

MINUTES
OF
CITY OF WHARTON
REGULAR CITY COUNCIL MEETING
JANUARY 9, 2006

Mayor Bryce D. Kocian declared a Regular Meeting duly open for the transaction of business at 7:00 P.M. Councilmember Don Mueller 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, and Domingo Montalvo, Jr.

Councilmember absent was: Ray Linseisen.

Staff members present were: City Manager Andres Garza, Jr., Finance Director Joyce Vasut, City Secretary Lisa Stavena, EMS Director John Kowalik, Building Official Ronnie Bollom, Planning Director Prudencio Arriaga, Sr., Fire Inspector Scott Stewart, and City Attorney Paul Webb.

Visitors present were: Benjamin Sharp with Wharton Journal Spectator, Lewis Fortenberry, Carlos Cotton, Henry Thiele, Louis Edwards, Billie Jones, David Schroeder, Chris Cerny, Troy Albrecht, Rudolph Henry, Rev. C. L. Wallace, Jesus Guerra, and Ms. Guzman.

The second item on the agenda was Roll Call and Excused Absences. Councilmember David Samuelson made a motion to excuse the absence of Councilmember Ray Linseisen from the Regular City Council meeting held January 9, 2006. Councilmember V. L. Wiley, Jr. seconded the motion. All voted in favor.

The third item on the agenda was Public Comments. Ms. Billie Jones addressed the City Council and stated that Wharton Independent School District will be holding a bond election for all school campuses. She stated that the election would be held on February 4, 2006. She then thanked the City Councilmembers for supporting the bond election and further asked for the Councilmember to sign cards in support of the bond election to be published in the Wharton Journal Spectator. She stated that the Wharton Committee "FOR" New Schools would be attending the Lion's Club, Rotary Club, Pilot Club and other clubs in the City to promote the bond election. She then publicly thanked the Councilmembers for their support. No action was taken.

The fourth item on the agenda was Wharton Moment. City Manager Andres Garza, Jr. stated that in November 2004, Mr. Henry Wilson (son of Pete and Kay Wilson - owners of Jack and Jill Day Care, which was now First Baptist Church Child Development Center) was elected as Texas

Municipal League President. He stated that the City of Wharton should be proud of having such leadership from our community. No action was taken.

The fifth item on the agenda was to review and consider the reading of the minutes from the regular meeting held December 12, 2005. After some discussion, Councilmember Don Mueller made a motion to approve the Wharton City Council minutes of the regular meeting held December 12, 2005 as presented. 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 of Wharton financial report for the month of November 2005. Finance Director Joyce Vasut presented the financial report for the month of November 2005 and stated that the fiscal year was at 16%. Mrs. Vasut stated that the general fund revenues were at 14.63% and the expenditures were at 16.18%. The total ad valorem taxes collected were \$118,220. The sales tax for the month of November 2005 was \$154,986 with \$103,324 to the City and \$51,662 to WEDCo. The TexPool balance for November 2005 was \$893,444.30 with an average monthly yield of 3.9888%. The bank balance was \$451,404.88. After some discussion, Councilmember David Samuelson made a motion to approve the City of Wharton Financial Report for the month of November 2005. Councilmember Ken Freese seconded the motion. All voted in favor.

The seventh item on the agenda was to review and consider the confirmation of the results of the Wharton Volunteer Fire Department election of Mr. Anthony Abbott as Fire Chief. City Manager Andres Garza, Jr. informed the City Council that Mr. Anthony Abbott was elected by the Wharton Volunteer Fire Department to serve as Fire Chief for the Wharton Volunteer Fire Department beginning January 1, 2006. He stated that the City Council should confirm the election of Mr. Abbott. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to confirm the results of the election of Mr. Anthony Abbott as Fire Chief for the Wharton Volunteer Fire Department. Councilmember Ken Freese seconded the motion. All voted in favor.

The eighth item on the agenda was to review and consider Requests for over 50% Variances by the following:

- A. Mr. and Mrs. Phillip R. Hart, 211 N. Resident Street, Wharton, Block 27, Lot 5A for a 5 feet 2 inch variance from the required 10 feet rear yard setback for the construction of a 12' x 23' addition.

City Manager Andres Garza, Jr. presented a copy of the memorandum dated December 22, 2005 from Planning Director Prudencio V. Arriaga, Sr. regarding the request for variance by Mr. and Mrs. Phillip R. Hart, 211 No. Resident Street, Wharton, Block 27, Lot 5A for a 5 feet 2 inch variance from the required 10 feet rear yard setback for the construction of a 12' x 23' addition. Mayor Bryce D. Kocian stated that no action would be taken, since Mr. and Mrs. Phillip R. Hart requested the variance request be withdrawn.

- B. Mr. Rudolph Henry on behalf of Mother Zion Baptist Church, 422 E. Milam Street, Wharton Block 55, Lot 1 for a 6 feet 6 inch variance from the required 10 feet setback for the installation of a 4' x 8' freestanding, non-commercial sign.

City Manager Andres Garza, Jr. presented a copy of the memorandum dated December 22, 2005 from Planning Director Prudencio V. Arriaga, Sr. regarding the variance request. Mr. Rudolph

Henry addressed the City Council and requested the variance for a freestanding elevated sign. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to approve the variance request by Mr. Rudolph Henry on behalf of Mother Zion Baptist Church, 422 E. Milam Street, Wharton Block 55, Lot 1 for a 6 feet 6 inch variance from the required 10 feet setback for the installation of a 4' x 8' freestanding, non-commercial sign. Councilmember Don Mueller seconded the motion. All voted in favor.

C. Ms. Olga Burger for an interior side yard property line setback variance for the construction of a 10'8" x 25' carport to be located at 523 North Resident, Wharton, Block 31, Lot 6. City Manager Andres Garza, Jr. presented a copy of the memorandum dated January 4, 2006 from Planning Director Prudencio Arriaga, Sr., regarding the request for variance. Mr. Troy Albrecht addressed the City Council and stated that Mr. Scott Stewart and he were representing Ms. Olga Burger for the variance request. He stated that previously, a carport was on the property; however, the property owner had removed it and now the current property owner was requesting to construct a detached carport that would be 24" from the property line. He stated that the carport would be constructed of wood material, a corrugated tin roof and gutters. After some discussion, Councilmember Don Mueller made a motion to approve the variance request by Ms. Olga Burger for an interior side yard property line setback variance for the construction of a 10'8" x 25' carport to be located at 523 North Resident, Wharton, Block 31, Lot 6. Councilmember David Samuelson seconded the motion. All voted in favor.

The ninth item on the agenda was to review and consider the Planning Commission recommendation for City Council approval of the request for variance by Mr. Gabino Guzman for approval to construct a residence over a property line located at the 100 block of Stavena Road, Block 25K, 25K-2. City Manager Andres Garza, Jr. presented a copy of the memorandum dated January 4, 2006 from Planning Commission Chairman A. J. Rath providing the recommendation by the Planning Commission for the City Council to approve the request for variance by Mr. Gabino Guzman. Mr. Arriaga stated that the house would be a 50' X 44' structure and would face Nelga Road. After some discussion, Councilmember Ken Freese made a motion to approve the variance request by Mr. Gabino Guzman to construct a 50' x 44' house over a property line located at the 100 block of Stavena Road, Block 25K, 25K-2. Councilmember David Samuelson 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 accepting the assignment of the lease agreement from the Wharton Economic Development Corporation for the lease of the property located at 800 A South East Avenue, Wharton, Wharton County, Texas, with Mr. Lloyd Shoppa and authorizing the Mayor of the City of Wharton to execute the agreement. City Manager Andres Garza, Jr. stated that the City leased property located at 800 South East Avenue to the Wharton Economic Development Corporation (WEDC), who in turn sub-leased it to Mr. Lloyd Shoppa. He said that WEDC had renewed and extended its lease with Mr. Shoppa for another year; however, the City lease with WEDC expired on December 31, 2005. He stated that WEDC had requested to assign the lease to the City, thereby removing them from the arrangement. He further stated that by the City assuming the lease with Mr. Shoppa, the City would be able to deal directly with him; therefore approval was recommended. City Attorney Paul Webb stated that the lease agreement expired with

WEDC and recommended approval. After some discussion, Councilmember Don Mueller made a motion to Resolution No. 2006-01, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2006 - 01**

A RESOLUTION OF THE WHARTON CITY COUNCIL ACCEPTING THE ASSIGNMENT OF THE LEASE AGREEMENT FROM THE WHARTON ECONOMIC DEVELOPMENT CORPORATION FOR THE LEASE OF THE PROPERTY LOCATED AT 800 A SOUTH EAST AVENUE, WHARTON, WHARTON COUNTY, TEXAS, WITH MR. LLOYD SHOPPA AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE THE AGREEMENT.

WHEREAS, The Wharton Economic Development Corporation and Lloyd Shoppa have an agreement for the lease of the City of Wharton property located at 800 A South East Avenue, Wharton, Wharton County, Texas; and

WHEREAS, The lease agreement on this property between the City of Wharton and the Wharton Economic Development Corporation has expired on December 31, 2005; and

WHEREAS, the Wharton City Council wishes to accept the assignment of the Lloyd Shoppa lease from the Wharton Economic Development Corporation; and

WHEREAS, the Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute all documents necessary to complete the assignment of the lease agreement.

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

Section I. The Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute all documents necessary to complete the assignment of the lease agreement between the City of Wharton and Mr. Lloyd Shoppa for the lease of the property located at 800 A South East Avenue, Wharton, Wharton County, Texas.

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

Passed, Approved, and Adopted this 9th day of January 2006.

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 eleventh item on the agenda was to review and consider the Texas Colorado River Floodplain Coalition:

A. Resolution: A resolution authorizing the Mayor of the City of Wharton to execute an Interlocal Agreement between the City of Wharton and the Texas Colorado River Floodplain Coalition.

City Manager Andres Garza, Jr. presented a copy of the letter dated December 1, 2005 from Mr. James Oakley, Chairman of the Texas Colorado River Floodplain Coalition (TCRFC) regarding the renewal of the interlocal agreement between the TCRFC and the City of Wharton. He said that the TCRFC updated the interlocal agreement during its November 17, 2005 Executive Committee Bi-Annual meeting. He said that the updates were made in order to reduce duplication between it and other organizational documents and to make future changes in operating procedures easier to administrate. He then presented a copy of the revised interlocal agreement and a draft resolution approving the agreement. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to defer this item to the next City Council meeting. Councilmember V. L. Wiley, Jr. seconded the motion. All voted in favor.

B. Resolution: A resolution of the Wharton City Council appointing members to the Executive and Technical Committees of the Texas Colorado River Floodplain Coalition.

City Manager Andres Garza, Jr. presented a copy of the City of Wharton Resolution No. 2002-26 appointing City of Wharton representatives to the Executive and Technical Committees for the TCRFC. He said that the TCRFC was requesting in the attached letter dated December 14, 2005 from Ms. Susan Joseph, Floodplain Management, that the City of Wharton make any necessary changes in the current representatives. He said that the City's new floodplain administrator was Planning Director Prudencio V. Arriaga, Sr., who was replacing Building Official Ronnie Bollom as the City's floodplain administrator. He said that Mr. Arriaga had received his certification as a nationally accredited floodplain manager from the Association of State Floodplain Managers, Inc. and the Texas Floodplain Management Association in December 2005. He then presented a copy of a draft resolution appointing the City of Wharton TCRFC representatives. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to defer this item to the next City Council meeting. Councilmember V. L. Wiley, Jr. seconded the motion. All voted in favor.

The twelfth item on the agenda was to review and consider the recommendation from the City Council Public Works Committee:

A. Resolution: A resolution approving a Street Construction Agreement between the City of Wharton and Heartland Homes for the construction of a curb and gutter street beginning at Briar Lane along Price Drive and authorizing the Mayor of the City of Wharton to execute the agreement.

City Manager Andres Garza, Jr. stated that the City Council Public Works Committee met January 3, 2006 and discussed the proposed ten (10) home subdivision to be constructed by Heartland Homes along Price Drive. He presented a copy of the letter dated September 9, 2005 from Mr. Joseph C. Abraham of Heartland Homes who was requesting City assistance in providing street improvements to Price Drive. He stated that Mr. Abraham was requesting the City of Wharton to pave the portion of Price Drive fronting the subdivision located at Sycamore

Grove, Block 4, Lots 1 – 10 and to install concrete curbs and gutters. He said that Mr. Abraham had indicated that Heartland Homes would pay for the cost of materials if the City of Wharton provided the labor and equipment. He said that since there was an existing right-of-way and a platted road, it would be the City's obligation to pave the road; however it would be constructed out of materials for a regular street with ditches. He said that he met with Mr. Abraham on December 27, 2005, who had indicated that he had a continued interest in paving the street and installing curbs and gutters with the cost of materials being born by Heartland Homes. He said that this would require an agreement between the City of Wharton and Heartland Homes. He then presented a draft copy of the agreement prepared by the City Attorney's office and a cost estimate of the proposed project. He stated that the City would also pay the engineering costs. He further stated that Mr. Abraham had indicated he would begin constructing five (5) homes in late January and the remaining five (5) homes when the first one sold. He then presented a copy of the draft resolution approving the agreement and a copy of a map indicating the location of the proposed street. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to approve Resolution No. 2006-02, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2006 - 02**

A RESOLUTION APPROVING A STREET CONSTRUCTION AGREEMENT BETWEEN THE CITY OF WHARTON AND HEARTLAND HOMES FOR THE CONSTRUCTION OF A CURB AND GUTTER STREET BEGINNING AT BRIAR LANE ALONG PRICE DRIVE AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE THE AGREEMENT.

WHEREAS, The Heartland Homes wishes to develop ten (10) new homes in the City of Wharton to be located at Sycamore Grove, Block 4, Lots 1 - 10; and

WHEREAS, Heartland Homes has requested City of Wharton assistance in providing streets along the portion of Price Drive fronting the proposed home sites by constructing the street with curbs and gutters; and

WHEREAS, Heartland Homes wishes to pay for all materials required to construct the street with curbs and gutters; and

WHEREAS, the City of Wharton would pay for the engineering services, labor and equipment that would be used to construct the street; and

WHEREAS, the Wharton City Council wishes to enter into a street construction agreement with Heartland Homes and to authorize the Mayor of the City of Wharton to execute all documents to the agreement.

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

Section I. The Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute a street construction agreement with Heartland Homes for the

construction of a curb and gutter street along the portion of Price Drive for the proposed subdivision located at Sycamore Grove, Block 4, Lots 1 – 10.

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

Passed, Approved, and Adopted this 9th day of January 2006.

CITY OF WHARTON, TEXAS

By:

BRYCE D. KOCIAN

Mayor

ATTEST:

LISA STAVENA

City Secretary

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

B. City Council authorization to extend Park Lane from Price Drive to Croom Drive.

Mr. Garza stated that the Public Works Committee was recommending that Park Lane from Price Drive to Croom Drive be developed to allow a diversion of traffic. He said that the City Council should consider constructing the street; however not with curb and gutter. He said that City personnel and equipment would be used to conduct this project. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to approve the extension of Park Lane from Price Drive to Croom Drive. Councilmember Don Mueller seconded the motion. All voted in favor.

C. City Council authorization to replace the two inch waterline with a six inch waterline to improve infrastructure to the proposed subdivision.

Mr. Garza stated that the City Staff was requesting City Council authorization to replace the existing two-inch waterline located in the alley behind the subdivision with a six-inch waterline to improve the infrastructure for the proposed subdivision and allow for the placement of additional fire hydrants. He said that with added homes in this area of the City, the water pressure may not meet the needs of the citizens. He said that this work would be conducted in-house. Mayor Bryce D. Kocian stated that he would like the line extended to Sycamore Street. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to approve replacement of the two inch waterline with a six inch waterline to improve infrastructure to the proposed subdivision and to Sycamore Street. Councilmember Don Mueller seconded the motion. All voted in favor.

D. **Resolution:** A resolution approving a professional engineering service agreement between Jones & Carter, Inc. and the City of Wharton for the development of plans and specifications for the street construction of Price Drive, Park Lane and waterline replacement and authorizing the Mayor of the City of Wharton to execute the agreement.

Mr. Garza stated that the construction to Price Drive, Park Lane and the waterline replacement would require plans and specifications to be developed by a professional engineer. He then presented a draft resolution approving a professional engineering service agreement between the City and Jones & Carter, Inc. He said that the Public Works Committee was recommending that the

City Council consider approving an agreement with Jones & Carter, Inc. to develop the plans and specifications for this project. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to approve Resolution No. 2006-03, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2006 - 03**

A RESOLUTION APPROVING A PROFESSIONAL ENGINEERING SERVICES AGREEMENT BETWEEN JONES & CARTER, INC. AND THE CITY OF WHARTON FOR THE DEVELOPMENT OF PLANS AND SPECIFICATIONS FOR THE STREET CONSTRUCTION OF PRICE DRIVE, PARK LANE AND WATER LINE REPLACEMENT AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE THE AGREEMENT.

WHEREAS, The Wharton City Council wishes to construct a street with curbs and gutters along Price Drive for the proposed ten (10) home subdivision to be located at Sycamore Grove, Block 4, Lots 1 – 10; and

WHEREAS, The Wharton City Council wishes to develop Park Lane beginning at Price Drive to Croom Drive; and

WHEREAS, the Wharton City Council to improve the utility infrastructure and install additional fire hydrants for the proposed ten (10) home subdivision to be located at Sycamore Grove, Block 4, Lots 1 – 10; and

WHEREAS, the Wharton City Council wishes to enter into a professional engineering services agreement with Jones & Carter, Inc., Consulting Engineers to develop the plans and specifications for the street construction of Price Drive, Park Lane and the waterline replacement; and

WHEREAS, the Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute all documents to the agreement.

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

Section I. The Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute a professional engineering services agreement with Jones & Carter, Inc., Consulting Engineers to develop the plans and specifications for the street construction of Price Drive, Park Lane and the waterline replacement.

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

Passed, Approved, and Adopted this 9th day of January 2006.

CITY OF WHARTON, TEXAS

By: _____

BRYCE D. KOCIAN
Mayor

ATTEST:

LISA STAVERNA

City Secretary

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

The thirteenth item on the agenda was to review and consider the City Council authorization for Jones & Carter, Inc., Consulting Engineers to conduct a water system analysis for the City of Wharton. City Manager Andres Garza, Jr. presented a copy of the letter dated December 22, 2005 from Mr. Carlos Cotton, P.E. of Jones & Carter, Inc. regarding the Cloud Street Water Well. He stated that on January 3, 2006, the City Council Public Works Committee met and discussed the recommendations submitted by Mr. Cotton. After some discussion, the Committee agreed that it would be in the best interest of the City to perform a complete water system analysis of the City's current water system to determine the actual needs of the City, assessment of the existing system, and placement of future facilities. He stated that he had requested Mr. Cotton to provide a proposal for such assessment. He then presented a letter dated January 4, 2006, outlining four possible projects to assess the system. He stated that he was recommending the City Council authorize project 1 and 4 in an amount not to exceed \$14,500. Mr. Carlos Cotton addressed the City Council and stated Project 1 consisted of the water capacity analysis. He stated that it would determine the number of connections that could be served by each component of the City's existing water supply facilities, which the project was estimated at \$2,500. He said that Project 2 consisted of the control system analysis of the operation of the existing water plants and elevated storage tanks, which the project was estimated at \$3,500. He stated that Project 3 consisted of water plant facility evaluation of the mechanical and electrical components of the City's water plant facilities, which the project was estimated at \$8,500. He stated that Project 4 consisted of water distribution analysis utilizing Kentucky Pipe 2000 software to determine the preferred location of future facilities and/or waterline replacement to optimize the distribution system pressure for existing and future water users, which the project was estimated at \$12,000. He further stated that he would highly recommend the City Council approve Projects 1, 2, and 4 at this time. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to approve Projects 1, 2, and 4. Councilmember V. L. Wiley, Jr. seconded the motion. All voted in favor.

The fourteenth item on the agenda was to review and consider the Southern Pacific Railroad Depot Restoration Project – Pay Requests No. 5 and No. 6 – A & A Constructors, Inc. City Manager Andres Garza, Jr. presented a copy of the Pay Requests No. 5 for \$51,252.50 and No. 6 for \$40,470.00 submitted by A & A Constructors, Inc. for the Southern Pacific Railroad Depot Restoration Project. After some discussion, Councilmember V. L. Wiley, Jr. made a motion to approve Pay Requests No. 5 for \$51,252.50 and No. 6 for \$40,470.00. Councilmember David Samuelson seconded the motion. All voted in favor.

The fifteenth item on the agenda was to review and consider the 2006 Texas Municipal League – Association of Mayors, Councilmembers and Commissioners (AMCC) Elected Officials Conference, Omni Bayfront Hotel, Corpus Christi, Texas, February 11 – 12, 2006. City Manager

Andres Garza, Jr. presented a copy of the brochure the City of Wharton received regarding 2006 Texas Municipal League – Association of Mayors, Councilmembers and Commissioners (AMCC) Elected Officials Conference to be held at the Omni Bayfront Hotel in Corpus Christi, Texas, on February 11 – 12, 2006. He stated that prior approval by the City Council was required should any elected officials wish to attend the conferences. Councilmember Domingo Montalvo, Jr. requested approval to attend. Councilmember V. L. Wiley, Jr. also requested approval to attend. After some discussion, Councilmember David Samuelson made a motion to approve the travel expenses for Councilmember V. L. Wiley, Jr. and Domingo Montalvo, Jr. Councilmember Don Mueller seconded the motion. All voted in favor.

The sixteenth item on the agenda was Executive Session: City Council may adjourn into an Executive Session in accordance with Section 551.072 of the Government Code, Revised Civic Statutes of Texas. Final action, decision, or vote if any with regard to any matter considered in Executive Session shall be made in Open Meeting.

A. **Discussion:** Entertainment Center.

Mayor Bryce D. Kocian adjourned the meeting into Executive Session at 7:41 p.m.

Mayor Bryce D. Kocian returned to open session at 8:09 p.m.

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

A. **Review & Consider:** Entertainment Center.

Mayor Bryce D. Kocian stated that action on this item would be taken on eighteenth item of the agenda.

The eighteenth item on the agenda was to review and consider a resolution of the Wharton City Council approving the Wharton Economic Development Corporation Resolution No. 2005-04 expressing intent to finance new and expanding business development and to amend the 2005-2006 budget. City Manager Andres Garza, Jr. stated that during the regular December 12, 2005 meeting, the City Council approved the City of Wharton Resolution No. 2005-84. He said that in accordance with HB 2928, the resolution must be read by the City Council during two official meetings. Councilmember David Samuelson stated that he would be voting against this item since the numbers presented were not feasible. He stated that the City should not get involved in the project since the City could not afford the debt. He stated that the project would be nice for the community; however, it was not feasible. He stated that the projected numbers of 285,000 people attending the movies would be for every person in the City to attend the movies at least eight times per year; however, the historical number of persons attending movies was approximately 130,000 per year. Councilmember Ken Freese stated that he agreed with Councilmember Samuelson. He stated that the numbers given for the project did not calculate to \$1.6 million as stated. He stated that he would not invest personally; therefore, he would not extend City tax dollars to fund the proposed project. The project Councilmember Domingo Montalvo, Jr. stated that the project would not fold overnight and the City needed to start furnishing activities for all ages of the community. He stated that the building would be built for economic growth. Councilmember Don Mueller stated that five other cities had an Entertainment Center constructed and he had visited some centers, and he felt that it would benefit Wharton. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to approve Resolution No. 2006-84, which read as follows:

CITY OF WHARTON

RESOLUTION NO. 2005-84

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING THE WHARTON ECONOMIC DEVELOPMENT CORPORATION RESOLUTION NO. 2005-04 EXPRESSING INTENT TO FINANCE NEW AND EXPANDING BUSINESS DEVELOPMENT AND TO AMEND THE 2005 –2006 BUDGET.

WHEREAS, the Wharton City Council wishes to support the Wharton Economic Development Corporation in developing new and expanding businesses in the City of Wharton; and

WHEREAS, the Wharton City Council wishes to approve budget amendments to the 2005 –2006 fiscal year budget for the Wharton Economic Development Corporation to conduct certain projects as outlined in the attached resolution; and

WHEREAS, the Wharton City Council wishes to approve the Wharton Economic Development Corporation Resolution No. 2005-04 which is attached and made part of this resolution.

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

- Section I. That the Wharton City Council hereby supports the Wharton Economic Development Corporation in developing new and expanding business.
- Section II. That the Wharton City Council hereby approves to amend the Wharton Economic Development Corporation 2005 – 2006 fiscal year budget for certain projects as outlined in the attached resolution.
- Section III: That this resolution shall be come effective after two readings as required by House Bill 2928, Section 4B(a)(3).

First Reading Passed, Approved, and Adopted this 12th day of December 2005.

CITY OF WHARTON, TEXAS

By: _____

BRYCE D. KOCIAN

Mayor

ATTEST:

LISA STAVENA

City Secretary

Second Reading Passed, Approved, and Adopted this 9th day of January 2006.

CITY OF WHARTON, TEXAS

By: _____
BRYCE D. KOCIAN
Mayor

ATTEST:

LISA STAVENA
City Secretary

Councilmember Don Mueller seconded the motion. Councilmembers V. L. Wiley, Jr., Don Mueller, and Domingo Montalvo, Jr. voted for the motion. Councilmembers David Samuelson and Ken Freese voted against the motion. The motion carried.

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 December 14, 2005.
 - B. Public Works Committee meeting held January 3, 2006.
 - C. Planning Commission meeting held January 3, 2006.
 - D. Wharton Regional Airport Board meeting held January 3, 2006.
- City Manager Andres Garza, Jr. presented the reports to the City Council. No action was taken.

The twentieth item on the agenda was to review and consider the City Manager's Reports:

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| A. Police Department. | I. Engineer/Planning Department. |
| B. City Secretary/Personnel. | J. Facilities Maintenance Department. |
| C. Municipal Court. | K. Community Services Department/
Civic Center. |
| D. E.M.S. Department. | L. Wharton Municipal Pool. |
| E. Fire Department Incidents/Inspections. | M. Wharton Regional Airport. |
| F. Code Enforcement Department. | N. Legal. |
| G. Water & Sewer Department. | O. Weedy Lots/Sign Ordinance. |
| H. Public Works Department. | |

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

The 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.

City of Wharton
Regular City Council Meeting
January 9, 2006

The meeting adjourned at 8:17 p.m.

CITY OF WHARTON, TEXAS

By: _____
BRYCE D. KOCIAN
Mayor

ATTEST:

LISA STAVENA
City Secretary