



**MINUTES**  
**BASTROP CITY COUNCIL MEETING**  
**Tuesday, November 25, 2014 at 6:30 pm**

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

1. **CALL TO ORDER** – At 6:30 pm, Mayor Kesselus called the meeting to order. A quorum was present; Council Members Jackson, Beal, McAnally, Gilleland, and Mayor Pro-Tem DeLaRosa were in attendance.
2. **PLEDGES OF ALLEGIANCE & INVOCATION** – Police Chief Adcock led the Pledges of Allegiance and Mayor Kesselus read “A Thanksgiving Prayer.”
3. **PRESENTATION(S)** – None
4. **PROCLAMATION(S)** – None
5. **CITIZEN COMMENTS** – None
6. **ANNOUNCEMENTS** – City Manager Talbot announced that Main Street Director Nancy Wood had submitted her intent to retire on April 30, 2015 to spend time with her husband. City Manager Talbot stated that she outshines all other Main Street Directors he has ever worked with. Since 2007, she has initiated the “Way-Finding Project”, Promoted and encouraged entrepreneurship, and headed up the “Community Volunteer Center”, he wished her the best and thanked her for all that she has done. The Council Members took a moment to express their gratitude for her service.

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**City Manager’s Informational Report for November 25, 2014:** Items for update, discussion & possible action:

- C. Review and Discussion Regarding the City-Wide Clean Project held on November 15, 2014 – City Manager Talbot thanked Council Member Gilleland for initiating the project that was resulted in the collection of 8,682 pounds of hazardous waste and 4,213 pounds on non-hazardous waste. Council Member Gilleland thanked the City Manager, City Staff and all the Community Members who participated and helped make the “City Wide Clean-up” a successful event.
- F. Update on the Bastrop Fine Arts Guild “Lost Pines Art Guild and Commemorative Sculpture Garden Project” – City Manager Talbot made the following statement to the Council, *“A couple of weeks ago a citizen of Bastrop came by to visit with me regarding the Bastrop Fine Arts Guild “Commemorative Sculpture Garden Project” [“Guild”]. During the meeting, I was advised that all but certain that an announcement would be forthcoming that the Guild would be receiving a ‘substantial amount’ of funding for their “Commemorative Sculpture Garden Project”. Upon receiving this funding the Guild would then need only approximately \$500,000.00 to complete the entire Project. The citizen was inquiring as to whether or not I, as City Manager, could support recommending to the City Council providing a “Grant” by the City in the amount of \$300,000.00 to the Guild, in light of the fact that the Project was now almost entirely completed by other funding. I advised the citizen that if the Guild was going to receiving the amount of funding they were telling me, this certainly would assure the project would succeed in going forth, and thus reduce ‘the risk’ of loss related to any participation by the City, and so, I felt a business of this magnitude in the City should have some level of economic support from the City. Thus, in light large amount I was being told that the Guild would be receiving, I felt that asking the City for \$300,000.00 in support did not seem unreasonable to me. Yet, I would not discuss this with the Council until I knew for certain that, in fact, the Guild would receive the substantial amount of funding represented to me, for the Project. He added that the Guild was receiving a \$3.1 million dollar grant from Bluebonnet Electric Cooperative for the Project.*

*In developing an annual City Budget I always try to scan the City’s foreseeable environment, to assess what type of financial expenditures the City might conceivably confront, in the course of any given fiscal year. As hard as one tries to anticipate potential expenditures, some unforeseen opportunity always comes up that will need to be addressed by the City. I feel that the Guild’s receipt of this additional funding has created a situation that the City Manager and the City Council must seriously evaluate and address. In my career, I have also approached my role as City Manager as what I guess you might call one of “opportunist,” so that I am flexible enough so that if an unplanned opportunity arises, I can embrace the opportunities that will have significant benefit to the community, and if the Council approves such, I can work to find ways for the City to offer assistance for such opportunities. I believe that this is one of those situations, now that the Project is substantially completed by the receipt of major funding from other sources. Accordingly, it is my recommendation to the City Council that we provide an amount of \$300,000.00 to the Guild so that the Project can be completed. The basis of my recommendation is as follows:*

*First and foremost, I am **not** recommending that these funds come from the **Hotel/Motel Fund**. Rather, after analyzing the various City funds, I see that this contribution may come from a variety of City Funds, as an economic incentive. The implication of taking this approach will be that I am going to have to closely monitor the revenues and expenditures of the City, for the remainder of the Fiscal Year. I am willing to make that commitment to the Council.*

*Secondly, one major benefit of getting this Project completed ahead of schedule will be that once completed, it will complement the Convention Center, City Hall and the entire Chestnut Street Project. Chestnut Street is probably one of the most heavily traveled streets in the City. People driving through our wonderful City see our impressive Convention*

Center and City Hall, and will then see the lovely "Commemorative Sculpture Gardens." I believe this will offer a breath taking experience to visitors and citizens, as well as a feeling that "The City of Bastrop is a future-oriented community" that is creating a great quality of life for the citizens of Bastrop.

If one steps back and reflects on the projected future appearance of the property, as opposed to what the appearance was a couple of years ago, you must admit that this is simply an unbelievably leap forward, in a short period of time. And, it is appropriate for the City to reward such a remarkable undertaking.

In my opinion, this Project is going to have a significant economic impact in Bastrop. I believe it would be unfortunate if it was decided to stay on the sidelines and not support it. I believe, in years to come, our non-support would be an issue that would haunt the City, were the City not part of this Project and what this project will bring to the Bastrop Community.

Though I feel strongly about this Project, I still recognize that the City has the responsibility of being a good steward of City funds. In that regard, the "Local Government Code" authorizes the City to enter into 380 Agreements for "Economic Development Projects" when deemed by the Council to provide economic benefits to the community. My recommendation for providing the \$300,000.00, is that the City also include a requirement that the Guild enter into a 380 Agreement with the City, which will be developed between the City Council and the Guild. This will ensure that the City does act diligently in the use of its funds for the benefit of the City.

Mayor Pro-Tem DeLaRosa extended his appreciation to the City Manager for his recommendation as this project will have positive impacts on our community. Council Member McAnally took a moment to acknowledge the assistance of the BEDC and their collaboration with the City. Council Member Jackson looked forward to the enhanced beauty this project was going to make on this side of town.

Council Member Gilleland expressed her support for the project in recognition of the tourist attraction and requested that HOT Funds not be ruled out as a funding source. Council Member Beal agreed with Council Member Gilleland and suggested future discussions on her suggestion.

Mayor Kesselus' requested a motion.

**MOTION – Council Member Jackson made the motion to accept the City Managers recommendation for providing the \$300,000.00, for the Bastrop Fine Arts Guild "Lost Pines Art Guild and Commemorative Sculpture Garden Project, and that the City also include a requirement that the Guild enter into a 380 Agreement with the City, which will be developed between the City Council and the Guild. This will ensure that the City does act diligently in the use of its funds for the benefit of the City.**

**SECOND – Council Member McAnally seconded the motion.**

**VOTE– Motion passed unanimously 5-0; Ayes: Jackson, McAnally, Gilleland, DeLaRosa, and Beal.**

City Manager took a moment to thank the citizen, Mark Rose for bringing this item to his attention. He emphasized "anyone who does this much work on a project should be rewarded."

Council Member Beal expressed his admiration and respect for Mark Rose and thanked him on behalf of the City of Bastrop for his remarkable vision.

Mayor Kesselus thanked City Manager Talbot for his work on this project

- G. Update on the Bastrop County Grant Program for the Construction of a "Shelter Facility"- City Manager Talbot recommended that the Council read Item G at their leisure for future referencing.
- K. Review and Discussion of the "In-House Parking Study of the Central Business District"- City Manager Talbot stated that he and the City Staff had completed the in-house evaluation of parking in the Central Business District. He invited City Engineer Wesley Brandon who provided the Council an update on the project. City Manager Talbot added that additional parking would soon be available with the closing of the Advertiser. **The Council Members were all in support of having downtown merchants use that parking for their employees which would free up parking spaces for public use.**
- N. City Council Planning Retreat- City Manager Talbot confirmed that the Annual City Council Planning Retreat would be held on January 31, 2014. He requested the Councils direction at the upcoming City Council Meeting on December 9, 2014 and the (5) five to (7) seven items for discussion, need for facilitator, if so, who they would recommend.
- O. Discussion of a Grant Awarded By Campo to the City of Bastrop- The City Manager informed the Council that the City was awarded a grant in the amount of \$1,040,000 for the trail project. He and the Planning Department Staff had submitted three projects to be funded by Campo. The projects were: a) sidewalk project, b) a street connecting Burlison Crossing with Riverside Grove subdivision, and c) a trail program connecting the Bastrop State Park with Chestnut Street Sidewalks. City Manager congratulated Planning & Development Director McCollum for her work on the grant award.
- P. Consideration of Adopting Resolution Requesting that the 84th Legislature Support Increasing the Funding for the Texas Recreation & Parks Account- City Manager Talbot stated that Councilmember Jackson had requested the City Councils consideration to a Resolution seek available funding for State Parks and local municipal "Recreational Grants". The Council approved the City Managers request to place the Resolution on the December 9, 2014 Council agenda.

**A.** All the following items 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 Meetings on October 21, 2014 and October 28, 2014.

A.2 **SECOND READING:** Consideration, discussion and possible action on the Second 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. (Stovall)

Mayor Kesselus read the caption for item A-2 in recognition of the second reading and requested a motion.

**MOTION** – Mayor Pro-Tem DeLaRosa made the motion to approve the items on the Consent Agenda.

**SECOND** – Council Member Gilleland seconded the motion.

**VOTE** – Motion passed unanimously 5-0; **Ayes:** DeLaRosa, Gilleland, McAnally, Beal and Jackson.

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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 Govt Code Vernons TX Code, annotated, the item below will be discussed in closed session. SEC.551.071 Consultations w/Attorney related to legal matters  
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**B. PUBLIC HEARINGS, ORDINANCES & OTHER ITEMS ELIGIBLE FOR CONSIDERATION /ACTION**

**B.1 PUBLIC HEARING:** Consideration, discussion, and possible action on Adoption of the 2009 International Building Code and other related codes as produced by the International Code Council and Adoption of the 2011 National Electric Code. (McCollum)

At 7:15 pm, Mayor Kesselus opened the Public Hearing and invited the Planning and Development Director McCollum. The Constructions Standards Board held a Public Hearing on November 13, 2014 and they unanimously voted to recommended approval of the adoption of the 2009 International Building Codes and other related codes as produced by the International Code Council and Adoption of the 2011 National Electric Code to the City Council.

There were no comments; therefore, Mayor Kesselus closed the Public Hearing at 7:20 pm.

**B.2 FIRST READING:** Consideration, discussion, and possible action on the First Reading of an Ordinance to amend Chapter 3 & Chapter 5 on Adoption of the 2009 International Building Codes and other related codes as produced by the International Code Council and Adoption of the 2011 National Electric Code. (McCollum)

Planning and Development Director McCollum requested the Councils approval on the above referenced agenda item. Mayor Kesselus followed with a request for a motion.

**MOTION** – Mayor Pro-Tem DeLaRosa made the motion to approve the First Reading of an Ordinance to amend Chapter 3 & Chapter 5 on Adoption of the 2009 International Building Codes and other related codes as produced by the International Code Council and Adoption of the 2011 National Electric Code; and requested that the second reading be placed on the consent agenda.

**SECOND** – Council Member McAnally seconded the motion.

**VOTE** – Motion passed unanimously 5-0; **Aye:** DeLaRosa, McAnally, Gilleland, Beal, & Jackson

**C. OLD BUSINESS – NONE**

**D. NEW BUSINESS**

**D.1 FIRST READING: CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON THE FIRST READING OF AN ORDINANCE AMENDING THE BASTROP ECONOMIC DEVELOPMENT CORPORATION'S FISCAL YEAR 2014-2015 BUDGET IN THE AMOUNT OF \$35,000. (TALBOT)**

City Manager Talbot informed the Council that at the BEDC Board Meeting held on September 22, 2014, the Board approved entering into an agreement with RCLCO to perform a comprehensive housing study of the Bastrop area. The Public Hearing was held on September 8, 2014 and the City Council approved the project on October 28, 2014. The sixty day wait period had passed and the BEDC was requesting approval of an amendment to the FY2015 budget to fund the cost of the study in the amount of \$35,000. Mayor Kesselus requested a motion.

**MOTION** – Council Member Beal made the motion to approve the First Reading of an Ordinance amending the Bastrop Economic Development Corporation's Fiscal Year 2014-2015 budget in the amount of \$35,000; and requested that the second reading be placed on the Consent Agenda.

**SECOND** – Mayor Pro-Tem DeLaRosa seconded the motion.

**VOTE** – Motion passed unanimously 5-0; **Aye:** Beal, DeLaRosa, McAnally, Gilleland, & Jackson

**D.2 RESOLUTION: CONSIDERATION AND POSSIBLE ACTION WITH RESPECT TO A "RESOLUTION EXPRESSING OFFICIAL INTENT TO REIMBURSE CERTAIN EXPENDITURES" OF THE CITY OF BASTROP, TEXAS. (TALBOT)**

City Manager Talbot requested the Councils approval on the reimbursement resolution related to the City's long term water supply project. The City may be faced with making expenditures related to XS Ranch Option to purchase an additional 3,000 acre-feet of water. This Resolution enables reimbursement for any expenditures made prior to issuing the bonds. Mayor Kesselus requested a motion.

**MOTION** – Mayor Pro-Tem DeLaRosa made the motion to approve the First Reading of a RESOLUTION: Consideration and Possible Action with Respect to a "Resolution Expressing Official Intent to Reimburse Certain Expenditures" of the City of Bastrop, Texas; he requested to have the second reading placed on the Consent Agenda.

**SECOND** – Council Member Jackson seconded the motion.

**VOTE**–Motion passed unanimously 5-0; *Aye: DeLaRosa, Jackson, McAnally, Gilleland, & Beal*

**D.3 CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION ON THE REQUEST FOR APPROVAL OF THE FINAL PLAT FOR PECAN PARK SECTION 5A CONSISTING OF 48 RESIDENTIAL LOTS, TOTALING +/-17.31 ACRES OUT OF A +/- 311.302 ACRE TRACT OUT OF THE MOZEA ROUSSEAU SURVEY WITHIN THE CITY LIMITS OF BASTROP, TEXAS LOCATED SOUTH OF HIGHWAY 71 WEST. (MCCOLLUM)**

Planning and Development Director McCollum handed the Council the property owners response related the aforementioned agenda item that reflected they owners opposition to approval of the final plat request for Pecan Park Section 5. Staff requested the Councils approval of the aforementioned agenda item.

After the Councils discussion, Mayor Kesselus requested a motion.

**MOTION** – Council Member Beal made the motion to request for Approval of the Final Plat for Pecan Park Section 5A consisting of 48 residential lots, totaling +/-17.31 acres out of a +/- 311.302 acre tract out of the Mozea Rousseau Survey within the city limits of Bastrop, Texas located south of Highway 71 West.

**SECOND** – Council Member Jackson seconded the motion.

**VOTE**–Motion passed unanimously 5-0; *Aye: Beal, Jackson, McAnally, Gilleland & DeLaRosa*

At 7:30 pm, Mayor Kesselus moved into Executive Session to discuss item E-1 Section 551.071(1)(A) & Section 551.071(2) –Consultations with Attorney.

**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 Unit # 6.**

(2) and/or 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—Administration~~

4. ~~SECTION 551.086—Certain Public Power Utilities: Competitive 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 8:25 pm, Mayor Kesselus reconvened in open session to discuss, consider, and/or take necessary action(s) related to the Executive Session noted herein.

After consultation with City Attorney JC Brown regarding the posted matter, City Manager Talbot recommended that the Council authorize the City Attorney to work with the attorneys representing the County and the BISD, along with Mr. Charles Bundren, to negotiate and attempt to finalize the terms of an Interlocal Agreement that would provide the mechanism for the Governing Entities to address pending matters in Pine Forest Unit # 6.

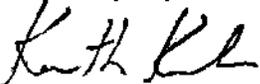
**MOTION** – Council Member McAnally made the motion to “authorize the City Attorney to do as the City Manager recommended; and work with the attorneys representing the County and the BISD, along with Mr. Charles Bundren, to negotiate and attempt to finalize the terms of an Interlocal Agreement that would provide the mechanism for the Governing Entities to address pending matters in Pine Forest Unit # 6.

**SECOND** – Council Member Gilleland seconded the motion.

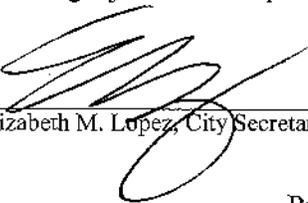
**VOTE**–Motion passed unanimously 5-0; *Aye: McAnally, Gilleland, DeLaRosa, Jackson & Beal*

**F. ADJOURNMENT** - Mayor Kesselus requested a motion to adjourn the meeting. Council Member Jackson made the motion that was seconded by Mayor Pro-Tem DeLaRosa and the meeting adjourned at 8:29 pm.

APPROVED:

  
Ken Kesselus, Mayor

ATTEST:

  
Elizabeth M. Lopez, City Secretary