

**MINUTES
OF
CITY OF WHARTON
REGULAR CITY COUNCIL MEETING
MAY 24, 2004**

The first item on the agenda was administering the Oath of Office to Elected Officials Mayor Bryce D. Kocian, Councilmembers David Samuelson, Don Mueller, and Ray Linseisen. City Attorney Paul Webb administered the Oath of Office to Elected Officials Mayor Bryce D. Kocian, Councilmembers David Samuelson, Don Mueller, and Ray Linseisen. No action was taken.

Mayor Bryce D. Kocian declared a Regular Meeting duly open for the transaction of business at 7:04 p.m. Councilmember Ray Linseisen 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., David Samuelson, 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, Community Services Director Jo Knezek, Fire Chief David Copeland, and City Attorney Paul Webb.

Visitors present were: Benjamin Sharp with Wharton Journal-Spectator, David Schroeder with WEDCo, Carlos Cotton, Lewis Fortenberry, Anthony Rachunek, Pat Kubala, Michelle Villarrell-Cox, Eric Johnson, Garland Mann, Karen Heintschel, Patsy Ovalle, Abel Ovalle, Billie Jones, David Allen, Glenn Erdelt, Gary Williams, Cindy Kocian, I. O. Coleman, Jr., Johnnie Roberts, Jeffrey Blair, Larry Holub, Linda Howard, Jim Cummins, Annette Linseisen, Louis Gerard, Paul Linseisen, Becky Samuelson, Curtis Evans, Ed Addicks, and Raymond Fisher.

The fourth item on the agenda was Public Comments. No comments were given. No action was taken.

The fifth item on the agenda was the Wharton Moment. City Manager Andres Garza, Jr. stated that the Wharton High School Girls Softball would be participating in Regional Girl Softball on Thursday, May 27, 2004 in Weimer.

Mayor Bryce D. Kocian stated that the Wharton Volunteer Fire Department had held the annual fundraiser. Fire Chief David Copeland publicly thanked the City and the City Council for their support. No action was taken.

The sixth item on the agenda was to review and consider appointment of Mayor Pro-Tem. After some discussion, Councilmember Ken Freese made a motion to appoint Councilmember Don Mueller as Mayor Pro-Tem. Councilmember Domingo Montalvo, Jr. seconded the motion. All voted in favor.

The seventh item on the agenda was to review and consider the City of Wharton Financial Report for the month of April 2004. Finance Director Joyce Vasut presented the financial report for the month of April 2004, which was at 58% or seven months into the fiscal year. Mrs. Vasut stated that the general fund revenues were at 65.52% and the expenditures were at 61.31%. The total ad valorem taxes collected were \$1,644,580.00. The sales tax for the month of March 2004 was \$136,683 with \$97,122 going to the City and \$45,561 to WEDCo. The TexPool balance for April 2004 was \$324,085.42 with an average monthly yield of 1.0363%. The bank balance was \$1,410,143.54. After some discussion, Councilmember Ray Linseisen made a motion to approve the financial report for the month of April 2004. 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 Wharton City Council increasing the collection penalty for delinquent tax collections for the City of Wharton, Texas. City Manager Andres Garza, Jr. presented a copy of the letter dated May 14, 2004 from Mr. Michael J. Siwierka of Linebarger Goggan Blair & Sampson, LLP, who was the City's delinquent tax attorney, requesting the City of Wharton adopt a resolution increasing the collection penalty for delinquent tax collections to 20% of the delinquent tax amount owed. He stated that the increase penalty would be paid by the delinquent taxpayer, not by the City of Wharton and would be to defray the cost of delinquent tax collections that were borne by the law firm of Linebarger Goggan Blair & Sampson, L.L.P. He then presented a draft resolution increasing the collection penalty for delinquent tax. Mr. Pat Kubala, Wharton County Tax Assessor addressed the City Council and stated that Linebarger Goggan Blair & Sampson, LLP was requesting a 5% increase for collecting delinquent taxes. He stated that during the legislative session in 2001, the bill was approved for an increase from 15% to 20% for delinquent tax collections. Councilmember Ken Freese asked if the increase would affect the City of Wharton. Mr. Kubala stated that the increase would affect the delinquent tax payer. Linebarger Goggan Blair & Sampson, LLP Representative Michelle Villarrell-Cox informed the City Council that Wharton County, East Bernard I.S.D., Boling I.S.D., and the Hospital District had approved the Resolution with no opposition. Councilmember V. L. Wiley, Jr. stated that would be an additional burden on the taxpayer. Councilmember David Samuelson stated that the increase would not affect the tax payers who pay their taxes on time. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to approve Resolution No. 2004-39, which read as follows:

**CITY OF WHARTON
RESOLUTION 2004-39**

A RESOLUTION OF THE WHARTON CITY COUNCIL INCREASING THE COLLECTION PENALTY FOR DELINQUENT TAX COLLECTIONS FOR THE CITY OF WHARTON, TEXAS.

WHEREAS, the City of Wharton wishes to defray its costs of collection, as authorized by TEX. TAX CODE §§ 33.07 and 33.08, that it incurs under a contract for collection of delinquent property taxes entered on its behalf between Wharton County and a private law firm entered into pursuant to TEX. TAX CODE § 6.30;

WHEREAS, under said Sections 33.07 and 33.08, the governing body of City of Wharton is empowered to authorize the addition of a collection penalty in an amount that does not exceed the amount of the compensation specified in the contract with the private law firm.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Wharton, sitting as the governing body of said taxing unit, that

Section 1: The recitals set forth in this resolution are true and correct.

Section 2: (a) An additional penalty on delinquent taxes for tax years 2003 and subsequent years is hereby authorized and imposed, as provided by Section 33.07, Texas Tax Code, in the amount of 20% of the delinquent tax, penalty and interest if the tax becomes delinquent on or after February 1st of a year but not later than May 1st of that year and remains delinquent on July 1st of the year in which the tax becomes delinquent; and

b) An additional penalty on delinquent taxes for tax years 2003 and subsequent years is hereby authorized and imposed, as provided by Section 33.08, Texas Tax Code, in the amount of 20% of the delinquent tax, penalty and interest if the tax becomes delinquent on or after June 1st under Section 26.07(F), 26.15(E), 31.03, 31.031, or 31.032,.04, Texas Tax Code.

Section 3. That this resolution shall become effective immediately upon its passage.

Passed, Approved, and Adopted this 24th day of May 2004.

CITY OF WHARTON, TEXAS

By: _____
BRYCE D. KOCIAN
Mayor

ATTEST:

JOYCE VASUT
City Secretary

Councilmember David Samuelson seconded the motion. Councilmembers David Samuelson, Ken Freese, Don Mueller, Domingo Montalvo, Jr., and Ray Linseisen voted for the motion. Councilmember V. L. Wiley, Jr. voted against the motion. The motion carried.

The ninth item discussed on the agenda was to review and consider City Council Committees:

- A. Resolution: A resolution of the Wharton City Council establishing City Council Committees for the City of Wharton.
- B. Appointments:
 - 1. Finance Committee.
 - 2. Public Works Committee.
 - 3. Telecommunications Committee.
 - 4. Intergovernmental Relations Committee.
 - 5. Legislative Committee.
 - 6. Housing Committee.

City Manager Andres Garza, Jr. stated that the City Staff was requesting the City Council Committees be restructured to better facilitate the City of Wharton due to growth, economic development and infrastructure needs. He then presented a copy of the City of Wharton Resolution No. 1999-64 creating the City Council Legislative Committee and Resolution 2001-05 creating the Intergovernmental Relations Committee. He stated that the proposed resolution would formally establish the restructured Finance, Public Works, Telecommunications, and newly created Housing Committee. He then presented a copy of a resolution establishing City Council Committees for the City of Wharton. He stated that after the Committees have been established, appointments could be made. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to establish the Committees as presented and to approve the appointments as:

Finance Committee - Ray Linseisen, Ken Freese, and David Samuelson

Public Works Committee - Don Mueller, V. L. Wiley, Jr., and Domingo Montalvo, Jr.

Telecommunications Committee - Bryce D. Kocian, Ken Freese, and Don Mueller

Intergovernmental Relations Committee - Bryce D. Kocian and Ken Freese

Legislative Committee - Domingo Montalvo, Jr. and Ray Linseisen

Housing Committee - David Samuelson, V. L. Wiley, Jr., and Ray Linseisen and also to approve Resolution No. 2004-40, which read as follows:

**CITY OF WHARTON
RESOLUTION 2004-40**

A RESOLUTION OF THE WHARTON CITY COUNCIL ESTABLISHING CITY COUNCIL COMMITTEES FOR THE CITY OF WHARTON, TEXAS.

WHEREAS, The Wharton City Council wishes to formally establish a City Council Finance Committee, Public Works Committee, Telecommunications Committee and a new Housing Committee to better facilitate the City of Wharton due to growth, economic development, and infrastructure needs; and

WHEREAS, The City Council Finance Committee would include items for discussion that are financial in nature but are not limited to audits, budgets, annexations, tax abatements, grants, etc. and would consist of three Councilmembers; and

WHEREAS, The City Council Public Works Committee would include items for discussion but are not limited to infrastructure such as utilities, streets, drainage, etc. and would consist of three Councilmembers; and

WHEREAS, The City Council Telecommunications Committee would include items for discussion but are not limited to franchise agreements for telephones, public rights-of-way, cable tv, internet, fiber optics, etc. and would consist of three Councilmembers; and

WHEREAS, The City Council Housing Committee would be created in order to develop housing related issues, infrastructure needs as they relate to housing development, etc., and should consist of three Councilmembers; and

WHEREAS, The Finance Committee, Public Works Committee, Telecommunications Committee, and Housing Committee should report to the City Council on a timely basis.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Wharton, as follows:

Section 1: That the City Council hereby establishes the afore-mentioned City Council Finance Committee, Public Works Committee, Telecommunications Committee, and Housing Committee.

Section 2: That this resolution shall become effective immediately upon its passage.

Passed, Approved, and Adopted this 24th day of May 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 a resolution of the Wharton City Council establishing a Parks Planning Committee for the development of a Parks Master Plan for the City of Wharton, Texas. City Manager Andres Garza, Jr. presented a copy of the memorandum dated May 3, 2004 regarding the Lower Colorado River Authority (LCRA) Partnerships in Parks Program. He stated that Mr. Paul Scallon, LCRA Community Services Resource Planning and Development Department Project Manager, was ready to move forward with assisting the City of Wharton in developing a City of Wharton Parks Master Plan. As a part of the process, a Parks Planning Committee needed to be appointed to assist with the plans development. He stated that the first action of committee should be to consider carefully, which types of parks to include in the master plan and should decide how much land would be needed to accommodate the facilities to be incorporated. He said the Committee should also decide whether parkland already held by the City of Wharton was adequate or if efforts should be made to acquire more land. In the preliminary study, the Committee should not only give consideration to present needs but should also think about the needs 25 years from now. He then presented a draft resolution establishing a Parks Planning Committee. City Manager Andres Garza, Jr. stated that in 1998, the City Council adopted a Parks System; however this project would develop action plans, and setting goals in order to develop the parks system. After some discussion, Councilmember Ken Freese made a motion to approve Resolution No. 2004-41, which read as follows:

**CITY OF WHARTON
RESOLUTION 2004-41**

A RESOLUTION OF THE WHARTON CITY COUNCIL ESTABLISHING A PARKS PLANNING COMMITTEE FOR THE DEVELOPMENT OF A PARKS MASTER PLAN FOR THE CITY OF WHARTON, TEXAS.

- WHEREAS,** Parks, recreation, trails, and other open space are a very important quality of life factor and a major factor for tourism and business growth in a community; and
- WHEREAS,** The Wharton City Council has determined that a Parks Master Plan should be developed to improve or expand the parks system within the City of Wharton; and
- WHEREAS,** The Wharton City Council wishes to establish a Parks Planning Committee to work in conjunction with the Lower Colorado River Authority to develop a Parks Master Plan; and
- WHEREAS,** The Parks Planning Committee should consist seven to nine members which include representatives associated with economic development, schools, recreation user groups, community service organizations, City Council, City Staff, business owners, Chamber of Commerce or other types of tourism organizations; and
- WHEREAS,** The Parks Planning Committee should report to the City Council on a timely bases.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Wharton, as follows:

- Section 1:** That the City Council hereby establishes the Parks Planning Committee.
- Section 2:** That the Parks Planning Committee should consist seven to nine members which include representatives associated with economic development, schools, recreation user groups, community service organizations, City Council, City Staff, business owners, Chamber of Commerce or other types of tourism organizations.
- Section 3:** That this resolution shall become effective immediately upon its passage.

Passed, Approved, and Adopted this 24th day of May 2004.

CITY OF WHARTON, TEXAS

By: _____
BRYCE D. KOCIAN
Mayor

ATTEST:

JOYCE VASUT

City Secretary

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

The eleventh item discussed on the agenda was to review and consider appointment to the Wharton Economic Development Corporation Board of Directors. City Manager Andres Garza, Jr. stated that the terms for the Wharton Economic Development Corporation (WEDCo) were two year terms that expire the 1st Tuesday of June. In accordance with the WEDCo By-Laws, a Director of the Board can serve a maximum of three – two year terms. He stated on June 1, 2004, the terms for Directors Donald Mueller, Kent Hill, Mike Murphy, and James Kuykendall would expire. Director Mike Murphy would have served his first two year term, whereas Directors Mueller, Hill, and Kuykendall have served three – two year terms and could not be reappointed. He stated that a recommendation must be made to fill the three vacant positions and to reappoint Director Murphy, if the City Council so chooses. He then presented the WEDCo Board of Directors terms as follows:

WHARTON ECONOMIC DEVELOPMENT CORPORATION (WEDCo)

	Term Expires	Original Appointment
Mike Murphy	1 st Tuesday June, 2004	November 11, 2002
Donald Mueller	1 st Tuesday June, 2004	March 9, 1998

Kent Hill	1 st Tuesday June, 2004	March 9, 1998
James Kuykendall	1 st Tuesday June, 2004	March 9, 1998
Domingo Montalvo, Jr.	1 st Tuesday June, 2005	May 24, 1999
I.O. Coleman, Jr.	1 st Tuesday June, 2005	May 24, 1999
Mike Wootton	1 st Tuesday June, 2005	May 24, 1999

Mayor Bryce D. Kocian recommended the re-appointment of Mike Murphy and appointment of Don Carlson, Raymond Harrison, and Councilmember Ray Linseisen. Mayor Kocian then publicly thanked Councilmember Don Mueller for serving for six years. Councilmember Don Mueller stated that he had enjoyed serving on the WEDCo Board. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to approve as WEDCo Board of Directors as re-appointment of Mike Murphy and appointment of Don Carlson, Raymond Harrison, and Councilmember Ray Linseisen for a two year term ending the first Tuesday of June 2006. Councilmember Don Mueller seconded the motion. All voted in favor.

The twelfth item discussed on the agenda was to review and consider Wharton Regional Airport-Airport Action Plan Project Kick-off Meeting. City Manager Andres Garza, Jr. stated that on June 9, 2003, the Wharton City Council approved the development of the Wharton Regional Airport Action Plan and approved the Texas Department of Transportation (TxDOT) - Aviation Division to act as the City's agent for the project. On February 5, 2004, the Airport Action Plan Project Consultant Selection Committee held interviews with the top three ranking firms for the project and recommended O'Malley Engineers, LP to the State to enter into negotiations. On April 27, 2004, the City Staff received the executed contract between O'Malley Engineers and TxDOT-Aviation Division to prepare the plan. He stated that the Wharton Regional Airport Board met May 4, 2004 and agreed that the first meeting with O'Malley Engineers regarding the action plan should include the City Council since the plan would determine the direction the airport would move in the next five years. He then presented a copy of the Kick-off Meeting Agenda, Airport Development Plan Project Outline, and an Airport Development Plan Project Schedule. Mr. Ed Addicks with O'Malley Engineers addressed the City Council and presented the Airport Development Plan Project Outline that consisted of: Initiate Work, Conduct Airport Study, Prepare Future Airport Use/Development Alternatives, Prepare and Present Airport Development Plan (ADP) Report, and Prepare Airport Layout Plan (ALP). He stated that the project would update the airport layout plan and also eliminate the non-directional beacon. He stated that the project would be completed in 2005. He stated that a Steering Committee would need to be appointed, with the City of Wharton having the primary input and O'Malley Engineering having the secondary input. City Manager Andres Garza, Jr. stated that a progress report would be presented to City Council. After some discussion, no action was taken.

The thirteenth item discussed on the agenda was to review and consider engagement of Jones & Carter, Inc., Consulting Engineers for professional engineering services for the development of schematics and cost estimate for the City of Wharton US 59/FM 102 Interchange Project. City Manager Andres Garza, Jr. stated that on March 8, 2004, the City Council approved the City Staff to submit a proposal to the Texas Department of Transportation (TxDOT) committing the City to fund the engineering cost to design the plans and specifications and the environmentals

for the U.S. Highway 59/FM 102 Interchange project. He then presented a copy of the letter dated March 15, 2004 to Mr. Lonnie Gregorcyk, P.E., (TxDOT) District Engineer informing TxDOT of the City's commitment. He also presented a copy of Mr. Gregorcyk's response. He stated that it was his understanding that TxDOT would provide the City with an Advance Funding Agreement for execution for the project; however by Mr. Gregorcyk's letter, the State was requesting the City to initiate schematic development and develop a preliminary estimate of the project construction cost. He stated in order for the City to move forward, the City Staff was requesting that the City Council approve to engage the services of Jones & Carter, Inc., Consulting Engineers to complete schematic design and develop a preliminary estimate of the project construction cost. Councilmember Ken Freese asked about the timeline. City Manager Garza stated that there was no timeline for development. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to engage Jones & Carter, Inc., Consulting Engineers for professional engineering services for the development of schematics and cost estimate for the City of Wharton US 59/FM 102 Interchange Project. Councilmember David Samuelson seconded the motion. All voted in favor.

The fourteenth item on the agenda was to review and consider requests for Temporary Permits for Possession/Consumption of Alcoholic Beverages at City Parks:

- A. Request by Mr. Curtis W. Evans, Wharton County Freedom Festival Softball Tournament:
 - 1. Temporary Permit for Possession/Consumption of Alcoholic Beverages at City Parks - Pleasure Park.
 - 2. Waiver of fees.

City Manager Andres Garza, Jr. presented a copy of Wharton Community Services Department Softball Tournament and League Application and a copy of the City of Wharton Application for Temporary Permit for Possession/Consumption of Alcoholic Beverages in City Parks submitted by Mr. Curtis W. Evans for the Wharton Freedom Festival Softball Tournament. He stated that the tournament would be held June 25 – 27, 2004 at Pleasure Park. He stated that all permits for possession/consumption of alcoholic beverages must be approved by City Council 30 days prior to the event. He then presented a copy of the memorandum dated May 20, 2004 from Police Chief Tim Guin indicating that the application complied with the City of Wharton Ordinance No. 2002-22. Mr. Garza stated that Mr. Evans had also requested that the City Council consider waiving the application fees and deposits for both the use of Pleasure Park and for the alcoholic permit. Councilmember Domingo Montalvo, Jr. asked if the fee was a Texas Alcoholic Beverage Commission fee. City Manager Garza stated that the fee was an application fee for the City of Wharton. Mr. Curtis Evans addressed the City Council and stated that Wharton Wave Athletic Club was a 501(c)3 non-profit organization. He stated that the fundraiser Softball Tournament would generate revenue to take the children to different events. Councilmember Domingo Montalvo, Jr. stated that the Softball Tournament was a great enhancement to the Freedom Festival. Councilmember Ken Freese asked if he was still accepting additional teams. Mr. Evans stated that the facilities could accommodate 10-12 teams. City Attorney Paul Webb requested a copy of the 501(c)3. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to approve the request by Mr. Curtis W. Evans, Wharton County Freedom Festival Softball Tournament for a Temporary Permit for Possession/Consumption of Alcoholic Beverages at City Parks - Pleasure Park, and waiver of fees. Councilmember V. L. Wiley, Jr. seconded the motion. All voted in favor.

B. Request by Mr. Johnny Roberts, Wharton Training High School & Alumni and Ex-Students Association - Central Pavilion, Elm Street, River Front Park.

City Manager Andres Garza, Jr. presented a copy of City of Wharton Application for Temporary Permit for Possession/ Consumption of Alcoholic Beverages in City Parks submitted by Mr. Johnny Roberts, Wharton Training High School & Alumni Ex-Students Association. He stated that the Association would hold a Juneteenth Celebration at the Central Pavilion located at River Front Park. He then presented a copy of the memorandum dated May 20, 2004 from Police Chief Tim Guin indicating that the application complied with the City of Wharton Ordinance No. 2002-22. After some discussion, Councilmember V. L. Wiley, Jr. made a motion to approve the request by Mr. Johnny Roberts, Wharton Training High School & Alumni and Ex-Students Association - Central Pavilion, Elm Street, River Front Park. Councilmember Ray Linseisen seconded the motion. All voted in favor.

The fifteenth item on the agenda was to review and consider Wharton County Appraisal District 2005 Proposed General Fund Budget. City Manager Andres Garza, Jr. presented a copy of the Wharton County Appraisal District 2005 proposed general fund budget. Mayor Bryce D. Kocian stated that the budget increased from last year due a change for paying Social Security for the employees. After some discussion, Councilmember Ken Freese made a motion to approve the Wharton County Appraisal District 2005 Proposed General Fund Budget. Councilmember Domingo Montalvo, Jr. seconded the motion. All voted in favor.

The sixteenth item on the agenda was to review and consider the recommendation by the Beautification Commission for the Railway Right-of-way Beautification and Recreation Project - Phase 1. City Manager Andres Garza, Jr. stated that the City Council Beautification Commission met Wednesday, May 12, 2004 and voted to recommend the City Council consider pursuing the Railway Right-of-way Beautification and Recreation Project – Phase 1. He then presented a copy of the letter dated May 21, 2004 from Chairman Jeffrey Blair detailing the project and requesting the City Council's approval to move the project forward. The project consists of beautifying and creating a recreational facility located along the old Santa Fe Railroad right-of-way between Fulton Street and Alabama Road. He then presented a copy of a sketch of the proposed project. He stated that Mr. Paul Scallon, LCRA Community Services Resource Planning and Development Department Project Manager would help develop the plans for the project. Councilmember Don Mueller asked if grants and donations would be sought. City Manager Garza stated that grants would be identified and contributions would be sought from local organizations and individuals. Beautification Commission Chairman Jeffrey Blair addressed the City Council and stated that the Beautification Commission was recommending Phase 1 of the project in order to start the process of the Greenbelt connection from various neighborhoods to provide pedestrian and bicycle access throughout the community. He stated that Larry Jackson would be contacting the local civic clubs for support and contributions in the project. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to approve the Railway Right-of-way Beautification and Recreation Project - Phase 1. Councilmember David Samuelson seconded the motion. All voted in favor.

The seventeenth item on the agenda was to review and consider appointment of Mrs. Crystal Rivera as Deputy Municipal Court Clerk. City Manager Andres Garza, Jr. presented a copy of the memorandum dated May 19, 2004 from Finance Director Joyce Vasut regarding the Deputy Municipal Court Clerk position. On April 30, 2004, Olga Mireles resigned her position as Deputy Municipal Court Clerk. Deputy City Secretary Lisa Stavena, Judge Mary Garcia and Mrs. Vasut conducted the application process and had selected Ms. Crystal Rivera to fill the position. He stated that Mrs. Vasut was requesting the City Council to approve the appointment of Ms. Rivera as the City of Wharton Deputy Municipal Court Clerk. After some discussion, Councilmember David Samuelson made a motion to approve the appointment of Mrs. Crystal Rivera as Deputy Municipal Court Clerk. Councilmember Don Mueller seconded the motion. All voted in favor.

The eighteenth item on the agenda was to review and consider the City of Wharton Electrical System Rehabilitation Project, Wastewater Treatment Plant No. 1 - Penner Electric, Inc. First and Final Pay Request. City Manager Andres Garza, Jr. presented a copy of the first and final pay request prepared by Anthony Rachunek & Associates for Penner Electric, Inc. for the Electrical Rehabilitation Project at Wastewater Treatment Plant No. 1 for the amount of \$17,000.00. Anthony Rachunek with Anthony Rachunek & Associates addressed the City Council and stated that the project consisted of Phase I and Phase II. He stated that Phase I had been completed and Phase II was completed with the installation of new electrical circuits and new electrical components and enclosures. After some discussion, Councilmember Don Mueller made a motion to approve the Electrical System Rehabilitation Project, Wastewater Treatment Plant No. 1 - Penner Electric, Inc. First and Final Pay Request for the amount of \$17,000.00. Councilmember Ray Linseisen seconded the motion. All voted in favor.

The nineteenth item on the agenda was to review and consider Travel Reimbursement for City Manager. City Manager Andres Garza, Jr. presented a copy of the request for travel reimbursement for the period April 20, 2004 to May 12, 2004 for the amount of \$621.75. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to approve the request by City Manager Andres Garza, Jr. for travel reimbursement for the period April 20, 2004 to May 12, 2004 for the amount of \$621.75. Councilmember Ray Linseisen seconded the motion. All voted in favor.

The twentieth item on the agenda was to review and consider the recommendation by the Beautification Commission:

- A. Resignation of Cindy Sanchez.
- B. Recommendation to fill the vacant position.

City Manager Andres Garza, Jr. presented a copy of the letter dated May 12, 2004 from Beautification Commission Chairman Jeffrey Blair regarding the resignation of Beautification Commissioner Cindy Sanchez and the recommendation to fill the vacant position. The Beautification Commission was recommending that the City Council consider appointing Mrs. Susie Carlson to fill the unexpired term ending June 30, 2005. After some discussion, Councilmember David Samuelson made a motion to appoint Mrs. Susie Carlson to the Beautification Commission for the term ending June 30, 2005. Councilmember Domingo Montalvo, Jr. seconded the motion. All voted in favor.

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

- A. Beautification Commission meeting held May 12, 2004.
- B. Building Standards Commission meeting held May 20, 2004.
- C. Wharton Economic Development Corporation Board of Directors meeting held May 18, 2004.

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

The twenty-second 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. | N. Legal Department. |
| G. Water & Sewer Department. | O. Weedy Lots/Sign Ordinance. |
| H. Public Works Department. | |

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

The twenty-third item on the agenda was adjournment. After some discussion, Councilmember Don Mueller made a motion to adjourn. Councilmember V. L. Wiley, Jr. seconded the motion. All voted in favor.

The meeting was adjourned at 7:57 p.m.

CITY OF WHARTON, TEXAS

By: _____
BRYCE D. KOCIAN
Mayor

ATTEST:

JOYCE VASUT
City Secretary