

Bastrop, TX City Council Meeting Agenda
Bastrop City Hall City Council Chambers
1311 Chestnut Street
Bastrop, TX 78602
(512) 332-8800



December 10, 2024

Regular City Council Meeting at 5:00 PM

City of Bastrop City Council meetings are available to all persons regardless of disability. If you require special assistance, please contact the City Secretary at (512) 332-8800 or write 1311 Chestnut Street, 78602, or by calling through a T.D.D. (Telecommunication Device for the Deaf) to Relay Texas at 1-800-735-2989 at least 48 hours in advance of the meeting.

The City of Bastrop reserves the right to reconvene, recess, or realign the Regular Session or called Executive Session or order of business at any time prior to adjournment.

PLEASE NOTE: ANYONE IN ATTENDANCE WISHING TO ADDRESS THE COUNCIL MUST COMPLETE A CITIZEN COMMENT FORM AND GIVE THE COMPLETED FORM TO THE CITY SECRETARY PRIOR TO THE START OF THE CITY COUNCIL MEETING. ALTERNATELY, IF YOU ARE UNABLE TO ATTEND THE COUNCIL MEETING, YOU MAY COMPLETE A CITIZEN COMMENT FORM WITH YOUR COMMENTS AT CITYOFBASTROP.ORG/CITIZENCOMMENT AT LEAST TWO HOURS BEFORE THE MEETING STARTS ON THE REQUESTED DATE. COMMENTS SUBMITTED BY THIS TIME WILL BE GIVEN TO THE CITY COUNCIL DURING THE MEETING AND INCLUDED IN THE PUBLIC RECORD, BUT NOT READ ALOUD. COMMENTS FROM EACH INDIVIDUAL IN ATTENDANCE WILL BE LIMITED TO THREE (3) MINUTES.

1. CALL TO ORDER

- 2. PLEDGE OF ALLEGIANCE** - Rylee Romney and Lindsey McFarland, Bastrop High School Girls Soccer Team

TEXAS PLEDGE OF ALLEGIANCE - *Honor the Texas Flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible.*

- 3. INVOCATION** - Ketrich Steger, Police Chaplain

4. EXECUTIVE SESSION

- 4A.** City Council shall convene into closed executive session pursuant to Texas Government Code Section 551.071 to seek the advice of legal counsel and to deliberate regarding a request from the Valverde Development, to appeal the Impact Fee and fee structure as adopted by the Impact Fee Ordinance (2022-18).

- 4B. City Council shall convene into closed executive session pursuant to Texas Government Code Section 551.071 to seek the advice of legal counsel and to deliberate matters related to development fees associated with the transfer of the Certificate of Convenience and Necessities for the Valverde Development.
- 4C. City Council shall convene into closed executive session pursuant to Texas Government Code Section 551.071 to seek the advice of legal counsel regarding proposed development agreement and utility agreement with WB Bastrop Land, LLC, for the Ironwood Development project.
- 4D. City Council shall convene into closed executive session pursuant to Texas Government Code Section 551.071 and 551.074 to seek the advice of legal counsel regarding appointment of an Interim City Attorney.
- 4E. City Council shall convene into closed executive session pursuant to Texas Government Code Section 551.071 to seek the advice of legal counsel and to deliberate regarding a request from the PRC 01 Bastrop, LLC, (Sendero Development) to enter into an agreement regarding the development process as outlined in the 380 Agreement executed on June 11, 2024.

5. TAKE ANY NECESSARY OR APPROPRIATE ACTION ON MATTERS POSTED FOR CONSIDERATION IN CLOSED/EXECUTIVE SESSION

6. PRESENTATIONS

- 6A. Mayor's Report
- 6B. Council Members' Report

7. STAFF AND BOARD REPORTS

7A. CITY MANAGER'S REPORT

- November 21, 2024 meeting follow-up
- Agnes Street Ribbon Cutting
- Old Iron Bridge signage
- December 17, 2024 meeting
- February 22, 2025 Community Cleanup

8. CITIZEN COMMENTS

At this time, three (3) minute comments will be taken from the audience on any topic. Anyone in attendance wishing to address the Council must complete a citizen comment form and give the completed form to the City Secretary prior to the start of the City Council meeting. Alternately, if you are unable to attend the council meeting, you may complete a citizen comment form with your comments at www.cityofbastrop.org/citizencommentform at least two hours before the meeting starts on the requested date. Comments submitted by this time will be given to the City Council during the meeting and included in the public record, but not read aloud. In accordance with the Texas Open Meetings Act, if a citizen discusses any item not on the agenda, City Council cannot discuss issues raised or make

any decision at this time. Instead, City Council is limited to making a statement of specific factual information or a recitation of existing policy in response to the inquiry. Issues may be referred to City Manager for research and possible future action.

It is not the intention of the City of Bastrop to provide a public forum for the embarrassment or demeaning of any individual or group. Neither is it the intention of the Council to allow a member of the public to slur the performance, honesty and/or integrity of the Council, as a body, or any member or members of the Council individually or collectively, or members of the City's staff. Accordingly, profane, insulting or threatening language directed toward the Council and/or any person in the Council's presence will not be tolerated.

9. CONSENT AGENDA

The following may be acted upon in one motion. A Council Member or a citizen may request items be removed from the Consent Agenda for individual consideration.

9A. Consider and act to approve the following Bastrop City Council meeting minutes:

1. Tuesday, November 12, 2024, Regular Meeting;
2. Thursday, November 21, 2024, Special Meeting; and
3. Tuesday, December 3, 2024, Joint City Council and Bastrop Economic Development Corporation Board Meeting.

Submitted by: Victoria Psencik, Assistant City Secretary

9B. Consider and act on Resolution No. R-2024-168, accepting a donation from D. R. Horton in the amount of \$5,000.00 (Five Thousand Dollars) for the upcoming Bastrop Mardi Gras Event being held in Downtown Bastrop, TX, on Saturday February 1, 2025.

Submitted by: Kathy Danielson, Community Engagement Director

9C. Consider and act on the second reading of Ordinance No. 2024-36, amending the budget for the Fiscal Year 2024 in accordance with existing statutory requirements; appropriating the various amounts herein as attached in Exhibit A; repealing all prior ordinances and actions in conflict herewith; and establishing an effective date.

Submitted by: Edi McIlwain, CPA, Chief Financial Officer

9D. Consider and act on Resolution No. R-2024-166, approving an Interlocal Agreement between Bastrop County and the City of Bastrop with CloudGavel for Electronic Warrants Cloud-Based Services (Exhibit A); authorizing the City Manager to execute all necessary documents, providing for a repealing clause; and establishing an effective date.

Submitted by: Vicky Steffanic, Chief of Police

9E. Consider and act on the second reading of Ordinance No. 2024-42 approving the "Covered Applications and Prohibited Technology Policy" as required by Senate Bill 1893.

Submitted by: Tanya Cantrell, Director of Human Resources & Jaime Saldivar, Information Technology Director

9F. Consider and act on the request to refund a Replat Application Fee in the amount of One Thousand, Nine Hundred Eighty-Six Dollars and Twenty-Nine Cents (\$1,986.29), and to refund the Board / Commission Appeal Application Fee in the amount of Three Thousand,

Six Hundred Eighty-One and 00/100 Dollars (\$3,681.00) for the property located at 112 Post Oak Rim, Bastrop, Texas, within the city limits of Bastrop.

Submitted by: Sylvia Carrillo, ICMA-CM, CPM, City Manager

- 9G. Consider and act on Resolution No. R-2024-180, accepting donations to the City of Bastrop for the Texas Municipal League (TML) Region 10 Holiday Quarterly Meeting, hosted by the City of Bastrop, from various companies and individuals in the total amount of Two Thousand Forty and 00/100 Dollars (\$2,040.00); as attached in Exhibit A; authorizing the City Manager to execute all necessary documents; providing for a repealing clause; and establishing an effective date.

Submitted by: Andres Rosales, Assistant City Manager

- 9H. Consider and act on the second reading of Ordinance No. 2024-43, amending the FY 25 Operating Budget to fund the replacement of the Bob Bryant Park Playscape, Shade Structure Cloth, New Playground Surfacing and Swings Feature in the amount of \$100,000 from the General Fund Operating Fund Balance.

Submitted by: Edi McIlwain, Finance Director & Terry Moore, Parks & Recreation Director

10. ITEMS FOR INDIVIDUAL CONSIDERATION - PUBLIC HEARINGS - DEVELOPMENT CODE AMENDMENTS

- 10A. Conduct a public hearing, consider and act on the first reading of Ordinance No. 2024-44, of the City of Bastrop, Texas, approving the zoning change for 10.56 +/- acres out of Nancy Blakey Survey Abstract 98, located west of FM 969, within the City of Bastrop from P2 Rural to P5 Core as shown in Attachment 2; providing for findings of fact; providing for repealer; providing for severability; providing for enforcement; providing for proper notice and meeting; and establishing an effective date; and move to include on January 14, 2024, Consent Agenda for second reading.

Submitted by: Kennedy Higgins, Senior Planner

- 10B. Conduct a public hearing, consider, and act on the first reading of Ordinance No. 2024-46, of the City of Bastrop, Texas amending the Code of Ordinances, related to Chapter 14, The Bastrop Building Block (B3) Code, Article 6.3 General Lot Standards, Section 6.3.005 ALLEYS & DRIVEWAY LOCATIONS (a), (b) and (c) as attached in Exhibit A; and providing for findings of fact, repealer, severability, codification, effective date, proper notice, and meeting and move to include on the January 14, 2025 Consent Agenda for the second reading.

Submitted by: Kennedy Higgins, Senior Planner

- 10C. Conduct a public hearing, consider, and act on the first reading of Ordinance No. 2024-47, of the City of Bastrop, Texas amending the Code of Ordinances, related to Chapter 14, The Bastrop Building Block (B3) Code, Article 6.3 General Lot Standards, Section 6.3.006 PARKING (b)(4)(5)(7) and (9) as attached in Exhibit A; and providing for findings of fact, repealer, severability, codification, effective date, proper notice, and meeting and move to include on the January 14, 2025 Consent Agenda for the second reading.

Submitted by: Kennedy Higgins, Senior Planner

- 10D. Conduct a public hearing, consider, and act on the first reading of Ordinance No. 2024-48, of the City of Bastrop, Texas amending the Code of Ordinances, related to Chapter 14, The Bastrop Building Block (B3) Technical Manual, Article 2.1 General Standards And Requirements, section 2.1.006 Parking Areas (a)(1) as attached in Exhibit A; and providing for findings of fact, repealer, severability, codification, effective date, proper notice, and meeting and move to include on the January 14, 2025 Consent Agenda for the second reading.

Submitted by: Kennedy Higgins, Senior Planner

- 10E. Conduct a public hearing, consider, and act on the first reading of Ordinance No. 2024-49, of the City of Bastrop, Texas amending the Code of Ordinances, related to Chapter 14, The Bastrop Building Block (B3) Code, Article 6.3 General Lot Standards, Section 6.3.003 Building Placement (a)(3)(A) as attached in Exhibit A; and providing for findings of fact, repealer, severability, codification, effective date, proper notice, and meeting and move to include on the January 14, 2025 Consent Agenda for the second reading.

Submitted by: Kennedy Higgins, Senior Planner

- 10F. Conduct a public hearing, consider, and act on the first reading of Ordinance No. 2024-50, of the City of Bastrop, Texas amending the Code of Ordinances, related to Chapter 14, The Bastrop Building Block (B3) Code, Article 6.3 General Lot Standards, Section 6.3.006 PARKING (a) and (b)(1)(2) as attached in Exhibit A; and providing for findings of fact, repealer, severability, codification, effective date, proper notice, and meeting and move to include on the January 14, 2025 Consent Agenda for the second reading.

Submitted by: Kennedy Higgins, Senior Planner

11. ITEMS FOR INDIVIDUAL CONSIDERATION

- 11A. Consider and act on Resolution 2024-182, Accepting Notice of Withdrawal by the Bojorquez Law Firm, PC, from Representing the City and Resignation of City Attorney Alan Bojorquez Dated November 25, 2024; Direct City Manager to Coordinate Transition of Services; Providing for Repealing Clause; and Establish an Effective Date.

Submitted by: Sylvia Carrillo-Trevino, ICMA-CM, CPM, City Manager

- 11B. Consider and act on Resolution No. R-2024-181, approving and authorizing an engagement letter with the Chapman Firm for legal services pertaining to the construction of public works projects, as attached in Exhibit A; authorizing the City Manager to execute all necessary documents; upon request and providing for findings of fact, repealer, severability, effective date, proper notice, and meeting.

Submitted by: Andres Rosales, Assistant City Manager

- 11C. Consider and act on first reading of Ordinance No. 2024-51; An Ordinance Ordering a Special Election to be held on Saturday, May 3, 2025 for the Recall of Mayor Lyle Nelson According to the Bastrop Home Rule Charter; Designating Polling Places with the City; Establishing other Procedures for the Conduct of the Special Election, Including Providing that the Election is to be held as a Joint Election in Conjunction with Bastrop County; Providing a Severability Clause; and Providing an Effective Date.

Submitted by: Irma G. Parker, City Secretary, TRMC, CMC

- 11D. Consider and act on Resolution No. R-2024-179, Supporting of Employees Andres Rosales, Irma G. Parker, Victoria Psencik, Vivianna Nicole Andres, Elisha Perkins, Doug Haggerty, Kathy Danielson, James E. Cowey, Laura Allen, John Eddleton, Curtis Hancock, Jaime Saldivar, Jimmie Campbell, and Tim Vande Vorde as Listed and Named by Council Member Cheryl Lee; Directing This Document With Associated Exhibits to be Prepared with a Certified Copy Delivered to Each Named Employee; Directing that this Document Be Provided to Human Resources For Inclusion In Each Employee Personnel File; Providing For A Repealing Clause; And Establishing An Effective Date.

Submitted by: Mayor Pro-Tempore Kirkland and Council Member Meyer

- 11E. Consider and act on Resolution No. R-2024-176, Appointing Michael Burkhart to Place 4 of the Hunters Crossing Local Government Corporation Board for a Three-Year Term beginning December 2024 and Ending in September 2027; Receiving Confirmation by the City Council of the Appointment; And Providing for an Effective Date.

Submitted by: Mayor Lyle Nelson

- 11F. Consider and act on the first reading of Ordinance No. 2024-45, of the City of Bastrop, Texas, amending Chapter 13, Article 13.02, Section 13.02.012 – Providing for Line Extension Agreements for the extension of certain water and/or wastewater lines; and providing for a findings of fact, repealer; severability, codification, effective date, proper notice and meeting, and move to include on January 14, 2024, Consent Agenda for second reading.

Submitted by: Vivianna Nicole Andres, Assistant to the City Manager

- 11G. Consider and act on Resolution No. R-2024-170, approving and authorizing execution of the first amendment to the Viridian Development Agreement between the City of Bastrop and Continental Homes of Texas, L.P., regarding the Valverde Development; providing for severability; providing for repeal; and providing an effective date.

Submitted by: Andres Rosales, Assistant City Manager

- 11H. Consider and act on Resolution No. R-2024-175, Approving the 2025 City Council Meeting Schedule, attached as Exhibit A; and providing an effective date.

Submitted by: Victoria Psencik, Assistant City Secretary

- 11I. Consider and act on Resolution No. R-2024-183, authorizing participation with the State of Texas, through the Office of the Attorney General, in the latest global opioid settlement with Kroger and approving settlement participation form attached as Exhibit A.

Submitted by: Alan Bojorquez, City Attorney

- 11J. Consider and act on Resolution No. R-2024-164 allowing the Mayor to promote and advocate for the City of Bastrop with Legislative and Administrative bodies leading up to and during the 89th Legislative Session, rescinding Section 1, Item 7 from Resolution No. R-2024-049 adopted April 29, 2024.

Submitted by: Mayor Nelson and Council Member Lee

12. ITEMS FOR INDIVIDUAL CONSIDERATION - PURCHASING

- 12A. Consider and act on Resolution No. R-2024-167, approving a construction contract with 304 Construction, LLC for a not-to-exceed amount of Four Hundred Ninety-Four Thousand, Two Hundred Sixty-Five Dollars and Zero Cents (\$494,265.00) for the construction of the Fairview Cemetery Columbaria Project; as attached in Exhibit A; authorizing the City Manager to execute all necessary documents; providing for a repealing clause; and establishing an effective date.

Submitted by: Elizabeth Wick, CFM, Project Manager

- 12B. Consider and act on Resolution No. R-2024-173, Awarding a contract for the Maintenance, Mowing & Landscaping Services for Parks and Public Buildings to Brightview Landscape Services, Inc., in the amount of Ninety Thousand Seven Hundred Thirty-Six And 00/100 Dollars (\$90,736.00) as attached as Exhibit A; authorizing the City Manager to execute all necessary documents for the contract; providing for a repealing clause; and establishing an effective date.

Submitted by: Terry Moore, Parks & Recreation Director

- 12C. Consider and act on Resolution No. R-2024-174, awarding a contract for the Maintenance, Mowing & Landscaping Services for Hunters Crossing to Community Lawn Care and Maintenance, LLC., in the amount of Fifty-Nine Thousand Eight Hundred And 00/100 Dollars (\$59,800.00) as attached as Exhibit A; authorizing the City Manager to execute all necessary documents for the contract; providing for a repealing clause; and establishing an effective date.

Submitted By: Terry Moore, Parks & Recreation Director

- 12D. Consider and act on Resolution No. R-2024-172, awarding a contract for the Maintenance, Mowing & Landscaping Services for Public Right-of-Ways to Community Lawn Care and Maintenance, LLC, in the amount of One Hundred Twenty-Four Thousand Seven Hundred And 00/100 Dollars (\$124,700.00) as attached in Exhibit A; authorizing the City Manager to execute all necessary documents for the contract; providing for a repealing clause; and establishing an effective date.

Submitted By: John Eddleton, Public Works Director

- 12E. Consider and act on Resolution No. R-2024-171, approving Change Order #1 with BAR Constructors, Inc. in the amount of Two Hundred Seventy-Two Thousand, Two Hundred Nineteen Dollars and Forty-Nine Cents (\$272,219.49) for construction of the redesigned stormwater outfall structure as part of the Wastewater Treatment Plant #3 Project; as attached in Exhibit A; authorizing the execution of all necessary documents; upon request and providing for findings of fact, repealer, severability, effective date, proper notice, and meeting.

Submitted by: Andres Rosales, Assistant City Manager

- 12F. Consider and act on Resolution No. R-2024-177, approving and authorizing the issuance of a Request for Proposals (RFP) for Banking Services, as attached in Exhibit "A"; providing for a repealing clause; and establishing an effective date.

Submitted by: Edi McIlwain, CPA, Chief Financial Officer

12G. Consider and act on Resolution No. R-2024-178, approving to extend the term of the current Bank Depository Agreement with First National Bank of Bastrop, from December 31, 2024 until January 31, 2025, as attached in Exhibit A; authorizing the City Manager to execute all necessary documents; providing for a repealing clause; and establishing an effective date.

Submitted by: Edi McIlwain, CPA, Chief Financial Officer

13. ITEMS FOR INDIVIDUAL CONSIDERATION - CHARTER AMENDMENTS

13A. Consider and act on the first reading of Ordinance No. 2024-41 to canvass returns and declare the results of the adoption or rejection of proposed amendments to the existing Home Rule Charter at the Special Election held on Tuesday, November 5, 2024; providing a severability clause; and providing an effective date.

Submitted by: Irma G. Parker, City Secretary, TRMC, CMC

13B. Consider and act on first reading of Ordinance No. 2024-52, Amending the Code of Ordinances Chapter 1 “General Provisions”, Article 1.03 “Mayor & City Council”, Division 2 “Mayor”, Section. 1.03.032 – “Compensation” and Section. 1.03.033 “Expense Account”; Division 3 “City Council”, Section 1.03.061 “Composition; Meetings”, Section 1.03.062 “Compensation of Councilmembers” to Comply with the City of Bastrop Home Rule Charter; Providing for Findings of Fact, Adoption, Enforcement, Repealer, and Severability; Establishes an Effective Date; And Ensures Proper Notice and Meeting.

Submitted by: Irma G. Parker, City Secretary, TRMC, CMC

13C. Consider and act on Resolution No. R-2024-184, To Ratify the Mayor and City Council Salary Increases as Approved at the November 5, 2024 Special Election With Approval of Proposition I; Authorizing and Directing the city secretary and human resources director to Execute all Necessary Documents for the Salary of Elected Officials; Providing for a Repealing Clause; And Establishing an Effective Date.

Submitted by: Irma G. Parker, City Secretary, TRMC, CMC

14. ADJOURNMENT

All items on the agenda are eligible for discussion and action unless specifically stated otherwise.

The Bastrop City Council reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices), and 551.087 (Economic Development), and §551.086 (Competitive Matters regarding Electric Utility).

******** Notice is hereby given of the possibility of a quorum from any of the City of Bastrop Boards and Commissions at this City Council Meeting.***

NO Board/Commission action will be taken; NO deliberations will be held; and NO Board/Commission business will be conducted.

I, the undersigned authority, do hereby certify that this Notice of Meeting as posted in accordance with the regulations of the Texas Open Meetings Act on the bulletin board located at the entrance to the City of Bastrop City Hall, a place convenient and readily accessible to the general public, as well as to the City's website, www.cityofbastrop.org and said Notice was posted on the following date and time: Thursday, December 5, 2024 at 7:00 p.m. and remained posted for at least two hours after said meeting was convened.

/s/Victoria Psencik
Victoria Psencik, Assistant City Secretary