

**FARMERSVILLE CITY COUNCIL
REGULAR SESSION AGENDA
May 15, 2012, 6:00 P.M.
Council Chambers, City Hall
205 S. Main Street**

I. PRELIMINARY MATTERS

- Call to Order, Roll Call, Prayer and Pledge of Allegiance
- Welcome guests and visitors: Anyone wanting to speak on any items that are not the subject of a Public Hearing on this agenda is asked to speak at this time, with an individual time limit of 3 minutes. This forum is limited to a total of 30 minutes. Please note that the City Council cannot comment or take any action on this item.

II. REGULAR AGENDA

- A. Consider, discuss and act upon Ordinance # O-2012-0515-001 canvassing returns and declaring the results of the May 12, 2012 City of Farmersville General Election

(Examinar, discutir y actuar en la Ordinance # O-2012-0515-001 Sondeos devoluciones y declarar los resultados del 12 de mayo, 2012 Ciudad de Farmersville Elecciones Generales)

- B. Swearing in elected Mayor and Council members

- C. Reorganize City Council:

- Elect Mayor Pro Tem
- Elect Treasurer

- D. Consider, discuss and act upon Resolution # R-2012-0515-001 canvassing returns and declaring the results of the May 12, 2012 City of Farmersville bond election

(Examinar, discutir y devuelve ley sobre resolución # R-2012-0515-001 protegerles y declarar los resultados de la 12 de mayo de 2012 ciudad de Farmersville elección de bond)

III. ADJOURNMENT

No action may be taken on comments received under "Recognition of Visitors".

Dated this the 10th day of May, 2012.


Joseph E. Helmberger, P.E. Mayor

The City Council reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any matters listed on the agenda, as authorized by the Texas Government Code, including, but not limited to, Sections 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), 551.087 (Economic Development), 418.175-183 (Deliberations about Homeland Security Issues) and as authorized by the Texas Tax Code, including, but not limited to, Section 321.3022 (Sales Tax Information).

Persons with disabilities who plan to attend this meeting and who may need assistance should contact the City Secretary at 972-782-6151 or Fax 972-782-6604 at least two (2) working days prior to the meeting so that appropriate arrangements can be made. Handicap Parking is available in the front and rear parking lot of the building.

I, the undersigned authority, do hereby certify that this Notice of Meeting was posted in the regular posting place of the City Hall building for Farmersville, Texas, in a place and manner convenient and readily accessible to the general public at all times, and said Notice was posted May 10, 2012 by 5:00 P.M. and remained so posted continuously at least 72 hours proceeding the scheduled time of said meeting.



Edie Sims, City Secretary





TO: Mayor and Councilmembers

FROM: City Manager Ben White

DATE: May 15, 2012

SUBJECT: Consider, discuss and act upon Ordinance # O-2012-0515-001
canvassing returns and declaring the results of the May 12, 2012 City of
Farmersville General Election

Ordinance # O-2012-0515-001 is attached for review. Due to the nature
of the Ordinance, only one reading is required.

ACTION: Approve or disapprove Ordinance # O-2012-0515-001.

(II-A)

**CITY OF FARMERSVILLE
ORDINANCE # 2012-0515-001**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS CANVASSING RETURNS AND DECLARING THE RESULTS OF A GENERAL ELECTION HELD MAY 12, 2012 FOR THE PURPOSE OF ELECTING MAYOR, AND TWO COUNCILMEMBERS, PLACES 2 AND 4, OF THE CITY OF FARMERSVILLE, TEXAS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Farmersville, Texas, ("City Council"), issued an order on February 14, 2012, directing that a general municipal election be held on May 12, 2012, for the purpose of electing three officials of the City to serve as the Mayor, and Place 2 and Place 4 City Council Members; and

WHEREAS, notice of election was properly given by the City as required by law; and

WHEREAS, the City Council has considered the returns of said election held May 14, 2012; and

WHEREAS, said election was duly and legally held on May 12, 2012 in the City and in conformity with the election laws of the State of Texas, and the results of said election have been certified and returned by the proper judge and clerks thereof; and

WHEREAS, the election returns, duly and legally made, showed that there were cast at said election a total of ____ valid and legal votes, of which ____ votes were cast early and ____ votes were cast on election day, and that each of the candidates in said election received the following votes:

MAYOR

Candidate	Early Voting	Election Day	Total Percentage
Joe Helmberger			____ %

COUNCILMEMBER, PLACE 2

Candidate	Early Voting	Election Day	Total Percentage
Michael Carr			____ %
Diane Piwko			____ %

COUNCILMEMBER, PLACE 4

Candidate	Early Voting	Election Day	Total Percentage
Jim Foy			____ %
Glenn Rose "Buzzard"			____ %

WHEREAS, section 67.003 of the Texas Election Code, as amended, generally provides that each local canvassing authority shall convene not later than the eleventh (11th) day after the 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; **NOW, THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS, THAT:

Section 1: FINDINGS INCORPORATED

The findings set forth above are found to be true and correct and are hereby incorporated into the body of this Ordinance for all purposes as if fully set forth herein.

Section 2: EXPRESSION OF ELECTORS

It is further found and determined that the results of the election as canvassed and tabulated in the preamble reflect the expressed desires of the resident qualified electors of the City.

Section 3: ELECTED MAYOR AND COUNCILMEMBER PLACES 2 AND 4

Pursuant to the applicable provisions of the Texas Local Government Code and the Texas Election Code, the City Council officially finds and determines and declares the results of said election to be that the duly elected Mayor and Councilmembers of the City Council of the City of Farmersville, Texas, elected May 12, 2012, for Mayor and Councilmember Places 2 and 4, subject to the taking of the oaths of office as provided by the laws of the State of Texas are as follows:

Mayor

Joseph E. Helmberger

Councilmember Place 2

Councilmember Place 4

Section 4: EXECUTION AND DELIVERY OF ORDINANCE

The Mayor is hereby authorized and directed to execute and deliver this Ordinance canvassing the General Election in accordance with the Texas Election Code and all other necessary action in connection therewith.

Section 5: SEVERABILITY CLAUSE

It is hereby declared to be the intention of the City Council that the words, phrases, clauses, sentences, paragraphs and sections of this Ordinance are severable, and if any word, 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 words, 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 Ordinance of any such unconstitutional word, phrase, clause, sentence, paragraph or section.

Section 6: REPEALER CLAUSE

Any provision of any prior ordinance of the City, whether codified or uncoded, which is in conflict with any provision of this Ordinance, is hereby repealed to the extent of the conflict, but all other provisions of the ordinances of the City, whether codified or uncoded, which are not in conflict with the provisions of this Ordinance shall remain in full force and effect.

Section 7: EFFECTIVE DATE

This Ordinance shall take effect immediately from and after its passage.

PASSED AND APPROVED by the City Council of the City of Farmersville, Texas this 15th day of May 2012.

Joseph E. Helmberger, P.E., Mayor

ATTEST:

Edie Sims, City Secretary



TO: Mayor and Councilmembers

FROM: City Manager Ben White

DATE: May 15, 2012

SUBJECT: Swearing in elected Mayor and Council members

Judge Terry Douglas will be performing the swearing in ceremony.

ACTION: No action is required by Council

(II - B)



TO: Mayor and Councilmembers

FROM: City Manager Ben White

DATE: May 15, 2012

SUBJECT: Reorganize City Council:

- Elect Mayor Pro Tem
- Elect Treasurer

ACTION: Council to make appointments to positions on the Council.

(II - C)



TO: Mayor and Councilmembers

FROM: City Manager Ben White

DATE: May 15, 2012

SUBJECT: Consider, discuss and act upon Resolution # R-2012-0515-001
canvassing returns and declaring the results of the May 12, 2012 City of
Farmersville bond election

Resolution # R-2012-0515-001 is attached for review

ACTION: Approve or disapprove first reading of Resolution # R-2012-0515-001.

(II - D)

CITY OF FARMERSVILLE
RESOLUTION # R-2012-0515-001

A RESOLUTION canvassing the returns and declaring the results of the bond election held May 12, 2012.

WHEREAS, an election was held in the City of Farmersville, Texas on the 12th day of May, 2012, for the purpose of submitting certain propositions for the issuance of bonds to the resident electors of the City; and

WHEREAS, it is hereby found and determined that notice of the election was duly given in the form, manner and time required by law, and said election was in all respects legally held and conducted in accordance with applicable laws of the State of Texas and the proceedings calling and governing the holding of such election; and

WHEREAS, the returns of said election have been duly and legally made and submitted to the City Council for canvassing, and a tabulation of the returns for the polling place and for early voting, as canvassed and tabulated by this governing body and shown in Exhibit A attached hereto, reflect that the total sum of votes counted "FOR" and "AGAINST" the proposition[s] submitted [are/is] as follows:

PROPOSITION NUMBER 1

"THE ISSUANCE OF \$3,575,000 GENERAL OBLIGATION BONDS FOR
STREET IMPROVEMENTS"

"FOR" _____ votes

"AGAINST" _____ votes

PROPOSITION NUMBER 2

"THE ISSUANCE OF \$2,400,000 GENERAL OBLIGATION BONDS FOR
WATER AND SEWER SYSTEM PROPERTIES AND FACILITIES"

"FOR" _____ votes

"AGAINST" _____ votes

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS:

SECTION 1: All of the recitals contained in the preamble of this resolution are found to be true and adopted as findings of fact by this governing body and as part of its judgment.

SECTION 2: It is further found and determined that the results of the election are as canvassed and tabulated in the preamble hereof and in Exhibit A attached hereto, and, a majority of the resident qualified electors voting at said election having voted in favor of the propositions numbered 1 and 2, the City Council is hereby declared to be authorized and empowered to issued the bonds on behalf of the City in the amount and for the purposes stated in said propositions numbered 1 and 2; all as more fully set forth and identified above and in the proceedings calling said bond election.

SECTION 3: The City Secretary is hereby authorized and directed to make the appropriate entries of information appearing in the tabulation of precinct results shown in Exhibit A attached hereto in the election register maintained by the City in accordance with provisions of Section 67.006 of the Election Code.

DULY PASSED by the City Council of the City of Farmersville on this 15th day of May, 2012.

Joseph E. Helmberger, P.E., Mayor

ATTEST:

Edie Sims, City Secretary

EXHIBIT "A"

PROPOSITION NUMBER 1:

	Early Voting	Election Day	Total Percentage
FOR			____ %
AGAINST			____ %

PROPOSITION NUMBER 2:

	Early Voting	Election Day	Total Percentage
FOR			____ %
AGAINST			____ %