

December 13, 2011

The Bastrop City Council met in regular session on December 13, 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, Bill Peterson, Julie Hart 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.

2. PLEDGE OF ALLEGIANCE AND INVOCATION

Council Member Ken Kesselus led the pledges of allegiance to the U.S. and Texas flags. Reverend Rick Bartlett led the invocation.

3. PRESENTATIONS

A. CHARACTER EDUCATION – BASTROP STUDENT

Lilliana Rodriguez a fourth grade student at Red Rock Elementary School presented the Character Education character trait “Perseverance” for the month of December.

B. JOINT LAND USE STUDY WITH CAMP SWIFT – MELISSA MCCOLLUM

Planning and Development Director Melissa McCollum introduced Margit Meyers, Project Manager, Department of Defense Office of Economic Adjustment.

Ms. Margit Meyers gave a PowerPoint presentation on a Joint Land Use Study which the City may want to undertake with Camp Swift. Ms. Meyers stated there is a 10% non-federal match which is usually in-kind services.

City Manager, Mike Talbot stated staff had met with the County today and the County would prefer that the City make the application and the County will work with the City on this.

Discussion was held among Council, Ms. Meyers, Ms. McCollum and Mr. Talbot.

Mayor Orr stated there will be an Agenda item on a future Council Agenda where the Council will formally approve the City applying for the grant.

C. CONTRIBUTION TO FIRE VICTIMS – REPUBLIC OF CHINA (TAIWAN) 100 AUSTIN & TECO WESTINGHOUSE MOTOR COMPANY

Mayor Orr welcomed Michael Ma, representing the Republic of China (Taiwan). Mayor Orr stated Mr. Ma along with TECO Westinghouse Motor Company will be making a contribution in support of fire victims.

Mr. Michael Ma presented a check in the amount of \$1,000 from the Republic of China (Taiwan) and a check in the amount of \$1,000 from TECO Westinghouse Motor Company as a contribution to help fire victims.

4. PROCLAMATIONS

Mayor Orr proclaimed the Year 2011 as The Republic of China's Centennial Year in Bastrop, Texas.

Mr. Ma presented Mayor Orr and Council Members with a souvenir pin which had been made for the Centennial occasion.

5. ANNOUNCEMENTS

Mayor Orr announced that sales tax for the month of October was up 25+%.

Council Member Bill Peterson thanked the citizens of Bastrop for allowing him to serve as a Council Member for the great City of Bastrop. Mr. Peterson also thanked the Council, City Manager and staff. Mr. Peterson stated that it was with deep regret that he was resigning from his position of Place 1 of the Bastrop City Council because he is moving forward with continuing to serve his community and is announcing his candidacy for Bastrop County Commissioner Precinct #1. Mr. Peterson stated the City Charter provides that he can continue to serve as a Council Member until an Election is held and someone is elected for Place 1.

City Manager, Mike Talbot expressed to Mr. Peterson sincere appreciation on behalf of the Mayor and Council and his own respect for the great service, initiative, clear thinking and talents on bringing the Council together. Mr. Talbot expressed to Mr. Peterson that he had enjoyed working with him.

Kay Garcia McAnally stated it was an honor serving with Mr. Peterson.

Ken Kesselus stated he appreciated Mr. Peterson serving as a Council Member and knows Mr. Peterson will continue to work with the City Council.

Mayor Orr stated the City will be having a Special Election within 120 days to fill the vacant Place 1 Council Member seat and the person elected will serve for the remainder of Mr. Peterson's term.

Discussion was held among Council regarding the procedure for the Special Election.

City Attorney, J.C. Brown stated it has to be a Special Election and according to the City's Charter must be held within 120 days from the date of resignation.

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

A. MEETINGS AND EVENTS ATTENDED:

1. NOVEMBER 21, 2011 MONTHLY MEETING OF THE BASTROP ECONOMIC

- DEVELOPMENT CORPORATION.
- 2. DECEMBER 1, 2011 MONTHLY MEETING OF THE PARKS BOARD.
- 3. ANNUAL TEXAS WATER LAW SEMINAR ON DECEMBER 1-2, 2011 IN AUSTIN, TEXAS.
- 4. NOVEMBER 5, 2011 MONTHLY MEETING OF THE MAIN STREET ADVISORY BOARD.
- 5. CITY HALL OPEN HOUSE ON DECEMBER 8, 2011.
- 6. MEETING WITH THE BASTROP COUNTY HISTORICAL SOCIETY ON NOVEMBER 30, 2011.
- B. UPDATE ON CITY PROJECTS:
 - 1. HOLIDAY SCHEDULE FOR CITY OFFICES: CITY OFFICES WILL BE CLOSED DECEMBER 23RD AND 26TH, 2011 AND JANUARY 2, 2012.
 - 2. PECAN PARK SUBDIVISION.
 - 3. CHRISTMAS LIGHTING IN FISHERMAN'S PARK.
 - 4. FARM STREET PROJECT.
 - 5. BASTROP STATE PARK GOLF COURSE.
 - 6. GILLS BRANCH DRAINAGE PROJECT.
 - 7. BASTROP STATE PARK SWIMMING POOL.
 - 8. PINE FORREST UNIT #6.
 - 9. UPDATE & DISCUSSION ON ZONING ISSUES.
 - 10. CITY OF BASTROP'S TRANSFER STATION.
 - 11. UPDATE ON THE NOVEMBER 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. PRE-CONSTRUCTION MEETING ON WATER WELL I.
- 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. DEPARTMENT AND BOARD REPORTS.
- E. 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 stated Judi Hoover resigned as Chair of the Bastrop Parks Board.

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 22, 2011.

A.2 APPROVAL OF BASTROP MARKETING CORPORATION'S REQUEST FOR REIMBURSEMENT OF EXPENSES.

A.3 APPROVAL OF THE STATUTORY DENIAL, FOR A PERIOD OF 180 DAYS FROM THE DATE OF COUNCIL ACTION ON THIS REQUEST, FOR THE REPLAT OF SURBURBIA ESTATES LOT 22 WITHIN THE CITY OF BASTROP, TEXAS EXTRA TERRITORIAL JURISDICTION (ETJ).

A.4 APPROVAL OF THE PROPOSED TAX REBATES FOR HISTORIC LANDMARKS.

A.5 ADOPTION OF AN 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.

A.6 ADOPTION OF A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, AUTHORIZING THE SUBMISSION OF A TEXAS HOME INVESTMENT PARTNERSHIPS PROGRAM APPLICATION TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS FOR PARTICIPATION IN THE HOME PROGRAM RESERVATION SYSTEM AND AUTHORIZING THE CITY MANAGER TO ACT AS THE CITY'S EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE CITY'S PARTICIPATION IN THE HOME PROGRAM RESERVATION SYSTEM.

Joe Beal moved to approve the Consent Agenda. Seconded by Bill Peterson and carried unanimously.

B. PUBLIC HEARINGS:

B.1 PUBLIC HEARING: TO RECEIVE PUBLIC INPUT, RECOMMENDATIONS AND COMMENTS FROM THE CITIZENS OF BASTROP RELATED TO THE ADOPTION OF AN ORDINANCE INSTITUTING AN OFFICIAL CODE OF ETHICS THAT WILL APPLY TO ALL CITY OFFICIALS AND CITY EMPLOYEES.

City Manager, Mike Talbot stated the City Council and Ethics Task Force met a few weeks ago and discussed the proposed Ethics Ordinance. Mr. Talbot stated both parties agreed that the next step in the process is adoption of an Ethics Ordinance, but they wanted to have a Public Hearing prior to the first reading of the Ordinance. Mr. Talbot stated an ad was posted in the non-legal section of the Bastrop Advertiser announcing the Public Hearing being held tonight.

Judge Chris Duggan addressed the Council. Judge Duggan thanked the Council for entrusting the Task Force and stated it was truly an honor to be part of the Task Force. Judge Duggan thanked the Task Force members who were all present at the Council Meeting tonight. Judge Duggan stated the group worked incredibly hard in crafting a document appropriate for the City of Bastrop. Judge Duggan thanked the City Manager and City Attorney for being incredible resources. Judge Duggan thanked the Mayor and City Council for their desire to be proactive and not reactive in regard to ethics. Judge Duggan then gave a PowerPoint presentation on the proposed Ethics Ordinance.

Joe Beal stated the Council owes Judge Duggan and the Task Force for doing something that has not been done in Bastrop before and for developing what is good and special for Bastrop. Mr. Beal thanked Judge Duggan and the Task Force.

Julie Hart thanked the Task Force. Ms. Hart stated she was impressed how incredibly thorough the Ordinance was and how manageable. Ms. Hart stated the Ordinance shows common sense and will serve the community well.

Ken Kesselus thanked the Task Force and thanked the Council for not putting any strings on anything and taking that approach when directing the Task Force to develop the document.

Kay Garcia McAnally thank the Task Force and City Attorney J.C. Brown for the presentation on the “Shalls” and “Shall Nots”.

Mayor Orr applauded the Task Force for their intelligence which they brought to the task of developing an Ethics Ordinance.

Bill Peterson thanked the Task Force for their work. Mr. Peterson stated: “You nailed it.”

Reverend R.D. Smith addressed the Council. Reverend Smith thanked the Council for appointing him to the Task Force.

There were no other public comments.

B.2 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON THE FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS AMENDING CHAPTER 1, ADDING NEW ARTICLE 1.15, ESTABLISHING A CODE OF ETHICS, PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Mayor Orr read the caption of the Ordinance.

City Manager, Mike Talbot recommended approval of the proposed Ordinance.

Julie Hart moved to approve the Ordinance and place on the Consent Agenda for the Second Reading at the next Council meeting. Seconded by Ken Kesselus and carried unanimously.

B.3 PUBLIC HEARING: TO RECEIVE INPUT, RECOMMENDATIONS AND COMMENTS FROM THE CITIZENS OF BASTROP RELATED TO THE ADOPTION OF A RESOLUTION OF THE COUNCIL OF THE CITY OF BASTROP, TEXAS, CONCERNING POTENTIAL IMPLEMENTATION OF A FREEPORT TAX EXEMPTION TO WAREHOUSED “GOODS IN TRANSIT”.

City Manager, Mike Talbot stated the City Council has a statutory requirement to hold a Public Hearing on whether or not to tax Freeport Goods and Super Freeport Goods. Mr. Talbot called the Council’s attention to a Summary included in the Agenda packet which outlines what constitutes a Freeport Good and what constitutes a Super Freeport Good and the differences between the two. Mr. Talbot stated the Bastrop Economic Development Corporation (BEDC) Board discussed this matter at their November 2011 Board Meeting and voted to continue the taxation. Mr. Talbot stated if the Council chooses to tax and then next year the Council repeals that tax, they can never put the tax back. Mr. Talbot stated the Council has to adopt a Resolution prior to January 1st each year if they want to tax. Mr. Talbot stated the BEDC Board and himself recommend the Council tax goods in transit.

There were no public comments.

B.4 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON ADOPTION OF A RESOLUTION OF THE COUNCIL OF THE CITY OF BASTROP, TEXAS, ADDRESSING *AD VALOREM* TAXATION OF GOODS-IN-TRANSIT PURSUANT TO SECTION 11.263 OF THE TEXAS TAX CODE, AND PROVIDING AN EFFECTIVE DATE.

City Manager, Mike Talbot recommended the Council tax goods in transit. Mr. Talbot stated an evaluation of businesses in Bastrop had been conducted and he did not think there were any businesses in Bastrop that would be affected by this.

Joe Beal moved to adopt the Resolution that Goods-in-Transit shall be subject to *Ad Valorem* taxation for tax year 2012 and shall not be exempt from taxation in accordance with Section 11.253, Texas Tax Code, based upon the recommendation of the City Manager. Seconded by Ken Kesselus and carried unanimously.

B.5 PUBLIC HEARING: REQUESTING VARIANCES TO SUBDIVISION REGULATIONS SECTION 6.50.2 B, LOT FRONTAGE ALONG STATE HIGHWAYS, SECTION 6.110.3, LOT ARRANGEMENTS, SECTION 7.10.1, DEFINITION OF A SUBURBAN SUBDIVISION, SECTION 7.102.2 A, MINIMUM LOT WIDTH, SECTION 7.10.2 C, MINIMUM REAR SETBACK, SECTION 7.10.2 F, MINIMUM LOT DEPTH, AND SECTION 7.10.2 G, LOT DEPTH RATIO, TO APPLY TO FUTURE RE-SUBDIVISION OF SURBURBIA ESTATES LOT 22 TO BEING APPROXIMATELY 3.496 ACRES OF LAND, LOCATED WITHIN THE EXTRA TERRITORIAL JURISDICTION (ETJ) OF BASTROP, TEXAS.

Melissa McCollum, Planning and Development Director, addressed the Council. Ms. McCollum stated property owners Mike and Krista Hosford are requesting approval of variances to the Subdivision Ordinance for lot width/frontage, lot arrangements, depth, lot width to depth ratio and lot size requirement for a future re-subdivision of a single lot (i.e., Lot 22) to create two (2) lots within Surburbia Estates, those being Lot 22A and Lot 22B. Ms. McCollum stated the

applicant is seeking several variances to the Subdivision Ordinance for lot access, size, width, setbacks, and depth and overall lot arrangements. Ms. McCollum stated staff recommends approval of the requested Variances to Subdivision Regulations Section 6.50.2 B, Lot frontage along State Highways, Section 6.110.3, Lot Arrangements, Section 7.10.1, Definition of a Suburban Subdivision, Section 7.10.2 A, Minimum lot width, Section 7.10.2 C, Minimum rear setback, Section 7.10.2 F, Minimum lot depth, and Section 7.10.2 G, Lot depth ratio, to apply to future re-subdivision of Surburbia Estates Lot 22, provided the joint use drainage and access easement are included in the plat application and all other remaining subdivision requirements are adhered.

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

There were no public comments.

B.6 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION TO APPROVE VARIANCE TO SUBDIVISION REGULATIONS SECTION 6.50.2 B, LOT FRONTAGE ALONG STATE HIGHWAYS, SECTION 6.110.3, LOT ARRANGEMENTS, SECTION 7.10.1, DEFINITION OF A SUBURBAN SUBDIVISION, SECTION 7.10.2 A, MINIMUM LOT WIDTH, SECTION 7.10.2 C, MINIMUM REAR SETBACK, SECTION 7.10.2 F, MINIMUM LOT DEPTH, AND SECTION 7.10.2 G, LOT DEPTH RATIO, TO APPLY TO FUTURE RE-SUBDIVISION OF SURBURBIA ESTATES LOT 22 TO BEING APPROXIMATELY 3.496 ACRES OF LAND, LOCATED WITHIN THE EXTRA TERRITORIAL JURISDICTION (ETJ) OF BASTROP, TEXAS.

Planning and Building Director, Melissa McCollum stated staff recommends approval of the requested Variances to Subdivision Regulations Section 6.50.2 B, Lot frontage along State Highways, Section 6.110.3, Lot Arrangements, Section 7.10.1, Definition of a Suburban Subdivision, Section 7.10.2 A, Minimum lot width, Section 7.10.2 C, Minimum rear setback, Section 7.10.2 F, Minimum lot depth, and Section 7.10.2 G, Lot depth ratio, to apply to future re-subdivision of Surburbia Estates Lot 22, provided the joint use drainage and access easement are included in the plat application and all other remaining subdivision requirements are adhered.

Joe Beal moved to approve the Variances provided the joint use drainage and access easement are included in the plat application and all other remaining subdivision requirements are adhered and with the understanding that this will go to the Planning and Zoning Commission for Plat approval. Seconded by Julie Hart and carried unanimously.

Mayor Orr stated he would caution the Planning and Zoning Commission to look carefully at the Plat. Mayor Orr stated he was concerned about what we were creating out there.

B.7 CITIZEN COMMENTS.

Wuthipong Tantaksinanukij addressed the Council. Mr. Tantaksinanukij complimented the Bastrop Police Department for apprehending, so quickly, the person responsible for the tagging/graffiti in the City.

Jimmie Ann Vaughan addressed the Council. Ms. Vaughan stated she is representing the Downtown Business Alliance tonight. Ms. Vaughan presented a yearly report on the Downtown Business Alliance events held in the City this past year.

EXECUTIVE SESSION: THE COUNCIL RESERVES THE RIGHT TO CONVENE INTO EXECUTIVE SESSION AT ANY TIME DURING THE MEETING REGARDING ANY AGENDA ITEM. IN COMPLIANCE WITH THE OPEN MEETINGS ACT, CHAPTER 551 GOVERNMENT CODE, VERNON'S TEXAS CODE, ANNOTATED, THE ITEM BELOW WILL BE DISCUSSED IN CLOSED SESSION.

1. SECTION 551.071 – CONSULTATIONS WITH ATTORNEY.

At 8:02 p.m., Mayor Orr convened the Bastrop City Council into Executive Session in compliance with the Open Meetings Act, Chapter 551, Government Code, Vernon's Texas Code, Annotated, to discuss the following item:

1. Section 551.071 – Consultations with Attorney.

At 8:40 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 Session.

No action was taken.

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 AWARDING THE BID REGARDING GRANT FUNDS FOR THE TEXAS CAPITAL FUND PROJECT, BUC-EE'S #28 WATER AND DRAINAGE IMPROVEMENTS.

City Manager, Mike Talbot stated Bury & Partners in conjunction with Langford Community Management Services went out for bids for the Water and Drainage Improvements associated with the proposed Buc-ee's Project to be located at the northeast corner of State Highway 71 and State Highway 95. Mr. Talbot stated the bid tabulation sheet and Bury's recommendation that the bid be awarded to DNT is included in the Agenda packet. Mr. Talbot stated he recommended the bid be awarded to DNT Construction.

Joe Beal moved to award the bid to DNT Construction in accordance with the City Manager's recommendation. Seconded by Kay Garcia McAnally and carried unanimously.

D.2 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION TO RECOGNIZE THE RECOMMENDATION OF THE AUTOMATED RED LIGHT ADVISORY COMMITTEE REGARDING INSTALLATION OF ADDITIONAL RED LIGHT CAMERAS.

Assistant Police Chief Matt Wagner addressed the Council. Assistant Chief Wagner stated the Red Light Advisory Committee met today at 5:30 p.m. to discuss the red light camera program and installation of additional red light cameras. Assistant Chief Wagner stated the Red Light Advisory Committee reviewed the "Evaluation of the Need for Red Light Running Cameras Engineering Analysis Template" for the intersection of State Highway 71 at Texas Highway 95 and Jackson Street and also for the intersection of State Highway 71 at Texas 150 and Tahitian Drive. Assistant Chief Wagner stated this is an intersection safety program which uses automated red light cameras to enforce City's Ordinance No. 2011-4 governing red light violations. Assistant Chief Wagner stated a Courtesy Warning Notice will be issued to offenders for the next 30 days, which will be the warning period, and after that red light violations captured by red light cameras in Bastrop can result in \$75.00 civil penalty. Assistant Chief Wagner stated the Automated Red Light Advisory Committee recommended the red light cameras which had previously been placed be activated as well as red light cameras be activated at the two proposed locations.

Discussion was held among Council and Assistant Chief Wagner.

Bill Peterson moved that the red light cameras which had previous been placed be activated and to have two additional red light cameras be installed and operated at: 1) State Highway 71 westbound at Highway 95 and 2) State Highway 71 eastbound at Tahitian. Seconded by Kay Garcia McAnally and carried unanimously.

D.3 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION TO APPROVE A FINAL PLAT FOR PURCELL POINT BEING APPROXIMATELY 3.406 ACRES OF AND IN THE CITY LIMITS OF BASTROP, TEXAS.

Planning and Development Director, Melissa McCollum addressed the Council. Ms. McCollum stated the owner wished to divide his +/- 3.40 acre tract into three lots. Ms. McCollum stated the entire property is zoned C-2, Commercial and once platted, is proposed for a variety of commercial developments. Ms. McCollum stated the three lots will share access to Highway 71 and Emile Street. Ms. McCollum stated staff supports the Purcell Pointe Subdivision provide that the maintenance agreement for all common areas and completion of the Phase 1 Public Utility and Drainage Plans, Phase 2 Public Utility Plans and Phase 1 Site Development plans are resolved/finalized prior to recordation: 1) Provide a maintenance agreement required for common areas (parking, access, drainage and landscape areas); and 2) Completion of all items on the "Construction Acceptance Checklist" for Phase 1 Public Utility and Drainage Plans (College Street/71 channel improvements), Phase 2 Public Utility Plans (Subdivision lot utility services), and Phase 1 Site Development (pond drainage improvements).

Brief discussion was held among Council and Ms. McCollum.

Joe Beal moved to approve the Final Plat for Purcell Point provided that the maintenance agreement for all common areas and completion of the Phase 1 Public Utility and Drainage Plans, Phase 2 Public Utility Plans and Phase 1 Site Development plans are resolved/finalized prior to recordation: 1) Provide a maintenance agreement required for common areas (parking, access, drainage and landscape areas) and 2) Completion of all items on the "Construction Acceptance Checklist" for Phase 1 Public Utility and Drainage Plans (College Street/71 channel

improvements), Phase 2 Public Utility Plans (Subdivision lot utility services), and Phase 1 Site Development (pond drainage improvements). Seconded by Julie Hart and carried unanimously.

D.4 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION REGARDING A REQUEST THAT THE CITY COUNCIL CONSIDER AMENDING RESOLUTION NO. R-2011-22 TO EXPAND THE AREA THAT INDIVIDUALS/FAMILIES OF THE RECENT FIRE NOT BE SUBJECT TO PAYING CITY BUILDING PERMIT FEES AND ASSOCIATED FEES.

City Manager, Mike Talbot stated on September 27, 2011 the City Council passed a Resolution stating that anyone wishing to rebuild their home back in the area of the City that was destroyed by the fire would not be subject to the City's building permit fees. Mr. Talbot called the Council's attention to Page 212 of the Agenda Packet which was a letter he received from an individual requesting that as a fire victim they should not pay any building permit fees regardless whether or not they lived in the area of the City that was destroyed by the fire. Mr. Talbot stated the person feels that as a fire victim the Council should waive the building permit fees for them if they are rebuilding back inside the City limits of Bastrop. Mr. Talbot stated in reviewing the Resolution adopted, the Council's basis for the Resolution was to encourage re-development in the area destroyed by the fire and this request is inconsistent with the policy set by Council.

Mayor Orr stated he had real concerns regarding the requests because there have been many cases where people have bought new homes in the City and new homes are being built by D.R. Horten. Mayor Orr stated that needs to remain separate and the City needs to encourage rebuilding in the burned area. Mayor Orr stated he did not see the intent of the Resolution to be City wide.

Mr. Talbot stated the Mayor makes a good point and if the Council were to approve this request, it would not surprise him if D.R. Horten would be in his office tomorrow asking for the same.

Joe Beal stated it could possibly lead to the City being asked to reimburse persons who have built already.

Ken Kesselus stated he agreed to essentially help someone replace what they had, not to do something else.

Kay Garcia McAnally stated as long as they stay in Bastrop, isn't that what we care about?

Mr. Talbot stated he was really concerned about the ripple effect this may have. Mr. Talbot stated he was not trying to be unsympathetic but the City has contributed a lot to the County and community in support of this fire.

Joe Beal stated the Resolution adopted by Council is good and does what the Council intended it to do.

No action was taken.

D.5 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION BY CITY COUNCIL TO REVIEW AND TAKE ACTION ON AWARDED CONTRACT FOR ENGINEERING

SERVICES FOR IMPROVEMENTS TO THE CITY'S SEWER SYSTEM, PURSUANT TO THE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT.

City Manager, Mike Talbot stated the City prepared and published a Request for Proposals for Engineering Services to prepare all preliminary and final design plans and specifications and to conduct all necessary interim and final inspections required by the City for the construction and installation of 2,450 linear feet of 18" PVC, and related work, from the Gills Branch Lift Station to Chestnut Street. Mr. Talbot stated based on staff's independent review of the responses/proposals, the supplemental information provided from certain engineering firms and reference checks, the staff recommends that the Council award the work to BEFCO Engineering, Inc., as the most qualified submitter for the project and the engineering firm that would provide the best service to the City on this project.

Bill Peterson moved to award the Contract for engineering services to BEFCO Engineering, Inc. Seconded by Joe Beal and carried unanimously.

D.6 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION AWARDED THE BID FOR THE CONSTRUCTION OF SPLASH PARK IN FISHERMAN'S PARK.

City Manager, Mike Talbot stated the City of Bastrop solicited bids for the construction of a Splash Park in Fisherman's Park. Mr. Talbot stated the bid proposal has a base bid with three alternative bids. Mr. Talbot stated a total of five contractors bid on the project. Mr. Talbot stated the low bidder for the project was the Westar Company of Georgetown. Mr. Talbot called the Council's attention to a Summary Budget in the Agenda packet which he had prepared. Mr. Talbot stated that in Fiscal Year 2011 the City expressed approximately \$22,150 towards getting this project moving forward. Mr. Talbot stated these expenditures were charged to the General Fund rather than project fund, so in essence if the Council desires to absorb these expenditures through the General Fund and not have the project fund reimburse these costs, he believes the amount remaining to complete the project, even though there is a budgetary shortfall, this project is doable. Mr. Talbot stated to make this a doable project, value engineering approach would have to be taken during the course of construction to reduce the shortfall the project is facing. Mr. Talbot stated if the Council is not agreeable to this approach, the alternative is going to be to reject the bids and scale back certain elements of the project to bring it in line with the original proposed budget. Mr. Talbot called the Council's attention to a recommendation letter in the Agenda packet from BEFCO Engineering, Inc.

Joe Beal moved to award the base bid (\$137,000), alternate bid item 2 (\$8,280) and alternate bid item 3 (\$12,397) for a total of \$157,667.80 to Westar Construction from Georgetown. Seconded by Kay Garcia McAnally and carried unanimously.

D.7 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION AWARDED THE BID FOR REPLACING THE SEWER MAIN IN FISHERMAN'S PARK, FROM THE BATHROOMS LOCATED ADJACENT TO FARM STREET EASTWARDLY TOWARDS THE INTERSECTION OF PINE STREET AND CHURCH STREET.

City Manager, Mike Talbot stated that Agenda Items D.6 through D.9 all relate in some form or fashion to the Splash Park. Mr. Talbot stated the City solicited bids for the construction of replacing the sewer main in Fisherman's Park from the bathrooms to the intersection of Pine and

Church Street. Mr. Talbot stated this project also includes the replacement of the substandard grinder pump located behind the bathrooms. Mr. Talbot called the Council's attention to the bid tabulation sheet, BEFCO Engineering's recommended contractor for the project, and a budget summary included in the Agenda packet. Mr. Talbot stated this project is proposed to be paid from bond funds once the bonds are issued.

Bill Peterson moved to award the bid to KIVA, Inc. from Buda in the amount of \$203,082.46. Seconded by Ken Kesselus and carried unanimously.

D.8 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON ADOPTION OF A RESOLUTION EXPRESSING OFFICIAL INTENT TO REIMBURSE CERTAIN EXPENDITURES OF THE CITY OF BASTROP, TEXAS.

City Manager, Mike Talbot stated the Council recently approved an increase in Water and Wastewater Rates so the City could undertake certain water and wastewater Capital Projects within the City. Mr. Talbot stated one of those Capital Projects is the replacement of the sewer main in Fisherman's Park which is substandard. Mr. Talbot stated this project will solve the problem of the bathrooms constantly backing-up in Fisherman's Park, replacing the substandard grinder pump which could become a hazard and accommodating the new splash park. Mr. Talbot stated the City will likely begin the replacement of this sewer line prior to the issuance of the bonds for this project. Mr. Talbot stated in the interim the Water and Wastewater Fund will pay any cost incurred by the City for this sewer project until the bonds are issued. Mr. Talbot stated the purpose of the proposed Resolution is that once the bonds are issued it will reimburse the Water and Wastewater Fund any cost incurred associated with this project.

Joe Beal moved to adopt the Resolution. Seconded by Bill Peterson and carried unanimously.

D.9 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION AUTHORIZING BEFCO ENGINEERING TO PROCEED FORWARD WITH THE COMPLETION OF THE PROPOSED SIDEWALK PLANS FROM THE LIBRARY TO THE NEW PROPOSED SPLASH PARK AND AUTHORIZING BEFCO ENGINEERING TO GO OUT AND SOLICIT FOR BIDS ONCE THE PLAN AND SPECIFICATIONS FOR THE PROJECT ARE COMPLETE.

City Manager, Mike Talbot stated a few months ago the Council authorized BEFCO Engineering to come up with a sidewalk design connecting the Library with the new proposed Splash Park. Mr. Talbot stated the Council accepted the plan which is included in the Agenda packet for review. Mr. Talbot stated Council directed him to come up with a source of funding for this project and he is proposed that the remaining Park Bond funds be used if the Council still desires to go forward with this project. Mr. Talbot called the Council's attention to a budget summary he included in the Agenda packet. Mr. Talbot stated he is recommending the expenditures of the bond funds because these funds really should have been expended last fiscal year.

Kay Garcia McAnally moved to authorize BEFCO Engineering to proceed forward with the completion of the proposed sidewalk plans from the Library to the new proposed Splash Park and authorize BEFCO Engineering to solicit bids once the plan and specifications for the project are complete. Seconded by Bill Peterson 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 551.072 (DELIBERATIONS ABOUT REAL PROPERTY) 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. DELIBERATIONS ABOUT REAL PROPERTY: ACQUISITION, EXCHANGE, LEASE OR VALUE OF REAL PROPERTY.

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.

No Executive Session was held.

F. ADJOURNMENT

At 9:20 p.m., Bill Peterson moved to adjourn. Seconded by Ken Kesselus and carried unanimously.

APPROVED:

ATTEST:

Terry Orr, Mayor

Teresa Valdez, City Secretary