

MINUTES
OF
CITY OF WHARTON
SPECIAL CITY COUNCIL MEETING
AUGUST 20, 2007

Mayor Bryce D. Kocian declared a Special Meeting duly open for the transaction of business at 5:41 P.M.

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, and City Secretary Lisa Stavena.

Visitors present were: Wharton Economic Development Corporation Executive Director David Schroeder.

The third item on the agenda was to review and consider the City of Wharton US 59 Southbound Frontage Road and Entrance Ramp at US 59 and FM 102:

A. Bid Tabulation.

B. **Resolution:** A resolution of the Wharton City Council awarding the bid for the City of Wharton US 59 Southbound Frontage Road and Entrance Ramp at US 59 and FM 102 and authorizing the Mayor of the City of Wharton to execute all documents related to the agreement.

City Manager Andres Garza, Jr. stated that on June 28, 2007, the City of Wharton received bids for the Wharton US 59 Southbound Frontage Road and Entrance Ramp at US 59 and FM 102 (Access Road near the proposed Buc-ee's site). He then presented a copy of the bid tabulation, and a copy of the letter dated August 8, 2007 from Mr. Jeffrey M. Stear, P.E. of Jones & Carter, Inc. recommending the City Council consider awarding the contract for the project to Angel Brothers Enterprises, Ltd. in the amount of \$1,277,026.50. He also presented a copy of a draft resolution awarding the contract to Angel Brothers. He stated that the City received the grant from Texas Capital Fund for the amount of \$750,000.00. He stated that Wharton Economic Development Corporation also received bond funds today to fund the remainder of the project cost. After some discussion, Councilmember Don Mueller made a motion to approve Resolution No. 2007-71, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2007-71**

A RESOLUTION OF THE WHARTON CITY COUNCIL AWARDING THE BID FOR THE CITY OF WHARTON US 59 SOUTHBOUND FRONTAGE ROAD AND ENTRANCE RAMP AT US 59 AND FM 102 TO ANGEL BROTHERS ENTERPRISES, LTD. AND AUTHROIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE THE AGREEMENT.

WHEREAS, competitive, sealed bids were received on June 28, 2007 for the City of Wharton US 59 Southbound Frontage Road and Entrance Ramp at US 59 and FM 102; and

WHEREAS, Angel Brothers Enterprises, Ltd. was deemed to be the lowest and best qualified bidder as per bid specifications in the base bid amount of \$1,277,026.50; and

WHEREAS, the Wharton City Council wishes to award the bid to Angel Brothers Enterprises, Ltd. for the City of Wharton US 59 Southbound Frontage Road and Entrance Ramp at US 59 and FM 102 Project; and

WHEREAS, the City of Wharton and Angel Brothers Enterprises, Ltd. wishes to be bound by the conditions outlined in the agreement; 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 the Wharton City Council hereby awards the the City of Wharton US 59 Southbound Frontage Road and Entrance Ramp at US 59 and FM 102 Project to Angel Brothers Enterprises, Ltd. in the amount of \$1,277,026.50 as per bid specifications.

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

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

Passed, Approved, and Adopted this 20th day of August 2007.

CITY OF WHARTON, TEXAS

By: _____
BRYCE D. KOCIAN
Mayor

ATTEST:

LISA STAVENA

City Secretary

Councilmember Ray Linseisen seconded the motion. All voted in favor.

The fourth item on the agenda was to review and consider a resolution of the Wharton City Council authorizing the City Manager to place a certain City surplus real property located at 220 South Fulton Street; Wharton, Block 3, Lot 3A, 3B for sale through public auction. City Manager Andres Garza, Jr. stated that during the regular June 25, 2007 Wharton City Council meeting, the

City Council approved Resolution No. 2007-59 that declared certain City of Wharton properties as surplus real properties and to place the properties for sale using the sealed bidding process. He stated that he was requesting that the City Council consider adopting a resolution that authorized placement of the property located at 220 South Fulton Street; Wharton, Block 3, Lot 3A and 3B for sale through public auction. He then presented a draft copy of the resolution authorizing the property to be sold through public auction. He stated that the minimum bid would be the appraised value. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to approve Resolution No. 2007-72, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2007-72**

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE CITY MANAGER TO PLACE A CERTAIN CITY SURPLUS PROPERTY LOCATED AT 220 SOUTH FULTON STREET; WHARTON, BLOCK 3, LOT 3A, 3B FOR SALE THROUGH PUBLIC AUCTION.

WHEREAS, On June 25, 2007, the Wharton City Council declared the property located at 220 South Fulton Street, Wharton, Block 3, Lots 3A and 3B as surplus property; and

WHEREAS, the surplus property was to be sold utilizing the public bidding process in order for the property to be placed back on the tax roll for the City of Wharton; and

WHEREAS, the City Council wishes to authorize the City Manager to sale the aforementioned property through public auction.

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 authorizes the City Manager to place the City of Wharton surplus property located at 220 North Fulton Street, Wharton, Block 3, Lots 3A & 3B for sale through public auction.

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

Passed, Approved, and Adopted this 20th day of August 2007.

CITY OF WHARTON, TEXAS

By: _____
BRYCE D. KOCIAN
Mayor

ATTEST:

LISA STAVENA

City Secretary

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

The fifth item on the agenda was Budget Workshop: City of Wharton 2007-2008 Fiscal Year Budget:

A. Funding request by the following:

1. Chamber of Commerce & Agriculture.

After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to fund the Chamber of Commerce & Agriculture \$32,385 with the stipulation of increased Civic Center rentals, and the City of Wharton would insure that funding would be available to completely fund the Wharton Civic Center and Depot Museum prior to allocation to other organizations. Councilmember V. L. Wiley, Jr. seconded the motion. Councilmembers V. L. Wiley, Jr., David Samuelson, Don Mueller, Domingo Montalvo, Jr., and Ray Linseisen voted for the motion. Councilmember Ken Freese voted against the motion. The motion carried.

2. Boys and Girls Club.

After some discussion, Councilmember David Samuelson made a motion to fund the Boys & Girls Club \$12,500. Councilmember Domingo Montalvo, Jr. seconded the motion. Councilmembers Domingo Montalvo, Jr. V. L. Wiley, Jr., David Samuelson, and Mayor Bryce D. Kocian voted for the motion. Councilmember Don Mueller, Ray Linseisen, and Ken Freese voted against the motion. The motion carried.

3. Wharton Plaza Theatre, Inc.

After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to fund the Wharton Plaza Theatre, Inc. \$2,000 for the website. Councilmember V. L. Wiley, Jr. seconded the motion. Councilmember V. L. Wiley, Jr. and Domingo Montalvo, Jr. voted for the motion. Councilmembers David Samuelson, Ken Freese, Don Mueller, and Ray Linseisen voted against the motion. The motion failed.

B. General Fund.

C. Hotel Motel Fund.

D. Narcotics Seizure Fund.

E. Dare Fund.

F. Debt Fund.

G. Water & Sewer Fund.

H. Solid Waste Fund.

I. Emergency Medical Services Fund.

J. Civic Center Fund.

K. Airport Fund.

Finance Director Joyce Vasut presented the 2007 - 2008 draft proposed fiscal year budget as follows:

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General Fund Revenues	\$4,736,313
General Fund Expenses	\$4,912,739
General Fund Shortage	(\$176,426)

She then presented several property tax alternatives.

After reviewing the 2007-2008 proposed budget as presented, the City Council held a discussion. City Manager Andres Garza, Jr. stated that if the proposed annexation of the property along Highway 60 would be approved, then there would possibility that the Debt Service Fund would not need to be used. Councilmember David Samuelson made a motion to adopt Option #1 as follows:

Option #1

Adopt the effective tax rate of \$0.51281/\$100.

Receive \$1,914,193 from property tax revenue.

Allocate \$384,063 to the Debt Service Fund.

Allocate \$1,530,130 to the General Fund.

Use \$166,800 from Debt Service Fund Balance.

General Fund would generate additional revenues or reduce budget by \$97,781

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

City Manager Andres Garza, Jr. stated that the City received proposals for garbage collection services from Waste Management and Waste Corporation of America. He then presented a Garbage Rate Comparison with the current rates and the proposed rates of Waste Management and Waste Corporation of America. He stated that the transfer station was currently permitted by Waste Management; therefore, if a contract would be awarded to Waste Corporation of America, then the transfer station would not be utilized until further negotiations. After some discussion, no action was taken.

The sixth item on the agenda was adjournment. After some discussion, Councilmember Don Mueller made a motion to adjourn. Councilmember V. L. Wiley, Jr. seconded the motion. All voted in favor.

The meeting adjourned at 7:20 p.m.

CITY OF WHARTON, TEXAS

By: _____
BRYCE D. KOCIAN
Mayor

ATTEST:

LISA STAVENA
City Secretary