

MINUTES  
OF  
CITY OF WHARTON  
REGULAR CITY COUNCIL MEETING  
MAY 8, 2006

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., Ken Freese, Don Mueller, and Domingo Montalvo, Jr.

Councilmember absent was: David Samuelson and Ray Linseisen.

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, EMS Director John Kowalik, Public Works Director Phil Bush, and City Attorney Paul Webb.

Visitors present were: Benjamin Sharp with Wharton Journal Spectator, David Schroeder, Carlos Cotton, and Robert Mathews.

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 stated that the Wharton Tigers would be playing Liberty Hill in Smithville on Thursday, May 11, 2006.

City Manager Andres Garza, Jr. stated that the state transportation department recently nominated the Wharton Youth Advisory Commission as a finalist for an Adopt-a-Highway award. He stated that the Committee had adopted the 2 mile stretch on FM 102 near Wal-Mart. He then publicly commended Jackie Jansky for coordinating all the efforts. 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 10, 2006 and April 24, 2006. After some discussion, Councilmember Don Mueller made a motion to approve the Wharton City Council minutes of the regular meetings held April 10, 2006 and April 24, 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 City of Wharton budget calendar for fiscal year 2006-2007. City Manager Andres Garza, Jr. presented a copy of the City of Wharton budget calendar for fiscal year 2006-2007. After some discussion, Councilmember Ken Freese

made a motion to approve the City of Wharton budget calendar for fiscal year 2006-2007 as discussed. Councilmember V. L. Wiley, Jr. seconded the motion. All voted in favor.

The seventh item on the agenda was to review and consider over 50% Variance Request by Mr. Albert Tijerina, 503 East Milam Street, Wharton Block 17, Lots 15 and 16 for an approximate eight feet variance from the required ten feet setback from East Milam Street and Walnut Street for the placement of a freestanding commercial sign. City Manager Andres Garza, Jr. presented a copy of the memorandum dated April 24, 2006 from Planning Director Prudencio V. Arriaga, Sr. regarding the over 50% variance request by Mr. Albert Tijerina, 503 East Milam Street, Wharton Block 17, Lots 15 and 16 for an approximate eight feet variance from the required ten feet setback from East Milam Street and Walnut Street for the placement of a freestanding commercial sign. He then presented a copy of the application for variance submitted by Mr. Tijerina. Mr. Prudencio stated that the business was requesting placement of the sign in order to increase business, which could increase sales tax to the City of Wharton. He stated that the sign would be on posts approximately 7 feet high from the ground to the bottom of the sign. He stated that the sign would be 4 feet X 4 feet. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to approve the over 50% Variance Request by Mr. Albert Tijerina, 503 East Milam Street, Wharton Block 17, Lots 15 and 16 for an approximate eight feet variance from the required ten feet setback from East Milam Street and Walnut Street for the placement of a freestanding commercial sign. Councilmember V. L. Wiley, Jr. seconded the motion. All voted in favor.

The eighth item on the agenda was to review and consider the Planning Commission recommendation for City Council consideration to approve the request by Mr. Robert Mathews, 1112 Crestmont, Linwood, Block 3, Lot 2 for a variance to occupy a recreational vehicle on private property for more than seven days during the remodeling of his residence. City Manager Andres Garza, Jr. stated that the Planning Commission met Monday, May 1, 2006 and discussed the request by Mr. Robert Mathews, 1112 Crestmont, Linwood, Block 3, Lot 2 for a variance to occupy a recreational vehicle on private property for more than seven days during the remodeling of his residence. He then presented a copy of the Planning Commission Communications and the memorandum dated May 3, 2006 from Planning Commission Chairman A. J. Rath recommending the City Council consider approving the request. Mr. Prudencio stated that Mr. Mathews was requesting to occupy the recreational vehicle only during the remodeling of his residence. Mr. Robert Mathews stated that Building Official Ronnie Bollom had previously inspected the sewer connections to the recreational vehicle. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to approve the request by Mr. Robert Mathews, 1112 Crestmont, Linwood, Block 3, Lot 2 for a variance to occupy a recreational vehicle on private property for more than seven days during the remodeling of his residence. Councilmember Don Mueller seconded the motion. All voted in favor.

The ninth item on the agenda was to review and consider the request by the U.M. Army (United Methodist Action Reach-out Mission by Youth) to waive all building permit fees associated with the out reach program to be held in Wharton, Texas, June 25 – July 1, 2006. City Manager Andres Garza, Jr. presented a copy of the letter dated April 21, 2006 from Mr. J. Keith Bryoles, D.Min., Camp Director of the U.M. Army (United Methodist Action Reach-out Mission by

Youth) requesting the City of Wharton to waive all building permit fees associated with the out reach program the group conducts every year to assist the citizens of Wharton. He stated that the program allowed the youth to conduct minor construction projects such as wheelchair ramps, handrails, porches, painting and yard work at no charge to the client. After some discussion, Councilmember Ken Freese made a motion to approve the request by the U.M. Army (United Methodist Action Reach-out Mission by Youth) to waive all building permit fees associated with the out reach program to be held in Wharton, Texas, June 25 – July 1, 2006. Councilmember Don Mueller seconded the motion. All voted in favor.

The tenth item on the agenda was to review and consider the request by the Public Works Department to purchase a trailer from the Texas Department of Transportation Surplus Property Program. City Manager Andres Garza, Jr. stated that the City Public Works Department was in need of a trailer to haul the road construction equipment from location to location. He stated that the trailer currently being used was not adequate for the size of the equipment (track-hoe, dozer, etc.). He also stated that the current trailer was in need of major repairs. He stated that Public Works Director Phil Bush had located a Texas Department of Transportation surplus trailer that would meet the City's needs. He then presented copies of the information on the trailer. He stated that the State was asking \$11,000. He further stated that the trailer had been inspected by Mr. Phil Bush and Mr. Leonard Hubenak, City Mechanic; and they felt the trailer was a good bargain for the City. Public Works Director Phil Bush submitted pictures of the 2001 trailer costing \$11,000.00. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to approve the request by the Public Works Department to purchase a trailer from the Texas Department of Transportation Surplus Property Program in the amount of \$11,000.00. Councilmember Don Mueller seconded the motion. All voted in favor.

The eleventh item on the agenda was to review and consider the Southern Pacific Railroad Depot Restoration Project, A & A Constructors, Inc., Pay Request No. 10. City Manager Andres Garza, Jr. presented pay request No. 10 submitted by A & A Constructors, Inc. for the Southern Pacific Railroad Depot Restoration Project. After some discussion, Councilmember Don Mueller made a motion to approve the Southern Pacific Railroad Depot Restoration Project, A & A Constructors, Inc., Pay Request No. 10 in the amount of \$106,210.00. Councilmember V. L. Wiley, Jr. seconded the motion. All voted in favor.

The twelfth item on the agenda was to review and consider the Texas Municipal League Legislative Task Force of Utilities. City Manager Andres Garza, Jr. stated that during the March 27, 2006 regular Wharton City Council meeting, the City Council approved Councilmember Domingo Montalvo, Jr. to attend the Texas Municipal League Task (TML) Force on Utility Issues as a Board Member. He stated that Councilmember Montalvo would present a report regarding the meetings that he had attended. He stated that Councilmember Montalvo had been selected to serve on the TML Legislative Policy Subcommittee on Utilities and was requesting City Council approval to be reimbursed for the travel expense. He then presented a copy of the letter dated April 13, 2006 from TML Director of Legal Services Mr. Scott Houston regarding a summary of action taken during the April 10, 2006 meeting. He then presented a copy of the letter dated April 19, 2006 from TML Executive Director Frank Sturzl regarding the subcommittee meeting. Councilmember Domingo Montalvo, Jr. thanked the City Council for

allowing him to serve on the committee. He stated that it improves relationships with the legislators and was honored to serve the City of Wharton. After some discussion, Councilmember Don Mueller made a motion to approve the Texas Municipal League Legislative Task Force of Utilities and the travel expenses for Councilmember Domingo Montalvo, Jr. to attend such meetings. Councilmember V. L. Wiley, Jr. seconded the motion. All voted in favor.

The thirteenth item discussed on the agenda was review and consider the request by Aemstar EMS for a City of Wharton Ambulance Provider Permit. City Manager Andres Garza, Jr. presented a copy of the memorandum dated May 4, 2006 from City Secretary Lisa Stavena regarding the request for a City of Wharton ambulance provider permit submitted by Aemstar EMS. EMS Director John Kowalik stated that Aemstar was in compliance set forth by Ordinance No. 1997-18. After some discussion, Councilmember Don Mueller made a motion to approve the request by Aemstar EMS for a City of Wharton Ambulance Provider Permit for the period May 9, 2006 to May 8, 2007. Councilmember Ken Freese seconded the motion. All voted in favor.

The fourteenth item discussed on the agenda was Executive Session: City Council may adjourn into an Executive Session in accordance with Section 551.072 of the Government Code, Revised Civil Statutes of Texas. Final action, decision or vote, if any with regard to any matter considered in Executive Session shall be made in Open Meeting:

**A. Discussion:** Acquisition of real estate for City of Wharton Facilities.

Mayor Bryce D. Kocian adjourned into Executive Session at 7:20 p.m.  
Mayor Bryce D. Kocian returned to open session at 8:08 p.m.

The fifteenth item discussed on the agenda was Return to Open Session: Action on items discussed in Executive Session:

**A. Review & Consider:** Acquisition of real estate for City of Wharton Facilities.

Mayor Bryce D. Kocian stated that no action would be taken.

The sixteenth item discussed on the agenda was to review and consider the City Council Committees, Boards and Commission's Reports:

A. Wharton Economic Development Corporation meeting held April 25, 2006.

B. Public Safety Committee meeting held May 1, 2006.

C. Planning Commission meeting held May 1, 2006.

D. Wharton Regional Airport Board meeting held May 2, 2006.

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

The seventeenth 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.

The meeting adjourned at 8:09 p.m.

City of Wharton  
Regular City Council Meeting  
May 8, 2006

By: \_\_\_\_\_  
BRYCE D. KOCIAN  
Mayor

ATTEST:

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LISA STAVENA  
City Secretary