

Bastrop, TX City Council Meeting Agenda
Bastrop City Hall City Council Chambers
1311 Chestnut Street
Bastrop, TX 78602
(512) 332-8800



January 17, 2025

Special City Council Meeting at 4:30 PM

City of Bastrop City Council meetings are available to all persons regardless of disability. If you require special assistance, please contact the City Secretary at (512) 332-8800 or write 1311 Chestnut Street, 78602, or by calling through a T.D.D. (Telecommunication Device for the Deaf) to Relay Texas at 1-800-735-2989 at least 48 hours in advance of the meeting.

The City of Bastrop reserves the right to reconvene, recess, or realign the Regular Session or called Executive Session or order of business at any time prior to adjournment.

PLEASE NOTE: ANYONE IN ATTENDANCE WISHING TO ADDRESS THE COUNCIL MUST COMPLETE A CITIZEN COMMENT FORM AND GIVE THE COMPLETED FORM TO THE CITY SECRETARY PRIOR TO THE START OF THE CITY COUNCIL MEETING. ALTERNATELY, IF YOU ARE UNABLE TO ATTEND THE COUNCIL MEETING, YOU MAY COMPLETE A CITIZEN COMMENT FORM WITH YOUR COMMENTS AT CITYOFBASTROP.ORG/CITIZENCOMMENT AT LEAST TWO HOURS BEFORE THE MEETING STARTS ON THE REQUESTED DATE. COMMENTS SUBMITTED BY THIS TIME WILL BE GIVEN TO THE CITY COUNCIL DURING THE MEETING AND INCLUDED IN THE PUBLIC RECORD, BUT NOT READ ALOUD. COMMENTS FROM EACH INDIVIDUAL IN ATTENDANCE WILL BE LIMITED TO THREE (3) MINUTES.

- 1. CALL TO ORDER**
- 2. CITIZEN COMMENTS**

At this time, three (3) minute comments will be taken from the audience on any topic. Anyone in attendance wishing to address the Council must complete a citizen comment form and give the completed form to the City Secretary prior to the start of the City Council meeting. Alternately, if you are unable to attend the council meeting, you may complete a citizen comment form with your comments at www.cityofbastrop.org/citizencommentform at least two hours before the meeting starts on the requested date. Comments submitted by this time will be given to the City Council during the meeting and included in the public record, but not read aloud. In accordance with the Texas Open Meetings Act, if a citizen discusses any item not on the agenda, City Council cannot discuss issues raised or make any decision at this time. Instead, City Council is limited to making a statement of specific factual information or a recitation of existing policy in response to the inquiry. Issues may be referred to City Manager for research and possible future action.

It is not the intention of the City of Bastrop to provide a public forum for the embarrassment or demeaning of any individual or group. Neither is it the intention of the Council to allow a member of the public to slur the performance, honesty and/or integrity of the Council, as a body, or any member or members of the Council individually or collectively, or members of the City's staff. Accordingly, profane, insulting or threatening language directed toward the Council and/or any person in the Council's presence will not be tolerated.

3. ITEMS FOR INDIVIDUAL CONSIDERATION

3A. Consider and act on Resolution No. R-2025-15, A Resolution Accepting the Letter of Resignation Submitted by Lyle Nelson, Dated January 14, 2025, and Attached Hereto as Exhibit 1; Setting A Severability Clause And Establishing An Effective Date.

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

3B. Consider and act on Resolution No. R-2025-16, A Resolution Ordering a Special Election to be held on Saturday, May 3, 2025 for Mayor According to the Bastrop Home Rule Charter; Designating Polling Places within the City; Establishing Other Procedures for the Conduct of the General Election and Runoff Election, If Necessary, Including Providing that the Election is to be held as a Joint Election in Conjunction with Bastrop County; Providing a Severability Clause; And Providing an Effective Date.

4. ADJOURNMENT

All items on the agenda are eligible for discussion and action unless specifically stated otherwise.

The Bastrop City Council reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices), and 551.087 (Economic Development), and §551.086 (Competitive Matters regarding Electric Utility).

Notice is hereby given of the possibility of a quorum of any of the City of Bastrop Boards and Commissions at this City Council Meeting.

NO Board/Commission action will be taken; NO deliberations will be held; and NO Board/Commission business will be conducted.

I, the undersigned authority, do hereby certify that this Notice of Meeting as posted in accordance with the regulations of the Texas Open Meetings Act on the bulletin board located at the entrance to the City of Bastrop City Hall, a place convenient and readily accessible to the general public, as well as to the City's website, www.cityofbastrop.org and said Notice was posted on the following date and time: Tuesday, January 14, 2025 at 4:30 p.m. and remained posted for at least two hours after said meeting was convened.

/s/Victoria Psencik
Victoria Psencik, Assistant City Secretary



STAFF REPORT

MEETING DATE: January 17, 2025

TITLE:

Consider and act on Resolution No. R-2025-15, Accepting the Letter of Resignation by Mayor Lyle Nelson dated January 14, 2025, as Mayor of the City of Bastrop, Texas; Providing for a Repealing Clause; and Establishing an Effective Date.

AGENDA ITEM SUBMITTED BY:

Sylvia Carrillo-Trevino, ICMA-CM, CPM, City Manager

BACKGROUND/HISTORY:

Mayor Lyle Nelson has submitted his Letter of Resignation as Mayor of Bastrop, to the Assistant City Secretary, effective immediately.

The election code, Sec. 201.023. Resignation requires the appropriate authority; the Council accept the resignation.

Sec. 201.023. RESIGNATION. If an officer submits a resignation, whether to be effective immediately or at a future date, a vacancy occurs on the date the resignation is accepted by the appropriate authority or on the eighth day after the date of its receipt by the authority, whichever is earlier.

The additional item will be to order the election for the place of Mayor. That is listed under a separate agenda item.

RECOMMENDATION:

Accept the resignation

ATTACHMENTS:

- Resolution No. R-2025-15
- Letter of Resignation

RESOLUTION NO. R-2025-15

A RESOLUTION OF THE CITY COUNCIL OF BASTROP, TEXAS, ACCEPTING THE LETTER OF RESIGNATION SUBMITTED BY LYLE NELSON, DATED JANUARY 14, 2025, AND ATTACHED HERETO AS EXHIBIT 1; SETTING A SEVERABILITY CLAUSE AND ESTABLISHING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BASTROP, TEXAS, THAT:

SECTION 1: On January 14, 2025 Assistant City Secretary Victoria Psencik received a Letter of Resignation, attached hereto as Exhibit 1, from Mayor Lyle Nelson effective immediately; and

SECTION 2: Upon receipt and notification of the Letter of Resignation, the City Council directed that a Special Meeting be called on Friday, January 17, 2025 to formally accept the resignation submitted by Mayor Lyle Nelson.

SECTION 3: The City Council has directed Staff to prepare documents to call a Special Election for Saturday, May 3, 2025. All residents and qualified voters of the City of Bastrop will be allowed to participate in this election to elect a mayor for the City of Bastrop.

SECTION 4: The City Council acknowledges that an officer who has resigned continues to perform the functions of the office until a successor is selected and qualified. If an officer is forced to resign because of circumstances arising under Article XI, Section 11 of the Texas Constitution, then the election to fill the vacancy must be held within 120 days whether there is a uniform election date during that period or not. In this instance, the constitutional requirement overrides the election code uniform date restriction [EC §41.004(b)].

SECTION 5: Should any part, section, subsection, paragraph, sentence, clause or phrase contained in this resolution is held to be unconstitutional or of no force and effect, such holding shall not affect the validity of the remaining portion of this ordinance, but in all respects said remaining portion shall be and remain in full force and effect.

SECTION 6: It is hereby officially found and determined that the meeting at which this ordinance is passed is open to the public as required by law, and that public notice of the time, place and purpose of said meeting was given as required.

SECTION 7: That this Resolution shall become effective from and after its passage as may be required by law or by the City Charter or ordinance.

DULY RESOLVED by the Bastrop City Council on this the 17th day of JANUARY 2025.

CITY OF BASTROP, TEXAS

Mayor

ATTEST:

APPROVED AS TO FORM:

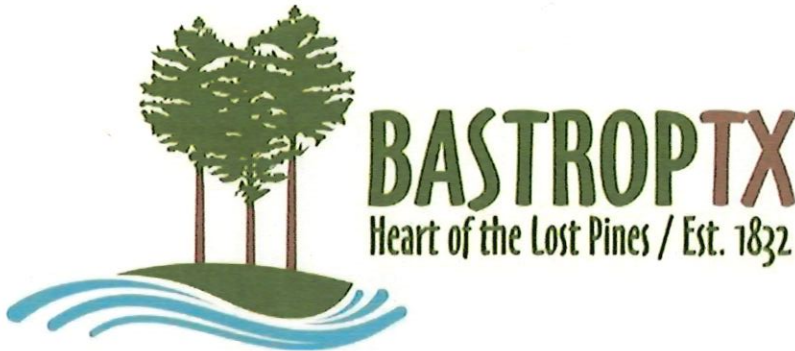
City Secretary

City Attorney

RECEIVED

JAN 14 2025

City Secretary Office (2)



To: Bastrop City Council
City Manager Sylvia Carrillo

From: Mayor Lyle Nelson

Re: Letter of Resignation

I was elected by the citizens of Bastrop as Mayor in June of 2023. My commitment was to serve the citizens of Bastrop.

Under the citizen developed Bastrop City Charter, the Mayor has three (3) primary responsibilities:

- o To appoint members to all City Boards and Commissions, subject to confirmation by the City Council,
- o To preside at all City Council meetings as Chief Presiding Officer with no vote except in a tie
- o To be recognized as head of the City for all ceremonial duties

From the outset, I and the Office of Mayor have been under attack by certain City Council members. They used public resources and taxpayer funds to prevent me from serving the citizens as their Mayor. They passed resolutions that restrict me from being able to respond to and represent our citizens. Unsubstantiated allegations led to unproven accusations that were later completely dismissed by the Bastrop County District Attorney. I was absolved of any misdeeds as Mayor by the City's own administrative investigator who stated, "The Mayor denied any knowledge of misuse of public funds and my investigation to date uncovered no evidence otherwise". A criminal investigation was conducted by the Texas Rangers and no-billed by a Bastrop Grand Jury. The evidence showed that there was no misuse of public funds and there was no criminal conduct by me or anyone else. Yet, attacks meant to embarrass and discredit me were continued by these self-serving individuals. Misleading information and, in some cases, outright lies were promoted throughout the community. Truth and corrections to the unfounded allegations were ignored by the accusers, their allies as well as the news media. Efforts to defend myself were met with even more attacks. During this witch hunt, my detractors have expended in excess of \$130K in public funds. In response to citizens' desire to end the political quarrelling, I extended an olive branch on multiple occasions to no avail.

Lies were used to draw a mob to a City Council meeting that was orchestrated to continue to deflect from City Council's responsibilities, discredit me, attack a well-respected Municipal Attorney as well

as silence an elected City Councilmember. From this meeting, more demands to end this squabbling have been voiced by the public.

I am greatly concerned with:

- The assault on Open Government by delaying or denying citizen and selected elected officials requests for public documents
- The use of public funds for personal attacks
- City employee turnover
- Intimidation of City employees
- Attacks upon as well as ignoring provisions of our City Charter
- Attacks upon citizen participation on Boards and Commissions
- Self-serving interests over public service
- Silencing opposing views from other Council members and the public
- Tyranny of the Majority to stifle the Minority
- Subversion of the elected Office of Mayor
- The abdication by the elected members of the City Council of its ceremonial duties to a paid City employee
- Appropriate oversight of the City's Financial issues and the fiscal sustainability of the City

The Office of the Mayor has been subverted by a voting block of three (3) on Council at the prompting of Mayor Pro Tem Kirkland who gains personal power through the subversion. There is every indication that the vicious and malicious attack on me and the Office of Mayor will continue. Additionally, there has been no effort by the voting block led by the Mayor Pro Tem to refocus on City business without the public nastiness.

I have no doubt that I can defeat the recall election in May. However, does our community need additional discord being publicly displayed till then? Even when I win, if those, such as Mayor Pro Tem Kirkland who have placed their personal agendas above their public obligations remain in office, our City still loses. I will no longer be a focal point for these self-serving interests to deflect from their actions to over promise and under-deliver to our community. I will no longer be a part of a group that chooses to bring embarrassment to our community for their selective indignation. I can no longer be associated with elected and appointed officials that place their self-interests above their public service obligations.

To that end, I am resigning as Mayor of the City of Bastrop effective immediately. While my detractors attribute this to an inappropriate recall, in reality it is my effort to mitigate the pettiness with hopes of moving our City forward. It is about public service not political gain. I thank the voters who elected me to serve as their Mayor. I also sincerely thank those friends who have maintained their staunch support for me during these trying times.



Lyle Nelson

Mayor – City of Bastrop



STAFF REPORT

MEETING DATE: January 17, 2025

TITLE:

Consider and act on Resolution No. R-2025-16, A Resolution Ordering a Special Election to be held on Saturday, May 3, 2025 for Mayor According to the Bastrop Home Rule Charter; Designating Polling Places within the City; Establishing Other Procedures for the Conduct of the General Election and Runoff Election, If Necessary, Including Providing that the Election is to be held as a Joint Election in Conjunction with Bastrop County; Providing a Severability Clause; And Providing an Effective Date.

AGENDA ITEM SUBMITTED BY:

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

BACKGROUND/HISTORY:

A petition for the recall of Mayor Nelson was submitted on July 25, 2024. After a 'cure' to the missing items in the petition, was submitted on September 3, 2024. It was certified by City Secretary Irma G. Parker on Tuesday, September 17, 2024.

On Tuesday, January 14, 2025, Mayor Lyle Nelson submitted a Letter of Resignation. In previous action the City Council approved the Resignation and now must provide the procedures for the Special Election to be conducted in conjunction with Bastrop County Elections Department.

A Special Mayoral Election must be ordered to fill the vacancy of the unexpired term.

FISCAL IMPACT:

None - to be included in the already scheduled May election.

RECOMMENDATION:

Call the election for the place of Mayor for May 3, 2025.

ATTACHMENTS:

1. Resolution No. R-2025-16

RESOLUTION NO. R - 2025-16

A RESOLUTION OF THE CITY OF BASTROP, TEXAS CITY COUNCIL ORDERING A SPECIAL ELECTION TO BE HELD ON SATURDAY, MAY 3, 2025 FOR MAYOR ACCORDING TO THE BASTROP HOME RULE CHARTER; DESIGNATING POLLING PLACES WITHIN THE TOWN; ESTABLISHING OTHER PROCEDURES FOR THE CONDUCT OF THE GENERAL ELECTION AND RUNOFF ELECTION, IF NECESSARY, INCLUDING PROVIDING THAT THE ELECTION IS TO BE HELD AS A JOINT ELECTION IN CONJUNCTION WITH BASTROP COUNTY; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BASTROP, TEXAS, THAT:

SECTION 1: In accordance with the general laws and Constitution of the State of Texas, and the Charter of the City, a Special Election is hereby called and ordered for Saturday, May 3, 2025. All residents and qualified voters of the City of Bastrop shall be permitted to vote, in said election for the purpose of electing a mayor with a term ending in May 2026.

SECTION 2: The present existing boundaries and territory of the Bastrop County election precincts that are wholly or partly within the corporate limits of the City shall constitute the election precincts for the election. The precinct numbers for the same shall be the corresponding Bastrop County precinct numbers. The polling places for the general election shall be as outlined in the Joint Election Agreement (as defined in Section 3, below).

SECTION 3: The election shall be held as a joint election with Bastrop County and other municipalities and school districts according to a Joint Election Agreement for the conduct of a joint election to be held on May 3, 2025 and the County shall be responsible for appointing all election judges and clerks and shall be responsible for their compensation. Election judges and clerks shall have the qualifications required by law and notice of appointment shall be given to such judges and clerks by the Administrator in accordance with law.

SECTION 4: Applications to have the name of the candidate placed on the ballot may not be filed earlier than thirty (30) days before the deadline prescribed by Texas Election Code - ELEC § 201.054. Filing Period for Application for Place on Ballot with the City Secretary, and the earliest date for a candidate to file same will be, Friday, January 17, 2025 at 8:00 am., with the last day for filing to be Monday, March 3, 2025 at 5:00 p.m.

SECTION 5: The order in which the names of the candidate(s) are to be printed on the ballot for council members on said Bastrop City Council shall be determined by a drawing conducted by the City Secretary, as provided by Section 52.094 of the Texas Election Code, on Thursday, March 6, 2025 at 10:30 a.m. in the Council Chamber at Bastrop City Hall, 1311 Chestnut Street, Bastrop, Texas 78602.

SECTION 6: Kristen Miles, Bastrop County Elections Administrator, is hereby appointed as Early Voting Clerk. The period for early voting by personal appearance, as established by provisions of the Texas Election Code, is between the hours of 8:00 a.m. and 5:00 p.m. beginning Tuesday, April 22, 2025 (first business day after San Jacinto Day) and ending on Tuesday, April 29, 2025. Early Voting by personal appearance will be conducted in the Office of the Elections Department, 804 Pecan Street, Bastrop, Texas 78602 and at other locations so designated by the Bastrop County Elections Administrator.

SECTION 7: The Early Voting Clerk shall process all applications for early voting by mail. Applications for ballot by mail shall be mailed to: Bastrop County Elections Department, 804 Pecan Street, Bastrop, Texas 78602. The last day for unregistered applicants to submit a federal postcard application and be eligible to vote a full ballot is the close of business on Thursday, April 3, 2025.

SECTION 8: Notice of this election shall be given in accordance with the provisions of the Texas Election Code and returns of such notice shall be made as provided for in said Code. The Mayor or Mayor Pro-Tempore shall issue all necessary orders and writs for such election. Returns of such election shall be made to the City Secretary immediately after the closing of the polls. In addition, the election materials as outlined in Section 272.005, Texas Election Code, shall be printed in both English and Spanish for use at the polling places and for each voting for said election.

SECTION 9: The City Secretary will provide the Statement of Elected Officers to the candidate(s) who received the majority of votes cast on Thursday, May 8, 2025. The canvass has been tentatively scheduled for Tuesday, May 13, 2025, at 6:30 p.m. in the Council Chambers at Bastrop City Hall, located at 1311 Chestnut Street, Bastrop, Texas. The official Oath of Office will be administered after the official canvass is conducted. The City Secretary is instructed to record the results in the Election Register as soon as practical following the canvass.

SECTION 10. According to Chapter 9, Section 9.07 of the Home Rule Charter regarding "Elections," if no candidate receives a majority of the votes cast for an office during an election, the Council will call for a Runoff Election as soon as the official results are announced. The two (2) candidates who received, in the preceding main election, the highest number of votes for each office to which no one was elected shall be voted on again, and the candidate who receives the majority of the votes cast for each such office in the runoff election shall be elected to such office.

SECTION 11. The Runoff Election is scheduled for Saturday, June 7, 2025. The order in which the names of the candidates are to be printed on the ballot for council members on said Bastrop City Council shall be determined by a drawing conducted by the City Secretary, as provided by Section 52.094 of the Texas Election Code, on Friday, May 16, 2025 at 10:30 a.m. in the Council Chamber at Bastrop City Hall, 1311 Chestnut Street, Bastrop, Texas 78602.

SECTION 12. The period for early voting for the Runoff Election by personal appearance, as established by provisions of the Texas Election Code, is between the hours of 8:00 a.m.

and 5:00 p.m. beginning Tuesday, May 27, 2025 and ending on Tuesday, June 3, 2025. Early Voting by personal appearance will be conducted in the Office of the Elections Department, 804 Pecan Street, Bastrop, Texas 78602 and at other locations so designated by the Bastrop County Elections Administrator.

SECTION 13. The City Secretary will provide the Statement of Elected Officers to the candidate(s) who receive the highest number of votes cast on Tuesday, June 10, 2025. This will take place at the tentatively scheduled canvass on the same day at 6:30 p.m. in the Council Chambers at Bastrop City Hall, located at 1311 Chestnut Street, Bastrop, Texas. The official Oath of Office will be administered after the canvass is completed. The City Secretary is instructed to record the results in the Election Register as soon as is practical after the canvass.

SECTION 14: Should any part, section, subsection, paragraph, sentence, clause or phrase contained in this Resolution is held to be unconstitutional or of no force and effect, such holding shall not affect the validity of the remaining portion of this ordinance, but in all respects said remaining portion shall be and remain in full force and effect.

SECTION 15: It is hereby officially found and determined that the meeting at which this Resolution is passed is open to the public as required by law, and that public notice of the time, place and purpose of said meeting was given as required.

SECTION 16. That this Resolution shall become effective from and after its passage as may be required by law or by the City Charter or ordinance.

DULY RESOLVED by the Bastrop City Council on this 17th day of JANUARY 2025.

CITY OF BASTROP, TEXAS

Mayor Pro-Tempore

ATTEST:

APPROVED AS TO FORM:

City Secretary

City Attorney