

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

Mayor Bryce D. Kocian declared a Regular Meeting duly open for the transaction of business at 7:00 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 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, Building Official Ronnie Bollom and Community Services Director Jo Knezek.

Visitors present were: Benjamin Sharp with Wharton Journal-Spectator, David Schroeder with WEDCo, Lewis Fortenberry, Carlos Cotton, I. O. Coleman, Jr., Johnny Roberts, Ellis Hurd, Lula Ray, Leslie Allen, and Patricia Allen.

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

The fourth item on the agenda was the Wharton Moment. City Manager Andres Garza, Jr. stated that the 13 year old Babe Ruth All Stars had won the District Tournament and had advanced to Regionals in Arkansas. He stated that on Friday, July 23, 2004 the team won and also on Saturday, July 24, 2004. He stated that on Sunday, July 25, 2004, the team lost and were playing tonight. He stated that the team was representing the City of Wharton very well.

Mr. Garza then stated that Carlos Cotton with Jones & Carter Engineers, himself, and several members of the City Council had attended the Wharton County Commissioners Court meeting in the morning and presented the drainage projects improvement requests. He stated that he would keep the City Council informed of the decision from Wharton County for participation in the drainage projects. Mayor Bryce D. Kocian publicly thanked the City Staff for the well-prepared presentation. No action was taken.

The fifth item on the agenda was to review and consider the City of Wharton Financial Report for the month of June 2004. Finance Director Joyce Vasut presented the financial report for the month of May 2004, which was at 75% or nine months into the fiscal year. Mrs. Vasut stated that the general fund revenues were at 75.95% and the expenditures were at 80.93%. The total ad valorem taxes collected were \$1,663,030. The sales tax for the month of May 2004 was \$117,612 with

\$78,408 going to the City and \$39,204 to WEDCo. The TexPool balance for June 2004 was \$323,650.03 with an average monthly yield of 1.0939%. The bank balance was \$1,401,709.41 with an averaged monthly yield of 2.01%. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to approve the financial report for the month of June 2004. Councilmember V. L. Wiley, Jr. seconded the motion. All voted in favor.

The sixth item on the agenda was to review and consider the recommendation by the Planning Commission for City Council to consider approving a request by Mr. Ben Bell, representing Mr. Vincent J. Reina, Sr., for the final approval of the re-plat of S. East Avenue and Washington Avenue, Wharton, Block 58, Lots 3 and 4. City Manager Andres Garza, Jr. presented a copy of the memorandum dated July 20, 2004 from Planning Commission Chairman A. J. Rath recommending the City Council consider approving the request by Mr. Ben Bell, representing Mr. Vincent J. Reina, Sr., for the approval of the final re-plat of S. East Avenue and Washington Avenue, Wharton, Block 58, Lot 3 and 4. He then stated that on March 22, 2004, the City Council approved the preliminary re-plat of this property. He said that the City Council also approved on that date a variance of ten (10) feet from the required sixty (60) feet minimum lot size and a one foot side yard setback variance from the required ten (10) feet side yard setback. He then presented a copy of the Board Communications from the meeting held July 19, 2004. Building Official Ronnie Bollom stated that the final replat was the same as the preliminary replat previously submitted to City Council. After some discussion, Councilmember Ray Linseisen made a motion to approve the recommendation by the Planning Commission for City Council to consider approving a request by Mr. Ben Bell, representing Mr. Vincent J. Reina, Sr., for the final approval of the re-plat of S. East Avenue and Washington Avenue, Wharton, Block 58, Lots 3 and 4. Councilmember V. L. Wiley, Jr. seconded the motion. All voted in favor.

The seventh item on the agenda was to review and consider City of Wharton Home Elevation Project, FEMA-DR-1257-TX Project UN50-3.2-04, Office of Rural Community Affairs (ORCA) Contract No. 722067:

A. Report.

City Manager Andres Garza, Jr. stated that the City of Wharton received a bid for the Home Elevation Project on July 12, 2004. He said that Mr. Tommy Childress, Contractor, had submitted the only bid, which after a legal and technical review, was found to be non-responsive. He then presented a copy of the letter dated July 20, 2004 to Mr. Childress informing him that the City was rejecting his bid. He stated that the project deadline was September 30, 2004. He said that since the bid was not acceptable, the City Staff has requested an extension to the project deadline to December 31, 2004 from the Texas Department of Public Safety, Division of Emergency Management and the Office of Rural Community Affairs. He stated that the City was awaiting their response. He stated that the City Staff would re-advertise to solicit bids from elevation contractors. The Staff felt that the City would be ahead of schedule if solicitation of bids would begin. The project would be re-bid on July 28, 2004. He stated that the project was contingent on DEM-FEMA and ORCA granting the requested extension and finding a qualified contractor. Mr. Garza informed the City Council that on July 20, 2004, he met with the ten (10) property owners left in the program and advised them of the City's action. He stated that the property owners are aware of the extension request and the project's dependence on finding a qualified contractor that was responsive to the City's bid requirements. Councilmember Don Mueller asked about the average elevation per home. Mr. Garza stated that the

average elevation per home was approximately 3 feet. He stated that the elevation would be one foot above base flood elevation. After some discussion, no action was taken.

**A. Resolution:** A resolution of the Wharton City Council approving the scoring procedures for prioritization of applicants for the Home Elevation Project, FEMA-DR-1257-TX, Project UN50-3.2-04.

City Manager Andres Garza, Jr. presented a draft resolution approving the scoring procedures and rating scale that would be used to prioritize home elevation applicants. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to approve Resolution No. 2004-61, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2004-61**

**A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING THE  
SCORING PROCEDURES FOR PRIORITIZATION OF APPLICANTS FOR THE  
HOME ELEVATION PROJECT, FEMA DR-1257-TX, #UN50-3.2.04.**

**WHEREAS,** the Wharton City Council established Guidelines and Program Design for FEMA Elevation Grant 1257-DR, Project E UN50-3.2.04 by Resolution No. 2004-44; and

**WHEREAS,** the Wharton City Council wishes to approve scoring procedures for the prioritization of applicants for the Home Elevation Project, FEMA DR-1257-TX; and

**WHEREAS,** the Wharton City Council wishes to approve the following scoring system for prioritization

- |                                   |  |                                 |
|-----------------------------------|--|---------------------------------|
| 1. Floodwater penetration of unit |  | Yes = 5 points<br>No = 0 points |
| 2. Disability                     |  | Yes = 5 points<br>No = 0 points |
| 3. Over Age 62:                   |  | Yes = 2 points<br>No = 0 points |
| 4. Cost Benefit:                  | 1.0 – 1.9  | = 3 points                      |
|                                   | 2.0 – 2.9  | = 2 points                      |
|                                   | 3.0 – 3.9  | = 1 point                       |
| 5. Income: (maximum 25 points)    |  |                                 |
|                                   | Less than 20% of the applicable median income limits by household size | = 25 points                     |
|                                   | Less than 25% of the applicable median income limits by household size | = 20 points                     |
|                                   | Less than 30% of the applicable median income limits by household size | = 15 points                     |

6. Elevation of Unit:	Less than one foot	= 5 points
	1.1 to 2.0 feet	= 10 points
	2.1 to 3.0 feet	= 15 points
	3.1 to 4.0 feet	= 20 points
	4.1 to 5.0 feet	= 25 points
7. Environmental Assessments:	\$0.00 - \$5,000	= 25 points
	\$5,001 - \$10,000	= 20 points
	\$10,001 - \$15,000	= 15 points
	\$15,001 - \$20,000	= 10 points
	\$20,001 - \$25,000	= 5 points
	\$25,001+	= 0 points

**WHEREAS,** the City of Wharton wishes to adopt the scoring procedures as set forth above.

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

**Section I.** That the Wharton City Council hereby accepts the afore-mentioned scoring procedures for the prioritization of applicants for the Home Elevation Project, FEMA DR-1257-TX in accordance with the guidelines established by Resolution No. 2004-44:

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

**Passed, Approved, and Adopted** this 26<sup>th</sup> day of July 2004.

**CITY OF WHARTON, TEXAS**

By: \_\_\_\_\_  
**BRYCE D. KOCIAN**  
Mayor

**ATTEST:**

\_\_\_\_\_  
**JOYCE VASUT**

City Secretary

Councilmember Ray Linseisen 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. abstained. The motion carried.

**B. Resolution:** A resolution of the Wharton City Council approving a professional services agreement between Unovate Environmental Services and the City of Wharton regarding Environmental Assessment of Materials in Residential Structures and authorizing the Mayor to execute all documents related to said agreement.

City Manager Andres Garza, Jr. informed the City Council that the City was required for each structure to be tested for lead paint and asbestos materials. He then presented a draft resolution

approving the contract with Unovate Environmental Services to perform those services along with a draft agreement. The environmental assessments would be performed once a contractor was identified. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to approve Resolution No. 2004-62, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2004 - 62**

**A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING A PROFESSIONAL SERVICES AGREEMENT BETWEEN UNOVATE ENVIRONMENTAL SERVICES AND THE CITY OF WHARTON REGARDING ENVIRONMENTAL ASSESSMENT OF MATERIALS IN RESIDENTIAL STRUCTURES AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS RELATED TO SAID AGREEMENT.**

**WHEREAS,** the Wharton City Council wishes to authorize the Mayor of the City of Wharton, Texas, to execute an professional services agreement between Unovate Environmental Services and the City of Wharton regarding Environmental Assessment of Materials in Residential Structures for the Home Elevation Project, FEMA 1257-DR, Project UN50-3.2.04/ORCA Contract #722067; and

**WHEREAS,** the City of Wharton and Unovate Environmental Services wishes to be bound by the conditions as set forth in the agreement.

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

**Section I.** That the Wharton City Council hereby authorizes the Mayor of the City of Wharton, Texas to execute an professional services agreement between Unovate Environmental Services and the City of Wharton regarding Environmental Assessment of Materials in Residential Structures for the Home Elevation Project, FEMA 1257-DR, Project UN50-3.2.04/ORCA Contract #722067.

**Section II.** That Unovate Environmental Services and the City of Wharton are hereby bound by the conditions as set forth in the agreement.

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

**Passed, Approved, and Adopted** this the 26<sup>th</sup> day of July 2004.

**CITY OF WHARTON**

**By:** \_\_\_\_\_  
**BRYCE D. KOCIAN**  
Mayor

**ATTEST:**

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**JOYCE VASUT**

City Secretary

Councilmember Ray Linseisen 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. abstained. The motion carried.

The eighth item on the agenda was to review and consider Texas Department of Agriculture, Texas Capital Fund, Downtown Revitalization Program:

**A. Resolution:** A resolution of the Wharton City Council declaring the Wharton Downtown Square a blighted area requiring sidewalk improvement and lighting.

City Manager Andres Garza, Jr. stated that the City Staff was preparing an application to the Texas Department of Agriculture, Texas Capital Fund Downtown Revitalization Grant Program. He said that as part of the application, the area that funds were being requested for should be declared to be a blighted area in need of improvements. He then presented a resolution declaring the Wharton Downtown Square a blighted area requiring sidewalk improvement and lighting. He stated that Armando Ruiz was preparing the application and that the City of Wharton would have to pay for the engineering cost of approximately \$15,000 since the grant would not pay for engineering costs. He stated that the administration cost would be approximately \$25,000. Councilmember David Samuelson asked about the location of the sidewalks. Mr. Garza stated that the sidewalks would be around the merchants, not the sidewalks around the Courthouse since those sidewalks belonged to Wharton County. He stated that in the 1980's under the Main Street Program, the sidewalks and ramps were installed; however in 1992 the ADA requirements were adopted which the sidewalk ramps did not meet the ADA requirements. After some discussion, Councilmember David Samuelson made a motion to approve Resolution No. 2004-63, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2004-63**

THE WHARTON CITY COUNCIL DESIGNATING THE DOWNTOWN AREA BOUND BY MILAM STREET TO THE NORTH, HOUSTON STREET TO THE WEST, BURLESON STREET TO THE SOUTH AND FULTON STREET TO THE EAST AS A BLIGHTED AREA BECAUSE THE AREA IS DETRIMENTAL TO THE PUBLIC HEALTH, SAFETY AND WELFARE OF THE MUNICIPALITY BECAUSE THE AREA HAS A PREDOMINANCE OF BUILDINGS OR OTHER IMPROVEMENTS PRIMARILY SIDE WALKS THAT ARE DILAPIDATED, DETERIORATED, OR OBSOLETE DUE TO AGE.

WHEREAS, **the Wharton City Council desires to develop a safe and accessible environment for their citizens with disabilities and the Downtown Revitalization Program addresses assistance to make improvements to side walks for ADA compliance; and**

WHEREAS, it is necessary and in the best interest of the City of Wharton to apply for funding under the 2004 Downtown Revitalization Program administered by the Texas Department of Agriculture.

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

1. That a Downtown Revitalization Application was authorized to be filed on behalf of the City of Wharton with the Texas Department of Agriculture.

**2. That the City's application be considered for funding under the Downtown Revitalization Program.**

3. That the application be for \$150,000.00 of grant funds to carry out sidewalks, lighting and water improvements.
4. That the City Council directs and designates the Mayor as the City's Chief Elected Officer and Authorized Representative to act in all matters in connection with this application and the City's participation in the Downtown Revitalization Program.
5. That it further be stated that the City of Wharton is also committing as match \$28,400 toward engineering and the installation of water hydrants toward the construction activities of this project and that Wharton Economic Development Corporation (WEDCo) has also committed to \$15,000.00 toward the lighting activities for this project.

Passed and approved this 26<sup>th</sup> day of July 2004.

CITY OF WHARTON

By: \_\_\_\_\_  
Bryce D. Kocian, Mayor

ATTEST:

\_\_\_\_\_  
Joyce Vasut, City Secretary

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

**B. Resolution:** A resolution authorizing the submission of an application for funding through the Texas Department of Agriculture, Texas Capital Fund Downtown Revitalization Program and authorizing the Mayor to Execute all documents related to said application.

City Manager Andres Garza, Jr. informed the City Council that the City Staff was requesting City Council authorization to submit the application to the State. The deadline for the submittal for applications was August 6, 2004. He stated that the requested funds would be used for sidewalk improvements for ADA compliance and for lighting around the Wharton County Courthouse. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to approve Resolution No. 2004-64, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2004 - 64**

**A RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR FUNDING THROUGH THE TEXAS DEPARTMENT OF AGRICULTURE, TEXAS CAPITAL FUND, DOWNTOWN REVITALIZATION PROGRAM AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS RELATED TO SAID APPLICATION.**

**BE IT RESOLVED** by the Wharton City Council as follows:

**Section I.** The City Council has reviewed and hereby approves an application for submission as follows:

Downtown Revitalization Improvements – ADA Sidewalks & Lighting	\$125,000
Award Administration	\$ 25,000
Match from WEDCo Lighting	\$ 15,000
Match from City for engineering and water system improvements – Fire hydrants; and lighting	<u>\$ 28,400</u>
Total Project	\$193,400

**Section II.** The City Council has reviewed and hereby agrees to comply with all assurances executed in connection with the application and, if funded the award.

**Section III.** The Mayor is hereby authorized and directed to act on the City’s behalf in all matters pertaining to this application.

**Section IV.** The City Council has reviewed and hereby agrees not to participate in program income recapture and will return all program income to the State to be placed in a statewide Revolving Loan Fund to be used by the State to fund future economic development awards. By agreeing to this measure, the City understands that it will be eligible to receive as many Texas Capital fund awards per program year as it has eligible projects.

**PASSED, APPROVED, AND ADOPTED** at a regular meeting of the Wharton City Council held on 26<sup>th</sup> day of July 2004.

**CITY OF WHARTON, TEXAS**

By: \_\_\_\_\_  
**BRYCE D. KOCIAN**  
Mayor

**ATTEST:**

\_\_\_\_\_  
**JOYCE VASUT**  
City Secretary

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

The ninth item 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 Unmet Needs Contract 722057 and Home Elevation Contract 722067. City Manager Andres Garza, Jr. stated that the City was moving forward with the home reconstruction project (Unmet Needs Contract 722057) and the Home Elevation project (Contract 722067). He then presented a draft 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 Unmet Needs Contract 722057 and

Home Elevation Contract 722067. After some discussion, Councilmember Ray Linseisen made a motion to approve Resolution No. 2004-65, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2004 - 65**

**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 UNMET NEEDS CONTRACT 722057 AND HOME ELEVATION CONTRACT 722067.**

**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, Texas, 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 the Unmet Needs Contract 722057 and Home Elevation Contract 722067.

**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

**Joyce Vasut**  
Finance Director

\_\_\_\_\_  
Signature

**Section II.** This resolution shall become effective immediately upon its passage.

**PASSED, APPROVED, AND ADOPTED** this the 26<sup>th</sup> day of July 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. abstained. The motion carried.

The tenth item on the agenda was to review and consider the request by Mr. Mel R. Phynon, Wharton M.L.P. Fund, for a Temporary Permit for Possession/Consumption of Alcoholic Beverages in City Parks. City Manager Andres Garza, Jr. presented a copy of the application for a Temporary Permit for Possession/Consumption of Alcoholic Beverages in City Parks filed by Mr. Mel R. Phynon. He then presented a copy of the memorandum dated July 14, 2004 from Police Chief Tim Guin stating that the application complied with the City of Wharton Ordinance No. 2002-22. He stated that Mr. Phynon requested the use of Pleasure Park for the period July 31, 2004 to August 1, 2004. After some discussion, Councilmember V. L. Wiley, Jr. made a motion to approve the request by Mr. Mel R. Phynon, Wharton M.L.P. Fund, for a Temporary Permit for Possession/Consumption of Alcoholic Beverages in City Parks. Councilmember Ray Linseisen seconded the motion. All voted in favor.

The eleventh item on the agenda was to review and consider appointments to the City of Wharton Boards, Commissions, and Committees:

- A. Building Standards Commission.
- B. Planning Committee.
- C. Plumbing & Mechanical Board.
- D. Parks Planning Committee.

City Manager Andres Garza, Jr. stated that a vacant position remained on the Building Standards Commission and Ms. Naomi Kemp was not interested in reappointment to the Planning Commission. Mr. Patrick Gwosdz and Mr. Gary Eldridge had indicated that they would be interested in continuing on the Plumbing and Mechanical Board. He said that Mrs. Tammy Walker Brown was in the process of moving to another city and would not be able to serve on the Parks Planning Committee; however, Councilmember V. L. Wiley, Jr. was recommending Ms. Donna Jo Jackson to fill Mrs. Brown's position. After some discussion, Councilmember Ken Freese made a motion to accept the resignation of Mrs. Tammy Walker Brown from the Parks Planning Committee, appoint Mr. Patrick Gwosdz and Mr. Gary Eldridge on the Plumbing and Mechanical Board and appoint Mrs. Donna Jo Jackson to the Parks Planning Committee for the term ending June 30, 2006. Councilmember Don Mueller seconded the motion. All voted in favor.

The twelfth item discussed on the agenda was to review and consider the request for Water Service outside the City Limits. City Manager Andres Garza, Jr. presented a copy of the letter dated July 23, 2004 from Ms. Robie Lee, Ms. Lula Ray, and Mr. Lester Allen requesting the City of Wharton extend water service to their homes. He then presented a map indicating the location of the property and existing water lines. He stated that the only line available was a two-(2) inch line that would need to be extended approximately 660 feet and the acquiring of a 15' easement. The requestor's would be responsible for all costs associated with the extension along with acquiring the necessary easements to place the line. He stated that if the City Council approved the request a formal contract would be prepared for City Council consideration. Councilmember Don Mueller asked if water pressure would be too low. Carlos Cotton with Jones & Carter addressed the City Council and stated that a 2" line could serve the lots; however there would be a possibility of low pressure from time to time. Councilmember Don Mueller stated that the City of Wharton could change the line from a 2"

to a 4" or 6" line so a fire hydrant could be installed in the future. Mr. Cotton stated that for a fire hydrant the line would have to be a 6". After some discussion, Councilmember Ken Freese made a motion to approve the request for Water Service outside the City Limits from Ms. Robie Lee, Ms. Lula Ray, and Mr. Lester Allen requesting the City of Wharton extend water service to their homes by extending of the existing 2" line. Councilmember V. L. Wiley, Jr. seconded the motion. All voted in favor.

The thirteenth item discussed on the agenda was Executive Session: City Council may adjourn into an Executive Session in accordance with Sections 551.072 and 551.074 of the Government Code, Revised Civil Statutes of Texas. Final action, decision or vote, if any with regard to any matter considered in Executive Session shall be made in Open Meeting.

**A. Discussion:** Performance Evaluation of City Manager.

**B. Discussion:** Acquisition of Right-of-way for Drainage Projects.

Mayor Bryce D. Kocian adjourned the meeting at 7:35 p.m.

Mayor Bryce D. Kocian returned the meeting to open session at 8:40 p.m.

The fourteenth item discussed on the agenda was to Return to Open Session: Action on items discussed in Executive Session:

**A. Review & Consider:** Performance Evaluation of City Manager.

**B. Review & Consider:** Acquisition of Right-of-way for Drainage Projects.

Mayor Bryce D. Kocian stated that no action was taken.

The fifteenth item on the agenda was to review and consider Alliance for I-69 Texas, Houston, Texas, to be held August 24, 2004. City Manager Andres Garza, Jr. presented a copy of the invitation the City received regarding the Interstate 69 Initiative, Alliance for Interstate 69 Texas. He stated that the event would be held in Houston, Tuesday, August 24, 2004. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to approve City Council authorization for travel expenditures to attend the Alliance for I-69 Texas, Houston, Texas, to be held August 24, 2004. Councilmember Don Mueller seconded the motion. All voted in favor.

The sixteenth item 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 travel reimbursement request for the period June 23, 2004 through July 23, 2004 in the amount of \$545.68. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to approve the travel reimbursement request for City Manager Andres Garza, Jr. for the period June 23, 2004 through July 23, 2004 in the amount of \$545.68. Councilmember Don Mueller seconded the motion. All voted in favor.

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

A. Beautification Commission meeting held July 14, 2004.

B. Parks Planning Commission meeting held July 15, 2004.

C. Planning Commission meeting held July 19, 2004.

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

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

- |   |  |
|---|--|
| A. Police Department.                     | I. Engineer/Planning Department.                   |
| B. City Secretary/Personnel.              | J. Facilities Maintenance Department.              |
| C. Municipal Court.                       | K. Community Services Department/<br>Civic Center. |
| D. E.M.S. Department.                     | L. Wharton Municipal Pool.                         |
| E. Fire Department Incidents/Inspections. | M. Wharton Regional Airport.                       |
| F. Code Enforcement Department.           | N. Legal Department.                               |
| G. Water & Sewer Department.              | O. Weedy Lots/Sign Ordinance.                      |
| H. Public Works Department.               |  |

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

The nineteenth 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 8:42 p.m.

**CITY OF WHARTON, TEXAS**

By: \_\_\_\_\_  
**BRYCE D. KOCIAN**  
Mayor

**ATTEST:**

\_\_\_\_\_  
**JOYCE VASUT**  
City Secretary