

**MINUTES
OF
CITY OF WHARTON
REGULAR CITY COUNCIL MEETING
AUGUST 25, 2008**

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

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

Councilmember absent was: Don Mueller.

Staff members present were: City Manager Andres Garza, Jr., Finance Director Joyce Vasut, City Secretary Lisa Olmeda, Assistant to City Manager Jackie Jansky, EMS Director John Kowalik, Public Works Director Carter Miska, Airport Manager David Allen, and City Attorney Paul Webb.

Visitors present were: David Schroeder with Wharton Economic Development Corporation, Jim Cockrell, I. O. Coleman, Jr., Louis Edwards, Carlos Cotton, Billie Jones, Travis Raun, and Bill Kincer.

The second item on the agenda was Roll Call and Excuses Absences. Councilmember V. L. Wiley, Jr. made a motion to excuse the absence of Councilmember Don Mueller from the Regular City Council meeting held August 25, 2008. Councilmember Ken Freese seconded the motion. All voted in favor.

The third item on the agenda was Public Comments. Mr. Jim Cockrell addressed the City Council regarding the water, sewer, and garbage increase. He said that the last increase was 12% and if City Council approved the proposed increase, it would be 18%. He said that he was a senior citizen on a fixed income and requested City Council consider a 10% discount for senior citizens. Mr. I.O. Coleman, Jr. addressed the City Council and stated that he opposed the increase. He said that he did not see an increase in services. He stated that streets needed to be repaired, weedy lot needed to be mowed, substandard buildings needed to be repaired or demolished, stray animals needed to be picked up, fire hydrants needed maintenance, spraying of mosquitoes needed to be conducted, and drug traffic areas needed to be enforced. He said that the City Council should address ways to reduce costs. No action was taken.

The fourth item on the agenda was Wharton Moment. Councilmember Domingo Montalvo, Jr. stated that the TML Legislative Policy Meeting was held today and the discussion consisted of

gasoline taxes with the intent to repair roads and taxing bottled water with \$0.01 to be submitted to cities. No action was taken.

The fifth item on the agenda was to review and consider the City of Wharton Financial Report for the month of July 2008. Finance Director Joyce Vasut presented the financial report for the month of July 2008 and stated that the fiscal year was at 83%. Mrs. Vasut stated that the general fund revenues were at 85.80% and the expenditures were at 78.67%. The total ad valorem taxes collected were \$1,870,594. The sales tax for the month of June 2008 was \$181,642 with \$121,095 to the City and \$60,547 to WEDC. The Franklin Bank balance for June 2008 was \$1,659,758.49 with an average monthly yield of 2.0%. TexPool balance for June 2008 was \$247,412.81 with an average monthly yield of 2.2460%. After some discussion, Councilmember Ken Freese made a motion to approve the City of Wharton Financial Report for the month of July 2008. Councilmember Jeff Gubbels seconded the motion. All voted in favor.

The sixth item on the agenda was to review and consider the City Manager's submission of the City of Wharton, Texas, proposed budget for the fiscal year October 1, 2008 to September 30, 2009. City Manager Andres Garza, Jr. presented a copy of the proposed budget for the City of Wharton fiscal year October 1, 2008 to September 30, 2009 to the City Council. Finance Director Joyce Vasut stated that the budget was prepared by the Finance Department in compliance with the City's charter. After some discussion, no action was taken.

The seventh item on the agenda was to review and consider setting a public hearing date for the City of Wharton, Texas, proposed budget for the fiscal year October 1, 2008 to September 30, 2009. Finance Director Joyce Vasut stated that under Article VI, Section 53 of the City of Wharton Charter the City Council shall set a time and place for a public hearing. She then presented a copy of the City's Charter Section pertaining to the budget. City Manager Andres Garza, Jr. stated that the City Staff would publish the Notice of Public Hearing on Wednesday, August 27, 2008 in the Wharton Journal Spectator. He stated that he was recommending the public hearing be set for the September 8, 2008 Regular City Council Meeting, which complied with Section 53 of the Charter. After some discussion, Councilmember Lewis Fortenberry, Jr. made a motion to approve September 8, 2008 as the Public Hearing date during the Regular City Council Meeting and authorize the City Staff to publish the Public Hearing Notice in the Wharton Journal Spectator. Councilmember V. L. Wiley, Jr. seconded the motion. All voted in favor.

The eighth item on the agenda was to review and consider the recommendation from the Planning Commission for City Council to consider approving the following:

A. Request by Mr. Gene Snyder, CLVR Acquisitions, Ltd. for a preliminary/final re-plat of CLVR Subdivision, situated in the City of Wharton, Wharton County, Texas, in the Martin Allen League, Abstract No. 1, being 6.6515 acres of and of a 14.730-acre tract. Assistant to City Manager Jackie Jansky stated that the Planning Commission met Monday, August 18, 2008 and voted to recommend the City Council consider approving the request by Mr. Gene Snyder, CLVR Acquisitions, Ltd. for a preliminary/final re-plat of the CLVR Subdivision, situated in the City of Wharton, Wharton County, Texas, in the Martin Allen League, Abstract No. 1, being 6.6515 acres of and of a 14.730 acre tract. She then presented a copy of the memorandum dated August 20, 2008 from Vice-Chairman Mike Wootton providing the recommendation. She stated that Mr.

Gene Snyder was unable to attend the meeting. She stated that the re-plat met the setback requirements. She stated that there were no improvements on Lot 2. After some discussion, Councilmember Ken Freese made a motion to approve the request by Mr. James Ferguson, Surveyor, on behalf of CLVR Acquisitions, Ltd. for a preliminary/final re-plat of CLVR Subdivision, situated in the City of Wharton, Wharton County, Texas, in the Martin Allen League, Abstract No. 1, being 6.6515 acres of and of a 14.730 acre tract. Councilmember Jeff Gubbels seconded the motion. All voted in favor.

B. Request by Mr. Bill Kincer on behalf of Fridkin Kaufman, Ltd. for a preliminary/final re-plat of Ahldag, Blocks 9 & 10, Lots 9B, 10A and 10B; 217 East Ahldag Avenue. Mrs. Jansky stated that the Planning Commission met Monday, August 18, 2008 and voted to recommend the City Council consider approving the request submitted by Mr. Bill Kincer, Muegge Real Estate on behalf of Mr. Fridkin Kaufman, Ltd. for a preliminary/final re-plat of Ahldag, Blocks 9 & 10, Lots 9B, 10A and 10B; 217 East Ahldag Avenue. She then presented a copy of the memorandum dated August 20, 2008 from Vice-Chairman Mike Wootton providing the recommendation. She stated that Mr. Bill Kincer was available to answer any questions. She stated that the re-plat met the setback requirements. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to approve the request by Mr. Bill Kincer on behalf of Fridkin Kaufman, Ltd. for a preliminary/final re-plat of Ahldag, Blocks 9 & 10, Lots 9B, 10A and 10B; 217 East Ahldag Avenue. Councilmember Jeff Gubbels seconded the motion. All voted in favor.

C. Request by Mr. David Swank on behalf of Mr. Mike Baker, RBP Services, Inc. for a preliminary/final re-plat of 19.91 acres of land in the City of Wharton out of the William Kincheloe League A-38 in Wharton County, Texas, located at 505 Reed Lane. Mrs. Jansky stated that the Planning Commission met Monday August 18, 2008 and voted to recommend the City Council consider approving the request by Mr. Mike Baker, of RBP Services, Inc. for a preliminary/final re-plat of 19.91 acres of land in the City of Wharton out of the William Kincheloe League A-38 in Wharton County, Texas, located at 505 Reed Lane. She said that the City Staff had assisted Mr. David Swank, Engineer for Mr. Baker on the design of a proposed RV park, which would not be available to the general public and would be constructed for the private use by RBP Services, Inc. She said that RBP Services was the company that was assisting with the construction of the Kansas City Southern Railroad Company; however, since the company representatives wished to locate RV's on the property for use by company employees, the City Staff had worked with RBP to plat the property in accordance with City code. She then presented a copy of the plat indicating the location of the property and a proposed layout of the site. She also presented a copy of the memorandum dated August 18, 2008 from Vice-Chairman Mike Wootton providing the recommendation. She stated that Mr. David Swank was unable to attend the meeting. She stated that re-plat met the setback requirements. She said that the entrance road would be paved; however, Mr. Swank indicated that the RV sites may be constructed with crushed rock. After some discussion, Councilmember V. L. Wiley, Jr. made a motion to approve the request by Mr. David Swank on behalf of Mr. Mike Baker, RBP Services, Inc. for a preliminary/final re-plat of 19.91 acres of land in the City of Wharton out of the William Kincheloe League A-38 in Wharton County, Texas, located at 505 Reed Lane. Councilmember Ken Freese seconded the motion. All voted in favor.

The ninth item on the agenda review and consider the recommendation by the City Council Public Safety Committee for City Council consideration to approve the following:

A. Acceptance of Grants:

1. Johnson Foundation.
2. Gulf Coast Medical Foundation.

City Manager Andres Garza, Jr. stated that the EMS Department had received two grants. He said that one was from the Johnson Foundation in the amount of \$50,000.00, a single grant, and the second one was from the Gulf Coast Medical Foundation in the amount of \$38,000.00, a matching grant. He said that City Council acceptance of the grants was being requested by the City Staff. EMS Director John Kowalik stated that the grants would be used for the purchase of a new ambulance chassis and patient compartment upon approval of the City Council. After some discussion, Councilmember Ken Freese made a motion to approve the acceptance of the grants from Johnson Foundation in the amount of \$50,000.00 and Gulf Coast Medical Foundation in the amount of \$38,000.00. Councilmember Domingo Montalvo, Jr. seconded the motion. All voted in favor.

B. Purchase of a new ambulance chassis. Mr. Garza presented a copy of the memorandum dated August 18, 2008 from EMS Director John Kowalik providing his request to solicit bids for a new ambulance for the EMS Department. He said that in the past, the City purchased the chassis separately and then solicited bids for the patient compartment. He then presented a revised bid tabulation. Mr. Kowalik stated that he was recommending the new ambulance chassis be awarded to Dallas Dodge Government Sales. He stated that the Dodge diesel chassis was the best option. After some discussion, Councilmember Jeff Gubbels made a motion to approve the purchase of the chassis from Dallas Dodge Government Sales in the amount of \$30,610. Councilmember Lewis Fortenberry, Jr. seconded the motion. Councilmember Domingo Montalvo, Jr. abstained. The motion carried.

C. City Staff authorization to solicit bids for new ambulance patient compartment. Mr. Kowalik said that the grants from Johnson Foundation and Gulf Coast Medical Foundation would be used for the purchase of the patient compartment. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to authorize the City Staff to solicit bids for the new ambulance patient compartment. Councilmember Ken Freese seconded the motion. All voted in favor.

D. Purchase of three Stryker Power Pro Stretchers from Boundtree Medical. Mr. Garza presented a copy of the memorandum dated August 10, 2008 from EMS Director John Kowalik providing quotes for the purchase of new stretchers for use by the EMS Department. He also presented the bid tabulation. He said that Mr. Kowalik was recommending the City Council consider approving the purchase of three stretchers from Boundtree Medical. He said that the City Council Public Safety Committee reviewed Mr. Kowalik's request during its August 22nd meeting and was recommending the City Council consider approving the purchase of three new Stryker Power Pro Stretchers from Boundtree Medical; with one being purchased during the 2007 – 2008 fiscal year and two being purchased during the 2008-2009 fiscal year. He said that Finance Director Joyce Vasut had indicated that the EMS Department had excess revenues that would

fund the purchase. Mr. Kowalik stated that due to new technology, the stretchers were developed that allowed the patient's weight to be distributed evenly thus creating a reduction in sustained back injuries. He stated the Boundtree Medical would provide hands on training; therefore, he recommended the purchased to be made from Boundtree Medical. After some discussion, Councilmember Lewis Fortenberry, Jr. made a motion to approve the purchase of three Stryker Power Pro Stretchers from Boundtree Medical for the amount of \$10,563.20 for each stretcher consisting of purchasing one in fiscal year 2007-2008 and two in fiscal year 2008-2009. Councilmember V. L. Wiley, Jr. seconded the motion. All voted in favor.

E. **Resolution:** A resolution of the Wharton City Council approving a Memorandum of Agreement for Mutual Aid of Emergency Medical Services for Public Assistance to provide mutual aid in a pending or actual disaster between the Department of State Health Services and DSHS Licensed EMS Providers including the City of Wharton, Texas, and authorizing the Mayor of the City of Wharton to execute the agreement. Mr. Garza presented a copy of the memorandum dated July 23, 2008 from EMS Director John Kowalik regarding the Memorandum of Agreement for Mutual Aid of Emergency Medical Services for Public Assistance to provide Mutual Aid in a pending or actual disaster between the Department. He said that Mr. Kowalik indicated that if approval was accepted by the City Council and City Attorney Paul Webb, the City could proceed with the execution of the agreement. He stated that the City could provide one unit at the ALS level during an event only if the City would not be significantly affected. He said that the City would be reimbursed any personnel or equipment deployed during an event as per the rates listed in the agreement. He then presented a copy of the letter dated July 30, 2008 from City Attorney Webb, who indicated that after his review, he found the agreement in order, which set out the parameters that would need to be addressed in this type of agreement. He said that the City Council Public Safety Committee met August 22, 2008 and was recommending City Council approval of the agreement. Mr. Kowalik stated that the agreement was on a voluntary basis as requested by the State Health Services and DSHS Licensed EMS providers. After some discussion, Councilmember Lewis Fortenberry, Jr. made a motion to approve Resolution No. 2008-54, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2008-54**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING A MEMORANDUM OF AGREEMENT FOR MUTUAL AID EMERGENCY MEDICAL SERVICES FOR PUBLIC ASSISTANCE TO PROVIDE MUTUAL AID IN A PENDING OR ACTUAL DISASTER BETWEEN THE DEPARTMENT OF STATE HEALTH SERVICES AND DSHS LICENSED EMS PROVIDERS INCLUDING THE CITY OF WHARTON, TEXAS, AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE THE AGREEMENT.

WHEREAS, the Wharton City Council has determined that the need may arise during a disaster event that it would assist other communities by rendering EMS mutual, including evacuations or providing medical assistance; and

WHEREAS, the Wharton City Council wishes to enter into a Memorandum of Agreement for Mutual Aid Emergency Medical Services for Public Assistance to provide mutual aid in a pending or actual disaster between the State Health Services and DSHS Licensed EMS providers including the City of Wharton, Texas; and

WHEREAS, the Wharton City Council wishes the agreement to be the State Mission level and that the City of Wharton would be able to provide one unit at the ALS level on a voluntary basis and to not significantly affect the City of Wharton's local area; 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 City Council of the City of Wharton authorizes the Mayor of the City of Wharton to execute a Memorandum of Agreement for Mutual Aid Emergency Medical Services for Public Assistance to provide mutual aid in a pending or actual disaster between the State Health Services and DSHS Licensed EMS providers including the City of Wharton, Texas.

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

Passed, Approved, and Adopted this 25th day of August 2008.

CITY OF WHARTON, TEXAS

By:

DAVID W. SAMUELSON

Mayor

ATTEST:

LISA OLMEDA

City Secretary

Councilmember Ken Freese seconded the motion. All voted in favor.

The tenth item on the agenda was to review and consider the recommendation by the Wharton City Council Finance Committee for City Council consideration to approve the following:

A. **Resolution:** A resolution of the Wharton City Council approving an interlocal contract with the Texas Municipal League – Intergovernmental Employee Benefits Pool (TML-IEBP) for group hospitalization, long-term disability, life, accidental death & dismemberment coverage; and Assurant Employee Benefits for dental coverage for City employees; authorizing the Mayor of the City of Wharton to execute all documents relating to said contracts. City Manager Andres Garza, Jr. stated that the City Council Finance Committee met August 21, 2008 and was recommending

the City Council consider approving the resolution with the Texas Municipal League (TML) – Intergovernmental Employee Benefits Pool (IEBP) for group hospitalization, long-term disability, life, accidental death & dismemberment coverage; and Assurant Employee Benefits for dental coverage for City employees. He then presented a copy of the memorandum dated August 18, 2008 from City Secretary Lisa Olmeda providing an analysis of the re-rate information as compared to last year’s coverage. Finance Director Joyce Vasut said that the re-rate for the fiscal year 2008 -2009 consists of basically a 16% increase for the health coverage, no change in the Life and AD & D and a 3.49% increase in dental. After some discussion, Councilmember Ken Freese made a motion to approve Resolution No. 2008-55, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2008-55**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AN INTERLOCAL CONTRACT WITH THE TEXAS MUNICIPAL LEAGUE - INTERGOVERNMENTAL EMPLOYEE BENEFITS POOL (TML-IEBP) FOR GROUP HOSPITALIZATION, LONG-TERM DISABILITY, LIFE, ACCIDENTAL DEATH & DISMEMBERMENT; AND ASSURANT EMPLOYEE BENEFITS FOR DENTAL COVERAGE FOR CITY EMPLOYEES; AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATING TO SAID CONTRACTS.

WHEREAS, the City of Wharton received the renewal rate for group hospitalization, long-term disability, life, accidental death & dismemberment, and dental coverage for city employees; and

WHEREAS, the City of Wharton medical plan with Texas Municipal League - Intergovernmental Employee Benefits Pool would be renewed with a 16% increase and no plan modifications; and

WHEREAS, there shall be full-time employee participation with Texas Municipal League - Intergovernmental Employee Benefits Pool for group hospitalization, long-term disability, life, accidental death & dismemberment; and

WHEREAS, the city employees would receive coverage with Assurant Employee Benefits for voluntary dental coverage; and

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 contract with the Texas Municipal League - Intergovernmental Employee Benefits Pool for group hospitalization, long-term disability, life and accidental death & dismemberment coverage.
- Section II. That Wharton City Council hereby approves Assurant Employee Benefits for voluntary dental coverage for City Employees.

