

**MINUTES  
OF  
CITY OF WHARTON  
REGULAR CITY COUNCIL MEETING  
OCTOBER 11, 2010**

Mayor Domingo Montalvo, Jr. declared the Regular Meeting duly open for the transaction of business at 7:02 P.M. Councilmember Bryce D. Kocian led the opening devotion and then Mayor Montalvo, Jr. led the pledge of allegiance.

Councilmembers present were: Mayor Domingo Montalvo, Jr., Councilmembers V. L. Wiley, Jr., Lewis Fortenberry, Jr., Terry David Lynch, Don Mueller, and Bryce D. Kocian.

Councilmember absent was: Jeff Gubbels.

Staff members present were: City Manager Andres Garza, Jr., Finance Director Joan Anandel, City Secretary Lisa Olmeda, Assistant to City Manager Jackie Jansky, and City Attorney Paul Webb.

Visitors present were: Barry Halvorson with Wharton Journal Spectator, Ron Sanders with Wharton Chamber of Commerce, and Jeff Rainer.

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 Jeff Gubbels from the regular meeting held on October 11, 2010. Councilmember Lewis Fortenberry, 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 Don Mueller stated that the Monterey Square Wine and Arts Fair was a successful event held on Saturday. Councilmember Terry David Lynch publicly commended Ron Sanders, Executive Director of Wharton Chamber of Commerce, staff, and merchants for the event. No action was taken.

The fifth item on the agenda was reading of the minutes from the regular meetings held September 13, 2010 and September 27, 2010. After some discussion, Councilmember Terry David Lynch made a motion to approve the minutes from the regular meetings held September 13, 2010 and September 27, 2010. Councilmember V. L. Wiley, Jr. seconded the motion. All voted in favor.

The sixth item on the agenda was review and consider the request by Mr. Jeff Rainer, Chairman for the Wharton Holiday Parade for the following:

A. Ordinance: An ordinance approving the 2010 Chamber of Commerce & Agriculture Holiday Parade Permit and authorizing the Wharton Police Department to redirect traffic.

B. City of Wharton to furnish five (5) tree lights for use at the point of line up. City Manager Andres Garza, Jr. presented a copy of the letter dated September 21, 2010 from Mr. Jeff Rainer, 2010 Parade Chairman for the 30<sup>th</sup> Annual Chamber of Commerce Christmas Parade. He said that Mr. Rainer was requesting City Council approval of the ordinance to redirect traffic and for the City of Wharton to provide five (5) tree lights for use at the point of line up. Mr. Jeff Rainer stated that the line up would be the same route as prior years. After some discussion, Councilmember Terry David Lynch made a motion to approve an ordinance approving the 2010 Chamber of Commerce & Agriculture Holiday Parade Permit and authorizing the Wharton Police Department to redirect traffic, and authorizing the City of Wharton to furnish five (5) tree lights for use at the point of line up. Ordinance No. 2010-13, read as follows:

**CITY OF WHARTON  
ORDINANCE NO. 2010 - 13**

**AN ORDINANCE APPROVING THE 2010 CHAMBER OF COMMERCE & AGRICULTURE HOLIDAY PARADE PERMIT AND AUTHORIZING THE POLICE DEPARTMENT TO REDIRECT TRAFFIC.**

**WHEREAS**, the Wharton Chamber of Commerce and Agriculture has filed an application for a parade permit with the City of Wharton Police Department as required under the City of Wharton Code of Ordinances, Chapter 82, Article III, Sec. 82-91; and

**WHEREAS**, the requested parade route requires the City of Wharton to close State Highway 60 (Burlson Street and Milam Street) from its intersection with Alabama Road and Polk Street; and

**WHEREAS**, the closure of State Highway 60 will be for a time of less than four (4) hours; and

**WHEREAS**, the closure will require the detouring of all traffic according to the map (Attachment A) attached to this ordinance; and

**WHEREAS**, the routing of all traffic will include truck traffic to Alabama Road which is prohibited by ordinance; and

**WHEREAS**, the City Council wishes to suspend for the duration of the parade the enforcement of said ordinance of trucks traveling on Alabama Road; and

**WHEREAS**, if there are any other ordinances that would be violated because of the re-routing of all traffic their suspension is hereby authorized.

**NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHARTON, TEXAS**, that:

- Section I.** The parade permit for the Wharton Chamber of Commerce and Agriculture is hereby approved.
- Section II.** The parade route is hereby approved as detailed in the attached map (Attachment A) which is hereby made part of this ordinance.
- Section III.** The closure of all streets as indicated in said map identified in Section II are hereby authorized.
- Section IV.** The traffic detour plan as identified in Section III above is hereby approved.
- Section V.** The Chief of Police and City Staff are hereby authorized to make the necessary expenditures needed to ensure the safety of the public.
- Section VI.** This ordinance shall become effective on the 23<sup>rd</sup> day of November 2010 and remain in effect until such time that the parade concludes.

**Passed, Approved and Adopted this 11<sup>th</sup> day of October 2010.**

**CITY OF WHARTON, TEXAS**

By: \_\_\_\_\_  
**DOMINGO MONTALVO, JR.**  
**Mayor**

**ATTEST**

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**LISA OLMEDA**  
**City Secretary**

Councilmember Lewis Fortenberry, Jr. seconded the motion. All voted in favor.

The seventh item on the agenda was Executive Session: City Council may adjourn into an Executive Session in accordance with Sections 551.072 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: Proposed Permanent Easement Agreement with Enterprise Texas Pipeline, LLC to be located on the City of Wharton Property described as 17.03 acres of land situated in Lot 1, Peach Creek Subdivision, Alexander Jackson Timber League, A-34 and the William Kincheloe League, A-38, Wharton County, Texas.

Mayor Domingo Montalvo, Jr. adjourned into Executive Session at 7:07 p.m.  
Mayor Domingo Montalvo, Jr. returned to Open Session at 7:14 p.m.

The eighth item on the agenda was return to Open Session: Action on items discussed in Executive Session:

City of Wharton  
Regular City Council Meeting  
October 11, 2010

A. Review & Consider: Proposed Permanent Easement Agreement with Enterprise Texas Pipeline, LLC to be located on the City of Wharton Property described as 17.03 acres of land situated in Lot 1, Peach Creek Subdivision, Alexander Jackson Timber League, A-34 and the William Kincheloe League, A-38, Wharton County, Texas.

Mayor Domingo Montalvo, Jr. stated that no action would be taken.

The ninth item on the agenda was adjournment. After some discussion, Councilmember Don Mueller made a motion to adjourn. Councilmember Terry David Lynch seconded the motion. All voted in favor.

The meeting adjourned at 7:15 p.m.

**CITY OF WHARTON, TEXAS**

**By:** \_\_\_\_\_  
**DOMINGO MONTALVO, JR.**  
**Mayor**

**ATTEST:**

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**LISA OLMEDA**  
**City Secretary**