

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

Mayor Garland S. Novosad declared a Regular Meeting duly open for the transaction of business at 7:00 p.m. Former Councilmember at Large Place No. 5 Alvin Matthys 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, and Domingo Montalvo, Jr.

Councilmember absent was: Bryce D. Kocian.

Staff members present were: City Manager, Andres Garza, Jr., Deputy City Secretary Lisa Stavena, Assistant to City Manager Jackie Wheeler, Building Official Ronnie Bollom, Public Works Director Phillip Bush, Community Services Director Jo Knezek, EMS Director John Kowalik and City Attorney Paul Webb.

Visitors present were: Ron Sanders with Wharton Journal-Spectator, Paul Daly with KULP, David Schroeder with WEDCo, Anthony Rachunek with Rachunek and Associates, I.O. Coleman, Jr., Ellis Hurd, Lynda Nichols, Bernice Jackson, Debra Medina, Mike Murphy, Billie Jones, Lewis Fortenberry, Sam Harrell, Thomas Washington, Dwight King, Alvin Matthys, Wayne Adams Richard Arnold, Edward Guajardo, Robert Phillips, Jamie King, A. B. Allen, Lillie Washington, Rev. Robert See, Corky Altenburg, Chester Houston, Mary Jimenez, and Joseph Gonzalez.

The third item on the agenda was Public Comments. Mrs. Lynda Nichols addressed the City Council regarding the animal leash law. She stated that there were too many dogs running loose. Mrs. Nichols said she observed five dogs by her residence and two dogs by her business. She stated that the City needed to hire an Animal Control Officer and not have other employees taking away from their job to do the job. No action was taken.

Ms. Bernice Jackson addressed the City Council regarding the FEMA buy-out program for flood victims. She stated that she resides at 134 Holiness Lane and would be interested in the buy-out program. No action was taken.

Mr. I.O. Coleman, Jr. addressed the City Council regarding support of the FEMA buy-out program and asked the City Council to think about the flood of 1998 victims. Mr. Coleman also stated he supported the affordable housing program. No action was taken.

Mr. Thomas Washington addressed the City Council regarding flooding. He stated that he resided on Wilkes Street and during the flood of 1998, he received 4 inches of water in his residence. He requested the City Council consider the Flood of 1998 victims for the FEMA buy-out program. He stated that he would like to receive equal representation. He then stated that M.L. King Blvd. was not completed from Wilkes Street west and requested completion of the road along with cleaning of the ditches. No action was taken.

Mr. Ellis Hurd addressed the City Council and requested the City Council to work with all areas of the city regarding the FEMA Buy-out program. No action was taken.

Mr. Edward Guajardo addressed the City Council and stated that he supported the FEMA Buy-out program. No action was taken.

The fourth item on the agenda was the Wharton Moment. No comments were given. No action was taken.

The fifth item discussed on the agenda was to review and consider the appointment to the Wharton Economic Development Board of Directors. Councilmember Domingo Montalvo, Jr. informed the City Council that in accordance with the Wharton Economic Development Board of Directors By-Laws, he was to nominate a person to the board. The By-Laws read as follows: "Any vacancy occurring on the board of directors through death, resignation or otherwise shall be filled by nomination by the Councilmember then holding the position of the Councilmember who originally nominated the director. Upon nomination, said director shall be subject to the approval of the entire City Council to hold office until the expiration of the term."

Councilmember Domingo Montalvo, Jr. then placed Mr. Mike Murphy as the nominee for the position. He said Mr. Murphy had 21 years of business experience. He also stated that Mr. Murphy had received his degree in Business, minoring in Economics. He stated that Mr. Murphy conducted the economic presentation to the City Council in 1997 for the creation of WEDCo, however at that time he was unable to become a Director of the Board since he did not reside in the City of Wharton. He stated that Mr. Mike Murphy recently moved to Wharton, which would allow him to become a member of the WEDCo Board of Directors. Former Councilmember At Large Place No. 5 Alvin Matthys publicly thanked Councilmember Domingo Montalvo, Jr. for visiting with him and stated that he has worked with Mike Murphy and he endorsed Councilmember Domingo Montalvo, Jr.'s nomination of Mr. Mike Murphy to the Wharton Economic Development Board of Directors. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to appoint Mr. Mike Murphy to the Wharton Economic Development Board of Directors. Councilmember Don Mueller seconded the motion. All voted in favor.

The sixth item discussed on the agenda was to review and consider reading of the minutes from the Regular Meetings held October 14, 2002 and October 28, 2002 and the Special Meeting held October 29, 2002. After some discussion, Councilmember Don Mueller made a motion to approve the minutes from the Regular Meetings held October 14, 2002 and October 28, 2002 and the Special Meeting held October 29, 2002 as written. Councilmember Domingo Montalvo, Jr. seconded the motion. All voted in favor.

The seventh item discussed on the agenda was to review and consider a presentation from Ms. Debra Medina with Prudentia, Inc. for Emergency Medical Services Collections. City Manager Andres Garza, Jr. presented information from Ms. Debra Medina regarding her company. He stated that the City of Wharton currently had a contract with Computer Concepts, Inc. for billing and collecting for EMS services, which had been in effect since October 1, 2001. He then stated that the City Staff was reviewing the performance of the company and was also reviewing the City's future needs. City Manager Andres Garza, Jr. stated that the City Staff would be recommending to the City Council a request for proposals (RFP) for this service in the future. Ms. Debra Medina with Prudentia, Inc. addressed the City Council regarding the billing and collecting for EMS services. She stated that Prudentia had experienced registered nurses, health information management and health law personnel. She stated that the staff had extensive administrative experience in managed care, skilled nursing, home health, and hospital and

physician office settings. Councilmember Domingo Montalvo, Jr. asked EMS Director John Kowalik about the Coding System. EMS Director John Kowalik stated that he was looking at several systems. City Manager Andres Garza, Jr. stated that he met with the City Staff, which would be preparing proposals and would be available at the next City Council meeting. Councilmember Ken Freese stated that the City would need to give the City of El Campo ample notification of the City of Wharton's intention to seek proposals. Debra Medina stated that she had spoke to Mrs. Mindi Snyder with the City of El Campo regarding the EMS Billing and Services Collections. After some discussion, no action was taken.

The eighth item discussed on the agenda was to review and consider an ordinance of the City of Wharton declaring a public purpose and necessity for a Moratorium on the enforcement of the City of Wharton Code of Ordinances Chapter 82 Traffic, Article II Operation of Vehicles, Section 82-135 Three Hour Parking Zones in order to promote economic growth in the City of Wharton; Providing for severability; and Setting an Effective Date. City Manager Andres Garza, Jr. presented a letter to the City Council from the downtown merchants regarding the three hour parking requirements downtown. He said the merchants were requesting the enforcement of the three hour parking limit be suspended. He stated that if the City Council wished to suspend the enforcement of the ordinance, then an ordinance would need to be approved designating the dates for the moratorium. City Manager Andres Garza, Jr. then stated that he met with Ron Dean from Pat-a-Cake, who desired that the parking not be enforced during the holiday season. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to approve Ordinance No. 2002-26, which read as follows:

**CITY OF WHARTON
ORDINANCE NO. 2002 - 26**

AN ORDINANCE OF THE CITY OF WHARTON DECLARING A PUBLIC PURPOSE AND NECESSITY FOR A MORATORIUM ON THE ENFORCEMENT OF THE CITY OF WHARTON CODE OF ORDINANCES CHAPTER 82 TRAFFIC, ARTICLE II OPERATION OF VEHICLES, SECTION 82-135 THREE HOUR PARKING ZONES IN ORDER TO PROMOTE ECONOMIC GROWTH IN THE CITY OF WHARTON; PROVIDING FOR SEVERABILITY; AND SETTING AND EFFECTIVE DATE.

WHEREAS, the City of Wharton City Council wishes to promote a economic growth in the City of Wharton; and

WHEREAS, the City Council wishes to declare a moratorium on the enforcement of the City of Wharton Code of Ordinances Chapter 82 Traffic, Article III Operation of Vehicles, Section 82-135 Three Hour Parking Zones in order to promote economic growth; and

WHEREAS, the City Council wishes the moratorium be effective for the period beginning November 12, 2002 at 12:01 a.m. through January 6, 2003 at 12:01 a.m.

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF WHARTON, TEXAS, AS FOLLOWS:

Section 1. That it is hereby officially declared that there is a public purpose and necessity to promote economic growth in the City of Wharton, Texas.

Section 2. That it is hereby officially declared that a moratorium on the enforcement of the City of Wharton Code of Ordinances Chapter 82 Traffic, Article III Operation of Vehicles, Section 82-135 Three Hour Parking Zones in order to promote economic growth is hereby established.

Section 3. That it is hereby established that the moratorium would be in effect for the period beginning November 12, 2002 at 12:01 a.m. through January 6, 2003 at 12:01 a.m.

Section 4. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid by a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

PASSED, APPROVED AND ADOPTED by the City Council of Wharton on this the 11th day of November 2002.

CITY OF WHARTON

GARLAND S. NOVOSAD
Mayor

ATTEST:

LISA STAVENA
Deputy City Secretary

Published in the Wharton Journal Spectator Wednesday, November 20, 2002 and Wednesday, November 27, 2002.

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

The ninth item discussed on the agenda was to review and consider the acceptance of Deed of Gift to the City of Wharton by Lillie Sklar, Diane Sklar Webster, Shirlee Sklar Crotwell, and Daniel R. Sklar of the surface only of Lots No. 1, 2, 3, 4, and 5 in Block No. 5 of the Cline Addition and Lots No. 1, 2, and 3 of Little Mexico Addition. City Manager Andres Garza, Jr. presented information regarding the proposed deed of gift from the Sklar family. He said City Attorney Paul Webb had been working with the Sklar family on their request. City Manager Andres Garza, Jr. stated that since the property was very close to the City's Transfer Station Site, he would recommend the City Council consider accepting the property. City Attorney Paul Webb stated that Mid-Coast Title conducted a title search and no liens were filed on the property. After some discussion, Councilmember Ken Freese made a motion to accept the Deed of Gift to the City of Wharton by Lillie Sklar, Diane Sklar Webster, Shirlee Sklar Crotwell, and Daniel R. Sklar of the surface only of Lots No. 1, 2, 3, 4, and 5 in Block No. 5 of the Cline

Addition and Lots No. 1, 2, and 3 of Little Mexico Addition. Councilmember Don Mueller seconded the motion. All voted in favor.

The tenth item discussed on the agenda was to review and consider a resolution approving the Emergency Medical Services Mutual Aid Agreement between the City of Wharton and Fort Bend County; Authorizing the Mayor of the City of Wharton to execute all documents relating to said agreement. City Manager Andres Garza, Jr. presented a draft agreement between the City of Wharton and Fort Bend County for mutual aid on EMS services. He then presented a draft resolution approving the agreement. After some discussion, Councilmember Don Mueller made a motion to approve Resolution No. 2002-67, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2002 – 67**

A RESOLUTION APPROVING THE EMERGENCY MEDICAL SERVICES MUTUAL AID AGREEMENT BETWEEN THE CITY OF WHARTON AND FORT BEND COUNTY; AUTHORIZING THE MAYOR OF THE CITY OF TO EXECUTE ALL DOCUMENTS RELATING TO SAID AGREEMENT.

WHEREAS, the City of Wharton City Council wishes to approve the Emergency Medical Services Mutual Aid Agreement between the City of Wharton and Fort Bend County; and

WHEREAS, the City of Wharton and Fort Bend County wishes to be bound by the conditions as set forth in Attachment “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 approves the Emergency Medical Services Mutual Aid Agreement between the City of Wharton and Fort Bend County.

Section II. That the City Council of the City of Wharton hereby authorizes Mayor Garland S. Novosad to execute all documents relating to said agreement.

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

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

CITY OF WHARTON, TEXAS

By: _____
GARLAND S. NOVOSAD
Mayor

ATTEST:

LISA STAVERNA
Deputy City Secretary

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

The eleventh item discussed on the agenda was to review and consider a resolution authorizing the submission of the Notice of Intent (NOI) for project funding under the Hazard Mitigation Grant Program for homes affected by Tropical Storm Fay. City Manager Andres Garza, Jr. informed the City Council that on November 4, 2002, he sent information to them regarding the FEMA – Hazard Mitigation Grant Program for their review. He stated that due to Tropical Storm Fay, the Presidential disaster declaration (DR1434) triggered the availability of funds for hazard mitigation. He said that at the November 4th meeting in Lake Jackson, the Texas Department of Emergency Management (DEM), the state agency which administers FEMA funds, informed the City that a Notice of Intent (NOI) needed to be submitted by November 15, 2002 in order to be considered. He said DEM informed the City that FEMA's priority was the buy-out program. He said that after the NOI has been submitted, DEM in turn will notify the City if the project(s) would be considered and the City would need to complete and submit a full application. He said the City could submit any project it felt would be a priority. He said the FEMA funding was 75% of the project cost. The other 25% would be the City's responsibility. City Manager Andres Garza, Jr. then presented a copy of the memorandum dated November 5, 2002 from Community Services Director Jo Knezek regarding funding the 25% with state fund. He said the State Disaster Relief Fund from the Office of Rural Community Affairs (ORCA) could be applied for to cover the City's 25% cost. However, he said the States disaster relief funds were on a competitive basis. He stated that in the 1998 flood, the City applied for hazard mitigation fund to assist homeowners to raise their homes above the base flood elevation. DEM has informed the City that any project could be applied for; however, the buy-out program was FEMA's priority. He said the Office of Rural Community Affairs had also informed the City staff that the City would be eligible for the 25% match on projects related to DR1434 (Tropical Storm Fay) only. Councilmember Don Mueller asked if the property could be bought in various locations throughout the City. City Manager Andres Garza, Jr. stated that the buy out program would allow for buying properties in various locations throughout the City. He said under the program the City would own the property but nothing could be built on the property. Mayor Garland S. Novosad stated that FEMA had set aside \$1.4 million for projects in Brazoria, Galveston, Matagorda, and Wharton counties. Councilmember V. L. Wiley, Jr. stated that District No. 1 would also like to be included in the buy-out program. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to approve Resolution No. 2002-68, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2002 – 68**

A RESOLUTION AUTHORIZING THE SUBMISSION OF THE NOTICE OF INTENT (NOI) FOR PROJECT FUNDING UNDER THE HAZARD MITIGATION GRANT PROGRAM FOR HOMES AFFECTED BY TROPICAL STORM FAY.

WHEREAS, City of Wharton residences and businesses were affected by Tropical Storm Fay in September 2002; and

WHEREAS, the Presidential disaster declaration (DR1434) triggered the availability of funds for hazard mitigation; and

WHEREAS, the City of Wharton wishes to submit a Notice of Intent for project funding under the Hazard Mitigation Program for homes affected by Tropical Storm Fay.

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 authorizes the submission of the Notice of Intent (NOI) for Project Funding under the Hazard Mitigation Program for homes affected by Tropical Storm Fay.

Section II. That the City Council of the City of Wharton hereby authorizes Mayor Garland S. Novosad to execute all documents relating to the Notice of Intent.

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

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

CITY OF WHARTON, TEXAS

By: _____
GARLAND S. NOVOSAD
Mayor

ATTEST:

LISA STAVENA
Deputy City Secretary

Councilmember Darryl Darnell seconded the motion. Councilmembers Darryl Darnell, Ken Freese, Don Mueller, and Domingo Montalvo, Jr. voted for the motion. Councilmember V. L. Wiley, Jr. voted against the motion. The motion carried.

The twelfth item discussed on the agenda was to review and consider the submission of Comments from the Wharton City Council regarding the Lower Colorado River Authority (LCRA) San Antonio Water System (SAWS) Project. City Manager Andres Garza, Jr. informed the City Council that on November 6, 2002, LCRA had held a public meeting regarding the SAWS Project. He said Councilmember Domingo Montalvo, Jr. had attended the meeting and would provide information regarding the discussion. City Manager Andres Garza, Jr. then presented a form provided by LCRA for comments relating to the SAWS project and for the Colorado River, and stated that the City Council could submit comments before November 21, 2002. Councilmember Domingo Montalvo, Jr. informed the City Council that Senate Bill 1

addressed the necessity for providing water for the communities. He stated that the SAWS group identified the Colorado River as a source of water for their use. He stated that the City Council would need to determine the City's interest. He stated the study would take approximately seven years and San Antonio could be receiving water from the Colorado River water in sixteen years. Mayor Garland S. Novosad stated that a low water dam would keep the community going in the right direction. City Manager Andres Garza, Jr. stated that the 50-year water needs plan for the region determined the City's future growth on a historical basis. However, he felt the City's future growth would exceed the historical growth. Also, he said the LCRA's agreement with the Pierce Ranch on the water right purchase allowed for production of ground water, thereby possibly having an impact on the City only water supply. Councilmember Domingo Montalvo, Jr. stated that the data used by the SAWS Group allowed for a 3% growth. I.O. Coleman, Jr. addressed the City Council and stated that the city should consider the low water dam as a benefit from the SAWS project. Councilmember Domingo Montalvo, Jr. publicly encouraged the City Council and citizens to submit their comments on LCRA.org or SAWS.org. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to approve submission of Comments from the Wharton City Council regarding the Lower Colorado River Authority (LCRA) San Antonio Water System (SAWS) Project. Mayor Garland S. Novosad seconded the motion. All voted in favor.

The thirteenth item discussed on the agenda was to review and consider the City of Wharton Wastewater Treatment Plant No. 1 Bank Stabilization Project:

A. Pay Estimate No. 1 – Supak Construction, Inc. City Manager Andres Garza, Jr. presented a copy of the Pay Estimate No. 1 in the amount of \$105,484.50 payable to Supak Construction, Inc. prepared by Anthony Rachunek & Associates, Inc. for the Wastewater Treatment Plant No. 1 Bank Stabilization Project. After some discussion, Councilmember Don Mueller made a motion to approve Pay Estimate No. 1 in the amount of \$105,484.50 to Supak Construction, Inc. for the Wastewater Treatment Plant No. 1 Bank Stabilization Project. Councilmember Domingo Montalvo, Jr. seconded the motion. All voted in favor.

B. Change Order No. 1 – Supak Construction, Inc. City Manager Andres Garza, Jr. presented a copy of the Changer Order No. 1 which would add dewatering well No. 6 back to the scope of work and increase the pumping capacity to 100 gpm. He said the original contract amount was \$213,100.00, however by adding well No. 6 the contract amount would increase \$6,440.00 making the total contract amount \$219,540.00. Anthony Rachunek stated that the project was within budget. City Manager Andres Garza, Jr. stated that the original grant amount was \$219,800.00. After some discussion, Councilmember Ken Freese made a motion to approve Change Order No. 1 in the amount of \$6,440.00 to add dewatering well No 6 back to the scope of work, which would increase the pumping capacity to 100 gpm. Councilmember Don Mueller seconded the motion. All voted in favor.

The fourteenth item discussed on the agenda was to review and consider the report by Jones & Carter, Inc. regarding the City of Wharton Drainage Project. Mr. Carlos Cotton of Jones & Carter, Inc. presented a map of the drainage study to the City Council. He stated that the blue dots represented water received from the Tropical Storm Fay. He stated that he met with City Manager Andres Garza, Jr. and Public Works Director Phillip Bush on the issues of drainage ditches, culverts, and the field on Mahan Street. He stated that the water could be redirected to the ditches along Highway 60, however to redirect the flow of water from Mahan to Highway 60 would cost approximately \$20,000.00. He then stated that he would be obtaining information on

the ditches in the Ahldag Addition. Mr. Cotton stated that the city could acquire the right-of-way on Lees Lane, to move away from the open ditch and provide more road width. Councilmember Don Mueller stated that drainage from Halford enters to the railroad track and should be diverted to Peach Creek. Mayor Garland S. Novosad stated that Ahldag Addition should be a priority and would like a report on the results to control the problems in the Ahldag Addition within two to three weeks. After some discussion, no action was taken.

The fifteenth item discussed on the agenda was to review and consider the Wastewater Treatment Plant No. 2 Improvement Project - Change Order No. 1 - JTR Constructors, Inc. City Manager Andres Garza, Jr. presented a copy of the change order request prepared by Jones & Carter, Inc. for the Wastewater Treatment Plant No. 2 Improvement Project. The construction phase of the project was being conducted by JTR Constructors, Inc. If the change order was approved by the City Council, JTR would convert the two-speed aeration system to a PLC controlled variable frequency system. The change order would increase the original contract amount \$61,053.00. The current contract amount was \$1,117,499.00, which would increase to \$1,178,552.00. Carlos Cotton with Jones & Carter informed the City Council that the change order would keep the project below the grant amount. Also, that the PLC controlled system would allow the plant to better respond to shock loadings by increasing the speed of the aerators thereby increasing the amount of oxygen transferred to the water. This would help the plant treat and recover in a much shorter period of time when surges occur. The VFDs would allow the plant to trim its power consumption during period of low flow, which would reduce the total power consumption. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to approve Change Order No. 1 in the amount of \$61,053.00 to convert the two-speed aeration system to a PLC controlled variable frequency system. Councilmember Don Mueller seconded the motion. All voted in favor.

The sixteenth item discussed on the agenda was to review and consider the request to engage the services of Jones & Carter, Inc. to conduct surveying for the Wharton Interim Feasibility Study. City Manager Andres Garza, Jr. informed the City Council that under the Wharton Interim Feasibility Study project agreement, the City was responsible for doing some surveying for the project. The survey costs would be paid from the funds received from the Texas Water Development Board and the City's local match. By utilizing Jones & Carter for the Feasibility Study surveying, the City would save money because this included surveying some of the same areas that the City Council authorized Jones & Cater to survey in the Public Works Internal Drainage Study. Therefore, by using Jones & Cater, the City would not have to duplicate surveying work, thus reduce the City's local costs for the internal drainage study. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to approve the engagement of services of Jones & Carter, Inc. to conduct surveying for the Wharton Interim Feasibility Study. Councilmember Ken Freese seconded the motion. All voted in favor.

The seventeenth item discussed on the agenda was to review and consider the proposal by F. W. Walton, Inc. to complete construction work on the Civic Center Roofing Project. City Attorney Paul Webb informed the City Council that F. W. Walton, Inc. would like to complete the roofing project, which the city would pay after completion of the project. He stated that the lawsuit would remain on file. After some discussion, Councilmember Don Mueller made a motion to approve the proposal by F. W. Walton, Inc. to complete the construction work on the Civic Center Roofing Project. Councilmember V. L. Wiley, Jr. seconded the motion. All voted in favor.

The eighteenth item discussed on the agenda was to review and consider the City of Wharton Elevated Water Storage Tank Rehabilitation Project - Pay Estimate No. 1 - N. G. Painting, L.P. City Manager Andres Garza, Jr. presented a copy of the letter dated November 5, 2002 from Mr. Jimmy D. Dunham, P.E. of Dunham Engineering regarding the Pay Estimate No. 1 in the amount of \$104,500.00 from N.G. Painting, L.P. on the City's Elevated Water Storage Tank Rehabilitation Project. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to approve Pay Estimate no. 1 in the amount of \$104,500.00 to N.G. Painting, L.P. for the Elevated Water Storage Tank Rehabilitation Project. Councilmember Don Mueller seconded the motion. All voted in favor.

The nineteenth item discussed on the agenda was to review and consider the City of Wharton Code of Ordinances, Chapter 54, Parks & Recreation, Section 54-3 Use of Certain Softball Fields. City Manager Andres Garza, Jr. presented a copy of the City of Wharton Code of Ordinances, Chapter 54, Parks & Recreation, Section 54-3 Use of Certain Softball Fields. He presented a copy of the letter dated November 1, 2002 from City Attorney Paul Webb regarding insurance for Softball Field Use. City Attorney Paul Webb stated that he spoke to several cities, and some cities required insurance while other cities did not require insurance. He then presented a copy of the pending TML case on recreational use and City owned parks. He stated that the City Council could delete paragraph F requiring insurance. Councilmember Darryl Darnell questioned if all activities such as cook-off, soccer, volleyball, and any other events would be required to obtain the insurance requirements since the lawsuit did not reference those types of activities. City Attorney Paul Webb informed the City Council that he would research and report his findings. After some discussion, Councilmember Darryl Darnell made a motion to table this item until City Attorney Paul Webb obtains the requested information. Councilmember V. L. Wiley, Jr. seconded the motion. All voted in favor.

The twentieth item discussed on the agenda was to review and consider a resolution of the Wharton City Council approving a contract with First Choice Power, Inc. for aggregated electrical service for City Facilities. City Manager Andres Garza, Jr. informed the City Council that the City of Wharton was a member of the Governmental Aggregation Project (GAP), which the group had requested proposals for electrical service and were recommending that the members of GAP contract with First Choice Power, Inc. for a two year period. He then presented a copy of a draft resolution approving the contract. He stated that the city current pays \$0.04 per kwh plus all transmission fees. He stated that under the new contract, the city would be paying \$0.067 per kwh including all transmission fees. After some discussion, Councilmember Ken Freese made a motion to approve Resolution No. 2002-69, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2002 – 69**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING A CONTRACT WITH FIRST CHOICE POWER, INC. FOR AGGREGATED ELECTRICAL SERVICE FOR CITY FACILITIES.

WHEREAS, the City of Wharton City Council wishes to approve the contract with First Choice Power, Inc. for Aggregated Electrical Service for City Facilities; and

WHEREAS, the City of Wharton and First Choice Power, Inc. wishes to be bound by the conditions as set forth in Attachment "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 approves the contract with First Choice Power, Inc. for aggregated electrical service for City Facilities.

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

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

CITY OF WHARTON, TEXAS

By: _____
GARLAND S. NOVOSAD
Mayor

ATTEST:

LISA STAVENA
Deputy City Secretary

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

The twenty-first item discussed on the agenda was to review and consider the City of Wharton Emergency Medical Services (EMS) Ambulance Chassis Bid:

A. Bid Tabulation.

B. Resolution: A resolution awarding the bid for the City of Wharton Ambulance Chassis. City Manager Andres Garza, Jr. presented a copy of the bid tabulation and a draft resolution awarding the bid. He then presented a copy of the memorandum dated November 7, 2002 from EMS Director John Kowalik recommending the bid be awarded to Von-Wil Ford in Wharton for the purchase of a 2003 Ford F-350 ambulance chassis. EMS Director John Kowalik addressed the City Council and recommended the City Council award the bid to Von-Wil Ford for being the lowest qualified bidder. After some discussion, Councilmember Don Mueller made a motion to approve Resolution No. 2002-70, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2002-70**

A RESOLUTION TO AWARD THE BID FOR ONE 2003 ONE TON AMBULANCE CHASSIS.

WHEREAS, competitive, sealed bids were received on November 4, 2002, for one 2003 One Ton Ambulance Chassis; and

WHEREAS, Von-Wil Ford-Wharton was deemed to be the best and lowest qualified bidder as per bid specifications; and

WHEREAS, this resolution is passed in accordance with this bid.

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

- Section I. The City Council of the City of Wharton hereby awards the bid to Von-Wil Ford, Wharton in accordance with bid specifications.
- Section II. Garland S. Novosad, Mayor of the City of Wharton is authorized to execute all documents related to said purchase.
- Section III. The City Manager is hereby authorized to disburse funds from the respective accounts to pay for said purchases in the amount of \$25,095.02 to Von-Wil Ford, Wharton for one 2003 One Ton Ambulance Chassis.
- Section IV. That this resolution shall become effective immediately upon its passage.

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

CITY OF WHARTON, TEXAS

By: _____
GARLAND S. NOVOSAD
Mayor

ATTEST:

LISA STAVENA
Deputy City Secretary

Councilmember V. L. Wiley, Jr. seconded the motion. Councilmembers V. L. Wiley, Jr., Darryl Darnell, Ken Freese, and Don Mueller voted for the motion. Councilmember Domingo Montalvo, Jr. abstained. The motion carried.

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

A. Wharton Regional Airport Board meeting held November 5, 2002.

B. Charter Review Committee meeting held November 5, 2002.

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

The twenty-third item on the agenda was to review and consider the appointment of City of Wharton Municipal Court Judge. Councilmember Ken Freese stated that Mr. John Murrile's resignation was forthcoming and requested job advertisement for the position in order to allow

everyone an opportunity to apply. Councilmember Darryl Darnell stated that City Manager Andres Garza, Jr. would need to get with the Code Enforcement, Fire and Police Department to solicit questions for the judge. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to advertise the position with a deadline for receiving applications of December 5, 2002 and the City Council to interview the applicants at the Regular City Council Meeting held December 9, 2002. Councilmember Ken Freese seconded the motion. All voted in favor.

The twenty-fourth item on the agenda was to review and consider the request by Councilmember V. L. Wiley, Jr. to attend the HGAC Home Rule Cities Caucus, November 14, 2002. City Manager Andres Garza, Jr. presented a copy of the registration form for the HGAC Home Rule Cities Caucus to be held November 14, 2002. He stated Councilmember V. L. Wiley, Jr. was requesting City Council approval to attend the training seminar. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to approve the attendance of Councilmember V. L. Wiley, Jr. on November 14, 2002 for the HGAC Home Rule Cities Caucus. Councilmember Ken Freese seconded the motion. All voted in favor.

The twenty-fifth item on the agenda was to review and consider a resolution supporting the incentives of the Southeast Texas Affordable Housing Partners, Inc. City Manager Andres Garza, Jr. informed the City Council that on November 8, 2002, Mr. I. O. Coleman, Jr. and he had talked to Mr. Joseph Gonzalez of Southeast Texas Housing Partners, Inc. (STHP) via teleconference. He said STHP was requesting the City of Wharton's support on a proposed housing project being undertaken in the City. He said STHP was requesting in-kind contributions to the project along with its support for the project. He then presented a copy of Mr. Gonzalez's letter dated November 8, 2002 regarding his request and a draft copy of the supporting resolution. He stated that he would recommend assistance with the housing project by the City waiving water and sewer tap fees and by waiving building permit fees on the proposed houses as the City's contribution to the project. City Manager Andres Garza, Jr. told the City Council that the proposed housing development site was the land currently being used as Guadalupe Park. He informed the City Council that the City of Wharton had an agreement with the Victoria Diocese of the Roman Catholic Church to use the property as a public park. However, the Diocese was interested in selling the property and STHP was proposing the housing development on the site. Mr. Joseph Gonzalez of Southeast Texas Housing Partners, Inc. addressed the City Council and stated that they were a 501(3)c non-profit organization and were pursuing the property to build affordable houses at a purchase price in the mid \$70's. He stated that a grant of \$7,500.00 could be awarded to the applicant for down payment and closing costs assistance. After some discussion, Mayor Garland S. Novosad made a motion to approve Resolution No. 2002-71, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2002 – 71**

A RESOLUTION SUPPORTING THE INCENTIVES OF THE SOUTHEAST TEXAS AFFORDABLE HOUSING PARTNERS, INC.

WHEREAS, the City of Wharton City Council wishes to support the housing project by Southeast Texas Housing Partners, Inc; and

WHEREAS, the City Council wishes to support the housing project by waiving the following building permit fees for each house built under the Southeast Texas Housing Partners, Inc. project:

\$75,000 Valued per Residence

Building Permit \$360.00 plus 25% Plan Review = \$450.00

Electrical Permit - \$75.00 average

Plumbing Permit - \$50.00 average

A/C & Heat (Mechanical) - \$30.00 Average; and

WHEREAS, the City Council wishes to further support the housing project by waiving the fees for water and sewer taps per house built under the project as follows:

Water Taps: \$300.00

Sewer Taps: \$300.00.

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 provides its support of the Southeast Texas Housing Partners, Inc. Housing project by providing the aforementioned incentives.

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

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

CITY OF WHARTON, TEXAS

By: _____
GARLAND S. NOVOSAD
Mayor

ATTEST:

LISA STAVENA
Deputy City Secretary

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

The twenty-sixth 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 8:45 p.m.

CITY OF WHARTON, TEXAS

By:

GARLAND S. NOVOSAD
Mayor

ATTEST:

LISA STAVENA
Deputy City Secretary