

**MINUTES
OF
CITY OF WHARTON
REGULAR CITY COUNCIL MEETING
MAY 12, 2014**

Mayor Pro Tem Don Mueller 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 Terry David Lynch led the opening devotion and the pledge of allegiance.

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

Councilmembers absent was: Councilmembers Jeff Gubbels and Russell Machann.

Staff members present were: City Manager Andres Garza, Jr, Finance Director Joan Anandel, City Secretary Paula Favors, Assistant to the City Manager Cheryl Urbanovsky, Assistant to Building Official Gwyn Laney and Assistant to the Public Works Director Amy Kasper.

Visitors present were: Carlos Cotton, P.E. with Jones and Carter, Inc., I.O. Coleman, Jr., Krista Spano, Bo Kucera and Natalie Frels with the Wharton Journal Spectator.

The second item on the agenda was Roll Call and Excuses Absences. After some discussion, Councilmember Al Bryant moved to excuse Councilmember Jeff Gubbels and Councilmember Russell Machann. Councilmember Karen Schulz seconded the motion. All voted in favor.

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

The fourth item on the agenda was the Wharton Moment. No comments were given.

The fifth item on the agenda was to review and consider the reading of the minutes from the regular meetings held April 14, 2014 and April 28, 2014. After some discussion, Councilmember Karen Schulz moved to approve the minutes from the regular meetings held April 14, 2014 and April 28, 2014. Councilmember Al Bryant seconded the motion. All voted in favor.

The sixth item on the agenda was to review and consider the Annual Review of City of Wharton Investment Policy. City Manager Andres Garza, Jr. stated that the City of Wharton Investment Policy must be reviewed and adopted annually and presented a memo from Finance Director Joan Anandel and a red-lined copy of the current policy. Finance Director Joan Anandel stated that Mr. Jim Gilley, with U.S. Capital Advisors, the City's financial advisor, had reviewed and approved the changes to the City of Wharton Investment Policy. City Manager Garza stated that the City Council Finance Committee had meet on May 12,

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2014 at 6:00 PM and recommended City Council consider approving the changes to the policy. After some discussion, Councilmember Don Mueller moved to approve the City of Wharton's Investment Policy and the changes as presented. Councilmember Karen Schulz seconded the motion. All voted in favor.

The seventh item on the agenda was to review and consider a request by Krista Spano for an Over 50% Variance for construction of a 30' X 40' free standing metal permanent carport to replace the existing temporary carport, Mayfair Block, 17, 609 Sunny Lane, Wharton, Texas. City Manager Andres Garza, Jr. stated that Mrs. Krista Spano was requesting a construction of a 30' x 40' free standing metal carport and requesting a 4'0" variance from the required 5'0" side yard setback. Assistant to Building Official Gwyn Laney stated that the property owner would be replacing the existing temporary carport with a permanent carport. After some discussion, Councilmember Karen Schulz moved to approve the request by Krista Spano for an Over 50% Variance for construction of a 30' X 40' free standing metal permanent carport to replace the existing temporary carport, Mayfair Block, 17, 609 Sunny Lane, Wharton, Texas. Councilmember Al Bryant seconded the motion. All voted in favor.

The eighth item on the agenda was to review and consider the rescheduling May 26, 2014 Regular City Council Meeting due to Memorial Day Holiday. City Manager Andres Garza, Jr. stated that the next regular City Council meeting was scheduled to be held on Monday, May 26, 2014. City Manager Garza said that on that day, the City Offices would be closed in observation of Memorial Day and the meeting could be rescheduled for the following day, May 27, 2014. After some discussion, Councilmember Al Bryant moved to approve rescheduling the May 26, 2014 Regular City Council meeting due to the Memorial Day Holiday to Tuesday, May 27, 2014. Councilmember Don Mueller seconded the motion. All voted in favor.

The ninth item on the agenda was to review and consider the purchase of GameTime replacement equipment from Total Recreation Products, Inc. for City Playground apparatus located at Wharton High School. City Manager Andres Garza, Jr. presented a quote of GameTime replacement equipment from Total Recreation Products, Inc. for the playground apparatus to bring the apparatus back up to standards. City Manager Garza stated that the playground equipment was on property which was located at Wharton High School and to replace the equipment completely the cost would be in excess of \$50,000. City Manager Garza said that by identifying specific parts needing replacement, the quote totals \$12,966.10 and that funding for park improvements would come from the 2013 Bond Fund. After some discussion, Councilmember Karen Schulz moved to authorize the City Manager of the City of Wharton to execute all documents relating to the purchase of GameTime replacement equipment from Total Recreation Products, Inc. for the City Playground apparatus located at Wharton High School in the amount of \$12,966.10. Councilmember Tim Barker seconded the motion. All voted in favor.

The tenth item on the agenda was to review and consider a resolution of the Wharton City Council approving a contract with G & K Services for employee uniforms and other supplies through the Buy Board Cooperative Purchasing Program for the City of Wharton; authorizing the City Manager of the City of Wharton to execute all documents relating to said contracts.

- A. **Resolution:** A resolution of the Wharton City Council approving a contract with G & K Services for employee uniforms and other supplies through the Buy Board Cooperative Purchasing Program for the City of Wharton; authorizing the City Manager of the City of Wharton to execute all documents relating to said contracts.

City Manager Andres Garza, Jr. presented a copy of the memorandum dated May 5, 2014 from City Secretary Paula Favors providing an agreement for uniforms and supplies from G & K Services through Buy Board Cooperative Purchasing program. Mrs. Favors stated that the City was able to enter into a contract with G & K Services through the Buy Board Cooperative Purchasing program and the cost increase would be minimal from previous contract. After some discussion, Councilmember Don Mueller moved to approve City of Wharton Resolution No. 2014-37, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2014-37**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING A CONTRACT WITH G & K SERVICES FOR EMPLOYEE UNIFORMS AND OTHER SUPPLIES THROUGH THE BUY BOARD COOPERATIVE PURCHASING PROGRAM FOR THE CITY OF WHARTON; AUTHORIZING THE CITY MANAGER OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATING TO SAID CONTRACTS.

WHEREAS, the City Council of the City of Wharton recognizes that there is a need for the City to provide employee uniforms; and

WHEREAS, the City has in the past received services from G& K Services; and

WHEREAS, G & K Services is a vendor through the Buy Board Cooperative Purchasing Program; and

WHEREAS, the City Council of the City of Wharton has determined that is in the best interest of the City of Wharton to enter into such an agreement with G & K Services for employee uniforms and other supplies.

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

Section I. That the Wharton City Council recognizes that there is a need for the City to provide employee uniforms.

Section II. That G & K is a vendor through the Buy Board Cooperative Purchasing Program.

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Section III. That the City of Wharton hereby approves a contract with G & K Services to provide uniform services through the Buy Board Cooperative Purchasing Program.

Section VI. That the City Manager is hereby authorized to sign any documents relating to the aforementioned contracts.

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

PASSED, APPROVED, and ADOPTED this 12th day of May, 2014.

CITY OF WHARTON, TEXAS

By: _____
DOMINGO MONTALVO, JR.
Mayor

ATTEST:

PAULA FAVORS
City Secretary

Councilmember Al Bryant seconded the motion. All voted in favor.

The eleventh item on the agenda was to review and consider the submittal of permits for Waste Water Treatment Plants No. 1 and No. 2.

A. Resolution: A resolution of the Wharton City Council for the submission of the City of Wharton Wastewater Treatment Plant No. 1 application for renewal of Permit 10381-001 to the Texas Commission on Environmental Quality.

B. Resolution: A resolution of the Wharton City Council for the submission of the City of Wharton Wastewater Treatment Plant No. 2 application for renewal of Permit 10381-002 to the Texas Commission on Environmental Quality.

City Manager Andres Garza, Jr. stated that the City of Wharton's permits for the operation of Wastewater Treatment Plants No. 1 and No. 2 would expire on December 1, 2014. City Manager Garza said that they were five (5) year permits and the renewal permit applications must be filed 180 days prior to the expiration date and that the City would file on or before June 1, 2014. City Manager Andres Garza, Jr. presented two (2) resolutions that would authorize the Mayor to submit the applications on the City's behalf. City Manager Garza stated that Jones & Carter, Inc. was engaged by the City to prepare the applications. After some discussion, Councilmember Karen Schulz moved to approve City of Wharton Resolution No. 2014-38 and 2014-39, which read as follows:

CITY OF WHARTON

RESOLUTION NO. 2014 - 38

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE SUBMISSION OF THE CITY OF WHARTON WASTEWATER TREATMENT PLANT NO. 1 APPLICATION FOR RENEWAL OF PERMIT WQ0010381001 TO THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY.

WHEREAS, the City of Wharton owns and operates the Wastewater Treatment Plant No. 1, Permit No. WQ0010381001 located on South East Avenue, Wharton, Texas; and

WHEREAS, the City of Wharton, as applicant, must renew the permit because of their expiration on December 1, 2014; and

WHEREAS, pursuant to 30 TAC Section 305.63 of the Texas Administrative Code, it is required to file an application for renewal of the existing permit 180 days prior to the date of expiration; and

WHEREAS, the Wharton City Council must authorize the Mayor to act on its behalf regarding the application renewal process.

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

Section I. The Wharton City Council hereby authorizes the Mayor of the City of Wharton as its representative to act on its behalf regarding the renewal of Permit No. WQ0010381001 for the City's Wastewater Treatment Plant No. 1 located on South East Avenue, Wharton, Texas.

Section II. The Mayor of the City of Wharton is authorized to act on behalf of the City of Wharton on all matters related to the application renewal.

Section III. The Mayor of the City of Wharton is hereby authorized to submit the application renewal to the Texas Commission on Environmental Quality.

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

PASSED, APPROVED, and ADOPTED this 12th day of May 2014.

CITY OF WHARTON, TEXAS

By: _____
DOMINGO MONTALVO, JR.
Mayor

ATTEST:

PAULA FAVORS
City Secretary

**CITY OF WHARTON
RESOLUTION NO. 2014 - 39**

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE SUBMISSION OF THE CITY OF WHARTON WASTEWATER TREATMENT PLANT NO. 2 APPLICATION FOR RENEWAL OF PERMIT WQ0010381002 TO THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY.

WHEREAS, the City of Wharton owns and operates the Wastewater Treatment Plant No. 2, Permit No. WQ0010381002 located on Highway 59, Wharton, Texas; and

WHEREAS, the City of Wharton, as applicant, must renew the permit because of their expiration on December 1, 2014; and

WHEREAS, pursuant to 30 TAC Section 305.63 of the Texas Administrative Code, it is required to file an application for renewal of the existing permit 180 days prior to the date of expiration; and

WHEREAS, the Wharton City Council must authorize the Mayor to act on its behalf regarding the application renewal process.

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

Section I. The Wharton City Council hereby authorizes the Mayor of the City of Wharton as its representative to act on its behalf regarding the renewal of Permit No. WQ0010381002 for the City's Wastewater Treatment Plant No. 2 located on Highway 59, Wharton, Texas.

Section II. The Mayor of the City of Wharton is authorized to act on behalf of the City of Wharton on all matters related to the application renewal.

Section III. The Mayor of the City of Wharton is hereby authorized to submit the application renewal to the Texas Commission on Environmental Quality.

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

PASSED, APPROVED, and ADOPTED this 12th day of May 2014.

CITY OF WHARTON, TEXAS

By: _____
DOMINGO MONTALVO, JR.
Mayor

ATTEST:

PAULA FAVORS
City Secretary

Councilmember Al Bryant seconded the motion. All voted in favor.

The twelfth item on the agenda was to review and consider the appointments to the City of Wharton Boards, Commissions, and Committees:

- A. Wharton Regional Airport Board.
- B. Beautification Commission.
- C. Building Standards Commission.
- D. Electrical Board.
- E. Holiday Light Decorating Chairman.
- F. Mayor's Committee on People with Disabilities.
- G. Health Officer.
- H. Veterinarian.
- I. Municipal Court Judge.
- J. Planning Commission.
- K. Plumbing and Mechanical Board.
- L. Wharton Economic Development Corporation Board of Directors.
- M. City Council Committees:
 1. Annexation Committee.
 2. Finance Committee.
 3. Housing Committee.
 4. Intergovernmental Relations Committee.
 5. Legislative Committee.
 6. Public Health Committee.
 7. Public Safety Committee. Public Works Committee.
 8. Public Works.
 9. Telecommunications Committee.
 10. Wharton Economic Development Corporation Board of Directors Selection Committee.

City Manager Andres Garza, Jr. presented a list of persons serving on the various City Boards, Commissions and Committees. City Manager Garza stated that at the City Council's directive, the City Staff could begin the process of asking those persons whose term was expiring on June 30, 2014 if they are willing to be re-appointed. City Manager Garza also presented a list of City Council Committees that the City Councilmembers could review to see if they wished to remain in the current committee or be appointed to a different committee.

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After some discussion, Councilmember Don Mueller moved to appoint Councilmember Tim Barker to the Public Housing Committee, Public Works Committee, Intergovernmental Relations Committee and Housing Committee; Mayor Domingo Montalvo, Jr. to the Public Safety Committee, and Al Bryant to the Public Works Committee effective immediately. Councilmember Karen Schulz seconded the motion. All voted in favor.

The thirteenth item on the agenda was to review and consider City Council Boards, Committees and Commissions reports:

- A. Wharton Economic Development Corporation meetings held on March 19, 2014 and April 16, 2014.
- B. Wharton Regional Airport Board meetings held on April 1, 2014 and May 6, 2014.

After some discussion, no action was taken.

The fourteenth item on the agenda was to review and consider the submittal of comments to TxDOT regarding Public Meeting on US 59 in Wharton County held on May 8, 2014. City Manager Andres Garza, Jr. stated that TxDOT held a meeting on May 8, 2014 to discuss the layout of I-69. Mr. Carlos Cotton, P.E. with Jones and Carter, Inc. discussed the options presented during the Public Meeting and stated that the City had to submit formal comments on or before the May 20, 2014 deadline. After some discussion, Councilmember Karen Schulz moved to approve submitting reaffirmation of the past comments to TxDOT regarding needed changes to the layout of I-69. Councilmember Al Bryant seconded the motion. All voted in favor.

The fifteenth item on the agenda was adjournment. There being no further discussion, Councilmember Don Mueller moved to adjourn. Councilmember Tim Barker seconded the motion. All voted in favor.

The meeting adjourned at 7:28 p.m.

CITY OF WHARTON, TEXAS

By: _____
Domingo Montalvo, Jr.
Mayor

ATTEST:

Paula Favors
City Secretary