

**BASTROP CITY COUNCIL  
MINUTES OF REGULAR MEETING  
May 27, 2014 at 6:15 pm**

Pursuant to the Texas Government Code, Chapter § 551, the City Council of Bastrop, Texas held a Regular Meeting on the aforementioned date at the Bastrop City Hall Council Chambers located at 1311 Chestnut Street in Bastrop, Texas to consider the following matters:

1. **CALL TO ORDER** – A quorum being present; Mayor Ken Kesselus called the meeting to order at 6:15 p.m. Council Members Beal and Jackson were absent.
2. **PLEDGE OF ALLEGIANCE AND INVOCATION** – Mayor led the Pledge of Allegiance and Assistant Chief of Police Wagner introduced the Chaplin Bill Hobby who lead us in prayer.
3. **PRESENTATIONS**
4. **PROCLAMATIONS** – In recognition of the 150<sup>th</sup> Anniversary of the Ascension Catholic Church on June 1, 2014, Mayor Kesselus read the proclamation and stated that Council Member Jackson would present it to the Church on the Council’s behalf.
5. **CITIZEN COMMENTS**
6. **ANNOUNCEMENTS** – Mayor Kesselus acknowledged Council Member Beal and Jackson’s absence as excused.

Mayor Pro-Tem DeLaRosa extended his appreciation to the City’s Parks Department on their maintenance efforts of the Fairview Cemetery during the Memorial Day Event.

Mayor Kesselus introduced City Manager Talbot who presented his City Manager’s Report.

DISCUSSION REGARDING THE “REPORT & TOP PRIORITIES” FROM THE MARCH 22, 2014 CITY COUNCIL PLANNING RETREAT (SETTING PRIORITIES) - City Manager Talbot provided a list of priorities for 2015 that were outlined by the Council at their recent Retreat. He requested that the Council rank the projects in order of importance, with thirty-two points to be used on one project or divided amongst several projects. City Manager Talbot requested that the completed document be returned by June 5<sup>th</sup>, so he could complete a summary sheet of their responses for the June 10, 2015 City Council Meeting. Mayor Kesselus thanked City Manager Talbot for the information.

**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 City Council Meetings held on May 13, 2014.

A.2 Consideration, discussion and possible action on the SECOND READING of a proposed Ordinance of the City Council of the City of Bastrop, Texas granting a zoning district change zone change to C1, Commercial-1 (Light) zoning the following properties:

1. A.3 Zone change from NS, Neighborhood Services for +/-0.3190 acres within BB 3, East of Water St. (R45734)
2. Zone change from SF-7, Single Family Residential-7 for +/-0.318 acres within BB 3, East of Water St. (R33031)
3. Zone change from SF-7, Single Family Residential-7 for +/-0.29 acres within BB 18, East of Water St. (R47621)
4. Zone change from SF-7, Single Family Residential-7 for +/-0.137 acres within BB 18, East of Water St. (R32963)
5. Zone change from SF-7, Single Family Residential-7 for +/-0.206 acres within BB 18, East of Water St. (R47622)
6. Zone change from C-2, Commercial Heavy-2 to for +/-0.099 acres within BB 23, East of Water St. (R47625)
7. Zone change from C-2, Commercial Heavy-2 for +/-0.098 acres within BB 23, East of Water St.(R34481)
8. Zone change from C-2, Commercial Heavy-2 for +/-0.2440 acres within BB 23, East of Water St.(R34513)
9. Zone change from C-2, Commercial Heavy-2 for +/-0.098 acres within BB 23, East of Water St.(R39271)
10. Zone change from C-2, Commercial Heavy-2 for +/-0.095 acres within BB 23, East of Water St.(R47626)
11. Zone change from C-2, Commercial Heavy-2 for +/-0.458 acres within BB 38, East of Water St. (between Hill St and Lovers Ln)
12. Zone change from C-2, Commercial Heavy-2 for +/-0.306 acres within BB 43, East of Water St. (R47700)

A.3 Board appointments by Mayor Kesselus and confirmation by the Bastrop City Council Members on the following:

Name	Board, Commission, Task Force	Place	Term/Years
1. Sergio Altamirano	Arts In Public Places Task Force	5	
2. Hannibal Lokumbe	Arts In Public Places Task Force	7	
3. Blake Kaiser	Historic Landmark Commission (Licensed Real Estate Professional)	4	3 / 2014-2017
4. Kay Wesson	Impact Fee Board (ETJ/Real Estate Professional)	10	2 / 2014-2016
5. Barbara Clemons	Library Board	4	2 / 2014-2016
6. Josh Gordon	Parks Board / Public Tree Advisory Board	6	2 / 2014-2016
7. Ken Kesselus	CAPCOG Clean Air Coalition		

Mayor Kesselus read Consent Agenda item A-2 in recognition of the SECOND READING and requested a motion to approve the items on the Consent Agenda. Mayor Pro-Tem DeLaRosa abstained from all items noted on the Consent Agenda.

**MOTION** – Council Member Gilleland made the motion to accept all items on the Consent Agenda.

**SECONDED** - Council Member McAnally.

**MOTION PASSED** –Majority vote of 2-1 abstention.

**B. PUBLIC HEARINGS & ORDINANCES AND OTHER ITEMS ELIGIBLE FOR CONSIDERATION AND/OR ACTION** – No Items

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**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, Ch.551 Government Code, Vernon's Texas Code, Annotated, the item below will be discussed in closed session. SECTION 551.071 – Consultations with Attorney related to legal matters*  
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**C. OLD BUSINESS – No Items**

**D. NEW BUSINESS**

**D.1 CONSIDERATION, AND ACTION WITH RESPECT TO AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, AUTHORIZING THE ISSUANCE AND SALE OF CITY OF BASTROP, TEXAS COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2014; PROVIDING FOR THE SECURITY FOR AND PAYMENT OF SAID CERTIFICATES; PRESCRIBING THE FORM OF SAID CERTIFICATES; AWARDED THE SALE THEREOF; APPROVING THE PAYING AGENT/REGISTRAR AGREEMENT, AND THE OFFICIAL STATEMENT; AND ENACTING OTHER PROVISIONS RELATING TO THE SUBJECT. (Talbot)**

City Manager Talbot informed the Council that as a result of the City's current Bond Rating of "AA-" and received the lowest bid of 2.845316% on the Certificates of Obligations, Series 2014. Mr. Bart Fowler and Mr. Wegmiller commended the City Staff on their financial management.

Mayor Kesselus invited questions and comments; with no responses, he requested a motion.

**MOTION** – Council Member McAnally made the motion authorizing the issuance and sale of the City of Bastrop, Texas Combination Tax and Revenue Certificates prescribing the form of said certificates; awarding the sale thereof; approving the paying agent/registrar agreement, and the official statement; and enacting other provisions relating to the subject.

**SECONDED** – Council Member Gilleland

**MOTION PASSED** – Unanimous vote of 3-0

**D.2 CONSIDERATION AND ACTION REQUESTED BY THE BASTROP ART IN PUBLIC PLACES FOR THE CITY COUNCIL TO APPROVE THEIR PROPOSED "BASTROP DOWNTOWN SCULPTURE PROJECT." (Talbot)**

City Manager Talbot explained the outline of expenses related in the Bastrop Downtown Sculpture Project and requested their consideration and approval to proceed with the project.

Mayor Kesselus invited questions and comments; with no response, he requested a motion.

**MOTION** – Council Member McAnally to approve the budget of \$17,000 for the Bastrop Art in Public Places "Downtown Sculpture project"

**SECONDED** – Mayor Pro-Tem DeLaRosa

**MOTION PASSED** – Unanimous vote of 3-0

**D.3 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON SELECTING FIRM TO SERVE AS PROJECT MANAGER AND PROVIDE INSTALLATION OF THE ADVANCED METER INFRASTRUCTURE SYSTEM FOR BOTH WATER AND ELECTRIC METERS AND ASSOCIATED EQUIPMENT FOR THE CITY OF BASTROP, TEXAS (Talbot)**

City Manager Talbot requested the Council's consideration and approval to accept the City's Technology Committees recommendation to accept the most qualified bid submitted by Aqua Metric.

The Council thanked the City Manager and the Technology Committee for their commitment on the AMI Bid Project. Mayor Kesselus invited questions and comments; with no response, he requested a motion.

**MOTION** – Council Member McAnally made the motion to select Aqua Metric as the firm to serve as the Project Manager and provide the installation of the AMI System for both water and electric meters.

**SECONDED** – Council Member Gilleland

**MOTION PASSED** – Unanimous vote of 3-0

**D.4 CONSIDERATION AND ACTION WITH RESPECT TO APPROVE AN AGREEMENT BETWEEN THE TEXAS DEPARTMENT OF TRANSPORTATION AND THE CITY OF BASTROP CERTAIN RIGHT OF WAY ACQUISITION RELATED TO THE STATE HIGHWAY 71 IMPROVEMENTS PROJECT. (Talbot)**

City Manager Talbot requested the Council's approval on an agreement/fund for \$52,181.42 as requested by TxDOT for the Right of way acquisition. Funds for this request would be allotted from the October 2013 Certificates of Obligation.

Mayor Kesselus invited questions and comments; with no response, he requested a motion.

**MOTION** – Council Member McAnally made a motion to approve the agreement between the Texas Department of Transportation and the City of Bastrop certain right of way acquisition related to the state highway 71 improvements project and the issuance of payment.

**SECONDED** – Mayor Pro-Tem DeLaRosa

**MOTION PASSED** – Unanimous vote of 3-0

**D.5 CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION ON APPROVAL OF A PETITION FOR A VARIANCE ALLOWING A PRIVATE WELL TO BE DRILLED WITHIN THE CITY LIMITS OF THE CITY OF BASTROP LOCATED AT 1904 MAIN STREET BASTROP TX. 78602. (Job)**

Public Works Director Trey Job requested the Council's consideration and approval on the variance request submitted by Michael Powell Kresge for private water well at 1904 Main Street.

After the Council's review of the Permit Application, Mayor Kesselus invited questions and comments; with no response, he requested a motion.

**MOTION** – Mayor Pro-Tem DeLaRosa made the motion to approve the variance request submitted by Michael Powell Kresge for private water well at 1904 Main Street and requested to have the item placed on the next Consent Agenda.

**SECONDED** – Council Member Gilleland

**MOTION PASSED** – Unanimous vote of 3-0

**D.6 CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION ON APPROVAL OF A PETITION FOR A VARIANCE ALLOWING A PRIVATE WELL TO BE DRILLED WITHIN THE CITY LIMITS OF THE CITY OF BASTROP LOCATED AT 2200 CEDAR STREET BASTROP TX. 78602 (Job)**

Public Works Director Trey Job requested the Council’s consideration and approval on the variance request submitted by John Meredith for private water well at 2200 Cedar Street.

After the Council’s review of the Permit Application, Mayor Kesselus invited questions and comments; with no response, he requested a motion.

**MOTION** – Mayor Pro-Tem DeLaRosa made the motion to approve the variance request submitted by John Meredith for private water well at 2200 Cedar Street and requested to have the item placed on the next Consent Agenda.

**SECONDED** – Council Member Gilleland

**MOTION PASSED** – Unanimous vote of 3-0

**D.7 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON THE AWARD OF CONTRACT TO INSTALL A BACKUP GENERATOR AT THE LOOP 150 TANK YARD AND THE WILLOW STREET WATER TREATMENT PLANT. (Job)**

Public Works Director Trey Job requested the Councils approval to award the contract to J K Utility Service for two projects in the amount of \$340,930.00.

Mayor Kesselus inquired about the funding for this project and City Manager Talbot noted that 80% of the cost is grant funds. The Mayor elicited questions and comments and with no response, he requested a motion.

**MOTION** – Council Member McAnally made the motion to Award the Contract to install a backup Generator at the Loop 150 Tank yard and the Willow street water treatment plant project to JK Utility Service for \$340,930.00 for both projects.

**SECONDED** – Mayor Pro-Tem DeLaRosa

**MOTION PASSED** – Unanimous vote of 3-0

**D.8 CONSIDERATION AND ACTION WITH RESPECT TO APPROVE AN AGREEMENT BETWEEN THE TEXAS DEPARTMENT OF TRANSPORTATION AND THE CITY OF BASTROP CERTAIN RIGHT OF WAY ACQUISITION RELATED TO THE STATE HIGHWAY 71 IMPROVEMENTS PROJECT. (Talbot)**

City Manager Talbot noted this was a duplication of Agenda Item D.4.

**E. EXECUTIVE SESSION**

E.1 The Bastrop City Council will meet 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) & 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 21<sup>st</sup> 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.
2. **SECTION 551.072** – Deliberation regarding real property: Regarding the purchase, exchange, lease, disposition, or value of real property.
3. **SECTION 551.074** – Personnel Matters

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 7:00 pm, Mayor Kesselus convened the Bastrop City Council into Executive Session and 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 8:28 pm.

City Manager Talbot recommended that the Council consider a motion to authorize the City Manager to go forward with the purchase of the property from Ingram with the required funding by the BEDC.

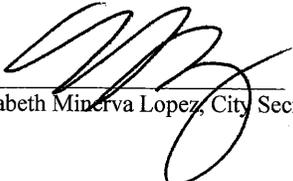
**MOTION** – Mayor Pro-Tem DeLaRosa

**SECONDED** – Council Member Gilleland

**MOTION CARRIES** – Unanimous vote 3-0

**F. ADJOURNMENT** - Mayor Kesselus requested a motion to adjourn; Motion made by Council Member DeLaRosa and seconded by Council Member Gilleland and meeting adjourned at 8:32 pm.

APPROVED:   
Ken Kesselus, Mayor

ATTEST:   
Elizabeth Minerva Lopez, City Secretary