

**MINUTES
OF
CITY OF WHARTON
SPECIAL CITY COUNCIL MEETING
FEBRUARY 6, 2012**

Mayor Domingo Montalvo, Jr. declared a Special Meeting duly open for the transaction of business at 5:07 P.M. Councilmember Terry David Lynch led the opening devotion and led the pledge of allegiance.

Councilmembers present were: Mayor Domingo Montalvo, Jr., Councilmembers Terry David Lynch, Don Mueller, Karen Schulz and Russell Machann.

Councilmember absent was: Councilmembers Al Bryant and Jeff Gubbels.

Staff members present were: City Manager Andres Garza, Jr., Finance Director Joan Anandel, Building Official Ronald Bollom, Public Works Director Carter Miska, Assistant City Attorney Amy Rod, and City Secretary Paula Favors.

Visitors present were: Paul Shannon, Charles Davis, Celeta Moses, and Keith Magee with Wharton Journal Spectator.

The second item discussed on the agenda was Public Comments. No comments were given.

The third item discussed on the agenda was to review and consider a request by Wharton County for a variance from the City of Wharton Code of Ordinance, Section 18-304 Administration; (d) Variance Procedures (1-11) to construct a 3,600 square feet addition to the existing Wharton County Historical Museum building located at 3615 North Richmond Road; Wharton, Texas; Abst. 38, Tract 49A. City Manager Andres Garza, Jr. presented a copy of the memorandum dated January 31, 2012 from Building Official Ronnie Bollom to him providing the request from Wharton County for a for a variance from the City of Wharton Code of Ordinance, Section 18-304 Administration; (d) Variance Procedures (1-11) to construct a 3,600 square feet to the existing Wharton County Historical Museum building located at 3615 North Richmond Road; Wharton, Texas; Abst. 38, Tract 49A. Building Official and Floodplain Administrator Ronnie Bollom stated the variance would allow the 3,600 square feet addition to the museum to be constructed at the same elevation as the existing structure. After some discussion, Councilmember Terry David Lynch moved to approve a variance from the City of Wharton Code of Ordinance, Section 18-304 Administration; (d) Variance Procedures (1-11) to construct a 3,600 square feet addition to the existing Wharton County Historical Museum building located at 3615 North Richmond Road; Wharton, Texas; Abst. 38, Tract 49A. Councilmember Russell Machann seconded the motion. All voted in favor.

The fourth item discussed on the agenda was to review and consider Economic Development Agreement:

- A. Request by Mr. Fernando J. Guzman, President, Prime Eco Group for City of Wharton to provide the following:
 - 1. Approximately 750 cubic yards of fill dirt to elevate his property to construct a 12,000 feet warehouse to be located at 2933 Hwy. 60 Wharton; A20036 Abst. 36; Tract 26A-1A, 27A-1A.
 - 2. Waiver of all fees associated with the construction, building, plumbing, electrical, etc. permits.
- B. **Ordinance:** An ordinance authorizing the Mayor to execute an economic development agreement and a related personal property bill of sale, to transfer City surplus fill dirt and a waiver of all fees associated with the construction, building, plumbing, electrical, etc., permits, to Mr. Fernando J. Guzman, President of Prime Eco Group, in support of new development at 2933 Hwy. 60 Wharton; A20036 Abst. 36; Tract 26A-1A, 27A-1A.

City Manager Andres Garza, Jr. presented a copy of the letter dated January 27, 2012 from Mr. David L. Schroeder, Executive Director of the Wharton Economic Development Corporation (WEDC) regarding the proposed expansion of the company, Prime Eco Group, by company President Mr. Fernando J. Guzman. City Manager Garza stated that Mr. Guzman was proposing to construct a new 12,000 feet warehouse facility and was requesting the City of Wharton to assist by providing economic development incentives which would include fill dirt to elevate the property and a waiver of all fees associated with the construction of the building. City Manager Garza also presented a copy of the memorandum dated February 3, 2012 from Building Official Ronnie Bollom providing him an estimate of the permit fees, which were \$1,345.00, as well as, a copy of Mr. Guzman's letters dated January 12, 2012 to Mr. Schroeder; and, his letters dated January 17, 2012 and January 26, 2012 to him. City Manager Garza stated that the City Council Finance Committee met and voted to recommend the City Council to consider approving Mr. Guzman's requests; however, the Committee Members increased the amount of fill dirt requested by Mr. Guzman from 365 cubic yards to 750 cubic yards that would be loaded by the City onto Mr. Guzman's trucks. After some discussion, Councilmember Russell Machann moved to approve City of Wharton Ordinance No. 2012-06, which read as follows:

**CITY OF WHARTON
ORDINANCE NO. 2012-06**

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE AN ECONOMIC DEVELOPMENT AGREEMENT AND A RELATED PERSONAL PROPERTY BILL OF SALE, TO TRANSFER CITY SURPLUS FILL DIRT AND A WAIVER OF ALL FEES ASSOCIATED WITH THE CONSTRUCTION, BUILDING, PLUMBING, ELECTRICAL, ETC. PERMITS TO MR. FERNANDO J. GUZMAN, PRESIDENT OF PRIME ECO GROUP, IN SUPPORT OF NEW DEVELOPMENT AT 2933 HWY. 60 WHARTON; A20036 ABST. 36; TRACT 26A-1A, 27A-1A THAT WILL INCREASE LOCAL SALES AND PROPERTY TAX BASES AND CREATE AREA EMPLOYMENT.

WHEREAS, the City of Wharton and the Wharton Economic Development Corporation (WEDC) work jointly to foster private area developments that increase local sales and property tax bases and create employment opportunities; and

WHEREAS, Mr. Fernando J. Guzman, President of Prime Eco Group of Wharton, Texas, has approached the City and WEDC for forms of public assistance to develop commercial property, together

with related supporting facilities at 2933 HWY. 60 WHARTON; A20036 ABST. 36; TRACT 26A-1A, 27A-1A; and

WHEREAS, the City has ownership of large quantities of excess spoil fill dirt from various recent drainage excavation projects, and Prime Eco Group, Mr. Fernando J. Guzman, President, needs the fill dirt to develop the tract intended for its retail development; and

WHEREAS, the Wharton City Council wishes to waive the any and all fees associated with the construction, building, plumbing, electrical, etc. permits associated with the new development of said facility by Prime Eco Group, Mr. Fernando J. Guzman, President.

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

1. The City hereby declares that not-to-exceed seven hundred fifty (750) cubic yards of fill dirt is surplus City personal property, now able to be sold to Mr. Fernando J. Guzman, President of Prime Eco Group, for Ten Dollars (\$10.00) and other valuable consideration, in support of the development of its warehouse facility that is reasonably anticipated to generate and enhance the local sales and property tax bases and create area employment.

2. The Wharton City Council hereby approves the waiver of any and all fees associated with the construction, building, plumbing, electrical, etc. permits associated with the construction, building, plumbing, electrical, etc. permits associated with the new development of said facility by Prime Eco Group, Mr. Fernando J. Guzman, President.

3. The Mayor is hereby authorized to execute an Economic Development Agreement and related Personal Property Bill of Sale Agreement with Mr. Fernando J. Guzman, President of Prime Eco Group, substantially in the form of the agreements attached hereto for reference.

4. The City Manager and legal counsel for the City are hereby authorized to coordinate with the WEDC and Mr. Fernando J. Guzman, President of Prime Eco Group, to finalize, implement, and administer the additional subsidiary activities and documents related hereto to foster the creation of the anticipated private development that will enhance the area sales and property tax bases, while creating area employment opportunities, in furtherance of the public interest and for the benefit of area citizens.

PASSED AND APPROVED THIS 12th DAY OF FEBRUARY 2012.

CITY OF WHARTON

DOMINGO MONTALVO, JR.
Mayor

Attest:

Paula Favors
City Secretary

Approved as to Form:

Paul Webb
City Attorney

Councilmember Don Mueller seconded the motion. All voted in favor.

The fifth item discussed on the agenda was to review and consider the City Council grant of an easement to CenterPoint Energy Houston Electric, LLC to be located on a certain 0.412 acre tract of land situated in the Randall Jones ½ League, Abstract 36, Wharton County, Texas. City Manager Andres Garza, Jr. stated that the City of Wharton had moved forward with the Hwy. 60 Drainage Re-route Project and had requested that CenterPoint Energy relocate their utility poles located in the drainage route. City Manager Garza further stated that CenterPoint was seeking an easement from the City of Wharton to relocate the poles and the City Staff was requesting the City Council consider approving the granting of the easement to CenterPoint. After some discussion, Councilmember Don Mueller moved to approve granting an easement to CenterPoint Energy Houston Electric, LLC to be located on a certain 0.412 acre tract of land situated in the Randall Jones ½ League, Abstract 36, Wharton County, Texas. Councilmember Terry David Lynch seconded the motion. All voted in favor.

The sixth item discussed on the agenda was Roll Call. Councilmembers Al Bryant and Jeff Gubbels did not attend the meeting.

The seventh item on the agenda was adjournment. Councilmember Don Mueller moved to adjourn the meeting. Councilmember Russell Machann seconded the motion. All voted in favor.

The meeting adjourned at 5:18 p.m.

CITY OF WHARTON, TEXAS

By: _____
DOMINGO MONTALVO, JR.
Mayor

ATTEST:

PAULA FAVORS
City Secretary