

**MINUTES
OF
CITY OF WHARTON
SPECIAL CITY COUNCIL MEETING
APRIL 22, 2004**

Mayor Pro-Tem Don Mueller declared a Special Meeting duly open for the transaction of business at 12:00 Noon.

Councilmembers present were: Mayor Pro-Tem Don Mueller, Councilmembers Ken Freese, Domingo Montalvo, Jr. and Ray Linseisen.

Councilmember absent was: Mayor Bryce D. Kocian, Councilmembers V. L. Wiley, Jr., and Darryl Darnell.

Staff members present were: City Manager Andres Garza, Jr., Finance Director Joyce Vasut, Deputy City Secretary Lisa Stavena, Assistant to City Manager Jackie Jansky, and City Attorney Paul Webb.

Visitors present were: None.

The second item on the agenda was Roll Call and Excused Absences. Councilmember Domingo Montalvo, Jr. made a motion to excuse Councilmembers V. L. Wiley, Jr., Darryl Darnell, and Mayor Bryce D. Kocian from the Special City Council meeting held on April 22, 2004. Councilmember Ray Linseisen seconded the motion. All voted in favor.

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

The fourth item on the agenda was to review and consider declaring an emergency for the purchase of equipment. Emergency Purchase of Communications equipment, software and approval of the agreements. City Manager Andres Garza, Jr. informed the City Council that during the April 11, 2004 storm, the City of Wharton communications system was damaged due to lightning strikes at the Wharton Police Department. He then presented an itemized list of the damaged equipment and cost for replacement. He stated that the City Staff was requesting City Council approval to purchase the replacement communications system equipment and software on an emergency basis and authorize the required agreements for purchase. He then presented a copy of the agreement and related documents. He stated that the City Staff had also notified TML-IRP, who provided coverage for the City and a claim would be filed for the expenditures. Police Chief Tim Guin informed the City Council that the telephone switch would not power up, therefore being 100% non-functional. He stated that the components were no longer available since the telephone system was installed in 1991. He stated that Southwestern Bell had allowed the City of Wharton to use a re-furbished system that was less than 1/3 of the current telephone system capacity. He stated that the re-furbished system was for four lines and twenty-four stations. He stated that the replacement system allowed for voice over I.P. and there was an add-on feature for digital caller I.D for the amount of \$900.00. Police Chief Guin stated that he spoke to TML-IRP and the coverage was for replacement cost. City Attorney Paul Webb asked if the

proposal was for an urgent public necessity that was required because of an imminent threat to public health and safety and was a reasonably unforeseeable situation. Police Chief Guin stated that was correct and it constituted an emergency. City Attorney Paul Webb stated that he reviewed the Master Agreement and found the agreement in order. Police Chief Guin stated that the total loss was estimated at \$81,000. He stated that Southwestern Bell was allowing a 29% discount, the proposal being \$30,076.87 for the telephone system. Councilmember Domingo Montalvo, Jr. stated that the Fire Department was not initially in the system. Police Chief Guin stated that the Fire Department would also have voice over I.P. Councilmember Domingo Montalvo, Jr. asked about a back-up system. Mr. Guin stated that he was discussing a back-up system with Ms. Carolyn "Carri" David for a Disaster Recovery Model. Ms. Carolyn "Carri" David with Southwestern Bell addressed the City Council and stated that previously the City of Wharton was under smaller accounts; however the account was been moved to the division for governmental entities which the City of Wharton should be seeing a difference in service. Councilmember Ken Freese asked when the new system would be in operation. Mr. Guin stated the system would have to be built and should be installed the first week of May 2004. Councilmember Domingo Montalvo, Jr. asked if any additional protective devices would be required. Mr. Guin stated he was looking at additional grounding estimated at an additional \$16,000.00. He stated that the City of Wharton would have to prepare the Request for Proposals. He then stated that with additional grounding, there was still no absolute protection. After some discussion, Councilmember Ken Freese made a motion to declare an emergency for the purchase of equipment and for emergency purchase of communications equipment, software estimated at \$81,0000 and approval of the agreement in the amount of \$30,076.87, which included the add-on feature for \$900.00. Councilmember Domingo Montalvo, Jr. seconded the motion. All voted in favor.

The fifth item on the agenda was adjournment. After some discussion, Councilmember Ray Linseisen made a motion to adjourn. Councilmember Domingo Montalvo, Jr. seconded the motion. All voted in favor.

The meeting adjourned at 12:24 p.m.

CITY OF WHARTON, TEXAS

By: _____
DON MUELLER
Mayor Pro-Tem

ATTEST:

JOYCE VASUT
City Secretary