

October 11, 2011

The Bastrop City Council met in regular session on October 11, 2011 at 6:00 p.m. at the Council Chamber of City Hall, 1311 Chestnut Street, Bastrop, Texas. Members present were Mayor Terry Orr and Council Members Joe Beal, Bill Peterson, Ken Kesselus and 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

Traci Chavez, Executive Administrative Assistant for the City Manager, led the pledges of allegiance to the U.S. and Texas flags. Reverend R. D. Smith led the invocation.

3. PRESENTATIONS

A. CHARACTER EDUCATION – BASTROP STUDENT

Samuel Bridges a tenth grade student at Bastrop High School presented the Character Education character trait “Responsibility” for the month of October.

4. PROCLAMATIONS

There were no proclamations.

5. ANNOUNCEMENTS

Council Member Kay Garcia McAnally announced that Bill Peterson was elected as the Texas Municipal League Region 10 President for 2012 at the recent meeting held in Bastrop.

Mayor Orr announced the City had received cards from the Best Buddies group of Maycreek Jr. High School in Katy expressing their concern and sympathy to the citizens who were affected by the Bastrop County Complex Wildfire. Mayor Orr stated the cards were displayed at the entrance to the Council Chambers.

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

A. MEETINGS AND EVENTS ATTENDED:

1. PLANNING AND ZONING COMMISSION MONTHLY MEETING ON SEPTEMBER 29, 2011.
2. MAIN STREET ADVISORY BOARD MONTHLY MEETING ON OCTOBER 3, 2011.
3. NATIONAL NIGHT OUT ON OCTOBER 4, 2011.
4. PARKS BOARD MONTHLY MEETING ON OCTOBER 6, 2011.

5. TOWN HALL MEETING ON OCTOBER 10, 2011 REGARDING THE RECENT FIRE IN BASTROP COUNTY AND THE CITY OF BASTROP.
- B. UPDATE ON CITY PROJECTS:
1. STATUS OF THE ETHICS TASK FORCE WORK.
 2. WATER SUPPLY ISSUES/STAGE II OF DROUGHT CONTINGENCY.
 3. MAIN STREET LIGHTING PROJECT.
 4. FARM STREET PROJECT.
 5. SETTING A DATE IN OCTOBER FOR A SPECIAL WORKSHOP ON WATER & WASTEWATER ISSUES.
 6. GILLS BRANCH DRAINAGE PROJECT.
 7. BASTROP STATE PARK SWIMMING POOL.
 8. UPDATE ON THE BIDS RECEIVED ON OCTOBER 6, 2011 FOR THE SPLASH PARK.
 9. UPDATE AND DISCUSSION REGARDING DEVELOPING FIRE PREVENTION MEASURES FOR THE CITY OF BASTROP DURING THE CURRENT DROUGHT.
 10. CITY OF BASTROP'S TRANSFER STATION.
 11. DISCUSSION REGARDING THE NOVEMBER ELECTION REGARDING THE PROPOSITIONS FOR THE "USE OF 4B SALES TAX MONIES FOR WATER SUPPLY FACILITIES AND WATER CONSERVATION PROGRAMS."
 12. CODE ENFORCEMENT ISSUES.
- 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 the longer Council delayed having the special meeting on water and wastewater issues the longer two major projects would be on hold. Mr. Talbot stated the bid had been awarded for the drilling of the water well, but the Contract has not been signed.

It was the consensus of Council to schedule the Special Meeting for October 17, 2011 at 6:00 p.m.

Mr. Talbot stated he had prepared a fact sheet for the November 8, 2011 City of Bastrop Special Election.

Mayor Orr stated that on October 17, 2011 at the Concert raising money for fire victims there will be a video playing and a portion of that will be showing the City's Convention Center.

Kay Garcia McAnally stated that at 3:30 tomorrow afternoon Bealls will be presenting a check to the Red Cross.

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 SEPTEMBER 27, 2011.

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

A.3 APPROVAL OF REQUEST BY DOWNTOWN BUSINESS ALLIANCE TO HOST SPECIAL EVENT "HALLOWEEN FEST" ON MONDAY, OCTOBER 31, 2011, IN DOWNTOWN BASTROP.

A.4 APPROVAL OF REQUEST BY DOWNTOWN BUSINESS ALLIANCE TO HOST SPECIAL EVENT "CHRISTMAS PARADE AND SALEBRATIONS" ON SATURDAY, DECEMBER 10, 2011, IN DOWNTOWN BASTROP.

A.5 APPROVAL OF REQUEST BY THE FIRST BAPTIST CHRUCH TO CLOSE FARM STREET TO TRAFFIC BETWEEN WATER STREET AND PECAN STREET FOR THEIR "AUTUMN FAMILY FEST" ON MONDAY, OCTOBER 31, 2011.

A.6 ADOPTION OF A RESOLUTION OF THE CITY OF BASTROP APPROVING A PROJECT (CONDUCTING A RETAIL RECRUITMENT STRATEGY IN AN AMOUNT NOT TO EXCEED \$47,750), USING FUNDS PROVIDED BY THE BASTROP ECONOMIC DEVELOPMENT CORPORATION, IN AN AMOUNT EXCEEDING \$10,000.

Mayor Orr stated he had noted a typo graphical error in the Minutes and the City Secretary has already corrected that error.

Bill Peterson moved to approve the Consent Agenda with the correction to the Minutes. Seconded by Kay Garcia McAnally and carried unanimously.

Joe Beal announced that he had received a call from the General Manager of the Lower Colorado River Authority (LCRA) and also a call from Senator Watson letting him know that LCRA has agreed to provide a five million dollar cash grant to be used by Bastrop County for the recovery efforts associated with the Bastrop County Complex Wildfire.

B. PUBLIC HEARINGS:

B.1 PUBLIC HEARING: TO CONSIDER A CONDITIONAL USE PERMIT TO ALLOW A CHURCH AT 2101 CARTER STREET BEING APPROXIMATELY 2.122 ACRES WITHIN

FARM LOT 12 WEST OF MAIN STREET IN AN AREA ZONED SF-7, SINGLE FAMILY RESIDENTIAL IN THE CITY LIMITS OF BASTROP, TEXAS.

Planning and Development Director, Melissa McCollum addressed the Council. Ms. McCollum stated that Rocky Garcia, Bastrop Spanish Congregation of Jehovah Witnesses is requesting a Conditional Use Permit to allow a church to be constructed on the vacant lot located at 1201 Carter Street. Ms. McCollum stated under the current zoning classification SF-7, Single-Family Residential-7, a church is not allowed without a Conditional Use Permit. Ms. McCollum stated of the eight property owners comments that had been received, seven were in opposition to the requested Conditional Use Permit and one property owner response was in favor.

Ms. McCollum stated the applicant visited and talked to the property owners who had not responded to the Notice of Public Hearings. Ms. McCollum distributed to Council the additional responses that had been received. Ms. McCollum stated six more responses had been received in favor the request for a Conditional Use Permit. Ms. McCollum stated the Planning and Zoning Commission had not seen these responses. Ms. McCollum stated the Planning and Zoning Commission conducted a public hearing on September 29, 2011 and voted 4-3 to recommend denial of the request. Ms. McCollum stated that since the Planning and Zoning Commission voted to recommend denial it would take a 3/4 vote of Council to approve the request for a Conditional Use Permit. Ms. McCollum stated staff recommends approval of the Conditional Use Permit with the following conditions: 1) Construction shall be in conformance with the City of Bastrop regulations, and a Site Development Plan shall be submitted for approval; 2) All necessary permits for the proposed development shall be acquired prior to construction of the new church on the subject property; and 3) A Building Permit shall be applied for and secured within one year from the date the Conditional Use Permit is granted (second reading of the ordinance).

Discussion was held among Council and Ms. McCollum.

Sam Hinderer, a commercial building contractor in Austin and Chairman of the Building Committee for Jehovah's Witnesses, addressed the Council. Mr. Hinderer stated all the Jehovah's Witnesses churches are built by volunteers. Mr. Hinderer stated the Jehovah's Witnesses churches do not have day cares and they are just trying to make a place in their neighborhood for worship. Mr. Hinderer stated they are currently driving to Smithville for worship services. Mr. Hinderer stated changes had been made per the request of the Planning and Development Department. Mr. Hinderer stated this church would be a real benefit to the City of Bastrop.

Rocky Garcia addressed the Council. Mr. Garcia apologized stating he had not done his homework contacting property owners before the Planning and Zoning Commission was held. Mr. Garcia stated he had talked to the neighbors. Mr. Garcia addressed a question from Council regarding a large parking lot. Mr. Garcia stated the parking area was large because of fire department access requirements and they did not intend to park on the streets because that was not safe for their members.

Barbara Coy addressed the Council. Ms. Coy stated she lives at 405 Linden Street, directly across the street from the area planned for the church. Ms. Coy stated her main concern had been addressed in the discussion among Council and Ms. McCollum.

Drew Pickle addressed the Council. Mr. Pickle stated he lives at 404 Oak Street and his main concern is traffic. Mr. Pickle stated 70+ vehicles will not only be in the neighborhood on Sundays but also on other days of the week for church activities.

Discussion was held among Council.

Mayor Orr declared the public hearing closed.

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 ALLOWING A CHURCH AT 2101 CARTER STREET BEING APPROXIMATELY 2.122 ACRES WITHIN FARM LOT 12 WEST OF MAIN STREET IN AN AREA ZONED SF-7, SINGLE FAMILY RESIDENTIAL IN THE CITY LIMITS OF BASTROP, TEXAS.

Mayor Orr read the caption of the Ordinance.

Rocky Garcia addressed the Council. Mr. Garcia stated he wanted to point out that one block down Linden at Wilson there was a church, then go down Main Street and there were two more churches. Mr. Garcia stated the neighborhood should be used to the cars coming in for those churches. Mr. Garcia asked that Council please consider that.

Joe Beal moved to table the proposed Ordinance and instruct staff to take the request back to the Planning and Zoning Commission to hold another public hearing because of the change in the original application and the additional information received, and then staff bring back report to Council and Council can remove from the table to act on the request for a Conditional Use Permit. Seconded by Bill Peterson and carried unanimously.

B.3 PUBLIC HEARING: TO CONSIDER A CONDITIONAL USE PERMIT TO ALLOW A MANUFACTURED HOME AT 1918 HILL STREET BEING APPROXIMATELY 0.253 ACRES WITHIN FARM LOT BLOC 14 EAST OF MAIN STREET IN AN AREA ZONED SF-7, SINGLE FAMILY RESIDENTIAL IN THE CITY LIMITS OF BASTROP, TEXAS.

Planning and Development Director Melissa McCollum addressed the Council. Ms. McCollum stated the property owner Alejandro Diaz is requesting a Conditional Use Permit to allow the placement of a manufactured home at 1918 Hill Street for him and his family to live, under the current zoning classification of Sf-7, Single Family Residential-7. Ms. McCollum stated the lot does not meet the City's minimum lot width standards (60 feet) of the zoning code, but this lot is considered a legal lot by the City's definition of remaining in the same size and shape since April 20, 1981. Ms. McCollum stated this lot did have a previous structure that has since been removed/destroyed back in 2002. Ms. McCollum stated there are two homes on either side of the vacant property and there is one manufactured home on the corner of Hill Street and Linden Street and a modular home located in the 2004 block of Hill Street. Ms. McCollum stated the manufactured home will meet the base zoning requirements of Section 17 and 35 for setbacks, parking and skirting requirements, etc. Ms. McCollum stated the door from the manufactured home will face the street. Ms. McCollum stated 16 adjacent property owner notifications were mailed and four property owner comments have been received and those responses were opposed to the request. Ms. McCollum stated staff recommends approval of the Conditional Use Permit

with the following conditions: 1) Construction shall be in conformance with the City of Bastrop regulations and shall meet the special requirements of Section 35.4; 2) All necessary permits for the proposed development shall be acquired prior to construction of the new manufactured home on the subject property; and 3) A Building Permit shall be applied for and secured within one year from the date the conditional use permit is granted (second reading of the ordinance).

Ms. McCollum stated the Planning and Zoning Commission conducted a public hearing September 29, 2011 and voted 4-3 to recommend denial of the request for a conditional use permit. Ms. McCollum stated that since the Planning and Zoning Committee meeting staff has identified eight properties in the vicinity that have been approved for a conditional use permit for manufactured homes. Ms. McCollum stated since the Planning and Zoning Commission meeting the applicant has provided additional photographic evidence supporting their request.

Luisa Salgado addressed the Council. Ms. Salgado stated the property was purchased with the intention of fulfilling a dream to have a home. Ms. Salgado stated this home will beautify the neighborhood.

Jay Ortiz addressed the Council. Mr. Ortiz stated he is a friend of the applicants. Mr. Ortiz stated he went and took pictures of the eight properties which previously received conditional use permits for manufactured homes. Mr. Ortiz stated Council Member Julie Hart spoke of changing trends, and that is what this neighborhood is made of. Mr. Ortiz stated there are roosters on one side of the property and a band on the other side and it is a motley crew neighborhood and they like it that way. Mr. Ortiz stated the applicants had looked at other lots, but they liked this one because of the fire hydrants and ball fields. Mr. Ortiz stated The property owner is a professional concrete worker and simply wants a home for his family. Mr. Ortiz stated this is a narrow lot and you will not even be able to see the home from the street. Mr. Ortiz stated the property is already looking better than what it previously looked like.

Discussion was held between the Council and Ms. McCollum.

Mayor Orr declared the public hearing closed.

B.4 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON THE FIRST READING OF A PROPOSED ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS ALLOWING A MANUFACTURED HOME AT 1918 HILL STREET BEING APPROXIMATELY 0.253 ACRES WITHIN FARM LOT BLOCK 14 EAST OF MAIN STREET IN AN AREA ZONED SF-7, SINGLE FAMILY RESIDENTIAL WITHIN THE CITY LIMITS OF BASTROP, TEXAS, AND PROVIDING AN EFFECTIVE DATE.

Mayor Orr read the caption of the Ordinance.

Ms. Salgado addressed the Council. Ms. Salgado stated she wanted her children to grow up in Bastrop.

Mr. Ortiz addressed the Council. Mr. Ortiz stated there was a lot of dissention among the Planning and Zoning Commission when they were considering this.

Julie Hart moved to approve the Conditional Use Permit with the conditions recommended by staff. Motion was seconded by Bill Peterson.

Julie Hart stated she thought the house fits in with that area. Ms. Hart stated when she was elected she said she would help people who want to be in Bastrop and she believes it is Council's obligation to help them.

Ken Kesselus moved to make a substitute motion to send this back to the Planning and Zoning Commission and ask them to take a look at the overall neighborhood. Motion was seconded by Kay Garcia McAnally.

Discussion was held regarding the procedure for handling a substitute motion.

It was decided that the Council should first vote on whether to allow a substitute motion, then if allowed vote on the substitute motion and if that motion passes then there is no vote on the first motion.

City Secretary, Teresa Valdez called the roll for allowing a substitute motion:
FOR MOTION: Ken Kesselus, Kay Garcia McAnally and Joe Beal.
AGAINST MOTION: Julie Hart and Bill Peterson.

Motion carried 3:2.

City Secretary, Teresa Valdez called the roll for Ken Kesselus substitute motion.
FOR MOTION: Ken Kesselus, Kay Garcia McAnally, Joe Beal and Bill Peterson.
AGAINST MOTION: Julie Hart.

Motion carried 4:2.

B.5 CITIZEN COMMENTS.

There were no citizen comments.

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 8:05 p.m., Mayor Orr convened the Bastrop City Council into a closed/executive session in compliance with the Open Meetings Act, Chapter 551, Section 551.071 (Consultations with Attorney).

At 8:45 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

C.1 APPROVAL OF AN EXTENSION, FOR A PERIOD OF 180 DAYS COMMENCING ON OCTOBER 10, 2011 ON THE REQUEST FOR A FINAL PLAT FOR HUNTERS CROSSING, SECTION 7B LOCATED SOUTH OF STATE HIGHWAY 71 AND WEST OF HUNTERS CROSSING BOULEVARD WITHIN THE CITY LIMITS OF BASTROP, TEXAS.

City Manager, Mike Talbot recommended removal from the table.

Ken Kesselus moved to remove this item from the table for discussion and possible action. Seconded by Kay Garcia McAnally and carried unanimously.

City Manager Mike Talbot recommended approval of the extension.

Bill Peterson moved to approve the extension for a period of 180 days. Seconded by Joe Beal and carried unanimously.

D. NEW BUSINESS

D.1 TOWN HALL DISCUSSION GIVING ALL INTERESTED PERSONS THE RIGHT TO APPEAR AND BE HEARD ON THE PROPOSED ANNEXATION OF THE FOLLOWING PROPERTIES:

Tract 1 R35704	Bar W Ranch Partnership, LTD	Being approximately 347.862 acres in the A3 Stephen F. Austin Survey
Tract 2 R47759	Lloyd F. Ketha c/o Karmen Townsend	Being approximately 322.788 acres in the A98 Nancy Blakey Survey, Tract 2
Tract 3 R66861	Robert K. Long	Settlement of the Colorado, Lot 8 Being approximately 0.6941 acres
Tract 4 R60445	Robert E. Duff Childrens Trust&J. Bradley Duff Childrens Trust c/o John B. Duff	Being approximately 12.911 acres in the A98 Nancy Blakey Survey
Tract 5 R23100	Robert E. Duff Childrens Trust&J. Bradley Duff Childrens Trust c/o John B. Duff	Being approximately 54.126 acres Lone Star Storage Subdivision Reserve, A98 Nancy Blakey Survey
Tract 6 R24712	W G K Enterprises, Inc.	Being approximately 0.809 acres in the A98 Nancy Blakey Survey
Tract 7 R78667	Steven Classen	Being approximately 1.92 acres in the A98 Nancy Blakey Survey
Tract 8 R23092	John B. & Robert E. Duff	Being approximately 396.9410 acres in the A98 Nancy Blakey Survey

Tract 9 R23813	Tin and Muoi Ngo	Being approximately 42.66 acres in the A98 Nancy Blakey Survey
Tract 10 R108532	John Dale Weaver, Jr. c/o Walters Southwest	Being approximately 169.773 acres in the A98 Nancy Blakey Survey
Tract 11 R75418	Jason Alley	Surburbia Estates, Lot 1B being approximately 8.705 acres, Resub of Lot 1
Tract 12 R75417	Jason Alley	Surburbia Estates, Lot 1A being approximately 2.844 acres, Resub of Lot 1
Tract 13 R23160	Germer Industries, Inc.	Surburbia Estates, Lot 2, being approximately 5.4510 acres
Tract 14 R23168	Richard and Shelia Welch	Trinidad Business Park Phase 1, Lot 2 being approximately 6.26 acres
Tract 15 R23176	Trinidad Properties, LLC	Trinidad Business Park Phase 1, Lot 1 being approximately 0.834 acres
Tract 16 R23184	Charles Henry McCauley and Josephine Emily Schmidt	Surburbia Estates, Lot 3, being approximately 6.84 acres (Amended Plat of Tracts 5-8)
Tract 17 R23221	Bobbie Jean Talley	Being approximately 40.231 acres in the A98 Nancy Blakey Survey
Tract 18	TxDOT ROW for Highway 71	being approximately 128.95 acres
Tract 19	Colorado River Property	being approximately 19.49 acres
Tract 20	FM 969 ROW	being approximately 7.8 acres

City Manager, Mike Talbot stated the Council had gone through the required public hearing process for annexation and at the second public hearing two Council Members were absent and had asked that an additional opportunity be given for them to hear concerns.

Richard Welch addressed the Council. Mr. Welch stated he represents three properties in the proposed annexation area. Mr. Welch stated they had submitted a proposal to Mr. Talbot prior to the last meeting and since then he has met with Mr. Talbot and Melissa McCollum and believes that they have come to a resolution. Mr. Welch stated it was his understanding that Mr. Talbot will be recommending that resolution to Council. Mr. Welch stated that at the Council meeting tonight there were zoning issues being addressed by Council so that brings up a question for him on how the proposed annexed property will be brought into the City and what will be the process for changing that.

Mr. Talbot stated the property would be brought in zoned as Agricultural Open Space and if and when there is a request to change the zoning, then the normal City process for changing the zoning would be followed.

Steve Oatman, representing Bar W Ranch Partnership, addressed the Council. Mr. Oatman stated it was their assumption that the City is interested in annexing their property to get contiguous with XS Ranch. Mr. Oatman called the Council's attention to a map and showed the Council that the property is shown as separate pieces on the tax roll, because it was purchased separately, but it is one piece of property and there are no fences separating the two pieces. Mr. Oatman stated he could not think of any advantage to the owners of the City annexing them, it is actually just another layer of bureaucracy. Mr. Oatman stated they would rather not be annexed. Mr. Oatman stated they understand the City's concept and a packet had been delivered to the City Manager with a proposal.

Mr. Talbot stated he will forward the information to Council in the morning.

Mr. Oatman stated that Mr. Welch brought up a question regarding a 1000 foot rule in annexation procedures. Mr. Oatman stated it is their contention that what the City is doing could be contested. Mr. Oatman stated this process is getting to the point of being contested and at least slow it down. Mr. Oatman stated they propose that they voluntarily ask to be annexed along the east most line of their property, a 10 foot strip from river to point at north end that touches XS Ranch. Mr. Oatman stated there is two weeks until the first reading of the annexation ordinance, and they are feeling like they need to make a decision to contest this annexation legally or have somebody to talk too.

Mr. Talbot assured Mr. Oatman that they would hear a response from the City before the next Council meeting.

Rick Welch addressed the Council. Mr. Welch commented he could not conceivably see why the City would want to annex the Oatman property unless a bridge was going to be built.

Kay Rogers addressed the Council. Ms. Rogers stated she is representing the Townsends and she had not signed up to speak because she was feeling pretty frustrated by this whole process. We were told at the last meeting that we would be contacted by Mr. Talbot and we have not heard from him. Ms. Rogers asked how they are supposed to be responsive when no one is contacting them. Ms. Rogers repeated that Karmen Townsend does not want to be annexed, and if that is not possible then an alternative would be to annex in small pieces along the river. It bothered me this week when I read that Mr. Talbot had stated the City has been talking to developers for three years on this. Ms. Rogers stated the first the Townsends heard of this was when they received a certified letter a couple of months ago. Ms. Rogers asked why the City did not involve the landowners. Ms. Rogers stated here we are two weeks out and there is a meeting next week, all we ask is that you just shoot straight with us.

Mayor Orr stated that would be directly on the Mayor. Mayor Orr stated that should have started one year ago or so and he was aware that we as a City needed to start talking steps to get to XS Ranch. Mayor Orr stated he never once said "Let's start talking to landowners" and in hindsight he wishes he would have said that. Mayor Orr stated he agreed that he could have initiated some level of communication with landowners in that area.

City Manager, Mike Talbot stated the Council has committed to having a Special Meeting next Tuesday night. Mr. Talbot stated he has had developers looking at property along Highway 71 and what triggered this is development of the overpass at Highway 20.

Tommy Claiborne addressed the Council. Mr. Claiborne stated he was not going to address the Council tonight, but when it was brought up about the City working with developers, he felt it was important for him to voice that if the City would have talked to the landowners as well that may have helped.

Discussion was held among Mr. Talbot and Mr. Claiborne regarding the next phase of annexation, which will be closing up the donut holes - the areas not annexed in this first phase, but will be surrounded by annexed property.

Discussion was held among Council, Mr. Oatman and Mr. Welch in regard to Municipal Utility Districts and how they affect annexation.

Thomas Townsend addressed the Council. Mr. Townsend asked the Council: "What is the hurry?" Mr. Townsend stated the Council at this meeting granted a 180 day extension to Hunters Crossing, so why can't we talk about it, instead of hurrying it up.

Mayor Orr declared the Town Hall discussion closed.

ORDINANCES FOR FIRST READING:

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

D.2 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON APPROVAL OF AN EMERGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS ISSUING AN EXPANDED BURN BAN TO BE ENFORCED WITHIN ALL PARKS AND OPEN SPACE LOCATED IN THE CITY OF BASTROP; IMPLEMENTING EMERGENCY FIRE PREVENTION MEASURES; ESTABLISHING ENFORCEMENT PROCEDURES AND FINES; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Mayor Orr read the caption of the Ordinance.

City Manager, Mike Talbot stated as the Council is fully aware this extreme drought has created hazardous fire conditions for our Community. Mr. Talbot stated Mayor Orr asked that I evaluate the Community to see what steps could be taken to reduce the potential of fire starting inside the City. Mr. Talbot stated that first he wanted to stress that the proposed Ordinance is a first draft and the staff's first attempt of what could be undertaken to limit the potential of fire starting. Mr. Talbot stated he is not saying the Ordinance covers everything and in some cases the Council may feel we are over-reaching. Mr. Talbot stated if it is the desire of the Council this Ordinance can be adopted on the first reading because it is an emergency ordinance. Mr. Talbot reviewed the Ordinance.

Discussion was held among Council and Mr. Talbot.

Mr. Talbot stated a provision could be added stating use of vehicles which are owned and operated by a utility company that is performing utility service(s) in public parks, open spaces or along public right-of-ways, are exempt.

Mr. Talbot stated a provision for outdoor hot works operations (welding, cutting or grinding) whether done on private property or in City parks and open spaces much be approved by the City in advance of the work and must apply for a Hot Work Permit.

Joe Beal stated the Palmer Drought Severity Index, which determines how bad a drought it, would be a good tool to tie into this Ordinance.

It was the consensus of Council that this Ordinance be brought back to Council at the next regular Council meeting with the amendments discussed tonight.

D.3 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON ADOPTION OF A RESOLUTION NOMINATING PERSON(S) AS MEMBERS OF THE BASTROP CENTRAL APPRAISAL DISTRICT BOARD OF DIRECTORS.

City Secretary, Teresa Valdez called the Council's attention to a letter from the Bastrop Central Appraisal District. Ms. Valdez stated per the letter the City of Bastrop has 206 votes to cast out of a total of 5000 votes to elect a Board of Directors for Bastrop Central Appraisal District for the years 2012-2013. Ms. Valdez stated in 2009 the City Council cast their votes Oscar Cassel, Elaine Seidel, Becky Bunte and Gene Sampson. Ms. Valdez stated per the letter Elaine Seidel, Becky Bunte, Joe Garland and Gene Sampson have stated they would be willing to serve again. Ms. Valdez stated the City of Bastrop is being asked to adopt a Resolution nominating an individual or individuals as Members of the Bastrop Central Appraisal District Board of Directors.

Brief discussion was held among Council.

Ken Kesselus moved to adopt the Resolution nominating Oscar Cassel and Gene Sampson. Seconded by Julie Hart and carried unanimously.

D.4 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON APPROVAL OF AMENDMENT NO. 1 TO CONTRACT NO. 710062 BETWEEN THE CITY OF BASTROP AND THE TEXAS DEPARTMENT OF AGRICULTURE FOR THE BUC-EE'S LTD PROJECT.

City Manager, Mike Talbot called the Council's attention to the First Amendment to the Contract between the City of Bastrop and the Texas Department Agriculture for the Buc-ee's project. Mr. Talbot stated the purpose of the amendment is to revise and update certain components of the infrastructure elements associated with the Buc-ee's project. Mr. Talbot stated the plans and specifications were not 100% complete when the application was first submitted to the Texas Department of Agriculture and this amendment correlates the plans and specifications with the grant documents. Mr. Talbot stated the Texas Department of Agriculture has already approved this Amendment.

Joe Beal moved to approve the Amendment No. 1 to Contract No. 710062. Seconded by Bill Peterson and carried unanimously.

D.5 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON APPROVING AN INTERLOCAL AGREEMENT BETWEEN BASTROP COUNTY AND THE CITY OF BASTROP FOR DISASTER DEBRIS REMOVAL, MONITORING, CONSULTING AND FOR DAMAGE ASSESSMENT AND DATA COLLECTION SUPPORT.

Mr. Talbot stated Bastrop County Commissioner Clara Beckett, had submitted the Interlocal Agreement from Bastrop County whereby the City will work under Bastrop County for debris clean-up related to the FEMA program awarded to the County for debris clean up as a result of the fire. Mr. Talbot stated he had talked to the County Engineer and the area in the City that was destroyed by the fire is scheduled for cleanup, but he did not have a date. Mr. Talbot stated in order for the area in the City to be cleaned up this Interlocal Agreement must be approved.

Discussion was held among Council and Mr. Talbot.

It was the consensus of Council that an addition should be made to the Agreement stating the City should receive its proportional share in proportion to the County's share of the Fire Grant received from LCRA.

Kay Garcia McAnally moved to approve the Interlocal Agreement with the addition as discussed by Council. Seconded by Joe Beal and carried unanimously.

D.6 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON APPROVAL OF FIRST ADDENDUM AND CLARIFICATION TO THE LEASE AND CONSTRUCTION FUNDING AGREEMENT ENTERED INTO BETWEEN THE CITY OF BASTROP AND THE BASTROP COUNTY HISTORICAL SOCIETY.

City Manager, Mike Talbot stated as the Council is aware the City of Bastrop received a grant on behalf of the Bastrop County Historical Society to construct a Visitor Center as part of renovating the old City Hall into the new museum. Mr. Talbot stated the proposed Addendum does two things: 1) outlines the criteria that must be followed during and after the renovation to accept the grant funds from HUD for the Visitor Center and 2) formally recognizes the Visitor Center as part of the renovation and that the Visitor Center will be part of the museum.

Mr. Talbot stated he has not discussed this Agreement with the Historical Society because 1) it had to meet HUD requirements and 2) had to mesh with existing 2009 Agreement, and there are a couple of areas where we have to comply.

Discussion was held among Council and Mr. Talbot.

Robbie Sanders, President of the Bastrop County Historical Society addressed the Council. Ms. Sanders requested the Council delay approval until the Historical Society has had an opportunity to review it.

Joe Beal moved to authorize the City Manager to negotiate the First Addendum with the Bastrop County Historical Society and authorize the City Manager to enter into the First Addendum if it is not substantially different from the First Addendum reviewed by Council tonight and if the

First Addendum is substantially different then bring it back to Council for approval. Seconded by Ken Kesselus and carried unanimously.

D.7 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION TO APPROVE A PRELIMINARY PLAT FOR THE BASTROP GROVE SUBDIVISION CREATING THREE TRACTS OUT OF A TRACT THAT IS APPROXIMATELY 145.70 ACRES, IN THE NANCY BLAKEY SURVEY, LOCATED EAST OF HIGHWAY 304 AND SOUTH OF HIGHWAY 71 WEST IN THE MUNICIPAL CORPORATE LIMITS OF BASTROP, TEXAS INCLUDING (BUT NOT LIMITED TO) DISCUSSION AND POSSIBLE ACTION BY THE COUNCIL ON: 1) THE STATUS OF THE PROJECT'S CURRENT UPDATED MAY 31, 2011 TRAFFIC IMPACT ANALYSIS (TIA), 2) SUBDIVISION ROADWAY ALIGNMENTS AND/OR RIGHT-OF-WAYS, AND 3) PROPORINATE INFRASTRUCTURE/ROADWAY CONSTRUCTION REQUIREMENTS.

Melissa McCollum, Planning and Development Director, addressed the Council. Ms. McCollum stated this item is consideration to approve a Preliminary Plat for the Bastrop Grove Subdivision, creating three tracts out of a tract that is approximately 145.70 acres; and consideration by the Council on: 1) the status of the Project's current updated May 31, 2011 Traffic Impact Analysis (TIA), 2) subdivision roadway alignments and/or right-of-ways, 3) proportionate infrastructure/roadway construction requirements and 4) remaining Preliminary Plat comments including the extension of utilities. Ms. McCollum reviewed the Staff Agenda Information Sheet. (See attachment)

(This portion left blank so Staff Agenda Information Sheet may be attached)

Joe Beal stated that given the situation with the Bluebonnet Electric Coop line in place today, given that there are conflicts between lines in place and proposed arterials, I would propose that we require the applicant to construct a collector street in the alignment that it does not conflict with existing electric lines and treat as an ordinary subdivision governed by the Subdivision Ordinance and regulations of the City to include normal developer expenses for development of this type of street.

Lynn Alderson, engineer for project, addressed the Council. Mr. Alderson stated he had worked with the previous owner and is also working for the current owner. Mr. Alderson stated his concern is that the original plat proposed 40 feet, which is half of required City right-of-way, then staff came back and asked for 80 feet and the normal process is proportional share paid.

Discussion was held among Council, City Attorney-J.C. Brown, Mr. Alderson and Mr. Talbot.

Mr. Alderson stated he did not have authorization from the new owner to accept proposals from Council so he would request that Council table this item until he can discuss it with the new

Discussion was held among Council, City Attorney-J.C. Brown, Mr. Alderson and Mr. Talbot. owner.

Mr. Beal asked Mr. Alderson if he was sure he did not want the Preliminary Plat approved.

Mayor Orr stated he would be happy to recommend to Council this item be tabled, but it will not be put back on the agenda until after the first of the year 2012.

Lynn Alderson stated he could not agree and asked that his request to table be retracted.

Joe Beal moved to table this Agenda Item until after the first of the year 2012. Seconded by Bill Peterson and carried unanimously.

D.8 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON ACCEPTANCE OF MONTHLY FINANCIAL REPORT FOR PERIOD ENDING AUGUST 31, 2011.

Finance Director, Karla Stovall presented the monthly Financial Report for period ending August 31, 2011. Ms. Stovall reviewed the report.

Brief discussion was held among Council and Ms. Stovall.

Joe Beal moved to accept the monthly Financial Report. 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 551.072 (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 AND/OR DISPOSITION OF PROPERTY FOR PUBLIC PURCHASE, PUBLIC PARKING/COMMUNITY USE.

At 10:02 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 551.072 (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.

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 10:37 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.

No action was taken.

F. ADJOURNMENT

At 10:39 p.m., Bill Peterson moved to adjourn. Seconded by Kay Garcia McAnally and carried unanimously.

APPROVED:

ATTEST:

Terry Orr, Mayor

Teresa Valdez, City Secretary

