

**MINUTES
OF
CITY OF WHARTON
REGULAR CITY COUNCIL MEETING
SEPTEMBER 22, 2014**

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. and Councilmembers Tim Barker, Al Bryant, Russell Machann, Don Mueller and Steven Schneider.

Councilmember absent was: Jeff Gubbels.

Staff members present were: City Manager Andres Garza, Jr., Finance Director Joan Anandel, City Attorney Paul Webb, City Secretary Paula Favors, Assistant to the City Manager – Special Projects Cheryl Urbanovsky, Assistant to the City Manager Brandi Jimenez, Police Chief Terry David Lynch, Emergency Management Coordinator Steve Johnson, Assistant to Building Official Gwyn Laney and Public Works Director Kyle Marchant, P.E.

Visitors present were: David Schroeder with Wharton Economic Development Corporation (WEDCO), Carlos Cotton, P.E. with Jones and Carter, Inc., David Brewer, Paul Sherland, Wes Birdwell with Half & Associates, Inc., Mickey Reynolds, Neil Hudgins, General Manager of the Coastal Bend Groundwater Conservation District and Natalie Frels with the 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 Jeff Gubbels. Councilmember Al Bryant seconded the motion. All voted in favor.

The third item on the agenda was Public Comments. Mayor Domingo Montalvo, Jr. requested all Public Comments in regards to the City of Wharton Sustainable Water Supply Project be submitted in writing on comment cards provided by the City Staff. The City Staff proceeded to distribute comment cards to those signed up to give comments. Mayor Montalvo stated there would be a lengthy presentation on the project during the meeting. Mr. Mickey Reynolds, Executive Director of the Texas Colorado River Flood Plain Coalition, stated that his was not a comment but a presentation that he wanted to make. Mr. Reynolds presented Mayor Domingo Montalvo, Jr. with the High Water Mark Award for his service to the Texas Colorado River Floodplain Coalition. Mr. Reynolds thanked Mayor Montalvo for his dedication to the Coalition which a grant was obtained to help the City of Wharton and Wharton County.

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The fourth item on the agenda was the Wharton Moment. Councilmember Tim Barker congratulated the Wharton High School Varsity Football team on their comeback win over El Campo 28-24.

The fifth item on the agenda was the City of Wharton Finance Report for August 2014. Finance Director Joan Andel presented the financial report for the month of August 2014. Mrs. Andel stated that the TexPool balance for August as \$151,345.83 with an average monthly yield of .04%. She said the Prosperity Bank balance for August 2014 was \$9,301,536.61 with an average monthly yield of .15%. After some discussion, Councilmember Al Bryant moved to approve the City of Wharton Financial Report for the month of August 2014. Councilmember Russell Machann seconded the motion. All voted in favor.

The sixth item on the agenda was to review and consider an ordinance adopting the fiscal year 2014-2015 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 25, 2014 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, 2014 to September 30, 2015. City Manager Garza said that during the regular City Council meeting held September 8, 2014, the City Council held the public hearing to receive public input regarding City of Wharton Annual Budget for Fiscal year 2014– 2015. After some discussion, Councilmember Don Mueller moved to approve City of Wharton Ordinance No. 2014-07, which read as follows:

**CITY OF WHARTON, TEXAS
ORDINANCE NO. 2014-07**

AN ORDINANCE ADOPTING THE FISCAL YEAR 2014-2015 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, 2015, which is attached hereto, was duly submitted to the City Council more than thirty (30) days prior to September 30, 2014.

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, 2015, 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 \$4,750,320 estimated revenues and \$5,536,947 in appropriations and with transfers-in approved at \$786,627. 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 \$7,600 in estimated revenues and \$7,600 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 \$221,407 in appropriations and transfers-out approved at \$156,724 with beginning fund balance of approximately \$63,829.

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 \$20,713.

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 \$1,038,820 in estimated revenues and \$1,025,610 in appropriations. The estimated beginning fund balance is \$432,985.

Section 8. **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 9. **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 \$3,250,937 in estimated revenues. Water and sewer is approved with \$3,250,937 in appropriations, which includes a franchise fee of 10% of water and sewer sales or approximately \$313,242, and transfers-out approved at \$713,215.

Section 10. **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 \$1,331,197 in estimated revenues and \$1,331,197 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 11. **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 \$1,727,986 in estimated revenues and \$1,727,986 in appropriations and includes transfers-out at \$98,412.

Section 12. **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 \$238,686 in estimated revenues and \$238,686 in appropriations. Transfers-in are approved at \$156,724 with a \$21,208 decrease to fund balance.

Section 13. **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 \$247,191 in estimated revenues and \$247,191 in appropriations.

Section 14. **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 22nd day of September 2014 duly assembled in accordance with Article VI of the Charter of the City of Wharton, Texas, by the following vote:

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Alfred Bryant, Councilmember District 1	Voted	Yes
Steven Schneider, Councilmember District 2	Voted	Yes
Tim Barker, Councilmember District 3	Voted	Yes
Donald Mueller, Councilmember District 4	Voted	Yes
Russell Machann, Councilmember at Large Place 5	Voted	Yes
Jeff Gubbels, Councilmember at Large Place 6	Voted	Absent

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 Andel, Finance Director

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

The seventh item on the agenda was to review and consider Levying a Tax Rate for the City of Wharton, Texas, for the Tax Year 2014; 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

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a tax rate for the City of Wharton, Texas, for the Tax Year 2014; 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 2014-08, which read as follows:

**CITY OF WHARTON, TEXAS
ORDINANCE NO. 2014-08**

AN ORDINANCE LEVYING A TAX RATE FOR THE CITY OF WHARTON, TEXAS, FOR THE TAX YEAR 2014; 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 2014 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 2014, 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	.197460/\$100 valuation
For Debt Service Requirements	.234560/\$100 valuation
Total Tax Rate	.43202/\$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 22nd day of September, 2014, 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
Steven Schneider, Councilmember District 2	Voted	Yes

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Tim Barker, Councilmember District 3	Voted	Yes
Donald Mueller, Councilmember District 4	Voted	Yes
Russell Machann., Councilmember at Large Place 5	Voted	Yes
Jeff Gubbels, Councilmember at Large Place 6	Voted	Absent

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:

Paula Favors, City Secretary

APPROVED FOR ADMINISTRATION:

Andres Garza, Jr., City Manager

APPROVED AS TO FORM:

Paul Webb, City Attorney

APPROVED FOR FUNDING:

Joan Andel, Finance Director

Councilmember Tim Barker seconded the motion. All voted in favor. Councilmember Al Bryant, Councilmember Steven Schneider, Councilmember Tim Barker, Councilmember Don Mueller and Councilmember Russell Machann voted for the motion. Councilmember Jeff Gubbels was absent. Motion carried.

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The eighth item discussed on the agenda was to review and consider the 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 16, 2014 from City Secretary Paula Favors informing him that the Wharton County Emergency Services District (ESD) No. 3 had voted to approve the two agreements with the City. City Manager Garza presented a draft copy of both agreements respectively and draft resolutions that would approve each agreement. After some discussion, Councilmember Russell Machann moved to approve City of Wharton Resolutions No. 2014-76 and 2014-77, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2014-76**

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.

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.

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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 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 22nd day of September 2014.

CITY OF WHARTON, TEXAS

By: _____
DOMINGO MONTALVO, JR.
Mayor

ATTEST:

PAULA FAVORS
City Secretary

**CITY OF WHARTON
RESOLUTION NO. 2014-77**

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.

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.

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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 22nd day of September 2014.

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 discussed 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 Wharton Chamber of Commerce and Agriculture for Visitor and Convention Bureau Services for the October 1, 2014 to September 30, 2015 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, 2014 to September 30, 2015 fiscal year. After some discussion, Councilmember Al Bryant moved to approve City of Wharton No. 2014-78, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2014-78**

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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, 2014 TO SEPTEMBER 30, 2015 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, 2014 to September 30, 2015 fiscal year.

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

Passed, Approved, and Adopted this 22nd day of September 2014.

CITY OF WHARTON, TEXAS

By: _____
DOMINGO MONTALVO, JR.
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

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The tenth item discussed on the agenda was to review and consider the Street Improvement Project:

A. Bid Tabulation

B. **Resolution:** A resolution of the Wharton City Council approving a contract for the 2014 Street Improvement Project and authorizing the Mayor to execute all documents related to said contract.

City Manager Andres Garza, Jr. stated that under the City's 2014 Street Improvement Project the City was to seal coat Alabama Road and Jr. College Boulevard. City Manager Garza said the City staff solicited bids on September 4, 2014. Mr. Carlos Cotton, P.E. with Jones and Carter, Inc. stated Faltisek Paving Partnership, LTD. submitted the lowest and best bid and it was his recommendation to move forward with them. After some discussion, Councilmember Don Mueller moved to approve City of Wharton Resolution No. 2014-79, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2014-79**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING A CONTRACT FOR THE 2014 STREET IMPROVEMENT PROJECT AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS RELATED TO SAID CONTRACT.

WHEREAS, the Wharton City Council wishes to award a contract to Faltisek Paving Partnership, LTP for the 2014 Street Improvement Project; and,

WHEREAS, the City of Wharton and Faltisek Paving Partnership, LTP wish 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. The Wharton City Council hereby authorizes the Mayor of the City of Wharton, Texas, to execute a contract to Faltisek Paving Partnership, LTP for the 2014 Street Improvement Project.

Section II. The City of Wharton and Faltisek Paving Partnership, LTP are hereby bound by the conditions as set forth in the agreement.

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

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Passed, Approved, and Adopted this 22nd day of September 2014.

CITY OF WHARTON, TEXAS

By: _____
DOMINGO MONTALVO, JR.
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The eleventh item discussed 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 2015 General Assembly. City Manager Andres Garza, Jr. presented a copy of a letter dated September 10, 2014 to Mayor Domingo Montalvo, Jr. from Mr. Jack Steele of the Houston-Galveston Area Council (H-GAC) requesting the City of Wharton to designate a City of Wharton representative, and alternate representative, to the H-GAC 2014 General Assembly. City Manager Garza stated that Councilmember Al Bryant served as the City's representative for the 2014 General Assembly and Councilmember Russell Machann served as the alternate representative and they wished to continue. After some discussion, Councilmember Tim Barker moved to approve City of Wharton Resolution No 2014-80, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2014-80**

**A RESOLUTION OF THE WHARTON CITY COUNCIL DESIGNATING A
CITY OF WHARTON REPRESENTATIVE AND ALTERNATE TO THE
HOUSTON-GALVESTON AREA COUNCIL 2015 GENERAL ASSEMBLY.**

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY
OF WHARTON, TEXAS** that Councilmember Al Bryant be, and is hereby designated as its Representative to the General Assembly of the Houston-Galveston Area Council for the year 2015.

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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 22nd day of September 2014.

CITY OF WHARTON, TEXAS

By: _____
DOMINGO MONTALO, JR.
Mayor

ATTEST:

PAULA FAVORS
City Secretary

Councilmember Steven Schneider seconded the motion. All voted in favor.

The twelfth item discussed on the agenda was to review and consider a resolution authorizing authorized signatories for the City of Wharton, Texas Governmental Capital Projects Fund and the Water/Sewer Capital Projects Fund. City Manager Andres Garza, Jr. presented a memo from Finance Director Joan Anel regarding the establishment of a Governmental Capital Projects Fund and the Water/Sewer Capital Projects Fund. Finance Director Joan Anel stated that the finance department would create a fund along with corresponding bank accounts. After some discussion, Councilmember Russell Machann moved to approve City of Wharton Resolution No. 2014-81, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2014-81**

A RESOLUTION AUTHORIZING AUTHORIZED SIGNATORIES FOR THE CITY OF WHARTON, TEXAS, GOVERNMENTAL CAPITAL PROJECTS FUND AND THE WATER/SEWER CAPITAL PROJECTS FUND.

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WHEREAS, the Wharton City Council wishes to establish a Governmental Capital Projects Fund and a Water/Sewer Capital Project Fund.

WHEREAS, the Wharton City Council wishes to authorize corresponding bank accounts for said funds.

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

Section I: The City Council of the City of Wharton, Texas hereby authorized the following signatories for the Governmental Capital Projects and Water/Sewer Capital Projects:

Domingo Montalvo, Jr.
Mayor

Signature

Andres Garza, Jr.
City Manager

Signature

Joan Andel
Finance Director

Signature

Section II: This resolution shall become effective immediately upon its passage.

PASSED, APPROVED AND ADOPTED this the 22nd day of September 2014.

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 thirteenth item discussed on the agenda was to review and consider a request by David Brewer for an Over 50% Variance for a 21x20 carport over property line between 315 Debbie Lane and 516 E. Alabama Wharton, Texas. Assistant to the Building Official

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Gwyn Laney stated that Mr. David Brewer was requesting to construct a carport over property line between 315 Debbie Lane and 516 E. Alabama and Mr. Brewer owns both properties. After some discussion, Councilmember Don Mueller moved to approve the request by David Brewer for an Over 50% Variance for a 21x20 carport over property line between 315 Debbie Lane and 516 E. Alabama Wharton, Texas. Councilmember Tim Barker seconded the motion.

The fourteenth item discussed on the agenda was to review and consider a resolution by the City of Wharton, Texas (“City”) suspending the effective date for ninety days in connection with the application submitted by Centerpoint Energy Houston Electric to amend its street-lighting tariff; authorizing the City to intervene in related proceedings at the Public Utility Commission of Texas and to direct the activities of lawyers and consultants related to such proceedings; authorizing the hiring of attorneys and consultants; requiring reimbursement of reasonable legal and consultant expenses; finding that the meeting complies with the open meeting act; making other findings and provisions related to the subject; and declaring an effective date. City Manager Andres Garza, Jr. stated that Centerpoint Energy had filed with the City of Wharton a request to amend its street-lighting tariff. City Manager Garza said Centerpoint was exploring the possibility of adding LED street lights and in the City staff discussion with other cities and Alfred Herrera of Boyler & Herrera the cities consultant, they along with the City staff believe that the Wharton City Council should support the request so that a closer look can be taken on their request. After some discussion, Councilmember Tim Barker moved to approve City of Wharton Resolution No. 2014-82, which read as follows:

RESOLUTION NO. 2014-82

RESOLUTION BY THE CITY OF WHARTON, TEXAS (“CITY”) SUSPENDING THE EFFECTIVE DATE FOR NINETY DAYS IN CONNECTION WITH THE APPLICATION SUBMITTED BY CENTERPOINT ENERGY HOUSTON ELECTRIC TO AMEND ITS STREET-LIGHTING TARIFF; AUTHORIZING THE CITY TO INTERVENE IN RELATED PROCEEDINGS AT THE PUBLIC UTILITY COMMISSION OF TEXAS AND TO DIRECT THE ACTIVITIES OF LAWYERS AND CONSULTANTS RELATED TO SUCH PROCEEDINGS; AUTHORIZING THE HIRING OF ATTORNEYS AND CONSULTANTS; REQUIRING REIMBURSEMENT OF REASONABLE LEGAL AND CONSULTANT EXPENSES; FINDING THAT THE MEETING COMPLIES WITH THE OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, on or about August 8, 2014 CenterPoint Energy Houston Electric, LLC (“CenterPoint”) submitted to the City an application to amend its tariff for lighting services and submitted a similar application with the Public Utility Commission of Texas (PUCT) and

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WHEREAS, the City is a regulatory authority under the Public Utility Regulatory Act (“PURA”) and under Chapter 33, §33.001 et seq. of PURA has exclusive original jurisdiction over CenterPoint’s rates, operations, and services within the municipality; and

WHEREAS, the City, in matters regarding applications by CenterPoint to change rates, has in the past joined with other local regulatory authorities to form the Texas Coast Utilities Coalition of Cities (“TCUC”) and hereby continues its participation in TCUC; and

WHEREAS, CenterPoint’s proposed LED tariff presents new issues with regard to rates for LED street lights, and raises questions with regard to the locations in which CenterPoint will deploy the new technology; and

WHEREAS, CenterPoint’s application raises issues with regard to the effect of the new LED tariffs will have on future charges for street-lighting services; and

WHEREAS, it is in the City’s citizens’ interest to explore the opportunity to receive the new LED street-lighting service; and

WHEREAS, CenterPoint proposed October 1, 2014 as the effective date for its change in rates; and

WHEREAS, it is not possible for the City to complete its review of CenterPoint’s filing within 35 days; and

WHEREAS, the City will need an adequate amount of time to review and evaluate CenterPoint’s application to change its rates so as to enable the City to adopt a final decision as a local regulatory authority with regard to CenterPoint’s requested change in rates.

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

Section 1. The findings set out in the preamble are in all things hereby approved.

Section 2. CenterPoint’s proposed effective date of October 1, 2014 for its filing of August 8, 2014, is hereby suspended for an additional ninety (90) days, or at least until December 30, 2014.

Section 3. The statutory suspension period will be extended automatically day for day should CenterPoint extend its proposed effective date, and may be further extended if CenterPoint does not provide timely, meaningful, and proper public notice of its request to change rates, or if its application is materially deficient.

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- Section 4.** The City continues its participation with other cities in a coalition of cities known as the Texas Coast Utilities Coalition of Cities with the understanding that the Steering Committee of TCUC is to provide direction and guidance to Special Counsel representing said cities.
- Section 5.** The City employs Herrera & Boyle, PLLC as Special Counsel to represent the City with regard to the requested change in rates by CenterPoint and related proceedings before local and state regulatory authorities and any court of law and authorizes Special Counsel to employ such rate experts as may be necessary for review and evaluation of CenterPoint's rate application.
- Section 6.** The City, in coordination with the Steering Committee, shall review the invoices of the lawyers and rate experts for reasonableness before submitting the invoices to CenterPoint for reimbursement.
- Section 7.** CenterPoint shall reimburse the City on a monthly basis for the reasonable costs of attorneys and consultants and expenses related thereto, upon the presentation of invoices following review by the City.
- Section 8.** The City Secretary or other appropriate city official shall notify CenterPoint of this Resolution by sending a copy of the Resolution to Mr. Matthew A. Troxle, Director of Rates, CenterPoint Energy Service Company, LLC, 1111 Louisiana Street, Houston, Texas 77002; and to Mr. Alfred R. Herrera, Herrera and Boyle, PLLC, 816 Congress Ave., Suite 1250, Austin, Texas 78701
- Section 9.** The meeting at which this resolution was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.
- Section 10.** This resolution shall become effective from and after its passage.

PASSED AND APPROVED this 22nd day of September 2014.

Domingo Montalvo, Jr.
MAYOR

ATTEST:

Paula Favors
CITY SECRETARY

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

The fifteenth item on the agenda was to review and consider City of Wharton Future Water Supply:

- A. Resolution:** A resolution awarding a contract to the engineering firm of Halff Associates, Inc. for development of a three phase conceptual plan to develop a future sustainable water supply for the City of Wharton and authorizing the Mayor to execute the agreement and issue a Notice to Proceed for Phase I in the amount of \$30,000.
- B. Resolution:** A resolution of the Wharton City Council authorizing the Mayor of the City of Wharton to submit a letter to Coastal Bend Groundwater Conservation District to request a partnership with the City of Wharton to develop the hydrogeological assessment necessary to determine the potential impacts of a new well field on future Wharton County groundwater supplies, and mitigation requirements to reduce these impacts, if any.
- C. Resolution:** A resolution authorizing the Mayor of the City of Wharton to request on behalf of the City of Wharton that the Texas Water Development Board revise the City of Wharton's Municipal Water Demand Projections for 2020-2070 in the Region K Water Planning Group 2016 Plan.

Mr. Wes Birdwell with Halff and Associates, Inc. gave a presentation on the proposed 12 week feasibility study for the City of Wharton Sustainable Water Supply Project. Mr. Birdwell stated there was a need to develop a new plan for the City of Wharton and make it sustainable. City Manager Andres Garza, Jr. stated that the City Council Finance and Public Works Committee met and discussed the development of a future sustainable water supply for the City of Wharton with Mr. Wes Birdwell of Halff and Associates. City Manager Garza presented a draft agreement that would allow the City to begin the process of identifying the feasibility of the project in which the project would be divided into three phases with City Council approval prior to the commencement of each phase. After some discussion, Councilmember Al Bryant moved to approve City of Wharton 2014-83, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2014-83**

A RESOLUTION AWARDED A CONTRACT TO THE ENGINEERING FIRM OF HALFF ASSOCIATES, INC. FOR DEVELOPMENT OF A THREE PHASE CONCEPTUAL PLAN TO DEVELOP A FUTURE SUSTAINABLE WATER SUPPLY FOR THE CITY OF WHARTON AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT AND ISSUE A NOTICE TO PROCEED FOR PHASE I IN THE AMOUNT OF \$30,000.00.

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WHEREAS, On July 9, 2014 the Finance Committee met with Halff Associates, Inc. to discuss some concepts that could help the city develop a future sustainable water supply; and,

WHEREAS, On September 4, 2014 the Public Works Committee met with Halff Associates, Inc. to discuss some concepts that could help the city develop a future sustainable water supply; and,

WHEREAS, Phase I will determine the project feasibility and develop a recommendation for the City Council to consider, based on meetings with state agencies and other anticipated project stakeholder, regarding the best path forward to develop this future water supply; and,

WHEREAS, the City of Wharton and Halff Associates Inc. wish 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 and issue a Notice to Proceed for Phase I in the amount of \$30,000.00; and,

WHEREAS, the Wharton City Council wishes to receive a report on Phase I before it authorizes any other phase.

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, Texas, to execute a contract with Halff and Associates for the City of Wharton Future Sustainable Water Supply Plan.

Section II. The City of Wharton and Halff Associates are hereby bound by the conditions as set forth in the agreement.

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

Passed, Approved, and Adopted this 22nd day of September 2014.

CITY OF WHARTON, TEXAS

By: _____
DOMINGO MONTALVO, JR.
Mayor

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ATTEST:

PAULA FAVORS

City Secretary

Councilmember Tim Barker seconded the motion. Councilmembers Steven Schneider, Russell Machann, Tim Barker and Al Bryant voted for the motion. Councilmember Don Mueller voted against the motion. The motion carried.

City Manager Garza presented a draft resolution authorizing the Mayor to submit a letter to the Coastal Bend Groundwater Conservation District requesting assistance for the development of the science needed to determine the impacts to ground water supply. After some discussion, Councilmember Al Bryant moved to approve City of Wharton Resolution No. 2014-84, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2014-84**

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO SUBMIT A LETTER TO COASTAL BEND GROUNDWATER CONSERVATION DISTRICT TO REQUEST A PARTNERSHIP WITH THE CITY OF WHARTON TO DEVELOP THE HYDROGEOLOGICAL ASSESSMENT NECESSARY TO DETERMINE THE POTENTIAL IMPACTS OF A NEW WELL FIELD ON FUTURE WHARTON COUNTY GROUNDWATER SUPPLIES, AND MITIGATION REQUIREMENTS TO REDUCE THESE IMPACTS, IF ANY.

WHEREAS, the Wharton City Council wishes to authorize the Mayor to submit a Letter to the Coastal Bend Groundwater Conservation District requesting an assessment of the groundwater in Wharton County, and;

WHEREAS, the Wharton City Council has determined that a partnership with the Coastal Bend Groundwater Conservation District is necessary to accomplish said tasks.

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

Section I: The City Council hereby authorizes the Mayor of the City of Wharton to submit a letter to Coastal Bend Groundwater Conservation District to request a partnership with the City of Wharton to develop the hydrogeological assessment necessary to determine the potential impacts of

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a new well field on future Wharton County groundwater supplies, and mitigation requirements to reduce these impacts, if any.

Section II: This resolution will become effective immediately upon its passage.

Passed, Approved and Adopted this 22nd day of September 2014.

CITY OF WHARTON, TEXAS

By: _____
DOMINGO MONTALVO, JR.
Mayor

Attest:

Paula Favors
City Secretary

Councilmember Russell Machann seconded the motion. Councilmembers Steven Schneider, Al Bryant, Russell Machann and Tim Barker voted for the motion. Councilmember Don Mueller voted against the motion. The motion carried.

City Manager Garza presented a resolution that would authorize the Mayor to submit a letter to the Texas Water Development Board requesting a review of the City's future water demand projections. After some discussion, Councilmember Russell Machann moved to approve City of Wharton Resolution No. 2014-85, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2014-85**

A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO REQUEST ON BEHALF OF THE CITY OF WHARTON THAT THE TEXAS WATER DEVELOPMENT BOARD REVISE THE CITY OF WHARTON'S MUNICIPAL WATER DEMAND PROJECTIONS FOR 2020-2070 IN THE REGION K WATER PLANNING GROUP 2016 PLAN.

WHEREAS, the Wharton City Council wishes to request the Texas Water Development Board to revise the City's water demand projection for the 2020-2070 Region K Water Planning Group 2016 Plan; and,

WHEREAS, the Wharton City Council wishes to authorize the Mayor to submit on its behalf a letter to the Texas Water Development Board requesting said revisions.

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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 submit a letter to the Texas Water Development Board requesting a revision of the Region K Water Planning Group 2016 Plan.

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

Passed, Approved, and Adopted this 22nd day of September 2014.

CITY OF WHARTON, TEXAS

By: _____
DOMINGO MONTALVO, JR.
Mayor

ATTEST:

PAULA FAVORS
City Secretary

Councilmember Al Bryant seconded the motion. Councilmembers Steven Schneider, Al Bryant, Russell Machann and Tim Barker voted for the motion. Councilmember Don Mueller voted against the motion. The motion carried.

The sixteenth 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: Municipal Court Judge Appointment.

Mayor Domingo Montalvo, Jr. moved the meeting into closed session at 8:25 p.m.

The seventeenth item on the agenda was to review and consider action on items discussed in Executive Session:

A. Review & Consider: Municipal Court Judge Appointment.

Mayor Domingo Montalvo, Jr. returned to open session at 8.35 p.m. Councilmember Tim Barker moved to appoint Mr. John Murrile as Presiding Judge of the Wharton Municipal

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Court and Judge Joel Williams as Associate Judge. Councilmember Al Bryant seconded the motion. All voted in favor.

The eighteenth item on the agenda was to review and consider a resolution authorizing the Mayor of the City of Wharton to execute all documents relating to a grant award from the FY 2014 Homeland Security Grant Program Project. City Manager Andres Garza, Jr. presented the FY 2014 Homeland Security Grant Program award documents. City Manager Garza stated that the City staff submitted the grant request for a generator for the public works department and that the City Public Works Building on Milam Street would now have auxiliary power. After some discussion, Councilmember Don Mueller moved to approve City of Wharton Resolution No. 2014-86, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2014-86**

A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATING TO A GRANT AWARD FROM THE FY 2014 HOMELAND SECURITY GRANT PROGRAM PROJECT.

WHEREAS, the Wharton City Council wishes to accept a grant from Homeland Security; and,

WHEREAS, said grant will provide a generator for auxiliary power to the City's Public Works Department Building; and,

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

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, Texas, to execute all documents relating to the grant award from the FY 2014 Homeland Security Grant Program Project.

Section II. The City of Wharton and Texas Department of Public Safety are hereby bound by the conditions as set forth in the agreement.

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

Passed, Approved, and Adopted this 22nd day of September 2014.

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CITY OF WHARTON, TEXAS

By: _____
DOMINGO MONTALVO, JR.
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The nineteenth item on the agenda was to review and consider update of City of Wharton on-going Projects. City Manager Andres Garza, Jr. presented a copy of the memorandum dated September 22, 2014 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 100% set of construction plans for the portion of the levee under design and the City Staff has reviewed 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 construction plans. 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.

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This design is for the first phase of levee construction along the Colorado River from FM 102 to Business 59. The U.S. Corps of Engineers requested the City submit a letter of support for the 2016 Federal Budget. Mayor Montalvo has submitted to the Corp a letter requesting assistance for this project. The City is awaiting a response.

DRAINAGE:

1. Santa Fe Outfall Channel.

The Public Works Department has finished excavation of the channel. During the month of June, routine maintenance was done 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. Work on property owners land is now complete.

2. Stavena Addition Drainage Project.

Plans have been received from Scheibe Consulting in early September. The City Staff met with Scheibe Consulting on August 7, 2014 to introduce our new Public Works Director and discuss the project details. No further action has been taken.

The City Council on January 27, 2014 authorized the project. The design and construction plans are complete. The challenge on this project is to find locations to place approximately 35,000 cubic yards of soil.

3. Ahldag Ditch Improvement.

Plans have been received from Scheibe Consulting in early September. Project details were also discussed on August 7, 2014 with Mr. Scheibe and our Public Works Director.

The project was approved in the 2013 Bond Program.

WATER/SEWER IMPROVEMENTS:

1. Alabama Road Water Plant Storage Tank Renovation Project.

Work on Tank #1 is complete. The tank is being filled, samples will be pulled the on 9/10 and project is still on target for completion date of October 15, 2014 Pay Request

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#1 was submitted to City Council for approval on August 11, 2014 for J & A Coating, LLC.

2. On-going Water and Sewer Maintenance Program.

Water leaks and sewer failures are still being seen in the month of September. Public Works Director is working on samples for new ordinance to be reviewed by City Manager for a grease trap ordinance.

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.

3. Alabama Street Sewer Line Project/Kelving Way and Croom/Price Waterline Project.

Documents are currently under review by legal counsel. BEFCO Engineering has begun the preliminary engineering work on this project.

4. South Highway 60 Waterline Extension Project.

As of September 8, 2014, project is progressing nicely. Pressure and back T testing are being done. TxDOT has reviewed and is satisfied with the clean-up efforts being done on the project location. Exelon has been contacted prior to completion of this project to obtain account billing information, service address and mailing address prior to the meter being set. Completion date was September 13, 2014.

5. Wastewater Treatment Plant No. 1 Improvement Project.

The City Staff met with Jones & Carter, Inc. on September 15, 2014 to discuss design efforts on this project.

Jones & Carter, Inc. has begun the engineering design for the project. The City Staff and Jones & Carter Inc. representatives have met and discussed the progress of the plans and specifications.

6. WWTP 1 & 2 Permit Renewals.

The City Staff met with Jones & Carter, Inc. on September 15, 2014 to discuss the Waste Water Treatment Plant #1 draft permit for TCEQ. Comments of the draft permit were submitted on September 18, 2014. The City has not received the draft permit for WWTP #2. As soon as it is received, the Staff will review and submit any comments.

7. Ahldag Additional Sanitary Sewer System Improvement Project TxCDBG No. 713510.

BEFCO has submitted preliminary plans and documents to City for review. They are currently under review by legal counsel.

8. Force Main Project.

With the August 21, 2014 Bid Opening meeting only showing one bidder presenting an estimate double the amount estimated amount of the project, it was agreed by the City Staff and Jones & Carter, Inc. that we must go out for re-bid. With timing playing an essential part when going out for bids on these projects, Jones & Carter made contact with numerous contractors that will present bids. With Re-Bid documents being ready, arrangement were made to advertise Notice & Invitation to Bidders in Wharton Journal-Spectator on September 10, 2014 and September 17, 2014 with Bid Opening set for 2PM on October 8, 2014 with plans of presenting to City Council on October 13, 2014.

9. Hotel Site – A pre-construction meeting was held with JTM Construction on September 10, 2014. JTM Construction reported to the jobsite on September 15, 2014. After review of the jobsite, contractor contacted Public Works Director and it was determined that hotel owner had poured concrete over the area where the water line was to be laid. The contractor will begin installing the sewer line then follow up with the installation of the waterline after the owner removes concrete slab.

STREET IMPROVEMENTS

1. FM 1301 Extension and Overpass Project Progress Report.

A meeting has been schedule between the City Staff and IDC, Inc. for 9/18/14 to review this project. A meeting was held between City Staff and TxDOT Yoakum to discuss the status of:

- a. State Transportation Improvement Plan (STIP)
- b. Rail Road Permit
- c. Environmental Clearance with FWHA
- d. Documentation from IDC

Other areas of discussion were:

- a. Ultimate Design for the NanYa Exit Ramp in the I-69 project
- b. Lay-out for Preferred Alternative
- c. City's plans for road extension from CR 231 (Wilke Road) and CR 235 (Owens Road) as well as the possible relocation of TxDOT's crossover to that location.

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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. have worked on placing the four (4) phases on the TxDOT State Transportation Improvement Plan (STIP). The City has submitted the City Council approved letter to TxDOT and is awaiting a response. The Federal Highway Administration (FHWA) has issued a satisfactory for further processing and public involvement. A Public Hearing was held on June 11, 2014 at the Wharton Civic Center. IDC has submitted to TxDOT the railroad overpass package of plans for TxDOT to acquire the necessary permit.

2. 2014 Street Improvement Program.

The Notice & Invitation to Bid was advertised on September 3, 2014 and September 10, 2014 for the Alabama Road Seal Coating and Striping Project. Bid opening is scheduled for September 19, 2014 at 10:00 a.m. Letters along with invitation to bid were sent out to a list of previous contractors on September 4, 2014.

3. Wharton Sidewalk Accessibility and Historic Streetscape Project.

A. Phase I:

The project is complete. The close out phase of the project has begun. Reimbursement request was submitted to TxDOT on August 11, 2014 for around \$77K.

B. Phase II:

CivilCorp, LLC received the highest ranking as a result of the August 20, 2014 interviews with the Consultant Selection Committee. The City Staff met with CivilCorp, LLC on August 28, 2014 to discuss the project at length. On September 8, 2014, City Council approved awarding a contract to CivilCorp, LLC.

On 9/12 the City Staff met with TxDOT Yoakum to meet James Pohl's replacement, Mr. Donald Templin as well as discuss budget amendment to include engineering – DBE/HUB requirements. It was determined that the engineering cost is 100% at the expense of the City.

4. On-going Street and Drainage Maintenance Program.

The Public Works Department has continued working on cleaning residential drainage ditches that have experienced poor drainage.

5. Kansas City Southern Railroad Quiet Zone.

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The City received a letter from Rail Road Administration on their views of the Quiet Zone Requirements.

WHARTON REGIONAL AIRPORT

1. Hangar Construction Project.

The engineering contract was awarded to O'Malley Engineering. A preliminary design meeting was held on September 11, 2014 with the City Staff, TxDOT Aviation Division representatives and O'Malley Engineering representative. The project is moving forward.

After some discussion, no action was taken.

The twentieth item on the agenda was to review and consider City Council Boards, Commission and Committee Reports:

A. City of Wharton Beautification Commission meeting held September 10, 2014.

After some discussion, no action was taken.

The twenty-first item on the agenda was to review and consider Appointments to the City of Wharton Boards, Commissions and Committees:

- A. Electrical Board.
- B. Holiday Light Decorating Chairman.
- C. Wharton Economic Development Corporation

After some discussion, no action was taken.

The twenty-second item on the agenda was City Manager's Reports:

- | | |
|---|---------------------------------|
| A. City Secretary/Personnel. | H. Fire Marshall. |
| B. Code Enforcement. | I. Legal Department. |
| C. Community Services Department /
Civic Center. | J. Municipal Court. |
| D. Emergency Management. | K. Police Department. |
| E. E.M.S. Department. | L. Public Works Department. |
| F. Facilities Maintenance Department /
Wharton Municipal Pool. | M. Water / Sewer Department. |
| G. Fire Department. | N. Weedy Lots / Sign Ordinance. |
| | O. Wharton Regional Airport. |

After some discussion, no action was taken.

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

The meeting adjourned at 8:40 p.m.

CITY OF WHARTON, TEXAS

By: _____

Domingo Montalvo, Jr.
Mayor

ATTEST:

Paula Favors
City Secretary