

**MINUTES  
OF  
CITY OF WHARTON  
REGULAR CITY COUNCIL MEETING  
FEBRUARY 8, 2010**

Mayor David W. Samuelson declared a Regular Meeting duly open for the transaction of business at 7:02 P.M. Mayor David W. Samuelson led the opening devotion and then led the pledge of allegiance.

Councilmembers present were: Mayor David W. Samuelson, Councilmembers V. L. Wiley, Jr., Lewis Fortenberry, Jr., Terry David Lynch, Don Mueller, and Jeff Gubbels.

Councilmember absent was: Councilmember Domingo Montalvo, Jr.

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

Visitors present were: Barry Halvorson- Wharton Journal Spectator, David Schroeder- Wharton Economic Development Corporation, Carlos Cotton – Jones & Carter, Inc., Ron Sanders, Melody Peacock Brooks, and Meghan Martin.

The second item on the agenda was Roll Call and Excused Absences. After some discussion, Councilmember Don Mueller made a motion to excuse the absence of Councilmember Domingo Montalvo, Jr. from the regular City Council meeting held on February 8, 2010. Councilmember Lewis Fortenberry, Jr. seconded the motion. All voted in favor.

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

The fourth item on the agenda was Wharton Moment. Councilmember Jeff Gubbels stated that the Wharton High School Senior Class 2010 raised a considerable amount of funds for Project Graduation and thanked the persons for making the event a success. City Manager Andres Garza, Jr. congratulated the Wharton High School Tennis Team for being ranked 2<sup>nd</sup> in State 3A classifications and also the Wharton High School Boys Golf Team for winning 1<sup>st</sup> place in two tournaments. 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 January 11, 2010 and January 25, 2010. After some discussion, Councilmember Don Mueller made a motion to approve the minutes from the regular meetings held January 11, 2010 and January 25, 2010 as presented. Councilmember V. L. Wiley, Jr. seconded the motion. All voted in favor.

The sixth item on the agenda was to review and consider the request by Ms. Melody Peacock, Mr. Burlon Parsons, Ms. Meghan Martin, and Mr. H. R. Fisher to enter into a contract between the City of Wharton and the Wharton Art League for use of the property located at the Rowan Dickson House, 417 Colorado Street, Wharton, Texas. City Manager Andres Garza, Jr. stated that during the November 23, 2009 Wharton City Council, the City Council approved the request by Ms. Matylda Butler, Ms. Barbara Butler, and Ms. Louise Volz for the City of Wharton to terminate the contract between the City and the Wharton Art League for the use of the Rowan Dickson House located at 417 Colorado Street, Wharton, Texas, for the Wharton Art League. He said that the contract expired on January 31, 2010. He said that on January 27, 2010, the City Staff received a letter from Ms. Melody Peacock, Mr. Burlon Parsons, Ms. Meghan Martin, and Mr. H. R. Fisher wishing to continue the contract the City had with the Art League. He said that he had submitted the request to the City Council Finance Committee and City Attorney Paul Webb for their review and comment. He then presented a copy of the terminated contract. He said that the City Council Finance Committee met to consider a recommendation to the City Council concerning the request. Ms. Peacock addressed the City Council and stated that the following joined the Wharton Art League and paid their dues: Meghan Martin, B. L. Parsons, Jr., Hughes Fisher, Beverly Coet and herself. City Attorney Paul Webb stated that the lease could be extended for a period of three months to allow the members to organize and establish their organization. Councilmember Jeff Gubbels stated that he would request the Officers demonstrate to the community that the facility would be for public use and report back to City Council. Councilmember Don Mueller requested a termination clause giving 90 days. After some discussion, Councilmember Don Mueller made a motion to extend the lease for a term of three months. Councilmember Terry David Lynch seconded the motion. All voted in favor.

The seventh item on the agenda was to review and consider the request by NIBBS Enterprise, Inc. dba Tri-County EMS for a City of Wharton Ambulance Provider Permit. City Manager Andres Garza, Jr. presented a copy of the City of Wharton Ambulance Provider Permit Application submitted by NIBBS Enterprise, Inc. dba Tri-County EMS. He said that City Secretary Lisa Olmeda had submitted the application to EMS Director John Kowalik and City Attorney Paul Webb for their review. He then presented a copy of the memorandum dated February 2, 2010 from Mr. Kowalik to Mrs. Olmeda and a copy of the letter dated January 25, 2010 from Mr. Webb indicating that the company appeared to be in good standing and the City Council could consider approving the request. Councilmember Terry David Lynch asked how many ambulance provider services would be allowed to operate in the City of Wharton. City Manager Garza stated that currently there were four companies with 10 units. After some discussion, Councilmember Jeff Gubbels made a motion to approve the request by NIBBS Enterprise, Inc. dba Tri-County EMS for a City of Wharton Ambulance Provider Permit for the term February 8, 2010 through December 31, 2010. Councilmember Lewis Fortenberry, Jr. seconded the motion. Councilmembers V. L. Wiley, Jr., Lewis Fortenberry, Jr., Don Mueller, and Jeff Gubbels voted for the motion. Councilmember Terry David Lynch voted against the motion. The motion carried.

The eighth item on the agenda was to review and consider the City of Wharton Alabama Water Well Rework Project:

A. Bid Tabulation.

**B. Resolution:** A resolution of the Wharton City Council approving a contract for the City of Wharton Alabama Water Well Rework Project and authorizing the Mayor of the City of Wharton to execute the agreement.

City Manager Andres Garza, Jr. stated that the bid opening for the City of Wharton Alabama Water Well Rework Project was held February 2, 2010 at 2:00 p.m. He then presented a copy of the bid tabulation, and a copy of the letter dated February 4, 2010 from Mr. Carlos Cotton, P.E. of Jones & Carter, Inc. providing Mr. Cotton's recommendation that the bid be awarded to Layne Christensen Company in the amount of \$159,101.00. He then presented a draft resolution awarding the contract. Mr. Carlos Cotton, P.E. of Jones & Carter, Inc. stated that three bids were received. He stated that Layne Christensen Company had previously completed work for the City of Wharton and recommended approval. Public Works Director Carter Miska stated that \$400,000 was included in the bond funds for the project. After some discussion, Councilmember Terry David Lynch made a motion to approve Resolution No. 2010-06, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2010-06**

**A RESOLUTION OF THE WHARTON CITY COUNCIL AWARDING A CONTRACT TO LAYNE CHRISTENSEN COMPANY FOR THE CITY OF WHARTON ALABAMA WATER WELL REWORK PROJECT AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE THE AGREEMENT.**

**WHEREAS,** competitive, sealed bids were received on February 2, 2010 for the City of Wharton Alabama Water Well Rework Project; and

**WHEREAS,** Layne Christensen Company was deemed to be the lowest and best qualified bidder as per bid specifications in the amount of \$159,101.00; and

**WHEREAS,** the Wharton City Council wishes to award the bid to Layne Christensen Company for the Alabama Water Well Rework Project; and

**WHEREAS,** the City of Wharton and Layne Christensen Company wishes to be bound by the conditions outlined in the agreement; and

**WHEREAS,** this resolution is passed in accordance with this bid.

**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 awards the bid for the Alabama Water Well Rework Project to Layne Christensen Company in the amount of \$159,101.00 as per bid specifications.

**Section II.** That the Mayor of the City of Wharton is hereby authorized to sign all documents relating to the agreement.

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

**Passed, Approved, and Adopted** this 8<sup>th</sup> day of February 2010.

**CITY OF WHARTON, TEXAS**

By: \_\_\_\_\_  
**DAVID W. SAMUELSON**  
Mayor

**ATTEST:**

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**LISA OLMEDA**  
City Secretary  
Councilmember Lewis Fortenberry, Jr. seconded the motion. All voted in favor.

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

- A. Wharton Chamber of Commerce fourth quarter 2009 report.
- B. Building Standards Commission meeting held January 21, 2010.
- C. Wharton Economic Development Corporation meeting held January 25, 2010.
- D. Wharton Regional Airport Board meeting held February 2, 2010.
- E. City Council Finance Committee meeting held February 8, 2010. City Manager Andres Garza, Jr. presented the reports to the City Council. No action was taken.

The tenth 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 7:20 p.m.

**CITY OF WHARTON, TEXAS**

By: \_\_\_\_\_  
**DAVID W. SAMUELSON**  
Mayor

**ATTEST:**

\_\_\_\_\_  
**LISA OLMEDA**  
City Secretary