



**NOTICE OF MEETING  
OF THE  
CITY COUNCIL OF BUDA, TEXAS  
6:30 P.M. – Monday, November 16, 2015  
Council Chambers, 121 Main Street  
Buda, TX 78610**

This notice is posted pursuant to the Texas Open Meetings Act. Notice is hereby given that a **Special City Council Meeting** of the City of Buda, Texas, will be held at which time the following subjects will be discussed and may be acted upon.

**A. CALL TO ORDER**

This meeting will begin at 6:30 p.m.

**B. ROLL CALL**

**C. SPECIAL AGENDA**

**C.1 Discuss and consider adopting a Resolution canvassing returns of a General Election held for the purpose of electing candidates to the office of the City Council of the City of Buda, Texas, for an election having been held on November 3, 2015; declaring results of that election; providing a severability clause; and providing for an effective date**

City Secretary Alicia Ramirez

**C.2 Discuss and consider adopting a Resolution canvassing returns of a Special Election held for the purposes of submitting to popular vote and election for adoption or rejection a proposed measure allowing the holder of a mixed beverage late hours permit or retail dealer's on-premise late hours license to serve and sell alcohol between midnight and 2:00 a.m. on any day authorized by state law within the corporate limits of the City of Buda, Texas, for an election having been held on November 3, 2015; declaring results of that election; providing a severability clause; and providing for an effective date**

City Secretary Alicia Ramirez

**C.3 Discuss and consider setting the Runoff Election date as a result of the November 3, 2015 Election**

City Secretary Alicia Ramirez

**D. ADJOURNMENT**

Requests for accommodations must be made 48 hours prior to the meeting. Please contact the City Secretary at (512) 312-0084, or FAX (512) 312-1889 for information or assistance. I, the undersigned authority, do hereby certify that the above Notice of Meeting of the Governing Body of the City of Buda, was posted on the bulletin board in front of Buda City Hall, which is readily accessible to the public at all times, by 5:00 pm on November 6, 2015.

/s/ \_\_\_\_\_  
Alicia Ramirez, TRMC  
City Secretary



Council Chambers are set up to publicly broadcast meetings. You may be audio and video recorded while in this facility.

In accordance with Article III, Section 3.10, of the Official Code of the City of Buda, the minutes of this meeting consist of the preceding Minute Record and the Supplemental Minute Record. Details on Council meetings may be obtained from the City Secretary's Office, or video of the entire meeting may be downloaded from the website. (Portions of the Supplemental Minute Record video tape recording may be distorted due to equipment malfunction or other uncontrollable factors.)

The City Council may retire to executive session any time between the meeting's opening and adjournment for the purpose of consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code; discussion of personnel matters pursuant to Chapter 551.074 of the Texas Government Code; deliberation regarding real property pursuant to Chapter 551.072 of the Texas Government Code; deliberation regarding economic development negotiations pursuant to Chapter 551.087 of the Texas Government Code; and/or deliberation regarding the deployment, or specific occasions for implementation of security personnel or devices pursuant to Chapter 551.076 of the Texas Government Code. Action, if any, will be taken in open session.

This agenda has been reviewed and approved by the City's legal counsel and the presence of any subject in any Executive Session portion of the agenda constitutes a written interpretation of Texas Government Code Chapter 551 by legal counsel for the governmental body and constitutes an opinion by the attorney that the items discussed therein may be legally discussed in the closed portion of the meeting considering available opinions of a court of record and opinions of the Texas Attorney General known to the attorney. This provision has been added to this agenda with the intent to meet all elements necessary to satisfy Texas Government Code Chapter 551.144(c) and the meeting is conducted by all participants in reliance on this opinion.

**Attendance by Other Elected or Appointed Officials:** It is anticipated that members of other governmental bodies, and/or city boards, commissions and/or committees may attend the meeting in numbers that may constitute a quorum of the body, board, commission and/or committee. Notice is hereby given that the meeting, to the extent required by law, is also noticed as a possible meeting of the other body, board, commission and/or committee, whose members may be in attendance, if such numbers constitute a quorum. The members of the boards, commissions and/or committees may be permitted to participate in discussions on the same items listed on the agenda, which occur at the meeting, but no action will be taken by such in attendance unless such item and action is specifically provided for on an agenda for that body, board, commission or committee subject to the Texas Open Meetings Act.



# City Council Agenda Item Report

November 16, 2015

## Agenda Item

Contact – Alicia Ramirez, City Secretary

[aramirez@ci.buda.tx.us](mailto:aramirez@ci.buda.tx.us)

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**Subject: Canvassing of November 3, 2015 City Council & Proposition Election.**

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**1. Background/History**

The City Council ordered the November 3, 2015 City Council Election and Special Election on August 8<sup>th</sup> and 11<sup>th</sup>, 2015, respectively.

**2. Findings/Current Activity**

The city contracts for its elections with Hays County. Hays County provides early voting dates, polling locations, and election workers. Early voting began October 19<sup>th</sup> and ended October 30<sup>th</sup>. City Hall was an early voting polling place on Thursday, October 22<sup>nd</sup> and Friday, October 23<sup>rd</sup> as well as the main polling location on Election Day, November 3<sup>rd</sup>.

The election returns must be reviewed and canvassed by the Council. The canvass must be conducted at an open meeting between Wednesday, November 11<sup>th</sup> and Monday, November 16<sup>th</sup>. Only two officers are needed for a quorum for a canvassing meeting (E.C. 67.004(a)).

Once the returns are canvassed, the post-election procedures\* and the Runoff Election will be announced at the next regularly scheduled meeting on Tuesday, November 17, 2015.

\*Swearing In, etc.

**3. Financial Impact**

Additional Council Meeting, and related cost.

**4. Action Options/Recommendation**

Approval of the Resolutions to canvass and declare the results of the general election.

**AN ORDER CANVASSING RETURNS OF A GENERAL ELECTION HELD FOR THE PURPOSE OF ELECTING CANDIDATES TO THE OFFICE OF THE CITY COUNCIL OF THE CITY OF BUDA, TEXAS, FOR AN ELECTION HAVING BEEN HELD ON NOVEMBER 3, 2015; DECLARING RESULTS OF THAT ELECTION; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS,** pursuant to Resolution No. 2015-R-14 of the City of Buda, Texas, adopted on the 4<sup>th</sup> day of August, 2015, an election was duly held on the 3<sup>rd</sup> day of November, 2015, for the purpose of voting on a City Council Member Place 3 and a City Council Member Place 4; and

**WHEREAS,** said election was held with the solemnities and formalities necessary to make it a valid election, all notices having been posted in the manner and for the length of time required by law; and

**WHEREAS,** only duly qualified resident voters of the City of Buda, Texas, voted at the General Election called and held on 3<sup>rd</sup> day of November, 2015; and

**WHEREAS,** section 67.003 of the Texas Election Code, as amended, generally provides that each local canvassing authority shall not convene earlier than the eighth (8<sup>th</sup>) day or not later than the eleventh (11<sup>th</sup>) day after the November election date for the purpose of canvassing the election results; and

**WHEREAS,** section 67.004(a) of the Texas Election Code, as amended, establishes the quorum level required to canvass election results; and

**WHEREAS,** a quorum of the City Council met on Monday, November 16, 2015, and duly canvassed the election returns of the above mentioned election, hereby attached as **Exhibit "A"**.

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

**Section 1.** The findings set forth above are incorporated into the body of this resolution as if fully set forth herein.

**Section 2.** That the City Council officially finds and determines an election was duly ordered to be held in the City of Buda, Texas on the 3<sup>rd</sup> day of November, 2015, for the purpose of electing a City Council Member from Place 3 and a City Council Member from Place 4 to three (3) year terms of office; that proper notice of said election was duly given; that proper election officers were duly appointed prior to said election; that said election has been made and delivered; and that the City Council has duly canvassed said returns all in accordance with law.

**Section 3.** That the City Council officially finds and determines that only qualified resident voters of the City were allowed to vote at said election, and following votes were cast at said election, and that the canvass of the votes cast in said election and returns thereof, which is attached hereto as **Exhibit "A"**, were made in accordance with the law.

Place 3	Absentee	Early Voting	Election Day	Total	Percentage
David Nuckels	0	86	143	229	37.3
Jose Montoya	5	66	174	245	39.9
Basil J. Lombardo	2	38	100	140	22.8

	<b>Totals</b>	<b>7</b>	<b>190</b>	<b>417</b>	<b>614</b>	
<b>Place 4</b>	<b>Absentee</b>		<b>Early Voting</b>	<b>Election Day</b>	<b>Total</b>	<b>Percentage</b>
George Haehn	10		156	343	509	100
<b>Totals</b>	<b>10</b>		<b>156</b>	<b>343</b>	<b>509</b>	

**Section 4.** Pursuant to the applicable provisions of the Texas Local Government Code, Texas Election Code, and the City of Buda, Texas Home-Rule Charter, the City Council officially finds and determines and declares the results of said election to be that:

- (1) That no candidate for the position of City Council Member for Place Three received a majority of votes cast and a runoff election is hereby ordered for **December 8, 2015** (*to be confirmed*) between David Nuckels and Jose Montoya;
- (2) George Haehn is elected Council Member for Place Four to a three (3) year term of office by majority vote of the voters;

**Section 5.** It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Order are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation of this Order of any such unconstitutional phrase, clause, sentence, paragraph or section.

**Section 6.** This Order shall be effective immediately upon its passage.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF BUDA, TEXAS ON THE 16<sup>th</sup> DAY OF NOVEMBER, 2015.**

**THE CITY OF BUDA, TEXAS**

ATTEST:

\_\_\_\_\_  
Todd Ruge, Mayor

\_\_\_\_\_  
Alicia Ramirez, City Secretary

**Exhibit "A"**

(County Report)

**AN ORDER CANVASSING RETURNS OF A SPECIAL ELECTION HELD FOR THE PURPOSES OF SUBMITTING TO POPULAR VOTE AND ELECTION FOR ADOPTION OR REJECTION A PROPOSED MEASURE ALLOWING THE HOLDER OF A MIXED BEVERAGE LATE HOURS PERMIT OR RETAIL DEALER'S ON-PREMISE LATE HOURS LICENSE TO SERVE AND SELL ALCOHOL BETWEEN MIDNIGHT AND 2:00 A.M. ON ANY DAY AUTHORIZED BY STATE LAW WITHIN THE CORPORATE LIMITS OF THE CITY OF BUDA, TEXAS, FOR AN ELECTION HAVING BEEN HELD ON NOVEMBER 3, 2015; DECLARING RESULTS OF THAT ELECTION; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS,** pursuant to Resolution No. 2015-R-15 of the City of Buda, Texas, adopted on the 11<sup>th</sup> day of August, 2015, an election was duly held on the 3<sup>rd</sup> day of November, 2015, for the purposes of submitting to popular vote and election for adoption or rejection a proposed measure allowing the holder of a mixed beverage late hours permit or retail dealer's on-premise late hours license to serve and sell alcohol between midnight and 2:00 a.m. on any day authorized by state law within the corporate limits of the City of Buda, Texas; and

**WHEREAS,** said election was held with the solemnities and formalities necessary to make it a valid election, all notices having been posted in the manner and for the length of time required by law; and

**WHEREAS,** only duly qualified resident voters of the City of Buda, Texas, voted at the Special Election called and held on 3<sup>rd</sup> day of November, 2015; and

**WHEREAS,** section 67.003 of the Texas Election Code, as amended, generally provides that each local canvassing authority shall not convene earlier than the eighth (8<sup>th</sup>) day or not later than the eleventh (11<sup>th</sup>) day after the November election date for the purpose of canvassing the election results; and

**WHEREAS,** section 67.004(a) of the Texas Election Code, as amended, establishes the quorum level required to canvass election results; and

**WHEREAS,** a quorum of the City Council met on Monday, November 16, 2015, and duly canvassed the election returns of the above mentioned election, hereby attached as **Exhibit "A"**.

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

**Section 1.** The findings set forth above are incorporated into the body of this resolution as if fully set forth herein.

**Section 2.** That the City Council officially finds and determines an election was duly ordered to be held in the City of Buda, Texas on the 3<sup>rd</sup> day of November, 2015, for the purposes of submitting to popular vote and election for adoption or rejection a proposed measure allowing the holder of a Mixed Beverage Late Hours Permit or Retail Dealer's On-Premise Late Hours License to serve and sell alcohol between midnight and 2:00 a.m. on any day authorized by state law within the corporate limits of the City of Buda, Texas; that proper notice of said election was duly given; that proper election officers were duly appointed prior to said election; that said election has been made and delivered; and that the City Council has duly canvassed said returns all in accordance with law.

**Section 3.** That the City Council officially finds and determines that only qualified resident voters of the City were allowed to vote at said election, and following votes were cast at said election, and that the canvass of the votes cast in said election and returns thereof, which is attached hereto as **Exhibit "A"**, were made in accordance with the law.

**Proposition 1:** A PROPOSITION FOR OR AGAINST ALLOWING THE HOLDER OF A MIXED BEVERAGE LATE HOURS PERMIT OR HOLDER OF A RETAIL DEALER'S ON-PREMISE LATE HOURS LICENSE TO SERVE AND SELL ALCOHOL BETWEEN MIDNIGHT AND 2:00 A.M. ON ANY DAY AUTHORIZED BY STATE LAW WITHIN THE CORPORATE LIMITS OF THE CITY OF BUDA, TEXAS

	Absentee	Early Voting	Election Day	Total	Percentage
<b>FOR</b>	5	99	274	378	58.24
<b>AGAINST</b>	3	99	169	271	41.76
<b>Totals</b>	<b>8</b>	<b>198</b>	<b>443</b>	<b>649</b>	

**Section 4.** Pursuant to the applicable provisions of the Texas Local Government Code, Texas Election Code, and the City of Buda, Texas Home-Rule Charter, the City Council officially finds and determines and declares the results of said election to be that Proposition 1 so submitted received an affirmative vote and was approved by the voters at the election.

**Section 5.** It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Order are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation of this Order of any such unconstitutional phrase, clause, sentence, paragraph or section.

**Section 6.** This Order shall be effective immediately upon its passage.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF BUDA, TEXAS ON THE 16<sup>th</sup> DAY OF NOVEMBER, 2015.**

**THE CITY OF BUDA, TEXAS**

ATTEST:

\_\_\_\_\_  
Todd Ruge, Mayor

\_\_\_\_\_  
Alicia Ramirez, City Clerk



**Exhibit "A"**

(County Report)

**Cumulative City of Buda — Unofficial  
Hays County, TX — General Election — November 03, 2015**

Total Number of Voters : 11,196 of 105,105 = 10.65%  
Number of District Voters: 684 of 6,513 = 10.50%

Precincts Reporting 51 of 51 = 100.00%  
District Precincts Reporting 2 of 2 = 100.00%

Party	Candidate	Absentee	Early	Election	Total
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**Council Member, Place 3 Buda, Vote For 1**

David Nuckels	0	0.00%	86	45.26%	143	34.29%	229	37.30%
Jose Montoya	5	71.43%	66	34.74%	174	41.73%	245	39.90%
Basil J. Lambardo	2	28.57%	38	20.00%	100	23.98%	140	22.80%
<b>Cast Votes:</b>	7	70.00%	190	92.68%	417	88.91%	614	89.77%
<b>Over Votes:</b>	0	0.00%	0	0.00%	0	0.00%	0	0.00%
<b>Under Votes:</b>	3	30.00%	15	7.32%	52	11.09%	70	10.23%

Precincts			Voters		
Counted	Total	Percent	Ballots	Registered	Percent
2	2	100.00%	684	6,513	10.50%

**Council Member, Place 4 Buda, Vote For 1**

George Haehn	10	100.00%	156	100.00%	343	100.00%	509	100.00%
<b>Cast Votes:</b>	10	100.00%	156	76.10%	343	73.13%	509	74.42%
<b>Over Votes:</b>	0	0.00%	0	0.00%	0	0.00%	0	0.00%
<b>Under Votes:</b>	0	0.00%	49	23.90%	126	26.87%	175	25.58%

Precincts			Voters		
Counted	Total	Percent	Ballots	Registered	Percent
2	2	100.00%	684	6,513	10.50%

**Proposition 1 Buda, Vote For 1**

FOR	5	62.50%	99	50.00%	274	61.85%	378	58.24%
AGAINST	3	37.50%	99	50.00%	169	38.15%	271	41.76%
<b>Cast Votes:</b>	8	80.00%	198	98.02%	443	95.68%	649	96.15%
<b>Over Votes:</b>	0	0.00%	0	0.00%	0	0.00%	0	0.00%
<b>Under Votes:</b>	2	20.00%	4	1.98%	20	4.32%	26	3.85%

Precincts			Voters		
Counted	Total	Percent	Ballots	Registered	Percent
2	2	100.00%	675	6,211	10.87%



# City Council Agenda Item Report

November 16, 2015

## Agenda Item

Contact – Alicia Ramirez, City Secretary

[aramirez@ci.buda.tx.us](mailto:aramirez@ci.buda.tx.us)

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**Subject: Discuss and consider setting the Runoff Election date as a result of the November 3, 2015 Election**

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### 1. Background/History

Pursuant to the City of Buda Charter, SECTION 4.05 Run-Off Election, the candidate for elective office shall receive a majority, meaning more than fifty (50) percent of the votes cast, to be declared the winner. No candidate received a majority of all votes cast in the Place 3 election. The City Council shall, upon completion of the official canvass of the ballots, issue a call for a runoff election to be held within thirty (30) days following the issuance of such call, or in accordance with the Texas Election Code.

See Election Calendar for additional information.

### 2. Findings/Current Activity

The election returns were reviewed and canvassed in the previous item. Council must set a date to conduct the Runoff Election. Once determined, staff will submit an Order calling for the Runoff Election at the next regular council meeting on November 17<sup>th</sup>.

### 3. Financial Impact

Runoff Election and related cost.

### 4. Action Options/Recommendation

The Runoff Election shall be set within 30 days of the canvass; from November 17<sup>th</sup> through December 17<sup>th</sup>. The following dates are proposed election dates and related early voting periods. A calendar is also attached outlining the various legal procedural steps associated with the proposed dates.

Both candidates were polled and both were amenable to conduct the runoff election on December 8<sup>th</sup>.

Proposed Runoff Date	Early Voting Period		Notes/Considerations
Dec. 8, 2015	Nov. 23, 2015	7:00 a.m.—7:00 p.m.	1) Thanksgiving Holiday, Nov 26 <sup>th</sup> & Nov 27 <sup>th</sup> (considered as official state holidays, therefore not required to conduct early voting on these dates.) 2) Scheduling of Election Workers due to the holiday. 3) Eight (8) days of early voting.
	Nov. 24, 2015 – Nov. 25, 2015	8:00 a.m.—5:00 p.m.	
	Nov. 30, 2015	7:00 a.m.—7:00 p.m.	
	Dec. 1, 2015 – Dec. 3, 2015	8:00 a.m.—5:00 p.m.	
	Dec. 4, 2015	8:00 a.m.—4:00 p.m.	
Dec. 15, 2015	Nov. 30, 2015	7:00 a.m.—7:00 p.m.	1) No holiday during early voting. 2) Election Workers are available. 3) Ten (10) days of early voting. 4) Holiday during canvass period.
	Dec. 1, 2015 – Dec. 3, 2015	8:00 a.m.—5:00 p.m.	
	Dec. 4, 2015	7:00 a.m.—7:00 p.m.	
	Dec. 7, 2015 – Dec. 10, 2015	8:00 a.m.—5:00 p.m.	
	Dec. 11, 2015	8:00 a.m.—4:00 p.m.	

**IMPORTANT ELECTION DATES**  
**DECEMBER 8, 2015 RUNOFF ELECTION**

**\*\*this list is a condensed list of important dates. For a more detailed list, please visit the Secretary of State's website at <http://www.sos.state.tx.us/elections/index.shtml>**

<b>DATE</b>		
November 16 <sup>th</sup>	November 16 <sup>th</sup> last day for City Council to canvass results of election and order possible runoff election.	
November 17 <sup>th</sup>	Swearing In of newly elected officers and Runoff Election date set.	+5 days or 11/23/15
November 17 <sup>th</sup>	City Council meeting to order Runoff Election	+20 days thru +45 days after canvass
November 17 <sup>th</sup>	Draw names for place on the ballot in City Council Chambers	After Order is adopted
November 18 <sup>th</sup>	Notice of Election published in Hays Free Press	30 <sup>th</sup> thru 10 <sup>th</sup> day prior to election
November 23 <sup>rd</sup>	First day for Early Voting	17 <sup>th</sup> day before election day (EC 85.001(a)) 17 <sup>th</sup> on Saturday; extended to Monday
December 4 <sup>th</sup>	Last day for Early Voting	
December 8 <sup>th</sup>	Election Day; 7 am to 7 pm; results via Hays County Elections <a href="http://www.co.hays.tx.us/election-results.aspx">http://www.co.hays.tx.us/election-results.aspx</a>	
December 16 <sup>th</sup> thru 21 <sup>st</sup>	Canvass and Swearing In of newly elected officers. Special meeting will be required to canvass the runoff election. Date to be determined.	+8 days thru +11 days (11 <sup>th</sup> day falls on weekend; extended to 13 <sup>th</sup> day)
December 24 <sup>th</sup> – 25 <sup>th</sup>	City Hall closed in observance of Christmas Holiday	

**IMPORTANT ELECTION DATES**  
**DECEMBER 15, 2015 RUNOFF ELECTION**

**\*\*this list is a condensed list of important dates. For a more detailed list, please visit the Secretary of State's website at <http://www.sos.state.tx.us/elections/index.shtml>**

<b>DATE</b>		
November 16 <sup>th</sup>	November 16 <sup>th</sup> last day for City Council to canvass results of election and order possible runoff election.	
November 17 <sup>th</sup>	Swearing In of newly elected officers and Runoff Election date set.	+5 days or 11/23/15
November 17 <sup>th</sup>	City Council meeting to order Runoff Election	+20 days thru +45 days after canvass
November 17 <sup>th</sup>	Draw names for place on the ballot in City Council Chambers	After Order is adopted
November 25 <sup>th</sup>	Notice of Election published in Hays Free Press	30 <sup>th</sup> thru 10 <sup>th</sup> day prior to election
November 30 <sup>th</sup>	First day for Early Voting	17 <sup>th</sup> days before election day (EC 85.001(a)) 17 <sup>th</sup> day is Saturday; extended to Monday
December 11 <sup>th</sup>	Last day for Early Voting	
December 15 <sup>th</sup>	Election Day; 7 am to 7 pm; results via Hays County Elections – <a href="http://www.co.hays.tx.us/election-results.aspx">http://www.co.hays.tx.us/election-results.aspx</a>	
December 23 <sup>rd</sup> thru 28 <sup>th</sup>	Canvass and Swearing In of newly elected officers. Special meeting will be required to canvass the runoff election. Date to be determined.	+8 days thru +11 days (11 <sup>th</sup> day fall on weekend; deadline is extended to 13 <sup>th</sup> day)
December 24 <sup>th</sup> – 25 <sup>th</sup>	City Hall closed in observance of Christmas Holiday	