

**MINUTES
OF
CITY OF WHARTON
REGULAR CITY COUNCIL MEETING
April 25, 2011**

Mayor Domingo Montalvo, Jr. declared a Regular Meeting duly open for the transaction of business at 7:00 P.M. Councilmember Bryce D. Kocian led the opening devotion and Mayor Domingo Montalvo, Jr. led the pledge of allegiance.

Councilmember's present were: Mayor Domingo Montalvo, Jr., Councilmembers Terry David Lynch, Don Mueller, Alfred Bryant and Bryce D. Kocian.

Councilmember absent was: Jeff Gubbels.

Staff members present were: City Manager Andres Garza, Jr., Finance Director Joan Anzel, City Secretary Paula Favors, Assistant to City Manager Jackie Jansky, Public Works Director Carter Miska, and City Attorney Paul Webb.

Visitors present were: John Mercurief II with Wharton Journal Spectator, David Schroeder with Wharton Economic Development Corporation, Rachel Rust, Paul Sherland, Richard Arnold, and I.O. Coleman, Jr.

The second item on the agenda was Roll Call and Excuses Absences. After some discussion, Councilmember Don Mueller moved to excuse Councilmember Jeff Gubbels. Councilmember Alfred Bryant seconded the motion. All voted in favor.

The third item on the agenda was Public Comments. Mr. Paul Sherland addressed the City Council and informed them that the Wharton Economic Development Corporation's Market Wharton Committee created a website located at www.whartontxproud.com. Mr. Sherland added the committee was taking steps to promote Wharton in a positive light. No action was taken.

The fourth item discussed on the agenda was the Wharton Moment. Councilmember Don Mueller complimented the Wharton Fire Department for doing an outstanding job handling a gas leak at Briar Pointe Apartments. Mayor Domingo Montalvo, Jr. added that it was encouraging to see the fire department working well together and training was paying off. Councilmember Bryce D. Kocian stated that Spring Sweep would be held Saturday, April 30, 2011 at the Wharton County Junior College for Wharton residents to take part in. No action was taken.

The fifth item on the agenda was to review and consider the City of Wharton Financial Report for the month of March 2011. Finance Director Joan Anzel presented the financial report for the

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month of March 2011. Mrs. Anadel stated that the total ad valorem taxes collected were \$36,531.50 and the sales tax for the month of March 2011 was \$83,057.44. She further stated that the TexPool balance for March was \$2,292,590.03 with an average monthly yield of 0.15%. She said Prosperity Bank balance for March 2011 was \$1,449,687.86 with an average monthly yield of 0.15%. Mrs. Anadel further stated that other investments included \$2,659.05 at TexasGulf Federal Credit Union in the debt fund, and \$255,199.69 at Capital One Marketing at a rate of 2%. After some discussion, Councilmember Don Mueller moved to approve the City of Wharton Financial Report for the month of March 2011. Councilmember Bryce D. Kocian seconded the motion. All voted in favor.

The sixth item on the agenda item was to review and consider City of Wharton Annual Financial Report for the fiscal year, October 1, 2009 to September 30, 2010 by Harrison, Waldrop, & Uherek, L.L.P. Mayor Montalvo informed the public that the auditor had not completed their review and this item along with item seven and eight were being pulled from the agenda. There was no discussion and no action taken.

The seventh item on the agenda was executive session.

A. Discussion: The evaluation of City Manager and Finance Director regarding the City's financial matters.

There was no discussion and no action taken.

The eighth item on the agenda was to return to open session.

A: Review & Consider: The evaluation of City Manager and Finance Director regarding the City's financial matters.

There was no discussion and no action taken.

The ninth item on the agenda was to review and consider the City of Wharton Budget Calendar for fiscal year 2011-2012. Finance Director Joan Anadel presented the proposed calendar to the City Council. Mrs. Anadel advised the City Council that budget workshops would take place July 12, 2011 and August 9, 2011 at 6:00 p.m. at the Wharton Civic Center. After some discussion, no action was taken.

The tenth item on the agenda was to review and consider a request by Mr. Richard Arnold for an over 50% variance request for the placement of a 10' x 21' portable carport at Pecan Acres, Block 1, Lot 34A; 217 Kincaid Avenue. City Manager Andres Garza, Jr. presented a copy of the City of Wharton City Council Application for an Over 50% Variance submitted by Mr. Richard Arnold, property owner, requesting a four (4) feet two (2) inch side yard setback variance from the required five (5) feet side yard setback requirement for the placement of a 10' x 21' portable carport at Pecan Acres, Block 1, Lot 34A; 217 Kincaid Avenue. City Manager Garza also presented the City Council with photos of the property. Assistant to City Manager Jackie Jansky stated that the building official Ronnie Bollom has reviewed the property location and carport plans. She said that the carport would be installed under the existing eaves of the house; therefore, gutters were not needed and water run off would be on Mr. Arnold's property.

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She also stated that the next-door neighbor, Mr. Joe Wisnieski, provided a letter indicating he had no objections to the installation of the carport. After some discussion, Councilmember Terry D. Lynch moved to approve the request by Mr. Richard Arnold for an over 50% variance request for the placement of a 10' x 21' portable carport at Pecan Acres, Block 1, Lot 34A; 217 Kincaid Avenue. Councilmember Alfred Bryant seconded the motion. All voted in favor.

The eleventh item on the agenda was to review and consider a request by the City Staff for the City of Wharton to acquire the following Tax Resale Properties:

- A. **Resolution:** A resolution of the Wharton City Council accepting a tract or parcel of land measuring 1118.06 feet, more or less, out of Lot 13 in Block 59 of the City of Wharton from the Wharton County Taxing Entities.

City Manager Andres Garza, Jr. presented a copy of the letter dated April 7, 2011 from Mr. Charles A. "Chip" Sutton, Attorney with Linebarger, Goggan, Blair & Sampson, LLP, the City's delinquent tax attorney firm, providing the information regarding two (2) parcels of properties (Items A & B above) that the City could acquire for the Wharton Flood Reduction Project (Levee Project) to the City Council. City Manager Garza advised the City Council these properties would be for future use on the levy project. He stated that if the properties were not acquired through tax resale that the City may have to purchase the properties at their appraised cost in the future. After some discussion, Councilmember Alfred Bryant moved to approve a resolution accepting a tract or parcel of land measuring 1118.06 feet, more or less, out of Lot 13 in Block 59 of the City of Wharton from the Wharton County Taxing Entities. City of Wharton Resolution No. 2011-28 reads as follows:

**CITY OF WHARTON
RESOLUTION NO. 2011-28**

A RESOLUTION OF THE WHARTON CITY COUNCIL ACCEPTING A TRACT OR PARCEL OF LAND MEASURING 1118.06 FEET, MORE OR LESS, OUT OF LOT 13 IN BLOCK 59 OF THE CITY OF WHARTON FROM THE WHARTON COUNTY TAXING ENTITIES.

WHEREAS, the City of Wharton (the "City"), Wharton County, Wharton Independent School District, Wharton County Emergency Services District #1, Wharton County Junior College District and the Coastal Bend Groundwater Conservation District foreclosed on the below described property ("the property") through a delinquent tax lawsuit and judgment:

A TRACT OR PARCEL OF LAND MEASURING 1118.06 FEET, MORE OR LESS, OUT OF LOT 13 IN BLOCK 59 OF THE CITY OF WHARTON, WHARTON COUNTY, TEXAS ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 63, PAGE 3 OF THE DEED RECORDS OF WHARTON COUNTY, TEXAS, THIS TRACT OR PARCEL IS MORE PARTICULARLY DESCRIBED IN THE DEED FROM MISSOURI GORDON ET AL TO CHARLIE GORDON DATED NOVEMBER 26, 1951 AND RECORDED IN VOLUME 252,

PAGE 413 OF THE DEED RECORDS OF WHARTON COUNTY,
TEXAS (ACCOUNT NO. R026603)

WHEREAS, the City remains unpaid after exhausting all legal means to satisfy the collection of the delinquent taxes due and owing to the City, including conducting a public auction of the property by the Wharton County Sheriff on the Wharton County Courthouse steps whereby the property was struck off to the taxing authorities and;

WHEREAS, Being no bids for the property at the tax sale on July 7, 2009 or at subsequent tax re-sales, the City, Wharton County, Wharton Independent School District, Wharton County Emergency Services District #1, Wharton County Junior College District and the Coastal Bend Groundwater Conservation District now holds title to the property in trust to secure the payment of taxes, penalties, interest and costs owed to all taxing authorities participating in the foreclosure judgment;

WHEREAS, , the City, Wharton County, Wharton Independent School District, Wharton County Emergency Services District #1, Wharton County Junior College District and the Coastal Bend Groundwater Conservation District has received an offer of \$10.00 to purchase the property from the City of Wharton.

NOW, THEREFORE, IT IS ORDERED by the City of Wharton:

1. That all of the above paragraphs are true, correct and as such they are hereby incorporated in full and made part of this Resolution;
2. That the City of Wharton accepts this offer and authorizes the Mayor of the City of Wharton to sign and execute the deed on behalf of the City of Wharton to transfer all of the City of Wharton's title and interest in the property to the entity submitting the offer to purchase the property.
3. That the conveyance of all the title and interest of the tax authorities in the property is contingent on the acceptance of the offer by the governing bodies of Wharton County, Wharton Independent School District, Wharton County Emergency Services District #1, Wharton County Junior College District and the Coastal Bend Groundwater Conservation District.

Passed, Approved and Adopted this 25th day of April 2011.

CITY OF WHARTON, TEXAS

By: _____
DOMINGO MONTALVO, JR.
Mayor

Attest:

Paula Favors
City Secretary

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

B. Resolution: A resolution of the Wharton City Council accepting a tract or parcel of 1.0 acre, more or less, out of that certain tract or parcel situated in the William Kincheloe League, near the City of Wharton from the Wharton County Taxing Entities.

After some discussion, Councilmember Alfred Bryant moved to approve a resolution accepting a tract or parcel of 1.0 acre, more or less, out of that certain tract or parcel situated in the William Kincheloe League, near the City of Wharton from the Wharton County Taxing Entities. City of Wharton Resolution No. 2011-29 reads as follows:

**CITY OF WHARTON
RESOLUTION NO. 2011-29**

A RESOLUTION OF THE WHARTON CITY COUNCIL ACCEPTING A TRACT OR PARCEL OF 1.0 ACRE, MORE OR LESS, OUT OF THAT CERTAIN TRACT OR PARCEL SITUATED IN THE WILLIAM KINCHELOE LEAGUE, NEAR THE CITY OF WHARTON FROM THE WHARTON COUNTY TAXING ENTITIES.

WHEREAS, the City of Wharton (the “City”), Wharton County, Wharton Independent School District, Wharton County Emergency Services District #1, Wharton County Junior College District and the Coastal Bend Groundwater Conservation District foreclosed on the below described property (“the property”) through a delinquent tax lawsuit and judgment:

1.0 ACRE, MORE OR LESS, OUT OF THAT CERTAIN TRACT OR PARCEL SITUATED IN THE WILLIAM KINCHELOE LEAGUE, NEAR THE CITY OF WHARTON, WHARTON COUNTY, TEXAS, SAID 1.0 ACRE TO BE MEASURED SO AS TO INCLUDE THE SLAUGHTER PEN AND SLAUGHTER HOUSE OWNED AND USED BY M. LEVINE, AS DESCRIBED IN DEED DATED AUGUST 1, 1921 FROM M. LEVINE TO J.H. GRAVES, RECORDED IN VOLUME 57, PAGE 562, DEED RECORDS OF WHARTON COUNTY, TEXAS (ACCOUNT NO. R018526)

WHEREAS, the City remains unpaid after exhausting all legal means to satisfy the collection of the delinquent taxes due and owing to the City, including conducting a public auction of the property by the Wharton County Sheriff on the Wharton County Courthouse steps whereby the property was struck off to the taxing authorities and;

WHEREAS, Being no bids for the property at the tax sale on October 7, 2008 or at subsequent tax re-sales, the City, Wharton County, Wharton Independent School District, Wharton County Emergency Services District #1, Wharton County Junior College District and the Coastal Bend Groundwater Conservation District now holds title to the property in trust to secure the payment of taxes, penalties, interest and costs owed to all taxing authorities participating in the foreclosure judgment;

WHEREAS, , the City, Wharton County, Wharton Independent School District, Wharton County Emergency Services District #1, Wharton County Junior College District and the Coastal Bend Groundwater Conservation District has received an offer of \$10.00 to purchase the property from the City of Wharton.

NOW, THEREFORE, IT IS ORDERED by the City of Wharton:

4. That all of the above paragraphs are true, correct and as such they are hereby incorporated in full and made part of this Resolution;
5. That the City of Wharton accepts this offer and authorizes the Mayor of the City of Wharton to sign and execute the deed on behalf of the City of Wharton to transfer all of the City of Wharton's title and interest in the property to the entity submitting the offer to purchase the property.
6. That the conveyance of all the title and interest of the tax authorities in the property is contingent on the acceptance of the offer by the governing bodies of Wharton County, Wharton Independent School District, Wharton County Emergency Services District #1, Wharton County Junior College District and the Coastal Bend Groundwater Conservation District.

Passed, Approved and Adopted this 11th day of April 2011.

CITY OF WHARTON, TEXAS

By: _____
DOMINGO MONTALVO, JR.
Mayor

Attest:

Paula Favors
City Secretary

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

The twelfth item on the agenda was to review and consider a resolution of the Wharton City Council approving a professional engineering services agreement between the City of Wharton and IDC Inc. for the FM 102 Relocation or FM 1301 to Hwy. 59 Extension and Overpass Project and authorizing the Mayor of the City of Wharton to execute the agreement. City Manger Andres Garza, Jr. presented a draft resolution approving the professional engineering services agreement with IDC Inc. for the FM 102 Relocation or FM 1301 to Hwy. 59 Extension and Overpass Project. City Manager Garza said the City Staff was working with the firm to arrive at the additional cost for the FM 1301 to Hwy. 59 expansion design. City Manager Garza added the City Staff had been in contact with the TxDOT Yoakum District regarding the City Council's April 18th decision to proceed with the environmental clearance for the FM 102 Relocation and the FM 1301 to Hwy. 59 Expansion. City Manager Garza advised the City Council that the professional engineering services agreement was being revised to reflect the City Council's

decision and the TxDOT Advance Funding Agreement was also being revised to reflect the City Council's decision. After some discussion, Councilmember Donald Mueller moved to approve a resolution of the Wharton City Council approving a professional engineering services agreement between the City of Wharton and IDC Inc. for the FM 102 Relocation or FM 1301 to Hwy. 59 Extension and Overpass Project and authorizing the Mayor of the City of Wharton to execute the agreement which would only include the following:

- (1) preliminary engineering for FM 102 extension (FM 102 to FM 1301) for environmental approval in the amount of \$225,170.00,
- (2) plans, specifications, and estimates for railroad overpass, intersection with SH 60 and FM 1301 tie-in in the amount of \$397,728.00,
- (3) right of way mapping for FM 102 extension in the amount of \$49,700.00, and
- (4) preliminary engineering for FM 1301 extension to US 59 (including 2-way frontage road and entrance and exit ramps [for environmental approvals]) in the amount of \$95,263.00,

and in accordance with the City of Wharton Resolution No. 2011- 30, which reads as follows:

**CITY OF WHARTON
RESOLUTION NO. 2011-30**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING A PROFESSIONAL ENGINEERING SERVICES AGREEMENT BETWEEN THE CITY OF WHARTON AND IDC INC FOR THE FM 102 RELOCATION OR FM 1301 TO HWY 59 EXPANSION AND OVERPASS PROJECT AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATING TO SAID CONTRACT.

WHEREAS, the Wharton City Council wishes to move forward with the engineering phase of the FM 102 Relocation or FM 1301 to Hwy 59 Expansion and Overpass Project; and

WHEREAS, the City of Wharton and IDC Inc. wishes to enter into a professional engineering services agreement for the engineering phase for said project; and

WHEREAS, the Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute a professional engineering services agreement between the City of Wharton and IDC Inc. for the engineering phase of the FM 102 Relocation or FM 1301 to Hwy 59 Expansion and Overpass Project; and

WHEREAS, the City of Wharton and IDC, Inc. wishes to be bound by the conditions as set forth in the agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WHARTON, TEXAS as follows:

Section I. The Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute a professional engineering services agreement between the City of Wharton

and IDC Inc. for the engineering phase of the FM 102 Relocation or FM 1301 to Hwy 59 Expansion and Overpass Project.

Section II. The City of Wharton and IDC Inc. are hereby bound by the conditions as set forth in the agreement.

Section III. That this resolution shall become effective immediately upon its passage.

Passed, Approved, and Adopted this 25th day of April 2011.

CITY OF WHARTON, TEXAS

By: _____
DOMINGO MONTALVO, JR.
Mayor

ATTEST:

PAULA FAVORS
City Secretary

Councilmember Alfred Bryant seconded the motion. Councilmembers Don Mueller, Alfred Bryant and Terry David Lynch voted for the motion. Bryce D. Kocian voted against the motion. The motion carried.

The thirteenth item on the agenda was to review and consider a resolution of the Wharton City Council authorizing the Mayor of the City of Wharton to execute a Memorandum of Understanding regarding the Adoption of the Texas Department of Transportation's Federally – Approved Disadvantaged Business Enterprise Program by the City of Wharton, Texas. City Manager Andres Garza, Jr. presented a copy of the Texas Department of Transportation (TxDOT) Disadvantaged Business Enterprise (DBE) Program and Memorandum of Understanding (MOU) to the City Council. City Manager Garza addressed the City Council and informed them since the City of Wharton would let the construction contract for the Sidewalk Accessibility and Historic Streetscape Project, the City was required to adopt a Disadvantaged Business Enterprise (DBE) program. City Manager Garza stated the City could adopt the TxDOT federally approved DBE Program by entering into a (MOU) or it had the option to develop its own DBE program, which would take several years to develop according to the State. City Manager Garza informed the City Council that the City Council Public Works Committee met on March 14, 2011 and voted to recommend the City Council consider approving the MOU and adopt the TxDOT DBE program. After some discussion, Councilmember Bryce D. Kocian made the motion to approve a resolution of the Wharton City Council authorizing the Mayor of the City of Wharton to execute a Memorandum of Understanding regarding the Adoption of the Texas Department of Transportation's Federally – Approved Disadvantaged Business Enterprise Program by the City of Wharton, Texas. The City of Wharton Resolution No. 2011-31 reads as follows:

CITY OF WHARTON

RESOLUTION NO. 2011-31

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE A MEMORANDUM OF UNDERSTANDING REGARDING THE ADOPTION OF THE TEXAS DEPARTMENT OF TRANSPORTATION'S FEDERALLY APPROVED DISADVANTAGED BUSINESS ENTERPRISE PROGRAM BY THE CITY OF WHARTON, TEXAS.

WHEREAS, the City of Wharton will let certain construction projects funded by the Texas Department of Transportation; and

WHEREAS, the City of Wharton of is required to follow the Texas Department of Transportation Local Government Project Procedures; and

WHEREAS, part of the requirements of the Texas Department of Transportation Local Government Project Procedures is that entities must adopt a Disadvantaged Business Enterprise Program ; and

WHEREAS, the City of Wharton wishes to enter into a Memorandum of Understanding regarding the adoption of the Texas Department of Transportation's Federally approved Disadvantaged Business Enterprise Program; and

WHEREAS, the Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute all documents related to the Memorandum of Understanding regarding the adoption of the Texas Department of Transportation's Federally approved Disadvantaged Business Enterprise Program .

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WHARTON, TEXAS as follows:

Section I. The Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute all documents related to the Memorandum of Understanding regarding the adoption of the Texas Department of Transportation's Federally approved Disadvantaged Business Enterprise Program.

Section II. That this resolution shall become effective immediately upon its passage.

Passed, Approved, and Adopted this 25th day of April 2011.

CITY OF WHARTON, TEXAS

By: _____
DOMINGO MONTALVO, JR.
Mayor

ATTEST:

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

The fourteenth item on the agenda was to review and consider City of Wharton Emergency Generator Quick Connects for Certain Facilities Project – Electrical Automation Controls, Pay Request No. 3, in the amount, of \$39,146.89. City Manager Andres Garza, Jr. presented a copy of the memorandum dated April 19, 2011 from Building Official Ronnie Bollom providing the Pay Request No. 3 submitted by Electrical Automation Controls in the amount of \$39,146.89 for the City of Wharton Emergency Generator Quick Connects for Certain Facilities Project. City Manager Garza added that Mr. Bollom indicated in his memorandum that he had made an inspection of each site listed for payment and recommended the invoice be paid. After some discussion, Councilmember Bryce D. Kocian moved to approve City of Wharton Emergency Generator Quick Connects for Certain Facilities Project – Electrical Automation Controls, Pay Request No. 3, in the amount, of \$39,146.89. Councilmember Alfred Bryant seconded the motion. All voted in favor.

The fifteenth item on the agenda was to review and consider the 2011 Wharton Municipal Swimming Pool Applications, Fees, and Schedule. City Secretary Paula Favors presented a copy of her memorandum dated April 20, 2011 to City Manager Andres Garza, Jr. providing the 2011 Wharton Municipal Swimming Pool Applications, Fees and Schedule. Mrs. Favors informed the City Council that Wednesday and Friday needed to, be removed, from the Water Aerobics schedule. After some discussion, Councilmember Terry David Lynch moved to approve the 2011 Wharton Municipal Swimming Pool Applications, Fees, and Schedule with the removal of Wednesday and Friday from the Water Aerobics schedule. Councilmember Don Mueller seconded the motion. All voted in favor.

The sixteenth item on the agenda was to review and consider TML Newly Elected City Officials' Orientation to be held July 15-16, 2011 in Austin, Texas. City Manager Andres Garza, Jr. presented the City Council information regarding the TML Newly Elected City Officials' Orientation to be held July 15-16, 2011 in Austin, Texas. City Manager Garza added that City Councilmember Alfred Bryant was requesting City Council approval to attend the conference. He stated that the estimated cost was \$716.52, as outlined in the City Council packet. After some discussion, Councilmember Terry David Lynch moved to approve Councilmember Alfred Bryant's request to attend TML Newly Elected City Officials' Orientation to be held July 15-16, 2011 in Austin, Texas. Councilmember Bryce D. Kocian seconded the motion. All voted in favor.

The seventeenth item on the agenda was to review and consider the City of Wharton City Council Boards, Commissions, and Committees:

- A. Beautification Commission.
- B. Building Standards Commission.
- C. Electrical Board.
- D. Holiday Light Decorating Chairman.
- E. Mayor's Committee on People with Disabilities.
- F. City Council Committees:

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1. Housing Committee.
2. Public Health Committee.
3. Telecommunications Committee.
4. Wharton Economic Development Corporation Board of Directors Selection Committee.

City Manager Andres Garza, Jr. presented a copy of the a public notice to the Wharton Journal Spectator to advertise for applicants for the positions on the Wharton Economic Development Board of Directors whose terms will expire the 1st Tuesday in June. City Manager Garza added that the application was posted on the City of Wharton website. After some discussion, no action was taken.

The eighteenth item on the agenda was to review and consider the Status Report on City of Wharton Projects. City Manager Andres Garza, Jr. presented copy of his memorandum dated April 25, 2011 to the City Council providing the Status Report on City of Wharton Projects, which read as follows:

FLOOD REDUCTION (LEVEE) PROJECT

The U.S. Army Corp of Engineers (USACE) Lower Colorado River Phase I Report - City of Wharton Flood Prevention Project and Recommended report was located at the Wharton County Library and the office of the City of Wharton City Secretary for viewing or the report may be viewed on line at <http://www.swf.usace.army.mil/pubdata/notices/LowerColorado/>.

On February 1, 2011 the Public Works Committee met to discuss issues with the levee. The group reviewed the possible levee realignment that would tie in with Caney Creek just Southeast of Glen Flora. In addition, the committee reviewed those areas where buyouts and/or relocations may be needed. The discussion focused on whether to avoid the buyouts by building a floodwall or continue with the earthen levee and buyout property owners. The consensus was that it would be more feasible to continue with the earthen levee. Public Works staff is collecting data for Halff Associates to assist in the final design.

DRAINAGE:

1. Santa Fe Outfall Channel.

The Public Works Department has finished excavation up to Alabama Road. The Public Works Department will now focus on installing grade stabilization structures and installing other best management practices needed to control erosion. Excavation will continue weather permitting.

2. Highway 60 & Old Lane City Road Drainage Improvements

The construction plans have been approved by the TxDOT Yoakum District Office.

City Staff was currently preparing cost estimates on the project and obtaining the necessary right of way needed for the project.

WATER/SEWER IMPROVEMENTS:

1. Ahldag Addition Sanitary Sewer Project – TxCDBG Contract No. R729710.

This project was complete. The City has a one-year warranty with AR Turnkey on this project.

2. Water Storage Tank Maintenance Program.

Negotiations with Utility Service Company have been terminated. City Staff will be presenting to the City Council an engineering contract for those improvements.

3. Quick Connect/Transfer Switch Project

Quick connects and transfer switches are being installed at all city lift stations, city water plants, City Hall, the Fire Station, EMS Headquarters, WWTP #1, and WWTP#2. Electrical Automation Controls was approximately 90% complete.

4. Pressure Switches at City Water Plants

This project is complete; however, the Public Works staff continues to monitor the system to insure that it is working properly.

5. Energy Efficiency Audit

City Staff is waiting for the final report from Siemens Industry, Inc.

STREET IMPROVEMENTS

1. FM 102 Relocation and Overpass Project

The Consultant Selection Committee recommended IDC, Inc. as the engineering firm on this project, which was accepted by the City Council on March 14, 2011. City Staff met with IDC, Inc. and TxDOT at the Yoakum District Office on March 17, 2011. The purpose of the meeting was to discuss the engineering services contract between the City, TxDOT, and IDC, Inc. IDC, Inc. will be finalizing the scope of work for TxDOT's review to insure all project elements are covered in the final contract. IDC, Inc. will finalize the draft agreement for review by the City.

2. 2010 Street Improvement Program

This project was complete.

3. 2011-2012 Street Improvement Program

Public Works Staff is currently identifying and preparing cost estimates for possible street improvements during the next fiscal year.

4. Wharton Sidewalk Accessibility and Historic Streetscape Project

The City of Wharton received the fully executed contract from the Texas Department of Transportation. Finance Director Joan Anandel, Assistant to City Manager Jackie Jansky, and Public Works Director Carter Miska, P.E. attended the Local Government Project Procedures Training held March 8 – 9, 2011. The City Council approved the resolution designating the Consultant Selection Committee for the project on March 14th. Additionally, the City Staff submitted the Public Notice to the Wharton Journal Spectator and to approximately 20 engineering/architectural firms requesting their Statements of Qualifications. The RFQ's were April 19, 2011 and they are being distributed to the Consultant Selection Committee.

OTHER PROJECTS

1. Fire Station Expansion Project

Public Works Staff completed the construction of the earthen pad required for the new building foundation on February 22, 2011. A soil testing lab was on-site and verified that all compaction and moisture requirements were met. Public Works was now in the process of providing a sewer tap and water tap for the new building.

Facilities Maintenance Director Bob Baker was the project manager and will be soliciting the necessary quotes and bids to move the project forward. The building has been ordered.

WHARTON REGIONAL AIRPORT

1. Capital Improvement Drainage Project.

The TxDOT has negotiated an engineering contract with O'Malley Engineers to design the Drainage Project for the airport being conducted under the 2010 Capital Improvement Program. The City Staff met with the State and O'Malley Engineers on March 17, 2011 to kick-off the project.

After some discussion, no action was taken.

The nineteenth item on the agenda was to review and consider City Council, Committee, Commissions and Boards Reports:

- A. Wharton Economic Development Corporation meeting held April 11, 2011.
- B. Beautification Commission meeting held April 13, 2011.
- C. City Council Finance Committee meeting to be held April 25, 2011. No report was presented due to cancellation of City Council Finance Committee meeting.

City Manager Andres Garza, Jr. presented a copy of the reports to the City Council. After some discussion, no action was taken.

The twentieth item discussed on the agenda was to review and consider the City's Reports:

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- A. City Secretary/Personnel.
- B. Code Enforcement.
- C. Community Services Department /Civic Center.
- D. Emergency Management.
- E. E.M.S. Department.
- F. Engineer/Planning Department.
- G. Facilities Maintenance Department.
- H. Fire Department.
- I. Legal Department.
- J. Municipal Court.
- K. Police Department
- L. Public Works Department.
- M. Water/ Sewer Department.
- N. Weedy Lots/ Sign Ordinance.
- O. Wharton Municipal Pool.
- P. Wharton Regional Airport.

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

The twenty-first item on the agenda was adjournment. After some discussion, Councilmember Donald Mueller made a motion to adjourn. Councilmember Alfred Bryant seconded the motion. All voted in favor.

The meeting adjourned at 7:50 p.m.

CITY OF WHARTON, TEXAS

By: _____
Domingo Montalvo, Jr
Mayor

ATTEST:

Paula Favors
City Secretary