

**MINUTES  
OF  
CITY OF WHARTON  
REGULAR CITY COUNCIL MEETING  
April 23, 2012**

Mayor Pro-Tem Don Mueller declared a Regular Meeting duly open for the transaction of business at 7:00 P.M. Mayor Pro-Tem Mueller led the opening devotion and led the pledge of allegiance.

Councilmember's present were: Mayor Pro-Tem Don Mueller, Councilmembers Al Bryant, Terry David Lynch, and Karen Schulz.

Councilmembers absent were: Mayor Domingo Montalvo, Jr., Councilmembers Jeff Gubbels and Russell Machann.

Staff members present were: City Manager Andres Garza, Jr., Finance Director Joan Anandel, City Secretary Paula Favors, and Assistant to City Manager Jackie Jansky.

Visitors present were: David Schroeder, Executive Director of Wharton Economic Development Corporation, Ben Sharp with Wharton Journal Spectator, and Carlos Cotton, P.E. with Jones and Carter, Inc.

The second item on the agenda was Roll Call and Excused Absences. After some discussion, Councilmember Terry David Lynch moved to excuse Mayor Domingo Montalvo, Jr., Councilmembers Jeff Gubbels and Russell Machann. Councilmember Al Bryant seconded the motion. All voted in favor.

The third item on the agenda was Public Comments. No comments were made.

The fourth item discussed on the agenda was Wharton Moment. City Manager Andres Garza, Jr. congratulated Wharton Independent School District Seniors Casey Woodfin and Dalton Woodfin on claiming the Class 3A Region IV doubles title for the second year in a row, which advanced them to the Class 3A state tennis tournament.

The fifth item discussed on the agenda was to review and consider the City of Wharton Financial Report for the month of March 2012. Finance Director Joan Anandel presented the financial report for the month of March 2012. Mrs. Anandel stated that the total ad valorem taxes collected were \$33,125.08 and the sales tax for the month of March 2012 was \$94,763.74. She further stated that the TexPool balance for March was \$169,049.53 with an average monthly yield of 0.12%. She said the Prosperity Bank balance for March 2012 was \$7,550,956.74 with an average monthly yield of 0.15%. Mrs. Anandel further stated that other investments included \$2,681.86 at TexasGulf Federal Credit Union in the debt fund, and \$256,362.54 at Capital One Marketing. After some discussion, Councilmember Al Bryant moved to approve the City of Wharton Financial Report for the month of March 2012. Councilmember Karen Schulz seconded the motion. All voted in favor.

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The sixth item on the agenda was to review and consider a request by the Mr. David Copeland, Co-Chairman of the Wharton County Freedom Fest, Inc. (WCFF) Committee for the City Council to consider approving the following:

- A. Authorization to hold the Annual Wharton County Freedom Fest event on June 29 and 30, 2011.
- B. Use of Riverfront Park and waiver of park rental fee(s).
- C. Assembly and disassembling of the City of Wharton Performance Stage at the corner of Houston Street and Burlison.
- D. Assistance obtaining four (4) Port-O-Lets for Friday, June 29<sup>th</sup> and an additional six (6) for Saturday, June 30<sup>th</sup> utilizing City of Wharton Hotel/Motel tax revenue.
- E. Assistance obtaining solid waste dumpsters and receptacles from Waste Corporation of America.
- F. Waiver of the fees for the City of Wharton Temporary Permit for Possession and consumption of alcoholic beverages in City Parks.
- G. Variance to the City of Wharton Code of Ordinances Chapter 54 Parks and Recreation Section 54-2 Park Property, Section 54-3 Hours of Operation, and Section 54-8 Operating or parking motor vehicles in parks.
- H. Authorization to close the following streets:
  - 1. Portions of Houston and Fulton Streets adjacent to the downtown square at 5:00 p.m. on Friday, June 29<sup>th</sup> through Saturday, June 29<sup>th</sup>
  - 2. Houston Street from Burlison to Elm on Saturday June 30<sup>th</sup> , (Sunday, if rain delayed) and use of the City of Wharton's wooden and metal barricades and caution tape.
- I. Funding for security through the City of Wharton Hotel/Motel Fund.
- J. Assistance from personnel from the Public Works and Facilities Maintenance Departments.

City Manager Andres Garza, Jr. presented a copy of the letter dated March 21, 2012 from Mr. David Copeland, Co-Chairman of the Wharton County Freedom Fest, Inc. requesting the afore mentioned items. After some discussion, Councilmember Terry David Lynch moved to approve the afore mentioned items with the exception of Items D. & I., which would be reviewed at the next regular City Council meeting to be held on May 14, 2012. Councilmember Al Bryant seconded the motion. All voted in favor.

The seventh item on the agenda was to review and consider Wharton Municipal Swimming Pool:

- A. Approval of the 2012 Pool Schedule
- B. **Resolution:** A resolution of the Wharton City Council approving the 2012 Wharton Swim Team Agreement for use of the Wharton Municipal Swimming Pool and authorizing the City Manager to execute the agreement.

City Manager Andres Garza, Jr. presented a copy of the memorandum dated April 20, 2012 from City Secretary Paula Favors providing the 2012 Wharton Municipal Swimming Pool Applications, Fees and Schedule. City Secretary Paula Favors stated the pool was scheduled to be opened Tuesday, June 12, 2012 and through Friday, August 3, 2012. After some discussion, Councilmember Al Bryant moved to approve the 2012 Wharton Municipal Swimming Pool Applications, Fees and Schedule. Councilmember Karen Schulz seconded the motion. All voted

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in favor. City Manager Andres Garza, Jr. stated that City Staff met with Melissa Stolle, a representative for the Wharton Swim Team, and discussed utilizing the pool on Mondays at 4:30 p.m. after the pool maintenance had been conducted. City Manager Garza further stated that the City Staff was recommending the approval of the contract. After some discussion, Councilmember Terry David Lynch moved to approve City of Wharton Resolution No. 2012-14, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2012 -14**

**A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING THE 2012 WHARTON SWIM TEAM AGREEMENT FOR USE OF THE WHARTON MUNICIPAL SWIMMING POOL AND AUTHORIZING THE CITY MANAGER OF THE CITY OF WHARTON TO EXECUTE THE AGREEMENT.**

**WHEREAS,** The Wharton Swim Team wishes to utilize the Wharton Municipal Pool for practices; and

**WHEREAS,** the City of Wharton and the Wharton Swim Team wishes to enter into an agreement for use of the Wharton Municipal Pool; and

**WHEREAS,** the City of Wharton and Wharton Swim Team wishes to be bound by the conditions set forth in said agreement; and

**WHEREAS,** the Wharton City Council wishes to authorize the City Manager of the City of Wharton to execute the agreement.

**NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WHARTON, TEXAS THAT:**

**Section I.** The City Council hereby approves an agreement between the City of Wharton and the Wharton Swim Team for use of the Wharton Municipal Pool.

**Section II.** The City of Wharton and the Wharton Swim Team are hereby bound by the conditions set forth in the agreement.

**Section III.** The City of Wharton hereby authorizes the City Manager of the City of Wharton to execute the agreement.

**Section IV.** This resolution will become effective immediately upon its passage.

**Passed, Approved and Adopted this 23<sup>rd</sup> day of April 2012.**

**CITY OF WHARTON, TEXAS**

**By:\_\_\_\_\_**

**DON MUELLER**  
Mayor Pro-Tem

**Attest:**

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**PAULA FAVORS**  
City Secretary

Councilmember Karen Schulz seconded the motion.

The eighth item on the agenda was to review and consider in Executive Session: City Council may adjourn into an Executive Session in accordance with Section 551.074 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. **Review & Consider:** Cause No. 45,934 – Nikki Paige Araguz, Claimant vs. City of Wharton, Self Insured Carrier.

Mayor Pro-Tem Don Mueller adjourned into executive session at 7:21 p.m.

The ninth item on the agenda was to return to Open Session: Action on items discussed in Executive Session:

A. **Review & Consider:** Cause No. 45,934 – Nikki Paige Araguz, Claimant vs. City of Wharton, Self Insured Carrier.

Mayor Pro-Tem Don Mueller returned to open session at 7:30 p.m.

Mayor Pro-Tem Don Mueller stated that no action would be taken on the afore mentioned item and the Executive Session was for information purposes only.

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

- A. Appointment of the following to serve on the City of Wharton Beautification Commission:
- B. Building Standards Commission Vacancies.
- C. Holiday Light Decorating Chairman Vacancy.
- D. Mayor's Committee on People with Disabilities

After some discussion, no action was taken.

The eleventh item on the agenda was to review and consider the status report on City of Wharton Projects. City Manager Andres Garza, Jr. presented a copy of his memorandum dated April 23, 2012 providing a status report on the ongoing City of Wharton, which read as follows:

**FLOOD REDUCTION (LEVEE) PROJECT**

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The U.S. Army Corp of Engineers (USACE) Lower Colorado River Phase I Report - City of Wharton Flood Prevention Project and Recommended report is 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/>.

The City Staff continues to work with the USACE and Halff Associates in obtaining the required ROE agreements and engineering data. The agreement for the Third and Restated Agreement between the City of Wharton and the Lower Colorado River Authority (LCRA) has been executed. The amendment incorporates Segment 1(a) into the project, which is the extension of the levee along FM 102.

City Staff continues to work with Halff Associates, Inc. in collecting data and reviewing the construction plans for the 65% engineering design. Halff is only a few weeks away from completing the 65% 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. Maintenance was performed on the ditch this month to assist in controlling erosion. Rains this month have limited the amount of work that could be performed and have increased erosion activity in some areas.

#### 2. Highway 60 & Old Lane City Road Drainage Improvements

Centerpoint Energy utility crews have begun the process of moving the poles and guy wires. Centerpoint has stated that the process will be complete in no more than six weeks. Staff is still working with AT&T to resolve their utility conflicts. Staff hopes to have construction underway by the summer of 2012.

### **WATER/SEWER IMPROVEMENTS:**

#### 1. Water Storage Tank Maintenance Program.

This project is complete.

#### 2. Pressure Switches at City Water Plants

Public Works Staff has continued to have trouble with the elevated storage tank on Highway 59 overflowing. Jones & Carter, Inc has determined that the controls are not adequate. Jones & Carter has ordered new controls to replace the faulty ones. The new ones should arrive in three weeks. Jones & Carter will pay for the new controls and pay for them to be installed.

#### 3. Energy Efficiency Audit

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City Staff continues to work with Siemens Industry and Jones & Carter, Inc. to develop a sound plan to conserve energy. The study phase of this project is completed.

#### 4. Wastewater Treatment Plant No. 1 Rehabilitation Proposal

City Staff is currently exploring various avenues to fund the rehabilitation of WWTP No. 1.

#### 5. On-going Water and Sewer Maintenance Program

Recent rainfall has caused the ground to begin to swell causing some water leaks and sanitary sewer issues. However, the number of problems encountered has decreased since the severe drought this past summer and fall. Currently the City is averaging about four leaks a week and around twice the problems normally associated with the sanitary sewer collection system. The sanitary sewer line between Texas St and Koehl St is currently being replaced by Public Works. Recent rains have slowed down progress. Work should be completed by the end of May, weather permitting.

### **STREET IMPROVEMENTS**

#### 1. FM 102 Relocation and/or FM 1301

##### A. Progress Report on Project.

IDC Inc. continues to work with City Staff in an effort to develop preliminary engineering for the project. The City Staff has obtained the necessary rights of entry agreements for the project. Over the last week City Staff, IDC, and SMC Consulting, Inc. have been collecting survey data and environmental data necessary to complete the engineering design and the environmental assessment. Data collection will continue over the next few weeks.

##### B. Update on status of Advance Funding Agreement (AFA) between the City of Wharton and the Texas Department of Transportation (TxDOT).

TxDOT has agreed to amend the AFA with an increase of \$200,000 making the States total support toward the project \$3,700,000 for construction. City Council passed a resolution accepting this amendment to the AFA. City Council also passed a resolution amending the professional engineering services agreement between the City of Wharton and IDC Inc. to include the basic engineering services for the environmental assessment for the City of Wharton FM 102 Relocation, FM 1301 Road Extension to US 59 with service road and entrance ramp (east side) and Railroad Overpass. These adopted resolutions will allow City Staff to have better control over the environmental portion of the project and result in a more timely completion of the final engineering plans.

#### 2. 2012 Street Improvement Program

Public Works Staff is finalizing the cost estimates for the 2012 Street Improvement Program. The proposed improvement and cost estimates will be presented to the City Council Public Works Committee for their review and recommendation to the City Council.

#### 3. Wharton Sidewalk Accessibility and Historic Streetscape Project

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City Staff, BEFCO Engineering, and Stern and Bucek Architects met on April 9, 2012 to work on finalizing the 35% design.

#### 4. On-going Street and Drainage Maintenance Program

The recent rainfall combined with the damage caused by the drought is keeping the Street and Drainage crew very busy. The force of the ground shrinking from drought and swelling from rain is causing numerous failures in the City's streets and storm sewers. Many of the failures must be fixed immediately since they pose a threat to the public's safety. The rains have also prevented City crews from performing needed maintenance and installing drop structures to control erosion on the Santa Fe outfall ditch.

During the month of April, the City received several inches of rain. Public Works staff noted that the Santa Fe outfall ditch performed as intended and helped drain the City more efficiently. In addition, residential ditch cleaning projects have proven worthy. The City's Gradall is back in service and Public Works is now able to continue with routine ditch cleaning and culvert installation. The City of El Campo provided the City with their Gradall and an operator for approximately two weeks this month. The use of El Campo's equipment and operator proved to be very helpful.

### **WHARTON REGIONAL AIRPORT**

#### 1. Capital Improvement Drainage Project.

O'Malley Engineers have finalized the engineering plans. A contractor has been selected and a pre-construction meeting is currently being planned.

### **OTHER PROJECTS**

#### 1. Fire Hydrant Testing Program

The Fire Department with the assistance of the Public Works Department has begun an annual hydrant testing program. So far the Department has tested approximately 200 hydrants. This program will help to improve the City's ISO insurance rating.

The twelfth item on the agenda was the Wharton Economic Development Corporation report from the meeting held April 16, 2012. City Manager Andres Garza, Jr presented a copy of the letter dated April 16, 2012 from Mr. David Schroeder, Executive Director of the Wharton Economic Development Corporation (WEDC) providing the WEDC report from the meeting held April 16, 2012. After some discussion, no action was taken.

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

- |  |                                |
|--|--------------------------------|
| A. City Secretary/Personnel.                       | I. Legal Department.           |
| B. Code Enforcement.                               | J. Municipal Court.            |
| C. Community Services Department<br>/Civic Center. | K. Police Department           |
| D. Emergency Management.                           | L. Public Works Department.    |
| E. E.M.S. Department.                              | M. Water/ Sewer Department.    |
| F. Engineer/Planning Department.                   | N. Weedy Lots/ Sign Ordinance. |
|  | O. Wharton Municipal Pool.     |

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G. Facilities Maintenance Department. P. Wharton Regional Airport.  
H. Fire Department.

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

The fourteenth item on the agenda was adjournment. After some discussion, Mayor Pro-Tem Don Mueller made the motion to adjourn. Councilmember Al Bryant seconded the motion. All voted in favor.

The meeting adjourned at 7:36 p.m.

**CITY OF WHARTON, TEXAS**

By: \_\_\_\_\_  
**Don Mueller**  
**Mayor Pro-Tem**

**ATTEST:**

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**Paula Favors**  
**City Secretary**