

**MINUTES
OF
CITY OF WHARTON
REGULAR CITY COUNCIL MEETING
JULY 11, 2011**

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

Councilmember's present were: Mayor Domingo Montalvo, Jr., Councilmembers Alfred 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 Anzel, City Secretary Paula Favors, Assistant to City Manager Jackie Jansky, Public Works Director Carter Miska, and City Attorney Paul Webb.

Visitors present were: Natalie Bednorz with Wharton Journal Spectator, David Schroeder with Wharton Economic Development Corporation, I.O. Colman, Jr., Liz Krushall, Denise Bijarro, Krystal Jackson, Shae Barker, Michelle Cox, Kerrie Cunningham, Robert A. Acosta, Kelley Allen, Z.J. Mayberry, Carlos Cotton P.E., with Jones and Carter, and Bradley C. Loehr P.E., with BEFCO Engineering.

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 action was taken.

The fourth item on the agenda was the Wharton Moment. Mayor Domingo Montalvo, Jr. presented proclamations to the Wharton Little League nine year old All Stars. Mayor Montalvo stated the All Stars were the Area 3 Champions and congratulated them on their accomplishment. He said the All Stars included Ryan Acosta, Christian Cox, Zye Cunningham, Blake Bijarro, Trey Garcia, Anthony Gonzales, Kyler Johnson, Donovan Krushall, Kurtys Mayberry, Courbin Rolf, Tyler Stephenson, and Christian Wynn. He said the All Stars Manager was David Bijarro and coaches were Robbie Gonzales, Scott Stephenson, and Paul Cox. He then presented each one of them with a proclamation.

The fifth item on the agenda item was to review and consider the reading of the minutes from the regular meeting held June 13, 2011 and June 27, 2011 as presented. After some discussion, Councilmember Terry David Lynch moved to approve the minutes from the regular meetings

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held June 13, 2011 and June 27, 2011. Councilmember Jeff Gubbels seconded the motion. All voted in favor.

The sixth item on the agenda was to review and consider a request by Mr. Brandon Cruz on behalf of the Wharton Masonic Lodge #621 for the following:

- A. Use of Riverfront Park to hold a Bar-b-que Cook-off Friday, August 12, 2011 through Sunday, August 14, 2011.
- B. Variance from the City of Wharton Code of Ordinances, Chapter 54 Parks and Recreation, Section 54-2 and 54-8 Operating or parking motor vehicles in parks.
- C. Variance for the City of Wharton Code of Ordinances, Chapter 54 Parks and Recreation, Section 54-3 Hours of use of city parks.
- D. Waive applicable fees for the following:
 - 1. Use of Riverfront Park.
 - 2. Temporary permit for Possession/Consumption of Alcoholic Beverages in City Parks.

Assistant to City Manager Jackie Jansky presented a copy of the letter dated June 2, 2011 from Mr. Brandon Cruz of the Wharton Masonic Lodge #621 requesting the afore-mentioned items. Mrs. Jansky stated that Mr. Cruz also indicated in his letter that the Lodge would have at least two security officers present even though events in the past had no altercations. She further stated that he also indicated that the Lodge would be responsible for clean up efforts and that no additional lighting, restroom facilities or traffic control would be needed. After some discussion, Councilmember Terry David Lynch moved to approve the request by Mr. Brandon Cruz on behalf of the Wharton Masonic Lodge #621 for the afore mentioned items A. through D. listed above. Councilmember Russell Machann seconded the motion. All voted in favor.

The seventh item on the agenda was to review and consider the proposed City of Wharton City Council Redistricting resulting from the 2010 Census:

- A. Presentation by Bojorquez Law Firm of Initial Assessment Results regarding existing City Council districts and 2010 Census Data results.

Presentacion por el Bufete de Abogados Borjorquez de los resultados de la evaluacion inicial en lo que concierne los distritos existents del Concejo Municipal y los resultados de los datos del Censo de 2010.

- B. **Resolution:** A resolution adopting redistricting criteria and project timeline for use in redrawing existing councilmember districts to reflect 2010 Census data results.

Resolucion: Una resolucion para aprobar los criterios para dividir nuevamente en distritos y el cronograma del proyecto para usar para volver a dibujar los distritos existents de los concejales para reflejar los resultados de los datos del Censo de 2010.

- C. **Resolution:** A resolution establishing guidelines for citizens submitting specific redistricting proposals.

Resolucion: Una resolucioin para establecer pautas para los ciudadanos para someter propuestas especificas para dividir nuevamente en distritos.

City Manager Andres Garza, Jr. presented a copy of the letter dated July 6, 2011 from Mr. Alan J. Bojorquez, Attorney, Borjorquez Law Firm, PLLC, the firm that was assisting the City of Wharton with redistricting of city council districts as a result of the 2010 Census, providing the Initial Assessment letter for the City of Wharton. City Manager Garza also provided a draft resolution that adopts criteria for use in the creation of Councilmember Districts and a draft resolution that establishes guidelines for persons submitting specific redistricting proposals. Attorney Allen Bojorquez with the Bojorquez Law Firm presented the City Council with the Initial Assessment Results regarding the existing City Council Districts and the 2010 Census Data Results. Mr. Borjorquez stated with a shift in demographics, the lines of the districts would have to be redrawn. He further stated that it was his recommendation that the City adhere to the important legal principals that he presented to protect the rights of minority voters. After some discussion, Councilmember Jeff Gubbels moved to approve City of Wharton Resolution No. 2011-50 and City of Wharton Resolution No. 2011-51, which read as follows:

**THE CITY OF WHARTON
RESOLUTION NO. 2011-50**

**RESOLUTION ADOPTING CRITERIA
FOR USE IN CREATION OF COUNCIL MEMBER DISTRICTS**

WHEREAS, the City Council for the City of Wharton (City Council) has certain responsibilities for creating and revising single-member districts under federal and state law including, but not limited to, the Fourteenth and Fifteenth Amendments to the United States Constitution, and the Voting Rights Act, 42 U.S.C.A. §1973, *et seq.*; and

WHEREAS, it is the intent of the City of Wharton (City) to comply with the Voting Rights Act and with all other relevant law, including *Shaw v. Reno* jurisprudence; and

WHEREAS, a set of established redistricting criteria and a defined project timeline, included herein as *Exhibit "A"*, will serve as a framework to guide the City in the consideration of redistricting plans; and

WHEREAS, redistricting criteria will assist the City in its efforts to comply with all applicable federal and state laws.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Wharton that the City, in its adoption of a redistricting plan and project timeline for redrawing of current City Council member district boundaries, will adhere to the following redistricting criteria:

1. Where possible, easily identifiable geographic boundaries should be followed.

2. Communities of interest should be maintained in a single district, where possible, and attempts should be made to avoid splitting neighborhoods.
3. To the extent possible, districts should be composed of whole voting precincts. Where this is not possible or practicable, districts should be drawn in a way that permits the creation of practical voting precincts and that ensures that adequate facilities for polling places exist in each voting precinct.
4. Districts must be configured so that they are relatively equal in total population according to the best available data, including the 2010 federal Census. In no event, should the total deviation between the largest and the smallest district exceed ten percent (10%). The City will attempt to achieve a deviation that equals less than ten percent (10%), between the largest and smallest district, using 2010 Census data.
5. The districts should be compact and composed of contiguous territory. Compactness may contain a functional, as well as a geographical dimension.
6. Consideration may be given to the preservation of incumbent-constituency relations by recognition of the residence of incumbents and their history in representing certain areas.
7. The plan should be narrowly tailored to avoid retrogression in the position of racial minorities and language minorities as defined in the Voting Rights Act with respect to their effective exercise of the electoral franchise.
8. The plan should not fragment a geographically compact minority community or pack minority voters in the presence of polarized voting so as to create liability under Section 2 of the Voting Rights Act, 42 U.S.C. §1973.

PASSED & APPROVED this the 11th day of July 2011, by a vote of 7 (*ayes*) to 0 (*nays*) to 0 (*abstentions*) of the City Council of the City of Wharton, Texas.

CITY OF WHARTON, TEXAS:

by: _____
Domingo Montalvo, Jr., Mayor

ATTEST:

by: _____
Paula Favors, City Secretary

Exhibit "A"

THE CITY OF WHARTON

REDISTRICTING PROJECT TIMELINE

1. **July 11, 2011**: Present Initial Assessment results to City Council confirming the need for the City of Wharton to undergo redistricting (*regular City Council meeting*).
2. **July 11, 2011**: City Council considers resolutions adopting Redistricting Criteria, project timeline, and Redistricting Proposal Submission Guidelines.
3. **July 15, 2011**: Deadline to prepare and submit *internal maps* to City Secretary for review of proposed council district boundaries and population/demographic data by City staff (Note: *internal maps* are for internal viewing only and are not intended for public review and comment).
4. **July 29, 2011**: Deadline for City review of *internal maps* and population/demographic data and for submission of requested changes, in writing, to Bojorquez Law Firm.
5. **August 2, 2011**: Deadline to return revised *internal maps* in the form of *draft maps* to City Secretary with requested changes. (Note: *draft maps* are intended for public review and comment).
6. **August 8, 2011**: Presentation of *draft maps* and population/demographic data to City Council and meeting(s) with local special interest group leaders (*regular City Council meeting*).
7. **August 22, 2011**: Deadline for City's first review of *draft maps* and population/demographic data and authorization for necessary changes to *draft maps* and public hearing to be held on September 26, 2011, to obtain citizen input regarding *draft maps* (*regular City Council meeting*).
8. **August 29, 2011**: Deadline for Bojorquez Law Firm to return first revision of *draft maps* to City Secretary.
9. **September 26, 2011**: Public hearing to obtain citizen input on *draft maps* (*regular City Council meeting*).
10. **October 3, 2011**: Deadline for all citizens to submit specific redistricting proposals to the City Secretary.
11. **October 12, 2011**: Deadline for submission by City of any additional requested changes to *draft maps*, in writing, to Bojorquez Law Firm.
12. **October 17, 2011**: Deadline for Bojorquez Law firm to return second revision of *draft maps* and population/demographic data to City.
13. **October 24, 2011**: Deadline for City's final review of *draft maps* and authorization for drafting of ordinance on final Redistricting Map (*regular City Council meeting*).

14. **November 14, 2011**: First reading of ordinance on proposed final Redistricting Map by City Council (*regular City Council meeting*).
15. **November 21, 2011**: Bojorquez Law Firm submits preclearance request to Department of Justice in Washington, D.C.
16. **January 13, 2012**: First day to begin posting on bulletin board the notice of the dates of the filing period for the general election.
17. **January 31 - February 15, 2012**: Period recommended by the Texas Municipal Clerks Association for calling election and posting notice of election on bulletin board.
18. **January 31 - February 18, 2012**: Period recommended by the Texas Municipal Clerks Association to submit requests for preclearance to Department of Justice in Washington, D.C.
19. **March 12, 2012**: Candidate filing deadline.
20. **May 12, 2012**: Election day.

LA CIUDAD DE WHARTON

RESOLUCIÓN NÚMERO 2011-50

RESOLUCIÓN PARA APROBAR CRITERIOS PARA USAR EN LA CREACIÓN DE LOS DISTRITOS DE LOS CONCEJALES

- MIENTRAS QUE,** el Concejo Municipal de la Ciudad de Wharton (Concejo Municipal) tiene ciertas responsabilidades para crear y revisar distritos de un solo miembro bajo las leyes federales y estatales incluyendo, pero no limitado a, las Enmiendas Catorce y Quince a la Constitución de los Estados Unidos, y la Ley de Derechos Electorales, 42 U.S.C.A. §1973, *et seq.*; y
- MIENTRAS QUE,** es el intento de la Ciudad de Wharton (la Ciudad) cumplir con la Ley de Derechos Electorales y con cualquier ley relevante, incluyendo *Shaw v. Reno* jurisprudencia; y
- MIENTRAS QUE,** un conjunto de criterios de dividir nuevamente en distritos y un cronograma del proyecto delimitado, incluido aquí como *Prueba "A"*, y servirá como un marco para guiar la Ciudad en consideración a sus planes para dividir nuevamente en distritos; y
- MIENTRAS QUE,** los criterios de dividir nuevamente en distritos ayudará la Ciudad con sus esfuerzos para cumplir con todas las leyes federales y estatales aplicables.

EN VIRTUD DE LO CUAL SE RESOLVIÓ QUE por el Concejo Municipal de la Ciudad de Wharton que la Ciudad, con su aprobación de un plano para dividir nuevamente en distritos y un cronograma del proyecto para volver a dibujar los límites actuales de los distritos de los Concejales Municipales, observará los criterios de dividir nuevamente en

distritos que siguen:

9. Cuando sea posible, se debe seguir límites geográficos que se puede identificar fácilmente.
10. Las comunidades de interés deben ser mantenidas en un solo distrito, cuando sea posible, y se debe tratar de evitar la división de barrios.
11. Hasta donde sea posible, los distritos deben ser compuestos de precintos electorales enteros. Cuando esto no sea posible o práctico, se debe dibujar los distritos en una manera que permite la creación de precintos electorales prácticos y que asegura que instalaciones adecuadas para centros de votación existen en cada precinto electoral.
12. Hay que configurar los distritos para que sean relativamente iguales en la población total de acuerdo a los mejores datos disponibles, incluyendo del censo federal de 2010. En ningún caso, la desviación total entre el distrito más grande y el más pequeño excederá más de diez por ciento (10%). La Ciudad tratará de conseguir una desviación igual a menos de diez por ciento (10%), entre el distrito más grande y el más pequeño, usando los datos del censo de 2010.
13. Los distritos deben ser compactos y compuestos de territorio contiguo. El compacto puede contener una dimensión funcional, así como geográfico.
14. Se puede dar consideración a la preservación de relaciones entre el titular y su distrito electoral por reconocimiento a la residencia de titulares y su historia en representar ciertas áreas.
15. El plano debe ser dibujado cuidadosamente para evitar un retroceso en la posición de minorías raciales y minorías lingüísticas como definido en la Ley de Derechos Electorales con respecto a su ejercicio efectivo del derecho al voto electoral.
16. El plano no debe fragmentar a una comunidad minoría geográficamente compacta ni llenar los votantes minorías en la presencia de la votación polarizada para crear responsabilidad legal bajo la Sección 2 de la Ley de Derechos Electorales, 42 U.S.C. §1973.

ABROBADO Y EMITIDO este el 11 de julio de 2011, con una votación de 7 (sí) a 0 (no) a 0 (abstenciones) del Concejo Municipal de la Ciudad de Wharton, Texas.

CIUDAD DE WHARTON, TEXAS:

por: _____
Domingo Montalvo, Alcalde

ATESTIGUADO:

por: _____
Paula Favors, Secretaria Municipal

Prueba "A"

LA CIUDAD DE OF WHARTON

**CRONOGRAMA DEL PROYECTO DE DIVIDIR NUEVAMENTE EN
DISTRITOS**

21. **11 de julio de 2011**: Presentarle los resultados de la Evaluación Inicial al Concejo Municipal para confirmar la necesidad de la Ciudad de Wharton de someterse a dividirse nuevamente en distritos (*reunión regular del Concejo Municipal*).
22. **11 de julio de 2011**: El Concejo Municipal considera resoluciones aprobando los criterios para dividir nuevamente en distritos, el cronograma del proyecto, y las directrices de presentación de una propuesta para dividir nuevamente en distritos.
23. **15 de julio de 2011**: La fecha límite para preparar y presentarle *mapas internos* al Secretario Municipal para la revisión de los límites propuestos del distrito del concejo y los datos demográficos y de población por personal municipal (Debe notarse que los *mapas internos* solo son para visitas internas y no para revisión ni comentarios del público).
24. **29 de julio de 2011**: La fecha límite para la revisión de la Ciudad de *mapas internos* y datos demográficos y de población y para la presentación de cambios pedidos, por escrito, al Bufete de Abogados Bojorquez.
25. **2 de agosto de 2011**: La fecha límite para devolverle los mapas internos revisados en forma de *borradores de mapas* al Secretario Municipal con los cambios pedidos. (Debe notarse que los *borradores de mapas* son para revisión y comentarios del público).
26. **8 de agosto de 2011**: La presentación de los *borradores de mapas* y los datos demográficos y de población al Concejo Municipal y reunión(es) con los líderes de grupos de presión locales (*reunión regular del Concejo Municipal*).
27. **22 de agosto de 2011**: La fecha límite para la primera revisión de los *borradores de mapas* y los datos demográficos y de población de la Ciudad y autorización por cambios necesarios a los *borradores de mapas* y una audiencia pública para ser celebrada el 12 de septiembre de 2011 para obtener opiniones de los ciudadanos en lo que concierne los *borradores de mapas* (*reunión regular del Concejo Municipal*).
28. **29 de agosto de 2011**: La fecha límite para el Bufete de Abogados Bojorquez para devolverle la primera revisión de los *borradores de mapas* al Secretario Municipal.
29. **26 de septiembre de 2011**: Audiencia Pública para obtener opiniones de los ciudadanos sobre los *borradores de los mapas* (*reunión regular del Concejo Municipal*).

30. **3 de octubre de 2011**: La fecha límite para todos los ciudadanos para presentarle propuestas específicas para dividir nuevamente en distritos al Secretario Municipal.
31. **12 de octubre de 2011**: La fecha límite de presentación por la Ciudad de cualquier cambio adicional pedido a los *borradores de mapas*, por escrito, al Bufete de Abogados Bojorquez.
32. **17 de octubre de 2011**: La fecha límite para el Bufete de Abogados Bojorquez para devolverle la segunda revisión de *los borradores de mapas* y los datos demográficos de población a la Ciudad.
33. **24 de octubre de 2011**: La fecha límite para la última revisión de los *borradores de mapas* de la Ciudad y autorización para hacer el borrador de la ordenanza sobre el último Mapa para Dividir Nuevamente en Distritos (*reunión regular del Concejo Municipal*).
34. **14 de noviembre de 2011**: La primera presentación de la ordenanza para el último Mapa para Dividir Nuevamente en Distritos propuesto por el Concejo Municipal (*reunión regular del Concejo Municipal*).
35. **21 de noviembre de 2011**: El Bufete de Abogados Bojorquez le presenta un pedido de autorización por adelantado al Departamento de Justicia en Washington, D.C.
36. **13 de enero de 2012**: El primer día para empezar a fijar en el tablón de anuncios las fechas del periodo de presentación para las elecciones generales.
37. **31 de enero – 15 de febrero de 2012**: El periodo recomendado por la Asociación de Secretarios Municipales de Texas para convocar una elección y fijar un aviso de elección en el tablón de anuncios.
38. **31 de enero – 18 de febrero de 2012**: El periodo recomendado por la Asociación de Secretarios Municipales de Texas para presentarle pedidos de autorización por adelantado al Departamento de Justicia en Washington, D.C.
39. **12 de marzo de 2012**: La fecha límite de presentación de candidatos.
40. **12 de mayo de 2012**: Día de las Elecciones.

THE CITY OF WHARTON

RESOLUTION NO. 2011-51

RESOLUTION ESTABLISHING GUIDELINES FOR PERSONS SUBMITTING SPECIFIC REDISTRICTING PROPOSALS

WHEREAS, the City Council for the City of Wharton (City Council) has certain responsibilities for creating and revising single-member districts under federal and state law including, but not limited to, the Fourteenth and Fifteenth Amendments to the United States Constitution, and the Voting Rights Act, 42 U.S.C.A. §1973, *et seq.*; and

WHEREAS, the City Council has certain responsibilities for redistricting under the City Charter; and

WHEREAS, it is necessary to provide for the orderly consideration and evaluation of redistricting plans which may come before the City Council; and

WHEREAS, these guidelines relate to members of the public or other individuals outside of the City's designated consultant team who have specific redistricting plans they wish the City Council to consider; and

WHEREAS, the City Council welcomes any comments relevant to the redistricting process.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Wharton, that in order to ensure that any plan that might be submitted is of maximum assistance to the City Council in its decision making process, the City Council hereby sets the following guidelines:

1. Plans must be submitted in writing. If a plan is submitted orally, there is significant opportunity for misunderstanding, and it is possible that errors may be made in analyzing it. The City Council wants to be sure that all proposals be fully and accurately considered.
2. Plans must show the total population and Voting Age Population for Blacks, Hispanics, Asians, Whites, and Other for each proposed City Council district. If a plan is submitted without a population breakdown, the City Council may not have sufficient information to give it full consideration.
3. Plans must be submitted to the City Secretary by October 3, 2011, in order to meet the deadlines imposed by state and federal law.
4. Plans must redistrict the entire City. The City Council, of course, will be considering the effect of any plan on the entire City. Also the City Council is subject to the Voting Rights Act which protects various racial and language minorities. Thus, as a matter of federal law, it will be required to consider the effect of any proposal on multiple racial and ethnic groups. If a plan does not redistrict the entire City, it may be impossible for the City Council to assess its impact on one or more protected minority groups.
5. Plans must conform to the redistricting criteria the City Council will be using in drawing the City Council member districts.

PASSED & APPROVED this, the 11th day of July 2011, by a vote of 7 (ayes) to 0 (nays) to 0 (abstentions) of the City Council of the City of Wharton, Texas.

CITY OF WHARTON, TEXAS:

by: _____
Domingo Montalvo, Jr., Mayor

ATTEST:

by: _____
Paula Favors, City Secretary

LA CIUDAD DE WHARTON

RESOLUCIÓN NÚMERO 2011-51

RESOLUCIÓN PARA ESTABLECER DIRECTRICES PARA PERSONAS QUE PRESENTAN PROPUESTAS ESPECÍFICAS PARA DIVIDIR NUEVAMENTE EN DISTRITOS

MIENTRAS QUE, el Concejo Municipal de la Ciudad de Wharton (Concejo Municipal) tiene ciertas responsabilidades para crear y revisar distritos de un solo miembro bajo las leyes federales y estatales incluyendo, pero no limitado a, las Enmiendas Catorce y Quince a la Constitución de los Estados Unidos, y la Ley de Derechos Electorales, 42 U.S.C.A. §1973, *et seq.*; y

MIENTRAS QUE, el Concejo Municipal tiene ciertas responsabilidades para dividir nuevamente en distritos bajo los Estatutos de la Ciudad; y

MIENTRAS QUE, es necesario facilitar la consideración adecuada y la evaluación de planos para dividir nuevamente en distritos que podrían ser presentados al Concejo Municipal; y

MIENTRAS QUE, estas directrices son para los miembros del público u otros individuos fuera del equipo de consultores designados por la Ciudad que tienen planos específicos para dividir nuevamente en distritos que quieren que el Concejo Municipal considere; y

MIENTRAS QUE, el Concejo Municipal le agradecería cualquier comentario pertinente al proceso de dividir nuevamente en distritos.

EN VIRTUD DE LO CUAL SE RESOLVIÓ QUE por el Concejo Municipal de la Ciudad de Wharton, que para asegurar que cualquier plano que podría ser presentado es de asistencia máxima al Concejo Municipal en su toma de decisiones, el Concejo Municipal por la presente establece las siguientes directrices:

6. Los planos deben ser presentados por escrito. Si un plano es presentado oralmente, hay una oportunidad significativa para malentendido, y es posible que se cometa errores al analizarlo. El Concejo Municipal quiere estar seguro de que todos los propuestos están considerados completamente y con precisión.
7. Los planos deben mostrar la población total y la población de edad para votar de Negros, Hispanos, Asiáticos, Blancos, y Otro por cada distrito del Concejo Municipal propuesto. Si un plano es presentado sin un análisis de la población, es posible que el Concejo Municipal no tenga suficiente información para darle su consideración completa.
8. Se debe presentarle los planos al Secretario Municipal por el 3 de octubre de 2011, para cumplir con las fechas límites impuestas por las leyes federales y estatales.
9. Los planos tienen que dividir nuevamente en distritos la Ciudad entera. El Concejo Municipal, por supuesto, considerará el efecto de cualquier plano en la Ciudad entera. También el Concejo Municipal está sujeto a la Ley de Derechos Electorales que protege varias minorías raciales y lingüísticas. Así, como de acuerdo con la ley federal, será requerido considerar el efecto de cualquier propuesto sobre múltiples grupos raciales y étnicos. Si un plano no divide nuevamente en distritos la Ciudad entera, puede ser imposible que el Concejo Municipal forme un juicio sobre su impacto en uno o más grupos minoritarios protegidos.
10. Los planos tienen que estar de acuerdo con los criterios para dividir nuevamente en distritos que el Concejo Municipal usará para dibujar los distritos de los miembros del Concejo Municipal.

ABROBADO Y EMITIDO este, el 11 de julio de 2011, con una votación de ____ (sí) a ____ (no) a ____ (abstenciones) del Concejo Municipal de la Ciudad de Wharton, Texas.

CIUDAD DE WHARTON, TEXAS:

por: _____
Domingo Montalvo, Jr., Alcalde

ATESTIGUADO:

por: _____
Paula Favors, Secretaria Municipal

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

The eighth item on the agenda was to review and consider **Third Reading: Ordinance:** An ordinance authorizing the Mayor of the City of Wharton to execute on behalf of the City of Wharton, Texas, an Electric Power Distribution Franchise with Wharton County Electric Cooperative, Inc., and its successors and assigns, to use the Public Rights-of-Way of the City for the Distribution of Electric Power; Providing for Period of Grant; for Consideration; for Construction and Relocation of System Facilities; for assignment; and for Publication in accordance with the Authority Granted in this Ordinance. City Manager Andres Garza, Jr. stated that during the May 23, 2011 Wharton City Council meeting, the City Council was presented a draft copy of a proposed franchise agreement between the City of Wharton and the Wharton County Electric Cooperative (WCEC) for electric power distribution. Mr. Garza further stated the City Charter required that franchise agreements (ordinances) must be read at three separate meetings of the City Council. Mr. Garza presented a copy of the proposed ordinance and franchise agreement and a copy of the City Charter Section 117 regarding franchises. Mr. Garza stated the first reading of the ordinance occurred during the regular June 13, 2011 Wharton City Council meeting and the second reading occurred during the regular June 27, 2011 Wharton City Council meeting. After some discussion, Councilmember Don Mueller moved to approve the third reading of the ordinance authorizing the Mayor of the City of Wharton to execute on behalf of the City of Wharton, Texas, an Electric Power Distribution Franchise with Wharton County Electric Cooperative, Inc., and its successors and assigns to use the Public Rights-of-Way of the City for the Distribution of Electric Power; Providing for Period of Grant for Consideration; for Construction and Relocation of System Facilities; for assignment; and for Publication in accordance with the Authority Granted in the Ordinance. The City of Wharton Ordinance No. 2011-10, read as follows:

**CITY OF WHARTON
ORDINANCE NO. 2011-10**

AN ORDINANCE AUTHORIZING THE MAYOR OF THE TO EXECUTE ON BEHALF OF THE CITY OF WHARTON, TEXAS AN ELECTRIC POWER DISTRIBUTION FRANCHISE WITH WHARTON COUNTY ELECTRIC COOPERATIVE, INC., AND ITS SUCCESSORS AND ASSIGNS, TO USE THE PUBLIC RIGHTS-OF-WAY OF THE CITY FOR THE DISTRIBUTION OF ELECTRIC POWER; PROVIDING FOR PERIOD OF GRANT; FOR CONSIDERATION; FOR CONSTRUCTION AND RELOCATION OF SYSTEM FACILITIES; FOR ASSIGNMENT; AND FOR PUBLICATION IN ACCORDANCE WITH THE AUTHORITY GRANTED IN THIS ORDINANCE.

* * *

The following statements are true and correct and constitute the basis upon which the City Council of the City of Wharton, Texas (the "**City**") may pass, approve and adopt this Ordinance:

WHEREAS, Texas Utilities Code § 41.005 provides that "An electric cooperative shall be an electric utility for purposes of Section 182.025, Tax Code, and Section 33.008."

WHEREAS, Texas Utilities Code § 33.008(a) provides that, "a municipality may impose on an electric utility, transmission and distribution utility ... or electric cooperative that provides distribution service within the municipality a reasonable charge as specified in Subsection (b) for the use of a municipal street, alley, or public way to deliver electricity to a retail customer."; and

WHEREAS, Wharton County Electric Cooperative, Inc. is an "electric cooperative" as that

term is defined in the Texas Utilities Code and wishes to use the City of Wharton's streets, alleys, and public ways to deliver electricity to retail customers; and

WHEREAS, the City of Wharton wishes to grant Wharton County Electric Cooperative, Inc. ("**Company**") the right to use its streets, alleys, and public ways to distribute electricity to retail customers for a reasonable charge; and

WHEREAS, the City of Wharton finds that the charge provided in this Franchise Agreement is reasonable and comparable to fees charged to other providers;

WHEREAS, the City Council has reviewed the terms and conditions of the agreement covering the City's grant of the Franchise to Company ("**Franchise**"), as described with greater specificity below; and

WHEREAS, the City Council adopts this Franchise Authorizing Ordinance which authorizes the Mayor of the City to execute a Franchise with Company on behalf of the City strictly upon the terms as set forth herein; and

WHEREAS, City of Wharton finds that the publication of this Ordinance, as required by the City Charter Section 117(b), fully complies with that Charter requirement, with the Franchise being available to the public to review in the City Secretary's Office; and

WHEREAS, upon passage, approval and adoption of this Ordinance, and after publication and written acceptance by the Company, the Mayor may execute the Franchise on behalf of the City, which Franchise shall include the terms and conditions as described herein; and

WHEREAS, as set forth herein, the terms and conditions of the Franchise are provided for summary purposes only and are limited in their entirety by the actual terms and conditions of the Franchise to be entered into by and between the City and the Company; capitalized terms not otherwise defined herein shall have the same meaning as set forth in the Franchise.

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

Section 1: The City Council adopts this Franchise Authorizing Ordinance authorizing the Mayor to execute on behalf of the City a Franchise with Company, which Franchise shall include the following terms and conditions:

- (a) The term of the Franchise shall be no longer than ten (10) years;
- (b) Company shall provide the City with written acceptance of the Franchise in accordance with its term;
- (c) Company shall pay to the City on a quarterly basis a franchise fee in the amount of four percent (4%) of Company's Gross Revenue for the privileges conferred to Company under the Franchise, or the maximum allowed by Section 33.008 of the Texas Utilities Code;
- (d) City shall be allowed to review books and records of the Company to verify franchise fee payments;
- (e) Company shall agree to abide by with all applicable City ordinances concerning the construction, use, excavation, maintenance, operation, and removal of the Company's electrical system facilities that are in, on or over the public rights-of-way in the City;

- (f) Company shall relocate its electrical distribution facilities at its cost for City construction projects;
- (g) Company shall indemnify the City;
- (h) The Franchise may not be assigned or transferred by Company without the prior written consent of the City, as provided for in the Franchise
- (i) The Franchise shall provide for forfeiture and termination for material breaches;
- (j) Venue for disputes shall be in Wharton County; and
- (k) Company shall distribute electrical power service in full conformity with its tariffs, but only in the areas of the City where the Company is authorized to provide electrical power service.

Section 2. Upon publication of this Ordinance as required by the City Charter Section 117(b), and written acceptance of the Franchise by Company, the City Council hereby authorized the Mayor to execute on behalf of the City and with Company a Franchise having the terms and conditions as described above.

Section 3. This Ordinance shall be in full force and effect following its publication in accordance with the City Charter Section 117(b).

Read in full and passed and adopted on first reading at a regular meeting of the City Council of Wharton, Texas, on the 13th day of June 2011, and approved by the Mayor.

APPROVED:

DOMINGO MONTALVO, JR.
MAYOR OF THE CITY OF
WHARTON, TEXAS

ATTEST:

PAULA FAVORS
CITY SECRETARY OF WHARTON, TEXAS

Read in full and passed and adopted on second reading at a regular meeting of the City Council of Wharton, Texas, on the 27th day of June 2011, and approved by the Mayor.

APPROVED:

DOMINGO MONTALVO, JR.
MAYOR OF THE CITY OF
WHARTON, TEXAS

ATTEST:

PAULA FAVORS
CITY SECRETARY OF WHARTON, TEXAS

Read in full and passed and adopted on third reading at a regular meeting of the City Council of Wharton, Texas, on the 11th day of July day of 2011, and approved by the Mayor.

APPROVED:

DOMINGO MONTALVO, JR.
MAYOR OF THE CITY OF
WHARTON, TEXAS

ATTEST:

PAULA FAVORS
CITY SECRETARY OF WHARTON, TEXAS

THE STATE OF TEXAS §
 §
COUNTY OF WHARTON §

I, the duly appointed, qualified and acting City Secretary of Wharton, Texas, do hereby certify that the above and foregoing ordinance was passed and adopted on first reading at a regular meeting of the City Council of said Wharton, Texas, held on the 13th day of June 2011; that written notice of the date, place and subject of said meeting was posted on a bulletin board located at a place convenient to the public in the City Hall for at least 72 hours preceding the day of said meeting; that the Mayor Domingo Montalvo, Jr. and five (5) Councilmembers Al Bryant, Karen Schulz, Terry D. Lynch, Don Mueller, and Russell Machann, were present at said meeting and acted as the Council throughout, that the above and was passed and adopted on second reading at a regular meeting of the City Council of said Wharton, Texas, held on the 27th day of June 2011; that written notice of the date, place and subject of said meeting was posted on a bulletin board located at a place convenient to the public in the City Hall for at least 72 hours preceding the day of said meeting; that the Mayor Domingo Montalvo, Jr. and six (6)

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Councilmembers Al Bryant, Karen Schulz, Terry D. Lynch, Don Mueller, Russell Machann and Jeff Gubbels were present at said meeting and acted as the Council throughout; that the above and was passed and adopted on third reading at a regular meeting of the City Council of said Wharton, Texas, held on the 11th day of July 2011; that written notice of the date, place and subject of said meeting was posted on a bulletin board located at a place convenient to the public in the City Hall for at least 72 hours preceding the day of said meeting; that the Mayor Domingo Montalvo, Jr. and six (6) Councilmembers Al Bryant, Karen Schulz, Terry D. Lynch, Don Mueller, Russell Machann and Jeff Gubbels were present at said meeting and acted as the Council throughout; that after the first reading and before the date of the final reading, the full text of the above and foregoing ordinance was published one each week for four consecutive weeks in the official newspaper of the city; that the same has been signed and approved by the Mayor and is duly attested by the City Secretary; and that the same has been duly filed with the City Secretary and recorded by the City Secretary in full in the books kept for the purpose of recording the ordinances of the City of Wharton.

EXECUTED under my hand and the official seal of the seal of the City of Wharton, Texas at said City, this the _____ day of _____, 2011.

Paula Favors
City Secretary
City of Wharton, Texas

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

The ninth item on the agenda was to review and consider an ordinance of the City of Wharton, Texas, reviewing the rate increase request of Centerpoint Energy Entex; denying the requested increase in rates; ordering that no change in rates occur; requiring the reimbursement of rate case expenses; establishing an effective date for this Ordinance; making such other findings and provisions related hereto; containing a savings clause; and providing for the effective date thereof. City Manager Andres Garza, Jr. presented a copy of the email dated May 27, 2011 from Attorney Alfred R. Herrera of Herrera & Boyle, PLLC, providing the proposed ordinance denying

the requested increase in rates submitted by CenterPoint Energy Entex to the Public Utility Commission (PUC). City Manager Garza also presented a copy of the information sheet providing background information regarding the proposed ordinance. City Manager Garza recommended the City Council deny the increase and approve the ordinance recommended by the Herrera & Boyle law firm. After some discussion, Councilmember Jeff Gubbels moved to approve City of Wharton Ordinance No. 2011-12, which read as follows:

**CITY OF WHARTON
ORDINANCE NO. 2011-12**

**AN ORDINANCE OF THE CITY OF WHARTON, TEXAS,
REVIEWING THE RATE INCREASE REQUEST OF CENTERPOINT
ENERGY ENTEX; DENYING THE REQUESTED INCREASE IN
RATES; ORDERING THAT NO CHANGE IN RATES OCCUR;
REQUIRING THE REIMBURSEMENT OF RATE CASE EXPENSES;
ESTABLISHING AN EFFECTIVE DATE FOR THIS ORDINANCE;
MAKING SUCH OTHER FINDINGS AND PROVISIONS RELATED
HERETO; CONTAINING A SAVINGS CLAUSE; AND PROVIDING
FOR THE EFFECTIVE DATE THEREOF.**

WHEREAS, on or about April 29, 2011 CenterPoint Energy Entex (“CenterPoint”) filed a request to increase rates by an annual amount of approximately \$82,000 within the Texas Coast Division under the “Cost of Service Adjustment-3” (“COSA-3”) tariff approved by the Railroad Commission of Texas; and

WHEREAS, CenterPoint’s filing purports to be in compliance with a “Cost of Service Adjustment-3” (“COSA-3”) tariff approved by the Railroad Commission of Texas; and

WHEREAS, the COSA-3 tariff approved by the Railroad Commission of Texas provides that “[t]he provisions of this Cost of Service Adjustment are to be implemented in harmony with the Gas Utility Regulatory Act (Texas Utilities Code, Chapters 101-105)” and that the “Company’s annual rate adjustment will be made in accordance with all applicable laws”; and

WHEREAS, absent the availability of the COSA-3 tariff approved by the Railroad Commission of Texas, it is highly unlikely that CenterPoint would have initiated a rate case to recover a change in its cost of service of \$82,000, which represents approximately 0.15 percent (0.15%) of its overall cost of service; and

WHEREAS, absent the availability of the COSA-3 tariff approved by the Railroad Commission of Texas, the City would not be expending resources to address an application to increase rates by the *de minimis* amount of \$82,000; and

WHEREAS, the Railroad Commission of Texas in Gas Utility Docket No. 9910 concluded that a municipality may not suspend the effective date that CenterPoint proposes in its

request to change rates under a COSA application, a conclusion with which the City disagrees and which issue is pending before the Travis County District Court; and

WHEREAS, CenterPoint proposed an effective date of August 1, 2011, which in conjunction with the Railroad Commission of Texas' conclusion that the City may not suspend CenterPoint's proposed effective date, precludes the City from conducting a meaningful review of CenterPoint's request to raise rates, thereby denying the City's counsel and consultants the ability to provide a full review and recommendation to the Texas Coast Utilities Coalition of Cities ("TCUC Cities"); and

WHEREAS, CenterPoint failed to carry its burden of proof and meet the requirements of the Gas Utility Regulatory Act as necessary to warrant a change in rates, by failing to meet the requirements of the Gas Utility Regulatory Act in several areas of its rate request, including, but not limited to the following areas:

- a. CenterPoint's expenses related to its Affiliate Transactions;
- b. CenterPoint's proposed cost of capital, including its Return on Equity, its Cost of Debt, its Capital Structure, and its overall Rate of Return;
- c. CenterPoint's proposed Rate Design;
- d. CenterPoint's proposed treatment of Accumulated Deferred Income Tax;
- e. CenterPoint's proposed calculation of its Cash Working Capital; and
- f. CenterPoint's proposed calculation of its Pension Expense; and

WHEREAS, the 345th Judicial District Court of Travis County, Texas in Cause No. D-1-GN-09-000982, *Texas Coast Utilities Coalition vs. The Railroad Commission of Texas*, Judge Stephen Yelenosky presiding, issued a Judgment concluding that the Railroad Commission of Texas did not have the authority to impose the COSA-3 tariff on the City and did not have the authority to approve a COSA-3 tariff in those areas where the Railroad Commission of Texas had original jurisdiction;

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

Section 1: That the facts contained in the preamble of this Ordinance are determined to be true and correct and are hereby adopted as part of this Ordinance.

Section 2: That the base rate increase proposed by CenterPoint is denied.

Section 3: That to the extent CenterPoint implements any change in rates in contradiction of this Ordinance, CenterPoint shall refund to the City any base rate increase in full, plus interest calculated at the rate being earned on customer deposits, and shall also remit any and all amounts pursuant to penalties that may apply.

Section 4: That the effective date for this Ordinance is the date of its adoption.

- Section 5:** If there is an appeal of this Ordinance, the City reserves all rights to advocate adjustments to the revenue requirement, cost allocation and rate design proposed by CenterPoint and to fully participate in such appeal, including the reimbursement of its reasonable rate case expenses.
- Section 6:** The City is a participant in a coalition of cities known as the Texas Coast Utilities Coalition of Cities and authorizes intervention in proceedings related to CenterPoint's rate application before the Railroad Commission of Texas and related proceedings in courts of law, and subject to the right to terminate employment at any time, the City authorizes the law firm of Herrera & Boyle, PLLC to act as special counsel with regard to rate proceedings involving CenterPoint before the City, the Railroad Commission of Texas, or any court of law.
- Section 7:** All conditions precedent to the adoption of each of the foregoing sections herein have been complied with under law.
- Section 8:** CenterPoint shall reimburse the reasonable rate case expenses of the TCUC Cities upon presentment of invoices received by the City.
- Section 9:** That if any section or part of any section, paragraph, or clause of this Ordinance is declared invalid or unconstitutional for any reason, such declaration shall not be held to invalidate or impair the validity, force, or effect of any other section or sections, part of section, paragraph, or clause of this Ordinance.
- Section 10:** That the City Council officially finds, determines, recites and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, Texas Government Code; and that this meeting has been open to the public as required by law at all times during which this Ordinance and the subject matter thereof has been discussed, considered, and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.
- Section 11:** That the City Secretary is hereby directed to send a true and copy of this Ordinance to Scott E. Doyle, Regional Vice President Gas Operations, CenterPoint Energy, 1111 Louisiana Street, Houston, Texas 77002 and to Alfred R. Herrera, Herrera & Boyle, PLLC, Suite 1250, 816 Congress, Austin, Texas 78701.

INTRODUCED, READ and PASSED by the affirmative vote of the City Council of the City of Wharton, Texas on this the 11th day of July 2011.

Domingo Montalvo, Jr.
Mayor

ATTEST:

Paula Favors
City Secretary

APPROVED AS TO FORM:

Paul Webb
City Attorney

Councilmember Russell Machann seconded the motion. All voted in favor.

The eleventh item on the agenda was to review and consider the Wharton Economic Development Corporation proposed fiscal year 2011 – 2012 budget. City Manager Andres Garza, Jr. presented a copy of the letter dated June 21, 2011 from Mr. David L. Schroeder, Executive Director of the Wharton Economic Development Corporation (WEDC) requesting the Wharton City Council consider the WEDC proposed budget for fiscal year 2011 – 2012 and a copy of the proposed budget. Mr. David Schroeder stated fiscal year 2011-2012 budget was required by law to have City Council approval in July. Mr. Schroeder further stated the budget included the \$600,000 expense for the extension of FM 1301 projects and consolidating debt. After some discussion, Councilmember Terry David Lynch moved to defer the Wharton Economic Development Corporation proposed fiscal year 2011 – 2012 budget to the City Council Finance Committee for further review. Councilmember Russell Machann seconded the motion. All voted in favor.

The twelfth item on the agenda is to review and consider the City of Wharton Odgen Sanitary Sewer Line Replacement Project – Supak Construction, Inc.:

A. Change Order No. 1

City Manager Andres Garza, Jr. presented a copy of the Change Order No. 1 submitted by BEFCO Engineering for the City of Wharton Odgen Sanitary Sewer Line Replacement Project being conducted by Supak Construction, Inc. City Manager Garza stated the change order was to reduce Item 5 (TxDOT Pavement Repair) from 200 sf to 134 sf equaling \$2,475 credit and to increase Bid Item 6 (Non TxDOT Pavement Repair) from 250 sf to 285 sf equaling \$952.50 addition to the contract. City Manager Garza further stated the change order also incorporated bid Item 8 to add 15 lf of 6” PVC Sewer Line at \$37.50/lf equaling \$562.50 addition. He stated

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with the inclusion of the Change Order No. 1, the original contract price of \$66,490.00 would be reduced to be \$65,540.00.

B. Pay Request No. 1 in the amount of \$58,479.75.

City Manager Andres Garza, Jr. presented a copy of the letter dated July 6, 2011 from Mr. Bradley C. Loehr, P.E. of BEFCO Engineering, Inc. providing the Pay Request No. 1 for the City of Wharton Ogden Sanitary Sewer Line Replacement Project conducted by Supak Construction, Inc. City Manager Garza stated the pay request included the Change Order No. 1 mentioned above. He said the pay request was in the amount of \$58,479.75.

C. Pay Request No. 2 and Final in the amount of \$7,060.25.

City Manager Andres Garza, Jr. presented a copy of the letter dated July 6, 2011 from Mr. Bradley C. Loehr, P.E. of BEFCO Engineering, Inc. providing the Pay Request No. 2 and Final for the City of Wharton Ogden Sanitary Sewer Line Replacement Project being conducted by Supak Construction, Inc. He said the pay request was the final pay request in the amount of \$7,060.25. After some discussion, Councilmember Terry David Lynch moved to approve the afore mentioned items A, B, and C listed above. Councilmember Karen Schulz seconded the motion. All voted in favor.

The thirteenth item on the agenda was to review and consider appointments to the City of Wharton City Council, 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. Planning Commission.
- H. Plumbing and Mechanical Board.
- I. Wharton Economic Development Corporation Board of Directors.
- J. Youth Advisory Commission.
- K. 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.

Assistant to City Manager Jackie Jansky presented a copy of the updated list of Boards, Commissions, and Committees that listed the members in each respectively and any vacant

positions. Mrs. Jansky stated that a vacancy had developed on the Electrical Board. She presented a memorandum dated July 8, 2011 from Building Official Ronnie Bollom who was recommending that Mr. Philip Hamlin be considered to fill the vacant position. She said Mr. Hamlin was the Instructor for the Electrical Program at the Wharton County Junior College (WCJC) and was a licensed master electrician, which was required by the City's Code of Ordinances. Mrs. Jansky added Mr. Hamlin had indicated that he would be willing to serve on the City of Wharton Electrical Board. After some discussion, Councilmember Terry David Lynch moved to appoint Mr. Philip Hamlin to the Electrical Board for a two year term ending June 30, 2012. Councilmember Russell Machann seconded the motion. All voted in favor.

The fourteenth item on the agenda was **Executive Session:** City Council may adjourn into an Executive Session in accordance with Section 551.072 and 551.074 of the 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:** Deliberation regarding real property; deliberate the purchase, exchange, lease, or value of real property. The properties are as follows:
1. 110 N. Richmond Road; Block 11, Lot 2B, 3B; R26064
 2. 500 N. Richmond; Wharton, Block 29, Lot 7A, 7B, 7F, 8A; R26319
- B. Discussion:** City Manager's Performance Evaluation.

Mayor Domingo Montalvo, Jr. convened the City Council into executive session at 8:13 p.m.

Mayor Domingo Montalvo, Jr. returned the City Council into open session at 8:41 p.m.

The fifteenth item on the agenda was **Return to Open Session:** Action on items discussed in Executive Session:

- A. Review & Consider:** The purchase, exchange, lease, or value of real properties as follows:
1. 110 N. Richmond Road; Block 11, Lot 2B, 3B; R26064
 2. 500 N. Richmond; Wharton, Block 29, Lot 7A, 7B, 7F, 8A; R26319
- B. Review & Consider:** City Manager's Performance Evaluation.

After some discussion, Councilmember Don Mueller moved to approve the transferring of City Property located at 500 N. Richmond; Wharton, Block 29, Lot 7A, 7B, 7F, 8A; R26319 to the Wharton Economic Development Corporation. Councilmember Al Bryant seconded the motion. All voted in favor. No action was taken on the afore mentioned items A.1 and B, listed above.

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

- A. Wharton Regional Airport board meeting held July 5, 2011.

After some discussion, no action was taken.

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The seventeenth item on the agenda was adjournment. There being no further discussion, Mayor Domingo Montalvo, Jr. moved to adjourn. Councilmember Don Mueller seconded the motion. All voted in favor.

The meeting adjourned at 8:41 p.m.

CITY OF WHARTON, TEXAS

By: _____
Domingo Montalvo, Jr
Mayor

ATTEST:

Paula Favors
City Secretary