

SEPTEMBER 12, 2023

The Bastrop City Council met in a regular meeting on Tuesday, September 12, 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

Amanda (AJ) Garza & Layton North, Emile Elementary Safety Patrol, led the pledges.

INVOCATION

Hardy Overton, Police Chaplain, gave the invocation.

PRESENTATIONS

- 4A. Mayor's Report
- 4B. Council Members' Report
- 4C. City Manager's Report

WORK SESSIONS/BRIEFINGS

- 5A. City Manager's monthly report.

STAFF AND BOARD REPORTS- NONE

CITIZEN COMMENTS

SPEAKERS

Ian Todd
1400 River Blvd.
Georgetown, TX 78628
512-930-9775

CONSENT AGENDA

A motion was made by Council Member Lee to approve Items 8A, 8B, 8C, and 8D 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.

- 8A. Consider action to approve City Council minutes from the August 22, 2023, Regular meeting; August 28, 2023, Special meeting; and August 30, 2023, Special.

Submitted by: Ann Franklin, City Secretary

- 8B. Consider action to approve the second reading of Ordinance No. 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.

Submitted by: Mayor Lyle Nelson

- 8C. Consider action to approve second reading of Ordinance No. 2023-23 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, and proper notice of meeting.

Submitted by: Laura Allen, Senior Accountant

- 8D. Consider action to approve the second 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.

Submitted by: Laura Allen, Senior Accountant

ITEMS FOR INDIVIDUAL CONSIDERATION

- 9L. Consider action to approve Resolution No. R-2023-138 of the City Council of the City of Bastrop, Texas confirming the Youth Advisory Council appointments of the Mayor, as required in Section 3.08 of the City Charter; providing for a repealing clause; and establishing an effective date.

Submitted by: Terry Moore, Recreation Manager

Presentation was made by Terry Moore, Recreation Manager.

A motion was made by Council Member Plunkett to approve the first reading of Ordinance No. 2023-138, seconded by Mayor Pro Tem Kirkland, motion was approved on a 5-0 vote.

- 9A. Hold public hearing and discussion regarding the proposed zoning concept scheme change for a Planned Development District for certain properties out of the Nancy Blakey Survey Abstract 98 located at the northeast corner of State Highway 71 and Settlement Drive, within the city limits of Bastrop, Texas more commonly known as Reed Ranch.

Submitted by: Kennedy Higgins, Planner for Development Services

Presentation was made by Sylvia Carrillo, ICMA-CM, CPM, City Manager and Charley Dorsaneo with the Drenner Group.

Public hearing was opened.

SPEAKERS

**Jeff Ahlborn
748 Marino CT
Bastrop, TX 78602
309-333-6855**

**Keith Ahlborn
201 Bryant Dr.
Bastrop, TX 78602
630-235-8026**

**William Hinkston
617 Blair Ave.
Bastrop, TX 78602
512-284-1684**

**Ray Mathews
747 Marino Ct
Bastrop
512-988-2414**

**Jacquie Gallagher
140 Shoreline Dr.
Bastrop, TX
512-694-4228**

**Maron Finley
745 Marino Ct
Bastrop, TX 78602
512-333-1849**

Public hearing was closed.

- 9B. Hold a public hearing and consider action to approve the first reading of Ordinance No. 2023-36 approving the Burleson Crossing East Zoning Concept Scheme, changing the zoning for 19.81 acres out of the Nancy Blakey Survey from P5 Core to a Planned Development District (PDD) with a P5 Core base zoning, as shown in attached as Attachment 2, located at the northeast corner of State Highway 71 and Edward Burleson Drive, within the city limits of Bastrop, Texas; and move to include on the September 19, 2023, agenda for second reading.
Submitted by: Sylvia Carrillo, City Manager, ICMA-CM, CPM
Presentation was made by Sylvia Carrillo, ICMA-CM, CPM, City Manager.

Public hearing was opened.

Public hearing was closed.

A motion was made by Council Member Meyer to approve the first reading of Ordinance No. 2023-36 and move to include on the September 19, 2023, agenda for second reading, seconded by Council Member Crouch, motion was approved on a 5-0 vote.

EXECUTIVE SESSION

The City Council met at 7:52 p.m. in a closed/executive session pursuant to the Texas Government Code, Chapter 551, et seq, to discuss the following:

Mayor Nelson recessed the Executive Session at 8:57 p.m.

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

ITEMS FOR INDIVIDUAL CONSIDERATION CONTINUED

- 9C. 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 19, 2023, Council agenda for second reading.
Submitted by: Sylvia Carrillo, City Manager, ICMA-CM, CPM
Presentation was made by Sylvia Carrillo, ICMA-CM, CPM, City Manager.

SPEAKERS

**Shawn Plesch
1010 Pecan
Bastrop**

**Kerry Fossler
1903 Main Street
Bastrop**

**Nichole DeGuzman
904 Main St.
Bastrop**

**Sharah Johnson
1403 Main Street
Bastrop**

**Ashton LaFuente
1408 B Chestnut Street
Bastrop, TX 78602**

A motion was made by Council Member Crouch to approve Resolution No. R-2023-136, seconded by Council Member Meyer, motion was approved on a 5-0 vote. (*The number for this item was read incorrectly in the motion as Resolution No. 2023-28.*)

- 9D. Hold public hearing and consider action to approve the first reading of Ordinance No. 2023-33 of the City Council of the City of Bastrop, Texas adopting a budget for the Fiscal Year 2023-2024 (October 1, 2023 through September 30, 2024) attached as Exhibit A; making certain appropriations; and providing that expenditures for said Fiscal Year be made in accordance with said budget; updating the Master Fee Schedule; providing a distribution; severability; repealer; an effective date; proper

notice and meeting; and move to include on the September 19, 2023 agenda for a second reading.

Submitted by: Sylvia Carrillo, City Manager, and Laura Allen, Senior Accountant
Presentation was made by Sylvia Carrillo, ICMA-CM, CPM, City Manager.

Public hearing was opened.

Public hearing was closed.

A motion was made by Mayor Pro Tem Kirkland to approve the first reading of Ordinance No. 2023-33, with the additions to Visit Bastrop, community assets funding, and to amend the fee section of the budget to add a fee for contempt and failing or refusing to obey a subpoena or provide books, papers, or other evidence requested in a subpoena, state maximum fee is \$500 and to include on the September 19, 2023, agenda for second reading, seconded by Council Member Meyer, motion was approved on a 5-0 vote.

- 9E. Hold public hearing and consider action to approve the first reading of Ordinance No. 2023-34 of the City Council of the City of Bastrop, Texas, adopting the tax roll, adopting the tax rate, and levying ad valorem taxes for the Fiscal Year 2023-2024 to provide revenue for the payment of budgeted municipal expenditures; and providing for tax assessment; records; severability; an effective date; and proper notice and meeting; and move to include on the September 19, 2023, Council Consent Agenda. Submitted by: Sylvia Carrillo, City Manager, and Laura Allen, Senior Accountant
Presentation was made by Sylvia Carrillo, ICMA-CM, CPM, City Manager.

Public hearing was opened.

Public hearing was closed.

A motion was made by Council Member Lee to approve the first reading of Ordinance No. 2023-34, for property tax to be increased by the adoption of a tax rate of 0.4994 which is effectively per \$100 evaluation effectively 1.6% increase in the tax rate and to include on the September 19, 2023, agenda for second reading, seconded by Council Member Crouch motion was approved on a 5-0 vote.

- 9F. Presentation and discussion on Transportation Impact Fees, Final Report and Collection Rates recommended by the Planning and Zoning Commission with potential action for adoption by the City Council at the September 26, 2023, meeting. Submitted by: Sylvia Carrillo, ICMA-CM, CPM, City Manager
This item was pulled from the agenda.

- 9G. Consider action to approve the first reading of Ordinance No. 2023-24 of the City Council of the City of Bastrop, Texas, annexing a tract of land described as 104.6+/- acres of land out of the Nancy Blakey survey, Abstract No. A98, located west of farm-to-market road 969, as shown in Exhibit A; providing for findings of fact, adoption, repealer, severability, filing and enforcement; establishing an effective date; providing for proper notice and meeting; and move to include on the September 19, 2023, agenda for second reading. Submitted by: Sylvia Carrillo, City Manager, ICMA-CM, CPM
Presentation was made by Sylvia Carrillo, ICMA-CM, CPM, City Manager.

A motion was made by Council Member Plunkett to approve the first reading of Ordinance No. 2023-24, and to include on the September 19, 2023, agenda for second reading, seconded by Council Member Crouch, motion was approved on a 5-0 vote.

- 9H. Consider action to approve Resolution No. R-2023-140 of the City Council of the City of Bastrop, Texas, approving an agreement for Emergency Communications Services between Bastrop County and the City of Bastrop, attached as Exhibit A; authorizing the City Manager to execute all necessary documents; providing for a repealing clause; and establishing an effective date.

Submitted by, Vicky Steffanic, Chief of Police

Presentation was made by Vicky Steffanic, Chief of Police.

A motion was made by Council Member Lee to approve Resolution No. 2023-140, seconded by Council Member Meyer, motion was approved on a 5-0 vote.

- 9I. 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 19, 2023, agenda for second reading.

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 the first reading of Ordinance No. 2023-31, with the amendment of lots four or less and to include on the September 19, 2023, agenda for second reading, seconded by Council Member Plunkett, motion was approved on a 5-0 vote.

- 9J. Consider action to approve Resolution No. R-2023-134 approving the City Council of the City of Bastrop, Texas, approving the Bastrop Public Library to accept a grant in the amount of Two Thousand Five Hundred and 00/100 Dollars (\$2,500) from the Texas Book Festival for the purchase of 1st Reader books for use by library patrons, and establishing an effective date.

Submitted by: Bonnie Pierson, Library Director

Presentation was made by Bonnie Pierson, Library Director.

A motion was made by Council Member Lee to approve Resolution No. 2023-134, seconded by Council Member Plunkett, motion was approved on a 5-0 vote.

- 9K. Consider action to approve Resolution No. R-2023-137 of the City Council of the City of Bastrop, Texas to forgive interest, totaling \$522.49, accrued on liens on property located at 2212 Pecan Street, owned by Mr. Syed Ahmed Ali; and authorize the execution of any lien releases upon payment by Mr. Ali of principal amounts totaling \$610.00.

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

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

A motion was made by Council Member Meyer to approve Resolution No. 2023-137, seconded by Council Member Plunkett.

A friendly amendment was offered by Mayor Pro Tem Kirkland to require payment of outstanding debt within ten business days or interest will be reapplied. The friendly amendment was accepted by the maker and second of the motion.

A motion was made by Council Member Meyer to approve Resolution No. 2023-137 with the friendly amendment, seconded by Council Member Plunkett, motion was approved on a 5-0 vote.

- 9M. Consider action to approve Resolution No. R-2023-141 of the City Council of the City of Bastrop, Texas confirming annual board appointments of the Mayor, as required in Section 3.08 of the City's Charter, as outlined in Exhibit A; and establishing an effective date.

Submitted by: Mayor Lyle Nelson

A motion was made by Council Member Lee to approve Resolution No. R-2023-141 as written. Motion failed for lack of a second.

A motion was made by Mayor Pro Tem Kirkland to approve Resolution No. 2023-141 with the exception of Place 3 on the Planning and Zoning Commission of Pablo Serna, seconded by Council Member Crouch, motion was approved on a 5-0 vote.

- 9N. Consider action to approve Resolution No. R-2023-139 of the City Council of the City of Bastrop, Texas approving a professional services contract with MWM Design Group (MWM), for the Blakey Lane Extension project for a not to exceed amount of Six Hundred Seven Thousand Seven Hundred and Forty-Four Dollars and Fifty Cents (\$607,744.50); authorizing the City Manager to execute all necessary documents; providing a repealing clause; and establishing an effective date.

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

Presentation was made by Fabiola M. de Carvalho, CFM, AMP MIAM, Director of Engineering and Capital Project Management.

A motion was made by Council Member Plunkett to approve Resolution No. 2023-139, seconded by Council Member Crouch, motion was approved on a 5-0 vote.

- 9O. Consider action to approve the first reading of Ordinance No. 2023-32 of the City Council of the City of Bastrop, Texas ("City") to amend Article 4.04 - Peddlers, Solicitors and Vendors and adopt Division 4 – Requirements Applicable for Mobile Food Vendors in the Bastrop, Texas Code of Ordinances; providing for findings of fact, purpose, adoption and amendment, repealer, severability, enforcement, effective date, and property notice and meeting, and move to include on the Council Consent Agenda on September 19, 2023.

Submitted by: Andres Rosales, Fire Chief

Presentation was made by Kennedy Higgins, Planner for Development Services.

A motion was made by Council Member Plunkett to approve the first reading Ordinance No. 2023-32 and move to include on the Council Consent Agenda on September 19, 2023, seconded by Council Member Meyer, motion was approved on a 5-0 vote.

EXECUTIVE SESSION

The City Council met at 10:33 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 to seek the advice of legal counsel regarding Wastewater Treatment Plant & Collection System Improvements including contract compliance and invoice matters involving KSA Engineering, Inc.
- 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 the Destination and Marketing Services Agreement with Visit Bastrop, City Council Resolution No. R-2023-129, and related information.
- 10C. 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 Agnes Street Extension project.

Mayor Nelson recessed the Executive Session at 10:59 p.m.

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 sections 551.071 and 551.072 to seek the advice of legal counsel and discuss the potential acquisition of real estate relating to the Agnes Street Extension project.

A motion was made by Council Member Crouch to authorize payment by the City of Bastrop of the Special Commissioners’ Award amount and the fees of the Special Commissioners from the September 8, 2023, hearing in the matter of City of Bastrop v. John A. Nixon and Tina T. Nixon for the Agnes Street Extension project, seconded by Council Member Plunkett, motion was approved on a 5-0 vote.

Adjourned at 11:01 p.m. without objection.

APPROVED:

ATTEST:

Mayor Lyle Nelson

Assistant City Secretary Victoria Psencik

The Minutes were approved on September 19, 2023, by Council Member Name’s motion, Council Member Name’s second. The motion was approved on a 5-0 vote.