

City of Wimberley

12111 Ranch Road 12, P.O. Box 2027, Wimberley, Texas, 78676

SPECIAL CITY COUNCIL MEETING
WIMBERLEY CITY HALL-CITY COUNCIL CHAMBERS
12111 RANCH ROAD 12, WIMBERLEY, TEXAS
MAY 15, 2009 10:00 A.M.

AGENDA

CALL TO ORDER: MAY 15, 2009 @ 10:00 A.M.

CALL OF ROLL: CITY SECRETARY

DISCUSSION AND ACTION ON ELECTION RELATED MATTERS

- (A) CANVASS RETURNS OF GENERAL ELECTION OF MAY 9, 2009.
- (B) DISCUSS AND CONSIDER APPROVAL OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WIMBERLEY, TEXAS, DECLARING THE CANVASS AND RESULT OF AN ELECTION HELD ON MAY 9, 2009, TO ELECT CITY COUNCILMEMBERS FOR PLACES 1, 3 AND 5; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.
- (C) COMPLETE AND ISSUE CERTIFICATES OF ELECTION TO THE THREE (3) COUNCILMEMBERS-ELECT.

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 May 12, 2009 at 10:00 a.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.

ORDINANCE NO. 2009-

AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS, CANVASSING THE GENERAL ELECTION HELD JOINTLY WITH OTHER ENTITIES ON MAY 9, 2009, FOR THE PURPOSE OF ELECTING A PLACE ONE CITY COUNCIL MEMBER, A PLACE THREE CITY COUNCIL MEMBER AND A PLACE FIVE 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 February 5, 2009, approved an Ordinance for a General Election ("Election"), to be held on May 9, 2009, to allow voters of the City of Wimberley (the "City") to vote and elect Council Members for Places One, Three and Five; 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 One	Charles Roccaforte
Council Place Three	Mac McCullough Alice Wightman Bill Appleman
Council Place Five	John White

; 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 One	Charles Roccaforte	243	116	359
Council Place Three	Mac McCullough	89	75	164
	Alice Wightman	136	56	192
	Bill Appleman	147	50	197
Council Place Five	John White	250	110	360

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 One. The Council certifies that a MAJORITY of the resident, qualified voters of the City voted in the Council Place One position for **Charles Roccaforte**, there were no other candidates, and such individual is hereby elected as Council Member Place One.

III. Election Results for Council Place Three. The Council certifies that a MAJORITY of the resident, qualified voters of the City voted in Council Place Three position for **Bill Appleman** and such candidate is hereby elected as Council Member Place Three.

IV. Election Results for Council Place Five. The Council certifies that a MAJORITY of the resident, qualified voters of the City voted in the Council Place Five position for **John White**, there were no other candidates, and such individual is hereby elected as Council Member Place Five.

V. 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.

VI. 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.

VII. 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.

VIII. 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.

IX. 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.

X. 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.

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

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

CITY OF WIMBERLEY

By: _____
Tom Haley, Mayor

ATTEST:

Cara Mc Partland, City Secretary

APPROVED AS TO FORM:

Carolyn J. Crosby, Assistant City Attorney

Wimberley Canvass — Total Voters — Official
HAYS COUNTY, TEXAS — GENERAL ELECTION — May 09, 2009

Total Number of Voters : 4,106 of 98,359 = 4.17%

Number of District Voters: 574 of 2,115 = 27.14%

Precincts Reporting 21 of 23 = 91.30%
 District Precincts Reporting 1 of 1 = 100.00%

COUNCIL MEMBER, PLACE 1

Precinct	Early Voting Ballots Cast	Election Day Ballots Cast	Total Ballots Cast	Registered Voters	Percent Turnout	CHARLES ROCCAFORTE	Totals
WI	384	190	574	2,115	27.14%	359	359
Totals:	384	190	574	2,115		359	359

**Wimberley Canvass — Total Voters — Official
HAYS COUNTY, TEXAS — GENERAL ELECTION — May 09, 2009**

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COUNCIL MEMBER, PLACE 3

Precinct	Early Voting Ballots Cast	Election Day Ballots Cast	Total Ballots Cast	Registered Voters	Percent Turnout	MAC MCCULLOUGH	ALICE WIGHTMAN	BILL APPLEMAN	Totals
WI	384	190	574	2,115	27.14%	164	192	197	553
Totals:	384	190	574	2,115		164	192	197	553

**Wimberley Canvass — Total Voters — Official
HAYS COUNTY, TEXAS — GENERAL ELECTION — May 09, 2009**

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COUNCIL MEMBER, PLACE 5

Precinct	Early Voting Ballots Cast	Election Day Ballots Cast	Total Ballots Cast	Registered Voters	Percent Turnout	JOHN WHITE	Totals
WI	384	190	574	2,115	27.14%	360	360
Totals:	384	190	574	2,115		360	360

Cumulative Report — Official
HAYS COUNTY, TEXAS — GENERAL ELECTION — May 09, 2009

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Party	Candidate	Absentee		Early		Election		Total	
PROPOSITION 1 LOCAL OPTION JP3, Vote For 1									
	FOR	26	81.25%	707	82.11%	404	84.34%	1,137	82.87%
	AGAINST	6	18.75%	154	17.89%	75	15.66%	235	17.13%
	Cast Votes:	32	96.97%	861	98.18%	479	97.36%	1,372	97.86%
	Over Votes:	0	0.00%	0	0.00%	0	0.00%	0	0.00%
	Under Votes:	1	3.03%	16	1.82%	13	2.64%	30	2.14%
PROPOSITION 1 INCORPORATE JACOBS WELL, Vote For 1									
	FOR INCORPORATION	3	60.00%	108	47.37%	44	26.99%	155	39.14%
	AGAINST INCORPORATION	2	40.00%	120	52.63%	119	73.01%	241	60.86%
	Cast Votes:	5	100.00%	228	97.44%	163	100.00%	396	98.51%
	Over Votes:	0	0.00%	0	0.00%	0	0.00%	0	0.00%
	Under Votes:	0	0.00%	6	2.56%	0	0.00%	6	1.49%
COUNCIL MEMBER, PLACE 1, Vote For 1									
	CHARLES ROCCAFORTE	5	100.00%	238	100.00%	116	100.00%	359	100.00%
	Cast Votes:	5	41.67%	238	63.98%	116	61.05%	359	62.54%
	Over Votes:	0	0.00%	0	0.00%	0	0.00%	0	0.00%
	Under Votes:	7	58.33%	134	36.02%	74	38.95%	215	37.46%
COUNCIL MEMBER, PLACE 3, Vote For 1									
	MAC MCCULLOUGH	4	36.36%	85	23.55%	75	41.44%	164	29.66%
	ALICE WIGHTMAN	3	27.27%	133	36.84%	56	30.94%	192	34.72%
	BILL APPLEMAN	4	36.36%	143	39.61%	50	27.62%	197	35.62%
	Cast Votes:	11	91.67%	361	97.04%	181	95.26%	553	96.34%
	Over Votes:	0	0.00%	0	0.00%	0	0.00%	0	0.00%
	Under Votes:	1	8.33%	11	2.96%	9	4.74%	21	3.66%
COUNCIL MEMBER, PLACE 5, Vote For 1									
	JOHN WHITE	5	100.00%	245	100.00%	110	100.00%	360	100.00%
	Cast Votes:	5	41.67%	245	65.86%	110	57.89%	360	62.72%
	Over Votes:	0	0.00%	0	0.00%	0	0.00%	0	0.00%
	Under Votes:	7	58.33%	127	34.14%	80	42.11%	214	37.28%

Cumulative Report — Official
HAYS COUNTY, TEXAS — GENERAL ELECTION — May 09, 2009

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Total Number of Voters : 4,106 of 98,359 = 4.17%

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Party	Candidate	Absentee		Early		Election		Total	
SCHOOL BOARD MEMBER, Vote For 3									
	JOHN ADAMS	2	18.18%	119	23.61%	135	26.06%	256	24.78%
	ROB LYNCH	2	18.18%	28	5.56%	29	5.60%	59	5.71%
	LAURIE GREER	1	9.09%	69	13.69%	89	17.18%	159	15.39%
	TIM KURPIEWSKI	2	18.18%	127	25.20%	121	23.36%	250	24.20%
	CAROLINE PEKAREK	4	36.36%	161	31.94%	144	27.80%	309	29.91%
	Cast Votes:	11	91.67%	504	78.50%	518	66.16%	1,033	71.89%
	Over Votes:	0	0.00%	0	0.00%	0	0.00%	0	0.00%
	Under Votes:	1	8.33%	136	21.50%	265	33.84%	404	28.11%
DIRECTOR, Vote For 1									
	PHILLIP R. GRANT	0	0.00%	16	28.07%	26	24.53%	42	25.77%
	GREGORY F. NESBITT	0	0.00%	41	71.93%	80	75.47%	121	74.23%
	Cast Votes:	0	0.00%	57	79.17%	106	80.30%	163	79.51%
	Over Votes:	0	0.00%	0	0.00%	0	0.00%	0	0.00%
	Under Votes:	1	100.00%	15	20.83%	26	19.70%	42	20.49%
COUNCIL MEMBER, PLACE 3, Vote For 1									
	SANDRA TENORIO	1	50.00%	140	56.00%	157	60.62%	298	58.32%
	WARREN KETTEMAN	1	50.00%	110	44.00%	102	39.38%	213	41.68%
	Cast Votes:	2	100.00%	250	98.43%	259	99.23%	511	98.84%
	Over Votes:	0	0.00%	0	0.00%	0	0.00%	0	0.00%
	Under Votes:	0	0.00%	4	1.57%	2	0.77%	6	1.16%
COUNCIL MEMBER, PLACE 4, Vote For 1									
	CATHY CHILCOTE	1	100.00%	168	100.00%	188	100.00%	357	100.00%
	Cast Votes:	1	50.00%	168	66.14%	188	72.03%	357	69.05%
	Over Votes:	0	0.00%	0	0.00%	0	0.00%	0	0.00%
	Under Votes:	1	50.00%	86	33.86%	73	27.97%	160	30.95%
COUNCIL MEMBER, PLACE 5, Vote For 1									
	THOMAS CROUSE	1	100.00%	164	100.00%	177	100.00%	342	100.00%
	Cast Votes:	1	50.00%	164	64.57%	177	67.82%	342	66.15%
	Over Votes:	0	0.00%	0	0.00%	0	0.00%	0	0.00%
	Under Votes:	1	50.00%	90	35.43%	84	32.18%	175	33.85%

Cumulative Report — Official
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Party	Candidate	Absentee		Early		Election		Total	
SCHOOL BOARD MEMBER, AT LARGE, Vote For 1									
	PATTI WOOD	7	87.50%	348	72.35%	303	73.90%	658	73.19%
	CLAUDE TICE	1	12.50%	133	27.65%	107	26.10%	241	26.81%
	Cast Votes:	8	72.73%	481	94.13%	410	92.76%	899	93.26%
	Over Votes:	0	0.00%	0	0.00%	0	0.00%	0	0.00%
	Under Votes:	3	27.27%	30	5.87%	32	7.24%	65	6.74%
SCHOOL BOARD MEMBER, AT LARGE, Vote For 2									
	JUDY LITTLE ALLEN	38	45.78%	246	39.61%	442	33.11%	726	35.61%
	CHRIS NORTH	4	4.82%	51	8.21%	208	15.58%	263	12.90%
	DAVID CHIU	36	43.37%	194	31.24%	373	27.94%	603	29.57%
	VINCENT DELGADO	5	6.02%	130	20.93%	312	23.37%	447	21.92%
	Cast Votes:	83	90.22%	621	87.96%	1,335	87.03%	2,039	87.44%
	Over Votes:	0	0.00%	0	0.00%	0	0.00%	0	0.00%
	Under Votes:	9	9.78%	85	12.04%	199	12.97%	293	12.56%
COUNCIL MEMBERS, Vote For 3									
	LESLIE R. "LES" DULLNIG	1	33.33%	41	28.47%	29	30.53%	71	29.34%
	KIM STILES-PODHAJSKY	0	0.00%	20	13.89%	7	7.37%	27	11.16%
	LEE TAYLOR	1	33.33%	43	29.86%	29	30.53%	73	30.17%
	TRISH WELLS	1	33.33%	21	14.58%	13	13.68%	35	14.46%
	CAROLYN HAGAN	0	0.00%	19	13.19%	17	17.89%	36	14.88%
	Cast Votes:	3	100.00%	144	90.57%	95	77.24%	242	84.91%
	Over Votes:	0	0.00%	0	0.00%	0	0.00%	0	0.00%
	Under Votes:	0	0.00%	15	9.43%	28	22.76%	43	15.09%
MAYOR, Vote For 1									
	DANIEL R. HEIDEMAN	0	0.00%	0	0.00%	0	0.00%	0	0.00%
	Cast Votes:	0	0.00%	0	0.00%	0	0.00%	0	0.00%
	Over Votes:	0	0.00%	0	0.00%	0	0.00%	0	0.00%
	Under Votes:	0	0.00%	0	0.00%	0	0.00%	0	0.00%
ALDERMAN, Vote For 3									
	RUSSELL GEORGE SCHULTZ	0	0.00%	0	0.00%	0	0.00%	0	0.00%
	JOHN F. FRANKLIN, JR	0	0.00%	0	0.00%	0	0.00%	0	0.00%
	ROBERT LEWIS WILSON, JR	0	0.00%	0	0.00%	0	0.00%	0	0.00%
	Cast Votes:	0	0.00%	0	0.00%	0	0.00%	0	0.00%
	Over Votes:	0	0.00%	0	0.00%	0	0.00%	0	0.00%
	Under Votes:	0	0.00%	0	0.00%	0	0.00%	0	0.00%

Cumulative Report — Official
HAYS COUNTY, TEXAS — GENERAL ELECTION — May 09, 2009

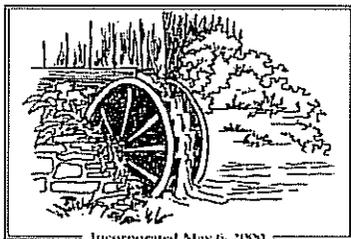
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Party	Candidate	Absentee		Early		Election		Total	
PROPOSITION CONVERSION TO SUD, Vote For 1									
	FOR DISTRICT	0	0.00%	0	0.00%	0	0.00%	0	0.00%
	AGAINST DISTRICT	0	0.00%	0	0.00%	0	0.00%	0	0.00%
	Cast Votes:	0	0.00%	0	0.00%	0	0.00%	0	0.00%
	Over Votes:	0	0.00%	0	0.00%	0	0.00%	0	0.00%
	Under Votes:	0	0.00%	0	0.00%	0	0.00%	0	0.00%
DIRECTORS, Vote For 7									
	JOHN ALLEN ANDERSON	0	0.00%	0	0.00%	0	0.00%	0	0.00%
	RANDY ROBERTSON	0	0.00%	0	0.00%	0	0.00%	0	0.00%
	JIM ROACH	0	0.00%	0	0.00%	0	0.00%	0	0.00%
	OLLIE MAIER	0	0.00%	0	0.00%	0	0.00%	0	0.00%
	JULIO DELEON	0	0.00%	0	0.00%	0	0.00%	0	0.00%
	WILLIAM ILSE	0	0.00%	0	0.00%	0	0.00%	0	0.00%
	CURTIS WELLS	0	0.00%	0	0.00%	0	0.00%	0	0.00%
	Cast Votes:	0	0.00%	0	0.00%	0	0.00%	0	0.00%
	Over Votes:	0	0.00%	0	0.00%	0	0.00%	0	0.00%
	Under Votes:	0	0.00%	0	0.00%	0	0.00%	0	0.00%



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

THIS IS TO CERTIFY,

That at the General Election held on May 9, 2009

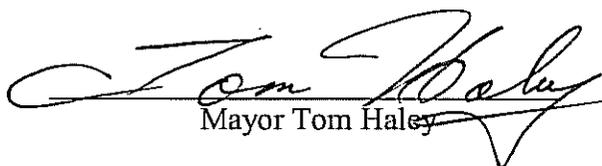
BILL APPLEMAN

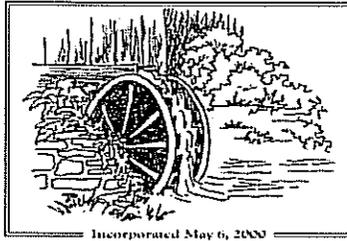
was duly elected

Place Three 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 15th day of May, 2009.

*Signature of Presiding Officer of Canvassing
Authority*


Mayor Tom Haley



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

THIS IS TO CERTIFY,

That at the General Election held on May 9, 2009

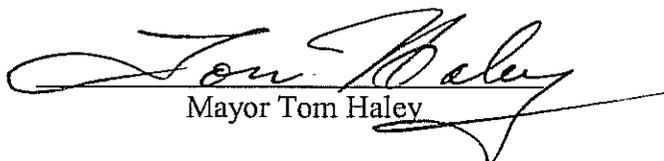
CHARLES ROCCAFORTE

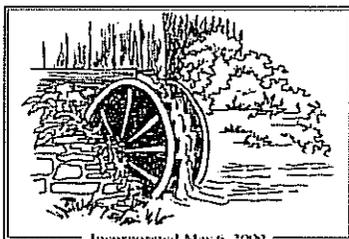
was duly elected

Place One 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 15th day of May, 2009.

*Signature of Presiding Officer of Canvassing
Authority*


Mayor Tom Haley



CERTIFICATE OF ELECTION
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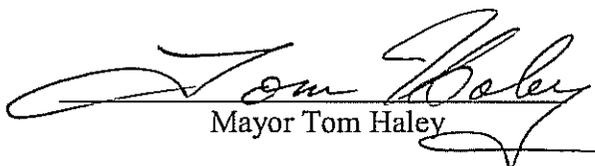
JOHN WHITE

was duly elected

Place Five 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 15th day of May, 2009.

*Signature of Presiding Officer of Canvassing
Authority*


Mayor Tom Haley