

**MINUTES  
OF  
CITY OF WHARTON  
REGULAR CITY COUNCIL MEETING  
SEPTEMBER 28, 2015**

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. Mayor Domingo Montalvo, Jr. the opening devotion and the pledge of allegiance.

Councilmember's present were: Mayor Domingo Montalvo, Jr. and Councilmembers Tim Barker, Al Bryant, Vincent Huerta, Russell Machann, Don Mueller and Steven Schneider.

Councilmember's absent was: None.

Staff members present were: City Manager Andres Garza, Jr., Finance Director Joan Andel, City Secretary Paula Favors, City Attorney Paul Webb, Assistant to the Building Official Gwyn Laney and Police Chief Terry David Lynch.

Visitors present were: Raymond Tomzak, Robert Glaze, Daniel Lopez, David Luera, Jimmy J. Zissa, Daniel Garza, Daisey Delgado, Bob Radvansky, Mike Harbaugh, Ray Kacer, Carol Wootton, Arnold Guerra, Keith Hall, Leonard Morales, Wade Wendt, Ron Sanders, Executive Director of the Wharton Chamber of Commerce. David Schroeder, Executive Director of the Wharton Economic Development Corporation and Morgan Taylor with the Wharton Journal Spectator.

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 comments were given.

The fourth item on the agenda was the Wharton Moment. Councilmember Tim Barker stated that the Monterey Wine and Arts Fair would take place October 10<sup>th</sup>, 2015. Councilmember Russell Machann stated that the Bright Minds Scholarship Fundraiser would be taking place October 17<sup>th</sup>, 2015. Mayor Domingo Montalvo, Jr. thanked the City Council for approving the attendance of the Texas Municipal League 103<sup>rd</sup> Annual Conference, which was very beneficial. Councilmember Al Bryant stated the Conference was beneficial and was proud to represent the City of Wharton. City Attorney Paul Webb stated that the new Wharton Regional Airport sign looked great.

The fifth item on the agenda item on the agenda was to review and consider a proclamation. Recognizing the Veterans of Foreign Wars, which read as follows:

**CITY OF WHARTON**

## **OFFICE OF THE MAYOR**

### **Proclamation**

- Whereas,** The Veterans of Foreign Wars of the United States, Inc. is a federally chartered corporation formed in Columbus, Ohio on September 29, 1899 by Spanish–American War veterans of the Seventeenth U.S. Infantry; and,
- Whereas,** The objects of the organization are to: Speed rehabilitation of the nation’s disabled and needy veterans, assist veterans’ widows and orphans and the dependents of needy or disabled veterans, and promote Americanism by means of education in patriotism and by constructive service to local communities; and,
- Whereas,** Wharton Veterans of Foreign War, its members, volunteers and supporters, hereby renew a commitment made by our predecessors; and,
- Whereas,** The Wharton Veterans of Foreign War was established on October 1, 1945; and,
- Whereas,** Devoting mind and heart to the VFW’s mission of caring for veterans, promoting a strong national defense, displaying patriotism and providing community service.

**Now, Therefore,** I, Domingo Montalvo, Jr., by the authority vested in me as Mayor of the City of Wharton, Texas, do hereby proclaim the day of October 1, 2015 as:

#### **THE WHARTON VETERANS OF FOREIGN WAR DAY**

in the City of Wharton, Texas, and do hereby urge all the citizens to become aware of and to recognize the heroism of these brave soldiers who responded to the call of their country and to remember them during this special day.

**IN WITNESS THEREOF,** I have set my hand and caused the seal of the City of Wharton to be affixed this 1<sup>st</sup> day of October, in the year of our Lord two thousand fifteen A.D.

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Domingo Montalvo, Jr.  
Mayor, City of Wharton

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The sixth item on the agenda was to review and consider City of Wharton Financial Report for August 2015. Finance Director Joan Andel presented the financial report for the month of August 2015. Mrs. Andel stated that the TexPool balance for August was \$151,417.21 with an average monthly yield of .07%. She said the Prosperity Bank balance for August 2015 was \$7,131,102.24 with an average monthly yield of .15% and the total ad valorem taxes collected as of August 2015 were \$1,863,855 with the sales tax for the month of August 2015 was \$105,695. After some discussion, Councilmember Al Bryant moved to approve the City of Wharton Financial Report for the month of August 2015. Councilmember Russell Machann seconded the motion. All voted in favor.

The seventh item on the agenda was to review and consider an **Ordinance**: An ordinance adopting the fiscal year 2015-2016 Annual Budget for the City of Wharton, Texas; Appropriating the sums established therein; and directing the City Secretary to file copies as required by law. City Manager Andres Garza, Jr. stated that during the regular August 24, 2015 regular City Council meeting the City Council received under separate cover a copy of the proposed budget for the City of Wharton, Texas, Fiscal Year October 1, 2015 to September 30, 2016. Finance Director Joan Andel stated that during the regular City Council meeting held September 14, 2015 the City Council held the public hearing to receive public input regarding City of Wharton Annual Budget for Fiscal year 2015– 2016. After some discussion, Councilmember Al Bryant moved to approve City of Wharton Ordinance No. 2015-12, which read as follows:

**CITY OF WHARTON, TEXAS  
ORDINANCE NO. 2015-12**

**AN ORDINANCE ADOPTING THE FISCAL YEAR 2015-2016 ANNUAL BUDGET  
FOR THE CITY OF WHARTON, TEXAS; APPROPRIATING THE  
SUMS ESTABLISHED THEREIN; AND DIRECTING THE  
CITY SECRETARY TO FILE COPIES AS REQUIRED BY LAW.**

**WHEREAS**, the City's budget for the fiscal year ending September 30, 2016, which is attached hereto, was duly submitted to the City Council more than thirty (30) days prior to September 30, 2015.

**WHEREAS**, a public hearing was duly called and held on said budget not less than seven days nor more than fourteen days after date of publication giving notice of such meeting and prior to the time the City Council of the City of Wharton levied taxes for such current fiscal year; and

**WHEREAS**, all parties desiring to participate and be heard at said public hearing having been heard until no more evidence was offered, and such hearing having been concluded, and the City Council of said City having made such changes in such budget as in its judgment the law warrants and the best interest of the taxpayers of the City of Wharton, Texas, demand, said budget with such changes being attached hereto, as aforesaid.

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

**Section 1.** THAT the findings set out in the preamble of this ordinance are true and correct.

**Section 2.** THAT the budget of the City of Wharton, Texas for the fiscal year ending September 30, 2016, be and the same is hereby, in all respects, finally approved and adopted including any changes approved by the City Council; and the same shall be and is hereby filed with the City Secretary of the City.

**Section 3.** THAT the General Fund is hereby established to account for resources associated with traditional government activities, which are not required legally or by sound financial management to be accounted for in another fund. The General Fund is hereby approved with \$4,969,400 estimated revenues and \$5,789,016 in appropriations and with transfers-in approved at \$819,616. The amounts are specified for departmental purposes named in said budget and they are hereby appropriated to and for such purposes at the departmental level.

**Section 4.** THAT, the PEG (Public, Educational, Government television access) fund is created to account for all funds received from the 1% franchise fee provided through the local cable provider. The PEG Fund is hereby approved with \$7,600 in estimated revenues and \$7,600 in appropriations.

**-Section 5.** THAT the Hotel Motel Fund is created to account for the occupancy tax levied on hotel rooms within the City as adopted by city ordinance and consistently with Chapter 351 of the Texas Tax Code. The Hotel Motel Fund is hereby approved with \$219,407 in estimated revenues which includes \$29,307 from fund balance and \$219,407 in appropriations which includes transfers-out approved at \$148,724 with beginning fund balance of approximately \$72,215.

**Section 6.** THAT the Narcotics Seizure Fund is created to account for the resources and uses of assets seized in illegal narcotics activities. The uses are limited to law enforcement activities. The Narcotics Seizure Fund is hereby approved with \$5,750 estimated revenues, \$5,750 in appropriations with beginning fund balance of approximately \$11,646.

**Section 7.** THAT the Debt Service Fund is hereby created to account for the accumulation of resources collected for Interest and Sinking requirements and for the disbursement of those resources for debt requirements. The Debt Service Fund is hereby approved with \$1,061,605 in estimated revenues and \$1,043,788 in appropriations. The estimated beginning fund balance is \$449,308.

**Section 8.** **THAT** the Capital Improvement Fund is created to account for infrastructure improvements authorized by the City Council. The Capital Improvement Fund is approved with \$50,000 in estimated revenues and expenses.

**Section 9.** **THAT** the 2015 Bond Fund is created to account for bond proceeds and bond expenditures to be used for issuance costs, sidewalk project, drainage improvements, street equipment, street program, waterline improvements, wastewater collection improvements, wastewater improvements, airport improvements and long range sustainable water project authorized by the City Council through a bond issue. The 2015 Bond Fund is approved with \$2,714,560 in bond proceeds and \$2,714,560 in appropriations.

**Section 10.** **THAT** the Water and Sewer Fund is created to account for the resources and uses associated with the delivery of utility services to citizens of Wharton as an enterprise fund. The Water & Sewer Fund is hereby approved with \$3,500,981 in estimated revenues. Water and sewer is approved with \$3,500,981 in appropriations, which includes a franchise fee of 10% of water and sewer sales or approximately \$342,671, and transfers-out approved at \$746,204.

**Section 11.** **THAT** the Solid Waste Fund is created to account for the financial activities of the City's solid waste collection contract and delivery to citizens of Wharton as an enterprise fund. The Solid Waste Fund is approved with \$1,382,600 in estimated revenues and \$1,382,600 in appropriations which includes a franchise fee of 6% of solid waste revenues or approximately \$74,000, and transfers-out approved at \$25,000.

**Section 12.** **THAT** the Emergency Medical Services Fund is created to account for the financial activities of the emergency medical services provided to the city and surrounding areas as an enterprise fund. The Emergency Medical Services Fund is approved with \$1,884,853 in estimated revenues and \$1,884,853 in appropriations and includes transfers-out at \$98,412.

**Section 13.** **THAT** the Civic Center Fund is created to account for the financial activities of the Civic Center as an enterprise fund. The Civic Center is approved with \$233,177 in estimated revenues and \$233,177 in appropriations. Transfers-in are approved at \$148,724 with a \$14,027 decrease to fund balance.

**Section 14.** **THAT** the Airport Fund is created to account for the financial activities of the Wharton Regional Airport as an enterprise fund. The Airport Fund is approved with \$281,784 in estimated revenues and \$281,784 in appropriations.

**Section 15.** **THAT** the City Secretary shall file copies of this Ordinance and of such budget with the County Clerk of Wharton County, Texas.

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**PASSED AND APPROVED** by a favorable majority of the members of the City Council of the City of Wharton, Texas, in council meeting, this 28<sup>nd</sup> day of September 2015 duly assembled in accordance with Article VI of the Charter of the City of Wharton, Texas, by the following vote:

|   |                |
|---|----------------|
| Domingo Montalvo, Jr., Mayor                    | Voted in Favor |
| Alfred Bryant, Councilmember District 1         | Voted in Favor |
| Steven Schneider, Councilmember District 2      | Voted in Favor |
| Tim Barker, Councilmember District 3            | Voted in Favor |
| Donald Mueller, Councilmember District 4        | Voted in Favor |
| Russell Machann, Councilmember at Large Place 5 | Voted in Favor |
| Vincent Huerta, Councilmember at Large Place 6  | Voted in Favor |

#### **Separability**

If any court of competent jurisdiction rules that any section, subsection, sentence, clause, phrase, or portion of this ordinance 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.

#### **CITY OF WHARTON**

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

#### **ATTEST:**

\_\_\_\_\_  
Paula Favors, City Secretary

#### **APPROVED FOR ADMINISTRATION:**

\_\_\_\_\_  
Andres Garza, Jr., City Manager

#### **APPROVED AS TO FORM:**

\_\_\_\_\_  
Paul Webb, City Attorney

#### **APPROVED FOR FUNDING:**

\_\_\_\_\_  
Joan Anandel, Finance Director

Councilmember Russell Machann seconded the motion. Mayor Domingo Montalvo, Jr., Councilmember Al Bryant, Councilmember Steve Schneider, Councilmember Tim Barker, Councilmember Don Mueller, Councilmember Russell Machann and Councilmember Vincent Huerta voted in favor. The motion passed.

The eighth item on the agenda was to review and consider an **Ordinance**: Levying a Tax Rate for the City of Wharton, Texas, for the Tax Year 2015; directing the Tax Assessor-Collector to assess, account for and distribute the taxes as herein levied; and providing repealing and severability clauses. City Manager Andres Garza, Jr. presented a draft ordinance levying a tax rate for the City of Wharton, Texas, for the Tax Year 2015; directing the Tax Assessor-Collector to assess, account for and distribute the taxes as herein levied; and providing repealing and severability clauses. Councilmember Don Mueller moved to approve City of Wharton Ordinance No. 2015-13, which read as follows:

**CITY OF WHARTON, TEXAS  
ORDINANCE NO. 2015-13**

**AN ORDINANCE LEVYING A TAX RATE FOR THE CITY OF WHARTON, TEXAS, FOR THE TAX YEAR 2015; DIRECTING THE TAX ASSESSOR-COLLECTOR TO ASSESS, ACCOUNT FOR AND DISTRIBUTE THE TAXES AS HEREIN LEVIED; AND PROVIDING REPEALING AND SEVERABILITY CLAUSES.**

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

**Section 1.** THAT there be and is hereby levied for the year 2015 on all real and personal property within and all real and personal property and mineral royalties owned within the city limits of the City of Wharton, Texas for the year 2015, except so much thereof as may be exempt by the constitution and of the State of Texas and of the United States, the following:

|                               |                         |
|-------------------------------|-------------------------|
| Maintenance and Operations    | .206390/\$100 valuation |
| For Debt Service Requirements | .235660/\$100 valuation |
| Total Tax Rate                | .442050/\$100 valuation |

**Section 2.** THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S RATE,

**Section 3.** THE TAX RATE WILL EFFECTIVELY BE RAISED BY .00434 PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$4.34.

**Section 4.** **THAT** the Tax Assessor-Collector and/or Finance Director is hereby directed to assess, extend and enter upon the certified tax rolls of the City of Wharton, Texas, for the current taxable year, as provided by the Wharton County Appraisal District, the amounts and rates as herein levied, to keep correct amount of same, and when collected, to be distributed in accordance with this ordinance.

### **Passage and Approval**

**PASSED AND APPROVED** by a favorable majority of the members of the City Council of the City of Wharton, Texas, in a council meeting, this 28nd day of September, 2015, duly assembled in accordance with Article VI of the Charter of the City of Wharton, Texas, by the following vote:

|  |                |
|--|----------------|
| Domingo Montalvo, Jr., Mayor                     | Voted in Favor |
| Alfred Bryant., Councilmember District 1         | Voted in Favor |
| Steven Schneider., Councilmember District 2      | Voted in Favor |
| Tim Barker, Councilmember District 3             | Voted in Favor |
| Donald Mueller, Councilmember District 4         | Voted in Favor |
| Russell Machann., Councilmember at Large Place 5 | Voted in Favor |
| Vincent Huerta, Councilmember at Large Place 6   | Voted in Favor |

### **Separability**

If any court of competent jurisdiction rules that any section, subsection, sentence, clause, phrase, or portion of this ordinance 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.

### **CITY OF WHARTON**

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

**ATTEST:**

**APPROVED FOR ADMINISTRATION:**



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Paula Favors, City Secretary

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Andres Garza, Jr., City Manager

**APPROVED AS TO FORM:**

**APPROVED FOR FUNDING:**

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Paul Webb, City Attorney

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Joan Anandel, Finance Director

Councilmember Al Bryant seconded the motion. Mayor Domingo Montalvo, Jr., Councilmember Al Bryant, Councilmember Steve Schneider, Councilmember Tim Barker, Councilmember Don Mueller, Councilmember Russell Machann and Councilmember Vincent Huerta voted in favor. The motion passed.

The ninth item on the agenda was to review and consider a request from Mr. Keith Hall for a front building line setback variance for the construction of a residence at 2103 ½ Richmond Road, Reeds, Lot 38A. City Manager Andres Garza, Jr. presented a request from request from Mr. Keith Hall for a front building line setback variance for the construction of a residence at 2103 ½ Richmond Road, Reeds, Lot 38A. Assistant to the Building Official, Mrs. Gwyn Laney stated that since it was an over 50% variance it required City Council approval. After some discussion, Councilmember Al Bryant moved to approve the request from Mr. Keith Hall for a front building line setback variance for the construction of a residence at 2103 ½ Richmond Road, Reeds, Lot 38A. Councilmember Tim Barker seconded the motion. All voted in favor.

The tenth item on the agenda was to review and consider a request by Mr. Ron Sanders, Executive Director of the Wharton Chamber of Commerce & Agriculture for City of Wharton assistance for the Wharton Market Days to be held on November 6 and 7, 2015.

- A. Permission to use the Guffey Park November 6 and 7, 2015.
- B. Provide traffic barriers at Guffey Park.

City Manager Andres Garza, Jr. presented a copy of the letter dated September 16, 2015 from Mr. Ron Sanders, Executive Director of the Wharton Chamber of Commerce & Agriculture providing his request for the afore-mentioned items. After some discussion, Councilmember Al Bryant moved to approve afore mentioned items A. and B. Councilmember Vincent Huerta seconded the motion. All voted in favor.

The eleventh item on the agenda was to review and consider a resolution of the Wharton City Council approving Amendment No. 1 to the Interlocal Agreement for Emergency Medical Services between the Wharton County Emergency Services District (ESD) No. 3 and the City of Wharton Emergency Medical Services Department. City Manager Andres Garza, Jr. presented a memo from City Secretary Paula Favors regarding the Amendment No. 1-

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Interlocal Agreement for Emergency Medical Services between the City of Wharton and ESD No. 3. After some discussion, Councilmember Russell Machann moved to approve City of Wharton Resolution No. 2015-73, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2015-73**

**A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AMENDMENT NO. 1 TO THE INTERLOCAL AGREEMENT FOR EMERGENCY MEDICAL SERVICES BETWEEN THE WHARTON COUNTY EMERGENCY SERVICES DISTRICT (ESD) NO. 3 AND THE CITY OF WHARTON EMERGENCY MEDICAL SERVICES DEPARTMENT.**

**WHEREAS,** the Wharton County Emergency Services District (ESD) No. 3 Board has hereby authorized the ESD No. 3 President to execute Amendment No. 1 to the agreement with the City of Wharton for emergency medical services; and,

**WHEREAS,** the City of Wharton hereby wishes to enter amendment the interlocal agreement with the Wharton County Emergency Services District (ESD) No. 3 to provide Emergency Medical Services (EMS); and,

**WHEREAS,** the ESD No. 3 and the City of Wharton wishes to 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 Amendment No. 1 to the interlocal agreement between the City of Wharton and the Wharton County Emergency Services District (ESD) No. 3 for emergency medical services.

**Section II.** That the City of Wharton and the ESD No. 3 shall hereby be bound by the conditions as set forth in the amendment to the agreement.

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

**Passed, Approved, and Adopted** this 28th day of September 2015.

**CITY OF WHARTON, TEXAS**

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

Mayor

**ATTEST:**

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**PAULA FAVORS**  
City Secretary

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

The twelfth item on the agenda was to review and consider a resolution of the Wharton City Council approving Amendment No. 1 to the Interlocal Agreement for administrative services between the Wharton County Emergency Services District (ESD) No. 3 and the City of Wharton and authorizing the Mayor of the City of Wharton to execute the agreement. City Manager Andres Garza, Jr. presented a memo from City Secretary Paula Favors regarding an Interlocal Agreement for Administrative services between the City of Wharton and ESD No. 3. After some discussion, Councilmember Russell Machann moved to approve City of Wharton Resolution No. 2015-72, which reads as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2015-72**

**A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AMENDMENT NO. 1 TO THE INTERLOCAL AGREEMENT FOR ADMINISTRATIVE SERVICES BETWEEN THE WHARTON COUNTY EMERGENCY SERVICES DISTRICT (ESD) NO. 3 AND THE CITY OF WHARTON AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE THE AGREEMENT.**

**WHEREAS,** the Wharton County Emergency Services District (ESD) No. 3 Board has hereby authorized the ESD No. 3 President to execute an amendment to the agreement with the City of Wharton for administrative services; and,

**WHEREAS,** the ESD No. 3 and the City of Wharton wishes to be bound by the conditions as set forth in Amendment No. 1 of 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 Wharton City Council hereby approves an amendment to the interlocal agreement between the City of Wharton and the Wharton County Emergency Services District No. 3 for administrative services.

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**Section II.** The Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute the Amendment No. 1 to the agreement.

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

**Passed, Approved, and Adopted** this 28th day of September 2015.

**CITY OF WHARTON, TEXAS**

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

**ATTEST:**

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

Councilmember Vincent Huerta seconded the motion. All voted in favor.

The thirteenth item on the agenda was to review and consider a resolution of the Wharton City Council approving a contract with Eastern Aviation Fuels, Inc. for fuel services for the Wharton Regional Airport and authorizing the Mayor of the City of Wharton to execute all documents related to contract on behalf of the City of Wharton. City Manager Andres Garza, Jr. stated that on September 1, 2015, the City received proposals for aviation fuel suppliers for the Wharton Regional Airport in which four proposals were received. City Manager Garza said that the City Staff formed a committee composed of himself, the Finance Director, and the Airport Manager to review and rate the proposals. He said that after rating the proposals, Eastern Aviation Fuels, Inc. received the highest ranking and the City Staff proceeded to check references and after a satisfactory report the City Staff proceeded to negotiate an agreement with Eastern Aviation Fuels, Inc. City Manager Garza stated that the original proposal called for a one year agreement with two one year extensions, Eastern Aviation Fuels, Inc. submitted an email that provided additional services and equipment if the City offered an initial three (3) year contract and after review, the Committee was recommending the City Council award a three year contract to Eastern Aviation Fuels, Inc. After some discussion, Councilmember Al Bryant moved to approve City of Wharton Resolution No. 2015-74, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2015-74**

**A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING A THREE YEAR AGREEMENT WITH EASTERN AVIATION FUELS, INC. FOR FUEL SERVICES FOR THE WHARTON REGIONAL AIRPORT AND AUTHORIZING**

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**THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO AGREEMENTS ON BEHALF OF THE CITY OF WHARTON.**

**WHEREAS,** the City solicited proposals for fuel suppliers for the Wharton Regional Airport; and,

**WHEREAS,** the City ranked the proposals and determined the best proposal was submitted by Eastern Aviation Fuels, Inc.; and,

**WHEREAS,** the Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute a three (3) year agreement with Eastern Aviation Fuels, Inc. to provide fuel for the Wharton Regional Airport; and,

**WHEREAS,** the City of Wharton and Eastern Aviation Fuels, Inc. wish to be bound by the conditions as set forth in 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, Texas to execute an agreement Eastern Aviation Fuels, Inc. for fuel services for the Wharton Regional Airport.

**Section III.** Eastern Aviation Fuels, Inc. and the City of Wharton are hereby bound by the conditions as set forth in the agreement.

**Section IV.** That the effect date of the agreement is November 1, 2015.

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

**Passed, Approved, and Adopted** this 28<sup>th</sup> day of September 2015.

**CITY OF WHARTON**

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

**ATTEST:**

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

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

The fourteenth item on the agenda was to review and consider Wharton Police Department.

A. **Resolution:** A resolution of the Wharton City Council authorizing the purchase of a replacement server through the Buyboard Cooperation Purchasing Program for the Wharton Police Department and authorizing the City Manager to execute all documents relating to said purchase.

City Manager Andres Garza, Jr. presented a memo to him from Chief Terry Lynch requesting to purchase a replacement server for the Police Department. Police Chief Lynch stated that the current server for the Wharton Police Department was over fifteen years old and was in need of replacement. Chief Lynch said the funds for the purchase were budgeted for. After some discussion, Councilmember Russell Machann moved to approve City of Wharton Resolution No. 2015-75, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2015 –75**

**A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE PURCHASE OF A REPLACEMENT SERVER THROUGH THE BUY BOARD COOPERATIVE PURCHASING PROGRAM FOR THE WHARTON POLICE DEPARTMENT AND AUTHORIZING THE CITY MANAGER OF THE CITY OF WHARTON TO EXECUTE ANY AND ALL DOCUMENTS RELATED TO SAID PURCHASE.**

**WHEREAS,** the City of Wharton received a quote from Dell Computers for purchase of a replacement server in the amount of \$6,353.62; and,

**WHEREAS,** Dell Computers is a member of the Buyboard Cooperative Purchasing Program; and,

**WHEREAS,** the Wharton City Council wishes to approve the purchase of a replacement server through the Buyboard Cooperative Purchasing Program; and,

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

**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 the purchase for the replacement server in the amount of \$6,353.62 through the Buyboard Cooperative Purchasing Program.

**Section II.** That the City Manager of the City of Wharton is hereby authorized to execute any and all documents related to said purchase.

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

**PASSED, APPROVED, and ADOPTED** this 28<sup>th</sup> day of September 2015.

**CITY OF WHARTON, TEXAS**

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

**ATTEST:**

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

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

**B. Resolution:** A resolution of the Wharton City Council awarding a contract for painting improvements to the Wharton Police Department facility interior walls and doors and authorizing the City Manager of the City of Wharton to execute all documents relating to said contract.

City Manager Andres Garza, Jr. presented bids received by the Police Department for needed painting at the facility. Police Chief Terry David Lynch stated the interior of the Police Department had degraded from normal everyday use and the repainting of the interior had been budgeted for. After some discussion, Councilmember Don Mueller moved to approve City of Wharton Resolution No. 2015-76, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2015-76**

**A RESOLUTION OF THE WHARTON CITY COUNCIL AWARDING A CONTRACT FOR THE PAINTING IMPROVEMENTS TO THE WHARTON POLICE DEPARTMENT FACILITY INTERIOR WALLS AND DOORS AND AUTHORIZING THE CITY MANAGER OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATING TO SAID CONTRACT.**

**WHEREAS,** proposals were received for the City of Wharton Police Department Facility Interior Walls and Doors Project; and,

**WHEREAS,** Hopkins Painting Co., was deemed the best lowest qualified bidder in the amount of \$9,500.00; and,

**WHEREAS,** the Wharton City Council wishes to award a contract to Hopkins Painting Co. for the City of Wharton Police Department Facility Interior Walls and Doors Project in the amount of \$9,500.00; and,

**WHEREAS,** the City of Wharton and Hopkins Painting Co. wish to be bound by the conditions as set forth in the agreement; and,

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**WHEREAS,** the Wharton City Council wishes to authorize the City Manager 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.** The Wharton City Council hereby authorizes the City Manager of the City of Wharton, Texas, to execute a contract for the City of Wharton Police Department Facility Interior Walls and Doors Project to Hopkins Painting Co. in the amount of \$9,500.00.

**Section II.** The City of Wharton and Hopkins Painting Co. are hereby bound by the conditions as set forth in the agreement.

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

**Passed, Approved, and Adopted** this 28th day of September 2015.

**CITY OF WHARTON, TEXAS**

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

**ATTEST:**

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

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

The fifteenth item on the agenda was to review and consider a resolution of the Wharton City Council authorizing the Mayor of the City of Wharton, Wharton County, Texas, to execute an agreement with the Wharton Chamber of Commerce and Agriculture for Visitor and Convention Bureau Services for the October 1, 2015 to September 30, 2016 fiscal year. City Manager Andres Garza, Jr. presented a draft agreement between the City of Wharton and the Chamber of Commerce & Agriculture for Visitor and Convention Bureau Services for the October 1, 2015 to September 30, 2016 fiscal year. After some discussion, Councilmember Russell Machann moved to approve City of Wharton Resolution No. 2015-77, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2015-77**



City of Wharton  
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September 28, 2015

**A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF WHARTON, WHARTON COUNTY, TEXAS, TO EXECUTE AN AGREEMENT WITH THE CHAMBER OF COMMERCE AND AGRICULTURE FOR VISITOR AND CONVENTION BUREAU SERVICES FOR OCTOBER 1, 2015 TO SEPTEMBER 30, 2016 FISCAL YEAR.**

**WHEREAS,** the Wharton City Council hereby authorizes Mayor Domingo Montalvo, Jr. to execute an agreement with the Wharton Chamber of Commerce and Agriculture for visitor and convention bureau services; and,

**WHEREAS,** the City of Wharton and the Wharton Chamber of Commerce and Agriculture hereby agrees to be bound by the conditions as set forth in 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 Domingo Montalvo, Jr., Mayor of the City of Wharton to execute an agreement with the Wharton Chamber of Commerce and Agriculture for Visitor and Convention Bureau Services for the October 1, 2015 to September 30, 2016 fiscal year.

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

**Passed, Approved, and Adopted** this 28<sup>th</sup> day of September 2015.

**CITY OF WHARTON, TEXAS**

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

**ATTEST:**

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

Councilmember Vincent Huerta seconded the motion. All voted in favor.

The sixteenth item on the agenda was to review and consider **Executive Session:** City Council may adjourn into an Executive Session in accordance with Section 551.072 and

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551.074 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.

**Discussion:**

- A. Appointment of Public Works Director.
- B. City Managers Evaluation.
- C. Acquisition of Real Property.
  - 1. Wharton Flood Reduction Project-Levee.
  - 2. FM 1301 Extension Project.

Mayor Domingo Montalvo, Jr. moved the meeting into closed session at 7:31 p.m.

The seventeenth item on the agenda was to review and consider Return to Open Meeting: Action on items discussed in Executive Session:

**Review & Consider:**

- A. Appointment of Public Works Director.
- B. City Managers Evaluation.
- C. Acquisition of Real Property.
  - 1. Wharton Flood Reduction Project-Levee.
  - 2. FM 1301 Extension Project.

Mayor Domingo Montalvo, Jr. returned to open session at 8:23 p.m. City Manager Andres Garza, Jr. stated that he recommended the City Council consider confirming the appointment of Mr. Wade Wendt to the position of Public Works Director, subject to the City's pre-employment requirements, at a salary of \$80,000. After some discussion, Councilmember Al Bryant moved to confirm the appointment of Mr. Wade Wendt to the position of Public Works Director at a salary of \$80,000 subject to the City's pre-employment requirements. Councilmember Don Mueller seconded the motion. All voted in favor. Councilmember Al Bryant then moved to approve a \$15,000 a year salary increase for City Manager Andres Garza, Jr. Councilmember Tim Barker seconded the motion. All voted in favor. Mayor Montalvo stated information only was received on Item C.

The eighteenth item on the agenda was to review and consider the update of City of Wharton on-going Projects. City Manager Andres Garza, Jr. presented a copy of the memorandum dated September 27, 2015 providing an update on the City of Wharton current projects.

**FLOOD REDUCTION (LEVEE) PROJECT**

The U.S. Army Corp of Engineers (USACE) Lower Colorado River Phase I Report - City of Wharton Flood Prevention Project and Recommended report is located at the Wharton County Library and the office of the City of Wharton City Secretary for viewing or the report may be viewed on line at: <http://www.cityofwharton.com/information-a-notices/lcrb-feasibility-study>.

Mayor Domingo Montalvo, Jr. and I met with U.S. Corp of Engineer representatives (Elston Eckhardt, P.E. & Nova Robbins) on July 2, 2015 in their Ft. Worth District

office to discuss the funding on the project. The City Staff has initiated a meeting with Halff and Associates from the Ft. Worth Office, the engineering firm who designed the Project, to develop a construction plan on some of the components of the designed work. The U.S. Corps of Engineers representatives stated that with an approach like that it could possibly allow them to allocate funding. They emphasized the importance of the City pursuing the acquisition of the necessary property for the project.

The City Staff has scheduled a meeting with Andrew Ickert P.E.-Halff and Associates on September 4, 2015 to discuss the City Staff's proposed approach to the project. Also, to discuss other funding alternatives that could be available.

## **DRAINAGE:**

### **1. Santa Fe Outfall Channel.**

The Public Works Department has finished excavation of the channel. During the month of February, routine maintenance was done on the Channel. The channel is slowly increasing in grass cover which is allowing several eroded areas to heal themselves over time. The Public Works Department has installed grade stabilization structures to eliminate erosion thereby reducing or eliminating the need to reshape the channel areas with active erosion. The Public Works Department will be installing 3 additional six grade stabilization structures or pipe drops along the channel. These structures are part of the original engineering design and not only control erosion but are helping to improve drainage in the city by serving as the outfall for water that has been redirected to the Santa Fe Channel. Work on property owners land is now complete.

### **2. Stavena Addition Drainage Project.**

The design and construction plans are complete. The challenge on this project is to find locations to place approximately 35,000 cubic yards of soil.

### **3. Ahldag Ditch Improvement.**

The project was approved in the 2013 Bond Program. Public Works Director is currently working out the details.

### **4. On-going Drainage and Maintenance Program.**

The Public Works Department has continued working on cleaning residential draining ditches that have experienced poor drainage.

## **WATER/SEWER IMPROVEMENTS:**

### **1. On-going Water and Sewer Maintenance Program.**

Water leaks and sewer failures are still being seen in the month of August.

The Public Works and Code Enforcement Departments have begun the implementation of the Grease Ordinance. The Code Enforcement Department has

contacted all business' affected by the ordinance and is assisting them with compliance.

**2. Alabama Street Sewer Line Project.**

After the bid was rejected as a combined project, the City Staff proposed to submit to the Texas Department of Agriculture for the 2015-2016 Texas Community Development Block Grant for funding of the Rust 2, 3 and 4 Addition sewer lines along with lateral lines.

The application was submitted prior to the application deadline. The City Staff is waiting for a decision on this application. An announcement is expected by late summer.

**2. Kelving Way and Croom/Price Waterline Project.**

This project will be funded from the 2015 Bond Program. The engineer on the project, BEFCO, will be preparing for the bidding of these projects.

**3. Wastewater Treatment Plant No. 1 Improvement Project.**

The project has been awarded to B-5 Construction, the Notice to Proceed has been submitted to the Contractor. The contractor has begun filing their submittals to Jones & Carter the engineers on the job. The contractor has moved on to the site and began construction.

**4. Ahldag Additional Sanitary Sewer System Improvement Project TxCDBG No. 713510.**

Supak Construction has mobilized and is approximately 98% complete. Projected completion of project as September 30, 2015.

**1. STREET IMPROVEMENTS**

**1. FM 1301 Extension and Overpass Project Progress Report.**

IDC Inc. has submitted to TxDOT Yoakum District Office all required plans for the project. The City Staff continues to coordinate with TxDOT to ensure the project continues to move forward.

The City Staff is awaiting Environmental Clearance from the Federal Highway Administration (FHWA). Once received the City will begin to move toward the acquisition of property for this project.

**2. I-69 Project.**

TxDOT held a public meeting on August 18, 2015. TxDOT will hold a public hearing in the next few weeks.

**3. NanYa Exit Ramp Project.**

The City has submitted its request with TxDOT on proceeding with the changes to the NanYa exit ramp that would accommodate the turn around that Buc-ees has agreed in principle to contribute to see the project materialize.

**4. 2015 City Street Improvements.**

The City Council has approved the 2015 Street Improvement Plan, the City staff is moving forward with the program.

**5. Wharton Sidewalk Accessibility and Historic Streetscape Project.**

Phase II - Plans are 100% complete and have been submitted by CivilCorp to TxDOT to review. The bidding documents have been reviewed by the City's legal department. The project is scheduled to bid in late October or early November.

**6. Kansas City Southern Railroad Quiet Zone.**

On June 22, 2015 the City received notice that the zone establishment was approved by the Federal Railroad Administration (FRA) pending the City of Wharton's action. The City approved the Quiet Zone implementation for October 1, 2015. The Public Works Department has begun installing the necessary materials for the Quiet Zone. The effective date for the zone is October 1, 2015.

## **WHARTON REGIONAL AIRPORT**

**1. Hangar Construction Project.**

The project is moving forward. Bids were received on July 2, 2015 and were evaluated by the TxDOT Aviation Division, BLS Construction was awarded a construction contract by TxDOT Aviation Division and a pre-construction meeting will held on September 1, 2015. Construction should begin October 1, 2015.

After some discussion, no action was taken.

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

- A. Beautification Commission.
- B. Building Standards Commission.
- C. Holiday Light Decorating Chairman.
- D. Mayor's Committee on People with Disabilities.
- E. Central Appraisal District of Wharton County Board of Directors.

City Manager Andres Garza, Jr. stated Mrs. Karen Schulz no longer wished to serve on the Central Appraisal District of Wharton County Board of Directors with a term ending December 31, 2015. After some discussion, no action was taken.

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

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- A. Beautification Commission meeting held on September 9, 2015.
- B. Wharton Economic Development Corporation Consultant Selection Committee meeting held on September 14, 2015.

After some discussion, no action was taken.

The twenty-one item on the agenda was to review and consider City Manager's Reports:

- |  |                                 |
|--|---------------------------------|
| A. City Secretary/Personnel.                                   | H. Fire Marshall.               |
| B. Code Enforcement.   | I. Legal Department.            |
| C. Community Services Department / Civic Center.               | J. Municipal Court.             |
| D. Emergency Management.                                       | K. Police Department.           |
| E. E.M.S. Department.  | L. Public Works Department.     |
| F. Facilities Maintenance Department / Wharton Municipal Pool. | M. Water / Sewer Department.    |
| G. Fire Department.  | N. Weedy Lots / Sign Ordinance. |
|  | O. Wharton Regional Airport.    |

After some discussion, no action was taken.

The twenty-second item on the 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 8:28p.m.

**CITY OF WHARTON, TEXAS**

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

**ATTEST:**

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