

**MINUTES
OF
CITY OF WHARTON
REGULAR CITY COUNCIL MEETING
MARCH 11, 2002**

Mayor Joel D. Williams declared a Regular Meeting duly open for the transaction of business at 7:03 P.M. Councilmember Bryce D. Kocian led the opening devotion. Mayor Joel D. Williams then led the pledge of allegiance. Singing of the National Anthem was by Mackenzie Baker.

Councilmembers present were: Mayor Joel D. Williams, Councilmembers V. L. Wiley, Jr., Jimmy Schulz, Ken Freese, Don Mueller, and Bryce D. Kocian.

Councilmember absent was: Domingo Montalvo, Jr.

Staff members present were: City Manager, Andres Garza, Jr., Finance Director Joyce Vasut, Deputy City Secretary Lisa Stavena, Assistant to City Manager Jackie Wheeler, Police Chief Tim Guin, Building Official Ronnie Bollom, Public Works Director Phillip Bush, Community Services Director Jo Knezek, Facilities Maintenance Director Bob Baker and City Attorney Paul Webb.

Visitors present were: Ron Sanders Wharton Journal-Spectator, Paul Daly KULP, Bill Baker, Sharon Baker Mackenzie Baker, Wanda White, Gretchen White, Merrell "Doc" Barfield, Jr., and John Dettling.

The second item on the agenda was Roll Call and Excused Absences. Councilmember Ken Freese made a motion to excuse Councilmember Domingo Montalvo, Jr. from the Regular City Council meeting held March 11, 2002. Councilmember Bryce D. Kocian seconded the motion. All voted in favor.

The third item on the agenda was Public Comments. Merrell "Doc" Barfield, Jr. addressed the City Council regarding the Civic Center Restroom Project. Mr. Barfield stated that he was excited that the City Council was addressing the project tonight and hoped that the project would be approved. No action was taken.

The fourth item on the agenda was the Wharton Moment. Mayor Joel D. Williams gave his condolences to the Baker's for the loss of their mother and brother. Mayor Williams also stated that former Retiree Gil Mata had passed away on Saturday, March 9, 2002. Mayor Williams asked the audience to honor those that lost their lives in the September 11, 2001 attack with a moment of silence. Then Mackenzie Baker sang God Bless America. Mayor Joel D. Williams publicly thanked Mackenzie Baker and presented her with a certificate and a United States Flag. No action was taken.

The fifth item on the agenda was to review and consider reading of the minutes from the Regular Meetings held February 11, 2002 and February 25, 2002. After some discussion, Councilmember Don Mueller made a motion to approve the Regular Meetings held February 11, 2002 and February 25, 2002. Councilmember V. L. Wiley, Jr. seconded the motion. All voted in favor.

The sixth item on the agenda was a presentation of the City of Wharton Website. City Manager Andres Garza, Jr. told the City Council that the City Staff had been working with Mr. John Dettling in creating the City of Wharton website. He said that the creation of the website was one of the items identified in the 1999 Strategic Planning session. Mr. Dettling presented the cityofwharton.com website to the City Council. City Manager Andres Garza, Jr. told the City Council that the City's Code of Ordinances could be added to the website. He said that the Municipal Code Corporation provided this service for an annual fee of \$300.00. Councilmember Bryce D. Kocian asked who would be responsible to updating the website. City Manager Garza stated that Ms. Jackie Wheeler, Assistant to City Manager and Ms. Lisa Stavena, Deputy City Secretary would be trained on updating the website with Mr. Dettling providein assistance, if needed. After some discussion, Councilmember Bryce D. Kocian made a motion to launch the cityofwharton.com website effectively immediately. Councilmember V. L. Wiley, Jr. seconded the motion. All voted in favor.

The seventh item on the agenda was to review and consider the City of Wharton Civic Center Restroom Project:

A.) Approval of the project.

B.) **Resolution:** A resolution authrizing Mayor Joel D. Williams to execute an agreement with Fatter & Evans Architects for architectural and engineering services for the City of Wharton Civic Center Restroom Project.

A.) City Manager Andres Garza, Jr. told the City Council that the City Council Finance Committee had met on March 11, 2002 at 6:30 p.m. and discussed the project. He said the Committee had reviewed the cost estimates and was recommending the approval for the City Staff to proceed with the Civic Center Restroom Project by constructing the restrooms and halls at a cost of \$115,000. He then presented the cost estimates provided by Mr. Barnaby Evans, Architect from Fatter & Evans Architects to the City Council. He stated that the project could be managed in-house which the City would be the general contractor and sub-contract the work, Facilities Maintenance Director Bob Baker would supervise the project and assistance from Building Official Ronnie Bollom. Mr. Garza stated that he requested Mr. Evans to prepare separate bid packages for the electrical, plumbing and HVAC work, which would allow the City to receive competitive bids from local contractors for the improvements. He stated that the City could hire a local contractor to do the carpentry work with the City buying the materials. He said that City employees could also be used to reduce the cash outlay on the project. Mayor Joel D. Williams thanked the Finance Committee, City Staff and Department Heads and stated that Finance Committee recommended the City Council proceed with the project. City Manager Andres Garza, Jr. informed the City Council that the Finance Committee voted to fund the project from the Gulf Coast Medical Foundation grant received and \$69,000 from the Civic Center Fund. After some discussion, Councilmember Jimmy Schulz made a motion to approve the project in the amount of \$115,000 including construction and architect/engineering fees. Councilmember V. L. Wiley, Jr. seconded the motion. All voted in favor.

B. City Manager Andres Garza, Jr. told the City Council that the Finance Committee had also recommended the engagement of Fatter & Evans to prepare the plans and specifications for the restrooms, hallway and offices in the amount of \$20,700.00.

Councilmember Ken Freese then made a motion to approve an architect/engineering contract in the amount of \$20,700.00 with Fatter & Evans and approve Resolution No. 2002-13, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2002 - 13**

A RESOLUTION AUTHORIZING MAYOR JOEL D. WILLIAMS TO EXECUTE AN AGREEMENT WITH FATTER & EVANS ARCHITECTS FOR ARCHITECTURAL AND ENGINEERING SERVICES FOR THE CITY OF WHARTON CIVIC CENTER RESTROOM PROJECT.

WHEREAS, the City of Wharton City Council wishes to authorize Mayor Joel D. Williams to execute an agreement with Fatter & Evans Architects for architectural and engineering services for the City of Wharton Civic Center Restroom Project; and

WHEREAS, Fatter & Evans Architects wishes to accept an agreement for architectural and engineering services with the City of Wharton for the City of Wharton Civic Center Restroom Project; and

WHEREAS, the City of Wharton and Fatter & Evans Architects wish to be bound by the conditions as set forth in Attached "A".

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

Section I. That the City Council of the City of Wharton hereby to authorizes Mayor Joel D. Williams to execute an agreement with Fatter & Evans Architects for architectural and engineering services for the City of Wharton Civic Center Restroom Project.

Section II. That the City of Wharton and Fatter & Evans Architects are hereby bound by the conditions as set forth in Attached "A".

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

Passed, Approved, and Adopted this 11th day of March 2002.

CITY OF WHARTON, TEXAS

By: _____
JOEL D. WILLIAMS
Mayor

ATTEST:

JOYCE VASUT

City Secretary

Councilmember Bryce D. Kocian seconded the motion. All voted in favor.

The eighth item on the agenda was to review and consider the Wharton Regional Airport T-Hangar Improvement Project – B & B Metal Buildings, Inc.:

- A. Status Report.
- B. Pay Estimate No. 1.
- C. Pay Estimate No. 2.
- D. Change Order No.1.
- E. Change Order No. 2.

City Manager Andres Garza, Jr. informed the City Council that the Wharton Regional Airport T-Hangar Improvement Project was progressing according to the contract, and the contract ending date was March 25, 2002, which the City Staff felt that B & B Metal Building, Inc. would complete the project by that date. He stated that the original scope of the project was to address the structural work and some improvements to the hangars. He said however, the City Staff was able to obtain the 2001 and 2002 Texas Department of Transportation Aviation Division Routine Airport Maintenance Program (RAMP) funds to supplement the hangar project, thus now allowing additional work. Mr. Garza presented the Project Summary to the City Council, which indicated the total funding sources of \$228,500 and the grand total hangar improvement expenses of \$174,584, leaving a balance of \$53,916.

City Manager Garza then presented the Pay Estimate No. 1 in the amount of \$48,886.53. After some discussion, Councilmember Bryce D. Kocian made a motion to approve Pay Estimate No. 1 to B & B Metal Buildings, Inc. in the amount of \$48,886.53. Councilmember Don Mueller seconded the motion. All voted in favor.

He then presented the Pay Estimate No. 2 in the amount of \$20,116.47. After some discussion, Councilmember Bryce D. Kocian made a motion to approve Pay Estimate No. 2 in the amount of \$20,116.47. Councilmember Don Mueller seconded the motion. All voted in favor.

Mr. Garza stated that there was some extra work the City requested from the contractor, which was identified in Change Order No. 1 that included the replacement of 20' of base and adjust one door roller on Building A, grind bottom of all columns in Buildings B & C, and prime with zinc rich primer prior to installing stub columns, and modify columns in Buildings A & B to accept fabricated structure and make spacer for four columns totaling \$1,064.00. After some discussion, Councilmember Don Mueller made a motion to approve Change Order No. 1 in the amount of \$1,064.00. Councilmember Ken Freese seconded the motion. All voted in favor.

City Manager Andres Garza, Jr. then told the City Council that the Wharton Regional Airport Board was recommending the City Council approve Change Order No. 2 to remove all white sliding door panels and all blue walls on Building B and replace with 26 gauge, 20 year paint matching panels, furnish and install new base angle at all areas where blue wall panels are replaced, replace galvanized channels and zeos on all six pair of sliding doors, channels and zeos to be 12 gauge galvanized, add-on prime and paint door channels and zeos on Building B;

replace 24 blue sidewall panels and 11 blue endwall panels on Building C, new panels to be 26 gauge, 20 year paint, replace base angle at panel locations; replace 7 blue sidewall panels and 20 feet base angel on southside of Building A, use 26 gauge, 20 year colored panels and galvanized base angle, replace existing galvanized base angle, replace existing galvanized and end channel and zee on six pair of sliding doors, add-on prime and paint new door channels and zees Building A, and add-on sand, prime, and paint existing door jambs Building A totaling \$24,501.00. After some discussion, Councilmember Bryce D. Kocian made a motion to approve Change Order No. 2 in the amount of \$24,501.00. Councilmember Jimmy Schulz seconded the motion. All voted in favor.

The ninth item on the agenda was to review and consider an ordinance amending the City of Wharton Code of Ordinances, Chapter 18, Building and Construction, Article V. Electrical Code; Providing that a violation of the ordinance or any part of the code as adopted hereby shall constitute a penalty upon conviction of a fine. City Manager Andres Garza, Jr. informed the City Council that the Electrical Board met on February 26, 2002 and was recommending City Council approval of the proposed ordinance to adopt the 2002 edition of the National Electrical Code and permit and inspection fees as indicated in the ordinance. Building Official Ronnie Bollom informed that City Council that the 2002 National Electrical Code had approximately 400 changes, which made the code book more user friendly. He also stated that the Electrical Board was recommending approval of the new rates, which was compared with the surrounding cities. After some discussion, Councilmember Jimmy Schulz made a motion to approve Ordinance No. 2002-05, which read as follows:

**CITY OF WHARTON
ORDINANCE NO. 2002 - 05**

AN ORDINANCE AMENDING THE CITY OF WHARTON CODE OF ORDINANCES, CHAPTER 18, BUILDING AND CONSTRUCTION, ARTICLE V. ELECTRICAL CODE; PROVIDING THAT A VIOLATION OF THE ORDINANCE OR ANY PART OF THE CODE AS ADOPTED HEREBY SHALL CONSTITUTE A PENALTY UPON CONVICTION OF A FINE.

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

SECTION I: Amendment

WHEREAS, it is the desire of the City of Wharton to adopt, in all respects, the National Electrical Code, 2002 Edition with its latest revisions; and

WHEREAS, amending Section 18-137 of the City of Wharton Code of Ordinances to read as follows:

Sec. 18-137. Code adopted.

- (a) The 2002 edition of the National Electrical Code, known as N.F.P.A. 70, authentic copies of which have been filed with the city secretary, are hereby adopted as a part of this article and shall govern and be observed and followed in all electrical wiring and in the construction, installation, repair, alteration,

operation and maintenance of electrical wiring, apparatus or fixtures, except insofar as they may conflict with provisions of this article.

- (b) Any person violating any provision of the National Electrical Code shall be subject to the penalties as provided in section 1-5 of this Code of Ordinances.

WHEREAS, amending the City of Wharton Code of Ordinance, Chapter 18, Article V. Electrical Code Section 18-209. Permit and inspection fees – Schedule.

The holder of the master electrician’s license making or supervising any installation, alternation or change of the electrical wiring and apparatus within the City shall pay the City permit and inspection fees in the following amounts:

Permit Fee	\$10.00
Temporary Pole	\$10.00
Meter Loop and Service	\$10.00
Temporary Cut-In	\$10.00
Signs	\$10.00
X-Ray Machines	\$10.00
Branch Circuits	\$ 1.30
Appliances/220 volts	\$ 1.60
Water Heater	\$ 1.60
Motors: up to 5 HP	\$ 1.60
6 HP – 50 HP	\$ 3.00
51 HP – 150 HP	\$ 5.00
151 HP and up	\$ 8.00

New Residential Construction

Multiple Dwelling, per unit \$30.00

Single-Family Residence:

Less than 1,000 Sq. ft.	\$40.00
1,001 to 1,500 Sq. ft.	\$45.00
1,501 to 2,000 Sq. ft.	\$50.00
2,001 to 2,500 Sq. ft.	\$60.00
2,501 and up	\$75.00

Electric Space Heater

0 to 10 KW	\$ 3.00
11 KW to 50 KW	\$ 7.50
51 KW and up	\$10.00

Re-Inspection Fee \$25.00; Any after hours inspection or re-inspection shall be a fee of \$50.00. All such inspections must be paid prior to the inspection and are applicable at the building official’s discretion.

Separability

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.

Fine and Penalty for Violations

Section 18-145 Any person violating any of the terms or provisions of this article shall be guilty of a misdemeanor and upon conviction shall be fined in any sum not less than \$100.00 nor more than the maximum provided in Section 1-5 for each offense. If the terms or provisions of this article are violated by any corporation or firm, the officers and agents actively in charge of the business of such corporation or firm and person actually performing the work for such corporation or firm shall be subject to the penalties provided in this section.

Effective Date

This Ordinance shall become effective on the 22nd day of March 2002 at 12:01 a.m.

Passage and Approval

PASSED AND APPROVED by the City Council of the City of Wharton, Texas, on the 11th day of March 2002.

CITY OF WHARTON, TEXAS

By: _____
JOEL D. WILLIAMS
Mayor

ATTEST:

JOYCE VASUT
City Secretary

APPROVED AS TO FORM:

PAUL WEBB
City Attorney

Councilmember V. L. Wiley, Jr. seconded the motion. All voted in favor.

The tenth item on the agenda was to review and consider an ordinance amending the City of Wharton Code of Ordinances, Chapter 14, Animals and Fowl; Providing that a violation of the ordinance or any part of the code as adopted hereby shall constitute a penalty upon conviction of a fine; and providing an effective date. City Manager Andres Garza, Jr. informed the City Council that the City Staff had been working on the City's animal and fowl ordinance, which addressed the types of animals that could or could not be kept in the City. He stated that the City

Council could hold a public hearings if deemed necessary. Police Chief Tim Guin addressed the City Council and stated that he asked Dr. Bonnet to review the proposed ordinance. After some discussion, no action was taken.

The eleventh item on the agenda was to review and consider a resolution authorizing Mayor Joel D. Williams to execute an agreement with the First National Bank of El Campo for the City of Wharton's use of a portion of a parking lot owned by First National Bank of El Campo. City Manger Andres Garza, Jr. informed the City Council that the First National Bank of El Campo owns a strip of land between the City's property and the U.S. Postal Service property, which the City entered into a property use agreement with the bank in 1997 that allowed the City to use the property for parking. He stated that the agreement expired on February 25, 2002, therefore the City Staff was requesting City Council to extend the use of the agreement, since there was no rental fee other than the City maintaining the property. After some discussion, Councilmember Ken Freese made a motion to approve Resolution No. 2002-14, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2002 - 14**

A RESOLUTION AUTHORIZING MAYOR JOEL D. WILLIAMS TO EXECUTE AN AGREEMENT WITH THE FIRST NATIONAL BANK OF EL CAMPO FOR THE CITY OF WHARTON'S USE OF A PORTION OF A PARKING LOT OWNED BY FIRST NATIONAL BANK OF EL CAMPO.

WHEREAS, the First National Bank of El Campo owns a portion of a parking lot between the City of Wharton City Hall parking lot and the U.S. Postal Service parking lot as described in the attached Exhibit "A"; and

WHEREAS, the City of Wharton wishes to accept an agreement for use of said portion of the parking lot from the First National Bank of El Campo; and

WHEREAS, the City of Wharton and the First National Bank of El Campo wish to be bound by the conditions as set forth in Attached "A".

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

Section I. That the City Council of the City of Wharton hereby to authorizes Mayor Joel D. Williams to execute an agreement with First National Bank of El Campo for the use of a portion of a parking lot as described in the attached Exhibit "A".

Section II. That the City of Wharton and the First National Bank of El Campo are hereby bound by the conditions as set forth in Attached "A".

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

Passed, Approved, and Adopted this 11th day of March 2002.

CITY OF WHARTON, TEXAS

V.

Further, the parties agree that either party may terminate this Agreement upon thirty (30) days written notice to the other party.

VI.

The parties further agree that should any third party be desirous of purchasing this property that this Agreement shall terminate at that time but in no event unless extended by mutual agreement shall it extend for more than five (5) years.

SIGNED this _____ day of March 2002.

CITY OF WHARTON

**By: _____
Joel D. Williams, Mayor**

ATTEST:

Joyce Vasut, City Secretary

FIRST NATIONAL BANK EL CAMPO

**By: _____
Guy F. Stovall, III, CEO**

ACKNOWLEDGMENTS

STATE OF TEXAS §

COUNTY OF WHARTON §

This instrument was acknowledged before me on _____, 2002, by Guy F. Stovall, III, CEO of First National Bank El Campo, a Texas Banking Corporation, on behalf of said corporation.

Notary Public, State of Texas

STATE OF TEXAS §

COUNTY OF WHARTON §

This instrument was acknowledged before me on _____, 2002, by Joel D. Williams, Mayor of the City of Wharton, Texas.

Notary Public, State of Texas

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

The twelfth item on the agenda was to review and consider amendment to the City of Wharton Application for Seismic Testing Permit for Western GeCo. City Manager Andres Garza, Jr. informed the City Council that on September 10, 2001, the City Council approved an agreement with Western GECo for seismic work on the Wharton Regional Airport. He stated that the company was requesting that a permit be issued on a lot the City owned in the JAD Acres Subdivision, which is the parking lot across the street from the City's boat ramp. Mr. Garza stated that City Attorney Paul Webb recommended amending the original permit by adding the parking lot, to keep the same terms and conditions, and amend the permit fee for an additional \$50.00. After some discussion, Councilmember Don Mueller made a motion to approve the amendment to the City of Wharton Application for Seismic Testing Permit for Western GeCo for the lot located on the JAD Acres Subdivision for an additional fee of \$50.00. Councilmember V. L. Wiley, Jr. seconded the motion. All voted in favor.

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

- A. Building Standards Commission meeting held February 21, 2002.
 - B. Electrical Board Meeting held February 26, 2002.
 - C. Wharton Regional Airport Board meeting held March 7, 2002.
- City Manager Andres Garza, Jr. presented the reports to the City Council. No action was taken.

The fourteenth item on the agenda was adjournment. After some discussion, Councilmember Don Mueller made a motion to adjourn. Councilmember V. L. Wiley, Jr. seconded the motion. All voted in favor.

The meeting was adjourned at 8:12 P.M.

CITY OF WHARTON, TEXAS

By:

JOEL D. WILLIAMS

Mayor

ATTEST:

JOYCE VASUT
City Secretary