

**MINUTES
OF
CITY OF WHARTON
REGULAR CITY COUNCIL MEETING
JUNE 9, 2014**

Mayor Domingo Montalvo, Jr. declared a Regular Meeting duly open for the transaction of business at 7:00 P.M at City Hall 120 E. Caney Street Wharton, TX. Councilmember Jeff Gubbels led the opening devotion and the pledge of allegiance.

Councilmember's present were: Mayor Domingo Montalvo, Jr., Councilmembers Tim Barker, Al Bryant, Jeff Gubbels, Russell Machann, Don Mueller and Steven Schneider.

Councilmembers absent was: None.

Staff members present were: City Manager Andres Garza, Jr, Finance Director Joan Andel, City Secretary Paula Favors, Assistant to the City Manager – Special Projects Cheryl Urbanovsky, Assistant to the City Manager Brandi Jimenez. Police Chief Terry David Lynch, Sgt. Rudy Flores, Telecommunicator Whitley Lopez, Officer Richard Cruz, Records Clerk Mandy Barnett, Telecommunicator Claudia Velasquez, Telecommunicator, Lynn Looper, Sgt. Amy Bergstrom, Sgt. Jason Barker, Sgt. Ben Evans, Officer Edwin Logan Robles, Officer Mikala Cantu-Benitez, Officer Jeffery Robles, Officer James Watson, Emergency Management Coordinator Sgt. Steve Johnson, ID Officer Randy Whitlock, Captain Richard Coleman, Corporal Bobby Cadriel, Jr., Corporal Javier Garza, Officer Vinson Valdez, Sgt. Ben Guanajuato and Detective Donna Guanajuato. Facilities Maintenance Director Bob Baker, Equipment Operator Steve Salazar, Maintenance Worker Anthony Milder and Public Works Director Kyle Marchant, P.E.

Visitors present were: Carlos Cotton, P.E. with Jones and Carter, Inc. and Natalie Frels with the Wharton Journal Spectator.

The second item on the agenda was Roll Call and Excuses Absences. All members were present.

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

The fourth item on the agenda was the Wharton Moment. Mayor Domingo Montalovo, Jr. stated that he had been contacted by Congressman Blake Farenthold's office regarding a bill

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that would be introduced to rename the City of Wharton Post Office in honor of Sergeant Mike C. Pena. Mayor Montalvo spoke in support of the bill and stated a resolution requesting City Council support would be presented at the next regular City Council meeting.

The fifth item on the agenda was to review and consider the reading of the minutes from the regular meetings held May 12, 2014, May 27, 2014 and special meeting held on May 19, 2014. After some discussion, Councilmember Jeff Gubbels moved to approve the minutes from the regular meetings held May 12, 2014, May 27, 2014 and special meeting held on May 19, 2014. Councilmember Al Bryant seconded the motion. All voted in favor.

The sixth item on the agenda was introductions of City Employees to Mayor and City Councilmembers. City Manager Andres Garza, Jr. stated Department Heads would begin introducing City Staff to the Mayor and City Councilmembers. Police Chief Terry David Lynch introduced his staff as follow: Sgt. Rudy Flores, Telecommunicator Whitley Lopez, Officer Richard Cruz, Records Clerk Mandy Barnett, Telecommunicator Claudia Velasquez, Telecommunicator, Lynn Looper, Sgt. Amy Bergstrom, Sgt. Jason Barker, Sgt. Ben Evans, Officer Edwin Logan Robles, Officer Mikala Cantu-Benitez, Officer Jeffery Robles, Officer James Watson, Emergency Management Coordinator Sgt. Steve Johnson, ID Officer Randy Whitlock, Captain Richard Coleman, Corporal Bobby Cadriel, Jr., Corporal Javier Garza, Officer Vinson Valdez, Sgt. Ben Guanajuato and Detective Donna Guanajuato. Facilities Maintenance Director Bob Baker introduced his staff as follows: Equipment Operator Steve Salazar and Maintenance Worker Anthony Milder. City Manager Garza introduced his staff as follows: Assistant to the City Manager – Special Projects Cheryl Urbanovsky and Assistant to the City Manager Brandi Jimenez.

The seventh 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 engage Farm and Ranch Aerial Services, Inc. for Mosquito Control Services. City Manager Andres Garza, Jr. stated that with the anticipation of another summer with a heavy mosquito population, the City Staff was requesting City Council approval for aerial spraying in case it was needed. City Manager Garza presented the resolution that would authorize the Mayor as the City's Emergency Management Director to authorize the spraying and engage Farm and Ranch Aerial Services, Inc. for their services. After some discussion, Councilmember Russell Machann moved to approve City of Wharton Resolution No. 2014-44, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2014-44**

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE MAYOR OF THE CITY OF WHARTON ENGAGE FARM AND RANCH AERIAL SERVICES, INC. FOR MOSQUITO CONTROL SERVICES.

WHEREAS, mosquitos have become a public health issue in Wharton County; and

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WHEREAS, the Wharton City Council wishes to engage the services of Farm and Ranch Aerial Spraying, Inc. to provide Mosquito Control Services to protect the health of the citizens of the City of Wharton; and

WHEREAS, the City of Wharton and Farm and Ranch Aerial Spraying, Inc. wishes to be bound by the conditions set forth in their agreement; and

WHEREAS, the Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute the agreement; and

WHEREAS, the Wharton City Council wishes this resolution to become effective immediately upon its passage.

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

Section 1. The Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute a Mosquito Control Services Agreement with Farm and Ranch Aerial Services, Inc. to conduct aerial spraying services in the City of Wharton area.

Section 2. The City of Wharton and Farm and Ranch Aerial Services are hereby bound by the conditions set forth in the agreement.

Section 3. That this resolution shall become effective immediately upon its passage.

Passed, Approved and Adopted this 9th day of June 2014.

CITY OF WHARTON, TEXAS

By: _____
DOMINGO MONTALVO, JR.
MAYOR

ATTEST:

BY: _____
PAULA FAVORS
CITY SECRETARY

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

The eighth item on the agenda was to review and consider Executive Session: City Council may adjourn into an Executive Session in accordance with Section 551.071 and 551.074 of the Local 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.

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A. Discussion: Cause No. 44746; William King Satterwhite v. Larry Guerrero, et al in the District Court of Wharton County, Texas; 329th Judicial District.

B. Discussion: City Manager's Performance Evaluation.

Mayor Domingo Montalvo, Jr. moved the meeting into closed session at 7:19 p.m.

The ninth item on the agenda was to review and consider action on items discussed in Executive Session:

A. Review & Consider: Cause No. 44746; William King Satterwhite v. Larry Guerrero, et al in the District Court of Wharton County, Texas; 329th Judicial District.

B. Review & Consider: City Manager's Performance Evaluation.

Mayor Domingo Montalvo, Jr. returned to open session at 7:51 p.m. Mayor Domingo Montalvo, Jr. stated that item A. and item B. was discussion only and no action would be taken.

The tenth item on the agenda was to review and consider a resolution of the Wharton City Council designating a Consultant Selection Committee and approving the selection criteria for the procurement of professional engineering/architectural services for the City of Wharton Sidewalk Accessibility and Historic Streetscape Project CSJ #0913-07-079. City Manager Andres Garza, Jr. stated that on April 14, 2014 the Wharton City Council approved the agreement between the City of Wharton and the Texas Department of Transportation (TxDOT) for the City of Wharton Sidewalk Accessibility and Historic Streetscape Project CSJ #0913-07-079. City Manager Garza said the City needed to move forward and designate a Consultant Selection Committee for the selection of professional engineering/architectural services for the Wharton Sidewalk Accessibility and Historic Streetscape Project. City Manager Garza presented a draft resolution designating a Consultant Selection Committee and approving the selection criteria for the procurement of professional engineering/architectural services for the City of Wharton Sidewalk Accessibility and Historic Streetscape Project. After some discussion, Councilmember Russell Machann moved to approve City of Wharton Resolution No. 2014-45, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2014-45**

A RESOLUTION OF THE WHARTON CITY COUNCIL DESIGNATING A CONSULTANT SELECTION COMMITTEE AND APPROVING SELECTION CRITERIA FOR THE PROCUREMENT OF PROFESSIONAL ENGINEERING / ARCHITECTURAL SERVICES FOR THE CITY OF WHARTON SIDEWALK ACCESSIBILITY AND HISTORIC STREETScape PROJECT, CSJ# 0913-09-079.

WHEREAS, the City Council approved the City of Wharton Resolution No. 2014-31 approving the City of Wharton to enter into an Advanced Funding Agreement for a Transportation Enhancement (TE) Project for the City of Wharton Sidewalk Accessibility and Historical Streetscape Project CSJ# 0913-09-079 with Texas Department of; and

WHEREAS, the City of Wharton wishes to follow the federal and state regulations for the Procurement Process for Professional Services; and

WHEREAS, the City Council wishes to designate a consultant selection committee (Attached A) for the procurement of professional engineering/architectural services for the engineering/architectural phase of the City of Wharton Sidewalk Accessibility and Historic Streetscape Project; and

WHEREAS, the Consultant Selection Committee will recommend an engineering firm to the City Council for consideration; and

WHEREAS, it is the responsibility of the consulting selection committee to follow the below listed recommended guidelines:

- a. Procurement Provisions for Professional Services,
- b. The Texas Engineering Practice Act,
- c. Procurement Standards, Uniform Grant and Contract Management Standards,
- d. Texas Government Code – Chapter 2254 Professional and Consulting Services, Subchapter A. Professional Services,
- e. Proposal Rating Sheet for Engineering/Architectural Services.

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

Section I: The City Council hereby designates a consultant selection committee for the procurement of professional engineering services for the construction phase for infrastructure for the City of Wharton Sidewalk Accessibility and Historic Streetscape Project CSJ #0913-09-079.

Section II: The City of Wharton hereby accepts the State of Texas Procurement Process procedures for Professional Services.

Section III: This resolution will become effective immediately upon its passage.

Passed, Approved and Adopted this 9th day of June 2014.

CITY OF WHARTON, TEXAS

By: _____
DOMINGO MONTALVO, JR.
Mayor

Attest:

Paula Favors
City Secretary

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

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

- A. Wharton Regional Airport Board.
- B. Beautification Commission.
- C. Building Standards Commission.
- D. Electrical Board.
- E. Holiday Light Decorating Chairman.
- F. Mayor's Committee on People with Disabilities.
- G. Health Officer.
- H. Veterinarian.
- I. Municipal Court Judge.
- J. Planning Commission.
- K. Plumbing and Mechanical Board.
- L. Wharton Economic Development Corporation Board of Directors.
- M. City Council Committees:
 - 1. Annexation Committee.
 - 2. Finance Committee.
 - 3. Housing Committee.
 - 4. Intergovernmental Relations Committee.
 - 5. Legislative Committee.
 - 6. Public Health Committee.
 - 7. Public Safety Committee. Public Works Committee.
 - 8. Public Works.
 - 9. Telecommunications Committee.
 - 10. Wharton Economic Development Corporation Board of Directors Selection Committee.

City Manager Andres Garza, Jr. presented a copy of the list of Boards, Commissions, and Committees. City Manager Garza stated members whose terms were expiring on June 30th, 2014. After some discussion, Councilmember Russell Machann moved to appoint the position as follows:

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- | | |
|--------------------------|----------------------|
| I. Municipal Court Judge | <u>Term Expiring</u> |
| 1. Joel Williams | June 30, 2016 |

Councilmember Tim Barker seconded the motion. All voted in favor.

Councilmember Don Muller moved appoint the position as follows:

- | | |
|--|-----------------|
| L. Wharton Economic Development Corporation Board of Directors | |
| 1. Russell Machann | October 1, 2015 |

Councilmember Tim Barker seconded the motion. All voted in favor.

The twelfth item on the agenda was to review and consider City Council Boards, Committees and Commissions reports:

- A. Wharton Economic Development Corporation.
- B. Airport Board.

After some discussion, no action was taken.

The thirteenth item discussed on the agenda was adjournment. There being no further discussion, Councilmember Don Mueller moved to adjourn. Councilmember Al Bryant seconded the motion. All voted in favor.

The meeting adjourned at 7:45 p.m.

CITY OF WHARTON, TEXAS

By: _____
Domingo Montalvo, Jr.
Mayor

ATTEST:

Paula Favors
City Secretary