

**MINUTES  
OF  
CITY OF WHARTON  
REGULAR CITY COUNCIL MEETING  
MAY 13, 2002**

Mayor Garland S. Novosad declared a Regular Meeting duly open for the transaction of business at 7:00 P.M. Mayor Garland S. Novosad led the opening devotion and then led the pledge of allegiance.

Councilmembers present were: Mayor Garland S. Novosad, Councilmembers V. L. Wiley, Jr., Darryl Darnell, Ken Freese, Don Mueller, Domingo Montalvo, Jr, and Bryce D. Kocian.

Councilmembers absent were: None.

Staff members present were: City Manager, Andres Garza, Jr., Finance Director Joyce Vasut, Deputy City Secretary Lisa Stavena, Assistant to City Manager Jackie Wheeler, Public Works Director Phillip Bush, Interim EMS Director John Kowalik and Community Services Director Jo Knezek.

Visitors present were: Ron Sanders Wharton Journal-Spectator, Paul Daly KULP, David Schroeder with WEDCo, Billie Jones with Chamber of Commerce, I.O. Coleman, Jr., Merrell "Doc" Barfield, Anthony Rachunek, Henry Thiele, Carlos Cotton, Abel Ovalle, Patsy Ovalle, Ray Linseisen, Eddie Brinkley, A. B. Allen, Karen Novosad, Brooke Novosad, Cindy Rachunek, Anthony Rachunek, Betty Mueller, Kelly Zbranek, Marshall Johnson, Susan Hoffman, Phil Stephenson, William Loocke Jim Cody, Raymond Fisher and Bud Northington.

The third item on the agenda was Public Comments. Mr. I.O. Coleman, Jr. addressed the City Council regarding Harris Park. Mr. Coleman stated that Harris Park needed to be a safe harbor and that Sunday there was fighting and shots fired. He requested the City's assistance in curbing the activities in the park. No action was taken.

The fourth item on the agenda was Wharton Moment. Mayor Garland S. Novosad informed the City Council that Mrs. Velma Rainwater had passed away and extended condolence to the family. Ms. Billie Jones, Executive Director of the Wharton Chamber of Commerce & Agriculture announced that a reception would be held Wednesday, May 15, 2002 in honor of Mayor Joel D. Williams at the Civic Center, Pre-Function Room from 5:00 - 7:00 p.m. She said it was in appreciation for his serving the City of Wharton for the past four years. No action was taken.

The fifth item on the agenda was to review and consider reading of the minutes from the Regular Meetings held April 8, 2002 and April 22, 2002. After some discussion, Councilmember Bryce D. Kocian made a motion to approve the minutes from the Regular Meetings held April 8, 2002 and April 22, 2002. Councilmember V. L. Wiley, Jr. seconded the motion. All voted in favor.

The sixth item on the agenda was to review and consider appointment of Mayor Pro-Tem. Mayor Garland S. Novosad informed the City Council that Councilmember Bryce D. Kocian currently served as Mayor Pro-Tem. After some discussion, Councilmember Ken Freese made a motion to appoint Bryce D. Kocian as Mayor Pro-Tem. Councilmember Domingo Montalvo, Jr. seconded the motion. All voted in favor.

The seventh item on the agenda was to review and consider City of Wharton Signatories:

A. **Resolution:** A resolution authorizing signator on the Ctiy's bank depository contract with Prosperity Bank.

City Manager Andres Garza, Jr. informed the City Council that the resolution would add Mayor Garland S. Novosad as an authorized signator on the City's bank card with Prosperity Bank. After some discussion, Councilmember Bryce D. Kocian made a motion to approve Resolution No. 2002-21, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2002-21**

**Resolved** that the City Council of the City of Wharton, Texas hereby authorizes the following officers of the City of Wharton to the City's bank depository contract with Prosperity Bank:

- |                                    |                    |
|------------------------------------|--------------------|
| 1. Andres Garza, Jr., City Manager | _____<br>Signature |
| 2. Joyce Vasut, Finance Director   | _____<br>Signature |
| 3. Garland S. Novosad, Mayor       | _____<br>Signature |

Each disbursement of funds from any City of Wharton account with Prosperity Bank shall require any two originals signatures.

That effective May 14, 2002, the above listed City officials are the authorized signators to the City of Wharton's accounts.

That this resolution shall become effective May 14, 2002.

**PASSED AND APPROVED** by the City Council of the City of Wharton, Texas this 13th day of May 2002.

**CITY OF WHARTON**

By: \_\_\_\_\_  
Garland S. Novosad

Mayor

**ATTEST:**

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Joyce Vasut  
City Secretary

Councilmember Domingo Montalvo, Jr. seconded the motion. All voted in favor.

B. **Resolution:** A resolution authorizing signators on the City's Texas Local Government Investment Pool (TEXPOOL) accounts.

City Manager Andres Garza, Jr. informed the City Council that the resolution would add Mayor Garland S. Novosad as an authorized signator on the TEXPOOL accounts. After some discussion, Councilmember Bryce D. Kocian made a motion to approve Resolution No. 2002-22, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2002-22**

**WHEREAS,** the City Council of the City of Wharton, Texas (the "Participant") is a local government of the State of Texas and is empowered to delegate to a public funds investments pool the authority to invest funds, to act as a custodian of investments purchased with local investment funds; and

**WHEREAS,** it is in the best interest of the Participant to invest local funds in investments that provide for the preservation and safety of principal, liquidity, and yield consistent with the Public Funds Investment Act; and

**WHEREAS,** the Texas Local Government Investment Pool ("TEXPOOL"), a public funds investment pool, was created on behalf of entities whose investment objective in order of priority are preservation and safety of principal, liquidity, and yield consistent with the Public Funds Investment Act.

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

Section I. That the individuals, whose signatures appear below, are authorized representative of the Participant and are each hereby authorized to transmit funds for investment in TexPool and are each further authorized to withdraw funds from time to time, to issue letters of instruction, and to take all other actions deemed necessary or appropriate for the investment of local funds.

List of the authorized representatives of the Participant. These individuals will be issued P.I.N. numbers.

1. Name: **Garland S. Novosad** Title: **Mayor**

Signature \_\_\_\_\_

2. Name: **Andres Garza, Jr.** Title: **City Manager**

Signature \_\_\_\_\_

3. Name: **Joyce Vasut** Title: **Finance Director**

Signature \_\_\_\_\_

List the name of the Authorized Representative listed above that will have primary responsibility for performing transactions and receiving confirmations and monthly statements under the Participation Agreement.

Name: Joyce Vasut

Section II. That this resolution and its authorization shall continue in full force and effect until amended or revoked by the Participant, and until TexPool receives a copy of any such amendments or revocation.

**Passed, Approved, and Adopted** this 13<sup>th</sup> day of May 2002.

**CITY OF WHARTON, TEXAS**

By: \_\_\_\_\_  
**GARLAND S. NOVOSAD**  
Mayor

**ATTEST:**

\_\_\_\_\_  
**JOYCE VASUT**  
City Secretary

Councilmember Domingo Montalvo, Jr. seconded the motion. All voted in favor.

The eighth item on the agenda was to review and consider Designation of a City of Wharton Representative to the Coastal Bend Groundwater Conservation District. City Manager Andres Garza, Jr. informed the City Council that during the April 22, 2002 regular City Council meeting, the City Council was presented with a copy of the email dated April 8, 2002 from Mr. John Cosper of the Coastal Bend Groundwater Conservation District requesting a representative for

the City of Wharton be designated to serve on a Groundwater District Advisory Board. He said the Groundwater District Advisory Board would be created to allow governmental entities, business, and water utility districts the opportunity to provide input in the formulation of policies and rules and regulations that may have effect on them. He also stated the City Council did not take action on this item during the meeting. Mr. Garza presented to the City Council a letter dated May 2, 2002 from Mr. Cospers informing him that the Board of Directors would like him to be a member of the Advisory Council. Mr. Garza stated that the City Council could designate him to be the City's representative. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to designate Mr. Andres Garza, Jr. as the City of Wharton Representative to the Coastal Bend Groundwater Conservation District Advisory Board. Councilmember Don Mueller seconded the motion. All voted in favor.

The ninth item on the agenda was to review and consider an update on the Southern Pacific Railroad Depot Restoration Project. City Manager Andres Garza, Jr. informed the City Council that on April 30, 2002, a memorandum was issued to the Mayor and City Council providing an update on the Southern Pacific Railroad Depot Project and informing the City Council of the status of the Texas Department of Transportation Statewide (TxDOT) Transportation Enhancement Program (STEP) grant award. City Manager Garza also stated on May 6, 2002, a memorandum was issued to the Mayor and City Council regarding the application that was submitted to the Meadows Foundation. He said the restoration committee, on behalf of the City, had submitted an application to the Meadows Foundation requesting funding in the amount \$197,000 to be used toward the match to the TxDOT STEP grant. He said that Mr. Bruce Esterline of the Meadows Foundation notified the City on May 3, 2002 that the application has been received and was being reviewed. He said the restoration committee would also be submitting grant requests to the Gulf Coast Medical Foundation and the Johnson Foundation for the contingency funds. He further stated the restoration committee was in the process of distributing the brochures for \$20.00 donations to be made toward the purchase of roof tiles. Mr. Merrell "Doc" Barfield addressed the City Council regarding the grant received in the amount of \$1,000,000, which was a 80/20 match. Mr. Barfield stated that no funds would be used from city tax monies to restore the depot. He then publicly thanked Ms. Jo Knezek and Mr. William Loocke for being the best grant writers. Mr. Phil Stephenson presented the brochures to the City Council and said that they were designed by the Wharton County Junior College. He said the brochures requested a \$20.00 donation per tile for the restoration of the Railroad Depot. After some discussion, no action was taken.

The tenth item on the agenda was to review and consider an ordinance of the City Council of the City of Wharton, Texas, nominating an area as an Enterprise Zone pursuant to the Texas Enterprise Zone Act (Texas Government Code), authorized representative to act in all manners pertaining herein as an Enterprise Zone and Reinvestment Zone (Texas Tax Code, Chapter 312); and further designating a liaison to act on all matters pertaining to the Enterprise Zone act once designated by Texas Economic Development. City Manager Andres Garza, Jr. informed the City Council that on April 22, 2002, the City Council Finance Committee met with Wharton County representatives and Wharton Economic Development Corporation Executive Director David Schroeder to discuss the ordinance for the Enterprise Zone adopting the incentives to be made available by the City and County to potential businesses in the designated area of the Enterprise Zone. He said the City and County agreed upon the incentives to be offered with one difference; the County would offer freeport tax exemption. Mr. Garza presented a draft copy of the ordinance indicating the incentives to be offered, the area to be designated as an Enterprise Zone,

Tax Abatement Guidelines, and the local business incentive to the City Council for review. Wharton Economic Development Corporation Executive Director David Schroeder addressed the City Council and stated that the state would look at the Enterprise Zone and would give certain funds if the city would have a plan in place. Councilmember Domingo Montalvo, Jr. publicly thanked Mr. David Schroeder for providing the City of Wharton with another tool to attract businesses. After some discussion, Councilmember Don Mueller made a motion to approve Ordinance No. 2002-10, which read as follows:

**CITY OF WHARTON  
ORDINANCE NO. 2002 - 10**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHARTON, TEXAS, NOMINATING AN AREA AS AN ENTERPRISE ZONE PURSUANT TO THE TEXAS ENTERPRISE ZONE ACT (TEXAS GOVERNMENT CODE), AUTHORIZED REPRESENTATIVE TO ACT IN ALL MANNERS PERTAINING HEREIN AS AN ENTERPRISE ZONE AND REINVESTMENT ZONE (TEXAS TAX CODE, CHAPTER 312); AND FURTHER DESIGNATING A LIAISON TO ACT ON ALL MATTERS PERTAINING TO THE ENTERPRISE ZONE ACT ONCE DESIGNATED BY TEXAS ECONOMIC DEVELOPMENT.**

**WHEREAS**, the City Council of the City of Wharton, Texas desires to create the proper economic and social environment to induce the investment of private resources in productive business enterprises located in severely distressed areas of the City and to provide employment to residents of such area;

**WHEREAS**, certain conditions exist in such area which represent a threat to the health, safety, and welfare of the people of such area; and

**WHEREAS**, it is necessary and in the best interest of the City to nominate such project area as an enterprise zone pursuant to the Texas Enterprise Zone Act (Texas Government Code, Chapter 2303, the "Act");

**NOW, THEREFORE BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF WHARTON, TEXAS:**

- Section 1.** That the City hereby nominates the area described in Exhibit A attached hereto and incorporated herein for designation as an enterprise zone.
- Section 2.** That the City Council finds the zone area meets the qualifications of the Act.
- Section 3.** That the City Council hereby ordains and declares that upon designation of the Proposed Enterprise Zone as an enterprise zone, the City may provide the following incentives in the Proposed Enterprise Zone, including tax incentives, which are not applicable throughout the City:
- (a) The City may refund to any qualified business located in such enterprise

Zone the amount of tax paid under the Municipal Sales and Use Tax Act (Texas Tax Code, Chapter 321) by the business and remitted to the Comptroller of Public Accounts up to the maximum extent authorized by Sections 2303.505 and 2303.506 of the Act, and for a period determined by the City, but which shall not exceed 5 years.

- (b) The City may abate taxes on the increase in value of real property improvement and eligible personal property that locate in a designated enterprise zone. The level of abatement shall be based upon the extent to which the business receiving the abatement creates jobs for qualified employees, in accordance with the attached Exhibit B, and with qualified employee being defined by the Act.
- (c) Waiver of development fees to enterprise zone businesses meeting minimum standards.
- (d) Accelerated zoning and permit procedures. A waiver of permitting fees to enterprise zone businesses. Enterprise zone businesses will be processed upon receipt, before non-enterprise zone businesses already in hand.
- (e) Transfer of City owned surplus land at below market prices for the public purpose of economic development. The ability to purchase City-owned land shall be based upon the extent to which the business receiving the property created jobs for qualified employees, in accordance with the attached Exhibit C.
- (f) Capital improvements in water and sewer facilities and road repair.
- (g) The City will apply for training grants for new permanent jobs as available and appropriate to the industry.
- (h) Low-Interest Loans/Packaging for housing rehabilitation or improvement.
- (i) Personnel Assistance from the Wharton Economic Development Corporation to enterprise zone businesses.
- (j) Bonds or Tax Increment Financing for enterprise zone businesses.
- (k) Wharton Economic Development Corporation Sales Tax financial assistance.
- (l) Making application for Franchise Tax reductions or credits.

Other incentives unique to specific areas may include provided by the City in the proposed enterprise zone upon its designation as an enterprise zone and throughout the City including:

- (a) Arranging for transit provisions for enterprise zone business personnel.
- (b) Improved fire and police protection.

**Section 4.** That the area described in this ordinance is designated as an enterprise zone and a reinvestment zone, subject to the approval of Texas Economic Development Department.

**Section 5.** That the City Council directs and designates it's Mayor as the City's authorized representative to act in all matters pertaining to the nomination and designation of the area described herein as an enterprise zone and a reinvestment zone.

**Section 6.** That the City Council further directs and designates the Wharton Economic Development Corporation, administered by the Executive Director, as liaison for communication with Texas Economic Development Department to oversee zone activities and communications with qualified businesses.

**Section 7.** That a public hearing to consider this ordinance was held on March 25, 2002 at the Wharton County Commissioner's Court, 101 South Fulton, Wharton, Texas.

**Section 8.** That this ordinance shall take effect from and after its passage as the law and charter in such cases provides.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF WHARTON, TEXAS, ON THIS 13<sup>TH</sup> DAY OF MAY 2002.**

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GARLAND S. NOVOSAD  
**Mayor**

(SEAL) I, \_\_\_\_\_, Secretary for the City of Wharton, Texas certify that the above is a true and correct copy of Ordinance No. 2002 - 10 on file in the City offices of the City of Wharton, Texas, and that I, as City Secretary of the City of Wharton, have legal custody of such writing.

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JOYCE VASUT  
**City Secretary**

Form for Vote Recordings

That Ordinance No. 2002 - 10 was read for the first time and passed this 13<sup>th</sup> day of May 2002, by the following vote:

V. L. Wiley, Jr. Councilmember District 1	Yes	Donald Mueller Councilmember District 4	Yes
Darryl Darnell Councilmember District 2	Yes	Domingo Montalvo, Jr. Councilmember District 5	Yes
Ken Freese Councilmember District 3	Yes	Bryce D. Kocian Councilmember District 6	Yes
	Garland S. Novosad Mayor	Yes	

**PASSED, APPROVED AND ADOPTED**, this the 13<sup>th</sup> day of May 2002.

CITY OF WHARTON

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GARLAND S. NOVOSAD  
**Mayor**

ATTEST:

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JOYCE VASUT  
**City Secretary**

**APPROVED AS TO FORM:**

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PAUL WEBB  
**City Secretary**

Councilmember Domingo Montalvo, Jr. seconded the motion. All voted in favor.

The eleventh item on the agenda was to review and consider authorizing the City of Wharton Public Works Department to engage the services of Hydra-Stop, Inc. for the installation of water cut-off valves on Sorrell and Sunset Streets. City Manager Andres Garza, Jr. presented a copy of the memorandum from Public Works Director Phil Bush requesting approval to replace the cut-off valves on Sorrell and Sunset Streets in order to be able to fix the leaking valves and the fire hydrant on Sunset Street. He said Mr. Bush's memo indicated the City Utility Crews had attempted to cut-off the water but due to the age of the valves; they were inoperable. He said the cost was estimated at \$9,600 to replace the valves. He then presented a copy of the quote from Hydro-Stop, Inc. and a copy of a map indicating the location of the valves needing replacement. Mr. Garza stated that the City Council could authorize the expense as an emergency cost and authorize the City Staff to engage the services of Hydro-Stop, Inc. to install the valves. Public Works Director Phillip Bush addressed the City Council and stated that the valves were installed in the 1930's, therefore the City needed to insert new valves and to block off and remove the old valves. Mr. Bush stated that Hydro-Stop, Inc. was the only company that would install this type of valve. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to approve the emergency installation of the water cut-off valves on Sorrell and Sunset Streets to Hydro-Stop, Inc. Councilmember Ken Freese seconded the motion. All voted in favor.

The twelfth item on the agenda was to review and consider the City of Wharton Flood Proofing and Internal Drainage Project:

**A. Resolution:** A resolution accepting the grant award of \$407,452.00 from the Texas Department of Public Safety Division of Emergency Management for the Unmet Needs Project/UN 3.2E-06 for the City of Wharton flood proofing and internal drainage project. City Manager Andres Garza, Jr. presented a copy of the memorandum dated May 6, 2002 regarding the Texas Department of Public Safety Division of Emergency Services (DEM) Unmet Needs Project UN3.2E-06 for the City of Wharton flood proofing and internal drainage project to the City Council, which read as follows:

On April 22, 2002, the City of Wharton was notified of a grant award in the amount of \$407,452.00 from the Texas Department of Public Safety, Division of Emergency Services (DEM) for the Unmet Needs Project UN3.2E-06. The City applied for this funding for flood proofing and internal drainage projects for the following areas:

1. Wastewater Treatment Plant No. 1
2. Wastewater Treatment Plant No. 2
3. Milam Street Pump Station
4. Alabama Road Stop Log
5. Hwy. 102 Flap Gate
6. Cloud Street Water Supply
7. Alabama Road Water Supply
8. Vahala Street Water Supply

The unmet needs grant was a reimbursable grant. The City would be required to submit quarterly progress reports along with invoices to be reimbursed. Also, the grant required a 75/25 match. The City's match was allocated from the 2000 bond fund. The City would be reimbursed for the final payment once the projects have been completed and the City would submit the Certificate of Completion.

Mr. Garza stated that since the grant monies were awarded from federal funds, the City would be required to follow the federal engineering services procurement procedures to expend the funds. He told the City Council there were eight project tasks, which could be divided into three projects. He said that by dividing the tasks into three projects, it will allow better coordination for their successful completion. City Manager Garza said the proposed projects would be as follows:

Project 1: Task No. 4 – Wastewater Treatment Plant No. 1

Project 2: Task No. 5 – Wastewater Treatment Plant No. 2

Project 3: Task No.'s 1, 2, 3, 6, 7, and 8  
A. Milam Street Pump Station  
B. Alabama Road Stop Log  
C. Hwy. 102 Flap Gate  
D. Cloud Street Water Supply  
E. Alabama Road Water Supply  
F. Vahala Street Water Supply

Mr. Garza recommended the City Council approve the acceptance of the grant award and authorize the City Staff to proceed with the procurement of engineering services and that the completion date of all projects listed was March 2, 2003.

He then presented a draft copy of the resolution to accept the grant award from the DEM in the amount of \$407,452. City Manager Andres Garza, Jr. informed the City Council that after the 1998 Flood, no other entity applied for the grant, therefore the City of Wharton applied for the entire amount. Mayor Garland S. Novosad stated that bid should be one project, instead of three projects. City Manager Andres Garza, Jr. stated that bidding three different projects would allow for better coordination with current projects. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to approve Resolution No. 2002-23, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2002 - 23**

**A RESOLUTION ACCEPTING THE GRANT AWARD OF \$407,452.00 FROM THE TEXAS DEPARTMENT OF PUBLIC SAFETY DIVISION OF EMERGENCY MANAGEMENT FOR THE UNMET NEEDS PROJECT/UN 3.2E-06 FOR THE CITY OF WHARTON FLOOD PROOFING AND INTERNAL DRAINAGE PROJECT.**

**WHEREAS**, the City of Wharton has been awarded funding in the amount of \$407,452 from the Texas Department of Public Safety Department of Emergency Services Unmet Needs Project UN3.2E-06 for the City of Wharton Flood Proofing and Internal Drainage project; and

**WHEREAS**, the City of Wharton wishes accept the grant award from the Texas Department of Transportation Division of Emergency Services; and

**WHEREAS,** the City Council wishes to allocate the funding in the amount of \$407,452.00 received from the grant award towards the following projects as indicated in the attached Exhibit "A":

1. Part No. 1 – Milam Street Pump Station
2. Part No. 2 – Alabama Road Stop Log
3. Part No. 3 – Hwy. 102 Flap Gate
4. Part No. 4 – Wastewater Treatment Plant No. 1
5. Part No. 5 – Wastewater Treatment Plant No. 2
6. Part No. 6 – Cloud Street Water Supply
7. Part No. 7 – Alabama Road Water Supply
8. Part No. 8 – Vahala Street Water Supply

**WHEREAS,** the City Council has allocated the matching funds for this grant from the 2000 Bond Fund.

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

**Section I:** The City Council accepts the grant award in the amount of \$407,452.00 from the Texas Department of Public Safety Division of Emergency Services for the City of Wharton Flood Proofing and Internal Drainage Project.

**Section II:** The City Council hereby wishes to allocate the funding in the amount of \$407,452.00 received from the grant award for the following projects as indicated in the attached Exhibit "A".

**Section III:** The City Council hereby allocates the matching funds from the 2000 Bond Fund.

**Section IV:** This resolution will become effective immediately upon its passage.

**Passed, Approved and Adopted this 13<sup>th</sup> day of May 2002.**

**CITY OF WHARTON, TEXAS**

By: \_\_\_\_\_  
**GARLAND S. NOVOSAD**  
Mayor

**ATTEST:**

\_\_\_\_\_  
**JOYCE VASUT**  
City Secretary

Councilmember Don Mueller seconded the motion. All voted in favor.

- B. Resolution:** A resolution authorizing the procurement of engineering services for the Texas Department of Public Safety Division of Emergency Management for the Unmet Needs Project/UN 3.2E-06 for the City of Wharton flood proofing and internal drainage project.

City Manager Andres Garza, Jr. presented a draft copy of the resolution to authorize the procurement of engineering services under the federal procurement procedures for professional services. He stated that the City Council would need to appoint a consultant selection committee to review the engineering proposals the City would receive. He said the previous consultant selection committee consisted of former Mayor Joel D. Williams, Councilmembers Donald Mueller and Bryce Kocian, City Manager Andres Garza, Jr., and Public Works Director Phil Bush. He then presented a copy of the federal procurement procedures for professional services for review. Mayor Garland S. Novosad requested Councilmember Ken Freese and Councilmember V. L. Wiley, Jr. serve on the Consultant Selection Committee. Councilmember Ken Freese declined, and stated that Councilmember Don Mueller had more expertise in that field. After some discussion, Councilmember Ken Freese made a motion to appoint City Manager Andres Garza, Jr., Public Works Director Phillip Bush, Mayor Garland S. Novosad, Councilmember Don Mueller and Bryce D. Kocian. Councilmember Domingo Montalvo, Jr. seconded the motion. Councilmembers V. L. Wiley, Jr., Ken Freese, Don Mueller, Domingo Montalvo, Jr. and Bryce Kocian voted in favor. Councilmember Darryl Darnell opposed the motion. The motion passed. After some discussion, Councilmember Ken Freese made a motion to approve Resolution No. 2002-24, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2002 - 24**

**A RESOLUTION OF THE WHARTON CITY COUNCIL DESIGNATING A  
CONSULTANT SELECTION COMMITTEE FOR THE PROCUREMENT OF  
ENGINEERING SERVICES FOR THE TEXAS DEPARTMENT OF PUBLIC  
SAFETY DIVISION OF EMERGENCY SERVICES UNMET NEEDS PROJECT  
UN3.2E-06 FOR THE CITY OF WHARTON FLOOD PROOFING AND  
INTERNAL DRAINAGE PROJECT.**

**WHEREAS**, the City of Wharton has been awarded funding in the amount of \$407,452 from the Texas Department of Public Safety Department of Emergency Services Unmet Needs Project UN3.2E-06 for the City of Wharton flood proofing and internal drainage project; and

**WHEREAS**, the City of Wharton wishes will follow the Federal Procurement Procedures for Professional Services for the procurement of engineering services; and

**WHEREAS**, the City Council wishes to designate a consultant selection committee (Attached A) for the procurement of engineering services for the City of Wharton Flood Proofing and Internal Drainage Project; and

**WHEREAS**, the Consultant Selection Committee will recommend an engineering firm to the City Council for consideration; and

**WHEREAS,** it is the responsibility of the consultant selection committee follow the below listed recommended guidelines (Attached B):

- a. Procurement Provisions for Professional Services,
- b. The Texas Engineering Practice Act,
- c. Procurement Standards, Uniform Grant and Contract Management Standards,
- d. Texas Government Code - Chapter 2254 Professional and Consulting Services, Subchapter A. Professional Services,
- e. Proposal Rating Sheet for Engineering/Architectural Services.

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

**Section I:** The City Council hereby designates a consultant selection committee for the procurement of engineering services for the City of Wharton Flood Proofing and Internal Drainage Project as indicated on Attachment A.

**Section II:** The City of Wharton hereby accepts the Federal Guidelines for Procurement Process Procedures for Professional Services (Attached B).

**Section III:** This resolution will become effective immediately upon its passage.

**Passed, Approved and Adopted this 13<sup>th</sup> day of May 2002.**

**CITY OF WHARTON, TEXAS**

**By:** \_\_\_\_\_  
**GARLAND S. NOVOSAD**  
Mayor

**ATTEST:**

\_\_\_\_\_  
**JOYCE VASUT**  
City Secretary

Councilmember Domingo Montalvo, Jr. seconded the motion. All voted in favor.

The thirteenth item on the agenda was to review and consider the Wharton Regional Airport T-Hangar Improvement Project:

- A.** Change Order No. 4 – B&B Metal Buildings, Inc.
- B.** Pay Estimate No. 4 – B&B Metal Buildings, Inc.

City Manager Andres Garza, Jr. informed the City Council that B&B Metal Buildings, Inc. had completed all contract work as indicated in the initial contract on all T-Hangars (Buildings A, B, C, D, and E). He said they had completed the additional work on the first row (Building A) and third row (Building C) of T-Hangars and were in the process of completing the work on the second row (Building B) and that all additional work should be completed the week of May 13<sup>th</sup>. City Manager Garza stated the work on Building's J and K would begin after the additional work has been completed. He then presented a copy of the Change Order No. 4 for additional work that was needed for Building's C, D, and E and Pay Estimate No. 4 submitted by B & B Metal Buildings, Inc. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to approve B&B Metal Buildings, Inc. Change Order No. 4 in the amount of \$1,582.00, which consisted of chipping out concrete and modified flat bar tracks and angle iron track, modifications to Building C, make 4" channel bracket for door stop, make modifications to Building D, make 2-8" support channels and install two doors, paint inorganic zinc in Building C, and labor and materials to grind bottom of all columns in Buildings E & F and prime with zinc primer prior to installing stub columns and Pay Estimate No. 4 in the amount of \$33,962.51. Councilmember Don Mueller seconded the motion. All voted in favor.

The fourteenth item on the agenda was to review and consider the appointments to the City of Wharton Boards & Commissions:

- A. Wharton Regional Airport Board.
- B. Beautification Commission.
- C. Building Standards Commission.
- D. Electrical Board.
- E. Holiday Lighting Commission.
- F. Planning Commission.
- G. Plumbing and Mechanical Board.
- H. Wharton Economic Development Corporation.
- I. Youth Activities Committee.
- J. Municipal Court Judge.
- K. Health Officer.
- L. Veterinarian.
- M. City Council Committees:
  - 1. Annexation Committee.
  - 2. Finance Committee.
  - 3. Street & Drainage Committee.
  - 4. Telecommunications Committee.
  - 5. Intergovernmental Relations Committee.
  - 6. Legislative Committee.

After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to reappoint Donald Mueller, Kent Hill, Priscilla Dobbins, and James Kuykendall to the Wharton Economic Development Corporation (WEDCo) for a two-year term that will expire the first Tuesday of July 2004. Councilmember Bryce D. Kocian seconded the motion. All voted in favor. Councilmember Ken Freese made a motion to reappoint John Murrile as Municipal Court Judge for a two-year term that will expire June 30, 2004. Councilmember Darryl Darnell seconded the motion. All voted in favor. Councilmember Don Mueller made a motion to appoint Darryl Darnell to the City Council Finance Committee and the City Council Telecommunications Committee. Councilmember V. L. Wiley, Jr. seconded the motion. All voted in favor.

Councilmember Don Mueller made a motion to appoint Garland S. Novosad to the City Council Intergovernmental Relations Committee. Councilmember Bryce D. Kocian seconded the motion. All voted in favor.

The fifteenth item on the agenda was to review and consider rescheduling of the Regular City Council meeting scheduled for May 27, 2002 due to the Memorial Day Holiday. After some discussion, Councilmember Bryce D. Kocian made a motion to reschedule the May 27, 2002 regular City Council meeting to Tuesday, May 28, 2002 at 7:00 p.m. due to the Memorial Day Holiday. Councilmember Don Mueller seconded the motion. All voted in favor.

The sixteenth item discussed on the agenda was to review and consider clarification of the City of Wharton Charter Section 17. Powers, enumerated. Mayor Garland S. Novosad informed the City Council that City Attorney Paul Webb requested this item be deferred until the Regular City Council meeting held May 28, 2002. Councilmember Darryl Darnell stated that he was disappointed and requested the item be placed on the next City Council agenda as the first item. Councilmember Darryl Darnell requested the City Manager Andres Garza, Jr. not make any Department Head appointment or removals until further discussion. No action was taken.

The seventeenth item discussed on the agenda was to review and consider Training Opportunities and Travel Reimbursement:

- A. Texas Municipal League Legislative Outlook for 2003 and Houston-Galveston Area Council Newly Elected City Official Workshop.
- B. Travel Reimbursement – City Manager.

City Manager Andres Garza, Jr. presented a copy of the information the City Staff received regarding the Texas Municipal League Workshop and the Houston-Galveston Area Council Newly Elected City Official Workshop to the City Council. He stated that according to Section 9, of the Travel Policy adopted by the City of Wharton Resolution No. 2001-09, City Councilmembers must seek prior City Council approval to travel or attend training. City Manager Andres Garza, Jr. presented a copy of his travel reimbursement request to the City Council for approval. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to approve the City Manager's Travel Reimbursement for the period April 10, 2002 through May 7, 2002 in the amount of \$402.04. Councilmember Bryce D. Kocian seconded the motion. All voted in favor.

The eighteenth item on the agenda was to review and consider the Boards, City Council Committee, and Commission Reports:

- A. Wharton Regional Airport Board meeting held May 7, 2002.
- B. Beautification Commission meeting held May 8, 2002.

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

The nineteenth 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 was adjourned at 7:48 P.M.

**By:**

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**GARLAND S. NOVOSAD**  
Mayor

**ATTEST:**

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**JOYCE VASUT**  
City Secretary