

# CITY OF KYLE



## Notice of Regular City Council Meeting

KYLE CITY HALL  
100 W. Center Street

Notice is hereby given that the governing body of the City of Kyle, Texas will meet at 7:00 PM on 5/19/2011, at Kyle City Hall, 100 W Center St., Kyle, TX for the purpose of discussing the following agenda.

Posted this 16th day of May, 2011 prior to 7:00 pm.

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### I. Call Meeting To Order

### II. Citizen Comment Period With City Council

The City Council welcomes comments from Citizens early in the agenda of regular meetings. Those wishing to speak must sign in before the meeting begins at the Kyle City Hall. Speakers may be provided with an opportunity to speak during this time period, and they must observe the three-minute time limit.

### III. Consider and Possible Action

1. A RESOLUTION CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE MAY 14, 2011, GENERAL AND SPECIAL ELECTIONS OF THE CITY OF KYLE, TEXAS ~  
*Amelia Sanchez, City Secretary*

 [Attachments](#)

### IV. ADJOURN

*At any time during the Regular City Council Meeting, the City Council may adjourn into an Executive Session, as needed, on any item listed on the agenda for which state law authorizes Executive Session to be held*

\*Per Texas Attorney General Opinion No. JC-0169; Open Meeting & Agenda Requirements, Dated January 24, 2000: The permissible responses to a general member communication at the meeting are limited by 551.042, as follows: "SEC.551.042. Inquiry Made at Meeting. (a) If, at a meeting of a government body, a member of the public or of the governmental body inquires about a subject for which notice has not been given as required by the subchapter, the notice provisions of this subchapter, do not apply to:(1) a statement of specific factual information given in response to the inquiry; or (2) a recitation of existing policy in response to the inquiry. (b) Any deliberation of or decision about the subject of the inquiry shall be limited to a proposal to place the subject on the agenda for a subsequent meeting.



# CITY OF KYLE, TEXAS

## Canvass of Election Results

Meeting Date: 5/19/2011

Date time: 7:00 PM

**Subject/Recommendation:**

A RESOLUTION CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE MAY 14, 2011, GENERAL AND SPECIAL ELECTIONS OF THE CITY OF KYLE, TEXAS ~ *Amelia Sanchez, City Secretary*

**Other Information:**

This item is for formal canvassing of the ballots from the May 14, 2011 City Council General and Special Elections in accordance with the City Charter and state law.

Assuming all ballots are formally considered cast and counted by the Election Judge, the Council will be able to canvass said ballots to initiate seating of Mayor, Council Member District 2 and Council Member District 4, as well as the results of the Kyle City Charter Propositions 1 through 10.

**Budget Information:**

N/A

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Viewing Attachments Requires Adobe Acrobat. [Click here](#) to download.

**Attachments / click to download**

 [Resolution to Canvass Election 2011](#)

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE MAY 14, 2011, GENERAL AND SPECIAL ELECTIONS OF THE CITY OF KYLE, TEXAS**

**Whereas**, pursuant to the City Charter and Texas Election Code, the City Council of the City of Kyle, Texas, convened on this the 19th day of May 2011, at 7:00 P.M. for the purpose of canvassing the vote in the general and special elections held on May 14, 2011;

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

**Section One. Canvass of Vote – General Election.**

(a) There came to be considered the returns of the general election held on the 14<sup>th</sup> day of May, 2011, for the purpose of electing the Mayor and Councilmembers for Districts 2 and 4, and it appearing from said returns, duly and legally made; that each of the candidates in said election received the following votes:

<b><u>COUNCIL BY PLACE:</u></b>	<b><u>VOTES CAST:</u></b>		
	<b><u>Early</u></b>	<b><u>Election</u></b>	<b><u>Total</u></b>
<b>FOR COUNCIL, MAYOR</b>			
Lucy C. Johnson	313	201	514
Graham Mendel	119	96	215
<b>FOR COUNCIL, DISTRICT 2</b>			
Jean M. Putnam	31	46	77
Becky Selbera	50	31	81
<b>FOR COUNCIL, DISTRICT 4</b>			
David Wilson	151	94	245
Ron Sherman	60	57	117

(b) It is found, determined and declared by the City Council that said election was duly called; that notice of said election was given in accordance with law, and that said election was held in accordance with law; and that Lucy C. Johnson was duly elected Mayor, Becky Selbera was duly elected to Councilmember, District 2, and David Wilson was duly elected to Councilmember, District 4. Said above named parties are hereby declared duly elected to said respective offices, subject to the taking of the oath of office as provided by the laws of the State of Texas.

**Section Two. Canvass of Vote – Special Election.**

(a) There came to be considered the returns of the special election held on the 14<sup>th</sup> day of May, 2011, pursuant to *Chapter 9, Tex. Loc. Gov't. Code*, for the purpose of voting on the following propositions to amend the City Charter; and it appearing from the returns of said special election, duly and legally made, that each proposition received the following votes cast "FOR" the proposition submitted, and "AGAINST" the proposition submitted.

<b><u>PROPOSITION:</u></b>	<b><u>VOTES CAST:</u></b>		
	<b><u>Early</u></b>	<b><u>Election</u></b>	<b><u>Total</u></b>
<b>PROPOSITION NO. 1<sup>1</sup></b>			
Qualifications of Members of the Council			
<b>For</b>	399	288	687
<b>Against</b>	22	13	35
 <b>PROPOSITION NO. 2<sup>2</sup></b>			
Term Limitations for Members of Council			
<b>For</b>	340	241	581
<b>Against</b>	83	60	143
 <b>PROPOSITION NO. 3<sup>3</sup></b>			
Council Quorum and Attendance			
<b>For</b>	359	252	611
<b>Against</b>	58	40	98

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<sup>1</sup> Shall Article III, Section 3.02, of the City Charter be amended to require that, on the day prior to the date of the scheduled election, candidates for mayor and councilmember must have resided within the City, or an area annexed into the city, for at least twelve consecutive months?

<sup>2</sup> Shall Article III of the City Charter be amended by the adoption of Section 3.03 to provide that persons elected to the council in 2011 and thereafter may not be elected thereafter to serve more than three consecutive terms as councilmember and three consecutive terms as mayor?

<sup>3</sup> Shall Article III, Section 3.06, of the City Charter be amended to provide the absence of a member council from any three consecutive council meetings, without good and sufficient cause, shall constitute misconduct in office?

**PROPOSITION NO. 4<sup>4</sup>**

Compensation of Members of the Council

<b>For</b>	333	238	571
<b>Against</b>	75	47	122

**PROPOSITION NO. 5<sup>5</sup>**

Council Approval Required for Dismissal of  
Director of Finance

<b>For</b>	297	217	514
<b>Against</b>	109	69	178

**PROPOSITION NO. 6<sup>6</sup>**

Council Enforcement of Policies and Resolutions

<b>For</b>	330	234	564
<b>Against</b>	76	50	126

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<sup>4</sup> Shall Article III, Section 3.09, of the City Charter be amended authorize the appointment of a citizen committee not more often than every three years to review and recommend a reasonable adjustment to the monthly compensation of members of the council, provide for a proportionate forfeiture of such compensation for absences from meetings, and provide that members of the council in office when the stipend is increased shall not receive the increase during that term of office?

<sup>5</sup> Shall Article IV, Section 4.03(a) of the City Charter be amended to provide that dismissal of the Director of Finance requires the approval of the City Council?

<sup>6</sup> Shall Article IV, Section 4.03(b) of the City Charter be amended to provide the City Council has the authority to ensure enforcement of adopted policies and resolutions?

**PROPOSITION NO. 7<sup>7</sup>**  
Council Contact with City Employees

<b>For</b>	357	250	607
<b>Against</b>	51	34	85

**PROPOSITION NO. 8<sup>8</sup>**  
City Manager Residence

<b>For</b>	370	263	633
<b>Against</b>	40	30	70

**PROPOSITION NO. 9<sup>9</sup>**  
Compliance with Policies and Resolutions

<b>For</b>	366	262	628
<b>Against</b>	41	30	71

**PROPOSITION NO. 10<sup>10</sup>**  
Debt Management Policy

<b>For</b>	347	246	593
<b>Against</b>	57	42	99

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<sup>7</sup> Shall Article IV, Section 4.05 of the City Charter be amended by amending the third paragraph to provide that no member of the Council may supervise or direct a city employee that is not appointed by the Council, unless such action is authorized by emergency proclamation?

<sup>8</sup> Shall Article VII, Section 7.01, of the City Charter be amended to require the city manager to reside within the city within a reasonable time set by council, after being appointed?

<sup>9</sup> Shall Article VII, Section 7.01(a), of the City Charter be amended to provide the city manager will require compliance with all policies and resolutions approved by the City Council?

<sup>10</sup> Shall Article VIII of the City Charter be amended to add Section 8.14 to require the council to adopt and implement a debt management policy prior to adoption of the annual budget in 2011, and to review, modify or amend that policy not less often than every five years thereafter?

(b) It is found, determined and declared by the City Council that said special election was duly called; that notice of said special election was given in accordance with law, returns of the election have been lawfully made by the proper officials, and that said election was held in accordance with law. Each of the above-stated propositions, being submitted to only qualified, resident electors of the City for vote, resulted in more than a majority of the qualified votes voting at the election having voted to pass the proposition by the number of votes described in Section 2(a).

(c) As approved and adopted by a majority of the qualified voters voting at such election, the City of Kyle Home Rule Charter shall be amended as provided in the approved propositions and the ordinance calling the charter amendment election, and it is hereby declared that said amendments to the City of Kyle Home Rule Charter, as fully set out in the ordinance calling said charter amendment election, are hereby adopted.

**Section Three. Filing with Secretary of State and Department of Justice.** The City Manager, the City Secretary, and the City Attorney of the City are hereby directed to do and perform the tasks and responsibilities necessary and required to file a copy of the City Charter with the Secretary of the State of Texas and to obtain preclearance from the U.S. Department of Justice pursuant to the Voting Rights Act of 1965.

**Section Four. Open Meetings.** It is further found and determined that in accordance with this Resolution of this governing body that the City Secretary posted written notice of the date, place, and subject of this meeting on the bulletin board located at City Hall, a place convenient to the public, and said notice having been so posted continuously for at least 72 hours preceding the date of this meeting. A copy of the return of said posting shall be attached to the minutes of the meeting and shall be made apart thereof for all intents and purposes.

**PASSED AND APPROVED** this the \_\_\_\_\_ day of May, 2011.

ATTEST:

**CITY OF KYLE, TEXAS**

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Amelia Sanchez, City Secretary

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Lucy Johnson, Mayor