

ORDINANCE NO. 1123

**AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF KYLE,
TEXAS CANVASSING THE RETURNS AND DECLARING THE
RESULTS OF A BOND ELECTION HELD NOVEMBER 3, 2020, AND
CONTAINING PROVISIONS NECESSARY AND INCIDENTAL
THERE TO**

WHEREAS, on August 17, 2020, the City Council (the “Council”) of Kyle, Texas (the “City”) called a special election (the “Election”) to be held on November 3, 2020, to authorize the approval by voters in the City of general obligation bonds for the purpose of planning, designing, constructing, improving and equipping a public safety facility and planning, designing constructing, improving, equipping and acquisition of real property for parks in the city; and

WHEREAS, the Council has reviewed and investigated all matters pertaining to this Election, including the calling, notices, election officers, holding and returns thereof, and

WHEREAS, the Council hereby canvasses the returns of this Election, at which there was submitted to all resident, qualified voters of the City for their action thereupon, the following 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?"

WHEREAS, the Council has diligently inquired into the poll lists and the official election returns which were duly and lawfully made available to the Council by the election officials holding and conducting such Election; and the official election returns showing separately the votes cast in the Election; and

WHEREAS, from these returns, the Council hereby finds that the following votes were cast in the Election by voters who were resident, qualified voters of the City as indicated on the official election results, which are attached as Exhibit "A" to this Ordinance, the totals of which are included below:

CITY OF KYLE PROPOSITION A

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.

TOTAL	9,267 FOR	7,423 AGAINST
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CITY OF KYLE PROPOSITION B

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.

TOTAL	9,231 FOR	7,178 AGAINST
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WHEREAS, the election was called and held in all respects under and in strict conformity with the Constitution and laws of the State of Texas and the United States of America;

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

Section 1. Preamble Incorporation. The matters and facts recited in the preamble of this Ordinance are found to be true and correct.

Section 2. Special Election; Returns; Canvass. The Council officially finds, determines, and declares that the Election was duly and properly conducted, that proper legal notice of such Election was duly given in the English and Spanish languages (to the extent required by law), that proper election officers were duly appointed prior to the Election; that the Election was duly and legally held, that all resident, qualified voters of the City were permitted to vote at the Election, that the returns of the results of the Election have been made and delivered, and that the Council has duly canvasses such returns, all in accordance with the laws of the State of Texas and of the United States of America, and the Ordinance calling the Election.

Section 3. Special Election Results for the Propositions.

Proposition A. A majority of the resident, qualified voters of the City voting in such Election, have voted FOR Proposition A, the authorization and issuance of an 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.

Proposition B. A majority of the resident qualified voters of the City voting in such Election have voted FOR Proposition B, the authorization and issuance of 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; and the levy of a tax in payment thereof.

The Council hereby finds and determines that the Election was duly called, that proper notice was given, that the Election was held in all aspects in conformity with the law, that the Propositions did carry at the Election, and that the City is accordingly authorized to issue and sell the bonds in accordance with the authority granted in the Proposition and with the law.

Section 4. 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 ordered herein.

Section 5. Governing Law. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 6. Notice of Meeting. It is hereby found that the meeting at which this Ordinance has been considered and adopted is open to the public as required by law, and that written notice of the time, place and subject matter of said meeting, and of the proposed adoption of this Ordinance was given as required by Chapter 551, Texas Government Code.

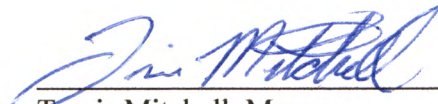
Section 7. Severability. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the Council hereby declares that this Ordinance would have been enacted without such provision.

Section 8. 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.

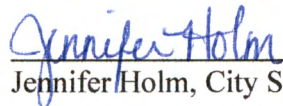
Section 9. Effective Date. This Ordinance will become effective immediately upon its passage and approval.

PASSED AND APPROVED this the 10th day of November 2020.

THE CITY OF KYLE, TEXAS


Travis Mitchell, Mayor

ATTEST:


Jennifer Holm, City Secretary

[CITY SEAL]

Exhibit A

Official Results

Kyle

Hays County, Texas

Official Results

Nov. 3 2020 General Election

General Election

Registered Voters

17903 of 153614 = 11.65%

Precincts Reporting

77 of 77 = 100.00%

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City of Kyle, Mayor - Vote for none or one.

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Travis Mitchell		519	40.20%	4,654	37.17%	643	38.73%	5,816	37.59%
Linda Tenorio		477	36.95%	4,697	37.51%	684	41.20%	5,858	37.86%
Dave Abdel		183	14.18%	2,026	16.18%	204	12.29%	2,413	15.59%
Peter Parcher		112	8.68%	1,145	9.14%	129	7.77%	1,386	8.96%
Cast Votes:		1,291	100.00%	12,522	100.00%	1,660	100.00%	15,473	100.00%
Undervotes:		173		1,927		326		2,426	
Overvotes:		0		0		0		0	

City of Kyle, Single Member District 2 - Vote for none or one.

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Yvonne Flores-Cale		190	58.10%	2,267	60.47%	361	65.88%	2,818	60.94%
Tracy Scheel		137	41.90%	1,482	39.53%	187	34.12%	1,806	39.06%
Cast Votes:		327	100.00%	3,749	100.00%	548	100.00%	4,624	100.00%
Undervotes:		108		1,266		198		1,572	
Overvotes:		0		0		0		0	

City of Kyle, Single Member District 4 - Vote for none or one.

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Tim McHutchion		211	41.78%	1,632	38.73%	200	39.06%	2,043	39.06%
Ashlee Bradshaw		294	58.22%	2,582	61.27%	312	60.94%	3,188	60.94%
Cast Votes:		505	100.00%	4,214	100.00%	512	100.00%	5,231	100.00%
Undervotes:		172		1,132		128		1,432	
Overvotes:		0		0		0		0	

City of Kyle Proposition A - Vote for or against.

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
For		803	58.19%	7,437	55.08%	1,027	56.77%	9,267	55.52%
Against		577	41.81%	6,064	44.92%	782	43.23%	7,423	44.48%
Cast Votes:		1,380	100.00%	13,501	100.00%	1,809	100.00%	16,690	100.00%
Undervotes:		68		948		177		1,193	
Overvotes:		0		0		0		0	

Kyle

Hays County, Texas

Official Results

Nov. 3 2020 General Election

General Election

Registered Voters

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City of Kyle Proposition B - Vote for or against.

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
For		692	50.99%	7,508	56.58%	1,031	57.86%	9,231	56.26%
Against		665	49.01%	5,762	43.42%	751	42.14%	7,178	43.74%
Cast Votes:		1,357	100.00%	13,270	100.00%	1,782	100.00%	16,409	100.00%
Undervotes:		91		1,179		204		1,474	
Overvotes:		0		0		0		0	

City of Kyle, Charter Amendment, Proposition C - Annexation - Vote yes or no.

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Yes		1,054	79.67%	9,218	74.72%	1,162	70.51%	11,434	74.70%
No		269	20.33%	3,118	25.28%	486	29.49%	3,873	25.30%
Cast Votes:		1,323	100.00%	12,336	100.00%	1,648	100.00%	15,307	100.00%
Undervotes:		125		2,113		338		2,576	
Overvotes:		0		0		0		0	

City of Kyle, Charter Amendment, Proposition D - Election Precincts and Polling Places - Vote yes or no.

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Yes		1,249	92.59%	11,300	89.48%	1,442	85.88%	13,991	89.36%
No		100	7.41%	1,329	10.52%	237	14.12%	1,666	10.64%
Cast Votes:		1,349	100.00%	12,629	100.00%	1,679	100.00%	15,657	100.00%
Undervotes:		99		1,820		307		2,226	
Overvotes:		0		0		0		0	

City of Kyle, Charter Amendment, Proposition E - Council-Initiated Non-Binding Ballot Propositions - Vote yes or no.

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Yes		940	70.68%	8,417	69.98%	1,091	68.19%	10,448	69.85%
No		390	29.32%	3,611	30.02%	509	31.81%	4,510	30.15%
Cast Votes:		1,330	100.00%	12,028	100.00%	1,600	100.00%	14,958	100.00%
Undervotes:		118		2,421		386		2,925	
Overvotes:		0		0		0		0	

Kyle

Hays County, Texas

Official Results

Nov. 3 2020 General Election

General Election

Registered Voters

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Precincts Reporting

77 of 77 = 100.00%

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City of Kyle, Charter Amendment, Proposition F - Police Department Oversight - Vote yes or no.

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Yes		1,093	81.20%	9,694	76.38%	1,301	77.72%	12,088	76.94%
No		253	18.80%	2,997	23.62%	373	22.28%	3,623	23.06%
Cast Votes:		1,346	100.00%	12,691	100.00%	1,674	100.00%	15,711	100.00%
Undervotes:		102		1,758		312		2,172	
Overvotes:		0		0		0		0	

City of Kyle, Charter Amendment, Proposition G - Non-Substantive - Vote yes or no.

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Yes		916	69.82%	7,979	65.85%	998	62.41%	9,893	65.83%
No		396	30.18%	4,138	34.15%	601	37.59%	5,135	34.17%
Cast Votes:		1,312	100.00%	12,117	100.00%	1,599	100.00%	15,028	100.00%
Undervotes:		136		2,332		387		2,855	
Overvotes:		0		0		0		0	

*** End of report ***