

MINUTES
OF
CITY OF WHARTON
SPECIAL CITY COUNCIL MEETING
AUGUST 3, 2006

Mayor Bryce D. Kocian declared a Special Meeting duly open for the transaction of business at 5:04 P.M.

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., City Secretary Lisa Stavena, Assistant to City Manager Jackie Jansky, and Assistant City Attorney Amy Rod

Visitors present were: David Schroeder, Raymond Harrison, Jr., Rosemary Rust, Jim Cockrell, and Heather Chappell.

The third item on the agenda was public comments. No comments were given. No action was taken.

The fourth item on the agenda was to review and consider the request by Ms. Rosemary Rust for the creation of a Reinvestment Zone and/or Neighborhood Empowerment Zone for the property south of FM 102 adjacent to Highway 59 being generally known as a certain 35.76 acre tract of land situated in the A.J. Timber League, Abstract No. 34, Wharton County, Texas:

A. Public Hearing: A public hearing regarding the designation of a Reinvestment Zone.

Mayor Bryce D. Kocian opened the Public Hearing for comments at 5:06 p.m.

No comments were given.

Mayor Bryce D. Kocian closed the Public Hearing at 5:07 p.m.

B. Ordinance: An ordinance designating certain property as herein legally described, including certain lots and blocks as therein contained, a Reinvestment Zone and providing that said Reinvestment Zone shall hereinafter be referred to as City of Wharton Reinvestment Zone No. 06-02 said property being generally known as a certain 35.76 acre tract of land situated in the A.J. Timber League, Abstract No. 34, Wharton County, Texas, and making other findings and conclusions as required by law.

City Manager Andres Garza, Jr. presented a copy of the letter dated July 10, 2006 from Ms. Rosemary Rust requesting the City of Wharton consider establishing a Reinvestment Zone and/or an empowerment zone for the Rust property located in the City limits south of FM 102 and adjacent to U.S. Highway 59. He stated that the City Council Finance Committee met July 20, 2006 to discuss Ms. Rust's request and would discuss her request with the full City Council during the meeting. He then presented a draft copy of the ordinance that would create a

Reinvestment Zone within the City limits. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to approve Ordinance No. 2006-11, which read as follows:

**CITY OF WHARTON
ORDINANCE NO. 2006-11**

AN ORDINANCE DESIGNATING CERTAIN PROPERTY AS HEREIN LEGALLY DESCRIBED, INCLUDING CERTAIN LOTS AND BLOCKS AS THEREIN CONTAINED, A REINVESTMENT ZONE AND PROVIDING THAT SAID REINVESTMENT ZONE SHALL HEREINAFTER BE REFERRED TO AS CITY OF WHARTON REINVESTMENT ZONE NO. 06-02 SAID PROPERTY BEING GENERALLY KNOWN AS A CERTAIN 35.76 ACRE TRACT OF LAND SITUATED IN THE A.J. TIMBER LEAGUE, ABSTRACT NO. 34, WHARTON COUNTY, TEXAS; BEING OUT OF THAT CERTAIN CALLED 1569.8 ACRE TRACT IN WHARTON COUNTY, TEXAS, AND MAKING OTHER FINDINGS AND CONCLUSIONS AS REQUIRED BY LAW.

WHEREAS, heretofore previously, a notice having been given to the presiding officer of all taxing entities levying and collecting taxes within the area encompassed in the property to be included in the reinvestment zone and said notice having stated the date and time of the required public hearing to create a reinvestment zone in a form as attached hereto and marked Exhibit "A"; and,

WHEREAS, notice having been duly published in the official newspaper of the City of Wharton at least seven days prior to the start of the public hearing as to the date and time of said public hearing and intent to create the proposed reinvestment zone; and,

WHEREAS, a public hearing was duly convened in accordance with the requirements of law by the Honorable Mayor of the City of Wharton during the meeting of the Wharton City Council occurring on the 3rd day of August 2006 and all persons appearing there were given an opportunity to speak and all written documentation and/or exhibits were made available to the Wharton City Council; and,

WHEREAS, the Wharton City Council finds and determines that the property as hereinafter described should be included in a reinvestment zone.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHARTON, TEXAS:

Section I. The Wharton City Council, for and on behalf of the City of Wharton makes the following findings of fact in accordance with a proposal to create a new reinvestment zone in the City of Wharton, being hereafter known as the City of Wharton Reinvestment Zone No. 06-02, and in this regard, the Wharton City Council finds and determines:

- a. That the certain tracts and parcels of property as herein legally described are properties within the city limits of the City of Wharton and are not now included in the boundaries of any reinvestment zone.
- b. That notice of a public hearing as required under the provisions of Chapter 312 of the Texas Tax Code was duly given to the presiding officer of all taxing entities levying taxes within the property to be included in the reinvestment zone; and
- c. That notice was duly published in the official newspaper of the City of Wharton to-wit, The Wharton Journal-Spectator. Said date of publication was the 26th day of July 2006, said publication having occurred at least seven days prior to the date and time of the scheduled public hearing.

Section II. In accordance with the requirements of law, the Wharton City Council finds and determines that one or more statutorily defined criteria exists for the designation of the property as herein described which necessitates the creation of said zone and, in this regard, the Wharton City Council finds and determines that the development of property within the zone is reasonably likely to contribute to the retention or expansion of primary employment or attract major investment in the zone and surrounding area. In addition, the City Council finds and determines that one or more other and additional criteria for the creation of the reinvestment zone as set out under Section 312.202 of the Texas Tax Code are applicable or may be applicable to the property as herein described.

Section III. In this regard, based upon the above and foregoing findings of fact and conclusions, the Wharton City Council does hereby create City of Wharton Reinvestment Zone No. 06-02 with its area to include and contain the property as legally described in Exhibit "B" attached heretofore.

Passed, Approved and Adopted this 3rd day of August 2006.

CITY OF WHARTON, TEXAS

By: _____
BRYCE D. KOCIAN
Mayor

ATTEST:

BY: _____
LISA STAVENA
City Secretary

Councilmember V. L. Wiley, Jr. seconded the motion. All voted in favor.

C. Public Hearing: A public hearing regarding the designation of a Neighborhood Empowerment Zone.

Mayor Bryce D. Kocian opened the Public Hearing for comments at 5:08 p.m.

No comments were given.

Mayor Bryce D. Kocian closed the Public Hearing at 5:09 p.m.

D. Ordinance: An ordinance designating certain property as herein legally described, including certain lots and blocks as therein contained, a Neighborhood Empowerment Zone and providing that said zone shall hereinafter be referred to as City of Wharton Neighborhood Empowerment Zone No. 06-01 said property being generally known as a certain 35.76 acre tract of land situated in the A.J. Timber League, Abstract No. 34, Wharton County, Texas, and making other findings and conclusions as required by law.

City Manager Andres Garza, Jr. presented a draft copy of the ordinance that would create a Neighborhood Empowerment Zone within the City limits. After some discussion, Councilmember David Samuelson made a motion to approve Ordinance No. 2006-12, which read as follows:

**CITY OF WHARTON
ORDINANCE NO. 2006-12**

AN ORDINANCE DESIGNATING CERTAIN PROPERTY AS HEREIN LEGALLY DESCRIBED, INCLUDING CERTAIN LOTS AND BLOCKS AS THEREIN CONTAINED, A NEIGHBORHOOD EMPOWERMENT ZONE AND PROVIDING THAT SAID ZONE SHALL HEREINAFTER BE REFERRED TO AS CITY OF WHARTON NEIGHBORHOOD EMPOWERMENT ZONE NO. 06-01 SAID PROPERTY BEING GENERALLY KNOWN AS A CERTAIN 35.76 ACRE TRACT OF LAND SITUATED IN THE A.J. TIMBER LEAGUE, ABSTRACT NO. 34, WHARTON COUNTY, TEXAS; BEING OUT OF THAT CERTAIN CALLED 1569.8 ACRE TRACT IN WHARTON COUNTY, TEXAS, AND MAKING OTHER FINDINGS AND CONCLUSIONS AS REQUIRED BY LAW.

WHEREAS, heretofore previously, a notice having been given to the presiding officer of all taxing entities levying and collecting taxes within the area encompassed in the property to be included in the neighborhood empowerment zone and said notice having stated the date and time of the required public hearing to create a neighborhood empowerment zone in a form as attached hereto and marked Exhibit "A"; and,

WHEREAS, notice having been duly published in the official newspaper of the City of Wharton at least seven days prior to the start of the public hearing as to the date and time of said public hearing and intent to create the proposed neighborhood empowerment zone; and,

WHEREAS, a public hearing was duly convened in accordance with the requirements of law by the Honorable Mayor of the City of Wharton during the meeting of the Wharton City Council occurring on the 3rd day of August 2006 and all persons appearing

there were given an opportunity to speak and all written documentation and/or exhibits were made available to the Wharton City Council; and,

WHEREAS, the Wharton City Council finds and determines that the property as hereinafter described should be included in a neighborhood empowerment zone.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHARTON, TEXAS:

Section I. The Wharton City Council, for and on behalf of the City of Wharton makes the following findings of fact in accordance with a proposal to create a new neighborhood empowerment zone in the City of Wharton, being hereafter known as the City of Wharton Neighborhood Empowerment Zone No. 06-01, and in this regard, the Wharton City Council finds and determines:

- d. That the certain tracts and parcels of property as herein legally described are properties within the City limits of the City of Wharton and are not now included in the boundaries of any neighborhood empowerment zone.
- e. That notice of a public hearing as required under the provisions of Chapter 378 of the Local Government Code and Chapter 312 of the Texas Tax Code was duly given to the presiding officer of all taxing entities levying taxes within the property to be included in the neighborhood empowerment zone; and
- f. That notice was duly published in the official newspaper of the City of Wharton to-wit, The Wharton Journal-Spectator, Said date of publication was the 26th day of July 2006, said publication having occurred at least seven days prior to the date and time of the scheduled public hearing.

Section II. In accordance with the requirements of law, the Wharton City Council finds and determines that one or more statutorily defined criteria exists for the designation of the property as herein described which necessitates the creation of said zone and, in this regard, the Wharton City Council finds and determines that the development of property within the zone is reasonably likely to contribute to the retention or expansion of primary employment or attract major investment in the zone and surrounding area. In addition, the City Council finds and determines that one or more other and additional criteria for the creation of the neighborhood empowerment zone as set out under Chapter 378 of the Local Government Code and Section 312.202 of the Texas Tax Code are applicable or may be applicable to the property as herein described.

Section III. In this regard, based upon the above and foregoing findings of fact and conclusions, the Wharton City Council does hereby create City of Wharton

Neighborhood Empowerment Zone No. 06-01 with its area to include and contain the property as legally described in Exhibit "B" attached heretofore.

Passed, Approved and Adopted this 3rd day of August 2006.

CITY OF WHARTON, TEXAS

By: _____
BRYCE D. KOCIAN
Mayor

ATTEST:

BY: _____
LISA STAVENA
City Secretary

Councilmember Ray Linseisen seconded the motion. All voted in favor.

The fifth item on the agenda was public hearing: A public hearing regarding the submission of an application to the Department of Agriculture for a Texas Capital Fund (TCF) grant. Mayor Bryce D. Kocian opened the Public Hearing for comments at 5:11 p.m. City Manager Andres Garza, Jr. stated that a public hearing must be held in accordance with the Texas Department of Agriculture, Texas Capital Fund grant requirements. He then presented a copy of the public notice that was published in the Wharton Journal Spectator July 29, 2006 informing the public of the hearing. He stated that three prior applications had been funded, which included Jr.'s Texas Best, Wal-Mart, and the City of Wharton Wastewater Treatment Plant Improvements on Highway 59. He stated that the submission of an application to the Department of Agriculture for a Texas Capital Fund (TCF) grant must be submitted by September 1, 2006. He stated that the application consisted of a request of \$750,000 for road improvements along U.S. Highway 59 at its intersection south of FM 102 for the Buc-ee's Project located in the A. J. Timber League, Abstract No. 34, Wharton County, Texas. Mayor Bryce D. Kocian closed the Public Hearing at 5:12 p.m.

The sixth item on the agenda was to review and consider the submission of a Texas Capital Fund (TCF) grant application to the Texas Department of Agriculture. City Manager Andres Garza, Jr. stated that the City Staff was requesting City Council authorization to prepare a Texas Capital Fund (TCF) grant application to the Texas Department of Agriculture (TDA) for road improvements along U.S. Highway 59 at its intersection south of FM 102. He stated that once the application was prepared a resolution would be presented to the City Council for formal approval. After some discussion, Councilmember Don Mueller made a motion to approve the submission of a Texas Capital Fund (TCF) grant application to the Texas Department of Agriculture. Councilmember Ken Freese seconded the motion. All voted in favor.

The seventh item on the agenda was adjournment. After some discussion, Councilmember Don Mueller made a motion to adjourn. Councilmember V. L. Wiley, Jr. seconded the motion. All voted in favor.

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The meeting adjourned at 5:15 p.m.

CITY OF WHARTON, TEXAS

By: _____
BRYCE D. KOCIAN
Mayor

ATTEST:

LISA STAVENA
City Secretary