

MINUTES
OF
CITY OF WHARTON
REGULAR CITY COUNCIL MEETING
MAY 22, 2006

Mayor Bryce D. Kocian declared a Regular Meeting duly open for the transaction of business at 7:00 P.M. Councilmember David Samuelson led the opening devotion and then Mayor Bryce D. Kocian led the pledge of allegiance.

Councilmembers present were: Mayor Bryce D. Kocian, Councilmembers V. L. Wiley, Jr., David Samuelson, Ken Freese, Don Mueller, Domingo Montalvo, Jr. and Ray Linseisen.

Councilmember absent was: None.

Staff members present were: City Manager Andres Garza, Jr., Finance Director Joyce Vasut, City Secretary Lisa Stavena, Planning Director Prudencio Arriaga, Sr., Police Chief Tim Guin, EMS Director John Kowalik, and City Attorney Paul Webb.

Visitors present were: Carlos Cotton, Lewis Fortenberry, Louis Edwards, Gilbert Ward, Ricky Villagomez, Elston Eckhardt, Rob Newman, and John McLeod.

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

The fourth item on the agenda was the Wharton Moment. Councilmember Don Mueller publicly thanked the City employees for their hard work and dedication in making the Depot a success. Councilmember Ken Freese stated that the Depot was a very impressive project that the City accomplished.

Councilmember V. L. Wiley, Jr. congratulated the Seniors graduating. He then congratulated Lakisha Washington for being Wharton High School Valedictorian.

Councilmember Domingo Montalvo, Jr. publicly commended the Wharton Independent School District Dawson Choir and Choir Instructor Mrs. Kay Bollom. He stated that the Choir won numerous divisions in the Choir Contest held in San Antonio. He stated that the students made Wharton proud. No action was taken.

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 13, 2006. City Manager Andres Garza, Jr. presented a draft ordinance canvassing the election returns and declaring the results of the City Officer's Election held May 13, 2006. After some discussion, Councilmember Ken Freese made a motion to approve Ordinance No. 2006-9, which read as follows:

**CITY OF WHARTON, TEXAS
 ORDINANCE NO. 2006-9**

**AN ORDINANCE CANVASSING THE ELECTION RETURNS AND
 DECLARING THE RESULTS OF THE CITY OFFICERS' ELECTION
 HELD ON MAY 13, 2006**

BE IT RESOLVED 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 **13th of May 2006**, 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. 2			
David Samuelson	<u>33</u>	<u>43</u>	<u>76</u>
Councilmember District No. 4			
Don Mueller	<u>98</u>	<u>100</u>	<u>198</u>
Councilmember At Large Place No. 6			
Darryl Darnell	<u>100</u>	<u>124</u>	<u>224</u>
Ray Linseisen	<u>202</u>	<u>230</u>	<u>432</u>
Mayor			
Bryce D. Kocian	<u>225</u>	<u>241</u>	<u>466</u>
Anopawuia Spinks	<u>80</u>	<u>119</u>	<u>199</u>
Jim Faetche	<u>6</u>	<u>6</u>	<u>12</u>
Provisional Ballots	<u>0</u>	<u>3</u>	<u>3</u>
Election Returns	<u>313</u>	<u>366</u>	<u>679</u>

The City 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 **David Samuelson** was elected Councilmember District No. 2, **Don E. Mueller** was elected Councilmember District No. 4, **Ray Linseisen** was elected Councilmember At Large - Place No. 6, and that **Bryce D. Kocian** was elected Mayor.

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.

Separability

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 22ND day of **May 2006**.

CITY OF WHARTON, TEXAS

By: _____
BRYCE D. KOCIAN
Mayor

ATTEST:

LISA STAVENA
City Secretary

APPROVED AS TO FORM:

PAUL WEBB
City Attorney
Councilmember David Samuelson seconded the motion. All voted in favor.

The sixth item on the agenda was administering the Oath of Office to Elected Officials Mayor Bryce D. Kocian and Councilmembers David Samuelson, Don Mueller and Ray Linseisen. City Attorney Paul Webb administered the Oath of Office.

The seventh item on the agenda was to review and consider the appointment of Mayor Pro-Tem. Councilmember Andres Garza, Jr. presented Section 15 of the City Charter that stated that following a regular annual election and upon the induction of the newly elected members of the governing body into office, the members of the City Council shall elect one of the Councilmembers to be Mayor Pro-Tem. Councilmember Domingo Montalvo, Jr. nominated Councilmember Don Mueller as Mayor Pro-Tem. Councilmember David Samuelson seconded the motion. All voted in favor.

