

**MINUTES
OF
CITY OF WHARTON
SPECIAL CITY COUNCIL MEETING
MAY 20, 2015**

Mayor Domingo Montalvo, Jr. declared a Special Meeting duly open for the transaction of business at 12:00 P.M. Mayor Domingo Montalvo, Jr. led the opening devotion and then led the pledge of allegiance.

Councilmembers present were: Mayor Domingo Montalvo, Jr., Councilmembers Al Bryant, Tim Barker, Russell Machann and Don Mueller.

Councilmember absent was: 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 and City Attorney Paul Webb.

Visitors present were: Eduvina Huerta.

The second item on the agenda was Roll Call and Excuses Absences. After some discussion, Councilmember Don Mueller moved to excuse Councilmember Steve Schneider. Councilmember Al Bryant 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. Councilmember Don Mueller commended Festival Organizers on their clean-up efforts after the Wharton Freedom Fest.

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 9, 2015. After some discussion, Councilmember Don Mueller moved to approve City of Wharton Ordinance No. 2015-07, which read as follows:

**CITY OF WHARTON, TEXAS
ORDINANCE NO. 2015-07**

**AN ORDINANCE CANVASSING THE ELECTION RETURNS
AND DECLARING THE RESULTS OF THE CITY OFFICERS'
ELECTION HELD ON MAY 9, 2015**

**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 **9th of May 2015**, 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>
Councilmember District No. 1 – Unopposed			
Al Bryant	<u>119</u>	<u>88</u>	<u>207</u>
Councilmember District No. 2 – Unexpired Term			
Steven Schneider	<u>96</u>	<u>75</u>	<u>171</u>
Councilmember District No. 3 - Unopposed			
Tim Barker	<u>114</u>	<u>86</u>	<u>200</u>
Councilmember Position No. 5 – At Large			
Mike Snyder	<u>22</u>	<u>15</u>	<u>37</u>
Russell Machann	<u>77</u>	<u>33</u>	<u>110</u>
Vincent M. Huerta	<u>49</u>	<u>62</u>	<u>111</u>
Election Returns	<u>477</u>	<u>359</u>	<u>836</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 **Al Bryant** was elected Councilmember District No. 1, **Steven Schneider** was elected Councilmember District No. 2- unexpired term, **Tim Barker** was elected Councilmember District No. 3, and that **Russell Machann** was elected Councilmember Position No. 5 – At Large after withdrawal from Candidate Vincent M. Huerta.

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 20th of **May 2015**.

CITY OF WHARTON, TEXAS

By: _____
Domingo Montalvo, Jr.
Mayor

ATTEST:

Paula Favors
City Secretary

APPROVED AS TO FORM:

PAUL WEBB

City Attorney

**CIUDAD DE WHARTON, TEXAS
ORDENANZA NUMERO 2015-07**

**UNA ORDENANZA HACIENDO EL ESCRUTINIO Y DECLARANDO LOS
RESULTADOS DE LA ELECCIÓN DE CONCEJALES MUNICIPALES QUE SE
CELEBRO EL 9 DE MAYO 2015**

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 elección de concejales municipales celebrada **el 9 de mayo 2015**, 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
Concejal para el Distrito No. 1 – Sin oponente			
Al Bryant	119	88	207
Concejal para el Distrito No.2 – Plazo restante			
Steven Schneider	96	75	171
Concejal para el Distrito No. 3 – Sin oponente			
Tim Barker	114	86	200
Concejal para el Distrito No. 5 – En forma irrestringida			
Mike Snyder	22	15	37
Russell Machann	77	33	110
Vincent M. Huerta	49	62	111
Resultados de la elección	477	359	836

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 **Al Bryant** fue elegido Concejal para el Distrito No.1, **Steven Schneider** fue elegido Concejal para el Distrito No.2 – plazo restante, **Tim Baker** fue elegido Concejal para el Distrito No.3 y que **Russel Machann** fue elegido Concejal para el Distrito No.5 – en forma irrestricta después de que el candidato Vincent M. Huerta se retiró.

El Consejo Municipal declara que las personas arriba mencionadas han sido debidamente elegidos 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 20 de mayo 2015.

**CIUDAD DE WHARTON,
TEXAS**

Por: _____
DOMINGO MONTALVO, JR.
Alcalde

ATESTIGADO POR:

PAULA FAVORS
Secretaria Municipal

APROBADO EN TANTO A FORMA:

PAUL WEBB
Abogado de la Ciudad

Councilmember Al Bryant seconded the motion. All voted in favor.

The sixth item on the agenda was to review and consider Councilmember At-Large Position 6.

- A. Appointment to the City of Wharton City Council Councilmember At-Large Position 6.
- B. Oath of Office for newly appointed Councilmember.

City Manager Andres Garza, Jr. stated with the vacancy left by Councilmember Jeff Gubbels, the City Council could appoint an individual to fill the vacancy in accordance with Section 39 of the City Charter. After some discussion, Councilmember Russell Machann moved to appoint Mr. Vincent Huerta to the City of Wharton City Councilmember At-Large Position 6 for the remainder of the unexpired term. Councilmember Al Bryant seconded the motion. All voted in favor. City Attorney Paul Webb administered the oath of office to newly appointed Councilmember Vincent Huerta.

The seventh item on the agenda was to adjournment. Councilmember Don Mueller made a motion to adjourn. Councilmember Machann seconded the motion. All voted in favor.

The meeting adjourned at 12:14 p.m.

CITY OF WHARTON, TEXAS

By: _____
DOMINGO MONTALVO, JR.
Mayor

ATTEST:

PAULA FAVORS
City Secretary