

**MINUTES
OF
CITY OF WHARTON
SPECIAL CITY COUNCIL MEETING
OCTOBER 15, 2007**

Mayor Bryce D. Kocian declared a Regular Meeting duly open for the transaction of business at 5:02 P.M.

Councilmembers present were: Mayor Bryce D. Kocian and Councilmembers Jr., David Samuelson, Ken Freese, Don Mueller and Ray Linseisen.

Councilmember absent were: V. L. Wiley, Jr., and Domingo Montalvo, Jr.

Staff members present were: City Manager Andres Garza, Jr., Finance Director Joyce Vasut, and Deputy City Secretary Theresa Wittig.

Visitors present were: Benjamin Sharp with Wharton Journal Spectator, Andy Morris with Navasota Energy.

The second item on the agenda was Roll Call and Excused Absences. Councilmember Ray Linseisen made a motion to approve the absence of Councilmember V. L. Wiley, Jr. and Domingo Montalvo, Jr. from the Special City Council meeting held October 15, 2007. Councilmember David Samuelson seconded the motion. All voted in favor.

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

The fourth item on the agenda was Executive Session: City Council may adjourn into an Executive Session in accordance with Section 551.087 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: Proposed Industrial District Agreement between the City of Wharton and Navasota Wharton Energy Partners, LP.

Mayor Bryce D. Kocian adjourned into Executive Session at 5:05 p.m.

Mayor Bryce D. Kocian returned to Open Session at 5:22 p.m.

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

A. Review and consider: Proposed Industrial District Agreement between the City of Wharton and Navasota Wharton Energy Partners, LP.

The sixth item on the agenda was to review and consider an ordinance designating an area located within the extraterritorial jurisdiction of the City of Wharton, Texas, as the City of Wharton Industrial District No. 1. City Manager Andres Garza, Jr. presented a draft ordinance designating

an area located within the extraterritorial jurisdiction of the City of Wharton, Texas, as the City of Wharton Industrial District No. 1. After some discussion, Councilmember Ken Freese made a motion to approve Ordinance No. 2007-23, which read as follows:

**CITY OF WHARTON
ORDINANCE NO. 2007-23**

AN ORDINANCE DESIGNATING AN AREA LOCATED WITHIN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF WHARTON, TEXAS, AS THE CITY OF WHARTON INDUSTRIAL DISTRICT NO. 1.

WHEREAS, Section 42.044 of the Texas Local Government Code authorizes the Wharton City Council to designate any part of its extraterritorial jurisdiction as an industrial district and to treat that area designated in a manner considered by the Wharton City Council to be in the best interests of the City of Wharton, Texas; and

WHEREAS, the property owned by Navasota Wharton Energy Partners, LP, commonly known as the “Colorado Bend Energy Center,” described by metes and bounds attached hereto as Exhibit “A” is located within the extraterritorial jurisdiction of the City of Wharton, Texas; and procedures prescribed by the City Charter of the City of Wharton, Texas, and the laws of this state have been duly followed with respect to the territory described in the Exhibit “A” attached hereto.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHARTON, TEXAS, that:

Section I. The facts and recitations in the preamble and recitals of this ordinance are found and declared to be true and correct and adopted as part of this ordinance for all purposes.

Section II. The area described by metes and bounds attached hereto as Exhibit “A” and incorporated herein for all purposes is hereby designated as the City of Wharton Industrial District No. 1.

Section III. This ordinance shall become effective immediately upon its passage.

PASSED, APPROVED, and ADOPTED by the City Council of the City of Wharton, Texas, on the 15th day of October 2007.

CITY OF WHARTON, TEXAS

By: _____

BRYCE D. KOCIAN

Mayor

ATTEST:

THERESA WITTIG

