

**MINUTES
OF
CITY OF WHARTON
REGULAR CITY COUNCIL MEETING
APRIL 28, 2003**

Mayor Garland S. Novosad declared a Regular Meeting duly open for the transaction of business at 7:01 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, Police Captain Richard Coleman, Public Works Director Phillip Bush, Building Official Ronnie Bollom, EMS Director John Kowalik Facilities Maintenance Director Bob Baker, Community Services Director Jo Knezek, and City Attorney Paul Webb.

Visitors present were: Ron Sanders Wharton Journal-Spectator, David Schroeder with WEDCo, Joel D. Williams, Richard Arnold, Lewis Fortenberry, Roy Wright, Johnnie Roberts, I.O. Coleman, Jr., Wayne Adam, Cindy Kocian, Bill Coleman, Anthony Rachunek, Billie Jones, Don Hurley, Rivers R. Glover, I, Mary Nell Wiley, Lynda Nichols, Naomi Kemp, Leigh Freudensprung, Jim Maser, Chester Houston, Peggy Barnes, Ellis Hurd, Ray Roberson, Anopawuia Spinks, Carlos Cotton, Debbie Dimmick, Merrell "Doc" Barfield, Jr., Mark Gresham, James B. Scarlett, Gerald Coats, Gaylan Segrest, Carolyn Hooper, Lewis Fortenberry, Jean Adams, Gerald Adams, Rev. Theodore Baines, Barbara Stephenson, Eddie Brinkley, Shirley Hatton, F. L. Kocian, Billy Bahnsen, Louis Edwards, A.J. Rath, Bertha Edwards, Mark Rath, Waymond Altenburg, Corky Altenburg, Carol Gresham, Sharron O'Neal, Addie Plummer, Leo C. Humphrey, Carlos Cotton, Gary Ward, Betty Mueller, Ray Roberson, Ellis Hurd, Carlton Scott, Bernice Jackson, Barbara Ray, Ron Ullmann, Anthony Rachunek, Carrol Balwin Phillip, Sandra Washington, Floyd Washington, Lawrence Ephran, Mattie Peterson, Magnolia Heard, Hattie Williams, and Eunice Jackson.

The third item on the agenda was Public Comments. Mr. James B. Scarlett, Sr. addressed the City Council and asked the City Council to work together to make the City of Wharton a city of love, to have an open door, and to give everyone the same opportunity. He then publicly commended Mayor Garland S. Novosad and stated that he was a blessing to the community.

Mr. I.O.Coleman, Jr. addressed the City Council and thanked the City Council for their support of the Boys & Girls Club Fundraiser on April 26, 2003. He then stated that the City Council needed compassion, which he currently did not see present at the meetings. He stated that the City Council does have a right to inquiry and that the Wharton High School Training Alumni Political Forum never ambushed anyone as the newspaper stated.

Mr. Jim Maser addressed the City Council and stated that he did not live in the City but he was a contractor who worked in the City and publicly commended Ronnie Bollom. He stated Mr. Bollom was an asset to the City of Wharton.

Mr. Chester Houston addressed the City Council and stated that as the President of the Wharton High School Training Alumni Association, he had sent out the invitations to the city officials inviting them to the Public Forum. He stated it was not a mandatory attendance and the Association never ambushed anyone. He stated that the City Council should attend in order for the citizens to voice their views.

Mr. Ellis Hurd addressed the City Council and stated that the street lights have not been installed on FM 102, Spanish Camp and Mattie Streets. He stated that there are lights going up in other parts of the City but not the westside. Councilmember Darryl Darnell requested written documentation on street lights with a timeline when CenterPoint would be available to complete the list. Councilmember Don Mueller stated that when contacting CenterPoint, the pole number must be given in order to have the light replaced. Councilmember V. L. Wiley, Jr. stated that he had called with the pole number and had spoken to Public Works Secretary Irene Arriaga and Public Works Director Phillip Bush; however the lights have not be replaced.

Mr. Ray Roberson addressed the City Council and stated he was an Air Conditioning contractor in the City. He stated that the City needed to pull together and the arguing needed to be minimized.

Ms. Anopawua Spinks addressed the City Council and stated that the City should be held responsible and replace the residence when property had been demolished without notifying the owner. She stated that she purchased property in August 2002 and in October 2002 the house was demolished by the City of Wharton without receiving any notification from the City of Wharton. She also stated that during the Flood 1998, she was promised funds from the City that she never received. She stated that she received funds from FEMA. She stated that the City Council did not take the black people seriously.

Mr. Theodore Baines addressed the City Council and stated that he has an vested interest in the City since his mother resides here. He stated that if City Councilmembers did not take care of the entire city, then they should be removed.

Mr. Lawrence Ephran addressed the City Council and stated that he sees the City workers mowing Harris Park but they will not mow his ditch. He also stated that when the workers do mow the ditch, they mess it up. He then asked why there are no benches for the Colorado Valley Transit on the westside of town when other parts of the city have them. He stated that he was tired of being used.

Ms. Barbara Ray addressed the City Council and stated that she resides at 1612 W. Milam and the City requested to put a ditch through her property and the City would maintain the ditch; however, the City had not maintained the ditch and the weeds were high. She stated that she pays taxes and the City needed to do its job.

Ms. Leigh Freudensprung addressed the City Council and stated that she was a school teacher at Dawson Elementary and works late and the area has been in need of more street lights. She stated that her husband works for CenterPoint and has turned in a list of street lights that need replacing. She also stated that she would like to see improvement in the Police Department. She stated that she sees nine out of ten people not wearing a seat belt and the Police Officers needed to start ticketing people. She stated that her children have witnessed drug deals on Milam and M.L.K. Blvd., which is a drug-free zone, but the Police Department has not been able to catch them.

No action was taken.

The fourth item on the agenda was the Wharton Moment. Councilmember Don Mueller stated one of the nine homes built in District No. 1 was completed. Councilmember V. L. Wiley, Jr. publicly commended Community Services Director Jo Knezek and then thanked the city and stated that more could be done for the people in that District. No action was taken.

The fifth item on the agenda was to review and consider City of Wharton Financial Report for the month of March 2003. Finance Director Joyce Vasut presented the financial report for the month of March 2003, which was at 50% or six months into the fiscal year. Mrs. Vasut stated that the general fund revenues were at 59.83% and the expenditures were at 50.33%. The total ad valorem taxes collected were \$1,678,120. The sales tax for the month of February 2003 was \$89,966 with \$59,977 to the City and \$29,989 to WEDCo. The TexPool balance for March 2003 was \$2,762,596.93 with an average monthly yield of 1.3298%. Councilmember Darryl Darnell asked about the cellular phone and radio research. Finance Director Joyce Vasut stated that the City was reviewing the cellular, radio and office phones and would be making changes. She stated that she would present the Councilmembers with a report. After some discussion, Councilmember Bryce D. Kocian made a motion to approve the financial report for the month of March 2003 as presented. Councilmember Don Mueller seconded the motion. All voted in favor.

The sixth item on the agenda was to review and consider a request by Mr. Bill Coleman: Amendment to the City of Wharton Code of Ordinances, Chapter 18, Building and Construction, Section 18-143 through Section 18-209. City Manager Andres Garza, Jr. informed the City Council that Bill Coleman requested this item be placed on the agenda. He then presented a copy of Mr. Coleman's request to the City Council. Mr. Bill Coleman addressed the City Council and presented information to the City Council regarding amending Chapter 18, Building and Construction, Section 18-143 through Section 18-209. He stated that the current ordinance was for the master electrician to have control and the journey electrician could only work under a master electrician. He stated that he resides at 711 Mattie Street and also in California. He stated that the problem with electrical work was finding someone to do work in a timely manner. He stated that there was a demand for electricians in Wharton with a population of 9,237 people. He stated that he hired an electrician to install 4 plugs, 2 switches, and 3 fans which took 3 weeks. He stated that the problem is that a quote is received, a deposit is paid and then the electrician does other jobs before your job. He stated that he had a 1500 square foot house and the electrical work cost \$8,000.00. He stated that the ordinance could be amended to include three different

levels: Residential/Licensed Electrician who would perform work from \$1.00 to \$5,000.00, would be bonded and be required to pull a permit but perform work independently with all work inspected by the Building Official; Journeyman Electrician who would perform work from \$1.00 to \$10,000.00, would be bonded, and be required to pull a permit, but perform work independently with all work inspected by the Building Official; Master Electrician who would perform work from \$1.00 to unlimited amount, would be bonded, and be required to pull a permit, but perform work independently with all work inspected by the Building Official. He stated that this would create a diversity for electricians to perform work in the City of Wharton. Councilmember Ken Freese stated that he would like to refer this item to the Electrical Board who has knowledge in this area. Mr. Wayne Adam, Chairman of the Electrical Board, addressed the City Council and clarified that the ordinance requires that each electrical firm have at least one master electrician. He stated that the firm could have a number of journeymen and apprentices. Councilmember V. L. Wiley, Jr. stated that it was not easy to find an electrician to complete small jobs. Building Official Ronnie Bollom stated that the electrician list provided by the City only included those electricians that requested their name be included on the list. He stated that the City of Wharton has 60-70 master electricians registered with the City of Wharton. Councilmember Darryl Darnell asked if the City could honor another City's test; like the City of Houston. Mr. Wayne Adam stated that the National Electrical Code is revised every year and to make the test fair it would be impossible for the City of Wharton to administer the test. He stated it would not be a true measure and City should not conduct tests for liability reasons, which was the reason the City of Wharton honors the Southern Building Code Congress International (SBCCI), which is now International Code Council (ICC). He stated that he contacted the City of Bay City and the ICC test was required; the ICC was a standardized test. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to refer Mr. Coleman's request to the City of Wharton Code of Ordinances, Chapter 18, Building and Construction, Section 18-143 through Section 18-209 to the Electrical Board. Councilmember Don Mueller seconded the motion. All voted in favor.

The seventh item on the agenda was to review and consider a resolution accepting a grant from Gulf Coast Medical Foundation for the Southern Pacific Railroad Depot Restoration Project. City Manager Andres Garza, Jr. informed the City Council that the Gulf Coast Medical Foundation had approved a grant of \$40,000 to the City of Wharton for restoration of the Southern Pacific Railroad Depot Restoration Project. He then presented a copy of the letter from Gulf Coast Medical Foundation authorizing the grant, and a copy of the resolution accepting the grant for the Railroad Depot Restoration Project. After some discussion, Councilmember V. L. Wiley, Jr. made a motion to approve Resolution No. 2003-37, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2003 - 37**

A RESOLUTION ACCEPTING A GRANT FROM GULF COAST MEDICAL FOUNDATION FOR THE SOUTHERN PACIFIC RAILROAD DEPOT RESTORATION PROJECT.

WHEREAS, the City Council of the City of Wharton, Texas desires to restore the Southern Pacific Railroad Depot and adjacent park; and

WHEREAS, the Southern Pacific Railroad Depot Restoration Committee through its fundraising efforts applied for funding from Gulf Coast Medical Foundation (GCMF); and

WHEREAS, GCMF has authorized a grant in the amount of \$40,000 to the City of Wharton for the Southern Pacific Railroad Depot project

WHEREAS, the City Council of Wharton, Texas must authorize and sign the agreement; and

WHEREAS, the City Council wishes to authorize the Mayor to execute all documents related to the grant.

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

Section I. The Wharton City Council hereby authorizes the acceptance of the grant from Gulf Coast Medical Foundation in the amount of \$40,000.00 for the Southern Pacific Railroad Depot Restoration Project.

Section II. The Mayor of the City of Wharton is hereby authorized to execute all documents related to the grant.

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

PASSED AND APPROVED this 28th day of April 2003.

GARLAND S. NOVOSAD
Mayor

ATTEST:

JOYCE VASUT
City Secretary

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

The eighth item on the agenda was to review and consider a resolution amending the agreement with Jones & Carter for professional services for the Wharton Interim Feasibility Study. City Manager Andres Garza, Jr. presented a draft copy of the Amendment to the Professional Services Agreement between the City of Wharton and Jones & Carter, Inc. He stated that the amendment to the contract was necessary in order to meet the requirements of the Texas Water Development Board grant. He then presented a draft copy of the resolution amending the agreement with Jones & Carter, Inc. for engineering services for the Wharton Interim Feasibility Study. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to approve Resolution No. 2003-38, which read as follows:

**City of Wharton
RESOLUTION NO. 2003 - 38**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHARTON, TEXAS
AMENDING THE AGREEMENT WITH JONES AND CARTER, INC. FOR
PROFESSIONAL SERVICES FOR THE WHARTON INTERIM FEASIBILITY STUDY.**

WHEREAS, the City of Wharton City Council approved a contract with Jones & Carter, Inc. on November 11, 2002 for professional services for the Wharton Interim Feasibility Study; and

WHEREAS, the Texas Water Development Board has requested that the agreement be amended; and

WHEREAS, the city of Wharton desires to amend the agreement with Jones & Carter, Inc. as requested by the Texas Water Development Board.

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

Section I. The Wharton City Council directs and authorizes the Mayor to execute all necessary documents as may be required to initiate and process this contract amendment request.

PASSED AND APPROVED at a meeting of the City Council of the City of Wharton, Texas, on the 28th day of April 2003.

Garland S. Novosad
Mayor, City of Wharton

ATTEST:

Joyce Vasut
City Secretary

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

The ninth item on the agenda was to review and consider Milam Street Force Main Improvement Project:

City Manager Andres Garza, Jr. stated that the City Council authorized the City Staff to pursue the use of excess funds from the Texas Capital Fund and EDA for the construction of a sanitary force main from the Milam Street lift station to the Wastewater Treatment Plant No. 2. He stated that EDA had approved the request; however, the Texas Capital Fund had requested a contract amendment, and a resolution requesting the amendment

was necessary. He stated that they had informed the City that the project would be treated as a new project requiring all the environmental clearance necessary by the program guidelines. He said that he was recommending the engagement of Armando Ruiz of the Ruiz Company to assist the City in the administrative services needed to comply with the program guidelines; funding for the administrative contract would come from City funds. He stated that funding for engineering services would come from the program funds; therefore, the City staff had prepared and requested proposals for engineering services. He stated that the Consultant Selection Committee would be the same as the one appointed by City council for the Wastewater Treatment Plant Improvements.

A. Resolution: Authorizing the submission of a contract amendment request to the Texas Capital Fund contract between the City of Wharton and the Texas Department of Housing and Community Affairs, Contract Number 716522. After some discussion, Councilmember Don Mueller made a motion to approve Resolution No. 2003-39, which read as follows:

**City of Wharton
RESOLUTION NO. 2003 - 39**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHARTON, TEXAS AUTHORIZING THE SUBMISSION OF A CONTRACT AMENDMENT REQUEST FOR THE TEXAS CAPITAL FUND CONTRACT BETWEEN THE CITY OF WHARTON AND THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS (THE DEPARTMENT), CONTRACT NUMBER 716522.

WHEREAS, the City of Wharton entered into a contract with the State of Texas to make improvements to the Wastewater Treatment Plant No. 2 on behalf of Nan Ya Plastic Corp; and

WHEREAS, additional contract funds are available; and

WHEREAS, the city of Wharton desires to use excess funds for the construction of a sanitary force main from the Milam Street Lift Station to the sanitary trunk line feeding into Wastewater Treatment Plant No. 2.;

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

Section I. The Wharton City Council authorizes a contract amendment request to be submitted to the Texas Community Development Program for the following proposed activities:

To install approximately 4,950 linear feet of eight-inch (8") PVC force line, and tie into existing Sanitary Sewer System from the Milam Street Lift Station to the sanitary trunk line feeding into Wastewater Treatment Plant No.2.

Section II: The Wharton City Council directs and authorizes the Mayor to execute all necessary documents as may be required to initiate and process this contract amendment request.

PASSED AND APPROVED at a meeting of the City Council of the City of Wharton, Texas, on the 28th day of April 2003.

Garland S. Novosad
Mayor, City of Wharton

ATTEST:

Joyce Vasut
City Secretary

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

B. Resolution: Authorizing an agreement with the Ruiz Company for administrative services for the Milam Street Force Main Improvement Project. After some discussion, Councilmember Don Mueller made a motion to approve Resolution No. 2003-40, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2003 - 40**

A RESOLUTION AUTHORIZING AN AGREEMENT WITH THE RUIZ COMPANY FOR ADMINISTRATIVE SERVICES FOR THE MILAM STREET FORCE MAIN IMPROVEMENT PROJECT.

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 Milam Street Force Main Improvement Project; 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 Milam Street Force Main Improvement Project.

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 28th day of April 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.

C. Resolution: A resolution of the Wharton City Council designating a Consultant Selection Committee for the procurement of engineering services for the Milam Street Force Main Improvement Project. After some discussion, Councilmember Don Mueller made a motion to approve Resolution No. 2003-41, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2003 - 41**

A RESOLUTION OF THE WHARTON CITY COUNCIL DESIGNATING A CONSULTANT SELECTION COMMITTEE FOR THE PROCUREMENT OF ENGINEERING SERVICES FOR THE MILAM STREET FORCE MAIN IMPROVEMENT PROJECT.

WHEREAS, the City of Wharton has been awarded the Texas Capital Fund Contract No. 716522 and the United States Department of Commerce Economic Development Administration (EDA) grants for the Wastewater Treatment Plant No. 2 Improvement Project; and

WHEREAS, the City of Wharton has requested to amend its agreements with the Texas Capital Fund and EDA to allow the use of excess fund for the Milam Street Force Main Improvement Project; and

WHEREAS, the City of Wharton wishes will follow the Texas Capital Fund and Economic Development Administration Procurement Process procedure for Professional Services; and

WHEREAS, the City Council wishes to designate a consultant selection committee (Attached A) for the procurement of engineering services for the Wastewater Treatment Plant No. 2 Improvement Project; and

WHEREAS, the Consultant Selection Committee will recommend an engineering firm to the City Council for consideration; and

WHEREAS, it is the responsibility of the consultant selection committee follow the below listed recommended guidelines (Attached B):

- a. Procurement Provisions for Professional Services,
- b. The Texas Engineering Practice Act,
- c. Procurement Standards, Uniform Grant and Contract Management Standards,
- d. Texas Government Code - Chapter 2254 Professional and Consulting Services, Subchapter A. Professional Services,
- e. Proposal Rating Sheet for Engineering/Architectural Services.

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

Section I: The City Council hereby designates a consultant selection committee for the procurement of engineering services for the Milam Street Force Main Improvement Project.

Section II: The City of Wharton hereby accepts the Texas Capital Fund and Economic Development Administration (EDA) Procurement Process procedures for Professional Services (Attached B).

Section III: This resolution will become effective immediately upon its passage.

Passed, Approved and Adopted this 28th day of April 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 tenth item on the agenda was to review and consider City of Wharton EMS ambulance chassis:

A. Bid Tabulation.

B. Resolution: A resolution awarding a bid for the City of Wharton EMS ambulance chassis. City Manager Andres Garza, Jr. informed the City Council that the City received a \$50,000.00 grant from the Johnson Foundation for the re-mounting of an ambulance. The City Staff proceeded to seek bids for the chassis needed for the remount. He then presented a copy of a memorandum from EMS Director John Kowalik stating that he reviewed the submitted bids and was recommending the 2003 Ford F-350 be purchased from Von-Wil Ford of Wharton. He also presented a copy of the bid tabulation and a draft resolution awarding the bid for one 2003 one-ton ambulance chassis to Von-Wil Ford. After some discussion, Councilmember Bryce D. Kocian made a motion to approve Resolution No. 2003-42, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2003 - 42**

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

WHEREAS, competitive, sealed bids were received on April 21, 2003, for one 2003 One Ton Ambulance Chassis; and

WHEREAS, Von-Wil Ford 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 in accordance with bid specifications.

Section II. Garland S. Novosad, Mayor of the City of Wharton is authorized to execute all documents related to the purchase of the ambulance chassis.

Section III. The City Manager is hereby authorized to disburse funds from the respective accounts to pay for said purchases in the amount of \$23,550.00 to Von-Wil Ford for one 2003 One Ton Ambulance Chassis.

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

Passed, Approved, and Adopted this 28th day of April 2003.

CITY OF WHARTON, TEXAS

By: _____
GARLAND S. NOVOSAD
Mayor

ATTEST:

JOYCE VASUT
City Secretary

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

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

A. Request by Mr. Don Hurley for a front yard setback variance for the construction of an 18 x 20 metal carport at 1923 Foote Street, Sols, Block 4, Lot 6. City Manager Andres Garza, Jr. presented a copy of the recommendation from A.J. Rath Chairman of the Planning Commission. The Commission recommended approving Mr. Hurley's request. He then presented copies of the request and pictures to the City Council. Don Hurley addressed the City Council and presented information to the City Council regarding the variance request and he stated he was requesting to construct a carport 18 feet from the street, which two other residents in the neighborhood had done. After some discussion, Councilmember Darryl Darnell made a motion to approve the request by Mr. Don Hurley for a front yard setback variance for the construction of an 18 x 20 metal carport at 1923 Foote Street, Sols, Block 4, Lot 6. Councilmember Don Mueller seconded the motion. All voted in favor.

The twelfth item on the agenda was to review and consider a request from Ms. Carrol Baldwin Phillips for setback variance at 818 Branch Street, C.W. Wilson, Block 60, Lots 38 & 39. City Manager Andres Garza, Jr. presented a copy of a letter from Ms. Carrol Baldwin Phillips requesting a setback variance at 818 Branch Street, C.W. Wilson, Block 60, Lots 38 & 39. He stated that Ms. Phillips was requesting a variance to construct an 8 x 10 porch to be located two (2) feet from the interior side property line. Since the variance was greater than 50%, the request was made directly to the City Council. He also presented a memorandum from Building Official Ronnie Bollom and copies of the supporting documentation. Ms. Carroll Baldwin Phillips addressed the City Council and requested construction of a porch with rail and steps with rails. She stated that the porch would not have an awing, which would be 2 feet from the property line. She then stated that she was in the process of purchase the vacant lot next to her. After some discussion, Councilmember Don Mueller made a motion to approve the request from Ms. Carrol Baldwin Phillips for setback variance at 818 Branch Street, C.W. Wilson, Block 60, Lots 38 & 39. Councilmember Domingo Montalvo, Jr. seconded the motion. All voted in favor.

The thirteenth item on the agenda was to review and consider a request by Mr. Gaylan Segrest for a setback variance at 605 N. Richmond Road, Wharton, Block 34, Lot 1B. City Manager Andres Garza, Jr. presented a copy of a letter from Mr. Gaylan Segrest requesting a setback variance at 605 N. Richmond Road, Wharton, Block 34, Lot 1B. He stated Mr. Segrest was requesting a variance to place a portable office building to be located 4.5 feet from the property line. Since the variance was greater than 50%, the request was made directly to the City Council. He then presented a memorandum from Building Official Ronnie Bollom and copies of the supporting documentation. Gaylan Segrest addressed the City Council and requested a variance for placement of a portable office building 4.5 feet from the property line for a go-cart track. He stated that he would be providing a place for the kids to have a lot of fun. He stated that the a snack bar and video room would be in the modular building. Councilmember Ken Freese thanked Gaylan Segrest for providing a place for the kids. After some discussion, Councilmember Ken Freese made a motion to approve the request by Mr. Gaylan Segrest for a setback variance at 605 N. Richmond Road, Wharton, Block 34, Lot 1B. Councilmember Bryce D. Kocian seconded the motion. All voted in favor.

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

- A. Beautification Commission meeting held April 9, 2003.
- B. Building Standards Commission Meeting held April 17, 2003.
- C. Planning Commission meeting held April 21, 2003.
- D. WEDCo public hearing held April 14, 2003.
- E. WEDCo luncheon and special session Commissioners Court held April 14, 2003.
- F. WEDCo regular meeting held April 15, 2003.

City Manager Andres Garza, Jr. presented the reports to the City Council. After some discussion, Councilmember Bryce D. Kocian made a motion to accept the City Council Boards, Committees, and Commission Reports as presented. Councilmember Don Mueller seconded the motion. All voted in favor.

The fifteenth 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 sixteenth 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 8:25 P.M.

CITY OF WHARTON, TEXAS

By:

GARLAND S. NOVOSAD
Mayor

ATTEST:

JOYCE VASUT
City Secretary