

MINUTES  
OF  
CITY OF WHARTON  
REGULAR CITY COUNCIL MEETING  
FEBRUARY 28, 2005

Mayor Bryce D. Kocian declared a Regular Meeting duly open for the transaction of business at 7:00 P.M. Councilmember Ken Freese led the opening devotion and then Mayor Bryce D. Kocian led the pledge of allegiance.

Councilmembers present were: Mayor Bryce D. Kocian, Councilmembers David Samuelson, Ken Freese, and Ray Linseisen.

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

Staff members present were: City Manager Andres Garza, Jr., Finance Director Joyce Vasut, City Secretary Lisa Stavena, Assistant to City Manager Jackie Jansky, Community Services Director Jo Knezek, EMS Director John Kowalik, Building Official Ronnie Bollom, Police Captain Richard Coleman, Public Works Director Phil Bush, and Assistant City Attorney Amy Rod.

Visitors present were: Benjamin Sharp with Wharton Journal Spectator, Lewis Fortenberry, Dr. Clark Spears, David Schroeder, Ann Wanner, Delores Hinckley, William Loocke, Carlos Cotton, Doyce Cook, Jerry Colquette, David Bucek, Rosemary Rust, and Ms. Shelley Marie Lock.

The second item on the agenda was roll call and excused absences. Councilmember David Samuelson made a motion to approve the absence of Councilmembers V. L. Wiley, Jr., Don Mueller and Domingo Montalvo, Jr. from the Regular City Council meeting held February 28, 2005. Councilmember Ray Linseisen seconded the motion. All voted in favor.

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 Ken Freese stated that the City of Wharton has numerous volunteers in the community and publicly thanked them for their contributions. 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 January 2005. Finance Director Joyce Vasut presented the financial report for the month of January 2005 and stated that the fiscal year was at 33%. Mrs. Vasut stated that the general fund revenues were at 40.05% and the expenditures were at 33.86%. The total ad valorem taxes collected were \$1,225,794. The sales tax for the month of December 2004 was \$173,620 with \$115,747 to the City and \$57,873 to WEDCo. The TexPool balance for January

was \$312,896.47 with an average monthly yield of 2.2325%. The bank balance was \$2,808,929.75. Mrs. Vasut statement the auditors would present the City Annual Financial Audit on the March 28, 2005 meeting. After some discussion, Councilmember Ray Linseisen made a motion to approve the City of Wharton Financial Report for the month of January 2005. Councilmember Ken Freese seconded the motion. All voted in favor.

The sixth item on the agenda was to review and consider the approval of the final contract documents and plans and specifications for the Southern Pacific Railroad Depot Restoration Project. City Manager Andres Garza, Jr. stated that Mr. David Bucek of Stern & Bucek Architects would present the final contract documents and plans and specifications for the Southern Pacific Railroad Depot Restoration Project for City Council approval. He stated that Mr. Bucek and himself had spoken with Texas Department of Transportation (TxDOT), Yoakum District representative, Mr. Billy J. Goodrich, Jr., P.E. and Adolf Novosad, P.E. about placing a rating criteria for the selection of a contractor. He then presented the specifications. He stated that TxDOT had not yet approved the criteria; however, the City Staff was requesting the City Council approve the contract documents, plans and specifications with the provision that the proposed contractor rating system be incorporated into the specifications if approved by TxDOT. Mr. David Bucek addressed the City Council and stated that the plans were reviewed by TxDOT. He stated that the project bid would be received within 30 days and the contract would be executed in May 2005 with the cutting of the ribbon in January 2006. He stated that it had been a pleasure working with the City Council on the project. Mr. Garza stated that the City Council would also need to look at the low bid and the contractor experience. After some discussion, Councilmember Ken Freese made a motion to approve the final contract documents and plans and specifications for the Southern Pacific Railroad Depot Restoration Project. Councilmember David Samuelson seconded the motion. All voted in favor.

The seventh item on the agenda was to review and consider the recommendation from the Planning Commission to consider approving the following requests for variances:

- A. Request by Mr. Charlie Wicke (owner), presented by Mr. Doyce Cook, for a preliminary replat of 1606 N. Rusk; William Kincheloe, Block 64A.5, Wharton. City Manager Andres Garza, Jr. presented a copy of the memorandum dated February 21, 2005 from Planning Commission Chairman A. J. Rath recommending City Council approval of the variance request. He then presented a copy of the Planning Commission Communications from the meeting held February 21, 2005. Mr. Doyce Cook addressed the City Council and requested approval of the preliminary replat. He stated that the homes to be built on the lots would be wheelchair accessible. After some discussion, Councilmember David Samuelson made a motion to approve the request by Mr. Charlie Wicke (owner), presented by Mr. Doyce Cook, for a preliminary replat of 1606 N. Rusk; William Kincheloe, Block 64A.5, Wharton. Councilmember Ray Linseisen seconded the motion. All voted in favor.
- B. Request for the following variances by Mr. Jerry Colquette, Hartz Chicken, 1261 Hwy. 59, Ste. A, Outparcel #2:
  1. Placement of a freestanding pole sign twenty (20) square feet from the required one hundred (100) feet of the maximum area.
  2. To place a freestanding pole sign along with the common freestanding pole sign for Wharton Retail Center.

City Manager Andres Garza, Jr. presented a copy of the memorandum dated February 21, 2005 from Planning Commission Chairman A. J. Rath recommending City Council approval of the variance request. He then presented a copy of the Planning Commission Communications from the meeting held February 21, 2005. Mr. Jerry Colquette addressed the City Council and requested placement of a 25' individual sign for Hartz Chicken in front of access of shopping center that would have a reader board and drive thru entrance. He stated that Wal-Mart will not allow a sign over 26'. After some discussion, Councilmember David Samuelson made a motion to approve the request by Mr. Jerry Colquette, Hartz Chicken, 1261 Hwy. 59, Ste. A, Outparcel #2 for placement of a freestanding pole sign twenty (20) square feet from the required one hundred (100) feet of the maximum area and to place a freestanding pole sign along with the common freestanding pole sign for Wharton Retail Center. Councilmember Ray Linseisen seconded the motion. All voted in favor.

The eighth item on the agenda was to review and consider the recommendation from the Mayor's Local Committee on People with Disabilities:

A. Administering the Accessible Parking Reminders.

City Manager Andres Garza, Jr. presented a copy of the memorandum dated February 24, 2005 from Dr. Clark G. Spears, Chairman of the Mayor's Local Committee on People with Disabilities requesting City Council approval of the item. He stated that during the regular January 24, 2005 Wharton City Council meeting, the City Council requested the Committee to move forward in designing accessible parking reminders and to determine the cost to produce them for the City Council's final consideration. Dr. Clark Spears addressed the City Council and publicly informed the City Council that Ms. Rosemary Rust was appointed as Vice-Chairperson. Ms. Rosemary Rust addressed the City Council and stated that the Committee did not intend the Police Department to issue the Accessible Parking Reminders. She stated that the Committee desired to issue the parking reminders. Mr. Garza stated that the cost of the reminders would be: R & R Printing \$0.33 per reminder; J & M Printing \$0.32 per reminder with a order of 500 or \$0.24 per reminder with a order of 1000; and the City of Wharton \$0.045 per reminder. After some discussion, Councilmember Ray Linseisen made a motion to authorize the City Staff to print the Accessible Parking Reminders. Councilmember David Samuelson seconded the motion. All voted in favor.

B. Designate date for the Disability Awareness Day with City Officials participation.

City Manager Andres Garza, Jr. presented a copy of the memorandum dated February 24, 2005 from Dr. Clark G. Spears, Chairman of the Mayor's Local Committee on People with Disabilities requesting City Council approval of the items. He stated that during the regular January 24, 2005 Wharton City Council meeting, the City Council requested the Committee to set a date for the Disability Awareness Day. He stated that the Committee had determined three days for the Council to decide from to hold the event. Dr. Clark Spears addressed the City Council and stated that the Mayor's Local Committee on People with Disabilities had selected April 6, 7, and 20, 2005 for the Disability Awareness Day with City Officials participation. After some discussion, Councilmember Ray Linseisen made a motion for the Committee to select two dates and inform the Staff for the Disability Awareness Day Event. Councilmember David Samuelson seconded the motion. All voted in favor.

The ninth item on the agenda was to review and consider Office of Rural Community Affairs, Housing Infrastructure Fund – The Cove Project:

**A. Resolution:** A resolution of the Wharton City Council designating a consultant selection committee and selection criteria for the procurement of engineering services for the construction phase of the Office of Rural Community Affairs, Housing Infrastructure Fund – The Cove Project.

City Manager Andres Garza, Jr. stated that the City of Wharton was notified of its award of the grant from the Office of Rural Community Affairs on August 27, 2004 in the amount of \$243,760. He stated that the awarded funds would be used to provide infrastructure for 14 single family patio homes on Red River Street. He stated as of this date the City had not received the contract for this project from the State. He stated that in anticipation of the contract from the State, the City Staff was recommending the request for procurement of administration and engineering services. He stated that no contract would be awarded for the administration and engineering services until the City received the State's fully executed contract. He then presented a draft copy of the resolution designating a consultant selection committee and selection criteria for the procurement of engineering services for the construction phase for the Office of Rural Community Affairs, Housing Infrastructure Fund – The Cove Project. He stated that he was recommending that the consultant selection committee be comprised of the members of the City Council Public Works Committee, Public Works Director Phil Bush, and himself. After some discussion, Councilmember David Samuelson made a motion to approve Resolution No. 2005-008, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2005 - 008**

**A RESOLUTION OF THE WHARTON CITY COUNCIL DESIGNATING A CONSULTANT SELECTION COMMITTEE AND SELECTION CRITERIA FOR THE PROCUREMENT OF ENGINEERING SERVICES FOR THE CONSTRUCTION PHASE OF THE OFFICE OF RURAL COMMUNITY AFFAIRS, HOUSING INFRASTRUCTURE FUND – THE COVE PROJECT**

**WHEREAS,** the City of Wharton has been awarded grant funds from the Office of Rural Community Affairs for the Cove Project; and

**WHEREAS,** the City of Wharton wishes to follow the State of Texas Procurement Process for Professional Services; and

**WHEREAS,** the City Council wishes to designate a consultant selection committee (Attached A) for the procurement of engineering services for the construction phase for infrastructure for the Cove Project; and

**WHEREAS,** the Consultant Selection Committee will recommend an engineering firm to the City Council for consideration; and

**WHEREAS,** it is the responsibility of the consultant selection committee follow the below listed recommended guidelines (Attached B):

- a. Procurement Provisions for Professional Services,
- b. The Texas Engineering Practice Act,
- c. Procurement Standards, Uniform Grant and Contract Management Standards,

- d. Texas Government Code - Chapter 2254 Professional and Consulting Services, Subchapter A. Professional Services,
- e. Proposal Rating Sheet for Architectural Services.

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

**Section I:** The City Council hereby designates a consultant selection committee for the procurement of engineering services for the construction phase for infrastructure for the Office of Rural Community Affairs, Housing Infrastructure Fund for the Cove Project.

**Section II:** The City of Wharton hereby accepts the State of Texas Procurement Process procedures for Professional Services (Attached B).

**Section III:** This resolution will become effective immediately upon its passage.

**Passed, Approved and Adopted this 28<sup>th</sup> day of February 2005.**

**CITY OF WHARTON, TEXAS**

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

**Attest:**

\_\_\_\_\_  
**LISA STAVENA**

City Secretary

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

**B. Resolution:** A resolution of the Wharton City Council designating a consultant selection committee and selection criteria for the procurement of management services for the Office of Rural Community Affairs, Housing Infrastructure Fund – The Cove Project. Councilmember Andres Garza, Jr. presented a draft copy of the resolution designating a consultant selection committee and selection criteria for the procurement of management services for the Office of Rural Community Affairs, Housing Infrastructure Fund – The Cove Project. He stated that he was recommending that the consultant selection committee be comprised of the members of the City Council Public Works Committee, Public Works Director Phil Bush, and himself. After some discussion, Councilmember David Samuelson made a motion to approve Resolution No. 2005-009, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2005 - 009**

**A RESOLUTION OF THE WHARTON CITY COUNCIL DESIGNATING A CONSULTANT SELECTION COMMITTEE AND SELECTION CRITERIA FOR THE PROCUREMENT OF ADMINISTRATIVE MANAGEMENT SERVICES FOR THE OFFICE OF RURAL COMMUNITY AFFAIRS, HOUSING INFRASTRUCTURE FUND – THE COVE PROJECT.**

**WHEREAS**, the City of Wharton has been awarded grant funds from the Office of Rural Community Affairs for the Cove Project; and

**WHEREAS**, the City of Wharton wishes to follow the State of Texas Procurement Process for Professional Services; and

**WHEREAS**, the City Council wishes to designate a consultant selection committee (Attached A) for the procurement of administrative management services for the Cove Project; and

**WHEREAS**, the Consultant Selection Committee will recommend an administrative management firm to the City Council for consideration; and

**WHEREAS**, it is the responsibility of the consultant selection committee follow the below listed recommended guidelines (Attached B).

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

**Section I:** The City Council hereby designates a consultant selection committee for the procurement of administrative management services for the Office of Rural Community Affairs, Housing Infrastructure Fund for the Cove Project.

**Section II:** The City of Wharton hereby accepts the State of Texas Procurement Process procedures for Professional Services (Attached B).

**Section III:** This resolution will become effective immediately upon its passage.

**Passed, Approved and Adopted this 28<sup>th</sup> day of February 2005.**

**CITY OF WHARTON, TEXAS**

**By:** \_\_\_\_\_

**BRYCE D. KOCIAN**

Mayor

**Attest:**

\_\_\_\_\_  
**LISA STAVENA**

City Secretary

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

The tenth item on the agenda was to review and consider a resolution amending the contract of the Wharton Fire Department in Wharton, Texas, with the Texas Statewide Emergency Services Retirement Funds and authorizing the Mayor of the City of Wharton to execute all documents related to the contract. City Manager Andres Garza, Jr. stated that on February 23, 2005, the City Council Finance Committee Members heard a presentation by Mr. Kevin Deiters, Program Director of the Office of the Fire Fighter's Pension Commission regarding the fire fighters

pension program. He stated that currently, the City of Wharton contributes \$43.00 per month per volunteer firefighter to the Texas Statewide Emergency Services Personnel Retirement Fund. He stated that the fund was experiencing shortfalls to meet its obligations. He then presented a copy of the information that was presented during Finance Committee meeting. He stated that the Finance Committee was recommending the City Council amend the contract to contribute \$45.00 per month per volunteer firefighter. He then presented a draft resolution approving the contract amendment. He stated that the Committee decided to continue monitoring the pension funds and with the Volunteer Fire Department's assistance, look at other alternatives available. Mr. Garza stated that the Wharton Fire Department had participated in the pension fund since 1988. Councilmember David Samuelson stated that the City would be contributing towards an unsound fund. Councilmember Ray Linseisen stated that if the State would make the additional funding available then the fund would not be unsound. After some discussion, Councilmember Ray Linseisen made a motion to approve Resolution No. 2005-010, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2005-010**

**A RESOLUTION AMENDING THE CONTRACT OF THE WHARTON FIRE DEPARTMENT IN WHARTON, TEXAS, WITH THE TEXAS STATEWIDE EMERGENCY SERVICES RETIREMENT FUND AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO THE CONTRACT.**

**WHEREAS,** the Wharton Fire Department volunteer firefighters participate in the Texas Statewide Emergency Services Retirement Fund; and

**WHEREAS,** the current contribution to the Texas Statewide Emergency Services Retirement Fund is \$43.00 per month per volunteer firefighter for Wharton, Texas; and

**WHEREAS,** the Wharton City Council wishes to amend the contribution to \$45.00 per month per volunteer firefighter for Wharton, Texas; and

**WHEREAS,** the Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute all documents related to the contract.

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

Section I. The Wharton City Council hereby amends the contribution to the Texas Statewide Emergency Retirement Fund to \$45.00 per month per volunteer firefighter for Wharton, Texas.

Section II. The Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute all documents related to the contract.

Section II: That this resolution shall be come effective immediately upon its passage.

**Passed, Approved, and Adopted** this 28<sup>th</sup> day of February 2005.

**CITY OF WHARTON, TEXAS**

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

**ATTEST:**

\_\_\_\_\_  
**LISA STAVENA**

City Secretary

Councilmember Ken Freese seconded the motion. All voted in favor.

The eleventh item on the agenda was to review and consider Medical Director Services for the City of Wharton Emergency Medical Service. City Manager Andres Garza, Jr. stated that the City of Wharton's medical director service contract with Dr. Larry Lipscomb was due to expire on March 31, 2005. He stated that after the City extended the agreement last year, EMS Director John Kowalik received from physician's comments regarding an opportunity to provide these services to the City. He stated that he had spoken to Dr. Lipscomb and informed him that the City Staff was going to recommend that a request for qualifications (RFQ) be issued to provide other physicians an opportunity to submit their qualifications for the service. He stated that the City Staff was recommending that the City Council consider the issuance of the RFQ's. He stated that the City Staff was also recommending that a committee comprised of the City Council Public Safety Committee, which consists of Mayor Bryce D. Kocian and Councilmembers Domingo Montalvo, Jr. and Ray Linseisen, City Manager Andres Garza, Jr. and EMS Director John Kowalik be authorized to evaluate the RFQ's and submit a recommendation to the City Council. He stated that since there was not any recommended qualifications or selection criteria for this type of service, the selection committee would be responsible for developing the needed requirements. The selection committee recommendation would be provided to the City Council by the March 28, 2005 City Council meeting. He then presented a copy of the contract for medical director services currently used by the City. Mr. Garza stated that currently the City of Wharton was paying \$15,000 annually for Medical Director Services. EMS Director John Kowalik informed the City Council that the Medical Director Services should be concurrent with the City of Wharton Emergency Medical Services licensed issued through the Texas Department of Health. After some discussion, Councilmember David Samuelson made a motion authorizing the City Staff to issue the request for qualifications for Medical Director Services for the City of Wharton Emergency Medical Service. Councilmember Ray Linseisen seconded the motion. All voted in favor.

The twelfth item on the agenda was to review and consider a report regarding the Racial Profiling Policy. City Manager Andres Garza, Jr. presented a copy of the memorandum dated February 24, 2005 from Police Chief Tim Guin providing the report for the Racial Profiling Policy in accordance with the City of Wharton Ordinance No. 2001-67. He stated that Police Captain Richard Coleman would be available to answer any questions regarding the report. Mr. Richard Coleman addressed the City Council and stated that it was a state regulation for

submission of the reports on the census of contracts by the Police Department. He stated that anyone has the opportunity to inspect the report. After some discussion, Councilmember Ken Freese made a motion to approve the report regarding the Racial Profiling Policy as presented. Councilmember David Samuelson seconded the motion. All voted in favor.

The thirteenth item on the agenda was to review and consider acceptance of the grant award from the Gulf Coast Medical Foundation for the Santa Fe Trail Project. City Manager Andres Garza, Jr. stated that during the September 27, 2004 Wharton City Council meeting, the City Council authorized the submission of an application to the Gulf Coast Medical Foundation for funding for the Santa Fe Trail project. He then presented a copy of the letter dated February 18, 2005 from Ms. Melissa Burnham EVP advising the City that the Gulf Coast Medical Foundation had been awarded a \$10,000 matching grant for the Santa Fe Trail Project. He stated that City Council authorization was required to accept the grant funding. Mr. Garza stated that the City received \$6,000 in new donations toward the project. After some discussion, Councilmember David Samuelson made a motion to approve the acceptance of the grant award from the Gulf Coast Medical Foundation for the Santa Fe Trail Project. Councilmember Ray Linseisen seconded the motion. All voted in favor.

The fourteenth item on the agenda was to review and consider an ordinance amending the City of Wharton Code of Ordinances Article VI. Community / Civic Center; Providing a savings clause and revoking all ordinances or part of ordinances in conflict herewith only to the extent same are in conflict herewith otherwise provided herein; and setting an effective date. City Manager Andres Garza, Jr. stated that during the November 8, 2004 special meeting of the City Council Finance Committee, the Committee recommended the City Council consider approving amendments to the City of Wharton Code of Ordinances Article VI. Community/Civic Center. He then presented a draft copy of the ordinance that would replace the current ordinance. Finance Director Joyce Vasut informed the City Council that City Attorney Paul Webb had reviewed the Ordinance and then presented a memorandum that reflected the following changes:

- Changed the rental fee to a flat hourly rate for Meeting Rooms A and B, Duncan Auditorium, Pre-function Area and the O'Quinn Room.
- Increased the Main Hall rental rates by \$100. However, Main Hall set-up for the previous day from 8 a.m. to 4 p.m. would be allowed at no additional charge.
- Clarified the rental rates for consecutive days with no change in set-up.
- Increased the rates for the table clothes from \$3 to \$5 and increased the rectangle table skirting from \$10 to \$15.
- Increased the rate for additional hours of air conditioning from \$10 per hour to \$20 per hour.
- Changed the place of rental and payment of rental fees from the Civic Center to the Office of City Secretary at City Hall.
- Changed the rental fee payment date from five days prior to the event to 60 days prior to the events for the Main Hall and two weeks prior to the event for all other rooms.
- Changed the cancellation policy from 72 hours notice to 60 days prior to the event for the Main Hall forfeits the security deposit, 30 days prior forfeits 50% of the rental fee (deposit returned) and with 30 days forfeits all rental fees (deposit returned). All other rooms cancellation changed from 72 hours to 14 days.
- Changed closing from 2 a.m. to 1 a.m. on Friday and Saturday night.
- Clarified the policies for serving alcohol and requiring police officers.

- Updated the dated closed due to holidays.
- Specified the reasons that a security deposit may be partially or fully forfeited.

Councilmember Ken Freese asked about how the Staff would handle the situation if the event had alcohol and no officers were present. Mrs. Vasut stated that the staff could contact officers or have the alcohol removed. She also stated that the event could be cancelled if the individual refused to remove the alcohol. After some discussion, Councilmember Ken Freese made a motion to revise the ordinance to include the Civic Center personnel had the authority to remove alcoholic beverages from the scheduled event if the proper forms were not submitted or if police officers could not perform duties and approve the remainder of the contents of Ordinance No. 2005-002, which read as follows:

**CITY OF WHARTON  
 ORDINANCE NO. 2005-002**

**AN ORDINANCE AMENDING THE CITY OF WHARTON CODE OF ORDINANCES ARTICLE VI. COMMUNITY/CIVIC CENTER; PROVIDING A SAVINGS CLAUSE AND REVOKING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith ONLY TO THE EXTENT SAME ARE IN CONFLICT HERewith OTHERWISE PROVIDED HEREIN; AND SETTING AN EFFECTIVE DATE.**

**BE IT ORDAINED** by the City Council of the City of Wharton, Texas that Chapter 2 Administration, Article VI, Community Center/Civic Center be amended to read as follows:

**ARTICLE VI. COMMUNITY CENTER**

**DIVISION 1. GENERALLY**

Sec. 2-171. Fee schedule.

All persons contracting with the city regarding the use of the civic center, located at 1924 North Fulton, shall pay the security deposit and rental fees in accordance with the following schedule:

<b>Room</b>	<b>Security Deposit</b>	<b>Governmental and Nonprofit</b>	<b>Commercial/Private</b>	<b>Minimum Fee*</b>
Meeting room A	\$100.00	\$20.00 per hour	\$25.00 per hour	\$60.00/\$75.00
Meeting room B	Same as Meeting room A above			
Duncan Auditorium	Same as Meeting rooms A and B above			
Pre-function Area	\$100.00	\$25.00 per hour	\$30.00 per hour	\$75.00/\$90.00
O'Quinn Room	\$100.00	\$25.00 per hour	\$30.00 per hour	\$75.00/\$90.00

Main Hall Day of Event (includes kitchen)	\$200.00	\$700.00 for up to 12 hours (over 12 hours/\$30.00 per hour)	\$800.00 for up to 12 hours (over 12 hours/\$35.00 per hour)	\$700.00/\$800.00
Main Hall – Set- up Day before the event	N/A	8 a.m. to 4 p.m. – no charge 4 p.m. to 1 a.m. - \$30.00 per hour	8 a.m. to 4 p.m. – no charge 4 p.m. to 1 a.m. - \$35.00 per hour	N/A
Consecutive days rental for any room with no change in setup.	N/A	Regular rate, as stated above, for the day with the most hours. All other days are at one-half the regular rate.	Regular rate, as stated above, for the day with the most hours. All other days are at one-half the regular rate.	N/A

\*Minimum fee is quoted for nonprofit minimum and commercial/private minimum.

**Tablecloth and skirting rental.** All persons contracting with the city regarding use of the civic center who wish to use tablecloths provided by the center shall pay an additional fee of \$5.00 per cloth per table per day. Tables with skirting shall be charged at \$15.00 per round table and \$15.00 per rectangular table. This fee covers the cost of laundering, placing and removing table coverings from the tables.

**Air conditioning and heating use.** Requests for air conditioning and heating for hours other than those specified during the reserved time will be charged an additional \$20.00 per hour for each full or partial hour of time requested.

Secs. 2-172--2-190. Reserved.

## DIVISION 2. RENTAL POLICIES

Sec. 2-191. Scope.

All persons contracting with the city regarding the use of the civic center shall be governed and shall abide by the rules and guidelines set forth in this division of the City of Wharton Code of Ordinances.

Sec. 2-192. Making reservations.

All reservations for the civic center must be made through the office of City Secretary at Wharton City Hall, 120 East Caney between the hours of 8:00 a.m. and 12:00 noon and 1:00

p.m. and 5:00 p.m., Monday through Friday except Holidays. Reservations cannot be confirmed until the rental application and the letter of acceptance of the Civic Center City Ordinance are signed and the security deposit is received by the office of City Secretary. No oral agreements will be valid.

Sec. 2-193. Familiarity with facility and equipment.

Applicants for use of the civic center shall familiarize themselves with the facility and available equipment before making application. Applicants should be aware of the fact that the civic center is a multi-use facility where several events may be scheduled simultaneously.

Sec. 2-194. Age of applicants; transferability of reservations.

- (a) Applicants for use of the civic center must be 21 years of age or older.
- (b) Reservations for use of the civic center are nontransferable.

Sec. 2-195. Priority of city programs; cancellation of reservations by city.

- (a) Programs conducted by the city at the civic center will be given priority at all times.
- (b) The city council reserves the right to cancel any reservation for use of the civic center due to a national or natural disaster or emergency need.

Sec. 2-196. Reservation policy; security deposits.

- (a) Reservations for use of the civic center are on a first come, first served basis.
- (b) All rental applications for the Main Hall must be accompanied by a security deposit as stipulated in Sec. 2-171. Reservations will not be considered confirmed until the appropriate security deposit, rental application and letter of acceptance of the Civic Center City Ordinance have been signed by the applicant and received by the City.
- (c) Security deposits may not be required for governmental entities, local civic organizations and other non-profit organizations with proof of non-profit status. The event must be an event sponsored by the organization.

Sec. 2-197. Fee payment date.

- (a) Rental fees for use of the civic center Main Hall are due at least 60 days prior to the event. If the event is scheduled within 60 days of the event, the rental fees are due with the application and security deposit.
- (b) Rental fees for use of rooms other than the Main Hall are due at least two weeks prior to the event. If the event is scheduled within two weeks of the event, the rental fees are due with the application and security deposit.

Sec. 2-198. Cancellations

- (a) Cancellations made in the Main Hall up to 60 day prior to the event will forfeit their security deposit. Cancellations made in the Main Hall up to 30 days prior to the event

will receive a 50% refund of their rental fees and a full refund of their security deposit. Cancellations made in the Main Hall within 30 days of the event will result in no refund of the rental fee and a full refund of the security deposit.

- (b) Cancellations made in any room other than the Main Hall within 14 days of the event will forfeit their security deposit.

Sec. 2-199. Applicant's responsibility during hours of use.

Requested hours for use of the civic center must include the time it will take to set up, hold the function and clean up. Applicants are solely liable for the building and must secure the building and its equipment at all times during the reserved time. All property missing during this time will be charged against the reserving party.

Sec. 2-200. Limitation on hours.

Applicants renting the civic center facility are limited to the hours specified on their applications. Additional hours will be billed an hourly rate as stated in the Fee Schedule in Section 2-171.

Sec. 2-201. Closing hours.

No reservation for use of the civic center will continue later than 10:00 p.m., Sunday through Thursday, or 1:00 a.m. Friday and Saturday. The building and parking area must be cleaned and completely vacated no later than this time. Failure to leave the premises will be grounds for refusal of future rentals of the facility.

Sec. 2-202. Furnishing equipment or supplies.

The city provides only the equipment that is listed on the application for use of the civic center. The applicant must furnish any other equipment or supplies. The civic center does not provide any supplies such as: scissors, staplers, scotch tape, extension cords, paper plates, forks, knives, napkins and cups. The city will not be responsible for any personal equipment during reserved usage.

Sec. 2-203. Storing equipment or supplies; lost or stolen articles.

- (a) Applicants are not allowed to store equipment or supplies at the civic center other than during the hours that are specified on the application. If applicant receives prior approval from the civic center manager to store items overnight the day before and/or the day after a scheduled event, the applicant agrees to hold harmless the city and civic center management and personnel for any losses or damages that may occur during the period of time applicant leaves any equipment or supplies unattended in the civic center.
- (b) The city is not responsible for lost or stolen articles. Lost and found articles are kept for one week only.

Sec. 2-204. Decorations; use of rice, confetti, birdseed or flammable materials; red dye.

- (a) No decorations of any kind are allowed to be nailed, taped or tacked to any part of the civic center.
- (b) The use of rice, confetti, birdseed or any flammable material is prohibited inside the civic center. The throwing of birdseed is allowed, but must be restricted to the outside areas only.
- (c) No crepe paper may be used to decorate tables and only "dripleless" candles on nonflammable trays or in nonflammable containers may be used.
- (d) Any kind of beverages containing red dye are not allowed in the civic center.

Sec. 2-205. Cleanliness of premises.

- (a) An applicant for use of the civic center agrees to leave the premises in as good as or better condition than that which existed prior to their usage. The user must:
  - (1) Clear tables of any debris or food.
  - (2) Remove all decorations and personal belongings.
  - (3) Clean up all obvious spills on tables, chairs and floor.
  - (4) Pick up garbage and trash in the parking lot.
- (b) If extra clean up is required by civic center staff, applicants will be billed at a rate of \$15.00 per hour.

Sec. 2-206. Damage to property; insurance.

Applicants for use of the civic center assume liability for the cost of repairing damage to property or equipment. The city reserves the right to require applicants, when it is deemed necessary, to provide public liability and/or property damage insurance policies and any other coverage to protect the property of the city.

Sec. 2-207. City staff present for emergencies.

City staff will be in the facility at all times during the rental and will be available should an emergency occur during the use of the civic center facility (e.g., plumbing problems, and nonfunctioning equipment).

Sec. 2-208. Billing for additional services.

If someone other than a staff employee is needed for an emergency in the civic center that is not the fault of the city, the applicant will be billed a minimum of \$50.00 for the first hour, with a rate of \$20.00 per hour thereafter if a city maintenance employee is able to correct the problem. If outside professionals (e.g., state-qualified electrician, audio and/or video technologist) are required to repair the facility/equipment, applicants will be charged the actual cost of repair.

Sec. 2-209. Exits and doorways.

In accordance with city fire codes, all exits and doorways of the civic center must remain clear and unlocked during functions.

Sec. 2-210. Smoking.

Smoking is prohibited inside the civic center

Sec. 2-211. Persons under influence; gambling.

- (a) Persons under the influence of drugs or alcohol will be asked to leave the civic center premises or surrounding areas.
- (b) Gambling is strictly prohibited.

Sec. 2-212. Alcoholic beverages.

- (a) An applicant holding a function at the civic center where alcoholic beverages will be served or consumed is required to have a police officer present during the function. The number of officers required for a function will be determined by the city based on the anticipated number of guests and at a rate established by the police department. The police officers will be secured through the civic center manager, but applicants will be responsible for assuming the cost for police security. Failure to comply with this expense shall be just cause for the cancellation of the reservation. Applicants will employ the officers 30 minutes prior to the beginning of the event, during the entire event and until the building is completely vacant and secure.
- (b) Applicants agree to comply with all applicable state and local liquor laws.
- (c) Applicant shall not allow any person to exit the civic center with an open container of alcoholic beverages.

Sec. 2-213. Police officers.

The city requires police officers for civic center functions as follows:

- (a) Private (invitation only) parties, dances, etc.:
  - (1). Alcohol served, minimum of two officers.
  - (2). Party of 100 or more, minimum of two officers.
  - (3) Party of less than 100 and no alcohol, officers may be required at the discretion of Civic Center Management.
- (b) Open to general public, minimum of three officers.
- (c) Church, educational seminars, church-sponsored activities and civic and service clubs are exempt and require no officers if no alcohol is served. If alcohol is served, minimum of two officers.

If the renter fails to document in the application that alcohol will be served or materially misstates the number of people attending, Civic Center personnel may: (1) contact the appropriate number of security officers to work the event (renter is responsible for payment to security officers when the event is over), (2) cancel the event, or (3) remove the alcohol from the

event. In all circumstances in which alcohol is found during or after the event and was not noted on the application, the security deposit will be forfeited.

Cross references: Police, ch. 62.

Sec. 2-214. Youth functions.

Youth functions, defined as a function attended by persons 18 years of age or younger, at the civic center must have at least one adult chaperon for each ten guests. Chaperons must be present throughout the duration of the function, setup and cleanup time included. Names and telephone numbers of the designated chaperons must be provided with the rental application.

Sec. 2-215. Designated area for non-profit use.

The civic center will provide a designated area at no cost to any nonprofit group requesting use of the room during the hours of 8:00 a.m. to 4:00 p.m., Monday through Friday except for holidays as noted in section 2-219. The designated area may also be used by nonprofit groups wishing to meet during other hours only if the civic center is open for another paying function.

Sec. 2-216. Refusal of use.

The city has full authority to refuse the civic center to any person, group or organization who, in their opinion, will or has previously misused or damaged the facility; refused to cooperate; or otherwise violated the center rules and purposes.

Sec. 2-217. Nonprofit organizations--Qualifying for rates.

Nonprofit organizations using civic center are required to show their previous year's 990 IRS form or 501(c)3 designation by the IRS in order to qualify for the nonprofit rental rate or to be exempt from the security deposit.

Sec. 2-218. Non-profit organization--Damages and extra fees.

A nonprofit organization will be invoiced for any damages or extra cleanup fees within ten working days of the function. A nonprofit organization that fails to pay for damaged equipment or furniture will forfeit the right to further use the facility.

Sec. 2-219. Dates closed.

The civic center will not be available for rental for any reasons on the following days.

- (a) New Year's Day.
- (b) Martin Luther King, Jr. day

- (c) Easter Weekend (including Good Friday)
- (d) Memorial Day
- (e) Independence Day
- (f) Labor Day
- (g) Thanksgiving and Thanksgiving weekend (including Thursday, Friday, Saturday and Sunday).
- (h) Christmas Eve
- (i) Christmas Day

Sec. 2-220 Return/Forfeit of Deposit

- (a) The security deposit will be returned to the applicant within fourteen days of the event if the applicant complies with all policies as stated above, no damages are noted and all fees are paid in full.
- (b) The security deposit may be forfeited or only partially refunded for the following reasons:
  - (1) The applicant cancels the event as noted in section 2-198.
  - (2) The premises are not cleaned as noted in section 2-205.
  - (3) There are damages found to the property after the event.
  - (4) The applicant required additional services or equipment during the event.
  - (5) The applicant used the civic center for more hours than originally agreed upon.
  - (6) The total fees for the event have not been paid in full including additional items that may have been added at the time of the event.
  - (7) Alcohol was found during the event and was not noted in the application.

Sec. 2-221 Compliance by applicant.

An applicant using the civic center will comply with all city ordinances and federal and state laws.

Sec. 2-222. Exceptions to rental policy.

Any exception to policy stated in section 2-171, Fee Schedule, must be approved by vote of city council at its regularly scheduled meeting time.

Sec. 2-223. Right to change, alter, amend or cancel the regulations.

The Wharton City Council reserves the right to change, alter, amend or cancel any or all of the regulations and rental rates contained herein at any time.

**SAVINGS CLAUSE**

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this ordinance shall not be affected thereby, it being the intent of the city council in adopting this ordinance, that no portion thereof, or provision or regulation continued herein shall become inoperative or fail by

reason of the unconstitutionality or invalidity of any section, subsection, sentence, clause, phrase, or provision of this ordinance.

**EFFECTIVE DATE**

This ordinance shall become effective immediately upon its passage.

**PASSED AND APPROVED** by the City Council of the City of Wharton, Texas, on the 28<sup>th</sup> day of February 2005.

**CITY OF WHARTON, TEXAS**

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

**Attest:**

\_\_\_\_\_  
**LISA STAVENA**  
City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**PAUL WEBB**  
City Attorney  
Councilmember Ray Linseisen seconded the motion. All voted in favor.

The fifteenth item on the agenda was to review and consider City of Wharton Police Vehicle:

- A. Bid Tabulation.
- B. **Resolution:** A resolution awarding a bid to Von-Wil Ford for one 2005 Four Door Sedan, Rear Wheel Drive.

Andres Garza, Jr. stated that during December 2004, a City police vehicle was involved in a one car accident that resulted in the air bags of the vehicle being deployed. He stated that due to the cost of resetting the air bags and other damage , the TML-IRP's adjuster elected to total the vehicle and paid the City the value of the vehicle. He stated that the City Staff proceeded to advertise for a new vehicle to replace the patrol car. He stated that the City of Wharton Police Vehicle bid opening was held February 21, 2005 for the purchase of one police vehicle. He then presented a copy of the bid tabulation, a copy of the memorandum dated February 22, 2005 from Police Chief Tim Guin recommending the bid be awarded to Von-Wil Ford in the amount of \$21,150.00, and a draft resolution awarding the bid. Police Captain Richard Coleman addressed the City Council and stated that the 2005 Four Door Sedan would replace a vehicle involved in an accident on December 1, 2004. He stated that Columbus Ford & Mercy did not include the siren in the bid; which Von-Wil Ford had at a cost of \$35 therefore Von-Wil Ford was the lowest bidder. After some discussion, Councilmember David Samuelson made a motion to approve Resolution No. 2005-011, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2005-11**

**A RESOLUTION AWARDING A BID TO VON-WIL FORD FOR ONE 2005  
FOUR DOOR SEDAN, REAR WHEEL DRIVE.**

**WHEREAS,** competitive, sealed bids were received on February 21, 2005 for City Police Vehicle; and

**WHEREAS,** Von-Wil Ford was deemed to be the best and lowest qualified bidder as per bid specifications for one 2005 four door sedan, rear wheel drive in the amount of \$21,150.00; and

**WHEREAS,** this resolution is passed in accordance with this bid.

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

**Section I.** That Von-Wil Ford is hereby awarded the bid for one 2005 four-door sedan, rear wheel drive in the amount of \$21,150.00 for the City of Wharton in accordance with the bid specifications.

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

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

**Passed, Approved, and Adopted** this 28<sup>th</sup> day of February 2005.

**CITY OF WHARTON, TEXAS**

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**BRYCE D. KOCIAN**  
Mayor

**ATTEST:**

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**LISA STAVENA**

City Secretary

Councilmember Ken Freese seconded the motion. All voted in favor.

The sixteenth item on the agenda was to review and consider the City of Wharton Construction Projects:

A. Jr's Texas Best, LLC Project – BLS Construction, Inc., Pay Request No. 5 and Final. City Manager Andres Garza, Jr. presented a copy of the Pay Request No. 5 and Final for BLS Construction for the Jr's Texas Best LLC Project. After some discussion, Councilmember Ray Linseisen made a motion to approve Jr's Texas Best, LLC Project – BLS Construction, Inc., Pay

Request No. 5 and Final in the amount of \$32,494.58. Councilmember David Samuelson seconded the motion. All voted in favor.

B. Faltisek Paving Partnership, LTD., City of Wharton 2004 Street Sealcoating Project – Pay Request No. 2 and Final.

City Manager Andres Garza, Jr. presented a copy of the Pay Request No. 2 and Final for Faltisek Paving Partnership, LTD for the City of Wharton 2004 Street Seal Coating Project. After some discussion, Councilmember Ken Freese made a motion to approve Faltisek Paving Partnership, LTD., City of Wharton 2004 Street Sealcoating Project – Pay Request No. 2 and Final in the amount of \$24,183.90. He stated that the original contract was for \$72,248.50; Change Order was for \$14,173.70, totaling \$86,422.20. Public Works Director Phil Bush stated that the change order was due to the thickness of the materials placed on the Public Works Parking Lot. Councilmember David Samuelson seconded the motion. All voted in favor.

C. City of Wharton Waterline and Sanitary Sewer Replacement Project – Uticon, Ltd.:

1. Pay Request No. 1.
2. Proposed Change Order No. 1.

City Manager Andres Garza, Jr. presented a copy of the Pay Request No. 1 for Uticon, Ltd. for the City of Wharton Waterline and Sanitary Sewer Replacement Project. He stated that after meeting with Mr. Carlos Cotton, P.E. and Public Works Director Phil Bush, the City Staff was recommending that a change order be made to Uticon, Ltd.'s contract to allow them to replace the four fire hydrants around the courthouse and replace the leaking valve in front of the Post Office. He stated that although the Public Works Department could accomplish this work, it would require more time and specialized equipment. Mr. Cotton would provide a copy of the proposed change orders during the meeting. After some discussion, Councilmember David Samuelson made a motion to approve City of Wharton Waterline and Sanitary Sewer Replacement Project – Uticon, Ltd. Pay Request No. 1 in the amount of \$15,265.80. Councilmember Ray Linseisen seconded the motion. All voted in favor.

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

- A. Building Standards Commission.
- B. Planning Commission.

City Manager Andres Garza, Jr. stated that currently, the Building Standards Commission and the Planning Commission each had one vacant position. He said Ms. Billie H. Jones had indicated that she would be interested in serving on either of the two Commissions. Mr. Garza stated that the Planning Commission would be reviewing revisions to the Subdivision Ordinance, which Ms. Billie Jones would be an asset to the Commission. After some discussion, Councilmember Ray Linseisen made a motion to appoint Ms. Billie H. Jones to the Planning Commission. Councilmember Ken Freese seconded the motion. All voted in favor.

The eighteenth item on the agenda was to review and consider Update – City of Wharton Home Elevation Project. City Manager Andres Garza, Jr. stated that during the regular Wharton City Council meeting held February 14, 2005, the City Council voted to continue the Home Elevation Project and a letter requesting the extension was submitted to the State Office of Rural Community Affairs. He stated that the City Staff had proceeded to advertise for bids for an elevation contractor a third time. He then presented a copy of the invitation to bid the project. A non-mandatory pre-bid conference had been scheduled for Tuesday, March 1, 2005 at 10:00 a.m.

and the bid opening was scheduled for March 10, 2005 at 2:00 p.m. He stated that once the bids were received and reviewed, a recommendation to award the bid would be presented to the City Council during the regular meeting to be held March 14, 2005. He stated that after the February 14, 2005 City Council meeting, he had informed the property owners of the City Council decision by telephone. He stated that he had scheduled a meeting with the three property owners for February 28, 2005 to keep them informed of the progress, and would meet with them on a regular basis to keep them abreast of the progress. He stated that at the request of City Councilmember Ken Freese requested an update be provided to the City Council at every meeting until the project was completed. After some discussion, no action was taken.

The nineteenth item on the agenda was to review and consider the Update – 2005 AMCC Institute Annual Conference and Texas Municipal League Legislative Briefing held February 12 - 14, 2005. City Manager Andres Garza, Jr. stated that Councilmembers Domingo Montalvo, Jr. and V. L. Wiley, Jr., and himself attended the conference and legislative briefing. The item was deferred to the Regular City Council Meeting to be held March 14, 2005. No action was taken.

The twentieth item on the agenda was to review and consider the City of Wharton Project Status Report. City Manager Andres Garza, Jr. presented a copy of a memorandum dated January 19, 2005 that provided an update on the City of Wharton ongoing projects, as follows:

**DRAINAGE:**

1. Sanitary Sewer Manhole Survey.

Jones & Carter, Inc. has completed the inspection on all of the accessible manholes and is preparing the final proofing. The City of Wharton should receive the report the week of March 7<sup>th</sup>.

2. Ahldag Ditch Design.

Jones & Carter, Inc. has completed the design calculations and determined the right-of-way. On January 14, 2005, a formal letter was sent to the five property owners informing them of the City's interest in acquiring some of their property. The City has received a formal response from one of the owners stating that he is in favor of the amount being offered and the project. I have scheduled a meeting with the property owner's for March 3, 2005 to answer questions they have on the project. Jones & Carter, Inc. is preparing the proposal for engineering and design services.

3. Santa Fe Outfall Ditch.

Jones & Carter, Inc. has completed the preliminary design and cost estimates. A telephone conference was held with the U.S. Army Corps of Engineers concerning the incorporation of the Santa Fe Outfall Ditch project into the federal funded project to help with the flooding issues in the center of Wharton. This added 55 acres of drainage area to the Santa Fe Ditch, which would require some revisions to the preliminary design. Jones & Carter, Inc. has received the maps of

the 24 inch pipeline from Houston Pipeline Company and is preparing the preliminary engineering report with cost estimates. On December 21, 2004, the City Staff requested information on all of the property owners from Mid-Coast Tile Company. City Attorney Paul Webb has also contacted Mid-Coast requesting the needed information.

4. Crestmont / Kelving Way Drainage.

Jones & Carter, Inc. has completed their analysis of the capacities of the existing storm sewer system and at what points it is overloaded. They are currently reviewing the options to re-route some of the run-off to the ditch running from the end of Hodges Lane to Caney Creek.

5. Nan Ya Drainage Ditch.

The City Staff is currently working on identifying ownership of the necessary right-of-way. The Staff have requested titles searches for the properties involved and are working on acquiring the necessary right-of-ways.

## **WATER/SEWER IMPROVEMENTS:**

1. Richmond Road Sanitary Sewer Rehabilitation.

RePipe-Texas, Inc. has completed 80% of the work along Regional Medical Drive and should be complete by the end of next week. After this phase of the project has been completed, the contractor will begin the replacement of the manhole on Richmond Road from an 8" to a 10" transition.

2. Richmond Road to Fulton Sewer Line Replacement.

The City Staff is working to acquire the necessary easements for this project. A letter has been sent to Mr. Vineyard regarding the necessary easement and temporary construction easement. Jones & Carter, Inc. is working on the redesign and plans for Uticon to begin this project.

3. Waterline Replacement Project.

Uticon, Inc. has completed laying the lines along Sorrel, Bolton, & Hamilton Streets and is starting to lay the line along Fulton Street. Uticon is approximately 50% complete on this portion of the project (laying the lines.)

## **STREET IMPROVEMENTS**

### 1. U.S. 59/FM 102 Intersection Upgrade.

Jones & Carter, Inc. have completed the schematic drawings and have submitted them to the Texas Department of Transportation (TxDOT). TxDOT has confirmed that the one-way service roads need to remain. TxDOT has requested the City to look at how the City could incorporate a loop street around Nan Ya and JM's property coming off of FM 102 and tying it back into US 59. TxDOT has indicated that some of the cost of this option could be included in the overall project costs. This project is ongoing.

### 2. 2004 Street Improvement Project.

Faltisek Paving has completed this project and has submitted their final invoice for City Council consideration for the February 28, 2005 meeting.

## **WHARTON REGIONAL AIRPORT – 2005 RAMP PROGRAM**

The apron to connect the two taxiways has been completed by Faltisek Paving and the City Staff has submitted the invoice to the Texas Department of Transportation – Aviation Division for reimbursement. Also, replacement of the entrance sign has been approved by the Wharton Regional Airport Board. Mr. Larry Sitka was awarded the project for approximately \$3,800, which was also submitted, to the State for consideration for reimbursement under this grant.

## **HOME PROJECTS**

### 1. 2004 HOME Program.

The City Staff has received notification that the City was approved for this grant which will enable the City to build 7 new low to moderate income homes. The City Staff is waiting on the contracts to be submitted for execution.

### 2. 2003 HOME Program.

The City Staff is currently accepting applications now and should complete the application process. Once this process has been completed, the City Staff will advertise, submit the information to the State for approval. The nine applicants have been identified and their names have been submitted to the State for approval.

### 3. Home Elevation Project.

The Wharton City Council approved to continue the Home Elevation Project during the February 14, 2005 City Council meeting. The City Staff issued a notice for the invitation to bid the project the later part of February. A non-mandatory bid conference is scheduled for March 1,

2005 and the bid opening is set for March 10, 2005. The City Staff issued seven bid packages to elevation contractors.

The City informed the State that it would extend the ORCA contract deadline to August 31, 2005 as per ORCA's requirements. With the acceptance of the August deadline, the City would then be required to withdraw its Texas Community Development Grant application for the infrastructure improvements to the Ahldag Addition. The City Staff is awaiting the State's response and contract amendment. On February 24, 2005, I spoke to Ms. Oralia Cardenas, Director of Community Development and inquired about a response. She informed me that she was going to meet with her staff to respond to the City.

### **OTHER PROJECTS:**

#### 1. Tropical Storm Fay – Buy-Out Project:

Mr. and Mrs. Edward Guajardo have agreed to the amount offered for their property located at 2821 Texas Street. All necessary documents have been issued to the City Attorney for the close of the acquisition of this property. The closing of his property is scheduled for March 15, 2005. Mr. Lowe Frietag has indicated that he wishes to pursue a second appraisal for review by the Division of Emergency Management. The City is awaiting the appraisal. I will submit a letter to Mr. Frietag on February 28, 2005 giving him two weeks to produce the appraisal; otherwise, the City will terminate the purchase offer.

#### 2. Hazard Mitigation Grant Program – Pre-Disaster Mitigation Grant Program.

The City Staff had seven applicants apply to participate in the buyout program. Only six of the seven applicants were eligible to meet the cost benefit analysis required by the program. The City Staff submitted the application to the Governor's Office of Emergency Management for review on February 16, 2005. On February 23, 2005, the State requested two revisions be made to the City's application, which were completed and resubmitted to the State. On February 24, 2005, the City was notified by the State that the grant application was complete and was being included in the State application that would be submitted to FEMA for consideration.

#### 3. Santa Fe Trail Park Project.

The City Staff has issued the second round of the request for bids for this project and a non-mandatory prebid conference has been scheduled for March 1, 2005. The bid opening date has been set for March 10, 2005. The City Public Works Department has begun the dirt work for this project.

#### 4. Southern Pacific Railroad Depot Restoration Project.

Stern & Bucek Architects will present the final plans and specifications and contract documents to the City Council for approval during the February 28, 2005 meeting. This project is moving forward. Wharton County has begun assisting the City with some of the projects that needed to be conducted prior to the actual depot restoration.

After some discussion, no action was taken.

The twenty-first 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 February 9, 2005 to February 24, 2005 in the amount of \$377.63. After some discussion, Councilmember Ray Linseisen made a motion to approve the travel reimbursement for City Manager Andres Garza, Jr. for the period February 9, 2005 to February 24, 2005 in the amount of \$377.63. Councilmember Ken Freese seconded the motion. All voted in favor.

The twenty-second item on the agenda was City Council Committees, Boards and Commission's Reports:

- A. Wharton Economic Development Corporation meeting held February 15, 2005.
  - B. Mayor's Local Committee on People with Disabilities meeting held February 17, 2005.
  - C. Planning Commission meeting held February 21, 2005.
  - D. City Council Finance Committee meeting held February 23, 2005.
- City Manager Andres Garza, Jr. presented the reports to the City Council. No action was taken.

The twenty-third 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.  |
| 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-fourth item on the agenda was adjournment. After some discussion, Councilmember David Samuelson made a motion to adjourn. Councilmember Ray Linseisen seconded the motion. All voted in favor.

The meeting adjourned at p.m.

**CITY OF WHARTON, TEXAS**

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

**ATTEST:**

City of Wharton  
Regular City Council Meeting  
February 28, 2005

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**LISA STAVENA**  
City Secretary