

**MINUTES
OF
CITY OF WHARTON
REGULAR CITY COUNCIL MEETING
SEPTEMBER 8, 2008**

Mayor David W. Samuelson declared a Regular Meeting duly open for the transaction of business at 7:00 P.M. Councilmember Don Mueller led the opening devotion and then led the pledge of allegiance.

Councilmembers present were: Mayor David W. Samuelson, Councilmember's V. L. Wiley, Jr., Lewis Fortenberry, Jr., Ken Freese, Don Mueller, Domingo Montalvo, Jr. and Jeff Gubbels.

Councilmember absent was: None.

Staff members present were: City Manager Andres Garza, Jr., Finance Director Joyce Vasut, City Secretary Lisa Olmeda, Assistant to City Manager Jackie Jansky, Public Works Director Carter Miska, Emergency Management Coordinator Jim Cooper, and Assistant City Attorney Amy Rod.

Visitors present were: Barry Halvorson with Wharton Journal Spectator, David Schroeder with Wharton Economic Development Corporation, Carlos Cotton with Jones & Carter, Dwight King, Jamie King, Phyllis Sliva, Billie Jones, Abby Burditt, I.O. Coleman, Jr., Paul Shannon, and Louis Gerard.

The second item on the agenda was Roll Call and Excuses Absences. All members were present. No action was taken.

The third item on the agenda was Public Comments. Mr. Louis Gerard addressed the City Council and stated that he was against raising taxes. He stated that he was a senior citizen and the City Council needed to look at operations by cutting expenses. He said that the City needed to be responsible for what to spend and afford. He said that the teachers needed to be compensated more and the City and Wharton County should work together. He said that the children are the future for Wharton. Mayor David W. Samuelson stated that the tax rate had not been raised in the past ten years. No action was taken.

The fourth item on the agenda was Wharton Moment.

Mayor David W. Samuelson presented the following proclamation:

WHEREAS, observances of National POW/MIA Recognition Day are held across the country on military installations, ships at sea, state capitols, schools and veterans' facilities in recognition of the sacrifices of those persons who suffered or still suffer in captivity as Prisoners of War or were or remain Missing In Action while in service with the U.S. Armed Forces; and

WHEREAS, this day honors the service and recognizes the sacrifices of the brave American men and women of the U.S. Armed Forces who are or have been held captive by hostile forces, often enduring brutal and inhumane treatment, some for many years; and

WHEREAS, many thousands of U.S. service members have been or remain classified as unaccounted for and still missing in action, many for decades, leaving their families, fellow service members, and communities with lingering hope for a final resolution of their status; and

WHEREAS, we remember with profound gratitude those who have been held captive and those whose fate remains unknown; and

WHEREAS, the United States continues to be at war and our service members continue to serve each day at significant personal risk; and

WHEREAS, we have profound gratitude for the courage, determination, and resolve of those who have been held as prisoners of war or were missing in action, and remain mindful of those courageous and vigilant families, friends, and fellow veterans as they continue to wait to discover the status of their loved ones still classified as missing; and

WHEREAS, we urge the Government of the United States to fulfill this matter of trust and continue the quest to fully account for every service member classified as still missing; and

NOW, THEREFORE, I, David W. Samuelson, Mayor of the City of Wharton, Texas, do hereby proclaim **September 20, 2008** as **POW-MIA RECOGNITION DAY** throughout the City of Wharton, and request that some portion of the day be used for solemn contemplation of the plight of members of the U.S. Armed Forces who are or have been held prisoner of war and who are or have been missing in action.

In Testimony Whereof, I hereunto have set my hand and caused the seal of the City of Wharton to be affixed this 8th day of September, in the year of our Lord two thousand eight A.D.

Mayor David W. Samuelson also presented the following proclamation:

Whereas, The first resolution designating the Daughters of the American Republic Constitution Week was adopted on April 21, 1955; and

Whereas, It is fitting and proper to accord official recognition to this magnificent document and this memorable occasion; and to the patriotic celebration which will commemorate the event; and

Whereas, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating the week of September 17 through 23, 2008 as Constitution Week.

Now, Therefore, I, David W. Samuelson, by the authority vested in me as Mayor of the City of Wharton, Texas, do hereby proclaim the week of

*September 17 through 23, 2008 as
"CONSTITUTION WEEK"*

and, ask our citizens to reaffirm the ideals of the Framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties, remembering that lost rights may never be regained.

In Witness Whereof, I hereunto have set my hand and caused the seal of the City of Wharton to be affixed this 8th day of September, in the year of our Lord two thousand eight A.D.

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 August 11, 2008 and August 25, 2008 and the special meetings held August 7, 2008. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to approve the Wharton City Council minutes of the regular meetings held August 11, 2008 and August 25, 2008 and the special meetings held August 7, 2008 as presented. Councilmember Lewis Fortenberry, Jr. seconded the motion. All voted in favor.

The sixth item on the agenda was Public Hearing: Proposed Budget for the City of Wharton, Texas, Fiscal Year October 1, 2008 to September 30, 2009.

Mayor David W. Samuelson opened the Public Hearing at 7:11 p.m.

No comments were given.

Mayor David W. Samuelson closed the Public Hearing at 7:12 p.m.

The seventh item on the agenda was to review and consider action on Proposed Budget for the City of Wharton, Texas, Fiscal Year October 1, 2008 to September 30, 2009. City Manager Andres Garza, Jr. stated that during the August 25, 2008 regular City Council meeting, under separate cover a copy of the proposed budget for the City of Wharton, Texas, Fiscal Year October 1, 2008 to September 30, 2009 was presented. He said that this item would allow the City Council to direct the City Staff on any changes to the proposed budget prior to the formal adoption, which was scheduled for September 22, 2008. No action was taken.

The eighth item on the agenda was to review and consider the request by Dwight D. King, DVM, President of Team Wharton, Inc. for City Council consideration to approve the following for the construction of a 5,000 square feet additional structure for the Boys and Girls Club of Wharton:

A. Waiving of all permit fees associated with the utility installation and building construction.

B. Assistance with site preparation.

City Manager Andres Garza, Jr. presented a copy of the letter dated September 3, 2008 from Dwight D. King, DVM, President of Team Wharton, Inc. requesting the City Council approval. He also presented a copy of drawings of the proposed facility that was presented to the City Staff during a meeting with Dr. King and representatives of Team Wharton, Inc. that was held August 19, 2008. Mrs. Abby Burditt addressed the City Council and stated that the ground breaking would occur in October 2008 and the project would be completed by June 2009. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to approve the request by

Dwight D. King, DVM, President of Team Wharton, Inc. for City Council to approve the construction of a 5,000 square feet additional structure for the Boys and Girls Club of Wharton, to waive of all permit fees associated with the utility installation and building construction, and assistance with site preparation. Councilmember Don Mueller seconded the motion. Councilmember's V. L. Wiley, Jr., Ken Freese, Don Mueller, Domingo Montalvo, Jr., and Jeff Gubbels voted for the motion. Councilmember Lewis Fortenberry, Jr. abstained. The motion carried.

The ninth item on the agenda was to review and consider a resolution of the Wharton City Council approving a Fixed Based Operator Agreement between the City of Wharton and Dynasty Aviation. City Manager Andres Garza, Jr. stated that during the regular September 2, 2008 Wharton Regional Airport Board meeting, the Airport Board voted to recommend the City Council consider approving a Fixed Base Operators (FBO) lease agreement with Dynasty Aviation for use of the 24,000 square feet Industrial Hangar. He then presented a draft copy of the agreement, a copy of the memorandum dated September 3, 2008 from Airport Chairman Glenn Erdelt providing the recommendation. He said that the proposed lease agreement would be a five (5) year contract with the option to renew for one (1) five (5) year term. He said that the City was retaining the use of the office space located within the hangar; however, if the City determined that the office space should be rented, then Dynasty Aviation would have the first right of refusal. He said that the effective date of the agreement would be January 1, 2009. Councilmember Domingo Montalvo, Jr. stated that he spoke with Texas Department of Transportation Aviation Division Representatives Bill Gunn and Meagan Caffel regarding the leasing of the property. He stated that he was informed that the City would have the authority to lease the property. He stated that the City could offer a ground lease for Dynasty Aviation to build a hangar. After some discussion, Mayor David W. Samuelson stated that the numbers should be evaluated with Schlumberger verses Dynasty Aviation. No action was taken.

The tenth item on the agenda was to review and consider a resolution of the Wharton City Council approving an Interlocal Agreement between the Cities of Wharton and El Campo and the County of Wharton for the Joint Ownership and Operation of Radio Communications Equipment and authorizing the Mayor of the City of Wharton to execute the agreement. City Manager Andres Garza, Jr. stated that during the November 14, 2007 City Council Public Safety Committee Meeting, the Committee Members met with Mr. Jim Cooper, Wharton Emergency Management Coordinator (EOC) and Mr. Chuck Rogers, Colorado County EOC to discuss a Region Radio Communications System. He said that the Committee voted to recommend Mr. Cooper to continue his discussions with the City of Wharton, City of El Campo, Department of Public Safety and Wharton County concerning a regional radio communication system. He then presented a copy of a draft Interlocal Agreement between the Cities of Wharton and El Campo and Wharton County for the joint ownership and operation of the radio communications equipment. He also presented a draft resolution approving the agreement. Mr. Cooper stated that Fort Bend owned the tower and that the equipment would be maintained by a contract with City of Wharton, City of El Campo, and Wharton County. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to approve Resolution No. 2008-58, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2008 - 58**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITIES OF WHARTON AND EL CAMPO AND THE COUNTY OF WHARTON FOR THE JOINT OWNERSHIP AND OPERATION OF RADIO COMMUNICATIONS EQUIPMENT 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 City of Wharton’s best interest to enter into an interlocal agreement with the City of El Campo and the County of Wharton for the joint ownership and operation of a radio communication system; and

WHEREAS, the Wharton City Council wishes to enter into an interlocal agreement for the joint ownership and operation of the radio communications equipment; and

WHEREAS, the City of Wharton, City of El Campo and County of Wharton wishes to be bound by the conditions set forth in the interlocal 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 as follows:

Section I. That the Wharton City Council hereby approves an interlocal agreement between the Cities of Wharton and El Campo and the County of Wharton for the joint ownership and operation of a radio communication system.

Section II. That the Cities of Wharton and El Campo and County of Wharton are hereby bound by the conditions set forth in the agreement.

Section III. That the Mayor of the City of Wharton is hereby authorized to execute the agreement.

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

Passed, Approved, and Adopted this 8th of September 2008.

CITY OF WHARTON, TEXAS

By:

DAVID W. SAMUELSON
Mayor

ATTEST:

LISA OLMEDA
City Secretary

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

The eleventh item on the agenda was to review and consider the City of Wharton Valhalla Water Well Emergency Rework Project – Alsay Incorporated – Change Order No. 2. City Manager Andres Garza, Jr. presented a copy of the letter dated August 27, 2008 from Mr. Carlos Cotton, P.E. of Jones & Carter, Inc. providing his recommendation regarding additional work on the Valhalla Water Well No. 4. He said that Mr. Cotton was recommending the City Council consider approving the installation of a six-inch blank liner in the area of the upper two screens, which would blank off those screens and help prevent the entry of sand into the well. He said that the liner would also impede the entry of the bacteria into the well should the iron bacteria be concentrated in the area as well. He said that the cost of the liner was \$33,954.00. He said that the City Council Public Works Committee reviewed the proposed change order to install the blanket liner during its meeting held September 2, 2008 and was recommending the City Council consider approving the recommendation. He then presented a copy of the proposed Change Order No. 2 to the contract adding the \$33,954.00 to the original contract amount of \$195,875.00, bringing the new contract amount to a total of \$229,829.00. Mr. Cotton stated that 800-900 gallons per minute were being pumped; whereas, the well was designed for 1,000 gallons per minute. After some discussion, Councilmember Don Mueller made a motion to approve the City of Wharton Valhalla Water Well Emergency Rework Project – Alsay Incorporated – Change Order No. 2 in the amount of \$33,954.00. Councilmember Domingo Montalvo, Jr. seconded the motion. All voted in favor.

The twelfth item on the agenda was to review and consider the City of Wharton – Wharton Industrial Park Pump Station Project – R & B Group, Inc. – Pay Request No. 7. City Manager Andres Garza, Jr. presented a copy of the letter dated September 4, 2008 from Mr. Carlos Cotton, P.E. of Jones & Carter, Inc. providing the Pay Request No. 7 from R & B Group, Inc. for the City of Wharton – Wharton Industrial Park Pump Station Project in the amount of \$31,174.80. Mr. Cotton stated that there would be a one-year guarantee on the well. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to approve the City of Wharton – Wharton Industrial Park Pump Station Project – R & B Group, Inc. – Pay Request No. 7 in the amount of \$31,174.80. Councilmember Lewis Fortenberry, Jr. seconded the motion. All voted in favor.

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

- A. Wharton Regional Airport Board.
- B. Beautification Commission.
- C. Holiday Light Decorating Chairperson.
- D. Youth Advisory Commission – Adult Advisor.

City Manager Andres Garza, Jr. stated that recommendations may be made to fill the vacancies on the afore-mentioned Boards, Commissions and Committees. No action was taken.

The fourteenth item on the agenda was to review and consider the City Council Committees, Boards and Commission's Reports:

- A. Airport Board meeting held September 2, 2008.
- B. City Council Public Works meeting held September 2, 2008.

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

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

The meeting adjourned at 7:45 p.m.

CITY OF WHARTON, TEXAS

By: _____
DAVID W. SAMUELSON
Mayor

ATTEST:

LISA OLMEDA
City Secretary