

Agenda

Minutes

Close

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 11:00 AM on 8/16/2014, at Kyle City Hall, 100 W. Center Street, Kyle Texas for the purpose of discussing the following agenda.

Posted this the 13th day of August, 2014 prior to 11:00 a.m.

Amelie J. Juchez
City Secretary

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 August 9, 2014 Special Election to fill a vacancy in the position of council member place 3 of the City Council of the City of Kyle, Texas. ~ *Ken Johnson, City Attorney*

 [Attachments](#)

2. A Resolution of the City of Kyle, Texas, Calling a Runoff Election on Saturday, August 30, 2014, for the purpose of electing council member at large, position three; providing for early voting and for notice of the election; and providing for other matters relating to the election and setting an effective date. ~ *Ken Johnson, City Attorney*

 [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.

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF KYLE, TEXAS,
CALLING A RUNOFF ELECTION ON SATURDAY,
AUGUST 30, 2014, FOR THE PURPOSE OF ELECTING
COUNCIL MEMBER AT LARGE, POSITION THREE;
PROVIDING FOR EARLY VOTING AND FOR NOTICE OF
THE ELECTION; AND PROVIDING FOR OTHER
MATTERS RELATING TO THE ELECTION AND
SETTING AN EFFECTIVE DATE.**

WHEREAS, under State law, if a candidate does not receive enough votes to be elected in an election requiring a majority vote, a runoff election is required for the candidates who receive the highest and second highest number of votes (Texas Election Code SS 2.021',2.023); and,

WHEREAS, under Section 5.02 of the Kyle City Charter, the mayor and council members shall be elected by majority vote; and

WHEREAS, not later than the fifth day after the date the final canvass of the main election is completed, the City Council must order the runoff election (Texas Election Code § 2.024); and,

WHEREAS, the runoff election must be held not earlier than the 20th or later than the 45th day after the date the final canvass of the main election is completed (Texas Election Code § 2.025); and,

WHEREAS, the Mayor has certified to the City Secretary that the Council Member At Large, Position Three candidates _____ and _____ be placed on the ballot for the runoff election (Texas Election Code 52.027).

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF KYLE, TEXAS:

Section 1. In accordance with the Constitution and general laws of the State of Texas, a Municipal Runoff Election is hereby called and ordered for Saturday, August 30, 2014, at which election all qualified voters of the City may vote for the purpose of electing the following official of the City:

Council Member At Large, Position Three

Section 2. The candidates for such runoff election shall be _____ and _____, same being the candidates in the special election receiving the highest and the second highest number of votes for Council Member At Large, Position Three.

Section 3. The polling place for the voting locations in the City of Kyle for the Election Day voting shall be Kyle City Hall located 100 W. Center Street Kyle, Texas 78640. Wallace Middle

School, 1500 West Center St, Kyle, Texas, 78640 and Chapa Middle School, 3311 Dacy Lane, Kyle, Texas, 78640.

Section 4. The Elections Administrator of Hays County, Texas, shall act as Contracting Officer (the "Contracting Officer") and shall appoint election judges, alternate judges, and clerks as described in the Contract for Election Services between Hays County and the City of Kyle, Texas.

Section 5. The Elections Administrator of Hays County, Texas, shall receive applications by mail for a ballot to be voted by mail, until the close of business on _____, at 5:00 p.m. Requests for applications should be mailed to Joyce Cowan Hays County Elections Administrator, Hays County Elections Division , 712 South Stagecoach Trail, San Marcos, TX 78666..

Section 6. The dates and times for early voting by personal appearance shall be as follows at the location below:

**Kyle City Hall
100 W. Center Street
Kyle, Texas 78640**

August 18th 7am-7pm

August 19th thru August 22nd, and August 26th, 8 am to 5 pm

August 25th 7am-7pm

Section 7. Such election shall be held in accordance with the Texas Election Code and only resident qualified voters of the City shall be eligible to vote.

Section 8. Notice of the election shall be given as provided by law.

Section 9. Voting at the election, including early voting, shall be by use of the County electronic voting system that has been duly approved by the Secretary of State.

Section 10. That pursuant to the provisions of Chapter 87 of the Texas Election Code, an Early Voting Ballot Board is created, which Board shall consist of a presiding judge and clerks as appointed by the Contracting Officer. The Early Voting Ballot Board shall perform such functions and shall have such duties as are provided for by the Texas Election Code. In addition, the counting station for all ballots cast in such election shall be operated by the Contracting Officer, and such clerks as shall be necessary to count the ballots and to prepare the election returns in accordance with the provisions of Chapter 65 of the Texas Election Code

Section 11. The City Secretary is hereby authorized and instructed to procure and furnish all necessary election supplies to conduct said election. The Council appoints the City Secretary as the Custodian of Records ("Custodian") and agent to the Council to perform the duties related to

the conduct and maintenance of records of the Election as required under the Texas Election Code during the period ending not earlier than the sixtieth (60th) day after the Election.

Section 12. The Office of the City Secretary shall perform all duties normally performed in general elections with respect to early voting, giving notice of the election and preparing the official ballots. Pursuant to Section 87.004 of the State Election Code, the Council appoints the City Secretary presiding judge of the early voting ballot board to count and return early voting ballots in accordance with the Texas Election Code.

Section 13. That the returns of said election be made in accordance with the State Election Code and shall be canvassed by the City Council at a City Council Meeting.

Section 14. The Mayor is authorized to sign an Order of Election and a Notice of Regular Municipal Election prescribed by the State of Texas on behalf of the City Council. The Notice of Regular Municipal Election shall be published in accordance with the provisions of the Texas Election Code.

Section 15. Should any part, section, subsection, paragraph, sentence, clause or phrase contained in this resolution be held to be unconstitutional or of no force and effect, such holding shall not affect the validity of the remaining portion of this resolution, but in all respects said remaining portion shall be and remain in full force and effect.

Section 16. That this resolution shall be effective immediately upon adoption.

PASSED AND APPROVED this 13th day of August, 2014.

R. Todd Webster, Mayor

ATTEST:

Amelia Sanchez, City Secretary

RESOLUCIÓN NO. 933

UNA RESOLUCIÓN DE LA CIUDAD DE KYLE, TEXAS, LLAMANDO LA ELECCIÓN DE DESEMPATE EL SÁBADO 30 DE AGOSTO DE 2014, CON EL PROPÓSITO DE ELEGIR EN EL PUESTO 3 DEL CONCEJO MUNICIPAL DE LA CIUDAD; PROVEYENDO PARA UNA ELECCIÓN ADELANTADA Y PARA EL ANUNCIO DE LA ELECCIÓN; Y PROVEYENDO PARA OTRAS CUESTIONES RELACIONADAS CON LA ELECCIÓN Y DE PONER UNA FECHA DE VIGENCIA.

POR CUANTO QUE, bajo la ley estatal, si un candidato no obtiene los votos suficientes para ser elegido en una elección que requiere una mayoría de votos, se requiere una elección de desempate para los candidatos que reciban el número más alto y segundo más alto de votos (Código De Elecciones de Texas SS 2.021 ", 2.023); y,

POR CUANTO QUE, conforme a la Sección 5.02 del Estatuto de la Ciudad de Kyle, el alcalde y los miembros del concejo serán elegidos por mayoría de votos; y

POR CUANTO QUE, a más tardar el quinto día después de la fecha en que el escrutinio final de la elección principal se complete el Concejo Municipal de la Ciudad debe ordenar la elección de desempate (Código De Elecciones de Texas § 2,024); y,

POR CUANTO QUE, la elección de desempate debe llevarse a cabo no antes de los 20 o más tarde de los 45 días después de la fecha en que el escrutinio final de la elección principal se complete (Código De Elecciones de Texas § 2,025); y,

POR CUANTO QUE, el Alcalde ha certificado a la Secretaria de la Ciudad que el los candidatos para la posición de puesto 3 del concejo municipal _____ y _____ sean puestos en la boleta de Elecciones para la elección de desempate (Código De Elecciones de Texas 52.027).

AHORA ENTONCES SEA DECRETADO POR EL CONCEJO MUNICIPAL DE LA CIUDAD DE KYLE, TEXAS QUE:

Sección 1. De acuerdo con la Constitución y las leyes generales del Estado de Texas, una elección de desempate Municipal queda llamada y ordenada para el sábado, 30 de agosto de 2014, en cual elección todos los votantes calificados de la Ciudad podrán votar con el propósito de elegir al siguiente funcionario de la Ciudad:

PUESTO 3 DEL CONCEJO MUNICIPAL

Sección 2. Los candidatos para dicha elección de desempate serán _____ y _____, los mismos siendo los candidatos en la elección especial que recibieron el más alto y el segundo más alto número de votos para alcalde.

Sección 3. Los sitios de votación para los lugares de votación en la Ciudad de Kyle para la votación en el Día de Elecciones serán Kyle City Hall ubicado en 100 W. Center Street Kyle, Texas 78640. Wallace Middle School, 1500 West Center St, Kyle, Texas, 78640 y Chapa Middle School 3311 Dacy Lane, Kyle, Texas, 78640.

Sección 4. La Administradora de Elecciones del Condado de Hays, Texas, actuará como Oficial de Contrataciones (la "Oficial Contratante") y nombrará a los jueces electorales, a los jueces suplentes, y a los secretarios como se describe en el Contrato para Servicios de Elecciones entre el Condado de Hays y la ciudad de Kyle, Texas .

Sección 5. La Administradora de Elecciones del Condado de Hays, Texas, deberá recibir las solicitudes para una boleta por correo para ser votada por correo, hasta el cierre del día de negocio el _____ de 2014, a las 5:00 pm. Las solicitudes de las aplicaciones deben enviarse a Joyce Cowan, Administradora de Elecciones del Condado de Hays, División de Elecciones del Condado de Hays, 712 South Stagecoach Trail, San Marcos, TX 78666 .

Sección 6. Las fechas y las horas para la votación adelantada en persona serán como lo siguiente en el lugar que sigue:

**Kyle City Hall
100 W. Center Street
Kyle, Texas 78640**

Votación Adelantada

18 de agosto, 7am - 7pm

19 de agosto hasta el 22 de agosto, y el 26 de agosto, 8 am - 5 pm

25 de agosto 7am - 7 pm

Sección 7. Dicha elección se llevará a cabo de acuerdo con el Código de Elecciones de Texas, y sólo los votantes calificados que residen en la Ciudad deberán tener derecho a votar.

Sección 8. Se deberá dar anuncio de las elecciones conforme a la ley.

Sección 9. La votación en las elecciones, incluyendo la votación adelantada se efectuará mediante el uso del sistema electrónico de votación que ha sido debidamente aprobado por el Secretario de Estado.

Sección 10. Que conforme a las provisiones del Capítulo 87 del Código de Elecciones de Texas, se crea una Junta de Boletas para la Votación Adelantada, cual Junta consistirá de un juez presidente y secretarios nombrados por la Oficial Contratante. La Junta de Boletas para la

Votación Adelantada desempeñará las funciones y tendrá los deberes que se proveen en el Código de Elecciones de Texas. Además, la estación de conteo central para todos los votos emitidos en dicha elección deberá ser operado por la Oficial Contratante y los secretarios como sea necesario para contar los votos y para preparar los resultados de las elecciones de acuerdo con las provisiones del Capítulo 65 del Código de Elecciones de Texas.

Sección 11. La Secretaria de la Ciudad queda autorizada y es dada instrucciones para adquirir y suministrar todos los materiales de elección necesarios para llevar a cabo dicha elección. El Concejo nombra a la Secretaria de la Ciudad como el Custodio de Registros ("Depositario") y como agente al Concejo para llevar a cabo las tareas relacionadas con la realización y el mantenimiento de registros de las elecciones como se requiere en el Código de Elecciones de Texas durante el período que no termine antes del sesenta (60) día después de la elección.

Sección 12. La Oficina de la Secretaria de la Ciudad deberá desempeñar todas sus obligaciones normalmente desempeñadas en las elecciones generales con respecto a de la votación adelantada, dando aviso de la elección y la preparando las papeletas oficiales. Conforme a la Sección 87.004 del Código De Elecciones del Estado, el Concejo nombra a la Secretaria de la ciudad como Juez Presidente de la junta de boletas de la votación adelantada para contar y devolver las boletas de la votación adelantada de acuerdo con el Código de Elecciones de Texas.

Sección 13. Que los rendimientos de dicha elección se harán de acuerdo con el Código de Elecciones del Estado y serán escrutados por el Concejo Municipal de la Ciudad en una reunión del Concejo Municipal de la Ciudad.

Sección 14. El Alcalde está autorizado a firmar una Orden de Elección y un Anuncio de Elección Municipal Regular como prescrito por el Estado de Texas en nombre del Concejo Municipal de la Ciudad. El Anuncio de Elección Municipal Regular se publicará de acuerdo con las provisiones del Código de Elecciones de Texas.

Sección 15. Si cualquier parte, sección, subsección, párrafo, oración, cláusula, o frase contenidos en esta resolución son considerados inconstitucionales o sin vigilancia y efecto, dicha consideración no afectará la validez de la porción restante de la presente resolución, pero en todos los aspectos de dicha parte restante será y permanecerá en pleno vigor y efecto.

Sección 16. Que esta resolución será efectiva inmediatamente después de su aprobación.

PASADO Y APROVADO este día 13 de agosto de 2014.

R. Todd Webster, Alcalde

DECLARADO:

Amelia Sánchez, Secretaria de la Ciudad

RESOLUTION NO. ____

A RESOLUTION CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE AUGUST 9, 2014 SPECIAL ELECTION TO FILL A VACANCY IN THE POSITION OF COUNCIL MEMBER PLACE 3 OF THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS.

WHEREAS, the City Council of the City of Kyle, Texas (City) held a Special Election on August 9, 2014 for the purpose of electing a member to the Kyle City Council to fill a vacancy;

WHEREAS, the names of the candidates were submitted, the election was held and conducted and the returns thereof were made, all as required by laws of the United States and the State of Texas, including particularly the Texas Election Code; together with all amendments and additions thereto; and

WHEREAS, it was found that the persons herein named received the following votes for said term of office on the Kyle City Council of the City of Kyle, Texas:

Council Place 3.

Laurie Luttrell received ____ or ____% of the votes cast

Shane Arabia received ____ or ____% of the votes cast

Bill Sinor received ____ or ____% of the votes cast

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

SECTION 1. The City declares the Canvass of the August 9, 2014 Special Election results official.

SECTION 2. The City's Official Canvass of the August 9, 2014 Special Election elects the following candidate a member of the Kyle City Council:

_____ is hereby elected as Council Member Place 3

SECTION 3. The Kyle City Council hereby finds and determines, as a result of the Canvass for the election held on August 9, 2014, that a combined _____ votes were cast during Early Voting and Election Day in the Special Election, with _____ early votes cast, as indicated by the poll list for the Special Election held on August 9, 2014.

SECTION 4. It is hereby declared that the City of Kyle approves and accepts the results of the Special Election for City Council Places 3.

SECTION 5. If any part or parts of this resolution are found to be invalid or unconstitutional by a court having competent jurisdiction, then such invalidity or unconstitutionality shall not affect

the remaining parts hereof and such remaining parts shall remain in full force and effect, and to that extent this Ordinance is considered severable.

SECTION 6. This Resolution will become effective immediately upon its passage by the Kyle City Council.

CONSIDERED PASSED and APPROVED, this 13th day of August 2014, at a meeting of the City Council of the City of Kyle, Texas, at which a quorum was present and which was held in accordance with Chapter 551, Texas Government Code.

R.Todd Webster, Mayor

ATTEST:

Amelia Sanchez, City Secretary