

CITY OF BASTROP
JOINT CITY COUNCIL AND VISIT BASTROP BOARD MEETING MINUTES
AUGUST 13, 2024

The Bastrop City Council met in a Joint Meeting with Visit Bastrop Board of Directors on Tuesday, August 13, 2024, at 5:30 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 (arrive @ 5:02 pm)

Staff Present

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

Visit Bastrop

Ashton LaFuente, Interim Director of Operations
Lee Harle, Visit Bastrop Board Chair

1. **CALL TO ORDER – Joint Meeting with Visit Bastrop and City Council at 5:30 pm.**
 - 1A. **Call to Order – Bastrop City Council**
Mayor Nelson called the City Council meeting to order at 5:31 p.m. with a quorum present.
 - 1B. **Call to Order – Visit Bastrop Board of Directors**
Chair Lee Harle called the Visit Bastrop Board of Directors meeting to order at 5:31 p.m. with a quorum present.
2. **CITIZEN COMMENT(S)**
N/A
3. **PRESENTATIONS**
 - 3A. **Receive a presentation on the proposed FY 2025 Operating Budget submitted by Visit Bastrop.**

Submitted/Presented by: Lee Harle, Visit Bastrop Board Chair and Ashton LaFuente, Interim Director of Operations.
4. **ITEMS FOR INDIVIDUAL CONSIDERATION**
 - 4A. **Consider and act on the proposed FY 2025 Operating Budget submitted by Visit Bastrop.**

MOTION: Council Member Lee moved to add the Visit Bastrop Operating Budget into the next budget cycle (FY 2025) and to incorporate the thirteen (13) points (listed below in Italics) that were presented into the Visit Bastrop contract. Council Member Plunkett seconded the motion. Motion carried unanimously.

The thirteen (13) Contract Amendments referenced in the above motion are as follows:

1. Board Operations: The Board of Directors shall meet at least 7 times per year. The Board of Directors will receive routine updates on the organization's operations. While the Board may have an Executive Committee, the entire Board shall receive full briefings from staff.

2. Fully Staffed Board: The Board of Directors shall diligently strive to maintain a complete Board by dutifully filling vacancies in a prompt and timely manner. There shall be a disinclination to allow vacant positions to linger. Recruitment, appointment, onboarding and training will be a priority for the Board of Directors. 13 Item 5B.

3. Board Education: The Board of Directors shall receive training at least annually on the following topics: Open Meetings, Open Records, Ethics, and Best Practices for service on nonprofit boards.

4. Open Meetings: The Board of Directors shall comply with the Texas Open Meetings Act for all Board Meetings; including posting deadlines, and public posting of meetings on both the Visit Bastrop site and the City of Bastrop site.

5. Open Records: Visit Bastrop shall comply with the Texas Public Information Act, including securing records that are to be made available to the public at large.

6. Budget: Visit Bastrop shall have an annual operating budget, which shall be a public document. All expenditures by Visit Bastrop shall be in accordance with the annual operating budget. A copy of the budget shall be submitted to the City along with any proposed amendments in advance of approval.

7. Annual Audit: Visit Bastrop shall have an annual financial audit of its accounts performed by an independent Certified Public Accountant (CPA) who is not engaged to perform any routine bookkeeping or financial management services for Visit Bastrop. The annual audit report shall be submitted to the City and shall be a public document.

8. Bylaws: The Bylaws for the Board of Directors shall be submitted to the City Manager along with any proposed amendments in advance of approval.

9. Financial Policies: The Financial Policies of Visit Bastrop shall mirror or as closely mirror the City's and be submitted to the City Manager along with any proposed amendment in advance of approval by the City Council.

10. *Personnel Policies: The Personnel Policies of Visit Bastrop shall mirror or as closely mirror the City's and be submitted to the City Manager along with any proposed amendments in advance of approval by the City Council.*

11. *Monthly Reports: Visit Bastrop will submit written monthly reports to the City Manager summarizing services performed under the new agreement, including relevant performance measures (benchmarks) and alignment to the budget.*

12. *Quarterly Reports: Visit Bastrop will submit in-person quarterly reports to the City Council summarizing services performed under the new agreement, including relevant performance measures (benchmarks).*

13. *Benchmarks: Benchmarks and other expectations of Visit Bastrop by the City Council shall be clearly stated and incorporated into the annual budget prior to adoption. Agreed performance measures to those benchmarks shall be clear and quantifiable.*

5. ADJOURNMENT

5A. Adjourn – Bastrop City Council.

Upon receiving a motion and a second to adjourn, Mayor Nelson adjourned the City Council meeting at 6:17 p.m. without objection.

5B. Adjourn – Visit Bastrop Board of Directors.

Upon receiving a motion and a second to adjourn, Chair Lee Harle adjourned the Visit Bastrop Board of Directors meeting at 6:17 p.m. without objection.

**CITY OF BASTROP
REGULAR CITY COUNCIL MEETING MINUTES
AUGUST 13, 2024**

The Bastrop City Council met in a Regular Meeting on Tuesday, August 13, 2024, at 6:00 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

6. CALL TO ORDER – Regular City Council Meeting at 6:00 p.m.

Mayor Nelson called the Regular City Council meeting to order at 6:18 p.m. with a quorum present.

7. PLEDGE OF ALLEGIANCE

Amelia Anderson and Gibson Helton from the Bastrop Opera House Youth Academy led the Pledge of Allegiance to both the U.S. flag and the Texas flag.

8. INVOCATION

Ketrich Steger, Bastrop Police Chaplain, gave this evening's Invocation.

9. PRESENTATIONS

9A. Mayor's Report

9B. Council Members' Report

10. WORK SESSIONS/BRIEFINGS

10A. Receive information on a proposed Public Improvement District for the Valverde Development.

Submitted/Presented by: Sylvia Carrillo-Trevino, ICMA-CM, CPM, City Manager
Additional presentation by: Talley Williams with Metcalfe Wolff Stuart & Williams, LLP, and Zach Crawford with Development Planning & Financing Group.

Citizen Comment on this item:

- Addressing the Council: Carlos Liriano

No action was taken on Item 10A.

11. STAFF AND BOARD REPORTS

11A. Receive an update on Mayfest Park Repairs.

Submitted/Presented by: Council Member Meyer and Mayor Pro-Tem Kirkland
Additional presentation by: Deborah Jones, Parks and Recreation Board Chair and Jimmy Crouch, former Council Member.

No action was taken on Item 11A.

12. CITIZEN COMMENT(S)

Bastrop citizens addressing the City Council on an item, not on the agenda: Desiree Venable; Don Loucks

13. CONSENT AGENDA

- 13A. **Consider and act to approve City Council minutes from the July 23, 2024, Regular meeting and the July 30, 2024, Budget Workshop meeting.**
Submitted by: Victoria Psencik, Assistant City Secretary
- 13C. **Consider and act on Resolution No. R-2024-103 of the City of Bastrop, acknowledging the proposed tax rate, no-new revenue tax rate, and voter approval tax rate for Fiscal Year 2024-2025 (FY 25): calling for a public hearing on September 10, 2024; authorizing a public notice; and providing an effective date.** Submitted by: Edi McIlwain, CPA, Chief Financial Officer
- 13D. **Consider and act on Resolution No. R-2024-101 of the City of Bastrop, Texas, delaying action on the issuance of a series of combination tax and revenue certificates of obligation in an amount not to exceed \$38,000,000; and other matters related thereto.**
Submitted by: Edi McIlwain, CPA, Chief Financial Officer
- 13E. **Consideration and act on Resolution No. R-2024-104 of the City of Bastrop, Texas, entering into an agreement with Feed the Need for a meal distribution site located at the Farmer's Market addressed as 1302 Chestnut Street, beginning on Wednesday, September 4, 2024, from 5:30 pm to 9:00 pm.**
Submitted by: Sylvia Carrillo-Trevino, ICMA-CM, CPM, City Manager

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

Mayor Pro Tem Kirkland requested Item 13B be pulled from the Consent Agenda for separate discussion.

A citizen, David Renfro, requested Item 13F 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 13B and Item 13F. Council Member Fossler seconded the motion. Motion carried unanimously.

CONSENT AGENDA ITEM 13B

- 13B. **Consider and act on Mayor Lyle Nelson's request to be the Master of Ceremonies for the November 7th, 2024 Farm Street Opry.**
Submitted by: Kathy Danielson, Community Engagement Director

MOTION: Mayor Pro Tem Kirkland moved to deny Mayor Lyle Nelson's request to be the Master of Ceremonies for the November 7th, 2024 Farm Street Opry. Council Member

Plunkett seconded the motion. Motion passed 3 to 2 with Council Member Lee and Council Member Fossler voting against.

CONSENT AGENDA ITEM 13F

- 13F. **Consider and act to approve the second reading of Ordinance No. 2024-21 of the City of Bastrop, Texas, amending Appendix A – Fee Schedule, Section A14.01.001 – Subdivision, Public Improvement Inspections; establishing a repealing clause; providing severability; and providing an effective date.**
Submitted by: Andres Rosales, Assistant City Manager

Submitted/Presented by: Andres Rosales, Assistant City Manager and Sylvia Carillo-Trevino, City Manager.

Citizen Comment on this item:

- Addressing the Council: David Renfro

MOTION: Council Member Plunkett moved to approve the second reading of Ordinance No. 2024-21 with the amendment of additional language to allow for a credit to be issued commensurate with any overpayment that could be applied toward future development. Mayor Pro Tem Kirkland seconded the motion. Motion carried unanimously.

14. ITEMS FOR INDIVIDUAL CONSIDERATION

- 14C. **Consider and act on Resolution No. R-2024-79 of the City of Bastrop, Texas, amending the City Council Rules of Procedure; Section 2.2 - Meetings Shall Be in Compliance, Section 2.10 - Quorum, Section 3.2 - Model Format for Agenda Discussion, Section 3.5 - Discussion and Debate, Section 3.12 - Council May Discipline Its Own Members, Article 4 - Agenda Order, Section 4.4 - Presentations, Section 4.7 - Citizen Comments, and Section 5.3 - Rules Governing Citizen Comments, establishing a repealing clause; and establishing an effective date.**

Submitted/Presented by: Sylvia Carillo-Trevino, City Manager

Editor's note:

Council Member Fossler requested the following statement to be included in the record: "Public comments were taken on Section 2.10 – Quorum of the Rules of Procedure on July 26th, 2024 (sic). Nineteen (19) people submitted comments or spoke in favor of adding the provision, "three (3) or more voting City Council Members should not deliberate an item of city business outside of a properly posted meeting."

Citizen Comments on this item:

- Not speaking: Anne Grossmann, Carl Grossmann
- Addressing the Council: Carrie Caylor

MOTION: Council Member Fossler moved to amend Section 2.10 Quorum of the Rules of Procedure by adding the following provision, “*Three (3) or more City Council Members shall not deliberate an item of city business outside of a properly posted City Council meeting.*” Council Member Lee seconded the motion. Motion failed 2 to 3 with Council Member Meyer, Council Member Plunkett, and Mayor Pro Tem Kirkland voting against.

MOTION: Mayor Pro Tem Kirkland moved to amend Section 2.10 Quorum of the Rules Procedure to add the following addition, “*Three (3) or more members of a Council should not meet to deliberate city business unless (A) they are placed on a sub-committee created by Council or (B) they are calling a City Council meeting.*” Council Member Meyer seconded the motion. Motion carried unanimously.

MOTION: Mayor Pro Tem Kirkland moved to approve Resolution No. R-2024-79 with two (2) exceptions – (1) the approved addition that was made for Section 2.10 Quorum, and (2) reverting to the original language in Section 4.4 Presentations with using the word “may.” Council Member Plunkett seconded the motion. Motion carried unanimously.

14D. **Consider and act to approve the recommendations by the Charter Review Committee and any additional requests by Council and the Office of the City Secretary.**

Submitted/Presented by: Alan Bojorquez, City Attorney and Sylvia Carillo-Trevino, City Manager

Citizen Comments on this item:

- Addressing the Council: David Bragg, Debbie Moore
- Not speaking: Jimmy Crouch, Carrie Caylor

Citizen Comments on Proposition M Section 3.13:

- Addressing the Council: Debbie Moore

FIRST READING: Alan Bojorquez, City Attorney read the caption for the first reading of an Ordinance calling a Special Election on November 5, 2024, for the purpose of amending the Home-Rule Charter with the considerations from the Council listed below that will be presented for a second reading and approved at a Special Called City Council Meeting on August 19, 2024.

Summarization of Charter Amendment Recommendations from Council according to Alan Bojorquez, City Attorney:

1. Creation of a Proposition for handing petitions in the future – *no consensus from Council*
2. Removing Proposition F and G regarding petitions the ability to be supplemented after submission and leave as is in the Charter and read in conjunction with the Election Code – *agreement from Council*

3. Proposition M (Quorum) – removing the word “voting” – *no consensus from Council*. Three options were prepared for the next reading
4. Increasing Council size by adding one member – *no consensus from Council*
5. City Manager’s residency – limitation would exist, and it would be to reside within one mile of the city limits.– *agreement from Council*
6. Change to Proposition 1 (Proposition J in Draft Ordinance) – “Council would consider confirmation of the Mayor’s appointment”

FIRST READING: Alan Bojorquez, City Attorney read the first reading of an Ordinance calling for a Special Election on November 5, 2024, to amend the Home-Rule Charter regarding the enforcement of marijuana laws; a second reading will be read and approved at a Special Called City Council Meeting on August 19, 2024.

14E. **Consider and act on Resolution No. R-2024-105 of the City of Bastrop, Texas Accepting the City Secretary's Certification Regarding a Recall Petition Calling for the Removal of Mayor Lyle Nelson and Providing Findings of Fact, Repealer, Severability, Effective Date, Proper Notice, and Meeting.**

Submitted/Presented by: Irma Parker, Interim City Secretary
Citizen Comments on this item:

- Addressing the Council: Angela Plunkett, Jimmy Crouch, Linda Curtis, Mel Cooper
- Not speaking: Rita Ward, Jeff Harper, William Hinkston

Resolution No. R-2024-105 was not presented for City Council approval. No action was taken on Item 14E.

14A. **Consider and act on Resolution No. R-2024-102, of the City of Bastrop, Texas, for the disannexation of land from the city's extraterritorial jurisdiction, for a 54.535-acre tract of land out of the Reuben Gage Survey, Abstract No. 31, and the L.C. Cunningham Survey, Abstract No. 24, both of the 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 Plunket moved to approve Resolution No. R-2024-102 for the disannexation of land from city’s extraterritorial jurisdiction for a 54.535-acre tract (CTX SPE 3, LP). Council Member Lee seconded the motion. Motion carried unanimously.

14B. **Consider and act on the first reading of Ordinance No. 2024-24, of the City of Bastrop, Texas, abandoning and vacating a certain section of the Madison Street right-of-way and the Houston Street right-of-way to the north of State Highway 71 and south of Government Street; and authorizing the City**

Manager to execute any necessary documents to convey the City's remaining real property interests, if any, in said right-of-way to adjacent owners.

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

MOTION: Council Member Plunkett moved to approve the first reading of Ordinance No. 2024-24 to abandon and vacate a certain section of the Madison Street right-of-way and the Houston Street right-of-way to the north of State Highway 71 and south of Government Street and to include on the August 27, 2024 Regular Meeting Consent Agenda for a second reading. Council Member Meyer seconded the motion. Motion carried unanimously.

* * * **ITEM 14C FOR RECONSIDERATION** * * *

MOTION: Mayor Pro Tem Kirkland moved to reconsider *Item 14C Items for Individual Consideration* on the Rules of Procedure. Council Member Plunkett seconded the motion. Motion carried unanimously.

MOTION: Mayor Pro Tem Kirkland moved to amend Section 2.10 Quorum of the Rules of Procedure by adding, “*Three (3) or more members of Council should not meet to deliberate city business outside an open meeting unless (A) they are placed on a sub-committee created by Council or (B) they are calling a City Council Meeting*”; and to amend Section 4.4 Presentations of the Rules of Procedure by changing the word “will” to the original word of “may” to read, “*Presentations may be made by the Mayor, City Council, or Staff.*” Council Member Plunkett seconded the motion. Motion passed 3 to 2 with Council Member Lee and Council Member Fossler voting against.

15. EXECUTIVE SESSION

The City Council met at 10:20 p.m. in a closed/executive session pursuant to the Texas Government Code, Chapter 551, et seq, to discuss the following:

- 15A. 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 the 1500 Farm Street and 1505 Cedar Street properties.
- 15B. City Council shall convene into closed executive session pursuant to Texas Government Code Section 551.071 to seek the advice of legal counsel regarding engineering and construction contracts related to the Wastewater Treatment Plant #3.

Mayor Nelson recessed the Executive Session and reconvened the Open Session at 10:44 p.m.

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

15A. 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 the 1500 Farm Street and 1505 Cedar Street properties.

MOTION: Council Member Meyer moved to approve the purchase of the Farm Street and Cedar Street properties as discussed in Executive Session and authorized the City Manager to execute all documentation. Council Member Fossler seconded the motion. Motion carried unanimously.

15B. City Council shall convene into closed executive session pursuant to Texas Government Code Section 551.071 to seek the advice of legal counsel regarding engineering and construction contracts related to the Wastewater Treatment Plant #3.

MOTION: Council Member Fossler moved to approve the agreement to audit with KSA Engineers and authorize the City Manager to execute it. Council Member Plunkett seconded the motion. Motion carried unanimously.

17. ADJOURNMENT

Upon receiving a motion and a second to adjourn, the August 13th Regular Meeting, the meeting was adjourned at 10:46 p.m. without objection.

CITY OF BASTROP, TEXAS

Lyle Nelson, Mayor

ATTEST:

Victoria Psencik, Assistant City Secretary