

**MINUTES
OF
CITY OF WHARTON
REGULAR CITY COUNCIL MEETING
DECEMBER 9, 2013**

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

Councilmember's present were: Mayor Domingo Montalvo, Jr., Councilmembers Al Bryant, Terry David Lynch, Jeff Gubbels, Russell Machann, and Don Mueller.

Councilmember absent was: Karen Schulz.

Staff members present were: Finance Director Joan Andel, City Secretary Paula Favors, Assistant to the City Manager Cheryl Parker-Reznicek, EMS Director John Kowalik, and City Attorney Paul Webb.

Visitors present were: David Schroeder, Executive Director, Wharton Economic Development Corporation, Tristan Kowalik, Bradley Loehr, P.E. with BEFCO Engineering, Inc., Jeff Coffee with American Fireworks, Carol Wootton, and Ben Sharp, with the Wharton Journal Spectator.

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

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

The fourth item on the agenda 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 November 11, 2013 and November 25, 2013. After some discussion, Councilmember Al Bryant moved to approve the minutes from the regular meetings held November 11, 2013 and November 25, 2013. Councilmember Russell Machann seconded the motion. All voted in favor.

The sixth item on the agenda was to review and consider cancellation of the December 23, 2013 regular Wharton City Council meeting. City Manager Andres Garza, Jr. stated that in previous years the City Council cancelled the second meeting of the month of December due to the holidays. After some discussion, Councilmember Russell Machann moved to cancel the regular Wharton City

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Council meeting to be held on December 23, 2013. Councilmember Al Bryant seconded the motion. All voted in favor.

The seventh item on the agenda was to review and consider City of Wharton Budget Adjustments for fiscal year October 1, 2012 through September 30, 2013. City Manager Andres Garza, Jr. stated that Finance Director Joan Andel would present the City of Wharton Budget Adjustments for fiscal year October 1, 2012 through September 30, 2013 at the January 13, 2014 Regular City Council Meeting. After some discussion, no action was taken.

The eighth item on the agenda was to review and consider the installation of guard rails along Camellia Street. City Manager Andres Garza, Jr. presented a memo from Phil Bush, Interim Public Works Director regarding solicited bids for the installation of a new guard rail for Camellia Street. City Manager Garza stated that with the assistance of TXDOT, only one company responded to the request for quote, JMHP, Inc. in the amount of \$9,400.00. After some discussion, Councilmember Don Mueller moved to approve the installation of guard rails along Camellia Street from JMHP, Inc. in the amount of \$9,400.00. Councilmember Al Bryant seconded the motion. All voted in favor.

The ninth item on the agenda was Executive Session: City Council may adjourn into an Executive Session in accordance with Section 551.087 and 551.071 of the Local Government Code, Revised Civil Statutes of Texas. Final action, decision or vote, if any with regard to any matter considered in Executive Session shall be made in Open meeting.

A. Discussion: To deliberate the offer of a financial or other incentives to Blu Bambu, LP which the City seeks to have locate within the City of Wharton or near the territory of the City of Wharton.

B. Discussion: Letter from The Kline Law Firm representing Crystal Bailey, Individual and As Next Friend of Effie Bailey, a minor in accident dated July 16, 2013 with City of Wharton EMS.

Mayor Domingo Montalvo, Jr. moved the meeting into closed session at 7:09 p.m.

The tenth item on the agenda was Return to open meeting: Action on items discussed in Executive Session:

A. Review and Consider: To deliberate the offer of a financial or other incentives to Blu Bambu, LP which the City seeks to have locate within the City of Wharton or near the territory of the City of Wharton.

B. Review and Consider: Letter from The Kline Law Firm representing Crystal Bailey, Individually and As Next Friend of Effie

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Bailey, a minor in accident dated July 16, 2013 with
City of Wharton EMS.

Mayor Domingo Montalvo, Jr. returned to open session at 7:21 p.m. After some discussion, Councilmember Terry David Lynch moved to approve resubmitting a previous offer for financial or other incentives to Blu Bambu, LP which the City seeks to have locate within the City of Wharton or near the territory of the City of Wharton. Councilmember Russell Machann seconded the motion. All voted in favor. Mayor Domingo Montalvo, Jr. stated that item B. was information only.

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

- A. Beautification Commission.
- B. Holiday Light Decorating Chairman.

After some discussion, no action was taken.

The twelfth item on the agenda was a request by Mr. Jeff Coffee of American Fireworks to address the City Council regarding enforcement of Fireworks Ordinance. City Manager Andres Garza, Jr. presented Mr. Jeff Coffee's email request to address the City Council regarding the enforcement of Fireworks Ordinance. Mr. Coffee requested that the City enforce the City of Wharton Ordinance 2013-13, which prohibits the sell or offer for sale fireworks to the public or any person, at wholesale or retail, within the city limits or outside the city limits for a distance of 4,000 feet. City Attorney Paul Webb stated the Ordinance would be enforced by the Police Department. After some discussion, no action was taken.

The thirteenth item on the agenda was a request by Tristan Kowalik to address the City Council regarding an Eagle Scout Project. City Manager Andres Garza, Jr. presented a letter from Tristan Kowalik requesting to address the City Council regarding an Eagle Scout Project. Mr. Kowalik stated his desire to help Veteran's and those with special needs by painting address numbers on street curbs. Mr. Kowalik requested City Council approval to contact those that would qualify as part of his Eagle Scout Project. After some discussion, Councilmember Al Bryant moved to approve the request by Tristan Kowalik for his Eagle Scout Project. Councilmember Terry David Lynch seconded the motion. All voted in favor.

The fourteenth item on the agenda was adjournment. There being no further discussion, Councilmember Don Mueller moved to adjourn. Councilmember Jeff Gubbels seconded the motion. All voted in favor.

The meeting adjourned at 7:26 p.m.

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By: _____
Don Mueller
Mayor Pro-Tem

ATTEST:

Paula Favors
City Secretary