

**MINUTES
OF
CITY OF WHARTON
REGULAR CITY COUNCIL MEETING
MARCH 25, 2013**

Mayor Domingo Montalvo, Jr. declared a Regular Meeting duly open for the transaction of business at 7:00 P.M. Councilmember Al Bryant led the opening devotion and Mayor Domingo Montalvo, Jr. 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., and Administrative Assistant Emily Bergstrom.

Visitors present were: David Schroeder, Executive Director of the Wharton Economic Development Corporation (WEDCO), Dr. David Samuelson, and Ben Sharp, Wharton Journal Spectator.

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. Dr. David Samuelson with Habitat for Humanity thanked the City of Wharton for its continued support and for being an important part of the organization. Dr. Samuelson presented Mayor Domingo Montalvo, Jr. with a Certificate to the City of Wharton for its work with Habitat for Humanity.

The fourth item on the agenda was the Wharton Moment. Councilmember Terry David Lynch congratulated Mayor Domingo Montalvo, Jr. on his son's accomplishment of becoming an Eagle Scout.

The fifth item on the agenda was to review and consider the City of Wharton Financial Report for the month of February 2013. Finance Director Joan Anandel presented the financial report for the month of February 2013. Mrs. Anandel stated that the TexPool balance for February was \$151,239.61 with an average monthly yield of .09%. She said the Prosperity Bank balance for February 2013 was \$8,000,254.30 with an average monthly yield of .15%. After some discussion, Councilmember Terry David Lynch moved to approve the City of Wharton Financial Report for the month of February 2013. Councilmember Russell Machann seconded the motion. All voted in favor.

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 29th and an additional six (6) for Saturday, June 30th 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:
 - a. Portions of Houston and Fulton Streets adjacent to the downtown square at 5:00 p.m. on Friday, June 29th through Saturday, June 29th
 - b. Houston Street from Burlison to Elm on Saturday June 30th, (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 aforementioned items. After some discussion, Councilmember Russell Machann moved to approve Items A., B., C., E., F., G., H., and J., with \$2000 dollars from the City of Wharton Hotel/Motel Fund going towards items D. and I. Councilmember Don Mueller seconded the motion. All voted in favor.

The seventh item on the agenda was to review and consider a resolution approving an amendment to the Fire Fighters' Pension Contract between the Texas Emergency Services Retirement System and the City of Wharton. City Manager Andres Garza, Jr. presented a memo from Finance Director Joan Anandel dated March 18, 2018 detailing the request to amend the agreement for contribution rate from \$45 to \$55 per month per member effective October 1, 2012. Finance Director Joan Anandel stated that the increase was approved by City Council in the budget for FY 2013. After some discussion, Councilmember Karen Schulz moved to approve City of Wharton Resolution No. 2013-21, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2013-21**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING A CONTRACT AMENDMENT TO THE TEXAS EMERGENCY SERVICES RETIREMENT SYSTEM

PENSION SYSTEM AND THE CITY OF WHARTON; AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE THE AGREEMENT.

WHEREAS, The City of Wharton had entered into a pension system agreement with the Texas Emergency Services Retirement System; and

WHEREAS, the City of Wharton wishes to amend said contract; and

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

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

Section I. The Wharton City Council hereby approves the amendment to the Texas Emergency Services Retirement System, and the City of Wharton.

Section II. The City of Wharton and Texas Emergency Services Retirement System are hereby bound by the conditions set forth in said agreement.

Section III. The Wharton City Council hereby authorizes the Mayor to execute the agreement.

Passed, Approved, and Adopted this 25th day of March, 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 eighth item on the agenda was to review and consider a Utility Line Extension Request.

A. Request by Stephen and Carolyn Wisnieski for Utility Service Agreement for Home Run Zone/Moonwalks-N-More Project at 1810 Stadium Road.

B. **Resolution:** A resolution of the Wharton City Council approving a Utility Service Agreement between the City of Wharton and Carolyn and Stephen Wisnieski for the project to be located at 1810 Stadium Road.

City Manager Andres Garza, Jr. stated that Carolyn and Stephen Wisnieski were moving forward with the proposed Home Run Zone/Moonwalks-N-More facility to be located at 1810 Stadium Road. City Manager Garza said that in order for the lot to be serviced with sewer utilities, the main sewer line must be extended to the property line along Stadium Road. City Manager Garza presented a copy of the estimate from Public Works Director Carter Miska providing the amount of \$21,644.00 to conduct the work and a draft agreement between the City of Wharton and Carolyn and Stephen Wisnieski for the Utility Service Agreement. After some discussion, Councilmember Terry David Lynch moved to approve City of Wharton Resolution 2013-22, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2013-22**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING UTILITY SERVICE AGREEMENT BETWEEN THE CITY OF WHARTON AND HOME RUN ZONE/MOONWALKS-N-MORE A PROJECT TO BE LOCATED AT 1810 STADIUM ROAD AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE THE AGREEMENT.

WHEREAS, Home Run Zone/Moonwalks-N-More – Carolyn and Stephen Wisnieski and the City of Wharton wishes to enter into a Utility Service Agreement for the extension of an eight (8) inch sewer main line located along Stadium Road; and

WHEREAS, the Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute the agreement; and

WHEREAS, Wharton City Council wishes this resolution to become effective immediately upon its passage.

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 approves a Utility Service Agreement between the City of Wharton and Home Run Zone/Moonwalks-N-More – Carolyn and Stephen Wisnieski for the extension of an eight (8) inch main sewer line along Stadium Road.

Section II. That the Mayor of the City of Wharton is hereby authorized to execute the agreement.

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

Passed, Approved, and Adopted this 25th day of March 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 ninth item on the agenda was to review and consider a request by Public Works Department for purchase of 1997 Case Skid Loader from Texas Department of Transportation. City Manager Andres Garza, Jr. presented a letter from the Texas Department of Transportation to Carter Miska P.E., Public Works Director regarding the acquisition of the 1997 Case Skid Loader in the amount of \$8,500.00. Public Works Director Carter Miska, P.E. stated the Public Works Department would benefit from the purchase of the 1997 Case Skid Loader. Mr. Miska said there would be the ability in the future to purchase other implements for the Case Skid Loader than would benefit the department. After some discussion, Councilmember Don Mueller moved to approve the request by Public Works Department for purchase of 1997 Case Skid Loader from Texas Department of Transportation in the amount of \$8,500. Councilmember Al Bryant seconded the motion. All voted in favor.

The tenth item on the agenda was to review and consider a request by Bonnot-Pohler Real Estate Investments, LLC, Property Owner, for consideration and approval of the following Petition Requesting Annexation by Area Landowner:

A. Petition Requests to annex and extend the present Wharton City Limits to include the following property as part of the City of Wharton, Texas: a 1.007 acres tract of land, being Lot 1 of the Subdivision of Lot Twenty-four M (24M), according to the Plat thereof, recorded in Slide 303, Plat Records, Wharton County, Texas, being more particularly described by metes and bounds in said Petition.

B. **Ordinance:** An ordinance approving the annexation of the property to the City of Wharton, Wharton County, Texas, and that the boundary limits of the City of Wharton be extended to include the above described territory within the city limits of the City of Wharton, and the same shall hereafter be included within the territorial limits of said city, and the inhabitants thereof shall be entitled to all the rights and privileges of other citizens of the City of Wharton and they shall be bound by the acts, ordinances, resolutions, and regulations of said city.

City Manager Andres Garza, Jr. stated Bonnot-Pohler Real Estate Investment, LLC, Property Owner submitted petition requests to annex and extend the present Wharton City Limits to include the following property as part of the City of Wharton, Texas: a 1.007 acres tract of land, being Lot 1 of the Subdivision of Lot Twenty-four M (24M), according to the Plat thereof, recorded in Slide 303, Plat Records, Wharton County, Texas, being more particularly described by metes and bounds

in said Petition. After some discussion, Councilmember Don Mueller moved to approve afore mentioned Item A. and City of Wharton Ordinance No. 2013-10, which read as follows:

**CITY OF WHARTON
ORDINANCE NO. 2013-10**

AN ORDINANCE ANNEXING THE HEREINAFTER DESCRIBED TERRITORY TO THE CITY OF WHARTON, WHARTON COUNTY, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN SAID CITY LIMITS, AND GRANTING TO ALL THE INHABITANTS OF SAID PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF SAID CITY; AND ADOPTING A SERVICE PLAN.

WHEREAS, §43.028 of the Texas Local Government Code and Charter of the City of Wharton, Texas, an incorporated city, authorizes the annexation of territory, subject to the laws of this state, and;

WHEREAS, the procedures prescribed by the Texas Local Government Code and Charter of the City of Wharton, Texas, and the laws of this state have been duly followed with respect to the following described territory, to wit:

a 1.007 acre tract of land situated in the Randal Jones 1/2 League, Abstract No. 36, being Lot 1 of the Subdivision of Lot Twenty-four M (24M), according to the Plat thereof, recorded in Slide 3030, Plat Records, Wharton County, Texas;

BEGINNING at a point for the Southwest corner of a 0.1230 acre tract, called "Tract 1", conveyed by Correction Deed to the City of Wharton, recorded in Volume 873, Page 493, Official Records of Wharton County, Texas, and for the Northwest corner of this herein described tract;

THENCE: Southeasterly along the South line of said 0.1230 tract and along the arc of a curve to the right having a radius of 3000.00 feet, a central angle of 02°29'12", an arc length of 130.20 feet, and a long chord bearing S 69°23'15" E, 130.19 feet to a 5/8-inch iron rod (with a cap stamped "No. 5319"), for a Northeast corner of the herein described tract;

THENCE: S 16°24'18" E – 336.12 feet, along and with the Southeast line of the herein described tract, to point in the Northeast line of a 31.4217 acre tract conveyed to Community State Bank, by Deed recorded in Volume 249, Page 233, Official Records of Wharton County, Texas, said point being the Southeast corner of the herein described tract;

THENCE: N 70°26'03" W – 150.03 feet, along and with the Northeast line of said 31.4217 acre tract, said line also being the Southwest line of the herein described tract, to a point in the Northeast line of said 31.4217 acre tract and for the Southwest corner of this herein described tract;

THENCE: N 16°24'18" E – 338.50 feet along the Northwest line of the herein described tract to the **POINT OF BEGINNING**, containing within these metes and bounds **1.007 Acres**, more or less.

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

Section I: That the heretofore described property is hereby annexed to the City of Wharton, Wharton County, Texas, and that the boundary limits of the City of Wharton be and the same are hereby extended to include the above described territory within the city limits of the City of Wharton, and the same shall hereafter be included within the territorial limits of said city, and the inhabitants thereof shall hereafter be entitled to all the rights and privileges of other citizens of the city of Wharton and they shall be bound by the acts, ordinances, resolutions, and regulations of said city.

Section II: A service plan for the area is hereby adopted and attached as exhibit "A".

Section III: The City Secretary is hereby directed to file with the County Clerk of Wharton, Texas, a certified copy of this ordinance.

Passed, Approved and Adopted this 11th day of March 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 eleventh item on the agenda was City Council may adjourn into an Executive Session in accordance with Section 551.071 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:** Texas Tort Claim – RE: Gabriel Barron
- B. Discussion:** Claim - Mehralizadeh/Flores

Mayor Domingo Montalvo, Jr. adjourned into executive session at 7:17 p.m.

The twelfth item on the agenda was to return to open session. Action on items discussed in Executive Session:

Mayor Domingo Montalvo, Jr. returned to open session at 7:22 p.m.

A. Review and Consider: Texas Tort Claim – RE: Gabriel Barron

Mayor Montalvo, Jr. stated no action would be taken on item A.

B. Review and Consider: Claim – Mehralizadeh/Flores

After some discussion, Councilmember Russell Machann moved to approve City Attorney Paul Webb pursuing legal action on Claim – Mehralizadeh/Flores in small claims court. Councilmember Don Mueller seconded the motion. All voted in favor.

The thirteenth item on the agenda was a request by Mayor Domingo Montalvo, Jr. for City Council approval to attend the Alliance for I-69 Texas Board of Directors meeting in Washington, D.C., May 14-May 16, 2013 and for travel expenses. City Manager Andres Garza, Jr. stated that Mayor Domingo Montalvo, Jr. served as the Chairman of the Texas Department of Transportation Segment 3 Committee and also on the I-69 Alliance Board of Directors. City Manager Garza said the I-69 Alliance was holding an important Board of Directors meeting in Washington, D.C. on May 14-May 16, 2013 and Mayor Montalvo was seeking City Council authorization from the City Council for approval to attend the meeting and for travel expenses for hotel, mileage and meals. After some discussion, Councilmember Terry David Lynch moved to approve the request by Mayor Domingo Montalvo, Jr. to attend the Alliance for I-69 Texas Board of Directors meeting in Washington, D.C., May 14-May 16, 2013 and for travel expenses. Councilmember Al Bryant seconded the motion. All voted in favor.

The fourteenth 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 March 25, 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.

The City Staff continues to work with the USACE and Half 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 has been coordinating with Halff Associates via telephone and e-mail this month to work towards completing the 95% set of construction plans. The main topics of discussion are boundary surveying required for the 95% plan approval, Hughes St. utility relocation and identification of spoil areas. The City Staff is working on and close to completing the preliminary plans for the Hughes St. utility relocation. Halff along with the City Staff are working together to solve the issue of spoil disposal. No agreement has been made yet as to how much boundary surveying is needed at this point.

The City Staff is scheduled to meet with Halff Associates and the USACE on April 16, 2013 to coordinate efforts and work towards completing the 95% plan set. The meeting will be held at City Hall in Wharton from 8:00 AM to 12:00 PM.

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 February, the Public Works Department performed routine maintenance including reshaping those 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 met with property owners along the channel a few months ago to discuss work that needed to be performed by the City in accordance with the agreements. Work on some of the property owners land is now complete. These owners will be notified via traditional mail in the next couple of weeks to inform them that this concludes the agreement between them and the City of Wharton concerning the Santa Fe Channel. The City Staff will continue to work on completing the agreements with the remaining property owners over the next several months weather permitting.

2. Highway 60 & Old Lane City Road Drainage Improvements

Mercer Construction completed construction of the dual run 30" culverts under Highway 60 on March 11, 2013. The Public Works Department served as construction inspector and reports that the job was completed as shown in the construction plans. In addition, the Public Works Department installed a 48 inch CMP to serve as the outfall into the Santa Fe Channel. The Public Works Director, Drainage Superintendent and TxDOT Maintenance Supervisor met with AT&T on March 20 to make sure all conflicts were resolved. Centerpoint Gas was scheduled to spot dig their line last week to eliminate any last minute conflicts. TxDOT and the City of Wharton will begin regarding the channel on Thursday March 21. Weather permitting; all work should be complete around early to mid-April 2013.

WATER/SEWER IMPROVEMENTS:

1. 2012 -2013 Water Storage Tank Maintenance Program

Jones & Carter, Inc. submitted to the City Staff the final construction plans and bid documents for installing a hydropneumatic tank at the Cloud St Water Plant. The hydropneumatic tank is required for continued service after the elevated storage tank is demolished. The City Staff approved the final design and the bid was advertised to the public. A pre-bid meeting was held on February 25, 2013 at 2:00 PM at the offices of Jones & Carter, Inc. A bid opening was held on March 5, 2013 at 10:00 AM at City Hall in Wharton. Jones & Carter, Inc. has reviewed and made a recommendation to accept the lowest bidder, Schier Construction Company, Inc. in the amount of \$184,300.

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.

The Public Works Department with the assistance of Jones & Carter, Inc. is developing plans to fix a failing force main line used to bypass sewer influent in an effort to avoid any catastrophic failures.

4. On-going Water and Sewer Maintenance Program

Water leaks and sewer failures were on average the month of March.

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.

The City Staff and IDC Inc. met with TxDOT on February 21, 2013 at 1:30 PM at the Yoakum District Office to discuss road alignments and other design aspects. Of most importance at this meeting was the topic of a permit application required by Kansas City Southern Railroad. TxDOT has staff that specializes in this area. This section of TxDOT staff will be taking the lead to ensure the application is submitted correctly and in a timely manner to avoid unnecessary delays in the project.

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 but was unable to acquire the materials required to complete the project. Quality Hot is now requiring a minimum order of 100 tons of hot mix before they will consider starting up their plant to produce hot mix. This amount is larger than what the City's typically needs on a given day and therefore the project is on hold until a supplier can be found that will provide material in an amount more conducive to the patch work that remains. The project is nearly complete with the exception of patch work on Fulton and Alabama St.

3. 2013 Street Improvement Program

The City Staff has identified streets needing repair in 2013 and completed cost estimates for these repairs. The estimates and recommendations from the City Staff will be made to the Public Works Committee in the upcoming weeks.

4. Wharton Sidewalk Accessibility and Historic Streetscape Project

TxDOT completed the review of the sidewalk re-bid package earlier this month allowing the City to advertise for re-bid. On Tuesday March 5, 2013 at 2:00 PM the City of Wharton held a bid opening for the sidewalk enhancement project. The lowest bidder was M & C Fonseca Construction Co. Inc. After checking references, BEFCO Engineering, Inc. recommended awarding the Base Bid and all Additive Alternatives to M & C Fonseca in the amount of \$374,165.75. The City Council voted to accept BEFCO's recommendation at the last Council meeting on March 11, 2013. The recommendation has been forwarded to TxDOT Yoakum District office which has informed the City that the recommendation will be presented to the TxDOT Commission in the April meeting for approval a pre-construction meeting will be held prior to any work commencing.

5. Willowbend/Kelving Way Court Drainage Project

The Public Works Department completed excavation of a shallow swale in the 32 foot easement between Willowbend Dr. and Kelving Way Ct. at the end of December. There remains a couple of small areas of ponding inside the easement area and the City Staff is exploring options to correct this. This project is nearing completion.

6. On-going Street and Drainage Maintenance Program

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. During March the Public Work's Drainage Crew re-graded and reset culverts on Franklin St. as part of the on-going effort to improve the City's drainage.

WHARTON REGIONAL AIRPORT

1. Capital Improvement Drainage Project. - This project is complete.

OTHER PROJECTS

1. Fire Hydrant Testing Program and ISO Rating

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 in need of maintenance have been repaired by the City's Public Works Staff. This program will help to improve the City's ISO insurance rating.

The City Staff will meet with a Verisk Insurance Solutions representative to discuss the preliminary report on the new ISO insurance rating recently submitted to the City. The City Staff will meet from 9:00 AM to 1:00 PM on March 21, 2013 to discuss details of this new updated report that establishes the new rating for the City of Wharton.

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.

The City Staff met with the City of El Campo, East Bernard and GIS specialists from the company Spatial Net Inc. to discuss alternatives to improving each City's GIS capabilities. The meeting was held at City Hall in El Campo on March 20, 2013 to discuss alternative plans

After some discussion, no action was taken.

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

- A. Beautification Commission meeting held March 13, 2013.

City of Wharton
Regular Council Meeting
March 25, 2013

B. Wharton Economic Development Corporation Board of Directors meeting held March 18, 2013.

After some discussion, no action was taken.

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

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| A. City Secretary/Personnel. | I. Legal Department. |
| B. Code Enforcement. | J. Municipal Court. |
| C. Community Services Department /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. |
| G. Facilities Maintenance Department. | O. Fire Marshal. |
| H. Fire Department. | P. Wharton Regional Airport. |

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

The meeting adjourned at 7:30 p.m.

CITY OF WHARTON, TEXAS

By: _____
Don Mueller
Mayor Pro Tem

ATTEST:

Paula Favors
City Secretary