

**MINUTES
OF
CITY OF WHARTON
REGULAR CITY COUNCIL MEETING
JANUARY 10, 2011**

Mayor Domingo Montalvo, Jr. declared the Regular Meeting duly open for the transaction of business at 7:00 P.M. Mayor Domingo Montalvo, Jr. led the opening devotion and then led the pledge of allegiance.

Councilmembers present were: Mayor Domingo Montalvo, Jr., Councilmembers Lewis Fortenberry, Jr., Don Mueller, Bryce D. Kocian, and Jeff Gubbels.

Councilmember absent was: Terry David Lynch.

Staff members present were: City Manager Andres Garza, Jr., Finance Director Joan Anandel, City Secretary Paula Favors, Assistant to City Manager Jackie Jansky, Public Works Director Carter Miska and Assistant City Attorney Amy Rod.

Visitors present were: Barry Halvorson with Wharton Journal Spectator, David Schroeder with Wharton Economic Development Corporation, and Carlos Cotton with Jones & Carter, Inc.

The second item on the agenda was Roll Call and Excused Absences. Councilmember Bryce Kocian moved to excuse Councilmember Terry David Lynch. Councilmember Lewis Fortenberry, Jr. seconded the motion.

The third item on the agenda was 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 meeting held December 13, 2010. After some discussion, Councilmember Jeffery Gubbels made a motion to approve the minutes from the regular meeting held December 13, 2010. Councilmember Lewis Fortenberry, Jr. seconded the motion. All voted in favor.

The sixth item on the agenda was to review and consider the City of Wharton Financial Report for the month of November 2010. Finance Director Joan Anandel presented the financial report for the month of November 2010, which was at 17% or two months into the fiscal year. Mrs. Anandel stated that the total ad valorem taxes collected were \$100,179 and the sales tax for the month of October 2010 was \$129,980 with \$86,653 to the City and \$43,327 to WEDC. She further stated that the TexPool balance for November was \$69,223.37 with an average monthly yield of 0.19%.

She said the Prosperity Bank balance for November 2010 was \$1,700,739.20 with an average monthly yield of 0.15%. She stated that other investments included \$2,655.09 at TexasGulf Federal Credit Union in the debt fund, and \$254,759.59 at Capital One Marketing at a yield of 2%. After some discussion, Councilmember Lewis Fortenberry, Jr. made a motion to approve the City of Wharton Financial Report for the month of November 2010. Councilmember Bryce D. Kocian seconded the motion. All voted in favor.

The seventh item on the agenda was to review and consider:

A. Resolution: A resolution of the Wharton City Council approving a Mutual Aid Agreement for Emergency Medical Services between the City of Wharton and Fort Bend County and authorizing the Mayor of the City of Wharton to execute the agreement. City Manager Andres Garza, Jr. presented a draft copy of the proposed Mutual Aid Agreement for Emergency Medical Services between the City of Wharton and Fort Bend County. He also presented a copy of the memorandum dated January 5, 2011 from EMS Director John Kowalik providing his recommendation regarding the agreement. Mr. Kowalik addressed the City Council and stated that he was recommending the City Council consider approving the agreement pending approval of City Attorney Paul Webb. Assistant City Attorney Amy Rod stated City Attorney Paul Webb had reviewed the agreement and that he had no objections to its approval by City Council. City Manager Garza then presented a copy of a draft resolution approving the agreement. After some discussion, Councilmember Bryce D. Kocian made a motion to approve Resolution No. 2011-01, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2011-01**

A RESOLUTION APPROVING THE EMERGENCY MEDICAL SERVICES MUTUAL AID AGREEMENT BETWEEN THE CITY OF WHARTON AND FORT BEND COUNTY AND AUTHORIZING THE MAYOR OF THE CITY OF TO EXECUTE ALL DOCUMENTS RELATING TO SAID AGREEMENT.

WHEREAS, the City of Wharton City Council wishes to approve the Emergency Medical Services Mutual Aid Agreement between the City of Wharton and Fort Bend County; and

WHEREAS, the City of Wharton and Fort Bend County wishes to be bound by the conditions as set forth in the agreement

WHEREAS, the Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute all documents relating to said 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 approves the Emergency Medical Services Mutual Aid Agreement between the City of Wharton and Fort Bend County.

Section II. That the City Council of the City of Wharton hereby authorizes the Mayor of the City of Wharton to execute all documents relating to said agreement.

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

Passed, Approved, and Adopted this 10th day of January 2011.

CITY OF WHARTON, TEXAS

By: _____
DOMINGO MONTALVO, JR.
Mayor

ATTEST:

PAULA FAVORS

City Secretary

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

B. Resolution: A resolution of the Wharton City Council approving a Mutual Aid Agreement for Emergency Medical Services between the City of Wharton and Matagorda County and authorizing the Mayor of the City of Wharton to execute the agreement. City Manager Andres Garza, Jr. presented a copy of the proposed Mutual Aid Agreement for Emergency Medical Services between the City of Wharton and Matagorda County. He also presented a copy of the memorandum dated January 5, 2011 from EMS Director John Kowalik providing his recommendation regarding the agreement. He said that EMS Director Kowalik was recommending the City Council consider approving the agreement pending approval by City Attorney Paul Webb. Assistant City Attorney Amy Rod stated City Attorney Paul Webb had reviewed the agreement and had no objections to City Council considering its approval. City Manager Garza then presented a copy of the draft resolution approving the agreement. After some discussion, Councilmember Bryce D. Kocian made a motion to approve Resolution No. 2011-02, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2011-02**

A RESOLUTION APPROVING THE EMERGENCY MEDICAL SERVICES MUTUAL AID AGREEMENT BETWEEN THE CITY OF WHARTON AND MATAGORDA

COUNTY AND AUTHORIZING THE MAYOR OF THE CITY OF TO EXECUTE ALL DOCUMENTS RELATING TO SAID AGREEMENT.

WHEREAS, the City of Wharton City Council wishes to approve the Emergency Medical Services Mutual Aid Agreement between the City of Wharton and Matagorda County; and

WHEREAS, the City of Wharton and Matagorda County wishes to be bound by the conditions as set forth in the agreement

WHEREAS, the Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute all documents relating to said 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 approves the Emergency Medical Services Mutual Aid Agreement between the City of Wharton and Matagorda County.

Section II. That the City Council of the City of Wharton hereby authorizes the Mayor of the City of Wharton to execute all documents relating to said agreement.

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

Passed, Approved, and Adopted this 10th day of January 2011.

CITY OF WHARTON, TEXAS

By: _____
DOMINGO MONTALVO, JR.
Mayor

ATTEST:

PAULA FAVORS
City Secretary

Councilmember Lewis Fortenberry, Jr. 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 Memorandum of Understanding Affiliation Agreement between the Houston Community College District and the City of Wharton and authorizing the Mayor of the

City of Wharton to execute the agreement. City Manager Andres Garza, Jr. presented a copy of the proposed Memorandum of Understanding Affiliation Agreement between the City of Wharton and the Houston Community College District. He also presented a copy of the memorandum dated December 21, 2010 from EMS Director John Kowalik providing his recommendation regarding the agreement. He said that EMS Director Kowalik was recommending the City Council consider approving the agreement. City Manager Garza further stated that he had submitted the agreement to City Attorney Paul Webb for his review. EMS Director Kowalik stated that the agreement was the same agreement that was previously held between the City and the College. Assistant City Attorney Amy Rod stated that City Attorney Paul Webb had reviewed the agreement and held no objection to the City Council's consideration to approve the agreement. After some discussion, Councilmember Bryce D. Kocian made a motion to approve Resolution No. 2011-03, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2011 - 03**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING A MEMORANDUM OF UNDERSTANDING AFFILIATION AGREEMENT BETWEEN THE CITY OF WHARTON AND HOUSTON COMMUNITY COLLEGE DISTRICT AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE THE AGREEMENT.

WHEREAS, the Wharton City Council wishes to authorize the Mayor of the City of Wharton, Texas, to execute a Memorandum of Understanding Affiliation Agreement the Houston Community College District for the purpose of offering EMT, EMT/ Intermediate and Paramedic Students the opportunity to utilize the City of Wharton E.M.S. Ambulance for the basic and advanced ambulance rotation; and

WHEREAS, the City of Wharton and Houston Community College District 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, Texas, to execute an Memorandum of Understanding Affiliation Agreement the Houston Community College District for the purpose of offering EMT, EMT/ Intermediate and Paramedic Students to utilize the City of Wharton E.M.S. Ambulance for the basic and advanced ambulance rotation with the Houston Community College.

Section. II. That the City of Wharton and the Houston Community College District wishes to be 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 the 10th day of January 2011.

CITY OF WHARTON

By: _____
DOMINGO MONTALVO, JR.
Mayor

ATTEST:

PAULA FAVORS

City Secretary

Councilmember Lewis Fortenberry, 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 a Local Transportation Project Advance Funding Agreement to a Category 11 Project-On System, namely the City of Wharton FM 102 Relocation and Overpass Project, between the City of Wharton and the Texas Department of Transportation and authorizing the Mayor of the City of Wharton to execute all documents related to said agreement. City Manager Andres Garza, Jr. stated that during the regular December 13, 2010 Wharton City Council meeting, the City Council reviewed other alternatives for the FM 102 Relocation and Overpass Project that could include extending FM 1301 to US HWY 59. He said the City Council voted to keep the project as originally planned as the FM 102 Relocation and Overpass Project in an effort to allow the City of Wharton and the Texas Department of Transportation (TxDOT) the ability to move the project forward. He then presented a copy of the proposed TxDOT Local Transportation Project Advance Funding Agreement to a Category 11 Project-On System for the FM 102 Relocation and Overpass Project. He said that once the agreement was approved by the City Council, the City Staff would move forward with the requirements of the contract and obtain the necessary documents to secure the funding needed for the project. He said that total project cost was \$8.9 million with the federal portion being \$3.1 million, the States portion being \$1.6 million and the City being responsible for \$4.2 million. He further stated that the City would be responsible for the right-of-way acquisition and engineering and the State would be responsible for the construction and environmental clearances. After some discussion, Councilmember Bryce D. Kocian made a motion to approve Resolution No. 2011-04, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2011-04**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING A LOCAL TRANSPORTATION PROJECT ADVANCE FUNDING AGREEMENT TO A CATEGORY 11 PROJECT – ON SYSTEM, NAMELY THE CITY OF WHARTON FM 102 RELOCATION AND OVERPASS PROJECT, BETWEEN THE CITY OF WHARTON AND THE TEXAS DEPARTMENT OF TRANSPORTATION AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE THE AGREEMENT.

WHEREAS, the Wharton City Council has determined that it is in the best interest of the citizens of Wharton and those traveling through the community to conduct the FM 102 Relocation and Overpass Project; and

WHEREAS, the City of Wharton and the Texas Department of Transportation has partnered together and developed an agreement to conduct said project; and

WHEREAS, the City of Wharton and the Texas Department of Transportation wishes to enter into the Local Transportation Project Advance Funding Agreement to a Category 11 Project – On System for the City of Wharton FM 102 Relocation and Overpass Project; and

WHEREAS; the City of Wharton and the Texas Department of Transportation wishes to be bound by the conditions set forth in said agreement; and

WHEREAS, the Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute the Local Transportation Project Advance Funding Agreement to a Category 11 Project – On System for the City of Wharton FM 102 Relocation and Overpass Project.

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

Section 1: The Wharton City Council hereby approves the Local Transportation Project Advance Funding Agreement to a Category 11 Project – On System for the City of Wharton FM 102 Relocation and Overpass Project.

Section II: The Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute the Local Transportation Project Advance Funding Agreement to a Category 11 Project – On System for the City of Wharton FM 102 Relocation and Overpass Project.

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

Passed, Approved and Adopted this 10th day of January 2011.

CITY OF WHARTON, TEXAS

**By: _____
DOMINGO MONTALVO, JR.**

Mayor

ATTEST:

PAULA FAVORS

City Secretary

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

The tenth item on the agenda was Executive Session: City Council may adjourn into an Executive Session in accordance with Section 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: Acquisition of Real Estate for the FM 102 Relocation and Overpass Project.

Mayor Domingo Montalvo, Jr. adjourned the meeting into Executive Session at 7:16 p.m.
Mayor Domingo Montalvo, Jr. returned the meeting to Open Session at 7:55 p.m.

The eleventh item on the agenda was to Return to Open Session:

A. Review & Consider: Acquisition of Real Estate for the FM 102 Relocation and Overpass Project.

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

The twelfth item on agenda was to review and consider a resolution approving an Advance Funding Agreement for a Transportation Enhancement (TE) Project, namely the City of Wharton Sidewalk Accessibility and Historic Streetscape Project and authorizing the Mayor of the City of Wharton to execute all documents related to said agreement. City Manager Andres Garza, Jr. presented a copy of the proposed Advance Funding Agreement between the City of Wharton and the Texas Department of Transportation (TxDOT) for the City of Wharton Sidewalk Accessibility and Historic Streetscape Project. He stated that the total project cost was \$574,055 with the TxDOT portion being \$459,244 and the City's match would be \$114,813. He also said the City's portion of the project would be funded in the proposed bond fund being issued for the FM 102 Relocation and Overpass Project. He further stated that the project would allow improvements to sidewalks in the downtown area, which mostly consisted of improvements along Milam Street at Houston Street and extending towards the Southern Pacific Railroad Depot on Sunset Street. After some discussion, Councilmember Lewis Fortenberry, Jr., made a motion to approve Resolution No. 2011-05, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2011-05**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING A LOCAL TRANSPORTATION PROJECT ADVANCE FUNDING AGREEMENT FOR A TRANSPORTATION ENHANCEMENT (TE) PROJECT, NAMELY THE CITY OF

WHARTON SIDEWALK ACCESSIBILITY AND HISTORIC STREETScape PROJECT BETWEEN THE CITY OF WHARTON AND THE TEXAS DEPARTMENT OF TRANSPORTATION AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE THE AGREEMENT.

WHEREAS, the Wharton City Council has determined that it is in the best interest of the citizens of Wharton and the community to improve certain sidewalks and streetscapes in the downtown area; and

WHEREAS, the City of Wharton was awarded funding under the Texas Department of Transportation – Transportation Enhancement Program for the City of Wharton Sidewalk Accessibility and Historic Streetscape Project said project; and

WHEREAS, the City of Wharton and the Texas Department of Transportation wishes to enter into the Advance Funding Agreement for a Transportation Enhancement (TE) Project for said project; and

WHEREAS; the City of Wharton and the Texas Department of Transportation wishes to be bound by the conditions set forth in said agreement; and

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

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

Section 1: The Wharton City Council hereby approves the Advance Funding Agreement for a Transportation Enhancement (TE) Project for the City of Wharton Sidewalk Accessibility and Historic Streetscape Project said project.

Section II: The Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute the agreement.

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

Passed, Approved and Adopted this 10th day of January 2011.

CITY OF WHARTON, TEXAS

By: _____
DOMINGO MONTALVO, JR.
Mayor

ATTEST:

PAULA FAVORS

City Secretary

Councilmember Jeffery Gubbels seconded the motion. All voted in favor.

The thirteenth item on the agenda was to review and consider a resolution of the Wharton City Council authorizing the City of Wharton to participate in the Texas Department of Agriculture, 2011 Texas Rural Internship Program and authorizing the Mayor of the City of Wharton to submit a Request for Proposal required for said program. City Manager Andres Garza, Jr. stated that the Texas Rural Internship Program was designed by the Texas Department of Agriculture to assist college students who were interested in urban studies and development. He also added the City could sponsor at least one student with a cost of \$1,000 as a stipend. He said the stipend was a requirement of the State. After some discussion, Councilmember Bryce D. Kocian made a motion to approve Resolution No. 2011-06, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2011-06**

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE CITY OF WHARTON TO PARTICIPATE IN THE TEXAS DEPARTMENT OF AGRICULTURE, 2011 TEXAS RURAL INTERNSHIP PROGRAM AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO SUBMIT A REQUEST FOR PROPOSAL REQUIRED FOR SAID PROGRAM.

WHEREAS, the City of Wharton has been recognized as a potential participant for the Texas Department of Agriculture's (TDA) 2011 Texas Rural Internship Program; and

WHEREAS, Students who participate in the program will have an opportunity to learn about the inner workings of local government, economic development activities and cultural events in rural Texas; and

WHEREAS, Participating students will also receive college credit for their internship service; and

WHEREAS, the City of Wharton has expressed interest in participating in said program; and

WHEREAS; the City of Wharton wishes to authorize the Mayor of the City of Wharton to a Request for Proposal as required to participate in the program.

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

Section 1: The Wharton City Council hereby authorizes the Mayor of the City of Wharton to submit a Request for Proposal to the Texas Department of Agriculture to participate in the 2011 Texas Rural Internship Program.

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

Passed, Approved and Adopted this 10th day of January 2011.

CITY OF WHARTON, TEXAS

By: _____
DOMINGO MONTALVO, JR.
Mayor

ATTEST:

PAULA FAVORS

City Secretary

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

The fourteenth item on the agenda was a request by the Wharton Economic Development Corporation for City Council's approval of the following:

- A. **Ordinance:** An ordinance authorizing the Mayor to execute an Economic Development Agreement and a related Personal Property Bill of Sale, to transfer City surplus fill dirt to J. R. Simplot Company, in support of a new retail development along Highway 60 that will increase local sales and property tax base and create area employment.
- B. **Ordinance:** An ordinance authorizing the Mayor to execute an Economic Development Agreement and a related Personal Property Bill of Sale, to transfer City surplus fill dirt to Sarim, Inc., in support of a new restaurant development near FM 102 and US Highway 59 that will increase local sales and property tax base and create area employment.

Councilmember Don Mueller abstained from the discussion due to conflict of interest. City Manager Andres Garza, Jr. stated the City of Wharton would be able to assist J. R. Simplot Company and Sarim, Inc. by providing the fill dirt as requested since both projects were related to economic development. He said that J. R. Simplot was planning to develop a fertilizer company along Highway 60. He also stated that Sarim, Inc. was the company who was developing the property off of FM 102, which would be the new Denny's Restaurant site. He stated that both companies wanted to elevate their properties. Assistant City Attorney Amy Rod stated the fill dirt would be sold "as is" "where is" without guarantees or warranty. After some discussion, Councilmember Bryce D. Kocian made a motion to approve . Ordinance No. 2011-01 and Ordinance No. 2011-02, which read as follows:

**CITY OF WHARTON
ORDINANCE NO. 2011-01**

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE AN ECONOMIC DEVELOPMENT AGREEMENT AND A RELATED PERSONAL PROPERTY BILL OF SALE, TO TRANSFER CITY SURPLUS FILL DIRT TO J. R. SIMPLOT COMPANY, IN SUPPORT OF A NEW RETAIL DEVELOPMENT ALONG HIGHWAY 60, THAT WILL INCREASE LOCAL SALES AND PROPERTY TAX BASES AND CREATE AREA EMPLOYMENT.

WHEREAS, the City of Wharton and the Wharton Economic Development Corporation work jointly to foster private area developments that increase local sales and property tax bases and create employment opportunities; and

WHEREAS, J. R. Simplot Company of Hempstead, Texas, has approached the City and WEDC for forms of public assistance to develop a retail crop production center, together with related supporting facilities along Highway 60; and

WHEREAS, the City has ownership of large quantities of excess spoil fill dirt from various recent drainage excavation projects, and J. R. Simplot Company needs the fill dirt to develop the tract intended for its retail development.

NOW THEREFORE, BE IT ORDAINED BY THE WHARTON CITY COUNCIL THAT:

1. The City hereby declares that not-to-exceed 12,000 cubic yards of fill dirt is surplus City personal property, now able to be sold to J. R. Simplot company for Ten Dollars (\$10.00) and other valuable consideration, in support of the development of its retail facility that is reasonably anticipated to generate and enhance the local sales and property tax bases and create area employment.

2. The Mayor is hereby authorized to execute an Economic Development Agreement and related Personal Property Bill of Sale Agreement with J. R. Simplot Company, substantially in the form of the agreements attached hereto for reference.

3. The City Manager and legal counsel for the City are hereby authorized to coordinate with the WEDC and J. R. Simplot Company to finalize, implement, and administer the additional subsidiary activities and documents related hereto to foster the creation of the anticipated private development that will enhance the area sales and property tax bases, while creating area employment opportunities, in furtherance of the public interest and for the benefit of area citizens.

PASSED AND APPROVED THIS 10th DAY OF JANUARY 2011.

CITY OF WHARTON

Domingo Montalvo, Jr.

Mayor

Attest:

Paula Favors

**CITY OF WHARTON
ORDINANCE NO. 2011-02**

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE AN ECONOMIC DEVELOPMENT AGREEMENT AND A RELATED PERSONAL PROPERTY BILL OF SALE, TO TRANSFER CITY SURPLUS FILL DIRT TO SARIM, INC., IN SUPPORT OF A NEW RESTAURANT DEVELOPMENT NEAR FM 102 AND US HIGHWAY 59, THAT WILL INCREASE LOCAL SALES AND PROPERTY TAX BASES AND CREATE AREA EMPLOYMENT.

WHEREAS, the City of Wharton and the Wharton Economic Development Corporation work jointly to foster private area developments that increase local sales and property tax bases and create employment opportunities; and

WHEREAS, Sarim, Inc. of Brenham, Texas, has approached the City and WEDC for forms of public assistance to develop a restaurant, together with related supporting facilities near FM 102 and U. S. Highway 59; and

WHEREAS, the City has ownership of large quantities of excess spoil fill dirt from various recent drainage excavation projects, and Sarim, Inc. needs the fill dirt to develop the tract intended for its retail development.

NOW THEREFORE, BE IT ORDAINED BY THE WHARTON CITY COUNCIL THAT:

1. The City hereby declares that not-to-exceed 8,000 cubic yards of fill dirt is surplus City personal property, now able to be sold to Sarim, Inc. for Ten Dollars (\$10.00) and other valuable consideration, in support of the development of its retail restaurant facility that is reasonably anticipated to generate and enhance the local sales and property tax bases and create area employment.

2. The Mayor is hereby authorized to execute an Economic Development Agreement and related Personal Property Bill of Sale Agreement with Sarim, Inc., substantially in the form of the agreements attached hereto for reference.

3. The City Manager and legal counsel for the City are hereby authorized to coordinate with the WEDC and Sarim, Inc. to finalize, implement, and administer the additional

subsidiary activities and documents related hereto to foster the creation of the anticipated private development that will enhance the area sales and property tax bases, while creating area employment opportunities, in furtherance of the public interest and for the benefit of area citizens.

PASSED AND APPROVED THIS 10th DAY OF JANUARY 2011.

CITY OF WHARTON

Domingo Montalvo, Jr.
Mayor

Attest:

Paula Favors
City Secretary

Approved as to Form:

Paul Webb
City Attorney
Councilmember Jeffery Gubbels seconded the motion. All voted in favor.

The fifteenth item on the agenda was to review and consider the City of Wharton Emergency Generator Quick Connects for Certain Facilities Project – Electrical Automation Controls, Pay Request No. 1 in the amount of \$47,325.17. City Manager Andres Garza, Jr. presented copy of Pay Request No. 1 submitted by Electrical Automation Controls for the City of Wharton Emergency Generator Quick Connects for Certain Facilities in the amount of \$47,325.17. He also presented a copy of the memorandum dated January 6, 2011 from Building Official Ronnie Bollom that stated he had visited the sites listed on the schedule and that materials were received and the work had commenced during the month December 2010. Mr. Carlos Cotton, P.E. with Jones & Carter, Inc. stated that the work noted on the pay request was complete and that he was recommending the City Council consider approving the payment. After some discussion, Councilmember Bryce D. Kocian made a motion to approve the Electrical Automation Controls Pay Request No. 1 in the amount of \$47,325.17 for the City of Wharton’s Emergency Generator Quick Connects for Certain Facilities Project. Councilmember Don Mueller seconded the motion. All voted in favor.

The sixteenth item on the agenda was to review and consider the City of Wharton Cloud Street Water Plant Control Modifications Project – Neil Technical Services, Corp. – 2nd and Final Pay Request in the amount of \$965.00. Mr. Carlos Cotton, P.E., Jones & Carter, Inc., stated the work

was completed and that he was recommending the City Council consider approving the payment. After some discussion, Councilmember Bryce D. Kocian made a motion to approve the 2nd and Final Pay Request in the amount of \$965.00 submitted by Neil Technical Services, Corp. for the City of Wharton's Cloud Street Water Plant Control Modifications Project Councilmember Don Mueller seconded the motion. All voted in favor.

The seventeenth item on the agenda was to review and consider City of Wharton Wastewater Treatment Plant No. 1 Wier Repair Project – G & N Enterprises, Inc. – 2nd and Final Pay Request in the amount of \$4,332.00. Mr. Carlos Cotton, P.E., Jones & Carter, Inc. stated the work was completed and that he was requesting final acceptance of the project. He stated that there were some issues that needed to be resolved between the City of Wharton and the Texas Commission on Environmental Quality (TCEQ) that were not the contractor's responsibility. Public Works Director Carter Miska stated that the TCEQ representative was not satisfied with the current clarifier operating at the Wastewater Treatment Plant No. 1. He said that the plant was very old and needed to be upgraded with a new clarifier. After some discussion, Councilmember Bryce D. Kocian made a motion to approve the 2nd and Final Pay Request in the amount of \$4,332.00 submitted by G & N Enterprises, Inc. for the City of Wharton's Wastewater Treatment Plant No. 1 Wier Repair Project. Councilmember Don Mueller seconded the motion. All voted in favor.

The eighteenth item on the agenda was to review and consider the City of Wharton Additional Ahldag Sanitary Sewer Rehab Project, TxCDBG Contract No. R729710 – AR TurnKee Construction, Co., Inc. - Pay Request No. 2 in the amount of \$193,043.25. Mr. Carlos Cotton, P.E. of Jones & Carter, Inc. stated the project was 89% complete and recommended that the City Council consider approving the payment. After some discussion, Councilmember Jeffery Gubbels made a motion to approve the Pay Request No. 2 in the amount of \$193,043.25 submitted by AR TurnKee Construction, Co., Inc. for the City of Wharton Ahldag Addition Sanitary Sewer Rehab Project, TxCDBG Contract No. R729710. Councilmember Lewis Fortenberry Jr. seconded the motion. All voted in favor.

The nineteenth item on the agenda was City Council Committee, Commissions, and Boards Reports. City Manager Andres Garza, Jr. presented the following City Council Committee, Commission and Board reports to the City Council:

A. Wharton Economic Development Corporation report for the meeting held December 22, 2010.

B. Chamber of Commerce First Quarter Report for 2011.

After some discussion, no action was taken.

The twentieth item on the agenda was adjournment. After some discussion, Councilmember Don Mueller made a motion to adjourn the meeting. Councilmember Lewis Fortenberry, Jr. seconded the motion. All voted in favor.

City of Wharton
Regular City Council Minutes
January 10, 2011

The meeting adjourned at 8:17 p.m.

CITY OF WHARTON, TEXAS

By: _____
DOMINGO MONTALVO, JR.
Mayor

ATTEST:

Paula Favors
City Secretary