

**MINUTES
OF
CITY OF WHARTON
SPECIAL CITY COUNCIL MEETING
MAY 10, 2016**

Mayor Pro-Tem Don Mueller declared a Special Meeting duly open for the transaction of business at 12:00 P.M. Mayor Pro-Tem Mueller led the opening devotion and then led the pledge of allegiance.

Councilmembers present were: Mayor Pro-Tem Don Mueller Councilmembers Al Bryant, Tim Barker, Russell Machann and Vincent Huerta.

Councilmember absent was: Mayor Domingo Montalvo, Jr. and Councilmember Steve Schneider.

Staff members present were: City Manager Andres Garza, Jr., Finance Director Joan Andel, Deputy City Secretary Theresa Wittig, Assistant to City Manager Brandi Jimenez, Public Works Director Wade Wendt and City Attorney Paul Webb.

Visitors present were: Wes Birdwell with Half and Associates.

The second item on the agenda was Roll Call and Excuses Absences. After some discussion, Councilmember Al Bryant moved to excuse Mayor Domingo Montalvo, Jr. and Councilmember Steve Schneider. Councilmember Russell Machann seconded the motion. All voted in favor.

The third item on the agenda was Public Comments. No comments were given. No action was taken.

The fourth item on the agenda was Wharton Moment. No comments were given.

The fifth item on the agenda was to review and consider an ordinance canvassing the election returns and declaring the results of the City Officers' Election held May 7, 2016. After some discussion, Councilmember Al Bryant moved to approve City of Wharton Ordinance No. 2016-07, which read as follows:

**CITY OF WHARTON, TEXAS
ORDINANCE NO. 2016-04**

**AN ORDINANCE CANVASSING THE ELECTION RETURNS AND
DECLARING THE RESULTS OF THE CITY OFFICERS' ELECTION HELD
ON MAY 7, 2016**

BE IT ORDAINED by the City Council of the City of Wharton, Texas:

The City Council of the City of Wharton, Texas has canvassed the returns of the city officers' election held on the **7th of May 2016**, and the City Council finds and declares that the election returns were duly and legally made, that all of the votes counted at the election were valid and legal, and that each of the candidates in the election received the following numbers of votes:

	<u>Early Votes</u>	<u>Election Day</u>	<u>Total</u>
Mayor At-Large			
Domingo Montavlo, Jr.	<u>118</u>	<u>85</u>	<u>203</u>
Tim Barker	<u>516</u>	<u>203</u>	<u>719</u>
Councilmember District No. 2 - Unopposed			
Steven Schneider	<u>58</u>	<u>36</u>	<u>94</u>
Councilmember District No. 4 - Unopposed			
Don Mueller	<u>175</u>	<u>63</u>	<u>238</u>
Councilmember Position No. 6 – At Large			
Vincent M. Huerta	<u>306</u>	<u>134</u>	<u>440</u>
Steven Roberts	<u>279</u>	<u>138</u>	<u>417</u>
Election Returns	<u>1452</u>	<u>659</u>	<u>2111</u>

The City The Council further finds and declares that the election was duly called, that notice of the election was given in accordance with law, that the election was held in accordance with law, that **Timothy Barker** was elected Mayor At-Large, **Steven Schneider** was elected Councilmember District No. 2, **Don Mueller** was elected Councilmember District No. 4, and that **Vincent Huerta** was elected Councilmember Position No. 6 – At Large.

The City Council declares the above-named persons to be duly elected to the above-named offices, subject to the taking of their oaths of office as provided by the laws of the State of Texas and the charter of the City of Wharton, Texas.

Severability

If any court of competent jurisdiction rules that any section, subsection, sentence, clause, phrase, or portion of this resolution is invalid or unconstitutional, any such portion shall be deemed to be a separate, distinct, and independent provision, and any such ruling shall not affect the validity of the remaining portions hereof.

Passage and Approval

PASSED AND APPROVED by the City Council of the City of Wharton, Texas, on the 10th of **May 2016**.

CITY OF WHARTON, TEXAS

By: _____
DON MUELLER
Mayor Pro-Tem

ATTEST:

PAULA FAVORS
City Secretary

APPROVED AS TO FORM:

PAUL WEBB
City Attorney

CIUDAD DE WHARTON, TEXAS
ORDENANZA NUMERO 2016-04

**UNA ORDENANZA HACIENDO EL ESCRUTINIO Y DECLARANDO LOS
RESULTADOS DE LA ELECCIÓN DE FUNCIONARIOS MUNICIPALES QUE
SE CELEBRO EL 7 DE MAYO 2016**

ASÍ SE ORDENA por el Consejo Municipal de la Ciudad de Wharton, Texas:

El Consejo Municipal de la Ciudad de Wharton, Texas, ha escudriñado los resultados de las elecciones de funcionarios municipales celebrada el **7 de mayo 2016**, y el Consejo Municipal halla y declara que los resultados de la elección fueron debidamente y legalmente hechos, que todos los votos de la elección contados fueron validos y legales, y que cada uno de los candidatos en la elección recibieron los números de votos siguientes:

	Votación anticipada	Día de la elección	Total
Alcalde – de forma irrestricta			
Domingo Montalvo, Jr.	118	85	203
Tim Barker	516	203	719
Concejal para el Distrito No. 2 – Sin oponente			
Steven Schneider	58	36	94
Concejal para el Distrito No. 4 – Sin oponente			
Don Mueller	175	63	238
Concejal para la Posición No. 6 – En forma irrestricta			
Vincent M. Huerta	306	134	440
Steven Roberts	279	138	417
Resultados de la elección	1452	659	2111

El Consejo Municipal también determina y declara que la elección fue debidamente convocada, que el aviso de la elección se dio de acuerdo con la ley, que la elección misma se celebró de acuerdo con la ley, que Timothy Barker fue elegido Alcalde de forma irrestricta, Steven Schneider fue elegido Concejal para el Distrito No. 2, Don Mueller fue elegido Concejal para el Distrito No. 4 y que Vincent Huerta fue elegido Concejal para la Posición No. 6 – en forma irrestricta.

El Consejo Municipal declara que las personas arriba mencionadas han sido debidamente elegidas a los puestos arriba mencionados, pendiente que hagan sus juramentos de sus cargos como se requiere según las leyes del Estado de Texas y la carta constitutiva de la Ciudad de Wharton, Texas.

Divisibilidad

Si cualquier tribunal competente con jurisdicción declara cualquier sección, subsección, frase, clausula, frase, o parte de esta resolución invalida o no constitucional, dicha parte se considerará ser una disposición aparte, distinta, y independiente, y dicha decisión no afectará la validez de las disposiciones restantes.

Autorización y Aprobación

AUTORIZADA y APROBADA por el Consejo Municipal de la Ciudad de Wharton, Texas, el 10 de mayo 2016.

CIUDAD DE WHARTON, TEXAS

Por: _____
DON MUELLER
Alcalde Pro-Tem

ATESTIGADO POR:

PAULA FAVORS
Secretaria Municipal

APROBADO EN TANTO A FORMA:

PAUL WEBB
Abogado de la Ciudad

Councilmember Russell Machann seconded the motion. All voted in favor.

The sixth item on the agenda was to adjournment. Councilmember Al Bryant made a motion to adjourn. Councilmember Tim Barker seconded the motion. All voted in favor.

The meeting adjourned at 12:14 p.m.

CITY OF WHARTON, TEXAS

City of Wharton
Special City Council Meeting
May 10, 2016

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary