

**MINUTES
OF
CITY OF WHARTON
REGULAR CITY COUNCIL MEETING
OCTOBER 11, 2004**

Mayor Bryce D. Kocian declared a Regular Meeting duly open for the transaction of business at 7:00 P.M. Councilmember Don Mueller 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, Domingo Montalvo, Jr., and Ray Linseisen.

Councilmember absent was: None.

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 Assistant City Attorney Amy Rod.

Visitors present were: Benjamin Sharp with Wharton Journal Spectator, Lewis Fortenberry, David Schroeder, Carlos Cotton, and Abby Schubach.

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. Mayor Bryce D. Kocian presented the following proclamations:

**CITY OF WHARTON
PROCLAMATION**

WHEREAS, Texas continues to look toward the future with optimism, recognizing that the economic successes to be achieved will significantly depend on our having a skilled, motivated workforce. As we look ahead, it is especially important that individuals with disabilities have every opportunity to participate and excel in the workforce. To this end, private and public sector employers continue to make significant strides.

WHEREAS, As an example, the Texas Workforce Commission recently unveiled <http://www.WorkInTexas.com>, an Internet site designed to facilitate accessibility and awareness about employment opportunities. With this new service, Texans with disabilities are more able to independently apply for jobs. During the last fiscal year, as a result of assistance from the Texas Workforce Commission, 2,250 people who self-identified as having a disability were successful in their search for employment.

- WHEREAS,** As part of the comprehensive reorganization of health and human services programs, the state also created the Department of Assistive and Rehabilitative Services to offer easier and more coordinated access to services. During the last fiscal year, DARS assisted 21,314 Texans with disabilities gain employment.
- WHEREAS,** One indicator of continuing success at the federal level is employers' use of the Job Accommodation Network, a federal service that facilitates the employment and retention of workers with disabilities through job accommodations. Ranking third nationwide, Texas employers sought the assistance of the network through 1,632 inquiries.
- WHEREAS,** Highlighting the achievements that have been realized, Arlington artist Jean Riley is featured on the 2004 Texas poster for National Disability Employment Awareness Month. Her human spirit and creative expression pave a path of independence for others to model. All interested Texans can see the poster at <http://www.governor.state.tx.us/disabilities/>.
- WHEREAS,** Texas Supports National Disability Employment Awareness Month with the theme, "You're Hired! Success knows no Limitations." At this time, therefore, I encourage all citizens of the City of Wharton to observe this month by recognizing the employment potential of people with disabilities.

NOW, THEREFORE, I, Bryce D. Kocian, by the authority vested in me as Mayor of the City of Wharton, do hereby proclaim October 2004 as **Disability Employment Awareness Month** in Wharton, Texas, and urge the appropriate recognition whereof.

IN WITNESS THEREOF, I have set my hand and caused the seal of the City of Wharton to be affixed this 11th day of October, in the year of our Lord two thousand four A.D.

**CITY OF WHARTON
PROCLAMATION**

- WHEREAS,** Violence against women and children continues to become a more prevalent social problem; and
- WHEREAS,** The problems of domestic violence are not confined to any groups of people, but cross all economic, racial and societal barriers and are supported by societal indifference; and
- WHEREAS,** The impact of domestic violence is wide-ranging, directly affecting families and society; and
- WHEREAS,** It is fitting to set aside a special time to bring this issue to the attention to all citizens of the City of Wharton so they can become better informed and involved in programs to eliminate this epidemic from our society; and
- WHEREAS,** On Tuesday, October 12, 2004, the Wharton Crisis Center located at the Frank Shannon Building, 1017 North Alabama Road, Wharton, Texas, is having a Candlelight Vigil in memory of the women killed by their partner in the Year 2003.

NOW, THEREFORE, I, Bryce D. Kocian, by the authority vested in me as Mayor of the City of Wharton, Texas, do hereby proclaim the month of October 2004 as **Domestic Violence Awareness Month** in Wharton, Texas.

IN WITNESS THEREOF, I have set my hand and caused the seal of the City of Wharton to be affixed this 11th day of October, in the year of our Lord two thousand four A.D.

**CITY OF WHARTON
PROCLAMATION**

WHEREAS, It has been 25 years since the Class of '79 graduated from Wharton High School; and

WHEREAS, The Class of '79 has chosen to celebrate this occasion by promoting the Wharton High School pep rally and football game on Friday, October 15, 2004; and

WHEREAS, The Class of '79 will have various activities on Saturday, October 16, 2004, including a golf outing, lunch at Pat-A-Cake, a tour of the City of Wharton, and an evening of entertainment at the Wharton Country Club; and

WHEREAS, The Class of '79 will have many classmates traveling from various places in Texas, as well as from out of state.

NOW, THEREFORE, We, Mayor Bryce D. Kocian and Councilmembers Ken Freese and Domingo Montalvo, Jr., on behalf of the citizens of the City of Wharton welcome all Class of '79 classmates and guests to the City of Wharton, hope their journey back home is safe and hereby proclaim Saturday, October 16, 2004 as Wharton High School Class of '79 day in Wharton.

IN WITNESS THEREOF, We have hereunto set our hand and caused the seal of the City of Wharton to be affixed this 11th day of October, in the year of our Lord two thousand four, A.D. 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 September 13, 2004 and September 27, 2004. After some discussion, Councilmember Ken Freese made a motion to approve the Wharton City Council minutes of the regular meetings held September 13, 2004 and September 27, 2004 as presented. Councilmember Ray Linseisen seconded the motion. All voted in favor.

The sixth item on the agenda was to review and consider a resolution authorizing the Mayor of the City of Wharton to execute a contract with the Wharton Chamber of Commerce and Agriculture for Visitor and Convention Bureau Services for October 1, 2004 to September 30, 2005. City Manager Andres Garza, Jr. presented a draft resolution authorizing the Mayor of the City of Wharton to execute a contract with the Chamber of Commerce and Agriculture for Visitor Convention Bureau Services for October 1, 2004 to September 30, 2005 Fiscal Year. He

then presented a copy of the draft contract. He stated that the existing contract had been reviewed by City Attorney Paul Webb's office and the necessary changes had been made in order for it to adhere to the State Hotel/Motel law. Assistant City Attorney Amy Rod informed the City Council that the contract complied with the State Hotel/Motel law. After some discussion, Councilmember David Samuelson made a motion to approve Resolution No. 2004-86, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2004 - 86**

A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF WHARTON, WHARTON COUNTY, TEXAS TO EXECUTE AN AGREEMENT WITH THE CHAMBER OF COMMERCE AND AGRICULTURE FOR VISITOR AND CONVENTION BUREAU SERVICES FOR OCTOBER 1, 2004 TO SEPTEMBER 30, 2005 FISCAL YEAR.

WHEREAS, the City of Wharton City Council hereby authorizes Bryce D. Kocian, Mayor to execute an agreement with the Wharton Chamber of Commerce and Agriculture for visitor and convention bureau services; and,

WHEREAS, the City of Wharton and the Wharton Chamber of Commerce and Agriculture hereby agrees to be bound by the conditions as set forth in the agreement.

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 Bryce D. Kocian of the City of Wharton to execute an agreement with the Wharton Chamber of Commerce and Agriculture.

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

Passed, Approved, and Adopted this 11th day of October 2004.

CITY OF WHARTON, TEXAS

By: _____
BRYCE D. KOCIAN
Mayor

ATTEST:

JOYCE VASUT
City Secretary

Councilmember Domingo Montalvo, Jr. seconded the motion. All voted in favor. Ms. Abby Schubach publicly thanked the City Council for approving the contact for the period October 1, 2004 to September 30, 2005.

The seventh item on the agenda was to review and consider the City of Wharton Home Elevation Project – Texas Department of Public Safety, Division of Emergency Management, FEMA Disaster DR-1257-TX; Office of Rural Community Affairs Contract No. 722067:

A. **Resolution:** A resolution of the Wharton City Council amending Resolution No. 2004-44 establishing the guidelines and program design for FEMA Elevation grant 1257-DR, Project #UN50-3.2.04. City Manager Andres Garza, Jr. presented a draft resolution amending the City of Wharton Resolution No. 2004-44, establishing the guidelines and program design for FEMA Elevation grant 1257-DR, Project #UN50-3.2.04. He stated that information regarding the Internal Revenue Service (IRS) determination stated that the recipients of the grant award would be required to report the funds as taxable gross income. He said the IRS ruling and the homeowner(s) and contractor's responsibility to execute the required documents prepared by the City of Wharton had been added to the guidelines. He stated that the cost benefit ratio was also added to the guidelines. He further stated that six participants had withdrew from the program, leaving four participants. He also stated that one of the four remaining participant's home did not receive a bid; therefore the City would need to rebid the property. Councilmember David Samuelson asked if the property owner knew of the implementation of the accessed taxes. City Manager Andres Garza, Jr. stated that he had met with the property owners advising them of the IRS ruling. Assistant City Attorney Amy Rod addressed the City Council and stated that once the City and the contractor executed the agreement, then the contract would be binding and the contractor would be obligated to complete the project. After some discussion, Councilmember David Samuelson made a motion to approve Resolution No. 2004-87, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2004-87**

A RESOLUTION OF THE WHARTON CITY COUNCIL AMENDING RESOLUTION NO. 2004-44 ESTABLISHING THE GUIDELINES AND PROGRAM DESIGN FOR FEMA ELEVATION GRANT 1257-DR, PROJECT #UN50-3.2.04 .

WHEREAS, the Wharton City Council established Guidelines and Program Design for FEMA Elevation Grant 1257-DR, Project E UN50-3.2.04 by Resolution No. 2003-106; and

WHEREAS, the Wharton City Council amended the guidelines and program design for the FEMA Elevation Grant #1257-DR, Project #UN50-3.2.04; and

WHEREAS, the Wharton City of Wharton wishes to further amend the guidelines and program design for the FEMA Elevation Grant #1257-DR, Project #UN50-3.2.04 as follows:

<p>Program Design FEMA Elevation Grant FEMA-1257-DR, Project # UN50-3.2.04</p>

- I. Definition and Purpose of Designated Grant.** To elevate units located in the defined target area and to repair only those items defined as “qualified eligible expenses” by Texas Department of Public Safety, Division of Emergency Management.
- II. Defined Area.** The City of Wharton, Texas has designated through application to Texas Department of Public Safety, Division of Emergency Management that the target area to benefit from stated assistance is defined as the area bounded by FM 102 on North, Highway 59 on the West, the Colorado River on the South and Sunset Street on the East.
- III. Type of Assistance.** The City of Wharton, Texas has designated through application to Texas Department of Public Safety, Division of Emergency Management that the type of assistance to be provided to qualified applicants will be in the form of a grant.
- IV. Application Qualification.** The City of Wharton, Texas, has designated through application to Texas Department of Public Safety, Division of Emergency Management that 100% of proposed applicants receiving assistance will be for owner-occupied units.
- V. Internal Revenue Service (IRS).** The Internal Revenue Service (IRS) determination has determined that grant payments to voluntary participants in the program would be includible in the gross income of the homeowner(s) that receive the funds. Therefore, all voluntary participants who agree to accept the grant award for the elevation of their homes will be required to report the funds to the IRS as gross income. The City of Wharton will issue the necessary IRS forms to all voluntary participants.
- VI. Selection Process for Determining Eligibility.**
 - a. Unit must be owner-occupied.
 - b. Unit must be located in designated target area.
 - c. Applicants will receive priority scoring if:
 - i. Floodwaters penetrated structure.
 - ii. Applicant is 62 years of age or older.
 - iii. Applicant is disabled as defined by Social Security, SSI, Texas Department of Public Safety or by Doctor’s Statement.
 - iv. Applicant is below the 30% median income level for Wharton County, Texas.
 - v. After environmental assessment, Unit is not found to contain potentially hazardous materials (e.g., asbestos, lead paint) that may require special handling or abatement.
 - vi. Applicant can provide satisfactory written evidence to the Director of Community Services, City of Wharton, that Applicant actually occupies the Unit on a full time basis and owns the title to the real estate (land and improvements) at the address in question. (Provide such documents as driver’s license; utility bills; title policy; deed; homeowner’s insurance policy; Wharton County tax payment certificate, etc.).
 - vii. Applicant demonstrates to the satisfaction of the Director of Community Services that Applicant is current (not delinquent) on all property taxes for

- all taxing entities in Wharton County, or has an officially pending written protest not to pay same.
 - viii. Applicant execution of a Right-of-Entry and Temporary Ingress and Egress License Agreement to Perform Environmental Assessment Services at the Unit (legal form provided to Applicants by the Director of Community Services, City of Wharton).
 - ix. Applicant execution of the Voluntary Transaction Agreement for Home Elevation Project (legal form provided to Applicants by the Director of Community Services, City of Wharton).
 - x. The funding entity must approve all expenditures made to the elevation of the structures prior to construction.
 - xi. The contractor must agree to perform all work approved by the funding entity.
 - xii. The lower the cost benefit ratio (cost of improvements versus the valuation of the structure) the higher prioritization of the unit.
- VII.** The Director of Community Services for the City of Wharton will survey potential program beneficiaries, as defined in the City of Wharton, Texas application to Texas Department of Public Safety, Division of Emergency Management to ascertain applicant's interest in designated program.
- VIII.** Upon receipt of the applicants request and information for assistance, information will be screened for completeness and all information related to employment, income, assets and liabilities will be verified in order to determine the applicant's eligibility according to the Texas Department of Public Safety, Division of Emergency Management Guidelines, Policies, and Procedure. The Program Administrator and/or his/her designee shall be responsible for determining the eligibility of each applicant.
 - A. The Program Administrator and/or his/her designee will score completed and eligible applications. Once the applicants are reviewed for the required information and for eligibility, the Program Administrator, and City Building Official shall inspect ALL qualified applicant's homes for the feasibility of elevation of unit. The Program Administrator and the City Building Official will make recommendations to the local governing body based upon application verification and initial inspection of properties.
 - B. Upon receipt of the recommendations the approval authority shall approve, disapprove, or modify such recommendations. The funding decisions of the Approval Authority shall be based upon the adopted program policies and procedures and shall be final.
- IX. Preferences and/or Prioritization.** The City of Wharton will place an emphasis, as defined by Texas Department of Public Safety, Division of Emergency Management, on the elevation of units that do not exceed the designated flood elevation levels, (BFE), and for those units which had flood waters penetrate the unit. The City of Wharton, Texas is a viable urban community, which includes the encouragement and support for decent housing and suitable living environments for persons of low income, and whereas certain

substandard housing conditions exist which represent a health and safety threat to families residing in such structures.

Preferences and priorities will be placed upon applicants through scoring criteria, which is:

- a. based upon the percentage of the area median income for Wharton County Texas of 30% or less,
- b. documented disabilities which applicant may have,
- c. and, if floodwaters penetrated the unit.

X. Priority Rating System. All eligible applicants will be rated on a scoring system in order to establish the priority of funds. This rating process has been designed to incorporate both the family and dwelling characteristics of an applicant in order to establish a system that determines the most needy. Scoring shall be based upon the following factors:

Income: (maximum 25 Points)

- Less than 20% of the applicable median income limits by household size 25pts
- Less than 25% of the applicable median income limits by household size 20pts
- Less than 30% of the applicable median income limits by household size 15pts

Flood Water Penetration of Unit:

- 1. Yes 5pts
- 2. No 0pts

Disability:

- 1. Yes 5pts
- 2. No 0pts

XI. Participant eligibility. In accordance with 24CFR Part 5, and Technical Guide for Determining Income and Allowances, the City of Wharton has defined a “qualified low income household” as a household whose total income does not exceed 30% of the area median income. However, in accordance with Rider 3 of the Departments Appropriation for the current biennium, in those counties where the median income is lower than the State median income, (51,400), the department shall use the State median income in interpreting this rider. The area median income for Wharton, Wharton County, Texas is \$44,700.00. Therefore, Wharton, Texas, which shall be targeting households at or below 30% AMFI shall utilize the 30% average State median income based upon the number of persons in the household:

30% Average State Median Income							
1 person	2 person	3 person	4 person	5 person	6 person	7 person	8 person
\$10,794	\$12,336	\$13,878	\$15,420	\$16,654	\$17,887	\$19,121	\$20,354

XII. Relocation. The City of Wharton has established that the applicant of the Texas Department of Public Safety, Division of Emergency Management Elevation Grant is a voluntary program. The applicant's action demonstrates elective and voluntary participation in the program.

XIII. Homeowner Responsibility. Homeowner(s) must execute all required contracts developed by the City of Wharton. The Homeowner will accept all responsibility for the removal of contents of property if required or for the relocation of self, if required. The nature of this Grant is for the elevation of units that are located within flood plains and are not located above designated flood plain elevations. The City, nor Contractor, will be responsible for:

- i. Homeowner's contents.
- ii. Homeowner's relocation.
- iii. Disconnection of utilities.
- iv. Or, any other unforeseen circumstance, during the phases of elevating or repairing a unit.

XIV. "Local Opportunity Plan". The City of Wharton will advertise for local contractors. The City will obtain a list of qualified contractors. General Contractors will be urged to break down tasks into smaller tasks and seek out local trades, locally owned businesses and low-income residents.

XV. Contractor Requirements. All contractors will be required to execute contract documents developed by the City of Wharton..

XVI. Standards and Specifications. The City of Wharton has adopted the 2000 International Builders Congress Code. All work required will meet or exceed the City of Wharton inspections.

XVII. Historically Underutilized Businesses, (HUBS). The City will give opportunities to HUBs and will make an affirmative effort to encourage bids from such contractors. General Contractors will be encouraged to "break out" tasks into smaller tasks to encourage participation. The City will also develop lists of HUBs in the area for general contractors to obtain bids for break out tasks. The City of Wharton will advertise, "break out tasks" in the local newspaper, notices posed in high visible areas, and maintain a master list at City Hall.

WHEREAS, the City of Wharton wishes to establish these guidelines for this program.

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

Section I. That the Wharton City Council hereby accepts the Guidelines and Program Design for FEMA Elevation Grant #1257-DR, Project #UN50-3.2.04, for the following activities:

To elevate units located in the defined target area and to repair only those properties defined as "qualified eligible expenses" by the Texas Department of Public Safety, Division of Emergency Management; and

That grant funds of \$500,000.00 be used to carry out owner-occupied housing elevation projects, eligible soft costs and for administration.

Section II. That the Wharton City Council hereby directs and authorizes the Mayor of the City of Wharton, Texas to execute all necessary documents as may be required to initiate and process the requirements.

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

Passed, Approved, and Adopted this 11th day of October 2004.

CITY OF WHARTON, TEXAS

By: _____

BRYCE D. KOCIAN

Mayor

ATTEST:

JOYCE VASUT

City Secretary

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

B. Bid Tabulation.

City Manager Andres Garza, Jr. stated that on September 7, 2004, the City received bids for the City of Wharton Home Elevation Project – Texas Department of Public Safety, Division of Emergency Management, FEMA Disaster DR-1257-TX; Office of Rural Community Affairs Contract No. 722067. He presented a copy of the bid tabulation. He stated that three companies had bid the project, T.L. Childress Retrofitting, DAB Engineering, and Structural Solutions. He stated that the City Staff and Ms. Martha Juch, P.E. reviewed the bids. He then presented a copy of the letter dated September 10, 2004 from T. L. Childress, Retrofitting withdrawing his bid. He stated that Ms. Martha Ferrero Juch reviewed the bids received and was recommending the City Council award the bid to Structural Solutions, with individual contracts to be negotiated for one or more houses based on future prioritization by the City.

C. Resolution: A resolution of the Wharton City Council awarding a contract for elevation services for the Home Elevation Project - Texas Department of Public Safety, Division of Emergency Management, FEMA Disaster DR-1257-TX; Office of Rural Community Affairs Contract No. 722067 and authorizing the Mayor of the City of Wharton to execute all documents related to said contract. City Manager Andres Garza, Jr. presented a copy of the draft resolution awarding the contract. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to approve Resolution No. 2004-88, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2004 - 88**

A RESOLUTION AWARDDING CONTRACTS UNDER THE CITY OF WHARTON HOME ELEVATION PROJECT – FEMA AND THE STATE OF TEXAS FEMA-DR-1257-TX PROJECT UN50-3.2-04/OFFICE OF RURAL COMMUNITY AFFAIRS (ORCA) CONTRACT NO. 722067 AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATING TO THE AGREEMENTS.

WHEREAS, competitive, sealed bids were received on September 7, 2004 for contractor service for the City of Wharton Home Elevation Project-FEMA and the State of Texas FEMA-DR-1257-TX Project UN50-3.2-04/ Office of Rural Community Affairs (ORCA) Contract No. 722067; and

WHEREAS, the Wharton City Council wishes to authorize the Mayor of the City of Wharton, Texas, to award and execute any and all agreements for the City of Wharton Home Elevation Project- FEMA and the State of Texas FEMA-DR-1257-TX Project UN50-3.2-04/ Office of Rural Community Affairs (ORCA) Contract No. 722067; and

WHEREAS, the Wharton City Council recognizes that the amount needed to elevate all the homes could exceed the amount available for the program, and;

WHEREAS, the Wharton City Council hereby wishes to authorize the Mayor of the City of Wharton to award the funding in accordance with the prioritization of the homeowners in accordance with the City of Wharton Resolution 2004-_____ establishing the program guidelines as amended.

WHEREAS, the Wharton City Council wishes to award the bids for said program to Structural Solutions Inc. for being the lowest and best qualified bidder.

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

Section I. That the Wharton City Council hereby authorizes the Mayor of the City of Wharton, Texas, to award and execute any and all agreements for the City of Wharton Home Elevation Project- FEMA and the State of Texas FEMA-DR-1257-TX Project UN50-3.2-04/ Office of Rural Community Affairs (ORCA) Contract No. 722067.

Section. II. That the City Council hereby authorizes the Mayor of the City of Wharton to award the funding to the homeowners in accordance with the prioritization of the homeowners in accordance with the City of Wharton Resolution 2004-87, as amended, establishing the program guidelines.

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

Passed, Approved, and Adopted this the 11th day of October 2004.

CITY OF WHARTON

By: _____
BRYCE D. KOCIAN
Mayor

ATTEST:

JOYCE VASUT
City Secretary

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

The eighth item on the agenda was to review and consider the City of Wharton EMS Stretchers:

- A. Bid Tabulation.
- B. **Resolution:** A resolution of the Wharton City council awarding a contract for the purchase of EMS stretchers and authorizing the Mayor of the City of Wharton to execute all documents related to said contract.

City Manager Andres Garza, Jr. stated on October 1, 2004, the City Staff received bids for the purchase of EMS stretchers. He presented a copy of the bid tabulation, and a copy of the memorandum dated October 5, 2004 from EMS Director John Kowalik recommending the bid be awarded to Bound Tree Medical for a total bid price of \$11,984.00 for three Stryker Model 6092 EZ-Pro R4 stretchers. He then presented a copy of a draft resolution awarding the bid. EMS Director John Kowalik addressed the City Council and stated that he reviewed the bids and recommended awarding the bid to Bound Tree Medical as the lowest and best qualified bidder for the stretchers. He stated that the funding for the stretchers were from two sources: Gulf Coast Medical Foundation and the EMS Support Group. He said the two entities have been highly supportive of the Wharton EMS. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to approve Resolution No. 2004-89, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2004-89**

A RESOLUTION AWARDED A BID TO BOUND TREE MEDICAL FOR THREE STRYKER MODEL 6092 EZ-PRO R4 AMUBLANCE STRETCHERS AND AUTHORIZING THE MAYOR THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID CONTRACT.

WHEREAS, competitive, sealed bids were received on October 1, 2004 for the purchase of three Stryker Model 6092 EZ-Pro R4 stretchers; and

WHEREAS, Bound Tree Medical was deemed to be the best and lowest qualified bidder as per bid specifications for three Stryker Model 6092 EZ-Pro R4 stretchers in the amount of \$3,978.00each, \$11,934.00 total 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 Bound Tree Medical is hereby awarded the bid for three Stryker Model 6092 EZ-Pro R4 stretchers in the amount of \$3,978.00each, \$11,934.00 total 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 11th day of October 2004.

CITY OF WHARTON, TEXAS

BRYCE D. KOCIAN
Mayor

ATTEST:

JOYCE VASUT

City Secretary

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

The ninth item on the agenda was to review and consider the proposed City Council Public Safety Committee:

A. **Resolution:** A resolution of the Wharton City Council establishing a City Council Public Safety Committee for the City of Wharton.

City Manager Andres Garza, Jr. stated that during the September 27, 2004 regular Wharton City Council meeting, Councilmember Domingo Montalvo, Jr. stated that the City Council should consider creating a City Council Public Safety Committee that would discuss items related to the Fire, EMS, and Police Departments and requested the item be placed on the City Council agenda for consideration. He then presented a draft resolution creating the committee. Councilmember Domingo Montalvo, Jr. stated that costs were continually rising and the City needed to plan for the future in the public safety area. He stated that the City Council needed to prioritize issues and move forward in working with Wharton County and El Campo in the future. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to approve Resolution No. 2004-90, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2004 - 90**

A RESOLUTION OF THE WHARTON CITY COUNCIL ESTABLISHING A PUBLIC

SAFETY COMMITTEE FOR THE CITY OF WHARTON.

WHEREAS, the Wharton City Council wishes to establish a City Council Public Safety Committee to discuss items related to the Fire, EMS, and Police Departments; and

WHEREAS, the City Council Public Works Committee would consist of three Councilmembers; and

WHEREAS, the City Council wishes to set a one year term.

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

Section I. That the Wharton City Council hereby establishes the City Council Public Safety Committee.

Section II. That the City Council Public Safety Committee would consist of three Councilmembers serving one year terms as Committee Members.

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

Passed, Approved, and Adopted this 11th day of October 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. Appointments to the City Council Public Safety Committee.

City Manager Andres Garza, Jr. stated appointments would need to be made for the City Council Public Safety Committee. After some discussion, no action was taken.

The tenth item on the agenda was to review and consider Jr's Texas Best, LLC, Texas Capital Fund Contract 723092, Change Order No. 11, BLS Construction Company. City Manager Andres Garza, Jr. presented a copy of the Change Order No. 11 for the Jr's Texas Best, LLC, Texas Capital Fund Contract No. 723092, BLS Construction Company in the amount of \$4,104.25 for exterior wall: change from 15# felt to tyvek and add 2 1/2" X 3/4" treated battens at 16" centers. After some discussion, Councilmember Ray Linseisen made a motion to approve Jr's Texas Best, LLC, Texas Capital Fund Contract 723092, Change Order No. 11, BLS

Construction Company in the amount of \$4,104.25. Councilmember Ken Freese seconded the motion. All voted in favor.

The eleventh item on the agenda was 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 September 14, 2004 to October 6, 2004 in the amount of \$208.45. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to approve the Travel Reimbursement Request for City Manager Andres Garza, Jr. for the period September 14, 2004 to October 6, 2004 in the amount of \$208.45. Councilmember David Samuelson seconded the motion. All voted in favor.

The twelfth item on the agenda was Executive Session: City Council may adjourn into an Executive Session in accordance with Section 551.074 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: Appointment of City Secretary.

B. Discussion: Appointment of Deputy City Secretary.

Mayor Bryce D. Kocian adjourned into Executive Session at 7:33 p.m.

Mayor Bryce D. Kocian returned to Open Session at 7:47 p.m.

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

A. Review & Consider: Appointment of City Secretary.

Councilmember V. L. Wiley, Jr. made a motion to appoint Lisa Stavena as City Secretary.

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

B. Review & Consider: Appointment of Deputy City Secretary.

Councilmember V. L. Wiley, Jr. made a motion to appoint Rhonda Clayton as Deputy City Secretary. Councilmember Don Mueller seconded the motion. All voted in favor.

The fourteenth 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 7:48 p.m.

CITY OF WHARTON, TEXAS

By: _____
BRYCE D. KOCIAN
Mayor

ATTEST:

JOYCE VASUT
City Secretary