

**MINUTES  
OF  
CITY OF WHARTON  
SPECIAL CITY COUNCIL MEETING  
MAY 19, 2014**

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 led the pledge of allegiance.

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

Councilmembers absent were: Councilmembers, Jeff Gubbels and Karen Schulz.

Staff members present were: City Manager Andres Garza, Jr., Finance Director Joan Anzel, Assistant to the City Manager Cheryl Urbanovsky, City Secretary Paula Favors, and City Attorney Paul Webb.

Visitors present were: None.

The second item on the agenda was Roll Call and Excused Absences. Councilmember Russell Machann moved to excuse the absence of Councilmembers, Jeff Gubbels and Karen Schulz from the special City Council meeting held on May 19, 2014. Councilmember Tim Barker 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 to review and consider an ordinance canvassing the election returns and declaring the results of the City Officers' Election held May 10, 2014.

**ORDENANZA:** Una ordenanza haciendo el escrutinio y declarando los resultados de la eleccion de concejales municipales que se celebro el 10 de mayo de 2014.

City Manager Andres Garza, Jr. presented a draft ordinance canvassing the election returns and declaring the results of the City Officers' Election held May 10, 2014. After some discussion, Councilmember Al Bryant moved to approve City of Wharton Ordinance No. 2014-04 and 2014-05, which read as follows:

**CITY OF WHARTON, TEXAS  
ORDINANCE NO. 2014 - 04  
AN ORDINANCE CANVASSING THE ELECTION RETURNS AND DECLARING THE  
RESULTS OF THE CITY OFFICERS' ELECTION HELD ON MAY 10, 2014**

**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 **10<sup>th</sup> of May, 2014**, 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>
<b>Mayor – At Large</b>			
James B. Faetche	<u>34</u>	<u>22</u>	56
Domingo Montalvo, Jr.	<u>104</u>	<u>68</u>	<u>172</u>
<b>Councilmember District No. 2 – Unopposed</b>			
<b>Councilmember District No. 4 – Unopposed</b>			
Don Mueller			
<b>Councilmember District No. 6 – Unopposed</b>			
Jeff Gubbels			
<b>Election Returns</b>	<u>138</u>	<u>90</u>	<u>228</u>

The City Council further finds and declares that the election was duly called, that the notice of the election was given in accordance with law, that the election was held in accordance with law, that **Domingo Montalvo, Jr.** was elected Mayor – At Large, **Don Mueller** was elected Councilmember District No. 4, and that **Jeff Gubbels** was elected Councilmember District No. 6.

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, district, or 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 19<sup>th</sup> of May 2014.

**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 2014-05**

**UNA ORDENANZA HACIENDO EL ESCRUTINIO Y DECLARANDO LOS  
RESULTADOS DE LA ELECCIÓN DE CONCEJALES MUNICIPALES QUE SE  
CELEBRO EL 10 DE MAYO 2014**

**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 concejales municipales celebrada **el 10 de mayo 2014**, 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 - En forma irrestricta**

City of Wharton  
Special City Council Meeting  
May 19, 2014

James B. Faetche	34	22	56
Domingo Montalvo, Jr.	104	68	172

**Concejal para el Distrito No.2 – Sin oponente**

**Concejal para el Distrito No.4 - Sin oponente**  
Don Mueller

**Concejal para el Distrito No.6- Sin oponente**  
Jeff Gubbels

<b>Resultados de la elección</b>	138	90	228
----------------------------------	-----	----	-----

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 **Domingo Montalvo, Jr.** fue elegido Alcalde –en forma irrestricta, que **Don Muller** fue elegido Concejal para el Distrito No.4, y que **Jeff Gubbels** fue elegido Concejal para el Distrito No.6.

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, sub-sección, 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 19 de mayo 2014.

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

The fifth item on the agenda was adjournment. After some discussion, Councilmember Don Mueller made a motion to adjourn. Councilmember Russell Machann seconded the motion. All voted in favor.

The meeting adjourned at 12:02 p.m.

**CITY OF WHARTON, TEXAS**

By: \_\_\_\_\_  
**DOMINGO MONTALVO, JR.**  
**Mayor**

**ATTEST:**

---

**PAULA FAVORS**  
**City Secretary**