

CITY OF BASTROP
REGULAR CITY COUNCIL MEETING MINUTES
NOVEMBER 12, 2024

The Bastrop City Council met in a Regular Meeting on Tuesday, November 12, 2024, at 6:30 p.m. at the Bastrop City Hall Council Chambers, 1311 Chestnut Street, Bastrop, Texas, with the following action taken to wit:

Council Members Present

Mayor Lyle Nelson
Mayor Pro-Tempore John Kirkland
Council Member Cynthia Meyer
Council Member Cheryl Lee
Council Member Kerry Fossler
Council Member Kevin Plunkett

Staff Present

City Manager Sylvia Carrillo-Trevino
Assistant City Manager Andres Rosales
City Attorney Alan Bojorquez
Assistant City Secretary Victoria Psencik
Assistant Finance Director Laura Allen
Assistant to City Manager Vivianna Andres
Main Street Manager Michaela Joyce
Information Technology Director Jaime Saldivar
Human Resources Director Tanya Cantrell
Development Services Director James Cowey
Project Manager Elizabeth Wick
Library Director Bonnie Pierson
Parks & Recreation Director Terry Moore

1. CALL TO ORDER

Mayor Nelson called the Regular City Council meeting to order at 6:30 p.m. with a quorum present.

2. PLEDGE OF ALLEGIANCE

Cadet Lieutenant Commander Jacob Ellis Seabear and Cadet Senior Chief Gianna Ochoa Seabear of the Bastrop High School Navy Junior Reserve Officers Training Corps (NJROTC) led the Pledge of Allegiance to both the U.S. flag and the Texas flag.

3. INVOCATION

Dale Burke, Bastrop Police Chaplain, gave this evening's Invocation.

4. PRESENTATIONS

4A. **Mayor's Report**

4B. **Council Members' Report**

4C. **Presentation of a Joint Resolution between the City of Bastrop and Bastrop County, in honor of Veterans Day on November 11, 2024.**

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

The proclamation was read by Assistant City Secretary Victoria Psencik and signed by Mayor Nelson.

No action was taken on Item 4C.

4D. **Proclamation: Declaring Hannibal Lokumbe Day on November 16, 2024.**

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

The proclamation was read and signed by City Manager Sylvia Carrillo-Trevino.

No action was taken on Item 4D.

5. **WORK SESSIONS / BRIEFINGS**

5A. **Consider the DRAFT Council Data Request Policy to assist in the orderly process of request for information.**

Submitted/Presented by: Alan Bojorquez, City Attorney

No action was taken on Item 5A.

6. **STAFF AND BOARD REPORTS**

6A. **City Manager's Report**

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

No action was taken on Item 6A.

7. **CITIZEN COMMENT(S)**

Bastrop citizen(s) addressing the City Council on an item, not on the agenda: Dax Havrilak.

8. **CONSENT AGENDA**

8A. **Consider and act to approve the Bastrop City Council meeting minutes from the Tuesday, October 22, 2024 Regular Meeting.**

Submitted by: Victoria Psencik, Assistant City Secretary

8B. **Consider and act on the second reading of Ordinance No. 2024-39 of the City Council of the City of Bastrop, Texas, approving the zoning change for 2.20 +/- acres out of Building Block 111 east of Water Street, located east of HW 95, within the City of Bastrop from P4 Mix to P3 Residential as shown in Attachment A of the ordinance; 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.**

Submitted By: Kennedy Higgins – Senior Planner, Development Services

8C. **Consider and act on the second reading of Ordinance No. 2024-38 of the City Council of the City of Bastrop, Texas, approving the zoning change for 2 +/- acres out of Building Block 110 east of Water Street, located east of SH 95,**

within the City of Bastrop from P5 Core to P3 Residential, as shown in Attachment A of the ordinance; 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.

Submitted By: Kennedy Higgins – Senior Planner, Development Services

- 8D. Consider and act on the second reading of Ordinance No. 2024-40 to adopt the 2025 Schedule of Uniform Submittal Dates for Plats in accordance with the Bastrop Building Block (B³) Code Section 2.3.004 Annual Adoption of Schedule of Uniform Submittal Dates, and the Bastrop Building Block (B³) Technical Manual Section 1.2.002 Uniform Submittal Dates, as shown in Attachment 1; 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.

Submitted By: Kennedy Higgins – Senior Planner, Development Services

- 8E. Consider and act on Resolution No. R-2024-155, Accepting a donation from the Frontier Bank of Texas in the amount of \$3,000.00 (Three Thousand Dollars) for the upcoming Merry on Main Event being held in Downtown Bastrop, TX, on Saturday December 14, 2024.

Submitted By: Michaela Joyce, Main Street Manager

- 8F. Consider and act on Resolution No. R-2024-156, Accepting a donation from the Roscoe Bank in the amount of \$1,500.00 (One Thousand Five Hundred Dollars) for the upcoming Merry on Main Event being held in Downtown Bastrop, TX, on Saturday December 14, 2024.

Submitted by: Michaela Joyce, Main Street Manager

- 8H. Consider and act on the second reading Ordinance No. 2024-37, Amending Chapter 1 “General Provisions”, Article 1.02 “Administration”, Section 1.02.003 “Official Newspaper; Posting of Notices in lieu of Newspaper Publication” to Declare the ELGIN COURIER as the Official Newspaper for Required Newspaper Publications by the City; Providing for Findings of Fact; Providing for Repealer; Providing for Severability; Providing for Proper Notice and Meeting; And Establishing an Effective Date.

Submitted by: Victoria Psencik, Assistant City Secretary

Mayor Nelson called for requests to remove any item from the Consent Agenda for separate discussion.

City Manager Sylvia Carrillo-Trevino requested Item 8G be pulled from the Consent Agenda for separate discussion.

MOTION: Council Member Lee moved to approve the Consent Agenda after it was read into the record by Assistant City Secretary Victoria Psencik with the exclusion of Item 8G. Council Member Meyer seconded the motion. Motion carried unanimously.

10. EXECUTIVE SESSION

The City Council convened into closed session at 7:39 p.m. pursuant to the Texas Government Code, Chapter 551, et seq, to discuss the following:

10C. City Council shall convene into closed executive session pursuant to Texas Government Code Section 551.071 and Section 551.074 to seek the advice of legal counsel and to discuss the annual evaluation of the City Manager, Sylvia Carrillo-Trevino.

Mayor Nelson recessed the Executive Session and reconvened the Open Session at 9:21 p.m.

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

10C. City Council shall convene into closed executive session pursuant to Texas Government Code Section 551.071 and Section 551.074 to seek the advice of legal counsel and to discuss the annual evaluation of the City Manager, Sylvia Carrillo-Trevino.

MOTION: Council Member Meyer moved to approve the City Manager's Evaluation as discussed in Executive Session. Council Member Plunkett seconded the motion. Motion carried unanimously.

CONSENT AGENDA ITEM 8G DISCUSSION

8G. **Consider and act on Ordinance 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

MOTION: Council Member Plunkett moved to approve the first reading of Ordinance No. 2024-42 approving the Covered Applications and Prohibited Technology Policy and to include on the December 10, 2024 Regular Meeting agenda for a second reading. Council Member Meyer seconded the motion. Motion carried unanimously.

9. ITEMS FOR INDIVIDUAL CONSIDERATION

9A. **Consider and act on first reading of Ordinance No. 2024-41, Canvass Special Election.**

Submitted by: Victoria Psencik, Assistant City Secretary

Item 9A was passed. Information was not available for presentation and canvass.

- 9B. **Consider and act on Resolution No. R-2024-161, Appointing Jeffrey Estes to Place 5 of the Planning and Zoning Commission for a Three-Year Term beginning November 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

MOTION: Council Member Meyer moved to approve Resolution No. R-2024-161 appointing Jeffrey Estes to Place 5 of the Planning and Zoning Commission. Council Member Lee seconded the motion. Motion carried unanimously.

- 9C. **Consider action to approve Resolution No. R-2024-162 of the City Council of the City of Bastrop, Texas regarding the Bastrop Central Appraisal District (CAD) election voting for the 2025 Board of Directors; establishing a repealing clause; and establishing an effective date.**

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

MOTION: Council Member Meyer moved to approve Resolution No. R-2024-162 casting votes for the Bastrop Central Appraisal District 2025 Board of Directors by splitting the allocated 221 votes among the six (6) candidates and giving the larger amount to Mr. David Glass. Council Member Fossler seconded the motion. Motion carried unanimously.

<u>Candidate(s)</u>	<u>Votes Cast</u>
Archer, Sandra	36
Bezner, Justin	36
Glass, David	41
Ralph, Jeannie	36
Redd, David	36
Satterfield, Dr. Bill	36

- 9D. **Consider and act on the second reading of Ordinance No. 2024-35, amending Appendix A - Fee Schedule, Section A1.12 – Libraries; establishing a repealing clause; providing severability; and providing an effective date.**

Submitted/Presented by: Bonnie Pierson, Library Director

MOTION: Council Member Fossler moved to approve the second reading of Ordinance No. 2024-35 amending Appendix A Fee Schedule; Section A1.12 - Libraries. Council Member Lee seconded the motion. Motion carried unanimously.

- 9E. **Consider and act to approve:**

A. Resolution No. R-2024-132 of the City Council of the City of Bastrop, Texas approving a loan from the General Fund for the purchase of the columbarium units for the Fairview Cemetery Section 9 Expansion Project, at a cost of \$174,471.20 (one hundred seventy-four thousand,

four hundred seventy-one and 20/100 cents); as attached in Exhibit A; and B. Resolution No. R-2024-163 of the City Council of the City of Bastrop, Texas, ratifying the expenditure of \$86,325.60 to sole source provider, Architarium, LLC, as attached in Exhibit B (Manufacturing Agreement) and 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

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

MOTION for both Part A and Part B: Council Member Meyer moved to approve Resolution No. R-2024-132 (Part A) and Resolution No. R-2024-163 (Part B) as presented in Item 9E above. Council Member Plunkett seconded the motion. Motion carried unanimously.

9F. **Consider and act on Resolution No. R-2024-157, Awarding a contract, attached as Exhibit A, for the Bastrop Power & Light 4th Feeder Design to McCord Engineering, Inc. in the amount not to exceed Sixty-Three Thousand and 00/100 Dollars (\$63,000.00); authorizing the City Manager to execute all necessary documents; providing for a repealing clause; and establishing an effective date.**

Submitted/Presented by: Andres Rosales, Assistant City Manager

MOTION: Council Member Plunkett moved to approve Resolution No. R-2024-157 awarding a contract for the Bastrop Power & Light 4th Feeder Design to McCord Engineering Inc. Council Member Meyer seconded the motion. Motion carried unanimously.

9G. **TABLED 10/22/2024: Consider and act on Ordinance No. 2024-36, Amending 2024 Fiscal Year Budget Following Existing Statutory Requirements; Detailing Appropriations Contained Herein as Exhibit A; Repealing all Prior Ordinances and Actions in Conflict Herewith; Establishing an Effective Date and Publication.**

Submitted/Presented by: Laura Allen, Assistant Finance Director

MOTION: Council Member Lee moved to “un-table” Item 9G, 2024 Fiscal Year Budget amendment, to discuss and take action. Council Member Plunkett seconded the motion. Motion carried unanimously.

MOTION: Council Member Meyer moved to approve the first reading of Ordinance No. 2024-36 amending the 2024 Fiscal Year Budget and to include on the December 10, 2024 Regular Meeting agenda for a second reading. Council Member Plunkett seconded the motion. Motion carried unanimously.

- 9H. **Consider and act on Resolution No. R-2024-158, Approving the 2024 Tax Roll and Tax Levy; providing for a repealing clause; and providing for an effective date.**

Submitted/Presented by: Laura Allen, Assistant Finance Director

MOTION: Council Member Plunkett moved to approve Resolution No. R-2024-158 approving the 2024 Tax Roll and Tax Levy. Council Member Meyer seconded the motion. Motion carried unanimously.

- 9I. **POSTPONED 9/10/2024: Take no action on Resolution No. R-2024-114, A disannexation of land from the city's 1-mile extraterritorial jurisdiction, for 2.00 acres of property known as Nancy Blakey Abstract No. A98, located at 1285 West State Highway 71, Unit A, Bastrop, Texas in Bastrop County, Texas; upon request and providing for findings of fact, repealer, severability, effective date, proper notice, and meeting.**

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

MOTION: Council Member Lee moved to “un-table” Item 9I, Resolution No. R-2024-114 for disannexation of land from the city’s extraterritorial jurisdiction, to discuss and take possible action. Council Member Meyer seconded the motion. Motion carried unanimously.

No action was taken on Item 9I.

- 9J. **Consider and act on Resolution No. R-2024-159, Authorizing the City Manager to enter into an agreement with the City of Bastrop Water/Wastewater Department to utilize a portion of the City of Bastrop’s American Rescue Plan funds; providing for findings of fact, repealer; effective date, proper notice and meeting.**

Submitted/Presented by: Laura Allen, Assistant Finance Director

MOTION: Council Member Meyer moved to approve Resolution No. R-2024-159 authorizing an agreement with the City of Bastrop Water/Wastewater Department to utilize a portion of the City of Bastrop’s American Rescue Plan funds. Council Member Plunkett seconded the motion. Motion carried unanimously.

MOTION: Council Member Meyer moved to suspend the rules of procedure for the remainder of this meeting by using a voice vote instead of a roll call vote for the interest of time. Council Member Plunkett seconded the motion. Motion carried unanimously.

MOTION: Council Member Meyer moved to extend the meeting time to 10:10 pm. Council Member Plunkett seconded the motion. Motion failed 2 to 3 with Mayor Pro Tempore Kirkland and Council Members Lee and Fossler voting against.

- 9K. **Consider and act on approve Resolution No. R-2024-160, Reassigning the rehabilitation of Wastewater Treatment Plants #1 and #2 as an American Rescue Plan Act (ARPA) program from the Transfer Lift Station and Force Main wastewater system improvement; providing for a repealing clause; and establishing an effective date.**

Submitted by: Laura Allen, Assistant Finance Director

MOTION: Council Member Plunkett moved to approve Resolution No. R-2024-160 reassigning the rehabilitation of Wastewater Treatment Plants #1 and #2 as an American Rescue Plan Act program from the Transfer Lift Station and Force Main wastewater system improvement. Council Member Meyer seconded the motion. Motion carried unanimously.

- 9L. **Consider and act on 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

MOTION: Council Member Fossler moved to approve the first reading of Ordinance No. 2024-43 amending the Fiscal Year 2025 Operating Budget to fund the replacement of the Bob Bryant Park playground equipment and to include on the December 10, 2024, Regular Meeting agenda for a second reading. Council Member Meyer seconded the motion. Motion carried unanimously.

MOTION: Council Member Lee moved to extend the meeting time until the completion of the remaining Executive Session items. Council Member Fossler seconded the motion. Motion carried 4 to 1 with Mayor Pro Tempore Kirkland voting against.

- 9M. **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 Lyle Nelson and Council Member Cheryl Lee

MOTION TO TABLE: Mayor Pro Tempore Kirkland moved to table Item 9M until the December 3, 2024, Joint Bastrop EDC Board and City Council Meeting. Council Member Plunkett seconded the motion. Motion carried unanimously.

10. EXECUTIVE SESSION, continued

The City Council convened into closed session at 10:13 p.m. pursuant to the Texas Government Code, Chapter 551, et seq, to discuss the following:

- 10A. City Council shall convene into closed executive session pursuant to Texas Government Code Section 551.071 and Section 551.072 to seek the advice of legal counsel and to deliberate regarding the proposed real estate acquisition of a waterline easement across property located at 243 State Highway 304, related to the Westside Collection System Project.
- 10B. City Council shall convene into closed executive session pursuant to Texas Government Code Section 551.071 and Section 551.072 to seek the advice of legal counsel and to deliberate regarding the proposed real estate acquisition of an easement located in the future Agnes Street location.
- 10D. City Council shall convene into closed executive session pursuant to Texas Government Code Section 551.071 and Section 551.087 to seek the advice of legal counsel and to deliberate regarding a proposed economic incentive to Burleson Crossing East, located at Burleson Road and Hwy 71.
- 10E. City Council shall convene into closed executive session pursuant to Texas Government Code Sections 551.071 and 551.072 to seek the advice of legal counsel regarding acquisitions of real estate related to the West Side Collection System Project and pending litigation in the following eminent domain proceeding pending in the Bastrop County Court at Law No. 1: Cause No. 21-20690, *City of Bastrop v. Reid Sharp and Cindy Sharp*.
- 10F. City Council shall convene into closed executive session pursuant to Texas Government Code Section 551.071 and Section 551.087 to seek the advice of legal counsel and to deliberate regarding a proposed qualified hotel and convention center project located near Hwy 71 and FM 969.

Mayor Nelson recessed the Executive Session and reconvened the Open Session at 11:12 p.m.

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

- 10A. City Council shall convene into closed executive session pursuant to Texas Government Code Section 551.071 and Section 551.072 to seek the advice of legal counsel and to deliberate regarding the proposed real estate acquisition of a waterline easement across property located at 243 State Highway 304, related to the Westside Collection System Project.

No action was taken on Item 10A.

- 10B. City Council shall convene into closed executive session pursuant to Texas Government Code Section 551.071 and Section 551.072 to seek the advice of legal counsel and to deliberate regarding the proposed real estate acquisition of an easement located in the future Agnes Street location.

No action was taken on Item 10B.

10D. City Council shall convene into closed executive session pursuant to Texas Government Code Section 551.071 and Section 551.087 to seek the advice of legal counsel and to deliberate regarding a proposed economic incentive to Burleson Crossing East, located at Burleson Road and Hwy 71.

No action was taken on Item 10D.

10E. City Council shall convene into closed executive session pursuant to Texas Government Code Sections 551.071 and 551.072 to seek the advice of legal counsel regarding acquisitions of real estate related to the West Side Collection System Project and pending litigation in the following eminent domain proceeding pending in the Bastrop County Court at Law No. 1: Cause No. 21-20690, *City of Bastrop v. Reid Sharp and Cindy Sharp*.

MOTION: Council Member Fossler moved to authorize the City Manager, in consultation with the City Attorney's Office, to execute a settlement agreement and all necessary documents to resolve the matter of *City of Bastrop v. Reid Sharp and Cindy Sharp*, Cause No. 21-20690, based on the proposed total settlement value of \$157,222.74. Council Member Plunkett seconded the motion. Motion carried unanimously.

10F. City Council shall convene into closed executive session pursuant to Texas Government Code Section 551.071 and Section 551.087 to seek the advice of legal counsel and to deliberate regarding a proposed qualified hotel and convention center project located near Hwy 71 and FM 969.

No action was taken on Item 10F.

12. ADJOURNMENT

Upon receiving a motion and a second to adjourn, the November 12th Regular Meeting was adjourned at 11:13 p.m. without objection.

CITY OF BASTROP, TEXAS



Lyle Nelson, Mayor

ATTEST:



Victoria Psencik, Assistant City Secretary