

**MINUTES  
OF  
CITY OF WHARTON  
REGULAR CITY COUNCIL MEETING  
February 13, 2012**

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 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, City Secretary Paula Favors, Assistant to City Manager Jackie Jansky, City Attorney Paul Webb, Building Official Ronald Bollom, and Public Works Director Carter Miska, P.E.

Visitors present were: Carlos Cotton, P.E., Jones and Carter, Inc., David Schroeder, Executive Director, Wharton Economic Development Corporation, Larry Kalina, 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 item was the Wharton Moment. No comments were given.

The fifth item on the agenda was to review and consider the reading of the minutes from the regular meetings held January 9, 2012 and January 23, 2012. After some discussion, Councilmember Terry David Lynch moved to approve the minutes from the regular meetings held January 9, 2012 and January 23, 2012. Councilmember Al Bryant seconded the motion. All voted in favor.

The sixth item on the agenda was to review and consider an ordinance ordering a City Officer's Election to be held as a joint election with Wharton County Elections Department for the purpose of electing the positions of Mayor and Councilmembers; Providing for the date, time and place of the election, Notice of the Election, Filing Applications; Drawing for Ballot Positions, Use of Accessible Voting System, and Making Election Returns.

City of Wharton  
Regular City Council Meeting  
February 13, 2012

Una ordenanza ordenando una elección de funcionarios de la ciudad a celebrarse de forma conjunta con el departamento de elecciones del condado de Wharton con el propósito de elegir puestos de concejales; Asignando la fecha, horas, y lugar de la elección, el aviso de la elección, presentación de solicitudes, sorteo para lugares en la balota, uso de sistema de votación accesible, nombramiento de los trabajadores de la elección, votación anticipada, y entrega de los resultados de la elección.

City Secretary Paula Favors presented a draft copy of the ordinance, in English and Spanish versions as required by law, ordering a City's Officer's Election to be held as a joint election with the Wharton County Elections Department. Mrs. Favors stated that the City Council positions that were up for election were the Mayor's Position and three (3) City Council positions, which are District No.'s 2, 4, and 6. Mrs. Favors also presented a copy of the email from Mr. Bojorquez, owner of the Bojorquez Law Firm, PLLC, informing the City that the US-Department of Justice (DOJ) had pre-cleared the new single member district plan. After some discussion, Councilmember Al Bryant moved to approve City of Wharton Ordinance No. 2012-07, which read as follows:

**CITY OF WHARTON, TEXAS  
ORDINANCE NO. 2012-07**

**AN ORDINANCE ORDERING A CITY OFFICERS ELECTION TO BE HELD AS A JOINT ELECTION WITH WHARTON COUNTY ELECTIONS DEPARTMENT FOR THE PURPOSE OF ELECTING THE POSITIONS OF MAYOR AND COUNCILMEMBERS; PROVIDING FOR THE DATE, TIME, AND PLACE OF THE ELECTION, NOTICE OF THE ELECTION, FILING APPLICATIONS, DRAWING FOR BALLOT POSITIONS, USE OF ACCESSIBLE VOTING SYSTEM, APPOINTMENT OF ELECTION WORKERS, EARLY VOTING, AND MAKING ELECTION RETURNS.**

**BE IT ORDAINED by the City Council of the City of Wharton, Texas:**

"Section 32 of the City Charter provides that regular city elections will be held annually on the first Saturday in May; however, pursuant to changes in the Texas Election Code, Section 41.001(a), the General Election date has been changed to the second Saturday in May."

**Joint Election**

Wharton County Elections Department will be conducting the duties as described in the Joint Election Agreement.

**Position**

An election shall be held in the City of Wharton, Texas, for the purpose of electing the following officials for the City:

Mayor – At Large  
Councilmember - District No. 2

Councilmember - District No. 4  
Councilmember at Large - Place No. 6

**Date**

An election shall be held in the City of Wharton, Texas, on **May 12, 2012**.

**Time**

The polls shall open for voting at **7 a.m.** and shall close at **7 p.m.**

**Location**

The election shall be held at the City of Wharton Civic Center at 1924 North Fulton Street, Wharton, Texas.

**Notice of City Officers' Election**

The Mayor shall cause a notice by publication of this election to be published at least once in a newspaper that is published in the City of Wharton, Texas, and that is in the jurisdiction of the City of Wharton, Texas, which publication shall be not earlier than the **30th day** nor later than the **10th day** before election day.

The Mayor shall also give notice of the election by causing a copy of the notice of election to be posted not later than the **21st day** before election day on the bulletin board located at the City Hall, 120 East Caney, Wharton, Texas, and used for posting notices of meetings of the Wharton City Council. The notice shall include the location of the polling place.

**Eligibility to Vote**

The election shall be held in accordance with the Election Code of the State of Texas. Only qualified resident voters of the City of Wharton, Texas, shall be eligible to vote in the election.

**Candidate Names**

The City Secretary shall, in accordance with the terms and provisions of the Texas Election Code, order the candidate names to be printed on the ballots for said General Election.

**Filing**

Candidates must file applications for a place on the ballot with the City Secretary of the City of Wharton, Texas, beginning on **February 4, 2012** and continuing through **5 p.m.** on **March 5, 2012**. A declaration of write-in candidacy must be filed not later than 5:00 P.M. on **March 5, 2012**.

Candidates for City Councilmember must designate the position filed for either Mayor At-Large, Councilmember - District No. 2, Councilmember - District No. 4, or Councilmember at Large - Place No. 6.

### **Drawing for Ballot Positions**

On March 12, 2012 at 10:00 a.m., a drawing will take place in the office of the City Secretary for the purpose of determining the order of the candidates' names as they are to appear on the ballot.

The City Secretary shall post a notice of the date, hour, and place of the drawing and this notice shall remain posted continuously for at least 72 hours immediately preceding the scheduled time of the drawing.

### **Ballots**

Paper ballots shall be used for the purposes of provisional and mail-out for early voting and provisional for election day.

### **Accessible Voting System**

Section 61.012 of the Texas Election Code requires that the City of Wharton must provide at least one accessible voting system in each polling place used in a Texas election on or after January 1, 2006. This system must comply with state and federal laws setting the requirements for voting systems that permit voters with physical disabilities to cast a secret ballot.

The Office of the Texas Secretary of State has certified that the iVotronic (DRE) voting machines is an accessible voting system that may legally be used in Texas elections.

Sections 123.032 and 123.035 of the Texas Election Code authorize the acquisition of voting systems by local political subdivisions and further mandate certain minimum requirements for contracts relating to the acquisition of such voting systems. The City of Wharton shall lease or rent from the County of Wharton as authorized by Section 123.032.

The City of Wharton hereby adopts for use in Early Voting and Election Day Voting the iVotronic (DRE) voting machines as approved by the Secretary of State to comply with HAVA requirements.

### **Elections Recording Management Tabulation System**

The City of Wharton shall lease or rent from the County the ERM (Elections Recording Management) systems for tabulation purposes, if needed.

### **Election Officers**

The Wharton County Elections Department (WCED) will be responsible for the appointment of the presiding judge and alternate judge. The following-named persons are appointed officers for the election:

Presiding Judge: Magdalena Rodriguez  
Alternate Presiding Judge: Joyce Barker

WCED shall arrange the training. WCED is responsible for notifying the election presiding and alternate judges of the eligibility requirements of Subchapter C of Chapter 32 of the Texas Election Code, and will take the necessary steps to insure that the presiding and alternate judges appointed are eligible to serve. The presiding judge, with the assistance from WCED, will be responsible for insuring the eligibility of each appointed clerk hired to assist the judge in the conduct of the election.

### **Early Voting**

Wharton County Elections Administrator Audrey Wessels is appointed early voting clerk and is authorized to appoint other deputies to serve as early voting clerks.

The early voting by personal appearance for the above-designated election shall take place at the Wharton Community/Civic Center at 1924 North Fulton Street, Wharton, Texas. The place for early voting shall remain open on each day that is not a Saturday, Sunday, or an official state holiday, between the hours of **8 a.m.** and **5 p.m.**, beginning on **April 30, 2012** and continuing through **May 8, 2012; Monday, May 7, 2012** and continuing through **Tuesday, May 8, 2012** between the hours of **7 a.m.** to **7 p.m.**

Voters may send ballot applications and mailed ballots to the Wharton County Elections Administrator's office at P.O. Box 390, Wharton, TX 77488.

### **Early Voting Ballot Board**

An Early Voting Ballot Board is hereby established for the purpose of early voting results. Wharton County Elections Administrator shall appoint the Presiding Judge of the Early Voting Ballot Board. Wharton County Elections Administrator shall act as Early Voting Ballot Board Clerk.

### **Compensation for Election Officials and Clerks**

The election officials and clerks shall be compensated in the following manner:

The Election Judge for the May 12, 2012 General Election shall be paid \$9.00 per hour. The Election Judge shall also be paid \$25.00 for delivering the precinct records, keys to ballot box or other election equipment and unused election supplies after the election.

The Alternate Judge for the May 12, 2012 General Election shall be paid \$8.50 per hour.

The Election Clerk(s) for the May 12, 2012 General Election shall be paid \$8.00 per hour.

**Writ of Election**

Wharton County Elections Administrator shall deliver to the above-appointed presiding judge for the election not later than the **15th day** before election day.

**Returns**

"Section 41 of the City Charter provides that city elections shall be canvassed within one (1) week after the election; however, pursuant to changes in the Texas Election Code, Section 67.003, the local canvass shall convene not earlier than the third day or later than the 11<sup>th</sup> day after the election day." The period for official canvass shall be from May 15 - 23, 2012. The officers holding the election shall make returns of the results thereof to the Mayor of this City, as required by the Election Code of the State of Texas.

**Order**

The City Council of the City of Wharton, Texas, shall order the election, in accordance with the foregoing provisions.

**Severability**

If any court of competent jurisdiction rules that any section, subsection, sentence, clause, phrase, or portion of this ordinance is invalid or unconstitutional, any such portion shall be deemed to be a separate, distinct, and independent provision, and any such ruling shall not affect the validity of the remaining portions hereof.

**Passage and Approval**

**PASSED AND APPROVED** by the City Council of the City of Wharton, Texas, on this 13<sup>th</sup> day of February, 2012.

**CITY OF WHARTON, TEXAS**

**ATTEST:**

By: \_\_\_\_\_  
**Domingo Montalvo, Jr.**  
**Mayor**

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

**APPROVED AS:**

\_\_\_\_\_  
**Paul Webb**  
**City Attorney**

**CIUDAD DE WHARTON, TEXAS  
ORDENANZA N° 2012-07**

**UNA ORDENANZA ORDENANDO UNA ELECCIÓN DE FUNCIONARIOS DE LA CIUDAD A CELEBRARSE DE FORMA CONJUNTA CON EL DEPARTAMENTO DE ELECCIONES ALCALDE Y DEL CONDADO DE WHARTON CON EL PROPÓSITO DE ELEGIR PUESTOS DE CONCEJALES; ASIGNANDO LA FECHA, HORAS, Y LUGAR DE LA ELECCIÓN, EL AVISO DE LA ELECCIÓN, PRESENTACION DE SOLICITUDES, SORTEO PARA LUGARES EN LA BALOTA, USO DE SISTEMA DE VOTACIÓN ACCESIBLE, NOMBRAMIENTO DE LOS TRABAJADORES DE LA ELECCION, VOTACIÓN ANTICIPADA, Y ENTREGA DE LOS RESULTADOS DE LA ELECCION.**

**El Consejo Municipal de La Ciudad De Wharton, Texas, ORDENA:**

**“La Sección 32 de la Carta Constitutiva establece que se realicen elecciones ordinarias de la ciudad anualmente el primer sábado de mayo; sin embargo, de acuerdo con los cambios del Código de Elecciones de Texas, Sección 41.001(a) la fecha de la Elección General ha sido cambiada al segundo sábado de mayo”**

Elección conjunta

**El Departamento de elecciones del condado de Wharton realizará las obligaciones descritas en el Acuerdo de Elección Conjunta.**

Puesto

**Se celebrará una elección en la ciudad de Wharton, Texas, con el propósito de elegir a los siguientes oficiales de la Ciudad:**

**Alcalde - De forma irrestricta  
Concejal - Distrito No. 2  
Concejal - Distrito No. 4  
Concejal - Posición No. 6**

Fecha

**Se celebrará una elección en la ciudad de Wharton, Texas, el 12 de mayo de 2012.**

Horas

**Los lugares de votación abrirán para votar a las 7:00 a.m. y se cerrarán a las 7:00 p.m.**

Lugar

**La elección se celebrará en el Centro Cívico de la ciudad de Wharton, en 1924 North Fulton Street, Wharton, Texas.**

### **Aviso de elección de oficiales municipales**

El Alcalde anunciará el aviso de la elección mediante la publicación del aviso por lo menos una vez en un periódico publicado en la ciudad de Wharton, Texas, y que esté en la jurisdicción de la ciudad de Wharton, Texas, cuya publicación no sea anterior a **30 días** antes ni posterior a **10 días** antes de la fecha del día de la elección.

El Alcalde anunciará el aviso de la elección mediante la publicación del aviso en el tablero de anuncios ubicado en la Alcaldía, 120 East Caney, Wharton, Texas, utilizado para publicar los avisos de las reuniones del Concejo Municipal de Wharton no después de **21 días** antes de la elección. El aviso contendrá la ubicación del lugar de la votación.

### **Elegibilidad para votar**

La elección se realizará de acuerdo con el Código de Elecciones del estado de Texas. Solamente los electores capacitados de la ciudad de Wharton, Texas, serán elegibles para votar en la elección.

### **Nombres de los candidatos**

La Secretaria Municipal de acuerdo con los términos y disposiciones del Código de Elecciones del estado de Texas ordenará que los nombres de los candidatos sean impresos en las balotas para dicha Elección General.

### **Período de presentación**

Los candidatos deben presentar sus solicitudes para un lugar en la balota a la Secretaria Municipal de la Ciudad de Wharton, Texas, a partir del **4 de febrero de 2012** y continuando hasta las 5:00 de la tarde del **5 de marzo de 2012**. La declaración de solicitud de candidato anotado se debe presentar no más tarde de las 5:00 de la tarde del **5 de marzo de 2012**.

Los candidatos para concejales municipales deben designar el puesto al que se están postulando, ya sea para Alcalde de forma irrestricta, concejal del Distrito No. 2, concejal del Distrito No. 4, o concejal de forma irrestricta - Posición No. 6.



### **Sorteo para los lugares en las balotas**

El 12 de marzo de 2012, a las 10:00 de la mañana se celebrará un sorteo en las oficinas de la Secretaria Municipal con el propósito de determinar el orden en que los nombres de los candidatos se imprimirán en la balota.

La Secretaria Municipal publicará el aviso de la fecha, hora y lugar del sorteo y este aviso deberá permanecer anunciado continuamente por lo menos las 72 horas inmediatamente anteriores a la hora programada para tal sorteo

### **Balotas**

Se usarán balotas de papel con los propósitos de los votos provisionales y por correo para la votación anticipada y provisionales para el día de la elección.

### **Sistema de votación Accesible**

La sección 61.012 del Código de Elecciones de Texas requiere que la Ciudad de Wharton deberá ofrecer al menos un sistema de votación accesible en cada lugar de votación usado en cualquier elección de Texas a partir del 1º de enero de 2006. Este sistema debe de cumplir con las leyes federales y estatales que establecen los requisitos para sistemas de votaciones que brinden una manera práctica y eficaz para que los votantes con discapacidades físicas voten en una balota secreta.

La oficina del Secretario de Texas ha certificado que las máquinas de votación iVotronic (DRE) son un sistema de votación accesible que puede ser usado legalmente en las elecciones de Texas.

Las secciones 123.032 y 123.035 del Código de Elecciones de Texas autorizan a las subdivisiones políticas la adquisición de sistemas de votación y además ordenan ciertos requisitos mínimos para los contratos relacionados con la adquisición de tales sistemas de votación. La Ciudad de Wharton arrendará o alquilará del condado de Wharton según está autorizado por la sección 123.032.

La Ciudad de Wharton por medio del presente adopta para su uso en la votación anticipada y en el día de la elección las máquinas de votación iVotronic (DRE) según está aprobado por el Secretario del Estado para cumplir con los requisitos HAVA.

### **Sistema de Administración de la Tabulación de los Registros**

La Ciudad de Wharton arrendará o alquilará del condado la (Administración de Registros de Elecciones) (ERM) con los propósitos de tabulación, si fuera necesario.

### **Oficiales de la elección**

El Departamento de Elecciones del Condado de Wharton (WCED) será responsable del nombramiento del juez presidente y del juez presidente alterno. Las siguientes personas nombradas son nombradas como oficiales para la elección:

Juez Presidente:	Magdalena Rodríguez
Juez presidente Alterno:	Joyce Barker

El WCED dispondrá el entrenamiento. El WCED es responsable de notificar al juez presidente y al juez presidente alterno de los requisitos del Subcapítulo C del Capítulo 32 del Código de Elecciones de Texas, y tomará las medidas necesarias para asegurar que el juez presidente y el juez presidente alterno nombrados sean elegibles para desempeñar el cargo. El juez presidente, con la asistencia del WCED, será responsable de asegurar la elegibilidad de cada secretaria nombrada para asistir al juez presidente a realizar la elección.

### **Votación anticipada**

La administradora de elecciones del Condado de Wharton, Audrey Wessels, es nombrada como secretaria de la votación anticipada y queda autorizada a nombrar a otros asistentes para desempeñarse como secretarías de la votación anticipada.

La votación anticipada por comparecencia personal para la elección nombrada aquí arriba se realizará en la comunidad de Wharton, en el Centro Cívico, 1924 North Fulton Street, Wharton, Texas. El lugar de votación anticipada permanecerá abierto cada día que no sea sábado, domingo, o fiesta estatal oficial, desde las **8:00 de la mañana hasta las 5:00 de la tarde**, comenzando el **30 de abril de 2012** y continuando hasta el **8 de mayo de 2012**; el **lunes 7 de mayo de 2012** y continuando el **martes, 8 de mayo de 2012** desde las **7:00 de la mañana a las 7:00 de la noche**.

Los votantes deben enviar las solicitudes de balotas y las balotas votadas por correo a la oficina de la administradora de elecciones del Condado de Wharton: P.O. Box 390, Wharton, Texas 77488.

### **Junta de Balotas de la Votación Anticipada**

Por medio del presente se establece una Junta de Balotas de la Votación Anticipada con el propósito de los resultados de la votación anticipada. La administradora de elecciones del

Condado de Wharton nombrará al juez presidente de la Junta de Balotas de la Votación Anticipada. La administradora de elecciones del Condado de Wharton actuará como secretaria de de la Junta de Balotas de la Votación Anticipada.

### **Compensación para los Oficiales y los Secretarios de la Elección**

Los oficiales y los secretarios de la elección serán compensados de la siguiente forma:

El juez de la elección de la elección general del 12 de mayo de 2012 será pagado \$9.00 por hora. El juez de la elección también será pagado \$25.00 por entregar los registros de los precintos, las llaves de la caja de las balotas u otro equipo electoral y los suministros electorales que no se hayan usado después de la elección.

El Juez alerno para la elección general del 12 de mayo de 2012 será pagado \$8.50 por hora.

Los secretarios de la elección para la elección general del 12 de mayo de 2012 serán pagados \$8.00 por hora.

### **Oficio de Elección**

La administradora de elecciones del Condado de Wharton entregará al arriba nombrado juez presidente para la elección no más tarde de **15 días** antes del día de la elección.

### **Resultados**

“La Sección 41 de la Carta Constitutiva dispone que las elecciones municipales serán escrutinadas durante una (1) semana después de la elección; sin embargo, de acuerdo con los cambios del Código de Elecciones de Texas, Sección 67.003, el escrutinio local se congregará no antes del tercer día ni más tarde del onceavo (11) día después del día de la elección.”. El periodo para los escrutinios oficiales será desde el 15 hasta el 23 de mayo de 2012. Los oficiales que realicen la elección deberán entregar los resultados de ella al alcalde de esta ciudad, según lo requiere el Código de Elecciones de Texas.

### **Orden**

El Consejo Municipal de la Ciudad de Wharton, Texas, ordenará la elección de acuerdo con las siguientes disposiciones.

### **Divisibilidad**

Si algún tribunal de jurisdicción competente dicta que cualquier sección, subsección, oración, cláusula, frase, o parte de esta orden sea inválida o inconstitucional, dicha parte será considerada como disposición separada, distinta e independiente, y dicho dictamen no afectará a la validez de las partes restantes.

### Promulgación y Aprobación

**PASADO Y APROBADO** por El Consejo Municipal de la Ciudad de Wharton, Texas, este día 13 de febrero de 2012.

CIUDAD DE WHARTON, TEXAS

ATESTIGUACIÓN:

Por: \_\_\_\_\_  
**Domingo Montalvo, Jr.**  
**Alcalde**

Por: \_\_\_\_\_  
**Paula Favors**  
**Secretaria Municipal**

### APROBADO:

\_\_\_\_\_  
**Paul Webb**  
**Abogado Municipal**

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

The seventh item on the agenda was to review and consider Utility Service Outside Wharton City Limits:

- A. Mr. Larry Kalina, 2426 CR 231; Kalina Addition, Lot 2; 3.3272 Ac.
- B. Mr. Larry Womack; 134 CR 231 Road, A20034, Abst. 34 Tract 55E, South.

City Manager Andres Garza, Jr. presented a copy of the application submitted by Mr. Larry Kalina, property owner, for City of Wharton utility service outside the City limits to be located at 2426 CR 231 Wharton, Texas and a copy of a map indicating the location of his property. City Manager Garza also presented information regarding the property located at 134 CR 231, A20034, Abst 34, Tract 55E, South and occupied Mr. Larry Womack. City Manager Garza stated that Mr. Womack had not submitted his application for service; however, he had been in contact with Public Works Director Carter Miska, P.E. and indicated that he was interested in receiving City utility service. After some discussion, Councilmember Al Bryant moved to approve outside the City water service to Mr. Kalina and Mr. Womack. Councilmember Terry David Lynch seconded the motion. All voted in favor.

City of Wharton  
Regular City Council Meeting  
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The eighth item on the agenda was to review and consider a request by Mr. John W. Williams, Director of There is Victory in Jesus Recovery Center, for City Council consideration to waive the 2006 International Fire Code requirement(s) for the installation of occupant notification devices and occupant load in order to be given a Certificate of Occupancy. City Manager Andres Garza, Jr. presented a copy of the letter received on February 8, 2012 from Mr. John W. Williams, Director of There is Victory in Jesus Recovery Center requesting a variance from the 2006 International Fire Code to waive the installation of occupant notification devices and occupant load, which was needed to obtain a City of Wharton Certificate of Occupancy. City Manager Garza also presented a copy of the memorandum dated February 10, 2012 from Building Official Ronnie Bollom to him indicating that the Building Standards Commission should review the request and provide a recommendation to the City Council for their consideration but there were not enough members on the Building Standards Commission to achieve a quorum; therefore, the matter was being brought to the City Council for consideration. Building Official Ronnie Bollom stated that the problem with waiving the installation of the occupant notification devices and occupant load was if something would happen there could be liability on the City. Councilmember Jeff Gubbels moved to defer the issue until City Attorney Paul Webb was able to review the issue. Councilmember Terry David Lynch seconded the motion. After some discussion, all voted in favor.

The ninth item on the agenda was to review and consider a resolution of the Wharton City Council authorizing the City of Wharton to participate in the Texas Department of Agriculture 2012 Texas Rural Internship Program and authorizing the Mayor of the City of Wharton to submit a Request for Proposal for said program. City Manager Andres Garza, Jr. stated that during the regular January 10, 2011 Wharton City Council meeting, the City Council authorized the City of Wharton to participate in the Texas Rural Internship Program that was sponsored by the Texas Department of Agriculture (TDA). City Manger Garza further stated that during the month of June 2011, Mr. Ricky Sherfield, P.E., conducted his internship at the City of Wharton through this program, which proved to be successful. City Manager Garza presented a copy of the email dated January 20, 2012 to him from Mr. Rick Rhodes, Administrator of TDA requesting the City of Wharton's participation in the program for 2012. City Manager Garza stated that the City of Wharton would be required to provide a \$1000 stipend, hotel accommodations and meals for the intern during his intership. City Manager Garza stated that the City Staff was requesting participation in the program for a one (1) month term. After some discussion, Councilmember Don Muller moved to approve City of Wharton Resolution No. 2012-07, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2012-07**

**A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE CITY OF WHARTON TO PARTICIPATE IN THE TEXAS DEPARTMENT OF AGRICULTURE, 2012 TEXAS RURAL INTERNSHIP PROGRAM AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO SUBMIT A REQUEST FOR PROPOSAL REQUIRED FOR SAID PROGRAM.**

**WHEREAS,** the City of Wharton has been recognized as a potential participant for the Texas Department of Agriculture's (TDA) 2012 Texas Rural Internship Program; and

**WHEREAS,** Students who participate in the program will have an opportunity to learn about the inner workings of local government, economic development activities and cultural events in rural Texas; and

**WHEREAS,** Participating students will also receive college credit for their internship service; and

**WHEREAS,** the City of Wharton has expressed interest in participating in said program; and

**WHEREAS;** the City of Wharton wishes to authorize the Mayor of the City of Wharton to a Request for Proposal as required to participate in the program.

**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 submit a Request for Proposal to the Texas Department of Agriculture to participate in the 2012 Texas Rural Internship Program.

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

**Passed, Approved and Adopted this 13<sup>th</sup> day of February 2012.**

**CITY OF WHARTON, TEXAS**

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

**ATTEST:**

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

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

The tenth item on the agenda was to review and consider I-69 Improvement Plan:

**A. Resolution:** A resolution of the Wharton City Council authorizing Mayor of the City of Wharton to submit a Letter of Support to the Texas Transportation Commission supporting the re-designation of US Hwy. 59 to Interstate (IH) 69.

**B. Resolution:** A resolution of the Wharton City Council authorizing the Mayor of the City of Wharton submit the City of Wharton's proposed Segment 3 - IH 69 Transportation Layout Plan to the Texas Transportation Commission.

City Manager Andres Garza, Jr. presented a copy of his memorandum dated January 30, 2012 to the City Council providing a copy of a map that indicated the different phases of the overall I 69 project that had been approved for funding by the Texas Transportation Commission. City Manager Garza stated that there had not been an allocation of funding in Segment 3 of the proposed I 69 and the Texas Department of Transportation (TxDOT) Segment 3 Committee would be making their final report to the Texas Transportation Commission (TTC) regarding the I-69 improvement plan in the near future. City Manager Garza further stated that on January 31, 2012, the City Staff presented the City Council Public Works Committee a layout of proposed improvements to US 59 between FM 1161 on the North side of the City to Pierce that could be included in the Segment 3 Committee Report and Recommendations. After some discussion, Councilmember Don Mueller moved to approve City of Wharton Resolution No. 2012-08, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2012-08**

**A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO SUBMIT A LETTER OF SUPPORT TO THE TEXAS TRANSPORTATION COMMISSION SUPPORTING THE RE-DESIGNATION OF US HWY. 59 TO INTERSTATE (IH) 69.**

**WHEREAS,** US 59 provides access and mobility for several in the Houston-Galveston Region that includes Wharton County; and

**WHEREAS,** at the urging of many communities along the US 59 corridor in Texas, the Texas Department of Transportation is exploring Federal Designation of those portions of US 59 meeting interstate highway design criteria as Interstate Highway 69; and

**WHEREAS,** The Texas Department of Transportation Segment 3 Committee will present its proposed interstate improvement projects to the Texas Transportation Commission; and

**WHEREAS,** existing segments of US 59, including Segment 3 in Wharton County will be built to Interstate Standards.

**NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WHARTON, TEXAS THAT, the City Council of the City of Wharton supports the re-designation of US 59 be designated as Interstate Highway 69.**

**Section 1:** The Wharton City Council hereby authorizes the Mayor of the City of Wharton to submit the City of Wharton proposed Segment 3 – IH 69 Transportation Layout Plan to the Texas Transportation Commission.

**Passed, Approved and Adopted this 13<sup>th</sup> day of February 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.

City Manager Garza presented a copy of a draft resolution authorizing the submission of the City's Segment 3 – IH 69 Transportation Layout Plan to the Texas Transportation Commission. City Manager Garza presented a copy of the letter dated January 24, 2012 by Mayor Domingo Montalvo, Jr. to Mr. Alan Clark of H-GAC providing a letter of support regarding the re-designation of US 59 to Interstate 69 (IH69) and a copy of the City of Wharton Resolution No. 2009-60 establishing the City of Wharton Transportation Plan, which included improvements along US 59 in the City of Wharton. City Manager Garza stated the Public Works Committee Members met on January 31, 2012 and voted to recommend the City Council consider both resolutions outlined. After some discussion, Councilmember Terry David Lynch moved to approve City of Wharton Resolution No. 2012-09, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2012-09**

**A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE MAYOR FO THE CITY OF WHARTON TO SUBMIT THE CITY OF WHARTON'S PROPOSED SEGMENT 3 – IH 69 TRANSPORTATION LAYOUT PLAN TO THE TEXAS TRANSPORTATION COMMISSION.**

**WHEREAS,** The Texas Transportation Commission has approved funding for certain projects throughout Texas for the IH 69 (US 59) Corridor; and

**WHEREAS,** The City of Wharton is located in Segment 3 of the IH 69 layout plan; and

**WHEREAS,** The Texas Department of Transportation Segment 3 Committee will present its proposed interstate improvement projects to the Texas Transportation Commission; and

**WHEREAS,** The Wharton City Council wishes to submit proposed projects consideration by the Segment 3 Committee; and

**WHEREAS,** The proposed improvement locations are along US 59 between FM 1161 on the North side of the City to Pierce; and



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**WHEREAS,** The Wharton City Council wishes to authorize the Mayor of the City of Wharton to submit the proposed improvement layout plan to the Texas Department of Transportation Segment 3 Committee.

**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 submit the City of Wharton proposed Segment 3 – IH 69 Transportation Layout Plan to the Texas Transportation Commission.

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

**Passed, Approved and Adopted this 13<sup>th</sup> day of February 2012.**

**CITY OF WHARTON, TEXAS**

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

**ATTEST:**

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

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

The eleventh item on the agenda was a request by Mayor Domingo Montalvo, Jr., Chairman of Texas Transportation Commission Segment 3 Committee and Councilmember Al Bryant for City Council approval to attend the meetings with Congressional and Administration Officials regarding the development of I-69 on March 19, 20 and 21, 2012 in Washington D.C. City Manager Andres Garza, Jr. presented a copy of the email dated February 1, 2012 to Mayor Domingo Montalvo, Jr. from Ms. Jennifer Shepard, Executive Director of the Alliance for I-69 providing information regarding the meeting in Washington D.C. with Congressional and Administration Officials regarding the development of I-69 beginning March 19<sup>th</sup> through the 21<sup>st</sup>. City Manager Garza also presented a copy of the email to Assistant to City Manager Jackie Jansky from Ms. Shepard indicating that the City of Wharton would be responsible for the airfare, hotel, taxi and meal costs associated with the trip. City Manager Garza stated that Mayor Montalvo, Jr. and Councilmember Al Bryant had indicated that they wished to attend the meetings and City Council authorization was required in accordance with the Travel Policy. After some discussion, Councilmember Al Bryant moved to approve the request by Mayor Domingo Montalvo, Jr., Chairman of Texas Transportation Commission Segment 3 Committee and himself to attend the meetings with Congressional and Administration Officials regarding the development of I-69 on March 19, 20 and 21, 2012 in Washington D.C. The motion died for a lack of a second.

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

- A. Beautification Commission.
- B. Building Standards Commission.
- C. Holiday Light Decorating Chairman.
- D. Mayor's Committee on People with Disabilities.

City Manager Andres Garza, Jr. presented a copy of the report to the City Council. Councilmember Karen Schulz requested the City Staff publish a notice in the Wharton Journal Spectator regarding the vacancies. City Manager Garza stated the notice would be published. After some discussion, no action was taken.

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

- A. Wharton Economic Development Corporation meeting held January 23, 2012.
- B. City Council Public Works Committee meeting held January 30, 2012.
- C. City Council Finance Committee meeting held February 2, 2012.
- D. Wharton Regional Airport Board meeting held February 7, 2012.

City Manager Andres Garza, Jr. presented the reports to the City Council. No action was taken.

The fourteenth item on the agenda was 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 7:40 p.m.

**CITY OF WHARTON, TEXAS**

By: \_\_\_\_\_  
**Domingo Montalvo, Jr.**  
**Mayor**

**ATTEST:**

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

