

CITY OF KYLE

Notice of Special City Council Meeting

<https://www.cityofkyle.com/kyletv/kyle-10-live> OR
Spectrum10.



SPECIAL NOTE: Pursuant to the March 16, 2020 proclamation issued by Governor Abbott, this meeting will be held by videoconference in order to advance the public health goal of limiting face-to-face meetings (also called 'social distancing') to slow the spread of COVID-19. City Council members will attend the meeting via videoconferencing. This meeting can be viewed live online at <https://www.cityofkyle.com/kyletv/kyle-10-live> OR Spectrum10.

Notice is hereby given that the governing body of the City of Kyle, Texas will meet at 7:00 PM on August 17, 2020, at <https://www.cityofkyle.com/kyletv/kyle-10-live> OR Spectrum10., for the purpose of discussing the following agenda.

VIDEO

Posted this 14th day of August, 2020 prior to 7:00 p.m.

I. Call Meeting to Order

II. Citizen Comment Period with City Council

The City Council welcomes comments from Citizens early in the agenda of special meetings. Those wishing to speak are encouraged to sign in before the meeting begins. Speakers may be provided with an opportunity to speak during this time period on any agenda item or any other matter concerning city business, and they must observe the three-minute time limit.

1. Members of the public that wish to provide citizen comment must submit the online registration form found at: <https://www.cityofkyle.com/council/citizen-comment-sign> to attend virtually. Registration must be received by 12 p.m. on the day of the meeting.

III. Consider and Possible Action

2. (*Second Reading*) An Ordinance Ordering a Special Election to be held on the

Question of the Adoption of Amendments to the Charter of the City of Kyle; Designating November 3, 2020 as the date of the Special Election; Prescribing the Form of the Ballot; Providing for Election Procedures; and Providing an Effective Date. ~ *Travis Mitchell, Mayor*

3. *(First and Final Reading)* Consideration and Possible Action to Approve an Ordinance Calling a Bond Election to be held within the City of Kyle, Texas, Making Provision for the Conduct and Giving Notice of said Election, and Containing Other Provisions Necessary and Incidental to the Purposes Hereof. ~ *Travis Mitchell, Mayor*
4. Approve a Resolution to document the City's intent to reimburse for all costs incurred in association with the Public Safety Center and the Regional Sportsplex & Festival Grounds projects from proceeds of tax-exempt General Obligation bonds to be issued at a future date, if authorized by the City of Kyle voters in November 2020. ~ *Perwez A. Moheet, CPA, Director of Finance*

IV. Executive Session

5. Pursuant to Chapter 551, Texas Government Code, the City Council reserves the right to convene into Executive Session(s) from time to time as deemed necessary during this meeting. The City Council may convene into Executive Session pursuant to any lawful exception contained in Chapter 551 of the Texas Government Code including any or all of the following topics.
 1. Pending or contemplated litigation or to seek the advice of the City Attorney pursuant to Section 551.071.
 2. Possible purchase, exchange, lease, or value of real estate pursuant to Section 551.072.
 3. Personnel matters pursuant to Section 551.074.
 4. Convene into executive session pursuant to Section 551.087, Texas Government Code, to deliberate regarding the offer of economic incentives to one or more business prospects that the City seeks to have locate, stay, or expand in or near the City.
6. Take action on items discussed in Executive Session.

V. Adjourn

*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

Special Election - Charter

Meeting Date: 8/17/2020

Date time: 7:00 PM

Subject/Recommendation: *(Second Reading)* An Ordinance Ordering a Special Election to be held on the Question of the Adoption of Amendments to the Charter of the City of Kyle; Designating November 3, 2020 as the date of the Special Election; Prescribing the Form of the Ballot; Providing for Election Procedures; and Providing an Effective Date. ~ *Travis Mitchell, Mayor*

Other Information:

Legal Notes:

Budget Information:

ATTACHMENTS:

Description

- Ordinance Charter Election

ORDINANCE NO. _____

AN ORDINANCE ORDERING A SPECIAL ELECTION TO BE HELD ON THE QUESTION OF THE ADOPTION OF AMENDMENTS TO THE CHARTER OF THE CITY OF KYLE; DESIGNATING NOVEMBER 3, 2020 AS THE DATE OF THE SPECIAL ELECTION; PRESCRIBING THE FORM OF THE BALLOT; PROVIDING FOR ELECTION PROCEDURES; AND PROVIDING AN EFFECTIVE DATE.

Whereas, the City Council desires to submit to the voters the charter amendments that are set forth in this Ordinance;

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

SECTION 1: A special election is ordered to be held in the city on Tuesday, November 3, 2020, between the hours of 7:00 a.m. and 7:00 p.m., for the purpose of submitting to the qualified voters of the city propositions on whether the Charter of the City of Kyle should be amended. The proposed amendments shall take effect upon their adoption and the entering of an order by the City Council declaring the amendments adopted. The proposed amendments affect only the Articles and sections listed below which are submitted for amendment to read as follows in this section. In this ordinance, the proposed new language appears in bold and underlined text, and language proposed to be removed appears stricken through. The amended sections that are approved by the voters will appear in the City Charter after the election results are canvassed with the bold and underline markings added, and the stricken language will be removed from the City Charter.

Article I. Incorporation, Form of Government and Powers of the City

Sec. 1.07. – Annexation and Disannexation.

The council may by ordinance unilaterally annex or disannex any land, property or territory upon its own initiative, or upon a petition submitted by a majority of the voters residing within the territory being annexed or disannexed, upon petition by the owners of property, or upon a petition signed by a majority of the property owners in a platted subdivision, **as authorized by applicable law.** The council may disannex or release extraterritorial jurisdiction when in the best interest of the city. **The procedure for the establishment, modification or extension of the city boundaries, and the annexation or disannexation of territory, will be applied in a manner consistent with applicable State law. Absent procedures being established by State law, prior to exercising said rights to annex or disannex territory, one public hearing will be held at least ten (10) but not more than twenty (20) days after notice of such public hearings are published in a newspaper of general circulation throughout the city. Additionally, notices will appear in any official means of public dissemination established by the City Council.** ~~The procedure for the establishment, modification or extension of the city boundaries, and the~~

~~annexation or disannexation of territory, may not be inconsistent with any applicable requirements and limitations established by state law; provided that absent procedures being established by state law the action may be taken by ordinance adopted after two public hearings are held at least ten (10) but not more than twenty (20) days after notice of such public hearings are published in a newspaper of general circulation in the city.~~ Upon final passage of an ordinance, fixing, establishing or modifying the boundaries of the city, or annexing or disannexing any property by any method prescribed herein, the boundaries of the city shall be so extended or modified as provided in such ordinance. Upon an ordinance annexing property into the city, the territory described in the ordinance shall become a part of the city, and the said land and its residents and future residents shall be bound by the acts, ordinances, codes, resolutions and regulations of the city.

Article II. Boundaries of the City

Sec. 2.01. – Boundaries.

The boundaries and limits of the city shall, until changed in the manner herein provided, be the same as have heretofore been established and as existed on the date of the adoption of this charter. The boundaries and territorial limits of the city may from time to time by ordinance be fixed, decreased, modified or extended, and property may be annexed into the city or disannexed from the city, ~~with or without the consent of any voter or of any landowner in the affected~~ **as authorized by state law and the City Charter. See also Section 1.07.**

Article V. Elections

Sec. 5.06. - Polling Places.

The council shall establish one or more election precincts and provide polling places as necessary for city elections. Until established otherwise by ordinance **or required otherwise by state law**, the entire city shall be one election precinct and the city hall or the city hall annex shall be **the a** polling place for all city elections.

Article VI. Initiative, Referendum and Recall

Sec. 6.15. - Non-binding ballot propositions.

The council is authorized to call elections on ballot propositions that are non-binding in nature when the council wishes to obtain an informal indication of the position of the city's voters on an issue. The ordinance calling an election under this section must be approved by the affirmative vote of at least six members of council. The following shall apply to elections on non-binding ballot propositions:

- (1) The ballots must clearly label each proposition as non-binding in the heading of the proposition.**
- (2) The ballot cannot contain an indication of the effect that approval or disapproval of a proposition will have on the position of the city council on any issue.**
- (3) The ballot language may not contain more than one subject.**
- (4) Each proposition must avoid including multiple components which are not compatibly interrelated.**
- (5) The ordinance calling the election and the ordinance declaring the result of the election must both contain a clear statement that the non-binding propositions are not binding on the city council.**
- (6) The city council shall not place a non-binding proposition on a ballot as a substitute or alternative for a binding proposition the council is obligated to place on the same ballot.**

Article VII. Administrative Services

Sec. 7.06. – Police Department.

- (a) There shall be a police department to preserve order and protect the residents and property. The chief of police shall be responsible for the administration of the police department and shall evaluate and supervise the department and all its employees. All such evaluations and actions shall be subject to review and modification by the city manager. **Police department procedures and policies shall be subject to review and modification by the City Council.**
- (b) **The City of Kyle Police Department shall collaborate with a committee established by the City Council to have oversight over the development of standard operating policies and strategies, providing timely data sharing, and deploying resources that aim to: (1) protect all citizens, businesses, and property within the City; (2) promote transparency within the police department to the community, to also include data sharing communication in the forms of: in person briefings, news publications, and social media on a quarterly basis; and (3) reduce crime by increasing positive community engagement and promoting cooperation with all citizens through training, education, and community policing models. Annually, the Police Chief or designee shall provide the full City Council with a comprehensive report about police department operations, crime statistics, training initiatives, and other information requested by the City Council. The City Council shall adopt an ordinance implementing the terms of this subsection.**

Article XIII. General Provision

Sec. 13.11. – Non-substantive Revisions.

(1) The City Council may, without approval of the voters, adopt an ordinance that makes the following types of revisions to this Charter:

(A) Correcting numbering errors, and renumbering sections to correct numbering errors; and

(B) Correcting errors in spelling, grammar, cross-references and punctuation.

(2) A revision adopted under this section is not intended to and is not to be interpreted as making any substantive change in any Charter provision. Any revision adopted under this section that changes the substantive meaning of the Charter shall be void.

Section 2. Charter Amendment Notice and Propositions. Notice of the election shall be given and the election shall be held in compliance with *Chapt. 9, Tex. Loc. Gov't. Code*, and Section 4 of this Ordinance. The ballots for the special election shall comply with the *Texas Election Code* and be in the form provided by the City to the Hays County Elections Administrator, pursuant to the Contract for Election Services, for use on the voting devices and ballots used by the City; provided that the official ballot shall be prepared in such a manner as will permit the voters to vote “Yes” or “No” on the propositions submitted, with the propositions to be expressed on the official ballot in a form substantially as follows:

**CITY OF KYLE PROPOSITION A
Annexation**

Shall Article I, Section 1.07, and Article II, Section 2.01, of the City Charter be amended to require consent to annexation of land by the City as required by state law and to conform annexation and disannexation procedures to state law?

_____ YES _____ NO

**CITY OF KYLE PROPOSITION B
Election Precincts and Polling Places**

Shall Article V, Section 5.06 of the City Charter be amended to provide that the election precincts for City elections are those established by ordinance or state law and to provide that City Hall may be one of the polling places during City elections?

_____ YES _____ NO

**CITY OF KYLE PROPOSITION C
Council-Initiated Non-Binding Ballot Propositions**

Shall Article VI, Section 6.15 (Non-binding Ballot Propositions) be added to the City Charter to authorize the City Council to call elections on ballot propositions that are non-binding in nature when the council wishes to obtain an informal

indication of the city’s voters on an issue?

_____ YES _____ NO

CITY OF KYLE PROPOSITION D
Police Department Oversight

Shall Article VII, Section 7.06 of the City Charter be amended to provide that police department procedures and policies shall be subject to review and modification by the City Council, to require the Police Chief to provide the City Council with an annual report about police department operations, and to provide for the City Council to establish a committee with oversight over standard operating policies and strategies, data sharing, and use of resources of the police department for the purpose of promoting public safety, transparency, and crime reduction through community policing models?

_____ YES _____ NO

CITY OF KYLE PROPOSITION E
Non-Substantive

Shall Section 13.11 (Non-substantive Revisions) of the City Charter be added to grant the City Council authority to make non-substantive revisions to the City Charter for numbering, spelling, grammar, cross-references, and punctuation without obtaining separate approval of the voters in a Charter amendment election?

_____ YES _____ NO

SECTION 3. The election precincts for the election shall be the election precincts established by the Hays County Elections Administrator, provided that each shall contain and include geographic area that is within the City and the election precincts are in accordance with the City Charter.

SECTION 4. Notice of the election shall be given by posting a notice containing a substantial copy of this ordinance on the bulletin board used for posting notice of meetings of the governing body at the City Hall not later than the twenty-first (21st) day before the election and by publishing said Notice of Election on the same day in each of two successive weeks, with the first such publication occurring before the fourteenth (14th) day before the date of the election. The notice that is posted, and the notice that is published in a newspaper of general circulation within the city, will be written in both English and Spanish.

SECTION 5. The elections shall be held and conducted by the Hays County Elections Administrator in compliance with state law, the City Charter, the Election Agreement, and the ordinance calling the

2020 general election except where there is a clear conflict with this ordinance and provided that Chapter 9, Texas Local Gov't Code shall apply to the special election. And, this Ordinance shall be in force and effect from and after its passage on the date shown below.

SECTION 6. It is hereby officially found and determined that this meeting was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by the Open Meetings Act, *Chapter 551, Texas Government Code*.

PASSED AND APPROVED on this the ___ day of ____ 2020.

PASSED AND FINALLY APPROVED on this the ___ day of ____ 2020.

City of Kyle

Attest:

Jennifer Holm, City Secretary

Travis Mitchell, Mayor



CITY OF KYLE, TEXAS

Bond Election

Meeting Date: 8/17/2020

Date time: 7:00 PM

Subject/Recommendation: *(First and Final Reading)* Consideration and Possible Action to Approve an Ordinance Calling a Bond Election to be held within the City of Kyle, Texas, Making Provision for the Conduct and Giving Notice of said Election, and Containing Other Provisions Necessary and Incidental to the Purposes Hereof. ~ *Travis Mitchell, Mayor*

Other Information:

Legal Notes:

Budget Information:

ATTACHMENTS:

Description

- Ordinance Calling The Election (PSF and Parks)

ORDINANCE NO. _____

AN ORDINANCE CALLING A BOND ELECTION TO BE HELD WITHIN THE CITY OF KYLE, TEXAS, MAKING PROVISION FOR THE CONDUCT AND GIVING NOTICE OF SAID ELECTION, AND CONTAINING OTHER PROVISIONS NECESSARY AND INCIDENTAL TO THE PURPOSES HEREOF

WHEREAS, the City Council of the City of Kyle, Texas, hereby finds that an election should be held to determine whether said governing body shall be authorized to issue bonds of said City in the amount and for the purposes hereinafter identified; and

WHEREAS, the City Council (the "Council") of the City of Kyle, Texas (the "City") has heretofore found that the funding and construction of certain improvements within the City is in the public interest; and

WHEREAS, the Council has made provision for the conduct of the City bond election to be conducted jointly with other political subdivisions in the area under the authority of Texas Election Code Chapter 271; and

WHEREAS, the City and the Hays County Elections Administrator have authority, pursuant to Chapter 31, Subchapter D, of the Texas Election Code and Chapter 791 of the Texas Government Code, to enter into an agreement for the Hays County Elections Administrator to conduct the City's elections; and

WHEREAS, the Council hereby finds that it is in the public interest that the City's special bond election be conducted as provided for by the Council;

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

Section 1. Call of Election; Date; Eligible Electors; and Hours. A special bond election (the "Election") shall be held on Tuesday, November 3, 2020, which is seventy-eight (78) or more days from the date of the adoption of this ordinance (the "Ordinance") within and throughout the territory of the City at which all resident, qualified electors of the City shall be entitled to vote. The Council hereby finds that holding the Election on such date is in the public interest. The hours during which the polling places are to be open at the Election shall be from 7:00 a.m. to 7:00 p.m.

Section 2. Conduct of Election. The Election shall be conducted by election officers of Hays County, in accordance with the Texas Election Code, Chapter 1251, Texas Government Code, and the Constitution and laws of the State of Texas and the United States of America. The Hays County Elections Administrator will conduct the election for the City and include the City's registered voters in Hays County. The early voting and election day polling locations shall all be located within Hays County and serve the City's registered voters for Hays County. The Hart

InterCivic Verity Duo Voting System shall be utilized for the Election. Paper ballots will be used for early voting by mail.

Pursuant to Chapter 31 of the Texas Election Code, the Council finds that this Election will be conducted under the terms and conditions of a contract for election services between the City and Hays County (the "County") which is attached as Exhibit "A" to this Ordinance, and hereby incorporated by reference as if fully set out in the body of this Ordinance. Additionally, the County is hereby authorized and directed to provide any other manner of notice as authorized or required by law.

Chapter 271 of the Texas Election Code provides that the authorities of two or more political subdivisions, that have ordered elections for the same day in all or part of the same territory, may enter into an agreement to hold the elections jointly in election precincts that can be served by common polling places, and the Council is expressly authorizing this action. Pursuant to Chapter 271 of the Texas Election Code, the Council hereby finds that this Election be conducted under the terms and conditions of one or more agreements to conduct joint elections which agreement(s) are also included in Exhibit "A" to this Ordinance.

Section 3. Voting Precincts; Polling Places; Election Judges, Alternates, Clerks and other Election Officials. Except as otherwise provided herein, the presently existing boundaries and territory of the election precincts of Hays County that are wholly or partially within the territorial boundaries of the City are hereby designated as the voting precincts for the Election. The precinct numbers for the City's election precincts shall be the corresponding precinct number of each precinct as designated by the Hays County Elections Administrator. The election day polling places for the Election will be presented to the Council for its approval.

The Council finds the use of vote centers under the Countywide Polling Place Program, as described in Section 43.007 of the Texas Election Code, will result in a more convenient voting opportunity for the voters and a more efficient and cost effective administration of the election, and use of vote centers is hereby approved. A list of voting precincts and polling places for each voting precinct, and, as applicable, each vote center used as a polling place on Election Day will be presented to the Council for its approval.

The Council approves the appointment of persons designated by the County to serve as election workers. Such proposed presiding judges and alternate judges shall meet the eligibility requirements of Chapter 32, Subchapter C of the Texas Election Code. The rate of pay for judges and clerks of the Election shall be determined according to the election services agreement. Compensable hours shall be determined in accordance with the provisions of the Texas Election Code, as amended (the "Election Code") and other applicable laws.

The Council approves the appointment of persons designated by the County to serve on the Early Voting Ballot Board, the Central Counting Station, and as deputy early voting clerks.

Section 4. Propositions. At the Election there shall be submitted to the resident, qualified electors of the City the following propositions (the "Propositions"):

City of Kyle Proposition A

“SHALL the City Council of the City of Kyle, Texas be authorized to issue general obligation bonds of said City in an amount not to exceed \$37,000,000 for the purpose of planning, designing, constructing, improving and equipping a public safety facility, specifically a new police station and emergency operations center in the City, and other costs related thereto; such bonds to mature serially or otherwise over a period not to exceed thirty (30) years from their date, to be issued and sold in one or more series at any price or prices and to bear interest at any rate or rates (fixed, floating, variable or otherwise and not exceed the maximum rate prescribed by law) as shall be determined within the discretion of the City Council at the time of issuance or sale of the bonds; and whether ad valorem taxes shall be levied upon all taxable property in the City sufficient to pay the annual interest and provide a sinking fund to pay the bonds at maturity?”

City of Kyle Proposition B

“SHALL the City Council of the City of Kyle, Texas be authorized to issue general obligation bonds of said City in an amount not to exceed \$10,000,000 for the planning, designing, constructing, improving and equipping of, and acquisition of real property for, parks in the city; such bonds to mature serially or otherwise over a period not to exceed thirty (30) years from their date, to be issued and sold in one or more series at any price or prices and to bear interest at any rate or rates (fixed, floating, variable or otherwise and not exceed the maximum rate prescribed by law) as shall be determined within the discretion of the City Council at the time of issuance or sale of the bonds; and whether ad valorem taxes shall be levied upon all taxable property in the City sufficient to pay the annual interest and provide a sinking fund to pay the bonds at maturity?”

Section 5. Ballots. The ballot shall be suitable for use with an electronic voting system, and shall otherwise conform to the requirements of the Election Code as to permit the electors to vote “FOR” or “AGAINST” the aforesaid measures which shall appear on the ballot substantially as follows:

OFFICIAL BALLOT

CITY OF KYLE PROPOSITION A

[] FOR

THE ISSUANCE OF GENERAL OBLIGATION BONDS IN THE PRINCIPAL AMOUNT NOT TO EXCEED \$37,000,000 FOR THE PURPOSE OF PLANNING, DESIGNING, CONSTRUCTING, IMPROVING AND EQUIPPING OF A PUBLIC SAFETY FACILITY, SPECIFICALLY A NEW POLICE STATION AND EMERGENCY OPERATIONS CENTER; AND THE LEVY OF A TAX IN PAYMENT THEREOF.

[] AGAINST

CITY OF KYLE PROPOSITION B

[] FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS IN THE PRINCIPAL AMOUNT NOT TO EXCEED \$10,000,000 FOR THE PLANNING, DESIGNING, CONSTRUCTING, IMPROVING AND EQUIPPING OF, AND ACQUISITION OF REAL PROPERTY FOR, PARKS IN THE CITY; AND THE LEVY OF A TAX IN PAYMENT THEREOF.

[] AGAINST

Section 6. Early Voting. Early voting for the election shall be conducted jointly with other political subdivisions. The Hays County Elections Administrator shall serve as the Early Voting Clerk and shall appoint any necessary early voting clerks to assist her.

Early Voting by Mail

Ballot applications shall be addressed to the Early Voting Clerk at the following address:

Early Voting Clerk
712 South Stagecoach Trail, Suite 1012
San Marcos, TX 78666-5999

An original, signed, complete application for a ballot by mail can be emailed to elections@co.hays.tx.us. If you are submitting your application for ballot by mail by fax or email, the original, hard copy of the application MUST be mailed and received by the Early Voting Clerk no later than the 4th business day after it was originally submitted.

For the use of those voters who are entitled by law to vote early by mail, the Early Voting Clerk shall provide each voter with a ballot with instructions to mark the ballot indicating his or her vote “FOR” or “AGAINST” the Propositions on the same ballots utilized for early voting by personal appearance at the Election.

The period to apply for a ballot by mail is January 1, 2020 through October 23, 2020. The application must be received by the Early Voting Clerk by October 23, 2020 (mere postmarking by the deadline is insufficient).

Early Voting by Personal Appearance

Early voting by personal appearance for the Election shall be conducted jointly at the locations and on the dates and times specified by the County and will be presented to the Council for its approval.

Additional Temporary Branch Early Voting Polling Places

The Temporary Branch Early Voting Polling Places and the dates and times for voting by personal appearance at the Temporary Branch Early Voting Polling Places will be presented to the Council for its approval.

Section 7. Delivery of Voted Ballots; Counting; Tabulation; Canvassing of Returns; Declaring Results. In accordance with the requirements of the Election Code, the election officers shall make and deliver a written return of the Election. The Council shall canvass the returns and declare the results of the Election.

Section 8. Custodian of Records. To the extent not otherwise provided for in the election services agreement, or in any joint election agreement(s), Ms. Jennifer Holm, the City Secretary, is the custodian of records (“Custodian”) and will perform duties related to the conduct and maintenance of records of the Election as required under the Election Code during the period beginning the third (3rd) day after the approval of this Ordinance, and ending not earlier than the fortieth (40th) day after the day of the Election. In particular, the Custodian shall accept and maintain records regarding campaign expenditures that may be filed with the City.

The Custodian shall maintain an office open for election duties for at least three hours each day, during regular office hours, on regular business days during the period designated in this section. The Custodian shall post notice of the location and hours of office as required by the Election Code. The Custodian shall maintain in office the documents, records and other items relating to the Election and shall be the person designated to receive documents on behalf of the City that are required by the Election Code.

Section 9. Election Information to be Provided in Spanish. The City Secretary and all other election officers appointed by the Council responsible for the preparation of notices, instructions, ordinances, resolutions, ballots and other written material pertaining to the Election shall cause each such document to be translated into and furnished to voters in both the English language and the Spanish language, in order to aid and assist voters speaking Spanish as a primary or an alternative language to properly participate in the election process. In addition, the City Secretary and other responsible election officers are hereby authorized and directed to make available to the voters having the need of an individual capable of acting as a translator and speaking both English and Spanish languages, who will assist Spanish speaking voters in understanding and participating in the election process.

Section 10. Notice of Election Publication and Posting Requirements.

Publication of Notice of Election

Notice of the Election, containing a substantial copy of this Ordinance, including a Spanish translation thereof, shall be published on the same day in each of two successive weeks in a newspaper of general circulation in said City, the first of said publications to appear in said newspaper not more than thirty (30) days and not less than fourteen (14) days prior to the day of the Election.

Posting of Notice of Election

Notice of the Election, containing a substantial copy of this Ordinance, in both the English and Spanish languages, shall also be posted (i) on the electronic bulletin board used by the Council to post notices of the Council's meetings, (ii) at three (3) other public places within the City, and (iii) on the City's Internet website, prominently and together with the notice of the election, sample ballot and the contents of the propositions, no later than the twenty-first (21st) day before the Election. Additionally, the Mayor and the City Secretary of the City, in consultation with the City's Attorney and bond counsel, are hereby authorized and directed to provide any other manner of notice as authorized by law.

A copy of this Ordinance, in both the English and Spanish languages, shall also be posted in a prominent location at each polling place on Election Day and at each early voting polling place during early voting by personal appearance.

Section 11. Debt Service and Tax Rate Information of the City. The following information is provided in accordance with the provisions of Section 3.009(b), Texas Election Code.

- (a) The Proposition language that will appear on the ballot is set forth in Section 5 hereof.
- (b) The purpose for which the bonds are to be authorized is set forth in Sections 4 and 5 hereof.
- (c) The principal amount of the debt obligations to be authorized is \$47,000,000.
- (d) Taxes sufficient to pay the annual principal of and interest on the general obligation bonds may be imposed.
- (e) The City intends to issue the bonds authorized by the Propositions in a manner and in accordance with a schedule to be determined by the Council based upon a number of factors, including, but not limited to, the then current needs of the City, demographic changes, prevailing market conditions, assessed valuations in the City and management of the City's short-term and long-term interest rate exposure. Market conditions, demographics and assessed valuations vary based upon a number of factors beyond the City's control, and therefore, the City cannot and does not guarantee a particular interest rate or tax rate associated with the bonds authorized by the

Propositions. As such, the information contained in this paragraph is provided solely for illustrative purposes and does not establish any limitations or restrictions or create a contract with the voters. The City currently estimates that, if the Propositions were approved and the bonds proposed herein were authorized and issued in accordance with the City's current estimated project plan of finance, the maximum interest rate of the bonds is not expected to exceed 6.00%.

(f) If the bonds are approved, they may be issued in one or more series, to mature serially, over a period not to exceed thirty (30) years from the date of issuance of each series of bonds.

(g) The City, as of the date of this Ordinance, had outstanding an aggregate ad valorem tax-supported principal amount of debt equal to \$98,195,000.

(h) The aggregate amount of the interest owed on such City debt obligations, through respective maturity, totaled \$39,753,587.

(i) The City levied an ad valorem debt service tax rate for its outstanding debt obligations of \$0.22620 per \$100 of taxable assessed valuation.

(j) Of the aforementioned City debt, the City considers \$30,801,218 and \$22,253,127 of that principal and interest, respectively, to be self-supporting debt payable from sources other than ad valorem taxes.

(k) The weighted average maturity of the issue of bonds does not exceed 120% of the reasonably expected weighted average economic life of the improvements and personal property financed with the issue of bonds.

If a majority of the resident, qualified electors of the City voting at the Election, including those voting early, shall vote in favor of a Proposition, then the issuance and sale of the respective bonds shall be authorized in the maximum respective amount contained therein, and such general obligation bonds shall be issued and sold at the price or prices and in such denominations determined by the Council to be in the City's best interests.

City staff shall prepare a voter information document and post such document in accordance with Section 1251.052 of the Texas Government Code.

Section 12. Necessary Actions. The Mayor and the City Secretary of the City, in consultation with the City's Attorney and bond counsel, are hereby authorized and directed to take any and all actions necessary to comply with the provisions of the Code and the Federal Voting Rights Act in carrying out and conducting the Election, whether or not expressly authorized herein, including making changes or additions to polling places or procedures to the extent required or desirable or as may become necessary due to circumstances arising after the date of this Ordinance.

Section 13. Preamble Incorporation. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

Section 14. Inconsistent Provisions. All ordinances and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters found herein.

Section 15. Governing Law. This Ordinance shall be construed and enforced in accordance with the Charter, Ordinances and Resolutions of the City of Kyle, Texas, and the laws of the State of Texas and the United States of America.

Section 16. Severability. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the Council hereby declares that this Ordinance would have been enacted without such invalid provision.

Section 17. Notice of Meeting. The Council officially finds, determines, recites and declares that written notice of the date, hour, place and subject of the meeting at which this Ordinance is adopted was posted on a bulletin board located at a place convenient to the public at the City's administrative offices for at least seventy-two (72) hours preceding the scheduled time of the meeting; that a telephonic or telegraphic notice of such meeting was given to all news media who have consented to pay any and all expenses incurred by the City in connection with providing such notice, both as required by the Open Meetings Law, Chapter 551, Texas Government Code, as amended; and that such meeting was open to the public as required by law at all times during which this Ordinance and the subject matter thereof was discussed, considered and formally acted upon. Pursuant to the March 16, 2020 proclamation issued by Governor Abbott, this meeting may be held by videoconference in order to advance the public health goal of limiting face-to-face meetings (also called "social distancing") to slow the spread of COVID-19. Some Council members may attend the meeting via videoconferencing. This meeting can be viewed live online at <https://www.cityofkyle.com/kyletv/kyle-10-live> or Spectrum10.

Section 18. Authorization to Execute. The Mayor is authorized to execute and the City Secretary is authorized to attest this Ordinance on behalf of the Council; and the Mayor is authorized to do all other things legal and necessary in connection with the holding and consummation of the Election.

Section 19. Effective Date. This Ordinance is effective immediately upon its passage and approval.

Passed and Approved on first reading this the ____ day of August, 2020.

Passed and Approved on second and final reading this the ____ day of August, 2020.

PASSED AND APPROVED on the ____ day of August, 2020.

Mayor
City of Kyle, Texas

ATTEST:

City Secretary
City of Kyle, Texas

[CITY SEAL]

EXHIBIT A

Contract for Election Services and Joint Election Agreement(s)



CITY OF KYLE, TEXAS

Resolution for City's Intent to Reimburse for Public Safety Center and Regional Sportsplex & Festival Grounds Project Expenditures From Tax-Exempt Bond Proceeds

Meeting Date: 8/17/2020
Date time: 7:00 PM

Subject/Recommendation: Approve a Resolution to document the City's intent to reimburse for all costs incurred in association with the Public Safety Center and the Regional Sportsplex & Festival Grounds projects from proceeds of tax-exempt General Obligation bonds to be issued at a future date, if authorized by the City of Kyle voters in November 2020. ~ *Perwez A. Moheet, CPA, Director of Finance*

Other Information:

Legal Notes:

Budget Information:

ATTACHMENTS:

Description

- Reimbursement_Resolution_-_City_of_Kyle_GO_Bonds_2020

RESOLUTION NO. _____

**RESOLUTION EXPRESSING INTENT TO FINANCE
EXPENDITURES TO BE INCURRED BY THE CITY OF KYLE,
TEXAS**

WHEREAS, the City of Kyle, Texas (the "Issuer") is a home rule municipality and political subdivision of the State of Texas authorized to issue obligations to finance its activities pursuant to Article 11, Sections 5 and 7 of the Texas Constitution and Chapter 1331 TEXAS GOVERNMENT CODE, and other provisions, the interest on which is excludable from gross income for federal income tax purposes ("tax-exempt obligations") pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code");

WHEREAS, the Issuer will make, or has made not more than 60 days prior to the date hereof, payments with respect to the construction of the projects listed on Exhibit "A" attached hereto; and

WHEREAS, the Issuer desires to reimburse itself for the costs associated with the projects listed on Exhibit "A" attached hereto from the proceeds of tax-exempt obligations to be issued subsequent to the date hereof; and,

WHEREAS, the Issuer reasonably expects to issue tax-exempt obligations to reimburse itself for the costs associated with the projects listed on Exhibit "A" attached hereto.

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

Section 1. The Issuer reasonably expects to reimburse itself for all costs that have been or will be paid subsequent to the date that is 60 days prior to the date hereof and that are to be paid in connection with the construction of the projects listed on Exhibit "A" attached hereto from the proceeds of tax-exempt obligations to be issued subsequent to the date hereof.

Section 2. This Resolution is also made to evidence the intent of the Issuer to make such reimbursements under Treas. Reg. Section 1.150-2 and Section 1201.042, Texas Government Code.

Section 3. The Issuer reasonably expects that the maximum principal amount of tax-exempt obligations issued to reimburse the Issuer for the costs associated with the projects listed on Exhibit "A" attached hereto will not exceed \$6,500,000.

Section 4. The Issuer intends to reimburse the expenditures hereunder not later than 18 months after the later of the date the original expenditure is paid or the date the projects are placed in service or abandoned, but in no event more than three years after the original expenditure is paid unless the project is a construction project for which the Issuer and a licensed architect or engineer have certified on Exhibit "A" that at least five years are necessary to complete the project in which event the maximum reimbursement period is five years after the date of the original expenditure.

ADOPTED this 17th day of August, 2020.

CITY OF KYLE, TEXAS

Travis Mitchell, Mayor

ATTEST:

Jennifer Holm, City Secretary

[CITY SEAL]

EXHIBIT “A”

DESCRIPTION OF PROJECTS

The planning, designing, constructing, improving and equipping of:

1. Public Safety Center
2. Regional Sportsplex and Festival Grounds

The Public Safety Center facility will include approximately 64,000 square feet of space to be used for community safety purposes, including officing the Police Department.

The Regional Sportsplex and Festival Grounds project will consist of facilities and such other capital infrastructure improvements to provide facilities for festivals, community events, sports and music events to include pavilion, aquatic center, skate park, competitive sports facilities, trails, and public parking.

Such financing to be in an amount not to exceed \$6,500,000 from the General Fund of the City of Kyle, Texas.



CITY OF KYLE, TEXAS

Executive Session-Convene

Meeting Date: 8/17/2020

Date time:7:00 PM

Subject/Recommendation: Pursuant to Chapter 551, Texas Government Code, the City Council reserves the right to convene into Executive Session(s) from time to time as deemed necessary during this meeting. The City Council may convene into Executive Session pursuant to any lawful exception contained in Chapter 551 of the Texas Government Code including any or all of the following topics.

1. Pending or contemplated litigation or to seek the advice of the City Attorney pursuant to Section 551.071.
2. Possible purchase, exchange, lease, or value of real estate pursuant to Section 551.072.
3. Personnel matters pursuant to Section 551.074.
4. Convene into executive session pursuant to Section 551.087, Texas Government Code, to deliberate regarding the offer of economic incentives to one or more business prospects that the City seeks to have locate, stay, or expand in or near the City.

Other Information:

Legal Notes:

Budget Information:

ATTACHMENTS:

Description

No Attachments Available



CITY OF KYLE, TEXAS

Reconvene

Meeting Date: 8/17/2020
Date time: 7:00 PM

Subject/Recommendation: Take action on items discussed in Executive Session.

Other Information:

Legal Notes:

Budget Information:

ATTACHMENTS:

Description

No Attachments Available