

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

Mayor Bryce D. Kocian declared a Regular Meeting duly open for the transaction of business at 7:00 P.M. Councilmember David Samuelson 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 Ray Linseisen.

Councilmember absent was: Domingo Montalvo, Jr.

Staff members present were: City Manager Andres Garza, Jr., Finance Director Joyce Vasut, City Secretary Lisa Stavena, Assistant to City Manager Jackie Jansky, Building Official Ronnie Bollom, Planning Director Prudencio Arriaga, Sr., Community Services Director Jo Knezek, and City Attorney Paul Webb.

Visitors present were: Larry Jackson with Wharton Journal Spectator, David Schroeder with Wharton Economic Development Corporation, Lewis Fortenberry, Carlos Cotton, Barnaby Evans, Ervin J. Herzik, Jr., Karen Herzik, Joan Gundermann, Diane Matula, Jackie Douglas, Joe Solito, Diana Rodriguez, Debra Evans, and Mrs. G. R. Castellano.

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

The third item on the agenda was Public Comments. No action was taken.

The fourth item on the agenda was Wharton Moment. Councilmember David Samuelson publicly invited the Councilmembers and the public to attend the Habitat for Humanity Gala to be held October 28, 2006. He stated that the performers would include Frank Sinatra, Jr., Nancy Sinatra, and Fred Travalena. Bryce D. Kocian read a proclamation proclaiming the month of October 2006 as Domestic Violence Awareness Month in Wharton, Texas. 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 11, 2006 and September 25, 2006. After some discussion, Councilmember Ray Linseisen made a motion to approve the Wharton City Council minutes of

the regular meetings held September 11, 2006 and September 25, 2006 as presented.
Councilmember Don Mueller seconded the motion. All voted in favor.

The sixth item on the agenda was to review and consider CenterPoint Energy Rate Increase. City Manager Andres Garza, Jr. presented a copy of the information provided by Mr. Scott Prochazak, CenterPoint Energy Division Vice President, Regional Operations notifying the City of Wharton that CenterPoint Energy would be increasing their rates. The rate increase would be effective for service rendered on and after November 3, 2006. He stated that no action was required on the City's part. He then presented a copy of the list of frequently asked questions that was provided by Mr. Joe Solito, CenterPoint Energy Supervisor, Residential Markets Gas Marketing Services. He stated that he invited Mr. Solito to attend the City Council meeting to answer any questions. He stated Mr. Solito had indicated in his email dated October 4, 2006 that Ms. Jackie Douglas and himself would attend the meeting. Mr. Joe Solito addressed the City Council and stated that the miscellaneous charges had not been updated since 1976. He stated that another modification to the purchasing of gas in a smaller quality was submitted. He stated that by purchasing in the small qualities, it would provide a better price for the customers. He stated that the City Council did not need to take action. He said the charges would automatically become effective November 3, 2006. No action was taken.

The seventh item on the agenda was to review and consider the request by Mrs. Diana M. Rodriguez, PTA President, for City of Wharton assistance to block Old Boling Highway at Alabama Street for the Sivell's Elementary 3rd Annual Fall Festival to be held November 4, 2006. City Manager Andres Garza, Jr. presented a copy of the letter dated October 5, 2006 from Ms. Diana M. Rodriguez, PTA President for Sivell's Elementary School. He stated that Ms. Rodriguez indicated in her letter that the Sivell's Elementary School would hold the 3rd Annual Fall Festival on Saturday, November 4, 2006. He stated that she was requesting the Wharton City Council to consider assisting with the Fall Festival by authorizing the City Staff to close/barricade Old Boling Highway at Alabama Road from 1:00 p.m. to 5:00 p.m. He said that he had forwarded Ms. Rodriguez's letter to Police Chief Tim Guin. He then presented a copy of the memorandum dated October 4, 2006, which indicated that this event had been held in the past with little or no disruption of traffic. He stated that Chief Guin was recommending that the City Council allow the closure of the road. Mrs. Rodriguez addressed the City Council and stated that this would be the 3rd annual event and requested closure and barricading of Old Boling Highway at Alabama Road for safety concerns. After some discussion, Councilmember David Samuelson made a motion to approve the request by Mrs. Diana M. Rodriguez, PTA President, for City of Wharton assistance to block Old Boling Highway at Alabama Street for the Sivell's Elementary 3rd Annual Fall Festival to be held November 4, 2006. Councilmember Don Mueller seconded the motion. All voted in favor.

The eighth item on the agenda was to review and consider the request by Mr. John A. Ball, Owner of the Party Mouse, for City of Wharton assistance to close Fulton Street between Milam and West Burleson for the Party Mouse Annual Halloween/Harvest Celebration to be held October 28, 2006. City Manager Andres Garza, Jr. presented a copy of the letter dated October 2, 2006 from Mr. John H. Ball, Owner of the Party Mouse, requesting City of Wharton assistance by closing Fulton Street between Burleson and Milam Streets on October 28, 2006 from 6:00

p.m. to 9:30 p.m. He stated that the Party Mouse was planning to hold its Annual Halloween/Harvest Celebration during that time and was requesting the street closure to ensure the safety of the children. He then presented a copy of the event information. Ms. Debra Evans from the Party Mouse addressed the City Council and requested the closure of Fulton Street between Milam and West Burleson for safety concerns. After some discussion, Councilmember Ray Linseisen made a motion to approve the request by Mr. John A. Ball, Owner of the Party Mouse, for City of Wharton assistance to close Fulton Street between Milam and West Burleson for the Party Mouse Annual Halloween/Harvest Celebration to be held October 28, 2006. Councilmember Ken Freese seconded the motion. All voted in favor.

The ninth item discussed on the agenda was to review and consider the request by Mr. Ervin J. Herzik, Jr. for City Council authorization to construct a 35 feet x 50 feet Whirl Wind Storage Building to be located at Jr's Texas Best Smokehouse, 164 CR 467, Wharton, Texas. City Manager Andres Garza, Jr. presented a copy of the letter dated October 5, 2006 from Mr. Ervin J. Herzik, Jr., Jr's Texas Best Smokehouse requesting City Council authorization to construct a 35 feet x 50 feet Whirl Wind Storage Building to be located at Jr's Texas Best Smokehouse, 164 CR 467, Wharton, Texas, for the storage of deer corn. He stated that in accordance with the lease agreement between the City of Wharton and Jr's Texas Best, LLC, City Council approval was required for alterations to the property or buildings. Building Official Ronnie Bollom stated that Mr. Herzik had a contract with the City of Wharton and City Council had to approve the construction of any buildings on the property. City Manager Andres Garza, Jr. stated that with the current base flood elevation requirements, the building would need to be constructed 3 ½ feet higher than the existing building. After some discussion, Councilmember Don Mueller made a motion to approve the construction of the building; however, the elevation would need to be addressed at a later time. Councilmember Ken Freese seconded the motion. All voted in favor.

The tenth item discussed on the agenda was to review and consider the request by Councilmember Ken Freese to address the letter dated September 8, 2006 from Mrs. Betty Bergstrom, Resident, for City Council consideration for the following:

- A. Declaring the City of Wharton a "No Smoking City".
- B. Use of Cell Phone inside establishments.

City Manager Andres Garza, Jr. presented a copy of the email dated September 22, 2006 from City Councilmember Ken Freese requesting that the letter dated September 8, 2006 from Mrs. Betty Bergstrom, Resident, be placed on the City Council agenda for consideration. He then presented a copy of the memorandum dated September 11, 2006 providing the City Council with a copy of Mrs. Bergstrom's letter. Councilmember Ken Freese stated he spoke to Mrs. Bergstrom and was looking for support on the no smoking issue in restaurants or other buildings in the City of Wharton. He stated that the cell phone issue would not be addressed. Councilmember V. L. Wiley, Jr. stated if the restaurants had a designated area, then the City Council should not designate that there should not be any smoking. Councilmember David Samuelson stated that it was a public health issue and second hand smoke was an issue. City Manager Andres Garza, Jr. stated that a County wide Health Authority could be established and could address the issue. He stated that public hearings would need to be conducted for input by the restaurant establishments and the public. Councilmember Ray Linseisen requested the City Staff obtain sample ordinances from other cities. After some discussion, no action was taken.

The eleventh item discussed 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 2005 - 2006.

City Manager Andres Garza, Jr. presented a draft copy of the ordinance approving the budget amendments for the City of Wharton, Texas, for fiscal year 2005-2006. Finance Director Joyce Vasut presented the amendments to the City Council. She stated that the Finance Committee reviewed and was recommending approval. After some discussion, Councilmember Ray Linseisen made a motion to approve Ordinance No. 2006-18, which read as follows:

**CITY OF WHARTON, TEXAS
ORDINANCE NO. 2006 - 18**

**AN ORDINANCE APPROVING AMENDMENTS TO THE
BUDGET FOR THE CITY OF WHARTON, TEXAS FOR
THE FISCAL YEAR 2005 - 2006.**

WHEREAS, the City Council of the City of Wharton, Texas finds and determines it necessary to revise the 2005-2006 budget to better reflect actual revenues and expenditures in operations and activities during the fiscal year; and,

WHEREAS, the City Council finds and determines that these amendments to the budget are for municipal purposes.

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Wharton, Texas that the 2005-2006 Budget be amended as per Attachment "A."

And is adopted by the following favorable majority of votes of the members of the City Council of the City of Wharton, Texas in a duly assembled city council meeting by the following majority:

V. L. Wiley, Jr. Voted Yes
Councilmember District No. 1

David Samuelson Voted Yes
Councilmember District No. 2

Ken Freese Voted Yes
Councilmember District No. 3

Donald Mueller Voted Yes
Councilmember District No.4

Domingo Montalvo, Jr. Voted Absent
Councilmember At Large Place No. 5

Ray Linseisen Voted Yes
Councilmember at Large Place No. 6

Bryce D. Kocian Voted Yes
Mayor

Separability

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

Passage and Approval

PASSED AND APPROVED by the City Council of the City of Wharton, Texas, this 9th day of October 2006.

CITY OF WHARTON, TEXAS

By _____
BRYCE D. KOCIAN
 Mayor

ATTEST:

LISA STAVENA
 City Secretary

APPROVED AS TO FORM:

PAUL WEBB
 City Attorney

ADMISSION:

JOYCE VASUT
 Director of Finance

Fiscal Year
2005-06

Budget Revision

Department	Account Number	Account Description	Current Budget FY 2005-06	Revised Budget FY 2005-06	Amount Changed	Department Subtotals
GENERAL FUND						
Revenue	3011	Property Taxes	1,448,928	1,402,000	(46,928)	
Revenue	3012	Delinquent Taxes	57,000	42,000	(15,000)	
Revenue	3110	Sales Tax	1,187,899	1,252,000	64,101	
Revenue	3220	Electricity Franchise Tax	481,112	459,000	(22,112)	
Revenue	3224	Cable TV Franchise Tax	44,000	52,000	8,000	
Revenue	3670	Swimming Pool	9,000	12,000	3,000	
Revenue	3773	Interest Income	13,000	18,000	5,000	
Revenue	3775	Miscellaneous Income	25,000	33,170	8,170	
Revenue	3877	Grant Administration	0	17,500	17,500	
		WEDC Contributions - Hwy				
Revenue	3881	59/FM 102	0	54,800	54,800	
Revenue	3881	WEDC Contributions - FM	0	17,500	17,500	

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Revenue	3881	1301 WEDC Contributions - Union Pacific	0	5,200	5,200	
		<i>Total Revisions to General Fund Revenue</i>				99,231
Mayor & Council					0	0
City Manager	511-00-110	Salaries and Wages	116,425	119,000	(2,575)	
City Manager	511-00-250	Computer Software and Supplies	500	1,700	(1,200)	(3,775)
City Secretary					0	0
Legal & Professional	513-00-560	Professional Services	5,000	9,000	(4,000)	
Legal & Professional	513-00-561	Contracted Legal Service	40,000	42,000	(2,000)	(6,000)
Finance					0	0
Municipal Courts	517-00-130	Overtime	167	6,000	(5,833)	
Municipal Courts	517-00-561	Collection Fee	0	2,500	(2,500)	(8,333)
Central Services	519-00-295	Emergency Supplies	0	3,400	(3,400)	
Central Services	519-00-297	Lightning Damages	0	5,070	(5,070)	
Central Services	519-00-425	Copy Machine Maintenance	3,600	6,600	(3,000)	
Central Services	519-00-320	Building Maintenance	6,000	8,500	(2,500)	
Central Services	519-00-521	Utility- Electric	10,000	14,200	(4,200)	
Central Services	519-00-523	Utility - Telephone	6,000	8,000	(2,000)	(20,170)
Police	521-00-110	Salaries & Wages	951,148	892,000	59,148	
Police	521-00-165	Health Insurance	117,320	111,000	6,320	
Police	521-00-245	Computer Software and Supplies	650	6,000	(5,350)	
Police	521-00-250	Fuel, Oil & Lubricants	34,000	59,000	(25,000)	
Police	521-00-420	Equipment Maintenance	7,000	22,000	(15,000)	
Police	521-00-422	Computer Software Maintenance	8,575	5,000	3,575	

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Police	521-00-530	Insurance	24,500	21,000	3,500	
Police	521-00-521	Utility - Electric	9,500	14,000	(4,500)	
Police	521-00-560	Professional Fees	2,000	7,000	(5,000)	17,693
Fire	525-00-250	Fuel, Oil and Lubricants	5,000	13,000	(8,000)	
Fire	525-00-320	Building Maintenance	4,000	5,300	(1,300)	
Fire	525-00-430	Vehicle Maintenance	15,000	24,500	(9,500)	(18,800)
Code Enforcement					0	0
Emergency Management	527-00-115	Part-Time Wages	8,258	13,500	(5,242)	(5,242)
Animal Control					0	0
Communications					0	0
Streets & Drainage	540-00-110	Salaries and Wages	282,131	266,000	16,131	
Streets & Drainage	540-00-165	Health Insurance	51,327	46,500	4,827	
Streets & Drainage	540-00-161	Social Security	24,583	21,500	3,083	
Streets & Drainage	540-00-250	Fuel, Oil & Lubricants	30,000	52,500	(22,500)	
Streets & Drainage	540-00-330	Street Maintenance	40,000	53,500	(13,500)	
Streets & Drainage	540-00-340	Drainage Maintenance	6,600	0	6,600	
Streets & Drainage	540-00-420	Equipment Maintenance	40,000	74,000	(34,000)	
Streets & Drainage	540-00-430	Vehicle Maintenance	12,900	17,000	(4,100)	
Streets & Drainage	540-00-522	Utility Street Lights	80,528	61,000	19,528	
Streets & Drainage	540-00-561	Engineering FM 102 / US 59	0	54,800	(54,800)	
Streets & Drainage	540-00-562	Fm 1301 Extension Project	0	17,500	(17,500)	
Streets & Drainage	540-00-563	Union Pacific Railroad	0	5,200	(5,200)	(101,431)
Garage	542-00-320	Building Maintenance	3,500	400	3,100	

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Garage	542-00-420	Equipment Maintenance	2,500	9,800	(7,300)	
Garage	542-00-530	Insurance	720	2,300	(1,580)	(5,780)
Facilities Maintenance	543-00-110	Salaries and Wages	125,790	113,758	12,032	12,032
Grant Admin	551-00-613	Demolition Expense	0	7,000	(7,000)	(7,000)
Recreation					0	0
Pool	553-00-115	Part-Time Wages	15,000	18,500	(3,500)	(3,500)
Capital Outlay	580-21-830	Police Vehicles	42,000	43,700	(1,700)	
Capital Outlay	580-25-830	Equipment for Fire Trucks	0	15,500	(15,500)	
Capital Outlay	580-29-820	Equipment for Communications	0	18,725	(18,725)	
Capital Outlay	580-40-820	Two Dump Trucks	0	26,000	(26,000)	(61,925)
Transfers	590-00-943	Transfer Out - EMS	176,196	66,196	110,000	
Transfers	590-00-944	Transfer Out - Civic Center	3,000	0	3,000	113,000
		<i>Total Revisions to Appropriations</i>				(99,231)
		NET GENERAL FUND REVISIONS	0	0	0	0
Hotel Motel Fund Revenue	12-3215	Motel Occupancy Revenue	107,000	131,500	24,500	0
		<i>Total Revisions to Hotel/Motel Revenue</i>	107,000	131,500	24,500	
Expense	12-500-00-276	Promotional Supplies	3,000	6,200	(3,200)	
	12-500-00-277	Holiday Lighting Expense	0	1,250	(1,250)	
	12-500-00-840	Gazebo Improvements	0	1,050	(1,050)	
		<i>Total Revisions to Appropriations</i>	3,000	8,500	(5,500)	

		NET HOTEL MOTEL REVISIONS	104,000	123,000	19,000
Seizure Fund					
Revenue	14-3775	- Miscellaneous Revenue	0	17,000	17,000
Revenue	14-3863	State Seizure Revenue	2,000	3,700	1,700
Revenue	14-3999	Funds from Fund balance	37,000	31,550	(5,450)
		<i>Total Revisions to Seizure Revenue</i>	39,000	52,250	13,250
Expense	14-500-00-240	Small Tools & Equipment	500	4,800	(4,300)
Expense	14-500-00-694	Shared with Other Agency	0	4,300	(4,300)
Expense	14-500-00-820	Machinery and Equipment	4,000	6,150	(2,150)
Expense	14-500-00-830	Vehicles	21,000	23,500	(2,500)
	14-590-00-915	Transfer Out - DARE	5,000	8,500	(3,500)
	14-590-00-917	Transfer Out - LLEBG	3,500	0	3,500
		<i>Total Revisions to Appropriations</i>	21,000	32,000	(13,250)
		NET SEIZURE REVISIONS	18,000	20,250	0
Dare Fund					
Revenue	15-3914	- Transfer In -Seizure	5,000	8,500	3,500
Revenue	15-3999	Funds from Fund Balance	8,309	2,223	(6,086)
		<i>Total Revisions to Revenue</i>	13,309	10,723	(2,586)
Expense	15-524-00-130	Overtime	1,871	250	1,621
	15-524-00-550	Continuing Education	1,615	650	965
		<i>Total Revisions to Appropriations</i>	1,871	900	2,586
		NET DARE REVISIONS	11,438	9,823	0
Bond Fund					
Revenue	20-3011	- Ad Valorum Taxes	363,858	411,000	47,142
		<i>Total Revisions to Revenue</i>	363,858	411,000	47,142
Expense	20-570-00-753	Service Charges	4,000	4,500	(500)
		<i>Total Revisions to Appropriations</i>	4,000	4,500	(500)

		NET BOND REVISIONS	359,858	406,500	46,642
Capital Improvement Fund					
Revenue	30-3845	Capital Contribution	0	97,248	97,248
		<i>Total Revisions to CIP Revenue</i>	0	97,248	97,248
Expense	30-580-00-858	Price Street Improvements	0	62,248	(62,248)
Expense	30-580-00-859	Columbus Street Improvements	0	35,000	(35,000)
Expense					0
					0
		<i>Total Revisions to Appropriations</i>	0	0	(97,248)
		NET CIP REVISIONS	0	97,248	0

WATER & SEWER FUND					
Revenue					
Revenue	41-3661	Water Sales	1,103,597	1,142,000	38,403
Revenue	41-3663	Water Connections	29,000	36,000	7,000
Revenue	41-3666	Bulk Water Sales	2,500	8,700	6,200
Revenue	41-3669	Penalties	23,000	29,000	6,000
Revenue	41-3775	Miscellaneous	5,000	7,000	2,000
Revenue	41-3881	Capital Contribution	0	24,800	24,800
		<i>Total Revisions to Water Revenue</i>			84,403
Planning	516-00-110	Salary and Wages	40,000	36,000	4,000
Planning	516-00-240	Small Tools and Equipment	150	8,800	(8,650)
Planning	516-00-220	Postage and Freight	300	1,500	(1,200)
					(5,850)
Administration					0
					0
Water	545-00-110	Salaries and Wages	200,959	220,000	(19,041)
Water	545-00-115	Part-Time Wages	7,705	17,000	(9,295)
Water	545-00-130	Overtime	12,579	18,500	(5,921)
Water	545-00-	Social Security	16,641	19,300	(2,659)

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Water	161 545-00-163	Retirement	8,874	10,000	(1,126)	
Water	545-00-250	Fuel, Oil & Lubricants	16,000	19,000	(3,000)	
Water	545-00-350	Main Line Maintenance	9,000	3,700	5,300	
Water	545-00-351	Service Line Maintenance	10,000	24,200	(14,200)	
Water	545-00-521	Utility - Electrify	45,000	71,000	(26,000)	
Water	545-00-560	Professional Services	8,000	21,000	(13,000)	
Water	545-00-671	Franchise Taxes	88,287	91,500	(3,213)	
Water	545-00-672	Waste Disposal Fee	1,000	8,250	(7,250)	
						(99,405)
Sewer	546-00-110	Salaries and Wages	126,252	84,000	42,252	
Sewer	546-00-165	Health Insurance	21,997	16,000	5,997	
Sewer	546-00-420	Equipment Maintenance	5,000	10,000	(5,000)	
Sewer	546-00-521	Utility - Electricity	100,000	150,000	(50,000)	
Sewer	546-00-455	City Sludge Expense	45,000	28,000	17,000	
						10,249
Capital Projects Bond/Lease Payments	580-00-858 570-00-752	Navasota Energy Interest Expense	0 155,650	24,800 176,500	(24,800) (20,850)	
						(45,650)
		<i>Total Revisions to Water/Sewer Expense</i>	722,294	811,450	(89,156)	(140,656)
SOLID WASTE FUND		NET WATER & SEWER FUND REVISIONS	(722,294)	(811,450)	89,156	(56,253)
Revenue	42-3666	Solid Waste Revenues	1,145,500	1,160,000	14,500	
		<i>Total Solid Waste Revenue Revisions</i>	1,145,500	1,160,000	14,500	0
Expense	541-00-110	Salaries and Wages	20,446	12,000	8,446	
Expense	541-00-565	Solid Waste Services	1,070,286	1,090,000	(19,714)	

