

**MINUTES
OF
CITY OF WHARTON
SPECIAL CITY COUNCIL MEETING
MAY 15, 2023**

Mayor, Tim Barker declared a Regular Meeting duly open for the transaction of business at 7:00 P.M. at City Hall 120 E. Caney Street Wharton, TX. Councilmember, Clifford Jackson, led the opening devotion and Mayor, Tim Barker led the pledge of allegiance.

Councilmember's present were: Mayor, Tim Barker, and Councilmembers, Terry Freese; Clifford Jackson; Russell Machann; Don Mueller, and Larry Pittman.

Councilmember absent was: Steve Schneider.

Staff members present were: City Attorney, Paul Webb; Finance Director, Joan Andel; Assistant City Manager, Paula Favors, TRMC, CPM, MMC; Director of Planning and Development, Gwyn Teves and Police Chief, Terry David Lynch;

Visitors present were: Richard Coleman, Shandra Neal, and Al Dube with the Wharton Journal Spectator.

Roll Call and Excused Absences.

All Councilmembers were present.

Public Comments.

Mayor, Tim Barker, called for Public Comments. No comments were given.

Wharton Moment.

Mayor, Tim Barker, presented the following Proclamation:

**CITY OF WHARTON
OFFICE OF THE MAYOR
Proclamation**

"Honoring Law Enforcement"

WHEREAS, In 1962 President John F. Kennedy signed a joint resolution of Congress, proclaiming May 15th as Peace Officer Memorial Day and the week in which that date falls as National Police Week. This week the nation should pay special tribute to those law enforcement officers who have lost their lives in the line of duty for the safety and protection of others; and

WHEREAS, The dedicated men and women of the Wharton Police Department put themselves at risk every day to keep their fellow Americans safe regardless of the peril or hazard to themselves; and

WHEREAS, It is important that all citizens know and understand the responsibilities, duties, hazards, and sacrifices their law enforcement agencies make by safeguarding lives, property and protecting our citizens against violence and disorder; and

WHEREAS, Our citizens fulfill an important civic responsibility by supporting our Wharton Police Department's work. The men and women that serve, deserve our appreciation for the work they do protecting our communities and keeping us safe from harm.

Now, Therefore, I, Tim Barker, by the authority vested in me as Mayor of the City of Wharton, Texas, do hereby proclaim the week of May 14th through May 20th, 2023, as:

“National Police Week”

in the City of Wharton, Texas.

IN WITNESS THEREOF, I have set my hand and caused the seal of the City of Wharton to be affixed this 15th day of May, in the year of our Lord two thousand and twenty- three A.D.

Tim Barker
Mayor, City of Wharton

Review and Consider:

The first item on the agenda was an ordinance canvassing the election returns and declaring the results of the City Officers' Election held May 6, 2023.

Ordenanza: Una ordenanza haciendo el escrutinio y declarando los resultados de la eleccion de concejales municipales que se celebros el 6 de mayo de 2023.

Assistant City Manager, Paula Favors, presented a copy of a draft ordinance canvassing the election returns and declaring the results of the City Officers' Election held May 6, 2023. After some discussion, Councilmember, Russell Machann, moved to approve City of Wharton Ordinance No. 2023-06A and 2023-06B, which read as follows:

**CITY OF WHARTON, TEXAS
ORDINANCE NO. 2023-06A**

**AN ORDINANCE CANVASSING THE ELECTION RETURNS AND
 DECLARING THE RESULTS OF THE CITY OFFICERS' ELECTION
 HELD ON MAY 6, 2023.**

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 **6th of May 2023**, 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:

Election Returns	<u>Early Votes</u>	<u>Election Day</u>	<u>Total</u>
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Councilmember District No. 1

Clifford Jackson	16	16	32
Burnell Neal	148	58	206

Councilmember District No. 3

Terry Freese	0	0	0
Unopposed	0	0	0

Councilmember District No. 5 – At Large

Russell Machann	0	0	0
Unopposed	0	0	0

The City Council further finds and declares that the election was duly called, that notice of the election was given in accordance with the law, that the election was held in accordance with the law, that **Burnell Neal** was elected Councilmember District No. 1; **Terry Freese** was elected Councilmember District No. 3; and **Russell Machann** was elected Councilmember District No. 5 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 15th of May, 2023.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

APPROVED AS TO FORM:

PAUL WEBB
City Attorney

**CIUDAD DE WHARTON, TEXAS
ORDENANZA NUMERO 2023- 06B**

UNA ORDENANZA HACIENDO EL ESCRUTINIO Y DECLARANDO LOS RESULTADOS DE LA ELECCION DE FUNCIONARIOS MUNICIPALES QUE SE CELEBRO EL 6 DE MAYO DE 2023.

ASI 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 6 de mayo de 2023**, y el Consejo Municipal halla y declara que los resultados de las elecciones fueron debidamente y legalmente hechos, que

todos los votos de la elección contados fueron válidos y legales, y que cada uno de los candidatos en las elecciones recibieron los números de votos siguientes:

Resultados de la elección:	<u>Votación</u>	<u>Día de la</u>	<u>Total</u>
	<u>Anticipada</u>	<u>Elección</u>	

Concejal para el Distrito No. 1

Clifford Jackson	16	16	32
Burnell Neal	148	58	206

Concejal para el Distrito No. 3

Terry Freese	0	0	0
Sin oponente	0	0	0

Concejal para el Distrito No. 5 – En forma irrestricta

Russell Machann	0	0	0
Sin oponente	0	0	0

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 Burnell Neal fue elegido Concejal para el Distrito No. 1, Terry Freese fue elegido Concejal para el Distrito No. 3, y que Russell Machann fue elegido Concejal para el Distrito No. 5 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, sub-sección, frase, cláusula, o parte de esta resolución inválida o no constitucional, dicha parte se considerará ser una disposición aparte, distinta e 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 15 de mayo de 2023.

CIUDAD DE WHARTON, TEXAS

Por _____
TIM BARKER
Alcalde

ATESTIGUADO:

PAULA FAVORS
Secretaria Municipal

APROBADO EN TANTO A FORMA:

PAUL WEBB
Abogado de la Ciudad

Councilmember, Larry Pittman, seconded the motion. All voted in favor.

The second item on the agenda was to Administer the Oath of Office to Elected Officials: Councilmembers Burnell Neal, Terry Freese, and Russell Machann. City Attorney, Paul Webb, administered oath of office and statement of office to Councilmembers, Burnell Neal, Terry Freese, and Russell Machann.

The third item on the agenda was the appointment of Mayor Pro-Tem. After some discussion, Councilmember, Russell Machann, moved to appoint Councilmember, Don Mueller, to the position of Mayor Pro-Tem.

The fourth item on the agenda was a presentation: Clifford Jackson for years of service to the City of Wharton. Mayor, Tim Barker, presented outgoing Councilmember, Clifford Jackson, with a plaque for his years of service and thanked him for his service.

There being no further discussion, Councilmember, Don Mueller, moved to adjourn. Councilmember, Terry Freese, seconded the motion. All voted in favor.

The meeting adjourned at 7:10 p.m.

CITY OF WHARTON, TEXAS

By: 
TIM BARKER
Mayor

ATTEST:



PAULA FAVORS
City Secretary

