

**MINUTES
OF
CITY OF WHARTON
REGULAR CITY COUNCIL MEETING
OCTOBER 8, 2007**

Mayor Bryce D. Kocian declared a Regular Meeting duly open for the transaction of business at 7:02 P.M. Councilmember Ken Freese led the opening devotion and then Mayor Bryce D. Kocian led the pledge of allegiance.

Councilmembers present were: Mayor Bryce D. Kocian and Councilmembers V. L. Wiley, Jr., David Samuelson, Ken Freese, Domingo Montalvo, Jr. and Ray Linseisen.

Councilmember absent were: Don Mueller.

Staff members present were: City Manager Andres Garza, Jr., Finance Director Joyce Vasut, Assistant to City Manager Jackie Jansky, City Secretary Lisa Stavena, Building Official Ronnie Bollom and City Attorney Paul Webb.

Visitors present were: Benjamin Sharp with Wharton Journal Spectator, David Schroeder with Wharton Economic Development Corporation, Ron Sanders, Carlos Cotton, Louis Edwards, David Copeland, Jim Cockrell, L. M. Smith, Henry Thiele, Roy Wright, and Bruce Williams.

The second item on the agenda was Roll Call and Excused Absences. Councilmember David Samuelson made a motion to approve the absence of Councilmember Don Mueller from the Regular City Council meeting held October 8, 2007. Councilmember V. L. Wiley, Jr. seconded the motion. All voted in favor.

The third item on the agenda was Public Comments. Mr. Jim Cockrell addressed the City Council regarding the proposed annexation of Navasota Energy. He stated that Navasota Energy has been a good neighbor and the City should approve an industrial agreement instead. Mr. L. M. Smith addressed the City Council and stated that he had road closures concerns with the roadway in front of McDonald's and Dairy Queen. He stated that he contacted the State Engineer and was advised that the work would be conducted according to the specifications. He stated that there had been two vehicle accidents since the construction. He stated that the hazards needed to be cleared in order to prevent future accidents.

Mr. Bruce Williams addressed the City Council regarding the Wharton High School Interact Club, which is affiliated with Wharton Rotary. He stated that the students were participating in a H₂O Project by replacing soft drinks with water and donating the funds to be sent to other countries that needed quality water. He stated that the students were wearing blue wrist bands to should their participation in the project. He stated that the Interact Club was also collecting books to be shipped to South Africa for educational purposes. No action was taken.

The fourth item on the agenda was Wharton Moment. Councilmember Ken Freese stated that during the Texas A & M football game in College Station - Jamie Lobpries was honored. He stated that Kellen Heard played and represented Wharton well.

Councilmember Domingo Montalvo, Jr. stated that the Wharton Volunteer Fire Department had two structure fires this morning and received assistance from Hungerford and Boling. He publicly commended the Wharton, Hungerford, and Boling Fire Departments. 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 September 10, 2007 and September 24, 2007. After some discussion, Councilmember V. L. Wiley, Jr. made a motion to approve the Wharton City Council minutes of the regular meetings held September 10, 2007 and September 24, 2007 as presented. Councilmember Domingo Montalvo, Jr. seconded the motion. All voted in favor.

The sixth item on the agenda was the Public Hearing: Proposed annexation of approximately a 3.817 acre tract of land situated in the Randal Jones ½ League, Abstract 36, Wharton County, Texas, owned by Lida C. H. Shryer Mills, George P. Shryer, Jr., Lida Patricia Shryer Broussard, Cathleen Clements Shryer Tilley, Neil Patton Broussard, Ann Elizabeth Thigpen Watson, Matt Thigpen, and Gaye Ellen Broussard Wintersole. City Manager Andres Garza, Jr. stated that during the regular September 10, 2007 Wharton City Council meeting, the City Council approved Ordinance No. 2007-17 establishing the public hearings for the proposed annexation of a 3.817 acre tract of land situated in the Randal Jones ½ League, Abstract 36, Wharton County, Texas, owned by Lida C. H. Shryer Mills, George P. Shryer, Jr., Lida Patricia Shryer Broussard, Cathleen Clements Shryer Tilley, Neil Patton Broussard, Ann Elizabeth Thigpen Watson, Matt Thigpen, and Gaye Ellen Broussard Wintersole. He then presented a copy of the ordinance and a copy of the notice of hearings that was published in the Wharton Journal Spectator. He said that this would be the second of the two required public hearings.

Mayor Bryce D. Kocian opened the Public Hearing at 7:12 p.m.
No comments were given.
Mayor Bryce D. Kocian closed the Public Hearing at 7:13 p.m.

The seventh item on the agenda was to review and consider the recommendation by the Planning Commission for City Council consideration to approve the request by Mr. Scott Hunter with CEI Engineering Associates, Inc. representing Murphy Oil/Wal-Mart for approval of the preliminary/final re-plat of Wharton Wal-Mart, Block 1, Reserve A, Acres 17.193. City Manager Andres Garza, Jr. stated that during the May 21, 2007 Planning Commission meeting, the Planning Commission voted to recommend the City Council consider approving the request by Mr. Scott Hunter with CEI Engineering Associates, Inc. representing Murphy Oil/Wal-Mart for approval of the preliminary/final re-plat of Wharton Wal-Mart, Block 1, Reserve A, Acres 17.193. He then presented a copy of the memorandum dated May 25, 2007 from Planning Commission Chairman A. J. Rath providing the recommendation. He said that City Council action was delayed by Wal-Mart/Murphy Oil who did not properly file the preliminary/final re-plat. Planning Director

Prudencio V. Arriaga, Sr. stated that the plat met the requirements. After some discussion, Councilmember Ray Linseisen made a motion to approve the request by Mr. Scott Hunter with CEI Engineering Associates, Inc. representing Murphy Oil/Wal-Mart for approval of the preliminary/final re-plat of Wharton Wal-Mart, Bock 1, Reserve A, Acres 17.193. Councilmember Ken Freese seconded the motion. All voted in favor.

The eighth item on the agenda was to review and consider the request by Ms. Diane Matula, President of the Wharton County Farmer's Market for City of Wharton assistance during the fall season. Wharton County Farmer's Market requesting the following assistance:

- A. Closure of the 100 block of Houston Street from the hours of 8:00 a.m. – 1:00 p.m for each Saturday the market is held.
 - B. Request for Waste Management to provide for waste disposal containers and liners and one large dumpster.
 - C. Personnel assistance to ensure accessibility and cleanliness of Riverfront Park Restrooms.
- City Manager Andres Garza, Jr. presented a copy of the letter dated September 28, 2007 from Ms. Diane Matula, President of the Wharton County's Farmer's Market requesting City of Wharton assistance for the fall season of the Farmer's Market. He said that the Farmer's Market would commence Saturday, November 3, 2007 and will run for a six to eight week period from 9:00 a.m. to 12:00 Noon. He said that the vendors would set up an hour before the established time and would be allowed one hour to dismantle booths. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to approve the request by Ms. Diane Matula, President of the Wharton County Farmer's Market for City of Wharton assistance during the fall season, by providing the following assistance: closure of the 100 block of Houston Street from the hours of 8:00 a.m. – 1:00 p.m. for each Saturday the market is held; request for Waste Management to provide for waste disposal containers and liners and one large dumpster, and personnel assistance to ensure accessibility and cleanliness of Riverfront Park Restrooms. Councilmember David Samuelson seconded the motion. All voted in favor.

The ninth item on the agenda was to review and consider the City Council Finance Committee Recommendation:

- A. **Ordinance:** An ordinance approving budget amendments to the budget for the City of Wharton, Texas, for fiscal year 2006 - 2007. City Manager Andres Garza, Jr. stated that the City Council Finance Committee met Monday, October 8, 2007 at 12:00 Noon. He requested this item be tabled at this time. No action was taken.
- B. Fiscal year 2006-2007 Write-off of Water/Sewer and EMS Delinquent Accounts. City Manager Andres Garza, Jr. stated that the City Council Finance Committee met Monday, October 8, 2007 at 12:00 Noon. Finance Director Joyce Vasut requested the EMS Delinquent Accounts be tabled at this time. She stated that the Water/Sewer write-offs were \$10,222.44, along with three other miscellaneous write-offs. She stated that the Finance Committee voted to recommend City Council consider approving the write offs of the uncollected balances for water/sewer accounts, miscellaneous utilities, airport hangar tenant fees, and Civic Center. After some discussion, Councilmember David Samuelson made a motion to authorize the City Staff to write-off the water/sewer accounts, miscellaneous utilities, airport hangar tenant fees, and Civic Center fees for Fiscal year 2006-2007. Councilmember Ray Linseisen seconded the motion. All voted in favor.

- C. Resolution: A resolution authorizing the Mayor of the City of Wharton to execute an agreement with the Chamber of Commerce and Agriculture for visitor and convention bureau services for Fiscal Year October 1, 2007 to September 30, 2008. City Manager Andres Garza, Jr. stated that the City Council Finance Committee met Monday, October 8, 2007 at 12:00 Noon. He stated that the contract was amended to reflect \$32,385.00 per year, with the stipulation of promoting the Civic Center. He stated that the Chamber would also provide visitors information regarding all local points of attraction, all hotel, food and shopping establishments, which the Chamber would be responsible for compiling, printing, and distribution of said information. Executive Director Ron Sanders stated that the convention services would be blind to membership. He stated that taxes generated from the Hotel/Motel Fund were not from local persons and the type of marketing campaign would not work. City Attorney Paul Webb stated that the Chamber could work on providing the information this year and if a problem would occur, then he could address City Council. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to approve Resolution No. 2007-87, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2007 - 87**

A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF WHARTON, WHARTON COUNTY, TEXAS TO EXECUTE AN AGREEMENT WITH THE CHAMBER OF COMMERCE AND AGRICULTURE FOR VISITOR AND CONVENTION BUREAU SERVICES FOR OCTOBER 1, 2007 TO SEPTEMBER 30, 2008 FISCAL YEAR.

WHEREAS, the City of Wharton City Council hereby authorizes Bryce D. Kocian, Mayor to execute an agreement with the Wharton Chamber of Commerce and Agriculture for visitor and convention bureau services; and,

WHEREAS, the City of Wharton and the Wharton Chamber of Commerce and Agriculture hereby agrees to be bound by the conditions as set forth in the agreement.

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

Section I. That the City Council of the City of Wharton hereby authorizes the Mayor Bryce D. Kocian of the City of Wharton to execute an agreement with the Wharton Chamber of Commerce and Agriculture.

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

Passed, Approved, and Adopted this 8th day of October 2007.

CITY OF WHARTON, TEXAS

**By: _____
BRYCE D. KOCIAN**

Mayor

ATTEST:

LISA STAVENA

City Secretary

Councilmember Ken Freese seconded the motion. All voted in favor.

D. City Staff to request bids for the land lease of the property located at the following locations:

1. 800 South East Avenue.
2. 1.308 Acre tract; William Kincheloe League, Abstract 38.

City Manager Andres Garza, Jr. stated that the City Council Finance Committee met Monday, October 8, 2007 at 12:00 Noon. He stated that the Finance Committee recommended the base rent of 800 South East Avenue of \$750.00 per month and using the same terms and conditions previously established for the 1.308 acre tract. After some discussion, Councilmember Ray Linseisen made a motion to authorize the City Staff to solicit bids for the land lease of the property located at 800 South East Avenue, and 1.308 Acre tract; William Kincheloe League, Abstract 38. Councilmember V. L. Wiley, Jr. seconded the motion. All voted in favor.

The tenth item on the agenda was to review and consider a resolution of the Wharton City Council supporting the Lower Colorado River Authority Household Hazardous Waste & Reusable Materials Collection event for the citizens of the City of Wharton. City Manager Andres Garza, Jr. presented a copy of the letter dated August 3, 2007 from Mr. Jack Ranney who was the Household Hazardous Waste Program Coordinator for the Lower Colorado River Authority (LCRA). He stated that Mr. Ranney had met with members of the City Staff, Wharton County, City of East Bernard, and City of El Campo throughout this year to coordinate efforts to hold the Household Hazardous Waste Collection Event on October 27, 2007. He then presented a copy of the flyer detailing the event. He stated that the event was held in 2005 and proved to be successful. He said that at that time, the City contributed \$4,000.00 towards the Wharton County HHW Adopt-A-Barrel fundraising effort, and LCRA was requesting the City to consider making the same contribution of \$4,000.00 and to support the event. He then presented a draft copy of a resolution supporting the event. He stated that the 2005 event had a total budget of \$52,000.00. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to approve Resolution No. 2007-88, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2007-88**

A RESOLUTION TO SUPPORT A REGIONAL HOUSEHOLD HAZARDOUS WASTE & REUSABLE MATERIALS COLLECTION EVENT FOR THE CITIZENS OF THE CITY OF WHARTON.

WHEREAS, the City of Wharton, in cooperation with the County of Wharton, City of East Bernard, City of El Campo, the Lower Colorado River Authority, Colorado River Foundation, and the Texas Commission on Environmental Quality, are planning a

regional Household Hazardous Waste (HHW) and reusable materials collection and education program for the citizens of the City of Wharton; and

WHEREAS, the City of Wharton is aware that the improper management and disposal of Household Hazardous Waste is a potential threat to public health, and safety; and

WHEREAS, the HHW and Reusable Materials Collection and Education program will support efforts to prevent HHW from entering surface and groundwater through municipal waste streams, sanitary or storm sewers or illegal dumping; and

WHEREAS, the HHW and Reusable Materials Collection and Education program will support efforts to minimize HHW generation by promoting the reuse of good quality household chemical products; and

WHEREAS, the HHW and Reusable Materials public awareness and education program will help educate the children of the City of Wharton and their families about the importance of proper natural resource conservation and management.

NOW, THEREFORE, the Wharton City Council does approve and support a Household Hazardous Waste & Reusable Materials Collection Event benefiting the residents of the City of Wharton and does approve an application to the Houston-Galveston Area Council of Government for a solid waste management grant to support a HHW program.

Passed, Approved, and Adopted this 8th day of October 2007.

CITY OF WHARTON

By: _____

BRYCE D. KOCIAN

Mayor

ATTEST:

LISA STAVENA

City Secretary

Councilmember Ray Linseisen 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 the Texas Department of Transportation Aviation Division, 2008 Routine Airport Maintenance Program Contract, Project No. AM 2008WHRTN, CSJ No.: M813WHRTN with the City of Wharton and authorizing the Mayor of the City of Wharton to execute all documents related to the contract. City Manager Andres Garza, Jr. presented a copy of the letter dated September 10, 2007 from Ms. Megan Caffall, TxDOT Aviation Division Grant Manager providing the City with the 2008 Routine Airport Maintenance Program Contract, Project No. AM 2008WHRTN, CSJ No.: M813WHRTN. He stated that this grant could be utilized up to \$100,000.00 and was a 50/50 matching grant. He said that the State would fund \$50,000.00 and

the City would match it \$50,000.00. He said that the Wharton Regional Airport Board met October 2, 2007 and voted to recommend the City Council consider approving the agreement. He then presented a copy of the memorandum dated October 3, 2007 from Chairman Gary Williams providing the recommendation, and a copy of a draft resolution approving the Texas Department of Transportation Aviation Division, 2008 Routine Airport Maintenance Program Contract, Project No. AM 2008WHRTN, CSJ No.: M813WHRTN. He stated that last year the state funded \$15,000.00 and the City matched \$15,000.00. After some discussion, Councilmember Ray Linseisen made a motion to approve Resolution No. 2007-89, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2007 - 89**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING THE TEXAS DEPARTMENT OF TRANSPORTATION AVIATION DIVISION, 2008 ROUTINE AIRPORT MAINTENANCE PROGRAM CONTRACT, PROJECT NO. AM 2008WHRTN; CSJ NO.: M813WHRTN WITH THE CITY OF WHARTON FOR THE WHARTON REGIONAL AIRPORT AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO THE CONTRACT.

WHEREAS, The Wharton City Council wishes to include the AWOS monthly NADIN connection fees and repairs need that are not covered by warranty or insurance under the 2008 Routine Airport Maintenance Program; and

WHEREAS, The Wharton City Council wishes to include the remaining portions of the 50/50 matching grant under miscellaneous projects and items to be implemented at the Wharton Regional Airport; and

WHEREAS, The Texas Department of Transportation Aviation Division and the City of Wharton wishes to enter into an agreement under the 2008 Routine Airport Maintenance Program for AWOS monthly NADIN connection fees and repairs need that are not covered by warranty or insurance and miscellaneous items; and

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

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 approves a contract with the Texas Department of Transportation Aviation Division for the 2008 Routine Airport Maintenance Program.

Section. II. That the Texas Department of Transportation Aviation Division and the City of Wharton are hereby bound by the conditions as set forth in the agreement.

Section III. That the Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute all documents related to the contract.

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

Passed, Approved, and Adopted this the 8th day of October 2007.

CITY OF WHARTON

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 amending the contract with Petroleum Traders Corporation for Fuel; Authorizing the Mayor of the City of Wharton to execute all documents relating to said contract. City Manager Andres Garza, Jr. presented a copy of the contract with Petroleum Traders Corporation for the City of Wharton fuel that the City entered into September 26, 2006. He said that in accordance with the contract, the contract term was for October 1, 2006 to September 30, 2007; however, the original contract may be extended for an additional one-year period upon written agreement by both parties, not to exceed three years. He said that the City Staff was recommending that the contract be extended. He then presented a draft resolution approving the contract extension. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to approve Resolution No. 2007-90, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2007-90**

A RESOLUTION AMENDING THE CONTRACT WITH PETROLEUM TRADERS CORPORATION FOR FUEL; AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATING TO SAID CONTRACT.

WHEREAS, on September 25, 2006, the City of Wharton awarded a contract to Petroleum Traders Corporation for fuel for the City of Wharton for the fiscal year 2006-2007; and

WHEREAS, in accordance with the contract, the original contract may be extended for an additional one-year period upon written agreement by both parties, not to exceed three years; and

