

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



May 14, 2024

Canvass and Oath of Office at 5:30 PM

Regular City Council Meeting at 6:30 PM

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 CANVASS AND OATH OF OFFICE**
- 2. CANVASS OF ELECTION**

2A. Consider action to approve Resolution No. R-2024-57 of the City Council of the City of Bastrop, Texas to canvass the May 4, 2024, Election for Place 2 and Place 4 of the Bastrop City Council; and establishing an effective date.

Submitted by: Ann Franklin, City Secretary

3. RECOGNITION

3A. Recognition of outgoing Council Member Jimmy Crouch.

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

4. OATH OF OFFICE

4A. Incumbent Council Member Cynthia Sanders Meyer Place 2

Swearing Oath of Office, The Honorable Chris Duggan, State District Judge, District 423

Signature of official documents, Ann Franklin, City Secretary

Welcome by Council

Comments by Council Member Meyer

4B. Incoming Council Member Kerry Fossler Place 4

Swearing Oath of Office, The Honorable Chris Duggan, State District Judge, District 423

Signature of official documents, Ann Franklin, City Secretary

Welcome by Council

Comments by Council Member Fossler

5. ELECTION OF MAYOR PRO TEM

[5A.](#) Consider action to elect Mayor Pro Tem.

Submitted by: Ann Franklin, City Secretary

6. RECEPTION

6A. Reception to thank outgoing Council Member Crouch.

6B. Reception for Council Member Meyer and Council Member Elect Fossler.

7. CALL TO ORDER REGULAR MEETING AT 6:30 P.M.

8. PLEDGE OF ALLEGIANCE - Evelyn Trejo and Jasmine Jimenez-Cedillo, Camino Real Elementary Girls Who Code Club

TEXAS PLEDGE OF ALLEGIANCE - *Honor the Texas Flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible.*

9. INVOCATION - Phil Woods, Police Chaplain

10. PRESENTATIONS

[10A.](#) Mayor's Report

[10B.](#) Council Members' Report

[10C.](#) A proclamation of the City Council of the City of Bastrop, Texas recognizing May 19-25, 2024, as Public Works Week.

Submitted by: Ann Franklin, City Secretary

11. WORK SESSIONS/BRIEFINGS

[11A.](#) Discussion and direction to staff regarding proposed City of Bastrop Charter Amendments for the November 2024 election.

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

12. STAFF AND BOARD REPORTS

[12A.](#) City Manager's Report

13. CITIZEN COMMENTS

At this time, three (3) minute comments will be taken from the audience on any topic. Anyone in attendance wishing to address the Council must complete a citizen comment form and give the completed form to the City Secretary prior to the start of the City Council meeting. Alternately, if you are unable to attend the council meeting, you may complete a citizen comment form with your comments at www.cityofbastrop.org/citizencommentform at least two hours before the meeting starts on the requested date. Comments submitted by this time will be given to the City Council during the meeting and included in the public record, but not read aloud. In accordance with the Texas Open Meetings Act, if a citizen discusses any item not on the agenda, City Council cannot discuss issues raised or make any decision at this time. Instead, City Council is limited to making a statement of specific factual information or a recitation of existing policy in response to the inquiry. Issues may be referred to City Manager for research and possible future action.

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

14. APPROVAL OF MINUTES

[14A.](#) Consider action to approve City Council minutes from the April 23, 2024, Regular meeting and April 29, 2024, Special meeting.

Submitted by: Ann Franklin, City Secretary

15. ITEMS FOR INDIVIDUAL CONSIDERATION

[15A.](#) Hold a public hearing and consider action to approve the first reading of Ordinance No. 2024-11 of the City Council of the City of Bastrop, Texas, approving the zoning change for 31.4559 +/- acres out of the A11 Bastrop Town Tract, Bastrop County, Texas, more commonly known as Bastrop Gateway from P2 rural and P5 core to planned development district with P5 core base zoning, 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 May 28, 2024, Consent Agenda for second reading.

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

[15B.](#) Consider action to approve Resolution No. R-2024-58 of the City Council of the City of Bastrop, Texas, authorizing the City Manager to accept a donation on behalf of the City of Bastrop Police Department in the amount of Two Thousand Five hundred and Sixty Four dollars (\$2,564.00) from Project Beloved.org for utilization by the City of Bastrop Police Department's Victims Services division allowing for the aesthetic remodel of the victim interview room, enhancing the space to be more conducive for interviewing victims and family members; authorizing the City Manager to execute all necessary documents; providing for a repealing clause; and establishing an effective date.

Submitted by: Vicky Steffanic, Chief of Police

[15C.](#) Hold a public hearing and consider action to approve the first reading of Ordinance No. 2024-13 of the City Council of the City of Bastrop, Texas, approving the zoning change for 6.218 +/- acres out of the Nancy Blakey Survey, Abstract Number 98, located west of FM 969 within the City of Bastrop, Texas, P3 Residential to P5 Core, 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 May 28, 2024, Consent Agenda for second reading.

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

15D. Consider Action to approve the first reading of Ordinance No. 2024-14 of the City Council of the City of Bastrop, Texas amending the Code of Ordinances, related to Chapter 3 Building Regulations, Article 3.17 Flood Damage Prevention as attached in Exhibit A; and providing for findings of fact, repealer, severability, codification, effective date, proper notice, and meeting and move to include on the June 11, 2024, Consent Agenda for the second reading.

Submitted by: Elizabeth Wick, Project Manager

[15E.](#) Consider action to approve Resolution No. R-2024-06 of the City Council of the City of Bastrop, Texas authorizing a license to encroach agreement with Zavodny Food Court to encroach into the Public Utility Easement to place mobile food trailers closer to Cedar Street, as attached in Exhibit B of the License Agreement; authorizing the City Manager to execute necessary documents; providing for a repealing clause; and establishing an effective date.

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

[15F.](#) Consider action to approve Resolution No. 2024-54 of the City Council of the City of Bastrop, Texas expressing official intent to reimburse certain expenditures attached as Exhibit A; providing a severability clause; and providing for an effective date.

Submitted by Edi McIlwain, Chief Financial Officer

[15G.](#) Consider action to approve the first reading of Ordinance No. 2024-15 of the City Council of the City of Bastrop, Texas, amending the Bastrop Economic Development Budget for the Fiscal Year 2024 in accordance with existing statutory requirements; appropriating the various amounts herein, as attached in Exhibit A; repealing all prior ordinances an actions in conflict herewith; and establishing for an effective date; and move to include on the May 28, 2024, on the Consent agenda for second reading.

Submitted by: Edi McIlwain, Chief Financial Officer

[15H.](#) Consider action to approve Resolution No. R-2024-55 of the City Council of the City of Bastrop, Texas confirming appointments by the Mayor of Joshua Bingaman to Place 7, of the Planning and Zoning Commission as required in Section 3.08 of the City's Charter; and establishing an effective date.

Submitted by: Lyle Nelson, Mayor

[15I.](#) Consider action to approve Resolution No. R-2024-53 of the City Council of the City of Bastrop, Texas confirming appointments by the Mayor of Keith Ahlborn to Place 3, of the Planning and Zoning Commission as required in Section 3.08 of the City's Charter; and establishing an effective date.

Submitted by: Lyle Nelson, Mayor

[15J.](#) Consider action to approve Resolution No. R-2024-52 of the City Council of the City of Bastrop, Texas confirming appointments by the Mayor of Nathanael Gold to Place 7, of the Parks Board as required in Section 3.08 of the City's Charter; and establishing an effective date.

Submitted by: Lyle Nelson, Mayor

[15K.](#) Consider action to approve Resolution No. R-2024-51 of the City Council of the City of Bastrop, Texas, accepting a donation from the Lost Pines Art League in the amount of Fifty Thousand and 00/100 Dollars (\$50,000) for the creation of a sculpture within the boundaries of the Cultural Arts Commission District Project approved area; authorizing the City Manager to Execute all necessary documents; providing for a repealing clause; and establishing an effective date.

Submitted by: Kathy Danielson, Community Engagement Director

[15L.](#) Consider action to approve Resolution No. R-2024-56, approving expenditure of City funds for Mayor Lyle Nelson to attend an event, function, and/or convention; providing for execution of all necessary documents; providing for repealer; providing for severability; and providing an effective date.

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

16. EXECUTIVE SESSION

- 16A. City Council shall convene into closed executive session pursuant to Texas Government Code sections 551.071, 551.072, and 551.087 to seek the advice of legal counsel regarding the potential development of a Sports Complex.
- 16B. City Council shall convene into closed executive session pursuant to Texas Government Code section 551.071 to seek the advice of legal counsel regarding the Master Agreement for the Transfer of Retail Water Certificate of Convenience and Necessity Service Area from Aqua Water Supply Corporation to the City of Bastrop and consideration of compensation for certain service areas.
- 16C. City Council shall convene into closed executive session pursuant to Texas Government Code sections 551.071 and 551.072 to seek the advice of legal counsel regarding acquisitions of real estate related to the Wastewater Treatment Plant No. 3 Project and pending litigation in the following eminent domain proceedings pending in the Bastrop County Court at Law: Case No. 20-20294, City of Bastrop v. William A. & Sally Griesenbeck; Case No. 20-20295, City of Bastrop v. William J. & Tanya Griesenbeck; Case No. 20-20282, City of Bastrop v. Melissa Lee Griesenbeck Schuelke; and Case No. 20-20283, City of Bastrop v. JoAnn Griesenbeck Cantrell & William Cantrell.

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

18. 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: Thursday, May 9, 2024 at 9:00 p.m. and remained posted for at least two hours after said meeting was convened.

/s/Ann Franklin
Ann Franklin, City Secretary



STAFF REPORT

MEETING DATE: May 14, 2024

TITLE:

Consider action to approve Resolution No. R-2024-57 of the City Council of the City of Bastrop, Texas to canvass the May 4, 2024, Election for Place 2, and Place 4 of the Bastrop City Council; and establishing an effective date.

AGENDA ITEM SUBMITTED BY:

Ann Franklin, City Secretary

BACKGROUND/HISTORY:

Sec. 67.002. CANVASS OF PRECINCT RETURNS.:

(a) Except as otherwise provided by law, the precinct election returns for each election shall be canvassed by the following authority:

- (1) for an election ordered by the governor or by a county authority, the commissioners court of each county in which the election is held; and
- (2) for an election ordered by an authority of a political subdivision other than a county, the political subdivision's governing body.

(b) The canvass of precinct returns shall be conducted in accordance with this chapter except as otherwise provided by this code.

FISCAL IMPACT:

N/A

RECOMMENDATION:

Consider action to approve Resolution No. R-2024-57 of the City Council of the City of Bastrop, Texas to canvass the May 4, 2024, Election for Place 2, and Place 4 of the Bastrop City Council; and establishing an effective date.

ATTACHMENTS:

- ENGLISH - Resolution No. 2024-57
- SPANISH – Resolution No. 2024-57

RESOLUTION NO. R-2024-57

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS TO CANVASS THE MAY 4, 2024, ELECTION FOR PLACE 2 AND PLACE 4 OF THE BASTROP CITY COUNCIL; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, on May 4, 2024, a general election was held for the purpose of electing City Council Members for Place 2 and Place 4; and

WHEREAS, the returns of the general election has been made to the Council and show that the votes for City Council Members were cast as follows:

CITY COUNCIL MEMBER PLACE 2

Cynthia Sanders Meyer XXX votes

CITY COUNCIL MEMBER Place 4

Jimmy Crouch XXX votes

Kerry Fossler XXX votes

WHEREAS, Cynthia Sanders Meyer ran unopposed for the office of City Council Member Place 2; and

WHEREAS, Kerry Fossler received a majority of all votes cast for the office of City Council Member Place 4; and

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

SECTION 1. The Council finds that all of the recitals contained in this resolution are true and adopts them as findings of fact by this governing body; and

SECTION 2. The Council finds that the results of the general election as tabulated and canvassed reflect the votes cast at the election; and

SECTION 3. The Council accepts and approves the returns for the general election, as tabulated and received and canvassed, and declares that the following persons are declared elected and may qualify for the office indicated for terms that begin May 15, 2024:

City Council Member Place 2 Cynthia Sanders Meyer.

City Council Member Place 4 Kerry Fossler.

SECTION 4. With this canvass, Council is making official the precinct returns received from Bastrop County.

SECTION 5. That this Resolution shall take effect immediately upon its passage, and it is so resolved.

DULY RESOLVED AND ADOPTED by the City Council of the City of Bastrop this 14th day of May 2024.

APPROVED:

Lyle Nelson, Mayor

ATTEST:

Ann Franklin, City Secretary

APPROVED AS TO FORM:

Alan Bojorquez, City Attorney

RESOLUCIÓN NÚM. R-2024-57

UNA RESOLUCIÓN DEL CONSEJO DE LA CIUDAD DE BASTROP, TEXAS PARA LLEVAR A CABO LA REVISIÓN DE LA ELECCIÓN DEL 4 DE MAYO, 2024 PARA EL PUESTO 2 Y EL PUESTO 4 DEL CONSEJO DE LA CIUDAD DE BASTROP; Y PARA DETERMINAR LA FECHA DE VIGOR.

POR CUANTO, el 4 de mayo, 2024 se llevó a cabo una elección general con el propósito de elegir a miembros del Consejo de la Ciudad para el Puesto 2 y el Puesto 4; y

POR CUANTO, los resultados de la elección general se han presentado al Consejo e indican que los votos emitidos a favor de los miembros del Consejo de la Ciudad fueron los siguientes:

CONCEJAL PARA EL CONSEJO DE LA CIUDAD EN EL PUESTO 2

Cynthia Sanders Meyer XXX votos

CONCEJAL PARA EL CONSEJO DE LA CIUDAD EN EL PUESTO 4

Jimmy Crouch XXXvotos

Kerry Fossler XXXvotos

POR CUANTO, Cynthia Sanders Meyer no tuvo oposición para el Puesto 2 del Consejo de la Ciudad; y

POR CUANTO, Kerry Fossler recibió la mayoría de todos los votos emitidos para el Puesto 4 del Consejo de la Ciudad; y

AHORA, POR LO TANTO, RESUÉLVASE POR EL CONSEJO DE LA CIUDAD DE BASTROP, TEXAS QUE:

SECCIÓN 1. El Consejo determina que todas las declaraciones contenidas en esta resolución son verdaderas y que se aprueban por ser determinaciones de hecho por este cuerpo gubernamental; y

SECCIÓN 2. El Consejo determina que los resultados de la elección general de acuerdo con su tabulación y su revisión representan los votos emitidos en la elección; y

SECCIÓN 3. El Consejo acepta y aprueba los resultados de la elección general tal como se han tabulado, y recibido y revisado, y declara que las siguientes personas han sido electas y que pueden calificar para el puesto indicado para los plazos que principian el 15 de mayo, 2024;

Concejal de la Ciudad en el Puesto 2 Cynthia Sanders Meyer.

Concejal de la Ciudad en el Puesto 4 Kerry Fossler.

SECCIÓN 4. Con esta revisión, el Consejo declara que son oficiales los resultados de los precintos recibidos del Condado de Bastrop.

SECCIÓN 5: Que esta Resolución será efectiva inmediatamente cuando sea aprobada, y así se resuelve.

DEBIDAMENTE RESUELTO Y ADOPTADO por el Consejo de la Ciudad de Bastrop este día 14 de mayo, 2024.

APROBADA:

Lyle Nelson, Alcalde

CERTIFICO:

Ann Franklin, Secretaria de la Ciudad

APROBADA SU REDACCIÓN:

Alan Bojorquez, Fiscal de la Ciudad



STAFF REPORT

MEETING DATE: May 14, 2024

TITLE:

Election of Mayor Pro Tem.

AGENDA ITEM SUBMITTED BY:

Ann Franklin, City Secretary

BACKGROUND/HISTORY:

CODE OF ORDINANCES CITY OF BASTROP TEXAS, Chapter 1. GENERAL PROVISIONS, Article 1.03 MAYOR AND CITY COUNCIL, Sec. 1.03.034 - MAYOR PRO TEM:

- (a) At the first meeting of the Council after the regular annual election, or as soon thereafter as practicable, one of the Councilmembers shall be elected Mayor Pro Tem.
- (b) The Mayor Pro Tem shall hold office for one year.
- (c) The Mayor Pro Tem shall preside over all meetings of the Council during the absence of the Mayor, and when both the Mayor and Mayor Pro Tem are absent, the members present (if a quorum) may call another member to preside.

RECOMMENDATION:

Election of Mayor Pro Tem.



STAFF REPORT

MEETING DATE: May 14, 2024

TITLE:
Mayor's Report

AGENDA ITEM SUBMITTED BY:
Submitted by: Sylvia Carrillo, City Manager

POLICY EXPLANATION:

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

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

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

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



STAFF REPORT

MEETING DATE: May 14, 2024

TITLE:

Council Members' Report

AGENDA ITEM SUBMITTED BY:

Submitted by: Sylvia Carrillo, City Manager

POLICY EXPLANATION:

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

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

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

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



STAFF REPORT

MEETING DATE: May 14, 2024

TITLE:

A proclamation of the City Council of the City of Bastrop, Texas recognizing May 19-25, 2024, as Public Works Week.

AGENDA ITEM SUBMITTED BY:

Ann Franklin, City Secretary

ATTACHMENTS:

- Proclamation





PROCLAMATION



WHEREAS, Public Works infrastructure, facilities, and services provided in our communities are an integral part of our citizens’ health, safety, and well-being; and

WHEREAS, such facilities and services could not be provided without the dedicated efforts of public works professionals, engineers, managers, and employees at all levels of government and the private sector, who are responsible for the planning, building, operation, and maintenance of transportation, water supply, water treatment, solid waste systems, public buildings, and other structures and facilities essential to serve our citizens; and

WHEREAS, it is in the public interest for the citizens, civic leaders, and children in our country to understand and appreciate public works programs in their communities; and

WHEREAS, the quality and effectiveness of these facilities, as well as their planning, design, and construction, are dependent upon the efforts and skill of public works officials; and

WHEREAS, the year 2024 marks the 64th annual National Public Works Week sponsored by the American Public Works Association.

NOW, THEREFORE, I, Lyle Nelson, Mayor of the City of Bastrop, Texas, do hereby proclaim May 19-25, 2024 as:

PUBLIC WORKS WEEK

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Bastrop to be affixed this 14th day of May, 2024.

Lyle Nelson, Mayor



STAFF REPORT

MEETING DATE: May 14, 2024

TITLE:

Discussion and direction to staff regarding proposed City of Bastrop Charter Amendments for the November 2024 election.

AGENDA ITEM SUBMITTED BY:

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

BACKGROUND/HISTORY:

In 2022, the City Council faced numerous charter amendments, but ultimately decided not to pursue the cost of an election in an uncontested council election period. The existing charter calls for the charter to be reviewed at intervals not to exceed six (6) years.

Section 13.09 - Charter Amendment.

Proposed amendments to this Charter shall be framed and submitted to the voters of the City in the manner prescribed by state law.

The Council shall, at intervals not to exceed six (6) years, formally consider the need for revision(s) to the Charter. This review shall be based on a written report from the City Manager, with special attention given to conflicts, if any, between the Charter and state law, and recommending such amendments to the Charter as may seem necessary for legal, administrative or other reasons.

The existing amendments include:

PROPOSITION A

Shall Section 2.03 of the Charter be amended to conform with state law by removing reference to the City's power to annex territory without consent of the inhabitants?

PROPOSITION B

Shall Section 3.06(6) of the Charter be amended to conform with state law creating a vacancy on the city council when a council member announces their candidacy for certain elected offices and the unexpired term of the council member exceeds one year and thirty days?

PROPOSITION C

Shall Section 3.15(b) of the Charter be amended to authorize the city council to waive by an affirmative vote of four (4) or more Council Members the requirement that an ordinance be read in two separate meetings?

PROPOSITION D

Shall Section 3.16 of the Charter be amended to reflect the fact that codes of technical regulations are available to the public digitally and free of charge?

PROPOSITION E

Shall Section 3.17(b) of the Charter be amended to reflect the fact that ordinances are available to the public digitally and free of charge?

PROPOSITION F

Shall Section 5.02 of the Charter be amended to conform with state law by stating that the term of office of municipal court judges shall be provided for by ordinance?

PROPOSITION G

Shall Section 10.04 of the Charter be amended to conform with state law by requiring petitions calling for initiative or referendum elections to comply with the Texas Election Code?

PROPOSITION H

Shall Section 10.08 of the Charter be amended to conform with state law by requiring petitions calling for recall elections to comply with the Texas Election Code?

PROPOSITION I

Shall Section 12.01 of the Charter be amended to provide that the number of Planning and Zoning commissioners shall be established by ordinance?

PROPOSITION J

Shall Sections 14.03 and 14.04 of the Charter be repealed in their entirety as outdated, transitional provisions that are now irrelevant?

PROPOSITION K

Shall the Charter be amended throughout to replace gender -specific language with gender-neutral terminology?

PROPOSITION L

Shall Section 4.01 be amended to allow the City Manager to reside in the City Limits and the 1-mile extra-territorial jurisdiction?

PROPOSITION M

Shall section 3.08 be amended to allow the Mayor or 2 council members to appoint to boards and commissions subject to confirmation of the city council?

FISCAL IMPACT:

Approximately \$25,000 for a shared election expense.

RECOMMENDATION:

Direct staff to prepare an ordinance considering the above mentioned charter amendments, and prepare for a November 2024 election.

ATTACHMENTS:

- 1. Proposed Resolution



Explanation of proposed 2022 Amendments to the Bastrop Home Rule Charter

Introduction

The City of Bastrop’s Home-Rule Charter is a foundational governmental document. Much like a municipality’s constitution, the Charter is both the legal source of authority and a limit on the City’s authority. Along with state law, it establishes the essential framework for the local government.

The Charter was last amended by the voters at an election held on in 2016. State law prevents charters from being amended more frequently than every two years. Bastrop’s Charter states that it should be evaluated at least every six years.

The proposed Charter amendments will be adopted if approved by a majority of the qualified voters at an election held for that purpose. All registered voters of the City will be entitled to cast a vote.

At the Special Election voters can vote FOR or AGAINST each of the individual amendments to the Charter. Below are the individual propositions and brief explanations of why they are offered for consideration. Most propositions may be characterized as non-substantive clean-up edits. This is *educational material, only*. The City of Bastrop as an organization offers these propositions for consideration but does not advocate for or against passage of these items.

Propositions

Prop A: Shall Section 2.03 of the Charter be amended to conform with state law by removing reference to the City’s power to annex territory without consent of the inhabitants?

Explanation: Legislative changes to Texas statutory law have made it difficult to annex property without the consent of the property owners. See Texas Local Government Code Chapter 43.

Amended Text: If approved, the section will read (in relevant part):

Section 2.03 - Annexation

The Council shall have the power by ordinance to fix the boundary limits of the City

to provide for the alteration and the extension of said boundary limits, and the annexation of additional territory lying adjacent to the City, in compliance with state law ~~with or without the consent of the territory and inhabitants annexed~~. During the annexation process, the Council shall provide an opportunity for all interested persons to be heard at public hearing(s), in conformance with state law....

Prop. B: Shall Section 3.06(6) of the Charter be amended to conform with state law creating a vacancy on the city council when a council member announces their candidacy for certain elected offices and the unexpired term of the council member exceeds one year and thirty days?

Explanation: The Texas Constitution has a provision commonly referred to as the *Resign to Run* rule, which automatically creates a vacancies in certain elected offices if the incumbent announces they are seeking another elected office. The *Resign to Run* rule applies (in relevant part) when certain candidates for other offices have 1 year and 30 days left on their current term. The current Charter provision only references the 1 year mark, but omits the additional 30 days.

Amended Text: If approved, the section will read (in relevant part):

Section 3.06 - Vacancies, Forfeiture of Office and Filling of Vacancies.
The office of a Council Member shall become vacant upon the member's death, resignation, removal from or forfeiture of that office. A Council Member shall forfeit that office if the Council Member: ...
(6) announces his/her candidacy, or shall in fact become a candidate, in any General, Special or Primary Election, for any office of profit or trust under the laws of the State of Texas or the United States other than the office then held, at any time when the unexpired term of the Council Member then held shall exceed one (1) year and 30 days, such announcement or such candidacy shall constitute an automatic resignation of the Council position then held, as set forth in Article XVI, Sec. 65(b) of the Texas Constitution.

Prop. C: Shall Section 3.15(b) of the Charter be amended to authorize the city council to waive by an affirmative vote of four (4) or more Council Members the requirement that an ordinance be read in two separate meetings?

Explanation: State law does not require that all ordinances be read at two separate meetings before being adopted. However, the current Charter does. There are occasions when it would be expeditious and advantageous to dispense with the second reading (e.g., at the end of the year and during holiday seasons). This amendment allows waiver of the two-reading requirement if the waiver is approved by a super-majority vote of the City Council.

Amended Text: If approved, the section will read (in relevant part):

Section 3.15 - Ordinances in General.

(b) Procedure. An ordinance may be introduced and acted upon at any regular or special meeting of the Council. No ordinance shall be passed, except in cases of emergency, until the descriptive caption of the ordinance shall have been read in two separate meetings of the Council.

The requirement for considering ordinances and reading the descriptive caption thereof at two (2) separate meetings may be dispensed with: (1) where an ordinance relating to the immediate preservation of the public peace, health or safety is adopted as an emergency measure by a majority vote of the Council Members and such emergency ordinance shall take effect immediately upon its adoption and execution without a second consideration; or (2) when a majority vote of four or more Council Members determines through a separate motion that the first reading is sufficient for adequate consideration of the ordinance.

Prop. D: Shall Section 3.16 of the Charter be amended to reflect the fact that codes of technical regulations are available to the public digitally and free of charge?

Explanation: Technical regulations such as the *Building Bastrop Block Technical Manual* are often necessary to implement city policies regarding building and construction. State law does not require such rules to be posted online Whether to provide technical codes online is a local policy decision. With advances in technology, it is not always necessary or feasible to print and sell hardcopy versions of the City’s Code of Ordinances. Instead, the technical codes can now be accessed by the public at-will and without fees from the City’s home page.

Amended Text: If approved, the section will read (in relevant part):

Section 3.16 Codes of Technical Regulations.

The Council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedures and requirements governing such an adopting ordinance shall be that prescribed for ordinances generally. A copy of each adopted code of technical regulations, as well as the adopting ordinance, shall be authenticated and recorded by the City Secretary pursuant to Section 3.17.

Copies of any adopted code of technical regulations shall be made available by the City Secretary digitally without charge through the City’s website ~~for purchase at a reasonable price.~~

Prop. E: Shall Section 3.17(b) of the Charter be amended to reflect the fact that ordinances are available to the public digitally and free of charge?

Explanation: Ordinances are municipal rules and regulations. State law does not require ordinances be compiled into a published collection called the Code of Ordinances (i.e., codified). Whether to codify ordinances is a local policy decision. State law does not mandate how Codes of Ordinances are published when codified. Bastrop has a Code of Ordinances. With advances in technology, it is no longer necessary or feasible to print expensive hardcopy versions of the City’s Code of

Ordinances. Instead, the ordinances can now be accessed by the public at-will and without fees from the City’s home page.

Amended Text: If approved, the section will read (in relevant part):

Section 3.17 Authentication and Recording; Codification

(b) Codification. All City ordinances having the force of law shall be codified. The general codification shall be adopted by the Council by ordinance and shall be published online in loose-leaf form and shall include this Charter and any amendments thereto. The official copy of the City Code in the office of the City Secretary shall be kept up to date and properly indexed. It shall not be necessary to repeat in this codification any technical codes adopted by reference. Copies of the City Code shall be available to the public digitally without charge through the City’s website ~~furnished to City offices, placed in libraries and public offices for free public reference and made otherwise available for purchase by the public at a reasonable price fixed by the Council. Amendments to the City Code shall also be made available for purchase by the public as they become available.~~

Prop. F: Shall Section 5.02 of the Charter be amended to conform with state law by stating that the term of office of municipal court judges shall be provided for by ordinance?

Explanation: State law states that the city council shall provide by ordinance for the term of office of its municipal judges. The term must be for a definite term of two or four years. Tex. Gov’t Code § 30.00006(d). The Bastrop Code of Ordinances provides for a two-year term. The current Charter provision states that the term is three years.

Amended Text: If approved, the section will read (in relevant part):

Section 5.02 - Judge of the Municipal Court.

The Municipal Court shall be presided over by a Judge(s). The Judge(s) shall be nominated by the Mayor and appointed by the Council for a term provided by ordinance of three (3) years to run concurrently with the term of the office of the Mayor, or for the portion of such unexpired term as may remain at the time of the appointment.

Prop. G: Shall Section 10.04 of the Charter be amended to conform with state law by requiring petitions calling for initiative or referendum elections to comply with the Texas Election Code?

Explanation: Texas Election Code Ch. 277 states that once petitions can’t be amended or supplemented (with certain exceptions) after they are filed. The current language is inconsistent with state law.

Amended Text: If approved, the section will read (in relevant part):

Section 10.04 Filing, Examination and Certification of Petitions

All papers comprising a petition for initiative or referendum shall be assembled and filed with the City Secretary as one instrument.... A petition may be amended or supplemented in compliance with the Texas Election Code ~~at any time within ten (10) days after a notice of insufficiency has been sent by the City Secretary, by filing a supplementary petition. In such event, the same procedures shall then be followed by the City Secretary and Council as in the case of the original petition for the same purpose.~~

Prop. H: Shall Section 10.08 of the Charter be amended to conform with state law by requiring petitions calling for recall elections to comply with the Texas Election Code?

Explanation: Texas Election Code Ch. 277 states petitions can't be amended or supplemented (with certain exceptions) after they are filed. The current language is inconsistent with state law.

Amended Text: If approved, the section will read (in relevant part):

Section 10.08 - Recall Election.

All papers comprising a recall petition shall be assembled and filed with the City Secretary. Within thirty (30) days after the petition is filed, the City Secretary shall determine its sufficiency and, if found to be sufficient, shall certify this fact to the Council at its next regular meeting. A petition may be amended or supplemented in compliance with the Texas Election Code. ~~If a recall petition is found to be insufficient, it may be amended within ten (10) days after notice of such insufficiency by the City Secretary, by filing a supplementary petition.~~

Prop. I: Shall Section 12.01 of the Charter be amended to provide that the number of Planning and Zoning commissioners shall be established by ordinance?

Explanation: State law does not specify the membership of a Planning and Zoning Commission; thus, it is a matter of local preference. The current size of the P&Z under the Charter is 9. This amendment removes reference to the size of the P&Z from the Charter and allows the City Council to set the size of the P&Z by ordinance.

Amended Text: If approved, the section will read (in relevant part):

Section 12.01 - Planning and Zoning Commission.

There shall be established a Planning and Zoning Commission which shall consist of ~~nine (9)~~ residents, serving staggered three-year terms.

Any vacancy on the Commission shall be filled by the Council for the remainder of the unexpired term in question. Members of the Commission shall serve without compensation and may be removed by the Council at its sole discretion. The Commission shall annually elect a Chair and a Vice Chair from among its

membership. A majority of members shall constitute a quorum. The Commission shall keep minutes of its proceedings and such minutes shall be of public record.

Prop. J: Shall Sections 14.03 and 14.04 of the Charter be repealed in their entirety as outdated, transitional provisions that are now irrelevant?

Explanation: These provisions are surplus language included as part of the 2010 Charter amendments as an explanation regarding the implementation of that collection of modifications, which included increasing terms of office from 2 to 3 years. They no longer have any relevance to the current Charter and will not affect any future amendments.

~~Section 14.03 – Submission of Charter Amendment to Election.
The City Council, in preparing these Charter Amendments, finds and declares that it is impracticable to segregate each subject so that the voter may vote "yes" or "no" on the same, for the reason that the Charter is so constructed that in order to enable it to properly function it is necessary that it should be amended as set forth on the seven (7) separate ballots presented. For this reason, the City Council directs that the ballot provisions related to these Charter Amendments be voted upon as set forth on the seven (7) ballot propositions presented, and that these amendments shall be submitted to the qualified voters of the City at an election to be held on the 2nd day of November, 2010. The various Charter Amendments approved by a majority of the qualified voters, voting at this election, shall become the Amended Charter of the City of Bastrop on the date the Council enters an order in the records of the City declaring that the various approved Charter Amendments are adopted and the Home Rule Charter is, thus, Amended to include the ballot changes approved by the voters of the City of Bastrop. No amendments to the Charter are intended nor shall same be made other than those specifically approved by the voters in the upcoming election, and as noted herein.~~

~~Section 14.04 – Transitional Elections/Staggered Terms.
In order to provide for a smooth transition from the former two-year terms for all Council Members to the three-year staggered terms set forth in Charter Section 3.02, the following transitional election rules shall be applied.~~

- ~~(1) Staggering Terms. At the first Council meeting following the approval by the electorate of three-year terms of office pursuant to the Amended Charter, then sitting Council Members, including the Mayor, shall draw lots to determine which Council places and/or Mayoral position shall be subject to a transitional length term of office, in order to provide for staggering of terms, the objective being that as stated in Section 3.02; specifically that each year, two (2) Council places, including the Mayoral position, shall be up for election for 3-year terms of office.~~
- ~~(2) Implementation of Staggered Terms. No City Council Member shall be required to draw lots that would result in a transitional term of less than two years or exceeding four years to accomplish the staggering of terms as set forth herein.~~

~~(3) Deadline for Accomplishing Staggering Terms. The City Council shall accomplish staggering the terms of office for all Council Member places and the Mayoral position on or before the General Election that will occur in 2015.~~

Prop. K: Shall the Charter be amended throughout to replace gender -specific language with gender-neutral terminology?

Explanation: The Charter is replete with gender-specific terms, including:

- his,
- his or her,
- his/her,
- him,
- him/her

Amended Text: If approved, the gender-specific wording listed above will be replaced with they, their, or theirs, as appropriate in context.

Prop. L: Shall Section 4.01 be amended to allow the City Manager to reside in the City Limits and the 1-mile extra-territorial jurisdiction?

Explanation: State law does not dictate where the City Manager must reside; instead that is prescribed in the City Charter.

Amended Text: If approved, the text shall read as follows:

Section 4.01 Appointment, Qualifications and Compensation of the City Manager

The Council shall appoint a City Manager for an indefinite term, who shall be the chief administrative officer of the City. The City Manager shall be chosen by the Council by a majority vote of its entire membership and solely on the basis of executive and administrative training, experience, ability and character and without regard to political consideration. The City Manager need not be a resident of the City at the time of appointment but shall reside within the City limits or within the 1-mile extraterritorial jurisdiction while in office.

Prop. M: Shall section 3.08 be amended to allow the Mayor or 2 council members to appoint to boards and commissions subject to confirmation of the city council?

Explanation: The city charter prescribes that the Mayor appoint board and commission members, and the council confirm.

Amended Text: If approved, the text shall read as follows:

Section 3.08 Mayor and Mayor Pro Tem

The Mayor shall preside over the meetings of the Council and perform such other duties consistent with the office as may be imposed on the Mayor by this Charter and all

ordinances and resolutions passed in pursuance thereof. The Mayor may not vote, except in elections, to break a tie and as otherwise provided in this Charter. The Mayor shall have no veto power. The Mayor or two (2) councilmembers shall appoint members to all City boards and commissions, subject to confirmation by the Council.

Conclusion

This explanation is provided by the City of Bastrop as *educational material, only*. While the City Council voted in favor of calling the Special Election to place these propositions before the voters, the City of Bastrop as an entity does not advocate for or against passage of any particular item.



STAFF REPORT

MEETING DATE: May 14, 2024

TITLE:

City Manager's Report

AGENDA ITEM SUBMITTED BY:

Submitted by: Sylvia Carrillo, City Manager

POLICY EXPLANATION:

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

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

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

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



STAFF REPORT

MEETING DATE: May 14, 2024

TITLE:

Consider action to approve City Council minutes from the April 23, 2024, Regular meeting and April 29, 2024, Special meeting.

AGENDA ITEM SUBMITTED BY:

Ann Franklin, City Secretary

BACKGROUND/HISTORY:

N/A

FISCAL IMPACT:

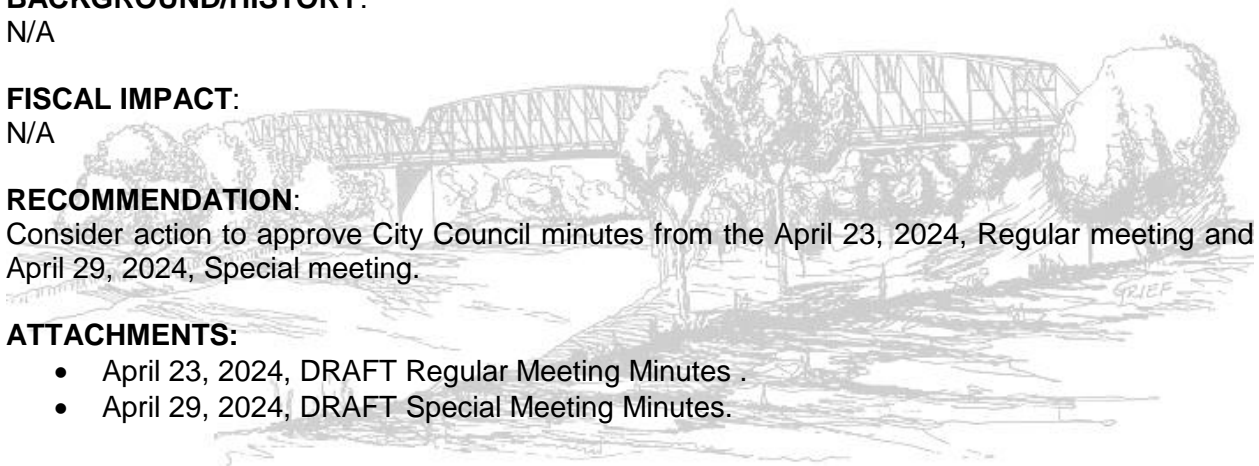
N/A

RECOMMENDATION:

Consider action to approve City Council minutes from the April 23, 2024, Regular meeting and April 29, 2024, Special meeting.

ATTACHMENTS:

- April 23, 2024, DRAFT Regular Meeting Minutes .
- April 29, 2024, DRAFT Special Meeting Minutes.



APRIL 29, 2024

The Bastrop City Council met in a special meeting on Monday, April 29, 2024, at 5:30 p.m. at the Bastrop City Hall Council Chambers, located at 1311 Chestnut Street, Bastrop, Texas. Members present were: Mayor Nelson and Mayor Pro Tem Kirkland and Council Members Meyer, Lee, Plunkett, and Crouch. Officers present were: City Manager, Sylvia Carrillo; City Secretary, Ann Franklin; and City Attorney, Alan Bojorquez.

CALL TO ORDER

Mayor Nelson called the special City Council meeting to order at 5:30 p.m. with a quorum present.

CITIZEN COMMENTS

SPEAKERS

Mel Cooper
603 Shiloh Rd.
Bastrop, TX 78602
(832) 603-7150

Bill Peterson
508 MLK
Bastrop, TX 78602

Deborah Jones
1606 Pecan St.
Bastrop, TX 78602
(512)567-5719

Carrie Caylor
1408 Wilson Street
Bastrop, TX 78602
(512)743-6462

Tim Van Allen
2106 Hill St.
Bastrop, TX 78602
(512)203-7197

Lind Curtis
Shore Rd.
Bastrop, TX

Barbara Caldwell
110 Carriage Ct.
Bastrop, TX 78602
(21)842-3728

Jeremy Sorl
484 Agnes
Bastrop, TX

Stewart Britton
12 Lost Pines Ave.
Bastrop, TX 78602

Debbie Moore
1306 Church Street
(225)802-4702

PRESENTATIONS

- 3A. Mayor's Report
- 3B. Council Members' Report

ITEMS FOR INDIVIDUAL CONSIDERATION

- 4A. Consider action to approve Resolution No. 2024-50, of the City Council of the City of Bastrop, Texas, making trail connectivity at Mayfest Park a priority in the recently adopted Parks Master Plan.
Submitted by: Sylvia Carrillo-Trevino, ICMA-CM, CPM, City Manager
Presentation was made by Sylvia Carrillo-Trevino, ICMA-CM, CPM, City Manager.

A motion was made by Council Member Plunkett to approve Resolution No. R-2024-50, seconded by Council Member Meyer, motion was approved on a 5-0 vote. Council Member Lee was absent.

- 4B. Consider action to approve Resolution No. R-2024-45 of the City Council of the City of Bastrop, Texas, approving and authorizing the issuance of a Request for Proposals (RFP) for Solid Waste and Recycling Services, as attached as Exhibit A; providing for repeal; and providing an effective date.
Submitted by: Andres Rosales, Assistant City Manager
Presentation was made by Andres Rosales, Assistant City Manager.

SPEAKER(S)
David Butler
127 Kean Ct.
Bastrop, TX 78602
(512)705-5521

Stacy Savage
130 Kahalulu Dr.
Bastrop, TX 78602
(512)693-7677

A motion was made by Council Member Crouch to approve Resolution No. R-2024-45, seconded by Council Member Meyer, motion was approved on a 5-0 vote. Council Member Lee was absent.

- 4C. Consider action to approve Resolution No. R-2024-48 of the City Council of the City of Bastrop, Texas, amending the Rules of Procedure, including Parliamentary Procedure and Agenda Order authorizing the City Manager to execute, and providing for an effective date.

Submitted by: Mayor Pro Tem John Kirkland

SPEAKER(S)

**Jodie Smith
1909 Main Street
Bastrop, TX**

A motion was made by Council Member Plunkett to approve Resolution No. R-2024-48, seconded by Mayor Pro Tem Kirkland, motion was approved on a 5-0 vote. Council Member Lee was absent.

- 4D. Consider action to approve Resolution No. R-2024-49 of the City Council of the City of Bastrop, Texas, regarding certain aspects of the Office of Mayor establishing or modifying policies regarding Expenses for Official Business Trips, City Funds for the Mayor's Attendance at Events, Mayor's Office Space, Speaking Roles at City Functions, City Hall Access, Mayor Contact Information Online, Appointment to Internal or External Boards, and Legislative Advocacy, authorizing the City Manager to execute, and providing for an effective date.

Submitted by: Mayor Pro Tem John Kirkland

SPEAKER(S)

**Joe Grady Tuck
1503 Wilson St.
Bastrop, TX 78602**

Linda Curtis

A motion was made by Council Member Meyer to approve Resolution No. R-2024-49, seconded by Council Member , motion was approved on a 5-0 vote. Council Member Lee was absent.

EXECUTIVE SESSION

The City Council met at 7:51 p.m. in a closed/executive session pursuant to the Texas Government Code, Chapter 551, et seq, to discuss the following:

- 5A. City Council shall convene into closed executive session pursuant to Texas Government Code Sections 551.071 and 551.087 to seek the advice of legal counsel regarding a 380 Agreement with the Valverde Development.
- 5B. City Council shall convene into closed executive session pursuant to Texas Government Code Sections 551.071 and 551.087 to seek the advice of legal counsel regarding a 380 Agreement with the PRC 01 Bastrop, LLC (Pearl River – Sendero) Development.

Mayor Nelson recessed the Executive Session at 9:50 p.m.

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

Adjourned at 9:53 p.m. without objection.

APPROVED:

ATTEST:

Mayor Lyle Nelson

City Secretary Ann Franklin

The Minutes were approved on May 14, 2024, by Council Member Name’s motion, Council Member Name’s second. The motion was approved on a 5-0 vote.

APRIL 23, 2024

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

CALL TO ORDER

Mayor Nelson called the regular City Council meeting to order at 6:30 p.m. with a quorum present. Council Member Lee was absent.

Council Member Plunkett arrived at 6:32 p.m.

PLEDGE OF ALLEGIANCE

Noah Tawater and Zachary Coleman, Colony Oaks Elementary Safety Patrol led the pledges.

INVOCATION

Dale Burke, Police Chaplain, gave the invocation.

PRESENTATIONS

- 4A. Mayor's Report
- 4B. Council Members' Report
- 4C. City Manager's Report
- 4D. A proclamation of the City Council of the City of Bastrop, Texas recognizing May 4, 2024, as National Lemonade Day.
Submitted by: Ann Franklin, City Secretary
This item was removed from the agenda.
- 4E. A proclamation of the City Council of the City of Bastrop, Texas recognizing April 2024, as Sexual Assault Awareness Month.
Submitted by: Ann Franklin, City Secretary
Proclamation was read into record by Mayor Lyle Nelson, accepted by Ashlyn Wesel, Family Crisis Center.
- 4F. A proclamation of the City Council of the City of Bastrop, Texas recognizing May 11, 2024, as World Migratory Bird Day.
Submitted by: Ann Franklin, City Secretary
Proclamation was read into record by Council Member Crouch, accepted by Kerry Fossler, Parks and Recreation Board.
- 4G. A proclamation of the City Council of the City of Bastrop, Texas recognizing May 4, 2024, as Firefighter Appreciation Day.
Submitted by: Ann Franklin, City Secretary
Proclamation was read into record by Mayor Lyle Nelson, accepted by Chief Chris Stone and Firemen.

- 4H. A proclamation of the City Council of the City of Bastrop, Texas recognizing May 12, 2024 - May 18, 2024, as National Police Week.
Submitted by: Ann Franklin, City Secretary
Proclamation was read into record by Mayor Lyle Nelson, accepted by Chief Steffanic and Officers.
- 4I. A proclamation of the City Council of the City of Bastrop, Texas recognizing the Bastrop County Historical Society on their outstanding achievement.
Submitted by: Lyle Nelson, Mayor
Proclamation was read into record by Mayor Lyle Nelson, accepted by members of the Bastrop County Historical Society.

WORK SESSIONS/BRIEFINGS - NONE

STAFF AND BOARD REPORTS

- 6A. Receive presentation on the unaudited Monthly Finance Report for the period ending February 29, 2024.
Submitted by: Edi McIlwain, Chief Financial Officer
Presentation was made by Edi McIlwain, Chief Financial Officer.

CITIZEN COMMENTS

SPEAKERS

Debbie Moore
1306 Church Street
Bastrop, TX 78602

Linda Curtis
150 S. Shore Road
Bastrop, TX 78602

Stephen Ross

CONSENT AGENDA

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

- 8A. Consider action to approve City Council minutes from the April 6, 2024, Special Joint Workshop/Walking Tour and April 9, 2024, Regular meeting.
Submitted by: Ann Franklin, City Secretary
- 8B. Consider action to approve the second reading of Ordinance No. 2024-05 of the City Council of the City of Bastrop, Texas, amending the budget for the Fiscal Year 2024;

appropriating the various amounts herein as attached in Exhibit A; repealing all prior ordinances and action in conflict herewith; and establishing an effective date.

Submitted by: Edi McIlwain, Chief Financial Officer

ITEMS FOR INDIVIDUAL CONSIDERATION

- 9A. Hold a public hearing and consider action to approve the first reading of Ordinance No. 2024-12 of the City Council of the City of Bastrop, Texas, disannexing from the City limits, for full purposes, land being approximately 312.61 acres, known as Bastrop Colorado Bend, Phase 1, out of the Stephen F. Austin Survey, Abstract No. 2, in Bastrop County, Texas, located west of Lovers Lane and southeast of the Colorado River.

Submitted by: Andres Rosales, Assistant City Manager

Presentation was made by Andres Rosales, Assistant City Manager.

Public Hearing was opened.

Public Hearing was closed.

A motion was made by Council Member Crouch to approve the first reading of Ordinance No. 2024-12, seconded by Council Member Plunkett, motion was approved on a 4-0 vote. Council Member Lee was absent.

- 9B. Consider action to approve Resolution No. R-2024-43 of the City Council of the City of Bastrop, Texas, approving and authorizing the execution of a Lease Agreement between the Bastrop Christian Church and the City for the property located at 600 Spring Street, as attached as Exhibit A; providing for a repealing clause; and establishing an effective date.

Submitted by: Andres Rosales, Assistant City Manager

Presentation was made by Andres Rosales, Assistant City Manager.

A motion was made by Council Member Plunkett to approve Resolution No. R-2024-43, seconded by Mayor Pro Tem Kirkland, motion was approved on a 4-0 vote. Council Member Lee was absent.

- 9C. Receive presentation of the Bastrop Bird Junction Project, the proposed nine (9) locations, and proposed outdoor Bird Sculptures, and consider action to approve the proposed locations and proposed outdoor Bird Sculptures for locations one (1), two (2), and five (5) as identified in Exhibit A, located within the City Limits of Bastrop, Texas.

Submitted by: James E. Cowey, Director of Development Services

Presentation was made by James E. Cowey, Director of Development Services.

A motion was made by Council Member Meyer to approve Resolution No. R-2024-44 approving proposed locations and proposed outdoor Bird Sculptures for locations one (1), two (2), and five (5), seconded by Council Member Crouch, motion was approved on a 4-0 vote. Council Member Lee was absent.

- 9D. Consider action to approve Resolution No. R-2024-45 of the City Council of the City of Bastrop, Texas, approving and authorizing the issuance of a Request for Proposals (RFP) for Solid Waste and Recycling Services, as attached as Exhibit A; providing for repeal; and providing an effective date.

Submitted by: Andres Rosales, Assistant City Manager.

Presentation was made by Andres Rosales, Assistant City Manager.

SPEAKERS

**Alfonso Sifuentes
205-A S. Main St.
Lockhart, TX 78644**

**Ja'mar Prince
204 Waipahoehoe Dr.
Bastrop, TX 78602**

A motion was made by Council Member Plunkett to table this item with instructions to staff to include the provision of no contact and no lobbying as part of the RFP process, second by Mayor Pro Tem Kirkland, motion was approved on a 4-0 vote. Council Member Lee was absent.

- 9E. Consider action to approve Resolution No. R-2024-46 of the City Council of the City of Bastrop, Texas, approving a contract with PHI Health, LLC dba PHI Air Medical for annual membership for emergency air medical transport in an amount of Thirty-Two Thousand Three Hundred Thirty Four Dollars (\$32,334), authorizing the City Manager to execute all necessary documents, and providing for an effective date.

Submitted by: Andres Rosales, Assistant City Manager

Presentation was made by Andres Rosales, Assistant City Manager.

A motion was made by Mayor Pro Tem Kirkland to approve Resolution No. R-2024-46, seconded by Council Member Meyer, motion was approved on a 4-0 vote. Council Member Lee was absent.

EXECUTIVE SESSION

The City Council met at 7:51 p.m. in a closed/executive session pursuant to the Texas Government Code, Chapter 551, et seq, to discuss the following:

- 10A. City Council shall convene into closed executive session pursuant to Texas Government Code Sections 551.071, 551.072, and 551.087 to seek the advice of legal counsel regarding the real estate and economic development aspects of a potential development of a Qualified Hotel Project.
- 10B. City Council shall convene into closed executive session pursuant to Texas Government Code Sections 551.071 and 551.072 to seek legal council and discuss potential acquisition of real estate adjacent to Gills Branch, within the City of Bastrop.
- 10C. City Council shall convene into closed executive session pursuant to Texas Government Code Sections 551.071 and 551.087 to seek the advice of legal counsel regarding a 380 Agreement with the Bastrop County Museum & Visitor Center.

- 10D. City Council shall convene into closed executive session pursuant to Texas Government Code Sections 551.071 and 551.087 to seek the advice of legal counsel regarding potential economic development incentives for the Bastrop Opera House.
- 10E. City Council shall convene into closed executive session pursuant to Texas Government Code Sections 551.071 and 551.074 to seek the advice of legal counsel regarding the conduct of Mayor Lyle Nelson and results of the recent Board of Ethics decision, including remedial measures.

Mayor Nelson recessed the Executive Session at 9:50 p.m.

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

- 10D. City Council shall convene into closed executive session pursuant to Texas Government Code Sections 551.071 and 551.087 to seek the advice of legal counsel regarding potential economic development incentives for the Bastrop Opera House. **A motion was made by Council Member Meyer to direct staff and the City Attorney to negotiate and prepare an Economic Development Incentive Agreement with the Bastrop Opera House to help fund improvements and bring back to next possible meeting, seconded by Mayor Pro Tem Kirkland, motion was approved on a 4-0 vote. Council Member Lee was absent.**
- 10E. City Council shall convene into closed executive session pursuant to Texas Government Code Sections 551.071 and 551.074 to seek the advice of legal counsel regarding the conduct of Mayor Lyle Nelson and results of the recent Board of Ethics decision, including remedial measures. **A motion was made by Council Member Meyer to table item 10E and address it at a special called meeting to be held on Monday, April 29, 2024, at 5:30 p.m., seconded by Council Member Plunkett, motion was approved on a 4-0 vote. Council Member Lee was absent.**

Adjourned at 9:53 p.m. without objection.

APPROVED:

ATTEST:

Mayor Lyle Nelson

City Secretary Ann Franklin

The Minutes were approved on May 14, 2024, by Council Member Name’s motion, Council Member Name’s second. The motion was approved on a 5-0 vote.



STAFF REPORT

MEETING DATE: May 14, 2024

TITLE:

Hold a public hearing and consider action to approve the first reading of Ordinance No. 2024-11 of the City Council of the City of Bastrop, Texas, approving the zoning change for 31.4559 +/- acres out of the A11 Bastrop Town Tract, Bastrop County, Texas, more commonly known as Bastrop Gateway from P2 rural and P5 core to planned development district with P5 core base zoning, 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 May 28, 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 Bastrop Gateway. The proposal is to place a Planned Development District (PDD) with a P5 Core base zoning to incorporate multi-family housing, which coincides with Transitional Residential as defined by our Future Land Use plan, as well as commercial uses such as retail to serve the development and surrounding areas.

PLANNING & ZONING COMMISSION RECOMMENDATION:

The P&Z Commission reviewed the Zoning Concept Scheme at their May 9, 2024, special meeting, and recommended denial of the rezoning request, for a Planned Development District (PDD) with a P5 Core base zoning, by a vote of 6-2.

STAFF RECOMMENDATION:

Hold public hearing and consider action to approve the first reading and move to include on the May 28, 2024, Regular Agenda for second reading.

ATTACHMENTS:

- Attachment 1: Memo Staff Report for Bastrop Gateway Zoning Concept Scheme - PDD
- Attachment 2: Ordinance No. 2024-11



STAFF REPORT

MEETING DATE: May 14, 2024

TITLE:

Consider action to approve Resolution No. R-2024-58 of the City Council of the City of Bastrop, Texas, accepting a donation on behalf of the City of Bastrop Police Department in the amount of Two Thousand Five hundred and Sixty Four dollars (\$2,564.00) from Project Beloved.org for utilization by the City of Bastrop Police Department's Victims Services division allowing for the aesthetic remodel of the victim interview room, enhancing the space to be more conducive for interviewing victims and family members; authorizing the City Manager to execute all necessary documents; providing for a repealing clause; and establishing an effective date.

AGENDA ITEM SUBMITTED BY:

Vicky Steffanic, Chief of Police

BACKGROUND/HISTORY:

In April of 2023 our Victim Services coordinator became aware of a program known as Projectbeloved.org. This program offers a soft, emotionally safe remodel of victim interview rooms for different organizations throughout the country. Project Beloved is a non-profit organization committed to affirming life and supporting survivors of sexual violence. It was founded by Tracy Matheson after her daughter Molly was raped and murdered in 2017. Tracy and others made it their mission to assist in the improvement of conditions in which victims and victims' family members are cared for. This remodel does not require any modifications such as mechanical, electrical, and plumbing. The remodel is aesthetic in nature.

FISCAL IMPACT:

The project is completely funded by donations and has no adverse impact on the city's budget.

RECOMMENDATION:

Consider action to approve Resolution No. R-2024-58 of the City Council of the City of Bastrop Texas.to accept a donation of two thousand five hundred dollars and sixty-four dollars (\$2,564.00) in furnishing and decorations authorizing the City of Bastrop Police Department's Police Chief to accept the donation as the authorized official; providing for a severability clause; and establishing an effective date.

ATTACHMENTS:

Project beloved Mission and excerpt on soft rooms.

RESOLUTION NO. R-2024-58

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS ACCEPTING A DONATION FROM PROJECT BELOVED.ORG IN THE AMOUNT OF \$2,564 FOR THE REMODEL OF THE CITY OF BASTROP VICTIM SERVICES SOFT INTERVIEW ROOM; AUTHORIZING THE CITY MANAGER TO EXECUTE ALL NECESSARY DOCUMENTS; PROVIDING FOR A REPEALING CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

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

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

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

WHEREAS, the remodel will be commissioned as a tribute to past victims and provide an emotionally safe place for the interview of victims and family members.

WHEREAS, accepting a donation from Project Beloved.org in the amount of \$2,564 for the remodel of the Victim Interview Room and the creation of a emotionally safe place for the interview of victims and family members.

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

Section 1: That the City Manager is hereby authorized to execute all necessary documents, authorizing accepting the donation from Project Beloved.org in the amount of \$2,564 for the remodel of the Victim Interview Room and the creation of an emotionally safe place for the interview of victims and family members.

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

Section 3: That this Resolution shall take effect immediately upon its passage, and it is so resolved.

DULY RESOLVED AND ADOPTED by the City Council of the City of Bastrop this 14th day of May 2024.

APPROVED:

Lyle Nelson, Mayor

ATTEST:

Ann Franklin, City Secretary

APPROVED AS TO FORM:

Alan Bojorquez, City Attorney

PROJECT BELOVED

Trauma informed care (TIC) considers and understands the body's biological and neurological response to trauma. Evidence based practices call for a trauma informed approach to reports of rape and sexual assault, and a soft interview room is considered an integral component of TIC. Creating a space that is comfortable rather than stark allows the participant to feel physically and emotionally safe and can have a significant impact on the interview process. Soft interview rooms can also be useful when interviewing those suspected of committing crimes as well.

Mission:



Project Beloved strives to educate, advocate, and collaborate to change the conversation about sexual assault and empower survivors to find their voices.



STAFF REPORT

MEETING DATE: May 14, 2024

TITLE:

Hold a public hearing and consider action to approve the first reading of Ordinance No. 2024-13 of the City Council of the City of Bastrop, Texas, approving the zoning change for 6.218 +/- acres out of the Nancy Blakey Survey, Abstract Number 98, located west of FM 969 within the City of Bastrop, Texas, P3 Residential to P5 Core, 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 May 28, 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 P3 to P5 in order to appropriately incorporate multi-family.

PLANNING & ZONING COMMISSION RECOMMENDATION:

The P&Z Commission reviewed the Zoning Concept Scheme at their April 25, 2024, regular meeting, and recommended approval of the rezoning request, for a Planned Development District (PDD) with a P5 Core base zoning, by a vote of 6-0.

STAFF RECOMMENDATION:

Hold public hearing and consider action to approve the first reading and move to include on the May 28, 2024, Consent Agenda for second reading.

ATTACHMENTS:

- Attachment 1: Ordinance No. 2024-13
- Attachment 2: Memo Staff Report for Valverde North Zoning Concept Scheme



To: Sylvia Carrillo, City Manager
From: Kennedy Higgins, Senior Planner- Planning & Development
Date: April 25, 2024
Subject: Valverde North ZCS

=====

ITEM DETAILS:

Site Address: West of FM 969, North of SH 71 (Attachment 1)
Property ID: 6.218 acres out of 8720280
Total Acreage: 6.218 +/-
Acreage Rezoned: 6.218 +/-
Legal Description: 6.218 +/- acres out of Nancy Blakey Survey No. 98

Property Owner: Continental Homes of Texas, LP
Agent Contact: Megan Reynold BGE

Existing Use: Vacant/Undeveloped
Existing Zoning: P3 Neighborhood
Proposed Zoning: P5 Core
Future Land Use: Residential

BACKGROUND:

The applicant has applied for a Zoning Concept Scheme for Valverde North property. The proposal is to place P5 Core zoning to appropriately incorporate multi-family.

The multifamily development is part of the larger Valverde development. Valverde North consists of 82 multifamily units located within 41 buildings, associated parking, and is on the northeastern side of the overall development. The buildings on the north will be consistent with the multifamily development directly south of this site.

LAND USE:

The existing land use is classified as 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.

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.

Infrastructure	Available (Y/N)	Proposed
----------------	-----------------	----------

Water	Y	Line Extensions
Wastewater	Y	Line Extensions
Drainage	Y	Storm sewer, detention pond
Transportation	Y	Constructing new streets
Parks and Open Space	Y	Pond with Trails

Drainage

A Zoning Concept Scheme must be accompanied by a Drainage Plan to ensure that the proposed development is feasible. A Final Drainage Plan has been reviewed and approved by the City Engineer. The site includes a detention pond in the natural flow of the land in the northwest corner of the tract in the neighboring parcel where they will be utilizing the detention pond within the single-family section. The maximum impervious cover allowed per the Development Agreement is 70%. This development proposes 62.1% coverage.

Utilities

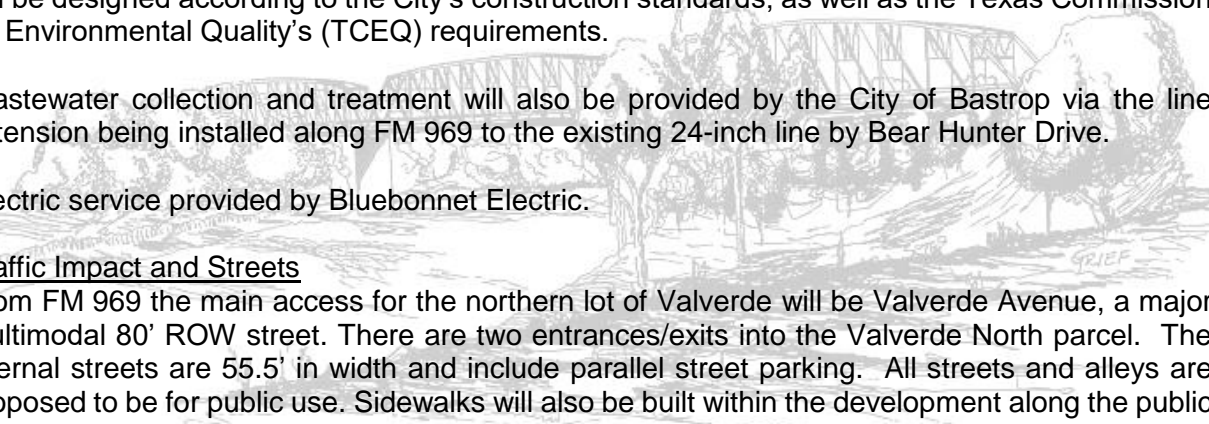
Water service (domestic and fire) will be provided by the City of Bastrop via water line extensions provided by the developer from the existing water tank on the south side of SH 71. These lines will be designed according to the City’s construction standards, as well as the Texas Commission on Environmental Quality’s (TCEQ) requirements.

Wastewater collection and treatment will also be provided by the City of Bastrop via the line extension being installed along FM 969 to the existing 24-inch line by Bear Hunter Drive.

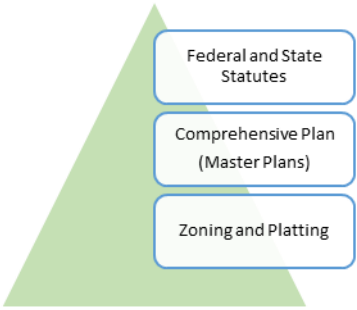
Electric service provided by Bluebonnet Electric.

Traffic Impact and Streets

From FM 969 the main access for the northern lot of Valverde will be Valverde Avenue, a major multimodal 80’ ROW street. There are two entrances/exits into the Valverde North parcel. The internal streets are 55.5’ in width and include parallel street parking. All streets and alleys are proposed to be for public use. Sidewalks will also be built within the development along the public streets.



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 on 04/10/2024, Zoning Change signs were visibly placed in the front of the property on 04/11/2024 and notice was sent to property owners within 200 feet of the property boundary on 04/04/2024. 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 single family residential, the surrounding area including the lot to the south is consistent with the higher density allowed thus matching the existing environment and the overall developer's agreement.

RECOMMENDATION:

Hold a public hearing and consider action on a recommendation for the Valverde North Zoning Concept Scheme, changing the zoning of 6.218 acres out of the Nancy Blakey Survey, Abstract Number 98, located west of FM 969, within the City of Bastrop from P3 Residential to P5 Core, as shown on Attachment 1.

ATTACHMENTS:

- Attachment 1: Location Map
- Attachment 2: Valverde North ZCS
- Attachment 3: Exhibits

ORDINANCE 2024-13

**ZONING CONCEPT SCHEME CHANGE
VALVERDE NORTH**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, APPROVING THE ZONING CHANGE FOR 6.218 +/- ACRES OUT OF THE NANCY BLAKEY SURVEY, ABSTRACT NUMBER 98, BASTROP COUNTY, TEXAS, MORE COMMONLY KNOWN AS VALVERDE NORTH, FROM P3 NEIGHBORHOOD TO P5 CORE; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR ENFORCEMENT; PROVIDING FOR PROPER NOTICE AND MEETING; AND ESTABLISHING AN EFFECTIVE DATE.

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

WHEREAS, on or about November 03, 2023, Megan Reynolds (BGE) submitted a request for zoning modifications for a property located west of FM 969, within the City limits of Bastrop, Texas described as being 6.218 +/- acres of land out of the Nancy Blakey survey, Abstract number 98, more commonly known as Valverde North ("Property"); and

WHEREAS, the City Staff has reviewed the request for zoning modifications, and finds it to be justifiable based upon the Future Land Use Designation for this Property; 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 April 25, 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, 6.218 +/- acres of land out of the Nancy Blakey survey, Abstract number 98, more commonly known as Valverde North, more particularly shown and described in Exhibit A which is attached and incorporated herein, is hereby rezoned from P3 Neighborhood to P5 Core. 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 14th day of May 2024.

READ & ADOPTED on Second Reading on this the 28 day of May 2024.

APPROVED:

Lyle Nelson, Mayor

ATTEST:

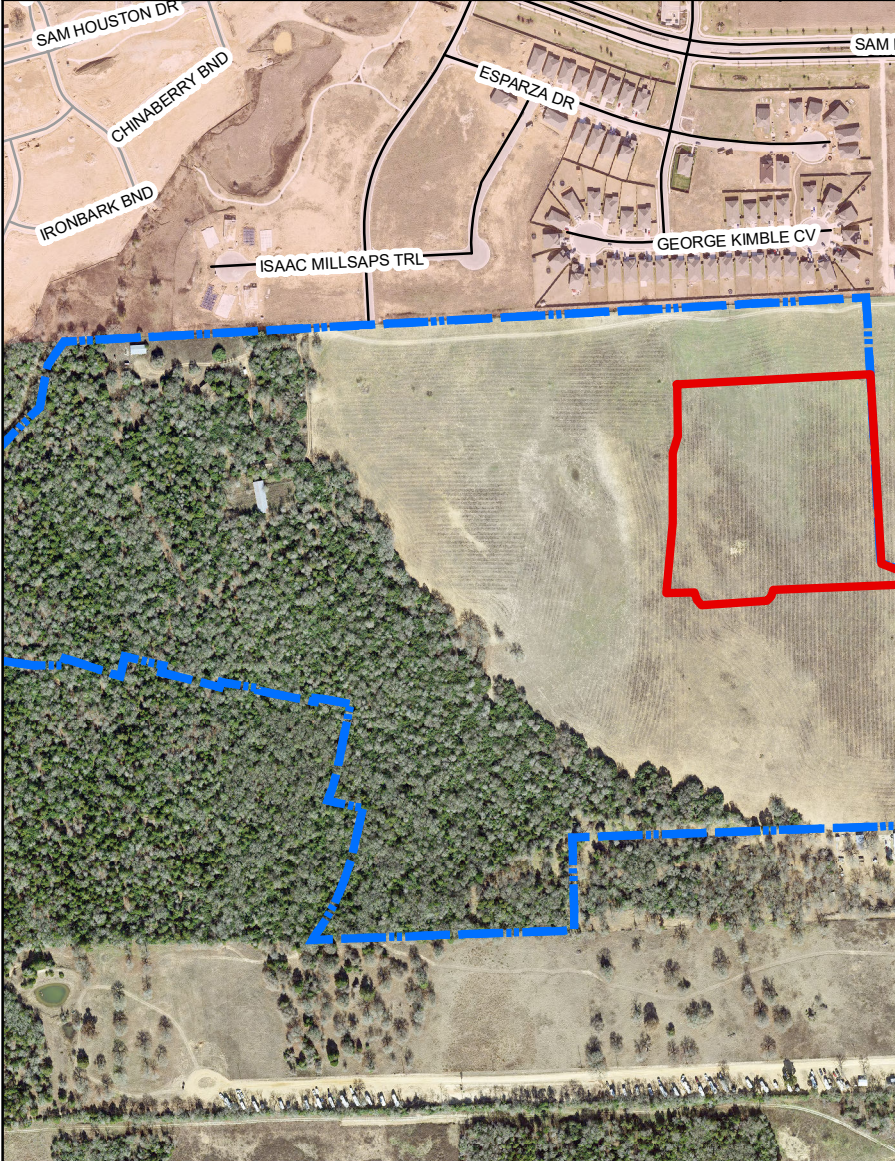
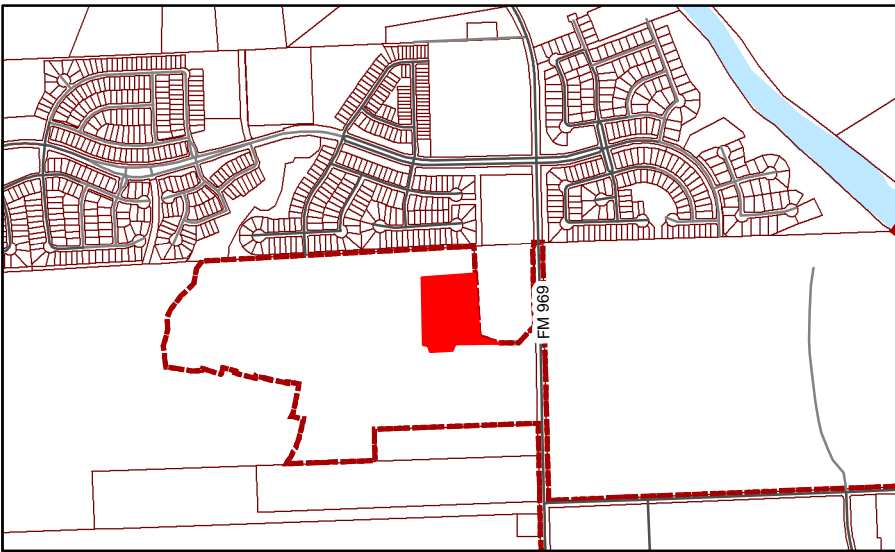
Ann Franklin, City Secretary

APPROVED AS TO FORM:

Alan Bojorquez, City Attorney

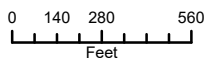
ATTACHMENT A

Property Description



**Valverde
 Location Map**

Date: 4/3/2024



1 inch = 600 feet



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



STAFF REPORT

MEETING DATE: May 14, 2024

TITLE:

Consider action to approve Resolution No. R-2024-06 of the City Council of the City of Bastrop, Texas authorizing a license to encroach agreement with Zavodny Food Court to encroach into the Public Utility Easement to place mobile food trailers closer to Cedar Street, as attached in Exhibit B of the License Agreement; authorizing the City Manager to execute necessary documents; providing for a repealing clause; and establishing an effective date.

AGENDA ITEM SUBMITTED BY:

Kennedy Higgins – Senior Planner, Development Services

BACKGROUND/HISTORY:

The applicant is requesting a license to encroach in the Public Utility Easement on the portion along Cedar Street to allow vendor spaces to be closer to Cedar Street. The mobile food truck court will serve eight mobile food vendors and provide an outdoor dining area on-site along with a permanent restroom facility as shown on Exhibit B of the License Agreement. The agreement is for a period of one year with an automatic one-year renewal beginning on the effective date.

POLICY EXPLANATION:

A License to Encroach Agreement is reviewed and approved by Council.

FUNDING SOURCE:

N/A

RECOMMENDATION:

Consider action to approve Resolution No. R-2024-06 of the City Council of the City of Bastrop, Texas authorizing a license to encroach agreement with Zavodny Food Court to encroach into the Public Utility Easement to place mobile food trailers closer to Cedar Street, as attached in Exhibit A; authorizing the City Manager to execute necessary documents; providing for a repealing clause; and establishing an effective date.

ATTACHMENTS:

- Attachment 1 – Location Map
- Attachment 2 - Resolution R-2024-06
- Attachment 3 – License to Encroachment Agreement

RESOLUTION NO. R-2024-06

A RESOLUTION OF THE CITY OF BASTROP, TEXAS, APPROVING A LICENSE TO ENCROACH AGREEMENT ON A PUBLIC UTILITY EASEMENT LOCATED ADJACENT TO 1615 CEDAR STREET, ALSO KNOWN AS ZAVODNY FOOD COURT; AUTHORIZING EXECUTION OF ALL NECESSARY DOCUMENTS; PROVIDING FOR SEVERABILITY; AND PROVIDING 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, the City Council understands the benefit of allowing certain encroachments on to a Public Utility Easement for the operation of businesses within the City; and

WHEREAS, Curtis Zavodny (“Licensee”) seeks to encroach on a portion of a Public Utility Easement; and

WHEREAS, The encroachment is located adjacent to the parcel on which Licensee conducts activities; and

WHEREAS, The City Staff has reviewed the request and License to Encroach Agreement and finds it to be justifiable based upon the use of this Property; and

WHEREAS, The City finds that the allowed encroachments under this Agreement will have negligible negative impacts on the public’s use of the Public Utility Easement; and

WHEREAS, It is in the best interests of City and the utility to have access to the existing and future infrastructure while allowing for encroachment of private property into the Public Utility Easement; and

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

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

Section 1. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Bastrop, Texas, and are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Section 2. The City Council authorizes the execution of the License to Encroach Agreement, which is attached and incorporated herein as Exhibit A.

Section 3. Should any portion or part of this Resolution be held for any reason invalid or unenforceable by a court of competent jurisdiction, the same shall not be construed to affect any other valid portion hereof, but all valid portions hereof shall remain in full force and effect.

Section 4. This Resolution shall be in full force and effect from and after its passage.

Section 5. The City Council hereby finds and declares that written notice of the date, hour, place, and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered, and formally acted upon, all as required by the Texas Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this, the 14th day of May 2024.

THE CITY OF BASTROP, TEXAS:

Lyle Nelson, Mayor

ATTEST:

Ann Franklin, City Secretary

APPROVED AS TO FORM:

Alan Bojorquez, City Attorney

EXHIBIT A
License to Encroach Agreement

LICENSE TO ENCROACH AGREEMENT

THE STATE OF TEXAS §
 §
COUNTY OF BASTROP §

This is a License Agreement between the City of Bastrop, acting by and through the City Manager (hereinafter “City”) and Curtis Zavodny (hereinafter “Licensee”) for the use of a certain Public Utility Easement located adjacent to 1615 Cedar Street, Bastrop, TX, also known as Zavodny Food Court (hereinafter “Agreement”), with such encroachments into the Public Utility Easement being described and depicted in this Agreement. Collectively, City and Licensee will be referred to as the “Parties.”

RECITALS

The Parties acknowledge and agree on the following:

1. The property where the Zavodny Food Court and where the Public Utility Easement is located is shown on Exhibit A (hereinafter “Property”), which is attached and incorporated herein.
2. The encroachment in the Public Utility Easement is located adjacent to the parcel on which Licensee conducts activities which is shown more accurately on Exhibit B, which is attached and incorporated herein.
3. It is in the best interests of City and Utility Providers to have access to the existing and future infrastructure while allowing for encroachment of private property into the public utility easement.
4. The City finds that this Agreement will have negligible negative impacts on the public’s use of the Public Utility Easement for the allowed encroachments.
5. This Agreement is supported by full and adequate consideration.

TERMS OF THE AGREEMENT

In consideration of the recitals and mutual covenants contained in this Agreement, the Parties agree to the following terms:

ARTICLE 1

PREMISES AND PRIVILEGES

For and in consideration of the terms, conditions, and covenants of this Agreement to be performed by Licensee, all of which Licensee accepts, City authorizes and permits Licensee to have the non-exclusive use of the public utility easement for the encroachment as shown in Exhibit B. The herein described privileges are transferable and shall convey with the sale of the property for the term of the agreement described in Article 2. Licensee accepts the condition of the Property as is, where is, and in its condition as of the effective date of this Agreement with no expectation that City will incur any expense in connection with the Property.

ARTICLE 2

TERM

The term of this Agreement shall be for a period of one year, beginning on the effective date of this Agreement. Unless and until the Agreement is terminated, this Agreement will renew itself automatically on each anniversary of the Agreement for an additional one-year term.

- A. The City may terminate this agreement without cause. The City shall give written notice of the termination of the Agreement to Licensee in accordance with Article 7 below, which termination shall become effective on the date specified in the written notice.

ARTICLE 3

OBLIGATIONS OF LICENSEE

In addition to any other obligations imposed by this Agreement, Licensee accepts and will perform the following obligations:

- 1. Licensee shall not deny access to utility or telecommunication providers.
- 2. Licensee shall neither construct nor permit any buildings, structures, or improvements other than those listed in this Agreement without approval of the City of Bastrop in writing.
- 3. Licensee shall maintain and upkeep the Property, including that infrastructure that is encroaching in the Public Utility Easement, or remove those encroaching items if the items are not maintained or kept in good working order.
- 4. Licensee agrees all future work within the public utility easement will require a request through the permit process and approval by the City Manager
- 5. Licensee acknowledges that City may desire to repair, repave, or otherwise improve the public utility easement. In this event, Licensee shall allow the City access for such period of time as is necessary. The City also retains the right to access the property for all other rights incidental to and necessary in connection with any utility lines or facilities that may be located on or under the Property.

ARTICLE 4

NOT A CONVEYANCE OF REAL PROPERTY INTEREST

The Parties agree and acknowledge that this Agreement is not a conveyance or transfer of any tenancy, leasehold, or ownership interest of any kind in the Public Utility Easement.

ARTICLE 5

NO LIABILITY FOR CITY

The Parties agree that City shall have no liability for any losses or damages, direct or consequential, resulting from the loss of anything on the Property, real or personal, whether by theft, vandalism, negligence, act of God, or some other event or occurrence.

ARTICLE 6

NO ASSIGNMENT

Licensee shall not assign this Agreement without the prior written consent of the City.

ARTICLE 7

TERMINATION

This Agreement shall terminate upon the occurrence of any of the following:

1. Either the City or the Licensee may terminate this Agreement without cause by submitting 30 (thirty) days' written notice of such to the other Party.
2. Licensee defaults in the performance of its obligations under this Agreement, if such default continues for a period of ten (10) days after written notice to Licensee by City of the default.

Upon termination of this Agreement, Licensee shall remove all things placed within the public utility easement by Licensee or its agents, servants, or employees. Licensee shall restore the public utility easement as nearly as practical to its condition prior to the initial execution of this Agreement.

The failure of City to declare this Agreement in default shall not operate to bar or waive the right of City to terminate this Agreement because of any subsequent violation of the Agreement.

ARTICLE 8

MISCELLANEOUS GENERAL PROVISIONS

- A. Attorney's Fees. In any action brought for the enforcement of the obligations in this Agreement, the prevailing party shall be entitled to recover interest and reasonable attorney's fees.
- B. Misrepresentation. All terms and conditions with respect to this Agreement are expressly contained in this document. Licensee agrees that no representative or agent of the City has made any representation or promise with respect to this Agreement not expressly contained in the Agreement.
- C. Paragraph Headings. The paragraph headings are for convenience and reference and are not intended to define or limit the scope of any provision of this Agreement.
- D. Notices. Notices that are sent pursuant to any provision of this Agreement, at a minimum, shall be sent to the following:

City:

The City of Bastrop
ATTN: City Secretary
1311 Chestnut Street
Bastrop, TX 78602

Licensee:

Zavodny Food Court
1615 Cedar Street
Bastrop, TX 78602

- E. Choice of Law and Venue. This Agreement is made and entered into by the Parties in Bastrop, Bastrop County, Texas, and is intended to be performed in Bastrop. This Agreement shall be construed in accordance with the laws of the State of Texas and the venue of any suits arising from this Agreement shall be Bastrop County, Texas.
- F. Entire Agreement Amendment: This Agreement including all exhibits constitutes the full and entire understanding and agreement between the Parties and supersedes any prior or contemporaneous written or oral agreements between the Parties. This Agreement may not be amended except by a written instrument signed by both Parties.
- G. Rights and Remedies Cumulative: The rights and remedies provided by this Agreement are cumulative, and the use of any one right or remedy by either Party shall not preclude or waive its right to use any or all other remedies. The rights and remedies provided in this Agreement are given in addition to any other rights the Parties may have by law, statute, ordinance, or otherwise.
- H. Agreement Approval: Each Party represents and warrants that all necessary approvals for this Agreement have been obtained, and the persons whose signatures appear below have the authority necessary to execute this Agreement on behalf of the Parties indicated.
- I. Originals: This Agreement may be executed in multiple or duplicate originals. A duplicate original or copy of this Agreement is as fully enforceable as an Original, whether the document is “hard copy” or electronic. This Agreement may be signed and a pdf copy of the document transmitted electronically which shall then constitute an original signature on the document.
- J. Effective Date: The effective date of this Agreement shall be on the date last signed by a Party.

[SIGNATURE PAGE TO FOLLOW.]

AGREED:

City of Bastrop, Texas

By: _____
Sylvia Carrillo, City Manager

Date: _____

THE STATE OF TEXAS §
 §
COUNTY OF BASTROP §

This instrument was acknowledged before me on this the _____ day of _____, 2024, by _____, the _____ and the duly authorized representative of the City of Bastrop.

Notary Public, State of Texas

My Commission Expires: _____

AGREED:

By: _____ Date: _____
Curtis Zavodny, Owner

THE STATE OF TEXAS §
 §
COUNTY OF BASTROP §

This instrument was acknowledged before me on this the ____ day of _____, 2024, by _____, the _____ and the duly authorized representative of the City of Bastrop.

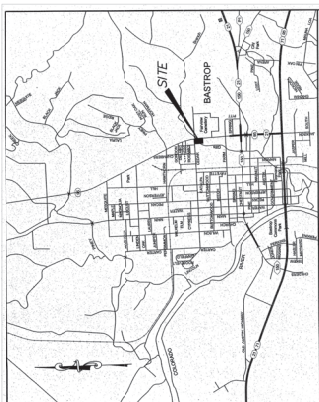
GIVEN UNDER MY HAND AND SEAL OF OFFICE this the ____ day of _____, 2024

Notary Public, State of Texas

My Commission Expires: _____

REFERENCE ONLY

ZAVODNY SUBDIVISION FINAL PLAT



LEGAL DESCRIPTION BEING 1.621 ACRES OF LAND LIVING IN AND BEING SITUATED IN THE COUNTY OF BASTROP, TEXAS...



INTERIM SEAL THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF INTERIM REVIEW UNDER THE AUTHORITY OF RACHEL D. HARTZLER, P.E....

PROJECT: CITY OF BASTROP SITE DEVELOPMENT PLAN... SHEET TITLE: FINAL PLAT... PROJECT#: 155

OWNERS: CURTIS ZAVODNY, ALAN W. HASTLER, JR., JAMES E. GARDON... ADDRESS: 1615 1/2 EAST OF MAIN STREET, CITY OF BASTROP, TEXAS 78602

- PLAT NOTES: 1. THE SUBDIVISION IS BEING SUBMITTED TO THE CITY OF BASTROP FOR REVIEW AND APPROVAL... 2. WATER SERVICE IS PROVIDED BY THE CITY OF BASTROP...

- 14. ALL UTILITIES ARE TO BE UNDERGROUND. 15. ALL UTILITIES SHALL BE UNDERGROUND. 16. UTILITY TAP AND IMPACT FEES SHALL BE BASED ON ORDINANCE 80077-13...

FLOOD PLAN NOTE: THIS SUBDIVISION IS WITHIN THE 100 YEAR FLOOD HAZARD AREA AS SHOWN ON THE FLOOD INSURANCE RATE MAP...

APPROVED: CURTIS ZAVODNY, JAMES E. GARDON, ALAN W. HASTLER, JR. CITY SECRETARY

APPROVED: JAMES E. GARDON, CURTIS ZAVODNY, ALAN W. HASTLER, JR. CITY CLERK

APPROVED: JAMES E. GARDON, CURTIS ZAVODNY, ALAN W. HASTLER, JR. CITY CLERK

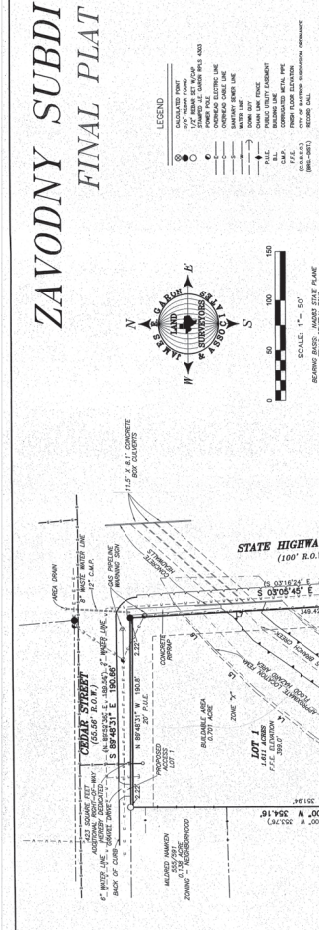


Table with columns: LOT, AREA, and other details. Includes a legend for symbols and lines used in the plat.

STATE OF TEXAS COUNTY OF BASTROP JAMES E. GARDON, CITY CLERK

STATE OF TEXAS COUNTY OF BASTROP CURTIS ZAVODNY, CITY SECRETARY

STATE OF TEXAS COUNTY OF BASTROP JAMES E. GARDON, CITY CLERK

STATE OF TEXAS COUNTY OF BASTROP CURTIS ZAVODNY, CITY SECRETARY

STATE OF TEXAS COUNTY OF BASTROP JAMES E. GARDON, CITY CLERK

N.T.S.



GRAPHIC SCALE (BY AREA)

VERTICAL SCALE (BY AREA)



HIGHLAND DEVELOPMENT & ENGINEERING CO., LLC

111 N. HASLER BLVD., BASTROP, TX 78602
(815) 674-4945 TBE FIRM NO. 19450

INTERIM SEAL

THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF INTERIM REVIEW UNDER THE AUTHORITY OF RACHEL D. HARTZLER, P.E. 117344 ON 4/15/2024. IT IS NOT VALID FOR CONSTRUCTION, RECORDS, OR PERMIT PURPOSES.

SITE PLAN

PROJECT: CITY OF BASTROP SITE DEVELOPMENT PLAN
1615 CEDAR STREET
BASTROP, TX 78602

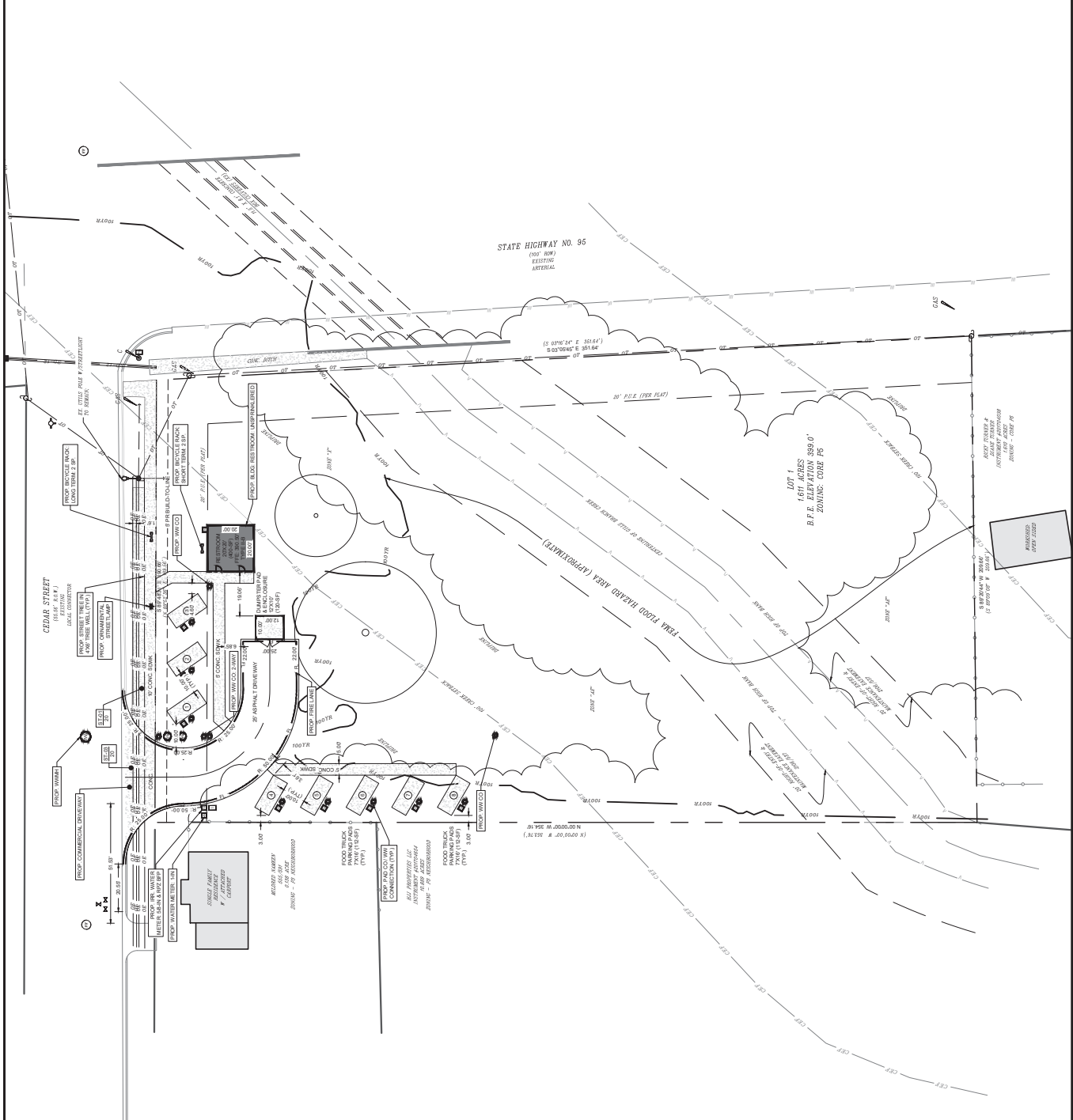
DRAWN BY: [blank]
QA/QC BY: [blank]
DATE: [blank]

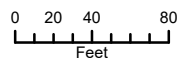
SHEET TITLE: SITE PLAN
PROJECT NO: [blank]

25
Item 15E.
PAGE C-1
5/9/2023

TABLE: SITE DATA SUMMARY	
EXISTING MAKE TYPE BUILDING	PI / CODE
PROPOSED BUILDING TYPE	COMMERCIAL (PRIVATE RESTROOM)
LOT AREA (AC) (SF)	1.61 AC (70,125.86 SF)
PERCENTAGE OF LOT COVERAGE	5.07%
AREA OF OPEN SPACE	6,989.15 SF / 1.315 AC
PERCENTAGE OF OPEN SPACE	93.18%
BUILDING AREA	40-SF (COMMERCIAL)
BUILDING HEIGHT	15' MAX
TOTAL PARKING PROVIDED	NA
CURB SPACE PROVIDED	NA

EMERGENCY SERVICES LINETYPES	
--- 1" ---	FIRE LANE
--- 1" ---	FIRE HOSE
BOUNDARY & ROAD LINETYPES	
--- CENTERLINE	CENTERLINE
--- LIMITED ACCESS ROW	LIMITED ACCESS ROW
--- LIMITED ACCESS ROW	LIMITED ACCESS ROW
--- ROW	ROW
--- PROPERTY LINE	PROPERTY LINE
--- EASEMENT LINE	EASEMENT LINE
--- EDGE OF PAVEMENT (ESP)	EDGE OF PAVEMENT (ESP)
--- CURB & GUTTER	CURB & GUTTER





Location Map 1615 Chambers Street

1 inch = 100 feet

Date: 4/29/2024

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





STAFF REPORT

MEETING DATE: May 14, 2024

TITLE:

Consider action to approve Resolution No. 2024-54 of the City Council of the City of Bastrop, Texas expressing official intent to reimburse certain expenditures attached as Exhibit A; providing a severability clause; and providing for an effective date.

AGENDA ITEM SUBMITTED BY:

Edi McIlwain, Chief Financial Officer

BACKGROUND/HISTORY:

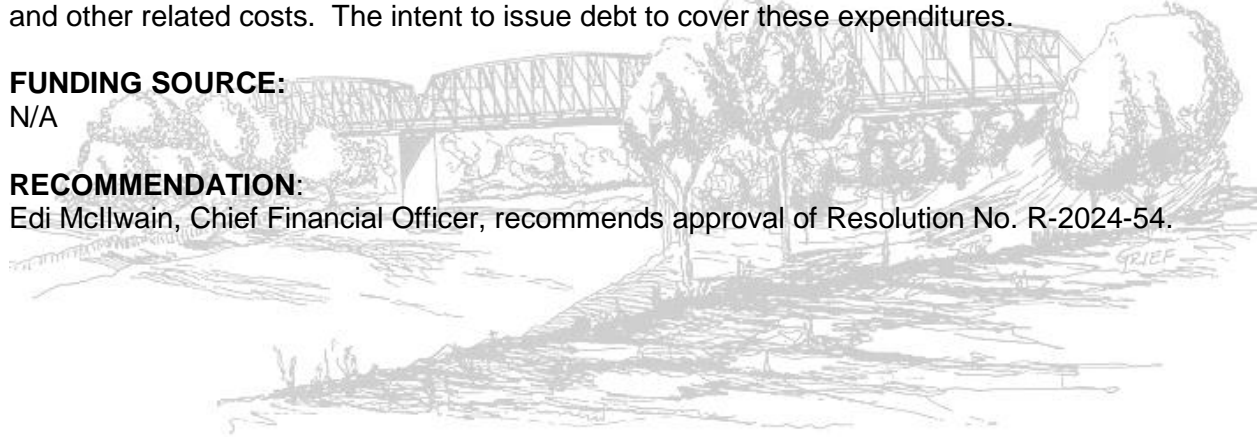
This resolution expresses official intent to reimburse certain expenditures related to constructing, improving, extending, and equipping the wastewater system and paying professional services and other related costs. The intent to issue debt to cover these expenditures.

FUNDING SOURCE:

N/A

RECOMMENDATION:

Edi McIlwain, Chief Financial Officer, recommends approval of Resolution No. R-2024-54.



CERTIFICATE FOR RESOLUTION

I, the undersigned City Secretary of the City of Bastrop, Texas, hereby certify as follows:

1. The City Council of said City convened in Regular Session on May 14, 2024, at the regular meeting place thereof, and the roll was called of the duly constituted officers and members of said City Council, to-wit:

- Lyle Nelson, Mayor
- John Kirkland, Mayor Pro-Tem
- Cheryl Lee, Council Member
- Cynthia Meyer, Council Member
- Kevin Plunkett, Council Member
- Jimmy Crouch, Council Member

and all of said persons were present, except for the following: _____; thus constituting a quorum. Whereupon, among other business, the following was transacted at said meeting: a written Resolution entitled

RESOLUTION EXPRESSING OFFICIAL INTENT TO REIMBURSE CERTAIN EXPENDITURES OF THE CITY OF BASTROP, TEXAS

was duly introduced for the consideration of the City Council. It was then duly moved and seconded that the said Resolution be passed; and, after due discussion, said motion, carrying with it the passage of said Resolution, prevailed and carried by the following vote:

AYES: _____ NOES: _____ ABSTENTIONS:

2. A true, full and correct copy of the aforesaid Resolution passed at the meeting described in the above and foregoing paragraph is attached to and follows this Certificate; said Resolution has been duly recorded in the official minutes of said City Council; the above and foregoing paragraph is a true, full and correct excerpt from said minutes of said meeting pertaining to the passage of said Resolution; the persons named in the above and foregoing paragraph, at the time of said meeting and the passage of said Resolution, were the duly chosen, qualified and acting officers and members of said City Council as indicated therein; each of said officers and members was duly and sufficiently notified officially and personally in advance, of the time, place and purpose of the aforesaid meeting and that said Resolution would be introduced and considered for passage at said meeting, and each of said officers and members consented in advance to the holding of said meeting for such purpose; and said meeting was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by Tex. Gov't Code Ann., ch. 551.

SIGNED AND SEALED this May 14, 2024.

City Secretary, City of Bastrop, Texas

[CITY SEAL]

RESOLUTION NO. R-2024-54**RESOLUTION EXPRESSING OFFICIAL INTENT TO REIMBURSE
CERTAIN EXPENDITURES OF THE CITY OF BASTROP, TEXAS**

WHEREAS, the City Council of the City of Bastrop, Texas (the "Issuer") expects to pay expenditures in connection with the projects described on Exhibit A attached hereto (the "Project") prior to the issuance of obligations to finance the Project;

WHEREAS, the Issuer finds, considers and declares that the reimbursement of the Issuer for the payment of such expenditures will be appropriate and consistent with the lawful objectives of the Issuer and, as such, chooses to declare its intention, in accordance with the provisions of Section 1.150-2 of the Treasury Regulations, to reimburse itself for such payments at such time as it issues obligations to finance the Project;

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

Section 1. The Issuer reasonably expects to incur debt, as one or more separate series of various types of obligations, with an aggregate maximum principal amount not to exceed \$14,000,000 for the purpose of paying the costs of the Project.

Section 2. All costs to be reimbursed pursuant hereto will be capital expenditures. No tax-exempt obligations will be issued by the Issuer in furtherance of this Resolution after a date which is later than 18 months after the later of (1) the date the expenditures are paid or (2) the date on which the property, with respect to which such expenditures were made, is placed in service.

Section 3. The foregoing notwithstanding, no tax-exempt obligation will be issued pursuant to this Resolution more than three years after the date any expenditure which is to be reimbursed is paid.

PASSED AND APPROVED THIS 14TH DAY OF MAY, 2024.

Mayor

EXHIBIT A

To pay costs related to (1) constructing, improving, extending, and equipping the City's water and wastewater system, and (2) paying professional services in connection therewith including legal, fiscal, consulting, engineering fees and other related costs.



STAFF REPORT

MEETING DATE: May 14, 2024

TITLE:

Consider action to approve the first reading of Ordinance No. 2024-15 of the City Council of the City of Bastrop, Texas, amending the Bastrop Economic Development Budget for the Fiscal Year 2024 in accordance with existing statutory requirements; appropriating the various amounts herein, as attached in Exhibit A; repealing all prior ordinances an actions in conflict herewith; and establishing for an effective date; and move to include on the May 28, 2024, on the Consent agenda for second reading.

AGENDA ITEM SUBMITTED BY:

Edi McIlwain, Chief Financial Officer

BACKGROUND/HISTORY:

In November 2023, the voters reduced the BEDC budget by 75% to 1.8th of a cent. The budget reduction presented here is in direct response to that action. This amendment has been approved by the BEDC Board of Directors.

FISCAL IMPACT:

Reduction of revenue in the amount of \$1,393,153
Reduction of expenditures in the amount of \$4,979,285

RECOMMENDATION:

Edi McIlwain, Chief Financial Officer, recommends approval of the first reading of Ordinance No. 2024-15 of the City Council of the City of Bastrop, Texas, amending the Bastrop Economic Development Budget for the Fiscal Year 2024 in accordance with existing statutory requirements; appropriating the various amounts herein, as attached in Exhibit A; repealing all prior ordinances an actions in conflict herewith; and establishing for an effective date; and move to include on the May 28, 2024, on the Consent agenda for second reading.

ATTACHMENTS:

- Ordinance 2024-54
- Budget amendment as approved by the BEDC Board of Directors
- BEDC FY 24 Original vs Amended Budget

ORDINANCE NO. 2024-15

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, AMENDING THE BASTROP ECONOMIC DEVELOPMENT BUDGET FOR THE FISCAL YEAR 2024 IN ACCORDANCE WITH EXISTING STATUTORY REQUIREMENTS; APPROPRIATING THE VARIOUS AMOUNTS HEREIN, AS ATTACHED IN EXHIBIT A; REPEALING ALL PRIOR ORDINANCES AND ACTIONS IN CONFLICT HEREWITH; AND ESTABLISHING FOR AN EFFECTIVE DATE.

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 noted below, or when all applicable publication requirements, if any, are satisfied in accordance with the City’s Charter, Code of Ordinances, and the laws of the State of Texas.

READ and APPROVED on First Reading on the 14th day of May 2024.

READ and ADOPTED on Second Reading on the 28th day of May 2024.

APPROVED:

Lyle Nelson, Mayor

ATTEST:

Ann Franklin, City Secretary

APPROVED AS TO FORM:

Alan Bojorquez, City Attorney

A RESOLUTION OF THE BASTROP ECONOMIC DEVELOPMENT CORPORATION APPROVING AND REQUESTING APPROVAL OF AN AMENDMENT TO THE BASTROP ECONOMIC DEVELOPMENT CORPORATION'S FY 2024 ANNUAL BUDGET TO, AUTHORIZING ALL NECESSARY ACTIONS, INCLUDING EXECUTION OF NECESSARY DOCUMENTATION; REPEALING ALL RESOLUTIONS IN CONFLICT; AND, PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Bastrop Economic Development Corporation ("BEDC") is a public instrumentality and non-profit industrial development corporation duly established and operating under Texas Local Government Code, Chapters 501 and 505, *et seq.*, as amended, known as the Development Corporation Act of 1979 (the "Act"), and is acting with the approval of the governing body of the City of Bastrop, Texas (the "City"); and

WHEREAS, the BEDC was initially created by the voters of the City of Bastrop on January 21, 1995, with the adoption of a one-half cent sales and use tax ("sales tax") to be used for the purposes of economic development; and

WHEREAS, the original BEDC budget for Fiscal Year 2024 ("FY 2024") adopted by the City Council of the City of Bastrop on September 19, 2023, included sales tax revenues in the amount of \$4,458,090 anticipated from the one-half cent sales tax; and

WHEREAS, on November 7, 2023, City of Bastrop voters passed a proposition to reallocate a portion of the one-half cent sales tax toward street maintenance, thereby leaving the BEDC with revenues from a one-eighth cent sales tax; and

WHEREAS, the FY 2024 Annual Budget must be amended to account for this reduction in revenues; and

WHEREAS, it is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public, and public notice of the time, place and purpose at which it was read was given in accordance with Chapter 551, Texas Government Code.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE BASTROP ECONOMIC DEVELOPMENT CORPORATION THAT:

SECTION 1. The Board hereby finds that all of the recitals above are true and correct and are incorporated herein as if restated in full.

SECTION 2. The Board approves an amendment to the FY 2024 Annual Budget reducing budgeted revenues ("Budget Amendment").

SECTION 3. The Board recommends and requests that the Budget Amendment approved hereby by the BEDC be considered and approved by the City of Bastrop City Council for the purposes stated herein.

SECTION 4. The Interim Executive Director is hereby authorized and directed to prepare any instruments reasonably necessary to fulfill the intent expressed herein.

SECTION 5. This Resolution is effective upon passage.

DULY RESOLVED AND ADOPTED on this 15th day of April 2024 by the Board of Directors of the Bastrop Economic Development Corporation.

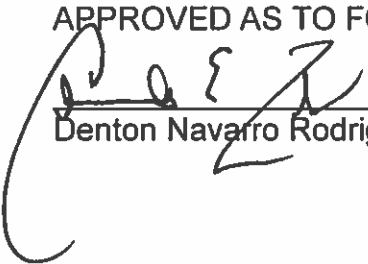
BASTROP ECONOMIC
DEVELOPMENT CORPORATION



Ron Spencer, Board Chair

ATTEST:


Frank Urbanek, Board Secretary

APPROVED AS TO FORM:


Denton Navarro Rodriguez Bernal Santee & Zech, P.C.



Budget Amendment #1

Original Total Revenue Budget	\$4,746,140
Sales Tax (601-00-00-4006)	<u>(1,393,153)</u>
New Total Revenue	\$3,352,987

This budget amendment reduces sales tax revenue by 3/8 of 1 cent as voted on by the citizens. This change took affect April 1, 2024, so the sales tax revenue is reduced by 3/8 of 1 cent for 6 months of the fiscal year.

Budget Amendment #2

Original Total Expenditure Budget	\$10,350,970
Personnel (601-70-00)	(510,373)
Supplies & Materials (601-70-00)	(8,500)
Maintenance & Repairs (601-70-00-5331)	(4,000)
Occupancy (601-70-00-54010)	(1,500)
Contractual Services (601-70-00-5574)	(3,338,000)
Marketing & Advertising (601-70-00)	(372,000)
Capital Outlay (601-70-00)	<u>(769,912)</u>
New Total Expenditure	\$5,371,685

This budget amendment reduces the following expenditures: personnel expenditures due to fewer employees; supplies and materials, maintenance and repairs, and occupancy to align with the reduction in staff; contractual services as the Blakey Lane project was reduced by \$330,000 and South to Lovers Lane project (\$2,950,000) was eliminated, engineering fees (\$15,000) reduced due to no further projects in place, and a reduction of Main Street support by \$25,000; marketing & advertising was reduced to more align with prior year spending; and capital outlay

was reduced by \$769,912 to remove the industrial park infrastructure but to include potential Aucronic site ready conditions.

NOTE: The decrease in expenditures is greater than the sales tax reduction which increases the available fund balance to \$3,586,132.

FY 24 Original Budget to Amended Budget Report					
Account Summary		Original Total Budget	Amended Budget	Variance	Notes
Fund: 601 - BASTROP E.D.C. FUND					
Revenue					
601-00-00-4006	SALES TAX	4,458,090.00	3,064,937.00	-1,393,153.00	Decrease sale tax by 3/8 of 1 cent as voted on by constituents
601-00-00-4047	LEASE AGREEMENT	18,050.00	18,050.00	0.00	
601-00-00-4400	INTEREST INCOME	250,000.00	250,000.00	0.00	
601-00-00-4514	MISCELLANEOUS INCOME	0.00	0.00	0.00	
601-00-00-4558	BEDC GRANT RECEIPTS	20,000.00	20,000.00	0.00	
Revenue Total:		4,746,140.00	3,352,987.00	-1,393,153.00	
ExpSubCategory: 510 - WAGE					
601-70-00-5101	OPERATIONAL SALARIES	589,403.99	237,654.00	351,749.99	See itemized detail on Page 2
601-70-00-5114	PRE-EMPLOYMENT EXPENSE	25,000.00	0.00	25,000.00	
601-70-00-5116	LONGEVITY	1,380.00	1,200.00	180.00	
ExpSubCategory: 510 - WAGE		615,783.99	238,854.00	376,929.99	
ExpSubCategory: 515 - BENEFITS					
601-70-00-5150	SOCIAL SECURITY	41,835.80	14,376.00	27,459.80	
601-70-00-5151	RETIREMENT	79,570.00	25,538.00	54,032.00	
601-70-00-5155	GROUP INSURANCE	61,327.89	9,377.00	51,950.89	
601-70-00-5156	WORKERS COMPENSATION	865.00	865.00	0.00	
ExpSubCategory: 515 - BENEFITS		183,598.69	50,156.00	133,442.69	
ExpSubCategory: 520 - SUPPLIES & MATERIALS					
601-70-00-5201	SUPPLIES	6,000.00	2,500.00	3,500.00	Reduction
601-70-00-5203	POSTAGE	200.00	200.00	0.00	
601-70-00-5206	OFFICE EQUIPMENT	8,000.00	3,000.00	5,000.00	PC and items for new hire
ExpSubCategory: 520 - SUPPLIES & MATERIALS Total:			5,700.00	8500.00	
ExpSubCategory: 530 - MAINTENANCE & REPAIRS					
601-70-00-5301	MAINT OF EQUIPMENT	1,000.00	1,000.00	0.00	
601-70-00-5331	INDUSTRIAL PARK MAINT EXP	10,000.00	6,000.00	4,000.00	
601-70-00-5345	BUILDING REPAIRS & MAINT.	5,000.00	5,000.00	0.00	
ExpSubCategory: 530 - MAINTENANCE & REPAIRS		16,000.00	12,000.00	4000.00	
ExpSubCategory: 540 - OCCUPANCY					
601-70-00-5401	COMMUNICATIONS	9,000.00	7,500.00	1,500.00	
601-70-00-5402	OFFICE RENTAL	43,200.00	43,200.00	0.00	
601-70-00-5403	UTILITIES	4,000.00	4,000.00	0.00	
ExpSubCategory: 540 - OCCUPANCY Total:		56,200.00	54,700.00	1,500.00	
ExpSubCategory: 550 - CONTRACTUAL SERVICES					
601-70-00-5505	PROFESSIONAL SERVICES	65,000.00	65,000.00	0.00	Insyful Report - Half Payment/Proposed future
601-70-00-5518	AUDIT	4,500.00	4,500.00	0.00	
601-70-00-5525	LEGALS	75,000.00	75,000.00	0.00	
601-70-00-5530	ENGINEERING	15,000.00	0.00	15,000.00	No further projects in place
601-70-00-5540	PROPERTY INSURANCE	2,500.00	2,500.00	0.00	
601-70-00-5544	UNEMPLOYMENT TAX	0.00	0.00	0.00	
601-70-00-5574	CITY PROJECTS & PROGRAMS	4,772,000.00	1,472,000.00	3,300,000.00	Decrease Blakey Lane by \$330,000 and South to
601-70-00-5575	CITY SHARED SERVICES	10,000.00	10,000.00	0.00	
601-70-00-5580	BIP TECHNOLOGY/MLK	82,560.00	84,560.00	-2,000.00	Increase in cost of fiber
601-70-00-5596	MAIN STREET PROG SUPPORT	50,000.00	25,000.00	25,000.00	Decrease Main St. support by \$25,000 as
601-70-00-5598	CITY ADMINISTRATIVE SUPPORT	25,000.00	25,000.00	0.00	
ExpSubCategory: 550 - CONTRACTUAL SERVICES		5,101,560.00	1,763,560.00	3,338,000.00	
ExpSubCategory: 560 - OTHER CHARGES					
601-70-00-5603	MARKETING TRAVEL	8,000.00	1,500.00	6,500.00	
601-70-00-5604	BUSINESS	8,000.00	1,000.00	7,000.00	
601-70-00-5605	TRAINING TRAVEL	10,000.00	1,500.00	8,500.00	
601-70-00-5606	AUTO ALLOWANCE - STAFF	12,000.00	5,000.00	7,000.00	Prior CEO expense
601-70-00-5615	DUES, SUBSCRIPTIONS & PUBLICAT	20,000.00	20,000.00	0.00	All technology subscriptions etc paid from here.
601-70-00-5631	BONDS FOR BEDC OFFICERS	1,000.00	1,000.00	0.00	
601-70-00-5633	LOCAL/MISC ADV & SPONSORSHIP	10,000.00	10,000.00	0.00	
601-70-00-5634	NATIONAL/REG ADV & MARKETING	10,000.00	5,000.00	5,000.00	
601-70-00-5636	DIGITAL ADV & MARKETING	30,000.00	30,000.00	0.00	Website maintenance, etc
601-70-00-5637	SPECIAL ADV & MARKETING	10,000.00	2,000.00	8,000.00	
601-70-00-5641	SPL EDUC & WORKFORCE DEVELOP	150,000.00	20,000.00	130,000.00	
601-70-00-5643	SPL RETAIL RECRUITING	15,000.00	15,000.00	0.00	Retail Coach
601-70-00-5645	WATER RIGHTS PROP FUNDING	60,000.00	60,000.00	0.00	
601-70-00-5646	LAND/GRANT REBATES	9,400.00	9,400.00	0.00	
601-70-00-5650	SPL PRIT BUS RETEN & EXPAN	250,000.00	50,000.00	200,000.00	SB Loan, Education Series for Small Business,
601-70-00-5680	OPPORTUNITY AUSTIN	10,000.00	10,000.00	0.00	Opportunity Austin - paid this year
601-70-00-5691	CLOSING COSTS	25,000.00	25,000.00	0.00	Any land sale in the district
ExpSubCategory: 560 - OTHER CHARGES Total:		638,400.00	266,400.00	372,000.00	
ExpSubCategory: 590 - CONTINGENCY					
601-70-00-5900	CONTINGENCY	50,000.00	50,000.00	0.00	
ExpSubCategory: 590 - CONTINGENCY Total:		50,000.00	50,000.00	0.00	
ExpSubCategory: 600 - CAPITAL OUTLAY					
601-70-00-6711	BUS INDUSTRIAL PARK IMPROV	1,400,000.00	1,400,000.00	0.00	\$1,024,000 Construction \$347,000 Doucet Contract \$29,000 For any additional expenses
601-70-00-6715	BIP TECHNOLOGY/MLK INFRASTRU...	2,000,000.00	1,230,088.00	769,912.00	Potential Acutronic site ready conditions
	SPORTS COMPLEX PROJECT	0.00	25,000.00	-25,000.00	Luck Design Group
ExpSubCategory: 600 - CAPITAL OUTLAY Total:		3,400,000.00	2,655,088.00	744,912.00	
ExpSubCategory: 700 - DEBT SERVICE					
601-70-00-7155	GO REFUNDING 2017-PRINC	65,000.00	65,000.00	0.00	
601-70-00-7156	GO REFUNDING 2017-INT	17,600.00	17,600.00	0.00	
601-70-00-7176	GO REF, SERIES 2021A - PRINC	160,000.00	160,000.00	0.00	Debt Payments
601-70-00-7177	GO REF, SERIES 2021A - INT	32,627.00	32,627.00	0.00	
ExpSubCategory: 700 - DEBT SERVICE Total:		275,227.00	275,227.00	0.00	
Expense Total:		10,350,969.68	5,371,685.00	4,979,284.68	
Fund: 601 - BASTROP E.D.C. FUND Surplus (Deficit):		-5,604,829.68	-2,018,698.00	3,586,131.68	
Report Surplus (Deficit):		-5,604,829.68	-2,018,698.00	3,586,131.68	

PERSONNEL ITEMIZED COSTS

	Annual				6 month
	Retirement	FICA	Insurance	Total	Allocation
Employee	\$ 95,000.00	\$ 7,267.50	\$5,114.40	\$120,292.40	\$ 60,146.20
Employee	\$ 37,500.00	\$ 2,868.75	\$2,131.00	\$ 47,596.00	\$ 47,596.00
Part Time	\$ 10,416.67	\$ 796.88	\$2,131.00	\$ 14,760.17	\$ 14,760.17
Excc Direct	\$ 45,000.00	\$ 3,442.50	-	\$ 54,558.00	\$ 27,279.00
	\$187,916.67	\$14,375.63	\$9,376.40	\$237,206.57	\$ 149,781.37
			Round up		\$ 139,408.38
			\$238,000.00		Already expended
					\$(289,189.75)
					\$ 799,382.68
					\$ 510,192.93
					Adjustment



STAFF REPORT

MEETING DATE: May 14, 2024

TITLE:

Consider action to approve Resolution No. R-2024-55 of the City Council of the City of Bastrop, Texas confirming appointments by the Mayor of Joshua Bingaman to Place 7, of the Planning and Zoning Commission as required in Section 3.08 of the City's Charter; and establishing an effective date.

AGENDA ITEM SUBMITTED BY:

Submitted by: Lyle Nelson, Mayor

BACKGROUND/HISTORY:

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

FISCAL IMPACT:

N/A

RECOMMENDATION:

Consider action to approve Resolution No. R-2024-55 of the City Council of the City of Bastrop, Texas confirming appointments by the Mayor of Joshua Bingaman to Place 7, of the Planning and Zoning Commission as required in Section 3.08 of the City's Charter; and establishing an effective date.

ATTACHMENTS:

- Resolution

RESOLUTION NO. R-2024-55

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, CONFIRMING APPOINTMENTS BY THE MAYOR OF JOSHUA BINGAMAN TO PLACE 7, OF THE PLANNING AND ZONING COMMISSION, AS REQUIRED IN SECTION 3.08 OF THE CITY'S CHARTER, AND ESTABLISHING AN EFFECTIVE DATE.

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

WHEREAS, Mayor Lyle Nelson has appointed Joshua Bingaman, to Place 7, of the Planning and Zoning Commission; and

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

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

Section 1: That Mayor Lyle Nelson has appointed Joshua Bingaman, to Place 7, of the Planning and Zoning Commission; and

Section 2: That the City Council of the City of Bastrop confirms Mayor Nelson's appointments of Joshua Bingaman, to Place 7, of the Planning and Zoning Commission.

Section 3: That this Resolution shall take effect immediately upon its passage, and it is so resolved.

DULY RESOLVED AND ADOPTED by the City Council of the City of Bastrop this 14th day of May 2024.

APPROVED:

Item 15H.

Lyle Nelson, Mayor

ATTEST:

Ann Franklin, City Secretary

APPROVED AS TO FORM:

Alan Bojorquez, City Attorney



STAFF REPORT

MEETING DATE: May 14, 2024

TITLE:

Consider action to approve Resolution No. R-2024-53 of the City Council of the City of Bastrop, Texas confirming appointments by the Mayor of Keith Ahlborn to Place 3, of the Planning and Zoning Commission as required in Section 3.08 of the City's Charter; and establishing an effective date.

AGENDA ITEM SUBMITTED BY:

Submitted by: Lyle Nelson, Mayor

BACKGROUND/HISTORY:

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

FISCAL IMPACT:

N/A

RECOMMENDATION:

Consider action to approve Resolution No. R-2024-53 of the City Council of the City of Bastrop, Texas confirming appointments by the Mayor of Keith Ahlborn to Place 3, of the Planning and Zoning Commission as required in Section 3.08 of the City's Charter; and establishing an effective date.

ATTACHMENTS:

- Resolution

RESOLUTION NO. R-2024-53

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, CONFIRMING APPOINTMENTS BY THE MAYOR OF KEITH AHLBORN TO PLACE 3, OF THE PLANNING AND ZONING COMMISSION, AS REQUIRED IN SECTION 3.08 OF THE CITY'S CHARTER, AND ESTABLISHING AN EFFECTIVE DATE.

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

WHEREAS, Mayor Lyle Nelson has appointed Keith Ahlborn, to Place 3, of the Planning and Zoning Commission; and

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

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

Section 1: That Mayor Lyle Nelson has appointed Keith Ahlborn, to Place 3, of the Planning and Zoning Commission; and

Section 2: That the City Council of the City of Bastrop confirms Mayor Nelson's appointments of Keith Ahlborn, to Place 3, of the Planning and Zoning Commission.

Section 3: That this Resolution shall take effect immediately upon its passage, and it is so resolved.

DULY RESOLVED AND ADOPTED by the City Council of the City of Bastrop this 14th day of May 2024.

APPROVED:

Item 15I.

Lyle Nelson, Mayor

ATTEST:

Ann Franklin, City Secretary

APPROVED AS TO FORM:

Alan Bojorquez, City Attorney



STAFF REPORT

MEETING DATE: May 14, 2024

TITLE:

Consider action to approve Resolution No. R-2024-52 of the City Council of the City of Bastrop, Texas confirming appointments by the Mayor of Nathanael Gold to Place 7, of the Parks Board as required in Section 3.08 of the City's Charter; and establishing an effective date.

AGENDA ITEM SUBMITTED BY:

Submitted by: Lyle Nelson, Mayor

BACKGROUND/HISTORY:

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

FISCAL IMPACT:

N/A

RECOMMENDATION:

Consider action to approve Resolution No. R-2024-52 of the City Council of the City of Bastrop, Texas confirming appointments by the Mayor of Nathanael Gold to Place 7, of the Parks Board as required in Section 3.08 of the City's Charter; and establishing an effective date.

ATTACHMENTS:

- Resolution

RESOLUTION NO. R-2024-52

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, CONFIRMING APPOINTMENTS BY THE MAYOR OF NATHANAEL GOLD TO PLACE 7, OF THE PARKS BOARD, AS REQUIRED IN SECTION 3.08 OF THE CITY'S CHARTER, AND ESTABLISHING AN EFFECTIVE DATE.

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

WHEREAS, Mayor Lyle Nelson has appointed Nathanael Gold, to Place 7, of the Planning and Zoning Commission; and

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

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

Section 1: That Mayor Lyle Nelson has appointed Nathanael Gold, to Place 7, of the Planning and Zoning Commission; and

Section 2: That the City Council of the City of Bastrop confirms Mayor Nelson's appointments of Nathanael Gold, to Place 7, of the Planning and Zoning Commission.

Section 3: That this Resolution shall take effect immediately upon its passage, and it is so resolved.

DULY RESOLVED AND ADOPTED by the City Council of the City of Bastrop this 14th day of May 2024.

APPROVED:

Item 15J.

Lyle Nelson, Mayor

ATTEST:

Ann Franklin, City Secretary

APPROVED AS TO FORM:

Alan Bojorquez, City Attorney



STAFF REPORT

MEETING DATE: May 14, 2024

TITLE:

Consider action to approve Resolution No. R-2024-51 of the City Council of the City of Bastrop, Texas accepting a donation from the Lost Pines Art League in the amount of Fifty Thousand and 00/100 Dollars (\$50,000) for the creation of a sculpture within the boundaries of the Cultural Arts Commission District Project approved area; authorizing the City Manager to execute all necessary documents; providing for a repealing clause; and establishing an effective date.

AGENDA ITEM SUBMITTED BY:

Kathy Danielson, Community Engagement Director

BACKGROUND/HISTORY:

The Bastrop Cultural Arts Commission has been charged with funding diversification for their Cultural Arts District Project Sculptures. Additional funding was raised through the Lost Pines Art League Gala to support the installation of public pieces to celebrate Bastrop's Bird City designation. Funds from this effort will be used to purchase a piece to celebrate Bastrop as a Bird City. Pieces will be installed along Chestnut Street beginning at the Cultural District's gateway located at Chestnut Street and State Highway 95 with the goal of drawing visitors to the cultural district and cultivating awareness of art in Bastrop.

POLICY EXPLANATION:

The City of Bastrop's Finance Policy requires all donations to be formally accepted by the City Council.

FUNDING SOURCE:

The Lost Pines Art League

RECOMMENDATION:

Kathy Danielson, Community Engagement Director recommends approval of Resolution No. R-2024-51 approving the City Council of the City of Bastrop, Texas, accepting a donation from the Lost Pines Art League in the amount of \$50,000.

ATTACHMENTS:

- Resolution R-2024-51
- Donation Receipt
- Artist Agreement
- Artist Call for Entry
- Bastrop Bird Junction List

RESOLUTION NO. R-2024-51

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS ACCEPTING A DONATION FROM THE LOST PINES ART LEAGUE IN THE AMOUNT OF \$50,000 FOR THE CREATION OF A SULPTURE WITHIN THE BOUNDARIES OF THE CULTURAL ARTS COMMISSION DISTRICT PROJECT APPROVED AREA; AUTHORIZING THE CITY MANAGER TO EXECUTE ALL NECESSARY DOCUMENTS; PROVIDING FOR A REPEALING CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

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

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

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

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

WHEREAS, accepting a donation from The Lost Pines Art League, in the amount of \$50,000 for the creation of a sculpture within the Cultural Arts Commission approved area honoring Bastrop’s Bird City Designation; and

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

Section 1: That the City Manager is hereby authorized to execute all necessary documents, authorizing accepting the donation from the Lost Pines Art League for a sculpture within Cultural Arts Commission approved area honoring the City of Bastrop’s Bird City Designation.

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

Section 3: That this resolution shall take effect immediately upon its passage, and it is so resolved.

DULY RESOLVED AND ADOPTED by the City Council of the City of Bastrop this 14th day of May 2024.

APPROVED:

Lyle Nelson, Mayor

ATTEST:

Ann Franklin, City Secretary

APPROVED AS TO FORM:

Alan Bojorquez, City Attorney

eBird Field Checklist

Bastrop County, Texas, US

ebird.org/region/US-TX-021 366

species(+81 other taxa)- Year-round, All years

Date:

Start time: .---

Duration:

Distance: _____

Party size:

Notes: _____

This checklist is generated with data from eBird (ebird.org), a global database of bird sightings from birders like you. If you enjoy this checklist, please consider contributing your sightings to eBird. It is 100% free to take part, and your observations will help support birders, researchers, and conservationists worldwide.

Go to ebird.org to learn more!

Waterfowl

- Black-bellied Whistling-Duck
- Fulvous Whistling-Duck
- whistling-duck sp.
- Snow Goose
- Ross's Goose
- Graylag Goose
- Swan Goose
 - Greater White-fronted Goose Domestic
 - goose sp. (Domestic type)
- Cackling Goose
 - Canada Goose
- Cackling/Canada **Goose**
- geoesp.
- Mute Swan
- Egyptian Goose
- Muscovy Duck
- Wood Duck
 - Blue-winged Teal
- Cinnamon Teal
- Blue-winged/Cinnamon Teal
- Northern Shoveler
- Gadwall**
- Eurasian Wigeon
- American Wigeon
- Mallard**
 - Mottled Duck
- Northern Pintail
- Green-winged Teal
- teal sp.

- dabbling duck sp.
- Canvasback
- Redhead
- Ring-necked Duck
- Greater Scaup
- Lesser Scaup
- Greater/Lesser Scaup
- Surf Scoter
 - Bufflehead Common
 - Goldeneye Hooded
 - Merganser
 - Common Merganser
 - Red-breasted Merganser
- Ruddy Duck
- duck sp.

Grouse, Quail, and Allies

- Helmeted Guineafowl
- Northern Bobwhite
 - Wild Turkey
- Lady Amherst's Pheasant
- Green Pheasant Red
 - Junglefowl

Grebes

- Least Grebe
 - Pied-billed Grebe
- =Eared Grebe
- Western Grebe
- grebe sp.

Pigeons and Doves

- Rock Pigeon

_Eurasian Collared-Dove
 _Inca Dove
 _Common Ground Dove
 _Whit winged Dove
 _Mourning Dove
 _pigeon/dove sp.

Cuckoos

_Greater Roadrunner
 _Yellow-billed Cuckoo
 _Black-billed Cuckoo

Nightjars

_common Nighthawk
 _Common Pauraque
 _Common Poorwill
 _Chuck-will's-widow
 _Eastern Whip-poor-will
 _Antrostomus sp.

Swifts

_Chimney Swift

Hummingbirds

_Mexican Violetear
 _Blue-throated Mountain-gem
 _Ruby-throatedHummingbird
 _Black-chinned Hummingbird
 _Ruby-throatedxBlack-chinned
 Hummingbird (hybrid)
 _Ruby-throated/Black-chinned
 Hummingbird
 _Anna's Hummingbird
 _Calliope Hummingbird
 _Rufous Hummingbird
 _Rufous/Allen's Hummingbird

_Broad-tailed Hummingbird
 _Buff-bellied Hummingbird
 _hummingbird sp.

Rails, Gallinules, and Allies

_Virginia Rail
 _Sora
 _Common Gallinule
 _American Coot

Cranes

_Sandhill Crane
 _Whooping Crane

Shorebirds

_Black-necked Stilt
 _American Avocet
 _Black-bellied Plover
 _American Golden-Plover
 _Semipalmated Plover
 _Killdeer
 _Mountain Plover
 _Upland Sandpiper
 _Whimbrel
 _Long-billed Curlew
 _Hudsonian Godwit
 _Marbled Godwit
 _godwitsp.
 _Stilt Sandpiper
 _Sanderling
 _Dunlin
 _Baird's Sandpiper
 _Least Sandpiper

_White-rumped Sandpiper
 _Buff-breasted Sandpiper
 _Pectoral Sandpiper
 _Semipalmated Sandpiper
 _Western Sandpiper
 _Semipalmated/WesternSandpiper
 ___peepsp.
 _Calidris sp.
 _Short-billed Dowitcher
 _Long-billed Dowitcher
 Short-billed/Long-billedDowitcher
 American Woodcock
 _Wilson's Snipe
 _Wilson's Phalarope
 _Spotted Sandpiper
 _Solitary Sandpiper
 _Greater YeUowlegs
 _Willet
 _Lesser Vellowlegs
 _Greater/Lesser Yellowlegs
 _shorebird sp.

Gulls, Terns, and Skimmers

_Bonaparte's Gull
 _Laughing Gull
 _Franklin's Gull
 _Ring-billed Gull
 _Herring Gull
 ___gull sp.
 _Gull-billed Tern
 _Caspian Tern

_Black Tern
 _Forster's Tern
 _ternsp.
 _Black Skimmer

Loons

_Common Loon
 _loonsp.

Storks

_Wood Stork

Frigatebirds, Boobies, and Gannets

_Blue-footed Booby

Cormorants and Anhingas

_Anhinga
 _Double-crested Cormorant
 _Neotropic Cormorant
 _Double-crested/Neotropic Cormorant
 _cormorant sp.

Pelicans

_American White Pelican
 _Brown Pelican

Hérons, Ibis, and Allies

_American Bittern
 _Least Bittern
 _Great Blue Heron
 _Great Egret
 _Snowy Egret
 _Little Blue Heron
 _Tricolored Heron
 _Reddish Egret
 _Cattle Egret

_white egret sp.
 _Green Heron
 _Black-crowned Night-Heron
 _Yellow-crowned Night-Heron
 _heronsp.
 _White Ibis
 _White-faced Ibis
 _Glossy/White-faced Ibis
 _Roseate Spoonbill

Vultures, Hawks, and Allies

_Black Vulture
 _Turkey Vulture
 _new world vulture sp.
 _Osprey
 _White-tailed Kite
 _Swallow-tailed Kite
 _Golden Eagle
 _Mississippi Kite
 _Northern Harrier
 _Sharp-shinned Hawk
 _Cooper's Hawk
 _Sharp-shinned/Cooper's Hawk
 _Accipiter sp.
 _Bald Eagle
 _Harris's Hawk
 _White-tailed Hawk
 _Red-shouldered Hawk
 _Broad-winged Hawk
 _Swainson's Hawk
 _Zone-tailed Hawk

_Red-tailed Hawk
 _Rough-legged Hawk
 _Ferruginous Hawk
 _Buteosp.
 _hawksp.

Owls

_Barn Owl
 _Eastern Screech-Owl
 _Great Horned Owl
 _Burrowing Owl
 _Barred Owl
 _Short-eared Owl
 _owlsp.

Kingfishers

_Ringed Kingfisher
 _Belted Kingfisher
 _Green Kingfisher
 _kingfisher sp.

Woodpeckers

_Williamson's Sapsucker
 _Yellow-bellied Sapsucker
 _Red-naped Sapsucker
 _sapsucker sp.
 _Red-headed Woodpecker
 _Acom Woodpecker
 _Red-bellied Woodpecker
 _Golden-fronted/Red-bellied
 Woodpecker
 _Downy Woodpecker
 _Ladder-backed Woodpecker
 _Downy/Ladder-backed Woodpecker

This field checklist was generated using eBird (ebird.org)

_Hairy Woodpecker
 _Downy/Hairy Woodpecker
 _Dryobates sp.
 _Pileated Woodpecker
 _Northern Flicker
 _woodpecker sp.

Falcons and Caracaras

_Crested Caracara
 _American Kestrel
 _Merlin
 _Peregrine Falcon
 _Prairie Falcon
 _small falcon sp.
 _falcons sp.
 _diurnal raptor sp.

Parrots, Parakeets, and Allies

_Monk Parakeet

Tyrant Flycatchers: Pewees, Kingbirds, and Allies

_Olive-sided Flycatcher
 _Eastern Wood-Pewee
 _Yellow-bellied Flycatcher
 _Acadian Flycatcher
 _Alder Flycatcher
 _Willow Flycatcher
 _Alder/Willow Flycatcher (Traill's Flycatcher)
 _Least Flycatcher
 _Hammond's Flycatcher
 _Cordilleran Flycatcher
 _Empidonax sp.
 _Eastern Phoebe

_Say's Phoebe
 _Vermilion Flycatcher
 _Ash-throated Flycatcher
 _Great Crested Flycatcher
 _Brown-crested Flycatcher
 _Myiarchus sp.
 _Great Kiskadee
 _Couch's Kingbird
 _Western Kingbird
 _yellow-bellied kingbird sp.
 _Eastern Kingbird
 _Scissor-tailed Flycatcher
 _new world flycatcher sp.

Vireos

_Black-capped Vireo
 _White-eyed Vireo
 _Bell's Vireo
 _Hutton's Vireo
 _Yellow-throated Vireo
 _Blue-headed Vireo
 _solitary vireo sp.
 _Philadelphia Vireo
 _Warbling Vireo
 _Red-eyed Vireo
 _Philadelphia/Red eyed Vireo
 _vireosp.

Shrikes

_Loggerhead Shrike

Jays, Magpies, Crows, and Ravens

_Blue Jay

_American Crow
 _crow sp.
 _Common Raven
 _raven sp.

Tits, Chickadees, and Titmice

_Carolina Chickadee
 _Tufted Titmouse
 _Tufted x Black-crested Titmouse (hybrid)
 _Tufted/Black-crested Titmouse

Larks

_Homed lark

Martins and Swallows

_Northern Rough-winged Swallow
 _Purple Martin
 _Tree Swallow
 _Violet-green Swallow
 _Bank Swallow
 _Barn Swallow
 _Cliff Swallow
 _Cave Swallow
 _Cliff/Cave Swallow
 _swallow sp.

Kinglets

_Ruby-crowned Kinglet
 _Golden-crowned Kinglet

Nuthatches

_Red-breasted Nuthatch
 _White-breasted Nuthatch

Treecreepers

_Brown Creeper

This field checklist was generated using eBird (ebird.org)

Gnatcatchers

_Blue-gray Gnatcatcher

Wrens

_House Wren
 _Winter Wren
 _Sedge Wren
 _Marsh Wren
 _Carolina Wren
 _Bewick's Wren
 _wrensp.

Starlings and Mynas

_European Starling

Catbirds, Mockingbirds, and Thrashers

_Gray Catbird
 _Brown Thrasher
 _Long-billed Thrasher
 _Toxostoma sp.
 _Sage Thrasher
 _Northern Mockingbird

Thrushes

_Eastern Bluebird
 _Western Bluebird
 _Mountain Bluebird
 _Townsend's Solitaire
 _Veery
 _Gray-cheeked Thrush
 _Swainson's Thrush
 _Hermit Thrush
 _Catharus sp.
 _Wood Thrush

_American Robin
 _Rufous-backed Robin

Waxwings

_Cedar Waxwing

Old World Sparrows

_House Sparrow

Wagtails and Pipits

_American Pipit
 _Sprague's Pipit

Finches, Euphonias, and Allies

_House Finch
 _Purple Finch
 _Cassin's Finch
 _Red Crossbill
 _White-winged Crossbill
 _Pine Siskin
 _Lesser Goldfinch
 _American Goldfinch
 _new world goldfinch sp.

Longspurs and Snow Buntings

_Lapland Longspur
 _Chestnut-collared Longspur
 _Thick-billed Longspur
 _longspur sp.

NewWorld Sparrows

_Cassin's Sparrow
 _Grasshopper Sparrow
 _Chipping Sparrow
 _Clay-colored Sparrow
 _Field Sparrow

_Brewer's Sparrow

_Spizella sp.
 _Lark Sparrow
 _Lark Bunting
 _Fox Sparrow
 _Dark-eyed Junco
 _White-crowned Sparrow
 _Golden-crowned Sparrow
 _Harris's Sparrow
 _White-throated Sparrow
 _Vesper Sparrow
 _LeConte's Sparrow
 _Savannah Sparrow
 _Song Sparrow
 _Lincoln's Sparrow
 _Swamp Sparrow
 _Green-tailed Towhee
 _Spotted Towhee
 _Eastern Towhee
 _Spotted/Eastern Towhee (Rufous-sided Towhee)
 _towheesp.
 _new world sparrow sp.

Yellow-breasted Chat

_Yellow-breasted Chat

Blackbirds

_Yellow-headed Blackbird
 _Bobolink
 _Western Meadowlark
 _Eastern Meadowlark
 _Western/Eastern Meadowlark

This field checklist was generated using eBird (ebird.org)

- _Orchard Oriole
- _Bullock's Oriole
- _Audubon's Oriole
- _Baltimore Oriole
- _Scott's Oriole
- _new worldoriole sp.
- _Red-winged Blackbird
- _Bronzed Cowbird
- _Brown-headed Cowbird
- _Bronzed/Brown-headedCowbird
- _Rusty Blackbird
- _Brewer's Blackbird
- _Common Grackle
- _Great-tailed Grackle
- _grackle sp.
- _blackbird sp.

Wood-Warblers

- _Ovenbird
- _Worm-eating Warbler
- _Louisiana Waterthrush
- _Northern Waterthrush
- _Louisiana/Northern Waterthrush
- _Golden-winged Warbler
- _Blue-winged Warbler
- _Black-and-white Warbler
- _Prothonotary Warbler
- _Swainson's Warbler
- _Tennessee Warbler
- _Orange-crowned Warbler
- _Nashville Warbler

- _MacGillivray's Warbler
- _Mourning Warbler
- _Kentucky Warbler
- _Common Yellowthroat
- _Hooded Warbler
- _American Redstart
- _Cape May Warbler
- _Northern Parula
- _Magnolia Warbler
- _Bay-breasted Warbler
- _Blackbumian Warbler
- _Yellow Warbler
- _Chestnut-sided Warbler
- _Blackpoll Warbler
- _Palm Warbler
- _Pine Warbler
- _Yellow-rumped Warbler
- _Yellow-throated Warbler
- _Prairie Warbler
- _Grace's Warbler
- _Black-throatedGray Warbler
- _Townsend's Warbler
- _Golden-cheeked Warbler
- _Black-throated Green Warbler
- _Canada Warbler
- _Wilson's Warbler
- _new world warbler sp.

Cardinals, Grosbeaks, and Allies

- _Hepatic Tanager
- _Summer Tanager

- _Scarlet Tanager
- _western Tanager
- _tanager sp. (Piranga sp.)
- _Northern Cardinal
- _Pyrrhuloxia
- _Rose-breasted Grosbeak
- _Black-headed Grosbeak
- _Blue Grosbeak
- _Lazuli Bunting
- _Indigo Bunting
- _Varied Bunting
- _Painted Bunting
- _Passerina sp.
- _Dickcissel
- Others**
- _passerine sp.
- _birdsp.

This fieldchecklist was generated using eBird (ebirclog)

ARTIST AGREEMENT

between the

City of Bastrop & Robin Luck

This Artist Agreement (“Agreement”) is made and entered into by and between the **City of Bastrop, Texas** (“City”), a municipal corporation and **Robin Luck** (“Artist”). The City and the Artist may be referred to herein singularly as the Party and together as the Parties.

RECITALS

WHEREAS, the City issued a “Call to Artists” requesting proposals for original works of art depicting native or migratory birds of Central Texas in furtherance of the City’s 2023 Bastrop Bird Junction, *Birds of Bastrop* (Attachment A); and

WHEREAS, the City has determined that, once installed, the sculptures located in the City’s historic district will contribute to the vitality and attractiveness of the urban streetscape, promote art and culture, and improve the touristic appeal of the City; and

WHEREAS, the Artist submitted a proposal (Attachment B), depicting an original freestanding sculpture (“Artwork”), which was selected by the City and shall be incorporated into this Agreement; and

WHEREAS, the City Council has the authority to enter into contracts such as this Agreement pursuant to Article II, Section 2.01 of the Bastrop Home Rule Charter.

NOW THEREFORE, in consideration of the mutual benefits described in this Agreement, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City and the Artist agree as follows:

1. **Scope of Work.** The Artist agrees to design and create the Artwork consistent with the proposal (Attachment B). The Artist agrees to transport and install the Artwork with due care, in a good and workmanlike manner. The Artwork shall be of high-quality materials and fabrication.
2. **Location.** The Artist agrees to install the completed work at the Bastrop Convention and Exhibit Center, located at Hwy 95 and Chestnut Street, Bastrop, Texas 78602, on the cement pad. (as shall be clearly demarcated by City staff).
3. **Time of Completion.** The Artist agrees to commence creation of the Artwork upon receipt by the Artist of a written Notice to Proceed from the City. The Artist agrees to fully install the finished Artwork by **September 2024**. The time for completion may be extended by the City in writing if the Artist provides the City written notice that the Artist has incurred delays in the design, fabrication, and installation of the Artwork due to circumstances unforeseen by the Artist at the time of the signing of this Agreement.

4. Contract Sum. The City agrees to pay the Artist twenty-five thousand dollars (\$50,000) for the design, fabrication, transportation, and installation of the Artwork. The City shall pay the Artist fifty percent (50%), that being twenty-five thousand, (\$25,000), upon execution of this Agreement to assist Artist with supplies and fabrication of the Artwork. The City will pay the Artist the remaining fifty percent (50%), that being twenty-five thousand, (\$25,000) upon installation. Together, the two payments specified above shall be full and final compensation for all work performed and/or services rendered under this Agreement.

5. Artist's Work.

- a. The Artist agrees and acknowledges that they are an independent contractor. Nothing herein shall be construed as making the Artist an officer, employee, or agent of the City. The City has no right to supervise, direct, or control the Artist or the Artist's officers or employees in the means, methods, or details of the work to be performed by Artist.
- b. The Artist agrees and acknowledges that they are solely responsible for the design, materials, equipment, and processes necessary to complete the Artwork, including its transportation and installation.
- c. The Artist agrees to utilize materials that are safe, durable, and suitable for the outdoor exhibition of the Artwork.
- d. The Artist is solely responsible for installation of the artwork on the site and for protecting their artwork during the installation process. The Artist agrees to use best efforts to safeguard City personnel and members of the public from injury or loss in connection with the installation.
- e. The Artist must obtain City approval and coordination prior to blocking or altering pedestrian or vehicular traffic as may be necessary to install the Artwork.
- f. The Artist represents and warrants that the Artwork will be creatively unique and original. The Artist warrants and agrees that the Artwork, and its display or exhibition, will not violate any third-party rights. The Artist agrees that the City is not responsible for any third-party infringement of intellectual property rights.
- g. The Artwork may not contain advertisements; however, the Artist may discretely incorporate their signature and/or logo (trademark or service mark) into the design.

6. Ownership of Work.

- a. The Artist agrees that upon installation of the Artwork the City will obtain ownership of the Artwork.
- b. It is understood that the Artwork may be photographed by the public and that the City cannot and will not attempt to limit or control the public's use of those photographs or depictions. The Artist warrants and agrees that reproductions of the Artwork will not violate any third-party rights.
- c. In the event the City requires reproductions of the Artwork for commercial purposes, a separate licensing agreement may be executed between the Artist and the City. For purposes of this Agreement, the term "commercial" shall mean a use or purpose that results in direct monetary gain to the City above and beyond the administrative costs of producing, processing, and vending the commercial images.
- d. The City warrants and agrees that all representations of the Artwork by the City shall credit the Artist.
- e. The City reserves the right to relocate the Artwork to another site deemed suitable by the City (in its sole discretion), including storage as may be appropriate. Nothing herein shall be construed to obligate the City to display or exhibit the Artwork at a particular location in perpetuity.

7. Guarantee of Workmanship & Maintenance.

- a. For a period of 1 (one) year following the installation of the Artwork, the Artist agrees to replace or correct any material defects in the Artwork, whether caused by defects or failure in the design, workmanship, or materials used in the Artwork. In the event the City asks the Artist to repair damage to the art caused by vandalism, collision, or other unforeseeable environmental damage, the City shall reimburse the Artist for the reasonable material and labor costs for repairs.
- b. The City may, at its sole option, perform care, maintenance, and repair of the Artwork as it deems necessary. In conjunction therewith, the Artist may assist with any advice relating to the care of the Artwork.
- c. Notwithstanding the above, the City shall have no obligation to repair or maintain the Artwork whether due to normal wear and tear, gradual deterioration, reaction or contamination, acts of nature or vandalism, or any other cause, and may remove or repaint over the Artwork at any time.

8. Indemnity, Hold-Harmless & Release.

- a. **The Artist shall indemnify and hold harmless the City, and its officers, agents, and employees, from and against all claims, damages, losses, expenses, and legal fees including attorney's fees arising out of or related to the Artist's performance under this Agreement,** whether to person or property and whether or not the claim, damage, or loss was known, unknown, foreseeable, or unforeseeable to the Parties. This includes the design, fabrication, transportation, and installation of the Artwork.
- b. **In regards to the installation of the Artwork by the Artist, the Artist recognizes and understands that there is an inherent danger** in working near and around public streets, utility structures, and pedestrian pathways. The Artist further understands that while remote, there is a possibility during installation an injury or harm to the Artist could occur, the extent of which harm or injury is unknown. The Artist is specifically advised to use appropriate safety gear (e.g., gloves, hard-hats, traffic cones, etc.) when working on the installation. In the event of any injury or harm to the Artist as a result of their work on the installation, whether bodily injury or property damage, the Artist hereby releases, in full, the City, its officers, agents, affiliates, and employees from all present and future claims, causes of action, or demands that the Artist now has or may hereafter accrue in any way related to or arising out of the Agreement and the Artist's work whether known, unknown, foreseen, or unforeseen.

9. **Termination.** The parties agree that this Agreement may be terminated by the **City**, at any time prior to installation, with or without cause, upon written notice to the Artist by the City. In the event of termination by the City, unless the termination was related to misconduct or default by the Artist, the City shall compensate the Artist for all the reasonable expenses, services, and materials performed or acquired by the Artist up to the date of the termination (not to exceed the total stated compensation under this Agreement). The parties agree that this Agreement may be terminated by the **Artist**, at any time prior to installation, with or without cause, upon written notice to the City and reimbursement (in full) of any payments made to the Artist by the City.

10. **Breach.** The parties agree that it shall be a breach of this Agreement for either party to fail to fulfill its obligations as stated herein. The obligations created by this Agreement may be enforced civilly in Bastrop County Court. Prior to seeking judicial remedies, the non-breaching party shall first send the other party written notification of the act or omission constituting breach and provide thirty (30) days to cure.

11. **Severability.** If a court finds or rules that any segment of this Agreement is invalid, unlawful, or otherwise unenforceable, that segment shall be severed, and the remainder of the Agreement shall continue to be binding on the parties.

12. Conflicting Provisions. If there is a conflict between a provision in any Additional Agreement Documents and a provision in the remainder of this Agreement, the latter controls.

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

14. Integrated Agreement. This Agreement contains all of the terms, considerations, understandings, and promises of the Parties. It should read as a whole and its terms can only be modified by an instrument in writing signed by both Parties. All attachments referenced herein are hereby incorporated into this Agreement.

15. Effective Date: This Agreement shall be effective as of the date of final execution by the parties.

IN WITNESS WHEREOF, the parties have executed this Agreement.

CITY OF BASTROP, TEXAS:

ARTIST:

by: _____
Sylvia Carrillo, City Manager

by: _____
Robin Luck, Artist

Date

Date

CITY OF BASTROP DONATION RECEIPT

Date: 4.29.24

Donor Information

Donor's Name: Lost Pines Art League

Donor's Address: 1204 Chestnut, Bastrop Tx 78602

Donation Information

Thank you for your donation with a value of Dollars (\$50,000), made to the City of Bastrop.

Donation Description: Donation for Bastrop Bird Junction sculpture # 1, Barred Owl by artist, Robin Luck.

Representative's Signature *Chloe Brevelle*

Representative's Name Chloe Brevelle

Title: Administrator Date: 4.29.24

Iconic Art Project 2024 Artist and Entry Information

Full Name: ROBIN LUCK

Address: 1503 WILSON STREET

City/State/Zip: BASTROP, TEXAS 78602

Telephone: Home (512) 563-2774 Cell ()

Email: robinluck@organicmetalsdesign.com Social: phoenixnarin@yahoo.com

Media Account Handle: _____

Website: _____

Title #1: BARRED OWL

Materials: MILD STEEL, STAINLESS STEEL, FOUND METAL ART, BAR STEEL FOR THE DETAIL

Estimate Price Summary: I WOULD NEED TO CREATE A MODEL TO GET AN ACCURATE PRICE DETAIL. (EST PRICE ABOVE 50K)

Height: 11 1/2 TO 12' TALL Width: 8' TO 9' WIDE

Estimated Date of Completion: NOVEMBER / DECEMBER 2024

Artist Explanation/Details: ARMATURE TO BE FABRICATED BY CEN TEX FABRICATION. I WILL CREATE THE BARRED OWL USING METAL SHAPING, BLACKSMITHING TO CREATE THE IMAGE OF THE OWL.

Title #2: N/A

Materials: _____

Estimate Price Summary: _____

Height: _____ Width: _____

Estimated Date of Completion: _____

Artist Explanation/Details: _____

Title #3: N/A

Materials: _____

Estimate Price Summary: _____

Height: _____ Width: _____

Estimated Date of Completion: _____

Artist Explanation/Details: _____

Artist Statement of Interest (why are you a good fit for this project? 250 words or less):

I BELIEVE I AM A GOOD FIT FOR THIS PROJECT BECAUSE I HAVE THE TIME, THE TALENT, AND THE PASSION TO CREATE SUCH A COMPLICATED AND BEAUTIFUL SCULPTURE FOR THE BASTROP COMMUNITY. I HAVE STUDIED AND PREPARED FOR MANY YEARS TO CREATE A PROJECT SUCH AS THIS.

TO BEGIN, I LOVE BIRDS, WILDLIFE, AND AM AN AVIATION OUTDOORSMAN. THE JOY OF CREATING A STATUE IN HONOR OF THE OWL, MY FELLOW-CREATURE, WOULD BE AN HONOR.

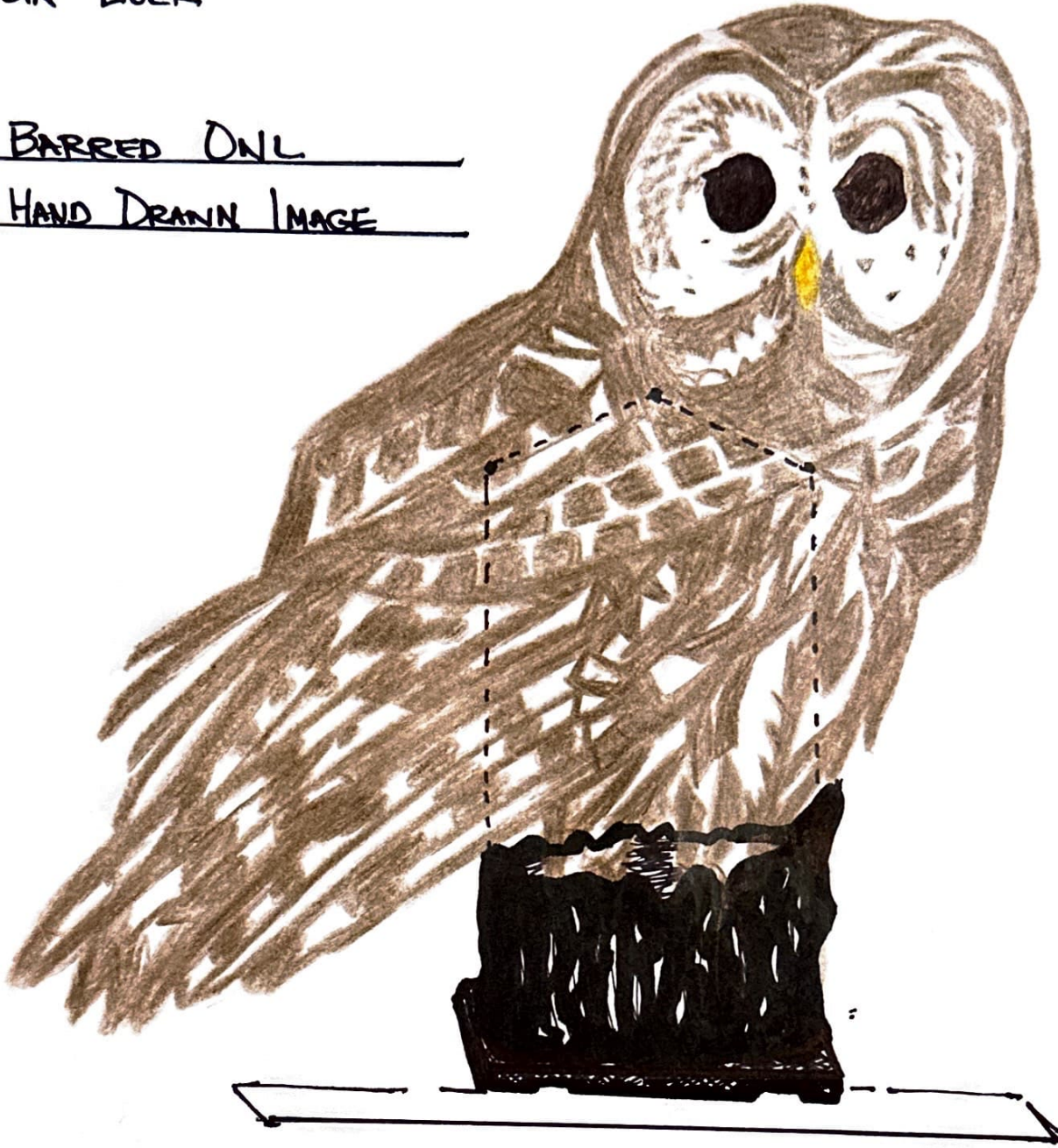
I HAVE STUDIED ART, DESIGN, DRAFTING, BLACKSMITHING- AND MATERIALS PROCESSING. I EXCELLED IN MY ART AND WELDING CLASSES. I HAVE OVER 20 YEARS WELDING EXPERIENCE. I OWN MY OWN STUDIO IN SMITHVILLE THAT I HAVE OPERATED AS A SECOND OCCUPATION FOR OVER 10 YEARS. I HOPE YOU GRANT ME THIS OPPORTUNITY TO FINALLY HAVE THE MOMENT TO SHOW MY CREATIVITY AND HONOR MY BELOVED OWL FRIEND.

****Application Deadline: March 31st, 2024****

CULTURAL ARTS COMMISSION
CITY OF BASTROP
BASTROP BIRD JUNCTION
PROJECT HWY 95 AND CHESTNUT
ROBIN LUCK

Item 15K.

BARRED ONLY
HAND DRAWN IMAGE



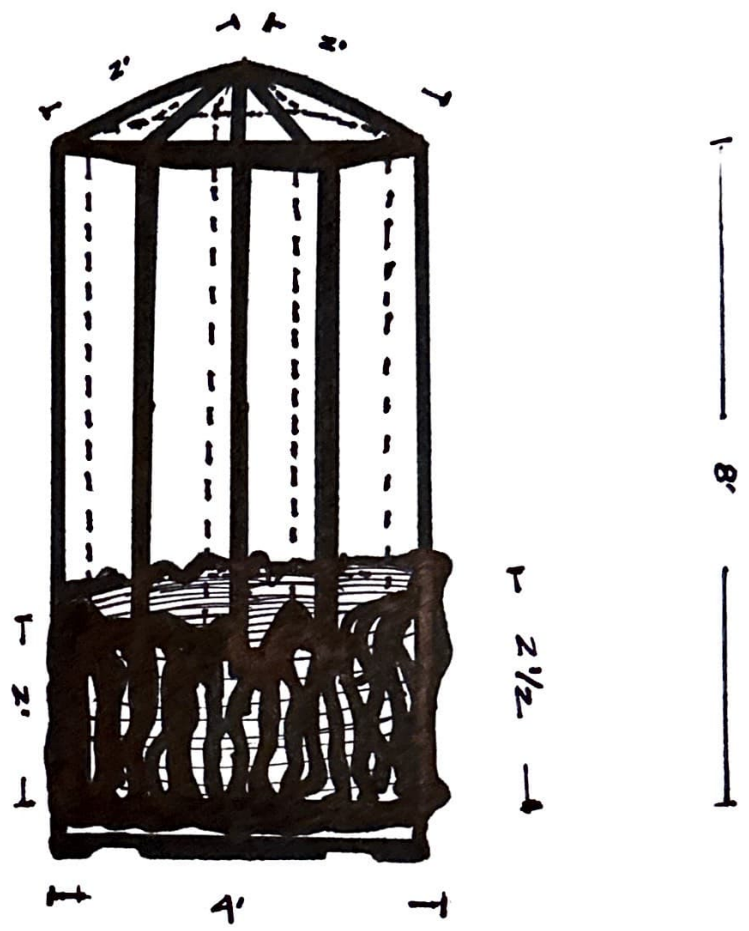
■ MILD STEEL
□ STAINLESS STEEL

CULTURAL ARTS COMMISSION
CITY OF BASTROP
BASTROP BIRD JUNCTION
PROJECT HWY 95 AND CHESTNUT
ROBIN LUCK

BARRED OWL
ARMATURE

"MUD DAUBER" TECHNIQUE →
IMITATION OF TREE BARK

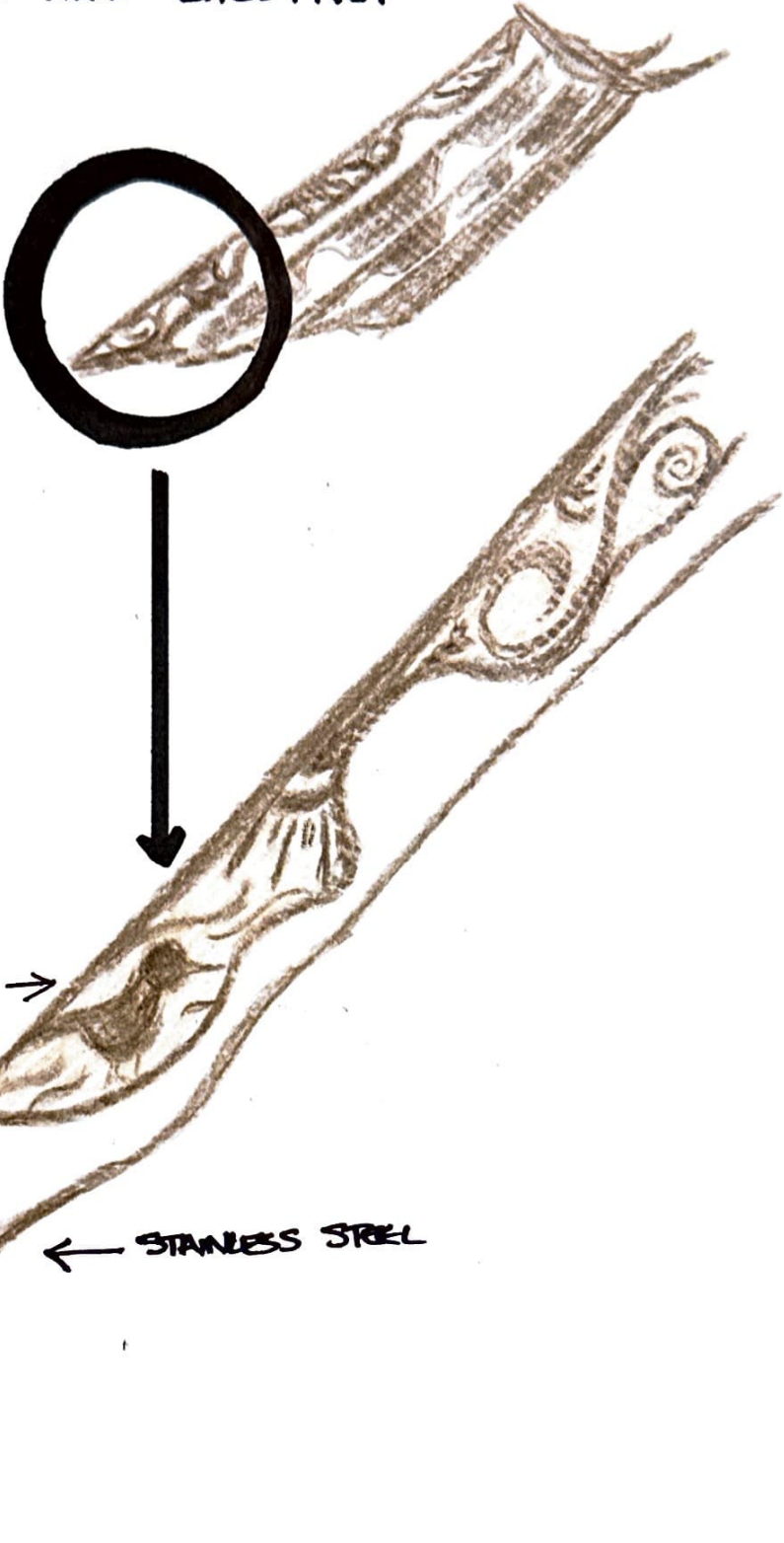
STEEL TUBING FOR
TRANSFORMATION →



CULTURAL ARTS COMMISSION
CITY OF BASTROP
BASTROP BIRD JUNCTION
PROJECT HWY 95 AND CHESTNUT
ROBIN LUCIK

Item 15K.

BARRIED OWL
FEATHER DESIGN



HAND SMITHED
DETAIL DESIGN
ON APPROXIMATELY
25 INDIVIDUAL
WINGS

← STAINLESS STEEL



STAFF REPORT

MEETING DATE: May 14, 2024

TITLE:

Consider action to approve Resolution No. R-2024-56, approving expenditure of City funds for Mayor Lyle Nelson to attend an event, function, and/or convention.

AGENDA ITEM SUBMITTED BY: Sylvia Carrillo-Trevino, ICMA-CM, CPM, City Manager

BACKGROUND/HIS TORY:

Per Resolution No. R-2024-49, Council approval is sought for the following:

- Registration for the TML Annual Conference this is the 112th annual Texas Municipal League conference. This conference is traditionally attended by the Mayor and Council. The 2024 conference will be held October 9-11, 2024, in Houston, TX.
- Chamber Lunches are held the first Wednesday of each month at the Bastrop Convention Center.
- BEST breakfasts are held the last Friday of each month. The participants are from Bastrop, Elgin, and Smithville.

FISCAL IMPACT:

N/A

RECOMMENDATION:

Consider action to approve Resolution No. R-2024-56, approving expenditure of City funds for Mayor Lyle Nelson to attend an event, function, and/or convention.

ATTACHMENTS :

- Resolution

RESOLUTION NO. R-2024-56

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS APPROVING EXPENDITURE OF CITY FUNDS FOR MAYOR LYLE NELSON TO ATTEND AN EVENT, FUNCTION, AND/OR CONVENTION; PROVIDING FOR EXECUTION OF ALL NECESSARY DOCUMENTS; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City of Bastrop (“City”) has general authority to adopt an ordinance, resolution, or police regulation that is for the good government, peace, or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, the City Council passed Resolution No. R-2024-49 approving the policy of the City of Bastrop stating no city funds shall be expended for the mayor’s attendance at any event, function, or convention without prior approval of the City Council; and

WHEREAS, the City finds that adoption of this Resolution is in the interest of the general health, safety, welfare, and morals of the community.

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

Section 1. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Bastrop, Texas, and are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Section 2. The City Council of the City of Bastrop approves the following Expenditures and actions for Mayor Lyle Nelson:

- Registration for the TML Annual Conference this is the 112th annual Texas Municipal League conference. This conference is traditionally attended by the Mayor and Council. The 2024 conference will be held October 9-11, 2024, in Houston, TX.
- Chamber Lunches are held the first Wednesday of each month at the Bastrop Convention Center.
- BEST breakfasts are held the last Friday of each month. The participants are from Bastrop, Elgin, and Smithville.

Section 3. Execution: The City Council authorizes the City Manager to execute all necessary documents to authorize the aforementioned expenditures.

Section 4. Repealer: To the extent reasonably possible, resolutions are to be read together in harmony. However, all resolutions, or parts thereof, that are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters regulated.

Section 5. Severability: Should any of the clauses, sentences, paragraphs, sections, or parts of this Resolution be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Resolution.

Section 6. Effective Date: This Resolution shall take effect upon the date of final passage noted below.

Section 7. Proper Notice & Meeting: It is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public, and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

DULY RESOLVED & ADOPTED by the City Council of the City of Bastrop, Texas, on this, the 14th day of May 2024.

APPROVED:

Lyle Nelson, Mayor

ATTEST:

Ann Franklin, City Secretary

APPROVED AS TO FORM:

Alan Bojorquez, City Attorney