

CITY OF BASTROP
REGULAR CITY COUNCIL MEETING MINUTES
AUGUST 27, 2024

The Bastrop City Council met in a Regular Meeting on Tuesday, August 27, 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 Kirkland
Council Member Meyer
Council Member Lee
Council Member Fossler
Council Member Plunkett

Staff Present

City Manager Sylvia Carrillo-Trevino
City Attorney Alan Bojorquez
Interim City Secretary Irma G. Parker
Assistant City Secretary Victoria Psencik

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

Harper Tawater and Everly Foster, Girl Scouts from Lost Pines Elementary led the Pledge of Allegiance to both the U.S. flag and the Texas flag.

3. INVOCATION

Robert Oliver, Bastrop Police Chaplain, gave this evening's Invocation.

4. PRESENTATIONS

4A. **Mayor's Report**

4B. **Council Members' Report**

5. WORK SESSIONS/BRIEFINGS

5A. **Receive an update on the Old Iron Bridge rehabilitation, Fairview Cemetery expansion, and Agnes Street extension and improvement projects.**

Submitted/Presented by: Andres Rosales, Assistant City Manager

No action was taken on Item 5A.

6. STAFF AND BOARD REPORTS

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

1. Update on Solid Waste and Recycling services with Texas Disposal Systems.

2. Update on coming changes to Utility Billing service location and website.

3. Update on Capital Improvement Projects for the City of Bastrop.

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

No action was taken on Item 6A. Number three (3) will be presented by City Manager at a Special Budget Workshop on September 4th, 2024.

6B. Receive presentation on the unaudited Monthly Financial Report for the period ending July 31, 2024.

Submitted by: Edi McIlwain, Chief Financial Officer
Presented by: Laura Allen, Assistant Finance Director

No action was taken on Item 6B.

7. CITIZEN COMMENT(S)
No general comments were submitted.

8. CONSENT AGENDA

8B. Consider and act on Resolution No. R-2024-107, Ratifying and approving an Interlocal Agreement between the City of Bastrop and Bastrop County regarding the construction of a communications tower for public safety purposes, as attached in Exhibit A; and ratifying and approving the conveyance by the City to the County of 2.205 acres of property known as Building Block 152 East of Water Street, located at 2001 South Street, to be used for the purpose set forth in such Interlocal Agreement, as attached in Exhibit B; providing for a repealing clause; and establishing an effective date.
Submitted by: Andres Rosales, Assistant City Manager

8D. Consider and act on Resolution No. R-2024-108, Regarding a Community Services and Offsite Improvements Agreement between the City of Bastrop and Bastrop County Emergency Food Pantry for the reimbursement of construction funds for the offsite improvements in the public right-of-way related to the construction of the new Food Pantry facility to be located at 1201 Pine Street, Bastrop, Texas in the amount of Fifty Nine Thousand Sixty and 70/100 (\$59,060.70) based on the in-kind donation cost estimate 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

- 8E. **Consider and act on Resolution R-2024-106, For the creation of a Public Services Policy for the Bastrop Public Library, as attached in Exhibit A; upon request and providing for findings of fact, repealer, severability, effective date, proper notice, and meeting.**

Submitted by: Bonnie Pierson, Library Director

- 8F. **Consider and act on Resolution No. R-2024-111, for an interlocal agreement with Bastrop Independent School District and the City of Bastrop for plan review, building inspection, and fire inspection services, upon request and providing for findings of fact, repealer, severability, effective date, proper notice, and meeting.**

Submitted by: Andres Rosales, Assistant City Manager

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

Council Member Fossler requested Item 8A be pulled from the Consent Agenda for separate discussion.

Council Member Lee requested Item 8C 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 Victoria Psencik, Assistant City Secretary with the exclusion of Item 8A and Item 8C. Council Member Plunkett seconded the motion. Motion carried unanimously.

CONSENT AGENDA ITEM 8A

- 8A. **Consider and act to approve the following Bastrop City Council meeting minutes:**

1. Tuesday, August 13, 2024 Regular Meeting and Joint Meeting with Visit Bastrop Board of Directors;

2. Monday, August 19, 2024 Special Meeting; and

3. Wednesday, August 21, 2024 Budget Meeting.

Submitted by: Irma G. Parker, Interim City Secretary, and Victoria Psencik, Assistant City Secretary

MOTION: Council Member Fossler moved to approve the following Bastrop City Council minutes:

1. Tuesday, August 13, 2024 Regular Meeting and Joint Meeting with Visit Bastrop Board of Directors;
2. Monday, August 19, 2024 Special Meeting; and
3. Wednesday, August 21, 2024 Budget Meeting.

Council Member Fossler moved to approve the listed minutes with the strike-through of the time arrival by Council Member Plunkett's name on the August 13, 2024 minutes. Mayor Pro Tem Kirkland seconded the motion. Motion carried unanimously.

CONSENT AGENDA ITEM 8C

- 8C. **Consider and act on Resolution No. R-2024-112, Approve engineering professional services contract with Dial Development Services, Ltd. (DDS) to continue to provide the services of construction management and inspection to a not to exceed an amount of two hundred thousand dollars (\$200,000.00); 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

MOTION: Council Member Lee moved to approve the engineering professional services contract with Dial Development Services Ltd. to continue to provide the services of construction management and inspection. Council Member Plunkett seconded the motion. Motion carried unanimously.

9. ITEMS FOR INDIVIDUAL CONSIDERATION

- 9A. **Consider and act on Resolution No. 2024-116, To confirm the Interim City Secretary and Assistant City Secretary under Home Rule Charter Article III "City Council", Section 3.09 "City Secretary".**

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

MOTION: Council Member Plunkett moved to approve Resolution No. R-2024-116 to confirm the Interim City Secretary and Assistant City Secretary. Council Member Meyer seconded the motion. Motion carried unanimously.

- 9B. **Receive a report from the Interim City Secretary as to the sufficiency or deficiency of a Petition submitted in July 2024 to Recall Mayor Lyle Nelson.**

Submitted/Presented by: Irma Parker, Interim City Secretary

No action was taken on Item 9B.

- 9C. **Consider and act on Ordinance No. 2024-25, Ratifying the Ordinance Calling for and Establishing the Procedures for a November 5, 2024 Special Election for the Purpose of Amending the Home-Rule Charter Approved on August 19, 2024. Providing for Severability; Providing for Proper Meeting and Notice; and Establishing an Effective Date.**

Submitted/Presented by: Irma Parker, Interim City Secretary

MOTION: Council Member Meyer moved to approve the ratification of Ordinance No. 2024-25 calling for and establishing the procedures for November 5, 2024 Special Election for the purpose of amending the Home-Rule Charter approved on August 19, 2024. Council Member Plunkett seconded the motion. Motion carried unanimously.

- 9D. **Consider and act on Ordinance No. 2024-26, Ratifying the Ordinance Calling for and Establishing the Procedures for November 5, 2024, Special Election for the Purpose of Amending the Home-Rule Charter Regarding the Enforcement of Marijuana Laws adopted on August 19, 2024; Providing or Severability; Providing or Repealing Clause; Providing or Proper Meeting and Notice; And Establishing an Effective Date**

Submitted/Presented by: Irma Parker, Interim City Secretary

MOTION: Council Member Meyer moved to approve the ratification of Ordinance No. 2024-26 calling for and establishing the procedures for November 5, 2024 Special Election for the purpose of amending the Home-Rule Charter regarding the enforcement of marijuana laws adopted on August 19, 2024. Council Member Lee seconded the motion. Motion carried unanimously.

- 9E. **Consider and act on first reading of Ordinance No. 2024-27, Approving a map depicting the Municipal Boundary “City Limits” and the Extraterritorial Jurisdiction “ETJ” as required by State Law.**

Submitted/Presented by: Robert Barron, GIS Manager

MOTION: Council Member Fossler moved to approve the first reading of Ordinance No. 2024-27 approving a map depicting the Municipal Boundary “City Limits” and the Extraterritorial Jurisdiction “ETJ” as required by State Law. Council Member Lee seconded the motion. Motion carried unanimously.

- 9F. **Consider and act on the first reading of Ordinance No. 2024-23, Approving the Fiscal Year 2025 Annual Service Plan Update, including provisions related to assessments for the Hunters Crossing Public Improvement District; approving a Fiscal Year 2025 assessment roll for the District; and containing other provisions related to the Hunters Crossing Public Improvement District and the Hunters Crossing Local Government Corporation; and move to include on the September 10, 2024 City Council Agenda for a second reading.**

Submitted by: Edi McIlwain, Chief Financial Officer

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

MOTION TO TABLE: Council Member Meyer moved to table Item 9F, the Fiscal Year 2025 Annual Service Plan Update for the Hunters Crossing Public Improvement District, to the next Council Meeting. Council Member Fossler seconded the motion. Motion carried unanimously.

- 9G. **Consider and act on Resolution No. R-2024-100, For the disannexation of land from the city's 1-mile extraterritorial jurisdiction, for 2.03 acres of property known as Tahitian Village Subdivision, Unit 5, Block 1, Lots 20, 21, 22, 50, 51, and 52, located in the 1-mile ETJ of 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

Citizen Comment(s) on this item:

- Not speaking: Colin Lineberry

MOTION: Council Member Lee moved to approve Resolution No. R-2024-100 for the disannexation of land from city's extraterritorial jurisdiction for 2.03-acres of property known as Tahitian Village Subdivision, Unit 5, Block 5, Lots 20, 21, 22, 50, 51, and 52. Council Member Meyer seconded the motion. Motion carried unanimously.

- 9H. **Consider and act on Resolution No. R-2024-113, For the disannexation of land from the city's extraterritorial jurisdiction, for 0.99 acres of property known as Addison Acres, Abstract No. A45 Litton, located at 5599 FM 535, Cedar Creek, Texas in Bastrop County; 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 Plunkett moved to approve Resolution No. R-2024-113 for the disannexation of land from the city's extraterritorial jurisdiction for 0.99 acres of property known as Addison Acres, Abstract No. A45 Litton, located at 5599 FM 535, Cedar Creek, Texas in Bastrop County. Council Member Fossler seconded the motion. Motion carried unanimously.

- 9I. **Consider and act on Resolution No. R-2024-114, Denying the 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

Citizen Comment(s) on this item:

- Addressing the Council: Lisa Tantaksinanukij

MOTION TO TABLE: Council Member Meyer moved to table Item 9I, denying the disannexation of 2.00 acres of property located at 1285 West State Highway 71, Unit A, for the property owner/representative and City Manager to negotiate an easement for the property and bring this item back for approval at the next Council Meeting. Council Member Fossler seconded the motion. Motion carried unanimously.

10. EXECUTIVE SESSION

The City Council met at 8:40 p.m. in a closed/executive session pursuant to the Texas Government Code, Chapter 551, et seq, to discuss the following:

10A. The City Council shall convene in to Closed Executive Session under Government Code:

Section 551.071(1)(A) Consultations with the Attorney - on pending or contemplated litigation. Eminent domain proceedings pending in the Bastrop County Court at Law No. 1; and

Section 551.072 Deliberations about Real Property - to deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the government body in negotiations with a third person:

Case No. 20-20464 City of Bastrop v. Palms Property, LLC;
Case No. 20-20462 City of Bastrop v. Baham Interests Limited Partnership;
Case No. 23-32837 City of Bastrop v. Erhard Legacy Partners, LTD. and
Case No. 21-20690 City of Bastrop v. Reid Sharp and Cindy Sharp.

10B. The City Council shall convene in to Closed Executive Session under Government Code Section 551.071(1)(A) Consultations with Attorney - on pending or contemplated litigation regarding engineering and construction contracts related to the Wastewater Treatment Plant #3.

Mayor Nelson recessed the Executive Session and reconvened the Open Session at 9:17 p.m.

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

10A. The City Council shall convene in to Closed Executive Session under Government Code:

Section 551.071(1)(A) Consultations with the Attorney - on pending or contemplated litigation. Eminent domain proceedings pending in the Bastrop County Court at Law No. 1; and

Section 551.072 Deliberations about Real Property - to deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the government body in negotiations with a third person:

Case No. 20-20464 City of Bastrop v. Palms Property, LLC;
Case No. 20-20462 City of Bastrop v. Baham Interests Limited Partnership;
Case No. 23-32837 City of Bastrop v. Erhard Legacy Partners, LTD. and
Case No. 21-20690 City of Bastrop v. Reid Sharp and Cindy Sharp.

(1) MOTION: Council Member Lee 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 matters of City of Bastrop v. Palms Property, LLC, Case No. 20-20464, and City of Bastrop v. Baham Interests Limited Partnership, Case No. 20-20462 based on the proposed settlement value of \$272, 956. Council Member Plunkett seconded the motion. Motion carried unanimously.

(2) MOTION: Council Member Meyer 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. Erhard Legacy Partners, LTD, Case No. 23-32837, based on the proposed settlement for an additional payment of \$40,876 and no cents to the property owner. Council Member Plunkett seconded the motion. Motion carried unanimously.

10B. The City Council shall convene in to Closed Executive Session under Government Code Section 551.071(1)(A) Consultations with Attorney - on pending or contemplated litigation regarding engineering and construction contracts related to the Wastewater Treatment Plant #3.

MOTION: Mayor Pro Tem Kirkland moved to authorize the City Manager to send a letter to KSA Engineering consistent with the discussion in Executive Session terminating the contract for convenience. Council Member Fossler seconded the motion. Motion carried unanimously.

12. **ADJOURNMENT**

Upon receiving a motion and a second to adjourn, the August 27th Regular Meeting, the meeting was adjourned at 9:21 p.m. without objection.

CITY OF BASTROP, TEXAS

Lyle Nelson, Mayor

ATTEST:

Victoria Psencik, Assistant City Secretary