

**MINUTES
OF
CITY OF WHARTON
REGULAR CITY COUNCIL MEETING
DECEMBER 10, 2007**

Mayor Pro-Tem Don Mueller declared a Regular Meeting duly open for the transaction of business at 7:00 P.M. Mayor Pro-Tem Don Mueller led the opening devotion and then Mayor Pro-Tem Don Mueller led the pledge of allegiance.

Councilmembers present were: Mayor Pro-Tem Don Mueller, and Councilmembers V. L. Wiley, Jr., David Samuelson, Ken Freese, Domingo Montalvo, Jr. and Ray Linseisen.

Councilmember absent was: Mayor Bryce D. Kocian.

Staff members present were: City Manager Andres Garza, Jr., Finance Director Joyce Vasut, Assistant to City Manager Jackie Jansky, City Secretary Lisa Stavena, Planning Director Prudencio Arriaga, and City Attorney Paul Webb.

Visitors present were: Ben Sharp with Wharton Journal Spectator, David Schroeder with Wharton Economic Development Corporation, Carlos Cotton, Louis Edwards and Joyce Vincent.

The second item on the agenda was roll call and excused absences. Councilmember David Samuelson made a motion to approve the absence of Mayor Bryce D. Kocian from the Regular City Council meeting held December 10, 2007. Councilmember V. L. Wiley, 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 Pro-Tem stated that the Youth Advisory Commission adopted a highway and picked up 48 bags of litter, tires and debris on December 1, 2007. He stated that the Youth Advisory Commission was sponsoring a Toy & Food Drive for the Women's Crisis Center and Share. He stated that the donation sites were City of Wharton City Hall, Wharton Chamber of Commerce and El Campo Chamber of Commerce. 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 November 12, 2007 and November 26, 2007. After some discussion, Councilmember Ray Linseisen made a motion to approve the Wharton City Council minutes of the regular meetings held November 12, 2007 and November 26, 2007 as presented. Councilmember Ken Freese seconded the motion. All voted in favor.

The sixth item on the agenda was to review and consider the Appointments to the City of Wharton Youth Advisory Commission. City Manager Andres Garza, Jr. stated that vacancies remained on the Youth Advisory Commission. He stated that there were currently thirteen members on the Commission, which should have twenty-two members. He said that Mr. Tate Lowe, Mr. Jake Jarvela, and Mr. Seth Roach were interested in serving on the Commission. He said that Assistant to City Manager Jackie Jansky was requesting the City Council to consider appointing Mr. Lowe, Mr. Jarvela and Mr. Roach to the Commission. After some discussion, Councilmember David Samuelson made a motion to approve the appointments of to the City of Wharton Youth Advisory Commission as follows:

Mr. Tate Lowe

Mr. Jake Jarvela

Mr. Seth Roach

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

The seventh item on the agenda was to review and consider the request by Mr. Francisco Paiz of Cornerstone Worship Center located at 4425 Walters Road, Wharton, Texas 77488 for City of Wharton Utility Service to be provided outside the City's limits. City Manager Andres Garza, Jr. presented a copy of the City of Wharton Application for Utility Service submitted by Mr. Francisco Paiz of Cornerstone Worship Center located at 4425 Walters Road, Wharton, Texas. He also presented a copy of the memorandum dated December 3, 2007 from Public Works Director Phil Bush providing the cost estimate to bore and install a $\frac{3}{4}$ inch tap to 4425 Walters Road. He said that the cost would be approximately \$563.00 to be paid by the church. He also presented a copy of the letter dated December 6, 2007 to Mr. Paiz from Finance Director Joyce Vasut providing him the quote to install the service. He stated that Mr. Paiz had acknowledged that he would be responsible for all costs associated with the service installation. He then presented a map indicating the location of the property and water. He said that City Council approval was required for water service to be provided outside the City's limits. After some discussion, Councilmember David Samuelson made a motion to approve Mr. Francisco Paiz of Cornerstone Worship Center located at 4425 Walters Road, Wharton, Texas 77488 for City of Wharton Utility Service to be provided outside the City's limits. Councilmember Ray Linseisen seconded the motion. All voted in favor.

The eighth item on the agenda was to review and consider the request by Mr. Juan Garcia, representing Wharton Church of God, for an over 50% variance from the required 5 feet interior side yard setback to construct a 65 feet x 35 feet church over a property line located at 404 Moutray Avenue, Washington Homes, Block 3, Lot 17 and 18. City Manager Andres Garza, Jr. presented a copy of the memorandum dated November 28, 2007 from Planning Director Prudencio V. Arriaga, Sr. providing the request by Mr. Juan Garcia, representing the Church of God, for a variance from the required five feet interior side yard setback to construct a 65 feet x 35 feet church over a property line at 404 Moutray Avenue, Washington Homes, Block 3, Lot 17 and 18. Mr. Arriaga stated that Mr. Garcia was requesting to build over the property line. He stated that there was no set back issues for the construction of the building. After some discussion, Councilmember Ken Freese made a motion to approve the request by Mr. Juan Garcia, representing Wharton Church of God, for an over 50% variance from the required 5 feet