

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



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**August 23, 2022**  
**Regular City Council Meeting at 6:30 PM**

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**Executive Session 5:30 PM**

**Regular Meeting at 6:30 PM**

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*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.*

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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](http://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 - EXECUTIVE SESSION - 5:30 P.M.**
- 2. EXECUTIVE SESSION**
  - 2A. City Council shall convene into closed executive session pursuant to Texas Government Code Section 551.071 and 551.072 regarding the legal and real estate concerns in the exchange of real property, including contractual issues related to conveying land and communications infrastructure.

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

**4. CALL TO ORDER - REGULAR SESSION - 6:30 P.M.**

**5. PLEDGE OF ALLEGIANCE** - Devarjaye "DJ" Daniel

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

**6. INVOCATION** - Phil Woods, Police Chaplain

**7. PRESENTATIONS**

[7A.](#) Mayor's Report

[7B.](#) Council Members' Report

[7C.](#) City Manager's Report

[7D.](#) Proclamation of the City Council of the City of Bastrop, Texas recognizing the month of September 2022, as National Preparedness Month for the City of Bastrop.

Submitted by: Ann Franklin, City Secretary

[7E.](#) Proclamation of the City Council of the City of Bastrop, Texas recognizing August 23, 2022, as Devarjaye "DJ" Daniel Day and the month of September 2022 as Childhood Cancer Awareness Month.

Submitted by: Clint Nagy, Chief of Police

**8. WORK SESSIONS/BRIEFINGS**

[8A.](#) Discussion and provide direction regarding FY 2022-2023 City of Bastrop Proposed Budget.

Submitted by: Trey Job, Acting City Manager

**9. STAFF AND BOARD REPORTS**

[9A.](#) Receive presentation on the unaudited Monthly Financial Report for the period ending July 31, 2022.

Submitted by: Tracy Waldron, Chief Financial Officer



## 10. CITIZEN COMMENTS

*At this time, three (3) minute comments will be taken from the audience on any topic. Anyone in attendance wishing to address the Council must complete a citizen comment form and give the completed form to the City Secretary prior to the start of the City Council meeting. Alternately, if you are unable to attend the council meeting, you may complete a citizen comment form with your comments at [www.cityofbastrop.org/citizencommentform](http://www.cityofbastrop.org/citizencommentform) 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.*

## 11. CONSENT AGENDA

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

- 11A. Consider action to approve City Council minutes from the August 9, 2022, Regular meeting.

Submitted by: Ann Franklin, City Secretary

- 11B. Consider action to approve Resolution No. R-2022-74 of the City Council of the City of Bastrop, Texas approving and adopting the Investment Policy and Investment Strategies attached as Exhibit A; approving the list of Qualified Brokers attached as Exhibit B; making various provisions related to the subject; and establishing an effective date.

Submitted by: Tracy Waldron, Chief Financial Officer

- 11C. Consider action to approve Resolution No. R-2022-72 approving the City of Bastrop Purchasing Policy, which is attached as Exhibit A; providing for a repealing clause; and establishing an effective date.

Submitted by: Tracy Waldron, Chief Financial Officer

- 11D. Consider action to approve Resolution No. R-2022-62 of the City Council of the City of Bastrop, Texas approving a Public Improvement Plan Agreement with Great West Development, Inc. for River Crest Subdivision, as attached in Exhibit A; authorizing the City Manager to execute all necessary documents; providing for a repealing clause; and establishing an effective date.

Submitted by: Jennifer C. Bills, Director of Planning & Development

## **12. ITEMS FOR INDIVIDUAL CONSIDERATION**

- [12A.](#) Hold a public hearing and consider action to approve the first reading of Ordinance No. 2022-20 of the City Council of the City of Bastrop, Texas, annexing the Pearl River Development and updating the Municipal Service Plan for 56.620 acres of land out of the Nancy Blakey Survey, Abstract No. 98, located east of FM 969 and north of State Highway 71, as shown in Exhibit A & B, providing for findings of fact, adoption, establishing Place Type Zoning and Character District, repealer, severability, filing and enforcement; establishing an effective date; and proper notice and meeting, and move to include on the September 13, 2022, agenda for the second reading.

Submitted by: Jennifer C. Bills, Director of Planning & Development

- [12B.](#) Hold a public hearing and consider action on the first reading of Ordinance No. 2022-21 approving the Pearl River Zoning Concept Scheme, changing the zoning for 26.902 acres from P2 Rural to P4 Mix and 29.718 acres from P2 Rural to P5 Core out of the Nancy Blakey Survey, Abstract 98, and establishing a Concept Plan on 74.974 acres, with 10% Civic Space required during development, located east of FM 969 and north of SH 71, within the city limits of Bastrop, Texas, as shown in Exhibit A, providing for findings of fact, adoption, repealer, severability and enforcement, proper notice and meeting; and establishing an effective date, and move to include on the September 13, 2022, agenda for the second reading.

Submitted by: Jennifer C. Bills, Director of Planning & Development

- [12C.](#) Consider action to approve Resolution No. R-2022-73 of the City Council of the City of Bastrop, Texas, approving the Financial Management Policy, which is attached as exhibit A; providing for a repealing clause and establishing an effective date.

Submitted by: Tracy Waldron, Chief Financial Officer

- [12D.](#) Consider action to approve Resolution No. R-2022-77 of the City of Bastrop, Texas amending the City Council Rules of Procedure; establishing a repealing clause; and establishing an effective date.

Submitted by: Alan Bojorquez, City Attorney

- [12E.](#) Consider action to approve Resolution No. R-2022-78 of the City Council of the City of Bastrop, Texas confirming the Youth Advisory Council appointments of the Mayor, as required in Section 3.08 of the City Charter; providing for a repealing clause; and establishing an effective date.

Submitted by: Rebecca Gleason, Assistant City Manager

## **13. ADJOURNMENT**

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

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

I, the undersigned authority, do hereby certify that this Notice of Meeting as posted in accordance with the regulations of the Texas Open Meetings Act on the bulletin board located at the entrance to the City of Bastrop City Hall, a place of convenient and readily accessible to the general public, as well as to the City's website, [www.cityofbastrop.org](http://www.cityofbastrop.org) and said Notice was posted on the following date and time: Thursday, August 18, 2022, at 2:30 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:** August 23, 2022

**TITLE:**  
Mayor's Report

**AGENDA ITEM SUBMITTED BY:**  
Submitted by: Trey Job, Acting City Manager

**POLICY EXPLANATION:**

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

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

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

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

**ATTACHMENTS:**

- PowerPoint

# *Mayor's Report*

## *August 23, 2022*





**Library Volunteer Appreciation**

# *Latest Activities*

*Aug 6 – 16*

**Events in 2022: 198**



Item 7A.



**River Loop Ribbon Cutting**



**Homecoming Parade**



**Pines & Needles  
Sean Mitchell**



**Gravity District**

**Stacey  
Braden**



**Right at Home  
Grand Opening**



**UX Web Guy- Paul Nobles**

# *Planned Events*

*Aug 17-23*

Item 7A.

- Aug 17 – City Council Budget Workshop (if needed)
- Aug 18 – Bastrop County Historical Society; Historic Homes Book
- Aug 19
  - Ambassador's Meeting
  - Greater Texas Credit Union Ribbon Cutting
- Aug 21 – Mount Rose 136<sup>th</sup> Anniversary
- Aug 22 – TML Municipal Policy Summit
- Aug 23
  - TML Municipal Policy Summit
  - City Council Meeting



# *Upcoming Events & City Meetings*

Item 7A.

- Aug 26
  - BEDC Special Meeting
  - City Council Special Meeting
- Aug 27 – City Council Special Meeting
- Aug 29
  - Community Support Quarterly Meeting
  - Board and Commission Interviews
- Aug 30 – State of LCRA meeting
- Aug 31 – Board and Commission Interviews (if needed)
- Sept 2 – Homespun Wisdom Ribbon Cutting
- Sept 5 – Labor Day (City offices closed)
- Sept 6 – City Council Joint Meeting with Visit Bastrop
- Sept 7 – Chamber Lunch
- Sept 12 – Library Board
- Sept 13 –
  - Government Affairs
  - Heart of Bastrop Filming
  - City Council Meeting







# STAFF REPORT

**MEETING DATE:** August 23, 2022

**TITLE:**

Council Members' Report

**AGENDA ITEM SUBMITTED BY:**

Submitted by: Trey Job, Acting City Manager

**POLICY EXPLANATION:**

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

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

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



# STAFF REPORT

**MEETING DATE:** August 23, 2022

**TITLE:**

City Manager's Report

**AGENDA ITEM SUBMITTED BY:**

Submitted by: Trey Job, Acting 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:

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



# STAFF REPORT

**MEETING DATE:** August 23, 2022

**TITLE:**

Proclamation of the City Council of the City of Bastrop, Texas recognizing the month of September as National Preparedness Month.

**STAFF REPRESENTATIVE:**

Submitted by: Ann Franklin, City Secretary





**WHEREAS**, September is National Preparedness Month, which serves as a reminder that we all must take action to prepare, now and throughout the year, for the types of emergencies that could affect us where we live, work, and also where we visit; and

**WHEREAS**, "National Preparedness Month" creates an opportunity for the residents and businesses in the City of Bastrop to prepare their homes, establishments, and communities for any type of emergency including natural disasters and potential terror attacks; and

**WHEREAS**, the City of Bastrop, along with other regional, state and national partners, support the WarnCentralTexas.org campaign to increase public readiness in preparing for emergencies and educating citizens on how to take action; and

**WHEREAS**, preparedness is an ongoing effort of all citizens in the CAPCOG region, including youth, older adults, and people with access and functional needs; and

**WHEREAS**, investing in the preparedness of ourselves, our families, businesses, and communities can reduce fatalities and economic devastation throughout our nation; and

**WHEREAS**, emergency preparedness is the responsibility of every citizen in the (city/county) and all citizens are encouraged to make preparedness a priority.

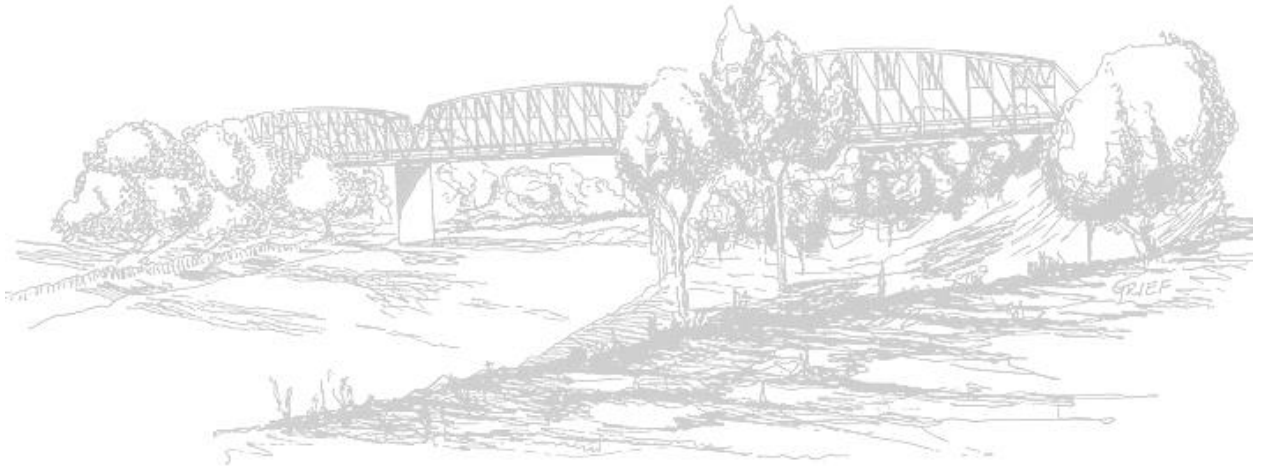
**NOW, THEREFORE**, I, Connie B. Schroeder, Mayor of the City of Bastrop, Texas, do hereby proclaim September 2022 as:

### **NATIONAL PREPAREDNESS MONTH**

and encourage all citizens and businesses to develop their own emergency preparedness plan, go to WarnCentralTexas.org to register to receive emergency alerts, and work as a team towards that end.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Official Seal of the City of Bastrop, Texas to be affixed this 23<sup>th</sup> day of August, 2022.

Connie B. Schroeder, Mayor







# STAFF REPORT

**MEETING DATE:** August 23, 2022

**TITLE:**

Proclamation of the City Council of the City of Bastrop, Texas recognizing August 23, 2022, as Devarjaye “DJ” Daniel Day and the month of September 2022 as Childhood Cancer Awareness Month.

**AGENDA ITEM SUBMITTED BY:**

Submitted by: Clint Nagy, Chief of Police

**BACKGROUND/HISTORY:**

Every battle has a fighter. DJ Daniel is a ten-year-old young man diagnosed with metastatic anaplastic ependymoma brain and spine cancer. To bring awareness to his and others' fight against cancer, DJ started a journey to be sworn in by as many law enforcement agencies as possible. As a result, over 650 law enforcement agencies have sworn him in as an honorary police officer.

Childhood cancer is the leading cause of death by disease in children and 1 in 285 children in the United States will be diagnosed by their 20<sup>th</sup> birthday. There are approximately 400,000 children on active treatment at any given time.

On August 23, 2022, the City of Bastrop Police Department swears in Devarjaye “DJ” Daniel as an honorary police officer.

**FISCAL IMPACT:**

None

**RECOMMENDATIONS:**

None

**ATTACHMENTS:**

- Proclamation for Devarjaye “DJ” Daniel Day & September 2022 as Childhood Cancer Awareness Month.



# PROCLAMATION



**WHEREAS**, Devarjaye “DJ” Daniel, who is ten years old, has childhood cancer and has the dream of becoming a police officer; and

**WHEREAS**, DJ is a jokester, a hugger, and an all-around lovable child; and

**WHEREAS**, DJ is bringing awareness of childhood cancer in his own unique way while achieving his dream; and

**WHEREAS**, To date, DJ has been sworn in by over 650 law enforcement agencies from around the United States; and

**WHEREAS**, Childhood cancer is on the rise, with an estimated 17,293 children diagnosed every year in the United States alone; and

**WHEREAS**, 1 in 285 American children will be diagnosed with cancer before age 20; and

**WHEREAS**, September is National Childhood Cancer Awareness Month.

**NOW, THEREFORE**, I, Connie Schroeder, Mayor of the City of Bastrop, do hereby proclaim Tuesday, August 23, 2022, as:

## **DEVARJAYE” DJ” DANIEL DAY**

&

**AND, THEREFORE**, I hereby proclaim September 2022 as:

## **CHILDHOOD AWARENESS MONTH IN BASTROP, TEXAS**

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Official Seal of the City of Bastrop, Texas to be affixed this 23rd day of August 2022.

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



# STAFF REPORT

**MEETING DATE:** August 23, 2022

**TITLE:**

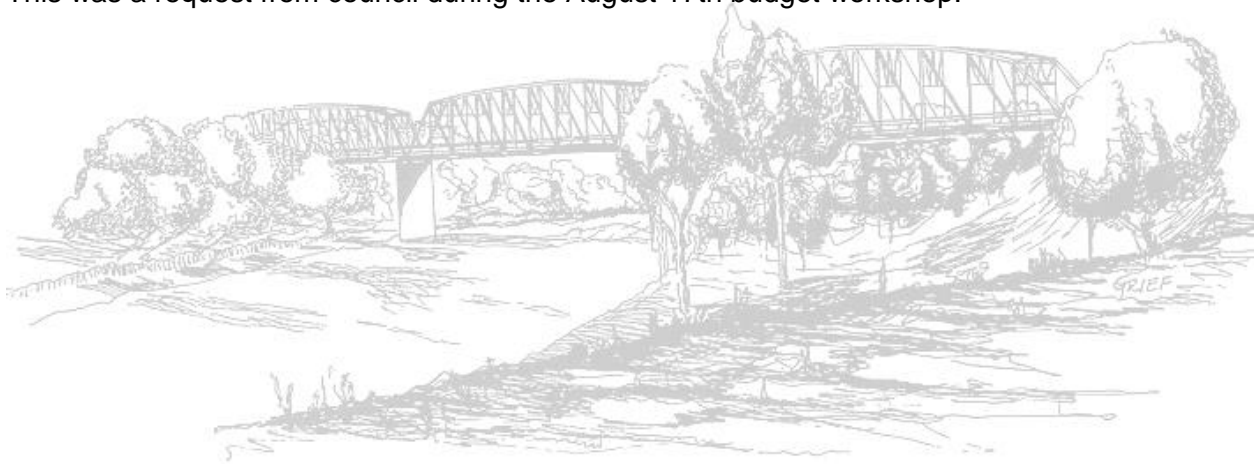
Discussion and provide direction regarding FY 2022-2023 City of Bastrop Proposed Budget.

**STAFF REPRESENTATIVE:**

Submitted by: Trey Job, Acting City Manager

**BACKGROUND:**

This was a request from council during the August 17th budget workshop.







# STAFF REPORT

**MEETING DATE:** August 23, 2022

**TITLE:**

Receive presentation on the unaudited Monthly Financial Report for the period ending July 31, 2022.

**AGENDA ITEM SUBMITTED BY:**

Submitted by: Tracy Waldron, Chief Financial Officer

**BACKGROUND/HISTORY:**

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

**REVENUE**

General Fund exceeded the forecast by 4.4%

- Sales tax is 8% above forecast and 15.6% over same period prior year
- Development fees are 7.5% above forecast
- There are other categories that are below forecast – specifically court fines and interest

Impact Fee Fund is in negative status – the revenue projections were based on the timing of specific developments paying into this fund – these developments are behind the projected schedule causing the fund to be short of forecast.

All other funds are performing positive to forecast.

**EXPENDITURES**

All funds are positive to forecast amounts.

This reporting requirement is set forth by the City of Bastrop Financial Management Policies, Chapter IV. Operating Budget, Section D. Reporting, as adopted by Resolution R-2021-80 on August 24, 2021.

**ATTACHMENTS:**

- Unaudited Monthly Financial Report for the period ending July 31, 2022.

# CITY OF BASTROP

## Comprehensive Monthly Financial Report

### July 2022



# Performance at a Glance as of July 31, 2022



	YEAR TO DATE	REFERENCE
ALL FUNDS SUMMARY	POSITIVE	Page 3-4
SALES TAXES	POSITIVE	Page 5
PROPERTY TAXES	POSITIVE	Page 6
GENERAL FUND EXPENSE BY DEPARTMENT	POSITIVE	Page 7
WATER/WASTEWATER REVENUES	POSITIVE	Page 8
WATER/WASTEWATER EXPENDITURES BY DIVISION	POSITIVE	Page 9
ELECTRIC REVENUES	POSITIVE	Page 10
HOTEL OCCUPANCY TAX REVENUES	POSITIVE	Page 11
HOTEL OCCUPANCY TAX EXPENDITURES BY DIVISION	POSITIVE	Page 12
LEGAL FEES BY ATTORNEY/CATEGORY	POSITIVE	Page 13
PERFORMANCE INDICATORS		
POSITIVE	= Positive variance or negative variance < 1% compared to seasonal trends	
WARNING	= Negative variance of 1-5% compared to seasonal trends	
NEGATIVE	= Negative variance of > 5% compared to seasonal trends	

BUDGET SUMMARY OF ALL FUNDS

	FY2022 Approved Budget	FY2022 Forecast YTD	FY2022 Actual YTD	Variance
<b>Revenues:</b>				
General	\$ 15,983,754	\$ 13,761,608	\$ 14,370,410	4.4%
Designated	66,908	38,900	48,975	25.9%
General Fund One-time	445,500	295,500	297,003	0.5%
Street Maintenance	3,000	2,350	3,118	32.7%
Debt Service	3,358,143	2,983,606	2,997,861	0.5%
General Gov's Projects	457,000	125,000	125,296	0.2%
Water/Wastewater	6,958,580	5,558,387	6,383,661	14.8%
Water/Wastewater Debt	3,619,436	2,270,155	2,273,978	0.2%
Water/Wastewater Capital Proj	481,000	400,833	398,448	-0.6%
Impact Fees	4,505,950	3,492,111	2,305,603	-34.0%
Vehicle & Equipment Replacement	1,560,236	1,474,435	1,510,274	2.4%
Electric	6,877,639	5,512,518	6,425,583	16.6%
HOT Tax Fund	2,476,685	1,996,388	2,561,890	28.3%
Library Board	20,600	16,333	24,501	50.0%
Cemetery	108,200	90,167	106,029	17.6%
Capital Bond Projects	4,703,958	3,689,163	3,797,657	2.9%
Grant Fund	2,668,235	12,960	25,311	95.3%
Park/Trail Land Dedicaiton	1,365	1,138	1,204	5.8%
Hunter's Crossing PID	575,879	573,575	576,159	0.5%
Bastrop EDC	5,074,414	2,697,171	4,186,011	55.2%
<b>TOTAL REVENUES</b>	<b>\$ 59,946,482</b>	<b>\$ 44,992,298</b>	<b>\$ 48,418,972</b>	<b>7.6%</b>

POSITIVE	= Positive variance or negative variance < 1% compared to forecast
WARNING	= Negative variance of 1-5% compared to forecast
NEGATIVE	= Negative variance of >5% compared to forecast

BUDGET SUMMARY OF ALL FUNDS				
	FY2022	FY2022	FY2022	
	<u>Approved Budget</u>	<u>Forecast YTD</u>	<u>Actual YTD</u>	<u>Variance</u>
<b><u>Expense:</u></b>				
General	\$ 16,653,232	\$ 13,628,291	\$ 12,945,951	-5.0%
Designated	298,100	9,180	8,046	-12.4%
General Fund One-time	445,500	143,887	143,516	-0.3%
Street Maintenance	655,000	32,404	32,686	0.9%
Debt Service	3,494,221	2,761,735	2,762,826	0.0%
General Gov't Projects	457,000	47,000	47,000	0.0%
Water/Wastewater	7,666,249	6,293,840	6,051,761	-3.8%
Water/Wastewater Debt	3,992,281	3,316,949	3,318,562	0.0%
Water/Wastewater Capital Proj.	352,500	259,031	259,547	0.2%
Revenue Bond, Series 2020	9,157,563	4,619,717	4,544,641	-1.6%
CO, Series 2021	35,720,000	10,582,115	10,590,359	0.1%
Impact Fees	3,449,819	545,000	549,479	0.8%
Vehicle & Equipment Replacement	1,252,930	611,222	611,015	0.0%
Electric	7,568,783	6,742,690	6,153,897	-8.7%
HOT Tax Fund	2,983,057	2,791,683	2,562,618	-8.2%
Library Board	87,950	73,292	23,575	-67.8%
Cemetery	173,828	141,107	88,471	-37.3%
Hunter's Crossing PID	604,547	533,919	496,618	-7.0%
CO, Series 2013	299,450	114,000	112,704	-1.1%
CO, Series 2018	655,500	74,000	74,007	0.0%
Limited Tax Note, Series 2020	424,043	168,514	166,703	-1.1%
CO, Series 2022	3,676,250	93,665	76,249	-18.6%
Grant Fund	2,668,235	804,032	685,274	-14.8%
Bastrop EDC	6,011,878	3,005,414	2,523,278	-16.0%
<b>TOTAL EXPENSES</b>	<b>\$ 108,747,916</b>	<b>\$ 57,392,687</b>	<b>\$ 54,828,783</b>	<b>-4.5%</b>

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

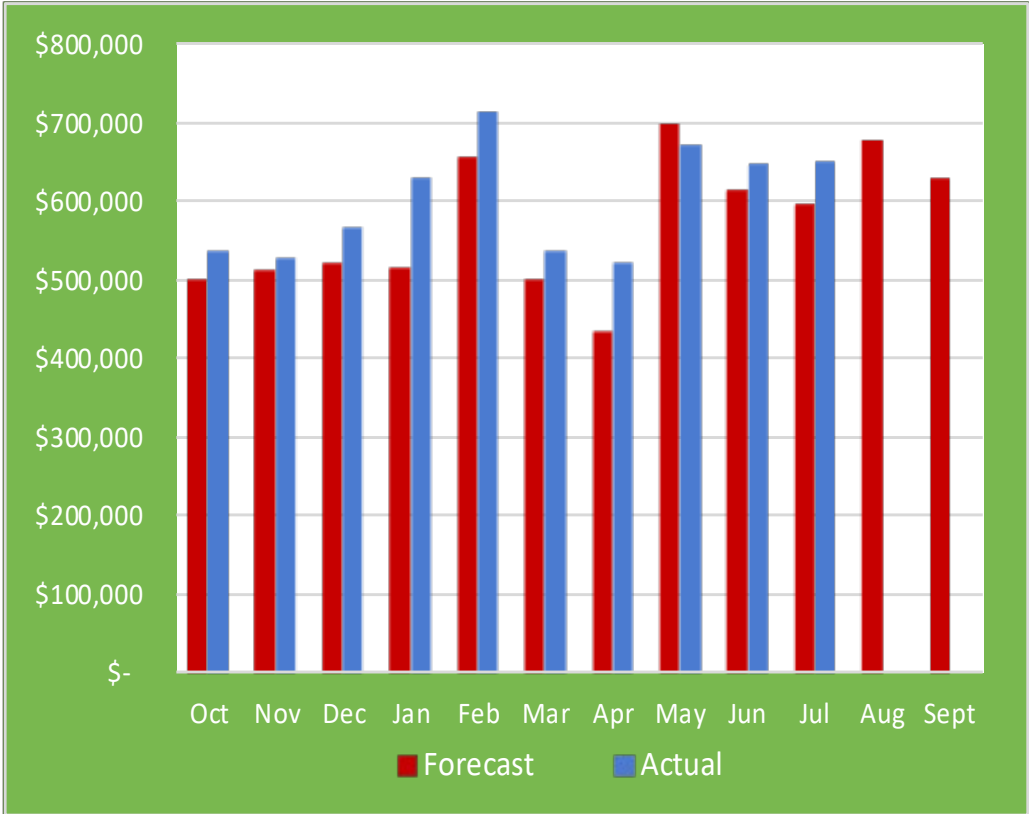


COMPREHENSIVE MONTHLY FINANCIAL REPORT – July 2022

REVENUE ANALYSIS

SALES TAX REVENUE

<u>Month</u>	<u>FY2022 Forecast</u>	<u>FY2022 Actual</u>	<u>Monthly Variance</u>
Oct	\$ 497,166	\$ 533,267	\$ 36,101
Nov	511,070	525,903	\$ 14,833
Dec	518,836	564,058	\$ 45,222
Jan	512,246	625,837	\$ 113,591
Feb	652,942	708,736	\$ 55,794
Mar	497,151	532,549	\$ 35,398
Apr	432,869	520,238	\$ 87,369
May	696,146	669,214	\$ (26,932)
Jun	611,623	645,169	\$ 33,546
Jul	594,989	647,751	\$ 52,762
Aug	673,346		\$ -
Sept	626,049		\$ -
Total	<b>\$ 6,824,433</b>	<b>\$ 5,972,722</b>	<b>\$ 447,684</b>
Cumulative Forecast	\$ 5,525,038		
Actual to Forecast	\$ 447,684	8.1%	

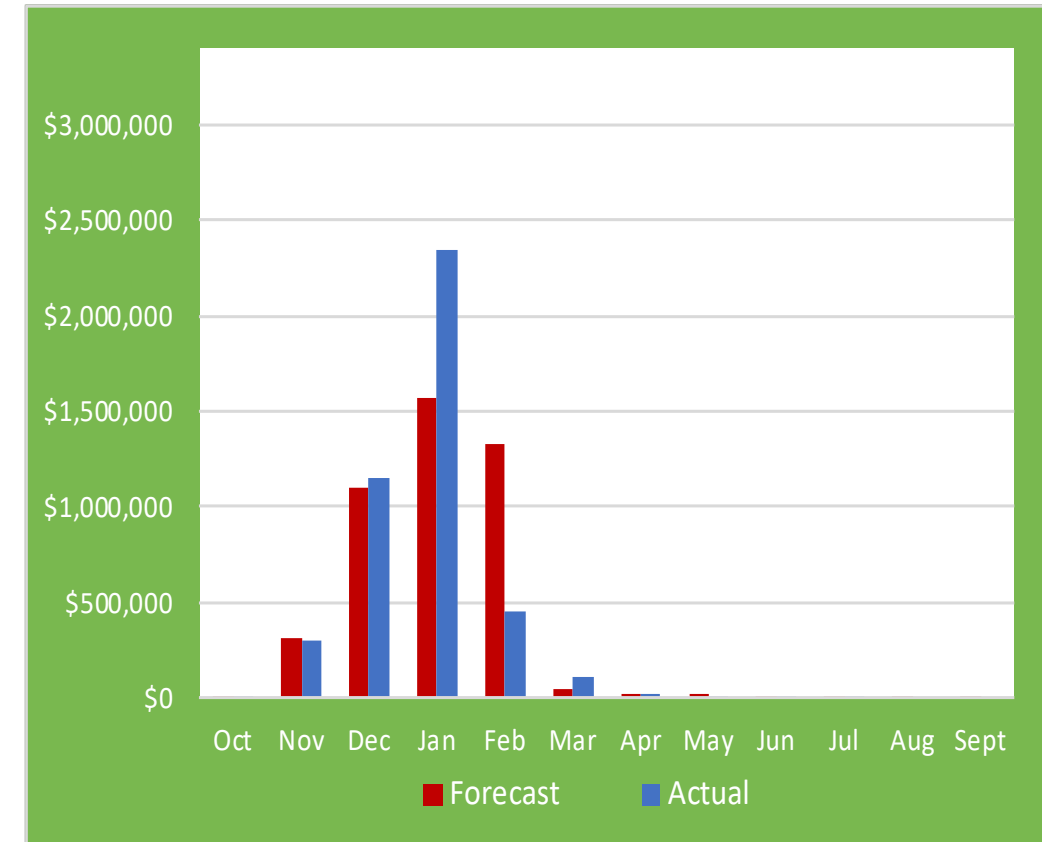


POSITIVE

Sales Tax is 42% of the total budgeted revenue for General Fund. The actual amounts for Oct. and Nov. are estimated due to the State Comptroller's two month lag in payment of these earned taxes. The forecast has been updated with the budget amendment. The actual is 8% greater than forecasted and 15.6% over the same period last year.

## PROPERTY TAX REVENUE

<u>Month</u>	<u>FY2022 Forecast</u>	<u>FY2022 Actual</u>	<u>Monthly Variance</u>
Oct	\$ 150	\$ 182	\$ 32
Nov	309,543	300,872	\$ (8,671)
Dec	1,105,509	1,147,364	\$ 41,855
Jan	1,565,401	2,340,230	\$ 774,829
Feb	1,326,611	453,211	\$ (873,400)
Mar	44,220	115,780	\$ 71,560
Apr	17,688	22,037	\$ 4,349
May	17,688	9,855	\$ (7,833)
Jun	8,844	12,754	\$ 3,910
Jul	8,844	9,173	\$ 329
Aug	8,844		
Sept	8,694		
<b>Total</b>	<b>\$ 4,422,036</b>	<b>\$ 4,411,458</b>	<b>\$ 6,960</b>
Cumulative Forecast	\$ 4,404,498		
Actual to Forecast	\$ 6,960	0.16%	



**POSITIVE**

Property tax represents 31% of the total General Fund revenue budget. As you can see from the forecast, they are generally collected from December to February. The forecast has been updated based on actual payment patterns this fiscal year. The Actual is just slightly over forecast.

## GENERAL FUND EXPENDITURES BY DEPT.

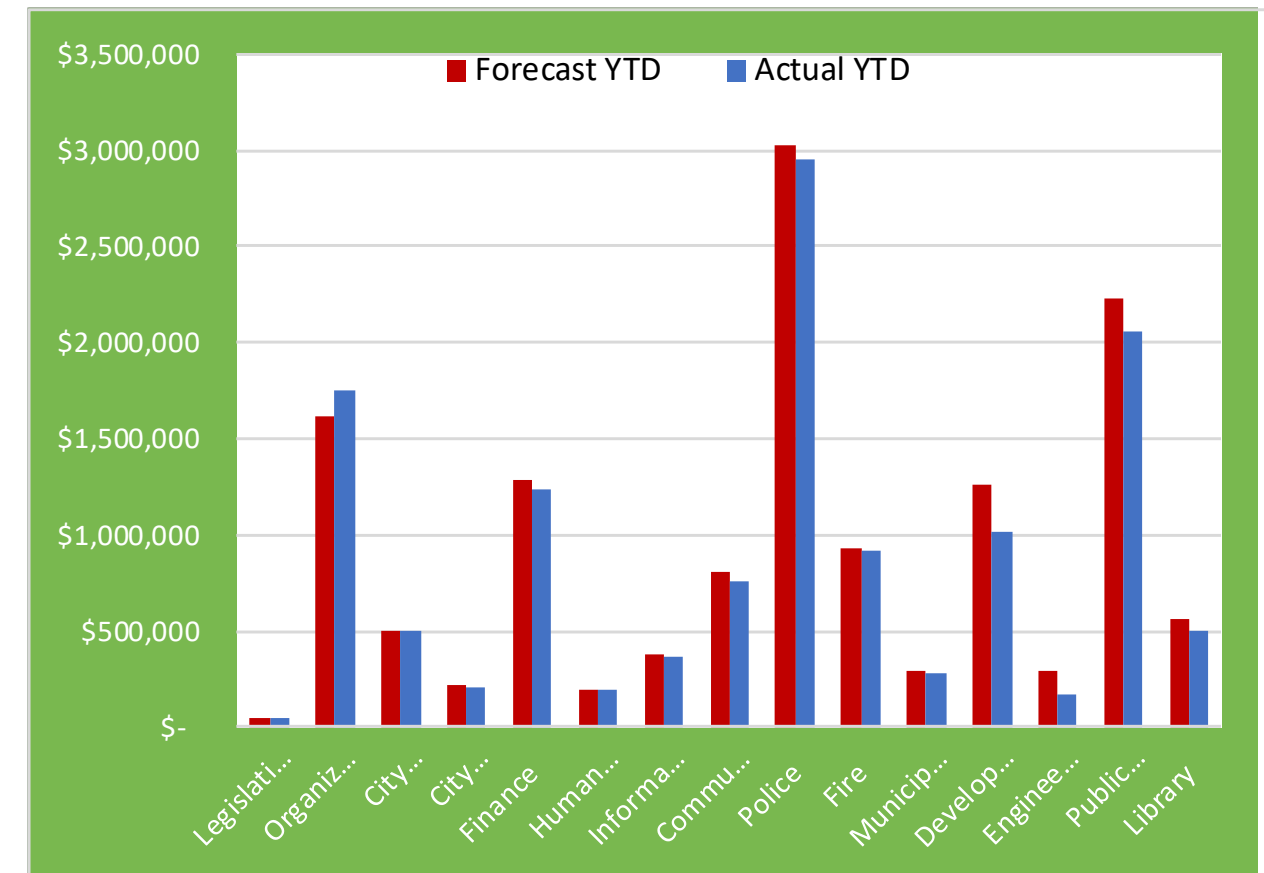
<u>Division</u>	<u>FY2022 Forecast YTD</u>	<u>FY2022 Actual YTD</u>	<u>Variance</u>
Legislative	\$ 42,750	\$ 43,811	\$ 1,061
Organizational	1,612,510	1,755,935	\$ 143,425
City Manager	502,317	498,364	\$ (3,953)
City Secretary	214,346	206,971	\$ (7,375)
Finance	1,283,861	1,239,297	\$ (44,564)
Human Resources	196,795	198,681	\$ 1,886
Information Technology	373,376	364,172	\$ (9,204)
Community Engagemen	804,159	761,454	\$ (42,705)
Police	3,021,813	2,956,003	\$ (65,810)
Fire	934,407	912,463	\$ (21,944)
Municipal Court	298,151	275,169	\$ (22,982)
Development Services	1,261,851	1,010,273	\$ (251,578)
Engineering	292,945	169,993	\$ (122,952)
Public Works	2,230,300	2,054,903	\$ (175,397)
Library	558,712	498,461	\$ (60,251)
<b>Total</b>	<b>\$ 13,628,293</b>	<b>\$ 12,945,950</b>	<b>\$ (682,343)</b>

Actual to Forecast

95.0%

**POSITIVE**

This page in the financial report looks at forecast to actual by department within the General Fund. YTD the actual is almost 96% of forecast. The Organizational department is running over forecast due to elevated legal expenses along with 380 reimbursement overages. This will require a budget amendment before fiscal year end.



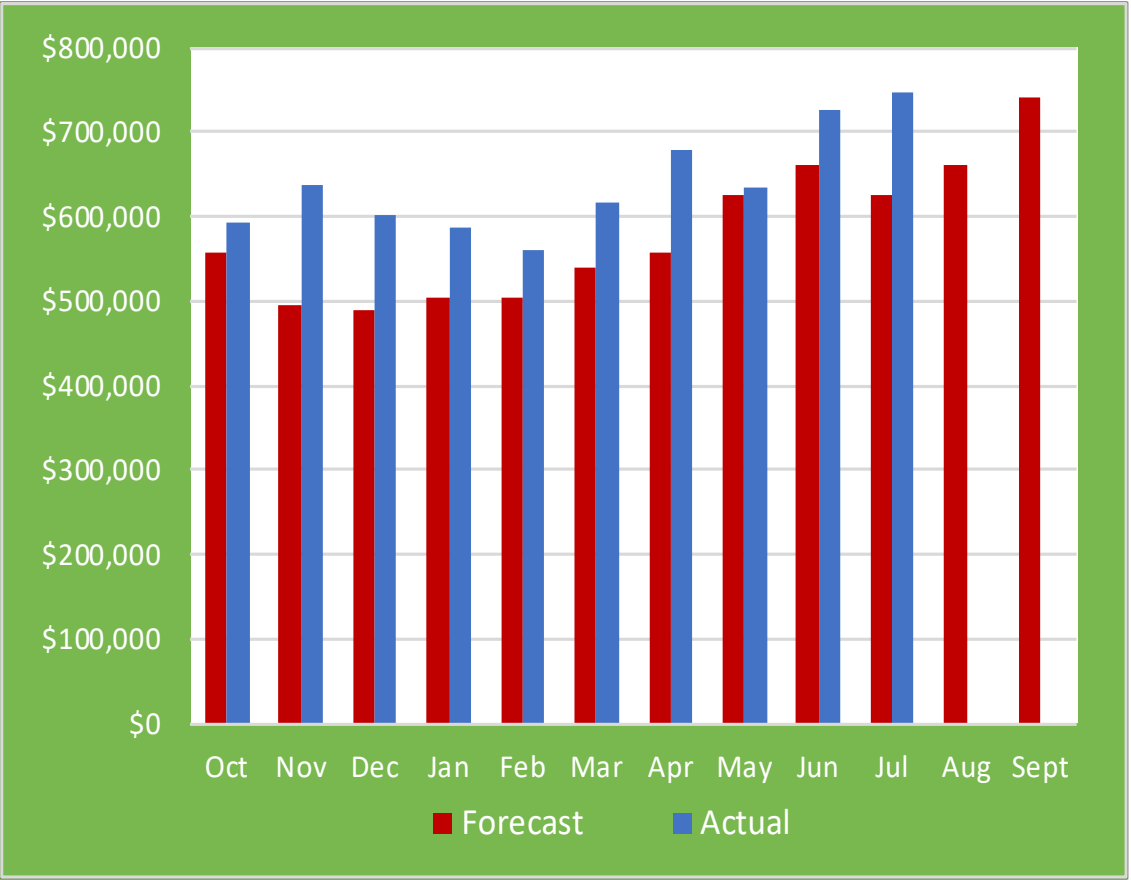


# COMPREHENSIVE MONTHLY FINANCIAL REPORT – July 2022

## REVENUE ANALYSIS

### WATER/WASTEWATER REVENUE

	<u>Month</u>	<u>FY2022</u> <u>Forecast</u>	<u>FY2022</u> <u>Actual</u>	<u>Monthly</u> <u>Variance</u>
	Oct	\$ 556,791	\$ 592,481	\$ 35,690
	Nov	494,957	637,628	\$ 142,671
	Dec	487,757	602,279	\$ 114,522
	Jan	505,193	587,955	\$ 82,762
	Feb	504,957	560,158	\$ 55,201
	Mar	539,355	615,764	\$ 76,409
	Apr	556,791	678,766	\$ 121,975
	May	626,062	635,018	\$ 8,956
	Jun	660,698	727,528	\$ 66,830
	Jul	625,826	746,085	\$ 120,259
	Aug	660,461		
	Sept	739,732		
Total		<u>\$ 6,958,580</u>	<u>\$ 6,383,662</u>	<u>\$ 825,275</u>
Cumulative Forecast		\$ 5,558,387		
Actual to Forecast		\$ 825,275	14.85%	



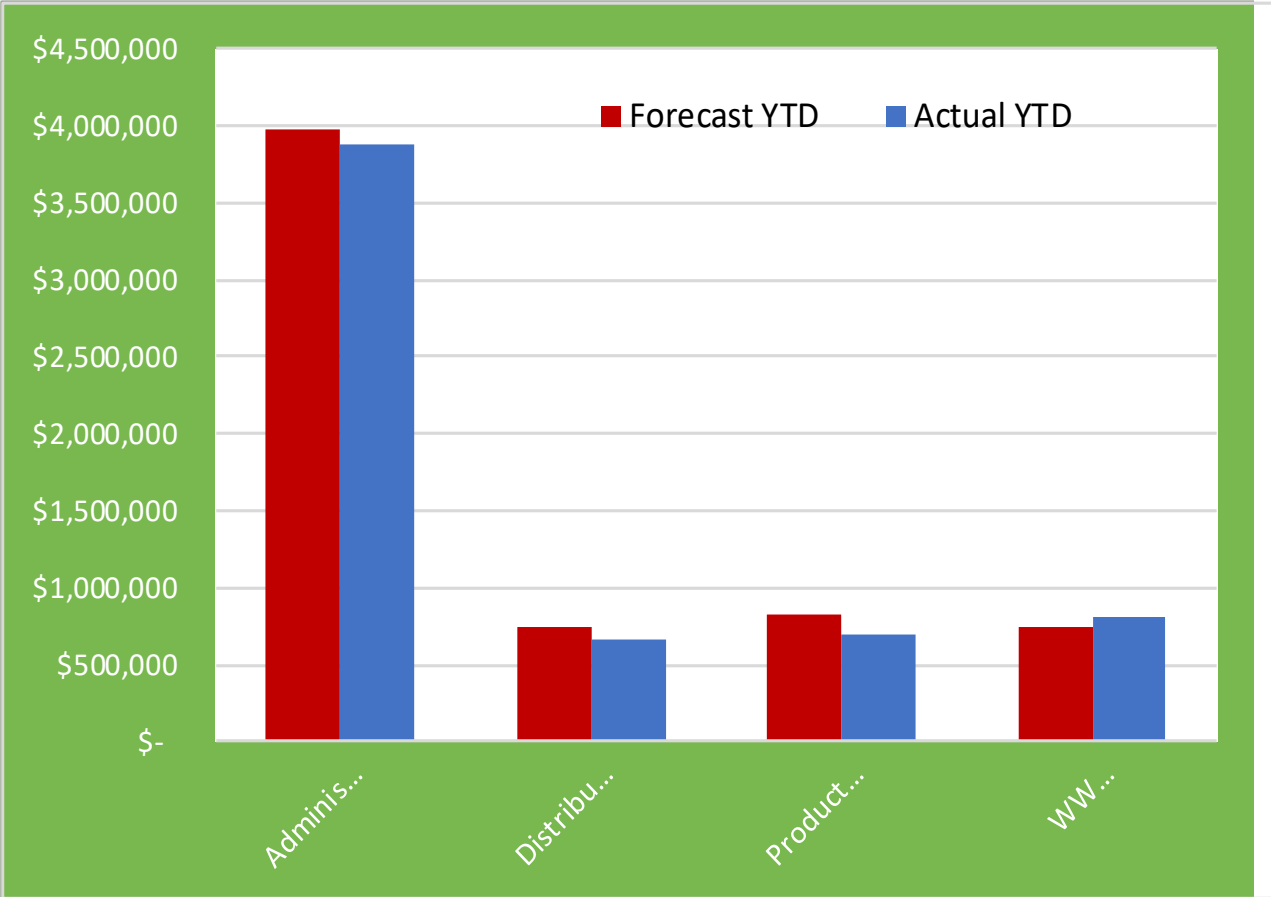
POSITIVE

The water and wastewater actual revenue is higher than forecast almost 15%. There were 3 new meter set this month all residential.

EXPENSE ANALYSIS

WATER/WASTEWATER EXPENDITURES BY DIVISION

<u>Division</u>	<u>FY2022 Forecast YTD</u>	<u>FY2022 Actual YTD</u>	<u>Variance</u>
Administration	\$ 3,968,442	\$ 3,872,179	\$ (96,263)
Distribution/Collection	746,540	665,332	\$ (81,208)
Production/Treatment	829,261	698,553	\$ (130,708)
WW Treatment Plant	<u>749,597</u>	<u>815,697</u>	<u>\$ 66,100</u>
Total	<u>\$ 6,293,840</u>	<u>\$ 6,051,761</u>	<u>\$ (242,079)</u>
Actual to Forecast	96.2%		



POSITIVE

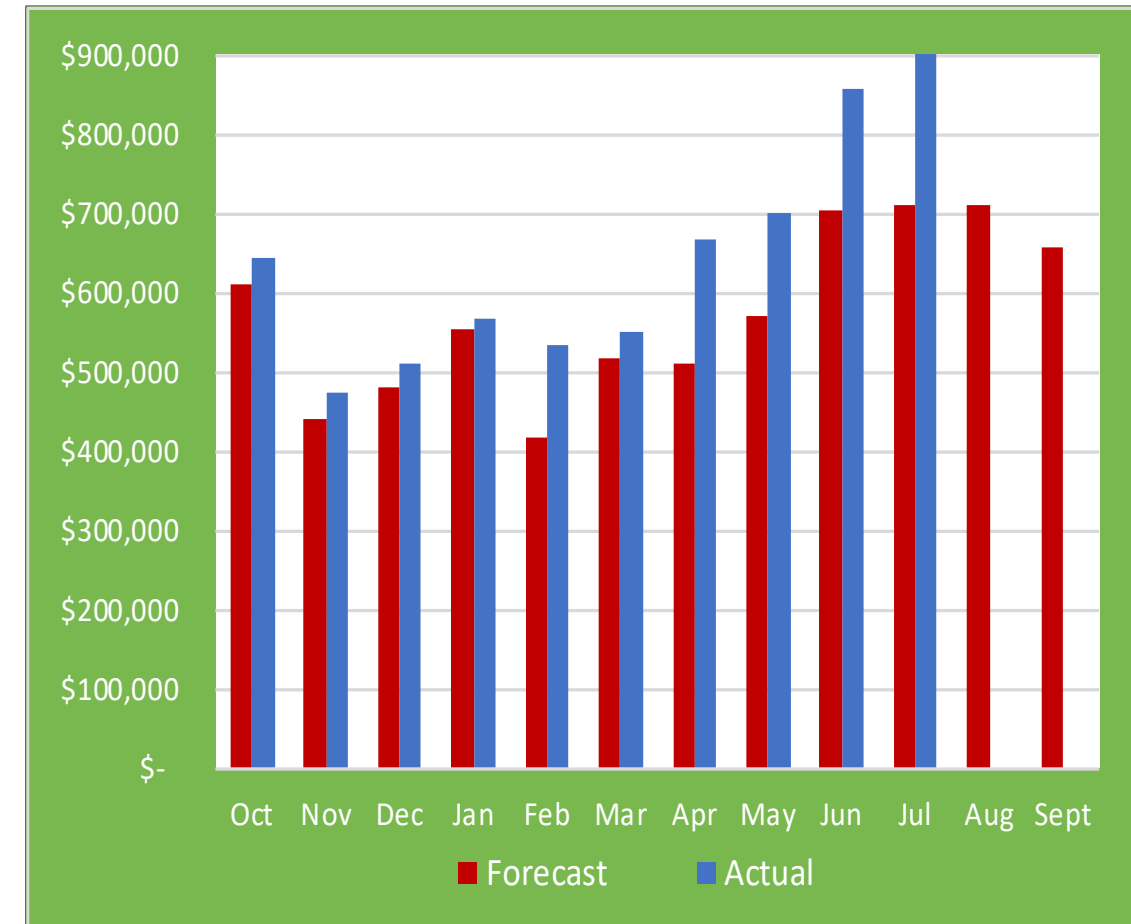
This page tracks the actual to forecast by divisions within the Water/Wastewater department. The actual is slightly over 96% of forecast. Most of the variance is related to salary savings.

## COMPREHENSIVE MONTHLY FINANCIAL REPORT – July 2022

## REVENUE ANALYSIS

## ELECTRIC FUND REVENUE

<u>Month</u>	<u>FY2022 Forecast</u>	<u>FY2022 Actual</u>	<u>Monthly Variance</u>
Oct	\$ 609,386	\$ 643,338	\$ 33,952
Nov	441,560	475,082	\$ 33,522
Dec	481,473	510,608	\$ 29,135
Jan	554,648	567,579	\$ 12,931
Feb	418,436	534,178	\$ 115,742
Mar	516,256	549,722	\$ 33,466
Apr	509,604	667,544	\$ 157,940
May	569,473	699,457	\$ 129,984
Jun	702,515	857,304	\$ 154,789
Jul	709,167	920,771	\$ 211,604
Aug	709,167		
Sept	655,954		
Total	<b>\$ 6,877,639</b>	<b>\$ 6,425,583</b>	<b>\$ 913,065</b>
Cumulative Forecast	\$ 5,512,518		
Actual to Forecast	\$ 913,065	16.56%	



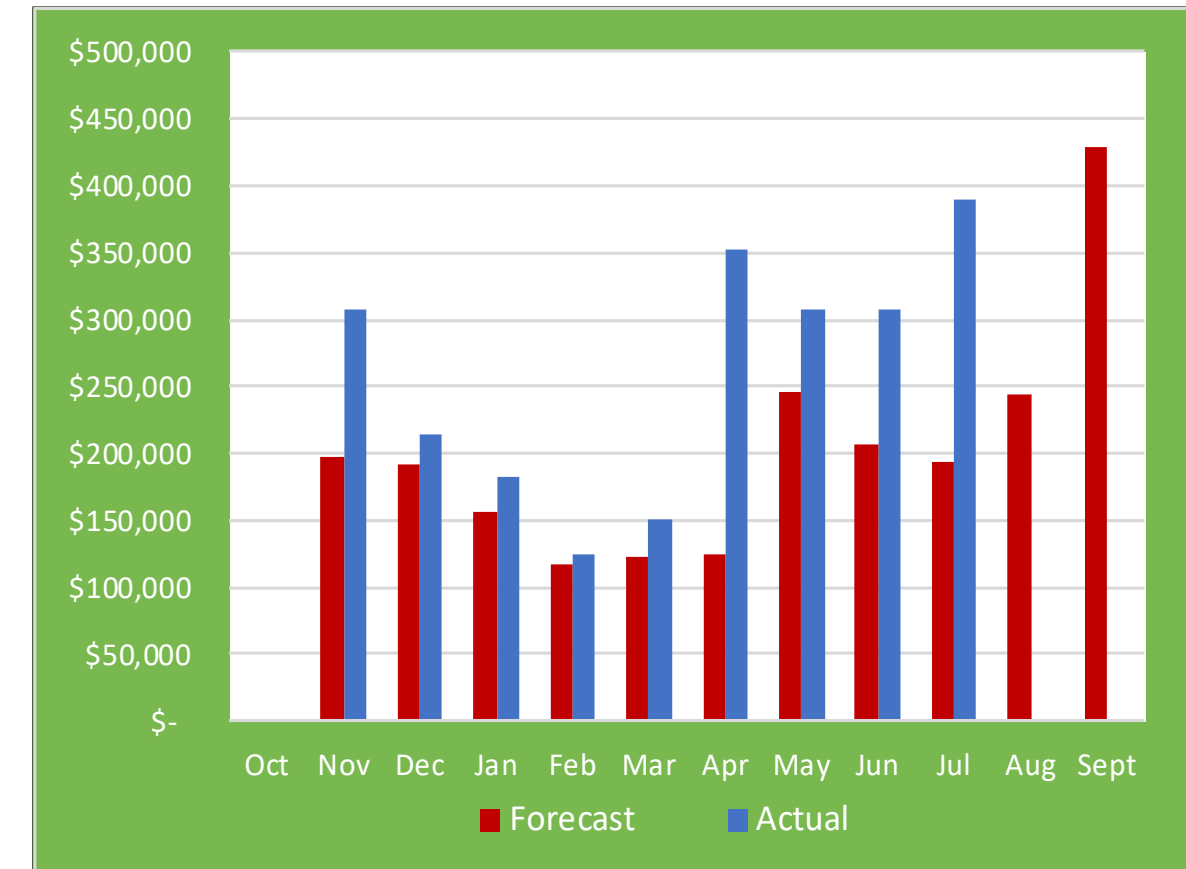
POSITIVE

The Electric utility revenue is over 16.5% above forecasted revenue. The LCRA rate increase went into effect July 1st accounting for some of the increase. There were 0 new meters set this month.

REVENUE ANALYSIS

# HOTEL OCCUPANCY TAX REVENUE

Month	FY2022 Forecast	FY2022 Actual	Monthly Variance
Oct	\$ -	\$ -	\$ -
Nov	197,220	308,282	\$ 111,062
Dec	191,223	213,812	\$ 22,589
Jan	156,750	182,958	\$ 26,208
Feb	116,831	125,532	\$ 8,701
Mar	123,656	151,620	\$ 27,964
Apr	125,518	352,429	\$ 226,911
May	245,323	307,883	\$ 62,560
Jun	207,061	306,859	\$ 99,798
Jul	193,201	388,812	\$ 195,611
Aug	244,977		
Sept	429,368		
Total	\$ 2,231,128	\$ 2,338,187	\$ 781,404
Cumulative Forecast	\$ 1,556,783		
Actual to Forecast %	\$ 781,404	50.2%	



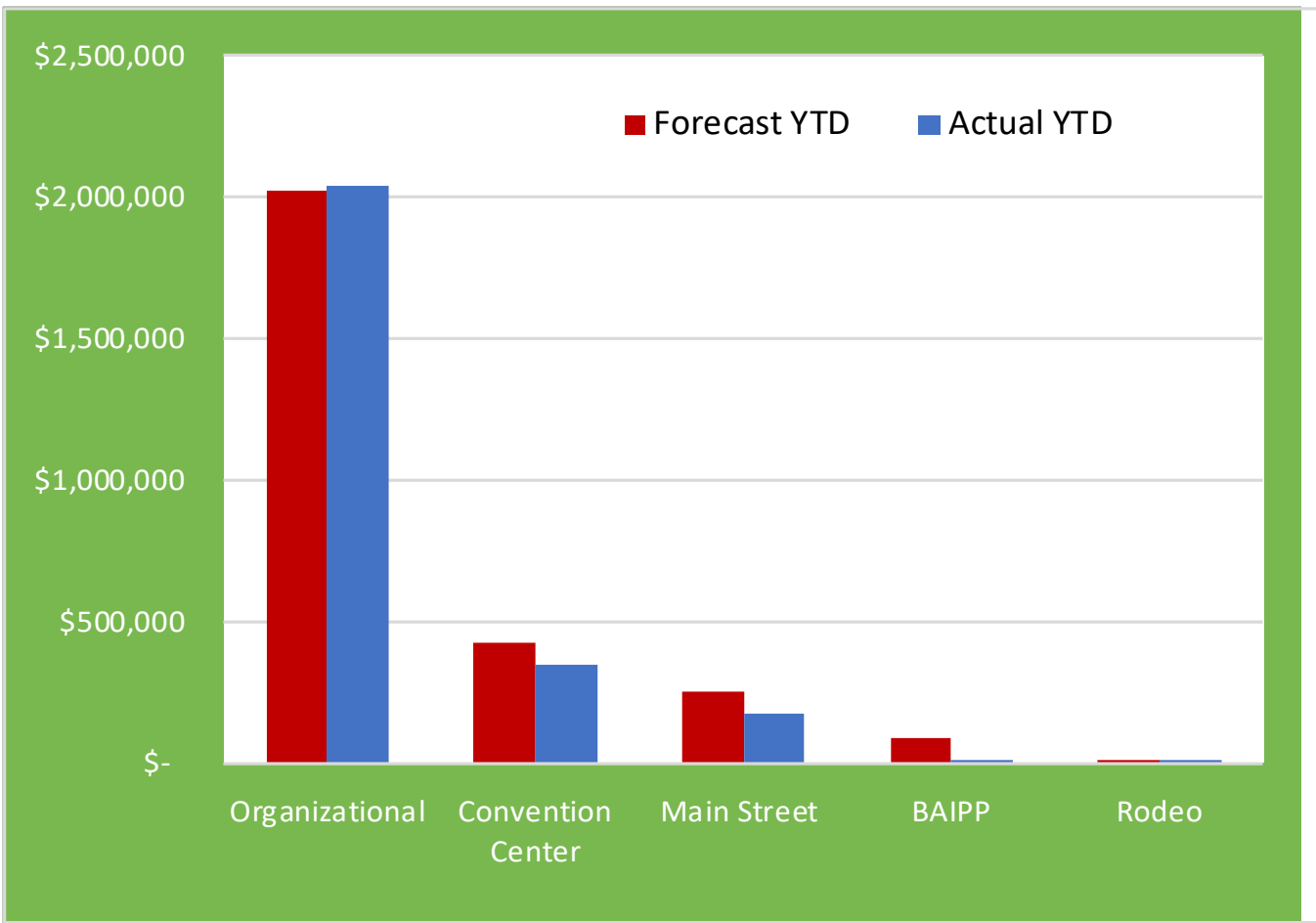
**POSITIVE**

This page has been updated to reflect cash method and remove accrual method to better reflect the funds true collections. The forecast has been updated to reflect the budget amendment. So far YTD we are 50% positive actual to forecast. ***The Hotel Tax revenue YTD is \$951,340 more than same time last year.***

EXPENSE ANALYSIS

# HOTEL OCCUPANCY TAX EXPENDITURES BY DIVISION

Division	FY2022 Forecast YTD	FY2022 Actual YTD	Variance
Organizational	\$ 2,019,796	\$ 2,036,336	\$ 16,540
Convention Center	423,873	347,602	\$ (76,271)
Main Street	255,056	173,867	\$ (81,189)
BAIPP	90,542	2,082	\$ (88,460)
Rodeo	2,417	2,732	\$ 315
Total	<b>\$ 2,791,684</b>	<b>\$ 2,562,619</b>	<b>\$ (229,065)</b>
Actual to Forecast	91.8%		



**POSITIVE**

This report shows the actual to forecast for each division located in the Hotel Occupancy Tax Fund. YTD is reporting actual is almost 92% of forecast. The Organizational department is over forecast due to the the hotel consultant fees, this will be a budget amendment brought to City Council before the end of the fiscal year.

# Legal fees by Attorney/Category

## COMPREHENSIVE MONTHLY FINANCIAL REPORT - July 2022

Item 9A.

FIRM	CASE	FY19-20	FY20-21	FY21-22
<b>BUNDREN</b>				
	Pine Forest Interlocal	\$ 1,298	\$ 944	\$ 8,946
<b>BOJORQUEZ</b>				
	General Legal	\$ 185,102	\$ 166,756	\$ 216,499
	NEU Review	\$ -	\$ 8,493	\$ -
	Bastrop 552	\$ -	\$ 2,810	\$ 6,571
	Crouch Suit	\$ -	\$ -	\$ 12,006
	Cox Suit	\$ -	\$ -	\$ 11,122
	COVID-19	\$ 8,687	\$ 186	\$ -
	Pine Forest Interlocal	\$ 1,275	\$ -	\$ 3,079
	Prosecutor (Municipal Court)	\$ 15,526	\$ 16,331	\$ 18,440
	Water/WW	\$ 57,168	\$ 96,362	\$ 66,257
<b>RUSSEL RODRIGUEZ HYDE</b>				
	Hunter's Crossing PID	\$ 7,378	\$ 10,466	\$ 2,542
<b>MULTIPLE FIRMS</b>				
	XS Ranch Water Rights	\$ 4,888	\$ -	\$ -
	Hunter's Crossing PID	\$ 10,391	\$ -	\$ -
	W/WW Contract reviews	\$ -	\$ 1,425	\$ 13,733
	Crouch Suit	\$ -	\$ -	\$ 11,896
	Cox Suit	\$ -	\$ -	\$ 11,994
<b>TAYLOR, OLSON, ADKINS, SRALLA &amp; ELAM</b>				
	71 Bastrop & MC Bastrop 71	\$ -	\$ 7,333	\$ 18,330
	Red Light Camera Suit	\$ 64	\$ -	\$ -
		\$ 291,777	\$ 311,106	\$ 401,412

### SUMMARY OF CASE/TYPE

Row Labels	Sum of FY19-20	Sum of FY20-21	Sum of FY21-22
71 Bastrop & MC Bastrop 71	\$ -	\$ 7,333	\$ 18,330
Bastrop 552	\$ -	\$ 2,810	\$ 6,571
COVID-19	\$ 8,687	\$ 186	\$ -
General Legal	\$ 185,102	\$ 166,756	\$ 216,499
Hunter's Crossing PID	\$ 17,769	\$ 10,466	\$ 2,542
NEU Review	\$ -	\$ 8,493	\$ -
Pine Forest Interlocal	\$ 2,573	\$ 944	\$ 12,025
Prosecutor (Municipal Court)	\$ 15,526	\$ 16,331	\$ 18,440
Red Light Camera Suit	\$ 64	\$ -	\$ -
W/WW Contract reviews	\$ -	\$ 1,425	\$ 13,733
Water/WW	\$ 57,168	\$ 96,362	\$ 66,257
XS Ranch Water Rights	\$ 4,888	\$ -	\$ -
Crouch Suit	\$ -	\$ -	\$ 23,901
Cox Suit	\$ -	\$ -	\$ 23,116
<b>Grand Total</b>	<b>\$ 291,777</b>	<b>\$ 311,106</b>	<b>\$ 401,412</b>



# STAFF REPORT

**MEETING DATE:** August 23, 2022

**TITLE:**

Consider action to approve City Council minutes from the August 9, 2022, Regular meeting.

**AGENDA ITEM SUBMITTED BY:**

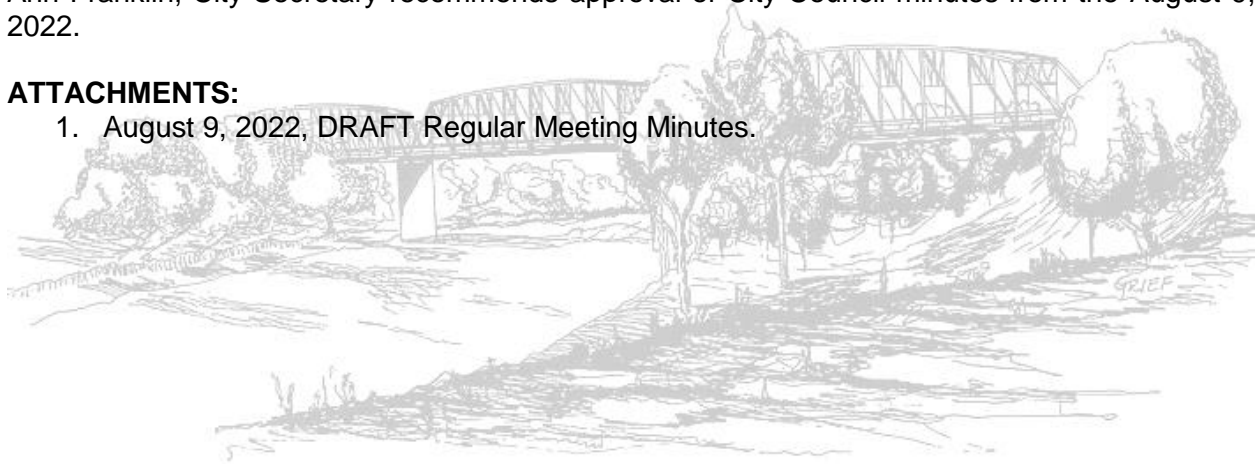
Submitted by: Ann Franklin, City Secretary

**RECOMMENDATION:**

Ann Franklin, City Secretary recommends approval of City Council minutes from the August 9, 2022.

**ATTACHMENTS:**

1. August 9, 2022, DRAFT Regular Meeting Minutes.



**AUGUST 9, 2022**

The Bastrop City Council met in a regular meeting on Tuesday, August 9, 2022, at 4:30 p.m. at the Bastrop City Hall Council Chambers, located at 1311 Chestnut Street, Bastrop, Texas. Members present were: Mayor Schroeder and Mayor Pro Tem Rogers and Council Members Lee, Plunkett, Crouch and Kirkland. Officers present were Acting City Manager, Trey Job; City Secretary, Ann Franklin; and City Attorney, Alan Bojorquez.

**CALL TO ORDER – EXECUTIVE SESSION**

Mayor Schroeder called the meeting to order at 4:30 p.m. with a quorum present.

**EXECUTIVE SESSION**

**The City Council met at 4:31 p.m. in a closed/executive session pursuant to the Texas Government Code, Chapter 551, et seq, to discuss the following:**

- 2A. City Council shall convene into closed executive session pursuant to Texas Government Code section 551.074 regarding the personnel matter of recruiting a new city manager.

**Mayor Schroeder recessed the Executive Session at 5:53 p.m.**

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

**No action taken.**

**CALL TO ORDER – REGULAR SESSION**

Mayor Schroeder called the Regular Council Meeting to order at 6:30 p.m.

**PLEDGE OF ALLEGIANCE**

Trey Job, Acting City Manager led the pledges.

**INVOCATION**

Cliff Sparks, Police Chaplain, gave the invocation.

**PRESENTATIONS**

- 7A. Mayor's Report
- 7B. Council Members' Report
- 7C. City Manager's Report

**ITEMS FOR INDIVIDUAL CONSIDERATION**

- 12B. Consider action to approve Resolution No. R-2022-71 of the City of Bastrop, Texas, conveying the Bastrop City Council's expectations and directives to the city's Diversity, Equity & Inclusion Board, as requested by Council Members Kevin Plunkett and John Kirkland.  
Submitted by: Rebecca Gleason, Assistant City Manager

**SPEAKERS**

Aimee Cook – Name read into record by Mayor



219 N Hunting Lodge Ln  
512.934.7229

Ellen Marie Tanner – **Name read into record by Mayor**  
1911 Main St.  
512.985.7209

Herb Goldsmith – **Name read into record by Mayor**  
1105 Pecan St.  
Bastrop, TX 78602  
979.203.1150

Jennifer Leisure – **Name read into record by Mayor**  
Bastrop, TX 78602  
512.922.1281

Kelly Dawson – **Name read into record by Mayor**  
112 Carbine Ct.  
Bastrop, TX 78602  
512.749.0129

Emily Bolt – **Name read into record by Mayor**  
1811 Main St.  
713.392.0282

Steve Chamberlain – **Name read into record by Mayor**  
230 Oak Forest Dr.  
Cedar Creek, TX 78612  
817.360.0678

Deanna Ferrera – **Name read into record by Mayor**  
320 Kaanapali Lane  
Bastrop, TX 78602

David Barrow – **Name read into record by Mayor**  
1910 Main St.  
510.501.5505

Sonya Cote – **Name read into record by Mayor**  
815 Main Street  
512.638.6752

Stephanie White – **Name read into record by Mayor**  
306 Makaha Dr.  
512.663.6271

Robin Rieck  
131 Live Oak  
512.581.2335

Jen Patton – **Name read into record by Mayor**  
407 Mauna Loa Ln  
512.484.5148

Kerry Fossler  
1903 Main St.  
Bastrop, TX 78602  
713.882.7218

Ryan Holiday – **Name read into record by Mayor**  
1408 Pecan St.  
310.560.2735

Dustin Bartee  
1509 Hill St.  
Bastrop, TX 78602

Carly Bartee  
1509 Hill Street  
Bastrop, TX 78602  
832.859.0790

Steven Kozeniesky  
3950 Hwy 71  
Apt 914  
512.518.7441

Deena Eden  
382 Akaloa Dr  
512.576.6000

Nelson Linder  
1050 E 11<sup>th</sup> Street  
Austin, 78702  
512.476.6230

Sumai Lokumbe  
508 Cedar St.  
512.718.9350

Jennifer Olsen McEwan  
117 Rosevelt  
Bastrop

Mary Ellen Arbuckle  
1502 Fayette St.  
Bastrop

Madeline Eden  
382 Akaloa Dr.  
Bastrop  
512.718.6128

Anthony Brown - Name read into record by Mayor  
311 Pax Bend Road  
Cedar Creek, TX 78612

**A motion was made by Council Member Lee to approve Resolution No. R-2022-71 with the following amendment: to remove Section 1 of the resolution. No vote was taken on the motion.**

**A substitute motion was made by Council Member Lee to deny Resolution No. R-2022-71, seconded by Mayor Pro Tem Rogers.**

**Council Member Crouch offered an amendment to the main motion to approve the resolution as written with an amendment to amend Section 1a of the resolution by replacing "...in the form of an annual written report..." with "...in the form of a quarterly written report...". The amendment was not accepted by the maker of the motion.**

**The amended motion made by Council Member Lee to deny Resolution No. R-2022-71, seconded by Mayor Pro Tem Rogers, failed on a 2-3 vote. Those voting aye were: Mayor Pro Tem Rogers and Council Member Lee. Those voting nay were: Council Members Plunkett, Crouch, and Kirkland.**

**A motion was made by Council Member Crouch to approve Resolution No. R-2022-71 with the following amendment, seconded by Council Member Plunkett. The amendment was to amend Section 1a of the resolution by replacing "...in the form of an annual written report..." with "...in the form of a quarterly written report...". No vote was taken on the motion.**

**Council Member Lee offered an amendment to the main motion to table Resolution No. R-2022-71 and direct City staff to come back with expectations and directives to all city boards. The maker of the motion and the second agreed to the amendment to table the item. No vote was taken on the motion.**

**A motion was made by Council Member Crouch to approve Resolution No. R-2022-71 as written, seconded by Council Member Kirkland, motion was approved on a 3-2 vote. Those voting aye were: Council Members Plunkett, Crouch, and Kirkland. Those voting nay were: Mayor Pro Tem Rogers and Council Member Lee.**

**Mayor Schroeder recessed the Council Meeting at 8:57 p.m.**

**Mayor Schroeder called the Council Meeting back to order at 9:04 p.m.**

- 12A. Consider action to approve Resolution No. R-2022-69 of the City Council of the City of Bastrop, Texas, approving a construction contract with Archer Western Construction, LLC to provide Construction Manager at Risk services for a not to exceed amount of Eight Million, Nine Hundred Thirty-One Thousand, Nine Hundred and Two Dollars (\$8,931,902); authorizing the City Manager to execute all necessary documents; providing for a repealing clause; and establishing an effective date.  
Submitted by: Fabiola de Carvalho, AMP MIAM, Director of Engineering and Capital Project Management

**Presentation was made by Fabiola de Carvalho, AMP MIAM, Director of Engineering and Capital Project Management and Kendall King, Project Principal, Freese and Nichols.**

**A motion was made by Council Member Kirkland to approve Resolution No. R-2022-69, seconded by Mayor Pro Tem Rogers, motion was approved on a 5-0 vote.**

- 12C. Consider action to approve Resolution No. R-2022-68 to place a proposal to adopt a tax rate for Fiscal Year 2022-2023 (FY2023) on the September 13, 2022, meeting agenda as an action item and schedule a public hearing on the proposal; and providing an effective date.

Submitted by: Tracy Waldron, Chief Financial Officer

**Presentation was made by Tracy Waldron, Chief Financial Officer.**

**A motion was made by Council Member Rogers to approve Resolution No. R-2022-68 to acknowledge the proposed tax rate of \$0.5238, seconded by Council Member Lee, motion was approved on a 5-0 vote.**

### CONSENT AGENDA

**A motion was made by Council Member Crouch to approve Items 11A, 11B, and 11C as listed on the Consent Agenda after being read into the record by City Secretary, Ann Franklin. Seconded by Council Member Kirkland, motion was approved on a 5-0 vote.**

- 11A. Consider action to approve City Council minutes from the July 26, 2022, Regular meeting.

Submitted by: Ann Franklin, City Secretary

- 11B. Consider action to approve the second reading of Ordinance No. 2022-19 approving a Zoning Concept Scheme for 2.395 acres of Farm Lot 62, changing the zoning for 2.395 acres out of Farm Lot 62 East of Main St., from P2 Rural to P4 Mix, located east of Pecan Street, within the city limits of Bastrop, Texas, as shown in Exhibit A, providing for findings of fact, adoption, repealer, severability and enforcement, proper notice and meeting; and establishing an effective date.

Submitted by: Jennifer C. Bills, Director of Planning & Development

- 11C. Consider action to approve Resolution No. R-2022-70 of the City Council of the City of Bastrop, Texas approving a Public Improvement Plan Agreement with Hunt Communities for The Colony MUD 1F Section 2, as attached in Exhibit A; authorizing the City Manager to execute all necessary documents; providing for a repealing clause; and establishing an effective date.

Submitted by: Jennifer Bills, Director of Planning and Development

### CITIZEN COMMENTS - NONE

### STAFF AND BOARD REPORTS

- 9A. Receive presentation on the FY 2022 Third Quarterly Report.

Submitted by: Rebecca Gleason, Assistant City Manager

**Presentation was made by Rebecca Gleason, Assistant City Manager.**

**WORK SESSION/BRIEFINGS**

- 8A. Receive presentation on proposed amendments to the Rules of Procedure for the City Council and Boards and Commissions.  
Submitted by: Ann Franklin, City Secretary  
**Presentation was made Alan Bojorquez, City Attorney.**

**Adjourned at 10:28 p.m. without objection.**

**APPROVED:**

**ATTEST:**

\_\_\_\_\_  
Mayor Connie Schroeder

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

**The Minutes were approved on August 23, 2022, by Council Member **Name**'s motion, Council Member **Name**'s second. The motion was approved on a **5-0** vote.**





74

# STAFF REPORT

**MEETING DATE:** August 23, 2022

**TITLE:**

Consider action to approve Resolution No. R-2022-74 of the City Council of the City of Bastrop, Texas approving and adopting the Investment Policy and Investment Strategies attached as Exhibit A; approving the list of Qualified Brokers attached as Exhibit B; making various provisions related to the subject; and establishing an effective date.

**AGENDA ITEM SUBMITTED BY:**

Submitted by: Tracy Waldron, Chief Financial Officer

**BACKGROUND/HISTORY:**

Provided in the Public Funds Investment Act (PFIA) section 2256.005(e) the governing body will review the Investment Policy annually and provide a written instrument stating that it has reviewed the Policy. The Act requires that a list of qualified brokers be approved annually. No changes are recommended to this list. There were no legislative updates to the Public Funds Investment Act this year and staff is not recommending any changes to this policy.

The Chief Financial Officer is the Investment Officer per the policy. The training requirement for this position has been met and is not up for renewal until September 2023. This training is only required every two years.

This policy, as approved on August 24, 2021, was submitted to the Governmental Treasurer's Organization of Texas to be evaluated for the Certificate of Distinction. This program confirms that the City's Investment policy is in compliance with the PFIA. This certification is good for two years ending June 30, 2024.

**FISCAL IMPACT:**

N/A

**RECOMMENDATION:**

Tracy Waldron, CFO recommends approval of Resolution No. R-2022-74 of the City Council of the City of Bastrop, Texas approving and adopting the Investment Policy and Investment Strategies attached as Exhibit A; approving the list of Qualified Brokers attached as Exhibit B; making various provisions related to the subject; and establishing an effective date.

**ATTACHMENTS:**

- Resolution No. R-2022-74
- Investment Policy and Investment Strategies – Exhibit A
- List of Qualified Brokers – Exhibit B

**RESOLUTION NO. R-2022-74**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, APPROVING AND ADOPTING THE INVESTMENT POLICY AND INVESTMENT STRATEGIES ATTACHED AS EXHIBIT A; APPROVING THE LIST OF QUALIFIED BROKERS ATTACHED AS EXHIBIT B; MAKING VARIOUS PROVISIONS RELATED TO THE SUBJECT; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, the Public Funds Investment Act, Texas Government Code Ann., Chapter 2256 (the "Act"), provides that the governing body of an investment entity shall adopt a written investment policy and investment strategies regarding the investment of its funds; and

**WHEREAS**, the Act provides that the governing body of an investing entity shall review its investment policy and investment strategies not less than annually; and

**WHEREAS**, the City Council has reviewed the investment policy and investment strategies; and

**WHEREAS**, the Act provides that the governing body of an investing entity shall review, revise and adopt its list of qualified brokers at least annually.

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

**Section 1:** The City Council of the City of Bastrop, Texas, approves and adopts the Investment Policy and Investment strategies attached hereto as Exhibit A and list of Qualified Brokers Exhibit B made a part hereof by this reference.

**Section 2:** Any prior resolution of the City Council in conflict with the provisions contained in this resolution are hereby repealed and revoked.

**Section 3:** Should any part of this resolution be held to be invalid for any reason, the reminder shall not be affected thereby, and such remaining portions are hereby declared to be severable.

**Section 4:** This resolution shall take effect immediately from and after its passage, and duly resolved.

**DULY RESOLVED AND ADOPTED** by the City Council of the City of Bastrop, Texas this 23rd day of August 2022.

**APPROVED:**

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Connie B. Schroeder, Mayor

**ATTEST:**

---

Ann Franklin, City Secretary

**APPROVED AS TO FORM:**

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Alan Bojorquez, City Attorney

EXHIBIT A



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# Investment Policy

*DRAFTED*  
*AUGUST 23, 2022*





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## INTRODUCTION

The purpose of this document is to set forth specific investment policy and strategy guidelines for the City of Bastrop in order to achieve the goals of safety, liquidity, yield, and public trust for all investment activity. The City Council of the City of Bastrop shall review its investment strategies and policy annually. This policy serves to satisfy the statutory requirement (specifically the Public Funds Investment Act, Texas Government Code, Chapter 2256 (the "Act")) to define, adopt and review a formal investment strategy and policy. The policy provides conformance to all statutes, rules, and regulations governing the investment of public funds.

## INVESTMENT STRATEGY

The City of Bastrop may maintain separate portfolios, or one commingled portfolio which utilize four specific investment strategy considerations designed to address the unique characteristics of the fund groups represented in the portfolios. The investment objective for each portfolio will maintain the following priorities in order of importance: preservation and safety of principle, liquidity, diversification, understanding of the suitability of the investment to the financial requirements of the City, marketability of the investment and lastly yield.

The objective for all operating fund accounts will be to ensure that anticipated cash flows are matched with adequate investment liquidity. An additional objective is to create a diversified portfolio structure, which will experience minimal volatility during economic cycles. This may be accomplished by purchasing high quality, short- to medium-term securities, which will complement each other in a laddered or barbell maturity structure. The maximum dollar weighted average maturity of 1 year or less will be calculated using the stated final maturity date of each security.

Debt service funds shall have as their objective the assurance of investment liquidity adequate to cover the debt service obligation on the required payment date. No extended investment may be made unless the prior debt service dates are fully funded.

Debt service reserve fund's primary objective is the ability to generate a revenue stream to the appropriate debt service fund from securities with a low degree of volatility. Securities should be high quality and, except as may be required by the bond ordinance specific to an individual issue, of short to intermediate-term maturities. Volatility shall be further controlled through the purchase of securities, within the desired maturity and quality range.

Special projects or special purpose fund portfolios will have as their primary objective to assure that anticipated cash flows are matched with adequate investment liquidity. These portfolios should include at least 10% in highly liquid securities to allow for flexibility and unanticipated project outlays. The state final maturity dates of securities held should not exceed the estimated project completion date.

Perpetual Care funds will have as the primary objective to ensure that the preservation and safety of the principle is the highest priority while experiencing higher yield over a longer period of time due to nature of the fund.

## SCOPE

This investment policy applies to all financial assets of the City of Bastrop. These funds are accounted for in the City's Annual Financial Report and include the General Fund, Special Revenue Funds, Debt Service Funds, Capital Projects Funds, Enterprise/ Proprietary Funds, Fairview Cemetery Perpetual Care Fund, and any new fund unless specifically exempted by the City Council.

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## OBJECTIVES

The primary objective of the City's investment activity is the preservation of capital in the overall portfolio. Each investment transaction shall be conducted in a manner to avoid capital losses, whether they are from securities defaults or erosion of market value. All investments shall be designed and managed in a manner responsive to the public trust and consistent with State and local law.

The City shall maintain a comprehensive cash management program, which includes collection of accounts receivable, vendor payment in accordance with invoice terms, and prudent investment of available cash. Cash management is defined as the process of managing monies in order to insure maximum cash availability and maximum yield on short-term investment of pooled idle cash.

The City's investment portfolio shall be structured such that the City is able to meet all obligations in a timely manner. This shall be achieved by matching investment maturities with forecasted cash flow requirements, by investing in securities with active secondary markets.

The City's cash management portfolio shall be designed with the objective of regularly matching or exceeding the yield on comparable U.S. Treasury Bill. The investment program shall seek to augment returns above this threshold consistent with risk limitations identified herein and prudent investment policies.

## DELEGATION OF RESPONSIBILITY

### INVESTMENT OFFICER

Under the direction of the City Manager, the Chief Financial Officer is designated as investment officer of the City and is responsible for investment decisions and activities. The investment officer shall attend at least ten (10) hours of training relating to the officer's responsibility under the Act within 12 months of taking office or assuming duties. Thereafter, eight (8) hours of training must be completed every two fiscal years. The training cycle is concurrent with the city's fiscal year. Training must be received from an independent source, approved by the entity's governing body or investment committee, and must include education in investment controls, security risks, strategy risks, market risks, diversification of investment portfolio, and compliance with PFIA.

The Investment Officer shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair the ability to make impartial investment decisions. City staff shall disclose to the City Manager any material financial interests in financial institutions that conduct business with the City, and they shall further disclose positions that could be related to the performance of the City's portfolio. City staff shall subordinate their personal financial transactions to those of the City, particularly with regard to timing of purchases and sales.

An investment officer of the City who has a personal business relationship with an organization seeking to sell an investment to the City shall file statement disclosing that personal business interest. An investment officer who is related within the second degree by affinity or consanguinity to an individual seeking to sell an investment to the City shall file a statement disclosing that relationship. A statement required under this subsection must be filed with the Texas Ethics Commission and the governing body of the entity.

### CITY COUNCIL

The City Council holds ultimate fiduciary responsibility for the portfolio. It will receive and review quarterly reporting, approve broker/dealers, and review and adopt the Investment Policy and Strategy at least annually.

## PRUDENCE

The standard of prudence to be applied by the investment officer shall be the “prudent investor” rule, which states:

*“Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.”*

In determining whether an investment officer has exercised prudence with respect to an investment decision, the determination shall be made taking into consideration:

1. The investment of all funds, or funds under the City’s control, over which the officer has responsibility rather than a consideration as to the prudence of single investment.
2. Whether the investment decision was consistent with the written investment policy of the City.

The investment officer, acting in accordance with written procedures and exercising due diligence, shall not be held personally responsible for a specific security’s credit risk or market price changes, provided that these deviations are reported immediately, and that appropriate action is taken to control adverse developments.

## REPORTING

The Chief Financial Officer shall submit a written and signed quarterly investment report of investment transactions for the preceding reporting period to the City Manager and City Council. The report will include a description in detail of the investment position of the City, to include:

1. describe in detail the investment position of the entity on the date of the report;
2. a summary of investments, and their beginning market value, additions and changes to the market value during the period, ending market value;
3. fully accrued interest for the reporting period;
4. a description of each investment;
5. The market value of the portfolio must be determined at least monthly. Market prices will be obtained from an independent source.
6. state the book value and market value of each separately invested asset at the end of the reporting period by the type of asset and fund type invested;
7. state the maturity date of each separately invested asset that has a maturity date;
8. state the compliance of the investment portfolio to the investment policy and strategy and the Act.

If the City invests in other than money market mutual funds, investment pools or bank time and demand accounts in any bank the reports prepared by the investment officers under this section shall be formally reviewed at least annually by an independent auditor, and the result of the review shall be reported to the governing body by that auditor.

## INVESTMENT PORTFOLIO

### ACTIVE PORTFOLIO MANAGEMENT

The City shall pursue a conservative pro-active versus passive portfolio management philosophy. That

is, securities may be sold before they mature if market conditions present an opportunity for the City to benefit from the trade. The investment officer will routinely monitor the contents of the portfolio, the available markets, and the relative value of competing instruments, and will adjust the portfolio accordingly. The City is not required to liquidate investments that were authorized investments at the time of the purchase. All prudent measures will be taken to liquidate an investment that is downgraded to less than the required minimum rating.

## **INVESTMENTS**

Assets of the City of Bastrop may be invested only in the following instruments as further defined in the Act. At least 3 competitive offers or bids must be obtained for all individual security purchases and sales. These bids can be obtained orally, in writing, electronically or any combination of these methods. (Transactions with money market mutual funds, local government investment pools and when- issued securities shall also be evaluated with comparable investments).

## **AUTHORIZED**

- a. Obligations of the United States Government, or its agencies and instrumentalities, including the Federal Home Loan Banks.
- b. General debt obligations of any US state or political subdivision rated AA or better.
- c. Other obligations, the principal of and interest on which are unconditionally guaranteed or insured by, or backed by the full faith and credit of, this state or the United States or their respective agencies and instrumentalities, including obligations that are fully guaranteed or insured by the Federal Deposit Insurance Corporation or by the explicit full faith and credit of the United States.
- d. FDIC insured or collateralized depository certificates of deposit from banks collateralized in accordance with this policy and with a maximum maturity of three years.
- e. FDIC insured brokered certificate of deposit securities issued by any US state delivered versus payment to the City's safekeeping agent not to exceed three years to maturity. Before purchase, the investment officer must verify the FDIC status of the bank on [www.fdic.gov](http://www.fdic.gov) to assure the bank is FDIC insured.
- f. AAA-rated, Local government investment pools in Texas which strive to maintain a \$1 net asset value (NAV) as defined by the Act and authorized by resolution of the City Council.
- g. Commercial paper rated A1/P1 or equivalent by two rating agencies with a maximum maturity of 365 days or fewer from the date of the issuance.
- h. FDIC insured or collateralized Interest bearing and money market accounts in any bank in Texas.
- i. AAA-rated, SEC registered money market funds striving to maintain a \$1 NAV.
- j. No-load Money Market Mutual Fund for investment of the perpetual care funds only, that is registered with and regulated by the Securities and Exchange Commission, provides the investing entity with a prospectus and other information required by the Securities Exchange Act of 1934 and complies with Federal Securities and Exchange Commission Rules 2a-7.



## NOT AUTHORIZED

The City's authorized investments options are more restrictive than those allowed by state law. State law specifically prohibits investment in the following investment securities:

- a. An obligation whose payment represents the coupon payments on the outstanding principal balance of the underlying mortgage-backed security collateral and pays no principal.
- b. Obligations whose payment represents the principal stream of cash flow from the underlying mortgage-backed security collateral and bears no interest.
- c. Collateralized mortgage obligations that have a state final maturity date of greater than 10 years.
- d. Collateralized mortgage obligations the interest rate of which is determined by an index that adjusts opposite to the changes in a market index.

## HOLDING PERIOD

The City of Bastrop intends to match the maturities with liability and liquidity needs of the City. In no case, will the average dollar-weighted maturity of investments of the City's operating funds exceed one year. The maximum final stated maturity of any investment shall not exceed three years.

## RISK AND DIVERSIFICATION

The City recognizes that investment risks can result from issuer defaults, market price changes or various technical complications leading to temporary illiquidity. Risk is controlled through portfolio diversification, which shall be achieved by the following general guidelines:

Risk of issuer default is controlled by limiting investments to those high credit quality instruments allowed by the Act, further restricted by policy.

Market risk can be limited by avoiding over-concentration assets in a specific maturity sector and limitation of average maturity of operating funds investment to two years.

## SELECTION OF BANKS AND DEALERS

### DEPOSITORY

At least every five years a Depository shall be selected through the City's banking services procurement process, which shall include a formal request for proposal (RFP). In selecting a depository, the services, costs, earning potential and credit worthiness of institutions shall be considered. The Chief Financial Officer shall conduct a comprehensive review of prospective depositories' credit characteristics and financial history.

### SECURITY BROKER/DEALERS

All financial institutions and broker/dealers who desire to become qualified bidders for investment transactions must supply the following as appropriate:

- audited financial statements
- proof of Financial Industry Regulatory Authority (FINRA) certification

- proof of Texas registration
- policy certification of review of the City's investment policy signed by an authorized representative of the organization to include acknowledgment that the firm has implemented reasonable procedures and controls in an effort to preclude investment transactions conducted between the entity and the organization that are not authorized by the entity's Investment Policy, except to the extent that this authorization is dependent on an analysis of the makeup of the entity's entire portfolio or requires an interpretation of subjective investment standards .

## **LIST OF QUALIFIED BROKERS**

The City Council will annually adopt, by resolution a list of authorized brokers to engage in investment transactions with the City. Each broker/dealer will provide the required policy certification before any transaction can be executed.

## **COLLATERAL, SAFEKEEPING AND CUSTODY**

### **TIME AND DEMAND DEPOSIT PLEDGED COLLATERAL**

All bank time and demand deposits shall be secured by pledged collateral. In order to anticipate market changes and provide a level of security for all funds, the collateralization level will be 102% of market value of principal and accrued interest on the deposits less an amount insured by the FDIC. Evidence of the pledged collateral shall be provided by the Custodian. Reports of collateral shall be provided directly from the custodian on a monthly basis.

Collateral pledged to secure deposits of the City shall be held by an independent financial institution outside the holding company of the depository in accordance with a written safekeeping agreement under the terms of FIRREA. The safekeeping agreement shall clearly define the procedural steps for gaining access to the collateral should the City determine that the City's funds are in jeopardy. The safekeeping institution shall be the Federal Reserve Bank or an institution not affiliated with the firm pledging the collateral.

### **AUTHORIZED COLLATERAL DEFINED**

The City of Bastrop shall accept only the following securities as collateral:

1. FDIC insurance coverage.
2. Obligations of the US Government, its agencies and instrumentalities including mortgage-backed securities and CMO which pass the bank test.
3. Obligations, the principal and interest on which, are unconditionally guaranteed or insured by the State of Texas.
4. Securities from any US state and its subdivisions rated as A or better by two national recognized rating agencies.

## **SUBJECT TO AUDIT**

All collateral shall be subject to inspection and audit by the Chief Financial Officer or the City's independent auditors.

## **INTERNAL CONTROLS**

The Chief Financial Officer is responsible for establishing and maintaining an internal control structure designed to ensure that the assets of the entity are protected from loss, theft or misuse. The internal control structure shall be designed to provide reasonable assurance that these objectives are met. The concept of reasonable assurance recognizes that (1) the cost of a control should not exceed the benefits likely to be derived; and (2) the valuation of costs and benefits requires estimates and judgments by management. Accordingly, the Chief Financial Officer shall establish a process for an annual independent review by an external auditor to assure compliance with policies and procedures. The internal controls shall address the following points:

- Control of collusion.
- Separation of transaction authority from accounting and record keeping.
- Custodial safekeeping.
- Clear delegation of authority to subordinate staff members.
- Written confirmation for telephone (voice) transactions for investments and wire transfers.

Annually the Investment Officer shall perform an internal compliance audit to assure compliance with requirements of this Policy and the Act. Annually, the City's external auditor shall review the quarterly reports.

### **CASH FLOW FORECASTING**

Cash flow forecasting is designed to protect and sustain cash flow requirements of the City. The Investment Officer will analyze and maintain a cash flow plan to monitor and forecast cash positions for Investment purposes.

### **DELIVERY VS. PAYMENT SECURITY SETTLEMENT**

All securities shall be settled into City safekeeping using the delivery vs. payment method. That is, payments shall not be made until the correct security was received by the safekeeping agent. The security shall be held on behalf of the City. The Trustee's records shall assure the notation of the City's ownership of or explicit claim on the securities. The original copy of all safekeeping receipts shall be delivered to the City by the safekeeping agent.

### **LOSS OF CREDIT RATING**

The investment officer shall monitor, on no less than a monthly basis, the credit rating on all authorized investments in the portfolio requiring ratings based upon independent information from a nationally recognized rating agency. If any security falls below the minimum rating required by Policy, the Investment Officer shall notify the City Manager of the loss of rating, conditions affecting the rating and possible loss of principal with liquidation options available.

### **MONITORING FDIC COVERAGE**

The Investment Officer shall monitor, on no less than a weekly basis, the status and ownership of all banks issuing brokered CDs owned by the City based upon information from the FDIC. If any bank has been acquired or merged with another bank in which brokered CDs are owned, the investment officer shall immediately liquidate any brokered CD which places the City above the FDIC insurance level.

## **INVESTMENT POLICY ADOPTION**

The City of Bastrop Investment Policy shall be reviewed and adopted by resolution of the City Council on at least an annual basis. Any changes made to the policy shall be reflected in the adopting resolution.

Last Adopted: August 24, 2021

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## GLOSSARY OF TREASURY TERMS

Agencies: Federal agency securities.

Asked: The price at which securities are offered to be sold to the City.

Bid: The price at which the City would sell its securities.

Broker: A broker brings buyers and sellers together for a commission paid by the initiator of the transaction or by both sides; he does not position.

Certificate of Deposit (CD): A time deposit with a specific maturity evidenced by a certificate. Large-denomination CD's are typically negotiable.

Collateral: Securities, evidence of deposit or other property, which a borrower pledges to secure repayment of a loan. Also refers to securities pledged by a bank to secure deposits of public monies and used to define the securities bought and sold under a repurchase agreement signifying ownership by the City.

Comprehensive Annual Financial Report (CAFR): The official annual report for the City of Bastrop. It includes five combined statements and basic financial statements for each individual fund and account group prepared in conformity with GAAP. It also includes supporting schedules necessary to demonstrate compliance with finance-related legal and contractual provisions, extensive introductory material, and detailed statistical section.

Coupon: (a) The annual rate interest that a bonds' issuer promises to pay the bondholder on the bond's face value. (b) A certificate attached to bond evidencing interest due on a payment date.

Dealer: A dealer, as opposed to a broker, carries an inventory of securities and may act as a principal in all transactions, buying and selling for his own account.

Debenture: A bond secured only by the general credit of the issuer.

Delivery versus Payment (DVP): Delivery versus payment means delivery of securities with a simultaneous exchange of money for the securities. It guarantees that the City always has control of its security or its fund.

Discount: The difference between the cost price of security and its value at maturity when quoted at lower than face value. A security selling below original offering price shortly after sale also is considered to be at a discount.

Discount Securities: Non-interest bearing, money market instruments that are issued at a discount and redeemed at maturity for full face value, for example: U.S. Treasury bills.

Diversification: Dividing investment funds among a variety of securities offering independent returns.

Federal Credit Agencies: Agencies of the Federal government set up to supply credit to various classes of institutions and individuals, for example: S&L's, small business firms, students, farmers, farm cooperatives, and exporters.

Federal Deposit Insurance Corporation (FDIC): A federal agency that insures bank deposits, currently up to \$250,000 per depositor.

**Federal Funds Rate (the “Fed Rate”):** The rate of interest at which Federal funds are traded. This rate is currently pegged by the Federal Reserve through open-market operations.

**Federal Home Loan Banks (FHLB):** The institutions that regulate and lend to savings and loan associations. The Federal Home Loan Banks play a role analogous to that played by the Federal Reserve Banks in relation to member commercial banks.

**Federal National Mortgage Association (FNMA or Fannie Mae):** FNMA, like GNMA, was chartered under the Federal National Mortgage Association Act in 1938. FNMA is a federal corporation working under the auspices of the Department of Housing and Urban Development, H.U.D. It is the largest single provider of residential mortgage funds in the United States. Fannie Mae is a private stockholder-owned corporation. The corporation's purchases include a variety of adjustable mortgages and secondary loans in addition to fixed-rate mortgages. FNMA's securities are highly liquid and widely accepted. FNMA assumes and guarantees that all security holders will receive timely payment of principal and interest.

**Federal Open Market Committee (FOMC):** Consists of seven members of the Federal Reserve Board and five of the twelve Federal Reserve Bank Presidents. The president of the New York Federal Reserve Bank is a permanent member while the other presidents serve on a rotating basis. The Committee periodically meets to set Federal Reserve guidelines regarding purchases and sales of government securities in the open market as a means of influencing the volume of bank credit and money.

**Federal Reserve System:** The central bank of the United States created by Congress and consisting of a seven-member Board of Governors in Washington, D.C., twelve (12) regional banks, and about 5,700 commercial banks that are members of the system.

**Liquidity:** A liquid asset is one that can be converted easily and rapidly into cash without a substantial loss of value. In the money market, a security is said to be liquid if the spread between bid and asked prices is narrow and reasonable quantities can be purchased at those quotes.

**Local Government Investment Pool (LGIP):** A local cooperative of a political subdivisions allowing for joint investment and reinvestment of assets.

**Market Value:** The price at which a security is trading and could presumably be purchased or sold.

**Master Repurchase Agreement:** A simultaneous buy-sell transaction used primarily for short term investing performed only under a Bond Market Association Master Repurchase Agreement. The master agreement defines the transaction, identifies the relationship between the parties, establishes practices regarding ownership and custody of the securities during the term of the investment, provides remedies in the case of default, and clarifies ownership.

**Maturity:** The date on which the principal or stated value of an investment becomes due and payable.

**Money Market:** The market in which short-term debt instruments (bills, commercial paper, bankers' acceptances, etc.) are issued and traded.

**Open Market Operations:** Purchases and sales of government and certain other securities in the open market by the New York Federal Reserve Bank as directed by the FOMC in order to influence the volume of money and credit in the economy. Purchases inject reserves into the bank system and stimulate growth of money and credit; sales have the opposite effect. Open market operations are the Federal Reserve's most important and most flexible monetary policy tool.

Portfolio: Collection of securities held by an investor.

Primary Dealer: A primary dealer is designated by the NY Fed with strong restrictions which submits daily reports of market activity and positions and monthly financial statements to the Federal Reserve Bank of New York and is subject to its formal oversight. The list of current primaries is found on the [www.nyfed.gov](http://www.nyfed.gov).

Prudent Person Rule: An investment standard. Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

Rate of Return: The rate obtainable on a portfolio or security based on its purchase price or its current market price. A rate of return portfolio is based on and traded to parallel an index and indicates active trading of the portfolio.

Repurchase Agreement (RP or REPO): A buy-sell transaction in which a holder of securities sells these securities to an investor with an agreement to repurchase them at a fixed price on a fixed date. The security "buyer" in effect lends the "seller" money for the period of the agreement, and the terms of the agreement are structured to compensate him for this. Dealers use RP extensively to finance their positions. Exception: When the Fed is said to be doing RP, it is lending money increasing bank reserves.

Safekeeping: A service to customers rendered by banks for a fee whereby securities and valuables of all types and descriptions are held in the bank's vaults for protection.

SEC Rule 15C3-1: See uniform net capital rule.

Secondary Market: A market made for the purchase and sale of outstanding issues following the initial distribution.

Securities & Exchange Commission (SEC): Agency created by Congress to protect investors in securities transactions by administering securities legislation.

Treasury Bills (T Bills): A non-interest-bearing discount security issued by the U.S. Treasury to finance the national debt. Most bills are issued to mature in three months, six months or one year.

Treasury Bond: The longest U.S. Treasury securities being auctioned at the time – usually 30-year maturity.

Treasury Notes: Intermediate-term, coupon-bearing U.S. Treasury securities having initial maturities from two to ten years.

Uniform Net Capital Rule: Securities and Exchange Commission requirement that member firms as well as nonmember broker-dealers in securities maintain a maximum ratio of indebtedness to liquid capital of 15 to 1; also called net capital rule and net capital ratio. Indebtedness covers all money owed to a firm, including margin loans and commitments to purchase securities, one reason new public issues are spread among members of underwriting syndicates. Liquid capital includes cash and assets easily converted into cash.

Yield: The rate of annual income returns on an investment, expressed as a percentage. (a) Income Yield is obtained by dividing the current dollar income by the current market price of the security. (b)



Net Yield or Yield to Maturity is the current income yield minus any premium above par.

## EXHIBIT B

Eligible Broker/Dealer List  
*August 23, 2022*

<b>BROKER</b>
Financial Northeastern Companies
Multi-Bank Securities, Inc.



# STAFF REPORT

**MEETING DATE:** August 23, 2022

**TITLE:**

Consider action to approve Resolution R-2022-72 approving the City of Bastrop Purchasing Policy, which is attached as Exhibit A; providing for a repealing clause; and establishing an effective date.

**AGENDA ITEM SUBMITTED BY:**

Submitted by: Tracy Waldron, Chief Financial Officer

**BACKGROUND/HISTORY:**

This policy was previously adopted on August 24, 2021. This policy is to be reviewed and approved by City Council annually as a part of the budget process.

There is only one proposed change to this policy and that is the addition of a section for Payment of Funds. This section highlights the current process being used but had not been included in any policy document. This section appoints the Chief Financial Officer as the designated officer required by Chapter 105 of the Texas Local Government Code. It also establishes the different methods of payment the City is using to process payment of funds. The approval for expenditures is controlled by other policy so by the time an invoice gets to finance for payment processing, it is already approved and for large transactions a purchase order was established with all required authorization. At the time of payment, the finance department is looking for approval of the invoice and ensuring that proper documentation is accompanying the invoice. The other responsibility the designated officer has is monitoring cash flow and making sure the pooled cash account has enough funds to process the total being submitted.

Without this additional section in our policy, we would be required to follow the “warrant system” defined by Chapter 105 of the Texas Local Government Code, which in TML’s words is *antiquated*.

**FISCAL IMPACT:**

N/A

**RECOMMENDATION:**

Tracy Waldron, CFO recommends approval of Resolution R-2022-72 approving the City of Bastrop Purchasing Policy, which is attached as Exhibit A; providing for a repealing clause; and establishing an effective date.

**ATTACHMENTS:**

- Resolution R-2022-72
- Purchasing Policy

**RESOLUTION NO. R-2022-72****A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, APPROVING THE CITY OF BASTROP PURCHASING POLICY, WHICH IS ATTACHED AS EXHIBIT A; PROVIDING FOR A REPEALING CLAUSE AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, it is the responsibility of local government to ensure that public funds are managed in a prudent and financially sound manner; and

**WHEREAS**, the City of Bastrop Purchasing Policy was last adopted by City Council on August 24, 2021; and

**WHEREAS**, the Chief Financial Officer and the City Manager have performed an annual review of the Purchasing Policy; and

**WHEREAS**, the City Attorney has reviewed the City of Bastrop Purchasing Policy and found it to be in compliance with all State procurement laws; and

**WHEREAS**, the City Council requests that the Purchasing Policy be reviewed and adopted annually by Council as a part of the budget adoption process to ensure this policy is current with State Law and appropriately addresses operational needs.

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

**Section 1.** The City Council hereby approves the City of Bastrop Purchasing Policy, which is attached as Exhibit A, and requests that it be reviewed and adopted annually as a part of the budget adoption process.

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

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

**DULY RESOLVED AND ADOPTED** by the City Council of the City of Bastrop this 23rd day of August 2022.

**APPROVED:**

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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Alan Bojorquez, City Attorney

EXHIBIT A



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# Purchasing Policy

*DRAFTED*  
*AUGUST 23, 2022*





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## **PURPOSE**

It is the policy of the City of Bastrop that all purchasing shall be conducted strictly based on economic and business merit. This policy is intended to promote the best interest of the citizens of the City of Bastrop, Texas.

The City of Bastrop intends to maintain a cost-effective purchasing system conforming to good management practices. The establishment and maintenance of a good purchasing system is possible only through cooperative effort. It must be backed by proper attitudes and cooperation of not only every Department Director and Official, but also every Supervisor and Employee of the City of Bastrop.

The purchasing process is not instantaneous. Time is required to complete the steps required by State law. In order to accomplish timely purchasing of products and services at the least cost to the City of Bastrop, all departments must cooperate fully. Prior planning and the timely submission of requisitions are essential to expedite the purchasing process and to assure that the process is orderly and lawful.

This Policy reaffirms the City of Bastrop's commitment to strengthen purchasing and property controls to reasonably assure that assets are received and retained in the custody of the City of Bastrop.

## **CODE OF ETHICS**

It is important to remember that when employees are participating in the purchasing process, they represent the City of Bastrop. By participating in the purchasing process, employees of the City of Bastrop agree to:

- a. Avoid the intent and appearance of unethical or compromising practice in relationships, actions, and communications.
- b. Demonstrate loyalty to the City of Bastrop by diligently following the lawful instructions of the employer, using reasonable care, and only authority granted.
- c. Refrain from any private business or professional activity that would create a conflict between personal interests and the interest of the City of Bastrop.
- d. Refrain from soliciting or accepting money, loans, credits, or prejudicial discounts, and the acceptance of gifts, entertainment, favors, or services from present or potential suppliers that might influence, or appear to influence purchasing decisions.
- e. Handle confidential or proprietary information belonging to employer or suppliers with due care and proper consideration of ethical and legal ramifications and governmental regulations.
- f. Promote positive supplier relationships through courtesy and impartiality in all phases of the purchasing cycle.
- g. Expose corruption and fraud wherever discovered.
- h. Texas Law prohibits component purchasing, separate purchasing and sequential purchasing of any kind. An employee commits an offense by intentionally or knowingly making or authorizing component, separate or sequential purchasing to avoid the competitive bidding requirements.
- i. Adherence to the City's Ethics Ordinance is mandatory. If there is a conflict between the two Ethics policies, the stricter of the two would apply.

## **COMPETITIVE PURCHASING REQUIREMENTS**

The City of Bastrop policy requires three quotes for purchases over \$3,000. The only exceptions to this rule are for items purchased under a cooperative contract, sealed bid award, sole source purchases or

purchases for an emergency situation.

Under no circumstances shall multiple requisitions be used in combination to avoid otherwise applicable bidding requirements or City Council approval.

### **WHO IS AUTHORIZED TO MAKE PURCHASES?**

Purchases will only be processed if authorized by a Department Head or approved representative in an employee's direct chain of command.

### **INSTRUCTIONS FOR SOLICITING BIDS**

When soliciting bids, City of Bastrop buyers must follow the steps below:

1. Give the same exact specifications to each vendor.
2. Give each bidder same deadline for turning in bids.

City of Bastrop buyers must inform vendors that bids submitted are all inclusive. Any charges for freight and handling, fuel fees or other costs must be included in the bid. In order to obtain contract status, the Department Head is responsible for first adhering to the procurement requirements stated below. City Manager approval or his designee is required.

### **PURCHASING CONTROL**

Authorization levels established within INCODE for appropriations previously approved by the City Council are as follows:

- Directors' or their designee not to exceed \$9,999.99
- Chief Financial Officer or designee up to \$14,999.99
- City Manager or designee approving purchases exceeding \$15,000.00

All purchases requiring a purchasing summary must have an approved purchase order before placing the order.

### **FLEET PURCHASES**

The Finance Department will create a Fleet Appropriations List at the beginning of every fiscal year based on the adopted budget. A unit number will be assigned to each vehicle and equipment included on this list. This list will be distributed to each department with vehicles and equipment on the list.

Each department will complete and submit their purchasing summaries to the Finance Department, which should include the unit number assigned, as close to October 1st as possible. The purchasing summaries will be checked against the Fleet Appropriations List and reviewed for accuracy and completeness. Once reviewed by the Finance Department, the summaries will go to the City Manager for approval.

Upon approval by the City Manager, a purchase order will be created and authorized by the Finance Department for each approved purchasing summary. At the time of issuance of the purchase order, budgeted funds will be encumbered to prevent the funds from being reallocated.

Approved purchase orders will be sent to each department with authorized vehicles and equipment on

the Fleet Appropriations List. Once the department has received the approved purchase order, fleet orders can be placed with the selected vendor.

## **DOLLAR LIMITATIONS**

The following dollar limitations should be used as a guideline. These limitations may not apply in all cases. Dollar limitations pertain to total purchase or invoice total not per single item cost. It is the Department Directors responsibility to insure Purchasing policies are being adhered to.

**\$0.01-\$3,000:** Purchases of non-contract goods or services totaling \$3,000 or less require no quotation but are recommended.

If invoices for a single service contractor combine to total greater than \$3,000 in a fiscal year, the city will require the standards of \$3,001 to \$49,999 for purchasing to apply. As clearly identified in the II. Code of Ethics H. Texas Law prohibits component purchasing, separate purchasing and sequential purchasing of any kind. An employee commits an offense by intentionally or knowingly making or authorizing component, separate or sequential purchasing to avoid the competitive bidding requirements.

Note that an employee does not commit an offense by making or authorizing component, separate, or sequential purchasing to address unexpected circumstances (such as unanticipated repairs) rather than to avoid competitive bidding requirements. Accordingly, if invoices for a single service contractor combine to total greater than \$3,000 in a fiscal year due to unexpected circumstances (and not to avoid competitive bidding requirements), the standards that apply to purchase totaling \$3,001 to \$49,999 will not apply.

If you have questions about which standards apply, contact the Finance Department.

**\$3,001-\$49,999:** Except where otherwise exempted by applicable State law, purchases totaling \$3,001 to \$49,999 require three (3) written quotes attached to a Purchasing Summary Form and a purchase order provided to the Finance Department.

No purchase orders of non-contract goods or services will be issued in excess of \$15,000 without City Manager or his designee prior approval.

If the lowest responsible quote is not selected, an explanation should be provided on the Purchasing Summary Form and approval by the City Manager will be required, no matter the dollar amount. Only the City Manager or his designee may determine "Best Value". The City Manager may elect to accept less than three quotes from a Director if due diligence has been documented by the Director in trying to adhere to the purchasing policy. A memo will be required from the Director providing a reason for their inability to obtain three written quotes and the scope of services being provided if applicable. It must be approved and signed by the City Manager and attached to each Purchasing Summary Form and purchase order provided to the Finance Department.

According to State Law, two (2) Historically Underutilized Businesses (HUBs) are to be contacted on a rotating basis. HUB vendors are obtained from the Texas Comptroller of Public Accounts website. If the list fails to identify a historically underutilized business in the county in which the municipality is situated, the municipality is exempt.

If purchasing through a cooperative purchasing alternative, i.e. BuyBoard, DIR, TXMAS provide only one (1) written quote; proof or identification that the quote is from a cooperative source, complete a Purchasing Summary Form and a purchase order. Any vendor specific contracts should be on file with

the Finance Department prior to final approval being given if applicable. It is the Department Director's responsibility to ensure the cooperative information is on file with the Finance Department.

**\$50,000+:** Except as otherwise exempted by applicable State law, requisitions for item(s) whose aggregate total cost is more than \$50,000 must be processed as competitive solicitations (e.g. sealed bids, request for proposals, and request for offers). Texas Local Government Code, Subchapter B, Section 252.021 defines the requirements for competitive bids.

The Code requires that sealed bids and request for proposals (RFP) are advertised in a local newspaper for two consecutive weeks prior to the bid opening. All bids must be received sealed and turned in to the City Secretary's Office by the date and time listed in the bid. Any bids received after the stated time will be returned unopened. The bid opening process is open to the public and all vendors that respond to the specific are invited to attend. Questions concerning pricing will not be addressed at the opening. Contracts for services require Errors & Omissions coverage.

If purchasing through a cooperative purchasing alternative, i.e. BuyBoard, DIR, TXMAS provide only one (1) written quote; proof or identification that the quote is from a cooperative source, complete a Purchasing Summary Form and a purchase order. All cooperative vendor specific contracts should be on file with the Finance Department prior to final approval being given if applicable. It is the Department Director's responsibility to ensure the cooperative information is on file with the Finance Department. City Manager written approval is required.

**Rental Agreement:** Vendors who provide rental items to the city are required to carry insurance. The type and amounts of insurance required vary based on the item rented. The Chief Financial Officer must review all rental contracts before the contract is awarded.

## **PERSONAL OR PROFESSIONAL SERVICES**

Under the Professional Services Procurement Act, a contract for the purchase of a personal or professional service is exempt from competitive bidding requirements. The City also provides exemption for the purchasing of planning services.

The City may not select providers of professional services based on competitive bids. In these situations, the City must make the selection and award based on demonstrated competence and qualifications for performing the services for a fair and reasonable price.

Professional services may include:

- Accounting
- Architecture
- Landscape architecture
- Land surveying
- Medicine
- Optometry
- Engineering
- Real estate appraisal
- Nursing

According to the Texas Attorney General's Office professional services may include "*members of disciplines requiring special knowledge or attainment and a high order of learning, skill and intelligence.*"

## **OTHER EXEMPTIONS**

State law authorizes other categories of exempt purchases. Purchases from other governments, some auctions and going-out-of-business sales, and other purchases are exempt under provisions of the Local Government Code and Vernon's Statutes.

The following is a list of other areas that are exempt from competitive bidding requirements:

1. Land or right-of-way
2. Items that can be obtained from only one source, including:
  - a. items for which competition is precluded because of the existence of patents, copyrights, secret processes or monopolies;
  - b. films, manuscripts or books;
  - c. electric power, gas, water, and other utility services; and
  - d. captive replacement parts or components for equipment;
3. Food
4. Personal property sold:
  - a. at an auction by a state licensed auctioneer;
  - b. at a going-out-of-business sale; or
  - c. by a political subdivision of the state, a state agency, or an entity of the federal government
5. Any work performed and paid for by the day is exempt from the competitive bidding process.
6. Work performed under a contract for community and economic development made by a county designed to reasonably increase participation by historically underutilized businesses in public contract awards by establishing a contract percentage goal for HUB businesses.

## **SOLE SOURCE PURCHASES**

Sole Source purchases must be approved by the City Manager before purchasing. These conditions occur when the purchase involves compatibility of equipment, accessories, or replacement parts or when the goods or services is a one-of-a kind or protected by a patent, copyright, secret process. The product is only available from a regulated or natural monopoly. The product is a component or repair part that may only be purchased from the original supplier. The following items are necessary to provide sufficient justification for sole source purchase:

1. A memorandum to the City Manager with a statement must be attached to the Purchasing Summary Form that says a sufficient number of vendors have been contacted to determine that only one practical source of supply exists or states the reasons only one source exists. This memorandum should include the City Manager's signature signifying his approval.
2. A bid from the sole source provider on company letterhead.
3. A letter from the vendor stating they are the sole supplier of the good.

A Purchasing Summary Form and purchase order is still required with the above information attached.

## **CHANGE ORDERS**

According to purchasing law, the City of Bastrop may make changes to plans, specifications or quantities after award of the contract, if necessary. However, no increase may exceed 25% of the original contract amount and any decrease of 25% or more must have the consent of the contractor.

Increases that cause a change in dollar limitations or purchasing law may supersede the 25% rule:



*Example: If a contract is awarded for \$45,000, the allowable increase under the 25% rule would be \$11,250. However, this would cause the new price to exceed \$50,000, which by State law requires sealed bids and advertising. Increase would be limited.*

Any change in a purchasing contract that exceeds 25% of the original amount will void the original contract.

## **MAKING THE PURCHASE**

City of Bastrop buyers are responsible for making sure that the purchased good or service is received as specified. Under no circumstance should a buyer accept more goods or services than ordered. Employees are only authorized to purchase items that have been approved by their Department Head. A purchase over the original amount requires additional approval.

## **30 DAY ACCOUNTS PAYABLE CYCLE**

Texas law requires municipalities to pay invoices within 30 days or be subject to the payment of interest. It is the responsibility of each department to make sure the signed invoices, purchase orders and any other required paperwork is submitted to the Finance Department as soon as the product is received, or service rendered.

It is the responsibility of Accounts Payable to pay all vendor invoices within 30 days of the date the services or products are received. If the invoice date is different from the service/product receipt date, the department will need to note on the invoice the date of receipt of the product or service. Any Variance between the purchase order and the vendor invoice must be reconciled and documented on the purchase order. Vendor payments can only be made for the original or modified purchase order amount.

## **EMERGENCY PROCEDURES**

Valid emergencies are those that occur as a result of the breakdown of equipment which must be kept in operation to maintain the public's safety or health, or whose breakdown would result in the disruption of City operations. It is required to get City Manager or his designee approval on any emergency purchases.

The Legislature exempted certain items from sealed bidding in the ***Texas Local Government Code Section 252.022(a)***, including, but not limited to:

1. A procurement made because of a public calamity that requires the immediate appropriation of money to relieve the necessity of the municipality's residents or to preserve the property of the municipality;
2. A procurement necessary to preserve or protect the public health or safety of the municipality's residents;
3. Procurement necessary because of unforeseen damage to public machinery, equipment or other property.

The following steps must be taken when making emergency purchases:

1. Employee must receive approval from the City Manager or his designee.
2. Employee will make every effort to solicit bids unless circumstances prevent employee from

doing so.

3. A written statement concerning the emergency must be provided following the incident to provide necessary documentation in Accounts Payable and must include the City Managers signature or his designees.

## **FEDERAL PROGRAMS**

The City of Bastrop has adopted ***Federal 2 CFR 200.318 - 200.326 and Appendix II to Part 200*** for Federal Programs to ensure City procures materials and services in an efficient and economical manner that is in compliance with the applicable provisions of federal, state and local laws and executive orders. Federal 2 CFR 200 section 318 to 326 cover the following regulations:

200.318 – General Procurement Standards

200.319 – Competition

200.320 – Methods of Procurement to be followed

200.321 – Contracting with Small & Minority businesses, women business enterprises & labor surplus area firms

200.322 – Procurement of Recovered Materials

200.323 – Contract Cost & Price

200.324 – Federal awarding agency or pass-through entity review

200.325 – Bonding requirements

200.326 – Contract Provisions

## **ASSET CONTROL**

### **INVENTORY CONTROL**

The purpose of inventory control is to create and maintain a record/inventory of all fixed assets of the City of Bastrop. Fixed assets include all items over \$5,000 with a life expectancy of two (2) or more years. “Minor Capital Outlay” items must also be inventoried. These items will include assets purchased for \$1,000 to \$4,999.

When a fixed asset is received by the city, it is tagged with a City of Bastrop property tag (if feasible) and added to the Departments master list. A new asset form should be completed, signed, and provided to the Finance Department.

Each Department shall keep an inventory list of all fixed assets permanently assigned to employee.

A wall-to-wall inventory of all fixed assets shall be performed every year or as deemed necessary. It is recommended that Departments perform an annual fixed assets inventory of equipment permanently assigned to employees.

### **USE OF PROPERTY**

City of Bastrop employees should be aware that the use of City property for personal gain is strictly prohibited. City vehicles should only be used for official City business. City Personnel Policies list theft and unauthorized use of City property as grounds for immediate dismissal.

In addition, employees are not to use personal property for the performance of their job or at their work site. Personal items such as radios, coffee pots, picture frame, books, etc. is permissible: however, the City of Bastrop is not responsible for damage to or theft of these items.

## **DISPOSAL OF SURPLUS MATERIALS AND EQUIPMENT/ DONATIONS**

City surplus materials and equipment (a/k/a 'surplus items') includes any City owned personal property such as furniture, fixtures, equipment, computers, vehicles, tools, clothing, or other such items, which have lost useful value to the City, have become non-functional or are obsolete. Such surplus items may be disposed of by one of the following methods:

- Sold competitively, by accepting sealed bids or by public auction;
- Traded in for acquisition of new equipment;
- Donated by the City to a recognized charitable organization;
- Provided to other governmental entities (donation or exchange).
- Sold as 'scrap' (for cash), if the items have no value except for salvage and the City Manager or his designee has authorized the sale for scrap; or
- Disposed of through solid waste collection services, if the item has no salvage or other value and the City Manager or his designee has authorized such disposal.

**Trade-In or Donation:** Before trading-in and/or donating surplus items, the Department Head must prepare a memorandum to the City Manager and remit a copy to the Finance Department stating: 1) the identity of the surplus items to be disposed of, traded-in or donated, 2) the reasons for the surplus items being declared surplus, 3) the original purchase price (if ascertainable) of the surplus items, and 4) the value of proposed "trade-in" or "donation", in the estimation of the Department Head. If the Department Head receives approval by City Manager to proceed, the Department Head must coordinate their trading-in and/or donating surplus items with the Finance Department to insure a Disposed Fixed Asset Form is completed and any other ancillary paperwork.

*[Note: All property is owned in the name of the City of Bastrop and is not vested in any specific department.]*

**Sales:** If the surplus items are to be sold, then the Department Head must prepare a memorandum to the City Manager and remit a copy to the Finance Department. The memo should include: 1) the identity of the items to be sold to include year, make, model, and any other identification characteristics, 2) a brief description providing why it is necessary to dispose of the item. The Department Head having received approval to sell a surplus item may then utilize one of the following options: 1) post notice in the local newspaper and/or through an approved on-line auction provider 2) advertise in the local newspaper, 3) request sealed bids, or 4) sell through a public auction, which may take place at a specified location or, by means of an on-line sale.

**Preferred Disposition:** Whenever reasonably feasible, it is the City's preference that the Department Head dispose of the surplus equipment by means of a public auction or sale held in cooperation with other City departments and surrounding government entities.

**Procedures:** The City Manager shall have the authority to approve the disposal, sale, trade-in or donation of surplus items when the value of same is less than \$50,000, in total. If the total value exceeds \$50,001, then the City Manager shall obtain Council approval of the proposed disposal, sale, trade-in or donation of surplus items.

Once approved by either the City Manager or Council, as appropriate, in order to document the disposal, sale, trade-in or donation of surplus items a Disposed Fixed Asset Form must be prepared and

submitted to the Finance Department in addition to providing the license plates for any vehicles or equipment disposed of. The Finance Department manages the change of ownership and the receipt of funds.

City decals must be removed from all surplus City vehicles, machinery, and equipment before disposal, donation, trade-in or sale.

City employees may participate, on their own time, in public auctions for the purchase of surplus City items.

## **LOST PROPERTY**

After conducting an annual inventory and property is discovered to be lost, an explanation for the lost must be provided immediately to the Department Head using the Fixed Asset Form. Property losses that come to the attention of the employee before the annual inventory should be reported within 24 hours using the Fixed Asset Form.

All thefts are to be reported to a supervisor or Department Head as soon as possible. The City of Bastrop, Police Department must be notified immediately. Stolen fixed asset must be removed from the Master Inventory List and a copy of the police report attached to the Fixed Asset Form.

## **SECURITY MEASURES**

All equipment will be kept in a secure area when not in use. Access to this area will be limited to the employees assigned to the secure area. In case of theft, the security of the area should be evaluated to determine if changes or re-keying of locks should be necessary.

## **RESPONSIBILITIES OF PARTIES**

### **DEPARTMENT HEADS**

1. Monitor and approve overall purchases to ensure that funds are spent judiciously and that budgeted resources are within their control and available for all procurement.
2. Reject requests for purchases that do not have proper authorization or include required documentation.
3. Approve all purchases up to \$9,999 excluding budgeted capital.
4. Adhere to the Purchasing Policies and the Code of Ethics.
5. Place cooperative agreements and RFP's on file with Finance and monitor purchases to ensure that supply agreements are used.
6. Ensure that sole source requests meet the guidelines and include required documentation.
7. Inventory all fixed assets every year.
8. Verify goods and services are received as ordered before approving payment.
9. Annually inventory equipment assigned to employee.
10. Keep records of losses occurring in their areas to detect patterns of theft in one area or individual employee.

### **SUPERVISORS**

1. Maintain security of equipment on-site
2. Keep a log of equipment issued to employees on a long-term basis.
3. Keep a log of equipment issued to employees on a short-term basis.
4. Forward all receipts and invoices to Department Head as soon as possible.

5. Check that equipment and supplies are returned upon termination of an employee.

#### **CITY OF BASTROP ACCOUNTS PAYABLE**

1. Pay bills in an accurate and timely manner.
2. Reject requests for purchases that do not have proper authorization or include required documentation.
3. Monitor purchases to ensure that supply agreements are used.
4. Ensure that purchasing policy requirement guidelines are met and required documentation included.

#### **CITY OF BASTROP ACCOUNTING**

1. Maintain the master fixed asset property list.
2. Assign inventory tags for fixed assets.
3. Provide Fixed Assets Forms.
4. Produce Master Inventory List as needed.
5. Process fixed asset transfers and retirements.
6. Review, approve and enter all purchase orders for budgeted fleet purchases.

#### **PURCHASING CARD PROGRAM**

##### **PURPOSE**

The purpose of the Purchasing Card Program is to provide the City with an efficient and controllable method of making small dollar commodity, service, and travel purchases. This program is to be used to procure low-value maintenance, repair and operational expense items. By using the purchasing card, it will simplify the payment process and take advantage of the rebate program the card provider offers. The City will issue cards via the provider of its choice. This card policy is not intended to replace, but rather supplement existing purchasing, travel, and other City policies. The same restrictions that apply to other methods of purchasing also apply to the purchasing cards.

##### **ELIGIBILITY**

Department Directors and Supervisors can make a request to the City Manager for a purchasing card in their name. Department purchasing cards can be issued to each department and be the responsibility of the Department Director or his designee. Criteria for determining which departments should be issued a department card:

- Will the use of a Credit Card enhance productivity?
- Will the use of a Credit Card reduce paperwork?
- Will the Credit Card be utilized regularly for the purchasing of authorized (budgeted) goods, supplies and services?

##### **USAGE**

Each card will have a daily and monthly limit. The daily limit on the Department Director cards are set by the City Manager. The Department Directors will provide to the Program Administrator in writing, the

limits for Supervisors individual cards. The daily limit for the department cards is \$500. Limits can be changed on a temporary or permanent basis when warranted and a written request is received by the Program Administrator from the Department Director.

Purchasing Cards may be used for small dollar purchases which do not exceed the daily transaction limit established by the Purchasing Policy and that do not exceed the cards maximum limit.

Acceptable purchases are:

- Maintenance and repair of equipment
- Operational expense items (within the dollar limits stated above)
- Registration Fees
- Travel expenses (must adhere to the Travel Policy)

Purchases made on the purchasing card will be for City business only. The purchasing card is not a personal line of credit and must never be used for personal or private purchases of any nature. When in doubt as to whether a purchase is allowable under the City policy, the Cardholder should either contact the Program Administrator before making the purchase or make payment personally and seek reimbursement from the City afterwards. Please remember that reimbursement for any out-of-pocket purchase made without authorization is subject to the City Manager's approval. Unauthorized purchases or use of the purchasing card in violation of this or any other City policy are prohibited, and purchaser will be subject to disciplinary action.

The Finance Department has a purchasing card with a \$125,000 monthly limit. This card is used solely to pay vendors that allow credit card payments and do not charge a processing fee. The advantage to this additional payment method is to obtain the rebate provided through the purchasing card program.

## **DUTIES AND RESPONSIBILITIES**

### **A. Cardholder**

1. The employee who is issued a card is called a "Cardholder" whether it was issued in their name or just in their custody (ie. department card). The purchasing card has daily transaction limits as well as a maximum monthly limit.
2. Every transaction made using the purchasing card must have corresponding backup and be entered into the credit card program. All transactions will be reviewed and approved by the appropriate supervisor. All transactions, once reconciled, will be downloaded into the accounting system monthly.
3. Each Cardholder shall use the card only for authorized purchases. A hardcopy itemized receipt must be obtained from the vendor each time the card is used and be signed by the Cardholder and their Supervisor (when applicable).
4. The Cardholder is responsible for immediately notifying the Purchasing Card Provider, their Supervisor, and the Program Administrator if the card is lost or stolen.
5. Each Cardholder must acknowledge receipt of the purchasing card, understand the rules of usage, and sign the Purchasing Cardholder Agreement. Failure to abide by this Purchasing Card Policy may result in disciplinary action, up to and including termination of the employee. The Cardholder will be required to reimburse the City for any unauthorized transaction.



6. Upon resignation or termination of employment of a Cardholder, the Department Director shall notify the Program Administrator immediately, and the card shall be turned in to the Program Administrator.

#### **B. Program Administrator**

The Program Administrator is the Chief Financial Officer or their designee. The Program Administrator manages the Purchasing Card Program and has the following responsibilities:

1. Establishing purchasing card accounts and authorized limits
2. Point of contact for any Purchasing Card Program questions
3. Ensure compliance with the Purchasing Card Policy and the Purchasing Policy
4. Reviews all purchasing card transactions monthly
5. Terminating cards as needed

#### **C. Departmental Responsibility**

The Department Director determines who will be issued a purchasing card and the daily and monthly limits assigned. The Department Director will also ensure that purchases are authorized and adhere to City policies. Departments may implement more stringent internal authorization procedures that its Cardholders must follow in order to make purchases with the card. Directors or their designee are responsible for approving receipts and making sure the statements for each card are reconciled and backup uploaded to the credit card program within 15 days of the statement date to facilitate timely approval and processing.

### **PURCHASING CARD PROVIDER**

The Purchasing Card Provider will generate a monthly billing statement at the close of every month. This statement can be obtained online. All Cardholders should receive instructions on how to establish a login to their account. The Cardholder is responsible for reconciling their respective statement, matching each transaction with a receipt, as soon as it is received. If a transaction is listed which is not known to the Cardholder, the Cardholder is responsible for immediately notifying the Purchasing Card Provider and the Program Administrator of the disputed charge. It is imperative that each Cardholder promptly process the transactions and for approval by their supervisor

### **TRANSACTION/CARD LIMITS**

Each individual purchasing card will have transaction and/or spending limits. The Chief Financial Officer in coordination with Department Director has the authority to limit types of purchases, places of purchases, and hours of day purchases that can be made on individual cards. The total purchase price as printed on the individual credit card receipt is known as the "transaction amount". The purchasing card may be limited by the merchant type, transaction amount, and monthly transaction limit. Each Cardholder will be set up with limits for each of these categories and will be made aware of the limits. A card transaction will be denied when swiped if the transaction exceeds any of the limits. The card transaction limits may not exceed those set in the policy guidelines.

### **SALES TAX**

As a tax-exempt government agency, the City of Bastrop does not pay sales tax. Cardholders will be provided a copy of the City's Tax Exemption Certificate when requested. Cardholders are responsible for insuring that the merchant does not include sales tax in the transaction, if possible. In the event sales tax is charged, the Cardholder is required to go back to the vendor/merchant to request a refund of the sales tax paid. If a refund is not possible, the Cardholder is required to submit a memorandum

monthly to the Finance Department that includes an explanation as to why the sales tax paid cannot be credited along with a copy of the receipts showing the sales tax amount. The Finance Department will deduct the sales tax paid during the monthly sales tax reporting process.

## **RETURNS**

Each Cardholder is responsible for coordinating returns with the vendor and making sure a proper credit slip is obtained. Credit shall be issued to the Cardholder's account. **Cash refunds are not allowed.**

## **RESTRICTIONS AND EXEMPTIONS**

A. Employees may **not** use the card for the following:

1. Any purchases of items for personal use.
2. Cash refunds or advances.
3. Any purchase of goods/services or from a merchant type not considered prudent or of good judgment.
4. No purchases are to be processed through the employee's personal account online. You must establish a City account to process the purchase.
5. Any transaction amount greater than the Cardholder's transaction limit.
6. Items under contract, unless an emergency exception is granted.
7. Alcohol or liquor of any kind. Patronization of bars, drinking places, and package stores must not be paid for with the purchasing card.
8. Separate, sequential, and component purchases or any transaction made with intent to circumvent the City Purchasing Policy or state law.
9. Any transaction that may cause or be perceived to cause damage to the City of Bastrop's reputation and goodwill, and/or reflect poorly on the ethical and moral decision-making of the Cardholder, staff, and elected officials.
10. Any other purchase specifically excluded in the City's Purchasing Policy.

B. Documentation

Supporting documentation must accompany each transaction including an itemized receipt signed by the Cardholder and Supervisor, when applicable. If a receipt is not obtained, a memo explaining the purchase must accompany the card statement.

C. Personal Use Restrictions

The card may not be used to pay spouse/family expense incurred while traveling. Only City business expenses are allowable, and the Cardholder must pay personal expenses separately.



**OBTAINING A PURCHASING CARD****A. Steps:**

1. Department Director submits in writing requests for a purchasing card and determines the appropriate daily and monthly transaction limits.
2. The Program Administrator will request the Purchasing Card Provider to issue a purchasing cards with these established limits.
3. Upon receipt of the purchasing card, the Program Administrator will have the Cardholder review and sign the Purchasing Cardholder Agreement.
4. The new Cardholder receives copies of:
  - a) Purchasing Cardholder Agreement
  - b) Purchasing Card Policy
  - c) Purchasing Policy
  - d) Travel Policy

**REVOCATION OF THE PURCHASING CARD**

The purchasing card is subject to revocation at any time at the discretion of the Department Director or Chief Financial Officer. When a card is revoked, changes are made online and take effect immediately. The Program Administrator is further authorized to temporarily suspend use of the card via electronic methods if unauthorized use is discovered and such use poses a threat to internal financial controls.

**PAYMENT OF FUNDS****PURPOSE**

The Finance Department, under the direction of the Chief Financial Officer, is responsible for overseeing the payment process for the city, including oversight of appropriate payment methods, the approval process, and disbursement controls. This policy provides guidance governing all disbursements of city funds, except those for salaries and wages, and the appropriate usage of various payment methods. This policy establishes the Chief Financial Officer as the designated officer as required by Texas Local Government Code Section 105 to direct all payment of funds.

**ROLES AND RESPONSIBILITIES**

The finance department's accounts payable staff oversees the city disbursement process to ensure that only authorized disbursements are made, and that the disbursement process is efficient.

The Chief Financial Officer is responsible for working with accounts payable staff to develop and maintain adequate internal controls in the disbursement process, and to assess risks and review quality assurance standards. All disbursement documents are reviewed by the Chief Financial Officer or their designee prior to processing the disbursement to verify proper authorization of complete documentation is included.

The department heads are responsible for ensuring that the disbursement transactions are properly authorized, verifies that the transaction meets the conditions of this purchasing policy, is appropriate

with the department's approved annual budget, and is allowable within the applicable funding source restrictions.

The accounts payable staff will process only those transactions bearing appropriate departmental authorization and secondary authorization if required based on the approval limits stated in this purchasing policy.

### **TYPES OF PAYMENT REQUESTS**

Invoices – It is the responsibility of the departments to submit invoices to accounts payable as quickly as possible and to expedite any other steps necessary to process invoices for payment. Vendor statements or quotes are not considered appropriate supporting documentation for purchases, and the city will not pay from such documents. It is expected that the purchaser of goods and services will always perform a receiving function, confirming that the goods and/or services ordered were received in accordance with the order. Department approval of invoices constitutes confirmation of receipt of goods and services.

Check Requests - Check requests may be submitted for payments of non-employees or employee reimbursements and other direct payments that cannot be made using a purchasing card or standard invoice submission. Appropriate supporting documentation must be attached to the check request to be processed.

### **FORMS OF PAYMENT**

The City utilizes various forms of payment methods such as checks, direct deposit, electronic funds transfer (EFT), purchasing card, and wires. There is a two-step authorization process when using the check and EFT methods of payment, using secure signatures (electronic signatures) the employee processing the payments must enter a code and the Chief Financial Officer or their designee must enter a code. The signatures that appear on the checks must be authorized signers with the bank depository account.

The City encourages the electronic funds transfer payment method for the following reasons: eliminating storage of paper checks, reduce time spent on reconciliation, eliminating the occurrence of lost or stolen checks, reducing security risks, and improving tracking of payments using integrated banking technologies. This also gets the vendor paid much faster than mailing checks.

### **ANNUAL REVIEW AND REPORTING**

These policies will be reviewed administratively by the City Manager at least annually, prior to preparation of the operating budget. The Chief Financial Officer will report to the City Manager on compliance with these policies.

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Tracy Waldron, Chief Financial Officer

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Trey Job, Acting City Manager

History of Purchasing Policy:  
Previously Approved 09/23/2014  
Previously Approved 10/23/2018  
Previously Approved 09/24/2019  
Previously Approved 09/08/2020  
Previously Approved 08/24/2021

## **GLOSSARY OF PURCHASING TERMS**

**Component Purchases:** Purchases of component parts of an item that in normal purchasing practices would be accomplished by one purchase. (Purchasing parts and assembling a finished product.)

**Pecuniary Benefit:** Any form of economic gain (money, gifts, etc.).

**Fixed Assets:** A piece of equipment with a value of \$5,000 or more and a life expectancy of two (2) year or more.

**Separate Purchases:** Purchases made separately of items that in normal purchasing practices would be accomplished by one consolidated purchase. (Multiple purchase orders of similar items to avoid bidding procedures.)

**Sequential Purchases:** Purchases, made over a period, of items in normal purchasing practices would be combined and bid as one purchase. (Similar to above but multiple purchases of the same items to avoid bids.)



# STAFF REPORT

**MEETING DATE:** August 23, 2022

**TITLE:**

Consider action to approve Resolution No. R-2022-62 of the City Council of the City of Bastrop, Texas approving a Public Improvement Plan Agreement with Great West Development, Inc. for River Crest Subdivision, as attached in Exhibit A; authorizing the City Manager to execute all necessary documents; providing for a repealing clause; and establishing an effective date.

**STAFF REPRESENTATIVE:**

Submitted by: Jennifer C. Bills, Director of Planning and Development

**BACKGROUND/HISTORY:**

The Public Improvement Plan Agreement was developed as part of the City of Bastrop's Development Manual. This standardized agreement is a tool that can be used by staff. It allows a developer to establish the infrastructure costs, inspections fees and begin construction of public street and utility infrastructure. The agreement also establishes the process to record the final plat with a fiscal guaranty for the approved section of the subdivision prior to the completion of all public improvements. The cost estimates and scope of work included in the Agreement were approved with the Public Improvement Plans approved by the City Engineer.

**POLICY EXPLANATION:**

Texas Local Government Code 212.010 Standards for Approval of Plat requires that a new subdivision should extend roads and utilities in conformance to the city requirements and bonds be submitted in accordance with the municipal policy for the approval of subdivision plats.

Section 1.4.003 Public improvement Plan Agreement (PIPA) establishes the requirements for approval of the PIPA.

**FUNDING SOURCE:**

N/A

**RECOMMENDATION:**

The Director of Planning recommends City Council consider action to approve Resolution No. R-2022-62 of the City Council of the City of Bastrop, Texas approving a Public Improvement Plan Agreement with Great West Development, Inc. for River Crest Subdivision, as attached in Exhibit A; authorizing the City Manager to execute all necessary documents; providing for a repealing clause; and establishing an effective date.

**ATTACHMENTS:**

- Resolution No. R-2022-62
- Exhibit A – River Crest Subdivision Public Improvement Plan Agreement

**RESOLUTION NO. R-2022-62**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS APPROVING A PUBLIC IMPROVEMENT PLAN AGREEMENT WITH GREAT WEST DEVELOPMENT, INC. FOR THE RIVER CREST SUBDIVISION, AS ATTACHED IN EXHIBIT A; AUTHORIZING THE CITY MANAGER TO EXECUTE ALL NECESSARY DOCUMENTS; PROVIDING FOR A REPEALING CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS,** The City Council has adopted the Bastrop Building Block (B<sup>3</sup>) Code and related codes that provide a process for the standards and construction of public improvements that support the development created during the subdivision process; and

**WHEREAS,** the Development Manual includes the requirement for a developer to provide a Public Improvement Plan Agreement to ensure the installation of the public improvements; and

**WHEREAS,** the "Developer" known as Great West Development, Inc. has an approved Preliminary Plat and Public Improvement Plan for the construction of a single-family subdivision; and

**WHEREAS,** The City Council also understands the importance of the required public improvements and the value they bring in regard to the public safety of neighborhoods.

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

**Section 1:** That the City Manager will execute the Public Improvement Plan Agreement attached as Exhibit A.

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

**Section 3:** That this Resolution shall take effect immediately upon its passage.

**DULY RESOLVED AND ADOPTED** by the City Council of the City of Bastrop this 23<sup>rd</sup> day of August, 2022.

**APPROVED:**

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Connie B. Schroeder, Mayor

**ATTEST:**

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Ann Franklin, City Secretary

**APPROVED AS TO FORM:**

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Alan Bojorquez, City Attorney

**CITY OF BASTROP, TEXAS**  
**Public Improvement Plan Agreement**

***RIVER CREST PLACE***

The State of Texas

County of Bastrop

WHEREAS, Great West Development, Inc., hereinafter referred to as, "Developer", is the developer of the following described property and desires to make certain improvements to the following lots and blocks in River Crest Place, a development in the City of Bastrop ETJ, Texas: being Lots 1-12, Block A, Lots 1-5, Block B, Lots 1-11, Block C, and Lots 1-24, Block D; and

WHEREAS, the said Developer has requested the City of Bastrop, a Home Rule Municipality of Bastrop County, Texas, hereinafter referred to as, "City", to provide approvals and cooperative arrangements in connection with said improvements:

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That said Developer, acting herein by and through Paul Williams, its duly authorized officer, and the City, acting herein by and through Paul A. Hofmann, its City Manager, for and in consideration of the covenants and agreements herein performed and to be performed, do hereby covenant and agree as follows regarding assurance of construction of streets to be maintained by Bastrop County, roadside drainage to be maintained by Bastrop County, street signs to be maintained by Bastrop County and private park/trail improvements maintained by the Developer or its successor; summary of applicable infrastructure (development) amounts; assurance payments to the County; payment of inspection fees; and miscellaneous provisions relating to the acceptable completion of said construction according to the plans for River Crest Place approved by the City on May 17, 2022.

**1.00 Assurance of Infrastructure Construction**

**1.10 Employment of Contractors**

In accordance with this agreement, the Developer agrees to employ a general contractor or contractors in accordance with the conditions set forth in Section 4.00 for work for which the Developer is providing as stated herein and indicated in the Summary of Infrastructure (Development) Assurance Amounts, Section 2.30 on page 4 of this agreement.

**1.11 Public Infrastructure Construction and Acceptance Process**

- a) The Developer and the County agree that a will not be held and notice to proceed issued until the payment of the Public Improvement Inspection fees are paid to the County and a copy of the approved plan set provided to the City Construction Manager. The Public Improvement Inspection fees will be three percent (3.0%) of the total infrastructure costs (streets, sidewalks, and drainage), as set by the Bastrop County Commissioners Court.
- b) Upon completion of the Infrastructure, the developer must furnish the City and County with the following prior to acceptance and release of fiscal guarantee (if provided):
  1. As-Built/Record Drawings of Public Improvement Plans in pdf format and in CAD/GIS format;
  2. The Developer agrees to require the contractor(s) to furnish the County with a two (2) year maintenance bond in the name of the County, subject to County approval, for ten percent (10%) of the contract price of the public streets, sidewalk, and drainage improvements. The



maintenance bond(s) shall be submitted and approved prior to the final acceptance of the improvements;

3. Letter of Concurrence from the Design Engineer.

c) Once these items are provided, the City will provide a Letter of Completion from the City Engineer.

d) In order to record the Final Plat, the developer must complete one of the following:

1. Have received a Letter of Completion from the City Engineer; or
2. Provide fiscal guarantee for 110% of the outstanding Infrastructure (Development) Improvement Costs, with Engineer's Opinion of Probable Costs. This guarantee will not be released until acceptance of the Infrastructure by the County Engineer.

#### 1.12 Payment of Miscellaneous Construction Costs

It is further agreed and understood that additional costs may be required of the Developer to cover such additional work, materials and/or other costs as may be made necessary by conditions encountered during construction and within the scope of this project.

#### 1.13 Compliance with Tree Preservation Ordinance

The Developer is responsible to fully comply with the City's Tree Preservation Ordinance and Construction Standards during all phases of construction. The Developer submitted a tree protection plan and protected tree survey showing the protected trees on site and the measures of tree protection to be employed prior to any site work on the project with Public Improvement Plans approved on May, 17,

2022.

## **2.00 Infrastructure (Development) Improvement Costs**

All infrastructure (development) improvement costs are the full responsibility of the Developer unless otherwise noted, or unless otherwise funded with a public improvement district revenue, tax increment reinvestments zone revenue, or a Chapter 380 grant, pursuant to a separate agreement. The following improvement costs have been developed using the Developer's plans and specifications and recommendations by the City in accordance with the construction guidelines set forth by the City:

### **2.10 Drainage Improvements**

The distribution of costs between the City and the Developer for drainage improvements are as follows:

	<b>Full Project Cost</b>	<b>Developer Amount</b>	<b>City Participation</b>
Storm Drainage Facilities	\$43,170.00	\$43,170.00	\$0.00

### **2.20 Street Improvements**

The distribution of costs between the City and the Developer for all street improvements are as follows:

	<b>Full Project Cost</b>	<b>Developer Amount</b>	<b>City Participation</b>
Streets & Sidewalks	\$643,520.78	\$643,520.78	\$0.00
Erosion Control Items	\$54,600.00	\$54,600.00	\$0.00
Total Construction Cost	\$698,120.78	\$698,120.78	\$0.00

2.30 Water Improvements

The distribution of costs between AQUA Water Supply Corporation and the Developer for all domestic and fire water utilities are as follows:

	<b>Full Project Cost</b>	<b>Developer Amount</b>	<b>City Participation</b>
Water Facilities	\$148,397.50	\$148,397.50	\$0.00

2.40 Summary of Infrastructure (Development) Costs Amounts

	<b>Final Assurance Amount</b>
Water Facilities	\$
Storm Drainage Facilities	\$43,170.00
Streets, Sidewalks & Erosion Control Improvements	\$698,120.78
Total Infrastructure Development Cost Amounts	\$741,290.78

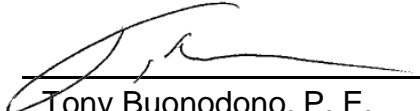
**INSPECTION FEES TO BE PAID PRIOR TO ISSUANCE OF NOTICE TO PROCEED:**

**Percentage Final of Construction Improvement**

		<b>Construction Cost Amount</b>	<b>Inspection Fee</b>
Streets, Sidewalks & Erosion Control Improvements	3.0%	\$698,120.78	20,943.62
Water (inspected by Aqua)	3.0%	\$	\$
Wastewater (OSSF)	3.0%	\$	\$
Drainage	3.0%	\$43,170.00	\$1,295.10
<b>Payment to Bastrop County</b>			<b>\$22,238.72</b>

The final construction amount is **\$741,290.78**, and the Public Improvement Inspection fee amount is **\$22,238.72** or \$2500, whichever is higher.

RECOMMENDED:

  
\_\_\_\_\_  
Tony Buonodono, P. E.                      8/12/2022  
City Engineer                                      Date

### **3.00 Miscellaneous Improvements**

#### **3.10 Drainage Operation and Maintenance Plan**

The Developer will provide the City with a Drainage Operation and Maintenance Plan (plan) in accordance with the Stormwater Drainage Manual. The plan shall provide detailed information regarding the obligation of responsible parties for any drainage system, stormwater system, or other improvement which will not be dedicated to the City as part of this agreement. Proof of payment to the surety and that all other obligations of the developer or contractor have been met in order for the bonds to be binding upon the surety.

#### **3.20 Street Name and Regulatory Signs (Bastrop County)**

Street name and regulatory signs shall be installed by the Developer at the Developer's expense at locations specified by the City's Director of Public Works per the signage regulations in the Bastrop County Sign Standards and Details. The signs shall conform to The State of Texas Manual on Uniform Traffic Control Devices and County requirements, including but not limited to, exact placement, sign height and block numbers. The City and County shall not be responsible or obligated to maintain and/or replace any non-standard sign poles, street name signs, or regulatory signs. Installation shall be completed prior to the acceptance of the subdivision.

#### **4.00 Miscellaneous Provisions**

##### **4.10 Bonds**

The developer will provide the County with proof of payment to the surety and that all other obligations of the developer or contractor have been met in order for the bonds to be binding upon the surety.

##### **4.20 Public Liability**

The Developer shall further require the contractor(s) to secure Public Liability Insurance. The amount of Insurance required shall include Public Liability, Bodily Injury and Property Damage of not less than \$100,000 one person, \$300,000 one accident and \$100,000 property damage. The minimum requirements for automobile and truck public liability, bodily injury and property damage shall also include not less than \$100,000 one person, \$300,000 one accident, and \$100,000 property damage.

The Contractor shall provide Worker's Compensation Insurance in accordance with the most recent Texas Workers' Compensation Commission's rules.

##### **4.30 General Indemnity Provisions**

The Developer shall waive all claims, fully release, indemnify, defend and hold harmless the City and County and all of its officials, officers, agents, consultants, employees and invitees in both their public and private capacities, from any and all liability, claims, suits, demands or causes of action, including all expenses of litigation and/or settlement which may arise by injury to property or person occasioned by error, omission, intentional or negligent act of Developer, its officers, agents, consultants, employees, invitees, or other person, arising out of or in connection with the Agreement, or on or about the property, and Developer will, at its own cost and

expense, defend and protect the City and all of its officials, officers, agents, consultants, employees and invitees in both their public and private capacities, from any and all such claims and demands. Also, Developer agrees to and shall indemnify, defend and hold harmless the City and County and all of its officials, officers, agents, consultants, employees and invitees in both their public and private capacities, from and against any and all claims, losses, damages, causes of action, suit and liability of every kind, including all expenses of litigation, court costs and attorney fees for injury to or death of any person or for any damage to any property arising out of or in connection with this Agreement or any and all activity or use pursuant to the Agreement, or on or about the property. This indemnity shall apply whether the claims, suits, losses, damages, causes of action or liability arise in whole or in part from the intentional acts or negligence of developer or any of its officers, officials, agents, consultants, employees or invitees, whether said negligence is contractual, comparative negligence, concurrent negligence, gross negligence or any other form of negligence. The City or County shall be responsible only for the City's or County's sole negligence. Provided, however, that nothing contained in this Agreement shall waive the City's defenses or immunities under Section 101.001 et seq. of the Texas Civil Practice and Remedies Code or other applicable statutory or common law. Notwithstanding anything to the contrary in this section, the Developer shall not be required to indemnify the City in the event the claims, suits, losses, damages, causes of action or liability arise in whole or in part as a result of the City's breach of this agreement or a separate agreement pertaining to the property governed by this agreement.

4.31 Indemnity Against Design Defects

Approval of the City Engineer, County Engineer or other City/County employee, official, consultant, employee, or officer of any plans, designs or specifications submitted by the Developer under this Agreement shall not constitute or be deemed to be a release of the responsibility and liability of the Developer, its engineer, contractors, employees, officers, or agents for the accuracy and competency of their design and specifications. Such approval shall not be deemed to be an assumption of such responsibility or liability by the City/County for any defect in the design and specifications prepared by the consulting engineer, his officers, agents, servants, or employees, it being the intent of the parties that approval by the City Engineer or other City employee, official, consultant, or officer signifies the City's approval of only the general design concept of the improvements to be constructed. In this connection, the Developer shall indemnify and hold harmless the City/County, its officials, officers, agents, servants and employees, from any loss, damage, liability or expense on account of damage to property and injuries, including death, to any and all persons which may arise out of any defect, deficiency or negligence of the engineer's designs and specifications incorporated into any improvements constructed in accordance therewith, and the Developer shall defend at his own expense any suits or other proceedings brought against the City, its officials, officers, agents, servants or employees, or any of them, on account thereof, to pay all expenses and satisfy all judgments which may be incurred by or rendered against them, collectively or individually, personally or in their official capacity, in connection herewith. Notwithstanding anything to the contrary in this section, the Developer shall not be

required to indemnify the City in the event the claims, suits, losses, damages, causes of action or liability arise in whole or in part as a result of the City's breach of this agreement or a separate agreement pertaining to the property governed by this agreement.

#### 4.32 Approval of Plans

The Developer and City agree that the approval of plans and specifications by the City shall not be construed as representing or implying that improvements built in accordance therewith shall be free of defects. Any such approvals shall in no event be construed as representing or guaranteeing that any improvement built in accordance therewith will be designed or built in a good and workmanlike manner.

Neither the City or County, nor its elected officials, officers, employees, contractors and/or agents shall be responsible or liable in damages or otherwise to anyone submitting plans and specifications for approval by the City for any defects in any plans or specifications submitted, revised, or approved, in the loss or damages to any person arising out of approval or disapproval or failure to approve or disapprove any plans or specifications, for any loss or damage arising from the non-compliance of such plans or specifications with any governmental ordinance or regulation, nor any defects in construction undertaken pursuant to such plans and specifications.

#### 4.33 Venue

Venue of any action brought hereunder shall be in the City of Bastrop, Bastrop County, Texas.

#### 4.40 Dedication of Infrastructure Improvements

Upon final acceptance of River Crest Place, the public streets and sidewalks shall



become the property of the County.

4.60 Assignment

This agreement, any part hereof, or any interest herein shall not be assigned by the Developer without written consent of the City Manager, said consent shall not be unreasonably withheld, and it is further agreed that such written consent will not be granted for the assignment, transfer, pledge and/or conveyance of any refunds due or to become due to the Developer except that such assignment, transfer, pledge and/or conveyance shall be for the full amount of the total of all such refunds due or to become due hereunder nor shall assignment release assignor or assignee from any and all Development assurances and responsibilities set forth herein.

IN TESTIMONY WHEREOF, the City of Bastrop has caused this instrument to be executed in duplicate in its name and on its behalf by its City Manager, attested by its City Secretary, with the corporate seal of the City affixed, and said Developer has executed this instrument in duplicate, at the City of Bastrop, Texas this the \_\_\_\_ day of \_\_\_\_\_, 2022.

**River Place Crest**

**City of Bastrop, Texas**

  
\_\_\_\_\_  
Phillip Williams  
Great West Development, Inc.

\_\_\_\_\_  
Paul A. Hofmann  
City Manager

ATTEST:

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

\_\_\_\_\_  
Date

APPROVED AS TO FORM:

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

\_\_\_\_\_  
Date

Distribution of Originals:

Developer  
City Secretary  
Planning and Development Department  
Bastrop County Development Services

## ENGINEERS OPINION OF PROBABLE COST

TXDOT SPEC.	COA SPEC.	ITEM NO.	ESTIMATED QUANTITY	DESCRIPTION & UNIT PRICE OF ITEM IN WORDS		UNIT PRICE	TOTAL PRICE
STREET IMPROVEMENTS							
500	700s	1.	1	LS	Mobilization, complete and in place, per unit, for _____ Dollars and _____ Cents.	\$ 40,000.00	\$ 40,000.00
100	102s	2	36	AC	Preparing ROW and Site, including clearing and grubbing for all pad sites, improvements, complete and in place, per unit, for _____ Dollars and _____ Cents.	\$ 2,000.00	\$ 72,000.00
160	601s	3	18,000	CY	Salvage and Stockpile Top Soil from the limits of construction (4" depth avg), complete and in place, per unit, for _____ Dollars and _____ Cents.	\$ 4.00	\$ 72,000.00
247 **	210s	4	19,169	SY	Flexible Base, 8" Thick, Type A, Grade 2, complete and in place, per unit, for _____ Dollars and _____ Cents.	\$ 10.50	\$ 201,279.17
340	340s	5	13,964	SY	Hot Mix Asphaltic Concrete, 2" Thick, Type D, (including prime coat), complete and in place, per unit, for _____ Dollars and _____ Cents.	\$ 14.00	\$ 195,497.56
247 **	210s	6	2,947	SY	Flexible Base, 5" Thick EXTRA on Colorado, Type A, Grade 2, complete and in place, per unit, for _____ Dollars and _____ Cents.	\$ 6.50	\$ 19,154.06
340	340s	7	1,685	SY	Hot Mix Asphaltic Concrete, 2" Thick, Type D, (including prime coat), <b>Shoulder section</b> complete and in place, per unit, for _____ Dollars and _____ Cents.	\$ 14.00	\$ 23,590.00
666 672 685 644	860s 803s 863s	9	1	LS	Striping, pavement markers, traffic signs, warning signs, street signs, object markers (including winged channel posts), poles, brackets and foundations, complete and in place, per unit for _____ Dollar	\$ 20,000.00	\$ 20,000.00
** See detail and geotechnical report for options.							
SUBTOTAL FOR STREET IMPROVEMENTS							\$ 643,520.78

**DRAINAGE IMPROVEMENTS**

464	510s	1	212	LF	RCP Class III, 18" Diameter, complete and in place, per unit, for _____ Dollars and _____ Cents.	\$ 60.00	\$ 12,720.00
464	510s	2	286	LF	RCP Class IV, 18" Diameter, complete and in place, per unit, for _____ Dollars and _____ Cents.	\$ 75.00	\$ 21,450.00
465	506s 410s 403s	3	2	EA	Single 18" 4:1 SETs, complete and in place, per unit, for _____ Dollars and _____ Cents.	\$ 1,500.00	\$ 3,000.00
465	506s	4	3	EA	Double 18" 4:1 SETs, complete and in place, per unit, for _____ Dollars and _____ Cents.	\$ 2,000.00	\$ 6,000.00
465	506s	5		EA	Triple 18" 4:1 SETs, complete and in place, per unit, for _____ Dollars and _____ Cents.	\$ 2,250.00	\$ -

**SUBTOTAL FOR DRAINAGE IMPROVEMENTS****\$ 43,170.00**

**EROSION/SEDIMENTATION CONTROLS**

506	642s	1	5,100	LF	Silt Fence (including maintenance and removal when notified), complete and in place, per unit, for _____ Dollars and _____ Cents.	\$ 1.00	\$ 5,100.00
506	641s	5	1	EA	Stabilized Construction Entrance, complete and in place, per unit, for _____ Dollars and _____ Cents.	\$ 1,500.00	\$ 1,500.00
164 168 166	604s	6	32	AC	Restoration of disturbed areas in accordance with this contract in accordance with Bastrop specifications, complete and in place, per unit, for _____ Dollars and _____ Cents.	\$ 1,500.00	\$ 48,000.00
							\$ 54,600.00

**SUBTOTAL FOR EROSION/SEDIMENTATION CONTROLS****TOTAL OPC PRICE FOR STREET & DRAINAGE****EROSION/SEDIMENTATION CONTROLS, SALES TAX, & CONSTRUCTION STAKING**

WATER AND PRIVATE IMPROVEMENTS ARE EXCLUDED.

\$ 741,290.78



 6-20-2022



# STAFF REPORT

**MEETING DATE:** August 23, 2022

**TITLE:**

Hold a public hearing and consider action to approve the first reading of Ordinance 2022-20 of the City Council of the City of Bastrop, Texas, annexing the Pearl River Development and updating the Municipal Service Plan for 56.620 acres of land out of the Nancy Blakey Survey, Abstract No. 98, located east of FM 969 and north of State Highway 71, as shown in Exhibit A & B, providing for findings of fact, adoption, establishing Place Type Zoning and Character District, repealer, severability, filing and enforcement; establishing an effective date; and proper notice and meeting, and move to include on the September 13, 2022, agenda for the second reading.

**STAFF REPRESENTATIVE:**

Submitted by: Jennifer C. Bills, Director of Planning & Development

**BACKGROUND:**

The applicant has submitted a request for annexation of 56.620 acres in accordance with the Chapter 43 Development Agreement and Addendum that was approved on October 18, 2011. The Development Agreement requires the annexation of the property prior to development, after a sale of the property, or by 2056 (45 years). A Municipal Service Plan was adopted as part of the agreement but must be updated if more than 10 years old (Exhibit B).

Notice of the public hearing was posted in the Bastrop Advertiser in accordance with the Texas Local Government Code, Chapter 43, Subchapter C-3 "Annexation of Area on Request of Owners". Per Section 2.3.003 of the Bastrop Building Block (B<sup>3</sup>) Code, the default zoning upon annexation is Place Type 2 – Rural. Staff is recommending extending the Cattleman's Character District (Chapter 4: Character Districts) which is the designation on the part of the parcel within the City Limits. Extending the city limits of Bastrop will not extend the Extraterritorial Jurisdiction, as the Development Agreement area is part of the City Boundary, as show in Attachment 1. Chapter 43 Development Agreements can be considered the city boundary for annexation and ETJ purposes. This annexation request is accompanied by a Zoning Concept Scheme. The Zoning Concept Scheme cannot be adopted until the annexation is approved by City Council.

**RECOMMENDATION:**

Hold a public hearing and consider action to approve the first reading of Ordinance 2022-20 as presented.

**ATTACHMENTS:**

- Ordinance 2022-20
- Exhibit A: Property Sketch and Metes & Bounds Description
- Exhibit B: Municipal Service Plan
- Attachment 1: Location Map
- Attachment 2: Applicant's Letter
- Attachment 3: Chapter 43 Development Agreement & Addendum

## ORDINANCE 2022-20

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, ANNEXING THE PEARL RIVER DEVELOPMENT AND UPDATING THE MUNICIPAL SERVICE PLAN FOR 56.620 ACRES OF LAND OUT OF THE NANCY BLAKEY SURVEY, ABSTRACT NO. 98, LOCATED EAST OF FM 969 AND NORTH OF STATE HIGHWAY 71, AS SHOWN IN EXHIBIT A & B, PROVIDING FOR FINDINGS OF FACT, ADOPTION, ESTABLISHING ZONING AND CHARACTER DISTRICT, REPEALER, SEVERABILITY, FILING AND ENFORCEMENT; ESTABLISHING AN EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.**

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

**WHEREAS**, on or about June 13, 2022, the applicant, on behalf of the PRC 01 Bastrop, LLC, submitted a request for voluntary annexation of the property in the area described in Exhibit "A" (the "Property"), which is attached hereto and incorporated herein for all purposes; and,

**WHEREAS**, City Council has entered into a written agreement with the owners of land in the area for the provision of services in the area with the Chapter 43 Development Agreement and Addendum on October 25, 2011; and,

**WHEREAS**, the Municipal Service Plan must be updated every 10 years (Exhibit B); and

**WHEREAS**, in accordance with Texas Local Government Code Chapter 43 Subchapter C-3, public notice was given, and a public hearing was held before the City Council regarding the requested annexation; and

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

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

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

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

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

**Section 2:** The property in the area described in Exhibit "A", which is attached hereto and incorporated herein for all purposes, is hereby annexed and brought into the municipal boundaries (i.e., corporate limits) of the City of Bastrop, Texas, and is made an integral part, hereof. The official map and boundaries of the City are hereby amended and revised so as to include the area annexed, and to reflect the expansion of the City's extraterritorial jurisdiction resulting from such annexation.

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

**Section 3:** The base zoning district established is P2 Rural and the Character District established is Cattleman's.

**Section 4:** All ordinances, resolutions, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

**Section 5:** If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, that invalidity or the unenforceability will not affect any other provisions or applications of this Ordinance that can be given effect without the invalid provision.

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

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



bring a civil action to enforce the provisions of this ordinance and to seek remedies as allowed by law and/or equity.

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

**Section 9:** It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

**READ & APPROVED** on First Reading on this the 23<sup>rd</sup> day of August 2022.

**READ & ADOPTED** on the Second Reading on this the 13<sup>th</sup> day of September 2022.

**APPROVED:**

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

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

**Exhibit “B”**

**ANNEXATION SERVICE PLAN**

A METES AND BOUNDS  
DESCRIPTION OF A  
56.620 ACRE TRACT OF LAND

Item 12A.

BEING a 56.620 acre (2,466,385 square feet) tract of land situated in the Nancy Blakey Survey, Abstract 98, Bastrop County, Texas; and being a portion of a tract called "Reserve" on the plat of Lone Star Storage Subdivision, recorded in Cabinet 4, Page 163-A of the Official Public Records of Bastrop County, also being a portion of that certain 74.974 acre tract described in instrument to PRC 01 Bastrop, LLC, recorded in Document No. 202200112 of the Official Public Records of Bastrop County; and being more particularly described by metes and bounds as follows:

COMMENCING, at a "TXDOT" Concrete Monument found marking the southwest corner end of a cutback at the intersection northerly right-of-way line of State Highway 71 (300' right-of-way wide) and the easterly right-of-way line of Farm to Market Road 969 (80' right-of-way wide), and marking the southern-most southwest corner of the herein described tract;

THENCE, in a northwesterly direction along a said Farm to Market Road 969, the following four (4) courses and distances.

1. North 43°37'41" West, 370.98 feet to a "TXDOT" Concrete Monument found for corner;
2. in a northerly direction along a non-tangent curve to the right, having a radius of 2824.79 feet, a chord North 17°41'54" West, 146.68 feet, a central angle of 2°58'32", and an arc length of 146.69 feet to a POINT OF BEGINNING and southwest corner of the herein described tract;
3. in a northerly direction continuing along a tangent curve to the right, having a radius of 2824.79 feet, a chord North 08°36'51" West, 746.83 feet, a central angle of 15°11'33", and an arc length of 749.02 feet to a 1/2-inch iron rod with plastic cap stamped "KHA" set for corner;
4. North 02°26'48" West, 243.14 feet to a 1/2-inch iron rod with plastic cap stamped "KHA" set for corner;

THENCE, North 87°41'49" East, 2687.44 feet departing the westerly right-of-way line of said Farm to Market Road 969 and along the southerly line of Blakey Lane "North Road Segment II" recorded in Volume 1799, Page 356 of the Official Public Records of Bastrop County, to a 1/2-inch iron rod with plastic cap stamped "KHA" set marking the northwest end of a right-of-way cutback curve at the intersection with the westerly line of Duff Drive (60' wide right-of-way) recorded in Cabinet 5, Page 145A of the Amended Plat of Lots 1, 2, and 3, Block A, Burleson Crossing;

THENCE, along westerly line of said Duff Drive, the following five (5) courses and distances;

1. in a southeasterly direction along a non-tangent curve to the right, having a radius of 25.00 feet, a chord South 47°18'11" East, 35.36 feet, a central angle of 90°00'54", and an arc length of 39.28 feet to a 1/2-inch iron rod with plastic cap stamped "KHA" set for a point of curvature;
2. South 02°18'11" East, 211.62 feet to a 1/2-inch iron rod with plastic cap stamped "KHA" set for corner;
3. in a southerly direction along a tangent curve to the left, having a radius of 1030.00 feet, a chord of South 07°52'45" East, 200.16 feet, a central angle of 11°09'07", and an arc length of 200.48 feet to a 1/2-inch iron rod with plastic cap stamped "KHA" set for point of tangency;
4. South 13°27'19" East, 85.21 feet to a 1/2-inch iron rod with plastic cap stamped "KHA" set for a point of curvature;
5. in a southerly direction along a tangent curve to the right, having a radius of 970.00 feet, a chord of South 09°19'29" East, 139.73 feet, a central angle of 08°15'40", and an arc length of 139.86 feet to a 1/2-inch iron rod with plastic cap stamped "KHA" set for corner marking the northwest corner of Lot 1 of a said Lonestar Storage Subdivision;

THENCE, along the northwest boundary line of said Lot 1, the following two (2) courses and distances;

1. South 87°45'06" West, 663.82 feet to a 1/2-inch iron rod with plastic cap stamped "KHA" set for corner;
2. South 02°14'54" East, 330.32 feet to a point for corner;

THENCE, South 87°45'51" West, 2018.62 feet to the POINT OF BEGINNING, and containing 56.620 acres of land in Bastrop County, Texas. The basis of this description is the Texas State Plane Coordinate System, Central Zone (FIPS 4203) (NAD'83). All distances are on the Surface and shown in U.S. Survey Feet. The Combined Surface to Grid Scale Factor is 1.0000139976. This description was generated on 8/8/2022 at 5:40 PM, based on geometry in the drawing file K:\SNA\_Survey\069300300-PEARL RVR-BASTROP 75AC\DWG\Exhibits\56.620 AC - Pearl River Bastrop Core.dwg, in the office of Kimley-Horn and Associates in San Antonio, Texas.



EXHIBIT OF A  
56.620 ACRE  
NANCY BLAKEY SURVEY,  
ABSTRACT NO. 98  
BASTROP COUNTY, TEXAS

JOHN G. MOSIER  
REGISTERED PROFESSIONAL  
LAND SURVEYOR NO. 6330  
601 NW LOOP 410, SUITE 350  
SAN ANTONIO, TEXAS 78216  
PH. 210-541-9166  
greg.mosier@kimley-horn.com

*John G. Mosier*  
8-9-22

**Kimley»Horn**

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San Antonio, Texas 78216 FIRM # 10193973

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www.kimley-horn.com

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	DJG	JGM	8/9/2022	069300300	1 OF 2





0 250 500  
GRAPHIC SCALE IN FEET

#### LEGEND:

P.O.C. = POINT OF COMMENCING

P.O.B. = POINT OF BEGINNING

IRSC = 1/2" IRON ROD W/ "KHA" CAP SET

1/2" IRF = IRON ROD FOUND

1/2" IRFC = IRON ROD FOUND (W/CAP STAMPED "\_\_\_\_")

CMF = CONCRETE MONUMENT FOUND

CAB. = CABINET NUMBER

DOC. = CABINET NUMBER

PG. = PAGE

OPRBC = OFFICIAL PUBLIC RECORDS BASTROP COUNTY

PRBC = DEED AND PLAT RECORDS BASTROP COUNTY

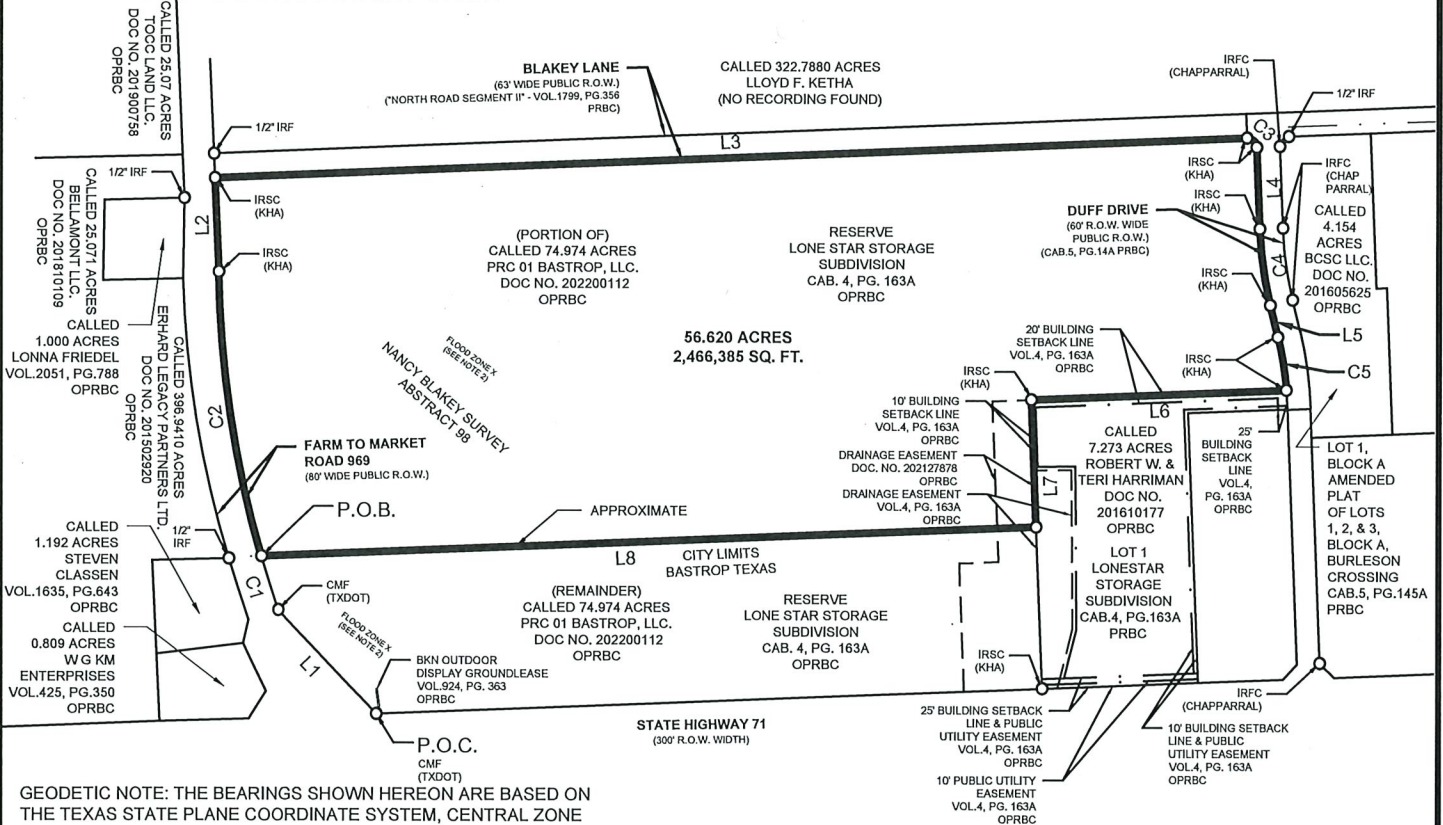
#### CURVE TABLE

NO.	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD
C1	2°58'32"	2824.79'	146.69'	N17°41'54"W	146.68'
C2	15°11'33"	2824.79'	749.02'	N08°36'51"W	746.83'
C3	90°00'54"	25.00'	39.28'	S47°18'11"E	35.36'
C4	11°09'07"	1030.00'	200.48'	S07°52'45"E	200.16'
C5	8°15'40"	970.00'	139.86'	S09°19'29"E	139.73'

#### LINE TABLE

Item 12A.

NO.	BEARING	LENGTH
L1	N43°37'41"W	370.98'
L2	N02°26'48"W	243.14'
L3	N87°41'49"E	2687.44'
L4	S02°18'11"E	211.62'
L5	S13°27'19"E	85.21'
L6	S87°45'06"W	663.82'
L7	S02°14'54"E	330.32'
L8	S87°45'51"W	2018.62'



GEODETIC NOTE: THE BEARINGS SHOWN HEREON ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE (FIPS 4203) (NAD'83), AS DETERMINED BY THE GLOBAL POSITIONING SYSTEM (GPS). ALL DISTANCES SHOWN HEREON ARE ON THE SURFACE. THE COMBINED GRID TO SURFACE SCALE FACTOR FOR THE PROJECT IS 1.0000139976. THE UNIT OF LINEAR MEASUREMENT IS U.S. SURVEY FEET.

CERTIFICATION: THIS IS A LEGAL DESCRIPTION BASED ON A FIELD SURVEY BY KIMLEY-HORN PERSONNEL. NO IMPROVEMENTS ARE SHOWN. ALL EXISTING EASEMENTS ARE NOT SHOWN. THIS IS NOT A LAND TITLE SURVEY. SEE THE SEPARATE LAND TITLE SURVEY UNDER JOB NUMBER 069300300 FOR ADDITIONAL INFORMATION.

JOHN G. MOSIER  
REGISTERED PROFESSIONAL  
LAND SURVEYOR NO. 6330  
601 NW LOOP 410, SUITE 350  
SAN ANTONIO, TEXAS 78216  
PH. 210-541-9166  
greg.mosier@kimley-horn.com



*John G. Mosier*  
8-9-22

EXHIBIT OF A  
56.620 ACRE  
NANCY BLAKEY SURVEY,  
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FIRM # 10193973

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Scale

1" = 500'

Drawn by

DJG

Checked by

JGM

Date

8/9/2022

Project No.

069300300

Sheet No.

2 OF 2

**CITY OF BASTROP  
MUNICIPAL SERVICE PLAN  
FOR ANNEXATION OF LONE STAR STORAGE SUBDIVISION  
RESERVE +/- 56.620 ACRES IN THE A98 NANCY BLAKEY SURVEY  
ADJACENT TO THE CITY OF BASTROP MUNICIPAL LIMITS**

**Owner PRC 01 Bastrop LLC**

**Acreage +/-56.620 Acres**

This Municipal Services Plan (“Plan”) is entered into on 9th day of September and between the City of Bastrop, Texas, a home-rule municipality of the State of Texas (“City”) and PRC 01 Bastrop LLC, a Limited Liability Company (“Owner”).

**RECITALS**

**WHEREAS**, Section 43.0671 of the Local Government Code permits the City to annex an area if each owner of land in an area requests the annexation;

**WHEREAS**, where the City elects to annex such an area, the City is required to enter into a written agreement with the property owner(s) that sets forth the City services to be provided for the Property on or after the effective date of annexation;

**WHEREAS**, the City Council of the City of Bastrop has directed staff to proceed with procedures for the annexation of land generally comprised of approximately 56.52 acres within the Lone Star Storage Subdivision Reserve, A98 Nancy Blakey Survey (Number 5) in Bastrop County, such property being more accurately described and set forth in Exhibit “A” which is attached and incorporated herein (“Property”);

**WHEREAS**, the Property consists of undeveloped land and is agriculturally exempt and a topographical map of the Property is attached hereto as Exhibit “B”;

**WHEREAS**, this Plan is made by the City pursuant to Sections 43.056 of the Texas Local Government Code (“LGC”);

**WHEREAS**, the provisions of this Plan were made available for public inspection and explained to the public at the two public hearings held by the City on August 23, 2022 and September 9, 2022 in accordance with Sections 43.056 and 43.063 of the LGC; and

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

The parties agree that the foregoing recitals are true and correct and form the basis upon which the parties have entered into this Plan.

## **TERM OF SERVICE PLAN**

Pursuant to Section 43.056 of the Local Government Code, this Plan shall be in effect for a ten (10) year period, commencing on the effective date of the ordinance approving the annexation. Renewal of the Plan shall be at the discretion of the City Council and must be accomplished by ordinance.

## **INTENT**

It is the intent of the City of Bastrop that services under this Plan shall provide full municipal services as required and defined by the Texas Local Government Code.

## **FIRE**

*Existing Services:* ESD #2

*Services to be Provided:* The City of Bastrop intends to submit a petition to remove the area from ESD #2 territory, per the Health and Safety Code, Section 775.022 (a) to become the sole provider of emergency services to the annexed area. Until the petition process is complete, fire suppression will continue to be provided from ESD #2, as provided by such service provider's authorized service plans and approved areas, and as approved by the citizens in the election for ESD services for this tract.

ESD #2 fire suppression services may, however, be supplemented by services provided by the Bastrop Fire Department and ESD #1 pursuant to mutual aid and/or interlocal policies, and agreements. If so, such fire response services will be provided from Bastrop Fire Department (Bastrop Station No. 2) located on 120 Corporate Drive in Bastrop, Texas, or ESD #1, Still Forest Station (Bluebonnet No. 1) located on 213 Still Forest Drive in Cedar Creek, Texas, or future stations located in proximity to the Property. Adequate supplemental fire suppression activities by the Bastrop Fire Department may be afforded to the Property within City's current budget appropriation.

In addition, fire prevention activities will be provided by the City of Bastrop's Fire Marshall's office, as needed.

ESD Service areas are shown on attached Exhibit "C."

## **POLICE**

*Existing Services:* Bastrop County Sheriff's Department

*Services to be Provided:* Upon annexation, the City of Bastrop Police Department will extend regular and routine patrols to the Property. Thus, law enforcement protection will be provided to this Property in the same manner as it is currently provided to other similarly situated land

within the corporate limits of the City. These services include routine police patrols and responses to calls, handling of complaints and incident reports, service by special units, such as traffic enforcement, criminal investigations, narcotics, gang suppression, and special tactics team. In addition, the City Code Enforcement and Animal Control Services will be provided by the City of Bastrop to the Property, as appropriate. It is anticipated that the implementation of City's Police Department, Animal Control, and Code Enforcement activities can be effectively accommodated within the City's current budget and staff appropriation.

### **EMERGENCY MEDICAL SERVICE**

*Existing Services:* Bastrop County/Acadian EMS

*Services to be Provided:* Bastrop County/Acadian EMS will continue to provide emergency and safety services to the Property, pursuant to existing agreements.

### **BUILDING INSPECTION**

*Existing Services:* None

*Services to be Provided:* Upon annexation, the City of Bastrop's Building Inspection Department will provide Building Code Enforcement Services. These services will include issuing building permits as well as issuing electrical, HVAC and plumbing permits, for any new construction and remodeling. Upon annexation, the Building Inspection Department will also assist in issuance and enforcement activities related to all other applicable City of Bastrop Codes and regulations which apply to building construction within the City of Bastrop. It is anticipated that the implementation of City's Building Inspection Department activities can be effectively accommodated within the City's current budget and staff appropriation.

### **PLANNING AND DEVELOPMENT - SUBDIVISION AND DEVELOPMENT**

*Existing Services:* None

*Services to be Provided:* The Planning and Development Department's responsibility for regulating development and land use through the administration of the City of Bastrop Zoning Ordinance will extend to this Property on the effective date of the annexation. The annexed tract will also continue to be regulated under the requirements of the City of Bastrop Subdivision Ordinance. These services can be provided within the department's current budget. The Plan's services include: site plan review, zoning approvals, sign regulations, platting, and construction services. For a complete list and description of all Planning, Zoning, Subdivision and Development services that will be provided by the City, see the City's Code of Ordinances, Chapter 10 and Chapter 14. It is anticipated that the implementation of these activities can be effectively accommodated within the City's current budget and staff appropriation.

### **LIBRARY**



*Existing Services:* City

*Services to be Provided:* Upon annexation, the City of Bastrop's municipal library use privileges will continue to be provided by the City to persons residing in the Property. It is anticipated that the implementation of these Library activities can be effectively accommodated within the City's current budget and staff appropriation.

## **HEALTH CODE SERVICE**

*Existing Services:* Bastrop County

*Services to be Provided:* Upon the effective date of the annexation, the Bastrop County Health Department will continue to oversee the enforcement of the State, County, and City of Bastrop's health ordinances and regulations, for example those related to inspections of commercial kitchens, mobile food vendors, food preparation establishments, and handling operations.

The City will perform other enforcement of the City of Bastrop's health and sanitation ordinances and regulations, including but not limited to weed, brush control, and control over junked and abandoned vehicles. This service will be provided by the City's Code Enforcement Department and Police Department, and shall begin in this Property on the effective date of the annexation. Additionally, the City's control of dilapidated structures will be handled by the City pursuant to its regulations and Code. It is anticipated that the implementation of these activities can be effectively accommodated within the City's current budget and staff appropriation.

## **STREET**

*Existing Services:* State of Texas ("TxDOT") and Bastrop County

*Services to be Provided:* Upon annexation, the City of Bastrop's Public Works Department will maintain public streets over which the City has jurisdiction. Maintenance to the street facilities will continue to be provided in accordance with the City's policies and procedures for City streets and roadways. Bastrop County shall continue to be responsible for County Roads, and TxDOT shall continue to be responsible for State of Texas highways and farm to market roadways, pursuant to their statutory authorities.

As new subdivisions and development occurs within the Property, the developers of property will be required to dedicate appropriate right-of-way and construct City streets in accordance with the City of Bastrop's Subdivision Code, regulations, and policies that are in place at the time of the development. Upon completion of, dedication to, and the City's acceptance of, new streets and public rights-of-way, the City shall provide on-going operation and maintenance for those streets, rights-of way, and roadways. Emergency street maintenance to street facilities not otherwise maintained by the County or TxDOT, under their respective

governmental authority, will be provided by the City, as of the effective date of the annexation. Routine maintenance of City streets and roadways will be scheduled as part of the City's annual street maintenance program, in accordance with the current policies and procedures of the City. It is anticipated that the implementation of these activities can be effectively accommodated within the City's current budget and staff appropriation.

## **STORM WATER MANAGEMENT**

*Existing Services:* Bastrop County

*Services to be Provided:* Upon annexation, the City Public Works Department and Planning and Development Department will provide maintenance on existing public drainage systems and floodplain management in the Property. The same standard of drainage maintenance and floodplain regulations provided to other residents of the City, as per the City's regulations and Code in effect at the time of development, shall be provided to property owners within the Property. Developers will provide storm water drainage and meet floodplain requirements as per the City's Code, regulations, and policies, and such facilities will be inspected by the City's Engineer at the time of completion of such facilities. The City will maintain public drainage facilities within the City right-of-way, as per the City's Code, regulations, and policies. It is anticipated that the implementation of these activities can be effectively accommodated within the City's current budget and staff appropriation.

## **STREET LIGHTING**

*Existing Services:* None

*Services to be Provided:* Upon annexation, the City of Bastrop will maintain public street lighting over which the City has jurisdiction, and as part of this municipal service, will coordinate any request for improved street lighting with the appropriate and certificated electric provider, in accordance with State and local laws, and the City's and other providers' policies and agreements. It is the policy of the City of Bastrop that adequate street lighting for the protection of the public and property be installed in all new subdivisions. Installation procedures and acceptable standards for street lights shall be governed by the utility standards of the City of Bastrop in effect at the time of subdivision construction or additions thereto. It is anticipated that the implementation of these activities can be effectively accommodated within the City's current budget and staff appropriation.

Emergency street maintenance to street facilities not otherwise maintained by the County or TxDOT, under their respective governmental authority, will be provided by the City, as of the effective date of the annexation. Routine maintenance of City streets and roadways will be scheduled as part of the City's annual street maintenance program, in accordance with the current policies and procedures of the City. It is anticipated that the implementation of these activities can be effectively accommodated within the City's current budget and staff appropriation.

## **WATER SERVICE**

*Existing Services:* Aqua Water Supply Corporation

*Services to be Provided:* Water service to the Property will be provided by Aqua Water Supply Corporation in accordance with the applicable State law and City Codes, regulations, and/or policies applicable to the certified service areas. When property develops, water service shall be provided in accordance with State law or contractual agreements in effect and controlling the areas to be served. When applicable, extension of service by the City shall comply with the City's Code, regulations, and policies. It is anticipated that the implementation of these activities can be effectively accommodated within the City's current budget and staff appropriation.

Water CCN area is shown on attached Exhibit "D."

### **SANITARY SEWER SERVICE/WASTEWATER SERVICE**

*Existing Services:* None – On-Site Septic Facilities

*Services to be Provided:* Sanitary sewer service to the Property will be provided in accordance with applicable State and local regulations and policies and in accord with all applicable laws, and Codes. As property develops in the future, the sanitary sewer service shall be provided in accordance with the then existing City policies, Codes, regulations, and policies in effect at that time and as applicable to similarly situated tracts located within the City's corporate limits, including, when applicable, the City's then existing extension Ordinance and/or policy.

Wastewater CCN area is shown on attached Exhibit "E."

### **SOLID WASTE SERVICES**

*Existing Services:* Varies, by contract.

*Services to be Provided:* If, at the date of annexation, controlling private solid waste service contracts are in place between property owners and service providers within the Property, property owners may elect to continue to have such services pursuant to the contracts for up to 2 years following annexation. At the end of two (2) years, or earlier if desired by the property owners, solid waste services to the Property will be provided as per the City's then existing franchises, contracts, or agreements. At this time, solid waste collection in the City of Bastrop is provided by Waste Connections, pursuant to a franchise ordinance controlling the terms of such service. Solid waste collection and disposal services shall comply with existing City policies and regulations. City of Bastrop services available for the City's residential customers (via Waste Connections) currently includes garbage, recycling, and yard trimmings collection. It is anticipated that the implementation of these activities can be effectively accommodated within the City's current budget and staff appropriation.

### **PARKS AND RECREATION**

*Existing Services:* None

*Services to be Provided:* No City parks, playgrounds, and/or swimming pools exist within the Property, as of the time of annexation. At the time, such parks and recreational facilities are developed in the Property, the City of Bastrop's standards and policies in force within the City limits at that time will be followed in maintaining and expanding recreational facilities to serve the Property. Upon annexation, the owners and residents of property located within the Property shall be entitled to the use of all City of Bastrop parks and recreational facilities, subject to the same restrictions, fees, and availability that pertains to the use of those facilities by other citizens of the City. It is anticipated that the implementation of these activities can be effectively accommodated within the City's current budget and staff appropriation.

### **BUSINESS LICENSES AND REGULATIONS**

*Existing Services:* None

*Services to be Provided:* At the time of annexation, existing businesses shall be grandfathered for continuing operation. Otherwise, upon annexation, the provisions of Chapter 4 of the City Code of Ordinances relating to business licenses and regulations (Carnivals Circuses and Other Exhibitions; Electrician's Licenses; Gross Receipts Charge or Street Rental; Peddlers and Solicitors; Taxicabs, Buses and Other Vehicles for Hire; Horse Drawn Carriages and other Non- Motorized Vehicles for Hire; Sexually Oriented Businesses; and Alcoholic Beverages) shall apply in the Property. It is anticipated that the implementation of these activities can be effectively accommodated within the City's current budget and staff appropriation.

### **ELECTRIC SERVICE**

*Existing Services:* Bluebonnet Electric Cooperative

*Services to be Provided:* Bluebonnet Electric will continue to provide electric utility service to all areas in which it is the authorized provider, pursuant to its authority granted by the State and/or the Public Utility Commission of Texas.

Bluebonnet's Electric CCN area is shown on attached Exhibit "F."

### **TRAFFIC ENGINEERING**

*Existing Services:* None

*Services to be Provided:* The City of Bastrop's Public Works Department will provide, after the effective date of annexation, any additional traffic control devices as may be deemed necessary by the City.

Traffic engineering, upon development in the Property, shall comply with City of Bastrop

Codes, regulations, and policies in effect at that time. It is anticipated that the implementation of these activities can be effectively accommodated within the City's current budget and staff appropriation.

### **MISCELLANEOUS**

All other applicable municipal services will be provided to the Property in accordance with the City of Bastrop's established policies governing extension of municipal services to newly annexed and similarly situated areas.

### **CAPITAL IMPROVEMENTS, AVAILABILITY, AND LEVEL OF SERVICES**

The Property annexed in 2022 will be included with all other areas of the City for future planning for any new or expanded facilities, functions, and services to be funded by future capital improvements programs of the City. The priorities assigned by these plans are driven by a desire to maintain an equitable level of service to all areas of the City, with the same population density, land use, and topographical characteristics, and in accord with State and local laws.

Nothing in this plan shall require that the City provide a uniform level or municipal service to each area of the City, including annexed areas, if different characteristics of topography, land use, and population densities are sufficiently distinct to justify a different level of service by the City, or when other service providers areas of service and/or other existing contractual agreements provide for such service.

### **AMENDMENTS**

The City Council may amend the Service Plan to conform to the changed conditions or subsequent occurrences pursuant to the Texas Local Government Code or accommodate significant changes in the population and density characteristics of the 2022 Annexation Area.

### **USE OF PROPERTY**

In accordance with Texas Local Government Code Section 43.002, Continuation of Land Use, all legal uses of property in the 2022 Annexation Area shall be allowed by the City to continue in the manner in which the property was being used on May 23, 2003.

### **CONFLICTS**

In the event that any provision of this Service Plan conflicts with any other plan, comprehensive plan, or program of the City of Bastrop, the provision contained in this Service Plan shall control.

### **STAFFING**

Staffing of City services will be provided to the level necessary to provide equal services to all

residents.

### **SERVICE LEVEL**

The City will provide the Property with a level of services, infrastructure, and infrastructure maintenance that is comparable to the level of services, infrastructure, and infrastructure maintenance available in other parts of the City with topography, land use, and population density similar to those reasonably contemplated or projected for the Property.

### **AUTHORITY**

City and Owner represent that they have full power, authority and legal right to execute, deliver and perform their obligations pursuant to this Plan. Owner acknowledges that approval of the Annexation Case is within the sole jurisdiction of the City Council. Nothing in this Plan guarantees favorable decisions by the City Council.

### **SEVERABILITY**

If any part, term, or provision of this Plan is held by the courts to be illegal, invalid, or otherwise unenforceable, such illegality, invalidity, or unenforceability will not affect the validity of any other part, term or provision, and the rights of the parties will be construed as if the part, term, or provision was never part of the Plan.

### **GOVERNING LAW AND VENUE**

The parties to this Plan covenant and agree that in any litigation relating to this Plan, the terms and conditions of the Plan will be interpreted according to the laws of the State of Texas and construed in conformity with the provisions of Texas Local Government Code Chapter 43. Venue shall be located in Bastrop County, Texas.

### **NO WAIVER**

The failure of either party to insist upon the performance of any term or provision of this Plan or to exercise any right granted hereunder shall not constitute a waiver of that party's right to insist upon appropriate performance or to assert any such right on any future occasion.

### **GOVERNMENTAL POWERS**

It is understood that by execution of this Plan, the City does not waive or surrender any of its governmental powers or immunities.

### **COUNTERPARTS**

This Plan may be executed in any number of counterparts, each of which shall be deemed an original and constitute one and the same instrument.

**CAPTIONS**

The captions to the various clauses of this Plan are for informational purposes only and shall not alter the substance of the terms and conditions of this Plan.

**AGREEMENT BINDS AND BENEFITS SUCCESSORS AND RUNS WITH THE LAND**

This Plan is binding on and inures to the benefit of the parties, their successors, and assigns. The terms of this Plan constitute covenants running with the land comprising the Property, is binding on the Owner and the City, and is enforceable by any current or future owner of any portion of the Property.

**ENTIRE AGREEMENT**

This Plan constitutes the entire agreement between the parties and supersedes all prior oral and written agreements between said parties. This Plan shall not be amended unless executed in writing by both parties.

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

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

Attest:

By: \_\_\_\_\_

Name: Ann Franklin

Title: City Secretary

By: \_\_\_\_\_

Name: Trey Job

Title: Acting City Manager

**THE STATE OF TEXAS §**  
**COUNTY OF BASTROP §**

This instrument was acknowledged before me on this \_\_\_\_ day of \_\_\_\_\_, 2022, by Paul A. Hofmann, City Manager of the City of Bastrop, Texas, a Texas home-rule municipal corporation, on behalf of said corporation.

By: \_\_\_\_\_

Notary Public, State of Texas

**OWNER:**

**PRC 01 LLC**

a Limited Liability Company

By: \_\_\_\_\_

Name:

Title: Representative

**State of Texas §**

**County of Bastrop §**

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
by \_\_\_\_\_, \_\_\_\_\_ of City of Bastrop, a Texas Home-Rule municipality, on behalf of  
said municipality.

By: \_\_\_\_\_

Notary Public, State of Texas



A METES AND BOUNDS  
DESCRIPTION OF A  
56.620 ACRE TRACT OF LAND

Item 12A.

BEING a 56.620 acre (2,466,385 square feet) tract of land situated in the Nancy Blakey Survey, Abstract 98, Bastrop County, Texas; and being a portion of a tract called "Reserve" on the plat of Lone Star Storage Subdivision, recorded in Cabinet 4, Page 163-A of the Official Public Records of Bastrop County, also being a portion of that certain 74.974 acre tract described in instrument to PRC 01 Bastrop, LLC, recorded in Document No. 202200112 of the Official Public Records of Bastrop County; and being more particularly described by metes and bounds as follows:

COMMENCING, at a "TXDOT" Concrete Monument found marking the southwest corner end of a cutback at the intersection northerly right-of-way line of State Highway 71 (300' right-of-way wide) and the easterly right-of-way line of Farm to Market Road 969 (80' right-of-way wide), and marking the southern-most southwest corner of the herein described tract;

THENCE, in a northwesterly direction along a said Farm to Market Road 969, the following four (4) courses and distances.

1. North 43°37'41" West, 370.98 feet to a "TXDOT" Concrete Monument found for corner;
2. in a northerly direction along a non-tangent curve to the right, having a radius of 2824.79 feet, a chord North 17°41'54" West, 146.68 feet, a central angle of 2°58'32", and an arc length of 146.69 feet to a POINT OF BEGINNING and southwest corner of the herein described tract;
3. in a northerly direction continuing along a tangent curve to the right, having a radius of 2824.79 feet, a chord North 08°36'51" West, 746.83 feet, a central angle of 15°11'33", and an arc length of 749.02 feet to a 1/2-inch iron rod with plastic cap stamped "KHA" set for corner;
4. North 02°26'48" West, 243.14 feet to a 1/2-inch iron rod with plastic cap stamped "KHA" set for corner;

THENCE, North 87°41'49" East, 2687.44 feet departing the westerly right-of-way line of said Farm to Market Road 969 and along the southerly line of Blakey Lane "North Road Segment II" recorded in Volume 1799, Page 356 of the Official Public Records of Bastrop County, to a 1/2-inch iron rod with plastic cap stamped "KHA" set marking the northwest end of a right-of-way cutback curve at the intersection with the westerly line of Duff Drive (60' wide right-of-way) recorded in Cabinet 5, Page 145A of the Amended Plat of Lots 1, 2, and 3, Block A, Burleson Crossing;

THENCE, along westerly line of said Duff Drive, the following five (5) courses and distances;

1. in a southeasterly direction along a non-tangent curve to the right, having a radius of 25.00 feet, a chord South 47°18'11" East, 35.36 feet, a central angle of 90°00'54", and an arc length of 39.28 feet to a 1/2-inch iron rod with plastic cap stamped "KHA" set for a point of curvature;
2. South 02°18'11" East, 211.62 feet to a 1/2-inch iron rod with plastic cap stamped "KHA" set for corner;
3. in a southerly direction along a tangent curve to the left, having a radius of 1030.00 feet, a chord of South 07°52'45" East, 200.16 feet, a central angle of 11°09'07", and an arc length of 200.48 feet to a 1/2-inch iron rod with plastic cap stamped "KHA" set for point of tangency;
4. South 13°27'19" East, 85.21 feet to a 1/2-inch iron rod with plastic cap stamped "KHA" set for a point of curvature;
5. in a southerly direction along a tangent curve to the right, having a radius of 970.00 feet, a chord of South 09°19'29" East, 139.73 feet, a central angle of 08°15'40", and an arc length of 139.86 feet to a 1/2-inch iron rod with plastic cap stamped "KHA" set for corner marking the northwest corner of Lot 1 of a said Lonestar Storage Subdivision;

THENCE, along the northwest boundary line of said Lot 1, the following two (2) courses and distances;

1. South 87°45'06" West, 663.82 feet to a 1/2-inch iron rod with plastic cap stamped "KHA" set for corner;
2. South 02°14'54" East, 330.32 feet to a point for corner;

THENCE, South 87°45'51" West, 2018.62 feet to the POINT OF BEGINNING, and containing 56.620 acres of land in Bastrop County, Texas. The basis of this description is the Texas State Plane Coordinate System, Central Zone (FIPS 4203) (NAD'83). All distances are on the Surface and shown in U.S. Survey Feet. The Combined Surface to Grid Scale Factor is 1.0000139976. This description was generated on 8/8/2022 at 5:40 PM, based on geometry in the drawing file K:\SNA\_Survey\069300300-PEARL RVR-BASTROP 75AC\DWG\Exhibits\56.620 AC - Pearl River Bastrop Core.dwg, in the office of Kimley-Horn and Associates in San Antonio, Texas.



EXHIBIT OF A  
56.620 ACRE  
NANCY BLAKEY SURVEY,  
ABSTRACT NO. 98  
BASTROP COUNTY, TEXAS

JOHN G. MOSIER  
REGISTERED PROFESSIONAL  
LAND SURVEYOR NO. 6330  
601 NW LOOP 410, SUITE 350  
SAN ANTONIO, TEXAS 78216  
PH. 210-541-9166  
greg.mosier@kimley-horn.com

*John G. Mosier*  
8-9-22

**Kimley»Horn**

10101 Reunion Place, Suite 400  
San Antonio, Texas 78216 FIRM # 10193973

Tel. No. (210) 541-9166  
www.kimley-horn.com

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	DJG	JGM	8/9/2022	069300300	1 OF 2





0 250 500

GRAPHIC SCALE IN FEET

#### LEGEND:

P.O.C. = POINT OF COMMENCING

P.O.B. = POINT OF BEGINNING

IRSC = 1/2" IRON ROD W/ "KHA" CAP SET

1/2" IRF = IRON ROD FOUND

1/2" IRFC = IRON ROD FOUND (W/CAP STAMPED "\_\_\_\_")

CMF = CONCRETE MONUMENT FOUND

CAB. = CABINET NUMBER

DOC. = CABINET NUMBER

PG. = PAGE

OPRBC = OFFICIAL PUBLIC RECORDS BASTROP COUNTY

PRBC = DEED AND PLAT RECORDS BASTROP COUNTY

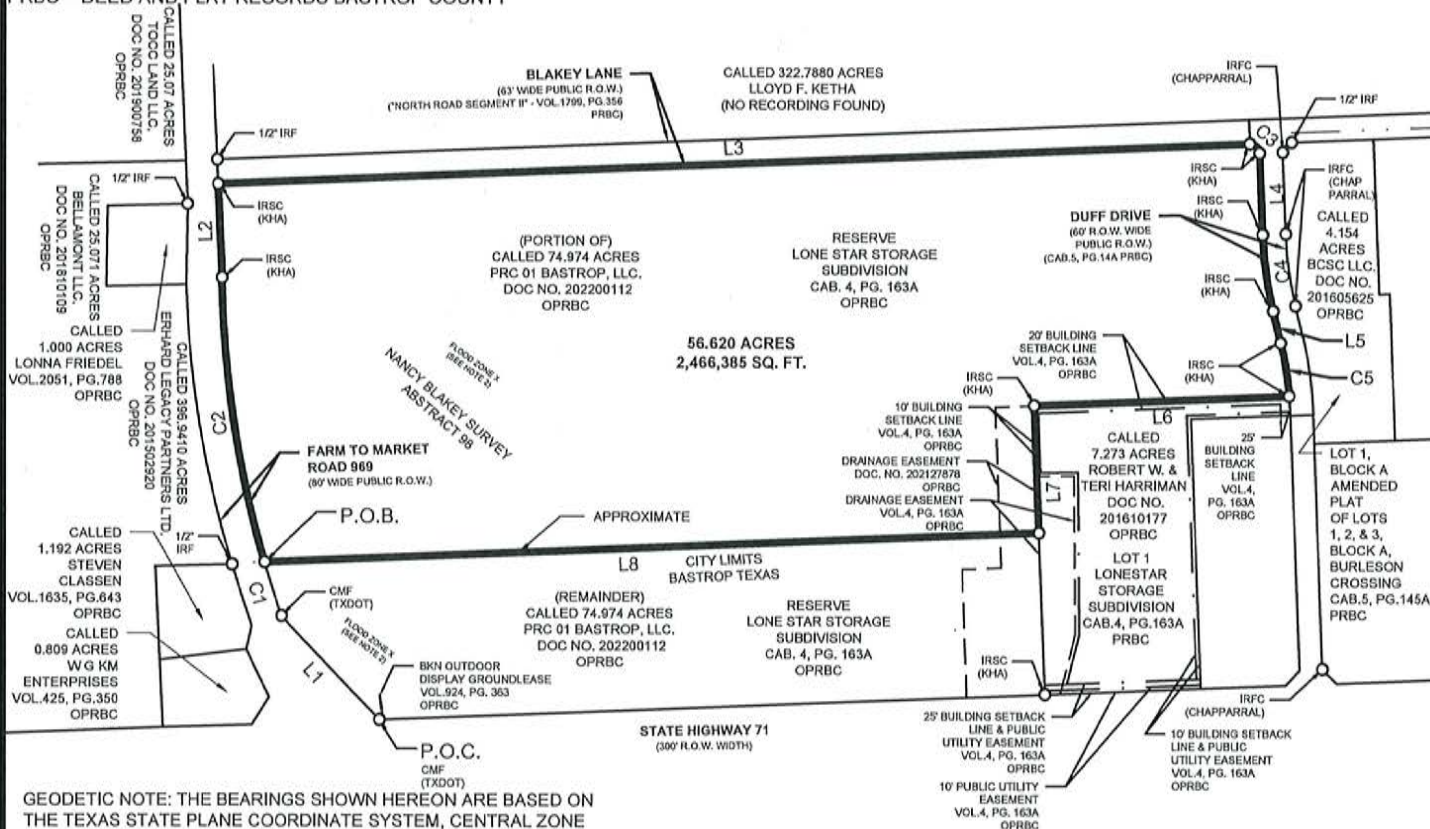
#### CURVE TABLE

NO.	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD
C1	2°58'32"	2824.79'	146.69'	N17°41'54"W	146.68'
C2	15°11'33"	2824.79'	749.02'	N08°36'51"W	746.83'
C3	90°00'54"	25.00'	39.28'	S47°18'11"E	35.36'
C4	11°09'07"	1030.00'	200.48'	S07°52'45"E	200.16'
C5	8°15'40"	970.00'	139.86'	S09°19'29"E	139.73'

#### LINE TABLE

Item 12A.

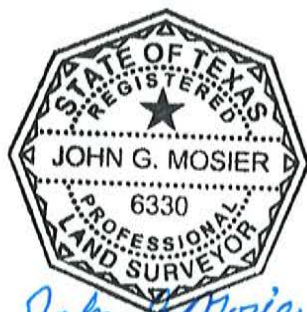
NO.	BEARING	LENGTH
L1	N43°37'41"W	370.98'
L2	N02°26'48"W	243.14'
L3	N87°41'49"E	2687.44'
L4	S02°18'11"E	211.62'
L5	S13°27'19"E	85.21'
L6	S87°45'06"W	663.82'
L7	S02°14'54"E	330.32'
L8	S87°45'51"W	2018.62'



GEODETTIC NOTE: THE BEARINGS SHOWN HEREON ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE (FIPS 4203) (NAD'83), AS DETERMINED BY THE GLOBAL POSITIONING SYSTEM (GPS). ALL DISTANCES SHOWN HEREON ARE ON THE SURFACE. THE COMBINED GRID TO SURFACE SCALE FACTOR FOR THE PROJECT IS 1.0000139976. THE UNIT OF LINEAR MEASUREMENT IS U.S. SURVEY FEET.

CERTIFICATION: THIS IS A LEGAL DESCRIPTION BASED ON A FIELD SURVEY BY KIMLEY-HORN PERSONNEL. NO IMPROVEMENTS ARE SHOWN. ALL EXISTING EASEMENTS ARE NOT SHOWN. THIS IS NOT A LAND TITLE SURVEY. SEE THE SEPARATE LAND TITLE SURVEY UNDER JOB NUMBER 069300300 FOR ADDITIONAL INFORMATION.

JOHN G. MOSIER  
REGISTERED PROFESSIONAL  
LAND SURVEYOR NO. 6330  
601 NW LOOP 410, SUITE 350  
SAN ANTONIO, TEXAS 78216  
PH. 210-541-9166  
greg.mosier@kimley-horn.com



*John G. Mosier*  
8-9-22

**EXHIBIT OF A**  
**56.620 ACRE**  
**NANCY BLAKEY SURVEY,**  
**ABSTRACT NO. 98**  
**BASTROP COUNTY, TEXAS**

**Kimley»Horn**

10101 Reunion Place, Suite 400

San Antonio, Texas 78216

FIRM # 10193973

Tel. No. (210) 541-9166

www.kimley-horn.com

Scale

1" = 500'

Drawn by

DJG

Checked by

JGM

Date

8/9/2022

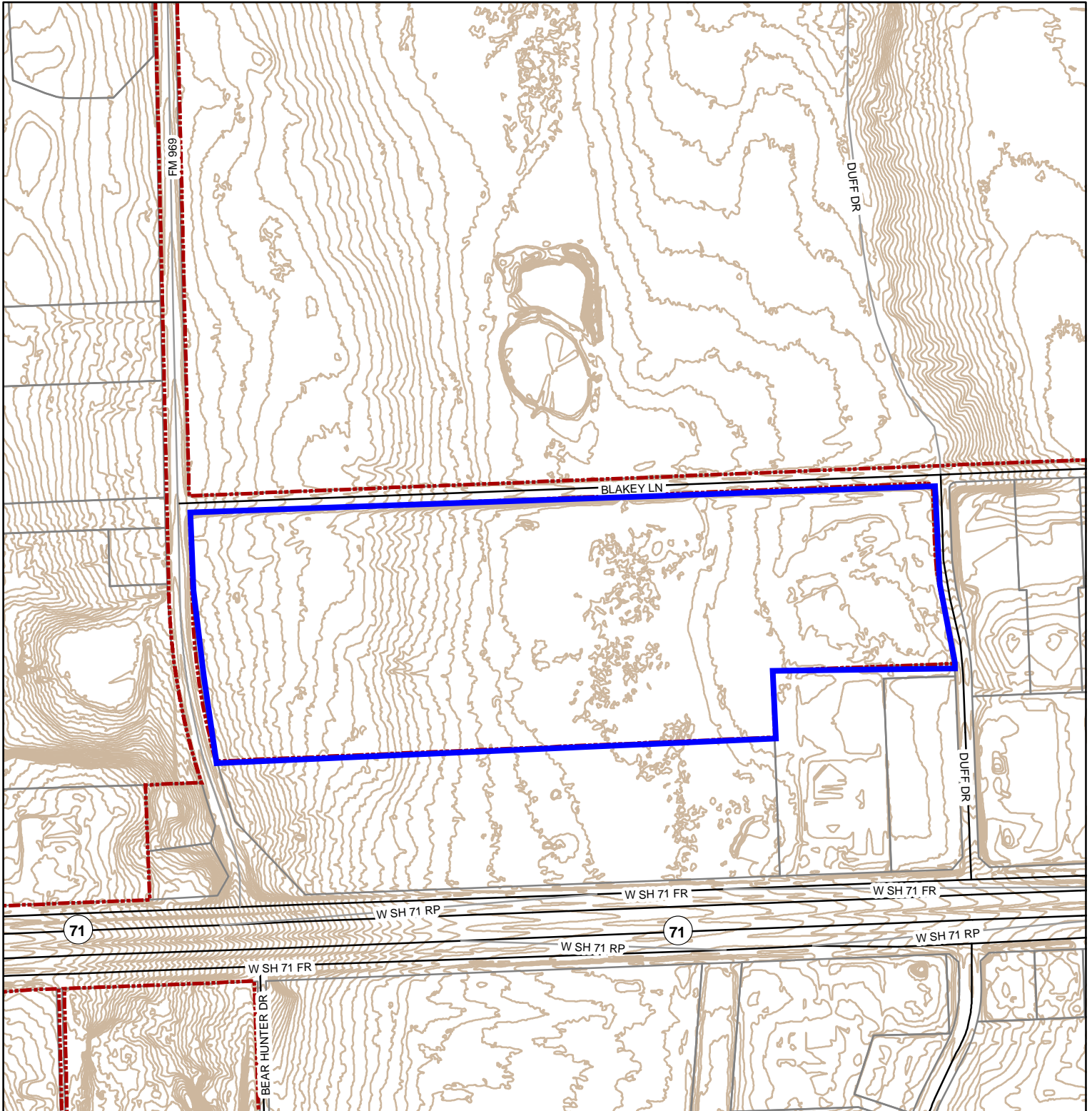
Project No.

069300300

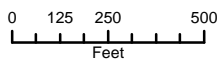
Sheet No.

2 OF 2

# Location Map



## Topographic Map



1 inch = 500 feet

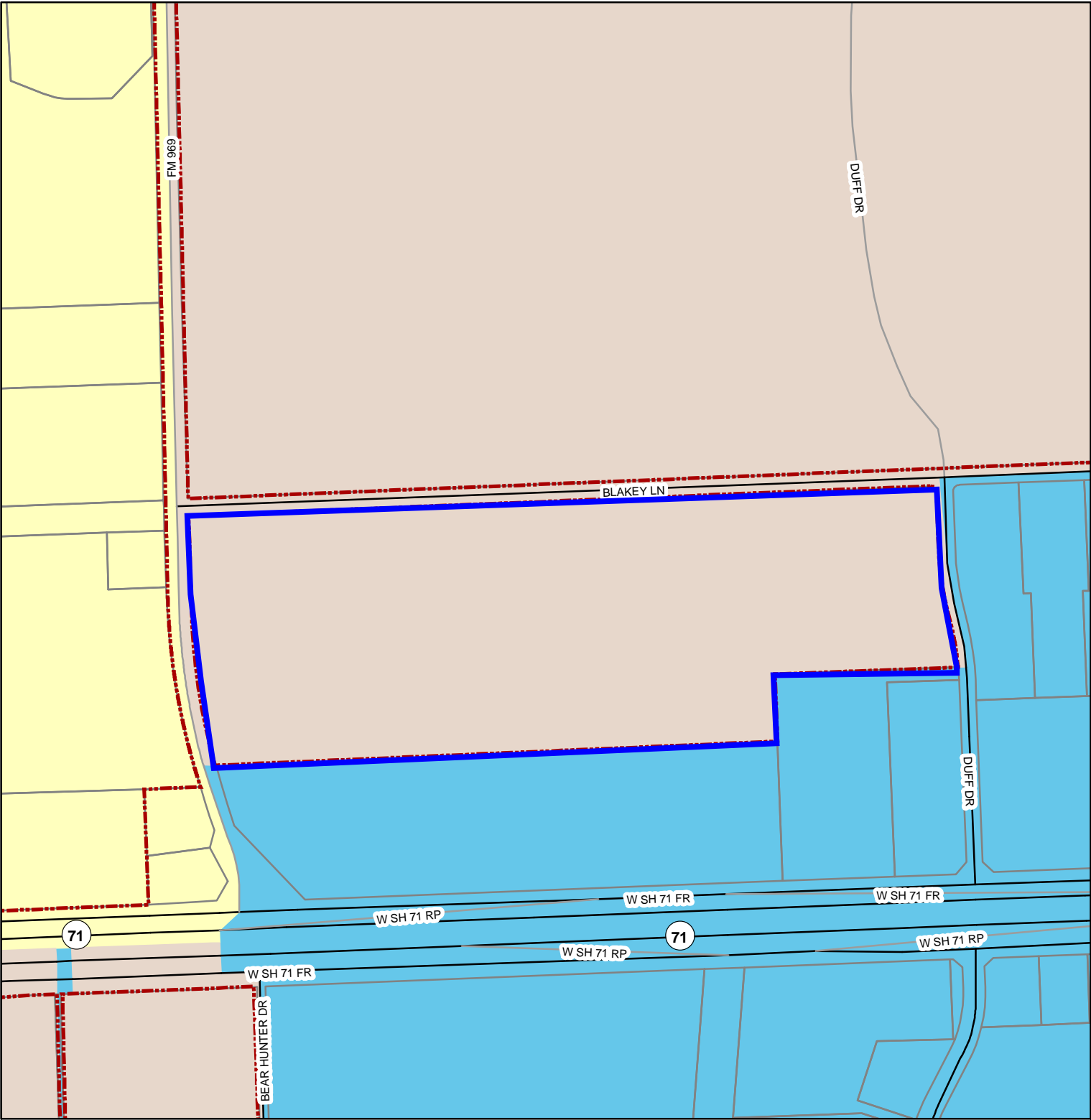
Date: 5/10/2022

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 this information, nor does it represent that its use will not infringe upon privately owned rights.





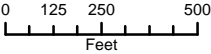
Location Map



- Legend**
- BCESD 2
  - BCESD 1
  - City of Bastrop Fire

Emergency Service Zones

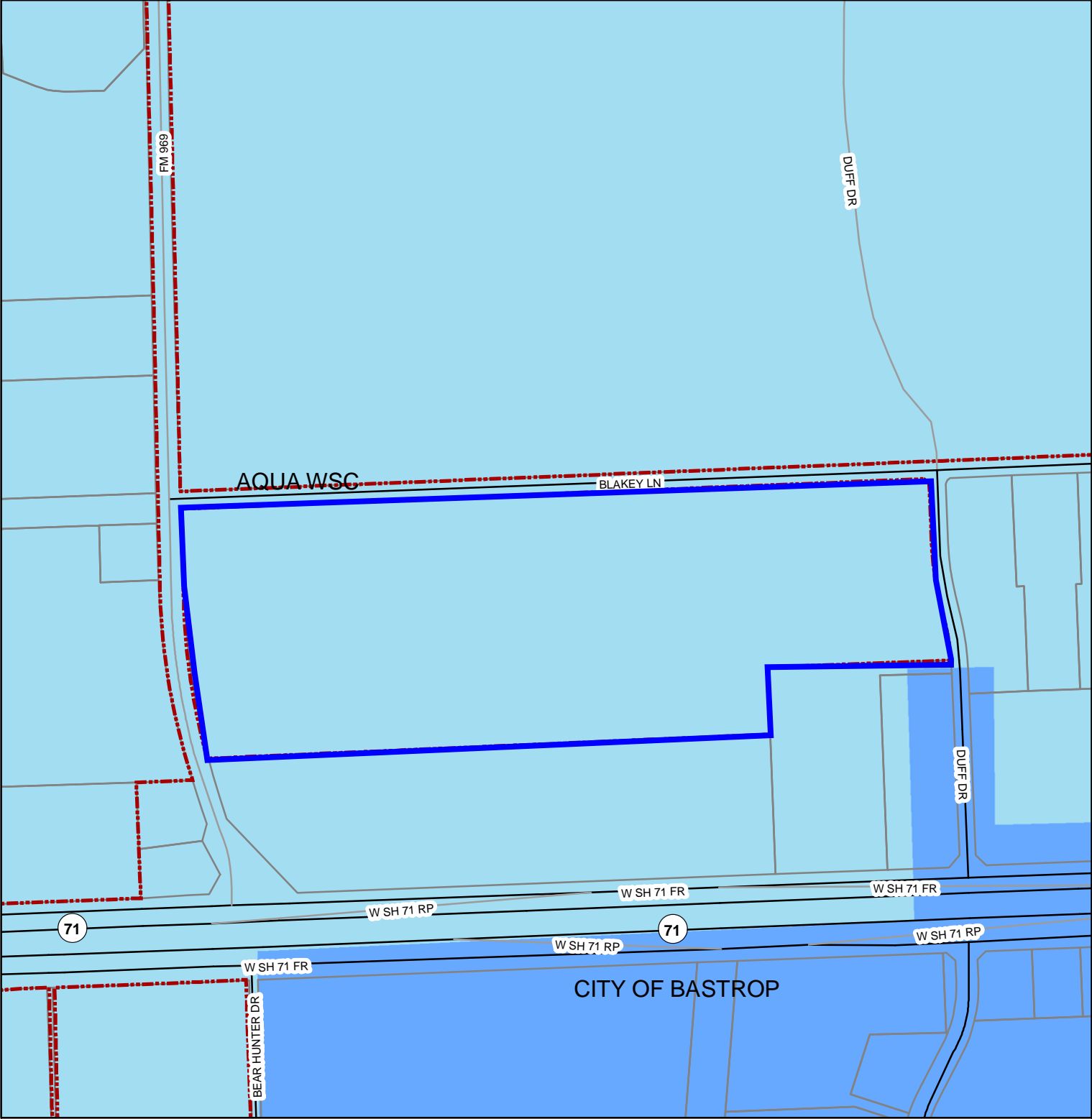
1 inch = 500 feet



Date: 5/10/2022

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Location Map



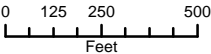
**Legend**

**Water CCN**

- AQUA WSC
- CITY OF BASTROP

Water CCN

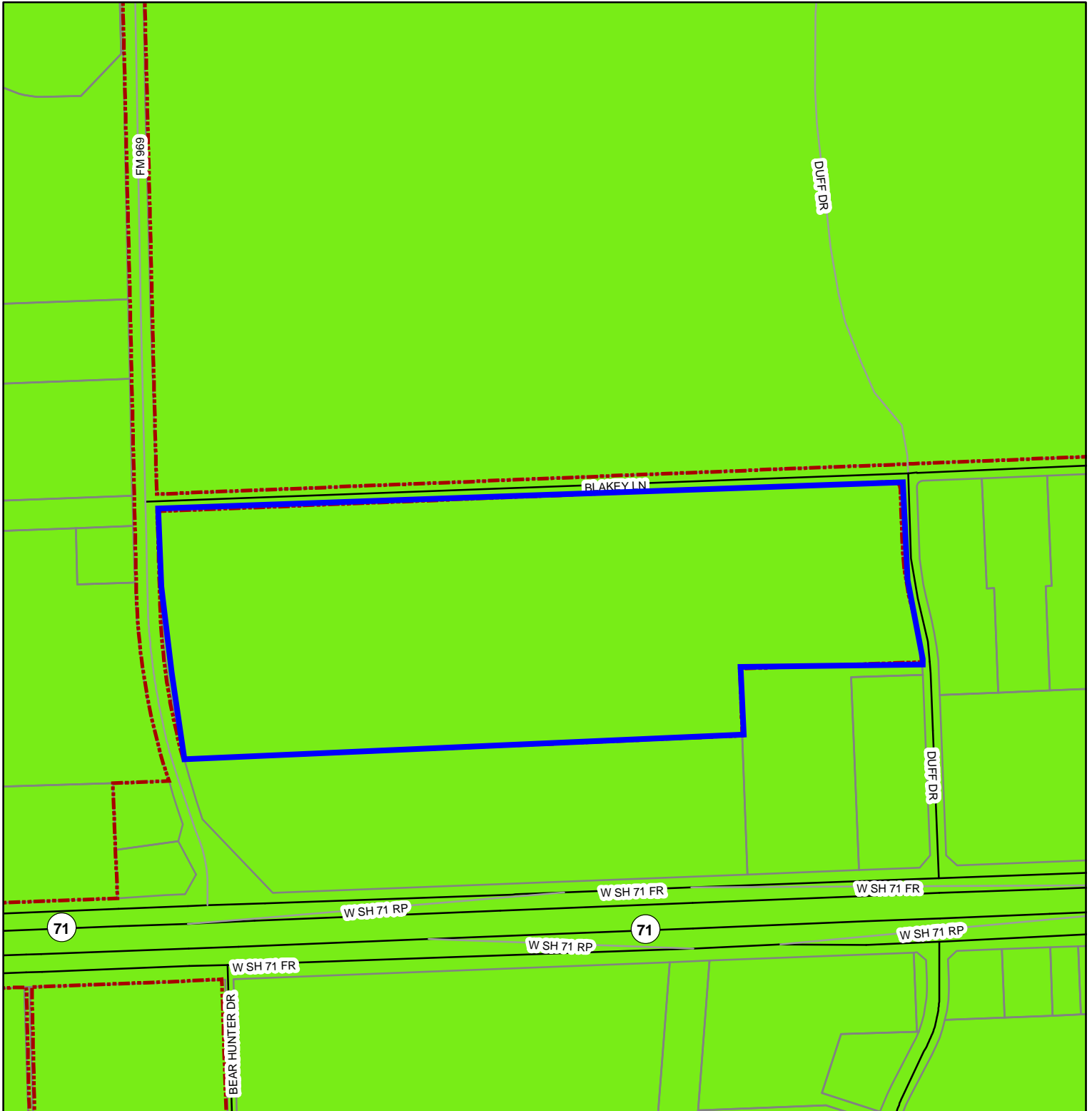
1 inch = 500 feet



Date: 5/10/2022

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# Location Map

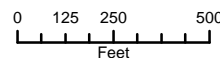


## Legend

**Wastewater CCN**  
 CITY OF BASTROP

## Wastewater CCN

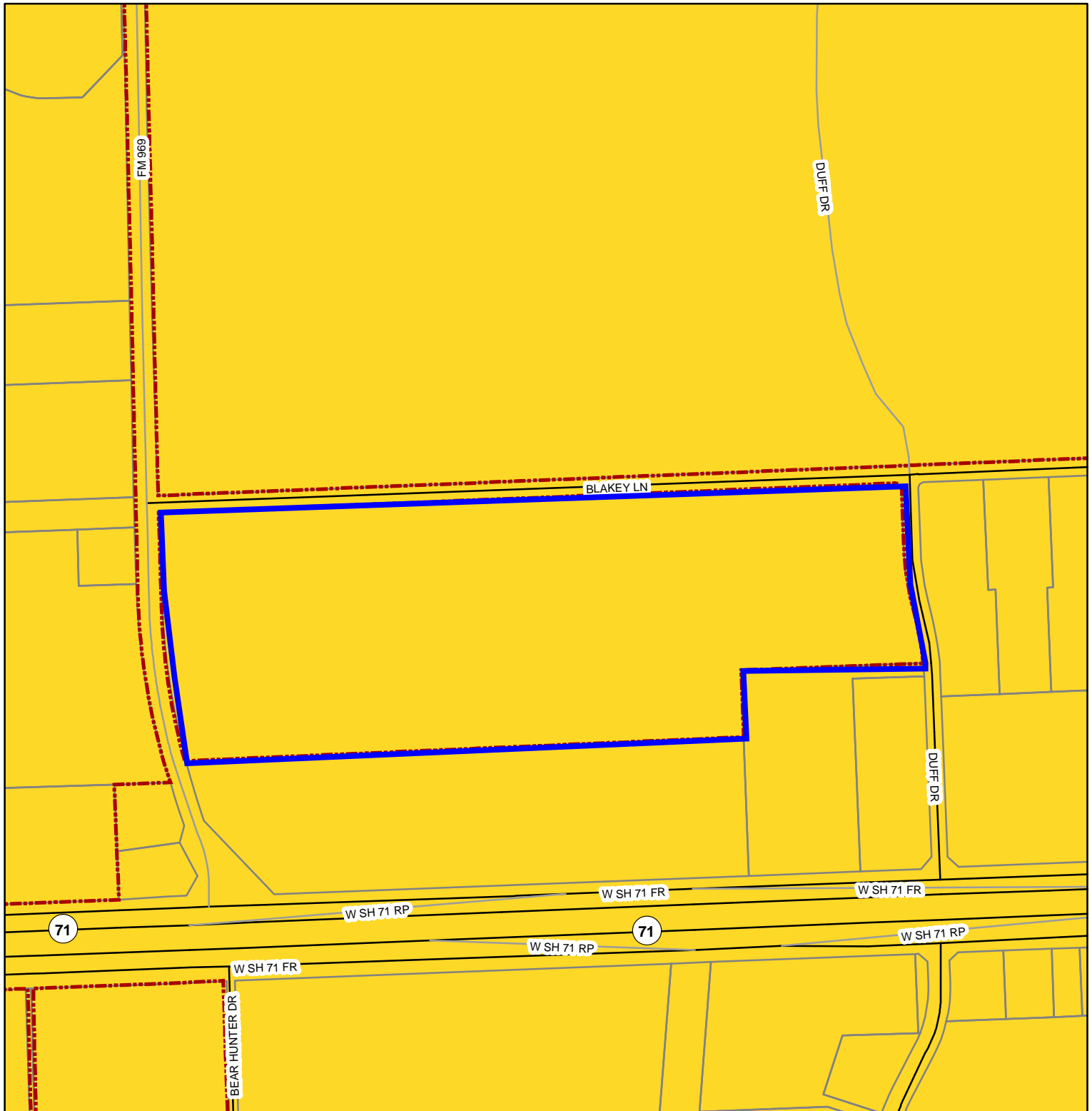
1 inch = 500 feet



Date: 5/10/2022

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# Location Map

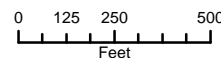


## Legend

Electric Bluebonnet

## Electric Service Territory

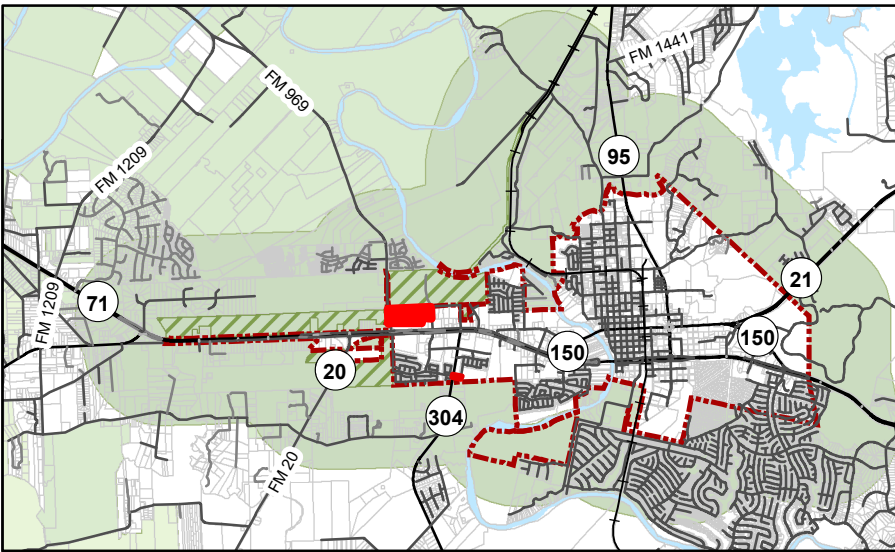
1 inch = 500 feet



Date: 5/10/2022

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## Proposed Annexation Pearl River 56.620

0 162.5 325 650  
Feet

1 inch = 700 feet



Date: 8/15/2022

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 this information, nor does it represent that its use will not infringe upon privately owned rights.





2727 Allen Parkway, Suite 1600, Houston, Texas 77019

o. 713.581.0838 • [pearlriverco.com](http://pearlriverco.com)

---

RE: 807 Hwy 71, Bastrop, TX Zoning Application Project Description Letter

To Whom It May Concern,

Landowner and Applicant (PRC 01 Bastrop, LLC), kindly request our 75-acre development site be annexed into the City of Bastrop.

Sincerely,

A handwritten signature in black ink, appearing to read "Spencer Harkness".

**Spencer Harkness**  
Managing Partner

A handwritten signature in black ink, appearing to read "Mason Mote".

**Mason Mote**  
Managing Partner

**ADDENDUM  
TO A  
CHAPTER 43 TEXAS LOCAL GOVERNMENT CODE  
DEVELOPMENT AGREEMENT  
BETWEEN R. E. DUFF AND THE CITY OF BASTROP, TEXAS**

---

This First Addendum to a previously executed Development Agreement ("Addendum") is entered into pursuant to Section 43.035 and Section 212.172 of the Texas Local Government Code, by and between the City of Bastrop, Texas (the "City") and Robert E. Duff, the undersigned property owner(s) (the "Owner"). The term "Owner" includes all owners of the Property, and Owner's heirs, assigns and successors in interest, as noted herein. The Owner and the City are referred to jointly herein as the "Parties."

**WHEREAS**, the Owner and the City have previously executed and entered into a Development Agreement ("Agreement") related to a ±54.126 acre parcel of real property (the "Property") located in Bastrop County, Texas, which is more particularly described on Exhibit "A" to the Agreement; and

**WHEREAS**, the Owner and the City mutually desire to enter into this Addendum, for the purpose of modifying the Agreement, as set forth herein below, to reflect a subsequently agreed upon provision, and

**WHEREAS**, the Owner and the City acknowledge that this Addendum is binding upon the Owner and the City and their respective successors and assigns for the term of the Agreement; and

**WHEREAS**, upon execution by all Parties, this Addendum is to be appended to the Agreement, which is to be recorded by the City of Bastrop, Texas, in the Real Property Records of Bastrop County, Texas.

**NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS CONTAINED HEREIN, THE PARTIES HERETO AGREE AS FOLLOWS:**

Part 1. The following provision shall be added to Section 1 of the Agreement:

"The City agrees that if a portion of the Property is sold or otherwise conveyed and/or annexed, the balance of this Property shall remain subject to this Development Agreement. Further, such partial sale or conveyance and/or resulting annexation shall not trigger the annexation of the entire remaining Property, but will trigger only annexation of the portion sold and/or conveyed by Owner."

Part 2. All other provision of the Agreement shall remain as stated in the Agreement, and are not otherwise modified, altered, or superseded by this Addendum. In the event of a conflict, the Agreement shall control.

Part 3. This Addendum may be separately executed in individual counterparts and, upon execution, shall constitute one and same instrument.

Part 4. This Addendum shall survive in the same manner as the Agreement, as set forth therein.

Entered into this 18<sup>TH</sup> day of October, 2011.



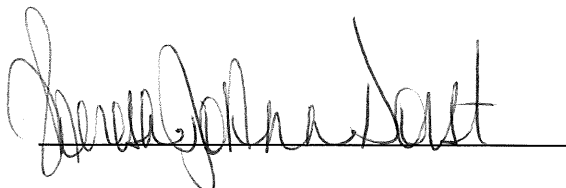
Robert E. Duff, Owner and  
Authorized Representative of all Owner(s) in Interest

Printed Name: Robert E. Duff

THE STATE OF TEXAS §

COUNTY OF BASTROP §


This instrument was acknowledged before me on the 18 day of October, 2011, by Robert E. Duff, Owner.

Notary Public, State of Texas

My Commission Expires On: May 31, 2015

CITY OF BASTROP, TEXAS:

  
\_\_\_\_\_  
By: Michael H. Talbot  
City Manager, City of Bastrop, Texas

10-25, 2011  
Date

Witnessed and Attested:

  
\_\_\_\_\_  
Teresa Valdez, City Secretary

THE STATE OF TEXAS                   §  
COUNTY OF BASTROP                 §

CHAPTER 43 TEXAS LOCAL GOVERNMENT CODE  
DEVELOPMENT AGREEMENT

---

This Development Agreement ("Agreement") is entered into pursuant to Sections 43.035 and 212.172 of the Texas Local Government Code, by and between the City of Bastrop, Texas (the "City") and Robert E. Duff, the undersigned property owner(s) (the "Owner"). The term "Owner" includes all owners of the Property, and Owner's heirs, assigns and successors in interest, as noted herein.

**WHEREAS**, the Owner owns a ±54.126 acre parcel of real property (the "Property") in Bastrop County, Texas, which is more particularly and separately described in the attached Exhibit "A"; and

**WHEREAS**, the City has begun the process to institute annexation proceedings on all or portions of Owner's Property and has held two (2) public hearings related to this annexation on September 13, 2011 and September 27, 2011; and

**WHEREAS**, the Owner desires to have the Property remain in the City's extraterritorial jurisdiction, in consideration for which the Owner agrees to enter into this Agreement; and

**WHEREAS**, this Agreement is entered into pursuant to Sections 43.035 and 212.172 of the Texas Local Government Code, in order to address the desires of the Owner and the procedures of the City; and

**WHEREAS**, the Owner and the City acknowledge that this Agreement is binding upon the City and the Owner and their respective successors and assigns for the term of this Agreement, as defined below; and

**WHEREAS**, upon execution by all parties, this Agreement is to be recorded by the City of Bastrop, Texas, in the Real Property Records of Bastrop County, Texas.

**NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS CONTAINED HEREIN, THE PARTIES HERETO AGREE AS FOLLOWS:**

Section 1. The City guarantees the continuation of the extraterritorial status of the Owner's Property, its immunity from annexation by the City, and its immunity from City property taxes, for the term of this Agreement, subject to the provisions of this Agreement. Except as provided in this Agreement, the City agrees not to annex the Property, agrees not to involuntarily institute proceedings to annex the Property, and further, agrees not to include the Property in a statutory annexation plan for the Term of this Agreement. However, if the Property is annexed pursuant to the terms of this Agreement, then the City shall provide services to the Property pursuant to Chapter 43 of the Texas Local Government Code.

Section 2. The Owner covenants and agrees not to use the Property, or any portion thereof, for any use other than for agriculture, wildlife management, and/or timber land consistent with Chapter 23 of the Texas Tax Code, except for continued residential use of the now existing single-family structures, if any, on the Property, without the prior written consent of the City.

The Owner covenants and agrees that the Owner will not file any type of subdivision plat or related development document for the Property, or any portion thereof, with Bastrop County or the City, until the Property has been annexed into, and zoned by, the City.

The Owner covenants and agrees not to construct, or allow to be constructed, any buildings on the Property that would require a building permit if the Property were in the City's municipal limits, until the Property has been annexed into, and zoned by, the City. The Owner also covenants and agrees that the City's AO-Agricultural Open Space District zoning requirements apply to the Property, and that the Property shall be used only for AO-Agricultural Open Space District zoning uses that exist on that Property at the time of the execution of this Agreement, unless otherwise provided in this Agreement. However, the Owner may construct an accessory structure to an existing single family dwelling, if constructed in compliance with all applicable City Ordinances, Regulations and Codes.

The Owner acknowledges that each and every owner of the Property must sign this Agreement in order for the Agreement to take full effect, and the Owner who signs this Agreement covenants and agrees, jointly and severally, to indemnify, hold harmless, and defend the City against any and all legal claims, by any person claiming an ownership interest in the Property who has not signed the Agreement, arising in any way from the City's reliance on this Agreement.

Section 3. The Owner acknowledges that if any plat or related development document is filed in violation of this Agreement, or if the Owner commences development of the Property, or any portion thereof, in violation of this Agreement, then in addition to the City's other remedies, such act will constitute a petition for voluntary annexation by the Owner, and the Property will be subject to annexation at the discretion of the City Council. The Owner agrees that such annexation shall be voluntary and the Owner hereby consents to such annexation as though a petition for such annexation had been tendered to the City by the Owner.

If annexation proceedings begin pursuant to this Section, the Owner acknowledges that this Agreement serves as an exception to Local Government Code Section 43.052, requiring a municipality to use certain statutory procedures under an annexation plan. Furthermore, the Owner hereby waives any and all vested rights and claims that they may have under Section 43.002(a)(2) and Chapter 245 of the Texas Local Government Code that would otherwise exist by virtue of any actions Owner has taken in violation of Section 2 herein.

Section 4. Pursuant to Sections 43.035(b)(1)(B) of the Texas Local Government Code, the City is authorized to enforce all of the City's regulations and planning authority that do not materially interfere with the Owner's use of the property for agriculture, wildlife management, or timber, in the same manner the regulations are enforced within the City's boundaries. The City states and specifically reserves its authority pursuant to Chapter 251 of the Texas Local Government Code to exercise eminent domain over property that is subject to a Chapter 43 and/or a Chapter 212 development agreement.

Section 5. The term of this Agreement (the "Term") is forty-five (45) years from the date that the City Manager's signature to this Agreement is acknowledged by a public notary, which shall occur after the Agreement is fully executed by all Owners of the Property.

The Owner, and all of the Owner's heirs, successors and assigns shall be deemed to have filed a petition for voluntary annexation before the end of the Term, for annexation of the Property to be completed on or after the end of the Term. Prior to the end of the Term, the City may commence the voluntary annexation of the Property. In connection with annexation pursuant to this section, the Owner hereby waives any vested rights it/they may have under Section 43.002(a)(2) and Chapter 245 of the Texas Local Government Code that would otherwise exist by virtue of any plat or construction any of the Owners may initiate during the time between the expiration of this Agreement and the institution of annexation proceedings by the City.

Section 6. Property annexed pursuant to this Agreement will initially be zoned AO-Agricultural Open pursuant to the City's Code of Ordinances, of similar designation if AO zoning is no longer a City designation at the time of annexation of the Property, pending determination of the property's permanent zoning in accordance with the provisions of applicable law and the City's Code of Ordinances.

Section 7. Any person who sells or conveys any portion of the Property shall, prior to such sale or conveyance, give written notice of this Agreement to the prospective purchaser or grantee, and shall give written notice of the sale or conveyance to the City. Furthermore, the Owner and the Owner's heirs, successor, and assigns shall give the City written notice within 14 days of any change in the agricultural, wildlife or timber exemption status of the Property. A copy of either notice required by this section shall be forwarded to the Parties at the following address(es):

Owner:

Mr. Robert E. Duff, et al  
11111 Wilcrest Green  
Houston Tx 77042

City of Bastrop

Attn: Michael H. Talbot, City Manager  
PO Box 427  
Bastrop, Texas 78602

With Copy To: JC Brown, City Attorney  
Law Offices of JC Brown, PC  
1411 West Ave., Suite 100  
Austin, TX 78701

Section 8. This Agreement shall run with the Property and be recorded in the real property records of Bastrop County, Texas. Any heirs, successors in interest or assigns are contractually bound by the terms of this Agreement.

Section 9. If a court of competent jurisdiction determines that any covenant of this Agreement is void or unenforceable, including the covenants regarding involuntary annexation, then the remainder of this Agreement shall remain in full force and effect.

Section 10. This Agreement may be enforced by any Owner, or the City, by any proceeding at law or in equity. Failure to do so shall not be deemed a waiver to enforce the provisions of this Agreement thereafter.



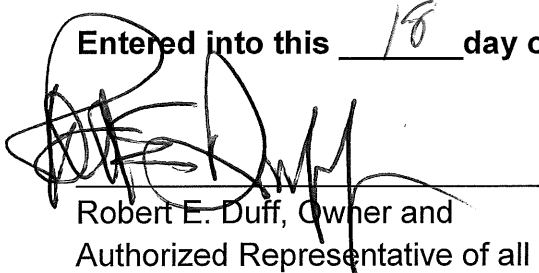
Section 11. No subsequent change in the law regarding annexation shall affect the enforceability of this Agreement or the City's ability to annex the properties covered herein pursuant to the terms of this Agreement.

Section 12. Venue for this Agreement shall be in Bastrop County, Texas.

Section 13. This Agreement may be separately executed in individual counterparts and, upon execution, shall constitute one and same instrument.

Section 14. This Agreement shall survive its termination to the extent necessary for the implementation of the provisions of Sections 3, 4, 5, 6, 7, and 8 herein.

Entered into this 18 day of October, 2011.



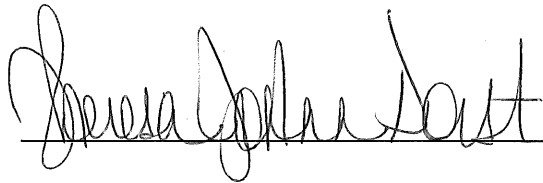
Robert E. Duff, Owner and  
Authorized Representative of all Owner(s) in Interest

Printed Name: Robert E. Duff

THE STATE OF TEXAS §

COUNTY OF BASTROP §

This instrument was acknowledged before me on the 18th day of October, 2011, by Robert E. Duff, Owner.

Notary Public, State of Texas

My Commission Expires On: May 31, 2015

CITY OF BASTROP, TEXAS:



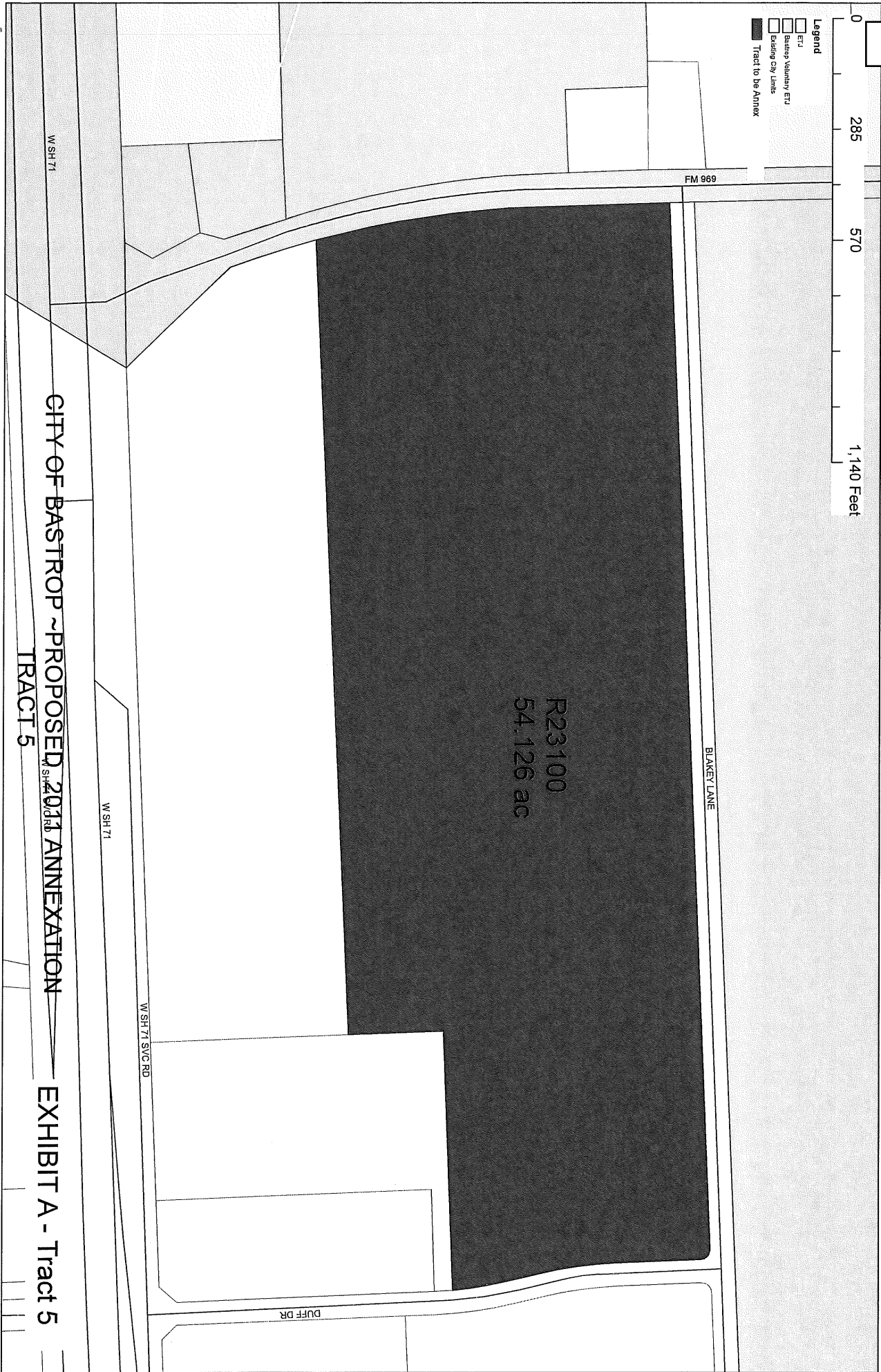
By: Michael H. Talbot  
City Manager, City of Bastrop, Texas

10-25-, 2011  
Date

Witnessed and Attested:



Teresa Valdez, City Secretary





# STAFF REPORT

**MEETING DATE:** August 23, 2022

**TITLE:**

Hold a public hearing and consider action on the first reading of Ordinance No. 2022-21 approving the Pearl River Zoning Concept Scheme, changing the zoning for 26.902 acres from P2 Rural to P4 Mix and 29.718 acres from P2 Rural to P5 Core out of the Nancy Blakey Survey, Abstract 98, and establishing a Concept Plan on 74.974 acres, with 10% Civic Space required during development, located east of FM 969 and north of SH 71, within the city limits of Bastrop, Texas, as shown in Exhibit A, providing for findings of fact, adoption, repealer, severability and enforcement, proper notice and meeting; and establishing an effective date, and move to include on the September 13, 2022, agenda for the second reading.

**STAFF REPRESENTATIVE:**

Submitted by: Jennifer C. Bills, Director of Planning & Development

**BACKGROUND:**

The applicant has submitted an application for a Zoning Concept Scheme for 74.974 acres of the Nancy Blakey Survey (Attachment 1). The development is proposed to be a mix of two Place Types P4 – Mix, and P5 – Core base zoning districts, with PCS – Civic Space to be determined at final plat through dedication or rezoning to PCS. The applicant is proposing a mixed-use development, with a mix of multifamily residential, office, medical, hotel, restaurant, and retail shopping in a master planned development with an emphasis on connectivity and walkability (Attachment 1 Page 18-19).

The applicant has not asked for any Warrants or Variances from the Bastrop Building Block (B<sup>3</sup>) Code at this time. Warrants and Variances may be requested and reviewed during additional development stages, such as platting, public improvement plan or site development plan review. Additional analysis on the request is provided in the Background Memo.

**PLANNING & ZONING COMMISSION RECOMMENDATION:**

The P&Z Commission reviewed the Zoning Concept Scheme at their July 28, 2022, regular meeting and recommended approval of the rezoning request for P4 Mix and P5 zoning and a postponing the Civic Space requirement to final plat, by a vote of 6-0.

**STAFF RECOMMENDATION:**

Hold a public hearing and consider action to approve the first reading as written and move to include on the September 13, 2022, agenda for second reading.

**ATTACHMENTS:**

- Background Memo
- Exhibit A: Requested Place Type Zoning
- Exhibit B: Metes & Bounds Description with sketch

- Attachment 1: Zoning Concept Scheme Submittal
- Attachment 2: Location Map
- Attachment 3: Property Owner Notice & Responses
- Attachment 4: Existing Zoning Map
- Attachment 5: Future Land Use Map & Master Transportation Plan



TO: Trey Job, Acting City Manager  
 From: Jennifer C. Bills, Director of Planning & Development  
 Date: August 15, 2022  
 Subject: Pearl River 75 acres Zoning Concept Scheme



=====

**ITEM DETAILS:**

Site Address: Northeast Corner of SH 71 and FM 969 (Attachment 2)  
 Total Acreage: 74.974 acres  
 Acreage Rezoned: 56.620 acres  
 Legal Description: 74.974 acres out of the Nancy Blakey Survey

Property Owner/Agent: Spencer Harkness/PRC 01 Bastrop, LLC

Existing Use: Vacant  
 Existing Zoning: P5 Core (City Limits) and P2 Rural (after annexation) (Attachment 4)  
 Proposed Zoning: P4 Mix, and P5 Core (Exhibit A)  
 Character District: Cattleman's  
 Future Land Use: Transitional Residential and General Commercial (Attachment 5)

**BACKGROUND:**

The applicant has submitted an application for a Zoning Concept Scheme for 74.974 acres of the Nancy Blakey Survey, Abstract 98 (Attachment 1). The development is proposed to be a mix of two Place Types P4 – Mix, and P5 – Core base zoning districts, with PCS – Civic Space to be determined at final plat through dedication or rezoning to PCS.

**Place Type Definitions;**

Place Type 4 – Mix: More intense Building Types that provide more lifestyle choices. It provides for a mix of Residential Building Types. Commercial and Office uses are allowed in this District only in House form Structures. Because P4 is a transition area, the Street Types consists of multimodal Streets, but are primarily Residential urban fabric.

Place Type 5 – Core: 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.

CS - Civic Space/Civic Building: Civic Spaces and/or Civic Buildings serve as community features appropriate to their Place Types. Civic Spaces provide relief from the urban environment inside each neighborhood. (While not being rezoned at this time, the applicant has proposed to provide Civic Space through parkland/open space dedication or rezoning to PCS at final plat once the specific areas are determined in relationship to the overall development.)

The Future Land Use Plan shows this area as Transitional Residential and General Commercial:

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

“The General Commercial character area supports local and regional businesses that rely on heavy traffic volumes and the visibility that is associated with being located near major roadways. General Commercial developments typically involve varying development intensities, from smaller locally owned shops to big box retailers. These areas are predominantly auto oriented, with large accessory parking areas. While General Commercial development will continue to be auto-oriented, improved street-side and parking lot landscaping, buffers, appropriately designed and scaled signage, bicycle and pedestrian accommodations, higher quality building materials, and access management techniques (e.g., limited access points and inter-parcel connectivity) will help to improve overall development quality and appearance.

The applicant is proposing a mixed-use development, with a mix of multifamily residential, office, medical, hotel, restaurant, and retail shopping in a master planned development with an emphasis on connectivity and walkability (Attachment 1 Page 18-19).

For P4 and P5, the development is required to provide public streets every 330 feet to create the building block grid. The applicant is showing four streets (two north-south, two east-west) that are proposed to be publicly dedicated streets (Attachment 1, Page 27). They are also showing several private street/drives and two pedestrian walkways that approximate the 330-foot Building Block dimensions (Attachment 1, Page 28). Due to Texas Department of Transportation spacing requirements, the development will be limited on the number of streets/driveways that can connect to FM 969 and SH 71. The actual streets and block configuration will be determined during the Subdivision process.

Zoning Concept Schemes also take into account the variety of place type zoning districts in a pedestrian shed (Attachment 1, Page 26). Within the pedestrian shed area, most of the land is outside of the city limits and not currently zoned. The applicant has provided a mix of Place Types within the project area that complies with the pedestrian shed distribution. The area to the north is in an annexation agreement, which would default to P2 Rural, which is the approximate designation the applicant has provided in the pedestrian shed analysis.

In the ZCS, the applicant has provided a conceptual design for the streetscape, depicting pedestrian zones with required encroachments and street trees (Attachment 1, Page 29). The actual design with trees and auto/pedestrian elements will be determined during the Public Improvement Plan process, the applicant has demonstrated an understanding and ability to comply with the intent of the B<sup>3</sup> Code.

#### Drainage

A Zoning Concept Scheme must be accompanied by a Conceptual Drainage Plan to ensure that the proposed development is feasible (Attachment 1, Page 31-32). A Conceptual Drainage Plan has been reviewed and approved by the City Engineer. The site shows conveyance and detention would occur

on the east side of the property, where the current drainage flows. The maximum impervious cover allowed in Place Type 4 is 70% and Place Type 5 is 80%.

#### Annexation

The property is under a 2011 Annexation Agreement that requires annexation upon development or property transfer. Upon annexation, the base zoning district will be P2 – Rural.

#### **PUBLIC COMMENTS:**

Property owner notifications were sent to 11 adjacent property owners on July 15, 2022 (Attachment 3). At the time of this report, no responses have been received.

#### **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.

*Notice was published in the Bastrop Advertiser and notice was sent to property owners within 200 feet of the property boundary.*

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

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

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

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

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

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



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

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

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

*The Planning & Zoning Commission recommended approval, so this does not apply.*

#### Compliance with 2036 Comprehensive Plan:

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

- Orient new multi-family and townhouse buildings toward existing street frontage, even where remaining buildings face the interior of the development. Apply urban characteristics to street facing buildings including street-facing pedestrian access and internal stairwells and landings
  - *Buildings are shown to be oriented toward public streets, trails, parks and open space, with on-site parking located internal to the lots.*
- New development where a majority of the project is comprised of townhouse or multi-family uses should take access from a collector roadway or greater in functional classification.
  - *The property is bounded by Blakey Lane to the north and the applicant is proposing a collector street along the southern boundary that will provide for access to the P-4/multifamily development.*
- Minimize dead-end streets and cul-de-sacs. Internal streets should take on a grid-based street pattern with high connectivity. Adjustments to a rigid grid should be permitted in areas of varied topography so long as street connectivity can be promoted.
  - *The proposed ZCS provides the 720-foot grid pattern for proposed ROWs that would provide connectivity. Internal to this grid, the intent of the 330-foot grid pattern would be met with private streets/driveway and pedestrian walkways that provide internal circulation and off-street parking.*

Future Land Use Plan – The General Commercial character area supports local and regional businesses that rely on heavy traffic volumes and the visibility that is associated with being located near major roadways. General Commercial developments typically involve varying development intensities, from smaller locally owned shops to big box retailers. These areas are predominantly auto-oriented, with large accessory parking areas. While General Commercial development will continue to be auto-oriented, improved street-side and parking lot landscaping, buffers, appropriately designed and scaled signage, bicycle and pedestrian accommodations, higher

quality building materials, and access management techniques (e.g., limited access points and inter-parcel connectivity) will help to improve overall development quality and appearance.

- Require new general commercial areas to be located on and take vehicular access from an arterial roadway.
  - *The applicant proposes to add several new public streets and private drives that will allow the lots to take access from the arterial streets.*
- Manage vehicular access by limiting the number and location of curb cuts, requiring cross-access easements (particularly for out-parcels) and providing minimum driveway throat lengths for motor vehicle queuing. Formalize access management standards through appropriate amendments to the City's land development regulations.
  - *The proposed ZCS demonstrates an understanding of the B<sup>3</sup> Code requirements to provide cross-access through streets, driveways, and pedestrian walkways.*
- Do not require minimum lot sizes as long as all other minimum requirements (e.g., parking, landscaping, setbacks, etc.) can be met without the need for a variance.
  - *The B<sup>3</sup> Code does not require a minimum lot size, providing a lot of flexibility for the development to serve large and small commercial sites for the development of restaurants, hotel, office and retail shopping uses.*
- Construct sidewalks along all public and private rights-of-way and include designated and safe sidewalk connections to the main entrance of the building.
  - *The ZCS provides a conceptual design for the streetscape, showing the intent to comply with building placement and pedestrian zones to provide for the interaction between the public and private realms.*

#### Compliance with Bastrop Building Block (B<sup>3</sup>) Code:

##### B<sup>3</sup> CODE INTENT (See Executive Summary)

The code is built around three core intents:

- Fiscal Sustainability

New development and redevelopment must be done with a focus on the intersection of the Public and Private Realms. This is the area where city and utility infrastructure are maintained in an efficient manner and the commercial development creates a complete neighborhood.

*The applicant has provided a ZCS that shows the intent to provide the 720-foot grid streets in compliance with the Master Transportation Plan. The internal circulation within the Farm Lots will be determined during the subdivision process and is currently shown as blocks that are bounded by private driveways and pedestrian walkways. The Master Transportation Plan streets and the alleys will provide the areas to efficiently run the necessary infrastructure.*

- Geographically Sensitive Developments

Development will retain its natural form and visual character, which is derived from the topography and native environment.

*The area to the east is a drainage way. The ZCS contemplates this area to be developed as detention and a park area, to retain the natural topography and utilize the existing drainage way.*

- Perpetuation of Authentic Bastrop

The B<sup>3</sup> Code will perpetuate the built form that has been predominate over the City's 189-year history. The recent trend of allowing parking and automobile traffic as the predominate feature has created a pattern that is contrary to the historical building patterns of the city and creates sites/buildings that are not adaptable and sustainable in the long-term.

*The proposed ZCS shows the intent to provide a mix of multifamily housing with commercial that will provide retail, restaurant, office and hotel building forms. The site utilizes the existing streets and highways bounding on four sides, while providing an internal grid of public streets and private drives and pedestrian walkways providing multiple routes for vehicular and pedestrian traffic throughout the development. There are large properties (Valverde and the Colony) within a half-mile radius of the development that will be served by the commercial development, while the multifamily housing within the development will provide housing opportunities for Bastrop while providing services within walking distance for the residents.*

### B<sup>3</sup> Code ARTICLE 5.1 INTENT OF DEVELOPMENT PATTERNS

(b) The Development Pattern type will be used to guide the creation of the Zoning Concept Scheme and Neighborhood Regulating Plan (see Article 2-3 Neighborhood Regulating Plans in B3 Technical Manual) configurations suitable for different geographies and Character Districts.

*The Character District of this project is Cattleman's which allows for Traditional Neighborhood Development (TND) using the standard building block pattern, or Village Center Development, which focuses the development around a pedestrian center with the vehicular traffic kept to a street network at the outer edges of the development. The development is proposing the TND form, which allows for the blocks to be centered around the grid of public streets, private drives and pedestrian walkways.*

### SEC. 5.2.002 TND STANDARDS

1. Detail the block perimeters, block lengths, pedestrian shed area, place type allocations per B<sup>3</sup> Code 3.2.002b.

*In P4 Mix and P5 Core, the block perimeter maximum is 1320 feet. This is the distance around one building block, which is a block length of 330 feet. The applicant has largely met the farm lot (720-foot grid) requirement by showing right-of-way required at the 720-foot level as shown on the Master Transportation Plan. The 330-foot building blocks will be met by a mix of public, private drives and pedestrian walkways. The exact alignment and dedication will be determined during the Subdivision process, once the preliminary drainage, preliminary infrastructure and TXDot review is conducted.*

*A quarter-mile radius around the development creates the pedestrian shed for the area. The goal of a pedestrian shed is to ensure the neighborhood created is walkable. Allocations of various place types provide variety in a neighborhood to promote a complete neighborhood. The Pearl River site occupies a majority of the pedestrian shed area. With the proximity to SH 71, FM 969 and the future residential that will be provide in Valverde and The Colony, zoning to P4 and P5 with 10% allocated*

*to Civic Space during platting meets the intent of the pedestrian shed analysis (Attachment 1, Page 20).*

**DIRECTOR ANALYSIS & RECOMMENDATION:**

The Zoning Concept Scheme meets the intent of the B<sup>3</sup> Code. The site has some existing development challenges (adjacent commercial development, TxDOT spacing requirements). The applicant has demonstrated the ability to comply with the intent of the B<sup>3</sup> Code with regard to providing the Farm Lot and Building Block grid, through a mix of public, private and pedestrian walkway methods.

Staff recommends requiring the provision of the 10% Civic Space requirement at final plat, either through the dedication of parkland/open space, or through rezoning.

**RECOMMENDATION:**

Hold public hearing and consider action on the first reading of Ordinance No. 2022-21 approving the Pearl River Zoning Concept Scheme, changing the zoning for 26.902 acres from P2 Rural to P4 Mix and 29.718 acres from P2 Rural to P5 Core out of the Nancy Blakey Survey, Abstract 98, and establishing a Concept Plan on 74.974 acres, with 10% Civic Space required during development, located east of FM 969 and north of SH 71, within the city limits of Bastrop, Texas, as shown in Exhibit A, providing for findings of fact, adoption, repealer, severability and enforcement, proper notice and meeting; and establishing an effective date, and move to include on the September 13, 2022 Regular Agenda for the second reading.

## ORDINANCE 2022-21

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, APPROVING THE PEARL RIVER ZONING CONCEPT SCHEME, CHANGING THE ZONING FOR 26.902 ACRES FROM P2 RURAL TO P4 MIX AND 29.718 ACRES TO P5 CORE OUT OF THE NANCY BLAKEY SURVEY, AND ESTABLISHING A CONCEPT PLAN ON 74.974 ACRES, WITH 10% CIVIC SPACE REQUIRED DURING DEVELOPMENT, LOCATED EAST OF FM 969 AND NORTH OF SH 71, WITHIN THE CITY LIMITS OF BASTROP, TEXAS, AS SHOWN IN EXHIBITS A & B, PROVIDING FOR FINDINGS OF FACT, ADOPTION, REPEALER, SEVERABILITY AND ENFORCEMENT, 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 June 13, 2022, the applicant, PRC 01 Bastrop, LLC submitted a request for zoning modifications; and,

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

**WHEREAS**, the City Staff has reviewed the request for zoning modifications, and finds it to be justifiable based upon the Future Land Use Designation for this Property is Industry, which allows for a wide range of commercial and retail uses; and

**WHEREAS**, the 74.974 acres of the Nancy Blakey Survey, Abstract 98 were annexed into the city limits of Bastrop on September 13, 2022, with the default zoning of P2 Rural, as established in the Bastrop Building Block (B<sup>3</sup>) Code, Section 2.3.003 "Zoning Upon Annexation"; 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 July 28, 2022, which made a unanimous recommendation by a vote of 6-0 for approval of the rezoning request; and

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

**WHEREAS**, Texas Local Government Code Section 51.001 provides the City general authority to adopt an Ordinance or police regulations that are for good

government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

**WHEREAS**, after consideration of public input received at the hearing on August 23, 2022, the information provided by the Applicants, and all other information presented, City Council finds that it necessary and proper to enact this Ordinance.

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

**Section 1:** The Property, 26.902 acres out of land out of the Nancy Blakey Survey is rezoned from P2 Rural to P4 Mix and 29.718 acres out of land out of the Nancy Blakey Survey is rezoned from P2 Rural to P5 Core and a Concept Plan is established, requiring the provision of the 10% Civic Space requirement at final plat, either through the dedication of parkland/open space, or through rezoning, located east of FM 969 and north of SH 71, within the City Limits of Bastrop, Texas as more particularly shown on Exhibits A & B.

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

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

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

**Section 5:** The City shall have the power to administer and enforce the provisions of this ordinance as may be required by governing law. Any person violating any provision of this ordinance is subject to suit for injunctive relief as well as prosecution for criminal violations, and such violation is hereby declared to be a nuisance. Nothing in this ordinance shall be construed as a waiver of the City's right to bring a civil action to enforce the provisions of this ordinance and to seek remedies as allowed by law and/or equity.

**Section 6:** It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

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

**READ & ACKNOWLEDGE** on First Reading on this the 23rd day of August 2022.

**READ & ADOPTED** on Second Reading on this the 13th day of September 2022.

**APPROVED:**

---

Connie B. Schroeder, Mayor

**ATTEST:**

---

Ann Franklin, City Secretary

**APPROVED AS TO FORM:**

---

Alan Bojorquez, City Attorney

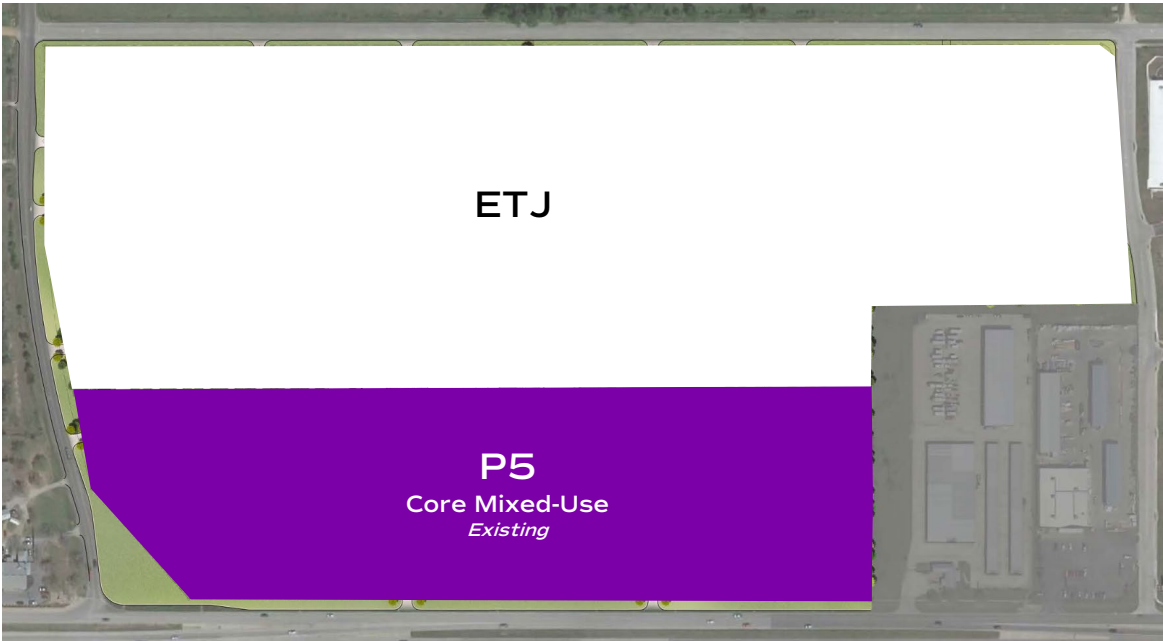
PEARL RIVER

# Entitlements

ANNEXATION & P5 CORE MIXED-USE ZONING

+/- 10%  
Civic Space

PER B3 CODE TO BE IDENTIFIED WHEN  
THE PROPERTY IS PLATTED



Existing Zoning

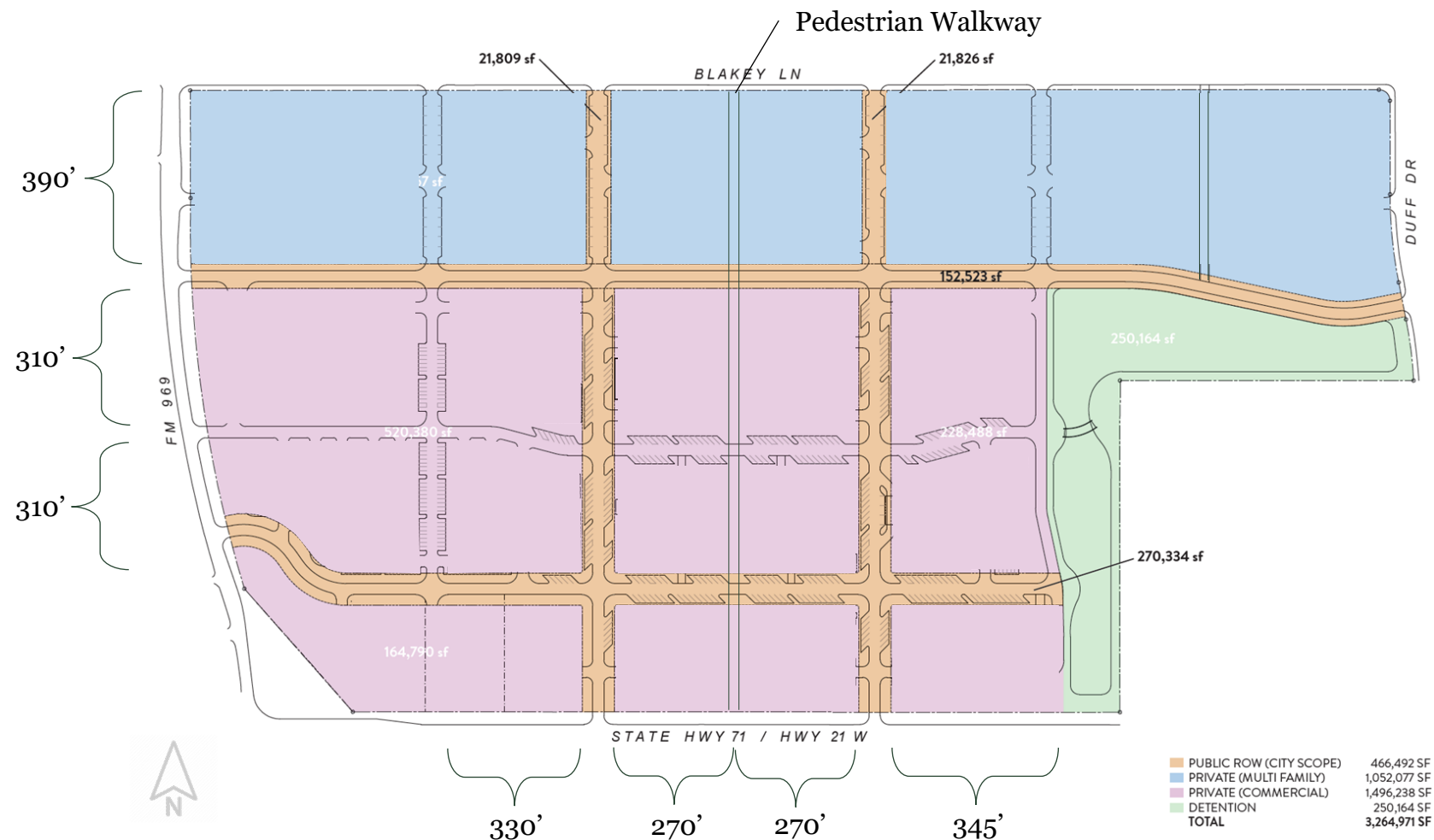


Requested Zoning



PEARL RIVER

# Block Dimensions



**A METES AND BOUNDS  
DESCRIPTION OF A  
56.620 ACRE TRACT OF LAND**

**BEING** a 56.620 acre (2,466,385 square feet) tract of land situated in the Nancy Blakey Survey, Abstract 98, Bastrop County, Texas; and being a portion of a tract called "Reserve" on the plat of Lone Star Storage Subdivision, recorded in Cabinet 4, Page 163-A of the Official Public Records of Bastrop County, also being a portion of that certain 74.974 acre tract described in instrument to PRC 01 Bastrop, LLC, recorded in Document No. 202200112 of the Official Public Records of Bastrop County; and being more particularly described by metes and bounds as follows:

**COMMENCING**, at a "TXDOT" Concrete Monument found marking the southwest corner end of a cutback at the intersection northerly right-of-way line of State Highway 71 (300' right-of-way wide) and the easterly right-of-way line of Farm to Market Road 969 (80' right-of-way wide), and marking the southern-most southwest corner of the herein described tract;

**THENCE**, in a northwesterly direction along a said Farm to Market Road 969, the following four (4) courses and distances.

1. North 43°37'41" West, 370.98 feet to a "TXDOT" Concrete Monument found for corner;
2. in a northerly direction along a non-tangent curve to the right, having a radius of 2824.79 feet, a chord North 17°41'54" West, 146.68 feet, a central angle of 2°58'32", and an arc length of 146.69 feet to a **POINT OF BEGINNING** and southwest corner of the herein described tract;
3. in a northerly direction continuing along a tangent curve to the right, having a radius of 2824.79 feet, a chord North 08°36'51" West, 746.83 feet, a central angle of 15°11'33", and an arc length of 749.02 feet to a 1/2-inch iron rod with plastic cap stamped "KHA" set for corner;
4. North 02°26'48" West, 243.14 feet to a 1/2-inch iron rod with plastic cap stamped "KHA" set for corner;

**THENCE**, North 87°41'49" East, 2687.44 feet departing the westerly right-of-way line of said Farm to Market Road 969 and along the southerly line of Blakey Lane "North Road Segment II" recorded in Volume 1799, Page 356 of the Official Public Records of Bastrop County, to a 1/2-inch iron rod with plastic cap stamped "KHA" set marking the northwest end of a right-of-way cutback curve at the intersection with the westerly line of Duff Drive (60' wide right-of-way) recorded in Cabinet 5, Page 145A of the Amended Plat of Lots 1, 2, and 3, Block A, Burleson Crossing;

**THENCE**, along westerly line of said Duff Drive, the following five (5) courses and distances;

1. in a southeasterly direction along a non-tangent curve to the right, having a radius of 25.00 feet, a chord South 47°18'11" East, 35.36 feet, a central angle of 90°00'54", and an arc length of 39.28 feet to a 1/2-inch iron rod with plastic cap stamped "KHA" set for a point of curvature;
2. South 02°18'11" East, 211.62 feet to a 1/2-inch iron rod with plastic cap stamped "KHA" set for corner;
3. in a southerly direction along a tangent curve to the left, having a radius of 1030.00 feet, a chord of South 07°52'45" East, 200.16 feet, a central angle of 11°09'07", and an arc length of 200.48 feet to a 1/2-inch iron rod with plastic cap stamped "KHA" set for point of tangency;
4. South 13°27'19" East, 85.21 feet to a 1/2-inch iron rod with plastic cap stamped "KHA" set for a point of curvature;
5. in a southerly direction along a tangent curve to the right, having a radius of 970.00 feet, a chord of South 09°19'29" East, 139.73 feet, a central angle of 08°15'40", and an arc length of 139.86 feet to a 1/2-inch iron rod with plastic cap stamped "KHA" set for corner marking the northwest corner of Lot 1 of a said Lonestar Storage Subdivision;

**THENCE**, along the northwest boundary line of said Lot 1, the following two (2) courses and distances;

1. South 87°45'06" West, 663.82 feet to a 1/2-inch iron rod with plastic cap stamped "KHA" set for corner;
2. South 02°14'54" East, 330.32 feet to a point for corner;

**THENCE**, South 87°45'51" West, 2018.62 feet to the **POINT OF BEGINNING**, and containing 56.620 acres of land in Bastrop County, Texas. The basis of this description is the Texas State Plane Coordinate System, Central Zone (FIPS 4203) (NAD'83). All distances are on the Surface and shown in U.S. Survey Feet. The Combined Surface to Grid Scale Factor is 1.0000139976. This description was generated on 8/8/2022 at 5:40 PM, based on geometry in the drawing file K:\SNA\_Survey\069300300-PEARL RVR-BASTROP 75AC\DWG\Exhibits\56.620 AC - Pearl River Bastrop Core.dwg, in the office of Kimley-Horn and Associates in San Antonio, Texas.



**EXHIBIT OF A  
56.620 ACRE  
NANCY BLAKEY SURVEY,  
ABSTRACT NO. 98  
BASTROP COUNTY, TEXAS**

JOHN G. MOSIER  
REGISTERED PROFESSIONAL  
LAND SURVEYOR NO. 6330  
601 NW LOOP 410, SUITE 350  
SAN ANTONIO, TEXAS 78216  
PH. 210-541-9166  
greg.mosier@kimley-horn.com

*John G. Mosier*  
8-9-22

**Kimley»Horn**

10101 Reunion Place, Suite 400  
San Antonio, Texas 78216 FIRM # 10193973

Tel. No. (210) 541-9166  
www.kimley-horn.com

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	DJG	JGM	8/9/2022	069300300	1 OF 2



GRAPHIC SCALE IN FEET

**LEGEND:**

P.O.C. = POINT OF COMMENCING

P.O.B. = POINT OF BEGINNING

IRSC = 1/2" IRON ROD W/ "KHA" CAP SET

1/2" IRF = IRON ROD FOUND

1/2" IRFC = IRON ROD FOUND (W/CAP STAMPED "\_\_\_\_")

CMF = CONCRETE MONUMENT FOUND

CAB. = CABINET NUMBER

DOC. = CABINET NUMBER

PG. = PAGE

OPRBC = OFFICIAL PUBLIC RECORDS BASTROP COUNTY

PRBC = DEED AND PLAT RECORDS BASTROP COUNTY

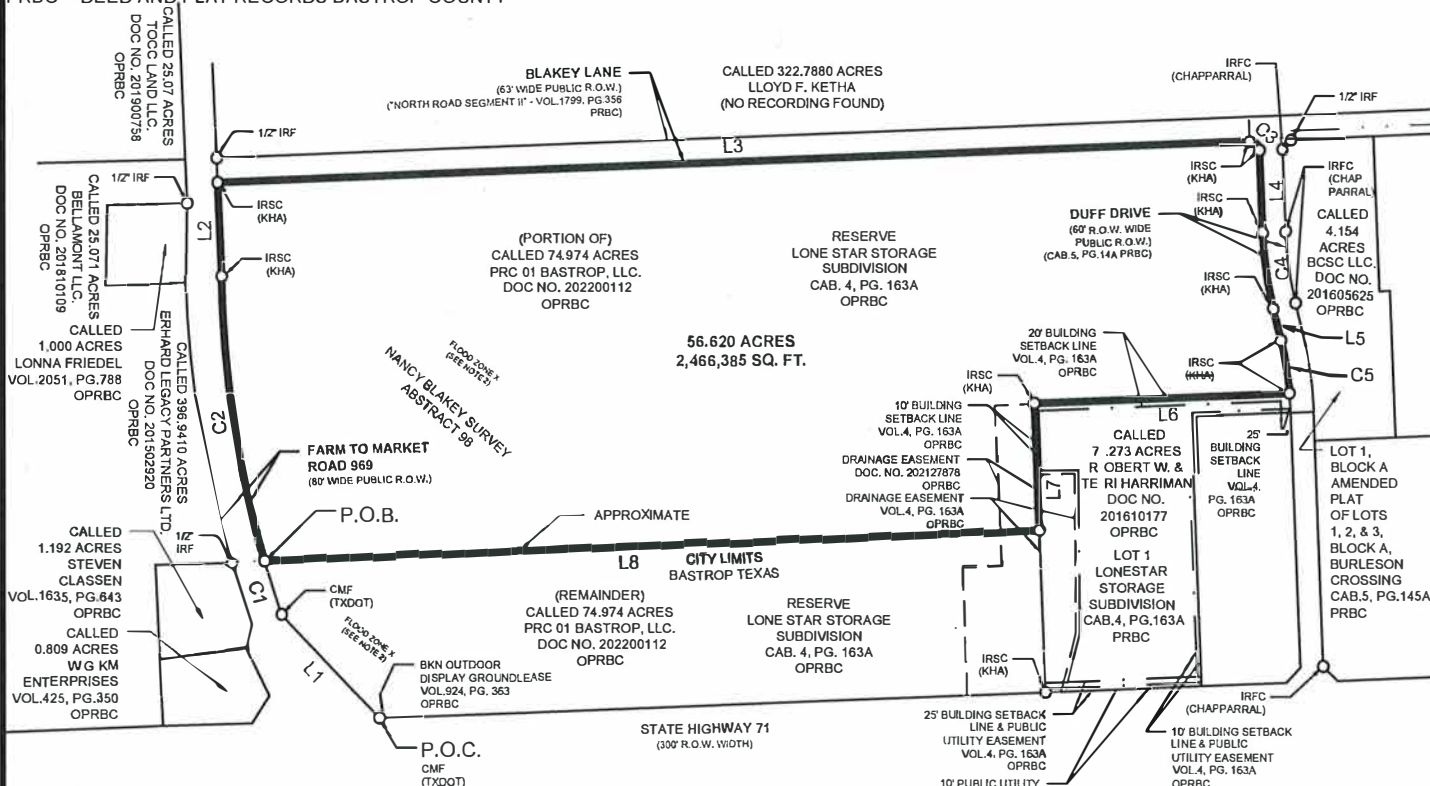
**CURVE TABLE**

NO.	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD
C1	2°58'32"	2824.79'	146.69'	N17°41'54"W	146.68'
C2	15°11'33"	2824.79'	749.02'	N08°36'51"W	746.83'
C3	90°00'54"	25.00'	39.28'	S47°18'11"E	35.36'
C4	11°09'07"	1030.00'	200.48'	S07°52'45"E	200.16'
C5	8°15'40"	970.00'	139.86'	S09°19'29"E	139.73'

**LINE TABLE**

Item 12B.

NO.	BEARING	LENGTH
L1	N43°37'41"W	370.98'
L2	N02°26'48"W	243.14'
L3	N87°41'49"E	2687.44'
L4	S02°18'11"E	211.62'
L5	S13°27'19"E	85.21'
L6	S87°45'06"W	663.82'
L7	S02°14'54"E	330.32'
L8	S87°45'51"W	2018.62'



GEODETIC NOTE: THE BEARINGS SHOWN HEREON ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE (FIPS 4203) (NAD'83), AS DETERMINED BY THE GLOBAL POSITIONING SYSTEM (GPS). ALL DISTANCES SHOWN HEREON ARE ON THE SURFACE. THE COMBINED GRID TO SURFACE SCALE FACTOR FOR THE PROJECT IS 1.0000139976. THE UNIT OF LINEAR MEASUREMENT IS U.S. SURVEY FEET.

CERTIFICATION: THIS IS A LEGAL DESCRIPTION BASED ON A FIELD SURVEY BY KIMLEY-HORN PERSONNEL. NO IMPROVEMENTS ARE SHOWN. ALL EXISTING EASEMENTS ARE NOT SHOWN. THIS IS NOT A LAND TITLE SURVEY. SEE THE SEPARATE LAND TITLE SURVEY UNDER JOB NUMBER 069300300 FOR ADDITIONAL INFORMATION.

JOHN G. MOSIER  
REGISTERED PROFESSIONAL  
LAND SURVEYOR NO. 6330  
601 NW LOOP 410, SUITE 350  
SAN ANTONIO, TEXAS 78216  
PH. 210-541-9166  
greg.mosier@kimley-horn.com



*John G. Mosier*  
8-9-22

**EXHIBIT OF A**  
**56.620 ACRE**  
**NANCY BLAKEY SURVEY,**  
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**BASTROP COUNTY, TEXAS**

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San Antonio, Texas 78216

FIRM # 10193973

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Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 500'	DJG	JGM	8/9/2022	069300300	2 OF 2





# Project 75

June 13, 2022  
APPLICATION FOR ZONING

---



Pearl River Companies is a privately held commercial real estate investment and development firm with a focused strategy for opportunity-driven value creation. We are guided by our core values and committed to delivering the highest level of performance for our partners.

DEVELOPERS. INVESTORS. CREATORS.

---

### CONFIDENTIALITY STATEMENT

THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE LIMITED USE OF THE INDIVIDUAL(S) TO WHOM IT WAS PROVIDED FROM PEARL RIVER COMPANIES AND ANY OF ITS SUBSIDIARIES AND AFFILIATES. YOU ARE HEREBY NOTIFIED THAT ANY DISCLOSURE, COPYING OR DISTRIBUTION OF THE CONFIDENTIAL INFORMATION CONTAINED HEREIN IS STRICTLY PROHIBITED.

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PEARL RIVER

# Project Description Letter

RE: 807 Hwy 71, Bastrop, TX Zoning Application

To Whom It May Concern:

Landowner (PRC 01 Bastrop, LLC), kindly request P5 and P4 zoning designation for our 75-acre development site.

The requested zoning designation will enable us to deliver a comprehensive mixed-use project on the subject site that will include residential and commercial uses within a walkable lifestyle-oriented development.

Sincerely,



**Spencer Harkness**  
Managing Partner



**Mason Mote**  
Managing Partner



# Introduction

PEARL RIVER COMPANIES

—



PEARL RIVER

# Introduction

LEADERSHIP TEAM



## SPENCER HARKNESS

*Co-Founder | Managing Principal*

Spencer is responsible for leading the firm's day-to-day operations, investor relations, and executing Pearl River's investment strategy throughout the acquisition and development process. He has managed the development of more than 1.3 million square feet of commercial mixed-use development valued over \$250 million.

Spencer graduated with a Bachelor of Business Administration from Loyola University of New Orleans.



## MASON MOTE

*Co-Founder | Managing Principal*

Mason is responsible for leading the firm's capital formation and portfolio strategies. He also provides operational oversight for all legal matters including risk management and policies. Mason was previously a partner with the international law firm of McGuireWoods specializing in commercial real estate transactions, including acquisitions, developments, financing, and leasing of best-in-class commercial projects throughout the United States. His extensive experience also includes serving as general counsel and executive vice president to a vertically integrated commercial real estate investment firm.

Mason has been recognized as a Texas SuperLawyers Rising Stars since 2017 and awarded as a top three finalist for Attorney of the Year by REDNews for his work as general counsel.

# Our Philosophy

---

## Uphold Integrity

We subscribe to the highest ethical standards in our industry and ourselves. We commit to doing business in an honest and transparent way, and demonstrate this commitment by partnering with others that share in our philosophy.

## Challenge Perspectives

We seek opportunities to transform spaces, businesses, and communities to deliver unique and mutually beneficial projects. We challenge ourselves to constantly expand boundaries and exceed expectations during each step of the development process.

## Data-Driven Decision Making

Market intelligence strengthens our understanding of each project's potential and challenges. Technology and up-to-date data reveal insights that enable our team to make precise decisions.

## Build Partnerships

We forge lasting and sustainable relationships across all phases of our projects. We elicit participation in a collaborative structure that ensures the needs of all parties are integrated into the DNA of each project. These healthy partnerships drive continued opportunity as they become advocates for Pearl River and its way of doing business.

# Core Values

---

## PASSION

When you love what you do, the results are reflected in the quality of each project.

## GENEROSITY

Kindness to others and giving back to the community are part of the company culture we cultivate.

## EXCELLENCE

We strive to “raise the bar” day in and day out.

## TEAMWORK

Collaboration is essential to our operation and drives the success of our projects.

## ADAPTABILITY

We pride ourselves on our ability to adapt and thrive in changing and challenging environments.

## QUALITY

Intentional commitment to quality and innovation are hallmarks of our work.

PEARL RIVER

# Developers



PEARL RIVER

# Introduction

RESIDENTIAL SITE (26 ACRES)

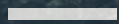
- **National leader** in the development, construction and management of multifamily communities across the United States.
- Acquired and developed more than **80,000 multifamily homes** with a combined capitalization of more than **\$16B.**
  - 2,000+ Class A multifamily units delivered or under construction in Central Texas
  - 2,600+ Class A multifamily units under design in Central Texas
- Offices in **20+ markets** and **15 States.**
  - Physical presences in Austin, San Antonio, Houston, and Dallas





# Generational Site

BASTROP, TEXAS





## PEARL RIVER

# Site Overview

## NE HWY 71 & FM 969 INTERSECTION

Pearl River Companies recently purchased land located at 807 Hwy 71 W Bastrop, Tx 78602. This commercially developable site is adjacent to and across from established retail centers featuring tenants such as Best Buy, Lowe's, Home Depot, Wal-Mart, Academy Sports + Outdoors, H-E-B, Hobby Lobby, ULTA, and others.

Bastrop County has experienced immense population and economic growth over the past two years due to its relatively low cost of living within a short 20-minute drive to/from Austin and Tesla's Giga Campus. This essential retail corridor is positioned for continued success as it must serve the growing population of the Austin Metro and the suburb of Bastrop.

Our due diligence has revealed significant demand for a new mixed-use development with the support of the Bastrop EDC and the City Council. We envision a balanced mix of retail, residential and hospitality development centered around an activated green space within a walkable and community-centric environment.





# Entitlements Request

ANNEXATION & P5 MIXED-USE ZONING

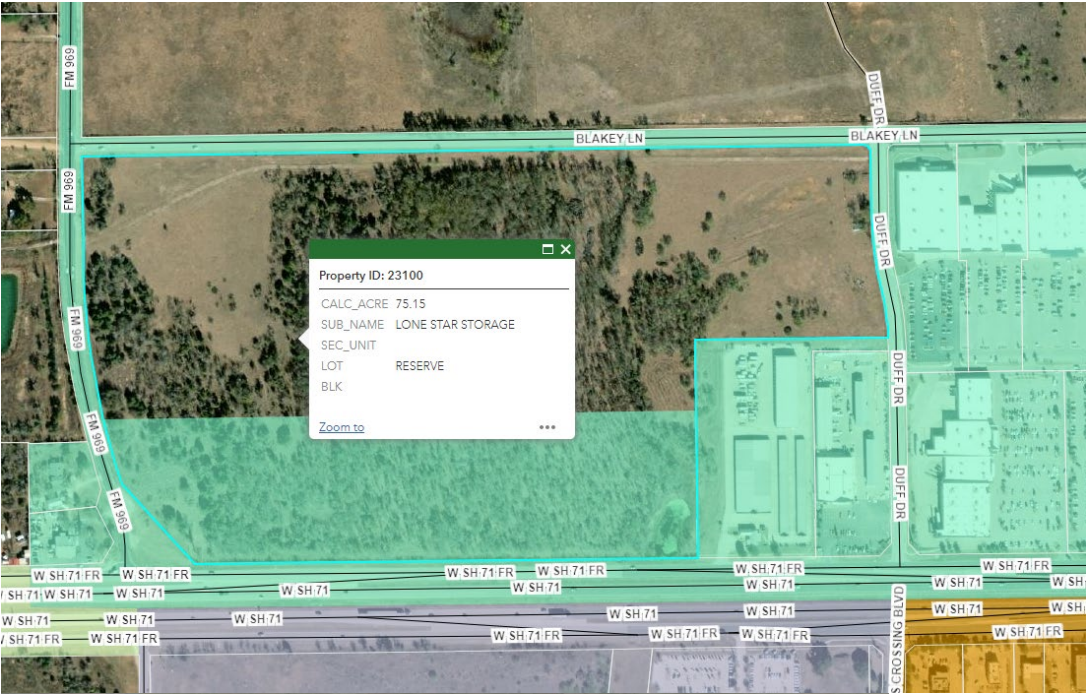
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PEARL RIVER

# Entitlements

CHARACTER DISTRICT (CATTLEMAN’S)



Current

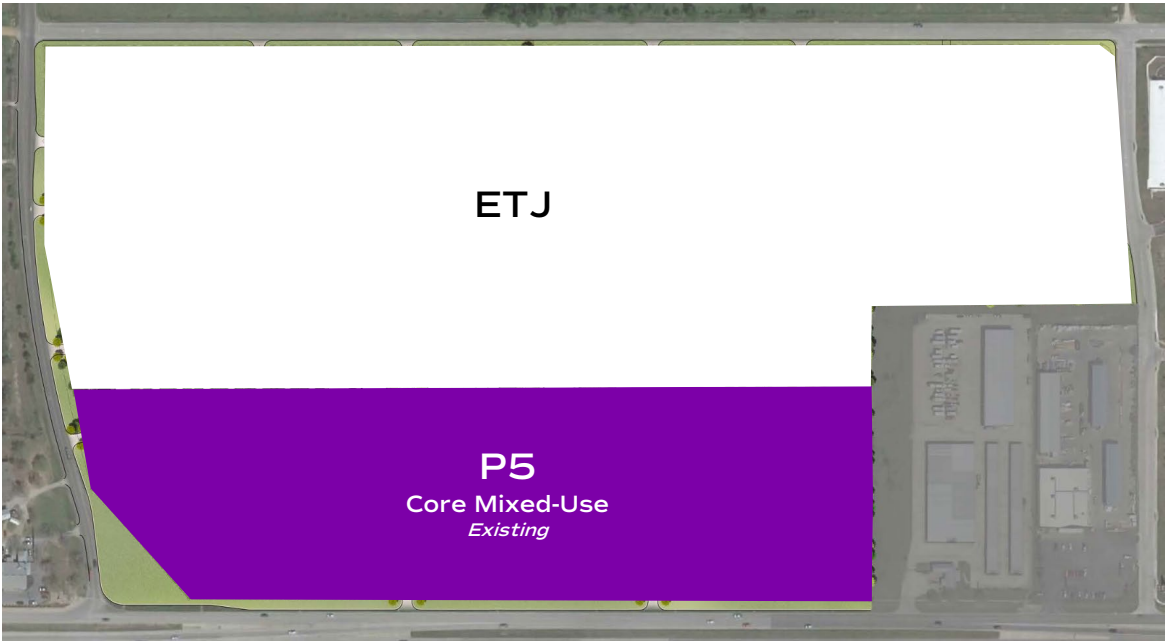


# Entitlements

ANNEXATION & P5 CORE MIXED-USE ZONING

+/- 10%  
Civic Space

PER B3 CODE TO BE IDENTIFIED WHEN  
THE PROPERTY IS PLATTED



Existing Zoning



Requested Zoning



# Zoning Concept Scheme

ZONING APPLICATION

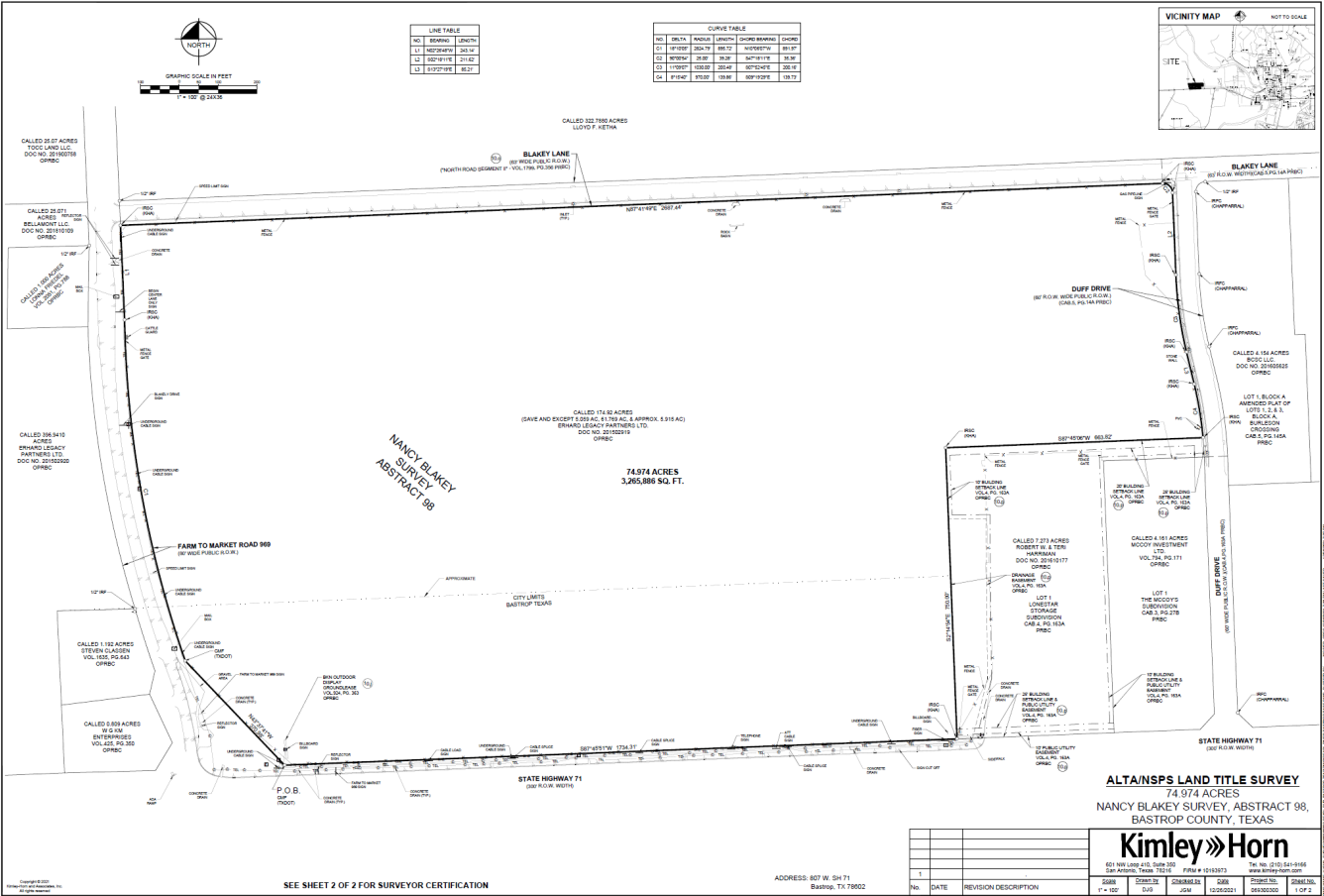
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PEARL RIVER

# Property Boundary

SITE SURVEY



**LEGEND**

SYMBOL	DESCRIPTION
1	1/4 SECTION
2	1/2 SECTION
3	3/4 SECTION
4	SECTION
5	1/4 SECTION
6	1/2 SECTION
7	3/4 SECTION
8	SECTION
9	1/4 SECTION
10	1/2 SECTION
11	3/4 SECTION
12	SECTION
13	1/4 SECTION
14	1/2 SECTION
15	3/4 SECTION
16	SECTION
17	1/4 SECTION
18	1/2 SECTION
19	3/4 SECTION
20	SECTION
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22	1/2 SECTION
23	3/4 SECTION
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95	3/4 SECTION
96	SECTION
97	1/4 SECTION
98	1/2 SECTION
99	3/4 SECTION
100	SECTION

**LINE TYPE LEGEND**

LINE TYPE	DESCRIPTION
1	1/4 SECTION
2	1/2 SECTION
3	3/4 SECTION
4	SECTION
5	1/4 SECTION
6	1/2 SECTION
7	3/4 SECTION
8	SECTION
9	1/4 SECTION
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51	3/4 SECTION
52	SECTION
53	1/4 SECTION
54	1/2 SECTION
55	3/4 SECTION
56	SECTION
57	1/4 SECTION
58	1/2 SECTION
59	

PEARL RIVER

# Master Plan



75 Acres

Serving the  
**City of Bastrop**

250,000+ SF  
RETAIL

650+  
LUXURY APARTMENT HOMES

100+ Room  
HOTEL

3 Acre  
MEDICAL DISTRICT

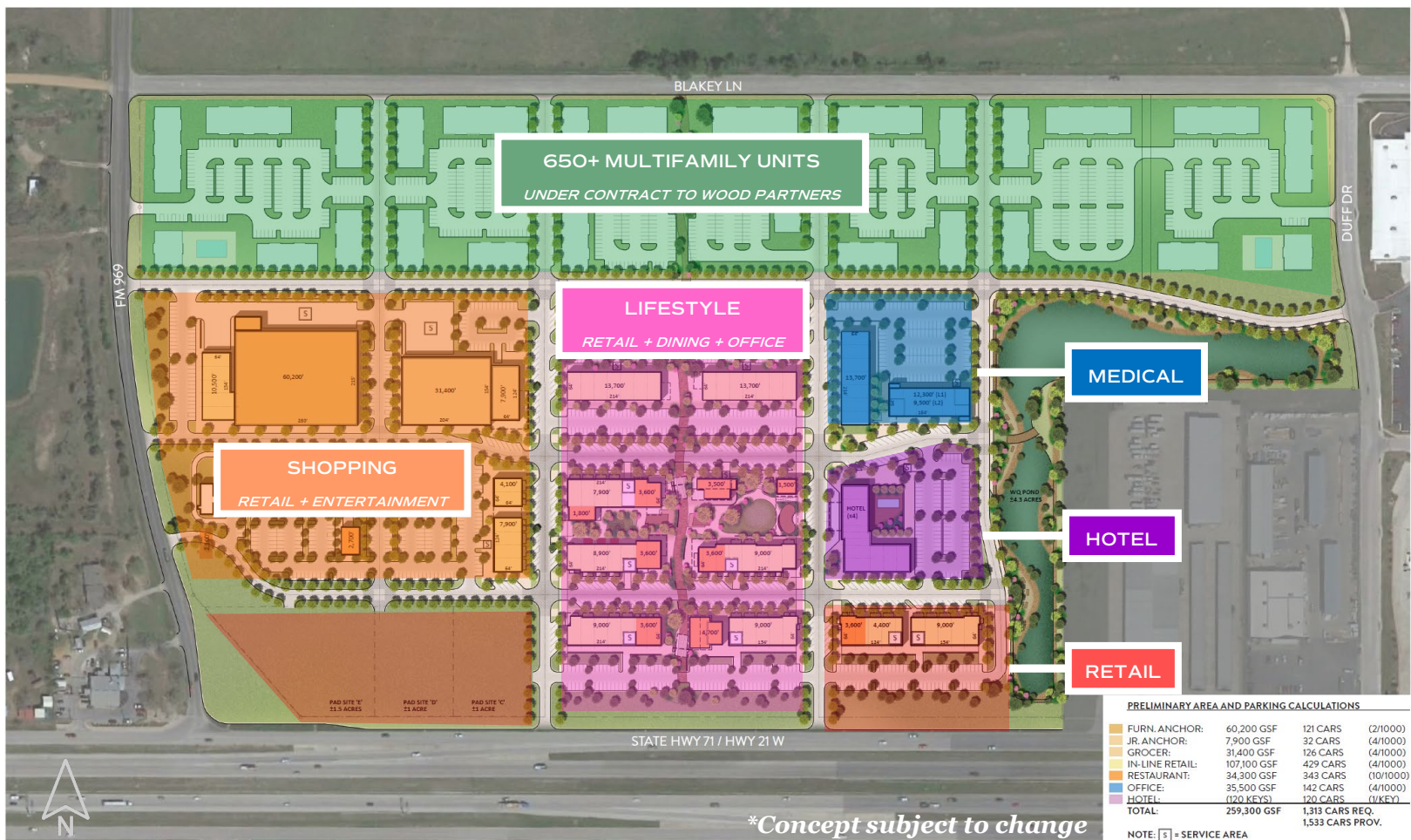
PRELIMINARY AREA AND PARKING CALCULATIONS			
FURN. ANCHOR:	60,200 GSF	121 CARS	(2/1000)
JR. ANCHOR:	7,900 GSF	32 CARS	(4/1000)
GROCER:	31,400 GSF	126 CARS	(4/1000)
IN-LINE RETAIL:	107,100 GSF	429 CARS	(4/1000)
RESTAURANT:	34,300 GSF	343 CARS	(10/1000)
OFFICE:	35,500 GSF	142 CARS	(4/1000)
HOTEL:	(120 KEYS)	120 CARS	(1/KEY)
TOTAL:	259,300 GSF	1,313 CARS REQ.	
		1,533 CARS PROV.	

NOTE: [S] = SERVICE AREA



PEARL RIVER

# Project Overview



**75 Acres**  
To Elevate the  
**City of Bastrop**

**5+ Acre**  
PUBLIC GREEN SPACE

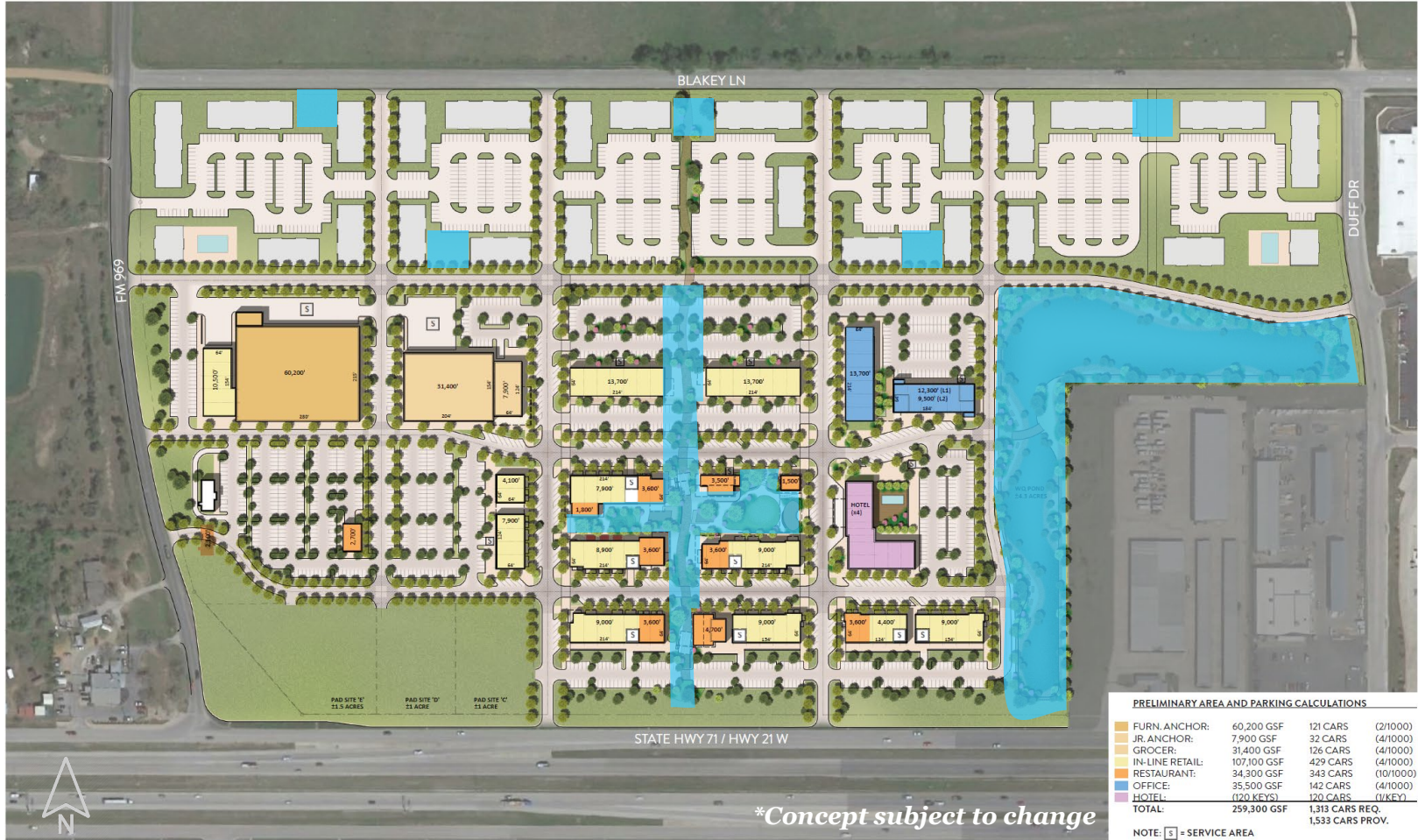
  
YEAR-ROUND EVENTS

**100+ Room**  
HOTEL

**3 Acre**  
MEDICAL DISTRICT

PEARL RIVER

# Project Overview



## Conceptual Civic Type Space

+/- 10%

OF THE PROJECT SETUP FOR VARIOUS TYPES OF COMMUNITY SPACE INCLUDING:

- ACTIVATED PERFORMANCE LAWN
- DETENTION POND AND DOG PARK WITH WALKING TRAIL
- POCKET PARKS
- OTHER PEDESTRIAN FRIENDLY SPACES



PEARL RIVER

# Project Overview

Lifestyle  
Shopping  
Destination

2 Acres  
EVENT LAWN



YEAR-ROUND EVENTS

Performance  
PAVILION

Community  
GATHERING PLACE



ENLARGED PLAZA PLAN / Concept Design





CHARACTER IMAGES

CHARACTER RENDERING 2 - PLAZA / Concept Design



*\*Concept subject to change*



CHARACTER IMAGES

CHARACTER RENDERING 1 - STREETScape / Concept Design





CHARACTER IMAGES

CHARACTER RENDERING 1 - STREETScape / Concept Design





CHARACTER IMAGES

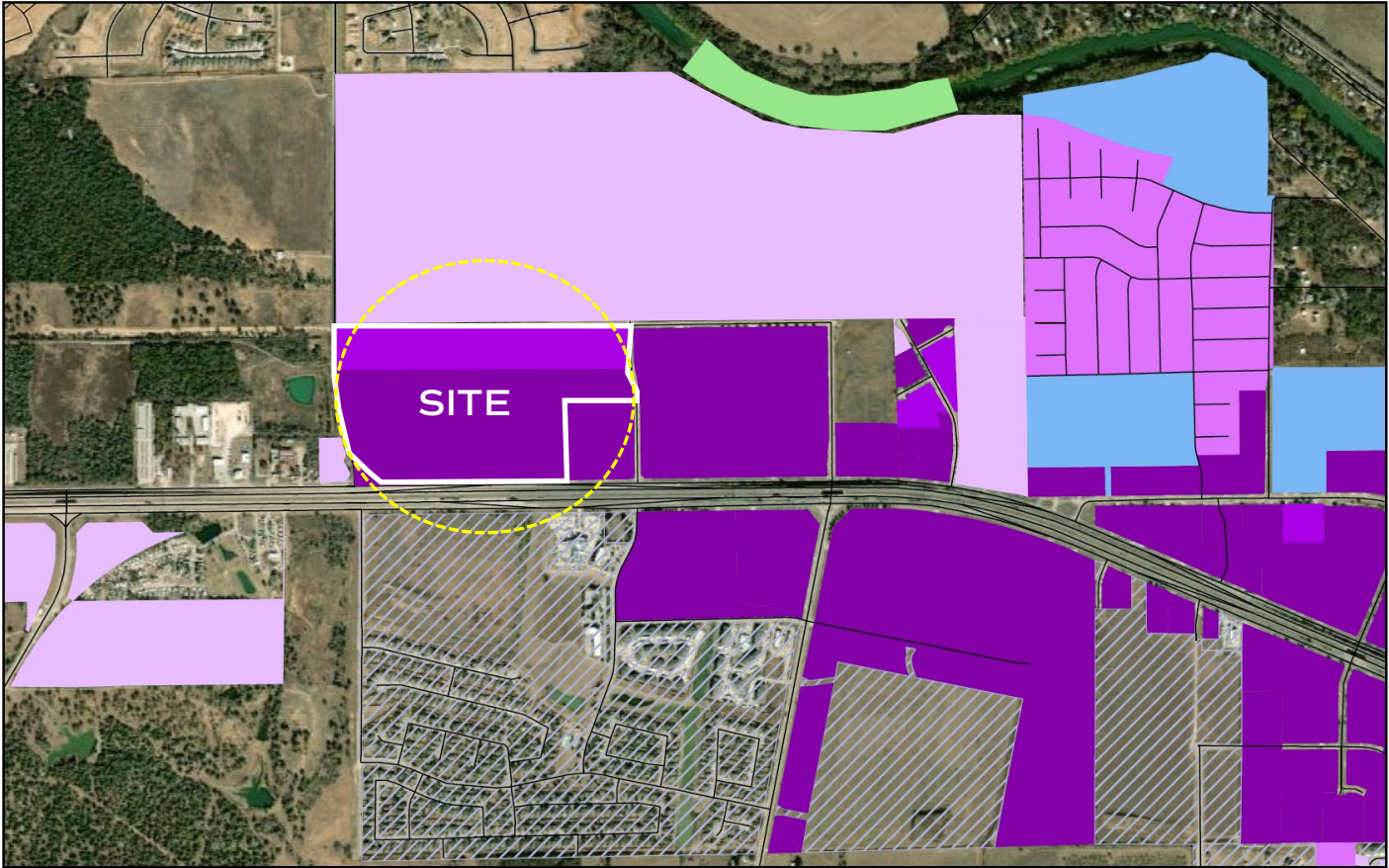
CHARACTER RENDERING 1 - STREETSCAPE / Concept Design





PEARL RIVER

PROPOSED PEDESTRIAN SHED (1/4 MILE)

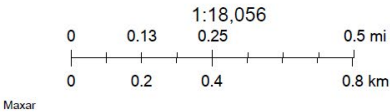


PDD	P2	P3	P4	P5	Civic	EC	Total
	18%		21%	33%	10%		82%

7/21/2022, 5:25:06 PM

Place Types (Zoning Districts)

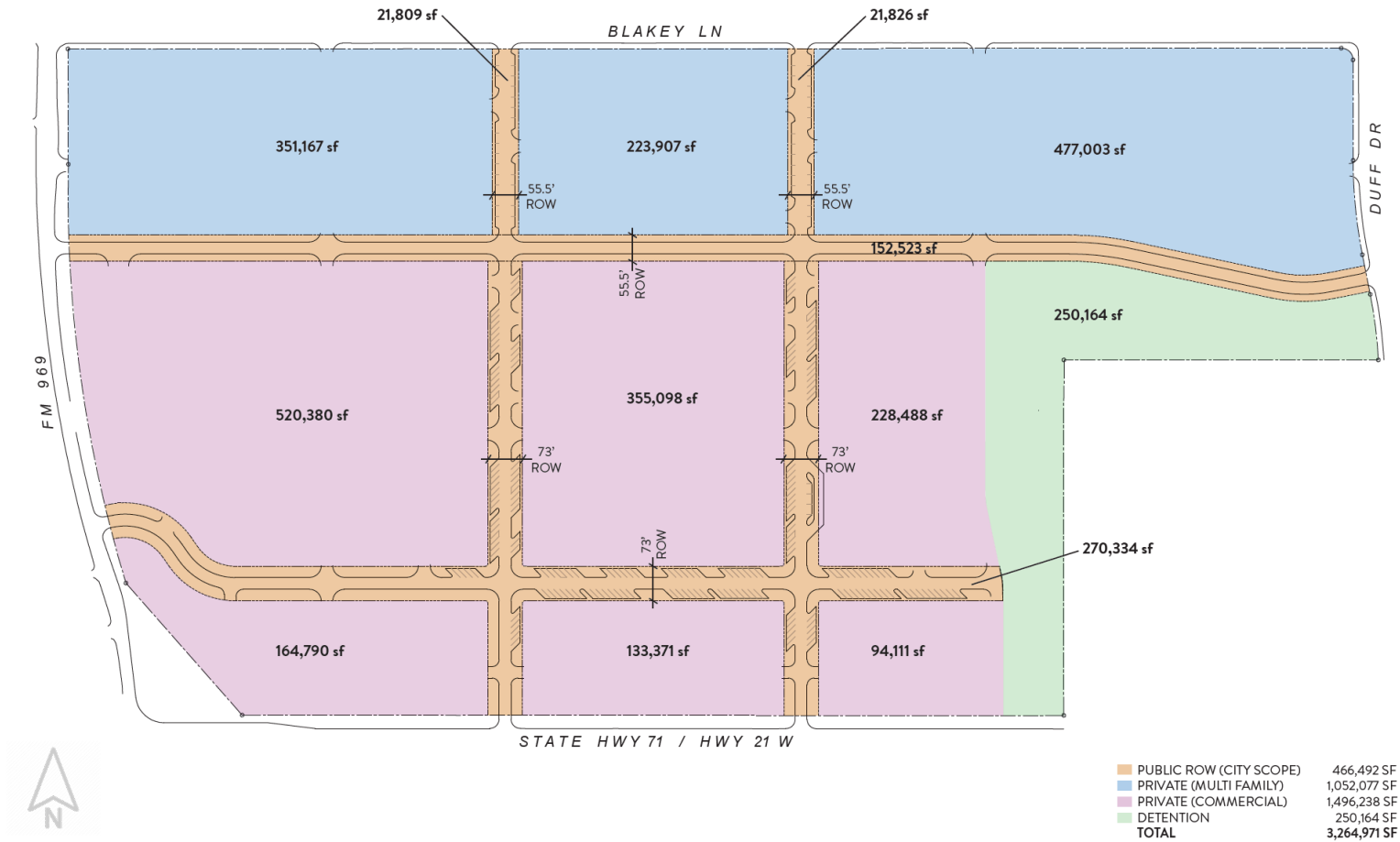
Neighborhood	Civic Space
Nature	Mix
Rural	Planned Development
Core	



Web AppBuilder for ArcGIS  
City of Bastrop

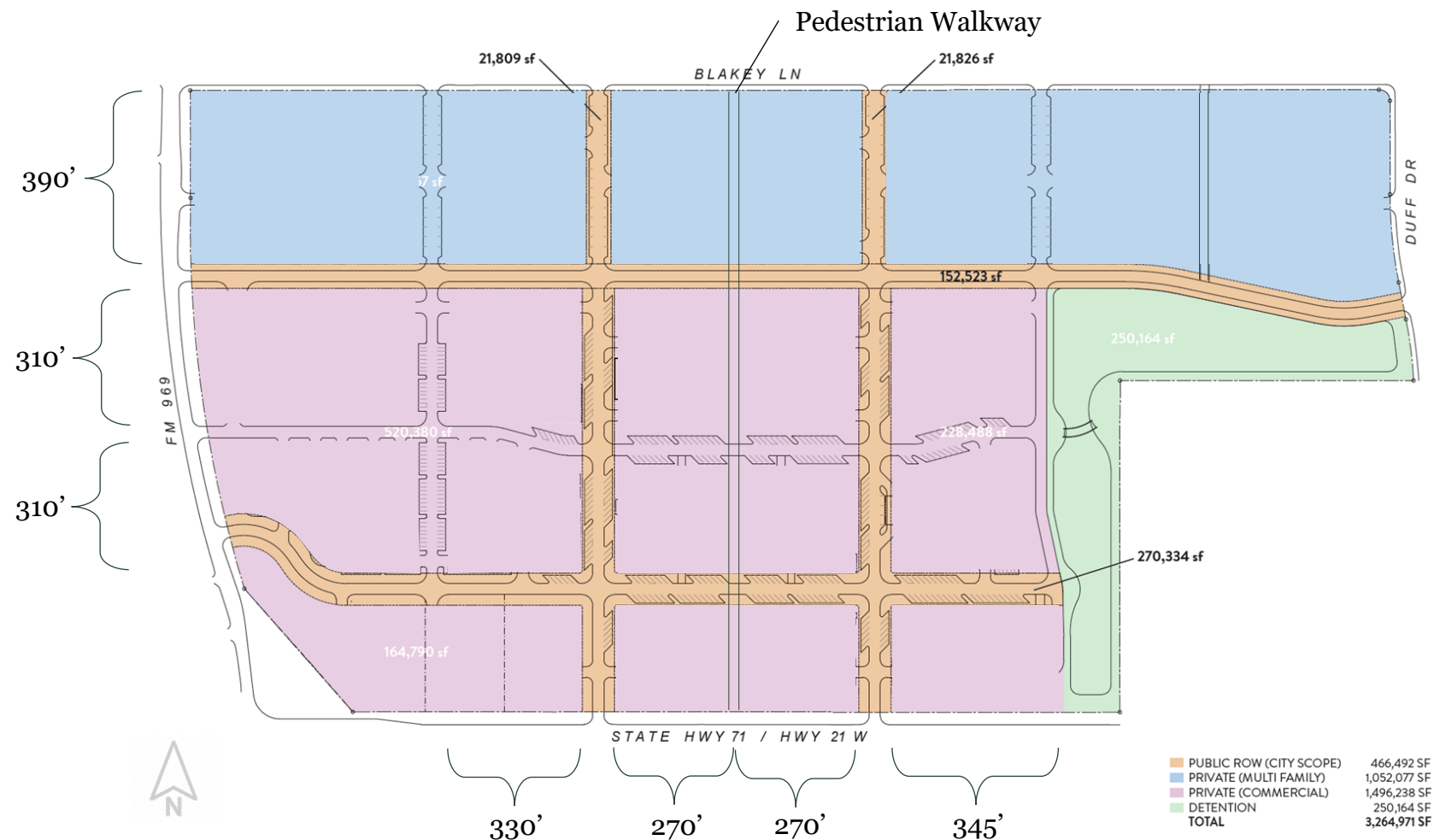
PEARL RIVER

# Public Access Roads



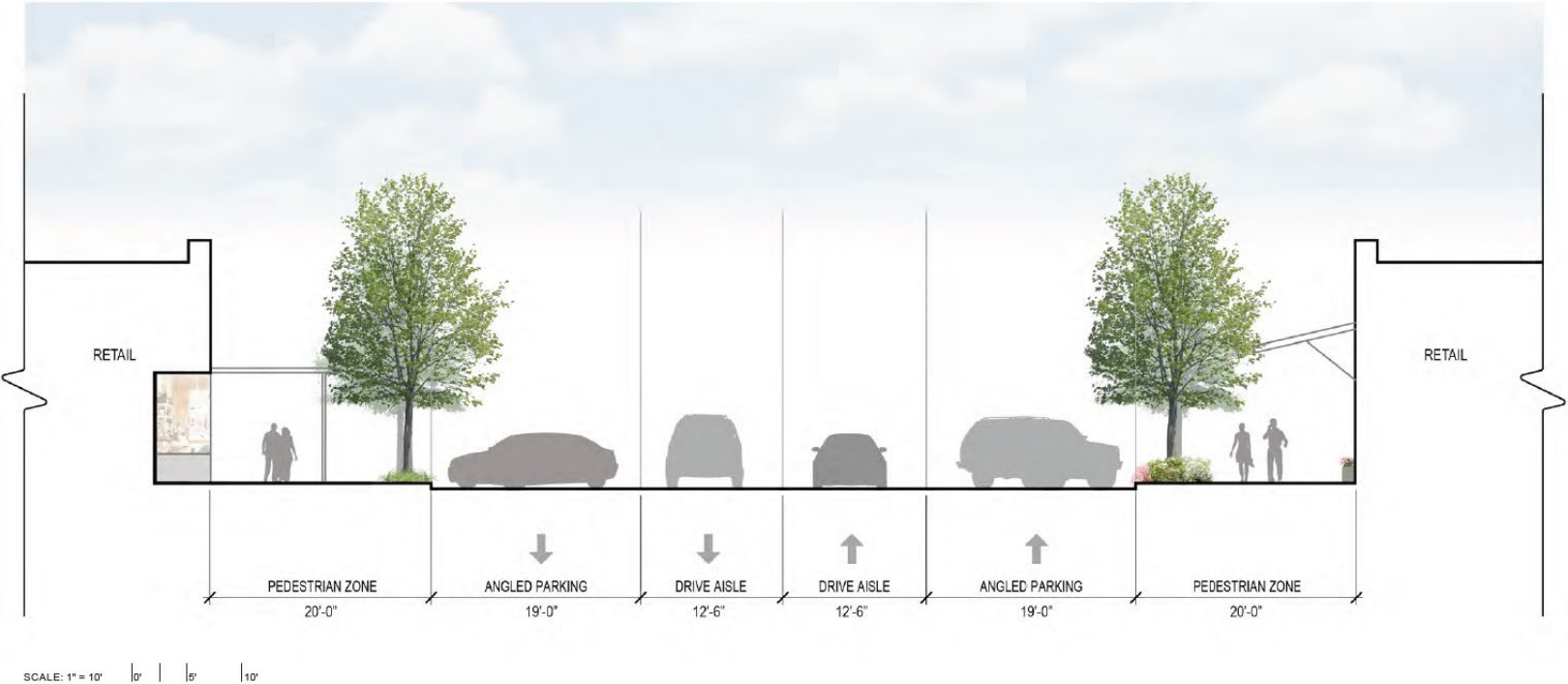
PEARL RIVER

# Block Dimensions



STREETSCAPE SECTION

STREETSCAPE SECTION / Concept Design





# Conceptual Drainage Plan

ZONING APPLICATION

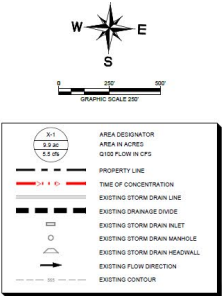
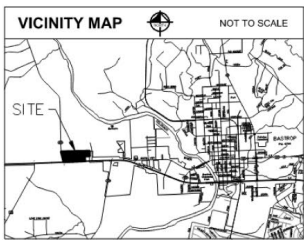
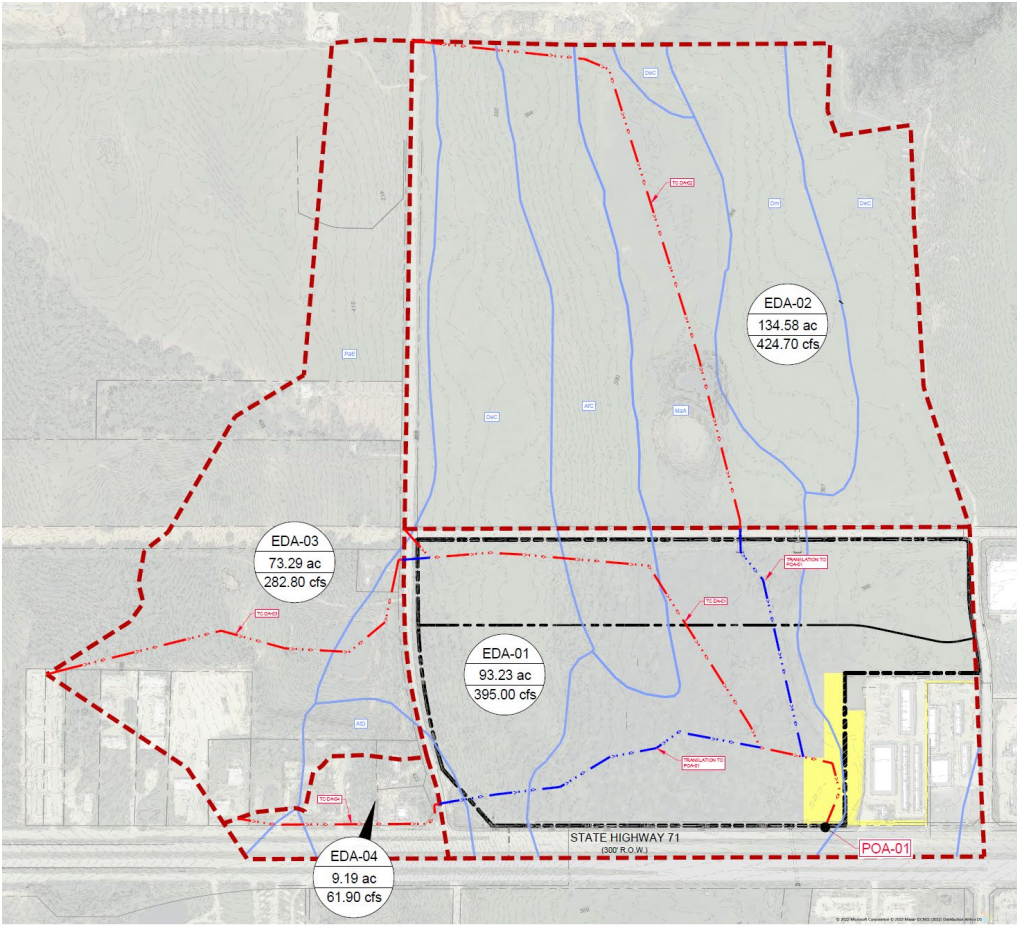
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PEARL RIVER

# Conceptual Drainage Plan

EXISTING



PROJECT DATA TABLE	
PROJECT DESCRIPTION	MINED USED DEVELOPMENT INCLUDING CONVENTIONAL AND MULTIFAMILY USES
PROPOSED USE	MINED USED (COMMERCIAL/MULTIFAMILY)
ADDRESS	801 W 10TH, SALT LAKE, UT 78002
LEGAL DESCRIPTION	LONGHORN STORAGE SUBDIVISION, ACRES 75.574, RESERVE
TOTAL AREA	74.374 ACRES
TOTAL IMPERVIOUS COVER	30.40 ACRES (79%)

EXISTING CONDITIONS							
DRAINAGE AREA	AREA (AC)	IMPERVIOUS COVER	BASE CN	TC (MIN)	Q <sub>1</sub> (CFS)	Q <sub>2</sub> (CFS)	Q <sub>3</sub> (CFS)
DA-01	102.11	19%	78	26.3	126.40	273.30	347.90
DA-02	134.58	2%	78	34.2	122.40	294.30	383.80
DA-03	73.29	11%	78	24.5	81.90	193.00	247.60
DA-04	9.19	40%	78	7.3	20.80	40.70	50.60
POA-1					300.00	687.50	887.10

EXISTING TIME OF CONCENTRATION CALCULATIONS

Sheet Flow	Shallow Concentrated Flow	Channel Flow
$n = 0.24$	$n = 0.015$	$n = 0.015$
$S = 0.01$	$S = 0.01$	$S = 0.01$
$T_1 = 14.0$	$T_2 = 7.0$	$T_3 = 4.3$
Total TC = 26.3 mins		
Lag Time = 15.8 mins		

Sheet Flow	Shallow Concentrated Flow	Channel Flow
$n = 0.24$	$n = 0.015$	$n = 0.015$
$S = 0.01$	$S = 0.01$	$S = 0.01$
$T_1 = 14.0$	$T_2 = 7.0$	$T_3 = 4.3$
Total TC = 26.3 mins		
Lag Time = 20.5 mins		

Sheet Flow	Shallow Concentrated Flow	Channel Flow
$n = 0.24$	$n = 0.015$	$n = 0.015$
$S = 0.01$	$S = 0.01$	$S = 0.01$
$T_1 = 14.0$	$T_2 = 7.0$	$T_3 = 4.3$
Total TC = 24.5 mins		
Lag Time = 14.7 mins		

Sheet Flow	Shallow Concentrated Flow	Channel Flow
$n = 0.01$	$n = 0.015$	$n = 0.015$
$S = 0.01$	$S = 0.01$	$S = 0.01$
$T_1 = 3.2$	$T_2 = 0.5$	$T_3 = 5.0$
Total TC = 7.3 mins		
Lag Time = 4.4 mins		

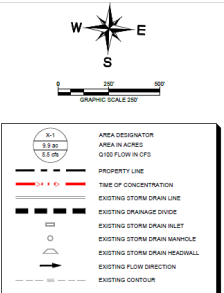
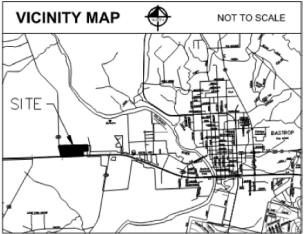
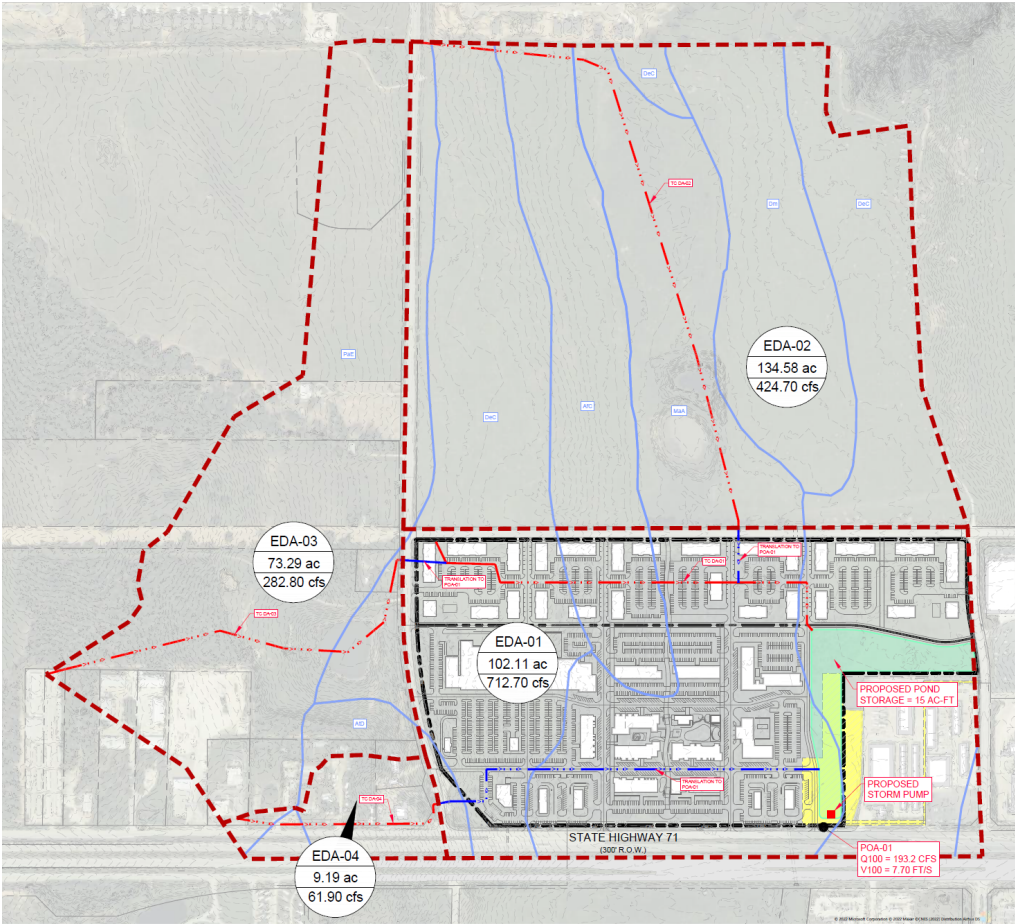
PEARL RIVER  
EXISTING DRAINAGE AREA MAP



PEARL RIVER

# Conceptual Drainage Plan

PROPOSED



PROJECT DATA TABLE	
PROJECT DESCRIPTION	MIXED USED DEVELOPMENT INCLUDING COMMERCIAL AND MULTIFAMILY USES
PROPOSED USE	MIXED USE (COMMERCIAL/MULTIFAMILY)
ADDRESS	807 W 11 <sup>TH</sup> STREET, TX 78601
LEGAL DESCRIPTION	UNIMATED STORAGE SUBDIVISION ACRES 78.374, RESERVE
TOTAL AREA	74.674 ACRES
TOTAL IMPERVIOUS COVER	25.46 ACRES (34%)

PROPOSED CONDITIONS									
DRAINAGE AREA	AREA (AC)	IMPERVIOUS COVER	BASE CN	TC (MIN)	Q <sub>1</sub> (CFS)	Q <sub>2</sub> (CFS)	Q <sub>3</sub> (CFS)	Q <sub>4</sub> (CFS)	Q <sub>5</sub> (CFS)
DA-01	102.11	70%	78	7.8	277.50	401.00	593.50	712.80	
DA-02	134.58	70%	78	34.2	122.40	294.30	383.30	434.70	
DA-03	73.29	11%	78	24.5	85.90	193.00	247.60	282.80	
DA-04	9.19	40%	78	7.3	70.80	40.70	50.60	61.90	
POA-1					290.00	593.50	835.30	903.80	

EXISTING VS. PROPOSED SUMMARY				
POINT OF ANALYSIS		Q <sub>1</sub> (CFS)	Q <sub>2</sub> (CFS)	Q <sub>3</sub> (CFS)
POA-1 (EXISTING)		303.00	607.50	807.50
POA-1 (PROPOSED)		290.00	593.50	835.30
POA-1 DIFFERENCE (CFS)		10.00	94.00	71.80

PROPOSED TIME OF CONCENTRATION CALCULATIONS

DA-01				DA-03			
Sheet Flow	Shallow Concentrated Flow	Channel Flow		Sheet Flow	Shallow Concentrated Flow	Channel Flow	
n= 0.01 paved?	yes	n= 0.34 paved?	no	n= 0.01 paved?	yes	n= 0.34 paved?	no
S (ft/ft)= 0.005 S (ft/ft)= 0.005	S (ft/ft)= 0.005	S (ft/ft)= 0.005	S (ft/ft)= 0.005	S (ft/ft)= 0.005 S (ft/ft)= 0.005	S (ft/ft)= 0.005	S (ft/ft)= 0.005	S (ft/ft)= 0.005
Q <sub>1</sub> (ft/s)= 100 Q <sub>1</sub> (ft/s)= 200	Q <sub>1</sub> (ft/s)= 200	Q <sub>1</sub> (ft/s)= 200	Q <sub>1</sub> (ft/s)= 200	Q <sub>1</sub> (ft/s)= 14.0 Q <sub>1</sub> (ft/s)= 6.2	Q <sub>1</sub> (ft/s)= 6.2	Q <sub>1</sub> (ft/s)= 4.3	Q <sub>1</sub> (ft/s)= 4.3
T <sub>1</sub> = 1.2 T <sub>1</sub> = 1.4	T <sub>1</sub> = 5.3	T <sub>1</sub> = 5.3	T <sub>1</sub> = 5.3	T <sub>1</sub> = 14.0 T <sub>1</sub> = 6.2	T <sub>1</sub> = 6.2	T <sub>1</sub> = 4.3	T <sub>1</sub> = 4.3
Total TC = 7.8 mins				Total TC = 24.5 mins			
Lag Time = 6.7 mins				Lag Time = 14.7 mins			

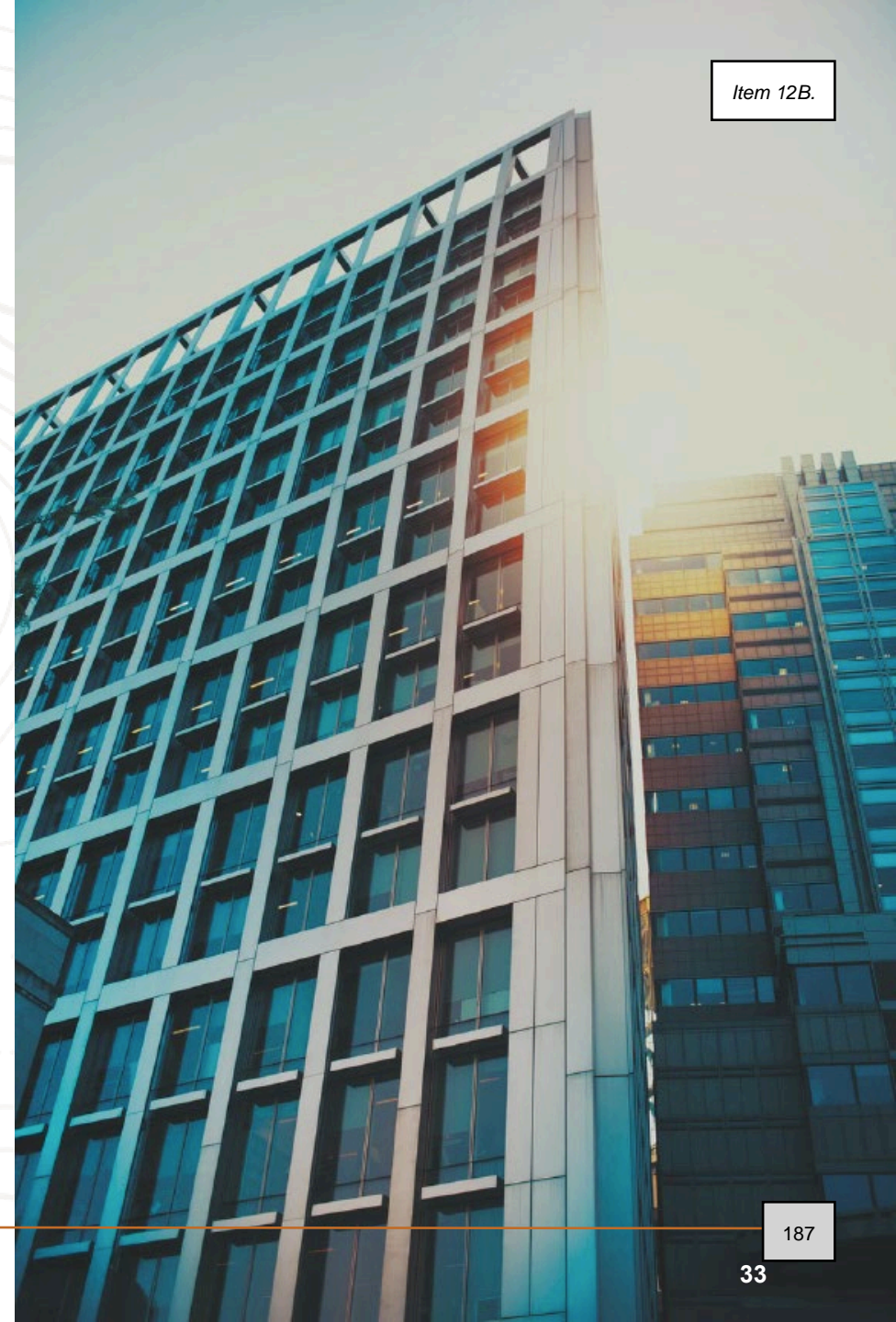
DA-02				DA-04			
Sheet Flow	Shallow Concentrated Flow	Channel Flow		Sheet Flow	Shallow Concentrated Flow	Channel Flow	
n= 0.24 paved?	no	n= 0.34 paved?	no	n= 0.01 paved?	yes	n= 0.34 paved?	no
S (ft/ft)= 0.005 S (ft/ft)= 0.019	S (ft/ft)= 0.019	S (ft/ft)= 0.019	S (ft/ft)= 0.019	S (ft/ft)= 0.005 S (ft/ft)= 0.005	S (ft/ft)= 0.005	S (ft/ft)= 0.005	S (ft/ft)= 0.005
Q <sub>1</sub> (ft/s)= 14.0 Q <sub>1</sub> (ft/s)= 98	Q <sub>1</sub> (ft/s)= 98	Q <sub>1</sub> (ft/s)= 98	Q <sub>1</sub> (ft/s)= 98	Q <sub>1</sub> (ft/s)= 14.0 Q <sub>1</sub> (ft/s)= 6.2	Q <sub>1</sub> (ft/s)= 6.2	Q <sub>1</sub> (ft/s)= 4.3	Q <sub>1</sub> (ft/s)= 4.3
T <sub>1</sub> = 14.0 T <sub>1</sub> = 7.3	T <sub>1</sub> = 12.5	T <sub>1</sub> = 12.5	T <sub>1</sub> = 12.5	T <sub>1</sub> = 14.0 T <sub>1</sub> = 6.2	T <sub>1</sub> = 6.2	T <sub>1</sub> = 4.3	T <sub>1</sub> = 4.3
Total TC = 34.2 mins				Total TC = 7.3 mins			
Lag Time = 20.5 mins				Lag Time = 4.4 mins			

PEARL RIVER  
EXISTING DRAINAGE AREA MAP

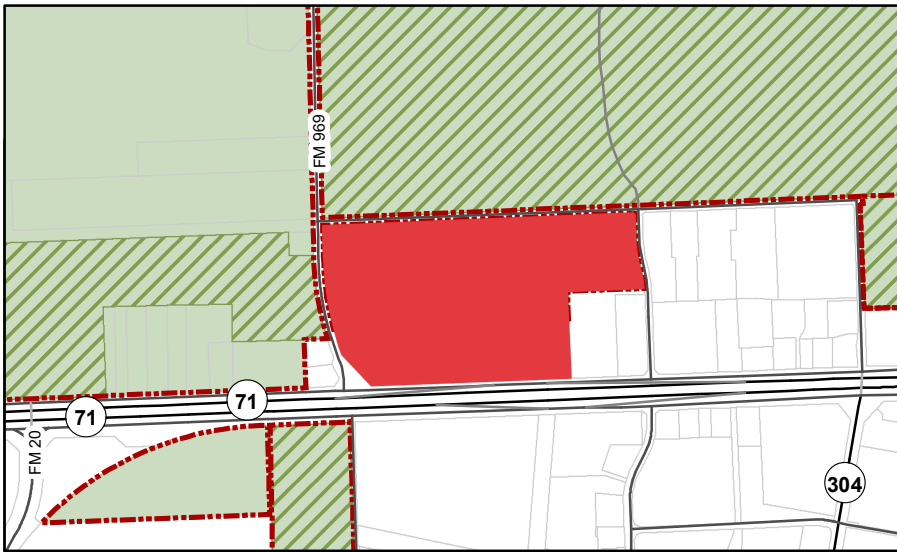




# Developers. Investors. Creators.







## Pearl River 75 acres Lone Star Storage Subdivision

0 115 230 460  
Feet

1 inch = 500 feet

Date: 7/13/2022

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 this information, nor does it represent that its use will not infringe upon privately owned rights.





Received 7/26/2022

Attachment 3

Item 12B.



**Notice of Pending Zoning Change  
City of Bastrop  
Planning & Zoning Commission  
And City Council**

Dear Property Owner:

The **Planning and Zoning Commission** will conduct a public hearing on **Thursday, July 28, 2022 at 6:00 p.m.** and the **City Council** will conduct a public hearing **Tuesday, August 23, 2022 at 6:30 p.m.** in the **City Hall Council Chambers located at 1311 Chestnut Street, Bastrop, Texas** on the following request: Public hearing and consider action on a rezoning for 75.140 acres out of Lone Star Storage Subdivision located at the northeast corner of SH 71 and FM 969 from P5 Core to P4 Mix, P5 Core and P-CS Civic Space, within the city limits of Bastrop, Texas.

Applicant: Spencer Harkins/Pearl River Companies  
Owner: PRC 01 Bastrop, LLC  
Address: Northeast corner of SH 71 and FM 969  
Legal Description: 75.140 acres out of the Lone Star Storage Subdivision

**The site location map is attached for reference.**

As a property owner within 200 feet of the above referenced property, you are being notified of the upcoming meetings per the Bastrop Code of Ordinances. For more information or to provide comments on this project, you may contact the Planning & Development Department at (512) 332-8840, visit or mail your response card below to the office at 1311 Chestnut Street, Bastrop, Texas 78602. The agenda will be posted 72 hours in advance at [https://www.cityofbastrop.org/page/cs.board\\_agendas-pz](https://www.cityofbastrop.org/page/cs.board_agendas-pz).



**PROPERTY OWNER'S RESPONSE**

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

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

Property Owner Name:

ERHARD LEGACY PARTNERS, LTD

Property Address: \_\_\_\_\_

Mailing Address (if different than property address): \_\_\_\_\_

Phone (optional): \_\_\_\_\_

Email (optional):

JB DUFF@LANDMARK/INDUSTRIES.COM

Property Owner's Signature: \_\_\_\_\_

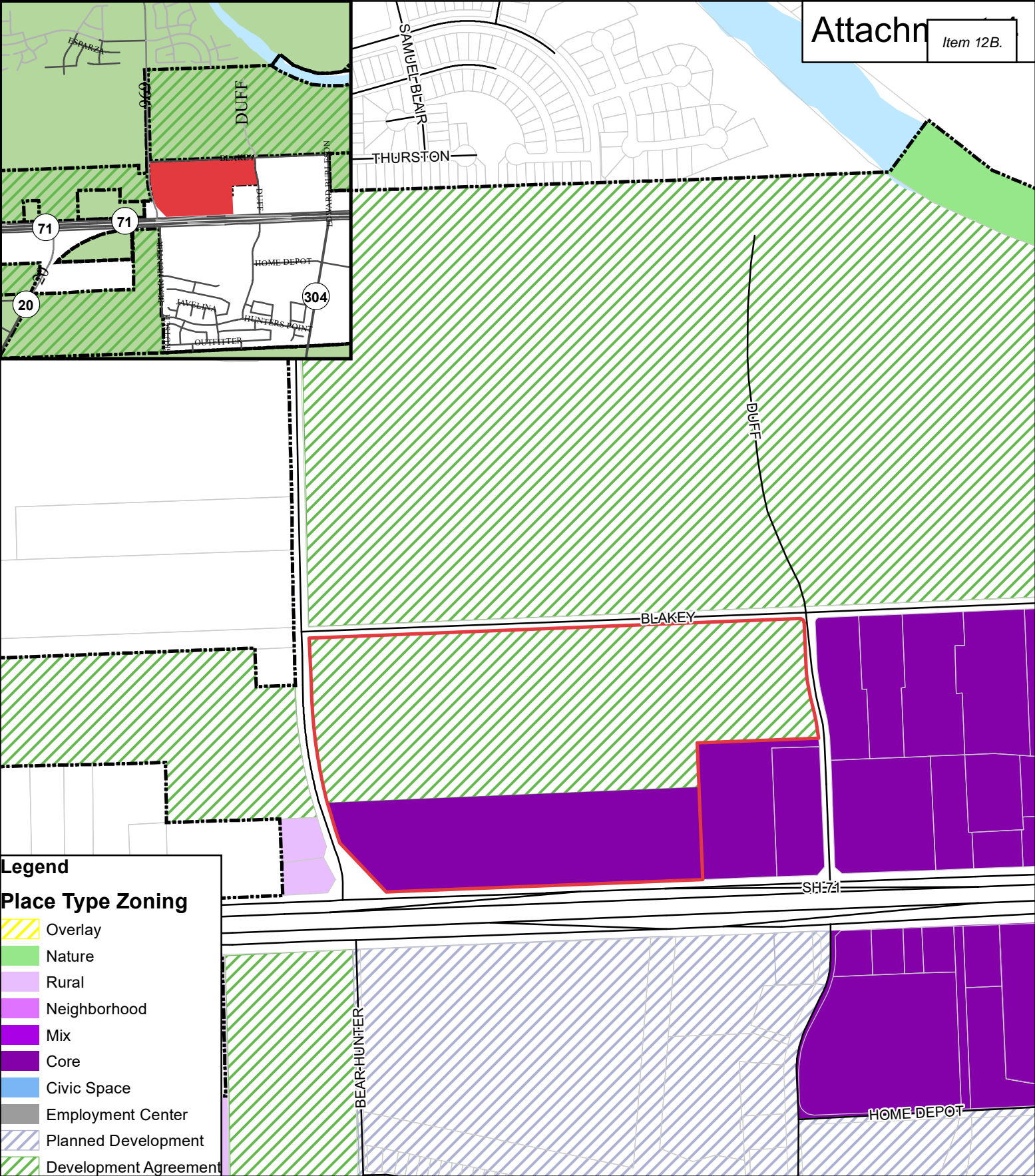
Additional Comments (Optional): \_\_\_\_\_

Re: Project 75 by Pearl River Zoning Concept Scheme

PLANNING DEPARTMENT

1311 Chestnut Street • Bastrop, Texas 78602 • 512.332.8840 • [www.cityofbastrop.org](http://www.cityofbastrop.org)





Existing Zoning Map  
 42.697 out of the Nancy Blakey Survey, A98  
 151 FM 20

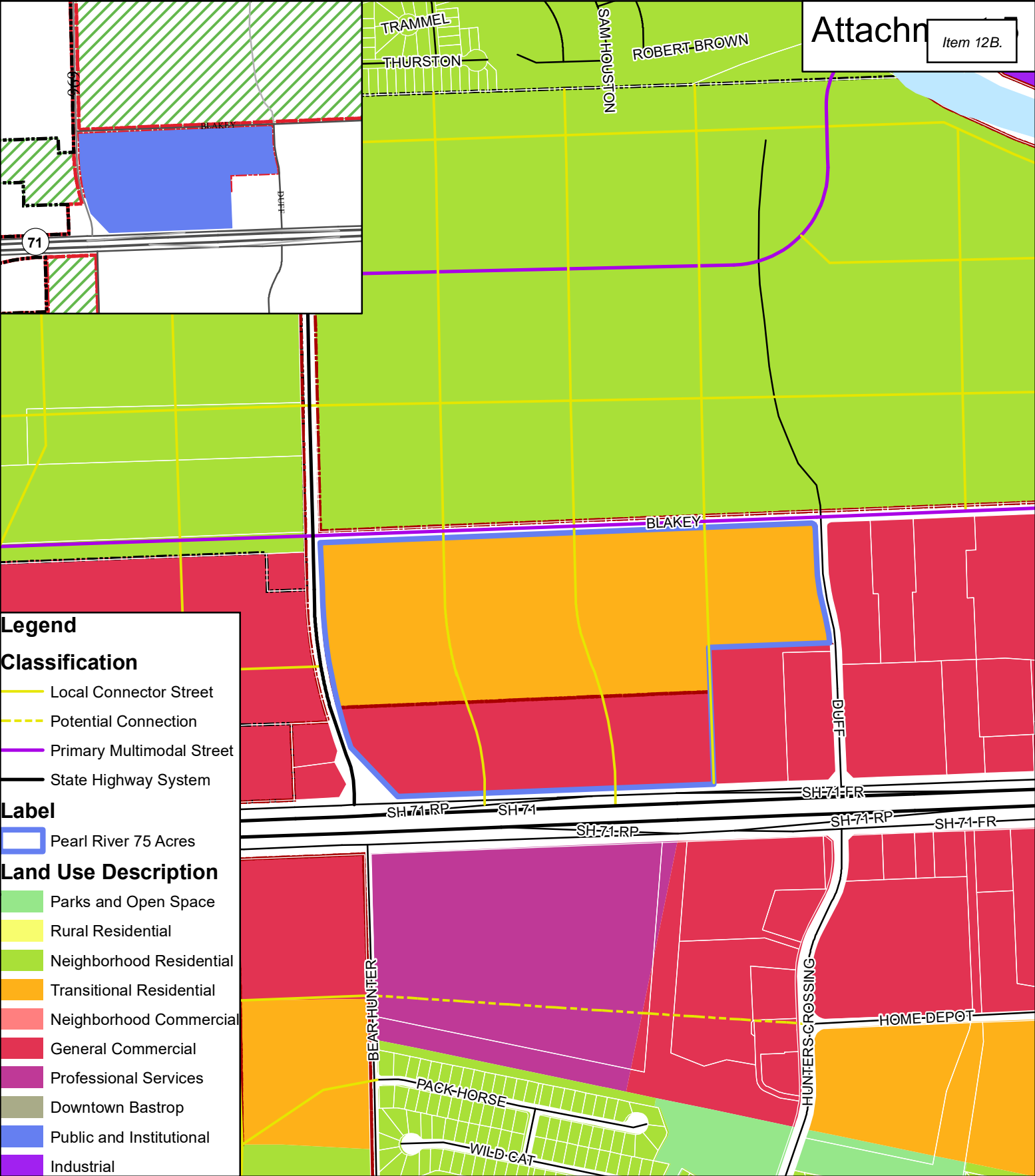
1 inch = 700 feet

N

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190

Date: 7/25/2022



Future Land Use Map  
Lone Star Storage Reserve 75.140  
Northeast Corner SH 71 and FM 969

1 inch = 700 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 use, or assumes any legal liability or responsibility for the accuracy, completeness or usefulness of the information, nor does it represent that the data does not infringe upon privately owned rights.





# STAFF REPORT

**MEETING DATE:** August 23, 2022

**TITLE:**

Consider action to approve Resolution No. R-2022-73 of the City Council of the City of Bastrop, Texas, approving the Financial Management Policy, which is attached as Exhibit A; providing for a repealing clause and establishing an effective date.

**AGENDA ITEM SUBMITTED BY:**

Submitted by: Tracy Waldron, Chief Financial Officer

**BACKGROUND/HISTORY:**

This policy was previously adopted on August 24, 2021. This policy is to be reviewed and approved by City Council annually as a part of the budget process.

Since the last adoption, there have been several items for inclusion into this policy. Below represent the additions and updates made to the policy:

**Transfer from Electric Fund** – There will be a transfer from the Electric Fund to the City's General Fund which represents a Return on Investment (payment in lieu of taxes). This transfer should not exceed 11% of the total proposed revenue of the Electric Fund for that budget year.

**Hotel Occupancy Tax Fund** - This fund has a long-term effect on the City's economy and the reserve level needs to be sufficient to allow the fund to operate if a downturn in the economy occurred. Sufficient level of reserves should be a minimum of the Convention Center debt payment, Community Asset funding, and fifty percent (50%) of Visit Bastrop funding for the current year of expenditures to allow the City to ensure continuity of the organizations promoting tourism. Policy makers will need to determine priorities and funding levels should the economic downturn be expected to exceed this minimum reserve amount.

**Donations** – Several subsections were added to allow the City Manager to accept donations up to \$25,000 without City Council approval. The policy included the requirements for reporting to City Council when donations like these occur. Any donations over this amount will need to be brought to City Council for approval.

This policy should be reviewed administratively by the City Manager at least annually, prior to preparation of the operating budget and brought to City Council for approval.

**FISCAL IMPACT:**

N/A

**RECOMMENDATION:**

Tracy Waldron, CFO recommends approval of Resolution No. R-2022-73 of the City Council of the City of Bastrop, Texas, approving the Financial Management Policy, which is attached as Exhibit A; providing for a repealing clause and establishing an effective date.

**ATTACHMENTS:**

- Resolution 2022-73
- Financial Management Policy



**RESOLUTION NO. R-2022-73**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, APPROVING THE FINANCIAL MANAGEMENT POLICY, WHICH IS ATTACHED AS EXHIBIT A; PROVIDING FOR A REPEALING CLAUSE AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, it is the responsibility of local government to ensure that public funds are managed in a prudent and financially sound manner; and

**WHEREAS**, the City of Bastrop Financial Management Policy was last adopted by City Council in August 24, 2021; and

**WHEREAS**, financial policies provide guidelines for managing risk and assisting the City in complying with established public management best practices, while ensuring compliance with federal, state and local laws and reporting requirements; and

**WHEREAS**, this policy has been updated to reflect the addition of the Vehicle and Equipment Replacement Policy and the Comprehensive Fund Balance Policy along with minor edits; and

**WHEREAS**, the City Council requests that the Financial Management Policy be reviewed and adopted annually by Council as a part of the budget adoption process to ensure this policy is current with State Law and appropriately addresses operational needs.

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

**SECTION 1:** The City Council hereby approves the City of Bastrop Financial Management Policy, which is attached as Exhibit A, and requests that it be reviewed and adopted annually as a part of the Budget adoption process.

**SECTION 2:** Any prior resolution of the City Council in conflict with the provisions contained in this resolution are hereby repealed and revoked.

**SECTION 3:** Should any part of this resolution be held to be invalid for any reason, the remainder shall not be affected thereby, and such remaining portions are hereby declared to be severable.

**SECTION 4:** This resolution shall take effect immediately from and after its passage, and it is duly resolved.



**DULY RESOLVED AND ADOPTED** by the City Council of the City of Bastrop, Texas on the 23rd day of August 2022.

**CITY OF BASTROP, TEXAS**

**APPROVED:**

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

EXHIBIT A



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# Financial Management Policy

*DRAFTED*  
*AUGUST 23, 2022*



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## PURPOSE STATEMENT

The overriding goal of the Financial Management Policy is to enable the City to achieve a long-term stable and positive financial condition while conducting its operations consistent with the Council-Manager form of government established in the City Charter. The watchwords of the City's financial management include integrity, prudent stewardship, planning, accountability, and full disclosure.

The purpose of the Financial Management Policy is to provide guidelines for the financial management staff in planning and directing the City's day-to-day financial affairs and in developing recommendations to the City Manager.

The scope of the policies spans accounting, auditing, financial reporting, internal controls, operating and capital budgeting, revenue management, cash management, expenditure control and debt management.

## ACCOUNTING, AUDITING, AND FINANCIAL REPORTING

### ACCOUNTING

The City of Bastrop finances shall be accounted for in accordance with generally accepted accounting principles as established by the Governmental Accounting Standards Board. The fiscal year of the City shall begin on October first of each calendar year and shall end on September thirtieth of the following calendar year. This fiscal year shall also be established as the accounting and budget year. Governmental fund types use the modified accrual basis of accounting, revenues are recognized when susceptible to accrue (i.e., when they are measurable and available. Expenditures are recognized when the related funds liability is incurred, if measurable, except for principal and interest on general long-term debt, which are recorded when due.

Proprietary fund types are accounted for on a full accrual basis of accounting. Under this method, revenues are recorded when earned and expenses are recorded at the time liabilities are incurred

### FUNDS

Self-balancing groups of accounts are used to account for city financial transactions in accordance with generally accepted accounting principles. Each fund is created for a specific purpose except for the General Fund, which is used to account for all transactions not accounted for in other funds. Governmental funds are used to account for the government's general government activities and include the General, Special Revenue, Debt Service and Capital Project funds.

### EXTERNAL AUDITING

The City will be audited annually by outside independent auditors. The auditors must be a CPA firm of national reputation and must demonstrate that they have the breadth and depth of staff to conduct the City's audit in accordance with generally accepted auditing standards, generally accepted government auditing standards, and contractual requirements. The auditors' report on the City's financial statements including any federal grant single audits will be completed within 120 days of the City's fiscal year end, and the auditors' management letter will be presented to the city staff within 150 days after the City's fiscal year end. An interim management letter will be issued prior to this date if any materially significant internal control weaknesses are discovered. The city staff and auditors will jointly review the management letter with the City Council within 60 days of its receipt by the staff.

### EXTERNAL AUDITORS RESPONSIBLE TO CITY COUNCIL

The external auditors are accountable to the City Council and will have access to direct communication with the City Council if the city staff is unresponsive to auditor recommendations or if the auditors consider such communication necessary to fulfill their legal and professional responsibilities.

## **EXTERNAL AUDITOR ROTATION**

The City will not require external auditor rotation but will circulate requests for proposal for audit services periodically, normally at five-year intervals or less.

## **EXTERNAL FINANCIAL REPORTING**

The City will prepare and publish a Annual Comprehensive Financial Report (ACFR). The ACFR will be prepared in accordance with generally accepted accounting principles and may be presented annually to the Government Finance Officers Association (GFOA) for evaluation and possibly awarding of the Certification of Achievement for Excellence in Financial Reporting. The ACFR will be published and presented to the City Council within 180 days after the end of the fiscal year. City staffing and auditor availability limitations may preclude such timely reporting. In such case, the Chief Financial Officer will inform the City Manager and the City Manager will inform the City Council of the delay and the reasons, therefore.

## **INTERNAL CONTROLS**

### **WRITTEN POLICIES & PROCEDURES**

The Finance Department is responsible for developing city-wide written policies & procedures on accounting, cash handling, and other financial matters. The Policies will be reviewed by the City Manager and approved by the City Council. The procedures will only need approval by the City Manager.

The Finance Department will assist department managers as needed in tailoring these written procedures to fit each department's requirements.

### **INTERNAL AUDIT**

The Finance Department may conduct reviews of the departments to determine if the departments are following the written procedures as they apply to the departments.

Finance will also review the written policies and procedures on accounting, cash handling and other financial matters. Based on these reviews Finance will recommend internal control improvements as needed.

## **DEPARTMENT MANAGERS RESPONSIBLE**

Each department manager is responsible to the City Manager to ensure that good internal controls are followed throughout his or her department, that all guidelines on accounting and internal controls are implemented, and that all independent and internal control recommendations are addressed.

## **OPERATING BUDGET**

## PREPARATION

The City's "operating budget" is the City's annual financial operating plan. It consists of governmental and proprietary funds, including the general obligation debt service fund. The budget is prepared using the same basis of accounting as the audited financial statements. The budget is prepared by the City Manager with the assistance of the Chief Financial Officer and cooperation of all city departments. The City Manager transmits the document to the City Council thirty (30) days prior to the commencement of the fiscal year per the City Charter. The budget should be enacted by the City Council prior to the fiscal year beginning. The operating budget may be submitted to the GFOA annually for evaluation and possible awarding of the Award for Distinguished Budget Presentation.

The budget document presented to Council will be in compliance with Article VI Section 6.02 of the City Charter.

A copy of the proposed budget shall be filed with the City Secretary, at the Public Library and available on the City's website when it is submitted to the City Council in accordance with the provisions of the City Charter Article VI Section 6.03.

At the Council meeting at which time the budget is submitted, the Council shall, in conformance with the requirements of state law, cause to be published the date, time, and place of a Public Hearing. At this hearing, interested citizens may express their opinions concerning items of expenditure, giving reasons for wishing to increase or decrease any such items. This is in accordance with the provisions of the City Charter Article VI Section 6.04.

After a public hearing, the Council shall analyze the budget, making any additions or deletions considered appropriate, and shall, at least three (3) days prior to the beginning of the fiscal year, adopt the budget by a favorable vote. This in accordance with the provisions of the City Charter Article VI Section 6.05.

On final adoption, the budget shall be in effect for the budget year. Final adoption of the budget by City Council shall constitute the official appropriations of proposed expenditures for the year and shall constitute the basis of the official levy of the property tax as the amount of tax to be assessed and collected for that tax year. This in accordance with City Charter Article VI Section 6.06.

## BALANCED BUDGETS

An operating budget will be balanced, with current revenues, inclusive of beginning resources, greater than or equal to current operating expenditures/expenses.

## PLANNING

The budget process will begin with a Staff Budget Retreat followed by a Council Budget Workshop to provide direction to the City Manager on goals of the organization. From Jan. – April, each Department Director will enter their line item budgets into the budget software. Starting in June, meetings are scheduled with the City Manager, Chief Financial Officer and Department Directors, to review their budget submittals. The City Manager submits a proposed budget to the City Council before the end of July. The City Council will conduct budget workshops as necessary.

## REPORTING

Periodic financial reports are available within INCODE to enable the department managers to manage

their budgets and to enable the Finance Department to monitor and control the budget as approved by the City Council. Summary monthly financial reports will be presented to the City Council within 45 days after the end of each month, if council meetings do not interfere with reporting requirement. Such reports will include current year revenue and expenditure budgets and year-to-date actual figures for all major funds.

## **CONTROL**

Operating Expenditure Control is addressed in another section of the Policies.

## **PERFORMANCE MEASURES**

Where appropriate, performance measures and productivity indicators will be used as guidelines and reviewed for efficiency and effectiveness. This information will be included in the final budget document.

## **CAPITAL BUDGET**

### **PREPARATION**

The City's Capital Budget will be included in the City's Operating Budget. The Capital Budget will be prepared by the City Manager with assistance from the Finance Department and involvement of all required city departments.

### **APPROPRIATION**

An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned

### **CONTROL**

All capital project expenditures must be appropriated in the capital budget. Finance must certify the availability of resources so an appropriation can be made before a capital project contract is presented by the City Manager to the City Council for approval.

### **ALTERNATE RESOURCES**

Where applicable, assessments, impact fees, or other user- based fees should be used to fund capital projects which have a primary benefit to certain property owners.

### **DEBT FINANCING**

Recognizing that debt is usually a more expensive financing method, alternative financing sources will be explored before debt is issued. When debt is issued, it will be used to acquire major assets with expected lives that equal or exceed the average life of the debt issue. The exceptions to this requirement are the traditional costs of marketing and issuing the debt, capitalized labor for design and construction of capital projects, and small component parts which are attached to major equipment purchases.

### **REPORTING**

Financial reports will be available to enable the department managers to manage their capital budgets and to enable the finance department to monitor the capital budget as authorized by the City Manager.



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## REVENUE MANAGEMENT

### SIMPLICITY

The City will strive to keep the revenue system simple which will result in a decrease of compliance costs for the taxpayer or service recipient and a corresponding decrease in avoidance to pay.

### CERTAINTY

An understanding of the revenue source increases the reliability of the revenue system. The City will understand its revenue sources and enact consistent collection policies so that assurances can be provided that the revenue base will materialize according to budgets and plans.

### EQUITY

The City will strive to maintain equity in the revenue system structure. It is recognized that public policy decisions may lead to subsidies in certain circumstances, e.g., Over 65 property tax exemptions.

### ADMINISTRATION

The benefits of revenue will exceed the cost of producing the revenue. The cost of collection will be reviewed annually for cost effectiveness as a part of the indirect cost, and cost of services analysis.

### REVENUE ADEQUACY

The City will require that there be a balance in the revenue system. That is, the revenue base will have the characteristic of fairness and neutrality as it applies to cost of service, willingness to pay, and ability to pay.

### COST/BENEFIT OF ABATEMENT

The City will use due caution in the analysis of any tax, fee, or water and wastewater incentives that are used to encourage development. A cost/benefit (fiscal impact) analysis will be performed as a part of such analysis and presented to the appropriate entity considering using such incentive.

### DIVERSIFICATION AND STABILITY

In order to protect the government from fluctuations in revenue source due to fluctuations in the economy, and variations in weather (in the case of water and wastewater), a diversified revenue system will be sought.

### NON-RECURRING REVENUES

One-time revenues will not be used for ongoing operations. Non-recurring revenues will be used only for non-recurring expenditures. Care will be taken not to use these revenues for budget balancing purposes.

### PROPERTY TAX REVENUES

For every annual budget, the City shall levy two property tax rates: Maintenance & Operations and

Interest & Sinking (debt service). The debt service levy shall be sufficient for meeting all principal and interest payments associated with the City's outstanding general debt obligations for that budget year. The debt service levy and related debt service expenditures shall be accounted for in the Debt Service Fund. The maintenance and operations levy shall be accounted for in the General Fund. The City will adhere to state law when calculating these tax rates. Property shall be assessed at 100% of the fair market value as appraised by the Bastrop Central Appraisal District. Reappraisal and reassessment shall be done regularly as required by State law. A 97% collection rate will serve as a minimum goal for tax collection, with the delinquency rate of 4% or less. The 97% rate is calculated by dividing total current year tax collections for a fiscal year by the total tax levy for the fiscal year.

All delinquent taxes will be pursued as part of the collection contract the City has with the Bastrop County Tax Assessor/Collector.

## **USER-BASED FEES**

For services associated with a user fee or charge, the direct and indirect costs of that service will be offset by a fee where possible. There will be an annual review of fees and charges to ensure that fees provide adequate coverage of costs and services.

## **GENERAL AND ADMINISTRATIVE CHARGES**

A method will be maintained whereby the General Fund can impose a charge to the enterprise/proprietary funds for general and administrative services (overhead allocation) performed on the funds' behalf. The details will be documented and said information will be maintained in the Finance Department.

## **TRANSFER FROM ELECTRIC FUND**

There will be a transfer from the Electric Fund to the City's General Fund which represents a Return on Investment (payment in lieu of taxes). This transfer should not exceed 11% of the total proposed revenue of the Electric Fund for that budget year.

## **UTILITY RATES**

The City will strive to review utility rates annually and, if necessary, adopt new rates to generate revenues required to fully cover operating expenditures, meet the legal restrictions of all applicable bond covenants, and provide for an adequate level of working capital needs. This policy does not preclude drawing down cash balances to finance current operations. However, it is best that any extra cash balance be used instead to finance capital projects.

## **INTEREST INCOME**

Interest earned from investment of available monies that are pooled will be distributed to the funds monthly in accordance with the claim on cash balance of the fund from which monies were provided to be invested.

## **REVENUE MONITORING**

Revenues received will be regularly compared to budgeted revenues and variances will be investigated. This process will be summarized in the monthly financial report to Council.

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## EXPENDITURE CONTROL

### OPERATING EXPENDITURES

Shall be accounted, reported, and budgeted for in the following categories:

1. Personnel Costs
2. Supplies and Materials
3. Maintenance and Repairs
4. Occupancy
5. Contractual Services
6. Other Charges
7. Contingency

### APPROPRIATIONS

The level of budgetary control is the fund level budget in all Funds. Transfers between expenditure accounts within a department may occur with the approval of the Department Director. City Manager approval is required if transferring from a personnel or capital accounts within a department. When budget adjustments (i.e., amendments), are required between funds, these must be approved by the City Council through an Ordinance. Transfers between departments within the General Fund will be reported to City Council through the quarterly report.

### CONTINGENCY ACCOUNT

The General Fund Contingency Account will be budgeted at a minimal amount (\$35,000). Increases to the contingency account must be approved by City Council.

### CONTINGENCY ACCOUNT EXPENDITURES

The City Council must approve all contingency account expenditures over \$35,000. The City Manager must approve all other contingency account expenditures and report them to City Council.

### PURCHASING CONTROL

All purchases shall be made in accordance with the City's Purchasing Policy. Authorization levels for appropriations previously approved by the City Council are as follows: below Directors \$1,000 (Directors can request to have this amount raised by submitting a written request to the Finance Department), for Directors up to \$9,999, for Chief Financial Officer up to \$14,999, and with any purchases exceeding \$15,000 to be approved by the City Manager.

### PROFESSIONAL SERVICES

Professional services will generally be processed through a request for proposals process, except for smaller contracts. The City Manager may execute any professional services contract less than \$50,000 provided there is an appropriation for such contract.

### PROMPT PAYMENT

All invoices will be paid within 30 days of receipt in accordance with the prompt payment requirements of State law. Procedures will be used to take advantage of all purchase discounts where considered cost effective. However, payments will also be reasonably delayed in order to maximize the City's

investable cash, where such delay does not violate the agreed upon terms.

## **ASSET MANAGEMENT**

### **INVESTMENTS**

The City's investment practices will be conducted in accordance with the City Council approved Investment Policies.

### **CASH MANAGEMENT**

The timing and amount of cash needs and availability shall be systematically projected in order to maximize interest earnings from investments.

### **INVESTMENT PERFORMANCE**

A quarterly report on investment performance will be provided by the Chief Financial Officer to the City Council in accordance with the City's Investment Policy.

### **FIXED ASSETS AND INVENTORY**

The City of Bastrop's Purchasing Policy defines Fixed Assets and "Minor Capital Outlay" items as items with a value over \$1,000 and with a life expectancy of two (2) or more years. Asset control will be conducted in accordance with the City Council approved Purchasing Policy Sec. IV which includes annual inventory count, proper disposal and security measures. The Finance Department has procedures in place to capture these types of purchases, make sure they are added to the Fixed Asset List and be placed on the insurance. All departments should have procedures in place for proper maintenance of all city assets.

## **VEHICLE AND EQUIPMENT REPLACEMENT FUND**

### **PURPOSE**

The purpose of establishing a Vehicle and Equipment Replacement Fund (VERF), policy is to establish a decision-making process and criteria for purchase, replacement, elimination, and disposition of vehicles and equipment. The policy also establishes procedures to ensure those adequate funds will be available to purchase fleet assets and technology equipment, stabilizing the budgeting for major fleet and technology purchases, and provide sufficient cash flows for annual purchases of equipment greater than or equal to \$10,000.

### **ROLES AND RESPONSIBILITIES**

Each department shall designate a fleet manager(s) to be responsible for oversight of department vehicles, equipment, and technology, and to ensure all equipment is safe, cost effective and meets the needs of the user department, and determining "best value" choosing the equipment to be purchased.

A Fleet Advisory Committee (FAC) should be established with the appropriate staff members, usually consisting of each departmental fleet manager(s). The committee will consider department requests in comparison to determination which assets to be purchased, replaced or eliminated annually. The FAC

will provide an annual recommendation to the City Manager as part of the annual budget process for fleet purchases, replacements, eliminations and/or any other changes regarding fleet management.

## FLEET INVENTORY

By November 1 of every year a physical inventory of all fleet assets shall be completed. By December 15 of each year, the City Finance Department shall distribute an inventory of all fleet assets to the Department Heads. By January 15 of each year, the FAC shall verify the accuracy of the inventory. The final inventory shall include asset number (VIN #), description of asset (make, model, year), division or program the asset is assigned, and the mileage or hours of operation.

## FUNDING OF FLEET ASSETS

All fleet assets purchased out of the VERF fund are owned by the fund and leased to the user departments. All assets purchased through the VERF are approved during the regular budget process prior to purchase. Accessories for fleet assets may be funded by the VERF as follows:

- (1) Accessories that will be funded by the VERF
  - (a) Initial purchase of accessories attached to the unit or required for the unit to perform its intended function.
  - (b) PC peripherals, i.e. wiring and laptop mounts.
  - (c) Accessories must be included in total cost of vehicle/equipment purchase.
- (2) Accessories that will not be funded by the VERF
  - (a) Maintenance items or services.
  - (b) Accessories added to the unit or replaced after the initial purchase is made and the unit is put into service.

All user departments will be charged an annual lease fee for each fleet asset allocated to their use from the VERF. Such fee will provide funds to purchase replacement assets. Money received from assets sold as surplus property will be credited to the VERF.

For vehicles and equipment that are not currently funded in the VERF, the FAC shall make recommendations as to how to fund replacement of the vehicles and/or equipment and present these recommendations as part of the annual budget process.

The purchasing of fleet through the VERF fund follow the same purchasing policy and procedures as any purchase would require.

## VERF REVENUES

Departments will be charged an annual lease fee for assets assigned to them. Lease fees will be calculated in accordance with the following formula:

$$[A-B]/\text{Life} * C = X$$

A=Actual Vehicle and/or Equipment Cost

B=50% of Estimated Salvage Value

C=Inflation Factor

X=Normal Annual Lease Fee Charge

Life=Expected Life of Unit (See Replacement Criteria)

Charges to user departments will be reviewed periodically by the FAC. Lease fees may be adjusted during the annual budget process to ensure the adequacy of the VERF fund balance or to ensure the



fund is not over funded. This analysis will include an anticipated cash flow examination that estimates the fund balance for the lease life of all assets.

## FLEET ASSET REPLACEMENT CRITERIA

The department fleet manager shall annually identify assets that are candidates for replacement or elimination from the fleet as determined by the following replacement criteria:

Vehicle/Equip Category	Age (Years)	Mileage/Hours
Patrol Sedans	5	85,000 miles
Other Police Vehicles	7-10	100,000 miles
Heavy Equipment (Dump Trucks, backhoes, Street Equip. etc.)	10-20	Varies
Mowers	5-7	Varies
Trucks	7-10	Varies
Fire Trucks	10-20	Varies

By December 15 the FAC will confer with departments to review the departmental requests for the upcoming budget year. This will include discussion of request for additions to the fleet and the identification of assets for replacement or elimination to be considered for the next budget preparation cycle. The FAC shall make all recommendations for fleet additions, replacements or eliminations by February 15. By March 1, the CFO or designee shall calculate proposed lease fees using the lease fee calculation. Estimated costs will be used for inclusion in departmental budgets for the upcoming fiscal year.

All vehicle and equipment replacements are considered proposed until such time as the next year's budget is formally approved by Council. Department fleet managers are responsible to provide new title, VIN #s and all other pertinent information to the City Finance Dept. when the new vehicle and/or equipment is acquired. The Finance Department will be responsible for making sure all assets are properly insured.

For vehicles that are used frequently but incur very few miles, the replacement criteria may be exceeded, provided the vehicle remains safe and is economical to operate. Each year, these vehicles will be reviewed for replacement projections.

The finance department will be responsible for following the policy for disposal of assets when fleet is recognized as needing to be replaced or eliminated.

## FINANCIAL CONDITION AND RESERVES

### NO OPERATING DEFICITS

Current expenditures should be paid with current revenues. Deferrals, short-term loans, or one-time sources should be avoided as budget balancing technique. Reserves will be used only for emergencies on non-recurring expenditures, except when balances can be reduced because their levels exceed guideline minimums.

## **OPERATING RESERVES**

Failure to meet these standards will be disclosed to the City Council as soon as the situation is recognized and a plan to replenish the ending resources over a reasonable time frame shall be adopted. This should be followed by a plan to mitigate the re-occurrence of this type of shortfall in the future.

1. The General Fund ending fund balance will be maintained at an amount up to three months' worth of estimated expenditures or at a level of 25% of budgeted operating expenditures.
2. The Enterprise/ Proprietary Funds will be maintained at a minimum level of 35% of budgeted operating expenditures.
3. Fund balances which exceed the minimum level established for each fund may be appropriated for non-recurring capital projects.

## **RISK MANAGEMENT PROGRAM**

The City Council adopts an Investment Policy annually that outlines the investment strategy guidelines with the first goal being the safety of public funds. These policies mitigate the risk associated with investing these public funds.

## **LOSS FINANCING**

All reasonable options will be investigated to finance losses. Such options may include risk transfer, insurance, and risk retention. Where risk is retained, reserves will be established based on a calculation of incurred but not reported claims, and actuarial determinations and such reserves will not be used for any purpose other than for financing losses.

## **ENTERPRISE/ PROPRIETARY FUND SELF-SUFFICIENCY**

The City's enterprise funds' resources will be sufficient to fund operating and capital expenditures. The enterprise funds will pay (where applicable) their fair share of general and administrative expenses, in-lieu-of-property taxes and/or franchise fees. If an enterprise fund is temporarily unable to pay all expenses, then the City Council may waive general and administrative expenses, in-lieu-of-property taxes and/or franchise fees until the fund is able to pay them.

## **HOTEL OCCUPANCY TAX FUND**

The Hotel Occupancy Tax Fund reserve level needs to be sufficient to allow the fund to operate if a downturn in the economy occurred. Sufficient level of reserves should be a minimum of the annual Convention Center debt payment, Community Asset funding, and fifty percent (50%) of Visit Bastrop funding for the current year of expenditures to allow the City to ensure continuity of the organizations promoting tourism. Policy makers will need to determine priorities and funding levels should the economic downturn be expected to exceed this minimum reserve amount.

## COMPREHENSIVE FUND BALANCE POLICY

### BACKGROUND

The Governmental Accounting Standards Board (GASB) issued Statement No. 54, Fund Balance Reporting and Governmental Fund Type Definitions (GASB-54). The primary objective of this standard is to improve the usefulness and comparability of fund balance information by reporting fund balance in more intuitive and meaningful components. This standard also clarifies the definitions of the different types of funds the governmental entity may set up for financial reporting purposes.

GASB-54 requires that written policies be formally adopted by the governing body depicting the procedures that will be used for committing fund balance, assigning fund balance, how stabilization funds will be determined, order of spending the fund balance categories, minimum fund balance levels, and use of governmental fund types.

### FUND BALANCE CATEGORIES

Non-Spendable – Fund balance reported as “non-spendable” represents fund balance associated with inventory or prepaid items. The cash outlay for these types of items has already been made and therefore the resources represented by this fund balance category cannot be spent again.

Restricted – Fund balance reported as “restricted” represents amounts that can be used only for the specific purpose determined by law or by the external providers of those resources.

Committed – Fund balance reported as “committed” includes amounts that can be used only for specific purposes determined by a formal action and approval by City Council.

Assigned – Fund balance reported as “assigned” represents amounts intended to be used for specific purposes, but not meeting the criteria to be reported as committed or restricted fund balance.

Unassigned – Fund balance reported as “unassigned” represents the residual classification of fund balance and includes all spendable amounts not contained within the other classifications.

### POLICY ON COMMITTED FUNDS

In accordance with GASB-54, it is the policy of the City of Bastrop that fund balance amounts will be reported as “Committed Fund Balance” only after formal action and approval by the City Council. The action to constrain amounts in such a manner must occur prior to year-end; however, the actual dollar amount may be determined in the subsequent period.

For example, the City Council may approve a motion to report within the year-end financial statements each year, if available, an amount equal to two months of operating expenditures as Committed Fund Balance for Stabilization (see also Policy on Stabilization of Funds). The dollar amount to be reported as stabilization funds might not be known at the time of approval. This amount can be determined later when known and appropriately reported within the year-end financial statements due to the governing body approving this action before year-end.

It is the policy of the City of Bastrop that the governing body may commit fund balance for any reason that is consistent with the definition of Committed Fund Balance contained within GASB-54. Examples of reasons to commit fund balance would be to display intentions to use portions of fund balance for

future capital projects, stabilization funds, or to earmark special General Fund revenue streams unspent at year-end that are intended to be used for specific purposes.

After approval by the City Council, the amount reported as Committed Fund Balance cannot be undone without utilizing the same process required to commit the funds. Therefore, it is the policy of the City of Bastrop that funds can only be removed from the Committed Fund Balance category after motion and approval by the City Council.

## **POLICY ON ASSIGNING FUNDS**

In accordance with GASB-54, funds that are intended to be used for a specific purpose but have not received the formal approval action at the governing body level may be recorded as Assigned Fund Balance. Likewise, redeploying assigned resources to an alternative use does not require formal action by the governing body.

GASB-54 states that resources can be assigned by the governing body or by another internal body or person whom the governing body gives authority to do so, such as a budget committee or the Chief Finance Officer. Therefore, having considered the requirements to assign fund balance, it is the policy of the City of Bastrop that the Chief Finance Officer will have the authority to assign fund balance of this organization based on intentions for use of fund balance communicated informally by the governing body.

## **POLICY ON STABILIZATION OF FUNDS**

The City desires that a specific amount of fund balance be maintained perpetually to provide for emergencies, contingencies, revenue shortfalls, or budgetary imbalances that may occur from time to time. This formal set-aside of fund balance is commonly known as “Stabilization Funding”. Therefore, it is the policy of this City that, if available, an amount up to two months’ worth of regular General Fund Operating expenditures be reported as Committed Fund Balance for stabilization each year in the year-end external financial statements of the City.

In the absence of a formal action by the governing body in any given year specifying the desire to report committed fund balance for stabilization funds of up to one month of regular General Fund operating expenditures, if available, the formal adoption of this policy by the governing body will be deemed to serve as the formal action required to commit fund balance for stabilization funds. If at year-end, an amount less than two months of operating expenditures is available within fund balance that is not already reserved or committed for other purposes, then it is the policy of the City to record all remaining fund balance amounts as Committed Fund Balance for Stabilization.

## **POLICY ON ORDER OF SPENDING RESOURCES**

It is the policy of the City of Bastrop that when expenditures are incurred that would qualify as expenditures of either Restricted Fund Balance or Unrestricted Fund Balance (Committed, Assigned, or Unassigned), those expenditures will first be applied to the Restricted Fund Balance category.

Furthermore, it is the policy of this City that when expenditures are incurred that would qualify as a use of any of the Unrestricted Fund Balance categories (Committed, Assigned, or Unassigned), those expenditures will be applied in the order of Committed first, then Assigned, and then Unassigned.

## **REVIEW OF GOVERNMENTAL FUND CLASSIFICATIONS**

The City of Bastrop desires that the governmental fund types available for use in governmental financial reporting be appropriately selected based on the GASB-54 definitions of these fund types. Furthermore, the fund balance categories utilized within each of these fund types are also to be appropriately selected from the new GASB-54 classifications.

Therefore, after consideration of the purpose of each governmental fund type, it is the policy of the City of Bastrop to limit the fund balance categories that may be used with each governmental fund type as follows:

General Fund – Non-Spendable, Restricted, Committed, Assigned, and Unassigned.

Debt Service Funds – Restricted, Committed, and Assigned.

Capital Project Funds – Restricted, Committed, and Assigned.

Special Revenue Funds – Non-Spendable, Restricted, Committed, and Assigned.

## DEBT MANAGEMENT

### SELF-SUPPORTING DEBT

When appropriate, self-supporting revenues will pay debt service in lieu of tax revenues.

### ANALYSIS OF FINANCING ALTERNATIVES

The City will explore all financing alternatives in addition to long-term debt including leasing, grants and other aid, developer contributions, impact fees, and use of reserves or current monies.

### VOTER AUTHORIZATION

The City shall obtain voter authorization before issuing General Obligation Bonds as required by law. Voter authorization is not required for the issuance of Revenue Bonds and Certificates of Obligation. However, the City may elect to obtain voter authorization for Revenue Bonds.

### BOND DEBT

The City of Bastrop will attempt to maintain base bond ratings of AA2(Moody's Investors Service) and AA (Standard & Poor's) on its general obligation debt, and AA- on its revenue bonds. In an attempt to keep the debt service tax rate flat, retirement of debt principal will be structured to ensure constant annual debt payments when possible.

### IRS COMPLIANCE

The City will maintain written procedures for Post Bond Issuance Federal Tax compliance with IRS laws and regulations for tax exempt debt.

## STAFFING AND TRAINING



## **ADEQUATE STAFFING**

Staffing levels will be adequate for the fiscal functions of the City to function effectively. Overtime shall be used only to address temporary or seasonal demands that require excessive hours. Workload scheduling alternatives will be explored before adding staff.

## **TRAINING**

The City will support the continuing education efforts of all financial staff including the investment in time and materials for maintaining a current perspective concerning financial issues. Staff will be held accountable for communicating, teaching, and sharing with other staff members all information and training materials acquired from seminars, conferences, and related education efforts.

## **GRANTS/FUNDING REQUESTS FINANCIAL MANAGEMENT**

### **GRANT SOLICITATION**

Each department is responsible for researching and applying for grants that support needs within their department. The purpose of this policy is to ensure grant funding is solicited with prior approval of the City Manager. The grant application should only be made with input from pertinent departments. The grants should be cost beneficial and meet the City's objectives. Communication will be made with City Council to keep them informed on what grants are being solicited.

### **GRANT ACCEPTANCE**

All grants awarded to the City of Bastrop must be accepted by action of the City Council. If the grant opportunity is identified early enough for inclusion in the annual budget, it shall be identified and budgeted in revenue and expenditure accounts. If the grant is accepted but has not been included in the annual budget, a budget amendment shall be requested to reflect the revenues and expenditures associated with the grant.

### **RESPONSIBILITY**

Departments will oversee the day-to-day operations of grant programs, will monitor performance and compliance, and will also keep the Finance Department informed of significant grant-related plans and activities. Finance Department staff members will serve as liaisons with grantor financial management personnel, will prepare invoices, and will keep the books of account for all grants.

### **FUNDING REQUESTS FROM PARTNER ORGANIZATIONS**

These organizations are identified as the Bastrop Economic Development Corporation and Visit Bastrop. The City Council will be informed of a funding request from a Partner Organization through an agenda item at a public meeting.

## **DONATIONS**

### **LESS THAN \$25, 000**

The City Manager is authorized to accept or reject any and all offers of donations made to the City having a monetary value of less than \$25,000 after due and proper consideration of the following factors:

1. Whether the proposed donation would be of a true benefit to the community or City Government;

2. Whether the proposed donation is appropriate or has practical use to the City's current or planned operations;
3. Whether the City already possesses similar items making the donated items(s) surplus;
4. Whether the proposed donation would require any undesirable or unreasonably high maintenance costs and efforts; and
5. Whether the required recognition, or stipulation, of the donor exceeds the value of the proposed donation or an acceptable level of recognition.

The City Manager shall prepare a report to be submitted to the City Council on a regular basis, not less than quarterly, detailing any offers of donations made to the City during the previous quarter, indicating whether such offer was accepted or rejected and, if rejected, stating the reason for same.

## **MORE THAN \$25, 000**

The City Manager shall review proposals for donations having a monetary value of \$25,000 and greater to the City and shall prepare a recommendation to the City Council on such proposals. City Council action shall be required for acceptance of any such proposal. Prior to submittal to the City Council, the City Manager may invite comments from all affected City Department Heads and related Advisory Boards.

## **ACCEPTANCE**

Upon acceptance by the City, the donor shall coordinate with City staff for the acceptance of the donation and specify a time frame for the expenditure or use of the donation. If a donation is not used for the intended specific purpose, within the approved amount of time, the donation may be returned to the donor upon request, or an extension of time may be permitted upon approval of the City and the donor.

All donations of any type in any amount of value shall be received and processed in accordance with proper and accepted accounting procedures.

## **ANNUAL REVIEW AND REPORTING**

### **ANNUAL REVIEW**

These Policies will be reviewed administratively by the City Manager at least annually, prior to preparation of the operating budget.

### **REPORTING**

The Chief Financial Officer will report annually to the City Manager on compliance with these policies.

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Tracy Waldron, Chief Financial Officer

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Trey Job, Acting City Manager

History of Financial Policies:

Previously Approved 9/23/14

Previously Approved 10/25/16

Previously Approved 5/9/17

Previously Approved with Budget 9/25/18

Previously Approved 10/22/19

Previously Approved 9/8/20

Previously Approved 8/23/21



# STAFF REPORT

**MEETING DATE:** August 23, 2022

**TITLE:**

Consider action to approve Resolution No. R-2022-77 of the City of Bastrop, Texas amending the City Council Rules of Procedure attached as Exhibit A; establishing a repealing clause; and establishing an effective date.

**AGENDA ITEM SUBMITTED BY:**

Submitted by: Alan Bojorquez, City Attorney

**BACKGROUND/HISTORY:**

The Rules of Procedure for the City Council of the City of Bastrop, Texas contains Section 1.4 Annual Review, which states:

*“Following the municipal elections each year, Council will review these rules of procedure annually, make changes as appropriate, and adopt their own rules of procedure in accordance with the Charter at the first scheduled meeting in July. In the event no annual review occurs, the standing rules of procedure continue in effect. This does not limit the Council’s right and ability to amend the rules at any other time during the year, in accordance with the Charter.”*

**RULES OF PROCEDURE EDITS:**

- Added Language to Applicability section to clarify interchangeable terms such as “Mayor” and “Chairperson.”
- Title of Section 2.2 changed to “Meetings Shall Be in Compliance.” Not all meetings will be held in public (e.g. Executive Sessions).
- Clarified definitions to reflect accurate interpretations of the words used.
- Eliminated redundancies where procedures are reiterated in multiple sections (e.g. Sec. 2.10 “Quorum”).
- Capitalization of special nouns (e.g. Executive Session, State, Presiding Officer).
- Reorganized sentences for clarity.
- Proper use of pronouns.
- Simplified procedures by making the rules state the relevant law that is being referred to.
- Spelling errors revised.

**RECOMMENDATION:**

Recommend approval of Resolution No. R-2022-77 of the City of Bastrop, Texas amending the City Council Rules of Procedure; establishing a repealing clause; and establishing an effective date.

**ATTACHMENTS:**

- Resolution R-2022-77
- Revised Rules of Procedure

**RESOLUTION NO. R-2022-77****A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS  
AMENDING THE CITY COUNCIL RULES OF PROCEDURE ATTACHED AS  
EXHIBIT A; ESTABLISHING A REPEALING CLAUSE; AND ESTABLISHING  
AN EFFECTIVE DATE.**

**WHEREAS**, the City Charter, Section 3.13 Rules of Procedure, says the Council shall determine its own rules of procedure and order of business; and

**WHEREAS**, Section 1.4 of the City Council Rules of Procedures states that an annual review is required; and

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

**Section 1:** That the City Council hereby approves the revised Rules of Procedure, attached hereto as Exhibit A and made a part hereof by this reference.

**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 23<sup>rd</sup> day of August, 2022.

**APPROVED:**

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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



# Rules of Procedure for the City Council and Boards & Commissions of the City of Bastrop, Texas



Adopted: August 23, 2005  
Revised: October 10, 2017  
Revised: July 24, 2018  
Revised: July 9, 2019  
Revised: September 8, 2020  
Revised: July 27, 2021

Council's Edits August 9, 2022

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## ARTICLE 1. AUTHORITY, APPLICABILITY, AMENDMENT, AND ANNUAL REVIEW

### 1.1 Authority.

Article III, Section 3.13 of the City Charter of the City of Bastrop, Texas grants the City Council the right to determine its own rules of procedure. The following rules are enumerated under and by authority of said provision.

### 1.2 Applicability.

The rules of procedure adopted by the City Council are applicable not only to the City Council, but also to all boards, commissions, and committees of the City of Bastrop. When applied to boards, commissions and committees, the term Mayor means the chairperson and the terms City Council or Council Members means the members of the board, commission, or committee.

### 1.3 Amendment.

These rules may be amended or new rules adopted by a minimum of three (3) of the five (5) voting members of the City Council present.

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### 1.4 Annual Review.

Following the municipal elections each year, Council will review these rules of procedure annually, make changes as appropriate, and adopt their own rules of procedure in accordance with the Charter at the first scheduled meeting in July. In the event no annual review occurs, the standing rules of procedure continue in effect. This does not limit the Council's right and ability to amend the rules at any other time during the year, in accordance with the Charter.

## ARTICLE 2. GENERAL RULES OF PROCEDURE AND POLICIES

### 2.1 Construction of Authority.

The construction of authority in all matters associated with the meetings and activities of the City Council, including the agenda, shall be: (1) the U.S. Constitution and Statutes of the United States of America; (2) the Texas Constitution and Statutes of the State of Texas; (3) the City Charter; (4) the Code of Ordinances of the City of Bastrop, Texas; and (5) these rules. ; Rosenberg's Rules of Order are a preferred source of guidance for matters not addressed herein.

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### 2.2 Meetings Shall Be in Compliance.

All meetings of the City Council shall be in compliance with the Texas Government Code, Chapter 551, Open Meetings Act. Except in the case of an emergency meeting, notice of all meetings shall be given 72 hours before the time set for any meeting.

If meetings are held at Bastrop City Hall, they shall be televised live on the City's television channel via the appropriate cable providers and live-streamed via social media. If unable to televise meetings live due to technical difficulties, the meeting shall be recorded for a later broadcast. The Council meetings shall be rebroadcast as a part of the City's on-going channel programming.

The Bastrop City Hall is wheelchair accessible and special parking is available on the west side of the building. If special accommodations are required, please contact the City Secretary a minimum of 24 hours in advance at 512-332-8800.

### 2.3 Conduct of Meetings.

Meetings of the City Council shall be conducted according to the rules adopted by the City Council. ~~For additional guidance (non-binding), the City Council may refer to~~ Rosenberg's Rules of Order as amended herein and when not inconsistent with these rules.

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### 2.4 Regular Meetings.

Regular meetings of the City Council shall be on the second and fourth Tuesday of each month at 6:30 p.m. The Council may, by majority vote at a regular meeting, change the days or times of meetings as circumstances may necessitate. Per the City Charter, the Council shall meet regularly and at least once each month.

### 2.5 Special Meetings.

The City Council may hold as many additional, special meetings as may be necessary for the transaction of the business of the City. Special meetings of the City Council may be called as necessary upon written notice to the City Secretary by the Mayor or by any ~~three (3)~~ members of the City Council unless made at a regular meeting at which a quorum of Council Members is present. The City Manager and all Council Members shall be notified of all special meetings.

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### 2.6 Emergency Meetings.

In case of an emergency or urgent public necessity, which shall be expressed in the meeting notice, it shall be sufficient if members receive and notice is posted one (1) hour before the meeting is convened. Notice shall be provided also to the media as requested in accordance with the Texas Government Code, Section 551.047.

### 2.7 Workshops (Work Session).

Workshops are special meetings called for the purpose of conducting a detailed and thorough exploration of matters that may properly come before the City Council. Citizen comments on agenda items listed for open portions of the workshop can be addressed to the City Council (i.e., not executive session) before or during the City Council's consideration of the item.

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### 2.8 Executive Sessions.

Executive sessions are meetings closed to the public. These sessions are only permitted for the purpose of discussing matters enumerated in Texas Government Code Chapter 551, the Open Meetings Act. Disclosure of topics to be discussed shall be made to the public in accordance with the requirements of the Open Meetings Act.

The City Council can retire into an executive session during a regular or special meeting as stated on a posted agenda or when deemed necessary by the presiding officer or a majority of the City Council. However, before said session begins, the presiding officer shall announce that the executive session is commencing, the items to be discussed, and the section of the Open Meetings Act that justify the executive session(s). The order in which an executive session may appear on the agenda is subject to the discretion of the Mayor. A certified record of the meeting will be created by the presiding officer or their designee, sealed and permanently kept, subject to



opening by court order. No voting or action shall be taken by the City Council during an executive session. No other subject but that posted on the agenda is to be considered. Adjournment of the executive session and any vote needed shall be made during the open public meeting.

## **2.9 Recessed Meetings.**

No meeting shall be recessed for a longer period of time than until the next regular meeting except when required information has not been received, or, in the case of work sessions or special meetings, to a date certain by motion duly passed.

## **2.10 Quorum.**

Four (4) members of the Council shall constitute a quorum to do business.

## **2.11 Conflict of Interest.**

A Council Member prevented from voting by a conflict of interest shall file a conflict of interest affidavit with the City Secretary as soon as possible after the posting of an agenda, which contains a conflict, unless an applicable conflict of interest affidavit has already been filed.

A Council Member prevented from voting by a conflict of interest shall step down from the dais and leave the Council Chambers, shall not vote on the matter, shall not participate in discussions regarding the matter or attempt to influence the Council's deliberation of the matter in any way (during meetings or outside of meetings), shall not attend Executive Sessions regarding the matter, and shall otherwise comply with the state law and City ordinances concerning conflicts of interest including Chapter 171 of the Texas Local Government Code.

## **2.12 Presiding Officer.**

The Mayor shall serve as the Presiding Officer for all meetings of the City Council. In the absence of the Mayor, the Mayor Pro Tem shall serve as the Presiding Officer. In the absence of the Mayor and Mayor Pro Tem, the City Manager shall call the meeting to order, if a quorum of the Council is present, and the first order of business shall be for Council to elect by majority vote, a temporary presiding officer from the members then seated and in attendance. The temporary presiding officer shall serve in such capacity until the meeting is adjourned.

The Presiding Officer shall serve as the chair of all meetings and shall make final rulings on all questions pertaining to these rules. All decisions of the presiding officer are final unless overruled by the City Council through a motion to appeal as described in Article 3.9 – Courtesy, Decorum and Order of these rules.

The Mayor, as Presiding Officer, is entitled to participate in the discussion and debate, but may not vote, except in elections, to break a tie, and as otherwise provided in the City's Charter. Because the Presiding Officer conducts the meeting, it is common courtesy for the chair to take a less active role than other members of the Council in debates and discussions. This practice in no way precludes the presiding officer from participating in the meeting fully and freely.

The presiding officer of boards and commissions shall be the person selected by the board or commission as the chair, co-chair, or vice chair. If these persons are not in attendance, the board or commission shall choose a temporary presiding officer from among the members in

attendance.

### 2.13 Minutes of Meetings.

The City Secretary shall keep minutes of all proceedings of the City Council and they shall be open to public inspection in accordance with the laws of the State of Texas. Staff Liaisons will take minutes of proceedings of the various Boards & Commissions and provide them to the City Secretary as Records Custodian.

### 2.14 Suspension and Amendment of Rules.

Any provisions of these rules not governed by federal, state law or the City Charter may be temporarily suspended by a supermajority vote (see Article 3.7 of these rules) of the City Council. Any provisions of these rules may be amended by majority vote if such amendment is appropriately posted on an agenda of a regular meeting of the City Council and receives approval of the majority of City Council at such meeting.

### 2.15 Rules for the Press and Media.

The use of media equipment, such as lights, cameras and/or microphones must be coordinated with the City Manager prior to the meeting to ensure that the equipment does not disturb or otherwise conflict with or disrupt the meeting or the Council's activities.

## ARTICLE 3. PARLIAMENTARY PROCEDURE

### 3.1 Purpose.

The purpose of these rules of parliamentary procedure is to establish orderly conduct of the meetings. Simple rules lead to a wider understanding and participation. Complex rules create two classes: (1) those who understand the rules, and (2) those who do not fully understand and those who do not fully participate. The ultimate purpose of these rules of parliamentary procedure is to encourage and facilitate decision-making by the City Council. In a democracy, the majority opinion carries the day.

These rules enable the majority to express their opinion and fashion a result, while permitting the minority to also express itself (but not dominate) and fully participate in the process.

### 3.2 Model Format for an Agenda Item Discussion.

The following ten (10) steps may be used as a model or guidebook by the Presiding Officer. The meeting is governed by the agenda and the agenda constitutes the only items to be discussed. Each agenda item can be handled by the Presiding Officer (Mayor) in the following basic format:

1. *Announce the Item.* The Mayor should clearly announce the agenda item number. ~~The Mayor or the Mayor's designee~~ shall clearly state the subject matter of the agenda item by reading the caption for the item being considered.
2. *Receive a Report.* The Mayor should invite the appropriate people to report on the item, including any recommendation they might have.
3. *Ask Clarifying Questions.* The Mayor should ask the Council Members if they have any

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technical questions for clarification. At this point, members of the City Council may ask clarifying questions to the people who reported on the item, and they should be given time to respond.

4. *Seek Citizen Input.* The Mayor should invite citizen comments – or if a public hearing, open the public hearing. Upon conclusion, the Mayor should announce that public input is closed, or if a public hearing, close the public hearing.
5. *Motion First.* The Mayor should invite a motion from the City Council before debate is given on the merits of the item. The Mayor should announce the name of the member who makes the motion.
6. *Motion Second.* The Mayor should determine if any member of the City Council wishes to second the motion. The Mayor should announce the name of the member who seconds the motion. If no member of the City Council wishes to second the motion, then the motion fails, and should be so stated by the Mayor.
7. *Repeat Motion.* If the motion is made and seconded, the Mayor should make certain that everyone (including the audience) understands the motion. This is done in three ways:
  - a. The Mayor can ask the maker of the motion to repeat it;
  - b. The Mayor can repeat the motion; or
  - c. The Mayor can ask the City Secretary to repeat the motion.
8. *Discuss the Motion.* The Mayor should now invite the members of the City Council to discuss the motion. If there is no desired discussion, the Mayor may call for a vote. If there has been no discussion or a brief discussion, then there is no need to repeat the motion before taking a vote. If the discussion has been lengthy, it is a good idea to repeat the motion before calling for the vote.
9. *Vote.* The Mayor may ask the City Secretary to call roll. Unless a super-majority is required for passage of the motion, a simple majority vote determines whether the motion passes or fails. Unless a member of the Council seeks recusal from voting on any question where the vote would constitute a conflict of interest, and that recusal is consented to by a majority of the remainder of the Council, all members of the Council shall vote upon every question, ordinance or resolution. Action items require a vote.
10. *Announce the Outcome.* The Mayor announces the results of the vote and should also state what action (if any) the Council has taken. The Mayor should announce the name of any member who voted in the minority on the motion.

### 3.3 The Basic Motions.

The basic motion is the one that puts forward a decision for consideration. A basic motion might be: "I move for approval of the ordinance as submitted," or "I make a motion that we deny the resolution." Multiple motions may be made on the same agenda item provided they are made and voted on sequentially.

**Option A:** A failed motion to approve shall be construed as a successful motion to deny. This shall be the case with or without conditions. However, the Mayor may call for additional motions to clarify what (if any action) the Council wishes to take.

**Commented [AB3]:** Alan's suggested language

**Option B:** In order to affirmatively take action on an agenda item, a motion must pass. The Mayor may continue to the next meeting item if a motion fails and no new motions are made, but the failure of a motion does not imply that the opposite of the motion has passed.

**Commented [AB4]:** Councilman Kirkland's suggested language

### 3.4 The Motion to Amend.

If a member wants to change a basic motion, the member would have to motion to amend the original or previously amended motion. A motion to amend might be: "I move that we amend the motion to include the changes we discussed to the ordinance." A motion to amend seeks to retain the basic motion on the floor (a motion made and seconded), but to modify it in some way. A motion to amend requires the agreement of the person making the original motion. If the basic motion has already been seconded, the motion to amend must be acknowledged and accepted by the member who seconded the basic motion.

### 3.5 Discussion and Debate.

The basic rule of motions is that they are subject to discussion and debate. Accordingly, the basic motion and the motion to amend are all eligible, each in their turn for full discussion by and before the City Council. Discussion and debate can continue as long as the members wish to discuss it, or until the Mayor decides that it is time to move on and call a vote on the motion.

### 3.6 Other Motions.

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the Council to move on. The following motions are NOT debatable, and the Mayor must immediately call a vote on the motion, if seconded by another member.

- *Motion to Adjourn.* This motion, if passed, requires the Council to immediately adjourn to its next regularly scheduled meeting. This motion requires a simple majority vote.
- *Motion to Recess.* This motion, if passed, requires the Council to immediately take a recess. Normally the Mayor will determine the length of the recess which could last for a few minutes to several hours. It requires a simple majority vote.
- *Motion to Fix the Time to Adjourn.* This motion, if passed, requires the Council to adjourn the meeting at the specific time set in the motion. For example, "I move we adjourn this meeting at Midnight." It requires a simple majority vote.
- *Motion to Table.* This motion, if passed, requires discussion of the agenda item to be halted immediately, and the agenda to be placed on hold. The motion may contain a specific time to bring the item up again, or it may not specify a time. If no time is specified, the item shall be placed on the agenda at the following Council meeting.
- *Motion to Remove from Table.* This motion, if passed, allows the Council to remove an item previously placed on hold. A vote in favor of removing an item from the table must be made before the Council can take action on an item that was tabled.

### 3.7 Motions Requiring a Supermajority Vote to Pass.

A supermajority vote consists of at least four votes (three to pass as a simple majority, plus one more). This requirement applies regardless of the number of members present and voting.

- *Motion to Limit Debate.* This motion is sometimes referred to as, “moving the question” or, “calling the question.” When a member of the Council makes such a motion, the member is saying, “I have had enough discussion, let’s vote on the issue.” When such a motion is made, the Mayor should ask for a second, stop the discussion and vote on the motion to limit debate. The motion requires a supermajority vote to pass. Meaning, the number of council members voting for the motion must equal four or more.
- *Motion to Object to the Consideration of an Item.* This motion, if passed, precludes the City Council from even considering the item on the agenda. It does not preclude the item from appearing on a future agenda. The motion requires a supermajority vote to pass. (Normally, this motion is unnecessary, because the objectionable item can be defeated outright or tabled.)
- *Motion to Suspend the Rules.* This motion is debatable, but requires a supermajority vote to pass. This motion allows the Council to suspend its own rules for a particular purpose. For example, the Council may desire to give a particular speaker more time than normally allowed. A “motion to suspend the rules and give the speaker ten additional minutes,” accomplishes this desire.

### 3.8 Motion to Reconsider.

There is a special motion that requires a bit of explanation all by itself: the motion to reconsider. A tenet of parliamentary procedure is finality. After vigorous discussion, debate and a vote, there must be some closure to the issue. As such, after a vote is taken, the matter is deemed closed, subject only to reopening if a proper motion to reconsider is made.

A motion to reconsider requires a simple majority vote to pass, but there are two special rules that apply only to the motion to reconsider.

The first issue involves timing. A motion to reconsider must be made at the meeting where the item was first voted upon or at the very next regular meeting or at a special meeting called for that specific item. (if properly noticed and on the posted agenda). A motion to reconsider made at a later time is considered untimely and it may not be considered unless the Council suspends the rules to consider it.

Commented [AB5]: Council's edit Aug 9th

Secondly, the motion to reconsider can only be made by a member of the Council who voted in the majority on the original motion. The motion to reconsider may be seconded by any member of the City Council regardless of how they voted on the original motion. If a member of the Council who voted in the minority on the original motion seeks to make a motion to reconsider, it **MUST** be ruled out of order by the Mayor. The purpose of this rule is finality. If a member of the minority could make a motion to reconsider, then the item could be brought back again and again, which would defeat the purpose of finality.

If a motion to reconsider passes, then the original matter is back before the Council, and a new original motion is in order. The matter may be discussed as if it were on the floor for the first time. The City Attorney should be consulted prior to making a motion to reconsider so that potential legal implications can be evaluated in advance.



### 3.9 Courtesy, Decorum and Order.

These rules of order are meant to promote an atmosphere of courtesy and decorum appropriate for the efficient discussion of business. It is the responsibility of the Mayor (and the members of the City Council) to maintain that atmosphere of courtesy and decorum. The Mayor should always ensure that debate and discussion focus on the item and the policy in question, not on the personalities of the participants of the discussion. Debate on policy is healthy; debate on personalities is not. In order to assist in the creation and maintenance of that atmosphere, the following rules shall govern all meetings:

1. *Request to Speak.* Before a Council Member, staff member or an audience member may speak on open session agenda items, they must first be recognized by the Mayor. Upon recognition the person requesting to speak shall hold the floor and shall make their point clearly and succinctly. Public comments must be kept relevant to agenda items or other matters over which the city council has jurisdiction. The Mayor shall rule on the relevance of comments. Persons making irrelevant, impertinent, overly redundant or slanderous remarks may be barred by the Mayor from further comment before the Council during the meeting. Audience members may criticize the city council, including criticism of any act, omission, policy, procedure, program, or service. The Mayor has the right to cut a speaker off if the discussion becomes too personal to an individual, loud, crude, irrelevant, impertinent, redundant, or slanderous.
2. *Order.* While the Council is in session, all Council Members must preserve order and decorum. If a person fails to request to speak before speaking, the Mayor shall rule them 'out of order' and remind them that they do not have the floor. A person shall neither, by conversation or otherwise, delay or interrupt the proceedings or the peace of the meeting, nor disturb any other person while speaking or refuse to obey the orders of the Mayor. Members of the City Council should not leave their seats during a meeting without first recusing themselves, obtaining permission of the Mayor, or making a motion to recess.
3. *Improper References Prohibited.* Every person desiring to speak shall address the entire Council and shall not single out a member of the Council, the audience or a staff member. Speakers shall confine themselves to the question under debate, avoiding all personal attacks and indecorous language.
4. *Interruptions.* A Council Member, once recognized, shall not be interrupted when speaking unless it is to call the member to order, or other such interruption expressed below. If the Council Member, while speaking, is called to order, the member shall cease speaking until the question of order is determined, and if the Council Member is found to be in order, the member shall be permitted to proceed speaking. Allowable interruptions or points of order are as follows:
  - a. *Point of Privilege.* The proper interruption would be: "Point of Privilege." The Mayor would then ask the interrupter to, "state your point." Appropriate points of privilege relate to anything that would interfere with the normal comfort of the meeting. For example, the room might be too hot or cold, or a fan motor might interfere with a Council Members ability to hear.
  - b. *Point of Order.* The proper interruption would be: "Point of Order." The Mayor

would then ask the interrupter to, “state your point.” Appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting. For example, if the Mayor called for a vote on a motion that permits debate without allowing any discussion.

- c. *Motion to Appeal.* If the Mayor makes a ruling that a member of the body disagrees with, that member may appeal the ruling of the Mayor by stating, “motion to appeal.” If the motion is seconded and after debate it passes by a simple majority vote, the ruling of the Mayor is reversed.
- d. *Call for orders of the day.* If a council member believes the discussion has strayed from the agenda, the member may say, “let’s return to the agenda.” The motion does not require a vote. If the Mayor discovers that the discussion has strayed from the agenda, the Mayor simply returns to the business of the day.
- e. *Withdraw a Motion.* During the debate and discussion of a motion, the original maker of the motion on the floor, at any time, may interrupt the speaker to withdraw his or her motion. The motion is immediately deemed withdrawn and discussion on the motion shall cease. Council members are free to make the same motion or another motion.

### 3.10 City Council and Board Member Disruptions.

As stated in Resolution R-2017-20, when members of the City Council or other Board Members become engaged in heated discussions that could be construed as not following parliamentary procedures. It will be the responsibility of the Presiding Officer (Mayor or Board Chair) to restore order to the meeting. In the event that order cannot be immediately restored, the Presiding Officer should call for a recess. When the recess is called, a sufficient number of the City Council or Board Members should depart the room so that a quorum is no longer present. Information Technology personnel will ensure that the microphones and audio for the television channel are turned off. The Presiding Officer will determine what action to take and will resume the meeting, when appropriate. Law enforcement personnel will not become involved unless a crime (i.e. assault, terroristic threat, etc.) is committed.

### 3.11 Audience Disruptions.

It is against the laws of the State of Texas for anyone to intentionally or recklessly disrupt official proceedings. As stated in Resolution R-2017-20, if a member of the audience (gallery) becomes disruptive, the Presiding Officer will inform that person that their conduct is not permissible and to cease. If that person receives a second warning, the Chief of Police or the Chief’s designee will position themselves in proximity to that person. On the third warning (when appropriate), the Presiding Officer will inform the person that their actions are disrupting this lawful meeting and they must depart immediately. The Chief of Police or the Chief’s designee has the discretion to escort the person out of the chambers and off of City property. In the event the person does not leave the chambers, the person may be subject to being arrested under Section 42.05 of the Texas Penal Code (TPC) and/or Section 38.13 of TPC, or punished as provided in an ordinance enacted under Section 217.003 of the Texas Local Government Code. The person will be subject to arrest under Section 30.05 TPC if the person does not leave the property. In the event the same person comes to a subsequent meeting and disrupts that meeting to the point they are

requested to leave again, a criminal trespass warning can be issued.

### 3.12 Council May Discipline its Own Members.

In the event a Council Member violates the Charter, these rules or any other ordinance of the city, or acts in a manner that causes embarrassment or disgrace to the City of Bastrop, the City Council on supermajority vote may discipline the offending member. To consider such an action, the Mayor or two Council Members may place the item on an agenda.

Such action may only take place after an executive session is held to discuss the offense. The offending member shall be present at the executive session to answer any questions asked by members of the City Council or make other statements as the member may desire to make in their defense. If the offending member refuses to attend the executive session, the remaining members of the City Council may proceed in their absence.

The outcome of the executive session may be as follows and shall be made publicly in open session in accordance with the Texas Open Meetings Act:

1. *No Action.* The City Council chooses to take no action.
2. *Private Censure.* The City Council may choose to privately censure the offending member, leaving their comments to the offending member left in the confines of the executive session.
3. *Public Censure.* The City Council may choose to publicly censure the offending member through a resolution passed by supermajority vote and entered into the public record.

## ARTICLE 4. AGENDA ORDER

The Mayor and the City Manager or an appropriate designee shall prepare an agenda and cause the same to be posted in accordance with the Texas Open Meetings Act. Agendas and packet material shall be delivered to the City Council via electronic format uploaded into a cloud storage service. City Council shall be notified via email that the agenda and packet have been uploaded and available for review. The goal would be to upload the agenda and packet on Thursday prior to a regularly scheduled Council Meeting. In the event of an emergency meeting of the City Council, this provision shall be suspended when not inconsistent with the provisions of federal or state law or the City Charter.

In order to facilitate the agenda process, the Mayor, two Council Members, or the City Manager may place an item on the agenda. Staff assistance, if required, should be requested through the City Manager (City Charter, Article III, Section 3.05 Prohibitions). Agenda items must be provided to the City Manager's Office at City Hall by 12:00 noon on the 7<sup>th</sup> calendar day preceding the date of the regular meeting. If the agenda topic does not allow for staff to adequately prepare information for Council's consideration, the item may be postponed until the next regular meeting.

### 4.1 Call to Order.

The Mayor shall call the meeting to order. The Mayor shall announce that a quorum of the City Council is present and shall state for the record the names of all members of the City Council that are absent.

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#### 4.2 Pledges of Allegiance to the United States & Texas Flags.

The Council shall recite the Pledge of Allegiance, first to the United States Flag, and then to the state Flag of Texas. The Council welcomes individuals and organizations, young and old, to lead the Pledges.

#### 4.3 Invocation.

All regular meetings of the City Council shall include an invocation.

#### 4.4 Presentations.

Presentations may be made by the Mayor, City Council, or Staff. The Mayor may deliver any proclamation as may be required from time to time. Outside entities and organizations granted permission to make a presentation shall be placed in this section.

Proposed proclamations and resolutions will not be placed on an agenda or brought before the City Council for discussion or action that:

- (a) Take a position on a matter of religious or spiritual values or principles, including ones that advance one religion, denomination or article of faith over another;
- (b) Promote political partisanship favoring one party over another;
- (c) Advocate outcomes in legal matters in which the City of Bastrop is not a party and are pending before a court or administrative law body (e.g., State Office of Hearings Examiners);
- (d) Is contrary to a policy position stated in an ordinance previously adopted by the Council (unless the Council is in the process of amending or repealing the prior ordinance).

#### 4.5 Work Session/Briefings.

Items may be included in this section for the purpose of conducting a detailed and thorough exploration of matters that may subsequently come before City Council as an item for individual consideration. All questions of a technical nature, which require a detailed explanation for understanding, may be considered in a work session. Council may, through the City Manager, request the attendance of such staff members or outside experts as may be required to answer such questions. No formal action may be taken on items. Council may provide staff direction on the matter being considered. Citizen comments and questions will be considered at the end of the prepared presentation and after Council has asked questions.

#### 4.6 Staff and Board Briefings.

Items that are provided to Council on a routine basis, such as monthly financial statements and quarterly investment reports, should be included in this section. Appointed boards of the City, who have been requested to provide periodic updates, such as the Bastrop Economic Development Corporation and Visit Bastrop, will be included in this section.

#### 4.7 Citizen Comments Item.

Every agenda must include the following language for purposes of open and transparency to inform the public of how to appropriately address the City Council:

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

**Deleted:** 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. 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.¶

¶ Alternately, if you are unable to attend the council meeting, you may complete a citizen comment form with your comments at **Error! Hyperlink reference not valid.** before 5:00 p.m. on (insert the date of the meeting). Comments submitted by this time will be distributed to the city council prior to meeting commencement, referenced at the meeting, and included with the meeting minutes. ¶

¶ 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 anyone. Accordingly, profane, insulting or threatening language directed toward anyone will not be tolerated.¶

**Deleted:** before 5:00 p.m. on (insert the date of the meeting). Comments submitted by this time will be distributed to the city council prior to meeting commencement, referenced at the meeting, and included with the meeting minutes. ¶

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the completed form to the City Secretary prior to the start of the City Council meeting. Alternately, if you are unable to attend the council meeting, you may complete a citizen comment form with your comments at [www.cityofbastrop.org/citizencommentform](http://www.cityofbastrop.org/citizencommentform) at least two hours before the meeting commences the night of the meeting. Comments submitted by this time will be distributed to the city council prior to meeting commencement, and included in the official record of the meeting. In accordance with the Texas Open Meetings Act, if a citizen discusses any item not on the agenda, City Council cannot discuss issues raised or make any decision at this time. Instead, City Council is limited to making a statement of specific factual information or a recitation of existing policy in response to the inquiry. Issues may be referred to City 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.

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**Deleted:** 5:00 p.m.

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**Deleted:** Comments from each individual will be limited to three (3) minutes when read aloud.

#### 4.8A Approval of the Minutes.

The Council shall consider the minutes of any meeting presented for their review since the last regular meeting. This heading will only be used when there are no other items listed on a consent agenda; otherwise, this heading may take the form of one item among others on the Consent Agenda.

#### 4.8B Consent Agenda Items.

There is hereby established, as a part of every agenda for regular and/or special called meetings of the City Council, a portion of said agenda that shall be labeled "consent agenda." Said consent agenda may consist of any and all business regularly coming before the City Council including approval of the minutes of previous meetings.

Any member of the City Council or a citizen may request that any item be removed from the consent agenda and considered separately prior to the City Secretary reading the caption of each item. If any item was removed from the consent agenda, it will be considered immediately following approval of the remainder of the consent agenda.

The City Secretary shall read the caption of each item and/or ordinance prior to a motion being made to approve the Consent Agenda. Once a second is received on the motion, the Council shall vote.

All items set out in the consent agenda shall be deemed passed upon passage of an affirmative motion, by a vote of the majority of the members of the City Council, that the consent agenda be adopted. No further action shall be deemed necessary, and all such items appearing on the consent agenda, upon passage of such motion, shall be deemed adopted as if voted upon separately.

#### 4.9 Items for Individual Consideration.

Items for individual consideration shall be considered by the City Council individually and approved by either a simple majority vote or a supermajority vote as the case may be.

Public hearings, which are statutorily required, shall be included in this section. The Mayor shall first request staff comments. The Mayor shall open the public hearing and receive citizen input. While the public hearing is open, Council may ask questions of the speakers, but may not



deliberate or argue with the public on the matter at hand. Those speaking at a public hearing are required to follow the rules established herein for citizen comments. Upon conclusion of citizen comments, the Mayor shall close the public hearing. Council may deliberate or take action on the matter at hand upon the closing of the public hearing.

Unless a majority of the City Council votes to proceed with consideration, items listed for individual consideration shall be removed at the request of one of the following:

- (a) the item's sponsor(s).
- (b) the city manager.
- (c) the council liaison to board or commission giving rise to the item, or
- (d) the applicant seeking an approval from the Council.

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#### 4.10 Executive Session Items.

This section is only used when it is known in advance that it is necessary for the Council to convene in executive session. Executive sessions are sessions closed to the public. They are only permitted for the purpose of discussing matters enumerated in Chapter 551, Open Meetings Act of the Texas Government Code. Disclosure of topics to be discussed shall be made to the public in accordance with the requirements of the Open Meetings Act.

If the subject of the executive session warrants, the executive session may be held prior to the regular session. Council may agree in Executive Session what can be shared in public prior to concluding the Executive Session. Nothing herein shall limit the ability of the Council to adjourn into Executive Session at any time during a meeting to discuss any agenda item.

#### 4.11 Action on Executive Session Items.

This section is only used if Council conducts an executive session. As a general rule, action on executive session items must be taken during public/open session of the Council, unless as authorized by law. Action may include the taking of no action at all.

#### 4.12 Adjournment.

The Mayor shall adjourn the meeting upon passage of the appropriate motion.

### ARTICLE 5. RULES GOVERNING CITIZEN COMMENTS

#### 5.1 Purpose.

It is the desire of the City Council to hear from the citizens of Bastrop and to stimulate discussion and offer a forum for a cordial and meaningful public debate on matters that are properly a concern of the City Council. The following rules shall control and govern audience comments.

#### 5.2 Rules for Audience Comments during Public Hearing.

Immediately preceding the opening of a public hearing, the Mayor may direct the City Secretary to read the rules governing citizen comments during a Public Hearing. Generally, the rules for a Public Hearing are the same as for Citizen Comments (below); however, the rules for Public Hearings may be altered by the Mayor in advance of the hearing if reasonably necessary to facilitate audience input, Council deliberations, and an efficient meeting.

### 5.3 Rules Governing Citizen Comments.

1. Citizen comments are limited to those speakers who have been acknowledged by the Presiding Officer and who speak from the designated microphone.
2. Each speaker is limited to a maximum timed limit of three minutes on any item except for a public hearing item for which the Presiding Officer has announced a longer time period is allowed. Speakers cannot pool or donate their time allotment to other speakers.
3. No individual may address the Council without submitting a speaker card, which may be done online or in person. The card must clearly state the subject or issue on which the citizen wishes to speak. If the subject matter does not pertain to city business, the Mayor shall advise the individual and/or make recommendations as to how they may get the issue addressed.
4. Citizens speaking on agenda items shall restrict their comments to the subject matter listed. Citizens speaking on agenda items may make comments either during the Citizen Comment portion of the agenda or when the City Council takes up that particular agenda item.
5. Citizens speaking on non-agenda items shall only speak during the Citizens Comment portion of the agenda.
6. Council may not act upon or discuss any issue brought forth as a non-agenda item, except to:
  - a. Make a statement of specific factual information given in response to the inquiry, or
  - b. A recitation of existing policy in response to the inquiry.

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Any deliberation of or decision about the subject of the inquiry shall be limited to a proposal to place the subject on the agenda for a subsequent meeting.

7. Proper respect, decorum, and conduct shall prevail at all times. Impertinent, slanderous, or personal attacks are strictly prohibited and violators may be removed from the Council Chambers.
8. No placards, banners or signs may be displayed in the Council Chambers or City Hall. Exhibits relating to a presentation are acceptable provided that copies are given to the City Secretary to be included in the official records of the meeting.
9. Because of cyber-security concerns, citizens are not allowed to utilize the City's audio-visual equipment for electronic multi-media presentations unless permission is granted by the City Secretary at least 24 hours in advance (at the City Secretary's sole discretion). Hard copies must be provided to the City Secretary to be included in the official records of the meeting.
10. Arguing loudly or forcefully, efforts at intimidation of speakers or attendees, or other disruptive behavior is prohibited. Civil discussion and/or debate are acceptable on items specifically listed on the agenda.
11. Unauthorized remarks from the audience, stomping of feet, applauding, whistles, yells, or any type of disruptive behavior is prohibited. Applause of appreciation may be acceptable when recognizing a significant event or achievement.
12. Council meetings are the workplace to carry out the business of the City of Bastrop; therefore, any conduct that could constitute harassment in the workplace is prohibited.

### 5.4 Preservation of Order.

As referenced in Article 3.11 above, the Mayor shall preserve order and decorum and, if necessary, shall cause to be silenced or removed from the Council Chambers any non-Council Member speaking out of order or disrupting the order of the meeting.

### 5.5 Applicants.

An applicant appearing before the Council seeking approval for items such as contracts or development authorizations is limited to a maximum time of ten minutes. An applicant who has made a presentation to the Council must again be recognized before being allowed to return to the podium to make additional comments or answer questions.

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## ARTICLE 6. COUNCIL LIAISONS TO BOARDS AND COMMISSIONS

One Council Member will be appointed as the council liaison to each of the city's boards and commissions annually as a part of the Board & Commission Member appointment process, except for the Ethics Commission, Bastrop Housing Authority, Zoning Board of Adjustments, and the Hunters Crossing Local Government Corporation (Council Members are appointed to this board). The Mayor will appoint council liaisons with consideration given to applicable expertise. Council liaisons are asked to make every effort to attend the meetings of the boards or commissions to which they have been appointed as liaison. Board and commission members may contact their council liaison concerning items of concern or interest with regard to their appointed board.

## ARTICLE 7. TABLE OF MOTIONS AND POINTS OF ORDER

MOTION/ORDER	REQUIRES SECOND	DEBATABLE	AMENDABLE	VOTE TYPE
Basic Motion	Yes	Yes	Yes	Simple
Motion to Amend	*	No	Yes	N/A
Motion to Adjourn	Yes	No	No	Simple
Motion to Recess	Yes	No	Yes	Simple
Motion to Fix the Time to Adjourn	Yes	No	No	Simple
Motion to Table	Yes	No	No	Simple
Motion to Limit Debate	Yes	No	No	Super
Motion to Object to the Consideration of an Item	Yes	No	No	Super
Motion to Suspend Rules	Yes	No	No	Super

Motion to Reconsider	Yes	Yes	Yes	Simple
Point of Privilege	No	No	No	N/A
Point of Order	No	No	No	N/A
Motion to Appeal	Yes	Yes	No	Simple
Call for Orders of the Day	No	No	No	N/A
Withdraw a Motion	No	No	No	N/A
Motion to Enforce	Yes	No	No	Simple

\* For the purposes of these rules, Amendments are not debatable and only require the approval of the member who made the original motion. An amendment to an amendment, requires first the approval of the member who made the original amendment and secondly the approval of the member who made the original motion.

# Rules of Procedure for the City Council and Boards & Commissions of the City of Bastrop, Texas



Adopted: August 23, 2005  
Revised: October 10, 2017  
Revised: July 24, 2018  
Revised: July 9, 2019  
Revised: September 8, 2020  
Revised: July 27, 2021  
Revised: August 23, 2022



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## **ARTICLE 1. AUTHORITY, APPLICABILITY, AMENDMENT, AND ANNUAL REVIEW**

### **1.1 Authority.**

Article III, Section 3.13 of the City Charter of the City of Bastrop, Texas grants the City Council the right to determine its own rules of procedure. The following rules are enumerated under and by authority of said provision.

### **1.2 Applicability.**

The rules of procedure adopted by the City Council are applicable not only to the City Council, but also to all boards, commissions, and committees of the City of Bastrop. When applied to boards, commissions and committees, the term Mayor means the chairperson and the terms City Council or Council Members means the members of the board, commission, or committee.

### **1.3 Amendment.**

These rules may be amended or new rules adopted by a minimum of three (3) of the five (5) voting members of the City Council present.

### **1.4 Annual Review.**

Following the municipal elections each year, Council will review these rules of procedure annually, make changes as appropriate, and adopt their own rules of procedure in accordance with the Charter at the first scheduled meeting in July. In the event no annual review occurs, the standing rules of procedure continue in effect. This does not limit the Council's right and ability to amend the rules at any other time during the year, in accordance with the Charter.

## **ARTICLE 2. GENERAL RULES OF PROCEDURE AND POLICIES**

### **2.1 Construction of Authority.**

The construction of authority in all matters associated with the meetings and activities of the City Council, including the agenda, shall be: (1) the U.S. Constitution and Statutes of the United States of America; (2) the Texas Constitution and Statutes of the State of Texas; (3) the City Charter; (4) the Code of Ordinances of the City of Bastrop, Texas; and (5) these rules. ; Rosenberg's Rules of Order are a preferred source of guidance for matters not addressed herein.

### **2.2 Meetings Shall Be in Compliance.**

All meetings of the City Council shall be in compliance with the Texas Government Code, Chapter 551, Open Meetings Act. Except in the case of an emergency meeting, notice of all meetings shall be given 72 hours before the time set for any meeting.

If meetings are held at Bastrop City Hall, they shall be televised live on the City's television channel via the appropriate cable providers and live-streamed via social media. If unable to televise meetings live due to technical difficulties, the meeting shall be recorded for a later broadcast. The Council meetings shall be rebroadcast as a part of the City's on-going channel programming.

The Bastrop City Hall is wheelchair accessible and special parking is available on the west side of the building. If special accommodations are required, please contact the City Secretary a minimum of 24 hours in advance at 512-332-8800.

### **2.3 Conduct of Meetings.**

Meetings of the City Council shall be conducted according to the rules adopted by the City Council. For additional guidance (non-binding), the City Council may refer to Rosenberg's Rules of Order as amended herein and when not inconsistent with these rules.

### **2.4 Regular Meetings.**

Regular meetings of the City Council shall be on the second and fourth Tuesday of each month at 6:30 p.m. The Council may, by majority vote at a regular meeting, change the days or times of meetings as circumstances may necessitate. Per the City Charter, the Council shall meet regularly and at least once each month.

### **2.5 Special Meetings.**

The City Council may hold as many additional, special meetings as may be necessary for the transaction of the business of the City. Special meetings of the City Council may be called as necessary upon written notice to the City Secretary by the Mayor or by any three (3) members of the City Council unless made at a regular meeting at which a quorum of Council Members is present. The City Manager and all Council Members shall be notified of all special meetings.

### **2.6 Emergency Meetings.**

In case of an emergency or urgent public necessity, which shall be expressed in the meeting notice, it shall be sufficient if members receive and notice is posted one (1) hour before the meeting is convened. Notice shall be provided also to the media as requested in accordance with the Texas Government Code, Section 551.047.

### **2.7 Workshops (Work Session).**

Workshops are special meetings called for the purpose of conducting a detailed and thorough exploration of matters that may properly come before the City Council. Citizen comments on agenda items listed for open portions of the workshop can be addressed to the City Council (i.e., not executive session) before or during the City Council's consideration of the item.

### **2.8 Executive Sessions.**

Executive sessions are meetings closed to the public. These sessions are only permitted for the purpose of discussing matters enumerated in Texas Government Code Chapter 551, the Open Meetings Act. Disclosure of topics to be discussed shall be made to the public in accordance with the requirements of the Open Meetings Act.

The City Council can retire into an executive session during a regular or special meeting as stated on a posted agenda or when deemed necessary by the presiding officer or a majority of the City Council. However, before said session begins, the presiding officer shall announce that the executive session is commencing, the items to be discussed, and the section of the Open Meetings Act that justify the executive session(s). The order in which an executive session may appear on the agenda is subject to the discretion of the Mayor. A certified record of the meeting will be created by the presiding officer or their designee, sealed and permanently kept, subject to

opening by court order. No voting or action shall be taken by the City Council during an executive session. No other subject but that posted on the agenda is to be considered. Adjournment of the executive session and any vote needed shall be made during the open public meeting.

## **2.9 Recessed Meetings.**

No meeting shall be recessed for a longer period of time than until the next regular meeting except when required information has not been received, or, in the case of work sessions or special meetings, to a date certain by motion duly passed.

## **2.10 Quorum.**

Four (4) members of the Council shall constitute a quorum to do business.

## **2.11 Conflict of Interest.**

A Council Member prevented from voting by a conflict of interest shall file a conflict of interest affidavit with the City Secretary as soon as possible after the posting of an agenda, which contains a conflict, unless an applicable conflict of interest affidavit has already been filed.

A Council Member prevented from voting by a conflict of interest shall step down from the dais and leave the Council Chambers, shall not vote on the matter, shall not participate in discussions regarding the matter or attempt to influence the Council's deliberation of the matter in any way (during meetings or outside of meetings), shall not attend Executive Sessions regarding the matter, and shall otherwise comply with the state law and City ordinances concerning conflicts of interest including Chapter 171 of the Texas Local Government Code.

## **2.12 Presiding Officer.**

The Mayor shall serve as the Presiding Officer for all meetings of the City Council. In the absence of the Mayor, the Mayor Pro Tem shall serve as the Presiding Officer. In the absence of the Mayor and Mayor Pro Tem, the City Manager shall call the meeting to order, if a quorum of the Council is present, and the first order of business shall be for Council to elect by majority vote, a temporary presiding officer from the members then seated and in attendance. The temporary presiding officer shall serve in such capacity until the meeting is adjourned.

The Presiding Officer shall serve as the chair of all meetings and shall make final rulings on all questions pertaining to these rules. All decisions of the presiding officer are final unless overruled by the City Council through a motion to appeal as described in Article 3.9 – Courtesy, Decorum and Order of these rules.

The Mayor, as Presiding Officer, is entitled to participate in the discussion and debate, but may not vote, except in elections, to break a tie, and as otherwise provided in the City's Charter. Because the Presiding Officer conducts the meeting, it is common courtesy for the chair to take a less active role than other members of the Council in debates and discussions. This practice in no way precludes the presiding officer from participating in the meeting fully and freely.

The presiding officer of boards and commissions shall be the person selected by the board or commission as the chair, co-chair, or vice chair. If these persons are not in attendance, the board or commission shall choose a temporary presiding officer from among the members in



attendance.

### **2.13 Minutes of Meetings.**

The City Secretary shall keep minutes of all proceedings of the City Council and they shall be open to public inspection in accordance with the laws of the State of Texas. Staff Liaisons will take minutes of proceedings of the various Boards & Commissions and provide them to the City Secretary as Records Custodian.

### **2.14 Suspension and Amendment of Rules.**

Any provisions of these rules not governed by federal, state law or the City Charter may be temporarily suspended by a supermajority vote (see Article 3.7 of these rules) of the City Council. Any provisions of these rules may be amended by majority vote if such amendment is appropriately posted on an agenda of a regular meeting of the City Council and receives approval of the majority of City Council at such meeting.

### **2.15 Rules for the Press and Media.**

The use of media equipment, such as lights, cameras and/or microphones must be coordinated with the City Manager prior to the meeting to ensure that the equipment does not disturb or otherwise conflict with or disrupt the meeting or the Council's activities.

## **ARTICLE 3. PARLIAMENTARY PROCEDURE**

### **3.1 Purpose.**

The purpose of these rules of parliamentary procedure is to establish orderly conduct of the meetings. Simple rules lead to a wider understanding and participation. Complex rules create two classes: (1) those who understand the rules, and (2) those who do not fully understand and those who do not fully participate. The ultimate purpose of these rules of parliamentary procedure is to encourage and facilitate decision-making by the City Council. In a democracy, the majority opinion carries the day.

These rules enable the majority to express their opinion and fashion a result, while permitting the minority to also express itself (but not dominate) and fully participate in the process.

### **3.2 Model Format for an Agenda Item Discussion.**

The following ten (10) steps may be used as a model or guidebook by the Presiding Officer. The meeting is governed by the agenda and the agenda constitutes the only items to be discussed. Each agenda item can be handled by the Presiding Officer (Mayor) in the following basic format:

1. *Announce the Item.* The Mayor should clearly announce the agenda item number. The Mayor or the Mayor's designee shall clearly state the subject matter of the agenda item by reading the caption for the item being considered.
2. *Receive a Report.* The Mayor should invite the appropriate people to report on the item, including any recommendation they might have.
3. *Ask Clarifying Questions.* The Mayor should ask the Council Members if they have any

technical questions for clarification. At this point, members of the City Council may ask clarifying questions to the people who reported on the item, and they should be given time to respond.

4. *Seek Citizen Input.* The Mayor should invite citizen comments – or if a public hearing, open the public hearing. Upon conclusion, the Mayor should announce that public input is closed, or if a public hearing, close the public hearing.
5. *Motion First.* The Mayor should invite a motion from the City Council before debate is given on the merits of the item. The Mayor should announce the name of the member who makes the motion.
6. *Motion Second.* The Mayor should determine if any member of the City Council wishes to second the motion. The Mayor should announce the name of the member who seconds the motion. If no member of the City Council wishes to second the motion, then the motion fails, and should be so stated by the Mayor.
7. *Repeat Motion.* If the motion is made and seconded, the Mayor should make certain that everyone (including the audience) understands the motion. This is done in three ways:
  - a. The Mayor can ask the maker of the motion to repeat it;
  - b. The Mayor can repeat the motion; or
  - c. The Mayor can ask the City Secretary to repeat the motion.
8. *Discuss the Motion.* The Mayor should now invite the members of the City Council to discuss the motion. If there is no desired discussion, the Mayor may call for a vote. If there has been no discussion or a brief discussion, then there is no need to repeat the motion before taking a vote. If the discussion has been lengthy, it is a good idea to repeat the motion before calling for the vote.
9. *Vote.* The Mayor may ask the City Secretary to call roll. Unless a super-majority is required for passage of the motion, a simple majority vote determines whether the motion passes or fails. Unless a member of the Council seeks recusal from voting on any question where the vote would constitute a conflict of interest, and that recusal is consented to by a majority of the remainder of the Council, all members of the Council shall vote upon every question, ordinance or resolution. Action items require a vote.
10. *Announce the Outcome.* The Mayor announces the results of the vote and should also state what action (if any) the Council has taken. The Mayor should announce the name of any member who voted in the minority on the motion.

### 3.3 The Basic Motions.

The basic motion is the one that puts forward a decision for consideration. A basic motion might be: “I move for approval of the ordinance as submitted,” or “I make a motion that we deny the resolution.” Multiple motions may be made on the same agenda item provided they are made and voted on sequentially.

**Option A:** A failed motion to approve shall be construed as a successful motion to deny. This shall be the case with or without conditions. However, the Mayor may call for additional motions to clarify what (if any action) the Council wishes to take.

**Option B:** In order to affirmatively take action on an agenda item, a motion must pass. The Mayor may continue to the next meeting item if a motion fails and no new motions are made, but the failure of a motion does not imply that the opposite of the motion has passed.

### 3.4 The Motion to Amend.

If a member wants to change a basic motion, the member would have to motion to amend the original or previously amended motion. A motion to amend might be: "I move that we amend the motion to include the changes we discussed to the ordinance." A motion to amend seeks to retain the basic motion on the floor (a motion made and seconded), but to modify it in some way. A motion to amend requires the agreement of the person making the original motion. If the basic motion has already been seconded, the motion to amend must be acknowledged and accepted by the member who seconded the basic motion.

### 3.5 Discussion and Debate.

The basic rule of motions is that they are subject to discussion and debate. Accordingly, the basic motion and the motion to amend are all eligible, each in their turn for full discussion by and before the City Council. Discussion and debate can continue as long as the members wish to discuss it, or until the Mayor decides that it is time to move on and call a vote on the motion.

### 3.6 Other Motions.

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the Council to move on. The following motions are NOT debatable, and the Mayor must immediately call a vote on the motion, if seconded by another member.

- *Motion to Adjourn.* This motion, if passed, requires the Council to immediately adjourn to its next regularly scheduled meeting. This motion requires a simple majority vote.
- *Motion to Recess.* This motion, if passed, requires the Council to immediately take a recess. Normally the Mayor will determine the length of the recess which could last for a few minutes to several hours. It requires a simple majority vote.
- *Motion to Fix the Time to Adjourn.* This motion, if passed, requires the Council to adjourn the meeting at the specific time set in the motion. For example, "I move we adjourn this meeting at Midnight." It requires a simple majority vote.
- *Motion to Table.* This motion, if passed, requires discussion of the agenda item to be halted immediately, and the agenda to be placed on hold. The motion may contain a specific time to bring the item up again, or it may not specify a time. If no time is specified, the item shall be placed on the agenda at the following Council meeting.
- *Motion to Remove from Table.* This motion, if passed, allows the Council to remove an item previously placed on hold. A vote in favor of removing an item from the table must be made before the Council can take action on an item that was tabled.

### 3.7 Motions Requiring a Supermajority Vote to Pass.

A supermajority vote consists of at least four votes (three to pass as a simple majority, plus one more). This requirement applies regardless of the number of members present and voting.

- *Motion to Limit Debate.* This motion is sometimes referred to as, “moving the question” or, “calling the question.” When a member of the Council makes such a motion, the member is saying, “I have had enough discussion, let’s vote on the issue.” When such a motion is made, the Mayor should ask for a second, stop the discussion and vote on the motion to limit debate. The motion requires a supermajority vote to pass. Meaning, the number of council members voting for the motion must equal four or more.
- *Motion to Object to the Consideration of an Item.* This motion, if passed, precludes the City Council from even considering the item on the agenda. It does not preclude the item from appearing on a future agenda. The motion requires a supermajority vote to pass. (Normally, this motion is unnecessary, because the objectionable item can be defeated outright or tabled.)
- *Motion to Suspend the Rules.* This motion is debatable, but requires a supermajority vote to pass. This motion allows the Council to suspend its own rules for a particular purpose. For example, the Council may desire to give a particular speaker more time than normally allowed. A “motion to suspend the rules and give the speaker ten additional minutes,” accomplishes this desire.

### 3.8 Motion to Reconsider.

There is a special motion that requires a bit of explanation all by itself: the motion to reconsider. A tenet of parliamentary procedure is finality. After vigorous discussion, debate and a vote, there must be some closure to the issue. As such, after a vote is taken, the matter is deemed closed, subject only to reopening if a proper motion to reconsider is made.

A motion to reconsider requires a simple majority vote to pass, but there are two special rules that apply only to the motion to reconsider.

The first issue involves timing. A motion to reconsider must be made at the meeting where the item was first voted upon or at the very next regular meeting or at a special meeting called for that specific item (if properly noticed and on the posted agenda). A motion to reconsider made at a later time is considered untimely and it may not be considered unless the Council suspends the rules to consider it.

Secondly, the motion to reconsider can only be made by a member of the Council who voted in the majority on the original motion. The motion to reconsider may be seconded by any member of the City Council regardless of how they voted on the original motion. If a member of the Council who voted in the minority on the original motion seeks to make a motion to reconsider, it **MUST** be ruled out of order by the Mayor. The purpose of this rule is finality. If a member of the minority could make a motion to reconsider, then the item could be brought back again and again, which would defeat the purpose of finality.

If a motion to reconsider passes, then the original matter is back before the Council, and a new original motion is in order. The matter may be discussed as if it were on the floor for the first time. The City Attorney should be consulted prior to making a motion to reconsider so that potential legal implications can be evaluated in advance.

### 3.9 Courtesy, Decorum and Order.

These rules of order are meant to promote an atmosphere of courtesy and decorum appropriate for the efficient discussion of business. It is the responsibility of the Mayor (and the members of the City Council) to maintain that atmosphere of courtesy and decorum. The Mayor should always ensure that debate and discussion focus on the item and the policy in question, not on the personalities of the participants of the discussion. Debate on policy is healthy; debate on personalities is not. In order to assist in the creation and maintenance of that atmosphere, the following rules shall govern all meetings:

1. *Request to Speak.* Before a Council Member, staff member or an audience member may speak on open session agenda items, they must first be recognized by the Mayor. Upon recognition the person requesting to speak shall hold the floor and shall make their point clearly and succinctly. Public comments must be kept relevant to agenda items or other matters over which the city council has jurisdiction. The Mayor shall rule on the relevance of comments. Persons making irrelevant, impertinent, overly redundant or slanderous remarks may be barred by the Mayor from further comment before the Council during the meeting. Audience members may criticize the city council, including criticism of any act, omission, policy, procedure, program, or service. The Mayor has the right to cut a speaker off if the discussion becomes too personal to an individual, loud, crude, irrelevant, impertinent, redundant, or slanderous.
2. *Order.* While the Council is in session, all Council Members must preserve order and decorum. If a person fails to request to speak before speaking, the Mayor shall rule them 'out of order' and remind them that they do not have the floor. A person shall neither, by conversation or otherwise, delay or interrupt the proceedings or the peace of the meeting, nor disturb any other person while speaking or refuse to obey the orders of the Mayor. Members of the City Council should not leave their seats during a meeting without first recusing themselves, obtaining permission of the Mayor, or making a motion to recess.
3. *Improper References Prohibited.* Every person desiring to speak shall address the entire Council and shall not single out a member of the Council, the audience or a staff member. Speakers shall confine themselves to the question under debate, avoiding all personal attacks and indecorous language.
4. *Interruptions.* A Council Member, once recognized, shall not be interrupted when speaking unless it is to call the member to order, or other such interruption expressed below. If the Council Member, while speaking, is called to order, the member shall cease speaking until the question of order is determined, and if the Council Member is found to be in order, the member shall be permitted to proceed speaking. Allowable interruptions or points of order are as follows:
  - a. *Point of Privilege.* The proper interruption would be: "Point of Privilege." The Mayor would then ask the interrupter to, "state your point." Appropriate points of privilege relate to anything that would interfere with the normal comfort of the meeting. For example, the room might be too hot or cold, or a fan motor might interfere with a Council Members ability to hear.
  - b. *Point of Order.* The proper interruption would be: "Point of Order." The Mayor



would then ask the interrupter to, “state your point.” Appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting. For example, if the Mayor called for a vote on a motion that permits debate without allowing any discussion.

- c. *Motion to Appeal.* If the Mayor makes a ruling that a member of the body disagrees with, that member may appeal the ruling of the Mayor by stating, “motion to appeal.” If the motion is seconded and after debate if it passes by a simple majority vote, the ruling of the Mayor is reversed.
- d. *Call for orders of the day.* If a council member believes the discussion has strayed from the agenda, the member may say, “let’s return to the agenda.” The motion does not require a vote. If the Mayor discovers that the discussion has strayed from the agenda, the Mayor simply returns to the business of the day.
- e. *Withdraw a Motion.* During the debate and discussion of a motion, the original maker of the motion on the floor, at any time, may interrupt the speaker to withdraw his or her motion. The motion is immediately deemed withdrawn and discussion on the motion shall cease. Council members are free to make the same motion or another motion.

### 3.10 City Council and Board Member Disruptions.

As stated in Resolution R-2017-20, when members of the City Council or other Board Members become engaged in heated discussions that could be construed as not following parliamentary procedures. It will be the responsibility of the Presiding Officer (Mayor or Board Chair) to restore order to the meeting. In the event that order cannot be immediately restored, the Presiding Officer should call for a recess. When the recess is called, a sufficient number of the City Council or Board Members should depart the room so that a quorum is no longer present. Information Technology personnel will ensure that the microphones and audio for the television channel are turned off. The Presiding Officer will determine what action to take and will resume the meeting, when appropriate. Law enforcement personnel will not become involved unless a crime (i.e. assault, terroristic threat, etc.) is committed.

### 3.11 Audience Disruptions.

It is against the laws of the State of Texas for anyone to intentionally or recklessly disrupt official proceedings. As stated in Resolution R-2017-20, if a member of the audience (gallery) becomes disruptive, the Presiding Officer will inform that person that their conduct is not permissible and to cease. If that person receives a second warning, the Chief of Police or the Chief’s designee will position themselves in proximity to that person. On the third warning (when appropriate), the Presiding Officer will inform the person that their actions are disrupting this lawful meeting and they must depart immediately. The Chief of Police or the Chief’s designee has the discretion to escort the person out of the chambers and off of City property. In the event the person does not leave the chambers, the person may be subject to being arrested under Section 42.05 of the Texas Penal Code (TPC) and/or Section 38.13 of TPC, or punished as provided in an ordinance enacted under Section 217.003 of the Texas Local Government Code. The person will be subject to arrest under Section 30.05 TPC if the person does not leave the property. In the event the same person comes to a subsequent meeting and disrupts that meeting to the point they are

requested to leave again, a criminal trespass warning can be issued.

### 3.12 Council May Discipline its Own Members.

In the event a Council Member violates the Charter, these rules or any other ordinance of the city, or acts in a manner that causes embarrassment or disgrace to the City of Bastrop, the City Council on supermajority vote may discipline the offending member. To consider such an action, the Mayor or two Council Members may place the item on an agenda.

Such action may only take place after an executive session is held to discuss the offense. The offending member shall be present at the executive session to answer any questions asked by members of the City Council or make other statements as the member may desire to make in their defense. If the offending member refuses to attend the executive session, the remaining members of the City Council may proceed in their absence.

The outcome of the executive session may be as follows and shall be made publicly in open session in accordance with the Texas Open Meetings Act:

1. *No Action.* The City Council chooses to take no action.
2. *Private Censure.* The City Council may choose to privately censure the offending member, leaving their comments to the offending member left in the confines of the executive session.
3. *Public Censure.* The City Council may choose to publicly censure the offending member through a resolution passed by supermajority vote and entered into the public record.

## ARTICLE 4. AGENDA ORDER

The Mayor and the City Manager or an appropriate designee shall prepare an agenda and cause the same to be posted in accordance with the Texas Open Meetings Act. Agendas and packet material shall be delivered to the City Council via electronic format uploaded into a cloud storage service. City Council shall be notified via email that the agenda and packet have been uploaded and available for review. The goal would be to upload the agenda and packet on Thursday prior to a regularly scheduled Council Meeting. In the event of an emergency meeting of the City Council, this provision shall be suspended when not inconsistent with the provisions of federal or state law or the City Charter.

In order to facilitate the agenda process, the Mayor, two Council Members, or the City Manager may place an item on the agenda. Staff assistance, if required, should be requested through the City Manager (City Charter, Article III, Section 3.05 Prohibitions). Agenda items must be provided to the City Manager's Office at City Hall by 12:00 noon on the 7<sup>th</sup> calendar day preceding the date of the regular meeting. If the agenda topic does not allow for staff to adequately prepare information for Council's consideration, the item may be postponed until the next regular meeting.

### 4.1 Call to Order.

The Mayor shall call the meeting to order. The Mayor shall announce that a quorum of the City Council is present and shall state for the record the names of all members of the City Council that are absent.

## **4.2 Pledges of Allegiance to the United States & Texas Flags.**

The Council shall recite the Pledge of Allegiance, first to the United States Flag, and then to the state Flag of Texas. The Council welcomes individuals and organizations, young and old, to lead the Pledges.

## **4.3 Invocation.**

All regular meetings of the City Council shall include an invocation.

## **4.4 Presentations.**

Presentations may be made by the Mayor, City Council, or Staff. The Mayor may deliver any proclamation as may be required from time to time. Outside entities and organizations granted permission to make a presentation shall be placed in this section.

Proposed proclamations and resolutions will not be placed on an agenda or brought before the City Council for discussion or action that:

- (a) Take a position on a matter of religious or spiritual values or principles, including ones that advance one religion, denomination or article of faith over another;
- (b) Promote political partisanship favoring one party over another;
- (c) Advocate outcomes in legal matters in which the City of Bastrop is not a party and are pending before a court or administrative law body (e.g., State Office of Hearings Examiners);
- (d) Is contrary to a policy position stated in an ordinance previously adopted by the Council (unless the Council is in the process of amending or repealing the prior ordinance).

## **4.5 Work Session/Briefings.**

Items may be included in this section for the purpose of conducting a detailed and thorough exploration of matters that may subsequently come before City Council as an item for individual consideration. All questions of a technical nature, which require a detailed explanation for understanding, may be considered in a work session. Council may, through the City Manager, request the attendance of such staff members or outside experts as may be required to answer such questions. No formal action may be taken on items. Council may provide staff direction on the matter being considered. Citizen comments and questions will be considered at the end of the prepared presentation and after Council has asked questions.

## **4.6 Staff and Board Briefings.**

Items that are provided to Council on a routine basis, such as monthly financial statements and quarterly investment reports, should be included in this section. Appointed boards of the City, who have been requested to provide periodic updates, such as the Bastrop Economic Development Corporation and Visit Bastrop, will be included in this section.

## **4.7 Citizen Comments Item.**

Every agenda must include the following language for purposes of open and transparency to inform the public of how to appropriately address the City Council:

*At this time, three (3) minute comments will be taken from the audience on any topic. Anyone in attendance wishing to address the Council must complete a citizen comment form and give*

*the completed form to the City Secretary prior to the start of the City Council meeting. Alternately, if you are unable to attend the council meeting, you may complete a citizen comment form with your comments at [www.cityofbastrop.org/citizencommentform](http://www.cityofbastrop.org/citizencommentform) at least two hours before the meeting commences the night of the meeting. Comments submitted by this time will be distributed to the city council prior to meeting commencement, and included in the official record of the meeting. In accordance with the Texas Open Meetings Act, if a citizen discusses any item not on the agenda, City Council cannot discuss issues raised or make any decision at this time. Instead, City Council is limited to making a statement of specific factual information or a recitation of existing policy in response to the inquiry. Issues may be referred to City 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.*

#### **4.8A Approval of the Minutes.**

The Council shall consider the minutes of any meeting presented for their review since the last regular meeting. This heading will only be used when there are no other items listed on a consent agenda; otherwise, this heading may take the form of one item among others on the Consent Agenda.

#### **4.8B Consent Agenda Items.**

There is hereby established, as a part of every agenda for regular and/or special called meetings of the City Council, a portion of said agenda that shall be labeled "consent agenda." Said consent agenda may consist of any and all business regularly coming before the City Council including approval of the minutes of previous meetings.

Any member of the City Council or a citizen may request that any item be removed from the consent agenda and considered separately prior to the City Secretary reading the caption of each item. If any item was removed from the consent agenda, it will be considered immediately following approval of the remainder of the consent agenda.

The City Secretary shall read the caption of each item and/or ordinance prior to a motion being made to approve the Consent Agenda. Once a second is received on the motion, the Council shall vote.

All items set out in the consent agenda shall be deemed passed upon passage of an affirmative motion, by a vote of the majority of the members of the City Council, that the consent agenda be adopted. No further action shall be deemed necessary, and all such items appearing on the consent agenda, upon passage of such motion, shall be deemed adopted as if voted upon separately.

#### **4.9 Items for Individual Consideration.**

Items for individual consideration shall be considered by the City Council individually and approved by either a simple majority vote or a supermajority vote as the case may be.

Public hearings, which are statutorily required, shall be included in this section. The Mayor shall first request staff comments. The Mayor shall open the public hearing and receive citizen input. While the public hearing is open, Council may ask questions of the speakers, but may not

deliberate or argue with the public on the matter at hand. Those speaking at a public hearing are required to follow the rules established herein for citizen comments. Upon conclusion of citizen comments, the Mayor shall close the public hearing. Council may deliberate or take action on the matter at hand upon the closing of the public hearing.

Unless a majority of the City Council votes to proceed with consideration, items listed for individual consideration shall be removed at the request of one of the following:

- (a) the item's sponsor(s),
- (b) the city manager,
- (c) the council liaison to board or commission giving rise to the item, or
- (d) the applicant seeking an approval from the Council.

#### **4.10 Executive Session Items.**

This section is only used when it is known in advance that it is necessary for the Council to convene in executive session. Executive sessions are sessions closed to the public. They are only permitted for the purpose of discussing matters enumerated in Chapter 551, Open Meetings Act of the Texas Government Code. Disclosure of topics to be discussed shall be made to the public in accordance with the requirements of the Open Meetings Act.

If the subject of the executive session warrants, the executive session may be held prior to the regular session. Council may agree in Executive Session what can be shared in public prior to concluding the Executive Session. Nothing herein shall limit the ability of the Council to adjourn into Executive Session at any time during a meeting to discuss any agenda item.

#### **4.11 Action on Executive Session Items.**

This section is only used if Council conducts an executive session. As a general rule, action on executive session items must be taken during public/open session of the Council, unless as authorized by law. Action may include the taking of no action at all.

#### **4.12 Adjournment.**

The Mayor shall adjourn the meeting upon passage of the appropriate motion.

## **ARTICLE 5. RULES GOVERNING CITIZEN COMMENTS**

### **5.1 Purpose.**

It is the desire of the City Council to hear from the citizens of Bastrop and to stimulate discussion and offer a forum for a cordial and meaningful public debate on matters that are properly a concern of the City Council. The following rules shall control and govern audience comments.

### **5.2 Rules for Audience Comments during Public Hearing.**

Immediately preceding the opening of a public hearing, the Mayor may direct the City Secretary to read the rules governing citizen comments during a Public Hearing. Generally, the rules for a Public Hearing are the same as for Citizen Comments (below); however, the rules for Public Hearings may be altered by the Mayor in advance of the hearing if reasonably necessary to facilitate audience input, Council deliberations, and an efficient meeting.



### 5.3 Rules Governing Citizen Comments.

1. Citizen comments are limited to those speakers who have been acknowledged by the Presiding Officer and who speak from the designated microphone.
2. Each speaker is limited to a maximum timed limit of three minutes on any item except for a public hearing item for which the Presiding Officer has announced a longer time period is allowed. Speakers cannot pool or donate their time allotment to other speakers.
3. No individual may address the Council without submitting a speaker card, which may be done online or in person. The card must clearly state the subject or issue on which the citizen wishes to speak. If the subject matter does not pertain to city business, the Mayor shall advise the individual and/or make recommendations as to how they may get the issue addressed.
4. Citizens speaking on agenda items shall restrict their comments to the subject matter listed. Citizens speaking on agenda items may make comments either during the Citizen Comment portion of the agenda or when the City Council takes up that particular agenda item.
5. Citizens speaking on non-agenda items shall only speak during the Citizens Comment portion of the agenda.
6. Council may not act upon or discuss any issue brought forth as a non-agenda item, except to:
  - a. Make a statement of specific factual information given in response to the inquiry, or
  - b. A recitation of existing policy in response to the inquiry.

Any deliberation of or decision about the subject of the inquiry shall be limited to a proposal to place the subject on the agenda for a subsequent meeting.

7. Proper respect, decorum, and conduct shall prevail at all times. Impertinent, slanderous, or personal attacks are strictly prohibited and violators may be removed from the Council Chambers.
8. No placards, banners or signs may be displayed in the Council Chambers or City Hall. Exhibits relating to a presentation are acceptable provided that copies are given to the City Secretary to be included in the official records of the meeting.
9. Because of cyber-security concerns, citizens are not allowed to utilize the City's audio-visual equipment for electronic multi-media presentations unless permission is granted by the City Secretary at least 24 hours in advance (at the City Secretary's sole discretion). Hard copies must be provided to the City Secretary to be included in the official records of the meeting.
10. Arguing loudly or forcefully, efforts at intimidation of speakers or attendees, or other disruptive behavior is prohibited. Civil discussion and/or debate are acceptable on items specifically listed on the agenda.
11. Unauthorized remarks from the audience, stomping of feet, applauding, whistles, yells, or any type of disruptive behavior is prohibited. Applause of appreciation may be acceptable when recognizing a significant event or achievement.
12. Council meetings are the workplace to carry out the business of the City of Bastrop; therefore, any conduct that could constitute harassment in the workplace is prohibited.

### 5.4 Preservation of Order.

As referenced in Article 3.11 above, the Mayor shall preserve order and decorum and, if necessary, shall cause to be silenced or removed from the Council Chambers any non-Council Member speaking out of order or disrupting the order of the meeting.

### 5.5 Applicants.

An applicant appearing before the Council seeking approval for items such as contracts or development authorizations is limited to a maximum time of ten minutes. An applicant who has made a presentation to the Council must again be recognized before being allowed to return to the podium to make additional comments or answer questions.

## ARTICLE 6. COUNCIL LIAISONS TO BOARDS AND COMMISSIONS

One Council Member will be appointed as the council liaison to each of the city's boards and commissions annually as a part of the Board & Commission Member appointment process, except for the Ethics Commission, Bastrop Housing Authority, Zoning Board of Adjustments, and the Hunters Crossing Local Government Corporation (Council Members are appointed to this board). The Mayor will appoint council liaisons with consideration given to applicable expertise. Council liaisons are asked to make every effort to attend the meetings of the boards or commissions to which they have been appointed as liaison. Board and commission members may contact their council liaison concerning items of concern or interest with regard to their appointed board.

## ARTICLE 7. TABLE OF MOTIONS AND POINTS OF ORDER

MOTION/ORDER	REQUIRES SECOND	DEBATABLE	AMENDABLE	VOTE TYPE
Basic Motion	Yes	Yes	Yes	Simple
Motion to Amend	*	No	Yes	N/A
Motion to Adjourn	Yes	No	No	Simple
Motion to Recess	Yes	No	Yes	Simple
Motion to Fix the Time to Adjourn	Yes	No	No	Simple
Motion to Table	Yes	No	No	Simple
Motion to Limit Debate	Yes	No	No	Super
Motion to Object to the Consideration of an Item	Yes	No	No	Super
Motion to Suspend Rules	Yes	No	No	Super

Motion to Reconsider	Yes	Yes	Yes	Simple
Point of Privilege	No	No	No	N/A
Point of Order	No	No	No	N/A
Motion to Appeal	Yes	Yes	No	Simple
Call for Orders of the Day	No	No	No	N/A
Withdraw a Motion	No	No	No	N/A
Motion to Enforce	Yes	No	No	Simple

\* For the purposes of these rules, Amendments are not debatable and only require the approval of the member who made the original motion. An amendment to an amendment, requires first the approval of the member who made the original amendment and secondly the approval of the member who made the original motion.



# STAFF REPORT

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**MEETING DATE:** August 23, 2022

**TITLE:**

Consider action to approve Resolution No. R-2022-78 of the City Council of the City of Bastrop, Texas confirming the Youth Advisory Council appointments of the Mayor, as required in Section 3.08 of the City Charter; providing for a repealing clause; and establishing an effective date.

**AGENDA ITEM SUBMITTED BY:**

Submitted by: Rebecca Gleason, Assistant City Manager

**BACKGROUND/HISTORY:**

The Youth Advisory Council was established on January 9, 2018, by the City Council of Bastrop, Texas after Mrs. Megan Brandon, a 9<sup>th</sup> Grade Social Studies Research Methods Teacher at Colorado River Collegiate Academy, and her third period class identified few opportunities for youth activities and leadership in Bastrop. Their identified solution to help solve this issue was the Youth Advisory Council (YAC). On May 22, 2018, the inaugural 12 members were recommended and approved for appointment.

This board serves as a conduit to the youth of the Bastrop community. An Ordinance establishing the YAC was approved by the Council on January 9, 2018.

In May 2022, youth were selected by school staff with one returning member and eleven new to the board. The following students are recommended by school staff for appointment:

Students	High School	Grade for 2022-23
Michael Svetlik	CCHS	12th
Benjamin Zhu	CRCA	12th
Arwyn Ayala	BHS	11th
Venus Gonzales Vega	CCHS	11th
Gabriella Lozano	CRCA	11th
Brendi Lyles	CRCA	11th
Isaiah Molina	CRCA	11th
Joel Briones	CCHS	10th
Blake Avery	BHS	9th
Elayna Coy	BHS	9th
Emily Guerra Bustos	CCHS	9th

**RECOMMENDATION:**

Consider action to approve Resolution No. R-2022-78 of the City Council of the City of Bastrop, Texas confirming the Youth Advisory Council appointments of the Mayor, as required in Section 3.08 of the City Charter; providing for a repealing clause; and establishing an effective date.

**ATTACHMENTS:**

1. Resolution



**RESOLUTION NO. R-2022-78**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS CONFIRMING THE YOUTH ADVISORY COUNCIL APPOINTMENTS OF THE MAYOR, AS REQUIRED IN SECTION 3.08 OF THE CITY CHARTER; PROVIDING FOR A REPEALING CLAUSE; 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 City Council; and

**WHEREAS**, Mayor Connie Schroeder has received recommendations regarding the applications to the Youth Advisory Council Board and made appointments; and

**WHEREAS**, The City of Bastrop has an interest in supporting opportunities for youth activities and leadership in Bastrop and Bastrop County; and

**WHEREAS**, The City of Bastrop has recognized the need to promote an action-civics curriculum where students select a community issue, research it, and come up with a potential solution; and

**WHEREAS**, Applications for the open positions were received by Bastrop Independent School District; and

**WHEREAS**, the City Council finds that a very significant public interest is served by development and support of the Youth Advisory Council.

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

**Section 1:** That Mayor Connie Schroeder appointed the following members to the Youth Advisory Council:

Students	High School	Grade for 2022-23
Michael Svetlik	CCHS	12th
Benjamin Zhu	CRCA	12th
Arwyn Ayala	BHS	11th
Venus Gonzales Vega	CCHS	11th
Gabriella Lozano	CRCA	11th
Brendi Lyles	CRCA	11th
Isaiah Molina	CRCA	11th
Joel Briones	CCHS	10th
Blake Avery	BHS	9th
Elayna Coy	BHS	9th
Emily Guerra Bustos	CCHS	9th

**Section 2:** That the City Council of the City of Bastrop confirms Mayor Schroeder's appointments to the Youth Advisory Council.

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

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

**DULY RESOLVED AND ADOPTED** by the City Council of the City of Bastrop this 23<sup>rd</sup> day of August, 2022.

**APPROVED:**

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Connie B. Schroeder, Mayor

**ATTEST:**

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Ann Franklin, City Secretary

**APPROVED AS TO FORM:**

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Alan Bojorquez, City Attorney