

**MINUTES
OF
CITY OF WHARTON
REGULAR CITY COUNCIL MEETING
JANUARY 12, 2004**

Mayor Bryce D. Kocian declared a Regular Meeting duly open for the transaction of business at 7:02 P.M. Councilmember Ken Freese 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, Domingo Montalvo, Jr., and Ray Linseisen

Councilmember absent was: None.

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

Visitors present were: Benjamin Sharp with Wharton Journal Spectator, Lewis Fortenberry, Carlos Cotton, I. O. Coleman, Jr., Anthony Rachunek, J. L. Roberts, Phil Stephenson, David Schroeder, H. R. Fisher, E. L. Brinkley, Sr., Coby Frankum, Merrell "Doc" Barfield, Jr., Billie Jones, William Loocke, David Samuelson, Richard Vacek, and Ellis Hurd.

The third item on the agenda was Public Comments. Ms. Billie Jones with the Wharton Chamber of Commerce & Agriculture addressed the City Council and invited all Councilmembers to the Chamber Workday held on Wednesday, January 14, 2004 beginning at 7:00 a.m. She stated that the Workday was used to set goals for the current year.

Mr. I.O. Coleman, Jr. addressed the City Council and invited all Councilmembers to attend the Martin Luther King Parade to be held on Saturday, January 17, 2004. He stated that activities would be held at the Wharton I.S.D. Dawson Elementary School Gymnasium. He then stated that the Babe Ruth Banquet would be held on January 29, 2004 and invited the City Council to attend the banquet. No action was taken.

The fourth item on the agenda was the Wharton Moment. Councilmember Domingo Montalvo, Jr. publicly thanked all the citizens and staff that had worked for the city. He stated that San Antonio Mayor Ed Garza stated that in order to start things off right, we needed to get on the ball and do what was best for our community. No action was taken.

The fifth item on the agenda was to review and consider the reading of the Wharton City Council Minutes held December 8, 2003. After some discussion, Councilmember Ray Linseisen made a motion to approve the reading of the minutes of the regular meeting held December 8, 2003. Councilmember V. L. Wiley, Jr. seconded the motion. All voted in favor.

The sixth item on the agenda was to review and consider the City of Wharton Financial Report for the month of November 2003. Finance Director Joyce Vasut presented the financial report for the month of November 2003 and stated that the fiscal year was at 17%. Mrs. Vasut stated that the general fund revenues were at 13.08% and the expenditures were at 14.63%. The total ad valorem taxes collected were \$155,901. The sales tax for the month of November 2003 was \$100,856 with \$67,237 to the City and \$33,619 to WEDCo. The TexPool balance for November 2003 was \$727,767.19 with an average monthly yield of 1.0768%. After some discussion, Councilmember Don Mueller made a motion to approve the City of Wharton Financial Report for the month of November 2003. Councilmember Ken Freese seconded the motion. All voted in favor.

The seventh item on the agenda was to review and consider the Southern Pacific Railroad Depot Restoration Project:

A. Presentation by the Wharton County Freedom Festival.

Fire Chief David Copeland addressed the City Council and stated that he was a member of the Wharton County Freedom Festival. He then presented a \$500.00 check for the Southern Pacific Railroad Depot Restoration Project. He stated that the Wharton County Freedom Festival had also contributed to the Plaza Theater, Share, Women Crisis Center, and Wharton County Courthouse.

B. Funding for the Project – Depot Committee.

City Manager Andres Garza, Jr. presented a copy of the memorandum dated January 8, 2004 from Southern Pacific Railroad Depot Restoration Committee Members, Dr. Merrell Barfield, Mr. William Loocke, and Mr. Phil Stephenson requesting to address the Wharton City Council regarding the funding for the Southern Pacific Railroad Depot Restoration Project. Mr. Phil Stephenson addressed the City Council and stated that citizen guarantees were received for the \$60,000 until the deed was received. He stated that the following persons had agreed under a guarantee in lieu of the depot building that has not been donated to date by Tex-Mex railroad due to internal problems, to subsidize this value until the building has been donated: Phil Stephenson \$6,000; Merrell "Doc" Barfield, Jr. \$3,000; William Loocke \$3,000; James Forgason \$6,000; Don Carlson \$6,000; John Schmermund \$12,000; Lloyd Shoppa \$6,000; Larry Wadler \$6,000; Jeffery Blair \$5,000; S. L. Miori \$2,000; Betty McCrohan \$2,000; Adopha Shoppa \$3,000, and Larry Sitka \$3,000 totaling \$63,000. Councilmember Ken Freese asked how long would the construction phase take. Mr. William Loocke addressed the City Council and stated that the construction phase would take approximately 1 to 1 1/2 years. Dr. Merrell Barfield addressed the City Council and stated that he started working on the project six years ago and he publicly commended the City Council for their contributions towards the project. After some discussion, Councilmember V. L. Wiley, Jr. made a motion to approve the pledges and proceed with the project. Councilmember Ken Freese seconded the motion. All voted in favor.

The eighth item on the agenda was to review and consider the request by Ms. Lorene Byars for a front yard setback variance for the construction of a handicap ramp to be located at 312 South

East Avenue; Wharton, Block 59, Lot 8A-1. City Manager Andres Garza, Jr. presented a copy of the memorandum dated January 5, 2004 from Planning Commission Chairman A. J. Rath recommending the City Council consider approving the request by Ms. Lorene Byars for a front yard setback variance for the construction of a handicap ramp to be located at 312 South East Avenue; Wharton, Block 59, Lot 8A-1. He then presented a copy of the Planning Commission Communications from the meeting held December 15, 2003. Building Official Ronnie Bollom addressed the City Council and stated Ms. Lorene Byars was requesting to construct a handicap ramp that would comply with ADA requirements for a business. After some discussion, Councilmember Don Mueller made a motion to approve the request by Ms. Lorene Byars for a front yard setback variance for the construction of a handicap ramp to be located at 312 South East Avenue; Wharton, Block 59, Lot 8A-1. Councilmember V. L. Wiley, Jr. seconded the motion. All voted in favor.

The ninth item on the agenda was to review and consider the City of Wharton Equipment Bids:

A. 2004 Backhoe:

1. Bid Tabulation.
2. Resolution: A resolution awarding Case Equipment Support Sales the bid for the purchase of a 2004 Backhoe.

City Manager Andres Garza, Jr. presented a copy of the memorandum dated January 5, 2004 from Public Works Director Phil Bush providing his recommendation regarding the 2004 backhoe. He then presented a copy of the bid tabulation and a draft resolution awarding the bid. Public Works Director Phillip Bush addressed the City Council and stated that after reviewing the bids, the quote for the New Holland in the amount of \$36,755, submitted by Dixiequip, Inc., was the lowest bid; however, the proposal did not meet the specifications in six areas. He stated that the next lowest bid was made by Hlavinka Equipment in the amount of \$37,700 for the Terex TX760, which met all the specifications. After a demonstration of the backhoe was held, some features were not operationally acceptable for use by the Public Works Department. Also, the warranty offered on the backhoe was for one-year or 1500 hours, whichever came first. The warranty guidelines were unclear. He stated that the Terex TX 760 had been on the market for approximately two years and did not have a track record regarding operation. Mr. Bush stated that he had contacted a representative in charge of the equipment at Uticon, Inc. which recently purchased a Terex backhoe. The representative indicated that Uticon had not had many problems with the backhoe; however, it was seldom used. He stated that if he had to choose between the Terex TX 760 and the 580M Case, he would recommend the Case if the cost difference were minimal and if the backhoe would be kept for a long period of time. Mr. Bush stated that he was recommending the City Council consider awarding the bid for the 2004 backhoe to Equipment Support Services for the 580M Case backhoe in the amount of \$40,966. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to approve Resolution No. 2004-001, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2004-001**

**A RESOLUTION AWARDING CASE EQUIPMENT SUPPORT
SERVICES THE BID FOR THE PURCHASE OF A 2004 BACKHOE.**

WHEREAS, competitive, sealed bids were received on December 4, 2003 for City Equipment; and

WHEREAS, Case Equipment Support Services was deemed to be the best and lowest qualified bidder as per bid specifications for one 2004 Backhoe in the amount of \$40,966.00; 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. That Case Equipment Support Services is hereby awarded the bid for one 2004 Backhoe in the amount of \$40,966.00 for the City of Wharton in accordance with the bid specifications.

Section II. That the Mayor of the City of Wharton is hereby authorized to sign any documents relating to the aforementioned contracts.

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

Passed, Approved, and Adopted this 12th day of January 2004.

CITY OF WHARTON, TEXAS

BRYCE D. KOCIAN
Mayor

ATTEST:

JOYCE VASUT

City Secretary

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

B. 2004 Mowers:

1. Bid Tabulation.
2. Resolution: A resolution awarding Houston Turf Equipment the bid for the purchase of two 2004 lawn mowers with side discharge and one 2004 lawn mower with rear discharge.

City Manager Andres Garza, Jr. presented a copy of the memorandum dated January 7, 2004 from Public Works Director Phil Bush and Facilities Maintenance Director Bob Baker providing their recommendation regarding the 2004 mowers. He then presented a copy of the bid tabulation and a draft resolution awarding the bid. Public Works Director Phillip Bush addressed the City Council and stated that the City received five bids for the lawn mowers. He stated that the lowest bidder was Houston Turf in the amount of \$11,382.00 per lawn mower. Mayor Bryce D. Kocian asked if the demonstrations were conducted. Mr. Bush stated that a demonstration was conducted with the lowest bidder. Mr. Richard Vasek with Shoppa's Farm Supply asked if the bid was awarded for a Jacobsen 623D. Public Works Director Phillip Bush stated that Houston Turf was the lowest bidder, which was for the Jacobsen 623D. After some discussion, Councilmember Darryl Darnell made a motion to approve Resolution No. 2004-002, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2004-002**

**A RESOLUTION AWARDING HOUSTON TURF EQUIPMENT THE BID
FOR THE PURCHASE OF TWO 2004 LAWN MOWERS WITH SIDE
DISCHARGE AND ONE 2004 LAWN MOWER WITH REAR DISCHARGE.**

WHEREAS, competitive, sealed bids were received on December 22, 2003 for Lawn Mowers; and

WHEREAS, Houston Turf Equipment was deemed to be the best and lowest qualified bidder as per bid specifications for two 2004 Lawn Mowers with Side Discharge in the amount of \$22,764.00; and

WHEREAS, Houston Turf Equipment was deemed to be the best and lowest qualified bidder as per bid specification for one 2004 Lawn Mower with Rear Discharge in the amount of \$11,382.00; 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. That Houston Turf Equipment is hereby awarded the bid for two 2004 Lawn Mowers with Side Discharge in the amount of \$22,764.00 for the City of Wharton in accordance with the bid specifications.

Section II. That Houston Turf Equipment is hereby awarded the bid for one 2004 Lawn Mower with Rear Discharge in the amount of \$11,382.00 for the City of Wharton in accordance with the bid specifications.

Section II. That the Mayor of the City of Wharton is hereby authorized to sign any documents relating to the aforementioned contracts.

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

Passed, Approved, and Adopted this 12th day of January 2004.

CITY OF WHARTON, TEXAS

BRYCE D. KOCIAN

Mayor

ATTEST:

JOYCE VASUT

City Secretary

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

The tenth item on the agenda was to review and consider City of Wharton Hazard Mitigation Grant Buy-out Programs:

A. Status of Acquisition Project DR-1434-002 – Tropical Storm Fay.

City Manager Andres Garza, Jr. presented a copy of his memorandum dated December 19, 2003 to the City Council informing them of the status of the City of Wharton Acquisition Project DR-1434-002 – Tropical Storm Fay. He then presented a copy of the letter dated December 15, 2003 from the Division of Emergency Management, Texas Department of Public Safety informing the City that the Federal Emergency Management Agency (FEMA) and the State of Texas had approved the City's application for the hazard mitigation buy-out program. FEMA only funded two of the properties that met the criteria, which were 2821 Texas Street owned by Mr. Edward Guajardo and 2619 North Abell owned by Mr. Lowe Freitag. The other two properties belonging to Mr. Tyler Pate and Mr. and Mrs. John and Dora Robles, did not meet the cost/benefit ratio that was needed to qualify for the program. He stated that he had notified the property owners of the status of their participation in the grant program. After some discussion, no action was taken.

B. Request by City Staff to pursue an application for funding for the Acquisition Project DR-1434-002 – Tropical Storm Fay.

City Manager Andres Garza, Jr. stated that since the hazard mitigation grant program was a 75% reimbursable / 25% match program, the City was required to pay the 25% match. The City Staff was requesting the City Council's authorization for the City Staff to pursue an application to the Office of Rural Community Affairs (ORCA) to request the City's portion of the grant. He stated that the total project cost was \$244,142. Reverend Eddie Brinkley addressed the City Council and asked if any money would be taken from the elevation project. City Manager Andres Garza, Jr. stated that was a different project, the Acquisition Project DR-1434-002 - Tropical Storm Fay was through the Disaster Relief Program. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to authorize the City Staff to pursue an application for funding for

the Acquisition Project DR-1434-002 – Tropical Storm Fay. Councilmember Ken Freese seconded the motion. All voted in favor.

C. Status of Acquisition Project DR-1479 – Hurricane Claudette.

City Manager Andres Garza, Jr. presented a copy of his memorandum dated January 5, 2004 to the City Council informing of the status of the City of Wharton Acquisition Project DR-1479 – Hurricane Claudette. He then presented a copy of the letter dated December 22, 2003 from Mr. Lloyd Bishop, Mitigation Specialist of the Texas Department of Public Safety, Division of Emergency Management, which stated the City's application that was submitted for the buy-out program under FEMA-1479-DR-TX, was not accepted by the State. However, the State would retain the City's application for one year in the event additional funding would become available. He stated that he had informed the property owners that submitted their applications to be considered for this buy-out program that the State did not recommend the project and that he would notify them if additional funding would become available. After some discussion, no action was taken.

The eleventh item on the agenda was to review and consider the request by Councilmember's Ken Freese and V. L. Wiley, Jr. to discuss freezing property taxes for those property owners qualifying for Over Age 65 exemption. City Manager Andres Garza, Jr. presented a copy of the email dated January 8, 2004 from Councilmember Ken Freese requesting a discussion with the City Council regarding freezing property taxes for property owners qualifying for Over Age 65 exemption. He then presented a copy of Councilmember V. L. Wiley, Jr.'s request to also discuss the possible exemption. Councilmember Ken Freese stated that he requested this item for discussion in order to inform the City Council about the option to freeze property taxes for those over age 65. He suggested this item be discussed at the Finance Committee Meeting. Councilmember V. L. Wiley, Jr. stated that it would allow a break in property taxes. He also suggested that disabled citizens could also receive a property tax freeze. City Manager Andres Garza, Jr. stated that there were approximately 700 property owners, over age 65 in the City of Wharton. Councilmember Ken Freese stated that the tax freeze would be portable within the City, not portable from the City of Wharton to another city. Councilmember Darryl Darnell stated that the Finance Committee should obtain a copy of the statute that would state what could or could not be done. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to refer the freezing property taxes for those property owners qualifying for Over Age 65 exemption to the City Council Finance Committee. Councilmember Ray Linseisen seconded the motion. All voted in favor.

The twelfth item on the agenda was to review and consider the request by Councilmember V. L. Wiley, Jr. to discuss the following:

A. Demolition and Debris Removal Procedures.

City Manager Andres Garza, Jr. presented a copy of the request the City received January 7, 2004 from Councilmember V. L. Wiley, Jr. requesting a discussion of the City Council regarding the demolition and debris removal procedures. He then presented a copy of the 2000 International Building Code Section 105.3.2 Time limitation of application for a permit and the 2000 International Residential Code Section R105.3.2 – Time limitation of application for a permit. Councilmember V. L. Wiley, Jr. stated that the problem was the time limit of 6 months. He stated that 10 days should be sufficient to remove debris after demolition. He stated that other

citizens were making a dump site out of the demolition process. Councilmember Darryl Darnell stated that the permit could be issued for a six month period; however once demolition had started, then they should have to remove the debris within ten working day. After some discussion, no action was taken.

B. Taxes for Citizens declared by Social Security.

City Manager Andres Garza, Jr. presented a copy of the request the City received January 7, 2004 from Councilmember V. L. Wiley, Jr. requesting a discussion on the taxes for citizens declared disabled by Social Security. Councilmember V. L. Wiley, Jr. requested that the item be addressed by the Finance Committee along with the over age 65 to freeze property taxes. After some discussion, no action was taken.

The thirteenth item on the agenda was to review and consider the authorization to pursue a grant application with USDA for sewer improvements for the Wharton Industrial Foundation Industrial Park located at Halford Road and U.S. Highway 59. City Manager Andres Garza, Jr. presented a copy of information regarding Rural Business Enterprise Grant Program (RBEG) offered by USDA for infrastructure improvements. The City Staff was requesting City Council authorization to pursue the RBEG grant program for sewer improvements for the Wharton Industrial Foundation Industrial Park located at Halford Road and U.S. Highway 59. He stated that the grant application would include a preliminary design. Councilmember Darryl Darnell asked if the property was in the City limits. City Manager Andres Garza, Jr. stated that the property was not in the City limits. Councilmember Darryl Darnell stated that he had concerns about infrastructure outside the City limits when there were sewer lines inside the City limits that needed replacing. City Manager Andres Garza, Jr. stated that if the City Council annexed the property, then water, sewer, streets, and street lighting would have to be provided. Wharton Economic Development Corporation Executive Director David Schroeder addressed the City Council and stated that the project would be 100% financed; however, the City of Wharton should apply for the grant for infrastructure for future development. After some discussion, Councilmember Don Mueller made a motion to authorize the City Staff to pursue a grant application with USDA for sewer improvements for the Wharton Industrial Foundation Industrial Park located at Halford Road and U.S. Highway 59. Councilmember Domingo Montalvo, Jr. seconded the motion. Councilmembers V. L. Wiley, Jr., Ken Freese, Don Mueller, Domingo Montalvo, Jr., and Ray Linseisen voted for the motion. Councilmember Darryl Darnell voted against the motion. The motion carried.

The fourteenth item on the agenda was to review and consider the City of Wharton 2003 Street Seal Coating Project – Faltisek Paving Partnership, Ltd. – Second and Final Pay Request. City Manager Andres Garza, Jr. presented a copy of the second and final pay request from Faltisek Paving Partnership, Ltd. for the City of Wharton 2003 Street Seal Coating Project. Public Works Director Phillip Bush stated that the contract completed the seal coating. Councilmember Don Mueller asked about sweeping. Mr. Bush stated that the City of Wharton would be sweeping the streets. After some discussion, Councilmember Don Mueller made a motion to approve the City of Wharton 2003 Street Seal Coating Project – Faltisek Paving Partnership, Ltd. – Second and Final Pay Request in the amount of \$63,620.24. Councilmember Ray Linseisen seconded the motion. All voted in favor.

The fifteenth item on the agenda was to review and consider the City of Wharton Civic Center Finishes Project – Cob’s Carpets:

- A. Change Order No. 1 and No. 2.
- B. Pay Request’s No. 1 and No. 2.

City Manager Andres Garza, Jr. presented a copy of the Change Order’s No. 1 and No. 2 and Pay Request’s No. 1 and No. 2 from Cob’s Carpet for the Civic Center Finishes Project. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to approve the City of Wharton Civic Center Finishes Project – Cob’s Carpets: Change Order No. 1 and No. 2 in the amount of \$5,708.70 and Pay Request’s No. 1 and No. 2 in the amount of \$63,924.70.

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

The sixteenth item on the agenda was to review and consider the City of Wharton Construction Projects – Jones & Carter, Inc.:

- A. Hazard Mitigation Grant Program – Water Plants/Wastewater Treatment Plant No. 1 – Nunn Constructors, Ltd – Pay Request No. 2. City Manager Andres Garza, Jr. presented a copy of the pay request presented by Mr. Carlos Cotton, P.E. of Jones & Carter, Inc. Carlos Cotton, P.E. with Jones & Carter, Inc. addressed the City Council and stated that the project was 68% complete. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to approve the Hazard Mitigation Grant Program – Water Plants/Wastewater Treatment Plant No. 1 – Nunn Constructors, Ltd – Pay Request No. 2 in the amount of \$39,800.52. Councilmember Ray Linseisen seconded the motion. All voted in favor.
- B. Milam Pump Station 6-Inch Force Main Project – RWL Construction, Inc. - Second and Final Pay Request. City Manager Andres Garza, Jr. presented a copy of pay requests presented by Mr. Carlos Cotton, P.E. of Jones & Carter, Inc. Carlos Cotton, P.E. with Jones & Carter, Inc. addressed the City Council and stated that the project was completed. He stated that the City needed to execute the Acceptance of the Project. After some discussion, Councilmember Don Mueller made a motion to approve the Milam Pump Station 6-Inch Force Main Project – RWL Construction, Inc. - Second and Final Pay Request in the amount of \$18,286.50. Councilmember V. L. Wiley, Jr. seconded the motion. All voted in favor.
- C. Milam Pump Station – Uticon, Inc.
 - 1. Change Order No.1.
 - 2. Fourth and Final Pay Request.City Manager Andres Garza, Jr. presented copies of the change orders and pay requests presented by Mr. Carlos Cotton, P.E. of Jones & Carter, Inc. Carlos Cotton, P.E. with Jones & Carter, Inc. addressed the City Council and stated that the lift station was complete. After some discussion, Councilmember Ken Freese made a motion to approve the Milam Pump Station – Uticon, Inc.: Change Order No. 1 in the amount of \$465.00 and the Fourth and Final Pay Request in the amount of \$54,644.24. Councilmember V. L. Wiley, Jr. seconded the motion. All voted in favor.
- D. Caney Creek Outfall Drainage Ditch Project (Wal-Mart) - Uticon, Inc. – Change Order No. 2.
City Manager Andres Garza, Jr. presented to City Council a copy of the change order No. 2 presented by Mr. Carlos Cotton, P.E. of Jones & Carter, Inc. Carlos Cotton, P.E. with Jones & Carter, Inc. addressed the City Council and stated that the Change Order No. 2

reflected a change to clean up adjacent property owner's property. After some discussion, Councilmember Ray Linseisen made a motion to approve the Caney Creek Outfall Drainage Ditch Project (Wal-Mart) - Uticon, Inc. – Change Order No. 2. Councilmember Domingo Montalvo, Jr. seconded the motion. All voted in favor.

The seventeenth item on the agenda was to review and consider the City of Wharton Construction Projects – Anthony Rachunek, & Associates:

- A. 24 “ Sewer Line Repair Project, Wastewater Treatment Plant No. 2 – Mercer Construction Company – Second and Final Pay Request. City Manager Andres Garza, Jr. presented a copy of the pay request. Anthony Rachunek with Anthony Rachunek & Associates addressed the City Council and submitted a revised Second and Final Pay Request reflecting the deduction for the dump truck and backhoe charges. After some discussion, Councilmember Darryl Darnell made a motion to approve the 24 “ Sewer Line Repair Project, Wastewater Treatment Plant No. 2 – Mercer Construction Company – Second and Final Pay Request in the amount of \$64,356.07. Councilmember V. L. Wiley, Jr. seconded the motion. All voted in favor.
- B. 2003 Sewer Rehabilitation Project – Mercer Construction Company, Pay Request No. 2. City Manager Andres Garza, Jr. presented a copy the pay request. Anthony Rachunek with Anthony Rachunek & Associates addressed the City Council and stated that the line was installed on Old Lane City Road. Councilmember Don Mueller requested that an inlet be placed on Reed Street. After some discussion, Councilmember Don Mueller made a motion to approve the 2003 Sewer Rehabilitation Project – Mercer Construction Company, Pay Request No. 2 in the amount of \$24,149.17. Councilmember Ray Linseisen seconded the motion. All voted in favor.

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

- A. Planning Commission meeting held December 15, 2003.
 - B. Wharton Economic Development Corporation meeting held December 16, 2003.
- City Manager Andres Garza, Jr. presented the reports to the City Council. No action was taken.

The nineteenth item on the agenda was 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. | N. Legal. |
| 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 twentieth 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.

City of Wharton
Regular City Council Meeting
January 12, 2004

The meeting adjourned at 8:25 p.m.

CITY OF WHARTON, TEXAS

By: _____
BRYCE D. KOCIAN
Mayor

ATTEST:

JOYCE VASUT
City Secretary