

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



February 13, 2024

AMENDED - Regular City Council Meeting at 6:30 PM

Addition of Item 4E

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 CITYOFBASTROP.ORG/CITIZENCOMMENT AT LEAST TWO HOURS BEFORE THE MEETING STARTS ON THE REQUESTED DATE. COMMENTS SUBMITTED BY THIS TIME WILL BE GIVEN TO THE CITY COUNCIL DURING THE MEETING AND INCLUDED IN THE PUBLIC RECORD, BUT NOT READ ALOUD. COMMENTS FROM EACH INDIVIDUAL IN ATTENDANCE WILL BE LIMITED TO THREE (3) MINUTES.

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE** - Drew Krcmar and Michael Tuttle, Gifted and Talent Program, Mina Elementary

TEXAS PLEDGE OF ALLEGIANCE - *Honor the Texas Flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible.*
- 3. INVOCATION** - Bob Long, Police Chaplain
- 4. PRESENTATIONS**
 - 4A.** Mayor's Report

[4B.](#) Council Members' Report

[4C.](#) City Manager's Report

[4D.](#) Proclamation of the City Council of the City of Bastrop, pledging to join the National Wildlife Foundation Mayors' Monarch Pledge, striving to make Bastrop a destination for Monarchs and other pollinators.

[4E.](#) Proclamation of the City Council of the City of Bastrop, welcoming the Best Warrior Competition to the City of Bastrop.

5. WORK SESSIONS/BRIEFINGS - NONE

6. STAFF AND BOARD REPORTS

[6A.](#) Receive presentation on the unaudited Monthly Financial Report for the period ending November 30, 2023.

Submitted by: Laura Allen, Assistant Finance Director

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 at least two hours before the meeting starts on the requested date. Comments submitted by this time will be given to the City Council during the meeting and included in the public record, but not 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 January 23, 2024, Regular meeting.

Submitted by: Ann Franklin, City Secretary

- 8B. Consider action to approve the second reading of Ordinance No. 2024-01 of the City Council of the City of Bastrop, Texas, approving the Zoning change for 1.08 +/- acres out of farm lot 67, east of Main Street, located at the northeast corner of State Highway 95 and Farm Street, within the City limits of Bastrop, Texas from P4 Mix to P-CS Civic Space; providing for findings of fact; providing for repealer; providing for severability; providing for enforcement; providing for proper notice and meeting; and establishing an effective date.

Submitted by: Kennedy Higgins – Senior Planner, Development Services

- 8C. Consider action to approve the first reading of Ordinance No. 2024-06 of the City Council of the City of Bastrop, Texas to adopt the 2024 Schedule of Uniform Submittal Dates for Site Development Plans, Zoning Concept Schemes, Plats, Public Improvement Plans, and Neighborhood Regulating Plans in accordance with the Bastrop Building Block (B³) Code Section 2.3.004 Annual Adoption of Schedule of Uniform Submittal Dates, and the Bastrop Building Block (B³) Technical Manual Section 1.2.002 Uniform Submittal Dates, as shown in Exhibit A, establishing a repealing clause, providing severability, providing an effective date, and move to include on the February 27, 2024, Consent Agenda for the second reading.

Submitted by: Kennedy Higgins, Senior Planner, Development Services

- 8D. Consider action to approve Resolution No. R-2024-21 of the City Council of the City of Bastrop, Texas accepting a donation from Mayor Pro Tem Kirkland and family for \$1,300 for the creation of a mural in Delgado Park honoring Minerva Delgado; authorizing the City Manager to execute all necessary documents; providing for a repealing clause; and establishing an effective date.

Submitted by: Sylvia Carrillo, ICMA-CM, CPM, City Manager

9. ITEMS FOR INDIVIDUAL CONSIDERATION

- 9A. Consider action to approve Resolution No. R-2024-18 of the City Council of the City of Bastrop, Texas, approving an Interlocal Agreement between the City, Bastrop County, and West Bastrop Village Municipal Utility District to support Road Maintenance for a certain development of property commonly known as Adelton and more accurately described in the Interlocal Agreement as attached in Exhibit A; authorizing the execution of all necessary documents; providing for a severability and repealing clause; and establishing an effective date.

Submitted by: Andres Rosales, Interim Assistant City Manager

- 9B. Consider Action to approve the first reading of Ordinance No. 2024-03 of the City Council of the City of Bastrop, Texas, amending the Bastrop Code of Ordinances, Chapter 13, Article 13.04 on-site sewage facilities and amending the B3 Technical Manual, Chapter 3, Article 3.2 Infrastructure requirements to align with the state requirements for septic systems on one-half acre lots; and providing for findings of fact, repealer, severability, codification, effective date, proper notice and meeting, and move to include on the February 27, 2024, Consent Agenda for the second reading.

Submitted by: Andres Rosales, Interim Assistant City Manager

- 9C. Consider action to approve Resolution No. R-2024-19 of the City Council of the City of Bastrop, Texas confirming appointment by the Mayor of Keith Ahlborn, to the Zoning Board of Adjustment Place 1, as required in Section 3.08 of the City's Charter, and establishing an effective date.

Submitted by: Ann Franklin, City Secretary

- 9D. Consider Action to approve the first reading of Ordinance No. 2024-04 of the City Council of the City of Bastrop, Texas amending the Code of Ordinances, related to Chapter 12 Titled "Traffic and Vehicles," Article 12.05 Titled "Speed Limits," adding Section 12.05.011 titled "FM 969 speed limits." Zoning for traffic and rate of speed therein, on FM 969 in the city limits of the City of Bastrop; defining speeding and fixing a penalty therefore; declaring what may be a sufficient complaint in prosecutions hereunder; repealing all prior ordinances that are in conflict herewith; and providing for findings of fact, enactment, codification, effective date, repealer, severability, proper notice and meeting as shown in Exhibit A, and move to include on the February 27, 2024 Consent Agenda for the second reading.

Submitted by: Kennedy Higgins, Senior Planner

- 9E. Consider action to approve Resolution No. R-2024-22 of the City Council of the City of Bastrop, Texas, appointing Mayor Lyle Nelson as the City of Bastrop's Clean Air Coalition representative, as required in Article II of the Clean Air Coalition of the Capital Area Council of Governments by-laws; and establishing an effective date.

Submitted by: Sylvia Carrillo, ICMA-CM, CPM, City Manager

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 an amendment to the XS Ranch Consent Agreement.
- 10B. City Council shall convene into closed executive session pursuant to Texas Government Code sections 551.071 and 551.072 to seek the advice of legal counsel and discuss the potential acquisition of real estate relating to the Transfer Lift Station and Force Main project.

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 and said Notice was posted on the following date and time: **Friday, February 9, 2024, at 3:30 p.m.** and remained posted for at least two hours after said meeting was convened.

/s/Victoria Psencik
Victoria Psencik, Assistant City Secretary



STAFF REPORT

MEETING DATE: February 13, 2024

TITLE:

Mayor's Report

AGENDA ITEM SUBMITTED BY:

Submitted by: Sylvia Carrillo, 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: February 13, 2024

TITLE:

Council Members' Report

AGENDA ITEM SUBMITTED BY:

Submitted by: Sylvia Carrillo, 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: February 13, 2024

TITLE:

City Manager's Report

AGENDA ITEM SUBMITTED BY:

Submitted by: Sylvia Carrillo, 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: February 13, 2024

TITLE:

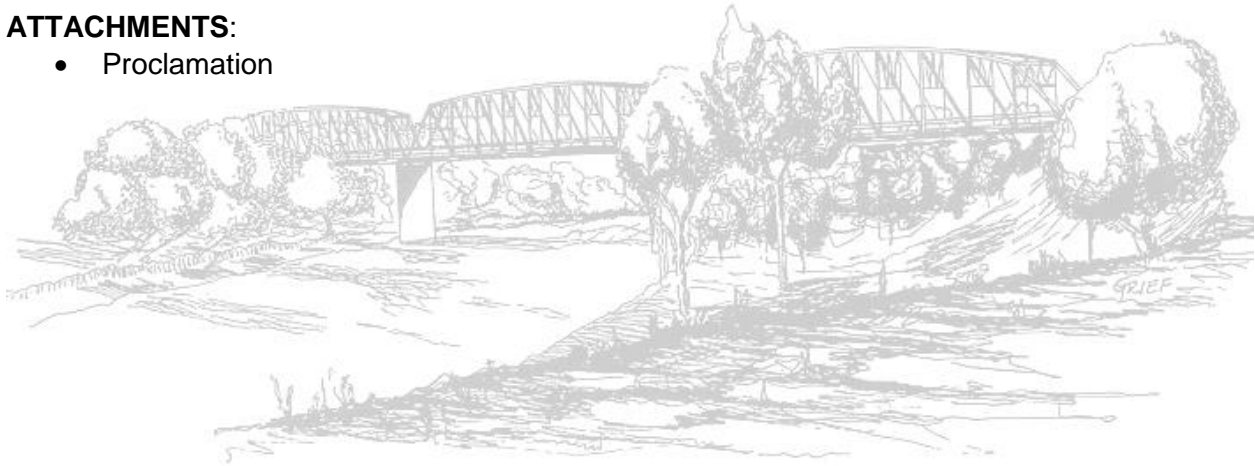
Proclamation of the City Council of the City of Bastrop, pledging to join the National Wildlife Foundation Mayors' Monarch Pledge, striving to make Bastrop a destination for Monarchs and other pollinators.

AGENDA ITEM SUBMITTED BY:

Ann Franklin, City Secretary

ATTACHMENTS:

- Proclamation





PROCLAMATION



WHEREAS, during the spring, Monarch butterflies can travel over 2,500 miles from their over-wintering site in Mexico to summer breeding grounds from northern United States into southern Canada; and

WHEREAS, in late summer, Monarchs born up north return to Mexico, to the same mountainous region and same trees where their ancestors congregated the winter before; and

WHEREAS, Central Texas is part of the “funnel” that Monarchs pass through during both trips; and

WHEREAS, in the spring, Monarchs from Mexico look for milkweeds to lay eggs on, creating the next generation that will travel north; and

WHEREAS, in the fall, Monarchs look for flower nectar to refuel on their way to Mexico; and

WHEREAS, due to the use of herbicides and pesticides, habitat conversion, and adverse land management, Monarch populations have declined about 80% in recent decades; and

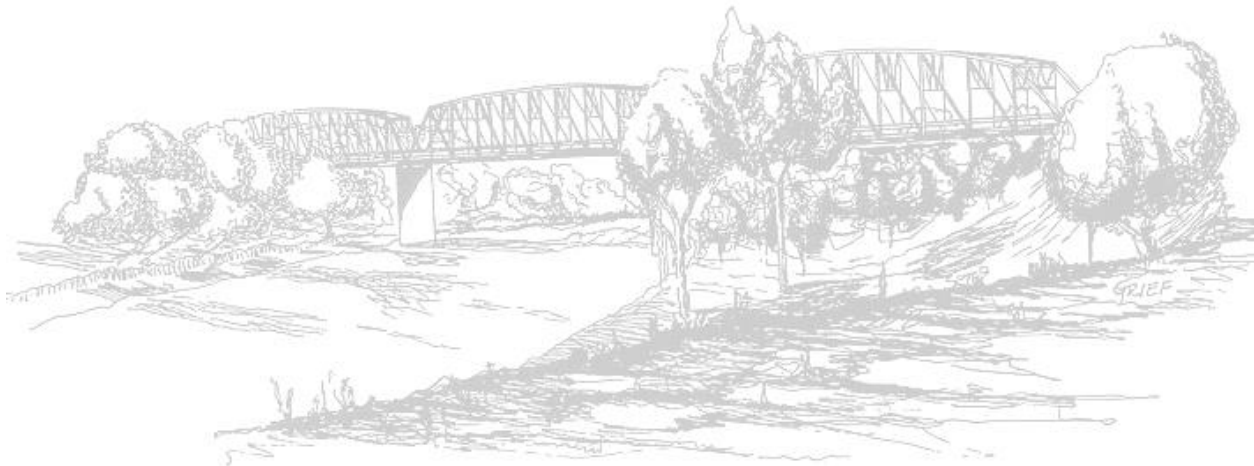
WHEREAS, The City of Bastrop is within this funnel, perfectly located to assist this annual Monarch migration and to help reverse this trend.

THEREFORE, BE IT RESOLVED that through the National Wildlife Federation's Mayors' Monarch Pledge, U.S. cities, municipalities, and other communities are committing to create habitat for the monarch butterfly and pollinators, and to educate residents about how they can make a difference at home and in their community.

NOW, THEREFORE, I, Lyle Nelson, Mayor of the City of Bastrop, Texas, pledge to join the National Wildlife Foundation Mayors' Monarch Pledge, striving to make Bastrop a destination for Monarchs and other pollinators.

IN WITNESS WHEREOF, I have here unto set my hand and caused the Seal of the City of Bastrop, Texas to be affixed this 13th day of February 2024.

Lyle Nelson, Mayor





STAFF REPORT

MEETING DATE: February 13, 2024

TITLE:

Proclamation of the City Council of the City of Bastrop, welcoming the Best Warrior Competition to the City of Bastrop.

AGENDA ITEM SUBMITTED BY:

Ann Franklin, City Secretary

ATTACHMENTS:

- Proclamation





PROCLAMATION



WHEREAS, the “Best Warrior” Competition is an annual state-wide and International event that will take place on the 13th day of March 2024 through the 15th day of March, 2024 at the Camp Swift Training Center in Bastrop, Texas; and

WHEREAS, this friendly contest puts the best Soldiers and Airmen from all National Guard units within the State of Texas along with Soldiers from the countries of Republic of Chile and Czech Republic, against each other to win the Best Non-Commissioned Officer and Best Junior Enlisted for both the Army and Air National Guard; and

WHEREAS, the U.S. winners of these four categories go onto Regional competition and hopefully on to represent the State of Texas at National competitions; and

WHEREAS, to honor the winners, their families, employers and supporters, the Texas Army National Guard Senior Enlisted Advisor, Command Sergeant Major Michelle L. Thompson, will hold a banquet on March 15, 2024.

NOW, THEREFORE, BE IT RESOLVED, that we, the Bastrop City Council, welcome the “Best Warrior” Competition to the City of Bastrop and appreciate the presence of the Texas National Guard and their “Host Nation” partners Czech Republic and the Republic of Chile in our City and encourage our citizens to support this event by welcoming these Guard members into their businesses and our grateful community.

Lyle Nelson, Mayor

John Kirkland, Mayor Pro Tem

Council Member Cheryl Lee, Place 1

Council Member Cynthia Meyer Place 2

Council Member Kevin Plunkett, Place 3

Council Member Jimmy Crouch Place 4



STAFF REPORT

MEETING DATE: February 13, 2024

TITLE:

Receive presentation on the unaudited Monthly Financial Report for the period ending November 30, 2023.

AGENDA ITEM SUBMITTED BY:

Laura Allen, Assistant Finance Director

BACKGROUND/HISTORY:

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

REVENUE

General Fund exceeded the forecast by 4.6%

- Property Tax is 7% below forecast.

Impact Fee Fund is now running 22.5% below forecast due to delays in receiving anticipated fees.

Debt Service Funds are performing slightly lower than forecast due to timing of revenues.

All other funds are positive to forecast.

EXPENDITURES

All funds are positive to forecast amounts.

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 R-2023-123 on August 22, 2023.

CITY OF BASTROP

Comprehensive Monthly Financial Report November 2023



Performance at a Glance as of November 30, 2023



	YEAR TO DATE	REFERENCE
ALL FUNDS SUMMARY		
ALL FUNDS SUMMARY	POSITIVE	Page 3-4
SALES TAXES	POSITIVE	Page 5
PROPERTY TAXES	NEGATIVE	Page 6
GENERAL FUND EXPENSE BY DEPARTMENT	POSITIVE	Page 7
WATER/WASTEWATER REVENUES	POSITIVE	Page 8
WATER/WASTEWATER EXPENDITURES BY DIVISION	POSITIVE	Page 9
ELECTRIC REVENUES	POSITIVE	Page 10
HOTEL OCCUPANCY TAX REVENUES	POSITIVE	Page 11
HOTEL OCCUPANCY TAX EXPENDITURES BY DIVISION	POSITIVE	Page 12
DEVELOPMENT SERVICES	POSITIVE	Page 13
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	

BUDGET SUMMARY OF ALL FUNDS

	<u>FY2024</u> <u>Approved Budget</u>	<u>FY2024</u> <u>Forecast YTD</u>	<u>FY2024</u> <u>Actual YTD</u>	<u>Variance</u>
<u>Revenues:</u>				
General	\$ 16,809,033	\$ 2,083,219	\$ 2,179,859	4.6%
Designated	110,110	39,185	50,231	28.2%
General Fund One-time	88,500	82,000	82,081	0.1%
Development Services	2,476,000	391,333	707,338	80.8%
Street Maintenance	810,000	160,000	160,578	0.4%
Debt Service	4,333,468	770,190	747,908	-2.9%
General Gov's Projects	4,792,000	2,000	2,140	7.0%
Land Acquisition	-	-	11,174	0.0%
Water/Wastewater	8,922,540	1,351,883	1,409,391	4.3%
Water/Wastewater Debt	5,826,460	792,027	606,990	-23.4%
Water/Wastewater Capital Proj	742,000	123,667	126,955	2.7%
Impact Fees	4,848,640	808,107	626,108	-22.5%
Vehicle & Equipment Replacement	1,811,584	841,786	1,026,322	21.9%
Electric	8,872,870	1,142,166	1,311,314	14.8%
HOT Tax Fund	4,441,540	418,419	419,315	0.2%
Library Board	21,000	3,166	5,508	74.0%
Cemetery	198,400	23,067	29,139	26.3%
Capital Bond Projects	220,500	1,230,000	1,231,792	0.1%
Grant Fund	3,865,330	-	-	0.0%
Park/Trail Land Dedicaiton	1,865	311 #	320	2.8%
Hunter's Crossing PID	581,279	15,190	18,651	22.8%
Bastrop EDC	4,746,140	706,643	835,725	18.3%
TOTAL REVENUES	\$ 74,519,259	\$ 10,984,359	\$ 11,588,839	5.5%

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 – November 2023

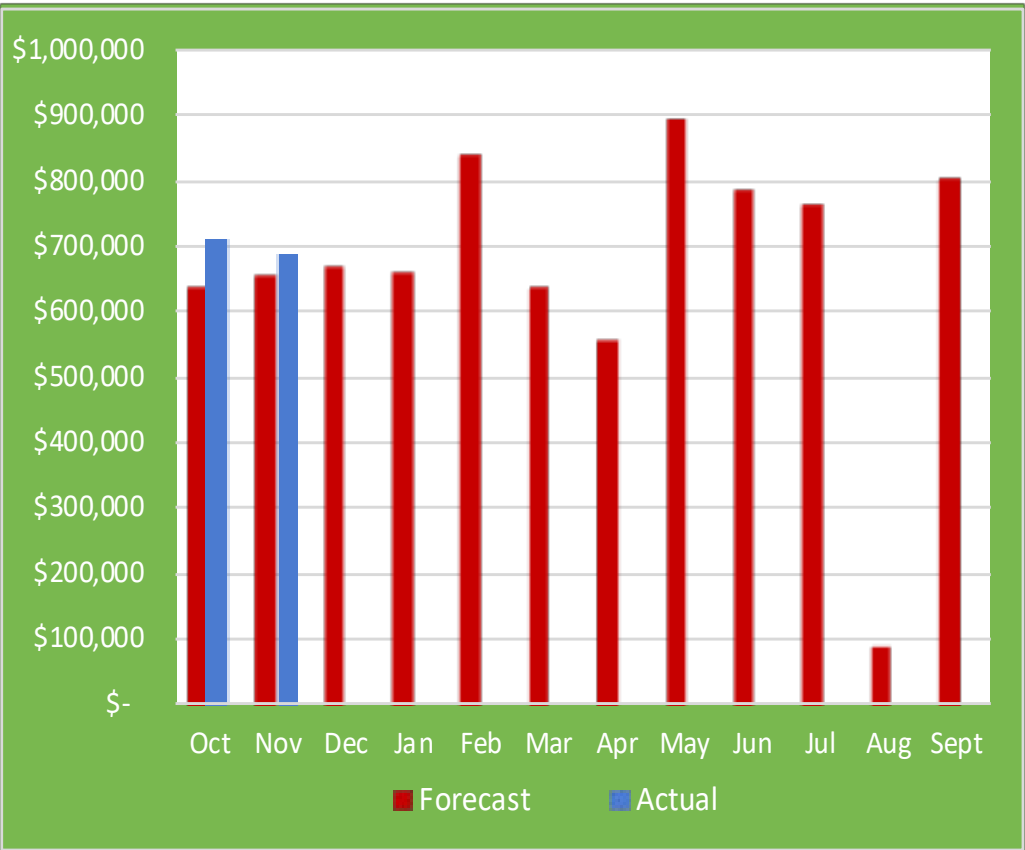
	<u>FY2024</u> <u>Approved Budget</u>	<u>FY2024</u> <u>Forecast YTD</u>	<u>4</u> <u>Actual YTD</u>	<u>Variance</u>
<u>Expense:</u>				
General	\$ 17,940,838	\$ 3,383,996	\$ 344,121	-89.8%
Designated	423,800	10,889	8,865	-18.6%
General Fund One-time	300,500	66,000	23,698	-64.1%
Development Services	1,748,036	258,382	246,192	-4.7%
Street Maintenance	921,483	-	-	
Debt Service	4,746,311	-	-	
General Gov't Projects	5,265,240	35,000	33,184	-5.2%
Water/Wastewater	9,573,234	1,521,847	1,521,495	0.0%
Water/Wastewater Debt	7,070,185	-	-	
Water/Wastewater Capital Proj.	877,000	49,000	48,356	-1.3%
Revenue Bond, Series 2020	156,919	362,000	361,098	-0.2%
CO, Series 2021	385,567	478,000	478,505	0.1%
CO, Series 2023	18,300,000	3,900,000	3,855,510	-1.1%
Impact Fees	6,125,501	1,020,917	224,162	-78.0%
Vehicle & Equipment Replacement	1,804,068	400,678	386,612	-3.5%
Electric	8,945,474	1,185,901	1,191,545	0.5%
HOT Tax Fund	4,283,786	1,368,695	1,312,795	-4.1%
Library Board	17,500	7,666	2,736	-64.3%
Cemetery	249,243	48,207	48,963	1.6%
Hunter's Crossing PID	559,019	20,084	21,770	8.4%
CO, Series 2018	470,801	27,000	26,197	-3.0%
Limited Tax Note, Series 2020	50,314	2,000	1,929	0.0%
America Rescue Plan	2,388,071	-	-	0.0%
CO, Series 2022	2,079,371	-	360	
CO, Series 2023	13,125,000	-	-	
Grant Fund	3,865,330	32,303	32,303	0.0%
Bastrop EDC	10,350,970	1,725,160	241,256	-86.0%
TOTAL EXPENSES	\$ 122,023,561	\$ 15,903,725	\$ 10,411,653	-34.5%

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

REVENUE ANALYSIS

SALES TAX REVENUE

Month	FY2024 Forecast	FY2024 Actual	Monthly Variance
Oct	\$ 637,316	\$ 707,134	\$ 69,818
Nov	655,140	686,329	\$ 31,189
Dec	665,095		\$ (665,095)
Jan	656,648		\$ (656,648)
Feb	837,006		\$ (837,006)
Mar	637,297		\$ (637,297)
Apr	554,894		\$ (554,894)
May	892,389		\$ (892,389)
Jun	784,038		\$ (784,038)
Jul	762,715		\$ (762,715)
Aug	86,161		\$ (86,161)
Sept	802,532		\$ (802,532)
Total	\$ 7,971,231	\$ 1,393,463	\$ (6,577,768)
Cumulative Forecast	\$ 1,292,456		
Actual to Forecast	\$ 101,007	7.8%	

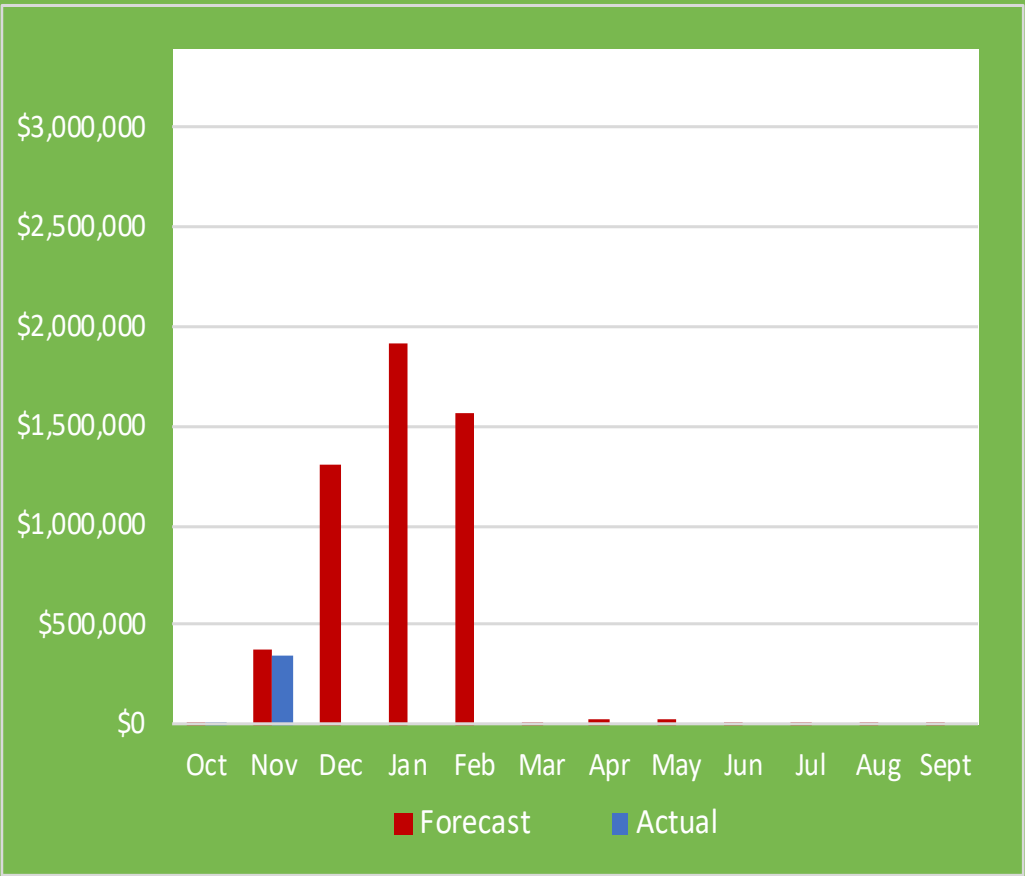


POSITIVE

Sales Tax is 46% 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 7.8% greater than forecasted.

PROPERTY TAX REVENUE

<u>Month</u>	<u>FY2024 Forecast</u>	<u>FY2024 Actual</u>	<u>Monthly Variance</u>
Oct	\$ 10,451	\$ 13,951	\$ 3,500
Nov	369,713	339,559	\$ (30,154)
Dec	1,306,795		\$ (1,306,795)
Jan	1,910,693		\$ (1,910,693)
Feb	1,567,096		\$ (1,567,096)
Mar	15,704		\$ (15,704)
Apr	26,116		\$ (26,116)
May	26,116		\$ (26,116)
Jun	10,498		\$ (10,498)
Jul	10,498		\$ (10,498)
Aug	10,498		\$ (10,498)
Sept	10,498		\$ (10,498)
Total	\$ 5,274,676	\$ 353,509	\$ (4,921,167)
Cumulative Forecast	\$ 380,164		
Actual to Forecast	\$ (26,655)	-7.01%	



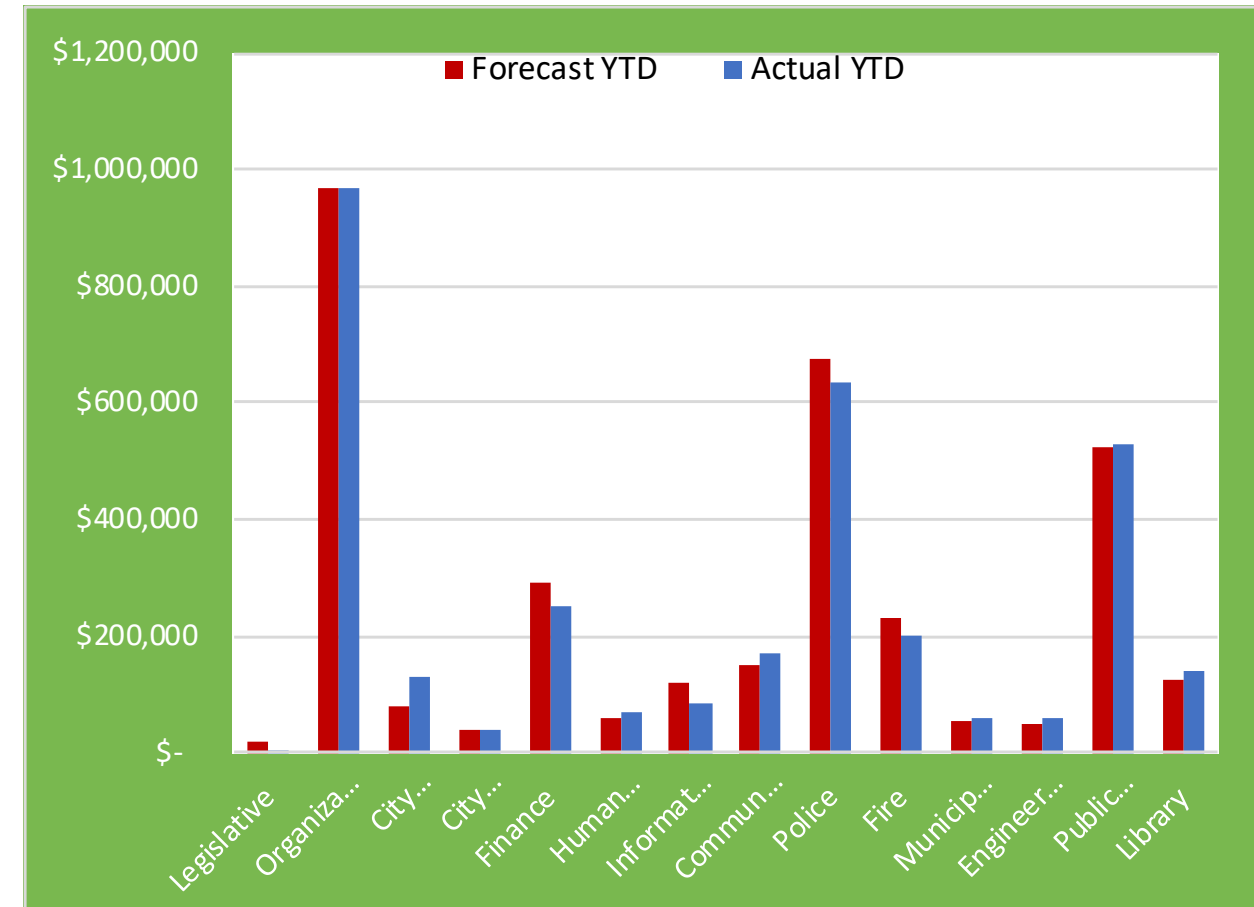
Negative

Property tax represents 29% of the total General Fund revenue budget. As you can see from the forecast, they are generally collected from December to February. As of November projections are under by 7%.

EXPENSE ANALYSIS

GENERAL FUND EXPENDITURES BY DEPT.

Division	FY2024 Forecast YTD	FY2024 Actual YTD	Variance
Legislative	\$ 17,434	\$ 2,194	\$ (15,240)
Organizational	969,029	968,246	\$ (783)
City Manager	81,408	128,761	\$ 47,353
City Secretary	39,876	40,460	\$ 584
Finance	290,350	251,460	\$ (38,890)
Human Resources	57,625	70,472	\$ 12,847
Information Technology	119,279	85,615	\$ (33,664)
Community Engagement	149,155	172,928	\$ 23,773
Police	673,319	636,949	\$ (36,370)
Fire	231,679	202,254	\$ (29,425)
Municipal Court	57,195	57,411	\$ 216
Engineering	48,031	58,157	\$ 10,126
Public Works	524,147	528,340	\$ 4,193
Library	125,469	140,875	\$ 15,406
Total	\$ 3,383,996	\$ 3,344,121	\$ (39,875)



Actual to Forecast

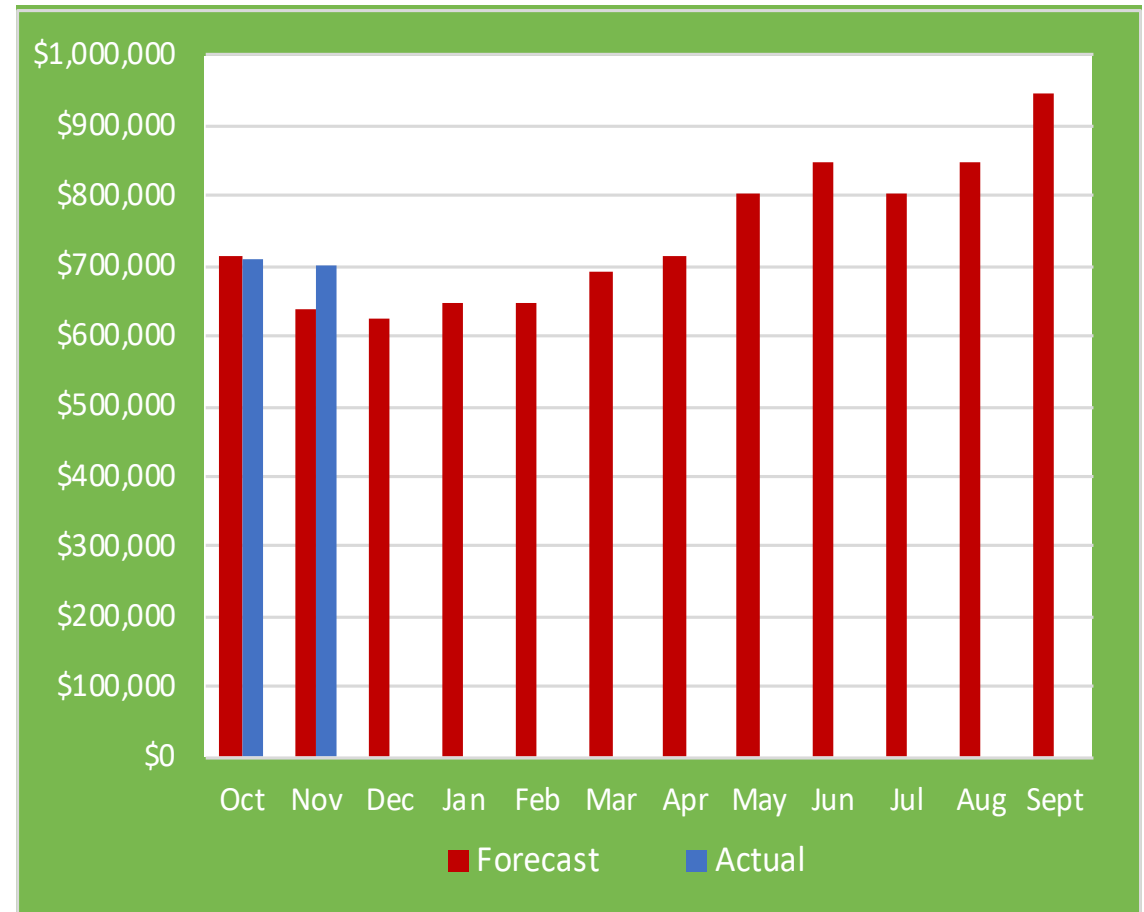
98.8%

POSITIVE

This page compares forecast to actual by department within the General Fund. YTD compared to actual is 98.8% of forecast.

WATER/WASTEWATER REVENUE

Month	FY2024 Forecast	FY2024 Actual	Monthly Variance
Oct	\$ 714,185	\$ 709,116	\$ (5,069)
Nov	637,698	700,275	\$ 62,577
Dec	625,252		\$ (625,252)
Jan	646,845		\$ (646,845)
Feb	647,698		\$ (647,698)
Mar	692,591		\$ (692,591)
Apr	714,185		\$ (714,185)
May	802,265		\$ (802,265)
Jun	846,305		\$ (846,305)
Jul	803,118		\$ (803,118)
Aug	847,158		\$ (847,158)
Sept	945,239		\$ (945,239)
Total	\$ 8,922,539	\$ 1,409,391	\$ (7,513,148)
Cumulative Forecast	\$ 1,351,883		
Actual to Forecast	\$ 57,508	4.25%	



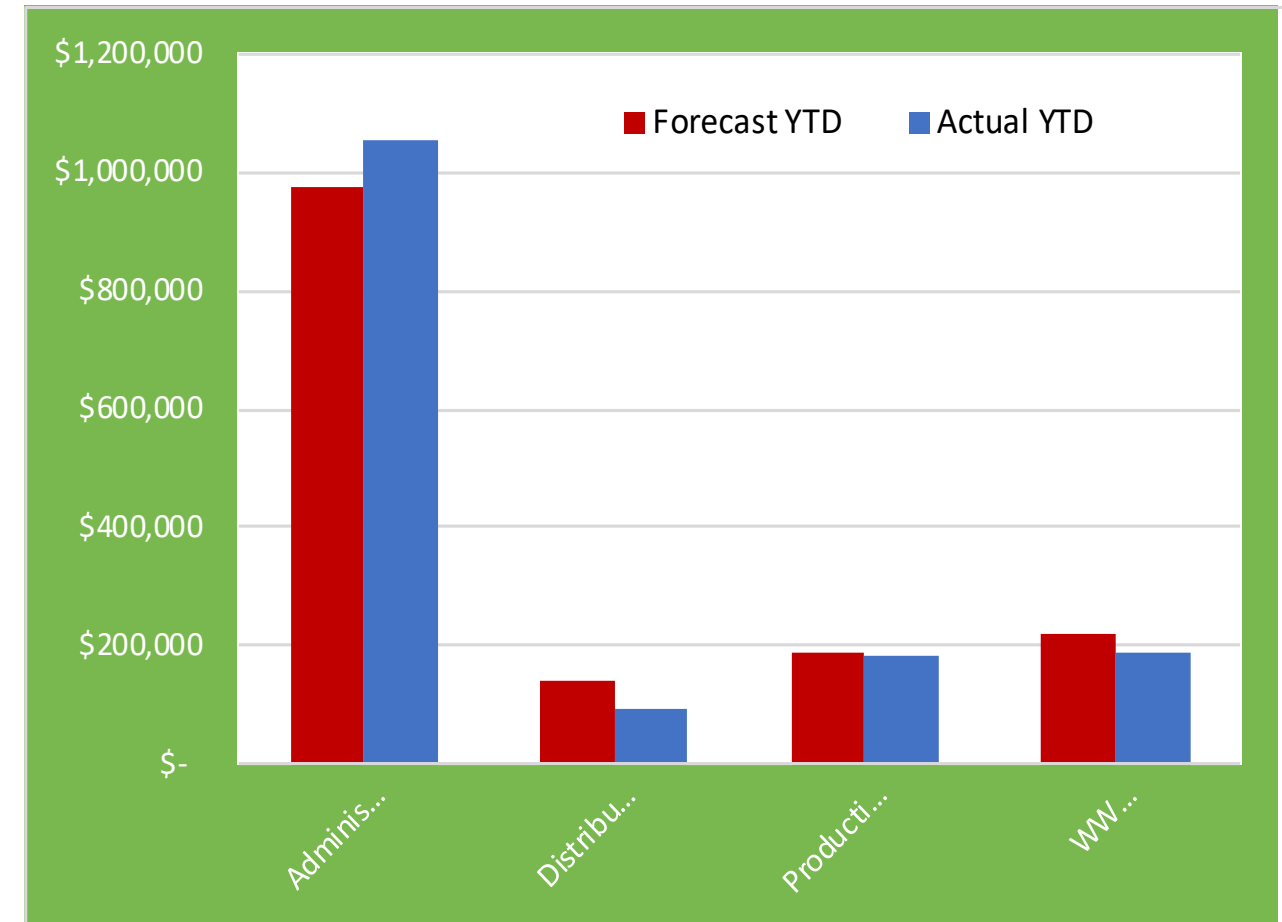
POSITIVE

The water and wastewater actual revenue is slightly over forecast by 4.25%. There were 24 new meters set this month, all residential.

EXPENSE ANALYSIS

WATER/WASTEWATER EXPENDITURES BY DIVISION

<u>Division</u>	FY2024 <u>Forecast YTD</u>	FY2024 <u>Actual YTD</u>	<u>Variance</u>
Administration	\$ 975,717	\$ 1,055,209	\$ 79,492
Distribution/Collection	140,322	92,921	\$ (47,401)
Production/Treatment	186,405	182,187	\$ (4,218)
WW Treatment Plant	<u>219,403</u>	<u>191,178</u>	<u>\$ (28,225)</u>
Total	<u>\$ 1,521,847</u>	<u>\$ 1,521,495</u>	<u>\$ (352)</u>
Actual to Forecast		100.0%	



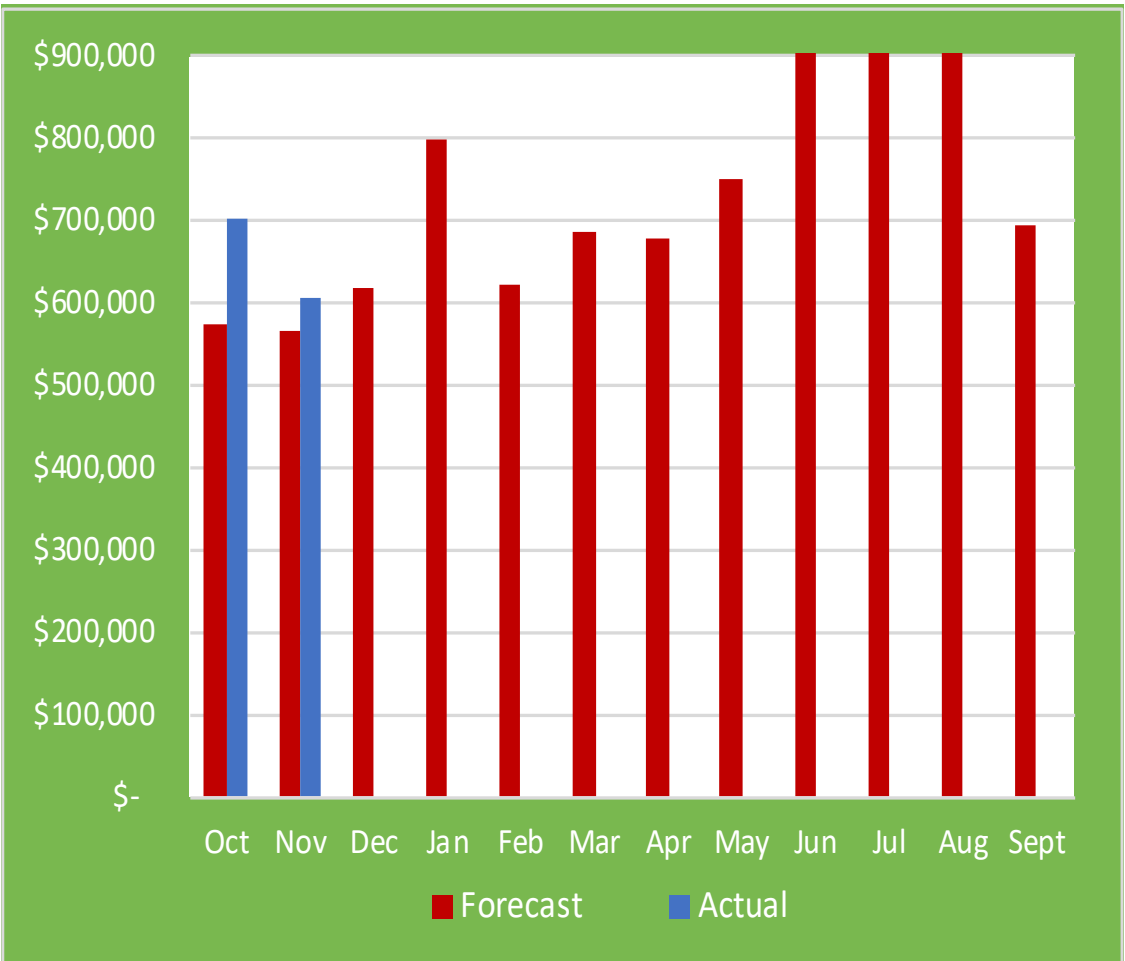
POSITIVE

This page compares actual to forecast by the divisions within the Water/Wastewater department. The actual is 100% compared to forecast.

REVENUE ANALYSIS

ELECTRIC FUND REVENUE

<u>Month</u>	<u>FY2024 Forecast</u>	<u>FY2024 Actual</u>	<u>Monthly Variance</u>
Oct	\$ 575,326	\$ 703,860	\$ 128,534
Nov	566,839	607,454	\$ 40,615
Dec	618,711		\$ (618,711)
Jan	797,829		\$ (797,829)
Feb	624,315		\$ (624,315)
Mar	685,769		\$ (685,769)
Apr	679,865		\$ (679,865)
May	750,730		\$ (750,730)
Jun	1,015,258		\$ (1,015,258)
Jul	932,041		\$ (932,041)
Aug	931,616		\$ (931,616)
Sept	694,848		\$ (694,848)
Total	\$ 8,873,147	\$ 1,311,314	\$ (7,561,833)
Cumulative Forecast	\$ 1,142,165		
Actual to Forecast	\$ 169,149	14.81%	



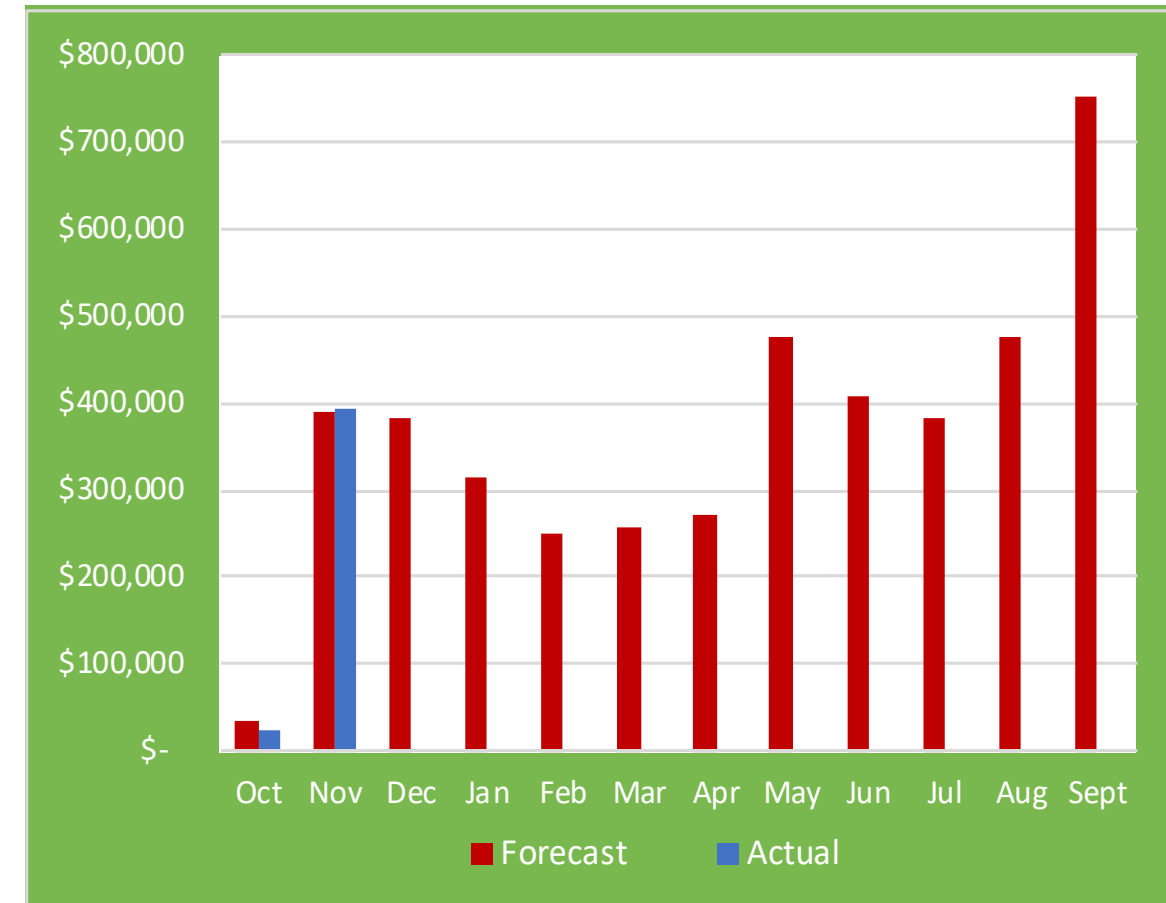
POSITIVE

The Electric utility revenue is 14.81% above forecasted revenue. There was 0 new meters set this month.

REVENUE ANALYSIS

HOTEL OCCUPANCY TAX REVENUE

Month	FY2024 Forecast	FY2024 Actual	Monthly Variance
Oct	\$ 34,920	\$ 24,179	\$ (10,741)
Nov	388,499	395,136	\$ 6,637
Dec	382,746		\$ (382,746)
Jan	315,943		\$ (315,943)
Feb	249,376		\$ (249,376)
Mar	256,613		\$ (256,613)
Apr	269,950		\$ (269,950)
May	474,738		\$ (474,738)
Jun	406,142		\$ (406,142)
Jul	381,294		\$ (381,294)
Aug	474,118		\$ (474,118)
Sept	753,684		\$ (753,684)
Total	\$ 4,388,023	\$ 419,315	\$ (3,968,708)
Cumulative Forecast	\$ 423,419		
Actual to Forecast %	\$ (4,104)	-1.0%	



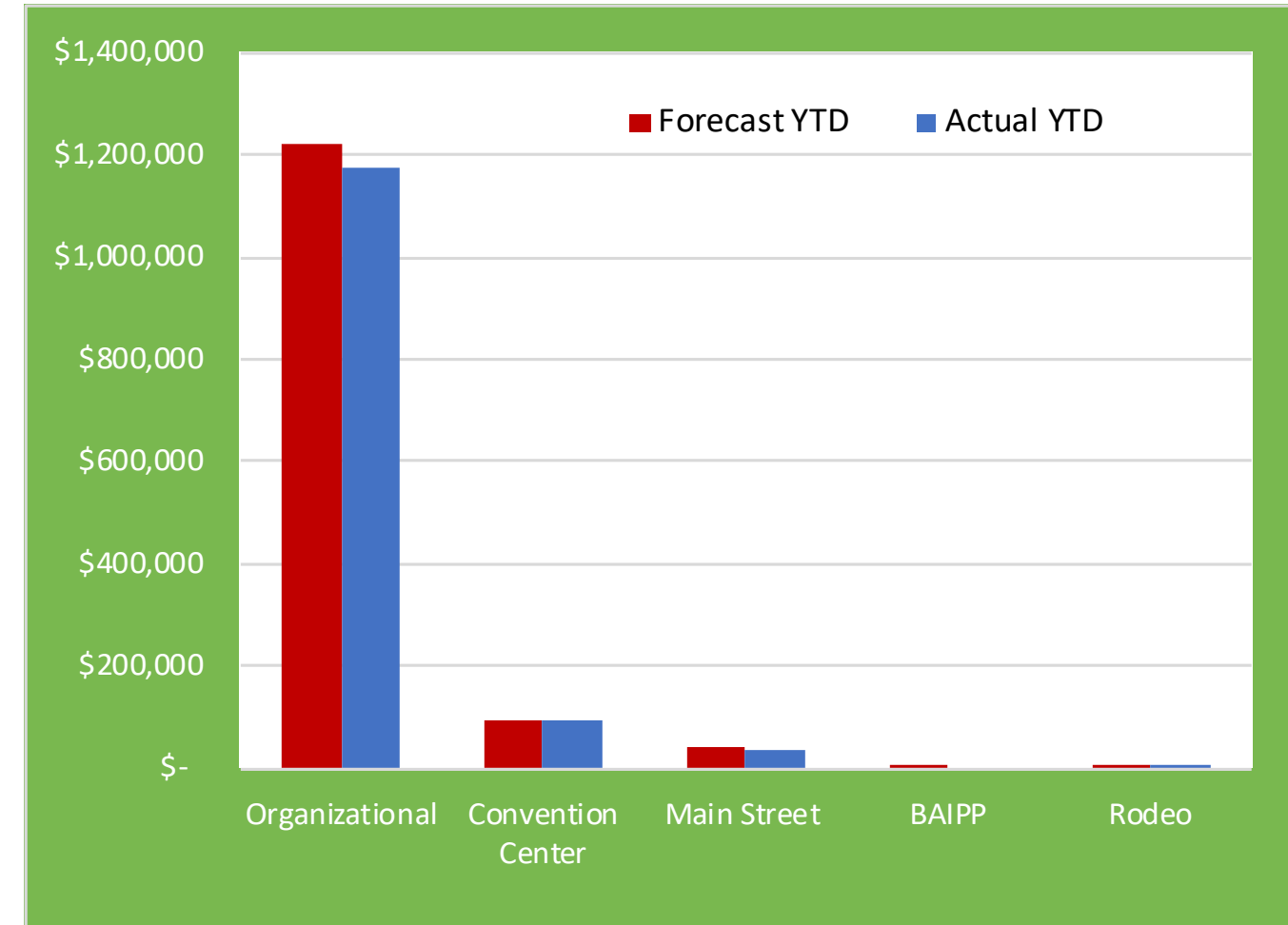
POSITIVE

This report is based on a cash method. The revenue is received by the City the month after collection. Actual is 1% less than forecast due to timing of revenue received.

EXPENSE ANALYSIS

HOTEL OCCUPANCY TAX EXPENDITURES BY DIVISION

<u>Division</u>	<u>FY2024 Forecast YTD</u>	<u>FY2024 Actual YTD</u>	<u>Variance</u>
Organizational	\$ 1,224,136	\$ 1,175,326	\$ (48,810)
Convention Center	93,720	95,459	\$ 1,739
Main Street	41,138	35,907	\$ (5,231)
BAIPP	9,167	-	\$ (9,167)
Rodeo	<u>534</u>	<u>6,103</u>	\$ 5,569
Total	<u>\$ 1,368,695</u>	<u>\$ 1,312,795</u>	<u>\$ (55,900)</u>
Actual to Forecast		95.9%	



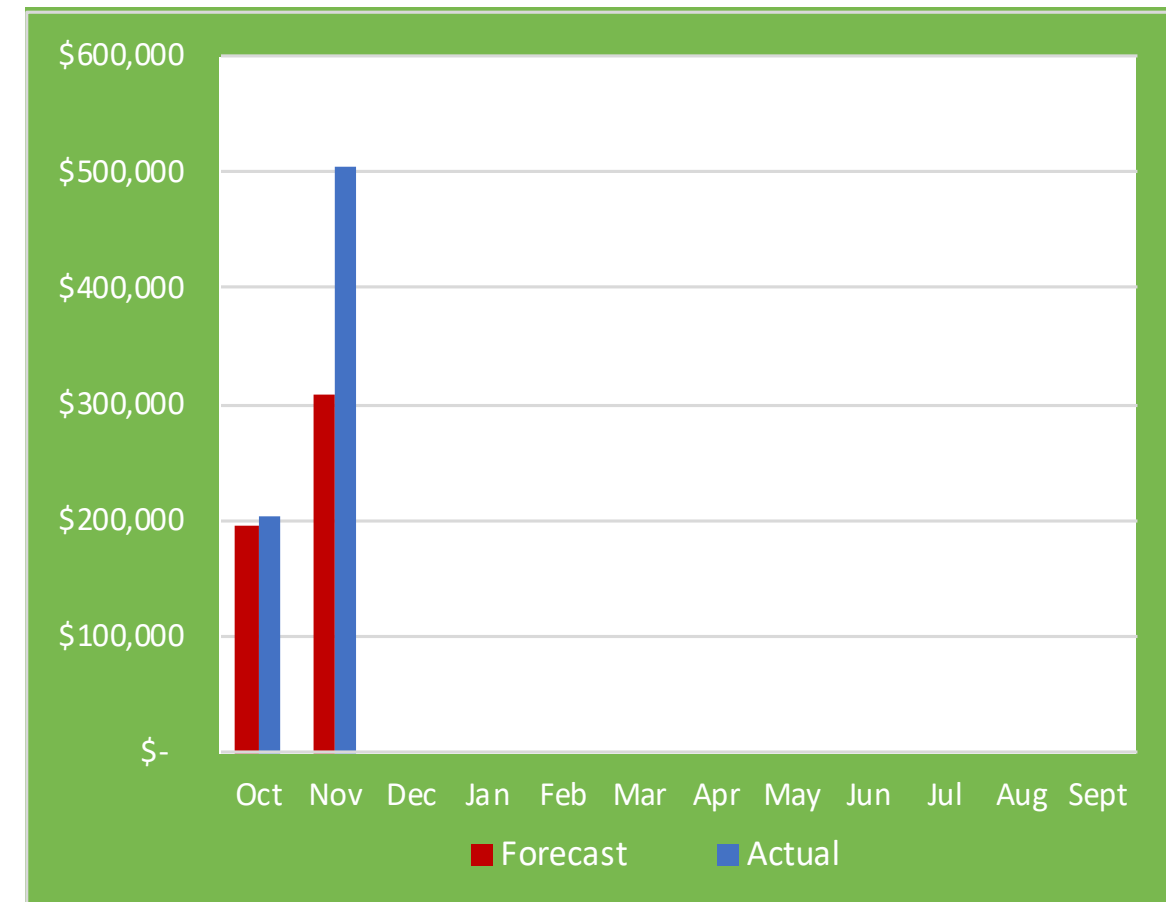
POSITIVE

This compares actual to forecast for each division located in the Hotel Occupany Tax Fund. YTD is reporting actual at 95.9% of forecast.

REVENUE ANALYSIS

DEVELOPMENT SERVICES REVENUE

Month	FY2024 Forecast	FY202 Actual	Monthly Variance
Oct	\$ 195,667	\$ 203,573	\$ 7,906
Nov	308,098	503,765	\$ 195,667
Dec			\$ -
Jan			\$ -
Feb			\$ -
Mar			\$ -
Apr			\$ -
May			\$ -
Jun			\$ -
Jul			\$ -
Aug			\$ -
Sept			\$ -
Total	\$ 503,765	\$ 707,338	\$ 203,573
Cumulative Forecast	\$ 503,765		
Actual to Forecast %	\$ 203,573	40.4%	



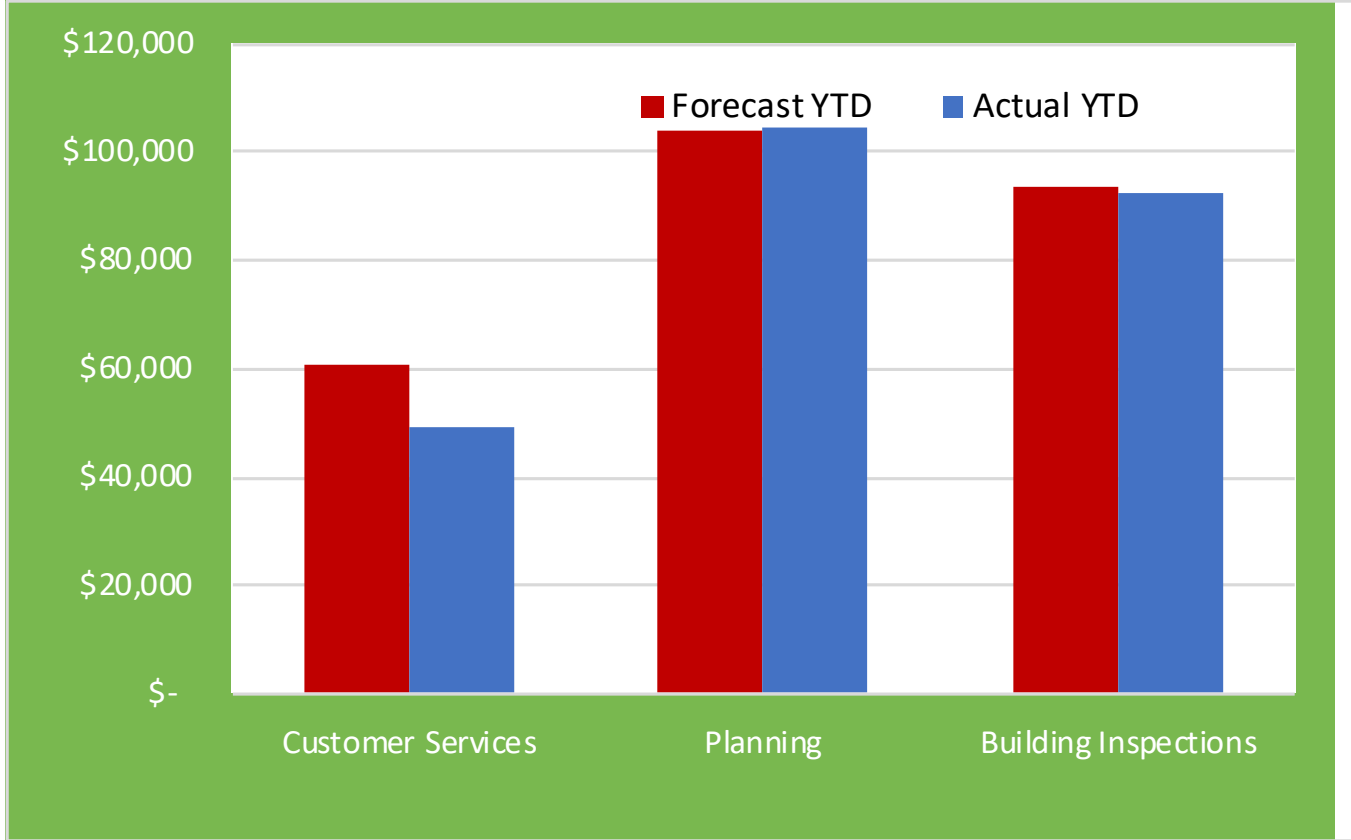
POSITIVE

FY2024 is the first year for reporting Development Services within their own fund. The revenue of actual compared to forecast is 40% over.

EXPENSE ANALYSIS

DEVELOPMENT SERVICES EXPENDITURES BY DIVISION

<u>Division</u>	<u>FY2024 Forecast YTD</u>	<u>FY2024 Actual YTD</u>	<u>Variance</u>
Customer Services	\$ 61,026	\$ 49,026	\$ (12,001)
Planning	103,965	104,550	\$ 585
Building Inspections	93,391	92,615	\$ (776)
Total	\$ 258,382	\$ 246,191	\$ (12,192)
Actual to Forecast	95.3%		



POSITIVE

FY2024 is the first year reporting Developme Services within their own fund. The expenditures of actual compared to forecast is 95.3%.



STAFF REPORT

MEETING DATE: February 13, 2024

TITLE:

Consider action to approve City Council minutes from the January 23, 2024, Regular meeting.

AGENDA ITEM SUBMITTED BY:

Ann Franklin, City Secretary

BACKGROUND/HISTORY:

N/A

FISCAL IMPACT:

N/A

RECOMMENDATION:

Consider action to approve City Council minutes from the January 23, 2024, Regular meeting.

ATTACHMENTS:

- January 23, 2023, DRAFT Regular Meeting Minutes.



JANUARY 23, 2024

The Bastrop City Council met in a regular meeting on Tuesday, January 23, 2024, at 6:30 p.m. at the Bastrop City Hall Council Chambers, located at 1311 Chestnut Street, Bastrop, Texas. Members present were: Mayor Nelson and Mayor Pro Tem Kirkland and Council Members Lee, Meyer, Crouch, and Plunkett. Officers present were: City Manager, Sylvia Carrillo; City Secretary, Ann Franklin; and City Attorney, Alan Bojorquez.

CALL TO ORDER

Mayor Nelson called the meeting to order at 6:30 p.m. with a quorum present.

PLEDGE OF ALLEGIANCE

Eva Mariyam, Cedar Creek Middle School Student Council led the pledges.

INVOCATION

Dale Burke, Police Chaplain, gave the invocation.

PRESENTATIONS

4C. City Manager's Report

EXECUTIVE SESSION

The City Council met at 6:41 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 Texas Government Code sections 551.071 and 551.072 to seek the advice of legal counsel regarding possible real estate acquisitions related to the African American Cultural Center and Freedom Colonies Museum.

Mayor Nelson recessed the Executive Session at 6:58 p.m.

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

10A. City Council shall convene into closed executive session pursuant to Texas Government Code sections 551.071 and 551.072 to seek the advice of legal counsel regarding possible real estate acquisitions related to the African American Cultural Center and Freedom Colonies Museum.

A motion was made by Mayor Pro Tem Kirkland to direct staff to work on a comprehensive master plan and lease agreement for the Bastrop County African American Cultural Center and Freedom Colonies Museum, seconded by Council Member Meyer, motion was approved on a 5-0 vote.

PRESENTATIONS CONTINUED

4A. Mayor's Report

4B. Council Members' Report

- 4D. Proclamation of the City Council of the City of Bastrop, Texas recognizing the month of February 2024 as Black History Month.
Submitted by: Ann Franklin, City Secretary
Proclamation was read into record by Mayor Nelson and accepted by Doris Williams, President, Board of Directors, Bastrop County African American Cultural Center & Freedom Colonies Museum.

WORK SESSIONS/BRIEFINGS

- 5A. Presentation by the Capital Area Metro Planning Organization regarding the Loop 150 Corridor Study.
Presented by: CAMPO
This item was pulled from the agenda.

STAFF AND BOARD REPORTS

- 6A. Receive presentation on the unaudited Monthly Financial Report for the period ending September 30, 2023.
Submitted by: Edi McIlwain, Chief Financial Officer and Laura Allen, Assistant Finance Director
Presentation was made by Laura Allen, Assistant Finance Director.
- 6B. Receive presentation of the Strategic Budget Planning Calendar for Fiscal Year 2024-2025.
Submitted by: Laura Allen, Assistant Finance Director
Presentation was made by Laura Allen, Assistant Finance Director.
- 6C. Receive presentation on the unaudited Monthly Financial Report for the period ending October 31, 2023.
Submitted by: Laura Allen, Assistant Finance Director
Presentation was made by Laura Allen, Assistant Finance Director.

CITIZEN COMMENTS

SPEAKER(S)

**Kirk Harrison
Bulverde, TX
210-872-1708**

**Elise Dinozzo
313 Cedar St.
Bastrop, TX**

**Shirley Baugh
185 Hasler Shores Dr.
512-304-5526**

**Anne Herrington
110 Big Horn Pass**

Bastrop, TX 7862
512-694-4804

Stacy Neef
1253 Hwy. 304
Bastrop, TX 78602

Dax Havrilak
779 Peach Creek Rd.
Rosanky, Tx
214-364-0085

Monica Carson
108 Nichols Ln.
Bastrop

CONSENT AGENDA

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

- 8A. Consider action to approve City Council minutes from the January 9, 2024, Regular meeting.
Submitted by: Ann Franklin, City Secretary

- 8B. Consider action to approve Resolution No. R-2024-11 of the City Council of the City of Bastrop, Texas, calling for and establishing the procedures for a May 4, 2024, General Election for Bastrop, Texas; and providing an effective date.
Submitted by: Ann Franklin, City Secretary

- 8C. Consider action to approve Resolution No. R-2024-12 of the City Council of the City of Bastrop, Texas, approving a contract for election services between the Elections Administrator of Bastrop County and the City of Bastrop for the May 4, 2024, General Election for Bastrop, Texas, attached as Exhibit A; authorizing the City Manager to execute all necessary documents; and providing an effective date.
Submitted by: Ann Franklin, City Secretary

- 8D. Consider Action to Approve Resolution No. R-2024-10 of the City Council of The City of Bastrop on City Staff’s Recommendation Regarding the Bids Received for the Bastrop Power & Light Project No. 001, Regarding the 12.47 KV Overhead Electrical Distribution Line Improvements from the 2014-2019 System Study Projects 5 And 11, Providing for a Repealing Clause, and Establishing an Effective Date.
Submitted by: Gregory S. McCaffery, P.E., CFM, Assistant Director of Engineering and Capital Project Management

ITEMS FOR INDIVIDUAL CONSIDERATION

- 9A. Hold public hearing and consider action to approve the first reading of Ordinance No. 2024-01, of the Bastrop City Council of the City of Bastrop, Texas, approving the Zoning Concept Scheme from P4 Mix to P-CS Civic Space for the area described as 1.08 +/-acres of land out of the Farm Lot 67 east of Main Street located at the northeast corner of State Highway 95 and Farm Street, within the city limits of Bastrop, Texas and move to include on the February 13, 2024 Regular Agenda for second reading.
Submitted by: Kennedy Higgins – Planner, Development Services
Presentation was made James Cowey, Development Services.

Public hearing was opened.

Public hearing was closed.

A motion was made by Council Member Plunkett to approve the first reading of Ordinance No. 2024-01, seconded by Council Member Lee, motion was approved on a 5-0 vote.

- 9B. Consider action to approve Resolution R-2024-09 of the City Council of the City of Bastrop, Texas, approving the City of Bastrop, Texas Library User Responsibility and Conduct Policy, which is attached as Exhibit A; providing for a repealing clause; and establishing an effective date.
Submitted by: Bonnie Pierson, Library Director
Presentation was made by Bonnie Pierson, Library Director.

A motion was made by Council Member Meyer to approve Resolution No. R-2024-09, seconded by Council Member Crouch, motion was approved on a 5-0 vote.

- 9C. Consider action to approve Resolution No. R-2024-13 of the City Council of the City of Bastrop, Texas confirming appointment by the Mayor of Gary Moss, to the Historic Landmark Commission Place 5, as representative of the Planning and Zoning Commission, as required in Section 3.08 of the City's Charter, and establishing an effective date.
Submitted by: Ann Franklin, City Secretary
A motion was made by Mayor Pro Tem Kirkland to approve Resolution No. R-2024-13, seconded by Council Member Plunkett, motion was approved on a 5-0 vote.

- 9G. Consider and act to accept \$1,200 from St. David's Hospital to the City of Bastrop for the creation of a mural in Delgado Park honoring Minerva Delgado.
Submitted by: Sylvia Carrillo, ICMA-CM, CPM, City Manager
Presentation was made by Sylvia Carrillo, ICMA-CM, CPM, City Manager.

SPEAKER

**Kerry Fossler
1903 Main St.
Bastrop, TX**

Mayor Pro Tem Kirkland and family made a donation of \$1,300 to the City of Bastrop for the creation of a mural in Delgado Park honoring Minerva Delgado.

A motion was made by Council Member Lee to accept \$1,200 from St. David's Hospital to the City of Bastrop for the creation of a mural in Delgado Park honoring Minerva Delgado, seconded by Council Member Plunkett, motion was approved on a 5-0 vote.

- 9D. Consider action to approve Resolution No. R-2024-14 of the City Council of the City of Bastrop, Texas appointing Lyle Nelson and Krystal Grimes as the City's liaisons to the newly created Bastrop County Public Health Department Task Force, as authorized by Section 3.01 of the City's Charter, and establishing an effective date.
Submitted by: Ann Franklin, City Secretary
A motion was made by Council Member Meyer to approve Resolution No. R-2024-14, seconded by Council Member Lee, motion was approved on a 5-0 vote.

- 9E. Consider and act to amend the Hotel Occupancy Tax fund budget by increasing it by an amount not to exceed \$225,000 to cover emergency repair expenses to the Visitor Center and Museum located at 904 Main, Bastrop, Texas.
Submitted by: Sylvia Carrillo, ICMA-CM, CPM, City Manager
Presentation was made by Sylvia Carrillo, ICMA-CM, CPM, City Manager.

A motion was made by Council Member Plunkett to amend the Hotel Occupancy Tax fund budget by increasing it by an amount not to exceed \$225,000, seconded by Council Member Meyer, motion was approved on a 5-0 vote.

- 9F. Consider action to approve Resolution No. R-2024-15, of the City Council of the City of Bastrop, Texas, authorizing execution of a Master Agreement between Aqua Water Supply Corporation, and the City of Bastrop, regarding consent to transfer portions of its certificated retail water service area to the City; providing for severability; providing for repeal; and providing an effective date.
Submitted by: Sylvia Carrillo, ICMA-CM, CPM, City Manager
Presentation was made by Sylvia Carrillo, ICMA-CM, CPM, City Manager.

A motion was made by Council Member Lee to approve Resolution No. R-2024-15, seconded by Council Member Crouch, motion was approved on a 5-0 vote.

9H. Consider action to approve Resolution No. R-2024-16 of the City Council of the City of Bastrop, Texas, approving an interlocal agreement with the City of Hurst for the purchase of various goods and services; authorizing the negotiation and execution of all necessary documents; providing for repeal; and providing an effective date.

Submitted by: Andres Rosales, Interim Assistant City Manager

Presentation was made by Andres Rosales, Interim Assistant City Manager.

A motion was made by Mayor Pro Tem Kirkland to approve Resolution No. R-2024-16, seconded by Council Member Plunkett, motion was approved on a 5-0 vote.

9I. Consider action to authorize the City Manager to negotiate and execute a contract with Holbrook Asphalt Company in the amount not to exceed \$1,300,000.00 for the purchase of high-density mineral bond seal (“HA5”) treatment for asphalt pavement and traffic control through use of the City of Hurst Interlocal Purchasing Agreement.

Submitted by: Andres Rosales, Interim Assistant City Manager

Presentation was made by Andres Rosales, Interim Assistant City Manager .

A motion was made by Council Member Plunkett to approve authorize the City Manager to negotiate and execute a contract with Holbrook Asphalt Company in the amount not to exceed \$1,300,000.00, seconded by Council Member Lee, motion was approved on a 5-0 vote.

Adjourned at 8:45 p.m. without objection.

APPROVED:

ATTEST:

Mayor Lyle Nelson

City Secretary Ann Franklin

The Minutes were approved on February 13, 2024, by Council Member **Name**'s motion, Council Member **Name**'s second. The motion was approved on a **5-0** vote.



STAFF REPORT

MEETING DATE: February 13, 2024

TITLE:

Consider action to approve the second reading of Ordinance No. 2024-01 of the City Council of the City of Bastrop, Texas, approving the Zoning change for 1.08 +/- acres out of farm lot 67, east of Main Street, located at the northeast corner of State Highway 95 and Farm Street, within the City limits of Bastrop, Texas from P4 Mix to P-CS Civic Space; providing for findings of fact; providing for repealer; providing for severability; providing for enforcement; providing for proper notice and meeting; and establishing an effective date.

AGENDA ITEM SUBMITTED BY:

Kennedy Higgins – Senior Planner, Development Services

ITEM DETAILS:

Site Address:	1207B & 1305 SH 95, Bastrop TX (Attachment 1)
Parcel ID #	32711 and 32747
Total Acreage:	1.078 acres
Acreage Rezoned:	1.078 acres
Legal Description:	0.711 acres out of Farm Lot, Block 67 E M Street and 0.367 acres out of Farm Lot, Block 67 E M Street
Property Owner:	City of Bastrop
Existing Use:	Vacant/Undeveloped
Existing Zoning:	P5 Core and P4 Mixed Use
Proposed Zoning:	Civic Space
Future Land Use:	Parks and Open Space

BACKGROUND:

Following the acquisition of the property located at 1305 SH 95, the City took decisive action to demolish the deteriorating structure on the premises, prioritizing public safety and well-being. Presently, this parcel of land stands vacant, harmoniously aligning with the zoning characteristics of the adjacent property owned by the City, known as Civic Space. There is potential for this space to contribute to the expansion of Fairview Cemetery, enhancing its significance to the community. Similarly, these strategic considerations and policies will be equally applicable to another City-owned property situated at 1207B SH 95, ensuring a cohesive and well-planned development approach.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

On 12/21/2023 the Planning and Zoning Commission has recommended the approval of the Zoning Concept Scheme to change 1207B and 1305 State Highway 95 parcels from P5 Core and P4 Mix to Civic Space

RECOMMENDATION:

Consider action to approve the second reading as written.

ATTACHMENTS:

- Attachment 1: Memo – Planning and Zoning Staff Report
- Attachment 2: Ordinance No. 2024-01



To: Sylvia Carrillo, City Manager

From: Planning & Development

Date: December 21, 2023

Subject: 1207B and 1305 State Highway 95 Zoning Concept Scheme



=====

ITEM DETAILS:

Site Address: 1207B & 1305 SH 95, Bastrop TX (Attachment 1)
 Parcel ID # R32711 and R32747
 Total Acreage: 1.078 acres
 Acreage Rezoned: 1.078 acres
 Legal Description: 0.711 acres out of Farm Lot, Block 67 E M Street and 0.367 acres out of Farm Lot, Block 67 E M Street

Property Owner: City of Bastrop

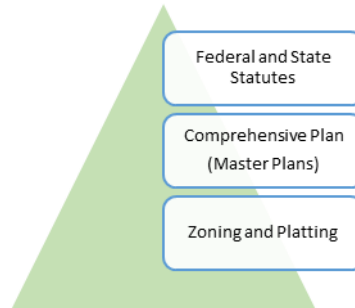
Existing Use: Vacant/Undeveloped
 Existing Zoning: P5 Core and P4 Mixed Use
 Proposed Zoning: Civic Space
 Future Land Use: Parks and Open Space

BACKGROUND:

After the purchase of the property at 1305 SH 95, the City removed the dilapidated building on site to ensure no public safety issues were present. The land is currently vacant and will match the surrounding zoning of the property the City owns next door, Civic Space. Eventually, this land could be used for Fairview Cemetery expansion. These policies will also apply to the City owned property at 1207B SH 95.

Infrastructure	Available (Y/N)	Proposed
Water	N/A	
Wastewater	N/A	
Drainage	N/A	
Transportation	N/A	
Parks and Open Space	N/A	

POLICY EXPLANATION:



Texas Local Government Code

Sec. 211.006. PROCEDURES GOVERNING ADOPTION OF ZONING REGULATIONS AND DISTRICT BOUNDARIES. (a) The governing body of a municipality wishing to exercise the authority relating to zoning regulations and zoning district boundaries shall establish procedures for adopting and enforcing the regulations and boundaries. A regulation or boundary is not effective until after a public hearing on the matter at which parties in interest and citizens have an opportunity to be heard. Before the 15th day before the date of the hearing, notice of the time and place of the hearing must be published in an official newspaper or a newspaper of general circulation in the municipality.

Zoning Change signs were visibly placed in the front of the property and notice was sent to property owners within 200 feet of the property boundary.

(b) In addition to the notice required by Subsection (a), a general-law municipality that does not have a zoning commission shall give notice of a proposed change in a zoning classification to each property owner who would be entitled to notice under Section 211.007(c) if the municipality had a zoning commission. That notice must be given in the same manner as required for notice to property owners under Section 211.007(c). The governing body may not adopt the proposed change until after the 30th day after the date the notice required by this subsection is given.

N/A. Bastrop is not a general-law municipality.

(c) If the governing body of a home-rule municipality conducts a hearing under Subsection (a), the governing body may, by a two-thirds vote, prescribe the type of notice to be given of the time and place of the public hearing. Notice requirements prescribed under this subsection are in addition to the publication of notice required by Subsection (a).

Notice of the meeting was posted at least 72 hours in advance.

(d) If a proposed change to a regulation or boundary is protested in accordance with this subsection, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the governing body. The protest must be written and signed by the owners of at least 20 percent of either:

- (1) the area of the lots or land covered by the proposed change; or
- (2) the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.

(e) In computing the percentage of land area under Subsection (d), the area of streets and alleys shall be included.

At the time of this report, no protest has been received.

(f) The governing body by ordinance may provide that the affirmative vote of at least three-fourths of all its members is required to overrule a recommendation of the municipality's zoning commission that a proposed change to a regulation or boundary be denied.

If the Planning & Zoning Commission recommends denial of the zoning request, the City Council must have a minimum vote of 4 out of 5 members to approve the zoning request.

At least 5 members of the Planning & Zoning Commission must vote to make an official recommendation to the City Council. Failure to reach five votes means no official recommendation can be forwarded, but this does not impact the City Council's vote requirement to approve or deny the request.

Compliance with 2036 Comprehensive Plan:

The Transitional Residential character area is for lands to be developed with higher densities and a variety of housing types. The character area supports high density single-family detached, single-family attached (duplexes, triplexes, townhouses) and multifamily (apartments), and institutional residential uses such as nursing homes and assisted living facilities. Variation in form, scale, and density is allowed but appropriate transitions must be provided between land uses. In some cases, Transitional Residential uses may be included as part of a larger planned development within areas otherwise designated as Neighborhood Residential. Like, Transitional Residential character areas may also include associated amenities such as parks, trails, open spaces, and public uses such as schools, fire stations, and more.

Representative land uses are appropriate per the Future Land Use Map.

RECOMMENDATION:

Hold public hearing and consider action on a recommendation for the 1207B & 1305 State Highway 95 Zoning Concept Scheme, changing the zoning of 0.711 and 0.367, respectively, totaling 1.078 acres out of the Farm Lot 67 E M Street survey, within the City of Bastrop from P5 Core and P4 - Mix to Civic Space, as shown on Attachment 2.

ATTACHMENTS:

- Attachment 1: Location Map
- Attachment 2: 1207B & 1305 SH 95 Current Zoning
- Attachment 3: Future Land Use Map

ORDINANCE 2024-01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, APPROVING THE ZONING CHANGE FOR 1.08 +/- ACRES OUT OF FARM LOT 67, EAST OF MAIN STREET, LOCATED AT THE NORTHEAST CORNER OF STATE HIGHWAY 95 AND FARM STREET, WITHIN THE CITY LIMITS OF BASTROP, TEXAS, FROM P4 MIX TO P-CS CIVIC SPACE; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR ENFORCEMENT; PROVIDING FOR PROPER NOTICE AND MEETING; AND ESTABLISHING AN EFFECTIVE DATE.

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, on or about November 6, 2023, the City of Bastrop (hereinafter referred to as "Property Owner") submitted a request for zoning modifications; and,

WHEREAS, City Council has reviewed the request for zoning modifications, and finds the request to be reasonable and proper under the circumstances; and

WHEREAS, the City Staff has reviewed the request for zoning modifications, and finds it to be justifiable based upon the Future Land Use Designation for this Property is Parks and Open Space, which allows for public use; and

WHEREAS, in accordance with Texas Local Government Code Chapter 211, public notice was given, and a public hearing was held before the City of Bastrop Planning and Zoning Commission (P&Z) on December 21, 2023, and made the recommendation for approving of the rezoning request by a vote of 6-0; and

WHEREAS, in accordance with Texas Local Government Code, Chapter 211, a three-fourths vote of City Council is required to approve a zoning request when the Planning & Zoning Commission has recommended denial; and

WHEREAS, in accordance with Texas Local Government Code Chapter 211, public notice was given, and a public hearing was held before the City Council regarding the requested zoning modification; and

WHEREAS, Texas Local Government Code Section 51.001 provides the City general authority to adopt an Ordinance or police regulations that are for 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, after consideration of public input received at the hearing, the information provided by the Applicants, and all other information presented, City Council finds that it is 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 Property, 1.08 +/- acres out of land out of the Farm Lot, Block 67, east of Main, is rezoned from P4 Mix to P-CS Civic Space, and a Zoning Concept Scheme is established 1.08 +/- acres, located at the Northeast Corner of State Highway 95 and Farm street, within the City Limits of Bastrop, Texas as more particularly shown on Exhibit A.

Section 2: The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

Section 3: 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 4: 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 5: 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 6: 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.

Section 7: This Ordinance shall be effective immediately upon passage and publication.

READ & ACKNOWLEDGE on First Reading on this the 23th day of January 2024.

READ & ADOPTED on Second Reading on this the 13th day of February 2024.

APPROVED:

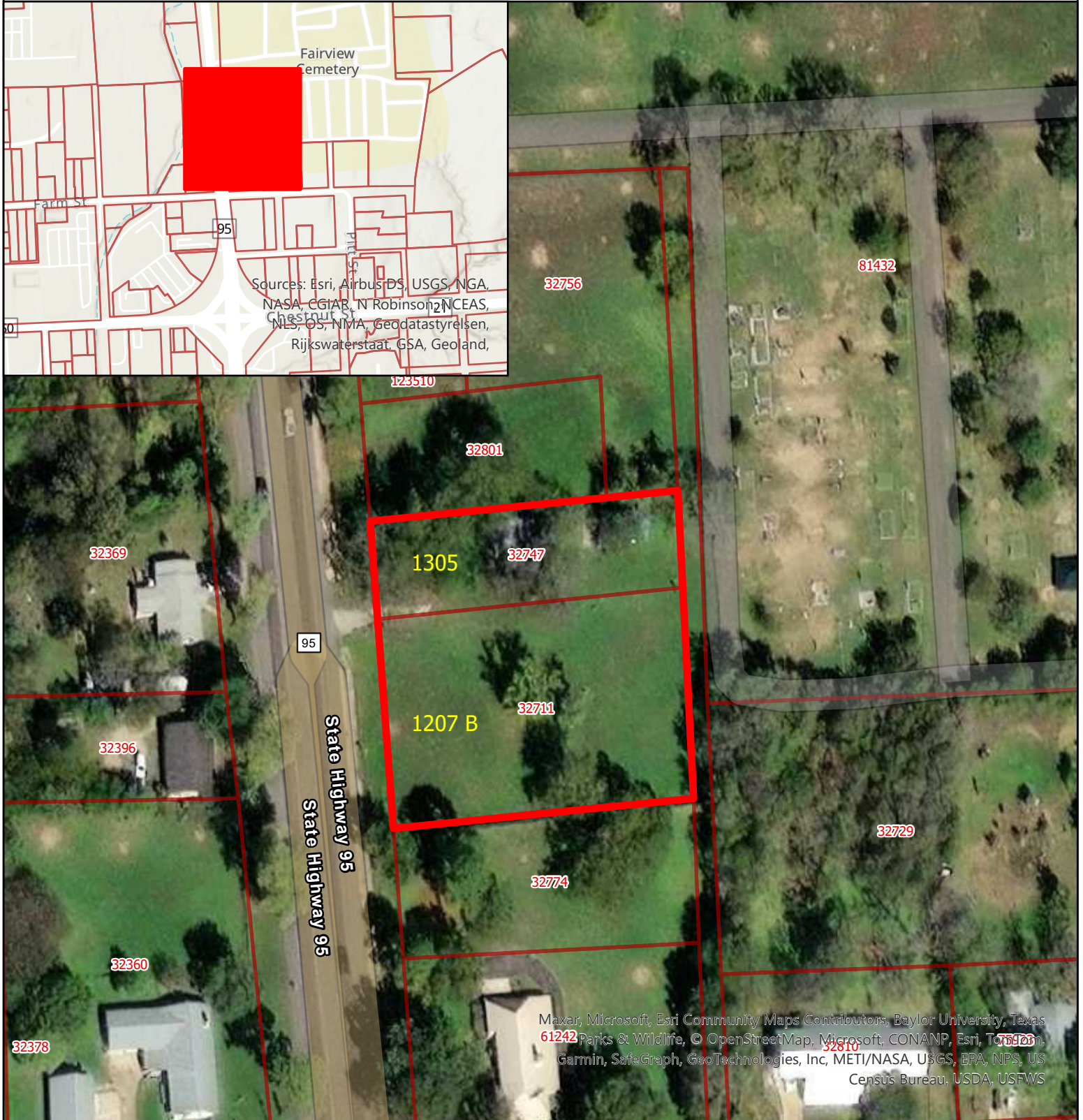
Lyle Nelson, Mayor

ATTEST:

Ann Franklin, City Secretary

APPROVED AS TO FORM:

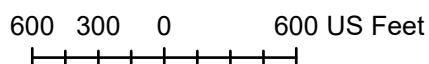
Alan Bojorquez, City Attorney



Location Map

1207B SH 95 & 1305 SH 95

Scale: 1:10,468



Current Time: 1/17/2024 3:00 PM

The City of Bastrop, Texas makes no warranties regarding the accuracy or completeness of the information used to compose this map or the data from which it was produced. The map does not purport to depict the boundaries between private and public lands. This is general in nature and is not suitable for navigational purposes.

Zoning Concept Scheme

Item 8B.

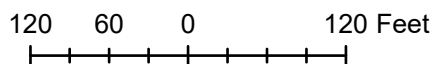


Maxar, Microsoft, Esri Community Maps Contributors, Baylor University, Texas Parks & Wildlife, © OpenStreetMap, Microsoft, CONANP, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS



Cemetery Re-Zoning

Scale: 1:1,752



Current Time: 1/18/2024 8:02 AM

The City of Bastrop, Texas makes no warranties regarding the accuracy or completeness of the information used to compose this map or the data from which it was produced. The map does not purport to depict the boundaries between private and public lands. This is general in nature and is not suitable for navigational purposes.



STAFF REPORT

MEETING DATE: February 13, 2024

TITLE:

Consider action to approve the first reading of Ordinance No. 2024-06 of the City Council of the City of Bastrop, Texas to adopt the 2024 Schedule of Uniform Submittal Dates for Site Development Plans, Zoning Concept Schemes, Plats, Public Improvement Plans, and Neighborhood Regulating Plans in accordance with the Bastrop Building Block (B³) Code Section 2.3.004 Annual Adoption of Schedule of Uniform Submittal Dates, and the Bastrop Building Block (B³) Technical Manual Section 1.2.002 Uniform Submittal Dates, as shown in Exhibit A, establishing a repealing clause, providing severability, providing an effective date, and move to include on the February 27, 2024 Consent Agenda for the second reading.

STAFF REPRESENTATIVE:

Kennedy Higgins, Senior Planner

BACKGROUND/HISTORY:

House Bill 3167 of the 86th Session of the Texas Legislature, subsequently codified in Texas Local Government Code Chapter 212, requires that a subdivision development plan, subdivision construction plan, site plan, land development application, site development plan, preliminary plat, general plan, final plat, and replat be approved, approved with conditions, or disapproved by Staff and Planning & Zoning Commission within 30 days of submission or it is deemed approved by inaction.

POLICY EXPLANATION:

Texas Local Government Code Chapter 212, Subchapter A. Regulation of Subdivisions, Section 212.002 Rules, grants authority to a governing body of a municipality, after conducting a public hearing on the matter, to 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.

To ensure compliance with Texas Local Government Code Chapters 211 and 212, City Council will annually adopt Schedules of Uniform Submittal Dates for Zoning Concept Scheme applications, Public Improvement Plan applications, Plat applications, and Site Plan applications. The Schedules of Uniform Submittal Dates will include dates applications will be accepted, when submittals will be checked for all items required for review, when recommendations or approvals are made, and dates of any required Planning & Zoning Commission and/or City Council meetings.

Holiday considerations include moving submittal dates to Tuesdays when Monday is a City holiday, moving the Planning & Zoning Commission meeting to the week ahead of the Thanksgiving and Christmas holidays, and adjusting submittal checks around any Tuesday holidays. Adjustments from the regularly scheduled days are in bold and italics on the schedules.

RECOMMENDATION:

Consider action to approve the first reading of Ordinance No. 2024-06 of the City Council of the City of Bastrop, Texas to adopt the 2024 Schedule of Uniform Submittal Dates for Site Development Plans, Zoning Concept Schemes, Plats, Public Improvement Plans, and Neighborhood Regulating Plans in accordance with the Bastrop Building Block (B³) Code Section 2.3.004 Annual Adoption of Schedule of Uniform Submittal Dates, and the Bastrop Building Block (B³) Technical Manual Section 1.2.002 Uniform Submittal Dates, as shown in Exhibit A, establishing a repealing clause, providing severability, providing an effective date, and move to include on the February 27, 2024 Consent Agenda for the second reading.

ATTACHMENTS:

- Attachment 1 - Memo from Planning and Zoning Commission 1/25/2024
- Attachment 2 - Exhibit A – Ordinance No. 2024-06





To: Sylvia Carrillo, City Manager

From: Planning & Development

Date: January 25, 2023

Subject: Schedule of Uniform Submittal Dates

=====

BACKGROUND/HISTORY:

House Bill 3167 of the 86th Session of the Texas Legislature, subsequently codified in Texas Local Government Code Chapter 212, requires that a subdivision development plan, subdivision construction plan, site plan, land development application, site development plan, preliminary plat, general plan, final plat, and replat be approved, approved with conditions, or disapproved by Staff and Planning & Zoning Commission within 30 days of submission or it is deemed approved by inaction.

POLICY EXPLANATION:

Texas Local Government Code Chapter 212, Subchapter A. Regulation of Subdivisions, Section 212.002 Rules, grants authority to a governing body of a municipality, after conducting a public hearing on the matter, to 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.

To ensure compliance with Texas Local Government Code Chapters 211 and 212, City Council will annually adopt Schedules of Uniform Submittal Dates for Zoning Concept Scheme applications, Public Improvement Plan applications, Plat applications, and Site Plan applications. The Schedules of Uniform Submittal Dates will include dates applications will be accepted, when submittals will be checked for all items required for review, when recommendations or approvals are made, and dates of any required Planning & Zoning Commission and/or City Council meetings.

Holiday considerations include moving submittal dates to Tuesdays when Monday is a City holiday, moving the Planning & Zoning Commission meeting to the week ahead of the Thanksgiving and Christmas holidays, and adjusting submittal checks around any Tuesday holidays. Adjustments from the regularly scheduled days are in bold and italics on the schedules.

RECOMMENDATION:

Public hearing and consider action to recommend approval to adopt the 2024 Schedule of Uniform Submittal Dates for Site Development Plans, Zoning Concept Schemes, Plats, Public Improvement Plans, and Neighborhood Regulating Plans in accordance with the Bastrop Building Block (B³) Code Section 2.3.004 Annual Adoption of Schedule of Uniform Submittal Dates, and the Bastrop Building Block (B³) Technical Manual Section 1.2.002 Uniform Submittal Dates, as shown in Exhibit A, and forward to the February 13, 2024 City Council meeting.

ATTACHMENTS:

- Exhibit A – 2024 Schedule of Uniform Submittal Dates



ORDINANCE NO. 2024-06

A ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS TO ADOPT THE 2024 SCHEDULE OF UNIFORM SUBMITTAL DATES FOR SITE DEVELOPMENT PLANS, ZONING CONCEPT SCHEMES, PLATS, PUBLIC IMPROVEMENT PLANS, AND NEIGHBORHOOD REGULATING PLANS IN ACCORDANCE WITH THE BASTROP BUILDING BLOCK (B³) CODE SECTION 2.3.004 ANNUAL ADOPTION OF SCHEDULE OF UNIFORM SUBMITTAL DATES, AND THE BASTROP BUILDING BLOCK (B³) TECHNICAL MANUAL SECTION 1.2.002 UNIFORM SUBMITTAL DATES, AS SHOWN IN EXHIBIT A, ESTABLISHING A REPEALING CLAUSE, PROVIDING SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, House Bill 3167 of the 86th Session of the Texas Legislature requires that a subdivision development plan, subdivision construction plan, site plan, land development application, site development plan, preliminary plat, general plan, final plat, and replat be approved, approved with conditions, or disapproved by staff and Planning & Zoning Commission within 30 days of submission or it is deemed approved by inaction which was amended by House Bill 3699 of the 88th Session of the Texas Legislature to exempt plans from this requirement; and

WHEREAS, Texas Local Government Code Chapter 212, Subchapter A. Regulation of Subdivisions, Section 212.002. Rules, grants authority to a governing body of a municipality, after conducting a public hearing on the matter, to 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; and

WHEREAS, City Council will annually adopt a Schedule of Uniform Submittal Dates to comply with Texas Local Government Code Chapters 211 and 212 for Zoning Concept Scheme applications, Public Improvement Plan applications, Plat applications, and Site Plan applications. The Schedules of Uniform Submittal Dates will include dates applications will be accepted, when review for completeness checks will occur, when recommendations or approvals are made, and dates of any required Planning & Zoning Commission and/or City Council meetings.

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

Section 1: The City Council hereby adopts the 2024 Schedule of Uniform Submittal Dates, in accordance with B³ Code Section 2.3.004 Annual Adoption of Schedule of Uniform Submittal Dates for Site Plans, and Place Type Zoning Changes and B³ Technical Manual Section 1.2.002 Uniform Submittal Dates, as attached in Exhibit A.

Section 2: In the case of any conflict between the other provisions of this Ordinance and any existing Ordinance of the City, the provisions of this Ordinance will control.

Section 3: If any provision of this Ordinance or the application thereof to any person or circumstances 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 4: This Ordinance shall take effect immediately upon passage.

READ and APPROVED on First Reading on the 13th day of February, 2024.

READ and ADOPTED on Second Reading on the 27th day of February, 2024.

APPROVED:

Lyle Nelson, Mayor

ATTEST:

Ann Franklin, City Secretary

APPROVED AS TO FORM:

Alan Bojorquez, City Attorney

2024 Schedule of Uniform Submittal Dates

Plats Requiring Planning & Zoning Commission Approval



Preliminary, Final, Residential Replat

Submittal Dates	Submittal Check Date	Comments Issued Date	Planning & Zoning Commission Meeting Date	Resubmittal Date	Plat Recommendation	Planning & Zoning Commission Packet Published	Planning & Zoning Commission Meeting Date
Must be received by 4:00 pm CDT (Monday unless City holiday)	All submissions must have all required items to enter review	Approved, Approved with Conditions, or Denied (Thursday)		For projects that were Approved with Conditions (Monday)		(Friday)	(Thursday)
1/2/2024	1/2/2024	1/11/2024	1/25/2024	2/5/2024	2/15/2024	2/23/2024	2/29/2024
2/5/2024	2/6/2024	2/15/2024	2/29/2024	3/11/2024	3/21/2024	3/22/2024	3/28/2024
3/4/2024	3/5/2024	3/14/2024	3/28/2024	4/8/2024	4/18/2024	4/19/2024	4/25/2024
4/1/2024	4/2/2024	4/11/2024	4/25/2024	5/13/2024	5/23/2024	5/24/2024	5/30/2024
5/6/2024	5/7/2024	5/16/2024	5/30/2024	6/10/2024	6/20/2024	6/21/2024	6/27/2024
6/3/2024	6/4/2024	6/13/2024	6/27/2024	7/15/2024	7/25/2024	7/19/2024	7/25/2024
7/1/2024	7/2/2024	7/11/2024	7/25/2024	8/12/2024	8/22/2024	8/23/2024	8/29/2024
8/5/2024	8/6/2024	8/15/2024	8/29/2024	9/16/2024	9/12/2024	9/20/2024	9/26/2024
9/3/2024	9/3/2024	9/12/2024	9/26/2024	10/14/2024	10/24/2024	10/18/2024	10/24/2024
10/7/2024	10/8/2024	10/17/2024	10/24/2024	11/11/2024	11/21/2024	12/13/2024	12/19/2024
11/4/2024	11/5/2024	11/14/2024	11/21/2024	12/9/2024	12/19/2024	1/24/2025	1/30/2025
12/2/2024	12/3/2024	12/12/2024	12/19/2024	1/13/2025	1/23/2025	1/24/2025	1/30/2025
1/6/2025	1/7/2025	1/16/2025	1/30/2025	2/10/2025	2/20/2025	2/21/2025	2/27/2025

2024 Schedule of Uniform Submittal Dates

Plats Administratively Approved



Amending, Minor, Non-Residential Replat

Submittal Dates	Submittal Check Date	First Administrative Decision Date	Resubmittal Date	Final Administrative Decision Date
Must be received by 4:00 pm CDT (Monday unless City holiday)	All submissions must have all required items to enter review	Approved, Approved with Conditions, Denied (Thursday)	For projects that were Approved with Conditions (Monday unless City holiday)	Verify conditions have been met for Approved with Conditions projects
1/2/2024	1/2/2024	1/11/2024	1/16/2024	1/25/2024
2/5/2024	2/6/2024	2/15/2024	2/19/2024	2/29/2024
3/4/2024	3/5/2024	3/14/2024	3/18/2024	3/28/2024
4/1/2024	4/2/2024	4/11/2024	4/15/2024	4/25/2024
5/6/2024	5/7/2024	5/16/2024	5/20/2024	5/30/2024
6/3/2024	6/4/2024	6/13/2024	6/17/2024	6/27/2024
7/1/2024	7/2/2024	7/11/2024	7/15/2024	7/25/2024
8/5/2024	8/6/2024	8/15/2024	8/19/2024	8/29/2024
9/3/2024	9/3/2024	9/12/2024	9/16/2024	9/26/2024
10/7/2024	10/8/2024	10/17/2024	10/21/2024	10/31/2024
11/4/2024	11/5/2024	11/14/2024	11/18/2024	12/5/2024
12/2/2024	12/3/2024	12/12/2024	12/16/2024	1/2/2025
1/6/2025	1/7/2025	1/16/2025	1/21/2025	1/30/2025

2024 Schedule of Uniform Submittal Dates

Zoning Concept Schemes and Neighborhood Regulating Plans



Submittal/Resubmittal Dates	Submittal Check Date	Planning Director Recommendation	Planning & Zoning Commission Meeting Date	City Council Meeting Date	City Council Meeting Date
Must be received by 4:00 pm CDT (Monday unless City holiday)	All submissions must have all required items to enter review	(Thursday)	Public Hearing (Thursday)	Public Hearing First Reading (Tuesday)	Second Reading (Tuesday)
1/8/2024	1/9/2024	1/18/2024	2/29/2024	3/26/2024	4/9/2024
2/12/2024	2/13/2024	2/22/2024	3/28/2024	4/23/2024	5/14/2024
3/11/2024	3/12/2024	3/21/2024	4/25/2024	5/28/2024	6/11/2024
4/8/2024	4/9/2024	4/18/2024	5/30/2024	6/25/2024	7/9/2024
5/13/2024	5/14/2024	5/23/2024	6/27/2024	7/23/2024	8/13/2024
6/10/2024	6/11/2024	6/20/2024	7/25/2024	8/27/2024	9/10/2024
7/8/2024	7/9/2024	7/18/2024	8/29/2024	9/17/2024	10/1/2024
8/12/2024	8/13/2024	8/22/2024	9/26/2024	10/22/2024	11/12/2024
9/9/2024	9/10/2024	9/19/2024	10/24/2024	11/12/2024	12/10/2024
10/14/2024	10/15/2024	10/24/2024	11/21/2024	12/10/2024	1/14/2025
11/12/2024	11/13/2024	11/21/2024	12/19/2024	1/14/2025	1/28/2025
12/9/2024	12/10/2024	12/19/2024	1/30/2025	2/25/2025	3/11/2024
1/13/2025	1/14/2025	1/23/2025	2/27/2025	3/25/2025	4/8/2025

2024 Schedule of Uniform Submittal Dates

Site Development Plans & Public Improvement Plans (PIPs)



Submittal Dates	Submittal Check Date	First Administrative Decision Date	Resubmittal Date	Final Administrative Decision Date
Must be received by 4:00 pm CDT (Monday unless City holiday)	All submissions must have all required items to enter review	Approved, Approved with Conditions, Denied (Thursday)	For projects that were Approved with Conditions (Monday unless City holiday)	Verify conditions have been met for Approved with Conditions projects
1/16/2024	1/16/2024	1/25/2024	1/29/2024	2/8/2024
2/19/2024	2/20/2024	2/29/2024	3/4/2024	3/14/2024
3/18/2024	3/19/2024	3/28/2024	4/1/2024	4/11/2024
4/15/2024	4/16/2024	4/25/2024	4/29/2024	5/9/2024
5/20/2024	5/21/2024	5/30/2024	6/3/2024	6/13/2024
6/17/2024	6/18/2024	6/27/2024	7/1/2024	7/11/2024
7/15/2024	7/16/2024	7/25/2024	7/29/2024	8/8/2024
8/19/2024	8/20/2024	8/29/2024	9/3/2024	9/12/2024
9/16/2024	9/17/2024	9/26/2024	9/30/2024	10/10/2024
10/21/2024	10/22/2024	10/31/2024	11/4/2024	11/14/2024
11/18/2024	11/19/2024	12/5/2024	12/9/2024	12/19/2024
12/16/2024	12/17/2024	1/2/2025	1/6/2025	1/16/2025
1/21/2025	1/21/2025	1/30/2025	2/3/2025	2/13/2025



STAFF REPORT

MEETING DATE: February 13, 2024

TITLE:

Consider action to approve Resolution No. R-2024-21 of the City Council of the City Bastrop, Texas accepting a donation from Mayor Pro Tem Kirkland and family for \$1,300 for the creation of a mural in Delgado Park honoring Minerva Delgado; authorizing the City Manager to execute all necessary documents; providing for a repealing clause; and establishing an effective date.

AGENDA ITEM SUBMITTED BY:

Sylvia Carrillo, ICMA-CM, CPM, City Manager

BACKGROUND/HISTORY:

At the January 23, 2024, Council meeting an item to accept \$1,200 from St David's Hospital to the City of Bastrop for the creation of a mural in Delgado Park honoring Minerva Delgado was approved.

Councilmember Lee was honored as a "Network Weaver" by St. David's foundation and awarded \$1,200 to put towards a civic project in Bastrop. Councilmember Lee chose Delgado Park as her project and began collaborating with the Parks Board and the Cultural Arts Commission to create a mural in Delgado Park that would honor the life of Minerva Delgado.

In 1948, with the support of LULAC and the legal assistance of Gus Garcia, Minerva Delgado and 20 other parents of Mexican American children filed suit in U.S. District Court for the Western District of Texas challenging the segregation of their children in five Texas public school districts. Thus began the case of *Delgado, et. al. v. Bastrop Independent School District, et. al.* In their complaint for the Mexican American parents, the attorneys argued that the school districts had "prohibited, barred, and excluded" Mexican American children from attending public school with "other white school children" in violation of the equal protection of the laws guaranteed by the U.S. Constitution's Fourteenth Amendment.

FISCAL IMPACT:

N/A

RECOMMENDATION:

Consider action to approve Resolution No. R-2024-21 of the City Council of the City Bastrop, Texas accepting a donation from Mayor Pro Tem Kirkland and family for \$1,300 for the creation of a mural in Delgado Park honoring Minerva Delgado; authorizing the City Manager to execute all necessary documents; providing for a repealing clause; and establishing an effective date.

ATTACHMENTS:

- Resolution No. R-2024-21

RESOLUTION NO. R-2024-21

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS ACCEPTING A DONATION FROM MAYOR PRO TEM KIRKLAND AND FAMILY IN THE AMOUNT OF \$1,300 FOR THE CREATION OF A MURAL IN DELGADO PARK HONORING MINERVA DELGADO; AUTHORIZING THE CITY MANAGER TO EXECUTE ALL NECESSARY DOCUMENTS; PROVIDING FOR A REPEALING CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Council has appointed the City Manager as the Chief Administrative Officer of the City; and

WHEREAS, the City Manager is responsible for the proper administration of all affairs of the City; and

WHEREAS, the City of Bastrop has an interest in preserving the rich heritage of this community; and

WHEREAS, the mural will be commissioned as a tribute to the City of Bastrop and will remain as a permanent work of the City of Bastrop collection of mural projects; and

WHEREAS, accepting a donation from Mayor Pro Tem Kirkland and Family, in the amount of \$1,300 for the creation of a mural in Delgado Park honoring Minerva Delgado; and

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

Section 1: That the City Manager is hereby authorized to execute all necessary documents, authorizing accepting the donation from Mayor Pro Tem Kirkland and Family for a mural in Delgado Park honoring Minerva Delgado.

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: 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 this 13th day of February 2024.

APPROVED:

Lyle Nelson, Mayor

ATTEST:

Ann Franklin, City Secretary

APPROVED AS TO FORM:

Alan Bojorquez, City Attorney

CITY OF BASTROP DONATION RECEIPT

Date: _____

Donor Information

Donor's Name: _____

Donor's Address: _____

Donation Information

Thank you for your donation with a value of _____ Dollars

(\$_____), made to the City of Bastrop.

Donation Description: _____

Representative's Signature _____

Representative's Name _____

Title: _____ Date: _____



STAFF REPORT

MEETING DATE: February 13, 2024

TITLE:

Consider action to approve Resolution No. R-2024-18 of the City Council of the City of Bastrop, Texas, approving an Interlocal Agreement between the City, Bastrop County, and West Bastrop Village Municipal Utility District to support Road Maintenance for a certain development of property commonly known as Adelton and more accurately described in the Interlocal Agreement as attached in Exhibit A; authorizing the execution of all necessary documents; providing for a severability and repealing clause; and establishing an effective date.

AGENDA ITEM SUBMITTED BY:

Submitted by: Andres Rosales, Interim Assistant City Manager

BACKGROUND/HISTORY:

This is a request for the Council to authorize the City Manager to execute an Interlocal Agreement between the City of Bastrop, Bastrop County, and West Bastrop Village Municipal Utility District (MUD) for road maintenance inside the Adelton district. The District lies within the extraterritorial jurisdiction of the City of Bastrop, an unincorporated area of Bastrop County, Texas. The District will contain a residential subdivision that is subject to the City's subdivision platting authority, as set forth in that certain January 10, 2006 Interlocal Agreement between the City and the County; and the City has exclusive jurisdiction to regulate all subdivision plats, construction plans, and related permits, for development within the District.

The County requirements and standards for roads can be found in the Bastrop County Subdivision Regulations, as amended April 24, 2017. The plans for the residential subdivisions in the District are subject to the City's subdivision regulations and may not meet the requirements in the County Regulations. The Planned Development Agreement between the City and West Bastrop Village, Ltd., effective August 22, 2006, provides, among other terms, that all streets shall be dedicated to public use and maintained by Bastrop County; however, the County was not a party to the Development Agreement, and the County will not maintain roads within the District that do not meet the requirements set forth in the County Regulations and will not accept such roads into the Bastrop County road maintenance system. To resolve the conflict, the County, City, and District desire to enter into an interlocal agreement providing for the maintenance of the public roads lying within the District (the "Adelton ILA").

FISCAL IMPACT:

The West Bastrop Village MUD will be responsible for all costs of maintenance of the Public Roads and pay such maintenance costs through any legally available revenues. The MUD will provide the maintenance of the Public Roads or a portion of the Public Roads until said Public Roads or a portion of the Public Roads have been annexed into the corporate limits of the City.

RECOMMENDATION:

Authorize the City Manager to execute an Interlocal Agreement with Bastrop County and West Bastrop Village Municipal District.

ATTACHMENTS:

1. Resolution No. R-2024-18
2. Exhibit A - Interlocal Agreement DRAFT to be executed

RESOLUTION NO. R-2024-18

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY, BASTROP COUNTY, AND WEST BASTROP VILLAGE MUNICIPAL UTILITY DISTRICT TO SUPPORT ROAD MAINTENANCE FOR A CERTAIN DEVELOPMENT OF PROPERTY COMMONLY KNOWN AS ADELTON AND MORE ACCURATELY DESCRIBED IN THE INTERLOCAL AGREEMENT AS ATTACHED IN EXHIBIT A; AUTHORIZING THE EXECUTION OF ALL NECESSARY DOCUMENTS; PROVIDING FOR A SEVERABILITY AND REPEALING CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Bastrop, a political subdivision of the State of Texas (the "City"), Bastrop County, a political subdivision of the State of Texas (the "County"), and West Bastrop Village Municipal Utility District Of Bastrop County, a political subdivision of the State of Texas operating as a Municipal Utility District (the "District") desire to enter into an interlocal agreement pursuant to the Interlocal Cooperation Act, Chapter 791 of the Government Code; and

WHEREAS, the District lies within the extraterritorial jurisdiction of the City of Bastrop, an unincorporated area of Bastrop County, Texas; and

WHEREAS, the District will contain a residential subdivision that is subject to the City's subdivision platting authority, as set forth in that certain January 10, 2006 Interlocal Agreement between the City and the County; and

WHEREAS, the City has exclusive jurisdiction to regulate all subdivision plats, construction plans, and related permits, for development within the District; and

WHEREAS, the County requirements and standards for roads can be found in the Bastrop County Subdivision Regulations, as amended April 24, 2017; and

WHEREAS, the plans for the residential subdivisions in the District are subject to the City's subdivision regulations and may not meet the requirements in the County Regulations; and

WHEREAS, that certain Planned Development Agreement between the City and West Bastrop Village, Ltd., effective August 22, 2006 (the "Development Agreement"), provides, among other terms, that all streets shall be dedicated to public use and maintained by Bastrop County; however, the County was not a party to the Development Agreement and the County will not maintain roads within the District that do not meet the requirements set forth in the County Regulations and will not accept such roads into the Bastrop County road maintenance system; and

WHEREAS, the County, City, and the District desire to enter into an interlocal

agreement providing for the maintenance of the public roads lying within the District (the “Adelton ILA”); and

WHEREAS, City Council finds that it is necessary and proper to enact this Resolution.

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

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

Section 2. Authorization: The City Manager shall execute the Interlocal Agreement to support road maintenance for a certain development of property commonly known as Adelton and more accurately described in the Adelton ILA which is attached and incorporated herein as Exhibit A.

Section 3. Repealer: To the extent reasonably possible, resolutions are to be read together in harmony. However, all resolutions, or parts thereof, that 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 regulated.

Section 4. Severability: Should any of the clauses, sentences, paragraphs, sections, or parts of this Resolution 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 Resolution.

Section 5. Effective Date: This Resolution 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.

Section 6. Proper Notice & Meeting: It is hereby officially found and determined that 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 Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

DULY RESOLVED AND ADOPTED by the City Council of the City of Bastrop this 13th day of February, 2024.

APPROVED:

Lyle Nelson, Mayor

ATTEST:

Ann Franklin, City Secretary

APPROVED AS TO FORM:

Alan Bojorquez, City Attorney

EXHIBIT A

Adelton Interlocal Agreement

INTERLOCAL AGREEMENT FOR ROAD MAINTENANCE

THE STATE OF TEXAS §
 §
COUNTY OF BASTROP §

THIS INTERLOCAL AGREEMENT FOR ROAD MAINTENANCE (the “Agreement”) is made and entered into by and between THE CITY OF BASTROP, a political subdivision of the State of Texas (the “City”), BASTROP COUNTY, a political subdivision of the State of Texas (the “County”), and WEST BASTROP VILLAGE MUNICIPAL UTILITY DISTRICT OF BASTROP COUNTY, a political subdivision of the State of Texas operating as a municipal utility district (the “District”). The City, County and the District may hereinafter collectively be referred to as the Parties.

RECITALS

WHEREAS, the District lies within the extraterritorial jurisdiction of the City of Bastrop, an unincorporated area of Bastrop County, Texas;

WHEREAS, the District will contain a residential subdivision that is subject to the City’s subdivision platting authority, as set forth in that certain January 10, 2006 Interlocal Agreement between the City and the County;

WHEREAS, the City has exclusive jurisdiction to regulate all subdivision plats, construction plans, and related permits, for development within the District;

WHEREAS, the County requirements and standards for roads can be found in the Bastrop County Subdivision Regulations, as amended April 24, 2017 (the “County Regulations”);

WHEREAS, the plans for the residential subdivisions in the District (the “Plans”) are subject to the City’s subdivision regulations and may not meet the requirements in the County Regulations;

WHEREAS, that certain Planned Development Agreement between the City and West Bastrop Village, Ltd., effective August 22, 2006 (the “Development Agreement”), provides, among other terms, that all streets shall be dedicated to public use and maintained by Bastrop County; however, the County was not a party to the Development Agreement and the County will not maintain roads within the District that do not meet the requirements set forth in the County Regulations and will not accept such roads into the Bastrop County road maintenance system;

WHEREAS, the County, City, and the District desire to enter into an interlocal agreement providing for the maintenance of the public roads lying within the District (the "Public Roads").

AGREEMENT

NOW THEREFORE, in consideration of the foregoing premises and mutual covenants and agreements expressed herein, the parties hereby agree as follows:

ARTICLE ONE MAINTENANCE OF THE ROADS

- 1.1. Public Roads. The Public Roads will be dedicated to the public, and the general public will have the same access as other public roadways.
- 1.2. Maintenance. The Parties agree that the District shall perform all necessary maintenance (the "Maintenance") on the Public Roads until said Public Roads or portion of the Public Roads have been annexed into the corporate limits of the City or until such time another governmental entity agrees to maintain the Public Roads or portions thereof.
- 1.3. Payment of Maintenance Costs. The District will be responsible for all costs of Maintenance of the Public Roads and pay such Maintenance costs through any legally available revenues.

ARTICLE TWO COUNTY AND CITY AGREEMENT

- 2.1. The City and County agree that plats and subdivision construction plans for development within the District will not contain public roads meeting County road standards as set forth in the County Regulations, and therefore such roads will not be accepted by the County for maintenance. Therefore, such plats and subdivision construction plans need only be submitted to and approved by the City. No County review, comment, or further approval is required.

ARTICLE THREE GENERAL PROVISIONS

- 3.1. Cooperation. The Parties agree with each other in good faith at all times to effectuate the purposes and intent of this Agreement.
- 3.2. Other Instruments, Actions. The Parties hereto agree that they will take such other and further actions and execute such other and further consents, authorizations, instruments or documents as are necessary or incidental to effectuate the purposes of this Agreement.

- 3.3. Term; Annexation. This Agreement shall remain in effect for so long as the District remains in existence and shall terminate at such time as the City annexes the District. After annexation, the City shall be responsible for Maintenance of the Public Roads.

- 3.4. Notice. Any notice required or permitted to be delivered under this Agreement shall be deemed received on the earlier of (i) actual receipt by mail, Federal Express or other overnight delivery service, or hand delivery, or (ii) three business days after being sent by United States mail, postage prepaid, certified mail, return receipt requested, addressed to the City, County or the District.

Addresses for notice shall be as follows:

City:

City Manager
Bastrop City Hall
City of Bastrop
1311 Chestnut St.
Bastrop, Texas 78602

With a copy to:

Alan Bojorquez
Bastrop City Attorney
Bojorquez Law Firm
11675 Jollyville Road, Suite 300
Austin, Texas 78759

County:

County Judge
Bastrop County Judge's Office
804 Pecan St.
Bastrop, Texas 78602

With a copy to:

County Engineer
Bastrop County Development Services
211 Jackson St.
Bastrop, Texas 78602

District:

West Bastrop Village Municipal Utility District
of Bastrop County
c/o Allen Boone Humphries Robinson LLP
919 Congress, Suite 1500

Austin, TX 78701
Attn: Ryan Harper

- 3.5. Remedies; Notice of Default. Default by a party shall occur if the party fails to perform or observe any of the terms and conditions of this Agreement required to be performed or observed by that party. The party alleging the default will give the other party written notice of the default. If the party in default fails to cure the default within sixty (60) business days of the date of the notice (and an additional reasonable time after such receipt if (A) such failure cannot be cured within such sixty (60) business day period, and (B) the party in default commences curing such failure within such sixty (60) business day period and thereafter diligently pursues the curing of such failures), the party giving the notice may pursue any remedies permitted by law including filing suit in a court of competent jurisdiction, whether state or federal, in Bastrop County, Texas, and seeking specific performance of the terms of the Agreement.
- 3.6. Entire Agreement. This Agreement contains the entire agreement of the Parties and supersedes all prior and contemporaneous understandings or representations, whether oral or written, respecting the subject matter hereof.
- 3.7. Amendments. Any amendment to the Agreement must be in writing and signed by the authorized representatives of all Parties.
- 3.8. Interpretation and Authority. The Parties acknowledge that this Agreement is entered into pursuant to the authority of Texas law, including, without limitation, the authority conferred in V.T.C.A. Govt Code, Chapter 791, et. seq., V.T.C.A. Water Code, Section 49.213. In the event of any conflict between the provisions of this Agreement and the provisions of any other agreement entered into by and between the Parties, the provisions of this Agreement shall prevail with respect to the subject matter hereof. Except as set forth above, this Agreement shall not be construed so as to modify, supplement or otherwise alter the provisions of any other agreement entered into by and between the Parties.
- 3.9. Assignment. Neither party may assign its rights and obligations under the Agreement either in whole or in part.
- 3.10. No Third Party Beneficiaries. Except as expressly provided above, nothing herein shall be construed to confer upon any person other than the parties hereto any rights, benefits or remedies under or by reason of this Agreement.
- 3.11. No Joint Venture, Partnership, Agency. This Agreement shall not be construed in any form or manner to establish a partnership, joint venture or agency, express or implied, or any employer-employee or borrowed servant relationship by and among the Parties.

- 3.12. Responsibilities for Manner and Means of Performance. The District is performing all its duties to this Agreement as an independent contractor. The District shall have the exclusive authority and responsibility for determining the manner and means of performance under this Agreement and for selecting and supervising the persons who perform the work.
- 3.13. Applicable Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Texas.
- 3.14. Venue. Venue for any suit arising under this Agreement shall be Bastrop County, Texas, or in the United States District Court of the Western District of Texas, Austin Division.
- 3.15. Duplicate Originals. This Agreement may be executed in one or more duplicate originals, each of equal dignity.
- 3.16. Effective Date. This Agreement shall be effective on the later of the dates this Agreement is executed by the authorized representative of the Parties.

[EXECUTION PAGES FOLLOW]

EXECUTED as of this ____ day of _____, 202__, by the City of Bastrop, Texas.

CITY OF BASTROP, TEXAS

By: _____

Name: _____

Title: _____

ATTEST:

By: _____

Name: _____

Title: _____

EXECUTED as of this ____ day of _____, 202__, by Bastrop County, Texas.

BASTROP COUNTY, TEXAS

By: _____

Name: _____

Title: _____

ATTEST:

By: _____

Name: _____

Title: _____

EXECUTED as of this ____ day of _____, 202__, by West Bastrop Village
Municipal Utility District of Bastrop County.

WEST BASTROP VILLAGE MUNICIPAL
UTILITY DISTRICT OF BASTROP
COUNTY

By: _____

Name: _____

Title: _____

ATTEST:

By: _____

Name: _____

Title: _____

EXECUTED as of this ____ day of _____, 202__, by WEST BASTROP VILLAGE, LTD for the sole purpose of acknowledging and agreeing to Section 2.1 of this Agreement.

WEST BASTROP VILLAGE LTD., a Texas limited partnership

By: _____

Name: _____

Title: _____

ATTEST:

By: _____

Name: _____

Title: _____



STAFF REPORT

MEETING DATE: February 13, 2024

TITLE:

Consider action to approve the first reading of Ordinance No. 2024-03 of the City Council of the City of Bastrop, Texas, amending the Bastrop Code of Ordinances, Chapter 13, Article 13.04 On-site Sewage Facilities and amending the B3 Technical Manual, Chapter 3, Article 3.2 Infrastructure Requirements to align with the state requirements for septic systems on one-half acre lots; and providing for findings of fact, repealer, severability, codification, effective date, proper notice and meeting as shown and move to include of the February 27, 2024 Consent Agenda for the second reading.

AGENDA ITEM SUBMITTED BY:

Submitted by: Andres Rosales, Interim Assistant City Manager

BACKGROUND/HISTORY:

Staff and the Development Review Committee (DRC) are charged with reviewing the B3 Code for amendments. There are inconsistencies between the adopted B3 Technical Manual and the State of Texas requirements for On-site Sewer Facilities (OSSF). Currently, the City code requires a one-acre lot size or greater for individual on-site sewage facility methods. The State requirements allow for a half-acre lot size or greater for the same individual on-site sewage facility methods. The codes need to be consistent and align with the state requirements.

FISCAL IMPACT:

The code amendment to align with state requirements has no fiscal impact.

RECOMMENDATION:

Recommend approving the first reading of Ordinance No. 2024-03, amending the City Code and B3 Technical Manual as submitted.

ATTACHMENTS: 2024-03

2. Exhibit A - Amendment to City Code and B3 Technical Manual

ORDINANCE NO. 2024-03

AN ORDINANCE OF THE CITY OF BASTROP, TEXAS, AMENDING THE BASTROP CODE OF ORDINANCES, CHAPTER 13, ARTICLE 13.04 ON-SITE SEWAGE FACILITIES AND AMENDING THE B3 TECHNICAL MANUAL, CHAPTER 3, ARTICLE 3.2 INFRASTRUCTURE REQUIREMENTS TO ALIGN WITH THE STATE REQUIREMENTS FOR SEPTIC SYSTEMS ON ONE-HALF ACRE LOTS; AND PROVIDING FOR FINDINGS OF FACT, REPEALER, SEVERABILITY, CODIFICATION, EFFECTIVE DATE, PROPER NOTICE AND MEETING.

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City Council of the City of Bastrop has 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 City of Bastrop recognizes the need to stay current with state regulations to ensure the health, safety, and welfare of its residents;

WHEREAS, the Texas State requirements for septic systems on one-half acre lots have been updated to reflect advancements in technology and environmental considerations;

WHEREAS, the City Council finds it necessary to amend the existing City Code to align with the aforementioned state requirements.

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

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. Amendment To City Code And B3 Technical Manual: Section 13.04.007 of the City of Bastrop Code of Ordinances and Section 3.2.005 of the B3 Technical Manual are hereby amended to replace the phrase "one acre" with "one-half acre" in all instances referring to the minimum lot size requirements for septic systems and shall read in accordance with Exhibit "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 shown in each of the attachments.

- Section 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.
- Section 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.
- Section 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.
- Section 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.
- Section 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.

[Signatures on following page]

READ AND ACKNOWLEDGED on the First Reading by the City Council of the City of Bastrop, Texas, on this, the 13th day of February 2024.

READ AND APPROVED on the Second Reading by the City Council of the City of Bastrop, Texas, on this, the 27th day of February 2024.

APPROVED:

Lyle Nelson – Mayor

ATTEST:

Ann Franklin – City Secretary

APPROVED AS TO FORM:

Alan Bojorquez – City Attorney

EXHIBIT A

Amendment to City Code and B3 Technical Manual

City Code of Ordinances

Sec. 13.04.007 Amendments.

The city, wishing to adopt more stringent rules for its on-site sewage facility ordinance, understands that the more stringent conflicting local rule shall take precedence over the corresponding requirement of the state commission on environmental quality or any successive agency. Listed below are the more stringent rules adopted by the city:

- (1) No lot having a surface area of less than one-half (0.5) acre shall be henceforth permitted to utilize individual on-site sewage facility methods for sewage disposal; except that lots in subdivisions properly platted, approved, and recorded prior to April 20, 1981, shall be exempt from this one-half (0.5) acre minimum lot size requirement, to the extent permitted by current design criteria for on-site sewage facilities and administrative rules of the state commission on environmental quality, or any successive agency.
- (2) All individual surface and subsurface methods for sewage disposal (including septic systems) within the stated city jurisdiction shall have a site-specific design by a registered professional engineer or a registered sanitarian; and such engineer or sanitarian shall, upon project completion, certify that the installation has been completed in accordance with that engineer's or sanitarian's approved design plans. Such certification and plans shall be satisfactory to the city's designated representative (City Engineer).

(Ord. No. 2005-43, pt. 9, 11-22-05)

B3 Technical Manual

requirements of the State regulatory agency and the City of Bastrop.

SEC. 3.2.002 WATER LINES

(a) Piping for water mains and connections shall be ductile iron, or AWWA C900 polyvinyl chloride pipe. Service piping shall be copper for all commercial services and polyethylene for all residential services as approved by the City Engineer. All pipe and fittings shall be new and unused. All pipe and fittings shall conform to the latest standards as adopted by the City in Chapter 6, Construction Standards.

(b) When recommended by the City Engineer and approved by the City Council and so noted in the preliminary plat or final plat review, larger lines shall be installed.

SEC. 3.2.003 VALVES

(a) At intersections of water distribution lines, the number of valves shall be one less than the number of radiating lines, 2 valves for tee connection, and 3 valves for cross connection). Valves shall be located at the P.C. or P.T. of the nearest property line. All valves shall conform to the latest standards of the American Water Works Association.

SEC. 3.2.004 FIRE HYDRANTS

(a) Fire hydrants will be provided at a maximum spacing and shall meet the specifications per the IFC as adopted by the City. Hydrants shall be standard three-way post-type dry barrel hydrants complying to AWWA Standards with 6 inch or larger connections to mains.

SEC. 3.2.005 ON-SITE WASTEWATER SYSTEMS

(a) Lots ~~1~~ 0.5 acre or greater outside the wastewater CCN shall be permitted to utilize individual on-site sewage facility methods for sewage disposal; except that lots in subdivisions properly platted, approved, and recorded prior to April 20, 1981, shall be exempt from this ~~1~~ 0.5 acre minimum lot size requirement, to the extent permitted by current design criteria for on-site sewage facilities and administrative rules of the state commission on environmental quality, or any successive agency.

(b) All individual surface and subsurface methods for sewage disposal (including septic systems) within the City jurisdiction shall have a site-specific design by a registered professional engineer or a registered sanitarian; and such engineer or sanitarian shall, upon development completion, certify that the installation has been completed in accordance with that engineer's or sanitarian's approved design plans. Such certification and

Page 48 of 81

City Code of Ordinances-Clean

Sec. 13.04.007 Amendments.

The city, wishing to adopt more stringent rules for its on-site sewage facility ordinance, understands that the more stringent conflicting local rule shall take precedence over the corresponding requirement of the state commission on environmental quality or any successive agency. Listed below are the more stringent rules adopted by the city:

- (1) No lot having a surface area of less than one-half (0.5) acre shall be henceforth permitted to utilize individual on-site sewage facility methods for sewage disposal; except that lots in subdivisions properly platted, approved, and recorded prior to April 20, 1981, shall be exempt from this one-half (0.5) acre minimum lot size requirement, to the extent permitted by current design criteria for on-site sewage facilities and administrative rules of the state commission on environmental quality, or any successive agency.
- (2) All individual surface and subsurface methods for sewage disposal (including septic systems) within the stated city jurisdiction shall have a site-specific design by a registered professional engineer or a registered sanitarian; and such engineer or sanitarian shall, upon project completion, certify that the installation has been completed in accordance with that engineer's or sanitarian's approved design plans. Such certification and plans shall be satisfactory to the city's designated representative (City Engineer).

(Ord. No. 2005-43, pt. 9, 11-22-05)

B3 Technical Manual-Clean

requirements of the State regulatory agency and the City of Bastrop.

SEC. 3.2.002 WATER LINES

- (a) Piping for water mains and connections shall be ductile iron, or AWWA C900 polyvinyl chloride pipe. Service piping shall be copper for all commercial services and polyethylene for all residential services as approved by the City Engineer. All pipe and fittings shall be new and unused. All pipe and fittings shall conform to the latest standards as adopted by the City in Chapter 6, Construction Standards.
- (b) When recommended by the City Engineer and approved by the City Council and so noted in the preliminary plat or final plat review, larger lines shall be installed.

SEC. 3.2.003 VALVES

- (a) At intersections of water distribution lines, the number of valves shall be one less than the number of radiating lines, 2 valves for tee connection, and 3 valves for cross connection). Valves shall be located at the P.C. or P.T. of the nearest property line. All valves shall conform to the latest standards of the American Water Works Association.

SEC. 3.2.004 FIRE HYDRANTS

- (a) Fire hydrants will be provided at a maximum spacing and shall meet the specifications per the IFC as adopted by the City. Hydrants shall be standard three-way post-type dry barrel hydrants complying to AWWA Standards with 6 inch or larger connections to mains.

SEC. 3.2.005 ON-SITE WASTEWATER SYSTEMS

- (a) Lots 0.5 acre or greater outside the wastewater CCN shall be permitted to utilize individual on-site sewage facility methods for sewage disposal; except that lots in subdivisions properly platted, approved, and recorded prior to April 20, 1981, shall be exempt from this 0.5 acre minimum lot size requirement, to the extent permitted by current design criteria for on-site sewage facilities and administrative rules of the state commission on environmental quality, or any successive agency.
- (b) All individual surface and subsurface methods for sewage disposal (including septic systems) within the City jurisdiction shall have a site-specific design by a registered professional engineer or a registered sanitarian; and such engineer or sanitarian shall, upon development completion, certify that the installation has been completed in accordance with that engineer's or sanitarian's approved design plans. Such certification and

Page 48 of 81



STAFF REPORT

MEETING DATE: February 13, 2024

TITLE:

Consider action to approve Resolution No. R-2024-19 of the City Council of the City of Bastrop, Texas confirming appointment by the Mayor of Keith Ahlborn, to the Zoning Board of Adjustment Place 1, as required in Section 3.08 of the City's Charter, and establishing an effective date.

AGENDA ITEM SUBMITTED BY:

Ann Franklin, City Secretary

BACKGROUND/HISTORY:

Section 3.08, Mayor and Mayor Pro Tem, of the City Charter states that the Mayor shall appoint members to all City boards and commissions, subject to confirmation by the City Council.

FISCAL IMPACT:

N/A

RECOMMENDATION:

Recommend approval of Resolution No. R-2024-19 of the City Council of the City of Bastrop, Texas confirming appointment by the Mayor of Keith Ahlborn, to the Zoning Board of Adjustment Place 1, as required in Section 3.08 of the City's Charter, and establishing an effective date.

ATTACHMENTS:

- Resolution

RESOLUTION NO. R-2024-19

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, CONFIRMING APPOINTMENT BY THE MAYOR OF KEITH AHLBORN, TO THE ZONING BOARD OF ADJUSTMENT PLACE 1, AS REQUIRED IN SECTION 3.08 OF THE CITY'S CHARTER, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Section 3.08, Mayor and Mayor Pro Tem, of the City Charter states that the Mayor shall appoint members to all City boards and commissions, subject to confirmation by the City Council; and

WHEREAS, Mayor Lyle Nelson has appointed Keith Ahlborn to Place 1 of the Zoning Board of Adjustment; and

WHEREAS, City Council must confirm these appointments as required by the City Charter.

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

Section 1: That Mayor Lyle Nelson has appointed Keith Ahlborn to Place 1 of the Zoning Board of Adjustment; and

Section 2: That the City Council of the City of Bastrop confirms Mayor Nelson's appointment of Keith Ahlborn to Place 1 of the Zoning Board of Adjustment.

Section 3: 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 this 13th day of February 2024.

APPROVED:

Lyle Nelson, Mayor

ATTEST:

Ann Franklin, City Secretary

APPROVED AS TO FORM:

Alan Bojorquez, City Attorney



STAFF REPORT

MEETING DATE: February 13, 2024

TITLE:

Consider Action to approve the first reading of Ordinance No. 2024-04 of the City Council of the City of Bastrop, Texas amending the Code of Ordinances, related to Chapter 12 Titled "Traffic and Vehicles," Article 12.05 Titled "Speed Limits," adding Section 12.05.011 titled "FM 969 speed limits." Zoning for traffic and rate of speed therein, on FM 969 in the city limits of the City of Bastrop; defining speeding and fixing a penalty therefore; declaring what may be a sufficient complaint in prosecutions hereunder; repealing all prior ordinances that are in conflict herewith; and providing for findings of fact, enactment, codification, effective date, repealer, severability, proper notice and meeting as shown in Exhibit A, and move to include on the February 27, 2024 Consent Agenda for the second reading.

AGENDA ITEM SUBMITTED BY:

Kennedy Higgins, Senior Planner

BACKGROUND/HISTORY:

On April 11th, 2023, TX DOT conducted an engineering and traffic investigation regarding the speed and number of vehicles that utilized FM 969. The recommendation from TxDot was to lower the speed limit from 65 miles per hour, to 60 miles per hour.

POLICY EXPLANATION:

Texas Transportation Code

Chapter 545, Subchapter H. Speed Restrictions, Section 545.356 Authority Of Municipality To Alter Speed Limits and section 545.351 (a) Maximum Speed Requirement

Sec. 545.356. AUTHORITY OF MUNICIPALITY TO ALTER SPEED LIMITS. (a) The governing body of a municipality, for a highway or part of a highway in the municipality, including a highway of the state highway system, has the same authority to alter by ordinance prima facie speed limits from the results of an engineering and traffic investigation as the Texas Transportation Commission on an officially designated or marked highway of the state highway system. The governing body of a municipality may not modify the rule established by Section 545.351(a) or establish a speed limit of more than 75 miles per hour.

(b) The governing body of a municipality, for a highway or part of a highway in the municipality, including a highway of the state highway system, has the same authority to alter prima facie speed limits from the results of an engineering and traffic investigation as the commission for an officially designated or marked highway of the state highway system, when the highway or part of the highway is under repair, construction, or maintenance. A municipality may not modify the rule established by Section 545.351(a) or establish a speed limit of more than 75 miles per hour.

Sec. 545.351. MAXIMUM SPEED REQUIREMENT. (a) An operator may not drive at a speed greater than is reasonable and prudent under the circumstances then existing.

Bastrop Code of Ordinances

Chapter 12, article 12.05 – Speed Limits, section 12.05.003 Specific speed limits

Sec. 12.05.003 - Specific speed limits.

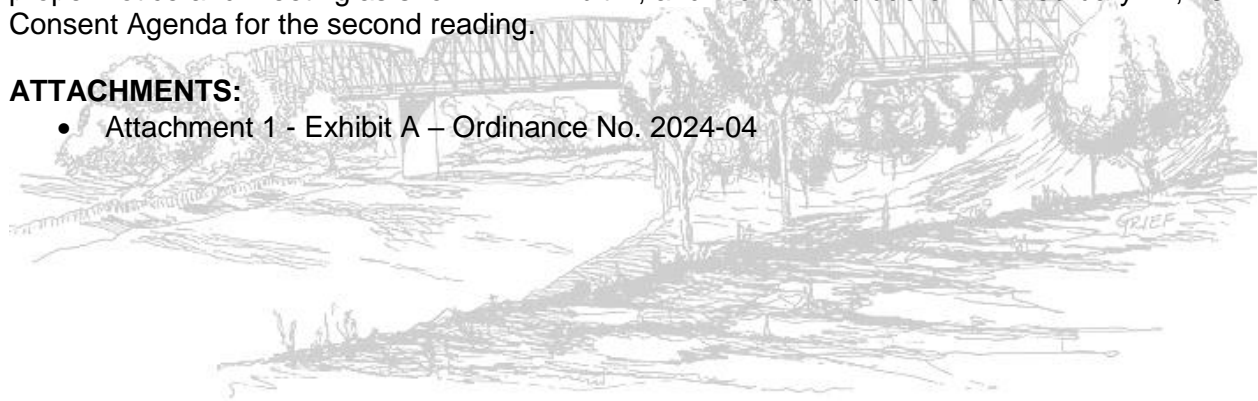
When signs are erected giving notice thereof, no person shall operate a vehicle on any road or highway within the city at a speed greater than that indicated in the schedule as maintained on file in the office of the City Secretary.

RECOMMENDATION:

Consider Action to approve the first reading of Ordinance No. 2024-04 of the City Council of the City of Bastrop, Texas amending the Code of Ordinances, related to Chapter 12 Titled "Traffic and Vehicles," Article 12.05 Titled "Speed Limits," adding Section 12.05.011 titled "FM 969 speed limits." Zoning for traffic and rate of speed therein, on FM 969 in the city limits of the City of Bastrop; defining speeding and fixing a penalty therefore; declaring what may be a sufficient complaint in prosecutions hereunder; repealing all prior ordinances that are in conflict herewith; and providing for findings of fact, enactment, codification, effective date, repealer, severability, proper notice and meeting as shown in Exhibit A, and move to include on the February 27, 2024 Consent Agenda for the second reading.

ATTACHMENTS:

- Attachment 1 - Exhibit A – Ordinance No. 2024-04



ORDINANCE NO. 2024-04

SPEED LIMIT ON FM 969

AN ORDINANCE OF THE CITY OF BASTROP, TEXAS; AMENDING THE CODE OF ORDINANCES, RELATED TO CHAPTER 12 TITLED “TRAFFIC AND VEHICLES”, ARTICLE 12.05 TITLED “SPEED LIMITS”, ADDING SECTION 12.05.011 TITLED “FM 969 SPEED LIMITS.” ZONING FOR TRAFFIC AND RATE OF SPEED THEREIN, ON FM 969 IN THE CITY LIMITS OF THE CITY OF BASTROP; DEFINING SPEEDING AND FIXING A PENALTY THEREFORE; DECLARING WHAT MAY BE A SUFFICIENT COMPLAINT IN PROSECUTIONS HEREUNDER; REPEALING ALL PRIOR ORDINANCES THAT ARE IN CONFLICT HEREWITH; AND PROVIDING FOR FINDINGS OF FACT, ENACTMENT, CODIFICATION, EFFECTIVE DATE, REPEALER, SEVERABILITY, PROPER NOTICE AND MEETING.

WHEREAS, the Texas Department of Transportation has determined upon the basis of engineering and traffic investigation that the prima facie maximum speed limit for that portion of FM 969 as shown on the attached Exhibit A, shall be as stated and described hereinafter; and

WHEREAS, the City of Bastrop desires to protect and ensure the public health, safety, and welfare of its residents and business by regulating and guiding the general traveling public; and

WHEREAS, the City Council desires to change the current prima facie speed limits on FM 969 in the city limits of the City of Bastrop, as provided herein, to 60 mph pursuant to Section 12.05.003 of the Code of Ordinances to better protect the convenience, health, safety, and welfare of the residents of the City and of the motoring public.

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

Section 1. The facts and recitations set forth in the preamble of this Ordinance are hereby found to be true and correct.

Section 2. It is hereby determined upon the basis of an Engineering and Traffic investigation that the prima facie maximum speed limit on those portions of FM 969 routed in the City of Bastrop, is hereby stated, which prima facie maximum speed limit shall be effective at all times and signs will be erected giving notice of the prima facie maximum speed limit so declared to wit.

Speed Zone

FOR EASTBOUND TRAFFIC

Beginning at Control Section 1186-02 at milepoint 11.424 (Bastrop Northern City Limit - 755 feet South of Sam Houston Dr.) to milepoint 12.164 (SH 21-SH71), a distance of 0.740 miles, a prima facie maximum speed limit of 60 miles per hour.

FOR WESTBOUND TRAFFIC

Beginning at Control Section 1186-02 at milepoint 12.164 (SH 21-SH71) to milepoint 11.424 (Bastrop Northern City Limit - 755 feet South of Sam Houston Dr.), a distance of 0.740 miles, a prima facie maximum speed limit of 60 miles per hour.

- Section 3.** That all of the streets of this city, and all portions of any such streets, are hereby declared to be public streets and that the driving or operating of any motor vehicle on or along any portion of any street of this city at a rate of speed that is greater than the maximum rate of speed for said portion of said street, as fixed by this ordinance shall be guilty of a misdemeanor, which is named " The Offense of Speeding " and that the said offense is punishable by a fine in any sum not to exceed Two Hundred dollars (\$200.00). That the use of the word " Speeding " shall be sufficient to designate the said offense, and shall mean that a motor vehicle has been driven upon a public street at a greater rate of speed than fixed by City Ordinance for the street and for the zone thereof, that such motor vehicle was so being driven upon, if zoned.

That in prosecutions under this ordinance, for the offense of speeding, the complaint, if in other respects sufficient in form, shall as to the portion thereof seeking to acknowledge the offense, be sufficient if it in substance alleges that the defendant did while driving a motor vehicle in said city commit the offense of " Speeding " .

- Section 4.** Amendment To City Code. The City of Bastrop Code of Ordinances shall be amended to add Chapter 12 "Traffic and Vehicles", Article 12.05 "Speed Limits", Section 12.05.011 "FM 969 Speed Limits." and Section 12.05.011 "FM 969 Speed Limits." of the Code of Ordinances shall read in accordance with Section 2 of this Ordinance.

- Section 5.** Passage. Pursuant to Section 3.15 of the City Charter, the Council determined that the first reading of this Ordinance is sufficient for adequate consideration by an affirmative vote of a majority of members of the City Council during the first reading, and therefore, this Ordinance is adopted and enacted without further readings.

Section 6. 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.

Section 7. Severability. If any clause or provision of this Ordinance shall be deemed to be unenforceable for any reason, such unenforceable clause or provision shall be severed from the remaining portion of the Ordinance, which shall continue to have full force and effect.

Section 8. Repeal. This Ordinance shall be and is hereby cumulative of all other ordinances of the City of Bastrop, Texas, and this Ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this Ordinance, in which event such conflicting provisions, if any, in such other Ordinances, are hereby repealed.

Section 9. Effective Date. That the fact that prompt action should be taken in the regulation of traffic, on the streets of this city, in the manner provided for in this ordinance creates an emergency requiring that the rules that provide that an ordinance shall be read at two separate meetings of the city council before final passage, be suspended; and that the said rules are hereby suspended, and this ordinance is here and now passed, and that it is ordered that it take effect from and after its passage and publication.

READ & ACKNOWLEDGED on First Reading on this, the 13th day of February 2024.

READ & APPROVED on the Second Reading on this, the 27th day of February 2024.

APPROVED:

by: _____
Lyle Nelson, Mayor

ATTEST:

Ann Franklin, City Secretary

APPROVED AS TO FORM:

Alan Bojorquez, City Attorney

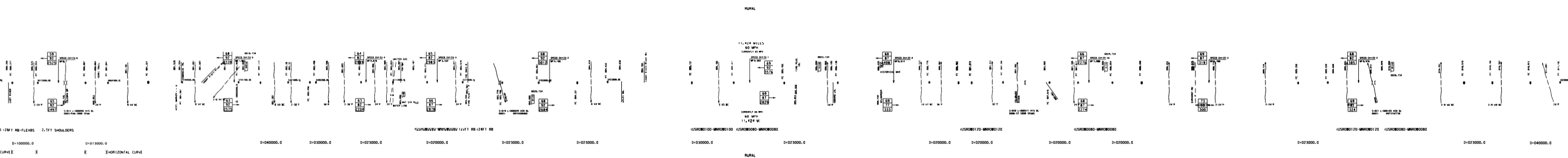
MAP 1 OF 1
 DEVELOPMENT
 RES. SIGHT DISTANCE
 BALL BANK or ADVISORY SPEED
 CURVES OVER 2°
 GRADES OVER 3%
 SURFACE WIDTH AND TYPE
 R.O.W. AND R.O.B. WIDTH
 ACCIDENTS
 ZONE LENGTHS MILE
 ZONE SPEEDS MPH

TOWARD
 BASTROP WCOL
 C.L. BEARINGS
 SH 21/71
 TOWARD

ZONE SPEEDS MPH
 ZONE LENGTHS MILE
 ACCIDENTS
 R.O.W. AND R.O.B. WIDTH
 SURFACE WIDTH AND TYPE
 GRADES OVER 3%
 CURVES OVER 2°
 BALL BANK or ADVISORY SPEED
 RES. SIGHT DISTANCE
 DEVELOPMENT

DIST. AUSTIN COUNTY BASTROP
 HIGHWAY FM 969 CITY UNINC./RURAL
 DATE OF SURVEY 04/11/23 SCALE 1" = 800'
 LIMITS OF ZONE

SECTION	LINE	LENGTH 11,424 MILES	SECTION TWO	LENGTH	MILES
STATION	OR N.P.	CONT. & SECT.	PROJECT	STATION	OR N.P.
BEGINS	0.000	1186-2		ENDS	11.424
STATION	OR N.P.	CONT. & SECT.	PROJECT	STATION	OR N.P.
ENDS	11.424	1186-2			

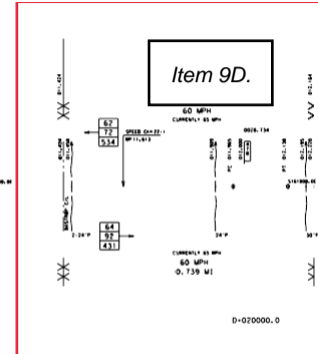


HORIZONTAL CURVE [] HORIZONTAL CURVE

42 62 125
 85 PERCENTILE SPEED
 TOP SPEED MEASURED
 NUMBER OF CARS CHECKED

● FATAL ACCIDENT
 ○ PERSONAL INJURY ACCIDENT
 ○ PROPERTY DAMAGE ACCIDENT
 — INDICATES SECTION ZONED BY COMMISSION MINUTE

SPEED ZONE



90