

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



October 22, 2024

Regular City Council Meeting at 5:30 PM

NOTE: Presentation 5(B) and 8(R) Added/Updated on 10/21/2024

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** - Michael Barrios and Layton North, Colony Oaks Elementary Safety Patrol

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

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

[4C.](#) PUBLIC SERVICE ANNOUNCEMENT: Youth Advisory Board - Bullying Prevention Month

[4D.](#) PROCLAMATION: Arbor Day - November 1, 2024

Submitted by: Terry Moore, Parks & Recreation Director

[4E.](#) PROCLAMATION: Debby Denny Day - October 22, 2024

5. WORK SESSIONS/BRIEFINGS

5A. **5:30 - 6:00 PM** - Presentation by NewGen Strategies & Solutions regarding the City of Bastrop's Water and Wastewater Impact Fee Rate Study.

Submitted By: Edi McIlwain, Chief Financial Officer

[5B.](#) **6:00 - 6:45 PM** - Presentation update for Chapters 2 and 5 of the 2016 Comprehensive Plan developed by Halff & Associates.

Submitted by: Kennedy Higgins, Senior Planner, Development Services Department

6. 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 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.

7. 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.

[7A.](#) Consider and act to approve the following Bastrop City Council meeting minutes:

1. Tuesday, September 17, 2024 Regular Meeting; and
2. Tuesday, October 1, 2024 Regular Meeting.

Submitted by: Victoria Psencik, Assistant City Secretary

- [7B.](#) Consider and act on Resolution No. R-2024-131, Approving the closure of Chestnut Street for the Lost Pines Christmas parade; providing for a repealing clause; and providing for an effective date.

Submitted By: Kathy Danielson, Community Engagement Director

- [7C.](#) Consider and act on Resolution No. R-2024- 150; Awarding a Community Support Service Agreement for services associated with operating, marketing, and the providing of cultural art and theater services to the Bastrop Opera House, at a cost of One Hundred Ninety-Four Thousand and 00/100 Dollars (\$194,000.00) attached as Exhibit A; authorizing the City Manager to execute all necessary documents for the agreement; providing for a repealing clause; and establishing an effective date.

Submitted By: Kathy Danielson, Community Engagement Director

- [7D.](#) Consider and action on Resolution No. R-2024-151; Awarding a community support service agreement for services associated with operating, marketing, and providing cultural art, to the Lost Pines Art Center, at a cost of One Hundred Sixty-Seven Thousand and Nine Hundred and Fifty and 00/100 dollars (\$167,950.00). attached as Exhibit A; authorizing the City Manager to execute all necessary documents for the contract; providing for a repealing clause; and establishing an effective date.

Submitted By: Kathy Danielson, Community Engagement Director

- [7E.](#) Consider and act on Resolution No. R-2024-152; Awarding a community support service agreement for operating, marketing, and staffing a historical museum and visitor center and providing visitor center services to the Bastrop County Historical Society, at a cost of Three Hundred and Sixty-Two Thousand Seven Hundred Thirty-two and 00/100 dollars (\$362,732.00) attached as Exhibit A; authorizing the City Manager to execute all necessary documents for the contract; providing for a repealing clause; and establishing an effective date.

Submitted By: Kathy Danielson, Community Engagement Director

- [7F.](#) Consider and act on second reading of Ordinance No. 2024-34, Regarding the City of Bastrop's Texas Municipal Retirement System (TMRS) Benefits, Authorizing: (1) 20-Year Retirement Eligibility; (2) Non-Retroactive Repeating COLAS for Retirees and their Beneficiaries Under TMRS Act Section 853.404(f) and (f-1); (3) Annually Accruing Updated Service Credits and Transfer Updated Service Credits; and (4) Authorizing Actuarially Determined City Contribution Rate Payment.

Submitted By: Edi McIlwain, Chief Finance Officer

- [7G.](#) Consider and act on Resolution No. R-2024-135; Approving an engineering professional services contract with Dial Development Services, Ltd. (DDS) to provide construction inspection services for the Agnes St. Extension project to a Not To Exceed amount of one hundred eight thousand dollars (\$108,000.00); authorizing the City Manager to execute all necessary documents upon request and providing for findings of fact, repealer, severability, effective date, proper notice, and meeting.

Submitted by: Andres Rosales, Assistant to the City Manager

8. ITEMS FOR INDIVIDUAL CONSIDERATION

8A. Consider and act on Resolution No. R-2024-145, Appointment to the Bastrop Economic Development Corporation in Places 2, 4, and 6 for a Two-Year Term Beginning in October 2024 and Ending in September 2026; Making an Appointment to Place 7 for a One-Year Term Beginning in October 2024 and Ending in September 2025; Receiving Confirmation by the City Council of Appointees; And Providing for an Effective Date.

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

8B. Consider and take action on Resolution No. R-2024-144, Receiving Nominations from Bastrop Mayor for Appointment to the Bridging Bastrop Board for Places 1, 2, 3 and 4; and Receiving Confirmation from the City Council of Appointees for a Three-Year Term Beginning in October 2024 and ending in September 2027; and Providing for an Effective Date.

Submitted by: Vivianna Nicole Andres, Assistant to the City Manager

8C. Consider and Act on Resolution No. R-2024-139; Appointing Construction Standards Board of Adjustment and Appeals for Place 1-Plumbing Contractor, Place 4-General Contractor, for a Three-Year Term Beginning October 2024 and Ending September 2027; Appointing Place 3-Citizen At Large and Alternate 1-Business Industry for a One-Year Unexpired Term Ending on September 2025; Receiving Confirmation by the City Council of Appointees; And Providing for an Effective Date.

Submitted by: James E Cowey, Development Director/Building Official

8D. Consider and act on Resolution No. 2024-142; Appointment to the Cultural Arts Commission for Places 1 and 2 – Bastrop Independent School District Representative to a Three-Year Term Beginning October 2024 and Ending September 2027; Place 7-Bastrop Historical Society Museum & Visitor Center will remain vacant until a new director has been hired; Appointing Mayor Pro-Tempore Kirkland as Council Liaison; And Providing for an Effective Date.

Submitted by: Michaela Joyce, Main Street Manager

8E. Consider and act on Resolution No. R-2024-147, Receiving Nominations from Bastrop Mayor for Appointment to the Cemetery Advisory Board for Place 3 and 4; Receiving Confirmation from the City Council for Appointees for a Three-Year Term Beginning in October 2024 and ending in September 2027; and Providing for an Effective Date.

Submitted by: Edi McIlwain, Chief Financial Officer

8F. Consider and act on Resolution No. R-2024-146; Appointing Members to the Ethics Commission in Places 2, 4, and 5 For Full 3-Year Terms of Office Beginning in October 2024 and Ending September 2027; Accepting Resignation of the Honorable Chris Duggan in Place 5 Whose Term Expires in 2026 and Appointing a Citizen to Fill the Unexpired Term; Receiving Confirmation by the City Council of Appointees on Said Commission; And Providing for an Effective Date.

Submitted by: Irma Parker, City Secretary

8G. Consider and act on Resolution No. R-2024-137, Appointment to the Historic Landmark Commission for a County Historical Society Representative for Place 1; Appointment of an Owner of a Commercial Historical Structure to Place 3; Change the Term Date of

Planning & Zoning Commission Representative in Place to coincide with his Term of Office; Receiving Confirmation by the City Council for appointees for a three-year Term Beginning in October 2024 and ending in September 2027; Appointing Council Member Meyer as Council Liaison; and Providing an Effective Date.

Submitted by: James E Cowey, Development Director/Building Official

[8H.](#) Consider and act on Resolution No. R-2024-149, Receiving Nominations from the Bastrop Housing Authority Board for Places 2, 4, and 5 for Full 2-Year Terms of Office Beginning In October 2024 And Ending September 2026; Appointing City Manager Sylvia Carrillo-Trevino as Council Liaison to Said Board; Receiving Confirmation by the City Council of Appointees on Said Commission; And Providing for an Effective Date.

Submitted by: Irma G. Parker, City Secretary, TRMS, CMC

[8I.](#) Consider and act on Resolution No. R-2024-148; Appointment to the Hunters Crossing Local Government Corporation Board for Places 4 and 6 for Full 3-Year Terms of Office Beginning in October 2024 and Ending September 2027; Appointing Council Member Fossler as Council Liaison for Said Board; Receiving Confirmation by the City Council of Appointees on Said Commission; And Providing for an Effective Date.

Submitted by: Edi McIlwain, Chief Financial Officer

[8J.](#) Consider and act on Resolution No. R-2024-140; Receiving Nominations from Bastrop Mayor for Appointment to the Bastrop Public Library Board for Places 5 and 7; Receiving Confirmation by the City Council of Appointees for a Three-Year Term Beginning in October 2024 and Ending in September 2027; Re-appoint Council Member Lee as Council Liaison; And Providing for an Effective Date.

Submitted by: Bonnie Pierson, Library Director

[8K.](#) Consider and act on Resolution No. 2024-143; Appointment to the Main Street Advisory Board for Places 1, 6, and 9 for Three-Year Term Beginning October 2024 and Ending September 2027; Fill the Unexpired Term of Place 2 to Expire in September 2025; Receiving Confirmation by the City Council; Appointing Council Member Plunkett as Council Liaison; And Providing for an Effective Date.

Submitted by: Michaela Joyce, Main Street Manager

[8L.](#) Consider and act on Resolution No. R-2024-141; Receiving Nominations from Bastrop Mayor for Appointment to the Parks & Recreation Board for Places 1, 4 – Bastrop State Park Representative and Place 7 to a Three-Year Term Beginning October 2024 and Ending September 2027; Receiving Confirmation by the City Council; And Providing for an Effective Date

Submitted by: Terry Moore, Parks & Recreation Director

[8M.](#) Consider and act on Resolution No. R2025-136; A Resolution Receiving Nominations from Bastrop Mayor for Appointment to the Planning & Zoning Commission for Places, 1, 3, 5, 7 and 10; Receiving Confirmation by the City Council of Appointees for a Three-Year Term Beginning in October 2024 and Ending in September 2027; and Providing for an Effective Date.

Submitted by: James E Cowey, Development Director/Building Official

[8N.](#) Consider and act on Resolution No. R-2024-138; Appointing Members to the Zoning Board of Adjustment for Places 2, 4, and 7 for a Three-Year Term Beginning in October 2024 and Ending in September 2027; Appointing Members to an Unexpired Term through 2025 for Places 1 and 3; Receiving Confirmation From the City Council of Appointees; and Providing for an Effective Date.

Submitted by: James E Cowey, Development Director/Building Official

[8O.](#) Consider and act on Ordinance No. 2024-36, Amending the 2024 Fiscal Year Budget Following Existing Statutory Requirements; Detailing Appropriations Contained Herein as *Exhibit A*; Repealing all Prior Ordinances and Actions in Conflict Herewith; Establishing an effective date and Publication.

Submitted By: Edi McIlwain, Chief Financial Officer

[8P.](#) Consider and act on the first reading of Ordinance No. 2024-35, amending Appendix A - Fee Schedule, Section A1.12 – Libraries; establishing a repealing clause; providing severability; and providing an effective date.

Submitted By: Bonnie Pierson, Library Director

[8Q.](#) Consider and act on Ordinance No. 2024-37, Amending Chapter 1 “General Provisions”, Article 1.02 “Administration”, Section 1.02.003 “Official Newspaper; Posting of Notices in lieu of Newspaper Publication” to Declare the ELGIN COURIER as the Official Newspaper for Required Newspaper Publications by the City; Providing for Findings of Fact; Providing for Repealer; Providing for Severability; Providing for Proper Notice and Meeting; And Establishing an Effective Date.

Submitted by: Irma Parker, City Secretary, TRMC, CMC

[8R.](#) Conduct a public hearing, consider and act on the first reading of Ordinance No. 2024-38, Approving the zoning change for 2 +/- acres out of Building Block 110 east of Water Street, located east of SH 95, within the City of Bastrop from P5 Core to P3 Residential, as shown in Attachment 2; 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 Department

[8S.](#) Conduct a public hearing, consider and act on the first reading of Ordinance No. 2024-39; Approving the zoning change for 2.20 +/- acres out of Building Block 111 east of Water Street, located east of HW 95, within the City of Bastrop from P4 Mix to P3 Residential as shown in Attachment 2; 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 Department

[8T.](#) Conduct a public hearing, consider and act on the first reading of Ordinance No. 2024-40, Adopt the 2025 Schedule of Uniform Submittal Dates for Plats 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 move to include on the November 12, 2024 Consent Agenda for the second reading.

Submitted by: Kennedy Higgins, Senior Planner, Development Services Department

- 8U. Consider and act on Resolution No. R-2024-153, Approving a Public Improvement Plan Agreement with Hunt Communities for The Colony MUD 1D Section 2B, as attached in Exhibit A; authorizing the City Manager to execute all necessary documents; providing for a repealing clause; and establishing an effective date.

Submitted by: Kennedy Higgins, Senior Planner, Development Services Department

- 8V. Consider and act on Resolution No. R-2024-154; Approving a Public Improvement Plan Agreement with Hunt Communities for The Colony MUD 1D Section 2A, as attached in Exhibit A; authorizing the City Manager to execute all necessary documents; providing for a repealing clause; and establishing an effective date.

Submitted by: Kennedy Higgins, Senior Planner, Development Services Department

9. STAFF AND BOARD REPORTS

9A. City Manager's Report

1. Personnel Update
2. Ordinance Updates: Boards & Commissions; Council Data Requests; ZBA Membership; B3 Code Update

9B. Presentation regarding Bastrop Public Library's Digitization Award.

Submitted By: Bonnie Pierson, Library Director

9C. Presentation and update of Bridging Bastrop Board activities.

Submitted By: Sheila Lowe, Bridging Bastrop Board Chair

9D. Presentation of August 30, 2024 Monthly Financial Statement

Submitted By: Edi McIlwain, Chief Financial Officer

10. 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, October 18, 2024 at 4:00 p.m. and remained posted for at least

two hours after said meeting was convened—update made to packet for 5(B) and 8(R) on 10/21/2024.

/s/Victoria Psencik
Victoria Psencik, Assistant City Secretary



STAFF REPORT

MEETING DATE: October 22, 2024

TITLE:

Mayor's Report

AGENDA ITEM SUBMITTED BY:

Sylvia Carrillo-Trevino, ICMA-CM, CPM, 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: October 22, 2024

TITLE:

Council Members' Report

AGENDA ITEM SUBMITTED BY:

Sylvia Carrillo-Trevino, ICMA-CM, CPM, City Manager

POLICY EXPLANATION:

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



The Family Crisis Center's Community Awareness & Prevention Education team (C.A.P.E.) sponsors and facilitates a group of Bastrop County teens called the Youth Advisory Board. The YAB is involved in creating, planning, and hosting awareness campaigns and community events for their peers and fellow "Bastropians" throughout the year. Their mission is to help erase violence in Bastrop County while encouraging others to do what is right, even when it is difficult. October is both Domestic Violence Awareness and Bullying Prevention Month so there is no better time to examine the connection between these two issues. Whether it's intergenerational violence or schoolyard bullying, if young people don't learn healthy conflict resolution, they can turn into abusive partners as adults. We, the Bastrop County Youth Advisory Board and Family Crisis Center's C.A.P.E. Team, ask for you to join us in our mission to "stop it before it starts".




From: Receptionist 4 - Voicemail box 8811 <noreply@voicemail.goto.com>
Sent: Wednesday, September 25, 2024 4:52 PM
To: Irma Parker <iparker@cityofbastrop.org>
Subject: Voicemail from Anonymous at Anonymous on Sep 25 2024 4:49 PM

CAUTION: This email originated outside the City of Bastrop, TX email system. Please maintain caution when opening links or attachments.



You received a new voicemail message

 New voicemail message

Time: Wednesday, September 25 2024 4:49 PM

From: Anonymous Anonymous

Duration: 57 seconds

Voicemail box: 8811

Transcript:

Hi, Ms. Parker. My name is Ashlyn Wetzel. I work with the Family Crisis Center. I'm calling in regards to the upcoming City Council meeting on the 22nd. Here at the Family Crisis Center, we have a group of teens named the Youth Advisory Board, and they are teens that attend different schools throughout Bastrop County. And they are wanting to make a short public service announcement or speech at the upcoming city council meeting on the 22nd for bullying prevention month. This would be a short three to five minute speaking piece done by our board chairman. And so I was just going to see how we could get on the agenda for that. And if it's possible, if you have any questions or need any more information about it, please give me a call. My number is 512-321-7760.

Again, my name is Ashlyn with the Family Crisis Center. Thanks so much.
Bye-bye.

[Rate this transcript's accuracy](#)



Mailbox
Capacity: 1/99 available

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STAFF REPORT

MEETING DATE: October 22, 2024

TITLE:

A proclamation of the City Council recognizing November 1, 2024, as Arbor Day in the City of Bastrop.

AGENDA ITEM SUBMITTED BY:

Terry Moore, Parks & Recreation Director

BACKGROUND/HISTORY:

Texas Arbor Day has been recognized since 1889. It is celebrated across the country and world.

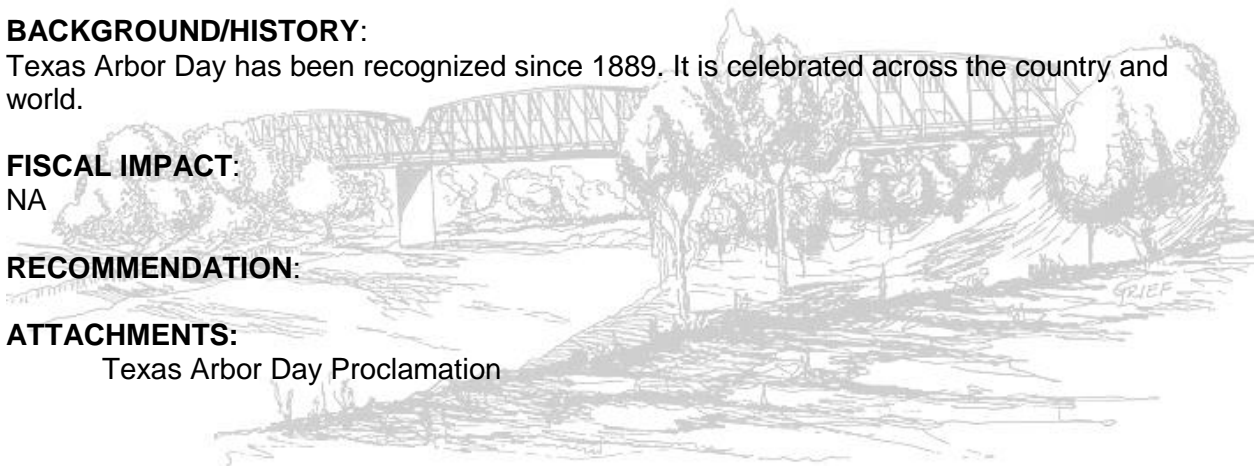
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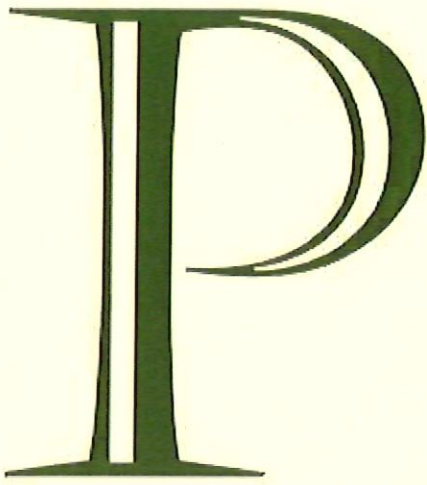
NA

RECOMMENDATION:

ATTACHMENTS:

Texas Arbor Day Proclamation





PROCLAMATION



WHEREAS, Arbor Day is now observed throughout the nation and the world, and;

WHEREAS, beginning in 1889, Arbor Day has been observed and celebrated in Texas; and

WHEREAS, trees can be a solution to combating climate change by reducing the erosion of our precious topsoil by wind and water, cutting heating and cooling costs, moderating the temperature, cleaning the air, producing life-giving oxygen, and providing habitat for wildlife, and

WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and

WHEREAS, the City of Bastrop Parks and Recreation Department commits to continue to plant new trees in our parks and public spaces as a source of joy and enjoyment, and

NOW, THEREFORE, I, Sylvia Carrillo-Trevino, City Manager of the City of Bastrop, Texas, do hereby proclaim November 1, 2024 as:

TEXAS ARBOR DAY IN BASTROP TEXAS

and encourages all citizens to celebrate Texas Arbor Day and to support efforts to protect our trees and woodlands.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Official Seal of the City of Bastrop, Texas to be affixed this 22nd day of October, 2024.



Sylvia Carrillo-Trevino
Sylvia Carrillo-Trevino, City Manager

PROCLAMATION

WHEREAS, a request was submitted to the City of Bastrop to acknowledge and pay tribute to Debbie Denny for her many contributions to the City of Bastrop’s prosperity and tourism; and

WHEREAS, Debbie Denny was a founding member of the Bastrop Downtown Business Alliance and is an original Board Member of the Bastrop Opera House, serving as an officer in one capacity or another from 2016 - 2023; and

WHEREAS, as a marketing professional, Debbie has collaborated with local businesses to enhance their visibility, growing their revenue, all with great vision and irrepressible good humor; and

WHEREAS, the City wishes to express Heart-Felt Appreciation to Debbie Denny who embodies the highest standards of leadership, fostering collaboration and goodwill among the business community to assist in developing creative new opportunities and activities to attract tourists to our community.

NOW, THEREFORE, I, Sylvia Carrillo-Trevino, City Manager of the City of Bastrop, County of Bastrop, do hereby designate October 22, 2024 as a Day of Recognition to honor

Debbie Denny

And encourage all citizens to celebrate Debbie Denny and the many Volunteer Extraordinaires in the City of Bastrop who have made outstanding contributions to positive change in the City of Bastrop. Let us all remember that “*Without volunteers, we’d be a nation without a soul.*” (Rosalynn Carter).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the City of Bastrop, to be affixed on this 22nd day of October 2024.

CITY OF BASTROP, TEXAS

Sylvia Carrillo-Trevino, City Manager

ATTEST:

Irma G. Parker, City Secretary

Meeting Agenda

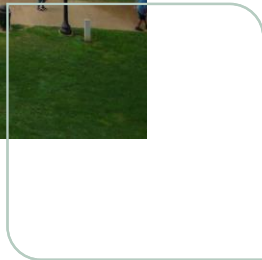
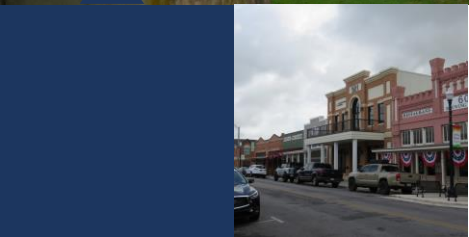
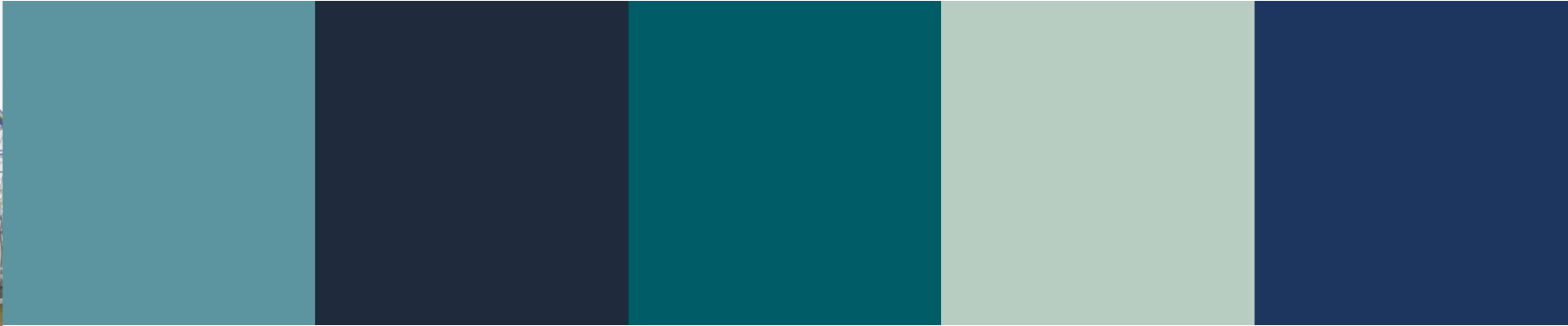
October 22, 2024

Bastrop Comprehensive Plan Update

City Council Visioning Workshop

5:30 – 6:30 pm

1. **Meeting Welcome & Introductions** (2 min)
2. **Project Overview** (10 min)
 - a. **Project purpose** – Brief discussion of the purpose for updating Chapters 2 and 5 of the 2016 Comprehensive Plan
 - b. **What we've heard so far** – Provide a summary of input that has been gathered to date from the following two engagement efforts:
 - i. **Technical Committee Meeting** – held September 24, 2024
 - ii. **Online Community Survey** – launched Monday, October 7, 2024, and currently in progress through Monday, November 4, 2024
 - c. **Then/Now Comparisons** – Examination of population and land use changes and trends in Bastrop from 2016 to current
3. **Visioning and Goals** (45 min)
 - a. **Affirmation of Goals** – Group discussion/exercise to evaluate and reach consensus on the applicability and prioritization of the goals in Chapters 2 and 5 of the 2016 Comprehensive Plan for the 2024-2025 update
4. **Wrap-Up** (3 min)
 - a. Next Steps
 - b. Upcoming Engagement & Meetings



City Council Visioning Workshop

Bastrop Comprehensive Plan Update

October 22, 2024

Agenda

Project overview

- Scope of project
- What we've heard

Visioning discussion

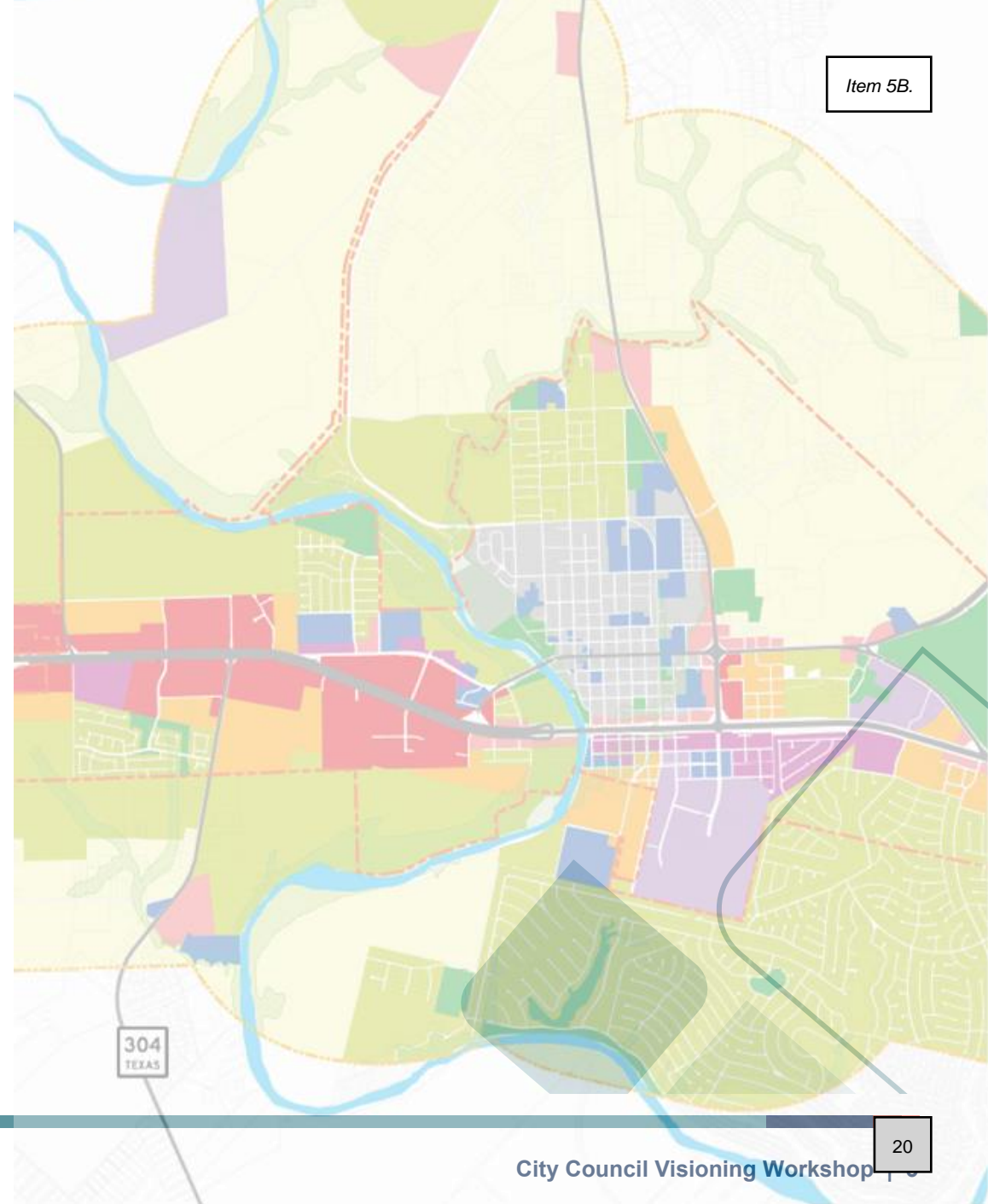
Next steps

PROJECT OVERVIEW

The primary purpose of the project is to prepare an update to the City's 2016 Comprehensive Plan to focus on growth and land use in the city.

The project will provide updates only to Chapter 2: Community Growth and Chapter 5: Land Use and Community Image

In this meeting, we will work to identify **City Council's goals** and **desired outcomes** for this process.



OUTCOMES OF TODAY'S WORKSHOP

Explore Bastrop's growth, development patterns, and review goals that align with the city's vision for sustainable growth.

Learn and Share
1

Affirm Vision and Goals
2

Build Consensus
3



SCOPE OF PROJECT

INITIATION AND ADMINISTRATION:

- Project kick-off
- Data collection
- Public engagement logistics

EXISTING CONDITIONS:

- Data collection (demographics, plan and trend reviews, implementation)
- Mapping

COMMUNITY ENGAGEMENT:

- Stakeholder and citizen engagement

ANALYSIS:

- Gap analysis
- Code review

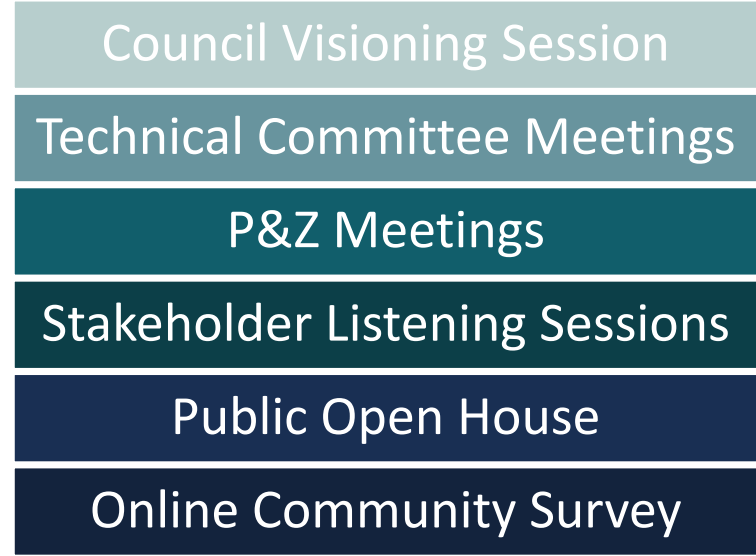
DRAFT RECOMMENDATIONS:

- Develop actions and strategies related to policy, regulation, partnerships, operations, and funding

FINAL PLAN:

- Draft land use plan and growth plan
- Prepare updates to Chapters 2 and 5
- Stakeholder review and final amendments
- Adoption

OUTREACH EFFORTS



WHO IS INVOLVED?

City Council:

- Visioning workshop and joint P&Z meeting

Planning & Zoning:

- Workshops and project updates

Technical Committee:

- Two (2) meetings at different stages in the process
- Comprised of key staff from the city

Stakeholders and Public:

- Listening sessions
- Community survey
- Public open house



PROJECT SCHEDULE	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY
PHASE 1: INITIATION & ADMINISTRATION										
Project kick-off	8/20									
Plan and trend review										
PHASE 2: EXISTING CONDITIONS										
Data collection & mapping										
PHASE 3: COMMUNITY ENGAGEMENT										
Technical Committee meeting		9/24								
Community survey			10/7	11/4						
City Council Visioning			10/22							
Stakeholder listening sessions				11/21						
P&Z workshop				11/21						
Community open house								3/4		
PHASE 4: ANALYSIS										
Gap analysis										
P&Z and Technical Committee meetings										
PHASE 5: DRAFT RECOMMENDATIONS										
Develop strategies and actions										
PHASE 6: FINAL PLAN										
Develop Growth Plan and FLUM										
Draft preparation										
Approval & adoption										

Gathering Feedback

WHAT WE'VE HEARD

TECHNICAL COMMITTEE



Utility Capacity Affects Growth: Utility services either promote or slow development.



Development in the West: Most growth is to the west of the river in areas without existing water/wastewater infrastructure, increasing costs for homebuyers.



PDD Applications Favorable: Most new development applications are Planned Development Districts (PDDs), which staff find useful.



Common Zoning Variations: The most frequent zoning code requests are for road and parking requirements.



Future Land Use Map Underused: The 2016 Future Land Use Map is not regularly used in development reviews.

COMMUNITY TOUCH POINT SURVEY WEEK 1



Overall Agreement with Goals. Respondents mostly agree with 2016 comprehensive plan goals.



Key Goal: Water System Capacity: Strong support for ensuring long-term water system capacity and quality.



Key Goal: Water Quality Protection: Strong support for protecting water quality in the Lower Colorado River Watershed.



Less Agreement on Land Use Plan: Less strong agreement on using the Future Land Use Plan to guide development decisions.

COMMUNITY TOUCH POINT SURVEY WEEK 1

"I'm still concerned about the amount of water resources available for the continued growth of the city and county."

"You are allowing new people and new building to happen much faster than the city and county are prepared for. We need to improve infrastructure before it gets any worse."

"We have overgrown our infrastructure to the point of breaking."

"The growth Bastrop has seen since 2016 would never be considered measured."

"Water conservation and public transportation are going to be key to allowing growth, or drought and traffic will choke us."

"More focus must be put to infrastructure. Roads, hospitals, police, parks and schools are severely lacking. Proper zoning for adequate shopping and restaurant areas must be considered as well."

Growth & Development Patterns

HISTORICAL GROWTH

Based on U.S. Census data, Bastrop, Texas has experienced notable population growth since 2016.

- **2016:** The population was 8,694.
- **2020:** The population increased to 9,688, marking an approximate growth of 11.4% over four years.
- **2023:** The population estimate is 11,679, reflecting a further increase of about 20.5% since 2020.

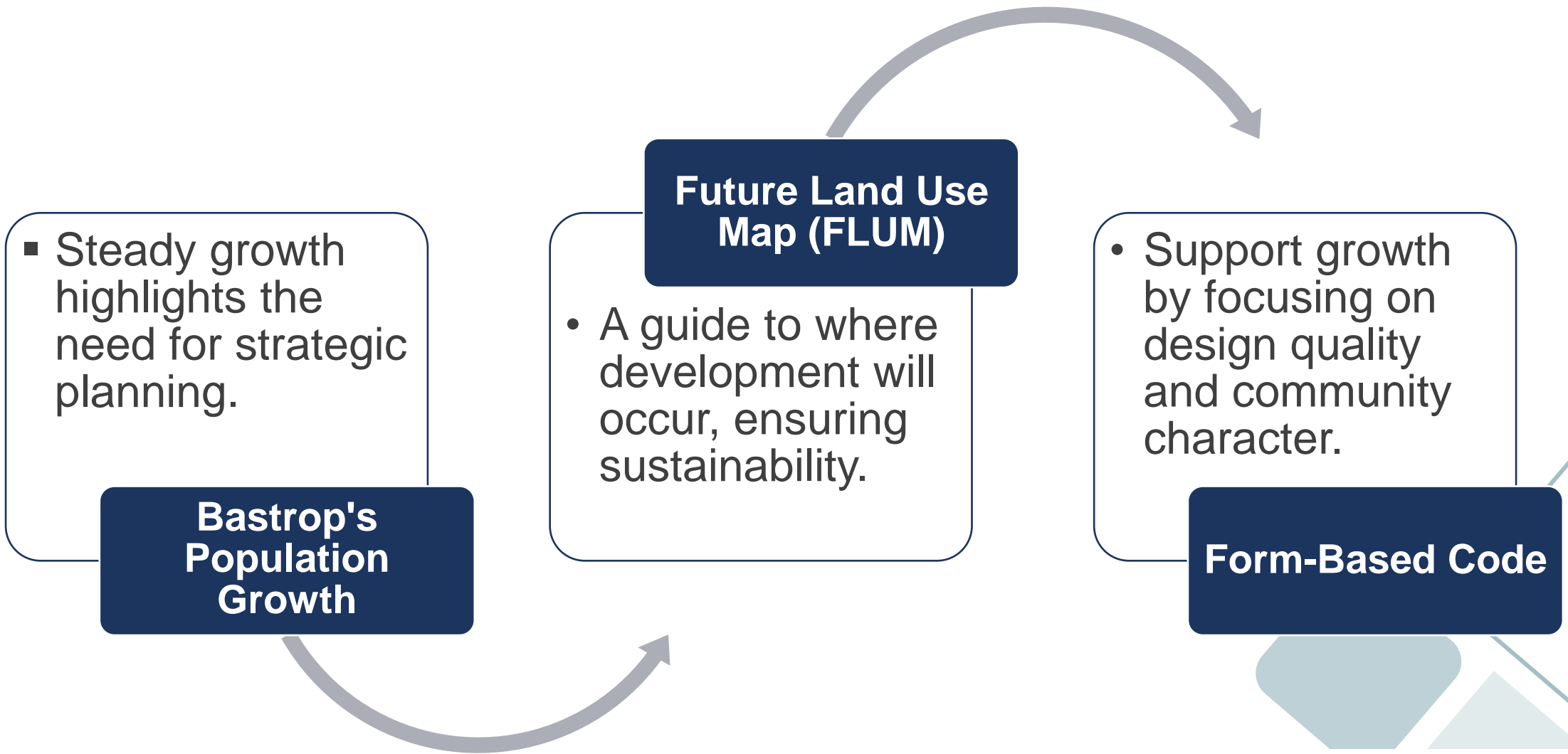
Overall, from 2016 to 2023, Bastrop’s population grew by approximately 34.3%.

Average annual growth rate of approximately 4.9% from 2016 to 2023.

	Population
2016	8,694
2020	9,692
2024	11,189
2026*	12,164
2031*	14,799
2046*	26,653

**Population projections from Bastrop Water Plan
U.S. Census*

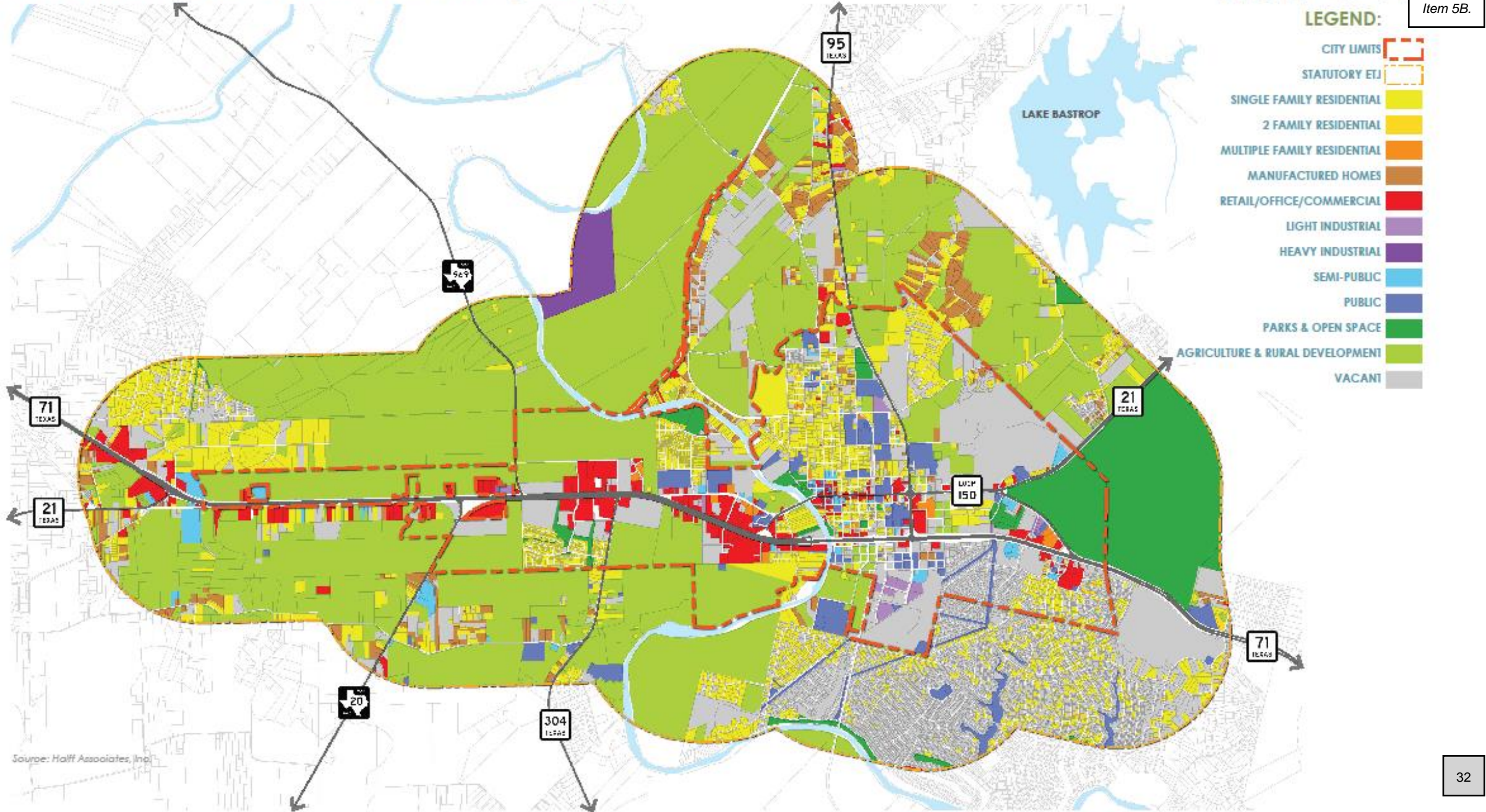
GROWTH & LAND USE PLANNING



BASTROP EXISTING LAND USE (2016)

MAP 5-A:

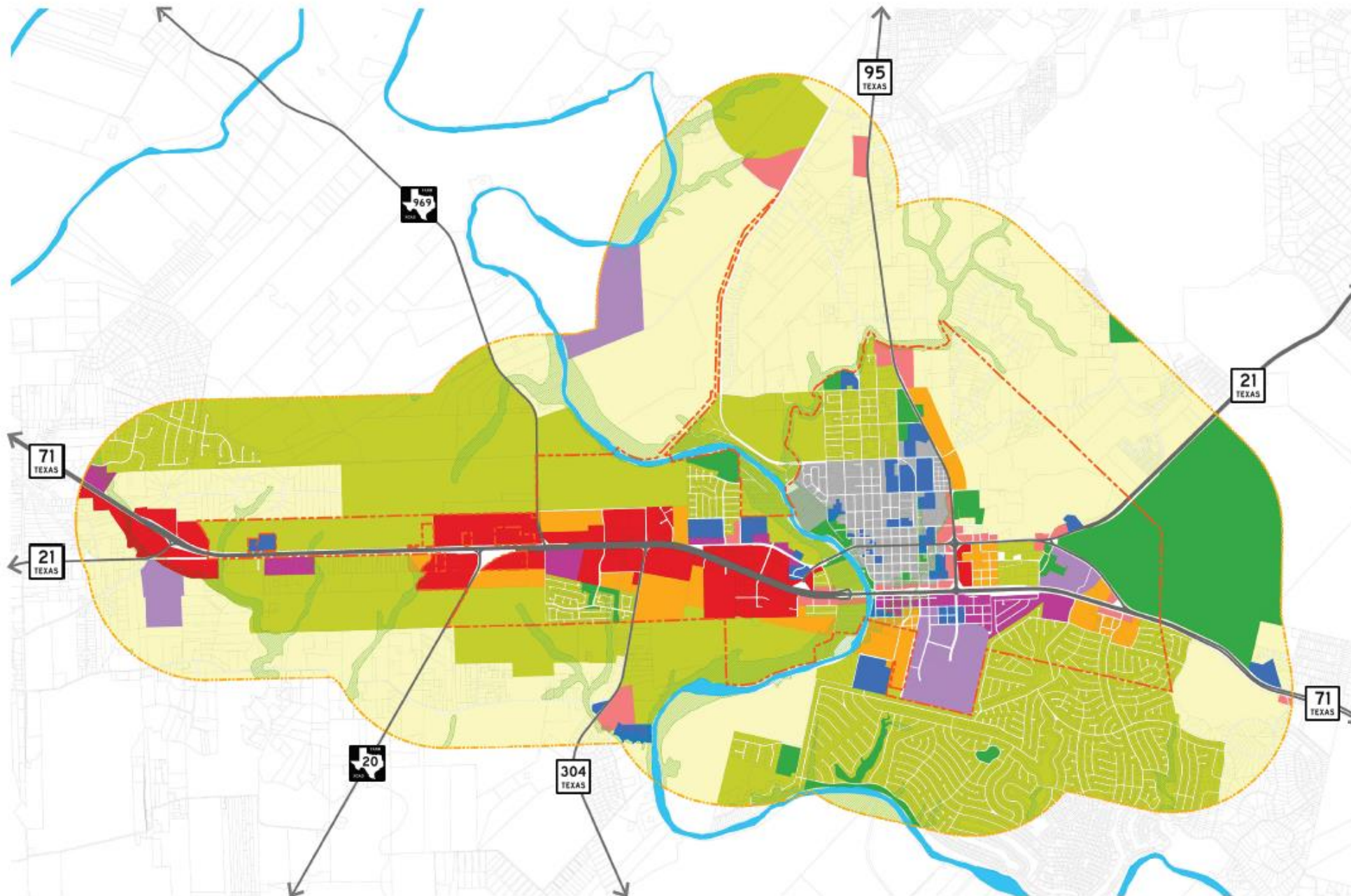
Item 5B.



FUTURE LAND USE MAP

MAP 5-B:

Item 5B.



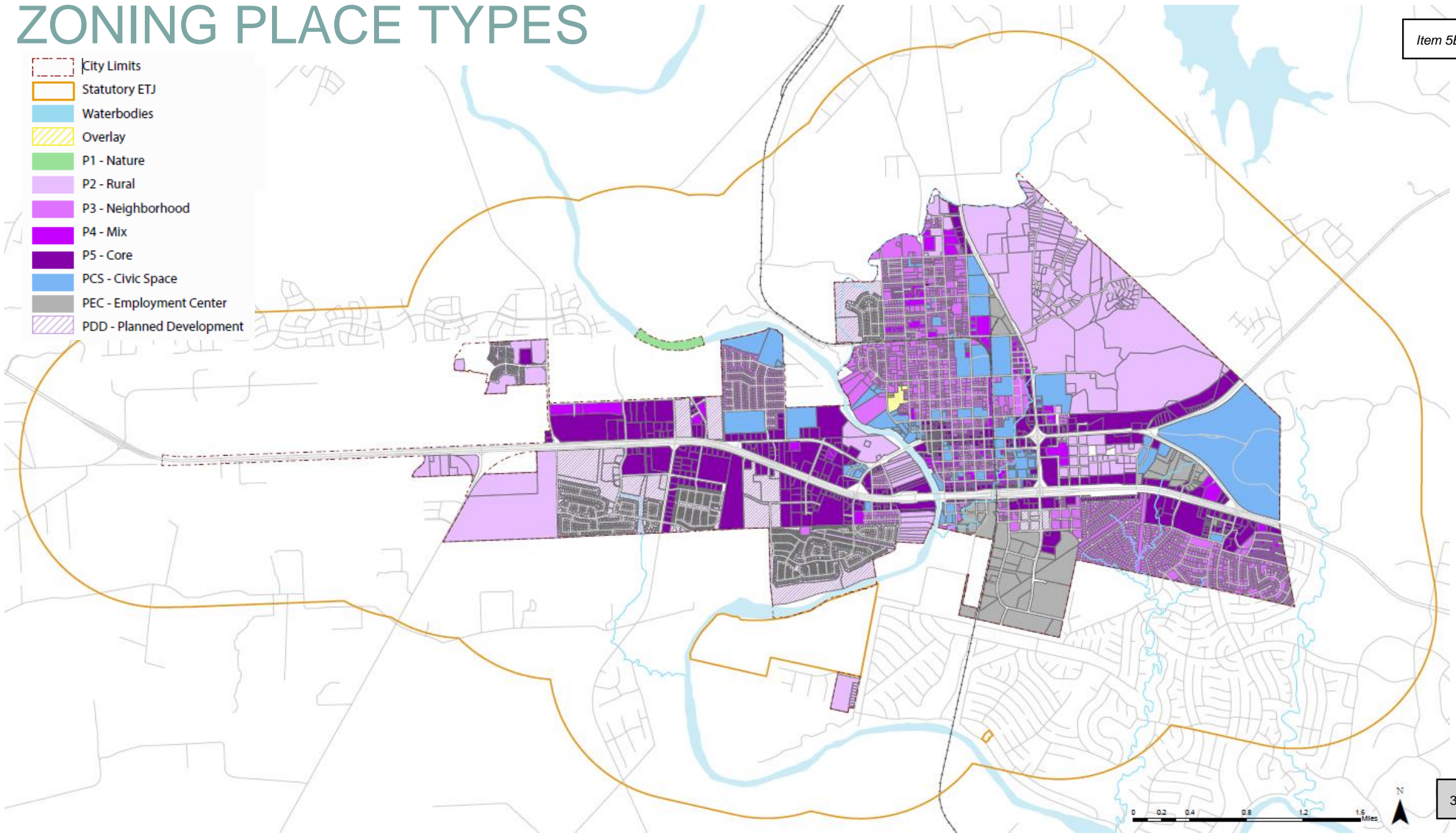
LEGEND

- CITY LIMITS 
- STATUTORY ETJ 
- PARKS & OPEN SPACE 
- RURAL RESIDENTIAL 
- NEIGHBORHOOD RESIDENTIAL 
- TRANSITIONAL RESIDENTIAL 
- NEIGHBORHOOD COMMERCIAL 
- GENERAL COMMERCIAL 
- PROFESSIONAL SERVICES 
- DOWNTOWN BASTROP¹ 
- PUBLIC & INSTITUTIONAL 
- INDUSTRY 
- FLOODPLAIN OVERLAY² 

Notes: ¹Boundary is similar to the DB-FBC. ²The Floodplain Overlay denotes environmentally sensitive land where development impacts should be minimized, and land could be preserved or dedicated as public parkland or open space.

ZONING PLACE TYPES

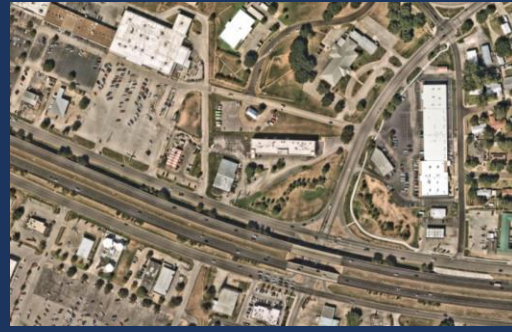
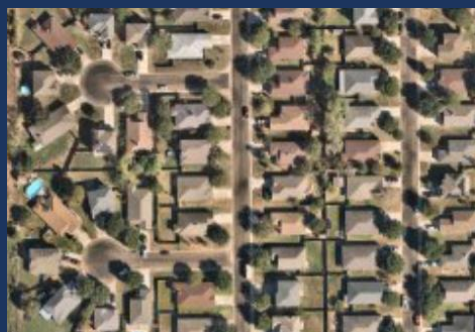
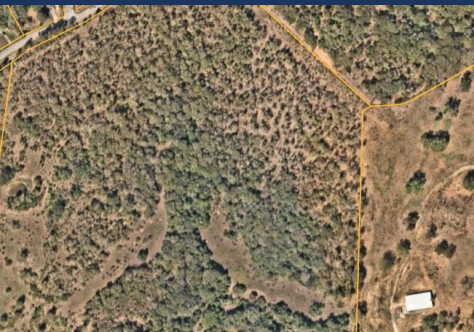
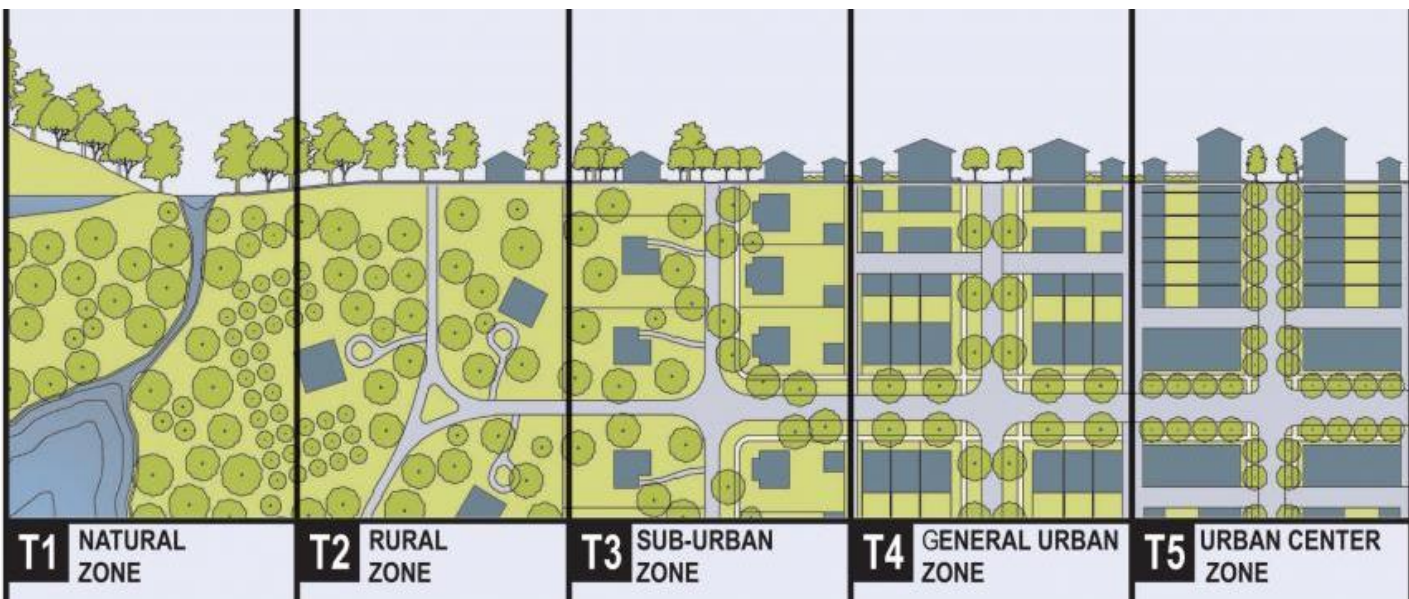
- City Limits
- Statutory ETJ
- Waterbodies
- Overlay
- P1 - Nature
- P2 - Rural
- P3 - Neighborhood
- P4 - Mix
- P5 - Core
- PCS - Civic Space
- PEC - Employment Center
- PDD - Planned Development



MISCONCEPTIONS OF GROWTH



RURAL TO URBAN DEVELOPMENT PATTERNS



Visioning & Discussion

REAFFIRMING GOALS

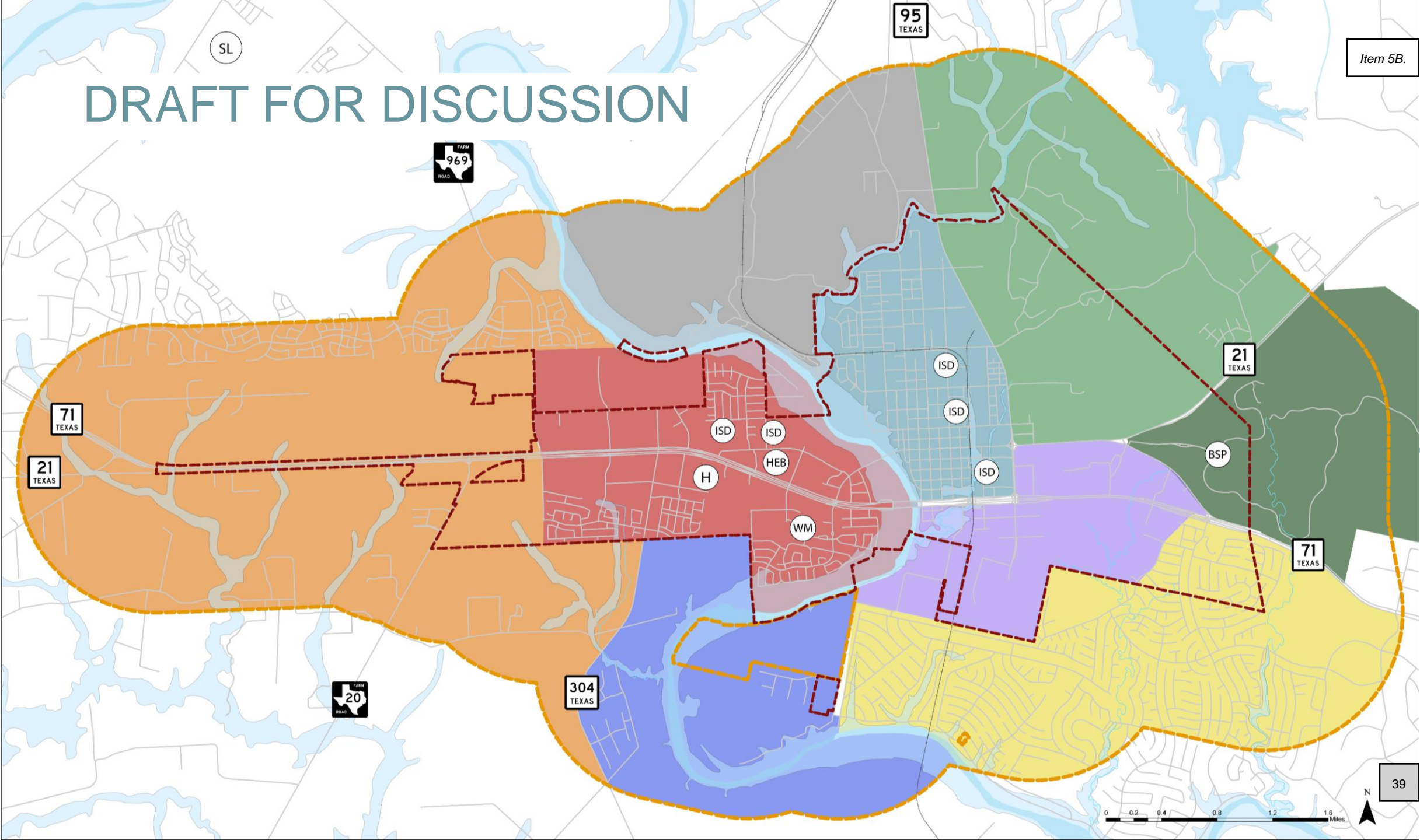
REVISITING 2016 GOALS

Item 5B.

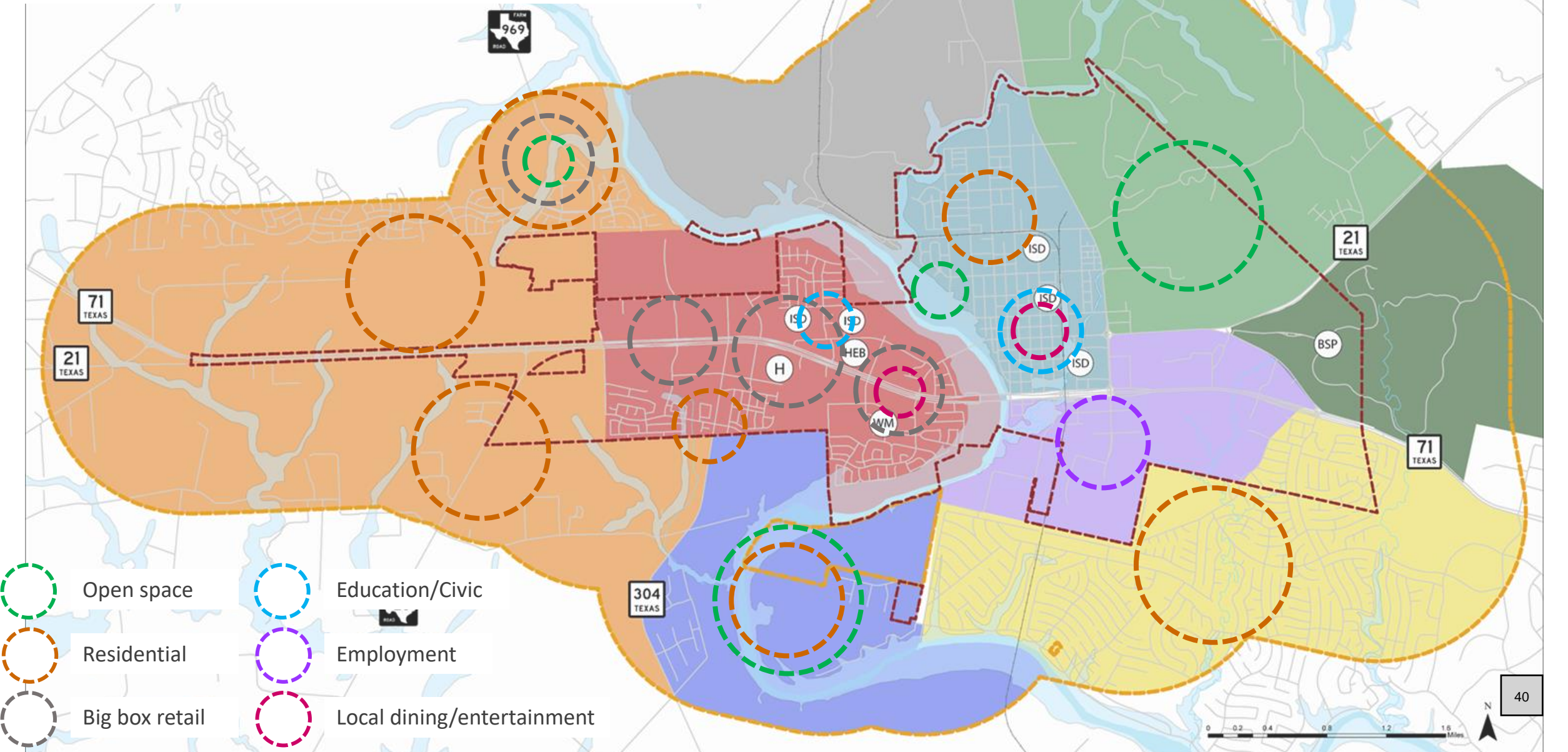
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DRAFT FOR DISCUSSION

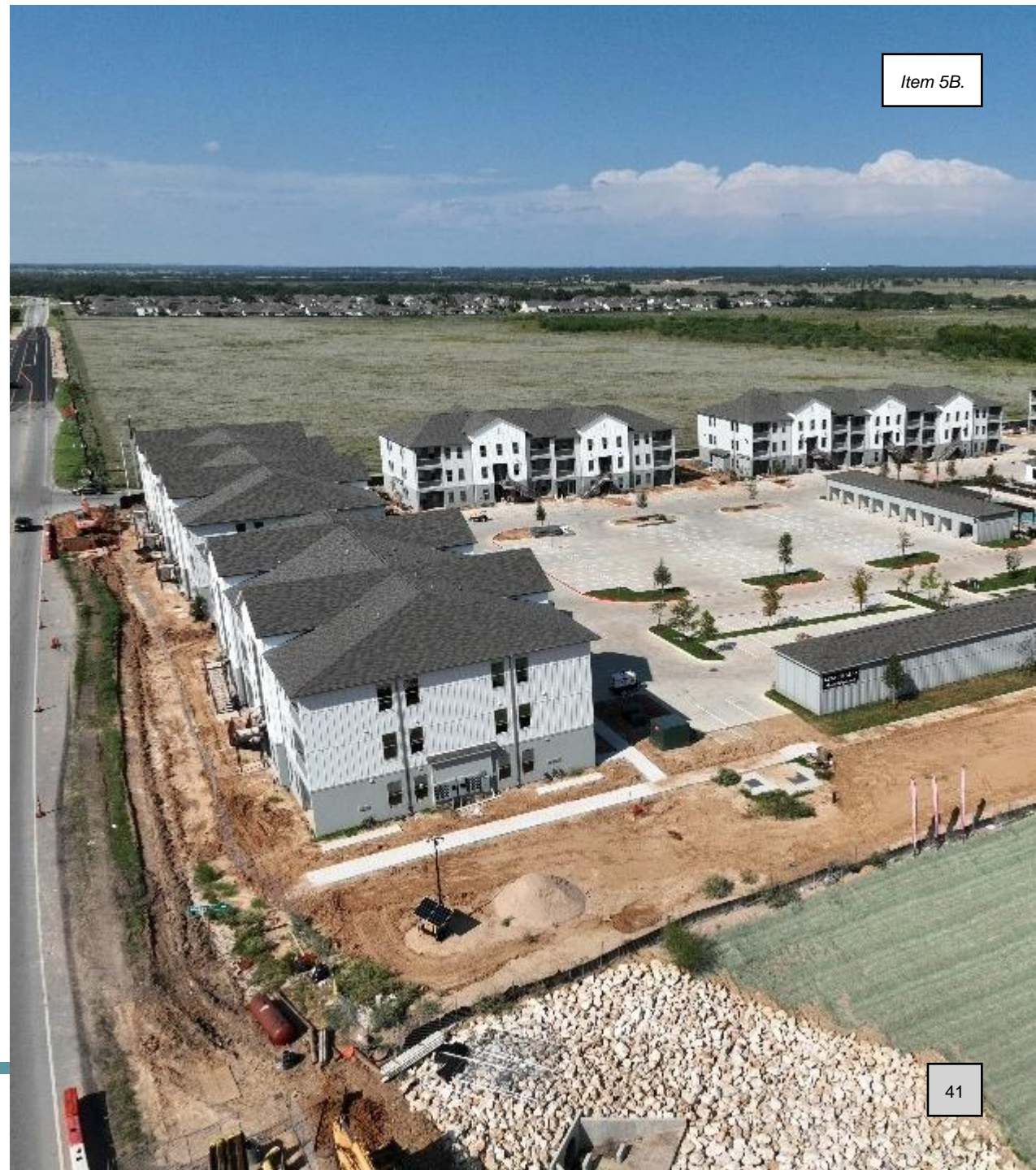


DRAFT FOR DISCUSSION



MOVING FORWARD

- How can the Comprehensive Plan goals be used to guide or shape the updated future land use map?
- How will these goals help to fill the development gaps identified in the draft discussion map?
- How will the Plan goals support the future urbanization patterns identified or desired for the future land use map, especially for “priority areas?”



NEXT STEPS

1

Planning & Zoning
Commission meeting
on November 21st



2

Meet with stakeholder
listening groups on
November 21st



3

Continue background
research, mapping, and
gap analysis of the code
and comprehensive plan



4

Synthesize
community input to
guide
recommendation
development





STAFF REPORT

MEETING DATE: October 22, 2024

TITLE:

Consider and act to approve the following Bastrop City Council meeting minutes:

1. Tuesday, September 17, 2024 Regular Meeting; and
2. Tuesday, October 1, 2024 Regular Meeting.

AGENDA ITEM SUBMITTED BY:

Victoria Psencik, Assistant City Secretary

BACKGROUND/HISTORY:

N/A

FISCAL IMPACT:

N/A

RECOMMENDATION:

Approve the Bastrop City Council meeting minutes the Tuesday, September 17th and Tuesday, October 1st Regular Meetings.

ATTACHMENTS:

- DRAFT Tuesday, September 17, 2024 Regular Meeting
- DRAFT Tuesday, October 1, 2024 Regular Meeting



CITY OF BASTROP
REGULAR CITY COUNCIL MEETING MINUTES
SEPTEMBER 17, 2024

The Bastrop City Council met in a Regular Meeting on Tuesday, September 17, 2024, at 6:30 p.m. at the Bastrop City Hall Council Chambers, 1311 Chestnut Street, Bastrop, Texas, with the following action taken to wit:

Council Members Present

Mayor Lyle Nelson
 Mayor Pro-Tempore Kirkland
 Council Member Meyer
 Council Member Lee
 Council Member Fossler
 Council Member Plunkett

Staff Present

Assistant City Manager Andres Rosales
 City Attorney Alan Bojorquez
 Interim City Secretary Irma G. Parker
 Chief Financial Officer Edi McIlwain

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE

Yolanda Lara and Andie Cox from the Bluebonnet Elementary Safety Patrol led the Pledge of Allegiance to both the U.S. flag and the Texas flag.

3. INVOCATION

Phil Woods, Bastrop Police Chaplain, gave this evening's Invocation.

4. PRESENTATIONS

4A. **Mayor's Report**

4B. **Council Members' Report**

5. WORK SESSIONS/BRIEFINGS – NONE

No work sessions/briefings were given.

6. STAFF AND BOARD REPORTS

6A. **City Manager's Report**

Presented by: Andres Rosales, Assistant City Manager

No action was taken on Item 6A.

7. CITIZEN COMMENT(S)

Bastrop citizen addressing the City Council on an item, not on the agenda: Brett Douglas

8. CONSENT AGENDA

- 8A. **Consider and act to approve the Bastrop City Council meeting minutes from the Tuesday, September 10, 2024 Regular Meeting.**

Submitted by: Victoria Psencik, Assistant City Secretary

- 8B. **Consider and act on the second reading of Ordinance No. 2024-32 Granting an extension of the master plan expiration for the Reed Ranch Planned Development District, being 24.04 acres out of the Nancy Blakey Survey, as shown on Attachment 2, located at 615 W Highway 71, within the city limits of Bastrop, Texas, 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 Department

- 8C. **Consider and act on the second reading of Ordinance No. 2024-28, Amending the Bastrop Code of Ordinances, Appendix A, Fee Schedule, Article A13.02 "Water and Wastewater Rates and Charges", Sections A13.02.002 Wastewater Service Charge, and A13.02.004 Water Service Charge, as attached in Exhibit A; providing for: findings of fact, enactment, repealer, severability, providing for an effective date, codification, proper notice and meeting.**

Submitted by: Edi McIlwain, Chief Financial Officer

Mayor Nelson called for requests to remove any item from the Consent Agenda for separate discussion.

Council Member Fossler requested Item 8A be pulled from the Consent Agenda for separate discussion.

Council Member Lee requested Item 8B be pulled from the Consent Agenda for separate discussion.

Mayor Nelson requested Item 8C be pulled from the Consent Agenda for separate discussion.

CONSENT AGENDA ITEM 8A DISCUSSION

- 8A. **Consider and act to approve the Bastrop City Council meeting minutes from the Tuesday, September 10, 2024 Regular Meeting.**

Submitted by: Victoria Psencik, Assistant City Secretary

MOTION: Council Member Fossler moved to approve the minutes from the September 10, 2024, Regular City Council Meeting with the deletion of the wording listed by number one under Item 6A City Manager’s Report. Council Member Lee seconded the motion. Motion carried unanimously.

CONSENT AGENDA ITEM 8B DISCUSSION

8B. **Consider and act on the second reading of Ordinance No. 2024-32 Granting an extension of the master plan expiration for the Reed Ranch Planned Development District, being 24.04 acres out of the Nancy Blakey Survey, as shown on Attachment 2, located at 615 W Highway 71, within the city limits of Bastrop, Texas, 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 Department

MOTION: Council Member Lee moved to approve the second reading of Ordinance No. 2024-32 Granting an extension of the master plan expiration for the Reed Ranch Planned Development District. Council Member Plunkett seconded the motion. Motion carried unanimously.

CONSENT AGENDA ITEM 8C DISCUSSION

8C. **Consider and act on the second reading of Ordinance No. 2024-28, Amending the Bastrop Code of Ordinances, Appendix A, Fee Schedule, Article A13.02 “Water and Wastewater Rates and Charges”, Sections A13.02.002 Wastewater Service Charge, and A13.02.004 Water Service Charge, as attached in Exhibit A; providing for: findings of fact, enactment, repealer, severability, providing for an effective date, codification, proper notice and meeting.**

Submitted by: Edi McIlwain, Chief Financial Officer

MOTION: Council Member Meyer moved to approve the second reading of Ordinance No. 2024-28 Amending the Code of Ordinances Appendix A Fee Schedule Article 13.02 “Water and Wastewater Rates and Charges”, Sections A13.02.002 Wastewater Service Charge, and A13.02.004 Water Service Charge. Council Member Plunkett seconded the motion. Motion carried unanimously.

9. ITEMS FOR INDIVIDUAL CONSIDERATION

9A. **Consider and act on the second reading of Ordinance No. 2024-23, Approving the updated service plan, including provisions related to assessments for the Hunters Crossing Public Improvement District; approving the fiscal year 2024 assessment roll for the District; and containing other provisions related to the Hunters Crossing Public Improvement District and the Hunters Crossing Local Government Corporation; and providing for an effective date.**

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

Editor's Note: Mayor Nelson announced that he has filed a Conflict of Interest Statement with the City Secretary regarding Agenda Item 9A and has recused himself. Mayor Pro Tem Kirkland filled in the Mayor role. A copy of the signed Conflict of Interest Statement is attached hereto and made a part of these minutes as Exhibit A.

Presented by: George Hyde, Hyde Kelley LLP

MOTION: Council Member Meyer moved to approve Ordinance No. 2024-23 on the second and final reading and direct staff to bring Council a Resolution at the next Regular Meeting contributing to the Hunters Crossing Local Government Corporation and an Ordinance amending the Budget as necessary. Council Member Plunkett seconded the motion. Motion carried unanimously.

- 9B. **Conduct a public hearing for the Fiscal Year 2024-2025 Budget and consider and act on the second reading of Ordinance No. 2024-29, Adopting a budget for the Fiscal Year 2024-2025 (October 1, 2024 through September 30, 2025) attached as Exhibit A; making certain appropriations; and providing that expenditures for said Fiscal Year be made in accordance with said budget; updating the Master Fee Schedule; providing a distribution; severability; repealer; an effective date; proper notice and meeting.**

Submitted/Presented by: Edi McIlwain, Chief Financial Officer

Mayor Nelson opened the Public Hearing at 7:57 pm for the Fiscal Year 2024-2025 Budget.

No comments were submitted.

Mayor Nelson closed the Public Hearing at 7:57 pm for the Fiscal Year 2024-2025 Budget.

MOTION: Council Member Lee moved to approve the second reading of Ordinance No. 2024-29 to adopt the budget for Fiscal Year 2024-2025. Council Member Meyer seconded the motion. Motion carried unanimously.

- 9C. **Conduct a public hearing and consider and act on the second reading of Ordinance No. 2024-30, Adopting the tax roll, adopting the tax rate, and levying ad valorem taxes for the Fiscal Year 2024-2025 to provide revenue for the payment of budgeted municipal expenditures; and providing for tax assessment; records; severability; an effective date; and proper notice and meeting.**

Submitted/Presented by: Edi McIlwain, Chief Financial Officer

Mayor Nelson opened the Public Hearing at 8:00 pm for the adoption of the Tax Roll, the Tax Rate, and levying ad valorem taxes for Fiscal Year 2024-2025.

No comments were submitted.

Mayor Nelson closed the Public Hearing at 8:00 pm for the adoption of the Tax Roll, the Tax Rate, and levying ad valorem taxes for Fiscal Year 2024-2025.

MOTION: Council Member Lee moved that the property tax rate be increased by the adoption of a tax rate of \$0.4994 per \$100 valuation, which is effectively a 1.6 percent increase in the tax rate. Council Member Fossler seconded the motion. Motion carried unanimously.

9D. **Consider and act on Resolution R-2024-129, Ratifying that the Adoption of the Fiscal Year 2024-2025 Budget will require Raising more Revenue from Property Taxes than in the previous year; Providing for Severability; Providing for Repealer; Providing an Effective Date; and Providing for Proper Notice and Meeting**

Submitted/Presented by: Edi McIlwain, Chief Financial Officer

MOTION: Council Member Lee moved to ratify the vote just taken to approve the Fiscal Year 2024-2025 Budget which will raise more revenues from ad valorem taxes than the previous fiscal year. Council Member Meyer seconded the motion. Motion carried unanimously.

9I. **Consider and act on the Preliminary Engineering Study and Water/Wastewater Master Plan conducted by Freese and Nichols as requested by Council Member Lee and Mayor Nelson.**

Submitted by: Irma Parker, City Secretary, TRMC, CMC

Requested by: Council Member Lee and Mayor Nelson

No action was taken on Item 9I.

9J. **Consider and act on Resolution No. R-2024-126, Amending Article 2 "General rules of Procedure and Policies", Section 2.4 "Regular Meetings" by directing that meetings shall end no later than 10:00 pm.**

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

Requested by: Council Member Meyer

Presented by: Andres Rosales, Assistant City Manager

MOTION: Council Member Meyer moved to approve Resolution No. R-2024-126 to amend Article 2 "General Rules of Procedure and Policies," Section 2.4 "Regular Meetings" that meetings shall end no later than 10:00 pm. Council Member Plunkett seconded the motion. Motion carried unanimously.

9E. **Consider and act on Resolution No. R-2024-125, Amending the Rules of Procedure for the City Council and Board & Commissions as presented and approved at the April 29, July 9, and August 13, 2024 Regular Meetings;**

Providing for Findings of Fact, Repealer, Severability; Effective Date, Proper Notice and Meeting.

Submitted/Presented by: Irma Parker, TRMC, CMC, City Secretary

MOTION: Council Member Plunkett moved to approve the amendment of the Rules of Procedure for the City Council and Board and Commissions as presented and approved at the April 29th, July 9th, and August 13th 2024 Regular Meetings. Council Member Meyer seconded the motion. Motion carried unanimously.

9F. **Consider and act on Resolution No. R-2024-121, Approving changes to the Bastrop Economic Development Corporation's Revolving Loan Fund (RLF) Program; repealing all resolutions in conflict; and providing an effective date.**

Submitted by: Sylvia Carrillo-Trevino, ICMA-CM, CPM, BEDC Interim Executive Director and City Manager

Presented by: Andres Rosales, Assistant City Manager

MOTION: Council Member Plunkett moved to approve the changes to the Bastrop Economic Development Corporation's Revolving Loan Fund Program. Council Member Meyer seconded the motion. Motion carried unanimously.

9K. **Consider and act on Resolution No. R-2024-110, approving an Interlocal Agreement between the City of Bastrop and Bastrop County regarding surveying a portion of land located south of Hunters Crossing and east of SH 304, as attached in Exhibit A; authorizing the execution of all necessary documents; upon request and providing for findings of fact, repealer, severability, effective date, proper notice, and meeting.**

Submitted/Presented By: Andres Rosales, Assistant City Manager

MOTION: Council Member Lee moved to approve Resolution No. R-2024-110 to approve an Interlocal Agreement between the City of Bastrop and Bastrop County regarding surveying a portion of land located south of Hunters Crossing and east of SH 304 and with the correction of the Parcel Number defined in the Scope of Work changing the first Parcel Number in parenthesis "36554" to "36544". Council Member Plunkett seconded the motion. Motion carried unanimously.

9L. **Consider and act on Resolution No. R-2024-128, Authorizing the City Manager to negotiate and execute a change order on the initial contract with Holbrook Asphalt Company for additions to the scope of work valued at Three Hundred Forty Thousand and 00/100 dollars (\$340,000.00), provided that the total amount under the contract not to exceed One Million Six Hundred Twenty-Five Thousand and 00/100 Dollars (\$1,625,000.00), 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 previously approved by Resolution No. R-2024-16; authorizing the**

execution of all necessary documents; upon request and providing for findings of fact, repealer, severability, effective date, proper notice, and meeting.

Submitted/Presented by: Andres Rosales, Assistant City Manager

MOTION: Council Member Fossler moved to approve Resolution No. R-2024-128 to authorize the City Manager to negotiate and execute a change order on the initial contract with Holbrook Asphalt Company for the purchase of high-density mineral bond seal treatment for asphalt payment and traffic control. Council Member Meyer seconded the motion. Motion carried unanimously.

- 9M. **Consider and act on Resolution No. R-2024-124, Awarding a contract, attached as Exhibit A, for the Bastrop Power & Light Five-Year System Study to McCord Engineering, Inc. in the amount not to exceed Seventy-Five Thousand and 00/100 Dollars (\$75,000.00); authorizing the execution of all necessary documents; upon request and providing for findings of fact, repealer, severability, effective date, proper notice, and meeting.**

Submitted/Presented by: Andres Rosales, Assistant City Manager

MOTION: Council Member Meyer moved to approve Resolution No. R-2024-124 to award a contract for the Bastrop Power & Light Five-Year System Study to McCord Engineering, Inc. Council Member Plunkett seconded the motion. Motion carried unanimously.

EXECUTIVE SESSION

The City Council met at 8:45 p.m. in a closed/executive session pursuant to the Texas Government Code, Chapter 551, et seq, to discuss the following:

- Item. The City Council shall convene in to Closed Executive Session under Texas Government Code Section 551.071 (Consultations with the Attorney) to seek the advice of legal counsel on Agenda Item 9H “Presentation regarding the status of the Recall Petition.”

Mayor Nelson recessed the Executive Session and reconvened the Open Session at 9:16 p.m.

No action was taken from the Executive Session regarding Agenda Item 9H.

- 9H. **Presentation regarding the status of the Recall Petition.**

Submitted/Presented by: Irma G. Parker, TRMC, CMC, City Secretary

No action was taken on Item 9H.

- 9G. **Consider and act to adopt Resolution No. R-2024-127, Casting a ballot for Election of Places 11-14 of the Board of Trustees for the Texas Municipal League Intergovernmental Risk Pool for a six (6) year Term. Submitted by: Irma Parker, City Secretary**

Submitted/Presented by: Irma Parker, City Secretary

MOTIONS:

Council Member Fossler moved to nominate candidate Robert S. Davis for Place 11 of the Texas Municipal League Intergovernmental Risk Pool Board of Trustees. Council Member Lee seconded the motion.

Council Member Lee moved to nominate candidate Allison Heyward for Place 12 of the Texas Municipal League Intergovernmental Risk Pool Board of Trustees. Mayor Pro Tem Kirkland seconded the motion.

Council Member Meyer moved to nominate candidate James Quin for Place 13 of the Texas Municipal League Intergovernmental Risk Pool Board of Trustees. Council Member Fossler seconded the motion.

Mayor Pro Tem Kirkland moved to nominate candidate Mike Land for Place 14 of the Texas Municipal League Intergovernmental Risk Pool Board of Trustees. Council Member Meyer seconded the motion.

Council Member Lee moved to approve Resolution No. R-2024-127 to cast a ballot for Robert S. Davis for Place 11, Allison Heyward for Place 12, James Quin, for Place 13, and Mike Land for Place 14 for the Texas Municipal League Intergovernmental Risk Pool Board of Trustees Election. Council Member Fossler seconded the motion. Motion carried unanimously.

10. ADJOURNMENT

Upon receiving a motion and a second to adjourn, the September 17th Regular Meeting was adjourned without objection.

CITY OF BASTROP, TEXAS

Lyle Nelson, Mayor

ATTEST:

Victoria Psencik, Assistant City Secretary



Exhibit A

Item 7A.

CONFLICT OF INTEREST STATEMENT

I, LYLE NELSON, a local public official of the City of Bastrop, Texas (the City), make this affidavit and hereby on oath state the following:

Action being contemplated by the City Council at the September 17, 2024 Meeting, Agenda Item 9A may have an effect on a business entity or real property in which I have an interest. Such interest may be a "substantial interest" as that term is defined in Chapter 171 of the Texas Local Government Code. The action being contemplated may have a special economic effect on the business entity or real property distinguishable from the effect on the public.

1. The business entity or real property in which I have an interest is described as follows (name; address; or lot description): 209 N. Hunting Lodge Lane
BASTROP TEXAS 78602
A PART OF THE HUNTERS CROSSING LGC

2. The nature and extent of my interest in the business entity or real property is herein described by stating that either I or a person related to me in the first degree by consanguinity (blood) or affinity (marriage), as determined by Chapter 573 of the Texas Government Code (check all that apply):

- own 10% or more of the voting stock or shares of the business entity;
- own 10% or more of the fair market value of the business entity;
- own \$15,000 or more of the fair market value of the business entity; and/or
- received funds that exceed 10% of gross income for the previous year;
- has an equitable or legal ownership in real property with a fair market value of \$2,500 or more.

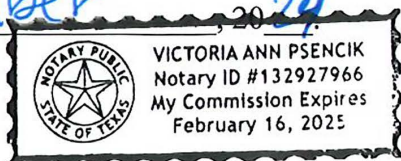
3. Alternatively, even if I do not have a "substantial interest" as defined by Chapter 171 of the Texas Local Government Code, I am filing this affidavit so to avoid the appearance of impropriety. My interest may be described as follows:

*** AFFIDAVIT ***

Upon the filing of this affidavit with the City Secretary, I affirm that I shall abstain from any discussion, vote, or decision involving this business entity or real property unless a majority of the members of the governmental entity of which I am a member is likewise required to file and has filed affidavits declaring similar interests on the same official action.

SIGNED this 17th day of September 2024 [Signature]
Signature of Affiant

SWORN TO AND SUBSCRIBED BEFORE ME on this the 17th day of September, 2024



[Signature]
Notary Public in and for the State of Texas
My Commission Expires: Feb 16, 2025

**CITY OF BASTROP
REGULAR CITY COUNCIL MEETING MINUTES
OCTOBER 1, 2024**

The Bastrop City Council met in a Regular Meeting on Tuesday, October 1, 2024, at 5:00 p.m. at the Bastrop City Hall Council Chambers, 1311 Chestnut Street, Bastrop, Texas, with the following action taken to wit:

Council Members Present

Mayor Lyle Nelson
Mayor Pro-Tempore Kirkland
Council Member Meyer
Council Member Lee
Council Member Fossler
Council Member Plunkett

Staff Present

City Manager Sylvia Carrillo-Trevino
Assistant City Manager Andres Rosales
City Attorney Alan Bojorquez
Interim City Secretary Irma G. Parker
Chief Financial Officer Edi McIlwain
Assistant to City Manager, Vivianna Andres
Main Street Manager, Michaela Joyce
Public Works Director, John Eddleton

1. CALL TO ORDER

Mayor Nelson called the Regular City Council meeting to order at 5:00 p.m. with a quorum present.

Mayor Nelson announced the Executive Session (Items 4 and 5) will not be discussed and has been pulled from the agenda this evening.

4. EXECUTIVE SESSION

4A. The Bastrop City Council will conduct an Executive Session under the Texas Open Meetings Act:

Section 551.071(1)(A) Consultations with City Attorney George Hyde: To consult with its attorney in an executive session to seek advice on legal matters: Cause No# 0324-00610-V Court of Appeals Third District in RE Lyle Nelson, Relator, Original Petition for Writ of Mandamus vs. City of Bastrop, Texas and City Secretary I Parker

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

2. PLEDGE OF ALLEGIANCE

Juliana Borrego and Lucious Garcia from the Red Rock Elementary R.I.S.E. Program led the Pledge of Allegiance to both the U.S. flag and the Texas flag.

3. INVOCATION

Ketrich Steger, Bastrop Police Chaplain, gave this evening’s Invocation.

6. PRESENTATIONS

6A. **Mayor's Report**

4B. **Council Members' Report**7. **STAFF AND BOARD REPORTS**7A. **City Manager's Report**

Presented by: Sylvia Carrillo-Trevino, ICMA-CM, CPM, City Manager

No action was taken on Item 7A.

8. **CITIZEN COMMENT(S)**

Bastrop citizen addressing the City Council on an item, not on the agenda: Charles Petrie (not present); David Harwell.

9. **CONSENT AGENDA**

Mayor Nelson called for requests to remove any item from the Consent Agenda for separate discussion. No Items were requested to be removed.

- 8A. **Consider and act on Resolution No. R-2024-133, awarding a contract for the installation of holiday lighting to Decor IQ in the amount of Two Hundred Two Thousand Five Hundred Ninety-Five Dollars and 94/100 (\$202,595.94); attached as Exhibit A; authorizing the execution of all necessary documents; upon request and providing for findings of fact, repealer, severability, effective date, proper notice, and meeting.**

Submitted by: Terry Moore, Parks & Recreation Director

MOTION: Council Member Plunkett moved to approve the Consent Agenda after it was read into the record by Irma Parker, City Secretary. Council Member Lee seconded the motion. Motion carried unanimously.

10. **ITEMS FOR INDIVIDUAL CONSIDERATION**

- 10A. **Consider and act on Resolution No. R-2024-115, Approving and authorizing the execution of a renewal of the Property Use License Agreement between the City of Bastrop and the 1832 Farmer's Market, located at 1302 Chestnut Street, Bastrop, Texas; providing for finding of facts; providing for severability; providing an effective date; and providing for proper notice and meeting. Submitted by: Vivianna Andres, Assistant to the City Manager**

Submitted/Presented by: Vivianna Andres, Assistant to the City Manager

MOTION: Council Member Plunkett moved to approve Resolution No. R-2024-115 authorizing the execution of the Property Use License Agreement renewal with the 1832 Farmer's Market with the amendment of adding language regarding the flexibility of the Tuesday date. Mayor Pro Tem Kirkland seconded the motion. Motion carried unanimously.

10B. Consider and act on Resolution No. R-2024-130, approving a construction contract with Joe Bland Construction, LLC for a not-to-exceed amount of Three Million, Two Hundred Forty-Six Thousand, Six Hundred Six Dollars and Zero Cents (\$3,246,606.00) for the construction of the Agnes Street Extension Project; as attached in Exhibit A; authorizing the execution of all necessary documents; upon request and providing for findings of fact, repealer, severability, effective date, proper notice, and meeting.

Submitted/Presented by: Andres Rosales, Assistant City Manager

MOTION: Council Member Plunkett moved to approve Resolution No. R-2024-130 to award a contract with Joe Bland Construction LLC for the construction of the Agnes Street Extension Project. Mayor Pro Tem Kirkland seconded the motion. Motion carried unanimously.

10C. Consider and act on the Preliminary Engineering Study and Water/Wastewater Master Plan conducted by Freese and Nichols as requested by Council Member Lee and Mayor Nelson as previously discussed at the September 17, 2024 City Council Meeting.

Submitted By: Andres Rosales, Assistant City Manager

No action was taken on Item 10C.

10D. Consider and act on Resolution No. R2024-134, Appointing four (4) Members to the Bastrop Central Appraisal District Board of Directors for a Term Beginning January 2025; Providing for the Executive of Official Ballot; and Providing an Effective Date.

Submitted/Presented by: Irma Parker, City Secretary

MOTION: Council Member Lee moved to approve Resolution No. R-2024-134 to nominate the four (4) members that have expressed interest: David Redd, David Glass, Jeannie Ralph, and Justin Bezner; to the Bastrop Central Appraisal District by execution of an official ballot. Council Member Meyer seconded the motion. Motion carried unanimously.

10E. Consider and act on first reading of Ordinance No. 2024-34, Regarding the City of Bastrop's Texas Municipal Retirement System (TMRS) Benefits, Authorizing: (1) 20 Year Retirement Eligibility; (2) Non-Retroactive Repeating COLAS for Retirees and their Beneficiaries Under TMRS Act Section 853.404(f) and (f-1); (3) Annually Accruing Updated Service Credits and Transfer Updated Service Credits; and (4) Authorizing Actuarially Determined City Contribution Rate Payment.

Submitted/Presented by: Edi McIlwain, Chief Financial Officer

MOTION: Council Member Meyer moved to approve the first reading of Ordinance No. 2024-34 regarding Texas Municipal Retirement System (TMRS) Benefits. Council Member Plunkett seconded the motion. Motion carried unanimously.

11. ADJOURNMENT

Upon receiving a motion and a second to adjourn, the October 1st Regular Meeting was adjourned at 5:50 p.m. without objection.

CITY OF BASTROP, TEXAS

Lyle Nelson, Mayor

ATTEST:

Victoria Psencik, Assistant City Secretary

DRAFT



STAFF REPORT

MEETING DATE: October 22, 2024

AGENDA ITEM: XX

TITLE:

Consider action to approve Resolution No. R-2024-131 of the City Council of the City of Bastrop, Texas approving the closure of Chestnut Street for the Lost Pines Christmas parade; providing for a repealing clause; and providing for an effective date.

AGENDA ITEM SUBMITTED BY:

Submitted by: Kathy Danielson, Community engagement Director

BACKGROUND/HISTORY:

The Lost Pines lighted Christmas Parade has been a long-standing community event and has been part of Bastrop's unique character that makes the holiday season in Bastrop unlike any other. You can not only see the usual parade drill teams, dance teams, school bands and Christmas themed lighted floats, but you can also expect long horns and cowboys gleaming ever so brightly covered in Christmas lights.

Now that the Parade has continued to grow, and it is not uncommon to see (100) one hundred or more entries who want to share in the tradition we need to close Chestnut Street. This is important to maintain the safety of the parade for the participants and the ten to fifteen thousand spectators Chestnut Street, also known as Loop 150 is a Texas Department of Transportation (TxDOT) owned and maintained right of way. To close Chestnut for a few hours a permit is required from TxDOT. The application requires a resolution approving the request from the Bastrop City Council.

RECOMMENDATION:

Kathy Danielson, Community Engagement Director recommends approval of Resolution No. R-2024-131.

ATTACHMENTS:

1. Resolution No R-2024-131
2. Parade Route TCP

RESOLUTION NO. R-2024-131

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS APPROVING THE CLOSURE OF CHESTNUT STREET FOR THE LOST PINES CHRISTMAS PARADE; PROVIDING FOR A REPEALING CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Bastrop City Council understands the importance of providing safety to parade participants, spectators and the travelling public; and

WHEREAS, the City of Bastrop City Council understands providing an enhanced quality of life services such as special events and parades should be safe, effective and is establishing that the Lost Pines Christmas Parade event serves a public purpose and authorizing the City of Bastrop to enter into this agreement with the State; and

WHEREAS, the Lost Pines Christmas Parade event will be located within the local government’s incorporated area;

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 enter into an agreement with TxDOT requesting a permit for the closure of Chestnut Street on December 14, 2024 for the Lost Pines Christmas Parade event.

Section 2. The City of Bastrop, traffic control plan shown as Exhibit A is to protect the safety of the general public during the Lost Pines Christmas Parade event serves a public purpose.

Section 3. This resolution shall take effect immediately from and after its passage, and it is duly resolved.

DULY RESOLVED AND ADOPTED by the City Council of the City of Bastrop this 22nd day of October 2024.

APPROVED:

Lyle Nelson, Mayor

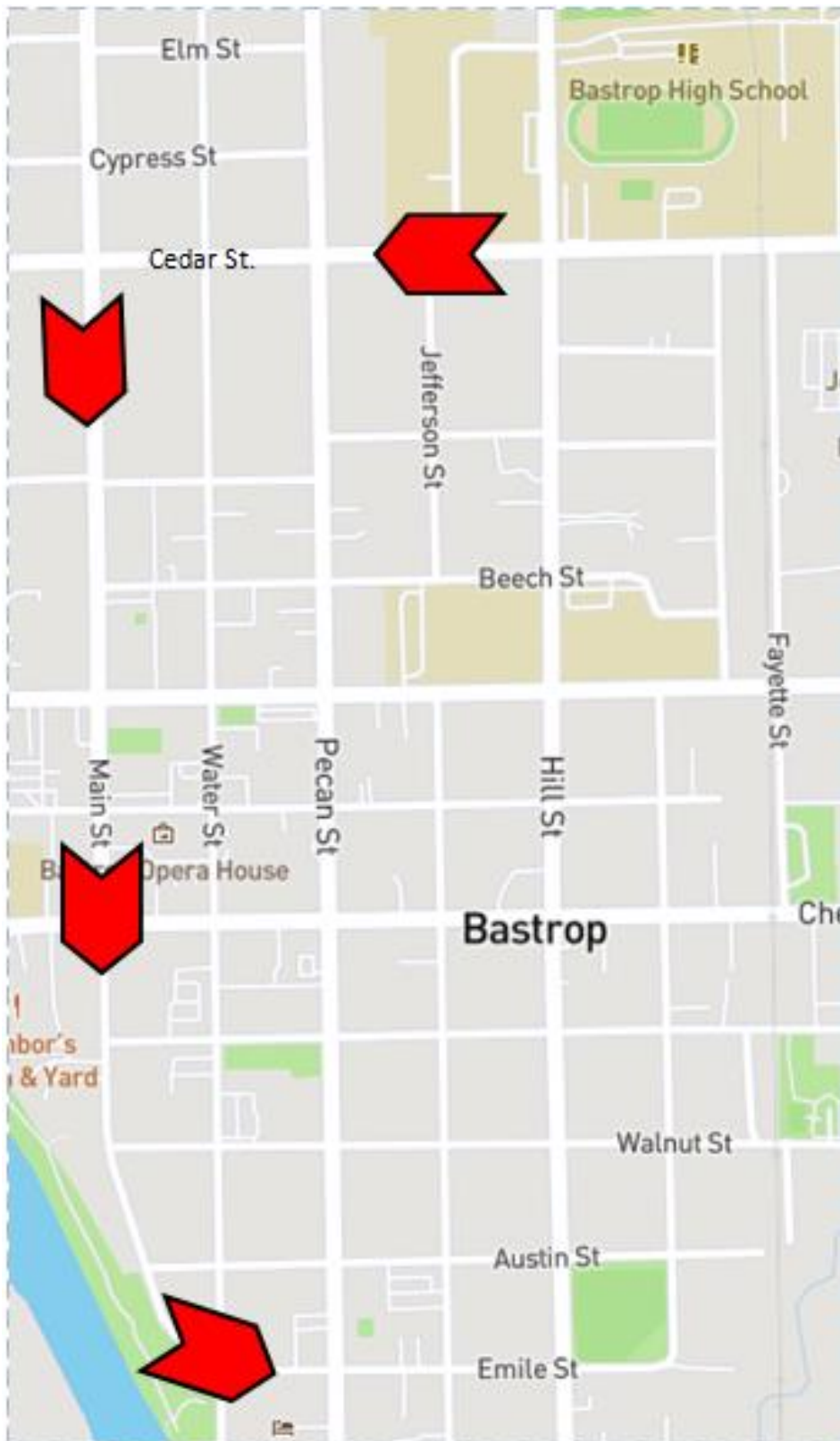
ATTEST:

Irma Parker, City Secretary

APPROVED AS TO FORM:

Alan Bojorquez, City Attorney

Lost Pines Christmas Parade 2024



Parade Route

Bastrop High to
Cedar Street

Cedar Street to
Main Street

Main Street to
Emile Street

Turn Left on
Emile Street



STAFF REPORT

MEETING DATE: October 22, 2024

TITLE:

Consider action to approve Resolution No. R-2024- 150; Awarding a Community Support Service Agreement for services associated with operating, marketing, and the providing of cultural art and theater services to the Bastrop Opera House, at a cost of One Hundred Ninety Four Thousand and 00/100 Dollars (\$194,000.00) attached as Exhibit A; authorizing the City Manager to execute all necessary documents for the agreement; providing for a repealing clause; and establishing an effective date.

AGENDA ITEM SUBMITTED BY:

Submitted by: Kathy Danielson, Community Engagement Director

BACKGROUND/HISTORY:

The city has been supporting the Bastrop Opera House through Hotel Occupancy Tax since 2003. The Opera House has increased its programming over the last several years and is a draw for tourists in our community. The council appropriated the above amount with the FY 2025 Budget.

POLICY EXPLANATION:

The Bastrop Opera House plans to continue to effectively market and promote the Bastrop Opera House as part of the overall Bastrop visitor experience. The FY 2025 Community Support Service Agreement outlines specific deliverables and reflects the services that the Bastrop Opera House stated would be provided as part of their funding request.

FUNDING SOURCE:

Hotel Tax Fund (**Page 160 of the FY 2025 Budget Book**)

RECOMMENDATION:

The Community Engagement Director recommends approval of Resolution No. R-2024- of the City Council of the City of Bastrop, Texas awarding a Community Support Service Agreement for services associated with operating, marketing, and the providing of cultural art and theater services to the Bastrop Opera House, at a cost of One Hundred Ninety-four Thousand and 00/100 Dollars (\$194,000.00) attached as Exhibit A; authorizing the City Manager to execute all necessary documents for the agreement; providing for a repealing clause; and establishing an effective date.

ATTACHMENTS:

1. Resolution No. R-2024-150
2. Community Service Support Agreement

RESOLUTION NO. R-2024-150

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS AWARDING A COMMUNITY SUPPORT SERVICE AGREEMENT FOR SERVICES ASSOCIATED WITH OPERATING, MARKETING, AND PROVIDING CULTURAL ART AND THEATER SERVICES TO THE BASTROP OPERA HOUSE, AT A COST OF ONE HUNDRED NINETY-FOUR THOUSAND AND 00/100 DOLLARS (\$194,000.00) ATTACHED AS EXHIBIT A; AUTHORIZING THE CITY MANAGER TO EXECUTE ALL NECESSARY DOCUMENTS FOR THE AGREEMENT; 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 Council realizes the importance of preserving the Bastrop Opera House and providing theatrical entertainment and education to the Citizens of Bastrop, Texas and our out-of-town visitors; and

WHEREAS, Chapter 351 of the Tax Code provides the requirements on how HOT funds may be spent; and

WHEREAS, The City of Bastrop has been working to leverage HOT funds to attract tourism and strengthen our sales tax base by maximizing our return on investment; and

WHEREAS, The Bastrop Opera House is an integral part of the cultural arts fabric and has been brought together under the strategic goals and vision of the City Council of the City of Bastrop and the Comprehensive Plan; and

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

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 a community support service agreement associated with services associated with operating, marketing, and providing of cultural art and theater services, to the Bastrop Opera House at a cost of One Hundred Ninety-Four Thousand and 00/100 Dollars (\$194,000.00) attached as Exhibit A.

SECTION 2. That the City Council of the City of Bastrop has found the Bastrop Opera House staff, volunteers, and board of directors, to be subject matter experts in the field of providing theatrical performances and educational activities to visitors and residents since 1892.

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

SECTION 4. That this resolution shall take effect immediately from and after its passage, and it is duly resolved.

DULY RESOLVED AND APPROVED by the City Council of the City of Bastrop this 22nd day of October 2024.

CITY OF BASTROP, TEXAS

Lyle Nelson, Mayor

ATTEST:

Irma Parker, City Secretary

APPROVED AS TO FORM:

Alan Bojorquez, City Attorney



COMMUNITY SERVICES FUNDING AGREEMENT FY 2024 - 2025

This Community Services Grant Funding Agreement ("Agreement") is made by and between the **City of Bastrop, Texas**, a Texas home-rule municipal corporation, ("City"), and Bastrop Opera House, a Texas non-profit corporation ("Organization"). The City and Organization are also referred to collectively in this Agreement as the "Parties" and singularly as a "Party." The Parties intend that this Agreement will supersede and replace all previously adopted and finalized Agreements in their entirety, if any.

NOW, IN CONSIDERATION of the mutual covenants to be performed by the Parties and other valuable consideration hereby acknowledged, therefore, be it mutually agreed as follows:

1. SCOPE OF SERVICES

- A. Proposed & Modified Services Plan.** Organization shall utilize the grant funds conveyed herein to provide services to the Bastrop community in accordance with the proposal attached as *Exhibit "A"*, which has been accepted by the City, and as may have been modified in accordance with *Exhibit "B"*.
- B. Staffing.** Organization shall use its best efforts to secure sufficient numbers of employees and volunteers to accomplish the responsibilities set forth in this Agreement. Organization shall further provide such office space, equipment, supplies and other materials as may be necessary to accomplish the purposes of this Agreement. Organization acknowledges that no personnel engaged by the Organization shall be construed as agents, employees or officers of the City.
- C. Nondiscrimination:** Organization shall provide services under this Agreement free of discrimination or retaliation due to a person's race, ethnicity, nationality, religion, gender, gender identity, sexual orientation, religion, parental status, or marital status. Any restrictions on services based on age, physical ability or mental ability shall be directly relevant to legitimate safety concerns in accordance with written Organization policies and procedures.

2. FUNDING

- A. Amount.** The City shall provide to Organization grant funds in an amount up to a sum not to exceed One Hundred and Ninety-four Thousand and 00/100 Dollars (\$194,000.00).
- 8. Disbursals.** The City shall remit payment to the Organization of the grant funds due annually as an installment.

3. ACCOUNTABILITY

- A. Funding Source Identification.** Organization shall prominently include the City of Bastrop all educational and marketing materials promoting services covered by this Agreement, including (but not limited to) print items, internet posts, and social media. Such materials will also include the line, "Funding for this program was made possible through a grant from the City of Bastrop."
- 8. Written Reports.** Organization shall submit to the Community Engagement Director written reports on a quarterly basis describing the status of the services provided under this Agreement. Quarterly reports shall be submitted during the months of January, April, July, and October. Reports shall be public records. The first three reports shall be progress reports, and the fourth report shall be an annual summary. The reports shall include (but are not limited to) the following information:
- (1) Services:** a description of the services provided during the preceding quarter; and
 - (2) Financial Statement:** a financial statement for the reporting period that indicates how the Organization expended grant funds; and
 - (3) Promotions:** copies of promotional materials distributed.
- C. Oversight of Expenditures.** Organization shall exercise all reasonable, prudent and diligent efforts to ensure the proper and legal oversight, use, and expenditure of the grant funds conveyed under this Agreement. Organization's failure to use the funds in the manner approved by this Agreement shall void and negate the City's obligation to make any further payments to the Organization under the Agreement.

- D. Comingling.** Organization shall properly segregate grant funds and shall not comingle grant funds with other financial assets of the Organization.
- E. Accounting Practices.** Organization shall utilize generally accepted bookkeeping and standard accounting practices to maintain complete and accurate financial records of all expenditures of grant funds. Upon the City's request, the Organization shall promptly make the records available for inspection and review at any time during the term of this Agreement.
- F. Audit.** Organization shall have its records and accounts audited annually and shall prepare an annual financial statement based on the audit. Audits and financial statements shall be prepared by a certified public accountant (CPA) who is licensed in Texas or a public accountant who holds a permit to practice from the Texas State Board of Public Accountancy. Audits and financial statements shall be available to the City upon request, and shall be public records
- G. Records Retention.** All reports and records related to grant funds shall be maintained by the Organization and available to the City for a period of at least 3 years of the Effective Date. If there is any dispute regarding these reports or records, the retention period shall be extended in accordance with the City's instructions. To the extent Organization's records regarding services provided under this Agreement are subject to the Texas Public Information Act, Organization agrees to cooperate with any open records requests.
- H. Hotel Occupancy Tax Policy.** Hotel Occupancy Taxes. Organization shall comply with the requirements in Chapter 351 of the Texas Tax Code in the use of hotel occupancy taxes.

4. GENERAL PROVISIONS

- A. Duration.** This Agreement shall be in effect for fiscal year 2024-2025, which commences October 1st, 2024 and ends September 30th, 2025 / a term of 1 year (365 days), unless earlier terminated as provided herein.
- B. Suspension of Payments.**
- (1) Misappropriation.** Organization's failure to use the funds in the manner approved by this Agreement, as specified in Exhibit "A", shall be grounds for the City to suspend the remittance of further payments to the Organization under the Agreement.
- (2) Comingling.** Organization's failure to properly segregate grant funds shall be grounds for the City to suspend the remittance of further payments to the Organization under the Agreement.

- (3) **Records.** Organization's failure to provide the City with copies of financial records mandated under this Agreement shall be grounds for the City to suspend the remittance of further payments to the Organization under the Agreement.
- (4) **Reports.** Organization's failure to timely submit reports mandated under this Agreement shall be grounds for the City to suspend the remittance of further payments to the Organization under the Agreement.
- (5) **Notice.** Notice of suspension shall be sent by the City to the Organization with an explanation and opportunity for the Organization to cure the infraction within 30 days.
- (6) **Breach.** Failure to remedy the infraction within 30 days shall be grounds for the City to declare the Organization in breach and terminate this Agreement as provided herein.
- C. Termination.** In the event that the Organization fails to abide by any of the terms of this Agreement, the City may terminate the Agreement and any obligations of the City hereunder, as set forth herein, with absolutely no penalty or claim against the City by the Organization. Notice of termination shall negate the City's obligation to remit a scheduled payment (if any). Upon termination for failure to cure the misappropriation of grant funds, Organization is obligated to reimburse the City for all funds misappropriated by the Organization in violation of this Agreement.
- D. Ineligibility for Future Funding.** Organization's failure to remedy the infraction upon receipt of notice this Agreement may render the Organization ineligible for future funding by the City.
- E. Good Standing.** The Organization hereby represents that it is in good standing with the Texas Secretary of State and has no City, County, State, or Federal debts or liens charged against it. Organization shall notify the City of any change in such status within 30 days of Organization's receipt of notification.
- F. Future Appropriations.** Any future grants by the City are conditioned on appropriations by the City Council. The Parties acknowledge that nothing related to this Agreement or the City's stated desire to support the Organization (generally), at the time of execution of this Agreement, may be inferred to indicate that the City will provide any funds in the future. The Organization acknowledges that funding by the City shall be decided on a fiscal year basis and will be determined by the City Council based upon its evaluation of the City's budget and considering all fiscal needs confronting the City, including needs related to the proposed community services.

G. Notices. Any notice necessary or appropriate relative to this Agreement shall be effective when deposited in the United States mail, either certified and/or registered mail, postage prepaid and addressed as provided herein. Notices to the City shall be sent to the City's designated staff contact person:

City of Bastrop
 Attn: Kathy Danielson
 1311 Chestnut St.
 Bastrop, Texas 78602

Notices to the Organization shall be sent in accordance with *Exhibit "C"*.


- H. Assignment.** No part of this Agreement may be assigned or delegated without the prior written consent of the other Party, and any attempted assignment of benefits or rights or delegation of duties or obligations shall constitute breach of this Agreement.
- I. Governing Law & Venue.** This Agreement shall be subject to the laws of the State of Texas and the City of Bastrop, Texas. Venue for any disputes arising under this Agreement shall rest solely in Bastrop County.
- J. Indemnity.** Organization agrees to and shall indemnify and hold harmless and defend the City of Bastrop, Texas, its officers, agents, representatives, consultants, and employees from any and all claims, losses, causes of action and damages, suits, and liability for the gross negligence and willful misconduct of Organization, including all expenses of litigation, court costs, and attorney fees, for injury to or death of any person, or from damage to any property, arising from or in connection with the operations of Organization, or its officers, agents and employees, carried out in furtherance of this Agreement.
- K. Insurance.** The Organization shall maintain a comprehensive general liability insurance policy for its operations. The policy shall name City as an additional insured. The Organization shall also maintain insurance on the Organization's personal property, in an amount determined sufficient by the Organization. The Organization shall deliver copies of the insurance policies specified hereunder to the City within 30 days of the Effective Date.
- L. Inclusiveness:** This document represents the entire understanding between the Parties. This Agreement may only be amended in writing with the mutual consent of the Parties.
- M. Severability:** If any sentence, clause or portion of this Agreement is deemed unenforceable by a court of competent jurisdiction, the remainder of the Agreement shall remain in full force and effect.

N. **Effective Date.** The City and the Organization make and execute this Agreement to be effective upon the _____ day of _____, 2024.

IN WITNESS, WHEREOF:

CITY:

ORGANIZATION:

by: 
Sylvia Carrillo (Oct 24, 2024 18:51 CDT)
Sylvia Carrillo, City Manager
City of Bastrop
Date of Execution: 10/14/24

by: Lisa Holcomb
Lisa Holcomb (Oct 8, 2024 14:54 CDT)
Executive Director
Bastrop Opera House
Date of Execution: 10/08/24

ATTEST:

by: Irma J. Parker
Irma Parker, City Secretary
City of Bastrop

Exhibit "A"

The 2024-2025 season will be a robust season with season productions, special events, and Academy productions. As the Bastrop Opera House has proven, we provide very high quality, professional productions while still remaining on a budget. Producing a season that will bring in tourist to Bastrop requires that we provide a season that will attract the tourist. A theatre, no matter the size, cannot operate on ticket sales alone. We have several avenues for acquiring funds, however, the support from the city's hot funds is vital to our performances.

2024-2025 Season

The upcoming season will consist of five musicals and four plays, being a total of 9 major productions. Many of these productions are Tony award-winning productions that the Bastrop Opera House is privileged to have received the rights to produce on our stage. Special Productions: Four Cabaret and Dinner shows, 8 Youth Productions, Summer Theatre Camp Musical, special events

Budget relevant to Hot Fund request

Production Projects:	94,000.00
Production Project Coordinator:	30,000.00
Academy Project Coordinator:	30,500.00
Production Equipment:	10,000.00
Advertising:	30,000.00
TOTAL Requested:	\$194,000.00

Advertising Plan for the 2024-2025 Season

Proper and aggressive marketing is very important to the success of each of our productions.

Social Media: Each show is heavily marketed on Facebook, Instagram and Twitter. Each show has several scheduled post that come out each week through the run of the production. There are scheduled post that are paid to be boosted throughout the run of the production. We also advertise in the Greater Austin area through Spectrum commercials.

Newsletter Campaigns: Currently there are 3520 people who receive our regular email blast.

Other Sources of Income:

Season Sponsors, Show Sponsors, Individual and Corporate Donations, Income through advertising in season playbill, Income from ticket sales, Income from Academy tuition

Exhibit "B"

Community Asset Funding

The FY 2025 proposed funding for each organization is:

Organization	FY 22-23 Approved Funding	FY 23-24 Approved Funding	FY 24-25 Requested Funding	FY 24-25 Proposed Funding
Bastrop County Historical Society Visitor Center	\$162,986	\$187,434	\$235,454	\$235,434
Bastrop County Historical Society Museum	\$88,411	\$101,673	\$127,298	\$127,298
Bastrop Opera House	\$147,818	\$169,991	\$324,000	\$324,000
Lost Pines Art Center	\$129,660	\$149,109	\$167,950	\$167,950
Kerr Community Center	\$0	\$0	\$40,000	\$40,000
African American Museum	\$0	\$0	\$50,000	\$50,000
TOTALS	\$528,875	\$608,207	\$944,682	\$944,682

Exhibit "C"

CITY'S MODIFIED SERVICES PLAN

Present 12 months' worth of programs annually (October – September) designed to appeal to tourists and attract overnight visitation to City Council.

All artwork, images and details regarding the individual programs such as "performances," "classes," or "exhibits" for the contract period including ticket prices and purchasing methods must have specific program details received by Visit Bastrop. All artwork, images, and marketing details must be provided to Visit Bastrop 30 days before the event.

Maintain an active social media and online digital presence with written goals for growth of following, reach, and engagement. Include claiming your google, yelp, trip advisor, and similar listings.

Develop an annual marketing plan for the promotion of the arts and activities at the Opera House.

Develop an annual marketing and strategic plan that addresses identifying additional funding sources for sustainability.

Develop and present an annual operating budget to the City.

In partnership with Visit Bastrop, develop an intercept survey of guests to include data such as: where the visitor is from, demographic data, social-economic data, how they discovered Bastrop (advertising, social media, word-of-mouth), lodging information, length of stay, size of party, primary attractor, intent to return.

Maintain and collect monthly year-over-year ticket sales and primary market origin of ticket holders' data.

Participate in customer service, destination, board development and/or Hotel Occupancy Tax Training as provided by the City or Visit Bastrop.

Work with the City of Bastrop and Visit Bastrop to create "programing" that would be available for groups and conventions.

Develop and maintain a building rental program and policies allowing opportunities for additional revenue streams and access to the facility to outside users.

Actively participate with the City of Bastrop and Cultural Arts Commission to develop and foster a thriving Cultural Arts District.

Any work to be performed on the Bastrop Opera House historic structure utilizing Hotel Occupancy Tax must comply with all regulations: local, state and federal. All work must also comply with the Secretary of the Interior's standards for rehabilitation. To ensure compliance proposed work must be submitted to the Bastrop Main Street Program prior to work commencing and may require up to 60 days for approval depending on the Texas Historical Commission's project reviewer's schedule.

Receive all site, building and sign permits including certificates of occupancy by the entity before starting any new improvements or renovations.

Exhibit "D"

NOTICE TO ORGANIZATION

Notices required under the terms of this Agreement shall be sent to the Organization as follows:

Bastrop Opera House
Attn: Lisa Holcomb
711 Spring Street
Bastrop, Texas 78602












Bastrop Opera House Funding Agreement FY25

Final Audit Report

2024-10-14

Created:	2024-10-08
By:	Elisa Puentes (epuentes@cityofbastrop.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAAEoxMWPBXLwKfoVU2QxjphaoAhmrFkh5E


"Bastrop Opera House Funding Agreement FY25" History


-  Document created by Elisa Puentes (epuentes@cityofbastrop.org)
2024-10-08 - 6:02:18 PM GMT
-  Document emailed to Sylvia Carrillo (scarrillo@cityofbastrop.org) for signature
2024-10-08 - 6:02:22 PM GMT
-  Document emailed to Irma Parker (iparker@cityofbastrop.org) for signature
2024-10-08 - 6:02:22 PM GMT
-  Document emailed to Lisa Holcomb (plays@bastropoperahouse.org) for signature
2024-10-08 - 6:02:22 PM GMT
-  Email viewed by Irma Parker (iparker@cityofbastrop.org)
2024-10-08 - 6:02:39 PM GMT
-  Email viewed by Sylvia Carrillo (scarrillo@cityofbastrop.org)
2024-10-08 - 6:03:02 PM GMT
-  Email viewed by Lisa Holcomb (plays@bastropoperahouse.org)
2024-10-08 - 7:52:23 PM GMT
-  Document e-signed by Lisa Holcomb (plays@bastropoperahouse.org)
Signature Date: 2024-10-08 - 7:54:55 PM GMT - Time Source: server
-  Email viewed by Irma Parker (iparker@cityofbastrop.org)
2024-10-10 - 3:14:27 AM GMT
-  Email viewed by Sylvia Carrillo (scarrillo@cityofbastrop.org)
2024-10-10 - 3:14:42 AM GMT
-  Document e-signed by Irma Parker (iparker@cityofbastrop.org)
Signature Date: 2024-10-10 - 3:12:17 PM GMT - Time Source: server

 Email viewed by Sylvia Carrillo (scarrillo@cityofbastrop.org)
2024-10-11 - 5:42:54 AM GMT

 Email viewed by Sylvia Carrillo (scarrillo@cityofbastrop.org)
2024-10-12 - 2:55:46 AM GMT

 Email viewed by Sylvia Carrillo (scarrillo@cityofbastrop.org)
2024-10-13 - 6:23:14 PM GMT

 Document e-signed by Sylvia Carrillo (scarrillo@cityofbastrop.org)
Signature Date: 2024-10-14 - 8:51:03 PM GMT - Time Source: server

 Agreement completed.
2024-10-14 - 8:51:03 PM GMT



STAFF REPORT

MEETING DATE: October 22, 2024

TITLE:

Consider action to approve Resolution No. R-2024-151; Awarding a community support service agreement for services associated with operating, marketing, and providing of cultural art, to the Lost Pines Art Center, at a cost of One Hundred Sixty-Seven Thousand and Nine Hundred and Fifty and 00/100 dollars (\$167,950.00). attached as Exhibit A; authorizing the City Manager to execute all necessary documents for the contract; providing for a repealing clause; and establishing an effective date.

STAFF REPRESENTATIVE:

Kathy Danielson, Community Engagement Director

BACKGROUND/HISTORY:

The Lost Pines Art Center has received HOT funding going back to FY 2013 through FY 2017 and again in FY 2020 through FY 2024. Council appropriated the above amount with the FY 2025 Budget.

POLICY EXPLANATION:

The Lost Pines Art Center plans to continue to effectively market and promote the Lost Pines Art Center as part of the overall Bastrop visitor experience. The FY 2025 Community Support Service Agreement outlines specific deliverables and reflects the services that the Lost Pines Art Center stated would be provided as part of their funding request.

FUNDING SOURCE:

Hotel Tax Fund (**Page 160 of the FY2025 Budget Book**)

RECOMMENDATION:

The Community Engagement Director recommends approval of Resolution No. 2024- of the City Council of the City of Bastrop, Texas awarding a community support service agreement for services for operating, marketing, and staffing of the Lost Pines Art Center and providing programs to citizens and tourists, at a cost of One Hundred Sixty-Seven Thousand and Nine Hundred and Fifty and 00/100 dollars (\$167,950.00) as attached as Exhibit A; authorizing the City Manager to execute all necessary documents for the agreement; providing for a repealing clause; and establishing an effective date.

ATTACHMENTS:

- Resolution No-R-2024-151
- Community Support Service Agreement

RESOLUTION NO. R-2024-151

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS AWARDED A COMMUNITY SUPPORT SERVICE AGREEMENT FOR SERVICES FOR OPERATING, MARKETING AND STAFFING LOST PINES ART CENTER AND PROVIDING PROGRAMS TO CITIZENS AND TOURISTS, AT A COST OF ONE HUNDRED SIXTY-SEVEN THOUSAND NINE HUNDRED FIFTY AND 00/100 DOLLARS (\$167,950.00) AS ATTACHED AS EXHIBIT A; AUTHORIZING THE CITY MANAGER TO EXECUTE ALL NECESSARY DOCUMENTS FOR THE AGREEMENT; 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 Council recognizes the Lost Pines Art Center as an art and cultural organization; and

WHEREAS, the City Council recognizes the Lost Pines Art Center provides regionally and nationally known art exhibits in the Center; and

WHEREAS, Chapter 351 of the Tax Code provides the requirements on how HOT funds may be spent; and

WHEREAS, the City of Bastrop has been working to leverage HOT funds to attract tourism and strengthen our sales tax base by maximizing our return on investment; and

WHEREAS, the Comprehensive Plan places emphasis on enhancing the visitor experience; and

WHEREAS, the Comprehensive Plan also states that Bastrop's continued emphasis on cultural arts, historic preservation, and tourism development through coordinated policies will lead to hundreds of millions in economic activity for the region; 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 a community support service agreement associated with services associated with operating, marketing, and staffing an art center to the Lost Pines Art Center, at a cost of One Hundred Sixty-Seven Thousand Nine Hundred and Fifty and 00/100 dollars (\$167,950.00) attached as Exhibit A.

SECTION 2. That the City Council of the City of Bastrop has found the Lost Pines Art Center as the leading provider in art and culture programs to visitors and residents.

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

SECTION 4. That this resolution shall take effect immediately from and after its passage, and it is duly resolved.

DULY RESOLVED AND APPROVED by the City Council of the City of Bastrop this 22nd day of October 2024.

CITY OF BASTROP, TEXAS

Lyle Nelson, Mayor

ATTEST:

Irma Parker, City Secretary

APPROVED AS TO FORM:

Alan Bojorquez, City Attorney



COMMUNITY SERVICES FUNDING AGREEMENT
 FY 2024 - 2025

This Community Services Grant Funding Agreement ("Agreement") is made by and between the **City of Bastrop, Texas**, a Texas home-rule municipal corporation, ("City"), and Lost Pines Art Center, a Texas non-profit corporation ("Organization"). The City and Organization are also referred to collectively in this Agreement as the "Parties" and singularly as a "Party." The Parties intend that this Agreement will supersede and replace all previously adopted and finalized Agreements in their entirety, if any.

NOW, IN CONSIDERATION of the mutual covenants to be performed by the Parties and other valuable consideration hereby acknowledged, therefore, be it mutually agreed as follows:

1. SCOPE OF SERVICES

- A. Proposed & Modified Services Plan.** Organization shall utilize the grant funds conveyed herein to provide services to the Bastrop community in accordance with the proposal attached as *Exhibit "A"*, which has been accepted by the City, and as may have been modified in accordance with *Exhibit "B"*.
- B. Staffing.** Organization shall use its best efforts to secure sufficient number of employees and volunteers to accomplish the responsibilities set forth in this Agreement. Organization shall further provide such office space, equipment, supplies and other materials as may be necessary to accomplish the purposes of this Agreement. Organization acknowledges that no personnel engaged by the Organization shall be construed as agents, employees or officers of the City.
- C. Nondiscrimination:** Organization shall provide services under this Agreement free of discrimination or retaliation due to a person's race, ethnicity, nationality, religion, gender, gender identity, sexual orientation, religion, parental status, or marital status. Any restrictions on services based on age, physical ability or mental ability shall be directly relevant to legitimate safety concerns in accordance with written Organization policies and procedures.

2. FUNDING

- A. Amount.** The City shall provide to Organization grant funds in an amount up to a sum not to exceed One Hundred Sixty-Seven Thousand and Nine Hundred Fifty and 00/100 dollars (\$167,950.00).
- 8. Disbursals.** The City shall remit payment to the Organization of the grant funds due quarterly as an installment.

3. ACCOUNTABILITY

- A. Funding Source Identification.** Organization shall prominently include the City of Bastrop on all educational and marketing materials promoting services covered by this Agreement, including (but not limited to) print items, internet posts, and social media. Such materials will also include the line, "Funding for this program was made possible through a grant from the City of Bastrop."
- 8. Written Reports.** Organization shall submit to the Community Engagement Director written reports on a quarterly basis describing the status of the services provided under this Agreement. Quarterly reports shall be submitted during the months of January, April, July, and October. Reports shall be public records. The first three reports shall be progress reports, and the fourth report shall be an annual summary. The reports shall include (but are not limited to) the following information:
- (1) Services:** a description of the services provided during the preceding quarter; and
 - (2) Financial Statement:** a financial statement for the reporting period that indicates how the Organization expended grant funds; and
 - (3) Promotions:** copies of promotional materials distributed.
 - (4) Data:** such data as deemed necessary to adequately measure the Organizations impact on increasing visitors to the area and recognition to the city as cultural art destination
- C. Oversight of Expenditures.** Organization shall exercise all reasonable, prudent and diligent efforts to ensure the proper and legal oversight, use, and expenditure of the grant funds conveyed under this Agreement. Organization's failure to use the funds in the manner approved by this Agreement shall void and negate the City's obligation to make any further payments to the Organization under the Agreement.
- D. Comingling.** Organization shall properly segregate grant funds and shall not comingle grant funds with other financial assets of the Organization.

- E. Accounting Practices.** Organization shall utilize generally accepted bookkeeping and standard accounting practices to maintain complete and accurate financial records of all expenditures of grant funds. Upon the City's request, the Organization shall promptly make the records available for inspection and review at any time during the term of this Agreement.
- F. Audit.** Organization shall have its records and accounts audited annually and shall prepare an annual financial statement based on the audit. Audits and financial statements shall be prepared by a certified public accountant (CPA) who is licensed in Texas or a public accountant who holds a permit to practice from the Texas State Board of Public Accountancy. Audits and financial statements shall be available to the City upon request, and shall be public records
- G. Records Retention.** All reports and records related to grant funds shall be maintained by the Organization and available to the City for a period of at least 3 years of the Effective Date. If there is any dispute regarding these reports or records, the retention period shall be extended in accordance with the City's instructions. To the extent Organization's records regarding services provided under this Agreement are subject to the Texas Public Information Act, Organization agrees to cooperate with any open records requests.
- H. Hotel Occupancy Tax Policy.** Hotel Occupancy Taxes. Organization shall comply with the requirements in Chapter 351 of the Texas Tax Code in the use of hotel occupancy taxes.

4. GENERAL PROVISIONS

- A. Duration.** This Agreement shall be in effect for fiscal year 2024-2025, which commences October 1st, 2024 and ends September 30th, 2025 / a term of 1 year (365 days), unless earlier terminated as provided herein.
- B. Suspension of Payments.**
- (1) Misappropriation.** Organization's failure to use the funds in the manner approved by this Agreement, as specified in Exhibit "A", shall be grounds for the City to suspend the remittance of further payments to the Organization under the Agreement.
- (2) Comingling.** Organization's failure to properly segregate grant funds shall be grounds for the City to suspend the remittance of further payments to the Organization under the Agreement.

- (3) Records.** Organization's failure to provide the City with copies of financial records mandated under this Agreement shall be grounds for the City to suspend the remittance of further payments to the Organization under the Agreement.
- (4) Reports.** Organization's failure to timely submit reports mandated under this Agreement shall be grounds for the City to suspend the remittance of further payments to the Organization under the Agreement.
- (5) Notice.** Notice of suspension shall be sent by the City to the Organization with an explanation and opportunity for the Organization to cure the infraction within 30 days.
- (6) Breach.** Failure to remedy the infraction within 30 days shall be grounds for the City to declare the Organization in breach and terminate this Agreement as provided herein.
- C. Termination.** In the event that the Organization fails to abide by any of the terms of this Agreement, the City may terminate the Agreement and any obligations of the City hereunder, as set forth herein, with absolutely no penalty or claim against the City by the Organization. Notice of termination shall negate the City's obligation to remit a scheduled payment (if any). Upon termination for failure to cure the misappropriation of grant funds, Organization is obligated to reimburse the City for all funds misappropriated by the Organization in violation of this Agreement.
- D. Ineligibility for Future Funding.** Organization's failure to remedy the infraction upon receipt of notice this Agreement may render the Organization ineligible for future funding by the City.
- E. Good Standing.** The Organization hereby represents that it is in good standing with the Texas Secretary of State and has no City, County, State, or Federal debts or liens charged against it. Organization shall notify the City of any change in such status within 30 days of Organization's receipt of notification.
- F. Future Appropriations.** Any future grants by the City are conditioned on appropriations by the City Council. The Parties acknowledge that nothing related to this Agreement or the City's stated desire to support the Organization (generally), at the time of execution of this Agreement, may be inferred to indicate that the City will provide any funds in the future. The Organization acknowledges that funding by the City shall be decided on a fiscal year basis and will be determined by the City Council based upon its evaluation of the City's budget and considering all fiscal needs confronting the City, including needs related to the proposed community services.

G. Notices. Any notice necessary or appropriate relative to this Agreement shall be effective when deposited in the United States mail, either certified and/or registered mail, postage prepaid and addressed as provided herein. Notices to the City shall be sent to the City's designated staff contact person:

City of Bastrop
 Attn: Kathy Danielson
 1311 Chestnut St.
 Bastrop, Texas 78602

Notices to the Organization shall be sent in accordance with *Exhibit "C"*.

- H. Assignment.** No part of this Agreement may be assigned or delegated without the prior written consent of the other Party, and any attempted assignment of benefits or rights or delegation of duties or obligations shall constitute breach of this Agreement.
- I. Governing Law & Venue.** This Agreement shall be subject to the laws of the State of Texas and the City of Bastrop, Texas. Venue for any disputes arising under this Agreement shall rest solely in Bastrop County.
- J. Indemnity.** Organization agrees to and shall indemnify and hold harmless and defend the City of Bastrop, Texas, its officers, agents, representatives, consultants, and employees from any and all claims, losses, causes of action and damages, suits, and liability for the gross negligence and willful misconduct of Organization, including all expenses of litigation, court costs, and attorney fees, for injury to or death of any person, or from damage to any property, arising from or in connection with the operations of Organization, or its officers, agents and employees, carried out in furtherance of this Agreement.
- K. Insurance.** The Organization shall maintain a comprehensive general liability insurance policy for its operations. The policy shall name City as an additional insured. The Organization shall also maintain insurance on the Organization's personal property, in an amount determined sufficient by the Organization. The Organization shall deliver copies of the insurance policies specified hereunder to the City within 30 days of the Effective Date.
- L. Inclusiveness:** This document represents the entire understanding between the Parties. This Agreement may only be amended in writing with the mutual consent of the Parties.
- M. Severability:** If any sentence, clause or portion of this Agreement is deemed unenforceable by a court of competent jurisdiction, the remainder of the Agreement shall remain in full force and effect.

N. **Effective Date.** The City and the Organization make and execute this Agreement to be effective upon the _____ day of _____, 2024.

IN WITNESS, WHEREOF:

CITY:

ORGANIZATION:

by: *Sylvia Carrillo*
Sylvia Carrillo (Oct 9, 2024 2:31 CDT)
Sylvia Carrillo, City Manager
City of Bastrop
Date of Execution: 10/09/24

by: *Chloe Bravelle*
Chloe Bravelle (Oct 8, 2024 15:23 CDT)
Executive Director
Lost Pines Art Center
Date of Execution: 10/08/24

ATTEST:

by: *Irma G. Parker*
Irma Parker, City Secretary
City of Bastrop

Exhibit "A"



Lost Pines Art Center 2024-25 Program Schedule

- **Art After Dark**, every first Saturday of the month; Opening of new shows, art talks, live music, reception, meet the artists. Admission is free.
- **Quarterly Art Shows** from over 100 artists from around Texas and beyond in our Mezzanine/Members Gallery. Quarterly, curated shows of traveling artists in our Art of the Pines Gallery/event space.
- **Art Workshops/Experiences**- Ongoing; Year-round classes over 1-3 days each for adults and youth. Workshops include painting (acrylic, watercolor, pastel), stained glass, fused glass, mosaics, drawing and sketching, ceramics, and non-traditional classes such as journal making, book binding, intuitive painting, and more. These shorter duration workshops are perfect for out of town guests looking for something unique during their visit.
- **Glassblowing**; our most successful program including intensive workshops, Blow your Own Glass (quick sessions), and demonstrations at events. Professional glassblowers rent time in the studio most days of the week, allowing guests to sit comfortably on our bleachers and watch. We also offer Blow Your Own Glass as part of our packages for hotel and convention guests.
- **Horizons Concert Series**, Quarterly, featuring jazz and international music in our large gallery space. We have had up to 150 attendees. Tickets are always just \$10 for world-class entertainment.
- **Wine and Unwind**, Quarterly; These paint along sessions for adults are fun and relaxing and we now have a great instructor to bring back these sessions (by popular demand)! We also offer this class to our hotel/convention guests, either at the Art Center or off site if needed.
- **Bastrop Mardi Gras**; first weekend on February. We exhibit a "Mardi Gras/Louisiana-themed" group show with guest artists, host a special edition of Art After Dark, and participate in the downtown mask contest (we were the 2024 winner!).
- **Youth Art Month**, March, we offer workshops, group shows and activities for area youth.
- **Central Texas Art Tour**, Spring 2025; involving all galleries, art-related businesses and restaurants downtown for a full day of demonstrations and special activities to attract tourists and locals to the downtown businesses. The first year of this event drew over 2000 visitors. Visit Bastrop reported that retail spending was up 174%.
- **Bird Lovers Weekend**, first weekend of May; we curate a group art show featuring native and migratory birds of the area and offer family activities that connect with downtown events.
- **Fundraising Gala**, October 2024; Formal event including fine art live auction, raffles and performances.
- **Bastrop Art Fest**, October 19th, 2024; A full day of arts and crafts vendors, demonstrations, family activities and games. This year, it will have an international theme, including performances and art activities from around the world. Admission is free.
- **Lost Pines Christmas**; First weekend of December; We offer a special edition of Art After Dark, serve wassail and host our Holiday Art Bazaar in the gallery.
- **Booths at area events**, ongoing; we have recruited volunteers to attend any area events that request an art booth, such as Movies in the Park and the Family Crisis Center CommUnity Night.

Lost Pines Art Center
HOT Funds Budget 2024-25

HOT Fund Request	167950
Advertising	
Advertising	6,000
Office/General	
Comm-email system	750
Supplies/Office Supplies	1000
Total Office/General	1750
Payroll Expenses	99840
--FT Program Coordination/PT Program Developer	
Program Expenses	
Classes Expenses	2000
Horizons Concert Series	6000
Festival-Show Expenses/Bastrop A	6000
Glassblowing Silo	15000
Receptions-Art Show Expenses	2500
**Central Texas Art Tour	2000
Total Program Expenses	33500
Subcontract Staffing	
Glass Silo Salary	5000
Instructor Pay	3500
Saturday Support	9360
**Marketing Coordinator/Seasonal	9000
Total Subcontract Staffing	26,860
Total Expense	167950

The proposed budget will fund 12 months of programming in regards to the development, coordination and production of our vast array of activities and events. We propose raising our marketing budget, to expand our reach and to allow for more frequent and impactful marketing campaigns. We will also produce more brochures, flyers, postcards and other materials for distribution at area hotels and our Convention Center. We are adding a Part Time/Seasonal Marketing Coordinator with expertise in the field and enthusiasm about our organization and programs.

Production costs and supplies have increased from last year, but we have kept the proposed budget as frugal as we can.

Other Sources of Funding:

- Annual Gala Fundraiser
- Membership
- Event Sponsorships
- Donations on our website; (program-specific, such as Art After Dark)
- Donation Box/Donation QR Code visible at events/entrances
- Grants
- Art Show Fees/Art Sales
- Classes

Exhibit "B"

Community Asset Funding

The FY 2025 proposed funding for each organization is:

Organization	FY 22-23 Approved Funding	FY 23-24 Approved Funding	FY 24-25 Requested Funding	FY 24-25 Proposed Funding
Bastrop County Historical Society Visitor Center	\$162,986	\$187,434	\$235,454	\$235,434
Bastrop County Historical Society Museum	\$88,411	\$101,673	\$127,298	\$127,298
Bastrop Opera House	\$147,818	\$169,991	\$324,000	\$324,000
Lost Pines Art Center	\$129,660	\$149,109	\$167,950	\$167,950
Kerr Community Center	\$0	\$0	\$40,000	\$40,000
African American Museum	\$0	\$0	\$50,000	\$50,000
TOTALS	\$528,875	\$608,207	\$944,682	\$944,682

Exhibit "C"

CITY'S MODIFIED SERVICES PLAN

Present 12 months' worth of programs annually (October - September) designed to appeal to tourists and attract overnight visitation to City Council.

Details regarding the individual programs such as "performances," "classes," or "exhibits" for the contract period including ticket prices and purchasing methods must have specific program details received by Visit Bastrop. All artwork, images and details regarding the individual programs such as "performances," "classes," or "exhibits" for the contract period including ticket prices and purchasing methods must have specific program details received by Visit Bastrop. All artwork, images, and marketing details must be provided to Visit Bastrop 30 days before the event.

Maintain an active social media and online digital presence.

With written goals for growth of following, reach, and engagement. Include claiming your google listing, yelp, trip advisor, and similar listings.

Develop an annual marketing and or strategic plan that addresses identifying additional funding sources for sustainability.

Develop and present an annual operating budget to the City.

In partnership with Visit Bastrop, develop a visitor intercept survey to include data such as: where the visitor is from, demographic data, social-economic data, how they discovered Bastrop (advertising, social media, word-of-mouth), lodging information, length of stay, size of party, primary attractor, intent to return.

Collect and maintain monthly year-over-year traffic counts and primary market origin data from visitors.

Participate in customer service, destination, board development and/or Hotel Occupancy Tax Training as provided by the City or Visit Bastrop.

Develop and maintain a building rental program and policies allowing opportunities for additional revenue streams and access to the facility to outside users.

Actively participate with the City of Bastrop, Main Street Advisory Board, and Cultural Arts Commission to develop and foster a thriving cultural arts destination.

Follow all applicable local, state and federal laws related to building improvements and

expenditures of Hotel Occupancy Tax funds.

Receive all site, building, and sign permits including certificates of occupancy by the entity before starting any new improvements or renovations.

Exhibit "D"

NOTICE TO ORGANIZATION

Notices required under the terms of this Agreement shall be sent to the Organization as follows:

Lost Pines Art Center
Attn: Chloe Brevelle
1204 Chestnut Street
Bastrop, Texas 78602












Lost Pines Art Center Funding Agreement FY25

Final Audit Report


2024-10-10

Created:	2024-10-08
By:	Elisa Puentes (epuentes@cityofbastrop.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAAAdWL1gF7rGxx6mzpfUsgXwJuR3RtYJ87

"Lost Pines Art Center Funding Agreement FY25" History

-  Document created by Elisa Puentes (epuentes@cityofbastrop.org)
2024-10-08 - 6:08:38 PM GMT
-  Document emailed to Sylvia Carrillo (scarrillo@cityofbastrop.org) for signature
2024-10-08 - 6:08:43 PM GMT
-  Document emailed to Irma Parker (iparker@cityofbastrop.org) for signature
2024-10-08 - 6:08:44 PM GMT
-  Document emailed to Chloe Brevelle (chloe@lostpinesartcenter.org) for signature
2024-10-08 - 6:08:44 PM GMT
-  Email viewed by Sylvia Carrillo (scarrillo@cityofbastrop.org)
2024-10-08 - 6:08:56 PM GMT
-  Email viewed by Irma Parker (iparker@cityofbastrop.org)
2024-10-08 - 6:08:57 PM GMT
-  Email viewed by Chloe Brevelle (chloe@lostpinesartcenter.org)
2024-10-08 - 6:48:30 PM GMT
-  Document e-signed by Chloe Brevelle (chloe@lostpinesartcenter.org)
Signature Date: 2024-10-08 - 8:23:02 PM GMT - Time Source: server
-  Email viewed by Sylvia Carrillo (scarrillo@cityofbastrop.org)
2024-10-10 - 3:30:56 AM GMT
-  Email viewed by Irma Parker (iparker@cityofbastrop.org)
2024-10-10 - 3:31:09 AM GMT
-  Document e-signed by Sylvia Carrillo (scarrillo@cityofbastrop.org)
Signature Date: 2024-10-10 - 3:31:54 AM GMT - Time Source: server



 Document e-signed by Irma Parker (iparker@cityofbastrop.org)

Signature Date: 2024-10-10 - 3:11:44 PM GMT - Time Source: server

 Agreement completed.

2024-10-10 - 3:11:44 PM GMT



STAFF REPORT

MEETING DATE: October 22, 2024

TITLE:

Consider action to approve Resolution No. R-2024- 152; Awarding a community support service agreement for operating, marketing, and staffing a historical museum and visitor center and providing visitor center services to the Bastrop County Historical Society, at a cost of Three Hundred and Sixty-Two Thousand Seven Hundred Thirty- two and 00/100 dollars (\$362,732.00) attached as Exhibit A; authorizing the City Manager to execute all necessary documents for the contract; providing for a repealing clause; and establishing an effective date.

STAFF REPRESENTATIVE:

Kathy Danielson, Community Engagement Director

BACKGROUND/HISTORY:

The City has been supporting the Bastrop County Historical Society through Hotel Occupancy Tax since 2003 and the Visitor Center since 2006. The organization has increased its programming over the last several years and is a draw for tourists in our community. Council appropriated the above amount with the FY 2025 Budget.

POLICY EXPLANATION:

The Bastrop County Historical Society plans to continue to effectively market and promote the Bastrop County Historical Society as part of the overall Bastrop visitor experience. The FY 2025 Community Support Service Agreement outlines specific deliverables and reflects the services that the organization stated would be provided as part of their funding request.

FUNDING SOURCE:

Hotel Occupancy Tax Fund (**Page 160 of the 2025 Budget Book**)

RECOMMENDATION:

The Community Engagement Director recommends approval of Resolution No. R-2024- of the City Council of the City of Bastrop, Texas awarding a community support service agreement for operating, marketing, and staffing a historical museum and visitor center and providing visitor center services to the Bastrop County Historical Society, at a cost of Three Hundred and Sixty-Two Thousand Seven Hundred Thirty-two and 00/100 dollars (\$362,732.00) attached as Exhibit A; authorizing the City Manager to execute all necessary documents for the contract; providing for a repealing clause; and establishing an effective date.

ATTACHMENTS:

- Resolution No. R-2024-152
- Community Service Support Agreement

RESOLUTION NO. R-2024-152

A RESOLUTION OF THE BASTROP CITY COUNCIL AWARDING A COMMUNITY SUPPORT SERVICE AGREEMENT FOR SERVICES FOR OPERATING, MARKETING AND STAFFING A HISTORICAL MUSEUM AND VISITOR CENTER AND PROVIDING VISITOR CENTER SERVICES TO THE CITY OF BASTROP, AT A COST OF THREE HUNDRED AND SIXTY-TWO THOUSAND AND SEVEN HUNDRED THIRTY-TWO AND 00/100 DOLLARS (\$362,732.00). AS ATTACHED AS EXHIBIT A; AUTHORIZING THE CITY MANAGER TO EXECUTE ALL NECESSARY DOCUMENTS FOR THE AGREEMENT; 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 Council recognizes the Bastrop County Historical Society as the safe-keeper and storyteller of our authentic historic past; and

WHEREAS, The City Council recognizes the Bastrop County Historical Society's staff, volunteers, and board members are best equipped to serve as the official visitor information providers and downtown welcome experience experts for all our visitors; and

WHEREAS, Chapter 351 of the Tax Code provides the requirements on how HOT funds may be spent; and

WHEREAS, The City of Bastrop has been working to leverage HOT funds to attract tourism and strengthen our sales tax base by maximizing our return on investment; and

WHEREAS, The Comprehensive Plan places emphasis on enhancing the visitor experience; and

WHEREAS, The Comprehensive Plan also states that Bastrop's continued emphasis on cultural arts, historic preservation, and tourism development through coordinated policies will lead to hundreds of millions in economic activity for the region; 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 a community support service agreement associated with services associated with operating, marketing, and staffing a historical museum and visitor center and providing visitor center services to the Bastrop County Historical Society, at a cost of Three Hundred and Sixty-Two Thousand Seven Hundred Thirty-two and 00/100 dollars (\$362,732.00) attached as Exhibit A.

SECTION 2. That the City Council of the City of Bastrop has found the Bastrop County Historical Society as the leading provider of visitor services, visitor center operations, and historical documentation and storytelling of our authentic past.

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

SECTION 4. That this resolution shall take effect immediately from and after its passage, and it is duly resolved.

DULY RESOLVED AND APPROVED by the City Council of the City of Bastrop this 22nd day of October 2024.

APPROVED:

Lyle Nelson, Mayor

ATTEST:

Irma Parker, City Secretary

APPROVED AS TO FORM:

Alan Bojorquez, City Attorney

2. FUNDING

- A. Amount.** The City shall provide to Organization grant funds in an amount up to a sum not to exceed Three Hundred and Sixty-Two Thousand, Seven Hundred Thirty-Two and 00/100 dollars (\$362,732.00).
- 8. Disbursals.** The City shall remit payment to the Organization of the grant funds due quarterly as an installment.

3. ACCOUNTABILITY

- A. Funding Source Identification.** Organization shall prominently include the City of Bastrop all educational and marketing materials promoting services covered by this Agreement, including (but not limited to) print items, internet posts, and social media. Such materials will also include the line, "Funding for this program was made possible through a grant from the City of Bastrop."
- 8. Written Reports.** Organization shall submit to the Community Engagement Director written reports on a quarterly basis describing the status of the services provided under this Agreement. Quarterly reports shall be submitted during the months of January, April, July, and October. Reports shall be public records. The first three reports shall be progress reports, and the fourth report shall be an annual summary. The reports shall include (but are not limited to) the following information:
- (1) Services:** a description of the services provided during the preceding quarter; and
 - (2) Financial Statement:** a financial statement for the reporting period that indicates how the Organization expended grant funds; and
 - (3) Promotions:** copies of promotional materials distributed.
 - (4) Data:** such data as deemed necessary to adequately measure the Organizations impact on increasing visitors to the area and recognition to the city as cultural art destination
- C. Oversight of Expenditures.** Organization shall exercise all reasonable, prudent and diligent efforts to ensure the proper and legal oversight, use, and expenditure of the grant funds conveyed under this Agreement. Organization's failure to use the funds in the manner approved by this Agreement shall void and negate the City's obligation to make any further payments to the Organization under the Agreement.
- D. Comingling.** Organization shall properly segregate grant funds and shall not comingle grant funds with other financial assets of the Organization.

G. Notices. Any notice necessary or appropriate relative to this Agreement shall be effective when deposited in the United States mail, either certified and/or registered mail, postage prepaid and addressed as provided herein. Notices to the City shall be sent to the City's designated staff contact person:

City of Bastrop
 Attn: Kathy Danielson
 1311 Chestnut St.
 Bastrop, Texas 78602

Notices to the Organization shall be sent in accordance with *Exhibit "C"*.

- H. Assignment.** No part of this Agreement may be assigned or delegated without the prior written consent of the other Party, and any attempted assignment of benefits or rights or delegation of duties or obligations shall constitute breach of this Agreement.
- I. Governing Law & Venue.** This Agreement shall be subject to the laws of the State of Texas and the City of Bastrop, Texas. Venue for any disputes arising under this Agreement shall rest solely in Bastrop County.
- J. Indemnity.** Organization agrees to and shall indemnify and hold harmless and defend the City of Bastrop, Texas, its officers, agents, representatives, consultants, and employees from any and all claims, losses, causes of action and damages, suits, and liability for the gross negligence and willful misconduct of Organization, including all expenses of litigation, court costs, and attorney fees, for injury to or death of any person, or from damage to any property, arising from or in connection with the operations of Organization, or its officers, agents and employees, carried out in furtherance of this Agreement.
- K. Insurance.** The Organization shall maintain a comprehensive general liability insurance policy for its operations. The policy shall name City as an additional insured. The Organization shall also maintain insurance on the Organization's personal property, in an amount determined sufficient by the Organization. The Organization shall deliver copies of the insurance policies specified hereunder to the City within 30 days of the Effective Date.
- L. Inclusiveness:** This document represents the entire understanding between the Parties. This Agreement may only be amended in writing with the mutual consent of the Parties.
- M. Severability:** If any sentence, clause or portion of this Agreement is deemed unenforceable by a court of competent jurisdiction, the remainder of the Agreement shall remain in full force and effect.

N. **Effective Date.** The City and the Organization make and execute this Agreement to be effective upon the _____ day of _____, 2024.

IN WITNESS, WHEREOF:

CITY:

ORGANIZATION:

by: *Sylvia Carrillo*
Sylvia Carrillo (Oct 14, 2024 15:50 CDT)
Sylvia Carrillo, City Manager
City of Bastrop

by: *Jill Barrow*
Jill Barrow (Oct 8, 2024 12:58 CDT)
Executive Director
Bastrop County Historical
Society

Date of Execution: 10/14/24

Date of Execution: 10/08/24

ATTEST:

by: *Irma J. Parker*
Irma Parker, City Secretary
City of Bastrop

Exhibit "A"

**BOTVC
2024-2025**



Dedicated Visitor Center Facility	
Administration & Office	
Accounting	\$4,400
Computer Equipment & Software	\$6,000
Computer Maintenance & Repair	\$2,000
Insurance	\$7,000
Office Supplies	\$4,500
Telephone	\$2,100
Printing	\$2,000
Professional Development	\$800
Postage	\$650
Volunteer Appreciation	\$800
Building Operations (50%)	
Building Maintenance (Includes Elevator & AC)	\$13,000
Fire Suppression Sinking Fund	\$10,000
Housekeeping	\$13,500
Janitorial Supplies	\$4,000
Utilities	\$9,000
Payroll & Payroll Taxes (1 FTE, 4 PTE)	\$137,704
Special Events	
Housekeeping/Janitorial Service	\$3,000
Special Event Supplies, etc.	\$5,000
Marketing & Promotion	<u>\$10,000</u>
TOTAL	\$235,454

**BCHS
2024-2025**



Income from HOT Funds	\$127,298
Preservation & Promotion	
Archival Equipment	\$2,300
Archival Supplies	\$4,000
Exhibits (Temporary & Traveling)	\$2,000
Permanent Exhibit Maintenance	\$5,000
Public Programs	\$600
Continuing Visitor Communication	\$2,500
Payroll & Taxes (1 FTE, 2 PTE)	\$74,277
Postage	\$350
Fire Suppression Sinking fund	\$15,000
Website	\$1,200
	<u>\$107,227</u>
Historic Tours & Rendezvous Public Event	
(Homes Tour/Tour Expenses)	
Advertising Home Tour	\$4,000
Home Tour Printing	\$1,500
Payroll & Taxes (1 PTE)	\$9,371
Postage	\$200
Rendezvous	\$4,000
Preservation Symposium	\$1,000
	<u>\$20,071</u>
TOTAL	\$127,298

Exhibit "B"

Community Asset Funding

The FY 2025 proposed funding for each organization is:

Organization	FY 22-23 Approved Funding	FY 23-24 Approved Funding	FY 24-25 Requested Funding	FY 24-25 Proposed Funding
Bastrop County Historical Society Visitor Center	\$162,986	\$187,434	\$235,454	\$235,434
Bastrop County Historical Society Museum	\$88,411	\$101,673	\$127,298	\$127,298
Bastrop Opera House	\$147,818	\$169,991	\$324,000	\$324,000
Lost Pines Art Center	\$129,660	\$149,109	\$167,950	\$167,950
Kerr Community Center	\$0	\$0	\$40,000	\$40,000
African American Museum	\$0	\$0	\$50,000	\$50,000
TOTALS	\$528,875	\$608,207	\$944,682	\$944,682

Exhibit "C"

CITY'S MODIFIED SERVICES PLAN

Present 12 months' worth of programs annually (October – September) designed to appeal to tourists and attract overnight visitation to City Council.

All artwork, images and details regarding the individual programs such as "performances," "classes," or "exhibits" for the contract period including ticket prices and purchasing methods must have specific program details received by Visit Bastrop. All artwork, images, and marketing details must be provided to Visit Bastrop 30 days before the event.

Maintain an active social media and online digital presence with written goals for growth of following, reach, and engagement. Include claiming your google listing, yelp, trip advisor, and similar listings.

Develop an Annual Marketing and or strategic plan that addresses identifying additional funding sources for sustainability

Develop and present an annual operating budget to the City.

In partnership with Visit Bastrop, develop a visitor intercept survey to include data such as: where the visitor is from, demographic data, social-economic data, how they discovered Bastrop (advertising, social media, word-of-mouth), lodging information, length of stay, size of party, primary attractor, intent to return.

Collect and maintain monthly year-over-year traffic counts and primary market origin data from visitors.

Participate in customer service, destination, board development and/or Hotel Occupancy Tax Training as provided by the City or Visit Bastrop.

Develop and maintain a building rental program and policies allowing opportunities for additional revenue streams and access to the facility to outside users.

Actively participate with the City of Bastrop, Main Street Advisory Board, and Cultural Arts Commission to develop and foster a thriving cultural arts destination.

Follow all applicable local, state and federal laws related to building improvements and expenditures of HOT.

Provide volunteer assistance for goodie bag stuffing and distribution to meeting

Exhibit "D"

NOTICE TO ORGANIZATION

Notices required under the terms of this Agreement shall be sent to the Organization as follows:

Bastrop County Historical Society
Attn: Jill Barrow, Interim Director
904 Main Street
Bastrop, Texas 78602











Bastrop County Historical Society and Visitor Center Agreement FY2025


Final Audit Report

2024-10-14


Created:	2024-10-08
By:	Elisa Puentes (epuentes@cityofbastrop.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAAsNxaY_1U2mcvfplfhakthGMA1eo7rM3

"Bastrop County Historical Society and Visitor Center Agreement FY2025" History


-  Document created by Elisa Puentes (epuentes@cityofbastrop.org)
2024-10-08 - 5:52:38 PM GMT
-  Document emailed to Sylvia Carrillo (scarrillo@cityofbastrop.org) for signature
2024-10-08 - 5:52:43 PM GMT
-  Document emailed to Irma Parker (iparker@cityofbastrop.org) for signature
2024-10-08 - 5:52:43 PM GMT
-  Document emailed to Jill Barrow (director@bchs1832.org) for signature
2024-10-08 - 5:52:44 PM GMT
-  Email viewed by Irma Parker (iparker@cityofbastrop.org)
2024-10-08 - 5:53:20 PM GMT
-  Email viewed by Sylvia Carrillo (scarrillo@cityofbastrop.org)
2024-10-08 - 5:53:20 PM GMT
-  Email viewed by Jill Barrow (director@bchs1832.org)
2024-10-08 - 5:53:29 PM GMT
-  Document e-signed by Jill Barrow (director@bchs1832.org)
Signature Date: 2024-10-08 - 5:58:30 PM GMT - Time Source: server
-  Email viewed by Irma Parker (iparker@cityofbastrop.org)
2024-10-10 - 2:52:47 AM GMT
-  Email viewed by Sylvia Carrillo (scarrillo@cityofbastrop.org)
2024-10-10 - 2:52:47 AM GMT


 Document e-signed by Irma Parker (iparker@cityofbastrop.org)
Signature Date: 2024-10-10 - 3:12:44 PM GMT - Time Source: server

 Email viewed by Sylvia Carrillo (scarrillo@cityofbastrop.org)
2024-10-11 - 5:27:25 AM GMT

 Email viewed by Sylvia Carrillo (scarrillo@cityofbastrop.org)
2024-10-12 - 2:39:49 AM GMT

 Email viewed by Sylvia Carrillo (scarrillo@cityofbastrop.org)
2024-10-13 - 6:14:21 PM GMT

 Document e-signed by Sylvia Carrillo (scarrillo@cityofbastrop.org)
Signature Date: 2024-10-14 - 8:50:45 PM GMT - Time Source: server

 Agreement completed.
2024-10-14 - 8:50:45 PM GMT



STAFF REPORT

MEETING DATE: October 22, 2024

TITLE:

Consider and act on Ordinance No. 2024-34 of the City Council of the City of Bastrop, Texas, authorizing the City's Texas Municipal Retirement System Benefits: (1) 20-year retirement eligibility; (2) Non-retroactive repeating COLAS, for retirees and their beneficiaries under TMRS Act §8953.404(f) and (f-1); (3) Annually accruing updated service credits and transfer updated service credits; and 4) authorizing actuarially determined City Contribution rate payments; repealing all prior ordinances and actions in conflict herewith; and establishing an effective date

STAFF REPRESENTATIVE:

Edi McIlwain, Chief Financial Officer

BACKGROUND/HISTORY:

The City of Bastrop, Texas elected to participate in the Texas Municipal Retirement System (the "System" or "TMRS") pursuant to Subtitle G of Title 8, Texas Government Code; as amended which subtitle is referred to as the "TMRS Act). Each person who is or becomes an employee of the City on or after the effective date of the City's participation in the System in a position that normally requires service hours of 1,000 or more per year ("Employee") shall be a member of the System ("Member") as a condition of their employment.

House Bill 2464, 88th Texas Legislature, R.S., 2023 ("HB 2464"), added Subsections 853.404(f) and (f-1) to the TMRS and authorized cities participating in the System to provide certain retirees and the beneficiaries with an annually accruing ("repeating") annuity increase (also known as a cost of living adjustment, or "COLA") based on the change in the Consumer Price Index for All Urban Consumers for the one-year period that ends 12 months before the January 1 effective date of the applicable COLA (a "non-retractive repeating COLA").

New TMRS Act §853.404(f) and (f-1) allow participating cities to elect to provide non-retroactive repeating COLAs under certain circumstances, as further described by this Ordinance, by adopting an ordinance to be effective January 1 of 2024, 2025 or 2026, in accordance with TMRS Act §854.203 and §853.404; and

TMRS Act §853.404(f-1) provides the non-retroactive repeating COLA option applies only to a participating city that, as of January 1, 2023, either (1) has not passed an annually repeating COLA ordinance under TMRS Act §853.404(c) or had previously passed a repeating COLA ordinance and then, before January 1, 2023, passed an ordinance rescinding such repeating COLA, or (2) does provide an annually repeating COLA under §853.404(c) and elects to provide a non-retroactive repeating COLA under §853.404(f) for purposes of maintaining or increasing the percentage amount of the COLA.

The City Council of the City of Bastrop, Texas acknowledges that the City meets the above-described criteria under §853.404(f-1) and is eligible to elect a non-retroactive repeating COLA under §853.404(f) and that such election must occur before January 1, 2026, and after that date future benefit changes approved by the City may require reversion to a retroactive repeating COLA; and

POLICY EXPLANATION:

The City Council of the City of Bastrop, Texas finds that it is in the public interest to: (1) adopt twenty (20) year retirement eligibility, (2) adopt annually accruing non-retroactive COLAs for retirees and their beneficiaries under TMRS Act §853.404(f) and (f-1); (3) in accordance with TMRS Act §853.404 and §854.203(h), reauthorize annually accruing Updated Service Credits and Transfer Updated Service Credits, and (4) removal of maximum contribution rate limit.

FUNDING SOURCE:

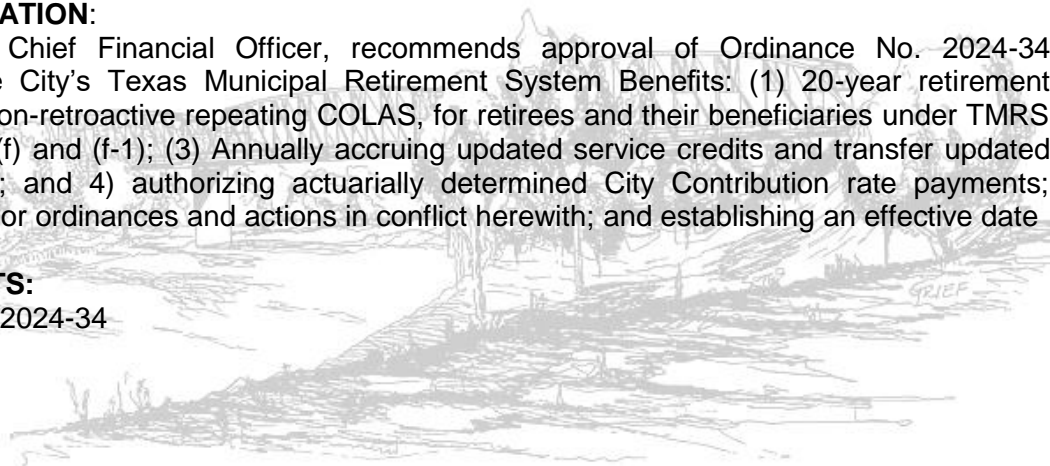
FY2024-2025 Budget

RECOMMENDATION:

Edi McIlwain, Chief Financial Officer, recommends approval of Ordinance No. 2024-34 authorizing the City's Texas Municipal Retirement System Benefits: (1) 20-year retirement eligibility; (2) Non-retroactive repeating COLAS, for retirees and their beneficiaries under TMRS Act §8953.404(f) and (f-1); (3) Annually accruing updated service credits and transfer updated service credits; and 4) authorizing actuarially determined City Contribution rate payments; repealing all prior ordinances and actions in conflict herewith; and establishing an effective date

ATTACHMENTS:

Ordinance No. 2024-34



ORDINANCE NO. 2024-34

AN ORDINANCE REGARDING THE CITY OF BASTROP'S TEXAS MUNICIPAL RETIREMENT SYSTEM BENEFITS, AUTHORIZING: (1) 20 YEAR RETIREMENT ELIGIBILITY; (2) NON-RETROACTIVE REPEATING COLAS, FOR RETIREES AND THEIR BENEFICIARIES UNDER TMRS ACT §853.404(f) and (f-1); (3) ANNUALLY ACCRUING UPDATED SERVICE CREDITS AND TRANSFER UPDATED SERVICE CREDITS; AND (4) AUTHORIZING ACTUARIALLY DETERMINED CITY CONTRIBUTION RATE PAYMENTS.

WHEREAS, the City of Bastrop, Texas (the "City"), elected to participate in the Texas Municipal Retirement System (the "System" or "TMRS") pursuant to Subtitle G of Title 8, Texas Government Code, as amended (which subtitle is referred to as the "TMRS Act"); and

WHEREAS, each person who is or becomes an employee of the City on or after the effective date of the City's participation in the System in a position that normally requires services of 1,000 hours or more per year ("Employee") shall be a member of the System ("Member") as a condition of their employment; and

WHEREAS, House Bill 2464, 88th Texas Legislature, R.S., 2023 ("HB 2464"), added Subsections 853.404(f) and (f-1) to the TMRS Act and authorized cities participating in the System to provide certain retirees and their beneficiaries with an annually accruing ("repeating") annuity increase (also known as a cost of living adjustment, or "COLA") based on the change in the Consumer Price Index for All Urban Consumers for the one-year period that ends 12 months before the January 1 effective date of the applicable COLA (a "non-retroactive repeating COLA"); and

WHEREAS, new TMRS Act §853.404(f) and (f-1) allow participating cities to elect to provide non-retroactive repeating COLAs under certain circumstances, as further described by this Ordinance, by adopting an ordinance to be effective January 1 of 2024, 2025 or 2026, in accordance with TMRS Act §854.203 and §853.404; and

WHEREAS, TMRS Act §853.404(f-1) provides the non-retroactive repeating COLA option applies only to a participating city that, as of January 1, 2023, either (1) has not passed an annually repeating COLA ordinance under TMRS Act §853.404(c) or had previously passed a repeating COLA ordinance and then, before January 1, 2023, passed an ordinance rescinding such repeating COLA, or (2) does provide an annually repeating COLA under §853.404(c) and elects to provide a non-retroactive repeating COLA under §853.404(f) for purposes of maintaining or increasing the percentage amount of the COLA; and

WHEREAS, the City Council acknowledges that the City meets the above-described criteria under §853.404(f-1) and is eligible to elect a non-retroactive repeating COLA under

§853.404(f) and that such election must occur before January 1, 2026, and after that date future benefit changes approved by the City may require reversion to a retroactive repeating COLA; and

WHEREAS, the City Council finds that it is in the public interest to: (1) adopt twenty (20) year retirement eligibility, (2) adopt annually accruing non-retroactive COLAs for retirees and their beneficiaries under TMRS Act §853.404(f) and (f-1); (3) in accordance with TMRS Act §853.404 and §854.203(h), reauthorize annually accruing Updated Service Credits and Transfer Updated Service Credits, and (4) authorize actuarially determined city contribution rate payments; now therefore,

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

SECTION 1. Authorization of Twenty (20) Year Retirement Eligibility.

(a) Pursuant to TMRS Act §854.202(g), the City authorizes any Member of the System who is or was an Employee of the City to retire and receive a service retirement benefit if the Member has at least twenty (20) years of credited service in the System performed for one or more municipalities, including the City, that have adopted a like provision under TMRS Act §854.202(g).

(b) Prior to adopting this Ordinance, the City has: (1) prepared an actuarial analysis of Member retirement annuities at twenty (20) years of service; and (2) held a public hearing pursuant to the notice provisions of the Texas Open Meetings Act (Chapter 551, Texas Government Code).

(c) The retirement eligibility authorized in this Ordinance shall be in addition to the plan provisions previously adopted by the City and in force at the effective date of this Ordinance pursuant to the TMRS Act.

(d) The retirement eligibility authorized by this Section shall be effective on the first day of the month of October 2024.

SECTION 2. Adoption of Non-Retroactive Repeating COLAs.

(a) On the terms and conditions set out in TMRS Act §854.203 and §853.404, the City authorizes and provides for payment of the increases described by this Section to the annuities paid to retired City Employees and beneficiaries of deceased City retirees (such increases also called COLAs). An annuity increased under this Section replaces any annuity or increased annuity previously granted to the same person.

(b) The amount of the annuity increase under this Section is computed in accordance with TMRS Act §853.404(f) as the sum of the prior service and current service annuities, as increased in subsequent years under TMRS Act §854.203 or TMRS Act §853.404(c), of the person on whose

service the annuities are based on the effective date of the annuity increase, multiplied by **70%** of the percentage change in the Consumer Price Index for All Urban Consumers during the 12-month period ending in December of the year that is 13 months before the effective date of the increase under this Section.

(c) An increase in an annuity that was reduced because of an option selection is reducible in the same proportion and in the same manner that the original annuity was reduced.

(d) If a computation under this Section does not result in an increase in the amount of an annuity, the amount of the annuity will not be changed under this Section.

(e) In accordance with TMRS Act §853.404(f-1)(2), an increase under this Section only applies with respect to an annuity payable to a TMRS member, or their beneficiary(ies), which annuity is based on the service of a TMRS member who retired, or who is deemed to have retired under TMRS Act §854.003, not later than the last day of December of the year that is 13 months before the effective date of the increase under this Section.

(f) The amount of an increase under this Section is an obligation of this City and of its account in the benefit accumulation fund of the System.

(g) The initial increase in annuities authorized by this Section shall be effective on January 1 immediately following the year in which this Ordinance is approved, subject to receipt by the System prior to such January 1 and approval by the Board of Trustees of the System (“Board”). Pursuant to TMRS Act §853.404, an increase in retirement annuities shall be made on January 1 of each subsequent year, provided that, as to such subsequent year, the actuary for the System has made the determination set forth in TMRS Act §853.404(d), until this Ordinance ceases to be in effect as provided in TMRS Act §853.404(e).

SECTION 3. Authorization of Annually Accruing Updated Service Credits and Transfer Updated Service Credits.

(a) As authorized by TMRS Act §854.203(h) and §853.404, and on the terms and conditions set out in TMRS Act §§853.401 through 853.404, the City authorizes each Member of the System who on the first day of January of the calendar year immediately preceding the January 1 on which the Updated Service Credits will take effect (i) has current service credit or prior service credit in the System by reason of service to the City, (ii) has at least 36 months of credited service with the System, and (iii) is a TMRS-contributing Employee of the City, to receive “Updated Service Credit,” as that term is defined and calculated in accordance with TMRS Act §853.402.

(b) The City authorizes and provides that each Employee of the City who (i) is eligible for Updated Service Credits under Subsection (a) above, and (ii) who has unforfeited prior service credit and/or current service credit with another System-participating municipality or municipalities by reason of previous employment, shall be credited with Updated Service Credits pursuant to, calculated in accordance with, and subject to adjustment as set forth in TMRS Act

§853.601 (also known as “Transfer USC”), both as to the initial grant and all future grants under this Ordinance.

(c) The Updated Service Credit authorized and provided under this Ordinance shall be **100%** of the "base Updated Service Credit" of the TMRS Member calculated as provided in TMRS Act §853.402.

(d) Each Updated Service Credit authorized and provided by this Ordinance shall replace any Updated Service Credit, prior service credit, special prior service credit, or antecedent service credit previously authorized for part of the same service.

(e) The initial Updated Service Credit authorized by this Section shall be effective on January 1 immediately following the year in which this Ordinance is approved, subject to receipt by the System prior to such January 1 and approval by the System’s Board. Pursuant to TMRS Act §853.404, the authorization and grant of Updated Service Credits in this Section shall be effective on January 1 of each subsequent year, using the same percentage of the “base Updated Service Credit” stated in Subsection (c) in computing Updated Service Credits for each future year, provided that, as to such subsequent year, the actuary for the System has made the determination set forth in TMRS Act §853.404(d), until this Ordinance ceases to be in effect as provided in TMRS Act §853.404(e).

SECTION 4. Removal of Maximum Contribution Rate Limit.

(a) Pursuant to TMRS Act §855.407, the City elects to make normal service and prior service contributions to the City’s BAF at the combined rate of the total compensation paid to its Employees who are System Members as the System’s actuary annually determines is necessary to fund all obligations chargeable to the City’s BAF, within the amortization period determined as applicable to the City under the TMRS Act and regardless of other TMRS Act provisions limiting the combined rate of City contributions.

(b) The removal of the maximum contribution rate limit under this Section shall be effective on the first day of the month of October 2024.

READ AND APPROVED on 1st Reading by the Bastrop City Council on this the 1st day of **OCTOBER 2024.**

READ AND ADOPTED on 2nd Reading by the Bastrop City Council on this the 22nd day of **OCTOBER 2024**

CITY OF BASTROP, TEXAS

Lyle Nelson, Mayor

ATTEST:

Irma Parker, City Secretary

APPROVED AS TO FORM:

Alan Bojorquez, City Attorney

2024 Rates • Bastrop (00092)

Report Date - September 24, 2024

Plan Provisions	Current	Option 1
Deposit Rate	6.00%	7.00%
Matching Ratio	2 to 1	2 to 1
Updated Service Credit	100% (Repeating)	100% (Repeating)
Transfer USC *	Yes	Yes
COLA	70% (Repeating)	70% (Repeating)
Retroactive COLA	Yes	Yes
20 Year/Any Age Retirement	No	Yes
Vesting	5 years	5 years
Supplemental Death Benefit	A & R	A & R
Contribution Rates	2024	2024
Normal Cost Rate	8.42%	10.67%
Prior Service Rate	<u>1.53%</u>	<u>3.60%</u>
Retirement Rate	9.95%	14.27%
Supplemental Death Rate	<u>0.27%</u>	<u>0.27%</u>
Total Contribution Rate	10.22%	14.54%
Unfunded Actuarial Liability	\$2,009,874	\$4,661,715
Amortization Period	20 years	20 years
Funded Ratio	93.2%	85.4%
Stat Max	12.50%	13.50%
Study Exceeds Stat Max	No	Yes

* As of the December 31, 2022 valuation date, there were 20 employees with service in other TMRS cities eligible for transfer USC.



September 25, 2024

Edi McIlwain
Chief Finance Officer
City of Bastrop
1311 Chestnut St
Bastrop, TX 78602-3404

Dear Ms. McIlwain:

We are pleased to enclose a model ordinance for your city to adopt:

**100% Updated Service Credit with Transfers
&
70% Non-retroactive Cost of Living Adjustment Increase to Annuitants
Both Annually Repeating
Both Effective January 1, 2025
&
20-Year Retirement Eligibility
&
Removal of the Statutory Maximum Contribution Rate Limit
Both Effective October 1, 2024**

By statute, when a city offers Updated Service Credits (USC) on an annually repeating basis, the city must readopt this annually repeating provision when adopting Cost of Living Adjustments (COLA). Therefore, the enclosed ordinance includes the city’s readoption of this benefit.

By adopting this ordinance, the city will not have to adopt an ordinance each year to reauthorize the calculation of USC/COLA. These benefits will remain in effect for future years until such time as they are discontinued by an ordinance adopted by the City Council.

Additionally, prior to adopting the 20-Year Retirement Eligibility provision, the TMRS Act (Texas Government Code, Chapters 851 - 855) requires that the city holds a public hearing pursuant to the notice provisions of the Texas Open Meetings Act (Texas Government Code, Chapter 551). Please have your city attorney review these and any other related necessary actions.

Furthermore, by adopting this ordinance, your city is agreeing to fully fund the cost of the pension benefits included in the city’s plan.

This ordinance will allow your city to impose its own “limit” on the contribution rate by using its discretion in determining which potential plan improvements to adopt, or not to adopt, based on

the calculated contribution rate. The TMRS actuary will perform a valuation of the city's plan of benefits each year and forward this rate to your city.

With the adoption of these benefits, the city's contribution rate will be **14.54%** beginning October 1, 2024. Starting January 1, 2025, the city's contribution rate will be **14.47%**.

Please make sure the ordinance is adopted and signed before the effective date. When the ordinance is adopted, please send a copy to City Services at cityservices@tmrs.com.

If you have any questions about the model ordinance or anything else, please call me at 512-225-3742.

Sincerely,



Colin Davidson
Director of City and Member Services

2025 Rates • Bastrop

September 23, 2024

Plan Provisions	Current	Option 1
Employee Contribution Rate	7%	7%
City Matching Ratio	2 to 1	2 to 1
Updated Service Credit (USC)	100% (Repeating)	100% (Repeating)
Transfer USC *	Yes	Yes
COLA	70% (Repeating)	70% (Repeating)
Retroactive COLA	Yes	No
Retirement Eligibility Any Age	25 years	20 years
Vesting	5 years	5 years
Supplemental Death Benefit	Actives + Retirees	Actives + Retirees
Contribution Rates	2025	2025
Normal Cost Rate	10.48%	11.46%
Prior Service Rate	<u>2.58%</u>	<u>2.78%</u>
Retirement Rate	13.06%	14.24%
Supplemental Death Rate	<u>0.23%</u>	<u>0.23%</u>
Total Contribution Rate	13.29%	14.47%
Unfunded Actuarial Liability	\$3,906,559	\$4,209,499
Funded Ratio	88.4%	87.6%
Benefit Increase Amortization Period	20 years	20 years
Stat Max	13.50%	13.50%
Retirement Rate Exceeds Stat Max	No	Yes

* As of the December 31, 2023 valuation date, there were 21 employees with service in other TMRS cities eligible for transfer USC.



STAFF REPORT

MEETING DATE: October 22, 2024

TITLE:

Consider and act on Resolution No. R-2024-135 of the City of Bastrop, Texas, for an engineering professional services contract with Dial Development Services, Ltd. (DDS) to provide construction inspection services for the Agnes St. Extension project to a Not To Exceed amount of one hundred eight thousand dollars (\$108,000.00); authorizing the City Manager to execute all necessary documents upon request and providing for findings of fact, repealer, severability, effective date, proper notice, and meeting.

AGENDA ITEM SUBMITTED BY:

Andres Rosales, Assistant City Manager

BACKGROUND/HISTORY:

The City of Bastrop has utilized Dial Development Services since November of 2021 to assist the City by providing construction management and inspection services of public infrastructure from private development and capital improvement projects.

On December 14, 2021, City Council passed Resolution No. R-2021-122 entering into a professional services contract with Kimley-Horn for the design and construction phase services for the Agnes Street Extension project.

The Agnes Street Extension project will extend and widen Agnes Street from State Highway 304 to Sterling Drive with approximately 4,000 LF of asphalt pavement. Water, wastewater and storm sewer infrastructure will be extended along the new roadway.

On October 1, 2024, City Council passed Resolution No. R-2024-130 approving a construction contract with Joe Bland Construction, LLC for the construction of the Agnes Street Extension Project.

Timely and quality construction inspections performed by Dial Development Services will reduce long-term costs and ensure projects are constructed according to plans and specifications.

RECOMMENDATION:

Take action on Resolution No. 2024-135 approving an engineering professional services contract with Dial Development Services, Ltd. (DDS) to provide construction inspection services to a Not To Exceed amount of one hundred eight thousand dollars (\$108,000.00).

ATTACHMENTS:

- Resolution No. R-2024-135
- Exhibit A: Professional Services Contract with Dial Development Services, Ltd.

RESOLUTION NO. R-2024-135

A RESOLUTION OF THE CITY OF BASTROP, TEXAS, APPROVING AN ENGINEERING PROFESSIONAL SERVICES CONTRACT WITH DIAL DEVELOPMENT SERVICES, LTD. TO PROVIDE CONSTRUCTION INSPECTION SERVICES FOR THE AGNES ST. EXTENSION PROJECT TO A NOT TO EXCEED AMOUNT OF ONE HUNDRED EIGHT THOUSAND DOLLARS (\$108,000); AUTHORIZING THE CITY MANAGER TO EXECUTE ALL NECESSARY DOCUMENTS; PROVIDING FOR A REPEALING CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Bastrop City Council understands the value in managing growth for future generations; and

WHEREAS, the City of Bastrop understands the importance of focusing on providing timely and quality inspection services for capital improvement projects to ensure the approved plans are followed; and

WHEREAS, the City of Bastrop chooses to approve the attached contract for professional services with Dial Development Services as shown as Exhibit B; and

WHEREAS, the City of Bastrop City Council has unequivocally committed to fiscal sustainability, responsibly managing growth, and taking definitive action towards lasting solutions.

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 a Professional Services Contract to a not to exceed amount of one hundred eight thousand dollars (\$108,000).

Section 2. This resolution shall take effect immediately from and after its passage, and it is duly resolved.

DULY RESOLVED AND ADOPTED by the City Council of the City of Bastrop, Texas this 22nd day of October 2024.

APPROVED:

Lyle Nelson, Mayor

ATTEST:

Irma Parker, City Secretary

APPROVED AS TO FORM:

Alan Bojorquez, City Attorney

CITY OF BASTROP
STANDARD CONTRACT FOR GENERAL SERVICES

Over \$50K
(8-16-2021)

This General Services Contract (“Contract”) is entered by and between the **City of Bastrop**, a Texas Home-Rule Municipal Corporation (the “City”), and **Dial Development Services, Ltd.**, (the “Engineer/Contractor”), and together with the City jointly referred to as the “Parties,” for the following work described on the Scope of Services, Exhibit A-2, attached and incorporated herein to this Contract (the “Work” or “Project” or “Agnes Street Extension”).

I. General Information and Terms.

Engineer’s/Contractor’s Name and Address:	Dial Development Services, Ltd. P.O. Box 608 Del Valle, Texas 78617 Attn: Robert Dial
General Description of Services:	Quality Assurance Construction Inspection
Maximum Contract Amount:	\$108,000.00
Effective Date:	On the latest of the dates signed by both parties.
Termination Date:	See II.D.

Contract Parts: This Contract consists of the following parts:

- I. General Information and Terms
- II. Standard Contractual Provisions
- III. Additional Terms or Conditions
- IV. Additional Contract Documents
- V. Signatures

II. Standard Contractual Provisions.

A. Contractor’s Services. The Contractor will provide to the City the professional engineering services (“Services”) described in the Scope of Services, Exhibit A-2 attached and incorporated herein to this Contract under the terms and conditions of this Contract.

B. Billing and Payment. The Contractor will bill the City for the Services provided at intervals of at least 30 days of receipt of Contractor’s invoices, except for the final billing. The City will pay the Contractor within 30 days of receipt of Contractor’s invoices for the Services provided for in this Contract with current revenues available to the City, but all of the City’s

payments to the Contractor, including the time of payment and the payment of interest on overdue amounts, are subject to the provisions of Chapter 2251 of the Government Code. The City shall have the right to withhold payment, or any part thereof, of any of invoice presented by Contractor until resolution providing reasonable verification of the correctness thereof is reached. The City shall notify the Contractor, in writing, of the disputed amount within thirty (30) days. The City is not liable to the Contractor for any taxes which the City is not liable by law, including state and local sales and use taxes (Section 151.309 and Title 3, Texas Tax Code) and federal excise tax (Subtitle D of the Internal Revenue Code). Accordingly, those taxes may not be added to any bill.

C. Executed Contract. The “Notice to Proceed” will not be given nor shall any Services commence until this Contract is fully executed and all exhibits and other attachments are completely executed and attached to this Contract.

D. Termination Provisions.

(1) Unless terminated earlier as allowed by this Contract, this Contract terminates:

- (a) On the termination date, if any, specified in the General Information in Part I, but the obligation of a party to complete a contract requirement pending on the date of termination survives termination; or
- (b) If there is no termination date specified in the General Information in Part I, the Contract terminates when both parties have completed all their respective obligations under the Contract.

(2) The City Manager may terminate this Contract during its term at any time for any reason by giving written notice to the Contractor not less than five (5) business days prior to the termination date, but the City will pay the Contractor for all Services rendered in compliance with this Contract up to the date of termination. The City may terminate the Contract anytime if the City does not have available funds pursuant to Texas Government Code Chapter 2251.

(3) If the City Council does not appropriate funds to make any payment for a fiscal year after the City’s fiscal year in which the Contract becomes effective and there are no proceeds available for payment from the sale of bonds or other debt instruments, then the Contract automatically terminates at the beginning of the first day of the successive fiscal year. (Section 5, Article XI, Texas Constitution).

E. Delays. Contractor shall have no damages for delay or hindrance. In the event of delay or hindrance not the fault of Contractor, an extension of time shall be the Contractor’s sole remedy.

F. Independent Contractor. It is understood and agreed by the Parties that the Contractor is an independent contractor retained for the Services described in the Scope of Services, Exhibit A-2, attached and incorporated herein. The City will not control the manner or the means of the Contractor's performance but shall be entitled to work product as detailed in the Exhibit A-2.

The City will not be responsible for reporting or paying employment taxes or other similar levies that may be required by the United States Internal Revenue Service or other State or Federal agencies. This Contract does not create a joint venture. Services performed by the Contractor under this Contract are solely for the benefit of the City. Nothing contained in this Contract creates any duties on the part of the Contractor toward any person not a party to this Contract. No person or entity not a signatory to this Contract shall be entitled to rely on the Contractor's performance of its Services hereunder, and no right to assert a claim against the Contractor by assignment of indemnity rights or otherwise shall accrue to a third party as a result of this Contract or the performance of the Contractor's Services hereunder.

G. Subcontractor. The term "subcontractor" shall mean and include only those hired by and having a direct contract with Contractor for performance of work on the Project. The City shall have no responsibility to any subcontractor employed by Contractor for performance of work on the Project, and all subcontractors shall look exclusively to the Contractor for any payments due. The Contractor shall be fully responsible to the City for the acts and omissions of its subcontractors. Nothing contained herein shall create any contractual or employment relations between any subcontractor and the City.

H. Assignment. The Contractor may not assign this Contract without the City's prior written consent.

I. Law Governing and Venue. This Contract is governed by the law of the State of Texas and a lawsuit may only be prosecuted on this Contract in a court of competent jurisdiction located in or having jurisdiction in Bastrop County, Texas.

J. Entire Contract. This Contract represents the entire Contract between the City and the Contractor and supersedes all prior negotiations, representations, or contracts, either written or oral. This Contract may be amended only by written instrument signed by both parties.

K. Dispute Resolution Procedures. If either party disputes any matter relating to this Contract, the parties agree to try in good faith, before bringing any legal action, to settle the dispute by submitting the matter to mediation before a third party who will be selected by agreement of the parties. The parties will each pay one-half of the mediator's fees.

L. Attorney's Fees. Should either party to this Contract bring suit against the other party for any matter relating to this Contract, the prevailing Party shall be entitled to have and recover from the losing Party reasonable attorney's fees and all other costs of such action.

M. INDEMNIFICATION. TO THE FULLEST EXTENT PERMITTED BY APPLICABLE LAW, THE CONTRACTOR SHALL INDEMNIFY AND HOLD HARMLESS THE CITY, ITS OFFICERS, AGENTS, VOLUNTEERS, AND EMPLOYEES FROM AND AGAINST CLAIMS, LOSSES, DAMAGES, CAUSES OF ACTION, SUITS, AND LIABILITY, INCLUDING REIMBURSEMENT OF REASONABLE ATTORNEY'S FEES AND COST IN PROPORTION OF CONTRACTOR'S LIABILITY, FOR INJURY TO OR DEATH OF ANY PERSON OR FOR DAMAGE TO ANY PROPERTY TO THE EXTENT CAUSED BY THE NEGLIGENT ACT, ERROR, OR WILLFUL MISCONDUCT OF THE CONTRACTOR, ITS

CITY OF BASTROP, GENERAL SERVICES CONTRACT/Page 3

AGENTS, REPRESENTATIVES, EMPLOYEES, OR ANYONE WHOM THE CONTRACTOR IS LEGALLY LIABLE FOR UNDER THIS CONTRACT.

NOTWITHSTANDING ANYTHING HEREIN TO THE CONTRARY, UNDER NO CIRCUMSTANCES WHETHER UNDER BREACH OF CONTRACT, TORT (INCLUDING NEGLIGENCE), STRICT LIABILITY, OR ANY OTHER THEORY OF LIABILITY, SHALL EITHER PARTY BE LIABLE TO THE OTHER FOR ANY CONSEQUENTIAL, SPECIAL, INDIRECT, INCIDENTAL, EXEMPLARY, ENHANCED, TREBLE (OR STATUTORY EQUIVALENT), OR PUNITIVE DAMAGES, INCLUDING WITHOUT LIMITATION, LOSS OF PROFITS, LOSS OF BUSINESS OPPORTUNITY OR LOSS OF PROSPECTIVE REVENUE, ARISING OUT OF THIS AGREEMENT OR ANY WORK OR SERVICES PERFORMED OR TO BE PERFORMED HEREUNDER.

N. RELEASE. THE CONTRACTOR ASSUMES FULL RESPONSIBILITY FOR THE WORK TO BE PERFORMED HEREUNDER AND HEREBY RELEASES, RELINQUISHES, AND DISCHARGES THE CITY, ITS OFFICERS, AGENTS, VOLUNTEERS, AND EMPLOYEES FROM ALL CLAIMS, DEMANDS, AND CAUSES OF ACTION OF EVERY KIND AND CHARACTER, INCLUDING THE COST OF DEFENSE THEREOF, FOR ANY INJURY TO OR DEATH OF ANY PERSON, AND ANY LOSS OF OR DAMAGE TO ANY PROPERTY THAT IS CAUSED BY, OR ALLEGED TO BE CAUSED BY, THE NEGLIGENCE, RECKLESSNESS, OR WILLFUL MISCONDUCT OF CONTRACTOR, ITS AGENTS, REPRESENTATIVES, VOLUNTEERS, EMPLOYEES, OR SUBCONTRACTORS..

O. Severability. If a court finds or rules that any part of this Contract is invalid or unlawful, the remainder of the Contract continues to be binding on the parties.

P. Conflicting Provisions. If there is a conflict between a provision in the Contractor's Additional Contract Documents and a provision in the remainder of this Contract, the latter controls.

Q. Documents and Data, Licensing of Intellectual Property, and Copyright. All Work progress and final documents and data produced by Contractor during the term of the Contract shall be and remain the property of the City. For purposes of this Contract, the term "Documents and Data" include any original work (the Work), reports, analyses, plans, drawings, designs, renderings, specifications, notes, summaries, charts, schedules, spreadsheets, calculations, lists, data compilations, documents, or any other material developed and assembled by or on behalf of the City in the performance of this Contract. It also includes any medium in which the Documents and Data are kept, including digitally, magnetically, or electronically. This Contract creates at no cost to the City, a perpetual license for the City to use any picture, video, music, brochure, writing, trademark, logo, or other work created by the Contractor for the use of the City, as a "work made for hire" as defined by federal copyright law. The City, as the author and owner of the copyright to the Work, may alter, reproduce, distribute, or make any other use of the Work as it deems appropriate.

R. Standard of Care for Architects and Engineers. Services must be performed with the professional skill and care ordinarily provided by competent licensed engineers or registered architects practicing in the same or similar locality and under the same or similar circumstances and professional license.

S. Disclosure of Interested Persons for Council-Approved Contracts. Contracts that require City Council approval, such as contracts that exceed \$50,000, are subject to the requirements of Section 2252.908, Tex Gov't Code. Under the provisions of this statute:

(1) The City may not enter into a contract with a business entity that requires Council approval unless the business entity submits a disclosure of interested persons at the time the business entity submits a signed contract to the City;

(2) A disclosure of interested parties must be submitted on a form prescribed by the Texas Ethics Commission (Commission), attached and incorporated herein as Exhibit A-1, that includes:

(a) A list of each interested party for the contract of which the contractor business entity is aware, an interested party being a person who has a controlling interest in the business entity or who actively participates in facilitating or negotiating the terms of the contract, including a broker, intermediary, adviser, or attorney for the business entity; and

(b) The signature of the authorized agent of the contracting business entity, acknowledging that the disclosure is made under oath and under penalty of perjury.

T. Compliance with Laws. The Contractor must comply with the federal, state, and local laws, rules and regulations applicable to the Project and its services under this Contract.

U. Prohibition on Contracts with Companies Boycotting Israel. Certain contracts for goods and services are subject to the requirements of Section 2270.002, Tex Gov't Code (H.B. 89, as amended by H.B. 793). Specifically, contracts for good and services that:

(1) are between the City and a company with ten (10) or more full-time employees; and

(2) have a value of \$100,000.00 or more that is to be paid wholly or partly from public funds of the City.

Under the provisions of this statute, if the above conditions apply the City may not enter into a contract with a company for goods and services unless the contract contains a written verification from the company that it:

(1) does not boycott Israel; and

(2) will not boycott Israel during the term of the contract.

If this is a contract to which the verification requirement applies, the City has approved a verification form which must be filled out and signed by the Contractor and submitted to the City at the time of execution of this Contract.

III. Additional Terms or Conditions.

Insurance

At all times this Agreement is in effect, Contractor shall maintain insurance of the types and amounts as those required in Exhibit B-1. All of Contractor's insurance policies in any way relating to the Work, whether or not required by this Agreement and regardless of the enforceability or validity of any of the indemnities or other assumptions of liability by Contractor, shall, to the full coverage limits of all such policies without any limitations based on the minimum requirements set forth above: (a) other than the worker's compensation insurance, name City Group as additional insureds on a broad form basis with such additional insured coverage including coverage for the sole or concurrent negligence of the additional insured and not being restricted to (i) "ongoing operations," (ii) coverage for vicarious liability, or (iii) circumstances in which the named insured is partially negligent; (b) provide for waiver of all rights of subrogation against City and the other members of City Group; and (c) be primary and noncontributory as to all other policies (including any deductibles or self-insured retentions) and self-insurance that may provide coverage to any member of City Group, and shall be fully applied and exhausted before application of any applicable indemnity obligations of City or of any applicable insurance coverage provided by City or any other member of City Group.

A. Audit

Contractor shall, and shall ensure that its affiliates, subsidiaries, contractors, subcontractors, consultants, agents, and any other person associated with Contractor including those in Contractor Group, keep full and accurate books and records with respect to all Work performed, and all payments and expenditures in connection with this Agreement. The records to be maintained and retained by Contractor Group shall include, without limitation, (a) payroll records accounting for total time distribution of Contractor's employees working full or part time on the Project, as well as canceled payroll checks or signed receipts for payroll payments in cash; (b) invoices for purchases, receiving and issuing documents, and all other unit inventory records for Contractor's stores, stock, or capital items; (c) paid invoices and canceled checks for materials purchased and for subcontractors' and any other Third Parties' charges, including, but not limited to, Equipment rental; (d) travel and entertainment documentation, including, but not limited to, employee expense reports and Contractor facility usage reports; and (e) all field tickets or similar documentation evidencing the Work. The City shall have the right at all reasonable times, for a period of five (5) years from the completion of the Work, to audit and inspect such books and records (excluding trade secrets, formulas, confidential data, proprietary information, or processes).

B. Reports of Incidents

Within twenty-four (24) hours upon occurrence, Contractor shall provide in writing to the City notice and details of any accidents or occurrences resulting in injuries to persons, property, or pollution arising in any way arising out of or related to the Work whether done by Contractor or any subcontractor of Contractor or any other member of Contractor Group performing Work pursuant to this Contract. Contractor shall in writing within twenty-four (24) hours of any claim, demand, or suit that may be presented to or served upon it arising out of or as a result of Work.

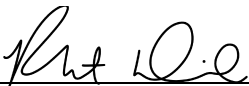
IV. Additional Contract Documents. The following documents attached to this Contract are part of this Contract:

- EXHIBIT A-1: Certificate of Interested Parties (1295 Form)
- EXHIBIT A-2 Scope of Work
- EXHIBIT A-3 House Bill 89 Verification
- EXHIBIT B-1 Requirements for General Services Contract

V. Signatures.

Dial Development Services, Ltd.

CITY OF BASTROP

By: 

By: _____

Printed Name: Robert Dial

Printed Name: _____

Title: Vice President

Title: _____

Date: October 2, 2024

Date: _____

EXHIBIT A-1

Certificate of Interested Persons with Certification of Filing
(Form 1295)

(See Attached)

CERTIFICATE OF INTERESTED PARTIES

FORM 11

Item 7G.

1 of 1

Complete Nos. 1 - 4 and 6 if there are interested parties.
Complete Nos. 1, 2, 3, 5, and 6 if there are no interested parties.

OFFICE USE ONLY CERTIFICATION OF FILING

Certificate Number:
2024-1212621

Date Filed:
09/10/2024

Date Acknowledged:
10/08/2024

1 Name of business entity filing form, and the city, state and country of the business entity's place of business.
Dial Development Services, Ltd
Del Valle, TX United States

2 Name of governmental entity or state agency that is a party to the contract for which the form is being filed.
The City of Bastrop

3 Provide the identification number used by the governmental entity or state agency to track or identify the contract, and provide a description of the services, goods, or other property to be provided under the contract.
R-2024-112
2024-2025 QA Construction Inspection & Observation Services

4	Name of Interested Party	City, State, Country (place of business)	Nature of interest (check applicable)	
			Controlling	Intermediary

5 Check only if there is NO Interested Party.

6 UNSWORN DECLARATION

My name is _____, and my date of birth is _____.

My address is _____, _____, _____, _____, _____.
(street) (city) (state) (zip code) (country)

I declare under penalty of perjury that the foregoing is true and correct.

Executed in _____ County, State of _____, on the _____ day of _____, 20____.
(month) (year)

Signature of authorized agent of contracting business entity
(Declarant)

EXHIBIT A-2

Scope of Services **dated September 30, 2024**

(See Attached)



P.O. Box 608
Del Valle, Texas 78617
(512) 589-3105



September 30, 2024

Mr. Andres Rosales
Assistant City Manager
The City of Bastrop
P.O. Box 427
1311 Chestnut Street
Bastrop, Texas 78602

**Re: Proposal for Quality Assurance Inspection Services
Agnes Street Extension**

Mr. Rosales,

Dial Development Services, Ltd. is pleased to present this proposal for quality assurance inspection services during the construction of “*Agnes Street Extension*” as listed below. The scope of services proposed for this project will include the following:

Daily Construction Inspection and Observation – Visits to the site will be provided on an as needed basis to observe the construction in progress. The site visit will provide an inspection of materials, equipment and construction work for ascertaining that the work is in conformance with the contract documents and the plans. The Inspectors are expected to know how to read and interpret plans and specifications and be able to evaluate work performed by contractor and compare it to the contracts’ documents.

Daily Reports – Construction activities inspected will be summarized in a daily report for its respective inspection. The daily reports will assist our staff as well as the design team in troubleshooting problems and will serve as a comprehensive report of all issues encountered on the project and how they were corrected. Photo documentation will also be kept and available as part of the project documentation. Documentation will be uploaded to the City of Bastrop’s MyGov system.

Construction Materials Testing – We will witness all necessary QC testing and insure that testing meets specifications or provide corrective action recommendations prior to proceeding with work when testing does not meet specifications.

Construction Phase Project Meetings – We will attend and maintain active involvement in any and all meetings related to the above referenced project activities during construction, as required. This includes pre-construction meetings, on-site troubleshooting meetings, substantial completion and final walkthroughs, including developing any punch lists and any other necessary construction related meetings as they arise.

Project Documentation – As described, copies of all relevant project documentation such as daily reports and photographs will be kept and compiled. Documentation will be uploaded to the City of Bastrop’s MyGov system. Review operating and maintenance manuals; and ensure City received all required documentation prior to the Substantial Walkthroughs, and closeout of any project. Coordinate with project contractor/engineer’s inspector, whichever is appropriate, on redlines for record drawings. Compare as built against redlines and request changes/adjustments where needed.

Construction Deficiencies – If construction deficiencies are noted during daily inspections, we will review the deficiencies and attempt to resolve the issues immediately with the contractor. Issues that cannot be resolved immediately will be discussed with the City Engineer, Director of Engineering and Capital Project Management, project owner or engineer and we will advise the owner or engineer of our opinion regarding the deficiency and the appropriate action.

Coordination of Stakeholders – As with all of our projects, Dial Development Services, Ltd. will make every attempt to include all of the project stakeholders in any given aspect of the project, as necessary. This serves to limit the number of possible issues that can arise during the project and keeps all parties current and fully informed of project progress and helps to identify potential issues that could arise. Coordinate with City Engineer and/or other contracted engineers, as well as project engineers, on a weekly basis or as needed, and provide any concerns to the Engineering and Capital Project Management Department. The Inspector shall not interact with public or reporters, but re-direct them to contact the Engineering and Capital Project Management Department.

Personnel and Equipment – Dial Development Services, Ltd. staff is highly experienced in construction inspection and management with over 100 years of combined experience. From standard specifications to community relations, we are seasoned in dealing with any issues that may arise during a project. Our staff has all of the necessary equipment to perform their job tasks in a safe, efficient and timely manner including but not limited to: industry standard personal protective equipment, various measurement devices pertinent to the project, and industry standard reporting materials. Key personnel resumes are available upon request.

Primary Points of Contact:

Robert Dial, R.A.S. #1379
(512) 589-3105
rdial@dldialassociates.com

David Dial
(512) 784-4546
ddial@dldialassociates.com

Fee Schedule:

Item 7G.

Based on the scope of the work activities included and the current information provided, it appears that the project duration for this project will be approximately 330 calendar days to substantial completion and 360 calendar days to final completion, with work activities likely to occur 5 days per week or approximately 250 total working days. The scope of services described will require approximately 4.0 hours per day on average for the duration of the project rates of:

\$120.00/hour – Manager/Lead Inspector

\$105.00/hour – Staff Inspector

Total Proposed Project Budget: \$108,000.00

The above project budgets include the scope of services described in this proposal for the “*Agnes Street Extension*” as listed in the “Proposed Project Budgets and Fee Schedule”. These proposed budgets cover the timeframe until the projects listed are fully completed and accepted for maintenance.

Future potential projects shall be considered on an individual project by project basis. Dial Development Services, Ltd. proposes to do a cursory review of each new set of plans provided by the City of Bastrop on projects that the City of Bastrop is considering using our services. We will review proposed schedules, discuss the project with the engineer, and determine as much information as possible to provide a total project budget that includes the standard scope of services at the provided hourly rate. The budget will be a Not to Exceed (NTE) total with any changes to the total budget to be approved through supplement agreements that include justifications for the budget increase. *The proposed project budget is not a lump sum. Services will be billed out at the proposed hourly rates against the budget until the project is completed. If the budget is set to run out on a project, a supplemental agreement will be submitted requesting additional funds and describe the reason(s) for the request.*

Exclusions:

- Inspection of work occurring outside of normal working hours as defined in the contract agreement such as weekend work, city holidays, or night work. *Inspections required on weekends, official holidays, or nights will be invoiced separately at 1.5 times the standard rate listed above.*
- Comprehensive Plan Review Services are not included in the scope of services provided in this proposal and shall be provided by executing separate agreements for such services.
- Additional time required on the project due to circumstances outside of our control, such as scheduling impacts, design conflicts, and significant changes to the project scope and/or duration will be performed at an additional cost to the proposed budget. Budget increases shall be executed via supplemental agreements to the original agreements that describe the reason(s) for the budget increase.
- Project Safety, SWPPP, Site Security, Public Access, and Traffic Control requirements are the sole responsibility of the contractor awarded the project and are not included in the scope of services provided in this proposal. A good faith effort will always be made to notify the contractor of any deficiencies.
- Submittal, RFI, and RFD reviews shall be performed by the design engineer or the City of Bastrop Engineering Department. We will always make a good faith effort to highlight submittals that do not meet The City of Bastrop standards and specifications.

Please feel free to contact us if you have any questions or concerns regarding this proposal. We appreciate the opportunity to provide this valuable service and look forward to a successful partnership throughout the duration of this project and beyond.

Item 7G.

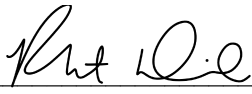
Sincerely,

Dial Development Services, Ltd.

Accepted:

By: DL Dial & Associates LC, General Partner

By: _____

By: 
Robert M. Dial, Vice President

Title: _____

EXHIBIT A-3

House Bill 89 Verification

(See Attached)

House Bill 89 Verification Form

I, Robert Dial (printed person's name), the undersigned representative of (Company or Business name) Dial Development Services, Ltd. (hereafter referred to as company) being an adult over the age of eighteen (18) years of age, after being duly sworn by the undersigned notary, do hereby depose and verify under oath that the company named-above, under the provisions of Subtitle F, Title 10, Government Code Chapter 2270:

- 1. Does not boycott Israel currently; and
- 2. Will not boycott Israel during the term of the contract.

Pursuant to Section 2270.001, Texas Government Code:

1. "Boycott Israel" means refusing to deal with, terminating business activities with, or otherwise taking any action that is intended to penalize, inflict economic harm on, or limit commercial relations specifically with Israel, or with a person or entity doing business in Israel or in an Israeli-controlled territory, but does not include an action made for ordinary business purposes; and

2. "Company" means a for-profit sole proprietorship, organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, or any limited liability company, including a wholly owned subsidiary, majority-owned subsidiary, parent company or affiliate of those entities or business associations that exist to make a profit.

09-16-2024
DATE

[Signature]
SIGNATURE OF COMPANY REPRESENTATIVE

ON THIS THE 16th day of September, 2024, personally appeared Robert Dial, the above-named person, who after by me being duly sworn, did swear and confirm that the above is true and correct.

NOTARY SEAL

[Signature]

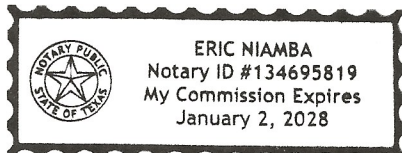


EXHIBIT B-1
REQUIREMENTS FOR GENERAL SERVICES CONTRACT

The Contractor shall comply with each and every condition contained herein. The Contractor shall provide and maintain the minimum insurance coverage set forth below during the term of its agreement with the City, including any delay periods. If the Project is not finalized and the insurance expires, Contractor is obligated to extend the insurance coverage. Any Subcontractor(s) hired by the Contractor shall maintain insurance coverage equal to that required of the Contractor. It is the responsibility of the Contractor to assure compliance with this provision. The City of Bastrop accepts no responsibility arising from the conduct, or lack of conduct, of the Subcontractor.

INSTRUCTIONS FOR COMPLETION OF INSURANCE DOCUMENT

With reference to the foregoing insurance requirements, Contractor shall specifically endorse applicable insurance policies as follows:

- A. The City of Bastrop shall be named as an additional insured with respect to General Liability and Automobile Liability **on a separate endorsement**
- B. A waiver of subrogation in favor of The City of Bastrop shall be contained in the Workers Compensation and all liability policies and must be provided **on a separate endorsement.**
- C. All insurance policies shall be endorsed to the effect that The City of Bastrop will receive at least thirty (30) days' written notice prior to cancellation or non-renewal of the insurance.
- D. All insurance policies, which name The City of Bastrop as an additional insured, must be endorsed to read as primary and non-contributory coverage regardless of the application of other insurance.
- E. **Chapter 1811 of the Texas Insurance Code, Senate Bill 425 82(R) of 2011, states that the above endorsements cannot be on the certificate of insurance. Separate endorsements must be provided for each of the above.**
- F. All insurance policies shall be endorsed to require the insurer to immediately notify The City of Bastrop of any material change in the insurance coverage.
- G. All liability policies shall contain no cross-liability exclusions or insured versus insured restrictions.
- H. Required limits may be satisfied by any combination of primary and umbrella liability insurances.
- I. Contractor may maintain reasonable and customary deductibles, subject to approval by The City of Bastrop.
- J. Insurance must be purchased from insurers having a minimum AmBest rating of B+.
- K. All insurance must be written on forms filed with and approved by the Texas Department of Insurance. (ACORD 25 2016/03) Coverage must be written on an occurrence form.
- L. Contractual Liability must be maintained covering the Contractors obligations contained in the contract. Certificates of Insurance shall be prepared and executed by the insurance company or its authorized agent and shall contain provisions representing and warranting all endorsements and insurance coverages according to requirements and instructions contained herein.
- M. Upon request, Contractor shall furnish The City of Bastrop with certified copies of all insurance policies.
- N. A valid certificate of insurance verifying each of the coverages required above shall be issued directly to the City of Bastrop within ten (10) business days after contract award and prior to starting any work by the successful contractor's insurance agent of record or insurance company. Also, prior to the start of any work and at the same time that the Certificate of Insurance is issued and sent to the City of Bastrop, all required endorsements identified in sections A, B, C and D, above shall be sent to the City of Bastrop. The certificate of insurance and endorsements shall be sent to:

**City of Bastrop
Engineering and Capital Project Management Department
1311 Chestnut Street
Bastrop, TX 78602**

INSURANCE REQUIREMENTS

Items marked "X" are required to be provided if award is made to your firm.

Coverages Required & Limits (Figures Denote Minimums)

- Workers' Compensation Statutory limits, State of TX.
- Employers' Liability \$500,000 per employee per disease / \$500,000 per employee per accident / \$500,000 by disease aggregate

Commercial General Liability: Very High/High Risk Medium Risk

Low Risk

	Each Occurrence	\$1,000,000	\$500,000	\$300,000
Fire Damage	\$300,000		\$100,000	\$100,000
Personal & ADV Injury	\$1,000,000		\$1,000,000	\$600,000
General Aggregate	\$2,000,000		\$1,000,000	\$600,000
Products/Compl Op	\$2,000,000		\$500,000	\$300,000
XCU	\$2,000,000		\$500,000	\$300,000

- Automobile Liability: (Owned, Non-Owned, Hired and Injury & Property coverage for all)

<input type="checkbox"/> Very High/ High Risk	<input checked="" type="checkbox"/> Medium Risk	<input type="checkbox"/> Low Risk
Combined Single Limits	Combined Single Limits	Combined Single Limits
\$1,000,000 Bodily	\$500,000 Bodily	\$300,000 Bodily

Garage Liability for BI & PD
\$1,000,000 each accident for Auto, \$1,000,000 each accident Non-Auto
\$2,000,000 General Aggregate

Garage Keepers Coverage (for Auto Body & Repair Shops)
\$500,000 any one unit/any loss and \$200,000 for contents

Umbrella each-occurrence with respect to primary Commercial General Liability, Automobile Liability, and Employers Liability policies at minimum limits as follows:

- Contract value less than \$1,000,000: **not required**
- Contract value between \$1,000,000 and \$5,000,000: **\$4,000,000 is required**
- Contract value between \$5,000,000 and \$10,000,000: **\$9,000,000 is required**
- Contract value between \$10,000,000 and \$15,000,000: **\$15,000,000 is required**
- Contract value above \$15,000,000: **\$20,000,000 is required**

Excess coverage over \$10,000,000 can be provided on "following form" type to the underlying coverages to the extent of liability coverage as determined by the City.

Professional Liability, including, but not limited to services for Accountant, Appraiser, Architecture, Consultant, Engineering, Insurance Broker, Legal, Medical, Surveying, construction/renovation contracts for engineers, architects, constructions managers, including design/build Contractors.

Minimum limits of \$1,000,000 per claim/aggregate. This coverage must be maintained for at least two (2) years after the project is completed.

Builder's Risk (if project entails vertical construction, including but not limited to bridges and tunnels or as determined by the City of Bastrop) Limit is 100% of insurable value, replacement cost basis

Pollution Liability for property damage, bodily injury and clean up (if project entails possible contamination of air, soil or ground or as determined by the City of Bastrop)
\$1,000,000 each occurrence
\$2,000,000 aggregate

Other Insurance Required: _____

NOTE: The nature/size of a contract/agreement may necessitate higher limits than shown above. These requirements are only meant as a guide, but in any event, should cover most situations. Check with Purchasing & Risk Management if you need assistance or need additional information.



STAFF REPORT

MEETING DATE: October 22, 2024

TITLE:

Consider and act on Resolution No. R-2024-145, Appointment to the Bastrop Economic Development Corporation in Places 2, 4, and 6 for a Two-Year Term Beginning in October 2024 and Ending in September 2026; Making an Appointment to Place 7 for a One-Year Term Beginning in October 2024 and Ending in September 2025; Receiving Confirmation by the City Council of Appointees; And Providing for an Effective Date.

AGENDA ITEM SUBMITTED BY:

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

BACKGROUND/HISTORY:

Pursuant to Chapter 1 “General Provisions”, Article 1.04 “Boards and Commissions” board members shall be appointed by the mayor and confirmed by the Council, for terms of three (3) years. Section 1.04.002(1) “Membership, terms” any individual that has previously served two (2) consecutive terms on a particular advisory body, must wait one full year before being reappointed to the same advisory body.

The Bastrop Economic Development Board (BEDC) has served as a catalyst for community development and economic opportunity that enhances the competitiveness of Bastrop and increases property values, sales tax revenue, job opportunities, and quality of life. Members need to have at least one of the following qualifications: have management experience or serve in an executive capacity, ability to evaluate financial, business records, and projections, economic development experience, or education, training, or experience useful to this board’s purpose; and

Place 4 and Place 6 which are currently held by Council Member Cheryl Lee and former Mayor Connie Schroeder respectively, have terms that expire in 2024. Council Member Lee has requested reappointment; however, Ms. Schroeder has not. Place 7 has one year remaining on this Board. The individual in Place 2 resigned their position after moving out of the corporate city limits of the City of Bastrop.

FISCAL IMPACT:

N/A

RECOMMENDATION:

The Mayor will nominate individuals to serve and the City Council will confirm

ATTACHMENTS:

1. Resolution R-2024-145

RESOLUTION NO. R-2024-145

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, RECEIVING NOMINATIONS FROM BASTROP MAYOR FOR APPOINTMENT TO THE BASTROP ECONOMIC DEVELOPMENT CORPORATION IN PLACES 2, 4, AND 6 FOR A TWO-YEAR TERM BEGINNING IN OCTOBER 2024 AND ENDING IN SEPTEMBER 2026; MAKING AN APPOINTMENT TO PLACE 7 FOR A ONE-YEAR TERM BEGINNING IN OCTOBER 2024 AND ENDING IN SEPTEMBER 2025; RECEIVING CONFIRMATION BY THE CITY COUNCIL OF APPOINTEES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Chapter 1 “General Provisions”, Article I.04 “Boards and Commissions” board members shall be appointed by the mayor and confirmed by the Council, for terms of three (3) years except for Bastrop Economic Development Corporation (BEDC) per State statute serve two (2) year terms; and

WHEREAS, under Section 1.04.002(1) “Membership, terms” any individual that has previously served two (2) consecutive terms on a particular advisory body, must wait one full year before being reappointed to the same advisory body; and

WHEREAS, the BEDC has served as a catalyst for community development and economic opportunity that enhances the competitiveness of Bastrop and increases property values, sales tax revenue, job opportunities, and quality of life. Members need to have at least one of the following qualifications: have management experience or serve in an executive capacity, ability to evaluate financial, business records, and projections, economic development experience, or education, training, or experience useful to this board’s purpose; and

WHEREAS, Place 4 and Place 6 which are currently held by Council Member Cheryl Lee and former Mayor Connie Schroeder respectively have terms that expire in 2024. Council Member Lee has requested reappointment; however, Ms. Schroeder has not; and

WHEREAS, Place 7 has one year remaining on this Board. The individual in Place 2 has moved out of the corporate city limits of the City of Bastrop.

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

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. Mayor Nelson has nominated the following individual(s) and the City Council has confirmed the following citizens for a term beginning in October 2024 and ending in September 2026:

Place	Nominated	Confirmed
2	Gary Blake	
4	Cheryl Lee	
6	T.J. Finn	

SECTION 3. Mayor Nelson has nominated the following individual and the City Council has confirmed the following citizen for a one-year term beginning in October 2024 and ending in September 2025:

Place	Nominated	Confirmed
7	Chris McCool	

SECTION 4. This Resolution shall take effect immediately upon its passage and it is so resolved that the Bastrop Economic Development Corporation (BEDC) shall be composed of the following:

Place	First Name	Last Name	Appt Date	Term	Expiration Date
1	Frank	Urbanek	2023		2025
2	Gary	Blake	2024		2025
3	John	Kirkland	2023		2025
4	Cheryl	Lee	2024		2027
5	Ron	Spencer	2023		2025
6	T.J.	Finn	2024		2027
7	Chris	McCool	2024		2025

DULY RESOLVED AND ADOPTED by the City Council of the City of Bastrop this ___ day of **OCTOBER** 2024.

CITY OF BASTROP, TEXAS

Lyle Nelson, Mayor

ATTEST:

APPROVED AS TO FORM:

Irma G. Parker, City Secretary

Alan Bojorquez, City Attorney



STAFF REPORT

MEETING DATE: October 22, 2024

TITLE:

Consider and take action on Resolution No. R-2024-144, Receiving Nominations from Bastrop Mayor for Appointment to the Bridging Bastrop Board for Places 1, 2, 3 and 4; and Receiving Confirmation from the City Council of Appointees for a Three-Year Term Beginning in October 2024 and ending in September 2027; and Providing for an Effective Date.

AGENDA ITEM SUBMITTED BY:

Submitted by: Vivianna Nicole Andres, Assistant to the City Manager

BACKGROUND/HISTORY:

The Bridging Bastrop Board, originally known as the Diversity, Equity, and Inclusion Board, was formed at the recommendation of the Diversity and Inclusion Task Force on July 26, 2022, by Resolution No. R-2022-67. Subsequently Resolution No. R-2022-71 was passed by Council on August 9, 2022, which further laid out the Council's expectations and directives for the Board.

In accordance with Chapter 1, "General Provisions," Article 1.04, "Boards and Commissions," board members are appointed by the mayor and confirmed by the Council for three (3) year terms. Section 1.04.002(1), "Membership, terms" **states** that individuals who have served two (2) consecutive terms on a specific advisory body must wait one full year before being reappointed to the same advisory body.

The Board is comprised of 7 members that serve a 3 year term. The Bridging Bastrop Board currently has openings for Places 1, 3, 2 and 4. The appointments and reappointments are as follows:

Place	New Appointment/ Reappointment	Nominating
1	New Appointment	Cedric Williams
2	Reappointment	Nancy Wood
3	New Appointment	Carolyn Holt
4	New Appointment	Karen Knight

The current membership and terms for this Board are listed below:

Place	Member	Appt. Date	Term	Expiration Date
1	VACANT	2022	N/A	Sept 2024

2	Nancy Wood	2022	1 served	Sept 2024
3	George Martinez	2022	1 served	Sept 2024
4	Anthony Vasquez	2022	1 served	Sept 2024
5	Mary Moody	2022	1 served	Sept 2025
6	Carly Barte	2022	1 served	Sept 2025
7	Sheila Lowe	2022	1 served	Sept 2025

FISCAL IMPACT:

N/A

RECOMMENDATION:

Take action on Resolution No. R-2024-144, Receiving Nominations from Bastrop Mayor for Appointment to the Bridging Bastrop Board for Places 1, 2, 3 and 4; and Receiving Confirmation from the City Council of Appointees for a Three-Year Term Beginning in October 2024 and ending in September 2027.

ATTACHMENTS:

- 1. Resolution No. R-2024-144

RESOLUTION NO. R-2024-144

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, RECEIVING NOMINATIONS FROM BASTROP MAYOR FOR APPOINTMENT TO THE BRIDGING BASTROP BOARD FOR PLACE 1, 2, 3 AND 4; RECEIVING CONFIRMATION BY THE CITY COUNCIL OF APPOINTEES FOR A THREE-YEAR TERM BEGINNING IN OCTOBER 2024 AND ENDING IN SEPTEMBER 2027; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Chapter 1 “General Provisions”, Article I.04 “Boards and Commissions” board members shall be appointed by the mayor and confirmed by the Council, for terms of three (3) years; and

WHEREAS, under Section 1.04.002(1) “Membership, terms” any individual that has previously served two (2) consecutive terms on a particular advisory body, must wait one full year before being reappointed to the same advisory body; and

WHEREAS, the Bridging Bastrop Board has openings in Place 1, 2, 3 & 4. Place 2 is currently held by Ms. Nancy Wood who has requested re-appointment. Place 1, 3, and 4 are vacant with no mid-year appointment made to fulfill that board member.

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

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. Mayor Nelson has nominated the following individual(s) and the City Council has confirmed the following citizens for a term beginning in October 2024 and ending in September 2027:

- Place 1 – Cedric Williams
- Place 2 – Nancy Wood (Reappointment)
- Place 3 – Carolyn Holt
- Place 4 – Karen Knight

SECTION 3. This Resolution shall take effect immediately upon its passage and it is so resolved that the Bridging Bastrop Board shall be composed of the following:

Place	First Name	Last Name	Appt Date	Term	Expiration Date
1			2024		2027
2	Nancy	Wood	2024	1	2027
3			2024		2027
4			2024		2027
5	Mary	Moody	2024	1	2025
6	Carly	Bartee	2022	1	2025
7	Sheila	Lowe	2022	1	2025

DULY RESOLVED AND ADOPTED by the City Council of the City of Bastrop this ____ day of **OCTOBER 2024**.

CITY OF BASTROP, TEXAS

Lyle Nelson, Mayor

ATTEST:

APPROVED AS TO FORM:

Irma G. Parker, City Secretary

Alan Bojorquez, City Attorney



STAFF REPORT

MEETING DATE: October 22, 2024

TITLE:

Consider and Act on Resolution No. R-2024-139; Appointing Construction Standards Board of Adjustment and Appeals for Place 1-Plumbing Contractor, Place 4-General Contractor, for a Three-Year Term Beginning October 2024 and Ending September 2027; Appointing Place 3-Citizen At Large and Alternate 1 for a One-Year Unexpired Term Ending on September 2025; Receiving Confirmation by the City Council of Appointees; And Providing for an Effective Date.

AGENDA ITEM SUBMITTED BY:

Submitted by: James E Cowey, Development Director/Building Official

BACKGROUND/HISTORY:

In accordance with Chapter 1, "General Provisions", Article 1.04, "Boards and Commissions", board members are appointed by the mayor and confirmed by the Council for three (3) year terms. According to Section 1.04.002(1), "Membership, terms", an individual who has served two (2) consecutive terms on a specific advisory body must wait one full year before being reappointed to the same advisory body. The mayor, upon a finding of good cause, has the authority to waive this one-year waiting period. The rules and procedures of this Board can be found in the Code of Ordinances, Chapter 3, "Building Regulations", Article 3.02, "Construction Standards Board of Adjustment and Appeals". Members are required to reside within the corporate city limits or the extraterritorial jurisdiction (ETJ) of the City of Bastrop.

Board Members Place 1 Michael Osborn and Place 4 Chase McDonald, representing the Plumbing and Mechanical Trades respectively have requested re-appointment. This will be both of their 3rd terms. Place 3 is Citizen at large position is vacant as is Alternate 1; and

Mayor Nelson has nominated the following individuals to serve, and the City Council has confirmed the following citizen to a term beginning in October 2024 and ending in September 2027:

Place	Nominated	Confirmed
1 – Plumbing Contractor	Michael Osborn (reappointment)	
4 – General Contractor	Chase McDonald (reappointment)	

Mayor Nelson has nominated the following individual(s) and the City Council has confirmed the following citizens for a one-year term beginning in October 2024 and ending in September 2025:

Place	Nominated	Confirmed

3 – Citizen at Large	Jimmy Crouch	
Alternate 1	Derek Klenke	

FISCAL IMPACT:

N/A

RECOMMENDATION:

Mayor will appoint and City Council confirm the members to the Construction Standards Board of Adjustment and Appeals

ATTACHMENTS:

- 1. Resolution

RESOLUTION NO. R-2024-139

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, RECEIVING NOMINATIONS FROM BASTROP MAYOR FOR APPOINTMENT TO THE CONSTRUCTION STANDARDS BOARD OF ADJUSTMENT AND APPEALS FOR PLACE 1-PLUMBING CONTRACTOR, PLACE 4-GENERAL CONTRACTOR FOR A THREE-YEAR TERM BEGINNING OCTOBER 2024 AND ENDING SEPTEMBER 2027; APPOINTING PLACE 3-CITIZEN AT LARGE; AND ALTERNATE 1 BUILDING INDUSTRY FOR A ONE-YEAR UNEXPIRED TERM ENDING ON SEPTEMBER 2025; RECEIVING CONFIRMATION BY THE CITY COUNCIL OF APPOINTEES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Chapter 1 “General Provisions”, Article 1.04 “Boards and Commissions” board members shall be appointed by the mayor and confirmed by the Council, for terms of three (3) years; and

WHEREAS, under Section 1.04.002(1) “Membership, terms” any individual that has previously served two (2) consecutive terms on a particular advisory body, must wait one full year before being reappointed to the same advisory body; and

WHEREAS, the Construction and Standards Board may be found in the Code of Ordinances Chapter 3 “Building Regulations” Article 3.02 “Construction Standards Board of Adjustment and Appeals”. Board Members Place 1 Michael Osborn and Place 4 Chase McDonald, representing the Plumbing and Mechanical Trades respectively have requested re-appointment. Place 3 and Alternate 2 the Citizen at large positions are vacant as is Alternate 1 representing the Building Industry; and

WHEREAS, Members must live within the corporate city limits or the extraterritorial jurisdiction (ETJ) of the City of Bastrop.

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

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. Mayor Nelson has nominated the following individuals to serve, and the City Council has confirmed the following citizen to a term beginning in October 2024 and ending in September 2027:

Place 1 – (Plumbing Contractor): Michael Osborn
Place 4 – (General Contractor): Chase McDonald

SECTION 3. Mayor Nelson has nominated the following individual(s) and the City Council has confirmed the following citizens for a one-year term beginning in October 2024 and ending in September 2025:

Place 3 – (Citizen at Large): Jimmy Crouch

Alternate 1 – (Building Industry): Derek Klenke

SECTION 4. This Resolution shall take effect immediately upon its passage and it is so resolved that the Construction Standards Board of Adjustment and Appeals shall be composed of the following:

Place	Representing	First Name	Last Name	Appt Date	Term	Expiration Date
1	Plumbing Contractor	Michael	Osborn			2027
2	Electrical Contractor	David	Carlson			2025
3	Citizen of Bastrop					2025
4	General Contractor	Chase	McDonald			2027
5	Mechanical Contractor	Isaac	Merino			2025
6	Building Industry (alternate)					2025
7	Citizen of Bastrop (alternate)					2027

DULY RESOLVED AND ADOPTED by the City Council of the City of Bastrop this ___ day of **OCTOBER** 2024.

CITY OF BASTROP, TEXAS

Lyle Nelson, Mayor

ATTEST:

APPROVED AS TO FORM:

Irma G. Parker, City Secretary

Alan Bojorquez, City Attorney



STAFF REPORT

MEETING DATE: October 22, 2024

TITLE:

Consider and act on Resolution No. 2024-142; Appointment to the Cultural Arts Commission for Places 1 and 2 – Bastrop Independent School District Representative to a Three-Year Term Beginning October 2024 and Ending September 2027; Place 7- Bastrop Historical Society Museum & Visitor Center will remain vacant until a new director has been hired; Appointing Mayor Pro-Tempore Kirkland as Council Liaison; And Providing for an Effective Date.

AGENDA ITEM SUBMITTED BY:

Submitted by: Michaela Joyce, Main Street Manager

BACKGROUND/HISTORY:

According to Chapter 1 “General Provisions”, Article 1.04 “Boards and Commissions” board members shall be appointed by the mayor and confirmed by the Council, for terms of three (3) years. Section 1.04.002(1) “Membership, terms” any individual that has previously served two (2) consecutive terms on a particular advisory body, must wait one full year before being reappointed to the same advisory body.

The representative in Place 1 currently held by Lisa Holcomb has requested a re-appointment to this Board. Jerry Gee Cordova wishes to be appointed to Place 2 which must be held by a Bastrop Independent School District representative. The Bastrop County Historical Society Museum and Visitor Center will elect a representative to Place 7 on this Commission. No nominee has been provided at this time. Mayor Nelson nominates Mayor Pro-Tempore Kirkland to serve as the Council Liaison.

FISCAL IMPACT:

N/A

RECOMMENDATION:

Mayor Nelson nominates and the City Council confirm members to the Cultural Arts Commission.

ATTACHMENTS:

1. Resolution No. R-2024-142

RESOLUTION NO. R-2024-142

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, RECEIVING NOMINATIONS FROM BASTROP MAYOR FOR APPOINTMENT TO THE CULTURAL ARTS COMMISSION FOR PLACES 1 AND 2 – BASTROP INDEPENDENT SCHOOL DISTRICT REPRESENTATIVE TO A THREE-YEAR TERM BEGINNING OCTOBER 2024 AND ENDING SEPTEMBER 2027; FILL THE UNEXPIRED TERM OF PLACE 7- BASTROP COUNTY HISTORICAL SOCIETY MUSEUM & VISITOR CENTER REPRESENTATIVE TO EXPIRE IN DECEMBER 2025; RECEIVING CONFIRMATION BY THE CITY COUNCIL; APPOINTING MAYOR PRO-TEMPORE KIRKLAND AS COUNCIL LIAISON; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Chapter 1 “General Provisions”, Article I.04 “Boards and Commissions” board members shall be appointed by the mayor and confirmed by the Council, for terms of three (3) years; and

WHEREAS, under Section 1.04.002(1) “Membership, terms” any individual that has previously served two (2) consecutive terms on a particular advisory body, must wait one full year before being reappointed to the same advisory body; and

WHEREAS, the representative in Place 1 currently held by Lisa Holcomb has requested a re-appointment to this Board. Jerry Gee Cordova wishes to be appointed to Place 2 which must be held by a Bastrop Independent School District representative. The Bastrop County Historical Society Museum and Visitor Center will elect a representative to Place 7 on this Commission. No nominee has been provided at this time.

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

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. Mayor Nelson has nominated, and the City Council has confirmed the following citizens to a term beginning in January 2025 and ending in December 2028:

- Place 1 – Lisa Holcomb
- Place 2 – Jerry Gee Cordova BISD Representative

SECTION 3. Mayor Nelson has nominated Mayor Pro-Tempore Kirkland to serve as Staff Liaison to this Committee. Main Street Director Michaela Joyce shall serve as Staff Liaison.

SECTION 4. Place 7 of this Board is the elected representative from the Bastrop Historical Society Museum & Visitor Center. The Board requests appointment be made after a new Director is hired. Action to appoint this individual will be considered at a later time.

SECTION 5. This Resolution shall take effect immediately upon its passage and it is so resolved that the Cultural Arts Board shall be composed of the following:

Place	Represents	First Name	Last Name	Appt Date	Term	Expiration Date
1		Lisa	Holcomb	2021		2027
2	BISD	Jerry Gee	Cordova	2024		2027
3		Michael	Kiddoo	2024		2025
4		Maria Montoya	Stayton	2022		2025
5		Yvonne	Keyrouz			2025
6		Chloe	Brevelle			2025
7	Museum					2025

DULY RESOLVED AND ADOPTED by the City Council of the City of Bastrop this ___ day of **OCTOBER 2024.**

CITY OF BASTROP, TEXAS

Lyle Nelson, Mayor

ATTEST:

APPROVED AS TO FORM:

Irma G. Parker, City Secretary

Alan Bojorquez, City Attorney



STAFF REPORT

MEETING DATE: October 22, 2024

TITLE:

Consider and act on Resolution No. R-2024-147, Receiving Nominations from Bastrop Mayor for Appointment to the Cemetery Advisory Board for Place 3 and 4; Receiving Confirmation from the City Council for Appointees for a Three-Year Term Beginning in October 2024 and ending in September 2027; and Providing for an Effective Date.

AGENDA ITEM SUBMITTED BY:

Submitted by: Edi McIlwain, Chief Financial Officer

BACKGROUND/HISTORY:

Pursuant to Sec. 1.04.001 – Appointments on the Code of Ordinances, In June of each year, the City Secretary will post notices of any advisory body position with terms expiring at the end of the current fiscal year or are currently vacant in established places or new places becoming available for appointment to city advisory bodies at City Hall and any other media sources selected. By the end of August each year, the Mayor will review the applications to serve on the city's advisory bodies received by the City Secretary. The Mayor and City Council conducted interviews with the Applicants on Tuesday, October 15, 2024, at Bastrop City Hall.

Under Section 1.04.002(1) “Membership, terms” any individual that has previously served two (2) consecutive terms on a particular advisory body, must wait one full year before being reappointed to the same advisory body. The Fairview Cemetery Advisory Board has openings in Place 3 and Place 4. Place 3 is currently held by Mr. Darren Kesselus who has requested re-appointment. Place 4 is vacant with no mid-year appointment made to fulfill that term.

Place	Mayor Appointment	Council Concurrence
3	Darren Kesselus (reappointment)	
4	Carole Reynolds	

It was noted that Place 2 and Place 6, currently held by Mary Williams and Cheryl Long respectively, have reached their maximum term limits. The current membership is shown as follows:

Place	First Name	Last Name	Appt Date	Term	Expiration Date
1	Robbie	Sanders	2021	1	2026
2	Mary	Williams	2017	3	2026
3	Darren	Kesselus	2024		2027
4			2024		2027
5	Bryan	Whitten	2021	1	2025
6	Cheryl	Long	2014	4	2025

FISCAL IMPACT:

N/A

RECOMMENDATION:

The Mayor shall appointment and the City Council shall confirm said appointments.

ATTACHMENTS:

1. Resolution R-2024-147

RESOLUTION NO. R-2024-147

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, RECEIVING NOMINATIONS FROM BASTROP MAYOR FOR APPOINTMENT TO THE CEMETERY ADVISORY BOARD FOR PLACE 3 AND 4; RECEIVING CONFIRMATION BY THE CITY COUNCIL OF APPOINTEES FOR A THREE-YEAR TERM BEGINNING IN OCTOBER 2024 AND ENDING IN SEPTEMBER 2027; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Chapter 1 “General Provisions”, Article I.04 “Boards and Commissions” board members shall be appointed by the mayor and confirmed by the Council, for terms of three (3) years; and

WHEREAS, under Section 1.04.002(1) “Membership, terms” any individual that has previously served two (2) consecutive terms on a particular advisory body, must wait one full year before being reappointed to the same advisory body; and

WHEREAS, the Fairview Cemetery Advisory Board has openings in Place 3 & 4. Place 3 is currently held by Mr. Darren Kesselus who has requested re-appointment. Place 4 is vacant with no mid-year appointment made to fulfill that term.

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

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. Mayor Nelson has nominated the following individual(s) and the City Council has confirmed the following citizens for a term beginning in October 2024 and ending in September 2027:

Place 3 – Darren Kesselus
Place 4 – Carole Reynolds

SECTION 3. Mayor Nelson has nominated and the City Council has confirmed Council Member Plunkett to serve as Council Liaison.

SECTION 4. This Resolution shall take effect immediately upon its passage and it is so resolved that the Fairview Cemetery Board shall be composed of the following:

Place	First Name	Last Name	Appt Date	Term	Expiration Date
1	Robbie	Sanders	2021	1	2026
2	Mary	Williams	2017	3	2026
3			2024		2027
4			2024		2027
5	Bryan	Whitten	2021	1	2025
6	Cheryl	Long	2014	4	2025

DULY RESOLVED AND ADOPTED by the City Council of the City of Bastrop this ____ day of **OCTOBER 2024.**

CITY OF BASTROP, TEXAS

Lyle Nelson, Mayor

ATTEST:

APPROVED AS TO FORM:

Irma G. Parker, City Secretary

Alan Bojorquez, City Attorney



STAFF REPORT

MEETING DATE: October 22, 2024

TITLE:

Consider and act on Resolution No. R-2024-146; Appointing Members to the Ethics Commission in Places 2, 4, and 5 For Full 3-Year Terms of Office Beginning in October 2024 and Ending September 2027; Accepting Resignation of the Honorable Chris Duggan in Place 5 Whose Term Expires in 2026 and Appointing a Citizen to Fill the Unexpired Term; Receiving Confirmation by the City Council of Appointees on Said Commission; And Providing for an Effective Date.

AGENDA ITEM SUBMITTED BY:

Submitted by: Irma Parker, City Secretary

BACKGROUND/HISTORY:

Pursuant to Chapter 1 “General Provisions”, Article 1.04 “Boards and Commissions” board members shall be appointed by the mayor and confirmed by the Council. Chapter 1, "General Provisions", Article 1.15, "Code of Ethics", Section 1.15.13 (b) "Board of Ethics" establishes that the terms of members are set at two (2) years, and members are limited to serving only three (3) consecutive terms. A member may be reappointed no sooner than one (1) year after the expiration of a previous term. The Honorable Christopher Duggan, Judge of the 423rd District Court in Bastrop County, who served in Place 5, has resigned, effective September 2024. There is one year remaining for the service on Place 5 and Place 3. Place 2 and Place 6, the alternate positions, are open for a full 2-year term.

Citizens nominated and confirmed for and full 2-year term beginning in October 2024 and ending in September 2026:

Place	Nomination	Confirmation
2	Carol Spencer	
6 Alternate	Bishop Dan Williams	

Citizens nominated and confirmed by the City Council to fill the unexpired term of office for one (1) year beginning in October 2024 and ending in September 2026:

Place	Nomination	Confirmation
3	Jill Helmcamp	
5		

SECTION 4. This Resolution shall take effect immediately upon its passage and it is so resolved that the Board of Ethics shall be composed of the following:

Place	First Name	Last Name	Appt Date	Term	Expiration Date
1	Bernie	Jackson	2019	3	2026
2					2024
3					2026
4	Sumai	Lokumbe	2022	1	2024
5					2026
6					2024

FISCAL IMPACT:

N/A

RECOMMENDATION:

The City Council approve the membership and term of the Ethics Board as submitted.

ATTACHMENTS:

- 1. Resolution

RESOLUTION NO. R-2024-146

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, RECEIVING NOMINATIONS FROM BASTROP MAYOR FOR APPOINTMENT TO THE ETHICS COMMISSION FOR PLACES 2, 4, AND 5 FOR FULL 2-YEAR TERMS OF OFFICE BEGINNING IN OCTOBER 2024 AND ENDING SEPTEMBER 2026; ACCEPTING RESIGNATION OF THE HONORABLE CHRIS DUGGAN IN PLACE 5 WHOSE TERM EXPIRES IN 2026 AND APPOINTING A CITIZEN TO FILL THE UNEXPIRED TERM; RECEIVING CONFIRMATION BY THE CITY COUNCIL OF APPOINTEES ON SAID COMMISSION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Chapter 1 “General Provisions”, Article I.04 “Boards and Commissions” board members shall be appointed by the mayor and confirmed by the Council; and

WHEREAS, Chapter 1, "General Provisions", Article 1.15, "Code of Ethics", Section 1.15.13 (b) "Board of Ethics" establishes that the terms of members are set at two (2) years, and members are limited to serving only three (3) consecutive terms. A member may be reappointed no sooner than one (1) year after the expiration of a previous term; and

WHEREAS, the Honorable Christopher Duggan, Judge of the 423rd District Court in Bastrop County, who served in Place 5, has resigned, effective September 2024. There is one year remaining for the service on Place 5 and Place 3. Place 2 and Place 6, the alternate positions, are open for a full 2-year term.

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

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. Mayor Nelson has nominated and the City Council has confirmed the following citizen to a term beginning in October 2024 and ending in September 2026:

Place 2 –
Place 6 -

SECTION 3. Mayor Nelson has nominated and the City Council has confirmed the following citizens to fill the unexpired term of office for one (1) year beginning in October 2024 and ending in September 2025:

Place 3 –
Place 5 –

SECTION 4. This Resolution shall take effect immediately upon its passage and it is so resolved that the Planning & Zoning Commission shall be composed of the following:

Place	First Name	Last Name	Appt Date	Term	Expiration Date
1	Bernie	Jackson	2019	3	2026
2					2024
3					2026
4	Sumai	Lokumbe	2021	1	2024
5					2026
6					2024

DULY RESOLVED AND ADOPTED by the City Council of the City of Bastrop this ___ day of **OCTOBER** 2024.

CITY OF BASTROP, TEXAS

Lyle Nelson, Mayor

ATTEST:

APPROVED AS TO FORM:

Irma G. Parker, City Secretary

Alan Bojorquez, City Attorney



STAFF REPORT

MEETING DATE: October 22, 2024

TITLE:

Consider and act on Resolution No. R-2024-137, Appointment to the Historic Landmark Commission for a County Historical Society Representative for Place 1; Appointment of an Owner of a Commercial Historical Structure to Place 3; Change the Term Date of Planning & Zoning Commission Representative in Place to coincide with his Term of Office; Receiving Confirmation by the City Council for appointees for a three-year Term Beginning in October 2024 and ending in September 2027; Appointing Council Member Meyer as Council Liaison; and Providing an Effective Date.

AGENDA ITEM SUBMITTED BY:

Submitted by: James E Cowey, Development Director/Building Official

BACKGROUND/HISTORY:

In accordance with Chapter 1, "General Provisions", Article 1.04, "Boards and Commissions", board members are appointed by the mayor and confirmed by the Council for three (3) year terms. Section 1.04.002(1), "Membership, terms" states that individuals who have served two (2) consecutive terms on a specific advisory body must wait one full year before being reappointed to the same advisory body. The mayor, upon a finding of good cause, has the authority to waive this one-year waiting period. The Historic Landmark Commission currently has openings for a representative of the County Historical Society for Place 1 and a representative of a commercial historic structure for Place 3. Place 3 member Susan Long, has requested reappointment, this will be her 4th term.

Place 5 is currently held by a Planning & Zoning Commission representative, with his term expiring in 2025. The term date is being adjusted to 2025 from 2026 to coincide with his term of office on the Planning & Zoning Commission. Mayor Nelson plans to appoint Council Member Meyer as the Council Liaison, replacing Mayor Pro-Tempore Kirkland.

Place	Nominating	Confirmation
1	Samuel Bennett	
3	Susan Long	

Upon confirmation the Historic Landmark Commission shall be composed of the following:

Place	Representing	First Name	Last Name	Appt Date	Term	Expiration Date
1	County Historical Society Member	Samuel	Bennett	2024		2027
2	Design Professional	Lisa	Lahey	2023		2026
3	Owner of Commercial Historical Structure	Susan	Long	2024		2027

4	Real Estate Professional	Blake	Kaiser	2023		2026
5	Planning & Zoning Commission	Gary	Moss			2025
6	General Resident	Jenean	Whitten	2022		2025
7	Owner of a Residential Structure	Cheryl	Long	2023		2026

FISCAL IMPACT:

N/A

RECOMMENDATION:

Mayor will appoint and City Council confirm the members to the Historic Landmark Commission.

ATTACHMENTS:

- 1. Resolution

RESOLUTION NO. R-2024-137

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, RECEIVING NOMINATIONS FROM BASTROP MAYOR FOR APPOINTMENT TO THE HISTORIC LANDMARK COMMISSION FOR A COUNTY HISTORICAL SOCIETY REPRESENTATIVE TO PLACE 1; APPOINTMENT OF AN OWNER OF A COMMERCIAL HISTORICAL STRUCTURE TO PLACE 3; CHANGING THE TERM DATE OF PLANNING & ZONING COMMISSION REPRESENTATIVE IN PLACE 5 TO COINCIDE WITH HIS TERM OF OFFICE; RECEIVING CONFIRMATION BY THE CITY COUNCIL OF APPOINTEES FOR A THREE-YEAR TERM BEGINNING IN OCTOBER 2024 AND ENDING IN SEPTEMBER 2027; APPOINT COUNCIL MEMBER MEYERS AS COUNCIL LIAISON; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Chapter 1 “General Provisions”, Article 1.04 “Boards and Commissions” board members shall be appointed by the mayor and confirmed by the Council, for terms of three (3) years; and

WHEREAS, under Section 1.04.002(1) “Membership, terms” any individual that has previously served two (2) consecutive terms on a particular advisory body, must wait one full year before being reappointed to the same advisory body; and

WHEREAS, the Historic Landmark Commission has openings for a representative of the County Historical Society Representative for Place 1 and a representative of a commercial historic structure for Place 3. Place 3 member Susan Long has requested re-appointment; and

WHEREAS, Place 5 is currently held by a Planning & Zoning Commission representative. The term date is being adjusted to a term date of 2025 from 2026 to coincide with his term of office on the Planning & Zoning Commission; and

WHEREAS, appointing Council Member Meyer as Council Liaison replacing Mayor Pro-Tempore Kirkland.

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

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. Mayor Nelson has nominated the following individual(s) and the City Council has confirmed the following citizens for a term beginning in January 2025 and ending in December 2028:

County Historic Society Member Place 1 – Samuel Bennette
Owner of Commercial Historical Structure Place 2 – Susan Long

SECTION 3. This Resolution shall take effect immediately upon its passage and it is so resolved that the Historic Landmark Commission shall be composed of the following:

Place	Representing	First Name	Last Name	Appt Date	Term	Expiration Date
1	County Historical Society Member	Samuel	Bennette	2024		2027
2	Design Professional	Lisa	Lakey	2023		2026
3	Owner of Commercial Historical Structure	Susan	Long	2024		2027
4	Real Estate Professional	Blake	Kaiser	2023		2026
5	Planning & Zoning Commission	Gary	Moss			2025
6	General Resident	Jenean	Whitten	2022		2025
7	Owner of a Residential Structure	Cheryl	Long	2023		2026

DULY RESOLVED AND ADOPTED by the City Council of the City of Bastrop this ___ day of **OCTOBER** 2024.

CITY OF BASTROP, TEXAS

Lyle Nelson, Mayor

ATTEST:

APPROVED AS TO FORM:

Irma G. Parker, City Secretary

Alan Bojorquez, City Attorney



STAFF REPORT

MEETING DATE: October 22, 2024

TITLE:

Consider and act on Resolution No. R-2024-149, Receiving Nominations from the Bastrop Housing Authority Board for Places 2, 4, and 5 for Full 2-Year Terms of Office Beginning In October 2024 And Ending September 2026; Appointing City Manager Sylvia Carrillo-Trevino as Council Liaison to Said Board; Receiving Confirmation by the City Council of Appointees on Said Commission; And Providing for an Effective Date.

AGENDA ITEM SUBMITTED BY:

Submitted by: Irma G. Parker, City Secretary, TRMS, CMC

BACKGROUND/HISTORY:

Pursuant to Chapter 1 “General Provisions”, Article I.04 “Boards and Commissions” board members shall be appointed by the mayor and confirmed by the Council. The Housing Authority is governed by Chapter 1 “General Provisions”, Article 1.05 “Housing Authority”. This Board has the power to transact business and exercise powers conferred by the provisions of the Housing Authorities Act, Chapter 462, Acts of the 45th Legislature, Regular Session, 1937, codified as article 1269k, Vernon’s Annotated Texas Civil Statute.

The city's housing authority will be governed by five (5) commissioners who serve two-year terms. One of the commissioners of the city's housing authority shall be a resident ("resident member") of a public housing project over which the city's housing authority has jurisdiction, in compliance with the V.T.C.A., Local Government Code, § 392.0331. Including the one resident of the public housing project over which the city's housing authority has jurisdiction, four (4) of the commissioners shall be residents of the city and one of the commissioners may reside within the city's extraterritorial jurisdiction (ETJ) (so that the total number of commissioners is five (5)), so long as the extraterritorial jurisdiction residence is also located within five (5) miles of the city's corporate limits.

FISCAL IMPACT:

N/A

RECOMMENDATION:

The Mayor nominates and the City Council confirm appointments.

ATTACHMENTS:

1. Resolution
2. Letter from Housing Authority Executive Director

RESOLUTION NO. R-2024-149

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, RECEIVING NOMINATIONS FROM THE BASTROP HOUSING AUTHORITY BOARD FOR PLACES 2, 4, AND 5 FOR FULL 3-YEAR TERMS OF OFFICE BEGINNING IN OCTOBER 2024 AND ENDING SEPTEMBER 2027; APPOINTING CITY MANAGER SYLVIA CARRILLO-TREVINO AS COUNCIL LIAISON TO SAID BOARD; RECEIVING CONFIRMATION BY THE CITY COUNCIL OF APPOINTEES ON SAID COMMISSION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Chapter 1 “General Provisions”, Article I.04 “Boards and Commissions” board members shall be appointed by the mayor and confirmed by the Council; and

WHEREAS, the Housing Authority is governed by Chapter 1 “General Provisions”, Article 1.05 “Housing Authority”. The Housing Authority has the power to transact business and exercise powers conferred by the provisions of the Housing Authorities Act, Chapter 462, Acts of the 45th Legislature, Regular Session, 1937, codified as article 1269k, Vernon’s Annotated Texas Civil Statute; and

WHEREAS, the city's housing authority will be governed by five (5) commissioners who serve two-year terms. One of the commissioners of the city's housing authority shall be a resident ("resident member") of a public housing project over which the city's housing authority has jurisdiction, in compliance with the V.T.C.A., Local Government Code, § 392.0331. Including the one resident of the public housing project over which the city's housing authority has jurisdiction, four (4) of the commissioners shall be residents of the city and one of the commissioners may reside within the city's extraterritorial jurisdiction (ETJ) (so that the total number of commissioners is five (5)), so long as the extraterritorial jurisdiction residence is also located within five (5) miles of the city's corporate limits.

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

- Place 2 –
- Place 4-
- Place 5 -

SECTION 3. Mayor Nelson has accepted these nominations and the City Council has confirmed.

SECTION 4. This Resolution shall take effect immediately upon its passage and it is so resolved that the Bastrop Housing Authority Board shall be composed of the following:

Place		First Name	Last Name	Appt Date	Term	Expiration Date
1	Housing Resident	Eva	Ballard	2023		2025
2		Christina	Campbell	2024		2026
3		Mary	Butler	2023		2025
4		Amy	Turner	2024		2026
5	ETJ Resident	Chase	Anderson	2024		2026

DULY RESOLVED AND ADOPTED by the City Council of the City of Bastrop this ___ day of **OCTOBER** 2024.

CITY OF BASTROP, TEXAS

Lyle Nelson, Mayor

ATTEST:

APPROVED AS TO FORM:

Irma G. Parker, City Secretary

Alan Bojorquez, City Attorney



The Housing Authority of The City of Bastrop
502 Farm Street
Bastrop, Texas 78602
(512) 321-3398
<http://www.bastropha.org>

Prepared by: Rhonda Baxter, Executive Director
List of Vetted Candidates for 2024 Appointment/Re-Appointment Consideration

We understand, this year, the City of Bastrop will conduct “Mandatory Interviews” for applicants for appointment or re-appointment to The Housing Authority Board of Commissioners. In the past for this agency, this step was not taken due the Commissioners falling under the purview of HUD after being appointed. However, this is a great step and will offer an extra set of eyes. Over the past four months, the Agency has recruited, interviewed and vetted candidates for appointment or re-appointment. The Agency’s list of vetted candidates is included herein.

The Housing Authority of The City of Bastrop, Texas

The Housing Authority of The City of Bastrop exists to provide safe and sanitary public housing within the Bastrop, Texas Community. The mission is to provide housing for community members of low and moderate incomes as well as those qualifying for U. S. Department of Housing and Urban Development (HUD)’s Choice Voucher Program.

The local Housing Authority consists of a five (5) member Board of Commissioners. Commissioners are appointed to two (2) year terms by the mayor. September 2024 will present the Agency with a challenge and opportunity for strategic change in that three (3) Commissioners will have their respective terms to end. This includes the incumbent Chair and Vice-Chair along with a long-term Commissioner.

Once the mayor makes the appointments, the Board will need to elect a Chair and Vice-Chair with the experience and demonstrated skill set to oversee Board change, from a governance standpoint, and the transition of the Board into a more effective performance model. This presents a great opportunity to have fresh eyes, ears and skills to engage with the Executive Director in the most appropriate manner consistent with the guidelines of HUD for roles and responsibilities of Boards of Commissioners.

This list of candidates is prepared for the Honorable Lyle Nelson, Mayor of Bastrop for consideration of 2024 appointments to The Housing Authority of The City of Bastrop, Texas Board of Commissioners. All candidates have been properly vetted and reside within the city of Bastrop or the city’s Extra Territorial Jurisdiction (ETJ).

Vetted and Recommended Slate of Potential Appointees to Bord of Commissioners:

<i>Place</i>	<i>Member</i>	<i>Term Ends</i>
2	<i>Christina Campbell, Vice Chair</i>	<i>September 2026</i>
4	<i>Amy Turner</i>	<i>September 2026</i>
5	<i>Chase Anderson</i>	<i>September 2026</i>

This is the official list of vetted candidates for 2024 appointments.

Henry Conner of Bastrop is the only other candidate presented to the Housing Authority Executive Director or the Board of Commissioners for vetting or consideration. Mr. Conner is no longer being considered as he has now started a new position with a local business. He stated his interest for future consideration and vetting.

Vetted Candidate Profiles

CHRISTINA CAMPBELL

Christina Campbell has served on the Board of Commissioners for several years. She is the current Vice Chair and has served as the direct Supervisor for the Executive Director due to some unique circumstances. She is the Executive Director of a regional non-profit and has great experience working with boards as a board member as well as the Executive Director. While she has excellent skills to fulfill the role of Chair she has stated, due to her commitments, she would prefer to serve another term as Vice Chair. Her re-appointment will be welcomed.

AMY TURNER

Amy Turner should be appointed to the Board of Commissioners. She is an Environmental Investigator with Bastrop County. She has a great skill set in compliance and government regulations. This will be very helpful with the Board's responsibilities for governance and HUD compliance. Her addition to the Board will be welcomed.

CHASE ANDERSON

Chase Anderson should be appointed to the Board of Commissioners. He is a financial executive. He has served as the President of First National Bank of Bastrop and now serves as the Chief Financial Officer for FundBank. He has held various roles with the Chamber of Commerce. His financial acumen as well as his experience with Affordable Housing through the Federal Home Loan Banks will be invaluable to the Agency. His addition to the Board will be welcomed.

Prepared for:

- Mayor Lyle Nelson**
- Victoria Psencik**
- Irma Parker**



STAFF REPORT

MEETING DATE: October 22, 2024

TITLE:

Consider and act on Resolution No. R-2024-148; Appointment to the Hunters Crossing Local Government Corporation Board for Places 4 and 6 for Full 3-Year Terms of Office Beginning in October 2024 and Ending September 2027; Appointing Council Member Fossler as Council Liaison for Said Board; Receiving Confirmation by the City Council of Appointees on Said Commission; And Providing for an Effective Date.

AGENDA ITEM SUBMITTED BY:

Submitted by: Edi McIlwain, Chief Financial Officer

BACKGROUND/HISTORY:

Under Chapter 1 "General Provisions", Article 1.04 "Boards and Commissions" board members shall be appointed by the mayor and confirmed by the Council. Chapter 1, "General Provisions", Article 1.04 "Boards, Committees and Commissions, Sec. 1.04.002 "Membership, terms" candidates shall be appointed for terms of three (3) years. No board member shall serve more than two (2) consecutive terms on a particular advisory body. An individual who has previously served two (2) consecutive terms on a particular advisory body, must wait one full year before being reappointed to the same advisory body; and

Each advisory body will have a City Council Member assigned as Council Liaison under Sec. 1.04.002(6) "Membership, terms". The Hunters Crossing Local Government Corporation Board was organized to aid, assist, and act on behalf of the City to implement the City-approved Service Plan for the Hunters Crossing Public Improvement District and to perform such other functions as the City from time to time lawfully may delegate to the Corporation. Staff will update the number of terms served by each member and provide information to the City Council.

FISCAL IMPACT:

n/a

RECOMMENDATION:

Appoint members to the Hunters Crossing Local Government Corporation Board

ATTACHMENTS:

1. Resolution

RESOLUTION NO. R-2024-148

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, RECEIVING NOMINATIONS FROM BASTROP MAYOR FOR APPOINTMENT TO THE HUNTERS CROSSING LOCAL GOVERNMENT CORPORATION BOARD FOR PLACES 4 AND 6 FOR FULL 3-YEAR TERMS OF OFFICE BEGINNING IN OCTOBER 2024 AND ENDING SEPTEMBER 2027; APPOINTING COUNCIL MEMBER FOSSLER AS COUNCIL LIAISON TO SAID BOARD; RECEIVING CONFIRMATION BY THE CITY COUNCIL OF APPOINTEES ON SAID COMMISSION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Chapter 1 “General Provisions”, Article 1.04 “Boards and Commissions” board members shall be appointed by the mayor and confirmed by the Council; and

WHEREAS, Chapter 1, "General Provisions", Article 1.04 “Boards, Committees and Commissions, Sec. 1.04.002 “Membership, terms” candidates shall be appointed for terms of three (3) years. No board member shall serve more than two (2) consecutive terms on a particular advisory body. An individual who has previously served two (2) consecutive terms on a particular advisory body, must wait one full year before being reappointed to the same advisory body; and

WHEREAS, each advisory body will have a City Council Member assigned as Council Liaison under Sec. 1.04.002(6) “Membership, terms” noted above; and

WHEREAS, the Hunters Crossing Local Government Corporation Board was organized to aid, assist, and act on behalf of the City to implement the City-approved Service Plan for the Hunters Crossing Public Improvement District and to perform such other functions as the City from time to time lawfully may delegate to the Corporation.

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

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. Mayor Nelson currently serves in Place 6. He has expressed interest in being appointed to this Place. The City Council will confirm the following citizens to a term beginning in October 2024 and ending in September 2027:

Place 4 –

Place 6 -

SECTION 3. Mayor Nelson has nominated and the City Council has confirmed Council Member Fossler to serve as Council Liaison.

SECTION 4. This Resolution shall take effect immediately upon its passage and it is so resolved that the Hunters Crossing Local Government Corporation Board shall be composed of the following:

Place	First Name	Last Name	Appt Date	Term	Expiration Date
1	Sylvia	Carrillo			Staff
2	Stacey	Braden	2023		2026
3	Rick	Womble	2022		2025
4			2024		2027
5	Richard	Gartman	2023		2026
6			2024		2027
7	Ben	Coleman	2023		2026

DULY RESOLVED AND ADOPTED by the City Council of the City of Bastrop this ___ day of **OCTOBER** 2024.

CITY OF BASTROP, TEXAS

Lyle Nelson, Mayor

ATTEST:

APPROVED AS TO FORM:

Irma G. Parker, City Secretary

Alan Bojorquez, City Attorney



STAFF REPORT

MEETING DATE: October 22, 2024

TITLE:

Consider and act on Resolution No. R-2024-140; Receiving Nominations from Bastrop Mayor for Appointment to the Bastrop Public Library Board for Places 5 and 7; Receiving Confirmation by the City Council of Appointees for a Three-Year Term Beginning in October 2024 and Ending in September 2027; Re-appoint Council Member Lee as Council Liaison; And Providing for an Effective Date.

AGENDA ITEM SUBMITTED BY:

Submitted by: Bonnie Pierson, Library Director

BACKGROUND/HISTORY:

According to Chapter 1 “General Provisions”, Article 1.04 “Boards and Commissions” board members shall be appointed by the mayor and confirmed by the Council, for terms of three (3) years. Section 1.04.002(1) “Membership, terms” any individual that has previously served two (2) consecutive terms on a particular advisory body, must wait one full year before being reappointed to the same advisory body. The Bastrop Library Board has openings in Places 5 and 7. Place 5 is currently held by Laura Goodwin and Place 7 is held by Meagan Webb. Council Member Lee serves this Board as the Council Liaison.

One of the primary roles of the Library Board is to review, revise, and approve policies to ensure the library is an inclusive, customer friendly organization that is responsive to the needs of the community. Additionally, the Library Board members are advocates who work to educate the community about the library and to engage with people to bring suggestions, questions, and concerns to the Library Director. The Library Board is instrumental in assisting the Library Director develop a strategic direction for the library by defining priorities and formulating goals. The members of the Library Board are dedicated individuals who are committed to the library as a vital resource, enhancing our community.

Place	First Name	Last Name	Appointment Year	Term	Term Ends
1	Rebecca	Bennett	1999	8	2026
2	Jennifer	Leisure	2022	2	2025
3	Lisa	Gossett	2022	1	2025
4	Nancy	Wood	2023	1	2028
5	Laura	Goodwin	2021	1	2024
6	Sally	Keinarth	2022	2	2025
7	Meagan	Webb	2021	1	2024

Meagan Webb’s first term is ending this year and has reapplied to the board. The Library Board requests she be reappointed for a second term.

FISCAL IMPACT:

n/a

RECOMMENDATION:

Appoint members to the Bastrop Library Board

ATTACHMENTS:

1. Resolution

RESOLUTION NO. R-2024-140

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, RECEIVING NOMINATIONS FROM THE BASTROP MAYOR FOR APPOINTMENT TO THE BASTROP PUBLIC LIBRARY BOARD FOR PLACES 5 AND 7; RECEIVING CONFIRMATION BY THE CITY COUNCIL OF APPOINTEES FOR A THREE-YEAR TERM BEGINNING IN OCTOBER 2024 AND ENDING IN SEPTEMBER 2027; RE-APPOINT COUNCIL MEMBER LEE AS COUNCIL LIAISON; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Bastrop Public Library Board was established in the Code of Ordinances Chapter 1 “General Provisions”, Article 1.12 “Libraries, Division 2” “Library Board”, Section 1.12.061 shall serve in an advisory capacity to represent the people of the library area and support the Library staff as they welcome more than 80,000 visitors annually, provide weekly preschool, youth, and adult programming; present nine weeks of activities for all ages during the summer; assist people with research and technology; promote early literacy and lifelong learning; and emphasize helping individuals enhance their lives.

WHEREAS, pursuant to Chapter 1 “General Provisions”, Article I.04 “Boards and Commissions” board members shall be appointed by the mayor and confirmed by the Council, for terms of three (3) years; and

WHEREAS, under Section 1.04.002(1) “Membership, terms” any individual that has previously served two (2) consecutive terms on a particular advisory body, must wait one full year before being reappointed to the same advisory body; and

WHEREAS, the Bastrop Library Board has openings in Places 5 and 7. Place 5 is currently held by Laura Goodwin and Place 7 is held by Meagan Webb. Council Member Lee serves this Board as the Council Liaison.

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

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. Mayor Nelson has nominated, and the City Council has confirmed the following citizens to a term beginning in October 2024 and ending in September 2027:

- Place 5 –
- Place 7 -

SECTION 3. This Resolution shall take effect immediately upon its passage and it is so resolved that the Bastrop Public Library Board shall be composed of the following:

Place	First Name	Last Name	Appt Date	Term	Expiration Date
1	Rebecca	Bennett	2023	8	2026
2	Jennifer	Leisure	2022	2	2025
3	Lisa	Gossett	2022	1	2025
4	Nancy	Wood	2023	1	2026
5			2024		2027
6	Sally	Keinarth	2022	2	2025
7			2024		2027

DULY RESOLVED AND ADOPTED by the City Council of the City of Bastrop this ___ day of **OCTOBER** 2024.

CITY OF BASTROP, TEXAS

Lyle Nelson, Mayor

ATTEST:

APPROVED AS TO FORM:

Irma G. Parker, City Secretary

Alan Bojorquez, City Attorney



STAFF REPORT

MEETING DATE: October 22, 2024

TITLE:

Consider and act on Resolution No. 2024-143; Appointment to the Main Street Advisory Board for Places 1, 6, and 9 for Three-Year Term Beginning October 2024 and Ending September 2027; Fill the Unexpired Term of Place 2 to Expire in September 2025; Receiving Confirmation by the City Council; Appointing Council Member Plunkett as Council Liaison; And Providing for an Effective Date.

AGENDA ITEM SUBMITTED BY:

Submitted by: Michaela Joyce, Main Street Manager

BACKGROUND/HISTORY:

The Main Street Program Advisory Board serves to foster a vision for Bastrop’s future that will establish goals and priorities for the Bastrop Main Street Program to foster revitalization of the Main Street Program Area, and recommend projects and activities to the Council and the Bastrop Economic Development Corporation Board of Directors that are directly beneficial to the achievement of the economic vitality of the City. Per Ordinance 2012-13 board members drew lots for staggered terms and were assigned a Place to begin 3-year terms of office. Chapter 1 “General Provisions”, Article 1.04 “Boards and Commissions” state board members shall be appointed by the mayor and confirmed by the Council, for terms of three (3) years.

Section 1.04.002(1) “Membership, terms” any individual that has previously served two (2) consecutive terms on a particular advisory body, must wait one full year before being reappointed to the same advisory body. Information regarding the Main Street Advisory Board is noted in the Code of Ordinances, Chapter 1 “General Provisions”, Article 1.17 “Main Street Advisory Board”,

Places 1 and 9 are vacant this time with terms to expire in 2024. The board member in Place 6 does not request reappointment. Place 2 is vacant with a term to expire in 2025. Mayor Nelson has appointed Council Member Plunkett to serve as Council Liaison for this Board.

Place	Nominate	Confirm
1	Joseph Feminella	
2	Jamie Howard	
6	Heather Lyons	
9	Lindsay Kana	

FISCAL IMPACT:

N/A

RECOMMENDATION:

The mayor nominates and the City Council confirms appointments.

ATTACHMENTS:

1. Resolution

RESOLUTION NO. R-2024-143

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, RECEIVING NOMINATIONS FROM BASTROP MAYOR FOR APPOINTMENT TO THE MAIN STREET ADVISORY BOARD FOR PLACES 1, 6, AND 9 for THREE-YEAR TERM BEGINNING OCTOBER 2024 AND ENDING SEPTEMBER 2027; FILL THE UNEXPIRED TERM OF PLACE 2 TO EXPIRE IN OCTOBER 2024; RECEIVING CONFIRMATION BY THE CITY COUNCIL; APPOINTING COUNCIL MEMBER PLUNKETT AS COUNCIL LIAISON; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Main Street Program Advisory Board serves to foster a vision for Bastrop’s future that will establish goals and priorities for the Bastrop Main Street Program to foster revitalization of the Main Street Program Area, and recommend projects and activities to Council and the Bastrop Economic Development Corporation Board of Directors that are directly beneficial to the achievement of the economic vitality of the City; and

WHEREAS, per Ordinance 2012-13 board members drew lots for staggered terms, and were assigned a Place to begin 3-year terms of office. Chapter 1 “General Provisions”, Article I.04 “Boards and Commissions” state board members shall be appointed by the mayor and confirmed by the Council, for terms of three (3) years; and

WHEREAS, under Section 1.04.002(1) “Membership, terms” any individual that has previously served two (2) consecutive terms on a particular advisory body, must wait one full year before being reappointed to the same advisory body; and

WHEREAS, information regarding the Main Street Advisory Board is noted in the Code of Ordinances, Chapter 1 “General Provisions”, Article 1.17 “Main Street Advisory Board”; and

WHEREAS, Places 1 and 9 are vacant at this time with terms to expire in 2024. The board member in Place 6 does not request reappointment. Place 2 is vacant with a term to expire in 2025. Mayor Nelson has appointed Council Member Plunkett to serve as Council Liaison for this Board.

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

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. Mayor Nelson has nominated, and the City Council has confirmed the following citizens to a term beginning in October 2024 and ending in September 2027:

Place 1 – Joseph Feminella

Place 6 – Heather Lyons
Place 9 – Lindsay Kana

SECTION 3. Mayor Nelson has nominated and the City Council has confirmed the following citizens to fill the unexpired term of Place 2 for a term beginning in October 2024 and ending in September 2026:

Place 2 – Jamie Howard

SECTION 4. Mayor Nelson has nominated Mayor Pro-Tempore Kirkland to serve as Staff Liaison to this Committee. Main Street Director Michaela Joyce shall serve as Staff Liaison.

SECTION 5. This Resolution shall take effect immediately upon its passage and it is so resolved that the Main Street Advisory Board shall be composed of the following:

Place	First Name	Last Name	Appt Date	Term	Expiration Date
1			2021		2024
2			2022		2025
3	Christopher	Higgins	2022		2025
4	Kathryn	Lang	2023		2026
5	Jennifer	Long	2023		2026
6			2021		2024
7	Rhonda	Gannon	2022		2025
8	Shawn	Pletsch	2023		2026
9			2021		2024

DULY RESOLVED AND ADOPTED by the City Council of the City of Bastrop this ___ day of **OCTOBER** 2024.

CITY OF BASTROP, TEXAS

Lyle Nelson, Mayor

ATTEST:

APPROVED AS TO FORM:

Irma G. Parker, City Secretary

Alan Bojorquez, City Attorney



STAFF REPORT

MEETING DATE: October 22, 2024

TITLE:

Consider and act on Resolution No. R-2024-141; Receiving Nominations from Bastrop Mayor for Appointment to the Parks & Recreation Board for Places 1, 4 – Bastrop State Park Representative and Place 7 to a Three-Year Term Beginning October 2024 and Ending September 2027; Receiving Confirmation by the City Council; And Providing for an Effective Date

AGENDA ITEM SUBMITTED BY:

Submitted by: Terry Moore, Parks & Recreation Director

BACKGROUND/HISTORY:

Under Chapter 1 “General Provisions”, Article I.04 “Boards and Commissions” board members shall be appointed by the mayor and confirmed by the Council, for terms of three (3) years. Section 1.04.002(1) “Membership, terms” any individual that has previously served two (2) consecutive terms on a particular advisory body, must wait one full year before being reappointed to the same advisory body.

The Parks Board was created under Chapter 1 “General Provisions”, Article 1.10 “Parks”, Section 1.10.001 “Parks Board” states that the Board may at their discretion, name one minor, who resides within the BISD jurisdiction, to serve on the board as an ex officio, nonvoting youth member of the board. The youth member shall be enrolled in grades 9-12 and serve a term in length identified by the parks board at the time of the youth member's selection. One member of the board shall be held by the superintendent of the city's state park, or his/her designee, who may reside within the city limits or in any other area within the BISD's jurisdiction.

Article 1.13 “Public Tree Care”, Sec. 1.13.004 – “Establishment of a Public Tree Advisory Board” states that the current members of the City’s Parks Board shall also be members of the Public Tree Advisory Board. The representatives in Place 1 – Rick Rivera, Place 4 – Steven Fobert, and Place 7 – Bastrop State Park Representative Nathanael Gold have requested re-appointment. Place 2 was previously held by Kerry Fossler who had to resign to run for council.

June 11, 2024, Resolution No R-2024-66 Council approved the appointment of Krissie Fountain to Place 7 on the Parks & Recreation Board. The appointment should have been to Place 2. We would like to correct that action with the new resolution.

Mayor Nelson has nominated, and the City Council has confirmed the following citizens to a term beginning in October 2024 and ending in September 2027:

- Place 1 – _____
- Place 4 – _____
- Place 7 – Nathanael Gold, Bastrop State Park Representative,

If the Parks Board decides to appoint an Ex-Officio BISD Student Grade 9-12, they will promptly provide that information to the City Secretary for notification of the City Council.

FISCAL IMPACT:

n/a

RECOMMENDATION:

Appoint members to the Parks & Recreation Board which also serves as the Public Tree Advisory Board

ATTACHMENTS:

1. Resolution

RESOLUTION NO. R-2024-141

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, RECEIVING NOMINATIONS FROM BASTROP MAYOR FOR APPOINTMENT TO THE PARKS AND RECREATION/TREE ADVISORY BOARD FOR PLACES 1, AND 4 AND BASTROP STATE PARK REPRESENTATIVE, PLACE 7 TO A THREE-YEAR TERM BEGINNING OCTOBER 2024 AND ENDING SEPTEMBER 2027; RECEIVING CONFIRMATION BY THE CITY COUNCIL; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Chapter 1 “General Provisions”, Article I.04 “Boards and Commissions” board members shall be appointed by the mayor and confirmed by the Council, for terms of three (3) years; and

WHEREAS, under Section 1.04.002(1) “Membership, terms” any individual that has previously served two (2) consecutive terms on a particular advisory body, must wait one full year before being reappointed to the same advisory body; and

WHEREAS, the Parks Board was created under Chapter 1 “General Provisions”, Article 1.10 “Parks”, Section 1.10.001 Parks Board that will state that the Board may at their discretion, name one minor, who resides within the BISD jurisdiction, to serve on the board as an ex officio, nonvoting youth member of the board. The youth member shall be enrolled in grades 9-12 and serve a term in length identified by the parks board at the time of the youth member's selection. One member of the board shall be held by the superintendent of the city's state park, or his/her designee, who may reside either within the city limits or in any other area within the BISD's jurisdiction; and

WHEREAS, Article 1.13 “Public Tree Care”, Sec. 1.13.004 – “Establishment of a Public Tree Advisory Board” states that the current members of the City’s Parks Board shall also as the of the Public Tree Advisory Board; and

WHEREAS, the representatives in Place 1 – Rick Rivera, Place 4 – Steven Fobert, and Place 7 – Bastrop State Park Representative Nathanael Gold have requested re-appointment.

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

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. Mayor Nelson has nominated and the City Council has confirmed the following citizens to a term beginning in October 2024 and ending in September 2027:

Place 1 – Rick Rivera
Place 4 – Steven Fobert

Place 7 – Nathanael Gold

SECTION 3. The Parks may appoint an Ex-Officio BISD Student Grade 9-12. If they so choose to appoint, they will forward that information to the City Secretary for notification to the City Council.

SECTION 5. This Resolution shall take effect immediately upon its passage and it is so resolved that the Parks & Recreation Board/Tree Advisory Board shall be composed of the following:

Place	Representing	First Name	Last Name	Appt Date	Term	Expiration Date
1		Rick	Rivera	2024	2	2027
2		Krissie	Fountain	2024	1	2026
3		Deborah	Jones	2023	1	2026
4		Steven	Fobert	2024	2	2027
5		Gail	Sheehan	2023	1	2026
6		Margaret	Robinson	2023	2	2026
7	Bastrop State Park	Nathanael	Gold	2024	1	2027

DULY RESOLVED AND ADOPTED by the City Council of the City of Bastrop this ___ day of **OCTOBER** 2024.

CITY OF BASTROP, TEXAS

Lyle Nelson, Mayor

ATTEST:

APPROVED AS TO FORM:

Irma G. Parker, City Secretary

Alan Bojorquez, City Attorney



STAFF REPORT

MEETING DATE: October 22, 2024

TITLE:

Consider and act on Resolution No. R2025-136; A Resolution Receiving Nominations from Bastrop Mayor for Appointment to the Planning & Zoning Commission for Places, 1, 3, 5, 7 and 10; Receiving Confirmation by the City Council of Appointees for a Three-Year Term Beginning in October 2024 and Ending in September 2027; and Providing for an Effective Date.

AGENDA ITEM SUBMITTED BY:

Submitted by: James E Cowey, Development Director/Building Official

BACKGROUND/HISTORY:

Pursuant to Sec. 1.04.001 – Appointments on the Code of Ordinances, In June of each year, the City Secretary will post notices of any advisory body position with terms expiring at the end of the current fiscal year or are currently vacant in established places or new places becoming available for appointment to city advisory bodies at City Hall and any other media sources selected. By the end of August each year, the Mayor will review the applications to serve on the city's advisory bodies received by the City Secretary. The Mayor, upon a finding of good cause, has the authority to waive this one-year waiting period. The Mayor and City Council conducted interviews with the Applicants on Tuesday, October 15, 2024 at Bastrop City Hall.

Under Section 1.04.002(1) “Membership, terms” any individual that has previously served two (2) consecutive terms on a particular advisory body, must wait one full year before being reappointed to the same advisory body. Place 1 will be appointed for 1 year to fill unexpired term. Mayor Nelson appoints Christopher Toth. Place 3 and Place 7 are currently held by Keith Ahlborn and Joshua Bingaman respectively. They have both requested reappointment and Mayor Nelson has so agreed.

Mayor Nelson proposes to appoint Scott Robichaud to Place 5 and Jeffrey Estes to Place 10. Place 10 is considered to be the Impact Fee Member that must reside in the extraterritorial jurisdiction per Section 13.12.004 of the Code of Ordinances.

Place	Mayor Appointment	Council Concurrence
1	Christopher Toth	
3	Keith Ahlborn	
5	Craig Scot Robichaud	
7	Joshua Bingaman	
10	Jeffrey Estes	

The Impact Fee Advisory Committee function and authority are included for the City Council review and information. If needed or directed by the City Council, Staff will update.

Staff is verifying the number of years served by the members of this Committee and will report the number of terms each has served to comply with the Code of Ordinances.

Currently in the Code of Ordinances Zoning Board of Adjustment commissioners may serve as alternates when needed on the Planning and Zoning Commission. Staff is in the process of modifying the codes to remove this in an attempt to minimize possible conflicts of interest. Currently, two members sit on both boards, they have both chosen to resign from the Zoning Board of Adjustments. The Planning and Zoning Commission will now no longer have alternates, and the code does allow for alternates to be appointed.

Upon confirmation the Planning & Zoning Commission shall be composed of the following:

Place	First Name	Last Name	Appt Date	Term	Expiration Date
1			2024		2025
2	Ishmael	Harris	2022		2025
3			2024		2027
4	Gary	Moss			2025
5			2024		2027
6	Patrice	Parson	2023		2026
7			2024		2027
8	Jordon	Scott	2023		2026
9	David	Barrow	2023		2026
			2024		2027

FISCAL IMPACT:

N/A

RECOMMENDATION:

Mayor will appoint and City Council confirm the members to the Planning & Zoning Commission.

ATTACHMENTS:

- 1. Resolution
- 2. Impact Fee Information

RESOLUTION NO. R-2024-136

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, RECEIVING NOMINATIONS FROM BASTROP MAYOR FOR APPOINTMENT TO THE PLANNING & ZONING COMMISSION FOR PLACES 1, 3, 5, 7 AND 10; RECEIVING CONFIRMATION BY THE CITY COUNCIL OF APPOINTEES FOR A THREE-YEAR TERM BEGINNING IN OCTOBER 2024 AND ENDING IN SEPTEMBER 2027; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Chapter 1 “General Provisions”, Article 1.04 “Boards and Commissions” board members shall be appointed by the mayor and confirmed by the Council, for terms of three (3) years; and

WHEREAS, under Section 1.04.002(1) “Membership, terms” any individual that has previously served two (2) consecutive terms on a particular advisory body, must wait one full year before being reappointed to the same advisory body; and

WHEREAS, the Planning & Zoning Commission has openings in Places 1, 3, 5, 7, and 10. Place 1 is vacant at this time. The appointment for Place 1 is for an unexpired term, and will be for a one-year to expire in 2025. Place 3 and Place 7 members, Keith Ahlborn and Joshua Bingaman, have requested a re-appointment. Place 5 is currently held by Ashleigh Henson who did not request re-appointment. Place 10 on this Commission is held by Dawn Kana who did not request re-appointment. Per Section 13.12.004 of the Code of Ordinances, this individual must reside in the extraterritorial jurisdiction of the City of Bastrop and be considered the Impact Fee Member.

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

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. Mayor Nelson has nominated Christopher Toth and the City Council has confirmed the following citizen to a term beginning in October 2024 and ending in September 2025:

Place 1 -

SECTION 3. Mayor Nelson has nominated the following individual(s) Keith Ahlborn, Craig Scot Robichaud, and Joshua Bingham to places 3, 5, and 7 respectively and the City Council has confirmed the following citizens for a term beginning in October 2024 and ending in September 2027:

Place 3 –

Place 5 –

Place 7 –

SECTION 4. Mayor Nelson has nominated the following individual; Jeffrey Estes to serve as the representative from the Impact Fee Committee to serve on the Planning & Zoning Commission and the City Council has confirmed the following citizens for a term beginning in October 2024 and ending in September 2027.

Place 10 –

SECTION 5. This Resolution shall take effect immediately upon its passage and it is so resolved that the Planning & Zoning Commission shall be composed of the following:

Place	First Name	Last Name	Appt Date	Term	Expiration Date
1			2024		2025
2	Ishmael	Harris	2022		2025
3			2024		2027
4	Gary	Moss			2025
5			2024		2027
6	Patrice	Parson	2023		2026
7			2024		2027
8	Jordon	Scott	2023		2026
9	David	Barrow	2023		2026
10			2024		2027

DULY RESOLVED AND ADOPTED by the City Council of the City of Bastrop this ___ day of **OCTOBER** 2024.

CITY OF BASTROP, TEXAS

Lyle Nelson, Mayor

ATTEST:

APPROVED AS TO FORM:

Irma G. Parker, City Secretary

Alan Bojorquez, City Attorney

Sec. 13.12.004 Definitions.

As applied in this article, the following words and terms shall be used:

Advisory committee.

- (1) The advisory committee shall consist of at least five (5) members, appointed by the mayor and confirmed by the Council, to serve terms of three (3) years. None of the committee members may be employees of the city, and at least forty percent (40%) of the members shall be representatives of the real estate, development, or building industries, and, if impact fees are to be applied within the extraterritorial jurisdiction of the city, the membership shall include one member who resides within and represents the interests of those living within the city's extraterritorial jurisdiction. Alternatively, the committee may consist of the members of the city's planning and zoning commission, but in this case, the membership shall also include one regular or ad hoc member who is not an employee of the city and who is representative of the real estate, development, or building industry, and, if impact fees are to be applied within the extraterritorial jurisdiction of the city, the membership shall include one member who resides within and represents the interests of those living within the extraterritorial jurisdiction area. The committee is appointed to regularly review and update the capital improvements program in accordance with the requirements of V.T.C.A. Local Government Code, chapter 395, and its successors.
- (2) Each seat on the committee will be assigned a "place." Committee members' terms of service shall be "staggered," so that the entire membership of the committee will not be subject to replacement at any single point in time. To the extent possible, staggering shall be done so that the committee membership is divided into thirds. Initial staggering of the membership will be accomplished by having all appointees/members who are serving as of the first annual meeting following approval and passage of this section (held in July), "draw lots" to determine which "place" will have what number of service in the transition period (e.g., $\frac{1}{3}$ of the places will draw for one-year terms, $\frac{1}{3}$ of the places will draw for two-year terms, and the remaining $\frac{1}{3}$ of the places will draw for three-year terms.) After the first July meeting, staggering of membership, by place, will begin.
- (3) In the event of a vacancy on the committee, an individual appointed to fill the vacancy will serve only the remaining term of the individual who is being replaced by the appointee, so that the staggering of terms shall remain intact.
- (4) Attendance requirements for the commission are set forth in this code, section 1.02.002(b), et seq.

Sec. 13.12.020 Functions of advisory committee.

- (a) The functions of the advisory committee are those set forth in V.T.C.A. Local Government Code, ch. 395, or any successor statute, and shall include the following:
- (1) Advise and assist the city in adopting land use assumptions;
 - (2) Review the capital improvements plan regarding water and wastewater capital improvements and file written comments thereon;
 - (3) Monitor and evaluate implementation of the capital improvements program;
 - (4) Advise the city of the need to update or revise the land use assumptions, capital improvements program and impact fees;
 - (5) File semiannual reports evaluating the progress of the city in achieving the capital improvements plans and identifying any problems in implementing the plans or administering the impact fees, and any perceived inequities in administration of the fee; and
 - (6) In October of each year, the committee shall review the impact fees being assessed to determine whether said fees should be adjusted to reflect:
 - (A) Any changed circumstances encountered by the city; and
 - (B) Any increases in the consumer price index.
- (b) The city shall make available to the advisory committee any professional reports prepared in the development or implementation of the capital improvements plan.
- (c) The Council shall adopt procedural rules for the committee to follow in carrying out its duties.

(Ord. No. 2019-60 , § 2(Exh. A), 11-26-19)



STAFF REPORT

MEETING DATE: October 22, 2024

TITLE:

Consider and act on Resolution No. R-2024-138; Appointing Members to the Zoning Board of Adjustment for Places 2, 4, and 7 for a Three-Year Term Beginning in October 2024 and Ending in September 2027; Appointing Members to an Unexpired Term through 2025 for Places 1 and 3; Receiving Confirmation From the City Council of Appointees; and Providing for an Effective Date.

AGENDA ITEM SUBMITTED BY:

Submitted by: James E Cowey, Development Director/Building Official

BACKGROUND/HISTORY:

Pursuant to Sec. 1.04.001 – Appointments on the Code of Ordinances, In June of each year, the City Secretary will post notices of any advisory body position with terms expiring at the end of the current fiscal year or are currently vacant in established places or new places becoming available for appointment to city advisory bodies at City Hall and any other media sources selected. By the end of August each year, the mayor will review the applications to serve on the city's advisory bodies received by the City Secretary. The mayor, upon a finding of good cause, has the authority to waive this one-year waiting period. The Mayor and City Council conducted interviews with the Applicants on Tuesday, October 15, 2024, at Bastrop City Hall. Under Section 1.04.002(1) "Membership, terms" any individual that has previously served two (2) consecutive terms on a particular advisory body, must wait one full year before being reappointed to the same advisory body. Places 1 and 3 are held by Keith Ahlborn and Gary Moss respectively, they have both submitted their resignation.

Currently in the Code of Ordinances Zoning Board of Adjustment commissioners may serve as alternates when needed on the Planning and Zoning Commission. Staff is in the process of modifying the codes to remove this in an attempt to minimize possible conflicts of interest. Currently, two members sit on both boards, they have both chosen to resign from the Zoning Board of Adjustments.

Upon confirmation the Zoning Board of Adjustment shall be composed of the following:

Place	First Name	Last Name	Appt Date	Term	Expiration Date
1			2024		2025
2			2024		2027
3			2022		2025
4			2024		2027
5	Dock	Jackson	2021		2025
6 ALTERNATE	David	Lowen	2021		2025
7 ALTERNATE					

FISCAL IMPACT:

N/A

RECOMMENDATION:

Mayor will appoint and City Council confirm the members to the Zoning Board of Adjustment.

ATTACHMENTS:

1. Resolution

RESOLUTION NO. R-2024-138

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, RECEIVING NOMINATIONS FROM BASTROP MAYOR FOR APPOINTMENT TO THE ZONING BOARD OF ADJUSTMENT (ZBA) FOR PLACES 2, 4, AND 7 FOR A THREE-YEAR TERM BEGINNING IN OCTOBER 2024 AND ENDING IN SEPTEMBER 2027; APPOINTING MEMBER TO AN UNEXPIRED TERM THROUGH 2025 FOR PLACES 1 AND 3; RECEIVING CONFIRMATION BY THE CITY COUNCIL OF APPOINTEES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Chapter 1 “General Provisions”, Article 1.04 “Boards and Commissions” board members shall be appointed by the mayor and confirmed by the Council, for terms of three (3) years; and

WHEREAS, under Section 1.04.002(1) “Membership, terms” any individual that has previously served two (2) consecutive terms on a particular advisory body, must wait one full year before being reappointed to the same advisory body; and

WHEREAS, reference and duties of the Zoning Board of Adjustment are included in the City of Bastrop Code of Ordinances Chapter 1 “General Provisions”, Article 1.20 “Uniformity of Requirements”; and

WHEREAS, the Zoning Board of Adjustment has an opening in Place 1 and Place 3 with a term to expire in 2025. Place 1 and Place 3 is currently held by Planning & Zoning Commissioners Keith Ahlborn and Gary Moss who must resign their position due to his membership on the Commission; and

WHEREAS, Places 2, 4, and 7 expire this year with those appointments being a full 3-year term of office.

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

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. Mayor Nelson has nominated, and the City Council has confirmed the following individuals to the Zoning Board of Adjustment for a full three-year term beginning in October 2024 and ending in September 2027:

- Place 2:
- Place 4:
- Place 7:

SECTION 3. Mayor Nelson has nominated the following citizens, and the City Council has confirmed the following citizens for an unexpired one-year term beginning in January 2025 and ending in December 2025:

Place 1 –
Place 3 –

SECTION 5. This Resolution shall take effect immediately upon its passage and it is so resolved that the Zoning Board of Adjustment shall be composed of the following:

Place	First Name	Last Name	Appt Date	Term	Expiration Date
1					2025
2					2024
3					2025
4					2024
5	Dock	Jackson			2025
6	David	Lowen			2025
7					2024

DULY RESOLVED AND ADOPTED by the City Council of the City of Bastrop this ___ day of **OCTOBER** 2024.

CITY OF BASTROP, TEXAS

Lyle Nelson, Mayor

ATTEST:

APPROVED AS TO FORM:

Irma G. Parker, City Secretary

Alan Bojorquez, City Attorney



STAFF REPORT

MEETING DATE: October 22, 2024

TITLE:

Consider and act on Ordinance No. 2024-36, Amending 2024 Fiscal Year Budget Following Existing Statutory Requirements; Detailing Appropriations Contained Herein as *Exhibit A*; Repealing all Prior Ordinances and Actions in Conflict Herewith; Establishing an Effective Date and Publication.

AGENDA ITEM SUBMITTED BY:

Edi McIlwain, Chief Financial Officer

BACKGROUND/HISTORY:

The FY2024 budget was approved by City Council on September 19, 2023. Prior financial adjustments were handled on a monthly basis. This year, under a new Finance Director and direction from the City Manager, the adjustment is made as a one-time adjustment at years end. This helps to create a better understanding of revenues to expenses as an annual adjustment.

Exhibit A to the ordinance explains in detail the nature of each of the budget amendments being requested. A summary is presented below:

Type	Amount	Description
<i>Total Adjustment</i>	\$ 1,895,712	
Real Property Purchases	\$ 1,246,762	Amount from Fund Balance for this purpose
Legal	\$ 258,600	Overage from Budget/Transfer from other funds
Salaries ACM/Assistant To CM	\$ 142,935	Transfer from originating department
Cemetery	\$ 40,200	Offset by revenues directly related to burials
Special Bird Project	\$ 40,000	Offset by a revenue- donation for the project
Municipal Court	\$ 38,015	Dragup Pay-Employee Retirement/Offset by Court Fines
Engineering	\$ 103,000	Salaries and Additional Engineering Services/Offset with salary savings, and interest income
Hunters Crossing	\$ 5,000	Legal Services/Offset by interest income
Community Events Support	\$ 21,200	Barricades for Parades/Offset by fund balance
<i>Total</i>	\$ 1,895,712	

The Financial Management Policy states that the level of budgetary control is at the department level in all Funds over \$25,000. If transfers are required over \$25,000 between departments, this must be approved by City Council.

The City Charter requires that when the budget is amended, that the amendment be made by Ordinance.

FISCAL IMPACT:

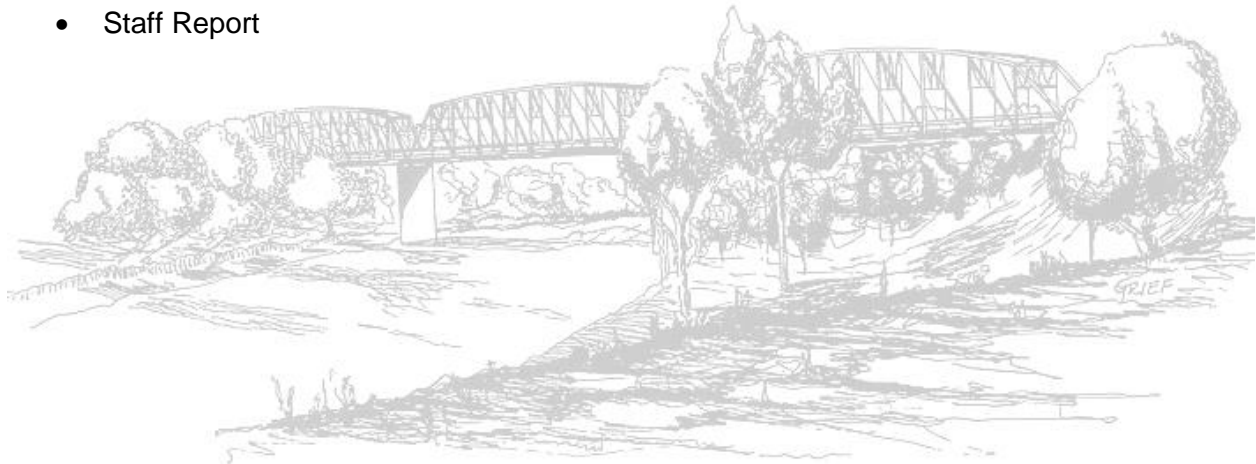
Various – See Ordinance Exhibit A

RECOMMENDATION:

City Council approve Ordinance No. 2024-36 on first reading as presented.

ATTACHMENTS:

- Ordinance 2024-36
- Staff Report



ORDINANCE NO. 2024-36

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, AMENDING THE 2024 FISCAL YEAR BUDGET FOLLOWING EXISTING STATUTORY REQUIREMENTS; DETAILING APPROPRIATIONS CONTAINED HEREIN AS *EXHIBIT A*; REPEALING ALL PRIOR ORDINANCES AND ACTIONS IN CONFLICT HERewith; ESTABLISHING AN EFFECTIVE DATE AND PUBLICATION.

WHEREAS, the City Manager of the City of Bastrop, Texas has submitted to the Mayor and City Council proposed amendment(s) to the budget of the revenues and/or expenditures/expenses of conducting the affairs of said city and providing a complete financial plan for Fiscal Year 2024; and

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

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

SECTION 1: That the proposed budget amendment(s) for the Fiscal Year 2024, as submitted to the City Council by the City Manager and which budget amendment(s) are attached hereto as Exhibit A, are hereby adopted, and approved as the amended budget of said City for Fiscal Year 2024.

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

SECTION 3: This ordinance shall take effect upon the date of final passage and publication is satisfied in accordance with the City's Charter, Code of Ordinances, and the laws of the State of Texas.

READ AND APPROVED by the Bastrop City Council on first reading on this ___ day of ____ 2024.

READ AND ADOPTED by the Bastrop City Council on second and final reading on this ___ day of ____ 2024.

CITY OF BASTROP, TEXAS

Lyle Nelson, Mayor

ATTEST:

APPROVED AS TO FORM:

Irma G. Parker, City Secretary

Alan Bojorquez, City Attorney

EXHIBIT A

GENERAL FUND

Budget Amendment #1: General Fund-City Manager Expenditures FY 2024 Budget Book (Page 116)

Original Budget	\$ 657,348
Budget amendment Ord #2023-39	\$ (83,317)
Operational Salaries (101-03-00-5101)	\$ 87,300
Longevity (101-03-00-5116)	\$ 535
Overtime (101-03-00-5117)	\$ 3,300
Social Security (101-03-0-5150)	\$ 3,000
Retirement (101-03-00-5151)	\$ 21,800
Group Insurance (101-03-00-5155)	\$ 14,100
Workers Comp (101-03-00-5156)	\$ 2,500
Unemployment Tax (101-03-00-5544)	\$ 3,400
Travel & Training (101-03-00-5605)	\$ 7,000
New Total Expenditure	\$ 713,966

This budget amendment is needed to move the include positions of Assistant City Manager and Assistant to the City Manager that were originally budgeted in Fire and Development Services, respectively. These are reflected in the proposed budget amendments 2 and 12.

* * * * *

Budget Amendment #2: General Fund-Fire Department Expenditures FY 2024 Budget Book (Page 142-143)

Original Budget	\$ 1,685,059
Operational Salary (101-11-10-5101)	\$ (76,080)
Social Security (101-11-00-5150)	\$ (7,500)
Retirement (101-11-00-5151)	\$ (12,500)
Group Insurance (101-11-10-5155)	\$ (7,600)
Operational Salaries (101-11-10-5101)	\$ (23,000)
Operational Salaries (101-11-13-5101)	\$ (20,000)
Travel & Training (101-11-13-5605)	\$ (3,500)
New Total Expenditure	\$ 1,534,879

This budget amendment is needed to move the former Fire Chief's salary from Fire where it was originally budgeted to the City Manager Department (proposed budget amendment 1). It also transfers some unused budgeted funds to cover over-budget Legal Services in the Organization Department (proposed budget amendment 3).

* * * * *

Budget Amendment #3: General Fund-Organizational Expenditures
FY 2024 Budget Book (Page 115)

Original Budget	\$ 1,216,269
Legal Services (101-02-00-5525)	\$ 258,600
New Total Expenditure	\$ 1,474,869

This budget amendment is to increase the budget for Legal Services. This is a transfer of unused funds from several departments. These are reflected in the proposed budget amendments below (proposed budget amendments 2,5,6, and 7).

* * * * *

Budget Amendment #4: General Fund-Engineering Expenditures
FY 2024 Budget Book (Page 147)

Original Budget	\$ 248,814
Budget Amendment Ord #2023-39	\$ 83,317
Operational Salary (101-16-00-5101)	\$ 55,280
New Total Expenditure	\$ 332,131

This budget amendment is needed to increase Operational Salaries and Professional Services to cover over-budgeted items. This will be funded by unused budget amounts from Public Works and interest revenue (proposed budget amendment 10) above the budgeted amount.

* * * * *

Budget Amendment #5: General Fund-Public Work-Parks Expenditures
FY 2024 Budget Book (Page 149)

Original Budget	\$ 3,674,522
Budget amendment Ord #2023-39	\$ 250,000
Operational Salaries (101-18-10-5101)	\$ (25,000)
Group Insurance (101-18-10-5155)	\$ (7,000)
Supplies (101-18-10-5201)	\$ (3,280)
Professional Services (101-18-10-5505)	\$ (11,000)
Engineering (101-18-10-5530)	\$ (17,500)
Advertising (101-18-10-5601)	\$ (6,000)
Street Lighting (101-18-10-5603)	\$ (18,000)
Travel & Training (101-18-10-5605)	\$ (3,000)
Group Insurance (101-18-15-5515)	\$ (23,000)
Operational Salaries (101-18-19-5101)	\$ (60,000)
New Total Expenditure	\$ 3,750,742

This budget amendment is to reallocate unused funds to cover over budgeted items for Organizational and Engineering Expenses.

* * * * *

Budget Amendment #6: General Fund-Police Department Expenditures
FY 2024 Budget Book (Page 136-137)

Original Budget	\$ 4,491,359
Group Insurance (101-16-00-5155)	\$ (25,000)
New Total Expenditure	\$ 4,466,359

This budget amendment is to reallocate unused funds to cover over budgeted items for Organizational expenses

* * * * *

Budget Amendment #7: General Fund-Library Expenditures
FY 2024 Budget Book (Page 156)

Original Budget	\$ 884,571
Group Insurance (101-16-00-5155)	\$ (61,000)
New Total Expenditure	\$ 823,571

This budget amendment is to reallocate unused funds to cover over budgeted items for Organizational expenses

* * * * *

Budget Amendment #8: General Fund-Community Engagement Expenditures
FY 2024 Budget Book (Page 132)

Original Budget	\$ 1,025,237
Community Event Support (101-08-10-5622)	\$ 21,200
New Total Expenditure	\$ 1,046,437

*This budget amendment is needed to increase community event support for the purchase of barricades for events. **This item is funded through unused fund balance.***

* * * * *

Budget Amendment #9: General Fund-Municipal Court Expenditures
FY 2024 Budget Book (Page 146)

Original Budget	\$ 379,408
Operational Salaries (101-12-00-5101)	\$ 22,250
Longevity (101-12-00-5116)	\$ 170
Overtime (101-12-00-5117)	\$ 5,400
Social Security (101-12-00-5150)	\$ 1,975
Retirement (101-12-00-5151)	\$ 5,125
Group Insurance (101-12-00-5155)	\$ 960
Workers Comp (101-12-00-5156)	\$ 2,135
New Total Expenditure	\$ 417,423

This budget amendment is to increase personnel expenditures related to a long-time employee retiring. This increase was funded by additional municipal court fines in the proposed Budget Amendment 10.

Budget Amendment #10: General Fund-Revenue
FY 2024 Budget Book (Page 63)

Original Budget	\$ 287,300
Interest Income (101-00-00-4400)	\$ 42,250
Municipal Court Finds (101-00-00-4070)	\$ 38,015
New Total Revenue	\$ 325,315

Original Budget	\$ 245,000
Interest Income (101-00-00-4400)	\$ 42,250
New Total Revenue	\$ 287,250

This budget amendment will increase revenues to offset the expenditures for proposed Budget Amendments 4 and 9.

* * * * *

OTHER FUNDS

Budget Amendment #11: Land Acquisition
FY 2024 Budget Book

Original Budget	\$ 0
Real Property (151-00-00-6060)	\$ 1,246,762
New Total Expenditure	\$ 1,246,762

*This budget amendment is needed to cover the purchase of land by the City of Bastrop for various purposes. These purchases were approved by the Council. **This expenditures will be funded through available fund balance.***

* * * * *

Budget Amendment #12: Development Services Fund Expenditures
FY 2024 Budget Book (Page 80)

Original Budget	\$ 1,699,988
Budget Amendment Ord 2023-39	\$ 48,048
Operational Salary (108-15-06-5101)	\$ 38,100
Longevity (108-15-06-5116)	\$ 175
Social Security (108-15-06-5150)	\$ 2,300
Retirement (108-15-06-5151)	\$ 2,220
Group Insurance (108-15-06-5155)	\$ 1,560
Workers Comp (108-15-06-5156)	\$ 2,500
New Total Expenditure	\$ 1,794,891

This amendment includes the reclassification of the salary of the Assistant to the City Manager. This position was originally budgeted in Development Services and was transferred to the City Manager Department.

* * * * *

Budget Amendment #13: Hotel Occupancy Tax Fund-Hotel Tax Expenditures
FY 2024 Budget Book (Page 164)

Original Budget	\$ 4,701,754
Budget Amendment Ord 2023-39	\$ 25,000
Special Projects (501-86-00-5561)	\$ 40,000
New Total Expenditure	\$ 4,766,754

This is an amendment to increase special projects for the Bird Project. The corresponding revenue entry to record the donation received by the city to pay for this expense is proposed amendment 14.

* * * * *

Budget Amendment #14: Hotel Occupancy Tax Fund – Revenues
FY 2024 Budget Book (Page 78)

Original Budget	\$ 4,701,754
General Donations (501-00-00-4509)	\$ 40,000
New Total Revenue	\$ 4,741,754

This amendment is donations made for the Bird City Project. The corresponding expense is proposed budget amendment 13.

* * * * *

Budget Amendment #15: Fairview Cemetery Operating- Expenditure Fund
FY 2024 Budget Book (Page 89)

Original Budget	\$ 249,243
Professional Services (525-00-00-5505)	\$ 40,200
New Total Expenditure	\$ 289,443

This amendment is to offset expenses incurred over budgeted amounts by revenues collected for burial fees. The corresponding revenue to offset this expense is proposed amendment 16.

* * * * *

Budget Amendment #16: Fairview Cemetery – Revenues
FY 2024 Budget Book (Page 91)

Original Budget	\$ 163,400
Miscellaneous Revenue (525-00-00-4536)	\$ 40,200
New Total Revenue	\$ 203,600

This amendment is to record revenues collected for burials to offset expenses over budgeted amounts. The corresponding expense is proposed budget amendment 15.

* * * * *

Budget Amendment #17: Hunter’s Crossing PID- Expenditure Fund
FY 2024 Budget Book (Page 94)

Original Budget	\$ 559,019
Legal Services (710-00-00-5525)	\$ 5,000
New Total Expenditure	\$ 564,019

This amendment is to offset expenses incurred for legal services over budgeted amounts by revenues collected . The corresponding revenue to offset this expense is proposed amendment 18.

* * * * *

Budget Amendment #18: Hunter’s Crossing PID – Revenues
FY 2024 Budget Book (Page 93)

Original Budget	\$ 581,279
Interest Income (710-00-00-4400)	\$ 5,000

New Total Revenue \$ 586,279

This amendment is to record revenues collected for interest income to offset legal expenses over budgeted amounts. The corresponding expense is proposed budget amendment 17.



STAFF REPORT

MEETING DATE: October 22, 2024

TITLE:

Consider action to approve the first reading of Ordinance No. 2024-35 of the City Council of the City of Bastrop Texas, amending Appendix A - Fee Schedule, Section A1.12 – Libraries; establishing a repealing clause; providing severability; and providing an effective date.

STAFF REPRESENTATIVE:

Bonnie Pierson, Library Director

BACKGROUND/HISTORY:

The Bastrop Public Library began charging Non-Resident fees in January 2020 under Ordinance No. 2019-42. Since the implementation of the Non-Resident fee, the Bastrop Public Library has received repeated requests for a discount from senior citizens, veterans, and individuals with disabilities. Similar discounts and memberships to make services more accessible to Non-Residents have been implemented by other City of Bastrop services. Discount rates for these populations tend to be between 10-15%.

According to the 2020 Decennial United States Census, the City of Bastrop and surrounding areas have a high population of senior citizens, veterans, and individuals with disabilities. The charts below showcase how these populations compare to the state average.

Senior Citizens

State of Texas Average	13.4%
Bastrop County Average	16.0%

Veterans

State of Texas Average	6.2%
Bastrop County Average	8.1%

Individuals with Disabilities

State of Texas Average	12.4%
Bastrop County Average	10.3%

POLICY EXPLANATION:

The purpose of the proposed fee update is to address the needs and concerns of the citizens of Bastrop County by providing a 20% discount on annual individual membership for senior citizens aged 55 and older, veterans, and individuals with disabilities. To further increase access to the library, an annual family membership is also being recommended. A family membership would have a higher check-out limit than an individual membership and would only be available to patrons living outside the Bastrop city limits.

The proposed changes in fees are summarized in the chart below.

DESCRIPTION	FEE
Individual Annual Membership	Resident: \$0.00 Non-Resident: \$25.00
Individual Six-month Membership	Resident: \$0.00 Non-Resident: \$15.00
Senior Citizen (55+), Veteran, or Individual with Disabilities Annual Membership	Resident: \$0.00 Non-Resident: \$20.00
Family Annual Membership	Resident: N/A Non-Resident: \$40.00

FUNDING SOURCE:
N/A

RECOMMENDATION:
Consider action to approve the first reading of Ordinance No. 2024-35 of the City Council of the City of Bastrop Texas, amending Appendix A - Fee Schedule, Section A1.12 – Libraries; establishing a repealing clause; providing severability; and providing an effective date.

ATTACHMENTS:

- Ordinance No. 2024-35
- City of Bastrop Library Fee Schedule - Memberships
- City of Bastrop Recreation Fee Schedule - Memberships



ORDINANCE NO. 2024-35

AMENDING FEE SCHEDULE SECTION A1.12, LIBRARIES, MEMBERSHIP FEES

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, AMENDING THE BASTROP CODE OF ORDINANCES, APPENDIX A - FEE SCHEDULE, SECTION A1.12 – LIBRARIES, MEMBERSHIP FEES; PROVIDING A DISCOUNTED MEMBERSHIP FEE FOR SENIOR CITIZENS, VETERANS, AND INDIVIDUALS WITH DISABILITIES; PROVIDING FOR FINDINGS OF FACT, AMENDMENT, A REPEALER, AND SEVERABILITY; ESTABLISHING AN EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.

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

WHEREAS, on September 25, 2018, the City Council adopted a Fee Schedule, Ordinance 2018-21, for the purpose of setting forth the comprehensive fees assessed and collected by the City for a range of applications, permits, licenses, services, and activities; and

WHEREAS, the Bastrop Public Library began charging Non-Resident fees in January 2020 under Ordinance No. 2019-42; and

WHEREAS, the City desires to address the needs and concerns of the citizens of Bastrop County by providing a discount on annual individual membership for senior citizens aged 55 and older, veterans, and individuals with disabilities, and by providing an annual family membership to further increase access to the library; and

WHEREAS, the City Council desires to adopt the amendments and establish certain fees for services as set forth in the Fee Schedule; and

WHEREAS, the City Council finds that adoption of this Ordinance is in the best interest of the City.

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: That from and after the effective date of this Ordinance, the fees and charges set out in the Bastrop Code Of Ordinances, Appendix A-Fee Schedule, Section A1.12 – Libraries, Membership Fees shall be amended to read as set forth in Exhibit "A", which is attached hereto and incorporated herein. The City Council hereby adopts the amendments to the Appendix A-Fee Schedule. Other sections, fees, or charges not referenced in Exhibit "A" shall remain unaffected by this Ordinance.

SECTION 3. REPEALER: All ordinances, orders, and resolutions heretofore passed and adopted by the City Council of the City of Bastrop, Texas are hereby repealed to the extent said ordinances, orders, or resolutions, or parts thereof, are in conflict herewith. This Ordinance shall not amend, abolish, or change any fee heretofore established that is not listed in the Fee Schedule and such fees shall continue in effect for all purposes until amended by ordinance or resolution or transferred to the Fee Schedule.

SECTION 4. SEVERABILITY: 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. 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 immediately after its final passage and any publication in accordance with the requirements of the City of Bastrop and the laws of the State of Texas.

SECTION 7. OPEN MEETINGS: It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

READ & APPROVED on First Reading on the 22nd day of October 2024.

CITY OF BASTROP, TEXAS:

Lyle Nelson, Mayor

ATTEST:

Irma Parker, Interim City Secretary

APPROVED AS TO FORM:

Alan Bojorquez, City Attorney

LIBRARIES

SEC Reference	Last updated	Description	Amount of fee/Deposit
A1.12		Membership Fees	
		Individual Annual Membership	Resident: \$0.00 Non-Resident: \$25.00
		Individual Six-month Membership	Resident: \$0.00 Non-Resident: \$15.00
		Senior Citizen (55+), Veteran, or Individual with Disabilities Annual Membership	Resident: \$0.00 Non-Resident: \$20.00
		Family Annual Membership	Resident: N/A Non-Resident: \$40.00
		Circulating Material Fines & Fees	
		Materials not returned 30 days after Due Date	Up to Manufacturer's suggested retail price (MSRP)
		Replacement of Bastrop Public Library materials lost or damaged beyond repair	Manufacturer's suggested retail price (MSRP)
		Replacement of Interlibrary Loan materials lost or damaged beyond repair	Set by lending library

Item 8P.

Interlibrary Loan return shipping costs \$3.00 per item

Meeting Rooms

Maynard Conference Room General: \$25.00 per hour

Pressley Meeting Room General: \$50.00 per hour

Supply and Equipment Fees

Printing – Black & White, Letter-sized paper \$0.10 per page

Printing – Color, Letter-sized paper \$1.00 per page

Printing – Black & White, Ledger-sized paper (11X17”) \$0.20 per page

Printing – Color, Ledger-sized paper (11x17”) \$1.20 per page

3D Printing, except as part of an official Library program \$0.10 per gram

Miscellaneous Fees

Replacement library card \$1.00

Electronic devices returned via exterior book drop \$5.00



City of Bastrop Library Fee Schedule

DESCRIPTION	FEE
Membership Fees	
Individual Annual Membership	Resident: \$0.00 Non-Resident: \$25.00
Individual Six-month Membership	Resident: \$0.00 Non-Resident: \$15.00

*Per Bastrop Code of Ordinances, Appendix, Section A1.12



City of Bastrop Recreation Fee Schedule

DESCRIPTION	FEE
Membership Fees - Monthly	
Individual	Resident: \$30.00 Non-Resident: \$35.00
Family	Resident: \$50.00 Non-Resident: \$55.00
Senior/Military/Disabled Person(s)	Resident: \$20.00 Non-Resident: \$25.00
Military Family	Resident: \$40.00 Non-Resident: \$45.00
City Employee	Individual: \$0.00 Family: \$30.00
Drop-in Fee	\$5.00 - \$20.00

*Per Bastrop Code of Ordinances, Appendix, Section A1.10



STAFF REPORT

MEETING DATE: October 22, 2024

TITLE:

Consider and act on Ordinance No. 2024-37, Amending Chapter 1 “General Provisions”, Article 1.02 “Administration”, Section 1.02.003 “Official Newspaper; Posting of Notices in lieu of Newspaper Publication” to Declare the ELGIN COURIER as the Official Newspaper for Required Newspaper Publications by the City; Providing for Findings of Fact; Providing for Repealer; Providing for Severability; Providing for Proper Notice and Meeting; And Establishing an Effective Date.

AGENDA ITEM SUBMITTED BY:

Submitted by: Irma Parker, City Secretary, TRMC, CMC

BACKGROUND/HISTORY:

Texas Local Government Code Chapter 52 requires the city council designate its official newspaper for General Law cities but is silent on Home Rule Cities. the Code of Ordinances for the City of Bastrop had designated the BASTROP ADVERTISER as the official newspaper. Government Code Sections 2051.044 provides that a newspaper be used to convey official notices and must as a general matter:

- (1) devote not less than 25% of its total column lineage to general interest items;
- (2) be published at least once each week;
- (3) be entered as second-class postal matter in the county where published; and
- (4) have been published regularly and continuously for at least 12 months before the governmental entity or representative publishes notice; and

The BASTROP ADVERTISER was declared to be the official newspaper in the Code of Ordinances; however, that newspaper no longer exists after the AUSTIN AMERICAN-STATESMAN purchased it. Bastrop County has designated the ELGIN COURIER as the County’s official newspaper for their official notices. The city desires to designate the ELGIN COURIER, which is published in Bastrop County, as the City’s official newspaper.

FISCAL IMPACT:

Unknown at this time but it will be a substantial savings.

RECOMMENDATION:

The City Council approved Ordinance to declare the ELGIN COURIER as the official newspaper.

ATTACHMENTS:

1. Resolution

ORDINANCE NO. 2024-37

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF BASTROP, TEXAS, AMENDING THE CODE OF ORDINANCES, CHAPTER 1 “GENERAL PROVISIONS”, ARTICLE 1.02 “ADMINISTRATION”, SECTION 1.02.003 “OFFICIAL NEWSPAPER; POSTING OF NOTICES IN LIEU OF NEWSPAPER PUBLICATION” TO DECLARE THE ELGIN COURIER AS THE OFFICIAL NEWSPAPER FOR REQUIRED NEWSPAPER PUBLICATIONS BY THE CITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR PROPER NOTICE AND MEETING; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Texas Local Government Code Chapter 52 requires the city council designate its official newspaper for General Law cities but is silent on Home Rule Cities; and

WHEREAS, The Code of Ordinances for the City of Bastrop had designated the BASTROP ADVERTISER as the official newspaper; and

WHEREAS, Government Code Sections 2051.044 provides that a newspaper be used to convey official notices and must as a general matter:

- (1) devote not less than 25% of its total column lineage to general interest items;
- (2) be published at least once each week;
- (3) be entered as second-class postal matter in the county where published; and
- (4) have been published regularly and continuously for at least 12 months before the governmental entity or representative publishes notice; and

WHEREAS, the BASTROP ADVERTISER was declared to be the official newspaper in the Code of Ordinances; however, that newspaper no longer exists after the AUSTIN AMERICAN-STATESMAN purchased it; and

WHEREAS, Bastrop County has designated the ELGIN COURIER as the County’s official newspaper for their official notices; and

WHEREAS, The city desires to designate the ELGIN COURIER, which is published in Bastrop County, as the City’s official newspaper.

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

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

SECTION 2. Amendment. That Code of Ordinances, Chapter 1 “General Provisions”, Article 1.02 “ADMINISTRATION”, Section 1.02.003 “Official Newspaper; Posting of Notices in Lieu of Newspaper Publication” be amended to read as follows:

Sec. 1.02.003 Official newspaper; posting of notices in lieu of newspaper publication.

The ELGIN COURIER is hereby declared to be the official newspaper for required newspaper publications by the city. When it is not required by law that publication be made in a newspaper, then the city may, in lieu thereof, provide for publication by posting in three (3) public places in the city.

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 matter 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. 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 6. This Ordinance shall be effective immediately upon passage and publication.

READ AND APPROVED on first reading this the ___ day of ___ 2024.

READ AND ADOPTED on the second reading this the ___ day of ___ 2024.

CITY OF BASTROP, TEXAS

Lyle Nelson, Mayor

ATTEST:

APPROVED AS TO FORM:

Irma G. Parker, City Secretary

Alan Bojorquez, City Attorney



UPDATED STAFF REPORT

MEETING DATE: October 22, 2024

TITLE:

Conduct a public hearing, consider and act on the first reading of Ordinance No. 2024-38 of the City Council of the City of Bastrop, Texas, approving the zoning change for 2 +/- acres out of Building Block 110 east of Water Street, located east of SH 95, within the City of Bastrop from P5 Core to P3 Residential, as shown in Attachment 2; 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; and move to include on the November 12, 2024, Consent Agenda for second reading.

STAFF REPRESENTATIVE:

Submitted by: Kennedy Higgins – Senior Planner, Development Services

BACKGROUND:

The applicant has applied for a Zoning Concept Scheme for Valverde North 1101 SH 95. The proposal is to change the current zoning from P5 to P3 in order to appropriately incorporate single family residence.

PLANNING & ZONING COMMISSION RECOMMENDATION:

The P&Z Commission reviewed the Zoning Concept Scheme at their September 26, 2024, regular meeting, and recommended approval of the rezoning request, for a zone P3 Neighborhood, with a vote of 5-0.

STAFF RECOMMENDATION:

Conduct a public hearing, consider and act on the first reading of Ordinance No. 2024-38 of the City Council of the City of Bastrop, Texas, approving the zoning change for 2 +/- acres out of Building Block 110 east of Water Street, located east of SH 95, within the City of Bastrop from P5 Core to P3 Residential, as shown in Attachment 2; 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; and move to include on the November 12, 2024, Consent Agenda for second reading.

ATTACHMENTS:

- Attachment 1: Memo Staff Report for Valverde North 1101 SH 95 Zoning Concept Scheme
- Attachment 2: Ordinance No. 2024-38



To: Sylvia Carrillo, City Manager
From: Kennedy Higgins, Senior Planner- Planning & Development
Date: September 26, 2024
Subject: 1101 SH 95 Zoning Concept Scheme

UPDATED

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ITEM DETAILS:

Site Address: 1101 SH 95 (Attachment 1)
Property ID: R36633
Total Acreage: 2 +/- acres
Acreage Rezoned: 2 +/- acres
Legal Description: 2 +/- acres out of Building Block 110 east of Water Street

Property Owner: Esther Eula Johnson
Agent Contact: Venice Johnson

Existing Use: Agriculture
Existing Zoning: P5 Core
Proposed Zoning: P3 Neighborhood
Future Land Use: Neighborhood Commercial

BACKGROUND:

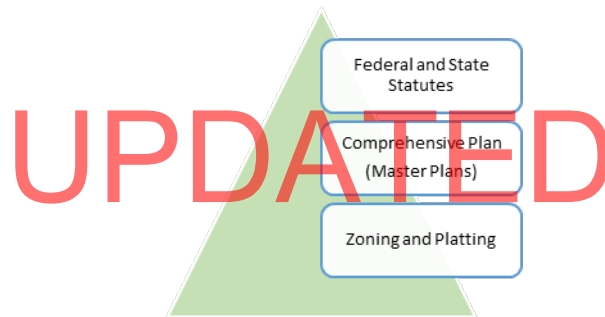
The applicant has applied for a Zoning Concept Scheme for 1101 SH 95. The proposal is to change the zoning from P5 Core to P3 Neighborhood in order to continue using the property for agriculture purposes.

LAND USE:

The existing land use is classified as Place Type P5 – Core is defined in the code as a higher density mixture of building types that accommodate commercial, retail, offices, row houses, and apartments. It has a tight network of streets, with wide sidewalks, steady street tree plantings, and buildings set close to the sidewalks. P5 is a highly walkable area. A continuous line of buildings is critical to define the public frontage and allow for visible activity along the street edge.

P3 – Neighborhood per the Developers agreement. Low density residential areas. Planting is naturalistic and setbacks vary from relatively deep to shallow. The roads and blocks may be irregular to accommodate natural conditions.

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.

(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).

The public meeting was noticed in the newspaper 09/11/2024, Zoning Change signs were visibly placed in the front of the property on 09/5/2024 and notice was sent to 20 property owners within 200 feet of the property boundary on 09/6/2024. 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 makes a unanimous recommendation of the denial of the zoning request, the City Council must have a minimum vote of three-fourths majority to approve the zoning request.

UPDATED

Compliance with 2036 Comprehensive Plan:

The Neighborhood Residential character area is for single family residential subdivision development, associated amenities such as parks, trails, open spaces, and public uses such as schools, fire stations, and more. Although individual developments may exhibit common features including home size, lot size, setbacks, impervious surface coverage, etc., the character area supports variations of these spatial and aesthetics characteristics, subject to appropriate transitions in form, scale, and density between blocks or adjacent developments. In some instances, transitions between developments and adjacent character areas may include higher density housing types or neighborhood oriented commercial uses of limited scale.

While the future land use map calls for this area to be Neighborhood Commercial, the neighboring properties are Rural Residential. This lot is being requested for rezone alongside the owners adjacent properties.

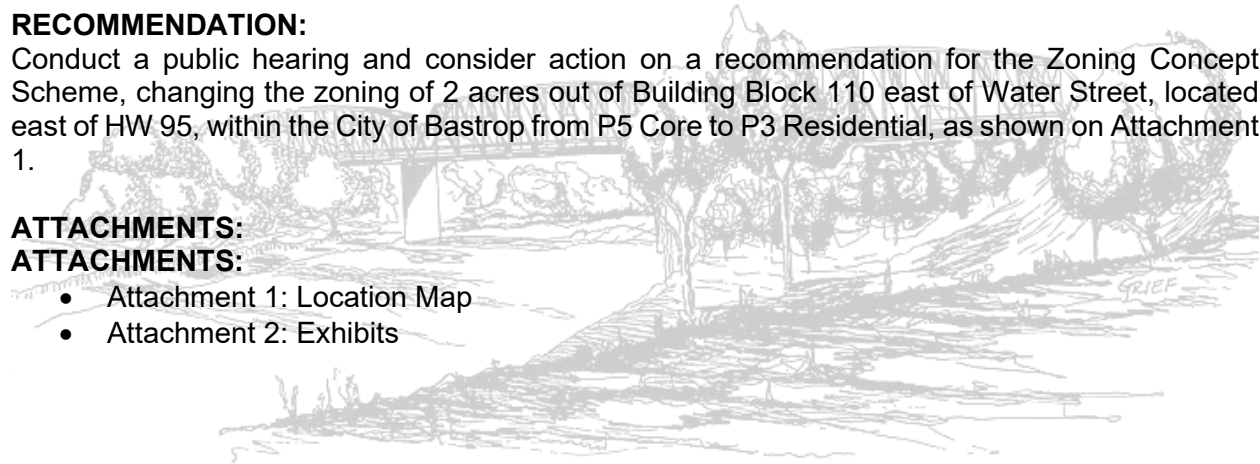
RECOMMENDATION:

Conduct a public hearing and consider action on a recommendation for the Zoning Concept Scheme, changing the zoning of 2 acres out of Building Block 110 east of Water Street, located east of HW 95, within the City of Bastrop from P5 Core to P3 Residential, as shown on Attachment 1.

ATTACHMENTS:

ATTACHMENTS:

- Attachment 1: Location Map
- Attachment 2: Exhibits



ORDINANCE 2024-38

**ZONING CONCEPT SCHEME CHANGE
1101 STATE HIGHWAY 95, R36633**

UPDATED

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, APPROVING THE ZONING CHANGE FOR 2 +/- ACRES OUT OF THE BUILDING BLOCK 110 EAST OF WATER STREET, IN CITY OF BASTROP, TEXAS, FROM P5 CORE TO P3 NEIGHBORHOOD; 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 August 5, 2024, Venice Johnson submitted a request for zoning modifications for a property located East of SH 95, within the City limits of Bastrop, Texas described as being 2 +/- acres out of the Building Block 110 East of Water Street (“Property”); and

WHEREAS, the City Staff has reviewed the request for zoning modifications, and finds it to be justifiable based upon the Future Current Use for this Property; 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, 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 September 26, 2024 and a recommendation was made to approve the zoning change; 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 are 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:

UPDATED

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

Section 2: The Property, 2 +/- acres out of the Building Block 110 East of Water Street, more particularly shown and described in Exhibit A which is attached and incorporated herein, is hereby rezoned from P5 Core to P3 Neighborhood. The City Manager is hereby authorized to promptly note the zoning change on the official Zoning Map of the City of Bastrop, Texas.

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

[Signatures on following page]

READ & ACKNOWLEDGED on First Reading on this the 22nd day of October 2024.

READ & ADOPTED on Second Reading on this the 12th day of November 2024.

UPDATED

APPROVED:

Lyle Nelson, Mayor

ATTEST:

Irma Parker, City Secretary

APPROVED AS TO FORM:

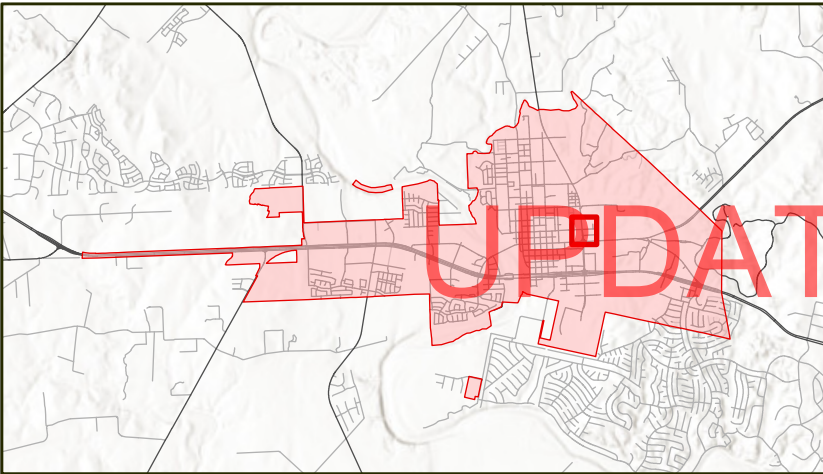
Alan Bojorquez, City Attorney

ATTACHMENT A

UPDATED
Property Description



Attachment A Location Map Rezone of PID 36633



UPDATED



9/4/2024



Scale 1:2,600

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 map is general in nature and is not suitable for navigational purposes.



STAFF REPORT

MEETING DATE: October 22, 2024

TITLE:

Conduct a public hearing, consider and act on the first reading of Ordinance No. 2024-38, Approving the zoning change for 2 +/- acres out of Building Block 110 east of Water Street, located east of SH 95, within the City of Bastrop from P5 Core to P3 Residential, as shown in Attachment 2; 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.

STAFF REPRESENTATIVE:

Submitted by: Kennedy Higgins – Senior Planner, Development Services

BACKGROUND:

The applicant has applied for a Zoning Concept Scheme for Valverde North. The proposal is to change the current zoning from P5 to P3 in order to appropriately incorporate single family residence.

PLANNING & ZONING COMMISSION RECOMMENDATION:

The P&Z Commission reviewed the Zoning Concept Scheme at their September 26, 2024, regular meeting, and recommended approval of the rezoning request, for a zone P3 Neighborhood, with a vote of 5-0.

STAFF RECOMMENDATION:

Conduct a public hearing, consider and act on the first reading of Ordinance No. 2024-38 of the City Council of the City of Bastrop, Texas, approving the zoning change for 2 +/- acres out of Building Block 110 east of Water Street, located east of SH 95, within the City of Bastrop from P5 Core to P3 Residential, as shown in Attachment 2; providing for findings of fact; providing for repealer; providing for severability; providing for enforcement; providing for proper notice and meeting.

ATTACHMENTS:

- Attachment 1: Memo Staff Report for Valverde North Zoning Concept Scheme
- Attachment 2: Ordinance No. 2024-38



To: Sylvia Carrillo, City Manager
From: Kennedy Higgins, Senior Planner- Planning & Development
Date: September 26, 2024
Subject: 1101 SH 95 Zoning Concept Scheme

=====

ITEM DETAILS:

Site Address: 1101 SH 95 (Attachment 1)
Property ID: R36633
Total Acreage: 2 +/- acres
Acreage Rezoned: 2 +/- acres
Legal Description: 2 +/- acres out of Building Block 110 east of Water Street

Property Owner: Esther Eula Johnson
Agent Contact: Venice Johnson

Existing Use: Agriculture
Existing Zoning: P5 Core
Proposed Zoning: P3 Neighborhood
Future Land Use: Neighborhood Commercial

BACKGROUND:

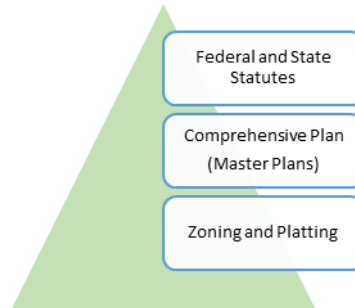
The applicant has applied for a Zoning Concept Scheme for 1101 SH 95. The proposal is to change the zoning from P5 Core to P3 Neighborhood in order to continue using the property for agriculture purposes.

LAND USE:

The existing land use is classified as Place Type P5 – Core is defined in the code as a higher density mixture of building types that accommodate commercial, retail, offices, row houses, and apartments. It has a tight network of streets, with wide sidewalks, steady street tree plantings, and buildings set close to the sidewalks. P5 is a highly walkable area. A continuous line of buildings is critical to define the public frontage and allow for visible activity along the street edge.

P3 – Neighborhood per the Developers agreement. Low density residential areas. Planting is naturalistic and setbacks vary from relatively deep to shallow. The roads and blocks may be irregular to accommodate natural conditions.

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.

(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).

The public meeting was noticed in the newspaper 09/11/2024, Zoning Change signs were visibly placed in the front of the property on 09/5/2024 and notice was sent to 20 property owners within 200 feet of the property boundary on 09/6/2024. 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 makes a unanimous recommendation of the denial of the zoning request, the City Council must have a minimum vote of three-fourths majority to approve the zoning request.

Compliance with 2036 Comprehensive Plan:

The Neighborhood Residential character area is for single family residential subdivision development, associated amenities such as parks, trails, open spaces, and public uses such as schools, fire stations, and more. Although individual developments may exhibit common features including home size, lot size, setbacks, impervious surface coverage, etc., the character area supports variations of these spatial and aesthetics characteristics, subject to appropriate transitions in form, scale, and density between blocks or adjacent developments. In some instances, transitions between developments and adjacent character areas may include higher density housing types or neighborhood oriented commercial uses of limited scale.

While the future land use map calls for this area to be Neighborhood Commercial, the neighboring properties are Rural Residential. This lot is being requested for rezone alongside the owners adjacent properties.

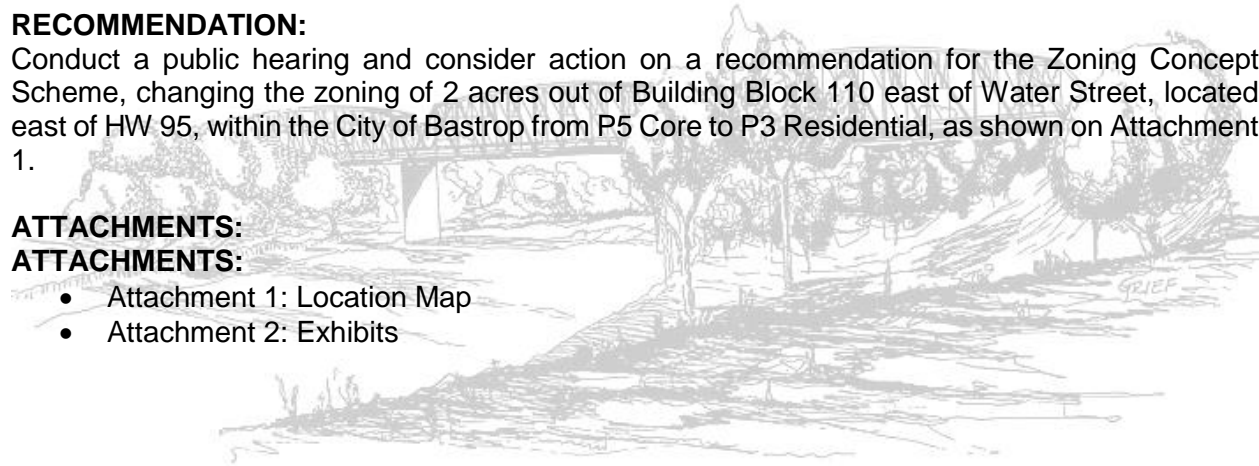
RECOMMENDATION:

Conduct a public hearing and consider action on a recommendation for the Zoning Concept Scheme, changing the zoning of 2 acres out of Building Block 110 east of Water Street, located east of HW 95, within the City of Bastrop from P5 Core to P3 Residential, as shown on Attachment 1.

ATTACHMENTS:

ATTACHMENTS:

- Attachment 1: Location Map
- Attachment 2: Exhibits





STAFF REPORT

MEETING DATE: October 22, 2024

TITLE:

Conduct a public hearing, consider and act on the first reading of Ordinance No. 2024-38, Approving the zoning change for 2 +/- acres out of Building Block 110 east of Water Street, located east of SH 95, within the City of Bastrop from P5 Core to P3 Residential, as shown in Attachment 2; 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; and move to include on the November 12, 2024, Consent Agenda for second reading.

STAFF REPRESENTATIVE:

Submitted by: Kennedy Higgins – Senior Planner, Development Services

BACKGROUND:

The applicant has applied for a Zoning Concept Scheme for Valverde North. The proposal is to change the current zoning from P5 to P3 in order to appropriately incorporate single-family residence.

PLANNING & ZONING COMMISSION RECOMMENDATION:

The P&Z Commission reviewed the Zoning Concept Scheme at their September 26, 2024, regular meeting, and recommended approval of the rezoning request, for a zone P3 Neighborhood, with a vote of 5-0.

STAFF RECOMMENDATION:

Conduct a public hearing, consider and act on the first reading of Ordinance No. 2024-38 of the City Council of the City of Bastrop, Texas, approving the zoning change for 2 +/- acres out of Building Block 110 east of Water Street, located east of SH 95, within the City of Bastrop from P5 Core to P3 Residential, as shown in Attachment 2; 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; and move to include on the November 12, 2024, Consent Agenda for second reading.

ATTACHMENTS:

- Attachment 1: Memo Staff Report for Valverde North Zoning Concept Scheme
- Attachment 2: Ordinance No. 2024-38



STAFF REPORT

MEETING DATE: October 22, 2024

TITLE:

Conduct a public hearing, consider and act on the first reading of Ordinance No. 2024-39, Approving the zoning change for 2.20 +/- acres out of Building Block 111 east of Water Street, located east of HW 95, within the City of Bastrop from P4 Mix to P3 Residential as shown in Attachment 2; 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.

STAFF REPRESENTATIVE:

Submitted by: Kennedy Higgins – Senior Planner, Development Services

BACKGROUND:

The applicant has applied for a Zoning Concept Scheme for 1808 Spring Street. The proposal is to change the current zoning from P4 to P3 in order to continue the residential use of the property.

PLANNING & ZONING COMMISSION RECOMMENDATION:

The P&Z Commission reviewed the Zoning Concept Scheme at their September 26, 2024, regular meeting, and recommended approval of the rezoning request, for a zone P3 Neighborhood, with a vote of 5-0.

STAFF RECOMMENDATION:

Conduct a public hearing, consider and act on the first reading of Ordinance No. 2024-39 of the City Council of the City of Bastrop, Texas, approving the zoning change for 2.20 +/- acres out of Building Block 111 east of Water Street, located east of HW 95, within the City of Bastrop from P4 Mix to P3 Residential as shown in Attachment 2; 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.

ATTACHMENTS:

- Attachment 1: Memo Staff Report for Zoning Concept Scheme from P&Z
- Attachment 2: Ordinance No. 2024-39



To: Sylvia Carrillo, City Manager
From: Kennedy Higgins, Senior Planner- Planning & Development
Date: September 26, 2024
Subject: 1808 Spring Street Zoning Concept Scheme

=====

ITEM DETAILS:

Site Address: 1808 Spring Street (Attachment 1)
Property ID: R39297
Total Acreage: 2.2 +/- acres
Acreage Rezoned: 2.2 +/- acres
Legal Description: 2.2 +/- acres out of Building Block 110 east of Water Street

Property Owner: Esther Eula Johnson
Agent Contact: Cladie Johnson

Existing Use: Agriculture/Homestead
Existing Zoning: P4 Mix
Proposed Zoning: P3 Neighborhood
Future Land Use: Rural Residential

BACKGROUND:

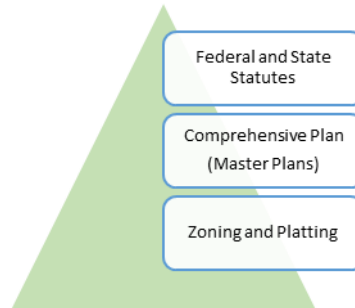
The applicant has applied for a Zoning Concept Scheme for 1808 Spring Street. The proposal is to change the zoning from P4 Mix to P3 Neighborhood to continue using the property for agriculture/homestead purposes.

LAND USE:

The existing land use is classified as Place Type P4 – Mix is defined in the code as a More intense Building Types that provide more lifestyle choices. It provides for a mix of Residential Building Types. Commercial and Office uses are allowed in this District only in House form Structures. Because P4 is a transition area, the Street Types consists of multimodal Streets but, are primarily Residential urban fabric.

P3 – Neighborhood per the Developers agreement. Low density residential areas. Planting is naturalistic and setbacks vary from relatively deep to shallow. The roads and blocks may be irregular to accommodate natural conditions.

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.

(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).

The public meeting was noticed in the newspaper 09/11/2024, Zoning Change signs were visibly placed in the front of the property on 09/5/2024 and notice was sent to 23 property owners within 200 feet of the property boundary on 09/6/2024. 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 makes a unanimous recommendation of the denial of the zoning request, the City Council must have a minimum vote of three-fourths majority to approve the zoning request.

Compliance with 2036 Comprehensive Plan:

The Neighborhood Residential character area is for single family residential subdivision development, associated amenities such as parks, trails, open spaces, and public uses such as schools, fire stations, and more. Although individual developments may exhibit common features including home size, lot size, setbacks, impervious surface coverage, etc., the character area supports variations of these spatial and aesthetics characteristics, subject to appropriate transitions in form, scale, and density between blocks or adjacent developments. In some instances, transitions between developments and adjacent character areas may include higher density housing types or neighborhood oriented commercial uses of limited scale.

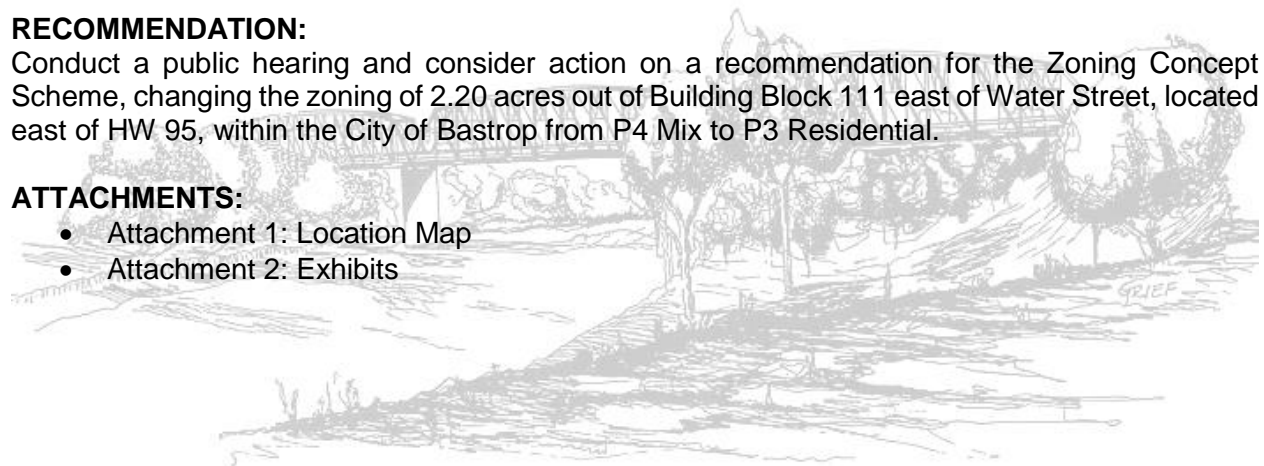
The future land use map calls for this area to be Rural Residential, that matches the neighboring properties also being Rural Residential. This lot is being requested for rezone along side the owners adjacent properties.

RECOMMENDATION:

Conduct a public hearing and consider action on a recommendation for the Zoning Concept Scheme, changing the zoning of 2.20 acres out of Building Block 111 east of Water Street, located east of HW 95, within the City of Bastrop from P4 Mix to P3 Residential.

ATTACHMENTS:

- Attachment 1: Location Map
- Attachment 2: Exhibits



ORDINANCE 2024-39**ZONING CONCEPT SCHEME CHANGE 1808 SPRING STREET**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, APPROVING THE ZONING CHANGE FOR 2.2 +/- ACRES OUT OF THE BUILDING BLOCK 111 EAST OF WATER STREET, IN CITY OF BASTROP BASTROP, TEXAS, FROM P4 MIX TO P3 NEIGHBORHOOD; 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 July 31, 2024, Cladie Johnson submitted a request for zoning modifications for a property located East of SH 95, within the City limits of Bastrop, Texas described as being 2.196 +/- acres out of the Building Block 111 East of Water Street (“Property”); and

WHEREAS, the City Staff has reviewed the request for zoning modifications, and finds it to be justifiable based upon the Future Current Use for this Property; 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, 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 September 26, 2024 and a recommendation was made to approve the zoning change; 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 are 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 foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

SECTION 2: The Property, 2.2 +/- acres out of the Building Block 111 East of Water Street, more particularly shown and described in Exhibit A which is attached and incorporated herein, is hereby rezoned from P4 Mix to P3 Neighborhood. The City Manager is hereby authorized to promptly note the zoning change on the official Zoning Map of the City of Bastrop, Texas.

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

READ & APPROVED by the Bastrop City Council on first reading on this the 22nd day of October 2024.

READ & ADOPTED by the Bastrop City Council on Second Reading on this the 12th day of November 2024.

APPROVED:

Lyle Nelson, Mayor

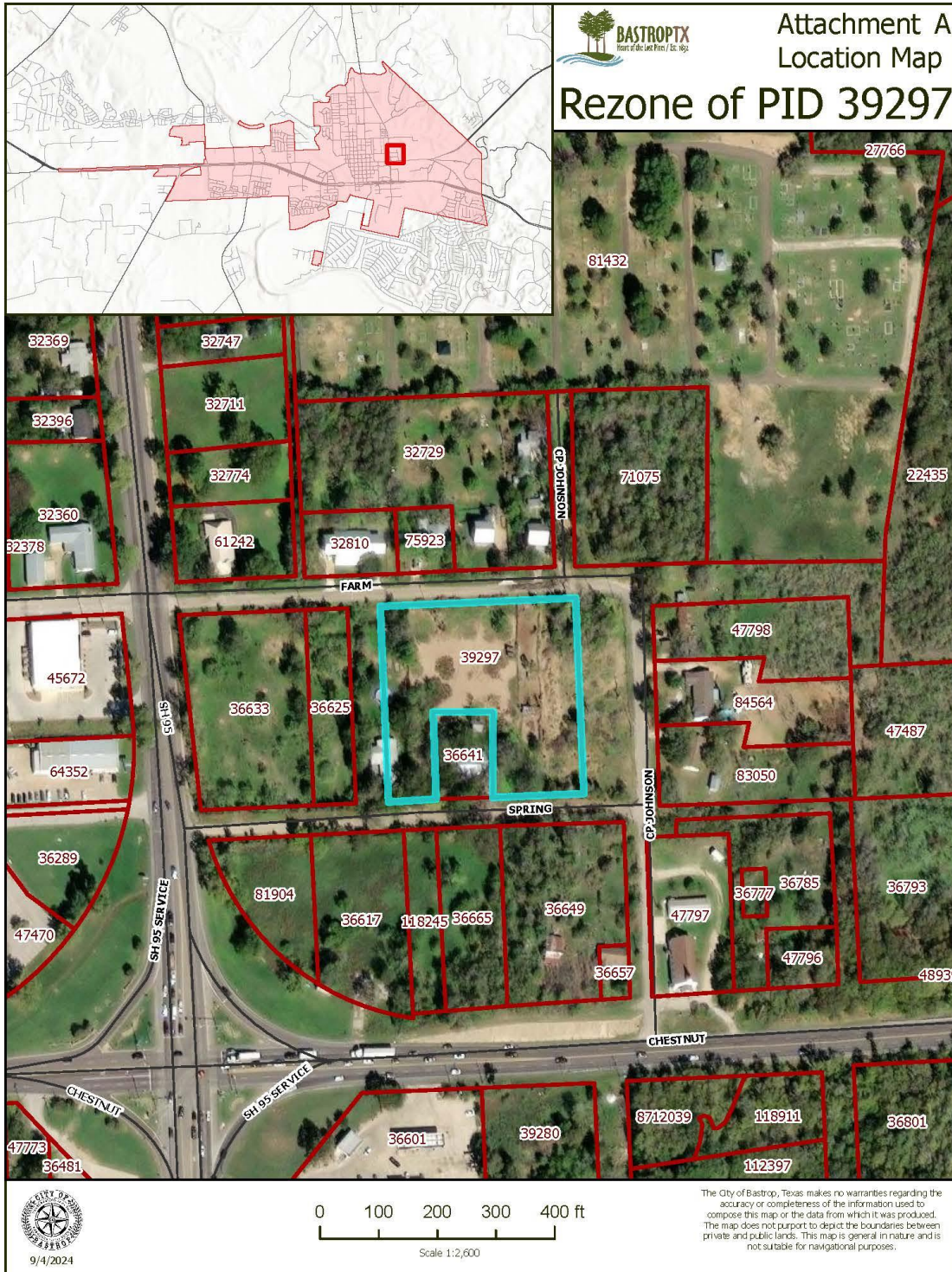
ATTEST:

APPROVED AS TO FORM:

Irma Parker, City Secretary

Alan Bojorquez, City Attorney

ATTACHMENT A Property Description





STAFF REPORT

MEETING DATE: October 22, 2024

TITLE:

Conduct a public hearing, consider and act on the first reading of Ordinance No. 2024-40 to adopt the 2025 Schedule of Uniform Submittal Dates for Plats 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 Attachment 2; 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.

STAFF REPRESENTATIVE:

Submitted by: Kennedy Higgins, Senior Planner, Development Services Department

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.

House bill 3699 of the 88th Session of the Texas Legislature removed the applicability of plans to the shot clock regulations, leaving only plats.

PLANNING & ZONING COMMISSION RECOMMENDATION:

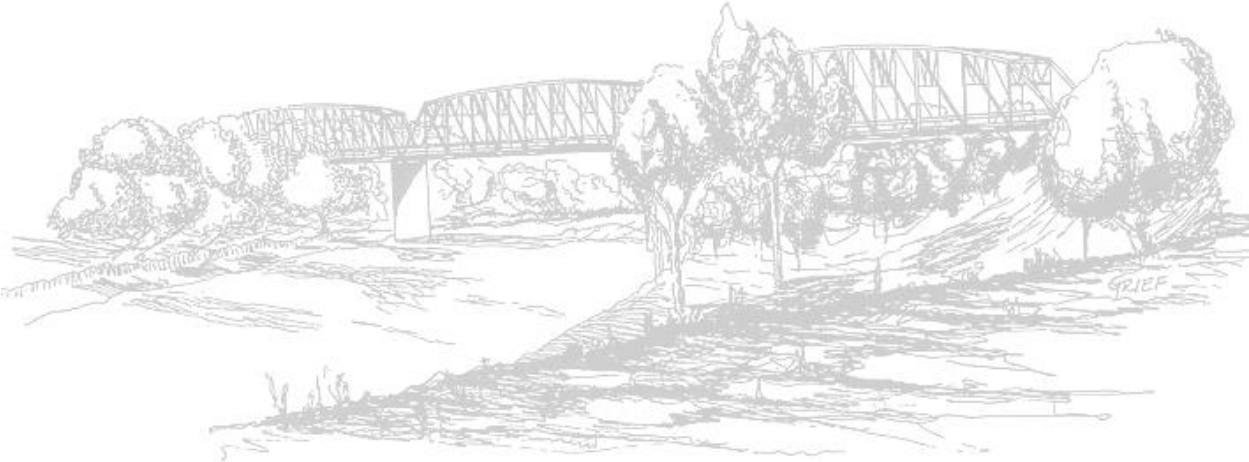
The P&Z Commission reviewed the 2025 Schedule of Uniform Submittal Dates at their September 26, 2024, regular meeting, and recommended approval of the adoption of the Uniform Submittal Dates, with a vote of 6-0.

RECOMMENDATION:

Conduct a public hearing, consider and act on the first reading of Ordinance No. 2024-40 to adopt the 2025 Schedule of Uniform Submittal Dates for Plats 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 Attachment 2; 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.

ATTACHMENTS:

- Attachment 1: Memo Staff Report for 2025 Schedule of Uniform Submittal Dates for Plats
- Attachment 2: Ordinance No. 2024-40





To: Sylvia Carrillo, City Manager

From: Kennedy Higgins, Senior Planner- Planning & Development

Date: September 26, 2024

Subject: 2025 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.

House bill 3699 of the 88th Session of the Texas Legislature removed the applicability of plans to the shot clock regulations, leaving only plats.

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 Plat 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:

Conduct a public hearing consider action to recommend approval to adopt the 2025 Schedule of Uniform Submittal Dates for Plats 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 October 22, 2024 City Council meeting.

ATTACHMENTS:

- Exhibit A – 2025 Schedule of Uniform Submittal Dates

ORDINANCE NO. 2024-40

A ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS TO ADOPT THE 2025 SCHEDULE OF UNIFORM SUBMITTAL DATES FOR PLATS 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; and

WHEREAS, House bill 3699 of the 88th Session of the Texas Legislature removed the applicability of plans to the shot clock regulations, leaving only plats.

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 Plats. 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 2025 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 by the Bastrop City Council on First Reading on the 22nd day of October 2024.

READ and ADOPTED by the Bastrop City Council on Second Reading on the 12th day of November, 2024.

APPROVED:

Lyle Nelson, Mayor

ATTEST:

APPROVED AS TO FORM:

Irma G. Parker, City Secretary

Alan Bojorquez, City Attorney



2025 Schedule of Uniform Submittal Dates

Plats Requiring Planning & Zoning Commission Approval

Preliminary, Final

Submittal Dates	Submittal Check Date	Comments Issued Date	Planning & Zoning Commission Meeting Date	Resubmittal Date	Plat Recommendation	Planning & Zoning Commission Packet Published (Friday)	Planning & Zoning Commission Meeting Date (Thursday)
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)			
1/6/2025	1/7/2025	1/16/2025	1/30/2025	2/10/2025	2/20/2025	2/21/2025	2/27/2025
2/3/2025	2/4/2025	2/13/2025	2/27/2025	3/3/2025	3/13/2025	3/21/2025	3/27/2025
3/3/2025	3/4/2025	3/13/2025	3/27/2025	4/7/2025	4/17/2025	4/18/2025	4/24/2025
4/7/2025	4/8/2025	4/17/2025	4/24/2025	5/5/2025	5/15/2025	5/23/2025	5/29/2025
5/5/2025	5/6/2025	5/15/2025	5/29/2025	6/2/2025	6/12/2025	6/20/2025	6/26/2025
6/2/2025	6/3/2025	6/12/2025	6/26/2025	7/7/2025	7/17/2025	7/25/2025	7/31/2025
7/7/2025	7/8/2025	7/17/2025	7/31/2025	8/4/2025	8/14/2025	8/22/2025	8/28/2025
8/4/2025	8/5/2025	8/14/2025	8/28/2024	9/2/2025	9/11/2025	9/19/2025	9/25/2025
9/2/2025	9/3/2025	9/12/2025	9/25/2024	10/6/2025	10/16/2025	10/24/2025	10/30/2025
10/6/2025	10/7/2025	10/16/2025	10/30/2025	11/3/2025	11/13/2025	11/14/2025	11/20/2025
11/3/2025	11/4/2025	11/13/2025	11/20/2025	12/1/2025	12/11/2025	12/12/2025	12/18/2025
12/1/2025	12/2/2025	12/11/2025	12/18/2025	1/5/2026	1/15/2026	1/23/2026	1/29/2026
1/5/2026	1/6/2026	1/15/2026	1/29/2026	2/2/2026	2/12/2026	2/20/2026	2/26/2026
2/2/2026	2/3/2026	2/12/2026	2/26/2026	3/3/2026	3/12/2026	3/20/2026	3/26/2026



2024 Schedule of Uniform Submittal Dates

Plats Administratively Approved

Amending, Minor, 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
1/6/2025	1/7/2025	1/16/2025	1/21/2025	1/30/2025
2/3/2025	2/4/2025	2/13/2025	2/17/2025	2/27/2025
3/3/2025	3/4/2025	3/13/2025	3/17/2025	3/27/2025
4/7/2025	4/8/2025	4/17/2025	4/21/2025	5/1/2025
5/5/2025	5/6/2025	5/15/2025	5/19/2025	5/29/2025
6/2/2025	6/3/2025	6/12/2025	6/16/2025	6/26/2025
7/7/2025	7/8/2025	7/17/2025	7/21/2025	7/31/2025
8/4/2025	8/5/2025	8/14/2025	8/18/2025	8/28/2025
9/2/2025	9/3/2025	9/12/2025	9/16/2025	9/25/2024
10/6/2025	10/7/2025	10/16/2025	10/20/2025	10/30/2025
11/3/2025	11/4/2025	11/13/2025	11/17/2025	11/20/2025
12/1/2025	12/2/2025	12/11/2025	12/15/2025	12/18/2025
1/5/2026	1/6/2026	1/15/2026	1/19/2026	1/29/2026
2/2/2026	2/3/2026	2/12/2026	2/16/2026	2/26/2026



STAFF REPORT

MEETING DATE: October 22, 2024

TITLE:

Consider and act on Resolution No. R-2024-153, Approving a Public Improvement Plan Agreement with Hunt Communities for The Colony MUD 1D Section 2B, as attached in Exhibit A; authorizing the City Manager to execute all necessary documents; providing for a repealing clause; and establishing an effective date.

STAFF REPRESENTATIVE:

Submitted by: Kennedy Higgins, Senior Planner, Development Services Department

BACKGROUND/HISTORY:

The Public Improvement Plan Agreement was developed as part of the City of Bastrop's Development Manual. This standardized agreement is a tool that can be used by staff. It allows a developer to establish the infrastructure costs, inspections fees and begin construction of public street and utility infrastructure. The agreement also establishes the process to record the final plat with a fiscal guaranty for the approved section of the subdivision prior to the completion of all public improvements. The cost estimates and scope of work included in the Agreement were approved with the Public Improvement Plans approved by the Project Manager.

POLICY EXPLANATION:

Texas Local Government Code 212.010 Standards for Approval of Plat requires that a new subdivision should extend roads and utilities in conformance to the city requirements and bonds be submitted in accordance with the municipal policy for the approval of subdivision plats.

Section 1.4.003 Public improvement Plan Agreement (PIPA) of the B3 Code establishes the requirements for approval of the PIPA.

FUNDING SOURCE:

N/A

RECOMMENDATION:

Consider and act on Resolution No. R-2024-153, Approving a Public Improvement Plan Agreement with Hunt Communities for The Colony MUD 1D Section 2B, as attached in Exhibit A; authorizing the City Manager to execute all necessary documents; providing for a repealing clause; and establishing an effective date.

ATTACHMENTS:

- Resolution No. R-2024-153
- Exhibit A – The Colony MUD 1D Section 2B Public Improvement Plan Agreement

RESOLUTION NO. R-2024-153

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS APPROVING A PUBLIC IMPROVEMENT PLAN AGREEMENT WITH HUNT COMMUNITIES BASTROP, LLC FOR THE COLONY MUD 1D, SECTION 2B, AS ATTACHED IN EXHIBIT A; AUTHORIZING THE CITY MANAGER TO EXECUTE ALL NECESSARY DOCUMENTS; PROVIDING FOR A REPEALING CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, The City Council has adopted the Bastrop Building Block (B³) Code and related codes that provide a process for the standards and construction of public improvements that support the development created during the subdivision process; and

WHEREAS, the Development Manual includes the requirement for a developer to provide a Public Improvement Plan Agreement to ensure the installation of the public improvements; and

WHEREAS, the “Developer” known as Hunt Communities Bastrop, LLC has an approved Preliminary Plat and Public Improvement Plan for the construction of a single-family subdivision; and

WHEREAS, The City Council also understands the importance of the required public improvements and the value they bring in regard to the public safety of neighborhoods.

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

SECTION 1: That the City Manager will execute the Public Improvement Plan Agreement attached as Exhibit A.

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.

DULY RESOLVED AND ADOPTED by the City Council of the City of Bastrop this 22th day of October, 2024.

APPROVED

Lyle Nelson, Mayor

ATTEST:

APPROVED AS TO FORM:

Irma Parker, City Secretary

Alan Bojorquez, City Attorney

CITY OF BASTROP, TEXAS
Public Improvement Plan Agreement

THE COLONY MUD 1D, SECTION 2B

The State of Texas

County of Bastrop

WHEREAS, HUNT COMMUNITIES, hereinafter referred to as "Developer", is the developer of the following described property and desires to make certain improvements to the following lots and blocks in THE COLONY MUD 1D, SECTION 2B, a development in the City of Bastrop ETJ, Texas: being 5 BLOCKS AND 268 LOTS; and

WHEREAS, the said Developer has requested the City of Bastrop, a Home Rule Municipality of Bastrop County, Texas, hereinafter referred to as, "City", to provide approvals and cooperative arrangements in connection with said improvements:

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That said Developer, acting herein by and through Joey Najera, its duly authorized officer, and the City, acting herein by and through Sylvia Carrillo, its City Manager, for and in consideration of the covenants and agreements herein performed and to be performed, do hereby covenant and agree as follows regarding assurance of construction of sanitary sewer facilities (MUD Facility – Provided to MUD), streets (Bastrop County - Included), drainage (MUD Facility – Provided to MUD), street lights (MUD Facility – Provided to MUD), street signs (Bastrop County - Included), and park/trail improvements (MUD Facility – Provided to MUD); summary of applicable infrastructure (development) amounts; assurance payments to the City; payment of inspection fees; and miscellaneous provisions relating to the acceptable completion of said construction according to the plans for THE COLONY MUD 1D, SECTION 2B approved by the City on _____.

1.00 Assurance of Infrastructure Construction

1.10 Employment of Contractors

In accordance with this agreement, the Developer agrees to employ a general contractor or contractors in accordance with the conditions set forth in Section 4.00 for work for which the Developer is providing as stated herein and indicated in the Summary of Infrastructure (Development) Assurance Amounts, Section 2.30 on page 4 of this agreement.

1.11 Public Infrastructure Construction and Acceptance Process

- a) The Developer and the City agree that a pre-construction meeting will not be held and notice to proceed issued until the payment of the Public Improvement Inspection fees are paid to the City and a copy of the approved plan set provided to the City Construction Manager. The Public Improvement Inspection fees will be two percent (2%) of the total infrastructure costs (water, wastewater, streets, sidewalks, and drainage), per the First Amendment to the Consent Agreement of the Colony Municipal Utility District No. 1 and successor districts.

- b) Upon completion of the Infrastructure, the developer must furnish the City with the following prior to acceptance and release of fiscal guarantee (if provided):
 - 1. As-Built/Record Drawings of Public Improvement Plans in pdf format and in CAD/GIS format;

 - 2. The Developer agrees to require the contractor(s) to furnish the City and County with a two (2) year maintenance bond in the name of the City and County, subject to City approval, for ten percent (10%) of the

contract price of the public streets, sidewalk, and drainage improvements. The maintenance bond(s) shall be submitted and approved prior to the final acceptance of the improvements;

3. Letter of Concurrence from the Design Engineer;
4. Close out documents required by the Engineering Department

(Attachment 2).

c) Once these items are provided, the City will provide a Letter of Acceptance from the City Engineer.

d) In order to record the Final Plat, the developer must complete one of the following:

1. Have received a Letter of Acceptance from the City Engineer and MUD Engineer; or
2. Provide fiscal guarantee for 125% of the outstanding Infrastructure (Development) Improvement Costs, with Engineer's Estimate of Probable Costs. This guarantee will not be released until acceptance of the Infrastructure by the City Engineer.

1.12 Payment of Miscellaneous Construction Costs

It is further agreed and understood that additional costs may be required of the Developer to cover such additional work, materials and/or other costs as may be made necessary by conditions encountered during construction and within the scope of this project.

1.13 Compliance with Tree Preservation Ordinance

The Developer is responsible to fully comply with the requirements of the consent agreement relating to tree preservation.

2.00 Infrastructure (Development) Improvement Costs

All infrastructure (development) improvement costs are the full responsibility of the Developer unless otherwise noted, or unless otherwise funded with a public improvement district revenue, tax increment reinvestments zone revenue, or a Chapter 380 grant, pursuant to a separate agreement. The following improvement costs have been developed using the Developer's plans and specifications and recommendations by the City in accordance with the construction guidelines set forth by the City:

2.10 Sanitary Sewer Improvements (MUD Facility - Provided to MUD)

The distribution of costs between the City and MUD for all sanitary sewer are as follows:

	Full Project Cost	Assurance Amount	City Participation
Water Facilities	\$2,352,062.45	\$2,940,078.06	\$0.00
Sanitary Sewer Facilities	\$1,318,454.34	\$1,648,067.93	\$0.00
Total Construction Cost	\$3,670,516.79	\$4,588,145.99	\$0.00

2.20 Drainage Improvements (MUD Facility - Provided to MUD)

The distribution of costs between the City and MUD for drainage improvements are as follows:

	Full Project Cost	Assurance Amount	City Participation
Storm Drainage Facilities	\$1,395,027.62	\$1,743,784.53	\$0.00

2.30 Street Improvements (Bastrop County - Included)

The distribution of costs between the City and the Developer for all street improvements are as follows:

	Full Project Cost	Assurance Amount	City Participation
Streets & Sidewalks	\$4,562,447.03	\$5,703,058.79	\$0.00
Erosion Control Items	\$204,953.50	\$256,191.88	\$0.00
Total Construction Cost	\$4,767,400.53	\$5,959,250.66	\$0.00

2.40 Summary of Infrastructure (Development) Assurance Amounts

	Final Assurance Amount
Utility Facilities	\$4,588,145.99
Storm Drainage Facilities	\$1,743,784.53
Streets, Sidewalks & Erosion Control Improvements	\$5,959,250.66
Total Development Assurance Amounts	\$12,291,181.18

INSPECTION FEES TO HOLD IN ESCROW TO BE PAID PRIOR TO PRE-CONSTRUCTION MEETING:

Percentage Final of Construction Improvement

		Construction Cost Amount	Inspection Fee
Streets, Sidewalks & Erosion Control Improvements	2.0%	\$4,767,400.53	\$95,348.01
Water	2.0%	\$2,352,062.45	\$47,041.25
Wastewater	2.0%	\$1,318,454.34	\$26,369.09
Drainage	2.0%	\$1,395,027.62	\$27,900.55
Payment to the City			\$196,658.90

Public Improvement Plan Agreement – Colony MUD 1D Section 2B

Item 8U.

The final construction amount is **\$9,832,944.94**, and the Public Improvement Inspection fee amount is **\$196,658.90** (the “Final Fiscal Guaranty Amount”).

RECOMMENDED:

City Engineer Date

3.00 Miscellaneous Improvements

3.10 Drainage Operation and Maintenance Plan (MUD Facility)

N/A

3.20 Sidewalks (Bastrop County - Included)

The Developer shall be responsible for installing sidewalks along rights-of-way on open space lots and other lots that will not contain single family residential units within THE COLONY MUD 1D, SECTION 2B as shown on the approved Public Improvement Plans. All sidewalks shall be in compliance with the County’s Master Transportation Plan, and conform to the City of Bastrop Standard Construction Details.

3.30 Screening Wall, Landscaping, and Irrigation (MUD Facility)

N/A

3.40 Street Lights (MUD/HOA Facility)

The Developer is responsible for the initial installation and maintenance of all street lights. The MUD or HOA will be responsible or obligated to maintain and/or replace any standard or non-standard street light poles.

3.50 Street Name and Regulatory Signs (Bastrop County)

Street name and regulatory signs shall be installed by the Developer at the Developer's expense at locations specified by the City's Director of Public Works per the signage regulations ***in compliance with the Consent Agreement*** and the Bastrop County Sign Standards and Details. The signs shall conform to The State of Texas Manual on Uniform Traffic Control Devices and County requirements, including but not limited to, exact placement, sign height and block numbers. The City and

County shall not be responsible or obligated to maintain and/or replace any non-standard sign poles, street name signs, or regulatory signs. Installation shall be completed prior to the acceptance of the subdivision.

RECOMMENDED:

John Eddleton Date
Director of Streets & Drainage

3.60 Land Dedication

N/A

3.70 Impact Fees (MUD Facility)

N/A

4.00 Miscellaneous Provisions

4.10 Bonds

The developer will provide the City with proof of payment to the surety and that all other obligations of the developer or contractor have been met in order for the bonds to be binding upon the surety.

4.20 Public Liability

The Developer shall further require the contractor(s) to secure Public Liability Insurance. The amount of Insurance required shall include Public Liability, Bodily Injury and Property Damage of not less than \$100,000 one person, \$300,000 one accident and \$100,000 property damage. The minimum requirements for automobile and truck public liability, bodily injury and property damage shall also include not less

than \$100,000 one person, \$300,000 one accident, and \$100,000 property damage. The Contractor shall provide Worker's Compensation Insurance in accordance with the most recent Texas Workers' Compensation Commission's rules.

4.30 General Indemnity Provisions

The Developer shall waive all claims, fully release, indemnify, defend and hold harmless the City and all of its officials, officers, agents, consultants, employees and invitees in both their public and private capacities, from any and all liability, claims, suits, demands or causes of action, including all expenses of litigation and/or settlement which may arise by injury to property or person occasioned by error, omission, intentional or negligent act of Developer, its officers, agents, consultants, employees, invitees, or other person, arising out of or in connection with the Agreement, or on or about the property, and Developer will, at its own cost and expense, defend and protect the City and all of its officials, officers, agents, consultants, employees and invitees in both their public and private capacities, from any and all such claims and demands. Also, Developer agrees to and shall indemnify, defend and hold harmless the City and all of its officials, officers, agents, consultants, employees and invitees in both their public and private capacities, from and against any and all claims, losses, damages, causes of action, suit and liability of every kind, including all expenses of litigation, court costs and attorney fees for injury to or death of any person or for any damage to any property arising out of or in connection with this Agreement or any and all activity or use pursuant to the Agreement, or on or about the property. This indemnity shall apply whether the claims, suits, losses, damages, causes of action or liability arise in whole or in part from the intentional acts

or negligence of developer or any of its officers, officials, agents, consultants, employees or invitees, whether said negligence is contractual, comparative negligence, concurrent negligence, gross negligence or any other form of negligence. The City shall be responsible only for the City's sole negligence. Provided, however, that nothing contained in this Agreement shall waive the City's defenses or immunities under Section 101.001 et seq. of the Texas Civil Practice and Remedies Code or other applicable statutory or common law. Notwithstanding anything to the contrary in this section, the Developer shall not be required to indemnify the City in the event the claims, suits, losses, damages, causes of action or liability arise in whole or in part as a result of the City's breach of this agreement or a separate agreement pertaining to the property governed by this agreement.

4.31 Indemnity Against Design Defects

Approval of the City Engineer or other City employee, official, consultant, employee, or officer of any plans, designs or specifications submitted by the Developer under this Agreement shall not constitute or be deemed to be a release of the responsibility and liability of the Developer, its engineer, contractors, employees, officers, or agents for the accuracy and competency of their design and specifications. Such approval shall not be deemed to be an assumption of such responsibility or liability by the City for any defect in the design and specifications prepared by the consulting engineer, his officers, agents, servants, or employees, it being the intent of the parties that approval by the City Engineer or other City employee, official, consultant, or officer signifies the City's approval of only the general design concept of the improvements to be constructed. In this connection, the Developer shall indemnify and hold

harmless the City, its officials, officers, agents, servants and employees, from any loss, damage, liability or expense on account of damage to property and injuries, including death, to any and all persons which may arise out of any defect, deficiency or negligence of the engineer's designs and specifications incorporated into any improvements constructed in accordance therewith, and the Developer shall defend at his own expense any suits or other proceedings brought against the City, its officials, officers, agents, servants or employees, or any of them, on account thereof, to pay all expenses and satisfy all judgments which may be incurred by or rendered against them, collectively or individually, personally or in their official capacity, in connection herewith. Notwithstanding anything to the contrary in this section, the Developer shall not be required to indemnify the City in the event the claims, suits, losses, damages, causes of action or liability arise in whole or in part as a result of the City's breach of this agreement or a separate agreement pertaining to the property governed by this agreement.

4.32 Approval of Plans

The Developer and City agree that the approval of plans and specifications by the City shall not be construed as representing or implying that improvements built in accordance therewith shall be free of defects. Any such approvals shall in no event be construed as representing or guaranteeing that any improvement built in accordance therewith will be designed or built in a good and workmanlike manner.

Neither the City or County, nor its elected officials, officers, employees, contractors and/or agents shall be responsible or liable in damages or otherwise to anyone submitting plans and specifications for approval by the City for any defects in any

plans or specifications submitted, revised, or approved, in the loss or damages to any person arising out of approval or disapproval or failure to approve or disapprove any plans or specifications, for any loss or damage arising from the non-compliance of such plans or specifications with any governmental ordinance or regulation, nor any defects in construction undertaken pursuant to such plans and specifications.

4.33 Venue

Venue of any action brought hereunder shall be in the City of Bastrop, Bastrop County, Texas.

4.40 Dedication of Infrastructure Improvements

Upon final acceptance of **THE COLONY MUD 1D, SECTION 2B**, the public streets shall become the property of the County.

4.60 Assignment

This agreement, any part hereof, or any interest herein shall not be assigned by the Developer without written consent of the City Manager, said consent shall not be unreasonably withheld, and it is further agreed that such written consent will not be granted for the assignment, transfer, pledge and/or conveyance of any refunds due or to become due to the Developer except that such assignment, transfer, pledge and/or conveyance shall be for the full amount of the total of all such refunds due or to become due hereunder nor shall assignment release assignor or assignee from any and all Development assurances and responsibilities set forth herein.

4.70 Conflicts

In the event of a conflict between this agreement and that certain Consent/Development Agreement between the **City of Bastrop** and **Hunt**



STAFF REPORT

MEETING DATE: October 22, 2024

TITLE:

Consider and act on Resolution No. R-2024-XX of the City Council of the City of Bastrop, Texas approving a Public Improvement Plan Agreement with Hunt Communities for The Colony MUD 1D Section 2A, as attached in Exhibit A; authorizing the City Manager to execute all necessary documents; providing for a repealing clause; and establishing an effective date.

STAFF REPRESENTATIVE:

Submitted by: Kennedy Higgins, Senior Planner, Development Services Department

BACKGROUND/HISTORY:

The Public Improvement Plan Agreement was developed as part of the City of Bastrop's Development Manual. This standardized agreement is a tool that can be used by staff. It allows a developer to establish the infrastructure costs, inspections fees and begin construction of public street and utility infrastructure. The agreement also establishes the process to record the final plat with a fiscal guaranty for the approved section of the subdivision prior to the completion of all public improvements. The cost estimates and scope of work included in the Agreement were approved with the Public Improvement Plans approved by the Project Manager.

POLICY EXPLANATION:

Texas Local Government Code 212.010 Standards for Approval of Plat requires that a new subdivision should extend roads and utilities in conformance to the city requirements and bonds be submitted in accordance with the municipal policy for the approval of subdivision plats.

Section 1.4.003 Public improvement Plan Agreement (PIPA) of the B3 Code establishes the requirements for approval of the PIPA.

FUNDING SOURCE:

N/A

RECOMMENDATION:

Consider and act on Resolution No. R-2024-XX of the City Council of the City of Bastrop, Texas approving a Public Improvement Plan Agreement with Hunt Communities for The Colony MUD 1D Section 2A, as attached in Exhibit A; authorizing the City Manager to execute all necessary documents; providing for a repealing clause; and establishing an effective date.

ATTACHMENTS:

- Resolution No. R-2024-XX
- Exhibit A – The Colony MUD 1D Section 2A Public Improvement Plan Agreement

RESOLUTION NO. R-2024-154

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS APPROVING A PUBLIC IMPROVEMENT PLAN AGREEMENT WITH HUNT COMMUNITIES BASTROP, LLC FOR THE COLONY MUD 1D, SECTION 2A, AS ATTACHED IN EXHIBIT A; AUTHORIZING THE CITY MANAGER TO EXECUTE ALL NECESSARY DOCUMENTS; PROVIDING FOR A REPEALING CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, The City Council has adopted the Bastrop Building Block (B³) Code and related codes that provide a process for the standards and construction of public improvements that support the development created during the subdivision process; and

WHEREAS, the Development Manual includes the requirement for a developer to provide a Public Improvement Plan Agreement to ensure the installation of the public improvements; and

WHEREAS, the “Developer” known as Hunt Communities Bastrop, LLC has an approved Preliminary Plat and Public Improvement Plan for the construction of a single-family subdivision; and

WHEREAS, The City Council also understands the importance of the required public improvements and the value they bring in regard to the public safety of neighborhoods.

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

SECTION 1: That the City Manager will execute the Public Improvement Plan Agreement attached as Exhibit A.

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.

DULY RESOLVED AND ADOPTED by the City Council of the City of Bastrop this the 22th day of October, 2024.

CITY OF BASTROP, TEXAS

Lyle Nelson, Mayor

ATTEST:

APPROVED AS TO FORM:

Irma Parker, City Secretary

Alan Borjorquez, City Attorney

CITY OF BASTROP, TEXAS
Public Improvement Plan Agreement
THE COLONY MUD 1D, SECTION 2A

The State of Texas
County of Bastrop

WHEREAS, HUNT COMMUNITIES, hereinafter referred to as "Developer", is the developer of the following described property and desires to make certain improvements to the following lots and blocks in THE COLONY MUD 1D, SECTION 2A, a development in the City of Bastrop ETJ, Texas: being 2 BLOCKS AND 24 LOTS; and

WHEREAS, the said Developer has requested the City of Bastrop, a Home Rule Municipality of Bastrop County, Texas, hereinafter referred to as, "City", to provide approvals and cooperative arrangements in connection with said improvements:

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That said Developer, acting herein by and through Joey Najera, its duly authorized officer, and the City, acting herein by and through Sylvia Carrillo, its City Manager, for and in consideration of the covenants and agreements herein performed and to be performed, do hereby covenant and agree as follows regarding assurance of construction of sanitary sewer facilities (MUD Facility – Provided to MUD), streets (Bastrop County - Included), drainage (MUD Facility – Provided to MUD), street lights (MUD Facility – Provided to MUD), street signs (Bastrop County - Included), and park/trail improvements (MUD Facility – Provided to MUD); summary of applicable infrastructure (development) amounts; assurance payments to the City; payment of inspection fees; and miscellaneous provisions relating to the acceptable completion of said construction according to the plans for THE COLONY MUD 1D, SECTION 2A approved by the City on _____.

1.00 Assurance of Infrastructure Construction

1.10 Employment of Contractors

In accordance with this agreement, the Developer agrees to employ a general contractor or contractors in accordance with the conditions set forth in Section 4.00 for work for which the Developer is providing as stated herein and indicated in the Summary of Infrastructure (Development) Assurance Amounts, Section 2.30 on page 4 of this agreement.

1.11 Public Infrastructure Construction and Acceptance Process

- a) The Developer and the City agree that a pre-construction meeting will not be held and notice to proceed issued until the payment of the Public Improvement Inspection fees are paid to the City and a copy of the approved plan set provided to the City Construction Manager. The Public Improvement Inspection fees will be two percent (2%) of the total infrastructure costs (water, wastewater, streets, sidewalks, and drainage), per the First Amendment to the Consent Agreement of the Colony Municipal Utility District No. 1 and successor districts.

- b) Upon completion of the Infrastructure, the developer must furnish the City with the following prior to acceptance and release of fiscal guarantee (if provided):
 - 1. As-Built/Record Drawings of Public Improvement Plans in pdf format and in CAD/GIS format;

 - 2. The Developer agrees to require the contractor(s) to furnish the City and County with a two (2) year maintenance bond in the name of the City and County, subject to City approval, for ten percent (10%) of the

contract price of the public streets, sidewalk, and drainage improvements. The maintenance bond(s) shall be submitted and approved prior to the final acceptance of the improvements;

3. Letter of Concurrence from the Design Engineer;
4. Close out documents required by the Engineering Department

(Attachment 2).

c) Once these items are provided, the City will provide a Letter of Acceptance from the City Engineer.

d) In order to record the Final Plat, the developer must complete one of the following:

1. Have received a Letter of Acceptance from the City Engineer and MUD Engineer; or
2. Provide fiscal guarantee for 125% of the outstanding Infrastructure (Development) Improvement Costs, with Engineer's Estimate of Probable Costs. This guarantee will not be released until acceptance of the Infrastructure by the City Engineer.

1.12 Payment of Miscellaneous Construction Costs

It is further agreed and understood that additional costs may be required of the Developer to cover such additional work, materials and/or other costs as may be made necessary by conditions encountered during construction and within the scope of this project.

1.13 Compliance with Tree Preservation Ordinance

The Developer is responsible to fully comply with the requirements of the consent agreement relating to tree preservation.

2.00 Infrastructure (Development) Improvement Costs

All infrastructure (development) improvement costs are the full responsibility of the Developer unless otherwise noted, or unless otherwise funded with a public improvement district revenue, tax increment reinvestments zone revenue, or a Chapter 380 grant, pursuant to a separate agreement. The following improvement costs have been developed using the Developer's plans and specifications and recommendations by the City in accordance with the construction guidelines set forth by the City:

2.10 Sanitary Sewer Improvements (MUD Facility - Provided to MUD)

The distribution of costs between the City and MUD for all sanitary sewer are as follows:

	Full Project Cost	Assurance Amount	City Participation
Water Facilities	\$99,614.00	\$124,517.50	\$0.00
Sanitary Sewer Facilities	\$64,525.76	\$80,657.20	\$0.00
Total Construction Cost	\$164,139.76	\$205,174.70	\$0.00

2.20 Drainage Improvements (MUD Facility - Provided to MUD)

The distribution of costs between the City and MUD for drainage improvements are as follows:

	Full Project Cost	Assurance Amount	City Participation
Storm Drainage Facilities	\$110,117.90	\$137,647.38	\$0.00

2.30 Street Improvements (Bastrop County - Included)

The distribution of costs between the City and the Developer for all street improvements are as follows:

	Full Project Cost	Assurance Amount	City Participation
Streets & Sidewalks	\$527,414.50	\$659,268.13	\$0.00
Erosion Control Items	\$18,862.00	\$23,577.50	\$0.00
Total Construction Cost	\$546,276.50	\$682,845.63	\$0.00

2.40 Summary of Infrastructure (Development) Assurance Amounts

	Final Assurance Amount
Utility Facilities	\$205,174.70
Storm Drainage Facilities	\$137,647.38
Streets, Sidewalks & Erosion Control Improvements	\$682,845.63
Total Development Assurance Amounts	\$1,025,667.70

INSPECTION FEES TO HOLD IN ESCROW TO BE PAID PRIOR TO PRE-CONSTRUCTION MEETING:

Percentage Final of Construction Improvement

		Construction Cost Amount	Inspection Fee
Streets, Sidewalks & Erosion Control Improvements	2.0%	\$546,276.50	\$10,925.53
Water	2.0%	\$99,614.00	\$1,992.28
Wastewater	2.0%	\$64,525.76	\$1,290.52
Drainage	2.0%	\$110,117.90	\$2,202.36
Payment to the City			\$16,410.68

Public Improvement Plan Agreement – Colony MUD 1D Section 2A

Item 8V.

The final construction amount is **\$820,534.16**, and the Public Improvement Inspection fee amount is **\$16,410.68** (the “Final Fiscal Guaranty Amount”).

RECOMMENDED:

City Engineer Date

3.00 Miscellaneous Improvements

3.10 Drainage Operation and Maintenance Plan (MUD Facility)

N/A

3.20 Sidewalks (Bastrop County - Included)

The Developer shall be responsible for installing sidewalks along rights-of-way on open space lots and other lots that will not contain single family residential units within THE COLONY MUD 1D, SECTION 2A as shown on the approved Public Improvement Plans. All sidewalks shall be in compliance with the County’s Master Transportation Plan, and conform to the City of Bastrop Standard Construction Details.

3.30 Screening Wall, Landscaping, and Irrigation (MUD Facility)

N/A

3.40 Street Lights (MUD/HOA Facility)

The Developer is responsible for the initial installation and maintenance of all street lights. The MUD or HOA will be responsible or obligated to maintain and/or replace any standard or non-standard street light poles.

3.50 Street Name and Regulatory Signs (Bastrop County)

Street name and regulatory signs shall be installed by the Developer at the Developer's expense at locations specified by the City's Director of Public Works per the signage regulations ***in compliance with the Consent Agreement*** and the Bastrop County Sign Standards and Details. The signs shall conform to The State of Texas Manual on Uniform Traffic Control Devices and County requirements, including but not limited to, exact placement, sign height and block numbers. The City and

County shall not be responsible or obligated to maintain and/or replace any non-standard sign poles, street name signs, or regulatory signs. Installation shall be completed prior to the acceptance of the subdivision.

RECOMMENDED:

John Eddleton Date
Director of Streets & Drainage

3.60 Land Dedication

N/A

3.70 Impact Fees (MUD Facility)

N/A

4.00 Miscellaneous Provisions

4.10 Bonds

The developer will provide the City with proof of payment to the surety and that all other obligations of the developer or contractor have been met in order for the bonds to be binding upon the surety.

4.20 Public Liability

The Developer shall further require the contractor(s) to secure Public Liability Insurance. The amount of Insurance required shall include Public Liability, Bodily Injury and Property Damage of not less than \$100,000 one person, \$300,000 one accident and \$100,000 property damage. The minimum requirements for automobile and truck public liability, bodily injury and property damage shall also include not less

than \$100,000 one person, \$300,000 one accident, and \$100,000 property damage. The Contractor shall provide Worker's Compensation Insurance in accordance with the most recent Texas Workers' Compensation Commission's rules.

4.30 General Indemnity Provisions

The Developer shall waive all claims, fully release, indemnify, defend and hold harmless the City and all of its officials, officers, agents, consultants, employees and invitees in both their public and private capacities, from any and all liability, claims, suits, demands or causes of action, including all expenses of litigation and/or settlement which may arise by injury to property or person occasioned by error, omission, intentional or negligent act of Developer, its officers, agents, consultants, employees, invitees, or other person, arising out of or in connection with the Agreement, or on or about the property, and Developer will, at its own cost and expense, defend and protect the City and all of its officials, officers, agents, consultants, employees and invitees in both their public and private capacities, from any and all such claims and demands. Also, Developer agrees to and shall indemnify, defend and hold harmless the City and all of its officials, officers, agents, consultants, employees and invitees in both their public and private capacities, from and against any and all claims, losses, damages, causes of action, suit and liability of every kind, including all expenses of litigation, court costs and attorney fees for injury to or death of any person or for any damage to any property arising out of or in connection with this Agreement or any and all activity or use pursuant to the Agreement, or on or about the property. This indemnity shall apply whether the claims, suits, losses, damages, causes of action or liability arise in whole or in part from the intentional acts

or negligence of developer or any of its officers, officials, agents, consultants, employees or invitees, whether said negligence is contractual, comparative negligence, concurrent negligence, gross negligence or any other form of negligence. The City shall be responsible only for the City's sole negligence. Provided, however, that nothing contained in this Agreement shall waive the City's defenses or immunities under Section 101.001 et seq. of the Texas Civil Practice and Remedies Code or other applicable statutory or common law. Notwithstanding anything to the contrary in this section, the Developer shall not be required to indemnify the City in the event the claims, suits, losses, damages, causes of action or liability arise in whole or in part as a result of the City's breach of this agreement or a separate agreement pertaining to the property governed by this agreement.

4.31 Indemnity Against Design Defects

Approval of the City Engineer or other City employee, official, consultant, employee, or officer of any plans, designs or specifications submitted by the Developer under this Agreement shall not constitute or be deemed to be a release of the responsibility and liability of the Developer, its engineer, contractors, employees, officers, or agents for the accuracy and competency of their design and specifications. Such approval shall not be deemed to be an assumption of such responsibility or liability by the City for any defect in the design and specifications prepared by the consulting engineer, his officers, agents, servants, or employees, it being the intent of the parties that approval by the City Engineer or other City employee, official, consultant, or officer signifies the City's approval of only the general design concept of the improvements to be constructed. In this connection, the Developer shall indemnify and hold

harmless the City, its officials, officers, agents, servants and employees, from any loss, damage, liability or expense on account of damage to property and injuries, including death, to any and all persons which may arise out of any defect, deficiency or negligence of the engineer's designs and specifications incorporated into any improvements constructed in accordance therewith, and the Developer shall defend at his own expense any suits or other proceedings brought against the City, its officials, officers, agents, servants or employees, or any of them, on account thereof, to pay all expenses and satisfy all judgments which may be incurred by or rendered against them, collectively or individually, personally or in their official capacity, in connection herewith. Notwithstanding anything to the contrary in this section, the Developer shall not be required to indemnify the City in the event the claims, suits, losses, damages, causes of action or liability arise in whole or in part as a result of the City's breach of this agreement or a separate agreement pertaining to the property governed by this agreement.

4.32 Approval of Plans

The Developer and City agree that the approval of plans and specifications by the City shall not be construed as representing or implying that improvements built in accordance therewith shall be free of defects. Any such approvals shall in no event be construed as representing or guaranteeing that any improvement built in accordance therewith will be designed or built in a good and workmanlike manner.

Neither the City or County, nor its elected officials, officers, employees, contractors and/or agents shall be responsible or liable in damages or otherwise to anyone submitting plans and specifications for approval by the City for any defects in any

plans or specifications submitted, revised, or approved, in the loss or damages to any person arising out of approval or disapproval or failure to approve or disapprove any plans or specifications, for any loss or damage arising from the non-compliance of such plans or specifications with any governmental ordinance or regulation, nor any defects in construction undertaken pursuant to such plans and specifications.

4.33 Venue

Venue of any action brought hereunder shall be in the City of Bastrop, Bastrop County, Texas.

4.40 Dedication of Infrastructure Improvements

Upon final acceptance of **THE COLONY MUD 1D, SECTION 2A**, the public streets shall become the property of the County.

4.60 Assignment

This agreement, any part hereof, or any interest herein shall not be assigned by the Developer without written consent of the City Manager, said consent shall not be unreasonably withheld, and it is further agreed that such written consent will not be granted for the assignment, transfer, pledge and/or conveyance of any refunds due or to become due to the Developer except that such assignment, transfer, pledge and/or conveyance shall be for the full amount of the total of all such refunds due or to become due hereunder nor shall assignment release assignor or assignee from any and all Development assurances and responsibilities set forth herein.

4.70 Conflicts

In the event of a conflict between this agreement and that certain Consent/Development Agreement between the **City of Bastrop** and **Hunt Communities Bastrop, LLC**, effective **March 4th, 2020** (the "Consent/Development

Public Improvement Plan Agreement – Colony MUD 1D Section 2A

Item 8V.

Agreement"), the Consent/Development Agreement shall control. Nothing in this agreement shall be construed as amending the Consent/Development Agreement.

IN TESTIMONY WHEREOF, the City of Bastrop has caused this instrument to be executed in duplicate in its name and on its behalf by its City Manager, attested by its City Secretary, with the corporate seal of the City affixed, and said Developer has executed this instrument in duplicate, at the City of Bastrop, Texas this the ___ day of _____, 2024.

THE COLONY MUD 1D, SECTION 2A

City of Bastrop, Texas

Joey Najera
Hunt Communities Bastrop, LLC.

Sylvia Carrillo, ICMA-CM, CPM
City Manager

ATTEST:

Irma Parker
City Secretary

Date

APPROVED AS TO FORM:

Alan Bojorquez
City Attorney

Date

Distribution of Originals:

Developer
City Secretary
Planning and Development Department



STAFF REPORT

MEETING DATE: October 22, 2024

TITLE:

City Manager's Report

AGENDA ITEM SUBMITTED BY:

Sylvia Carrillo-Trevino, ICMA-CM, CPM, 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: October 22, 2024

TITLE:

Receive information on Bastrop Public Library's digitization award.

AGENDA ITEM SUBMITTED BY:

Bonnie Pierson, Library Director

BACKGROUND/HISTORY:

The Bastrop Public Library has been selected for the 2024 Rescuing Texas History program through the University of North Texas (UNT). The library was awarded in kind services valued at \$682.10 to digitize and preserve of the "Bastrop County Cemetery Records" prepared by Audrey Morgan Rother, the Bastrop County Historical Commission (1983-1993; 6 volumes), "Bastrop Historical Buildings" prepared by the Bastrop County Historical Commission (1976; 1 volume), and "A survey of Texas Historical markers in Bastrop County" prepared by the Bastrop County Historical Commission (1975; 1 volume).

These documents will be digitally preserved, run through optical character recognition to enable full-text search where applicable, and made available for public viewing on the Portal to Texas History. The selected documents are all original works created by researchers in the Bastrop community. This award ensures these historic documents are freely available for current and future researchers.

Documents were delivered to UNT on October 11th and digitization will follow.



STAFF REPORT

MEETING DATE: October 22, 2024

TITLE:

Receive presentation on the unaudited Monthly Financial Report for the period ending August 30, 2024.

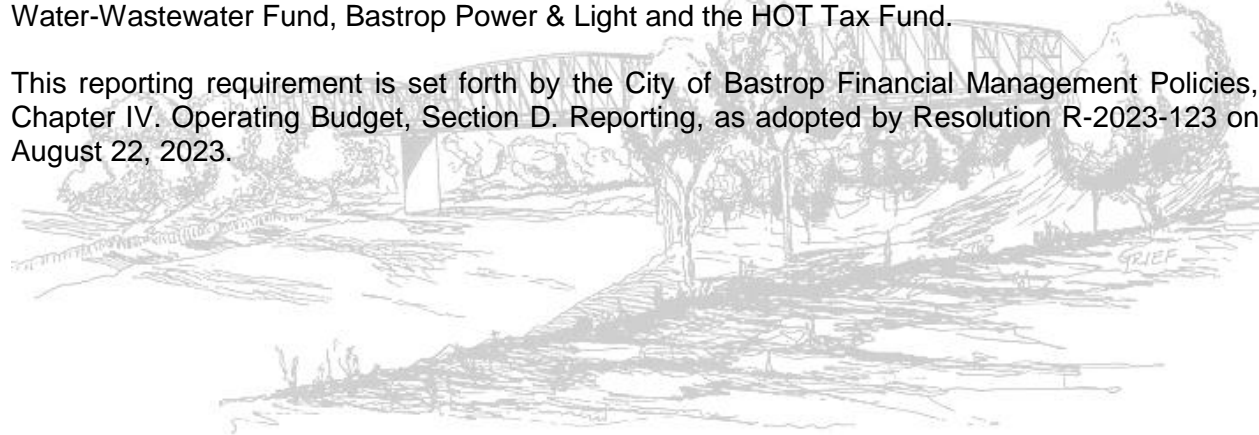
AGENDA ITEM SUBMITTED BY:

Edi McIlwain, Chief Financial Officer

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.

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

August 2024



Performance at a Glance as of August 31, 2024



	YEAR TO DATE	REFERENCE
ALL FUNDS SUMMARY	POSITIVE	Page 3-4
SALES TAXES	WARNING	Page 5
PROPERTY TAXES	POSITIVE	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 REVENUE	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	

COMPREHENSIVE MONTHLY FINANCIAL REPORT – August 2024

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	\$ 16,987,033	\$ 15,932,179	\$ 16,653,523	4.5%
Designated	110,110	103,018	140,453	36.3%
General Fund One-time	88,500	88,500	92,507	4.5%
Development Services	2,476,000	2,243,333	2,340,578	4.3%
Street Maintenance	2,203,153	2,019,556	2,029,331	0.5%
Debt Service	4,333,468	3,972,345	4,014,298	1.1%
General Gov's Projects	4,792,000	1,929,583	639,321	-66.9%
Land Acquisition	-	-	71,188	0.0%
Water/Wastewater	8,922,540	7,977,301	7,933,623	-0.5%
Water/Wastewater Debt	5,826,460	4,356,147	4,982,285	14.4%
Water/Wastewater Capital Proj	742,000	680,167	711,335	4.6%
Impact Fees	4,848,640	4,444,587	1,532,800	-65.5%
Vehicle & Equipment Replacement	1,811,584	1,723,421	1,864,685	8.2%
Electric	8,872,870	8,178,300	8,277,893	1.2%
HOT Tax Fund	3,666,540	3,360,995	3,536,593	5.2%
Library Board	21,000	19,250	22,036	14.5%
Cemetery	198,400	181,867	260,362	43.2%
Capital Bond Projects	220,500	202,125	2,336,812	1056.1%
Grant Fund	3,865,330	755,975	232,968	0.0%
Park/Trail Land Dedicaiton	1,865	1,709	1,845	8.0%
Hunter's Crossing PID	581,279	581,279	593,455	2.1%
Bastrop EDC	3,352,987	2,946,527	3,333,531	13.1%
TOTAL REVENUES	\$ 73,922,259	\$ 61,698,164	\$ 61,601,422	-0.2%

POSITIVE
WARNING
NEGATIVE

= Positive variance or negative variance < 1% compared to forecast
 = Negative variance of 1-5% compared to forecast
 = Negative variance of >5% compared to forecast

COMPREHENSIVE MONTHLY FINANCIAL REPORT – August 2024

	<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>Expense:</u>				
General	\$ 18,065,363	\$ 16,177,737	\$ 15,668,542	-3.1%
Designated	430,200	203,388	83,037	-59.2%
General Fund One-time	300,500	266,090	92,507	-65.2%
Development Services	1,965,436	1,576,030	1,426,973	-9.5%
Street Maintenance	921,483	900,000	388,932	-56.8%
Debt Service	4,746,311	3,932,265	3,853,382	-2.0%
General Gov't Projects	5,265,240	828,500	639,321	-22.8%
Land Acquisition	-	-	158,260	0.0%
Water/Wastewater	9,573,234	8,778,554	8,572,052	-2.4%
Water/Wastewater Debt	7,070,185	6,481,002	4,982,284	-23.1%
Water/Wastewater Capital Proj.	877,000	680,166	436,296	-35.9%
Revenue Bond, Series 2020	156,919	156,919	679,120	332.8%
CO, Series 2021	385,567	385,567	2,047,375	431.0%
CO, Series 2023	18,300,000	18,300,000	26,556,946	45.1%
Impact Fees	6,125,501	5,615,042	2,705,348	-51.8%
Vehicle & Equipment Replacement	1,924,068	1,763,729	1,630,540	-7.6%
Electric	8,945,474	8,200,017	6,873,056	-16.2%
HOT Tax Fund	4,226,286	3,874,095	3,279,568	-15.3%
Library Board	24,100	24,100	14,591	-39.5%
Cemetery	249,243	227,556	250,652	10.1%
Hunter's Crossing PID	559,019	532,321	467,964	-12.1%
CO, Series 2018	470,801	431,567	55,148	-87.2%
Limited Tax Note, Series 2020	50,314	46,121	24,827	-46.2%
America Rescue Plan	2,388,071	35,000	18,119	-48.2%
CO, Series 2022	2,079,371	1,906,090	3,050	-99.8%
CO, Series 2023	13,125,000	10,937,500	1,399,755	-87.2%
Grant Fund	3,865,330	3,221,108	139,183	-95.7%
Bastrop EDC	5,371,685	4,924,044	2,798,210	-43.2%
TOTAL EXPENSES	\$ 117,461,701	\$ 100,404,508	\$ 85,245,039	-15.1%

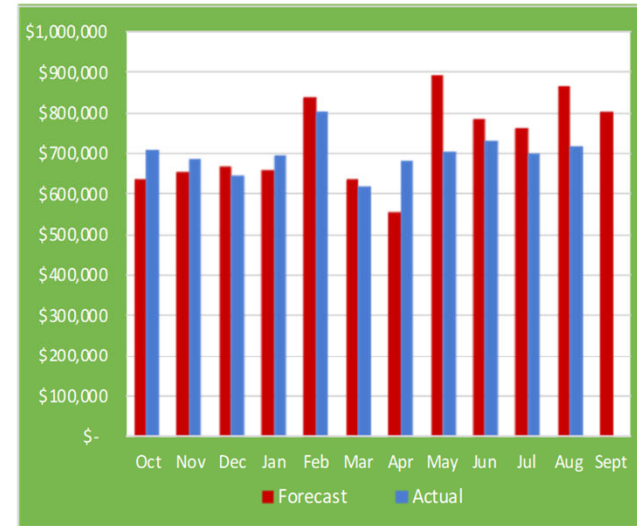
POSITIVE = Positive variance or negative variance < 1% compared to forecast
WARNING = Negative variance of 1-5% compared to forecast
NEGATIVE = Negative variance of >5% compared to forecast

COMPREHENSIVE MONTHLY FINANCIAL REPORT – August 2024

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	642,539	\$ (22,556)
Jan	656,648	693,059	\$ 36,411
Feb	837,006	803,359	\$ (33,647)
Mar	637,297	617,179	\$ (20,118)
Apr	554,894	679,149	\$ 124,255
May	892,389	700,692	\$ (191,697)
Jun	784,038	728,941	\$ (55,097)
Jul	762,715	697,399	\$ (65,316)
Aug	863,161	714,662	\$ (148,499)
Sept	802,532		\$ (802,532)
Total	\$ 8,748,231	\$ 7,670,442	\$ (1,077,789)
Cumulative Forecast	\$ 7,945,699		
Actual to Forecast	\$ (275,257)		-3.464%



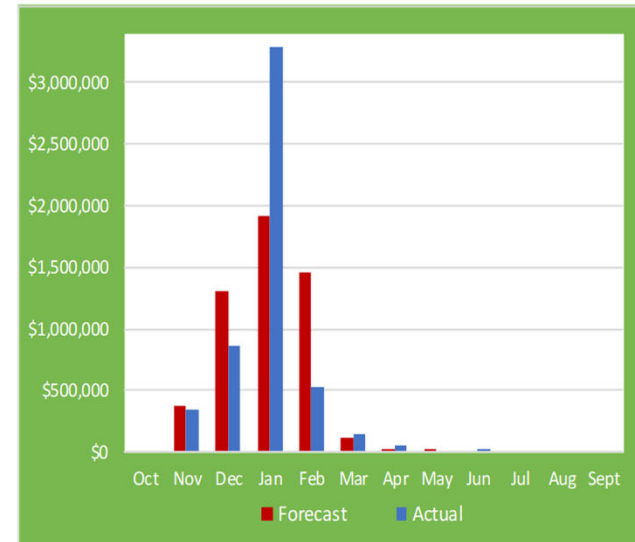
WARNING

Sales Tax is 46% of the total budgeted revenue for General Fund. The actual is within 3.5% of forecasted budget. Through August the City has collected \$282,000 more sales tax than prior year (3.8% increase over PY).

COMPREHENSIVE MONTHLY FINANCIAL REPORT – August 2024

PROPERTY TAX REVENUE

Month	FY2024 Forecast	FY2024 Actual	Monthly Variance
Oct	\$ 10,451	\$ 13,951	\$ 3,500
Nov	369,713	339,559	\$ (30,154)
Dec	1,306,795	859,155	\$ (447,640)
Jan	1,910,693	3,295,302	\$ 1,384,609
Feb	1,463,096	525,399	\$ (937,697)
Mar	119,704	149,021	\$ 29,317
Apr	26,116	59,066	\$ 32,950
May	26,116	14,870	\$ (11,246)
Jun	10,498	28,890	\$ 18,392
Jul	10,498	373	\$ (10,125)
Aug	10,498	-	\$ (10,498)
Sept	10,498		\$ (10,498)
Total	\$ 5,274,676	\$ 5,285,585	\$ 10,909
Cumulative Forecast	\$ 5,264,178		
Actual to Forecast	\$ 21,407	0.41%	



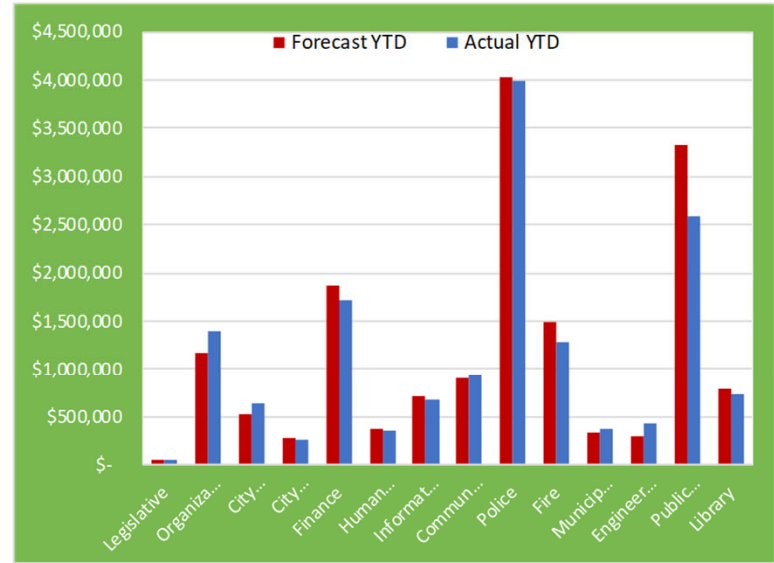
POSITIVE

Property tax represents 29% of the total General Fund revenue budget. As you can see from the forecast, the majority of taxes are generally collected from December to February. As of August projections are less than 1% variance.

COMPREHENSIVE MONTHLY FINANCIAL REPORT –August 2024

GENERAL FUND EXPENDITURES BY DEPT.

Division	FY2024 Forecast YTD	FY2024 Actual YTD	Variance
Legislative	\$ 44,386	\$ 45,443	\$ 1,057
Organizational	1,174,862	1,402,481	\$ 227,619
City Manager	519,483	648,766	\$ 129,283
City Secretary	286,686	268,210	\$ (18,476)
Finance	1,867,177	1,726,308	\$ (140,869)
Human Resources	368,481	356,825	\$ (11,656)
Information Technology	724,361	674,862	\$ (49,499)
Community Engagement	900,631	952,389	\$ 51,758
Police	4,031,307	3,989,927	\$ (41,380)
Fire	1,492,108	1,274,509	\$ (217,599)
Municipal Court	343,716	380,997	\$ 37,281
Engineering	301,196	423,885	\$ 122,689
Public Works	3,327,330	2,582,928	\$ (744,402)
Library	796,011	740,607	\$ (55,404)
Fleet & Facilities	-	200,368	\$ 200,368
Total	\$ 16,177,735	\$ 15,668,505	\$ (509,230)



Actual to Forecast
POSITIVE

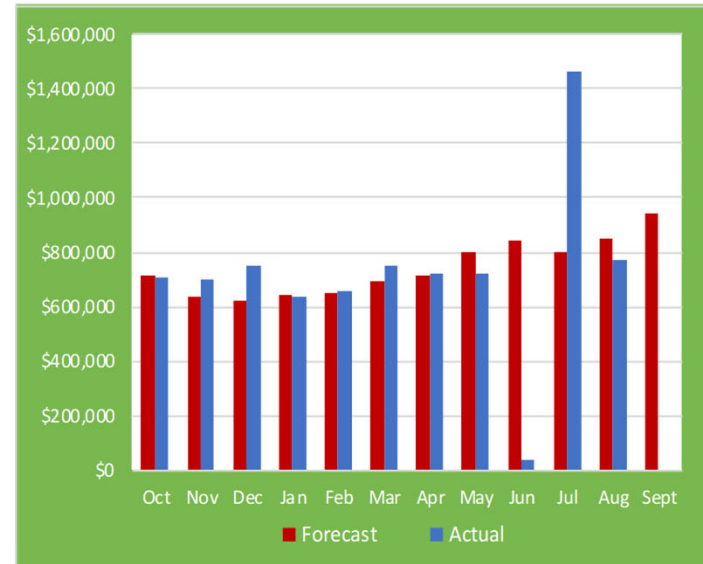
96.9%

This page compares forecast to actual by department within the General Fund. YTD compared to actual is 97% of forecast.

COMPREHENSIVE MONTHLY FINANCIAL REPORT – August 2024

WATER/WASTEWATER REVENUE

<u>Month</u>	<u>FY2024 Forecast</u>	<u>FY2024 Actual</u>	<u>Monthly Variance</u>
Oct	\$ 714,185	\$ 709,116	\$ (5,069)
Nov	637,698	700,275	\$ 62,577
Dec	625,252	748,149	\$ 122,897
Jan	646,845	637,282	\$ (9,563)
Feb	647,698	660,084	\$ 12,386
Mar	692,591	752,842	\$ 60,251
Apr	714,185	724,423	\$ 10,238
May	802,265	721,988	\$ (80,277)
Jun	846,305	40,385	\$ (805,920)
Jul	803,118	1,465,197	\$ 662,079
Aug	847,158	773,881	\$ (73,277)
Sept	945,239		\$ (945,239)
Total	\$ 8,922,539	\$ 7,933,622	\$ (988,917)
Cumulative Forecast	\$ 7,977,300		
Actual to Forecast	\$ (43,678)	-0.55%	



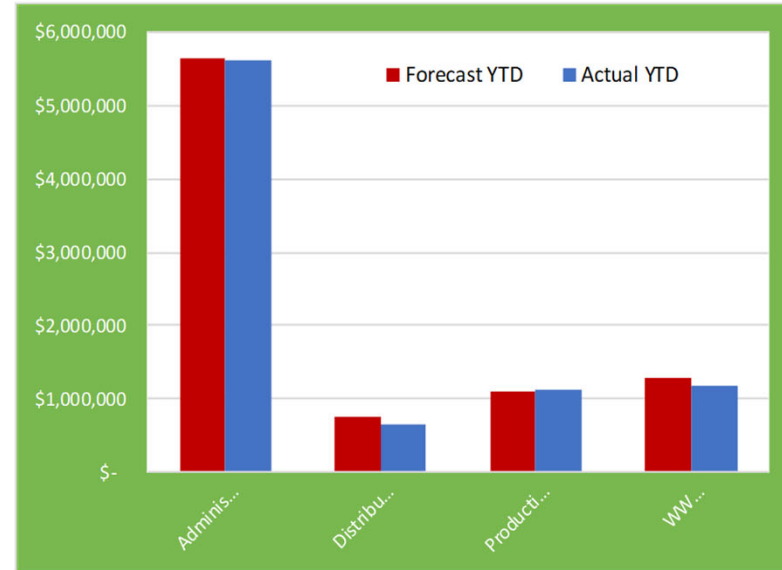
Positive

The water and wastewater actual revenue is within 1% of forecasted revenue

COMPREHENSIVE MONTHLY FINANCIAL REPORT – August 2024

WATER/WASTEWATER EXPENDITURES BY DIVISION

<u>Division</u>	FY2024 <u>Forecast YTD</u>	FY2024 <u>Actual YTD</u>	<u>Variance</u>
Administration	\$ 5,631,761	\$ 5,616,563	\$ (15,198)
Distribution/Collection	756,022	655,414	\$ (100,608)
Production/Treatment	1,106,782	1,119,856	\$ 13,074
WW Treatment Plant	<u>1,284,019</u>	<u>1,180,219</u>	<u>\$ (103,800)</u>
Total	\$ 8,778,584	\$ 8,572,052	\$ (206,532)
Actual to Forecast		97.6%	



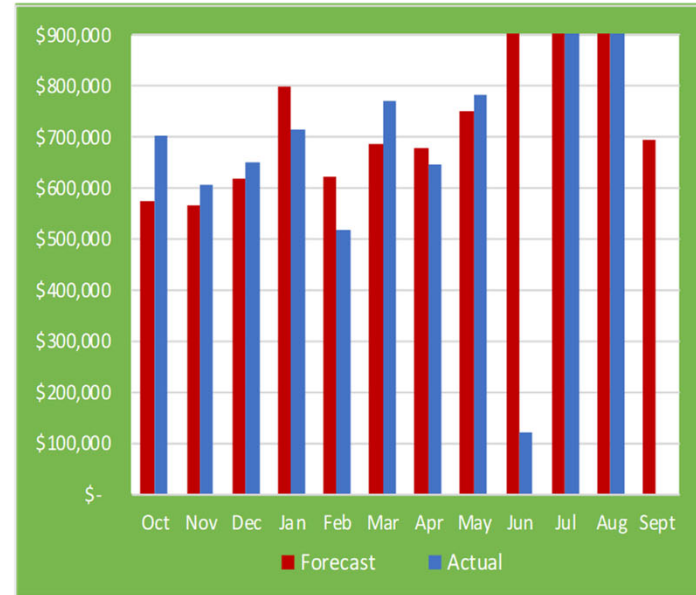
POSITIVE

This page compares actual to forecast by the divisions within the Water/Wastewater department. The actual is 97.6% compared to forecast.

COMPREHENSIVE MONTHLY FINANCIAL REPORT – August 2024

ELECTRIC FUND REVENUE

Month	FY2024 Forecast	FY2024 Actual	Monthly Variance
Oct	\$ 575,326	\$ 703,860	\$ 128,534
Nov	566,839	607,454	\$ 40,615
Dec	618,711	650,008	\$ 31,297
Jan	797,829	715,118	\$ (82,711)
Feb	624,315	516,667	\$ (107,648)
Mar	685,769	769,977	\$ 84,208
Apr	679,865	645,517	\$ (34,348)
May	750,730	783,257	\$ 32,527
Jun	1,015,258	120,208	\$ (895,050)
Jul	932,041	1,709,158	\$ 777,117
Aug	931,616	1,056,500	\$ 124,884
Sept	694,848		\$ (694,848)
Total	\$ 8,873,147	\$ 8,277,724	\$ (595,423)
Cumulative Forecast	\$ 8,178,299		
Actual to Forecast	\$ 99,425	1.22%	



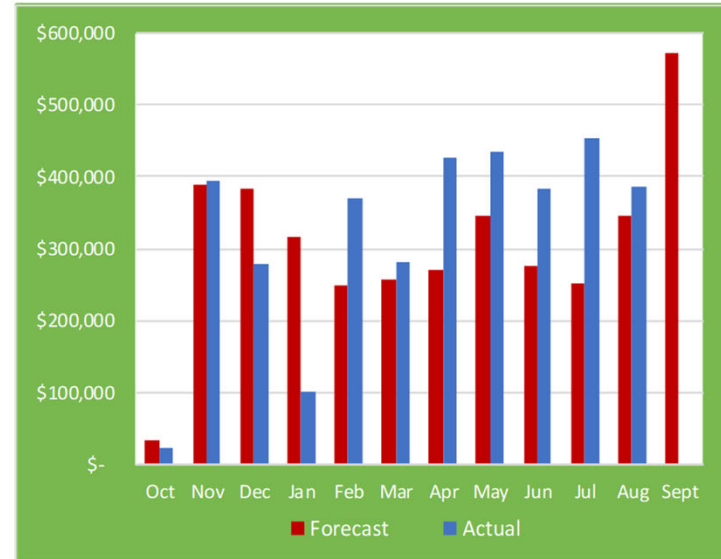
POSITIVE

The Electric utility revenue is in line with forecast.

COMPREHENSIVE MONTHLY FINANCIAL REPORT – August 2024

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	279,217	\$ (103,529)
Jan	315,943	100,081	\$ (215,862)
Feb	249,376	370,473	\$ 121,097
Mar	256,613	281,706	\$ 25,093
Apr	269,950	427,534	\$ 157,584
May	345,572	434,144	\$ 88,572
Jun	276,975	382,720	\$ 105,745
Jul	252,127	454,108	\$ 201,981
Aug	344,951	387,295	\$ 42,344
Sept	571,000		\$ (571,000)
Total	\$ 3,688,672	\$ 3,536,593	\$ (152,079)
Cumulative Forecast	\$ 3,117,672		
Actual to Forecast %	\$ 418,921	13.4%	



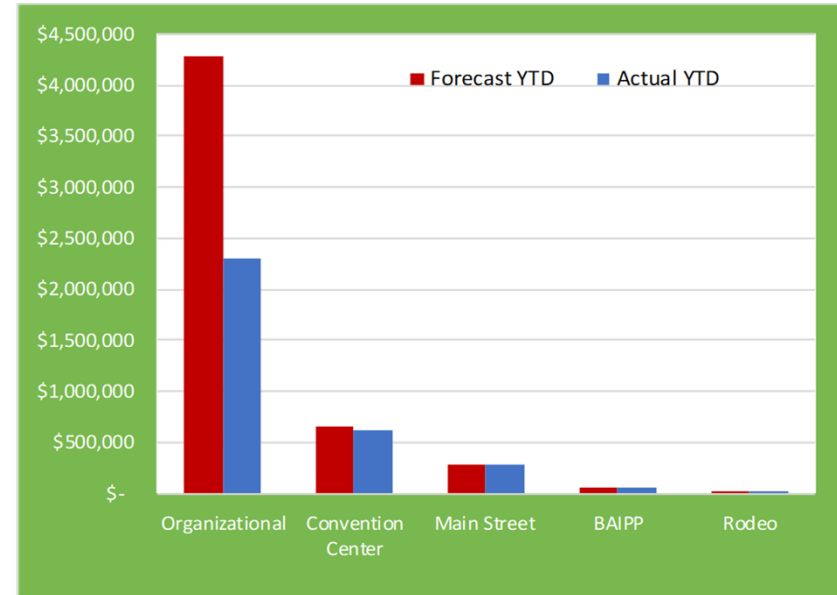
POSITIVE

This report is based on a cash method. The revenue is received by the City the month after collection. Actual is 13.4% more than forecast.

COMPREHENSIVE MONTHLY FINANCIAL REPORT - August 2024

HOTEL OCCUPANCY TAX EXPENDITURES BY DIVISION

<u>Division</u>	<u>FY2024 Forecast YTD</u>	<u>FY2024 Actual YTD</u>	<u>Variance</u>
Organizational	\$ 4,285,710	\$ 2,295,947	\$ (1,989,763)
Convention Center	648,592	624,614	\$ (23,978)
Main Street	276,598	285,264	\$ 8,666
BAIPP	50,417	65,239	\$ 14,822
Rodeo	<u>2,933</u>	<u>8,502</u>	\$ 5,569
Total	\$ 5,264,250	\$ 3,279,566	\$ (1,984,684)
Actual to Forecast		62.3%	



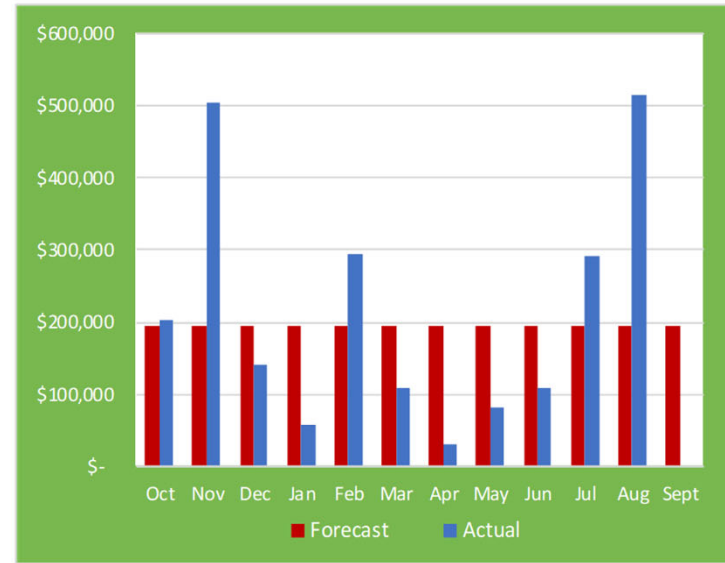
POSITIVE

This compares actual to forecast for each division located in the Hotel Occupancy Tax Fund. YTD is reporting actual at 62.3% of forecast.

COMPREHENSIVE MONTHLY FINANCIAL REPORT – August 2024

DEVELOPMENT SERVICES REVENUE

Month	FY2024 Forecast	FY2024 Actual	Monthly Variance
Oct	\$ 195,667	\$ 203,573	\$ 7,906
Nov	195,667	503,765	\$ 308,098
Dec	195,667	142,026	\$ (53,641)
Jan	195,667	57,062	\$ (138,605)
Feb	195,667	294,576	\$ 98,909
Mar	195,667	109,952	\$ (85,715)
Apr	195,667	31,813	\$ (163,854)
May	195,667	82,461	\$ (113,206)
Jun	195,667	109,101	\$ (86,566)
Jul	195,667	292,089	\$ 96,422
Aug	195,667	514,286	\$ 318,619
Sept	195,667		\$ (195,667)
Total	\$ 2,348,004	\$ 2,340,704	\$ (7,300)
Cumulative Forecast	\$ 2,152,337		
Actual to Forecast %	\$ 188,367	8.8%	



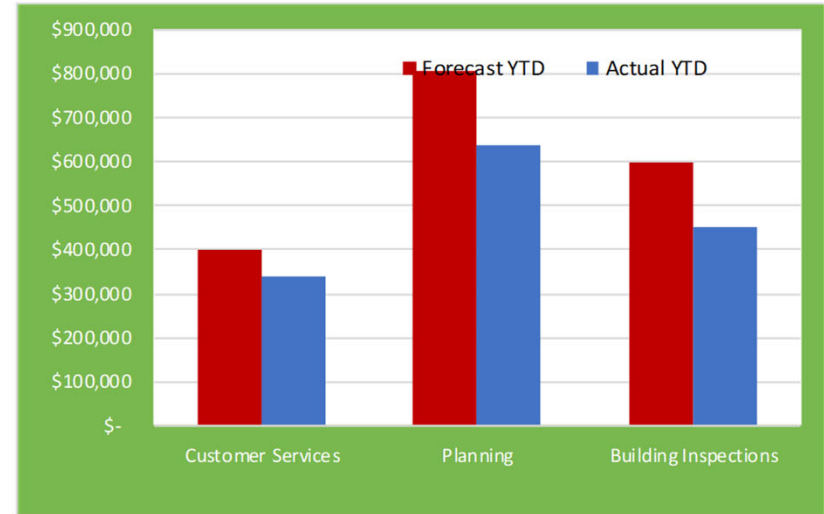
POSITIVE

FY2024 is the first year for reporting Development Services within their own fund. The revenue of actual compared to forecast is 8.8% over forecast. Development Services has been provided inspection services to other governmental agencies that has caused an increase in revenue for August.

COMPREHENSIVE MONTHLY FINANCIAL REPORT – August 2024

DEVELOPMENT SERVICES EXPENDITURES BY DIVISION

<u>Division</u>	FY2024 <u>Forecast YTD</u>	FY2024 <u>Actual YTD</u>	<u>Variance</u>
Customer Services	\$ 399,813	\$ 339,584	\$ (60,229)
Planning	803,502	638,233	\$ (165,269)
Building Inspections	596,042	449,155	\$ (146,887)
Total	\$ 1,799,357	\$ 1,426,972	\$ (372,385)
Actual to Forecast		79.3%	



POSITIVE

FY2024 is the first year reporting Development Services within their own fund. The expenditures of actual compared to forecast is 79.3%.

Legal fees by Attorney/Category

FIRM	CASE	FY21-22	FY22-23	FY23-24
BUNDREN				
	Pine Forest Interlocal	\$ 8,946	\$ -	\$ -
BOJORQUEZ				
	General Legal	\$ 275,339	\$ 251,876	\$ 213,129
	Real Estate/ROW Acquisition	\$ -	\$ 56,615	\$ 47,910
	Bastrop 552	\$ 6,571	\$ 476	
	Crouch Suit	\$ 12,006	\$ -	\$ -
	Cox Suit	\$ 11,122	\$ -	\$ -
	Pine Forest Interlocal	\$ 3,710	\$ 5,734	\$ 6,743
	Prosecutor (Municipal Court)	\$ 21,783	\$ 21,195	\$ 16,237
	Water/WW	\$ 67,910	\$ 141,065	\$ 55,137
	Visit Bastrop/Nelson	\$ -	\$ -	\$ 98,077
	Valverde	\$ -	\$ 1,771	\$ -
HYDE KELLEY LLP				
	Hunter's Crossing PID	\$ 3,638	\$ 11,451	\$ 16,486
MULTIPLE FIRMS				
	W/WW Contract reviews	\$ 17,836	\$ 11,774	\$ 35,221
	Crouch Suit	\$ 11,896	\$ -	\$ -
	Cox Suit	\$ 11,994	\$ -	\$ -
TAYLOR, OLSON, ADKINS, SRALLA & ELAM				
	71 Bastrop & MC Bastrop 71	\$ 18,967	\$ 200	\$ -
		<u>\$ 471,716</u>	<u>\$ 502,157</u>	<u>\$ 488,939</u>

The Chapman Firm - w/ww contract reviews