such that it includes landscape improvements of any kind, concrete work, fencing, or structure change, a permit from the city is required.~~

PART 2: That all other ordinances, resolutions and orders previously passed, adopted and made, or any part of the same affecting the Fairview Cemetery which are in conflict with this Ordinance, shall be, and the same are hereby, in all things repealed to the extent that the same conflict with this Ordinance, or with the laws of the State of Texas.

PART 3: This Ordinance shall take effect upon the date of final passage noted below in accordance with the City's Charter, Code of Ordinances, and the laws of the State of Texas.

PASSED AND APPROVED on FIRST READING on the 10th day of January, 2017.

PASSED AND ADOPTED on SECOND READING on the ____ day of _____, 2017.

ADOPTED:

ATTEST:

Kenneth Kesselus, Mayor

Ann Franklin, City Secretary

City of Bastrop

Cemetery Advisory Board Meeting Minutes **(EXCERPT OF ITEM V.: MINUTES ARE DRAFT/UNAPPROVED)**

October 19, 2016 4:00 p.m.

The Cemetery Board met in a regularly scheduled meeting on October 19, 2016 at 4:00 p.m., in the Council Chambers of the City Hall at 1311 Chestnut Street, Bastrop, Texas. Members present were Terry Sanders, Carl Spooner, Cheryl Long, and Ted Schaefer. Mary Williams and Tom Scott were absent. City staff in attendance were Tracy Waldron and Heather Ambrose.

V. Consideration, discussion and possible action on a review of Chapter 15 "CEMETERIES", Article 15.01 "FAIRVIEW CEMETERY" of the City of Bastrop Code of Ordinances and recommendation of revisions to the Bastrop City Council.

Chair Terry Sanders advised that a copy of the revisions was included in the packet. Chief Financial Officer Tracy Waldron added that Ms. Ambrose made copies of the revisions in a larger font if needed.

Ms. Waldron explained that at the last meeting the staff indicated that they would bring back suggested revisions to the current Cemetery ordinance as related to the questions and challenges staff frequently face in applying the ordinance.

Ms. Waldron explained that the Finance staff that work with the Fairview Cemetery on a daily basis met as a group and recommended changes. The revisions presented reflect the current language with recommended additions and deletions. Ms. Waldron explained that this is the Board's opportunity to give their input before the ordinance is presented to the City Council for approval.

Ms. Waldron explained some of the administrative clarifications and/or changes:

- **Sec. 15.01.002**, section (4) was somehow left out of the last ordinance. This is simply being added back in to clarify the role of the Advisory Board.
- **Sec. 15.01.008**, sections (b) and (e) of the packet include several administrative revisions such as adding a City Manager's or Chief Financial Officer's "designee/s" and/or correcting the title of Finance Director to Chief Financial Officer. These changes are being made to more accurately reflect the way administrative matters are currently handled.
- **Sec. 15.01.009, Sec. 15.01.010 (a), (a)(1), and (a)(2), and Sec. 15.01.012 (b), (c), (d)** of the ordinance have several changes to more accurately reflect current procedures such as what records are maintained and how they are kept. Ms. Waldron explained that a sentence was added to clarify that a minimum of two hours of time is required between scheduled funerals in order to allow families their time for grieving in private. Frequently, Ms. Waldron explained, there are multiple funerals on the same day.

Member Cheryl Long asked why burials are only permitted on weekdays. Ms. Waldron explained that they are allowed on Saturdays with written approval. Ms. Long inquired whether Sunday burials are allowed and Ms. Waldron clarified that would fall under the same special approval. However, Ms. Waldron explained, she cannot recall an occasion where she has been requested to approve a Sunday

burial. Ms. Long said that she feels that Saturday and Sunday burials should be an option like any other day. Ms. Long inquired whether the family or funeral home has to make the request. Ms. Waldron said that the family, funeral home, and staff all work in collaboration.

- **Sec. 15.01.013 (a), (b), (d), (g), and (i)** have been revised to more accurately reflect what is required for insurance from the contractors that perform work in the Fairview Cemetery. Currently, a \$5,000 surety bond is required of contractors. However, virtually all contractors doing work are covered by an insurance policy with limits of \$500,000 - \$1,000,000. The recommended revision changes the requirement to a minimum of \$500,000.

Another small change was made to indicate the City prefers to receive 24-hours' notice prior to a permit being issued. Staff do try to work with families and contractors and sometimes must waive the requirement.

Ms. Waldron explained that the remainder of the ordinance is where most of the revisions occurred. The Finance Department staff agreed that the ordinance does cause confusion. There are many citizen requests for consistency, leniency, and/or variances to some of the requirements of the ordinance. City staff feel that clarification and some revisions are needed. The staff's main concern was that safety and maintenance be addressed when making revisions. Those should be the top priority. The very first added sentence states that objects that are hazardous or injurious are prohibited in Fairview Cemetery. Other than a few specifics, this is the only restriction.

- **Section 15.01.015.** The existing sections (a) and (d)-(e), are recommended for removal altogether. Additions to the ordinance focused on safety, security, and maintenance and will replace those sections. Ms. Waldron reviewed the areas that were recommended to be changed, keeping in mind that safety was the biggest concern.

Ms. Long asked why metal vases were not permitted in the cemetery as she feels they should be allowed. Ms. Ambrose said that she thought the reason might be related to the rusting of the metal and the hazards that might cause. Ms. Long and Mr. Schaefer said they have no problem with metal vases. Ms. Sanders agreed that he was fine with metal, but not glass for safety reasons. Mr. Spooner said that he believes there are already glass cases in the cemetery at this time and asking they be removed is going to be a concern. Ms. Waldron explained that glass was already prohibited. Mr. Spooner agreed that it could be a liability. Mr. Schaefer said that weed eaters throwing a rock would easily break glass. The Board agreed that they would recommend revising the ordinance to allow metal but keep the prohibition of glass.

The 4' height restriction was discussed in detail. Ms. Waldron said the staff discussed that there are no current height restrictions on objects in the ordinance at this time, except for monuments. She explained that it's important that the view not be obstructed from one area to another. Ms. Waldron said that a provision can be added that allows the City Manager to approve a variance to the height restriction. Mr. Spooner asked if there could be a requirement that the City Manager notify the Board so they would be aware. Mr. Spooner and Ms. Long agreed that they would like to be aware in case they are confronted with questions from citizens about why someone was granted permission to do something prohibited by ordinance. Ms. Waldron said that can be added.

Ms. Waldron asked Ms. Ambrose for an example of why the 4' height restriction was suggested. Ms. Ambrose explained that it was to add some clarity to virtually anything that can be placed on the gravesite, including fences, vegetation, and coping. After discussion, the decision was that height of individual objects placed on plots (aside from monuments) has not been a frequent issue and does not need addressed at this time.

Ms. Waldron said that if fencing is allowed there would need to be restrictions on the type of materials used and the height. In addition, the fence would have to be constructed so that it could be seen through, as opposed to some type of privacy fence. In order for regular maintenance to occur, there would have to be a way for the cemetery worker to have access to the plot.

Ms. Ambrose added that if fencing is allowed, it's also a concern that all adjacent owners of plots have the ability to see their loved one's resting place. In addition, having tall and obstructive fences can be a safety concern in that one cannot see what is occurring behind or within the fenced area (i.e. vandals). Mr. Spooner said there are several ladies that arrive at the cemetery as soon as the cemetery opens in the morning to visit their loved ones before traveling to work in Austin. Ensuring the safety of visitors is important.

Mr. Spooner asked how the staff is handling prohibited items that are placed on graves currently. Ms. Ambrose said that with the revisions pending, staff has been running matters through Ms. Waldron and using common sense best judgment. Ms. Waldron added that in many cases it is impossible to contact the lot owners or heirs to notify them of a problem or concern because of a lack of accurate records. Extensive restrictions are difficult to enforce and by having them it creates more work for the staff with little positive result.

Ms. Waldron said that she feels the City Council and Board have expressed their desire for the plot owners and heirs to be able to personalize their plots in their own way. However, Ms. Waldron added that by allowing more leeway to personalize, it adds to the burden of maintenance. With one cemetery maintenance worker, it's hard enough already to maintain the large Fairview Cemetery.

Ms. Waldron added that the topic of ground coverings will be discussed in a later section. However, she wanted to bring to the Board's attention that Ms. Ambrose had read on one of the historic preservation websites that the application of pesticides and herbicides is not recommended in cemeteries as it can damage the monuments, especially the older ones. The chemicals break down the materials.

Mr. Sanders asked for confirmation that the draft is recommending to allow fencing. Ms. Waldron said that is correct if the Board and Council agree and approve. Ms. Waldron said requests are coming in now and will likely come up again in the future.

Ms. Waldron said curbing has always been allowed in some areas and not others. This causes a lot of confusion and frustration because some plot owners cannot understand why curbing is prohibited in their areas and not others, and staff are not sure how to explain. Staff don't see a concern. Mr. Schaefer said it would make it harder on maintenance. Ms. Waldron agreed but added that the citizen could simply ask for a variance and likely have it approved anyway. By allowing this in the ordinance, it will take some of those requests away from staff, Board and Council.

Mr. Sanders asked for confirmation whether the Board wants to approve fencing. Ms. Long said she feels it should be approved. Mr. Sanders said that there needs to be a gate or opening where a lawn

mower can get inside. Mr. Spooner stated that he doesn't think that would be possible with some of the smaller single plots. A fence would require the use of a weed eater which means more maintenance, which is time consuming. Mr. Sanders said that there are many areas already that have to be cleared with a weed eater already. Mr. Sanders said he doesn't feel that the maintenance should be the deciding factor in whether fencing is allowed. He feels that the desires of the citizens should be the main concern while balancing the workload. Mr. Sanders said that he agrees that if fencing is allowed there must be a requirement for an opening to access the area. Mr. Spooner added that if fencing is allowed there will be many types of materials used. Ms. Waldron said the language in the ordinance can be worded to make special requests more flexible. Following this discussion, it was decided to leave in the section prohibiting fencing and other enclosures, and handle the matter on a case by case basis per the wording Ms. Waldron drafts.

Ms. Waldron reminded the Board that curbing is currently only permitted in some areas of the cemetery. The recommended revisions make this an option in all areas. Mr. Sanders asked whether there was a need for a height and width restriction for the curbing. Mr. Spooner said there are all types of curbing out there now including solid concrete, pavers, and rocks. After some discussion, Mr. Sanders said he wasn't concerned. Ms. Waldron advised that most of the curbing is consistent and appropriate as it is usually done by a professional contractor.

Mr. Sanders asked about the removal of the prohibition of having concrete over a grave. Ms. Waldron said that some cities actually prefer concrete over graves because it requires less maintenance from mowing. Ms. Ambrose added that some cities require it when a plot is curbed. Mr. Sanders said he thinks concrete is fine, especially since it results in less maintenance.

- **Section 15.01.016 (a), (b), and (e).** Ms. Waldron said the main changes in this area are very minor. Mr. Sanders said that he doesn't feel a permit should be required to place a monument/headstone. Ms. Waldron stressed that it's actually very important because it puts the City on notice that work is being done. Mr. Spooner added that it also ensures that the work is done properly and the monument is placed accurately. Ms. Ambrose explained that when the permit is issued, City staff go to the cemetery and mark the boundaries of where the monument should be placed. Ms. Waldron said that by requiring a permit, the City also has the opportunity to check the contractor's insurance.

Mr. Sanders inquired if it matters where a monument is placed. Ms. Ambrose said that monuments are almost always placed at the head of the plot. However, as long as they are within the boundaries of a person's plot, the City allows placement anywhere.

Ms. Waldron said that an issue that seems to be of importance to the Board is the requirement that monuments be 4' in height or less. Mr. Spooner said that he knows that the issue will arise eventually where someone wants to place a monument at a greater height. He reminded those present that there are currently monuments in the older sections that far exceed the 4' height allowed. Mr. Spooner said that he feels by allowing for an approval process when someone does make a request, it's easily addressed. Ms. Waldron explained that a variance to the 4' restriction can be approved by the City Manager. She feels that some restriction should be in place just so that safety can be ensured. For example, as the height increases, the base should also increase to ensure support. Mr. Schaefer added that when a larger base is placed, it can also leave less room for burial.

Mr. Spooner said he feels once the height starts to exceed 6' or 7' tall, the base is really increasing. Ms. Sanders said he feels that a higher monument doesn't need a wider base. Ms. Waldron said she thinks extremely high monuments would be a safety concern. Mr. Sanders said he's never heard of a monument falling over on someone.

Mr. Sanders suggested that the height be raised to 6' and that will lessen the number of requests that may be received in the near future for a variance. Ms. Waldron said this can be approved by the City Manager. The Board suggested that the maximum height allowed for a monument be revised to 6'. If anything higher is requested, it can be considered as a variance.

Section (f), related to the prohibition of mausoleums and crypts, is recommended for removal.

- **Sec. 15.01.017.** Ms. Waldron explained that this section is what explains what is permitted and prohibited to be placed on plots. Many changes have been made to this section in order to place the focus on safety and maintenance. Sections (a) and (c)-(g) have been recommended for removal from the ordinance. Section (b) is recommended for a revision to give the City the authority to remove certain items without notification to the owner.

New language is being added to allow materials or concrete to cover a plot with restrictions related to maintenance.

Ms. Waldron said that the ordinance has been drafted to remove most prohibitions about what is allowed on plots. Most things are allowed as long as it's not listed in the prohibited items. The City staff did recommend leaving in that items that have deteriorated may be removed from the plot without notice. The reason this is important is that most times, contact information is not up to date and it leaves City staff with a dilemma of who, and how, to contact someone. This takes a lot of City staff time and resources.

Ms. Waldron said there will now be no restrictions on flags or holiday decorations. If placed, they will fall under the same requirements already stipulated earlier in the ordinance for objects placed on plots.

Ms. Waldron said that the prohibition to allow coverings is being lifted and it will be allowed with restrictions such as a having a curbing or continuous border and a liner. Solid curbing is preferable but some owners have used long pavers, and that is acceptable. The goal is to keep the covering contained within the gravesite and not washed away. Gravesites that have these types of coverings must be maintained by the owners, or heirs, or the City may remove the covering. Unfortunately, removing the covering means more work for the cemetery maintenance personnel so hopefully it won't arise often.

Sec. 15.01.018, (a) is recommended for removal from the ordinance. New sections were added to allow for some planting.

Ms. Waldron said that this area was a topic of much debate amongst staff. The planting of trees, in particular, is more a problem of what is not seen (underground) than what is seen. Roots can cause a problem for plots and caskets. However, the staff wanted to allow a little leeway for plot owners to be able to plant on their plots provided it's maintained and contained.

Ms. Long said she doesn't agree with the prohibition of cacti. She explained she is aware of a grave that has cacti growing currently and she likes the way it looks. She doesn't understand why cacti would be prohibited. Ms. Ambrose said she doesn't think the City would remove any preexisting cacti. Ms.

Waldron said that she feels the concern is for safety. Most cacti clearly have sharp spines that can injure people that get too close. Ms. Waldron said it can still say "hazardous or invasive" without specifically stating "cacti" and possibly people won't plant it anyway. Everyone agreed that bamboo is a concern.

Much discussion was held related to trees and how they could be planted by plot owners reasonably and safely. Some of the concerns was planting relative to how many plots were owned, what types of trees could be planted, what type of damage could occur from roots, and who would decide.

Ms. Long said she feels the new section at the rear part of the cemetery needs crepe myrtles planted. Ms. Long added she is in favor of trees being planted and feels the area can be planned for beautification.

Mr. Spooner said his concern is about the roots coming up in other people's plots, including curbing and monuments.

Ms. Ambrose suggested that the City develop a master plan for memorial tree planting. This would allow the City to control what type of tree is planted and where they are planted. Mr. Spooner said we would need to make sure we have someone to give guidance on the type of trees that would be best. Ms. Waldron said if this happens then there won't need to be a section on trees for now. Ms. Waldron stressed that the planting of trees may mean losing a few plots. After this discussion, it was recommended the sections allowing trees not be included in the revisions to the ordinance.

CITY COUNCIL

AGENDA COVER SHEET

DATE SUBMITTED: 1/3/17

MEETING DATE: 1/10/17

1. Agenda Item: **CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON ACCEPTANCE OF THE UNAUDITED MONTHLY FINANCIAL REPORTS FOR THE PERIOD ENDING NOVEMBER 30, 2016.**

2. Party Making Request: Tracy Waldron, Chief Financial Officer

3. Nature of Request:

Provide City Council monthly financial report overview for four major funds to include General Fund, Water-Wastewater Fund, Bastrop Power & Light and the Hotel Motel Fund.

4. Attachments: Yes X No

5. Motion Requested: Motion to accept the unaudited monthly financial report for period ending November 30, 2016.

CITY OF BASTROP, TEXAS

MONTHLY FINANCIAL REPORT FOR PERIOD ENDING Nov. 30, 2016



Highlights for this reporting period as of Nov. 30, 2016

General Fund:

- City Economic Development Incentives:

<u>Agreement with</u>	<u>Effective Date</u>	<u>Original Amount</u>	<u>Remaining Balance YTD</u>
Schulman Theaters	March 7, 2012	\$200,000 or 7 Years	\$75,243
Bastrop Retail Partners (Burleson Crossing)	August 30, 2007	\$7,370,694 or 15 Years	\$3,539,750

Legal fees by Attorney/Category

AS OF NOV. 30, 2016

FIRM	CASE	FY14-15	FY15-16	FY16-17
JC BROWN				
	General Legal	\$ 335,518	\$ 279,242	\$ -
	Water permit	\$ 16,698	\$ 39,856	\$ -
	Vandiver	\$ 10,356	\$ 9,275	\$ -
BUNDREN				
	Pine Forest Interlocal	\$ 89,738	\$ 700,800	\$ -
	Vandiver	\$ 3,393	\$ 79,951	\$ -
	Aqua CCN	\$ 13,005	\$ 21,735	\$ -
	Red Light Camera Sui	\$ 5,822	\$ 60,279	\$ -
TERRELL LAW FIRM				
	Water permit	\$ 61,015	\$ 482,815	\$ 13,313
DAVID BRAGGS				
	General legal	\$ -	\$ 8,603	\$ 5,620
	Vandiver	\$ -	\$ -	\$ 3,280
	Water Permit	\$ -	\$ -	\$ 920
TAYLOR, OLSON, ADKINS, SRALLA & ELAM, LLP				
	Red Light Camera Sui	\$ -	\$ 1,246	\$ 256
Total Legal		\$ 535,544	\$ 1,683,801	\$ 23,389

Row Labels	Sum of FY14-15	Sum of FY15-16	Sum of FY16-17
Aqua CCN	\$ 13,005	\$ 21,735	\$ -
General Legal	\$ 335,518	\$ 287,845	\$ 5,620
Pine Forest Interlocal	\$ 89,738	\$ 700,800	\$ -
Red Light Camera Suit	\$ 5,822	\$ 61,525	\$ 256
Vandiver	\$ 13,749	\$ 89,226	\$ 3,280
Water permit	\$ 77,713	\$ 522,671	\$ 14,233
Grand Total	\$ 535,544	\$ 1,683,801	\$ 23,389

CITY OF BASTROP
SUMMARY OF REVENUES AND EXPENDITURES
 AS OF NOV. 30, 2016

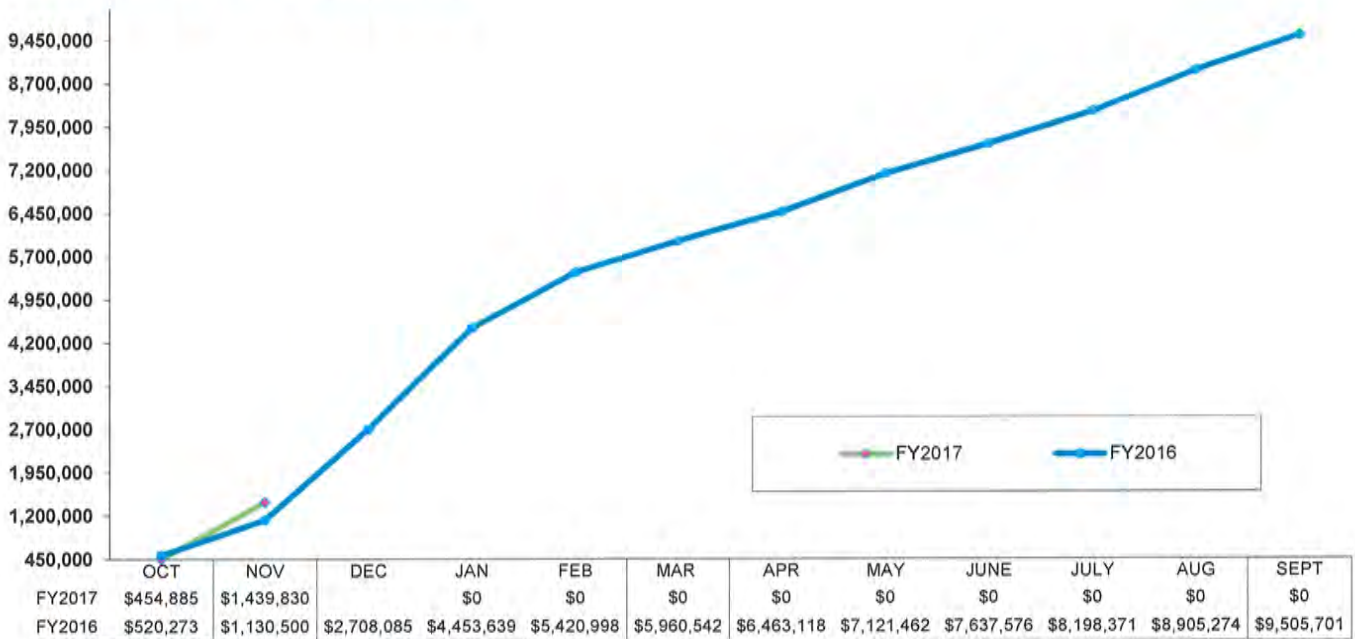
Fiscal year 2017 is 1 month or 16.7% completed

	FY 16-17 Budget*	FY 16-17 YTD Actual	% of Budget
Revenues			
General Fund	\$ 9,947,361	\$ 1,439,830	14.5%
WWW Fund	\$ 4,526,200	\$ 811,020	17.9%
Electric Fund	\$ 6,999,250	\$ 1,053,290	15.0%
Hotel Motel Fund	\$ 2,882,000	\$ 512,092	17.8%
Expenditures			
General Fund	\$ 11,093,257	\$ 1,227,246	11.1%
WWW Fund	\$ 5,652,292	\$ 634,065	11.2%
Electric Fund	\$ 7,546,181	\$ 994,059	13.2%
Hotel Motel Fund	\$ 1,374,742	\$ 375,415	27.3%

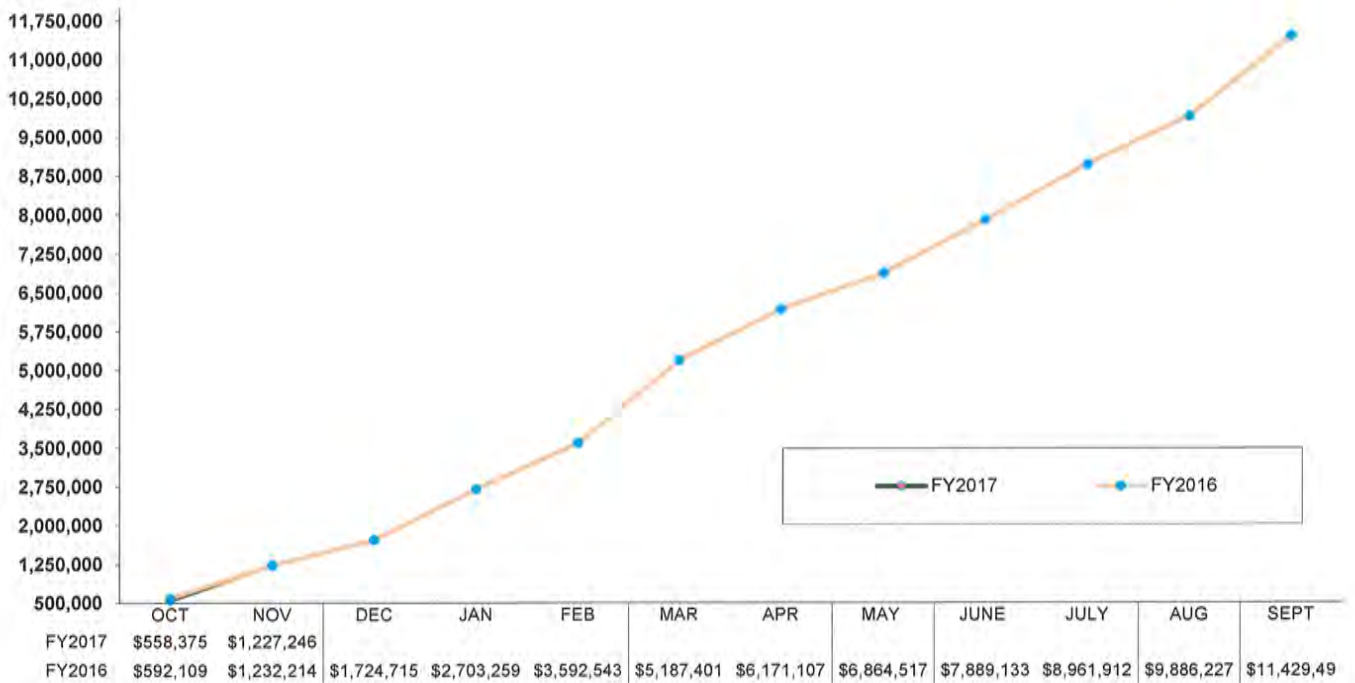
* Budget amounts reflect any budget amendments approved by Council during the Fiscal Year

GENERAL FUND REVENUE & EXPENDITURES AS OF NOV. 30, 2016

FY 2016 & 2017 Revenues



FY 2016 & 2017 Expenditures



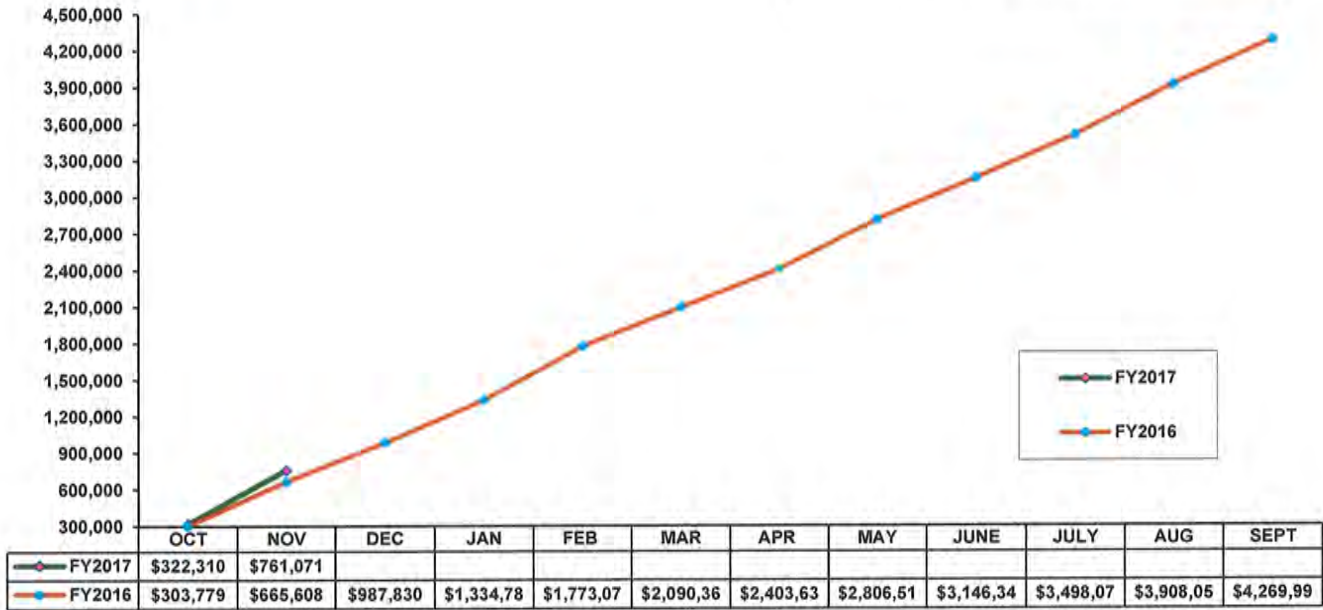
GENERAL FUND REVENUE

AS OF NOV. 30, 2016

FY2017 Budgeted \$4,456,850

FY2017 YTD \$761,071

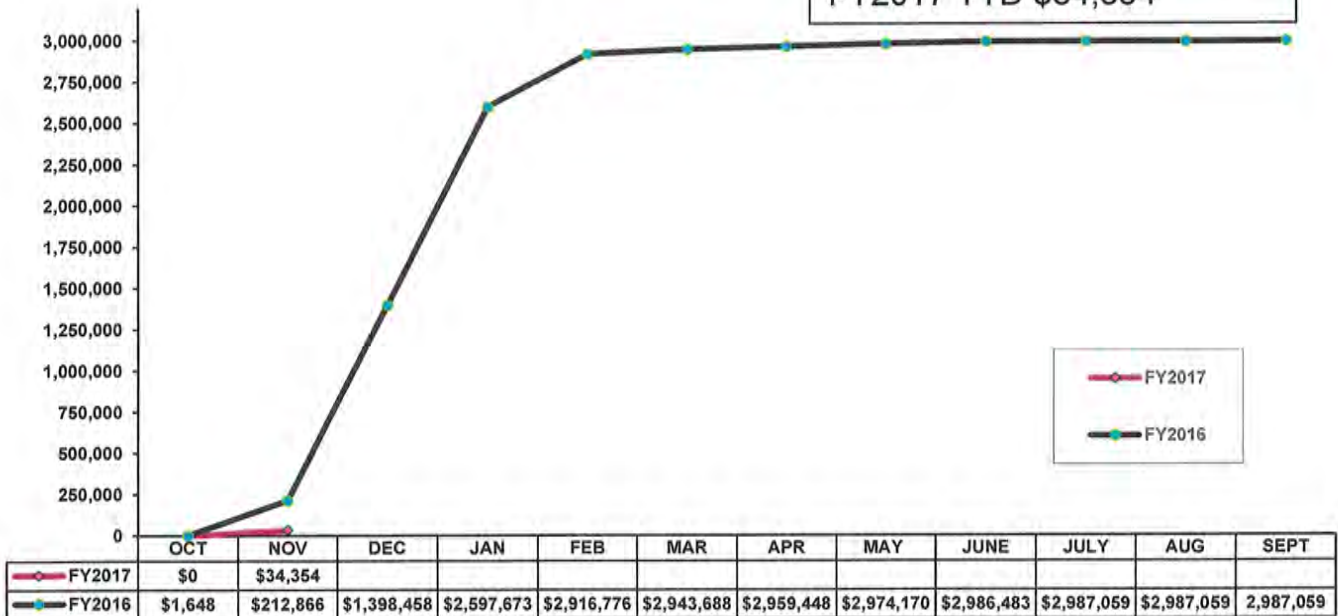
Sales Tax



Ad Valorem Taxes

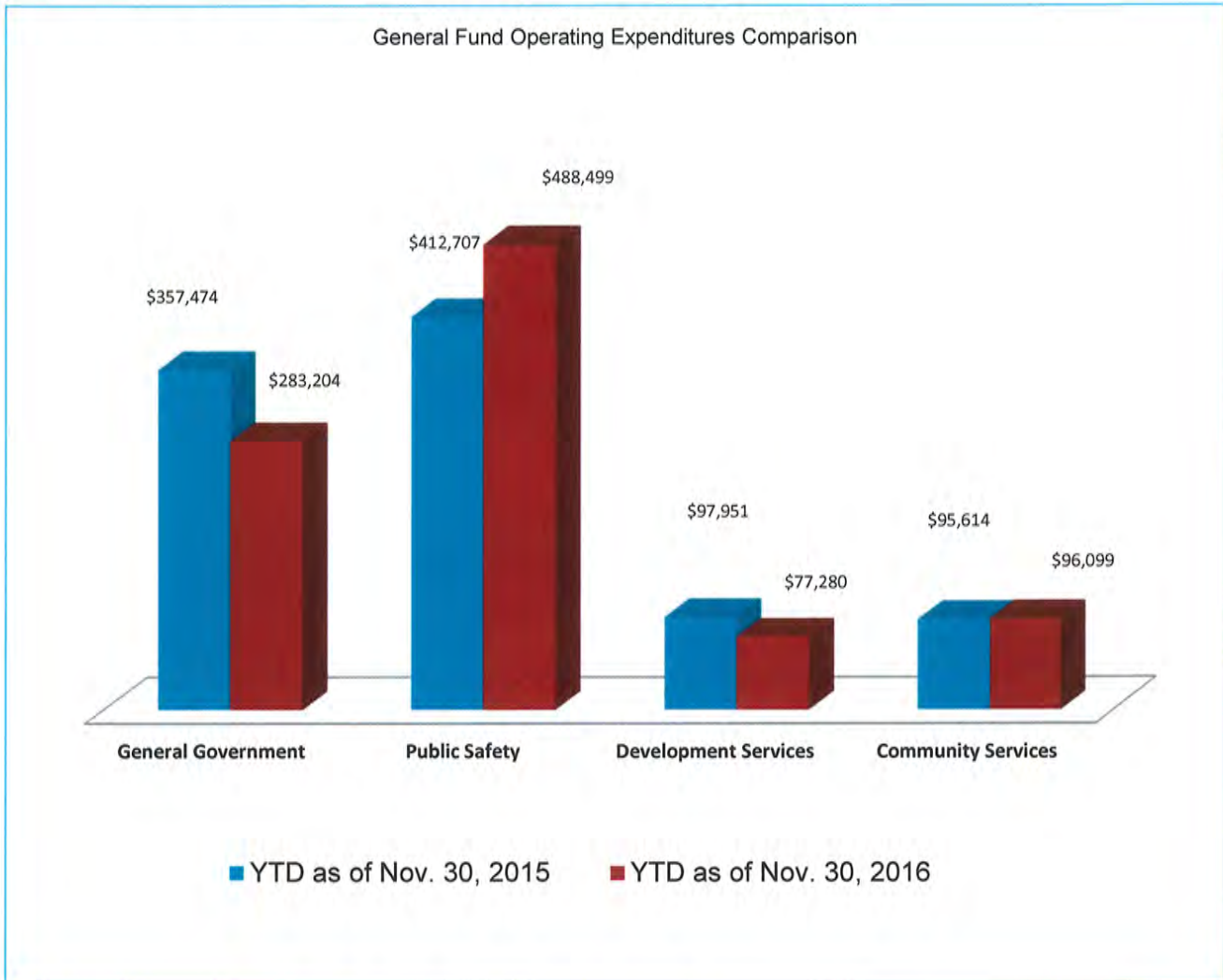
FY2017 Budget \$3,131,361

FY2017 YTD \$34,354



GENERAL FUND EXPENDITURES

AS OF NOV. 30, 2016

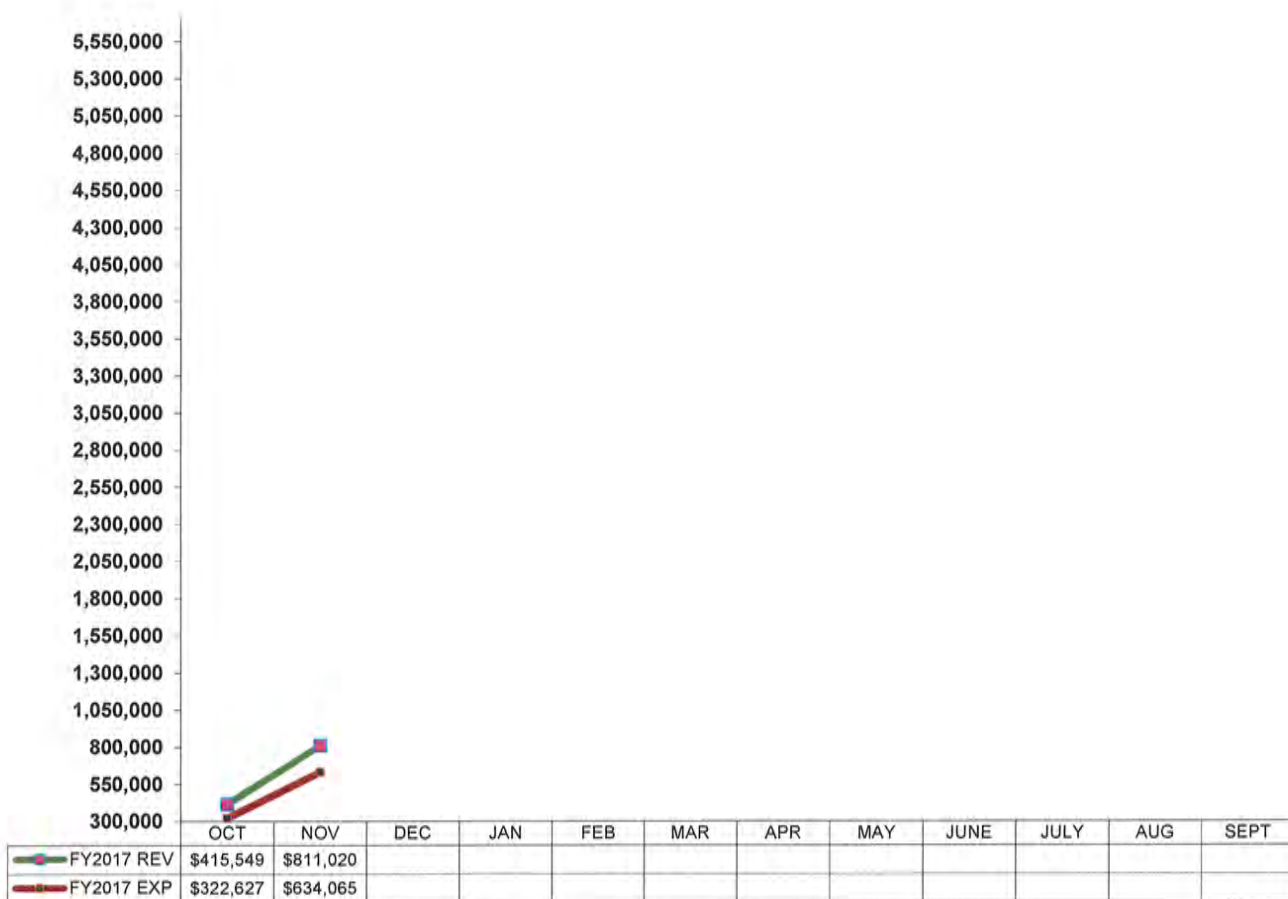


- General Government includes Legislative, Organizational, City Manager, City Secretary, Finance, Human Resources, Information Technology, Public Works, and Building Maintenance
- Public Safety includes Police Department, Fire Department, Health, and Municipal Court
- Development Services includes the Planning Department
- Community Services includes Recreation, Parks, and Library

WATER WASTEWATER FUND REVENUE & EXPENDITURES

AS OF NOV. 30, 2016

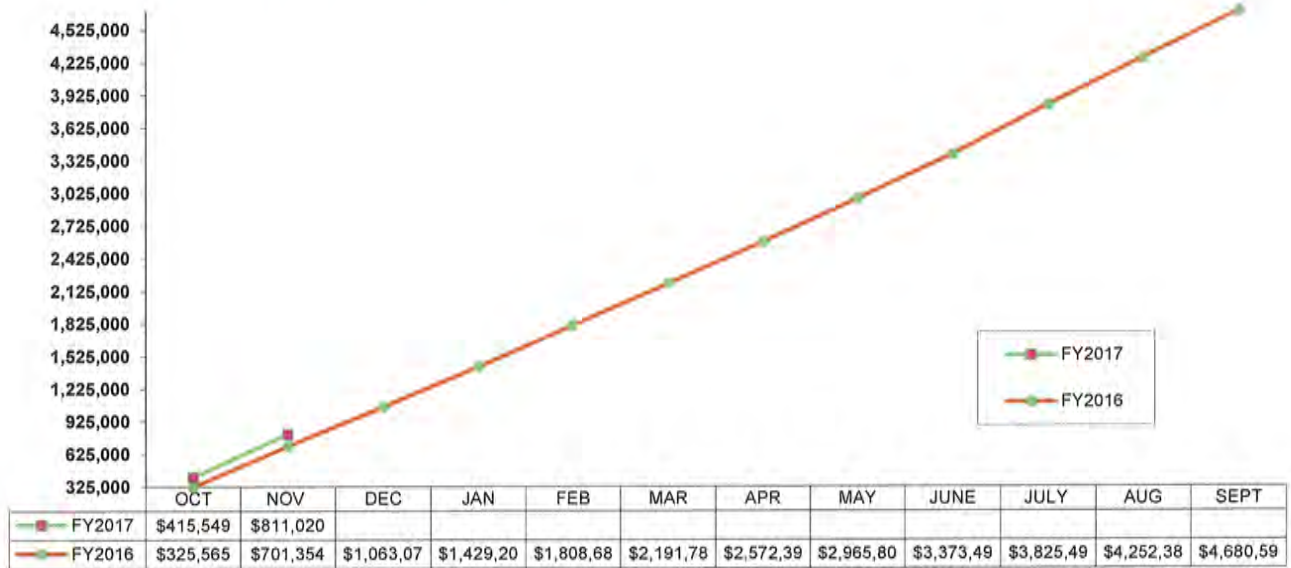
- ❖ Water/ Wastewater Fund Revenues Year-to-date (YTD) as of Nov. 30, 2016 are \$811,020 or 17.9% of the budgeted amount



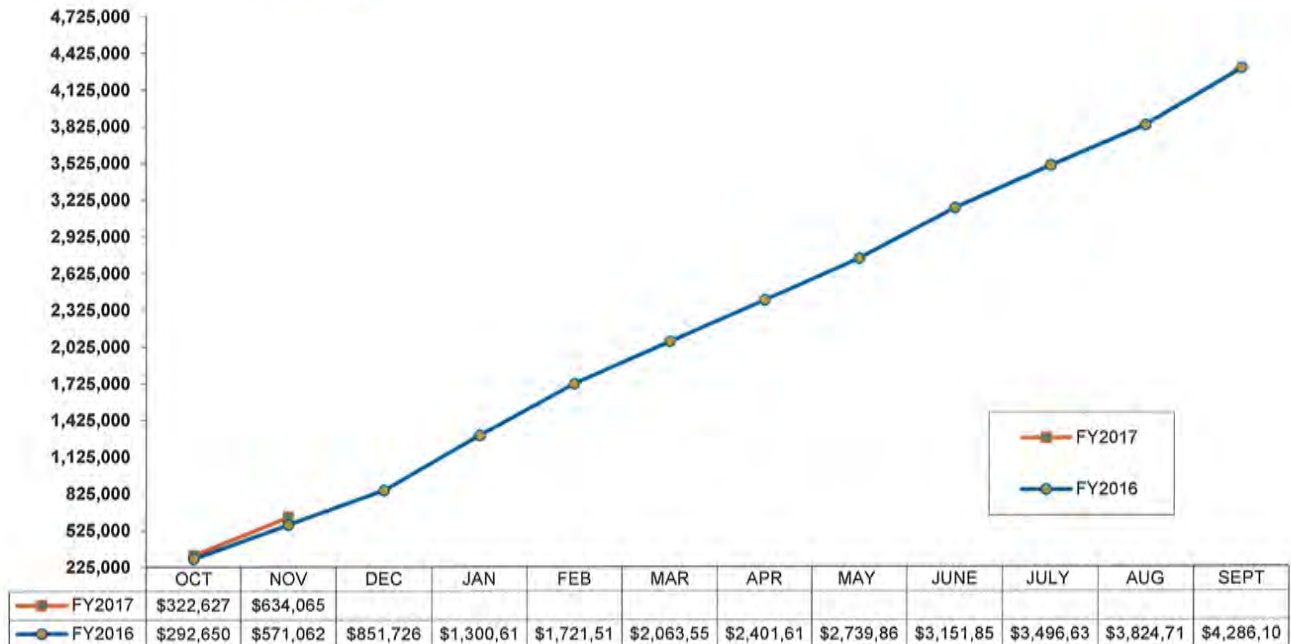
WATER WASTEWATER FUND REVENUE & EXPENDITURES

AS OF NOV. 30, 2016

FY 2016 & 2017 Revenues



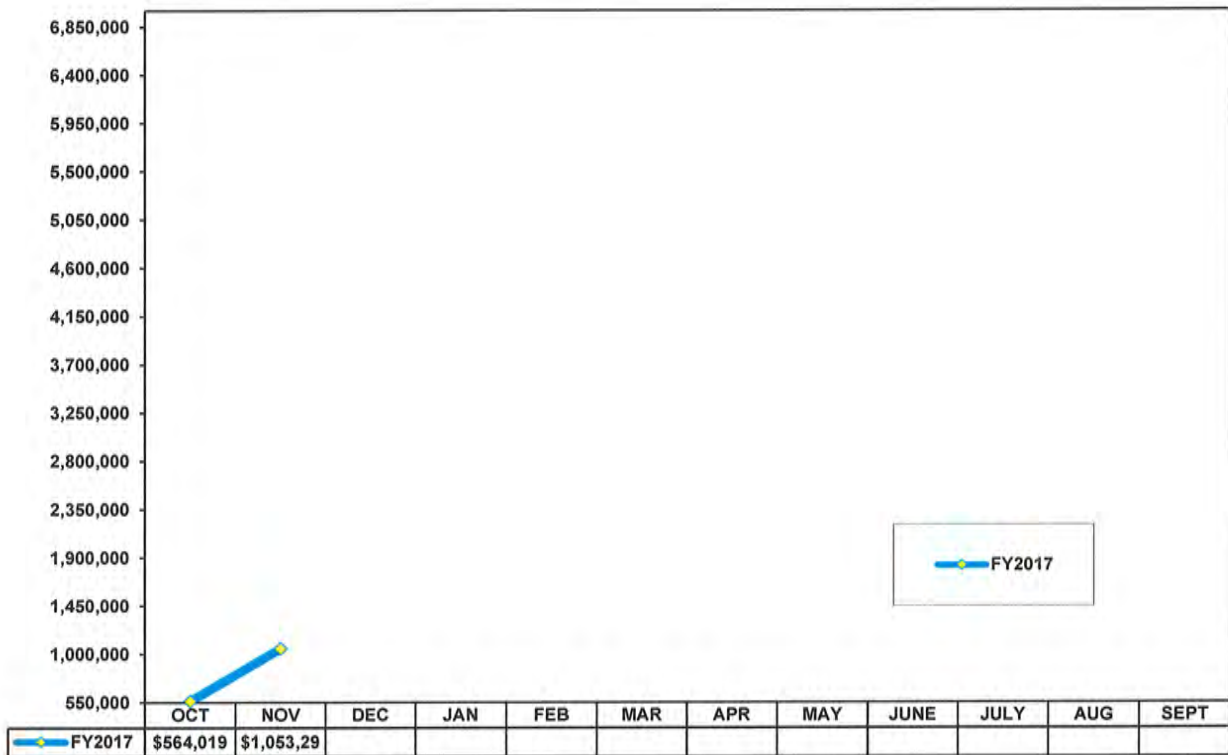
FY 2016 & 2017 Expenditures



BASTROP POWER AND LIGHT / ELECTRIC FUND REVENUE

AS OF NOV. 30, 2016

- ❖ Electric Fund Revenues Year-to-date (YTD) as of Nov. 30, 2016 are \$1,053,290 or 15% of the FY2017 adopted budget.



HOTEL MOTEL TAX REVENUE FUND

REVENUE AND EXPENDITURES

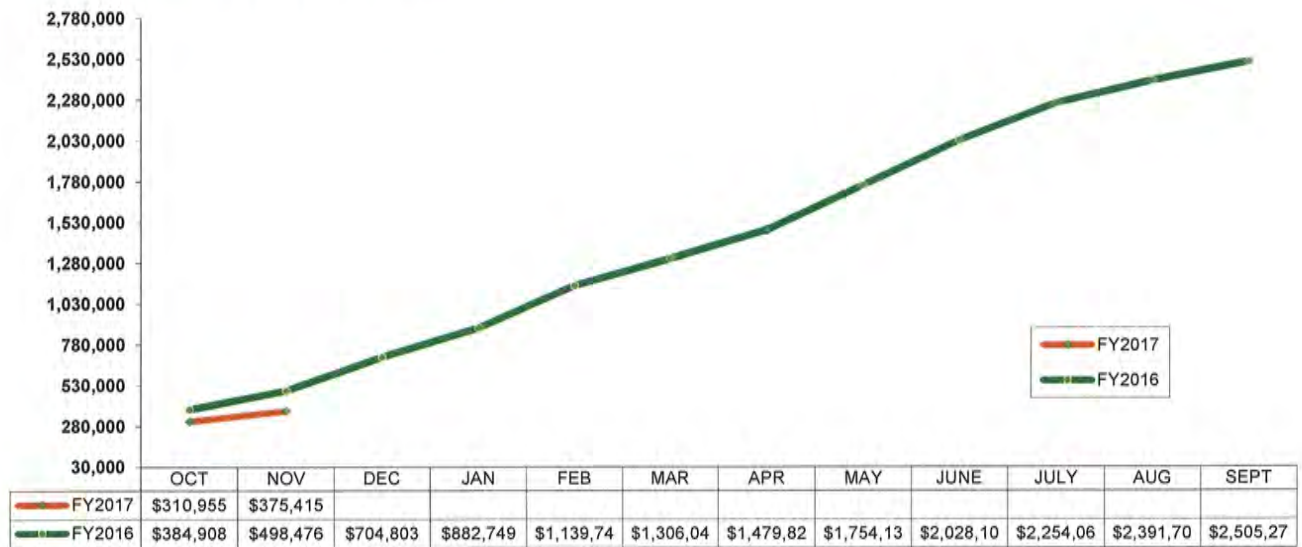
AS OF NOV. 30, 2016

- ❖ Revenues as of Nov. 30, 2016 represent YTD earned revenue of \$512,092. Due to a timing issue the revenue earned in October is an estimate.
- ❖ Expenses in October are increased due to the one-time disbursement of funds to Hotel Motel funded organizations.

Revenue (Month to Month comparison)



Expenses (YTD comparison)



FINANCIAL STATEMENT REPORTS ARE ATTACHED:

- General Fund
- Water/ Wastewater Utility Fund
- Hotel Motel Fund

CITY OF BASTROP
 FINANCIAL STATEMENT
 AS OF: NOVEMBER 30TH, 2016

101-GENERAL FUND

REVENUES	PRIOR Y-T-D	CURRENT BUDGET	M-T-D ACTUAL	Y-T-D ACTUAL	BUDGET BALANCE	% OF BUDGET
TAXES & PENALTIES						
00-00-4001 CURRENT TAXES M&O	212,865.80	3,131,361.00	34,353.85	34,353.85	3,097,007.15	1.10
00-00-4002 DELINQUENT TAXES M&O	8,065.40	21,000.00	864.08	1,910.17	19,089.83	9.10
00-00-4003 PENALTIES & INTEREST M&O	3,760.29	31,500.00	988.01	1,641.93	29,858.07	5.21
00-00-4004 FRANCHISE TAX	(140.85)	454,000.00	44,591.30	44,591.30	409,408.70	9.82
00-00-4006 CITY SALES TAX	665,608.40	4,456,850.00	438,760.84	761,071.16	3,695,778.84	17.08
00-00-4008 OCCUPATION TAX	1,425.00	8,000.00	275.00	395.00	7,605.00	4.94
00-00-4009 MIXED BEVERAGE TAX	0.00	48,000.00	0.00	0.00	48,000.00	0.00
00-00-4010 380 AGREEMENT PROP REFUND	0.00	(47,000.00)	0.00	0.00	(47,000.00)	0.00
TOTAL TAXES & PENALTIES	891,584.04	8,103,711.00	519,833.08	843,963.41	7,259,747.59	10.41
LICENSES & PERMITS						
00-00-4020 BUILDING PERMITS	10,783.86	120,000.00	7,105.35	17,425.33	102,574.67	14.52
00-00-4021 ZONING FEES	600.00	3,500.00	339.00	792.00	2,708.00	22.63
00-00-4022 PLATTING FEES	920.00	40,000.00	450.00	1,240.00	38,760.00	3.10
00-00-4023 SPECIAL EVENT PERMIT FEE	200.00	2,000.00	200.00	300.00	1,700.00	15.00
TOTAL LICENSES & PERMITS	12,503.86	165,500.00	8,094.35	19,757.33	145,742.67	11.94
CHARGES FOR SERVICES						
00-00-4040 ANIMAL SERVICE RECEIPTS	20.00	200.00	0.00	30.00	170.00	15.00
00-00-4043 PARK RENTALS & FEES	70.00	5,000.00	200.00	150.00	4,850.00	3.00
00-00-4044 PD ACCIDENT REPORTS	244.00	1,800.00	121.00	235.00	1,565.00	13.06
00-00-4046 SPECIAL EVENTS HOT REIMB	0.00	25,000.00	0.00	0.00	25,000.00	0.00
00-00-4049 TRANSFER STATION RECEIPTS	1,447.00	8,000.00	140.00	350.00	7,650.00	4.38
00-00-4051 SANITATION REVENUE	80,055.48	475,000.00	38,780.25	77,525.34	397,474.66	16.32
00-00-4052 SANITATION PENALTIES	1,163.92	7,500.00	649.46	1,175.25	6,324.75	15.67
00-00-4055 FILMING/BROADCASTING FEES	0.00	26,400.00	0.00	0.00	26,400.00	0.00
TOTAL CHARGES FOR SERVICES	83,000.40	548,900.00	39,890.71	79,465.59	469,434.41	14.48
FINES & FORFEITURES						
00-00-4070 MUNICIPAL COURT FINES	42,240.35	245,000.00	25,944.43	44,146.02	200,853.98	18.02
00-00-4076 LIBRARY RECEIPTS	2,637.31	17,000.00	1,146.14	2,792.34	14,207.66	16.43
00-00-4078 JUVENILE CASE MANAGER-M/C	1,399.94	9,000.00	673.11	1,197.96	7,802.04	13.31
00-00-4080 TEEN COURT (MC)	240.00	1,000.00	0.00	0.00	1,000.00	0.00
TOTAL FINES & FORFEITURES	46,517.60	272,000.00	27,763.68	48,136.32	223,863.68	17.70
INTEREST INCOME						
00-00-4400 INTEREST RECEIPTS	1,372.54	30,000.00	3,492.02	5,312.52	24,687.48	17.71
TOTAL INTEREST INCOME	1,372.54	30,000.00	3,492.02	5,312.52	24,687.48	17.71

CITY OF BASTROP
 FINANCIAL STATEMENT
 AS OF: NOVEMBER 30TH, 2016

101-GENERAL FUND

REVENUES	PRIOR Y-T-D	CURRENT BUDGET	M-T-D ACTUAL	Y-T-D ACTUAL	BUDGET BALANCE	% OF BUDGET
INTERGOVERNMENTAL						
00-00-4415 EMERGENCY MANAGEMENT	0.00	32,000.00	0.00	0.00	32,000.00	0.00
00-00-4493 BEDC IN-KIND	0.00	189,000.00	0.00	0.00	189,000.00	0.00
TOTAL INTERGOVERNMENTAL	0.00	221,000.00	0.00	0.00	221,000.00	0.00
MISCELLANEOUS						
00-00-4509 GENERAL DONATIONS	0.00	1,500.00	0.00	0.00	1,500.00	0.00
00-00-4525 PARKS/RECREATION DONATIONS	0.00	2,000.00	0.00	0.00	2,000.00	0.00
00-00-4536 MISCELLANEOUS	2,223.10	40,000.00	101.61	236.83	39,763.17	0.59
00-00-4537 INSURANCE PROCEEDS	341.00	0.00	0.00	0.00	0.00	0.00
00-00-4553 FIRE DEPT CALLS - REIMB	0.00	5,000.00	0.00	0.00	5,000.00	0.00
00-00-4600 CAPITAL CONTRIBUTIONS	0.00	0.00	350,000.00	350,000.00	(350,000.00)	0.00
TOTAL MISCELLANEOUS	2,564.10	48,500.00	350,101.61	350,236.83	(301,736.83)	722.14
TRANSFERS-IN						
00-00-4703 TRANSFERS IN - ELECTRIC FUND	92,958.34	557,750.00	46,479.17	92,958.34	464,791.66	16.67
TOTAL TRANSFERS-IN	92,958.34	557,750.00	46,479.17	92,958.34	464,791.66	16.67
** TOTAL REVENUE **	1,130,500.88	9,947,361.00	995,654.62	1,439,830.34	8,507,530.66	14.47

FINANCIAL STATEMENT

AS OF: NOVEMBER 30TH, 2016

101-GENERAL FUND

EXPENDITURES	PRIOR Y-T-D	CURRENT BUDGET	M-T-D ACTUAL	Y-T-D ACTUAL	BUDGET BALANCE	% OF BUDGET
NON-DEPARTMENT						
00-NON-PROGRAM						
TOTAL						
TOTAL						
LEGISLATIVE						
00-NON-PROGRAM						
PERSONNEL COSTS	1,180.76	7,015.00	565.18	1,175.36	5,839.64	16.75
SUPPLIES & MATERIALS	284.54	4,530.00	0.00	25.40	4,504.60	0.56
OCCUPANCY	1,465.83	8,000.00	669.85	1,658.97	6,341.03	20.74
CONTRACTUAL SERVICES	0.00	10,900.00	0.00	0.00	10,900.00	0.00
OTHER CHARGES	1,886.80	26.00	(988.66)	(2,077.32)	2,103.32	7,989.69-
TOTAL 00-NON-PROGRAM	4,817.93	30,471.00	246.37	782.41	29,688.59	2.57
TOTAL LEGISLATIVE	4,817.93	30,471.00	246.37	782.41	29,688.59	2.57
ORGANIZATIONAL						
00-NON-PROGRAM						
PERSONNEL COSTS	5,087.84	53,261.28	2,243.27	3,863.01	49,398.27	7.25
SUPPLIES & MATERIALS	2,382.26	17,590.00	855.39	1,978.49	15,611.51	11.25
MAINTENANCE & REPAIRS	203.00	9,200.00	342.50	352.50	8,847.50	3.83
CONTRACTUAL SERVICES	55,182.74	500,075.00	22,032.09	66,633.69	433,441.31	13.32
OTHER CHARGES	9,107.74	518,548.00	112.94	1,329.50	517,218.50	0.26
CONTINGENCY	0.00	60,000.00	0.00	0.00	60,000.00	0.00
CAPITAL OUTLAY	8,717.00	0.00	0.00	0.00	0.00	0.00
TRANSFERS OUT	0.00	37,500.00	0.00	0.00	37,500.00	0.00
TOTAL 00-NON-PROGRAM	80,680.58	1,196,174.28	25,586.19	74,157.19	1,122,017.09	6.20
TOTAL ORGANIZATIONAL	80,680.58	1,196,174.28	25,586.19	74,157.19	1,122,017.09	6.20
CITY MANAGER						
00-NON-PROGRAM						
PERSONNEL COSTS	43,530.87	227,645.00	8,051.68	14,223.38	213,421.62	6.25
SUPPLIES & MATERIALS	1,502.77	7,550.00	51.54	463.17	7,086.83	6.13
OCCUPANCY	1,512.27	9,400.00	641.75	1,424.74	7,975.26	15.16
CONTRACTUAL SERVICES	0.00	94,659.00	16,333.00	33,125.72	61,533.28	34.99
OTHER CHARGES	3,218.00	(123,417.00)	(11,196.41)	(22,325.22)	(101,091.78)	18.09
TOTAL 00-NON-PROGRAM	49,763.91	215,837.00	13,881.56	26,911.79	188,925.21	12.47
TOTAL CITY MANAGER	49,763.91	215,837.00	13,881.56	26,911.79	188,925.21	12.47

C I T Y O F B A S T R O P
 FINANCIAL STATEMENT
 AS OF: NOVEMBER 30TH, 2016

101-GENERAL FUND

EXPENDITURES	PRIOR Y-T-D	CURRENT BUDGET	M-T-D ACTUAL	Y-T-D ACTUAL	BUDGET BALANCE	% OF BUDGET
CITY SECRETARY						
00-NON-PROGRAM						
PERSONNEL COSTS	13,214.52	99,352.00	7,493.72	13,276.44	86,075.56	13.36
SUPPLIES & MATERIALS	325.89	5,975.00	2,631.33	2,632.67	3,342.33	44.06
OCCUPANCY	464.39	2,190.00	167.81	380.05	1,809.95	17.35
CONTRACTUAL SERVICES	0.00	5,600.00	0.00	0.00	5,600.00	0.00
OTHER CHARGES	4,444.84	14,148.00	963.84	1,189.20	12,958.80	8.41
TOTAL 00-NON-PROGRAM	18,449.64	127,265.00	11,256.70	17,478.36	109,786.64	13.73
TOTAL CITY SECRETARY	18,449.64	127,265.00	11,256.70	17,478.36	109,786.64	13.73
FINANCE						
00-NON-PROGRAM						
PERSONNEL COSTS	48,408.37	401,106.00	29,972.86	54,533.21	346,572.79	13.60
SUPPLIES & MATERIALS	1,470.43	4,360.00	140.22	630.38	3,729.62	14.46
MAINTENANCE & REPAIRS	0.00	33,500.00	0.00	23,875.82	9,624.18	71.27
OCCUPANCY	1,209.68	7,550.00	494.68	1,110.24	6,439.76	14.71
CONTRACTUAL SERVICES	4,673.49	55,760.00	5.49	5.49	55,754.51	0.01
OTHER CHARGES	2,166.32	(257,501.00)	(21,686.98)	(43,649.72)	(213,851.28)	16.95
TOTAL 00-NON-PROGRAM	57,928.29	244,775.00	8,926.27	36,505.42	208,269.58	14.91
UTILITY CUSTOMER SERVICE						
PERSONNEL COSTS	38,628.35	218,715.00	16,128.01	30,512.97	188,202.03	13.95
SUPPLIES & MATERIALS	2,494.18	23,840.00	218.36	2,059.40	21,780.60	8.64
MAINTENANCE & REPAIRS	4,465.79	23,500.00	39.26	9,780.25	13,719.75	41.62
OCCUPANCY	1,436.02	11,165.00	541.61	1,321.34	9,843.66	11.83
CONTRACTUAL SERVICES	35,749.04	431,040.00	33,928.12	68,542.04	362,497.96	15.90
OTHER CHARGES	70.97	(258,888.00)	(21,942.33)	(43,902.25)	(214,985.75)	16.96
TOTAL UTILITY CUSTOMER SERVICE	82,844.35	449,372.00	28,913.03	68,313.75	381,058.25	15.20
TOTAL FINANCE	140,772.64	694,147.00	37,839.30	104,819.17	589,327.83	15.10
HUMAN RESOURCE						
00-NON-PROGRAM						
PERSONNEL COSTS	15,041.55	135,751.00	10,595.86	18,720.70	117,030.30	13.79
SUPPLIES & MATERIALS	269.68	3,175.00	124.32	240.59	2,934.41	7.58
OCCUPANCY	468.30	3,445.00	241.93	506.65	2,938.35	14.71
CONTRACTUAL SERVICES	0.00	325.00	3.00	3.00	322.00	0.92
OTHER CHARGES	35.00	(17,111.00)	(2,951.74)	(5,853.48)	(11,257.52)	34.21
TOTAL 00-NON-PROGRAM	15,814.53	125,585.00	8,013.37	13,617.46	111,967.54	10.84
TOTAL HUMAN RESOURCE	15,814.53	125,585.00	8,013.37	13,617.46	111,967.54	10.84

C I T Y O F B A S T R O P
 FINANCIAL STATEMENT
 AS OF: NOVEMBER 30TH, 2016

101-GENERAL FUND

EXPENDITURES	PRIOR Y-T-D	CURRENT BUDGET	M-T-D ACTUAL	Y-T-D ACTUAL	BUDGET BALANCE	% OF BUDGET
INFORMATION TECHNOLOGY						
00-NON-PROGRAM						
PERSONNEL COSTS	25,211.65	153,251.00	11,125.48	20,660.06	132,590.94	13.48
SUPPLIES & MATERIALS	314.94	11,500.00	869.19	3,327.00	8,173.00	28.93
MAINTENANCE & REPAIRS	29,301.25	122,800.00	3,357.61	31,533.30	91,266.70	25.68
OCCUPANCY	914.00	11,152.00	981.10	2,259.42	8,892.58	20.26
CONTRACTUAL SERVICES	0.00	36,237.00	303.08	861.16	35,375.84	2.38
OTHER CHARGES	150.00	(107,515.00)	(9,334.58)	(18,519.16)	(88,995.84)	17.22
TOTAL 00-NON-PROGRAM	55,891.84	227,425.00	7,301.88	40,121.78	187,303.22	17.64
TOTAL INFORMATION TECHNOLOGY	55,891.84	227,425.00	7,301.88	40,121.78	187,303.22	17.64
FILMING/BROADCASTING						
00-NON-PROGRAM						
PERSONNEL COSTS	0.00	32,899.00	2,205.25	4,280.42	28,618.58	13.01
SUPPLIES & MATERIALS	0.00	7,400.00	339.00	339.00	7,061.00	4.58
MAINTENANCE & REPAIRS	0.00	5,888.00	609.05	609.05	5,278.95	10.34
OCCUPANCY	0.00	3,000.00	37.62	87.59	2,912.41	2.92
CONTRACTUAL SERVICES	0.00	5,000.00	0.00	0.00	5,000.00	0.00
OTHER CHARGES	0.00	3,000.00	0.00	0.00	3,000.00	0.00
TOTAL 00-NON-PROGRAM	0.00	57,187.00	3,190.92	5,316.06	51,870.94	9.30
TOTAL FILMING/BROADCASTING	0.00	57,187.00	3,190.92	5,316.06	51,870.94	9.30
POLICE						
ADMINISTRATION						
PERSONNEL COSTS	66,053.12	514,695.00	37,390.62	67,720.57	446,974.43	13.16
SUPPLIES & MATERIALS	6,646.61	32,670.00	3,143.45	4,118.21	28,551.79	12.61
MAINTENANCE & REPAIRS	3,379.96	40,819.00	88.89	126.39	40,692.61	0.31
OCCUPANCY	7,102.59	55,980.00	3,311.16	6,874.26	49,105.74	12.28
CONTRACTUAL SERVICES	231.10	350,112.00	67,858.57	77,037.31	273,074.69	22.00
OTHER CHARGES	6,418.15	33,858.00	374.00	3,751.10	30,106.90	11.08
CAPITAL OUTLAY	0.00	500,000.00	8,962.50	8,962.50	491,037.50	1.79
TOTAL ADMINISTRATION	89,831.53	1,528,134.00	121,129.19	168,590.34	1,359,543.66	11.03
CODE ENFORCEMENT						
PERSONNEL COSTS	8,247.65	59,385.00	4,366.48	8,131.89	51,253.11	13.69
SUPPLIES & MATERIALS	152.55	5,125.00	113.04	159.71	4,965.29	3.12
MAINTENANCE & REPAIRS	38.99	3,002.00	0.00	0.00	3,002.00	0.00
CONTRACTUAL SERVICES	130.00	10,370.00	295.00	295.00	10,075.00	2.84
OTHER CHARGES	0.00	24,150.00	245.58	415.58	23,734.42	1.72
TOTAL CODE ENFORCEMENT	8,569.19	102,032.00	5,020.10	9,002.18	93,029.82	8.82

C I T Y O F B A S T R O P
 FINANCIAL STATEMENT
 AS OF: NOVEMBER 30TH, 2016

101-GENERAL FUND

EXPENDITURES	PRIOR Y-T-D	CURRENT BUDGET	M-T-D ACTUAL	Y-T-D ACTUAL	BUDGET BALANCE	% OF BUDGET
EMERGENCY MANAGEMENT						
SUPPLIES & MATERIALS	0.00	1,600.00	0.00	0.00	1,600.00	0.00
MAINTENANCE & REPAIRS	0.00	3,950.00	0.00	32.99	3,917.01	0.84
OTHER CHARGES	200.00	2,500.00	0.00	200.00	2,300.00	8.00
TOTAL EMERGENCY MANAGEMENT	200.00	8,050.00	0.00	232.99	7,817.01	2.89
POLICE-CID						
PERSONNEL COSTS	35,810.33	255,234.00	18,939.65	34,829.84	220,404.16	13.65
SUPPLIES & MATERIALS	310.57	3,910.00	113.62	197.87	3,712.13	5.06
MAINTENANCE & REPAIRS	49.49	3,918.00	0.00	0.00	3,918.00	0.00
CONTRACTUAL SERVICES	0.00	3,704.00	0.00	0.00	3,704.00	0.00
OTHER CHARGES	993.25	5,490.00	202.72	202.72	5,287.28	3.69
TOTAL POLICE-CID	37,163.64	272,256.00	19,255.99	35,230.43	237,025.57	12.94
POLICE-PATROL						
PERSONNEL COSTS	195,884.59	1,314,435.00	105,873.80	185,017.49	1,129,417.51	14.08
SUPPLIES & MATERIALS	7,203.69	92,893.00	10,927.35	14,811.48	78,081.52	15.94
MAINTENANCE & REPAIRS	3,149.04	18,460.00	90.44	1,203.52	17,256.48	6.52
CONTRACTUAL SERVICES	1,251.99	12,960.00	722.63	1,812.11	11,147.89	13.98
OTHER CHARGES	259.15	12,240.00	173.31	244.05	11,995.95	1.99
TOTAL POLICE-PATROL	207,748.46	1,450,988.00	117,787.53	203,088.65	1,247,899.35	14.00
POLICE-CRIME PREVENTION						
PERSONNEL COSTS	324.60	94,018.00	0.00	0.00	94,018.00	0.00
SUPPLIES & MATERIALS	79.09	4,225.00	288.67	289.14	3,935.86	6.84
MAINTENANCE & REPAIRS	0.00	1,576.00	0.00	0.00	1,576.00	0.00
CONTRACTUAL SERVICES	0.00	1,974.00	0.00	0.00	1,974.00	0.00
OTHER CHARGES	295.00	2,820.00	103.89	353.89	2,466.11	12.55
TOTAL POLICE-CRIME PREVENTION	698.69	104,613.00	392.56	643.03	103,969.97	0.61
TOTAL POLICE	344,211.51	3,466,073.00	263,585.37	416,787.62	3,049,285.38	12.02
FIRE-VOLUNTEER						
00-NON-PROGRAM						
PERSONNEL COSTS	1,336.27	111,180.00	8,448.02	15,481.17	95,698.83	13.92
SUPPLIES & MATERIALS	3,838.32	99,399.00	3,038.72	3,600.64	95,798.36	3.62
MAINTENANCE & REPAIRS	8,590.68	50,500.00	2,674.33	3,978.40	46,521.60	7.88
OCCUPANCY	4,518.81	39,585.00	1,694.77	3,739.01	35,845.99	9.45
CONTRACTUAL SERVICES	0.00	138,132.00	4,010.96	7,697.79	130,434.21	5.57
OTHER CHARGES	3,529.86	26,075.00	405.93	584.93	25,490.07	2.24
CAPITAL OUTLAY	0.00	44,000.00	0.00	0.00	44,000.00	0.00
TOTAL 00-NON-PROGRAM	21,813.94	508,871.00	20,272.73	35,081.94	473,789.06	6.89
TOTAL FIRE-VOLUNTEER	21,813.94	508,871.00	20,272.73	35,081.94	473,789.06	6.89

CITY OF BASTROP
FINANCIAL STATEMENT
AS OF: NOVEMBER 30TH, 2016

101-GENERAL FUND

EXPENDITURES	PRIOR Y-T-D	CURRENT BUDGET	M-T-D ACTUAL	Y-T-D ACTUAL	BUDGET BALANCE	% OF BUDGET
MUNICIPAL COURT						
00-NON-PROGRAM						
PERSONNEL COSTS	32,323.75	227,935.00	17,009.94	30,697.23	197,237.77	13.47
SUPPLIES & MATERIALS	1,441.53	21,400.00	370.16	777.00	20,623.00	3.63
MAINTENANCE & REPAIRS	7,601.52	10,150.00	0.00	7,787.80	2,362.20	76.73
OCCUPANCY	1,591.29	10,610.00	692.63	1,410.69	9,199.31	13.30
CONTRACTUAL SERVICES	2,187.59	41,100.00	2,003.79	3,216.11	37,883.89	7.83
OTHER CHARGES	1,536.22	5,575.00	789.85	1,703.53	3,871.47	30.56
TOTAL 00-NON-PROGRAM	46,681.90	316,770.00	20,866.37	45,592.36	271,177.64	14.39
TOTAL MUNICIPAL COURT	46,681.90	316,770.00	20,866.37	45,592.36	271,177.64	14.39
PLANNING & DEVELOPMENT						
00-NON-PROGRAM						
PERSONNEL COSTS	71,629.55	534,356.00	39,214.36	71,600.97	462,755.03	13.40
SUPPLIES & MATERIALS	1,072.98	13,100.00	620.34	944.70	12,155.30	7.21
MAINTENANCE & REPAIRS	1,627.38	33,950.00	0.00	3,200.00	30,750.00	9.43
OCCUPANCY	1,831.25	11,200.00	828.10	1,807.40	9,392.60	16.14
CONTRACTUAL SERVICES	14,700.16	232,350.00	1,600.00	3,693.48	228,656.52	1.59
OTHER CHARGES	7,089.52	(11,360.00)	(2,805.75)	(3,966.18)	(7,393.82)	34.91
TOTAL 00-NON-PROGRAM	97,950.84	813,596.00	39,457.05	77,280.37	736,315.63	9.50
TOTAL PLANNING & DEVELOPMENT	97,950.84	813,596.00	39,457.05	77,280.37	736,315.63	9.50
PUBLIC WORKS						
ADMINISTRATION						
PERSONNEL COSTS	93,256.58	729,309.00	45,516.63	85,404.48	643,904.52	11.71
SUPPLIES & MATERIALS	7,138.19	55,400.00	4,492.14	6,323.25	49,076.75	11.41
MAINTENANCE & REPAIRS	17,661.14	191,004.00	15,213.65	18,440.14	172,563.86	9.65
OCCUPANCY	2,161.41	14,010.00	721.72	1,502.79	12,507.21	10.73
CONTRACTUAL SERVICES	3,169.17	86,387.00	3,318.00	4,229.83	82,157.17	4.90
OTHER CHARGES	905.16	14,400.00	130.71	302.32	14,097.68	2.10
CAPITAL OUTLAY	0.00	321,800.00	0.00	0.00	321,800.00	0.00
TOTAL ADMINISTRATION	124,291.65	1,412,310.00	69,392.85	116,202.81	1,296,107.19	8.23
RECREATION						
PERSONNEL COSTS	0.00	19,045.00	0.00	0.00	19,045.00	0.00
SUPPLIES & MATERIALS	0.00	2,350.00	70.74	195.21	2,154.79	8.31
MAINTENANCE & REPAIRS	0.00	250.00	0.00	0.00	250.00	0.00
OCCUPANCY	0.00	250.00	0.00	0.00	250.00	0.00
CONTRACTUAL SERVICES	0.00	44,980.00	0.00	142.50	44,837.50	0.32
OTHER CHARGES	0.00	17,000.00	1,684.61	2,095.90	14,904.10	12.33
TOTAL RECREATION	0.00	83,875.00	1,755.35	2,433.61	81,441.39	2.90

CITY OF BASTROP
 FINANCIAL STATEMENT
 AS OF: NOVEMBER 30TH, 2016

101-GENERAL FUND

EXPENDITURES	PRIOR Y-T-D	CURRENT BUDGET	M-T-D ACTUAL	Y-T-D ACTUAL	BUDGET BALANCE	% OF BUDGET
PARKS						
PERSONNEL COSTS	73,100.75	664,718.00	45,723.74	83,956.24	580,761.76	12.63
SUPPLIES & MATERIALS	3,856.94	43,200.00	4,400.56	6,198.24	37,001.76	14.35
MAINTENANCE & REPAIRS	12,267.25	81,250.00	4,323.54	7,497.14	73,752.86	9.23
OCCUPANCY	11,301.15	51,740.00	4,459.04	9,848.18	41,891.82	19.03
CONTRACTUAL SERVICES	2,976.21	16,730.00	1,309.02	1,484.01	15,245.99	8.87
OTHER CHARGES	1,875.76	10,250.00	835.42	1,014.69	9,235.31	9.90
CAPITAL OUTLAY	0.00	69,000.00	0.00	22,682.56	46,317.44	32.87
TOTAL PARKS	105,378.06	936,888.00	61,051.32	132,681.06	804,206.94	14.16
BUILDING MAINTENANCE						
PERSONNEL COSTS	20,391.15	185,155.00	13,120.12	24,807.39	160,347.61	13.40
SUPPLIES & MATERIALS	1,839.95	15,350.00	1,786.53	3,103.32	12,246.68	20.22
MAINTENANCE & REPAIRS	125.59	3,600.00	19.47	442.61	3,157.39	12.29
OCCUPANCY	72.23	1,800.00	31.11	88.38	1,711.62	4.91
CONTRACTUAL SERVICES	240.95	8,350.00	592.40	1,092.40	7,257.60	13.08
OTHER CHARGES	0.00	(45,607.00)	(3,825.58)	(7,651.16)	(37,955.84)	16.78
TOTAL BUILDING MAINTENANCE	22,669.87	168,648.00	11,724.05	21,882.94	146,765.06	12.98
TOTAL PUBLIC WORKS	252,339.58	2,601,721.00	143,923.57	273,200.42	2,328,520.58	10.50
LIBRARY						
00-NON-PROGRAM						
PERSONNEL COSTS	74,785.84	555,890.00	41,794.51	75,220.02	480,669.98	13.53
SUPPLIES & MATERIALS	10,234.04	61,386.00	4,069.08	10,442.24	50,943.76	17.01
MAINTENANCE & REPAIRS	1,111.50	14,650.00	1,080.88	1,297.58	13,352.42	8.86
OCCUPANCY	6,345.37	42,482.00	2,714.68	5,845.36	36,636.64	13.76
CONTRACTUAL SERVICES	1,750.00	25,740.00	1,360.00	1,360.00	24,380.00	5.28
OTHER CHARGES	1,386.98	11,987.00	729.45	1,933.69	10,053.31	16.13
TOTAL 00-NON-PROGRAM	95,613.73	712,135.00	51,748.60	96,098.89	616,036.11	13.49
TOTAL LIBRARY	95,613.73	712,135.00	51,748.60	96,098.89	616,036.11	13.49
BEDC ADMINISTRATION						
00-NON-PROGRAM						
TOTAL	_____	_____	_____	_____	_____	_____
TOTAL	_____	_____	_____	_____	_____	_____
*** TOTAL EXPENSES ***						
	1,224,802.57	11,093,257.28	647,169.98	1,227,245.82	9,866,011.46	11.06
REVENUES OVER/(UNDER) EXPENDITURES						
	(94,301.69)	(1,145,896.28)	348,484.64	212,584.52	(1,358,480.80)	18.55-

*** END OF REPORT ***

CITY OF BASTROP
 FINANCIAL STATEMENT
 AS OF: NOVEMBER 30TH, 2016

202-WATER/WASTEWATER FUND

REVENUES	PRIOR Y-T-D	CURRENT BUDGET	M-T-D ACTUAL	Y-T-D ACTUAL	BUDGET BALANCE	% OF BUDGET
<hr/>						
CHARGES FOR SERVICES						
TOTAL						
FINES & FORFEITURES						
TOTAL						
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WATER REVENUES						
00-00-4101 WATER SALES-RESIDENTIAL	213,919.26	1,362,500.00	115,756.59	242,420.42	1,120,079.58	17.79
00-00-4102 WATER SALES-COMMERCIAL	202,917.58	1,250,000.00	108,912.62	225,362.31	1,024,637.69	18.03
00-00-4150 PENALTIES	6,275.45	35,000.00	3,632.58	5,825.23	29,174.77	16.64
00-00-4152 WATER TAPPING FEES	1,300.00	5,000.00	0.00	4,200.00	800.00	84.00
00-00-4154 WATER SERVICE FEES	2,690.00	22,000.00	1,945.00	3,608.00	18,392.00	16.40
00-00-4156 OTHER	400.00	0.00	0.00	0.00	0.00	0.00
TOTAL WATER REVENUES	427,502.29	2,674,500.00	230,246.79	481,415.96	2,193,084.04	18.00
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WASTEWATER REVENUES						
00-00-4201 WASTEWATER SALES-RESIDENTIAL	136,738.63	904,700.00	81,691.42	163,981.58	740,718.42	18.13
00-00-4202 WASTEWATER SALES-COMMERCIAL	112,706.83	745,000.00	62,701.54	125,371.61	619,628.39	16.83
00-00-4210 BY THE WAY CAMPGROUND	0.00	22,000.00	930.70	930.70	21,069.30	4.23
00-00-4215 LCRA/WCID	19,173.55	125,000.00	11,620.52	23,804.08	101,195.92	19.04
00-00-4250 PENALTIES	3,577.90	25,000.00	2,400.88	3,903.53	21,096.47	15.61
00-00-4252 SEWER TAPPING FEES	0.00	2,500.00	0.00	3,600.00	(1,100.00)	144.00
00-00-4256 OTHER	0.00	500.00	0.00	0.00	500.00	0.00
TOTAL WASTEWATER REVENUES	272,196.91	1,824,700.00	159,345.06	321,591.50	1,503,108.50	17.62
<hr/>						
OTHER REVENUE						
TOTAL						
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INTEREST INCOME						
00-00-4400 INTEREST RECEIPTS	1,213.17	22,000.00	5,102.37	8,012.21	13,987.79	36.42
TOTAL INTEREST INCOME	1,213.17	22,000.00	5,102.37	8,012.21	13,987.79	36.42
<hr/>						
INTERGOVERNMENTAL						
TOTAL						
<hr/>						
MISCELLANEOUS						
00-00-4519 BACKFLOW TESTING COST	0.00	5,000.00	0.00	0.00	5,000.00	0.00
TOTAL MISCELLANEOUS	0.00	5,000.00	0.00	0.00	5,000.00	0.00

CITY OF BASTROP
 FINANCIAL STATEMENT
 AS OF: NOVEMBER 30TH, 2016

202-WATER/WASTEWATER FUND

REVENUES	PRIOR Y-T-D	CURRENT BUDGET	M-T-D ACTUAL	Y-T-D ACTUAL	BUDGET BALANCE	% OF BUDGET
TRANSFERS-IN						
TOTAL						
OTHER SOURCES						
00-00-4810 INSURANCE PROCEEDS	441.85	0.00	0.00	0.00	0.00	0.00
TOTAL OTHER SOURCES	441.85	0.00	0.00	0.00	0.00	0.00
** TOTAL REVENUE **	701,354.22	4,526,200.00	394,694.22	811,019.67	3,715,180.33	17.92

FINANCIAL STATEMENT

AS OF: NOVEMBER 30TH, 2016

202-WATER/WASTEWATER FUND

EXPENDITURES	PRIOR Y-T-D	CURRENT BUDGET	M-T-D ACTUAL	Y-T-D ACTUAL	BUDGET BALANCE	% OF BUDGET
NON-DEPARTMENT						
00-NON-PROGRAM						
TOTAL						
TOTAL						
WATER/WASTEWATER DEPT.						
ADMINISTRATION						
PERSONNEL COSTS	128,678.21	132,025.00	10,166.30	18,233.70	113,791.30	13.81
SUPPLIES & MATERIALS	5,903.62	24,910.00	1,328.94	2,619.52	22,290.48	10.52
MAINTENANCE & REPAIRS	3,800.73	14,430.00	31.32	31.32	14,398.68	0.22
OCCUPANCY	3,577.90	21,000.00	1,319.11	2,741.15	18,258.85	13.05
CONTRACTUAL SERVICES	89,347.80	581,936.00	40,233.98	90,298.29	491,637.71	15.52
OTHER CHARGES	2,059.33	49,620.00	1,429.47	2,035.67	47,584.33	4.10
CONTINGENCY	0.00	10,000.00	0.00	0.00	10,000.00	0.00
DEBT SERVICE	215,182.42	1,425,366.00	118,780.32	237,560.64	1,187,805.36	16.67
TOTAL ADMINISTRATION	448,550.01	2,259,287.00	173,289.44	353,520.29	1,905,766.71	15.65
W/WW DISTRIBUT/COLLECT						
PERSONNEL COSTS	0.00	410,208.00	30,957.32	56,400.41	353,807.59	13.75
SUPPLIES & MATERIALS	2,276.78	27,300.00	2,493.55	23,602.36	3,697.64	86.46
MAINTENANCE & REPAIRS	13,771.10	84,400.00	5,040.79	10,262.79	74,137.21	12.16
CONTRACTUAL SERVICES	149.15	44,296.00	2,801.98	5,286.65	39,009.35	11.93
OTHER CHARGES	497.50	2,500.00	0.00	0.00	2,500.00	0.00
CAPITAL OUTLAY	0.00	1,054,375.00	0.00	0.00	1,054,375.00	0.00
TOTAL W/WW DISTRIBUT/COLLECT	16,694.53	1,623,079.00	41,293.64	95,552.21	1,527,526.79	5.89
WATER PRODUCTION/TREAT						
PERSONNEL COSTS	0.00	257,661.00	15,305.25	28,703.82	228,957.18	11.14
SUPPLIES & MATERIALS	6,059.98	35,000.00	4,504.47	5,509.73	29,490.27	15.74
MAINTENANCE & REPAIRS	10,801.47	356,790.76	7,392.35	14,654.58	342,136.18	4.11
OCCUPANCY	21,001.44	130,000.00	9,712.92	19,738.39	110,261.61	15.18
CONTRACTUAL SERVICES	17,275.67	152,668.70	24,843.67	31,972.60	120,696.10	20.94
OTHER CHARGES	0.00	4,000.00	0.00	385.00	3,615.00	9.63
CAPITAL OUTLAY	0.00	133,004.00	0.00	0.00	133,004.00	0.00
TOTAL WATER PRODUCTION/TREAT	55,138.56	1,069,124.46	61,758.66	100,964.12	968,160.34	9.44
WW TREATMENT PLANT						
PERSONNEL COSTS	0.00	265,969.00	15,966.50	30,496.32	235,472.68	11.47
SUPPLIES & MATERIALS	2,602.26	33,800.00	2,684.84	3,213.17	30,586.83	9.51
MAINTENANCE & REPAIRS	4,524.35	168,965.00	337.90	8,267.38	160,697.62	4.89
OCCUPANCY	29,242.81	167,548.00	12,917.58	25,509.30	142,038.70	15.23
CONTRACTUAL SERVICES	16,524.11	60,520.00	3,186.36	16,537.75	43,982.25	27.33
OTHER CHARGES	0.00	4,000.00	2.75	4.50	3,995.50	0.11
TOTAL WW TREATMENT PLANT	52,893.53	700,802.00	35,095.93	84,028.42	616,773.58	11.99

CITY OF BASTROP
 FINANCIAL STATEMENT
 AS OF: NOVEMBER 30TH, 2016

202-WATER/WASTEWATER FUND

EXPENDITURES	PRIOR Y-T-D	CURRENT BUDGET	M-T-D ACTUAL	Y-T-D ACTUAL	BUDGET BALANCE	% OF BUDGET
TOTAL WATER/WASTEWATER DEPT.	573,276.63	5,652,292.46	311,437.67	634,065.04	5,018,227.42	11.22
*** TOTAL EXPENSES ***	573,276.63	5,652,292.46	311,437.67	634,065.04	5,018,227.42	11.22
REVENUES OVER/(UNDER) EXPENDITURES	128,077.59	(1,126,092.46)	83,256.55	176,954.63	(1,303,047.09)	15.71-
*** END OF REPORT ***						

CITY OF BASTROP
 FINANCIAL STATEMENT
 AS OF: NOVEMBER 30TH, 2016

501-HOTEL/MOTEL TAX FUND

REVENUES	PRIOR Y-T-D	CURRENT BUDGET	M-T-D ACTUAL	Y-T-D ACTUAL	BUDGET BALANCE	% OF BUDGET
<hr/>						
TAXES & PENALTIES						
00-00-4007 MOTEL/HOTEL TAX RECEIPTS	497,710.35	2,875,000.00	243,752.91	508,752.91	2,366,247.09	17.70
TOTAL TAXES & PENALTIES	497,710.35	2,875,000.00	243,752.91	508,752.91	2,366,247.09	17.70
INTEREST INCOME						
00-00-4400 INTEREST EARNED	511.46	7,000.00	2,161.43	3,338.93	3,661.07	47.70
TOTAL INTEREST INCOME	511.46	7,000.00	2,161.43	3,338.93	3,661.07	47.70
MISCELLANEOUS						
TOTAL						
<hr/>						
** TOTAL REVENUE **	498,221.81	2,882,000.00	245,914.34	512,091.84	2,369,908.16	17.77

CITY OF BASTROP
 FINANCIAL STATEMENT
 AS OF: NOVEMBER 30TH, 2016

501-HOTEL/MOTEL TAX FUND

EXPENDITURES	PRIOR Y-T-D	CURRENT BUDGET	M-T-D ACTUAL	Y-T-D ACTUAL	BUDGET BALANCE	% OF BUDGET
NON-DEPARTMENT						
00-NON-PROGRAM						
TOTAL						
HOTEL/MOTEL TAX FUND						
00-NON-PROGRAM						
CONTRACTUAL SERVICES	271,340.00	475,823.00	383.62	247,261.54	228,561.46	51.97
OTHER CHARGES	0.00	30,000.00	0.00	0.00	30,000.00	0.00
TRANSFERS OUT	227,135.50	868,919.00	64,076.58	128,153.16	740,765.84	14.75
TOTAL 00-NON-PROGRAM	498,475.50	1,374,742.00	64,460.20	375,414.70	999,327.30	27.31
TOTAL HOTEL/MOTEL TAX FUND	498,475.50	1,374,742.00	64,460.20	375,414.70	999,327.30	27.31
*** TOTAL EXPENSES ***	498,475.50	1,374,742.00	64,460.20	375,414.70	999,327.30	27.31
REVENUES OVER/(UNDER) EXPENDITURES	(253.69)	1,507,258.00	181,454.14	136,677.14	1,370,580.86	9.07

*** END OF REPORT ***

CITY COUNCIL

AGENDA COVER SHEET

DATE SUBMITTED: January 3, 2017

MEETING DATE: January 10, 2017

1. Agenda Item: **RECOMMENDATION THAT THE ANNEXATION PROCESS BE COMPLETED REGARDING TRINIDAD BUSINESS PARK PHASE I, LOTS 1 AND 2, BEING AN APPROXIMATE 8 ACRE TRACT ON THE SOUTH SIDE OF HIGHWAY 71 WEST OF ITS INTERSECTION WITH FM 20. PUBLIC HEARINGS WERE HELD ON SEPTEMBER 27, 2011 AND OCTOBER 11, 2011. ON OCTOBER 24, 2011, MR. RICHARD WELCH AND MR. JASON ALLEY PRESENTED AN EXECUTED CONTRACT FOR VOLUNTARY ANNEXATION AS THE OWNERS OF THE ABOVE DESCRIBED PROPERTY, WITH SUCH VOLUNTARY ANNEXATION TO OCCUR NO SOONER THAN 3 YEARS AFTER THE 2011 ANNEXATION WAS COMPLETED, BUT O SOONER THAN OCTOBER 26, 2014. THE 2011 ANNEXATION WAS EFFECTIVE ON NOVEMBER 8, 2011. THE SERVICE PLAN PRESENTED IN 2011 AT THE PUBLIC HEARINGS IS STILL TIMELY. ALL ABUTTING PROPERTY WAS ANNEXED IN 2011. IF THIS RECOMMENDATION IS APPROVED, THE ORDINANCE COMPLETING THIS ANNEXATION WILL BE SCHEDULED FOR FIRST READING ON JANUARY 24, 2017.**

2. Party Making Request: **Interim City Manager, Marvin Townsend**

3. Attachments: Yes XX No _____

ORDINANCE NO. 2016-

WHEREAS, Trinity Development, LLC, A Texas Limited Liability Company, the owners of tracts 1 and 2 Described on Exhibit A, agreed on October 25, 2011 to the voluntary annexation of Tracts 1 and 2 no sooner than three years after the City's 2011 Annexation program Exhibit A and;

WHEREAS, the required public hearings were held by the Bastrop City Council on September 27, 2011 and October 11, 2011;

WHEREAS, the 2011 Annexation Program was completed by City Council adoption of Ordinance 2011-27 on November 8, 2011;

WHEREAS, it is timely and appropriate that Tracts 1 and 2 be voluntarily annexed to the City of Bastrop

NOW THEREFORE, THE CITY COUNCIL OF BASTROP HEREBY FINDS THAT ALL REQUIRED STEPS HAVING BEEN COMPLETED:

Tract 1: Trinidad Business Park, Phase I, Lot 2 containing 6.26 acres identified in 2011 by the Bastrop Central Appraisal District as parcel R23168 and;

Tract 2: Trinidad Business Park, Phase I, Lot 1 containing 0.834 acres, identified in 2011 by the Bastrop Central Appraisal District as parcel R23176

are hereby annexed to the City of Bastrop, effective immediately after the second reading of this ordinance and its caption having been published in the City's official paper, the Bastrop Advertiser

The City Secretary is hereby directed to file with the Comptroller's Office of the State of Texas and the County Clerk of Bastrop Texas, a certified copy of this ordinance, including all Exhibits.

READ and ACKNOWLEDGED on First Reading on the ____ day of ____ 2017.

PASSED and APPROVED on Second Reading on the ____ day of ____ 2017.

APPROVED:

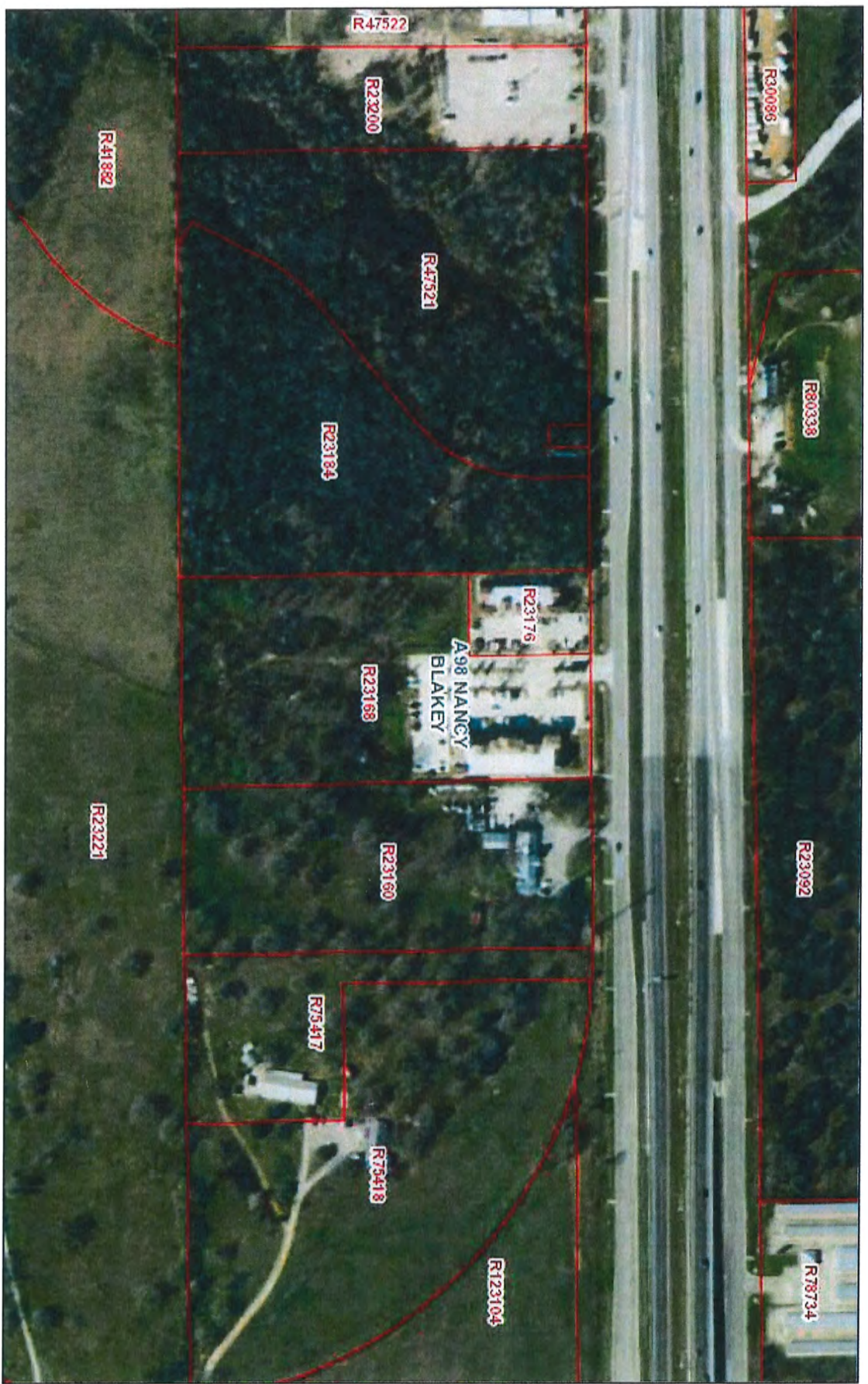
ATTEST:

Mayor Ken Kesselus

City Secretary Ann Franklin

Trinidad Prop Use

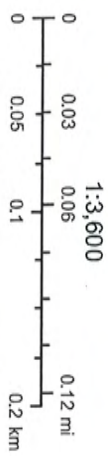
Trinidad Development



December 19, 2016

Disclaimer: This product is for informational purposes only and has not been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of boundaries

- Parcels
- Abstracts



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Bastrop County Appraisal District & BIS Consulting - www.bisconsultants.com
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

**ANNEXATION AGREEMENT
VOLUNTARY PETITION FOR FUTURE ANNEXATION OF TERRITORY**

THE STATE OF TEXAS §
 §
COUNTY OF BASTROP §

This Annexation Agreement and Petition for Future Voluntary Annexation of territory ("Agreement") is between the City of Bastrop ("City"), a home rule city located in Bastrop County, Texas and Trinidad Development, LLC, a Texas limited liability company and Trinidad Properties, LLC, a Texas limited liability company, the Tracts 1 and 2 owner ("Tract 1 and 2 Owner") described on Exhibit A ("Tracts 1 and 2" and/or "Property for Future Annexation"), and Jason Alley, the owner of the Property to be annexed in October 2011 ("2011 Annexation Owner") described on Exhibit B ("Property for 2011 Annexation"), with all owners to be collectively referred to herein as "Owners".

RECITALS

WHEREAS, all of the property described on Exhibits A and B is located within the City's extraterritorial jurisdiction ("ETJ"); and

WHEREAS, Section 43.051 of the Texas Local Government Code empowers the City to annex areas in the City's extraterritorial jurisdiction, including Tracts 1 and 2 and/or the Property for 2011 Annexation; and

WHEREAS, the City is currently in the process of annexing both Tracts 1 and 2 and the Property for 2011 Annexation; and

WHEREAS, the 2011 Annexation Owner and Tract 1 and 2 Owner have granted consent to the City's annexation of the Property for 2011 Annexation, as well as for the future Annexation of Tracts 1 and 2 as set forth herein, and Owners hereby waive any and all claims, causes, challenges or contests thereto, in return for the City's agreement that the future annexation of Tracts 1 And 2 will be done by the City, in accord with State law, no sooner than on or before October 26, 2014.

NOW, THEREFORE, FOR GOOD AND VALUABLE CONSIDERATION ACKNOWLEDGED BY ALL PARTIES HERETO, THE OWNERS AND THE CITY HEREBY AGREE, AS FOLLOWS:

1. The facts and recitations contained in the preamble of this Agreement are hereby found and declared to be true and correct, and are incorporated by reference herein and expressly made a part hereof, as if copied verbatim.

2. In consideration of the 2011 Annexation Owner's consent to the immediate and uncontested annexation of the Property for 2011 Annexation, the Tracts 1 and 2 Owner of hereby irrevocably and voluntarily petitions the City to annex Tracts 1 and 2, pursuant to procedures set forth in State law but without the need of future action by the Tract 1 and 2 Owner, with such future annexation to occur no sooner than three years after the date that the Property for 2011

Annexation is annexed into the City's corporate limits, or no sooner than October 26, 2014, whichever occurs last.

3. The Owners agree and acknowledge that this Agreement and Petition for Future Voluntary Annexation is binding on all heirs, assigns, successors in interest to the Owners, and further that it is irrevocable unless otherwise agreed to by the City, in writing.

CITY OF BASTROP

By: Michael H. Talbot
Name: Michael H. Talbot
Title: City Manager
Date: 10-25-11

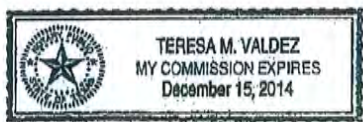
ATTEST

By: Teresa Valdez
Name: Teresa Valdez
Title: City of Bastrop Secretary

STATE OF TEXAS §
 §
COUNTY OF BASTROP §

This instrument was acknowledged before me this 25th day of October, 2011, by Michael Talbot, City Manager of City of Bastrop, Texas on behalf of City.

Teresa Valdez
Notary Public - State of Texas



Tract 1 Owner:

Trinidad Development LLC, a Texas limited liability company

By: *Richard Welch*
Name: Richard Welch
Title: Member
Date: 10-24-11

STATE OF TEXAS §
 §
COUNTY OF BASTROP §

This instrument was acknowledged before me this 24TH day of OCTOBER, 2011, by Richard Welch, a Member of Trinidad Development LLC, a Texas limited liability corporation.



Traci H Chavez
Notary Public - State of Texas

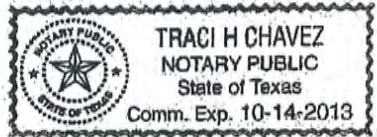
Tract 2 Owner:

Trinidad Properties LLC, a Texas limited liability company

By: *Richard Welch*
Name: Richard Welch
Title: Member
Date: 10-24-11

STATE OF TEXAS §
 §
COUNTY OF BASTROP §

This instrument was acknowledged before me this 24TH day of OCTOBER, 2011, by Richard Welch, a Member of Trinidad Properties LLC, a Texas limited liability corporation.



Traci H Chavez
Notary Public - State of Texas

Property to be Annexed Owner:

Jason Alley, an individual

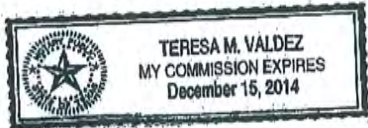
By: Jason Alley
Name: Jason Alley
Title: Owner
Date: 10-25-11

STATE OF TEXAS §
 §
COUNTY OF BASTROP §

This instrument was acknowledged before me this 25th day of October, 2011,
by Jason Alley, owner of Property to be Annexed.

Teresa Valdez

Notary Public - State of Texas



CITY COUNCIL

AGENDA COVER SHEET

DATE SUBMITTED: 1.3.2017

MEETING DATE: 1.10.2017

1. Agenda Item: UPDATE: CONSIDERATION, DISCUSSION AND POSSIBLE ACTION APPROVING THE PROPOSED DESIGN PROVIDED BY DEEP IN THE HEART FOUNDRY AND APPROVED BY THE BASTROP ART IN PUBLIC PLACES BOARD FOR THE TOADS IN TOWN PROJECT.

2. Party Making Request: DIRECTOR OF PW, PARKS, & UTILITIES- TREY JOB

3. Attachments: Yes _____ No _____