



AGENDA
WATAUGA CITY COUNCIL
SPECIAL MEETING
VIDEOCONFERENCE
WEDNESDAY, MAY 12, 2021
4:00 PM

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 Watauga, Texas will be held at which time the following subjects will be discussed and may be acted upon.

If you wish to comment during the meeting, you may do so by registering using the form located at: <https://www.cowtx.org/comments>. You will have the option to join the virtual meeting and comment "live" at the appropriate time using a computer, Android device, iOS device and/or a phone. Or, you can provide your comments for public comment or items for action at the time of registration and they will be read into the record for you.

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Special City Council Meeting Registration - May 12, 2021

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

Members of the public are invited and encouraged to attend all public meetings that are not closed to the public in accordance with the Texas Open Meetings Act. Public input is encouraged during Public Testimony, Public Hearings or Action sections of a meeting agenda. As authorized by the Executive Orders issued by the Texas Governor; the City is making special provisions to allow the public to comment at this meeting. The meeting will be hosted using WEBEX. "Live" participation is limited. A person desiring to comment "live," during the meeting must register in advance using this form. Once registered, citizens will be provided with the meeting link information on a first come, first served basis until all slots have been filled.

Citizens may also provide their comments in writing. ALL COMMENTS MUST BE RECEIVED NO LATER THAN 1 HOUR PRIOR TO THE MEETING. All written comments must comply with applicable decorum rules for comments made during a public meeting of the City Council to be read into the record. Up to three minutes shall be allotted for each written comment to be read into the record of the meeting. All timely comments will be read into the record of the meeting at the appropriate time during the meeting.

While reasonable efforts will be taken to gather comments received within the hour prior to the meeting or received during the meeting, all such comments are considered untimely and may not be recognized and read during the meeting.

First Name*

Last Name*

Address1*

“Live” meeting space is limited and will be provided on a first come, first served basis. If you select the “live” meeting option, the WEBEX meeting details will be emailed to you at the e mail address you provide during registration. You will be responsible for ensuring that you are available in the WEBEX meeting at the time public testimony is requested and that you have a microphone or have called in via telephone so that your comments can be heard.

A copy of the agenda packet for this meeting may be obtained here: <https://www.cowtx.org/1403/Agendas-and-Minutes>. A recording of this meeting will be made available on-line at the city's website as soon as practicable after the meeting.

CALL TO ORDER

ROLL CALL

PUBLIC COMMENT If speaking for an organization or group, the speaker should identify the group represented. If speaking during Public Comment (for matters not posted on that particular meeting's agenda), members of the City Council and Staff may only provide a statement of factual information in response to the inquiry or recite existing policy in response (e.g., to correct a factual misstatement made by the citizen or provide factual information requested by the citizen). 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 future meeting. If necessary, the Chair will task the City Manager to respond to the citizen and report back to the City Council as soon as practicable. Such report to the City Council shall not constitute a meeting called by the City Council nor shall it constitute deliberation or formal action. Individual citizens addressing the City Council during Public Comment shall not exceed three (3) minutes in their comments; however, the Chair may extend or reduce the speaker's allotted time in order to conduct an efficient and effective public meeting. The time allotted shall not be donated to others desiring to speak. Public Comment is not established to engage in a conversation with the Council and no formal Council action will be taken.

PUBLIC TESTIMONY FOR ACTION ITEMS Only those persons who submit a completed Request to Speak form prior to the agenda item being introduced by the Chair will be allowed to speak on agenda items set for action (this doesn't include presentations or reports). The Chair shall ask each person requesting to speak to approach the podium when called to speak. Speakers time shall generally not exceed three (3) minutes in their comments and all comments must be germane to the specific agenda item being discussed; however, the Chair may extend or reduce the speaker's allotted time. Speakers shall not be permitted to donate their time to other speakers. Members of the City Council may ask questions or discuss the item directly with the citizen during the citizen's testimony if necessary. Any discussion between a Council member and the citizen will not count toward the time limit and Council Members are encouraged not to speak until the citizen has first utilized their allocated time.

ACTION ITEMS

1. Discuss and consider action on the canvass of the votes for the May 1, 2021 General and Special Elections to include approval of a Resolution canvassing the votes and declaring the results

Andrea Gardner, City Manager

ADJOURNMENT

Meeting Notices and Reservation of Rights

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 if the requisite information is otherwise posted; 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 (as applicable) when determined necessary by the to address a subject matter on the agenda. 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 council, 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 city council, 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 city council, body, board, commission or committee subject to the Texas Open Meetings Act.

NOTICE

THIS FACILITY IS WHEELCHAIR ACCESSIBLE AND ACCESSIBLE PARKING SPACES ARE AVAILABLE. REQUESTS FOR ACCOMMODATIONS OR INTERPRETIVE SERVICES MUST BE MADE 48 HOURS PRIOR TO THIS MEETING. PLEASE CONTACT THE CITY SECRETARY'S OFFICE AT (817) 514-5825, OR FAX (817) 514-3625.

I, Andrea Gardner, City Secretary for the City of Watauga, hereby certify that this agenda was posted on the bulletin boards at City Hall, 7105 Whitley Road, Watauga, Texas, on Friday, May 7, 2021, before 5:00 p.m., in accordance with Chapter 551 of the Texas Government Code.

Andrea Gardner

Andrea Gardner, City Secretary





AGENDA MEMORANDUM

DATE: April 6, 2021

TO: Honorable City Council Members

FROM: Andrea Gardner, City Manager

SUBJECT: Discuss and consider action on the canvass of the votes for the May 1, 2021 General and Special Elections to include approval of a Resolution canvassing the votes and declaring the results

BACKGROUND/INFORMATION:

Texas Election Code Sec. 67.004. establishes the procedure for local canvass. Per Section 67.004 and Watauga's City Charter Section 3.03(b) states two members of the authority constitute a quorum for purposes of canvassing an election.

The Unofficial results of the May 1, 2021 General Election for Places of Mayor, Council Places 3,4 & 5 and the Special Elections for Council Place 1 (unexpired term), Proposition A and Proposition B were posted to the Tarrant County Website on May 1, 2021. The City Secretary's Office also posted a copy of the unofficial results as provided by Tarrant County Elections on the City's Official Bulletin Board and the City website along with a link to the Tarrant County Elections webpage on May 3, 2021.

Texas Election Code Sec. 67.003 states each local canvassing authority shall convene to conduct the local canvass at the time set by the canvassing authority's presiding officer not later than the 11th day after election day and not earlier than the later of:

- (1) the third day after election day;
- (2) the date on which the early voting ballot board has verified and counted all provisional ballots, if a provisional ballot has been cast in the election; or
- (3) the date on which all timely received ballots cast from addresses outside of the United States are counted, if a ballot to be voted by mail in the election was provided to a person outside of the United States.

The City of Watauga contracted with Tarrant County to conduct its local elections. Tarrant County Elections requested the City not complete its canvass of the votes sooner than May 11 or 12.

The results as confirmed by Tarrant County Elections are included in the attached Resolution.



AGENDA MEMORANDUM

FINANCIAL IMPLICATIONS:

None.

RECOMMENDATION/ACTION DESIRED:

City staff recommends City Council Approve Resolution No. 2021-022, to canvass the votes from the May 1, 2021 General and Special Elections.

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

1. Office of Mayor Election Unofficial Results May 1 2021
2. Place 1 Unexpired Term May 1 2021 Unofficial Election Results
3. Place 3, 4 & 5 May 1 2021 Unofficial Election Results
4. Special Elections Unofficial Results
5. Resolution to Canvass the Votes May 1 2021 General and Special Elections (1)

REVIEWED BY:

Karrie Marling, Legal

George Hyde, Legal

Andrea Gardner, City Manager

Raquel Guajardo, Deputy City Secretary

Approved as to form for inclusion on Agenda

Approved - 5/3/2021

Approved - 5/3/2021

Approved - 5/7/2021

Final Approval - 5/7/2021

City of Watauga Mayor									
Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Steve Young		3	25.00%	81	33.47%	114	25.91%	198	28.53%
Art Miner		9	75.00%	161	66.53%	326	74.09%	496	71.47%
	Cast Votes:	12	100.00%	242	100.00%	440	100.00%	694	100.00%
	Undervotes:	1		8		9		18	
	Overvotes:	0		0		0		0	

City of Watauga Council Member, Place 1 (Unexpired Term)									
Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Patrick "Pat" Shelbourne		6	50.00%	114	49.35%	213	51.57%	333	50.76%
Cristy Blackburn		6	50.00%	117	50.65%	200	48.43%	323	49.24%
	Cast Votes:	12	100.00%	231	100.00%	413	100.00%	656	100.00%
	Undervotes:	1		19		36		56	
	Overvotes:	0		0		0		0	

City of Watauga Council Member, Place 3									
Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Lovie Downey		2	100.00%	194	100.00%	344	100.00%	540	100.00%
	Cast Votes:	2	100.00%	194	100.00%	344	100.00%	540	100.00%
	Undervotes:	11		56		105		172	
	Overvotes:	0		0		0		0	

City of Watauga Council Member, Place 4									
Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Andrew Neal		2	100.00%	198	100.00%	346	100.00%	546	100.00%
	Cast Votes:	2	100.00%	198	100.00%	346	100.00%	546	100.00%
	Undervotes:	11		52		103		166	
	Overvotes:	0		0		0		0	

City of Watauga Council Member, Place 5									
Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Juanita King		2	100.00%	194	100.00%	328	100.00%	524	100.00%
	Cast Votes:	2	100.00%	194	100.00%	328	100.00%	524	100.00%
	Undervotes:	11		56		121		188	
	Overvotes:	0		0		0		0	

City of Watauga Proposition A									
Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
For		10	76.92%	195	78.95%	360	80.54%	565	79.92%
Against		3	23.08%	52	21.05%	87	19.46%	142	20.08%
	Cast Votes:	13	100.00%	247	100.00%	447	100.00%	707	100.00%
	Undervotes:	0		3		2		5	
	Overvotes:	0		0		0		0	

City of Watauga Proposition B									
Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
For		12	92.31%	123	50.20%	245	55.30%	380	54.21%
Against		1	7.69%	122	49.80%	198	44.70%	321	45.79%
	Cast Votes:	13	100.00%	245	100.00%	443	100.00%	701	100.00%
	Undervotes:	0		5		6		11	
	Overvotes:	0		0		0		0	

**CITY OF WATAUGA, TEXAS
RESOLUTION NO. 2021-022**

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF WATAUGA, TEXAS TO DECLARE THE RESULTS OF THE GENERAL AND SPECIAL ELECTIONS HELD MAY 1, 2021 TO ELECT A MAYOR AND CITY COUNCIL PLACES 3, 4 AND 5 ON THE CITY COUNCIL OF THE CITY OF WATAUGA, TEXAS AND A SPECIAL ELECTION TO ELECT CITY COUNCIL PLACE 1 TO AN UNEXPIRED TERM ENDING IN MAY 2022 AND TO CONSIDER THE MEASURE TO REAUTHORIZE THE SALES TAX FOR CRIME CONTROL AND PREVENTION AND ADOPT A LOCAL SALES AND USE TAX IN THE CITY OF WATAUGA AT THE RATE OF 1.25%".

WHEREAS, the City Council finds on May 12, 2021 the City Council did canvass the votes of the General and Special Elections held on May 1, 2021; and,

WHEREAS, the City Council finds there came to be considered the returns of a General Election held on May 1, 2021 for the purpose of electing a Mayor and City Council Place 3, City Council Place 4, and City Council Place 5 in accordance with Article IV of the City of Watauga Home Rule Charter, the Texas Constitution and Texas Election Laws; and,

WHEREAS, the City Council finds there came to be considered the returns of a Special Election held on May 1, 2021 for the purpose of electing City Council Place 1 to an unexpired term ending May 2022; and

WHEREAS, the City Council finds there came to be considered the returns of a Special Election held on May 1, 2021 reauthorizing the local sales and use tax for the benefit of crime control and prevention within the City of Watauga at the rate of one-half of one percent; the adoption of a local sales and use tax in the City of Watauga at the rate of one and one-quarter percent,

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

I.

There were 712 votes cast at the General and Special Elections, 13 absentee ballots, 250 early voting ballots and 449 ballots on election day for a total of 712 valid and legal votes. Each of the candidates in the General Election and the candidates in the Special Election along with the measures in the Special Elections received the votes as shown in attachment marked "Exhibit A".

II.

Said General Election was duly called, notice of said election was given in accordance with the law, and that said election was held in accordance with the law. **Art Miner** was duly elected to **Mayor**; **Lovie Downey** was duly elected to **City Council Place 3**; **Andrew Neal** was duly elected to **City Council Place 4**; and **Juanita King** was duly elected to **City Council Place 5**, subject to the filing of the Statement of Officer and taking the Oath of Office as provided by the State of Texas.

III.

Said Special Elections were dully called, notice of said elections were given in accordance with the law, and that said elections were held in accordance with the law. **Patrick “Pat” Shelbourne** was duly elected to City Council Place 1 and Propositions A and B passed.

IV.

It is further found and determined that in accordance with the order of this governing body, the City Secretary posted written notice of the date, place, time and subject of this meeting on the bulletin board located at the City Hall, a place convenient and readily accessible to the general public and said notice having been so posted and remaining continuously for at least seventy-two (72) hours preceding the scheduled time of said meeting.

PASSED AND ADOPTED by the City Council of the City of Watauga, Texas this the 12th day of May 2021.

APPROVED:

Arthur L. Miner, Mayor

ATTEST:

Andrea Gardner, TRMC, City Secretary

APPROVED AS TO FORM AND LEGALITY:

George Hyde, City Attorney