



**TOWN OF SUNNYVALE
SUNNYVALE TOWN COUNCIL
SPECIAL MEETING
COUNCIL CHAMBERS - 127 N. COLLINS RD
TUESDAY, MAY 15, 2018
6:30 P.M.**

CALL MEETING TO ORDER

Mayor calls the Meeting to order, state the date and time. State Councilmember's present and declare a quorum present.

DISCUSSION/ACTION ITEMS:

- 1. DISCUSS AND CONSIDER RESOLUTION 18-08: A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SUNNYVALE, TEXAS, CANVASSING RETURNS AND DECLARING RESULTS OF THE GENERAL ELECTION, HELD ON MAY 5, 2018, FOR THE PURPOSE OF ELECTING COUNCILMEMBER PLACES 5 AND 6; AND PROVIDING A SEVERABILITY CLAUSE.**

- 2. DISCUSS AND CONSIDER RESOLUTION 18-09: A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SUNNYVALE, TEXAS, CANVASSING RETURNS AND DECLARING RESULTS OF THE SPECIAL ELECTION HELD ON MAY 5, 2018, FOR THE PURPOSE OF ELECTING A MAYOR AND TOWN COUNCIL MEMBER PLACES 1 AND 2; AND PROVIDING A SEVERABILITY CLAUSE.**

EXECUTIVE SESSION

Recess into executive session pursuant to Chapter 551, Subchapter D of the Texas Government Code:

EXECUTIVE SESSION AGENDA:

A. SECTION 551.074. PERSONNEL MATTERS

To deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee:

TOWN MANAGER

END OF EXECUTIVE SESSION

Reconvene into open session and take any action necessary as a result of the Executive Session.

- 3. CONSIDER ANY OFFICIAL ACTION ON THE EXECUTIVE SESSION CLOSED MEETING ITEMS:**

A. SECTION 551.074. PERSONNEL MATTERS

To deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee:

TOWN MANAGER

ADJOURN

ALL LOCATIONS IDENTIFIED ARE IN THE TOWN OF SUNNYVALE UNLESS OTHERWISE INDICATED. FOR A DETAILED PROPERTY DESCRIPTION, PLEASE CONTACT THE BUILDING OFFICIAL AT TOWN HALL. ALL ITEMS ON THE AGENDA ARE FOR POSSIBLE DISCUSSION AND ACTION. PLEASE TURN OFF ALL TELEPHONES AND HANDHELD COMMUNICATION DEVICES WHILE IN ATTENDANCE AT THIS MEETING.

THE SUNNYVALE TOWN COUNCIL RESERVES THE RIGHT TO ADJOURN INTO EXECUTIVE SESSION AT ANY TIME DURING THE COURSE OF THIS MEETING TO DISCUSS ANY OF THE MATTERS LISTED ABOVE, AS AUTHORIZED BY TEXAS GOVERNMENT CODE SECTION 551.071 (CONSULTATION WITH ATTORNEY), 551.072 (DELIBERATION ABOUT REAL PROPERTY), 551.073 (DELIBERATIONS ABOUT GIFTS AND DONATIONS), 551.074 (PERSONNEL MATTERS), 551.076 (DELIBERATIONS ABOUT SECURITY DEVICES), AND 551.087 (ECONOMIC DEVELOPMENT).

THE TOWN OF SUNNYVALE IS COMMITTED TO COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT (ADA). REASONABLE ACCOMMODATIONS AND EQUAL ACCESS TO COMMUNICATIONS WILL BE PROVIDED TO THOSE WHO PROVIDE NOTICE TO THE DIRECTOR OF COMMUNITY SERVICES AT 972-226-7177 AT LEAST 48 HOURS PRIOR TO THE MEETING.

THE FOREGOING NOTICE WAS POSTED IN THE FOLLOWING LOCATIONS:

SUNNYVALE ISD 417 E. TRIPP ROAD
SUNNYVALE LIBRARY AT 402 TOWER PLACE

I HEREBY CERTIFY THAT THE FOREGOING NOTICE WAS POSTED ON MAY 11, 2018 IN THE FOLLOWING LOCATION AND REMAINED SO POSTED CONTINUOUSLY FOR AT LEAST 72 HOURS PRECEDING THE SCHEDULED TIME OF SAID MEETING:

TOWN HALL AT 127 N. COLLINS ROAD

RACHEL RAMSEY, TOWN SECRETARY

RESOLUTION 18-08

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SUNNYVALE, TEXAS, CANVASSING RETURNS AND DECLARING RESULTS OF THE GENERAL ELECTION HELD ON MAY 5, 2018, FOR THE PURPOSE OF ELECTING TOWN COUNCIL MEMBER PLACES 5 AND 6; AND PROVIDING A SEVERABILITY CLAUSE.

WHEREAS, on February 12, 2018, the Town Council ordered that a General Election be held on May 5, 2018, for the purpose of electing Town Council Member Places 5, and 6; and

WHEREAS, notice of this election was duly published in The Mesquite News;
and

WHEREAS, a copy of the notice was posted on the bulletin board at Town Hall;
and

WHEREAS, this election was duly and legally held on May 5, 2018, in conformity with the election laws of the State of Texas, and the results of the election have been certified and returned by the proper judges and clerks; and

WHEREAS, the Town council, of the Town of Sunnyvale, Texas, has today considered the returns of the General Election held on May 5, 2018; and

WHEREAS, it appears to the Council, and the Council finds, that the election was in all respects lawfully held; and

WHEREAS, it appears to the Council, and Council finds, that the tabulation of the results of the election is correct

NOW THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF SUNNYVALE, TEXAS:

SECTION 1. The General Election of May 5, 2018, was duly called, notice of the election was given in accordance with law, and the election was held in accordance with law.

SECTION 2. The tabulation of votes cast in the General Election held on May 5, 2018, for the purposes stated above, a copy of which is attached to and made a part of this resolution, is adopted as the official tabulation of the votes cast at the election, and the tabulation will be filed and recorded in the official records of the Town of Sunnyvale as the official canvass of the election.

SECTION 3. The official canvass of the returns of the election reflects the following:

For Town Council Member Place 5:

Larry Allen	1,220	100.00%
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For Town Council Member Place 6:

Christopher McNeill	1,149	100.00%
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SECTION 4. That Larry Allen received a majority of the votes and is elected to serve as Town Council Member Place 5, that Christopher McNeill received a majority of the votes and is elected to serve as Town Council Member Place 6.

SECTION 5. That if any part or parts of this Resolution are found to be invalid or unconstitutional by a court having competent jurisdiction, then such invalidity or unconstitutionality shall not affect the remaining parts hereof and such remaining parts shall remain in full force and effect, and to that extent this resolution is considered severable.

PASSED, ADOPTED AND APPROVED this the 15th day of May, 2018.

Jim Phaup, Mayor

ATTEST:

Rachel Ramsey, Town Secretary

RESOLUTION 18-09

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SUNNYVALE, TEXAS, CANVASSING RETURNS AND DECLARING RESULTS OF THE SPECIAL ELECTION HELD ON MAY 5, 2018, FOR THE PURPOSE OF ELECTING A MAYOR AND TOWN COUNCIL MEMBER PLACES 1 AND 2; AND PROVIDING A SEVERABILITY CLAUSE.

WHEREAS, on January 16, 2018, the Town Council ordered that a Special Election be held on May 5, 2018, for the purpose of electing a Mayor and Town Council Member Places 1, and 2; and

WHEREAS, notice of this election was duly published in The Mesquite News;
and

WHEREAS, a copy of the notice was posted on the bulletin board at Town Hall;
and

WHEREAS, this election was duly and legally held on May 5, 2018, in conformity with the election laws of the State of Texas, and the results of the election have been certified and returned by the proper judges and clerks; and

WHEREAS, the Town Council, of the Town of Sunnyvale, Texas, has today considered the returns of the Special Election held on May 5, 2018; and

WHEREAS, it appears to the Council, and the Council finds, that the election was in all respects lawfully held; and

WHEREAS, it appears to the Council, and Council finds, that the tabulation of the results of the election is correct; and

WHEREAS, no candidate received a majority vote in the election for Town Council Member Place 2 and after the election and in compliance with the Texas Election Code, the candidate for Town Council Member Place 2 who received the second highest number of votes, Shiney Daniel, formally and timely withdrew as a candidate in the runoff election; and

WHEREAS, Texas Election Code § 145.095 provides: "If a runoff candidate withdraws, the remaining candidate is considered to be elected and the runoff election for that office is not held."

NOW THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF SUNNYVALE, TEXAS:

SECTION 1. The Special Election of May 5, 2018, was duly called, notice of the election was given in accordance with law, and the election was held in accordance with law.

SECTION 2. The tabulation of votes cast in the Special Election held on May 5, 2018, for the purposes stated above, a copy of which is attached to and made a part of this resolution, is adopted as the official tabulation of the votes cast at the election, and the tabulation will be filed and recorded in the official records of the Town of Sunnyvale as the official canvass of the election.

SECTION 3. The official canvass of the returns of the election reflects the following:

For Mayor:

Saji George	1,001	53.90%
Michael Giordano	242	13.03%
Karen Hill	614	33.06%

For Town Council Member Place 1:

Ryan Finch	1,190	100.00%
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For Town Council Member Place 2:

Kevin M. Clark	755	41.35%
Shiney Daniel	614	33.63%
Dale Graves	101	5.53%
Emery Powell	356	19.50%

For Proposition A:

For	1,210	69.30%
Against	536	30.70%

SECTION 4. That Saji George received a majority of the votes and is elected to serve as Mayor.

SECTION 5. That Ryan Finch received a majority of the votes and is elected to serve as Town Council Member Place 1.

SECTION 6. That no candidate received a majority vote in the election for Town Council Member Place 2, that Kevin Clark received the highest number of votes and Shiney Daniel received the second highest number of votes for Town Council Member Place 2, that after the election and in compliance with the Texas Election Code Shiney Daniel formally and timely withdrew as a candidate in the runoff election, and that in compliance with Texas Election Code § 145.095 Kevin Clark is elected to serve as Town Council Member Place 2.

SECTION 7. That Proposition A received a majority of the votes for and passed.

SECTION 8. That if any part or parts of this Resolution are found to be invalid or unconstitutional by a court having competent jurisdiction, then such invalidity or unconstitutionality shall not affect the remaining parts hereof and such remaining parts shall remain in full force and effect, and to that extent this resolution is considered severable.

PASSED, ADOPTED AND APPROVED this the 15th day of May, 2018.

Jim Phaup, Mayor

ATTEST:

Rachel Ramsey, Town Secretary