

**MINUTES  
OF  
CITY OF WHARTON  
REGULAR CITY COUNCIL MEETING  
MAY 14, 2012**

Mayor Pro Tem Don Mueller declared a Regular Meeting duly open for the transaction of business at 7:00 P.M. Mayor Pro Tem Don Mueller led the opening devotion and led the pledge of allegiance.

Councilmember's present were: Mayor Pro Tem Don Mueller, Councilmembers Al Bryant, Jeff Gubbels, Russell Machann, and Karen Schulz.

Councilmember absent was: Mayor Domingo Montalvo, Jr. and Councilmember Terry David Lynch.

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, Police Chief Tim Guin, and EMS Director John Kowalik.

Visitors present were: David Schroeder, Executive Director, Wharton Economic Development Corporation, Ronald Stavena, Bill Cornman, Norman Simmons, Sr., Sammy Wisnieski, Ron Sanders, Executive Director of the Wharton Chamber of Commerce, and Ben Sharp, Wharton Journal Spectator.

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

The third item on the agenda was Public Comments. Norman Simmons Sr. stated to the Council that he was a citizen of Wharton that felt that he had been treated unfairly during an incident that occurred while in a convenience store in Wharton. Mr. Simmons said while Wharton Police Captain Richard Coleman helped him the other officers and a detective on the scene did not. No action was taken.

The fourth item on the agenda item was the Wharton Moment. No comments were made.

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

The sixth item on the agenda was to review and consider a request for City of Wharton Funding for the following events:

- A. Wharton County Juneteenth Festival.
- B. Wharton County Freedom Fest.

City Manager Andres Garza, Jr. stated that during the January 23, 2012 Wharton City Council meeting, the City Council approved items that were requested by the Wharton County Juneteenth Festival Committee for the Wharton County Juneteenth Festival that were outlined in Coach Paul Kearney's letter dated November 15, 2011. He said that one of the items was a request for City of Wharton assistance to provide funding for the event. City Manager Garza said that during that time, the City Council deferred action regarding the funding request until the regular May 14, 2012 City Council meeting to allow time for the City of Wharton to receive revenues for the second quarter of the City's fiscal year in the hotel/motel fund. City Manager Garza also said the Wharton County Freedom Fest Committee Chairman David Copeland submitted his letter dated March 21, 2012 to the City Council for consideration that was reviewed by the City Council during the regular April 23, 2012 City Council meeting. He stated the City Council took the same action regarding their request for City of Wharton funding.

City Manager Garza stated that the City had received the hotel/motel revenues for the second quarter of the City's fiscal year and after the City Staff's review of the amount of revenues that were received, it was his recommendation that the City Council consider allocating \$2,000.00 from the hotel/motel fund for each Committee respectively to be used for their events. After some discussion, Councilmember Jeff Gubbels moved to approve allocating \$2,000.00 from the hotel/motel fund for the Wharton County Juneteenth Festival and the Wharton County Freedom Fest. Councilmember Al Bryant seconded the motion. All voted in favor.

The seventh item on the agenda was to review and consider a request by Ms. Jane Holmes and Mr. Ronnie Stavena to hold the annual Wharton County Farmer's Market in Guffey Park from 8:00 a.m. through 12:00 Noon each consecutive Saturday beginning May 19, 2012 through June 29, 2012. City Manager Andres Garza, Jr. presented a copy of the email dated May 9, 2012 from Ms. Jane Holmes, acting Market Manager for the Wharton County Farmer's Market, requesting City Council approval to hold the 2012 Wharton County Farmer's Market in Guffey Park each Saturday beginning May 19, 2012 through June 29, 2012 from 8:00 a.m. to 12:00 Noon. City Manager Garza presented a similar request submitted by Mr. Ronald Stavena also with the Wharton County Farmer's Market Committee requesting approval for use of the Park. City Manager Garza stated that Mr. Stavena would coordinate use of Guffey Park with the Wharton County Freedom Fest Committee and the Chamber of Commerce for their City-Wide Garage Sale during the month of June and Chamber Executive Director Ron Sanders had indicated that the Chamber of Commerce would also coordinate with the Wharton County Farmer's Market. After some discussion, Councilmember Jeff Gubbels moved to approve the request by Ms. Jane Holmes and Mr. Ronnie Stavena for the 2012 Wharton County Farmer's Market to be held in Guffey Park to be held each Saturday beginning May 19, 2012 through June 29, 2012 from 8:00 a.m. to 12:00 Noon. Councilmember Al Bryant seconded the motion. All voted in favor.

The eighth item discussed on the agenda was to review and consider a request by Mr. Leonard C. Koehne, Jr. for City of Wharton water service at his residence located at A20036, Abst. 36, Tract 42A PT.; 2214 CR 154, Wharton, Texas, outside of the City limits. City Manager Andres Garza, Jr. presented a copy of the City of Wharton Application for Utility Service submitted by Mr. L.

City of Wharton  
Regular City Council Meeting  
May 14, 2012

C. Koehne, Jr. who was applying for City water service at his residence located outside of the City limits at 2214 CR. 154 (Old Caney Road). After some discussion, Councilmember Jeff Gubbels moved to approve the request by Mr. Leonard C. Koehne, Jr. for City of Wharton water service to be provided at his residence located at A20036, Abst. 36, Tract 42A PT.; 2214 CR 154, Wharton, Texas, outside of the City limits. Councilmember Al Bryant seconded the motion. All voted in favor.

The ninth item discussed on the agenda was to review and consider a request by Mr. Ron Sanders, Executive Director of the Wharton Chamber of Commerce to hold the annual City-Wide Garage Sale in Guffey Park on Friday, June 8, 2012 through Saturday, June 9, 2012. City Manager Andres Garza, Jr. presented a copy of the letter dated April 24, 2012 to him from Mr. Ron Sanders, Executive Director of the Wharton Chamber of Commerce requesting City Council approval to hold the Chamber of Commerce 2012 City-Wide Garage Sale in Guffey Park on Friday, June 8, 2012 and Saturday, June 9, 2012. City Manager Garza stated that the Chamber of Commerce would coordinate with the Wharton County Farmer's Market during the Saturday sale. Mr. Sanders stated that the annual event would be the same as in previous years. After some discussion, Councilmember Russell Machann moved to approve the request by Mr. Ron Sanders, Executive Director of the Wharton Chamber of Commerce to hold the annual City-Wide Garage Sale in Guffey Park on Friday, June 8, 2012 through Saturday, June 9, 2012. Councilmember Al Bryant seconded the motion. All voted in favor.

The tenth item on the agenda was to review and consider a request by Mr. Sammy Wisnieski for the following over 50% setback variances to construct a new 30' x 60' storage building to be located on a 0.258 Ac. Tract of Land in the Martin Allen league, Abstract No. 1, Wharton, County, Texas, off of Stadium Road:

- A. 7 feet interior side yard setback to construct the storage building 3 feet from the north side interior property line.
- B. 7 feet rear setback to construct the storage building 3 feet from the property line.

City Manager Andres Garza, Jr. presented a copy of the City of Wharton City Council application for Over 50% variance submitted by Mr. Sammy Wisnieski regarding the aforementioned variance requests. Assistant to City Manager Jackie Jansky stated that Mr. Wisnieski recently purchased the property that was previously owned by the South Texas Medical Clinic adjacent to his storage building business and was wishing to construct a 30' x 60' storage building on the property. Mrs. Jansky stated that the commercial building setback requirement for the rear property line was 10' and the interior side yard set back was also 10'. Mrs. Jansky further stated that Mr. Wisnieski was requesting two (2) 7' setback variances on the rear property line and on the north side of the interior side yard property line. She said that the front of the proposed storage building would face the interior side yard property line on the south side and would be placed approximately 11' from the property line, which was in compliance with Chapter 18 Building and Construction Code requirements. After some discussion, Councilmember Al Bryant moved to approve the request by Mr. Sammy Wisneski for the following over 50% setback variances to construct a 30' X 60' storage building to be located on a 0258 tract of land in the Martin Allen League, Abstract No. 1, Wharton County, TX off of Stadium Road.

City of Wharton  
Regular City Council Meeting  
May 14, 2012

- A. 7 feet interior side yard setback to construct the storage building 3 feet from the north side interior property line.
- B. 7 feet rear setback to construct the storage building 3 feet from the property line.

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

The eleventh item on the agenda to review and consider City of Wharton EMS Department:

- A. City Council acceptance of a \$23,000 grant from the Gulf Coast Medical Foundation for the EMS Department Unit 1120 Ambulance Remount.

City Manager Andres Garza, Jr. presented a copy of the memorandum dated May 7, 2012 to him from EMS Director John Kowalik informing him that the Gulf Coast Medical Foundation (GCMF) approved his grant application for funding to be used toward the Unit 1120 ambulance remount. City Manager Garza presented a copy of the email dated May 3, 2012 from Ms. Melissa M. Burnham, GCMF informing Mr. Kowalik notification of the grant award in the amount of \$23,000.00. City Manager Garza stated that the City Staff was requesting the City Council to consider accepting the grant award, which would allow the City to move forward with the Unit 1120 Ambulance Remount. After some discussion, Councilmember Al Bryant moved to approve accepting the grant award from the Gulf Coast Medical Foundation (GCMF) for the unit 1120 ambulance remount in the amount of \$23,000.00. Councilmember Karen Schulz seconded the motion. All voted in favor.

- B. **Resolution:** A resolution of the Wharton City Council approving an agreement between the City of Wharton and Frazer Co. to remount the Wharton EMS Unit 1120 through the Houston-Galveston Area Council Cooperative Purchasing Program and authorizing the Mayor of the City of Wharton to execute any and all documents related to said remount.

City Manager Andres Garza, Jr. presented a copy of a draft resolution approving an agreement with Frazer Co. to remount the Wharton EMS 1120 through the Houston-Galveston Area Council Cooperative Purchasing Program. EMS Director John Kowalik stated that the City had previously received funding from the Johnson Foundation in the amount of \$50,000. City Manager Garza stated that with the approval of Item A above, the Wharton EMS had the funding available to move forward with the ambulance remount at a cost of \$80,600 with the balance needed coming from the EMS fund. After some discussion, Councilmember Jeff Gubbels moved to approve City of Wharton Resolution No. 2012-15, which reads as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2012-15**

**A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AN AGREEMENT BETWEEN THE CITY OF WHARTON AND FRAZER CO. TO REMOUNT THE WHARTON EMS UNIT 1120 THROUGH THE HOUSTON-GALVESTON AREA COUNCIL COOPERATIVE PUTCHASING PROGRAM AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ANY AND ALL DOCUMENTS RELATED TO SAID REMOUNT.**

City of Wharton  
Regular City Council Meeting  
May 14, 2012

**WHEREAS,** the City of Wharton received a quote from Frazer Co. to remount the City of Wharton EMS Department Unit 1120 Ambulance in the amount of \$80,600.00; and

**WHEREAS,** Frazer, Ltd. is a member of the Houston-Galveston Area Council Cooperative Purchasing Program; and

**WHEREAS,** the Wharton City Council wishes to approve an agreement with Frazer Co. to remount the Wharton EMS Unit 1120 through the Houston-Galveston Area Council Cooperative Purchasing Program; and

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

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

Section I. That the City Council hereby approves an agreement with Frazer Co to remount the City of Wharton EMS Department Unit 1120 Ambulance in the amount of \$80,600.00 through the Houston-Galveston Area Council Cooperative Purchasing Program.

Section II. That the Mayor of the City of Wharton is hereby authorized to execute any and all documents related to said remount.

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

**Passed, Approved, and Adopted** this 14<sup>th</sup> day of May 2012.

**CITY OF WHARTON, TEXAS**

**By:** \_\_\_\_\_  
**DON MUELLER**  
Mayor Pro-Tem

**ATTEST:**

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

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

The twelfth item on the agenda was a resolution of the Wharton City Council approving a contract between the City of Wharton and Gulf Coast Medical Center for EMS Ambulance Transfers and authorizing the Mayor of the City of Wharton to execute the agreement. City Manager Andres Garza, Jr. presented a copy of the City of Wharton EMS Ambulance Transfer Agreement between the City of Wharton and Gulf Coast Medical Center. EMS Director John Kowalik stated that Gulf Coast Medical Center requested that revisions be made to the original

City of Wharton  
Regular City Council Meeting  
May 14, 2012

agreement regarding Open MRI services. Mr. Kowalik stated that he had reviewed the proposed revisions to the City of Wharton EMS Ambulance Transfer Agreement between the City of Wharton and Gulf Coast Medical Center and that he did not have any issues with the proposed revisions. City Manager Garza stated that City Attorney Paul Webb had reviewed the proposed revisions also and was recommending the City Council to consider approving the agreement. After some discussion, Councilmember Karen Schulz moved to approve City of Wharton Resolution No. 2012-16, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2012-16**

**A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING A CONTRACT BETWEEN THE CITY OF WHARTON AND GULF COST MEDICAL CENTER FOR EMS AMBULANCE TRANSFERS AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE THE AGREEMENT.**

**WHEREAS**, the Wharton City Council wishes to enter into a contract between the City of Wharton and Gulf Coast Medical Center for Ambulance Transfers to be conducted by the City of Wharton Emergency Medical Service (EMS) Department; and

**WHEREAS**, the City of Wharton and Gulf Coast Medical Center hereby wishes to be bound by the conditions as set forth in the agreement; and

**WHEREAS**, the Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute the agreement.

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

**Section I.** That the Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute a contract between the City of Wharton and Gulf Coast Medical Center for Ambulance Service Transfers.

**Section II.** That the City of Wharton and Gulf Coast Medical Center are hereby bound by the conditions set forth in the agreement.

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

**Passed, Approved and Adopted** this 14<sup>th</sup> day of May 2012.

**CITY OF WHARTON**

By: \_\_\_\_\_  
**DON MUELLER**  
Mayor Pro-Tem

**ATTEST:**

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**PAULA FAVORS**  
City Secretary

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

The thirteenth item on the agenda was to review and consider City of Wharton Public Works Department:

A. **Resolution:** A resolution of the Wharton City Council approving the 2012 City of Wharton Sidewalk Removal Program.

City Manager Andres Garza, Jr. stated that the City Staff had identified and categorized the sidewalks in the City on a scale of good to bad and in need of removal. City Manager Garza presented a copy of the list of sidewalks that were being recommended to be removed by Public Works Director Carter Miska, P.E. City Manager Garza stated that the City Council Public Works Committee met on April 30, 2012 and voted to recommend the City Council consider implementing the 2012 Sidewalk Removal Program. City Manager Garza further stated that if there were trees that were located within the right of way where the sidewalks were located the trees would also be removed on a case by case basis. After some discussion, Councilmember Al Bryant moved to approve City of Wharton Resolution No. 2012-17, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2012-17**

**A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING THE 2012 CITY OF WHARTON SIDEWALK REMOVAL PROGRAM.**

**WHEREAS,** the Wharton City Council deems it is in the best interest of the citizens of the City of Wharton to remove any deteriorating sidewalks in the City of Wharton; and

**WHEREAS,** the City Staff has determined the sidewalks that should be removed under the 2012 Sidewalk Removal Program.

**WHEREAS,** the Wharton City Council wishes to authorize the Public Works Department to remove said identified sidewalks.

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

City of Wharton  
Regular City Council Meeting  
May 14, 2012

Section I. The City of Wharton hereby approves the 2012 City of Wharton Sidewalk Removal Program.

Section II: That this resolution shall be come effective immediately upon its passage.

**Passed, Approved, and Adopted** this 14<sup>th</sup> day of May 2012.

**CITY OF WHARTON, TEXAS**

**By:** \_\_\_\_\_  
**DON MUELLER**  
Mayor Pro-Tem

**ATTEST:**

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

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

**B. Resolution:** A resolution of the Wharton City Council approving the City of Wharton 2012 Street Program.

City Manager Andres Garza, Jr. stated that during the April 30, 2012 City Council Public Works Committee meeting the Committee Members recommended the City Council consider implementing the 2012 Street Program. City Manager Garza presented a copy of the list of streets to be repaired and stated that funding for the program would come from the 2009 and 2011 bond funds. After some discussion, Councilmember Al Bryant moved to approve City of Wharton Resolution No. 2012-18, which read as follows:

**CITY OF WHARTON**  
**RESOLUTION NO. 2012-18**

**A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING THE CITY OF WHARTON 2012 STREET PROGRAM.**

**WHEREAS,** the Wharton City Council wishes to implement the City of Wharton 2012 Street Improvement Program; and

**WHEREAS,** the Wharton City Council wishes City forces to make certain street improvements that were identified to be included in the program; and



City of Wharton  
Regular City Council Meeting  
May 14, 2012

**WHEREAS,** the Wharton City Council wishes to authorize the City Manager to create a temporary construction crew to conduct the certain street improvements to the aforementioned streets under the 2012 Street Improvement Program; and

**WHEREAS,** funding for the temporary construction crew and street improvements will be allocated from the 2009 and 2011 bond funds.

**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 implementation of the 2012 Street Program.

**Section II:** The Wharton City Council hereby authorizes the City Manager to create a temporary construction crew to conduct the certain street improvements to the aforementioned streets under the 2012 Street Improvement Program.

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

**Passed, Approved and Adopted this 14<sup>th</sup> day of May 2012.**

**CITY OF WHARTON, TEXAS**

**By:** \_\_\_\_\_  
**DON MUELLER**  
Mayor Pro-Tem

**ATTEST:**

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

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

The fourteenth item on the agenda was to review and consider a recommendation by the Wharton Economic Development Corporation for City Council approval of the following:

- A. 2011- 2012 Budget Adjustments.
- B. 2012-2013 Proposed Budget.

City Manager Andres Garza, Jr. presented a copy of the letter dated May 8, 2012 submitted by Mr. David L. Schroeder, Executive Director of the Wharton Economic Development Corporation (WEDC) providing WEDC's 2011-2012 Budget Adjustments and a copy of the 2012-2013 proposed budget that were approved by the WEDC Board of Directors. Mr. Schroeder stated that the proposed budget required two readings by the City Council. City

City of Wharton  
Regular City Council Meeting  
May 14, 2012

Manager Andres Garza, Jr. stated that the City Council Finance Committee would review the requested items and would provide a recommendation to the City Council during the next Regular City Council Meeting. No action was taken.

The fifteenth item on the agenda was to review and consider a resolution of the Wharton City Council approving the City of Wharton's participation in the Scofflaw Vehicle Registration Denial Program and to authorize the Mayor of the City of Wharton to execute an interlocal agreement with the Texas Department of Motor Vehicles to implement said program. City Manager Andres Garza, Jr. presented information regarding the Scofflaw Vehicle Registration Denial Program published on the internet by the City of Dallas and from the Texas County Progress Magazine Article from El Paso. City Manager Garza stated that, approved during the 75<sup>th</sup> Texas Legislature, the Scofflaw legislation was aimed at a person who flouts the law or fails to pay fines and in accordance with Section 502.185 of the Texas Transportation Code, the Scofflaw allowed a freeze to be placed on the auto registration of those who owe money for a fine, fee or tax that was past due. City Secretary Paula Favors stated that the purpose was to improve court collection and compliance and to comply with mandated State Collection Improvement Program requirements. Mrs. Favors further stated that Wharton County Tax Assessor Collector Patrick Kubala had given his support of the project and expressed his wish that other cities would take part in Scofflaw. City Manager Garza stated that Assistant City Attorney Amy Rod had reviewed the documents related to the contract and found the contract to be in order and she also recommended the City move forward with the program. City Manager Garza also stated that the City Council Finance Committee had met on the issue and was recommending City Council consideration to approval the implementation for the City of Wharton. After some discussion, Councilmember Russell Machann moved to approve City of Wharton Resolution No. 2012-19, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2012-19**

**A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING THE CITY OF WHARTON'S PARTICIPATION IN THE SCOFFLAW VEHICLE REGISTRATION DENIAL PROGRAM AND TO AUTHORIZE THE MAYOR OF THE CITY OF WHARTON TO EXECUTE AN INTERLOCAL AGREEMENT WITH THE TEXAS DEPARTMENT OF MOTOR VEHICLES TO IMPLEMENT SAID PROGRAM.**

**WHEREAS**, the City of Wharton can participate in the Scofflaw Vehicle Registration Denial Program; and

**WHEREAS**, the Wharton City Council wishes to participate in said program and to enter into an Interlocal Agreement with the Texas Department of Motor Vehicles to implement the program; and

**WHEREAS**, the Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute the agreement.

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

Section I. The City of Wharton hereby the City of Wharton's participation in the Scofflaw Vehicle Registration Denial Program.

Section II. The Mayor of the City of Wharton is hereby authorized to execute an Interlocal Agreement with the Texas Department of Motor Vehicles to implement the program

Section III: That this resolution shall be come effective immediately upon its passage.

**Passed, Approved, and Adopted** this 14<sup>th</sup> day of May 2012.

**CITY OF WHARTON, TEXAS**

**By:** \_\_\_\_\_  
**DON MUELLER**  
Mayor Pro-Tem

**ATTEST:**

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

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

The sixteenth item on the agenda was to review and consider a resolution of the Wharton City Council adopting the City of Wharton Investment Policy. City Manager Andres Garza, Jr. stated that the City of Wharton Investment Policy must be reviewed and adopted annually; therefore, the City Staff was requesting the City Council to consider approving the Investment Policy for the next year. City Manager Garza presented a copy of the current policy and a draft resolution approving the policy for the next year. Finance Director Joan Anandel stated that no revisions had been made to the policy, which had been reviewed by the City's financial advisor, Mr. Jim Gilley of Coastal Securities. Mrs. Anandel presented a copy of Mr. Gilley's email dated May 10, 2012 to her providing his recommendation. City Manager Garza stated that the City Council Finance Committee was recommending approval. After some discussion, Councilmember Al Bryant moved to approve City of Wharton Resolution No. 2012-20, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2012-20**

**A RESOLUTION OF THE WHARTON CITY COUNCIL ADOPTING THE CITY OF WHARTON INVESTMENT POLICY.**

**WHEREAS,** the Public Funds Investment Act, requires the City Council to review and adopt, by resolution, the investment policies and strategies for the City of Wharton on an annual basis; and

**WHEREAS,** the City of Wharton designates the City Manager and the Finance Director as investment officers; and

**WHEREAS,** the City of Wharton approves the training courses sponsored or endorsed by the Texas Municipal League, the Government Finance Officers Association of Texas, the Government Treasurers Organization of Texas, or the North Central Texas Council of Governments as adequate to meet the investment training requirements; and

**WHEREAS,** the attached investment policy complies with the Public Funds Investment Act and authorizes the investment of City funds in safe and prudent investments.

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

Section I. The City of Wharton has complied with the requirements of the Public Funds Investment Act and the Investment Policy attached hereto as "Exhibit A" is hereby adopted as the Investment Policy of the City of Wharton effective May 14, 2012.

Section II: That this resolution shall be come effective immediately upon its passage.

**Passed, Approved, and Adopted** this 14<sup>th</sup> day of May 2012.

**CITY OF WHARTON, TEXAS**

**By:** \_\_\_\_\_  
**DON MUELLER**  
Mayor Pro-Tem

**ATTEST:**

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**PAULA FAVORS**  
City Secretary

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

The seventeenth item on the agenda was to review and consider the City Staff request for City Council authorization to purchase a new computer server for the Wharton City Hall. City Manager Andres Garza, Jr. presented a copy of the memorandum dated May 10, 2012 to him from Finance Director Joan Andel and Police Chief Tim Guin regarding the computer server at

the Wharton City Hall. City Manager Garza stated that the memorandum indicated the server was in need of replacement and one of the two local area networks port's was bad, the C drive was very small, and had other issues. Police Chief Tim Guin stated that the cost to replace the server was \$11,019.01, which included a DIR State Contract and consultant for advanced setup fees. Police Chief Guin further stated that the current server was purchased in 2005 and with recent the hardware errors problems were expected to continue. Finance Director Joan Anadel stated that the costs for the server and installation could be funded through the Municipal Court Building Fund. After some discussion, Councilmember Karen Schulz moved to approve the purchase of a new computer server for the Wharton City Hall, in the amount of \$11,019.01 which includes a DIR State Contract and consultant for advanced setup fees to be funded through the Municipal Court Building Fund. Councilmember Russell Machann seconded the motion. All voted in favor.

The eighteenth item on the agenda was to review and consider the City of Wharton Construction/Installation of Hurricane Storm Window Barriers at the City of Wharton City Hall – First and Final Pay Request submitted by BAM Construction. City Manager Andres Garza, Jr. stated that the hurricane storm window barriers were installed at City Hall and the project was complete and was recommending approval of payment. City Manager Garza presented a copy of the Application for Payment submitted by BAM Construction, Inc. in the amount of \$133,000.00. After some discussion, Councilmember Al Bryant moved to approve the City of Wharton Construction/Installation of Hurricane Storm Window Barriers at the City of Wharton City Hall – First and Final Pay Request submitted by BAM Construction in the amount of \$133,000.00. Councilmember Jeff Gubbels seconded the motion. All voted in favor.

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

- A. Beautification Commission Vacancies.
- B. Building Standards Commission Vacancies.
- C. Holiday Light Decorating Chairman - Vacancy.
- D. Mayor's Committee on People with Disabilities:
  - a. Appointment of Ms. Sandy Wilkins.
  - b. Vacancies.

City Manager Andres Garza, Jr. presented a copy of the letter dated May 2, 2012 from Ms. Sandy Wilkins to him informing him that she was willing to serve on the Mayor's Committee on People with Disabilities. Assistant to City Manager Jackie Jansky stated that Ms. Wilkins had also informed Assistant to Building Official Lori Jaquez of her interest in serving on the Committee. After some discussion, Councilmember Karen Schulz moved to approve appointing Ms. Sandy Wilkins to the Mayor's Committee on People with Disabilities to fill a term ending June 30, 2013. Councilmember Al Bryant seconded the motion. All voted in favor.

The twentieth item on the agenda was the rescheduling of the Regular City Council meeting scheduled for May 28, 2012 due to the Memorial Day Holiday. City Manager Andres Garza, Jr. stated that the City of Wharton would be closed Monday, May 28, 2012 in observance of Memorial Day and requested that the May 28<sup>th</sup> City Council meeting be moved to Tuesday, May 29, 2012. After some discussion, Councilmember Karen Schulz moved to approve rescheduling

City of Wharton  
Regular City Council Meeting  
May 14, 2012

the Regular City Council meeting scheduled for Monday, May 28, 2012 to Tuesday, May 29, 2012 due to the Memorial Day Holiday. Councilmember Al Bryant seconded the motion. All voted in favor.

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

- A. City Council Public Works Committee meeting held April 30, 2012 and May 8, 2012.
- B. Wharton Regional Airport Board meeting held May 1, 2012.
- C. Wharton Economic Development Corporation meetings held April 16, 2012 (corrected version) and May 7, 2012.
- D. Beautification Commission meeting held May 9, 2012.

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

The twenty-second item on the agenda was agenda was adjournment. There being no further discussion, Councilmember Karen Schulz moved to adjourn. Councilmember Jeff Gubbels seconded the motion. All voted in favor.

The meeting adjourned at 7:44 p.m.

**CITY OF WHARTON, TEXAS**

By: \_\_\_\_\_  
**Don Mueller**  
**Mayor Pro Tem**

**ATTEST:**

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