

MINUTES
OF
CITY OF WHARTON
REGULAR CITY COUNCIL MEETING
JANUARY 10, 2005

Mayor Bryce D. Kocian declared a Regular Meeting duly open for the transaction of business at 7:00 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, City Secretary Lisa Stavena, Assistant to City Manager Jackie Jansky, Building Official Assistant Lori Jaquez, Community Services Director Jo Knezek, Public Works Director Phil Bush, Fire Chief Anthony Abbott and City Attorney Paul Webb.

Visitors present were: Benjamin Sharp with Wharton Journal Spectator, Lewis Fortenberry, Carlos Cotton, Louis Edwards, T.K. Copeland, David Copeland, Ricky Guzman, Dick Hudgins, Raymond Fisher, Debbie Abbott, Bobby Barnett, Martin Garcia, Steven Jones, Arthur Araguz, Vasaar "Skip" Holman, Thelma Hayes, Andy Kirkland, Harry Priesmeyer, and Gregory Baines.

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. Councilmember V. L. Wiley, Jr. stated that he felt that the citizens were not treated right in regards to the November 2004 Flood since they received no assistance from the federal government. He stated that the City of Wharton should assist the citizens that were affected. No action was taken.

The fifth item on the agenda was to review and consider the reading of the minutes from the regular meeting held December 13, 2004. After some discussion, Councilmember Ray Linseisen made a motion to approve the Wharton City Council minutes of the regular meeting held December 13, 2004 as presented. Councilmember Don Mueller seconded the motion. All voted in favor.

The sixth item on the agenda was to review and consider the City of Wharton financial report for the month of November 2004. Finance Director Joyce Vasut presented the financial report for

the month of November 2004 and stated that the fiscal year was at 16%. Mrs. Vasut stated that the general fund revenues were at 12.72% and the expenditures were at 18.29%. The total ad valorem taxes collected were \$156,385. The sales tax for the month of October 2004 was \$108,806 with \$72,537 to the City and \$36,269 to WEDCo. The TexPool balance for November 2004 was \$312,756.06 with an average monthly yield of 1.8491%. The bank balance was \$2,226,654.73. After some discussion, Councilmember Ken Freese made a motion to approve the City of Wharton Financial Report for the month of November 2004. Councilmember Ray Linseisen seconded the motion. All voted in favor.

The seventh item discussed on the agenda was to review and consider the request by Mr. Yusuf Barey, 3909 Walters Road, for City of Wharton water service outside the City limits. City Manager Andres Garza, Jr. presented a copy of Mr. Yusuf Barey's application for City of Wharton utility service. He stated that City Council approval was required to provide utility service outside the City limits. He stated that the tap would be across the road and connected to the 12" line layed by the City. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to approve the request by Mr. Yusuf Barey, 3909 Walters Road, for City of Wharton water service outside the City limits. Councilmember David Samuelson seconded the motion. All voted in favor.

The eighth item discussed on the agenda was to review and consider the Appointment of Committee Members for the Southern Pacific Railroad Depot Restoration Project. City Manager Andres Garza, Jr. stated that the Southern Pacific Railroad Depot Restoration project was moving forward. He stated that the asbestos abatement and lead paint management project was completed in November 2004 and the construction documents were near completion. He stated that the Restoration Committee was ready to meet with the sub-committees on the project to begin the actual construction phase of the depot restoration. He stated that certain citizens had shown an interest in serving on some of the various committees and there had been changes in other committees. He then presented a copy of the memo dated January 7, 2005 from Restoration Committee Chairman Merrell Barfield recommending the revised list of the committee members. After some discussion, Councilmember V. L. Wiley, Jr. made a motion to approve the Appointment of Committee Members for the Southern Pacific Railroad Depot Restoration Project as follows:

City of Wharton

Bryce, D. Kocian, Mayor	V.L. Wiley, Jr., City Council Member
David Samuelson, City Council Member	Ken Freese, City Council Member
Donald Mueller, City Council Member	Domingo Montalvo, Jr., City Council Member
Ray Linseisen, City Council Member	Andres Garza, Jr., City Manager

City Appointed Over Site Committee:

Dr. Merrell Barfield – Chairman
William Loocke – Co-Chairman

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Lewis Fortenberry– Park Committee Chairman
Loretta Craft – Planning Commission/Co-Chairman of Park Committee
Mike Koch – Museum Chairman
Larry Jackson – Publicity Chairman
Phil Stephenson – Fundraising Chairman
Billie Jones – Fundraising Co-Chairman
Richard Arnold – Construction Supervisor
Gary Nunez – Building Standards Commission
Bob Baker, Facilities Maintenance Director
Ronnie Bollom, Building Official/Inspector

Project Committee Chairman and Staff

Depot Restoration
Architect

1. David Bucek, Jr. AIA Stern & Bucek Architects

Executive Committee:

1. Bryce Kocian, Mayor
2. Andres Garza, Jr., City Manager
3. Doc Barfield, Chairman
4. William Loocke, Railroad Advisor, Co-Chairman

Parking Lot:

1. Phil Bush, Public Works Director, Chairman
2. Vastene Olier, Executive Director, Colorado Valley Transit

Park:

1. Lewis Fortenberry, Beautification Commission Chairman
2. Phil Bush, Public Works Director, Co-Chairman
3. Gary Kalina, Kalina's Landscaping - Local Landscape Expert
4. Shirley Beeson, Garden Club
5. Bruce Williams
6. Dale McCrohan
7. David Bucek, Sr.

Colorado Valley Transit Office:

1. Richard Arnold, Restoration Advisor, Chairman
2. Bob Baker, Facilities Maintenance Director
3. Vastene Olier, Executive Director Colorado Valley Transit, Co-Chairman
4. Tim Guin, Police Chief
5. John Kowalik, EMS Director
6. V. L. Wiley, Jr., Council member

Museum:

1. Mike Koch, Railroad Advisor, Chairman
2. A. C. Shelton, Wharton County Historical Museum
3. Larry Sitka, Collector of Railroad Memorabilia
4. Thurman Wilson, Depot History
5. Wayne Adams, Railroad Memorabilia Collector
6. John Konvicka, Railroad Memorabilia Collector
7. Marvin Albrecht, Director Wharton County Museum
8. Mike Morgan, Photographer
9. Bruce Williams
10. Don Middlebrook
11. Bud Northington
12. David Bucek, Sr.

Publicity and Dedication:

1. Jeffrey Blair, Chairman
2. Andres Garza, Jr., City Manager
3. Larry Jackson, Wharton Journal Spectator, Publicity and Dedication Chairman
4. Abby Schubach, Chamber of Commerce
5. Jo Knezek, Community Services Director
6. Jackie Jansky, Assistant to City Manager

Fund Raising:

1. Phil Stevenson, Chairman
2. Billie H. Jones, Co-Chairman

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

The ninth item on the agenda was to review and consider Jr's Texas Best, LLC Project – BLS Construction, Inc.:

1. Pay Request No. 2.
2. Pay Request No. 3.

City Manager Andres Garza, Jr. presented a copy of the BLS Construction, Inc. Pay Request No. 2 for the Jr's Texas Best, LLC project received by the City December 22, 2004 from Energy Engineering, Inc. He stated that the pay request was submitted to Energy Engineering, Inc. for processing on November 11, 2004. He stated that the City Staff spoke with Mr. Don Naiser, P.E. of Energy Engineering, Inc. regarding the pay request. He stated that Mr. Naiser indicated that he held the pay request in order to verify some of the figures shown in the request. He then presented a copy of the Pay Request No. 3 prepared by Mr. Naiser. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to approve Jr's Texas Best, LLC Project – BLS Construction, Inc. Pay Request No. 2 in the amount of \$213,058.19 and Pay Request No.

3 in the amount of \$152,764.23. Councilmember Ray Linseisen seconded the motion. All voted in favor.

The tenth item discussed on the agenda was to review and consider the Association of Mayor's, Councilmembers, and Commissioners Annual AMCC Institute February 12-13, 2005 and the Texas Municipal League Legislative Briefing to be held February 14, 2005. City Manager Andres Garza, Jr. presented a copy of his memorandum dated January 3, 2005 regarding the two conferences to be held in Austin, Texas. He stated that City Council approval was required for Councilmember attendance to the conferences. After some discussion, Councilmember Ken Freese made a motion to approve the Association of Mayor's, Councilmembers, and Commissioners Annual AMCC Institute to be held February 12-13, 2005 and the Texas Municipal League Legislative Briefing to be held February 14, 2005 for Councilmember Domingo Montalvo, Jr. in the amount up to \$340 and Councilmember V. L. Wiley, Jr. in the amount up to \$733 with submittal of receipts and refunding the difference as stated in the travel policy. Councilmember David Samuelson seconded the motion. All voted in favor.

The eleventh item on the agenda was to review and consider the request for Travel Reimbursement for City Manager. City Manager Andres Garza, Jr. presented the request for travel reimbursement for the period beginning November 9, 2004 through December 17, 2004 in the amount of \$247.50. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to approve the request for travel reimbursement for the period beginning November 9, 2004 through December 17, 2004 in the amount of \$247.50. Councilmember David Samuelson seconded the motion. All voted in favor.

The twelfth item discussed on the agenda was to review and consider the Wharton Volunteer Fire Department:

A. Confirmation of the results of the election of Anthony Abbott as Fire Chief.

City Manager Andres Garza, Jr. informed the City Council that Mr. Anthony Abbott was elected by the Wharton Volunteer Fire Department to serve as Fire Chief for the Wharton Volunteer Fire Department beginning January 1, 2005. He stated that the City Council may confirm the election of Mr. Abbott. Fire Chief Anthony Abbott stated that it was an honor to be selected Fire Chief for the Wharton Volunteer Fire Department. He then introduced Bobby Barnett, serving as Assistant Fire Chief and Martin Garza, serving as Captain. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to confirm the results of the election of Anthony Abbott as Fire Chief for the Wharton Volunteer Fire Department. Councilmember Ken Freese seconded the motion. All voted in favor.

B. Recognition of David Copeland on his retirement.

City Manager Andres Garza, Jr. presented a copy of the letter dated December 27, 2004 from Mr. David Copeland confirming his retirement from the Wharton Volunteer Fire Department. He stated that he had invited Mr. Copeland to attend the meeting in order to recognize him for his service to the citizens of the City of Wharton. Mayor Bryce D. Kocian presented Mr. David Copeland with a plaque for Certificate of Appreciation for 33 years serving the citizens of Wharton. He then thanked T.K. Copeland for the years she volunteered. David Copeland publicly thanked the City Council for the acknowledgement. Councilmember Ken Freese stated that Mr. David Copeland not only served as Fire Chief but also volunteered 30 years to civic

organizations and different events. He stated that no one in the City of Wharton had given to the community as Mr. David Copeland had. He publicly thanked him for his years of service and dedication to the community. City Manager Andres Garza, Jr. publicly thanked Mr. David Copeland for serving with him the past 10 years as Fire Chief and for all his years of service to the Wharton Volunteer Fire Department. Councilmember Domingo Montalvo, Jr. stated that many people inspire to be like David Copeland. He stated that Mr. Copeland was always serving the citizens. City Attorney Paul Webb publicly congratulated Mr. David Copeland and thanked him for everything that he had done. Councilmember Don Mueller publicly thanked Mr. David Copeland for his service and dedication to the community. After some discussion, no action was taken.

The thirteenth item on the agenda was Executive Session: City Council may adjourn into an Executive Session in accordance with Section 551.072 of the Government Cost, Revised Civic 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: Acquisition of right-of-way from the Hawes Estate for the Ahldag Addition drainage project.
- B. Discussion: Acquisition of property from Mr. Edward Guajardo and Wife, Lydia Guajardo, 2821 Texas Street, under the Governor's Division of Emergency Management, Hazard Mitigation Grant Program, FEMA-1434-DR-TX-002 Tropical Storm Fay Acquisition Project.

Mayor Bryce D. Kocian adjourned the meeting into Executive Session at 7:26 p.m.

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

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

- A. Review & Consider: Acquisition of right-of-way from the Hawes Estate for the Ahldag Addition drainage project.

After some discussion, Councilmember Ken Freese made a motion to authorize City Manager Andres Garza, Jr. to negotiate the acquisition of the right-of-way from the Hawes Estate for the Ahldag Addition drainage project pursuant to the appraisal prepared by Dick Hudgins, P.C. Councilmember Domingo Montalvo, Jr. seconded the motion. All voted in favor.

- B. Review & Consider: Acquisition of property from Mr. Edward Guajardo and Wife, Lydia Guajardo, 2821 Texas Street, under the Governor's Division of Emergency Management, Hazard Mitigation Grant Program, FEMA-1434-DR-TX-002 Tropical Storm Fay Acquisition Project.

After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to authorize the City staff to proceed with the acquisition of property from Mr. Edward Guajardo and Wife, Lydia Guajardo, 2821 Texas Street, under the Governor's Division of Emergency Management, Hazard Mitigation Grant Program, FEMA-1434-DR-TX-002 Tropical Storm Fay Acquisition Project. Councilmember Ray Linseisen seconded the motion. All voted in favor.

The fifteenth item on the agenda was to review and consider the City Council Committees, Boards and Commission's Reports:

- A. Youth Advisory Commission meeting held December 14 ,2004.

- B. Mayor's Local Committee on People with Disabilities Committee meeting held December 16, 2004.
 - C. Building Standards Commission meeting held December 18, 2004.
 - D. Wharton Economic Development Corporation meeting held December 21, 2004.
 - E. Wharton Regional Airport meeting held January 4, 2005.
- City Manager Andres Garza, Jr. presented the reports to the City Council. No action was taken.

The sixteenth 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. |
| 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 seventeenth 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 adjourned at 8:43 p.m.

CITY OF WHARTON, TEXAS

By: _____
BRYCE D. KOCIAN
Mayor

ATTEST:

LISA STAVENA
City Secretary