

**MINUTES
OF
CITY OF WHARTON
REGULAR CITY COUNCIL MEETING
AUGUST 12, 2002**

Mayor Garland S. Novosad declared a Regular Meeting duly open for the transaction of business at 7:06 p.m. Councilmember V. L. Wiley, Jr. led the opening devotion and then Mayor Garland S. Novosad 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 Ronnie Bollom, Community Services Director Jo Knezek, and City Attorney Paul Webb.

Visitors present were: Ron Sanders with Wharton Journal-Spectator, Paul Daly with KULP, David Schroeder with WEDCo, Joey Pennington, Ferlin Justice, Gary Bullard, Dan Marks, Carlos Cotton, Johnnie Roberts, Chester Houston, Lurline Johnson, J.B. Scarlett, Delores Scarlett, Pat Morrow, Trey Dewey, Bobby Adore, Nell Wiley, Loretta Craft, and I. O. Coleman, Jr.

The third item on the agenda was Public Comments. Joey Pennington addressed the City Council regarding Pleasure Park Softball field insurance requirement. He stated that he contacted Missouri City, Bay City and El Campo, which no insurance was required and requested the City Council eliminate the \$1,000,000 liability coverage in order to use the facility. No action was taken.

Mr. Lurline Johnson addressed the City Council regarding the ditch and growth at westend. He stated that no one has done anything and would like someone to take care of the nuisance. No action was taken.

The fourth item on the agenda was the Wharton Moment. Mayor Garland S. Novosad announced that he had appointed Rev. skip Holman, Willie Welch, Eric Rivera, Linda Bush, Cherry Hill, Susan Mitchell, Abel Oballe, Mary Ann Hinkley, Susan Hill, and Faye Evans to the Mayor's Local Committee on People with Disabilities Committee. Mayor Garland S. Novosad announced that he had appointed Mr. Chester Houston as the Deputy Emergency Management Coordinator for the City of Wharton. Councilmember Ken Freese publicly welcomed City Attorney Paul Webb back after his vehicle accident. Councilmember Don Mueller publicly recognized El Campo Girls Softball for their success in tournament play. No action was taken.

The fifth item on the agenda was to review and consider reading of the minutes from the Regular Meetings held July 8, 2002 and July 22, 2002 and the Special Meeting held July 29, 2002. After some discussion, Councilmember V. L. Wiley, Jr. made a motion to approve the minutes from

the Regular Meetings held July 8, 2002 and July 22, 2002 and the Special Meeting held July 29, 2002 as written. Councilmember Ken Freese seconded the motion. All voted in favor.

The sixth item on the agenda was a report by Councilmember Darryl Darnell regarding the 37th Association of Mayors, Councilmembers and Commissioners Institute (AMCC) Conference held in El Paso, Texas July 25-27, 2002. Councilmember Darryl Darnell informed the City Council that he attended the 37th Association of Mayors, Councilmembers and Commissioners Institute (AMCC) Conference held in El Paso, Texas July 25-27, 2002 and presented copies of the Public Official Liability and the Public Access: The Basics of Open Meetings and Open Records to the City Council and advised them of the highlights of the seminar. After some discussion, no action was taken.

The seventh item on the agenda was to review and consider the Charter Communication Franchise Agreement and Customer Service. City Manager Andres Garza, Jr. presented a copy of his letter dated July 24, 2002, informing Charter Communication that the City Council would be discussing the franchise agreement and customer service. Mr. Pat Morrow representative of Charter Communications addressed the City Council and stated that it was a honor to provide service in the City of Wharton and apologized for the customer's complaints received by the City of Wharton. He stated that Charter installed a \$125,000 telephone switch and was in the process of implementing a 7 days a week Call Service Center from 8:00 a.m. until 10:00 p.m. in Spring, Texas. Councilmember V. L. Wiley, Jr. stated that Charter promised the public information channel, which has not been provided. Mr. Morrow stated that the public information channel was complete, however he needed to get with Mr. Garza to finalize its launch. Mayor Garland S. Novosad stated that the service received was reliable and the high speed internet access was good, however the problem the City had was the phone number for Customer Service. Councilmember Ken Freese stated that Mr. Blaine Randall also promised the City the same things, however the City was still waiting for better customer service. Mr. Morrow stated that Charter had reorganized. Councilmember Darryl Darnell stated that Exhibit B states that an office must be in Wharton, and open to the citizens Monday through Friday and four hours on Saturday. Mr. Morrow stated that the Wharton office would remain. He then informed the City Council of the Customer Service telephone number of 1-800-536-8901. Councilmember Bryce D. Kocian questioned how would new customers know where to call, if no local number was available. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to authorize the City Staff to work with Mr. Morrow and report back a timeline and public access availability at the City Council meeting in October. Councilmember Don Mueller seconded the motion. All voted in favor.

The eighth item on the agenda was to review and consider the Waste Management of Southeast Texas – Contract Proposal and Customer Service. City Manager Andres Garza, Jr. presented a copy of the letter dated July 31, 2002 submitted to Mr. Gary Bullard of Waste Management of Southeast Texas regarding the outstanding work orders concerning Waste Management held by the City of Wharton. He then presented a copy of Mr. Bullard's response concerning the work orders in his letter dated August 2, 2002, and a copy of the letter dated August 6, 2002 by Mr. Bullard requesting an extension to the five (5) year contract and a rate increase. Mr. Garza presented an analysis of the rates that were charged to the customers. He said the City collected a franchise fee, which was 6% of sales and a collection fee of \$1.00 per account. Mr. Gary Bullard

addressed the City Council and stated that Waste Management wanted to remain in Wharton and build on the business relationship with the City of Wharton. Mr. Bullard stated that one change he would like to make to the contract was for Waste Management to pick up all brush at the location, not the contracted 6 yards per customer requirement. Councilmember Darryl Darnell stated that he reviewed the complaints, which were less than 10%. He stated that Waste Management should not be held up to a higher standard. He then stated that a majority of the complaints were heavy brush pick up. Mr. Bullard stated that if the City would implement the "Take All System", then there would be a \$0.50 charge per residential customer. He then stated that he desired to improve the communication between City of Wharton and Waste Management. Councilmember V. L. Wiley, Jr. stated that he would like the westend to be treated fairly, since some days trash would not be picked up. Mr. Bullard stated that no one street should get anymore attention than another. Mayor Garland S. Novosad stated that in previous years, meetings were held monthly and would like to reestablish the communication with Waste Management. He then stated that he would like to have Sue Salyer moved back to the Wharton office. Councilmember Bryce D. Kocian asked if there was a Site Manager in Wharton. Mr. Bullard stated that Dan Marks was the Site Manager. Mayor Garland S. Novosad stated that Waste Management had served the City for the past 15 years and asked for one fuel cost increase and one rate increase and he believed the relationship has been beneficial to the City. Councilmember Bryce D. Kocian stated that he was received complaints regarding the rate increase, and suggested possible one-day per week pick up to keep the rate lower. Mr. Gary Bullard stated that he would compare the one-day per week pick up verses two days per week pick up. Mr. Bullard stated that to cut, tie and bundle brush would reduce cost. Councilmember Domingo Montalvo, Jr. suggested that this item should go before the Finance Committee. City Attorney Paul Webb requested the rate change proposal of \$0.50 on the "take all" service be written. Councilmember Darryl Darnell opposed the item going before the Finance Committee. After some discussion, no action was taken.

Mayor Garland S. Novosad adjourned the meeting for a recess at 8:40 p.m.

Mayor Garland S. Novosad called the meeting back to order from the recess at 8:47 p.m.

The ninth item on the agenda was to review and consider the request by Mr. Lloyd Shoppa for reduction of property taxes on property located at 701 Milam & West Sunset, 101 South Ford Street, and 901 West Milam Street. City Manager Andres Garza, Jr. presented a copy of the letter requesting a tax reduction by Mr. Lloyd Shoppa. He said Mr. Shoppa had recently purchased property located at 701 Milam & West Sunset, 101 South Ford Street, and 901 West Milam. The property had delinquent taxes owed by the previous owner. He stated that he contacted Mr. Pat Kubala, Wharton County Tax Assessor-Collector informing him that he may want to contact the delinquent tax attorneys to inquire if the City Council could grant Mr. Shoppa's request. He then presented a copy of the letter dated August 5, 2002 from Mr. Michael J. Siwierka of Linebarger Goggin, Blair Pena & Sampson, LLP, informing the City of Wharton that they were of the opinion that the City of Wharton did not have the legal authority to honor the request. Mr. Siwierka stated that, "only in the narrow of circumstances can any portion of taxes, penalties and/or interest be waived," as stated in Tax Code Section 33.001. City Manager Andres Garza, Jr. stated that he notified Mr. Shoppa of the tax attorney's opinion and informed him that his request would be placed on the agenda. City Attorney Paul Webb stated that the City Council did not have authority and could not retroactively reduce the property taxes as requested. After some discussion, no action was taken.

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

Request by Mr. Octavio Pena for a front yard set back variance for the construction of a 8 x 16 feet covered front porch at 404 Koehl, Rust 4, Block 8, Lot 2. City Manager Andres Garza, Jr. presented a copy of the letter of recommendation dated August 7, 2002 from Mr. A. J. Rath, Planning Commission Chairman recommending approval of the request. Building Official Ronnie Bollom stated that constructing the porch would not have negative impact on the neighborhood. After some discussion, Councilmember Bryce D. Kocian made a motion to approve the front yard set back variance for the construction of a 8 x 16 feet covered front porch at 404 Koehl, Rust 4, Block 8, Lot 2. Councilmember Don Mueller seconded the motion. All voted in favor.

The eleventh item on the agenda was to review and consider a resolution amending the Schlumberger Commercial Lease Agreement; Authorizing the Mayor of the City of Wharton to execute all documents relating to said agreement. City Manager Andres Garza, Jr. presented a copy of the draft resolution amending the Schlumberger Commercial Lease Agreement. He said the Texas Department of Transportation – Aviation Division requested the City of Wharton amend the agreement stating that either party after the first twelve (12) months of the lease would have the ability to terminate the lease upon sixty (60) days notice instead of the one hundred twenty days (120) notice requirement in the contract. Also, he said the metes and bounds and survey plat had been revised to accommodate the construction of the apron that would take place under the 2000 Airport Capital Improvement Program next to the industrial building. He then presented a copy of the revised metes and bounds and a copy of a diagram indicating the area of the fence that would be relocated to the opposite side of the hangar. After some discussion, Councilmember V. L. Wiley, Jr. made a motion to approve Resolution No. 2002-38, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2002 - 38**

A RESOLUTION AMENDING THE SCHLUMBERGER COMMERCIAL LEASE AGREEMENT; AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATING TO SAID CONTRACT.

WHEREAS, the Wharton City Council wishes to amend the commercial lease agreement between Schlumberger and the City of Wharton; and

WHEREAS, the Wharton City Council wishes to authorize Mayor Garland S. Novosad to execute the amendment to the commercial lease agreement; and

WHEREAS, the City of Wharton and Schlumberger wish to be bound by the conditions as set forth in the attached “A” and is made part of this resolution.

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 Mayor Garland S. Novosad to execute the amendment to the commercial lease agreement between the City of Wharton and Schlumberger.

Section II. The City of Wharton and Schlumberger are hereby bound by the conditions as set forth in the Attached "A".

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

Passed, Approved, and Adopted this 12th day of August 2002.

CITY OF WHARTON, TEXAS

By: _____
GARLAND S. NOVOSAD
Mayor

ATTEST:

JOYCE VASUT
City Secretary

Councilmember Don Mueller seconded the motion. All voted in favor.

The twelfth item on the agenda was to review and consider a resolution approving an administrative management services contract between the Ruiz Companies, Inc. and the City of Wharton for the City of Wharton Bank Stabilization Project, TCDP Contract No. 718127; Authorizing the Mayor of the City of Wharton to execute all documents relating to said contract. City Manager Andres Garza, Jr. presented a copy of the letter dated August 6, 2002 from Mr. Armando Ruiz, President of the Ruiz Companies. He said Mr. Ruiz had been working with the City of Wharton on the Bank Stabilization Project and a formal agreement was required by the Texas Community Development Program (TCDP.) Since the project was funded from emergency disaster funds, there was not a requirement for formal engineering or management proposals. He told the City Council that the engineering contract was awarded to Anthony Rachunek & Associates, Inc. He said Mr. Ruiz would assist the City in the administrative aspect of the project. All funding for this project he said, would be provided by the grant and there was no cash match requirement for the City. He then presented a copy of Mr. Ruiz's proposal to provide the administrative management services under the TCDP contract for the City and a draft resolution approving the contract. Mr. Garza stated the project would total \$291,000. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to approve Resolution No. 2002-39, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2002 - 39**

A RESOLUTION APPROVING AN ADMINISTRATIVE MANAGEMENT SERVICES CONTRACT BETWEEN THE RUIZ COMPANIES, INC., AND THE CITY OF WHARTON FOR THE CITY OF WHARTON BANK STABILIZATION PROJECT, TCDP CONTRACT NO. 718127; AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATING TO SAID CONTRACT.

WHEREAS, the Wharton City Council wishes to authorize Mayor Garland S. Novosad to execute an agreement between the City of Wharton and Mr. Armando Ruiz, President of the Ruiz Companies for Administrative Management Services for the City of Wharton Bank Stabilization Project, TCDP Contract No. 718127; and

WHEREAS, the City of Wharton and the Ruiz Companies wish to be bound by the conditions as set forth in the agreement which is attached as “Exhibit A” and is made part of this resolution.

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 Mayor Garland S. Novosad to execute the agreement between the City of Wharton and Mr. Armando Ruiz, President of the Ruiz Companies for Administrative Management Services for the City of Wharton Bank Stabilization Project, TCDP Contract No. 718127.

Section II. The City of Wharton and the Ruiz Companies are hereby bound by the conditions as set forth in the agreement (Exhibit “A”).

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

Passed, Approved, and Adopted this 12th day of August 2002.

CITY OF WHARTON, TEXAS

By: _____
GARLAND S. NOVOSAD
Mayor

ATTEST:

JOYCE VASUT
City Secretary

Councilmember Ken Freese seconded the motion. All voted in favor.

The thirteenth item on the agenda was to review and consider the Hinze’s Waterline Project Phase II – Acceptance of Utility Easements:

1. Wharton Industrial Foundation.
2. Mr. & Mrs. Obie Williams.

City Manager Andres Garza, Jr. presented a copy of the fifteen feet utility easements for the Hinze's Waterline Project –Phase II. He said the easements were required from the property owners to enable the City to lay the waterline. Once the City Council would accept the easement agreements he said, the agreements would be recorded at the Wharton County Courthouse. After some discussion, Councilmember Darryl Darnell made a motion to accept the utility easements from Wharton Industrial Foundation and Mr. & Mrs. Obie Williams for the Hinze's Waterline Project Phase II. Councilmember V. L. Wiley, Jr. seconded the motion. All voted in favor.

The fourteenth item on the agenda was to review and consider a resolution approving a professional engineering services contract with Jones & Carter, Inc. for the City of Wharton Public Works Floodproofing and Internal Drainage Modification Project; Authorizing the Mayor of the City of Wharton to execute all documents relating to said contract. City Manager Andres Garza, Jr. informed the City Council that the City of Wharton Consultant Selection Committee had met Monday, August 12, 2002 at 12:00 Noon to discuss the draft agreement between Jones & Carter, Inc. and the City of Wharton for the Public Works Floodproofing and Internal Drainage Modification Project. He then presented the draft agreement and the recommendation from the Committee recommending a contract with Jones & Carter, Inc. for professional engineering services for the City of Wharton Public Works Floodproofing and Internal Drainage Modification Project for the sum not to exceed \$69,500.00. After some discussion, Councilmember Don Mueller made a motion to approve Resolution No. 2002-40, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2002 - 40**

A RESOLUTION APPROVING A PROFESSIONAL ENGINEERING SERVICES CONTRACT WITH JONES & CARTER, INC. FOR THE CITY OF WHARTON PUBLIC WORKS FLOODPROOFING AND INTERNAL DRAINAGE MODIFICATION PROJECT; AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATING TO SAID CONTRACT.

WHEREAS, the Wharton City Council wishes to authorize Mayor Garland S. Novosad to execute a professional engineering contract between the City of Wharton and Jones & Carter, Inc. for the City of Wharton Public Works Floodproofing and Internal Drainage Modification Project; and

WHEREAS, the City of Wharton and Jones & Carter, Inc. to be bound by the conditions as set forth in the attached "A" and is made part of this resolution.

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 Mayor Garland S. Novosad to execute a professional engineering contract between the City of Wharton and Jones

& Carter, Inc. for the City of Wharton Public Works Floodproofing and Internal Drainage Modification Project.

Section II. The City of Wharton and Jones & Carter, Inc. are hereby bound by the conditions as set forth in the Attached "A".

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

Passed, Approved, and Adopted this 12th day of August 2002.

CITY OF WHARTON, TEXAS

By: _____
GARLAND S. NOVOSAD
Mayor

ATTEST:

JOYCE VASUT
City Secretary

Councilmember Bryce D. Kocian seconded the motion. All voted in favor.
The fifteenth item on the agenda was to review and consider City of Wharton Elevated Water Storage Tank Rehabilitation Project:

A. Bid Tabulation.

Resolution: A resolution awarding a contract for the City of Wharton Elevated Water Storage Tank Rehabilitation Project to N. G. Painting, Inc.; Authorizing the Mayor of the City of Wharton to execute all documents relating to said contract. City Manager Andres Garza, Jr. informed the City Council that on Monday, July 29, 2002, bids were opened for the City of Wharton Elevated Water Storage Tank Rehabilitation Project. He then presented a copy of the letter dated July 31, 2002 by Mr. Jimmy D. Dunham, P.E. of Dunham Engineering, Inc. who was recommending the bid be awarded to N. G. Painting, Inc. in the amount of \$374,000.00. Mr. Garza presented the resolution awarding the bid to N.G. Painting, Inc. to the City Council for their review. He stated that the project was estimated at \$450,000.00. After some discussion, Councilmember Bryce D. Kocian made a motion to approve Resolution No. 2002-41, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2002 - 41**

A RESOLUTION AWARDING A CONTRACT FOR THE CITY OF WHARTON ELEVATED WATER STORAGE TANK REHABILITATION PREJECT TO N. G. PAINTING, INC.; AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATING TO SAID CONTRACT.

WHEREAS, competitive sealed bids were received July 29, 2002 for the City of Wharton Elevated Water Storage Tank Rehabilitation Project; and

WHEREAS, N. G. Painting, Inc. was deemed the best lowest qualified bidder in the amount of \$374,000.00; and

WHEREAS, the City of Wharton City Council wishes to award a contract to N. G. Painting, Inc. for the City of Wharton Elevated Water Storage Tank Rehabilitation Project in the amount of \$374,000.00; and

WHEREAS, the City of Wharton and N. G. Painting, Inc. wish to be bound by the conditions as set forth in the attached "A" and is made part of this resolution.

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 Mayor Garland S. Novosad to execute a contract for the City of Wharton Elevated Water Storage Tank Rehabilitation Project to N. G. Painting, Inc. in the amount of \$374,000.00.

Section II. The City of Wharton and N. G. Painting, Inc. are hereby bound by the conditions as set forth in the Attached "A".

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

Passed, Approved, and Adopted this 12th day of August 2002.

CITY OF WHARTON, TEXAS

By: _____
GARLAND S. NOVOSAD
Mayor

ATTEST:

JOYCE VASUT
City Secretary

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

The sixteenth item on the agenda was to review and consider a resolution approving a Texas Department of Transportation Airport Project Participation Agreement, Contract No. 2XXAV114 between the State of Texas, Acting through the Texas Department of Transportation and the City of Wharton for the Wharton Regional Airport Capital Improvement Project, Construction Phase; Authorizing the Mayor of the City of Wharton, Texas to execute all documents relating to said contract. City Manager Andres Garza, Jr. informed the City Council that during the regular City

Council meeting held July 22, 2002, the City Council awarded the contracts for the construction phase of the 2000 Airport Improvement Project to Craig & Heidt and Love Electric, Inc. He said that before the City could enter into contracts with the two companies, the City must execute a Airport Project Participation Agreement with the Texas Department of Transportation Aviation Division. He then presented a copy of the agreement and a draft copy of the resolution authorizing the Mayor of the City of Wharton to execute the contract. He stated that the total cost of the project was \$1,150,000, the construction phase was \$1,040,000 and the engineering phase was \$110,000, and the City would match the project by the required 10%. Councilmember Ken Freese stated that in the future the City Council needed to look at the expenses occurring at the Airport and for a study to be conducted. After some discussion, Councilmember Darryl Darnell made a motion to approve Resolution No. 2002-42, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2002 - 42**

A RESOLUTION APPROVING A TEXAS DEPARTMENT OF TRANSPORTATION AIRPORT PROJECT PARTICIPATION AGREEMENT, CONTRACT 2XXAV114 BETWEEN THE STATE OF TEXAS, ACTING THROUGH THE TEXAS DEPARTMENT OF TRANSPORTATION AND THE CITY OF WHARTON FOR THE WHARTON REGIONAL AIRPORT CAPITAL IMPROVEMENT PROJECT; AUTHORIZING THE MAYOR OF THE CITY OF WHARTON, TEXAS TO EXECUTE ALL DOCUMENTS RELATING TO SAID CONTRACT.

WHEREAS, the City of Wharton was awarded Contract No. 2XXAV114 (Attached A) by the State of Texas, acting through the Texas Department of Transportation; and

WHEREAS, the Wharton City Council wishes to establish the Texas Department of Transportation Airport Project Participation Agreement Contract No. 2XXAV114 between the State of Texas, acting through the Texas Department of Transportation and the City of Wharton for the Wharton Regional Airport Capital Improvement Project; and

WHEREAS, the Wharton City Council wishes to authorize the Mayor of the City of Wharton, Texas to execute all documents relating to said contract; and

WHEREAS, this resolution is passed in accordance with said proposal.

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

Section I. That Garland S. Novosad, Mayor of the City of Wharton is hereby authorized to sign any documents relating to the aforementioned contract.

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

Passed, Approved, and Adopted this 12th day of August 2002.

CITY OF WHARTON, TEXAS

By: _____
GARLAND S. NOVOSAD
Mayor

ATTEST:

JOYCE VASUT
City Secretary

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

The seventeenth item on the agenda was to review and consider the request by City Councilmember Darryl Darnell to designate Alabama Road, beginning at its intersection with Center Street and ending at Alabama Street, as a school zone. City Manager Andres Garza, Jr. informed the City Council that this item was placed on the agenda as requested by Councilmember Darryl Darnell. He then presented a copy of a map indicating the location Councilmember Darnell was requesting to be designated as a school zone. Councilmember Darryl Darnell stated that a large number of pre-teens were crossing Alabama Road to Hodges Lane. Councilmember Don Mueller stated that this item was addressed by the City Council last year. Police Chief Tim Guin stated a survey was conducted in the morning and afternoon last year and the finding there were only a few children crossing the road. Police Chief Guin stated if the City Council would desire a crosswalk, he would recommend the area be well marked and with lights. Councilmember Ken Freese stated that he felt that installation of the crosswalk would not solve the problem, however it would create a problem. Mayor Garland S. Novosad stated that he did not want to see any children put into risk from crossing the road. City Manager stated that the City of Wharton could get with a Traffic Engineer regarding the crosswalk. After some discussion, no action was taken.

The eighteenth item on the agenda was to review and consider the Appointments to the City of Wharton Charter Review Committee. City Manager Andres Garza, Jr. informed the City Council that during the July 22, 2002, the City Council requested additional citizens be contacted by the City Staff to inquire if they would be interested in serving on the Charter Review Committee. Councilmember V. L. Wiley, Jr. recommended the appointment of Mr. Johnnie Roberts and Ms. Earline Phillips; Councilmember Darryl Darnell recommended Mr. Bruno Ybarbo; and Councilmember Ken Freese recommended Mr. Ronnie Baines. After some discussion, Councilmember V. L. Wiley, Jr. made a motion to appoint Mr. Johnnie Roberts, Ms. Earline Phillips, and Mr. Bruno Ybarbo to the City of Wharton Charter Review Committee. Councilmember Darryl Darnell seconded the motion. All voted in favor.

The nineteenth item on the agenda was Executive Session: City Council may adjourn into an Executive Session in accordance with Section 551.074 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: Evaluation of the City Manager.

Mayor Garland S. Novosad adjourned the City Council meeting into Executive Session at 9:18 p.m.

Mayor Garland S. Novosad returned the City Council meeting into Opening Meeting at 9:26 p.m.

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

A. Review and Consider: Evaluation of the City Manager. Mayor Garland S. Novosad stated that one evaluation was pending and a tabulation would be conducted and the item would be placed on the next regular City Council meeting on August 26, 2002.

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

- A. Wharton Regional Airport Board meeting held June 4, 2002.
 - B. Wharton Economic Development Corporation meeting held June 4, 2002.
- City Manager Andres Garza, Jr. presented the reports to the City Council. No action was taken.

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

The meeting was adjourned at 9:30 p.m.

CITY OF WHARTON, TEXAS

By:

GARLAND S. NOVOSAD
Mayor

ATTEST:

JOYCE VASUT
City Secretary