

MINUTES
OF
CITY OF WHARTON
REGULAR CITY COUNCIL MEETING
AUGUST 22, 2005

Mayor Bryce D. Kocian declared a Regular Meeting duly open for the transaction of business at 7:02 P.M. City Manager David Samuelson 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, Police Captain Richard Coleman, Customer Service Representative Amy Owens, Fire Chief Anthony Abbott, and City Attorney Paul Webb.

Visitors present were: Benjamin Sharp with Wharton Journal Spectator, David Schroeder, Carlos Cotton, Sandra Anderson, Layne Bartek, Larry Boyette, Loretta Craft, Lewis Fortenberry, Jr., Sandra Gangstad, Linda Ingram, Billie H. Jones, Carol Lynch, Curtis Petterson, Hazel Shanklin, Gloria Garza, Robert Ripple, Jr., Louis Edwards, and David Copeland.

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

The fourth item on the agenda was Wharton Moment. Councilmember David Samuelson stated that the Groundbreaking would be held for the Habit for Humanity project located on the corner of Sheppard and Damon on August 28, 2005 at 4:00 p.m.

Fire Chief Anthony Abbott stated that Annual Chicken Fried Chicken Dinner fundraiser would be held on Sunday, August 28, 2005 at the Knights of Columbus Hall.

Mayor Bryce D. Kocian stated that the Wharton Police Department instituted a Citizens Police Academy that was coordinated by Police Captain Richard Coleman and assisted by Amy Owens, Lisa Stavena, and Joyce Vasut. He then presented the proclamation, which read as follows:

WHEREAS, The Wharton Police Department has instituted a Citizens Police Academy. The Citizens Police Academy is a revolutionary concept in law enforcement and an interactive program where the Police Department educates the public about the criminal justice system and ways to reduce crime; and

WHEREAS, The Wharton Citizens Police Academy is designed to inform the students on police department operations, to develop citizen awareness and understanding

of the role of law enforcement; to provide participants with real-life, hands-on experiences, and to improve the relations between the Police and the Community by informing the public about the Police Department; and

WHEREAS, Students of the Wharton Citizens Police Academy will become more knowledgeable of the police officer selection process and training, the job of the uniformed patrol officer, investigation skills, tactical operations, the canine unit, firearms safety, vice and narcotics, communications, crime scene search, crime prevention and will participate in a ride along; and

WHEREAS, Participants of the Wharton Citizens Police Academy will also be involved in touring the police facilities; using police equipment, collecting fingerprints and role-playing scenarios; and

WHEREAS, the first official graduates of the Wharton Citizens Police Academy included Sandra Anderson, Layne Bartek, Larry Boyette, Loretta Craft, Lewis Fortenberry, Jr., Sandra Gangstad, Linda Ingram, Billie H. Jones, Bryce D. Kocian, Carol Lynch, Curtis Petterson, Hazel Shanklin, Benjamin Sharp, and Paul White.

NOW, THEREFORE I, Bryce D. Kocian, by virtue of the authority vested in me as Mayor of the City of Wharton, Texas, do hereby recognize the students who graduated from the Wharton Citizens Police Academy on August 16, 2005 and encourage all our citizens to take advantage of this opportunity and participate in the Wharton Citizens Police Academy.

IN WITNESS THEREOF, I have hereunto set my hand and caused the seal of the City of Wharton to be affixed this 22nd day of August, in the year of our Lord two thousand five, A.D.

Billie Jones stated that the Wharton County Courthouse would be installing the tower on Friday and invited everyone to attend. No action was taken.

The fifth item on the agenda was the City of Wharton Financial Report for the month of July 2005. Finance Director Joyce Vasut presented the financial report for the month of July 2005 and stated that the fiscal year was at 83%. Mrs. Vasut stated that the general fund revenues were at 88.62% and the expenditures were at 84.66%. She said the total ad valorem taxes collected were \$1, 781,810 and the sales tax for the month of June 2005 was \$156,197 with \$104,131 to the City and \$52,066 to WEDCo. She further stated the TexPool balance for July was \$2,238,623.21 with an average monthly yield of 3.2577%. She stated that the bank balance was \$708,460.12 with an average monthly yield of 2.02%. After some discussion, Councilmember Ray Linseisen made a motion to approve the City of Wharton Financial Report for the month of July 2005. Councilmember V. L. Wiley, Jr. seconded the motion. All voted in favor.

The sixth item on the agenda was to review and consider the City Manager's submission of the City of Wharton, Texas, Proposed Budget for the Fiscal Year October 1, 2005 to September 30, 2006. City Manager Andres Garza, Jr. presented the proposed budget for the City of Wharton fiscal year October 1, 2005 to September 30, 2006. He stated that the budget was balanced with

an effective tax rate of \$0.56473 per \$100, which was below last years tax rate of \$0.58551 per \$100. He stated that a Narcotics Officer was also included in the budget and no increases in utility rates. Councilmember Domingo Montalvo, Jr. publicly thanked the City Staff for their work. After some discussion, no action was taken.

The seventh item on the agenda was to review and consider setting a Public Hearing Date for the City of Wharton Texas, Proposed Budget for the Fiscal Year October 1, 2005 to September 30, 2006. City Manager Andres Garza, Jr. stated that under Article VI, Section 53 of the City of Wharton Charter, the City Council shall set a time and place for a public hearing. He then presented a copy of the City's Charter Section pertaining to the Budget. He stated that the City Staff would publish the Notice of Public Hearing on Wednesday, August 24, 2005 in the Wharton Journal Spectator. He stated that he would recommend the public hearing be set for the September 12, 2005 Regular City Council Meeting, which would comply with Section 53 of the Charter. After some discussion, Councilmember David Samuelson made a motion to approve the public hearing date for the City of Wharton Texas, Proposed Budget for the Fiscal Year October 1, 2005 to September 30, 2006 to be held September 12, 2005. Councilmember Ken Freese seconded the motion. All voted in favor.

The eighth item on the agenda was to review and consider the twenty-fourth Annual Fiesta Hispano Americana to be held Saturday, September 10, 2005 in Riverfront Park:

- A. Request by the Fiesta Hispano Americana Committee for City of Wharton assistance to provide the following:
 - 1. City personnel to assist with preparation of festival and blocking of streets.
 - 2. City to request Waste Management to provide restroom facilities and solid waste containers/dumpsters.
- B. Temporary Permit for Possession/Consumption of Alcoholic Beverages at City Parks Riverfront Park and waiver of fee.
- C. Request for approval to drive/park in Riverfront Park.

City Manager Andres Garza, Jr. stated that the twenty-fourth Annual Fiesta Hispano Americana festival event was scheduled to be held Saturday, September 10, 2005. He then presented a copy of the letter dated August 16, 2005 from Ms. Gloria Garza, President of the Fiesta Hispano Americana requesting assistance from the City of Wharton. He then presented a copy of her letter dated August 12, 2005 requesting approval of a temporary permit for alcoholic beverages in City Parks and to have the fees for the permit waived. He also presented a copy of the application for the temporary permit and Police Chief Tim Guin's memorandum dated August 16, 2005 stating the application seems to comply with the City of Wharton Code of Ordinance. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to approve the request by the Fiesta Hispano Americana Committee for City of Wharton assistance to provide the following: City personnel to assist with preparation of festival and blocking of streets, and City to request Waste Management to provide restroom facilities and solid waste containers/dumpsters, temporary Permit for Possession/Consumption of Alcoholic Beverages at City Parks Riverfront Park and waiver of fee, and request for approval to drive/park in Riverfront Park. Councilmember Ray Linseisen seconded the motion. All voted in favor.

The ninth item on the agenda was to review and consider a resolution approving a contract with the Texas Municipal League – Intergovernmental Employee Benefits Pool for Group

Hospitalization, Long-Term Disability, Life, Accidental Death & Dismemberment; and Assurant Employee Benefits for Dental Coverage for Full Time City Employees effective October 1, 2005; Authorizing the Mayor or the City of Wharton to execute all documents relating to said contract. City Manager Andres Garza, Jr. presented a draft resolution approving a contract with the Texas Municipal League – Intergovernmental Employee Benefits Pool for Group Hospitalization, Long-Term Disability, Life, Accidental Death & Dismemberment; and Assurant Employee Benefits for Dental Coverage for Full Time City Employees effective October 1, 2005; Authorizing the Mayor of the City of Wharton to execute all documents relating to said contract.

Finance Director Joyce Vasut stated that the employee's hospitalization program for the October 1, 2005 to September 30, 2006 fiscal year would have some modifications in order to maintain the employee premiums from fiscal year 2004 - 2005. She stated that those modifications included an increase in the in-network deductible of \$500.00 and an increase to the out of network deductible of \$500.00. Additionally, the maximum out of pocket cost would increase from \$4,000.00 to \$5,000.00 and the prescription drug plan would include a generic incentive, with the employee paying the difference for brand name. She stated that the City would also deposit \$500.00 into a Section 125 flexible spending plan administered by TML for unreimbursed healthcare expenses. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to approve Resolution No. 2005-45, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2005-45**

A RESOLUTION APPROVING CONTRACTS WITH (1) THE TEXAS MUNICIPAL LEAGUE – INTERGOVERNMENTAL EMPLOYEE BENEFITS POOL FOR GROUP HOSPITALIZATION, LONG-TERM DISABILITY, LIFE, ACCIDENTAL DEATH & DISMEMBERMENT; AND (2) ASSURANT EMPLOYEE BENEFITS FOR DENTAL COVERAGE FOR FULL TIME CITY EMPLOYEES EFFECTIVE OCTOBER 1, 2005; AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATING TO SAID CONTRACTS.

WHEREAS, on August 10, 2005 the City of Wharton received the renewal rate for group hospitalization, long-term disability, life, accidental death & dismemberment, and dental coverage for full-time city employees; and

WHEREAS, the Wharton City Council wishes to approve the contract with Texas Municipal League - Intergovernmental Employee Benefits Pool for the group hospitalization, long-term disability, life and accidental death & dismemberment for one year beginning October 1, 2005; and

WHEREAS, the Wharton City Council wishes to approve the contract with Assurant Employee Benefits for dental coverage for full-time city employees for one year beginning October 1, 2005; and

WHEREAS, the Wharton City Council wishes to deposit \$500.00 into a Section 125 flexible spending plan for unreimbursed healthcare expenses for each full-time city employee, which is administered by the Texas Municipal League Intergovernmental Employee Benefits Pool.

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

- Section I. That Texas Municipal League - Intergovernmental Employee Benefits Pool Agreement is hereby extended beginning October 1, 2005 for group hospitalization, long-term disability, life and accidental death & dismemberment.
- Section II. That Assurant Employee Benefits agreement is hereby approved for the voluntary dental coverage for full time City employees beginning October 1, 2005.
- Section III. That the Mayor of the City of Wharton is hereby authorized to sign any documents relating to the aforementioned contracts.
- Section IV. That the Wharton City Council hereby approves to fund \$500.00 for each full-time city employee through a Section 125 flexible spending plan for unreimbursed healthcare expenses, which is administered by the Texas Municipal League Intergovernmental Employee Benefits Pool.
- Section V. That this resolution shall become effective immediately upon its passage.

Passed, Approved, and Adopted this 22nd day of August 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 tenth item on the agenda was to review and consider a resolution approving a contract with the Texas Municipal League – Intergovernmental Risk Pool for Property & Casualty and Workers’ Compensation Coverage for the City of Wharton effective October 1, 2005; Authorizing the Mayor or the City of Wharton to execute all documents relating to said contract. City Manager Andres Garza, Jr. presented a draft resolution approving a contract with the Texas Municipal League – Intergovernmental Risk Pool for Property & Casualty and Workers’ Compensation Coverage for the City of Wharton effective October 1, 2005; Authorizing the Mayor or the City of Wharton to execute all documents relating to said contract. Finance Director Joyce Vasut informed the City Council that the contract for October 1, 2005 to September 30, 2006 was for the same coverage as prior years. After some discussion, Councilmember Ray Linseisen made a motion to approve Resolution No. 2005-46, which read as follows:

CITY OF WHARTON

RESOLUTION NO. 2005-46

A RESOLUTION APPROVING A CONTRACT WITH THE TEXAS MUNICIPAL LEAGUE-INTERGOVERNMENTAL RISK POOL (TML-IRP) FOR PROPERTY & CASUALTY AND WORKERS' COMPENSATION COVERAGE FOR THE CITY OF WHARTON EFFECTIVE OCTOBER 1, 2005; AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATING TO SAID CONTRACT.

WHEREAS, the City of Wharton received the renewal rate for property and casualty and workers' compensation coverage; and

WHEREAS, the City of Wharton wishes to approve a contract with the Texas Municipal League Intergovernmental Risk Pool for property & casualty and workers' compensation coverage beginning October 1, 2005.

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

Section I. That a contract with the Texas Municipal League-Intergovernmental Risk Pool is hereby approved beginning October 1, 2005 for the Property & Casualty and Workers' Compensation Coverage for the City of Wharton.

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 22nd day of August 2005.

CITY OF WHARTON, TEXAS

By: _____
BYRCE D. KOCIAN
Mayor

ATTEST:

LISA STAVENA

City Secretary

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

The eleventh item on the agenda was to review and consider an ordinance amending the City of Wharton Code of Ordinances Chapter 30 Fire Prevention and Protection, Article I. In General by adding Section 30.6 Fire and Rescue Service Fees establishing fees for services rendered at vehicle accidents, hazardous waste spills and rescue incidents; Providing for severability and

providing for an effective date. City Manager Andres Garza, Jr. stated that on August 8, 2005, the City Council Public Safety Committee met and discussed adopting an ordinance that would establish fire and rescue fees. He stated that Fire Chief Anthony Abbott requested to meet with the Public Safety Committee Members to discuss the proposed fees. He stated that Chief Abbott indicated that there were several volunteer fire departments throughout the State who used a third party company to collect fees for certain fire and rescue services to recoup the costs associated with the service. He stated that the Committee was recommending that the City Council consider approving an ordinance establishing the fees. Fire Chief Anthony Abbott addressed the City Council and stated that several cities were collecting fire and rescue fees. He stated that the third party would bill the insurance company and if the individual or company would not have insurance then payment would not be sought from the individual or company; payment would only be sought from the insurance company. He stated that the fees would be associated for vehicle fires, vehicle accidents, and hazardous material spills. He stated that by receiving reimbursement it would help with the cost of equipment. He stated that the City could have billed 190 motor vehicle accidents and 42 hazardous materials calls this year. He stated that 70% of the of those types of calls were from people from out-of-state or out-of-town. Councilmember Ray Linseisen stated that he agreed with the concept; however he was concerned with City of Wharton citizens paying for the services twice. Fire Abbott stated that the third party would bill the insurance company. Councilmember Ray Linseisen asked about charging for vehicles or equipment that respond to a call but do not provide any assistance. Chief Abbott stated that the insurance company would be invoiced for equipment used, not equipment responded. City Attorney Paul Webb stated that he spoke to the City Attorney and Fire Chief Dunn in San Angelo and was advised that Revenue Rescue was the only company that was filing the claims with the insurance company. He stated that the Fire Department completes an incident form and submits to Revenue Rescue and then Revenue Rescue submits to the insurance company. City Manager stated that the City of Wharton and/or Wharton County residents could be excluded. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to approve Ordinance No. 2005-08, which read as follows:

**CITY OF WHARTON
ORDINANCE NO. 2005 - 08**

**AN ORDINANCE AMENDING THE CITY OF WHARTON CODE OF ORDINANCES
CHAPTER 30 FIRE PREVENTION AND PROTECTION, ARTICLE I. IN GENERAL BY
ADDING SECTION 30-6 FIRE AND RESCUE SERVICE FEES ESTABLISHING FEES
FOR SERVICES RENDERED AT VEHICLE FIRES, VEHICLE ACCIDENTS,
HAZARDOUS WASTE SPILLS AND RESCUE INCIDENTS; PROVIDING FOR
SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.**

BE IT ORDAINED BY THE CITY OF WHARTON, TEXAS, that

Chapter 30 FIRE PREVENTION AND PROTECTION, Article I. In General be amended to read as follows:

Sec. 30-6. Fire and Rescue Service Fees.

- 1) The City of Wharton shall assess and collect fees for certain services rendered by the Wharton Volunteer Fire Department. The fees for use of equipment and supplies set out in this section shall be assessed and collected when such equipment and/or supplies are used in connection with the following events or incidents:
 - a. Vehicle fires,
 - b. Vehicle accidents,
 - c. Hazardous material spills or releases, and
 - d. Rescues or rescue attempts at low water crossings.
- 2) The City of Wharton may contract the assessment and collection to a third party company or firm.
- 3) Fees collected for reimbursement of use of equipment and supplies shall be allocated for expenditures by the Wharton Volunteer Fire Department.
- 4) Fees for services assessed and collected as specified in Item 1 of this section shall be as follows:

VEHICLES		
Vehicle Type	Apparatus	Price
1	Class A Engine	\$600.00
1	Aerial	\$700.00
1	Engine 1130	\$600.00
1	Engine 1132	\$600.00
1	Engine 1134	\$600.00
2	Ladder 1131	\$700.00
3	Tanker	\$500.00
4	Brush Truck	\$500.00
5	Rescue (Heavy)	\$700.00
6	Command Car/Truck	\$300.00
7	Rescue Boat	\$475.00
8	Support Vehicle	\$300.00

HAND TOOLS	
Tool	Price
Flathead Axe	\$25.00
Pickhead Axe	\$25.00
Long Pike Pole	\$25.00
Sheetrock Pike Pole	\$25.00
Short Pike Pole	\$25.00
Pry Axe	\$25.00
Hooligan Tool	\$25.00
Bolt Cutters	\$25.00
Pry Bar	\$25.00

Fire Rake	\$25.00
Fire Flappers	\$25.00
Shovels	\$25.00
Scoops	\$25.00
Brooms	\$25.00
All Hand Tools	\$25.00

FIRE EQUIPMENT	
Tool	Price
Foam Nozzle	\$75.00
Foam Eductor	\$68.00
AFFF Foam - Per Gallon	\$52.00
Class A Foam - Per Gallon	\$30.00
Piercing Nozzle	\$54.00
M/S Fog Nozzle	\$75.00
M/S Straight Bore Nozzle	\$40.00
Salvage Cover	\$38.00
SCBA Pack	\$105.00
Hall Runner	\$24.00
Portable Tank	\$100.00
PPV Fan – Per Hour	\$75.00
Generator, Portable - Per Hour	\$75.00
Generator – Per Hour	\$75.00
Chain Saw – Per Hour	\$60.00
Water Extinguisher	\$31.00
Dry Chemical Extinguisher	\$60.00
CO ₂ Extinguisher	\$60.00
Scene Lights	\$30.00
Portable Pump - Per Hour	\$120.00
Float Pump - Per Hour	\$90.00
Water Vests	\$45.00
Thermal Imaging Camera	\$100.00
Heat Detection Gun	\$100.00
SAWZALL	\$75.00

HAZARDOUS MATERIAL EQUIPMENT	
Supplies/Service	Price
Absorbent – Per Bag	\$20.50
Absorbent Pads	\$2.50
Absorbent Booms	\$45.00
Top Sol	\$45.00
Disposable Coveralls	\$35.00
Neoprene Gloves	\$25.00
Latex Gloves	\$8.50
Over Boots	\$30.00
Disposable Goggles	\$25.00

Gas Plug Kit	\$75.00
Plug and Dike	\$95.00
Drum Liners	\$12.50
Barricade Tape	\$25.00
Poly Sheeting	\$65.00
Removal of Hazardous Material	\$175.00
Disposal of Hazardous Material	\$175.00
Gas Multi Meter	\$68.00
CO ₂ Meter	\$85.00
Terrazyme	\$90.00
Microblaze - Per Quart	\$10.50
Microblaze - Per 5 Gallons	\$150.00

RESCUE EQUIPMENT	
Tool	Price
Spreaders	\$350.00
Cutters	\$350.00
Rams	\$350.00
Air Bags	\$350.00
K-12 Saw	\$75.00
Target Saw	\$75.00
Ajax Tool	\$28.00
K-Tool	\$28.00
Windshield Tool	\$17.50
Rescue Blanket	\$38.00
Rope	\$31.00

MISCELLANEOUS	
SERVICE	PRICE
Dispatch Fee	\$85.00
False Alarm Fee	\$300.00

Severability

Unless expressly provided otherwise, if any provision of this Code or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Code that can be given effect without the invalid provision or application, and to this end the provisions of this Code are severable.

EFFECTIVE DATE

This ordinance shall become effective the 1st day of October 2005 at 12:01 a.m.

PASSED AND APPROVED by the City Council of the City of Wharton, Texas, on the 22nd day of August 2005.

CITY OF WHARTON, TEXAS

By: _____
BRYCE D. KOCIAN
Mayor

ATTEST:

LISA STAVENA
City Secretary

APPROVED AS TO FORM:

PAUL WEBB
City Attorney
Councilmember V. L. Wiley, Jr. seconded the motion. All voted in favor.

The twelfth item on the agenda was to review and consider a resolution of the Wharton City Council approving an agreement between Hudgins-Groover Appraisal for appraisal services for the Santa Fe Drainage Outfall Project; Authorizing the Mayor of the City of Wharton to execute all documents related to said contract. City Manager Andres Garza, Jr. stated that the City Staff was moving forward with the Santa Fe Drainage Outfall project. He stated that contact had been made with most of the property owners that would be affected by the project and meetings had been scheduled for the remaining property owners. He then presented a copy of the proposed agreement for appraisal services submitted by Mr. Dick Hudgins, MAI, of Hudgins-Groover Appraisal. He also presented a copy of the draft resolution approving the agreement. He stated that he was recommending the City Council approve the agreement in order for the appraisals of the properties to be conducted and presented to the property owners for their consideration. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to approve Resolution No. 2005-47, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2005 - 47**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AN AGREEMENT BETWEEN HUDGINS-GROOVER APPRAISAL FOR APPRAISAL SERVICES FOR THE SANTA FE DRAINAGE OUTFALL PROJECT; AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID AGREEMENT.

WHEREAS, the City of Wharton wishes to move forward with the Santa Fe Drainage Outfall Project; and

WHEREAS, the Wharton City Council wishes to approve an agreement with Hudgins-Groover Appraisal for appraisal services for the properties that would be affected by the construction of the outfall channel that will alleviate the potential for flooding in certain areas; and

WHEREAS, Hudgins-Groover Appraisal and the City of Wharton 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 THAT:

Section I: The Wharton City Council hereby approves an agreement between the City of Wharton and Hudgins-Groover Appraisal for appraisal services for the properties affected by the Santa Fe Drainage Outfall project.

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

Passed, Approved and Adopted this 16th day of August 2005.

CITY OF WHARTON, TEXAS

By: _____
BRYCE D. KOCIAN
Mayor

Attest:

LISA STAVENA

City Secretary

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

The thirteenth item on the agenda was to review and consider the Texas Leadership Institute: "Doing the Deal: Due Diligence and Financing" workshop to be held August 23, 2005 in Bastrop, Texas. City Manager Andres Garza, Jr. presented a copy of the memorandum dated August 15, 2005 regarding the Texas Leadership Institute: "Doing the Deal: Due Diligence and Financing" workshop to be held August 23, 2005 in Bastrop, Texas. He stated that the item was placed on the agenda for ratification of attendance should any of the City Council Members elected to attend the workshop. After some discussion, no action was taken.

The fourteenth item on the agenda was review and consider the Status Report on City of Wharton Projects. City Manager Andres Garza, Jr. presented a copy of the memorandum dated August 22, 2005 providing an update on the City of Wharton projects, which read as follows:

FLOOD PLAIN MANAGEMENT

- A. Wharton Interim Feasibility Study. This project was on going. The Corps of Engineers report should be complete for the first phase of this project by June 2006. However, preparations had begun on the second phase, which was the pre-construction engineering and

design. Also, by mid-summer of 2005, the City Council will need to make decisions on the final alternatives for the project.

- B. FEMA-Flood Maps.** In early March 2005, the City Staff received the proposed new flood maps. The City reviewed the streets and sub-divisions shown within the mapping areas to determine if the locations were correct. FEMA has the published public notice for the 90 day public notices. The comment period began May 18th and will end August 16, 2005. City Council Public Works Committee will be meeting to discuss the mapping and the public input process.

DRAINAGE:

1. Sanitary Sewer Manhole Survey.

Jones & Carter, Inc. had completed the manhole report and will be submitting it to the City.

2. Ahldag Ditch Design.

The right of entry agreements has been executed by the property owners and Jones & Carter, Inc. has completed the boundary filed work and topographical survey work. Jones & Carter will begin the design plans the week of August 22nd. An offer letter has been sent to Mr. Edward Guajardo for the purchase of all of the lots, which he has accepted. Mr. and Mrs. Edward Guajardo met with the City Staff and City Attorney Paul Webb to begin the transfer of the property to the City of Wharton.

3. Santa Fe Outfall Ditch.

The City Staff and Jones & Carter, Inc. had contacted all of the property owners or their representatives to discuss the project and the need for acquiring the necessary right-of-way. From initial contact, it appears that all landowners will be cooperative and will work with the City. Jones & Carter, Inc. had begun the survey work on the project. Also, the City has received a contract from Hudgins-Groover Appraisal to prepare the appraisals of the properties. The agreement has been placed on the August 22nd City Council agenda for approval.

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 was overloaded. The re-routing of some run-off will be incorporated into the Santa Fe Outfall Project.

5. Nan Ya Drainage Ditch.

The City Staff was working with Nan Ya Plastics and J&M Manufacturing on the alignment of the ditch that was necessary for the improvements the companies need to make in order to provide adequate access to their properties.

WATER/SEWER IMPROVEMENTS:

1. Murphy Road Sanitary Sewer Improvements.

The tie-in of the 24 inch sanitary line down East Street has been completed and the contractor, RWL Construction, Inc. will be making the asphalt street repairs the later part of the week of August 22nd.

2. Downtown Square Fire Hydrants.

RWL Construction, Inc. has completed the replacement of the fire hydrants. This portion of the project was complete. The asphalt repairs should be conducted the later part of the week of August 22nd.

3. Leaking Valve at Milam and Rusk.

RWL Construction, Inc. replaced four valves at Milam and Rusk Streets. This portion of the project was complete. The asphalt repairs should be conducted the later part of the week of August 22nd.

4. Water Plant Tank Inspections.

Jones & Carter, Inc. was coordinating with the City's Public Works Department to take the tanks off line for inspection. Inspection of the Alabama Road tanks has been completed. Jones & Carter, Inc. had scheduled the inspection of the Valhalla tank in the fall of 2005 in an effort to keep the tank online during the peak water demand months.

5. Sewer Improvements/Industrial Park

Jones & Carter, Inc. has provided the cost estimate for the proposed sanitary sewer pump station to serve the Wharton Industrial Park and adjacent areas. The estimated cost was \$541,000, which consists of constructing a pump station and a force main from this site to the Wastewater Treatment Plant No. 2. City personnel would provide the labor and equipment to lay the 10,700 feet of force main. The City Staff has submitted the letter to the USDA to request phasing the project. Also, the City Staff has published the notice to submit proposals for the selection of an engineering firm to design the project. The proposals are due September 6, 2005 at 2:00 p.m.

STREET IMPROVEMENTS

1. U.S. 59/FM 102 Intersection Upgrade - 1301 Extension Project.

The City Staff will meet with the Texas Department of Transportation (TxDOT) Yoakum District Representatives to outline these projects. TxDOT has indicated to the City that it will provide signalization at the intersection of FM 102 and US Hwy. 59 and to create a two way ramp on the dead end street in front of Nan Ya Plastics and J & M Manufacturing. TxDOT also indicated that it would assist the City with the extension of FM 1301 to US Hwy. 59. Jones & Carter, Inc. will provide TxDOT with the intersection location of FM 1301 and US 59. Once

TxDOT receives this, they will prepare a schematic of the intersection for the City's review. We are also waiting a letter from TxDOT indicting the contract components for both projects.

2. 2005 Street Improvement Program.

The City and Cornerstone Paving has executed the contract documents for the 2005 Street Improvement Program. A pre-construction conference should be held the week of August 22nd.

3. WISD – Harris Park.

On July 7, 2005, I submitted a letter to Mr. Don Hillis, Superintendent of WISD requesting WISD consider granting the City a sixty feet street right of way from Harris Park to the school and to grant the City the property in Harris Park to the Colorado River. Todate, the City Staff has not had a response from WISD.

WHARTON REGIONAL AIRPORT – 2005 RAMP PROGRAM

Rain Seal Master Roofing and Sheetmetal has been awarded the Corporate Hangar Repair Project. The City Staff has issued the agreements to the contractor for execution and was awaiting their return. The Public Works Department would conduct the work to construct the access road.

NON-PRIMARY ENTITLEMENT (NPE) FUNDS

The Texas Department of Transportation Aviation Division requested additional information regarding the proposed projects that would be conducted under the NPE program. The City submitted its response to the State on August 15, 2005.

AIRPORT TERMINAL PROJECT

During the August 16th special City Council meeting, the City Council designated a Consultant Selection Committee for the procurement of professional architectural/engineering services. The list of the Committee was submitted to the Texas Department of Transportation Aviation Division. The City Staff was awaiting notification from the State on the steps that should be taken to move this project forward.

AIRPORT DEVELOPMENT PLAN

The final draft of the Airport Development Plan will be submitted to the Wharton Regional Airport Board for consideration during a special meeting that would be held September 2005. Once the Airport Board approves the plan, the City Staff will present the final draft to the City Council for City Council consideration of adoption.

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 was waiting on

the contracts to be submitted for execution. Applications are being taken until December 31, 2005. This was a special needs grant.

2. 2003 HOME Program.

The City Staff received State approval to proceed with demolition and new construction on the nine new homes previously selected for reconstruction. Demolition of the nine (9) structures were completed by the Public Works Department. Construction has begun on all of the homes located at 621 Washington, 522 Branch, 1521 Hendon, 304 Pecan, 307 Hughes, 1621 Connie, 808 East Caney, 209 Washington and 504 Correll. All nine homes are scheduled to be completed by August 30, 2005.

3. 2005 HOME

4. Home Elevation Project.

The elevation of the two homes located at 515 Wilkes and 1908 MLK Blvd. was completed. The City Staff was preparing the final reimbursement request and closeout documents for submission to the State.

OTHER PROJECTS:

1. Tropical Storm Fay – Buy-Out Project:

Olmos Abatement completed the asbestos abatement on the home located at 2821 Texas Street. The Public Works Department was preparing to demolish the structure. The City Staff anticipates the demolition of the structures to be complete by August 31st.

2. Santa Fe Trail Park Project.

This project was moving forward. The City Council approved a contract with Mr. Barnaby Evans, Architect, Fatter & Evans Architects for professional architectural services. The City Staff was working with Committee Members Ron Sanders and Randy Michael for construction of fountain.

3. Southern Pacific Railroad Depot Restoration Project.

Restoration of the depot by A & A Constructors, Inc. was moving forward. This project was on-going.

After some discussion, no action was taken.

The fifteenth item on the agenda was to review and consider the City Manager Travel Reimbursement. City Manager Andres Garza, Jr. presented a copy of the travel reimbursement request. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to approve the City Manager Travel Reimbursement request for the period August 10, 2005 to

August 16, 2005 for the amount of \$204.66. Councilmember David Samuelson seconded the motion. All voted in favor.

The sixteenth item discussed on the agenda was to review and consider the request by Mr. Walter Garrett of the Caney Creek Conservation Foundation to address the City Council regarding City owned property. City Manager Andres Garza, Jr. presented a copy of the letter dated August 17, 2005 from Mr. Walter Garrett of the Caney Creek Conservation Foundation requesting to address the City Council regarding the foundation and the use and/or lease of City owned property. He stated that the property was 4.66 acres located north of the Wal-Mart along Caney Creek. He also presented a copy of a map indicating the location of the property and information regarding the foundation. Mr. Walter Garrett addressed the City Council and stated that Boardmember Robert Ripple was available for questions. Mr. Garrett stated that the property would enhance beautification efforts in the City of Wharton. He stated that the Caney Creek Conservation Foundation would make the property an attractive site. Councilmember Don Mueller asked if the property owner adjacent the property was contacted. Mr. Garrett stated that Wal-Mart was contacted and also Wharton County Commissioner. City Attorney Paul Webb stated that the first step would be for the City of Wharton to declare excess property not used by the City. After some discussion, no action was taken.

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

A. Discussion: Performance Evaluation of City Manager.

Mayor Bryce D. Kocian adjourned into Executive Session at 8:08 p.m.

Mayor Bryce D. Kocian returned to open session at 8:56 p.m.

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

A. Review and Consider: Performance Evaluation of City Manager.

Councilmember Domingo Montalvo, Jr. made a motion to increase the base pay to \$85,000 and provide a vehicle in lieu of the \$500.00 monthly vehicle allowance effective October 1, 2005.

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

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

A. Beautification Commission meeting held August 10, 2005.

B. Mayor's Committee on People with Disabilities meeting held August 18, 2005.

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

The twentieth item on the agenda was 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/

D. E.M.S. Department.

Civic Center.

City of Wharton
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| E. Fire Department Incidents/Inspections. | L. Wharton Municipal Pool. |
| F. Code Enforcement Department. | M. Wharton Regional Airport. |
| G. Water & Sewer Department. | N. Legal. |
| H. Public Works Department. | O. Weedy Lots/Sign Ordinance. |
- City Manager Andres Garza, Jr. presented the reports to the City Council. No action was taken.

The twenty-first 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 8:59 p.m.

CITY OF WHARTON, TEXAS

By: _____
BRYCE D. KOCIAN
Mayor

ATTEST:

LISA STAVENA
City Secretary