

**MINUTES
OF
CITY OF WHARTON
REGULAR CITY COUNCIL MEETING
JULY 22, 2002**

Mayor Garland S. Novosad declared a Regular Meeting duly open for the transaction of business at 7:02 p.m. Mayor Garland S. Novosad led the opening devotion and then led the pledge of allegiance.

Councilmembers present were: Mayor Garland S. Novosad, Councilmembers V. L. Wiley, Jr., Darryl Darnell, Ken Freese, Don Mueller, Domingo Montalvo, Jr., and Bryce D. Kocian.

Councilmember absent was: None.

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 Assistant Melissa Salas, Secretary Lori Jaquez, EMS Director John Kowalik, Community Services Director Jo Knezek, Paramedic Al Aprea, and EMS Supervisor Frank Giesie.

Visitors present were: Ron Sanders Wharton Journal-Spectator, Paul Daly KULP, David Schroeder with WEDCo, Merrell "Doc" Barfield, Jr., Lynda Nichols, I.O. Coleman, Jr., Karen Novosad, Betty Mueller, David Copeland, Jim Cockrell, Ron Hartley, Nancy Hartley, Tiffany Hartley, Brandon Hartley, Vinson Valdez, David Valdez, Chester Houston, Blanche Hlavinka, Jacek Szymkowski, and Lewis Fortenberry.

The third item on the agenda was Public Comments. Melissa Salas addressed the City Council and publicly thanked the City Council for her time with the City of Wharton for the past 3 1/2 years. She stated that Lori Jaquez was taking her place. She then publicly thanked the City Council for the support given during the loss of her daughter Brooke Salas. Mayor Garland S. Novosad publicly thanked Melissa Salas for her service to the City of Wharton.

Brandon Hartley addressed the City Council regarding an Eagle Project. He stated that he was an Eagle Scout from Boling #123, and desired to construct and place bat houses in the City of Wharton Parks. He stated that placement of the houses would control the mosquitoes, since a bat catches 1700 mosquitoes per hour. Mr. Hartley stated that one rule the public should know was not to attempt to handle the bats. Mayor Garland S. Novosad informed Mr. Brandon Hartley that he would need to contact City Manager Andres Garza, Jr. for placement of the bat houses in the parks.

Jacek Szymkowski addressed the City Council regarding the City of Wharton Swimming Pool hours. He stated that the pool should remain open all year or at least March through September for exercise purposes. He stated that the part-time lifeguards should not be a problem, since they live in Wharton. Mayor Garland S. Novosad stated that City Manager Andres Garza, Jr. was looking into keeping the swimming pool open longer. No action was taken.

The fourth item on the agenda was the Wharton Moment. City Manager Andres Garza, Jr. publicly thanked Melissa Salas for her time and dedication to the City of Wharton and wished her well in her future endeavors with Boling I.S.D. No action was taken.

The fifth item on the agenda was to review and consider the City of Wharton Financial Report for the month of June 2002. Finance Director Joyce Vasut presented the financial report for the month of June 2002 and stated that the fiscal year was at 75%. Mrs. Vasut stated that the general fund revenues were at 78.41% and the expenditures were at 74.76%. The total ad valorem taxes collected were \$1,777,692. The sales tax for the month of June 2002 was \$92,943 with \$61,962 to the City and \$30,981 to WEDCo. The TexPool balance for May 2002 was \$3,220,241.26 with an average monthly yield of 1.8324%. After some discussion, Councilmember Ken Freese made a motion to approve the financial report for the month of June 2002 as presented. Councilmember Bryce D. Kocian seconded the motion. All voted in favor.

The sixth item on the agenda was to review and consider a resolution of the Wharton City Council supporting Wharton County Child Protective Services. City Manager Andres Garza, Jr. presented a fax document from Wharton County Judge Lawrence E. Naiser to Mayor Garland Novosad regarding the City Council supporting the Wharton County Child Protective Services in the City of Wharton. He stated that the Wharton County Child Protective Service Office might close, therefore he was requesting the City Council submit a letter to support the program for the citizens. City Manager Andres Garza, Jr. then presented the draft resolution. Councilmember Bryce D. Kocian made a motion to approve Resolution No. 2002-35, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2002 – 35**

**A RESOLUTION OF THE WHARTON CITY COUNCIL SUPPORTING
WHARTON COUNTY CHILD PROTECTIVE SERVICES.**

WHEREAS, the Wharton County Child Protective Service provides a vital service; and

WHEREAS, the employees in the Wharton County Child Protective Services office do an exemplary job to ensure the welfare of our citizens, especially our children; and

WHEREAS, the City of Wharton City Council does not wish to see the services rendered by this agency through these employees to diminish; and

WHEREAS, the City of Wharton City Council is concerned about the lack of this service if this office is closed, especially to our children.

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WHARTON THAT:

Section I. The Wharton City Council supports the Wharton County Child Protective Service office.

Section II. The Wharton City Council strongly opposes the closing of the Wharton Child Protective Service offices in the City of Wharton.

Section III. The Wharton City Council strongly opposes any consolidations of services that would result in the closure of the Wharton County Child Protective Service office in the City of Wharton.

Passed, Approved, and Adopted this 22nd of July 2002.

Garland S. Novosad, Mayor

Councilmember V. L. Wiley, Jr.
District 1

Councilmember Darryl Darnell
District 2

Councilmember Ken Freese
District 3

Councilmember Donald Mueller
District 4

Councilmember Domingo Montalvo, Jr.
District 5

Councilmember Bryce D. Kocian
District 6

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

The seventh item on the agenda was to review and consider the Wharton Economic Development Corporation:

- A. Fiscal Year 2001 – 2002 Budget Amendments.
- B. Proposed Budget for Fiscal Year 2002 - 2003.

City Manager Andres Garza, Jr. presented the Wharton Economic Development Corporation Fiscal Year 2001 – 2002 Budget Amendments to the City Council. Wharton Economic Development Corporation Executive Director David Schroeder addressed the City Council and stated that the Fiscal Year 2001-2002 Budget Amendments indicated an increase in the ADA assistance and an increase in revenue. He then stated that the Proposed Budget for Fiscal Year 2002 - 2003 indicated a decrease in sales tax, infrastructure professional services, infrastructure taxes, ADA assistance, strategic planning, community development planning, business expenses, advertising, an increase in insurance, professional services, infrastructure property investments, business development business incentive, adding 2002 business improvements & ADA commitments, and target marketing-tourism/festivals. After some discussion, Councilmember Don Mueller made a motion to approve the Wharton Economic Development Corporation (WEDCo) Fiscal Year 2001-2002 budget amendments, and the proposed budget for Fiscal Year 2002-2003 as presented. Councilmember Domingo Montalvo, Jr. seconded the motion. Councilmembers Darryl Darnell, Ken Freese, Don Mueller, Domingo Montalvo, Jr., Bryce D. Kocian voted for the motion. Councilmember V. L. Wiley, Jr. voted against the motion. The motion carried.

The eighth item on the agenda was to review and consider a resolution establishing a Mayor's Local Committee on People with Disabilities in accordance with the guidelines set forth by the

Governor's Committee on People with Disabilities. City Manager Andres Garza, Jr. informed the City Council that on July 8, 2002 the City Council agreed to proceed with the creation of a Mayor's Local Committee on People with Disabilities. He then stated that the Committee would establish a mission, purpose, and by-laws. Mayor Garland S. Novosad stated that the committee could include not less than seven nor more than eleven members with an odd number of members. City Manager Andres Garza, Jr. then presented a draft resolution establishing a Mayor's Local Committee on People with Disabilities in accordance with the guidelines set forth by the Governor's Committee on People with Disabilities. After some discussion, Councilmember Ken Freese made a motion to approve Resolution No. 2002-36, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2002 – 36**

A RESOLUTION ESTABLISHING A MAYOR'S LOCAL COMMITTEE ON PEOPLE WITH DISABILITIES IN ACCORDANCE WITH THE GUIDELINES SET FORTH BY THE GOVERNOR'S COMMITTEE ON PEOPLE WITH DISABILITIES.

WHEREAS, the Governor of the State of Texas has requested all municipalities establish committees to promote and support programs and activities for people with disabilities; and

WHEREAS, the Governor's Committee looks to local committees for grass roots efforts to include people with disabilities in all aspects of life and to operate autonomously to develop a mission, goals, objectives, bylaws and a work plan; and

WHEREAS, the City of Wharton for many years has supported programs addressing the needs of handicapped citizens; and

WHEREAS, the City of Wharton City Council wishes to extend the Governor's Committee on People with Disabilities by creating a local volunteer committee that would complete a network extending from the local, state, and national level; and

WHEREAS, the Committee would serve as a resource to the community and to the sponsoring elected official by providing insight and effective communication on issues of importance to citizens of Wharton, Texas with disabilities; and

WHEREAS, the Committee would be developed to promote the following activities:

1. Employment of people with disabilities (career fairs, business summits.)
2. Positive change in local, state and national policies, programs and funding.
3. Educational opportunities (scholarships to students with disabilities and resource directories)
4. Access and the ADA (educational seminars, parking monitoring programs, housing and transportation efforts)
5. Recognition and awards (employment, empowerment awards, and media awards)

6. A local long-range plan to improve quality for people with disabilities and providing input to the Governor's Committee long-range state plan.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WHARTON THAT:

Section I. The Wharton City Council hereby extends the Governor's Committee on People with Disabilities by creating a local volunteer committee would complete a network extending from the local, state, and national level.

Section II. The City of Wharton Mayor's Local Committee on People with Disabilities will promote the afore-mentioned activities.

Section III. The Wharton City Council formally recognize the Mayor's Committee on People with Disabilities as one of the City's Standing Committees.

Section IV. The Committee will be comprised of no less than seven (7) and no more than eleven (11) members and will be appointed by the Mayor of the City of Wharton.

Section V. This resolution become effective immediately upon its passage.

FURTHER RESOLVE, the City Council reaffirms its commitment to the Mayor's Committee on People with Disabilities and directs the City Manager to provide for the necessary staff support as needed.

Passed, Approved, and Adopted this 22nd of July 2002.

CITY OF WHARTON, TEXAS

By: _____
Garland S. Novosad
Mayor

ATTEST:

JOYCE VASUT
City Secretary

Councilmember Darryl Darnell seconded the motion. All voted in favor.

The ninth item on the agenda was to review and consider the City of Wharton Residency Requirements for the Wharton Police Department and the Emergency Medical Services (EMS) Departments. City Manager Andres Garza, Jr. presented a copy of the Local Government Code,

Chapter 150. Miscellaneous Provisions affecting Municipal Officers and Employees, Subchapter B. Residency Requirements. He stated that the City's EMS and Police Departments had operated on residency requirements established by the Departments themselves. He then stated that EMS Director John Kowalik informed him that he wished to have a written policy established by the City Manager to ensure consistency in its applicability. After researching and finding no written policy, on May 30, 2002, a written residency requirement policy was established in accordance with Article II, Section 2.3 of the City of Wharton Personnel Policy Manual. City Manager Andres Garza, Jr. stated that he requested the Police Department's policy from Chief Tim Guin and forwarded the policies to City Attorney Paul Webb for his review, and requested Mr. Webb to determine if the response time for both departments should be the same or could be different. Also, if the policies must be adopted by the City Council in the form of a resolution or if the implementation can be done by the City Manager in accordance with the Personnel Policy. City Manager Andres Garza, Jr. then presented a copy of the letter dated July 18, 2002 from Ms. Amy Rod of City Attorney Paul Webb's office who had indicated that the residency requirements may be established in accordance with the City's personnel policy; however, he was presenting the residency requirements for City Council consideration and approval. Councilmember Bryce D. Kocian questioned the 15 minutes response time instead of a mileage response time. EMS Director John Kowalik informed the City Council that the state would not allow to prescribe distance in miles, only a certain response time. Councilmember Darryl Darnell questioned the response time from place of residence to station or to include dress time, plus place of residence to station. EMS Director John Kowalik stated that he was still working on that aspect. After some discussion, no action was taken. Mayor Garland S. Novosad stated that since no action was taken, then approval by the City Manager would suffice.

The tenth item on the agenda was to review and consider a request by Mr. David Gollinger to install a 12 feet x 18 feet portable building next to business with a zero (0) setback from side interior property line located at Gallaher 2nd, Block A, Lot 1B-1, 2B-1; 421 Colorado Street. City Manager Andres Garza, Jr. presented a copy of the letter dated July 8, 2002 from Mr. David Gollinger requesting to address the City Council regarding the installation of a 12 feet x 18 feet portable building next to his business. The building would be placed forty (40) feet from the front property line; however, he was requesting a zero (0) setback from the side interior property line. He stated that this did not go before the Planning Commission since the request was less than five feet. David Gollinger addressed the City Council regarding the request, and stated that he wished to purchase a carport and enclose it, which would be bolted down and the side metal would match the carport. He then stated that he was the owner of the adjacent property. Building Official Assistant Melissa Salas informed the City Council that Central Appraisal District had the property owner listed as Ms. Munson. David Gollinger stated that he recently purchased the property. Mayor Garland S. Novosad stated that the stipulation should be placed on the property, that the property could not be sold with the portable building on Lots 1B-1, 2B-1. Councilmember Ken Freese requested that Mr. David Gollinger provide the City of Wharton with proof of title prior to issuance of the permit. After some discussion, Councilmember Don Mueller made a motion to approve the request by Mr. David Gollinger to install a 12 feet x 18 feet portable building next to business with a zero (0) setback from side interior property line located at Gallaher 2nd, Block A, Lot 1B-1, 2B-1; 421 Colorado Street, with the stipulation that the property would not be sold with the portable building on Lots 1B-1, 2B-1, and to provide the City of Wharton proof of title on the adjacent property. Councilmember V. L. Wiley, Jr. seconded the motion. All voted in favor.

The eleventh item on the agenda was to review and consider a request by Mr. James Spano, President of the Wharton Rotary Club to place a 30" x 29" sign on Civic Center property with a zero (0) foot setback from the front property line and approximately forty-two (42) feet from the entrance drive curb. City Manager Andres Garza, Jr. presented a copy of the letter dated July 18, 2002 from Mr. James Spano, Rotary Club President who was requesting on behalf of the Rotary Club of Wharton to place a 30" x 29" sign on the property at the Civic Center. The proposed sign location would have a zero (0) foot setback from the front property line and approximately forty-two (42) feet from the entrance driveway curb. Dr. Merrell "Doc" Barfield, Jr. addressed the City Council regarding the placement of the Rotary Sign. He stated that the Rotary Club was making Wharton a better place to live. Dr. Barfield stated that allowing placement of the sign would inform Rotary members from other towns to come to Wharton and meet with the Wharton Rotary Club, which in turn bring funds to Wharton. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to approve the request by Mr. James Spano, President of the Wharton Rotary Club, to place a 30" x 29" sign on Civic Center property with a zero (0) foot setback from the front property line and approximately forty-two (42) feet from the entrance drive curb. Councilmember Darryl Darnell seconded the motion. All voted in favor.

The twelfth item on the agenda was to review and consider a request by Dr. Raymond R. Witt, M.D., F.A.C.S., to purchase a parcel of property owned by the City of Wharton adjacent to his property. City Manager Andres Garza, Jr. presented a copy of the letter dated June 20, 2002, received July 5, 2002, by Dr. Raymond R. Witt requesting to purchase a parcel of property owned by the City of Wharton adjacent to his property. He said the parcel of property was approximately 100 feet x 200 feet of railroad right-of-way the City recently purchased. On July 8, 2002, a letter was submitted to City Attorney Paul Webb to determine how the City of Wharton should proceed with the sale of City owned property. He then presented a copy of the response by Ms. Amy Rod of Paul Webb's office indicating that the City would have to hold a public auction to sell the property in accordance with Local Government Code, Section 253.008 or by sealed bid. Ms. Rod indicated that the City should follow the steps listed below:

1. The notice of sale must be published in the newspaper for three consecutive weeks before the sale.
2. The notice must include a description of the real property, including its location the date, time and location where the sale would be held.
3. The notice must first be published before the 20th day before the auction was held.
4. The sale of the property would be required to follow the City's subdivision ordinance.
5. That the property must be appraised.
6. The City Council would need to declare the property as surplus property.

City Manager Andres Garza, Jr. then stated that City Council action was required to move forward with Dr. Witt's request. Mayor Garland S. Novosad stated that he was contacted by Dr. Witt, who stated that he was never informed by the railroad company that the property was available for purchase prior to the City of Wharton purchasing it. Dr. Witt informed Mayor Garland S. Novosad that he desired access to the property. City Manager Andres Garza, Jr. stated that the City could get the property appraised, and place the property up for sale. He stated that the appraisal cost, the property cost, and any other costs could be the minimum bid amount. Councilmember Don Mueller stated that if Dr. Witt would develop the property, then the City could provide access to the property through an easement or lease the property. Mayor Garland S. Novosad stated that the City Staff could contact Dr. Witt informing him that the City would provide the access to the property if the property was developed. After some discussion, Councilmember Don Mueller made a motion to authorize City Staff to contact Dr. Witt

informing him that if he would develop the property the City of Wharton could provide access to the property. Councilmember Ken Freese seconded the motion. All voted in favor.

The thirteenth item on the agenda was to review and consider an ordinance amending the City of Wharton Code of Ordinances Chapter 18, Building & Construction, Article III Construction Codes; Section 18-72 Amendments to the International Plumbing 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; providing for severability; and setting an effective date. City Manager Andres Garza, Jr. presented a copy of the letter of recommendation by Mr. A. J. Rath, Chairman of the Plumbing and Mechanical Board, recommending City Council approval of the amendment to the City of Wharton Code of Ordinances, Chapter 18, Building & Construction Article III, Construction Codes; Section 18-72 Amendments to the International Plumbing Code. He then presented a draft copy of the ordinance indicating the proposed amendments. Building Official Assistant Melissa Salas informed the City Council that the Plumbing & Mechanical Board was recommending the City Council adopt the water service pipe use of CPVC. She stated that the Type M copper pipe would not be allowed, however the K or L copper could be used instead. After some discussion, Councilmember Don Mueller made a motion to approve Ordinance No. 2002-14, which read as follows:

**CITY OF WHARTON, TEXAS
ORDINANCE NO. 2002-14**

AN ORDINANCE AMENDING THE CITY OF WHARTON CODE OF ORDINANCES CHAPTER 18, BUILDING & CONSTRUCTION, ARTICLE III CONSTRUCTION CODES; SECTION 18-72 AMENDMENTS TO THE INTERNATIONAL PLUMBING CODE; PROVIDING THAT A VIOLATION OF THE ORDINANCE OR ANY PARY OF THE CODE AS ADOPTED HEREBY SHALL CONSTITUTE A PENALY UPON CONVICTION OF A FINE; PROVIDING FOR SEVERABILITY; AND SETTING AN EFFECTIVE DATE.

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

THAT Article III Construction Codes, Chapter 18 Building & Construction, Section 18-72 Amendments to the International Plumbing Code, is hereby amended as follows:

ARTICLE III. CONSTRUCTION CODES

Sec. 18-72. Amendments to International Plumbing Code.

1. Reference to ICC Electrical Code is hereby repealed; heretofore, substituted with the National Electrical Code.
2. Section 109, Means of Appeal is deleted. The City of Wharton Plumbing and Mechanical Board shall administer the appeals.
3. Section 702.3 Building Sewer Pipe. Building sewer pipe shall conform to on of the standards listed in Table 702.3. All plastic piping shall be a minimum of Schedule 40 PVC or its equivalent.

4. Section 605.4 Water Service Pipe. Water service pipe shall conform to NSF 61 and shall conform to one of the standards listed in Table 605.4. All water service pipe or tubing, installed underground and outside of the structure, shall have a minimum working pressure rating of 160 psi (1100 kPa) at 73.4°F (23°C). Where the water pressure exceeds 160 psi (1100 kPa), piping material shall have minimum rated working pressure equal to the highest available pressure. Plastic water service piping shall terminate within 5 feet (1524 mm) inside the point of entry into a building. All ductile iron water pipe shall be cement mortar lined in accordance with AWWA C104. If copper water supply pipe is utilized it shall be K or L copper.

5. Section 605.5 Water Distribution Pipe. Water distribution pipe shall conform to NSF 61 and shall conform to one of the standards listed in Table 605.5. All hot water distribution pipe and tubing shall have a minimum pressure rating of 100 psi (690 kPa) at 180° (82°C). If copper water distribution pipe is utilized it shall be K or L copper.

Penalties & Fines

Section 1-5 (a) The maximum fine for violating any ordinance, rule or police regulation that governs fire safety, zoning or public health and sanitation, including dumping of refuse, shall not exceed \$2,000.00; for all other violations, the maximum fine shall not exceed \$500.00. Each day any violation of this Code or of any ordinance shall continue shall constitute a separate offense.

Severability

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

Passage and Approval

PASSED AND APPROVED by the City Council of the City of Wharton, Texas this 22nd day of July 2002.

CITY OF WHARTON, TEXAS

Garland S. Novasod
Mayor

ATTEST:

Joyce Vasut
City Secretary

APPROVED AS TO FORM

Paul Webb
City Attorney

Published in the Wharton Journal Spectator on Wednesday, July 24, 2002 and Wednesday, July 31, 2002.

Councilmember Domingo Montalvo, Jr. seconded the motion. All voted in favor.

The fourteenth item on the agenda was to review and consider Recommendation by the Planning Commission:

A. Request by Dr. and Mrs. R. B. Caraway, Jr. for an interior side yard set back variance for the construction of a 22 x 24 feet double car garage at 609 Boling Green Drive; Lake Nett, Lot 45. City Manager Andres Garza, Jr. presented a copy of the letter of recommendation dated July 18, 2002 by Mr. A. J. Rath, Chairman of the Planning Commission requesting City Council approval of both of the requests. He also presented a copy of the Planning Commission Communications from the meeting held July 15, 2002 to the City Council for their review. Building Official Assistant Melissa Salas informed the City Council that Dr. and Mrs. R. B. Caraway, Jr. desired to close in a carport to make a garage, however the Planning Commission approved the garage with a five feet overhang. After some discussion, Councilmember Darryl Darnell made a motion to approve the request by Dr. and Mrs. R. B. Caraway, Jr. for an interior side yard set back variance for the construction of a 22 x 24 feet double car garage at 609 Boling Green Drive; Lake Nett, Lot 45. Councilmember Bryce D. Kocian seconded the motion. All voted in favor.

B. Request by Mr. Michael Joseph to replat Abstract 38, Tract 61B-6B to create Wharton Industrial Park Unit 1, Lot 61B-6B and 61B-6B-1. Building Official Melissa Salas informed the City Council that the lots were family land and that the City requirements would not allow placement of two residence on one lot, therefore replat was necessary. After some discussion, Councilmember Ken Freese made a motion to approve the request by Mr. Michael Joseph to replat Abstract 38, Tract 61B-6B to create Wharton Industrial Park Unit 1, Lot 61B-6B and 61B-6B-1. Councilmember Domingo Montalvo, Jr. seconded the motion. All voted in favor.

The fifteenth item on the agenda was to review and consider Wharton Regional Airport T-Hangar Repair Project:

A. Pay Request No. 6 – B & B Metal Buildings.

B. Seventh and Final Pay Request – B&B Metal Buildings.

City Manager Andres Garza, Jr. presented a copy of the Pay Request No. 6 for B & B Metal Building, Inc. in the amount of \$5,597.64. He then presented a copy of the Seventh and Final Pay Request in the amount of \$7,242.09. He stated that the project was completed. Councilmember Bryce D. Kocian stated that Pay Request No. 7 was incorrect, which should read current payment due \$7,242.09, and balance to finish, including retainage \$0. After some discussion, Councilmember Bryce D. Kocian made a motion to approve Pay Request No. 6 for B & B Metal Building, Inc. in the amount of \$5,597.64, and the Seventh and Final Pay Request in the amount of \$7,242.09, revising the invoice to reflect \$0 due. Councilmember V. L. Wiley, Jr. seconded the motion. All voted in favor.

The sixteenth item on the agenda was to review and consider Recommendation from the Wharton Regional Airport Board for the 2000 Capital Improvement Project:

A. Bid Tabulation.

Resolution: A resolution to award the bid for the construction phase of the Wharton Regional Airport 2000 Capital Improvement Project to Craig & Heidt, Inc. in the amount of \$841,214.35 for Schedule I - Paving and Love Electric, Inc. in the amount of \$229,214.08 for Schedule 2 Electrical; and authorizing the Mayor of the City of Wharton, Texas to execute on behalf of the City of Wharton all documents related to said contracts. City Manager Andres Garza, Jr. stated that the bids were received for the Wharton Regional Airport 2000 Capital Improvement Project on July 16, 2002, and were analyzed by Mr. Ed Addicks, P.E. of O'Malley Engineers who recommended to the Wharton Regional Airport Board that the bid for Schedule I – Paving be awarded to Craig & Heidt in the amount of \$841,214.35 and the bid for Schedule II – Electrical be awarded to Love Electric, Inc. in the amount of \$229,214.08. He said the Airport Board voted to recommend the City Council approve the bids as recommended by O'Malley Engineers. The estimate by O'Malley Engineers for the project totaled \$1,081,169.25. The bids recommended to be awarded totaled \$1,070,428.43, which was approximately one percent (1%) under the original estimate. Councilmember Bryce D. Kocian questioned if O'Malley Engineers checked references. City Manager Andres Garza, Jr. informed the City Council that O'Malley Engineers have previously worked with the recommended companies. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to approve Resolution No. 2002-37, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2002 - 37**

A RESOLUTION AWARDED THE BID FOR THE CONSTRUCTION PHASE OF THE WHARTON REGIONAL AIRPORT 2000 CAPITAL IMPROVEMENT PROJECT TO CRAIG & HEIDT, INC. FOR SCHEDULE 1 AND LOVE ELECTRIC, INC. FOR SCHEDULE 2; AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON, TEXAS TO EXECUTE ON BEHALF OF THE CITY OF WHARTON ALL DOCUMENTS RELATED TO SAID CONTRACTS.

WHEREAS, competitive, sealed bids were received July 16, 2002 for the Wharton Regional Airport 2000 Capital Improvement Project; and

WHEREAS, Craig & Heidt, Inc. was deemed the lowest and best bidder for Schedule 1 base bid plus additive alternates numbered 1 and 2 in the amount of \$841,214.35; and

WHEREAS, Love Electric, Inc. was deemed the lowest and best bidder for Schedule 2 base bid plus additive alternates numbered 1 and 2 in the amount of \$229,214.08; and

WHEREAS, the City Council wishes to award the bids to Craig & Heidt, Inc. for Schedule 1 plus additive alternates numbered 1 and 2 in the amount of \$841,214.35 and to Love Electric, Inc. Schedule 2 plus additive alternates numbered 1 and 2 in the amount of \$229,214.08; and

WHEREAS, the City Council wishes to authorize Mayor Garland S. Novosad to execute on behalf of the City of Wharton all documents related to said contracts.

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 awards the Wharton Regional Airport 2000 Capital Improvement Project Schedule 1 plus additive alternates 1 and 2 to Craig & Heidt, Inc. in the amount of \$841,214.35.
- Section II.** That the City Council of the City of Wharton hereby awards the Wharton Regional Airport 2000 Capital Improvement Project Schedule 2 plus additive alternates numbered 1 and 2 to Love Electric, Inc. in the amount of \$229,214.08.
- Section III.** That the City Council of the City of Wharton hereby authorizes Mayor Garland S. Novosad to execute on behalf of the City of Wharton all documents related to said contracts.
- Section IV.** That this resolution shall become effective immediately upon its passage.

Passed, Approved, and Adopted this 22nd day of July 2002.

CITY OF WHARTON, TEXAS

By: _____

GARLAND S. NOVOSAD
Mayor

ATTEST:

JOYCE VASUT
City Secretary

Councilmember Darryl Darnell seconded the motion. All voted in favor.

The seventeenth item on the agenda was to review and consider Request by Councilmember V. L. Wiley, Jr. to attend the Business Opportunity Symposium Series (BOSS), Texas Coalition of Asian, Black and Hispanic Elected Officials (TCABHEO). Councilmember V. L. Wiley, Jr. informed the City Council that he attends the Business Opportunity Symposium Series (BOSS), Texas Coalition of Asian, Black and Hispanic Elected Officials (TCABHEO) annually and requested approval to attending the training workshops. Councilmember Bryce D. Kocian questioned the expenses for the trip. Assistant to City Manager Jackie Wheeler informed the City Council that the registration fee was \$350.00, mileage was 280 miles, and that Councilmember V. L. Wiley, Jr. indicated to her that he may stay with family. Mayor Garland S. Novosad stated that the budget for City Council Continuing Education was too low, and since several Councilmembers and himself did not receive compensation, since they were employed by State Agencies, then some of the budget from the City Council Compensation should be transferred to Continuing Education in order to attend training seminars. After some discussion, Councilmember Darryl Darnell made a motion to approve the request by Councilmember V. L. Wiley, Jr. to attend the Business Opportunity Symposium Series (BOSS), Texas Coalition of

Asian, Black and Hispanic Elected Officials (TCABHEO). Councilmember Domingo Montalvo, Jr. seconded the motion. All voted in favor.

The eighteenth item on the agenda was to review and consider the City of Wharton Charter Review Committee. Councilmember Darryl Darnell recommended adding Bruno Ybarro to the City of Wharton Charter Review Committee. Councilmember V. L. Wiley, Jr. recommended adding Johnny Roberts, and Irvin Phillips to the City of Wharton Charter Review Committee. Councilmember Ken Freese recommended adding Baines. After some discussion, no action was taken.

The nineteenth item on the agenda was Executive Session: City Council may adjourn into an Executive Session in accordance with Section 551.071 of the 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: Pending Litigation with Kent Hunt.
Mayor Garland S. Novosad informed the City Council that the Executive Session would be rescheduled since City Attorney Paul Webb was unable to attend.

The twentieth item on agenda was Return to Open Meeting: Action on items discussed in Executive Session:

A. Review and Consider: Pending Litigation with Kent Hunt.

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

- A. Beautification Commission meeting held July 10, 2002.
- B. Plumbing and Mechanical Board meeting held July 11, 2002.
- C. Planning Commission meeting held July 15, 2002.
- D. Wharton Economic Development Corporation meeting held July 16, 2002.
- E. City Council Finance Committee meeting held July 16, 2002.
- F. Wharton Regional Airport Board meeting held July 17, 2002.

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

The twenty-second item on the agenda was City Manager's Reports:

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

City Manager Andres Garza, Jr. presented the reports to the City Council. Councilmember Darryl Darnell questioned why the EMS transfers were down, since the transfers were a major revenue for the EMS Department. City Manager Andres Garza, Jr. informed the City Council that he would contact EMS Director John Kowalik and inform them of his response. No action was taken.

The twenty-third 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 8:15 p.m.

CITY OF WHARTON, TEXAS

By:

GARLAND S. NOVOSAD
Mayor

ATTEST:

JOYCE VASUT
City Secretary