

**MINUTES
OF
CITY OF WHARTON
REGULAR CITY COUNCIL MEETING
NOVEMBER 27, 2006**

Mayor Bryce D. Kocian declared a Regular Meeting duly open for the transaction of business at 7:00 P.M. Mr. David Allen led the opening devotion and then Mayor Bryce D. Kocian led the pledge of allegiance.

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

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

Staff members present were: City Manager Andres Garza, Jr., Finance Director Joyce Vasut, City Secretary Lisa Stavena, Assistant to City Manager Jackie Jansky, Police Chief Tim Guin, Building Official Ronnie Bollom, Planning Director Prudencio Arriaga, Sr., Public Works Director Phil Bush, EMS Director John Kowalik, Community Services Director Jo Knezek, and City Attorney Paul Webb.

Visitors present were: Benjamin Sharp with Wharton Journal Spectator, David Schroeder with Wharton Economic Development Corporation, Henry Thiele, Don Hillis, and Don Erdelt.

The second item on the agenda was Roll Call and Excused Absences. Councilmember Domingo Montalvo, Jr. made a motion to excuse the absence of Councilmember V. L. Wiley, Jr. from the Regular City Council Meeting held November 27, 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. Mayor Bryce D. Kocian wished Councilmember Don Mueller Happy Birthday. Mayor Bryce D. Kocian stated that the City of Wharton was presented with a plaque honoring the City of Wharton for twenty years of membership and dedicated service in shaping and advocating National Municipal Policy and helping to strengthen and promote communities of all sizes from the National League of Cities. No action was taken.

The fifth item on the agenda was to review and consider the City of Wharton financial report for the month of October 2006. Finance Director Joyce Vasut presented the financial report for the month of October 2005 which was at 8% or one month into the fiscal year. Mrs. Vasut stated that the general fund revenues were at 2.53% and the expenditures were at 9.56%. The total ad

valorem taxes collected were \$0. She said the sales tax for the month of September was \$191,377 with \$127,585 going to the City and \$63,792 to WEDCo. The TexPool balance for October was \$825,284.66 with an average monthly yield of 5.2831%. After some discussion, Councilmember Ray Linseisen made a motion to approve the City of Wharton Financial Report for the month of October 2006 Councilmember Don Mueller seconded the motion. All voted in favor.

The sixth item on the agenda was a Public Hearing: Proposed annexation of certain property, owned by the Texas Department of Transportation, by the City of Wharton, Texas. City Manager Andres Garza, Jr. stated that during the regular November 13, 2006 Wharton City Council meeting, the City Council approved the Resolution No. 2006-88, which established the required public hearing dates for the proposed annexation of two tracts of land owned by the Texas Department of Transportation (TxDOT) located along FM 1301. He then presented a copy of his letter dated November 15, 2006 to Mr. Mark Wooldridge, Area Engineer for TxDOT informing him of the proposed annexation of the properties and the public hearings.

Mayor Bryce D. Kocian opened the Public Hearing at 7:07 p.m.

Mr. Don Erdelt addressed the City Council and thanked the City Council for considering the annexation of the property in anticipation of the new Wharton Independent School District elementary school.

Mayor Bryce D. Kocian closed the Public Hearing at 7:09 p.m.

The seventh item on the agenda was a Public Hearing: Proposed annexation of a certain property, owned by the Wharton Independent School District, by the City of Wharton, Texas. City Manager Andres Garza, Jr. stated that during the regular November 13, 2006 Wharton City Council meeting, the City Council approved the Resolution No. 2006-89, which established the required public hearing dates for the proposed annexation of two tracts of land owned by the Wharton Independent School District (WISD). He then presented a copy of his letter dated November 15, 2006 to Mr. Don Hillis, WISD Superintendent, informing him of the proposed annexation of the property and the public hearings.

Mayor Bryce D. Kocian opened the Public Hearing at 7:09 p.m.

Mr. Don Erdelt addressed the City Council and thanked the City Council for considering the annexation of the property in order for the Wharton Independent School District elementary school. He stated that the design drawings were 95% complete and construction would begin in 2007. He stated that Mr. Don Hillis was also present and expressed his and Mr. Hillis' thankfulness for annexation of the property.

Mayor Bryce D. Kocian closed the Public Hearing at 7:10 p.m.

The eighth item on the agenda was to review and consider a resolution of the Wharton City Council approving an application for funding through the Texas Department of Agriculture, Texas Capital Fund for funding for the 9'ers Grill Expansion Project and authorizing the Mayor of the City of Wharton to execute any and all documents relating to the application. City Manager Andres Garza, Jr. stated that during the regular November 13, 2006 Wharton City Council meeting, the City Council authorized the City Staff to move forward with the Texas Department of Agriculture Texas Capital Fund Application under the Texas Community Development

Program for funding for the 9'ers Grill Expansion Project. He stated that this item would be withdrawn from the agenda. He said that Mr. Ali Qattom had requested it be withdrawn due to additional information required to complete the application by its deadline of December 1, 2006. No action was taken.

The ninth item on the agenda was to review and consider the request by Mr. Glen Dyer, 3521 Fairway Drive, County Club Estates, Lot 18, for an over 50% variance request for an interior side yard property line setback variance for the construction of a 9-1/2' x 20' carport. City Manager Andres Garza, Jr. presented a copy of the memorandum dated November 20, 2006 from Planning Director Prudencio V. Arriaga, Sr. providing the request by Mr. Glen Dyer, 3521 Fairway Drive, County Club Estates, Lot 18, for an over 50% variance request for an interior side yard property line setback variance for the construction of a 9-1/2' x 20' carport. He also presented a copy of the application for an over 50% variance submitted by Mr. Dyer and supporting documentation. Planning Director Arriaga stated that Mr. Glen Dyer desired to reconstruct a carport. Mr. Dyer stated that the existing carport was 20" from the side yard property line with 11" overhang; however, the new carport would be 24" from the side yard property line with no eave and a gutter to the front of the carport. After some discussion, Councilmember Don Mueller made a motion to approve the request by Mr. Glen Dyer, 3521 Fairway Drive, County Club Estates, Lot 18, for an over 50% variance request for an interior side yard property line setback variance for the construction of a 9-1/2' x 20' carport with a gutter downspout. Councilmember David Samuelson seconded the motion. All voted in favor.

The tenth item on the agenda was to review and consider the Planning Commission recommendation for City Council consideration to approve the request by Mr. August Pyka for approval of the final re-plat of Pecan Acres, Block 5, Lot 24, 25. City Manager Andres Garza, Jr. stated that the Planning Commission met Monday, November 21, 2006 and voted to recommend the City Council approve the request by Mr. August Pyka for approval of the final re-plat of Pecan Acres, Block 5, Lot 24, 25. He then presented a copy of the memorandum dated November 20, 2006 from Planning Commission Chairman, A. J. Rath providing the Planning Commission's recommendation. Planning Director Prudencio Arriaga, Sr. stated that Mr. Pyka desired to move the property line of Lots 24 and 25. He stated that Mr. Rob Kolancy would include the floodplain note on the final plat. He stated that replat met the minimum square footage lot size requirements. After some discussion, Councilmember David Samuelson made a motion to approve the request by Mr. August Pyka for approval of the final re-plat of Pecan Acres, Block 5, Lot 24, 25. 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 authorizing the submission of a Texas Community Development Program application to the Office of Rural Community Affairs for the Community Development Fund for funding for infrastructure improvements in the Ahldag Addition of the City of Wharton, Texas; and authorizing the Mayor to act as the City's authorized representative in all matters pertaining to the City's participation in the Community Development Program. City Manager Andres Garza, Jr. presented a copy of the memorandum dated November 17, 2006 from Ms. Jo Beth Knezek, Director of Community Services providing information regarding the grant application for funding for the proposed infrastructure improvements in the Ahldag Addition. He stated that the

infrastructure improvements would include the replacement of approximately 3,240 linear feet of sanitary sewer lines. He stated that Ms. Knezek's memorandum included a copy of the preliminary report, prepared by Jones & Carter, Inc., documenting the existing condition of the sanitary sewer system. He stated that a budget justification form was also attached, which included engineering fees in the amount of \$70,000.00. He stated that the construction project cost would be \$350,000.00 for the sanitary sewer lines, manholes and leads, bringing the total amount of the project to \$420,000.00. He then presented a copy of a draft resolution authorizing the submission of the grant application to the Office of Rural Community Affairs for the Texas Community Development Program (TCDP) Community Development Fund for funding for the infrastructure improvements. He then presented a copy of the application prepared by Ms. Knezek and a copy of the public notice regarding the submission of the application. Community Services Director Jo Knezek stated that the grant deadline was December 15, 2006. She stated that there were 54 cities eligible to apply for the grant; however, only 7 grant applications would be approved. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to approve Resolution No. 2006-95, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2006-95**

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE SUBMISSION OF A TEXAS COMMUNITY DEVELOPMENT PROGRAM APPLICATION TO THE OFFICE OF RURAL COMMUNITY AFFAIRS FOR THE COMMUNITY DEVELOPMENT FUND FOR FUNDING FOR INFRASTRUCTURE IMPROVEMENTS IN THE AHLDAG ADDITION OF THE CITY OF WHARTON, TEXAS; AND AUTHORIZING THE MAYOR TO ACT AS THE CITY'S AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE CITY'S PARTICIPATION IN THE COMMUNITY DEVELOPMENT PROGRAM.

WHEREAS, the Wharton City Council desires to develop a viable urban community, including decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low/moderate income; and

WHEREAS, certain conditions exist which represent a threat to the public health and safety; and

WHEREAS, it is necessary and in the best interests of the City of Wharton to apply for funding under the 2007/2008 Texas Community Development Block Grant Program.

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

1. A Texas Community Development Program application for the Community Development Fund is hereby authorized to be filed on behalf of the City with the Office of Rural Community Affairs.
2. The City's application be placed in consideration for funding under the Community Development Fund.
3. The application be for \$350,000.00 of grants funds to carry out sewer system improvements.
4. The City Council directs and designates the Mayor as the City's Chief Executive Officer and Authorized Representative to act in all matters in connection with this application and the City's participation in the Texas Community Development Program.

5. It further be stated that the City of Wharton is committing \$70,000.00 from its Water and Sewer Fund as a cash contribution toward the construction activities of the sewer system improvements, engineering and general administration.

PASSED, APPROVED AND ADOPTED this 27th day of November 2006.

CITY OF WHARTON

BRYCE D. KOCIAN, Mayor

ATTEST:

LISA STAVENA, City Secretary

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

The twelfth item on the agenda was to review and consider a resolution of the Wharton City Council approving an agreement between the City of Wharton and Harris County Emergency Service District (ESD 1) for the Wharton EMS to serve as the Clinical Site required by the Emergency Medical Service Education Program and authorizing the Mayor of the City of Wharton to execute the agreement. City Manager Andres Garza, Jr. presented a copy of a draft resolution approving an agreement between the City of Wharton and Harris County Emergency Service District (ESD 1) for the Wharton EMS to serve as the Clinical Site required by the Emergency Medical Service Education Program. He also presented a copy of the proposed agreement and a copy of the memorandum dated November 9, 2006 from EMS Director John Kowalik recommending the City Council consider approving the agreement. He stated that the agreement would allow the Wharton EMS to be designated the clinical site when the Harris County ESD I students conduct their clinical rotations as required by the Emergency Medical Service Education Program. EMS Director John Kowalik stated that Wharton EMS had a good working relationship with the Education Program and recommended approval. City Attorney Paul Webb stated that he reviewed the documents. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to approve Resolution No. 2006-96, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2006-96**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AN AGREEMENT BETWEEN THE CITY OF WHARTON AND HARRIS COUNTY EMERGENCY SERVICE DISTRICT (ESD 1) FOR THE WHARTON EMS TO SERVE AS THE CLINICAL SITE REQUIRED BY THE EMERGENCY MEDICAL SERVICE EDUCATION PROGRAM AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE THE AGREEMENT.

WHEREAS, the Harris County Emergency Service District (ESD 1) has requested the City of Wharton EMS Department to be designated as the clinical site for educational purposes as described by the Emergency Medical Service Education Program; and

WHEREAS, the Wharton City Council wishes to designate the Wharton EMS Department as the clinical site as outlined in the proposed agreement between the City of Wharton and ESD 1; and

WHEREAS, the Wharton City Council and ESD 1 wishes to be bound by the terms and conditions as outlined in the agreement; and

WHEREAS, the Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute the agreement.

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

Section I. The Wharton City Council hereby approves the agreement between the City of Wharton and Harris County Emergency Service District (ESD 1) for the Wharton EMS to serve as the clinical site required by the Emergency Medical Service Education Program.

Section II. The Wharton City Council hereby authorized the Mayor of the City of Wharton to execute the agreement.

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

PASSED, APPROVED AND ADOPTED this 27th day of November 2006.

CITY OF WHARTON

BRYCE D. KOCIAN, Mayor

ATTEST:

LISA STAVENA, City Secretary

Councilmember David Samuelson seconded the motion. All voted in favor.

The thirteenth item on the agenda was to review and consider Wharton Regional Airport:

A. Request by the Wharton Regional Airport Board to solicit bids for the purchase of a used Jet-A fuel truck for the Wharton Regional Airport.

City Manager Andres Garza, Jr. stated that on November 9, 2006, the Wharton Regional Airport Board voted to pursue the acquisition of a used Jet-A fuel truck for use at the Wharton Regional Airport. He stated that the Airport Board was requesting City Council authorization to solicit bids for the fuel truck. Airport Manager David Allen stated that he had been the Airport Manager for 60 days and the Wharton Regional Airport could increase fuel sales by purchasing a single point

fuel truck. He stated that the single point fuel truck could fuel the jets. He stated that by purchasing a fuel truck, it would allow expansion capacity, and was more customer friendly, and safe, and make Wharton Regional Airport attractive to potential customers. He stated that the fuel capacity could double in sales with the use of the fuel truck. He stated that there would be an additional fee of \$0.25 per gallon as a surcharge to cover the cost of the fuel truck. He stated that a truck in the 1980's would range in price of \$20,000 - \$30,000 and would allow a rate of return within a 5 year period. Public Works Director Phil Bush stated that the City of Wharton had a fuel truck in the 1970's until the mid 1980's. Councilmember Don Mueller stated that that the size should be kept under 2600 gallons. He said that a CDL license would not be required if the fuel truck was kept under the 2600 gallon capacity. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to authorize the solicitation of bids for the purchase of a used Jet-A fuel truck for the Wharton Regional Airport. Councilmember Ray Linseisen seconded the motion. All voted in favor.

B. Resolution: A resolution of the Wharton City Council approving an agreement between the City of Wharton and Vaisala AviMet Data Link Service for automated weather dissemination service for the Wharton Regional Airport Automated Weather Observation System (AWOS) and authorizing the Mayor of the City of Wharton to execute the agreement.

City Manager Andres Garza, Jr. presented a draft resolution approving the Vaisala AviMet Data Link Service agreement between the City of Wharton and Vaisala, Inc. He stated that the agreement provided for automated weather dissemination service for the Wharton Regional Airport Automated Weather Observation System (AWOS). Airport Manager David Allen stated that the service provided pilots with current weather information. He stated that Wharton Regional Airport call line was KARM. After some discussion, Councilmember Ray Linseisen made a motion to approve Resolution No. 2006-97, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2006-97**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AN AGREEMENT BETWEEN THE CITY OF WHARTON AND VAISALA AVIMET DATA LINK SERVICE FOR AUTOMATED WEATHER DISSEMINATION SERVICE FOR THE WHARTON REGIONAL AIRPORT AUTOMATED WEATHER OBSERVATION SYSTEM (AWOS) AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE THE AGREEMENT.

WHEREAS, the Wharton City Council wishes to enter into a contract with Vaisala AviMet Data Link Service for automated weather dissemination service for the Wharton Regional Airport Automated Weather Observation System (AWOS); and

WHEREAS, Vaisala AviMet Data Link Service wishes to enter into an agreement with the City of Wharton to provide the automated weather dissemination service; and

WHEREAS, the Wharton City Council wishes to authorize the Mayor of 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 that:

Section I. The Wharton City Council hereby into a contract with Vaisala AviMet Data Link Service for automated weather dissemination service for the Wharton Regional Airport Automated Weather Observation System (AWOS).

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

Passed, Approved, and Adopted this 27th day of November 2006.

CITY OF WHARTON, TEXAS

By: _____
BRYCE D. KOCIAN
Mayor

ATTEST:

LISA STAVENA
City Secretary
Councilmember Ken Freese seconded the motion. All voted in favor.

The fourteenth item on the agenda was to review and consider City of Wharton National Flood Insurance Program (NFIP) Community Rating System (CRS):

A. Presentation.

City Manager Andres Garza, Jr. presented a copy of the powerpoint presentation regarding the City of Wharton Community Rating System program. He stated that the City Council Finance Committee reviewed the presentation during its meeting held October 31, 2006 and voted to recommend the City Staff move forward with the application. He stated that the City Council Public Works Committee also reviewed the presentation during its meeting held November 20, 2006 and voted to move forward with the application. Planning Director Prudencio V. Arriaga, Sr. made the PowerPoint Presentation and stated that the Community Rating System would provide incentives for communities to regulate beyond the minimum standards, would allow reduced flood insurance premiums, help insurance agencies obtain flood data, and would get flood insurance information to the citizens. He stated that there were 10 classes, with Class 1 receiving the greatest premium reduction and Class 10 receiving no premium reductions. He stated that currently the City of Wharton would qualify for a Class rating of 7, which could possibly provide

