

**November 22, 2011**

The Bastrop City Council met in regular session on November 22, 2011 at 6:00 p.m. at the Council Chambers of City Hall, 1311 Chestnut Street, Bastrop, Texas. Members present were Mayor Terry Orr and Council Members Joe Beal, Ken Kesselus and Kay Garcia McAnally.

## ANNOUNCEMENTS

### 1. CALL TO ORDER

At 6:00 p.m. Mayor Terry Orr called the meeting to order with all members present, with the exception of Bill Peterson and Julie Hart who were absent.

### 2. PLEDGE OF ALLEGIANCE AND INVOCATION

Municipal Court Administrator Phyllis Mathison led the pledges of allegiance to the U.S. and Texas flags. Reverend Robert Oliver led the invocation.

Mayor Orr welcomed special guests John, Kate and James, children of Reverend Oliver.

### 3. PRESENTATIONS

There were no presentations.

### 4. PROCLAMATIONS

There were no proclamations.

### 5. ANNOUNCEMENTS

Mayor Orr announced that the Sustainable Design Assessment Team meetings were a display of fantastic coming together of the community and taking a fresh look at our town. Mayor Orr stated the City will be seeing some real dividends from this.

Mayor Orr stated Council Members Julie Hart and Bill Peterson were absent tonight for legitimate reasons.

## CITY MANAGER INFORMATIONAL UPDATE REPORT: ITEMS FOR UPDATE, DISCUSSION AND POSSIBLE ACTION:

### A. MEETINGS AND EVENTS ATTENDED:

1. NOVEMBER 9, 2011 MONTHLY MEETING MAIN STREET ADVISORY BOARD.
2. ACTIVITIES AND MEETING ASSOCIATED WITH THE AMERICAN INSTITUTE OF ARCHITECTS SUSTAINABLE DESIGN ASSESSMENT TEAM (SDAT) VISIT NOVEMBER 14-16, 2011.
3. MONTHLY MEETING OF DOWNTOWN BUSINESS ALLIANCE.
4. NOVEMBER 16, 2011 MONTHLY BOARD MEETING OF THE LOST PINES GROUNDWATER CONSERVATION DISTRICT.

5. BASTROP COUNTY EXPO HELD ON NOVEMBER 19, 2011 AT THE CONVENTION CENTER.
- B. UPDATE ON CITY PROJECTS:
1. STATUS OF THE ETHICS TASK FORCE ORDINANCE.
  2. WATER SUPPLY ISSUES/STAGE II OF DROUGHT CONTINGENCY PLAN.
  3. MAIN STREET LIGHTING PROJECT.
  4. FARM STREET PROJECT.
  5. BASTROP STATE PARK GOLF COURSE.
  6. GILLS BRANCH DRAINAGE PROJECT.
  7. BASTROP STATE PARK SWIMMING POOL.
  8. SPLASH PARK.
  9. UPDATE AND DISCUSSION REGARDING DEVELOPING THE PREVENTION MEASURES FOR THE CITY OF BASTROP DURING THE CURRENT DROUGHT.
  10. CITY OF BASTROP'S TRANSFER STATION.
  11. UPDATE ON THE NOVEMBER SPECIAL ELECTION REGARDING THE PROPOSITIONS FOR THE "USE OF 4b SALES TAX MONIES FOR WATER SUPPLY FACILITIES AND WATER CONSERVATION PROGRAMS."
  12. BRUSH PICK-UP IN THE CITY.
  13. REVIEW OF THE 2011 CONSTITUTIONAL AMENDMENT ELECTION.
  14. PRE-CONSTRUCTION MEETING ON WATER WELL H.
  15. SIDEWALK TO SPLASH PARK.
  16. SCHOOL ZONE PROJECT.
  17. FREEPORT EXEMPTION PROGRAM.
- C. UPDATE ON CITY BUSINESS:
1. CONVENTION CENTER ACTIVITIES.
  2. MAIN STREET PROGRAM ACTIVITIES.
  3. COMMERCIAL/RESIDENTIAL CONSTRUCTION PROJECTS IN THE CITY.
  4. YMCA ACTIVITIES.
- D. INVITING INPUT FROM COUNCIL RELATED TO ISSUES FOR POSSIBLE INCLUSION ON FUTURE AGENDAS, RELATED TO ISSUES SUCH AS (BUT NOT LIMITED TO) MUNICIPAL PROJECTS, PERSONNEL, PUBLIC PROPERTY, DEVELOPMENT AND OTHER CITY/PUBLIC BUSINESS.

City Manager, Mike Talbot gave an informational update on the listed items.

Mr. Talbot expressed his sincere appreciation to Planning and Development Director Melissa McCollum and staff who worked so hard to make the Sustainable Design Assessment Team (SDAT) meetings a successful event. Mr. Talbot stated the SDAT report will be forthcoming in about two months.

Mr. Talbot thanked the Electric Department staff, some of which are attending the meeting tonight, for their hard work on completing the Main Street Lighting Project ahead of schedule. Mr. Talbot stated the staff went above and beyond the call of duty.

Mayor Orr extended the Council's appreciation for the hard work the Electric Department staff did downtown. Mayor Orr stated downtown is not only better looking, but is also safer.

Mr. Talbot called the Council's attention to a map showing the areas where trees have been trimmed in the City and the areas the City staff are working on.

Mayor Orr stated he did not know that he was aware of all the activities the YMCA was doing. Mayor Orr stated he thinks that the decision of Council to support the YMCA may have been one of the smartest decisions Council has made and appreciate the value of Ms. Terry Moore.

#### A. CONSENT AGENDA

ALL OF THE FOLLOWING ITEMS ON THE CONSENT AGENDA ARE CONSIDERED TO BE SELF-EXPLANATORY BY THE COUNCIL AND WILL BE ENACTED WITH ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS UNLESS A COUNCIL MEMBER SO REQUESTS.

A.1 APPROVAL OF MEETING MINUTES OF NOVEMBER 8<sup>TH</sup> AND 16<sup>TH</sup>, 2011.

A.2 APPROVAL OF THE STATUTORY DENIAL, FOR A PERIOD OF 180 DAYS FROM THE DATE OF COUNCIL ACTION ON THIS REQUEST, FOR THE POWELL-KRESGE SUBDIVISION LOCATED WEST OF MAIN STREET AND EAST OF CHURCH STREET WITHIN THE CITY LIMITS OF THE CITY OF BASTROP, TEXAS.

A.3 APPROVAL OF THE STATUTORY DENIAL, FOR A PERIOD OF 180 DAYS FROM THE DATE OF COUNCIL ACTION ON THIS REQUEST, FOR THE AMENDED PLAT F LOTS 2, 3, 12, 13, 14, 15 AND 16, BLOCK 3 AND LOTS 31 AND 32, BLOCK 2, PINE FOREST, PHASE III, UNIT 9 WITHIN THE CITY OF BASTROP, TEXAS EXTRA TERRITORIAL JURISDICTION (ETJ).

A.4 ADOPTION OF A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BASTROP ADOPTING TRAINING STANDARDS FOR JUVENILE CASE MANAGERS, ADOPTING A CODE OF ETHICS FOR JUVENILE CASE MANAGERS, AND PROVIDING FOR THE IMPLEMENTATION AND PERIODIC REVIEW OF SAME.

A.5 APPOINTMENT BY MAYOR AND CONFIRMATION BY COUNCIL OF MEMBER TO THE BASTROP HOUSING AUTHORITY BOARD OF COMMISSIONERS.

A.6 APPOINTMENT BY MAYOR AND CONFIRMATION BY COUNCIL OF MEMBERS TO THE BASTROP COUNTY COMMUNITY RECOVER COMMITTEE.

A.7 ADOPTION OF AN ORDINANCE AMENDING THE BUDGET FOR FISCAL YEAR 2011 IN ACCORDANCE WITH EXISTING STATUTORY REQUIREMENTS; APPROPRIATING THE VARIOUS AMOUNTS HEREIN; REPEALING ALL PRIOR ORDINANCES AND ACTIONS IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

A.8 APPOINTMENT OF A CITY OF BASTROP STAFF/LIAISON

REPRESENTATIVE TO THE CAPITAL AREA METROPOLITAN PLANNING ORGANIZATION (CAMPO) TECHNICAL ADVISORY COMMITTEE (TAC) BOARD.

Joe Beal moved to approve the Consent Agenda. Seconded by Kay Garcia McAnally and carried unanimously.

B. PUBLIC HEARINGS:

B.1 PUBLIC HEARING: CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON A REQUEST FOR AMENDMENTS TO HUNTERS CROSSING MASTER PLAN AND THE HUNTERS CROSSING PLANNED DEVELOPMENT DISTRICT ZONING CLASSIFICATION LOCATED IN THE CITY LIMITS OF BASTROP, TEXAS.

Planning and Development Director, Melissa McCollum addressed the Council. Ms. McCollum stated Forestar Group would like to propose some modifications/changes to the existing Hunters Crossing Master Plan and Hunters Crossing Planned Development Zoning District. Ms. McCollum stated these modifications include clarification/resolving some of the existing conflicts within the approved Master Plan and Planned Development Zoning District and also proposed additional residential uses. Ms. McCollum then reviewed the amendments and changes. (See Exhibits A & B).

Discussion was held among Council and Ms. McCollum.

City Manager, Mike Talbot this initiative was begun about one year ago with Forestar. Mr. Talbot stated it was recognized that there was a menagerie of documents. Mr. Talbot stated staff worked closely with Forestar Group and many hours have been spent by both the City and Forestar on fine tuning this document. Mr. Talbot thanked Forestar Group for all their efforts with this.

Darlene Louk, Vice President Forestar Real Estate Group, addressed the Council. Ms. Louk stated this process started in the Fall of 2010 at a Hunters Crossing Homeowners Association meeting. Ms. Louk stated notices were posted on every door and mailed.

Cecil Meyer addressed the Council. Mr. Meyer stated he is a homeowner in Hunters Crossing and he also served as a member of the Planning and Zoning Commission so he was very involved in the process for the proposed changes. Mr. Meyer stated he was in favor and fully supportive of the proposed changes.

B.2 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON THE FIRST READING OF A PROPOSED ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS AMENDING AND REPLACING ORDINANCE NO. 2005-47, ORDINANCE NO. 2005-19, ORDINANCE NO. 2004-42, ORDINANCE NO. 2004-16, ORDINANCE NO. 2004-08, ORDINANCE NO. 2003-36 AND ORDINANCE NO. 2003-19; RELATED TO THE HUNTERS CROSSING PLANNED DEVELOPMENT AND REPLACING THE HUNTERS CROSSING MASTER PLAN APPROVED AND RECORDED IN CABINET 4 PAGE 103a OF THE PLAT RECORDS OF THE BASTROP COUNTY

RECORDS; REPEALING CONFLICTING PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

Mayor Orr read the caption of the Ordinance.

Planning and Development Director, Melissa McCollum called the Council's attention to the proposed Ordinance. Ms. McCollum stated this Ordinance will replace the following Ordinances: 2005-47, 2005-19, 2004-12, 2004-26, 2004-08, 2003-36 and 2003-19.

Kay Garcia McAnally moved to approve the Ordinance and place it on the Consent Agenda of the next Council meeting for adoption. Seconded by Ken Kesselus and carried unanimously.

B.3 CITIZEN COMMENTS.

Mayor Orr recognized Brandon Lai. Mayor Orr stated Brandon is working on a Boy Scout merit badge and attending the meeting tonight to earn his badge on the topic of "debate".

C. OLD BUSINESS

D. NEW BUSINESS

ORDINANCES FOR FIRST READING:

ORDINANCES AND OTHER ITEMS ELIGIBLE FOR CONSIDERATION AND/OR ACTION:

D.1 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON THE ADOPTION OF AN ORDINANCE AMENDING THE BASTROP CITY CODE OF ORDINANCES, APPENDIX A, FEE SCHEDULE, ARTICLE A.13.02 "WATER AND WASTEWATER RATES AND CHARGES" REPEALING CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mayor Orr read the caption of the ordinance.

City Manager, Mike Talbot stated this is the second reading of the proposed Ordinance that incorporates the rate changes per the Council's direction. Mr. Talbot stated the Council had several budget workshops on this. Mr. Talbot stated this is the first step in the Capital Improvement Plan, Option B for the Water and Wastewater Department.

Ken Kesselus stated he has not heard from any citizen regarding this and he takes that as general approval of the Council's course to continue on with capital improvements.

Mayor Orr stated he supported this action with the proviso that the City Manager and staff will be managing this in a manner that these increased monies are not eaten up in operations.

Joe Beal moved to adopt the Ordinance. Seconded by Ken Kesselus and carried unanimously.

D.2 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION REGARDING THE SAFE ROUTES TO SCHOOL GRANT PROGRAM (SIDEWALK) BEING PROPOSED BY THE

## CITY OF BASTROP TO BE SUBMITTED TO THE TEXAS DEPARTMENT OF TRANSPORTATION.

City Manager, Mike Talbot stated this program was brought to the City's attention by Council Member Bill Peterson and had been discussed. Mr. Talbot stated the Council had never discussed how much money the Council wants to spend on the project. Mr. Talbot stated he and staff have been working on a proposed route for the "Sidewalk School Safety Grant Program". Mr. Talbot called the Council's attention to a map in the Agenda packet illustrating the proposed routing of the sidewalks and a projected cost estimate for this program. Mr. Talbot stated the administration of this program and the funding requirements of this program are very complex. Mr. Talbot stated Ms. Judy Langford with Langford Community Management Services is present tonight to go over the parameters/requirements of the Program. Mr. Talbot stated based upon the Council discussion with Ms. Langford, she will then provide staff the guidance needed to complete the scope of the project.

BEFCO Engineer, Gene Kruppa addressed the Council. Mr. Kruppa reviewed the map. Mr. Kruppa stated the cost estimate for the project is \$548,500 with a secondary route cost estimate of \$187,500.

Judy Langford addressed the Council. Ms. Langford stated the Texas Department of Transportation (TxDOT) has not opened up yet the funding applications for this year, and she expects that to be around Spring of 2012. Ms. Langford stated TxDOT is looking at cities and schools that partner to get children out of houses and to school on safe sidewalk routes. Ms. Langford stated there will need to be a committee appointed to apply for this funding.

Mr. Talbot stated this program will open in the Spring and history has shown that it is a very competitive program. Mr. Talbot stated the program requires an 80.20 match or 70.30 match. Mr. Talbot stated the 70/30 match gives you a better opportunity to get funded. Mr. Talbot stated this program has been used in Bastrop County by other cities. Mr. Talbot stated by the next meeting the Council will need to decide whether to go forth or not. Mr. Talbot stated he will be putting this back on an agenda for discussion and action.

Discussion was held among Council, Mr. Talbot and Ms. Langford.

Kay Garcia McAnally moved to direct the City Manager to go forward with the Program working with Ms. Langford, BEFCO Engineering and staff and apply for the Sidewalk School Safety Grant Program through the Texas Department of Transportation. Seconded by Joe Beal and carried unanimously.

Mayor Orr asked that Council Member Peterson be the Chair of the required Committee. Mayor Orr asked that each Council Member be prepared to make a recommendation for appointment to this Committee.

### D.3 CONSIDERATION, DISCUSSION, REVIEW AND POSSIBLE ACTION REGARDING THE CONCEPT OF TERM LIMITS FOR APPOINTED BOARD, COMMISSION, COMMITTEE AND TASK FORCE MEMBERS.

Ken Kesselus stated one of the things clearest on the Charter Review Committee was the Council having term limits of 6 years and some of the same sentiment applies to Boards and Commissions. Mr. Kesselus stated it was discussed that new members bring fresh new ideas and he would like to see the Council take a look at applying the same philosophy of term limits for the Council to the City's various Boards and Commissions. Mr. Kesselus stated he would further like the Council to look at setting up terms for boards and commissions at 3 years, the same as the Council. Mr. Kesselus stated he would hope to have something in place for the June Board/Commission appointments. Mr. Kesselus asked if the Council was interested in further discussion of this.

Kay Garcia McAnally stated she very much agreed with Mr. Kesselus in that there would be new eyes and ears on the various City boards and commissions. Ms. Garcia McAnally asked if a person could go from serving on one board or commission to serve on another board or commission without having to wait the one year off.

Mr. Kesselus stated: "Yes".

Joe Beal stated it has been his experience in Bastrop that it has been difficult to get people to serve on boards and commissions and sometimes people may be able to serve longer. Mr. Beal stated he does back the concept to discuss it.

Mr. Kesselus stated the Council may have to recruit citizens, but that is part of the Council's job.

Ken Kesselus moved to instruct the City Manager to investigate these thoughts, develop a draft document for term limits for City board/commission/committee members and include a provision of three (3) year terms for each board/commission/committee member. Kay Garcia McAnally seconded the motion. Motion carried unanimously.

Discussion was held among Council.

Joe Beal stated as part of this process the Council certainly should ask each board/commission/committee member their thoughts regarding this.

#### D.4 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH LANGFORD & ASSOCIATES TO PROVIDE GENERAL PROGRAM GRANT ADMINISTRATION TO THE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM CONTRACT NO. 711029 GILLS BRANCH LIFT STATION PROJECT.

City Manager, Mike Talbot stated a few weeks ago he advised the Council that the City had received a \$250,000 Community Development Block Grant (CDBG) from the Texas Department of Agriculture for replacing a portion of the Gills Branch sewer line from the Gills Branch Lift Station to Chestnut Street. Mr. Talbot stated as part of receiving the grant the City hires a grant consultant to oversee the project and fill out all the required paper work and forms demonstrating that the City is complying with all the State requirements associated with the grant. Mr. Talbot stated the City advertised for Request for Proposal to provide for general program administration for this grant. Mr. Talbot stated the City received only one reply and that was from Langford and Associates. Mr. Talbot stated Langford and Associates have a long history of working with

the City and has always performed in a satisfactory fashion on behalf of the City. Mr. Talbot stated he recommended retaining Langford Community Management Services.

Joe Beal moved to authorize the City Manager to execute an Agreement with Langford Community Management Services to provide general program grant administration to the Texas Community Development Block Grant Program Contract No. 711.029 Gills Branch Life Station Project. Seconded by Kay Garcia McAnally and carried unanimously.

**D.5 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION CONCERNING A REVIEW WITH THE BASTROP FINE ARTS GUILD REGARDING POSSIBLE FUNDING OPPORTUNITIES, GRANTS AND OTHER RELATED PROGRAMS TO FUND THE RENOVATION PROJECT, DEVELOPING THE BUILDING LOCATED AT 1204 CHESTNUT STREET INTO AN ARTS COMPLEX.**

City Manager, Mike Talbot stated the Bastrop Fine Arts Guild has previously been before Council providing periodic updates on the renovation of the Clyde Clardy building, located at 1204 Chestnut Street, into an Arts Complex. Mr. Talbot stated Bastrop Fine Arts Guild Member Ms. Karol Rice is present tonight to provide: 1) An update of the work completed since the last time she appeared before the Council; 2) Additional activities that need to be completed related to renovating the building, and 3) Discuss funding opportunities, grants and other related programs to convert the building into an Arts Complex.

Karol Rice addressed the Council. Ms. Rice provided an update and advised the Council of milestones accomplished in regard to the renovation project. Ms. Rice stated the Bastrop Fine Arts Guild is in final negotiations with the property owners and they fully expect to contract to be executed before December 15, 2011. Ms. Rice stated this project fits into the City's philosophy of "Preservation of the Past and Progress for the Future". Ms. Rice called the Council's attention to a PowerPoint presentation on the project. Ms. Rice stated they believe the cost will be in the neighborhood of three million dollars. Ms. Rice stated they have identified multiple sources of both public and private funding sources and one of the elements of this is to be able to exhibit community support. Ms. Rice stated the Bastrop Fine Arts Guild would like to see tonight if the City would join hands with them and make a commitment of \$100,000 from Hotel Occupancy Tax funds.

Ken Kesselus asked if the City committed to \$100,000 could it be set aside over a five year period?

Ms. Rice stated that could be a possibility, but because they do not have specific construction documents and because they do not know what the cash flow will be over the next three years, she would ask that the City consider a more flexible plan and she would ensure Council that they would work with them on whatever.

Discussion was held among Council and Ms. Rice.

Joe Beal moved that the City commit to the Bastrop Fine Arts Guild \$100,000 over the next five years and direct the City Manager to work with the Bastrop Fine Arts Guild and determine the time frame and amounts for which that cash will flow; that the City Manager determine the criteria on which that cash will flow; have the City Manager recognize there will be other

demands on Hotel Occupancy Tax funds in the future and they need to be taken into account on future cash flows, and needs for things which the Council may want to do and future needs. Seconded by Kay Garcia McAnally and carried unanimously.

**D.6 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION APPROVING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS FORMALLY APPROVING THE PURCHASE OF CERTAIN REAL PROPERTY AND AUTHORIZING MICHAEL H. TALBOT, CITY MANAGER TO ACT AS THE CITY'S REPRESENTATIVE IN ALL MATTERS PERTAINING THERETO.**

City Manager, Mike Talbot called the Council's attention to a map in the Agenda packet showing land identified by the Texas Department of Transportation as excess property. Mr. Talbot stated the City's long-term water plan calls for elevated water storage in this area, which is the highest elevation in that area. Mr. Talbot stated the City recently annexed property in this area and the City has the first option to purchase the property. Mr. Talbot stated the first step is for the City to pass a Resolution stating their wish to purchase the site to construct a water storage tank. Mr. Talbot stated the next step would be to have a survey of the property and than the third step is to have an appraisal of the property by an outside source.

Discussion was held among Council and Mr. Talbot.

Kay Garcia McAnally moved to adopt the Resolution. Seconded by Ken Kesselus and carried unanimously.

**D.7 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION REGARDING TIME WARNER CABLE'S REQUEST TO TRANSFER THEIR CURRENT LOCAL FRANCHISE AGREEMENT WITH THE CITY OF BASTROP TO A STATE ISSUED CERTIFICATE OF FRANCHISE AUTHORITY (SICFA) TO PROVIDE CABLE SERVICE TO THE CITY OF BASTROP.**

City Manager, Mike Talbot stated Time Warner Cable has advised the City of their intent to file with the Texas Public Utility Commission the transitioning of their current local municipal franchise agreement with the City to the State Issued Certificate of Franchise Authority. Mr. Talbot stated City Attorney, J.C. Brown will provide the Council an update of the implications of this transfer from the local level to the state level and what it means to the City of Bastrop.

City Attorney, J.C. Brown addressed the Council. Ms. Brown stated this is not a option, it is mandated by the Legislature. Ms. Brown stated this will not affect the courtesy drops provided by Time Warner Cable, but in the future those may go away. Ms. Brown stated the PEG fee generates between \$5,000-\$6,000 per quarter and can only be used by the City to acquire new cameras and such considered as capital. Ms. Brown stated she was told by Time Warner that this would alter the current PEG channel and she was told it would not and it would remain in place. Ms. Brown stated if the City keeps the PEG fee it will be remitted to the City quarterly, and in addition the City can change their mind on that, in six months could be removed or reinstated, this is not a one -time option. Ms. Brown stated if the Council takes no action the PEG fee will continue to be collected.

Discussion was held among Ms. Brown and the Council.

City Manager, Mike Talbot recommended the Council take no action.

#### **D.8 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION GRANTING THE CITY OF BASTROP A VARIANCE TO DRILL A WELL FOR THE PURPOSE OF SUPPLYING WATER FOR THE IRRIGATION SYSTEM AT THE CONVENTION CENTER.**

City Manager, Mike Talbot stated the last parcel of property that the City purchased for the Convention Center had a well located on the property. Mr. Talbot stated the well is about 60 feet deep and is currently dry. Mr. Talbot stated a review of records of the area indicate that there are some active wells in the area of the Convention Center. Mr. Talbot stated during the process of purchasing this property the property owner advised him that the current well functioned great when they had lived on the property many years ago, but that is not the case today. Mr. Talbot stated the Convention Center property takes a lot of water to properly irrigate to keep the grass green and this has been difficult due to the current drought. Mr. Talbot stated he feels it is worth the effort to drill a test well up to approximately 250 feet deep to see if we can hit water. Mr. Talbot stated it will take a well producing approximately 60 gallons per minute to operate the Convention Center irrigation system. Mr. Talbot stated there are surplus funds in the Convention Center budget to fund this. Mr. Talbot stated City Ordinance requires the Council approve a Variance for the drilling of a well for irrigation purposes inside the City limits. Mr. Talbot stated he is requesting such a Variance.

Joe Beal moved to grant the Variance. Seconded by Kay Garcia McAnally and carried unanimously.

#### **E. EXECUTIVE SESSION:**

##### **E.1 THE BASTROP CITY COUNCIL WILL MEET IN A CLOSED/EXECUTIVE SESSION PURSUANT TO THE TEXAS GOVERNMENT CODE, CHAPTER 551, SECTION 551.071(1)(A) AND SECTION 551.071(2) (CONSULTATIONS WITH ATTORNEY) AND SECTION 551.074 (PERSONNEL MATTERS) TO DISCUSS THE FOLLOWING:**

- 1. CONSULTATIONS WITH ATTORNEY: (1) THREATENED AND/OR CONTEMPLATED LITIGATION; AND (2) MATTERS UPON WHICH THE ATTORNEY HAS A DUTY AND/OR RESPONSIBILITY TO REPORT TO THE GOVERNMENTAL BODY.**
- 2. PERSONNEL MATTERS – CITY MANAGER.**

At 9:20 p.m., Mayor Orr convened the Bastrop City Council into a closed/executive session pursuant to the Texas Government Code, Chapter 551, Section 551.071(1)(A) and Section 551.071(2) (Consultations with Attorney) and Section 551.074 (Personnel Matters) to discuss the following:

- 1. Consultations with Attorney: (1) Threatened and/or contemplated litigation; and (2) Matters upon which the attorney has a duty and/or responsibility to report to the governmental body.**

2. Personnel Matters – City Manager.

E.2 THE BASTROP CITY COUNCIL WILL RECONVENE INTO OPEN SESSION TO DISCUSS, CONSIDER AND/OR TAKE ANY ACTIONS NECESSARY RELATED TO THE EXECUTIVE SESSIONS NOTED HEREIN, OR REGULAR AGENDA ITEMS, NOTED ABOVE, AND/OR RELATED ITEMS.

At 10:39 p.m., Mayor Orr reconvened the Bastrop City Council into open session to discuss, consider and/or take any actions necessary related to the Executive Sessions noted herein, or regular agenda items, noted above, and/or related items.

Kay Garcia McAnally moved to authorize the City Manager to sign a settlement agreement Covert regarding drainage issue at Hunters Crossing. Seconded by Joe Beal and carried unanimously.

Kay Garcia McAnally moved to increase the City Manager's base salary by \$10,00 effective January 1, 2012. Seconded by Ken Kesselus and carried unanimously.

Joe Beal stated the salary increase for the City Manager was well deserved for all the hard work and dedication he has provided the City.

F. ADJOURNMENT

At 10:47 p.m., Joe Beal moved to adjourn. Seconded by Ken Kesselus and carried unanimously.

APPROVED:

ATTEST:

\_\_\_\_\_  
Terry Orr, Mayor

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

**EXHIBIT "A"**

**City of Bastrop**

**Agenda Information Sheet:**

**City Council Meeting Date:  
APD 11-01**

**November 22, 2011**



\_\_\_\_\_  
Consideration, discussion and possible action on a request for amendments to the Hunter's Crossing Master Plan and Hunter's Crossing PD (Planned Development District) Zoning Classification.  
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**Item Summary:**

The main revision items were discussed during the workshop session at the September 29, 2011 Planning and Zoning Commission Meeting.

Forestar Group, would like to propose some modifications/changes to the existing Hunter's Crossing Master Plan and Hunter's Crossing PD (Planned Development) zoning district. These modifications include clarification/resolving some of the existing conflicts within the approved Master Plan and PD and also proposed additional residential uses.

Current PD documents include:

2003-19 Hunter Crossing PD & Master Plan– July 2, 2003

2003-36 1<sup>st</sup> Amendment – November 11, 2003

2004-08 2<sup>nd</sup> Amendment – April 27, 2001

2004-16 3<sup>rd</sup> Amendment – June 22, 2004

2004-42 4<sup>th</sup> Amendment – December 14, 2004

2005-19 5<sup>th</sup> Amendment – April 26, 2005

2005-47 6<sup>th</sup> Amendment – December 13, 2005

**Background:**

Representatives from Forestar Group, developers of Hunter's Crossing, would like to receive recommendation for approval of the proposed modifications to both the Hunter's Crossing Master Plan and the changes to the Hunter's Crossing Planned Development (PD).

The main changes include:

1. PDD Addition
  - a. Add a 10.37 acre tract to be included in the PD (originally left out of portions of the Master Plan and PD zoning exhibits)
2. Bear Hunter Realignment
  - a. Align with TxDOT approved FM 969
3. Multi Family Zoning Change to Commercial
  - a. Entire Tract adjacent to Hwy 71 and Bear Hunter Drive slated to be Commercial and Multifamily to have a Commercial designation only. (commercial does allow multifamily)
4. Home Depot Way Extension
  - a. Extend Home Depot Way (add to thoroughfare network) to cross current commercial tracts for better circulation
5. Zoning Change to new category (Mixed Residential)
  - a. Allow tracts 9B, 9A, 5B, and 3E to have possible mixtures of residential development, such as: attached single family, duplexes, or single family but limit apartment developments to 9B and 9A only.
6. Change in Commercial Zoning along FM 304
  - a. Reduce commercial development along FM 304 from approximately 12 acres to 3 acres at the corner of Home Depot Drive and FM 304

This amendment will be the accumulation of all the previous documents. Many of the areas have not changed and are grayed out, if no changes are proposed. Areas that are not grayed out (left untouched) is language that is proposed or represents changes in the document.

**Comments:** 349 adjacent and property owners within Hunter's Crossing Subdivision were mailed property owner notifications on October 19, 2011. Five (5) in favor of the request, Five (5) opposed and three (3) have been returned. Responses from notifications are included in your packet and any additional notices will be provided at the meeting. The Hunters Crossing Local Government Corporation (LGC) passed a resolution of approval of the Hunters Crossing Master Plan at their June 27, 2011.

**Staff Basis of Support:**

Staff supports the proposed language modifications and changes to the Master Plan and Planned Development District.

**Planning and Zoning Commission Recommendation:**

The Planning and Zoning Commission conducted a public hearing November 3, 2011 and voted 6-0 to recommend the changes to the Hunter's Crossing Master Plan and Hunter's Crossing PD (Planned Development District) Zoning Classification with the additional clarification shown on the Hunters Crossing Master Plan and Planned Development (PD) Exhibits to have tracts 3E and 5B shown to exclude MF-2.

This request is shown in the Proposed Master Plan and Planned Development (PD) documents.

**City Contact:**

Melissa M. McCollum, AICP, LEED AP - Director  
Planning and Development

**Attachments:**

Notification of surround property owners, PowerPoint Presentation, and Hunters Crossing PDD language

**EXHIBIT "B"**

**(See attached pages)**