

MINUTES  
OF  
CITY OF WHARTON  
REGULAR CITY COUNCIL MEETING  
SEPTEMBER 26, 2005

Mayor Bryce D. Kocian declared a Regular Meeting duly open for the transaction of business at 7:03 P.M. Councilmember Domingo Montalvo, Jr. 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, Don Mueller, and Domingo Montalvo, Jr.

Councilmember absent was: V. L. Wiley, Jr. and Ray Linseisen.

Staff members present were: City Manager Andres Garza, Jr., Finance Director Joyce Vasut, City Secretary Lisa Stavena, Assistant to City Manager Jackie Jansky, Police Chief Tim Guin, Fire Chief Anthony Abbott, EMS Director John Kowalik, Community Services Director Jo Knezek, Facilities Maintenance Director Bob Baker, Building Official/Code Enforcement Officer Ronnie Bollom, and City Attorney Paul Webb.

Visitors present were: Benjamin Sharp with Wharton Journal Spectator, David Schroeder, Carlos Cotton, Louis Edwards, and Jim Cockrell.

The third item on the agenda was Public Comments. Mr. Jim Cockrell addressed the City Council and stated that the Wharton Police Department performed an outstanding job during Hurricane Rita and publicly praised them for all their dedication and hard work assisting the citizens of Wharton. He also publicly commended the Fire Department. He stated that he was proud to be a citizen of Wharton. No action was taken.

The fourth item on the agenda was Wharton Moment. Councilmember Don Mueller publicly commended the City Staff for all their work and dedication. Mayor Bryce D. Kocian publicly commended Emergency Management, Public Works, Facilities Maintenance, Code Enforcement, and the numerous volunteers. He stated that he observed citizens bringing a cooler of drinks to Police Officer Randall Whitlock while working the intersection of FM 102 and Richmond Road. He stated that it felt good to be a Whartonian. Councilmember Domingo Montalvo, Jr. publicly commended the teamwork by the Department Heads. He stated that there were a lot of heroes that went above and beyond their call of duty. He stated that he was also proud to be a Whartonian.

The fifth item on the agenda was the City of Wharton Financial Report for the month of August 2005. Finance Director Joyce Vasut presented the financial report for the month of August 2005 and stated that the fiscal year was at 93%. Mrs. Vasut stated that the general fund revenues were

at 98.36% and the expenditures were at 93.40%. She said the total ad valorem taxes collected were \$1, 786,243 and the sales tax for the month of July 2005 was \$137,114 with \$91,409 to the City and \$45,705 to WEDCo. She further stated the TexPool balance for August was \$2,410,398.61 with an average monthly yield of 3.4512%. She stated that the bank balance was \$255,352.52 with an average monthly yield of 2.02%. After some discussion, Councilmember Don Mueller made a motion to approve the City of Wharton Financial Report for the month of August 2005. Councilmember David Samuelson seconded the motion. All voted in favor.

The sixth item on the agenda was to review and consider the an ordinance adopting the Fiscal Year 2005 – 2006 Annual Budget for the City of Wharton, Texas; Appropriating the several sums established therein; and directing the City Secretary to file copies as required by law. City Manager Andres Garza, Jr. stated that during the regular August 22, 2005 City Council meeting, the proposed budget for the City of Wharton, Texas, Fiscal Year October 1, 2005 to September 30, 2006 was presented to City Council. He also said that during the regular City Council meeting held September 12, 2005 the City Council held the public hearing to receive public input regarding City of Wharton Annual Budget for Fiscal Year 2005 – 2006. He then presented a draft ordinance adopting the Fiscal Year 2005-2006 Annual Budget for the City of Wharton, Texas. Finance Director Joyce Vasut stated that there were no changes made from the proposed budget that was previously presented to City Council. After some discussion, Councilmember Ken Freese made a motion to approve Ordinance No. 2005-12, which read as follows:

**CITY OF WHARTON, TEXAS  
ORDINANCE NO. 2005-12**

**AN ORDINANCE ADOPTING THE FISCAL YEAR 2005-2006 ANNUAL BUDGET FOR  
THE CITY OF WHARTON, TEXAS; APPROPRIATING THE  
SUMS ESTABLISHED THEREIN; AND DIRECTING THE  
CITY SECRETARY TO FILE COPIES AS REQUIRED BY LAW.**

**WHEREAS**, the City’s budget for the fiscal year ending September 30, 2006, which is attached hereto, was duly prepared and filed with the City Secretary more than thirty (30) days prior to September 30, 2005.

**WHEREAS**, a public hearing was duly called and held on said budget not less than fifteen (15) days after the date of such filing with the City Secretary and prior to the time the City Council of the City of Wharton levied taxes for such current fiscal year, public notice of such hearing having been duly given as required by law; and

**WHEREAS**, all parties desiring to participate and be heard at said public hearing having been heard until no more evidence was offered, and such hearing having been concluded, and the City Council of said City having made such changes in such budget as in its judgment the law warrants and the best interest of the taxpayers of the City of Wharton, Texas, demand, said budget with such changes being attached hereto, as aforesaid.

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

- Section 1.**     **THAT** the findings set out in the preamble of this ordinance are true and correct.
- Section 2.**     **THAT** the budget of the City of Wharton, Texas for the fiscal year ending September 30, 2006, be and the same is hereby, in all respects, finally approved and adopted including any changes approved by the City Council; and the same shall be and is hereby filed with the City Secretary of the City.
- Section 3.**     **THAT** the General Fund is hereby established to account for resources associated with traditional government activities, which are not required legally or by sound financial management to be accounted for in another fund. The General Fund is hereby approved with \$3,973,756 estimated revenues and \$4,173,073 in appropriations and with transfers-in approved at \$411,013, and transfers-out approved at \$211,696. The amounts are specified for departmental purposes named in said budget and they are hereby appropriated to and for such purposes at the departmental level.
- Section 4.**     **THAT** the Hotel Motel Fund is created to account for the occupancy tax levied on hotel rooms within the City as adopted by city ordinance and consistently with Chapter 351 of the Texas Tax Code. The Hotel Motel Fund is hereby approved with \$107,200 in estimated revenues and \$26,450 in appropriations and transfers-out approved at \$80,750 with beginning fund balance of approximately \$23,115.
- Section 5.**     **THAT** the Narcotics Seizure Fund is created to account for the resources and uses of assets seized in illegal narcotics activities. The uses are limited to law enforcement activities. The Narcotics Seizure Fund is hereby approved with \$2,500 in estimated revenues, \$31,000 in appropriations, \$8,500 in transfers-out with beginning fund balance of over \$40,000.
- Section 6.**     **THAT** the D.A.R.E. Fund is hereby created to account for resources and uses associated with providing drug education to students. The D.A.R.E. Fund is hereby approved with \$38,500 in estimated revenues, \$59,309 in appropriations and transfer-in approved at \$12,500 and a beginning fund balance of approximately \$8,423.
- Section 7.**     **THAT** the Debt Service Fund is hereby created to account for the accumulation of resources collected for Interest and Sinking requirements and for the disbursement of those resources for debt requirements. The Debt Service Fund is hereby approved with \$367,858 in estimated revenues and \$367,858 in appropriations, estimated beginning fund balance of \$371,846.
- Section 8.**     **THAT** the Capital Improvement Fund is created to account for infrastructure improvements authorized by the City Council. The Capital Improvement is approved with \$100,400 in estimated revenues

including transfers-in of \$100,000 and \$100,000 in appropriations and an estimated beginning fund balance of \$400.

**Section 9.** **THAT** the Water and Sewer Fund is created to account for the resources and uses associated with the delivery of utility services to citizens of Wharton as an enterprise fund. The Water & Sewer Fund is hereby approved with \$2,193,169 in estimated revenues. Water and sewer is approved with \$2,193,169 in appropriations, which includes a franchise fee of 8% of water and sewer sales or approximately \$169,000, and transfers-out approved at \$448,380.

**Section 10.** **THAT** the Solid Waste Fund is created to account for the financial activities of the City's solid waste collection contract and delivery to citizens of Wharton as an enterprise fund. The Solid Waste Fund is approved with \$1,181,500 in estimated revenues and \$1,181,500 in appropriations.

**Section 11.** **THAT** the Emergency Medical Services Fund is created to account for the financial activities of the emergency medical services provided to the city and surrounding areas as an enterprise fund. The Emergency Medical Services Fund is approved with \$683,941 in estimated revenues and \$822,504 in appropriations and transfers-in approved at \$176,196 and transfers-out at \$37,633.

**Section 12.** **THAT** the Civic Center Fund is created to account for the financial activities of the Civic Center as an enterprise fund. The Civic Center is approved with \$74,118 in estimated revenues and \$172,413 in appropriations and transfers-in approved at \$83,750.

**Section 13.** **THAT** the Airport Fund is created to account for the financial activities of the Wharton Regional Airport as an enterprise fund. The Airport Fund is approved with \$122,363 in estimated revenues and \$113,109 in appropriations.

**Section 14.** **THAT** the City Secretary shall file copies of this Ordinance and of such budget with the County Clerk of Wharton County, Texas.

**PASSED AND APPROVED** by a favorable majority of the members of the City Council of the City of Wharton, Texas, in council meeting, this 26 day of September duly assembled in accordance with Article VI of the Charter of the City of Wharton, Texas by the following vote:

Bryce D. Kocian, Mayor	Voted	Yes
V. L. Wiley, Jr., Councilmember District 1	Voted	Absent
Dr. David Samuelson, Councilmember District 2	Voted	Yes
Ken Freese, Councilmember District 3	Voted	Yes

Donald Mueller, Councilmember District 4	Voted	Yes
Domingo Montalvo, Jr., Councilmember at Large Position 5	Voted	Yes
Ray Linseisen, Councilmember at Large Place 6	Voted	Absent

**Separability**

If any court of competent jurisdiction rules that any section, subsection, sentence, clause, phrase, or portion of this ordinance invalid or unconstitutional any such portion shall be deemed to be a separate, distinct, and independent provision, and any such ruling shall not affect the validity of the remaining portions hereof.

**CITY OF WHARTON**

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

**ATTEST:**

\_\_\_\_\_  
Lisa Stavena, City Secretary

**APPROVED FOR ADMINISTRATION:**

\_\_\_\_\_  
Andres Garza, Jr., City Manager

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Paul Webb, City Attorney  
Councilmember Domingo Montalvo, Jr. seconded the motion. All voted in favor.

**APPROVED FOR FUNDING:**

\_\_\_\_\_  
Joyce Vasut, Finance Director

The seventh item on the agenda was to review and consider an ordinance levying a Tax Rate for the City of Wharton, Texas, for the Tax Year 2005; directing the Tax Assessor-Collector to assess, account for and distribute the taxes as herein levied; and providing repealing and severability. City Manager Andres Garza, Jr. presented the draft ordinance levying a tax rate for the City of Wharton, Texas, for the Tax Year 2005; directing the Tax Assessor-Collector to assess, account for and distribute the taxes as herein levied; and providing repealing and severability clauses. Finance Director Joyce Vasut stated that the effective tax rate was included in the adopted budget. After some discussion, Councilmember Ken Freese made a motion to approve Ordinance No. 2005-13, which read as follows:

**CITY OF WHARTON, TEXAS  
ORDINANCE NO. 2005 - 13**

**AN ORDINANCE LEVYING A TAX RATE FOR THE CITY OF WHARTON, TEXAS, FOR THE TAX YEAR 2005; DIRECTING THE TAX ASSESSOR-COLLECTOR TO ASSESS, ACCOUNT FOR AND DISTRIBUTE THE TAXES AS HEREIN LEVIED; AND PROVIDING REPEALING AND SEVERABILITY CLAUSES.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHARTON, TEXAS:**

**Section 1. THAT** there be and is hereby levied for the year 2005 on all real and personal property within and all real and personal property and mineral royalties owned

within the city limits of the City of Wharton, Texas for the year 2004, except so much thereof as may be exempt by the constitution and of the State of Texas and of the United States, the following:

General Fund Operations	.44005/\$100 valuation
For Debt Service Requirements	.12468/\$100 valuation
Total Tax Rate	.56473/\$100 valuation

**Section 2.** **THAT** the Tax Assessor-Collector and/or Finance Director is hereby directed to assess, extend and enter upon the certified tax rolls of the City of Wharton, Texas, for the current taxable year, as provided by the Wharton County Appraisal District, the amounts and rates as herein levied, to keep correct amount of same, and when collected, to be distributed in accordance with this ordinance.

### **Passage and Approval**

**PASSED AND APPROVED** by a favorable majority of the members of the City Council of the City of Wharton, Texas, in a council meeting, this 26th day of September, 2005, duly assembled in accordance with Article VI of the Charter of the City of Wharton, Texas by the following vote:

Bryce D. Kocian, Mayor	Voted	Yes
V. L. Wiley, Jr., Councilmember District 1	Voted	Absent
Dr. David Samuelson, Councilmember District 2	Voted	Yes
Ken Freese, Councilmember District 3	Voted	Yes
Donald Mueller, Councilmember District 4	Voted	Yes
Domingo Montalvo, Jr., Councilmember at Large Place 5	Voted	Yes
Ray Linseisen, Councilmember at Large Place 6	Voted	Absent

### **Separability**

If any court of competent jurisdiction rules that any section, subsection, sentence, clause, phrase, or portion of this ordinance invalid or unconstitutional any such portion shall be deemed to be a separate, distinct, and independent provision, and any such ruling shall not affect the validity of the remaining portions hereof.

**CITY OF WHARTON**

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

**ATTEST:**

\_\_\_\_\_  
Lisa Stavena, City Secretary

**APPROVED FOR ADMINISTRATION:**

\_\_\_\_\_  
Andres Garza, Jr., City Manager

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Paul Webb, City Attorney

**APPROVED FOR FUNDING:**

\_\_\_\_\_  
Joyce Vasut, Finance Director

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

The eighth item on the agenda was to review and consider an ordinance approving amendments to the budget for the City of Wharton, Texas, for the Fiscal Year 2003-2004. City Manager Andres Garza, Jr. stated that this item should have been deleted from the agenda and no action was required by the City Council. No action was taken.

The ninth item on the agenda was to review and consider a resolution designating a City of Wharton representative and alternate to the Houston-Galveston Area Council 2006 General Assembly. City Manager Andres Garza, Jr. presented a draft copy of the letter dated September 1, 2005 requesting the City of Wharton to appoint a representative and an official alternate to Houston-Galveston Area Council (HGAC) 2006 General Assembly. He stated that on September 13, 2004, the City Council designated Councilmember V. L. Wiley, Jr. as the City of Wharton representative for the 2005 HGAC General Assembly and Councilmember Ray Linseisen as the alternate. He then presented a copy of the Resolution No. 2004-74 and a draft copy of the resolution designating the City of Wharton representative and alternate to the HGAC 2006 General Assembly. After some discussion, Councilmember Don Mueller made a motion to approve Resolution No. 2005-57, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2005 - 57**

**A RESOLUTION DESIGNATING A CITY OF WHARTON REPRESENTATIVE AND ALTERNATE TO THE HOUSTON-GALVESTON AREA COUNCIL 2006 GENERAL ASSEMBLY.**

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WHARTON, TEXAS** that Councilmember Ray Linseisen be, and is hereby designated as its Representative to the General Assembly of the Houston-Galveston Area Council for the year 2006.

**FURTHER,** that the Official Alternate authorized to serve as the voting representative should the hereinabove named representative become ineligible, or should he/she resign, is Councilmember V. L. Wiley, Jr.

**THAT,** the Executive Director of the Houston-Galveston Area Council be notified of the designation of the hereinabove named representative and alternate.

**Passed, Approved, and Adopted** this 26<sup>th</sup> day of September 2005.

**CITY OF WHARTON, TEXAS**

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

**ATTEST:**

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

City Secretary

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

The tenth item on the agenda was to review and consider a resolution of the Wharton City Council approving the appointment of a Board Member from the City of East Bernard to participate as a Member of the Wharton County Appraisal District. City Manager Andres Garza, Jr. presented a copy of the letter dated September 9, 2005 from Mr. Anthony Dorotik, Chairman of the Wharton County Appraisal District (CAD) requesting the City Council to adopt a resolution approving the appointment of a Board Member from the City of East Bernard to participate as a Member of the Wharton CAD. He then presented a copy of the draft resolution. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to approve Resolution No. 2005-58, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2005-58**

**A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING THE APPOINTMENT OF A BOARD MEMBER FROM THE CITY OF EAST BERNARD TO PARTICIPATE AS A MEMBER OF THE WHARTON COUNTY APPRAISAL DISTRICT PURSUANT TO SECTION 6.031, PROPERTY TAX CODE.**

**WHEREAS**, Section 6.031 of the Property Tax Code authorizes the taxing units participating in an appraisal district to change the number of members on the board of directors of the district to not more than 13, or to change the method or procedure of appoint the board members, or both, if the governing bodies of three fourths of the taxing units entitled to vote on the appointment of board members adopt resolutions approving the change; and

**WHEREAS**, an official copy of a resolution under §6.031 must be filed with the chief appraiser of the appraisal district no later than October 1 of the tax year in which the board members are appointed for the change to be effective; and

**WHEREAS**, the voting taxing units participating in the Wharton County Appraisal District approved a change under §6.031 in 1979, resulting in the current selection process for board members of the Appraisal District, and

**WHEREAS**, the City of East Bernard was created in 2005; and

**WHEREAS**, the City of East Bernard would be eligible to vote on the appointment of

board members of the Wharton County Appraisal District but for the enactment of the resolution under §6.031 in 1979; and

**WHEREAS**, the taxing units eligible to appoint board members of the Wharton County Appraisal District believe the City of East Bernard should be eligible to participate in the appointment of board members of the Wharton County Appraisal District.

**NOW THEREFORE**, the Wharton City Council hereby adopts the following resolution pursuant to §6.031 of the Texas Property Tax Code:

- (a) The number of Board members of the Wharton County Appraisal District shall be increased from eight to nine.
- (b) Each of the following taxing units shall be entitled to appoint one member to serve on the board of directors:
  - (1) Wharton County
  - (2) Wharton Independent School District
  - (3) El Campo Independent School District
  - (4) Boling Independent School District
  - (5) East Bernard Independent School District
  - (6) Louise Independent School District
  - (7) City of El Campo
  - (8) City of Wharton
  - (9) City of East Bernard
- (c) This change shall take effect immediately, changing the previous method for selecting board members adopted in 1979, upon approval of three fourths of the taxing units eligible to appoint appraisal district board members.

In witness of the approval of this resolution, signed on the 26<sup>th</sup> day of September 2005.

**CITY OF WHARTON**

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 a resolution of the Wharton City Council approving an Airport Participation Agreement (APPA) between the City of Wharton and the Texas Department of Transportation Aviation Division for the Wharton Regional Airport

Terminal Building Project and authorizing the Mayor of the City of Wharton to execute all documents related to said agreement. City Manager Andres Garza, Jr. presented a copy of the letter dated September 6, 2005 from Mr. David S. Fulton, Director of the Texas Department of Transportation Aviation Division providing the City of Wharton with the Airport Project Participation Agreement (APPA) for the Airport Terminal Building Project. He also presented a draft copy of the resolution approving the agreement and authorizing Mayor Bryce D. Kocian to execute the agreements. He stated that the first phase was the design, which the selection committee would review and make a recommendation on the consultant. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to approve Resolution No. 2005-59, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2005-59**

**A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AN AIRPORT PARTICIPATION AGREEMENT (APPA) BETWEEN THE CITY OF WHARTON AND THE TEXAS DEPARTMENT OF TRANSPORTATION AVIATION DIVISION FOR THE WHARTON REGIONAL AIRPORT TERMINAL BUILDING PROJECT AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID AGREEMENT.**

**WHEREAS,** the City of Wharton was awarded Contract No. 6XXAV044 by the State of Texas, acting through the Texas Department of Transportation; and

**WHEREAS,** the Wharton City Council wishes to establish the Texas Department of Transportation Airport Project Participation Agreement Contract No. 6XXAV044 between the State of Texas, acting through the Texas Department of Transportation and the City of Wharton for the Wharton Regional Airport – Airport Terminal Building Project; and

**WHEREAS,** the Wharton City Council wishes to authorize the Mayor of the City of Wharton, Texas, to execute all documents relating to said contract; and

**WHEREAS,** this resolution is passed in accordance with said proposal.

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

Section I. That the Mayor of the City of Wharton is hereby authorized to sign any documents relating to the aforementioned contract.

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

**Passed, Approved, and Adopted** this 26<sup>th</sup> day of September 2005.

**CITY OF WHARTON, TEXAS**

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

**ATTEST:**

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

City Secretary

Councilmember David Samuelson 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 to enter into an agreement with a professional engineering firm for the Wharton Industrial Park Infrastructure Project and authorizing the Mayor of the City of Wharton to execute the agreement. City Manager Andres Garza, Jr. stated that due to the events that occurred during the imminent threat of Hurricane Rita, the Consultant Selection Committee had not had an opportunity to meet. He stated that a meeting would be scheduled with the Committee Members at a future date and a recommendation would be presented to the City Council during the October 10<sup>th</sup> regular City Council meeting. He stated that no action was required at this time.

The thirteenth item on the agenda was to review and consider a resolution approving a Finance Director Agreement and authorizing the Mayor of the City of Wharton to execute the agreement. City Manager Andres Garza, Jr. presented a draft copy of the Finance Director Agreement that had been prepared by City Attorney Paul Webb. He also presented a copy of the draft resolution approving the agreement. After some discussion, Councilmember David Samuelson made a motion to approve Resolution No. 2005-60, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2005-60**

**A RESOLUTION APPROVING A FINANCE DIRECTOR AGREEMENT AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE THE AGREEMENT.**

**WHEREAS,** the Wharton City Council wishes to establish an agreement between the City of Wharton and the finance director; and

**WHEREAS,** the Wharton City Council and the finance director agree to the terms and conditions outlined in the agreement; and

**WHEREAS,** the City of Wharton and the Finance Director wish to be bound by the conditions of the agreement; and

**WHEREAS,** the Wharton City Council wishes to authorize the Mayor of the City of Wharton, Texas, to execute all documents relating to said contract; and

**WHEREAS,** this resolution is passed in accordance with said proposal.

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

Section I. That the Wharton City Council hereby establishes a finance director agreement.

Section II. That the Mayor of the City of Wharton is hereby authorized to sign any documents relating to the finance director agreement.

Section III. That the City of Wharton and the Finance Director are hereby bound by the conditions as set forth in the agreement.

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

**Passed, Approved, and Adopted** this 26<sup>th</sup> day of September 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 fourteenth item on the agenda was review and consider City of Wharton Vehicle Bid:

A. Bid Tabulation.

B. **Resolution:** A resolution awarding the bid for the City of Wharton Vehicles; Authorizing the Mayor of the City of Wharton to execute all documents related to said agreement.

City Manager Andres Garza, Jr. stated that bids were received September 21, 2005 for a 2006 Model ½ Ton Pickup for the Public Works Department. He then presented a copy of the bid tabulation and also a copy of the draft resolution awarding the bid. Public Works Director Phil Bush stated that Henna Chevrolet, Inc. was the lowest bidder and recommended awarding the bid to Henna Chevrolet, Inc. After some discussion, Councilmember Don Mueller made a motion to approve Resolution No. 2005-61, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2005-61**

**A RESOLUTION AWARDING A BID TO HENNA CHEVROLET, INC. FOR  
ONE 2006 ½ TON PICKUP.**

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

**WHEREAS,** Henna Chevrolet, Inc. was deemed to be the best and lowest qualified bidder as per bid specifications for one 2006 ½ Ton Pickup in the amount of \$20,625.58; 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 Henna Chevrolet, Inc. is hereby awarded the bid for one 2006 ½ Ton Pickup in the amount of \$20,625.58 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 26<sup>th</sup> day of September 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 fifteenth item on the agenda was to review and consider the request by Ms. Pearl Jackson and Ms. Betty Harris for a Temporary Permit for the consumption/possession of alcoholic beverages in City Parks. City Manager Andres Garza, Jr. presented a copy of the application submitted by Ms. Pearl Jackson and Ms. Betty Harris for a Temporary Permit for the consumption/possession of alcoholic beverages in City Parks. He then presented a memorandum from Police Chief Tim Guin that indicated that the application appeared to comply with the ordinance expect that it was not filed 30 days prior to City Council consideration. After some discussion, Councilmember David Samuelson made a motion to approve the request by Ms. Pearl Jackson and Ms. Betty Harris for a Temporary Permit for the consumption/possession of alcoholic beverages in City Parks. Councilmember Domingo Montalvo, Jr. seconded the motion. All voted in favor.

The sixteenth item discussed on the agenda was to review and consider appointments to the Youth Advisory Commission. City Manager Andres Garza, Jr. stated the Youth Advisory Commission (YAC) was requesting the City Council appoint Miss Meagan Drenner and Mr. Justin Sherrill as YAC Commissioner's. After some discussion, Councilmember Ken Freese made a motion to appoint Miss Meagan Drenner and Mr. Justin Sherrill as YAC Commissioner's. Councilmember Don Mueller seconded the motion. All voted in favor.

The seventeenth item on the agenda was to review and consider the Status Report on City of Wharton Projects. City Manager Andres Garza, Jr. presented a copy of the memorandum dated September 26, 2005 which consisted of a status report on the City of Wharton projects, as follows:

### **FLOOD PLAIN MANAGEMENT**

- A. Wharton Interim Feasibility Study. This project was on going. The Corps of Engineers report should be completed 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 late 2005, the City Council would 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 had the published public notice for the 90 day public notices. The comment period began May 18<sup>th</sup> and ended August 16, 2005. City Council Public Works Committee met September 19, 2005 and discussed the maps. A presentation would be presented to the full City Council at a future date. Several sections of subdivisions throughout the City had been included in the proposed new floodplain.

### **DRAINAGE:**

- 1. Sanitary Sewer Manhole Survey.

Jones & Carter, Inc. had completed the manhole report and had submitted it to the City.

- 2. Ahldag Ditch Design.

The City of Wharton had received the fully executed easement agreement from the Hawes Family which was recorded in the Wharton County Clerks office. Also, the City had completed the purchase of the property from Mr. and Mrs. Edward Guajardo. During the regular September 12, 2005 City Council meeting, the City Council approved an interlocal agreement with Wharton County for in-kind excavation assistance for the construction of the ditch. The agreement was currently being reviewed by the Wharton County Commissioner's Court. Jones & Carter, Inc. had completed the plans and could stake the project for construction at any time. City Manager Andres Garza, Jr. issued a notification letter to the Hawes as per the agreement to begin construction work.

- 3. Santa Fe Outfall Ditch.

Jones & Carter, Inc. had completed the boundary and topographical fieldwork and were working on the right-of-way parcel map. They should begin design drawings this week.

- 4. Crestmont / Kelving Way Drainage.

Jones & Carter, Inc. had completed their analysis of the capacities of the existing storm sewer system and at what points it is overloaded. The re-routing of some run-off would 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 needed to make in order to provide adequate access to their properties.

**WATER/SEWER IMPROVEMENTS:**

1. Murphy Road Sanitary Sewer Improvements.

This project was complete except for a few punch list items that would be conducted by RWL Construction.

2. Downtown Square Fire Hydrants.

This project was complete except for a few punch list items that would be conducted by RWL Construction.

3. Leaking Valve at Milam and Rusk.

This project was complete except for a few punch list items that would be conducted by RWL Construction.

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 had 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

The Consultant Selection Committee met on September 9, 2005 and discussed the engineering firms that submitted proposals for the project. The Committee agreed that the firms should be rated and that negotiations would begin with the firm that scored the highest points. The Committee would meet prior to the October 10, 2005 City Council meeting to discuss the ratings.

**STREET IMPROVEMENTS**

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

The City Staff was waiting for the Texas Department of Transportation (TxDOT) to submit the agreements for the projects. Once this was received, Jones & Carter, Inc. would provide TxDOT the coordinates of the intersection point of US 59 and FM 1301 extension.

2. 2005 Street Improvement Program.

Cornerstone Paving, Inc. had begun the street sealcoating under the 2005 Street Improvement Program.

3. WISD – Harris Park.

On July 7, 2005, a letter was submitted 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. WISD discussed the City's letter regarding Harris Park during its September 20, 2005, School Board Meeting. No action was taken.

**WHARTON REGIONAL AIRPORT – 2005 RAMP PROGRAM**

Rain Seal Master Roofing and Sheetmetal had submitted the fully executed agreements and had moved in to conduct the project on September 19, 2005. 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 received a letter dated September 8, 2005 from Ms. Megan Caffal in response to the City's letter dated August 15, 2005 concerning the City's response for additional information regarding the Wharton Regional Airport and the NPE funds. Ms. Caffal indicated in her letter that the City's statement of airside needs and Capital Improvement Programming and demonstrated need for hangar space were acceptable. However, the FBO and hangar lease agreements did not include clauses for rate escalation over time. The Wharton Regional Airport Board would discuss the lease agreements and airport minimum standards during their next regular meeting that would be held October 4<sup>th</sup>.

**AIRPORT TERMINAL PROJECT**

During the August 16<sup>th</sup> 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 Council would consider approving an Airport Participation Project Agreement with the Texas Department of Transportation Aviation Division for this project during the September 26, 2005 regular Wharton City Council meeting.

**AIRPORT DEVELOPMENT PLAN**

The final draft of the Airport Development Plan would be submitted to the Wharton Regional Airport Board for consideration during the regular meeting that would be held October 4, 2005.

Once the Airport Board approved the plan, the City Staff would present the final draft to the City Council for City Council consideration of adoption.

## **HOME PROJECTS**

### **1. 2003 HOME Program.**

Nine new homes had been completed at 621 Washington, 522 Branch, 1521 Hendon, 304 Pecan, 307 Hughes, 1621 Connie, 808 East Caney, 209 Washington and 504 Correll. Final closeout of this project was currently being conducted.

### **2. 2004 HOME Program.**

The City Staff had received notification that the City was approved for this grant which would enable the City to build 7 homes for special needs individuals. Applications were being taken until December 31, 2005. This was a special needs grant.

### **3. 2005 Home Program (Disaster Relief)**

Nine new homes for the citizens that were affected by the November 2004 flood had been approved. The City was awaiting the contract.

## **OTHER PROJECTS:**

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

The Public Works Department was in the process of demolishing the structure located at 2821 Texas Street. The City Staff anticipates the demolition and debris removal of the structures should be completed by September 30, 2005.

### **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.

Mr. Garza stated that the City Staff was trying to identify, by lot, properties that were currently not in the floodplain; however with the proposed maps by FEMA were now located in the floodplain. He stated that if the property owner who would be affected by the change would obtain flood insurance now, then the property owner would pay a lower premium as compared to

obtaining flood insurance after the maps would be adopted.. He also stated that the City would notify the citizens who would be affected to provide time for them to make their decisions. He stated that FEMA would be approving the maps within six to eight months. After some discussion, no action was taken.

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

- A. Beautification Commission meeting held September 14, 2005.
  - B. Mayor's Committee on People with Disabilities meeting held September 15, 2005.
  - C. City Council Public Works Committee meeting held September 19, 2005.
  - D. Youth Advisory Commission meeting held September 19, 2005.
- City Manager Andres Garza, Jr. presented the reports to the City Council. No action was taken.

The nineteenth 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/<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 twentieth item on the agenda was Hurricane Rita. City Manager Andres Garza, Jr. publicly commended the dedicated employees in the Emergency Management, Police, Fire, Public Works, Facilities Maintenance, Code Enforcement, EMS, Civic Center, and City Hall Departments for all the work performed during Hurricane Rita. He stated that several employees had put their own life on the line assisting others. He stated that the employees performed their jobs in a professional manner. He stated that it was an honor to work with Mayor Bryce D. Kocian and the City Councilmembers.

Emergency Management Coordinator Harry Priesmeyer stated that the Emergency Management Department identified resources. He stated that 500 citizens were transported to shelters. He stated that assistance with Nursing Home, and Gulf Coast Medical Center patients were conducted the aid of Wharton County and other cities.

Fire Chief Anthony Abbott stated that twenty volunteer fire fighters assisted. He stated that there was two structure fires, seven motor vehicle accidents, two life flights, and numerous smoke scares. He stated that the Fire Department reported a total of twenty incidents during the duration of Hurricane Rita. He also stated that the Wharton Volunteer Fire Department was also on standby for East Bernard, Glen Flora, and Boling Fire Departments.

Community Services Director Jo Knezek stated that the Civic Center opened the Civic Center on Sunday, September 25, 2005 for 45 EMT's to sleep. She said they were from Colorado,

California, Massachusetts, and Minnesota, that were volunteering to help communities and had transported several nursing home patients to Wharton.

Public Works Director Phillip Bush stated that seven heavy equipment operators, and four utility workers were on standby. He stated that the employees worked with the Police, EMS, and City Hall. He stated that arrangements were also made with the City of Bastrop for the employees to stay, if needed. He also stated that the City of Palacios had stored equipment at the Public Works building.

EMS Director John Kowalik publicly thanked the Mayor and City Council for their leadership. He stated that EMS responded to forty calls. He stated that four ambulances were on staff. He stated that EMS also assisted the Police Department and Nursing home residents. He stated that all the departments worked as a team, and he was proud of them.

Police Chief Tim Guin publicly thanked the City Council for their leadership. He publicly commended Mayor Bryce D. Kocian, Councilmember Andres Garza, Jr., and Councilmember Domingo Montalvo, Jr. for their roles during the duration of Hurricane Rita. He publicly commended the staff of which he was very proud. He stated that there was a couple of new hire officers during this time and everyone exceeded in their job performance. He stated that the Police Department assisted a thousand people going through the City. He stated that the Police Department traveled 6,800 miles, worked 1400 man hours, completed 650 calls of service, took over 8 gas stations, opened and closed grocery stores, assisted with patients at Avalon Place, negotiated at a hotel, security at Dawson Elementary and Wharton High Schools, assisted Fire and EMS Departments. He further stated that Emergency Management Coordinator Harry Priesmeyer did an outstanding job. He stated that he was proud to report there was no looting. He stated that he was proud of the Staff and the citizens of Wharton.

Building Official/Code Enforcement Officer Ronnie Bollom stated that he remained at City Hall making the possessions safe and secure. He stated that Finance Director Joyce Vasut assisted with relocating the computers and the Public Works Department assistant with moving the packed boxes to various locations.

City Manager Andres Garza, Jr. stated that all employees performed their jobs well and completed what needed to be done in order to make it happen. He stated that the City was able to put plans in place and to work effectively.

Councilmember David Samuelson asked how the citizens were notified of the mandatory evacuation since he was not in town. City Manager Garza stated that the citizens were notified by KULP radio station, Channel 43 Cable television, and Wharton Journal Spectator.

Councilmember Don Mueller publicly thanked Wharton Independent School District for providing the use of the fourteen buses to relocate citizens to the Austin area and Emergency Management Deputy Coordinator Chester Houston for coordinating the buses.

Mr. Louis Edwards addressed the City Council and stated that there was 183 shelters opened in the Austin area due to Hurricane Rita.

City of Wharton  
Regular City Council Meeting  
September 26, 2005

The twenty-first item on the agenda was adjournment. After some discussion, Councilmember Don Mueller made a motion to adjourn. Councilmember Ken Freese seconded the motion. All voted in favor.

The meeting adjourned at 8:40 p.m.

**CITY OF WHARTON, TEXAS**

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

**ATTEST:**

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