

January 29, 2013

The Bastrop City Council met in Special Meeting on Tuesday, January 29, 2013 at 6:15 p.m. at the Bastrop City Hall Council Chambers, 1311 Chestnut Street, Bastrop, Texas. Members present were Mayor Terry Orr and Council Members Joe Beal, Willie DeLaRosa, Ken Kesselus, Kay Garcia McAnally and Dock Jackson.

1. CALL TO ORDER

At 6:15 p.m., Mayor Terry Orr called the meeting to order with all members present.

Mayor Orr stated before the Council gets started he wanted to keep them informed of some items. Mayor Orr stated that Council Member Kay Garcia McAnally had taken it upon herself to be informed of issues which the Utility Committee was discussing. Mayor Orr stated he has asked Council Member McAnally and she has agreed to keep the Council informed of water matters which will be going before the Texas Legislature.

Mayor Orr stated he has asked Council Member DeLaRosa and he has agreed to keep the Council informed of Bastrop Economic Development Corporation matters.

2. CONSIDERATION, DISCUSSION AND POSSIBLE ACTION AUTHORIZING THE CITY MANAGER TO DEVELOP AN AGREEMENT, REGARDING A LOAN OF THE AERIAL PHOTO OF THE CITY, PRESENTED TO THE CITY OF BASTROP, TEXAS BY JUDGE R.L. BATTS, JANUARY 5, 1931, PRESENTLY OWNED BY THE CITY AND CURRENTLY ON DISPLAY IN THE INFORMATION TECHNOLOGY OFFICE AT CITY HALL, TO DESIGNATED ENTITY(IES).

City Manager, Mike Talbot stated there was some confusion last week regarding where the aerial photo should hang. Mr. Talbot stated it was thought that the Council had already directed him to do this. Mr. Talbot stated at one meeting under the City Manager's Report there was discussion about the picture and loaning it to Bastrop Art in Public Places Task Force or Bastrop County Historical Society. Mr. Talbot stated the Council did not take a vote at that time and he guesses he did not know how to proceed and that's where it stayed.

Mayor Orr stated he understood that the Council Minutes reflected that Council Member Kay Garcia McAnally had brought up the subject of the photo. Mayor Orr asked that the City Secretary verify that.

City Secretary, Teresa Valdez stated that the Mayor was correct in stating that Council Member Kay Garcia McAnally had brought the subject of the photo to Council.

Council Member McAnally stated she personally thought the Bastrop Art in Public Places Task Force was set up for these reasons, to find the best use. Ms. McAnally stated on this issue, she did not know if the aerial photo should go to anyone else, because it was presented to the City, the City paid \$1,000 to have it framed and restored and it belongs to City Hall. Ms. McAnally stated she had heard several people at City Hall say they did not feel it should be yanked out

from under them. Ms. McAnally stated she thought the Bastrop Art In Public Places Task Force should be the entity to decide where it should be displayed. Ms. McAnally stated if the Bastrop County Historical Society would like to display a photo like this it would probably cost them about \$1000.00 to have a copy made and framed. Ms. McAnally stated she thought the City employees should be considered also.

Mayor Orr stated while he is not sure if this is considered a piece of art or an artifact, the purpose of the Bastrop Art In Public Places Task Force, in his interpretation, was to include not only art but also artifacts.

Ken Kesselus moved that the Council authorize the City Manager to work out an agreement with the Bastrop County Historical Society that maintains the certainty that the City is the owner of the aerial photo and the Bastrop County Historical Society may have the aerial photo on loan as long as they display it publicly.

Motion was seconded by Willie DeLaRosa.

Mr. Kesselus stated he was the person who raised this issue when the City moved into the new building and he is the person that asked the Bastrop Council Historical Society Museum if they would display it if we loaned it to them. Mr. Kesselus stated the aerial photo was given to the City but this photo has been displayed at the Chamber of Commerce and Bastrop County Precinct No. 1 office. Mr. Kesselus stated the photo is 80 years old and links us with history further back.

Willie DeLaRosa stated he does not think anyone disagrees with Ms. McAnally that the photo belongs to the City. Mr. DeLaRosa stated loan the aerial photo to the Bastrop County Historical Society and in the future they have a reproduction made. Mr. DeLaRosa stated this historical picture should be seen by the public and not sitting in a private office.

Ms. McAnally proposed that a time limit, 12 months, to borrow the photo be placed in the agreement and in that time the Bastrop County Historical Society could get it reproduced.

Dock Jackson stated he would like for the aerial photo to be publicly displayed at City Hall. Dock Jackson stated he is agreeable to loan it to the Museum and having them have a reproduction made. Mr. Jackson stated he did not see this as part of the Bastrop Art In Public Places Task Force duties. Mr. Jackson stated he Bastrop County Historical Society is a county museum and displays artifacts from throughout the County. Mr. Jackson stated the aerial photo is the City's property and it should remain with the City.

Joe Beal stated to him this was a no-brainer, the place for this aerial photo that depicts Bastrop in 1931, is in the Museum so that it can be put in context with other pieces displayed at the Museum depicting Bastrop at other parts of time. Mr. Beal stated the City could loan the photo to the Bastrop County Historical Society Museum and at any point in time the City could ask for it back. Mr. Beal stated he did not care about a copy being made. Mr. Beal stated the Bastrop Art in Public Places Task Force did not feel like the aerial photo fit in with the art displayed at City Hall and thus the aerial photo went into a back office.

Mr. Beal called for the question.

Mayor Orr asked that the City Secretary call roll on the motion made by Mr. Kesselus.

Discussion was held among Council and City Attorney to clarify and understand Mr. Kesselus' motion.

City Manager, Mike Talbot stated he wanted to make sure the Council has a very clear understanding that there will be language in the agreement that the Council can request the return of the picture at any time.

City Secretary, Teresa Valdez called the roll for the motion made by Ken Kesselus and seconded by Willie DeLaRosa:

FOR MOTION: Ken Kesselus, Willie DeLaRosa, Joe Beal, Dock Jackson and
Kay Garcia McAnally

Motion carried unanimously.

3. EXECUTIVE SESSION: THE BASTROP CITY COUNCIL WILL MEET IN A CLOSED/EXECUTIVE SESSION PURSUANT TO THE TEXAS GOVERNMENT CODE, CHAPTER 551 TO DISCUSS THE FOLLOWING:

- A. SECTION 551.086 – CERTAIN PUBLIC POWER UTILITIES: COMPETITIVE MATTERS.
- B. SECTION 551.072 – DELIBERATION REGARDING REAL PROPERTY: REGARDING THE PURCHASE, EXCHANGE, LEASE OR VALUE OF REAL PROPERTY.

At 6:50 p.m., Mayor Orr convened the Bastrop City Council into a closed/executive session pursuant to the Texas Government Code, Chapter 551 to discuss the following:

- A. Section 551.086 – Certain Public Power Utilities: Competitive Matters.
- B. Section 551.072 – Deliberation regarding real property: Regarding the purchase, exchange, lease or value of real property.

4. THE BASTROP CITY COUNCIL WILL RECONVENE INTO SPECIAL SESSION TO DISCUSS, CONSIDER AND/OR TAKE ANY ACTION(S) NECESSARY RELATED TO THE EXECUTIVE SESSION NOTED HEREIN.

At 7:59 p.m., Mayor Orr reconvened the Bastrop City Council into Special Session to discuss, consider and/or take any action(s) necessary related to the Executive Session noted herein.

No action was taken.

5. ADJOURN.

At 8:00 p.m., Willie DeLaRosa moved to adjourn. Motion was seconded by Dock Jackson and carried unanimously.

APPROVED:

Terry Orr, Mayor

ATTEST:

Teresa Valdez, City Secretary