

MINUTES
OF
CITY OF WHARTON
REGULAR CITY COUNCIL MEETING
OCTOBER 10, 2005

Mayor Bryce D. Kocian declared a Regular Meeting duly open for the transaction of business at 7:05 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 Domingo Montalvo, Jr.

Councilmember absent was: Ray Linseisen.

Staff members present were: City Manager Andres Garza, Jr., Finance Director Joyce Vasut, City Secretary Lisa Stavena, Assistant to City Manager Jackie Jansky, Building Official Ronnie Bollom, Community Services Director Jo Knezek, Fire Chief Anthony Abbott, and Emergency Management Coordinator Harry Priesmeyer.

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

The second item on the agenda was Roll Call and Excused Absences. Councilmember V. L. Wiley, Jr. made a motion to excuse the absence of Councilmember Ray Linseisen from the Regular City Council meeting held October 10, 2005. Councilmember Ken Freese seconded the motion. All voted in favor.

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

The fourth item on the agenda was Wharton Moment. No comments were given. No action was taken.

The fifth item on the agenda was to review and consider the reading of the minutes from the regular meetings held September 12, 2005 and September 26, 2005. After some discussion, Councilmember David Samuelson made a motion to approve the minutes from the regular meetings held September 12, 2005 and September 26, 2005. Councilmember V. L. Wiley, Jr. seconded the motion. All voted in favor.

The sixth item on the agenda was to review and consider the approval of the application submitted by Shorthorn Resources, Inc. for Ballard Exploration Company, Inc. to obtain a permit to drill, complete and operate an oil and/or gas well within the City limits of Wharton, Texas.

City Manager Andres Garza, Jr. presented a copy of the letter dated September 8, 2005 from Mr. Wayne Huff, Agent, Land Development, Ballard Exploration Company, Inc. requesting City Council approval to obtain a permit to drill, complete and operate an oil and/or gas well within the City limits of Wharton, Texas, in accordance with the City of Wharton Code of Ordinances, Chapter 50, Oil and Gas Wells, Article 11, Permits, Section 50-51. He also presented a copy of the letter dated September 19, 2005 from Mr. Huff providing the City with a copy of the Wharton County Appraisal District plat indicating that the property was located within the City's limits and a copy of the application. He then presented a copy of the Code of Ordinances, Chapter 50 Oil and Gas Wells. He stated that in accordance with Section 50-51, City Council authorization was required to issue a permit to drill wells within the City's limits. He stated that the City Council has 45 days to review the application from the date of its filing (September 19, 2005) (Section 50-53). He stated that the placement of the well would be south of the Wharton County Museum. After some discussion, Councilmember Don Mueller made a motion to accept the application submitted by Shorthorn Resources, Inc. for Ballard Exploration Company, Inc. to obtain a permit to drill, complete and operate an oil and/or gas well within the City limits of Wharton, Texas. Councilmember V. L. Wiley, Jr. seconded the motion. All voted in favor.

The seventh on the agenda was review and consider the Wharton Industrial Park Infrastructure Project:

A. Resolution: A resolution of the Wharton City Council approving an administrative management services contract with The Ruiz Companies for the City of Wharton Industrial Park Infrastructure Project and authorizing the Mayor of the City of Wharton to execute all documents related to the contract.

City Manager Andres Garza, Jr. stated that Mr. Armando Ruiz, President of The Ruiz Companies assisted the City of Wharton with the preparation and submission of the application to the United States Department of Agriculture (USDA) for the Industrial Park Infrastructure Project, which the City was awarded a grant in the amount of \$275,000. He stated that he was recommending the City Council consider approving an administrative management services contract with Mr. Ruiz to administer the grant. He then presented a copy of the draft resolution approving the contract. He stated that the compensation for his services was \$8,250.00, which he felt was very reasonable. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to approve Resolution No. 2005-62, which read as follows:

**City of Wharton
RESOLUTION NO. 2005-62**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AN ADMINISTRATIVE MANAGEMENT SERVICES CONTRACT WITH THE A. RUIZ COMPANIES FOR THE CITY OF WHARTON INDUSTRIAL PARK INFRASTRUCTURE PROJECT AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO THE CONTRACT.

WHEREAS, the City of Wharton received grant funds from the United States Department of Agriculture (USDA) to make infrastructure improvements to Wharton Industrial Park owned by the Wharton Industrial Foundation; and

WHEREAS, the Wharton City Council wishes to engage the services of The A. Ruiz Companies to provide administrative management services for the project; and

WHEREAS, the City of Wharton and The A. Ruiz Companies wish to be bound by the conditions set forth in the contract; and

WHEREAS, the Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute the contract with The A. Ruiz Companies.

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

Section I. The Wharton City Council hereby approves an administrative management services contract with The A. Ruiz Companies to administer the USDA grant for the Wharton Industrial Park Infrastructure Project.

Section II. The Mayor of the City of Wharton, Texas, is hereby authorized to execute all documents related to the contract.

Section III. This resolution becomes effective immediately after its passage.

PASSED, APPROVED and ADOPTED at a regular meeting of the Wharton City Council on the 10th day of October 2005.

CITY OF WHARTON, TEXAS

By: _____
BRYCE D. KOCIAN, Mayor

ATTEST:

LISA STAVENA, City Secretary

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

B. Resolution: A resolution of the Wharton City Council approving a professional engineering services contract for the City of Wharton Industrial Park Infrastructure Project and authorizing the Mayor of the City of Wharton to execute all documents related to the contract.

City Manager Andres Garza, Jr. stated that on September 6, 2005 the City Staff received six proposals in response to the City's request for qualifications. The firms were as follows:

1. Anthony Rachunek & Associates, Inc., Wharton, Texas.
2. Jones & Carter, Inc., Houston, Texas.
3. KSA Engineers, Sugar Land, Texas.
4. LNV Engineering, Corpus Christi, Texas.
5. O'Malley Engineers, L.L.P., Brenham, Texas.
6. Shelmark Engineering, LLC, Texas City, Texas.

He stated that during the September 9, 2005 Consultant Selection Committee, the Committee voted to rank and select the engineering firm for the Wharton Industrial Park Infrastructure

Project from their proposals. He stated that on October 7, 2005, the Committee reviewed the scoring and was recommending the contract be negotiated with the highest ranking firm, which was Jones & Carter, Inc. He stated that if negotiations would fail with the firm, then negotiations would begin with the next highest ranked firm and so forth. He then presented a copy of a draft resolution approving a contract with a professional engineering firm for the Wharton Industrial Park Infrastructure Project. Councilmember Ken Freese asked what was the timeline for the project. Mr. Carlos Cotton with Jones & Carter addressed the City Council and stated that the engineering could be completed within 60 - 90 days. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to approve Resolution No. 2005-63, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2005 - 63**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING A PROFESSIONAL ENGINEERING SERVICES CONTRACT FOR THE CITY OF WHARTON INDUSTRIAL PARK INFRASTRUCTURE PROJECT AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO THE CONTRACT.

WHEREAS, Requests for Qualifications were received September 6, 2005 for professional engineering services for the Wharton Industrial Park Infrastructure Project; and

WHEREAS, the Wharton City Council wishes to approve a professional engineering services contract with Jones & Carter, Inc. for the Wharton Industrial Park Infrastructure Project; and

WHEREAS, the City of Wharton and Jones & Carter, 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. The Wharton City Council hereby authorizes Mayor Bryce D. Kocian to execute a professional engineering services contract between the City of Wharton and Jones & Carter, Inc. for the Wharton Industrial Park Infrastructure Project.

Section II. The City of Wharton and Jones & Carter, Inc. are hereby bound by the conditions as set forth in the contract.

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

Passed, Approved, and Adopted this 10th day of October 2005.

CITY OF WHARTON, TEXAS

By: _____
BRYCE D. KOCIAN

Mayor

ATTEST:

LISA STAVERNA

City Secretary

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

The eighth item on the agenda was to review and consider a resolution of the Wharton City Council approving a billing services contract for certain fire and rescue services performed by the Wharton Fire Department and authorizing the Mayor of the City of Wharton to execute all documents related to the contract. City Manager Andres Garza, Jr. stated that Requests for Qualifications (RFQ) were received September 21, 2005 for billing services for certain fire and rescue services performed by the Wharton Fire Department. He stated that the City received two RFQ's, one from Revenue Rescue and one from Specialized Billing Services. Fire Chief Anthony Abbott addressed the City Council and stated that Finance Director Joyce Vasut and himself reviewed the proposals and were recommending the City Council approve a contract with Revenue Rescue. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to approve Resolution No. 2005-64, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2005 - 64**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING A BILLING SERVICES CONTRACT FOR CERTAIN FIRE AND RESCUE SERVICES PERFORMED BY THE WHARTON FIRE DEPARTMENT AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO THE CONTRACT.

WHEREAS, Requests for Qualifications were received September 21, 2005 for billing services for certain fire and rescue services performed by the Wharton Fire Department; and

WHEREAS, the Wharton City Council wishes to approve a billing services contract with Revenue Rescue; and

WHEREAS, the City of Wharton and Revenue Rescue 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. The Wharton City Council hereby authorizes Mayor Bryce D. Kocian to execute a billing services contract between the City of Wharton and Revenue Rescue for the certain fire and rescue services performed by the Wharton Fire Department.

Section II. The City of Wharton and Revenue Rescue are hereby bound by the conditions as set forth in the contract.

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

Passed, Approved, and Adopted this 10th day of October 2005.

CITY OF WHARTON, TEXAS

By: _____

BRYCE D. KOCIAN

Mayor

ATTEST:

LISA STAVENA

City Secretary

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

The ninth item on the agenda was to review and consider a resolution of the Wharton City Council approving an Emergency Management Coordinator contract for the City of Wharton and authorizing the Mayor of the City of Wharton to execute all documents related to the contract. City Manager Andres Garza, Jr. stated that the City Council Finance Committee met on Monday, October 10, 2005 to discuss the Emergency Management Coordinator contract with the City of Wharton. He then presented a copy of the current contract between Mr. Harry Priesmeyer, Emergency Management Coordinator and a draft copy of the resolution approving a new contract. He also presented a copy of the memorandum dated October 10, 2005 from the City Council Finance Committee providing the Committee's recommendation regarding the Emergency Management Coordinator (EMC) contract. He then presented a draft copy of the proposed amended EMC contract. He stated that the Finance Committee was recommending the City Council approve the following proposed amendments to the contract between Mr. Harry Priesmeyer, the City's Emergency Management Coordinator (EMC):

1. In the event of a local disaster, the EMC will be compensated at a rate of \$20.00 per hour.
2. In the event of a local disaster or an event that may require emergency management coordination, the EMC will be compensated as approved by the Mayor of the City of Wharton with the consent of the City Council.
3. The EMC will receive a City vehicle to be used for official City-use in carrying out the duties as the EMC.

Councilmember V. L. Wiley, Jr. stated that Deputy Emergency Management Coordinator Chester Houston had also worked and should also be compensated. He stated that he felt that Mr. Chester Houston was not being treated fairly. Mayor Bryce D. Kocian stated that Mr. Chester Houston's position was a voluntary position. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to approve Resolution No. 2005-65, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2005 - 65**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AN EMERGENCY MANAGEMENT COORDINATOR CONTRACT FOR THE CITY OF WHARTON AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE THE CONTRACT.

WHEREAS, The Wharton City Council wishes to enter into a contract with Mr. Harry Priesmeyer to act as the City of Wharton, Texas, Emergency Management Coordinator; and

WHEREAS, The City of Wharton and Mr. Harry Priesmeyer wish to be bound by the conditions of the contract; and

WHEREAS, The Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute the contract.

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

Section I. The Wharton City Council hereby authorizes Mayor Bryce D. Kocian to execute a contract with Mr. Harry Priesmeyer to act as the City of Wharton Emergency Management Coordinator.

Section II. The City of Wharton and Mr. Harry Priesmeyer are hereby bound by the conditions as set forth in the contract.

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

Passed, Approved, and Adopted this 10th day of October 2005.

CITY OF WHARTON, TEXAS

By: _____
BRYCE D. KOCIAN
Mayor

ATTEST:

LISA STAVENA

City Secretary

Councilmember David Samuelson seconded the motion. Councilmembers David Samuelson, Ken Freese, Don Mueller, and Domingo Montalvo, Jr. voted for the motion. Councilmember V. L. Wiley, Jr. voted against the motion. The motion carried.

The tenth item on the agenda was review and consider a resolution of the Wharton City Council approving to extend the contract between the City of Wharton and CLH, Inc. to provide ZlinkAWOS (NADIN) service for the Wharton Regional Airport and authorizing the Mayor of the City of Wharton to execute all documents related to the contract. City Manager Andres Garza, Jr. presented a copy of the letter dated September 28, 2005 from Ms. Stephenie Haynes, Marketing Coordinator for CLH, Inc. regarding the City's contract for the NADIN service for the Automated Weather Observation System (AWOS) located at the Wharton Regional Airport. He said that Ms. Haynes indicated in her letter that CLH was currently the only legal provider of NADIN service and provided service to over 60% of all the non-Federal AWOS in the United States. He then presented a copy of the proposed contract and a draft resolution approving the execution of the contract. He said that the fees for the service were \$195.00 per month, which

50% were paid by the Texas Department of Transportation Aviation Division Routine Airport Maintenance Program. After some discussion, Councilmember Ken Freese made a motion to approve Resolution No. 2005-66, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2005 - 66**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING TO EXTEND THE CONTRACT BETWEEN THE CITY OF WHARTON AND CLH, INC. TO PROVIDE ZLINKAWOS (NADIN) SERVICE FOR THE WHARTON REGIONAL AIRPORT AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO THE CONTRACT.

WHEREAS, The contract between the City of Wharton and CLH, Inc. for the ZlinkAWOS (NADIN) service for the Wharton Regional Airport expires November 2, 2005; and

WHEREAS, The Wharton City Council wishes to extend the contract with CLH, Inc.; and

WHEREAS, the City of Wharton and CLH, 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. The Wharton City Council hereby authorizes Mayor Bryce D. Kocian to execute a the contract between the City of Wharton and CLH, Inc. for the ZlinkAWOS (NADIN) service for the Wharton Regional Airport.

Section II. The City of Wharton and CLH, Inc. are hereby bound by the conditions as set forth in the contract.

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

Passed, Approved, and Adopted this 10th day of October 2005.

CITY OF WHARTON, TEXAS

By: _____

BRYCE D. KOCIAN

Mayor

ATTEST:

LISA STAVENA

City Secretary

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

The eleventh item on the agenda was to review and consider the Santa Fe Trail Project – Beautification Commission Recommendation:

A. Placement of the water fountain.

B. Bagley Pecan Contract.

City Manager Andres Garza, Jr. stated that the City Council Beautification Commission met October 3, 2005 to discuss the Santa Fe Trail water fountain project. He then presented a copy of the memorandum dated October 3, 2005 from Mr. Lewis Fortenberry, Chairman of the Beautification Commission recommending the City Council consider approving the placement of the water fountain in accordance with the preliminary drawings provided by Fatter & Evans Architects. He said that the Commission was also recommending the contract with Bagley Pecan not be renewed and the building's located at Third Street and North Richmond Road be removed. Mr. Garza stated that the City Council Finance Committee met on Monday, October 10, 2005 at 12:00 noon and discussed the fountain and recommended the fountain be placed at the location of Rusk and Fulton and also to work with Bagley Pecan for renewal of the lease. Councilmember Domingo Montalvo, Jr. stated that the location of Richmond and Fulton was a safety factor for placement of the fountain at that location. He stated that the City of Wharton needed to also work with businesses in the community. Finance Director Joyce Vasut stated that the City of Wharton was currently receiving \$2,700 annually from Bagley Pecan for the space. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to place the water fountain at the location of Rusk and Fulton. Councilmember David Samuelson seconded the motion. All voted in favor.

The twelfth item on the agenda was to review and consider the City of Wharton Construction Projects:

A. Southern Pacific Railroad Depot Restoration Project – A & A Constructors, Inc. Pay Request No. 3.

City Manager Andres Garza, Jr. presented a copy of Pay Request No. 3 for the Southern Pacific Railroad Depot Restoration Project that was submitted by A & A Constructors, Inc. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to approve Pay Request No. 3 for the Southern Pacific Railroad Depot Restoration Project that was submitted by A & A Constructors, Inc. in the amount of \$48,212.50. Councilmember Ken Freese seconded the motion. All voted in favor.

B. Wharton Regional Airport – Airport Corporate Hangar Improvement Project – Rain Seal Master Roofing and Sheetmetal, Inc. Pay Request No. 1.

City Manager Andres Garza, Jr. presented a copy of the Pay Request No. 1 submitted by Rain Seal Master Roofing and Sheetmetal, Inc. for the Wharton Regional Airport – Airport Corporate Hangar Improvement Project. He stated that the electrical would be completed next week. After some discussion, Councilmember made a motion to approve Pay Request No. 1 submitted by Rain Seal Master Roofing and Sheetmetal, Inc. for the Wharton Regional Airport – Airport Corporate Hangar Improvement Project in the amount of \$44,760.42. Councilmember Don Mueller seconded the motion. All voted in favor.

The thirteenth item on the agenda was to review and consider the request for Travel Reimbursement by City Manager. City Manager Andres Garza, Jr. presented the travel reimbursement request for the period August 23, 2005 through September 14, 2005 for the amount of \$463.40. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to approve the request for Travel Reimbursement by City Manager for the period August

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23, 2005 through September 14, 2005 in the amount of \$463.40. Councilmember Don Mueller seconded the motion. All voted in favor.

The fourteenth item on the agenda was to review and consider the City Council Boards, Commissions, and Committee Meetings:

- A. Wharton Economic Development Corporation meeting held September 27, 2005.
- B. Beautification Commission meeting held October 3, 2005.
- C. Wharton Regional Airport Board meeting held October 4, 2005.
- D. Consultant Selection Committee meeting held October 7, 2005.

City Manager Andres Garza, Jr. presented the reports to City Council. No action was taken.

The fifteenth 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 7:38 p.m.

CITY OF WHARTON, TEXAS

By: _____
BRYCE D. KOCIAN
Mayor

ATTEST:

LISA STAVENA
City Secretary