

**MINUTES
OF
CITY OF WHARTON
SPECIAL CITY COUNCIL MEETING
MAY 19, 2008**

Mayor Bryce D. Kocian declared a Special Meeting duly open for the transaction of business at 7:00 P.M. City Manager Andres Garza, Jr. led the opening devotion and then Mayor Bryce D. Kocian led the pledge of allegiance.

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

Councilmember absent were: Domingo Montalvo, Jr. and Ray Linseisen.

Staff members present were: City Manager Andres Garza, Jr., City Secretary Lisa Olmeda, and City Attorney Paul Webb.

Visitors present were: Ben Sharp with Wharton Journal Spectator, Cindy Kocian, Becky Samuelson, Betty Mueller, Barbie Fortenberry, Brian Fortenberry, Billie Jones, and City Councilmember Elect Lewis Fortenberry, Jr., and Jeff Gubbels.

The second item on the agenda was Roll Call and Excused Absences. Councilmember V. L. Wiley, Jr. made a motion to excuse the absence of Councilmember Domingo Montalvo, Jr. and Ray Linseisen from the Special City Council Meeting held May 19, 2008. Councilmember Ken Freese 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 David Samuelson stated that former City of Wharton Mayor Victor Driscoll, MD was in Southwest Memorial and to keep him and his family in your prays. 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 10, 2008. After some discussion, Councilmember Ken Freese made a motion to approve Ordinance No. 2008-05, which read as follows:

**CITY OF WHARTON, TEXAS
ORDINANCE NO. 2008-05**

**AN ORDINANCE CANVASSING THE ELECTION RETURNS AND
DECLARING THE RESULTS OF THE CITY OFFICERS' ELECTION
HELD ON MAY 10, 2008**

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 **10th of May 2008**, 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			
Lewis Fortenberry, Jr.	<u>28</u>	<u>27</u>	<u>55</u>
Councilmember District No. 4			
Don Mueller	<u>54</u>	<u>65</u>	<u>119</u>
Councilmember At Large Place No. 6			
Jeff Gubbels	<u>157</u>	<u>177</u>	<u>334</u>
Mayor			
Domingo Montalvo, Jr.	<u>81</u>	<u>121</u>	<u>202</u>
David Samuelson	<u>141</u>	<u>122</u>	<u>263</u>
Provisional Ballots	<u>0</u>	<u>0</u>	<u>0</u>
Election Returns	<u>225</u>	<u>247</u>	<u>472</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 **Lewis Fortenberry, Jr.** was elected Councilmember District No. 2, **Don E. Mueller** was elected Councilmember District No. 4, **Jeff Gubbels** was elected Councilmember At Large - Place No. 6, and that **David Samuelson** 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.

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 19th of **May 2008**.

CITY OF WHARTON, TEXAS

By: _____
BRYCE D. KOCIAN
Mayor

ATTEST:

LISA OLMEDA
City Secretary

APPROVED AS TO FORM:

PAUL WEBB
City Attorney
Councilmember V. L. Wiley, Jr. seconded the motion. All voted in favor.

The sixth item on the agenda was administer oath of office to Elected Officials Mayor David W. Samuelson, Councilmembers Lewis Fortenberry, Jr., Jeff Gubbels, and Donald Mueller. City Attorney Paul Webb administered the oath of office to Elected Officials Mayor David W. Samuelson, Councilmembers Lewis Fortenberry, Jr., Jeff Gubbels, and Donald Mueller.

At this time, the newly elected City Officials assumed their seats at the City Council table. The seventh item on the agenda was presentation of Mayoral Plaque to Mayor Bryce D. Kocian. Mayor David Samuelson presented the Mayoral Plaque to former Mayor Bryce D. Kocian. He stated that Mayor Kocian was faithful and was dedicated to serve the City and the citizens of Wharton. He stated that he was also doing the service for free since he was employed by Wharton County Junior College. He then presented Bryce D. Kocian with a token of appreciation and thanked him for all the service to the city. Bryce D. Kocian congratulated David Samuelson for being the City of Wharton's new Mayor. He then thanked the Councilmembers for serving in the present, past and in the future. He then thanked the City staff for their dedication to the City of Wharton. He said that he was proud to have served the City of Wharton. He then mentioned some of the projects throughout the past fourteen years such as: City Hall, Police/Municipal Court, Municipal Swimming Pool, Wal-Mart, and Buc-ee's, Ltd. He then publicly thanked the City Staff for their assistance. After some discussion, no action was taken.

The eighth item on the agenda was a proclamation presented by Mayor David W. Samuelson proclaiming May 24, 2008 as “Buddy Poppy Day” in the City of Wharton, Texas. Mayor Samuelson publicly thanked the veterans who made the sacrifice for the citizens. He then read the history of the Poppies, that came into existence in the Spring of 1915. He then presented the proclamation, which read as follows:

Whereas, The annual distribution of Buddy Poppies by the Veterans of Foreign Wars of the United States has been officially recognized and endorsed by governmental leaders since 1922; and

Whereas, VFW Buddy Poppies are assembled by disabled veterans, and the proceeds of this worthy fund-raising campaign are used exclusively for the benefit of disabled and needy veterans, and the widows and orphans of deceased veterans; and

Whereas, The basic purpose of the annual distribution of Buddy Poppies by the Veterans of Foreign Wars is eloquently reflected in the desire to “Honor the Dead by Helping the Living;” and

Whereas, The V.F.W. Post 4474 will distribute Buddy Poppies in the City of Wharton on May 24, 2008.

Now, Therefore, I, Dr. David Samuelson, as the Mayor of the City of Wharton, do hereby proclaim May 24, 2008 as

“Buddy Poppies Day”

and urge the citizens of this community to recognize the merits of this cause by contributing generously to its support through your donations for Buddy Poppies on the day set aside for the distribution of these symbols of appreciation for the sacrifices of our honored dead. I urge all patriotic citizens to wear a Buddy Poppy as mute evidence of our gratitude to the men and women of this country who have risked their lives in defense of the freedoms which we continue to enjoy as American citizens.

In Witness Whereof, I have set my hand and caused the seal of the City of Wharton to be affixed this 19th day of May, in the year of our Lord two thousand eight A.D.
No action was taken.

The ninth item on the agenda was adjournment. After some discussion, Councilmember Don Mueller made a motion to adjourn. Councilmember V. L. Wiley, Jr. seconded the motion. All voted in favor.

The meeting adjourned at 7:17 p.m.

City of Wharton
Special City Council Meeting
May 19, 2008

CITY OF WHARTON, TEXAS

By: _____
DAVID W. SAMUELSON
Mayor

ATTEST:

LISA OLMEDA
City Secretary