

**MINUTES
OF
CITY OF WHARTON
REGULAR CITY COUNCIL MEETING
SEPTEMBER 23, 2013**

Mayor Domingo Montalvo, Jr. declared a Regular Meeting duly open for the transaction of business at 7:00 P.M at City Hall 120 E. Caney Street Wharton, TX. Mayor Domingo Montalvo, Jr. led the opening devotion and the pledge of allegiance.

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

Councilmember absent was: Terry David Lynch.

Staff members present were: City Manager Andres Garza, Jr., City Attorney Paul Webb, Finance Director Joan Andel, EMS Director John Kowalik, and City Secretary Paula Favors.

Visitors present were: David Schroeder, Executive Director of the Wharton Economic Development Corporation (WEDCO), Carlos Cotton, P.E. with Jones and Carter, Inc., Bradley Loehr of BEFCO Engineering, Inc., Ron Sanders, Executive Director of the Wharton Chamber of Commerce, Deana Ondrias, Ronnie Ondrias, and Ben Sharp, Wharton Journal Spectator.

The second item on the agenda was Roll Call and Excused Absences. After some discussion, Councilmember Russell Machann moved to excuse Councilmember Terry David Lynch. 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 on the agenda was the Wharton Moment. City Manager Andres Garza, Jr. congratulated the Wharton Varsity Football team on a great start to the football season. City Manager Garza said the team was 4-0.

The fifth item on the agenda a proclamation declaring October 5, 2013 as Katie Ondrias Day in the City of Wharton, Texas. Mayor Domingo Montalvo, Jr. presented the proclamation declaring Saturday, October 5, 2013 as Run for Katie Day in the City of Wharton, Texas, the proclamation read as follows:

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

WHEREAS, Katie Ondrias was raised in Wharton, Texas. She graduated from Wharton High School in 2008 and then went on to Lamar University where she was studying to be a speech therapist; and

WHEREAS, Katie was very active in the sorority Alpha Chi Omega, held a job at the Alumni Office at Lamar University and was inducted into Phi Kappa Phi Honor Society in May 2010. Katie is also a confirmed member of St. John's Lutheran Church in Wharton; and

WHEREAS, On July 3, 2010 Katie Ondrias was diagnosed with viral encephalitis of the brain; and

WHEREAS, Community members of the City of Wharton have organized the Run for Katie event on October 5, 2013 to provide financial support for Katie and her family

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

*Saturday, October 5, 2013 as
"Run for Katie Day"*

and encourage the citizens of Wharton to support Katie Ondrias and her family at the Run for Katie event.

IN WITNESS THEREOF, I have set my hand and caused the seal of the City of Wharton to be affixed this 23rd day of September, in the year of our Lord two thousand thirteen A.D.

Domingo Montalvo, Jr.
Mayor

Mayor Domingo Montalvo, Jr. then presented the proclamation to Katie Ondrias' parents, Ronnie and Deana Ondrias. No action was taken.

The sixth item on the agenda was to review and consider City of Wharton Financial Report for the month of August 2013. Finance Director Joan Andel presented the financial report for the month of August 2013. Mrs. Andel stated that the TexPool balance for August was \$151,293.53 with an average monthly yield of .04%. She said the Prosperity Bank balance for August 2013 was \$6,512,802.46 with an average monthly yield of .15%. After some discussion, Councilmember Don Mueller moved to approve the City of Wharton Financial Report for the month of August 2013. Councilmember Russell Machann seconded the motion. All voted in favor.

The seventh item on the agenda was to review and consider an Organizational Chart for City of Wharton Emergency Medical Services (EMS) Department. City Manager Andres Garza, Jr. presented a memorandum from EMS Director John Kowalik regarding an organizational chart for the EMS Department. EMS Director John Kowalik stated that the new organization would create three (3) shift supervisory positions allowing for 24 hour direct supervision for the department instead of supervision from 8-5 Monday thru Friday. Mr. Kowalik stated that this reorganization was an option instead of filling the Lieutenant position. After some discussion, Councilmember Russell Machann moved to approve the Organizational Chart for City of Wharton Emergency Medical Services (EMS) Department creating create three (3) shift supervisory positions allowing for 24 hour direct supervision for the department instead of supervision from 8-5 Monday thru Friday. Councilmember Al Bryant seconded the motion. All voted in favor.

The eighth item on the agenda was to review and consider an ordinance adopting the fiscal year 2013-2014 Annual Budget for the City of Wharton, Texas; Appropriating the sums established therein; and directing the City Secretary to file copies as required by law. City Manager Andres Garza, Jr. stated that during the regular August 26, 2013 regular City Council meeting the City Council received under separate cover a copy of the proposed budget for the City of Wharton, Texas, Fiscal Year October 1, 2013 to September 30, 2014. Finance Director Joan Andel stated that during the regular City Council meeting held September 9, 2013 the City Council held the public hearing to receive public input regarding City of Wharton Annual Budget for Fiscal year 2013 – 2014. Mrs. Andel stated that the only changes to the budgets document was in the organizational chart and the Emergency Management budget would now be under the Police Department and the EMS would be re-organized. After some discussion, Councilmember Jeff Gubbels moved to approve City of Wharton Ordinance No. 2013-23, which read as follows:

**CITY OF WHARTON, TEXAS
ORDINANCE NO. 2013-23**

AN ORDINANCE ADOPTING THE FISCAL YEAR 2013-2014 ANNUAL BUDGET FOR THE CITY OF WHARTON, TEXAS; APPROPRIATING THE SUMS ESTABLISHED THEREIN; AND DIRECTING THE CITY SECRETARY TO FILE COPIES AS REQUIRED BY LAW.

WHEREAS, the City's budget for the fiscal year ending September 30, 2014, which is attached hereto, was duly submitted to the City Council more than thirty (30) days prior to September 30, 2013.

WHEREAS, a public hearing was duly called and held on said budget not less than seven days nor more than fourteen days after date of publication giving notice of such meeting and prior to the time the City Council of the City of Wharton levied taxes for such current fiscal year; and

WHEREAS, all parties desiring to participate and be heard at said public hearing having been heard until no more evidence was offered, and such hearing having been concluded, and the City Council of said City having made such changes in such budget as in its judgment the law warrants and the best interest of the taxpayers of the City of Wharton, Texas, demand, said budget with such changes being attached hereto, as aforesaid.

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

Section 1. **THAT** the findings set out in the preamble of this ordinance are true and correct.

Section 2. **THAT** the budget of the City of Wharton, Texas for the fiscal year ending September 30, 2014, be and the same is hereby, in all respects, finally approved and adopted including any changes approved by the City Council; and the same shall be and is hereby filed with the City Secretary of the City.

Section 3. **THAT** the General Fund is hereby established to account for resources associated with traditional government activities, which are not required legally or by sound financial management to be accounted for in another fund. The General Fund is hereby approved with \$4,780,148 estimated revenues and \$5,441,435 in appropriations and with transfers-in approved at \$661,287. The amounts are specified for departmental purposes named in said budget and they are hereby appropriated to and for such purposes at the departmental level.

Section 4. **THAT**, the PEG (Public, Educational, Government television access) fund is created to account for all funds received from the 1% franchise fee provided through the local cable provider. The PEG Fund is hereby approved with \$6,000 in estimated revenues and \$6,000 in appropriations.

Section 5. **THAT** the Hotel Motel Fund is created to account for the occupancy tax levied on hotel rooms within the City as adopted by city ordinance and consistently with Chapter 351 of the Texas Tax Code. The Hotel Motel Fund is hereby approved with \$221,407 in estimated revenues which includes \$31,307 from fund balance and \$64,649 in appropriations and transfers-out approved at \$156,758 with beginning fund balance of approximately \$75,923

Section 6. **THAT** the Narcotics Seizure Fund is created to account for the resources and uses of assets seized in illegal narcotics activities. The uses are limited to law enforcement activities. The Narcotics Seizure Fund is hereby approved with \$5,750 estimated revenues, \$5,750 in appropriations. with beginning fund balance of approximately \$12,683.

Section 7. **THAT** the Debt Service Fund is hereby created to account for the accumulation of resources collected for Interest and Sinking requirements and for the disbursement of those resources for debt requirements. The Debt Service Fund is hereby approved with \$895,007 in estimated revenues and \$881,797 in appropriations. The estimated beginning fund balance is \$415,415.

Section 8. **THAT** the 2013 Bond Fund is created to account for sidewalk project, park improvements, fire department purchase of ladder truck, drainage improvements, street equipment, street program, tank improvements, waterline improvements, wastewater collection improvements, wastewater improvements, purchase of police vehicles and issuance costs authorized by the City Council through a bond issue. The 2013 Bond Fund is approved with \$5,000,000 in bond proceeds and \$5,000,000 in appropriations.

Section 9. **THAT** the Capital Improvement Fund is created to account for infrastructure improvements authorized by the City Council. The Capital Improvement Fund is approved with \$100,000 in estimated revenues and expenses.

Section 10. **THAT** the Water and Sewer Fund is created to account for the resources and uses associated with the delivery of utility services to citizens of Wharton as an enterprise fund. The Water & Sewer Fund is hereby approved with \$3,159,703 in estimated revenues. Water and sewer is approved with \$3,159,703 in appropriations, which includes a franchise fee of 8% of water and sewer sales or approximately \$243,294, and transfers-out approved at \$637,081.

Section 11. **THAT** the Solid Waste Fund is created to account for the financial activities of the City's solid waste collection contract and delivery to citizens of Wharton as an enterprise fund. The Solid Waste Fund is

approved with \$1,330,350 in estimated revenues and \$1,330,350 in appropriations which includes a franchise fee of 6% of solid waste revenues or approximately \$74,000, and transfers-out approved at \$25,000.

Section 12. **THAT** the Emergency Medical Services Fund is created to account for the financial activities of the emergency medical services provided to the city and surrounding areas as an enterprise fund. The Emergency Medical Services Fund is approved with \$1,643,508 in estimated revenues and \$1,643,508 in appropriations and includes transfers-out at \$49,206.

Section 13. **THAT** the Civic Center Fund is created to account for the financial activities of the Civic Center as an enterprise fund. The Civic Center is approved with \$58,539 in estimated revenues and \$230,297 in appropriations. Transfers-in are approved at \$156,758 with a \$15,000 decrease to fund balance.

Section 14. **THAT** the Airport Fund is created to account for the financial activities of the Wharton Regional Airport as an enterprise fund. The Airport Fund is approved with \$231,937 in estimated revenues and \$231,937 in appropriations.

Section 15. **THAT** the City Secretary shall file copies of this Ordinance and of such budget with the County Clerk of Wharton County, Texas.

PASSED AND APPROVED by a favorable majority of the members of the City Council of the City of Wharton, Texas, in council meeting, this 23^d day of September 2013 duly assembled in accordance with Article VI of the Charter of the City of Wharton, Texas, by the following vote:

Domingo Montalvo, Jr., Mayor	Voted	YES
Alfred Bryant, Councilmember District 1	Voted	YES
Karen Schulz, Councilmember District 2	Voted	YES
Terry Lynch, Councilmember District 3	Voted	Absent
Donald Mueller, Councilmember District 4	Voted	YES
Russell Machann, Councilmember at Large Place 5	Voted	YES
Jeff Gubbels, Councilmember at Large Place 6	Voted	YES

Separability

If any court of competent jurisdiction rules that any section, subsection, sentence, clause, phrase, or portion of this ordinance invalid or unconstitutional any such portion shall be deemed to be a separate, distinct, and independent provision, and any such ruling shall not affect the validity of the remaining portions hereof

CITY OF WHARTON

By: _____
Domingo Montalvo, Jr., Mayor

ATTEST:

APPROVED FOR ADMINISTRATION:

Paula Favors, City Secretary

Andres Garza, Jr., City Manager

APPROVED AS TO FORM:

APPROVED FOR FUNDING:

Paul Webb, City Attorney

Joan Anandel, Finance Director

Councilmember Karen Schulz seconded the motion. All voted in favor.

The ninth item on the agenda was to review and consider an ordinance Levying a Tax Rate for the City of Wharton, Texas, for the Tax Year 2013; directing the Tax Assessor-Collector to assess, account for and distribute the taxes as herein levied; and providing repealing and severability clauses. City Manager Andres Garza, Jr. presented a draft ordinance levying a tax rate for the City of Wharton, Texas, for the Tax Year 2013; directing the Tax Assessor-Collector to assess, account for and distribute the taxes as herein levied; and providing repealing and severability clauses. After some discussion, Councilmember Don Mueller moved to approve City of Wharton Ordinance No. 2013-24, which read as follows:

**CITY OF WHARTON, TEXAS
ORDINANCE NO. 2013-24**

AN ORDINANCE LEVYING A TAX RATE FOR THE CITY OF WHARTON, TEXAS, FOR THE TAX YEAR 2013; DIRECTING THE TAX ASSESSOR-

**COLLECTOR TO ASSESS, ACCOUNT FOR AND DISTRIBUTE THE TAXES AS
HEREIN LEVIED; AND PROVIDING REPEALING AND SEVERABILITY
CLAUSES.**

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

Section 1. THAT there be and is hereby levied for the year 2013 on all real and personal property within and all real and personal property and mineral royalties owned within the city limits of the City of Wharton, Texas for the year 2013, except so much thereof as may be exempt by the constitution and of the State of Texas and of the United States, the following:

Maintenance and Operations	.242080/\$100 valuation
For Debt Service Requirements	.20355/\$100 valuation
Total Tax Rate	.44563/\$100 valuation

Section 2. THAT the Tax Assessor-Collector and/or Finance Director is hereby directed to assess, extend and enter upon the certified tax rolls of the City of Wharton, Texas, for the current taxable year, as provided by the Wharton County Appraisal District, the amounts and rates as herein levied, to keep correct amount of same, and when collected, to be distributed in accordance with this ordinance.

Passage and Approval

PASSED AND APPROVED by a favorable majority of the members of the City Council of the City of Wharton, Texas, in a council meeting, this 23rd day of September, 2013, duly assembled in accordance with Article VI of the Charter of the City of Wharton, Texas, by the following vote:

Domingo Montalvo, Jr., Mayor	Voted	YES
Alfred Bryant., Councilmember District 1	Voted	YES
Karen Schulz., Councilmember District 2	Voted	YES
Terry Lynch, Councilmember District 3	Voted	Absent
Donald Mueller, Councilmember District 4	Voted	YES
Russell Machann., Councilmember at Large Place 5	Voted	YES
Jeff Gubbels, Councilmember at Large Place 6	Voted	YES

Separability

If any court of competent jurisdiction rules that any section, subsection, sentence, clause, phrase, or portion of this ordinance invalid or unconstitutional any such portion shall be deemed to be a separate, distinct, and independent provision, and any such ruling shall not affect the validity of the remaining portions hereof.

CITY OF WHARTON

By: _____
Domingo Montalvo, Jr., Mayor

ATTEST:

APPROVED FOR ADMINISTRATION:

Paula Favors, City Secretary

Andres Garza, Jr., City Manager

APPROVED AS TO FORM:

APPROVED FOR FUNDING:

Paul Webb, City Attorney

Joan Anandel, Finance Director

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

The tenth item on the agenda was to review and consider Wharton County Emergency Services District No. 3:

- A. **Resolution:** A resolution of the Wharton City Council approving an Interlocal Agreement for Emergency Medical Services between the City of Wharton and the Wharton County Emergency Services District (ESD) No. 3 and authorizing the Mayor of the City of Wharton to execute the agreement.
- B. **Resolution:** A resolution of the Wharton City Council approving an Interlocal Agreement for Administrative Services between the City of Wharton and the Wharton County Emergency Services District (ESD) No. 3 and authorizing the Mayor of the City of Wharton to execute the agreement.

City Manager Andres Garza, Jr. presented a copy of the memorandum dated September 19, 2013 from City Secretary Paula Favors to him providing the Wharton County Emergency Services District (ESD) No. 3's recommendation that both Items A & B above be considered for approval by the City Council. After some discussion, Councilmember Jeff Gubbels moved to approve City of Wharton Resolution No. 53 and 54, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2013-53**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AN INTERLOCAL AGREEMENT FOR EMERGENCY MEDICAL SERVICES BETWEEN THE WHARTON COUNTY EMERGENCY SERVICES DISTRICT (ESD) NO. 3 AND THE CITY OF WHARTON EMERGENCY MEDICAL SERVICES DEPARTMENT.

WHEREAS, the Wharton County Emergency Services District (ESD) No. 3 Board has hereby authorized the ESD No. 3 President to execute an agreement with the City of Wharton for emergency medical services; and,

WHEREAS, the City of Wharton hereby wishes to enter into an interlocal agreement with the Wharton County Emergency Services District (ESD) No. 3 to provide Emergency Medical Services (EMS); and

WHEREAS, the ESD No. 3 and the City of Wharton wishes to 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 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 an interlocal agreement between the City of Wharton and the Wharton County Emergency Services District (ESD) No. 3 for emergency medical services.

Section II. That the City of Wharton and the ESD No. 3 shall hereby be 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 23rd day of September 2013.

CITY OF WHARTON, TEXAS

By: _____
DOMINGO MONTALVO, JR.
Mayor

ATTEST:

PAULA FAVORS
City Secretary

**CITY OF WHARTON
RESOLUTION NO. 2013-54**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AN INTERLOCAL AGREEMENT FOR ADMINISTRATIVE SERVICES BETWEEN THE WHARTON COUNTY EMERGENCY SERVICES DISTRICT (ESD) NO. 3 AND THE CITY OF WHARTON AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE THE AGREEMENT.

WHEREAS, the Wharton County Emergency Services District (ESD) No. 3 Board has hereby authorized the ESD No. 3 President to execute an agreement with the City of Wharton for administrative services; and,

WHEREAS, the ESD No. 3 and the City of Wharton 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 agreement.

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

Section I. That Wharton City Council hereby approves an interlocal agreement between the City of Wharton and the Wharton County Emergency Services District No. 3 for administrative services.

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

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

Passed, Approved, and Adopted this 23rd day of September 2013.

CITY OF WHARTON, TEXAS

By: _____
DOMINGO MONTALVO, JR.
Mayor

ATTEST:

PAULA FAVORS
City Secretary

Councilmember Karen Schulz seconded the motion. All voted in favor.

The eleventh item on the agenda was to review and consider resolution of the Wharton City Council approving an agreement between the City of Wharton and Jones & Carter, Inc. for professional engineering services for the waterline extension project at Colorado Bend Energy Partners, LP and authorizing the Mayor of the City of Wharton to execute the agreement. City Manager Andres Garza, Jr. stated that during the regular August 26, 2013 City Council meeting, the City Council approved the Utility Service Agreement between the City of Wharton and Colorado Bend Energy Partners, LP. City Manager Garza presented a copy of a professional engineering services agreement provided by Jones & Carter, Inc. to provide their services to conduct the project. After some discussion, Councilmember Karen Schulz moved to approve City of Wharton Resolution No. 2013-55, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2013-55**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AN AGREEMENT BETWEEN THE CITY OF WHARTON AND JONES & CARTER, INC. FOR PROFESSIONAL ENGINEERING SERVICES FOR THE WATERLINE EXTENSION PROJECT AT COLORADO BEND ENERGY PARTNERS, LP AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE THE AGREEMENT.

WHEREAS, The Wharton City Council wishes to engage the services of Jones & Carter, Inc. to provide professional engineering services in connection with said project; and

WHEREAS, Jones & Carter, Inc. wishes to provide said services for the waterline extension project at Exelon Generation Company; and

WHEREAS, The City of Wharton and Jones & Carter, Inc. wishes to be bound by the conditions of said professional engineering services agreement; and

WHEREAS, The Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute 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 with Jones & Carter, Inc. for the waterline extension project at Exelon Generation Company.

Section II. The City of Wharton and Jones & Carter, 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 23rd day of September 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 twelfth item on the agenda was to review and consider a resolution of authorizing the Mayor of the City of Wharton, Wharton County, Texas, to execute an agreement with the Chamber of Commerce and Agriculture for Visitor and Convention Bureau Services for the October 1, 2013 to September 30, 2014 fiscal year. City Manager Andres Garza, Jr. presented a draft agreement between the City of Wharton and the Chamber of Commerce

& Agriculture for Visitor and Convention Bureau Services for the October 1, 2013 to September 30, 2014 fiscal year. City Manager Garza stated that the terms and conditions of the agreement are same as the previous year with the only change being an additional \$4,000.00 in the annual payment to the Chamber last year. The amount for \$47,966.00 and the amount for the upcoming fiscal year would be \$51,966.00 as discussed during the City Council Budget Workshops held this summer. After some discussion, Councilmember Jeff Gubbels moved to approve City of Wharton Resolution No. 2013-56, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2013-56**

A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF WHARTON, WHARTON COUNTY, TEXAS, TO EXECUTE AN AGREEMENT WITH THE CHAMBER OF COMMERCE AND AGRICULTURE FOR VISITOR AND CONVENTION BUREAU SERVICES FOR OCTOBER 1, 2013 TO SEPTEMBER 30, 2014 FISCAL YEAR.

WHEREAS, the Wharton City Council hereby authorizes Mayor Domingo Montalvo, Jr. to execute an agreement with the Wharton Chamber of Commerce and Agriculture for visitor and convention bureau services; and,

WHEREAS, the City of Wharton and the Wharton Chamber of Commerce and Agriculture hereby agrees 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. That the Wharton City Council hereby authorizes Domingo Montalvo, Jr., Mayor of the City of Wharton to execute an agreement with the Wharton Chamber of Commerce and Agriculture for Visitor and Convention Bureau Services for the October 1, 2013 to September 30, 2014 fiscal year.

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

Passed, Approved, and Adopted this 23rd day of September 2013.

CITY OF WHARTON, TEXAS

By: _____
DOMINGO MONTALVO, JR.
Mayor

ATTEST:

PAULA FAVORS
City Secretary

Councilmember Karen Schulz 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 designating a City of Wharton Representative and Alternate to the Houston-Galveston

Area Council 2014 General Assembly. City Manager Andres Garza, Jr. presented a copy of the letter dated September 5, 2013 to Mayor Domingo Montalvo, Jr. from Mr. Jack Steele of the Houston-Galveston Area Council (H-GAC) requesting the City of Wharton designate a City of Wharton representative, and alternate representative, to the H-GAC 2014 General Assembly. After some discussion, Councilmember Jeff Gubbels moved to approve City of Wharton Resolution No. 2013-57, which read as follows:

CITY OF WHARTON
RESOLUTION NO. 2013-57

A RESOLUTION DESIGNATING A CITY OF WHARTON REPRESENTATIVE AND ALTERNATE TO THE HOUSTON-GALVESTON AREA COUNCIL 2014 GENERAL ASSEMBLY.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WHARTON, TEXAS that Councilmember Alfred Bryant be, and is hereby designated as its Representative to the General Assembly of the Houston-Galveston Area Council for the year 2013.

FURTHER, that the Official Alternate authorized to serve as the voting representative should the hereinabove named representative become ineligible, or should he/she resign, is Councilmember__Russell Machann.

THAT, the Executive Director of the Houston-Galveston Area Council be notified of the designation of the hereinabove named representative and alternate.

Passed, Approved, and Adopted this 23rd day of September 2013.

CITY OF WHARTON, TEXAS

By: _____
DOMINGO MONTALO, JR.
Mayor

ATTEST:

PAULA FAVORS

City Secretary

Councilmember Karen Schulz seconded the motion. All voted in favor.

The fourteenth item on the agenda was to review and consider TxDOT CSJ No. 0913-09-049 City of Wharton Sidewalk Accessibility and Historic Streetscape Project:

A. Additional Sidewalks

City Manager Andres Garza, Jr. stated that on September 19, 2013 the City Staff met with TxDOT representatives and the City's engineer, Bradley Loehner, P.E. of BEFCo Engineering, Inc. to discuss the construction of additional sidewalks. City Manager Garza said the contract with M.C. Fonseca Construction came under the amount that was allocated to the project; therefore additional sidewalks could be constructed provided the City allocated the necessary matching funds and the State had informed the City that the additional sidewalks if added would have to be environmentally cleared and the discussion would be regarding the time line should the City proceed.

B. Budget Amount

City Manager Andres Garza, Jr. stated that when the City submitted the application for funding no amount was allocated for environmental cost and the engineer firm (BEFCo) provided the environmental work therefore the City Staff was seeking to adjust the budget to reflect the environmental costs in the appropriate column. City Manager Garza presented a memo from the Public Works Committee meeting held Friday, September 20, 2013 with the recommendation that a request be submitted to the State to find out which sidewalks could be added and to move forward with the project. After some discussion, Councilmember Al Bryant moved that a request be submitted to the State for approval of construction of additional sidewalks to the TxDOT CSJ No. 0913-09-049 City of Wharton Sidewalk Accessibility and Historic Streetscape Project. Councilmember Don Mueller seconded the motion. All voted in favor.

The fifteenth item on the agenda Wharton Economic Development Corporation Board of Directors Appointment. City Manager Andres Garza, Jr. stated that the Wharton Economic Development Corporation Selection Committee met on Monday, September 23rd at 6:30 and were recommending Councilmember Karen Schulz, and Mr. Judd Perry be appointed to the Wharton Economic Development Corporation Board of Directions and to reappoint Mr. Marshall Francis. After some discussion, Councilmember Jeff Gubbels move to appoint the following:

	<u>Term Ending</u>
A. Councilmember Karen Schulz	September 30, 2015
B. Mr. Marshall Francis – reappointed	September 30, 2015
C. Mr. Judd Perry	September 30, 2015

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

The sixteenth item on the agenda was Executive Session: City Council may adjourn into an Executive Session in accordance with Sections 551.087 of the Local 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:** To deliberate the offer of a financial or other incentives to Blu Bambu, LP which the City seeks to have locate within the City of Wharton or near the territory of the City of Wharton.

Mayor Domingo Montalvo, Jr. moved the meeting into closed session at 7:26 p.m.

The seventeenth item on the agenda was Return to open meeting: Action on items discussed in Executive Session:

- A. Review & Consider:** The offer of a financial or other incentives to Blu Bambu, LP which the City seeks to have locate within the City of Wharton or near the territory of the City of Wharton.

Mayor Domingo Montalvo, Jr. returned to open session at 7:52 p.m. Mayor Domingo Montalvo, Jr. stated the session was information only.

The eighteenth item on the agenda was to review and consider Payment Request No. 1 by Schier Construction Company, Inc. for construction of Hydropneumatic Tank Addition at Cloud Street Water Plant. City Manager Andres Garza, Jr. presented a memo from Tommy L. Vance, P.E. of Jones and Carter, Inc. submitting the Pay Request No. 1 for Schier Construction Company, Inc. for the Construction of Hydropneumatic Tank Addition at Cloud Street Water Plant. Pay Request No. 1 was in the amount of \$82,035.00 which covered completed construction work through August 31, 2013. After some discussion, Councilmember Karen Schulz moved to approve Pay Request No. 1 for Schier

Construction Company, Inc. for the Construction of Hydropneumatic Tank Addition at Cloud Street Water Plant. Pay Request No. 1 was in the amount of \$82,035.00 which covered completed construction work through August 31, 2013. Councilmember Al Bryant seconded the motion. All voted in favor.

The nineteenth item on the agenda was to review and consider Payment Request No. 2 & No. 3 by M&C Fonseca Construction for Downtown Sidewalk Project. City Manager Andres Garza, Jr. presented a memo from Bradley Loehr of BEFCO Engineering, Inc. submitting the Pay Request No. 2 & No. 3 for M&C Fonseca Construction for the City of Wharton Sidewalk Accessibility & Historic Streetscape Project. Pay Request No. 2 was in the amount of \$57,023.50 and Pay Request No. 3 was in the amount of \$34,791.35 which covered completed construction work through September 19, 2013. After some discussion, Councilmember Al Bryant moved to approve Pay Request No. 2 & No. 3 for M&C Fonseca Construction for the City of Wharton Sidewalk Accessibility & Historic Streetscape Project. Pay Request No. 2 in the amount of \$57,023.50 and Pay Request No. 3 in the amount of \$34,791.35 which covered completed construction work through September 19, 2013. Councilmember Don Mueller seconded the motion. All voted in favor.

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

- A. Beautification Commission.
- B. Holiday Light Decorating Chairman.

After some discussion, no action was taken.

The twenty-first item on the agenda was City Council Committees, Boards and Commission's Reports:

- A. Mayor's Committee on People with Disabilities Committee held on Tuesday, September 10, 2013.
- B. Beautification Commission Meeting held Wednesday, September 11, 2013.
- C. Wharton Economic Development Corporation Regular Meeting held Monday, September 16, 2013.
- D. City Council WEDC Board of Director's Selection Meeting held Monday, September 16, 2013.
- E. City Council Public Works Committee Meeting held Friday, September 20, 2013.
- F. City Council WEDC Board of Director's Selection Meeting held Monday, September 23, 2013.

After some discussion, no action was taken.

The twenty-second 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 September 19, 2013 providing an update on the City of Wharton current 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.cityofwharton.com/information-a-notices/lcrb-feasibility-study>.

Halff Associates submitted the 95% set of construction plans and the City Staff is currently reviewing the document. The City Staff has indicated to Halff Associates that it is too early to acquire the services of a professional land surveyor to prepare metes and bounds since we do not know for sure if the alignment will stay as shown on the current set of draft construction plans. Hughes St. utility relocation and identification of spoil areas. The City Staff and Halff Associates went through the plan set page by page to identify utility relocations that will be necessary during or prior to construction of the levee. The City will be responsible for all relocations of water, sewer and drainage infrastructure. The City will work together with Halff Associates to coordinate other utility relocations. These include utilities owned by others including CenterPoint Electric, CenterPoint Gas, MidCoast Cable, and Panther Pipeline. The City Staff worked with Jones & Carter and has completed the preliminary layout for the Hughes St. utility relocation. Halff along with the City Staff are working together to solve the issue of spoil disposal.

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 of the channel. During the month of June, no routine maintenance was required on the Channel. The channel is slowly increasing in grass cover which is allowing several eroded areas to heal themselves over time. Public Works will continue installing grade stabilization structures to eliminate erosion thereby reducing or eliminating the need to reshape the channel areas with active erosion. 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. 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

TxDOT and the Public Works Department has finished re-grading the ditch along the South side of Hwy 60. Crews also completed installation of the sloped paving at culvert inlets and outlets on the south side of Hwy 60. The Public Works Department has re-graded the ditch on the North side during June. The Public Works Department should complete the installation of the safety end structures over the next two to three weeks. TxDOT has requested extensions on the drainage pipes under Mahan and Kinkaid Streets. The City Staff anticipates completion in the month of September, weather permitting.

WATER/SEWER IMPROVEMENTS:

1. 2012 -2013 Water Storage Tank Maintenance Program

The hydropneumatic tank is required for continued service after the elevated storage tank is dismantled. The contractor has begun installing the system. The hydropneumatic tank installation should be completed within the next one to two months and work on the dismantling of the elevated tank should commence on the hydropneumatic tank that is in service.

2. On-going Water and Sewer Maintenance Program

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

Grease build up has continued to be a problem in the sanitary sewer lines and manholes along Richmond Rd. This results in sewer back-ups and has kept crews busy. The Public Works Department is coordinating with Code Enforcement to begin a grease trap inspection program at restaurants throughout town. The City Staff hopes this will eliminate some of the unnecessary grease build up and sewer back-ups along Richmond Rd and other areas of the City.

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 continues to coordinate with TxDOT to ensure the project continues to move forward.

The City Staff and IDC Inc. coordinated via e-mail and telephone this month in a continuing effort to complete drainage associated with the project. On June 24, 2013 IDC, Inc. received the approved schematics, thus allowing the firm to move forward in design. There were some modifications that would be incorporated into the final design. IDC representatives met with the

City Staff on September 6, 2013 to discuss the project. On September 13th, IDC representatives and City Staff held a telephone conference call with TxDOT representatives that informed the City that the State had completed review of the environmental document and would be submitting to the Federal Highway Administration for final review.

2. 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 have been made to the City Council in the Bond Program.

3. Wharton Sidewalk Accessibility and Historic Streetscape Project

This project is moving along on Milam Street with M&C Fonseca Construction Company. The City has begun notifying property owners of the improvements. The sidewalk has been replaced on West Milam Street from Richmond Road to Sunset Street.

4. Stavena Addition Drainage Project

The Public Works Department completed initial survey data collection efforts the week of June 17, 2013. The Public Works Department has initiated work to prepare construction plans for excavation of a new channel that will outfall into the Santa Fe Channel. This drainage work will provide flood relief to the Stavena Addition including areas along Stavena Rd, Nelga St. and Franklin St. This area serves as the headwaters of Jarvis Creek. This project when completed will provide relief to residents in the Stavena Addition and to land owners along Jarvis Creek outside the city limits in Wharton County Precinct 1. The City Staff will be meeting with Wharton County Commissioner Dettling to request continued assistance as soon as the construction plans are completed.

5. 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. The City Staff continued this drainage improvement effort through August. The Public Works Department has noticed a significant drop in drainage complaints and attributes the decrease to the improvements being made and lack of rain.

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 implemented an annual hydrant testing program. The majority of the hydrants are 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.

2. Wharton County / City of Wharton 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 has also been working with the Cities of El Campo, East Bernard, and Wharton County, to discuss and develop ways to improve the CAD's parcel map for the GIS application. The City Staff believes the Parcel Map improvements will be the backbone of the overall GIS system. Presentations have been made to the CAD Board requesting their assistance. If approval by the CAD Board work on the GIS base mapping could begin by early next year.

After some discussion, no action was taken.

The twenty-thirty 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 twenty-fourth 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 7:55 p.m.

City of Wharton
Regular Council Meeting
September 23, 2013

CITY OF WHARTON, TEXAS

By: _____
Don Mueller
Mayor Pro-Tem

ATTEST:

Paula Favors
City Secretary