

**MINUTES
OF
CITY OF WHARTON
REGULAR CITY COUNCIL MEETING
MARCH 24, 2003**

Mayor Garland S. Novosad declared a Regular Meeting duly open for the transaction of business at 7:00 p.m. Councilmember Don Mueller 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, Building Official Ronnie Bollom, Public Works Director Phillip Bush, EMS Director John Kowalik, Community Services Director Jo Knezek, Police Sergeant Billy Rodgers and City Attorney Paul Webb.

Visitors present were: Ron Sanders Wharton Journal-Spectator, WEDCo's Executive Director David Schroeder, I.O. Coleman, Jr., Carlos Cotton, Lewis Fortenberry, Annette Keaveny, Lynda Nichols, Martha Fuch, Phil Stephenson, Barbara Ray, Bernice Jackson, Sam Harrell, Johnnie Roberts, Ray Linsinson, John McLeod, Chester Houston, Henry Thiele, Debra Medina, Kent Hill, Vasaar "Skip" Holman, and Mickey Reynolds.

The third item on the agenda was Public Comments. No comments were given. No action was taken.

The fourth item on the agenda was the Wharton Moment. Mayor Garland S. Novosad presented Police Sergeant Billy Rodgers with a Certificate of Appreciation for 22 years 1 ½ months of service to the City of Wharton for dedicated services. Mayor Garland S. Novosad stated that Police Sergeant Rodgers would be retiring from the City of Wharton on March 31, 2003. No action was taken.

The fifth item discussed on the agenda was to review and consider the Wharton Interim Feasibility Study Progress Report presented by the U.S. Army Corp of Engineers, Lower Colorado River Authority, and the Texas Colorado River Floodplain Coalition. Representatives from the Fort Worth and Galveston District officers of the U.S. Army Corp. of Engineers, Lower Colorado River Authority (LCRA) and the Texas Colorado River Floodplain Coalition presented a progress report on the study. Mr. Eshton Eckered of the U.S. Army Corp of Engineers stated the San Bernard River had some impacts from county flooding, however the river did not have an impact on City flooding. He said the elevation difference between the City and the San Bernard River was approximately 20 feet. He stated that outflow from the Colorado River to Boughman Slough and then to Peach Creek. He stated that Caney Creek had storage areas that were linked together with various piping and interconnect to the Colorado River and when the river would

rise, it would back flow into the storage areas. He stated that the City of Wharton was looking at gating structures to allow one-way flowing to the river. John McCloud with LCRA addressed the City Council and stated that the City was addressed its drainage and flooding issues in three phases which consisted of the local drainage projects, Corp of Engineers Flood Protection Study, and the FEMA mapping project. He stated that the flood map would be available for public comments in December 2003. Martha Jach, P.E. addressed the City Council and stated that FEMA has recognized the coalition and had funded the projects to benefit the Coalition. Carlos Cotton, P.E. with Jones & Carter Engineering addressed the City Council and stated that with the study, the City could know the impact of Peach Creek and Boughman Slough. He said that this would assist the City in the internal drainage project the City Council had approved. After some discussion, no action was taken.

The sixth item discussed on the agenda was to review and consider City of Wharton Annual Financial Report for Fiscal Year October 1, 2001 to September 30, 2002 by Mr. Phil Stephenson of Stephenson & Trlicek, P.C. Mr. Phil Stephenson of Stephenson & Trlicek, P.C. presented the City of Wharton financial report for the fiscal year ending September 30, 2002. Phil Stephenson acknowledged that the City of Wharton has received the Certificate of Achievement for Excellence in Financial Reporting for the past eleven years. He publicly thanked Finance Director Joyce Vasut for her contribution in the audit. He stated that the City of Wharton received an unqualified audit opinion. Councilmember Ken Freese asked if the City should develop a written policy and criteria for fund reserves. Councilmember Bryce D. Kocian stated that the reserve should be based on the budget and adjusted from year to year. Councilmember Bryce D. Kocian publicly commended Joyce Vasut and the city staff for preparation of the audit and the audit report. After some discussion, Councilmember Bryce D. Kocian made a motion to accept the City of Wharton Annual Financial Report for Fiscal Year October 1, 2001 to September 30, 2002 by Stephenson & Trlicek, P.C. Councilmember Ken Freese seconded the motion. All voted in favor.

The seventh item discussed 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: The evaluation of City Manager and Finance Director regarding the City's financial matters.

Mayor Garland S. Novosad adjourned the City Council into Executive Session at 8:13 p.m.

Mayor Garland S. Novosad returned the City Council to open meeting at 8:39 p.m.

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

A. Review & Consider: The evaluation of City Manager and Finance Director regarding the City's financial matters.

No action was taken.

The ninth item discussed on the agenda was to review and consider the recommendation from the Mayor's Local Committee on People with Disabilities:

- A. Businesses in the City of Wharton that need help to comply ADA and the consequences if a business does not respond.

City Manager Andres Garza, Jr. presented a copy of the letter of recommendation dated March 6, 2003 from Mr. Vassar "Skip" Holman, Chairman of the Mayor's Local Committee on People with Disabilities. He then presented a copy of the letter dated February 6, 2003 from Mayor Garland S. Novosad and Chairman Holman that was issued to the local businesses of Wharton informing them of the creation of the Committee and providing information regarding ADA compliance for local businesses. Vassar "Skip" Holman addressed the City Council and requested a letter be sent by City Attorney Paul Webb and Mayor Garland S. Novosad to inform the businesses about the ADA requirements. City Attorney Paul Webb stated that he would meet with Mr. Holman and Mayor Garland S. Novosad to draft the requested letter. No action was taken.

B. Swimming Pool.

Vassar "Skip" Holman addressed the City Council and stated that Aqua Therapy was currently not available in Wharton County and that utilizing the Wharton Swimming Pool for Aqua Therapy and Aqua Aerobics could be a solution. He stated that South Texas Medical Clinic and Gulf Coast Medical Foundation be contacted regarding aqua therapy. Mayor Garland S. Novosad stated that the City Staff could assist with developing the cost estimates associated covering and heating the pool. Councilmember Don Mueller stated that when the City of Wharton received funding for the pool, the grant was for outdoor recreation. Mayor Garland S. Novosad stated that Texas Parks and Wildlife, the granting agency, would have to be contacted to determine whether the City could install a cover and heat the pool. After some discussion, Councilmember V. L. Wiley, Jr. made a motion to authorize the City Manager to obtain engineering costs and report to City Council. Councilmember Don Mueller seconded the motion. All voted in favor.

The tenth item discussed on the agenda was to review and consider a resolution amending Resolution No. 2002-36 on the establishment of the Mayor's Local Committee on People with Disabilities. City Manager Andres Garza, Jr. presented a resolution amending Resolution 2002-36. The Governor's Committee requested the changes to the authorizing resolution. After some discussion, Councilmember Bryce D. Kocian made a motion to approve Resolution No. 2003-27, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2003 – 27**

A RESOLUTION AMENDING RESOLUTION NO. 2002-36 ON THE ESTABLISHMENT OF THE 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, on July 22, 2002, the City Council adopted Resolution No. 2002-36 establishing a Mayor's Local Committee on People with Disabilities; and

WHEREAS, the Wharton City Council wish to amend Resolution No. 2002-36 to read as follows:

WHEREAS, the Governor's Committee on People with Disabilities 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 disabled 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 recognizes 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 24th of March 2003.

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 eleventh item on the agenda was to review and consider the City of Wharton Financial Report for the month of February 2003. Finance Director Joyce Vasut presented the financial report for the month of February 2003, which was at 42% or five months into the fiscal year. Mrs. Vasut stated that the general fund revenues were at 55.59% and the expenditures were at 43.04%. The total ad valorem taxes collected were \$1,661,825.00. The sales tax for the month of January 2003 was \$110,634 with \$73,756 to the City and \$36,878 to WEDCo. The TexPool balance for February 2003 was \$2,754,478.23 with an average monthly yield of 1.3472%. After some discussion, Councilmember Bryce D. Kocian made a motion to approve the financial report for the month of February 2003. Councilmember V. L. Wiley, Jr. seconded the motion. All voted in favor.

The twelfth item discussed on the agenda was review and consider the City of Wharton Budget Calendar for Fiscal Year 2003-2004. City Manager Andres Garza, Jr. stated that the City Council Finance Committee met on Monday, March 21, 2003 and reviewed the proposed budget calendar and was requesting City Council approval. He then presented a copy of the City of Wharton Budget Calendar for fiscal year 2003-04. After some discussion, Councilmember Ken Freese made a motion to approve the City of Wharton Budget Calendar for Fiscal Year 2003-04. Councilmember Bryce D. Kocian seconded the motion. All voted in favor.

The thirteenth item discussed on the agenda was a proclamation proclaiming April as Fair Housing Month in the City of Wharton, Texas. City Manager Andres Garza, Jr. presented a proclamation proclaiming April as Fair Housing Month in the City of Wharton to the City Council. He stated that the proclamation serves as an activity in its efforts to ensure fair housing in the City. The proclamation read as follows:

WHEREAS Title VIII of the Civil Rights Act of 1968, as amended, prohibits discrimination in housing and declares it a national policy to provide, within constitutional limits, for fair housing in the United States; and

WHEREAS The principle of Fair Housing is not only national law and national policy, but a fundamental human concept and entitlement for all Americans; and

WHEREAS The thirty-fifth anniversary of this National Fair Housing Law, during the month of April, provides an opportunity for all Americans to recognize that complete success in the goal of equal housing opportunity can only be accomplished with the help and cooperation of all Americans.

NOW, THEREFORE, I, Garland S. Novosad, by the authority vested in me as Mayor of the City of Wharton, Texas do hereby proclaim April as Fair Housing Month in the City of Wharton and do hereby urge all the citizens of this locality to become aware of and support the Fair Housing Law.

IN WITNESS WHEREOF I have set my hand and caused the seal of the City of Wharton to be affixed this 24th day of March in the year of our Lord two thousand and three A.D.
No action was taken.

The fourteenth item discussed on the agenda was to review and consider the request by Pioneer Aviation, Inc. to amend the Fixed Based Operators lease agreement with the City of Wharton. City Manager Andres Garza, Jr. informed the City Council that during the regular meeting of the Wharton Regional Airport Board held March 4, 2003, the Airport Board Members were presented a request from Mr. Cecil Ellis of Pioneer Aviation and Fixed Based Operator (FBO) to amend the FBO lease agreement with the City of Wharton. The Airport Board agreed that the revisions should be referred to the City Council Finance Committee for consideration. He presented a copy of the letter dated March 3, 2003 from Mr. Ellis to the Wharton Regional Airport Board regarding his proposals. He then presented a copy of the memorandum from the City Council Finance Committee which included their recommendation to amend the current FBO agreement to 1) reduce the number of hours required from 70 hours per week to 40 hours per week and 2) allow Pioneer Aviation to install a credit card machine for pilots self-fueling of 100 LL during FBO off-hours. In addition, the Committee recommended that the FBO post the hours, provide phone numbers to call for information on off-hours and that the lease agreement continue for the remaining five years. City Manager Andres Garza, Jr. stated that if the City Council approved the Committee's recommendation, then a formal amended agreement would be presented to the City Council setting the beginning date of the proposed changes. Mayor Garland S. Novosad asked about the expenditures associated with the card system. City Manager Andres Garza, Jr. stated that the cost would be approximately \$15,000. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to amend the current FBO agreement to 1) reduce the number of hours required from 70 hours per week to 40 hours per week, 2) allow Pioneer Aviation to install a credit card machine for pilots self-fueling of 100 LL during FBO off-hours, and 3) require the FBO to post the hours, provide the phone numbers to call for information during off-hours and that the lease agreement continue for the remaining five years. Councilmember Ken Freese seconded the motion. All voted in favor.

The fifteenth item discussed on the agenda was to review and consider a resolution amending the City of Wharton Emergency Medical Services rates. City Manager Andres Garza, Jr. informed the City Council that the City of Wharton Finance Committee met on Monday, March 17, 2003 and discussed amending the City of Wharton Emergency Medical Services rates for mileage. He then presented a memorandum from the Committee stating that they agreed that the mileage rate should be increased from \$8.00 per mile to \$8.50 per mile. He said the Committee requested information from the surrounding EMS providers on their mileage rates. He then presented the information requested by the Committee and a copy of the resolution regarding EMS rates. Finance Director Joyce Vasut informed the City Council that Prudentia started EMS billing on March 1, 2003 and questioned the \$8.00 per mile rate. Debra Medina with Prudentia addressed the City Council and stated that Medicare pays \$8.48 per mile for the first 17 miles, therefore she would recommend the City Council increase the rate in order to receive the maximum payable from Medicare. Mayor Garland S. Novosad stated that he would not like to charge the City of Wharton residents for the mileage since the residents are paying city taxes. Joyce Vasut stated that it would not matter where the resident lives, but where the patient is picked up. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to approve Resolution No. 2003-28, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2003 - 28**

WHEREAS, the City Council of the City of Wharton established rates in accordance with Resolution No. 2000-63; and

WHEREAS, the City wishes to establish new charges and rates for emergency medical services; and

WHEREAS, the City Council of the City of Wharton wishes to authorize the Emergency Medical Services Director to enforce said charges and the applicable fees.

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 adopts the charges and fees for emergency medical services as described below:

ERVICE LEVEL	ATE
Basic Life Support – Non-Emergency	\$ 300.00
Basic Life Support – Emergency	\$ 350.00
Advanced Life Support 1 – Non Emergency	\$ 325.00
Advanced Life Support 1 – Emergency	\$ 400.00
Advanced Life Support 2	\$ 500.00
Advanced Life Support – Special Care	\$ 600.00

B. MILEAGE

\$8.50 per mile.

C. Additional supplies and equipment usage fees.

Section II. The City Council of the City of Wharton hereby authorizes the Emergency Medical Services Director and his duly authorized representative to enforce charges and the applicable fees.

Section III. That Resolution No. 2000-63 shall become null and void on. March 31, 2003.

Section IV. That this resolution shall become effective on April 1, 2003.

Passed, Approved, and Adopted this 24th day of March 2003.

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 sixteenth item discussed on the agenda was to review and consider a resolution of support of the City Council of the City of Wharton, Texas, Authorizing the Submission of a HOME Program Application to the Texas Department of Housing and Community Affairs for HOME Funds; Adopting the HOME Program Guidelines; and Authorizing the Mayor to act as the City's Chief Elected Officer and Authorized Representative in all matters pertaining to the City's participation in the program. City Manager Andres Garza, Jr. presented a copy of Community Services Director Jo Knezek's memorandum regarding the 2003 Home Program application. He stated that under the program, the City had been successful in providing safe housing to its citizens. After some discussion, Councilmember V. L. Wiley, Jr. made a motion to approve Resolution No. 2003-29, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2003 - 29**

A RESOLUTION OF SUPPORT OF THE CITY COUNCIL OF THE CITY OF WHARTON, TEXAS, AUTHORIZING THE SUBMISSION OF A HOME PROGRAM APPLICATION TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS FOR HOME FUNDS; ADOPTING THE HOME PROGRAM GUIDELINES; AND AUTHORIZING THE MAYOR TO ACT AS THE CITY'S CHIEF ELECTED OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE CITY'S PARTICIPATION IN THE PROGRAM.

WHEREAS, THE CITY COUNCIL OF THE CITY OF WHARTON, TEXAS DESIRES TO DEVELOP A VIABLE URBAN COMMUNITY, INCLUDING DECENT HOUSING AND A SUITABLE LIVING ENVIRONMENT PRINCIPALLY FOR PERSONS OF LOW/MODERATE INCOME; AND

WHEREAS, CERTAIN SUBSTANDARD HOUSING CONDITIONS EXIST WHICH REPRESENT A HEALTH AND SAFETY THREAT TO FAMILIES RESIDING IN SUCH STRUCTURES; AND

WHEREAS, THE CITY COUNCIL OF WHARTON, TEXAS SUPPORTS THE CITY'S APPLICATION FOR FUNDING;

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

1. THAT, A HOME APPLICATION FOR HOME FUNDS IS HEREBY AUTHORIZED TO BE FILED ON BEHALF OF THE CITY WITH THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS.
2. THAT, THE APPLICATION BE FOR \$495,000 OF GRANT FUNDS TO CARRY OUT OWNER OCCUPIED HOUSING RECONSTRUCTION/REHABILITATION PROJECTS AND ELIGIBLE SOFT COSTS, AND \$19,800.00 FOR ADMINISTRATION/OPERATING FUNDS.
3. THAT, THE CITY ADOPT THE OWNER OCCUPIED ASSISTANCE PROGRAM DESIGN.
4. THAT, THE CITY SHALL CONTRIBUTE \$49,500.00 IN THE FORM OF CASH AND/OR IN-KIND MATCH FOR THE PURPOSE OF WAIVER OF PERMIT FEES, DEMOLITION, CLEARANCE AND/OR DISPOSAL OF WASTE FOR PROJECT UNITS ASSISTED THROUGH THIS PROGRAM.
5. THAT, THE CITY SHALL COMMIT \$247,500.00 IN THE FORM OF CASH RESERVES FOR THE GENERAL PURPOSE TO PAY PROGRAM COSTS BEFORE REIMBURSEMENTS ARE RECEIVED FROM THE STATE OF TEXAS HOME PROGRAM.
6. THAT, THE CITY COUNCIL DIRECTS AND DESIGNATES THE MAYOR AS THE CITY'S CHIEF ELECTED OFFICER AND AUTHORIZED REPRESENTATIVE TO ACT IN ALL MATTERS IN CONNECTION WITH THE APPLICATION AND THE CITY'S PARTICIPATION IN THE HOME PROGRAM.

PASSED AND APPROVED THIS 24TH DAY OF MARCH 2003.

GARLAND S. NOVOSAD
MAYOR

ATTEST:

JOYCE VASUT
CITY SECRETARY

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

The seventeenth item discussed on the agenda was to review and consider a resolution awarding grants to certain applicants under the Owner Occupied Assistance Grant Program through the Texas Department of Housing and Community Affairs, 2001 HOME Program Contract No. 531067 HOME Investment Partnership Program. City Manager Andres Garza, Jr. presented a

resolution awarding the Home grant to the remaining four applicants under the City 2001 Home Program Contract No. 531067. He stated that the City's commitment under the program was to build nine (9) new homes. Five are currently under construction. After some discussion, Councilmember V. L. Wiley, Jr. made a motion to approve Resolution No. 2003-30, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2003 - 30**

A RESOLUTION AWARDED GRANTS TO CERTAIN APPLICANTS UNDER THE OWNER OCCUPIED ASSISTANCE GRANT PROGRAM THROUGH THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS, 2001 HOME PROGRAM CONTRACT NO. 531067 HOME INVESTMENT PARTNERSHIPS PROGRAM.

WHEREAS, the City of Wharton was awarded the Texas Department of Housing Community Affairs 2001 HOME Program Contract No. 531067, Home Investment Partnerships Program; and,

WHEREAS, the City of Wharton is required to assist a minimum of nine (9) homeowners with the rehabilitation or reconstruction of their homes; and,

WHEREAS, the City Council wishes to award grants to the following qualifying four (4) applicants for the rehabilitation of their homes:

- a. Willie Moore, 909 Spanish Camp Road
- b. Theresa Farris, 614 South East Avenue
- c. Ruby Lee Simmons, 1012 West Milam
- d. Annie Roberts, 219 Pecan Street

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

Section I. the City Council hereby awards a grant under the Texas Department of Housing and Community Affairs 2001 HOME Program Contract No. 531067 Home Investment Partnerships Program to the following qualifying applicants for the rehabilitation of their homes:

- e. Willie Moore, 909 Spanish Camp Road
- f. Theresa Farris, 614 South East Avenue
- g. Ruby Lee Simmons, 1012 West Milam
- h. Annie Roberts, 219 Pecan Street

Section II. This resolution shall become effective immediately upon its passage.

Passed, Approved, and Adopted this 24th day of March 2003.

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 eighteenth item discussed on the agenda was to review and consider the City of Wharton 2003 Street Improvement Program. City Manager Andres Garza, Jr. informed the City Council that on March 19, 2003, the City Council Street and Drainage Committee met and discussed the 2003 Street Improvement program, sidewalk conditions within the City and the offer of sale of property located at Industrial Park on Nelson Road. He presented the memorandum from the Streets & Drainage Committee Members, which read as follows:

The City Council Streets & Drainage Committee Members met March 19, 2003 to discuss the following items:

- 2003 Street Improvement Program - Mr. Phil Bush, the Public Works Director provided the Committee Members with the proposed list of streets to be reconstructed and/or seal coated within the 2003 Street Improvements Program. After some discussion, the Streets & Drainage Committee Members voted to recommend the City Council consider approving the identified streets in accordance with Mr. Bush's recommendations.
- City Wide Sidewalk Improvements – City Staff informed the Committee on the condition of the 67,400 feet of sidewalks in the City. Of these, approximately 29,300 feet are considered to be in poor condition and require immediate corrective action. An additional 13,100 feet of sidewalks are only in fair condition and will need to be addressed in the future. The cost of replacement for a sidewalk is estimated to be at around \$9.00 per linear foot. The total cost to replace all sidewalks believed to be in poor condition, is estimated to be approximately \$263,700. These estimates do not include any removal of materials, but only the replacement.
- Offer of Sale of Property located at Industrial Park on Nelson Road – The Committee discussed the property.

After some discussion, Councilmember Don Mueller made a motion to approve the City of Wharton 2003 Street Improvement Program as presented. Councilmember Domingo Montalvo, Jr. seconded the motion. All voted in favor.

The nineteenth item discussed on the agenda was a resolution authorizing the Mayor of the City of Wharton to execute an agreement between the City of Wharton and Municipal Development Services. City Manager Andres Garza, Jr. informed the City Council that on March 18, 2003, the City received only one proposal for management services regarding the proposed Texas Capital Fund application, which was from Municipal Development Services. He stated that proposals were sent to five consultants. He said if the City was successful in its Texas Capital Fund application, then the agreement with Municipal Development Services would be entered into. He then presented a resolution that would authorize the Mayor to execute the agreement on the City's behalf if the grant was awarded. He then presented a draft of the agreement. After some discussion, Councilmember V. L. Wiley, Jr. made a motion to approve Resolution No. 2003-31, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2003 - 31**

A RESOLUTION AWARDED THE CONTRACT FOR MANAGEMENT SERVICES TO MUNICIPAL DEVELOPMENT SERVICES FOR THE CITY OF WHARTON'S WAL-MART PROJECT, TEXAS DEPARTMENT OF AGRICULTURE - TEXAS CAPITAL FUND; AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE THE CONTRACT BETWEEN THE CITY OF WHARTON AND MUNICIPAL DEVELOPMENT SERVICES FOR THE CITY OF WHARTON'S WAL-MART PROJECT – TEXAS DEPARTMENT OF AGRICULTURE - TEXAS CAPITAL FUND.

WHEREAS, the City of Wharton has submitted an application to the Texas Department of Agriculture – Texas Capital Fund Program for funding regarding the Wharton Wal-Mart Project; and

WHEREAS, the City of Wharton requested and received proposals for management services to administer the grant if funded; and

WHEREAS, the Wharton City Council wishes to award the contract for management services to Municipal Development Services for the City of Wharton's Wal-Mart Project , Texas Department of Agriculture - Texas Capital Fund; and

WHEREAS, the City of Wharton and Municipal Development Services wish to be bound by the conditions as set forth in the Contract for Management Services which is attached as “Attachment 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 Mayor Garland S. Novosad of the City of Wharton to execute the contract between the City of Wharton and Municipal Development Services for management services for the Wal-Mart Project , Texas Department of Agriculture - Texas Capital Fund in an amount not to exceed \$60,000 if such grant award is made to the City of Wharton.

Section II. The City of Wharton and Municipal Development Services are hereby bound by the conditions as set forth in the Contract for Management Services (Attachment “A”).

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

Passed, Approved, and Adopted this 24th day of March 2003.

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 twentieth item discussed on the agenda was review and consider the Boards, Commissions, and City Council Reports:

- A. Beautification Commission meeting held March 12, 2003.
- B. Finance Committee meeting held March 17, 2003.
- C. Streets & Drainage Committee meeting held March 19, 2003.
- D. Building Standards Commission meeting held March 20, 2003.

City Manager Andres Garza, Jr. presented the reports to the City Council. After some discussion, Councilmember Don Mueller made a motion to approve the reports as presented. Councilmember V. L. Wiley, Jr. seconded the motion. All voted in favor.

The twenty-first item on the agenda was to review and consider 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. No action was taken.

The twenty-second 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 9:27 p.m.

CITY OF WHARTON, TEXAS

By:

GARLAND S. NOVOSAD
Mayor

ATTEST:

JOYCE VASUT
City Secretary