

**MINUTES
OF
CITY OF WHARTON
REGULAR CITY COUNCIL MEETING
JANUARY 28, 2013**

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

Councilmember's present were: Mayor Domingo Montalvo, Jr., Councilmembers Al Bryant, Jeff Gubbels, Terry David Lynch, Russell Machann, Don Mueller, and Karen Schulz.

Councilmembers absent were: None.

Staff members present were: City Manager Andres Garza, Jr., City Attorney Paul Webb, Finance Director Joan Anandel, Public Works Director Carter Miska, P.E., EMS Director John Kowalik, and Assistant to City Manager Jackie Jansky.

Visitors present were: David Schroeder, Executive Director of the Wharton Economic Development Corporation (WEDCO), Larry Janak, P.E. Vice President and Project Manager with IDC Inc., Octavio Guerra, P.E. Project Engineer with IDC Inc., Paul Sherland, Steve McElyea, Sylvia Avila, Major Accounts Representative of Waste Corporation of America (WCA), and Kevin Atkinson, General Manager of Waste Corporation of America (WCA),

The second item on the agenda was Roll Call and Excused Absences. All members were present.

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

The fourth item on the agenda was the Wharton Moment. No comments were given.

The fifth item on the agenda was a Proclamation and Award. Mayor Domingo Montalvo, Jr. presented Mr. C.J. Kearney with a proclamation and plaque to honor him for his thirty-five (35) years of service with the City of Wharton. Mayor Montalvo presented a Proclamation declaring January 28, 2013 as "*Mr. C.J. Kearney Day*," which read as follows:

**CITY OF WHARTON
OFFICE OF THE MAYOR
PROCLAMATION**

WHEREAS, Mr. C.J. Kearney was born on August 4, 1947 in Wharton, Texas, to Josephine Thompson and Wesley Kearney; and, was one of ten children; and

WHEREAS, C.J. graduated in 1966 from the Wharton Training School, and is a lifelong citizen of the City of Wharton; and

WHEREAS, From 1968-1970, he served in the United States Army in Thailand during the Vietnam War Era; and

WHEREAS, C.J. and his brother, Paul, formed The Superior Band approximately 43 years ago and has performed with artist such as: Buddy Ace, Johnny Copeland, Tyrone Davis, Johnny Taylor, BB King, and ZZ Hill; and

WHEREAS, On August 28, 1972, C.J. had one child, Kimberley Temple, who gave him three grandchildren; and

WHEREAS, On January 26, 1978, and to the City's benefit C.J. began his career with the City of Wharton as the Waste Water Treatment Plant No. 1 Operator; and

WHEREAS, C.J. remained the Waste Water Plant No. 1 Operator for the past 35 years and has always provided the City and its residents professional, loyal and dedicated service; and

WHEREAS, C.J. Kearney on December 31, 2012 has retired as an employee of the City of Wharton.

NOW, THEREFORE, I, Domingo Montalvo, Jr., by the authority vested in me as Mayor of the City of Wharton, Texas, do hereby proclaim

January 28, 2013 as "Mr. C.J. Kearney Day"

and deem it an honor and a privilege to extend on behalf of the citizens of the City of Wharton, best wishes to Mr. Kearney upon his retirement. And, on behalf of the citizens of Wharton, I wish him much success and happiness in his future endeavors.

IN WITNESS THEREOF, I have set my hand and caused the seal of the City of Wharton to be affixed this 28th day of January, in the year of our Lord two thousand thirteen A.D.

Domingo Montalvo, Jr.
Mayor

Councilmember Al Bryant then presented the plaque detailing Mr. Kearney's years of service to Mr. Kearney. No action was taken.

The sixth item on the agenda was to review and consider the City of Wharton Financial Report for the month of December 2012. Finance Director Joan Anandel presented the financial report for the month of December 2012. Mrs. Anandel stated that the TexPool balance for December was \$151,216.43 with an average monthly yield of 0.15%. She said the Prosperity Bank balance for December 2012 was \$6,200,025.98 with an average monthly yield of 0.15%. After some discussion, Councilmember Don Mueller moved to approve the City of Wharton Financial Report for the month of December 2012. Councilmember Al Bryant seconded the motion. All voted in favor.

The seventh item on the agenda was to review and consider City of Wharton Extension of FM 1301 and Railroad Overpass Project. Mr. Larry Janak, P.E. Vice President and Project Manager with IDC Inc., presented information to the City Council regarding the City of Wharton Extension of FM 1301 and Railroad Overpass Project. Mr. Janak explained the four phases of the over all project. Mayor Domingo Montalvo, Jr. stated that communication between all parties involved could be improved. After some discussion, no action was taken.

The eighth item on the agenda was to review and consider Drainage – Willowbend Area. City Manager Andres Garza, Jr. stated that during the January 14th Wharton City Council meeting, the City Council was approached by Ms. Doris Teague, who resided on Willowbend, concerning the drainage in that area. City Manager Garza said Ms. Teague had informed the City Council that the City Public Works Department had conducted the drainage improvements previously requested by Willowbend/Kelving Way Court residents but the water runoff started draining into her yard and had requested additional assistance from the City. Public Works Director Carter Miska, P.E. stated that lowering the areas within Judge Daniel Sklar's property, the water would be able to move more quickly to Hodges Lane. City Manager Garza said the City Staff had made contact with the Sklar's for right of entry authorization to conduct the work; however, the right of entry was not granted. Mr. Miska said since the easement was a utility easement, property owner authorization was required and without it, the City could not make drainage improvements. City Manager Garza presented a copy of the memorandum dated January 24, 2013 to him from Mr. Miska providing him an update on the Public Works Department's efforts to provide drainage relief as well as a copy of an email dated January 23, 2013 to him from Councilmember Karen Schulz and his response to her dated January 24, 2013 regarding the drainage issues. After some discussion, no action was taken.

The ninth item on the agenda was to review and consider Waste Corporation of America's (WCA) request to extend the City of Wharton Solid Waste Collection and Solid Waste Disposal Services Franchise Agreement. City Manager Andres Garza, Jr. presented a copy of the letter submitted by Waste Corporation of America (WCA) requesting a five (5) year contract extension as allowed in the City's Solid Waste Collection and Solid Waste Disposal Services Franchise

Agreement. He said Section 10.00 Term and Termination of the agreement provide the option, if approved by the City Council. City Manager Garza stated the existing franchise agreement with WCA was due to expire September 30, 2013. City Manager Garza also said the City Council Finance Committee met earlier that day and voted to recommend Waste Corporation of America's (WCA) request to extend the agreement. After some discussion, Councilmember Jeff Gubbels moved to approve the request from Waste Corporation of America's (WCA) to extend the City of Wharton Solid Waste Collection and Solid Waste Disposal Services Franchise Agreement for five (5) years. Councilmember Terry David Lynch seconded the motion. All voted in favor.

The tenth item on the agenda was to review and consider a resolution of the Wharton City Council authorizing the City of Wharton to submit a Supplemental Environmental Project (SEP) regarding the City of Wharton Fleet Refueling Facility in accordance with the Texas Commission on Environmental Quality (TCEQ) Agreed Order and authorizing the City Manager of the City of Wharton to execute any and all documents related to the agreement. City Manager Andres Garza, Jr. stated that on November 18, 2011, the City fleet refueling facility was inspected by the Texas Commission on Environmental Quality (TCEQ) and after the inspection, TCEQ determined that certain requirements were not being followed by the City. City Manager Garza said the City took the corrective action necessary to comply with the regulations but the TCEQ felt compelled to assess the City a penalty for the violation. Public Works Director Carter Miska, P.E. stated the TCEQ assessed the City a penalty of \$2,700.00 and the requirements allowed for a Supplemental Environmental Project (SEP) be conducted. Mr. Miska said the SEP must be approved by TCEQ and be one that was listed in the TCEQ authorized project list. City Manager Garza stated that the City Staff felt that instead of sending the funds to Austin, Texas, the funds for the penalty be allocated to the "Friends of the River San Bernard," which would be an authorized SEP project and was located in Wharton County. City Manager Garza also said the City Council Finance Committee met and recommended the City Council consider approving the agreed order and to authorize the City Manager to execute the order and any related documentation, on behalf of the City. After some discussion, Councilmember Russell Machann moved to approve City of Wharton Resolution No. 2013-06, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2013-06**

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE CITY OF WHARTON TO SUBMIT A SUPPLEMENTAL ENVIRONMENTAL PROJECT (SEP) REGARDING THE CITY OF WHARTON FLEET REFUELING FACILITY IN ACCORDANCE WITH THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ) AGREED ORDER AND AUTHORIZING THE CITY MANAGER OF THE CITY OF WHARTON TO EXECUTE ANY AND ALL DOCUMENTS RELATED TO SAID AGREEMENT.

WHEREAS, on January 18, 2013, the City of Wharton was notified of the Texas Commission on Environmental Quality Notice of Enforcement Action for the City of Wharton Fleet Refueling Facility, Agreed Order Docket No.2012-2084-PST-E; and

WHEREAS, the City of Wharton was assessed an administrative penalty of \$2,700.00 for the noted violation(s) to the City of Wharton Fleet Refueling Facility; and

WHEREAS, the City of Wharton has the option to request a Supplemental Environmental Project (SEP) to offset the Administrative Penalty in the amount of \$2,700.00; and

WHEREAS, the Wharton City Council wishes to authorize City Manager Andres Garza, Jr. to execute on behalf of the City of Wharton the Texas Commission on Environmental Quality, Agreed Order Docket No.2012-2084-PST-E.

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

Section I. That the Wharton City Council hereby authorizes City Manager Andres Garza, Jr. to execute the Texas Commission on Environmental Quality Agreed Order Docket No.2012-2084-PST-E on behalf of the City of Wharton.

Section II. That the City Council hereby authorizes City Manager Andres Garza, Jr. to submit a Supplemental Environment Project (SEP) on behalf of the City of Wharton.

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

Passed, Approved, and Adopted this the 28th day of January 2013.

CITY OF WHARTON

By: _____
DOMINGO MONTALVO, JR.
Mayor

ATTEST:

PAULA FAVORS
City Secretary

Councilmember Terry David Lynch seconded the motion. All voted in favor.

The eleventh item on the agenda was to review and consider the implementation of the 9/80 schedule for City Hall Hours of Operation. City Manager Andres Garza, Jr. stated that during the 2012-1013 budget meetings, the City Staff presented the 9/80 schedule that the City Staff felt would allow for better service to the public. City Manager Garza said the City Hall hours of operation would be from 7:30 a.m. to 5:30 p.m. Monday – Thursday and on Fridays, the hours of operation would be from 8:00 a.m. to 5:00 p.m. Finance Director Joan Andel stated the schedule change would allow better service to the public and better control of overtime. Mrs.

Andel said the starting date would be February 11, 2013. City Manager Garza presented a copy of the memorandum dated January 22, 2013 to him from Finance Director Joan Andel requesting to begin the 9/80 schedule for City Hall on Friday, February 11, 2013 for City Hall and Municipal Court. After some discussion, Councilmember Terry David Lynch moved to approve implementing the 9/80 schedule for City Hall Hours of Operation starting February 11, 2013. Councilmember Karen Schulz seconded the motion. All voted in favor.

The twelfth item on the agenda was to review and consider a resolution to amend the Articles of Incorporation of the Wharton Economic Development Corporation, Section 3.03 Number, Qualifications and Tenure of Directors. City Manager Andres Garza, Jr. stated that during the October 15, 2012 regular Wharton City Council meeting, the City Council approved Resolution No. 2012-55 amending the Wharton Economic Development Corporation (WEDC) By-Laws to include the following:

1. Amend the term limitations that would be considered by the City Council on a case by case basis.
2. Add a requirement that would include two (2) alternate positions to fill unexpired terms if positions should become vacant.
3. That application's be kept on file in the City of Wharton City Secretary's office for a period of two (2) years.
4. That the residential living requirement be amended to allow an appointed Board Member to reside within a distance of up to ten (10) miles outside the City limits or in accordance with State law.

City Attorney Paul Webb stated the WEDC Articles of Incorporation should be amended to also include the afore mentioned changes that were made to the WEDC By-Laws. After some discussion, Councilmember Al Bryant moved to approve City of Wharton Resolution No. 2013-07, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2013-07**

A RESOLUTION OF THE WHARTON CITY COUNCIL AMENDING THE WHARTON ECONOMIC DEVELOPMENT CORPORATION, ARTICLE III BOARD OF DIRECTORS, SECTION 3.03 NUMBER, QUALIFICATIONS AND TENURE OF DIRECTORS.

WHEREAS, the Wharton Economic Development Corporation established Articles of Incorporation on March 13, 1998; and

WHEREAS, the Wharton City Council wishes to amend the Wharton Economic Development Corporation Articles of Incorporation, Article III Board of Directors, Section 3.03 Number, Qualifications and Tenure of Directors as follows:

Number, Qualifications and Tenure of Directors

3.03. The Board of Directors shall consist of seven (7) members appointed by and who shall serve at the pleasure of the City Council of the City of Wharton, Texas, on a case by case basis for two (2) year terms of office. The City Council of the City of Wharton shall, at their sole discretion, appoint two (2) alternate members who would fill any unexpired terms should there become a vacancy on the Board of Directors. All appointed members of the Board shall reside within the City limits of the City of Wharton or within ten (10) miles of the City limits of the City of Wharton or in accordance with the laws of the State of Texas. Not more than two (2) directors shall be persons who are members of the City Council of the City of Wharton. All non-Councilmembers seeking to serve on the Board of Directors shall fully complete an application approved by the City Council. All applications, whether accepted or rejected, shall be retained by the City of Wharton for two (2) years in the City of Wharton City Secretary's Office. If a member of the City Council of the City of Wharton, Texas, who has been appointed as a director, shall cease to be a member of the City Council of the City of Wharton, Texas, such event shall constitute an automatic resignation as a director and such vacancy shall be filled in the manner provided herein. The terms of the two (2) City Council directors shall begin upon approval of the Articles of Incorporation by the Secretary of State, and one term shall expire on the first day of October of the next even numbered year, and the other will expire on the first day of October of the next odd numbered year. The terms of the five (5) non-council directors shall begin the date of approval of the Articles of Incorporation by the Secretary of State and two (2) shall expire on the first day of October of the next following odd numbered year and three (3) shall expire the first day of October of the next following event numbered year. Such initial terms shall be decided by the City Council. The City Council shall consider an individual's experience, accomplishments, and educational background in appointing members to the Board of Directors.

WHEREAS, Wharton City Council approval is required to amend the Articles of Incorporation.

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

SECTION 1: That the Wharton City Council hereby approves to amend the Wharton Economic Development Corporation Articles of Incorporation, Section 3.03 Number, Qualifications and Tenure of Directors as afore-mentioned.

SECTION 2: That this resolution shall be effective immediately upon its passage.

Passed, Approved, and Adopted this 28th day of January 2013.

CITY OF WHARTON, TEXAS

By: _____
DOMINGO MONTALVO, JR.
Mayor

ATTEST:

PAULA FAVORS
City Secretary

Councilmember Terry David Lynch seconded the motion. All voted in favor.

The thirteenth item on the agenda was to review and consider a resolution of the Wharton City Council extending the Wharton Regional Airport Fixed Base Operator Hangar Lease Agreement between the City of Wharton and Dynasty Aviation Group and authorizing the Mayor of the City of Wharton to execute the agreement. City Manager Andres Garza, Jr. stated that on January 15, 2013, the Wharton Regional Airport Board met and reviewed the request by Mr. Gerry Shore, Owner of Dynasty Aviation, who leased the large commercial hangar at Wharton Regional Airport. City Manager Garza said that during the regular August 27, 2012 Wharton City Council meeting, the City Council approved to reduce Mr. Shore's hangar rental rate to \$1,500 per month for a six (6) month period. City Manager Garza presented a letter dated January 11, 2013 from Mr. Shore that stated his revenues have not improved and was seeking an additional six (6) month extension to the Fixed Base Operator Hangar Lease Agreement at the \$1,500.00 per month rate. City Manager Garza said the Airport Board voted to recommend the City Council consider approving his request. After some discussion, Councilmember Terry David Lynch moved to approve City of Wharton Resolution No. 2013-08, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2013-08**

A RESOLUTION OF THE WHARTON CITY COUNCIL EXTENDING THE WHARTON REGIONAL AIRPORT FIXED BASE OPERATOR HANGAR LEASE AGREEMENT BETWEEN THE CITY OF WHARTON AND DYNASTY AVIATION GROUP AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE THE AGREEMENT.

WHEREAS, On January 11, 2010, the Wharton City Council approved the City of Wharton to enter into a Fixed Base Operator Hangar Lease Agreement with The Dynasty Group (Dynasty Aviation); and

WHEREAS, the Wharton City Council wishes to amend said lease agreement to amend the rates as set forth in the contract amendment; and

WHEREAS, the City of Wharton and The Dynasty Group (Dynasty Aviation) wishes to be bound by the conditions as set forth in the agreement; and

WHEREAS, the Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute the contract agreement.

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

Section I. That the Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute a contract amendment to the Fixed Base Operator Hangar Lease Agreement for the large commercial hangar located at the Wharton Regional Airport between the City of Wharton and The Dynasty Group (Dynasty Aviation).

Section II. That the City of Wharton and The Dynasty Group (Dynasty Aviation) are hereby bound by the conditions as set forth in the contract amendment.

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

Passed, Approved, and Adopted this 28th day of January 2013.

CITY OF WHARTON, TEXAS

By: _____
DOMINGO MONTALVO, JR.
Mayor

ATTEST:

PAULA FAVORS
City Secretary

Councilmember Al Bryant seconded the motion. All voted in favor.

The fourteenth 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 submit a Letter of Intent for the City of Wharton's participation in the Texas Department of Transportation Aviation Division Capital Improvement Program by submitting an application for funding to extend the Wharton Regional Airport Runway 500' and the Displaced Threshold 500'. City Manager Andres Garza, Jr. stated that the Wharton Regional Airport Board met January 15, 2013 and voted to recommend the City Council consider participating in the Texas Department of Transportation (TxDOT) Aviation Division Capital Improvement Program (CIP) by submitting an application for funding to extend the Wharton Regional Airport Runway 500' and the Displaced Threshold 500'. City Manager Garza said participation would require the City of Wharton to submit a Notice of Intent (NOI) to TxDOT Aviation. City Manager Garza presented a copy of the memorandum dated January 15, 2013 from Mr. Gary Williams, Chairman of the Wharton Regional Airport Board, providing the recommendation and a brief description and cost estimate of the proposed project.

City of Wharton
Regular Council Meeting
January 28, 2013

After some discussion, Councilmember Karen Schulz moved to approve City of Wharton Resolution No. 2013-09, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2013-09**

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO SUBMIT A LETTER OF INTENT FOR THE CITY OF WHARTON'S PARTICIPATION IN THE TEXAS DEPARTMENT OF TRANSPORTATION AVIATION DIVISION CAPITAL IMPROVEMENT PROGRAM BY SUBMITTING AN APPLICATION FOR FUNDING TO EXTEND THE WHARTON REGIONAL AIRPORT RUNWAY 500' AND THE DISPLACED THRESHOLD 500'.

WHEREAS, the Wharton City Council wishes for certain improvements to be conducted at the Wharton Regional Airport; and

WHEREAS, said improvements would include extending the Wharton Regional Airport runway by 500' and the displaced threshold by 500', which is estimated to cost approximately \$1,700,000.00; and

WHEREAS, to fund the costs for said project, the Wharton City Council wishes to participate in the Texas Department of Transportation Aviation Division, Capital Improvement Program, which is a 90% federal/10% local cost share program; and

WHEREAS, the Wharton City Council wishes to authorize the Mayor of the City of Wharton to submit a Notice of Intent to participate in said program.

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

Section I. That the Wharton City Council hereby authorizes the Mayor of the City of Wharton to submit a Notice of Intent to participate in the Texas Department of Transportation Aviation Division, Capital Improvement Program to apply for funding to extend the Wharton Regional Airport runway by 500' and the displaced threshold by 500'.

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

Passed, Approved, and Adopted this the 28th day of January 2013.

CITY OF WHARTON

By: _____
DOMINGO MONTALVO, JR.
Mayor

ATTEST:

PAULA FAVORS

City Secretary

Councilmember Russell Machann seconded the motion. All voted in favor.

The fifteenth item on the agenda was the Status Report on City of Wharton Projects. City Manager Andres Garza, Jr. presented a copy of his memorandum dated January 28, 2013 providing the status report on City of Wharton projects.

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 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.

The City Staff received the 65% plan set from Halff Associates, Inc. on October 1, 2012. The City Staff has reviewed the plan set and submitted comments to Halff and the USACE. In addition, City Staff met with Halff and the USACE via conference call to discuss the plan set. This design is for the first phase of levee construction along the Colorado River. The segment that is under design is from FM 102 to Business 59.

DRAINAGE:

1. Santa Fe Outfall Channel.

The Public Works Department has finished excavation up to Alabama Road. During the month of December, the Public Works Department reshaped several areas that were actively eroding. Public Works continue installing grade stabilization structures to eliminate erosion thereby reducing or eliminating the need to reshape the channel. The Public Works Department has installed six grade stabilization structures or pipe drops along the channel so far. These structures are part of the original engineering design and not only control erosion but are helping to improve drainage in the city by serving as the outfall for water that has been redirected to the Santa Fe Channel. The City Staff has met with property owners along the channel to discuss work that needs to be performed by the City in accordance with the agreements. During the month of January the Public Works Department has continued to work toward completing the work required in those agreements. The City Staff will continue to work on completing the agreements with property owners over the next several months weather permitting.

2. Highway 60 & Old Lane City Road Drainage Improvements

Centerpoint Energy completed relocation of the power poles along Highway 60 at the end of June. AT&T Tx Mid/Gulf Cablevision completed relocation of their utilities along Highway 60 in June as well.

Mercer Construction signed a contract with the City to install dual run 30" diameter culverts with safety end treatments underneath Highway 60. Mercer Construction was scheduled to install the culverts the week of January 21, 2013. Recent rainfall forced Mercer Construction to postpone the installation to the last week in January and into the first week of February. Mercer Construction stated that the dual run installation will be complete in three to four days.

Other culvert installations and ditch regrading will be completed by the City and TxDOT. The Public Works Director continues to coordinate with the local TxDOT office concerning this project. TxDOT will provide a gradall and operator for excavation and the Public Works Department will provide dump trucks and operators to haul the spoil. The Public Works Department and TxDOT both hope to start excavating within the next one to two weeks.

WATER/SEWER IMPROVEMENTS:

1. 2012 -2013 Water Storage Tank Maintenance Program

City Council approved the demolition of the Cloud Street EST. Jones & Carter, Inc. submitted to the City Staff the preliminary final construction plans for review. Jones & Carter, Inc. will be preparing bid documents upon final approval of the design.

2. Pressure Switches at City Water Plants

Jones & Carter replaced the faulty pressure control switches with new control switches earlier this month. Jones & Carter paid for the switches and the installation. City Staff is closely monitoring the performance of the new switches, which are functioning as designed. Staff will continue to monitor and tweak the switches for optimum performance. These switches are designed to minimize and equalize pumping times, thereby extending the life of the water plants.

3. Wastewater Treatment Plant No. 1 Rehabilitation Proposal

City Staff is currently exploring various avenues to fund the rehabilitation of WWTP No. 1. The top priority is the WWTP's clarifier. The City Staff is working with Jones & Carter, Inc. to plan and prepare preliminary cost estimates for the WWTP No. 1 Rehabilitation project.

4. On-going Water and Sewer Maintenance Program

Rainfall during the month of January caused the soil to swell slightly increasing the number of water leaks and sanitary sewer backups

Over the past several weeks the influent line to WWTP#1 failed twice. The line was installed in 1976 and is due for maintenance. The Public Works Department is developing plans to fix the line in an effort to avoid any catastrophic failures. Jones & Carter and the Public Works Staff met in November to discuss the problem. It was determined by Jones & Carter that the existing patch that Public Works installed will be sufficient for now. Jones & Carter will continue to work with the City Staff to develop future plans for improvement.

The Public Works Department has developed a preliminary layout for a sanitary sewer extension on Alabama St from Texas St to SE Ave. This new line will provide enough depth to reroute the 1940s sewer lines between Texas St, Koehl St, and Speed St. This area has old lines that have severely deteriorated and are laid on a flat slope causing a major increase in sewer back-ups. The new line will also alleviate sewer problems at Svatek's Grocery and Angel's Care Home Health at the intersection of Alabama Rd and Alabama St. Jones & Carter is assisting the City Staff with the preliminary cost estimates and layout.

The City's aging lift stations continues to keep the Public Works Department busy, especially with pump and float failures. The City Staff is working with Jones & Carter, Inc. to prepare preliminary cost estimates for rehabilitating the lift stations.

STREET IMPROVEMENTS

1. FM 1301 Extension and Overpass Project Progress Report

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. The City Staff continues to coordinate with TxDOT to ensure the project continues to move forward.

2. 2012 Street Improvement Program

The Public Works Department began making street improvements the week of May 21, 2012.

The Interlocal Cooperation Agreement between the City of Wharton and the City of El Campo for use of equipment was renewed on July 9, 2012. This agreement allows both cities to complete street improvements at a reduced cost through the sharing of construction equipment.

The Public Works Staff had to postpone completion of the 2012 Street Improvement Program for most of November to work on much needed drainage improvements. The Public Works Department planned to resume the street repairs at the end of November. Quality Hot Mix has failed to supply the hot mix the City's needs to complete the project and therefore the project is still on hold until a supplier can be found. The project is nearly complete with the exception of patch work on Fulton and Alabama St.

3. Wharton Sidewalk Accessibility and Historic Streetscape Project

Bids were publicly opened at City Hall on August 14, 2012 at 2:00 pm. Two bids were submitted for the project, which both were estimated over the budgeted amount. City Council voted to reject the two bids. BEFCO Engineering, Inc. has been working with the City Staff to complete plans and documents needed to re-bid the project. BEFCO Engineering submitted the re-bid to the TxDOT office in Yoakum for their required ten week review period. Once the TxDOT review is complete the City will re-bid the project. Currently the re-bid is set for March 5, 2013.

4. Willowbend/Kelving Way Court Drainage Project

The Public Works Department completed excavation of a shallow swale in the 32 feet easement between Willowbend Dr. and Kelving Way Ct. at the end of December. This project is nearing completion.

5. On-going Street and Drainage Maintenance Program

January is proving to be wetter than November and December. Over a 24-hour period the rain gauge at Wastewater Treatment Plant No. 2 just off of Highway 59 recorded just over seven inches of rainfall in less than 24 hours. Other areas of the City received three to five inches in a 24-hour period. The Public Works Department has been working to clean residential drainage ditches that have been experiencing poor drainage. These efforts to improve drainage are paying off. Areas that use to flood are no longer flooding. The Public Works Department has been noticing a significant decrease in citizen complaints during larger rainfall events concerning poor drainage.

WHARTON REGIONAL AIRPORT

1. Capital Improvement Drainage Project.

Blue Bay Construction and the Public Works Department began construction in mid June. Over ninety-five percent of the ditch and crossing work is complete. The slurry seal for the runway, taxi-way and ramp still needs to be completed. Once the slurry seal is complete new striping will be applied. The project is approximately 90% complete.

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. The Fire Department has completed testing on all the City's hydrants. The majority of the hydrants were in good working condition. Those that need attention are being repaired by Public Works Staff. This program will help to improve the City's ISO insurance rating.

2. Wharton County Web Map Project

The City Staff continues to work with Halff Associates to complete the initial design for the Web based GIS mapping tool. This tool will help City Staff and City Officials make daily decisions by allowing them to view GIS data files via the Internet.

After some discussion, no action was taken.

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

- A. Holiday Light Decorating Chairman.
- B. Mayor's Committee on People with Disabilities.

City Manager Andres Garza, Jr. stated that vacancies existed on the afore-mentioned items. No action was taken.

The seventeenth item on the agenda was City Council Boards, Commissions, and Committees:

- A. Mayor's Committee on People with Disabilities meeting held January 15, 2013.
- B. Wharton Regional Airport Board meeting held January 15, 2013.

After some discussion, no action was taken.

The eighteenth item on the agenda was City Manager's Reports:

- 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.

The nineteenth item on the agenda was adjournment. After some discussion, Councilmember Don Mueller moved to adjourn. Councilmember Russell Machann seconded the motion. All voted in favor.

The meeting adjourned at 8:02 p.m.

CITY OF WHARTON, TEXAS

By: _____
Domingo Montalvo, Jr.
Mayor

ATTEST:

Paula Favors

City of Wharton
Regular Council Meeting
January 28, 2013

City Secretary