

**MINUTES
OF
CITY OF WHARTON
REGULAR CITY COUNCIL MEETING
APRIL 26, 2004**

Mayor Bryce D. Kocian declared a Regular Meeting duly open for the transaction of business at 7:01 p.m. City Manager Andres Garza, Jr. led the opening devotion and then Mayor Bryce D. Kocian led the pledge of allegiance.

Councilmembers present were: Mayor Bryce D. Kocian, Councilmembers Darryl Darnell, Ken Freese, Don Mueller, and Ray Linseisen.

Councilmember absent was: Councilmembers V. L. Wiley, Jr., and Domingo Montalvo, Jr.

Staff members present were: City Manager, Andres Garza, Jr., Finance Assistance Anne Wigginton, Deputy City Secretary Lisa Stavena, Building Official Assistant Lori Jaquez, EMS Director John Kowalik, Community Services Director Jo Knezek, and City Attorney Paul Webb.

Visitors present were: Benjamin Sharp with Wharton Journal-Spectator, David Schroeder with WEDCo, Carlos Cotton, Lewis Fortenberry, Billie Jones, Vassar "Skip" Holman, Johnnie Roberts, Chester Houston, Suzette Wells-Young, Frank Sprta, Jeanette Sprta, Matthew Lopez, Leslie Lopez, and Louis Gerard.

The third item on the agenda was Public Comments. Billie Jones addressed the City Council and stated that the Chamber of Commerce Workshop on needs that reflected access to the river as a priority. She stated that 28 acres were available on the river with 2500 feet of Colorado River frontage, which was next to City owned property. She stated that Paul Scallon with Lower Colorado River Authority advised that it would be great property to purchase for a park. Ms. Jones stated that the Chamber of Commerce was requesting assistance from the City to purchase the 28 acres. Councilmember Darryl Darnell requested the item be placed on the next City Council meeting.

Councilmember Ken Freese addressed the City Council and stated that the City Council was advised that someone from the State Comptroller's Office stated the financial audit conducted by the City was not an independent audit. He stated that he contacted Carole Keeton Strayhorn with the Texas Comptroller of Public Accounts and was told through a letter that the State Comptroller's Office would not render opinions regarding financial audits. He stated that he received a letter that stated the following:

Councilmember Ken Freese stated that he would forward the letter to Stephenson & Trlicek Company. No action was taken.

The fourth item on the agenda was the Wharton Moment. Councilmember Ray Linseisen publicly commended the Wharton Independent School District Tennis Team. He stated that the Girls Double Team would be going to State Competition. Mayor Bryce D. Kocian publicly recognized Boy Scout Matt Lopez for obtaining the Citizenship in the Community Badge. No action was taken.

The fifth item on the agenda was a presentation of the Years of Service Recognition for Mr. Frank Sprta, Utility Department. Mayor Bryce D. Kocian told the audience that Mr. Frank Sprta retired on March 31, 2004. Mayor Bryce D. Kocian presented Mr. Frank Sprta a Certificate of Recognition for outstanding and dedicated service to the City of Wharton in the Utility Department from 1984 to 2004. Mayor Bryce D. Kocian also presented Mr. Sprta with a twenty-year service pin. No action was taken.

The sixth item on the agenda was to review and consider the City of Wharton Financial Report for the month of March 2004. Finance Assistant Anne Wigginton presented the financial report for the month of March 2004, which was at 50% or six months into the fiscal year. Mrs. Wigginton stated that the general fund revenues were at 60.18% and the expenditures were at 53.92%. The total ad valorem taxes collected were \$1,678,120.00. The sales tax for the month of February 2004 was \$127,076 with \$84,717 going to the City and \$42,359 to WEDCo. The TexPool balance for March 2004 was \$386,983.27 with an average monthly yield of 1.0333%. After some discussion, Councilmember Ray Linseisen made a motion to approve the financial report for the month of March 2004. Councilmember Ken Freese seconded the motion. All voted in favor.

The seventh item discussed on the agenda was to review and consider the recommendation by the Planning Commission for City Council consideration to approve the request by Mr. Ben Bell (Purchaser) for the following:

- A. Approval for a preliminary re-plat of Wharton, Block 58, Lot 5 to create two lots 50 feet by 150 feet.

City Manager Andres Garza, Jr. presented a copy of the memorandum dated April 20, 2004 from Planning Commission Chairman A. J. Rath recommending City Council approval of the preliminary re-plat of Wharton, Block 58, Lot 5 to create two lots 50 feet by 150 feet. He then presented a copy of the Commission Communications from the meeting held April 19, 2004. He said the subdivision ordinance states the lot size requirement was 7200 square feet; however, the replat would have lot sizes of 7500 square feet. After some discussion, Councilmember Ken Freese made a motion to approve the request by Mr. Ben Bell (Purchaser) for a preliminary re-plat of Wharton, Block 58, Lot 5 to create two lots 50 feet by 150 feet. Councilmember Ray Linseisen seconded the motion. All voted in favor.

- B. A side yard setback variance of ten feet from the required 60 feet minimal width size for a structure to be constructed at South East Avenue and a structure to be constructed at Washington Avenue, Block 59, Lot 4.

City Manager Andres Garza, Jr. presented a copy of the memorandum dated April 20, 2004 from Planning Commission Chairman A. J. Rath recommending City Council consideration to approve the side yard setback variance of ten feet from the required 60 feet minimal width size for a structure to be constructed at South East Avenue and a structure to be constructed at Washington Avenue, Block 59, Lot 4. He then presented a copy of the Commission Communications from the meeting held April 19, 2004. After some discussion, Councilmember Ken Freese made a motion to approve the request by Mr. Ben Bell (Purchaser) for a side yard setback variance of ten feet from the required 60 feet minimal width size for a structure to be constructed at South East Avenue and a structure to be constructed at Washington Avenue, Block 59, Lot 4. Councilmember Don Mueller seconded the motion. All voted in favor.

The eighth item discussed on the agenda was to review and consider a resolution of the City Council establishing a City of Wharton American's with Disabilities (ADA) Grievance Procedure. City Manager Andres Garza, Jr. presented a copy of the memorandum dated April 5, 2004 from the Mayor's Local Committee on People with Disabilities Committee Chairman Mr. Vassar Holman, recommending the City Council consider approving the adoption of the resolution establishing an American's with Disabilities Grievance Procedure. He then presented a draft copy of the resolution establishing the grievance procedure. Mr. Garza stated that currently the City of Wharton ADA Coordinator was Building Official Assistant Lori Jaquez; however, he was reviewing if the position would remain in the Code Enforcement Department. City Attorney Paul Webb stated that he reviewed and recommended adoption of the resolution. Councilmember Darryl Darnell asked if the ADA Grievance Procedure was also in the Personnel Policy. City Manager Andres Garza, Jr. stated that the policy was referenced in the Personnel Policy. He said the grievance procedures were available to citizens and employees regarding city facilities and programs. After some discussion, Councilmember Ray Linseisen made a motion to approve Resolution No. 2004-30, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2004-30**

**A RESOLUTION OF THE WHARTON CITY COUNCIL ESTABLISHING
A CITY OF WHARTON AMERICANS WITH DISABILITIES
GRIEVANCE PROCEDURE.**

WHEREAS, it was determined a need existed for an Americans with Disabilities Grievance Procedure should be implemented for the City of Wharton, Texas; and

WHEREAS, the Wharton City Council wishes to establish an Americans with Disabilities Grievance Procedure; and

WHEREAS, the March 25, 2004 the Mayor's Local Committee on People with Disabilities reviewed and recommended an American's with Disabilities Grievance Procedure be established by the Wharton City Council as follows:

AMERICAN'S WITH DISABILITIES GRIEVANCE PROCEDURE

I. OBJECTIVE

Establish procedures to process compliance problems based on alleged violations of Title II protections of the ADA for those facilities or activities under the responsibility of the City of Wharton.

II. ADMINISTRATION

A. ADA Coordinator:

ADA Coordinator
120 E. Caney Street
Wharton, TX 77488
979-532-2491 (PHONE)
979-532-0181 (FAX)

B. Public Notice of ADA Compliance:

B.1. Distribution of Public Notice:

A Public Notice describing the City of Wharton compliance with the requirements of the Americans with Disabilities Act will be posted in prominent locations at all program sites and in short form on all brochures and manuals, including the City of Wharton Personnel Policy and City of Wharton website.

B.2. ADA Public Notice Text:

THE CITY OF WHARTON

AMERICANS WITH DISABILITIES ACT

The City of Wharton does not discriminate on the basis of disability and is committed to the full participation of persons with disabilities in our programs, services, and activities and on our work force.

The following person is responsible for coordinating the City of Wharton compliance with the Americans with Disabilities Act. Inquiries, complaints and requests for communications aids and other accommodations and assistance should be directed to:

ADA Coordinator
120 E. Caney Street
Wharton, TX 77488
979-532-2491 (PHONE)
979-532-0181 (FAX)

Copies of this notice are available in large print, audiotape, and on computer disk.

C. ADA GRIEVANCE PROCEDURE:

This Grievance Procedure is established to meet the requirements of the Americans with

Disabilities Act. Disabled individuals or their authorized representatives who believe that they have been discriminated against on the basis of disability in employment or the provision of services, activities, programs, or benefits are encouraged to use it to bring their complaints to the attention of the City of Wharton.

The complaint should be submitted in writing or on audiotape to the ADA Coordinator. It should include a description of the alleged discriminatory incident or action, the place and date of its occurrence, and the name of any employee or representative of City of Wharton involved. The complaint should also include the name, address, phone number of the person bringing the complaint or their authorized representative. If assistance is needed to file or pursue the complaint, the ADA Coordinator upon request will provide it. The complaint should be submitted as soon as possible but no later than 60 calendar days after the alleged discriminatory incident to:

**ADA COORDINATOR
120 E. CANEY STREET
WHARTON, TX 77488
979-532-2491 (PHONE)
979-532-0181 (FAX)**

Within 15 calendar days of its receipt, the ADA Coordinator will meet with the complainant to clarify the facts of the incident and discuss possible resolutions. Within 15 calendar days after the meeting, the ADA Coordinator, will respond in writing, or if needed for effective communication, in an alternate format preferred by the complainant, such as large print, or audiotape. The response will explain the position of the City of Wharton and present options for substantive resolution of the complaint.

If the ADA Coordinator's response does not satisfactorily resolve the issue, the complainant may appeal the Coordinator's decision within 15 calendar days of its receipt to the City Manager. Within 15 calendar days of receipt of the appeal, the City Manager or his or her designee will meet with the complainant to further clarify the complaint and discuss possible resolutions. Within 15 calendar days of the meeting the City Manager or his or her designee will respond in writing or alternate format with a final resolution of the complaint.

All complaints received by the ADA Coordinator, appeals to the City Manager, and responses from the ADA Coordinator or City Manager will be kept by the City of Wharton for at least three years.

If the City Manager's response does not satisfactorily resolve the issue, the complainant may appeal the City Manager's decision within 15 calendar days to the City Council. The appeal must be in writing, of an effective communication as an alternate format such as large print or audiotape.

III. EMPLOYMENT

A. Reasonable Accommodation Policy.

It is the policy of the City of Wharton that no otherwise qualified individual with a disability shall, solely by reason of his/her disability, be excluded from employment or employment related benefits. Employment, hiring, and advancement will be based solely on the employee or applicant's ability to perform what City of Wharton determines to be the essential functions of a position.

Further, it is the policy of the City of Wharton that reasonable accommodation will be made for an otherwise qualified applicant or employee with a disability, unless the City of Wharton can demonstrate that the accommodation imposes an undue financial or administrative hardship on the operation of its programs.

Persons with disabilities employed by the City of Wharton are encouraged to request reasonable accommodation at any time when such accommodation becomes necessary to the employee's performance of essential functions of their position or to the enjoyment of any other benefits of employment.

Requests for reasonable accommodations should be present verbally or in writing to the employee's immediate supervisor. The request should include a description of the nature and purpose of the accommodation. Assistance will be made available to any employee requiring assistance in identifying an appropriate accommodation or in documenting the reasons why such accommodation is needed.

A decision will be made within fifteen calendar days of the submission of a reasonable accommodation request accompanied by any supporting documentation needed by the City of Wharton to fairly evaluate the request. The effectiveness of the accommodation and the need for changes or additions to the accommodation will be assessed during first month of the employee's use of the accommodation.

All reasonable accommodation requests and documentation, discussions, decisions and other matters relative to an employee's status as a person with a disability will be kept confidential.

The final decision concerning any requested accommodation that may represent an undue financial or administrative hardship will be made by the City Manager. Applicants and employees have the right to appeal the denial of any accommodation request using the ADA Grievance Procedure. In the case of a denial based on undue hardship by the City Manager the employee or applicant may appeal to the City Council in writing, or an effective communication as an alternate format such as large print or audiotape.

B. Employment Training Assurance

It is the policy of City of Wharton that staff training and development activities provided for the City of Wharton personnel include information about ADA employment requirements.

IV. NON-DISCRIMINATORY OPERATIONS

A. Equal Opportunity Policy

No qualified person with a disability shall be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any of the City of Wharton's programs or activities.

In providing its services, programs, and activities, the City of Wharton will not:

1. Deny a qualified individual with a disability the opportunity to participate in, or benefit from, a benefit, service, or activity.
2. Deny a qualified individual with a disability the opportunity to participate in, or benefit from, any aid, benefit, or service that is not equal to that afforded to others.
3. Otherwise limit a qualified individual with a disability the enjoyment of any right, privilege, advantage, or opportunity enjoyed by other qualified individuals receiving the aid, benefit, or service.

B. Reasonable Modification Policy

The City of Wharton will make reasonable modifications to policies and procedures necessary to accommodate the needs of a person with a disability whenever an otherwise qualified person with a disability requests such modification, unless it can be demonstrated that the requested modification would impose an undue burden or fundamental alteration to the program.

Requests for reasonable modifications can be made to the ADA Coordinator and can be presented verbally or in writing. It is responsibility of the ADA Coordinator to ensure that requests are responded to within fifteen calendar.

Final decisions regarding requests for reasonable modifications that in the opinion the ADA Coordinator may represent an undue burden or fundamental alteration will be made by the City Manager in a timely fashion and no longer than fifteen calendar days. Individuals seeking to contest a denial of a request for reasonable modification will be given the grievance procedure in the format appropriate to their needs, including large print or audiotape.

C. Eligibility and Safety Requirements Assurance.

It is the policy of the City of Wharton that prohibitions or limitations to the eligibility of qualified individuals with disabilities to receive services or participate in programs are not allowed. Eligibility requirements have been reviewed by the ADA Coordinator and updated to comply with the requirements of the Americans with Disabilities Act. Whenever programs formulate new eligibility polices or new programs are developed, policies will be reviewed by the ADA Coordinator to ensure compliance.

Safety requirements have also been reviewed to ensure that they are necessary to the safe operation of programs, and that any decision to limit the participation a person with a disability related to safety concerns will be reviewed on a case by case basis to ensure that that the decision is based on facts, not myths or stereotype, and that all appropriate mitigating measures are taken

to provide for maximum participation. Staff will be informed of, and trained in any changes in eligibility and /or safety requirements that may arise.

D. Assurance Regarding Surcharges.

It is the policy of City of Wharton that surcharges will not be charged to persons with disabilities, their family members or organizations representing them for the provision of reasonable accommodations, reasonable modifications to policies and procedures, auxiliary aids and services, or any other costs related to the participation of persons with disabilities.

E. Integrated Services Assurance.

It is the policy of City of Wharton that all of our services, programs, and activities are provided in the most integrated setting possible. People with disabilities are not required to participate in separate programs even if separate programs specifically designed to meet the needs of persons with disabilities are offered.

F. Significant Assistance Assurance.

It is the policy of the City of Wharton that programs that receive significant assistance, either financial or in-kind, from the City of Wharton may not discriminate against persons with disabilities. It is the responsibility of the ADA Coordinator to inform organizations receiving assistance of this policy and to respond to any questions regarding its meaning and application. It is also the Coordinator's responsibility to investigate any situation in which discrimination towards persons with disabilities may have occurred, and to take appropriate action either to correct the discriminatory situation or to recommend to the City Manager termination of assistance.

G. Training Assurance Regarding Non-Discriminatory Program Operation

The City of Wharton provides training on the ADA to new employees during orientation and to all employees at least yearly. Training covers the general information about the ADA and the principles of non-discriminatory operation including but not limited to, how to respond to requests for reasonable modifications to policies and procedures, and how to identify and respond to safety issues.

V. EFFECTIVE COMMUNICATION

A. Effective Communications Policy.

It is the policy of the City of Wharton that auxiliary aids and services will be provided when necessary to ensure effective communication with persons whose disabilities effect communication. Persons with communications disabilities will be given the opportunity to request the aid or service that they prefer and the requested aid or service will by given primary consideration. The preferred means of communication will be provided unless doing so would impose an undue burden or an effective alternative means of communication would be available.

Requests for auxiliary aids or services should be made verbally or in writing to the ADA Coordinator. Unless otherwise specified, the City of Wharton urges requests to be made at least two (2) days in advance of the occasion on which the communications support will be needed. The person requesting the service will be notified as soon as possible if the City of Wharton is unable to meet their request and an effective alternative will be offered. It will be the responsibility of the ADA Coordinator to train staff and oversee implementation of effective communication procedures. The City Manager will be responsible for making any decision related to undue burden or fundamental alteration.

In the case of a denial by the City Manager, the complainant may appeal to the City Council within 15 calendar days. The appeal must be in writing, of an effective communication as an alternate format such as large print or audiotape.

B. Alternative Format Policy and Procedures.

It is the policy of the City of Wharton that all documents, publications, and materials used in the City of Wharton programs be made available to persons with disabilities who need them in alternate formats including large print, audiotape, and computer diskettes.

The procedure for requesting alternate formats is:

1. The person making the request should identify the materials desired and specify his/her preferred alternate format to the ADA Coordinator either verbally or in writing 10 working days in advance of the event or activity for which the material is needed.
2. The materials will be provided in the requested format at no charge.
3. Primary consideration will be given to the format preferred by the person making the request, and the City of Wharton will decide whether to provide the preferred format or an effective alternative format.
4. If a request cannot be met the person making the request will be informed as soon as possible in advance of the event or activity.
5. The City Manager will make final decision regarding any request that may represent an undue financial or administrative burden.

C. Interpreter Services Policy

It is the policy of the City of Wharton that sign language interpreters, will be provided upon request to any person needing interpreter services in order to participate in any meeting, program, or activity of the City of Wharton. Requests should be generally made at least ten (10) working days in advance of the scheduled event. Requests should be generally made at least two (2) days in advance of the meeting. Requests should be made either verbally, in writing to the ADA Coordinator.

Within four (4) hours of receipt of the request, the ADA Coordinator or other responsible

employee will contact an interpreter to schedule the interpreter service.

If an interpreter cannot be obtained, the ADA Coordinator or other member of the staff will offer the option of an alternative effective form of communication.

D. Assistive Listening Device Assurance.

It is the policy of the City of Wharton that assistive listening devices will be provided upon request to persons needing such devices to participate in programs, services and activities of the City of Wharton.

The procedure for requesting an assistive listening device is for the person needing the device (or his/her representative) to identify the need for a device verbally or in writing to the ADA Coordinator at least 10 days before the scheduled event or activity will take place.

The ADA Coordinator or other responsible member of the staff will contact a carrier within 24 hours of receipt of the request and arrange for rental and timely delivery of the device by express mail. *(Every reasonable effort will be made to meet requests made with less than 10 days notice.)*

E. Training Assurance

It is the policy of City of Wharton that staff training and other staff development activities provided by the City of Wharton having personnel receive training in procedures and policies on receiving and handling requests for auxiliary aids and services and for ensuring that primary consideration is given to the type of service or format preferred by the person with disability. Training on effective communication is given during orientation and at scheduled meetings.

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

Section 1. The Wharton City Council hereby established the afore-mentioned Americans with Disabilities Grievance Procedure.

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

Passed, Approved, and Adopted this the 26th day of April 2004.

CITY OF WHARTON

By: _____
BRYCE D. KOCIAN
Mayor

ATTEST:

JOYCE VASUT

City Secretary

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

The ninth item discussed on the agenda was to review and consider a resolution authorizing City Manager Andres Garza, Jr. and Finance Director Joyce Vasut as the Texas Community Development Program Depository/Authorized Signatories for the City of Wharton, Texas, Texas Capital Fund Contract No. 723092 for the Jr's Texas Best, LLC Project. City Manager Andres Garza, Jr. presented a draft copy of the resolution authorizing City Manager Andres Garza, Jr. and Finance Director Joyce Vasut as the Texas Community Development Program Depository/Authorized Signatories for the City of Wharton, Texas, Texas Capital Fund Contract No. 723092 for the Jr's Texas Best, LLC Project. After some discussion, Councilmember Darryl Darnell made a motion to approve Resolution No. 2004-31, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2004-31**

A RESOLUTION AUTHORIZING CITY MANAGER ANDRES GARZA, JR. AND FINANCE DIRECTOR JOYCE VASUT AS THE TEXAS COMMUNITY DEVELOPMENT PROGRAM DEPOSITORY/AUTHORIZED SIGNATORIES FOR THE CITY OF WHARTON, TEXAS, TEXAS CAPITAL FUND CONTRACT NO. 723092 FOR THE JR'S TEXAS BEST, LLC PROJECT.

WHEREAS, the Office of Rural Community Affairs, Texas Community Development Program requires that the recipient organization shall provide authorized signatories for the Depository/Authorized Signatories Designation Form; and

WHEREAS, the recipient organization being the City of Wharton has met this requirement by the City Council passing a Resolution delegating the persons listed below with the authority to sign the Depository/Authorized Form for TCF Contract No. 723092.

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

Section I: The City Council of the City of Wharton, Texas hereby authorized the following signatories:

Andres Garza, Jr. City Manager	_____ Signature
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Joyce Vasut Finance Director	_____ Signature
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Section II: This resolution shall become effective immediately upon its passage.

PASSED, APPROVED AND ADOPTED this the 26th day of April 2004.

CITY OF WHARTON, TEXAS

By:

BRYCE D. KOCIAN

Mayor

ATTEST:

JOYCE VASUT

City Secretary

Councilmember Ray Linseisen seconded the motion. All voted in favor.

The tenth item discussed on the agenda was to review and consider the request by Wharton Training Alumni Association to use City Facilities to hold a forum for the City of Wharton and Wharton School Board Elections. City Manager Andres Garza, Jr. presented a copy of the letter dated April 21, 2004 from Mr. Chester Houston, Wharton Training High School Alumni & Ex-Students Association, requesting the use of City Hall to hold a forum for the City of Wharton and Wharton School Board candidates. Mayor Bryce D. Kocian asked if there was a rental policy for the use of City Hall. City Manager Andres Garza, Jr. stated that there was no rental policy for City Hall. Councilmember Ken Freese stated that the Civic Center was set up for meetings and possibly the Duncan Auditorium could be used. Community Services Director Jo Knezek stated that Early Voting would be utilizing the Duncan Auditorium on April 29, 2004. Councilmember Don Mueller asked if the Wharton County Junior College was contacted regarding a location for the forum. Mr. Chester Houston stated that the Association was requesting space from the City of Wharton. Community Services Director Jo Knezek stated that the Meeting Room B could accommodate 35 people. City Manager Andres Garza, Jr. stated that the Association could use the O'Quinn Room, which had a capacity of 80 people. Councilmember Don Mueller asked if Wharton Training Alumni Association was non-profit. Councilmember Darryl Darnell stated that the group was non-profit. Mr. Johnnie Roberts stated Wharton Training Alumni Association had a tax identification number. After some discussion, Councilmember Don Mueller made a motion to approve the use of the Civic Center O'Quinn Room the date of Thursday, April 29, 2004. Councilmember Darryl Darnell seconded the motion. All voted in favor.

The eleventh item discussed on the agenda was to review and consider a resolution awarding grants to certain applicants under the Texas Department of Housing and Community Affairs Housing Trust Fund Grant Division and the Office of Rural Community Affairs Texas Community Development Program (TCDP) Contract No. 722057. City Manager Andres Garza, Jr. presented a copy of the memorandum from Community Services Director Jo Knezek stating the City received notification from the Texas Department of Housing and Community Affairs Housing Trust Fund Grant Division and the Office of Rural Community Affairs Texas Community Development Program (TCDP) Contract No. 722057 that the setups for new construction regarding properties damaged in the FEMA Disaster # 1257 were approved. He then presented a resolution awarding grants to certain applicants under the Texas Department of Housing and Community Affairs/Office of Rural Community Affairs Texas Community Development Program (TCDP) Contract No. 722057 and requesting that building permits fees be waived for these properties. Community Services Director Jo Knezek stated that nine homes were presented; however two homes had not been qualified as of this date. After some

discussion, Councilmember Don Mueller made a motion to approve Resolution No. 2004-32, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2004-32**

A RESOLUTION AWARDING GRANTS TO CERTAIN APPLICANTS UNDER THE TEXAS DEPARTMENT OF COMMUNITY AFFAIRS HOUSING TRUST FUND GRANT DIVISION AND THE OFFICE OF RURAL COMMUNITY AFFAIRS – TEXAS COMMUNITY DEVELOPMENT PROGRAM CONTRACT NO. 722057.

WHEREAS, The City of Wharton was awarded the Texas Department of Housing and Community Affairs Housing Trust Fund Grant Division and the Office of Rural Community Affairs – Texas Community Development Program Contract No. 722057; and,

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

WHEREAS, The City Council wishes to award grants to the following qualifying seven (7) applicants for the reconstruction of their homes:

- a. Alma Curtis, 1816 Azalea
- b. Olivia Scarlett, 221 S. Shepherd
- c. Kenneth Harris, 1633 Connie
- d. Canterino Rivera, 502 S. Ford
- e. Barbara Ray, 1612 W. Milam
- f. A. Ramirez, 416 S. Shepherd
- g. Frankie Mangum, 1607 W. Milam; and,

WHEREAS, The City Council wishes to provide in the form of in-kind contributions the waiver of building permit fees for the units assisted through this program.

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

Section I. The City Council hereby awards a grant under the Texas Department of Housing and Community Affairs Housing Trust Fund Grant Division and Office of Rural Community Affairs – Texas Community Development Program Contract No. 722057 to the following qualifying applicants for the reconstruction of their homes:

- a. Alma Curtis, 1816 Azalea
- b. Olivia Scarlett, 221 S. Shepherd
- c. Kenneth Harris, 1633 Connie
- d. Canterino Rivera, 502 S. Ford

- e. Barbara Ray, 1612 W. Milam
- f. A. Ramirez, 416 S. Shepherd
- g. Frankie Mangum, 1607 W. Milam; and,

Section II. The City Council hereby waives all building permit fees for the units assisted through this program.

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

Passed, Approved, and Adopted this 26th day of April 2004.

CITY OF WHARTON, TEXAS

By: _____
BRYCE D. KOCIAN
Mayor

ATTEST:

JOYCE VASUT

City Secretary

Councilmember Ray Linseisen seconded the motion. All voted in favor.

The twelfth item discussed on the agenda was to review and consider the request for Travel Reimbursement for City Manager. City Manager Andres Garza, Jr. presented a copy of the request for travel reimbursement for the period March 26, 2004 to April 13, 2004 for the amount of \$240.50. After some discussion, Councilmember Ray Linseisen made a motion to approve the travel reimbursement for City Manager Andres Garza, Jr. for the period March 26, 2004 to April 13, 2004 for the amount of \$240.50. Councilmember Ken Freese seconded the motion. All voted in favor.

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

- A. Planning Commission meeting held April 19, 2004.
- B. Wharton Economic Development Corporation Board of Directors meeting held April 20, 2004.

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

The fourteenth item discussed on the agenda was to review and consider the City Manager's Reports:

- A. Police Department.
- B. City Secretary/Personnel.
- C. Municipal Court.
- D. E.M.S. Department.
- I. Engineer/Planning Department.
- J. Facilities Maintenance Department.
- K. Community Services Department/
Civic Center.

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| E. Fire Department Incidents/Inspections. | L. Wharton Municipal Pool. |
| F. Code Enforcement Department. | M. Wharton Regional Airport. |
| G. Water & Sewer Department. | N. Legal Department. |
| H. Public Works Department. | O. Weedy Lots/Sign Ordinance. |

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

The fifteenth item discussed on the agenda was adjournment. After some discussion, Councilmember Don Mueller made a motion to adjourn. Councilmember Ray Linseisen seconded the motion. All voted in favor.

The meeting was adjourned at 7:40 p.m.

CITY OF WHARTON, TEXAS

By: _____
BRYCE D. KOCIAN
Mayor

ATTEST:

JOYCE VASUT
City Secretary