

**MINUTES
OF
CITY OF WHARTON
REGULAR CITY COUNCIL MEETING
MAY 12, 2008**

Mayor Bryce D. Kocian declared a Regular Meeting duly open for the transaction of business at 7:00 P.M. Councilmember V. L. Wiley, Jr. led the opening devotion and then Mayor Bryce D. Kocian led the pledge of allegiance.

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

Councilmember absent was: None.

Staff members present were: City Manager Andres Garza, Jr., Finance Director Joyce Vasut, City Secretary Lisa Olmeda, Assistant to City Manager Jackie Jansky, Building Official Ronnie Bollom, Public Works Director Carter Miska, Police Captain Richard Coleman, Assistant City Attorney Amy Rod.

Visitors present were: David Schroeder with Wharton Economic Development Corporation, Carlos Cotton, Lewis Fortenberry, Jeff Gubbels, Henry Thiele, and Marshal Frances.

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. Councilmember Ray Linseisen publicly thanked the City of Wharton Mayor, Councilmembers, and City Staff for working with him during his time as a Councilmember. Mayor Bryce D. Kocian publicly thanked Ray Linseisen for serving the City of Wharton for the past six years. 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 April 14, 2008 and April 28, 2008. After some discussion, Councilmember V. L. Wiley, Jr. made a motion to approve the Wharton City Council minutes of the regular meetings held April 14, 2008 and April 28, 2008 as presented. Councilmember Ray Linseisen seconded the motion. All voted in favor.

The sixth item on the agenda was to review and consider the recommendation by the Planning Commission:

A. Request by Mr. Marshall Francis for a preliminary/final re-plat of Block 40, Lots 4A, 4A-1, 4B, 5A and 6A; 808 North Richmond Road.

City Manager Andres Garza, Jr. stated that the Planning Commission met Monday, May 5, 2008 and voted to recommend the City Council consider approving the request by Mr. Marshall Francis

for a preliminary/final re-plat of Block 40, Lots 4A, 5A and 6A; 808 North Richmond Road. Assistant to City Manager Jackie Jansky presented a copy of the memorandum dated May 7, 2008 from Planning Commission Chairman A. J. Rath providing the recommendation. Mr. Francis addressed the City Council and stated that he desired to construct a car wash facility on the property. After some discussion, Councilmember Ray Linseisen made a motion to approve the request by Mr. Marshall Francis for a preliminary/final re-plat of Block 40, Lots 4A, 4A-1, 4B, 5A and 6A; 808 North Richmond Road. Councilmember Don Mueller seconded the motion. All voted in favor.

B. Request by Mr. Pedro A. Moreno for an 11 feet exterior side-yard setback variance from the required 25 feet to construct a 10 feet x 24 feet addition to the existing home located at Hawes 5th, Block 38, Lot 3A-Odd; 2520 Walnut Street.

City Manager Andres Garza, Jr. stated that the Planning Commission met Monday, May 5, 2008 and voted to recommend the City Council consider approving the request by Mr. Pedro A. Moreno for an 11 feet exterior side-yard setback variance from the required 25 feet to construct a 10 feet x 24 feet addition to the existing home located at Hawes 5th, Block 38, Lot 3A-Odd; 2520 Walnut Street. Assistant to City Manager Jackie Jansky presented a copy of the memorandum dated May 7, 2008 from Planning Commission Chairman A. J. Rath providing the recommendation. She also presented photographs of the property and a diagram of the existing home indicating the proposed extension to the main structure. She also presented a copy of the City of Wharton Code of Ordinances, Chapter 18 Building and Construction, Section 18-77 Building Line and Setback Requirements, Item (b)(3), that indicated that where the side of a corner lot was across from, or adjacent to the front yards of other lots, the building line shall be at the same setback distance from the street as the front building line of the opposite or adjacent lots. She stated that Mr. Moreno was requesting the 11 feet variance to construct the addition to his home. Mr. Moreno addressed the City Council and stated that he desired to construct an addition to the existing house. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to approve the request by Mr. Pedro A. Moreno for an 11 feet exterior side-yard setback variance from the required 25 feet to construct a 10 feet x 24 feet addition to the existing home located at Hawes 5th, Block 38, Lot 3A-Odd; 2520 Walnut Street. Councilmember David Samuelson seconded the motion. All voted in favor.

The seventh item on the agenda was to review and consider the request by Mr. Chester Houston of the Wharton Training High School & Ex-Students Association for City Council for the following:

- A. Authorization to host the Eleventh Annual Juneteenth Festival in Riverfront Park Friday, June 20, 2008 from 5:00 p.m. until 12:00 Midnight and Saturday, June 21, 2008 from 7:00 a.m. until 5:00 p.m.
- B. Variance from the City of Wharton Code of Ordinances, Chapter 54, Parks and Recreation, Section 54-2 Operating or parking motor vehicles in parks.

City Manager Andres Garza, Jr. presented a copy of the letter the City Staff received May 2, 2008 from Mr. Chester Houston, President of the Wharton Training High School Alumni & Ex-Students Association requesting the City Council consider approving the items. He also presented a copy of the Wharton Parks Facility Reservation Agreement and information relating to the Juneteenth Festival. After some discussion, Councilmember V. L. Wiley, Jr. made a motion to

approve the request by Mr. Chester Houston of the Wharton Training High School & Ex-Students Association for City Council for the following: Authorization to host the Eleventh Annual Juneteenth Festival in Riverfront Park Friday, June 20, 2008 from 5:00 p.m. until 12:00 Midnight and Saturday, June 21, 2008 from 7:00 a.m. until 5:00 p.m.; and variance from the City of Wharton Code of Ordinances, Chapter 54, Parks and Recreation, Section 54-2 Operating or parking motor vehicles in parks. Councilmember Domingo Montalvo, Jr. seconded the motion. All voted in favor.

The eighth item on the agenda was to review and consider a resolution of the Wharton City Council approving an extension of the agreement between the City of Wharton and Harrison, Waldrop & Uherek, L.L.P. for auditing services and authorizing the Mayor of the City of Wharton to execute all documents required to extend the agreement. Finance Director Joyce Vasut stated that the original contract between the City of Wharton and Harrison, Waldrop & Uherek, L.L.P. was a three year contract. She said on Monday, April 9, 2007, the City Council approved to extend the auditing service agreement between the City of Wharton and Harrison, Waldrop & Uherek, L.L.P. for a one year period, which was due to expire. She said that the Finance Committee met on Friday, May 2, 2008 and voted to recommend the City Council consider approving an additional contract extension to conduct the 2007 – 2008 financial audit; however, the contract extension would include terms to increase the contract amount \$6,300 for a total amount not to exceed \$25,950.00. After some discussion, Councilmember Ray Linseisen made a motion to approve Resolution No. 2008-29, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2008 - 29**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AN EXTENSION OF THE AGREEMENT BETWEEN THE CITY OF WHARTON AND HARRISON, WALDROP & UHEREK, L.L.P. FOR FINANCIAL AUDITING SERVICES AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO THE AGREEMENT ON BEHALF OF THE CITY OF WHARTON.

WHEREAS, On July 12, 2004, the Wharton City Council awarded the contract for Annual Financial Auditing Services to Harrison, Waldrop & Uherek, L.L.P.; and

WHEREAS, On April 9, 2007, the Wharton City Council approved to extend the contract to one additional year to include the 2006 – 2007 Annual Financial Audit; and

WHEREAS, the Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute an additional contract extension with Harrison, Waldrop & Uherek, L.L.P. for the 2007 - 2008 Annual Financial Audit; and

WHEREAS, the City of Wharton and Harrison, Waldrop & Uherek, L.L.P. wishes to be bound by the conditions as set forth in the agreement.

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 authorizes the Mayor of the City of Wharton, Texas to execute an extension to the agreement between Harrison, Waldrop & Uherek, L.L.P and the City of Wharton for the 2007-2008 Annual Financial Audit in an amount not to exceed \$25,950.00.
- Section II.** That the contract would be for one (1) year.
- Section III.** That Harrison, Waldrop & Uherek, L.L.P. and the City of Wharton are hereby bound by the conditions as set forth in the agreement.
- Section IV.** That this resolution shall become effective immediately upon its passage.

Passed, Approved, and Adopted this the 12th day of May 2008.

CITY OF WHARTON

By: _____
BRYCE D. KOCIAN
Mayor

ATTEST:

LISA OLMEDA
City Secretary
Councilmember V. L. Wiley, Jr. seconded the motion. All voted in favor.

The ninth item on the agenda was to review and consider the a resolution of the Wharton City Council authorizing the City Manager to execute on behalf of the City of Wharton an electricity service agreement. City Manager Andres Garza, Jr. stated that the City of Wharton's contract with Reliant Energy General Land Office (GLO) was due to expire on June 30th. He said that the City Staff was working with the Governmental Aggregation Project, Inc. (GAP), the political subdivision that the City of Wharton helped to form, and were seeking bids for electric service. He said that the GAP consists of approximately eight to ten members who had formed the aggregate to buy electricity. He said that the City's current contract was through the GLO and the City was paying approximately \$0.08 to \$0.09 per kWh. He said that the City had been locked into the rate for three years and the three year period would expire June 30th. He said that the City, through the GAP, was seeking bids and the City should have a contract within one month. He said that the City could anticipate at least a 25% increase in the rate. Mr. Garza stated that since the bids would not be received prior to the May 27th City Council meeting, and time would be of the essence; therefore, he was requesting that the City Council authorize him to execute the contract once it was received by the City. He stated that he would then present the executed contract to the City Council for ratification during the next scheduled City Council meeting. He

stated that the City of Wharton was currently paying approximately \$500,000 per year for electrical service; however the increase could increase costs substantially. After some discussion, Councilmember Don Mueller made a motion to approve Resolution No. 2008-30, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2008-30**

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE CITY MANAGER TO EXECUTE ON BEHALF OF THE CITY OF WHARTON AN ELECTRICITY SERVICE AGREEMENT.

WHEREAS, the City of Wharton, as a member of the Governmental Aggregation Project (GAP), requested bids for electric services, which will be submitted in June 2008; and

WHEREAS, time will be of the essence in securing a contract with an electric provider once the anticipated bids are received; and

WHEREAS, the Wharton City Council wishes to authorize the City Manager to execute the contract for the best price available for the City of Wharton electric service; and

WHEREAS, the City Manager will present the contract to the Wharton City Council for ratification.

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 authorizes the City Manager to execute on behalf of the City of Wharton an electricity service contract.

Section II. That the Wharton City Council hereby instructs the City Manager to present said contract to the City Council for ratification upon execution.

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

Passed, Approved, and Adopted this 12th day of May 2008.

CITY OF WHARTON, TEXAS

By:

BRYCE D. KOCIAN

Mayor

ATTEST:

LISA OLMEDA

City Secretary

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

The tenth item on the agenda was to review and consider the City of Wharton Water Well No. 4, Vahalla Street, Improvement Project:

A. Bid Tabulation.

B. **Resolution:** A resolution of the Wharton City Council approving repairs to be conducted to the City of Wharton Water Well No. 4 located on Vahalla Street, awarding the bid for the project and authorizing the Mayor of the City of Wharton to execute the agreement.

Mr. Carlos Cotton, P.E. of Jones & Carter, Inc. presented the bid tabulation for the repairs that needed to be made to the Water Well No. 4 on Vahalla Street. City Manager Andres Garza, Jr. then presented a draft resolution awarding an agreement to Alsay Incorporated. Mr. Carlos Cotton stated the bids were received from three companies. He stated that the cost would begin at \$47,000. He recommended the City Council approve the contract with Alsay Incorporated for the amount not to exceed \$199,950. After some discussion, Councilmember David Samuelson made a motion to approve Resolution No. 2008-31, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2008 - 31**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING THE REPAIRS TO BE CONDUCTED TO THE CITY OF WHARTON WATER WELL NO. 4 LOCATED ON VAHALLA DRIVE, AWARDING THE BID FOR THE PROJECT AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE THE AGREEMENT.

WHEREAS, On May 7, 2008, the City of Wharton received bids for the repairs to be conducted to the City of Wharton Water Well No. 4 located on Vahalla Drive; and

WHEREAS, the Wharton City Council wishes to award the bid to Alsay Incorporated as being the lowest and best qualified bidder in the amount of \$199,950.00 as per bid specifications; and

WHEREAS, the City of Wharton and Alsay Incorporated wishes to be bound by the conditions set forth in the agreement; and

WHEREAS, The Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute the agreement; and

WHEREAS, this resolution is passed in accordance with the quotes provided.

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 awards the bid to Alsay Incorporated as being the lowest and best qualified bidder in the amount of \$199,950.00 as per bid specifications for the City of Wharton Water Well No. 4 repairs.

Section II. That the City of Wharton and Alsay Incorporated are hereby bound by the conditions set forth in the agreement.

Section III. That the Mayor of the City of Wharton is hereby authorized to execute the agreement.

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

Passed, Approved, and Adopted this 12th of May 2008.

CITY OF WHARTON, TEXAS

By:

BRYCE D. KOCIAN

Mayor

ATTEST:

LISA OLMEDA

City Secretary

Councilmember Domingo Montalvo, Jr. seconded the motion. All voted in favor.

The eleventh item on the agenda was a report: City of Wharton Police Department and Municipal Court Renovation Project located at 1407 North Richmond Road. City Manager Andres Garza, Jr. stated that during the April 28, 2008 Wharton City Council meeting, the City Council requested him to provide a report regarding the status of the Wharton Police Department and Municipal Court Renovation Project located at 1407 North Richmond Road. He stated that the ending date to complete the job was projected for June 3, 2008. He stated that Communications would be in operation on May 28, 2008. Building Inspector Ronnie Bollom stated that the lighting was complete, as well as the flooring. He stated that the generator would be delivered in July. City Manager Andres Garza, Jr. publicly commended Ronnie Bollom, Bob Baker, Phillip Bush, Carter Miska and all the City employees that worked on the project. He stated that the employees had worked beyond their call of duty. He stated that the building cost was approximately \$85.00 per square foot with 3.5 acres. He stated that the facility would be utilized for the Police, Municipal Court, and Emergency Operations Center. Finance Director Joyce Vasut stated that the actual cost of purchasing and preliminary work included \$403,245.32. She stated that the total cost of construction was \$683,110.19, with \$113,822.48 funds needed for the project. After some discussion, no action was taken.

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

- A. Wharton Regional Airport Board.
- B. Beautification Commission.
- C. Building Standards Commission.
- D. Electrical Board:
 - 1. City Council acceptance of the resignation of Mr. Bryan Anderson.
 - 2. Appointment to fill vacant position.
- E. Holiday Light Decorating Chairman.
- F. Mayor's Committee on People with Disabilities.
- G. Planning Commission.
- H. Plumbing and Mechanical Board.

- I. Wharton Economic Development Corporation Board of Directors.
- J. Youth Advisory Commission.
- K. City Council Committees:
 - 1. Annexation Committee.
 - 2. Finance Committee.
 - 3. Housing Committee.
 - 4. Intergovernmental Relations Committee.
 - 5. Legislative Committee.
 - 6. Public Health Committee.
 - 7. Public Safety Committee.
 - 8. Public Works Committee.
 - 9. Telecommunications Committee.

City Manager Andres Garza, Jr. presented a list of the Boards, Commissions and Committees for the City of Wharton. He also presented a copy of the letter dated April 29, 2008 from Mr. Bryan Anderson of CenterPoint submitting his resignation from the Electrical Board (term to expire June 30, 2009). He said that Mr. Anderson was recommending in his letter that the City Council could consider Mr. Leroy Alvarado also of CenterPoint to fill his position on the Board. After some discussion, Councilmember Ken Freese made a motion to accept the resignation of Mr. Bryan Anderson of CenterPoint to the Electrical Board and appoint Mr. Leroy Alvarado to the Electrical Board to a term ending June 30, 2010. Councilmember Ray Linseisen seconded the motion. All voted in favor.

The thirteenth item on the agenda was to review and consider the request by the City Staff to reschedule the regular May 26, 2008 City Council meeting to be held May 27, 2008 due to the Memorial Day Holiday. City Manager Andres Garza, Jr. stated that since the next regular Wharton City Council meeting scheduled for May 26, 2008 fell on the Memorial Day Holiday, he was requesting City Council authorization to reschedule the meeting for Tuesday, May 27, 2008 at 7:00 p.m. After some discussion, Councilmember David Samuelson made a motion to approve the rescheduling of the regular May 26, 2008 City Council meeting held May 27, 2008. Councilmember Ken Freese seconded the motion. All voted in favor.

The fourteenth item on the agenda was to review and consider the City Council Boards, Commissions and Committee Reports:

Wharton Economic Development Corporation meeting held April 28, 2008.

B. City Council Finance Committee meeting held May 2, 2008.

C. Planning Commission meeting held May 5, 2008.

D. Youth Advisory Commission meeting held May 5, 2008.

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

The fifteenth item on the agenda was to review and consider the City of Wharton – Wharton Industrial Park Pump Station Project – R & B Group, Inc. – Pay Request No. 5. City Manager Andres Garza, Jr. presented a copy of the Pay Request No. 5 submitted by R & B Group, Inc. for the City of Wharton – Wharton Industrial Park Pump Station Project. Mr. Carlos Cotton, P.E. of Jones & Carter, Inc. stated that the report covered the construction activities for the period January 26, 2008 through April 25, 2008. He stated that the project was 99% complete and the

City of Wharton
Regular City Council Meeting
May 12, 2008

project should be complete within two weeks. After some discussion, Councilmember Don Mueller made a motion to approve the City of Wharton – Wharton Industrial Park Pump Station Project – R & B Group, Inc. – Pay Request No. 5 in the amount of \$38,880.00. Councilmember V. L. Wiley, Jr. seconded the motion. All voted in favor.

The sixteenth item on the agenda was to review and consider the City of Wharton Sunny Lane Utility and Roadway Extension Project – Economic Construction, Inc. – Pay Request No. 1. City Manager Andres Garza, Jr. presented a copy of the Pay Request No. 1 submitted by Economic Construction, Inc. for the City of Wharton Sunny Lane Utility and Roadway Extension Project. Mr. Carlos Cotton, P.E. of Jones & Carter, Inc. stated that the report covered the construction activities for the period April 10, 2008 through April 30, 2008. He stated that the project was 41% complete. City Manager Andres Garza, Jr. stated that an additional 20 feet of sewer line would be added to the contract. After some discussion, Councilmember Ray Linseisen made a motion to approve the City of Wharton Sunny Lane Utility and Roadway Extension Project – Economic Construction, Inc. – Pay Request No. 1 in the amount of \$53,733.29. Councilmember David Samuelson seconded the motion. All voted in favor.

The seventeenth item on the agenda was adjournment. After some discussion, Councilmember Ray Linseisen made a motion to adjourn. Councilmember Don Mueller seconded the motion. All voted in favor.

The meeting adjourned at 7:46 p.m.

CITY OF WHARTON, TEXAS

By: _____
BRYCE D. KOCIAN
Mayor

ATTEST:

LISA OLMEDA
City Secretary