

MINUTES  
OF  
CITY OF WHARTON  
REGULAR CITY COUNCIL MEETING  
JUNE 12, 2006

Mayor Bryce D. Kocian 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 Bryce D. Kocian led the pledge of allegiance.

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

Councilmember absent was: David Samuelson and Ray Linseisen.

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

Visitors present were: Benjamin Sharp with Wharton Journal Spectator, David Schroeder, Lewis Fortenberry, Larry Wadler, David Allen, Andy Kirkland, James Cooper, Harry Priesmeyer, Jaron Hall, Theresa Hall, Jim Cockrell, Stephen Wasicek and Michelle Wasicek.

The seconded item on the agenda was Roll Call and Excused Absences. Councilmember V. L. Wiley, Jr. made a motion to excuse the absence of David Samuelson and Ray Linseisen from the Regular City Council Meeting held June 12, 2006. Councilmember Ken Freese 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. Councilmember Ken Freese publicly commended the City Staff for their hard work with the Santa Fe Trail. 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 May 8, 2006 and May 22, 2006. After some discussion, Councilmember Don Mueller made a motion to approve the Wharton City Council minutes of the regular meetings held May 8, 2006 and May 22, 2006 as presented. Councilmember V. L. Wiley, Jr. seconded the motion. All voted in favor.

The sixth item on the agenda was to review and consider the request by Ms. Linda Roberts, 4031 Walters Road for City of Wharton Water Service outside the City Limits. Finance Director Joyce Vasut presented a copy of the City of Wharton application for utility service that was submitted by Ms. Linda Roberts, 4031 Walters Road, which was outside the City's limits. She stated that City Council approval was required for water service to be made available to potential customers if they lived outside the City limits. She then presented a map indicating the location of the proposed service. She stated that Ms. Roberts had paid the deposit and would need to pay the \$400 tap fee for the service. She stated that the City would bore under the road for the connection of water service. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to approve the request by Ms. Linda Roberts, 4031 Walters Road for City of Wharton water service outside the City limits. Councilmember Don Mueller seconded the motion. All voted in favor.

The seventh item on the agenda was to review and consider the Planning Commission recommendation for the City Council to consider approving the request by Wasicek Living Trust for approval of the preliminary re-plat of Mayfair, Block 11, Lots 4 & 5. Finance Director Joyce Vasut presented a copy of the memorandum dated June 6, 2006 from Mr. A. J. Rath, Planning Commission Chairman recommending the City Council consider approving the request by Wasicek Living Trust for approval of the preliminary re-plat of Mayfair, Block 11, Lots 4 & 5. Mr. Prudencio V. Arriaga, Sr. stated that the re-platting would allow Lot 4 to be increased and Lot 5 to be decreased; however, the lots would be within the size requirements. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to approve the request by Wasicek Living Trust for approval of the preliminary re-plat of Mayfair, Block 11, Lots 4 & 5. Councilmember V. L. Wiley, Jr. seconded the motion. All voted in favor.

The eighth item on the agenda was to review and consider the request by Mr. David Allen for the following:

- A. City Council consideration to abandon the 10 feet easement at Chambers Business Park, Lot 2A.
- B. City Council consideration to accept a 10 feet easement partly on Chambers Business Park, Lot 2A and partly on Chambers Business Park, Lot 3.

Finance Director Joyce Vasut presented a copy of the memorandum dated June 6, 2006 from Prudencio V. Arriaga, Sr., Planning Director, regarding the request by Mr. David Allen, Chambers Business Park, Lot 2A and Lot 3. She stated that Mr. Allen was requesting that the City Council consider approving the abandonment of the existing 10 feet utility easement located on Chambers Business Park, Lot 2A. She stated that Mr. Allen was also requesting the City Council consider accepting a new 10 feet utility easement that would be partly on Chambers Business Park Lot 2A and partly on Lot 3. She then presented a copy of a map indicating the location of the existing utility easement and the proposed easement, a copy of the letter dated June 2, 2006 from Attorney Larry Wadler to City Attorney Paul Webb regarding Mr. Allen's request, a draft copy of the release of easement and a proposed easement agreement. She said that Mr. Allen was expanding his business, Radio Shack, and the relocation of the easement was necessary for the expansion. She stated that the City Staff had reviewed the request and was recommending approval. After some discussion, Councilmember Don Mueller made a motion to approve the request by Mr. David Allen for the abandonment of the 10 feet easement at Chambers Business