



**BASTROP CITY COUNCIL
MINUTES OF REGULAR MEETING
March 25, 2014 at 6:15 pm**

Pursuant to the Texas Government Code, Chapter § 551, the City Council of Bastrop, Texas held a Regular Meeting on Tuesday, **March 25th, 2014 at 6:15 p.m.** at the Bastrop City Hall Council Chambers located at 1311 Chestnut Street in Bastrop, Texas to consider the following matters:

1. **CALL TO ORDER** - Mayor Terry Orr called the meeting to order at 6:15 p.m. A quorum was present: Council Members Ken Kesselus, Kay Garcia McAnally, Willie De La Rosa and Mayor Pro-Tem Joe Beal arrived at 6:25 pm. Council Member Dock Jackson was absent.
2. **PLEDGE OF ALLEGIANCE AND INVOCATION** – Chief Financial Officer Karla Stovall led the Pledge and Police Chief Adcock introduced Chaplain Jonah Beyer who lead us in prayer.
3. **PRESENTATIONS** – None.
4. **PROCLAMATIONS** – None.
5. **CITIZEN COMMENTS** – Ms. Melissa Tucker addressed the Council Members and expressed her concern about the lack of services provided for the indigent people here in Bastrop. She expressed that she and her mother lived in their vehicle due to set backs that started about four years ago. She felt that the low income/public housing was not attainable due to a 6 month to 1 year waiting list and that the City does not offer a facility to shower or have a hot meal 2-3 times a week.

The Council all expressed empathy for her situation and Council Member Kesselus stated he had been a minister for a number of years and dealt with matters such as this. Our city is too small to have these facilities, but we are very supportive of programs that help those in need. He informed her that larger cities such as Austin have the facilities and more resources to help others.

Council Member Kesselus and Council Member McAnally suggested that she visit one of local Churches as they offered meals twice a week.

Council Member McAnally invited Chaplain Jonah Beyer to meet with Ms. Tucker and her mother in efforts to help guide them on their path of helping themselves and getting on the waiting list for public housing.

Ms. Tucker expressed her appreciation to the Council for their support, guidance and offer of hope.

6. ANNOUNCEMENTS

ABSENCE COUNCIL MEMBER JACKSON - City Manager Talbot announced that Council Member Dock Jackson would not be in attendance due to his mother's passing.

VIETNAM VETERAN'S MEMORIAL – Mayor Pro-Tem Joe Beal invited everyone to attend the Texas Capitol Vietnam Veterans Monument Dedication in Austin on Saturday, March 29, 2014 at 10:00am.

Members of the Memorial High School JROTC Minutemen Battalion from San Antonio will participate in the dedication of the monument that honors of all the Texans who served in the Vietnam War and a memorial to the 3,417 who died.

City Manager Mike Talbot informed the Council Members that a copy of the 5 Year Water System Capital Improvement Projects had been submitted to Ms. Fishbeck. City Manager Talbot requested that Ms. Fishbeck provide the two numbers noted as:

2014 CIP Projects

- Infrastructure for Water Supply
- Elevated Tank West Side Projects

City Manager Talbot provided the Council Members the “Revised 5-year Water and Wastewater Capital Improvement Program Fiscal Year 2013 through Fiscal Year 2018” dated March 24, 2014 and stated the handout was a “Work in Progress”.

City Manager provided the Council Members the “Water Supply Options Present Worth Cost Summary Sheet.” The costs reflected included all wells, infrastructure, water rights, electrical, chlorine and lost pine GCD costs. The current

present valued used 3% interest rate and future costs escalated by 2.5% per year. The Option/Costs were \$11,985,801 for XS Ranch, \$12,092,224 Ingram/LCRA and \$11,065,172 LCRA.

In addition, City Manager Talbot provided them the “Water Supply 30 Year Option Present Worth Cost Summary Sheet.” He noted that the costs reflected on the summary were cost shown include all wells, infrastructure, water rights, electrical, chlorine and lost pine GCD costs. The present value used was 3% interest rate and future costs escalated by 2.5 % per year. Note that costs reflected a 1,500 gallon per minute well at XS Ranch. The Option/Costs were \$10,999,204 for XS Ranch, \$12,092,224 for Ingram/LCRA and \$11,065,172 for LCRA.

Council Member Willie DeLaRosa asked City Manager Talbot how soon he was needing a response. City Manager Talbot noted that various water options have been provided for Council’s consideration, but there’s additional work to be accomplished to meet the April 22, 2014 deadline that the Council agreed upon previously as the desired and targeted “decision-making” date.

Mayor Orr thanked City Manager Mike Talbot who in turn acknowledged his appreciation for Gene Kruppa’ s assistance with the reports. Mayor Orr added that he sees a value in the City owning water rights and stated that he is confident that the Council will do the analysis and consider the impacts of each option. Again, he stressed that owning our own water rights would be an asset for the City.

City Manager Talbot offered to have an updated report for the Council’s consideration and suggested having a Special Workshop/Utility Meeting the week of April 1, 2014. City Council Members held a brief discussion and agreed upon Wednesday, April 2, 2014 at 6:15pm at the Convention Center. The venue was changed due to schedule conflicts on the meeting room availability.

Mayor Orr requested that at the upcoming Special Workshop/Utility Meeting that we listen carefully and listen to what will be presented and what City Manager Mike Talbot has to say.

Council Member McAnally and Council Member DeLaRosa thanked City Manager Talbot for the material presented for their consideration. She added that if we want to survive the City needs to have their own water supply; noting that the LCRA may impose a significant increase in their rates within the next 5 years.

When asked by the Council, City Manager Talbot confirmed that he had been receiving threats due to the water issue at hand. City Manager took a moment and quoted our great president, JFK in that “if a man abandons his conscious – shame on him.” Council Member McAnally requested our Counselor professional insight on this concern and JC Brown acknowledged Council Member McAnally concern about the political pressure upon the City Manager; she stated that the City Manager is subject to public opinion. Council Member McAnally requested that the City Manager bring future occurrences to the Council’s attention and City Manager agreed to her request.

Council Members McAnally and DeLaRosa were in agreement that the threats made to the City Manager were not acceptable and they expressed their full support of the City Manager and his hard work.

Mayor Pro-Tem Beal stated that the LCRA would be conducting Public Hearings with regard to their rate increase. However at this time we do not know what their future rates are going to be. He added the Council has multiple options on water which gives the City flexibility. He acknowledged that the present value calculations provided by City Manager Talbot were a good tool and allows them the opportunity to compare various alternatives. Mayor Pro-Tem Beal stated that he is personally considering whether or not we have multiple options with facts for the future.

Council Member Kesselus agreed with the opinions and stated he is considering the long-term benefit – 10 to 15 years, and the options presented on XS Ranch, Ingram/LCRA and LCRA. He inquired about the quality of water at XS ranch and about the hydrologist report regarding the chemical element. City Manager Talbot responded that the water at XS ranch is good quality water.

Mayor Pro-Tem Beal stated that the Mayor’s comments at the Special Workshop/Utility Meeting held on March 18th were brilliant. At the Mayor’s request, he personally calculated the volume/demand and capability of cities/system and emailed the results the Mayor and the City Manager. City Manager Talbot noted he received the copy via the Mayor.

Mayor Orr added that the reports presented here today provide the Council with a variety of options for the decision making process, regarding water reservation, only do that for 1 to 5 years and then re-evaluate or needs. He asked would the City be smart to reserve from LCRA.

Mayor requested additional information and consider the following combinations; Ingram pipeline, XS Ranch water rights and LCRA rate increases. He added that the city needs to spend money within the next 12 months. City Manager Talbot stated he would be meeting with our Financial Advisor and would have a report ready the next morning for the Council's consideration.

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(s) so request.

- A.1 Approval of Minutes for the Regular Council Meetings held on March 11, 2014.
- A.2 Consideration, Discussion and Possible Action on the SECOND READING of a Proposed Revision to an ORDINANCE by the City Council of Bastrop, Texas CORRECTING a SCRIVENER'S OMISSION in the Bastrop City Code, Chapter 14, "ZONING," ARTICLE 14.03 *ET SEQ.*, related to HISTORIC LANDMARK Preservation; providing a savings clause; and establishing an effective date.
- A.3 Approval of the statutory denial, for a period of 180 days from the date of Council action on this request, for the Final Plat for Pecan Park Commercial Phase 1 and public Utility Construction Plans (Southside Barbecue lot) being +/-2.923 acres out of a +/- 67.42 Preliminary plat Commercial tract within the Nancy Blakey Survey No. 98 within the city limits of Bastrop, Texas located south of Highway 71 West.

Mayor Terry Orr requested a motion to approve the items on the consent agenda.

MOTION – Council Member Willie DeLaRosa made the motion.

SECONDED - Council Member Ken Kesselus seconded the motion.

MOTION PASSED – Unanimous vote of 3-0.

B. PUBLIC HEARINGS & ORDINANCES AND OTHER ITEMS ELIGIBLE FOR CONSIDERATION AND/OR ACTION – None.

C. OLD BUSINESS – None.

D. NEW BUSINESS

- D.1 Consideration, discussion and possible action on the FIRST READING of a proposed ORDINANCE of the City Council of the City of Bastrop Texas, AMENDING the BUDGET FOR THE FISCAL YEAR 2014 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.

Chief Financial Officer Karla Stovall requested the Council consideration and approval of the First Reading of the proposed Ordinance Amending the Budget for Fiscal Year 2014.

Mayor Terry Orr invited questions and comments; with no response he requested a motion to APPROVE THE FIRST READING.

MOTION – Mayor Pro-Tem Joe Beal made the motion and requested that the Second Reading be added to the Consent Agenda.

SECONDED – Council Member Willie DeLaRosa seconded the motion.

MOTION PASSED – Unanimous vote of 4-0

- D.2 Consideration, Discussion and Possible Action on the FIRST READING of a PROPOSED REVISION to an ORDINANCE of the City Council of the City of Bastrop, Texas, AMENDING ARTICLE 1.10 “PARKS” of the Code of the City of Bastrop REGARDING MEMBERSHIP ON THE PARKS BOARD AND RESIDENCY REQUIREMENTS related to same; providing for severance and an effective date.

Public Works Director Trey Job requested the Council’s consideration and approval of the First Reading of the revision to an ordinance amending Article 1.10 “Parks” regarding membership on the Parks Board and Residency requirements.

Mayor Terry Orr invited questions and comments; with no response he requested a motion to APPROVE THE FIRST READING.

MOTION – Mayor Pro-Tem Joe Beal made the motion and requested that the Second Reading be added to the Consent Agenda.

SECONDED – Council Member Ken Kesselus seconded the motion.

MOTION PASSED – Unanimous vote of 4-0

- D.3 Approval of a CONTRACT for ELECTION SERVICES between the Bastrop County and the City of Bastrop for the May 10, 2014 Election, recognizing the Bastrop City Hall as the Polling Place for Early Voting Dates of April 28, 2014 through May 6, 2014.

City Secretary Elizabeth Lopez requested the Council’s consideration and approval on the updated contract for Election Services that reflect that BISD would not be holding an election in May 2014 and would not be part of the Joint Election Agreement for Election Services in May 2014.

Mayor Terry Orr invited questions and comments; with no response he requested a motion.

MOTION – Mayor Pro-Tem Joe Beal made the motion and requested that we revisit the contract in efforts of possibly reducing the contract cost/fees.

SECONDED – Council Member Kay Garcia McAnally seconded the motion.

MOTION PASSED – Unanimous vote of 4-0

- D.4 Consideration and Action with Respect to a “Resolution Expressing Official Intent to Reimburse certain expenditures of the City of Bastrop, Texas”.

City Manager Mike Talbot requested the Council consideration and approval of the Resolution Expressing Official Intent to reimburse certain expenditures of the City Bastrop. He clarified that the approval of the Resolution was a safe guard if the Council were to take some type of action on the “Water Supply Project” prior to the issuance of the Certificate(s) of Obligation(s).

Mayor Terry Orr invited questions and comments; with no response he requested a motion.

MOTION – Council Member Kay Garcia McAnally made the motion.

SECONDED – Council Member Willie DeLaRosa seconded the motion.

MOTION PASSED – Unanimous vote of 4-0

E. EXECUTIVE SESSION

E.1 THE BASTROP CITY COUNCIL MET IN A CLOSED/EXECUTIVE SESSION PURSUANT TO THE TEXAS GOVERNMENT CODE, CHAPTER 551, *ET SEQ*, TO DISCUSS THE FOLLOWING:

1. SECTION 551.071(1) (A) and SECTION 551.071(2) – Consultation with Attorney concerning: (1) potential, pending, threatened, and/or contemplated litigation or claims, including but not limited to

“Pine Forest Investments Group, LLC v The City of Bastrop, et al, cause No. 29,052, In the 21st Judicial District Court of Bastrop County, Texas.” and/or (2) matter upon which the Attorney has a duty and/or responsibility to report to the governmental body, concerning same, and/or any other matters posted on the agenda.

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

At 8:01pm, Mayor Orr convened the Bastrop City Council into Executive Session. Mayor Orr reconvened the Bastrop City Council into open session to discuss, consider and/or take action(s) necessary related to the Executive Session noted herein at 8:29 pm.

City Manager Talbot noted that after discussion with the City Attorney regarding legal matters concerning same, he recommended that the Council authorize him to enter into a settlement with JB Hoffman, on the terms presented to Council including a release of claims against JB Hoffman, related to future repair to the veneer system on the City’s Fire Station, located on Chestnut Street.

MOTION – Council Member Willie DeLaRosa made the motion.

SECONDED – Council Member Kay Garcia McAnally seconded the motion.

MOTION PASSED – Unanimous vote of 4-0.

F. **ADJOURN** - Council Member Willie DeLaRosa made the motion to adjourn the meeting. Seconded by Council Member Kay Garcia McAnally, meeting adjourned at 8:32 pm.

APPROVED: 
Terry Orr, Mayor

ATTEST: 
Elizabeth Minerva Lopez, City Secretary