



CITY OF FAIR OAKS RANCH
CITY COUNCIL SPECIAL MEETING

Wednesday, May 15, 2024 at 2:00 PM

Public Safety Training Room, Police Station, 7286 Dietz Elkhorn, Fair Oaks Ranch

Live Stream: <https://www.youtube.com/channel/UCDqRvLvReqxrh1lbajwshKA/live>

AGENDA

OPEN MEETING

1. Roll Call - Declaration of a Quorum.
2. Pledge of Allegiance

CITIZENS and GUEST FORUM

To address the Council, please sign the Attendance Roster located on the table at the entrance in the foyer of the Public Safety Training Room. In accordance with the Open Meetings Act, Council may not discuss or take action on any item which has not been posted on the agenda. Speakers shall limit their comments to five (5) minutes each.

3. Citizens to be heard.

PURPOSE OF SPECIAL CALLED MEETING

4. Consideration and possible action approving a resolution canvassing the returns and declaring the results of a bond election; and other matters in connection therewith.

Christina Picioccio, TRMC, City Secretary

5. Consideration and possible action approving a resolution canvassing the returns and declaring the results of the Sales and Use Tax Special Election held on May 4, 2024.

Christina Picioccio, TRMC, City Secretary

ADJOURNMENT

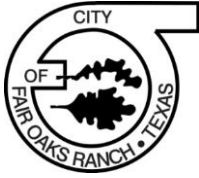
Signature of Agenda Approval: s/ Scott Huizenga

Scott Huizenga, ICMA-CM, City Manager

I, Christina Picioccio, TRMC, City Secretary, certify that the above Notice of Meeting was posted on the outside bulletin board at the Fair Oaks Ranch City Hall, 7286 Dietz Elkhorn, Fair Oaks Ranch, Texas, and on the City's website www.fairoaksranchtx.org, both places being convenient and readily accessible to the general public at all times.

As per Texas Government Code 551.045, said Notice was posted by **2:00 PM, May 12, 2024** and remained so posted continuously for at least 72 hours before said meeting was convened. A quorum of various boards, committees, and commissions may attend the City Council meeting.

The Fair Oaks Ranch Police Station is wheelchair accessible at the front main entrance of the building from the parking lot. Requests for special services must be received forty-eight (48) hours prior to the meeting time by calling the City Secretary's office at (210) 698-0900. Braille is not available. The City Council reserves the right to convene into Executive Session at any time regarding an issue on the agenda for which it is legally permissible; pursuant to Texas Government Code Chapter 551. Section 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).



CITY COUNCIL CONSIDERATION ITEM
CITY OF FAIR OAKS RANCH, TEXAS

AGENDA TOPIC: Consideration and possible action approving a resolution canvassing the returns and declaring the results of a Bond Election; and other matters in connection therewith.

DATE: May 15, 2024

DEPARTMENT: City Secretary

PRESENTED BY: Christina Picioccio, TRMC, City Secretary

INTRODUCTION/BACKGROUND:

The City Council shall canvass the special election returns pursuant to Texas Election Code, Chapter 67, Canvassing Elections.

The attached resolution (**Attachment A**) is required to approve the canvass of returns and to declare the results of the Special Bond Election held on May 4, 2024.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

Complies with State Law.

LONGTERM FINANCIAL & BUDGETARY IMPACT:

N/A

LEGAL ANALYSIS:

Approved as to form.

RECOMMENDATION/PROPOSED MOTION:

I move to adopt a resolution canvassing the returns and declaring the results of a Bond Election.

A RESOLUTION

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH, TEXAS
CANVASSING THE RETURNS AND DECLARING THE RESULTS OF A BOND ELECTION;
AND OTHER MATTERS IN CONNECTION THEREWITH**

WHEREAS, on February 8, 2024, the City Council (the Council) of the City of Fair Oaks Ranch, Texas (the City) ordered an election to be held on May 4, 2024 for the purpose of determining whether the resident, qualified voters of the City would authorize the issuance of general obligation bonds by the City; and

WHEREAS, the Council has reviewed and investigated all matters pertaining to this election, including the resolving, 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 proposition, and,

MEASURE A

“Shall the City Council of the City of Fair Oaks Ranch, Texas be authorized to issue and sell one or more series of general obligation bonds of the City in the aggregate principal amount of not more than \$16,000,000 for the purpose of designing, demolishing, constructing, renovating, improving, reconstructing, restructuring and extending streets and thoroughfares and related land and right-of-way sidewalks, streetscapes, collectors, drainage, landscape, signage, acquiring lands and rights-of-way necessary thereto or incidental therewith, to wit:

- Dietz Elkhorn
- Battle Intense
- Rolling Acres Trail
- Ammann Road

such bonds to mature serially or otherwise (not more than 40 years from their date) in accordance with law; and any issue or series of said bonds to bear interest at such rate or rates (fixed, floating, variable or otherwise) as may be determined within the discretion of the City Council, provided that such rate of interest shall not exceed the maximum rate per annum authorized by law at the time of the issuance of any issue or series of said bonds; and shall the City Council of the City be authorized to levy and pledge, and cause to be assessed and collected, annual ad valorem taxes, within the limitations prescribed by law, on all taxable property in said City sufficient to pay the annual interest and provide a sinking fund to pay the bonds at maturity and the cost of any credit agreements executed in connection with the bonds?”

and,

WHEREAS, the Council has diligently inquired into the poll lists and the official election returns which were duly and lawfully made to the Council by the judges and clerks holding and conducting

such election; the poll lists and the official election returns showing separately the votes cast in the election, and,

WHEREAS, from these returns, this Council hereby finds that the following votes were cast in the election by voters who were resident, qualified voters of the City.

PROPOSITION A

“THE ISSUANCE OF NOT TO EXCEED \$16,000,000 OF CITY OF FAIR OAKS RANCH, TEXAS GENERAL OBLIGATION BONDS FOR DESIGNING, DEMOLISHING, CONSTRUCTING, RENOVATING, IMPROVING, EXTENDING AND MAKING PERMANENT STREET, SIDEWALK, DRAINAGE AND ANY RELATED IMPROVEMENTS, AND THE LEVYING OF A TAX IN PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE BONDS”

	<u>For</u>	<u>Against</u>
Early Votes (including mail ballots)		
Election Day Votes		
TOTAL		

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH, TEXAS:

Section 1. The Council officially finds, determines, and declares that the election was duly and properly ordered, that proper legal notice of such election was duly given in the English language and the Spanish language (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 due returns of the results of the election had been made and delivered, and that the Council has duly canvassed such returns, all in accordance with the laws of the State of Texas and of the United States of America, and the order calling the election.

Section 2. A MAJORITY of the resident, qualified voters of the City of Fair Oaks Ranch, Texas voting in such election, having voted FOR the authorization and issuance of \$16,000,000 of bonds and the levy and pledge of the tax in payment thereof as provided in Measure A, the Council hereby finds and determines that Measure A passed at the election, that the election was duly called, that proper notice was given, and that the election was held in all aspects in conformity with the law, [and that the Council is hereby accordingly authorized to issue the bonds and to levy the tax in accordance with the authority granted in the Measure and with law].

Section 3. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this resolution for all purposes and are adopted as a part of the judgment and findings of the Council.

- Section 4.** All ordinances and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this resolution are hereby repealed to the extent of such conflict, and the provisions of this resolution shall be and remain controlling as to the matters resolved herein.
- Section 5.** This resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.
- Section 6.** If any provision of this resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the Council hereby declares that this resolution would have been enacted without such invalid provision.
- Section 7.** It is officially found, determined, and declared that the meeting at which this resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this resolution, was given, all as required by Chapter 551, as amended, Texas Government Code.
- Section 8.** Pursuant to the provisions of Section 1201.028, as amended, Texas Government Code, this resolution shall be effective immediately upon adoption, notwithstanding any provision in the City's Home Rule Charter to the contrary concerning a multiple reading requirement for the adoption of ordinances or resolutions.

PASSED, APPROVED, and ADOPTED on this 15th day of May 2024.

Gregory C. Maxton, Mayor

ATTEST:

Christina Picioccio, TRMC, City Secretary



CITY COUNCIL CONSIDERATION ITEM
CITY OF FAIR OAKS RANCH, TEXAS

AGENDA TOPIC: Consideration and possible action approving a resolution canvassing the returns and declaring the results of the Sales and Use Tax Special Election held on May 4, 2024

DATE: May 15, 2024

DEPARTMENT: City Secretary

PRESENTED BY: Christina Picioccio, TRMC, City Secretary

INTRODUCTION/BACKGROUND:

The City Council shall canvass the special election returns pursuant to Texas Election Code, Chapter 67, Canvassing Elections.

The attached resolution (**Attachment A**) is required to approve the canvass of returns and to declare the results of the Special Election held on May 4, 2024.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

Complies with State Law.

LONGTERM FINANCIAL & BUDGETARY IMPACT:

N/A

LEGAL ANALYSIS:

Approved as to form.

RECOMMENDATION/PROPOSED MOTION:

I move to approve the resolution canvassing the election returns and declaring the results of the Sales and Use Tax Special Election held on May 4, 2024.

ATTACHMENT A

A RESOLUTION

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH, TEXAS
CANVASS OF RETURNS AND DECLARATION OF RESULTS OF THE SPECIAL ELECTION
HELD MAY 4, 2024, IN THE CITY OF FAIR OAKS RANCH, TEXAS**

WHEREAS, the City Council of the City of Fair Oaks Ranch, Texas called a special election to be held in the City on May 4, 2024, for the purpose of submitting a proposition on the reauthorization of the local sales and use tax at the rate of one fourth (1/4) of one percent to continue providing revenue for the maintenance and repair of municipal streets; and

WHEREAS, after said election the Presiding Judge of Kendall County holding said election made the returns of the results thereof as follows, and said returns being made according to law, and it being shown that written notice of said elections was posted for the time and in the manner provided by law, and all other proceedings pertaining to said elections having been shown to have been done and performed at and within the manner provided by law, and all papers pertaining thereto having been returned and filed with the City Secretary and no protest or objection being made to or regarding any matter pertaining to said election; and

WHEREAS, on the 15th day of May, 2024, at a special meeting of the City Council of the City of Fair Oaks Ranch, Texas, with at least two council members being present, the meeting was called to order to open, examine, and canvass the official returns of the special elections held in the City on the above-mentioned date.

CANVASS OF RETURNS AND DECLARATION OF RESULTS

NOW, THEREFORE, be it resolved by the City Council of the City of Fair Oaks Ranch, Texas, after opening said returns and, examining and canvassing the votes of said election, that:

Section 1. The results are as follows:

PROPOSITION 2: REAUTHORIZATION OF SALES AND USE TAX

County	For			Against		
	Absentee Voting	Early Voting	Election Day	Absentee Voting	Early Voting	Election Day
Bexar						
Comal						
Kendall						
Totals:						
Grand Totals:						

- Section 2.** It appearing that Proposition 2 was voted for, said above named proposition received a majority of all votes cast, and is hereby declared to be as voted.
- Section 3.** That the recitals contained in the preamble hereto are hereby found to be true and such recitals are hereby made a part of this resolution for all purposes and are adopted as a part of the judgment and findings of the Council.
- Section 4.** If any provision of this resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this resolution would have been enacted without such invalid provision.
- Section 5.** That it is officially found, determined, and declared that the meeting at which this resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this resolution, was given, all as required by Chapter 551, as amended, Texas Government Code.
- Section 6.** All resolutions or parts thereof, which are in conflict or inconsistent with any provision of this resolution are hereby repealed to the extent of such conflict, and the provision of this resolution shall be and remain controlling as to the matters resolved herein.
- Section 7.** This resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.
- Section 8.** This resolution shall be in force and effect from and after its final passage, and it is so resolved.

PASSED, APPROVED, and ADOPTED on this 15th day of May, 2024.

Gregory C. Maxton, Mayor

ATTEST:

APPROVED AS TO FORM:

Christina Picioccio, TRMC
City Secretary

Denton Navarro Rodriguez Bernal Santee & Zech
P.C., City Attorney