

**MINUTES
OF
CITY OF WHARTON
REGULAR CITY COUNCIL MEETING
SEPTEMBER 13, 2004**

Mayor Bryce D. Kocian declared a Regular Meeting duly open for the transaction of business at 7:00 P.M. Councilmember V. L. Wiley, Jr. led the opening devotion and then Mayor Bryce D. Kocian led the pledge of allegiance.

Councilmembers present were: Mayor Bryce D. Kocian, Councilmembers V. L. Wiley, Jr., David Samuelson, Ken Freese, Don Mueller, and Ray Linseisen.

Councilmember absent was: Domingo Montalvo, Jr.

Staff members present were: City Manager Andres Garza, Jr., Finance Director/City Secretary Joyce Vasut, Deputy City Secretary Lisa Stavena, Assistant to City Manager Jackie Jansky, Building Official Ronnie Bollom, Community Services Director Jo Knezek, EMS Director John Kowalik, and City Attorney Paul Webb.

Visitors present were: Benjamin Sharp with Wharton Journal Spectator, Lewis Fortenberry, David Schroeder, Carlos Cotton, Merrell "Doc" Barfield, Louis Edwards, Jeri Rodgers, and Britney White.

The seconded item on the agenda was roll call and excused absences. Councilmember Don Mueller made a motion to excuse the absence of Councilmember Domingo Montalvo, Jr. from the regular city council meeting held September 13, 2004. Councilmember V. L. Wiley, Jr. 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 the Wharton Moment. Councilmember Ken Freese publicly commended the Wharton High School Football Team, and the band for playing on Friday, September 10, 2004 in Cuero. He stated that the kids gave an incredible effort and represented the City of Wharton well.

Mayor Bryce D. Kocian publicly commended the Fiesta Hispano Americana Committee for conducting an outstanding Fiesta celebration on Saturday, September 11, 2004. No action was taken.

The fifth item on the agenda was to review and consider the reading of the Wharton City Council minutes from the regular meetings held August 9, 2004 and August 23, 2004 and the special meeting

held August 16, 2004. After some discussion, Councilmember V. L. Wiley, Jr. made a motion to approve the Wharton City Council minutes of the regular meetings held August 9, 2004 and August 23, 2004 and the special meeting held August 16, 2004 as presented. Councilmember David Samuelson seconded the motion. All voted in favor.

The sixth item on the agenda was the Public Hearing: Proposed Budget for the City of Wharton, Texas, Fiscal Year October 1, 2004 to September 30, 2005. Mayor Bryce D. Kocian called the public hearing open for public comments at 7:07 p.m. No comments were given. Mayor Bryce D. Kocian closed the Public Hearing at 7:08 p.m.

The seventh item on the agenda was to review and consider the action on Proposed Budget for the City of Wharton, Texas, Fiscal Year October 1, 2004 to September 30, 2005. City Manager Andres Garza, Jr. stated that during the regular August 23, 2004 City Council meeting, the City Council received under separate cover a copy of the proposed budget for the City of Wharton, Texas, Fiscal Year October 1, 2004 to September 30, 2005. 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 27, 2004. After some discussion, no action was taken.

The eighth item on the agenda was to review and consider the Beautification Commission Medical History Mural:

A. Acceptance of grant award from Gulf Coast Medical Foundation.

City Manager Andres Garza, Jr. stated that during the August 9, 2004 regular Wharton City Council meeting, the City Council approved the Beautification Commission's request to submit a \$6,000 grant request to Gulf Coast Medical Foundation to assist with the funding of the Medical History Mural. He then presented a copy of the letter dated September 9, 2004 from Ms. Melissa Burnham of the Gulf Coast Medical Foundation informing the City that the Foundation was awarding a grant in the amount of \$2,500. He stated that City Council acceptance of the grant award was required. After some discussion, Councilmember Ken Freese made a motion to approve the acceptance of the grant award from Gulf Coast Medical Foundation in the amount of \$2,500 for the funding of the Medical History Mural. Councilmember Ray Linseisen seconded the motion. All voted in favor.

B. Request by Dr. Merrell Barfield to submit for additional funding through the Gulf Coast Medical Foundation.

City Manager Andres Garza, Jr. stated that Dr. Merrell Barfield was requesting City Council authorization to submit an additional grant in the amount of \$3,000 to the Gulf Coast Medical Foundation in an effort to obtain the remaining funds needed for the project. He then presented a copy of the proposed application. Dr. Merrell Barfield addressed the City Council and stated that he was informed by Ms. Burnham that a second grant could be submitted for consideration; therefore he was requesting the City Council to consider approving the submission of an additional grant application to Gulf Coast Medical Foundation in the amount of \$3,000.

Councilmember David Samuelson stated that if the Gulf Coast Medical Foundation approved \$2,500 of the previously requested amount of \$6,000; then possibly the private sector could make the additional contributions towards the mural project. Mayor Bryce D. Kocian stated that \$9,500 was collected from the public for the mural project already. After some discussion, Councilmember David Samuelson made a motion to approve the request by Dr. Merrell Barfield

to submit for additional funding through the Gulf Coast Medical Foundation in the amount of \$3,000 for the funding of the Medical History Mural. Councilmember Ray Linseisen seconded the motion. All voted in favor.

The ninth item on the agenda was to review and consider Emergency Medical Services (EMS) Department:

A. Request to submit grant requests to funding sources to replace Ambulance 1121.

City Manager Andres Garza, Jr. presented a copy of the memorandum dated September 7, 2004 from EMS Director John Kowalik regarding the replacement of the ambulance Unit # 1121. He stated that Mr. Kowalik was requesting the City Council authorization to submit grant requests to different funding sources to replace Unit 1121. EMS Director John Kowalik addressed the City Council and stated that Unit 1121 needed to be replaced. He stated in 2000, the chassis was replaced; however the box was not refurbished and was eleven years old. He stated that currently the unit was not in service since the ambulance had generator and air conditioning problems. He then stated that the replacement cost would be \$90,000 and the refurbish cost would be \$45,000. Councilmember Don Mueller requested that the chassis be bid separately. Mr. Kowalik stated that the grant request would be for \$90,000. After some discussion, Don Mueller made a motion to approve grant requests be made to funding sources for the replacement of the Emergency Medical Services (EMS) Department Ambulance 1121. Councilmember V. L. Wiley, Jr. seconded the motion. All voted in favor.

B. Request to purchase upgrades for the EKG monitors from a single source provider.

City Manager Andres Garza, Jr. presented a copy of Mr. Kowalik's memorandum dated September 7, 2004 regarding the purchase of upgrades for the EKG monitors from Medtronic Physio Control, which was a single source provider. He stated that Medtronic Physio Control was a single source provider meaning that the company was the only one in the nation who provided this service. He said City Council authorization to conduct the actual purchase of the upgrades was required. He stated that the EMS Department had received funding for the upgrade from the Gulf Coast Medical Foundation and the Emergency Medical Support Group, Inc. EMS Director John Kowalik addressed the City Council and requesting to purchase four EKG monitors from Medtronic Physio Control in the amount of \$14,226.20. After some discussion, Councilmember Ray Linseisen made a motion to approve the purchase of upgrades for the EKG monitors from a single source provider for the Emergency Medical Services (EMS) Department from Medtronic Physio Control in the amount of \$14,226.20. Councilmember Don Mueller seconded the motion. All voted in favor.

The tenth item on the agenda was to review and consider the Texas Department of Agriculture, Texas Capital Fund Contract No. 716522, Wastewater Treatment Plant No. 2 Improvement Project – Contract Close-Out. City Manager Andres Garza, Jr. presented a copy of his memorandum dated September 2, 2004 to the City Council regarding the response from the Texas Department of Agriculture (TDA), Assistant Commissioner Mr. Robert Wood concerning the close-out of the City of Wharton's Texas Capital Fund Contract No. 716522, Wastewater Treatment Plant No. 2 Improvement Project. He then presented a copy of the related correspondence he had previously sent to City Council dated August 31, 2004. He stated that on Wednesday, September 8, 2004, WEDCo Executive Director David Schroeder and he had met with Mr. Sam Tessen, Director of the Office of Rural Community Affairs (ORCA) and Mr. Wood to discuss the closing of the contract and its affect on the City's applications for other programs. He stated that the City Staff's

main concern was the City's non-compliance issue with TDA affecting the City's applications and current contracts with ORCA. He stated that in his conversation with Mr. Tessen and Mr. Wood, they assured him that the non-compliance issue would affect the Texas Capital Fund (TCF) only and not other programs administered by ORCA. He stated that at the meeting, he again asked Mr. Wood for consideration of the 12 month ineligibility period the City had proposed instead of the 18 month period he had stated in his August 30th letter. He said Mr. Wood stated that TDA would accept a 15 month period of ineligibility. Mr. Garza stated that it was his recommendation the City Council authorize Mayor Bryce D. Kocian to close-out the contract on the City's behalf within the general parameters proposed by the City and TDA. He stated that under the contracts, the funds were to be used to improve the WWTP, create jobs and invest capital in the business. He stated that Nan Ya Plastics, Corporation could not create the jobs as required in 2000 – 2001 due to the downturn in the economy. He stated that jobs were created through a temporary agency; however the program requirements were for full-time positions with the company. City Attorney Paul Webb stated that Nan Ya Plastics, Corporation had to shut down two other production plants; however the Wharton plant had no cut back. He stated that Nan Ya could not meet the requirement to hire full-time employees. Mr. Garza stated that if the economy improved and Nan Ya created 75 or more jobs, the City could go back to TDA and change the parameters of the non-compliance contract. After some discussion, Councilmember Ken Freese made a motion to approve the Texas Department of Agriculture, Texas Capital Fund Contract No. 716522, Wastewater Treatment Plant No. 2 Improvement Project – Contract Close-Out as recommended by the City Staff. Councilmember David Samuelson seconded the motion. All voted in favor.

The eleventh item on the agenda was review and consider a resolution amending the City of Wharton Resolution No. 2003-37 on the establishing of the Mayor's local Committee on People with Disabilities in accordance with the guidelines set forth by the Governor's Committee on People with Disabilities. City Manager Andres Garza, Jr. presented a copy of the memorandum dated September 7, 2004 from the Mayor's Local Committee on People with Disabilities, Chairman Vassar "Skip" Holman regarding the recommendation by the Committee. He then presented a draft resolution amending the City of Wharton Resolution No. 2003-37 creating the Committee. He stated that the Mayor's Local Committee on People with Disabilities was requesting to amend the resolution due to them not being able to attain a quorum during scheduled committee meetings. He stated that the Committee Member's were requesting to reduce the number of member's established by the resolution and to establish a policy regarding absences. He stated that the Committee could consist of not less than three nor more than five members. He stated that the Committee recommended that if a member was absent three consecutive meetings, then the Mayor could replace the member. Mr. Garza stated that the Committee appointment process could start over with all five new members appointed by the Mayor; otherwise the City would have to ask some of the current members that they could no longer be a Committee member. Councilmember Ken Freese requested that the majority of the Committee members be either a taxpayer or a citizen of the City of Wharton. City Attorney Paul Webb stated that a resolution could be presented at the next regular city council meeting to be held on September 27, 2004 with the requested changes. After some discussion, no action was taken.

The twelfth item on the agenda was to review and consider the City Council Youth Advisory Commission:

A. Resolution: A resolution amending the City of Wharton Resolution No. 2002-18 creating a City Council Youth Advisory Commission for the City of Wharton, Texas. City Manager Andres Garza, Jr. presented a copy of the draft resolution amending the City of Wharton Resolution No. 2002-18 creating the City Council Youth Advisory Commission (YAC) for the City of Wharton, Texas. He stated that Ms. Loretta Flynn, YAC Adult Advisor, was requesting to amend the resolution to enable the City Council to appoint commission members from different grades in order to maintain the 22 member level should applicants not be available from a stated grade or private school. After some discussion, Councilmember David Samuelson made a motion to approve Resolution No.2004-73, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2004 - 73**

**A RESOLUTION AMENDING THE CITY OF WHARTON RESOLUTION NO. 2002-18
CREATING A CITY COUNCIL YOUTH ADVISORY COMMISSION FOR THE CITY OF
WHARTON, TEXAS.**

WHEREAS, the Wharton City Council wishes to amend the City of Wharton Resolution No. 2002-18 to read as follows:

WHEREAS, the City Council has determined that there is a need to create a Youth Advisory Commission for the City of Wharton, Texas; and

WHEREAS, this Youth Advisory Commission will be created to operate as a liaison between the youth of the community and the City Council on issues affecting youth by involving them in social, cultural, recreational, and other drug-free and alcohol free activities and when requested by the City Council or the City Manager, the commission shall give advice and assistance on matters concerning the needs of youth; and

WHEREAS, the City Council wishes the Youth Advisory Commission to consist of two members each from grades 7th grade through 12th grades, two from each private school grades 7 or higher, six members at large, two adults, and one volunteer coordinator

WHEREAS, Commission members shall be appointed from the afore-mentioned stated grades to fill remaining vacant positions should applicants not be available through the recommended grade levels or through private schools in order to maintain the required 22 member commission; and

WHEREAS, Commission members shall be appointed by the City Council to serve one-year terms, without compensation and the City Council shall have the power at any time to alter the size of the commission by expanding or reducing its membership; and

WHEREAS, members of the Youth Advisory Commission shall be selected through an application process and shall be appointed by the City Council and take office upon being sworn on their oath to uphold the duties of the office and the Constitution of Texas and of the United States of America; and

WHEREAS, the term of the office for each member shall be one (1) year, or until his/her successor is duly appointed and qualified unless a vacancy occurs prior to the expiration of a term, an appointment shall be made by the City Council for the remainder of the unexpired terms; and

WHEREAS, the commission shall elect from its membership a chairperson, vice-chairperson, and secretary for one-year terms of office commencing the first day of June of each year and a member shall be eligible for reelection to any of these offices as long as he or she remains on the commission; and

WHEREAS, the commission shall hold meetings at least monthly at locations in the City at times it may designate. All meetings of the commission shall be in accordance with the Texas Open Meetings Laws and posted at City Hall, Junior High, and High School. The presence of a majority of the commissioners then in office shall be necessary and sufficient to constitute a quorum, and an affirmative vote of the majority of those present shall be necessary to pass upon pending questions, except that on tie votes, the vote of the chairman shall be determinative, the chairman in addition being entitled to vote on all questions. Minutes of meetings shall be kept and the record filed with the person performing the duty of city secretary; and

WHEREAS, in the performance of its function, the commission is an advisory body authorized to make recommendations to the City Council and City Manager on the following:

1. Policy matters affecting the youth of the community;
2. Planning, organizing coordinating, and carrying out drug-free and alcohol-free social, cultural, recreational, achieving, educational, and other activities for the youth in the community;
3. Establishing guidelines, rules, and procedures for participation in such activities; and
4. Entering into agreements with entertainers, concessionaires, and other third parties as may be deemed desirable by the commission within available funds and in accordance with applicable state and city laws and procedures; and

WHEREAS, by May 1 of each year, the commission shall submit to the City Council a written report of its activities for the previous year and an annual plan of work for the ensuing year of which these documents shall be retained as part of the official city records. Subject to the approval of the City Manager, the facilities and personnel of the City shall be made available to assist the commission in carrying out its functions; and

WHEREAS, the commission is authorized to amend its rules and procedures for the conduct of its authorized activities subject to the approval of the City Council; and

WHEREAS, Commission members are subject to the attendance policy and procedure adopted by the City Council and any member who misses (3) three consecutive regular meetings, or whose overall attendance at regular meetings for any twelve-month period falls below seventy-five (75) percent, has automatically vacated his seat. The commission shall at once notify the City Council that a vacancy exists. Vacancies shall be filled within thirty (30) days by appointment for the remainder of the term.

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

- Section I.** That the City Council hereby establishes this Youth Advisory Commission.
- Section II.** That the City Council hereby establishes the aforementioned guidelines with which the Youth Advisory Commission will conduct its operations and business.
- Section III.** That this resolution shall become effective immediately upon its passage.

Passed, Approved, and Adopted this 13th day of September 2004.

CITY OF WHARTON, TEXAS

By: _____
BRYCE D. KOCIAN
Mayor

ATTEST:

JOYCE VASUT

City Secretary

Councilmember Ray Linseisen seconded the motion. All voted in favor.

B. Appointment of Youth Advisory Commission Members for fiscal year 2004-2005.

City Manager Andres Garza, Jr. stated that the City Council was required to appoint the members to the Youth Advisory Commission (TAC). He stated that Mr. Steven May, YAC Adult Advisor, and Ms. Flynn received applications from students from Wharton Jr. High School and Wharton High School during the month of August 2004. After their review of the applications, they have compiled a list of the students they recommend the City Council consider approving as YAC Members. He then presented a list of the recommended applicants. After some discussion, Councilmember Ken Freese made a motion to appoint the Youth Advisory Commission Members for fiscal year 2004-2005 as follows:

Johnny Castro III

Adam Garza

Sarah Gubbels

Kendall Thompson

Summer Gill

Stephen (Jake) Jarvela

Gina Wuthrick

Meagan Drenner

Shea Flynn

Sharneace Johnson

Christie Viktorin

Amy Aaronson

Joel Ansley

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Erinn Lindberg
Jessica Norrell
Nimshi Perera
Brittani May
Danielle Besch
Sara Coats
LaNita Criswell
Leslie Roades

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

The thirteenth item on the agenda was to review and consider a resolution designating a City of Wharton representative and alternate to the Houston-Galveston Area Council 2005 General Assembly. City Manager Andres Garza, Jr. presented a draft copy of the letter dated August 26, 2004 requesting the City of Wharton to appoint a representative and an official alternate to Houston-Galveston Area Council (HGAC) 2005 General Assembly. He stated that on September 8, 2003, the City Council designated Councilmember V. L. Wiley, Jr. as the City of Wharton representative for the 2004 HGAC General Assembly and Councilmember Ray Linseisen as the alternate. He then presented a copy of the Resolution No. 2003-84. He also presented a draft copy of the resolution designating the City of Wharton representative and alternate to the HGAC 2005 General Assembly. After some discussion, Councilmember David Samuelson made a motion to approve Resolution No. 2004-74, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2004 - 74**

A RESOLUTION DESIGNATING A CITY OF WHARTON REPRESENTATIVE AND ALTERNATE TO THE HOUSTON-GALVESTON AREA COUNCIL 2005 GENERAL ASSEMBLY.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WHARTON, TEXAS that Councilmember V. L. Wiley, Jr. be, and is hereby designated as its Representative to the General Assembly of the Houston-Galveston Area Council for the year 2005.

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

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

Passed, Approved, and Adopted this 13th day of September 2004.

CITY OF WHARTON, TEXAS

By:

BRYCE D. KOCIAN
Mayor

ATTEST:

JOYCE VASUT
City Secretary

Councilmember Ken Freese seconded the motion. All voted in favor.

The fourteenth item on the agenda was to review and consider 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 (TML-IRP) Board of Trustees Election. He stated that on August 12, 2004, the City Council voted to nominate him as a candidate on the ballot for the TML-IRP Board of Trustees Election. He stated that he was recommending the City Council vote for the Board incumbents, which were as follows:

- Place 6 – Mayor Mary Gauer, Harker Heights
- Place 7 – City Manager Larry Dovalina – Laredo
- Place 8 – Mayor Leo Montalvo – McAllen
- Place 9 – Andres Garza, Jr.

After some discussion, Councilmember Ray Linseisen made a motion to approve the Texas Municipal League Intergovernmental Risk Pool Board Of Trustees Election – Official Ballot for Place 6 – Mayor Mary Gauer, Harker Heights, Place 7 – City Manager Larry Dovalina – Laredo, Place 8 – Mayor Leo Montalvo – McAllen, and Place 9 – Andres Garza, Jr. Councilmember V. L. Wiley, Jr. seconded the motion. All voted in favor.

The fifteenth item on the agenda was to review and consider a request by Ms. Olivia Gonzales for a Temporary Permit for the consumption/possession of alcoholic beverages in City Parks. City Manager Andres Garza, Jr. presented a copy of the Wharton Park Facilities Reservation Agreement and the application for a Temporary Permit for the Possession/Consumption of Alcoholic Beverages in Certain Parks submitted by Ms. Olivia Gonzales. He then presented a copy of the memorandum dated September 10, 2004 from Police Chief Tim Guin, who had indicated that the application complied with the City of Wharton Ordinance No. 2002-22. After some discussion, Councilmember David Samuelson made a motion to approve the request by Ms. Olivia Gonzales for a Temporary Permit for the consumption/possession of alcoholic beverages in City Parks on October 9, 2004 from 8 a.m. to 8 p.m. Councilmember Ray Linseisen seconded the motion. All voted in favor.

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

- A. Asbestos Abatement / Lead Based Paint Management Project for the Southern Pacific Railroad Depot Restoration Project:
 - 1. Bid Tabulation.
 - 2. **Resolution:** A resolution of the Wharton City Council awarding the bid for Asbestos Abatement / Lead Based Paint Management Project for the Southern Pacific Railroad Depot Restoration Project Authorizing the Mayor of the City of Wharton to execute all documents relating to said contract.

City Manager Andres Garza, Jr. stated that the bid opening for the Asbestos Abatement / Lead Based Paint Management Project for the Southern Pacific Railroad Depot Restoration Project was held Friday, September 10, 2004. He then presented a copy of the bid tabulation, and a draft resolution awarding the bid. He then presented a recommendation by Unovate Environmental Services to award the bid to CST Environmental and Inland Environments in the amount of \$63,200. After some discussion, Councilmember Don Mueller made a motion to approve Resolution No.2004-75, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2004-75**

A RESOLUTION AWARDING A BID FOR ASBESTOS ABATEMENT / LEAD BASED PAINT MANAGEMENT PORJECT FOR THE SOUTHERN PACIFIC RAILROAD DEPOT RESTORATION PROJECT; AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATING TO SAID CONTRACT.

WHEREAS, competitive, sealed bids were received on September 10, 2004, for the Asbestos Abatement / Lead Based Paint Management Project for the Southern Pacific Railroad Depot Restoration Project; and

WHEREAS, CST Environmental was deemed to be the best and lowest qualified bidder as per bid specifications for the Asbestos Abatement / Lead Based Paint Management in the amount of \$63,200.00 as per the base bid; and

WHEREAS, CST Environmental and the City of Wharton wishes to be bound by the conditions as set forth in the agreement; and

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

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

Section I. That CST Environmental is hereby awarded the bid for Asbestos Abatement / Lead Based Paint Management Project for the Southern Pacific Railroad Depot Restoration Project in the amount of \$63,200.00 in accordance with the base bid.

Section II. That the 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 13th of September 2004.

CITY OF WHARTON, TEXAS

By: _____
BRYCE D. KOCIAN
Mayor

ATTEST:

JOYCE VASUT

City Secretary

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

B. Road Materials:

1. Bid Tabulation.
2. **Resolution:** A resolution awarding a bid to Quality Hot Mix for limestone, hot mix cold laid, pre-coat aggregate, hot mix asphalt; and Alamo Concrete Products, LTD for portland cement; Authorizing the Mayor of the City of Wharton to execute all documents relating to said contract.

City Manager Andres Garza, Jr. stated that the bid opening for the City of Wharton Road Materials was held September 8, 2004. He then presented a copy of the bid tabulation and a draft resolution awarding the bid. After some discussion, Councilmember Don Mueller made a motion to approve Resolution No.2004-76, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2004-76**

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

WHEREAS, competitive, sealed bids were received on September 8, 2004, for road materials for the fiscal year 2004-2005; and

WHEREAS, Quality Hot Mix was deemed to be the best and lowest qualified bidder as per bid specifications for limestone base material for the amount of \$14.90 per ton, for hot mix cold laid asphalt concrete pavement for the amount of \$38.25 delivered per ton and \$35.50 picked up per ton, and pre-coated aggregate for the amount of \$28.65 delivered per ton and \$25.50 picked up per ton; hot mix asphalt concrete pavement for the amount of \$37.75 per ton; 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 \$55.00 per cubic yard, Class B for the amount of \$52.00 per cubic yard, Class C for the amount of \$58.00 per cubic yard, and Class S for the amount of \$59.00 per cubic yard.

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 Quality Hot Mix, and Alamo Concrete Products, Ltd. are hereby awarded the bids for Road Materials for the City of Wharton in accordance with the bid specifications.

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

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

Passed, Approved, and Adopted this 13th of September 2004.

CITY OF WHARTON, TEXAS

By: _____

BRYCE D. KOCIAN

Mayor

ATTEST:

JOYCE VASUT

City Secretary

Councilmember Ken Freese seconded the motion. All voted in favor.

C. Chemicals:

1. Bid Tabulation.
2. **Resolution:** 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 for sodium bisulfite solution(pound), sodium hypochlorite liquid bleach 10%, muratic acid 55 gallon and fluoride; Authorizing the Mayor of the City of Wharton to execute all documents relating to said contract.

City Manager Andres Garza, Jr. stated that the bid opening for the City of Wharton Chemicals was held September 8, 2004. He then presented a copy of the bid tabulation and a draft resolution awarding the bid. After some discussion, Councilmember Ken Freese made a motion to approve Resolution No.2004-77, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2004-77**

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%, MURATIC ACID 55 GALLON AND FLUORIDE; AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATING TO SAID CONTRACT.

WHEREAS, competitive, sealed bids were received on September 8, 2004, for chemicals for the City of Wharton for the fiscal year 2004-2005; 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 \$520.00, 150 lbs. chlorine gas cylinder for the amount of \$82.00 per cylinder, and granular calcium hypochlorite 65% (100 pounds) for the amount of \$90.00.

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 \$0.24 per pound, sodium hypochlorite liquid bleach 10% for the amount of \$1.59 per pound, muratic acid 55 gallon for the amount of \$2.95 per gallon, and fluoride for the amount of \$1.39 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 the 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 13th day of September 2004.

CITY OF WHARTON, TEXAS

By: _____

BRYCE D. KOCIAN

Mayor

ATTEST:

JOYCE VASUT

City Secretary

Councilmember Ray Linseisen seconded the motion. All voted in favor.

D. City Police Vehicles:

1. Bid Tabulation.

2. **Resolution:** A resolution awarding the bid for the City of Wharton Police Vehicles; Authorizing the Mayor of the City of Wharton to execute all documents relating to said contract.

City Manager Andres Garza, Jr. stated the bid opening for the City of Wharton Police Vehicles was held September 9, 2004. He then presented a copy of the bid tabulation and a draft resolution awarding the bid. He informed the City Council that Chief Guin was reviewing bids submitted and would make a recommendation at the next regular city council meeting held on September 27, 2004. After some discussion, no action was taken.

The seventeenth item on the agenda was Executive Session: City Council may adjourn into an Executive Session in accordance with Section 551.072 and .074 of the Government Code, Revised Civil Statutes of Texas. Final action, decision or vote, if any with regard to any matter considered in Executive Session shall be made in Open Meeting.

A. Discussion: Acquisition of Real Estate for Drainage Projects.

B. Discussion: Acquisition of Properties under the Texas Department of Public Safety, Division of Emergency Management, Acquisition Project No. 1434-DR-002.

C. Discussion: Performance Evaluation of City Manager.

Mayor Bryce D. Kocian adjourned into Executive Session at 8:04 p.m.

Mayor Bryce D. Kocian returned to Open Session at 9:20 p.m.

The eighteenth item on the agenda was Return to Open Session: Action on items discussed in Executive Session:

A. Review & Consider: Acquisition of Real Estate for Drainage Projects. Councilmember Ken Freese made a motion to authorize the City Manager to pursue the acquisition of real estate for drainage easements projects. Councilmember Ray Linseisen seconded the motion. All voted in favor.

B. Review & Consider: Acquisition of Properties under the Texas Department of Public Safety, Division of Emergency Management, Acquisition Project No. 1434-DR-002. Councilmember Ken Freese made a motion to authorize the City Manager to pursue the acquisition of properties under the Texas Department of Public Safety, Division of Emergency Management, Acquisition Project No. 1434-DR-002. Councilmember Ray Linseisen seconded the motion. All voted in favor.

C. Review & Consider: Performance Evaluation of City Manager. Councilmember Don Mueller made a motion to increase the base rate of the City Manager's contract by 3% effective October 4, 2004. Councilmember Ray Linseisen seconded the motion. All voted in favor.

The nineteenth item on the agenda was to review and consider Travel Reimbursement Request for City Manager. City Manager Andres Garza, Jr. presented a copy of the travel reimbursement request for the period July 8, 2004 to September 8, 2004 in the amount of \$514.74. After some discussion, Councilmember David Samuelson made a motion to approve the Travel Reimbursement Request for City Manager Andres Garza, Jr. for the period July 8, 2004 to September 8, 2004 in the amount of \$514.74. 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 adjourned at 9:22 p.m.

CITY OF WHARTON, TEXAS

By: _____
BRYCE D. KOCIAN

City of Wharton
Regular City Council Meeting
September 13, 2004

Mayor

ATTEST:

JOYCE VASUT
City Secretary