

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

Mayor Bryce D. Kocian declared a Regular Meeting duly open for the transaction of business at 7:00 p.m. Councilmember Domingo Montalvo, Jr. led the opening devotion and then Mayor Bryce D. Kocian led the pledge of allegiance.

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

Councilmember absent was: Ray Linseisen.

Staff members present were: City Manager, Andres Garza, Jr., Finance Director Joyce Vasut, Deputy City Secretary Lisa Stavena, Community Services Director Jo Knezek, Building Official Ronnie Bollom, EMS Director John Kowalik, Police Captain Richard Coleman, Public Works Director Phillip Bush, Fire Chief David Copeland, and City Attorney Paul Webb.

Visitors present were: Ron Sanders Wharton Journal-Spectator, David Schroeder with WEDCo, Carlos Cotton, Lewis Fortenberry, Mike Mills, Saim Eriskin, Anthony Rachenuk, Suzette Young-Wells, Johnnie Roberts, Julius Shanklin, Bob Nelson, Floyd Fisher, Calvin Green, Ben Bell, Louis Edward, and Henry Thiele.

The third item on the agenda was Public Comments. Ms. Sam Medlock addressed the City Council and said that she was the Floodplain Coordinator for the Lower Colorado river Authority and stated that the floodplain was administered locally; however, a flood elevation variance should not be permitted unless it could create hardship. She stated that a flood elevation variance would have to be for a good cause. She then stated that the granting of a variance could set a precedent, which could weaken the Community Property Rating System. She stated if the City of Wharton would continue to grant variances, then the City could be removed from the National Flood Insurance Program.

Mr. Floyd Fisher addressed the City Council and stated that he started having problems with the City of Wharton after former Mayor Garland Novosad left office. He stated that he submitted a bid for the remodeling project at 1302 N. Richmond Road and was informed that he received the bid; however Building Official Ronnie Bollom was going to tear down the building and the plumbing permit was denied. He requested that an investigation be conducted. He stated that he submitted an Open Records Request to the Code Enforcement Department and had not received a response as of this date. He stated that thirty days after the initial request, he asked to see the requested documents and was advised that the documents were not available. He stated that Ronnie Bollom would not speak to him without his assistant present; however, Mr. Bollom would speak to other contractors individually. Mr. Fisher stated that he also had conflicts with the previous Building Official John Lloyd. He requested an investigation be conducted. No action was taken.

The fourth item on the agenda was the Wharton Moment. City Manager Andres Garza, Jr. informed the City Council that the Pilot Club had chartered an auxiliary club which was the anchor club of Wharton with the ceremony being on Sunday, November 16, 2003. Mr. Garza then congratulated Deputy City Secretary Lisa Stavena for receiving the Texas Municipal Clerks Certification. Mr. Garza then commended Finance Director Joyce Vasut and her staff for the City of Wharton receiving the Certificate of Achievement for Excellence in Financial Reporting for the Fiscal Year Ended September 30, 2002.

Councilmember Don Mueller commended the What-a-burger employees for picking up litter on the roadway and around the establishment. No action was taken.

The fifth item on the agenda was to review and consider the request by Mr. Saim Eriskin to discuss City Policy and Procedures of Employee Authorizations. City Manager Andres Garza, Jr. presented a copy of the letter dated November 16, 2003 from Mr. Saim Eriskin requesting to discuss City Policy and Procedures of Employee Authorizations. He then presented a copy of the City of Wharton Charter Section 43-3. Mr. Saim Eriskin addressed the City Council and asked if the City abided by a published set of rules. City Manager Andres Garza, Jr. stated that the City Council abided by the City Charter. Mr. Eriskin stated that the City Charter did not state who was responsible for what. He questioned the powers and duties of the City Manager and Finance Director. Mr. Garza stated that the City Charter and job description for each position outlined the duties and responsibilities. Mr. Eriskin questioned an employee approving her own pay raise. City Manager Andres Garza, Jr. stated that he had previously asked Mr. Eriskin if he wanted meet and discuss the procedure and Mr. Eriskin informed him that he wanted to discuss the procedure in public. Mr. Garza stated that there were four signatures on the Payroll Authorization Form: Prepared by, Payroll, and Approved by both the City Manager, and Finance Director. He stated that the Finance Director was approving the Payroll Change Form for budgetary reasons, and the City Manager was approving the change to take place since the City Manager is the Chief Executive Officer. He stated that internal controls were in place. Mr. Eriskin requested the City Council change the policy. Mayor Bryce D. Kocian stated that if the City Manager's signature would not have been on the Payroll Change Form then the City Council would have a problem with the pay change. He stated that since the City Manager's signature was on the pay change, then there was no problem. No action was taken.

The sixth item on the agenda was to review and consider the request by Ms. Cheryl Roach, Vice President of First National Bank, to remove the moratorium on the enforcement of the City of Wharton Code of Ordinances Chapter 82 Traffic, Article II Operation Vehicles, Section 82-135 Three Hour Parking Zones. City Manager Andres Garza, Jr. presented a copy of the letter submitted by Ms. Cheryl Roach, Vice President of First National Bank, requested the City Council remove the moratorium on the enforcement of the City of Wharton Code of Ordinances Chapter 82 Traffic, Article II Operation Vehicles, Section 82-135 Three Hour Parking Zones. He stated that on November 11, 2002, the City Council adopted Ordinance No. 2002-26 declaring a public purpose and necessity for a moratorium on the enforcement of the City of Wharton Code of Ordinances Chapter 82 Traffic, Article II Operation of Vehicles, Section 82-135 Three Hour Parking Zones in order to promote economic growth in the City of Wharton. The Ordinance was for the period November 12, 2002 at 12:01 a.m. through January 6, 2003 at 12:01 a.m. The downtown merchants requested the moratorium to be kept in place. On January 13, 2003, the City Council made a motion to approve Ordinance No. 2003-02, which placed the moratorium for the period beginning January 14, 2003 at 12:01 a.m. and extending until further consideration and action by the City Council. He then presented a copy of the City of Wharton Code of

Ordinances, Section 82-135 Three-hour parking zones. Mr. Garza stated that if the City Council approved the ordinance, then signs would be placed in the designated locations. Councilmember Domingo Montalvo, Jr. requested the Wharton Chamber of Commerce & Agriculture contact the local merchants for feedback. City Manager Garza stated that he would present the information at the next City Council meeting. After some discussion, no action was taken.

The seventh item on the agenda was to review and consider a resolution approving the Interlocal Cooperation Agreement between the Wharton Fire Department and LCRA Public Safety; authorizing the Mayor of the City of Wharton to execute all documents related to said agreement. City Manager Andres Garza, Jr. presented a copy of the Resolution approving the Interlocal Cooperation Agreement between the Wharton Fire Department and LCRA Public Safety; authorizing the Mayor of the City of Wharton to execute all documents related to said agreement. He then presented a copy of the Interlocal Agreement between the Wharton Fire Department and LCRA Public Safety. Fire Chief David Copeland addressed the City Council and stated the Swift Water Rescue Team would respond if the personnel were available. Councilmember Darryl Darnell questioned the response service area. He asked if the City would be responsible for fuel, food and hotel costs outside Wharton County. Fire Chief Copeland stated that the City would be responsible for the costs; however, only if the personnel were available would the personnel be sent. He stated that in most instances, FEMA would be involved in such a disaster and the City would most likely be reimbursed for expenses. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to approve Resolution No. 2003-104, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2003 - 104**

A RESOLUTION APPROVING THE INTERLOCAL AGREEMENT BETWEEN WHARTON FIRE DEPARTMENT AND LOWER COLORADO RIVER AUTHORITY (LCRA) PUBLIC SAFETY; AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE THE AGREEMENT.

WHEREAS, the Wharton City Council wishes to approve the Interlocal Agreement between the City of Wharton and the Lower Colorado River Authority (LCRA); and

WHEREAS, the Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute the agreement; and

WHEREAS, the City of Wharton and the Lower Colorado River Authority (LCRA) wishes to be bound by the conditions as set forth in the agreement.

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

Section I. That the City Council of the City of Wharton hereby approves THE Interlocal Agreement between the City of Wharton and the Lower Colorado River Authority (LCRA).

Section II. That the Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute all documents related to the agreement amendment.

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

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

CITY OF WHARTON, TEXAS

By: _____
BRYCE D. KOCIAN
Mayor

ATTEST:

JOYCE VASUT
City Secretary
Councilmember Don Mueller seconded the motion. All voted in favor.

The eighth item on the agenda was to review and consider the recommendation by the City Council Finance Committee Meeting.

1. Agreement of the City of Wharton and Wharton County with the Port of Port Lavaca-Point Comfort for the creation of a Foreign Trade Zone.

City Manager Andres Garza, Jr. presented a copy of the information provided by WEDCo Executive Director David Schroeder regarding the creation of a Foreign Trade Zone. He stated that he had forwarded the information to City Attorney Paul Webb for his review and comment. WEDCo Executive Director David Schroeder addressed the City Council and stated that the foreign trade zone would include goods manufactured outside the United States, which would not be taxed within the Enterprise Zone. He stated that the annual fee of \$500 would be paid by WEDCo and the warehouse and location fee of \$3,000 to \$10,000 would be paid by the company. Mayor Bryce D. Kocian stated that the Finance Committee met and recommended approval. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to approve the agreement of the City of Wharton and Wharton County with the Port of Port Lavaca-Point Comfort for the creation of a Foreign Trade Zone. Councilmember V. L. Wiley, Jr. seconded the motion. All voted in favor.

2. Reimbursement Policy for Residential Development.

City Manager Andres Garza, Jr. presented a copy of the City of El Campo's policy regarding reimbursements for residential developments. He then presented a copy of section 6.06 (4) of the City's subdivision ordinance regarding the current City's policy. He stated that the City Council may wish to pursue such a policy to encourage local development. Mr. Garza stated that he had forwarded a copy of the information to City Attorney Paul Webb for his review. He stated that the City of Wharton Subdivision Ordinance currently allowed reimbursements for water and sewer improvements. He stated that street and drainage could be added for reimbursement. He then presented a copy of the City of El Campo's Reimbursement Policy for Residential Development for City Council review. Councilmember Domingo Montalvo, Jr. suggested that the item be taken back to the Finance Committee for recommendation. After some discussion, no action was taken.

3. Proposal by the Reina Family Trust to construct approximately 15-20 single-family units of patio homes.

City Manager Andres Garza, Jr. presented a copy of the letter received from Mr. Ben Bell of the Reina Family Trust, dated November 11, 2003. He stated that the Reina Family Trust was asking the

City to pursue the Texas Office of Rural Community Affairs (ORCA) Housing Infrastructure Fund Grant for the infrastructure needed on the site they were pursuing to develop. The grant required that a housing survey be conducted. City Manager Andres Garza, Jr. said that on Tuesday, November 18, 2003, the WEDCo Board authorized a study for the project. Also, this was the same program as Enlightened Word Ministries, Inc. requested the City to pursue. He stated that only one application can be submitted by the City each year. Mr. Garza stated that he informed the representatives of Enlightened Word Ministries, Inc. that if they wished to pursue the grant, the cost of the study would be bore by them. The application would require financial commitments from the developer and their financial institutions. The application would be due on February 9, 2004. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to approve the proposal by the Reina Family Trust to construct approximately 15-20 single-family units of patio homes or 8-10 Single Family Units of Conventional Homes. Councilmember V. L. Wiley, Jr. seconded the motion. All voted in favor.

4. City of Wharton pursue funding from the Office of Rural Community Affairs for infrastructure and approve the Wharton Economic Development Corporation to commission a study as one of the requirements to attain said funds.

City Manager Andres Garza, Jr. informed the City Council that in his discussions with Mr. David Schroeder, if the City Council pursued a grant application with the Reina Family Trust, WEDCo would be able to conduct the necessary housing survey. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to authorize the City Staff to pursue funds from the Office of Rural Community Affairs for infrastructure and approved the Wharton Economic Development Corporation to commission a study as one of the requirements to attain said funds. Councilmember V. L. Wiley, Jr. seconded the motion. All voted in favor.

The ninth item on the agenda was to review and consider a resolution administratively approving an application for Tax Abatement filed by Wharton Retail, Ltd., Sage Interests, Inc. General Partner. City Manager Andres Garza, Jr. presented a copy of the tax abatement application filed by Wharton Retail, Ltd., Sage Interests, Inc. General Partner on November 12, 2003. The property would be located in front of the new Wal-Mart Store on Highway 59. He then presented a copy of the proposed resolution administratively approving the application. Upon its approval, the City staff would meet with the business to negotiate an abatement agreement. The agreement would be placed on the December 8, 2003 City Council Agenda for consideration.

Councilmember Domingo Montalvo, Jr. asked if the building would be all brick or partial brick. Mr. Schroeder stated that pictures of other projects would be provided. He stated that the business would create 200 part-time positions, equaling 100 full-time equivalents. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to approve Resolution No. 2003-105, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2003- 105**

**A RESOLUTION ADMINISTRATIVELY APPROVING AN APPLICATION FOR
TAX ABATEMENT FILED BY WHARTON RETAIL, LTD., SAGE INTERESTS,
INC. GENERAL PARTNER..**

WHEREAS, heretofore previously, the City Council of the City of Wharton did establish and adopt certain criteria and guidelines for review and administrative approval of applications for tax abatements; and

WHEREAS, the City Manager of the City of Wharton has reviewed the application heretofore previously filed and has approved the same by memorandum dated the 12th day of November 2003 a copy of which is attached hereto and marked 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 receives and makes a part of the record the recommendation of the City Manager, dated the 12th day of November 2003, recommending administrative approval in accordance with the Guidelines and Criteria for Granting Tax Abatements as adopted by Resolution No. 2001-69 on the 10th day of December 2001 and directs that said recommendation be filed and maintained among the official papers of the City relating to the proposed tax abatement.

Section II. After review to the extent deemed necessary by the City Council of the City of Wharton, the City Council by this Resolution does administratively approve the application for tax abatement heretofore previously filed by Wharton Retail, Ltd., Sage Interests, Inc. General Partner on the 12th day of November 2003, and directs, in accordance with the requirements of law, and the heretofore named Guidelines and Criteria for Granting Tax Abatements, that an appropriate agreement be prepared and submitted to the City Council of Wharton, Texas for final consideration.

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

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

CITY OF WHARTON, TEXAS

By: _____
BRYCE D. KOCIAN
Mayor

ATTEST:

JOYCE VASUT

City Secretary

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

The tenth item on the agenda was to review and consider the request by Mr. Julius Shanklin and Mr. Bob Nelson for a variance to the City of Wharton Flood Ordinance allowing floor level to remain below base flood elevation. City Manager Andres Garza, Jr. presented a copy of a memo from the City's Building Official, Mr. Ronnie Bollom, regarding the request by Mr. Julius Shanklin and Mr. Bob Nelson for a variance to the City of Wharton Flood Ordinance. He then presented a copy of Mr. Shanklin's and Mr. Nelson's application for variance. He said the property was located in the John Harris subdivision, lots 64D-11 and 64D-11A, and the property address was 220 N. Wilkes Street. This variance would allow the floor level to remain below base flood elevation. Mr. Garza also presented a copy of the City Ordinance, Article VI, regarding flood damage prevention. Mr. Bob Nelson addressed the City Council and requested a variance for a Bar-B-Que business at 220 N. Wilkes Street. Building Official Ronnie Bollom

stated that according to the flood elevation, the business would need to be raised 3 ½ feet for compliance. He stated that the existing pit showed a water mark of 12” from the last flood in the area. He stated that the Community Rating System, which helps residents receive discounts on flood insurance, allows property to be constructed above base flood elevation. He stated if the City Council awarded the variance, then a Community Assistance Visit could be required. Mr. Bollom stated that the City of Ordinance states that if a hardship was present and good cause could be determined to grant a variance, then a variance could be granted. Councilmember Don Mueller asked if flood insurance could be obtained. Mr. Nelson stated that he had ordered the supplies for the renovation project. Councilmember Darryl Darnell asked if the business would receive flood damage, would a claim be filed with FEMA. Mr. Bob Nelson stated that a claim would not be filed for damages obtained from flood waters. Councilmember Domingo Montalvo, Jr. stated that the granting of the variance would affect the whole community, not only Mr. Nelson. Mr. Nelson stated that he understood that in a flood area, some items could be lost. Mayor Bryce D. Kocian asked about the improvements to the structure. Mr. Nelson stated that the structure would be enclosed with sheetrock and a roof costing \$8,000. Councilmember Darryl Darnell suggested that Mr. Nelson install a carport over the Bar-B-Que pit and place the coolers and refrigerator in the Rosewood Club located next door. Mr. Nelson stated that he was cooking in Rosewood Club, but had stopped cooking in area and desired to open the Bar-B-Que business next to the Rosewood Club. Mr. Nelson stated that the existing Bar-B-Que pit could not be elevated. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to deny the request by Mr. Julius Shanklin and Mr. Bob Nelson for a variance to the City of Wharton Flood Ordinance allowing floor level to remain below base flood elevation. The motion died for lack of second. After some discussion, Councilmember V. L. Wiley, Jr. made a motion to approve the request by Mr. Julius Shanklin and Mr. Bob Nelson for a variance to the City of Wharton Flood Ordinance allowing floor level to remain below base flood elevation. Councilmember Darryl Darnell seconded the motion. Councilmembers V. L. Wiley, Jr., Darryl Darnell, Don Mueller voted for the motion. Councilmember Domingo Montalvo, Jr. voted against the motion. The motion carried.

The eleventh item on the agenda was to review and consider a resolution of the Wharton City Council authorizing that the Guidelines and Program Design for FEMA Elevation Grant 1257 – DR Project No. UN50-3.2.04. City Manager Andres Garza, Jr. presented a copy of the draft resolution of the Wharton City Council authorizing that the Guidelines and Program Design for FEMA Elevation Grant 1257 - DR Project No. UN50-3.2.04. He then presented a copy of the City of Wharton Program Design FEMA Elevation Grant Guidelines provided by Bud Love. He stated that fifty applications were received. Community Services Director Jo Knezek informed the City Council that the guidelines were the same as the HOME program guidelines. After some discussion, Councilmember V. L. Wiley, Jr. made a motion to approve Resolution No. 2003-106, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2003-106**

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE GUIDELINES AND PROGRAM DESIGN FOR FEMA ELEVATION GRANT 1257-DR, PROJECT #UN50-3.2.04.

WHEREAS, the Wharton City Council authorizes the Guideline and Program Design for FEMA Elevation Grant 1257-DR, Project E UN50-3.2.04.

WHEREAS, the Wharton City of Wharton authorizes the Mayor of the City of Wharton, Texas to accept the Guidelines and Program Design for FEMA Elevation Grant #1257-DR, Project #UN50-3.2.04; and

WHEREAS, the City of Wharton and the FEMA wishes to be bound by the conditions as set forth in the guidelines.

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

Section I. That the Wharton City Council hereby accepts the Guidelines and Program Design for FEMA Elevation Grant #1257-DR, Project #UN50-3.2.04, for the following activities:

To elevate units located in the defined target area and to repair only those properties defined as "qualified eligible expenses" by the Texas Department of Public Safety, Division of Emergency Management; and

That grant funds of \$500,000.00 be used to carry out owner-occupied housing elevation projects and eligible soft costs and \$19,800.00 for administration.

Section II. That the Wharton City Council hereby directs and authorizes the Mayor of the City of Wharton, Texas to execute all necessary documents as may be required to initiate and process the requirements.

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

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

CITY OF WHARTON, TEXAS

By: _____
BRYCE D. KOCIAN
Mayor

ATTEST:

JOYCE VASUT

City Secretary

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

The twelfth item on the agenda was to review and consider City of Wharton Construction Projects:

A. Milam Pump Station Six-Inch Force Main Project – Pay Request No. 1 – RWL Construction, Inc. Mr. Carlos Cotton with Jones & Carter, Inc. addressed the City Council and stated that the project was awaiting the line to be tested. After some discussion, Councilmember

Domingo Montalvo, Jr. made a motion to approve Milam Pump Station Six-Inch Force Main Project – Pay Request No. 1 – RWL Construction, Inc. in the amount of \$124,978.50. Councilmember Don Mueller seconded the motion. All voted in favor.

- B. Wastewater Treatment Plant No. 2 Improvement Project – Eleventh and Final Pay Request - JTR Constructors, Inc. Mr. Carlos Cotton with Jones & Carter, Inc. addressed the City Council and stated that the project was completed and the Certificate of Acceptance would need to be completed. He stated that the job had a one-year warranty. After some discussion, Councilmember V. L. Wiley, Jr. made a motion to approve Wastewater Treatment Plant No. 2 Improvement Project – Eleventh and Final Pay Request - JTR Constructors, Inc. in the amount of \$32,753.60. Councilmember Domingo Montalvo, Jr. seconded the motion. All voted in favor.
- C. 2003 Sewer Rehabilitation Project – Mercer Construction, Pay Request No. 1. Anthony Rachunek with Anthony Rachunek & Associates addressed the City Council and stated the Reed Road was completed. Public Works Director Phillip Bush stated that Mercer Construction was currently working on N. Fulton and Old Lane City Road. After some discussion, Councilmember Don Mueller made a motion to approve 2003 Sewer Rehabilitation Project – Mercer Construction, Pay Request No. 1 in the amount of \$63,152.28. Councilmember Darryl Darnell seconded the motion. All voted in favor.

The thirteenth item on the agenda was to review and consider a request by Councilmember Darryl Darnell to discuss the overflow of City sanitary sewer system during periods of heavy rain and measures to address problem. City Manager Andres Garza, Jr. presented a copy of an email from Councilmember Darryl Darnell that was received on Wednesday, November 19, 2003, regarding items to be placed on the Regular City Council Agenda. Councilmember Darryl Darnell stated that he had received complaints regarding water raising 2 to 4 feet when it rained in the area. He questioned what Utility Department could do to correct it. Public Works Director Phillip Bush stated that two lines on North Fulton Street and Reed Road were being replaced, which would reduce the amount of infiltration. He stated that the daily average for Sewer Treatment Plant No. 1 was 2 million gallons on the daily flow. Councilmember Darryl Darnell asked if the infiltration problem would be fixed, then the force main would be relieved. Mr. Bush said that the lines in the Ahldag area were from 1920's and 1930's. Councilmember Darryl Darnell asked if the lines could be smoke tested. Mr. Bush stated that approximately ten years prior, the City hired a company to smoke test the lines. Anthony Rachunek with Anthony Rachunek & Associates addressed the City Council and stated that the smoke testing would show leaks. Councilmember Darryl Darnell asked would smoke testing or TV Camera be more accurate. Mr. Bush stated with the TV Camera, the jet trucks could erode the top of the concrete lines. He stated that the smoke testing could not be conducted in-house. Councilmember Don Mueller asked about the raising of the manholes that were below water level. Carlos Cotton with Jones & Carter, Inc. addressed the City Council and stated that with the smoke testing, it would show spot repairs needed but would not show long-term problems. He stated that a flow analysis should be conducted for large projects. He stated that the Lift Station needed to be enlarged, since it was undersized for the capacity. After some discussion, City Manager Andres Garza, Jr. stated the City Staff would obtain quotes on smoke testing and video taping of lines and would bring a report to the City Council at a later date. No action was taken.

The fourteenth item on the agenda was to review and consider City Council may adjourn into an Executive Session in accordance with Section 551.076 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: Implementation of security measures and procedures regarding City owned buildings and property.

Mayor Bryce D. Kocian adjourned into Executive Session at 8:36 p.m.

Councilmember Ken Freese arrived at 8:45 p.m.

Mayor Bryce D. Kocian returned to open session at 9:10 p.m.

The fifteenth item on the agenda was to review and consider Action on items discussed in Executive Session:

A. Review & Consider: Implementation of security measures and procedures regarding City owned buildings and property.

Mayor Bryce D. Kocian stated that no action would be taken.

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

- A. Building Standards Commission meeting scheduled for November 20, 2003.
- B. Beautification Commission meeting scheduled for November 12, 2003.
- C. Wharton Economic Development Corporation meeting held November 18, 2003.

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

The seventeenth item on the agenda was to review and consider the 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/Weedy Lot. | N. Legal Department. |
| G. Water & Sewer Department. | |
| H. Public Works Department. | |

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

The eighteenth 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 9:11 p.m.

CITY OF WHARTON, TEXAS

By:

BRYCE D. KOCIAN
Mayor

ATTEST:

JOYCE VASUT
City Secretary