

**MINUTES
OF
CITY OF WHARTON
SPECIAL CITY COUNCIL MEETING
FEBRUARY 15, 2016**

Mayor Pro-Tem Don Mueller declared a Special Meeting duly open for the transaction of business at 5:30 P.M at City Hall 120 E. Caney Street Wharton, TX. Mayor Pro-Tem Mueller led the opening devotion and Mayor Montalvo the pledge of allegiance.

Councilmember's present were: Mayor Pro-Tem Don Mueller and Councilmembers Tim Barker, Al Bryant, Jeff Gubbels, Russell Machann, Steven Schneider and Vincent Huerta.

Councilmember absent was: Mayor Domingo Montalvo, Jr.

Staff members present were: City Manager Andres Garza, Jr, Finance Director Joan Andel, City Secretary Paula Favors, City Attorney Paul Webb and Public Works Director Wade Wendt.

Visitors present were: Larry Wadler and Gordon Franklin.

The second item on the agenda was Roll Call and Excuses Absences. After some discussion, Councilmember Al Bryant moved to excuse Mayor Domingo Montalvo, Jr. Councilmember Russell Machann seconded the motion. All voted in favor.

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

The fourth item on the agenda was Executive Session: City Council may adjourn into an Executive Session in accordance with Section 551.087 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.

A. Discussion: Wharton Industrial Foundation (WIF) Project-Highway 59.

Mayor Pro-Tem Don Mueller moved the meeting into closed session at 5:33 p.m.

Councilmember Vincent Huerta arrived at 5:35 p.m.

The fifth item on the agenda to Return to Open Meeting: Action on items discussed in Executive Session:

A. Review & Consider: Wharton Industrial Foundation (WIF) Project-Highway 59.

Mayor Pro-Tem Don Mueller returned the meeting to open session at 5:45 p.m. After some discussion, Councilmember Al Bryant moved to approve proceeding with the agreement for the Wharton Industrial Foundation (WIF) Project-Highway 59. Councilmember Tim Barker seconded the motion. All voted in favor.

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The sixth item on the agenda was an ordinance authorizing the Mayor of the City of Wharton to execute an Economic Development Agreement and a related personal property Bill of Sale, to transfer City surplus fill dirt and construct a road extension to the Wharton Industrial Foundation, Inc., in support of the development of a new business at U.S. 59 Highway North. City Manager Andres Garza, Jr. presented a copy of the draft ordinance to authorize the transfer of fill dirt and the construction of a road extension for The Wharton Industrial Foundation, Inc. After some discussion, Councilmember Russell Machann moved to approve City of Wharton Ordinance No. 2016-04, which read as follows:

**CITY OF WHARTON
ORDINANCE NO. 2016-04**

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE AN ECONOMIC DEVELOPMENT AGREEMENT AND A RELATED PERSONAL PROPERTY BILL OF SALE, TO TRANSFER CITY SURPLUS FILL DIRT AND CONSTRUCT A ROAD EXTENSION FOR THE WHARTON INDUSTRIAL FOUNDATION, INC., IN SUPPORT OF THE DEVELOPMENT OF A NEW BUSINESS AT U.S. 59 HIGHWAY NORTH.

WHEREAS, The City of Wharton works to foster private area developments that increase local sales and property tax bases and create employment opportunities; and,

WHEREAS, The Wharton Industrial Foundation, Inc., of Wharton, Texas, has approached the City for forms of public assistance to improve property for a new business at a 5.2604 acre tract of land located at U.S. 59 Highway North; and,

WHEREAS, The City has ownership of large quantities of excess spoil fill dirt from various recent drainage excavation projects, and the Wharton Industrial Foundation needs the fill dirt to elevate a 5.2604 acre tract of land located at U.S. 59 Highway North; and,

WHEREAS, The City of Wharton has the resources to construct a road extension to said property.

NOW, THEREFORE, BE IT ORDAINED BY THE WHARTON CITY COUNCIL THAT:

Section 1. The City hereby declares that it is in possession of surplus fill dirt which is now available to be sold, and the Wharton Industrial Foundation, Inc., desires to purchase an amount of said fill dirt, not to exceed 7500 square yards to be delivered by the City, for the development of its new expansion project that is reasonably anticipated to generate and enhance the local sales and property tax bases and create area employment.

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- Section 2.** The City of Wharton has the resources to construct a road extension (driveway) to said property.
- Section 3.** The Mayor is hereby authorized to execute an Economic Development Agreement and related Personal Property Bill of Sale Agreement with The Wharton Industrial Foundation, Inc., substantially in the form of the agreements attached hereto for reference.
- Section 4.** The City Manager and legal counsel for the City are hereby authorized to coordinate with the Wharton Industrial Foundation, Inc., to finalize, implement, and administer the additional subsidiary activities and documents related hereto to foster the creation of the anticipated private development that will enhance the area sales and property tax bases, while creating area employment opportunities, in furtherance of the public interest and for the benefit of area citizens.

PASSED AND APPROVED THIS 15th DAY OF FEBRUARY 2016.

CITY OF WHARTON

Domingo Montalvo, Jr.
Mayor

Attest:

Paula Favors
City Secretary

Approved as to Form:

Paul Webb
City Attorney

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

The seventh item on the agenda was adjournment. There being no further discussion, Councilmember Al Bryant moved to adjourn. Councilmember Vincent Huerta. All voted in favor.

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The meeting adjourned at 5:47 p.m.

CITY OF WHARTON, TEXAS

By: _____
Don Mueller
Mayor Pro-Tem

ATTEST:

Paula Favors
City Secretary