

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



---

**March 8, 2022**

**Regular Meeting 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.*

---

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.

**PLEASE NOTE: ANYONE IN ATTENDANCE WISHING TO ADDRESS THE COUNCIL MUST COMPLETE A CITIZEN COMMENT FORM AND GIVE THE COMPLETED FORM TO THE CITY SECRETARY PRIOR TO THE START OF THE CITY COUNCIL MEETING. ALTERNATELY, IF YOU ARE UNABLE TO ATTEND THE COUNCIL MEETING, YOU MAY COMPLETE A CITIZEN COMMENT FORM WITH YOUR COMMENTS AT [WWW.CITYOFBASTROP.ORG/CITIZENCOMMENTFORM](http://WWW.CITYOFBASTROP.ORG/CITIZENCOMMENTFORM) BEFORE 5:00 P.M. ON MARCH 8, 2022. COMMENTS SUBMITTED BY THIS TIME WILL BE DISTRIBUTED TO THE CITY COUNCIL PRIOR TO MEETING COMMENCEMENT, REFERENCED AT THE MEETING, AND INCLUDED WITH THE MEETING MINUTES. COMMENTS FROM EACH INDIVIDUAL WILL BE LIMITED TO THREE (3) MINUTES WHEN READ ALOUD.**

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE** – Xander Jones, Grace Mouser, Tyler Allen, and Jasper Ellis, Emile Child Development Center, Pre-Schoolers  
**TEXAS PLEDGE OF ALLEGIANCE**  
*Honor the Texas Flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible.*
3. **INVOCATION** – Stephen Bunger, Worship Pastor for River Valley Christian Fellowship

#### **4. PRESENTATIONS**

- 4A. Mayor's Report
- 4B. Council Members' Report
- 4C. City Manager's Report

#### **5. WORK SESSION/BRIEFINGS**

- 5A. Receive presentation on the enforcement of Bastrop Building Block (B<sup>3</sup>) Code, Chapter 8 – Temporary Signs (Best of Bastrop banners) and provide direction as appropriate. (Submitted by: Rebecca Gleason, Assistant City Manager)

#### **6. STAFF AND BOARD REPORTS**

- 6A. Receive the Annual Comprehensive Financial Report for the period ending September 30, 2021, which includes the independent auditor's report presented by the independent audit firm of Belt Harris Pechacek, LLLP. (Submitted by: Tracy Waldron, Chief Financial Officer)
- 6B. Receive presentation of the amended Strategic Planning Calendar for Fiscal Year 2022-2023. (Submitted by: Tracy Waldron, Chief Financial Officer)

#### **7. CITIZEN COMMENTS**

*At this time, three (3) minute comments will be taken from the audience on any topic. Anyone in attendance wishing to address the Council must complete a citizen comment form and give the completed form to the City Secretary prior to the start of the City Council meeting. Alternately, if you are unable to attend the council meeting, you may complete a citizen comment form with your comments at [www.cityofbastrop.org/citizencommentform](http://www.cityofbastrop.org/citizencommentform) before 5:00 p.m. on March 8, 2022. Comments submitted by this time will be distributed to the city council prior to meeting commencement, referenced at the meeting, and included with the meeting minutes. Comments from each individual will be limited to three (3) minutes when read aloud. 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 Manager for research and possible future action.*

*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 Council Member 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 February 22, 2022, Regular meeting. (Submitted by: Ann Franklin, City Secretary)

- 8B. Consider action to approve the Certification of Unopposed Candidates for the May 7, 2022, General Election for Bastrop, Texas. (Submitted by: Ann Franklin, City Secretary)
- 8C. Consider action to approve the first and second readings of Ordinance No. 2022-09 of the City Council of the City of Bastrop, Texas, declaring unopposed candidates in the May 7, 2022, Election, as Exhibit A, General City Election to Place 1 and Place 5; canceling the election, as Exhibit B; declaring the candidates elected; and providing for an effective date. (Submitted by: Ann Franklin, City Secretary)
- 8D. Consider action to approve the first and second readings of Ordinance No. 2022-11 of the City Council of the City of Bastrop, Texas declaring measures moot in the May 7, 2022, Special Election on Charter Amendments; canceling the election, as Exhibit A; and providing an effective date. (Submitted by: Ann Franklin, City Secretary)
- 8E. Consider action to approve Resolution No. R-2022-34 of the City Council of the City of Bastrop, Texas in support of The Capital Area Council of Governments' application for Enhanced Fine Particulate Matter Monitoring in Central Texas; and establishing an effective date. (Submitted by: Paul A. Hofmann, City Manager)

**9. ITEMS FOR INDIVIDUAL CONSIDERATION**

- 9A. Consider action to approve the second reading of Ordinance No. 2022-08 of the City Council of the City of Bastrop, Texas, annexing the Colorado River, for 35.5 acres of land out of the Stephen F. Austin Survey, Abstract No. 2, located west of Lovers Lane and south of the Pecan Park Subdivision, as shown in Exhibit A, providing for findings of fact, adoption, establishing zoning and character district, repealer, severability, filing and enforcement; establishing an effective date; and proper notice and meeting. (Submitted by: Jennifer Bills, Director of Planning Department)

**10. EXECUTIVE SESSION**

- 10A. City Council shall convene into closed executive session pursuant to Texas Government Code section 551.071 to seek the advice of legal counsel regarding State of Texas v. James Robert Crouch, Cause No. 20211193, Notice of Ordinance Violation for Working without a Permit at 602 Martin Luther King, Jr. Drive, Bastrop, Texas, including a briefing on the assignment of a visiting judge, appointment of an outside prosecutor, upcoming jury trial, related expenses, and matters related to compliance with the Code of Ordinances and Charter.

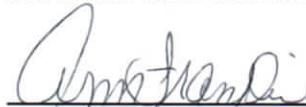
**11. TAKE ANY NECESSARY OR APPROPRIATE ACTION ON MATTERS POSTED FOR CONSIDERATION IN CLOSED/EXECUTIVE SESSION**

**12. ADJOURNMENT**

**All items on the agenda are eligible for discussion and action unless specifically stated otherwise.**

**The Bastrop City Council reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices), and 551.087 (Economic Development), and §551.086 (Competitive Matters regarding Electric Utility).**

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](http://www.cityofbastrop.org) and said Notice was posted on the following date and time: Thursday, March 3, 2022 at 2:00 p.m. and remained posted for at least two hours after said meeting was convened.



Ann Franklin, City Secretary



# STAFF REPORT

**MEETING DATE:** March 8, 2022

**AGENDA ITEM:** 4A

**TITLE:**

Mayor's Report

**AGENDA ITEM SUBMITTED BY:**

Paul A. Hofmann, 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*  
*March 8, 2022*



# Latest Activities

Feb 23 – Mar 1

Events in 2022: 54



Living Room Book Store  
TJ Johnson Book Signing



Primary Election Night – Bastrop Style  
General Turn Out 12,861 (24%) of 53,407  
Democratic Ballots Cast – 3,706  
Republican Ballots Cast – 9,155

# *Planned Events*

*March 2 - 8*

- March 2
  - CAPCOG Air Coalition – TCEQ Air Quality Update
  - Chamber Luncheon
- March 3
  - TPW Briefing on Rolling Pines Fire
  - Host Farm Street Opry
- March 5
  - Market Days on Main Street
  - Movies in the Park “Little Rascals” (Bob Bryant)
- March 7 – Public Hearing on Rolling Pines Fire (TPW)
- March 8 –
  - Government Affairs Committee
  - Texas Restaurant Association
  - City Council Meeting



# *Upcoming Events & City Meetings*

- March 10 –
  - Career Day (Cedar Creek Elementary)
  - The Treehouse Preschool Ribbon Cutting
  - Heart of Bastrop Filming
  - Alive After Five (Rising Sun Vineyard)
- March 12 –
  - BCEFP Empty Bowl (Convention Center)
  - Family Crisis Center Dinner Dance (La Grange)
- March 15 –
  - Mayor's Prayer Lunch (Ministerial Alliance)
  - Heart of Bastrop Filming
- March 18 -
  - Ambassador's Meeting
  - Disc Golf Course Ribbon Cutting (Bob Bryant)
- March 22 – City Council Meeting





# STAFF REPORT

**MEETING DATE:** March 8, 2022

**AGENDA ITEM:** 4B

**TITLE:**

Council Members' Report

**AGENDA ITEM SUBMITTED BY:**

Paul A. Hofmann, 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.



# STAFF REPORT

**MEETING DATE:** March 8, 2022

**AGENDA ITEM:** 4C

**TITLE:**

City Manager's Report

**AGENDA ITEM SUBMITTED BY:**

Paul A. Hofmann, 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.



# STAFF REPORT

**MEETING DATE:** March 8, 2022

**AGENDA ITEM:** 5A

**TITLE:**

Receive presentation on the enforcement of Bastrop Building Block (B<sup>3</sup>) Code, Chapter 8 – Temporary Signs (Best of Bastrop banners) and provide direction as appropriate.

**AGENDA ITEM SUBMITTED BY:**

Rebecca Gleason, Assistant City Manager

**BACKGROUND/HISTORY:**

The City of Bastrop updated Chapter 8- Signs of the B3 Code, which regulates all sign types with the city limits and extraterritorial jurisdiction (ETJ) on was adopted in November of 2019 and amended in June of 2021. The City of Bastrop began consistent enforcement of the Sign Code on March 1, 2022.

Article 8.4 Temporary Signs include banner signs. The Code allows banner signs can be up to 4 feet in height and up to 75% of the width of the building or leased space on which they are being hung. Banners can be hung for up to two weeks, four times a year with each two-week interval requiring a banner permit whether they are the same or different banners. At any given time, one banner is allowed per property and cannot be within the sight triangle. With each banner they must be securely attached to the building, fence, or yard stakes at all four corners.

Since the City of Bastrop has been working on ongoing community education around enforcement of the Sign Code, the business community raised concerns specifically over the Bastrop County Best Banners. The program, originally under the Austin American Stateman, and now under a private entity, has been in existence since 2004. Since 2016, the program has been allowing 1<sup>st</sup> place winners, as well as the top two runners up to purchase banners to display at their businesses. Currently, there are around 40 banners within the City limits. Specially, businesses have concerns over having to pay the permit fee of \$58.50 for use only during a two-week period.

**FISCAL IMPACT:**

N/A

**RECOMMENDATION:**

There is no action required as this is presented for informational purposes and to elicit direction as necessary for possible future agenda items.

**ATTACHMENTS:**

None



# STAFF REPORT

**MEETING DATE:** March 8, 2022

**AGENDA ITEM:** 6A

**TITLE:**

Receive the Annual Comprehensive Financial Report for the period ending September 30, 2021, which includes the independent auditor's report presented by the independent audit firm of Belt Harris Pechacek, LLLP.

**AGENDA ITEM SUBMITTED BY:**

Tracy Waldron, Chief Financial Officer

**BACKGROUND/HISTORY:**

The City financial statements have been audited by Belt Harris Pechacek, LLLP, Certified Public Accountants and this Comprehensive Annual Financial Report has been prepared based upon those audited statements.

The goal of the independent audit is to provide reasonable assurance, in conformity with generally accepted accounting principles, that the financial statements of the City of Bastrop for the fiscal year ended September 30, 2021, are free of material misstatement. This independent audit involved examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements, assessing the accounting principles used, significant estimates made by management and evaluating the overall financial statement presentation.

Belt Harris Pechacek, LLLP stated that the financial statements present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, the discretely presented component unit, each major fund and the aggregate remaining fund information of the City of Bastrop, Texas, for the fiscal year ended September 30, 2021.

The auditors have issued an unmodified audit opinion which is the best opinion that can be obtained. They have noted no recommendations for improvement over internal controls.

A copy of this report will be available to review at the City of Bastrop Public Library and in the City Secretary's office. It will also be available on the City's website.

**FISCAL IMPACT:**

N/A

**RECOMMENDATION:**

There is no action required as this is presented for informational purposes.

**ATTACHMENTS:**

None



# STAFF REPORT

**MEETING DATE:** March 8, 2022

**AGENDA ITEM:** 6B

**TITLE:**

Receive presentation of the amended Strategic Planning Calendar for Fiscal Year 2022-2023.

**AGENDA ITEM SUBMITTED BY:**

Tracy Waldron, Chief Financial Officer

**BACKGROUND/HISTORY:**

Annually, staff provides Council with a calendar outlining the important dates for the upcoming fiscal year's budget process. The calendar takes into consideration the laws that govern timing of specific activities as it pertains to approving a tax rate and budget.

The FY2022-2023 calendar was presented to City Council at the December 14, 2021 regular meeting. Because we now know who the new City Council members are, we can accelerate the budget process with additional planning sessions.

This amended Strategic Planning Calendar for FY2022-2023 includes two additional planning sessions in April 2022 to facilitate discussions that could impact the proposed FY2022-2023 budget.

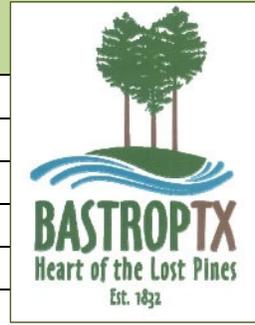
**ATTACHMENTS:**

- FY2022-2023 Strategic Planning Calendar *amended*

# City of Bastrop

## FY 2022-2023 Strategic Planning Calendar

*(assumes no voter approval election required)*



Preparation	January 19	City Council Candidate filing period begins
	February 8*	Last council meeting before deadline to call general election (deadline Feb 18)
	February 8*	Present 1Q FY2022 Performance Report
	February 18	City Council Candidate Filing period ends
	February 27	City Council Candidate Orientation
	March 7	Staff planning session - FY 2023 Budget Kick-off
	April 5*	Special City Council Planning Session - Transportation Plan, Additional Policy Objectives and Funding Alternatives.
	April 19*	Special City Council Planning Session - Comprehensive Plan, Capital Plan Review, and Fiscal Forecast Assumptions.
	April 26*	City Council meeting - Visit Bastrop presentation of mid-year report
	May 1	Receive preliminary notices of appraised value from Chief Appraiser
	May 7	Election Day
	May 10*	Present 2Q FY2022 Performance Report; City Manager to present Capital Plan and Fiscal Forecast
	May 12*	Special City Council Pre-budget Planning Session (All day) - Review Focus Areas, Management Projects/Enhancements, Affirming Tax Revenue target, Service and Service Levels, and receive direction from City Council.
	May 17*	Canvass Results of May 7th Election
	May 16	Community Support and Non-Special Event HOT Tourism related organization applications available at City Hall and on City's website
	May 18	Hunter's Crossing Local Government Corporation Meeting to review budget and propose Special Assessments
	June 23	Deadline - Community Support & Non-Special Event HOT Organization applications for FY2023 Funding (5:00pm)
	July 12*	Community Support Organizations present their funding request to Council (limit 3 minutes)
	July 25	Deadline for Chief Appraiser to certify rolls to taxing units
	Adoption	June 11
June 28*		Public Hearing Special Assessments for Hunter's Crossing PID; First Reading of the Amended and Restated Service and Assessment Plan.
July 12*		Council Meeting - Second Reading of the Amended and Restated Service and Assessment Plan.
July 26*		City Manager presents the FY 2023 Budget (considered filed with the City Secretary)
August 8*		City Council Joint meeting with the Visit Bastrop Board to review Visit Bastrop's Business Plan and Proposed Budget for FY2023
August 9*		Meeting of the Governing Body to discuss the proposed tax rate; if proposed tax rate will exceed the No-New-Revenue Tax Rate or the Voter-Approval Tax Rate (whichever is lower), take record vote and schedule public hearing.
August 9*		Present 3Q FY2022 Performance Report.
August 16*		Budget Workshop - Review Proposed Budget
August 17*		Budget Workshop#2 - Review Proposed Budget (if needed)
August 23*		Council Meeting - Adopt Financial and Purchasing Policies;
September 3		Published Notice of Budget Hearing (must be posted 10 days prior to Public Hearing); Publish Notice of Tax Rate Hearing (must be posted 5 days prior to Public Hearing)
September 13*		Council Meeting - Public Hearing and First Reading on Tax Rate Ordinance; Budget Public Hearing; First Reading on Budget Ordinance.
September 20*	Council Meeting to adopt tax rate and budget. Must adopt budget before tax rate. City Council must take a separate ratification vote to adopt any budget that will raise total property tax revenue.	
Implementation	October 1	Fiscal Year begins
	October 11*	Distribute Final FY2023 Adopted Budget Book
	October 25*	City Council meeting - Visit Bastrop presentation of FY2022 end of year report <i>(optional)</i>
	November 8*	Present 4Q FY2022 Performance Report
	December 12	Begin FY2022 audit
	December 13*	Presentation of preliminary unaudited financial report for FY2022

\* Council Meeting



# STAFF REPORT

**MEETING DATE:** March 8, 2022

**AGENDA ITEM:** 7

**TITLE:**

## **CITIZEN COMMENTS**

*At this time, three (3) minute comments will be taken from the audience on any topic. Anyone in attendance wishing to address the Council must complete a citizen comment form and give the completed form to the City Secretary prior to the start of the City Council meeting. Alternately, if you are unable to attend the council meeting, you may complete a citizen comment form with your comments at [www.cityofbastrop.org/citizencommentform](http://www.cityofbastrop.org/citizencommentform) before 5:00 p.m. on March 8, 2022. Comments submitted by this time will be distributed to the city council prior to meeting commencement, referenced at the meeting, and included with the meeting minutes. Comments from each individual will be limited to three (3) minutes when read aloud. 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 Manager for research and possible future action.*

*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:** March 8, 2022

**AGENDA ITEM:** 8A

**TITLE:**

Consider action to approve City Council minutes from the February 22, 2022, Regular Meeting.

**AGENDA ITEM SUBMITTED BY:**

Ann Franklin, City Secretary

**BACKGROUND/HISTORY:**

N/A

**FISCAL IMPACT:**

N/A

**RECOMMENDATION:**

Ann Franklin, City Secretary recommends approval of the City Council minutes from the February 22, 2022, regular meeting.

**ATTACHMENTS:**

- February 22, 2022, DRAFT Regular Meeting Minutes.



**FEBRUARY 22, 2022**

The Bastrop City Council met in a regular meeting on Tuesday, February 22, 2022, at 6:30 p.m. at the Bastrop City Hall Council Chambers, located at 1311 Chestnut Street, Bastrop, Texas. Members present were: Mayor Schroeder and Council Members Jackson, Crouch, Rogers, and Plunkett. Officers present were City Manager, Paul A. Hofmann; City Secretary, Ann Franklin; and City Attorney, Alan Bojorquez.

**CALL TO ORDER**

Mayor Schroeder called the Regular Council Meeting to order at 6:30 p.m. Mayor Pro Tem Peterson was absent.

**PLEDGE OF ALLEGIANCE**

Allison Ritchie and Marlie Malone, 3rd Graders, Bluebonnet Elementary School, led the Pledge of Allegiance.

**INVOCATION**

Bob Long, Police Chaplain, gave the invocation.

**PRESENTATIONS**

- 4A. Mayor's Report
- 4B. Council Members' Report
- 4C. City Manager's Report

**WORK SESSION/BRIEFINGS – NONE**

**STAFF AND BOARD REPORTS**

- 6A. Receive presentation on the unaudited Monthly Financial Report for the period ending January 31, 2022. (Submitted by: Tracy Waldron, Chief Financial Officer)  
**Presentation was made by Tracy Waldron, Chief Financial Officer.**

**CITIZEN COMMENTS**

**Marie Blazek  
400 Oak St.  
Bastrop, TX**

**Rick Neff  
136 Territory Dr.  
Bastrop, TX 78602**

**Joey Najera  
The Colony  
Bastrop, Texas  
843.437.5362**

**Donald Barron**  
**1<sup>st</sup> Hofferek**  
**Rosanky, TX 78953**  
**512.750.7625**

**Kerry L Fossler**  
**1903 Main St.**  
**Bastrop, TX 78602**  
**713.882.7218**

## **CONSENT AGENDA**

**A motion was made by Council Member Jackson to approve Items 8A and 8B as listed on the Consent Agenda after being read into the record by City Secretary, Ann Franklin. Seconded by Council Member Rogers, motion was approved on a 4-0 vote. Mayor Pro Tem Peterson was absent.**

- 8A. Consider action to approve City Council minutes from the February 8, 2022, regular meeting and February 9, 2022, special meeting. (Submitted by: Ann Franklin, City Secretary)
- 8B. Consider action to approve Resolution No. R-2022-30 of the City Council of the City of Bastrop, Texas appointing Mayor Connie Schroeder as the General Assembly Representative to the Capital Area Council of Government (CAPCOG); authorizing the Mayor to execute all necessary documents; providing for a repealing clause; and establishing an effective date. (Submitted by: Paul A. Hofmann, City Manager)

## **ITEMS FOR INDIVIDUAL CONSIDERATION**

- 9A. Consider action to approve a recommendation to increase salaries for Water & Wastewater Distribution and Plant Operation staff. (Submitted by: Tanya Cantrell, Director of Human Resources)  
**Presentation was made by Tanya Cantrell, Director of Human Resources.**

**A motion was made by Council Member Jackson to approve a recommendation to increase salaries for Water & Wastewater Distribution and Plant Operation staff, seconded by Council Member Crouch, motion was approved on a 4-0 vote. Mayor Pro Tem Peterson was absent.**

- 9B. Consider action to approve a recommendation to increase salaries for the patrol division of the Bastrop Police Department. (Submitted by: Tanya Cantrell, Director of Human Resources)  
**Presentation was made by Tanya Cantrell, Director of Human Resources.**

**A motion was made by Council Member Rogers to increase salaries for the patrol division of the Bastrop Police Department, seconded by Council Member Plunkett, motion was approved on a 4-0 vote. Mayor Pro Tem Peterson was absent.**

- 9C. Consider action to approve Resolution No. R-2022-29 of the City Council of the City of Bastrop, Texas, approving a cost sharing agreement between the City of Bastrop and Lennar Homes of Texas Land and Construction LTD for the oversizing of water

main improvements to a not to exceed amount of Eighty-Six Thousand, Nine Hundred and Nine Dollars (\$86,909.00) as attached in Exhibit A; authorizing the City Manager to execute all necessary documents; providing for a repealing clause; and establishing an effective date. (Submitted by: Fabiola de Carvalho, MIAM, Director of Engineering and Capital Project Management)

**Presentation was made by Fabiola de Carvalho, MIAM, Director of Engineering and Capital Project Management.**

**A motion was made by Council Member Crouch to approve Resolution No. R-2022-29, seconded by Council Member Jackson, motion was approved on a 4-0 vote. Mayor Pro Tem Peterson was absent.**

- 9D. Hold a public hearing and consider action to approve the first reading of Ordinance No. 2022-08 of the City Council of the City of Bastrop, Texas, annexing the Colorado River, for 35.5 acres of land out of the Stephen F. Austin Survey, Abstract No. 2, located west of Lovers Lane and south of the Pecan Park Subdivision, as shown in Exhibit A, providing for findings of fact, adoption, establishing zoning and character district, repealer, severability, filing and enforcement; establishing an effective date; and proper notice and meeting, and move to include on the March 8, 2022 Regular Agenda for the second reading. (Submitted by: Jennifer Bills, Director of Planning)
- Presentation was made by Jennifer Bills, Director of Planning Department.**

**Public hearing was opened.**

**Public hearing was closed.**

**A motion was made by Council Member Rogers to approve the first reading of Ordinance No. 2022-08, seconded by Council Member Plunkett, motion was approved on a 4-0 vote. Mayor Pro Tem Peterson was absent.**

- 9E. Hold a public hearing and consider action to approve the first reading of Ordinance No. 2022-04 of the City Council of the City of Bastrop, Texas, annexing Bastrop Colorado Bend Phase 1, for 312.61 acres of land out of the Stephen F. Austin Survey, Abstract No. 2, located west of Lovers Lane and southeast of the Colorado River, as shown in Exhibit A, providing for findings of fact, adoption, establishing zoning and character district, repealer, severability, filing and enforcement; establishing an effective date; and proper notice and meeting, and move to include on the March 8, 2022 Regular Agenda for the second reading. (Submitted by: Jennifer Bills, Director of Planning)
- Presentation was made by Jennifer Bills, Director of Planning Department.**

**Public hearing was opened.**

**Public hearing was closed.**

**No action was taken on this item.**

- 9F. Hold a public hearing and consider action to approve the first reading of Ordinance No. 2022-06 of the City Council of the City of Bastrop amending the Transportation Master Plan - Master Thoroughfare Plan and Street Grid for Bastrop Colorado Bend, LLP for 546.364 +/- acres of land out of the Stephen F. Austin Survey, Abstract 2, to

the west of Lovers Lane, located within the city limits of the City of Bastrop and the City of Bastrop Extraterritorial Jurisdiction; as attached in Exhibit A; and providing for findings of fact, adoption, enforcement, a repealer, and severability; establishing an effective date; and proper notice and meeting and move to include on the March 8, 2022 Regular Agenda for the second reading. (Submitted by: Jennifer Bills, Director of Planning)

**Presentation was made by Jennifer Bills, Director of Planning Department.**

**Public hearing was opened.**

**Public hearing was closed.**

**No action was taken on this item.**

- 9G. Hold a public hearing and consider action to approve the first reading of Ordinance No. 2022-05 of the City Council of the City of Bastrop, amending the Comprehensive Plan by changing the Future Land Use designation from Rural Residential to Industry for Bastrop Colorado Bend, LLP for 312.591 +/- acres of land out of the Stephen F. Austin Survey Abstract 2, to the west of Lovers Lane, located within the city limits of the City of Bastrop, as attached in Exhibit A; and providing for findings of fact, adoption, enforcement, a repealer, and severability; establishing an effective date; and proper notice and meeting and move to include on the March 8, 2022 Regular Agenda for the second reading. (Submitted by: Jennifer Bills, Director of Planning)

**Presentation was made by Jennifer Bills, Director of Planning Department.**

**Public hearing was opened.**

**Public hearing was closed.**

**No action was taken on this item.**

- 9H. Hold a public hearing and consider action to approve the first reading of Ordinance No. 2022-07 of the City Council of the City of Bastrop, Texas, approving the Bastrop Colorado Bend Zoning Concept Scheme, changing the zoning for 312.591 acres out of the Stephen F. Austin Survey Abstract 2, from P2 Rural to PEC Employment Center and establishing a plan on 312.591 acres, located west of Lovers Lane, within the city limits of the City of Bastrop, as shown in Exhibit A, providing for findings of fact, adoption, repealer, severability and enforcement, proper notice and meeting; and establishing an effective date and move to include on the March 8, 2022 Regular Agenda for the second reading. (Submitted by: Jennifer Bills, Director of Planning)

**Presentation was made by Jennifer Bills, Director of Planning Department.**

**Public hearing was opened.**

**Public hearing was closed.**

**No action was taken on this item.**

- 9I. Consider action to approve Resolution No. R-2022-33 of the City Council of the City of Bastrop, Texas, supports the proposed Washington Park Development located at 1500 Farm Street; the City Manager is authorized to grant a two hundred fifty dollar

and no cents (\$250.00) reduction in fees for Washington Park to meet all program criteria; and establishing an effective date. (Submitted by: Paul A. Hofmann, City Manager)

**SPEAKER - APPLICANT**

**Sarah Andre  
2318 Canterbury St.  
Austin, TX 78702**

**A motion was made by Council Member Rogers to approve Resolution No. R-2022-33, seconded by Council Member Crouch, motion was approved on a 4-0 vote. Mayor Pro Tem Peterson was absent.**

**EXECUTIVE SESSION**

**The City Council met at 8:27 p.m. in a closed/executive session pursuant to the Texas Government Code, sections 551.071, consultation with an attorney and 551.074, personnel matters, to discuss the following:**

- 9J. Consider action to approve Resolution No. R-2022-32 of the City Council of the City of Bastrop, Texas removing from office Kathryn Nash as chairperson and member of the Bastrop Economic Development Corporation; and establishing an effective date.

**Mayor Schroeder recessed the Executive Session at 9:20 p.m.**

**TAKE ANY NECESSARY OR APPROPRIATE ACTION ON MATTERS CONSIDERED IN CLOSED/EXECUTIVE SESSION**

**ITEMS FOR INDIVIDUAL CONSIDERATION - CONTINUED**

- 9J. Consider action to approve Resolution No. R-2022-32 of the City Council of the City of Bastrop, Texas removing from office Kathryn Nash as chairperson and member of the Bastrop Economic Development Corporation; and establishing an effective date. (Submitted by: Connie Schroeder, Mayor)

**A motion was made by Council Member Crouch to approve Resolution No. R-2022-32, seconded by Council Member Rogers, motion was approved on a 4-0 vote. Mayor Pro Tem Peterson was absent.**

**Adjourned at 9:20 p.m. without objection.**

**APPROVED:**

**ATTEST:**

\_\_\_\_\_  
Mayor Connie B. Schroeder

\_\_\_\_\_  
City Secretary Ann Franklin

**The Minutes were approved on March 8, 2022, by Council Member motion, Council Member second. The motion was approved on a vote.**



# STAFF REPORT

**MEETING DATE:** March 8, 2022

**AGENDA ITEM:** 8B

**TITLE:**

Consider action to approve the Certification of Unopposed Candidates for the May 7, 2022, General Election for Bastrop, Texas.

**AGENDA ITEM SUBMITTED BY:**

Ann Franklin, City Secretary

**BACKGROUND/HISTORY:**

Applications for a place on the ballot were accepted from January 19, 2022, through 5:00 p.m. on February 18, 2022. The deadline to file a Declaration of Write-in Candidacy was on February 22, 2022.

On January 25, 2022, the General Election was called for May 7, 2022, for the purpose of electing City Council members to Place 1 and Place 5.

By the deadline to file an application for a place on the ballot, one application for Place 1 was filed by Cheryl Lee and one application for Place 5 was filed by John Kirkland. By the deadline to file a Declaration of Write-in Candidacy no write-in was filed. Place 1 and Place 5 stand as unopposed.

Per Sec. 2.052 of the Election Code, the City Secretary is required to notify the governing body in writing of the unopposed place(s).

**ATTACHMENTS:**

- Power Point Presentation

**CERTIFICATION OF UNOPPOSED CANDIDATES FOR  
OTHER POLITICAL SUBDIVISIONS (NOT COUNTY)  
CERTIFICACIÓN DE CANDIDATOS ÚNICOS  
PARA OTRAS SUBDIVISIONES POLITICAS (NO EL CONDADO)**

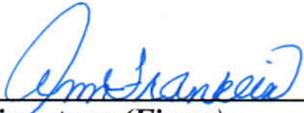
**To: Presiding Officer of Governing Body – Mayor Connie Schroeder, City of Bastrop**  
*Al: Presidente de la entidad gobernante - Alcaldesa Connie Schroeder, Ciudad de Bastrop*

**As the authority responsible for having the official ballot prepared, I hereby certify that the following candidates are unopposed for election to office for the election scheduled to be held on May 7, 2022**

*Como autoridad a cargo de la preparación de la boleta de votación oficial, por la presente certifico que los siguientes candidatos son candidatos únicos para elección para un cargo en la elección que se llevará a cabo el 7 de mayo de 2022.*

**List offices and names of candidates:**  
*Lista de cargos y nombres de los candidatos:*

<b>Office(s) Cargo(s)</b>	<b>Candidate(s) Candidato(s)</b>
Place 1 ( <i>Lugar 1</i> )	Cheryl Lee
Place 5 ( <i>Lugar 5</i> )	John Kirkland

  
\_\_\_\_\_  
**Signature (Firma)**

Ann Franklin  
\_\_\_\_\_  
**Printed name (Nombre en letra de molde)**

City Secretary  
\_\_\_\_\_  
**Title (Puesto)**  
February 25, 2022  
\_\_\_\_\_

**Date of signing (Fecha de firma)**





# STAFF REPORT

**MEETING DATE:** March 8, 2022

**AGENDA ITEM:** 8C

**TITLE:**

Consider action to approve the first and second readings of Ordinance No. 2022-09 of the City Council of the City of Bastrop, Texas, declaring unopposed candidates in the May 7, 2022, Election, as Exhibit A, General City Election to Place 1 and Place 5; canceling the election, as Exhibit B; declaring the candidates elected; and providing for an effective date.

**AGENDA ITEM SUBMITTED BY:**

Ann Franklin, City Secretary

**BACKGROUND/HISTORY:**

Applications for a place on the ballot were accepted from January 19, 2022, through 5:00 p.m. on February 18, 2022. The deadline to file a Declaration of Write-in Candidacy was on February 22, 2022.

On January 25, 2022, the General Election was called for May 7, 2022, for the purpose of electing City Council Members to Place 1 and Place 5.

By the deadline to file an application for a place on the ballot, one application for Place 1 was filed by Cheryl Lee and one application for Place 5 was filed by John Kirkland. By the deadline to file a Declaration of Write-in Candidacy no write-in was filed. Place 1 and Place 5 stand as unopposed.

Per Sec. 2.052 of the Election Code, the City Secretary is required to notify the governing body in writing of the unopposed place(s).

**FISCAL IMPACT:**

N/A

**RECOMMENDATIONS:**

Ann Franklin, City Secretary recommends approving the first and second readings of Ordinance No. 2022-09 of the City Council of the City of Bastrop, Texas, declaring unopposed candidates in the May 7, 2022, Election, as Exhibit A, General City Election to Place 1 and Place 5; canceling the election, as Exhibit B; declaring the candidates elected; and providing for an effective date.

**ATTACHMENTS:**

Exhibit A – Certification of Unopposed Candidates

Exhibit B -- Order of Cancellation

**ORDINANCE NO. R-2022-09**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, DECLARING UNOPPOSED CANDIDATES IN THE MAY 7, 2022, ELECTION, AS EXHIBIT A, GENERAL CITY ELECTION TO PLACE 1 AND PLACE 5; CANCELING THE ELECTION, AS EXHIBIT B; DECLARING THE CANDIDATES ELECTED; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, on December 16, 2021, the City Secretary of the City of Bastrop posted the Notice of Deadline to File Applications for a Place on the Ballot; and

**WHEREAS**, Applications for a Place on the Ballot were accepted from January 19, 2022, through 5:00 p.m. on February 18, 2022; and

**WHEREAS**, on January 25, 2022, the General City Election was called for May 7, 2022, for the purpose of electing City Council members to Place 1 and Place 5; and

**WHEREAS**, in accordance with the Texas Election Code, the City Secretary has certified in writing that no person has made a declaration of write-in candidacy, and that each candidate on the ballot is unopposed for election to office; and

**WHEREAS**, under these circumstances, Subchapter C, Chapter 2, Texas Election Code, authorizes the City Council to declare the candidates elected to office and cancel the election;

**WHEREAS**, all constitutional and statutory prerequisites for the approval of this ordinance have been met, including but not limited to the Open Meetings Act; and

**WHEREAS**, the City Council deems the adoption of this ordinance to be in the best interests of the health, safety, and welfare of the public.

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

**Section 1.** That all matters stated hereinabove are found to be true and correct and are incorporated herein by reference as if copied in their entirety.

**Section 2.** The following candidates, who are unopposed in the May 7, 2022, General City Election, are declared elected to office, and shall be issued certificates of election following the time the election would have been held:

City Council, Place 1 — Cheryl Lee  
City Council, Place 5 — John Kirkland

**Section 3.** The May 7, 2022, City of Bastrop General Election is canceled.

**Section 4.** The City Secretary is directed to post a copy of the Order of Cancellation attached as Exhibit "A" at each designated polling location on May 7, 2022.

**Section 5.** If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

**Section 6.** That this Ordinance shall be effective immediately upon passage.

**READ and APPROVED** on First Reading on the 8<sup>th</sup> day of March, 2022.

**READ and APPROVED** on Second Reading on the 8<sup>th</sup> day of March, 2022.

**APPROVED:**

\_\_\_\_\_  
Connie B. Schroeder, Mayor

**ATTEST:**

\_\_\_\_\_  
Ann Franklin, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Alan Bojorquez, City Attorney

EXHIBIT A

AW12-1

Prescribed by Secretary of State  
Section 2.051 – 2.053, Texas Election Code  
2/14

**CERTIFICATION OF UNOPPOSED CANDIDATES FOR  
OTHER POLITICAL SUBDIVISIONS (NOT COUNTY)  
CERTIFICACIÓN DE CANDIDATOS ÚNICOS  
PARA OTRAS SUBDIVISIONES POLITICAS (NO EL CONDADO)**

**To: Presiding Officer of Governing Body – Mayor Connie Schroeder, City of Bastrop**  
*Al: Presidente de la entidad gobernante - Alcaldesa Connie Schroeder, Ciudad de Bastrop*

**As the authority responsible for having the official ballot prepared, I hereby certify that the following candidates are unopposed for election to office for the election scheduled to be held on May 7, 2022**

*Como autoridad a cargo de la preparación de la boleta de votación oficial, por la presente certifico que los siguientes candidatos son candidatos únicos para elección para un cargo en la elección que se llevará a cabo el 7 de mayo de 2022.*

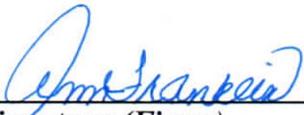
**List offices and names of candidates:**  
*Lista de cargos y nombres de los candidatos:*

**Office(s) Cargo(s)**

**Candidate(s) Candidato(s)**

Place 1 (*Lugar 1*)  
Place 5 (*Lugar 5*)

Cheryl Lee  
John Kirkland

  
\_\_\_\_\_  
**Signature (Firma)**

Ann Franklin  
\_\_\_\_\_  
**Printed name (Nombre en letra de molde)**

City Secretary  
\_\_\_\_\_  
**Title (Puesto)**  
February 25, 2022  
\_\_\_\_\_

**Date of signing (Fecha de firma)**



**EXHIBIT B**

AW12-2  
Prescribed by Secretary of State  
Section 2.051 – 2.053, Texas Election Code  
2/14

**ORDER OF CANCELLATION**  
**ORDEN DE CANCELACIÓN**

The City of Bastrop hereby cancels the election scheduled to be held on  
(official name of governing body)  
May 7, 2022 in accordance with Section 2.053(a) of the Texas  
(date on which election was scheduled to be held)  
Election Code. The following candidates have been certified as unopposed and are hereby  
elected as follows:

*El Ciudad de Bastrop por la presente cancela la elección que, de lo contrario,  
(nombre oficial de la entidad gobernante)  
se hubiera celebrado el 7 de mayo de 2022 de conformidad, con  
(fecha en que se hubiera celebrado la elección)  
la Sección 2.053(a) del Código de Elecciones de Texas. Los siguientes candidatos han sido  
certificados como candidatos únicos y por la presente quedan elegidos como se haya indicado  
a continuación:*

<b>Candidate (Candidato)</b>	<b>Office Sought (Cargo al que presenta candidatura)</b>
<b>Cheryl Lee</b>	<b>Place (Lugar) 1</b>
<b>Kevin Plunkett</b>	<b>Place (Lugar) 5</b>

A copy of this order will be posted on Election Day at each polling place that would have  
been used in the election.

*El Día de las Elecciones se exhibirá una copia de esta orden en todas las mesas electorales  
que se hubieran utilizado en la elección.*

\_\_\_\_\_  
**Mayor (Alcalde)**

\_\_\_\_\_  
**Secretary (Secretario)**

(seal) (sello)

\_\_\_\_\_  
**Date of adoption (Fecha de adopción)**



# STAFF REPORT

**MEETING DATE:** March 8, 2022

**AGENDA ITEM:** 8D

**TITLE:**

Consider action to approve the first and second readings of Ordinance No. 2022-11 of the City Council of the City of Bastrop, Texas declaring measures moot in the May 7, 2022, Special Election on Charter Amendments; canceling the election, as Exhibit A; and providing an effective date.

**AGENDA ITEM SUBMITTED BY:**

Ann Franklin, City Secretary

**BACKGROUND/HISTORY:**

On February 8, 2022, the Special Election was called for May 7, 2022, for the purpose of amending the Home Rule Charter.

The City Council has statutory authority to cancel a special election on a measure pursuant to Texas Election Code §2.081 when a proposition is essentially moot.

According to Black's Law Dictionary a matter is moot when it cannot have any practical effect on a situation, there is no existing controversy, no actual issues exist, and the items involved are academic in nature.

**FISCAL IMPACT:**

N/A

**RECOMMENDATIONS:**

Ann Franklin, City Secretary recommends approving the first and second reading of Ordinance No. 2022-11 of the City Council of the City of Bastrop, Texas declaring measures moot in the May 7, 2022, Special Election on Charter Amendments; canceling the election, as Exhibit A; and providing an effective date.

**ATTACHMENTS:**

Exhibit A – Order of Cancellation

**ORDINANCE NO. R-2022-11**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS DECLARING MEASURES MOOT IN THE MAY 7, 2022, SPECIAL ELECTION ON CHARTER AMENDMENTS; CANCELING THE ELECTION, AS EXHIBIT A; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, on February 8, 2022, the City of Bastrop called for a special election to be held on May 7, 2022, for the purpose of amending the Home Rule Charter; and

**WHEREAS**, the City Council has statutory authority to cancel a special election on a measure pursuant to Texas Election Code §2.081 when a proposition is essentially moot; and

**WHEREAS**, according to Black's Law Dictionary a matter is moot when it cannot have any practical effect on a situation, there is no existing controversy, no actual issues exist, and the items involved are academic in nature; and

**WHEREAS**, the City Council finds that the special election ordered for May 2022, to be moot; and

**WHEREAS**, the City Council prefers to delay an election on any charter amendments until such time as there are other races or propositions on the ballot so to achieve administrative efficiency, fiscal accountability, and greater voter participation; and

**WHEREAS**, all constitutional and statutory prerequisites for the approval of this ordinance have been met, including but not limited to the Open Meetings Act; and

**WHEREAS**, the City Council finds this ordinance to be reasonable and necessary under the circumstances; and

**WHEREAS**, the City Council deems the adoption of this ordinance to be in the best interests of the health, safety, and welfare of the public.

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

**Section 1.** That all matters stated hereinabove are found to be true and correct and are incorporated herein by reference as if copied in their entirety.

**Section 2.** The May 7, 2022, City of Bastrop Special Election is canceled.

**Section 3.** The City Secretary is directed to post a copy of the Order of Cancellation attached as Exhibit "A" at each designated polling location on May 7, 2022.

**Section 4.** If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

**Section 5.** That this Ordinance shall be effective immediately upon passage.

**READ and APPROVED** on First Reading on the 8<sup>th</sup> day of March, 2022.

**READ and APPROVED** on Second Reading on the 8<sup>th</sup> day of March, 2022.

**APPROVED:**

---

Connie B. Schroeder, Mayor

**ATTEST:**

---

Ann Franklin, City Secretary

**APPROVED AS TO FORM:**

---

Alan Bojorquez, City Attorney

EXHIBIT A

AW12-2  
Prescribed by Secretary of State  
Section 2.051 – 2.053, Texas Election Code  
2/14

**ORDER OF CANCELLATION**  
**ORDEN DE CANCELACIÓN**

The City of Bastrop hereby cancels the special election scheduled to be  
(official name of governing body)

held on May 7, 2022 in accordance with Section 2.081 of the Texas  
(date on which election was scheduled to be held)

Election Code.

*El Ciudad de Bastrop por la presente cancela la elección especial que, de lo contrario,*  
(nombre oficial de la entidad gobernante)

*se hubiera celebrado el 7 de mayo de 2022 de conformidad, con*  
(fecha en que se hubiera celebrado la elección)

*la Sección 2.081) del Código de Elecciones de Texas.*

*A copy of this order will be posted on Election Day at each polling place that would have been used in the election.*

*El Día de las Elecciones se exhibirá una copia de esta orden en todas las mesas electorales que se hubieran utilizado en la elección.*

\_\_\_\_\_  
Mayor (Alcalde)

\_\_\_\_\_  
Secretary (Secretario)

(seal) (sello)

\_\_\_\_\_  
Date of adoption (Fecha de adopción)



# STAFF REPORT

**MEETING DATE:** March 8, 2022

**AGENDA ITEM:** 8E

**TITLE:**

Consider action to approve Resolution No. R-2022-34 of the City Council of the City of Bastrop, Texas in support of The Capital Area Council of Governments' application for Enhanced Fine Particulate Matter Monitoring in Central Texas; and establishing an effective date.

**AGENDA ITEM SUBMITTED BY:**

Paul A. Hofmann, City Manager

**BACKGROUND/HISTORY:**

CAPCOG is applying for an EPA grant to enhance fine particulate matter (PM<sub>2.5</sub>) monitoring in the region.

As one of CAPCOG's partners in promoting air quality within the region, the City of Bastrop would view their involvement with this project as an extension of their commitment to clean air in Central Texas.

**FISCAL IMPACT:**

N/A

**RECOMMENDATION:**

Paul A. Hofmann, City Manager recommends approval of Resolution No. R-2022-34 of the City Council of the City of Bastrop, Texas in support of The Capital Area Council of Governments' application for Enhanced Fine Particulate Matter Monitoring in Central Texas; and establishing an effective date.

**RESOLUTION NO. R-2022-34**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS  
IN SUPPORT OF THE CAPITAL AREA COUNCIL OF GOVERNMENTS'  
APPLICATION FOR ENHANCED FINE PARTICULATE MATTER MONITORING IN  
CENTRAL TEXAS; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, air quality can threaten our environment, economy, and the health of the residents of the City of Bastrop; and

**WHEREAS**, air pollution levels in Central Texas were considered “moderate” or worse on thirty-six percent of days in 2021, according to the National Air Quality Index (AQI); and

**WHEREAS**, children, older adults, people with lung disease and people with heart disease are particularly affected by poor air quality, and make up about two out of every five residents in Central Texas; and

**WHEREAS**, fine particulate matter levels (PM<sub>2.5</sub>) cause the majority of the “moderate” air pollution days in the Austin-Round Rock-Georgetown Metropolitan Statistical Area; and

**WHEREAS**, enhanced monitoring of PM<sub>2.5</sub> is important not only for public health, but also for understanding the sources and effects of PM<sub>2.5</sub> pollution on the region’s vulnerable communities; and

**WHEREAS**, the City of Bastrop is a member of the Central Texas Clean Air Coalition and actively involved in the region’s ongoing air quality planning efforts; and

**WHEREAS**, the City of Bastrop participates in the Regional Air Quality Plan, whose objectives are to maximize the probability of compliance with the National Ambient Air Quality Standards region-wide and to minimize the health and environmental impacts of regional air pollution.

**THEREFORE, BE IT RESOLVED**, that the City of Bastrop supports CAPCOG’s application for enhanced PM<sub>2.5</sub> monitoring in Central Texas.

**DULY RESOLVED AND ADOPTED** by the City Council of the City of Bastrop this 8<sup>th</sup> day of February 2022.

**APPROVED:**

---

Connie B. Schroeder, Mayor

**ATTEST:**

---

Ann Franklin, City Secretary

**APPROVED AS TO FORM:**

---

Alan Bojorquez, City Attorney



# STAFF REPORT

**MEETING DATE:** March 8, 2022

**AGENDA ITEM:** 9A

**TITLE:**

Consider action to approve the second reading of Ordinance No. 2022-08 of the City Council of the City of Bastrop, Texas, annexing the Colorado River, for 35.5 acres of land out of the Stephen F. Austin Survey, Abstract No. 2, located west of Lovers Lane and south of the Pecan Park Subdivision, as shown in Exhibit A, providing for findings of fact, adoption, establishing zoning and character district, repealer, severability, filing and enforcement; establishing an effective date; and proper notice and meeting.

**STAFF REPRESENTATIVE:**

Jennifer C. Bills, Director of Planning & Development

**BACKGROUND:**

The City has the ability under the Texas Local Government Code, Section 43.013 Navigable Stream to annex the Colorado River. The City owns property to the north of the River as Park and Open Space for Pecan Park.

Notice of the public hearing was posted in the Bastrop Advertiser per the Texas Local Government Code, Chapter 43, Subchapter C-1 "Annexation Procedure for Areas Exempted from Consent Annexation Procedures". Per Section 2.3.003 of the Bastrop Building Block (B<sup>3</sup>) Code, the default zoning upon annexation is Place Type 2 – Rural. Staff is recommending extending the Pine Village Character District (Chapter 4: Character Districts) which is the closest Character District that is not a Planned Development. Extending the city limits of Bastrop will extend the one-mile Statutory Extraterritorial Jurisdiction, as show in Attachment 1.

This annexation will allow the City to be adjacent to the property for Bastrop Colorado Bend, LLC.

**RECOMMENDATION:**

Consider action to approve the second reading of Ordinance 2022-08 as presented.

**ATTACHMENTS:**

- Ordinance 2022-08
- Exhibit A: Property Sketch and Metes & Bounds Description
- Exhibit B: Municipal Service Plan

**ORDINANCE 2022-08**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, ANNEXING THE COLORADO RIVER, 35.5 ACRES OF LAND OUT OF THE STEPHEN F. AUSTIN SURVEY, ABSTRACT NO. 2, LOCATED WEST OF LOVERS LANE AND SOUTH OF THE PECAN PARK SUBDIVISION, AS SHOWN IN EXHIBIT A, PROVIDING FOR FINDINGS OF FACT, ADOPTION, ESTABLISHING ZONING AND CHARACTER DISTRICT, REPEALER, SEVERABILITY, FILING AND ENFORCEMENT; ESTABLISHING AN EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.**

**WHEREAS**, the City of Bastrop, Texas (City) is a Home-Rule City acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

**WHEREAS**, Chapter 43 of the Texas Local Government Code grants authority to a municipality for the annexation of a Navigable Stream in Section 43.013, which allows the City of Bastrop to annex the Colorado River, the area described in Exhibit "A" (the "property"), which is attached hereto and incorporated herein for all purposes; and,

**WHEREAS**, City Council has entered into a written agreement with the owners of land in the area for the provision of services in the area; and,

**WHEREAS**, in accordance with Texas Local Government Code Chapter 43 Subchapter C-1, public notice was given, and a public hearing was held before the City Council regarding the requested annexation; and

**WHEREAS**, Texas Local Government Code Section 51.001 provides the City general authority to adopt an Ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

**WHEREAS**, the base zoning district is established per Section 2.3.003 "Zoning Upon Annexation" as P2, Place Type 2 Rural, the Character District established will extend Pine Village Character District; and,

**WHEREAS**, after consideration of public input received at the hearing, the information provided by the petitioners, and all other information presented, City Council finds it necessary and proper to enact this Ordinance.

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

**Section 1:** The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

**Section 2:** The property in the area described in Exhibit "A", which is attached hereto and incorporated herein for all purposes, is hereby annexed and brought into the

municipal boundaries (i.e., corporate limits) of the City of Bastrop, Texas, and is made an integral part, hereof. The official map and boundaries of the City are hereby amended and revised so as to include the area annexed, and to reflect the expansion of the City's extraterritorial jurisdiction resulting from such annexation.

A service plan prepared in accordance with applicable provisions of state law pertaining to annexation is attached hereto as Exhibit "B" and incorporated herein for all intents and purposes. The owners and inhabitants of the area herein annexed are entitled to all of the rights and privileges of other citizens of the City and are hereby bound by all acts, ordinances and other legal actions now in full force and effect and those that may be hereafter adopted or enacted.

**Section 3:** The base zoning district established is P2 Rural and the Character District established is Pine Village.

**Section 4:** All ordinances, resolutions, 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:** If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, that invalidity or the unenforceability will not affect any other provisions or applications of this Ordinance that can be given effect without the invalid provision.

**Section 6:** The City Secretary is hereby instructed to include this Ordinance in the records of the City and to have maps prepared depicting the new municipal boundaries and extraterritorial jurisdiction. The City Secretary is hereby instructed to file a certified copy of this Ordinance and the updated maps with the Bastrop County Clerk.

**Section 7:** The City shall have the power to administer and enforce the provisions of this ordinance as may be required by governing law. Any person violating any provision of this ordinance is subject to suit for injunctive relief as well as prosecution for criminal violations, and such violation is hereby declared to be a nuisance. Nothing in this ordinance shall be construed as a waiver of the City's right to bring a civil action to enforce the provisions of this ordinance and to seek remedies as allowed by law and/or equity.

**Section 8:** This Ordinance shall be effective immediately upon passage and publication.

**Section 9:** 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 & APPROVED** on First Reading on this the 22<sup>nd</sup> day of February, 2022.

**READ & ADOPTED** on the Second Reading on this the 8<sup>th</sup> day of March, 2022.

**APPROVED:**

---

Connie B. Schroeder, Mayor

**ATTEST:**

---

Ann Franklin, City Secretary

**APPROVED AS TO FORM:**

---

Alan Bojorquez, City Attorney

**Exhibit "A"**  
**DESCRIPTION OF AREA TO BE ANNEXED**

**Exhibit “B”**

**ANNEXATION SERVICE PLAN**

## FIELD NOTES

**THAT PORTION OF THE STEPHEN F. AUSTIN SURVEY, ABSTRACT NUMBER 2, BASTROP COUNTY, TEXAS, BEING A PART OF THAT 546.364 ACRE TRACT OF LAND CONVEYED TO BASTROP COLORADO BEND, LLC BY DEED RECORDED IN DOCUMENT NUMBER 202112664, OFFICIAL PUBLIC RECORDS OF BASTROP COUNTY, TEXAS (O.P.R.B.C.TX.) AND A PORTION OF THE COLORADO RIVER; MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

**BEGIN** at a 1/2 inch iron rod found at the intersection of the north right-of-way line of Margie's Way (60' R.O.W.) and the west right-of-way line of Lovers Lane (R.O.W. Varies) monumenting an eastern corner of the above referenced 546.364 acre tract for an eastern corner of the herein described tract;

**THENCE**, along a southern line of said 546.364 acre tract, the north line of River Meadows, Phase 1 according to the plat thereof recorded in Cabinet 4, Slide 16-B, Plat Records of Bastrop County, Texas (P.R.B.C.TX.) and the north line of River Meadows, Phase 2 according to the plat thereof recorded in Cabinet 4, Slide 89-B, P.R.B.C.TX., and across said 546.364 acre tract, N77°48'10"W passing at a distance of 3012.19 feet a 1/2 inch iron rod found at the northeast corner of said River Meadows, Phase 2, and continuing on for a total distance of 3418.73 feet, for an inside corner of the herein described tract of land;

**THENCE**, continuing across said 546.364 acre tract, the following two (2) courses and distances:

- 1) S12°59'16"W a distance of 721.89 feet to a calculated point for a corner and;
- 2) N77°00'44"W a distance of 2890.84 feet to a calculated point on the top of low bank of the Colorado River, for a western corner of the herein described tract;

**THENCE**, along the common line of said 546.364 acre tract and said top of low bank of the Colorado River, the following sixteen (16) courses and distances:

- 1) N04°27'12"W a distance of 205.83 feet to a calculated point for a corner;
- 2) N23°56'49"E a distance of 405.92 feet to a calculated point for a corner;
- 3) N31°55'03"E a distance of 492.65 feet to a calculated point for a corner;
- 4) N42°19'52"E a distance of 761.71 feet to a calculated point for a corner;
- 5) N24°20'02"E a distance of 76.48 feet to a calculated point for a corner;
- 6) N76°42'21"E a distance of 215.54 feet to a calculated point for a corner;
- 7) S82°26'37"E a distance of 136.05 feet to a calculated point for a corner;
- 8) S71°34'16"E a distance of 245.56 feet to a calculated point for a corner;
- 9) S84°53'14"E a distance of 113.77 feet to a calculated point for a corner;
- 10) S82°27'35"E a distance of 66.95 feet to a calculated point for a corner;
- 11) S76°43'02"E a distance of 57.36 feet to a calculated point for a corner;
- 12) S57°42'57"E a distance of 45.23 feet to a calculated point for a corner;
- 13) S41°47'14"E a distance of 98.85 feet to a calculated point for a corner;
- 14) S86°03'31"E a distance of 334.43 feet to a calculated point for a corner;
- 15) S89°43'45"E a distance of 427.61 feet to a calculated point for a corner;
- 16) N85°04'35"E a distance of 461.81 feet to a calculated point for a corner;

**THENCE**, across said Colorado River, N04°39'34"W a distance of 535.42 feet to the southwest corner of The Final Plat of Pecan Park, Section 2 according to the plat thereof recorded in Cabinet 7, Slides 29-A - 30-A, P.R.B.C.TX.;

**THENCE**, along the north line of said Colorado River and the south line of said Pecan Park, Section 2, the following seven (7) courses and distances:

- 1) N84°06'49"E a distance of 554.84 feet;
- 2) N74°14'36"E a distance of 638.98 feet;
- 3) N70°04'04"E a distance of 506.08 feet;
- 4) N75°55'45"E a distance of 346.22 feet;
- 5) N79°50'42"E a distance of 670.03 feet;
- 6) N65°43'00"E a distance of 758.29 feet;
- 7) N75°40'31"E a distance of 481.30 feet;

**THENCE**, across said Colorado River, S29°43'36"E a distance of 281.95 feet to a calculated point at the northeast corner of said 546.364 acre tract, same being at the apparent northwest corner of a called 5.098 acre tract of land conveyed to James Mikulenska and Cindy Mikulenska by deed recorded in Volume 2336, Page 69, O.P.R.B.C.TX., for the northeast corner of the herein described tract of land;

**THENCE**, along the common line of said 5.098 acre tract and said 546.364 acre tract, S10°27'05"W, passing at a distance of 100.00 feet a capped 1/2 inch iron rod set stamped "CBD SETSTONE" for reference, and continuing for a total distance of 465.77 feet to a 1/2 inch iron rod found on the northern right-of-way line of said Lovers Lane monumenting the southwest corner of said 5.098 acre tract, for an angle point of the herein described tract;

**THENCE**, along the common line of said 546.364 acre tract and the west right-of-way line of Lovers Lane, S10°55'05"W a distance of 3056.71 feet to the **POINT OF BEGINNING** and containing 348.1 acres of land.

This document was prepared under 22TAC 663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

PREPARED BY:  1/25/2022

Stephen R. Lawrence, R.P.L.S. No. 6352

**Carlson, Brigrance & Doering, Inc.**

Firm ID #10024900

12129 RR 620 N. Ste. 600

Austin, Texas 78750

(512) 280-5160 (512) 280-5165 (Fax)

stephen@cbdeng.com



BEARING BASIS: TEXAS COORDINATE SYSTEM OF 1983, CENTRAL ZONE (4203)

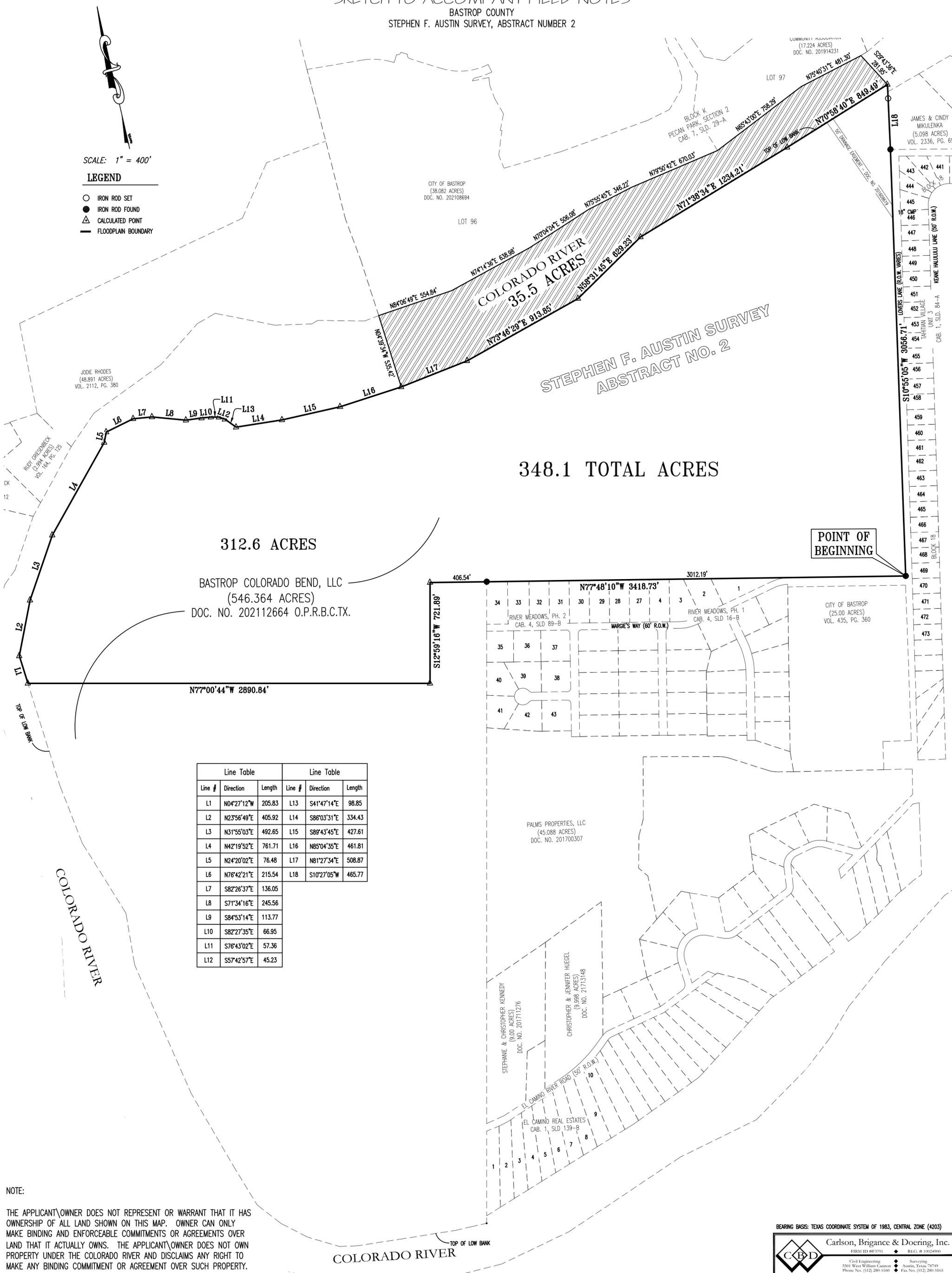
SKETCH TO ACCOMPANY FIELD NOTES

BASTROP COUNTY  
STEPHEN F. AUSTIN SURVEY, ABSTRACT NUMBER 2

SCALE: 1" = 400'

LEGEND

- IRON ROD SET
- IRON ROD FOUND
- △ CALCULATED POINT
- FLOODPLAIN BOUNDARY



Line Table			Line Table		
Line #	Direction	Length	Line #	Direction	Length
L1	N04°27'12"W	205.83	L13	S41°47'14"E	98.85
L2	N23°56'49"E	405.92	L14	S86°03'31"E	334.43
L3	N31°55'03"E	492.65	L15	S89°43'45"E	427.61
L4	N42°19'52"E	761.71	L16	N85°04'35"E	461.81
L5	N24°20'02"E	76.48	L17	N81°27'34"E	508.87
L6	N76°42'21"E	215.54	L18	S10°27'05"W	465.77
L7	S82°26'37"E	136.05			
L8	S71°34'16"E	245.56			
L9	S84°53'14"E	113.77			
L10	S82°27'35"E	66.95			
L11	S76°43'02"E	57.36			
L12	S57°42'57"E	45.23			

NOTE:  
THE APPLICANT/OWNER DOES NOT REPRESENT OR WARRANT THAT IT HAS OWNERSHIP OF ALL LAND SHOWN ON THIS MAP. OWNER CAN ONLY MAKE BINDING AND ENFORCEABLE COMMITMENTS OR AGREEMENTS OVER LAND THAT IT ACTUALLY OWNS. THE APPLICANT/OWNER DOES NOT OWN PROPERTY UNDER THE COLORADO RIVER AND DISCLAIMS ANY RIGHT TO MAKE ANY BINDING COMMITMENT OR AGREEMENT OVER SUCH PROPERTY.

BEARING BASIS: TEXAS COORDINATE SYSTEM OF 1983, CENTRAL ZONE (4203)

**Carlson, Brigrance & Doering, Inc.**  
 FIRM ID #E3791    REG. # 10024900  
 Civil Engineering    Surveying  
 5501 West William Cannon    Austin, Texas 78749  
 Phone No. (512) 290-5160    Fax No. (512) 290-5165

**EXHIBIT B**  
**MUNICIPAL SERVICES PLAN**

**MUNICIPAL SERVICES PLAN FOR THE COLORADO RIVER**

This Municipal Services Plan (“**Plan**”) is created on this 8<sup>th</sup> day of March 2022 by the City of Bastrop, Texas, a home rule municipality of the State of Texas (“**City**”).

**RECITALS**

Per Section 43.013 of the Texas Local Government Code, a municipality may annex a navigable stream.

**WHEREAS**, the Colorado River occupies land south of the existing city limits, situated in Bastrop County, Texas, which consists of approximately 35.5 acres of land situated in the City’s extraterritorial jurisdiction, such property being more particularly described and set forth in Exhibit A attached and incorporated herein by reference (“**Property**”);

**WHEREAS**, Bastrop Colorado Bend, LLC has entered into a Development Agreement with the City pursuant to Section 212.172 of Texas Local Government Code (“Development Agreement”), requesting full-purpose annexation of the Property south of the Colorado River;

**WHEREAS**, City services to be provided for the Property on or after the effective date of annexation;

**NOW THEREFORE**, in exchange for the mutual covenants, conditions and promises contained herein, City and Owner agree as follows:

1. **PROPERTY.** This Plan is only applicable to the Property, more specifically described in Exhibit A.
2. **INTENT.** It is the intent of the City that this Plan provide for the delivery of full, available municipal services to the Property in accordance with state law, which may be accomplished through any means permitted by law.
3. **MUNICIPAL SERVICES.** Commencing on the effective date of annexation, the City will provide the municipal services set forth below. As used in this Plan, “providing services” includes having services provided by any method or means by which the City may extend municipal services to any other area of the City, including the City’s infrastructure extension policies and developer or property owner participation in accordance with applicable City ordinances, and all approved rules, regulations, and policies.

The City hereby declares the following services to be made available to the Property and its Owner(s):

- a. **Police Services.** The City provides municipal police protection through a City Police Department and will provide the service to the area once annexed.
- b. **Fire Services.** This area is within the ESD #2 Service Area. The City of Bastrop Fire Department will provide aid through the Automatic Aid Agreement with ESD #2. Radio response for Emergency Medical Services will be provided with the present personnel and equipment.
- c. **Building Inspection/Code Enforcement Services.** The City of Bastrop will provide building inspection and code enforcement services upon annexation.
- d. **Libraries.** Bastrop Public Library provides library services.
- e. **Environmental Health & Health Code Enforcement.** Complaints of ordinance or regulation violations within this area will be answered and investigated by City personnel, beginning with the effective date of the annexation ordinance.
- f. **Planning & Zoning.** The planning and zoning jurisdiction of the City will be extended to this area on the effective date of the annexation ordinance. Per the Bastrop Building Block (B<sup>3</sup>) Code, Section 2.3.003 “Zoning Upon Annexation” the property will be zoned Place Type P2- Rural and will extend the closest Character District Pine Village and developed in accordance with these designations. All services provided by the City will be extended to the area on the effective date of the annexation ordinance.
- g. **Parks & Recreation.** All services and amenities associated with the City’s Parks and Recreation activities will extend to this area on the effective date of the annexation ordinance.
- h. **Street & Drainage Maintenance.** The City will provide street and drainage maintenance to public streets in the area in accordance with standard City policy as the area develops.
- i. **Street Lighting.** The City will provide street lighting to the area in any public right-of-way in accordance with standard City Policy as the area develops.

- j. Traffic Engineering.** The City will provide, as appropriate, street names signs, traffic control devices, and other traffic system design improvements to the area.
- k. Sanitation/Solid Waste Collection & Disposal.** The City does not directly provide municipal sanitation/solid waste collection and disposal services. However, the City has granted an exclusive franchise for these services to Progressive Waste Solutions of TX d/b/a Waste Connections of Texas, which will be notified of all newly-annexed parcels.
- l. Water Service.** The area to be annexed will be served water by the City of Bastrop. Extension of services to serve the site will be at the Owner's expense.
- m. Sewer Service.** The area to be annexed will be served by wastewater service by the City of Bastrop. Extension of services to serve the site will be at the Owner's expense.
- n. Miscellaneous.** All other applicable municipal services will be provided to the area in accordance with policies established by the City.

It is understood and agreed that the City is not required to provide a service that is not included in this Agreement.

The City departments listed above may change names or be re-organized by the City Manager. Any reference to a specific department also includes any subsequent City department that will provide the same or similar services.

- 5. SCHEDULE.** Due to the size, and vacancy of the Property and the presence of the Colorado River, there is no schedule for the development of the Property.
- 6. AUTHORITY.** City represents that they have full power, authority and legal right to execute, deliver and perform their obligations pursuant to this Plan.
- 7. SEVERABILITY.** If any term or provision of this Plan is held to be illegal, invalid or unenforceable, the legality, validity or enforceability of the remaining terms or provisions of this Plan shall not be affected thereby, and in lieu of each such illegal, invalid or unenforceable term or provision, there shall be added automatically to this Plan a legal, valid or enforceable term or provision as similar as possible to the term

or provision declared illegal, invalid or unenforceable.

8. **INTERPRETATION.** The Parties to this covenant and agree that in any litigation relating to this Agreement, the terms and conditions of the Agreement will be interpreted according to the laws of the State of Texas. The Parties acknowledge that they are of equal bargaining power and that each of them was represented by legal counsel in the negotiation and drafting of this Agreement.
9. **GOVERNING LAW AND VENUE.** This Plan and all of the transactions contemplated herein shall be governed by and construed in accordance with the laws of the State of Texas. The provisions and obligations of this Plan are performable in Bastrop County, Texas such that exclusive venue for any action arising out of this Plan shall be in Bastrop County, Texas.
10. **NO WAIVER.** The failure of either Party to insist upon the performance of any term or provision of this Plan or to exercise any right granted hereunder shall not constitute a waiver of that Party's right to insist upon appropriate performance or to assert any such right on any future occasion.
11. **GOVERNMENTAL POWERS.** It is understood that by execution of this Plan, the City does not waive or surrender any of its governmental powers or immunities.
12. **COUNTERPARTS.** This Plan may be executed in any number of counterparts, each of which shall be deemed an original and constitute one and the same instrument.
13. **CAPTIONS.** The captions to the various clauses of this Plan are for informational purposes only and shall not alter the substance of the terms and conditions of this Plan.
14. **PLAN BINDS SUCCESSORS AND RUNS WITH THE LAND.** This Plan is binding on and inures to the benefit of the Parties, their successors, and assigns. The term of this Plan constitutes covenants running with the land comprising the Property and is binding on the Owner.
15. **ENTIRE PLAN.** It is understood and agreed that this Plan contains the entire agreement between the Parties and supersedes any and all prior agreements, arrangements or understandings between the Parties relating to the subject matter. No oral understandings, statements, promises or inducements contrary to the terms of this Plan exist. This Plan cannot be changed or terminated orally.

[The remainder of this page intentionally left blank.]

EXECUTED in multiple originals, and in full force and effect as of the Effective Date.

**CITY:**

**City of Bastrop, Texas**  
a Texas home-rule municipal corporation

Attest:

By: \_\_\_\_\_  
Name: Ann Franklin  
Title: City Secretary

By: \_\_\_\_\_  
Name: Paul A. Hofmann  
Title: City Manager

**THE STATE OF TEXAS §**

**COUNTY OF BASTROP §**

This instrument was acknowledged before me on this \_\_\_\_ day of \_\_\_\_\_, 2021, by Paul A. Hofmann, City Manager of the City of Bastrop, Texas, a Texas home-rule municipal corporation, on behalf of said corporation.

(SEAL)

\_\_\_\_\_  
Notary Public, State of Texas



# STAFF REPORT

**MEETING DATE:** March 8, 2022

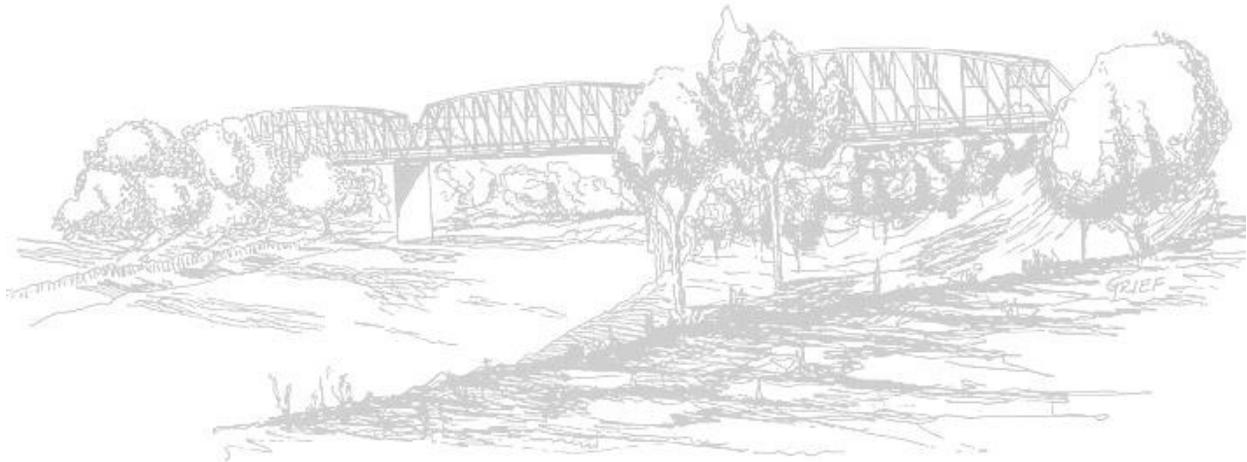
**AGENDA ITEM:** 10A

**TITLE:**

City Council shall convene into closed executive session pursuant to Texas Government Code section 551.071 to seek the advice of legal counsel regarding State of Texas v. James Robert Crouch, Cause No. 20211193, Notice of Ordinance Violation for Working without a Permit at 602 Martin Luther King, Jr. Drive, Bastrop, Texas, including a briefing on the assignment of a visiting judge, appointment of an outside prosecutor, upcoming jury trial, related expenses, and matters related to compliance with the Code of Ordinances and Charter.

**STAFF REPRESENTATIVE:**

Paul A. Hofmann, City Manager





# STAFF REPORT

**MEETING DATE:** March 8, 2022

**AGENDA ITEM:** 11

**TITLE:**

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

**STAFF REPRESENTATIVE:**

Paul A. Hofmann, City Manager

