

**MINUTES  
OF  
CITY OF WHARTON  
REGULAR CITY COUNCIL MEETING  
MAY 27, 2003**

Mayor Garland S. Novosad declared a Regular Meeting duly open for the transaction of business at 7:00 p.m. Mayor Garland S. Novosad led the opening devotion and then led the pledge of allegiance.

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

Councilmember absent was: None.

Staff members present were: City Manager, Andres Garza, Jr., Finance Accountant Anne Grissom, Deputy City Secretary Lisa Stavena, Building Official Ronnie Bollom, Community Services Director Jo Knezek, Code Enforcement Officer Jimmy Nickolyn, Fire Chief David Copeland, and City Attorney Paul Webb.

Visitors present were: Ron Sanders Wharton Journal-Spectator, David Schroeder with WEDCo, Carlos Cotton, Wayne Adam, Lewis Fortenberry, Carolyn Hooper, Jim Cockrell, Jean Adams, Jane Scheel, Ray Linsinsen, F. L. Kocian, Jerald Coates, Robby & Tessa Matthews, David Orsag, Alfred Watkins, and Audra Watkins.

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 a proclamation to Wharton I.S.D. Girls Softball Coach David Orsag, which read as follows:

**WHEREAS,** we realize that participation in organized athletics helps to build character and teaches a wholesome sense of fair play and good sportsmanship among our youth; and

**WHEREAS,** to really excel in softball, a young person must demonstrate, in addition to a great deal of natural ability, an outstanding spirit of dedication, enthusiasm, and hard work; and

**WHEREAS,** a striking example of this has been brought to my attention in the achievement of the **WHARTON LADY TIGERS** in their accomplishment of becoming the Class 3A, Region 4 Champions and advancing to the State Softball Tournament in Austin, Texas; and

**WHEREAS,** the **WHARTON LADY TIGERS TEAM** for the 2003 season includes **Brooke Viktorin, Hayley Miller, Tracy Mueck, Leslie Castro, Tiffany Bradshaw, Alise Priesmeyer, Amanda Barker, Melinda Rangel, Jami Lobpries, Casey**

**Matzke, Chari Jackson, Whitney McMicken, Stacy Paul, and Melanie Rangel and their Coaches David Orsag, Shauna Eller, and Dustin Lupker.**

**NOW, THEREFORE BE IT RESOLVED**, I, Garland S. Novosad, by virtue of the authority vested in me as Mayor of the City of Wharton, Texas do hereby proclaim the week of May 27 through May 31, 2003 as **WHARTON LADY TIGERS WEEK** in Wharton, Texas and encourage all our citizens to join me in honoring these persons for a job well done in representing our community.

**IN WITNESS THEREOF**, I have hereunto set my hand and caused the seal of the City of Wharton to be affixed this twenty-seventh day of May, in the year of our Lord two thousand three, A.D.

Councilmember Ken Freese publicly recognized Bryce Allen for receiving a Silver Metal for the Triple Jump and a Gold Metal for the 400-Meter Dash in the State Track Meet. Head Track Coach Chris Roberts informed the City Council that Bryce Allen ran a 48.25-second, 400 meter run, which was a new school record.

City Manager Andres Garza, Jr. informed the City Council the Dawson Elementary 5<sup>th</sup> Grade Class of Mrs. Janice Harris won the "Adopt a Pilot" contest sponsored by Southwest Airlines. He said the students, and school administrators flew on Southwest Airlines to San Antonio and visited the Institute of Texan Cultures, had lunch in the barge on the Riverwalk and a back behind the scenes visit to Sea World. He publicly thanked Mrs. Harris and Mrs. Bollom for a great job and the fifth graders for representing the City of Wharton. He also thanked Southwest Airlines along with Pilot Paul Britton for their generosity and having the "Adopt a Pilot" contest. No action was taken.

The fifth item on the agenda was to review and consider City of Wharton Financial Report for the month of April 2003. Finance Accountant Anne Grissom presented the financial report for the month of April 2003, which was at 58% or seven months into the fiscal year. Ms. Grissom stated that the general fund revenues were at 65.08% and the expenditures were at 58.06%. The total ad valorem taxes collected were \$1,685,372. The sales tax for the month of March 2003 was \$113,880 with \$75,920 to the City and \$37,960 to WEDCo. The TexPool balance for April 2003 was \$2,378,424.98 with an average monthly yield of 1.2629%. After some discussion, Councilmember Bryce D. Kocian made a motion to approve the financial report for the month of April 2003 as presented. Councilmember V. L. Wiley, Jr. seconded the motion. All voted in favor.

The sixth item on the agenda was to review and consider a request by Wharton County Appraisal District:

a. Annual Financial Audit for the year ended December 31, 2002.

City Manager Andres Garza, Jr. presented a copy of the Annual Financial Audit for the year ended December 31, 2002 to the City Council. After some discussion, Councilmember Bryce D. Kocian made a motion to approve the Annual Financial Audit for the year ended December 31, 2002. Councilmember Ken Freese seconded the motion. All voted in favor.

b. 2004 Proposed General Fund Budget.

City Manager Andres Garza, Jr. presented a copy of the Wharton County Appraisal District Fiscal Year 2003 proposed budget. He stated that City Council action was required on the proposed budget. Councilmember Bryce D. Kocian stated the budget remained the same as prior years. After some discussion, Councilmember Bryce D. Kocian made a motion to approve the Wharton County Appraisal District proposed Budget for 2004. Councilmember Ken Freese seconded the motion. All voted in favor.

The seventh item on the agenda was to review and consider Consumer Confidence Report (CCR) - 2002 Drinking Water Quality Report. City Manager Andres Garza, Jr. presented a copy of the letter dated May 5, 2003 from Ms. Alicia Diehl, Ph.D. of the Texas Commission on Environmental quality (TCEQ) informing the City of Wharton of the Consumer Confidence Report (CCR) or Drinking Water Quality Report. He stated that the letter indicated the City of Wharton must provide all utility customers with a copy of the report. He stated that the City Staff would reproduce the reports for distribution during the month of June 2003. He then presented a copy of the press release that would be published in the Wharton Journal Spectator informing the utility customers that a Public Meeting would be held on Thursday, June 26, 2003. He stated that the public meeting was being held to provide an opportunity for public participation should anyone have questions or concerns regarding the report. TNRCC rules and regulations required the City to distribute the CCR reports to all utility customers by July 1, 2003. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to approve the Consumer Confidence Report (CCR) - 2002 Drinking Water Quality Report and the public hearing date of June 26, 2003. Councilmember V. L. Wiley, Jr. seconded the motion. All voted in favor.

The eighth item on the agenda was to review and consider the Wharton Municipal Pool Schedule for 2003. City Manager Andres Garza, Jr. presented a copy of the memorandum dated May 20, 2003 from Community Services Director Jo Knezek regarding the Wharton Municipal Pool Schedule for 2003. He then presented a copy of the pool schedule, season pass form, application for swimming lessons, rental form terms and conditions, application for season pass and a water aerobic consent form. Community Services Director Jo Knezek informed the City Council that the pool would open on June 3, 2003 through September 1, 2003. She stated that the Swim Team would utilize the pool Tuesdays to Fridays from 8:30 - 11:00 a.m., swimming lessons would be from 11:00 a.m. to 12:00 noon, water aerobics on Tuesdays and Thursdays 5:30 to 7:00 p.m. and open to the public on Tuesdays, Wednesdays, Thursday s, Fridays, Saturdays, and Sundays from 1:00 to 5:00 p.m., family nights on Wednesdays, and Fridays from 6:00 to 8:00 p.m. and on Saturdays from 5:00 to 7:00 p.m. She stated that the cost would be the same as prior years for regular admission of \$1.00 per individual, family night \$0.50 per individual, family pass of \$35.00 and individual pass of \$17.50. After some discussion, Councilmember Don Mueller made a motion to approve the Wharton Municipal Pool Schedule for 2003. Councilmember V. L. Wiley, Jr. seconded the motion. All voted in favor.

The ninth item on the agenda was to review and consider a Request for Payment for City of Wharton Civic Center Restroom Project: Pay Estimate No. 2 – Penner Electric, Inc. City Manager Andres Garza, Jr. presented a copy of the Application and Certificate For Payment the City received May 12, 2003 from Mr. Barnaby Evans of Fatter & Evans recommending approval of the pay requests submitted by Penner Electric, Inc. in the amount of \$ 8,565.75 for the Civic Center Restroom Renovation Project. After some discussion, Councilmember Ken Freese made a motion to approve the Request for Payment for City of Wharton Civic Center Restroom Project:

Pay Estimate No. 2 – Penner Electric, Inc. Councilmember Bryce D. Kocian seconded the motion. All voted in favor.

The tenth item on the agenda was to review and consider a resolution authorizing the Mayor of the City of Wharton to execute a Mutual Aid Fire Protection Agreement between Boling, Danevang, East Bernard, El Campo, Glen Flora, Hungerford, Louise and Wharton, all parties being unincorporated areas, municipal corporations, county governments or fire departments in Wharton County. City Manager Andres Garza, Jr. presented a copy of a Mutual Aid Fire Protection Agreement between Boling, Danevang, East Bernard, El Campo, Glen Flora, Hungerford, Louise and Wharton. He stated that the agreement had been approved and executed by several of the other fire departments. Chief Copeland was requesting that the Wharton City Council approve the agreement. He stated that City Attorney Paul Webb had also reviewed the agreement. City Attorney Paul Webb stated that that he recommended City Council approval. Fire Chief David Copeland addressed the City Council and stated that this agreement would replace the existing agreement, which was executed in 1986. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to approve Resolution No. 2003-48, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2003 - 48**

**A RESOLUTION AUTHORIZING MAYOR GARLAND S. NOVOSAD TO EXECUTE A MUTUAL AID FIRE PROTECTION AGREEMENT AMONG AND BETWEEN BOLING, DANEVANG, EL CAMPO, GLEN FLORA, HUNGERFORD, LOUISE, AND WHARTON, ALL PARTIES BEING UNINCORPORATED AREAS, MUNICIPAL CORPORATIONS, COUNTY GOVERNMENTS OR FIRE DEPARTMENTS IN THE COUNTY DULY ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF TEXAS, ACTING HEREBY BY AND THROUGH THEIR RESPECTIVE MAYORS OR FIRE CHIEFS DULY AUTHORIZED TO SO ACT BY ORDINANCE, RESOLUTION, OR DECLARATION DULY PASSED BY SAID CITIES, COUNTIES, OR FIRE DEPARTMENTS.**

**WHEREAS,** the Wharton City Council wishes to authorize Mayor Garland S. Novosad to execute a mutual aid fire protection agreement among and between Boling, Danevang, El Campo, Glen Flora, Hungerford, Louise, and Wharton, all parties being unincorporated areas, municipal corporations, county governments or fire departments in the county duly organized and existing under the laws of the State of Texas, acting hereby by and through their respective Mayors or Fire Chiefs duly authorized to so act by ordinance, resolution, or declaration duly passed by said cities, counties, or fire departments; and

**WHEREAS,** Boling, Danevang, El Campo, Glen Flora, Hungerford, Louise, and Wharton Fire Departments 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 Boling, Danevang, El Campo, Glen Flora, Hungerford, Louise, and Wharton Fire Departments.

**Section II.** The Fire Departments 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 27<sup>th</sup> day of May 2003.

**CITY OF WHARTON, TEXAS**

By: \_\_\_\_\_  
**GARLAND S. NOVOSAD**  
Mayor

**ATTEST:**

\_\_\_\_\_  
**LISA STAVENA**  
Deputy City Secretary

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

The eleventh item on the agenda was to review and consider a resolution authorizing the City Manager of the City of Wharton, Wharton County, Texas to sell surplus personal property. City Manager Andres Garza, Jr. presented a copy of the draft resolution authorizing the City Manager of the City of Wharton, Wharton County Texas to sale surplus personal property and the list of the personal property that would be sold with the sealed bid process. After some discussion, Councilmember Ken Freese made a motion to approve Resolution No. 2003-49, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2003 -49**

**A RESOLUTION AUTHORIZING ANDRES GARZA, JR., AS CITY MANAGER OF THE CITY OF WHARTON, WHARTON COUNTY, TEXAS TO SALE SURPLUS PERSONAL PROPERTY.**

**WHEREAS,** the City of Wharton has identified surplus personal property; and

**WHEREAS,** the City Council of the City of Wharton wishes to authorize the City Manager to sale the surplus personal property directly to the public by publication notification; and

**WHEREAS,** the City of Wharton wishes to sale by publication notification or at public auction personal property identified and attached to this resolution (Exhibit "A").

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

- Section I. The City Council of the City of Wharton hereby authorizes the City Manager to sale the surplus personal property identified in this resolution.
- Section II. The City Council of the City of Wharton hereby authorizes the sale of this personal property by publication notification.
- Section III. This resolution shall become effective immediately upon its passage.

**Passed, Approved, and Adopted** this 27<sup>th</sup> day of May 2003.

**CITY OF WHARTON, TEXAS**

**By:**

\_\_\_\_\_  
**GARLAND S. NOVOSAD**  
Mayor

**ATTEST:**

\_\_\_\_\_  
**LISA STAVENA**  
Deputy City Secretary

**City of Wharton  
Surplus Property**

<b>Year</b>	<b>Model</b>	<b>VIN Number</b>
1992	Badger 460 3416 hours	Serial # 171552
1992	FMC Sweeper – Vanguard 10882 hours, 31822 miles	Serial # 1F9VM3H49MP041116
1969	FWD W/Hanson Crane Truck	Model # WC93353 – Chassis
1980	Ingersoll Rand Air Compressor  1500 Gallon Diesel Tank	Serial # 123586U81134
2000	Ford Crown Victoria 71,426 miles	VIN # 2FAFP71W9YX146031 LP # 779-137
1997	Ford Crown Victoria 107,774 miles	VIN# 2FALP71WOYVX145025 LP # 716-397

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

The twelfth item on the agenda was to review and consider City of Wharton Wal-Mart Supercenter Water and Sanitary Sewer Utility Extension Project:

A. Bid Tabulation:

B. **Resolution:** A resolution awarding a contract for the City of Wharton Wal-Mart Supercenter Water and Sanitary Sewer Utility Extension Project.

City Manager Andres Garza, Jr. informed the City Council that bids for the City of Wharton Wal-Mart Supercenter Water and Sanitary Sewer Utility Extension Project were opened May 6, 2003. He then presented a copy of a letter from Jones and Carter, Inc including a recommendation as well as a draft resolution. Carlos Cotton, P.E. with Jones & Carter Engineering addressed the City Council and recommended Alternate Bid No. 2 to be awarded to Uticon for being the lowest best qualified bidder. Councilmember Domingo Montalvo, Jr. publicly thanked Wharton Economic Development (WEDCo) Executive Director David Schroeder, and City Attorney Paul Webb for expediting the project. After some discussion, Councilmember Don Mueller made a motion to approve Resolution No. 2003-50, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2003 - 50**

**A RESOLUTION OF THE WHARTON CITY COUNCIL AWARDING THE BID TO UTICON, INC. FOR THE CITY OF WHARTON WAL-MART SUPERCENTER WATER AND SANITARY SEWER UTILITY EXTENSION PROJECT; AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID CONTRACT.**

**WHEREAS,** competitive, sealed bids were received May 6, 2003 for the City of Wharton Wal-Mart Supercenter Water and Sanitary Sewer Utility Expansion Project; and

**WHEREAS,** the City of Wharton City Council wishes to award the bid to Uticon, Inc., the lowest, best qualified bidder, Alternate Bid No. 2 in the amount of \$307,951.40; and

**WHEREAS,** Uticon, Inc. wishes to accept a contract for the City of Wharton Wal-Mart Supercenter Water and Sanitary Sewer Utility Expansion Project for the total construction cost of \$307,951.40; and

**WHEREAS,** the City of Wharton and Uticon, Inc. wish to be bound by the conditions as set forth in the contract for the project.

**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 Mayor of the City of Wharton to execute all contract documents with Uticon, Inc for the City of Wharton Wal-Mart Supercenter Water and Sanitary Sewer Utility Expansion Project.

**Section II.** That the City of Wharton and Uticon, Inc are hereby bound by the conditions as set forth in the contract for the project.

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

**Passed, Approved, and Adopted** this 27<sup>th</sup> day of May 2003.

**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 thirteenth item on the agenda was to review and consider City of Wharton - Grace Community Fellowship Utility Project:

- A. Bid Tabulation:
- B. **Resolution:** A resolution awarding a contract for the City of Wharton – Grace Community Fellowship Utility Project.

City Manager Andres Garza, Jr. presented the bids for the City of Wharton – Grace Community Fellowship Utility Project received May 22, 2003 to the City Council. He then presented a draft resolution. Carlos Cotton, P.E. with Jones & Carter Engineering addressed the City Council and recommended the base bid be awarded to Hubbert Construction for being the lowest best-qualified bidder. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to approve Resolution No. 2003-51, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2003 - 51**

**A RESOLUTION OF THE WHARTON CITY COUNCIL AWARDING THE BID TO UTICON, INC. FOR THE CITY OF WHARTON – GRACE COMMUNITY FELLOWSHIP UTILITY PROJECT; AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID CONTRACT.**

**WHEREAS,** competitive, sealed bids were received May 22, 2003 for the City of Wharton - Grace Community Fellowship Utility Project; and

**WHEREAS,** the City of Wharton City Council wishes to award the bid to Hubbert Construction for being the lowest, best qualified bidder, in the amount of the base bid of \$24,344.95; and

**WHEREAS,** Hubbert Construction wishes to accept a contract for the City of Wharton -Grace Community Fellowship Utility Project for the total construction cost of \$24,344.95; and

**WHEREAS,** the City of Wharton and Hubbert Construction wish to be bound by the conditions as set forth in the contract for the project.

**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 Mayor of the City of Wharton to execute all contract documentation with Hubbert Construction for the City of Wharton - Grace Community Fellowship Utility Project.

**Section II.** That the City of Wharton and Hubbert Construction are hereby bound by the conditions as set forth in the contract for the project.

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

**Passed, Approved, and Adopted** this 27<sup>th</sup> day of May 2003.

**CITY OF WHARTON, TEXAS**

**By:** \_\_\_\_\_  
**GARLAND S. NOVOSAD**  
Mayor

**ATTEST:**

\_\_\_\_\_  
**LISA STAVENA**

Deputy City Secretary

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

The fourteenth item on the agenda was to review and consider an ordinance: Amendment to the City of Wharton Code of Ordinances Section 54-3: Use of Certain Softball Fields. City Manager Andres Garza, Jr. presented a copy of the email received from Mayor Garland S. Novosad requesting to eliminate the insurance requirement for those renting the City softball park. He then presented a copy of City of Wharton Code of Ordinances Section 54-3 Use of Certain Softball Fields, as well as a draft ordinance including the changes. City Attorney Paul Webb stated that with the Texas Tort Claims Act, the City of Wharton could delete the insurance requirement. He also stated that the City would be covered under Texas Municipal League-IRP. Community Services Director Jo Knezek stated that since the City Council adopted the insurance requirements, the use of fields for tournament and league play were down. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to approve Ordinance No. 2003-06, which read as follows:

**CITY OF WHARTON  
ORDINANCE NO. 2003-06**

**AN ORDINANCE AMENDING THE CITY OF WHARTON CODE OF ORDINANCES, SECTION 54-3(f) REGARDING THE REQUIREMENT FOR LIABILITY INSURANCE IN A CITY MAINTAINED PARK USED FOR SOFTBALL TOURNAMENTS AND LEAGUES.**

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

**SECTION I: Amendment**

**WHEREAS**, it is the desire of the City of Wharton to amend Section 54-3 of the City of Wharton Code of Ordinances is hereby amended by deleting part (f), which currently read as follows:

**Section 54-3 Use of certain softball fields**

- (f) All persons permitted to use a city maintained park for softball tournament or leagues will provide liability insurance in an amount not less than one million dollars (\$1,000,000) and shall name the City of Wharton as additional insured.

**Effective Date**

This Ordinance shall become effective on the 27<sup>th</sup> day of May 2003.

**Passage and Approval**

**PASSED AND APPROVED** by the City Council of the City of Wharton, Texas, on the 27<sup>th</sup> day of May 2003.

**CITY OF WHARTON, TEXAS**

By: \_\_\_\_\_  
**GARLAND S. NOVOSAD**  
Mayor

**ATTEST:**

\_\_\_\_\_  
**LISA STAVENA**  
Deputy City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**PAUL WEBB**  
City Attorney  
Councilmember V. L. Wiley, Jr. seconded the motion. All voted in favor.

The fifteenth item on the agenda was to review and consider authorizing a variance to the City of Wharton Code of Ordinances Section 54-2: Operating or Parking Motor Vehicles in Parks for the Wharton County Freedom Fest. City Manager Andres Garza, Jr. presented a copy of the email received from Mayor Garland S. Novosad regarding a variance to the City of Wharton Code of

Ordinances Section 54-2: Operating or Parking a Motor Vehicle in a City Park for the Wharton County Freedom Fest. He then presented a copy of City of Wharton Code of Ordinances Section 54-2: Operating or parking motor vehicles in parks. He stated that the variance would allow the parking of vehicles in the park for the Bar-B-Que Cook-off Contest for the Wharton County Freedom Fest. After some discussion, Councilmember Darryl Darnell made a motion to approve the variance to the City of Wharton Code of Ordinances Section 54-2: Operating or Parking Motor Vehicles in Parks for the Wharton County Freedom Fest. Councilmember Ken Freese seconded the motion. All voted in favor.

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

A. Request by Ms. Carolyn McDaniel-Hooper for the temporary placement of a recreational vehicle at 404 Tennie Avenue, Helms, Block 1, Lot 1. City Manager Andres Garza, Jr. presented a copy of the recommendation from A.J. Rath Chairman of the Planning Commission. He stated that the Commission recommended approving Ms. Carolyn McDaniel-Hooper's request for the temporary placement of a recreational vehicle at 404 Tennie Avenue, Helms, Block 1, Lot 1. He then presented a copy of the application for variance, a copy of the plat and pictures of the recreational vehicle. Ms. Carolyn McDaniel-Hooper addressed the City Council and stated that she asked permission to purchase and place on her property a recreational vehicle. She stated that the neighbors do not have a problem with this circumstance. Councilmember Darryl Darnell informed Ms. Hooper that he did not know her until May 12, 2003. He stated that a city official did not abide by the ordinance. He informed her that she was not to blame for anything. Ms. Hooper stated that she had a propane tank removed, which cost \$600.00. Councilmember Darryl Darnell asked Ms. Hooper about the \$20,000 in repairs, if a permit was pulled. Ms. Hooper stated that the property was under Mildred Rusk at the time of the repairs. Ms. Hooper stated that she purchased the recreational vehicle in December 2002, however she moved in the first week of February 2003, which was when the utilities were connected. Councilmember Darryl Darnell asked when was the permits issued for the connection to the utilities. Building Official Ronnie Bollom stated that the electric permit was issued a week ago and the sewer approximately a month ago. He stated that the recreational vehicle was only a temporary situation due to the remodeling of the house. Councilmember Darryl Darnell stated that the electrician was not licensed in the City of Wharton to conduct electrical work. Mr. Bollom stated that the matter was resolved and the electrician was double fined for the permit. After some discussion, Councilmember Bryce D. Kocian made a motion to approve the temporary placement of a recreational vehicle at 404 Tennie Avenue, Helms, Block 1, Lot 1 for a six-month period. Councilmember Don Mueller seconded the motion. All voted in favor. Councilmember Don Mueller welcomed Ms. Carolyn McDaniel-Hooper to the City of Wharton. Councilmember Darryl Darnell made a motion for the City of Wharton to reimburse Ms. Carolyn McDaniel-Hooper for expenses occurred on 404 Tennie Avenue, which she had approval for then was advised to remove. City Attorney Paul Webb stated that it would need to be placed on the City Council Agenda for discussion. Ms. Carolyn McDaniel-Hooper stated that she would not like the item placed on the City Council Agenda. No action was taken.

B. Request by Mr. And Mrs. Alfred Watkins for an interior line variance at 907 E. Elm Street, Lots 1 and 2, Block 12, Washington Homes. City Manager Andres Garza, Jr. presented a copy of the recommendation from A.J. Rath Chairman of the Planning Commission. He stated that the Commission recommended approving Mr. and Mrs. Alfred Watkins' request for an interior line variance at 907 E. Elm Street, Lots 1 and 2, Block 12, Washington Homes. He then

presented a copy of the application for variance and a copy of the plat. City Attorney Paul Webb informed the City Council that he spoke to Audra Watkins on May 13, 2003 and then attended the Planning Commission Meeting held on May 19, 2003, which recommended the variance. Paul Webb stated that the City Council could not abolish the property line, but could grant a variance to build on the property line. After some discussion, Councilmember Domingo Montalvo, Jr. to approve an interior line variance at 907 E. Elm Street, Lots 1 and 2, Block 12, Washington Homes. Councilmember Ken Freese seconded the motion. All voted in favor.

C. Request by Ms. Theresa Farris for an interior line variance at 614 S. East Ave, Mt. Carmel, Block 1, Lots 9, 10, 11 and 12. City Manager Andres Garza, Jr. presented a copy of the recommendation from A.J. Rath Chairman of the Planning Commission. He stated that the Commission recommended approving Ms. Theresa Farris's request for an interior line variance at 614 S. East Ave, Mt. Carmel, Block 1, Lots 9, 10, 11 and 12. He then presented a copy of the application for variance, copies of the plat with the location of the house and pictures of the lot. Building Official Ronnie Bollom informed the City Council that this was under the HOME Program and was requesting approval for an interior line variance for construction of a new home. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to approve an interior line variance at 614 S. East Ave, Mt. Carmel, Block 1, Lots 9, 10, 11 and 12. Councilmember Don Mueller seconded the motion. All voted in favor.

The seventeenth item on the agenda was to review and consider a request for setback variances from Mr. and Mrs. Ben Evans, Sr. at 213 Hamilton St., Wharton, Block 32, Lot 11B-2. City Manager Andres Garza, Jr. stated that since the variance was greater than 50%, the request was made directly to the City Council. He then presented a copy of a letter from Building Official Ronnie Bollom regarding an application by Mr. And Mrs. Ben Evans, Sr. at 213 Hamilton St., Wharton, Block 32, Lot 11B-2 for a 6.5-foot interior side yard setback variance for the construction of 16 x 20 addition. He then presented copies of the application for variance and the plat, a drawing of the addition and pictures of the current structure. Mr. Ben Evans addressed the City Council and requested continuation of existing structure for a 16 X 20 addition for storage of needed equipment. After some discussion, Councilmember Don Mueller made a motion to approve the request for setback variances from Mr. and Mrs. Ben Evans, Sr. at 213 Hamilton St., Wharton, Block 32, Lot 11B-2. Councilmember V. L. Wiley, Jr. seconded the motion. All voted in favor.

The eighteenth item on the agenda was to review and consider a request by Robert Vandagriff for temporary permit for Possession/Consumption of Alcoholic Beverages at Pleasure Park on June 14, 2003. City Manager Andres Garza, Jr. presented a copy of the application for a temporary permit for possession/consumption of alcoholic beverages at Pleasure Park on June 14, 2003. He then presented a copy of the memorandum from Wharton Police Department Captain Richard Coleman stating that no security or traffic control would be needed for the family reunion and graduation party. After some discussion, Domingo Montalvo, Jr. made a motion to approve the request by Robert Vandagriff for temporary permit for Possession/Consumption of Alcoholic Beverages at Pleasure Park on June 14, 2003. Councilmember Darryl Darnell seconded the motion. All voted in favor.

The nineteenth item on the agenda was to review and consider the Appointments to the City of Wharton Boards & Commissions:

A. Wharton Regional Airport Board.

- B. Beautification Commission.
- C. Building Standards Commission.
- D. Electrical Board.
- E. Holiday Lighting Commission.
- F. Planning Commission.
- G. Plumbing and Mechanical Board.
- H. Wharton Economic Development Corporation.
- I. Youth Activities Committee.
- J. Municipal Court Judge.
- K. Health Officer.
- L. Veterinarian.
- M. City Council Committees:
  - 1. Annexation Committee.
  - 2. Finance Committee.
  - 3. Street & Drainage Committee.
  - 4. Telecommunications Committee.
  - 5. Intergovernmental Relations Committee.
  - 6. Legislative Committee.

City Manager Andres Garza, Jr. presented a list of members of the City of Wharton Boards and Commissions whose terms that expire in June of 2003. He stated that the City Staff contacted the Boardmembers and were asked whether or not they would be willing to serve another term on the board or commission, which their response was noted on the attached list. After some discussion, Councilmember Ken Freese made a motion to approve the following:

### **CITY OF WHARTON BOARDS & COMMISSIONS**

#### **AIRPORT BOARD (TWO YEAR TERM)**

Mike Gilbert	June 30, 2005
Gary Williams	June 30, 2005
Ex Officio-Garland S. Novosad	June 30, 2004
Ex Officio-Councilmembers (Domingo Montalvo, Jr.)	June 30, 2004

#### **BEAUTIFICATION CITY COMMISSION (TWO YEAR TERM)**

Mrs. Maxine Fisher	June 30, 2005
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#### **BUILDING STANDARDS COMMISSION (TWO YEAR TERM)**

Richard Arnold	June 30, 2005
Henry Thiele	June 30, 2005
Ellis Hurd	June 30, 2005
Michael Perkins	June 30, 2005
Councilmember Mayor Garland S. Novosad	June 30, 2004
Councilmember V. L. Wiley - Ex Officio	June 30, 2004

#### **ELECTRICAL BOARD (TWO YEAR TERM)**

David Gerstenberger June 30, 2005  
Councilman V. L. Wiley, Jr. June 30, 2004

**PLANNING COMMISSION (TWO YEAR TERM)**

Loretta Craft June 30, 2005  
Jeanene D. Merka June 30, 2005  
Robert Kolancy June 30, 2005  
Councilmember Domingo Montalvo, Jr. - Ex Officio June 30, 2004  
Councilmember Donald Mueller – Ex Officio June 30, 2004

**PLUMBING & MECHANICAL (TWO YEAR TERM)**

A. J. Rath June 30, 2005  
Tom Faust June 30, 2005  
Mr. J. P. Pickens June 30, 2005  
Councilmember Domingo Montalvo, Jr. - Ex Officio June 30, 2004

**WHARTON ECONOMIC DEVELOPMENT CORPORATION (WEDCo)**

Domingo Montalvo 1<sup>st</sup> Tuesday June, 2005  
I.O. Coleman 1<sup>st</sup> Tuesday June, 2005  
Mike Wootton 1<sup>st</sup> Tuesday June, 2005

**HEALTH OFFICER (TWO YEAR TERM)**

Dr. Gregg J. Dimmick June 30, 2005

**VETERINARIAN (TWO YEAR TERM)**

Dr. Carlos Bonnot June 30, 2005

**CITY COUNCIL COMMITTEES (Yearly Basis)**

Annexation Committee: Garland S. Novosad, Donald Mueller, and Bryce Kocian  
Finance Committee: Bryce Kocian, Ken Freese & Darryl Darnell  
Street & Drainage Committee: V. L. Wiley, Jr., Don Mueller and Domingo Montalvo, Jr.  
Telecommunications Committee: Garland S. Novosad, Ken Freese, and Darryl Darnell  
Intergovernmental Relations Committee: Garland S. Novosad, Ken Freese  
Legislative Committee: Domingo Montalvo, Jr. and Garland S. Novosad  
Councilmember Domingo Montalvo, Jr. seconded the motion. All voted in favor.

The twentieth item on the agenda was to review and consider the Travel Reimbursement for City Manager. City Manager presented a copy of the request for travel reimbursement for himself. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to approve the travel reimbursement for City Manager Andres Garza, Jr. in the amount of \$311.54. Councilmember Bryce D. Kocian seconded the motion. All voted in favor.

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

- A. Beautification Commission meeting held May 14, 2003.
- B. Planning Commission meeting held May 19, 2003.

City Manager Andres Garza, Jr. presented the reports to the City Council. After some discussion, Councilmember V. L. Wiley, Jr. 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 twenty-second item on the agenda was to review and consider City Manager's Reports:

- |   |  |
|---|--|
| A. Police Department.                     | I. Engineer/Planning Department.                   |
| B. City Secretary/Personnel.              | J. Facilities Maintenance Department.              |
| C. Municipal Court.                       | K. Community Services Department/<br>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-third item on the agenda was adjournment. After some discussion, Councilmember Don Mueller made a motion to adjourn. Councilmember Bryce D. Kocian seconded the motion. All voted in favor.

The meeting was adjourned at 8:07 P.M.

**CITY OF WHARTON, TEXAS**

**By:**

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**BRYCE D. KOCIAN**  
Mayor Pro-Tem

**ATTEST:**

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**LISA STAVENA**  
Deputy City Secretary