

City of Wimberley

221 Stillwater, P.O. Box 2027, Wimberley, Texas, 78676

SPECIAL CITY COUNCIL MEETING
WIMBERLEY CITY HALL-CITY COUNCIL CHAMBERS
221 STILLWATER, WIMBERLEY, TEXAS
SEPTEMBER 27, 2010 5:00 P.M.

AGENDA

CALL TO ORDER: SEPTEMBER 27, 2010 @ 5:00 P.M.

CALL OF ROLL: CITY SECRETARY

1. DISCUSSION AND ACTION ON ELECTION RELATED MATTERS

- (A) CANVASS RETURNS OF SPECIAL ELECTION OF SEPTEMBER 18, 2010.
- (B) DISCUSS AND CONSIDER APPROVAL OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WIMBERLEY, TEXAS, DECLARING THE CANVASS AND RESULT OF A SPECIAL ELECTION HELD ON SEPTEMBER 18, 2010, TO ELECT A COUNCILMEMBER FOR PLACE 2; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.
- (C) COMPLETE AND ISSUE CERTIFICATE OF ELECTION TO THE PLACE 2 COUNCILMEMBER-ELECT.

2. OATH OF OFFICE

ADMINISTER THE OATH OF OFFICE TO THE PLACE 2 COUNCILMEMBER-ELECT OF THE CITY OF WIMBERLEY CITY COUNCIL.

3. RESOLUTIONS

CONSIDERATION AND APPROVAL OF A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WIMBERLEY, TEXAS DESIGNATING THE CITY ADMINISTRATOR AND THE MAYOR AS THE AUTHORIZED REPRESENTATIVES OF THE CITY OF WIMBERLEY, TEXAS FOR MATTERS RELATING TO THE TEXAS LOCAL GOVERNMENT INVESTMENT POOL ("TEXPOOL/TEXPOOL PRIME").

ADJOURNMENT

THE CITY COUNCIL MAY RETIRE INTO EXECUTIVE SESSION AT ANY TIME BETWEEN THE MEETING'S OPENING AND ADJOURNMENT FOR THE PURPOSE OF DISCUSSING ANY MATTERS LISTED ON THE AGENDA AS AUTHORIZED BY THE TEXAS GOVERNMENT CODE INCLUDING, BUT NOT LIMITED TO, HOMELAND SECURITY PURSUANT TO CHAPTER 418.183 OF THE TEXAS LOCAL GOVERNMENT CODE; CONSULTATION WITH LEGAL COUNSEL PURSUANT TO CHAPTER 551.071 OF THE TEXAS GOVERNMENT CODE; DISCUSSION ABOUT REAL ESTATE ACQUISITION PURSUANT TO CHAPTER 551.072 OF THE TEXAS GOVERNMENT CODE; DISCUSSION OF PERSONNEL MATTERS PURSUANT TO CHAPTER

551.074 OF THE TEXAS GOVERNMENT CODE; DELIBERATIONS ABOUT GIFTS AND DONATIONS PURSUANT TO CHAPTER 551.076 OF THE TEXAS GOVERNMENT CODE; DISCUSSION OF ECONOMIC DEVELOPMENT PURSUANT TO CHAPTER 551.087 OF THE TEXAS GOVERNMENT CODE; ACTION, IF ANY, WILL BE TAKEN IN OPEN SESSION.

CERTIFICATION

I hereby certify the above Notice of Meeting was posted on the Bulletin Board at the Wimberley City Hall on September 24, 2010 at 5:00 p.m.



CARA MC PARTLAND, CITY SECRETARY

The City of Wimberley is committed to compliance with the Americans with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. Please contact Don Ferguson, City Administrator, at (512) 847-0025 for information. Hearing-impaired or speech-disabled persons equipped with telecommunication devices for the deaf may call (512) 272-9116 or may utilize the stateside Relay Texas Program at 1-800-735-2988.

**Cumulative Report — Official
CITY OF WIMBERLEY, TEXAS — WIMBERLEY SPECIAL ELECTION — September 18, 2010**

Total Number of Voters : 662 of 2,136 = 30.99%

Precincts Reporting 1 of 1 = 100.00%

Party	Candidate	Absentee	Early	Election	Total
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	Mac McCullough	2	327	66	415
	Gary "Catfish" Pigg	5	189	52	246

Cast Votes:	7	100.00%	516	99.81%	138	100.00%	661	99.85%
Over Votes:	0	0.00%	0	0.00%	0	0.00%	0	0.00%
Under Votes:	0	0.00%	1	0.19%	0	0.00%	1	0.15%

**Canvass Report — Total Voters — Official
CITY OF WIMBERLEY, TEXAS — WIMBERLEY SPECIAL ELECTION — September 18, 2010**

Total Number of Voters : 662 of 2,136 = 30.99%

Precincts Reporting 1 of 1 = 100.00%

Council Member, Place 2 City of Wimberley

Precinct	Early Voting Ballots Cast	Election Day Ballots Cast	Total Ballots Cast	Registered Voters	Percent Turnout	Mac McCullough	Gary "Catfish" Pigg	Totals
WM	524	138	662	2,136	30.99%	415	246	661
Totals:	524	138	662	2,136		415	246	661

ORDINANCE NO. 2010-032

AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS, CANVASSING THE SPECIAL ELECTION HELD ON SEPTEMBER 18, 2010, FOR THE PURPOSE OF ELECTING A PLACE TWO CITY COUNCIL MEMBER OF THE CITY OF WIMBERLEY CITY COUNCIL AND ALL MATTERS RELATED TO HOLDING SUCH ELECTION; AND PROVIDING FOR FINDINGS OF FACT, SEVERABILITY, CONFLICTING PROVISIONS, GOVERNING LAW, PROPER NOTICE AND OPEN MEETING, AND AN EFFECTIVE DATE.

WHEREAS, the City Council (“Council”) on August 5, 2010, approved an Ordinance for a Special Election (“Election”), to be held on September 18, 2010, to allow voters of the City of Wimberley (the “City”) to vote and elect a Council Member for Place Two; and,

WHEREAS, the Council 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 a list of the following candidates:

Council Place Two	Mac McCullough Gary “Catfish” Pigg
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; and,

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:

POSITION	CANDIDATE	EARLY VOTING	ELECTION DAY	TOTAL VOTES
Council Place Two	Mac McCullough	329	86	415
	Gary “Catfish” Pigg	194	52	246

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

I. 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 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.

II. Election Results for Council Place Two. The Council certifies that a MAJORITY of the resident, qualified voters of the City voted in Council Place Two position for **Mac McCullough** and such candidate is hereby elected as Council Member Place Two.

III. 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.

IV. Severability. If any portion of this Ordinance or the application thereof to any person or circumstance is held invalid by a court of competent jurisdiction, the remaining provisions of this Ordinance and the application of such provision to other persons and circumstances shall remain valid and in full force and effect, and the City Council hereby declares that this Ordinance would have been enacted without such invalid provision.

V. Conflicting Provisions. All orders 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 Order shall be and remain controlling as to the matters ordered herein.

VI. 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.

VII. Proper Notice and Open Meeting. It is hereby officially found and determined that the meeting at which this Ordinance was acted upon was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

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

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

PASSED, APPROVED AND ADOPTED this ____ day of September, 2010 by the City Council of the City of Wimberley by a vote of ____ (Ayes) ____ (Nays) ____ (Abstain).

CITY OF WIMBERLEY

ATTEST:

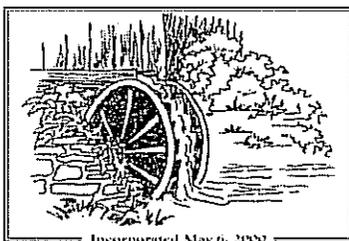
By: _____
Charles Roccaforte, Mayor Pro-tem

Cara Mc Partland, City Secretary

APPROVED AS TO FORM:

Carolyn J. Crosby, City Attorney

DRAFT



CERTIFICATE OF ELECTION
IN THE NAME AND BY THE AUTHORITY OF
THE STATE OF TEXAS

THIS IS TO CERTIFY,

That at the Special Election held on September 18, 2010

MAC MCCULLOUGH

was duly elected

Place Two Council Member for the City of Wimberley.

In testimony whereof, I have hereunto signed my name and caused the Seal of the City of Wimberley to be affixed, at the City of Wimberley this the 27th day of September, 2010.

*Signature of Presiding Officer of Canvassing
Authority*

Mayor Pro-tem, Charles Roccaforte

In the name and by the authority of

CITY OF WIMBERLEY

OATH OF OFFICE

Mac McCullough

I, Mac McCullough, do solemnly swear, that I will faithfully execute the duties of the office of City Council member for the City of Wimberley, and will, to the best of my ability, preserve, protect and defend the Constitution and Laws of the United States, the State of Texas and the City of Wimberley, so help me God.

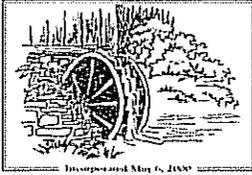
Mac McCullough, Affiant

SWORN TO and subscribed before me by Affiant on this 27th day of September, 2010.

CITY OF WIMBERLEY

Charles Roccaforte, Mayor Pro-tem

City Council Agenda Form



Date Submitted: September 24, 2010

Agenda Date Requested: September 27, 2010

Project/Proposal Title: RESOLUTION DESIGNATING THE MAYOR AND CITY ADMINISTRATOR AS TEXPOOL AUTHORIZED REPRESENTATIVES

Funds Required:

Funds Available:

Council Action Requested:

Ordinance

Resolution

Motion

Discussion

Project/Proposal Summary:

This item was placed on the agenda to allow City Council to discuss and consider approval of a resolution designating Mayor Bob Flocke and City Administrator Don Ferguson as the City of Wimberley's authorized representatives for matters relating to the Texas Local Government Investment Pool ("TexPool/ TexPool *Prime*"). Authorized representatives are allowed to transmit funds for investment in TexPool/TexPool *Prime*, withdraw funds from time to time, issue letters of instruction and take all other actions deemed necessary or appropriate for the investment of local funds.

A copy of the resolution to be considered will be presented to City Council at the meeting.