

MINUTES  
OF  
CITY OF WHARTON  
REGULAR CITY COUNCIL MEETING  
JULY 10, 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., 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 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, Carlos Cotton, and Mr. Joseph Abraham.

The third item on the agenda was Public Comments. Councilmember Domingo Montalvo, Jr. stated that Channel 11 would be showing a program at 10:00 p.m. on Water Wars. No action was taken.

The fourth item on the agenda was Wharton Moment. Councilmember Ray Linseisen publicly commended Councilmember David Samuelson and his wife, Becky Samuelson for all their hard work and contributions toward the Habitat for Humanity project. Councilmember David Samuelson publicly commended the 200 donators and approximately 80 volunteers for their hard work and contributions toward the project. He stated that construction on the second home would begin in September 2006. 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 June 12, 2006 and June 26, 2006 and the special meeting held June 5, 2006. After some discussion, Councilmember V. L. Wiley, Jr. made a motion to approve the Wharton City Council minutes of the regular meetings held June 12, 2006 and June 26, 2006 and the special meeting held June 5, 2006 as presented. Councilmember Don Mueller seconded the motion. All voted in favor.

The sixth item on the agenda was to review and consider the recommendation by the Planning Commission for City Council consideration of a request by Mr. James Jackson to construct a 37' x 42' home over an interior property line located at 507 Outlar; Elizabeth Branch, Lots 6 & 7 for the Special Needs Grant. City Manager Andres Garza, Jr. presented a copy of the memorandum dated July 7, 2006 from Planning Commission Chairman A. J. Rath recommending the City Council consider approving a request by Mr. James Jackson to construct a 37' x 42' home over an interior property line located at 507 Outlar; Elizabeth Branch, Lots 6 & 7 under the Special Needs Grant. Planning Director Prudencio V. Arriaga, Sr. stated that the project would be completed by the end of the year. After some discussion, Councilmember David Samuelson made a motion to approve the request by Mr. James Jackson to construct a 37' x 42' home over an interior property line located at 507 Outlar; Elizabeth Branch, Lots 6 & 7 under the Special Needs Grant. Councilmember V. L. Wiley, Jr. seconded the motion. All voted in favor.

The seventh item on the agenda was to review and consider the Southern Pacific Railroad Depot Restoration Project:

A. Resolution: A resolution of the Wharton City Council accepting the Bill of Sale and Severance Agreement for the Southern Pacific Railroad Depot property between the Texas Mexican Railroad Company and the City of Wharton and authorizing the Mayor of the City of Wharton to execute the agreement. City Manager Andres Garza, Jr. presented a copy of the draft resolution approving the Bill of Sale and Severance that was required for the Southern Pacific Railroad Depot property. He stated that currently, the City of Wharton had a 25-year lease agreement with the Texas Mexican Railway Company for the depot building and property. He said that since the restoration project was nearing completion, Kansas City Southern Railroad Company had notified the City that only the depot building could be donated to the City and would not include the land due to liens against the land. City Attorney Paul Webb stated that he had reviewed the Bill of Sale and Severance documents and recommended that City Council take no action, since the bill of sale reflected only the building. He stated if the City would accept the building without the land, then Texas Mexican Railway Company could make the City remove the building. No action was taken.

B. Resolution: A resolution of the Wharton City Council accepting a ground lease between the City of Wharton and the Texas Mexican Railway Company for the Southern Pacific Railroad Depot property and authorizing the Mayor of the City of Wharton to execute the agreement. City Manager Andres Garza, Jr. presented a copy of the draft resolutions approving the Ground Lease agreement that was required for the Southern Pacific Railroad Depot property. City Attorney Paul Webb stated that he recommended the City Council take no action. No action was taken.

C. A & A Constructors, Inc. – Change Order No. 1.

City Manager Andres Garza, Jr. presented a copy of the Change Order No. 1 submitted by A & A Constructors, Inc. for the construction of the depot. After some discussion, Councilmember Ken Freese made a motion to approve Change Order No. 1 in the amount of \$7,258.00 and the contract time to be changed by 101 days. Councilmember Ray Linseisen seconded the motion. All voted in favor.