

**MINUTES
OF
CITY OF WHARTON
REGULAR CITY COUNCIL MEETING
SEPTEMBER 9, 2002**

Mayor Garland S. Novosad declared a Regular Meeting duly open for the transaction of business at 7:08 p.m. Councilmember Bryce D. Kocian led the opening devotion and then Mayor Garland S. Novosad 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.

Councilmember absent was: 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, Police Chief Tim Guin, EMS Director John Kowalik, Building Official Ronnie Bollom, Public Works Director Phillip Bush, Community Services Director Jo Knezek, and City Attorney Paul Webb.

Visitors present were: Ron Sanders with Wharton Journal-Spectator, Paul Daly with KULP, David Schroeder with WEDCo, Gary Bullard and Dan Marks with Waste Management, Anthony Rachunek with Rachunek and Associates, Christine Evanicky, Lewis Fortenberry, Edward Gensler, Jr., Glenn Erdelt, Cherry Grant, Coby Frankum, Louis Gerard, Joyce Gerard, Lorin Edward, Bo Esquivel, Christine Esquivel, Ricky Munoz, Karen Munoz, Johnnie Lee Roberts, Henry Thiele, Leroy Barnes, Jim Butler, and Mary Nell Wiley.

The third item on the agenda was Public Comments. Edward Gensler, Jr. addressed the City Council regarding drainage problems in the City of Wharton. He stated that he started a Petition and presented the Petition to Mayor Garland S. Novosad. Mr. Gensler stated that he spoke to City Manager Andres Garza, Jr. three to four years ago, which he was advised that something would be done with the drainage problems in the City of Wharton. He stated that the drainage on 1301, Peach Creek and Boughman Slough was bad, and that drainage needed to be improved in that area. Mr. Edward Gensler, Jr. resides at 721 E. Wayside Street. No action was taken.

The fourth item on the agenda was the Wharton Moment. Mayor Garland S. Novosad publicly thanked the Police, Fire, and EMS Departments for their efforts during the flooding. He then expressed his condolence to the families and businesses that received water. Councilmember Darryl Darnell suggested the City Council hold a Public Meeting at the Civic Center on September 28, 2002 in order to discuss the flooding issue and what needed to be done to improve the drainage. He also requested the Public Meeting be advertised in the Wharton Journal Spectator. City Manager Andres Garza, Jr. publicly thanked the Fire, Police, EMS and also the Public Works, Civic Center, and Facilities Maintenance Departments. Councilmember Domingo Montalvo, Jr. stated that before a date was set for a public meeting, he requested the individuals from LCRA, Armeyp Corp. of Engineers and other persons who would be conducting the City's

Corp. of Engineers Study be available to inform the people. He stated the experts were continually working on the flooding problems. Councilmember Don Mueller publicly recognized the Public Works and the Police Department on getting the barricades out in a timely manner. He also stated that the public needed to stay at home during flooding, since spectators were driving down the roads and getting more water into resident's homes. No action was taken.

Mayor Garland S. Novosad read a Proclamation regarding a one year anniversary of September 11, 2001 and saluted public safety and dedicated September 11th as always a Remember Day.

The fifth item on the agenda was to review and consider reading of the minutes from the Regular Meetings held August 12, 2002 and August 26, 2002. After some discussion, Councilmember V. L. Wiley, Jr. made a motion to approve the minutes from the Regular Meetings held August 12, 2002 and August 26, 2002 as written. Councilmember Ken Freese seconded the motion. All voted in favor.

The sixth item on the agenda was to review and consider a request by Ms. Cherry Grant to address the City Council regarding the installation of a school crossing on Alabama Road at Alabama Street. City Manager Andres Garza, Jr. presented a copy of the letter dated September 4, 2002 from Ms. Cherry Grant requesting to address the City Council regarding the installation of a school crossing on Alabama Road at the intersection of Avenue C and Hodges Lane. Ms. Cherry Grant addressed the City Council regarding children walking across Alabama Road from Hopper School, which needed a school crossing. Ms. Grant stated that she was a single parent with two children in the 5th and 6th grades, and her children walk across the congested intersection, which was not safe. She requested the City Council to install a School Crossing and place the necessary signs. City Manager Andres Garza, Jr. informed the City Council that he submitted a letter to Texas Department of Transportation, for assistance in reviewing what action the City could take to address the request. Police Chief Tim Guin stated that according to the Uniform Traffic Manual, that for every minute a child would be present, there must be one opportunity to cross. Chief Guin stated that during the department's study there was no delay in crossing for more than one minute. He stated that the City Council could install a crossing and that the State only provides guidelines. City Manager Andres Garza, Jr. stated that the item would be addressed at the next City Council meeting once the City Staff met with the Texas Department of Transportation Traffic Engineer. Councilmember Bryce D. Kocian stated that all school crossing would need to be addressed. Councilmember Ken Freese stated that he would like something to be done through the Wharton Independent School District. He stated that the school should provide an adult supervision at the area. Ms. Cherry Grant stated that she was concerned for the safety of the children. Councilmember Darryl Darnell stated that he agreed that a crossing needed to be put in place. No action was taken.

The seventh item on the agenda was a public hearing of the proposed Budget for the City of Wharton, Texas Fiscal Year October 1, 2002 to September 30, 2003. Mayor Garland S. Novosad called the public hearing open for public comments at 7:34 p.m. City Manager Andres Garza, Jr. informed the City Council that the budget reflected lower hangar rates, which were approved by the Airport Board and being recommended by the Board. He stated that the City Staff was also currently working on the health insurance coverage. He stated that lowering the airport hangar rates would not cause a deficit for the Airport Fund. Councilmember Domingo Montalvo, Jr. stated that if the reduction in rates was allowed for the regular hangars, then Schlumberger should also receive a

reduced rate. Councilmember Domingo Montalvo, Jr. stated that when the City went up 50% on the rates, there was still a waiting list, and the City should charge a fair market value and be fair to all groups. Mayor Garland S. Novosad stated that one thing that the City Council was not considering was the ad valorem tax revenue received. Glenn Eldert addressed the City Council and stated that the waiting list was not a real waiting list but rather a transfer list for the pilots to transfer into a different size hangar. Jim Butler addressed the City Council and stated that if the rates were raised then the City of Wharton would lose customers, therefore the Airport Board was trying to find a win-win solution. Councilmember Bryce D. Kocian stated that in order to reinvest into the system, rates that were adequate were needed. Councilmember Ken Freese requested that the City Staff conduct a true accounting of the airport to include city personnel charges to the airport. He stated that he wanted to see the Airport work, however he also wanted to see a true cost to operate the Airport. Councilmember Bryce D. Kocian made a motion to close the Public Hearing at 8:13 p.m. Councilmember Don Mueller seconded the motion. All voted in favor.

The eighth item on the agenda was to review and consider the action on Proposed Budget for the City of Wharton, Texas Fiscal Year October 1, 2002 to September 30, 2003. City Manager Andres Garza, Jr. informed the City Council that during the regular August 26, 2002 City Council meeting a copy of the proposed budget for the City of Wharton, Texas Fiscal Year October 1, 2002 to September 30, 2003 was given for their review. He stated that this item would allow the City Council to direct the City Staff on any changes to the proposed budget prior to the formal adoption, which was scheduled for September 23, 2002. Mayor Garland S. Novosad stated that he spoke to Joyce Vasut and Andres Garza, Jr. regarding the health insurance and pay raises for the City Staff. He stated that the in-house engineer salary could be used for health insurance or employee salary increases. Councilmember Ken Freese stated that the employee benefits cost increased \$180,000 this year. City Manager Andres Garza, Jr. stated that the budget was balanced, however if the City Council desired to include additional cost, then the City Council would have to increase property taxes or find some other revenue source or reduce other expenses. Councilmember Darryl Darnell stated that the City Council could cut the Engineer position. City Manager Andres Garza, Jr. stated that the City Council would have to vote to remove the position from the budget. Mayor Garland S. Novosad stated that in order to achieve their goals, then certificates of obligations would need to be issued, since the City could not meet expenses with current revenues. After some discussion, no action was taken.

The ninth item on the agenda was to review and consider a resolution authorizing the Mayor of the City of Wharton to execute an agreement with Gulf Coast Medical Center for Emergency Medical Services. City Manager Andres Garza, Jr. informed the City Council that the agreement between the City of Wharton and Gulf Coast Medical Center for Emergency Medical Services expired August 30, 2002. He then presented a draft resolution authorizing the Mayor of the City of Wharton to execute an agreement with Gulf Coast Medical Center for Emergency Medical Services and a copy of the agreement. After some discussion, Councilmember Bryce D. Kocian made a motion to approve Resolution No. 2002-45, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2002-45**

A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE AN AGREEMENT WITH GULF COAST MEDICAL CENTER FOR EMERGENCY MEDICAL SERVICES.

WHEREAS, the City of Wharton City Council wishes to authorize Garland S. Novosad, Mayor to execute an agreement with Gulf Coast Medical Services for Emergency Medical Services; and,

WHEREAS, the City of Wharton and Gulf Coast Medical Center hereby agrees to be bound by the conditions as set forth in Attached "A".

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

Section I. That the City Council of the City of Wharton hereby authorizes Mayor Garland S. Novosad of the City of Wharton to execute an agreement with Gulf Coast Medical Center for Emergency Medical Services.

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

Passed, Approved, and Adopted this 9th day of September 2002.

CITY OF WHARTON, TEXAS

By: _____
GARLAND S. NOVOSAD
Mayor

ATTEST:

JOYCE VASUT
City Secretary

STATE OF TEXAS

§

COUNTY OF WHARTON

§

CONTRACT FOR AMBULANCE TRANSFERS

WITNESSETH:

This is a contract and agreement for emergency ambulance transfer of patients between the City of Wharton, Texas, hereinafter referred to as "City", through it's Emergency Medical-

Services hereinafter referred to as “EMS” and Gulf Coast Medical Center, Wharton, Texas hereinafter referred to as “GCMC”, and the parties mutually agree and contract as follows:

I.

The City agrees to provide ambulance service to out of city facilities for patients of GCMC that are hospitalized in the City of Wharton, Texas.

II.

The term of this contract is for two (2) years and shall begin September 1, 2002 and shall end August 31, 2004.

III.

Patients that have no insurance and that are deemed to be strictly “Self-Pay” Patients, GCMC agrees to pay a discounted fee, after EMS has exhausted billing/collection efforts. EMS shall provide documentation of at least two (2) collection efforts, if these documented efforts fail EMS shall submit an invoice to GCMC, including patient name, date of service, EMS invoice number, documentation of collection efforts, as well as the gross and net charges, allowing a twenty-five (25%) percent discount to GCMC. This documentation shall be forwarded promptly to the Business Office Director at GCMC.

IV.

For patients with a third party funding source (Medicare, Medicaid/or commercially insured patients) EMS shall contact and collect from the responsible party for services rendered.

V.

Should EMS transport GCMC inpatients to other facilities due to equipment down time at GCMC, the EMS will bill GCMC for these transfers subject to verification of the services provided by EMS at a rate of seventy-five (75%) percent of the then current charge structure.

VI.

Both parties recognize that there may be occasions where either party may have documented insurance information that the other party may not have in their possession. Both parties agree to provide any patient-specific information that will assist either party in collecting for services rendered by each party. Any information transferred under this paragraph should be directed to the Business Office Director at GCMC and to the Director of the EMS.

VII.

The level of care to be rendered to the patient by the City shall be Mobile Intensive Care Unit (MICU) capability.

VIII.

GCMC shall strive to have all patients ready for transfer when request for service is made to EMS as well as arrangement for reception of transferred patient to other hospitals.

IX.

GCMC will not be responsible for services rendered by EMS more than one (1) year prior to EMS billing GCMC.

X.

This contract was executed in the City of Wharton, Wharton County, Texas and shall be construed under the laws of the State of Texas.

XI.

This contract shall be binding upon and inure to the benefit of the parties hereto, their successors and assign.

EXECUTED this 10th of September 2002.

CITY OF WHARTON, TEXAS

GULF COAST MEDICAL CENTER

By: _____
GARLAND S. NOVOSAD
Mayor

By: _____

ATTEST:

By: _____
JOYCE VASUT
City Secretary

APPROVED AS TO FORM AND CONTENT:

By: _____
PAUL WEBB
City Attorney

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

The tenth item on the agenda was to review and consider the Waste Management of Southeast Texas Contract for Solid Waste Collection and Disposal Services. City Manager Andres Garza, Jr. presented a copy of the letter dated August 29, 2002 from Mr. Gary Bullard, Municipal Marketing Manager for Waste Management of Southeast Texas regarding Waste Management's proposed revisions to the existing contract and proposal to extend the contract. He also presented a copy of his letter dated September 5, 2002 to Mr. Bullard regarding the proposed revisions. Gary Bullard addressed the City Council regarding removal of the 6 yard limit on bulk pick-up, and proposed a take-all approach for a \$0.50 per customer fee. Councilmember Andres Garza, Jr. informed the City Council that there were three issues to discuss: 5-year extension of contract, rate increase and take all program. He stated that the take-all program would include anything on the residential property and on vacant lots.

Councilmember Domingo Montalvo, Jr. made a motion to accept a one-year contract with Waste Management including all the changes as presented by Councilmember Andres Garza, Jr. Councilmember Don Mueller seconded the motion. Councilmember Ken Freese, Don Mueller, Domingo Montalvo, Jr. voted for the motion. Councilmember V. L. Wiley, Jr., Darryl Darnell, Bryce D. Kocian, and Mayor Garland S. Novosad voted against the motion. The motion failed.

Councilmember Darryl Darnell made a motion to accept a five-year contract with Waste Management including all the changes as presented by Councilmember Andres Garza, Jr. Councilmember V. L. Wiley, Jr. seconded the motion. Councilmember V. L. Wiley, Jr., Darryl Darnell, and Mayor Garland S. Novosad voted for the motion. Councilmember Ken Freese, Don Mueller, Domingo Montalvo, Jr., and Bryce D. Kocian voted against the motion. The motion failed.

Councilmember Bryce D. Kocian made a motion to request proposals for garbage services. Councilmember Domingo Montalvo, Jr. seconded the motion. Councilmember Ken Freese,

Domingo Montalvo, Jr., and Bryce D. Kocian voted for the motion. Councilmember V. L. Wiley, Jr., Darryl Darnell, Don Mueller, and Mayor Garland S. Novosad voted against the motion. The motion failed.

Councilmember Don Mueller made a motion for a one-year agreement with Waste Management with the option to renew for four additional years with a clause that allows either party to cancel the agreement for any reason with 30 days notice. Councilmember Darryl Darnell seconded the motion. Councilmember V. L. Wiley, Jr., Darryl Darnell, Ken Freese, Don Mueller, and Mayor Garland S. Novosad voted for the motion. Councilmember Domingo Montalvo, Jr. and Bryce D. Kocian voted against the motion. The motion carried.

Mayor Garland S. Novosad stated that the \$0.50 take-all program would be residential customers only. Councilmember Darryl Darnell made a motion to accept the 12% increase in all fees as requested by Waste Management including a \$0.50 charge to all residential customers for a take-all fee. Councilmember V. L. Wiley, Jr. seconded the motion. Councilmember V. L. Wiley, Jr., Darryl Darnell, Ken Freese, Don Mueller, and Mayor Garland S. Novosad voted for the motion. Councilmember Domingo Montalvo, Jr. and Bryce D. Kocian voted against the motion. The motion carried.

The eleventh item on the agenda was to review and consider a resolution of the Wharton City Council approving the lease agreement between Bagley Pecan House and the City of Wharton; Authorizing the Mayor of the City of Wharton to execute all documents relating to the agreement. City Manager Andres Garza, Jr. presented a draft resolution approving the lease agreement between Bagley Pecan House and the City of Wharton and authorizing the Mayor of the City of Wharton to execute all documents relating to the agreement. He then presented a copy of the lease agreement that has been executed by Mr. Tom Womack of Bagley Pecan. He stated that City Attorney Paul Webb and Mr. Womack of Bagley Pecan House had been working on the proposed agreement. Councilmember Bryce D. Kocian stated that the contract required the one million dollar liability insurance. Councilmember Andres Garza, Jr. stated that the coverage was required since Bagley Pecan would be using city property. After some discussion, Councilmember Don Mueller made a motion to approve Resolution No. 2002-46, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2002-46**

A RESOLUTION OF THE WHARTON CITY COUNCIL THE LEASE AGREEMENT BETWEEN BAGLEY PECAN HOUSE AND THE CITY OF WHARTON; AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATING TO THE AGREEMENT.

WHEREAS, the City of Wharton City Council wishes to authorize Garland S. Novosad, Mayor to execute a lease agreement with Bagley Pecan House; and,

WHEREAS, the City of Wharton and Bagley Pecan House hereby agrees to be bound by the conditions as set forth in Attached "A".

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

Section I. That the City Council of the City of Wharton hereby authorizes Mayor Garland S. Novosad of the City of Wharton to execute a lease agreement with Bagley Pecan House.

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

Passed, Approved, and Adopted this 9th day of September 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 twelfth item on the agenda was to review and consider a resolution of the Wharton City Council supporting the construction of a Texas State Veterans Home in Wharton, Texas. City Manager Andres Garza, Jr. presented copies of the letters received from Mr. David Schroeder, Executive Director of the Wharton Economic Development Corporation regarding the proposed Texas State Veterans Home Project. He then presented a map of the proposed site on FM 3012 outside the City limits, he told the City Council that the City utility services were available across FM 3012. He also presented a draft resolution endorsing and supporting the project for City Council consideration. Wharton Economic Development Corporation Executive Director David Schroeder addressed the City Council and requested the City Council support the construction of a Texas State Veterans Home in Wharton, Texas. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to approve Resolution No. 2002-47, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2002-47**

A RESOLUTION OF THE WHARTON CITY COUNCIL SUPPORTING THE CONSTRUCTION OF A TEXAS STATE VETERANS HOME IN WHARTON, TEXAS.

WHEREAS, the Wharton Economic Development Corporation is pursuing the construction of a Texas State Veterans Home in Wharton, Texas; and

WHEREAS, the City Council of the City of Wharton feels that the construction of a Texas State Veterans Home will be beneficial to the City's economy; and

WHEREAS, the City Council of the City of Wharton fully supports the construction of a Texas State Veterans Home in the City; and

WHEREAS, the City Council of the City of Wharton commits to approving and providing or assisting in the provision of traffic flow regulations aids such as traffic signs and other measures necessary to facilitate ingress and egress from the proposed site; and

WHEREAS, the City Council of the City of Wharton commits to provide the necessary utilities (water and sewer) and solid waste collection service to the proposed site on FM 3012; and

WHEREAS, the City Council of the City of Wharton fully endorses the application that is submitted by the Wharton Economic Development Corporation.

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

Section I. The City Council of the City of Wharton supports the construction of a Texas State Veterans Home in the proposed site on FM 3012.

Section II. The City Council of the City of Wharton commits to the assistance of traffic flow regulations.

Section III. The City Council of the City of Wharton commits to the providing of utilities (water and sewer) and solid waste collection services to the proposed site on FM 3012.

Section IV. The City Council of the City of Wharton fully endorses the proposal submitted by the Wharton Economic Development Corporation.

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

Passed, Approved, and Adopted this 9th day of September 2002.

CITY OF WHARTON, TEXAS

By:

GARLAND S. NOVOSAD
Mayor

ATTEST:

JOYCE VASUT
City Secretary

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

The thirteenth item on the agenda was to review and consider the amendments to the City of Wharton Code of Ordinances, Chapter 54 Parks & Recreation and Chapter 10 Alcoholic Beverages:

1. Section 54-3 Use of Certain Softball Fields.
2. Section 54-7. Alcoholic Beverages.
3. Section 10-4. Public Consumption of Alcoholic Beverages.
4. Section 10-5. Sale, Possession or Consumption in Parks.

City Manager Andres Garza, Jr. presented a draft copy of amendments recommended by City Attorney Paul Webb to the park ordinance. He also presented a copy of the letter dated September 5, 2002 regarding the insurance requirements set by various surrounding municipalities. City Attorney Paul Webb requested this item to be deferred until the next meeting. The item was deferred. No action was taken.

The fourteenth item on the agenda was to review and consider a resolution of the Wharton City Council approving the U.S. Highway 59 Corridor – Proposed FM 1301 Interchange Improvement Projects. City Manager Andres Garza, Jr. informed the City Council that on September 9, 2002, the City Staff made a presentation to the Wharton County Commissioners Court on the layout for the U.S. Highway 59 Corridor and Proposed FM 1301 Interchange Improvement Projects. The City requested the County's support of the proposed layout plan in order to submit it to the Texas Department of Transportation (TxDOT.) He stated the city was successful in obtaining the County's support, therefore the City Staff would proceed with submittal to TxDOT. He then presented a draft resolution approving the layout plans for your consideration.

After some discussion, Councilmember Don Mueller made a motion to approve Resolution No. 2002-48, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2002-48**

**A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING THE U.S.
HIGHWAY 59 CORRIDOR - PROPOSED FM 1301 INTERCHANGE
IMPROVEMENT PROJECTS.**

WHEREAS, the City Council of the City of Wharton initiated the development of a layout plan of U.S. Highway 59 Corridor and Proposed FM 1301 Interchange Improvement Project; and

WHEREAS, the plan has been presented at a public hearing by the City Council's Street and Drainage Committee; and

WHEREAS, the City Council of the City of Wharton has reviewed the plan for the proposed improvements; and

WHEREAS, the City Council feels that the layout plan of the U.S. Highway 59 Corridor and Proposed FM 1301 Interchange Improvement Projects should be formally accepted by the City Council; and

WHEREAS, the City Council wishes to submit the proposed layout plan to the Texas Department of Transportation (TxDOT) as an approved layout plan for U.S. Highway 59 and the proposed FM 1301 Interchange Improvement Projects; and

WHEREAS, the City Council wishes to adopt the drawings titled "City of Wharton, USA Highway 59 Corridor Improvements" and "City of Wharton Proposed FM 1031 Interchange Improvements" as the master plan for the development of service roads along U.S. 59 and the extension of FM 1301 from Richmond Road to U.S. 59.

WHEREAS, the City Council wishes to have the proposed plan approved by TxDOT.

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

Section I. The City Council of the City of Wharton hereby approves the layout plan on the U.S. Highway 59 Corridor and proposed FM 1301 Interchange Improvement Projects.

Section II. The City Council of the City of Wharton hereby authorizes the City Manager to submit to the Texas Department of Transportation the proposed layout plans for approval by TxDOT.

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

Passed, Approved, and Adopted this 9th day of September 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 fifteenth item on the agenda was to review and consider the City of Wharton Bank Stabilization Project - Texas Community Development Program Contract No. 718127 Bid Opening:

- A. Bid Tabulation.
- B. **Resolution:** A resolution awarding a contract for the City of Wharton Bank Stabilization Project - Texas Community Development Program Contract No. 718127.

City Manager Andres Garza, Jr. stated that the bids were received for the City of Wharton Bank Stabilization Project on Wednesday, September 4, 2002. He presented a copy of the bid tabulation for the project prepared by Mr. Anthony Rachunek, P.E. of Rachunek & Associates, Inc. and a copy of the letter dated September 5, 2002 from Mr. Rachunek recommending the bid be awarded to Supak Construction. He then presented a draft resolution awarding the bid. Mr. Anthony Rachunek of Anthony Rachunek & Associates, Inc. informed the City Council that bids were received from Supak and Mercer. Mr. Rachunek stated that he was recommending awarding the contract to Supak Construction, Inc. and accepting Alternate No. 3 deleting Dewatering Well #6 and Piezometer #6, for a total construction cost of \$213,100, thus bringing the cost within the budget. Councilmember Don Mueller questioned the time frame for completion of the project. Anthony Rachunek informed the City Council that the completion would be before the end of the year. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to approve Resolution No. 2002-49, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2002 - 49**

**A RESOLUTION OF THE WHARTON CITY COUNCIL AWARDING THE
BID TO SUPAK CONSTRUCTION, INC. FOR THE CITY OF WHARTON
BANK STABILIZATION PROJECT, COMMUNITY DEVELOPMENT
PROGRAM CONTRACT NO. 718127; AUTHORIZING THE MAYOR OF
THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED
TO SAID CONTRACT.**

WHEREAS, competitive, sealed bids were received September 4, 2002 for the City of Wharton Bank Stabilization Project, Texas Community Development Program Contract No. 718127; and

WHEREAS, the City of Wharton City Council wishes to award the bid to Supak Construction, Inc. in the total construction cost of \$213,100.00 for City of Wharton Bank Stabilization Project, Texas Community Development Program Contract No. 718127; and

WHEREAS, Supak Construction, Inc. wishes to accept a contract the City of Wharton Bank Stabilization Project, Texas Community Development Program Contract No. 718127 for the total construction cost of \$213,100.00; and

WHEREAS, the City of Wharton and Supak Construction, Inc. wish to be bound by the conditions as set forth in Attached "A".

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

Section I. That the City Council of the City of Wharton hereby authorizes the Mayor of the City of Wharton to execute a contract with Supak Construction, Inc. for the City of Wharton Bank Stabilization Project, Texas Community Development Program Contract No. 718127.

Section II. That the City of Wharton and Supak Construction, Inc. are hereby bound by the conditions as set forth in Attached "A".

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

Passed, Approved, and Adopted this 9th day of September 2002.

CITY OF WHARTON, TEXAS

By: _____

GARLAND S. NOVOSAD

Mayor

ATTEST:

JOYCE VASUT

City Secretary

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

The sixteenth item on the agenda was to review and consider the City of Wharton Chemicals Bid:

- A. Bid Tabulation.
- B. **Resolution:** A resolution awarding bids for Ton Chloride Gas Cylinder, 150 lbs. Chlorine Gas Cylinder, Granular Calcium Hypochlorite, Sodium Bisulfite Solution (Pound), Sodium Hypochlorite Liquid Bleach 10%, and Muratic Acid 55 gallons; Authorizing the Mayor of the City of Wharton to execute all documents relating to said contract.

City Manager Andres Garza, Jr. informed the City Council that bids were received for the City of Wharton Chemicals on Wednesday, September 4, 2002. He presented a copy of the bid tabulation and a copy of the letter of recommendation by Public Works Director Phil Bush and Community Services Director Jo Knezek dated September 6, 2002 recommending Acetylene Oxygen Company for the ton chlorine gas cylinder for the amount of \$45.00, and 150 lbs. chlorine gas cylinder for the amount of \$65.00 per cylinder; and Mid-Co Water Treatment for sodium bisulfite hypochlorite (pound) for the amount of \$0.98 per pound, granular calcium

hypochlorite 65% for the amount of \$102.00 per 100 pounds, sodium hypochlorite liquid bleach 10% for the amount of \$1.22 per gallon, and muratic acid 55 gallon for the amount of \$1.95 per gallon. He also presented a draft resolution awarding the bid. After some discussion, Councilmember Don Mueller made a motion to approve the Resolution No. 2002-50, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2002-50**

A RESOLUTION AWARDING A BID TO ACETYLENE OXYGEN COMPANY FOR TON CHLORINE GAS CYLINDER, 150 LBS. CHLORINE GAS CYLINDER AND GRANULAR CALCIUM HYPOCHLORITE AND MID-CO CHEMICAL CO. FOR SODIUM BISULFITE SOLUTION (POUND), SODIUM HYPOCHLORITE LIQUID BLEACH 10%, AND MURATIC ACID 55 GALLON; AUTHORIZING GARLAND S. NOVOSAD, MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATING TO SAID CONTRACT.

WHEREAS, competitive, sealed bids were received on September 4, 2002, for chemicals for the City of Wharton for the fiscal year 2002-2003; and

WHEREAS, Acetylene Oxygen Company was deemed to be the best and lowest qualified bidder as per bid specifications for ton chlorine gas cylinder for the amount of \$445.00, 50 lbs. chlorine gas cylinder for the amount of \$65.00 per cylinder.

WHEREAS, Mid-Co Water Treatment was deemed to be the best and lowest qualified bidder as per bid specifications for sodium bisulfite hypochlorite (pound) for the amount of \$0.98 per pound, granular calcium hypochlorite 65% for the amount of \$102.00 per 100 pounds, sodium hypochlorite liquid bleach 10% for the amount of \$1.22 per gallon, and muratic acid 55 gallon for the amount of \$1.95 per gallon.

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:

- Section I. That Acetylene Oxygen Company, and Mid-Co Water Treatment are hereby awarded the bid for chemicals for the City of Wharton in accordance with the bid specifications.
- Section II. That Garland S. Novosad, Mayor of the City of Wharton is hereby authorized to sign any documents relating to the aforementioned contracts.
- Section III. That this resolution shall become effective immediately upon its passage.

Passed, Approved, and Adopted this 9th day of September 2002.

CITY OF WHARTON, TEXAS

By: _____
GARLAND S. NOVOSAD
Mayor

ATTEST:

City Secretary

JOYCE VASUT

Councilmember Darryl Darnell seconded the motion. All voted in favor.

The seventeenth item on the agenda was to review and consider the City of Wharton Road Materials Bid:

- A. Bid Tabulation
- B. **Resolution:** A resolution awarding bids for Limestone, Hot Mix Cold Laid, Pre-Coat, Hot Mix Asphalt; Portland Cement and Lime Slurry; Authorizing the Mayor of the City of Wharton to execute all documents relating to said contract.

City Manager Andres Garza, Jr. informed the City Council that bids were received for the City of Wharton Road Materials on Wednesday, September 4, 2002. He presented a copy of the bid tabulation and a copy of the letter of recommendation by Public Works Director Phil Bush dated September 5, 2002 recommending Martin Marietta Materials for limestone base material for the amount of \$13.75 per ton, and hot mix asphalt concrete pavement for the amount of \$30.98 per ton; Quality Hot Mix, Inc. for hot mix cold laid asphalt concrete pavement for the amount of \$34.75 Delivery per ton and \$32.00 Pick-up per ton, and pre-coated aggregate for the amount of \$27.15 Delivery per ton and \$23.90 Pick-up per ton; Alamo Concrete Products, Ltd. for portland cement concrete class A for the amount of \$48.50 per cubic yards, class B for the amount of \$45.00 per cubic yards, class C for the amount \$51.50 per cubic yards, and class S for the amount of \$53.50 per cubic yards; and Chemical Lime for the lime slurry for the amount of \$106.00 per ton with 8 tons minimum. He then presented a draft resolution awarding the bid. After some discussion, Councilmember Don Mueller made a motion to approve the Resolution No. 2002-51, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2002-51**

A RESOLUTION AWARDING A BID TO QUALITY HOT MIX FOR LIMESTONE, HOT MIX COLD LAID, PRE-COAT, HOT MIX ASPHALT; ALAMO CONCRETE PRODUCTS, LTD FOR PORTLAND CEMENT; AUTHORIZING GARLAND S. NOVOSAD, MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATING TO SAID CONTRACT.

WHEREAS, competitive, sealed bids were received on September 4, 2002, for road materials for the fiscal year 2002-2003; and

WHEREAS, Martin Marietta Materials was deemed to be the best and loest qualified bidder as per bid specifications for limestone base material for the amount of \$13.75, and hot mix asphalt concrete pavement for the amount of \$30.98; and

WHEREAS, Quality Hot Mix was deemed to be the best and lowest qualified bidder as per bid specifications for hot mix cold laid asphalt concrete pavement for the amount of \$34.75 delivered and \$32.00 picked up, and pre-coated aggregate for the amount of \$27.15 delivered and \$23.90 picked up; and

WHEREAS, Alamo Concrete Products, Ltd. was deemed to be the best and lowest qualified bidder as per specifications for Portland Concrete Class A for the amount of \$48.50, Class B for the amount of \$45.00, Class C for the amount of \$51.50, and Class S for the amount of \$53.50.

WHEREAS, Chemical Lime was deemed to be the best and lowest qualified bidder as per specifications for lime slurry for the amount of \$106.00 per ton with a 8 ton minimum

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:

Section I. That Martin Marietta Materials, Quality Hot Mix, Alamo Concrete Products, Ltd., and Chemical Lime, are hereby awarded the bids for Road Materials for the City of Wharton in accordance with the bid specifications.

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

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

Passed, Approved, and Adopted this 9th of September 2002.

CITY OF WHARTON, TEXAS

By:

GARLAND S. NOVOSAD
Mayor

ATTEST:

JOYCE VASUT
City Secretary

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

The eighteenth item on the agenda was to review and consider the Appointments to City of Wharton Boards and Commissions:

A. Beautification Commission:

1. City Council Acceptance of resignation of Mrs. Tammy Janik from the Beautification Commission. City Manager Andres Garza, Jr. presented a copy of the letter dated September 5, 2002 from Mr. Jeffrey Blair, Chairman of the Beautification Commission informing the City Council of the resignation of Mrs. Tammy Janik as a Board Member. He then presented a copy of Mrs. Janik's letter of resignation. After some discussion, Councilmember Bryce D. Kocian made a motion to accept the resignation of Mrs. Tammy Janik from the Beautification Commission. Councilmember V. L. Wiley, Jr. seconded the motion. All voted in favor.
2. Recommendation to fill vacant position. City Manager Andres Garza, Jr stated that Mr. Blair was requesting City Council appoint Mrs. Sharon Schulz to fill Mrs. Tammy Janik's position. After some discussion, Councilmember Bryce D. Kocian made a motion to approve Sharon Schulze to fill the vacant position on the Beautification Commission. Councilmember Domingo Montalvo, Jr. seconded the motion. All voted in favor.

B. Wharton Economic Development Corporation Appointment.

City Manager Andres Garza, Jr. informed the City Council that recommendations may be made to fill the vacant position on the Wharton Economic Development Board of Directors at this time. Mayor Garland S. Novosad recommended Mr. Charles Davis to serve on the Wharton Economic Development Board of Directors. After some discussion, Councilmember V. L. Wiley, Jr. made a motion to appoint Mr. Charles Davis to serve on the Wharton Economic Development Board of Directors. Councilmember Domingo Montalvo, Jr. seconded the motion. All voted in favor.

The nineteenth item on the agenda was to review and consider the Texas Municipal League Intergovernmental Risk Pool Board Of Trustees Election – Official Ballot. City Manager Andres Garza, Jr. presented a copy of the official ballot for the Texas Municipal League Intergovernmental Risk Pool Board of Trustees Election. He stated that City Council would need to vote for the individuals listed to fill the positions. Councilmember Domingo Montalvo, Jr. recommended the City Council vote for David Stall for Place No. 3. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to vote for Place 1 - Robert T. Herrera; Place 2 - Makia Epie; Place 3 David K. Stall; and Place 4 Rickey C. Childers for the Texas Municipal League Intergovernmental Risk Pool Board Of Trustees Election – Official Ballot. Councilmember Ken Freese seconded the motion. All voted in favor.

The twentieth 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 9:27 p.m.

CITY OF WHARTON, TEXAS

By:

City of Wharton
Regular City Council Meeting
September 9, 2002

GARLAND S. NOVOSAD
Mayor

ATTEST:

JOYCE VASUT
City Secretary