

DECEMBER 12, 2023

The Bastrop City Council met in a regular meeting on Tuesday, December 12, 2023, at 5:00 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, and Plunkett.. Officers present were: City Manager, Sylvia Carrillo; City Secretary, Ann Franklin; and City Attorney, Alan Bojorquez.

CALL TO ORDER EXECUTIVE SESSION

Mayor Nelson called the meeting to order at 5:00 p.m. with a quorum present. Council Member Crouch arrived at 5:01 p.m.

EXECUTIVE SESSION

The City Council met at 5:03 p.m. in a closed/executive session pursuant to the Texas Government Code, Chapter 551, et seq, to discuss the following:

- 2A. 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 Rock Crushing Plant in Bastrop County.
- 2B. 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 and discuss the potential acquisition of real estate relating to the Vista Puente Drive right-of-way project.
- 2C. City Council shall convene into closed executive session pursuant to Texas Government Code section 551.071 to seek the advice of legal counsel regarding petitions to release areas from the extraterritorial jurisdiction and Senate Bill 2038.
- 2D. 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 and discuss professional engineering contract and matters related to the Wastewater Treatment Plant No. 3 Project.
- 2E. City Council shall convene into closed executive session pursuant to Texas Government Code section 551.071 to seek the advice of legal counsel regarding the proposal of a Public Improvement District in connection with the Bastrop Gateway development.
- 2F. 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 the Lost Pines Arts Center, 1204 Chestnut, Bastrop, Texas.
- 2G. City Council shall convene into closed executive session pursuant to Texas Government Code section 551.071 to seek the advice of legal counsel regarding a potential amendment to the Colorado Bend Development Agreement and Public Improvement Plan.

- 2H. 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 and SpaceX, related to real property.
- 2I. City Council shall convene into closed executive session pursuant to Texas Government Code section 551.071 to seek the advice of legal counsel regarding a development agreement for the project known as the Hill located at Hwy 95 and Arena Drive.

Mayor Nelson recessed the Executive Session at 6:30 p.m.

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

- 2I. City Council shall convene into closed executive session pursuant to Texas Government Code section 551.071 to seek the advice of legal counsel regarding a development agreement for the project known as the Hill located at Hwy 95 and Arena Drive.
A motion was made by Council Member Lee to approve development agreement for the project known as the Hill located at Hwy 95 and Arena Drive, seconded by Council Member Plunkett, motion was approved on a 5-0 vote.
- 2A. 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 Rock Crushing Plant in Bastrop County.
A motion was made by Council Member Crouch to approve Resolution No. 2023-182 expressing concerns regarding the Rock Crushing Plant, seconded by Council Member Plunkett, motion was approved on a 5-0 vote.
- 2B. 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 and discuss the potential acquisition of real estate relating to the Vista Puente Drive right-of-way project.
A motion was made by Council Member Crouch moved to authorize the City Manager in consultation with the City Attorney to execute a settlement agreement for the amount in terms discussed in executive session and authorize payment by the City of Bastrop of such settlement amount to settle the matter of the City of Bastrop verses Erhart Legacy Partners, Ltd for the acquisition of right-of-way necessary for the Vista Puente Drive project, seconded by Mayor Pro Tem Kirkland, motion was approved on a 5-0 vote.

CALL TO ORDER REGULAR MEETING

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

PLEDGE OF ALLEGIANCE

Avery Fobert and Shianne Redfearn, Bastrop Middle School, led the pledges.

INVOCATION

Grady Chandler, Police Chaplain, gave the invocation.

PRESENTATIONS

- 7A. Mayor's Report
- 7B. Council Members' Report
- 7C. A proclamation of the City Council of the City of Bastrop, Texas congratulating the Bastrop Chamber of Commerce for achieving accreditation with Four Star Distinction.
Ann Franklin, City Secretary
Proclamation was read into record by Mayor Nelson and accepted by Becki Womble, President and CEO and Board members of the Bastrop Chamber of Commerce.

WORK SESSIONS/BRIEFINGS

- 8A. Presentation on Zero Waste.
Presentation was made by Stacy Savage, Zero Waste Strategies LLC.

INDIVIDUAL CONSIDERATION

- 12J. Consider action to approve Resolution No. R-2023-173 of the City Council of the City of Bastrop, Texas, approving a professional engineering services contract with Kimley-Horn and Associates, Inc. to the Agnes Street Widening project to a not to exceed amount of One Hundred Forty-Four Thousand Seven Hundred Dollars (\$144,700); 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, Executive Director of Engineering and Construction Management
Presentation was made by Rene Aguilar, Construction.

A motion was made by Council Member Plunkett to approve Resolution No. R-2023-173, seconded by Council Member Crouch, motion was approved on a 5-0 vote.

WORK SESSIONS/BRIEFINGS CONTINUED

- 8B. City Manager's Monthly Report.
Presentation was made by Sylvia Carrillo, City Manager, ICMA-CM, CPM

STAFF AND BOARD REPORTS – NONE

CITIZEN COMMENTS

SPEAKER(S)

**Kerry Fossler
1903 Main St.
Bastrop, Texas 78602
713-882-7218**

CONSENT AGENDA

A motion was made by Council Member Lee to approve Items 11A, 11B, 11C, 11D, and 11E as listed on the Consent Agenda after being read into the record by City Secretary Ann Franklin. Seconded by Council Member Crouch, motion was approved on a 5-0 vote.

- 11A. Consider action to approve City Council minutes from the November 14, 2023, Development Code Rodeo and November 18, 2023, Special Called meeting.
Submitted by: Ann Franklin, City Secretary
- 11B. Consider action to approve Resolution No. R-2023-177 of the City Council of the City of Bastrop, Texas, approving an Ad Valorem Tax Assessment & Collection Contract between Bastrop County and the City of Bastrop, attached as Exhibit A, authorizing the City Manager to execute all necessary documents.
Submitted by: Laura Allen, Assistant Finance Director
- 11C. Consider action to approve Resolution No. R-2023-181 of the City Council of the City of Bastrop, Texas, approving an Ad Valorem Tax Assessment & Collection Contract between Bastrop County and the City of Bastrop for the Hunter's Crossing Public Improvement District, attached as Exhibit A, authorizing the City Manager to execution all necessary documents.
Submitted by: Laura Allen, Assistant Finance Director
- 11D. Consider action to approve the second reading of Ordinance No. 2023-41 of the City Council of the City of Bastrop, Texas, authorizing and allowing for (1) an increase in the employee contribution rate to Texas Municipal Retirement System (TMRS); and (2) adopting: (i) annually accruing updated service credits and transfer updated service credits; and (ii) annually accruing annuity increases, also referred to as cost-of-living adjustments (COLAS) for retirees and beneficiaries of deceased retirees, as attached in Exhibit A; providing for findings of fact, enactment, repealer, severability, providing for an effective date, codification, proper notice, and meeting.
Submitted by: Tanya Cantrell, Human Resource Director
- 11E. Consider action to approve Resolution No. R-2023-171 of the City Council of the City of Bastrop, Texas, approving a task order with MWM DesignGroup to provide the services of City Engineer in the amount of Sixty-Five Thousand Six Hundred and Fifty Dollars (\$65,650.00); attached in Exhibit B; 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, Executive Director of Engineering and Construction Management

DISCUSSION ITEM

- 11F. Consider action to approve the second reading of Ordinance No. 2023-42 of the Bastrop City Council of the City of Bastrop, Texas, amending the Bastrop Code of Ordinances Chapter 1 General Provisions, Article 1.10 Parks, Section 1.10.002 Park Rules; and providing for findings of fact, repealer, severability, codification, effective date, proper notice and meeting.
Submitted by: Terry Moore, Recreation Manager
Presentation made by Terry Moore, Recreation Manager.

A motion was made by Council Member Plunkett to approve the second reading of Ordinance No. 2023-42 with the following amendments, seconded by Mayor Pro Tem Kirkland, motion was approved on a 5-0 vote.

The amendments were:

To add “Activity” to section (e), to read as follows.

(e) Activity in Colorado River.

Section 1, substitute the wording “swimming” with the word “engaging” to read as follows.

(1) ...Furthermore, the City of Bastrop does not assume any liability for any persons engaging in any activity in the Colorado River.

ITEMS FOR INDIVIDUAL CONSIDERATION CONTINUED

- 12A. Consider action to approve Resolution No. R-2023-178 of the City Council of the City of Bastrop, Texas regarding the Bastrop Central Appraisal District (CAD) election voting for the 2024 Board of Directors; establishing a repealing clause; and establishing an effective date.

Submitted by: Ann Franklin, City Secretary

Presentation made by Ann Franklin, City Secretary.

A motion was made by Council Member Plunkett to approve Resolution No. R-2023-178 to nominate Bill Archer, Justin Bezner, David Glass, and David Redd with 48 votes each, seconded by Council Member Lee, motion was approved on a 5-0 vote.

- 12B. Consider action to approve Resolution No. R-2023-169 of the City Council of the City of Bastrop, Texas, approving the Bastrop Cultural Arts Commission to accept a grant in the amount of Eight Thousand and 00/100 Dollars (\$8,000) from the Texas Commission on the Arts for administrative program costs.

Submitted by: Candice Butts, Main Street Manager

Presentation made by Candice Butts, Main Street Manager.

A motion was made by Council Member Meyer to approve Resolution No. R-2023-169, seconded by Council Member Crouch, motion was approved on a 5-0 vote.

- 12C. Consider action to approve Resolution No. R-2023-170 of the City Council of the City of Bastrop, Texas, approving the Bastrop Cultural Arts Commission to accept a grant in the amount of Sixteen Thousand and Two Hundred and 00/100 Dollars (\$16,200) from the Texas Commission on the Arts for a Cultural Arts District Project.

Submitted by: Candice Butts, Main Street Manager

Presentation made by Candice Butts, Main Street Manager.

A motion was made by Mayor Pro Tem Kirkland to approve Resolution No. R-2023-170, seconded by Council Member Lee, motion was approved on a 5-0 vote.

- 12D. Consider action to approve the first reading of Ordinance No. 2023-43 of the Bastrop City Council of the City of Bastrop, Texas, amending the Bastrop Code of Ordinances Chapter 11 Taxation, Article 11.02 Sales Tax, to amend Section 11.02.003 Economic Development Sales and Use Tax Levy and to enact Section 11.02.004 Street Maintenance and Repair Sales and Use Tax Levy; and providing for findings of fact, repealer, severability, codification, effective date, proper notice and meeting; and move to include on the January 9, 2024, Council agenda for second reading.
Submitted by: Laura Allen, Assistant Finance Director
Presentation made by Laura Allen, Assistant Finance Director.

A motion was made by Council Member Crouch to approve the first reading of Ordinance No. 2023-43, seconded by Mayor Pro Tem Kirkland, motion was approved on a 5-0 vote.

- 12E. Consider action to approve Resolution No. R-2023-179 of the City Council of the City of Bastrop, Texas, consenting to the annexation of certain territory into the Centex Drainage District; providing for a repealing clause; and establishing an effective date.
Submitted by: Sylvia Carrillo, City Manager, ICMA-CM, CPM
Presentation made by Sylvia Carrillo, City Manager, ICMA-CM, CPM.

A motion was made by Mayor Pro Tem Kirkland to approve Resolution No. R-2023-179, seconded by Council Member Meyer, motion was approved on a 5-0 vote.

- 12F. Hold a continuation of the public hearing and consider action to approve the second reading of Ordinance No. 2023-38, of the City Council of the City of Bastrop, Texas, establishing and adopting transportation impact fees; amending the Bastrop Code of Ordinances, Chapter 13, Article 13.12, by enacting sections 13.12.094 - 13.12.099 providing for definitions; providing for assessment of said impact fees; providing for the general administration of said impact fees; providing a severability clause; providing an effective date and an open meetings clause, providing adoption, repealer, severability, filing and enforcement; establishing an effective date
Submitted by: Sylvia Carrillo, ICMA-CM, CPM, City Manager
Presentation was made by Sylvia Carrillo, ICMA-CM, CPM, City Manager and Jake Gutekunst, Kimley-Horn.

Public hearing opened.

SPEAKER

**David Glenn
780 Shoal Creek Blvd.
Austin, Texas 78757
903-819-7666**

Public hearing closed.

A motion was made by Mayor Pro Tem Kirkland to approve the second reading of Ordinance No. 2023-38 with the maximum accessible fee set as listed in Table A of \$2,349.00 in Service Area A and \$1,414.00 in Service Area B with a phased in approach to reach the previous numbers of 65%, 85%, and 100% in each year after the twelfth month grace period; and exceptions of 1) plats less than 4 units and 2)

all residential remodels exempt, seconded by Council Member Meyer, motion was approved on a 5-0 vote.

- 12G. Consider action to approve Resolution No. R-2023-172 of the City Council of the City of Bastrop, Texas approving the 2024 Council Meeting Schedule, attached as Exhibit A; and providing an effective date.

Submitted by: Ann Franklin, City Secretary

Presentation made by Ann Franklin, City Secretary.

A motion was made by Mayor Pro Tem Kirkland to approve Resolution No. R-2023-172 with amendment to the 2024 Council Meeting Schedule, moving the October 8th meeting to October 1st, seconded by Council Member Crouch, motion was approved on a 5-0 vote.

- 12H. Consider action to approve Resolution No. R-2023-175 of the City Council of the City of Bastrop, Texas confirming appointment by the Mayor of Mary Moody, to Place 5 of the Diversity, Equity, and Inclusion Board, as required in Section 3.08 of the City's Charter, and establishing an effective date.

Submitted by: Ann Franklin, City Secretary

A motion was made by Council Member Lee to approve Resolution No. R-2023-175, seconded by Council Member Meyer, motion was approved on a 5-0 vote.

- 12I. Consider action to approve Resolution No. R-2023-174 of the City Council of the City of Bastrop, Texas confirming appointment by the Mayor of Shawn Pletsch, to Place 8 of the Main Street Program Advisory Board, as required in Section 3.08 of the City's Charter, and establishing an effective date.

Submitted by: Ann Franklin, City Secretary

A motion was made by Council Member Lee to approve Resolution No. R-2023-174, seconded by Council Member Meyer, motion was approved on a 5-0 vote.

Adjourned at 10:59 p.m. without objection.

APPROVED:

ATTEST:

Mayor Lyle Nelson

City Secretary Ann Franklin

The Minutes were approved on January 9, 2024, by Council Member Name's motion, Council Member Name's second. The motion was approved on a 5-0 vote.