

**MINUTES  
OF  
CITY OF WHARTON  
REGULAR CITY COUNCIL MEETING  
OCTOBER 15, 2012**

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

Councilmember's present were: Mayor Domingo Montalvo, Jr., Councilmembers Al Bryant, Jeff Gubbels, Terry David Lynch, Russell Machann, Don Mueller and Karen Schulz.

Councilmember absent was: None.

Staff members present were: City Manager Andres Garza, Jr., Finance Director Joan Anandel, Assistant to City Manager Jackie Jansky, City Attorney Paul Webb, Public Works Director Carter Miska, P.E., and Civic Center Director Jo Beth Knezek.

Visitors present were: David Schroeder, Executive Director, Wharton Economic Development Corporation, Merle Hudgins, Linda Baca, Octavio Garza, Kate Gubbels, Garrett Rod, Carlos Cotton, P.E. of Jones & Carter, Inc., and Ben Sharp, Wharton Journal Spectator.

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

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

The fourth item on the agenda was the Wharton Moment. Councilmember Don Mueller stated that the Monterey Square Wine and Arts Fair was a success and the City Staff had the downtown area cleaned by 8:45 p.m. City Manager Andres Garza, Jr. stated that the Wharton Tigers Varsity Football Team was doing a great job this season. City Manager Garza said the team had excellent players and coaches.

The fifth item on the agenda was to review and consider reading of the minutes from the regular meetings held September 10, 2012 and September 24, 2012. After some discussion, Councilmember Don Mueller moved to approve the minutes from the regular meetings held September 10, 2012 and September 24, 2012. Councilmember Al Bryant seconded the motion. All voted in favor.

The sixth item discussed on the agenda was to review and consider a request by Ms. Rachel Cutrer, Owner of Ranch House Designs for City Council to consider approving the following:

- A. Request for a 13 feet (13') variance to construct a 24' x 28' addition two feet (2') from the exterior side property line; and

- B. Request for a variance from the City of Wharton Code of Ordinances, Chapter 18 Building and Construction, Article VI Flood Prevention Damage to construct said addition at the same elevation of the existing building.

Assistant to the City Manager Jackie Jansky presented a copy of the application for an over 50% variance submitted by Ms. Rachel Cutrer, property owner of Ranch House Designs, located at 1730 North Richmond Road; Sols, Block 1, Lot 1A, 1B. Mrs. Jansky stated that Ms. Cutrer was requesting City Council approval of a thirteen feet (13') variance to construct the new addition two feet from the exterior side property line. Mrs. Jansky said Ms. Cutrer was requesting to construct the new addition at the same elevation of the existing structure. Mrs. Jansky said the City's code concerning provisions for flood hazard reduction indicated that all new construction or substantial improvements to nonresidential structures must be elevated to at least one foot above base flood elevation and even though the property was located in the Flood Zone X (100 year floodplain), the code would still apply to lessen the odds that a flood hazard would exist. After some discussion, Councilmember Don Mueller moved to approve the request by Ms. Rachel Cutrer, Owner of Ranch House Designs for the afore mentioned items A. and B. Councilmember Al Bryant seconded the motion. All voted in favor.

The seventh item on the agenda was to review and consider a request by Ms. Merle Hudgins for the City Council to consider a variance to the City of Wharton Code of Ordinances, Chapter 66 Signs and Advertising, Article I – In General, Section 66-17 Non-Commercial Signs – Political Signs. City Manager Andres Garza, Jr. presented a copy of the email dated October 4, 2012 from Ms. Merle Hudgins to the Mayor and City Councilmembers requesting the City Council to consider reviewing the City's Code of Ordinances, Chapter 66 Signs and Advertising, Article I – In General, Section 66-17 Non-Commercial Signs – Political Signs to allow the placement of political signs on City of Wharton properties during election periods. Ms. Merle Hudgins, Republican Party Chair, stated there were complaints from residents regarding the removal of political signs on City property. Ms. Hudgins requested a variance to allow political signs to be placed on election days only on City property. Ms. Linda Baca, Democratic Party Chair, stated candidates would be informed on the stipulations of the ordinance. City Attorney Paul Webb requested the parties provide information and give direction on how the issue would be handled. No action was taken.

The eighth item on the agenda was to review and consider a request by Mr. Ron Sanders, Executive Director of the Chamber of Commerce and Chairman for the Wharton Holiday Parade for the following:

- A. **Ordinance:** An ordinance approving the 2012 Chamber of Commerce & Agriculture Holiday Parade Permit and authorizing the Wharton Police Department to redirect traffic.
- B. City of Wharton to provide five (5) portable lights for use during the parade.

City Manager Andres Garza, Jr. presented a copy of the letter dated September 17, 2012 from Mr. Ron Sanders, Executive Director of the Chamber of Commerce & Agriculture requesting City Council approval to approve a draft ordinance authorizing the Police Department to redirect

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traffic for the 2012 Wharton Holiday Parade. City Manager Garza stated that Mr. Sanders was also requesting City Council authorization to request the assistance of Facilities Maintenance Director Bob Baker to obtain the five (5) portable lights needed during the parade. City Manager Garza said the parade was scheduled to be held on Tuesday, November 20, 2012 at 7:00 p.m. After some discussion, Councilmember Jeff Gubbels moved to approve the afore mentioned items A. and B. and City of Wharton Ordinance No. 2012-14, which read as follows:

**CITY OF WHARTON  
ORDINANCE NO. 2012-14**

**AN ORDINANCE APPROVING THE 2012 CHAMBER OF COMMERCE & AGRICULTURE HOLIDAY PARADE PERMIT AND AUTHORIZING THE POLICE DEPARTMENT TO REDIRECT TRAFFIC.**

**WHEREAS,** the Wharton Chamber of Commerce and Agriculture has filed an application for a parade permit with the City of Wharton Police Department as required under the City of Wharton Code of Ordinances, Chapter 82, Article III, Sec. 82-91; and

**WHEREAS,** the requested parade route requires the City of Wharton to close State Highway 60 (Burlson Street and Milam Street) from its intersection with Alabama Road and Polk Street; and

**WHEREAS,** the closure of State Highway 60 will be for a time of less than four (4) hours; and

**WHEREAS,** the closure will require the detouring of all traffic according to the map (Attachment A) attached to this ordinance; and

**WHEREAS,** the routing of all traffic will include truck traffic to Alabama Road which is prohibited by ordinance; and

**WHEREAS,** the City Council wishes to suspend for the duration of the parade the enforcement of said ordinance of trucks traveling on Alabama Road; and

**WHEREAS,** if there are any other ordinances that would be violated because of the re-routing of all traffic their suspension is hereby authorized.

**NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHARTON, TEXAS,** that:

**Section I.** The parade permit for the Wharton Chamber of Commerce and Agriculture is hereby approved.

**Section II.** The parade route is hereby approved as detailed in the attached map (Attachment A) which is hereby made part of this ordinance.

**Section III.** The closure of all streets as indicated in said map identified in Section II are hereby authorized.

**Section IV.** The traffic detour plan as identified in Section III above is hereby approved.

**Section V.** The Chief of Police and City Staff are hereby authorized to make the necessary expenditures needed to ensure the safety of the public.

**Section VI.** This ordinance shall become effective on the 22<sup>nd</sup> day of November 2011 and remain in effect until such time that the parade concludes.

**Passed, Approved and Adopted this 15<sup>th</sup> day of October 2012.**

**CITY OF WHARTON, TEXAS**

By: \_\_\_\_\_  
**DOMINGO MONTALVO, JR.**  
**Mayor**

**ATTEST**

\_\_\_\_\_  
**PAULA FAVORS**  
**City Secretary**

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

The ninth item on the agenda was to review and consider an update provided by IDC Inc. Representatives on the City of Wharton Extension of FM 1301 from SH 60 to US Hwy 59 and Overpass Project. City Manager Andres Garza, Jr. stated that during the September 26, 2012 City Council Public Works Committee meeting, the IDC Inc. Representatives, Mr. Larry Janak, P.E. and Mr. Octavio Guerra, P.E., provided the Committee Members an update on the City of Wharton Extension of FM 1301 from SH 60 to US Hwy 59 and Overpass Project. Mr. Octavio Guerra, P.E., of IDC Inc. presented to the City Council a status of the project. He stated that traffic numbers have been received and the next step was to submit them to the Texas Department of Transportation for review. After some discussion, no action was taken.

The tenth item on the agenda was to review and consider a resolution of the City Council of the City of Wharton, Texas, authorizing the submission of a Texas Community Development Block Grant Program Application to the Texas Department of Agriculture for the Community Development Fund; and authorizing the Mayor to act as the City's Chief Executive Officer and authorized representative in all matters pertaining to the City's participation in the Community Development Block Grant Program. City Manager Andres Garza, Jr. presented a copy of the email dated September 25, 2012 to him from Ms. Jo Beth Knezek providing a copy of the draft resolution authorizing the submission of a Texas Community Development Block Grant (TxCDBG) Program Application to the Texas Department of Agriculture from the Community Development Fund, and a copy Ms. Knezek's memorandum dated October 1, 2012 to him

providing an explanation of the TxCDBG grant funding that could be used towards additional sewer line replacement in the Ahldag Addition. City Manager Garza said that if the application were approved then this would complete the needed sewer improvements in that portion of the City. City Manager Garza stated the City's match would be 20%, which was available in the water/sewer fund for fiscal year 2012-2013. City Manager Garza presented a copy of the required public notice along with a copy of the project narrative provided by Public Works Director Carter Miska, P.E., a copy of a drawing that indicated the location of the sanitary sewer line and service line replacements and a proposed project budget. After some discussion, Councilmember Terry David Lynch moved to approve City of Wharton Resolution No. 2012-52, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2012-52**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHARTON, TEXAS, AUTHORIZING THE SUBMISSION OF A TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM APPLICATION TO THE TEXAS DEPARTMENT OF AGRICULTURE FOR THE COMMUNITY DEVELOPMENT FUND; AND AUTHORIZING THE MAYOR TO ACT AS THE CITY'S CHIEF EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE CITY'S PARTICIPATION IN THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.**

**WHEREAS**, the City Council of the City of Wharton desires to develop a viable community, including decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low-to-moderate income; and

**WHEREAS**, certain conditions exist which represent a threat to the public health and safety; and

**WHEREAS**, it is necessary and in the best interests of the City of Wharton to apply for funding under the Texas Community Development Block Grant Program;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WHARTON, TEXAS;**

1. That a Texas Community Development Block Grant Program application for the Community Development Fund is hereby authorized to be filed on behalf of the City of Wharton with the Texas Department of Agriculture.
2. That the City's application be placed in consideration for funding under the Community Development Fund.
3. That the application be for \$350,000.00 of grants funds to carry out sewer system improvements in the North side of the City known as the Ahldag Addition.

4. That the City Council directs and designates the Mayor as the City's Chief Executive Officer and Authorized Representative to act in all matters in connection with this application and the City's participation in the Texas Community Development Block Grant Program.
  
5. That it further be stated that the City of Wharton is committing \$70,000.00 from its Water and Sewer Fund as a cash contribution toward the construction activities of the sewer system improvements, engineering and general administration.

**PASSED, APPROVED AND ADOPTED** this 15<sup>th</sup> day of October 2012

**CITY OF WHARTON, TEXAS**

By: \_\_\_\_\_  
**DOMINGO MONTALVO, JR.**  
MAYOR

**ATTEST:**

\_\_\_\_\_  
**PAULA FAVORS**  
CITY SECRETARY

Councilmember Al Bryant seconded the motion. All voted in favor.

The eleventh item on the agenda to review and consider a resolution of the Wharton City Council approving an agreement between the City of Wharton and the Texas Department of Transportation Aviation Division, for the Routine Airport Maintenance Program, TxDOT Project No. AM2013WHRTN; TxDOT CSJ No. M213 at the Wharton Regional Airport; and authorizing the Mayor of the City of Wharton to execute all documents related to said contract. City Manager Andres Garza, Jr. stated that the Wharton Regional Airport Board met on Tuesday, October 2, 2012 and voted to recommend the City Council consider approving the agreement between the City of Wharton and the Texas Department of Transportation (TxDOT)-Aviation Division, for the Routine Airport Maintenance Program (RAMP), TxDOT Project No. AM 2013WHRTN; TxDOT CSJ No.: M313WHRTN for the Airport Maintenance at the Wharton Regional Airport. City Manager Garza presented a copy of the agreement and a draft resolution approving the agreement. City Manager Garza said the grant funding under this agreement would cover the TxDOT AWOS Maintenance Contract with Vaisala to continue the required monitoring and certification of Wharton Regional Airport's AWOS, and monthly AWOS AviMet Data Link fees. After some discussion, Councilmember Terry David Lynch moved to approve City of Wharton Resolution No. 2012-53, which read as follows:

**CITY OF WHARTON**

**RESOLUTION NO. 2012-53**

**A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AGREEMENT BETWEEN THE CITY OF WHARTON AND THE TEXAS DEPARTMENT OF TRANSPORTATION AVIATION DIVISION, FOR THE ROUTINE AIRPORT MAINTENANCE PROGRAM, TXDOT PROJECT NO. AM 2013WHRTN; TXDOT CSJ NO. M313WHRTON FOR THE AIRPORT MAINTENANCE AT THE WHARTON REGIONAL AIRPORT AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID CONTRACT.**

**WHEREAS,** The Wharton City Council wishes to conduct improvement to the Wharton Regional Airport under the 2013 Routine Airport Maintenance Program (RAMP); and

**WHEREAS,** The Texas Department of Transportation Aviation Division and the City of Wharton wishes to enter into an agreement under the 2013 Routine Airport Maintenance Program for airport maintenance at the Wharton Regional Airport; and

**WHEREAS,** the Wharton City Council wishes to authorize the Mayor the City of Wharton to execute all documents related to the contract.

**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 a contract with the Texas Department of Transportation Aviation Division for the 2013 Routine Airport Maintenance Program.

**Section II.** That the Texas Department of Transportation Aviation Division and the City of Wharton are hereby bound by the conditions as set forth in the agreement.

**Section III.** That the Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute all documents related to the contract.

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

**Passed, Approved, and Adopted** this the 15<sup>th</sup> day of October 2012.

**CITY OF WHARTON**

By: \_\_\_\_\_  
**DOMINGO MONTALVO, JR.**  
Mayor

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**PAULA FAVORS**  
City Secretary

Councilmember Don Mueller seconded the motion. All voted in favor.

The twelfth item on the agenda was to review and consider a resolution of the Wharton City Council authorizing the submission of a Grant Application for the Texas Department of Transportation 2012 Program Call for Transportation Enhancement Program Projects, Certifying Funding and Support for the City of Wharton Sidewalk Improvement Project and authorizing the Mayor of the City of Wharton to execute all documents relating to said application. City Manager Andres Garza, Jr. stated the Texas Department of Transportation (TxDOT) had issued a 2012 Program Call for projects to be conducted under the Transportation Enhancement Program. City Manager Garza presented a copy of the letter dated September 18, 2012 that the City received from Mr. Paul Frerich, P.E., Director of TxDOT Transportation, Planning & Development regarding the program call. City Manager Garza said the City's downtown sidewalk improvement project had been funded through this program and the City Staff was seeking City Council approval to continue with additional downtown sidewalk improvements. City Manager Garza further stated the City Council Public Works Committee met on September 26, 2012 and voted to recommend the City Council approve the submission of an application for funding under the program to continue the downtown sidewalk improvement efforts. After some discussion, Councilmember Russell Machann moved to approve City of Wharton Resolution No. 2012-54, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2012-54**

**A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION FOR THE TEXAS DEPARTMENT OF TRANSPORTATION 2012 PROGRAM CALL FOR TRANSPORTATION ENHANCEMENT PROGRAM PROJECTS, CERTIFYING FUNDING AND SUPPORT FOR THE CITY OF WHARTON SIDEWALK IMPROVEMENT PROJECT AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATING TO SAID APPLICATION.**

**WHEREAS,** the Texas Department of Transportation administers the federally funded Transportation Enhancement Program which provides opportunities for non-traditional transportation related activities; and

**WHEREAS,** Projects submitted under this program should go above and beyond standard transportation activities and be integrated into the surrounding environment in a sensitive and creative manner that contributes to the livelihood of the communities, promotes the quality of the environment, and enhances the aesthetics of roadways; and



**WHEREAS,** the Texas Department of Transportation has announced the 2012 Program Call for candidate enhancement projects for the Transportation Enhancement Program; and,

**WHEREAS,** the Wharton City Council wishes to submit an application to the Texas Department of Transportation for sidewalk improvements that would include the creation of ADA compliant pedestrian accessibility in the downtown area in accordance with the State of Texas regulations; and

**WHEREAS,** the Wharton City Council wishes to agree to provide the required local match at 20% or greater of the total project cost, including being responsible for all non-federally fundable items and 100% of cost over runs; and

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

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

**Section I.** the above listed project, if selected for the transportation enhancement program funding by the Texas Department of Transportation, will be placed in the appropriate Transportation Improvement Program for the City of Wharton.

**Section II.** The City of Wharton, Texas, fully supports and authorizes the submission of an application for funding through the Texas Department of Transportation - Transportation Enhancement Program with the specific goal of sidewalk improvements that would include the creation of ADA compliant pedestrian accessibility for ADA compliance in the downtown area in accordance with the State of Texas regulations.

**Section III.** The City of Wharton feels strongly that the proposed project demonstrates the City of Wharton's desire to provide safe, ADA compliant pedestrian crossings in the downtown area.

**Section IV.** The City of Wharton, if awarded funding, will commit to the project's development, implementation, construction, maintenance, management and financing and understand that twenty (20) percent of the allowable project costs will be the responsibility of the City of Wharton.

**Section V.** The Mayor of the City of Wharton is hereby authorized to execute all documents related to said application.

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

**Passed, Approved and Adopted** this the 15<sup>th</sup> day of October 2012.

**CITY OF WHARTON, TEXAS**

By: \_\_\_\_\_  
**DOMINGO MONTALVO, JR.**  
MAYOR

**ATTEST:**

\_\_\_\_\_  
**PAULA FAVORS**  
CITY SECRETARY

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

The thirteenth item on the agenda was to review and consider a resolution of the Wharton City Council amending the Wharton Economic Development Corporation By Laws, Article III Board of Directors, Section 3.03 Number, Qualifications and Tenure of Directors. City Manager Andres Garza, Jr. stated that during the regular September 24, 2012 Wharton City Council meeting, the City Council approved the Code of Conduct for use by the Wharton Economic Development Corporation (WEDC) Board of Directors. City Manager Garza said the City Council approved certain amendments to be made to the WEDC By-Laws. After some discussion, Councilmember Jeff Gubbels moved to approve City of Wharton Resolution No. 2012-55, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2012-55**

**A RESOLUTION OF THE WHARTON CITY COUNCIL AMENDING THE WHARTON ECONOMIC DEVELOPMENT CORPORATION BY LAWS, ARTICLE III BOARD OF DIRECTORS, SECITON 3.03 NUMBER, QUALIFICATIONS AND TENURE OF DIRECTORS.**

**WHEREAS,** the Wharton City Council approved the Wharton Economic Development Corporation By-Laws by Resolution No. 1998-10, which was amended by Resolution No. 2008-75; and

**WHEREAS,** the Wharton City Council wishes to amend the Wharton Economic Development Corporation By-Laws, Article III Board of Directors, Section 3.03 Number, Qualifications and Tenure of Directors as follows:

**Number, Qualifications and Tenure of Directors**

3.03. The Board of Directors shall consist of seven (7) members appointed by and who shall serve at the pleasure of the City Council of the City of Wharton, Texas, on a case by case basis for two (2) year terms of office. The City Council of the City of Wharton shall, at their sole discretion, appoint two (2) alternate members who would fill any unexpired terms should their become a vacancy on the Board of Directors. All appointed members of the Board shall reside within the City limits of the City of Wharton or within ten (10) miles of the City limits of the City

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of Wharton or in accordance with the laws of the State of Texas. Not more than two (2) directors shall be persons who are members of the City Council of the City of Wharton. All non-Councilmembers seeking to serve on the Board of Directors shall fully complete an application approved by the City Council. All applications, whether accepted or rejected, shall be retained by the City of Wharton for two (2) years in the City of Wharton City Secretary's Office. If a member of the City Council of the City of Wharton, Texas, who has been appointed as a director shall cease to be a member of the City Council of the City of Wharton, Texas, such event shall constitute an automatic resignation as a director and such vacancy shall be filled in the manner provided herein. The terms of the two (2) City Council directors shall begin upon approval of the Articles of Incorporation by the Secretary of State, and one term shall expire on the first day of October of the next even numbered year, and the other will expire on the first day of October of the next odd numbered year. The terms of the five (5) non-council directors shall begin the date of approval of the Articles of Incorporation by the Secretary of State and two (2) shall expire on the first day of October of the next following odd numbered year and three (3) shall expire the first day of October of the next following event numbered year. Such initial terms shall be decided by the City Council. The City Council shall consider an individual's experience, accomplishments, and educational background in appointing members to the Board of Directors.

**WHEREAS,** Wharton City Council approval is required to amend the By-Laws.

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

**SECTION 1:** That the Wharton City Council hereby approves to amend the Wharton Economic Development Corporation By-Laws Article III Board of Directors, Section 3.03 Number, Qualifications and Tenure of Directors as afore-mentioned.

**SECTION 2:** That this resolution shall be effective immediately upon its passage.

**Passed, Approved, and Adopted** this 15<sup>th</sup> day of October 2012.

**CITY OF WHARTON, TEXAS**

**By:** \_\_\_\_\_  
**DOMINGO MONTALVO, JR.**  
Mayor

**ATTEST:**

\_\_\_\_\_  
**PAULA FAVORS**

**APPROVAL BY THE  
WHARTON ECONOMIC DEVELOPMENT CORPORATION**

The amendment was adopted by the Board of Directors at a meeting held on \_\_\_\_\_, 2012 at which a quorum was present.

**WHARTON ECONOMIC DEVELOPMENT CORPORATION**

By: \_\_\_\_\_

President

**ATTEST:**

\_\_\_\_\_  
Secretary

**THE STATE OF TEXAS**                   §  
   §  
**COUNTY OF WHARTON**               §

I \_\_\_\_\_ a notary public, do hereby certify that on this the \_\_\_\_ day of \_\_\_\_\_ 2012, personally appeared before me \_\_\_\_\_, who declared he is the President of the corporation executing the foregoing document, and being first duly sworn, acknowledged that he signed the foregoing document in the capacity therein set forth and declared that the statements therein contained are true.

**IN WITNESS THEREOF**, I have hereunto set my hand and seal the say and year before written.

\_\_\_\_\_  
Notary Public in and for the State of Texas

Councilmember Don Mueller 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 authorizing the Mayor of the City of Wharton to execute a Master Subscription and Service Agreement with eCivis, Inc. for grant research and application review services. City Manager Andres Garza, Jr. stated that members of the City Staff and him had participated in an online demonstration of the program services offered by eCivis, Inc. on October 3, 2012. City Manager Garza said the services provided by the company were providing online access to grants that have been researched by the company representatives via an internet program created by eCivis. City Manager Garza said the company also provided grant reviews to help entities improve grant applications to better the chances of being awarded funding for projects. City Attorney Paul Webb stated he had reviewed the contract and found it to be acceptable. City Manager Garza stated the cost of the service was an annual fee of \$7,100.00 per year for a three year cycle, which would provide five (5) approved user licenses. City Manager Garza said the Finance Committee voted to recommend the City Council consider approving the agreement and to approach the Wharton Economic Development Corporation (WEDC) to fund half of the costs. After some discussion, Councilmember Jeff Gubbels moved to approve City of Wharton Resolution No. 2012-56 with the provision that the agreement contain an option to cancel after one year at the City discretion, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2012-56**

**A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE A MASTER SUBSCRIPTION AND SERVICE AGREEMENT WITH eCIVIS, INC. FOR GRANT RESEARCH AND APPLICATION REVIEW SERVICES.**

**WHEREAS,** the Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute a Master Subscription and Service Agreement with eCivis, Inc. to provide grant research and application review services to the City of Wharton; and,

**WHEREAS,** the City of Wharton and eCivis, Inc. wishes to be bound by the conditions as set forth in the agreement.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WHARTON, TEXAS** as follows:

**Section I.** That the Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute a Master Subscription and Service Agreement with eCivis, Inc. to provide grant research and application review services to the City of Wharton.

**Section II.** That the City of Wharton and eCivis, Inc. are hereby bound by the conditions set forth in the agreement.

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

**Passed, Approved, and Adopted** this 15<sup>th</sup> day of October 2012.

**CITY OF WHARTON, TEXAS**

By: \_\_\_\_\_  
**DOMINGO MONTALVO, JR.**  
Mayor

**ATTEST:**

\_\_\_\_\_  
**PAULA FAVORS**  
City Secretary

Councilmember Al Bryant seconded the motion. All voted in favor.

The fifteenth item on the agenda was to review and consider a resolution of the Wharton City Council approving amendments to the City of Wharton Travel Policy. City Manager Andres Garza, Jr. presented a copy of the memorandum dated October 5, 2012 to him from Finance Director Joan Anel regarding updated IRS regulations concerning travel policies concerning reimbursements. City Manager Garza stated that she also provided a copy of the City of Wharton Travel Policy that has been amended to include those provisions concerning what would be reimbursable by the City to City employees. City Manager Garza said that Mrs. Anel presented the proposed changes to the travel policy to the City Council Finance Committee during its meeting held October 9, 2012 and the Finance Committee voted to recommend the City Council consider approving the proposed amendments to the travel policy. After some discussion, Councilmember Terry David Lynch moved to approve City of Wharton Resolution No. 2012-57, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2012 - 57**

**A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AMENDMENTS TO THE CITY OF WHARTON TRAVEL POLICY.**

**WHEREAS,** the Wharton City Council wishes to adopt the amended Travel Policy for the City of Wharton; and

**WHEREAS,** the Wharton City Council wishes the proposed amended version of the Travel Policy to become effective immediately.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WHARTON, TEXAS** as follows:

**Section I.** The Wharton City Council hereby amends the City of Wharton Travel Policy.

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

**Passed, Approved, and Adopted** this 15<sup>th</sup> day of October 2012.

**CITY OF WHARTON, TEXAS**

**By:**

\_\_\_\_\_  
**DOMINGO MONTALVO, JR.**

**ATTEST:**

\_\_\_\_\_  
**PAULA FAVORS**

City Secretary

Councilmember Karen Schulz seconded the motion. All voted in favor.

The sixteenth item on the agenda was to review and consider authorization for the City Staff to approach the Rural Fire District No. 1 and East Bernard EMS regarding a City of Wharton Dispatch Services Agreement. City Manager Andres Garza, Jr. stated that the City of Wharton provided dispatch services to area fire departments (East Bernard, Boling, Hungerford and Glen Flora) and the East Bernard EMS. City Manager Garza presented a copy of the governmental and fire department entities and an analysis of the call volume during the period between August 2011 through July 2012 that had been dispatched by the Wharton Communications Center. City Manager Garza said the City Council Finance Committee met on October 9, 2012 and voted to recommend the City Council authorize the Wharton Emergency Services District No. 1 and the Wharton County Emergency Services District No. 2 regarding the establishment of a City of Wharton Dispatch Services Agreement between the respective entities and the City. After some discussion, Terry David Lynch moved to approve the authorization of the City Staff to approach the Wharton Emergency Services District No. 1 and the Wharton County Emergency Services District No. 2 regarding a City of Wharton Dispatch Services Agreement. Councilmember Russell Machann seconded the motion. All voted in favor.

The seventeenth item on the agenda was to review and consider authorization for the City Staff to solicit for Request for Qualifications for an Energy Efficiency Project Performance Contract. City Manager Andres Garza, Jr. stated that the City of Wharton was awarded funding under the Energy Efficiency Conservation Block Grant from the State Energy Conservation Office that was used for the development of an Energy Efficiency Study (Audit) which was prepared by Siemens Industry, Inc. City Manager Garza said that since the audit was completed and reviewed by the City, the City Council determined that it was in the best interest of the City of Wharton to release Siemens from the Letter of Intent that was executed between the City and the company. City Manager Garza said since that time, he had met with several other firms that

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have reviewed the Energy Efficiency Audit and have offered the City of Wharton their services to conduct the projects, excluding the Wastewater Treatment Plant No. 1 proposed improvements, which would greatly reduce the cost to the City. City Manager Garza further stated that on October 9, 2012, the City Staff sought a recommendation from the City Council Finance Committee for the City Council to consider authorizing the City Staff to solicit Requests for Qualifications (RFQ) from firms with a defined scope of work in order to determine if improvements could be made which could be paid for by the energy savings. City Manager Garza stated that the Finance Committee voted to recommend the City Council authorize the City Staff to seek the RFQ's. After some discussion, Councilmember Don Mueller moved to approve authorization for the City Staff to solicit for Request for Qualifications for an Energy Efficiency Project Performance Contract. Councilmember Al Bryant seconded the motion. All voted in favor.

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

- A. Holiday Light Decorating Chairman.
- B. Mayor's Committee on People with Disabilities:
  - 1. City Council acceptance of the resignation of Mr. Bruce Williams.
  - 2. Vacant Position.

Assistant to City Manager Jackie Jansky stated that the Holiday Light Decorating Chairman position remained vacant and recommendations could be made to fill the position. Mrs. Jansky presented a copy of the email dated October 4, 2012 from Mr. Bruce Williams providing his resignation from the Mayor's Committee on People with Disabilities. Mrs. Jansky stated that City Council acceptance of his resignation was required. After some discussion, Councilmember Al Bryant moved to accept the resignation of Mr. Bruce Williams from the Mayor's Committee on People with Disabilities. Councilmember Karen Schulz seconded the motion. All voted in favor.

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

- A. City Council Public Works Committee meeting held September 26, 2012.
- B. Wharton Regional Airport Board meeting held October 2, 2012.
- C. City Council Finance Committee meeting held October 9, 2012

After some discussion, no action was taken.

The twentieth item on the agenda was agenda was adjournment. There being no further discussion, Councilmember Don Mueller moved to adjourn. Councilmember Karen Schulz seconded the motion. All voted in favor.

The meeting adjourned at 8: 07 p.m.

**CITY OF WHARTON, TEXAS**



City of Wharton  
Regular City Council Meeting  
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By: \_\_\_\_\_  
**Domingo Montalvo, Jr.**  
Mayor

**ATTEST:**

\_\_\_\_\_  
**Paula Favors**  
City Secretary