

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



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**February 23, 2023**

**Special Called Council Meeting at 4:30 PM**

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*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.*

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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](http://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](http://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 action to approve Resolution No. R-2023-25 accepting the resignation of Mayor Pro Tem Drusilla Rogers for Place 2 on the Bastrop City Council; and establishing an effective date.

Submitted by: Ann Franklin, City Secretary

3B. Consider action to approve Resolution No. R-2023-26 of the City Council of the City of Bastrop, Texas, calling for and establishing the procedures for a May 6, 2023, Special Election for Bastrop, Texas; and providing an effective date.

Submitted by: Ann Franklin, City Secretary

### 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).***

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 of convenient and readily accessible to the general public, as well as to the City's website, [www.cityofbastrop.org](http://www.cityofbastrop.org) and said Notice was posted on the following date and time: Monday, February 20, 2023 at 2:00 p.m. and remained posted for at least two hours after said meeting was convened.

/s/Ann Franklin

Ann Franklin, City Secretary



# STAFF REPORT

**MEETING DATE:** February 23, 2023

**TITLE:**

Consider action to approve Resolution No. R-2023-25 accepting the resignation of Mayor Pro Tem Drusilla Rogers for Place 2 on the Bastrop City Council; and establishing an effective date.

**AGENDA ITEM SUBMITTED BY:**

Ann Franklin, City Secretary

**BACKGROUND/HISTORY:**

Texas Election Code

Chapter 201. Determination of and Election to Fill Vacancy  
Subchapter A. Resigning or Declining Office

Sec. 201.001. Resigning or Declining Office.

- (a) To be effective, a public officer's resignation or an officer-elect's declination must be in writing and signed by the officer or officer-elect and delivered to the appropriate authority for acting on the resignation or declination. The authority may not refuse to accept a resignation.
- (b) If the authority to act on a resignation or declination is a body, the resignation or declination may be delivered to the presiding officer of the body or to its clerk or secretary.
- (c) An officer-elect who intends to qualify for the office but desires to resign at a subsequent date may submit a resignation in the same manner as an officer who has assumed office, and the vacancy may be filled in the same manner as if the resignation had been submitted after the officer-elect assumed office.

Sec. 201.002. Authority To Act on Resignation or Declination.

Unless otherwise provided by law, the authority to act on a public officer's resignation or an officer-elect's declination is the officer or body authorized to make an appointment or order a special election to fill a vacancy in the office.

**FISCAL IMPACT:**

- N/A

**RECOMMENDATION:**

Ann Franklin recommends approval of Resolution No. R-2023-25 accepting the resignation of Mayor Pro Tem Drusilla Rogers for Place 2 on the Bastrop City Council; and establishing an effective date.

**ATTACHMENTS:**

- Resolution

**RESOLUTION NO. R-2023-25**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, ACCEPTING THE RESIGNATION OF MAYOR PRO TEM DRUSILLA ROGERS FOR PLACE 2 ON THE BASTROP CITY COUNCIL; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, Mayor Pro Tem Drusilla Rogers, Place 2 has submitted a letter of resignation from the Bastrop City Council; and

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

**SECTION 1:** The Mayor and Council of the City of Bastrop hereby accept the resignation of Mayor Pro Tem Drusilla Rogers from the Bastrop City Council.

**SECTION 2:** Any prior resolution of the City Council in conflict with the provisions contained in this resolution is hereby repealed and revoked.

**SECTION 3:** Should any part of this resolution be held to be invalid for any reason, the remainder shall not be affected thereby, and such remaining portions are hereby declared to be severable.

**SECTION 4:** This resolution shall take effect immediately from and after its passage, and it is duly resolved.

**DULY RESOLVED AND ADOPTED** by the City Council of the City of Bastrop, Texas this 23<sup>rd</sup> day of February 2023.

**APPROVED:**

\_\_\_\_\_  
Connie B. Schroeder, Mayor

**ATTEST:**

\_\_\_\_\_  
Ann Franklin, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Alan Bojorquez, City Attorney



# STAFF REPORT

**MEETING DATE:** February 23, 2023

**TITLE:**

Consider action to approve Resolution No. R-2023-26 of the City Council of the City of Bastrop, Texas, calling for and establishing the procedures for a May 6, 2023, Special Election for Bastrop, Texas; and providing an effective date.

**AGENDA ITEM SUBMITTED BY:**

Ann Franklin, City Secretary

**BACKGROUND/HISTORY:**

Texas Election Code

Chapter 3. Ordering Election

Sec. 3.001. Order Required

Each general and special election shall be ordered as provided by this chapter.

Sec. 3.004. Election of Political Subdivision.

(a) The following authority shall order an election:

- (1) the county judge, for the general election for officers of the county government;
- (2) the mayor, for the general election for city officers in a city with a population of 1.9 million or more; and
- (3) the governing body of a political subdivision, other than a county or a city described by Subdivision (2), that has elective offices, for the general election for those officers.

**FISCAL IMPACT:**

Estimated Amount:

- Non-joint Election - \$18,367.01

This cost was approved in the 2022-2023 FY budget in account 101 04-00-5681.

**RECOMMENDATION:**

Ann Franklin recommends approval of Resolution No. R-2023-26 of the City Council of the City of Bastrop, Texas, calling for and establishing the procedures for a May 6, 2023, Special Election for Bastrop, Texas; and providing an effective date.

**ATTACHMENTS:**

- Resolution – English

**RESOLUTION NO. R-2023-26**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, CALLING FOR AND ESTABLISHING THE PROCEDURES FOR A MAY 6, 2023, SPECIAL ELECTION TO FILL VACANCY IN OFFICE FOR BASTROP TEXAS; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the laws of the State of Texas and the City of Bastrop, provide that on **May 6, 2023**, there shall be elected the following official for the City at a Special Election to fill vacancy in office:

**Place 2 – Council Member at Large, for an unexpired Term of 1 year; and**

**WHEREAS**, the laws of the State of Texas further provide that the Election Code of the State of Texas is applicable to the elections, and in order to comply with said Code, a resolution shall be passed establishing the procedures to be followed in the elections, and designating the voting places for the elections.

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

**Section 1.** That all candidates, for the Special Election to be held on **May 6, 2023**, for the above mentioned City office, shall file their application to become a candidate with the City Secretary of the City of Bastrop, at City Hall, 1311 Chestnut Street, Bastrop, Texas 78602 or by email at [afranklin@cityofbastrop.org](mailto:afranklin@cityofbastrop.org) on or before **5:00 p.m. on March 6, 2023**, the sixty-second (62<sup>nd</sup>) day before the election, and that all of the applications shall be on a form as prescribed by Section 141.031 of the Election Code of the State of Texas. For purposes of providing election information, the City's website is <https://www.cityofbastrop.org/>.

**Section 2.** The order in which the names of the candidates are to be printed on the ballot for the Special Election shall be determined by a drawing by the Bastrop City Secretary as provided by Section 52.094 of the Election Code.

**Section 3.** This City has eight (8) election precincts and the election shall be held at the following location:

**For Election Precincts 1001, 1003, 1004, 1005, 1007, 2010, 2011, and 3017 (including all of the area within the boundaries of the Bastrop City limits) the election polling place shall be the election polling places shall be as follows:**

Wyldwood Baptist Church	398 Union Chapel Road	Cedar Creek
River Valley Christian Fellowship	1224 W. State Highway 71	Bastrop
Ascension Catholic Church	804 Pine Street	Bastrop
Paige Community Center	107 S. Main Street	Paige
Calvary Baptist Church	3001 Loop 150 East	Bastrop
Smithville Recreation Center	106 Royston Street	Smithville
Rosanky Community Center	135 Main Street	Rosanky
Bastrop County Cedar Creek Annex	5785 FM 535	Cedar Creek
The Gathering	287 FM 20	Bastrop
Red Rock Community Center	114 Red Rock Road	Red Rock
Elgin Recreation Center	361 N. Highway 95	Elgin
Faith Lutheran Church	230 Waco Street	McDade
Family Worship Center	2425 FM 1704	Elgin
Bastrop Co. ESD No. 2 Fire Station 4	1432 N. State Highway 95	Bastrop

**Section 4.** The County Elections Administrator is hereby authorized and instructed to provide and furnish all necessary election supplies to conduct the elections. Voting at such elections shall be prepared in conformity to the Texas Election Code.

**Section 5.** Section 61.012 of the Texas Election Code requires that the Bastrop City Council must provide at least one accessible voting system in each polling place used in a Texas election on or after January 1, 2006. This system must comply with state and federal laws setting the requirements for voting systems that permit voters with physical disabilities to cast a secret ballot.

**Section 6.** The Office of the Texas Secretary of State has certified that the Election Systems & Software's (ES&S) EVS 6110 which includes the Express Vote ballot marking device, the DS850 central scanner, and the DS200 precinct scanner is an accessible voting system that may legally be used in Texas elections.

**Section 7.** Sections 123.032 and 123.035 of the Texas Election Code authorize the acquisition of voting systems by local political subdivisions and further mandate certain minimum requirements for contracts relating to the acquisition of voting of such voting systems.

**Section 8.** As chief elections officer as appointed by the Bastrop City Council, **the Elections Administrator** must, according to Section 61.012 of the Texas Election Code provide at least one accessible voting system in each polling place used in a Texas election on or after January 1, 2006. This system must comply with state and federal laws setting the requirements for voting systems that permit voters with physical disabilities to cast a secret ballot.

**Section 9.** For Election precincts 1001, 1003, 1004, 1005, 1007, 2010, 2011, and 3017 the Presiding Judge will be determined at a later date by Bastrop County Elections Administrator. The Presiding Judge at such election shall appoint no less than two (2), no more than five (5) clerks on Election Day.

**Section 10.** The polls at the above designated polling place shall be open on the Election Day from 7:00 a.m. to 7:00 p.m.

**Section 11.** Kristin Miles is hereby appointed Clerk for Early Voting. Early voting begins on April 24, 2023, the twelfth (12<sup>th</sup>) day before the election and ends on May 2, 2023, the fourth (4<sup>th</sup>) day before the election.

**EARLY VOTING DATES, TIMES, AND LOCATIONS**  
**(voters are allowed to vote at any of the locations)**

**Main Location:**

Bastrop County Courthouse Annex, Lower Level Conference Room, 804 Pecan St., Bastrop, Texas 78602.

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
24 8:00 am – 5:00 pm	25 8:00 am – 5:00 pm	26 8:00 am – 5:00 pm	27 8:00 am – 5:00 pm	28 8:00 am – 5:00 pm
1 7:00 am – 7:00 pm	2 7:00 am – 7:00 pm			



**Branch Locations:**

Smithville Rec Center, 106 Royston St., Smithville  
Cedar Creek Tax Office Annex, 5785 FM 535, Cedar Creek  
Elgin Rec Center, 361 N. Hwy 95, Elgin

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
24 8:00 am – 5:00 pm	25 8:00 am – 5:00 pm	26 8:00 am – 5:00 pm	27 8:00 am – 5:00 pm	28 8:00 am – 5:00 pm
1 7:00 am – 7:00 pm	2 7:00 am – 7:00 pm			

**Section 12.** Ballot applications and ballots voted by mail should be addressed to the Early Voting Clerk, Kristin Miles, Bastrop County Elections Administrator, 804 Pecan Street, Bastrop, Texas 78602. Applications for ballots by mail must be received no later than the close of business on April 25, 2023, the eleventh (11<sup>th</sup>) day before the election.

**Section 13.** For Election Precincts 1001, 1003, 1004, 1005, 1007, 2010, 2011, and 3017, Staci Calvert is hereby appointed as Presiding Judge of the Early Voting Ballot Board. In accordance with Section 87.002 of the Texas Election Code the Presiding Judge shall appoint at least two (2) other members to the Early Voting Ballot Board and shall process early voting results in accordance with the Texas Election Code.

**Section 14.** The Presiding Judge and Alternate Presiding Judge will receive compensation at the rate of \$12.00 per hour. The Clerks will receive compensation at the rate of \$10.00 per hour. The Presiding Judge or his/her designee will receive an additional \$25.00 for picking up the election supplies prior to Election Day and for returning the supplies after the polls close.

**Section 15.** The Special Election shall be held in accordance with the Election Code of this State and only resident qualified voters of the City shall be eligible to vote at the election.

**Section 16.** The Mayor shall give notice of this election in accordance with the terms and provisions of Sections 4.004, 83.010, 85.004 and 85.007 of the Election Code, Section 9.004 of the Local Government Code, and all necessary orders and writs for the election shall be issued by the proper authority. Returns of the election shall be made to the City Council immediately after the closing of the polls.

**Section 17.** It is further found and determined that in accordance with the order of this governing body, the City Secretary will post notice of the date to hold the drawing

for a place on the ballot on the bulletin board located in the City Hall, a place convenient and readily accessible to the general public, and the notice will be posted and remain posted continuously for at least seventy-two (72) hours preceding the scheduled time of the meeting. A copy of the return of the posting shall be attached to the minutes of this meeting and shall be made a part thereof for all intents and purposes.

**Section 18.** The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby adopted and made a part of this resolution for all purposes.

**Section 19.** If any section, subsection, sentence, clause or phrase of this resolution is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this resolution.

**Section 20.** This resolution shall be in full force and effect from and after its passage on the date shown below; provided that if any term or provision of this resolution conflicts with, or is inconsistent with, the Texas Elections Code, the Texas Election Code shall govern and control and the Election Officer shall comply with the Texas Election Code.

**DULY RESOLVED AND ADOPTED** by the City Council of the City of Bastrop this 23<sup>rd</sup> day of February 2023.

**APPROVED:**

\_\_\_\_\_  
Connie B. Schroeder, Mayor

**ATTEST:**

\_\_\_\_\_  
Ann Franklin, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Alan Bojorquez, City Attorney