

**MINUTES
OF
CITY OF WHARTON
SPECIAL CITY COUNCIL MEETING
AUGUST 16, 2005**

Mayor Pro-Tem Don Mueller declared a Special Meeting duly open for the transaction of business at 7:13 P.M. Councilmember David Samuelson led the opening devotion.

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

Councilmember absent was: Councilmember V. L. Wiley, Jr.

Staff members present were: City Manager Andres Garza, Jr., Finance Director Joyce Vasut, and City Secretary Lisa Stavena.

Visitors present were: None.

The second item on the agenda was roll call and excused absences. Councilmember David Samuelson made a motion to excuse the absence of Councilmember V. L. Wiley, Jr. and Mayor Bryce D. Kocian. Councilmember Ken Freese seconded the motion. All voted in favor.

The third item on the agenda was Discussion: Budget Workshop for the City of Wharton 2005-2006 Fiscal Year Budget.

- A. General Fund.
- B. Hotel Motel Fund.
- C. Narcotics Seizure Fund.
- D. Dare Fund.
- E. Debt Fund.
- F. Water & Sewer Fund.
- G. Solid Waste Fund.
- H. Emergency Medical Services Fund.
- I. Civic Center Fund.
- J. Airport Fund.

City Manager Andres Garza, Jr. presented the City Council with a draft proposed budget for 2005 - 2006 fiscal year.

Finance Director Joyce Vasut addressed the City Council and stated that the proposed budget included the effective tax rate of \$0.56473, a cost of living increase, and a Narcotics Officer. She stated that if City Council would adopted the current tax rate, then the City Council would be required to hold two public hearings. She stated that the difference between the current tax rate and the proposed effective tax rate for 2005-2006 was approximately \$58,820.

Mrs. Vasut stated that the City of Wharton offers the full-time employees health insurance and the City received a rerate and other options. She stated that the City of Wharton Insurance Committee met and recommended Option 3, which included a \$500 increase in the In-Network Deductible to

\$1,000, a \$500 increase to the Out-of-Network Deductible to \$1,200, no office visit co-pay (the employee would be responsible for the cost of office visit until the deductible was met), and Mac A prescription plan (a generic incentive plan). She stated that by selecting Option 3, the City of Wharton would be able to provide \$500.00 towards a Section 125 Flexible Spending Account for unreimbursed medical expenses that would assist the employee with the increase in deductibles or allow the employee to utilize the \$500.00 towards other qualified medical expenses for the employee or dependents.

Mayor Bryce D. Kocian arrived at 8:05 p.m.

Mrs. Vasut stated that a cost of living increase was included in the budget, which consisted of 1% to 5% increase. She stated that full-time employees earning below \$20,000 would receive a 5%; \$20,000 to \$25,000 would receive a 4%; \$25,000 to \$35,000 would receive a 3%; \$35,000 to \$45,000 would receive a 2%; and \$45,000 and up would receive a 1%.

City Manager Andres Garza, Jr. stated that the budget included an allocation of \$23,450 for convention and tourism in the Hotel/Motel Fund.

He stated that the Fire Department budget was also increased to include the incentive program for the Volunteer Fire Fighters.

After reviewing the draft proposed budget, the City Council held a discussion. No action was taken.

The fourth item on the agenda was review and consider the City of Wharton Drainage Projects:

A. Resolution: A resolution of the Wharton City Council approving an agreement between the City of Wharton and SMC Consulting, Inc. to conduct the Wetlands and Jurisdictional Waters of the United States evaluation for the Ahldag Addition Drainage Outfall Project. City Manager Andres Garza, Jr. stated that the City of Wharton was moving forward with the Ahldag Addition Drainage Outfall Project. He then presented a copy of the proposal for professional environmental services for wetland determination and delineation and jurisdictional waters determination and delineation. He stated that the scope of the projects would be to determine the nature and extent of any Waters and Wetlands on the tracts of land which might be considered Jurisdictional Waters of the United States and subject to Federal Regulations. He said that the proposals also included site meetings and concurrence with the USACE and Jones & Carter, Inc. surveying personnel. He then presented a draft resolution for the project approving the execution of the proposal for the project. He stated that the cost would be approximately \$4,950.00. After some discussion, Councilmember Ray Linseisen made a motion to approve Resolution No. 2005-41, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2005-41**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AN AGREEMENT BETWEEN THE CITY OF WHARTON AND SMC CONSULTING, INC. TO CONDUCT THE WETLANDS AND JURISDICTIONAL WATERS OF THE UNITED STATES EVALUATION FOR THE AHLDAG ADDITION DRAINAGE OUTFALL PROJECT.

WHEREAS, the Wharton City Council wishes to determine if the Ahldag Addition Drainage Outfall project for the area adjacent to the intersection of Baughman Slough and Lee's Lane in Wharton, Texas, has any waters or wetlands which might be considered Jurisdictional Waters of the United States and would be subject to Federal Regulations; and

WHEREAS, the Wharton City Council wishes to engage the professional environmental services with SMC Consulting, Inc. for wetland determination & delineation and Jurisdictional Waters determination & delineation; and

WHEREAS, the City of Wharton and SMC Consulting, Inc. wishes 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 Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute a professional environmental services agreement with SMC Consulting, Inc. to determine if the Ahldag Addition Drainage Outfall project for the area adjacent to the intersection of Baughman Slough and Lee's Lane in Wharton, Texas, has any waters or wetlands which might be considered Jurisdictional Waters of the United States and would be subject to Federal Regulations.

Section II. That the City of Wharton and SMC Consulting, Inc. are hereby bound by the conditions as set forth in the agreement.

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

Passed, Approved, and Adopted this 16th day of August 2005.

CITY OF WHARTON, TEXAS

By: _____
DONALD MUELLER
Mayor Pro-Tem

ATTEST:

LISA STAVENA

City Secretary

Councilmember David Samuelson seconded the motion. All voted in favor.

B. Resolution: A resolution of the Wharton City Council approving an agreement between the City of Wharton and SMC Consulting, Inc. to conduct the Wetlands and Jurisdictional Waters of the United States evaluation for the Santa Fe Drainage Outfall Project. City Manager Andres Garza, Jr. stated that the City of Wharton was moving forward with the Santa Fe Drainage Outfall Project. He presented a copy of the proposals for professional environmental services for wetland determination and delineation and jurisdictional waters determination and delineation. He stated that the scope of

the project would be to determine the nature and extent of any Waters and Wetlands on the tracts of land which might be considered Jurisdictional Waters of the United States and subject to Federal Regulations. He said that the proposals also included site meetings and concurrence with the USACE and Jones & Carter, Inc. surveying personnel. He then presented a draft resolution for the project approving the execution of the proposal for the project. He stated that the cost would be approximately \$4,950.00. He stated that the \$4,950.00 could count towards the matching grant with the Corp. of Engineers levee project. After some discussion, Councilmember Ray Linseisen made a motion to approve Resolution No. 2005-42, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2005-42**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AN AGREEMENT BETWEEN THE CITY OF WHARTON AND SMC CONSULTING, INC. TO CONDUCT THE WETLANDS AND JURISDICTIONAL WATERS OF THE UNITED STATES EVALUATION FOR THE SANTA FE DRAINAGE OUTFALL PROJECT.

WHEREAS, the Wharton City Council wishes to determine if the Sante Fe Drainage Outfall Project located between Highway 60 and FM 1299 in Wharton, Texas, has any waters or wetlands which might be considered Jurisdictional Waters of the United States and would be subject to Federal Regulations; and

WHEREAS, the Wharton City Council wishes to engage the professional environmental services with SMC Consulting, Inc. for wetland determination & delineation and Jurisdictional Waters determination & delineation; and

WHEREAS, the City of Wharton and SMC Consulting, Inc. wishes 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 Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute a professional environmental services agreement with SMC Consulting, Inc. to determine if Sante Fe Drainage Outfall Project located between Highway 60 and FM 1299 in Wharton, Texas, has any waters or wetlands which might be considered Jurisdictional Waters of the United States and would be subject to Federal Regulations.

Section II. That the City of Wharton and SMC Consulting, Inc. are hereby bound by the conditions as set forth in the agreement.

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

Passed, Approved, and Adopted this 16th day of August 2005.

CITY OF WHARTON, TEXAS

By: _____
DONALD MUELLER
Mayor Pro-Tem

ATTEST:

LISA STAVENA

City Secretary

Councilmember David Samuelson seconded the motion. All voted in favor.

The fifth item on the agenda was to review and consider the Procurement of Professional Engineering/Architectural Services:

A. Resolution: A resolution of the Wharton City Council designating a consultant selection committee and selection criteria for the procurement of professional architectural/engineering services for the Wharton Regional Airport Terminal Building Project. City Manager Andres Garza, Jr. stated that the City of Wharton had submitted an application to the Texas Department of Transportation Aviation Division for the Wharton Regional Airport Terminal Building Project. He said that the City's application was included along with other applications throughout the State to the Transportation Commission for consideration under the Capital Improvement Program. He said that Ms. Allison Martin, Grant Manager of TxDOT had requested the City of Wharton to designate a consultant selection committee and selection criteria for the procurement of professional architectural/engineering services for the project. He then presented a draft resolution designating the consultant selection committee and selection criteria, a list of the proposed selection committee members, and a copy of the procurement selection criteria. He recommended that the consultant selection committee consist of Councilmembers Don Mueller, Domingo Montalvo, Jr., Airport Board Chairman David Allen, Public Works Director Phil Bush, and himself. After some discussion, Councilmember Ken Freese made a motion to approve Resolution No. 2005-43, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2005 - 43**

A RESOLUTION OF THE WHARTON CITY COUNCIL DESIGNATING A CONSULTANT SELECTION COMMITTEE FOR THE PROCUREMENT OF PROFESSIONAL ARCHITECTURAL/ENGINEERING SERVICES FOR THE WHARTON REGIONAL AIRPORT TERMINAL BUILDING PROJECT.

WHEREAS, the City of Wharton has applied for grant funds from the Texas Department of Transportation Aviation Division to construct a new airport terminal building;; and

WHEREAS, the City of Wharton wishes to follow the State of Texas Procurement Process for Professional Services; and

WHEREAS, the City Council wishes to designate a consultant selection committee (Attached A) for the procurement of architectural/engineering services for the construction phase for infrastructure for the Airport Terminal Building Project; and

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

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

Section I: The City Council hereby designates a consultant selection committee for the procurement of professional engineering services for the Wharton Regional Airport – Airport Terminal Building Project.

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

Passed, Approved and Adopted this 16th day of August 2005.

CITY OF WHARTON, TEXAS

By: _____
DONALD MUELLER
Mayor Pro-Tem

Attest:

LISA STAVENA

City Secretary

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

B. Resolution: A resolution of the Wharton City Council designating a consultant selection committee and selection criteria for the procurement of professional engineering services for the Wharton Industrial Park Infrastructure Project. City Manager Andres Garza, Jr. stated that the City Staff was moving forward with the USDA Wharton Industrial Park Infrastructure Project. He said that a consultant selection committee and selection criteria must also be adopted in order to secure a professional engineering firm to design the project for the construction phase. He then presented a draft resolution designating the consultant selection committee and selection criteria and a list of the proposed selection committee members. He recommended that the consultant selection committee consist of Councilmembers Don Mueller, Domingo Montalvo, Jr., V. L. Wiley, Jr., Public Works Director Phil Bush, and himself. After some discussion, Councilmember Ray Linseisen made a motion to approve Resolution No. 2005-44, which read as follows:

CITY OF WHARTON
RESOLUTION NO. 2005 - 44

A RESOLUTION OF THE WHARTON CITY COUNCIL DESIGNATING A CONSULTANT SELECTION COMMITTEE AND SELECTION CRITERIA FOR THE PROCUREMENT OF PROFESSIONAL ENGINEERING SERVICES FOR THE WHARTON INDUSTRIAL PARK INFRASTRUCTURE PROJECT.

WHEREAS, the City of Wharton has been awarded grant funds from the United States Department of Agriculture (USDA) for the Wharton Industrial Park Infrastructure Project; and

WHEREAS, the City of Wharton wishes to follow the State of Texas Procurement Process for Professional Services; and

WHEREAS, the City Council wishes to designate a consultant selection committee (Attached A) for the procurement of professional engineering services for the construction phase for infrastructure for the Wharton Industrial Park Infrastructure Project; and

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

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

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

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

Section I: The City Council hereby designates a consultant selection committee for the procurement of professional engineering services for the construction phase for infrastructure for the Wharton Industrial Park Infrastructure Project.

Section II: The City of Wharton hereby accepts the State of Texas Procurement Process procedures for Professional Services (Attached B).

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

Passed, Approved and Adopted this 16th day of August 2005.

CITY OF WHARTON, TEXAS

City of Wharton
Special City Council Meeting
August 16, 2005

By: _____

DONALD MUELLER
Mayor Pro-Tem

Attest:

LISA STAVENA

City Secretary

Councilmember David Samuelson seconded the motion. All voted in favor.

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

The meeting adjourned at 8:44 p.m.

CITY OF WHARTON, TEXAS

By: _____

DON MUELLER
Mayor Pro-Tem

ATTEST:

LISA STAVENA

City Secretary