

**MINUTES
OF
CITY OF WHARTON
REGULAR CITY COUNCIL MEETING
DECEMBER 13, 2010**

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

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

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

Staff members present were: City Manager Andres Garza, Jr., Finance Director Joan Andel, City Secretary Lisa Olmeda, Assistant to City Manager Jackie Jansky, Police Chief Tim Guin, Public Works Director Carter Miska and City Attorney Paul Webb.

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

The second item on the agenda was Roll Call and Excused Absences. Councilmember Lewis Fortenberry, Jr. made a motion to excuse the absence of Councilmember V. L. Wiley, Jr. from the regular meeting held on December 13, 2010. Councilmember Don Mueller 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 Wharton Moment. Mayor Domingo Montalvo, Jr. stated that Councilmember V. L. Wiley, Jr. was in Methodist Hospital in Sugar Land recovering from a stroke. City Manager Garza stated that he and Mr. David Schroeder, Executive Director of the Wharton Economic Development Corporation visited Councilmember Wiley and would keep the City informed on his status.

City Manager Garza stated that City Secretary Lisa Olmeda was awarded the Texas Municipal Clerks Salt Grass Chapter Municipal Clerk of the Year for 2010 and wanted to publicly congratulate her on the award. He stated that the Salt Grass Chapter was comprised of 53 cities and the recognition was by the members. He stated that Lisa Olmeda served as Salt Grass President for 20 months and represented the City of Wharton well. 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 November 8, 2010 and November 22, 2010 and the special meeting held November 15, 2010. After some discussion, Councilmember Terry David Lynch made a motion to approve the minutes from the regular meetings held November 8, 2010 and November 22, 2010 and the special meeting held November 15, 2010 as presented. Councilmember Don Mueller seconded the motion. All voted in favor.

The sixth item on the agenda was to review and consider a resolution of the Wharton City Council approving an Affiliation Agreement pertaining specifically to EMS Education and the City of Wharton EMS assuming the role of Clinical Affiliation for field internship between the City of Wharton and Wharton County Junior College and authorizing the Mayor of the City of Wharton to execute the agreement. City Manager Andres Garza, Jr. presented a copy of the letter dated November 16, 2010 from Ms. Maggie Mejorado, EMS Coordinator for the Wharton County Junior College (WCJC) Public Safety Training providing the contract between the City of Wharton and WCJC for Clinical Affiliation for EMS field Internship. He stated that he forwarded the agreement to City Attorney Paul Webb and EMS Director John Kowalik requesting their review of the agreement. He then presented a copy of the memorandum dated December 9, 2010 from Mr. Kowalik providing his recommendation for City Council consideration to approve the agreement pending City Attorney Paul Webb's recommendation. Mr. Webb stated that he reviewed and recommended that the agreement be revised in order for the signature line to be moved to the proceeding. After some discussion, Councilmember Lewis Fortenberry, Jr. made a motion to approve Resolution No. 2010-92, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2010-92**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AN AFFILIATION AGREEMENT PERTAINING SPECIFICALLY TO EMS EDUCATION AND THE CITY OF WHARTON EMS ASSUMING THE ROLE OF CLINICAL AFFILIATION FOR FIELD INTERNSHIP BETWEEN THE CITY OF WHARTON AND WHARTON COUNTY JUNIOR COLLEGE AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE THE AGREEMENT.

WHEREAS, the City of Wharton and the Wharton County Junior College wishes to enter into an Affiliation Agreement pertaining specifically to EMS Education and the City of Wharton EMS assuming the role of Clinical Affiliation for field internship; and

WHEREAS, the City of Wharton and the Wharton County Junior College wishes to be bound by the conditions as outlined in the 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 I. The Wharton City Council hereby approves the Affiliation Agreement pertaining specifically to EMS Education and the City of Wharton EMS assuming the role of Clinical Affiliation for field internship between the City of Wharton and the Wharton County Junior College.

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

Section III. This resolution shall become effective immediately upon its passage.

PASSED, APPROVED AND ADOPTED this 13th day of December 2010.

CITY OF WHARTON

DOMINGO MONTALVO, JR., MAYOR

ATTEST:

LISA OLMEDA, CITY SECRETARY

Councilmember Don Mueller seconded the motion. Councilmembers Terry David Lynch and Bryce D. Kocian abstained. Councilmembers Lewis Fortenberry, Jr., Don Mueller, Jeff Gubbels and Mayor Domingo Montalvo, Jr. voted for the motion. The motion carried.

The seventh item on the agenda was to review and consider an ordinance approving amendments to the Budget for the City of Wharton, Texas, for the fiscal year 2009-2010. Finance Director Joan Andel presented a draft copy of the ordinance amending the City of Wharton budget for fiscal year 2009-2010 and a spreadsheet outlining the budget amendments. She said that the City Council Finance Committee met on December 9, 2010 to review the proposed budget amendments and voted to recommend the City Council consider approving the budget amendments for fiscal year 2009-2010. After some discussion, Councilmember Bryce D. Kocian made a motion to approve Ordinance No. 2010-18, which read as follows:

CITY OF WHARTON, TEXAS
ORDINANCE NO. 2010-18

AN ORDINANCE APPROVING AMENDMENTS TO THE BUDGET FOR THE CITY OF WHARTON, TEXAS FOR THE FISCAL YEAR 2009 - 2010.

WHEREAS, the City Council of the City of Wharton, Texas finds and determines it necessary to revise the 2009-2010 budget to better reflect actual revenues and expenditures in operations and activities during the fiscal year; and,

WHEREAS, the City Council finds and determines that these amendments to the budget are for municipal purposes.

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Wharton, Texas that the 2009-2010 Budget be amended as per Attachment "A."

And is adopted by the following favorable majority of votes of the members of the City Council of the City of Wharton, Texas in a duly assembled city council meeting by the following majority:

V. L. Wiley, Jr. Councilmember District No. 1	Voted	Absent	Lewis Fortenberry, Jr. Councilmember District No. 2	Voted	Yes
Terry D. Lynch Councilmember District No. 3	Voted	Yes	Donald Mueller Councilmember District No.4	Voted	Yes
Bryce D. Kocian Councilmember At Large Place No. 5	Voted	Yes	Jeff Gubbels Councilmember at Large Place No. 6	Voted	Yes
			Domingo Montalvo, Jr. Mayor	Voted	Yes

Severability

If any court of competent jurisdiction rules that any section, subsection, sentence, clause, or portion of this ordinance is invalid or unconstitutional, any such portion shall be deemed to be a distinct and independent provision, and any such ruling shall not affect the validity of the remaining portions hereof.

Passage and Approval

PASSED AND APPROVED by the City Council of the City of Wharton, Texas, this 13th day of December 2010.

CITY OF WHARTON, TEXAS

By _____
DOMINGO MONTALVO, JR.
Mayor

ATTEST:

LISA OLMEDA
City Secretary

APPROVED AS TO FORM:

PAUL WEBB
City Attorney

ADMISSION:

JOAN ANDEL
Director of Finance

Department	Account Number	Account Description	Current Budget FY 2009-10	Revised Budget FY 2009-10	Amount Changed	Department Subtotals
GENERAL FUND						
Revenue	3011	Property Taxes	1,121,403	1,126,500	5,097	
Revenue	3012	Delinquent Taxes	37,000	31,000	(6,000)	
Revenue	3013	Penalty and Interest	30,000	21,000	(9,000)	
Revenue	3110	Sale Tax	1,326,989	1,226,000	(100,989)	
Revenue	3115	Sales Tax Rebate	(45,000)	(75,000)	(30,000)	
Revenue	3221	Entex Gas Franchise Tax	70,000	64,000	(6,000)	
Revenue	3223	WCEC Franchise Tax	2,000	0	(2,000)	
Revenue	3224	Cable TV Franchise Tax	41,000	40,000	(1,000)	
Revenue	3228	Water/Sewer Franchis Tax	218,705	243,000	24,295	
Revenue	3344	Building Permits	43,000	36,000	(7,000)	
Revenue	3450	Fines	163,000	138,000	(25,000)	
Revenue	3462	Administrative Fees	66,000	57,000	(9,000)	
Revenue	3601	Weedy Lots	2,000	9,000	7,000	
Revenue	3670	Swimming Pool	12,500	11,000	(1,500)	
Revenue	3772	Sale of Property	50,000	0	(50,000)	
Revenue	3773	Interest Income	5,000	2,000	(3,000)	
Revenue	3775	Miscellaneous Revenue	30,000	92,800	62,800	
Revenue	3791	Rental Property	500	4,000	3,500	
Revenue	3841	Grant Funds	0	77,000	77,000	
Revenue	3872	LEOSE Revenue	2,500	4,500	2,000	
Revenue	3877	Vest Partnership	2,000	3,300	1,300	
Revenue	3881	Transfer In - Seizure	40,000	30,000	(10,000)	
Revenue	3941	Transfer In - W/S Admin	377,151	431,000	53,849	
		<i>Total Revisions to General Fund Revenue</i>				(23,648)
Mayor & Council	510-00-530	Insurance	5,500	3,200	2,300	2,300
City Manager	511-00-130	Overtime	3,001	400	2,601	
City Manager	511-00-165	Health Insurance	13,099	12,500	599	
City Manager	511-00-550	Continuing Education	4,500	8,300	(3,800)	(600)
City Secretary	512-00-110	Salaries and Wages	40,770	42,040	(1,270)	(1,270)
Legal & Professional	513-00-560	Professional Services	9,000	13,550	(4,550)	(4,550)
Finance	514-00-130	Overtime	1,670	50	1,620	
Finance	514-00-165	Health Insurance	21,286	17,850	3,436	
Finance	514-00-561	Wharton CAD	34,000	31,000	3,000	8,056
Municipal Courts	517-00-110	Salries and Wages	62,023	53,600	8,423	
Municipal Courts	517-00-165	Health Insurance	13,099	11,050	2,049	
Municipal Courts	517-00-220	Postage	4,500	3,250	1,250	
Municipal Courts	517-00-530	Insurance	2,500	1,450	1,050	
Municipal Courts	517-00-550	Continuing Education	2,000	600	1,400	14,172
Central Services	519-00-292	Meeting Expense	0	2,700	(2,700)	(2,700)
Police	521-00-110	Salaries and Wages	1,081,681	1,078,000	3,681	
Police	521-00-115	Part-Time Wages	7,873	16,000	(8,127)	
Police	521-00-130	Overtime	62,940	40,000	22,940	
Police	521-00-164	Worker's Comp	34,026	26,000	8,026	
Police	521-00-163	Retirement Expense	100,817	96,000	4,817	
Police	521-00-197	Merit Increase	5,410	0	5,410	
Police	521-00-210	Office Supplies	3,800	5,500	(1,700)	
Police	521-00-240	Small Tools Equipment	500	4,000	(3,500)	
Police	521-00-241	Special Grant Equipment	0	16,750	(16,750)	
Police	521-00-242	Uniforms and Clothing	5,000	2,000	3,000	
Police	521-00-250	Fuel, Oil and Lubricants	58,000	63,500	(5,500)	

Department	Account Number	Account Description	Current Budget FY 2009-10	Revised Budget FY 2009-10	Amount Changed	Department Subtotals
Police	521-00-273	Animal Supplies	2,000	400	1,600	
Police	521-00-320	Building Maintenance	5,500	13,000	(7,500)	
Police	521-00-420	Equipment Maintenance	14,500	5,500	9,000	
Police	521-00-422	Computer Software	8,000	7,000	1,000	
Police	521-00-430	Vehicle Maintenance	13,000	28,000	(15,000)	
Police	521-00-521	Utility - Electricity	55,000	60,000	(5,000)	
Police	521-00-523	Utility- Telephone	3,000	7,500	(4,500)	
Police	521-00-525	Telephone- Cellular	8,450	10,000	(1,550)	
Police	521-00-550	Continuing Education	8,000	4,500	3,500	
Police	521-00-560	Professional Fees	2,000	5,000	(3,000)	
Police	521-00-591	Prisoner Keep	12,000	14,000	(2,000)	
						(11,153)
Fire	525-00-191	Volunteer Firefighter Comp	21,500	18,500	3,000	
Fire	525-00-192	Volunteer Firefighter Allowance	48,000	36,000	12,000	
Fire	525-00-193	Retires Volunteer Firefighter Benefit	23,000	30,000	(7,000)	
Fire	525-00-320	Building Maintenance	5,000	8,500	(3,500)	
Fire	525-00-440	Radio Maintenance	6,235	4,200	2,035	
Fire	525-00-450	Equipment Inspections	5,300	3,200	2,100	
Fire	525-00-521	Utility - Electricity	8,000	10,000	(2,000)	
Fire	525-00-560	Professional Fees	1,000	2,300	(1,300)	
						5,335
Code Enforcement	526-00-130	Overtime	2,912	180	2,732	
Code Enforcement	526-00-131	Overtime / Weedy lots	3,000	4,675	(1,675)	
Code Enforcement	526-00-165	Health Insurance	19,649	18,700	949	
Code Enforcement	526-00-197	Merit Increase	531	0	531	
Code Enforcement	526-00-210	Office Supplies	2,000	1,000	1,000	
Code Enforcement	526-00-230	Code Books	1,200	150	1,050	
Code Enforcement	526-00-245	Computer Software and Supplies	1,500	0	1,500	
Code Enforcement	526-00-250	Fyel, Oil, Lubricants	1,000	600	400	
Code Enforcement	526-00-420	Equipment Maintenance	515	100	415	
Code Enforcement	526-00-422	Computer Software Maintenance	2,000	1,400	600	
Code Enforcement	526-00-430	Vehicle Maintenance	1,000	50	950	
Code Enforcement	526-00-540	Advertising	300	0	300	
Code Enforcement	526-00-550	Continuing Education	4,250	2,250	2,000	
Code Enforcement	526-00-560	Professional Fees	800	175	625	
						11,377
Emergency Management	527-00-164	Worker's Comp	1,303	75	1,228	
Emergency Management	527-00-165	Health Insurance	0	6,800	(6,800)	
Emergency Management	527-00-422	Computer Software/ Supplies	1,500	0	1,500	
Emergency Management	527-00-430	Vehicle Maintenance	500	3,200	(2,700)	
						(6,772)
Animal Control	528-00-130	Overtime	2,094	640	1,454	
Animal Control	528-00-240	Small Tools and Equipment	500	35	465	
Animal Control	528-00-273	Animal Supplies	1,000	300	700	
Animal Control	528-00-521	Utility-Electric	2,760	2,160	600	
Animal Control	528-00-560	Professional Fees	3,000	8,000	(5,000)	
						(1,781)
Communications	529-00-110	Salaries and Wages	287,448	270,000	17,448	
Communications	529-00-115	Part Time Wages	1,236	6,150	(4,914)	
Communications	529-00-130	Overtime	22,320	45,000	(22,680)	
Communications	529-00-165	Health Insurance	58,946	55,000	3,946	
Communications	529-00-197	Merit Increase	1,439	0	1,439	
Communications	529-00-442	Computer software Maintenance	13,000	15,000	(2,000)	
Communications	52-000-440	Radio Maintenance	4,500	6,000	(1,500)	
Communications	529-00-420	Equipment Maintenance	2,700	350	2,350	
						(5,911)
Streets & Drainage	540-00-110	Salaries and Wages	326,771	310,500	16,271	
Streets & Drainage	540-00-130	Overtime	3,145	5,000	(1,855)	
Streets & Drainage	540-00-161	Social Security	28,248	24,750	3,498	
Streets & Drainage	540-00-164	Worker's Comp	24,598	20,500	4,098	
Streets & Drainage	540-00-165	Health Insurance	68,771	62,000	6,771	

Budget Revision

Fiscal Year 2009-2010

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Department	Account Number	Account Description	Current Budget FY 2009-10	Revised Budget FY 2009-10	Amount Changed	Department Subtotals
Streets & Drainage	540-00-197	Merit Increase	1,636	0	1,636	
Streets & Drainage	540-00-240	Small Tools and Equipment	700	5,800	(5,100)	
Streets & Drainage	540-00-250	Fuel, Oil & Lubricants	58,000	42,000	16,000	
Streets & Drainage	540-00-320	Building Maintenance	1,800	100	1,700	
Streets & Drainage	540-00-330	Street Maintenance	5,000	600	4,400	
Streets & Drainage	540-00-420	Equipment Maintenance	40,000	42,275	(2,275)	
Streets & Drainage	540-00-430	Vehicle Maintenance	12,900	14,000	(1,100)	
Streets & Drainage	540-00-530	Insurance	14,000	12,000	2,000	
						46,044
Garage	542-00-240	Small Tools and Equipment	2,500	1,000	1,500	
Garage	542-00-290	Other Supplies	1,035	7,500	(6,465)	
Garage	542-00-320	Building Maintenance	3,000	4,500	(1,500)	
Garage	542-00-435	Fuel Tank Maintenance	3,000	0	3,000	
Garage	542-00-521	Utility- Electric	4,000	5,500	(1,500)	
						(4,965)
Facilities Maintenance	543-00-130	Overtime	3,500	4,350	(850)	
Facilities Maintenance	543-00197	Merit Increase	645	0	645	
Facilities Maintenance	543-00-240	Small Tools	1,300	350	950	
Facilities Maintenance	543-00-250	Fuel, Oil and Luvricants	8,500	7,350	1,150	
Facilities Maintenance	543-00-310	Ground Maintenance	3,000	0	3,000	
Facilities Maintenance	543-00-420	Equipment Maintenance	4,000	2,600	1,400	
Facilities Maintenance	543-00-523	Utility-Telephone	2,200	400	1,800	
Facilities Maintenance	543-00-530	Insurance	4,500	3,000	1,500	
						9,595
Grant Admin	551-00-245	Computer ,Software & Supplies	1,000	0	1,000	
Grant Admin	551-00-420	Equipment Maintenece	200	0	200	
Grant Admin	551-00-550	Continuing Education	500	0	500	
Grant Admin	551-00-560	Professional Fees	1,000	450	550	
Grant Admin	551-00-613	Demolition Expense	5,000	1,750	3,250	
						5,500
Recreation	552-00-310	Parks Maintenance	5,000	2,800	2,200	
Recreation	552-00-521	Utility - Electricity	10,000	10,850	(850)	
Recreation	552-00-682	Little League Activities	8,250	6,500	1,750	
Recreation	552-00-688	Just Do It Now	15,000	16,000	(1,000)	
						2,100
Pool	553-00-115	Part-Time Wages	20,000	17,350	2,650	
Pool	553-00-260	Medical and Chemical	9,000	7,650	1,350	
Pool	553-00-320	Building Maintenance	1,000	550	450	
Pool	553-00-420	Equipment Maintenance	5,000	475	4,525	
Pool	553-00-550	Insurance	650	1,400	(750)	
						8,225
Capital Outlay	580-21-826	E Citations	0	37,376	(37,376)	
Capital Outlay	580-26-830	Police Vehicles	63,000	114,141	(51,141)	
						(88,517)
		<i>Total Revisions to Appropriations</i>				(15,515)
		NET GENERAL FUND REVISIONS	0	0	0	(39,163)
Hotel Motel Fund						
Revenue	12-3215	Motel Occupancy tax	192,000	144,000	(48,000)	
		<i>Total Revisions to Hotel/Motel Revenue</i>	192,000	144,000	(48,000)	
Expense	12-500-00-277	Holiday Lighting Expense	3,000	3,900	(900)	
Expense	12-500-00-522	Festival Expense	2,000	3,800	(1,800)	
Expense	12-500-00-630	Convention and Tourism	56,244	58,500	(2,256)	
Expense	12-500-00-640	Advetising for Tourism	0	3,600	(3,600)	
Expense	12-590-00-944	Transfer Out - Civic Center	130,000	80,000	50,000	
		<i>Total Revisions to Appropriations</i>	191,244	149,800	41,444	
		NET HOTEL MOTEL REVISIONS	756	(5,800)	(6,556)	

Department	Account Number	Account Description	Current Budget FY 2009-10	Revised Budget FY 2009-10	Amount Changed	Department Subtotals
Seizure Fund						
Revenue	14-3775	Misc Revenue	0	15,000	15,000	
Revenue	14-3863	State Seizure Revenue	25,000	9,800	(15,200)	
Revenue	14-3865	Revenue - Sharing Agency	0	3,600	3,600	
		<i>Total Revisions to Seizure Revenue</i>	25,000	28,400	3,400	
Expense	14-500-00-240	Small Tools & Equipment	500	8,500	(8,000)	
Expense	14-500-00-290	Other Supplies	500	2,500	(2,000)	
Expense	14-500-00-693	Informant Information	1,500	0	1,500	
Expense	14-500-00-692	Criminal Intelligence Inform.	2,500	0	2,500	
Expense	14-500-00-820	Machinery and Equipment	2,800	0	2,800	
Expense	14-590-00-910	Transfer out- General	40,000	30,000	10,000	
		<i>Total Revisions to Appropriations</i>	47,800	41,000	6,800	
		NET SEIZURE REVISIONS	(22,800)	(12,600)	10,200	
Debt Fund						
Revenue	20-3011	Ad Valorum Taxes	734,689	718,000	(16,689)	
Revenue	20-3012	Delinquent Taxes	10,000	11,000	1,000	
Revenue	20-3013	Penalty and Interest	7,000	8,500	1,500	
Revenue	20-3773	Interest Income	3,000	1,000	(2,000)	
Revenue	20-3776	Premium on bonds	0	21,300	21,300	
Revenue	20-3787	Bond Proceeds	0	665,700	665,700	
		<i>Total Revisions to Revenue</i>	754,689	1,425,500	670,811	
Expense	20-570-00-750	Bond Issuance Costs	0	28,500	(28,500)	
Expense	20-570-00-752	Interest Exp	245,289	238,000	7,289	
Expense	20-570-00-753	Service Charge	5,000	9,580	(4,580)	
Expense	20-6+0-00-999	Transfers out to Escrow	0	658,500	(658,500)	
		<i>Total Revisions to Appropriations</i>	250,289	934,580	(684,291)	
		NET DEBT FUND REVISIONS	504,400	490,920	(13,480)	
Capital Improvement Fund						
Revenue	30-3941	Transfer In -Water/Serfer	75,000	70,000	(5,000)	
Revenue	30-3942	Transfer In - Solid waste	50,000	50,000	0	
		<i>Total Revisions to CIP Revenue</i>	125,000	120,000	(5,000)	
Expense	30-580-00-115	Personnel	0	65,300	(65,300)	
Expense	30-580-00-856	Street Improvements	125,100	12,750	112,350	
Expense	30-580-00-862	Sante Fe Outfall Ditch	0	23,400	(23,400)	
Expense	30-580-00-864	FM 1301 Extension	0	19,000	(19,000)	
		<i>Total Revisions to Appropriations</i>	125,100	120,450	4,650	
		NET CIP REVISIONS	(100)	(450)	(350)	
WATER & SEWER FUND						
Revenue						
Revenue	41-3661	Water Sales	1,411,699	1,363,000	(48,699)	
Revenue	41-3662	Sewer Sales	1,322,813	1,301,300	(21,513)	
Revenue	41-3663	Water Connections	30,000	60,700	30,700	
Revenue	41-3664	Sewer Connections	2,000	2,100	100	
Revenue	41-3666	Bulk Water Sales	6,000	4,750	(1,250)	
Revenue	41-3669	Penalties	36,000	32,500	(3,500)	
Revenue	41-3773	Interest Income	2,000	225	(1,775)	
Revenue	41-3775	Misc Income	2,500	3,540	1,040	
Revenue	41-3791	Rental Properties	9,000	6,000	(3,000)	
		<i>Total Revisions to Water Revenue</i>				(47,897)
Planning	516-00-110	Salaries and Wages	38,799	18,000	20,799	
Planning	516-00-161	Social Security	3,362	1,400	1,962	
Planning	516-00-163	Retirement Exp	3,718	1,500	2,218	
Planning	516-00-165	Health Insurance	0	2,600	(2,600)	
Planning	516-00-422	Software Maintenance	300	1,000	(700)	
Planning	516-00-551	Dues and Sbuscriptions	800	0	800	
Planning	516-00-560	Professional Services	200	3,250	(3,050)	

Budget Revision

Fiscal Year 2009-2010

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Department	Account Number	Account Description	Current Budget FY 2009-10	Revised Budget FY 2009-10	Amount Changed	Department Subtotals
						19,429
Administration	544-00-130	Overtime	1,119	100	1,019	
Administration	544-00-210	Office Supplies	2,500	1,200	1,300	
Administration	544-00-422	Computer Software supplies	1,000	300	700	
Administration	544-00-420	Equipment Maintenance	1,500	525	975	
Administration	544-00-421	Computer Maintenance	1,000	0	1,000	
Administration	544-00-422	Computer Software Maintenance	7,200	5,000	2,200	
Administration	544-00-725	Copy Machine	3,000	1,325	1,675	
						8,869
Water	545-00-110	Salaries and Wages	235,096	260,400	(25,304)	
Water	545-00-115	Part-Time Wages	20,524	11,800	8,724	
Water	545-00-130	Overtime	13,982	24,650	(10,668)	
Water	545-00-165	Health Insurance	49,420	55,250	(5,830)	
Water	545-00-250	Fuel, Oil and Lubricants	20,150	24,000	(3,850)	
Water	545-00-260	Chemicals	6,300	8,100	(1,800)	
Water	545-00-320	Bldg Maintenance	1,500	9,100	(7,600)	
Water	545-00-321	Storage Tank Maintenance	500	6,475	(5,975)	
Water	545-00-350	Main Line Maintenance	50,000	2,700	47,300	
Water	545-00-351	Service Line Maintenance	50,000	41,000	9,000	
Water	545-00-420	Equipment Maintenance	4,800	2,500	2,300	
Water	545-00-430	Vehicle Maintenance	3,400	7,450	(4,050)	
Water	545-00-450	Pump Maintenance	5,000	8,200	(3,200)	
Water	545-00-521	Utility - Electricity	90,500	114,000	(23,500)	
Water	545-00-530	Insurance	13,000	9,400	3,600	
Water	545-00-550	Continuing Education	5,000	3,300	1,700	
Water	545-00-560	Professional Services	8,000	20,300	(12,300)	
Water	545-00-621	Laboratory/Permtis Fee	3,500	7,400	(3,900)	
Water	545-00-625	Govementmenta fee	3,000	8,100	(5,100)	
Water	545-00-671	Franchise Taxes	112,880	124,000	(11,120)	
Water	545-00-070	Bad debt Expense	2,000	5,500	(3,500)	
Water	545-00-672	Waste Disposal Fees	4,000	0	4,000	
						(51,073)
Sewer	546-00-110	Salaries and Wages	139,471	118,000	21,471	
Sewer	546-00-130	Overtime	17,920	33,600	(15,680)	
Sewer	546-00-164	Worker's Comp	5,618	3,300	2,318	
Sewer	546-00-165	Health Insurance	29,473	22,750	6,723	
Sewer	546-00-260	Chemicals	23,000	26,250	(3,250)	
Sewer	546-00-271	Safety Supplies	500	1,400	(900)	
Sewer	546-00-320	Bldg Maintenance	2,000	9,000	(7,000)	
Sewer	546-00-360	Main Line Maintenance	50,000	12,000	38,000	
Sewer	546-00-361	Service Line Maintenance	50,000	12,000	38,000	
Sewer	546-00-390	Plant Maitenance	5,000	9,000	(4,000)	
Sewer	546-00-420	Equipment Maintenance	10,000	4,000	6,000	
Sewer	546-00-450	Pump and Motor Maintenance	6,000	8,400	(2,400)	
Sewer	546-00-455	City Sludge Expense	20,000	15,250	4,750	
Sewer	546-00-521	Utility=Electric	285,000	274,250	10,750	
Sewer	546-00-530	Insurance	10,000	8,420	1,580	
Sewer	546-00-550	Continuing Education	3,000	1,000	2,000	
Sewer	546-00-551	Dues/Subscriptions	1,500	450	1,050	
Sewer	546-00-559	Mileage Reimbursements	1,000	0	1,000	
Sewer	546-00-560	Professional Services	8,000	1,700	6,300	
Sewer	546-00-621	Lab and Permit fees	26,300	22,000	4,300	
Sewer	546-00-671	Franchise Taxes	105,825	118,000	(12,175)	
Sewer	546-00-070	Bad Debt Expense	2,000	5,000	(3,000)	
						95,837
Bond/Lease Payments	570-00-752	Interest Expense	198,572	214,250	(15,678)	
						(15,678)
Transfers	590-00-910	Transfer Out - General Admin	377,151	431,094	(53,943)	
Transfers	590-00-930	Transfer Out - Street Improv	75,000	70,000	5,000	
						(48,943)
		<i>Total Revisions to Water/Sewer Expense</i>	1,504,159	1,459,395	44,764	8,441

Department	Account Number	Account Description	Current Budget FY 2009-10	Revised Budget FY 2009-10	Amount Changed	Department Subtotals
NET WATER & SEWER FUND REVISIONS			(1,504,159)	(1,459,395)	(44,764)	(39,456)
SOLID WASTE FUND						
Revenue	42-3666	Solid Waste Revenues	1,215,000	1,163,000	(52,000)	
Revenue	42-3670	Collection fees	99,000	107,000	8,000	
		<i>Total Solid Waste Revenue Revisions</i>	1,314,000	1,270,000	(44,000)	
Expense	541-00-565	Solid Waste Services	1,149,436	1,095,000	54,436	
Expense	541-00-566	Recycling	8,500	3,600	4,900	
Expense	541-00-671	Franchise Taxes	62,000	73,000	(11,000)	
Expense	541-00-692	Beautification Program	5,000	650	4,350	
Expense	541-00-070	Bad Debt Expense	2,336	4,000	(1,664)	
	590-00-930	Transfer Out- Street Imp	50,000	50,000	0	
		<i>Total Solid Waste Appropriations Revisions</i>	1,277,272	1,226,250	51,022	
NET SOLID WASTE REVISIONS			36,728	43,750	7,022	
EMS FUND						
Revenue	43-3668	Emergency Medical Services	780,000	684,500	(95,500)	
Revenue	43-3775	Miscellaneous	4,000	0	(4,000)	
Revenue	43-3841	Grant Funds	0	54,400	54,400	
		<i>Total Revisions to EMS Revenue</i>	784,000	738,900	(45,100)	
Expense	43-547-00-115	Part Time Wages	332,171	302,500	29,671	
Expense	43-547-00-130	Overtime	130,074	108,500	21,574	
Expense	43-547-00-161	Social security	58,396	52,000	6,396	
Expense	43-547-00-164	Worker's comp	28,240	21,000	7,240	
Expense	43-547-00-250	Fuel, Oil and Lubricants	30,000	26,000	4,000	
Expense	43-547-00-260	Medical and Chemical	25,000	34,000	(9,000)	
Expense	43-547-00-422	Computer Software Maintenece	4,500	500	4,000	
Expense	43-547-00-430	Vehicle Maintenance	15,000	11,000	4,000	
Expense	43-547-00-521	Utility - Electricity	16,000	20,000	(4,000)	
Expense	43-547-00-561	Collection Service Fees	75,000	64,000	11,000	
		<i>Total Revisions to Appropriations</i>	714,381	639,500	74,881	
NET EMS REVISIONS			69,619	99,400	29,781	
CIVIC CENTER FUND						
Revenue	44-3670	Civic Center Rental	72,000	53,100	(18,900)	
	44-3773	Interest Income	1,000	200	(800)	
	44-3912	Transfer In - Hotel/Motel	130,000	80,000	(50,000)	
		<i>Total Civic Center Revenue Revisions</i>	203,000	133,300	(69,700)	
Expense	44-548-00-110	Salaries and Wages	55,852	54,000	1,852	
Expense	44-548-00-115	Part-Time Wages	34,028	38,000	(3,972)	
Expense	44-548-00-320	Building Maintenance	12,000	18,500	(6,500)	
Expense	44-548-00-420	Equipment Maintenance	3,700	10,200	(6,500)	
Expense	44-548-00-425	Cdpy Maintenance	800	1,600	(800)	
Expense	44-548-00-521	Utility - electricity	26,000	34,000	(8,000)	
Expense	44-548-00-523	Utility - telephone	3,500	5,000	(1,500)	
Expense	44-548-00-560	Professional Services	1,000	5,900	(4,900)	
		<i>Total Civic Center Appropriations Revisions</i>	136,880	167,200	(30,320)	
NET CIVIC CENTER REVISIONS			66,120	(33,900)	(100,020)	
AIRPORT FUND						
Revenue	45-3672	Hangar Rental	110,528	117,000	6,472	
Revenue	45-3673	Corporate Hangar	20,328	9,000	(11,328)	
Revenue	45-3674	Ground Lease	0	1,440	1,440	
Revenue	45-3680	Fuel Sales	260,000	297,000	37,000	
Revenue	45-3773	Interest Income	1,200	200	(1,000)	
Revenue	45-3681	Cost of Goods Sold	(225,000)	(255,000)	(30,000)	
Revenue	45-3841	Grant Funds	9,000	47,000	38,000	
		<i>Total Airport Revenue Revisions</i>	176,056	216,640	40,584	
Expense	45-549-00-115	Part time Wages	25,098	18,000	7,098	
Expense	45-549-00-164	Worker's Comp	3,944	1,000	2,944	
Expense	45-549-00-290	Other Supplies	250	11,000	(10,750)	
Expense	45-549-00-420	Equipment Maintenance	10,000	7,500	2,500	

Department	Account Number	Account Description	Current Budget FY 2009-10	Revised Budget FY 2009-10	Amount Changed	Department Subtotals
Expense	45-549-00-521	Utility - electricity	20,000	22,000	(2,000)	
Expense	45-549-00-560	Professional Service	6,000	4,350	1,650	
	45-570-00-652	Interest Expense	6,886	12,800	(5,914)	
	45-570-00-750	Bond Issuance Amortization	600	0	600	
		<i>Total Civic Center Appropriations Revisions</i>	72,778	76,650	(3,872)	
		NET AIRPORT REVISIONS	103,278	139,990	36,712	
2010 TAX NOTES						
Revenue	26-3787	Bond Proceeds	0	265,000	265,000	
Expense	570-00-750	Issuance Costs	0	10,200	10,200	
Expense	580-00-821	Police Station Improvements	0	40,830	40,830	
Expense	580-00-825	Fire Station Improvements	0	213,970	213,970	
		NET 2010 Tax notes	0	0	0	

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

The eighth item on the agenda was to review and consider fiscal year 2009 – 2010 write-offs for the following accounts:

A. Utility Accounts.

City Manager Andres Garza, Jr. presented a copy of the memorandum dated November 16, 2010 from Finance Director Joan Andel to the City Council Finance Committee providing the request by the Utility Department for City Council consideration to write-off \$17,653.03 of uncollected balances for the period of October 2009 through September 2010 due to non-payment. Finance Director Joan Andel stated that the uncollected balances were due to customers who had moved away without finalizing their accounts. She stated that the City had applied the customer's deposit; however, unpaid balances remained. She said that the City had made attempts to contact the customers via mail and telephone. She said that customers that owed a utility account balance were not allowed to open a new account until the unpaid balance had been cleared. She also stated that the Utility Department had reinstated approximately 27 accounts that had been written off in previous years and had also collected approximately \$1,850 on accounts that were reinstated. She said that the City Council Finance Committee met on November 23, 2010 and voted to recommend the City Council consider approving the \$17,653.03 of uncollected utility account balances be written off.

B. EMS Accounts.

City Manager Andres Garza, Jr. presented a copy of the memorandum dated November 16, 2010 from Finance Director Joan Andel to the City Council Finance Committee providing the request by the EMS Department for City Council consideration to write-off \$191,354.23 of uncollected balances. Finance Director Joan Andel stated that the EMS accounts were billed by Prudentia, Inc. and were forwarded to the collection agency Lam, Lyn & Philip, P.S. for collections if Prudentia did not receive payment within six months. She said that Ms. Debra Medina of Prudentia had recommended to the City that any accounts that had been with the collection agency for longer than one year should be written off; therefore, the City Staff was recommending that the total of \$191,354.23 be written off. She said that this amount was 12% of the total charges of \$1,581,828 for the fiscal year. She said that the City had collected approximately \$780,000 or 49% of total charges. She further stated that the City Council Finance Committee met on November 23, 2010 and voted to recommend the City Council consider approving the \$191,354.23 of uncollected EMS balances be written off.

After some discussion, Councilmember Bryce D. Kocian made a motion to authorize the City Staff to write-off the utility accounts in the amount of \$17,653.03 and the EMS accounts in the amount of \$191,354.23. Councilmember Lewis Fortenberry, Jr. seconded the motion. All voted in favor.

The ninth item on the agenda was to review and consider the request by the Wharton Police Department to replace twenty-six (26) Glock G31C handguns and purchase two (2) additional Glock G31C handguns from Carroll's Gun Shop, Inc. in the amount of \$6,268.00. City Manager Andres Garza, Jr. presented a copy of the memorandum dated December 3, 2010 from Police Chief Tim Guin requesting the City Council consider approving the replacement of twenty-six (26) Glock G31C handguns and to purchase two (2) additional Glock G31C handguns from Carroll's Gun Shop, Inc. in the amount of \$6,268.00. Police Chief Tim Guin stated that the duty

weapons were over nine years old and required major maintenance. He said that after consulting with the local Glock Law Enforcement dealer, Carroll's Gun Shop and Police Supply for pricing, it was determined that the weapons could be traded in with the purchase of two additional handguns for a price of \$6,268.00, which would be in the best interest of the City. He said that funding for the purchase would be made through the Narcotic Seizure fund with no fiscal impact of the City's budget. He then presented a quote from Carroll's Gun Shop. After some discussion, Councilmember Lewis Fortenberry, Jr. made a motion to approve the Wharton Police Department to replace twenty-six (26) Glock G31C handguns and purchase two (2) additional Glock G31C handguns from Carroll's Gun Shop, Inc. in the amount of \$6,268.00. Councilmember Bryce D. Kocian seconded the motion. All voted in favor.

The tenth item on the agenda was to review and consider the request by the City of Wharton Public Works Department for approval for JMHP, Inc. to install guardrails along the Santa Fe Drainage Outfall Channel in the amount of \$7,860.00. City Manager Andres Garza, Jr. presented a copy of the memorandum dated December 3, 2010 from Public Works Director Carter Miska providing a quote to install a guardrail at Kincaid and Hodges Lane. He said that Mr. Miska recommended to the City Council Public Works Committee during its meeting held December 7, 2010 that the guardrails be purchased from JMGP, Inc. in the amount of \$7,860.00. He said that the Public Works Committee concurred with the recommendation and voted to recommend the City Council consider approving the purchase of guardrails for installation at Kincaid and Hodges Lane. Public Works Director Carter Miska stated that the guardrails were needed due to the depth of the Santa Fe Drainage Outfall Channel. He said that funding for the project was available from the 2009 bond fund for drainage projects. After some discussion, Councilmember Terry David Lynch made a motion to approve JMHP, Inc. to install guardrails along the Santa Fe Drainage Outfall Channel in the amount of \$7,860.00. Councilmember Don Mueller seconded the motion. All voted in favor.

The eleventh item on the agenda was to review and consider the Wharton Fire Department Fire Station Expansion Project:

A. Bid Tabulation.

City Manager Andres Garza, Jr. stated that on November 16, 2010, the bid opening was held for the City of Wharton New Fire Station Building. He then presented a copy of the email dated November 19, 2010 from Mr. Stephen Dorman, P.E. of KSA Engineers providing the bid tabulation.

B. **Resolution:** A resolution of the Wharton City Council rejecting the bids for the Wharton Fire Department Fire Station Expansion Project.

City Manager Garza stated that Finance Director Joan Andel informed him that the City of Wharton had \$182,000 available to construct the proposed new fire station building. He said that he had requested Facilities Maintenance Director Bob Baker and Public Works Director Carter Miska to obtain quotes for the City to construct the building with the City acting as the general contractor. He then presented a copy of their memorandum dated December 7, 2010 providing the cost estimate, which they indicated that the City could construct the building at approximately \$166,000. He said that there were enough funds available to do the construction

if the City acted as the general contractor; however, there were not enough funds to fund a contractor under the bids that were received; therefore, the City Staff was recommending that the bids be rejected. After some discussion, Councilmember Don Mueller made a motion to approve Resolution No. 2010-93, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2010-93**

A RESOLUTION OF THE WHARTON CITY COUNCIL REJECTING THE BIDS FOR THE WHARTON FIRE DEPARTMENT FIRE STATION EXPANSION PROJECT.

WHEREAS, On November 16, 2010, the City Staff received bids for the Wharton Fire Department Fire Station Expansion Project; and

WHEREAS, the lowest base bid, without additive alternates, received was submitted in the amount of \$219,900.00 and the lowest base bid including all additive alternates was \$314,929.00; and

WHEREAS, the lowest base bid received by the City of Wharton substantially exceeded the amount of funding available to complete said project; therefore, the City of Wharton wishes to reject all bids received during the November 16, 2010 bid opening for the Wharton Fire Department Fire Station Expansion Project; and

WHEREAS, the Wharton City Council wishes the City Staff to seek alternative solutions for the proposed project.

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 rejects the bids received November 16, 2010 bid opening for the Wharton Fire Department Fire Station Expansion Project.

Section II. That the Wharton City Council hereby authorizes the City Staff to seek alternative solutions for said project.

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

Passed, Approved, and Adopted this 13th of December 2010.

CITY OF WHARTON, TEXAS

By:

DOMINGO MONTALVO, JR.
Mayor

ATTEST:

LISA OLMEDA

City Secretary

Councilmember Terry David Lynch seconded the motion. All voted in favor.

- C. **Resolution:** A resolution of the Wharton City Council authorizing the City of Wharton to act as the General Contractor for the Wharton Fire Department Fire Station Expansion Project and authorizing the City Manager to execute, on behalf of the City, all agreements for labor and materials received for said project.

City Manager Garza stated that with the rejection of the bids received for the project, the City Council could consider approving the City of Wharton to act as the General Contractor for the Wharton Fire Department Fire Station Expansion Project. He then presented a copy of a draft resolution authorizing the City of Wharton to act as the General Contractor for the project and authorizing the City Manager to act on the City's behalf by executing all labor and material agreements. He said that the City Council Public Safety Committee met on December 9, 2010 and voted to recommend the City Council consider approving the requests. He stated that bids would be required for costs over \$50,000; however, if costs were under \$50,000 then the City Staff would obtain written quotes in accordance with the City's purchasing policy. After some discussion, Councilmember Jeff Gubbels made a motion to approve Resolution No. 2010-94, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2010-94**

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE CITY OF WHARTON TO ACT AS THE GENERAL CONTRACTOR FOR THE WHARTON FIRE DEPARTMENT FIRE STATION EXPANSION PROJECT AND AUTHORIZING THE CITY MANAGER TO EXECUTE, ON BEHALF OF THE CITY, ALL AGREEMENTS FOR LABOR AND MATERIALS FOR SAID PROJECT.

WHEREAS, During the regular December 13, 2010 Wharton City Council meeting, the City Council rejected the November 16, 2010 bids received for the Wharton Fire Department Fire Station Expansion Project; and

WHEREAS, The Wharton City Council deems it is in the best interest of the citizens of the City of Wharton for the City of Wharton to act as the General Contractor to construct the Wharton Fire Department new Fire Station Building; and

WHEREAS, the Wharton City Council wishes approve the City of Wharton to be the General Contractor for the Wharton Fire Department Fire Station Expansion Project; and

WHEREAS, the Wharton City Council wishes to authorize the City Manager to execute all necessary documents related to the labor and materials required for said project; and

WHEREAS, this resolution is passed in accordance with the quotes provided.

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 designates the City of Wharton as the General Contractor for the Wharton Fire Department Fire Station Expansion Project.
- Section II.** That the Wharton City Council hereby authorizes the City Manager to execute, on behalf of the City of Wharton, all necessary documents related to the labor and materials required for said project
- Section III.** That this resolution shall become effective immediately upon its passage.

Passed, Approved, and Adopted this 13th of December 2010.

CITY OF WHARTON, TEXAS

By: _____
DOMINGO MONTALVO, JR.
Mayor

ATTEST:

LISA OLMEDA

City Secretary

Councilmember Bryce D. Kocian seconded the motion. All voted in favor.

The twelfth item on agenda was to review and consider the recommendation by the City Council Public Works Committee for City Council to approve the following:

A. City of Wharton FM 102 Relocation and Overpass Project and Alternate Routes.
City Manager Andres Garza, Jr. stated that on Monday, November 29, 2010, Mayor Domingo Montalvo, Jr. and the City Staff met with Mr. Lonnie Gregorcek, P.E., Yoakum District Engineer for the Texas Department of Transportation (TxDOT), Mr. Paul Frerich, P.E. and Mr. Mark Wooldridge, P.E. and discussed the FM 102 Relocation and Overpass Project. He said they discussed the current project and other alternate routes. He stated that the State would participate in the project if the City Council decided to extend the road to US Hwy. 59; however, the State's participation would be capped at the current amount of funding the State had committed. He said that any cost above those amounts would have to be borne by the City. He then presented a copy of the email dated December 3, 2010 from Mr. Carlos Cotton, P.E. of Jones & Carter, Inc. providing cost estimates for the alternate routes. He said that the City Council Public Works Committee met December 7, 2010 and the City Council Finance Committee met December 9, 2010 and discussed the project and possible alternate routes, which both Committees voted to recommend that the project remain as it was as the FM 102 Relocation and Overpass Project in order for the City of Wharton and the State to move forward. After some discussion,

Councilmember Don Mueller made a motion to authorize the project remain as it was as the FM 102 Relocation and Overpass Project in order for the City of Wharton and the State to move forward. Councilmember Jeff Gubbels seconded the motion. All voted in favor.

B. Texas Department of Transportation request for parking restriction along FM 102 and US 59 frontage roads.

City Manager Garza stated that the frontage road improvements were completed on the service road located off of FM 102 and US Hwy. 59 leading to JM Eagle by the City of Wharton and the Texas Department of Transportation (TxDOT). He then presented a copy of the letter dated November 5, 2010 from Mr. Mark D. Wooldridge, P.E., TxDOT Area Engineer requesting the City of Wharton to consider implementing parking restrictions along FM 102 and US Hwy. 59. He also presented a drawing that indicated the proposed locations on FM 102 and US Hwy. 59 for the restrictions. He said that with the City Council's approval of the request, amendments to the City of Wharton's traffic ordinance would be required. He said that the City Council Public Works Committee met December 7, 2010 and voted to recommend the City Council consider approving the request by the Texas Department of Transportation to implement no standing, no parking along the service road at FM 102 and US Hwy. 59. After some discussion, City Council approved to consider an ordinance that implemented the parking restrictions. No action was taken.

C. Discussion regarding the installation of a pedestrian crosswalk on Pioneer Avenue between WCJC and the First United Methodist Church.

City Manager Garza stated that during the October 26, 2010 and the December 7, 2010 City Council Public Works Committee meetings, the Committee Members discussed the request by Mr. Mike Feyen, Director of Facilities for WCJC for the City to consider the installation of a pedestrian crosswalk on Pioneer Avenue between the WCJC and the First United Methodist Church. He then presented a copy of the email dated October 14, 2010 from Mr. Feyen providing the request. He then presented a copy of drawing from Public Works Director Carter Miska indicating the location of the proposed crosswalk and the estimated cost to install it. He said that the cost to install the crosswalk would be approximately \$2,377 and would include ADA ramps for accessibility. He said that the City Council Public Works Committee voted to recommend that the City Council consider approving the installation of the crosswalk and the cost be borne by the City. Councilmember Bryce D. Kocian abstained from discussion. After some discussion, City Council approved to consider an ordinance that implemented the pedestrian crosswalk. No action was taken.

D. **Ordinance:** An ordinance amending the City of Wharton Code of Ordinances, Chapter 82 Traffic, Article II. Operation of Vehicles, Section 82-55 School Crossings and Article IV. Parking, Section 82-134 No Standing/No Stopping Zones; Providing that a violation of the ordinance or any part of the Code as Adopted hereby shall constitute a penalty upon conviction of a fine; providing for severability and setting an effective date.

City Manager Garza stated that with City Council approval of Items C and D, amendments would be required to the City of Wharton Code of Ordinances, Chapter 82 Traffic. He then presented a copy of a draft ordinance amending the City of Wharton Code of Ordinances, Chapter 82; Article II. Operation of Vehicles, Section 82-55 School Crossings and Article IV.

Parking, Section 82-134 No Standing/No Stopping Zones. After some discussion, Councilmember Lewis Fortenberry, Jr. made a motion to approve Ordinance No. 2010-19, which read as follows:

**CITY OF WHARTON
ORDINANCE NO. 2010-19**

AN ORDINANCE AMENDING THE CITY OF WHARTON CODE OF ORDINANCES, CHAPTER 82 TRAFFIC, ARTICLE II. OPERATION OF VEHICLES, SECTION 82-55 SCHOOL CROSSINGS AND ARTICLE IV. PARKING, SECTION 82-134 NO STANDING/NO STOPPING ZONES PROVIDING THAT A VIOLATION OF THE ORDINANCE OR ANY PART OF THE CODE AS ADOPTED HEREBY SHALL CONSTITUTE A PENALTY UPON CONVICTION OF A FINE; PROVIDING FOR SEVERABILITY AND SETTING AN EFFECTIVE DATE.

BE IT ORDAINED by the City Council of the City of Wharton, Texas, that the City of Wharton Code of Ordinances, Chapter 82 Traffic, Article II Operation of Vehicles, Section 82-55 School Crossings and Article IV Parking, Section 82-134 No Standing/No Stopping Zones shall be amended and read as follows:

ARTICLE I. IN GENERAL

ARTICLE II. OPERATION OF VEHICLES

Sec. 82-55. School crossings.

- (a) *Designation.* The following areas are designated as school crossings, and crosswalks shall be delineated in these areas:

Abell Street, 46 feet north of Avenue C.

Alabama Road, at its intersection at Sunny Lane.

Alabama Road, at the juncture of the 1700 and 1800 blocks.

Alabama Street, at its intersection with Abell Street.

Martin Luther King Boulevard, immediately west of its intersection with Allen Street.

Martin Luther King Boulevard, approximately 35 feet east of Sanders Street.

Mattie Street, at its intersection with Hendon Street.

Milam Street, for 50 feet on either side of its intersection with East Avenue.

North Abel, between Wharton High School parking lot and the field house beginning at a distance of more or less 240 feet from the intersection of Ahldag Street and North Abell.

North Fulton, at its south side intersection of Kelly Street.

North Rusk, at its south side intersection of Kelly Street.

Pioneer Avenue immediately south at its intersection with Helms Street.

Tiger Avenue, at its 100 block adjacent to Wharton County Junior College.

- (b) *Boundaries of crosswalks.* The city shall use white markings on pavements to designate the boundaries of the crosswalks. These markings may be in lieu of or in addition to other traffic signs and signals.
- (c) *Right-of-way.* Pedestrians may proceed across the roadways described in subsection (a) of this section within the boundaries of the crosswalks, and drivers of all vehicles shall yield the right-of-way to any pedestrians crossing in any such areas.

ARTICLE IV. PARKING*

Sec. 82-134. No Parking/ No standing/no stopping zones.

- (a) *Designated.* The following areas are designated as no parking/no standing/no stopping zones:

Mockingbird Lane, from its intersection with Pecan Street to its intersection with Rusk Street.

Sunny Lane, from its intersection with Alabama Road to its intersection with Oriole Lane.

US 59 East Frontage Road near FM 102, from FM 102 to 2,000 feet south, east and west side.

- (b) *Designated.* The following areas are designated as no parking:

US 59 East frontage road: FM 102 to 2,000 feet north, east and west side

US 59 West frontage road: FM 102 to 2,000 feet north, east and west side

US 59 West frontage road: FM 102 2,000 feet south, east and west side

FM 102: 200 feet north of US 59 centerline to 700 feet north, north and south side.

- (c) *Partially, totally blocking traffic prohibited.* No person shall stand or cause a vehicle to stop in any of the areas described in subsection (a) of this section in such a manner as to partially or totally block any vehicular traffic.
- (d) *Signs.* The city council authorizes the chief of police to cause signs to be erected designating the areas described in subsection (a) of this section as no standing/no stopping zones.

Penalty Clause

Except as otherwise provided in this chapter, any person found guilty of intentionally, knowingly or recklessly violating any provision of this article and upon conviction thereof in the municipal court shall be fined in accordance with the terms of Section 1-5 of the Code of Ordinances of the City of Wharton, Texas.

Severability

If any court of competent jurisdiction rules that any section, subsection, sentence, clause, phrase, or portion of this ordinance is invalid or unconstitutional, any such portion shall be deemed to be a separate, distinct, and independent provision, and any such ruling shall not affect the validity of the remaining portions hereof.

Effective Date

This Ordinance shall become effective on the 24th day of December 2010 at 12:01 a.m.

Passage and Approval

PASSED AND APPROVED by the City Council of the City of Wharton, Texas, on the 13th day of December 2010.

CITY OF WHARTON, TEXAS

By: _____
DOMINGO MONTALVO, JR.
Mayor

ATTEST:

LISA OLMEDA
City Secretary

APPROVED AS TO FORM:

PAUL WEBB
City Attorney

Published in the Wharton Journal Spectator on Saturday, December 18, 2010 and Saturday, December 25, 2010.

Councilmember Terry David Lynch seconded the motion. Councilmember Bryce D. Kocian abstained. Councilmembers Lewis Fortenberry, Jr., Terry David Lynch, Don Mueller, Bryce D. Kocian, and Jeff Gubbels voted for the motion. The motion carried.

The thirteenth item on the agenda was to review and consider a resolution authorizing the Mayor of the City of Wharton, Wharton County, Texas to execute an agreement with the Driving Safety Services C/TPA for Alcohol and Drug Testing Services. City Secretary Lisa Olmeda presented a copy of the proposed agreement between the City of Wharton and Driving Safety Services C/TPA for Alcohol and Drug Testing Services for the City of Wharton. She said that the company had provided these services for the last five years and the contract was due to expire. She then presented a draft resolution approving the agreement. After some discussion, Councilmember Terry David Lynch made a motion to approve Resolution No. 2010-95, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2010-95**

A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF WHARTON, WHARTON COUNTY, TEXAS TO EXECUTE AN AGREEMENT WITH THE DRIVING SAFETY SERVICES C/TPA FOR ALCOHOL AND DRUG TESTING SERVICES.

WHEREAS, the City of Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute an agreement with Driving Safety Services C/TPA for alcohol and drug testing services; and,

WHEREAS, the City of Wharton and Driving Safety Services C/TPA 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 of the City of Wharton to execute an agreement with the Driving Safety Services C/TPA.

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

Passed, Approved, and Adopted this 13th day of December 2010.

CITY OF WHARTON, TEXAS

By: _____
DOMINGO MONTALVO, JR.
Mayor

ATTEST:

LISA OLMEDA

City Secretary

Councilmember Bryce D. Kocian seconded the motion. All voted in favor.

The fourteenth item on the agenda was to review and consider a resolution of the Wharton City Council accepting a Grant Award from the Texas Department of Public Safety under the Hazard Mitigation Grant Program, Project No. DR-1791-184, for funding for the City of Wharton Window Retrofit Project, authorizing the City of Wharton to proceed with the project; and authorizing the Mayor of the City of Wharton to execute any and all documents related to said grant. City Manager Garza presented a copy of the letter dated December 3, 2010 from Mr. Russ Lecklider, Deputy Assistant Director for the Texas Department of Public Safety providing notification to the City of Wharton of its federal share award in the amount of \$207,420.00 for the City of Wharton Window Retrofit Project. Police Chief Tim Guin stated that the Window Retrofit Project included City Hall and Wharton Police Department facilities. He said that the grant was a 75/25% matching grant. He also presented copies of the reporting documents that would be required to be submitted to the State. He stated that if approved, the project should be completed by June 2011. Mr. Garza stated that the City Staff was requesting the City Council to consider approving accepting the grant award. He then presented a draft copy of a resolution accepting the grant. He stated that the City's 25% portion of the funding was available in the 2009 bond fund. After some discussion, Councilmember Jeff Gubbels made a motion to approve Resolution No. 2010-96, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2010-96**

A RESOLUTION OF THE WHARTON CITY COUNCIL ACCEPTING A GRANT AWARD FROM THE TEXAS DEPARTMENT OF PUBLIC SAFETY UNDER THE HAZARD MITIGATION GRANT PROGRAM, PROJECT NO. DR-1791-184, FOR FUNDING FOR THE CITY OF WHARTON WINDOW RETROFIT PROJECT, AUTHORIZING THE CITY OF WHARTON TO PROCEED WITH THE PROJECT; AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ANY AND ALL DOCUMENTS RELATED TO SAID GRANT.

WHEREAS, the City of Wharton has been awarded a grant award from the Texas Department of Public Safety under the Hazard Mitigation Grant Program, Project No. DR-1791-184, under the Hazard Mitigation Grant Program for the City of Wharton Window Retrofit Project in the amount of \$207,420.00; and,

WHEREAS, the Wharton City Council wishes to accept the grant from the Texas Department of Public Safety, Project No. Dr-1791-184 for the City of Wharton Window Retrofit Project; and

WHEREAS, The Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute all documents related to said grant.

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 accepts the grant award from the Texas Department of Public Safety under the Hazard Mitigation Grant Program, Project No. DR-1791-184, under the Hazard Mitigation Grant Program for the City of Wharton Window Retrofit Project in the amount of \$207,420.00.

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

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

Passed, Approved, and Adopted this 13th day of December 2010.

CITY OF WHARTON, TEXAS

By: _____
DOMINGO MONTALVO, JR.
Mayor

ATTEST:

LISA OLMEDA

City Secretary

Councilmember Bryce D. Kocian seconded the motion. All voted in favor.

The fifteenth 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, Pay Request No. 1 in the amount of \$101,349.00. City Manager Andres Garza, Jr. presented a copy of the letter dated November 19, 2010 from Mr. Tommy L. Vance, P.E. of Jones & Carter, Inc. providing the Pay Request No. 1 from AR TurnKey in the amount of \$101,349.00 for the City of Wharton Additional Ahldag Sanitary Sewer Rehab Project. Mr. Carlos Cotton, P.E. stated that the project was 80% completed and recommended approval. After some discussion, Councilmember Bryce D. Kocian made a motion to approve the City of Wharton Additional Ahldag Sanitary Sewer Rehab Project, TxCDBG Contract No. R729710 – AR TurnKee Construction, Pay Request No. 1 in the amount of \$101,349.00. Councilmember Lewis Fortenberry, Jr. seconded the motion. All voted in favor.

The sixteenth item on the agenda was to review and consider the City of Wharton City Council Boards, Commissions, and Committees:

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- A. Beautification Commission.
- B. Building Standards Commission.
- C. Holiday Lighting Chairman.
- D. Mayor's Committee on People with Disabilities.
- E. Wharton Economic Development Corporation Board of Directors.

City Manager Andres Garza, Jr. stated that the City Council Wharton Economic Development Corporation (WEDC) Board of Directors Selection Committee met on December 3, 2010 and reviewed applications that were submitted from individuals interested in a position on the WEDC Board of Directors. He said that the Committee Members voted to recommend the following individuals as WEDC Board Members, with their term ending October 1, 2012: Mr. Paul Garfield Sherland, Mr. Gerald Sanchez, and Mr. David Copeland. He said that the Committee Members had also voted to recommend that Mr. Don Hillis be considered for appointment as a Director of the Board in the event that a position became vacant within the next six months. He then presented the memorandum dated December 3, 2010 from the Committee Members providing their recommendation. After some discussion, Councilmember Jeff Gubbels made a motion to appoint Mr. Paul Garfield Sherland, Mr. Gerald Sanchez, and Mr. David Copeland to the WEDC Board and Mr. Don Hillis as an alternate should a vacant position become available within the next six months. Councilmember Terry David Lynch seconded the motion. All voted in favor.

The seventeenth item on the agenda was City Secretary and Wharton Fire Department Local Pension Board:

- A. Acceptance of the resignation of Lisa Olmeda from the following effective December 30, 2010:

- 1. City Secretary.
- 2. City Representative for the Wharton Fire Department Local Pension Board.

City Manager Andres Garza, Jr. presented a copy of the letter dated November 30, 2010 from City Secretary Lisa Olmeda to Finance Director Joan Anandel providing her resignation as the City of Wharton City Secretary effective December 30, 2010. He stated that Mrs. Olmeda also served as the City Representative for the Wharton Fire Department Local Pension Board. He said that City Council acceptance of her resignation was required. After some discussion, Councilmember Bryce D. Kocian made a motion to accept the resignation of Lisa Olmeda as City Secretary and City Representative for the Wharton Fire Department Local Pension Board effective December 30, 2010. Councilmember Don Mueller seconded the motion. All voted in favor.

- B. Appointments to the following positions effective December 31, 2010:

- 1. City Secretary.
- 2. City Representative for the Wharton Fire Department Local Pension Board.

City Manager Garza stated that the City Secretary was supervised by Finance Director Joan Anandel. He stated Mrs. Anandel was recommending that Mrs. Paula Favors be promoted to the City Secretary position. He stated that after consultation with Finance Director Anandel, he concurred with her recommendation and recommended the City Council appoint Mrs. Favors as City Secretary. He also recommended that Finance Director Joan Anandel be appointed to the Wharton Volunteer Fire Department Local Pension Board for the term ending December 31, 2011. After

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some discussion, Councilmember Terry David Lynch made a motion to appoint Mrs. Paula Favors as the City Secretary, and Mrs. Joan Andel as the City Representative for the Wharton Fire Department Local Pension Board effective December 31, 2010. Councilmember Lewis Fortenberry, Jr. seconded the motion. All voted in favor.

The eighteenth item on the agenda was Executive Session: City Council may adjourn into an Executive Session in accordance with Sections 551.071 and 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 the following:

1. Municipal Court Judge.
2. Interim Municipal Court Judge.

B. Review & Consider: Potential Litigation concerning Thomas Araguz III.

Mayor Domingo Montalvo, Jr. adjourned into Executive Session at 7:43 p.m.
Mayor Domingo Montalvo, Jr. returned to Open Session at 7:54 p.m.

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

A. Review & Consider: Appointment of the following:

1. Municipal Court Judge.
2. Interim Municipal Court Judge.

Councilmember Terry David Lynch made a motion to appoint Mr. John Murrille as the Municipal Court Judge effective January 1, 2011 at a rate of \$35.00 per hour, and Ms. Cynthia Kubicek as the Interim Municipal Court Judge for the period December 13, 2010 through the period that Judge Murrille presided as the Municipal Court Judge. Councilmember Lewis Fortenberry, Jr. seconded the motion. All voted in favor.

B. Review & Consider: Potential Litigation concerning Thomas Araguz III.

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

The twentieth item on the agenda was to review and consider confirmation of the Wharton Volunteer Fire Department election results establishing Mr. Anthony Abbott as Fire Chief. City Manager Andres Garza, Jr. stated that the Wharton City Council may confirm the election of Mr. Anthony Abbott to serve as Fire Chief effective January 1, 2011. After some discussion, Councilmember Lewis Fortenberry, Jr. made a motion to confirm Mr. Anthony Abbott as Wharton Volunteer Fire Department Fire Chief effective January 1, 2011. Councilmember Terry David Lynch seconded the motion. All voted in favor.

The twenty-first item on the agenda was to review and consider cancellation of the December 27, 2010 regular Wharton City Council meeting. City Manager Andres Garza, Jr. stated that due to the Holiday Season, he was requesting the Mayor and City Council consider canceling the December 27, 2010 regular City Council meeting; however, should the need arise, a special meeting would be scheduled. After some discussion, Councilmember Bryce D. Kocian made a

motion to cancel the December 27, 2010 regular Wharton City Council meeting. Councilmember Lewis Fortenberry, Jr. seconded the motion. All voted in favor.

The twenty-second item on the agenda was to review and consider the City Council, Committee, Commissions, and Boards Reports:

- A. City Council Wharton Economic Development Corporation Board of Directors Selection Committee meeting held December 3, 2010.
- B. I-69 Advisory Committee Meeting held December 6, 2010.
- C. City Council Public Works Committee meeting held December 7, 2010.
- D. City Council Finance Committee meetings held November 23, 2010 and December 9, 2010.
- E. City Council Public Safety Committee meeting held December 9, 2010.

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

The twenty-third 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 7:57 p.m.

CITY OF WHARTON, TEXAS

By: _____
DOMINGO MONTALVO, JR.
Mayor

ATTEST:

LISA OLMEDA
City Secretary