

MINUTES
OF
CITY OF WHARTON
REGULAR CITY COUNCIL MEETING
APRIL 10, 2006

Mayor Bryce D. Kocian declared a Regular Meeting duly open for the transaction of business at 7:06 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, 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, Planning Director Prudencio Arriaga, Sr., and Police Chief Tim Guin.

Visitors present were: Benjamin Sharp with Wharton Journal Spectator, David Schroeder, Carlos Cotton, Lewis Fortenberry, David Bucek, Frances Gonzalez, Leonard Martinez, and Martin Garcia.

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. City Manager Andres Garza, Jr. stated that pursuant to Ordinance No. 2006-06, he appointed Prudencio Arriaga, Sr. as the City of Wharton Floodplain Administrator. No action was taken.

The fifth item on the agenda was to review and consider the reading of the minutes from the regular meetings held March 13, 2006 and March 27, 2006. After some discussion, Councilmember Ray Linseisen made a motion to approve the Wharton City Council minutes of the regular meetings held March 13, 2006 and March 27, 2006 as presented. Councilmember Don Mueller seconded the motion. All voted in favor.

The sixth item on the agenda was to review and consider a resolution of the Wharton City Council approving a contract with the Texas Building and Procurement Commission for City of Wharton participation in the Federal Surplus Property Program and authorizing the Mayor of the City of Wharton to execute the agreement. City Manager Andres Garza, Jr. presented a copy of the information received March 24, 2006 from Ms. Christine Pineda of the Texas Building and Procurement Commission, Federal Surplus Property (FSP) Program requesting the City of Wharton to update its information. He stated under the FSP program, the City was required to update the information every ten years; otherwise, the City would be ineligible to participate. He

then presented a copy of the application for eligibility, authorized representatives and certifications and agreements. He also presented a copy of the authorized representatives currently listed for the City and a draft resolution authorizing the City's participation in the FSP program and authorizing the Mayor of the City of Wharton to execute the document. After some discussion, Councilmember Ken Freese made a motion to approve Resolution No. 2006-33, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2006 - 33**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING A CONTRACT WITH THE TEXAS BUILDING AND PROCUREMENT COMMISSION FOR CITY OF WHARTON PARTICIPATION IN THE FEDERAL SURPLUS PROPERTY PROGRAM AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE THE AGREEMENT.

WHEREAS, the Wharton City Council wishes to participate in the Texas Building and Procurement Commission in the Federal Surplus Property Program; and

WHEREAS, the Wharton City Council wishes to enter into an agreement with the Texas Building and Procurement Commission for the City's participation in the Federal Surplus Property Program; and

WHEREAS, the Texas Building and Procurement Commission and the City of Wharton wishes to be bound by the conditions as outlined in the agreement; and

WHEREAS, the Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute all documents related to 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 authorizes the Mayor of the City of Wharton to execute an agreement with the Texas Building and Procurement Commission for the City's participation in the Federal Surplus Property Program.

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

Passed, Approved, and Adopted this 10th day of April 2006.

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 seventh item on the agenda was to review and consider a resolution of the Wharton City Council approving a contract between Wharton County and the City of Wharton for election services for the May 13, 2006 Election and authorizing the Mayor of the City of Wharton to execute the agreement. City Manager Andres Garza, Jr. presented a draft resolution approving a contract between Wharton County and the City of Wharton for election services for the May 13, 2006 election. He stated that the election services that would be provided were the use of the voting machine (Automark) and equipment required for the election. He then presented a copy of the agreement and cost estimate for the use of the materials. City Secretary Lisa Stavena stated that the contract for services was for the rental of the AutoMark machine. She stated that the machine cost would be shared with Wharton Independent School District. She stated that Wharton County was also ordering the ballots, which that cost would be added to the contract. After some discussion, Councilmember Ray Linseisen made a motion to approve Resolution No. 2006-34, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2006 - 34**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING A CONTRACT BETWEEN WHARTON COUNTY AND THE CITY OF WHARTON FOR ELECTION SERVICES FOR THE MAY 13, 2006 ELECTION AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE THE AGREEMENT.

WHEREAS, the City of Wharton Election will be held May 13, 2006; and

WHEREAS, the Wharton City Council wishes to enter into an agreement with Wharton County for the use of election materials and services for the May 13, 2006 election; and

WHEREAS, Wharton County and the City of Wharton wishes to be bound by the conditions as outlined in the agreement; and

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

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

Section I. Authorizes the Mayor of the City of Wharton to execute an agreement with Wharton County for election services for the May 13, 2006 election.

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

Passed, Approved, and Adopted this 10th day of April 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 eighth item on the agenda was to review and consider the Wharton Municipal Pool Schedule. City Manager Andres Garza, Jr. presented a copy of the memorandum dated April 6, 2006 from Facilities Maintenance Director Bob Baker regarding the Wharton Municipal Pool Schedule for 2006. He then presented a copy of the pool schedule, season pass form and application, application for swimming lessons, rental form terms and conditions, and a water aerobic consent form. City Secretary Lisa Stavena stated that the pool for the 2006 season would open May 30, 2006. She stated that Wharton Swim Team would begin utilizing the pool on May 1, 2006 from 4:30 - 6:00 and then beginning May 20, 2006 from 7:30 - 11:00 a.m. She stated that water aerobics would begin June 1, 2006 with Instructor Pam Grier. She stated that a recommended charge for family night admission was \$1.00 per individual, instead of \$0.50 per individual. After some discussion, Councilmember David Samuelson made a motion to approve the Wharton Municipal Pool Schedule with the family night admission being \$1.00 per individual. Councilmember Ken Freese seconded the motion. All voted in favor.

The ninth item on the agenda was to review and consider the Wharton Industrial Park Infrastructure Improvement Project – Pipe:

A. Bid Tabulation.

B. **Resolution:** A resolution awarding the bid for pipeline materials – PVC for the City of Wharton - Wharton Industrial Park Infrastructure Improvement Project.

City Manager Andres Garza, Jr. stated that the bid opening for the Wharton Industrial Park Infrastructure Project – Pipeline Materials – PVC was held February 21, 2006. He presented the bid tabulation, and a copy of the memorandum dated February 21, 2006 from Public Works Director Phil Bush recommending that the bid be awarded to Ferguson in the amount of \$15.58 per linear foot for approximately 11,200 linear feet, total bid \$174,496.00. He then presented a draft copy of the resolution awarding the bid. After some discussion, Councilmember Ray Linseisen made a motion to approve Resolution No. 2006-35, which read as follows:

CITY OF WHARTON
RESOLUTION NO. 2006 – 35

A RESOLUTION OF THE WHARTON CITY COUNCIL AWARDING THE BID FOR THE PIPELINE MATERIALS – PVC TO FERGUSON FOR THE CITY OF WHARTON INDUSTRIAL PARK PROJECT.

WHEREAS, competitive sealed bids were received February 21, 2006 for the City of Wharton Pipeline Materials – PVC for the Wharton Industrial Park Project; and

WHEREAS, Ferguson was deemed to be the best and lowest qualified bidder as per bid specifications for the City of Wharton Pipeline Materials – PVC for the Wharton Industrial Park Project in the amount of \$15.58 per linear foot for approximately 11,200 linear feet, totaling \$174,496.00; and

WHEREAS, the Wharton City Council wishes to award the bid to Ferguson for the purchase of the pipeline materials – PVC.

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 Ferguson is hereby awarded the bid for the City of Wharton Pipeline Materials – PVC for the Wharton Industrial Park Project in accordance with the bid specifications in the amount of \$174,496.00.

Section II. That the Mayor of the City of Wharton is hereby authorized to sign any documents relating to the purchase of the pipeline materials – PVC.

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

Passed, Approved, and Adopted this 10th day of April 2006.

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 tenth item on the agenda was to review and consider the request by Mr. Leonard Martinez and Ms. Frances Gonzales of the Future Fraternal Order of the Eagles (Wharton Chapter) for the following:

- A. Authorization to host the First Annual Chili/BBQ Cook-Off in Riverfront Park beginning June 9, 2006 at 9:00 a.m. through June 10, 2006 until 9:00 p.m.
- B. Authorization for camping and driving vehicles during the event.
- C. Approval of a temporary permits for the consumption/possession of alcoholic beverages in City Parks.

City Manager Andres Garza, Jr. presented a copy of the email dated April 4, 2006 from Ms. Frances Gonzales of the Future Fraternal Order of the Eagles (Wharton Chapter) providing the City Staff with the letter to the Mayor and City Councilmembers and related information regarding their request. He stated that Ms. Gonzales was requesting on behalf of the organization to hold a Chili/BBQ Cook-off in Riverfront Park beginning June 9, 2006 at 9:00 a.m. through June 10, 2006 until 9:00 p.m. He said that she was also requesting the organization be allowed to camp and drive in the park. He further said that Ms. Gonzales stated in her letter that security had been arranged with the Wharton Police Department and that the organization would make provisions for restroom facilities and solid waste disposal. He then presented a copy of the application for a temporary permit for the possession/consumption of alcoholic beverages in City Parks that was submitted by Mr. Leonard Martinez. He stated that Police Chief Tim Guin had reviewed the application and a copy of his memorandum dated April 4, 2006 approving the permit request was attached. Mr. Martinez stated that the Future Wharton Fraternal Order of the Eagles would be hosting their first annual Chili/BBQ Cook-off, with all proceeds being donated to the Boys & Girl's Club of Wharton. Mr. Martin Garcia stated that a minimum of 50 men and 50 women were required for the organization, which they desired to obtain the goal membership by June 2006. After some discussion, Councilmember V. L. Wiley, Jr. made a motion to approve the request by Mr. Leonard Martinez and Ms. Frances Gonzales of the Future Fraternal Order of the Eagles (Wharton Chapter) to host the First Annual Chili/BBQ Cook-Off in Riverfront Park beginning June 9, 2006 at 9:00 a.m. through June 10, 2006 until 9:00 p.m., camping and driving vehicles during the event, and 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 eleventh item on the agenda was to review and consider the request by Mr. Johnnie L. Roberts of the Wharton Training High School & Ex-Students Association for the following:

- A. Authorization to host the annual Juneteenth Celebration in Riverfront Park Saturday June 16, 2006 from 6:00 p.m. until 12:00 Midnight and Saturday, June 17, 2006 from 10:00 a.m. until 6:00 p.m.
- B. Approval of a temporary permit for the consumption/possession of alcoholic beverages in City Parks.

City Manager Andres Garza, Jr. presented a copy of the letter dated April 6, 2006 from Mr. Johnnie L. Roberts, Treasurer of the Wharton Training High School Alumni & Ex-Students Association requesting City Council approval to host the annual Juneteenth Celebration in Riverfront Park Saturday June 16, 2006 from 6:00 p.m. until 12:00 Midnight and Saturday, June 17, 2006 from 10:00 a.m. until 6:00 p.m. He stated that Mr. Roberts' was also requesting that the park hours be extended from 10:00 p.m. to 12:00 Mid-night on Saturday, June 16th. He then

presented a copy of the application for the possession/consumption of alcoholic beverages in City Parks. He stated that Police Chief Tim Guin had reviewed the application and presented a copy of Chief Guin's memorandum dated April 5, 2006 that stated the application complied with the Code of Ordinances. After some discussion, Councilmember David Samuelson made a motion to approve the request by Mr. Johnnie L. Roberts of the Wharton Training High School & Ex-Students Association to host the annual Juneteenth Celebration in Riverfront Park Saturday June 16, 2006 from 6:00 p.m. until 12:00 Midnight and Saturday, June 17, 2006 from 10:00 a.m. until 6:00 p.m., and a temporary permit for the consumption/possession of alcoholic beverages in City Parks. Councilmember Ken Freese seconded the motion. All voted in favor.

The twelfth item on the agenda was to review and consider the Southern Pacific Railroad Depot Restoration Project, A & A Constructors, Inc., Pay Request No. 9. City Manager Andres Garza, Jr. presented a copy of the Pay Request No. 9 for A & A Constructors, Inc. for the Southern Pacific Railroad Depot Restoration Project. Mr. David Bucek stated that the project was on schedule. He stated that the completion date was scheduled for May 10, 2006 and a parade scheduled for May 20, 2006. City Manager Andres Garza, Jr. stated that a change order would be presented for minor changes to the project. Councilmember Domingo Montalvo, Jr. asked if an area in the depot could be leased for retail purposes. Mr. Bucek stated that there was an extra office that could be utilized as a gift shop and/or concession stand. After some discussion, Councilmember Ray Linseisen made a motion to approve the Southern Pacific Railroad Depot Restoration Project, A & A Constructors, Inc., Pay Request No. 9 in the amount of \$67,830.00. Councilmember Domingo Montalvo, Jr. seconded the motion. All voted in favor.

The thirteenth item on the agenda was Executive Session: City Council may adjourn into an Executive Session in accordance with Sections 551.072 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:** Acquisition of real estate from Josef's Farms, Inc. for the Santa Fe Drainage Outfall Channel Project.

Mayor Bryce D. Kocian adjourned into Executive Session at 7:39 p.m.
Mayor Bryce D. Kocian returned to Open Session at 7:57 p.m.

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

- A. **Review & Consider:** Acquisition of real estate from Josef's Farms, Inc. for the Santa Fe Drainage Outfall Channel Project.

Mayor Bryce D. Kocian stated that no action would be taken.

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

- B. Youth Advisory Commission Adopt-A-Highway – Don't Mess with Texas Trash-off – April 1, 2006.
- C. Finance Committee meeting held April 6, 2006.
- C. Beautification Commission meeting held March 8, 2006.

City of Wharton
Regular City Council Meeting
April 10, 2006

CITY OF WHARTON, TEXAS

By: _____
BRYCE D. KOCIAN
Mayor

ATTEST:

LISA STAVENA
City Secretary