

**MINUTES
OF
CITY OF WHARTON
REGULAR CITY COUNCIL MEETING
NOVEMBER 10, 2008**

Mayor David W. Samuelson declared a Regular Meeting duly open for the transaction of business at 7:00 P.M. Councilmember Domingo Montalvo, Jr. led the opening devotion and then Mayor David W. Samuelson led the pledge of allegiance.

Councilmembers present were: Mayor David W. Samuelson, Councilmembers Lewis Fortenberry, Jr., Ken Freese, Don Mueller, Domingo Montalvo, Jr. and Jeff Gubbels.

Councilmember absent was: V. L. Wiley, Jr.

Staff members present were: City Manager Andres Garza, Jr., Finance Director Joyce Vasut, City Secretary Lisa Olmeda, and City Attorney Paul Webb.

Visitors present were: David Schroeder with Wharton Economic Development Corporation.

The second item on the agenda was Roll Call and Excuses Absences. Councilmember Don Mueller made a motion to excuse the absence of Councilmember V. L. Wiley, Jr. from the Regular City Council meeting held November 10, 2008. Councilmember Lewis Fortenberry, Jr. 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 Wharton Moment. Mayor David W. Samuelson stated that Councilmember V. L. Wiley, Jr. was in the hospital recovering from surgery and was requesting Mr. Wiley be lifted up in prayers.

City Manager Andres Garza, Jr. stated that the Wharton Tigers Football Team was in the playoffs, and would be playing Bellville in El Campo on Friday, November 14, 2008. 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 October 13, 2008 and October 27, 2008. After some discussion, Councilmember Don Mueller made a motion to approve the Wharton City Council minutes of the regular meetings held October 13, 2008 and October 27, 2008 as presented. Councilmember Lewis Fortenberry, Jr. 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 an interlocal agreement between the City of Wharton and Wharton County for the storage of soil excavated from the Santa Fe Drainage Outfall Channel at the Wharton County Precinct No. 1 Facility located at 3738 FM 3012 and authorizing the Mayor of the City of Wharton to execute said agreement. City Manager Andres Garza, Jr. presented a copy of the email dated October 21, 2008 from Wharton County Precinct No. 1 Commissioner Mickey Reynolds indicating that an interlocal agreement would be needed between the City of Wharton and Wharton County that would allow the City of Wharton to stockpile dirt from the Santa Fe Drainage Outfall Channel at Precinct 1 facility. He said that the interlocal agreement would also allow for Wharton County to use as much, if not all, of the stockpiled soil for Wharton County projects. He said that the Public Works Committee met November 4, 2008 and was recommending the City Council consider approving the agreement. He said that City Attorney Paul Webb had reviewed the agreement and indicated to the City Staff that it met the needs of the City. He then presented a copy of a draft resolution approving the interlocal agreement. After some discussion, Councilmember Ken Freese made a motion to approve Resolution No. 2008-69, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2008-69**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF WHARTON AND WHARTON COUNTY FOR THE STORAGE OF SOIL EXCAVATED FROM THE SANTA FE DRAINAGE OUTFALL CHANNEL AT THE WHARTON COUNTY PRECINCT NO. 1 FACILITY LOCATED AT 3738 FM 3012 AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE SAID AGREEMENT.

WHEREAS, The Wharton City Council wishes to approve an interlocal agreement between the City of Wharton and Wharton County for the storage of soil excavated from the Santa Fe Drainage Outfall Channel at the Wharton County Precinct No. 1 Facility located at 3738 FM 3012; and

WHEREAS, The Wharton City Council wishes to allow Wharton County to use the stored soil for Wharton County projects; and

WHEREAS, The City of Wharton and Wharton County wishes to be bound by the conditions of the agreement.

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

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 an interlocal agreement between the City of Wharton and Wharton County for the storage of soil excavated from

the Santa Fe Drainage Outfall Channel at the Wharton County Precinct No. 1 Facility located at 3738 FM 3012.

Section II. The Wharton City Council hereby approves to allow Wharton County to use the excavated soil for Wharton County projects.

Section III. That the Wharton City Council hereby authorizes the Mayor of the Wharton to execute the agreement.

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

Passed, Approved, and Adopted this the 10th day of November 2008.

CITY OF WHARTON

By: _____
DAVID W. SAMUELSON
Mayor

ATTEST:

LISA OLMEDA

City Secretary

Councilmember Domingo Montalvo, Jr. 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 administratively approving the tax abatement application submitted by JM Eagle Manufacturing Company, Inc. City Manager Andres Garza, Jr. presented a draft copy of the resolution administratively approving an application for Tax Abatement filed by JM Eagle Manufacturing Company, Inc. He also presented a copy of the recommendation letter that affirmative action should be taken upon this application and a copy of Wharton Economic Development Corporation (WEDC) Executive Director David Schroeder's letter dated October 20, 2008 providing his recommendation to the City of Wharton. He then presented a copy of JM Eagle's application for tax abatement and supporting documents. Finance Director Joyce Vasut stated that the City Council Finance Committee considered the application during their November 6, 2008 meeting and voted to recommend the City Council consider approving the application to be administratively complete. Mr. Garza said that the City was awaiting additional requested documentation from JM Eagle. He stated that the Reinvestment Zone expired in 2006; therefore, the City would need to create a new reinvestment zone. He stated that the Public Notice would be published regarding the establishment of the reinvestment zone. He stated that action on the tax abatement request would be placed on the November 24, 2008 City Council Agenda. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to approve Resolution No. 2008-70, which read as follows:

CITY OF WHARTON
RESOLUTION NO. 2008 - 70

**A RESOLUTION OF THE WHARTON CITY COUNCIL
ADMINISTRATIVELY APPROVING AN APPLICATION FOR TAX
ABATEMENT FILED BY JM EAGLE.**

WHEREAS, heretofore previously, the City Council of the City of Wharton did establish and adopt certain criteria and guidelines for review and administrative approval of applications for tax abatements; and

WHEREAS, the City Manager of the City of Wharton has reviewed the application heretofore previously filed and has approved the same by memorandum dated the 6th day of November 2008 a copy of which is attached hereto and marked Exhibit "A".

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

Section I. The City Council of the City of Wharton receives and makes a part of the record the recommendation of the City Manager, dated the 6th day of November 2008, recommending administrative approval in accordance with the Guidelines and Criteria for Granting Tax Abatements as adopted by Resolution No. 2008-08 on the 28th day of January 2008 and directs that said recommendation be filed and maintained among the official papers of the City relating to the proposed tax abatement.

Section II. After review to the extent deemed necessary by the City Council of the City of Wharton, the City Council by this Resolution does administratively approve the application for tax abatement heretofore previously filed by JM Eagle on the 22nd day of October 2008, and directs, in accordance with the requirements of law, and the heretofore named Guidelines and Criteria for Granting Tax Abatements, that an appropriate agreement be prepared and submitted to the City Council of Wharton, Texas, for final consideration.

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

Passed, Approved, and Adopted this 10th day of November 2008.

CITY OF WHARTON, TEXAS

By: _____

DAVID W. SAMUELSON

Mayor

ATTEST:

LISA OLMEDA

City Secretary

Councilmember Lewis Fortenberry, Jr. seconded the motion. All voted in favor.

The eighth item on the agenda was to review and consider Appointments to the City of Wharton City Council Boards, Commissions, and Committees:

- A. Beautification Commission.
- B. Holiday Light Decorating Chairperson.
- C. Youth Advisory Commission – Adult Advisor.

City Manager Andres Garza, Jr. stated that recommendations could be made to fill the vacancies on the afore-mentioned Boards, Commissions and Committees. No action was taken.

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

- A. Wharton Economic Development Corporation meeting held October 20, 2008.
- B. City Council Public Safety Committee meeting held November 3, 2008.
- C. City Council Public Works Committee meeting held November 4, 2008.
- D. City Council Finance Committee meeting held November 6, 2008.

City Manager Andres Garza, Jr. presented the reports to the City Council. No action was taken.

The tenth item on the agenda was adjournment. After some discussion, Councilmember Don Mueller made a motion to adjourn. Councilmember Lewis Fortenberry, Jr. seconded the motion. All voted in favor.

The meeting adjourned at 8:09 p.m.

CITY OF WHARTON, TEXAS

By: _____
DAVID W. SAMUELSON
Mayor

ATTEST:

LISA OLMEDA
City Secretary