

AUGUST 22, 2023

The Bastrop City Council met in a regular meeting on Tuesday, August 22, 2023, at 6:30 p.m. at the Bastrop City Hall Council Chambers, located at 1311 Chestnut Street, Bastrop, Texas. Members present were: Mayor Nelson and Mayor Pro Tem Kirkland and Council Members Lee, Meyer, Plunkett, and Crouch. Officers present were: City Manager, Sylvia Carrillo; City Secretary, Ann Franklin; and City Attorney, Alan Bojorquez.

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

Harmony Carroway, Bastrop Opera House Youth Academy, led the pledges.

INVOCATION

Robert Wellington, Police Chaplain, gave the invocation.

PRESENTATIONS

- 4A. Mayor's Report
- 4B. Council Members' Report
- 4C. City Manager's Report
- 4D. Tracy Waldron, Chief Financial Officer's goodbye.

Mayor Nelson recessed the Council Meeting at 6:45 p.m.

Mayor Nelson called the Council Meeting back to order at 6:57 p.m.

- 4E. A proclamation of the City Council of the City of Bastrop, Texas recognizing September 2023, as National Preparedness month.
Ann Franklin, City Secretary
The presentation was made by Mayor Nelson and received by Sergeant Christopher Chavez.

WORK SESSIONS/BRIEFINGS – NONE

STAFF AND BOARD REPORTS

- 6A. Receive presentation on the unaudited Monthly Financial Report for the period ending July 31, 2023.
Submitted by: Tracy Waldron, Chief Financial Officer
The presentation was made by Laura Allen, Senior Account.

CITIZEN COMMENTS

SPEAKERS

**Rudy Orellana
114 Swift Water Loop
Bastrop, TX 78602
512-656-8332**

**Dax Havrilak
779 Peach Creek Rd
214-364-0085**

CONSENT AGENDA

A motion was made by Council Member Plunkett to approve Items 8A, 8B, 8C, 8D, 8E, 8F, and 8G as listed on the Consent Agenda after being read into the record by City Secretary Ann Franklin. Seconded by Council Member Lee, motion was approved on a 5-0 vote.

- 8A. Consider action to approve City Council minutes from the August 8, 2023, Regular meeting; August 10, 2023, Special Called meeting; August 15, 2023, Budget Workshop; and August 16, 2023, Budget Workshop.

Submitted by: Ann Franklin, City Secretary

- 8B. Consider action to approve Resolution No. R-2023-109 of the City Council of the City of Bastrop, Texas, approving an additional 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 amount of two hundred thousand dollars (\$200,000); authorizing the City Manager to execute all necessary documents; providing for a repealing clause; and establishing an effective date.

Submitted by: Fabiola de Carvalho, CFM, AMP MIAM, Director of Engineering and Capital Project Management

- 8C. Consider action to approve Resolution No. R-2023-123 of the City Council of the City of Bastrop, Texas, approving the Financial Management Policy, which is attached as Exhibit A; providing for a repealing clause and establishing an effective date.

Submitted by: Tracy Waldron, Chief Financial Officer

- 8D. Consider action to approve the second reading of Ordinance No. 2023-25 of the City Council of the City of Bastrop, Texas, annexing a tract of land described as 25.00 acres of land out of the Stephen F. Austin survey, Abstract No. 2, located west of Lovers Lane and south of Pecan Park subdivision, and east of the Colorado River Bend, as shown in Exhibit "A"; providing for findings of fact, adoption, repealer, severability, filing and enforcement; establishing an effective date; and providing for proper notice and meeting.

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

- 8E. Consider action to approve the second reading of Ordinance No. 2023-26 of the City Council of the City of Bastrop, Texas, annexing a tract of land described as 169.773 acres of land out of the Nancy Blakey survey, Abstract No. A98, located south of state highway 71 and east of Farm-to-Market Road 20, as shown in Exhibit "A"; providing for findings of fact, adoption, repealer, severability, filing and enforcement; establishing an effective date; and providing for proper notice and meeting.

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

- 8F. Consider action to approve Resolution No. R-2023-124 of the City Council of the City of Bastrop, Texas approving and adopting the Investment Policy and Investment Strategies attached as Exhibit A; approving the list of Qualified Brokers attached as Exhibit B; making various provisions related to the subject; and establishing an effective date.

Submitted by: Tracy Waldron, Chief Financial Officer

- 8G. Consider action to approve Resolution No. R-2023-125, of the City Council of the City of Bastrop, Texas, approving the City of Bastrop Purchasing Policy, which is attached as Exhibit A; providing for a repealing clause; and establishing an effective date.

Submitted by: Tracy Waldron, Chief Financial Officer

ITEMS FOR INDIVIDUAL CONSIDERATION CONTINUED

- 9G. Consider action to approve the first reading of Ordinance 2023-30 of the City Council, of the City of Bastrop, Texas, reallocating \$167,000 of the Hotel Occupancy Tax fund previously allocated to the 4th quarter of Visit Bastrop "midyear adjustment" to fund repairs to the rodeo arena; and move to include on the September 12, 2023, Council agenda for second reading.

Submitted by: Mayor Lyle Nelson

SPEAKER
Debra Jones
Bastrop, TX

A motion was made by Council Member Meyer to approve the first reading of Ordinance No. 2023-30, and move to include on the September 12, 2023, consent agenda for a second reading seconded by Mayor Pro Tem Kirkland, motion was approved on a 5-0 vote.

- 9A. Consider action to approve Resolution No. R-2023-119 of the City Council of the City of Bastrop, Texas, awarding a contract, attached as Exhibit A, for the installation of holiday lighting to Décor IQ in the amount of One Hundred Seventy-Six Thousand One Hundred Seventy-Five and 00/100 Dollars (\$176,175.00); authorizing the City Manager to execute all necessary documents; providing for a repealing clause; and establishing an effective date.

Submitted by: Curtis Hancock, Director of Public Works

Presentation was made by Curtis Hancock, Director of Public Works.

A motion was made by Council Member Plunkett to approve Resolution No. R-2023-119, seconded by Council Member Lee, motion was approved on a 5-0 vote.

- 9B. Consider action to approve Resolution No. R-2023-122 of the City Council of the City of Bastrop, Texas, awarding a contract, attached as Exhibit A, for the installation of Shade Structures at Ferry Park and Hunter's Crossing Park to T.F. Harper in the amount of Sixty-Four Thousand Nine Hundred Twenty-Nine and 74/100 Dollars (\$64,929.74); authorizing the City Manager to execute all necessary documents; providing for a repealing clause; and establishing an effective date.

Submitted by: Curtis Hancock, Director of Public Works

Presentation was made by Curtis Hancock, Director of Public Works.

A motion was made by Council Member Meyer to approve Resolution No. R-2023-122, seconded by Council Member Crouch, motion was approved on a 5-0 vote.

- 9C. Consider action to approve Resolution No. R-2023-113 of the City Council of the City of Bastrop, Texas to award a Grant Administrative Service contract to Public Management, Inc. for the preparation of the City's Community Development Block Grant – Mitigation (CDBG-MIT) Regional Method of Distribution (MOD) programs through the Texas General Land Office (GLO) application and subsequent administrative services, if funded, 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: Tracy Waldron, Chief Financial Officer

Presentation was made by Laura Allen, Senior Account

A motion was made by Council Member Lee to approve Resolution No. R-2023-113, seconded by Council Member Plunkett, motion was approved on a 5-0 vote.

- 9D. Consider action to approve the first reading of Ordinance No. 2023-23 of the City Council, of the City of Bastrop, Texas amending the Bastrop City Code of Ordinances, adding Article 1.21 "Payment by Credit Card or Other Electronic Means"; and adding Appendix A, Fee Schedule, Section A1.21 "Payment by Credit Card or Other Electronic Means; providing for a processing fee for credit card payment of fees, fines, court costs, and other charges; providing for a service charge if payment of credit card is not honored; providing for findings of fact, enactment, repealer, severability, effective date, codification, proper notice of meeting, and move to include on the September 12, 2023 consent agenda for a second reading.

Submitted by: Tracy Waldron, Chief Financial Officer

Presentation was made by Tracy Waldron, Chief Financial Officer.

A motion was made by Mayor Pro Tem Kirkland to approve the first reading of Ordinance No. 2023-23, and move to include on the September 12, 2023, consent agenda for a second reading seconded by Council Member Crouch, motion was approved on a 5-0 vote.

- 9E. Consider action to approve Resolution No. R-2023-132 of the City Council, of the City of Bastrop, Texas, calling for review of Chapter 3 of the Bastrop Code of Ordinances and the Standard and International Building and Construction Codes, and requesting the City Manager identify potential modifications to the Codes, and the City Attorney to prepare potential code amendments for Council consideration and action.

Submitted by: Councilmembers Crouch and Plunkett

A motion was made by Council Member Lee to direct the City Manager to begin a Comprehensive Code review to identify potential modifications to the code and work with the City Attorney to prepare code amendments, motion died for lack of a second.

A motion was made by Council Member Crouch to approve Resolution No. R-2023-132 as written, seconded by Council Member Meyer, motion was approved on a 5-0 vote.

- 9F. Consider action to approve the first reading of Ordinance No. 2023-28 of the City Council, of the City of Bastrop, Texas, amending the Visit Bastrop Corporation budget, and creating a 4th amendment to the Visit Bastrop agreement; and move to include on the September 12, 2023, Council agenda for second reading.

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

Presentation was made by Sylvia Carrillo, City Manager, ICMA-CM, CPM.

A motion was made by Council Member Meyer to approve the first reading of Resolution No. R-2023-136 and move to include on the September 12, 2023, seconded by Council Member Crouch. The motion was withdrawn by the maker of the motion.

This item was tabled.

- 9H. Consider action to approve the first reading of Ordinance No. 2023-29 of the City Council of the City of Bastrop, Texas, amending the budget for the Fiscal Year 2023 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, and move to include on the September 12, 2023, City Council consent agenda for a second reading.
Submitted by: Tracy Waldron, Chief Financial Officer
Presentation was made by Tracy Waldron, Chief Financial Officer.
- A motion was made by Mayor Pro Tem Kirkland to approve the first reading of Ordinance No. 2023-29, and move to include on the September 12, 2023, consent agenda for a second reading seconded by Council Member Plunkett, motion was approved on a 5-0 vote.**
- 9I. Consider action to approve Resolution No. R-2023-133 of the City Council, of the City of Bastrop, Texas, approving the expansion of Fairview Cemetery and requesting the City Manager and City Attorney to make preparations for the demolition, sale and repurposing of certain municipal surplus real property adjacent to the cemetery.
Submitted by: Councilmembers Crouch and Plunkett
A motion was made by Council Member Meyer to approve Resolution No. R-2023-133, seconded by Council Member Crouch, motion was approved on a 5-0 vote.
- 9J. Consider action to approve the first reading of Ordinance No. 2023-31, of the City Council of the City of Bastrop, Texas, amending the Bastrop Code of Ordinances Chapter 14, the Bastrop Building Block (B3) Technical Manual, Article 4.1 Plat Submission; and providing for findings of fact, repealer, severability, codification, effective date, proper notice and meeting; and move to include on the September 12, 2023, agenda for second reading.
Submitted by: Sylvia Carrillo, ICMA-CM, CPM, City Manager
This item was tabled to the September 12, 2023, meeting.
- 9K. Consider action to approve Resolution No. R-2023-135 of the City Council of the City of Bastrop, Texas approving Agreements for Tree Mitigation for Pearl River projects, including Blakey Owner Apartments II, LLC for Multi-Family Phase II, and PRC 01 Bastrop, LLC for the Commercial phase, including related bonds, and authorizing the City Manager to execute all necessary documents.
Submitted by: Sylvia Carrillo, ICMA-CM, CPM, City Manager
Presentation was made by Sylvia Carrillo, ICMA-CM, CPM, City Manager.
- A motion was made by Council Member Lee to approve Resolution No. R-2023-135, seconded by Council Member Plunkett, motion was approved on a 5-0 vote.**
- 9L. Discussion and consider action on the proposed tax rate for Fiscal Year 2023-2024 and determine the appropriate tax rate to apply for the Budget for Fiscal Year 2023-2024.
Submitted by: Mayor Pro Tem Kirkland and Council Member Crouch
Discussion was held and this item was withdrawn from the agenda.

ITEM 9F CONTINUED

- 9F. Consider action to approve the first reading of Ordinance No. 2023-28 of the City Council, of the City of Bastrop, Texas, amending the Visit Bastrop Corporation budget, and creating a 4th amendment to the Visit Bastrop agreement; and move to include on the September 12, 2023, Council agenda for second reading.

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

Presentation was made by Sylvia Carrillo, City Manager, ICMA-CM, CPM.

A motion was made by Council Member Meyer to approve the first reading of Resolution No. R-2023-136 and move to include on the September 12, 2023, seconded by Council Member Crouch. The motion was withdrawn by the maker of the motion. (NOTE: The posted language listed first reading of Ordinance No. 2023-28, the motion by Council was to approve the first reading of resolution as listed above.)

This item was tabled.

A motion was made by Mayor Pro Tem Kirkland to remove this item from being tabled, seconded by Council Member Plunkett, motion was approved on a 5-0 vote.

A motion was made by Council Member Plunkett to approve the first reading of Resolution No. R-2023-136 as read, and move to include on the September 12, 2023, consent agenda for a second reading seconded by Council Member Lee. The motion was withdrawn by the maker of the motion.

A motion was made by Council Member Lee to table this item, seconded by Council Member Crouch.

EXECUTIVE SESSION

The City Council met at 9:01 p.m. in a closed/executive session 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 551.072 to seek the advice of legal counsel related real estate acquisitions, including by use of eminent domain if necessary, of real property interests located northwest of the intersection of SH 71 and FM 969 for the Vista Puente Drive Right of Way Project.
- 10B. City Council shall convene into closed executive session pursuant to Texas Government Code section 551.071 to seek the advice of legal counsel regarding possible agreement with Aqua Water Supply Corporation regarding treated effluent and the certificated area under the City's Certificate of Convenience and Necessity.
- 10C. City Council shall convene into closed executive session pursuant to Texas Government Code section 551.071 and 551.072 to seek the advice of legal counsel regarding a potential agreement with Corix, SpaceX, and Gapped Bass LLC related to real property.

10D. 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 real estate matters, including a potential lease of the Rodeo Arena at Mayfest Park, and matters related to Fisherman’s Park.

Mayor Nelson recessed the Executive Session at 9:53 p.m.

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 551.072 to seek the advice of legal counsel related real estate acquisitions, including by use of eminent domain if necessary, of real property interests located northwest of the intersection of SH 71 and FM 969 for the Vista Puente Drive Right of Way Project.

A motion was made by Council Member Plunket to approve Resolution No. R-2023-118, moving that the City of Bastrop authorize the use of the power of eminent domain to acquire the property interests, which are described more fully by metes and bounds in the exhibit attached to the written resolution, for the public use for the right of way and related facilities for the Vista Puente Drive Right of Way Project, seconded by Council Member Crouch, motion was approved on a 5-0 vote.

Adjourned at 9:54 p.m. without objection.

APPROVED:

ATTEST:

Mayor Lyle Nelson

Assistant City Secretary Victoria Psencik

The Minutes were approved on September 12, 2023, by Council Member Name’s motion, Council Member Name’s second. The motion was approved on a 5-0 vote.