

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



May 8, 2018 at 6:30 P.M.

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

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

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

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE – Adie Kana and Dakota Tomaszycki, Mina Elementary School

TEXAS PLEDGE OF ALLEGIANCE

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

3. INVOCATION – Minister Ben Hitzfeld, Bastrop Christian Church
4. PRESENTATIONS
 - 4A. Mayor and City Council's general response to opinions expressed by employee Kay Revetta, Receptionist, alleging racial discrimination in personnel management.
 - 4B. Presentations acknowledging the service and contributions of outgoing Councilmember Gary Schiff.
 - 4C. A proclamation of the City Council of the City of Bastrop, Texas recognizing May 18, 2018, as Put on Purple Day.
 - 4D. A proclamation of the City Council of the City of Bastrop, Texas, recognizing May 13-19, 2018 as National Police Week for the City of Bastrop.

A handwritten signature in black ink, likely belonging to the City Clerk or Mayor, is located in the bottom right corner of the page.

4E. A proclamation of the City Council of the City of Bastrop, Texas, recognizing May 6-12, 2018 as National Travel & Tourism Week in the City of Bastrop.

4F. A proclamation of the City Council of the City of Bastrop, Texas, recognizing May 2018 as Motorcycle Safety and Awareness Month.

4G. Receive presentation on Healthy Texas Week scheduled for May 7th-13th.

4H. Mayor's Report

4I. Councilmembers' Report

4J. City Manager's Report

4K. Receive presentation on the Mid-Year Update on FY 2018 Work Plan and Highlights of City Manager's First Year.

5. WORK SESSION/BRIEFINGS - NONE

6. STAFF AND BOARD REPORTS

6A. Receive monthly report from Visit Bastrop.

6B. Receive presentation on the unaudited Comprehensive Monthly Financial Report for the period ending March 31, 2018.

6C. Receive presentation on proposed Hotel Occupancy Tax Fund Disbursement Policy.

6D. Receive a presentation regarding the grant awarded from State Farm to purchase fire alarms for our citizens who are hearing impaired and/or at risk of sleeping through an ordinary fire alarm.

7. CITIZEN COMMENTS

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

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

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

8. CONSENT AGENDA

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

- 8A. Consider action to approve City Council minutes from the April 24, 2018 meeting.
- 8B. Consider action to approve the second reading of Ordinance No. 2018-05 of the City Council of the City of Bastrop, Texas amending the budget for the Fiscal Year 2018 in accordance with existing statutory requirements; appropriating the various amounts herein; as attached in Exhibit A; repealing all prior ordinances and actions in conflict herewith; and providing for an effective date.
- 8C. Consider action to approve Resolution No. R-2018-32 amending Chapter 7, Section 8 of the Personnel Policies Manual regarding Discipline, Appeals, and Grievances; providing for a repealing clause, and providing an effective date.

9. ITEMS FOR INDIVIDUAL CONSIDERATION

- 9A. Consider action to approve Resolution No. R-2018-31 of the City Council of the City of Bastrop, Texas, approving the Final Plat known as Piney Creek Bend, Section One, being 37.37 acres of Bastrop Town Tract Abstract 11 (Farm Lots 21, 22, and 28), located west of Carter Street, between Riverwood Drive and Reids Bend, within the city limits of Bastrop, Texas; as shown in Exhibit A; repealing all conflicting resolutions and providing an effective date.
- 9B. Hold public hearing and consider action to approve the first reading of Ordinance No. 2018-07 of the City Council of the City of Bastrop, Texas, granting a Conditional Use Permit for a 120-foot standpipe, on Lot A, Tahitian Village, Unit 1, located at 113 Tahitian Drive, within the city limits of Bastrop, Texas; as shown in Exhibit A; setting out conditions; including a severability clause; and establishing an effective date and move to include on the May 22, 2018 agenda for second reading.
- 9C. Consider action to approve the first reading of Ordinance No. 2018-06 of the Council of the City of Bastrop, Texas amending the Code of Ordinances, Chapter 2 Titled "ANIMAL CONTROL," Article 2.01 Titled "GENERAL PROVISIONS," Section 2.01.001 Titled "DEFINITIONS"; repealing the provision that established a sanctuary for chickens that are not owned and located in the vicinity of Farm Street and all prior ordinances that are in conflict herewith; as attached in Exhibit A; and providing for findings of fact, enactment, effective date, repealer severability, and proper notice and meeting; and move to include on the May 22, 2018 agenda for a second reading.
- 9D. Consider action to approve the first reading of Ordinance No. 2018-08 of the City of Bastrop, Texas amending the Code of Ordinances, repealing and replacing Article 1.15 titled "Code of Ethics" and providing for findings of fact, repealer, severability, codification, effective date, proper notice, and meeting.
- 9E. Consider action to approve the first reading of Ordinance No. 2018-09 amending the Code of Ordinances Chapter 7, titled "Municipal Court" Article 7.01 titled "General Provisions" to establish a municipal court of record; to provide for purpose, jurisdiction, and definitions; to provide for the appointment of the Municipal Court judges; to provide for the appointment of a court clerk; repealing all prior ordinances and actions in conflict herewith; providing for an effective date; and move to include on the May 22, 2018 City Council Agenda for a second reading.

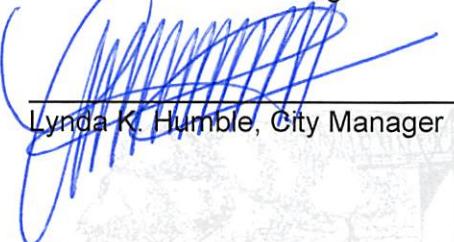
10. EXECUTIVE SESSION

- 10A. The City Council shall convene into closed executive session pursuant to Section 551.071 of the Texas Government Code to confer with the City Attorney regarding Bastrop Code of Ordinances article 3.20 (Signs), and discuss the process and standards for variances and nonconforming structures.

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

12. ADJOURNMENT

I, the undersigned authority, do hereby certify that this Notice of Meeting as posted in accordance with the regulations of the Texas Open Meetings Act on the bulletin board located at the entrance to the City of Bastrop City Hall, a place of convenient and readily accessible to the general public, as well as to the City's website, www.cityofbastrop.org and said Notice was posted on the following date and time: Friday, May 4, 2018 at 11:15 p.m. and remained posted for at least two hours after said meeting was convened.



Lynda K. Humble, City Manager



STAFF REPORT

MEETING DATE: May 8, 2018

AGENDA ITEM: 4A

TITLE:

Mayor and City Council's general response to opinions expressed by employee Kay Revetta, Receptionist, alleging racial discrimination in personnel management.

STAFF REPRESENTATIVE:

Lynda Humble, City Manager
Alan Bojorquez, City Attorney





STAFF REPORT

MEETING DATE: May 8, 2018

AGENDA ITEM: 4B

TITLE:

Presentations acknowledging the service and contributions of outgoing Councilmember Gary Schiff.

STAFF REPRESENTATIVE:

Lynda Humble, City Manager





STAFF REPORT

MEETING DATE: May 8, 2018

AGENDA ITEM: 4C

TITLE:

A proclamation of the City Council of the City of Bastrop, Texas recognizing May 18, 2018, as Put on Purple Day.

STAFF REPRESENTATIVE:

Lynda Humble, City Manager



PROCLAMATION



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

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

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

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

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

NOW, THEREFORE, I, Connie Schroeder, Mayor of the City of Bastrop, do hereby recognize May 18, 2018 as

Put On Purple Day

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

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Official Seal of the City of Bastrop, Texas to be affixed this 8th day of May, 2018.

Connie B. Schroeder, Mayor



STAFF REPORT

MEETING DATE: May 8, 2018

AGENDA ITEM: 4D

TITLE:

A proclamation of the City Council of the City of Bastrop, Texas, recognizing May 13-19, 2018 as National Police Week for the City of Bastrop.

STAFF REPRESENTATIVE:

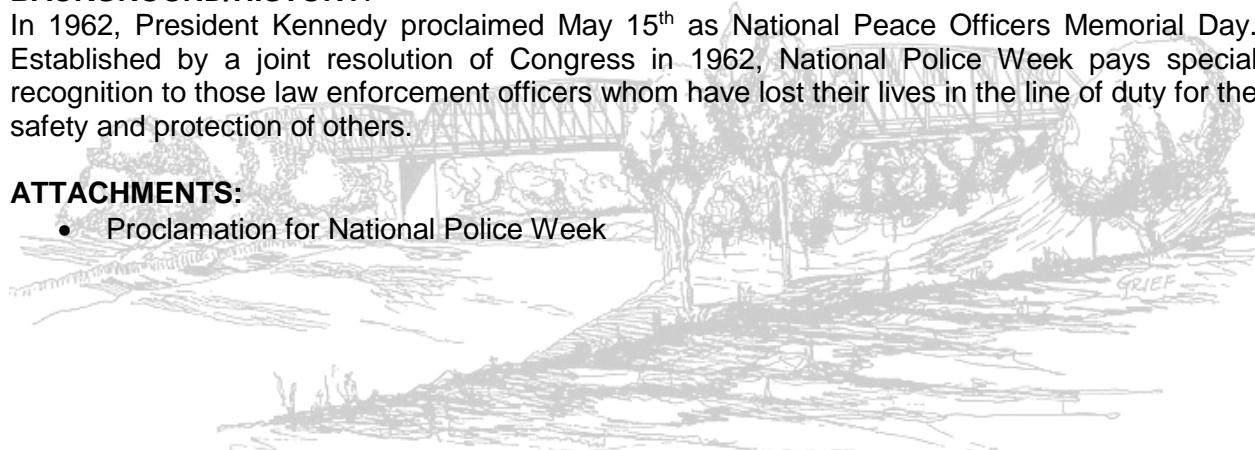
James Altgelt, Interim Public Safety Director

BACKGROUND/HISTORY:

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

ATTACHMENTS:

- Proclamation for National Police Week



PROCLAMATION



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

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

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

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

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

WHEREAS, 133 fallen heroes have been added to the National Law Enforcement Officers in 2017, 14 of which were killed in the State of Texas; and

WHEREAS, the service and sacrifice of all officers killed in the line of duty will be honored during the National Law Enforcement Officers Memorial Fund's 30th Annual Candlelight Vigil, on the evening of May 13, 2018; and

WHEREAS, May 14 is designated as Peace Officers Memorial Day, in honor of all fallen officers and their families and U.S. flags should be flown at half-staff.

NOW THEREFORE, I, Connie Schroeder, Mayor of the City of Bastrop, do hereby proclaim May 13, 2018 through May 19, 2018 as:

POLICE OFFICER WEEK

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Official Seal of the City of Bastrop, Texas to be affixed this 8th day of May 2018.

Connie B. Schroeder, Mayor





STAFF REPORT

MEETING DATE: May 8, 2018

AGENDA ITEM: 4E

TITLE:

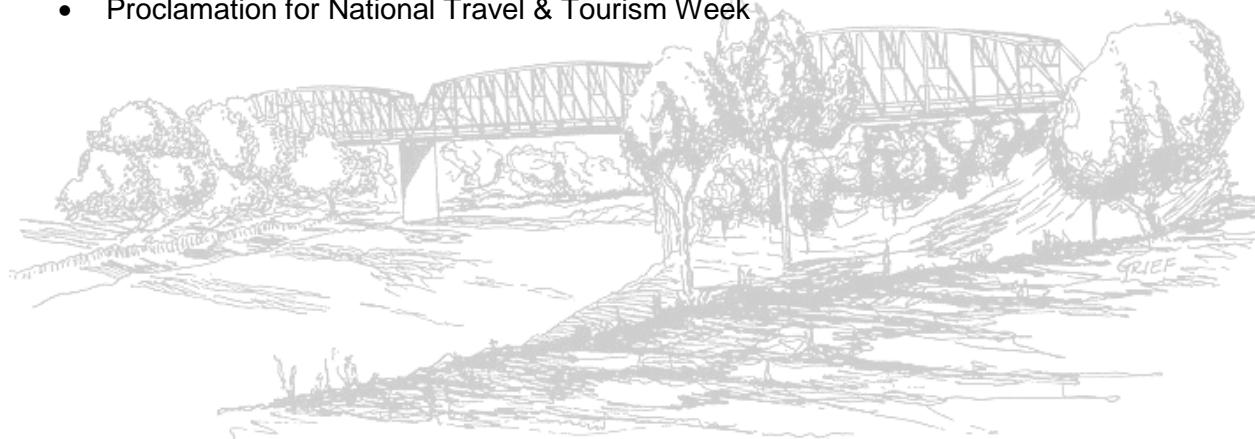
A proclamation of the City Council of the City of Bastrop, Texas, recognizing May 6-12th, 2018 as National Travel & Tourism Week in the City of Bastrop.

STAFF REPRESENTATIVE:

Sarah O'Brien, Hospitality & Downtown Director

ATTACHMENTS:

- Proclamation for National Travel & Tourism Week



P ROCLAMATION



WHEREAS, travel has a positive effect on Texas and the nation's economic prosperity and image abroad, it also impacts business productivity and individual travelers' well-being; and

WHEREAS, travel to and within the United States provides significant economic benefits for the nation, generating more than \$2.3 trillion in economic output in 2016, with nearly \$1 trillion spent directly by travelers; and

WHEREAS, travel is among the largest private-sector employers in the United States, supporting 15.3 million jobs in 2016, including 8.6 million directly in the travel industry and 6.7 million in other industries; and

WHEREAS, travelers' spending directly generated tax revenues of \$158 billion for federal, state and local governments, funds used to support essential services and programs; and

WHEREAS, in 2016, tourism generated \$151.5 million in direct spending, \$45.5 million in total local sales tax revenue with \$4 million paid by visitors, over 1,800 jobs, and \$65.4 million in total direct earnings in Bastrop County; and

WHEREAS, international travel to the United States is the nation's No. 1 services export. In 2016, travel generated \$245 billion in exports, creating a \$84 billion trade surplus for the United States; and

WHEREAS, meetings, events and incentive travel are core business functions that help companies strengthen business performance, educate employees and customers and reward business accomplishments—which in turn boosts the U.S. economy. In 2016, domestic and international business travelers spent \$307.2 billion; and

WHEREAS, leisure travel, which accounts for more than three-quarters of all trips taken in the United States, spurs countless benefits to travelers' health and wellness, creativity, cultural awareness, education, happiness, productivity and relationships; and

WHEREAS, travel is a pillar of economic growth, creating jobs at a faster rate than other sectors.

NOW, THEREFORE, I Connie Schroeder, Mayor of the City of Bastrop do hereby proclaim May 6-12 as:

NATIONAL TRAVEL AND TOURISM WEEK IN BASTROP, TEXAS

and urge the citizens of Bastrop, Texas to join me in this special observance with appropriate events and commemorations.

As Mayor, I strongly encourage each and every person living in or near Bastrop to explore your community like a tourist would and rediscover all the excitement, fun, history, entertainment and cuisine our beautiful community offers. And after you do, go on your social media channels and encourage all your friends and family to come visit to experience why you fell in love with Bastrop!

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Official Seal of the City of Bastrop, Texas to be affixed this 8th day of May, 2018.

Connie B. Schroeder, Mayor





STAFF REPORT

MEETING DATE: May 8, 2018

AGENDA ITEM: 4F

TITLE:

A proclamation of the City Council of the City of Bastrop, Texas, recognizing May 2018 as Motorcycle Safety and Awareness Month.

STAFF REPRESENTATIVE:

Lynda Humble, City Manager



PROCLAMATION



WHEREAS, today's society is finding more citizens involved in motorcycling; and

WHEREAS, campaigns have helped to inform riders and motorists alike of motorcycle safety issues to reduce motorcycle related risks, injuries, and most of all fatalities, through a comprehensive approach to motorcycle safety; and

WHEREAS, it is the responsibility of all who put themselves behind the wheel to become aware of motorcyclists, and to obey all traffic laws; and

WHEREAS, motorists are encouraged to become aware of the inherent danger involved in operating a motorcycle, and for riders and motorists alike to give each other the mutual respect they deserve.

NOW, THEREFORE, I, Connie Schroeder, Mayor of the City of Bastrop, do hereby recognize the month of May 2018 as

Motorcycle Safety and Awareness Month

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Official Seal of the City of Bastrop, Texas to be affixed this 8th day of May, 2018.

Connie B. Schroeder, Mayor



STAFF REPORT

MEETING DATE: May 8, 2018

AGENDA ITEM: 4G

TITLE:

Receive presentation on Healthy Texas Week scheduled for May 7th-13th.

STAFF REPRESENTATIVE:

Lynda Humble, City Manager



IT'S TIME TEXAS PRESENTS

HEALTHY TEXAS

WEEK May 7th - 13th 2018

Healthy Texas Week, scheduled for May 7th-13th, is the healthiest week of the year in the Lone Star State! Join us and **IT'S TIME TEXAS** for this week-long celebration of healthy living by making healthy choices each day and sharing pictures and videos on social media with #HealthyTexasWeek! Learn more at **HEALTHYTEXASWEEK.COM**

Schedule of FREE Events in Fisherman's Park Meet at the Pavilion

Day	Time	Event	Leader
Monday, May 7	5:30PM	Walk in the Park	Terry
	6:30PM	Zumba Gold	Sam
Wednesday, May 9	5:30PM	Walk in the Park	Grace
	6:30PM	Bocce Ball	Noreen
Friday, May 11	5:30PM	Walk in the Park	Terry
	6:30PM	Pickle Ball	Eric





STAFF REPORT

MEETING DATE: May 8, 2018

AGENDA ITEM: 4H

TITLE:

Mayor's Report

STAFF REPRESENTATIVE:

Lynda Humble, City Manager

POLICY EXPLANATION:

Texas Local Government Code, Section 551.045 – Governing Body of Municipality or County: Reports about Items of Community Interest Regarding Which No Action Will Be Taken:

(a) Notwithstanding Sections 551.041 and 551.042, a quorum of the governing body of a municipality or county may receive from staff of the political subdivision and a member of the governing body may make a report about items of community interest during a meeting of the governing body without having given notice of the subject of the report as required by this subchapter if no action is taken and, except as provided by Section 551.042, possible action is not discussed regarding the information provided in the report.

(b) For purposes of Subsection (a), "items of community interest" includes:

- (1) expressions of thanks, congratulations, or condolence;
- (2) information regarding holiday schedules;
- (3) an honorary or salutary recognition of a public official, public employee, or other citizen, except that a discussion regarding a change in the status of a person's public office or public employment is not an honorary or salutary recognition for purposes of this subdivision;
- (4) a reminder about an upcoming event organized or sponsored by the governing body;
- (5) information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the political subdivision; and
- (6) announcements involving an imminent threat to the public health and safety of people in the political subdivision that has arisen after the posting of the agenda.

ATTACHMENTS:

- Power Point Presentation

Mayor's Report

May 8, 2018



Latest Activities

April 10 - 27



Planned Events

April 28 – May 8

- April 29 – Table on Main
- April 30 – Texas State Prayer Breakfast
- May 1
 - Last day of Early Voting
 - Seton Hospital Ground Breaking
 - Bastrop Business Bash
- May 2
 - Chamber Luncheon – The State of the City
 - BAIPP Monthly Meeting
- May 3
 - National Day of Prayer (County Courthouse)
 - Ribbon Cutting; Hero Water Sports
 - Farm Street Opry
- May 4 – First Friday Art Walk
- May 5
 - **ELECTION DAY**
 - Cinco De Mayo Pub Crawl
- May 8 City Council



Upcoming Events & City Meetings

- May 10
 - Travel & Tourism Week Celebration
 - Joint City Council/Planning and Zoning Meeting
- May 13 – Mother's Day!
- May 15 – Special City Council Meeting
- May 17
 - Ribbon Cutting – Texas Tile Works
 - Imagine the Possibilities Tour
 - Annual Police Banquet
 - Kick off Bastrop Music Festival (May 17 – May 20)
- May 21 – BEDC Monthly Meeting
- May 22 – City Council Meeting





STAFF REPORT

MEETING DATE: May 8, 2018

AGENDA ITEM: 4I

TITLE:

Councilmembers' Report

STAFF REPRESENTATIVE:

Lynda Humble, City Manager

POLICY EXPLANATION:

Texas Local Government Code, Section 551.045 – Governing Body of Municipality or County: Reports about Items of Community Interest Regarding Which No Action Will Be Taken:

(a) Notwithstanding Sections 551.041 and 551.042, a quorum of the governing body of a municipality or county may receive from staff of the political subdivision and a member of the governing body may make a report about items of community interest during a meeting of the governing body without having given notice of the subject of the report as required by this subchapter if no action is taken and, except as provided by Section 551.042, possible action is not discussed regarding the information provided in the report.

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- (6) announcements involving an imminent threat to the public health and safety of people in the political subdivision that has arisen after the posting of the agenda.



STAFF REPORT

MEETING DATE: May 8, 2018

AGENDA ITEM: 4J

TITLE:

City Manager's Report

STAFF REPRESENTATIVE:

Lynda Humble, City Manager

POLICY EXPLANATION:

Texas Local Government Code, Section 551.045 – Governing Body of Municipality or County: Reports about Items of Community Interest Regarding Which No Action Will Be Taken:

(a) Notwithstanding Sections 551.041 and 551.042, a quorum of the governing body of a municipality or county may receive from staff of the political subdivision and a member of the governing body may make a report about items of community interest during a meeting of the governing body without having given notice of the subject of the report as required by this subchapter if no action is taken and, except as provided by Section 551.042, possible action is not discussed regarding the information provided in the report.

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- (1) expressions of thanks, congratulations, or condolence;
- (2) information regarding holiday schedules;
- (3) an honorary or salutary recognition of a public official, public employee, or other citizen, except that a discussion regarding a change in the status of a person's public office or public employment is not an honorary or salutary recognition for purposes of this subdivision;
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- (6) announcements involving an imminent threat to the public health and safety of people in the political subdivision that has arisen after the posting of the agenda.



STAFF REPORT

MEETING DATE: May 8, 2018

AGENDA ITEM: 4K

TITLE:

Receive presentation on the Mid-Year Update on FY 2018 Work Plan and Highlights of City Manager's First Year.

STAFF REPRESENTATIVE:

Lynda Humble, City Manager

Trey Job, Managing Director of Public Works & Leisure Services

Tracy Waldron, Chief Financial Officer

Tanya Cantrell, Human Resources Director

James Altgelt, Interim Director of Public Safety

Sarah O'Brien, Hospitality & Downtown Director

Jerry Palady, Interim Director of Development & Engineering

Curtis Hancock, Assistant Director of Public Works

Andres Rosales, Director of Information Technology

Kathy Danielson, Bastrop Convention Center Director

Jennifer Bills, Assistant Director of Planning & Zoning

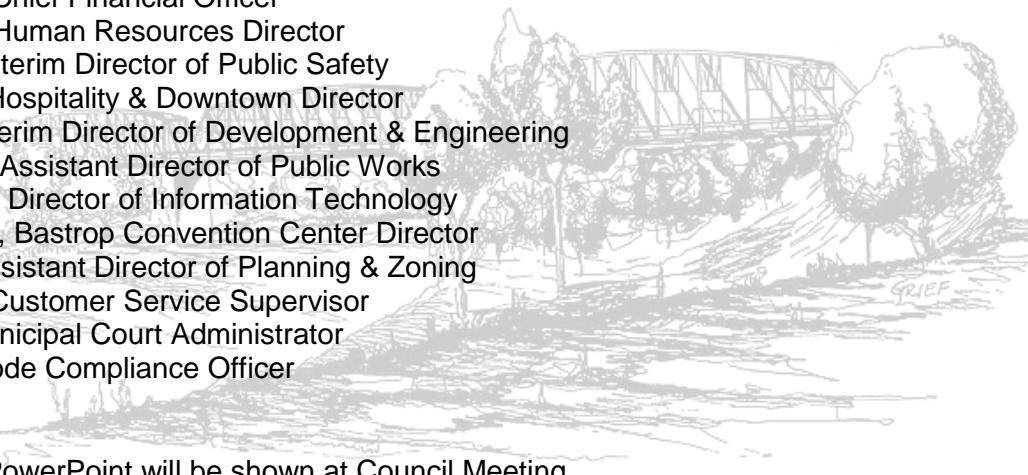
Tracey Moffett, Customer Service Supervisor

Kim Walters, Municipal Court Administrator

Troy Walters, Code Compliance Officer

ATTACHMENT:

- None – PowerPoint will be shown at Council Meeting





STAFF REPORT

MEETING DATE: May 8, 2018

AGENDA ITEM: 6A

TITLE:

Receive monthly report from Visit Bastrop.

STAFF REPRESENTATIVE:

Sarah O'Brien, Hospitality & Downtown Department Director

BACKGROUND/HISTORY:

Per the management agreement with Visit Bastrop, a monthly presentation must be made to the City Council outlining its progress in implementing their annual Business Plan and meeting performance targets and the scope of services pursuant to that agreement.

Specifically Visit Bastrop shall work to:

- (1) attract leisure visitors to the City and its vicinity;
- (2) attract and secure meetings, events, retreats, and conventions to the City and its vicinity; and
- (3) serve as a liaison to local businesses (including hoteliers, restaurateurs, and other similar entities) and City departments to attract leisure and business visitors, meetings, events, retreats, and conventions to the City and its vicinity.

Visit Bastrop shall also:

- (A) carry out the actions defined in the applicable annual Business Plan;
- (B) utilize research reports on economic trends, growth sectors, and regional competitive strengths and weaknesses, as is customary in the destination and marketing organization industry;
- (C) provide marketing and imaging campaigns for the City's tourism and convention industry;
- (D) inform and partner with the City regarding high-profile or significant recruitment/attraction efforts;
- (E) provide, in appropriate detail in accordance with the Tax Code, reports listing the Visit Bastrop's expenditures made with HOT, and Visit Bastrop's progress in performing the Services in conformance with implementation of the annual Business Plan; and
- (F) Provide expertise in destination management in conjunction with the City of Bastrop to leverage available resources such as community assets and activities to maximize opportunities to attract visitors to Bastrop, both leisure and business, recognizing the critical role tourism plays in Bastrop's economy, both in HOT and sales tax revenue.

POLICY EXPLANATION:

Visit Bastrop, a 501(c)6 organization, was engaged to provide Destination Marketing Services and provide brand marketing for Bastrop as a destination.

As outlined in the annual management agreement, the City and Visit Bastrop recognize the visitor industry as a key economic generator. Visit Bastrop's purpose is to provide "brand" marketing for Bastrop as a destination and to serve as the primary brand advocate. Visit Bastrop will also leverage utilization of existing facilities, while providing global oversight of Bastrop's visitor assets and activities. Visit Bastrop will also provide a level of unity and representation to maximize Bastrop's brand potential.

The Visit Bastrop Board of Directors meets monthly on the third Thursday at 8:30 a.m. and rotates meeting locations at different hospitality venues. March's meeting was moved to accommodate Spring Break and was held on Thursday, March 22nd.

City Council established that the Visit Bastrop Board of Directors include broad representation of community assets and identified those as Arts, History, Hotels, Restaurants, Sports, Outdoors, Recreation, Hyatt, Nightlife, Entertainment and Film in the Destination Services Management Agreement.

The City Council and Visit Bastrop Board of Directors will host a joint workshop on Thursday, June 14th in the City Council Chambers at 6:30 p.m.

Per their management agreement, Visit Bastrop must present an approved business plan and annual budget to the City Council no later than September 1, 2018 for FY 2019.

FUNDING SOURCE:

Visit Bastrop receives approximately \$1.4 million dollars in Hotel Occupancy Tax annually from the City of Bastrop to provide destination marketing services and serve as the brand advocate for our community.

RECOMMENDATION:

Provide any direction or feedback to Visit Bastrop staff and their Board of Directors on the organization's progress in meeting the annual requirements outlined in the management agreement.

ATTACHMENTS:

- President's Report
- PowerPoint Presentation



VISIT BASTROP
www.visitbastrop.com

**Visit Bastrop
President's Report
March 2018**



Lodging Industry Report

	February '18						Calendar Year to Date					
	Occ	%CH Occ	ADR	% Ch ADR	% CH RevPAR	% CH Rooms Sold	Occ	% Change from YTD 2017				
								%CH Occ	ADR	% Ch ADR	% CH RevPAR	% CH Rooms Sold
Bastrop	52.8	14.1	79.40	0.7	14.9	14.1	47.6	13.7	78.64	1.5	15.5	13.7
<hr/>												
1	47.6	-3.0	82.50	9.5	6.2	8.0	47.3	2.3	82.70	11.3	13.9	14
2	50.8	-3.6	75.69	0.3	-3.3	-3.6	45.8	-8.0	75.45	0.0	-8.1	-8.0
3	55.6	8.2	97.32	-1.2	6.9	8.7	48.5	10.1	92.99	-1.7	8.3	10.7
4	54.9	1.7	100.89	-1.4	0.2	1.7	49.5	6.2	97.71	0.0	6.2	6.2
5	46.8	-12.8	89.73	-5.3	-17.4	-4.8	43.3	-8.9	86.95	-4.3	-12.8	-0.5
6	66.9	-1.0	117.36	2.0	0.9	0.4	60.3	-3.0	113.54	2.8	-0.3	-1.7
7	76.1	-1.8	150.70	-0.1	-1.9	2.3	70.0	-1.3	145.54	0.8	-0.6	2.8
8	72.9	-3.4	118.40	-6.9	-10.1	7.3	66.3	-3.0	114.91	-5.4	-8.2	7.7
9	58.0	-4.6	98.62	1.2	-3.5	14.0	51.4	-4.1	93.97	1.0	-3.1	14.8
Average	58.2	-0.6	101.1	-0.1	-0.7	4.8	53	0.4	98.24	0.6	1.1	6.0

Hotel Occupancy Monthly Percent Change Year Over Year





Convention Sales

Room Nights Booked- Fiscal Year to Date

	Convention Center	Hyatt	Other	Total
FYTD Room Nights		1044	308	1352

Definite Future Room Night Bookings– March

Number of Definite Bookings		Total Room Night Production	Total Attendance	Economic Impact*
Originated	1	40	800	\$15,255.59
Assisted	3	2801	400	\$1,530,360.11

Lead Production - March

Number of Leads Sent	Total Room Night Potential	Total Attendance
5	3041	1700

*Per city contract, Direct Spending is calculated using the DMAI Event Impact Calculator

Convention Sales Initiatives

Tradeshow/Industry Meetings:

- March 6-9 Christian Meetings & Conventions Association Annual Showcase
- March 21 Texas Travel Industry Association- Unity Dinner

Local Events Attended:

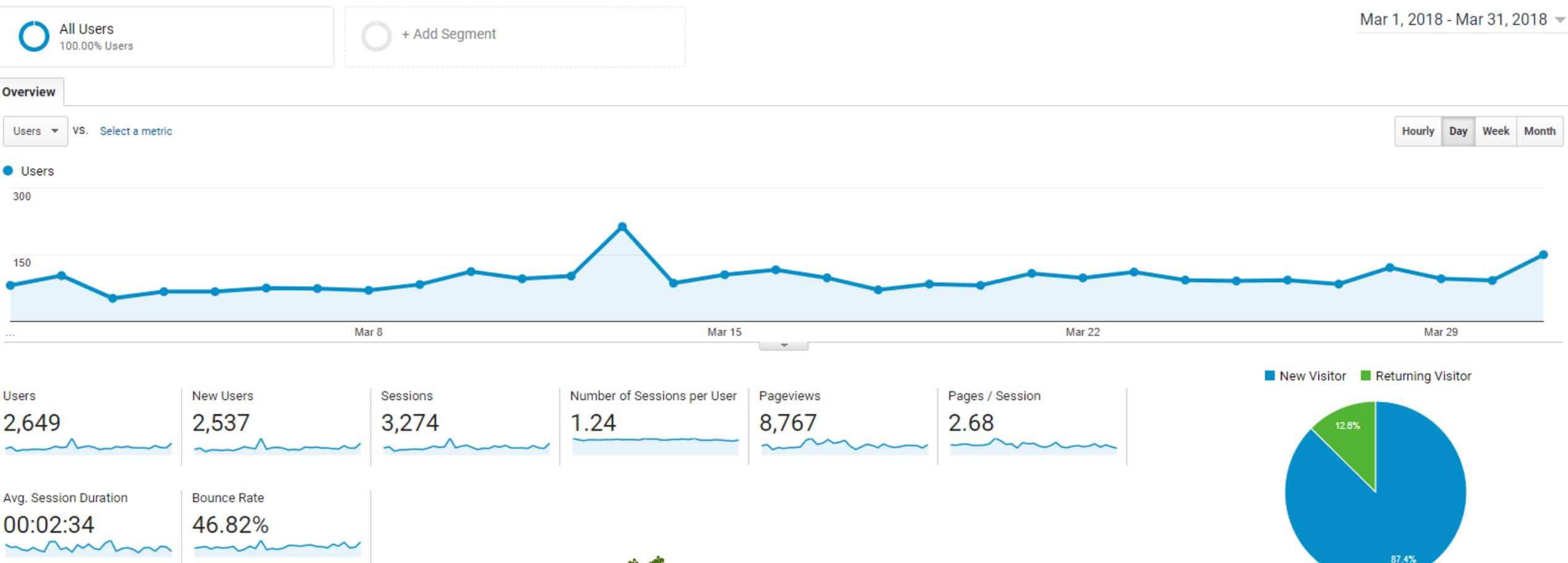
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MARKETING

March Website Overview



March Website Overview

Organic Traffic Overview: In March 2018, VisitBastrop.com, had 1,801 organic sessions. This accounted for 55% of the total traffic. This reflects the continued steady increase in organic sessions since the site launched in November.

- Homepage
- Bastrop Music Festival
- Easter Celebration at Hyatt Regency Lost Pines

Your top organic landing page last month was the homepage. Additional top organic landing pages included the event listings for the Bastrop Music Festival and the Easter celebration at the Hyatt.

Industry Averages

Engagement Metrics	Industry Average	VisitBastrop.com	% Difference
Total Pages Per Visit:	2.12	2.68	20.83%
Total Average Visit Duration:	0:01:58	0:02:34	23.21%
Total Bounce Rate:	52.00%	46.82%	-11.06%
Organic Pages Per Visit:	2.28	2.72	16.04%
Organic Average Visit Duration:	0:02:10	0:02:20	7.25%
Organic Bounce Rate:	48.75%	40.92%	-19.13%



March Website Overview

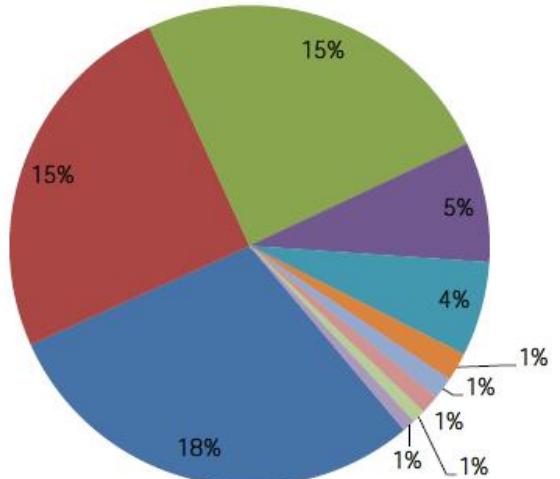
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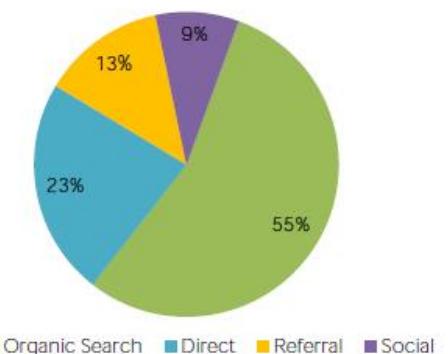
	Oct	Nov	Dec	Jan	Feb	Mar
Total Sessions		3,155	3,201	1,487	2,153	3,274
Users:		2,551	2,741	1,101	1,747	2,649
Bounce Rate:		66%	70%	49%	44%	47%
Pageviews:		7,926	6,591	4,730	5,612	8,767
Avg Page per Session:		2.51	1.89	2.71	2.61	2.68
Avg Session Duration:		0:02:08	0:01:18	0:2:45	0:2:37	0:2:34
Total Organic Search Traffic:		399	582	729	1,268	1,801
% of Traffic From Organic Search:		13%	18%	49%	59%	55%
Entry Pages From Search:		36	80	105	109	139

Note: Site launched 11/8/17



- Houston
- Austin
- Bastrop
- San Antonio
- Dallas
- Wyldwood
- Morrisville
- College Station
- The Woodlands
- Elgin

Traffic Sources



Top Social Networks:

Source	Sessions	Avg. Time on	Pages per
Facebook	257	0:01:59	2.20
Instagram	30	0:16:36	5.30
Pinterest	1	0:29:07	17.00
Twitter	1	0:02:59	2.00



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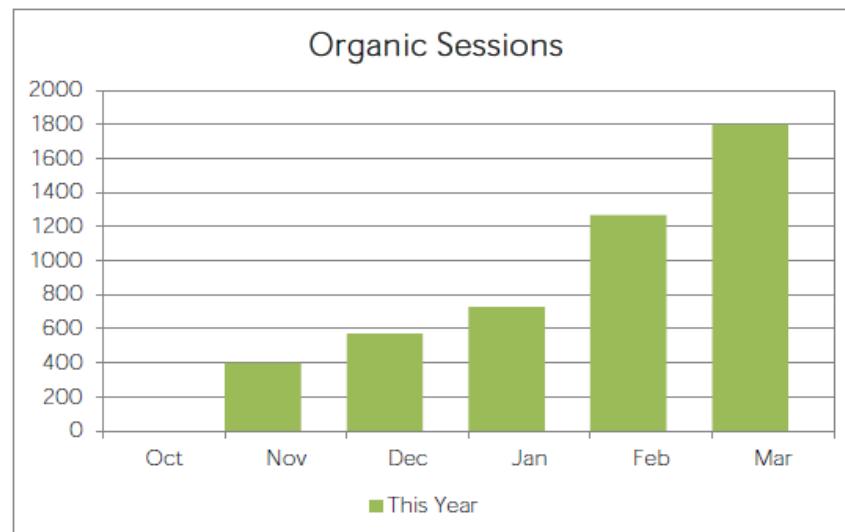


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Search Engine	Sessions	Percent
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yahoo	95	5.27%
bing	79	4.39%
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Search Console Queries	Clicks	Impressions	CTR
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bastrop texas	120	5,479	2.19%
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Landing Page	Sessions	Percent
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/event/easter-celebration-at-hyatt-regency-lost-pines-resort-&-spa/77/	123	6.83%
/play/calendar/	96	5.33%
/event/st-patricks-day-pub-crawl/49/	73	4.05%
/play/downtown-bastrop/	47	2.61%
/stay/hyatt/on-site-activities/	28	1.55%
/play/	21	1.17%
/listing/farm-street-chicken-sanctuary/90/	19	1.05%
/play/calendar/live-music/	18	1.00%



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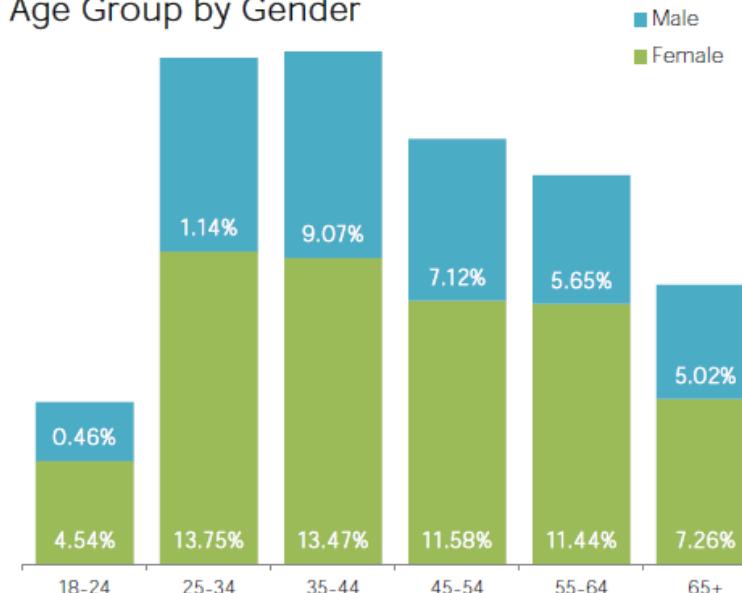


Demographics & Interests

Affinity Categories:

Top 10 Affinity Categories	Visits
Food & Dining/Cooking Enthusiasts/30 Minute Chefs	996
News & Politics/News Junkies/Entertainment & Celebrity News Junkies	892
Shoppers/Value Shoppers	836
Banking & Finance/Avid Investors	697
Travel/Travel Buffs	691
Media & Entertainment/TV Lovers	682
Media & Entertainment/Book Lovers	663
Lifestyles & Hobbies/Family-Focused	655
Lifestyles & Hobbies/Pet Lovers	636
Shoppers/Bargain Hunters	614

Age Group by Gender



Other Categories:

Top 10 Categories	Visits
Arts & Entertainment/Celebrities & Entertainment News	526
News/Weather	354
Food & Drink/Cooking & Recipes	293
Shopping/Mass Merchants & Department Stores	214
Real Estate/Real Estate Listings/Residential Sales	210
Travel/Air Travel	177
Internet & Telecom/Email & Messaging	163
Arts & Entertainment/TV & Video/TV Shows & Programs/TV Reality Show	155
Pets & Animals/Pets/Dogs	153
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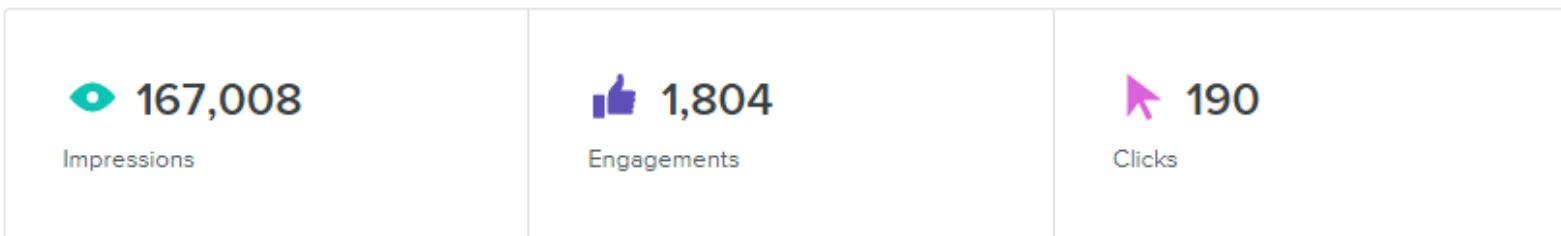
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* Per Google



Facebook Overview: March

Facebook Activity Overview



Audience Growth Metrics

Totals

Total Fans	44,585
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Total fans decreased by

-0.1%

since previous month

Organic Likes	173
Unlikes	182
Net Likes	-9

Publishing Metrics

Totals

Photos	26
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The number of posts you sent
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Notes	-
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Total Posts	46
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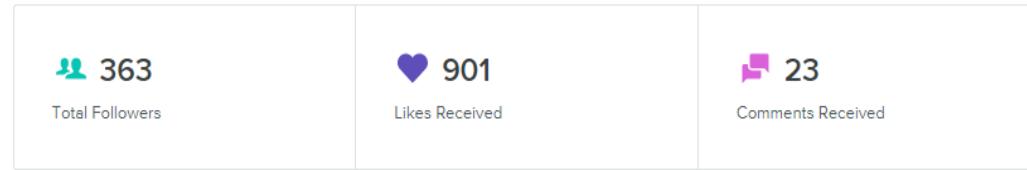
Facebook Overview: March



Instagram Overview: March



Instagram Activity Overview



Follower Metrics

Total Followers **363**

Followers Gained **69**

People that you Followed **14**

Publishing Metrics

Photos **24**

Videos **3**

Other **4**

Total Media **31**

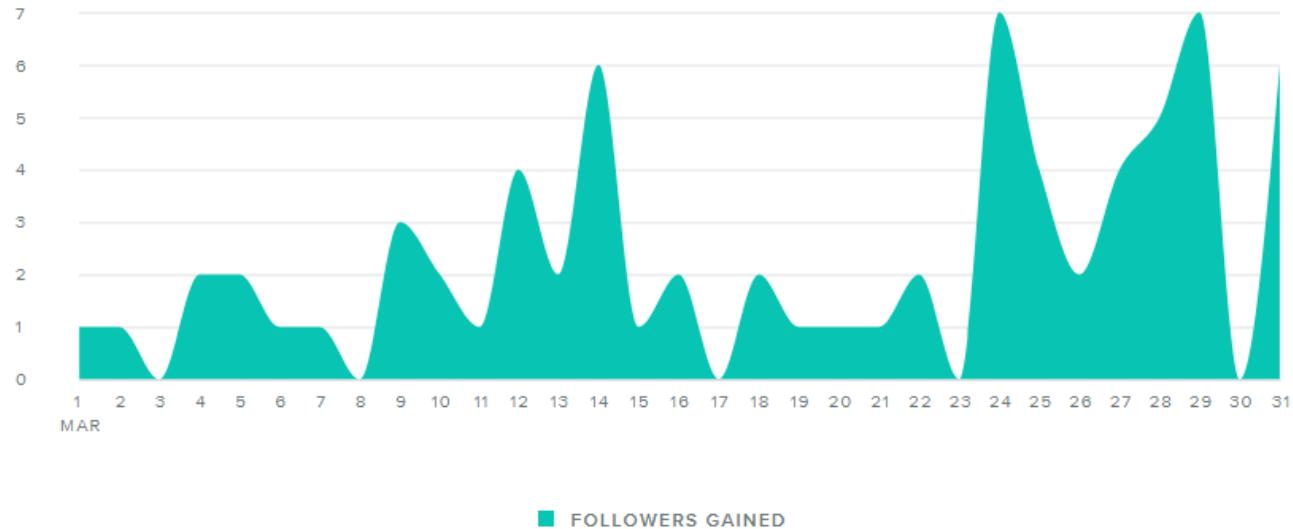
Totals

Total followers increased by
-23.5%
since previous month

The number of media you sent
increased by

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since previous month

AUDIENCE GROWTH, BY DAY



Instagram Top Influencers Engaged



MOST ENGAGED HASHTAGS

#visitbastrop	559
#visitbastropx	511
#mybastrop	439
#bastrop	429

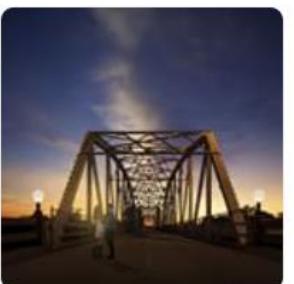
Instagram Top Posts



@visitbastropx
62 Engagements



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Strategic Marketing Initiatives

Branding Process: With approval by the Board, the Visit Bastrop Marketing Committee has selected Augustine, based in Dallas and California, to conduct our branding. This will be a four month process involving extensive stakeholder input.

Bastrop Music Festival: We have lined up our media presence to run in sync with Texas Music Magazine's initiatives, to strengthen the overall messaging and voice. We have secured two billboards for the festival on the east and west end of town. We are also partnering with a 3rd party vendor to promote the event via gas station pump toppers.

Tough Mudder: We have strong marketing in place to reach registrants in their planning stages including our presence on the TM website. We are partnering with Explore Bastrop County to establish a presence at the event, to encourage participants head into Bastrop to participate in the after party at Neighbor's Kitchen and Yard.

Bastrop Patriotic Fest: (June 29 – 30) We are in the beginning stages of planning for this event. We have met with the chamber to discuss past efforts and establish objectives for this years event. Overall goal is to build awareness and interest, ideally encouraging overnight stay and spending at the local level among target audiences.



VISIT BASTROP
www.visitbastrop.com

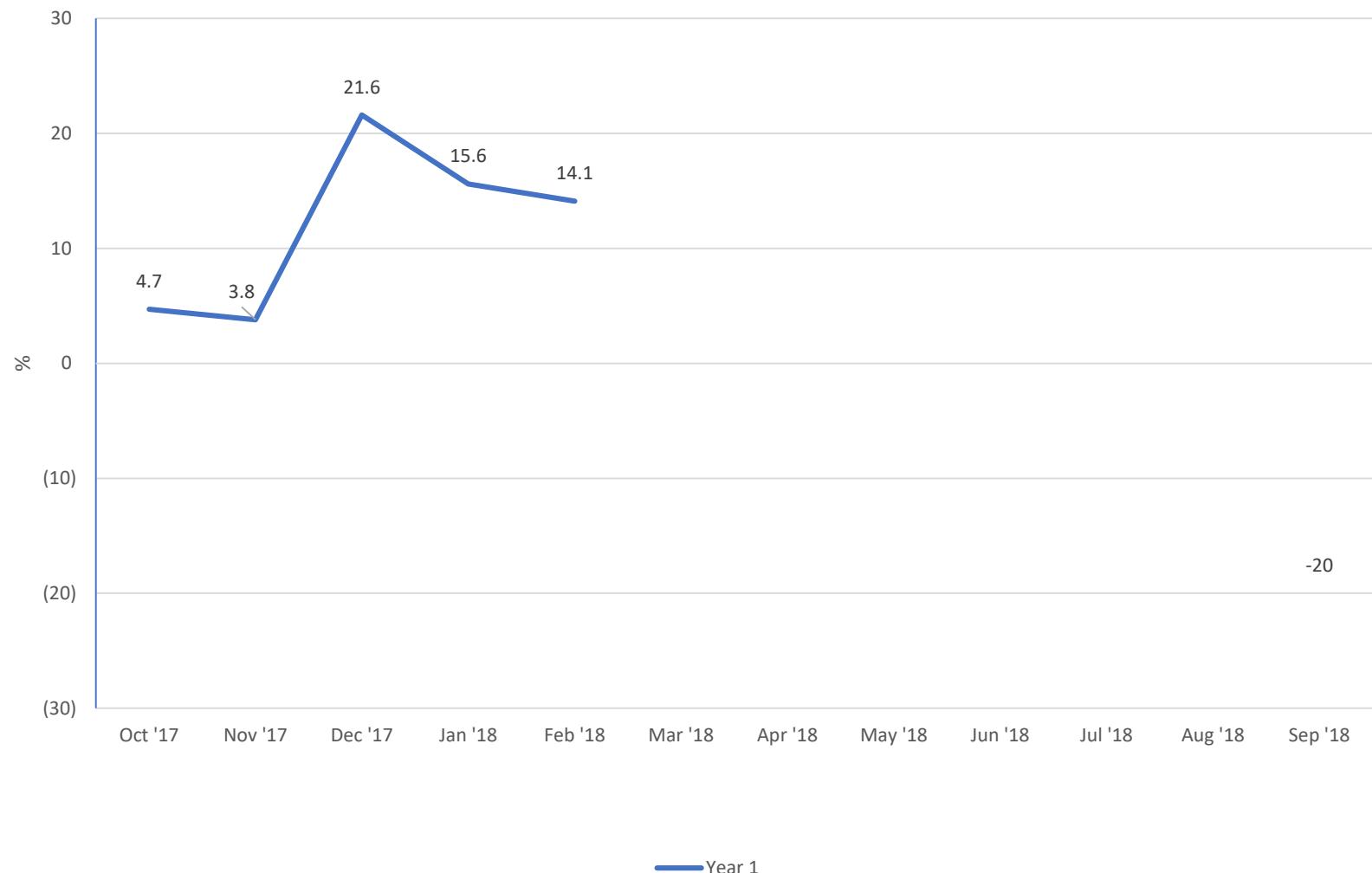
**Visit Bastrop
President's Report
March 2018**



Lodging Industry Report

	February '18						Calendar Year to Date					
	Occ	%CH Occ	ADR	% Ch ADR	% CH RevPAR	% CH Rooms Sold	Occ	% Change from YTD 2017				
								%CH Occ	ADR	% Ch ADR	% CH RevPAR	% CH Rooms Sold
Bastrop	52.8	14.1	79.40	0.7	14.9	14.1	47.6	13.7	78.64	1.5	15.5	13.7
1	47.6	-3.0	82.50	9.5	6.2	8.0	47.3	2.3	82.70	11.3	13.9	14
2	50.8	-3.6	75.69	0.3	-3.3	-3.6	45.8	-8.0	75.45	0.0	-8.1	-8.0
3	55.6	8.2	97.32	-1.2	6.9	8.7	48.5	10.1	92.99	-1.7	8.3	10.7
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Average	58.2	-0.6	101.1	-0.1	-0.7	4.8	53	0.4	98.24	0.6	1.1	6.0

Hotel Occupancy Monthly Percent Change Year Over Year





Convention Sales

Room Nights Booked- Fiscal Year to Date

	Convention Center	Hyatt	Other	Total
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Definite Future Room Night Bookings– March

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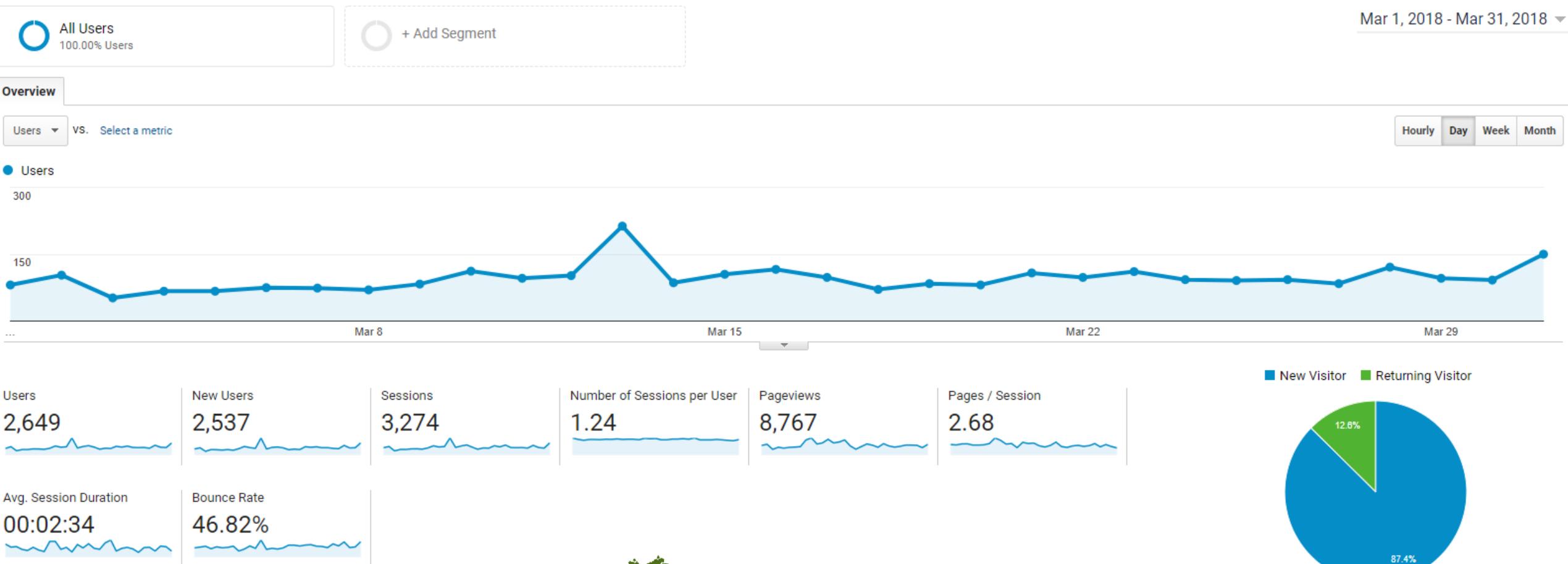
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MARKETING

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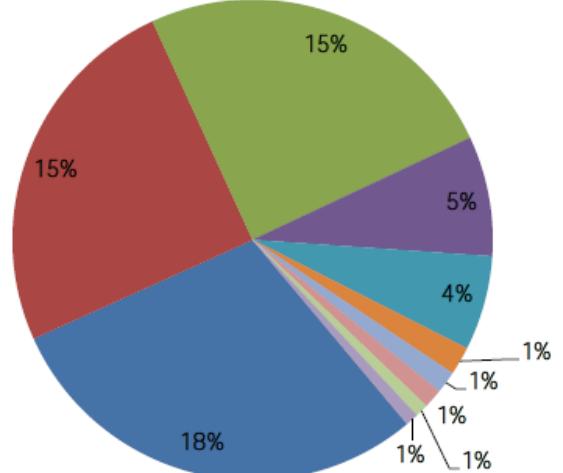
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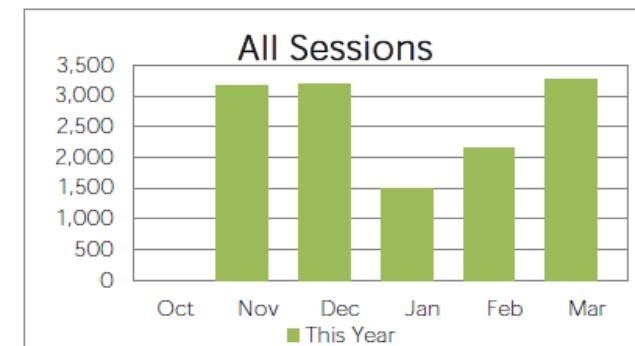
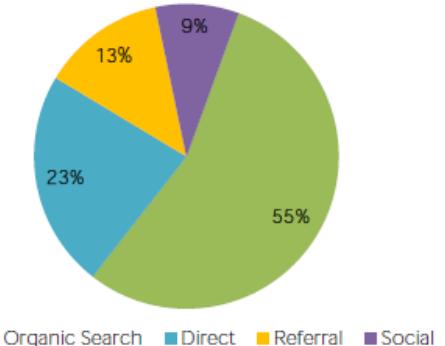
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Note: Site launched 11/8/17



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- Bastrop
- San Antonio
- Dallas
- Wyldwood
- Morrisville
- College Station
- The Woodlands
- Elgin

Traffic Sources



Top Social Networks:

Source	Sessions	Avg. Time on	Pages per
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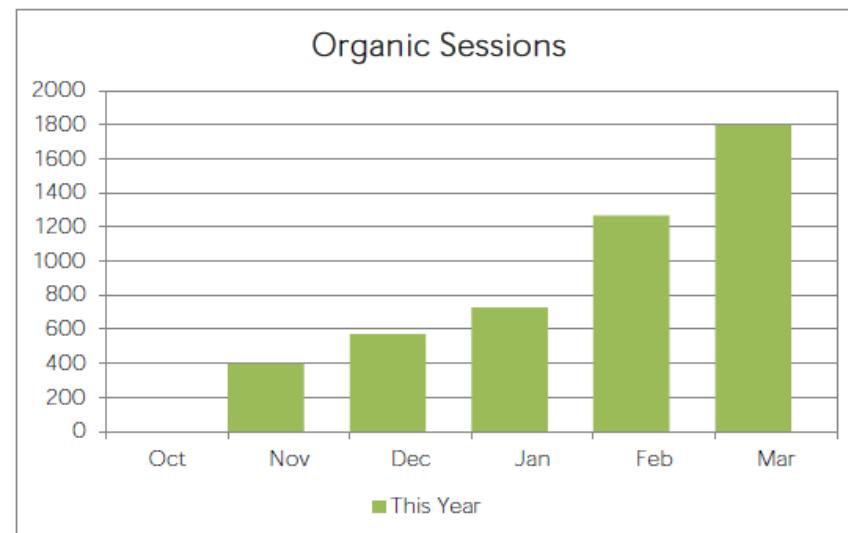


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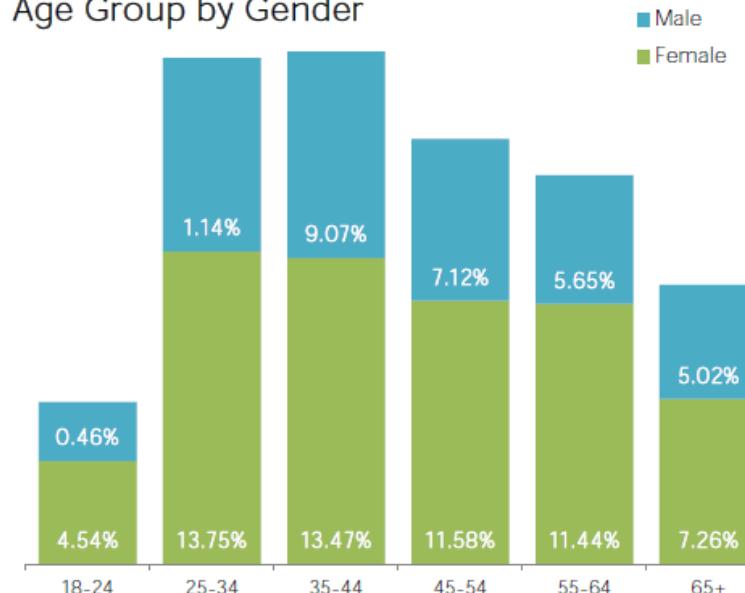


Demographics & Interests

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Age Group by Gender



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Facebook Overview: March

Facebook Activity Overview



Audience Growth Metrics

Totals

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Total fans decreased by

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since previous month

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Notes	-
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Total Posts	46
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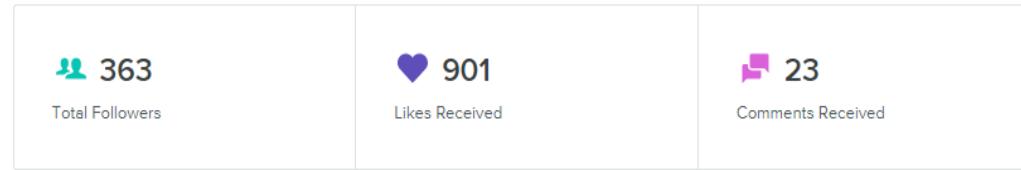
Facebook Overview: March



Instagram Overview: March



Instagram Activity Overview



Follower Metrics

Total Followers **363**

Followers Gained **69**

People that you Followed **14**

Publishing Metrics

Photos **24**

Videos **3**

Other **4**

Total Media **31**

Total followers increased by

-23.5%

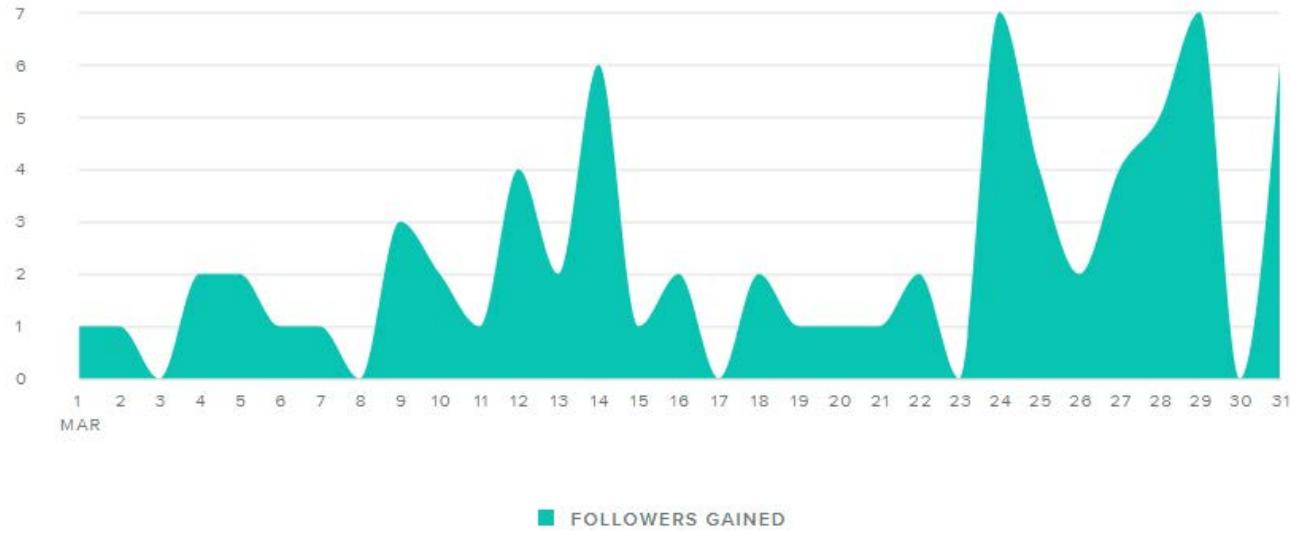
since previous month

The number of media you sent increased by

-14.8%

since previous month

AUDIENCE GROWTH, BY DAY



Instagram Top Influencers Engaged



MOST ENGAGED HASHTAGS

#visitbastrop	559
#visitbastropx	511
#mybastrop	439
#bastrop	429

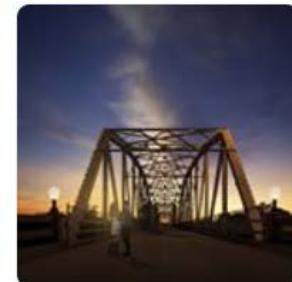
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Strategic Marketing Initiatives

Branding Process: With approval by the Board, the Visit Bastrop Marketing Committee has selected Augustine, based in Dallas and California, to conduct our branding. This will be a four month process involving extensive stakeholder input.

Bastrop Music Festival: We have lined up our media presence to run in sync with Texas Music Magazine's initiatives, to strengthen the overall messaging and voice. We have secured two billboards for the festival on the east and west end of town. We are also partnering with a 3rd party vendor to promote the event via gas station pump toppers.

Tough Mudder: We have strong marketing in place to reach registrants in their planning stages including our presence on the TM website. We are partnering with Explore Bastrop County to establish a presence at the event, to encourage participants head into Bastrop to participate in the after party at Neighbor's Kitchen and Yard.

Bastrop Patriotic Fest: (June 29 – 30) We are in the beginning stages of planning for this event. We have met with the chamber to discuss past efforts and establish objectives for this years event. Overall goal is to build awareness and interest, ideally encouraging overnight stay and spending at the local level among target audiences.



STAFF REPORT

MEETING DATE: May 8, 2018

AGENDA ITEM: 6B

TITLE:

Receive presentation on the unaudited Comprehensive Monthly Financial Report for the period ending March 31, 2018.

STAFF REPRESENTATIVE:

Tracy Waldron, Chief Financial Officer

BACKGROUND/HISTORY:

The Chief Financial Officer provides the City Council a monthly financial report overview for all funds to include detailed analysis for General Fund, Water-Wastewater Fund, Bastrop Power & Light and the Hotel Occupancy Tax Fund.

POLICY EXPLANATION:

This reporting requirement is set forth by the City of Bastrop Financial Management Policies, Chapter IV. Operating Budget, Section D. Reporting, as adopted by Resolution R2017-75 on September 26, 2017.

FUNDING SOURCE:

N/A

ATTACHMENTS:

- Unaudited Comprehensive Monthly Financial Report for the period ending March 31, 2018

CITY OF BASTROP

Comprehensive Monthly Financial Report

March 2018

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Performance at a Glance

as of March 31, 2018



	YEAR TO DATE	REFERENCE
ALL FUNDS SUMMARY	POSITIVE	Page 4-5
GENERAL FUND REV VS EXP	POSITIVE	Page 6
SALES TAXES	POSITIVE	Page 7
PROPERTY TAXES	POSITIVE	Page 8
WATER/WASTEWATER FUND REV VS EXP	POSITIVE	Page 9
WATER/WASTEWATER REVENUES	POSITIVE	Page 10
ELECTRIC FUND REV VS EXP	POSITIVE	Page 11
ELECTRIC REVENUES	POSITIVE	Page 12
HTOEL OCCUPANCY TAX FUND REV VS EXP	POSITIVE	Page 13
HOTEL OCCUPANCY TAX REVENUES	WARNING	Page 14
Legal fees	N/A	Page 15
PERFORMANCE INDICATORS		
POSITIVE	= Positive variance or negative variance < 1% compared to seasonal trends	
WARNING	= Negative variance of 1-5% compared to seasonal trends	
NEGATIVE	= Negative variance of >5% compared to seasonal trends	

COMPREHENSIVE MONTHLY FINANCIAL REPORT –March 2018

ECONOMIC INDICATORS		Mar. 31, 2018– NEWS FOR YOU
ECONOMY		
<u>National:</u>  <p>Real gross domestic product (GDP) increased at an annual rate of 2.6% in the 4th quarter of 2017. The personal income increased by .4% in February 2018 with disposable personal income increasing .9%. The personal consumption expenditures increased .2%.</p> <p>All of these reported by the Bureau of Economic Analysis.</p>	<u>Attached</u> is the Comprehensive Monthly Financial report for March 2018. This is six months of FY2018, or 50% of the fiscal year is complete.	
<u>U.S.Retail Sales:</u>  <p>March 2018 is up 4.5% ifrom last year.</p>	<u>Revenues:</u> Overall, the City has earned \$18,284,815. This amount is <u>53.8%</u> of the approved budget of <u>\$33,973,741</u> and is slightly more than the amount forecasted through the month of March.	
<u>Texas Retail Sales:</u>  <p>This index is a single summary statistic that sheds light on the future of the state's economy. The index is a composition of eight leading indicators. The index is at 131.23 in Feb. 2018 which is up 7.7% from one year ago.</p>	<u>Expense:</u> Overall, the City has spent 8% less than forecasted.	
<u>UNEMPLOYMENT</u>	Noteworthy	<u>None to report</u>
<u>State-wide:</u> The state unemployment holds steady at 4% in Mar. 2018.		
<u>Bastrop:</u> Bastrop County has an unemployment rate of 3.4% in Feb. 2018 which is flat from Jan. 2018.		

BUDGET SUMMARY OF ALL FUNDS

	<u>FY2018 Budget</u>	<u>FY2018 Forecast</u>	<u>FY2018 YTD</u>	<u>Variance</u>
<u>Revenues:</u>				
General	\$ 10,712,030	\$ 6,721,181	\$ 6,993,705	4.1%
Designated	47,450	17,975	46,166	156.8%
Innovation	256,500	128,250	129,725	1.2%
Debt Service	2,565,113	1,736,051	1,796,263	3.5%
Water/Wastewater	5,121,640	2,357,874	2,430,212	3.1%
Water/Wastewater Debt	2,007,586	720,108	947,727	31.6%
Impact Fees	896,439	193,800	191,565	-1.2%
Vehicle & Equipment Replacement	561,371	285,686	311,727	9.1%
Electric	7,323,696	3,248,962	3,266,138	0.5%
Hotel/Motel Tax	2,882,000	1,192,948	1,171,251	-1.8%
Hospitality & Downtown	1,034,788	528,595	511,955	-3.1%
Art in Public Places	75,041	37,518	38,314	2.1%
Library Board	20,150	7,575	13,436	77.4%
Cemetery	90,700	45,348	61,095	34.7%
Hunter's Crossing PID	379,237	364,518	375,536	3.0%
TOTAL REVENUES	\$ 33,973,741	\$ 17,586,389	\$ 18,284,815	4.0%

POSITIVE

= Positive variance or negative variance < 1% compared to forecast

WARNING

= Negative variance of 1-5% compared to forecast

NEGATIVE

= Negative variance of >5% compared to forecast

COMPREHENSIVE MONTHLY FINANCIAL REPORT – March 2018

BUDGET SUMMARY OF ALL FUNDS

	<u>FY2018 Budget</u>	<u>FY2018 Forecast</u>	<u>FY2018 YTD</u>	<u>Variance</u>
<u>Expense:</u>				
General	\$ 10,712,030	\$ 5,395,969	\$ 5,101,799	-5.5%
Designated	612,000	83,500	41,069	-50.8%
Innovation	664,500	361,252	344,528	-4.6%
Debt Service	2,354,274	588,299	589,395	0.2%
Water/Wastewater	6,679,564	2,457,282	2,423,038	-1.4%
Water/Wastewater Debt	1,440,212	388,911	388,911	0.0%
Impact Fees	730,021	90,500	33,149	-63.4%
Vehicle & Equipment Replacement	82,000	285,663	237,811	-16.8%
Electric	7,908,734	3,681,287	3,405,627	-7.5%
Hotel/Motel Tax	3,369,730	1,609,053	1,242,093	-22.8%
Hospitality & Downtown	1,027,522	570,411	478,136	-16.2%
Art in Public Places	94,050	40,200	6,147	-84.7%
Library Board	22,386	11,193	4,957	-55.7%
Cemetery	131,177	81,589	54,263	-33.5%
Hunter's Crossing PID	415,750	369,625	397,527	7.5%
TOTAL EXPENSES	\$ 36,243,950	\$ 16,014,734	\$ 14,748,450	-7.9%
Surplus/(Shortfall)	\$ (2,270,209)	\$ 1,571,655	\$ 3,536,365	125.0%

POSITIVE

= Negative variance or positive variance < 1% compared to forecast

WARNING

= Positive variance of 1-5% compared to forecast

NEGATIVE

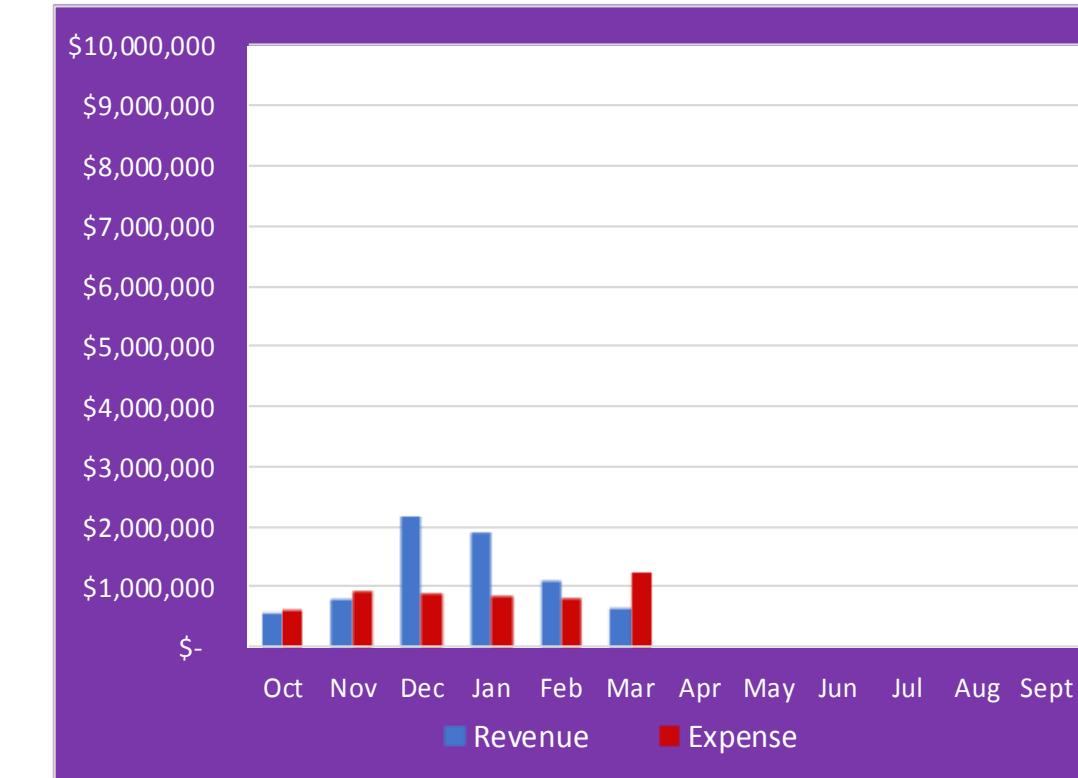
= Positive variance of >5% compared to forecast

COMPREHENSIVE MONTHLY FINANCIAL REPORT – March 2018

OVERALL FUND PERFORMANCE

GENERAL FUND REVENUES VS EXPENSES

<u>Month</u>	FY2018 <u>Revenue</u>	FY2018 <u>Expense</u>	Monthly <u>Variance</u>
Oct	\$ 547,821	\$ 589,749	\$ (41,928)
Nov	773,721	901,783	\$ (128,062)
Dec	2,129,343	841,355	\$ 1,287,988
Jan	1,840,816	828,636	\$ 1,012,180
Feb	1,090,678	756,976	\$ 333,702
Mar	611,326	1,183,300	\$ (571,974)
Apr		\$ -	\$ -
May		\$ -	\$ -
Jun		\$ -	\$ -
Jul		\$ -	\$ -
Aug		\$ -	\$ -
Sept		\$ -	\$ -
Total	\$ 6,993,705	\$ 5,101,799	\$ 1,891,906
Cumulative Forecast	\$ 6,721,181	\$ 5,395,969	\$ 1,325,212
Actual to Forecast \$	\$ 272,524	\$ 294,170	\$ 566,694
Actual to Forecast %	4.05%	5.45%	



POSITIVE

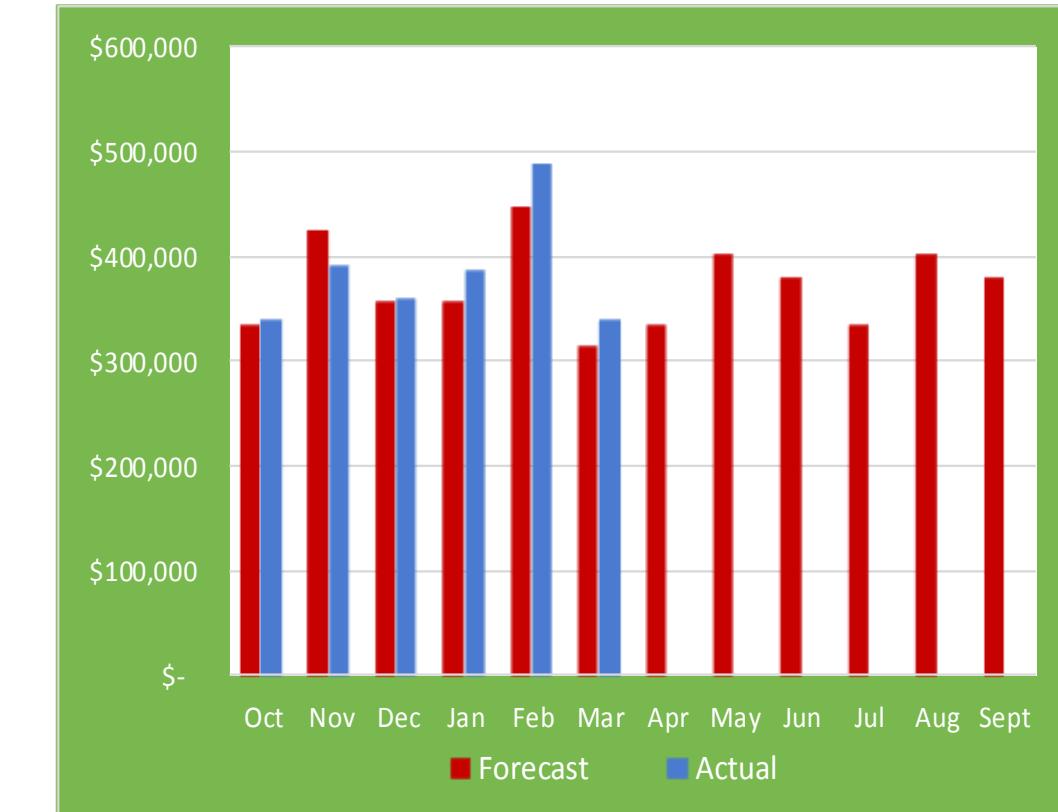
Cumulatively overall, the General Fund is better than forecasted for this time of year. Revenues are 4% higher than forecasted and expenses are 5% lower than expected. This would be due to vacancies and forecasting assumptions.

COMPREHENSIVE MONTHLY FINANCIAL REPORT – March 2018

REVENUE ANALYSIS

SALES TAX REVENUE

<u>Month</u>	FY2018 <u>Forecast</u>	FY2018 <u>Actual</u>	Monthly <u>Variance</u>
Oct	\$ 334,264	\$ 338,511	\$ 4,247
Nov	423,401	388,767	\$ (34,634)
Dec	356,548	357,359	\$ 811
Jan	356,548	384,847	\$ 28,299
Feb	445,685	485,934	\$ 40,249
Mar	311,980	336,978	\$ 24,998
Apr	334,264		\$ -
May	401,117		\$ -
Jun	378,832		\$ -
Jul	334,264		\$ -
Aug	401,117		\$ -
Sept	<u>378,832</u>	<u></u>	<u>\$ -</u>
Total	\$ 4,456,852	\$ 2,292,396	\$ 63,970
Cumulative Forecast	\$ 2,228,426		
Actual to Forecast	\$ 63,970		2.8%



POSITIVE

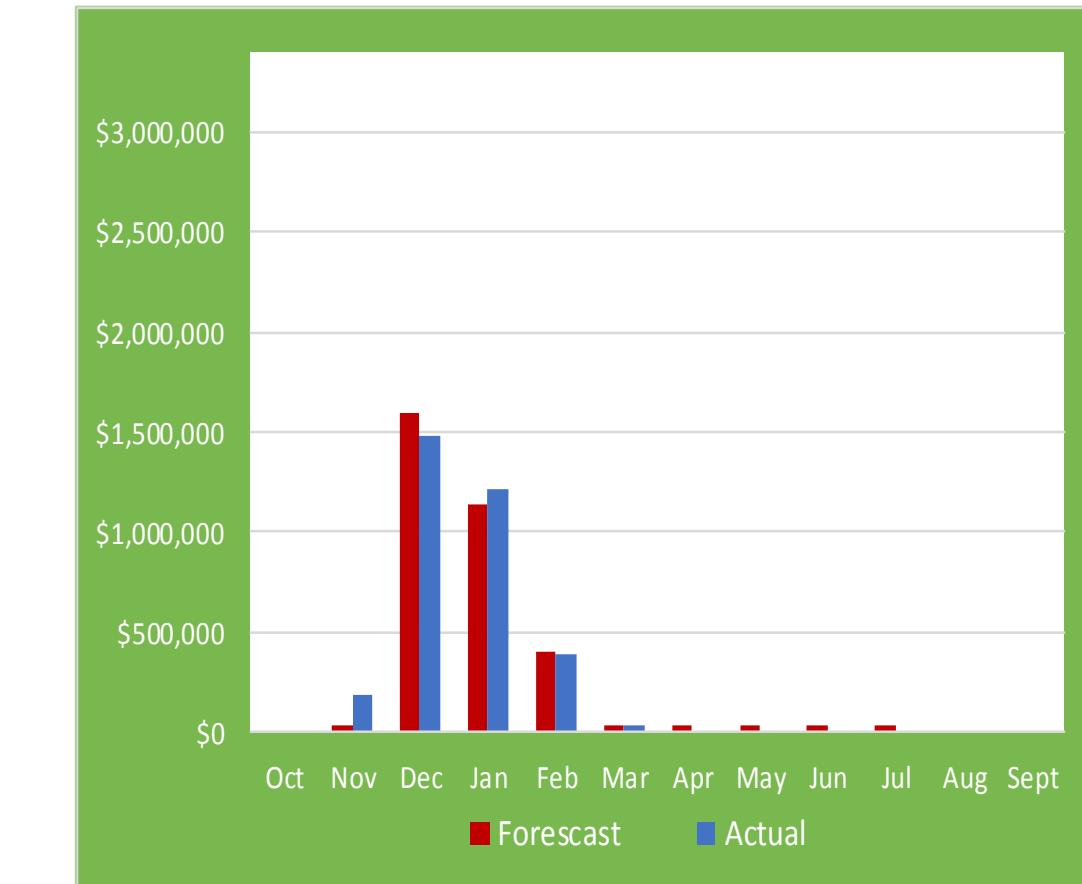
Sales Tax is 42% of the total budgeted revenue for General Fund. The actual amounts for Oct. and Nov. are estimated due to the State Comptroller's two month lag in payment of these earned taxes. The actual is 2.6% greater than forecasted.

COMPREHENSIVE MONTHLY FINANCIAL REPORT – March 2018

REVENUE ANALYSIS

PROPERTY TAX REVENUE

<u>Month</u>	FY2018 <u>Forecast</u>	FY2018 <u>Actual</u>	Monthly <u>Variance</u>
Oct	\$ -	\$ -	\$ -
Nov	33,336	190,830	\$ 157,494
Dec	1,600,131	1,478,112	\$ (122,019)
Jan	1,133,426	1,209,437	\$ 76,011
Feb	400,033	396,438	\$ (3,595)
Mar	33,336	40,735	\$ 7,399
Apr	33,336	\$ -	\$ -
May	33,336	\$ -	\$ -
Jun	33,336	\$ -	\$ -
Jul	33,336	\$ -	\$ -
Aug	-	\$ -	\$ -
Sept	-	\$ -	\$ -
Total	\$ 3,333,606	\$ 3,315,552	\$ 115,290
Cumulative Forecast	\$ 3,200,262		
Actual to Forecast	\$ 115,290		3.48%



POSITIVE

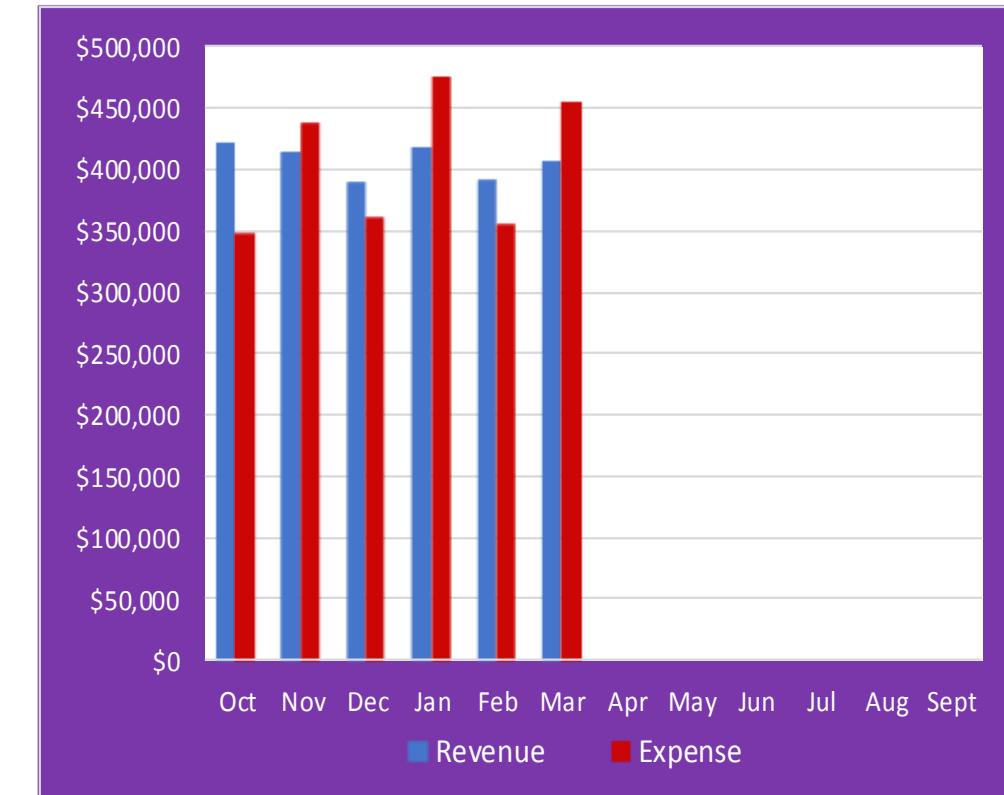
Property tax represents 31% of the total General Fund revenue budget. As you can see from the forecast, they are generally collected from December to February. The forecast was based on FY17 actuals. Through the month of February we have collected 99% of budget property tax. Actual being 3.7% more than forecasted.

COMPREHENSIVE MONTHLY FINANCIAL REPORT – March 2018

OVERALL FUND PERFORMANCE

WATER/WASTEWATER FUND REVENUES VS EXPENSES

<u>Month</u>	FY2018		Monthly <u>Variance</u>
	<u>Revenue</u>	<u>Expense</u>	
Oct	\$ 419,499	\$ 345,905	\$ 73,594
Nov	411,848	435,971	\$ (24,123)
Dec	388,292	359,304	\$ 28,988
Jan	416,118	473,510	\$ (57,392)
Feb	389,783	355,072	\$ 34,711
Mar	404,673	453,275	\$ (48,602)
Apr			\$ -
May			\$ -
Jun			\$ -
Jul			\$ -
Aug			\$ -
Sept			\$ -
 Total	 \$ 2,430,213	 \$ 2,423,037	 \$ 7,176
Cumulative Forecast	\$ 2,357,874	\$ 2,457,282	\$ (99,408)
Actual to Forecast \$	\$ 72,339	\$ 34,245	\$ 106,584
Actual to Forecast %	3.07%	1.39%	



POSITIVE

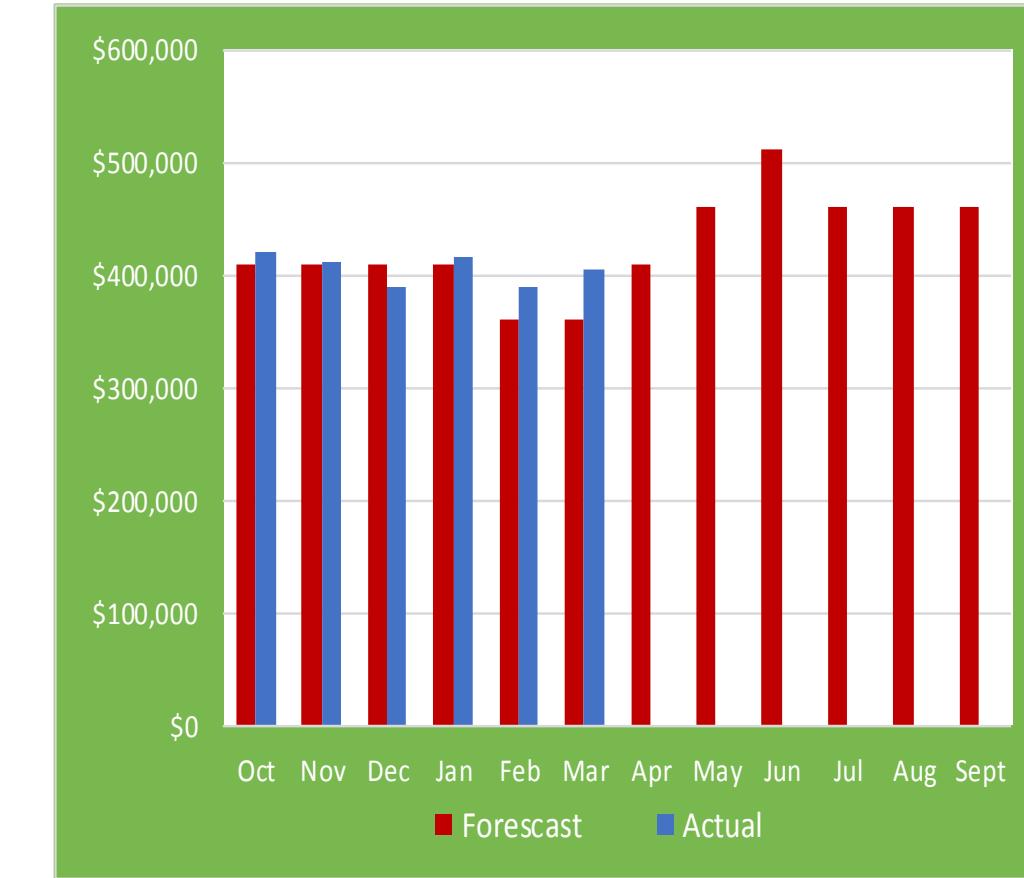
Water and wastewater revenues are 3% greater than forecasted for this time of year. We are continuing to add homes in Pecan Park and commercial in our service area. The actual expense are 1.4% lower than forecasted due to vacancies and timing of expenditures.

COMPREHENSIVE MONTHLY FINANCIAL REPORT – March 2018

REVENUE ANALYSIS

WATER/WASTEWATER REVENUE

<u>Month</u>	FY2018 <u>Forecast</u>	FY2018 <u>Actual</u>	Monthly <u>Variance</u>
Oct	\$ 409,891	\$ 419,499	\$ 9,608
Nov	409,891	411,848	\$ 1,957
Dec	409,891	388,292	\$ (21,599)
Jan	409,891	416,118	\$ 6,227
Feb	359,155	389,783	\$ 30,628
Mar	359,155	404,673	\$ 45,518
Apr	409,891		\$ -
May	460,628		\$ -
Jun	511,364		\$ -
Jul	460,628		\$ -
Aug	460,628		\$ -
Sept	460,628		\$ -
Total	\$ 5,121,641	\$ 2,430,213	\$ 72,339
Cumulative Forecast	\$ 2,357,874		
Actual to Forecast	\$ 72,339		3.07%



POSITIVE

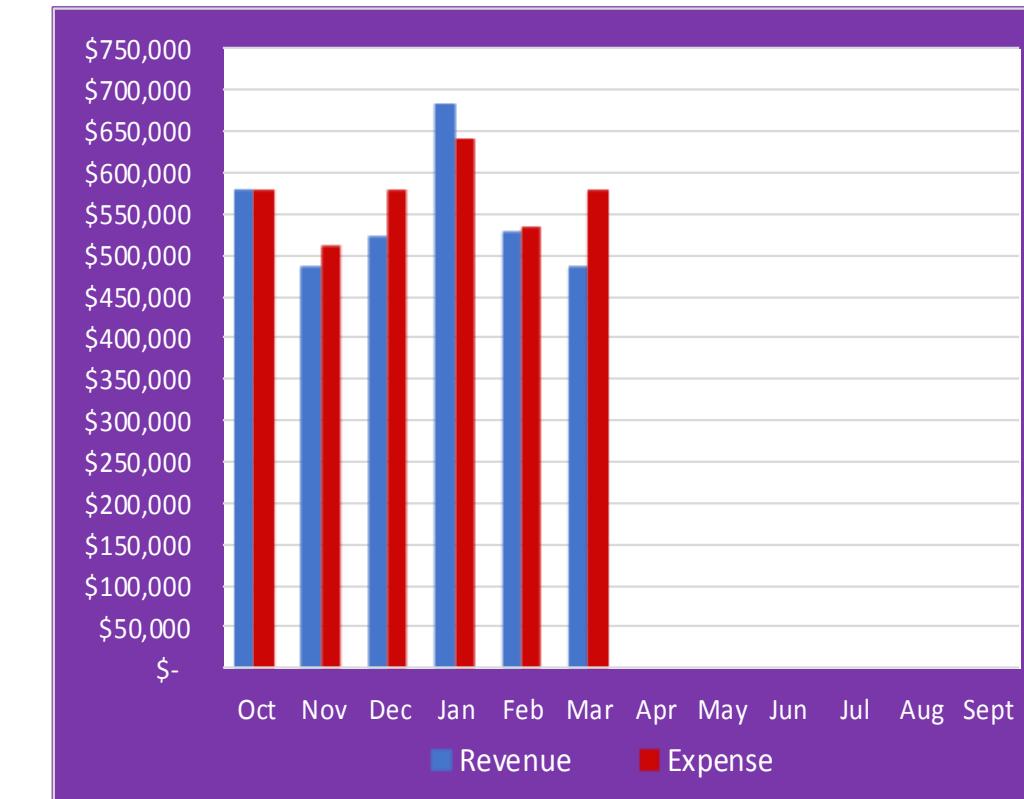
The water and wastewater actual revenue was 3% over forecast. There were 10 new meters set this month, 8 residential (all but 1 were Pecan Park) and 2 commercial.

COMPREHENSIVE MONTHLY FINANCIAL REPORT – March 2018

OVERALL FUND PERFORMANCE

ELECTRIC FUND REVENUES VS EXPENSES

<u>Month</u>	FY2018	FY2018	Monthly
	<u>Revenue</u>	<u>Expense</u>	<u>Variance</u>
Oct	\$ 575,828	\$ 575,543	\$ 285
Nov	482,650	509,673	\$ (27,023)
Dec	519,759	574,941	\$ (55,182)
Jan	678,275	638,368	\$ 39,907
Feb	526,302	530,494	\$ (4,192)
Mar	483,323	576,608	\$ (93,285)
Apr			\$ -
May			\$ -
Jun			\$ -
Jul			\$ -
Aug			\$ -
Sept			\$ -
Total	\$ 3,266,137	\$ 3,405,627	\$ (139,490)
Cumulative Forecast	\$ 3,248,962	\$ 3,681,287	\$ (432,325)
Actual to Forecast \$	\$ 17,175	\$ 275,660	\$ 292,835
Actual to Forecast %	0.53%	7.49%	8.02%



POSITIVE

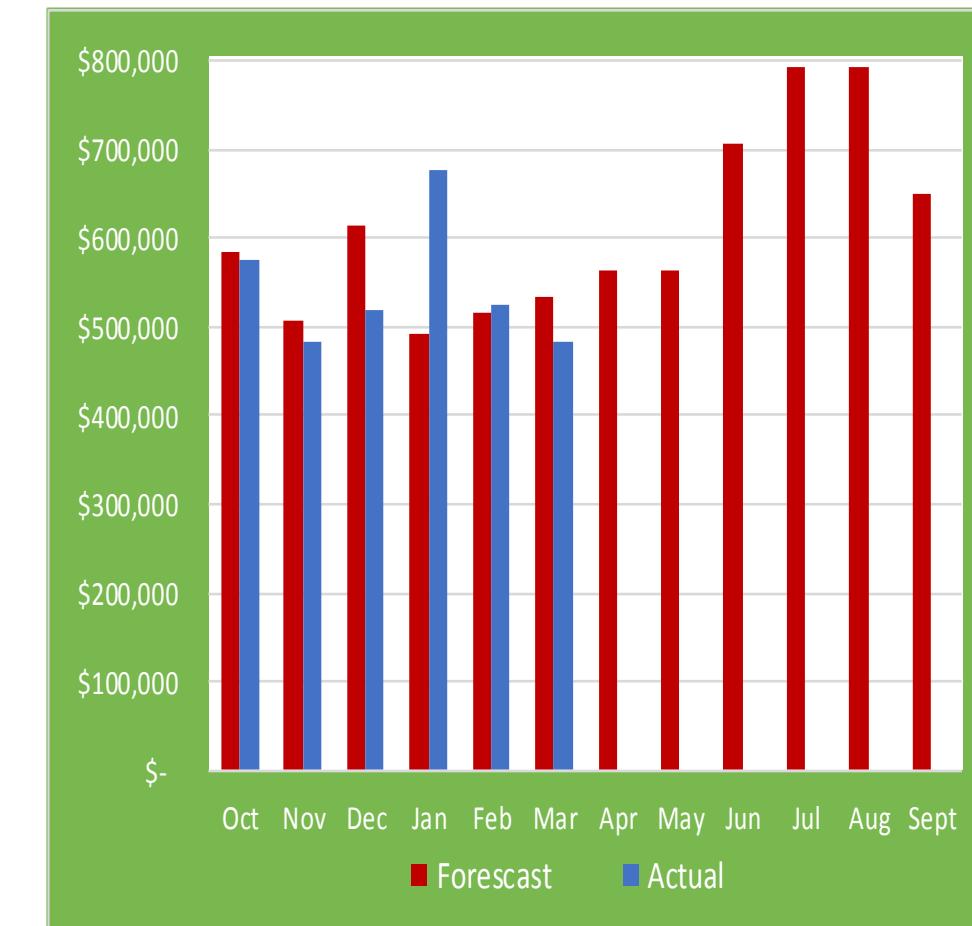
The Electric utility fund actual revenue is .5% over forecast. The actual expenditures were almost 8% under budgeted forecast which is a 8% net position. This fund has capital improvement projects budgeted that have not had actual expenses produced yet.

COMPREHENSIVE MONTHLY FINANCIAL REPORT – March 2018

REVENUE ANALYSIS

ELECTRIC FUND REVENUE

Month	FY2018 Forecast	FY2018 Actual	Monthly Variance
	\$ 585,682	\$ 575,828	\$ (9,854)
Oct	\$ 506,618	\$ 482,650	\$ (23,968)
Nov	614,433	519,759	\$ (94,674)
Dec	492,242	678,275	\$ 186,033
Jan	514,618	526,302	\$ 11,684
Feb	535,368	483,323	\$ (52,045)
Mar	564,119		\$ -
Apr	564,119		\$ -
May	707,873		\$ -
Jun	794,126		\$ -
Jul	794,126		\$ -
Aug	650,372		\$ -
Total	\$ 7,323,696	\$ 3,266,137	\$ 17,176
Cumulative Forecast	\$ 3,248,961		
Actual to Forecast	\$ 17,176		0.53%



POSITIVE

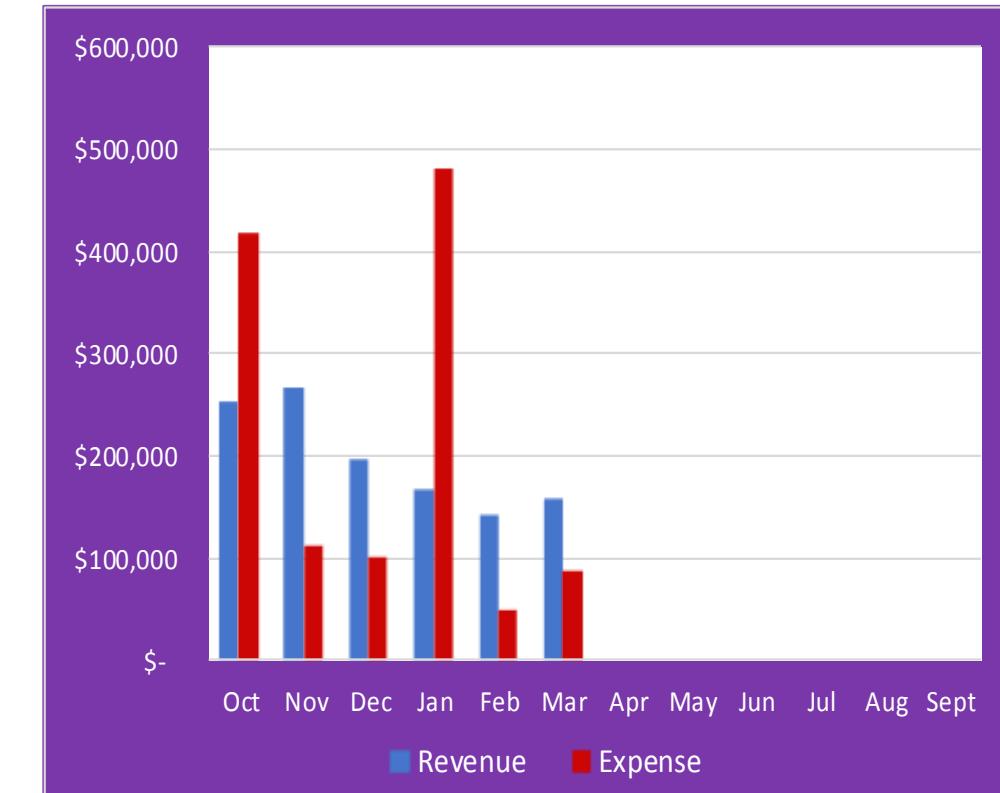
The Electric utility revenue is .5% above forecasted revenue. There were 2 new meter sets this month.

COMPREHENSIVE MONTHLY FINANCIAL REPORT – March 2018

OVERALL FUND PERFORMANCE

HOTEL OCCUPANCY TAX FUND REVENUES VS EXPENSES

<u>Month</u>	FY2018		<u>Monthly Variance</u>
	<u>Revenue</u>	<u>Expense</u>	
Oct	\$ 250,340	\$ 416,596	\$ (166,256)
Nov	263,130	110,633	\$ 152,497
Dec	195,275	100,993	\$ 94,282
Jan	165,533	478,487	\$ (312,954)
Feb	140,248	48,335	\$ 91,913
Mar	156,724	87,049	\$ 69,675
Apr			\$ -
May			\$ -
Jun			\$ -
Jul			\$ -
Aug			\$ -
Sept			\$ -
Total	\$ 1,171,250	\$ 1,242,093	\$ (70,843)
Cumulative Forecast	\$ 1,192,948	\$ 1,609,053	\$ (416,105)
Actual to Forecast \$	\$ (21,698)	\$ 366,960	\$ 345,262
Actual to Forecast %	-1.82%	22.81%	20.99%



POSITIVE

The Hotel Occupancy Tax fund is overall in a positive position at a 21% net positive. The revenue is 2% lower than forecasted but the expenses are 22% lower than forecasted as well. Visit Bastrop is paid on a quarterly basis.

COMPREHENSIVE MONTHLY FINANCIAL REPORT – March 2018

REVENUE ANALYSIS

HOTEL OCCUPANCY TAX REVENUE

Month	FY2018 Forecast	FY2018 Actual	Monthly Variance
	\$ 255,390	\$ 250,340	\$ (5,050)
Oct	\$ 255,196	\$ 263,130	\$ 7,934
Nov	\$ 213,377	\$ 195,275	\$ (18,102)
Dec	\$ 164,985	\$ 165,444	\$ 459
Jan	\$ 145,030	\$ 140,248	\$ (4,782)
Feb	\$ 158,970	\$ 156,814	\$ (2,156)
Mar	\$ 301,938	\$ -	\$ -
Apr	\$ 265,141	\$ -	\$ -
May	\$ 261,039	\$ -	\$ -
Jun	\$ 279,344	\$ -	\$ -
Jul	\$ 336,103	\$ -	\$ -
Aug	\$ 245,488	\$ -	\$ -

Total	\$ 2,882,001	\$ 1,171,251	\$ (21,697)
Cumulative Forecast	\$ 1,192,948		
Actual to Forecast %	\$ (21,697)		-1.8%



WARNING

The Hotel Occupancy Tax revenue is 2% lower than forecasted. We budgeted revenue flat from FY17 to FY18 and in FY17 we were short reaching our budget. We were hopeful that we would be able to meet this budget amount in FY18 with increased tourism promotion.

Legal fees by Attorney/Category

COMPREHENSIVE MONTHLY FINANCIAL REPORT – March 2018

FIRM	CASE	FY15-16	FY16-17	FY17-18
BUNDREN				
Pine Forest Interlocal	\$ 700,800	\$ 83,620	\$ 21,243	
Vandiver	\$ 79,951	\$ 2,343	\$ -	
Aqua CCN	\$ 21,735	\$ 12,898	\$ -	
Red Light Camera Suit	\$ 60,279	\$ -	\$ -	
TERRELL LAW FIRM				
Water permit	\$ 482,815	\$ 37,630	\$ 135	
DAVID BRAGG, P.C.				
General legal	\$ 8,603	\$ 48,215	\$ -	
Vandiver	\$ -	\$ 9,640	\$ -	
Water Permit	\$ -	\$ 3,120	\$ -	
Pine Forest Interlocal	\$ -	\$ 3,560	\$ -	
BOJORQUEZ LAW FIRM				
General legal	\$ -	\$ 3,299	\$ 75,422	
Vandiver	\$ -	\$ 4,546	\$ 3,728	
Pine Forest Interlocal	\$ -	\$ -	\$ 4,816	
Prosecutor	\$ -	\$ -	\$ 11,047	
Water/Wastewater	\$ -	\$ -	\$ 12,880	
MULTIPLE FIRMS				
XS Ranch Bankruptcy	\$ 7,415	\$ 7,928		
RUSSEL RODRIGUEZ HYDE				
XS Ranch Bankruptcy	\$ 7,607	\$ 11,024		
Hunters Crossing PID	\$ 17,927	\$ 21,280		
TAYLOR, OLSON, ADKINS, SRALLA & ELAM, LLP				
Red Light Camera Suit	\$ 1,246	\$ 443	\$ 518	
Total Legal	\$ 1,355,428	\$ 242,263	\$ 170,019	

Summary by Case/Type

Row Labels	▼	SUM FY15-16	SUM FY16-17	SUM FY17-18
Aqua CCN	\$ 21,735	\$ 12,898	\$ -	
General legal	\$ 8,603	\$ 51,514	\$ 75,422	
Hunters Crossing PID	\$ -	\$ 17,927	\$ 21,280	
Pine Forest Interlocal	\$ 700,800	\$ 87,180	\$ 26,059	
Prosecutor	\$ -	\$ -	\$ 11,047	
Red Light Camera Suit	\$ 61,525	\$ 443	\$ 518	
Vandiver	\$ 79,951	\$ 16,529	\$ 3,728	
Water permit	\$ 482,815	\$ 40,750	\$ 135	
Water/Wastewater	\$ -	\$ -	\$ 12,880	
XS Ranch Bankruptcy	\$ -	\$ 15,022	\$ 18,951	
Grand Total	\$ 1,355,428	\$ 242,263	\$ 170,019	



STAFF REPORT

MEETING DATE: May 8, 2018

AGENDA ITEM: 6C

TITLE:

Receive presentation on proposed Hotel Occupancy Tax Fund Disbursement Policy.

STAFF REPRESENTATIVE:

Lynda Humble, City Manager

Tracy Waldron, Chief Financial Officer

Sarah O'Brien, Hospitality & Downtown Director

BACKGROUND/HISTORY:

Chapter 351 of the Tax Code provides the requirements on how HOT funds may be spent. As prioritized in the FY 18 Budget, staff has been working to leverage HOT funds to attract tourism and strengthen our sales tax base by maximizing our investment. Staff also continues to work to bring HOT fund users together under the strategic goals and vision that have been developed in line with the Council's Focus Areas, the City's 2018 Work Plan, and the Comprehensive Plan 2036 as outlined below:

2018 Focus Areas:

Uniquely Bastrop: Maintain and enhance our historic community feel by leveraging the unique combination of community, cultural and recreational assets that make Bastrop a special place to live and work.

Economic Vitality: Create sustainability by leveraging tourism, infrastructure renewal and investment; enhancing public/private partnerships; efficient planning and development processes; and fostering an inclusive and diverse environment that encourages entrepreneurial ventures.

Fiscal Responsibility: Prepare and manage budget; fiduciary responsibility.

2018 Work Plan Items:

Economic Vitality #9: Continue ongoing development of the Bastrop visitor experience to include the community's culinary and cultural assets.

Fiscal Responsibility #9: Redesign the Hotel Occupancy Fund Community Program Funding Policy & Application to better leverage resources and maximize the visitors' experience.

Comprehensive Plan 2036:

Objective 8.1.3: Enhance the offerings available at the Bastrop Museum & Visitor Center.

ACTION 1: Create a visitor's feedback survey to better understand demand for other tourism activities.

ACTION 2: Increase the number of digital and interactive exhibits and consider offering virtual video tours on-line, either for free or for purchase.

ACTION 3: Use interactive media displays that allows people to choose how they interact with the museum and visitor center, as well as other locations downtown.

ACTION 4: Increase presence on social media by posting content on-line at regular and predictable intervals.

ACTION 5: Offer “flash” sales on social media. These are deals that come up periodically that are only available for a short time, typically a day or two. This will get people excited about the social media outlets and help to grow viewership.

Objective 8.1.4: Create multiple downtown destination events that rely on Bastrop’s cultural assets.

ACTION 1: Encourage visitors to downtown Bastrop with events that occur weekly, monthly, or annually. Lost Pines Christmas is a great example of this type of event

ACTION 2: Create a “demo day” downtown that occurs each month. Entrepreneurs and local businesses can demo their products, foods, and services.

The Comprehensive Plan also states that Bastrop’s continued emphasis on cultural arts and tourism development through coordinated policies will lead to hundreds of millions in economic activity for the region.

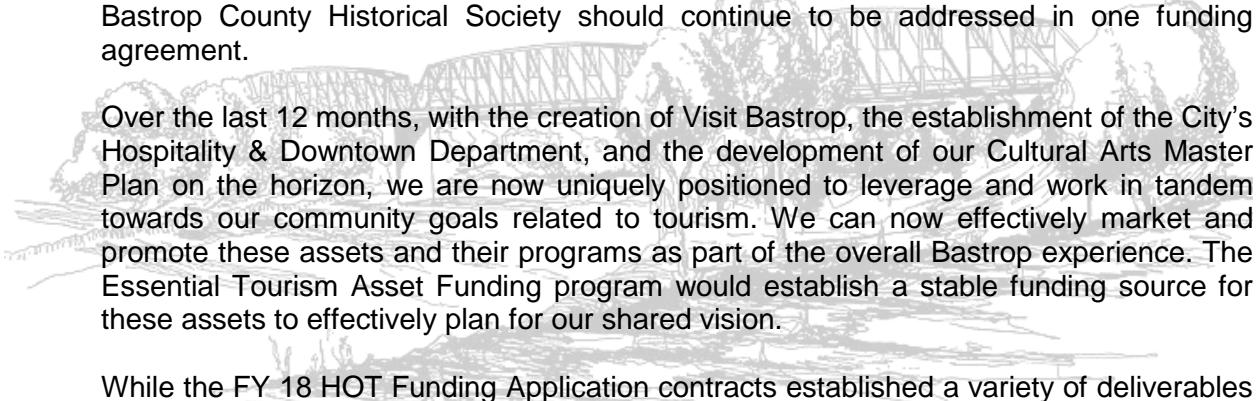
POLICY EXPLANATION:

The FY 18 budget emphasized Council’s desire to diversify our revenue sources and increase property tax valuations. A strategic focus on economic development to reduce the City’s dependence on sales tax was made a priority. Priority was given to leveraging the \$2,875,000 in annual Hotel Occupancy receipts to maximize the City’s opportunity to attract tourism and to work towards becoming a AAA- 4 Diamond destination for Hyatt guests. Staff is proposing several changes to the current HOT Fund Funding Application process, which will expand on our efforts from the current budget cycle and continue our focus on improving the Bastrop tourism experience. The proposed changes are outlined below:

- A. In FY 18, several HOT funded events were identified as being better suited for an alternative funding source. These festivals may or may not attract tourists but share historical importance as long-standing community events. Staff is recommending that in FY 19 the annual Bastrop Homecoming & Rodeo funding request be allocated out of the Hospitality & Downtown budget through funding provided by Bastrop Power & Light. If approved, Homecoming would join Juneteenth and a portion of the Patriotic Festival under this umbrella. All three (3) of these events are important to the City of Bastrop and would occur with or without HOT funds. Staff will continue to work with these event organizers to ensure they can define the value provided to the community through their annual funding allocation and require acknowledgement of BP&L as a sponsor on all marketing materials. Staff will develop a Community Event Request Form to provide transparency in the process.
- B. In FY 18, the City funded approximately \$81,000 in special event funding through the HOT Funding Application process. With the creation of Visit Bastrop, staff is recommending the allocation of an additional \$75,000 to Visit Bastrop’s FY 19 budget for development of a Tourism Special Event Funding program and application process. The difference is funding is due to FY 18 funding given to convention organizers, typically these types of requests will be allocated out of an inducement fund in a DMO’s operating budget as they are not annual requests. Visit Bastrop staff is better equipped to track the economic impact and generation of hotel occupancy tax that may occur from events designed with the tourist in mind. Since Visit Bastrop is charged with marketing our community and telling the Bastrop Story, allowing them to work directly with event organizers to promote and market events should prove beneficial to event organizers and ultimately help maximize the City’s return on our investment of Hotel Occupancy Tax. Event organizers would work directly with Visit Bastrop staff to apply for event funding based on room night generation. Such a program would empower event organizers to demonstrate the value that their

event provides the community. Visit Bastrop staff will utilize special event economic impact calculators specifically designed to track HOT and measure the economic impact that events provide to Bastrop. It should be noted that Visit Bastrop has already allocated a portion of their funding for events in their FY 18 budget, like marketing the Bastrop Music Festival. The Visit Bastrop Board of Directors will be able to contribute additional funding from their budget for events and conventions that are in line with the organization's mission.

- C. Staff believes that certain tourism assets, that have previously participated in the HOT Funding Application process, are better suited to be classified as Essential Tourism Assets and would like to recommend the creation of an Essential Tourism Asset Funding Program for non-profits who rely annually on HOT funds. These assets are critical to the Bastrop tourism picture. While they may not be the sole reason a visitor makes a trip to Bastrop, when actively programmed and leveraged properly, these assets paint a culturally rich landscape encouraging tourists to extend their stay and spend additional dollars with us. Examples of essential tourism assets include the Bastrop County Museum & Visitor's Center, Bastrop Opera House, and the Lost Pines Art Center. FY 18 was the first year that the Museum & Visitor's Center's contract was combined, since both visitor services and historic preservation are allowable under Chapter 351. The functions performed by the Bastrop County Historical Society should continue to be addressed in one funding agreement.



Over the last 12 months, with the creation of Visit Bastrop, the establishment of the City's Hospitality & Downtown Department, and the development of our Cultural Arts Master Plan on the horizon, we are now uniquely positioned to leverage and work in tandem towards our community goals related to tourism. We can now effectively market and promote these assets and their programs as part of the overall Bastrop experience. The Essential Tourism Asset Funding program would establish a stable funding source for these assets to effectively plan for our shared vision.

While the FY 18 HOT Funding Application contracts established a variety of deliverables and expectations with users, this new program would further define these tourism assets' roles in developing the Bastrop tourism picture. Staff would recommend incorporating the following deliverables into a funding agreement:

- a. Present 9-12 months' worth of programs annually (January – December) designed to appeal to tourists and attract overnight visitation to City Council.
 - i. All art work, images and details regarding the individual programs such as "performances," "classes," or "exhibits" for the contract period including ticket prices and purchasing methods. Specific program details must be received by Visit Bastrop through their online CRM system no later than 90 days in advance, preferably 120 days in advance.
 - ii. PR Opportunities to promote events should be provided directly to Visit Bastrop.
 - iii. Maintain an active social media and online digital presence.
- b. Annual Marketing Plan
- c. Strategic Plan that addresses identifying additional funding sources
- d. Annual Operating Budget
- e. In partnership with Visit Bastrop, develop a visitor intercept survey to include data such as: where the visitor is from, demographic data, social-economic data, how they discovered Bastrop (advertising, social media, word-of-mouth), lodging information, length of stay, size of party, primary attractor, intent to return.

- f. Monthly year-over-year traffic counts and primary market origin.
- g. Participate in customer service, destination, board development and/or Hotel Occupancy Tax Training as provided by the City or Visit Bastrop.
- h. Develop and maintain a building rental program and policies allowing opportunities for additional revenue streams and access to the facility to outside users.
- i. Actively participate in the Cultural Arts Master Plan development and implementation process that is yet to be identified.
- j. Follow all applicable local, state and federal laws related to building improvements and expenditures of HOT'
- k. Other deliverables as currently defined in the FY 18 Funding Agreements specific to the assets roles in Bastrop's tourism picture.

All contracts would be for a multi-year period allowing the essential tourism assets to know how much funding will be available annually and allow for appropriate planning. Staff would recommend quarterly reporting requirements to City Council highlighting the assets' upcoming quarter of events and reviewing the current quarter's programs. Quarterly reporting will heighten the sense of accountability of the allocated HOT funds. Staff would present funding contracts in June for Council consideration for January – December programming in the following year. This lapse in time will allow appropriate time for marketing. Assets would be required annually to present proposed programming, marketing plans, and strategic plans to Council **before** funding would be allocated. Funding would occur, according to the contract, once approval is given by Council. The deliverables of each contract will be reviewed annually to ensure prior year compliance before funding is allocated in years 2 or 3. If an essential tourism asset does not perform according to contract, the asset may not be eligible for funding the next year, depending upon the cause of default.

FUNDING SOURCE:

FY 19 Hotel Occupancy Tax Fund

RECOMMENDATION:

Provide any direction or feedback to the proposed changes so that staff can begin communicating with event organizers and tourism assets. Staff will present Tourism Asset Contracts in June of 2018. Community Event Forms and Asset funding will be included in the FY 19 budget proposal.

ATTACHMENTS:

- Hotel Occupancy Tax Fund Disbursement Policy DRAFT

Exhibit "A"

HOTEL OCCUPANCY TAX FUND DISBURSEMENT POLICY

CITY OF BASTROP



May 2018

CITY OF BASTROP

HOTEL OCCUPANCY TAX FUND DISBURSEMENT PROGRAM

Introduction

This policy incorporates overall direction for providing hotel occupancy tax (HOT) funds to outside agencies, programs, and events in the form of one-time event grants and annual program agreements. The policy replaces all previous policies adopted by the City regarding the disbursement of city HOT funds except as specifically noted in this policy. The proposed policy has been divided into three sections:

- Section 1: General Policy Statement
- Section 2: Annual Essential Tourism Asset Programming HOT Funding
- Section 3: Special Event-Based HOT Funding

Section 1: General Policy Statement

1.01 Policy Statement

Texas Tax Code Chapter 351 requires that municipal hotel occupancy tax funds be used for specific purposes. First, the funds must be used toward activities that support the tourism and lodging industries in the City of Bastrop. Second, the activities must fall within an enumerated set of approved activity types, outlined in Chapter 351 of the Tax Code. The City's HOT fund disbursement policy exists to ensure that the City's HOT funds to outside agencies, programs, and events are being spent in compliance with state law. This policy is designed to leverage HOT funds to attract tourism and strengthen the City's sales and hotel occupancy tax base by maximizing our investment with outside agencies, programs or events. The policy is designed to align with the strategic goals and vision of the Bastrop City Council and identified in the Comprehensive Plan 2036 to benefit the City's tourism, hospitality, cultural and lodging industries.

Section 2: Annual Essential Tourism Asset Programming HOT Funding

2.01 Annual Programs Eligible for HOT Funding

The City of Bastrop recognizes that there are outside organizations that are an important component to the Bastrop tourism picture. When actively programmed, marketed and leveraged properly, certain assets enhance the community's cultural and heritage scene and encourage increased tourism. These Essential Tourism Asset Programming HOT Fund recipients will be required to follow a distinct annual funding process as defined in this section. Essential Tourism Assets are defined in this policy as:

Organizations that provide cultural or heritage programming and enrichment opportunities including museums, art galleries, or performance venues located inside the City of Bastrop.

The Bastrop City Council will annually adopt a list of current Essential Tourism Assets during the budget adoption process.

2.02 Annual Essential Tourism Assets Program HOT Funding Request Process

Prospective Essential Tourism Assets HOT Fund recipients will use the following procedures for funding requests annually:

- A. Submit funding requests to the City Manager or their designee by June 15th and in the format established by the City Manager or their designee that will be available by request.
- B. Funding requests will be reviewed by the City Manager or their designees as part of the City's annual budget process.
- C. The City Manager or their designees will provide recommendations on each request from the prospective Annual Essential Tourism Assets Program HOT Fund requests in the annual budget presentation.
- D. The City Council will have final authority for approving contracts and funding amounts, including a decision to forgo or amend recommended funding, for any current or prospective applicant to the Essential Tourism Asset Program.

2.03 Annual Essential Tourism Assets Program HOT Fund Recipient Contract

An annual contract will be presented on behalf of all Annual Essential Tourism Asset Program HOT Fund Recipients to the City Council during the City's budget process. Contract form will be approved by the City Attorney and content will include all necessary reporting and monitoring requirements necessary to comply with all federal, state, and local rules and regulations, meet the intent of this Hotel Occupancy Tax Fund Policy, and any goals, strategies, plans or standards established by the City of Bastrop City Council.

2.04 Reports and Monitoring

The following reports shall be required of all Annual Essential Tourism Assets Program HOT Fund Recipients:

Annually:

- HOT Revenue Program Report - Narrative of program activities for the organization (annually) that includes:
 - Marketing Plan
 - Programming Schedule
 - Strategic Plan
 - Operating Budget
 - Visitor Data including an intercept survey and traffic counts to the agency, program or event.

Quarterly

- Financial statements that describe specifically how HOT funds from the City of Bastrop are being utilized;
- Programming presentations to the general public during Bastrop City Council meetings that includes information on:
 - Upcoming programs or events
 - Updates on past programs or events
 - Current or future marketing efforts and partnerships
 - Staff or board development
 - Current, past or future fundraising initiatives

The City of Bastrop will monitor Annual Essential Tourism Assets Program HOT Fund Recipients to ensure compliance with all contractual elements and that the agencies, programs, and events are working in accordance with the intent of this policy.

- A. Funding for each agency will be made on a schedule as defined in the annual funding contract.
- B. Continued funding is contingent on the timely submission of all completed quarterly and annual reports that meet the requirements of this policy and the contract between the City and the recipient. Compliance with the requirements shall be determined by the City Manager or their designee.
- C. Organizations that receive funds from the Hotel Occupancy Tax Fund will meet the requirements of this section and all of the requirements listed in State law regarding the proper reporting and accounting of Hotel Occupancy Tax funds.
- D. Organizations receiving Hotel Occupancy Tax Funds must also follow all federal, state, and local rules and regulations related to buildings open to public access.
- E. An annual report will be prepared by all Annual Program HOT Fund Recipients for review as part of the budget review process.
- F. The City will be allowed access to the recipient's financial records to allow the City to audit or review the Organizations financial records.

Section 3: **Special Event-Based HOT Funding**

3.01 Overview

Organizations requesting to receive special event-based HOT funds will submit requests with Visit Bastrop, a 501c6 destination marketing organization that serves as the official marketing agency, brand advocate, and tourism and hospitality development arm of the City of Bastrop. Visit Bastrop will annually allocate special event HOT funds per their contractual agreement with the City of Bastrop to outside organizations requesting special event funding.

3.02 Event HOT Funding Process

The application process will be established by Visit Bastrop and approved by their board.

DRAFT



STAFF REPORT

MEETING DATE: May 8, 2018

AGENDA ITEM: 6D

TITLE:

Receive a presentation regarding the grant awarded from State Farm to purchase fire alarms for our citizens who are hearing impaired and/or at risk of sleeping through an ordinary fire alarm.

STAFF REPRESENTATIVE:

James Altgelt, Interim Public Safety Director
Mark Wobus, Fire Chief

BACKGROUND/HISTORY:

In October 2017, the Sign Language Clubs from Bastrop High School and Cedar Creek High School began a fundraising drive to purchase fire alarms for the hearing impaired. The Bastrop Chamber of Commerce joined in with the Sign Language Clubs and also began to raise money.

On November 1, 2017, Fire Chief Mark Wobus attended the Bastrop Chamber of Commerce monthly meeting. During this meeting, Chief Wobus received \$322 raised by the Sign Language Clubs and \$986 that was raised by the Bastrop Chamber of Commerce.

In December 2017, Fire Chief Mark Wobus applied for the State Farm Community Good Neighbor Citizenship Grant. The purpose of this grant was to assist communities with purchasing community safety related items.

In March 2018, Chief Wobus received notification that the Bastrop Fire Department was awarded \$8,000 through the State Farm Community Good Neighbor Citizenship Grant. After conducting extensive research, Chief Wobus identified the "Lifestone HLAC151 Bedside Fire Alarm & Clock" as the appropriate fire alarm that can be utilized by the hearing impaired as well as individuals who are at risk of sleeping through an ordinary alarm. This alarm system works in conjunction with existing smoke alarms and responds with audible, visual, and tactile alerts. 21 households in the city and county have been identified to receive this alarm.

FUNDING SOURCE:

This project is completely grant funded and has no adverse impact to the City's budget.

ATTACHMENTS:

- PowerPoint Presentation

Fire Alarm Presentation

May 8, 2018



Background

- Bastrop Chamber of Commerce
 - Pass the Fire Boot
- High School Bake Sale Project
 - Bastrop High School Sign Language Club
 - Cedar Creek High School Sign Language Club



We **BELIEVE** in
Bastrop
BISD!



Success!

- Bastrop High School & Cedar Creek High School Sign Language Clubs raise \$322.
- Bastrop Chamber of Commerce raises \$986.



“Like a Good Neighbor ...”

- State Farm Community Good Neighbor Citizenship Grant application in December 2017.
- \$8,000 awarded from State Farm Community Good Neighbor Citizenship Grant notification in March 2018.



Lifetone Bedside Fire Alarm & Clock

- Works in combination with existing smoke detector
- Audible Alerting
 - Loud lower-pitched signal
 - “Fire! Get Out!”
- Tactile Alerting
 - Vibrating Disk (“Bed Shaker”)
- Visual Alerting
 - “Fire”



It's Not Just a City Thing

- 21 previously identified Households in the Greater Bastrop Area will soon be receiving these vital life saving pieces of equipment at no cost.
- THANK YOU:
 - Bastrop Chamber of Commerce
 - Bastrop High School Sign Language Club
 - Cedar Creek High School Sign Language Club
 - State Farm



Demonstration



- Demonstration video will begin on next slide

Demonstration





STAFF REPORT

MEETING DATE: May 8, 2018

AGENDA ITEM: 7

TITLE:

CITIZEN COMMENTS

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

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

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



STAFF REPORT

MEETING DATE: May 8, 2018

AGENDA ITEM: 8A

TITLE:

Consider action to approve City Council minutes from the April 24, 2018 Regular meeting.

STAFF REPRESENTATIVE:

Lynda Humble, City Manager
Ann Franklin, City Secretary

BACKGROUND/HISTORY:

N/A

POLICY EXPLANATION:

Section 551.021 of the Government Code provides as follows:

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

FUNDING SOURCE:

N/A

RECOMMENDATION:

Consider action to approve City Council minutes from the April 24, 2018 Regular meeting.

ATTACHMENTS:

- April 24, 2018, DRAFT Regular Meeting Minutes.

**MINUTES OF REGULAR COUNCIL MEETING
BASTROP CITY COUNCIL
April 24, 2018**

The Bastrop City Council met in a Regular Meeting on Tuesday, April 24, 2018, at 6:30 p.m. at the Bastrop City Hall Council Chambers, located at 1311 Chestnut Street, Bastrop, Texas. Members present were Mayor Schroeder, Mayor Pro Tem Schiff and Council Members Jones, Ennis, Nelson and Peterson. Officers present were City Manager Lynda Humble, City Secretary Ann Franklin and City Attorney Alan Bojorquez.

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

Diamond Cooper, Hulisher Haywood and Evelyn Marin, Regional Day School Program for the Deaf, led the Pledge of Allegiance.

INVOCATION

Pastor Bob Long, Retired, gave the invocation.

EXECUTIVE SESSION

The City Council met at 6:36 p.m. in a closed/executive session pursuant to the Texas Government Code, Chapter 551, et seq, to discuss the following:

- 10A. City Council shall convene into closed executive session pursuant to Section 551.074 of the Texas Government Code as per the written request of S. Adcock to hear his appeal from a disciplinary employment action (termination as Director of Public Safety) in accordance with Chapter 7, Section 8 of the City's Personnel Policies Manual. City Council may also convene into closed executive session pursuant to Section 551.071 of the Texas Government Code to confer with the City Attorney.

The Bastrop City Council reconvened at 7:11 p.m. into open (public) session.

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

No action taken.

PRESENTATIONS

- 4A. A proclamation of the City Council of the City of Bastrop, Texas and Bastrop County Commissioners Court recognizing May 3, 2018, as a Day of Prayer.
The proclamation was read into record by Mayor Schroeder.
- 4B. A proclamation of the City Council of the City of Bastrop, Texas, recognizing May 4, 2018 as Firefighter Day for the City of Bastrop.
The proclamation was read into record by Mayor Schroeder and accepted by Fire Chief Mark Wobus.

- 4C. A proclamation of the City Council of the City of Bastrop, Texas, recognizing April 27, 2018, as National Arbor Day.

The proclamation was read into record by Mayor Schroeder and accepted by the Parks & Recreation Superintendent, David Junek.

- 4D. Mayor's Report

ACTIVITIES OF MAYOR SCHROEDER SINCE THE LAST COUNCIL MEETING:

- **April 11**
 - Texas Electric Power Conference
- **April 12-14**
 - Cultivating Strong Towns Workshop
- **April 15**
 - Annual Lost Pines Art Center Gala
- **April 16**
 - BECD Monthly Meting
- **April 18**
 - NJROTC Cadet Inspection (w/Regional Commander)
- **April 19**
 - Bastrop Beer Company – Ribbon Cutting
 - Mid-Year Budget City Council Work Session
- **April 20**
 - BEDC Workforce Development Program
 - Texas Historical Foundation Annual Meeting
- **April 21**
 - Keep Bastrop County Beautiful River Rally Race
 - Crawfish on the Colorado benefiting Bastrop Animal Rescue
- **April 22**
 - River Clean-up Day
- **April 23**
 - **EARLY VOTING STARTS!**
 - Deluxe Corporation Marketing Seminar
- **April 24**
 - Rotary Speaker
 - City Council

UPCOMING EVENTS

- **April 26**
 - Ribbon Cutting; Serenity Ballistics
- **April 27**
 - BEST Breakfast
- **April 28**
 - Annual Prescription Drug Takeback
 - MS 150
- **April 29**
 - Table on Main
- **April 30**
 - Texas State Prayer Breakfast
- **May 1**
 - Last day of Early Voting

- Seton Hospital Ground Breaking
- Bastrop Business Bash
- **May 2**
 - Chamber Luncheon – The State of the City
 - BAIPP Monthly Meeting
- **May 3**
 - National Day of Prayer (County Courthouse)
 - Ribbon Cutting; Hero Water Sports
 - Farm Street Opry
- **May 4**
 - First Friday Art Walk
- **May 5**
 - **ELECTION DAY**
 - Cinco De Mayo Pub Crawl

4E. Councilmembers' Report

Council Member Jones

- **Bastrop High School track team will participate in the regionals in Houston.**

Council Member Nelson

- **April 18 – Attended the Wheeled Sports Complex design meeting, there was a great turnout.**

4F. City Manager's Report

Nothing to report

5. WORK SESSION/BRIEFINGS

5A. Discuss the proposed Ethics Ordinance and receive public comment.

Public comment was received from Connor McAnally, he expressed his satisfaction with the proposed ethics ordinance.

6. STAFF AND BOARD REPORTS

6A. Presentation on the Quarterly Investment Report for the period ending March 31, 2018.

Presentation was made by Chief Financial Officer, Tracy Waldron.

CITIZEN COMMENTS

Bill McLean – He is the attorney representing Clinton and Cammy Burns, owners of mobile home park. He expressed that his clients are serious about addressing the situation with the mobile home park and that prior efforts were made with staff to address the issues. He pointed out: there was a break down in the effort to resolve the issues, he did not know the cause of the break down; his clients wants a safe mobile home park, one that is good for the City of Bastrop. He implored the City to look at the true wording of the statute with the City Attorney in order to get to an objective and reasonable resolution on this matter.

Vicente Gonzalez – Manager of Estate Mobile Home Park for two (2) years, resident for 13 years. Stated the mobile home park is a safe place to live.

Kay Revetta – Spoke in support of the reinstatement of Steve Adcock as Bastrop Chief of Police. Ms. Revetta stated accusations of discrimination in the City of Bastrop workplace and called for the termination of City Manager, Lynda Humble.

Richard Revetta – Mr. Revetta made the request to donate his time to the previous speaker (Kay Revetta). (The City Attorney, Alan Bojorquez stated that he was not aware of any policy or rule that allow individuals to pool or donate their time, they are allotted the time signed up for and that is it.) Mr. Revetta requested to have a video shown. (The City Attorney stated that it is the policy and practice of the City of Bastrop that the videos displayed are those of who are invited on behalf of an agenda item prepared by staff or the City's consultants, this venue is not opened up to members of the public.) The Mayor informed Mr. Revetta that he was welcome to submit the video if he would like to have it viewed at a later meeting.

Richard Kindred – Suggested a public display of time and buzzer for full disclosure. He stated if people are working in fear and intimidation, fear and intimidation creates chaos, chaos creates havoc and havoc means “I can’t do my job”. He stated that he is speaking today because he is a supporter of the Police Chief who in his opinion may be wrongfully terminated. He pointed out that the Police Chief was interim City Manager for a period. He asked how the Chief fell from grace. He stated that he found the Chief to be a man that was approachable, that listened, and acted. He exchanged emails with the Chief. He stated that he came to speak on the Chief’s behalf but after hearing the previous speaker he realized there is a problem in this building. He stated these were strong accusations. He stated that he is very concerned, he viewed the Art Center article that was published and 260 citizens commented on the way business is being conducted at City Hall. He encouraged the Council to perform an Environmental Assessment for all city staff, get an independent third party to conduct an Environment Assessment of the work relations at this city with every city staff person.

Reverend Robert E. Wellington Sr. – Stated he was in attendance in support of the reinstatement of Chief Adcock and to show moral support of the officers.

Connor McAnally – Spoke in support of Chief Adcock.

Jeffrey Voight – Stated he owns two pieces of commercial property in Bastrop, he has worked with the Downtown Business Alliance and Bastrop Citizen Police Academy under the leadership of Chief Bill Anderson and City Manager Jeff Holberg. He stated that he recently worked with former City Engineer, Wesley Brandon on getting a public utility easement that was put into place when his current building was already in place, they were moving towards a solution when Mr. Brandon left. He stated the question the City Council and Mayor should be asking is “why are we loosing this type of talent?” He stated the official reason was that he was moving to bigger and better things but he did not believe that was the true answer. He stated the Council should be asking why are there so many open positions in the City, specifically leadership positions. He suggested that the Council reach out to the city employees to find out what is really going on in the city. He stated “you have to ask yourself, do we have a hostile work environment here, are we taking care of the people who work and serve our city, why can we not retain and recruit new talent?”. His final question “Why are we letting one of the best police chiefs leave the service of the city?”

Wuthipong Tantaksinanukij (Tank) – He stated that Bastrop has relational policing, which was developed under Chief Adcock. He stated he made phone calls to friends who work for the City and he has never witnessed anything like the fear of retaliation and he does not know where it stems from if it is from the elected officials, City Manager, or department head but there is a dynamic change in the culture of the city workers who are the most valued assets in the City. He stated that happy workers are productive workers but at this time there is a sense of fear among the city workers. He thanked Chief Adcock for his service.

Kay McAnally – Stated she was on the City Council when Chief Adcock came on board as the Bastrop Chief of Police. She stated that Chief Adcock turned the Bastrop Police Department around and she never heard a bad word about him. Spoke in support of Chief Adcock.

Barbara Adkins – She stated the first time she met Chief Adcock it was in a room full of upset people and by the time the meeting was over he had calmed the room. She spoke of the support that Chief Adcock gave during the Senior Center's bus accident and that he was there every step of the way. Spoke in support of Chief Adcock and requested that the Council reinstate the Chief.

Dock Jackson – Stated he was on the City Council when Chief Adcock was hired. He stated that he has worked with seven police chiefs and he ranks Chief Adcock with the best of them. He stated that the Chief brought the community together. He supported Chief Adcock's reinstatement. He asked the Council to take this serious.

Lisa Patterson – Thanked Chief Adcock for his service and stated that she has had nothing but wonderful experiences with every interaction with him and his department. She stated while she came to thank the Chief and ask for him to be reinstated; from what she heard she believes this to be a larger symptom of a larger problem that this community is facing and she reminded Council that they were elected to govern and she ask that they take it very seriously regarding some of the complaints brought forward.

Debbi Moore – Stated Chief Adcock instituted community outreach both in the African American and Hispanic community when tensions were very high, he reached out to them and let them know that he cared and it helped calm the waters. She stated that she worked closely with the Chief regarding filming projects. She thanked Chief Adcock.

Greg Gilleland – Stated that Chief Adcock came into the Bastrop Police Department and changed the direction and morale of the entire department. He stated to the Council that they were setting a precedent and scaring off every future professional not just the police chief. He asked the Council to reconsider their decision and if nothing else give him the same severance package as Ms. Humble.

Greg Coy – Stated that he did not want to speak more about Chief Adcock, his fruits are known. A leader represents people he brings up front, a leader doesn't stand up front. He stated that he is on the staff with Tank to represent the Hispanic community, the Chief allowed the Hispanics to have a voice in the community. He asked the Council to reinstate the Chief. He stated he was not there to represent the Chief because he has a good lawyer, the good Lord and the good Lord is going to work it all out. Today a difference can be made by saying we can make a difference in our community by saying we can make a difference as a group,

it is not an "I" thing it needs to be a "we" thing. The Chief is the one the good Lord is using to bring peace into the land, that's why he is an officer. He believes the whole City of Bastrop is standing behind the Chief. He stated it is ok to say we can reinstate him, it does not say you are wrong, it just says we can make a difference.

CONSENT AGENDA

A motion was made by Mayor Pro Tem Schiff to approve Items 8A, 8B and 8C listed on the Consent Agenda after being read into the record by City Secretary, Ann Franklin. Seconded by Council Member Jones, motion was approved on a 5-0 vote.

- 8A. Consider action to approve City Council minutes from the March 24, 2018 Water/Wastewater Workshop and April 10, 2018 Regular meeting.
- 8B. Consider action to approve Resolution No. R-2018-30 of the City Council of the City of Bastrop, Texas accepting a right-of-way dedication of five feet for Childers Drive, along the east property line of Bastrop Station Addition, Lot 2, located at 300 West State Highway 71, within the city limits of Bastrop, Texas, as attached in Exhibit A; and establishing an effective date.
- 8C. Consider action to approve Resolution No. R-2018-29 of the City Council of the City of Bastrop, Texas approving the authorization and recordation of a Release of Judgement in the matter of Warren v. Clampit, Cause No. 18,852, as attached in Exhibit A; and establishing an effective date.

ITEMS FOR INDIVIDUAL CONSIDERATION

- 9A. Consider action to approve the creation of a Cultural Arts Master Plan Task Force to coordinate with GO Collaborative during the development of the Cultural Arts Master Plan.

Presentation was made by Main Street Director, Sarah O'Brien.

A motion was made by Council Member Ennis to approve the creation of a Cultural Arts Master Plan Task Force, seconded by Council Member Peterson, motion was approved on a 5-0 vote.

- 9B. Consider action to approve the second reading of Ordinance No. 2018-03 of the City Council of the City of Bastrop, Texas amending the Code of Ordinances, Chapter 14 titled "Zoning," Article 14.03 titled "Historic Landmark Preservation"; and adding Appendix A titled "Fee Schedule," Section A14.01.003 titled "Fees for Historic Landmark Preservation," as attached in Exhibit A; providing for a penalty for the violation of this ordinance; providing a repealing clause; providing a severability clause; and providing an effective date.

Presentation was made by Planning Department Assistant Director, Jennifer Bills.

A motion was made by Council Member Nelson to approve Ordinance No. 2018-03, seconded by Mayor Pro Tem Schiff, motion was approved on a 3-0 vote. Council Members Ennis and Jones recused themselves.

- 9C. Consider action to approve Resolution No. R-2018-27 of the City Council of the City of Bastrop, Texas to enter a contract for the purchase through Buy Board of an emergency generator to Waukesha-Pearce Industries, Inc., in the amount of \$81,329.00 (Eighty-one thousand three hundred twenty-nine dollars and 00/100 cents); as attached in Exhibit A; authorizing the City Manager to execute all necessary documents; providing for a repealing clause; and establishing an effective date.

Presentation was made by Managing Director of Public Works & Leisure Services, Trey Job.

A motion was made by Mayor Pro Tem Schiff to approve Resolution No. R-2018-27, seconded by Council Member Ennis, motion was approved on a 5-0 vote.

- 9D. Consider action to approve Resolution No. R-2018-28 of the City Council of the City of Bastrop, Texas awarding a contract for the repainting of the 1 million gallon Stand Pipe, 250 thousand gallon Elevated Tank located at Loop 150 facility, and the 500 thousand gallon Ground Storage Tank at Willow Treatment Plant location, to Tri-State Coatings, Inc., at a cost of \$115,000.00 (One hundred fifteen thousand dollars and 00/100 cents); as attached in Exhibit A; authorizing the City Manager to execute all necessary documents; providing for a repealing clause; and establishing an effective date.

Presentation was made by Managing Director of Public Works & Leisure Services, Trey Job.

A motion was made by Council Member Jones to approve Resolution No. R-2018-28 with amendment to have change order to include the name "Mayfest Park" on the storage tank, seconded by Mayor Pro Tem Schiff, motion was approved on a 5-0 vote.

- 9E. Consider action to approve the first reading of Ordinance No. 2018-05 amending the budget for the Fiscal Year 2018 in accordance with existing statutory requirements; appropriating the various amounts herein; as attached in Exhibit A; repealing all prior ordinances and actions in conflict herewith; and providing for an effective date and move to include on the May 8, 2018, City Council agenda for a second reading.

Presentation was made by Chief Financial Officer, Tracy Waldron.

A motion was made by Council Member Ennis to approve the first reading of Ordinance No. 2018-05, seconded by Mayor Pro Tem Schiff, motion was approved on a 5-0 vote.

EXECUTIVE SESSION CONTINUED

The City Council met at 8:41 p.m. in a closed/executive session pursuant to the Texas Government Code, Chapter 551, et seq, to discuss the following:

- 10A. City Council shall convene into closed executive session pursuant to Section 551.074 of the Texas Government Code as per the written request of S. Adcock to hear his appeal from a disciplinary employment action (termination as Director of Public Safety) in accordance with Chapter 7, Section 8 of the City's Personnel Policies Manual. City Council may also convene into closed executive session pursuant to Section 551.071 of the Texas Government Code to confer with the City Attorney.

The Bastrop City Council reconvened at 10:15 p.m. into open (public) session.

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

The following statement was read into record by Council Member Ennis.

We the Council appreciate the public comments relative to Chief Adcock and his years of service to the Bastrop community. We hired our City Manager to assemble a management team that she feels will provide the best possible service to this community. The City Council stands united in support of City Manager Humble and her decision to best manage this city.

EXECUTIVE SESSION CONTINUED

The City Council met at 10:16 p.m. in a closed/executive session pursuant to the Texas Government Code, Chapter 551, et seq, to discuss the following:

- 10B. City Council shall convene into closed executive session pursuant to Section 551.071 of the Texas Government Code to discuss code compliance and anticipated litigation with the City Attorney regarding 2505 Main Street.

The Bastrop City Council reconvened at 11:07 p.m. into open (public) session.

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

The following statement was made by City Attorney, Alan Bojorquez.

Item 10 B is a code enforcement matter regarding the Piney Crossing Mobile Home Park. This is an issue that has been on the City's radar for many years. Documentation shows where the City has identified a number of public health and safety concerns, many of them that are quite crucial and important to the saving of lives and property. Those concerns have been communicated to various property owners over the years, there has been discussions of plans of property owners fixing the infrastructure and upgrading it to a point of meeting the codes but those concerns keep continuing. Recently the City engaged in a new dialogue with the current owners and their new lawyer about the City's concerns, those concerns stem from observations, first-hand reports regarding water utilities, wastewater utilities, electric infrastructure and fire safety issues implicating many provisions of the city of Bastrop's Code of Ordinances and also the national and international codes that the City has adopted dating back into the 70's which applies to this property. The City's mission in pursuing this dialogue has been compliance, to get the property up to code so that it is safe for those who reside there and visit the property and also safe for the surrounding community. Things like water contamination and fire danger are important, not just to the residents of that mobile home park but everyone in Bastrop. The City has been trying to engage the property owners in order for them to put forth a plan to upgrade and fix the property. This item was listed as a litigation item on today's agenda because if negotiations and cooperation fail the City has code enforcement options both criminal and civil route, the City does reserve those but hopes not to have to utilize them. The lawyer for the owners spoke during the Citizen Comment portion of this meeting today, it was very encouraging that the property owners are eager to cooperate and bring the property into compliance, that is the City's ultimate hope. As the code is looked at it is realized that they apply to other properties as well so other properties will be systematically looked at and brought to the attention of the owners and occupants anything that the City feels is a danger to the residents of the property and others nearby. A

preliminary legal briefing was given in executive session regarding the facts of the law on this matter, this was the first time Council has been briefed on this and the first time this matter has been brought to the attention of Council. There was nothing presented in executive session, including the attorney's legal guidance that would be inappropriate to share publicly. If Council receives questions regarding this, it may be an issue of vital public interest, there is nothing about what was discussed in executive session that the attorney would recommend be withheld. The Council is free to comment and will not be jeopardizing the City's legal position in that regard. The City will continue to work with the property owner and communicate with their attorney. Several lists have been given by the City of what the problems are and tying to specific codes. Based on recent inspections the City is updating the list of problems and will be providing the list to the property owners and their legal counsel in hopes that they can put forth a plan that will address the property and the defects on that property. The City Attorney will keep Council informed as the City goes through this process. No City Council authorization or approval is required this was a briefing and discussion item.

ADJOURNMENT

Adjourned at 11:11 p.m. without objection.

APPROVED:

Mayor Connie B. Schroeder

ATTEST:

City Secretary Ann Franklin



STAFF REPORT

MEETING DATE: May 8, 2018

AGENDA ITEM: 8B

TITLE:

Consider action to approve the second reading of Ordinance No. 2018-05 of the City Council of the City of Bastrop, Texas amending the budget for the Fiscal Year 2018 in accordance with existing statutory requirements; appropriating the various amounts herein; as attached in Exhibit A; repealing all prior ordinances and actions in conflict herewith; and providing for an effective date.

STAFF REPRESENTATIVE:

Tracy Waldron, Chief Financial Officer

BACKGROUND/HISTORY:

The budget amendments do, in some funds, increase the budget appropriations for Fiscal Year 2018. Funds included in these amendments are detailed below:

General Fund includes:

- Transfer any salary vacancy savings to contingency for City Manager discretion. There were savings in Finance, Information Technology, Police and Public Works.
- The grant for the Shelter, received from the County, does not cover supplies and equipment required to operate the shelter day to day. This transfer from contingency covers to cost of purchasing these items (ie. appliances, tables, chairs, emergency management equipment, cots, supplies, etc.)

Vehicle & Equipment Replacement Fund includes:

- There is available fund balance in this fund and there are many vehicle and equipment needs throughout the organization. This budget amendment funds a water department truck, grant match for new servers at the Police department for camera video and an extraction tool for Fire.

Bastrop Power & Light includes:

- This fund received \$25,000 from Buc-ee's as part of an outdoor alternative light plan approved by Council. This amendment recognizes the additional revenue and budgets an expense for the new lighting that will be purchased and installed.

Water/Wastewater department includes:

- The XS Ranch well settlement agreement required a hydraulic study as part of the permit for Well J. This study was not budgeted in FY19. This amendment increases the expense code to cover this required study.

Hunter's Crossing Public Improvement District includes:

- This amendment increases the Legal service expense to cover the compliance audit approved by Council. The General Fund will need to cover the cash shortage with a due from the PID fund until the assessments can be increased to cover the shortfall.

Bastrop Economic Development Corporation includes:

- Increase expense for redevelopment at 921 Main Street.

POLICY EXPLANATION:

- The City Charter requires that when the budget is amended, that the amendment be made by Ordinance.
- The Financial Management Policy states that the level of budgetary control is the department level in all funds. When budget amendments are required between departments and funds, these must be approved by City Council through an Ordinance. The Financial Management Policy further states that the contingency account can be increased by the amount available from vacancy savings on a quarterly basis.

FUNDING SOURCE:

N/A

RECOMMENDATION:

Consider action to approve the second reading of Ordinance No. 2018-05 of the City Council of the City of Bastrop, Texas amending the budget for the Fiscal Year 2018 in accordance with existing statutory requirements; appropriating the various amounts herein; as attached in Exhibit A; repealing all prior ordinances and actions in conflict herewith; and providing for an effective date.

ATTACHMENTS:

- Ordinance 2018-05
- Exhibit "A"

ORDINANCE NO. 2018-05

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP,
TEXAS, AMENDING THE BUDGET FOR THE FISCAL YEAR 2018 IN
ACCORDANCE WITH EXISTING STATUTORY REQUIREMENTS;
APPROPRIATING THE VARIOUS AMOUNTS HEREIN; AS ATTACHED IN
EXHIBIT A; REPEALING ALL ORDINANCES AND ACTIONS IN CONFLICT
HEREWITH; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the City Manager of the City of Bastrop has submitted to the Mayor and City Council proposed amendment(s) to the budget of the revenues and/or expenditures/expenses of conducting the affairs of said city and providing a complete financial plan for Fiscal Year 2018; and

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

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

Section 1: That the proposed budget amendments for the Fiscal Year 2018, as submitted to the City Council by the City Manager and which budget amendments are attached hereto as Exhibit "A", are hereby adopted and approved as the amended budget of said city for Fiscal Year 2018.

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

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

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

READ and APPROVED on First Reading on the 24th day of April 2018.

READ and ADOPTED on Second Reading on the 8rd day of May 2018.

APPROVED:

Connie B. Schroeder, Mayor

ATTEST:

Ann Franklin, City Secretary

APPROVED AS TO FORM:

Alan Bojorquez, City Attorney

Exhibit "A"
FY 2018
BUDGET AMENDMENTS
GENERAL FUND

Audited Fund Balance as of 9-30-17	3,261,139
FY2018 Budgeted Revenues	10,712,030
FY2018 Budgeted Expenses	(10,712,030)
1/2018 Budget Amendments (net)	(252,328)
4/2018 Budget Amendments (net)	0
Ending Fund Balance	<u>3,008,811</u> (25% policy = \$2,678,008)

DEPARTMENT	BUDGET	AMOUNT	DESCRIPTION	ACCOUNT #
New Revenue:				
Matching Revenues to Expenditures:				
Total Revenues		0		
Matching Expenditures to Revenues:				
New Expenditures:				
PD-Emergency Mgmt	Increase	50,000	Equipment	101-09-14-5206
Organizational	Decrease	(50,000)	Contingency	101-02-00-5900
Finance	Decrease	(21,925)	Operational Salaries	101-05-00-5101
IT	Decrease	(3,000)	Group Insurance	101-07-00-5155
Police	Decrease	(24,342)	Operational Salaries	101-09-21-5101
Public Works	Decrease	(23,514)	Operational Salaries	101-18-10-5101
Parks	Decrease	(17,304)	Operational Salaries	101-18-19-5101
Organizational	Increase	90,085	Contingency	101-02-00-5900
Total Expenditures		0		
Net Change		0		

FY 2018
BUDGET AMENDMENTS
WATER/WASTEWATER FUND

Operating Fund Balance as of 9/30/17 4,221,052

FY 2018 Budgeted Revenues 5,121,640

FY 2018 Budgeted Expenses **(6,679,564)**

4/2018 Budget Amendments (net) **(60,000)**

Ending Fund Balance **2,603,128**

BUDGET	AMOUNT	DESCRIPTION	ACCOUNT NUMBER
Matching Revenues to Expenditures:			

Total Revenues 0

Matching Expenditures to Revenues:

Increase

New Expenditures:

Administration	Increase	(60,000)	Professional Services
	Increase		202-35-10-5505

Total Expense (60,000)

Net Change **(60,000)**

FY 2018
BUDGET AMENDMENTS
VEHICLE & EQUIPMENT REPLACEMENT FUND

Audited Fund Balance as of 9-30-17	982,991
FY2018 Budgeted Revenues	561,371
FY2018 Budgeted Expenses	(82,000)
1/2018 Budget Amendments (net)	(293,276)
4/2018 Budget Amendments (net)	(57,000)
Ending Fund Balance	<u>1,112,086</u>

DEPARTMENT	BUDGET	AMOUNT	DESCRIPTION	ACCOUNT #
Matching Revenues to Expenditures:				
Total Revenue		0		
Matching Expenditures to Revenues:				
New Expenditures:				
Fire	Increase	(7,000)	Equipment	380-00-00-6010
IT	Increase	(20,000)	Capital Outlay	380-00-00-6000
W/WW	Increase	(30,000)	Vehicle	380-00-00-6030
Total Expense		(57,000)		
Net Change		(57,000)		

FY 2018
BUDGET AMENDMENTS
BP&L

Operating Fund Balance as of 9/30/17 4,264,411

FY2018 Budgeted Revenues 7,323,696

FY2018 Budgeted Appropriations **(7,908,734)**

4/2018 Budget Amendments (net) 0

Ending Fund Balance 3,679,373

DEPARTMENT	BUDGET	AMOUNT	DESCRIPTION	ACCOUNT NUMBER
Matching Revenues to Expenditures:				
	Neutral	25,000	Special Project Reimbursement	404-00-00-4317
Total Revenues <u><u>25,000</u></u>				
Matching Expenditures to Revenues:				
	Neutral	(25,000)	Special Project Expense	404-60-00-6401
New Expenditures:				
	Total Expense	<u><u>(25,000)</u></u>		
	Net Change	0		

FY 2018
BUDGET AMENDMENTS
BASTROP ECONOMIC DEVELOPMENT CORP.

Audited Fund Balance as of 9-30-17	3,895,093
FY 2018 Budgeted Revenues	3,708,922
FY 2018 Budgeted Expenses	(5,141,465)
4/2018 Budget Amendments (net)	(40,000)
Ending Fund Balance	<u>2,422,550</u>

DEPARTMENT	BUDGET	AMOUNT	DESCRIPTION	ACCOUNT #
Matching Revenues to Expenditures:				
Total Revenue		0		
Matching Expenditures to Revenues:				
New Expenditures:				
Increase	(40,000)	921 Main Street Redevelopment		601-70-00-6714
Total Expense	(40,000)			
Net Change	(40,000)			

FY 2018
BUDGET AMENDMENTS
HUNTER'S CROSSING PUBLIC IMPROVEMENT DISTRICT

Audited Fund Balance as of 9-30-17	44,462
FY 2018 Budgeted Revenues	379,237
FY 2018 Budgeted Appropriations	(415,750)
4/2018 Budget Amendments (net)	(40,000)
Ending Fund Balance	<u>(32,051)</u>

DEPARTMENT	BUDGET	AMOUNT	DESCRIPTION	ACCOUNT #
Matching Revenues to Expenditures:				
Total Revenue		0		
Matching Expenditures to Revenues:				
New Expenditures:				
Increase	(40,000)	Legal Services		710-00-00-5525
Total Expense		<u>(40,000)</u>		
Net Change	(40,000)			



STAFF REPORT

MEETING DATE: May 8, 2018

AGENDA ITEM: 8C

TITLE:

Consider action to approve Resolution No. R-2018-32 amending Chapter 7, Section 8 of the Personnel Policies Manual regarding Discipline, Appeals, and Grievances; providing for a repealing clause, and providing an effective date.

STAFF REPRESENTATIVE:

Lynda Humble, City Manager
Alan Bojorquez, City Attorney

BACKGROUND/HISTORY:

The City of Bastrop is a Home-Rule municipality with the Council- Manager form of government, as is reflected in the Charter and Code of Ordinances. Under this form of government, the City Manager is charged with management of all employees not specifically hired by the City Council.

POLICY EXPLANATION:

The City Council finds it necessary and prudent to conform the Personnel Policies Manual to the Charter and Code of Ordinances, which will be accomplished with the approval of Resolution R-2018-32 amending Chapter 7, Section 8.

FUNDING SOURCE:

N/A

RECOMMENDATION:

Consider action to approve Resolution No. R-2018-32 amending Chapter 7, Section 8 of the Personnel Policies Manual regarding Discipline, Appeals, and Grievances; providing for a repealing clause, and providing an effective date.

ATTACHMENTS:

- Resolution R-2018-32

RESOLUTION NO. R-2018-32

A RESOLUTION OF THE CITY OF BASTROP, TEXAS, AMENDING CHAPTER 7, SECTION 8 OF THE PERSONNEL POLICIES MANUAL REGARDING DISCIPLINE, APPEALS, AND GRIEVANCES; PROVIDING FOR A REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Bastrop is a Home-Rule municipality with the Council-Manager form of government, as is reflected in the Charter and Code of Ordinances; and

WHEREAS, under this form of government, the City Manager is charged with management of all employees not specifically hired by the City Council; and

WHEREAS, the City Council finds it necessary and prudent to conform the Personnel Policies Manual to the Charter and Code of Ordinances.

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

Section 1: The City Council hereby amends the Personnel Policies Manual, Chapter 7, Section 8, in accordance with *Attachment "A"*.

Section 2: The meeting at which this Resolution was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Texas Open Meetings Act.

Section 3: All orders, ordinances, and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

Section 4: That this Resolution shall take effect immediately upon its passage, and it is so resolved.

DULY RESOLVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, ON THIS, THE 8TH DAY OF MAY, 2018.

APPROVED:

Connie B. Schroeder, Mayor

ATTEST:

Ann Franklin, City Secretary

APPROVED AS TO FORM:

Alan Bojorquez, City Attorney

CITY OF BASTROP, TEXAS
PERSONNEL POLICIES MANUAL

May 2005

Updated June 28, 2012 (Chapter 2, Section 8: Referral & Selection)

Updated March 26, 2013 (Chapter 11, Section 5: Meals)

Updated December 13, 2013 (Chapter 5, Section 14: Modified Work Duty Program)

Updated June 1, 2015 (Chapter 10, Section 1: Medical/Dental Insurance)

CHAPTER 7: DISCIPLINE, APPEALS, AND GRIEVANCES

SECTION 8: APPEALS OF DISCIPLINARY ACTION

Disciplinary actions taken under this chapter may be appealed, in writing, to the City Manager, within five (5) working days after the employee receives actual or constructive notice of the disciplinary action issued. The disciplinary action taken by the supervisor may either be stayed, pending a final decision on the employee's appeal, or it may take effect at the time it is issued, as determined by the City Manager.

The City Manager, after conducting a thorough investigation of the facts and circumstances, shall have broad authority to approve, disapprove, modify, or rescind any disciplinary actions taken or proposed. The City Manager shall attempt to resolve the issue with expediency and will, when feasible, notify the employee of the status of the appeal within ten (10) calendar days of completing the investigation. The City Manager's decision shall be final.

Disciplinary actions for employees working directly under the City Manager, taken under this chapter may be appealed in writing in the form of a Request for Reconsideration submitted to the Director of Human Relations within five (5) working days after the employee receives actual or constructive notice of the disciplinary action issued. The disciplinary action taken by the City Manager may be stayed, or modified, or it shall take effect at the time it is issued, at the City Manager's sole discretion. The City Manager's determination on a Request for Reconsideration shall be final, and no further appeals are available.



STAFF REPORT

MEETING DATE: May 8, 2018

AGENDA ITEM: 9A

TITLE:

Consider action to approve Resolution No. R-2018-31 of the City Council of the City of Bastrop, Texas, approving the Final Plat known as Piney Creek Bend, Section One, being 37.37 acres of Bastrop Town Tract Abstract 11 (Farm Lots 21, 22, and 28), located west of Carter Street, between Riverwood Drive and Reids Bend, within the city limits of Bastrop, Texas; as shown in Exhibit A; repealing all conflicting resolutions and providing an effective date.

STAFF REPRESENTATIVE:

Jennifer C. Bills, AICP, LEED AP, Assistant Planning Director

ITEM DETAILS:

Site Address:	West of Carter Street, between Riverwood Drive and Reids Bend (Attachment 1)
Total Acreage:	37.37 acres
Legal Description:	37.37 acres in Bastrop Town Tract, Abstract 11 (Farm Lots 21, 22, and 28)
Property Owner:	KB Home Lone Star Inc.
Agent Contact:	Nick Sandlin, PE, Binkley and Barfield
Existing Use:	Vacant/Undeveloped
Existing Zoning:	Piney Creek Bend Planned Development
Future Land Use:	Neighborhood Residential

BACKGROUND/HISTORY:

The applicant has submitted a Final Plat for the Piney Creek Bend, Section One Subdivision. The plat is creating 77 single-family detached lots, and two open space lots (Exhibit A). The remainder of the 170 total residential lots and the open spaces lots will be approved in future plat sections.

The proposed single-family lots follow the lot standards adopted in the Planned Development.

Lot Standard	Minimum Dimensions (feet)	Lot Size (square feet)
Urban 5	50 ft. by 110 ft.	6,000
Suburban 6	60 ft. by 120 ft.	7,200

The subdivision will have 3.87 acres of right-of-way that will be dedicated with four new residential (50' ROW) streets that serve the subdivision and an additional 2.23 feet on the west side of the Carter Street (existing ROW 55.55'). Carter Street is designated as a Major Collector in the

Transportation Master Plan and as such the required right-of-way width is 60 feet. Of the remaining 4.45 feet, Piney Creek Bend subdivision will dedicate 2.23 feet.

Traffic Impact and Streets

A traffic impact analysis (TIA) was submitted as part of the 2015 planned development process, and assumed that 190 lots would be developed. Per the subdivision ordinance, a TIA must be updated if more than 12 months passes before the development is initiated. Because the current proposal includes only 170 lots, and no major developments have occurred in the area since the TIA was prepared, an updated TIA is not necessary.

The proposed development will provide two street connections located at Linden Street and Juniper Street. All proposed interior streets are classified as local streets with a 26 feet minimum pavement width, and meet the City's requirements for block width, length, and alignment.

Utilities

The development will connect to the existing water and wastewater lines along Carter Street. New water lines, wastewater lines, and a new wastewater lift station will be installed to serve the lots within the development. All water lines will be required to provide adequate fire protection facilities, such as appropriate line sizes and fire hydrants. Bastrop Power & Light will provide electrical service to the property.

Drainage

The proposed development is located adjacent to the eastern bank of Piney Creek, a major waterway that contains a watershed of approximately 38 square miles. All construction within the development will be required to mitigate any adverse impacts to the creek, as well as protect homes and infrastructure within the development from flood damages.

The proposed drainage system will be designed with a sufficient capacity to route flows from a 100-year design storm to Piney Creek, which ultimately drains into the Colorado River. Due to the property's close proximity to the river, stormwater detention is not necessary, and could potentially cause a greater risk of flooding damages. During the construction plan phase, measures will be identified and required to address bank erosion and stabilization concerns.

Special flood hazard areas (SFHA) are located along the western boundary of the proposed development, which appear to affect several proposed building lots. In order to ensure homes and other infrastructure are properly protected from flooding, these areas must be filled and developed in accordance with City of Bastrop and FEMA standards. Additional information has been submitted by the applicant to determine the required finish floor elevations of the homes within the development. With Section One, only Lot 1, which is an open space and drainage easement lot is within the flood plain.

PUBLIC NOTIFICATION:

Notifications were mailed to 51 adjacent property owners (Attachment 2). At the time of this report, no written comments have been received.

POLICY EXPLANATION:

The Preliminary Plat for Piney Creek Bend was reviewed by the Planning & Zoning Commission on October 26, 2017 and approved by City Council on November 14, 2017.

Final Plats are reviewed by City Council for final approval.

Compliance with 2036 Comprehensive Plan:

- Future Land Use Plan - Neighborhood Residential: The Neighborhood Residential character area is for single-family residential subdivision development, associated amenities such as parks, trails, open spaces and public uses such as schools, fire stations, and more.

This preliminary plat complies with the Future Land Use Plan. The final plat includes 77 single-family lots that will provide single-family detached units. A 19.252 acres of open space along Piney Creek which is currently shown to be largely in the floodplain will be dedicated with the final plat. The developer is in the process of studying the waterway and getting a Conditional Letter of Map Revision from FEMA that would reduce the amount of land in the floodplain. No single-family lots within the final plat are within the floodplain.

- Objective 2.4.1: Invest in waste water system expansion in areas that promote infill and contiguous development.

This development is within the City's wastewater service area and is vacant land immediately adjacent to existing development. This subdivision connects to existing wastewater lines and continues the system in an efficient manner

- Goal 4.1.1 Provide a greater diversity of housing options in Bastrop while protecting the character of the City's existing neighborhoods.

The Piney Creek Bend Subdivision provides two lot sizes, 6,000 square feet and 7,200 square feet. The smallest single-family residential zone, SF-7, in the Zoning Ordinance requires the minimum lot size to be 7,000 square feet. This subdivision provides additional lot variety for city, while offering a modest increase in density from the City's Zoning Ordinance.

Local Government Code

- Sec. 212.002. Rules.

After a public hearing on the matter, the governing body of a municipality may adopt rules governing plats and subdivisions of land within the municipality's jurisdiction to promote the health, safety, morals, or general welfare of the municipality and the safe, orderly, and healthful development of the municipality.

Bastrop adopted subdivision regulations in 1981. The Code of Ordinances, Chapter 10 – Subdivisions outlines the requirements for plats within the Bastrop city limits and Extra Territorial Jurisdiction (ETJ).

Section 212.004 Plat Required

- (a) The owner of a tract of land located within the limits or in the extraterritorial jurisdiction of a municipality who divides the tract in two or more parts to lay out a subdivision of the tract, including an addition to a municipality, to lay out suburban, building, or other lots, or to lay out streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts must have a plat of the subdivision prepared.

The applicant has proposed subdividing 37.37 acres into 77 single-family lots of as a first phase of an undeveloped 90.93-acre tract that will contain a total of 170 single-

family lots when all phases are complete. Public improvements within the subdivision (streets, drainage, and other utilities) will be dedicated to the City upon their completion.

- Sec. 212.010. Standards for Approval

- (a) The municipal authority responsible for approving plats shall approve a plat if:
 - (1) it conforms to the general plan of the municipality and its current and future streets, alleys, parks, playgrounds, and public utility facilities;

The preliminary plat conforms to the Future Land Use Plan, which is designated Neighborhood Residential for this area.

- (2) it conforms to the general plan for the extension of the municipality and its roads, streets, and public highways within the municipality and in its extraterritorial jurisdiction, taking into account access to and extension of sewer and water mains and the instrumentalities of public utilities;

The plat conforms to the adopted Transportation Master Plan. A Traffic Impact Analysis was performed with the rezoning Planned Development. Additional right-of-way is being dedicated along Carter Street, to comply with the development's contribution to a 60 feet ROW. The plat also conforms with the Capital Improvement Plan and will install public extensions of the water and wastewater infrastructure.

- (3) a bond required under Section 212.0106, if applicable, is filed with the municipality; and

The Public Improvement Construction Plan has been reviewed by the City Engineer and can be approved once the final plat is approved by City Council. Required improvements and bonds will be furnished before the recordation of the Final Plat.

- (4) it conforms to any rules adopted under Section 212.002.

The final plat complies with the requirements of the adopted Subdivision Ordinance.

Code of Ordinances Chapter 10 – Subdivisions

- Section 4.20 – Standard Procedure – Final Plat

4.20.1 Submission

- A. The final plat shall be filed with the Director of Planning and Development at least fifteen (15) days prior to the meeting at which approval is requested. Prior to the plat being placed before the Council for consideration, the plat must be accepted as administratively complete by the Director of Planning and Development. A plat that contains the information set forth in paragraph 4.20.2 is considered complete.

Planning and Engineering staff have reviewed the Piney Creek Bend, Section One Final Plat for compliance with subdivision and utility standards, have deemed the

plat administratively complete and that it meets all of the Subdivision Ordinance requirements.

RECOMMENDATION:

Consider action to approve Resolution No. R-2018-31 of the City Council of the City of Bastrop, Texas, approving the Final Plat known as Piney Creek Bend, Section One, being 37.37 acres of Bastrop Town Tract Abstract 11 (Farm Lots 21, 22, and 28), located west of Carter Street, between Riverwood Drive and Reids Bend, within the city limits of Bastrop, Texas; as shown in Exhibit A; repealing all conflicting resolutions and providing an effective date.

ATTACHMENTS:

Resolution

Exhibit A: Final Plat

Attachment 1: Location Map

Attachment 2: Property Owner Notification



RESOLUTION NO. R-2018-31

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS,
APPROVING THE FINAL PLAT KNOWN AS PINEY CREEK BEND, SECTION
ONE, BEING 37.37 ACRES OF BASTROP TOWN TRACT ABSTRACT 11
(FARM LOTS 21, 22, AND 28), LOCATED WEST OF CARTER STREET,
BETWEEN RIVERWOOD DRIVE AND REIDS BEND, WITHIN THE CITY LIMITS
OF BASTROP, TEXAS; AS SHOWN IN EXHIBIT A; REPEALING ALL
CONFLICTING RESOLUTIONS AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, pursuant to the Texas Local Government Code Section 212 and the City of Bastrop Subdivision Ordinance, the City Council is required to take action regarding certain plats; and

WHEREAS, KB Homes Lone Star Inc. ("the Applicant") has submitted a Final Plat for Piney Creek Bend, Section One, a residential subdivision; and

WHEREAS, the Final Plat is consistent with the Comprehensive Plan designation of Neighborhood Residential and requirements of the Piney Creek Bend Planned Development Zoning District; and

WHEREAS, the Preliminary Plat for Piney Creek Bend was recommended for approval by the Planning & Zoning Commission on October 26, 2017 and City Council on November 14, 2017; and

WHEREAS, the Bastrop Planning and Development Department has reviewed the above-referenced final plat and found it is in compliance with the Subdivision Ordinance, and the Piney Creek Bend Planned Development standards; and

WHEREAS, notice of the subdivision were sent in accordance with the Subdivision Ordinance to notify the public.

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

Section 1. The Final Plat known as Piney Creek Bend, Section One, being 37.37 acres of Bastrop Town Tract Abstract 11, located west of Carter Street, between Riverwood Drive and Reids Bend, within the city limits of Bastrop, Texas is hereby approved, a copy of same being attached hereto as Exhibit "A" and incorporated herein for all purposes.

Section 2: All orders, ordinances and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

Section 3: This ordinance shall take effect upon passage and in accordance with the laws of the State of Texas.

DULY RESOLVED AND ADOPTED by the City Council of the City of Bastrop this 8th day of May, 2018.

APPROVED:

Connie B. Schroeder, Mayor

ATTEST:

Ann Franklin, City Secretary

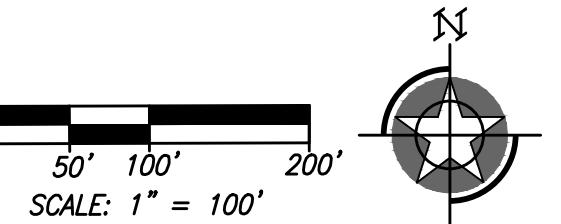
APPROVED AS TO FORM:

Alan Bojorquez, City Attorney

PINEY CREEK BEND, SECTION ONE FINAL PLAT

BEING

A 37.37 ACRE ADDITION OUT OF THE BASTROP TOWN
TRACT, ABSTRACT 11, (FARM LOTS 21, 22, AND 28)



BEARINGS BASED ON THE TEXAS STATE
PLANE COORDINATE SYSTEM, NORTH AMERICAN
DATUM OF 1983, CENTRAL ZONE.

LEGEND	
●	1/2" IRON ROD FOUND
○	1/2" IRON ROD WITH SURVTEX PLASTIC CAP SET
◎	COTTON SPINDLE FOUND
◎	IRON ROD FOUND WITH CAP
■	MONUMENT
△	CALCULATED POINT
O.P.R.B.C.	OFFICIAL PUBLIC RECORDS BASTROP COUNTY, TEXAS
D.R.B.C.	DEED RECORDS BASTROP COUNTY, TEXAS
P.R.B.C.	PLAT RECORDS OF BASTROP COUNTY, TEXAS
R.O.W.	RIGHT-OF-WAY
DE	DRAINAGE EASEMENT
P.U.E.	PUBLIC UTILITY EASEMENT
()	RECORD INFORMATION VOL. 1766, PG. 165
(())	RECORD INFORMATION VOL. 326, PG. 256

LEGAL DESCRIPTION

BEING A 37.176 ACRE TRACT SITUATED IN THE TOWN TRACT OF BASTROP, ABSTRACT 11, BASTROP COUNTY, TEXAS, AND BEING A PORTION OF THAT CALLED 90.91 ACRE TRACT CONVEYED TO RON HEALY AS RECORDED IN VOLUME 1766, PAGE 165 OF THE OFFICIAL PUBLIC RECORDS OF BASTROP COUNTY, TEXAS (OPRBC), SAID 37.176 ACRES, BEING MORE PARTICULARLY DESCRIBED AS METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1/2"-INCH IRON ROD FOUND ON THE NORTHERN LINE OF THE MISSOURI, KANSAS, TEXAS RAILROAD, RIGHT-OF-WAY CONVEYED IN BOOK 13, PAGE 626 OF THE DEED RECORDS OF BASTROP COUNTY, TEXAS (DRBC), AND BEING AT THE INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF HAWTHORN STREET WITH THE WEST RIGHT-OF-WAY LINE OF CARTER STREET, BOTH REFERRED TO AS A 20 VARA WIDE, RIGHT-OF-WAY ON THE MAP OF BASTROP COUNTY, TEXAS, RECORDED IN CABINET 1, PAGE 23A OF THE PLAT OF BASTROP COUNTY, TEXAS, SAID IRON ROD MARKING THE SOUTHEAST CORNER OF SAID 90.91 ACRE TRACT;

THENCE S 86°44'48" W, WITH THE NORTH LINE OF SAID RAILROAD, SAME BEING THE NORTH LINE OF SAID HAWTHORN STREET AND THE SOUTH LINE OF SAID 90.91 ACRE TRACT, AT 1113.59' PASS A 1/2" IRON ROD FOUND AND CONTINUING 75.93' FOR A TOTAL DISTANCE OF 1189.52' TO A CALCULATED POINT IN THE CENTER OF PINEY CREEK, SAME BEING THE WEST TERMINAL POINT OF HAWTHORN STREET ACCORDING TO THE SAME MAP OF BASTROP SAME BEING AN ANGLE POINT IN THE NORTH LINE OF SAID RAILROAD; AS RECORDED IN VOLUME 9, PAGE 53, DRBC, AND BEING AN ANGLE POINT IN THE SOUTH LINE OF SAID 90.91 ACRE TRACT;

THENCE S 86°06'58" W, WITH THE CENTERLINE OF PINEY CREEK AND WITH THE NORTH LINE OF SAID RAILROAD, SAME BEING THE SOUTH LINE OF SAID 90.91 ACRE TRACT, 22.99' TO A CALCULATED POINT;

THENCE S 86°44'48" W, WITH THE NORTH LINE OF SAID RAILROAD, SAME BEING THE SOUTH LINE OF SAID 90.91 ACRE TRACT, AT 96.35' PASS A 1/2" IRON ROD FOUND AND CONTINUING 481.21' FOR A TOTAL DISTANCE OF 573.56' TO A 1/2" IRON ROD WITH SURVTEX PLASTIC CAP SET ON THE NORTH LINE OF SAID RAILROAD AND THE CALLED EAST LINE OF A CALLED 58.74 ACRE TRACT CONVEYED TO KERMIT W. FOX IN VOLUME 153, PAGE 249, DRBC, AND BEING THE SOUTHWEST CORNER OF SAID 90.91 ACRE TRACT, FROM WHICH A CONCRETE MONUMENT FOUND MARKING THE CALLED SOUTHEAST CORNER OF SAID 58.74 ACRE TRACT; BEARS S 02°24'00" E, 1.50' FOR REFERENCE;

THENCE N 02°24'00" W, WITH THE COMMON LINE OF SAID 90.91 ACRE TRACT AND SAID 58.74 ACRE TRACT, 943.9' TO A 1/2" IRON ROD WITH SURVTEX PLASTIC CAP SET FOR THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT, FROM WHICH A 1/2" IRON ROD FOUND AT A DISTURBED CONCRETE MONUMENT AT THE BASE OF A RAILROAD TIE FENCE CORNER POST, SAID 1/2" IRON ROD BEING ON THE OCCUPIED SOUTH LINE OF A CALLED 5 ACRE TRACT CONVEYED TO WOODROW CHARLES FROELICH BY DEED RECORDED IN VOLUME 203, PAGE 9, DRBC, BEARS N 02°24'00" W, 1306.17' FOR REFERENCE; THENCE CROSSING INTO SAID 90.91 ACRE TRACT, THE FOLLOWING 23 COURSES:

1. N 05°19'06" E, 858.21' TO A 1/2" IRON ROD WITH SURVTEX PLASTIC CAP SET FOR CORNER;
2. S 05°19'06" E, 58.23' TO A 1/2" IRON ROD WITH SURVTEX PLASTIC CAP SET FOR CORNER;
3. S 02°53'15" E, 480.00' TO A 1/2" IRON ROD WITH SURVTEX PLASTIC CAP SET FOR CORNER;
4. S 08°31'41" W, 122.42' TO A 1/2" IRON ROD WITH SURVTEX PLASTIC CAP SET FOR CORNER;
5. S 02°53'15" E, 60.00' TO A 1/2" IRON ROD WITH SURVTEX PLASTIC CAP SET FOR CORNER;
6. N 87°06'45" E, 130.12' TO A 1/2" IRON ROD WITH SURVTEX PLASTIC CAP SET FOR CORNER;
7. ALONG THE ARC OF A CURVE, TO THE RIGHT, A DISTANCE OF 8.42' (RADIUS: 50.00', DELTA: 09°38'50", CHORD: N 40°28'43" E, 8.41') TO A 1/2" IRON ROD WITH SURVTEX PLASTIC CAP SET MARKING THE END OF SAID CURVE;
8. ALONG THE ARC OF A CURVE, TO THE LEFT, A DISTANCE OF 21.03' (RADIUS: 50.00', DELTA: 48°11'23", CHORD: N 21°12'26" E, 20.41') TO A 1/2" IRON ROD WITH SURVTEX PLASTIC CAP SET MARKING THE END OF SAID CURVE;
9. N 02°53'15" W, 35.25' TO A 1/2" IRON ROD WITH SURVTEX PLASTIC CAP SET FOR CORNER;
10. N 88°26'07" E, 50.01' TO A 1/2" IRON ROD WITH SURVTEX PLASTIC CAP SET FOR CORNER;
11. N 87°06'45" E, 120.00' TO A 1/2" IRON ROD WITH SURVTEX PLASTIC CAP SET FOR CORNER;
12. N 02°53'15" W, 430.00' TO A 1/2" IRON ROD WITH SURVTEX PLASTIC CAP SET FOR CORNER;
13. N 87°06'45" E, 120.00' TO A 1/2" IRON ROD WITH SURVTEX PLASTIC CAP SET FOR CORNER;
14. N 02°53'15" E, 14.00' TO A 1/2" IRON ROD WITH SURVTEX PLASTIC CAP SET FOR CORNER;
15. N 87°06'45" E, 172.20' TO A 1/2" IRON ROD WITH SURVTEX PLASTIC CAP SET FOR CORNER;
16. N 02°53'15" W, 451.62' TO A 1/2" IRON ROD WITH SURVTEX PLASTIC CAP SET FOR CORNER;
17. N 01°22'31" W, 50.02' TO A 1/2" IRON ROD WITH SURVTEX PLASTIC CAP SET FOR CORNER;
18. N 02°53'15" W, 188.76' TO A 1/2" IRON ROD WITH SURVTEX PLASTIC CAP SET FOR CORNER;
19. N 16°05'37" W, 61.60' TO A 1/2" IRON ROD WITH SURVTEX PLASTIC CAP SET FOR CORNER;
20. N 36°29'02" E, 122.00' TO A 1/2" IRON ROD WITH SURVTEX PLASTIC CAP SET FOR CORNER;
21. N 36°29'02" E, 19.13' TO A 1/2" IRON ROD WITH SURVTEX PLASTIC CAP SET FOR CORNER;
22. N 36°29'02" E, 170.00' TO A 1/2" IRON ROD WITH SURVTEX PLASTIC CAP SET FOR CORNER;
23. N 69°14'59" E, 61.55' TO A 1/2" IRON ROD WITH SURVTEX PLASTIC CAP SET FOR CORNER;
24. S 69°26'30" E, 33.69' TO A 1/2" IRON ROD WITH SURVTEX PLASTIC CAP SET FOR CORNER;
25. S 00°34'11" E, 120.00' TO A 1/2" IRON ROD WITH SURVTEX PLASTIC CAP SET ON THE PROPOSED CURVING NORTH LINE OF LINEN STREET (A PROPOSED 50.00' RIGHT-OF-WAY);
26. WITH THE PROPOSED NORTH LINE OF SAID LINEN STREET, ALONG THE ARC OF 7.08' (RADIUS: 175.00', DELTA: 02°19'05", CHORD: N 88°16'17" E, 7.08') TO A 1/2" IRON ROD WITH SURVTEX PLASTIC CAP SET MARKING THE END OF SAID CURVE;
27. N 87°06'45" E, 53.07' TO A 1/2" IRON ROD WITH SURVTEX PLASTIC CAP SET ON THE WEST LINE OF SAID CARTER STREET, SAME BEING THE EAST LINE OF SAID 90.91 ACRE TRACT, FOR THE NORTHEAST CORNER HEREOF, FROM WHICH A 1/2" IRON ROD FOUND MARKING THE PRESUMED NORTH TERMINAL POINT OF THE WEST LINE OF THE AFOREMENTIONED CARTER STREET BEARS N 02°53'15" W, 720.61' FOR REFERENCE.

THENCE S 02°53'15" E, WITH THE EAST LINE OF SAID 90.91 ACRE TRACT AND THE WEST LINE OF CARTER STREET, 1524.24' TO THE POINT OF BEGINNING AND CONTAINING 37.176 ACRES OF LAND, MORE OR LESS.

WOODROW CHARLES FROELICH
CALLED 5 ACRE TRACT
VOL. 203, PAGE 9, D.R.B.C.

1/2" IRON ROD FOUND
AT A DISTURBED
CONCRETE MONUMENT
AT THE BASE OF A
RAILROAD TIE FENCE
CORNER POST

UTILITIES

WATER: CITY OF BASTROP
WASTEWATER: CITY OF BASTROP
GAS: CENTERPOINT
ELECTRIC: BASTROP POWER AND LIGHT
TELEPHONE: SOUTHWESTERN BELL TELEPHONE
CABLE: TIME WARNER CABLE

BUILDER

KB HOMES LONE STAR INC.
4800 FREDERICKSBURG ROAD
SAN ANTONIO, TEXAS 78229
210-349-1111

ENGINEER

BINKLEY & BARFIELD, INC.
2401 DOUBLE CREEK DRIVE
ROUND ROCK, TEXAS 78664
512.994.2237
NICK SANDLIN, P.E.
nsandlin@binkleybarfield.com

SURVEYOR

SURVTEX, LLC
600 W. WHITESTONE BLVD.
CEDAR PARK, TEXAS 78613
512.249.8875
WWW.SURVTEX.COM
TBPLS FIRM #10084600
JOHN W. MCCOWN, RPLS #5135
John.Mccown@Survtex.com

FLOODPLAIN NOTE

A PORTION OF THIS TRACT IS WITHIN THE BOUNDARIES OF
ZONE A (100 YEAR) PER THE FEDERAL EMERGENCY
MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP
48021C03556, DATED JANUARY 19, 2006.

DATE: 1/10/2015
DRAWN BY: P. LANGON
CHECKED BY: J. PARKER
PROJ. NO.: 2015-0034
FILE NAME: 2015-0034.DWG

SURVTEX LLC
PROFESSIONAL SURVEYING AND MAPPING SERVICES
600 W. Whitestone Blvd.
Cedar Park, Texas 78613
(512) 249-8875
Fox (512) 249-8040
TBPLS Firm No. 10084600

THE TOWN TRACT
ABSTRACT

KERMIT W. FOX
CALLED 5 ACRE TRACT
CONTRACT OF SALE AND PURCHASE
VOL. 153, PAGE 249, DRBC

MATCHLINE
SEE SHEET 2

N 87°36'00" E - 858.21'

S 05°19'06" E
58.23'

MATCHLINE
SEE SHEET 2

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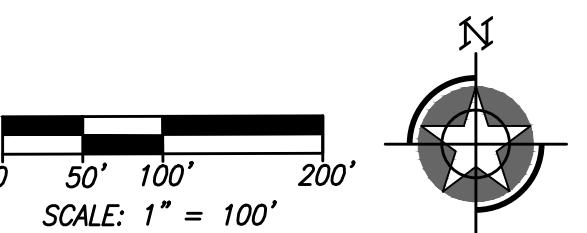
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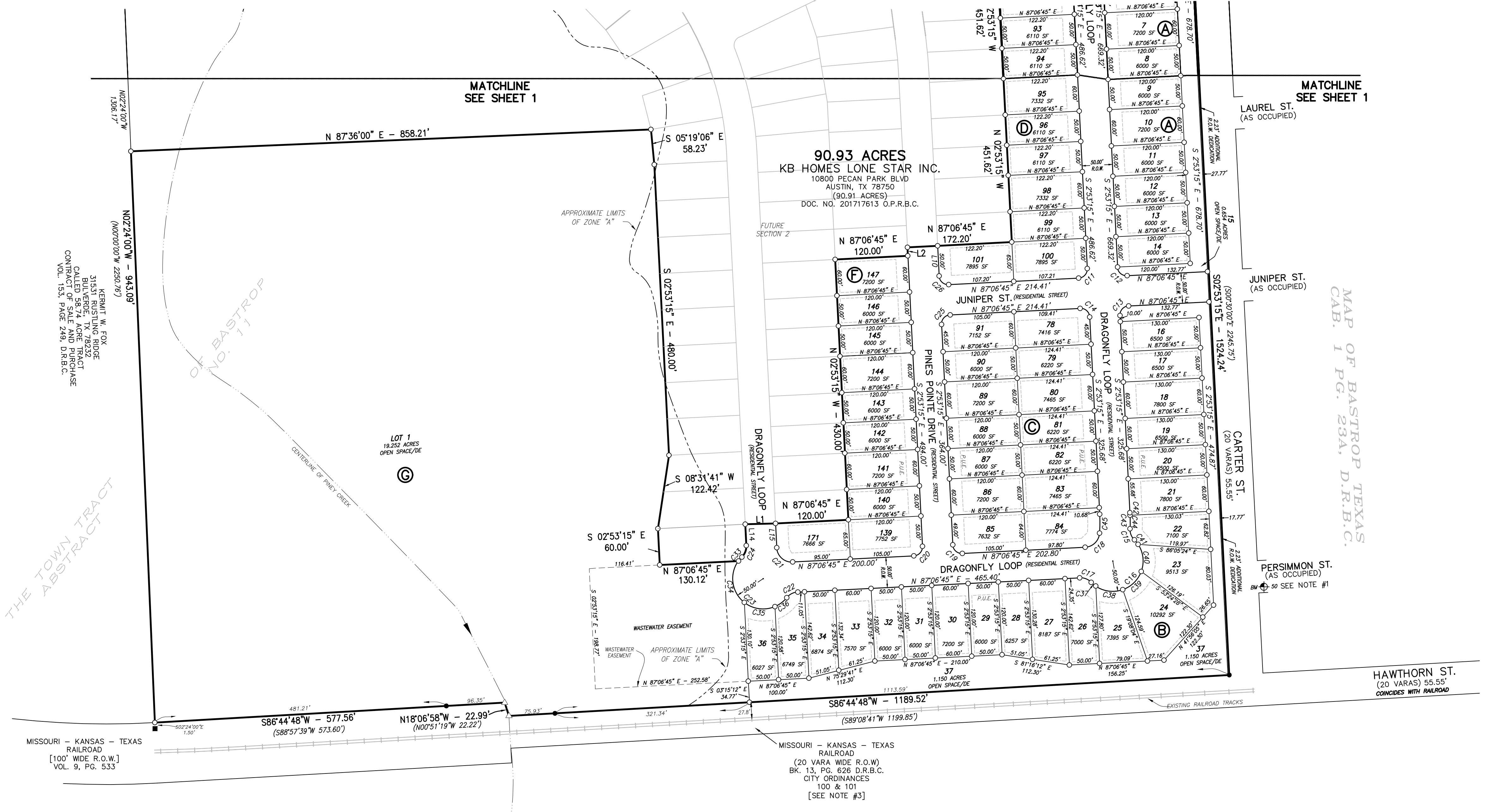
PINEY CREEK BEND, SECTION ONE FINAL PLAT

BEING
A 37.37 ACRE ADDITION OUT OF THE BASTROP TOWN
TRACT, ABSTRACT 11, (FARM LOTS 21, 22, AND 28)



BEARINGS BASED ON THE TEXAS STATE
PLANE COORDINATE SYSTEM, NORTH AMERICAN
DATUM OF 1983, CENTRAL ZONE.

LEGEND
UNLESS NOTED OTHERWISE
 • 1/2" IRON ROD FOUND
 ○ 1/2" IRON ROD WITH SURVTEX
PLASTIC CAP SET
 ◊ COTTON SPINDLE FOUND
 ◉ IRON ROD FOUND WITH CAP
 ■ MONUMENT
 △ CALCULATED POINT
 — X — BARBED WIRE FENCE
 O.P.R.B.C. OFFICIAL PUBLIC RECORDS BASTROP
COUNTY, TEXAS
 D.R.B.C. DEED RECORDS BASTROP
COUNTY, TEXAS
 P.R.B.C. PLAT RECORDS OF BASTROP
COUNTY, TEXAS
 P.U.E. PUBLIC UTILITY EASEMENT
 R.O.W. RIGHT-OF-WAY
 () RECORD INFORMATION



PINEY CREEK BEND SECTION ONE

FINAL PLAT

STATE OF TEXAS } KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF BASTROP }

THAT WE, KB HOMES LONE STAR INC., OWNER OF 90.93 ACRES OF LAND, MORE OR LESS, OUT OF THE BASTROP TOWN TRACT, ABSTRACT NO. 11, AND BEING THE SAME LAND DESCRIBED IN DEED DATED AUGUST 2, 2007, RECORDED IN/UNDER DOC. NO. 201717613, OF THE OFFICIAL PUBLIC RECORDS OF BASTROP COUNTY, TEXAS, DO HEREBY SUBDIVIDE 37.370 ACRES OF LAND, TO BE KNOWN AS

PINEY CREEK BEND, SECTION ONE

IN ACCORDANCE WITH THE PLAT SHOWN HEREON, SUBJECT TO ANY AND ALL EASEMENTS OR RESTRICTIONS HERETOFORE GRANTED AND DO HEREBY DEDICATE TO THE PUBLIC THE USE OF THE STREETS AND EASEMENTS SHOWN HEREON.

WITNESS OUR HAND, THIS THE _____ DAY OF _____, 20____ A.D.

KB HOMES LONE STAR INC.

STATE OF TEXAS } KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF BASTROP }

BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED KB HOMES LONE STAR INC., KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SWORN AND SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSE AND CONSIDERATION HEREIN EXPRESSED AND IN THE CAPACITIES THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS _____ DAY OF _____,

NOTARY PUBLIC, STATE OF TEXAS PRINTED NAME

EXPIRATION DATE

CITY OF BASTROP

APPROVED ON THIS DAY _____ OF _____ A.D. 2018
BY THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS.

ATTEST:

MAYOR

ATTEST BY: _____ CITY SECRETARY

THE STATE OF TEXAS COUNTY OF BASTROP

I, ROSE PIETSCH, COUNTY CLERK OF BASTROP COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILE FOR RECORD IN MY OFFICE ON THE _____ DAY OF _____ A.D., 2016, AT _____ O'CLOCK _____.M. IN THE PLAT RECORDS OF BASTROP COUNTY, TEXAS IN CABINET _____, PAGE _____.

WITNESS MY HAND AND SEAL OF OFFICE THIS THE _____ OF _____, A.D., 2018

ROSE PIETSCH
COUNTY CLERK
BASTROP COUNTY, TEXAS

STATE OF TEXAS } KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF BASTROP }

I, JASON E. PARKER, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT I PREPARED THIS PLAT FROM AN ACTUAL ON-THE-GROUND SURVEY OF THE LAND, AND THAT ALL CORNER MONUMENTS SHOWN THEREON WERE PROPERLY PLACED UNDER MY PERSONAL SUPERVISION, IN ACCORDANCE WITH THE SUBDIVISION CODE OF THE CITY OF BASTROP, TEXAS.

PRELIMINARY:

THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT.

JASON E. PARKER
REGISTERED PROFESSIONAL LAND SURVEYOR
NO. 6643-STATE OF TEXAS
SURVTEX, LLC
600 W. WHITESTONE BLVD.
CEDAR PARK, TEXAS, 78613

DATE: 1/10/18
DRAWN BY: P. LANGDON
CHECKED BY: J. PARKER
PROJ. NO.: 2015-0034.DWG
FILE NAME: 2015-0034.DWG
SHEET: 3 OF 3



VICINITY MAP
NOT TO SCALE

PLAT NOTES:

1. BENCHMARK: "X" CUT ON THE MOST NORTHERLY BOLT FLANGE ON A FIRE HYDRANT, LOCATED AT THE SOUTH EAST CORNER OF THE INTERSECTION OF PERSIMMON STREET AND CARTER STREET. THE ELEVATION IS 373.48'. THE ELEVATION SHOWN HEREON WAS DERIVED FROM GPS OBSERVATIONS AND ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988.

2. ALL EASEMENTS OF RECORD AS INDICATED ON THE MOST RECENT TITLE RUN DATED: JULY 17, 2017, CONDUCTED BY FIDELITY NATIONAL TITLE INSURANCE COMPANY, TITLE COMMITMENT OF NO. 1710929JM FOR PROPERTY INCLUDING PROPERTY ARE OWNED ON THIS SUBDIVISION PLAT.

3. ALL SUBDIVISION IMPROVEMENT PERMITS SHALL CONFORM TO THE CITY OF BASTROP CODE OF ORDINANCES, CONSTRUCTION STANDARDS, AND GENERALLY ACCEPTED ENGINEERING PRACTICES.

4. CONSTRUCTION PLANS AND SPECIFICATIONS FOR ALL SUBDIVISION IMPROVEMENTS SHALL BE REVIEWED AND ACCEPTED BY THE CITY OF BASTROP PRIOR TO ANY CONSTRUCTION WITHIN THE SUBDIVISION.

5. EROSION AND SEDIMENTATION CONTROLS CONSTRUCTED IN ACCORDANCE WITH THE SUBDIVISION ORDINANCE OF THE CITY OF BASTROP ARE REQUIRED FOR ALL CONSTRUCTION ON EACH LOT.

6. BUILDING SETBACKS SHOWN SHALL BE IN ACCORDANCE WITH PINEY CREEK BEND ZONING ORDINANCE NO. ORD-2016-02R.

7. PRIOR TO CONSTRUCTION OF ANY IMPROVEMENTS ON LOTS IN THIS SUBDIVISION, BUILDING PERMITS WILL BE OBTAINED FROM THE CITY OF BASTROP.

8. SIDEWALKS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE SUBDIVISION ORDINANCE OF THE CITY OF BASTROP, HOMEBUILDERS WILL BE RESPONSIBLE FOR CONSTRUCTION OF SIDEWALKS LOCATED ON THE STREET FRONTRAGE OF SINGLE FAMILY LOTS. THE DEVELOPER WILL CONSTRUCT SIDEWALKS AND CURB RAMPS AS REQUIRED IN ALL OTHER AREAS OF THE SUBDIVISION QT THE TIME OF THE SUBDIVISION CONSTRUCTION.

9. ALL UTILITIES WILL BE UNDERGROUND.

10. DEVELOPER/OWNER SHALL BE SOLELY RESPONSIBLE FOR ALL RELOCATION AND MODIFICATIONS TO EXISTING UTILITIES.

11. NO LOT OR STRUCTURE SHALL BE OCCUPIED PRIOR TO THE APPLICANT SUBMITTING TO THE CITY OF BASTROP DOCUMENTATION OF SUBDIVISION/SITE REGISTRATION WITH THE TEXAS DEPARTMENT OF LICENSING AND REGULATIONS (TDLR) AND PROVIDE DOCUMENTATION OF REVIEW AND COMPLIANCE OF THE SUBDIVISION CONSTRUCTION PLANS WITH TEXAS ARCHITECTURAL BARRIERS ACT (TABA).

12. NO LOT IN THIS SUBDIVISION SHALL BE OCCUPIED UNTIL CONNECTED TO THE APPROVED WATER DISTRIBUTION AND WASTEWATER COLLECTION FACILITIES.

13. WASTEWATER AND WATER SYSTEMS SHALL CONFORM TO TCEQ (TEXAS COMMISSION ON ENVIRONMENTAL QUALITY) REQUIREMENTS.

14. IMPACT FEES FOR THIS SUBDIVISION SHALL BE BASED ON ORDINANCE NO. 2017-13 FOR DEVELOPMENT OF LAND APPROVED BY BASTROP COUNCIL.

15. SITE DEVELOPMENT CONSTRUCTION PLANS SHALL BE REVIEW AND ACCEPTED BY THE CITY OF BASTROP.

16. FISCAL SURETY FOR SUBDIVISION CONSTRUCTION, IN A FORM ACCEPTABLE TO THE CITY OF BASTROP, SHALL BE PROVIDED PRIOR TO FINAL PLAT APPROVAL BY THE CITY.

17. THE OWNER OF THIS SUBDIVISION, AND HIS OR HER SUCCESSORS AND ASSIGNS, ASSUME SOLE RESPONSIBILITY FOR PLANS FOR CONSTRUCTION OF SUBDIVISION IMPROVEMENTS WHICH COMPLY WITH APPLICABLE CODES AND REQUIREMENTS OF THE CITY OF BASTROP.

18. BY APPROVING THIS SUBDIVISION PLAT, THE CITY OF BASTROP ASSUMES NO OBLIGATION TO CONSTRUCT ANY INFRASTRUCTURE IN CONNECTION WITH THIS SUBDIVISION. ANY SUBDIVISION INFRASTRUCTURE REQUIRED FOR THE DEVELOPMENT OF THE LOTS IN THIS SUBDIVISION IS THE SOLE RESPONSIBILITY OF THE DEVELOPER AND/OR THE OWNERS OF THE LOTS. FAILURE TO CONSTRUCT ANY REQUIRED INFRASTRUCTURE TO CITY STANDARDS MAY BE CAUSE FOR THE CITY TO DENY APPLICATIONS FOR CERTAIN DEVELOPMENT PERMITS INCLUDING BUILDING PERMITS, SITE PLAN APPROVALS AND/OR CERTIFICATES OF OCCUPANCY.

19. NO BUILDINGS, FENCES, LANDSCAPING OR OTHER STRUCTURES ARE PERMITTED WITHIN DRAINAGE EASEMENTS SHOWN, EXCEPT AS APPROVED BY THE CITY OF BASTROP.

20. ALL DRAINAGE EASEMENTS, STORM WATER FACILITIES / FEATURES SHALL BE MAINTAINED BY THE PROPERTY OWNER OR HIS OR HER ASSIGNS.

21. FLOOD WARNING: THE DEGREE OF FLOOD PROTECTION REQUIRED BY THE CITY OF BASTROP FLOOD DAMAGE PREVENTION ORDINANCE IS CONSIDERED REASONABLE FOR REGULATORY PURPOSES AND IS BASED ON SCIENTIFIC AND ENGINEERING CONSIDERATIONS. ON RARE OCCASIONS, GREATER FLOODS CAN AND WILL OCCUR AND FLOOD HEIGHTS MAY BE INCREASED BY MAN-MADE OR NATURAL CAUSES. ACCEPTANCE OF THIS PLAT BY THE CITY COUNCIL DOES NOT IMPLY THAT LAND OUTSIDE THE AREAS OF SPECIAL FLOOD HAZARDS OR USES PERMITTED WITHIN SUCH AREAS WILL BE FREE FROM FLOODING OR FLOOD DAMAGES. NOR SHALL ACCEPTANCE OF THIS PLAT CREATE LIABILITY ON THE PART OF THE CITY OF BASTROP OR ANY OFFICIAL OR EMPLOYEE THEREOF FOR ANY FLOOD DAMAGES THAT RESULT FROM RELIANCE ON THE INFORMATION CONTAINED WITHIN THIS PLAT OR ANY ADMINISTRATION DECISION LAWFULLY MADE HEREUNDER.

22. TEMPORARY AND PERMANENT EASEMENTS TO BE PROVIDED, AS REQUIRED AT THE CITY'S SOLE DISCRETION FOR OFF-SITE WATER, WASTEWATER AND DRAINAGE IMPROVEMENTS.

23. PROPERTY OWNER SHALL PROVIDE FOR ACCESS TO ALL EASEMENTS AS MAY BE NECESSARY AND SHALL NOT PROHIBIT ACCESS BY GOVERNMENTAL AUTHORITIES.

24. AS SHOWN HEREON, A TWENTY (20) FOOT WIDE PUBLIC UTILITY EASEMENT (P.U.E.) IS HEREBY DEDICATED ADJACENT TO STREET ROW ON ALL LOTS. A FIVE (5) FOOT WIDE P.U.E. IS HEREBY DEDICATED ALONG EACH SIDE LOT LINE UNLESS OTHERWISE NOTED.

25. ALL CONSTRUCTION WORK MUST COMPLY WITH TCEQ GENERAL CONSTRUCTION STORM WATER PERMIT TXR150000.

26. ALL TRAFFIC-RELATED WORK MUST COMPLY WITH THE RECOMMENDATIONS CONTAINED IN THE TRAFFIC IMPACT ANALYSIS DATED DECEMBER, 2014 AS PREPARED BY ALLANNE TRANSPORTATION GROUP, INC. RELATED TO THIS PROJECT AS APPROVED BY THE CITY OF BASTROP.

27. DESIGN ELEMENTS SHOWN ON THE PRELIMINARY PLAN ARE SUBJECT TO REVISION DURING SUBSEQUENT APPROVAL PROCESS (E.G. CONSTRUCTION PLAN, FINAL PLAT, ETC.).

28. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ANY AND ALL PERMITS AND/OR APPROVALS AS REQUIRED BY OTHER REGULATORY AGENCIES FOR THE DEVELOPMENT OF THE PROJECT. PRIOR TO CITY ACCEPTANCE OF PUBLIC IMPROVEMENTS IN THE LCRA IMPROVEMENTS, THE DEVELOPER SHALL PROVIDE CORRESPONDENCE FROM THE LCRA ACKNOWLEDGING THE LOCATION OF PUBLIC IMPROVEMENTS.

29. THE MINIMUM FINISH FLOOR ELEVATIONS SHOWN FOR THE LOTS ARE IN CONFORMANCE WITH THE APPROVED CLOMR FOR THE PROPERTY.

30. IT IS THE RESPONSIBILITY OF EACH RESIDENTIAL BUILDER TO DESIGN AND CONSTRUCT A SUITABLE GRADING AND DRAINAGE SCHEME WHICH WILL CONVEY SURFACE WATER, WITHOUT PONDING IN THE LOT OR UNDER THE HOUSE, FROM HIS STRUCTURE TO THE DRAINAGE SYSTEM CONSTRUCTED BY THE SUBDIVISION DEVELOPER.

31. PUBLIC UTILITY AND DRAINAGE EASEMENTS WHERE SHOWN AND/OR DESCRIBED HEREON ARE INTENDED TO INDICATE AN EASEMENT FOR CONSTRUCTION, OPERATION, AND MAINTENANCE OF PUBLIC UTILITIES AND DRAINAGEWAYS; INCLUDING, BUT NOT LIMITED TO, SANITARY SEWERS, FORCE MAINS, WATER LINES, TELEPHONE SIGNAL CONDUITS, ELECTRIC CONDUCTORS, DRAINAGE PIPES, AND NATURAL GAS LINES.

32. INSTALLATION AND MAINTENANCE OF A TEMPORARY EMERGENCY ACCESS MAY BE REQUIRED.

33. THE DEVELOPER SHALL PROVIDE APPROPRIATE TEST REPORTS AND CERTIFICATIONS CONFIRMING THE PROPER DELETION, PLACEMENT, AND COMPACTION OF FILL MATERIAL WITHIN THE DEVELOPMENT.

34. EASEMENT WIDTHS SHOWN MAY REQUIRE ADJUSTMENTS AFTER UTILITY DEPTHS ARE PROVIDED.

35. PER THE PLANNED DEVELOPMENT, ADDITIONAL LANDSCAPING WILL BE PROVIDED ALONG THE FRONTAGE OF CARTER STREET AND PARKLAND TO BE DEDICATED.

SUBDIVISION INFORMATION

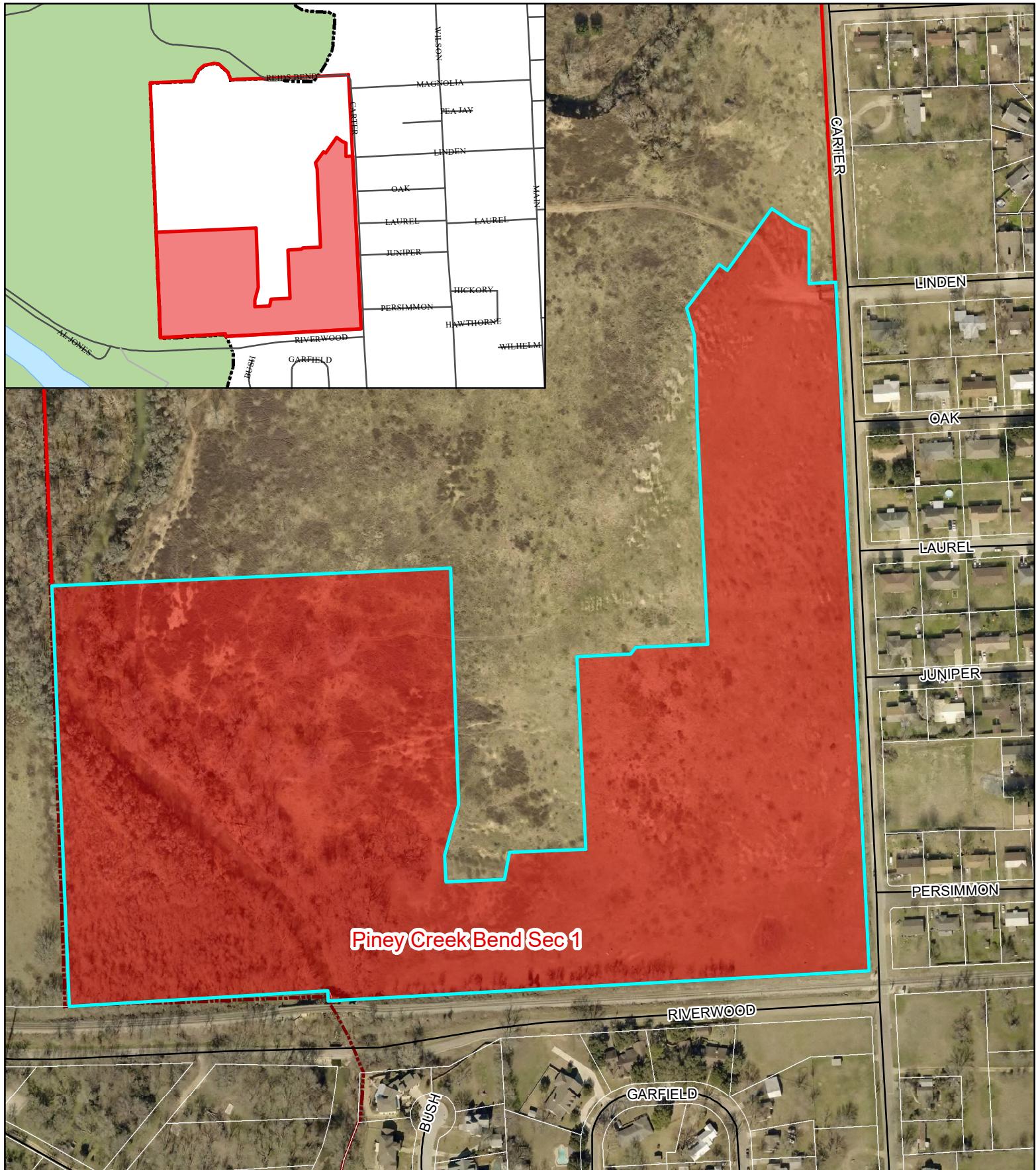
LOT SUMMARY
RESIDENTIAL LOTS 77
OPEN SPACE LOTS 2
TOTAL LOTS 79

PROPOSED STREET LENGTH
DRAGONFLY LOOP 215'
JUNIPER STREET 442'
PINES POINTE DRIVE 509'
NATURE WALK DRIVE 122'
TOTAL STREET LENGTH 323'

AREA SUMMARY
LOTS 33.50 ACRES RIGHT-OF-WAY 3.87 ACRES
OVERALL AREA 37.37 ACRES

LINE TABLE

LINE	BEARING	DISTANCE
L1	N 88°26'07" E	50.01'
L2	S 02°53'15" E	14.00'
L3	N 01°22'31" W	50.02'
L4	N 16°05'37" W	61.60'
L5	S 53°30'58" E	19.13'
L6	S 55°14'59" E	61.55'
L7	S 69°44'38" E	34.16'
L8	S 06°45'00" E	50.84'
L9	N 87°06'55" E	50.04'
L10	N 19°19'10" E	29.67'
L11	N 19°19'10" E	29.67'
L12	S 53°30'58" E	60.78'
L13	S 53°30'58" E	60.78'
L14	S 02°53'15" E	35.25'
L15	S 02°53'15" E	40.00'



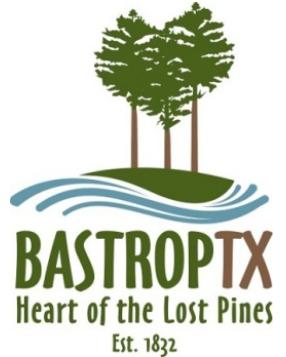
0 75 150 300 Feet

**Location Map
Final Plat
Piney Creek Bend
Section 1**



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

Date: 4/25/2018



Notice of Pending Subdivision Approval
City of Bastrop
City Council

Dear Property Owner:

The **City Council** will hold a meeting **Tuesday, May 8, 2018 at 6:30 p.m.** in the **City Hall Council Chambers located at 1311 Chestnut Street, Bastrop, Texas** to consider approval of Piney Creek Section One Final Plat, being 37.37 acres out of the Bastrop Town Tract, Abstract 11, (Farm Lots 21, 22, and 28) located west of Carter Street Drive, south of Reids Bend and north of Riverwood Drive, within the city limits of Bastrop, Texas.

Owner/Applicant: KB Homes Lone Star Inc.

Address: West of Carter Street Drive, south of Reids Bend and north of Riverwood Drive, Bastrop, TX 78602

Legal Description: 37.37 acres of the Bastrop Town Tract, Abstract 11, (Farm Lots 21, 22, and 28), within the city limits of Bastrop, Texas.

Number of Lots: 77 residential lots

The site location map and final plats are attached for reference.

As a property owner within 200 feet of the above referenced property, you are being notified of the upcoming meetings per the Bastrop Code of Ordinances Subdivision Regulations.

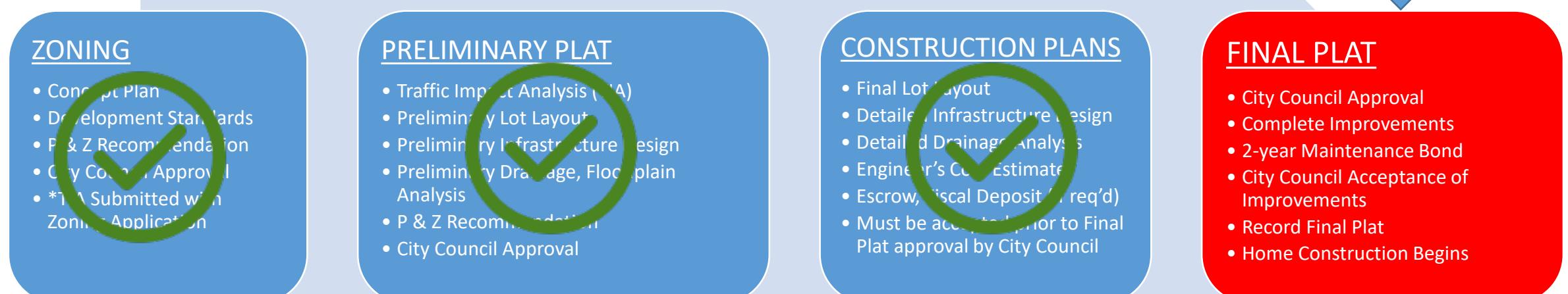
Property owners wishing to subdivide land must follow the rules within the City Subdivision Regulations, which can be read online at:

https://library.municode.com/tx/bastrop/codes/code_of_ordinances?nodeId=CH10SU

For more information on this project, you can contact the Planning & Development offices at (512) 332-8840, plan@cityofbastrop.org, or visit the office at 1311 Chestnut Street, Bastrop, Texas.

Item 9A
Piney Creek Bend
City Council
May 8, 2018

City of Bastrop Subdivision Development Process



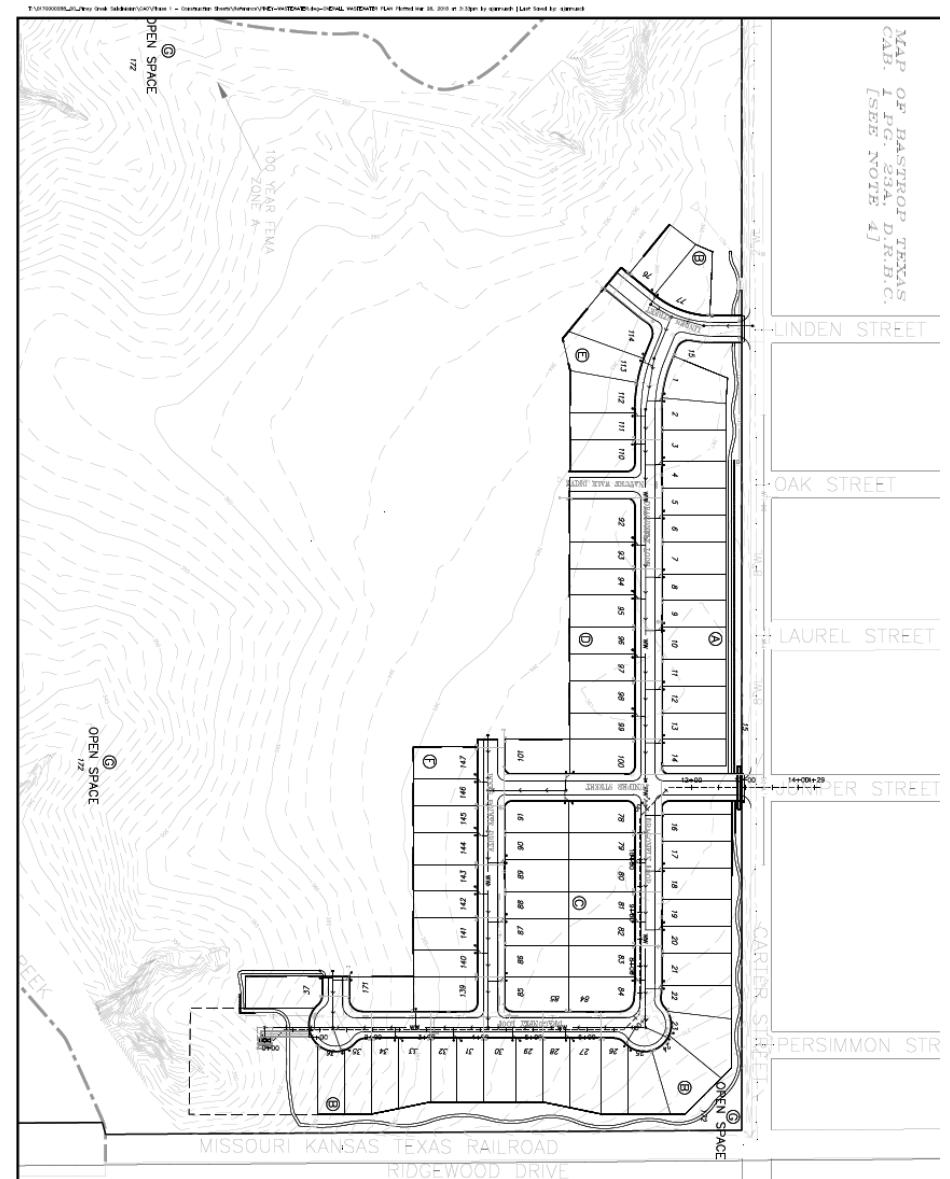
Location

- Piney Creek Bend,
Section One
- West of Carter
Street, north of
Riverwood Drive,
south of Reids
Bend



Final Plat

- Required by the Bastrop Subdivision Ordinance and Texas Local Government Code (LGC).
 - Plats that meet the ordinance and LGC must be approved.
 - Final Plat must be submitted within 180 days or Preliminary Plat will expire.



Site Information

- Size: 37.37 acres
- Existing Use: Undeveloped
- Zoning: Piney Creek Bend Planned Development
Ordinance 2016-02R
- Land Use: Neighborhood Residential
- Open Space Area: 19.252 acres (Lot 1)



Lot Standards

- Established in Planned Development Zoning

Lot Standard	Minimum Dimensions (feet)	Lot Size (square feet)
Urban 5	50 by 110	6,000
Suburban 6	60 by 120	7,200

- Standard Single-Family-7 (SF-7)
 - 60 feet by 110 feet
 - 7,000 square feet

Construction Plans

- Include water, waste water, and drainage plans for Section One.
- Includes the lift station plans.

Next Steps

- Approve Construction Plans
- Build or Receive Fiscal Surety for Public Infrastructure
(streets, utilities, trails/sidewalks, etc.)
- Record Final Plat
- Building Permits for individual houses

Questions?



STAFF REPORT

MEETING DATE: May 8, 2018

AGENDA ITEM: 9B

TITLE:

Hold public hearing and consider action to approve the first reading of Ordinance No. 2018-07 of the City Council of the City of Bastrop, Texas, granting a Conditional Use Permit for a 120-foot standpipe, on Lot A, Tahitian Village, Unit 1, located at 113 Tahitian Drive, within the city limits of Bastrop, Texas; as shown in Exhibit A; setting out conditions; including a severability clause; and establishing an effective date and move to include on the May 22, 2018 agenda for second reading.

STAFF REPRESENTATIVE:

Jennifer C. Bills, AICP, LEED AP, Assistant Planning Director

ITEM DETAILS:

Site Address: 113 Tahitian Drive (Exhibit A)

Total Acreage: 0.837 acres

Legal Description: Lot A of Tahitian Village, Unit 1

Property Owner: Bastrop County Water Control and Improvement District #2

Agent Contact: Jim Ouellet, P.E.

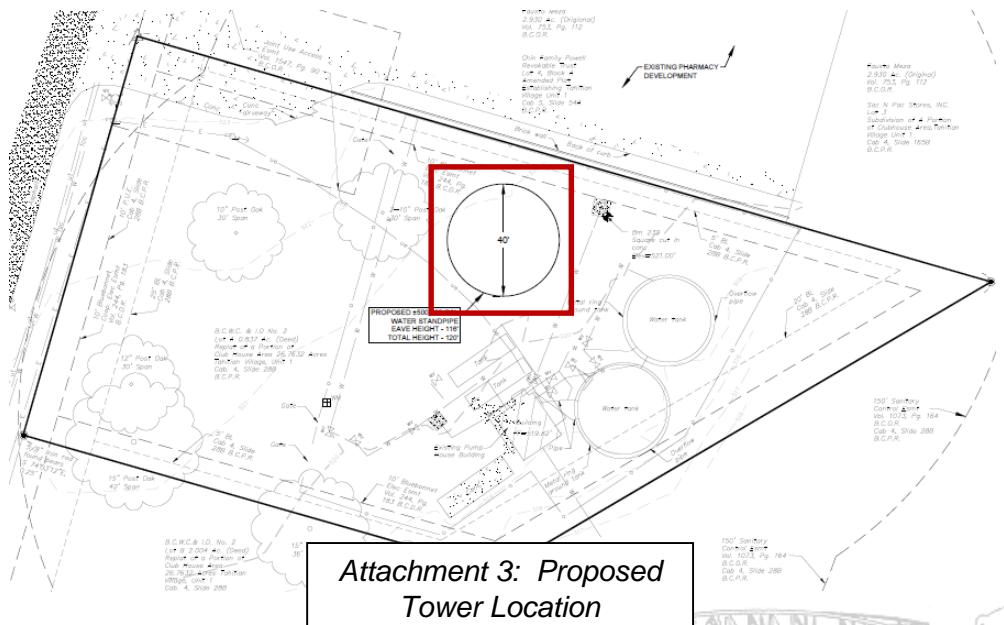
Existing Use: Bastrop County WCID #2 Water well, tanks, and pump station

Existing Zoning: C-2, Commercial 2

Future Land Use: Transitional Residential

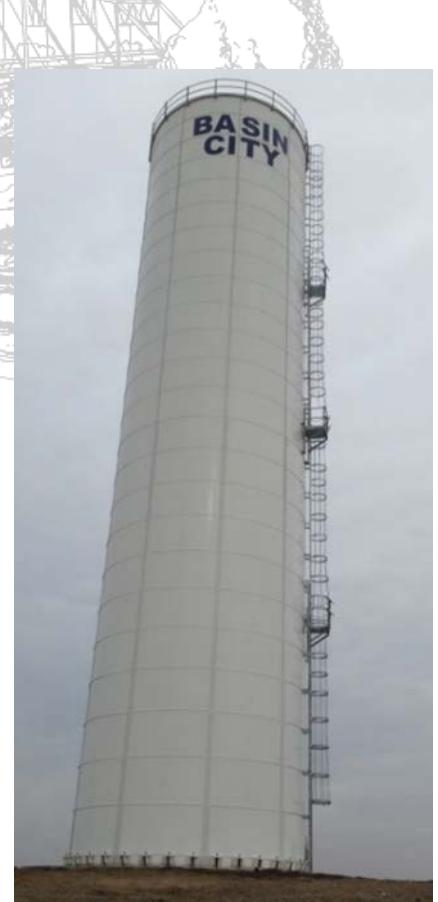
BACKGROUND/HISTORY:

Bastrop County Water Control and Improvement District #2 is requesting a Conditional Use Permit to construct a new water standpipe at their existing facility located at 113 Tahitian Drive. The site is the WCID #2's Water Plant No. 1, which contains an existing water well, pump station, and ground storage tanks (Attachment 2).



The new 500,000-gallon standpipe will be 120 feet in height with a diameter of 40 feet. The standpipe is needed to add additional capacity and pressure to the water system and provide better service for the water customers in the Bastrop County WCID #2 area.

Attachment 4: Example of a standpipe



The site is zoned Commercial-2. The approximate location of the standpipe is on the north side of the property and will be setback a minimum of 10 feet from the north property line.



Proposed Standpipe Location
and Surrounding Area



The Commercial-2 district has a maximum height of 35 feet. Chapter 14 of the Code of Ordinances allows heights over 35 feet with a Conditional Use Permit.

POLICY EXPLANATION:

The purpose of conditional uses is to allow certain uses in districts that under most circumstances would not be compatible with other permitted uses, but may be compatible if certain conditions and development restrictions are met. A Conditional Use Permit (CUP) is adopted by Ordinance, similar to a standard zoning request, with public hearings at Planning & Zoning Commission and City Council meetings, as well as two ordinance readings at separate City Council meetings.

Per Section 33.2 Conditional Use Permit Regulations, the Planning and Zoning Commission and City Council may consider the following for approval of a requested CUP:

1. The use is harmonious and compatible with surrounding existing uses or proposed uses;

The existing lot is already in use as a water well and storage location. Standpipes and water towers are necessary elements of a water system to serve development and are usually placed near existing development.

2. The activities requested by the applicant are normally associated with the permitted uses in the base district;

Water standpipe/Elevated Water Storage is a permitted use of the Commercial-2 district.

3. The nature of the use is reasonable;

Standpipes are a reasonable and necessary use to provide adequate water availability.

4. Any negative impact on the surrounding area has been mitigated;

The existing 150-foot Sanitary Control Easement for the existing well will remain and will not be increased. No negative impacts of the standpipe are anticipated.

5. That any additional conditions specified ensure that the intent of the district purposes are being upheld.

Additional criteria are detailed below.

Chapter 14, Section 43.4 Special Height Regulations includes several conditions that apply to the proposed water standpipe.

43.4 - SPECIAL HEIGHT REGULATIONS:

B. Increasing Maximum Height. The maximum height of buildings and structures may be increased above the maximum height allowed in the base zoning district by **conditional use permit, as provided in Section 33, Conditional Use Permits**, for those buildings and structures located in nonresidential districts, and those buildings and facilities occupied by a church, political subdivision, or utility company in any zoning district.

1. In addition to the conditional use standards, the Planning and Zoning Commission and City Council shall consider, but not be limited to, the following factors when determining the maximum height:
 - a. Preservation of views of landmark buildings, significant open spaces, vistas or water bodies.
 - b. Access to light and air of surrounding properties.
 - c. Shadowing of residential properties or significant public spaces.
 - d. Height, bulk and scale relationships with surrounding uses and structures.
 - i. Type and amount of separation between surrounding uses and structures (e.g. separation by only a property line, by an alley or street, or by other physical features such as grade changes).
 - ii. Use of architectural style, details (such as roof lines or fenestration), color or materials that derive from the less intensive surrounding uses and structures.
 - iii. Creative use of landscaping or other screening.
 - iv. Location of features on-site to facilitate transition, such as locating open space on the property edge so the building or structure is farther from lower intensity development.

- v. Articulation of the building's facades vertically or horizontally in intervals that conform to existing structures or platting pattern.
 - vi. Reducing the bulk of the building's upper floors.
 - vii. Limiting the length of, or otherwise modifying, facades.
- e. Treating topographic conditions in ways that minimize impacts on neighboring development, such as by using a rockery rather than a retaining wall to give a more human scale to a project, or stepping a project down a hillside.
 - f. Relationship of windows, doors, exterior stairways, exterior balconies, sundecks, etc. with the privacy of neighbors.
2. Fire related standards:
- a. Fire flow is adequate.
 - b. Buildings or structures over two (2) stories in height shall be in compliance with four (4) story fire code requirements for commercial fire suppression systems.

The existing site is already used for water pumping and storage. The standpipe will be a passive use and the main impact to the surrounding is visual. The height is such that additional landscaping and screening will not provide any effective visual improvement and there is no change to the architectural structure that will make any improvement; however, paint/material color of the standpipe can be considered. At street level, existing trees and shrubs help screen the site from pedestrians and vehicles. The standpipe will be separated from the northern property by at least 10 feet to the property line as well as parking lot on the other side of the property line. Shadowing and blocked access to light and air will be minimal due to the narrowness of the tower compared to a building, as well as the fact that WCID #2 owns most of the surrounding site. The tower's location has minimal impact on Tahitian Village vistas across valleys and ravines.

The standpipe does not require any commercial fire suppression system.

PUBLIC COMMENTS:

Eleven adjacent property owner notifications were mailed on April 6, 2018. At the time of this report, one response with no objection, as long as the increase in height does not increase the non-build radius around the well. There is a 150-foot Sanitary Control Easement around the existing well and that easement will not be changed (Attachment 5).

PLANNING & ZONING RECOMMENDATION:

The P&Z recommended approval of the Conditional Use Permit for a 120-foot standpipe on Lot A, of Tahitian Village, Unit 1, by a vote of 8-0.

Comments:

- The applicant stated the standpipe would be painted either sky blue or white to provide the least obtrusive visual effect.
- The Commission requested that the tower be labeled with identifying information, such as "Welcome to Bastrop" as the tower will be on the eastern edge of the city along Highway 71. They asked that this follow the same criteria that is being applied to other water towers.

- The Commission asked if the addition of this facility would enable the BCWCID #2 to provide fire flow to Tahitian Drive. The applicant stated this would be a first step towards greater capacity.

RECOMMENDATION:

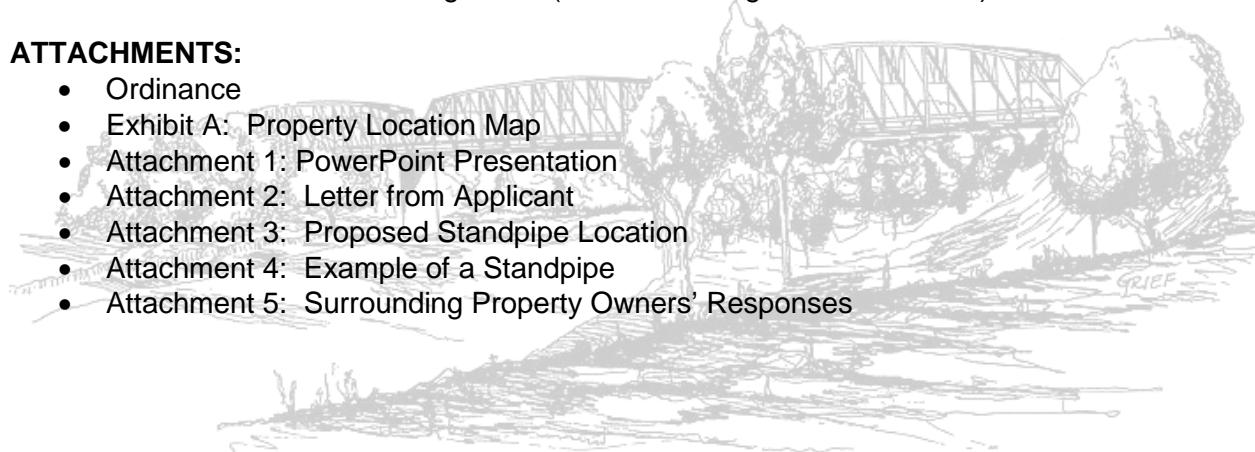
Hold public hearing and consider action to approve the first reading of Ordinance No. 2018-07 of the City Council of the City of Bastrop, Texas, granting a Conditional Use Permit for a 120-foot standpipe, on Lot A, Tahitian Village, Unit 1, located at 113 Tahitian Drive, within the city limits of Bastrop, Texas; as shown in Exhibit A; setting out conditions; including a severability clause; and establishing an effective date and move to include on the May 22, 2018 agenda for second reading.

Conditions:

1. Construction shall be in conformance with the City of Bastrop regulations.
2. All necessary permits for the proposed development shall be acquired prior to occupying the building.
3. A Building Permit shall be applied for and secured within one year from the date the Conditional Use Permit is granted (second reading of the ordinance).

ATTACHMENTS:

- Ordinance
- Exhibit A: Property Location Map
- Attachment 1: PowerPoint Presentation
- Attachment 2: Letter from Applicant
- Attachment 3: Proposed Standpipe Location
- Attachment 4: Example of a Standpipe
- Attachment 5: Surrounding Property Owners' Responses



ORDINANCE 2018-07

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP,
TEXAS GRANTING A CONDITIONAL USE PERMIT FOR A 120-FOOT
STANDPIPE, ON LOT A, TAHITIAN VILLAGE, UNIT 1, LOCATED AT
113 TAHITIAN DRIVE, WITHIN THE CITY LIMITS OF BASTROP,
TEXAS; AS SHOWN IN EXHIBIT A; SETTING OUT CONDITIONS;
INCLUDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN
EFFECTIVE DATE.**

WHEREAS, Bastrop County Water Control and Improvement District #2 (WCID #2) (hereinafter referred to as "Applicant") submitted a request for a Conditional Use Permit (CUP) for Lot A of Tahitian Village, Unit 1, within the City limits of Bastrop, Texas, hereinafter referred to as "the Property"; and

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

WHEREAS, the Property is currently zoned as C-2, Commercial-2; and

WHEREAS, pursuant to Section 10.4 of the City's Zoning Ordinance, notice of the CUP was given to all property owners located within two hundred (200) feet of the Property, and the Planning and Zoning Commission of the City of Bastrop held a public hearing on the CUP request on April 26, 2018; and

WHEREAS, after notice and hearing, the Planning and Zoning Commission, by a unanimous vote, recommended approval of the proposed request, subject to certain conditions set forth herein; and

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

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

Section 1: The Property, situated in Lot A of Tahitian Village, Unit 1, located at 113 Tahitian Drive, within the city limits of Bastrop, Texas as more particularly shown on Exhibit "A", shall be and is hereby approved with the following conditions to:

- a. Construction shall be in conformance with the City of Bastrop regulations.
- b. All necessary permits for the proposed development shall be acquired prior to occupying the building.

c. A Building Permit shall be applied for and secured within one year from the date the Conditional Use Permit is granted (second reading of the ordinance).

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

Section 3: This ordinance shall take effect upon the date of final passage noted below, or when all applicable publication requirements, if any, are satisfied in accordance with the City's Charter, Code of Ordinances, and the laws of the State of Texas.

READ and ACKNOWLEDGED on First Reading on the 8th day of May 2018.

READ and APPROVED on the Second Reading on the ___ day of ___ 2018.

APPROVED:

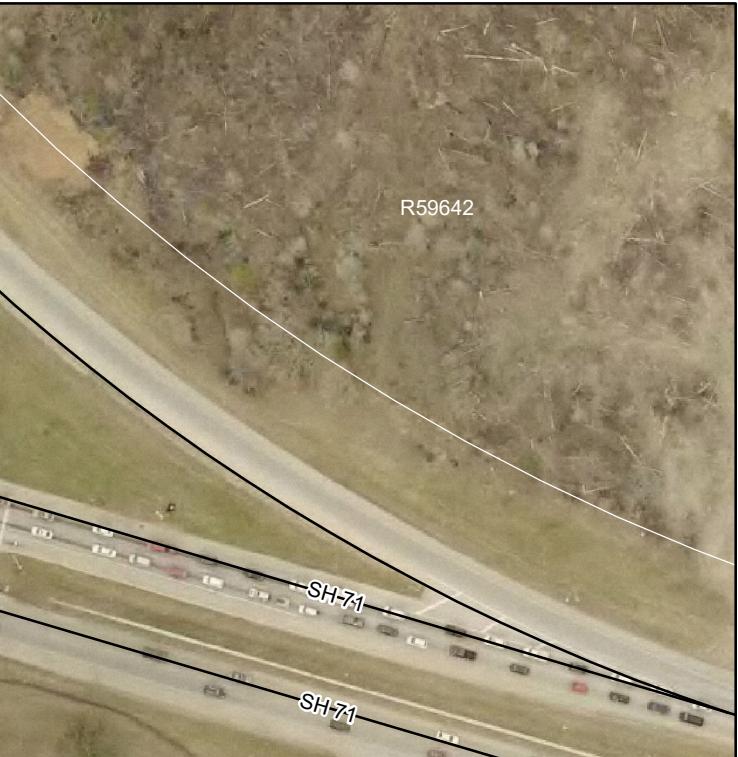
Connie B. Schroeder, Mayor

ATTEST:

Ann Franklin, City Secretary

APPROVED AS TO FORM:

Alan Bojorquez, City Attorney



**Location Map
Conditional Use Permit
113 Tahitian Drive
BCWCID#2 Water Standpipe**



0 37.5 75 150 Feet



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

Date: 4/4/2018

Conditional Use Permit

Water Standpipe

113 Tahitian Drive



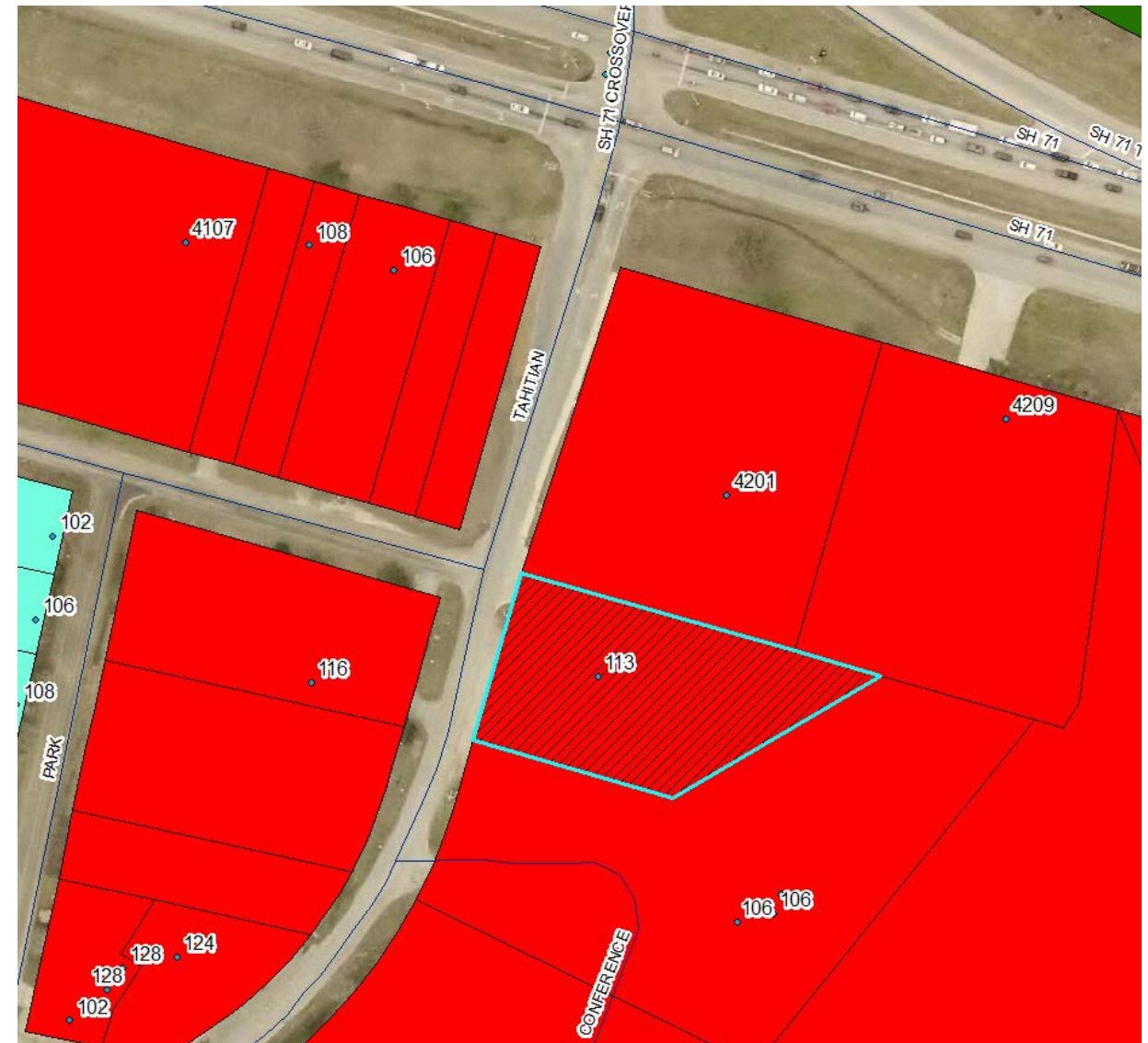
Request

- Approve a Conditional Use Permit for a new 500,000 gallon stand pipe that will be 120-foot in height for the Bastrop County Water Control and Improvement District #2.



Zoning

- Commercial-2 (C-2)
- Maximum height: 35 feet
- A CUP is required for stand pipes over 35 feet.



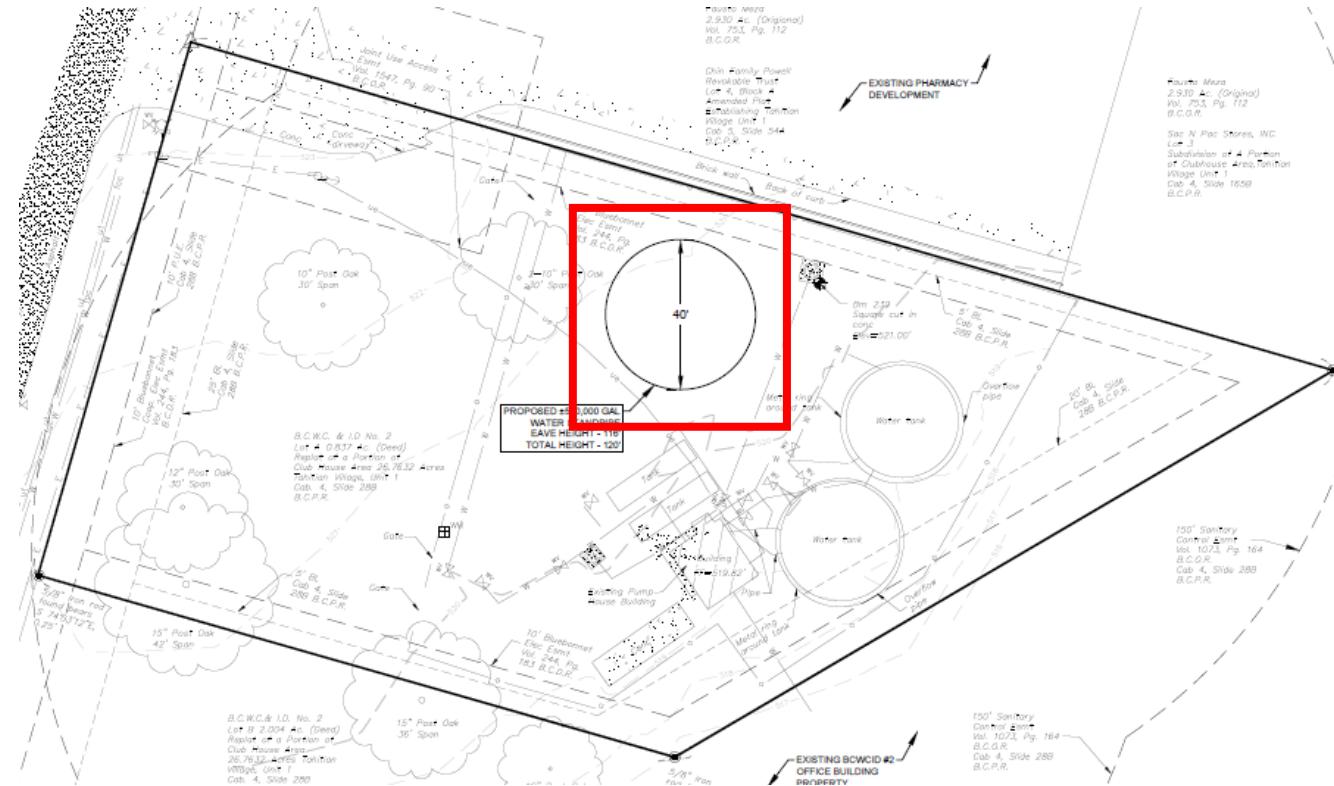
Location

- 113 Tahitian Drive



Proposed Stand Pipe Location

- Other structures on the site:
 - Existing Well
 - Pump Station
 - Ground Storage Tanks
- Minimum 5-foot setback and 10-foot electric easement along the north property line.



Section 43.4 – Special Height Regulations

- B. Height may be increase over the maximum height allowance by CUP.
 - 1. Additional factors for a CUP
 - Preservation of views
 - Access to light and air of surrounding properties
 - Height, bulk and scale
 - Using topographic conditions, (ie terracing) to minimize impact
 - Relationship of windows, doors, etc for privacy of neighbors.
 - 2. Fire related standards
- Staff has determined that this use will have minimal impact on the surrounding uses.
- Paint color and materials for the tower are the only factors that could provide any visual improvement.



Section 33.2 Conditional Use Permit Regulations

1. The use is harmonious and compatible with surrounding existing uses or proposed uses;
The existing lot is already in use as a water well and storage location. Standpipes and water towers are necessary elements of a water system to serve development and are usually placed near existing development.
2. The activities requested by the applicant are normally associated with the permitted uses in the base district;
Water standpipe/Elevated Water Storage is a permitted use of the Commercial-2 district.
3. The nature of the use is reasonable;
Standpipes are a reasonable and necessary use to provide adequate water availability.
4. Any negative impact on the surrounding area has been mitigated;
The existing 150-foot Sanitary Control Easement for the existing well will remain and will not be increased. No negative impacts of the standpipe are anticipated.
5. That any additional conditions specified ensure that the intent of the district purposes are being upheld.
Additional criteria on previous slide.



Standard CUP Conditions

1. Construction shall be in conformance with the City of Bastrop regulations.
2. All necessary permits for the proposed development shall be acquired prior to occupying the building.
3. A Building Permit shall be applied for and secured within one year from the date the Conditional Use Permit is granted (second reading of the ordinance).



Planning & Zoning Recommendation

- The P&Z recommended approval of the Conditional Use Permit for a 120-foot standpipe on Lot A, of Tahitian Village, Unit 1, by a vote of 8-0.
- Comments:
 - The applicant stated the standpipe would be painted either sky blue or white to provide the least obtrusive visual effect.
 - The Commission requested that the tower be labeled with identifying information, such as “Welcome to Bastrop” as the tower will be on the eastern edge of the city along Highway 71. They asked that this follow the same criteria that is being applied to other water towers.
 - The Commission asked if the addition of this facility would enable the BCWCID #2 to provide fire flow to Tahitian Drive. The applicant stated this would be a first step towards greater capacity.



Recommendation

- Hold the public hearing and conduct the first reading of



Questions?





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 23, 2018

City of Bastrop
Planning & Development Department
Mr. David Gattis, Interim Planning Director
1311 Chestnut Street
Bastrop, Texas 78602

**RE: Project Description Letter
Conditional Use Permit
Water Standpipe at Water Plant No. 1
BCWCID #2**

Mr. Gattis:

Bastrop County Water Control and Improvement District #2 (BCWCID #2) is the provider of water service for most of Tahitian Village located just east\southeast of the City of Bastrop. BCWCID #2 currently owns and operates an existing water plant (Water Plant No. 1) on approximately 0.83 acres at 113 Tahitian Drive. The existing plant site has existing ground storage tanks, pump station and hydropneumatic tanks. BCWCID #2 proposes to install a new approximate 500,000 gallon water standpipe to better serve its customer base.

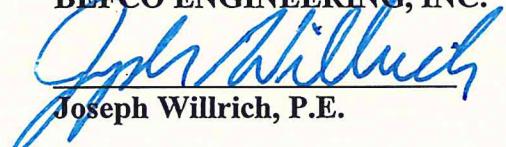
The existing site is zoned Commercial – 2 (C-2) per the City of Bastrop zoning map. The C-2 zoning only allows for heights up to 35 feet. Per section 43.4 B., a conditional use permit can be applied for to allow for greater heights for improvements proposed by a utility company. The proposed water standpipe is a proposed bolted steel tank with an approximate eave height of 116 feet and total height of approximately 120 feet. Our proposed height is in excess of 35 feet and requires a conditional use permit approval.

Following are additional items of consideration for this request:

1. The water standpipe will be similar in size and scope as many other elevated style water tanks owned and operated by the City of Bastrop and Aqua Water Supply Corporation.
2. All adjacent land uses are non residential and/or zoned non residential and will not have a negative impact on light, air or shadowing of adjacent properties.
3. Reference the attached picture for the style of standpipe tank proposed.
4. The tank is being located on an existing water plant site and is an appropriate location for the intended use. The tank site was selected due to the fact that it is at the highest

elevation in the system which is necessary to optimize storage capacity and fire protection.

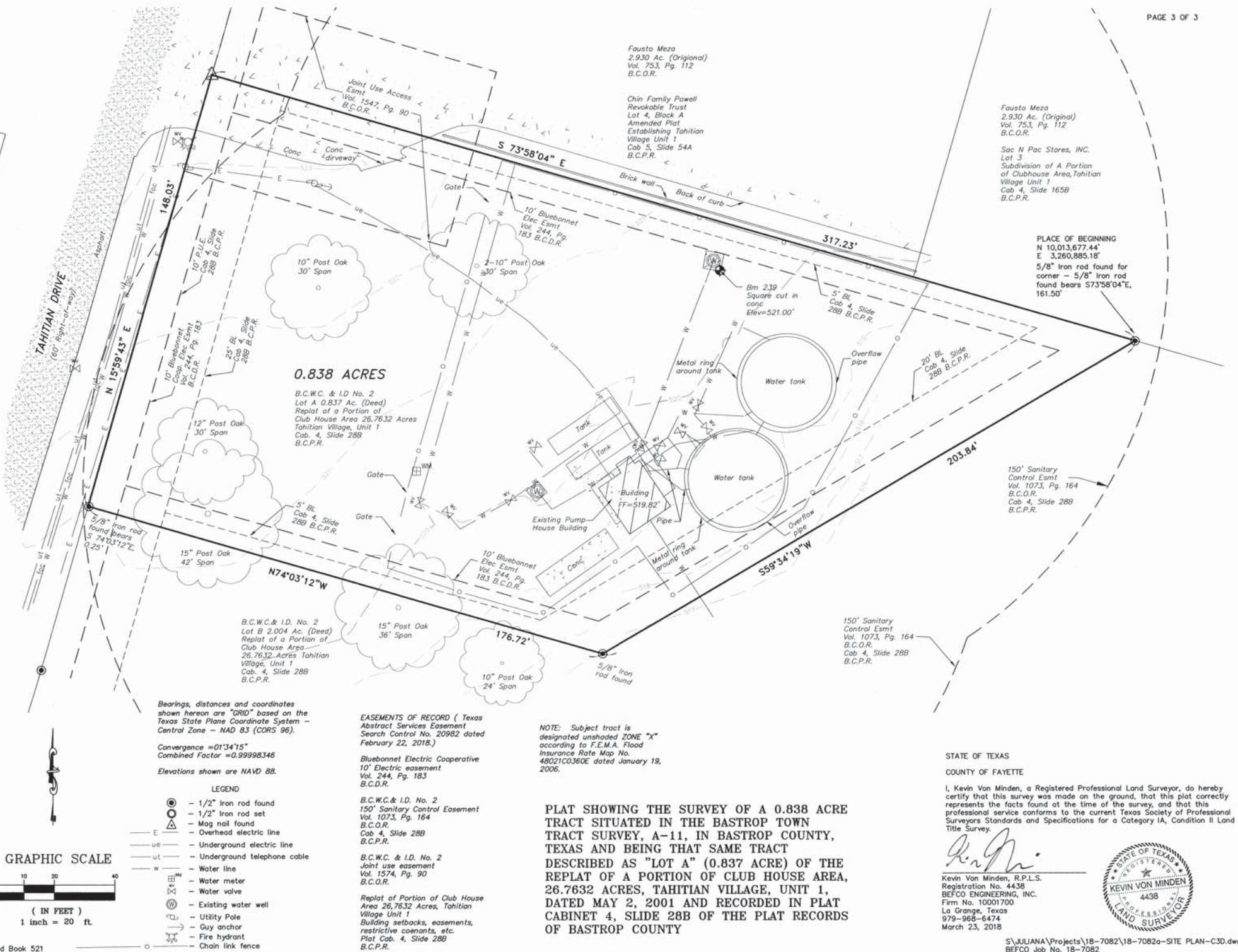
Based on the properties location, existing land use of a water plant site, adjacent zoning districts, adjacent uses, and the need to improve the water system, we feel the conditional use permit is a reasonable request. We look forward to working with you and your staff on this request. Please call me at 979-968-6474 if you need any further information or have any questions.

Very truly yours,
BEFCO ENGINEERING, INC.

Joseph Willrich, P.E.

Attachments: Example picture of tank
Aerial location map

Attachment 3

PAGE 3 OF 3





Attachment 5



Notice of Pending Conditional Use Permit Approval
City of Bastrop
Planning & Zoning Commission
And City Council

Dear Property Owner:

The Planning and Zoning Commission will conduct a public hearing on Thursday, April 26, 2018 at 6:00 p.m. and the City Council will conduct a public hearing (first reading) Tuesday, May 8, 2018 at 6:30 p.m. in the City Hall Council Chambers located at 1311 Chestnut Street, Bastrop, Texas on the request for an ordinance to approve a Conditional Use Permit to allow a 120 foot water stand pipe to exceed the 36 foot maximum height allowance at 113 Tahitian Drive, Lot A of Tahitian Village, Unit 1, an area zoned C-2, Commercial-2, within the city limits of Bastrop.

Applicant: Bastrop County WCID #2

Address: 113 Tahitian Drive

Legal Description: Tahitian Village, Unit 1, Lot A (0.838 acres)

The site location map and a letter from the property owner is attached for reference.

As a property owner within 200 feet of the above referenced property, you are being notified of the upcoming meetings per the Bastrop Code of Ordinances CUP Regulations. For more information on this project, you can contact the Planning & Development offices at (512) 332-8840, plan@cityofbastrop.org, or visit the office at 1311 Chestnut Street, Bastrop, Texas.

For additional information, please visit or call the Planning & Development offices.

XX

PROPERTY OWNER'S RESPONSE

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

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

RECEIVED

APR 11 2018

By

Property Owner Name: Sac N. Pac

Property Address: 113 Tahitian Dr.

Phone (optional): 512 738 1288

Mailing Address: 1910 B Centerpoint Rd. San Marcos, TX 78666

Email (optional): Dair W @ sacnepc.com

Property Owner's Signature: Alan Wann

Comments: (Optional)

As long as the increase in height does not increase
the non build radius around the well. Please respond.

Please provide reply to the address below, via fax (512) 332-8829, or email: plan@cityofbastrop.org



STAFF REPORT

MEETING DATE: May 8, 2018

AGENDA ITEM: 9C

TITLE:

Consider action to approve the first reading of Ordinance No. 2018-06 of the City Council of the City of Bastrop, Texas amending the Code of Ordinances, Chapter 2 Titled “ANIMAL CONTROL,” Article 2.01 Titled “GENERAL PROVISIONS,” Section 2.01.001 Titled “DEFINITIONS”; repealing the provision that established a sanctuary for chickens that are not owned and located in the vicinity of Farm Street and all prior ordinances that are in conflict herewith; as attached in Exhibit A; and providing for findings of fact, enactment, effective date, repealer severability, and proper notice and meeting; and move to include on the May 22, 2018 agenda for a second reading.

STAFF REPRESENTATIVE:

James Altgelt, Interim Public Safety Director

BACKGROUND/HISTORY:

On June 9, 2009, the City Council received compelling input and comment from members of the Bastrop community. The community expressed concern about the protection of certain chickens that resided, at-large on property adjoining Farm Street between the railroad tracks and State Highway 95. It was further identified that the public viewed that these at-large chickens generally enhanced the quality of life in the City of Bastrop and the chickens did not pose a health risk, were not a nuisance to humans, nor were they likely to propagate in excessive numbers.

On June 23, 2009, the City Council determined that it was necessary for the protection and enhancement of the general welfare of the citizens of Bastrop to amend the City Code, related to Animal Control, and provided for an exception for certain Poultry and Fowl that resided, at-large, in certain areas of the City from certain nuisance and enforcement provisions of the code. The adoption of Ordinance No. 2009-13 took place which created what has become to be known as the “Chicken Sanctuary”. This was an area described as the vicinity of Farm Street for a distance of approximately 1,500 feet, between Highway 95 to the railroad tracks near Fayette Street. All chickens that were not owned by an individual and that generally ran at-large in this area were considered to be “protected animals.”

Over the passage of time, some of these at-large chickens appear to have migrated out of the “Chicken Sanctuary” to other parts of the City. The presence of these at-large chickens throughout the City have caused concern among some of the members of the Bastrop community to the point that necessitated a public hearing conducted on November 29th, 2017. During this hearing the City Council received input from the citizens regarding the number of at-large chickens within the city limits to include the “Chicken Sanctuary.” Some of the input consisted of different strategies to resolve the at-large chicken problem.

On March 27, 2018, the City Council received an update concerning the at-large chickens. Upon conclusion of this update, the City Council unanimously opined that the removal of the "Chicken Sanctuary" would be in the best interest of the city.

POLICY EXPLANATION:

This ordinance, if passed, will eliminate the terminology "Chickens that are not owned by an individual and that generally run at large in the vicinity of Farm Street for a distance of approximately one thousand five hundred (1,500) feet, between Highway 95 to the railroad tracks near Fayette Street" from the definition of "Protected animals" as defined by Chapter 2 – ANIMAL CONTROL, Article 2.01 – GENERAL PROVISIONS, Sec. 2.01.001. This will effectively end the existence of what we have come to know as the "Chicken Sanctuary."

FUNDING SOURCE:

N/A

RECOMMENDATION:

Consider action to approve the first reading of Ordinance No. 2018-06 of the City Council of the City of Bastrop, Texas amending the Code of Ordinances, Chapter 2 Titled "ANIMAL CONTROL," Article 2.01 Titled "GENERAL PROVISIONS," Section 2.01.001 Titled "DEFINITIONS"; repealing the provision that established a sanctuary for chickens that are not owned and located in the vicinity of Farm Street and all prior ordinances that are in conflict herewith; as attached in Exhibit A; and providing for findings of fact, enactment, effective date, repealer severability, and proper notice and meeting; and move to include on the May 22, 2018 agenda for a second reading.

ATTACHMENTS:

- Ordinance 2018-06
- Attachment "A"

ORDINANCE NO. 2018-06

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS; AMENDING THE CODE OF ORDINANCES, CHAPTER 2 TITLED "ANIMAL CONTROL," ARTICLE 2.01 TITLED "GENERAL PROVISIONS," SECTION 2.01.001 TITLED "DEFINITIONS"; REPEALING THE PROVISION THAT ESTABLISHES A SANCTUARY FOR CHICKENS THAT ARE NOT OWNED AND LOCATED IN THE VICINITY OF FARM STREET AND ALL PRIOR ORDINANCES THAT ARE IN CONFLICT HEREWITH; AS ATTACHED IN EXHIBIT A; AND PROVIDING FOR FINDINGS OF FACT, ENACTMENT, EFFECTIVE DATE, REPEALER, SEVERABILITY, AND PROPER NOTICE AND MEETING.

WHEREAS, the City of Bastrop ("City") has the responsibility to address any public health and safety problems; and

WHEREAS, on June 9, 2009, the City Council ("Council") received compelling input and comment from members of the Bastrop community, expressing concern about the protection of certain chickens that reside, at-large on property adjoining Farm Street between the railroad tracks and State Highway 95, reflecting the public's view that these at-large chickens generally enhance the quality of life in the City and reflecting the view that these chickens do not pose a health risk, are not a nuisance to humans, nor are they likely to propagate in excessive numbers; and

WHEREAS, on June 23, 2009, Council determined that it was necessary for the protection and enhancement of the general welfare of the citizens of Bastrop to amend the current City Code, related to Animal Control, by proving for an exception for certain Poultry and Fowl that reside, at-large, in certain areas of the City from certain nuisance and enforcement provisions of the code; and

WHEREAS, the adoption of Ordinance No. 2009-13 created what has become to be known as the "Chicken Sanctuary" by classifying all chickens that were not owned by an individual and that generally run at-large in the vicinity of Farm Street for a distance of approximately 1,500 feet, between Highway 95 to the railroad tracks near Fayette Street; and

WHEREAS, over the passage of time, some of these at-large chickens may have migrated out of the "Chicken Sanctuary" to other parts of the City; and

WHEREAS, the Bastrop City Council ("City Council") has been faced with the public health and safety problems of feral chickens (hens and roosters) in the City straying onto private property and causing property damage, threatening persons, and creating a public nuisance; and

WHEREAS, the presence of these at-large chickens throughout the City has caused concern among some of the members of the Bastrop community to the point that necessitated a public hearing being conducted on November 29th, 2017, when Council received input from the citizens regarding the number of at-large chickens within the city limits to include the "Chicken Sanctuary," and some of the input consisted of different strategies to resolve the at-large chicken problem; and

WHEREAS, the City found that the creation of a Sanctuary for hens and roosters has instead been detrimental to the process of protecting the health and personal and property rights of the City and its residents; and

WHEREAS, on March 27, 2018, Council received an update concerning the at-large chickens; and

WHEREAS, Council unanimously opined that the removal of the "Chicken Sanctuary" would be in the best interest of the City; and

WHEREAS, the City finds it is a violation to attempt to create a Sanctuary and will impose a fine of \$2,000 on any attempt to maintain loose or feral chickens (hens or roosters) in violation of this ordinance; and

WHEREAS, pursuant to Sec. 54.001(b)(1) of the Local Government Code, the City may impose a fine of up to \$2,000 for any violation of an ordinance that governs public health; and

WHEREAS, the City is authorized by Tex. Loc. Gov't Code § 51.001 to adopt, appeal, or amend any ordinance that is for the good government, peace, or order of the municipality, and for the trade and commerce of the municipality, and is necessary or proper for carrying out a power granted by law to the municipality; and

WHEREAS, the City has the full power of local self-government as recognized by Tex. Loc. Gov't Code § 51.072; and

WHEREAS, the City Council finds this Ordinance to be reasonable and prudent, and in the best interest of the health, safety, and sanitation of the city for its residents.

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

SECTION 1. FINDINGS OF FACT

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

SECTION 2. ENACTMENT

Chapter 2, Article 2.01.001, et. Seq. of the Code of Ordinances to the City of Bastrop, which is entitled "ANIMAL CONTROL" is amended to read as described and attached hereto as *Exhibit A.*"

SECTION 3. EFFECTIVE DATE

This Ordinance shall take effect immediately upon passage.

SECTION 4. REPEALER

All ordinances, or parts thereof, that are in conflict or inconsistent with any provision 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 regulated, herein.

SECTION 5. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

SECTION 6. PROPER NOTICE & MEETING

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

READ & ACKNOWLEDGED on First Reading on this, the 8th day of May 2018.

READ & APPROVED on the Second Reading on this, the 22nd day of May 2018.

APPROVED:

Connie B. Schroeder, Mayor

ATTEST:

Ann Franklin, City Secretary

APPROVED AS TO FORM:

Alan Bojorquez, City Attorney

EXHIBIT “A”

City of Bastrop Code of Ordinances

Chapter 2 – ANIMAL CONTROL

ARTICLE 2.01 – GENERAL PROVISIONS

Sec. 2.01.001 – Definitions.

When used in the City Code of Ordinances, the following words and terms, unless the context indicates a different meaning, or unless otherwise specifically defined for application to a portion of this chapter, shall be interpreted as follows:

Protected animals.

(1) Poultry, fowl and birds that are harbored in any city park or park area; ~~and~~

~~(2) Chickens that are not owned by an individual and that generally run at large in the vicinity of Farm Street for a distance of approximately one thousand five hundred (1,500) feet, between Highway 95 to the railroad tracks near Fayette Street.~~



STAFF REPORT

MEETING DATE: May 8, 2018

AGENDA ITEM: 9D

TITLE:

Consider action to approve the first reading of Ordinance No. 2018-08 of the City of Bastrop, Texas amending the Code of Ordinances, repealing and replacing Article 1.15 titled "Code of Ethics" and providing for findings of fact, repealer, severability, codification, effective date, proper notice, and meeting.

STAFF REPRESENTATIVE:

Lynda K. Humble, City Manager
Alan Bojorquez, City Attorney

BACKGROUND/HISTORY:

City Council requested that City Attorney Alan Bojorquez, when hired in October, draft a new Ethics Ordinance for discussion and consideration, rather than attempting to amend the current ordinance.

City Attorney Alan Bojorquez is passionate about Ethics, specifically in the realm of local government. The City Attorney is considered an industry expert on this topic and has published numerous articles and routinely speaks on this subject.

At the March 27th Council meeting a discussion was facilitated by the City Attorney the proposed Ethics Ordinance. His presentation:

1. Educated the Council on the importance of how a quality Ethics ordinance should be structured.
2. Educated the Council on the important elements that should be contained in a quality Ethics ordinance.
3. Discussed the draft ordinance, sought input to ensure it meets the Council's expectations, and to understand additional issues that need to be addressed in an Ethics Ordinance specifically written for the City of Bastrop.

At the April 10th Council meeting, a discussion was facilitated by the City Attorney regarding Draft C of the Ethics Ordinance, which contained feedback from the March 27th Council briefing as well as emails from citizens.

1. Discussed the draft ordinance, sought input to ensure it meets the Council's expectations, and to understand additional issues that need to be addressed in an Ethics Ordinance specifically written for the City of Bastrop.

POLICY EXPLANATION:

At the April 24th Council meeting, City Attorney Bojorquez discussed the changes to the Ethics Ordinance. Public comment was taken. Council instructed staff to place the Ethics Ordinance on the May 8th agenda for first reading. **City Attorney Bojorquez specified an effective date of**

September 1, 2018 for this Ordinance. This will allow Council to recruit and nominate a 5-member board, create a training program, and the City Attorney to prepare Procedural Rules and Forms.

FUNDING SOURCE:

N/A

RECOMMENDATION:

Consider action to approve the first reading of Ordinance No. 2018-08 of the City of Bastrop, Texas amending the Code of Ordinances, repealing and replacing Article 1.15 titled "Code of Ethics" and providing for findings of fact, repealer, severability, codification, effective date, proper notice, and meeting.

ATTACHMENTS:

- Draft Ethics Ordinance



CITY OF BASTROP, TX
ORDINANCE NO. 2018-_____
CODE OF ETHICS

**AN ORDINANCE OF THE CITY OF BASTROP, TEXAS
AMENDING THE CODE OF ORDINANCES, REPEALING
AND REPLACING ARTICLE 1.15 TITLED "CODE OF
ETHICS" AND PROVIDING FOR FINDINGS OF FACT,
REPEALER, SEVERABILITY, CODIFICATION,
EFFECTIVE DATE, PROPER NOTICE AND MEETING**

WHEREAS, the City Council of the City of Bastrop enacts this new Code of Ethics to foster a culture of integrity for those who serve the municipality and our citizenry; and

WHEREAS, the City Council strives to increase public confidence in our municipal government; and

WHEREAS, the City Council finds that it is the policy of the City that all City Officials and employees shall conduct themselves in a manner that assures the public that we are faithful stewards of the public trust; and

WHEREAS, the City Council has determined that city officials have a responsibility to the citizens to administer and enforce the City Charter and City Ordinances in an ethical manner; and

WHEREAS, the City Council wants to enhance public confidence in our municipal government, by providing that each city official must strive not only to maintain technical compliance with the principles of conduct set forth in this Article, but to aspire daily to carry out their duties objectively, fairly, and lawfully; and

WHEREAS, the City Council enacts this Ordinance to ensure that decision makers provide responsible stewardship of City resources and assets; and

WHEREAS, the City Council intends this Ordinance to provide a framework within which to encourage ethical behavior, and enforce basic standards of conduct while providing due process that protects the rights of the complainant and the accused, and not to provide a mechanism to defame, harass or abuse political opponents, or publicize personal grudges; and

WHEREAS, the City Council enacts this Ordinance pursuant to Section 3.14 of the Charter.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Bastrop, TX:

1. FINDINGS OF FACT

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

2. AMENDMENT

Chapter 1, Article 1.15 of the City of Bastrop Code of Ordinances is hereby repealed and replaced, and after such amendment, shall read in accordance with *Attachment "A"*, which is attached hereto and incorporated into this Ordinance for all intents and purposes. Any underlined text shall be inserted into the Code and any struck-through text shall be deleted from the Code, as stated on *Attachment A*.

3. REPEALER

To the extent reasonably possible, Ordinances are to be read together in harmony. However, all Ordinances, or parts thereof, that are in conflict or inconsistent with any provision 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 regulated, herein.

4. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

5. CODIFICATION

The City Secretary is hereby directed to record and publish the attached rules, regulations and policies in the City's Code of Ordinances as authorized by Section 52.001 of the Texas Local Government Code.

6. EFFECTIVE DATE

This ordinance shall take effect upon the date of final passage noted below, or when all applicable publication requirements, if any, are satisfied in accordance with the City's Charter, Code of Ordinances, and the laws of the State of Texas, that being September 1, 2018. The City Council may appoint a Board of Ethics, which may enact rules and promulgate forms prior to that time.

7. PROPER NOTICE & MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was

given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

READ & ACKNOWLEDGED on First Reading on this, the 8th day of May 2018.

READ & APPROVED on the Second Reading on this, the 22nd day of May 2018.

APPROVED:

by: _____
Connie Schroeder, Mayor

ATTEST:

Ann Franklin, City Secretary

APPROVED AS TO FORM:

Alan Bojorquez, City Attorney

Attachment "A"

**CITY OF BASTROP
CODE OF ORDINANCES
CHAPTER 1: GENERAL PROVISIONS
ARTICLE 1.15. CODE OF ETHICS**

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CITY OF BASTROP

CODE OF ORDINANCES

CHAPTER 1: GENERAL PROVISIONS

ARTICLE 1.15. CODE OF ETHICS

DIVISION 1. GENERAL

1.15.1 Authority

This Article is enacted pursuant to the authority granted to the City under Section 3.14 of the Charter.

1.15.2 Purpose

The purpose of this Article is to foster an environment of integrity for those that serve the City of Bastrop and our citizenry. The City Council enacted this Article in order to increase public confidence in our municipal government. It is the policy of the City that all City Officials and employees shall conduct themselves in a manner that assures the public that we are faithful stewards of the public trust. City Officials have a responsibility to the citizens to administer and enforce the City Charter and City Ordinances in an ethical manner. To ensure and enhance public confidence in our municipal government, each City Official must strive not only to maintain technical compliance with the principles of conduct set forth in this Article, but to aspire daily to carry out their duties objectively, fairly, and lawfully. Furthermore, this Article was enacted to ensure that decision makers provide responsible stewardship of City resources and assets.

It is not the purpose of this Article to provide a mechanism to defame, harass or abuse their political opponents, or publicize personal grudges. Rather, this Article is intended to provide a framework within which to encourage ethical behavior, and enforce basic standards of conduct while providing due process that protects the rights of the Complainant and the Accused.

1.15.3 Prospective

This Article shall apply prospectively, and shall not sustain any Complaints based on acts or omissions alleged to have taken place prior to adoption-the Effective Date of this Article, that being September 1, 2018.

1.15.4 Applicability

This Article applies to the following persons:

- (a) City Officials.

- (b) Former City Officials whose separation from city service occurred less than two (2) years from the date of the alleged violation of this Article. Application of this Article to Former City Officials shall be limited to alleged violations:
 - (1) that occurred during the term as a City Official;
 - (2) of the prohibition on representing others for compensation; or
 - (3) of the prohibition of subsequent work on prior projects .
- (c) Vendors; and
- (d) Complainant(s).

Concerns regarding City employees not listed above may be brought to the attention of the City Manager for assessment in accordance with any applicable personnel policies.

1.15.5 Definitions

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accepted Complaint: a sworn allegation of a violation of this Article after the required documentation has been submitted to the City Secretary and determined to be administratively complete.

Accused: a City Official who has been charged in a Complaint with having violated this Article.

Actionable Complaint: an Accepted Complaint that has been deemed by a Panel to contain allegations and evidence that, if accepted as true, would support a finding that a violation of this Article occurred.

Advisory Opinions: written rulings regarding the application of this Article to a particular situation or behavior.

Article: the Code of Ethics for the City of Bastrop.

Baseless Complaint: a Complaint that does not allege conduct that would constitute a violation of this Article, or that does not provide evidence that, if true, would support a violation of this Article.

Board of Ethics: the oversight entity established by the Council to administer this Article.

Business Entity: a sole proprietorship, partnership, firm, corporation, holding company, joint-stock company, receivership, trust, political subdivision, government agency, university, or any other entity recognized by law.

Candidate: a person who has filed an application for a place on a ballot seeking public office, or one who has publicly announced the intention to do so.

Charged: to be charged with a violation of this Article is to have an Accepted Complaint deemed Actionable.

City: the City of Bastrop in the County of Bastrop and State of Texas.

City Secretary: the person appointed to serve in the capacity provided for by Section 6.04 of the City Charter, or their designee and clerical staff acting in the City Secretary's absence.

City Official: for purposes of this Article, the term consists of the Council Members, City Manager, City Attorney, Department Directors, and members of the Planning and Zoning Commission, Zoning Board of Adjustment, and Bastrop Economic Development Corporation's Board of Directors.

Code: the Code of Ordinances of the City of Bastrop, Texas, as such Code may be amended from time to time.

Complainant: the human individual who submitted a Complaint to the City.

Complaint: written documentation submitted to the City accusing a City Official of violating this Article.

Confidential Information: any written information that could or must be excepted from disclosure pursuant to the Texas Public Information Act, if such disclosure has not been authorized; or any non-written information which, if it were written, could be excepted from disclosure under that Act, unless disclosure has been authorized by the City Council or City Manager. The term also includes data conveyed in Executive Session (i.e., a closed meeting) in accordance with the Texas Open Meetings Act. Data shall not be considered Confidential Information if public disclosure has been authorized by the City Council, City Manager, or City Attorney.

Council: the governing body of the City of Bastrop, Texas, including the Mayor and City Council Members.

Deliberations: discussions at the dais; and/or voting as a Member of the Board or Commission; ~~presentations as a member of the audience before any City Board or Commission~~. This term does not apply to a general vote on a broad, comprehensive or omnibus motion, such as approval of the City budget.

Department Directors: the employees appointed by the City Council, those being the City Manager, City Attorney, and Municipal Court Judges.

Former City Official: a City Official whose separation from city service occurred less than one (1) year from the date of an alleged violation of this Article.

Frivolous Complaint: a sworn Complaint that is groundless and brought in bad faith or groundless and brought for the purpose of harassment.

Harassment: to engage in a course of conduct directed at a specific person that causes substantial emotional distress in such person and serves no legitimate purpose.

Interfere: a person interferes with a process or activity pertaining to this section when they intentionally and wrongfully take part in, or prevent, a City process or activity from continuing or being carried out properly or lawfully.

Panel: an *ad hoc* subcommittee of the Board of Ethics consisting of three (3) members assigned by the Chairperson or designated by the City Secretary (as applicable) on a rotating basis, at least one (1) of which is an attorney or retired jurist.

Pending Matter: an application seeking approval of a permit or other form of authorization required by the City, State or Federal law; a proposal to enter into a contract or arrangement with the City for the provision of goods, services, real property or other things of value; a case involving the City that is (or is anticipated to be) before a civil, criminal or administrative tribunal.

Person: associations, corporations, firms, partnerships, bodies politic and corporate, as well as to individuals.

Recklessly: a person acts recklessly when they are aware of but consciously disregard a substantial and unjustifiable risk that a certain result is probable from either their conduct, or in light of the circumstances surrounding their conduct. The risk must be of such a nature and degree that to disregard it constitutes a gross deviation from the standard of care that an ordinary person would exercise under the circumstances.

Relative: a family member related to a City Official within the third (3rd) degree of affinity (marriage) or consanguinity (blood or adoption).

Shall: a mandatory obligation, not a permissive choice.

Special Counsel: an independent, outside attorney engaged by the City to advise the City as an organization and/or the Board of Ethics.

Vendor: a person who provides or seeks to provide goods, services, real property to the City in exchange for compensation. This definition does not include those property owners from whom the City acquires public right-of-way.

1.15.6 Cumulative & Non-Exclusive

This Article is cumulative of and supplemental to all applicable provisions of the City Charter, other City Ordinances, and State/Federal laws and regulations. Compliance with this Article

does not excuse or relieve any person from any obligation imposed by any other Rule. Attempts to enforce this Article shall not be construed as foreclosing or precluding other enforcement options provided by other law.

DIVISION 2. RULES OF CONDUCT

1.15.7 Expectations

The following list conveys the City Council's expectations for City Officials. These expectations are aspirational, and shall not serve as the basis for a Complaint.

- (a) City Officials are expected to conduct themselves in a manner that fosters public trust.
- (b) City Officials are charged with performing their public duties in a way that projects a high level of personal integrity and upholds the integrity of the organization.
- (c) City Officials must avoid behavior that calls their motives into question and erodes public confidence.
- (d) City Officials shall place the municipality's interests and the concerns of those the City serves above private, personal interests.
- (e) Those who serve the City are expected to value honesty, trustworthiness, diligence, objectivity, fairness, due process, efficiency, and prudence as values the City professes.
- (f) City Officials must balance transparency with the duty to protect personal privacy and preserve the confidential information with which the City has been entrusted.
- (g) It is neither expected nor required that those subject to this Article relinquish or waive their individual rights.

1.15.8 Mandates

- (a) **Financial Disclosures.** All Candidates for City Council, including Candidates for Mayor, shall file financial information reports as required by, and in accordance with, State law. All prospective Vendors and City Officials shall file disclosure forms as required by, and in accordance with, State law.
- (b) **Business Disclosures.** All City Officials shall file with the City Secretary annual reports listing the names of human individuals with whom the City Official or the City Official's spouse is named partner in the following types of businesses: General Partnership, Limited Partnership, Limited Liability Partnership, or Limited Liability Corporation, or Professional Corporation. Annual reports shall be submitted within ninety (90) days of taking office. Failure to submit a report shall not serve as a basis for a Complaint unless the City Official fails to submit a report within thirty (30) days of being provided written notification of the omission. Neither the existence of a business relationship as described in this Section, nor the submission of a report required by this Section shall prevent a City Official from participating in Deliberations on matters pending before the City absent a Conflicting Interest.

1.15.9 Prohibitions**(a) Conflicts of Interest:**

- (1) *Deliberation Prohibited.* It shall be a violation of this Code for a City Official to knowingly deliberate regarding a Pending Matter for which the City Official currently has a Conflicting Interest. City Officials with a current Conflicting Interest in a Pending Matter must recuse themselves and abstain from Deliberations. It is an exception to this recusal requirement if the City Official serves on the City Council, Planning and Zoning Commission, or Board of Adjustment; and a majority of the members of that body is composed of persons who are likewise required to file (and who do file) disclosures on the same Pending Matter.
- (2) *Disclosure Required.* If a City Official has a Conflicting Interest in a Pending Matter, the City Official shall disclose the nature of the Conflicting Interest by filing a sworn statement with the City Secretary. Disclosures under this subsection shall be for the time period, including the previous calendar year, and up to date where the Conflicting Interest arises before the City Official.
- (3) *Definition of Conflicting Interest.* For purposes of this Article, the term is defined as follows:

Conflicting Interest: a stake, share, equitable interest or involvement in an undertaking in the form of any one (1) or more of the following:

- (A) ownership of five percent (5%) or more voting shares or stock in a Business Entity;
- (B) receipt of more than five thousand dollars (\$5,000.00) in gross annual income from a Business Entity, as evidenced by a W-2, 1099, K-1, or similar tax form;
- (C) ownership of more than five thousand dollars (\$5,000.00) of the fair market value of a Business Entity;
- (D) ownership of an interest in real property with a fair market value of more than one thousand dollars (\$1,000.00);
- (E) serves on the Board of Directors or as an Officer of a Business Entity, unless the City Official was appointed to that position by the City Council; and/or
- (F) serves on the Board of Directors (i.e., governing body) or as an Officer of a nonprofit corporation or an unincorporated association, unless the City Official was appointed to that position by the City Council; and/or

- (G) serves in an official, named capacity as a designated fundraiser for a nonprofit corporation or an unincorporated association, unless the City Official was appointed to that position by the City Council.

A City Official is considered to have a Conflicting Interest if the City Official's relative has a conflicting interest.

The term Conflicting Interest does not include ownership of an interest in a mutual or common investment fund that holds securities or assets unless the City Official participates in the management of the fund.

(b) Gifts.

- (1) *General.* It shall be a violation of this Article for a City Official to accept any gift that might reasonably tend to influence such Officer in the discharge of official duties.
- (2) *Specific.* It shall be a violation of this Article for a City Official to accept any gift for which the fair market value is greater than fifty dollars (\$50.00). It shall be a violation of this Article for a City Official to accept multiple gifts from a single source for which the cumulative fair market value exceeds two-hundred dollars (\$200.00) in a single fiscal year.
- (3) It shall be a violation of this Article for a Vendor to offer or give a Gift to a City Official exceeding fifty dollars (\$50.00) per gift, or multiple gifts cumulatively valued at more than two-hundred dollars (\$200.00) per a single fiscal year.
- (4) *Definition of Gift.* Anything of monetary value, including but not limited to cash, the extension of credit, personal property, real property, services, meals, entertainment, and travel expenses.
- (5) *Exceptions.* This definition shall not apply to the following, which are allowed under this Article:
 - (A) a lawful campaign contribution;
 - (B) meals, lodging, transportation, entertainment, and related travel expenses paid for (or reimbursed by) the City in connection with the City Official's attendance at a conference, seminar or similar event, or the coordinator of the event;
 - (C) meals, lodging, transportation, or entertainment furnished in connection with public events, appearances or ceremonies related to official City business, or charity functions, or community events, if furnished by the sponsor of such events (who is in attendance);
 - (D) complimentary copies of trade publications and other related materials;

- (E) attendance at hospitality functions at local, regional, state or national association meetings and/or conferences;
 - (F) any gift that would have been offered or given to the City Official because of a personal, familial, professional relationship regardless of the City Official's capacity with the City;
 - (G) tee shirts, caps and other similar promotional material;
 - (H) complimentary attendance at political or charitable fund raising events.
- (6) *Donations.* It is not a violation under this Article for a City Official to accept a Gift prohibited by this Article on behalf of the City of Bastrop. Conveyance of a Gift prohibited by this Article to the City of Bastrop or a nonprofit corporation cures any potential violation.

(c) Outside Employment.

- (1) *Applicability of Section.* This subsection applies to Department Heads. This subsection shall only apply to the City Attorney if that person is employed by the City and not engaged through a private law firm.
- (2) *Prohibition.* It is a violation of this Article for a Department Head to solicit, accept, or engage in concurrent outside employment which could reasonably be expected to impair independence of judgment in, or faithful performance of, official duties.
- (3) *Disclosure and Consent.* It is a violation of this Article for a Department Head to accept employment from any Person other than the City without first disclosing the prospective employment arrangement in writing to the Mayor and receiving the Mayor's written consent.

(d) Representation of Others.

- (1) *Current City Officials.* It shall be a violation of this Article for a City Official to represent any person, group, or entity before the City. This section does not limit the ability of a City Official to represent themselves or their property in dealings with the City.
- (2) *Former City Officials.* It shall be a violation of this Article for a City Official to represent for compensation any person, group, or entity before the City Council, or a board or commission of the City for a period of one (1) year after termination of official duties. This prohibition applies to representation in the form of advocacy or lobbying regarding discretionary approvals of the City, not the routine, ministerial actions. For purposes of this subsection, the term compensation means money or any other thing of value that is received, or is to be received, in return for or in connection with such representation. The

prohibition in this subsection solely applies to the Former City Official, and shall not be construed to apply to other affiliated Persons.

(e) Improper Influence. It shall be a violation of this Article for a City Official to use such person's official title/position to:

- (1) secure special privileges or benefits for such person or others;
- (2) grant any special consideration, treatment or advantage to any citizen, individual, business organization or group beyond that which is normally available to every other citizen, individual, business organization or group;
- (3) assert the prestige of the official's or employee's City position for the purpose of advancing or harming private interests;
- (4) state or imply that the City Official is able to influence City action on any basis other than the merits; and
- (5) state or imply to state or local governmental agencies that the City Official is acting as a representative of the City, as an organization, or as a representative of the City Council without first having been authorized by the City Council to make such representation (except the Mayor, City Manager, and City Attorney).

(f) Misuse of Information.

- (1) *Personal Gain.* It shall be a violation of this Article for a former City Official to use any confidential information to which the City Official had access by virtue of their official capacity and which has not been made public concerning the property, operations, policies, or affairs of the City, to advance any personal or private financial interest of any Person.
- (2) *Confidential Information.* It shall be a violation of this Article for a City Official to intentionally, knowingly, or recklessly disclose any confidential information gained by reason of the City Official's position concerning the property, operations, policies or affairs of the City. This rule does not prohibit the reporting of illegal or unethical conduct to authorities designated by law.

(g) Abuse of Resources. It shall be a violation of this Article for a City Official to use, request, or permit the use of City facilities, personnel, equipment, software, supplies, or staff time for private purposes (including political purposes), except to the extent and according to the terms that those resources are generally available to other citizens and the City Officials for official City purposes.

(h) Abuse of Position. It shall be a violation of this Article for any City Official to:

- (1) *Harassment & Discrimination.* Use the Official's position to harass or discriminate against any person based upon ethnicity, race, gender, gender identity, sexual orientation, marital status, parental status, or religion.

- (2) *Interference.* Interfere with any criminal or administrative investigation alleging the violation of any provision of this Article, the City Charter, administrative policy or executive order in any manner, including but not limited to seeking to persuade or coerce City employees or others to withhold their cooperation in such investigation is a violation of this Article.
- (i) **Subsequent Work on Prior Projects.** It shall be a violation of this Article for any former City Official, within one (1) year of the cessation of official duties for the City, to perform work on a compensated basis relating to a City contract or arrangement for the provision of goods, services, real property or other things of value, if while in City service the former City Official personally and substantially participated in the negotiation, award or administration of the contract or other arrangement. This Section does not apply to a City Official whose involvement with a contract or arrangement was limited to Deliberations as a member of the City Council, or a board or commission.

DIVISION 3. IMPLEMENTATION

1.15.10 Staffing

- (a) **City Secretary.** The City Secretary's Office shall be responsible to provide staff and clerical support to the Board of Ethics to assist in the implementation and enforcement of this Article. The degree of support required shall be at the discretion of the City Secretary. Nothing herein creates a duty for the City Secretary to enforce this Article. Furthermore, this Article shall not be construed as requiring the City Secretary to investigate allegations of violations of this Article submitted via the Fraud, Waste or Abuse hotline.
- (b) **Conflicts Log.** The City Secretary's Office shall, in cooperation with the City Secretary's Office, maintain a Conflicts Log on an ongoing basis listing the Conflicting Interests disclosed by City Officials in accordance with this Article. The log is a public record. The City Secretary is neither authorized nor required to inspect or act upon the content of the Conflicts Log.
- (c) **City Manager.** If a Complaint accuses the City Secretary of violating this Article, the duties of the City Secretary under this Article shall be performed by the City Manager for purposes of processing that Complaint.

1.15.11 Legal Counsel

- (a) **City Attorney.** The City Attorney shall provide legal support to the City Secretary and Board of Ethics in the administration of this Article. Nothing herein shall be construed to limit the authority of the City Attorney to render legal guidance in accordance with the City Attorney's professional obligations and standards.
- (b) **Special Counsel.** Independent, outside legal services shall be engaged by the City Attorney on the City's behalf to provide legal support to the City Secretary and Board of Ethics when:

- (1) in the City Attorney's discretion it is necessary in order to comply with the Texas Disciplinary Rules of Professional Conduct (for lawyers), or is in the best interest of the City; or
- (2) when the City Council deems Special Counsel is necessary.

1.15.12 Training

- (a) **Curriculum.** The City Secretary shall approve a training program that provides an introduction and overview of the expectation, mandates and prohibitions provided for by this Article.
- (b) **Orientation.** City Officials shall complete a training session regarding this Article within ninety (90) days of commencing the official duties.
- (c) **Annual.** City Officials shall complete an annual training session regarding this Article.
- (d) **Exiting Officials.** Information shall be provided to City Officials terminating their City service regarding the continuing restrictions on the representation of others by certain former City Officials.

1.15.13 Board of Ethics

- (a) **Creation.** There is hereby created a Board of Ethics for the City of Bastrop.
- (b) **Appointment.** The Board of Ethics shall be appointed by majority vote of the City Council.
- (c) **Number.** The Board of Ethics shall consist of five (5) regular members, and ~~three (3)~~ one (1) alternate members.
- (d) **Terms.** Board of Ethics members (regular and alternates) shall be appointed for two (2) year, staggered terms. Members may be reappointed for successive terms. Appointment to fill a vacancy shall be for the remainder of the unexpired term. Members of the inaugural Board of Ethics shall draw straws to determine which two (2) members shall receive an initial term of one (1) year in order to stagger terms. In total, members may only serve three (3) consecutive terms. A member may be reappointed no sooner than one (1) year after expiration of a previous term.
- (e) **Eligibility.** Membership on the Board of Ethics is limited to residents of the City of Bastrop and its extraterritorial jurisdiction.
- (f) **Ineligibility.** The following shall disqualify a person from serving on the Board of Ethics:
 - (1) current service as a City Official;
 - (2) separation from city service as a City Official within two (2) years of the appointment;
 - (3) familial relations within the third (3rd) degree of affinity (marriage) or consanguinity (blood or adoption);
 - (4) and / or

- (5) conviction of a felony, or crime of moral turpitude.
- (g) **Alternates.** An alternate members of the Board of Ethics shall attend meetings only upon request by the City Secretary's Office. The role of an alternate is to participate in meetings of the Board of Ethics as a replacement for a regular member who is absent or abstaining.
- (h) **Scope of Authority.** The Board of Ethic's jurisdiction shall be limited to implementation and enforcement of this Article.
- (i) **Amendments.** The Board of Ethics may recommend amendments to this Article. A recommendation from the Board of Ethics is not required for the City Council to exercise its discretion in amending this Article.
- (j) **Officers.** At the first meeting of each fiscal year the Board of Ethics shall select from among its members a Chairperson and Vice-Chairperson.
- (k) **Rules of Procedure:** The Board of Ethics shall adopt rules of procedure governing how to conduct meetings and hearings. Such procedural rules are subject to confirmation or modification by the City Council.
- (l) **Removal:** The City Council may by a vote of two-thirds (2/3) remove a member of the Board of Ethics for cause. Justifications warranting removal for cause shall include neglect of duty, incompetence, gross ignorance, inability or unfitness for duty, or disregard of the Code of Ordinances.

1.15.14 Advisory Opinions

- (a) **Requests.** Any City Official may request an Advisory Opinion on a question of compliance with this Article. Requests shall be submitted in writing to the City Secretary, who shall assign the request to a Panel.
- (b) **Issuance.** A Panel of the Board of Ethics shall issue Advisory Opinions upon request. Advisory Opinions shall be issued within thirty (30) days of receipt of the request.
- (c) **Reliance.** It shall be an affirmative defense to a Complaint that the Accused relied upon an Advisory Opinion. In making a determination on the proper disposition of a Complaint, the Board of Ethics may dismiss the Complaint if the Board finds that:
- (1) the Accused reasonably relied in good faith upon an Advisory Opinion;
 - (2) the request for an Advisory Opinion fairly and accurately disclosed the relevant facts; and
 - (3) less than five (5) years elapsed between the date the Advisory Opinion was issued and the date of the conduct in question.

1.15.15 Complaints

- (a) **Complainants.** Any person who has first-hand knowledge that there has been a violation of Sections 3-112 and 3-113 of this Article may allege such violations by

submitting a Complaint. The persons who may submit Complaints includes (but is not limited to) members of the Board of Ethics.

- (b) **Form.** Complaints shall be written on, or accompanied by, a completed form promulgated by the City Secretary.
- (c) **Contents.** A Complaint filed under this section must be in writing and under oath and must set forth in simple, concise, direct statements and must state:
 - (1) the name of the Complainant;
 - (2) the street or mailing address, email address, and the telephone number of the Complainant;
 - (3) the name of each person Accused of violating this Article;
 - (4) the position or title of each person Accused of violating this Article;
 - (5) the nature of the alleged violation, including (whenever possible) the specific provision of this Article alleged to have been violated;
 - (6) a statement of the facts constituting the alleged violation and the dates on which or period of time in which the alleged violation occurred; and
 - (7) all documents or other material available to the Complainant that are relevant to the allegation.
- (d) **Violation Alleged.** The Complaint must state on its face an allegation that, if true, constitutes a violation of this Article.
- (e) **Affidavit.** A Complaint must be accompanied by an affidavit stating that the Complaint is true and correct or that the Complainant has good reason to believe and does believe that the facts alleged constitute a violation of this Article. The Complainant shall swear to the facts by oath before a Notary Public or other person authorized by law to administer oaths under penalty of perjury.
- (f) **Limitations Period.** To be accepted, a Complaint must be brought within six (6) months of the Complainant becoming aware of the act or omission that constitutes a violation of this Article. A Complaint will not be accepted more than two (2) years after the date of the act or omission.
- (g) **Filing.** Complaints shall be submitted to the City Secretary. Submission of Complaints may be made by hand delivery, by U.S. Mail, or email directed to an email address publicly listed by the City Secretary.
- (h) **Acceptance of Complaint.** Within ~~five (5)~~seven (7) business days of receiving a Complaint, the City Secretary shall determine if it is administratively complete, and timely.
 - (1) *Administratively Complete.* A Complaint is administratively complete if it contains the information described above. If the Complaint is administratively complete, the City Secretary shall proceed as described in this Article. If the

Complaint is incomplete the City Secretary shall send a written deficiency notice to the Complainant identifying the required information that was not submitted.

The Complainant shall have ~~ten (10)~~fourteen (14) business days after the date the City Secretary sends a deficiency notice to the Complainant to provide the required information to the City Secretary, or the Complaint is automatically deemed abandoned and may not be processed in accordance with this Article. Within five (5) business days of a Complaint being abandoned, the City Secretary shall send written notification to the Complainant and the Accused.

- (2) **Timely.** To be timely, a Complaint must be brought within six (6) months of the Complainant becoming aware of the act or omission that constitutes a violation of this Article. A Complaint will not be accepted more than two (2) years after the date of the act or omission.
 - (i) **Notification of Acceptance.** Within five (5) business days of determining that a Complaint is administratively complete, the City Secretary shall send a written notification of acceptance to the Complainant, the Accused, and the City Attorney. For purposes of this provision, a Complaint shall be considered Accepted when the City Secretary has deemed the submittal administratively complete, and timely.
 - (j) **Confidentiality.** A Complaint that has been submitted to the City is hereby deemed confidential until such time as the Complaint is either dismissed or placed on an agenda for consideration by the Board of Ethics in accordance with this Article. Clerical and administrative steps shall be taken to identify and manage confidential information in accordance with this Article. The confidentiality created by this Article includes the fact that a Complaint was submitted and the contents of that Complaint. It shall be a violation of this Article for a City Official to publicly disclose information relating to the filing or processing of a Complaint, except as required for the performance of official duties or as required by law. Requests for records pertaining to Complaints shall be responded to in compliance with the State law. The limited confidentiality created by this Article is limited in scope and application by the mandates of the Texas Public Information Act, Chapter 552 of the Texas Government Code.
 - (k) **Ex Parte Communications.** After a Complaint has been filed and during the pendency of a Complaint before the Board of Ethics, it shall be a violation of this Article:
 - (1) for the Complainant, the Accused, or any person acting on their behalf, to engage or attempt to engage directly or indirectly about the subject matter or merits of a Complaint in *ex parte* communication with a member of the Board of Ethics ~~or any known witness to the Complaint~~; or
 - (2) for a Member of the Board of Ethics, to knowingly allow an *ex parte* communication about the subject matter or merits of a Complaint, or to communicate about any issue of fact or law relating to the Complaint directly or indirectly with any person other than a Member of the Board of Ethics, the City Secretary's office, the City Attorney's office, or Special Counsel.

1.15.16 Preliminary Assessment

- (a) **Referral to Chairperson.** Accepted Complaint(s) shall be referred to the Chairperson of the Board of Ethics within five (5) business days of being determined administratively complete.
- (b) **Assignment of Panel.** Within five (5) business days of receiving an Accepted Complaint, the Chairperson of the Board of Ethics shall assign the Complaint to a Panel for Preliminary Assessment. The Chairperson shall order a meeting of the Panel, which shall be conducted in compliance with the Texas Open Meetings Act. Each Panel shall select a Presiding Officer to conduct Panel deliberations.
- (c) **Panel Determination.** Within ten (10) business days of being assigned an Accepted Complaint, the Panel shall review the Complaint on its face and determine whether the Complaint is:
 - (1) *Actionable:* the allegations and evidence contained in the Complaint, if true, would constitute a violation of this Article.
 - (2) *Baseless:* the allegations and evidence contained in the Complaint, if true, would not constitute a violation of this Article.

Actionable Complaints shall be returned to the Chairperson for listing on an agenda for a public hearing. Baseless Complaints shall be dismissed. Written notification of the Panel's determination shall be filed with the City Secretary and sent to the Chairperson, Complainant, the Accused, and the City Attorney within two (2) business days. Written notifications of dismissal shall include notice of the right to appeal.

- (d) **Appeals.** A Panel's preliminary assessment under this Section 3-120 may be appealed to the Board of Ethics by either the Complainant or the Accused, as applicable. An appeal shall be perfected by filing a written notice of appeal with the City Secretary within ten (10) business days of the date of the written notification.

1.15.17 Meetings

- (a) **Calling Meetings.** Meetings of the Board of Ethics shall be called upon request of the Chairperson, three (3) members, or the City Secretary.
- (b) **Quorum.** The quorum necessary to conduct meetings of the Board of Ethics shall be four (4). The Chairperson (or acting chairperson) shall count toward the establishment of a quorum and retains the right to vote.
- (c) **Hearings:**
 - (1) *Scheduling:* Hearings shall be scheduled by the City Secretary upon the filing of:
 - (A) a Panel determination that a Complaint is Actionable; or
 - (B) an Appeal challenging a Panel's dismissal of a Complaint as Baseless.
 - (2) *Purpose:* The purpose of the hearing(s) shall be solely to determine whether:

- (A) a violation of this Article occurred, and if so to assess the appropriate sanction;
 - (B) an Accepted Complaint was erroneously dismissed as Baseless by a Panel; and/ or
 - (C) an Accepted Complaint is Frivolous.
- (3) *Sworn Testimony:* All witness testimony provided to the Board of Ethics shall be under oath.
- (4) *Burden of Proof:* Because the burden of showing that a violation of this Article occurred is placed on the Complainant, it is the Complainant that has the obligation to put forth evidence, including testimony, supporting the Complaint. The Complainant is required to testify at the hearing. A Complainant's failure to testify at a hearing shall be grounds for dismissal of a Complaint.
- (5) *Representation:* The Accused shall have a right to present a defense. Both the Complainant and the Accuser have a right to be represented by legal counsel.
- (d) **Open Meetings.** All meetings and hearings of the Board of Ethics, including Panel deliberations, shall be conducted pursuant to the Texas Open Meetings Act. The Board of Ethics may convene in Executive Session (i.e., conduct a closed meeting) as allowed by the Act. All final actions of the Board of Ethics shall take place in open session.
- (e) **Postponement in Certain Instances.**
- (1) *Board:* Proceedings may be postponed upon majority vote by the members of the Board of Ethics.
 - (2) *Parties:* The Complainant and the Accused are each entitled to one (1) postponement without cause. Additional postponements shall be solely for good cause and at the discretion of the Board of Ethics.
 - (3) *Criminal Proceedings:* If a Complaint alleges facts that are involved in a criminal investigation or a criminal proceeding before a grand jury or the courts, the Board of Ethics may, when a majority of its members deem appropriate, postpone any hearing or any appeal concerning the Complaint until after the criminal investigation or criminal proceedings are terminated.
- (f) **Discovery.** The Rules of Procedure enacted under this Code may provide for basic, limited discovery among the Complainant and the Accused for purposes of facilitating the exchange of relevant documentation, clarifying the evidence, and developing the record. The Board of Ethics shall have sole discretion in resolving any discovery disputes.
- (g) **Dispute Resolution.** The Board of Ethics may, in its sole discretion, attempt to negotiate or mediate an equitable resolution of any Compliant. If the Board of Ethics

and the Accused are unable to negotiate or mediate a final resolution of the matter, the Board of Ethics may, at its discretion, convene a hearing.

1.15.18 Disposition

- (a) Dismissal.** If the Board of Ethics determines by simple majority vote (of those present and voting) at the conclusion of a hearing by simple majority vote of its members that a Complaint should be dismissed, it may do so upon finding:
- (1) the Complaint is Baseless;
 - (2) the alleged violation did not occur;
 - (3) the Accused reasonably relied in good faith upon an Advisory Opinion, as provided in this Article; or
 - (4) the Complainant failed to testify at the hearing.
- (b) Sanctions.** If the Board of Ethics determines by simple majority vote at the conclusion of a hearing that a violation has occurred, it may within ten (10) business days impose or recommend any of the following sanctions:
- (1) *Letter of Notification.* If the violation is clearly unintentional, or when the Accused's action was made in reliance on a written Advisory Opinion. A letter of notification shall advise the Accused of any steps to be taken to avoid future violations.
 - (2) *Letter of Admonition.* If the Board of Ethics finds that the violation is minor and may have been unintentional, but calls for a more substantial response than a letter of notification.
 - (3) *Letter of Reprimand.* If the Board of Ethics finds that the violation:
 - (A) was minor and was committed knowingly, intentionally or in disregard of this Article; or
 - (B) was serious and may have been unintentional.
 - (4) *Recommendation of Suspension.* If the Board of Ethics finds that a violation was committed by a member of the Board of Ethics, Planning & Zoning Commission, Zoning Board of Adjustment, Bastrop Economic Development Corporation's Board of Directors, or a Department Director, and it:
 - (A) was serious and was committed knowingly, intentionally or in disregard of this Article or a state conflict of interest law; or
 - (B) was minor but similar to a previous violation by the Person, and was committed knowingly, intentionally or in disregard of this Article.

The final authority to impose a suspension rests with the City Council.

- (5) *Ineligibility.* If the Board of Ethics finds that a Vendor has violated this Article, the Board may recommend to the City Manager that the Vendor be deemed ineligible to enter into a City contract or other arrangement for goods, services, or real property, for a period of one (1) year.

Notice of all sanctions imposed by the Board of Ethics shall be transmitted to the Accused, Complainant, City Secretary, City Attorney, and City Council.

(c) Frivolous.

- (1) *Prohibition.* It is a violation of this Article for a Person to submit a Frivolous Complaint.
- (2) *Super-Majority Vote.* If the Board of Ethics determines at the conclusion of a hearing by a vote of two-thirds (2/3) of its Members that a Complaint was Frivolous, the Board may impose a sanction as provided by Section 3-122(b).
- (3) *Factors.* In making a determination on frivolity, the Board of Ethics shall consider the following factors:
- (A) the timing of the sworn Complaint with respect to when the facts supporting the alleged violation became known or should have become known to the Complainant, and with respect to the date of any pending election in which the Accused is a Candidate or is involved with a candidacy, if any;
 - (B) the nature and type of any publicity surrounding the filing of the sworn Complaint, and the degree of participation by the Complainant in publicizing the fact that a Complaint was filed;
 - (C) the existence and nature of any relationship between the Accused and the Complainant before the Complaint was filed;
 - (D) if the Accused is a Candidate for Election to Office, the existence and nature of any relationship between the Complainant and any Candidate or group opposing the Accused;
 - (E) any evidence that the Complainant knew or reasonably should have known that the allegations in the Complaint were groundless; and
 - (F) any evidence of the Complainant's motives in filing the Complaint.
- (4) *External Remedies.* Complainants who submit Frivolous Complaints are hereby notified that their actions may subject them to criminal prosecution for perjury (criminal prosecution), or civil liability for the torts of defamation or abuse of process.

1.15.19 Reconsideration

The Complainant or Accused may request the Board of Ethics to reconsider its decision. The request must be filed with the City Secretary within five (5) business days of receiving the final

opinion of the Board of Ethics. The request for reconsideration shall be sent to the Chairperson of the Board of Ethics and the non-filing party (Complainant or Accused). If the Chairperson finds, in the Chairperson's sole discretion, that the request includes new evidence that was not submitted at a prior hearing, and that the new evidence bears directly on the Board of Ethics's previous determination, the Chairperson shall schedule a hearing on the request for reconsideration to occur within thirty (30) business days after filing with the City Secretary. Absent new evidence, the Chairperson shall unilaterally dismiss the request for reconsideration and provide notice to the Parties.

1.15.20 Nepotism

- (a) **City Council.** No Person shall be employed by the City who is related to any member of the City Council within the third (3rd) degree of affinity or consanguinity.
- (b) **Department Supervisor.** No Person shall be employed by the City in a department if the Person is related to the City Manager or the department supervisor within the third (3rd) degree of affinity or consanguinity.
- (c) **Preexisting Employment.** The prohibitions of this Section do not apply to a Person who was employed by the City more than six (6) months prior.

1.15.21 General Procedural Matters

- (a) **Deadlines.** Any deadline provided in this Article shall be construed as expiring at 5:00 p.m. local time on the last day.
- (b) **Mailbox Rule.** Under this Article, a deadline for any response or request for appeal is met when the date the response or request for appeal is mailed falls within the timeline requirements of this Article. The posted date of any mailing will control whether it meets the timeline requirements of this Article.



STAFF REPORT

MEETING DATE: May 8, 2018

AGENDA ITEM: 9E

TITLE:

Consider action to approve the first reading of Ordinance No. 2018-09 amending the Code of Ordinances Chapter 7, titled "Municipal Court" Article 7.01 titled "General Provisions" to establish a municipal court of record; to provide for purpose, jurisdiction, and definitions; to provide for the appointment of the Municipal Court judges; to provide for the appointment of a court clerk; repealing all prior ordinances and actions in conflict herewith; providing for an effective date; and move to include on the May 22, 2018 City Council Agenda for a second reading.

STAFF REPRESENTATIVE:

Lynda K. Humble, City Manager
Alan Bojorquez, City Attorney

BACKGROUND/HISTORY:

The City of Bastrop Municipal Court is not a court of record, which allows defendants to appeal municipal court rulings to County Court. By doing so, defendants are automatically granted a new trial, which is prosecuted by the County District Attorney's Office. County prosecutors have their own caseload to handle and city case appeals tend not to be priorities. It also requires all evidence and witnesses to be presented again.

When Municipal Courts become a Court of Record, an appeal is no longer granted a new trial, but rather a review of the recorded evidence. Recording court proceedings can be accomplished by purchasing audio equipment. The City of Bastrop meets all of the other requirements to become a Court of Record.

POLICY EXPLANATION:

Chapter 30 of the Texas Government Code authorizes the City Council to establish a Municipal Court of Record. Being a Municipal Court of Records will provide a more efficient disposition of cases arising in Bastrop for both the State of Texas and the defendant.

FUNDING SOURCE:

N/A

RECOMMENDATION:

Consider action to approve the first reading of Ordinance No. 2018-09 amending the Code of Ordinances Chapter 7, titled "Municipal Court" Article 7.01 titled "General Provisions" to establish a municipal court of record; to provide for purpose, jurisdiction, and definitions; to provide for the appointment of the Municipal Court judges; to provide for the appointment of a court clerk; repealing all prior ordinances and actions in conflict herewith; providing for an effective date; and move to include on the May 22, 2018 City Council Agenda for a second reading.

ATTACHMENT:

- Ordinance

ORDINANCE NO. 2018-09

AN ORDINANCE OF THE CITY OF BASTROP, TEXAS, AMENDING THE BASTROP CODE OF ORDINANCES BY AMENDING CHAPTER 7, TITLED "MUNICIPAL COURT," ARTICLE 7.01, "GENERAL PROVISIONS," TO ESTABLISH A MUNICIPAL COURT OF RECORD, TO PROVIDE FOR PURPOSE, JURISDICTION, AND DEFINITIONS; TO PROVIDE FOR THE APPOINTMENT OF A MUNICIPAL COURT JUDGE; TO PROVIDE FOR THE APPOINTMENT OF A COURT CLERK; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; PROVIDING FOR PROPER NOTICE AND MEETING.

WHEREAS, the City Council of the City of Bastrop, Texas ("City") seeks to provide for the enforcement of its municipal ordinances through a Municipal Court of Record; and

WHEREAS, the City Council is authorized to establish a Municipal Court of Record by ordinance pursuant to Chapter 30 of the Texas Government Code; and

WHEREAS, the City Council hereby determines that the creation of a Court of Record is necessary to more effectively enforce the ordinances of the City; and

WHEREAS, the City Council further determines that the creation of a Municipal Court of Record is necessary to provide a more efficient disposition of cases arising in the municipality for both the State of Texas and the Defendant; and

WHEREAS, the City Council hereby deems it in the public interest to establish a Municipal Court of Record by ordinance, pursuant to Chapter 30 of the Texas Government Code.

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

1. FINDINGS OF FACT

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

2. AMENDMENT

Chapter 7, Article 7.01 of the City of Bastrop Code of Ordinances is hereby deleted in its entirety and replaced to read in accordance with *Attachment "A"*, which is attached hereto and incorporated into this Ordinance for all intents and purposes.

3. REPEALER

To the extent reasonably possible, ordinances are to be read together in harmony. However, all ordinances, or parts thereof, that are in conflict or inconsistent with any provision 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 regulated, herein.

4. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

5. CODIFICATION

The City Secretary is hereby directed to record and publish the attached rules, regulations and policies in the City's Code of Ordinances as authorized by Section 52.001 of the Texas Local Government Code.

6. EFFECTIVE DATE

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

7. PROPER NOTICE & MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

READ & ACKNOWLEDGED on First Reading on this, the ____ day of May 2018.

READ & APPROVED on the Second Reading on this, the ____ day of _____ 2018.

APPROVED:

Connie B. Schroeder, Mayor

ATTEST:

Ann Franklin, City Secretary

APPROVED AS TO FORM:

Alan Bojorquez, City Attorney

Bastrop Code of Ordinances

Chapter 7: Municipal Court

Article 7.01: General Provisions

Chapter 7 - MUNICIPAL COURT OF RECORD

ARTICLE 7.01 – MUNICIPAL COURT OF RECORD GENERAL PROVISIONS

Sec. 7.01.001 Municipal Court of Record Created

- (a) There is hereby created the “Municipal Court of Record in the City of Bastrop, Texas.” The Municipal Court of Record shall be comprised of as many divisions as the City Council deems necessary.” The Municipal Court that is operating on the date that this Ordinance is adopted shall complete its pending cases and be abolished, and all cases arising from alleged actions or inactions occurring after the date of the adoption of this Ordinance shall be filed within the new Municipal Court of Record for disposition.
- (b) The court shall have no term and may sit at any time for the transaction of business of the Court. Where the term “Municipal Court” is used in the City’s Code of Ordinances, it shall mean the Municipal Court of Record created herein. Any provision of the City ordinances or state law that is applicable to a municipal court shall be applicable to the Municipal Court of Record created herein unless the provision is in conflict with or inconsistent with Chapters 29 or 30 of the Texas Government Code, as amended, which governs municipal courts of record.

Sec. 7.01.002 Jurisdictional Limits of Court

- (a) The Court has all such jurisdiction as is provided to municipal courts by Section 29.003, Texas Government Code.
- (b) The Court has concurrent jurisdiction with a justice court in any precinct in which the municipality is located in criminal cases that arise within the territorial limits of the City of Bastrop and are punishable by fine only.
- (c) The Court has civil jurisdiction for the purpose of enforcing municipal ordinances enacted under Subchapter A, Chapter 214, Texas Local Government Code, or Subchapter E, Chapter 683, Texas Transportation Code.

- (d) The Court has concurrent jurisdiction with a district court or a county court at law under Subchapter B, Chapter 54, Texas Local Government Code, within the City's territorial limits and property owned by the City located in the City's extraterritorial jurisdiction for the purpose of enforcing health and safety and nuisance abatement ordinances.
- (e) The Court has authority to issue:
 - (1) Search warrants for the purpose of investigating a health and safety or nuisance abatement ordinance violation; and
 - (2) Seizure warrants for the purpose of securing, removing, or demolishing the offending property and removing the debris from the premises.

Sec. 7.01.003 Municipal Judge Appointment

- (a) The Municipal Court of Record shall be presided over by a judge, who shall be known as the "municipal judge." The judge shall be appointed by the City Council for a term of two (2) years and shall be entitled to a salary set by the City Council. The amount of the judge's salary may not be diminished during the judge's term of office. The salary may not be based directly or indirectly on fines, fees, or costs collected by the court.
- (b) Upon the adoption of this Ordinance, the current presiding judge of the Municipal Court of Bastrop shall become the judge of the Municipal Court of Record in the City of Bastrop. The initial term shall expire two years from the date of his/her last appointment by the City Council as judge of the Municipal Court. At the conclusion of the initial term described herein, all succeeding terms of the Municipal Judge shall be two (2) years from the date of the last appointment by the City Council.
- (c) The municipal judge must:
 - (1) be a citizen of the United States;
 - (2) be a resident of this state;
 - (3) be a licensed attorney in good standing;
 - (4) have two (2) or more years of experience in the practice of law in this state; and
 - (5) reside within one (1) hour or a fifty (50) mile radius of the city.
- (d) A person may not serve as a municipal judge if the person is otherwise employed by the municipality. A municipal judge who accepts other employment with the municipality vacates the judicial office.
- (e) If a vacancy occurs in the office of municipal judge, the City Council shall adopt an ordinance appointing a qualified person to fill the office for the remainder of the unexpired term.

- (f) There may also be alternate judges appointed by the City Council, subject to the same qualifications, who shall have all the powers and shall discharge all the duties of a municipal judge while serving as municipal judge. In the event of the appointment of any such alternate judge, the regular municipal judge shall be titled and known as "presiding judge." Each alternate judge shall be appointed for a term of two (2) years. If the presiding judge is temporarily absent due to illness, family death, continuing legal or judicial education programs, or any other reason, he/she shall select one of the alternate judge(s) to serve during his/her absence.
- (g) Upon the adoption of this Ordinance, the current alternate judge(s) of the Municipal Court of Bastrop shall become the alternate judge(s) of the Municipal Court of Record in the City of Bastrop. The initial term shall expire two years from the date of his/her last appointment by the City Council as alternate judge of the Municipal Court. At the conclusion of the initial term described herein, all succeeding terms of the Alternate Municipal Judge shall be two (2) years from the date of the last appointment by the City Council.
- (h) The municipal judges may exchange benches and act for each other in any proceeding pending in the court. An act performed by any of the judges is binding on all parties to the proceeding.
- (i) The municipal judge(s) shall take judicial notice of state law and the ordinances and corporate limits of the municipality.
- (j) The judge(s) of the municipal Court may grant writs of mandamus, injunction, attachment, and other writs necessary to the enforcement of the Court's jurisdiction and may issue writs of habeas corpus in cases in which the offense charged is within the jurisdiction of the Court.
- (k) A municipal judge is a magistrate and may issue administrative search warrants.
- (l) A municipal judge may be removed from office by the City Council:
 - (1) as provided by Section 1-a, Article V, Texas Constitution; or
 - (2) for the reasons and by the procedure provided in Subchapter B, Chapter 21, Texas Local Government Code.

Sec. 7.01.004 Court Rules

The Code of Criminal Procedure and the Texas Rules of Appellate Procedure, as modified by Chapter 30, Texas Government Code, govern the trial of cases before the municipal court of record. The court may make and enforce all rules of practice and procedure necessary to expedite the trial of cases before the court that are not inconsistent with law.

Sec. 7.01.005 Municipal Court Clerk Appointment, Powers and Duties

- (a) The City Council shall appoint a clerk of the Court, who may also be known as the Court Administrator, and other Court personnel, including at least one bailiff, as necessary for the proper operation of the Court.
- (b) The clerk shall keep the Court records, issue process, and generally perform the duties for the Court that a clerk of the county court at law exercising criminal jurisdiction is required by law to perform for that court. In addition, the clerk shall maintain an index of all court judgments in the same manner as county clerks are required by law to prepare for criminal cases arising in county courts. The clerk shall perform the duties in accordance with statutes and City ordinances.
- (c) The Clerk shall perform the following duties as well as any other duties that may be determined by the City Council.
 - (1) Prepare and maintain accurate dockets and minutes for each municipal court of record created under this article;
 - (2) Have custody of all documents and papers relating to the business of the municipal court of record;
 - (3) Supervise the collection of fines imposed by the municipal court of record;
 - (4) Maintain complaints for all cases in the municipal court of record for which a complaint is required by law;
 - (5) Be responsible for full and proper accounting of all fines collected and issue receipt to a person who pays a fine with cash money;
 - (6) Preserve the records of the municipal court of record in accordance with the city's record's retention schedule;
 - (7) Acquire and maintain a seal in conformance with state law for the municipal court of record in the city;
 - (8) Supervise the selection of persons for jury service in the municipal court of record; and
 - (9) Have all other powers and duties assigned to a court clerk by the City ordinances, Chapters 29 and 30 of the Texas Government Code, Chapter 45 of the Code of Criminal Procedure, and other state law.
- (d) The term of office for municipal court clerk is two years. If the office of court clerk, is vacated, regardless of the reason for the vacancy, the city's governing body shall appoint a replacement for the remainder of the unexpired term.
- (e) Upon the adoption of this Ordinance, the current Municipal Court Clerk/Court Administrator of Bastrop shall become the municipal court clerk of the Municipal Court of Record in the City of Bastrop. The initial term shall expire two years from the date of his/her last appointment by the City Council as clerk of the Municipal Court. At the conclusion of the initial term described herein, all succeeding terms of the Municipal

Court Clerk/Court Administrator shall be two (2) years from the date of the last appointment by the City Council.

Sec. 7.01.006 Preserving Court Record

For the purpose of recording the proceedings and preserving a record in all cases tried before the municipal court of record, a good quality electronic recording device shall be used. When the recording device is used, a court reporter need not be present at the trial to certify the reporter's record. Proceedings of the court that are appealed shall be transcribed from the recording by an official court reporter. The recording shall be kept and stored for a 20-day period beginning the day after a final order has been entered in the proceeding, upon completion of the trial, or after the denial of motion for a new trial, whichever occurs last. If a case is appealed, the proceedings shall be transcribed from the recording by an official court reporter.

Sec. 7.01.007 Court Facilities and Seal

- (a) The City Council shall provide courtrooms, jury rooms, offices, office furniture, libraries, law books, and other facilities and supplies that the City Council determines necessary for the proper operation of the municipal court of record.
- (b) The City Council shall provide the municipal court of record with a seal that contains the phrase "Municipal Court of The City of Bastrop, Texas". The seal's use must conform to Article 45.012 of the Code of Criminal Procedure.

Sec. 7.01.008 Complaints and Pleadings

Proceedings in the municipal court of record shall commence by complaint, as provided by state law. Complaints and pleadings must substantially conform to the relevant provisions of Chapters 27 and 45, Code of Criminal Procedure.

Sec. 7.01.009 Prosecution

Prosecution in the municipal court of record shall be conducted as provided by Article 45.201, Code of Criminal Procedure. Prosecution may be performed by the City Attorney or another lawyer designated as Municipal Prosecutor/Deputy City Attorney.

Sec. 7.01.010 Jury

- (a) A person who is brought before the municipal court of record and who is charged with an offense is entitled to be tried by a jury of six (6) persons. Trial by jury, including the summoning of jurors, must substantially conform to Chapter 45, Code of Criminal Procedure.
- (b) The court clerk shall supervise the selection of persons for jury service.

Sec. 7.01.011 Appeal from Judgment of Conviction

- (a) A defendant has the right of appeal from a judgment or conviction in the municipal court of record. The State of Texas has the right to appeal as provided by Article 44.01, Code of Criminal Procedure.
- (b) The appellate court shall determine each appeal from a municipal court of record conviction and each appeal from the state on the basis of the errors that are set forth in the appellant's motion and that are presented in the clerk's record and reporter's record prepared from the proceedings leading to the conviction or appeal. An appeal from the municipal court of record shall not be by trial de novo.
- (c) To perfect an appeal, the appellant must file a motion for new trial not later than the 10th day after the date on which the judgment and sentence are rendered. The motion must be in writing and must be filed with the clerk of the municipal court of record. The motion must set forth the points of error of which the appellant complains. The motion or an amended motion may be amended by leave of court at any time before action on the motion is taken, but not later than the 20th day after the date on which the original or amended motion is filed. The court may for good cause extend the time for filing or amending, but the extension may not exceed ninety (90) days from the original filing deadline. If the court does not act on the motion before the expiration of the thirty (30) days allowed for determination of the motion, the original or amended motion is overruled by operation of law.
- (d) To perfect an appeal, the appellant must also give notice of the appeal. If the appellant requests a hearing on the motion for new trial, the appellant may give the notice of appeal orally in open court on the overruling of the motion. If there is no hearing, the appellant must give a written notice of appeal and must file the notice with the court no later than the 10th day after the date on which the motion is overruled. The court may for good cause extend that time period, but the extension may not exceed ninety (90) days from the original filing deadline.
- (e) The fee for the preparation of the clerk's record, which does not include the fee the defendant must pay for an actual transcript of the proceedings, is \$25.00. The clerk shall note the payment of the fee on the docket of the court. If the case is reversed on appeal, the fee shall be refunded to the defendant.

Sec. 7.01.012 Appeal Bond and Record on Appeal

- (a) If the defendant is not in custody, the defendant may not take an appeal until the defendant files an appeal bond with the municipal court of record. The bond must be approved by the court and must be filed not later than the 10th day after the date on which the motion for new trial is overruled. If the defendant is in custody, the defendant shall be committed to jail unless the defendant posts the appeal bond.

- (b) The appeal bond must be in the amount of \$100.00 or double the amount of fines and costs adjudged against the defendant, whichever is greater.
- (c) The bond must:
 - (1) state that the defendant was convicted in the case and has appealed;
 - (2) be conditioned on the defendant's immediate and daily personal appearance in the court to which the appeal is taken; and
 - (3) be in the form of either a cash bond, or surety bond naming two or more good and sufficient sureties as approved by the clerk of the court.
- (d) After an order overruling a motion for new trial, the defendant shall give written notice of appeal and pay a fee for the preparation of the clerk's record of \$25.00 not later than ten (10) days after the date on which the motion is overruled. The court shall note the payment of the fee on the docket of the court. If the case is reversed on appeal, the fee shall be refunded to the defendant. The defendant shall pay the fee for the preparation of the clerk's record and the fee for an actual transcription of the proceedings.
- (e) The record on appeal must substantially conform to the provisions relating to the preparation of a transcript in the Texas Rules of Appellate Procedure and the Code of Criminal Procedure.

Sec. 7.01.013 Statement of Facts

- (a) A reporter's record included in the record on appeal must substantially conform to the provisions relating to the preparation of a reporter's record in the Texas Rules of Appellate Procedure and the Code of Criminal Procedure.
- (b) The appellant shall pay for the reporter's record.

Sec. 7.01.014 Bills of Exception

Bills of exception must substantially conform to the provisions relating to the preparation of bills of exception in the Texas Rules of Appellate Procedure and the Code of Criminal Procedure.

Sec. 7.01.015 Transfer of Record

- (a) Not later than the 60th day after the date on which the notice of appeal is given or filed, the parties must file the following with the clerk of the municipal court:
 - (1) the reporter's record;
 - (2) a written description of material to be included in the clerk's record in addition to the required material; and
 - (3) any material to be included in the clerk's record that is not in the custody of the clerk.

- (b) On completion of the record, the municipal judge shall approve the record in the manner provided for record completion, approval, and notification in the court of appeals.
- (c) After the court approves the record, the clerk shall promptly forward the record to the appellate court clerk.

Sec. 7.01.016 New Trial

- (a) Each party, on filing the party's brief on appeal with the appellate court clerk, shall deliver a copy of the brief to the municipal judge.
- (b) The trial court shall decide from the briefs of the parties whether the appellant should be permitted to withdraw the notice of appeal and be granted a new trial by the court. The court may grant a new trial at any time before the record is filed with the appellate court.
- (c) If the appellate court awards a new trial to the appellant, the case stands as if a new trial had been granted by the municipal court of record.

Sec. 7.01.017 Certificate of Appellate Proceedings

- (a) Upon receipt of the certificate of appellate proceedings from the appellate court clerk, the clerk of the municipal court of record shall file the certificate with the papers in the case and note the certificate on the case docket.
- (b) If the municipal court of record judgment is affirmed, to enforce the judgment the court may:
 - (1) forfeit the bond of the defendant;
 - (2) issue a Writ of Capias for the defendant;
 - (3) issue an execution against the defendant's property;
 - (4) order a refund for the defendant's costs; or
 - (5) conduct an indigency hearing at the court's discretion.



STAFF REPORT

MEETING DATE: May 8, 2018

AGENDA ITEM: 10A

TITLE:

The City Council shall convene into closed executive session pursuant to Section 551.071 of the Texas Government Code to confer with the City Attorney regarding Bastrop Code of Ordinances article 3.20 (Signs), and discuss the process and standards for variances and nonconforming structures.

STAFF REPRESENTATIVE:

Lynda Humble, City Manager





STAFF REPORT

MEETING DATE: May 8, 2018

AGENDA ITEM: 11

TITLE:

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

STAFF REPRESENTATIVE:

Lynda Humble, City Manager

