

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



May 16, 2023

Special 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. **PLEDGE OF ALLEGIANCE** - CJ Cannon and Clayton Cannon

TEXAS PLEDGE OF ALLEGIANCE - *Honor the Texas Flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible.*

3. **INVOCATION** - Bob Long, Bastrop Police Chaplain
4. **INDIVIDUAL CONSIDERATION I**

4A. Consider action to approve Resolution No. R-2023-77 of the City Council of the City of Bastrop, Texas to canvass the May 6, 2023, Election for Mayor, Place 2, and Place 3 of the Bastrop City Council; and establishing an effective date.

Submitted by: Ann Franklin, City Secretary

- 4B. Consider action to approve Resolution No. R-2023-76 of the City Council of the City of Bastrop, Texas, calling for a runoff Election for Mayor of the Bastrop City Council for a term of three years, designating the date of said Election; designating polling places; designating early voting hours and places; directing posting and publication of notice for said election; and providing an effective date.

Submitted by: Ann Franklin, City Secretary

5. OATH OF OFFICE

5A. Incumbent Council Member Kevin Plunkett Place 3

- Swearing Oath of Office, The Honorable Chris Duggan, State District Judge, District 423
- Signature of official documents, Ann Franklin, City Secretary
- Welcome by Council
- Comments by Council Member Plunkett

5B. Incoming Council Member Cynthia Sanders Meyer Place 2

- Swearing Oath of Office, The Honorable Chris Duggan, State District Judge, District 423
- Signature of official documents, Ann Franklin, City Secretary
- Welcome by Council
- Comments by Council Member Meyer

6. INDIVIDUAL CONSIDERATION II

6A. Consider Action to Elect Mayor Pro Tem.

Submitted by: Ann Franklin, City Secretary

7. 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.

8. RECEPTION IMMEDIATELY FOLLOWING MEETING.

9. 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 and said Notice was posted on the following date and time: Friday, May 12, 2023, at 1:00 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: May 16, 2023

TITLE:

Consider action to approve Resolution No. R-2023-77 of the City Council of the City of Bastrop, Texas to canvass the May 6, 2023, Election for Mayor, Place 2, and Place 3 of the Bastrop City Council; and establishing an effective date.

AGENDA ITEM SUBMITTED BY:

Ann Franklin, City Secretary

BACKGROUND/HISTORY:

Sec. 67.002. CANVASS OF PRECINCT RETURNS.:

(a) Except as otherwise provided by law, the precinct election returns for each election shall be canvassed by the following authority:

- (1) for an election ordered by the governor or by a county authority, the commissioners court of each county in which the election is held; and
- (2) for an election ordered by an authority of a political subdivision other than a county, the political subdivision's governing body.

(b) The canvass of precinct returns shall be conducted in accordance with this chapter except as otherwise provided by this code.

FISCAL IMPACT:

N/A

RECOMMENDATION:

Consider action to approve Resolution No. R-2023-77 of the City Council of the City of Bastrop, Texas to canvass the May 6, 2023, Election for Mayor, Place 2, and Place 3 of the Bastrop City Council; and establishing an effective date.

ATTACHMENTS:

- ENGLISH - Resolution No. 2023-77

RESOLUTION NO. R-2023-77

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS TO CANVASS THE MAY 6, 2023, ELECTION FOR MAYOR, PLACE 2 AND PLACE 3 OF THE BASTROP CITY COUNCIL; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, on May 6, 2023, a general election was held for the purpose of electing the Mayor and City Council Member for Place 3 and a special election was held for the purpose of electing a City Council Member for Place 2 with an unexpired term of one (1) year; and

WHEREAS, the returns of the general and special election have been made to the Council and show that the votes for Mayor and City Council Members were cast as follows:

MAYOR

- Deborah Jones XXX votes
- Lyle Nelson XXX votes
- Dock Jackson XXX votes
- Elizabeth Northcutt XXX votes

CITY COUNCIL MEMBER PLACE 3

- Kevin Plunkett XXX votes
- Carrie C. Caylor XXX votes

CITY COUNCIL MEMBER Place 2

- Cynthia Sanders Meyer XXX votes
- Christine Long XXX votes
- Gary Moss XXX votes

WHEREAS, of the two candidates who received the highest number of votes cast for the office of Mayor, those being Lyle Nelson and Dock Jackson, neither candidate received a majority of all votes cast for Mayor;

WHEREAS, Kevin Plunkett received a majority of all votes cast for the office of City Council Member Place 3; and

WHEREAS, Cynthia Sanders Meyer received a majority of all votes cast for the office of City Council Member Place 2; and

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

SECTION 1. The Council finds that all of the recitals contained in this resolution are true and adopts them as findings of fact by this governing body; and

SECTION 2. The Council finds that the results of the general election and special election as tabulated and canvassed reflect the votes cast at those elections; and

SECTION 3. The Council accepts and approves the returns for the general election and special election, as tabulated and received and canvassed, and declares that the following persons are declared elected and may qualify for the office indicated for terms that begin May 16, 2023:

City Council Member Place 3 Kevin Plunkett.

City Council Member Place 2 Cynthia Sanders Meyer

SECTION 4. With this canvass, Council is making official the precinct returns received from Bastrop County.

SECTION 5. That this Resolution shall take effect immediately upon its passage, and it is so resolved.

DULY RESOLVED AND ADOPTED by the City Council of the City of Bastrop this 16th day of May, 2023.

APPROVED:

Connie B. Schroeder, Mayor

ATTEST:

Ann Franklin, City Secretary

APPROVED AS TO FORM:

Alan Bojorquez, City Attorney



STAFF REPORT

MEETING DATE: May 26, 2023

TITLE:

Consider action to approve Resolution No. R-2023-76 of the City Council of the City of Bastrop, Texas, calling for a runoff Election for Mayor of the Bastrop City Council for a term of three years, designating the date of said Election; designating polling places; designating early voting hours and places; directing posting and publication of notice for said election; and providing an effective date.

AGENDA ITEM SUBMITTED BY:

Ann Franklin, City Secretary

BACKGROUND/HISTORY:

TEXAS ELECTION CODE

Chapter 3. Ordering Election

Sec. 2.021. Runoff Election Required.

If no candidate for a particular office receives the vote necessary to be elected in an election requiring a majority vote, a runoff election for that office is required.

Sec. 2.024. Ordering Runoff.

Not later than the fifth day after the date the final canvass of the main election is completed, the authority responsible for ordering the main election shall order the runoff election.

CITY CHARTER

Article IX

Section 9.07 - Election by Majority.

At any election for the Council, including the Mayor, the candidate for each place or position who shall receive the majority of votes cast shall be declared elected.

Where in an election for any office no candidate receives a majority of all the votes cast for such office at such election, the Council shall, immediately upon declaring the official results of the election, issue a call for a runoff election for every office to which no one was elected by a majority vote. Such runoff election shall be held on a date set by the Council not earlier than the twentieth day or later than the thirtieth day after the date the final canvass of the main election is completed, or in accordance with State law. In such runoff election, 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.

FUNDING SOURCE:

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:

Consider action to approve Resolution No. R-2023-76 of the City Council of the City of Bastrop, Texas, calling for a runoff Election for Mayor of the Bastrop City Council for a term of three years, designating the date of said Election; designating polling places; designating early voting hours and places; directing posting and publication of notice for said election; and providing an effective date.

ATTACHMENTS:

- Resolution – English



RESOLUTION NO. R-2023-76

A RESOLUTION CALLING FOR AND ESTABLISHING THE PROCEDURES FOR A RUNOFF ELECTION FOR MAYOR OF THE BASTROP CITY COUNCIL FOR A TERM OF THREE YEARS; DESIGNATING THE DATE OF SAID ELECTION FOR JUNE 10, 2023; DESIGNATING POLLING PLACES; DESIGNATING EARLY VOTING HOURS AND PLACES; PROVIDING FOR POSTING AND PUBLICATION OF NOTICE FOR SAID ELECTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Sec. 2.021 of the Election Code of the State of Texas, and Article IX, Section 9.07 of the Bastrop City Charter, it is provided that if no candidate for a particular office receives the vote necessary to be elected in an election requiring a majority vote, a runoff election for that office is required; and

WHEREAS, a canvassing of the returns and declaring the results of a regular City Municipal Election held on May 6, 2023, was approved by the City Council on May 16, 2023; and

WHEREAS, the canvass determined that, in the race for Mayor no candidate received a majority of the votes cast; and

WHEREAS, the two candidates receiving the highest number of votes for the office of Mayor were Lyle Nelson and Dock Jackson.

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

SECTION 1. 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 2. There is hereby ordered a runoff election to be held in the City of Bastrop, Texas, on the 10th day of June 2023, for the purpose of electing a Mayor for a term of three years or until their successor has been duly qualified. The two candidates for the Mayoral runoff election shall be Lyle Nelson and Dock Jackson. The candidate receiving a majority of the votes cast for Mayor shall be declared elected to such office.

SECTION 3. 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 May 30, 2023, the 11th day before Election Day. The early voting clerk may receive applications for ballot by mail at elections@co.bastrop.tx.us.

SECTION 4. Kristin Miles is hereby appointed Clerk for Early Voting. Early voting by personal appearance shall be conducted at, Bastrop County Courthouse Annex, 804 Pecan Street, Bastrop, TX 78602

Early voting by personal appearance will begin on Tuesday, May 30, 2023, and will end on Tuesday, June 6, 2023, and the hours designated for early voting by personal appearance shall be as set forth below:

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
29 HOLIDAY – NO VOTING	30 8:00 am – 5:00 pm	31 8:00 am – 5:00 pm	1 8:00 am – 5:00 pm	2 8:00 am – 5:00 pm	
5 7:00 am – 7:00 pm	6 7:00 am – 7:00 pm	7	8	9	10 ELECTION DAY

For Elections 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 87.0021 et seq. 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.

The Presiding and Alternate Presiding Judges 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 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 5. All resident, qualified voters, determined by the laws of the State of Texas, the Charter and ordinances of the City of Bastrop shall be qualified to vote at such election. For the purpose of said election, the entire city is hereby constituted into eight voting precincts. Voting on Election Day, June 10, 2023, shall be conducted at, Bastrop County Courthouse Annex, 804 Pecan Street, Bastrop, TX 78602, and said election shall be held between the hours of 7:00 a.m. and 7:00 p.m. on the aforementioned date.

SECTION 6. The runoff 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 7. 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, and all necessary orders and writs for the elections shall be issued by the proper authority. Returns of the elections shall be made to the City Council immediately after the closing of the polls.

SECTION 8. The results of the elections shall be certified, canvassed, and returned in the form and manner prescribed by the laws of the State of Texas and the Charter and Ordinances of the City of Bastrop.

SECTION 9. The notice of the election hereby ordered and called shall be promulgated, published, and posted in keeping with the laws of the State of Texas, and the Charter and Ordinances of the City of Bastrop.

SECTION 10. 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 11. 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 16th day of May, 2023.

APPROVED:

Connie B. Schroeder, Mayor

ATTEST:

Ann Franklin, City Secretary

APPROVED AS TO FORM:

Alan Bojorquez, City Attorney



STAFF REPORT

MEETING DATE: May 16, 2023

TITLE:

Election of Mayor Pro Tem.

AGENDA ITEM SUBMITTED BY:

Ann Franklin, City Secretary

BACKGROUND/HISTORY:

CODE OF ORDINANCES CITY OF BASTROP TEXAS, Chapter 1. GENERAL PROVISIONS, Article 1.03 MAYOR AND CITY COUNCIL, Sec. 1.03.034 - MAYOR PRO TEM:

- (a) At the first meeting of the Council after the regular annual election, or as soon thereafter as practicable, one of the Councilmembers shall be elected Mayor Pro Tem.
- (b) The Mayor Pro Tem shall hold office for one year.
- (c) The Mayor Pro Tem shall preside over all meetings of the Council during the absence of the Mayor, and when both the Mayor and Mayor Pro Tem are absent, the members present (if a quorum) may call another member to preside.

RECOMMENDATION:

Election of Mayor Pro Tem.