

**MINUTES
OF
CITY OF WHARTON
REGULAR CITY COUNCIL MEETING
APRIL 14, 2014**

Mayor Pro Tem Don Mueller 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. Councilmember Terry David Lynch led the opening devotion and the pledge of allegiance.

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

Councilmember absent was: Mayor Domingo Montalvo, Jr.

Staff members present were: City Manager Andres Garza, Jr, Finance Director Joan Anandel, City Secretary Paula Favors, Assistant to the City Manager Cheryl Urbanovsky, Interim Police Chief Tim Guin, Captain Richard Coleman, EMS Director John Kowalik, Community Services Director Jo Beth Knezek and City Attorney Paul Webb.

Visitors present were: David Schroeder, Executive Director, Wharton Economic Development Corporation, Carlos Cotton, P.E. with Jones and Carter, Inc., Bradley Loehr, P.E. with BEFCO Engineering, Inc., Steve Van Manen of Harrison, Waldrop & Uherek, LLP, Ray Linseisen, I.O. Coleman, Jr., J.L. Roberts, Rickey Norris, Burnell Neal, Craig Hahn, Mozelle Stephens, Carol Wootton, Melissa Huggins, Jonathan Garcia, Clint Savino, Curtis Evans, Carlton Scott, Greg Baines and Natalie Frels with the Wharton Journal Spectator.

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

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

The fourth item on the agenda was the Wharton Moment. Councilmember Karen Schulz congratulated Sonya Galvan, owner of Unique Hair Salon, on the ribbon cutting of her new location 1327 N Alabama Rd. Councilmember Russell Machann congratulated the Wharton Tennis Team on placing second in Region.

The fifth item on the agenda was to review and consider the reading of the minutes from the March 1, 2014 strategic planning workshop and regular meetings held March 10, 2014 and

March 24, 2014. After some discussion, Councilmember Terry David Lynch moved to approve the minutes from the March 1, 2014 Strategic Planning Workshop and regular meetings held March 10, 2014 and March 24, 2014. Councilmember Al Bryant seconded the motion. All voted in favor.

The sixth item on the agenda was to review and consider the City of Wharton Annual Financial Report for Fiscal Year October 1, 2012 to September 30, 2013 by Harrison, Waldrop & Uherek, L.L.P. Mr. Steve Van Manen of Harrison, Waldrop & Uherek, LLP presented the City of Wharton Annual Financial Report for Fiscal Year October 1, 2012 to September 30, 2013. Mr. Van Manen stated that the City of Wharton had received an award for excellence in financial report for the past twenty-two years and the City of Wharton Annual Financial Report for Fiscal Year October 1, 2012 to September 30, 2013 received a clean opinion which was the highest form of assurance. City Manager Garza told the City Council that the City Council Finance Committee had meet earlier that day and was recommending the Annual Financial Report be approved. After some discussion, Councilmember Al Bryant moved to approve the City of Wharton Annual Financial Report for Fiscal Year October 1, 2012 to September 30, 2013. Councilmember Karen Schulz seconded the motion. All voted in favor.

The seventh item on the agenda was to review and consider the City of Wharton Budget Calendar for fiscal year 2014-2015. Finance Director Joan Anandel presented the proposed City of Wharton Budget Calendar for fiscal year 2014 – 2015. After some discussion, Councilmember Al Bryant moved to approve the City of Wharton Budget Calendar for fiscal year 2014-2015. Mrs. Anandel stated that the City Council Finance Committee had met earlier that day and was recommending approval of the Budget Calendar. Councilmember Russell Machann seconded the motion. All voted in favor.

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

- A. Approval of the 2014 Pool Schedule.
- B. **Resolution:** A resolution of the Wharton City Council approving the 2014 Wharton Swim Team Agreement for use of the Wharton Municipal Swimming Pool and authorizing the City Manager to execute the agreement.

City Manager Andres Garza, Jr. presented a copy of the memorandum dated March 31, 2014 from City Secretary Paula Favors providing the 2014 Wharton Municipal Swimming Pool Applications, Fees and Schedule and a resolution approving the Swim Team's Agreement for use of the swimming pool. City Secretary Paula Favors stated the 2014 Wharton Municipal Swimming Pool Applications, Fees and Schedule were the same as the previous year and the pool was set to open on June 10, 2014. After some discussion, Councilmember Terry David Lynch moved to approve the 2014 Pool Schedule and City of Wharton Resolution No. 2014-24, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2014 - 24**

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A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING THE 2014 WHARTON SWIM TEAM AGREEMENT FOR USE OF THE WHARTON MUNICIPAL SWIMMING POOL AND AUTHORIZING THE CITY MANAGER OF THE CITY OF WHARTON TO EXECUTE THE AGREEMENT.

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

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

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

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

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

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

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

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

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

PASSED, APPROVED and ADOPTED this 14th day of April 2014.

CITY OF WHARTON, TEXAS

By: _____
DON MUELLER
Mayor Pro-Tem

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 Utility Line Extension for Hotel Site on FM 102:

- A. **Resolution:** A resolution of the Wharton City Council approving the Performance Agreement with Wharton Economic Development Corporation (WEDC) and authorizing the City Manager to execute the agreement.
- B. **Resolution:** A resolution of the Wharton City Council approving a professional engineering services contract with Jones & Carter, Inc. and authorizing the Mayor to execute the agreement.

City Manager Andres Garza, Jr. stated that Mr. Vic Desai, the developer of the hotel site on FM 102 obtained a building permit for the project. City Manager Garza said that Wharton Economic Development Corporation (WEDCo) had agreed to provide the utility line extension, for the hotel site on FM 102 and City Staff was recommending City Council approval of the Performance Agreement with WEDCo. After some discussion, Councilmember Karen Schulz moved to approve City of Wharton Resolutions 2014-25 and 2014-26, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2014 - 25**

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE CITY MANAGER OF THE CITY OF WHARTON TO EXECUTE A PERFORMANCE AGREEMENT WITH WHARTON ECONOMIC DEVELOPMENT CORPORATION.

WHEREAS, the City of Wharton wishes to provide the extension of water and sewer lines for FM 102 tract known as the Vic Desai hotel site and requests reimbursement from the Wharton Economic Development Corporation; and

WHEREAS, the Wharton City Council wishes to engage in a Performance Agreement with the Wharton Economic Development Corporation; and

WHEREAS, the City of Wharton and Wharton Economic Development Corporation wishes to be bound by the conditions set forth in said contract; and

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

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

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

Section 1. The Wharton City Council hereby authorizes the City Manager of the City of Wharton to execute a Performance Agreement with Wharton Economic Development Corporation for reimbursement for extension of water and sewer lines for FM 102 tract known as the Vic Desai hotel site.

Section 2. The City of Wharton and Wharton Economic Development Corporation are hereby bound by the conditions set forth in the agreement.

Section 3. That this resolution shall become effective immediately upon its passage.

PASSED, APPROVED and ADOPTED this 14th day of April 2014.

CITY OF WHARTON, TEXAS

By: _____
DON MUELLER
Mayor Pro-Tem

ATTEST:

BY: _____
PAULA FAVORS
City Secretary

CITY OF WHARTON
RESOLUTION NO. 2014 - 26

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AN AGREEMENT WITH JONES & CARTER, INC. AND THE CITY OF WHARTON FOR ENGINEERING SERVICES ON UTILITY LINE EXTENSION PROJECT FOR HOTEL SITE ON FM 102 AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE THE AGREEMENT.

WHEREAS, On April 14, 2014 the Wharton City Council considered a professional engineering services agreement with Jones & Carter, Inc. for the engineering services on Utility Line Extension Project for Hotel Site on FM 102; and

WHEREAS, the City of Wharton and Jones & Carter, Inc. 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 said contract amendment.

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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 an agreement with Jones & Carter, Inc. and the City of Wharton for engineering services on Utility Line Extension Project for Hotel Site on FM 102.

Section II. The City of Wharton and Jones & Carter, Inc. 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 14th day of April 2014.

CITY OF WHARTON, TEXAS

By: _____
DON MUELLER
Mayor Pro-Tem

ATTEST:

PAULA FAVORS
City Secretary

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

The tenth item on the agenda was to review and consider the City of Wharton EMS Department:

- A. City Council acceptance of a grant in the amount of \$50,000 from the M.G. and Lillie A. Johnson Foundation, Inc. for the purchase of a chassis and refurbishing a module for an ambulance for the City of Wharton Emergency Medical Service (EMS) Department.

City Manager Andres Garza, Jr. presented a copy of the letter dated March 21, 2014 from Mr. Robert Halepeska, Executive Vice President of the M.G. and Lillie A. Johnson Foundation, Inc. awarding the City of Wharton EMS Department a grant in the amount of \$50,000.00 for

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the purchase of a chassis and refurbishing a module for an ambulance. City Manager Garza stated that City Council acceptance of the grant was required.

- B. Resolution:** A resolution of the Wharton City Council approving an agreement between the City of Wharton and Frazier Co./Dallas Dodge Chrysler Jeep for the purchase of a chassis and remount through the Houston-Galveston Area Council Cooperative Purchasing Program and authorizing the Mayor of the City of Wharton to execute any and all documents related to said purchase.

City Manager Andres Garza, Jr. presented a memorandum from EMS Director John Kowalik to City Manager Andres Garza, Jr. dated March 26, 2014 regarding the receipt of a \$50,000 grant along with an explanation of how the funds would be used for the remount of Ambulance Unit 1123. EMS Director John Kowalik stated the Wharton EMS Department had applied for and received the maximum amount of the grant to be used for the purchase of an ambulance or remount of an ambulance. City Manager Garza presented a copy of a draft resolution approving an agreement with Frazer Co./Dallas Dodge Chrysler Jeep for the purchase of a chassis and refurbishment of Ambulance Unit 1123. After some discussion, Councilmember Terry David Lynch moved to accept the grant from the M.G. and Lillie A. Johnson Foundation, Inc. and to approve City of Wharton Resolution No. 2014-27, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2014 -27**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AN AGREEMENT BETWEEN THE CITY OF WHARTON AND FRAZER CO./DALLAS DODGE CHRYSLER JEEP FOR THE PURCHASE OF A CHASSIS AND REMOUNT THROUGH THE HOUSTON AREA COUNCIL COOPERATIVE PURCHASING PROGRAM AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ANY AND ALL DOCUMENTS RELATED TO SAID PURCHASE.

WHEREAS, the City of Wharton received a quote from Frazer Co./Dallas Dodge Chrysler Jeep for purchase of an ambulance chassis and remount in the amount of \$77,825.00; and

WHEREAS, Frazer Co./Dallas Dodge Chrysler Jeep is a member of the Houston-Galveston Area Council Cooperative Purchasing Program; and

WHEREAS, the Wharton City Council wishes to approve an agreement with Frazer Co./Dallas Dodge Chrysler Jeep for the purchase of an ambulance chassis and remount through the Houston-Galveston Area Council Cooperative Purchasing Program; and

WHEREAS, the Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute any and all documents related to said purchase.

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

Section I. That the City Council hereby approves an agreement with Frazer Co./Dallas Dodge Chrysler Jeep for the purchase of an ambulance chassis and remount in the amount of \$77,825.00 through the Houston-Galveston Area Council Cooperative Purchasing Program.

Section II. That the Mayor of the City of Wharton is hereby authorized to execute any and all documents related to said purchase.

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

PASSED, APPROVED, and ADOPTED this 14th day of April 2014.

CITY OF WHARTON, TEXAS

By: _____
DONALD MUELLER
Mayor Pro-Tem

ATTEST:

PAULA FAVORS
City Secretary

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

The eleventh item on the agenda was to review and consider **Executive Session:** City Council may adjourn into an Executive Session in accordance with Section 551.074 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: Appointment of Chief of Police.

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

Mayor Pro Tem Don Mueller moved the meeting into closed session at 7:21 p.m. Councilmember Terry David Lynch and Councilmember Karen Schulz excused themselves from item A. of closed session at 7:40 p.m.

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

A. Review and Consider: Appointment of Chief of Police.

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

Mayor Pro Tem Don Mueller returned to open session at 7:46 p.m. Mayor Pro Tem Mueller stated that no action was taken on Item B listed above. On item A. City Manager Andres Garza, Jr. stated to the City Council that he was requesting confirmation as per the requirements of the City Charter for Mr. Terry David Lynch as the City of Wharton Police Chief subject to the City pre-employment requirements. Councilmember Jeff Gubbels moved to confirm Mr. Terry David Lynch to the position of Chief of Police subject to City pre-employment requirements. Councilmember Russell Machann seconded the motion. Mayor Pro Tem Don Mueller, Councilmember Jeff Gubbels and Councilmember Russell Machann voted for the motion. Councilmember Al Bryant voted against the motion. Councilmembers Terry David Lynch and Karen Schulz abstained. The motion carried.

The thirteenth item on the agenda was to review and consider a resolution of the Wharton City Council ratifying and authorizing the execution of an Electric Sales Agreement with Reliant Energy Retail Services LLC by the City Manager on behalf of the City of Wharton, Texas. City Manager Andres Garza, Jr. stated that the City of Wharton would be under contract for electric service until September 30, 2015 with Reliant Energy Retail Services LLC. City Manager Garza said the City solicited bids to obtain electric services beginning October 1, 2015 and presented the bids received from electric companies. City Manager Garza said the bids submitted ranged from 1% to 14% from the City's existing contract and after reviewing the bids with Fox/Smolen Consultants, the City Staff and Fox/Smolen decided that Reliant's rate for 51 months beginning October 1, 2015 was the best rate which would bring stability in the City's electrical costs. City Manager Garza presented a contract received by the City Staff on April 1, 2014. City Manager Garza stated that the City Council Finance Committee met on April 14, 2014 and was recommending City Council approval. After some discussion, Councilmember Russell Machann moved to approve City of Wharton Resolution No. 2014-28, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2014 - 28**

A RESOLUTION OF THE WHARTON CITY COUNCIL RATIFYING AND AUTHORIZING THE EXECUTION OF THE ELECTRIC SALES AGREEMENT WITH RELIANT ENERGY RETAIL SERVICES, LLC BY THE CITY MANAGER ON BEHALF OF THE CITY OF WHARTON.

WHEREAS, the City of Wharton, as a member of the Governmental Aggregation Project (GAP), requested bids for electric services on Tuesday, April 1, 2014; and

WHEREAS, time was of the essence in securing a contract with an electric provider upon the receiving the bid submittals; and

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WHEREAS, on April 1, 2014, the City of Wharton received the recommended contract provided by Reliant Energy Retail Services, LLC to provide electric service to the City of Wharton; and

WHEREAS, the Wharton City Council wishes to ratify and authorize the City Manager to execute the recommended contract for electric service to be provided to the City of Wharton; and,

WHEREAS, the Wharton City Council wishes this resolution to be 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 ratifies and approves the execution of the electric sales agreement by City Manager on behalf of the City of Wharton.

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

PASSED, APPROVED AND ADOPTED this 14th day of April 2014.

CITY OF WHARTON, TEXAS

By: _____
DON MUELLER
Mayor Pro-Tem

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 Ahldag Addition Sanitary Sewer Improvement Project:

- A. **Resolution:** A resolution of the Wharton City Council approving an agreement with BEFCO Engineering, Inc. and the City of Wharton for engineering services on Texas Community Development Block Grant Program (TxCDBG) Contract No. 713510 for

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the Ahldag Addition Sanitary Sewer Improvement Project and authorizing the Mayor of the City of Wharton to execute the agreement.

City Manager Andres Garza, Jr. stated that On March 31, 2014 the Joint Meeting of the Consultant Selection Committee and Public Works Committee was held to review the ratings of the professional engineering firms and ratings were received from all committee members, tabulated and the overall average of the total scores indicated that BEFCO Engineering, Inc. was ranked the highest overall score. City Manager Garza said the City Staff met with Mr. Bradley Loehr of BEFCO Engineering on April 3, 2014 and BEFCO had agreed to perform the engineering services required for this project in accordance with the budget set forth. City Manager Garza said the Public Works Committee met on April 14, 2014 and recommended City Council consider approving the agreement. After some discussion, Councilmember Terry David Lynch moved to approve City of Wharton Resolution 2014-29, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2014 - 29**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AN AGREEMENT WITH BEFCO ENGINEERING, INC. AND THE CITY OF WHARTON FOR PROFESSIONAL ENGINEERING SERVICES ON TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (TxCDBG) CONTRACT NO. 713510 FOR THE AHLDAG ADDITIONAL SANITARY SEWER IMPROVEMENT PROJECT AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE THE AGREEMENT.

WHEREAS, On April 14, 2014 the Wharton City Council considered a professional engineering services agreement with BEFCO Engineering, Inc. for the engineering services on Texas Community Development Block Grant (TxCDBG) Contract No. 713510 for the Ahldag Additional Sanitary Sewer Improvement Project.

WHEREAS, the City of Wharton and BEFCO Engineering, Inc. 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 said 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 authorizes the Mayor of the City of Wharton to execute an agreement with BEFCO Engineering, Inc. and the City of Wharton for engineering services on TxCDBG Contract No. 713510 for the Ahldag Addition Sanitary Sewer Improvement Project.

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Section II. The City of Wharton and BEFCO Engineering, Inc. 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 14th day of April 2014.

CITY OF WHARTON, TEXAS

By: _____
DON MUELLER
Mayor Pro Tem

ATTEST:

PAULA FAVORS
City Secretary

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

The fifteenth item on the agenda was to review and consider the Water System Improvements Project:

- A. Project Authorization – Kelving Way Drive from Alabama Road to Glen Haven and alley between Croom Drive and Price Drive to Sycamore.
- B. **Resolution:** A resolution of the Wharton City Council amending the agreement with BEFCO Engineering, Inc. and the City of Wharton for engineering services on Alabama Street Sewer Line Improvement Project and authorizing the Mayor of the City of Wharton to execute the agreement.

City Manager Andres Garza, Jr. stated that the Public Works Committee meet on April 14, 2014 and recommended City Council consider approving the Water System Improvement Project. City Manager Garza said that funding for the project would come from the remaining 2009, 2011 and 2013 Bond Funds. City Manager Garza said that on March 31, 2014, the City Council Public Works Committee met and discussed the City of Wharton's water system and the City Staff had identified several waterlines that should be replaced immediately with two of the lines identified being the one on Kelving Way Drive from Alabama Road to Glen Haven and the waterline located in the alley between Croom Drive and Price Drive to Sycamore. After some discussion, Councilmember Al Bryant moved to authorize the waterline replacement project on Kelving Way Drive from Alabama Road to Glen Haven and the waterline located in the alley between Croom Drive and Price Drive to Sycamore and approve City of Wharton Resolution No. 2014-30, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2014 - 30**

A RESOLUTION OF THE WHARTON CITY COUNCIL AMENDING THE AGREEMENT WITH BEFCO ENGINEERING, INC. AND THE CITY OF WHARTON FOR ENGINEERING SERVICES ON ALABAMA STREET SEWER LINE IMPROVEMENT PROJECT AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE THE AGREEMENT.

WHEREAS, On April 14, 2014 the Wharton City Council amended the professional engineering services agreement with BEFCO Engineering, Inc. for the engineering services on Alabama Street Sewer Line Improvement Project to include the Water System Improvements Project.

WHEREAS, the City of Wharton and BEFCO Engineering, Inc. 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 said 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 authorizes the Mayor of the City of Wharton to execute the amended agreement with BEFCO Engineering, Inc. and the City of Wharton for engineering services on Alabama Street Sewer Line Improvement Project to include the Water System Improvements Project.

Section II. The City of Wharton and BEFCO Engineering, Inc. 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 14th day of April 2014.

CITY OF WHARTON, TEXAS

By: _____
DON MUELLER
Mayor Pro Tem

ATTEST:

PAULA FAVORS

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City Secretary

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

The sixteenth item on the agenda was to review and consider a request by TxDOT for Right of Entry for City-Owned properties. City Manager Andres Garza, Jr. presented two letters from Texas Department of Transportation (TxDOT) requesting Right of Entry for City-Owned properties to upgrade US 59 through Wharton County to a controlled access facility that meets interstate standards. The properties mentioned are located at:

- A. Airport Road Mackay, R029623
- B. Hwy 59 Wharton, R059386

City Manager Garza stated that the City Staff recommended approval and authorization for the City Manager to execute the right of entries on behalf of the City of Wharton. After some discussion, Councilmember Russell Machann moved to approve the request by TxDOT for Right of Entry for City-Owned properties, which were Airport Road Mackay, R029623 and Hwy 59 Wharton, R059386 and authorize the City Manager to execute the rights of entries on behalf of the City. Councilmember Al Bryant seconded the motion. All voted in favor.

The seventeenth item on the agenda was to review and consider an Access Agreement with AD Environmental Services, LLC for property on Fulton Street. City Manager Andres Garza, Jr. stated that AD Environmental Services, LLC had submitted an Access Agreement for the Use and Right of Entry onto Property owned by the City at the corner of Fulton Street and Boling Hwy. where they had proposed placing a monitoring well location for environmental purposes based on Texas Commission of Environmental Quality (TCEQ) findings. City Attorney Paul Webb stated he had reviewed the agreement that would be for two years and the roadway would be returned to the same condition. Mr. Webb recommended City Council consider approving the agreement. City Manager Garza stated the City Council Public Works Committee met and reviewed the information at its April 14, 2014 meeting at and recommended City Council approve the agreement. After some discussion, City Councilmember Al Bryant moved to approve the Access Agreement with AD Environmental Services, LLC for the Use and Right of Entry onto Property owned by the City at the corner of Fulton Street and Boling Hwy. where they had proposed placing a monitoring well location for environmental purposed based on Texas Commission of Environmental Quality (TCEQ) findings. Councilmember Karen Schulz seconded the motion. All voted in favor.

The eighteenth item on the agenda was to review and consider City of Wharton Sidewalk Accessibility and Historic Streetscape Project.

- A. **Resolution:** A resolution of the Wharton City Council authorizing the Advanced Funding Agreement (CSJ:0913-09-079) for a Transportation Enhancement (TE) Project for the second phase of the City of Wharton Sidewalk Accessibility and Historic Streetscape Project and authorizing the Mayor of the City of Wharton to execute the agreement.

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City Manager Andres Garza, Jr. presented a copy of a letter dated April 7, 2014 from Mr. James Pohl, District Design Engineering with TxDOT for an Advanced Funding Agreement for a Transportation Enhancement Project for the second phase of City of Wharton Sidewalk Accessibility and Historic Streetscape Project. City Manager Garza stated that funds for the City's match for the project were available through the 2013 Bond Fund. After some discussion, Councilmember Terry David Lynch moved to approve City of Wharton Resolution No. 2014-31, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2014 - 31**

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE ADVANCED FUNDING AGREEMENT (CSJ:0913-09-079) FOR THE 2012 TRANSPORTATION ENHANCEMENT (TE) PROJECT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE SECOND PHASE OF THE CITY OF WHARTON SIDEWALK ACCESSIBILITY AND HISTORIC STREETScape PROJECT AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE THE AGREEMENT.

WHEREAS, On April 14, 2014 the Wharton City Council considered an Advanced Funding Agreement for the 2012 Transportation Enhancement (TE) Project with the Texas Department of Transportation for the second phase of the City of Wharton Sidewalk Accessibility and Historic Streetscape Project; and

WHEREAS, the City of Wharton and Texas Department of Transportation 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 said agreement.

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

Section I. The Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute an Advanced Funding Agreement (CSJ:0913-09-079) with Texas Department of Transportation and the City of Wharton for the second phase of the City of Wharton Sidewalk Accessibility and Historic Streetscape Project.

Section II. The City of Wharton and Texas Department of Transportation 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 14th day of April 2014.

CITY OF WHARTON, TEXAS

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By: _____
DON MUELLER
Mayor Pro-Tem

ATTEST:

PAULA FAVORS
City Secretary

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

The nineteenth item on the agenda was to review and consider FM 1301 Extension Project:

- A. **Resolution:** A resolution of the Wharton City Council authorizing the submission of a letter to TxDOT Yoakum District office regarding the City's desire to include all 4 phases of the FM 1301 Extension project in the State Transportation Improvement Plan (STIP).

City Manager Andres Garza, Jr. stated that the City Council Public Works Committee met on March 18, 2014 and discussed the FM 1301 Extension and Railroad Overpass Project regarding the requirement that the phases of the project be included in the State Transportation Improvement Plan (STIP). City Manager Garza said that after some discussion and meeting TxDOT Yoakum District Office requested the City submit a letter identifying the funding for the projects. City Manager Garza presented a draft letter that the City Staff and IDC believe could meet their requirements. City Manager Garza said approval for the submission of the letters was requested. Councilmember Karen Schulz moved to approve City of Wharton Resolution No. 2014-32, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2014 - 32**

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE SUBMISSION OF A LETTER TO TxDOT YOAKUM DISTRICT OFFICE REGARDING THE CITY'S DESIRE TO INCLUDE ALL 4 PHASES OF THE FM 1301 EXTENSION PROJECT IN THE STATE TRANSPORTATION IMPROVEMENT PLAN (STIP).

WHEREAS, the Wharton City Staff wishes to move the environmental phase of the FM 1031 Extension and Railroad Overpass Project forward; and

WHEREAS, the Federal Highway Administration requires the phases of the project to be included in the State of Texas Transportation Improvement Plan (STIP); and

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WHEREAS, the Texas Department of Transportation (TxDOT) is requesting the City of Wharton submit a letter regarding the funding for the projects identified to be placed in the STIP.

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

Section I. The Wharton City Council hereby approves the submittal of a letter to the TxDOT Yoakum District Office; a copy of which is attached to this resolution.

Section II. The Wharton City Council hereby authorizes the Mayor to submit the above mentioned letter on behalf of the City of Wharton.

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

PASSED, APPROVED, and ADOPTED this 14th day of April 2014.

CITY OF WHARTON, TEXAS

By: _____
DON MUELLER
Mayor Pro Tem

ATTEST:

PAULA FAVORS
City Secretary

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

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

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

After some discussion, no action was taken.

The twenty-first item on the agenda was to review and consider City Council Boards, Committees and Commissions reports:

- A. Public Works Committee meeting was held on Monday, March 31, 2014.
- B. Finance Committee meeting was held on Wednesday, April 2, 2014.

City of Wharton
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After some discussion, no action was taken.

The twenty-second item on the agenda was adjournment. There being no further discussion, Councilmember Karen Schulz moved to adjourn. Councilmember Russell Machann seconded the motion. All voted in favor.

The meeting adjourned at 8:05 p.m.

CITY OF WHARTON, TEXAS

By: _____
Domingo Montalvo, Jr.
Mayor

ATTEST:

Paula Favors
City Secretary