

**MINUTES
OF
CITY OF WHARTON
REGULAR CITY COUNCIL MEETING
SEPTEMBER 13, 2010**

Mayor Pro-Tem Don Mueller declared the Regular Meeting duly open for the transaction of business at 7:00 P.M. Mayor Pro-Tem Don Mueller led the opening devotion and then led the pledge of allegiance.

Councilmembers present were: Mayor Pro-Tem Don Mueller, Councilmembers V. L. Wiley, Jr., Lewis Fortenberry, Jr., Terry David Lynch, Bryce D. Kocian and Jeff Gubbels.

Councilmember absent was: Mayor Domingo Montalvo, Jr.

Staff members present were: City Manager Andres Garza, Jr., Interim Finance Director Joyce Vasut, City Secretary Lisa Olmeda, Assistant to City Manager Jackie Jansky, Building Official Ronnie Bollom, Public Works Director Carter Miska, Community Services Director Jo Knezek, Emergency Management Coordinator Jim Cooper, and City Attorney Paul Webb.

Visitors present were: Barry Halvorson- Wharton Journal Spectator, David Schroeder- Wharton Economic Development Corporation, Carlos Cotton with Jones & Carter, Bradley Leohr with BEFCO Engineering, Louis Gerald, Olivia Scarlett, M. Saim Eriskin, Billy Bryant, and Joan Anandel.

The second item on the agenda was Roll Call and Excused Absences. All present. No action was taken.

The third item on the agenda was Public Comments. Mr. M. Saim Eriskin addressed the City Council regarding balancing the budget. He stated that the City Council needed to find ways to reduce the budget and find additional revenue. He stated that in the past ten years there have been no improvements in Wharton, except Wal-Mart. He requested the City Council should consider cutting the budget. No action was taken.

The fourth item on the agenda was the Wharton Moment. Mr. Barry Halvorson with Wharton Journal Spectator stated that the Wharton High School Tigers Football Team won the past two games. No action was taken.

The fifth item on the agenda was reading of the minutes from the regular meetings held August 9, 2010 and August 23, 2010 and the special meetings held August 4, 2010, August 18, 2010 and August 26, 2010. After some discussion, Councilmember Jeff Gubbels made a motion to approve the minutes from the regular meetings held August 9, 2010 and August 23, 2010 and the special

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meetings held August 4, 2010, August 18, 2010 and August 26, 2010. Councilmember Lewis Fortenberry, Jr. seconded the motion. All voted in favor.

The sixth item on the agenda was Public Hearing: Conduct the second of two required Public Hearings on a proposal to increase total tax revenues from properties on the tax roll in the preceding tax year by 3.05 percent for tax year 2010. Mayor Pro-Tem Don Mueller stated that during the regular August 23, 2010 Wharton City Council meeting the first required public hearing was held regarding a proposal to increase total tax revenues from properties on the tax roll in the preceding tax year by 3.05 percent for tax year 2010 and this was the second required public meeting.

Mayor Pro-Tem Don Mueller opened the Public Hearing at 7:07 p.m. for comments.

Mr. Louis Gerald stated the City needed to cut spending and cut waste in government. He stated that "Poor people have had to make adjustments to the current recession." He stated that adjustments needed to be made. He stated that the City of Wharton paid \$3 million in salaries, which was a lot for a small community. He stated that people in City Hall should not make more than classroom teacher and he objected to the fact that a number of city department heads earn more. He stated that children are the first priority. He stated that one person in City Hall makes a six digit salary. He said that the joke around town was, "How many people work at City Hall? About half of them." He stated that the City employees were washing stop signs, which was not necessary. He stated that people were making less; therefore should be spending less. He stated if "You want to improve the quality of life in the community, don't raise taxes." He asked how many people's salaries were lowered and how many people lost jobs. Councilmember Bryce D. Kocian stated that he took offense to the statement that half of the people at City Hall work. He stated that the City had a lean workforce and all of them were hard working employees.

Councilmember Terry David Lynch stated that City employees were being required to accept cuts by \$500 in benefits and the medical insurance deductible was increased by \$500. Mayor Pro-Tem Don Mueller stated that two positions were not going to be filled. Councilmember Terry David Lynch stated that three police cars were not going to be purchased during the next fiscal year. Councilmember Jeff Gubbels stated that even though the city's proposed rate was higher than the effective rate, it was still lower than the current year's rate. He said that the effective tax rate, based on property values provided to the City by the Central Appraisal District was 46 cents per \$100 valuation while the proposed rate adopted by the City Council was 48 cents and the current year's rate was 48.581 cents. He said that the tax rate for the new budget was lower than last year and if the property value was the same, the taxes paid would be less. He stated that the City of Wharton does not regulate the property valuation.

Mayor Pro-Tem Don Mueller closed the Public Hearing at 7:15 p.m.

Mayor Pro-Tem Don Mueller publicly announced the date, time and location of the final action to adopt the proposed tax rate which will increase total tax revenues from properties on the tax roll in the preceding tax year by 3.05 percent for the tax year 2010 would be held on September 27, 2010 at 7:00 p.m. at City Hall, 120 E. Caney Street, Wharton, TX 77488.

The seventh item on the agenda was Public Hearing: Proposed Budget for the City of Wharton, Texas, Fiscal Year October 1, 2010 to September 30, 2011.

Mayor Pro-Tem Don Mueller opened the Public Hearing at 7:16 p.m. for comments.

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No comments were given.

Mayor Pro-Tem Don Mueller closed the Public Hearing at 7:17 p.m.

The eighth item on the agenda was to review and consider action on Proposed Budget for the City of Wharton, Texas, Fiscal Year October 1, 2010 to September 30, 2011. City Manager Andres Garza, Jr. stated that during the August 23, 2010 regular City Council meeting, a copy of the proposed budget for the City of Wharton, Texas, Fiscal Year October 1, 2010 to September 30, 2011 was presented. He stated that this item would allow the City Council to direct the City Staff on any changes to the proposed budget prior to its formal adoption, which was scheduled for September 27, 2010. No action was taken.

The ninth item on the agenda was to review and consider the Planning Commission recommendation for City Council consideration to approve the request by Mr. Daniel G. Gutierrez and Ms. Yuliana C. Garcia, Property Owners, for a preliminary/final plat of the Minor Plat Subdivision of a portion of Tract 39A, A subdivision of 1.17 ac. of land out of the Martin Allen League, A-1 Wharton County, Texas. Assistant to City Manager Jackie Jansky stated that the Planning Commission met at 4:30 p.m. to review the request by Mr. Daniel G. Gutierrez and Ms. Yuliana C. Garcia, Property Owners, for a preliminary/final plat of the Minor Plat Subdivision of a portion of Tract 39A, A subdivision of 1.17 ac. of land out of the Martin Allen League, A-1 Wharton County, Texas. She said that the property owned by Mr. Gutierrez and Ms. Garcia was located within the City's extra territorial jurisdiction (ETJ); and, therefore was subject to City Council approval. She then presented a copy of a drawing that indicated the location of the property, a drawing that indicated the current platting of the property and the proposed re-platting of the property. She also presented a copy of the email dated September 9, 2010 from Wharton County Engineer Monica Martin indicating that the replat was in compliance with the Wharton County one acre requirement for on-site utilities. She stated that Wharton County did not need to formally approve the plat. After some discussion, Councilmember Jeff Gubbels made a motion to approve the request by Mr. Daniel G. Gutierrez and Ms. Yuliana C. Garcia, Property Owners, for a preliminary/final plat of the Minor Plat Subdivision of a portion of Tract 39A, A subdivision of 1.17 ac. of land out of the Martin Allen League, A-1 Wharton County, Texas. Councilmember Terry David Lynch seconded the motion. All voted in favor.

The tenth item on the agenda was to review and consider the request by Ms. Olivia S. Scarlett for a 24' front property setback variance for the placement of an 18' x 21' carport 1' from the property line located at 221 S. Sheppard Street, WM. Kincheloe, Block 63, Lot 165A. City Manager Andres Garza, Jr. presented a copy of the memorandum dated August 30, 2010 from Building Official Ronnie Bollom providing a copy of the application for an over 50% variance request by Ms. Olivia S. Scarlett. Mr. Bollom stated that Ms. Scarlett was requesting to construct an 18' x 21' carport one foot from the property line at 221 South Sheppard Street; WM. Kincheloe, Block 63, Lot 165A. He said that the required front property line setback was 25'. He also presented photographs of the property. He said that City Council approval was required for over 50% variance requests. He said that the contractor was Superior Carports from Victoria, which erected the carport prior to a permit being issued. After some discussion, Councilmember V. L. Wiley, Jr. made a motion to approve the request by Ms. Olivia S. Scarlett for a 24' front property setback variance for the placement of an 18' x 21' carport 1' from the property line

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located at 221 S. Sheppard Street, WM. Kincheloe, Block 63, Lot 165A. Councilmember Terry David Lynch seconded the motion. All voted in favor.

The eleventh item on the agenda was to review and consider a resolution of the Wharton City Council approving the selection process and application for the selection of appointees to the Wharton Economic Development Corporation Board of Directors. City Manager Andres Garza, Jr. stated that during the August 26, 2010 Wharton City Council Selection Committee for the Wharton Economic Development Corporation (WEDC) Board of Directors meeting, the Selection Committee Members voted to recommend the City Council consider approving the selection process and the attached application for use in selecting possible appointees to the WEDC Board of Directors. He then presented a draft resolution approving the application and selection process. He stated that the City Staff would submit the application to interested persons. After some discussion, Councilmember Bryce D. Kocian made a motion to approve Resolution No. 2010-64, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2010 - 64**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING THE SELECTION PROCESS AND APPLICATION FOR THE SELECTION OF APPOINTEES TO THE WHARTON ECONOMIC DEVELOPMENT CORPORATION BOARD OF DIRECTORS.

WHEREAS, the Wharton City Council wished to establish guidelines and criteria to appoint members to the Wharton Economic Development Board of Directors and established a Wharton City Council Selection Committee for the Wharton Economic Development Board of Directors; and

WHEREAS, On August 26, 2010, the Wharton City Council Selection Committee for the Wharton Economic Development Board of Directors recommended a selection process and application for the appointment of members to the Wharton Economic Development Corporation Board of Directors; and

WHEREAS, Individuals being considered for appointment to the Wharton Economic Development Board of Directors shall be required to complete an application for consideration by the City Council Selection Committee; and

WHEREAS, Individuals being considered for the Board of Directors shall meet all requirements established by the Wharton City Council; and

WHEREAS, Applications shall be filed with the City of Wharton City Secretary.
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WHARTON, TEXAS that

Section I. The Wharton City Council hereby establishes the selection process and application for use to select appointees to the Wharton Economic Development Corporation.

Section II. That the City Council appointees to the Wharton Economic Development Corporation Board of Directors shall meet all requirements as established by the Wharton City Council.

Section III. That this resolution is effective immediately after its passage.

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Passed, Approved, and Adopted this 13th day of September 2010.

CITY OF WHARTON, TEXAS

By:

DONALD MUELLER

Mayor Pro-Tem

ATTEST:

LISA OLMEDA

City Secretary

Councilmember Lewis Fortenberry, Jr. seconded the motion. All voted in favor.

The twelfth item on the agenda was to review and consider a resolution of the Wharton City Council approving a cooperative purchasing agreement contract between the City of Wharton and Beck Disaster Recovery, Inc. for the purchase of professional planning and consulting services through the Houston-Galveston Area Council (H-GAC) Cooperative Purchasing Program and authorizing the Mayor of the City of Wharton to execute the agreement. City Manager Andres Garza, Jr. presented a copy of the email dated August 25, 2010 from Emergency Management Coordinator Jim Cooper and the new agreement with Beck Disaster Recovery, Inc. He said that Beck Disaster Recovery was the company that the City contracted with to monitor the debris removal companies, which were Ashbritt, Inc. and Ceres Environmental Services, Inc. He said that Beck Disaster Recovery had entered into a new agreement with H-GAC; therefore, a new agreement was required between the City of Wharton and Beck Disaster Recovery through the H-GAC Cooperative Purchasing Program. He then presented a draft resolution approving the agreement, which would be through May 31, 2013. He said that the agreement was reviewed by City Attorney Paul Webb. Mr. Jim Cooper stated that the agreement would allow removal of debris and provide services to the City of Wharton in the event of a disaster. City Attorney Paul Webb stated that he reviewed the agreement and the date should be amended from August to September. Mr. Garza stated that if the City initiated the contract and utilized the service, the City would be reimbursed by FEMA. After some discussion, Councilmember Terry David Lynch made a motion to approve Resolution No. 2010-65, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2010 - 65**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING A COOPERATIVE PURCHASING AGREEMENT FOR BETWEEN THE CITY OF WHARTON AND BECK DISASTER RECOVERY, INC. FOR THE PURCHASE OF PROFESSIONAL PLANNING AND CONSULTING SERVICES THROUGH THE HOUSTON-GALVESTON AREA COUNCIL (H-GAC) COOPERATIVE PURCHASING PROGRAM AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE THE AGREEMENT.

WHEREAS, the Wharton City Council wishes to enter into a cooperative purchasing agreement for the purchase of professional planning and consulting services with Beck Disaster Recovery, Inc. for debris company monitoring services; and

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WHEREAS, the Wharton City council wishes to enter into this contract with Beck Disaster Recovery, Inc. through the H-GAC Cooperative Purchasing Program; and

WHEREAS, the City of Wharton and Beck Disaster Recovery, Inc. wishes to be bound by the conditions outlined in the agreement; and

WHEREAS, the Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute all documents related to the agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WHARTON, TEXAS that:

Section I. The Wharton City council hereby approves an agreement between the City of Wharton and Beck Disaster Recovery, Inc. through the H-GAC Cooperative Purchasing Program for the purchase of professional planning and consulting services.

Section II. The City of Wharton and Beck Disaster Recovery, Inc. are hereby bound by the conditions set forth in the agreement.

Section III. The Mayor of the City of Wharton is hereby authorized to execute the agreement.

Section IV. That this resolution shall become effective immediately upon its passage.

Passed, Approved, and Adopted this 13th day of September 2010.

CITY OF WHARTON, TEXAS

By:

DONALD MUELLER

Mayor Pro-Tem

ATTEST:

LISA OLMEDA

City Secretary

Councilmember Bryce D. Kocian seconded the motion. All voted in favor.

The thirteenth item on the agenda was to review and consider a resolution of the Wharton City Council approving a contract renewal with Ceres Environmental Services, Inc. for Debris Clearance and Removal Services and authorizing the Mayor of the City of Wharton to execute the agreement. City Manager Andres Garza, Jr. presented a copy of the email dated August 25, 2010 from Emergency Management Coordinator Jim Cooper and a copy of the contract renewal to the contract between the City of Wharton and Ceres Environmental Services, Inc. for Debris Clearance and Removal Services during disaster events. He said that the contract renewal would begin on October 1, 2010 for one (1) additional year. He then presented a draft resolution

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approving the contract renewal. He said that the agreement was reviewed by City Attorney Paul Webb. Mr. Cooper stated that Ceres Environmental Services, Inc. services would be activated in the event that Ashbritt, Inc. was unavailable. After some discussion, Councilmember Lewis Fortenberry, Jr. made a motion to approve Resolution No. 2010-66, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2010 - 66**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING A CONTRACT BETWEEN THE CITY OF WHARTON AND CERES ENVIRONMENTAL SERVICES, INC. FOR DEBRIS CLEARANCE AND REMOVAL SERVICES AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE THE AGREEMENT.

WHEREAS, the Wharton City Council wishes to renew its contract with Ceres Environmental Services, Inc. for Debris Clearance and Removal Services; and

WHEREAS, the City of Wharton and Ceres Environmental Services, Inc. wishes to be bound by the conditions set forth in the agreement; and

WHEREAS, the Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute the contract renewal agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WHARTON, TEXAS that:

Section I. The Wharton City council hereby approves a contract renewal agreement between the City of Wharton and Ceres Environmental Services, Inc.

Section II. The City of Wharton and Ceres Environmental Services, Inc. are hereby bound by the conditions set forth in the agreement.

Section III. The Mayor of the City of Wharton is hereby authorized to execute the agreement.

Section IV. That this resolution shall become effective immediately upon its passage.

Passed, Approved, and Adopted this 13th day of September 2010.

CITY OF WHARTON, TEXAS

By:

DONALD MUELLER

Mayor Pro-Tem

ATTEST:

LISA OLMEDA

City Secretary

Councilmember V. L. Wiley, Jr. seconded the motion. All voted in favor.

The fourteenth item on the agenda was to review and consider a resolution of the Wharton City Council approving an Egress/Ingress easement agreement with Donald E Mueller et ux Betty J for the property located at A20036 Abst. 36; Tract 29A and authorizing the Mayor of the City of Wharton to execute the agreement. Mayor Pro-Tem Don Mueller recused himself from the item due to a conflict of interest. Mayor Pro-Tem Don Mueller then turned the meeting over to former Mayor and now Councilmember At Large Place 5 Bryce D. Kocian. Councilmember At Large Place 5 Bryce D. Kocian stated that Councilmember Don Mueller filed the necessary Affidavit abstaining from discussion with the City Secretary prior to the meeting. City Manager Andres Garza, Jr. presented a copy of the letter dated August 19, 2010 from Mr. Donald E. Mueller requesting the City Council consider granting an egress/ingress easement of ninety (90) feet to his property located at A20036 Abst. 36; Tract 29A, along Hwy. 60. He then presented a copy of a drawing indicating the location of the property. He said that the drawing also showed where the existing access to his property was located. He said that a formal agreement between the City of Wharton and Mr. and Mrs. Mueller was required to officially provide the access to their property across City property. He said that Mr. Mueller was acquiring the metes and bounds description necessary for the agreement. He then stated that on April 12, 2004, the City provided a similar easement to Baker Hughes Oilfield Operations, Inc., which the property was now owned by Prime-Eco Fluids. He then presented a copy of that easement agreement. He stated that the easement would allow access to Highway 60. City Attorney Paul Webb stated that the easement would not affect the City of Wharton. After some discussion, Councilmember Terry David Lynch made a motion to approve Resolution No. 2010-67, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2010-67**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AN EGRESS/INGRESS EASEMENT AGREEMENT WITH DONALD E MUELLER ET UX BETTY J FOR THE PROPERTY LOCATED AT A20036 ABST. 36; TRACT 29A AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE THE AGREEMENT.

- WHEREAS,** Donald E. Mueller and wife, Betty J. Mueller wishes to obtain a 90 feet egress/ingress easement from the City of Wharton to the property located at A20036 Abst. 36, Tract 29A, Wharton County, Texas; and
- WHEREAS,** The Wharton City Council wishes to approve a 90 feet egress/ingress easement to Mr. Donald E. Mueller and wife, Betty J. Mueller at their property located at A20036 Abst. 36, Tract 29A, Wharton County, Texas; and
- WHEREAS,** The City of Wharton and Mr. Donald E. Mueller and wife, Betty J. Mueller wishes to be bound by the conditions set forth in the agreement; and
- WHEREAS,** The Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute all documents related to said agreement.

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NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WHARTON, TEXAS as follows:

Section I. That the Wharton City Council hereby approves a 90 feet egress/ingress easement agreement between the City of Wharton and Donald E. Mueller and wife, Betty J. Mueller for the property located at A20036 Abst. 36, Tract 29A, Wharton County, Texas

Section II. That the Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute the agreement.

Section III. That this resolution shall become effective immediately upon its passage.

Passed, Approved, and Adopted this the 13th day of September 2010.

CITY OF WHARTON

By: _____

BRYCE D. KOCIAN

Councilmember At-Large Place 5

ATTEST:

LISA OLMEDA

City Secretary

Councilmember Lewis Fortenberry, Jr. seconded the motion. Councilmembers voted for the motion. Mayor Pro-Tem Don Mueller abstained. The motion carried.

Mayor Pro-Tem Don Mueller returned to direct the meeting.

The fifteenth item on the agenda was to review and consider the request by the Public Works Department for City Council approval to award a contract to Ysh Welding Service in the amount of \$6,600 to replace grating at the Wastewater Treatment Plant No. 1. City Manager Andres Garza, Jr. presented a copy of the memorandum dated September 1, 2010 from Public Works Director Carter Miska regarding the repairs that needed to be made to the grating at the Wastewater Treatment Plant No. 1. He said that Mr. Miska obtained quotes to repair the grating, which was becoming a safety hazard to walk upon. He said that Mr. Miska was recommending that the City Council consider awarding the contract to Ysh Welding Service in the amount of \$6,600 to conduct the repairs. Mr. Miska addressed the City Council and stated that the work would be conducted at the Wastewater Treatment Plant No. 1 on S. East Avenue. He stated that several feet of the catwalk needed to repair and would be repaired with galvanized steel. After some discussion, Councilmember Bryce D. Kocian made a motion to approve the request by the Public Works Department for City Council approval to award a contract to Ysh Welding Service in the amount of \$6,600 to replace grating at the Wastewater Treatment Plant No. 1. Councilmember Lewis Fortenberry, Jr. seconded the motion. All voted in favor.

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The sixteenth item on the agenda was to review and consider the City of Wharton Emergency Quick Connects:

A. Bid Tabulation.

B. Resolution: A resolution awarding the bids for the City of Wharton Emergency Quick Connects and authorizing the Mayor of the City of Wharton to execute the agreement. City Manager Andres Garza, Jr. stated that the bid opening was held on September 7, 2010 for the Emergency Generator Quick Connects for Certain City Facilities. He then presented a copy of the bid tabulation and a copy of the letter dated September 10, 2010 from Mr. Carlos Cotton, P.E. of Jones & Carter, Inc. providing his recommendation to award the bid. He said that Mr. Cotton recommended the City Council consider awarding the project to Electrical Automation Controls in the amount of \$171,650. He then presented a draft resolution awarding the bid. Mr. Cotton stated that three bids were received. He stated that Electrical Automation Controls was a subcontractor on other projects. He stated that references were also checked and recommended approval. He stated that the project estimate was \$224,000.00. Interim Finance Director Joyce Vasut stated that there was \$290,000.00 in the bond fund for the project. After some discussion, Councilmember Jeff Gubbels made a motion to approve Resolution No. 2010-68, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2010-68**

**A RESOLUTION OF THE WHARTON CITY COUNCIL AWARDING THE
BID TO ELECTRICAL AUTOMATION CONTROLS FOR THE CITY OF
WHARTON EMERGENCY GENERATOR QUICK CONNECTS FOR
CERTAIN CITY FACILITIES PROJECT AND AUTHORIZING THE
MAYOR OF THE CITY OF WHARTON TO EXECUTE THE
AGREEMENT.**

WHEREAS, competitive, sealed bids were received on September 7, 2010 for the City of Wharton Emergency Generator Quick Connects for Certain City Facilities; and

WHEREAS, Electrical Automation Controls was deemed to be the lowest and best qualified bidder as per bid specifications in the amount of \$171,650; and

WHEREAS, the Wharton City Council wishes to award the contract to Electrical Automation Controls; and

WHEREAS, the City of Wharton and Electrical Automation Controls wishes to be bound by the conditions set forth in the agreement; and

WHEREAS, this resolution is passed in accordance with this bid.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WHARTON, TEXAS as follows:

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Section I. That Electrical Automation Controls is hereby awarded the bid for City of Wharton Emergency Generator Quick Connects for Certain City Facilities in the amount of \$171,650.00 in accordance with the bid specifications.

Section II. That the Mayor of the City of Wharton is hereby authorized to sign any documents relating to the aforementioned contracts.

Section IV. That this resolution shall become effective immediately upon its passage.

Passed, Approved, and Adopted this 13th day of September 2010.

CITY OF WHARTON, TEXAS

By: _____
DON MUELLER
Mayor Pro-Tem

ATTEST:

LISA OLMEDA

City Secretary

Councilmember Terry David Lynch seconded the motion. All voted in favor.

The seventeenth item on the agenda was to review and consider the City of Wharton Ahldag Addition Sanitary Sewer System Improvement Project (Texas Street) – Supak Construction, Inc. – Pay Request No. 7. City Manager Andres Garza, Jr. presented a copy of the letter dated September 1, 2010 from Mr. Bradley C. Loehr, P.E. of BEFCO Engineering, Inc. submitting the Pay Request No. 7 in the amount of \$21,741.30 for the City of Wharton Ahldag Addition Sanitary Sewer System Improvement Project being conducted by Supak Construction, Inc. Mr. Bradley Loehr stated that the additional area on Texas Street was added to the original contract by Change Order No. 2. After some discussion, Councilmember Bryce D. Kocian made a motion to approve the City of Wharton Ahldag Addition Sanitary Sewer System Improvement Project (Texas Street) – Supak Construction, Inc. – Pay Request No. 7 in the amount of \$21,741.30. Councilmember Lewis Fortenberry, Jr. seconded the motion. All voted in favor.

The eighteenth item on the agenda was to review and consider a resolution designating a City of Wharton representative and alternate to the Houston-Galveston Area Council 2011 General Assembly. City Manager Andres Garza, Jr. presented a copy of the letter dated August 25, 2010 from Mr. Jack Steele of the Houston-Galveston Area Council (H-GAC) providing the required form for the City to use in officially designating a representative and an alternate to the H-GAC 2011 General Assembly. He also presented a draft resolution designating the representative and alternate. He said that during the 2010 General Assembly, Councilmember V. L. Wiley, Jr. served as the City's representative and Councilmember Jeff Gubbels as the alternate. After some discussion, Councilmember Bryce D. Kocian made a motion to approve Resolution No. 2010-69, which read as follows:

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RESOLUTION NO. 2010 - 69

**A RESOLUTION DESIGNATING A CITY OF WHARTON REPRESENTATIVE
AND ALTERNATE TO THE HOUSTON-GALVESTON AREA COUNCIL 2011
GENERAL ASSEMBLY.**

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WHARTON, TEXAS that Councilmember V. L. Wiley, Jr. be, and is hereby designated as its Representative to the General Assembly of the Houston-Galveston Area Council for the year 2011.

FURTHER, that the Official Alternate authorized to serve as the voting representative should the hereinabove named representative become ineligible, or should he/she resign, is Councilmember Jeff Gubbels.

THAT, the Executive Director of the Houston-Galveston Area Council be notified of the designation of the hereinabove named representative and alternate.

Passed, Approved, and Adopted this 13th day of September 2010.

CITY OF WHARTON, TEXAS

By:

DON MUELLER
Mayor Pro-Tem

ATTEST:

LISA OLMEDA

City Secretary

Councilmember Lewis Fortenberry, Jr. seconded the motion. All voted in favor.

The nineteenth item on the agenda was to review and consider City Council approval of travel costs for Mayor Domingo Montalvo, Jr. to attend future meetings of the I-69 Alliance, Texas Department of Transportation (TxDOT) Segment 3 Committee, Lower Colorado River Authority (LCRA) Regional Committee, Texas Colorado River Floodplain Coalition (TCRFC). City Manager Andres Garza, Jr. stated that Mayor Domingo Montalvo, Jr. was requesting City Council approval of the travel costs associated with his attendance of future meetings of the I-69 Alliance, Texas Department of Transportation (TxDOT) Segment 3 Committee, Lower Colorado River Authority (LCRA) Regional Committee, Texas Colorado River Floodplain Coalition (TCRFC). He said that Mayor Montalvo currently served as a member on each of the respective Committees. Mayor Pro-Tem Don Mueller asked if reimbursement was received from the agencies. City Manager Garza stated that reimbursement was not received by Mayor Montalvo by the agencies. Councilmember Bryce D. Kocian stated that City Council travel budget was \$3,500 and in prior years and each Councilmember was allotted \$500. Councilmember Jeff Gubbels stated that a 30-40 percentage could be approved for the travel expenses. After some discussion, Councilmember Jeff Gubbels made a motion to limit the travel expenses paid by the

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City of Wharton for Mayor Domingo Montalvo, Jr. in the amount of \$1,250.00 for attending the I-69 Alliance, Texas Department of Transportation (TxDOT) Segment 3 Committee, Lower Colorado River Authority (LCRA) Regional Committee, Texas Colorado River Floodplain Coalition (TCRFC) meetings. Councilmember V. L. Wiley, Jr. seconded the motion. All voted in favor.

The twentieth item on the agenda was Executive Session: City Council may adjourn into an Executive Session in accordance with Sections 551.071 of the Government Code, Revised Civil Statutes of Texas. Final action, decision or vote, if any with regard to any matter considered in Executive Session shall be made in Open Meeting.

A. Discussion: Jeffrey Alan Richie v City of Wharton, et al; Cause # H-09-0464; TML-IRP Claim # 1000172119.

Mayor Pro-Tem Don Mueller adjourned into Executive Session at 7:45 p.m.
Mayor Pro-Tem Don Mueller returned to Open Session at 7:53 p.m.

The twenty-first item on the agenda was return to Open Session: Action on items discussed in Executive Session:

A. Review & Consider: Jeffrey Alan Richie v City of Wharton, et al; Cause # H-09-0464; TML-IRP Claim # 1000172119.

Mayor Pro-Tem Don Mueller stated that no action would be taken.

The twenty-second item on the agenda was to review and Appointments to the City of Wharton City Council Boards, Commissions, and Committees:

- A. Beautification Commission.
- B. Building Standards Commission.
- C. Holiday Light Decorating Chairman.
- D. Mayor's Committee on People with Disabilities.

City Manager Andres Garza, Jr. presented a copy of the current list of Boards, Commissions and Committees. No action was taken.

The twenty-third item on the agenda was to review and consider City Council Committees, Boards and Commission's Reports:

- A. City Council Selection Committee for Wharton Economic Development Corporation Board of Directors meeting held August 26, 2010.
- B. Beautification Commission meeting held September 8, 2010.

City Manager Andres Garza, Jr. presented the report to the City Council. No action was taken.

The twenty-fourth item on the agenda was adjournment. After some discussion, Councilmember Terry David Lynch made a motion to adjourn. Councilmember Bryce D. Kocian seconded the motion. All voted in favor.

The meeting adjourned at 7:54 p.m.

CITY OF WHARTON, TEXAS

City of Wharton
Regular City Council Meeting
September 13, 2010

By: Don Mueller
DON MUELLER
Mayor Pro-Tem

ATTEST:

Lisa Olmeda
LISA OLMEDA
City Secretary

