

October 17, 2011

The Bastrop City Council met in Special Workshop Meeting on Monday, October 17, 20, 2011 at 6:00 p.m. at Bastrop City Hall, 1311 Chestnut Street, Bastrop, Texas. Members present were Mayor Pro-Tem Joe Beal and Council Members Bill Peterson, Julie Hart and Kay Garcia McAnally.

1. CALL TO ORDER

At 6:00 p.m., Mayor Pro-Tem Joe Beal called the meeting to order with all members present, with the exception of Mayor Terry Orr and Council Member Ken Kesselus who were absent.

5. EXECUTIVE SESSION – 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:

- A. 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 - LEGAL ISSUES ASSOCIATED WITH ANNEXATION.
- B. DELIBERATIONS ABOUT REAL PROPERTY: ACQUISITION AND/OR DISPOSITION OF PROPERTY FOR PUBLIC PURCHASE.

At 6:02 p.m., Mayor Pro-Tem Joe Beal 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:

- A. 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 – legal issues associated with annexation.
- D. Deliberations about Real Property: Acquisition and/or disposition of property for public purchase.

6. THE BASTROP CITY COUNCIL WILL ADJOURN EXECUTIVE SESSION AND RECONVENE INTO SPECIAL SESSION TO TAKE ANY NECESSARY ACTION(S).

At 6:35 p.m., Mayor Pro-Tem Joe Beal reconvened the Bastrop City Council into Special Session to take any necessary action(s).

City Manager Mike Talbot reviewed the status of annexation issues:

Tract 2 – 322.788 acres R47759 Owner – Karmen Townsend

Mr. Talbot stated he had met with the Townsends this morning and they had requested the following items be placed in the non-annexation agreement: 1) Property will not be subject to City property taxes and from City roll-back taxes; 2) If a portion of the property is sold or

otherwise conveyed and/or annexed, the balance of the property shall not trigger the annexation of the entire property, but may, at the City's discretion, trigger annexation of the portion of the property that has been sold and/or conveyed; 3) The owner may replace the existing two (2) mobile homes with two (2) similar size and type replacement mobile homes, without being required to obtain any City permits or approvals; 4) The City reserves its authority to exercise eminent domain over property, however, no such eminent domain is anticipated by the City; 5) The term of this Agreement is forty-five (45) years; 6) The owner may place four (4) additional metal storage containers on the property of size, shape and quality substantially similar to the metal storage containers that are currently located on the property; 7) Owner currently has a variety of stalls throughout the property and wants the ability to expand up to 30%, ability to repair existing structures, construct a new pole barn that is 60 feet by 100 feet and not required to get City approval of site and/or construction plans and inspection activities and ability to provide water and plumbing to the new pole barn as well installation of basic lighting 8) Owner may repair the water lines that are currently present on the property; 9) City agrees that in the event that any issues are raised or identified regarding the rodeo stock that is kept on the property by owner, the City will refer all such matters to the Bastrop Sheriff's Office, Estrays Division, CID, for processing by the County; and 10) The City shall contact the owner to arrange a mutually agreeable time/date for the City's access to the property.

Thomas Townsend addressed the Council. Mr. Townsend asked that the owners be allowed to repair existing electric lines.

Mr. Talbot stated that would be added to the agreement.

Julie Hart asked Mr. Townsend if the provisions sited were acceptable to him and his family.

Mr. Townsend stated he believed they were, but he was not at the meeting this morning.

City Attorney, J.C. Brown stated she had spoken with the Townsends' attorney and this was acceptable.

Julie Hart moved to authorize the City Manager to enter into an Agreement, containing discussed items, with Karmen Townsend and that agreement being finalized by October 25, 2011. Seconded by Kay Garcia McAnally and carried unanimously.

Tract 1 – 347.862 acres R35704 Owner – Bar W Ranch Partnership, Ltd.

Mr. Talbot stated he and the City Attorney, J.C. Brown had met with Mr. Oatman, Managing Partner of Bar W Ranch Partnership, Ltd. and he would defer this to Ms. Brown.

City Attorney, J.C. Brown stated the Oatman's have agreed that the following be incorporated in the Agreement: 1) The City agrees to withdraw the westerly portion of the property from the City's 2011 Annexation Process, and the owners agree to include the remaining easterly portion of the property in the City's 2011 Annexation Process and is described as a strip of land that is adjacent to the eastern boundary of the property, which is approximately 200 feet in width at its southern end (which abuts the Colorado River), and which strip runs north until the point that it does/would intersect a westward extension of Reid's Bend Road across the property, at which point, the strip narrows to approximately 140 feet in width, and continues to run northward until the 140 feet wide strip abuts the northwestern boundary of the property, at which point the strip narrows gradually as it continues northward, until it terminates at the northerly most tip of the property; and at all points, the herein being measured from the eastern boundary of the property,

and the strip runs the entire length of the property from the most northern point to the south, where the property abuts the Colorado River; 2) City is responsible for obtaining a survey at the City's sole cost; 3) Owner may install waterlines and/or access and entrances/roadways across without triggering annexation of the property; 4) Term of Agreement is 45 years; 5) Bar W Ranch Partnership, Ltd. will enter into a Letter Agreement concerning future unilateral annexation activities by the City of Bastrop of a sparsely occupied 12.954 acre tract; and 6) Agreement will be executed prior to the City Council meeting on October 25, 2011. Ms. Brown stated that in exchange for the conditions accepted by the City, the owner will not challenge the 100 foot rule in the Local Government Code for annexation for the property being annexed or for the next phase of property being annexed.

Mr. Talbot asked Mr. Oatman if these additions were acceptable to him.

Mr. Oatman stated the additions were acceptable to him and he liked the part about retaining the right to construct an accessory structure to an existing single family dwelling.

Ms. Brown stated she would put that in the Agreement.

Kay Garcia McAnally moved to authorize the City Manager to enter into an Agreement, containing the items listed by City Attorney J.C. Brown and the addition of the owner retaining the right to construct an accessory structure to an existing single family dwelling, as well as execution of a Letter Agreement concerning future unilateral annexation activities, and Agreements being finalized by October 25, 2011. Seconded by Bill Peterson and carried unanimously.

**Tract 11 – 8.705 acres – R75418; Tract 12 - 2.844 acres – R75417;
Tract 14 -6.26 acres – R23168; and Tract 15 – 0.834ace - R23176
Owners – Jason Alley and Trinidad Development, LLC**

City Manager, Mike Talbot stated Rick Welch, Member of Trinidad Development LLC and Jason Alley could not attend the meeting tonight, but they have agreed to voluntary annexation of Tracts 14 and 15 no sooner than three (3) years after Tracts 11 and 12 are annexed into the City; and they have agreed to allow annexation of Tracts 11 and 12 into the City's Corporate Limits with the current City annexation process.

Julie Hart moved to authorize the City Manager to enter into an Agreement, containing the items discussed with the City Manager and agreed upon by Jason Alley and Rick Welch and Agreement being finalized by October 25, 2011. Seconded by Kay Garcia McAnally and carried unanimously.

Tract 9 – 42.660 acres R23813 Owners – Tin & Muoi Ngo

City Manager, Mike Talbot stated the owners have agreed to annexation of the property with the stipulation that the Ngos may locate and install up to three (3) additional mobile homes on the property for family members.

Kay Garcia McAnally moved to authorize the City Manager to enter into an Agreement with the Ngos containing the stipulation stated by the City Manager and said Agreement being finalized by October 25, 2011. Seconded by Bill Peterson and carried unanimously.

**Tract 4 – 12.911 acres - R60445; Tract 5- 54.16 acres – R23100; and
Tract 8 – 396.9410 acres – R23092
Owners – Robert E. Duff Children’s Trust and J. Bradley Duff Children’s Trust
c/o John Duff**

City Manager, Mike Talbot stated these Agreements also contained 45 year terms and he was not aware of any issues with the Agreements.

Kay Garcia McAnally moved to authorize the City Manager to enter into Agreements with the owners of Tracts 4, 5 & 8 and said Agreements being finalized by October 25, 2011. Seconded by Bill Peterson and carried unanimously.

A person from the audience asked what the City will be doing about the donut holes (un-annexed pockets of land).

Mr. Talbot stated the City Council will be discussing that in the next couple of months.

2. ADJOURN INTO WORKSHOP SESSION: REVIEW, DISCUSSION AND EVALUATION OF PROPOSED WATER AND WASTEWATER PROJECTS AND ASSOCIATED WATER AND WASTEWATER RATES ASSOCIATED WITH SUCH PROJECT FOR FISCAL YEAR 2012.

At 6:50 p.m., Mayor Orr convened the Bastrop City Council into a workshop session to review, discuss and evaluate proposed water and wastewater projects and associated water and wastewater rates associated with such project for Fiscal Year 2012.

City Manager, Mike Talbot distributed to Council handouts showing the “Comparison of Option A and Option B” regarding water and wastewater rates for the City of Bastrop, Capital Improvement Program for the Water & Wastewater Department and a “Water Comparison Table”. Mr. Talbot reviewed the handouts. Mr. Talbot stated the difference between Option A and Option B is that Option A does not call for putting a water well in until 2017 and Option B calls for it to begin the process of drilling a water well in 2014. Mr. Talbot stated he had scaled back the City’s growth rate from 4% to 3% per Council Member Joe Beal’s instruction and then re-evaluated the rates. Mr. Talbot then reviewed the Capital Improvement Program. Mr. Talbot called the Council’s attention to a map showing proposed Annual Waterline Replacements (see Attachment A). Mr. Talbot then reviewed the

Discussion was held among Council and Mr. Talbot.

Joe Beal noted to Council that Option B will call for a 25% increase over the next three years.

Mr. Talbot then called the Council’s attention to the “Water Comparison Table”. Mr. Talbot stated even with the Option B rate increase the City of Bastrop remains very competitive with surrounding cities.

Mr. Talbot stated since there was not a full Council in attendance tonight, he would recommend that he put this on his City Manager’s Report for discussion at the October 25, 2011 Council Meeting and then if Council is in agreement, post the Ordinance for First Reading on November 8, 2011 and Second Reading and adoption on November 22, 2011 with the rates going into effect on December 1, 2011.

Mayor Pro-Tem Joe Beal stated since this was a Workshop Session the Council would not take any action tonight on this item, but should give direction to the City Manager on what Option the Council preferred.

It was the consensus of Council that Option B would be their recommendation.

3. RECONVENE BACK INTO REGULAR SESSION.

At 7:40 p.m., Mayor Orr reconvened the Bastrop City Council back into regular session.

4. DISCUSSION AND POSSIBLE ACTION ON ITEMS DISCUSSED IN WORKSHOP SESSION.

No action was taken.

7. ADJOURN

At 7:43 p.m., Bill Peterson moved to adjourn. Seconded by Kay Garcia McAnally and carried unanimously.

APPROVED:

ATTEST:

Terry Orr, Mayor

Teresa Valdez, City Secretary