

MINUTES  
OF  
CITY OF WHARTON  
REGULAR CITY COUNCIL MEETING  
JUNE 13, 2005

Mayor Bryce D. Kocian declared a Regular Meeting duly open for the transaction of business at 7:04 P.M. Councilmember Ray Linseisen led the opening devotion and then Mayor Bryce D. Kocian led the pledge of allegiance.

Councilmembers present were: Mayor Bryce D. Kocian, Councilmembers V. L. Wiley, Jr., David Samuelson, Ken Freese, Don Mueller, Domingo Montalvo, Jr., and Ray Linseisen.

Councilmember absent was: None.

Staff members present were: City Manager Andres Garza, Jr., Finance Director Joyce Vasut, City Secretary Lisa Stavena, Assistant to City Manager Jackie Jansky, Building Official Ronnie Bollom, EMS Director John Kowalik, Community Services Director Jo Knezek, and City Attorney Paul Webb.

Visitors present were: Benjamin Sharp with Wharton Journal Spectator, Carlos Cotton, David Schroeder, Lewis Fortenberry, Louis Edwards, Vastene Olier, William Loocke, and Merrell "Doc" Barfield.

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

The fourth item on the agenda was Wharton Moment. Mayor Bryce D. Kocian stated that City Manager Andres Garza, Jr. attended the Texas City Management Association Annual Conference that was held in Galveston, Texas, this weekend and was recognized for his 25 years of service as a City Manager. The Texas City Manager's Association (TCMA), is an organization of Texas Manager's that concentrate on the development of professional standards for City Managers, promotion of the Council-Manager plan, and the exchange of ideas between managers.

Bryce D. Kocian then presented a proclamation that read as follows:

WHEREAS, the United Methodist Action Reachout Ministry by Youth was founded in 1978 and has sent a group of youth and adults to work in the Wharton, Texas, area for one week; and

WHEREAS, the UM ARMY will repair porches, build wheelchair ramps, steps, railings, repair roofs and provide painting for people in need of assistance; and

WHEREAS, the one hundred ten youth and adults will be housed at the Wharton United Methodist Church in Wharton;

NOW THEREFORE, I, Bryce Kocian, Mayor of the City of Wharton, Texas do hereby proclaim the week beginning June 5 and ending June 11, 2005 as

**UNITED METHODIST ACTION REACHOUT MISSION BY YOUTH WEEK**

in the City of Wharton, Texas.

Given under my hand and Seal of the City of Wharton this 5<sup>th</sup> day of June in the year of our Lord two thousand five A.D.

Bryce D. Kocian then presented a proclamation that read as follows:

WHEREAS, The Wharton Training School was first incorporated in 1928, and in 1968 the students transferred to Wharton High School; and

WHEREAS, June 2005 marks the 27<sup>th</sup> Anniversary of the Wharton Training High Alumni and Ex-Students Association which is composed of students and alumni from the Wharton Training School; and,

WHEREAS, The Wharton Training School is a non-profit civic association which contributes to the community by providing activities such as raising money for scholarships, conducting voter registration drives and assisting the elderly in helping them to complete and understand governmental forms and correspondence; and,

WHEREAS, Our entire community has benefited from the contributions of the members of this association and congratulate all those who have given their time and effort so unselfishly during these many years to help the community grow and thrive, and to provide valuable human services where the need was great; and,

WHEREAS, It is a pleasure to extend our appreciation and best wishes to the members of this association on the memorable occasion of this Anniversary and wish our congratulations to the Class of 1935, 1945, 1965, and 1955.

NOW, THEREFORE, I, Bryce D. Kocian, by the authority vested in me as Mayor of the City of Wharton, do hereby proclaim June 18, 2005 as Wharton Training High Alumni and Ex-Students Association – Class of 1954 Day, in conjunction with the Juneteenth Celebration, in our community, and further provide that a copy of this tribute be presented to the congregation in testimony of the high regard in which this organization is held in the City of Wharton.

IN WITNESS THEREOF, I have set my hand and caused the seal of the City of Wharton to be affixed this 13<sup>th</sup> day of June, in the year of our Lord two thousand five A.D.

Councilmember Ray Linseisen publicly recognized the Airport Board and stated that there would be a possibility of an air show for the Freedom Festival in 2006. No action was taken.

The fifth item on the agenda was to review and consider the reading of the minutes from the regular meetings held May 9, 2005 and May 23, 2005 and the special meeting held May 16, 2005. After some discussion, Councilmember Don Mueller made a motion to approve the Wharton City Council minutes of the regular meetings May 9, 2005 and May 23, 2005 and the special meeting held May 16, 2005 as presented. Councilmember David Samuelson seconded the motion. All voted in favor.

The sixth item on the agenda was to review and consider the Wharton County Freedom Festival (WCFF) to be held July 1 – 3, 2005:

- A. Request by the Wharton Freedom Festival Committee for City of Wharton Assistance.
- B. Request to camp and park in Riverfront Park for the Bar-B-Que Cook-off.
- C. Temporary permit for Possession/Consumption of Alcoholic Beverages at City Parks – Riverfront Park.
- D. Authorization to use City streets for a 5-K Run.
- E. Waiver of Fees.

City Manager Andres Garza, Jr. presented a copy of the letter dated June 9, 2005 from the Wharton County Freedom Festival Committee requesting City of Wharton assistance with the Wharton County Freedom Festival to be held July 1 - 3, 2005. He then presented a copy of the Wharton Park Facilities Reservation Agreement and a copy of the temporary permit possession/consumption of alcoholic beverages in certain parks application. He stated that Police Captain Richard Coleman reviewed the temporary permit for possession/consumption of alcoholic beverages in certain parks application and had determined that it complied with the City of Wharton Ordinance No. 2002-22. He stated that the Committee was also requesting that the City Council approve a 5-K Run to be held on certain City Streets. He said the routes were being determined by the 5K Run group and would be given to the City Staff at a later date. Mr. Garza stated that in accordance with the City of Wharton Code of Ordinances Chapter 54 Parks and Recreation, Section 54-2, Operating or parking motor vehicles in parks, it was unlawful to operate any motor vehicles in the City's parks. He also said in accordance with Section 54-7, Hours for use of city parks; penalty for violation, the hours the City parks were open to the public for daily use was from 6:00 a.m. to 10:00 p.m. He said the Freedom Festival Committee was requesting City Council approval to allow parking and camping in Riverfront Park for the Bar-B-Que Cook-off. He then presented a copy of the ordinances. Councilmember Domingo Montalvo, Jr. stated that Chairman Lewis Fortenberry was available to answer any questions. After some discussion, Councilmember Ken Freese made a motion to approve the request by the Wharton Freedom Festival Committee for City of Wharton Assistance, approve the request to camp and park in Riverfront Park for the Bar-B-Que Cook-off, approve the temporary permit for Possession/Consumption of Alcoholic Beverages at City Parks – Riverfront Park, authorize to use City streets for a 5-K Run, and approve the waiver of Fees. Councilmember V. L. Wiley, Jr. seconded the motion. All voted in favor.

The seventh on the agenda was review and consider the request by Mr. Curtis Evans of Wharton Wave and Track Club for the following:

- A. Use of Pleasure Park for a Softball Tournament to be held July 1 – 3, 2005.
- B. Temporary permit for Possession/Consumption of Alcoholic Beverages at City Parks – Pleasure Park.
- C. Waiver of Fees.

City Manager Andres Garza, Jr. presented a copy of the Softball Field Reservation form and a copy of the City of Wharton Application for Temporary Permit for Possession/Consumption of Alcoholic Beverages in Certain Parks submitted by Mr. Curtis Evans, President of Wharton Wave and Track Club, requesting the use of Pleasure Park for a softball tournament. He also presented a copy of the letter dated June 1, 2005 from Mr. Evans requesting that the park fee be waived. He said the application was submitted to Police Captain Richard Coleman, which he was recommending approval. After some discussion, Councilmember Ray Linseisen made a motion to approve the use of Pleasure Park for a Softball Tournament to be held July 1 – 3, 2005, approve a temporary permit for Possession/Consumption of Alcoholic Beverages at City Parks – Pleasure Park, and approve the waiver of fees. Councilmember V. L. Wiley, Jr. seconded the motion. All voted in favor.

The eighth item on the agenda was review and consider the request by Mr. David E. McClendon, Sr. to address the City Council regarding Waste Management. City Manager Andres Garza, Jr. presented a copy of the letter the City received June 6, 2005 from Mr. David E. McClendon, Sr. requesting the City Council to discuss Waste Management service and employees. He stated that Mr. McClendon was requesting the City to consider allowing citizens the use of containers to place their solid waste at the curb. He then presented a copy the City of Wharton Code of Ordinances Chapter 14 Animals and Fowl, Section 14-12 Running at large. Mr. David McClendon, Sr. addressed the City Council and stated animals were tearing up trash when trash was set at the curb for pickup. He requested that the City Council amend the Ordinance allowing trash to be stored in bags in receptacles to be placed at the curb. Mayor Bryce D. Kocian stated that City Manager Andres Garza, Jr. could discuss with Waste Management the request. After some discussion, no action was taken.

The ninth item on the agenda was review and consider the Planning Commission recommendation for the City Council to approve the following variances for the 2003 Home Investment Program:

A. An application by Ms. Teodora (Lola) Ortiz to construct a 24' x 46' home over an interior property line located at 808 E. Caney Street, Dickson, Lot 34, 35A. City Manager Andres Garza, Jr. presented a copy of the memorandum June 6, 2005 from Planning Commission Chairman A. J. Rath requesting the City Council approve the variances. He then presented a copy of the Planning Commission Communications from the meeting held Monday, June 6, 2005. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to approve a variance for the construction of a 24' x 46' home over an interior property line located at 808 E. Caney Street, Dickson, Lot 34, 35A. Councilmember Don Mueller seconded the motion. All voted in favor.

B. An application by Ms. Bernice Ragston to construct a 30' x 40' home over interior property lines located at 504 Correll Avenue, Washington Homes, Block 4, Lot 10A, 10B, 11B. City Manager Andres Garza, Jr. presented a copy of the memorandum June 6, 2005 from Planning Commission Chairman A. J. Rath requesting the City Council approve the variances. He then presented a copy of the Planning Commission Communications from the meeting held Monday, June 6, 2005. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to approve a variance for the construction of a 30' x 40' home over interior property lines

located at 504 Correll Avenue, Washington Homes, Block 4, Lot 10A, 10B, 11B.  
Councilmember Don Mueller seconded the motion. All voted in favor.

C. An application by Ms. Charlie Simmons to construct a 24' x 46' home over an interior property line located at 307 Hughes, Harrison, Block 3, Lot 1C, 2C. City Manager Andres Garza, Jr. presented a copy of the memorandum June 6, 2005 from Planning Commission Chairman A. J. Rath requesting the City Council approve the variances. He then presented a copy of the Planning Commission Communications from the meeting held Monday, June 6, 2005. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to approve a variance for the construction of a 24' x 46' home over an interior property line located at 307 Hughes, Harrison, Block 3, Lot 1C, 2C. Councilmember Don Mueller seconded the motion. All voted in favor.

D. An application by Ms. Kathleen Aykes to construct a 24' x 46' home over an interior property line located at 304 West Pecan Street, Harrison, Block 6, Lot 6, 6A. City Manager Andres Garza, Jr. presented a copy of the memorandum June 6, 2005 from Planning Commission Chairman A. J. Rath requesting the City Council approve the variances. He then presented a copy of the Planning Commission Communications from the meeting held Monday, June 6, 2005. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to approve a variance for the construction of a 24' x 46' home over an interior property line located at 304 West Pecan Street, Harrison, Block 6, Lot 6, 6A. Councilmember Don Mueller seconded the motion. All voted in favor.

E. An application by Mr. Daniel Partida etux for a front, interior side and rear property line setback variance to construct a 24' x 46' home located at 209 Washington Avenue, Washington Homes, Block 10, Lot A as follows:

1. A request of a 10 feet variance from the required 25 feet front property line setback.
2. A request of a five feet variance from the required 10 feet rear property line setback.
3. A request of a 5 feet variance from the required 10 feet interior side property setback.

City Manager Andres Garza, Jr. presented a copy of the memorandum June 6, 2005 from Planning Commission Chairman A. J. Rath requesting the City Council approve the variances. He then presented a copy of the Planning Commission Communications from the meeting held Monday, June 6, 2005. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to approve a variance for the construction of a 24' x 46' home located at 209 Washington Avenue, Washington Homes, Block 10, Lot A with a 10 feet variance from the required 25 feet front property line setback, with a five feet variance from the required 10 feet rear property line setback, and with a 5 feet variance from the required 10 feet interior side property setback. Councilmember Don Mueller seconded the motion. All voted in favor.

The tenth item on the agenda was review and consider a resolution of the Wharton City Council approving an Interlocal Cooperation Contract between the Lower Colorado River Authority and the City of Wharton under the Partnerships in Parks (PIP) grant program for the Santa Fe Trail Project and authorizing the Mayor of the City of Wharton to execute all documents related to said agreement. City Manager Andres Garza, Jr. stated that during the December 13, 2004 regular Wharton City Council meeting, the City Council approved the submission of a grant application to the Lower Colorado River Authority (LCRA) to assist funding the Santa Fe Trail

project. He then presented a copy of the letter dated June 6, 2005 from Mr. Chuck Weaner, LCRA Community, Business and Safety Support Manager, informing the City of Wharton that LCRA had granted the City \$199,590 to be used for the Santa Fe Trail Project. He then presented a copy of the Interlocal Cooperation Contract and a draft resolution authorizing the Mayor to execute the contract. After some discussion, Councilmember Ken Freese made a motion to approve Resolution No. 2005-28, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2005-28**

**A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AN INTERLOCAL COOPERATION CONTRACT BETWEEN THE LOWER COLORADO RIVER AUTHORITY AND THE CITY OF WHARTON UNDER THE PARTNERSHIPS IN PARKS (PIP) GRANT PROGRAM FOR THE SANTA FE TRAIL PROJECT AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID AGREEMENT.**

**WHEREAS,** the City of Wharton received a grant award in the amount of \$199,950 from the Lower Colorado River Authority (LCRA) to assist with funding the Santa Fe Trail project; and

**WHEREAS,** the City of Wharton and the LCRA wishes to enter into an Interlocal Cooperation Contract under the Partnerships in Parks (PIP) program; and

**WHEREAS,** the City of Wharton and LCRA 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 City Council of the City of Wharton hereby authorizes the Mayor of the City of Wharton to execute an Interlocal Cooperation Contract with the Lower Colorado River Authority under the Partnerships in Parks (PIP) grant program for funding for the Santa Fe Trail project.

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

**Passed, Approved, and Adopted** this 13<sup>th</sup> day of June 2005.

**CITY OF WHARTON, TEXAS**

**By:**

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**BRYCE D. KOCIAN**  
Mayor

**ATTEST:**

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**LISA STAVENA**

City Secretary

Councilmember David Samuelson seconded the motion. All voted in favor.

The eleventh item on the agenda was review and consider a resolution approving an agreement for professional engineering services between the City of Wharton and CivilTech Engineering, Inc. for the City of Wharton Home Elevation Project, FEMA DR-1257-TX, Project #UN50-3.2-04 and ORCA, Contract No. 722067, and authorizing the Mayor of the City of Wharton to execute all documents related to said agreement. City Manager Andres Garza, Jr. stated that during the course of the Home Elevation Program, the City had engaged the services of Ms. Martha Juch, P.E., CFM of Martha Ferrero Juch, P.E., Inc. for engineering services. He stated that at the beginning of June 2005, Ms. Juch had secured a position with CivilTech Engineering, Inc. He said that since the Home Elevation Project was ongoing, the City would continue to need Ms. Juch's engineering services to complete the project; however, a contract with CivilTech Engineering, Inc. would be required. He then presented a copy of the proposed contract and a draft resolution authorizing the Mayor to execute the contract. Councilmember Ray Linseisen asked if the maximum amount would be capped at \$10,000.00. Mr. Garza stated that the Ms. Martha Juch would be paid on an hourly basis with the maximum amount of \$10,000.00; therefore if the amount exceeded the \$10,000.00 the City Council would have to approve payment. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to approve Resolution No. 2005-29, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2005-29**

**A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AN AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES BETWEEN THE CITY OF WHARTON AND CIVILTECH ENGINEERING, INC. FOR THE CITY OF WHARTON HOME ELEVATION PROJECT, FEMA DR-1257-TX, PROJECT #UN50-3.2-04 AND ORCA, CONTRACT NO. 722067, AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID AGREEMENT.**

**WHEREAS,** the City of Wharton wishes to enter into an agreement with CivilTech Engineering, Inc. to provide engineering services for the Home Elevation Project being conducted under the FEMA DR-1257-TX, Project No. UN50-3.2-04 and ORCA, Contract No. 722067; and

**WHEREAS,** the City of Wharton and CivilTech Engineering, Inc. 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 City Council of the City of Wharton hereby authorizes the Mayor of the City of Wharton to execute an agreement with CivilTech Engineering, Inc. to provide engineering services for the Home Elevation Project being conducted under

the FEMA DR-1257-TX, Project No. UN50-3.2-04 and ORCA, Contract No. 722067.

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

**Passed, Approved, and Adopted** this 13<sup>th</sup> day of June 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 twelfth item on the agenda was review and consider an appointment of a City of Wharton Deputy Municipal Court Clerk. City Manager Andres Garza, Jr. stated that Ms. Crystal Rivera had been serving as Deputy Municipal Court Clerk until April 15, 2005, at which time she transferred to the Telecommunications Department at the Wharton Police Department. He stated that effective April 18, 2005, Ms. Debra Abbott transferred from the Wharton Police Department Telecommunications Department to Wharton Municipal Court. He stated that the City Staff was requesting the City Council to officially appoint Ms. Abbott as the Wharton Deputy Municipal Court Clerk. After some discussion, Councilmember Don Mueller made a motion to appoint Mrs. Debra Abbott as Deputy Municipal Court Clerk. Councilmember Domingo Montalvo, Jr. seconded the motion. All voted in favor.

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

- A. Wharton Regional Airport Board.
- B. Beautification Commission.
- C. Building Standards Commission.
- D. Electrical Board.
- E. Holiday Lighting Commission.
- F. Planning Commission.
- G. Plumbing and Mechanical Board.
- H. Youth Advisory Commission.
- I. Municipal Court Judge.
- J. Health Officer.
- K. Veterinarian.

City Manager Andres Garza, Jr. presented a copy of the current list of Board, Commission, and Committee Members for the above-mentioned groups. He stated that the list indicated whose

terms were due to expire on June 30, 2005 and who was willing to serve for an additional two-year term. After some discussion, Councilmember Ray Linseisen made a motion to appoint the following:

**AIRPORT BOARD**

Gary Williams	June 30, 2007
Randy Rodriguez	June 30, 2007
Eric Johnson	June 30, 2007
Ex Officio-Bryce D. Kocian	June 30, 2006
Ex Officio-Councilmembers (Domingo Montalvo, Jr.)	June 30, 2006

**BEAUTIFICATION CITY COMMISSION**

Susie Carlson	June 30, 2007
Walter Garrett	June 30, 2007
Maxine Fisher	June 30, 2007

**BUILDING STANDARDS COMMISSION**

Richard Arnold	June 30, 2007
Henry Thiele	June 30, 2007
Ellis Hurd	June 30, 2007
Paul Fertsch	June 30, 2007
Councilmember Mayor Bryce D. Kocian	June 30, 2006
Councilmember V. L. Wiley - Ex Officio	June 30, 2006

**ELECTRICAL BOARD**

David Gerstenberger	June 30, 2007
Councilman V. L. Wiley, Jr.	June 30, 2006

**PLANNING COMMISSION**

Loretta Craft	June 30, 2007
Jeanene D. Merka	June 30, 2007
Robert Kolancy	June 30, 2007
Councilmember Domingo Montalvo, Jr. - Ex Officio	June 30, 2006
Councilmember Donald Mueller – Ex Officio	June 30, 2006

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**PLUMBING & MECHANICAL**

A. J. Rath	June 30, 2007
Tom Faust	June 30, 2007
Mr. J. P. Pickens	June 30, 2007
Councilmember Domingo Montalvo, Jr. - Ex Officio	June 30, 2006
Building Official - Ex Officio	

**MAYOR'S LOCAL COMMITTEE ON PEOPLE WITH DISABILITIES**

Delores Hinckley  
Skip Holman  
Susan Mitchell  
Les Newton  
Rosemary Rust  
James Spano  
Dr. Clark Spears  
Ex-Officio Mayor Bryce D. Kocian

**SPECIAL CHARTER REVIEW COMMITTEE**

David Copeland  
Kenneth Johse  
Gary Nunez  
Rosemary Rust  
Henry Thiele  
Philip Wuthrich  
Erlene Phillips  
John Rhodes  
Bruno Ybarbo  
Joyce Vasut, Ex-Officio  
Paul Webb, Ex-Officio

**YOUTH ADVISORY COUNCIL**

Stephen May (Adult Member)	June 30, 2007
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**HEALTH OFFICER (TWO YEAR TERM)**

Dr. Gregg J. Dimmick	June 30, 2007
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**VETERINARIAN (TWO YEAR TERM)**

Dr. Carlos Bonnot	June 30, 2007
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**CITY COUNCIL COMMITTEES (Yearly Basis) June 30, 2006**

Finance Committee: Ray Linseisen, Ken Freese & Dr. David Samuelson  
Public Works Committee: V. L. Wiley, Jr., Don Mueller and Domingo Montalvo, Jr.  
Telecommunications Committee: Ray Linseisen, Ken Freese, Don Mueller  
Intergovernmental Relations Committee: Bryce D. Kocian, Ken Freese  
Legislative Committee: Domingo Montalvo, Jr. and Bryce D. Kocian  
Housing Committee: Dr. David Samuelson, V. L. Wiley, Jr., Ray Linseisen

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

The fourteenth item on the agenda was review and consider City of Wharton  
Construction/Improvement Projects:

A. Waterline and Sanitary Sewer Replacement Project – Uticon, Ltd.:

1. Change Order No. 1.
2. Fifth and Final Pay Request.

City Manager Andres Garza, Jr. presented a copy of the Change Order No. 1 prepared by Jones & Carter, Inc. for the Waterline and Sanitary Sewer Replacement Project. He then presented a copy of the fifth and final pay request. Mr. Carlos Cotton, P.E. addressed the City Council and stated that Change Order No. 1 consisted of the installation of a 10” x 6” TS&V, provide offset around SBC manhole, relocate flush valve, provide additional length and sizes of pipe for water services, and remove and replace concrete and asphalt pavement. He stated that the reason for the change was that the TS&V was required to construct the waterline and stay within the water line easement. The offset over the SBC manhole was required after field location of manhole that differed from flush valve locations. The flush valve was relocated per citizen request and authorized by City of Wharton. The additional length of water service was required due to existing lines being located in different locations than shown on the plans. The pavement repairs resulted from field exploration for existing water lines and repairing distressed areas. After some discussion, Councilmember Ray Linseisen made a motion approve Waterline and Sanitary Sewer Replacement Project – Uticon, Ltd. With Change Order No. 1 in the amount of \$30,474.76 and Fifth and Final Pay Request in the amount of \$59,083.77. Councilmember David Samuelson seconded the motion. All voted in favor.

B. Richmond Road Sanitary Sewer Rehabilitation Project - rePipe, Texas, Inc. Third and Final Pay Request.

City Manager Andres Garza, Jr. presented the third and final pay request prepared by Jones & Carter, Inc. on behalf of rePipe Texas, Inc. for the Richmond Road Sanitary Sewer Rehabilitation Project. Mr. Carlos Cotton, P.E. answered the City Council and stated the project was completed and recommended approval. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to approve Richmond Road Sanitary Sewer Rehabilitation Project - rePipe, Texas, Inc. Third and Final Pay Request in the amount of \$7,921.50. Councilmember V. L. Wiley, Jr. seconded the motion. All voted in favor.

C. City of Wharton Municipal Pool Improvement Project – Aquatic Renovation Systems, Inc. – Pay Request No. 1.

City Manager Andres Garza, Jr. presented a copy of the Pay Request No. 1 submitted by Aquatic Renovation Systems, Inc. for the Wharton Municipal Pool Improvement Project. He stated that Fatter & Evans Architect recommended payment. He stated that Aquatic Renovation Systems, Inc. had to make adjustments for the liner to the gutter system, which delayed the process. After some discussion, Councilmember Ray Linseisen made a motion to approve Municipal Pool Improvement Project – Aquatic Renovation Systems, Inc. – Pay Request No. 1 in the amount of \$15,153.72. Councilmember Domingo Montalvo, Jr. seconded the motion. All voted in favor.

The fifteenth item on the agenda was review and consider the USDA Industrial Park Infrastructure Project. City Manager Andres Garza, Jr. stated that in April 2004, the City of Wharton submitted a full application to USDA for funding for the Industrial Park Infrastructure Project. He stated that the total cost of the project was \$890,000. He stated that the offsite improvements would include a new lift station, eight (8) inch force main line and a local sanitary sewer system. He stated that the City requested that USDA fund \$391,600 and that the City would match the remaining \$498,400. The City received a grant award of \$275,000 from the USDA for this project; however, the City was unable to secure a grant for the matching funds. He stated that the City was then notified by USDA that since the City did not receive any scoring points for matching funds, that the City could use what ever means available to fund the remaining costs, including force accounts, and could phase the project. He stated that the phases would be as follows:

Phase I – Lift Station and Force Main

Phase II – Gravity Lines

Mr. Garza presented a copy of the letter dated May 31, 2005 from Mr. Carlos Cotton, P.E. of Jones & Carter, Inc. providing the cost estimate for the proposed sanitary sewer pump station to serve the Wharton Industrial Park and adjacent areas. He said that the estimated cost was \$541,000, which consisted of constructing a pump station and a force main from this site to the Wastewater Treatment Plant No. 2. He said that the City would provide the labor and equipment to lay the 10,700 feet of force main. He further said if the City moved forward with the project and constructed the pump station and force main at the cost of \$541,000, the City could request funding from the Wharton Economic Development Corporation (WEDC) who had originally indicated that it would fund approximately \$117,000 towards the project. He stated that WEDC could provide the balance needed to complete this phase of the project. He also presented a copy of the drawing of the proposed project. He stated that the City Council Public Works Committee met on June 13, 2005 to discuss the project and recommended approval. He stated that the City of Wharton would match with in-kind labor performed by the City of Wharton Public Works Department. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to approve the USDA Industrial Park Infrastructure Project. Councilmember Don Mueller seconded the motion. All voted in favor.

The sixteenth item on the agenda was review and consider City of Wharton Southern Pacific Railroad Depot Restoration Project – Construction Phase:

A. Bid Tabulation.

B. **Resolution:** A resolution of the Wharton City Council awarding a bid for the City of Wharton Southern Pacific Railroad Depot Restoration Project – Construction Phase and authorizing the Mayor of the City of Wharton to execute the agreement.

City Manager Andres Garza, Jr. stated that the bid opening for the construction phase of the Southern Pacific Railroad Depot Restoration Project was held May 18, 2005. He then presented a copy of the bid tabulation and a letter dated June 9, 2005 by Mr. David Bucek of Stern & Bucek Architects recommending the City Council consider awarding the bid to A&A Constructors, Victoria, Texas, in the amount of \$830,000. He then presented a draft resolution awarding the bid. Merrell "Doc" Barfield addressed the City Council and stated that Mr. William Looche's assistance was greatly appreciated. He stated that the Depot Finance Committee was continuing the fundraising efforts. He stated that the site would also be the hub for Colorado Valley Transit. Ms. Vastene Olier addressed the City Council and personally thanked the City for granting the use of the site. After some discussion, Councilmember Ray Linseisen made a motion to approve Resolution No. 2005-30, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2005-30**

**A RESOLUTION AWARDED A BID FOR THE CITY OF WHARTON SOUTHERN PACIFIC RAILROAD DEPOT RESTORATION PROJECT CONSTRUCTION PHASE AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE TO EXECUTE ALL DOCUMENTS RELATED TO SAID AGREEMENT.**

**WHEREAS,** competitive, sealed bids were received on May 18, 2005 for the City of Wharton Southern Pacific Railroad Depot Restoration Project Construction Phase; and

**WHEREAS,** A&A Constructors, Inc. was deemed to be the best and lowest qualified bidder as per bid specifications in the amount of \$830,000.00; and

**WHEREAS,** the Wharton City Council wishes to award the bid to A&A Constructors, Inc. for the Southern Pacific Railroad Depot Restoration Project Construction Phase.

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

Section I. That A&A Constructors, Inc. is hereby awarded the bid for the City of Wharton the Southern Pacific Railroad Depot Restoration Project Construction Phase in the amount of \$830,000.00 in accordance with the bid specifications.

Section II. That Bryce D. Kocian, 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 13<sup>th</sup> day of June 2005.

**CITY OF WHARTON, TEXAS**

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

**BRYCE D. KOCIAN**

Mayor

**ATTEST:**

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**LISA STAVENA**

City Secretary

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

The seventeenth item on the agenda was review and consider City of Wharton Murphy Road Sanitary Sewer Replacement Project:

A. Bid Tabulation.

B. **Resolution:** A resolution of the Wharton City Council awarding a bid for the City of Wharton Murphy Road Sanitary Sewer Replacement Project and authoring the Mayor of the City of Wharton to execute the agreement

City Manager Andres Garza, Jr. stated that the bid opening for the City of Wharton Murphy Road Sanitary Sewer Replacement Project was held Monday, June 13, 2005. He then presented a copy of a draft resolution awarding the bid. Mr. Carlos Cotton addressed the City Council and stated that three bids were received and recommended the bid be awarded to the lowest qualified bidder, RWL Construction, Inc. in the amount of \$169,979.00. He stated that the project was estimated at \$120,000.00. After some discussion, Councilmember Ray Linseisen made a motion to approve Resolution No. 2005-31, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2005-31**

**A RESOLUTION AWARDING A BID FOR THE CITY OF WHARTON MURPHY ROAD SANITARY SEWER REPLACEMENT PROJECT AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE TO EXECUTE ALL DOCUMENTS RELATED TO SAID AGREEMENT.**

**WHEREAS,** competitive, sealed bids were received on June 13, 2005 for the City of Wharton Murphy Road Sanitary Sewer Replacement Project; and

**WHEREAS,** RWL Construction, Inc. was deemed to be the lowest and best qualified bidder as per bid specifications in the amount of \$169,979.00; and

**WHEREAS,** the Wharton City Council wishes to award the bid to RWL Construction, Inc. for the Murphy Road Sanitary Sewer Replacement Project.

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

Section I. That RWL Construction, Inc. is hereby awarded the bid for the City of Wharton the Murphy Road Sanitary Sewer Replacement Project in the amount of \$169,979.00 in accordance with the bid specifications.

Section II. That Bryce D. Kocian, 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 13<sup>th</sup> day of June 2005.

**CITY OF WHARTON, TEXAS**

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

**ATTEST:**

\_\_\_\_\_  
**LISA STAVENA**  
City Secretary  
Councilmember V. L. Wiley, Jr. seconded the motion. All voted in favor.

The eighteenth item on the agenda was review and consider the City of Wharton New Generator Powered Ambulance Module and Mount on Chassis:

- A. Bid Tabulation.
- B. **Resolution:** A resolution of the Wharton City Council awarding a bid to Frazer, Ltd. for the City of Wharton New Generator Powered Ambulance Module and Mount on Chassis and authorizing the Mayor of the City of Wharton to execute all documents related to said contract.

City Manager Andres Garza, Jr. stated that the bid opening for the City of Wharton New Generator Powered Ambulance Module and Mount on Chassis was held June 8, 2005. He then presented a copy of the bid tabulation and a copy of the memorandum dated June 9, 2005 from EMS Director John Kowalik providing his recommendation. He also presented a draft resolution awarding the bid. EMS Director John Kowalik stated that one bid was received from Frazer, Ltd. and recommended the City Council consider awarding Frazer the bid. He stated that City Council previously awarded to Von-Wil Ford the bid for the chassis in the amount of \$25,800.00 on April 25, 2005. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to approve Resolution No. 2005-32, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2005-32**

**A RESOLUTION AWARDING A BID TO FRAZER, LTD. FOR THE CITY OF WHARTON NEW GENERATOR POWERED AMBULANCE MODULE AND MOUNT ON CHASSIS AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATING TO SAID CONTRACTS.**

**WHEREAS,** competitive, sealed bids were received on June 8, 2005 for the City of Wharton New Generator Powered Ambulance Module and Mount on Chassis; and

**WHEREAS**, Frazer, Ltd. was deemed to be the lowest and best qualified bidder as per bid specifications in the amount of \$66,250.00; and

**WHEREAS**, the Wharton City Council wishes to award the bid to Frazer, Ltd. for the New Generator Powered Ambulance Module and Mount on Chassis.

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

Section I. That Frazer, Ltd. is hereby awarded the bid for the City of Wharton the New Generator Powered Ambulance Module and Mount on Chassis in the amount of \$66,250.00 in accordance with the bid specifications.

Section II. That Bryce D. Kocian, 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 13<sup>th</sup> day of June 2005.

**CITY OF WHARTON, TEXAS**

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

**ATTEST:**

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

City Secretary

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

The nineteenth item on the agenda was review and consider City of Wharton 2821 Texas Street Asbestos Abatement Project:

C. Bid Tabulation.

D. **Resolution:** A resolution of the Wharton City Council awarding a bid the bid for the City of Wharton 2821 Texas Street Asbestos Abatement Project and authorizing the Mayor of the City of Wharton to execute the agreement.

City Manager Andres Garza, Jr. stated that the bid opening for the City of Wharton 2821 Texas Street Asbestos Abatement Project was held June 6, 2005. He then presented a copy of the bid tabulation. He also presented a copy of the letter of recommendation from Unovate Environmental Services, LP recommending the bid be awarded to Olmos Abatement. He then presented a draft resolution awarding the bid. He stated that four bids were received. He stated that the cost would be reimbursed from FEMA in the amount of 75% and from the State in the amount of 25%. After some discussion, Councilmember Don Mueller made a motion to approve Resolution No. 2005-33, which read as follows:

**CITY OF WHARTON**

**RESOLUTION NO. 2005-33**

**A RESOLUTION AWARDING A BID FOR THE CITY OF WHARTON 2821 TEXAS STREET ASBESTOS ABATEMENT PROJECT AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE TO EXECUTE ALL DOCUMENTS RELATED TO SAID AGREEMENT.**

**WHEREAS,** competitive, sealed bids were received on June 6, 2005 for the City of Wharton 2821 Texas Street Asbestos Abatement Project; and

**WHEREAS,** Olmos Abatement was deemed to be the lowest and best qualified bidder as per bid specifications in the amount of \$4,780.00; and

**WHEREAS,** the Wharton City Council wishes to award the bid to Olmos Abatement for the City of Wharton 2821 Texas Street Asbestos Abatement Project.

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

- Section I. That Olmos Abatement is hereby awarded the bid for City of Wharton 2821 Texas Street Asbestos Abatement Project in the amount of \$4,780.00 in accordance with the bid specifications.
- Section II. That Bryce D. Kocian, 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 13<sup>th</sup> day of June 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 twentieth item on the agenda was review and consider Update on the Home Elevation Project. City Manager Andres Garza, Jr. stated that the contract between the property owners, Mr. and Mrs. Eddie Brinkley, Sr. and Margorie Owens, City of Wharton and Village Foundation Repair, the company awarded the bid for the Home Elevation project, was fully executed by all parties on June 2, 2005. He stated that Village Foundation Repair had began making inspections

of the two homes to be elevated (1908 MLK Blvd. and 515 Wilkes) on Monday, June 6, 2005. He stated that the Contractor had begun preparations to conduct the home elevation. He further stated that the Contractor would be ready to begin the actual elevation of the home located on 515 Wilkes on Monday, June 13<sup>th</sup>. He said once this home had been elevated, the contractor would begin the elevation of the home on 1908 MLK Blvd. He stated that the environmental assessments were conducted on the two homes by Unovate Environmental Services, Inc. He presented a copy of the letter dated June 1, 2005 from Ms. Mary Foote, Environmental Consultant for Unovate providing her recommendation regarding the results. He stated that at this time, prior to elevation of the homes, Unovate did not recommend any remediation of asbestos or lead based paint; however, after the elevation of the homes had been completed, Unovate did recommend that an air monitoring test be conducted to insure that the residences were safe for occupancy. He also presented a copy of the letter dated June 6, 2005 from himself to Ms. Willia Mae Allen officially notifying her that the City could not elevate her home located at 1607 Columbine because it had been unable to secure a bid from a contractor. After some discussion, no action was taken.

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

- A. Wharton Regional Airport Board meeting held June 7, 2005.
- B. Planning Commission meeting held June 6, 2005.
- C. Beautification Commission meeting held June 8, 2005.

City Manager Andres Garza, Jr. presented the reports to the City Council. After some discussion, no action was taken.

The twenty-second 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 8:09 p.m.

**CITY OF WHARTON, TEXAS**

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

**ATTEST:**

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