

**MINUTES
OF
CITY OF WHARTON
SPECIAL CITY COUNCIL MEETING
DECEMBER 20, 2007**

Mayor Bryce D. Kocian declared a Special Meeting duly open for the transaction of business at 12:01 P.M.

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

Councilmember absent was: David Samuelson.

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, Planning Director Prudencio Arriaga, Sr., Emergency Management Coordinator Jim Cooper, and Assistant City Attorney Amy Rod.

Visitors present was: Benjamin Sharp with Wharton Journal Spectator.

The second item on the agenda was Roll Call and Excused Absences. Councilmember Ken Freese made a motion to approve the absence of Councilmember David Samuelson from the Special City Council meeting held December 20, 2007. Councilmember Don Mueller seconded the motion. All voted in favor.

The third item on the agenda was to review and consider the recommendation by the Planning Commission for City Council consideration to approve the request by Mr. Heber S. Lacerda for the W. C. Hodges Estate for approval of the preliminary/final re-plat of Regency Addition being a portion of a 249.15 acre tract referred to as Lot No. 2C. City Manager Andres Garza, Jr. stated that the Planning Commission met Monday, December 17, 2007 and discussed the request by Mr. Heber S. Lacerda for the W. C. Hodges Estate for approval of the preliminary/final re-plat of Regency Addition being a portion of a 249.15 acre tract referred to as Lot No. 2C. He then presented a copy of the recommendation dated December 17, 2007 by Chairman A. J. Rath recommending the City Council consider approving the request. Planning Director Prudencio V. Arriaga, Sr. stated that the plat met all the city ordinance requirements. Councilmember Don Mueller stated that a cul-de-sac should be included with the extension of the road. Mr. Harrison stated that the road would be extended 230 feet with one user; however, a cul-de-sac was not in the plans. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to approve the request by Mr. Heber S. Lacerda for the W. C. Hodges Estate for approval of the preliminary/final re-plat of Regency Addition being a portion of a 249.15 acre tract referred to as Lot No. 2C. Councilmember V. L. Wiley, Jr. seconded the motion. All voted in favor.

The fourth item on the agenda was to review and consider a resolution of the Wharton City Council approving a Street Construction and Utility Service Agreement between the City of Wharton and Regency Nursing and Rehabilitation Centers, Inc. and authorizing the Mayor of the City of Wharton to execute the agreement. City Manager Andres Garza, Jr. stated that the new nursing home facility project that was to be constructed by Regency Nursing Home and Rehabilitation Centers, Inc., off of Sunny Lane was moving forward. He presented a copy of a proposed Street Construction and Utility Service Agreement that was required for the extension of Sunny Lane to the facility and installation of utility service. He also presented a copy of the cost estimate that was provided by Jones & Carter, Inc. for the proposed services, which indicated the estimated cost would be \$115,500.00. He said that in the agreement, Sunny Lane would need to be extended approximately 240 feet and the utilities to be installed would be a twelve (12) inch water main line and a fifteen (15) inch sewer main line. He further presented a copy of the draft resolution approving the agreement and a copy of the email dated December 20, 2007 from Mr. Michael Seale, of Wharton RP, Ltd. providing the executed street construction and utility service agreement. He said that the completion date for the proposed services had been set for May 1, 2008. He said that if the total project exceeded \$125,000, then Regency Nursing and Rehabilitation Centers, Inc. would be allowed to seek contractors or if desired not to pursue the project the City would refund the remaining balance less engineering and other costs. After some discussion, Councilmember Ken Freese made a motion to approve Resolution No. 2007-111, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2007-111**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING A STREET CONSTRUCTION AND UTILITY SERVICE AGREEMENT BETWEEN THE CITY OF WHARTON AND WHARTON RP, LTD. AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID AGREEMENT.

WHEREAS, the Wharton City Council wishes to enter into a Street Construction and Utility Service Agreement between the City of Wharton and Wharton RP, Ltd.; and

WHEREAS, the Street Construction and Utility Service Agreement would allow for the extension of Sunny Lane approximately 240 feet and the installation of a twelve (12) inch water main service line and a fifteen (15) inch sewer main line; and

WHEREAS, the Wharton RP, Ltd. shall be responsible for all costs associated with the aforementioned services; and

WHEREAS, the City of Wharton and Wharton RP, Ltd. wishes to be bound by the conditions outlined in the agreement; and

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

