

**MINUTES
OF
CITY OF WHARTON
REGULAR CITY COUNCIL MEETING
NOVEMBER 23, 2015**

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. Mayor Pro-Tem Don Mueller led the opening devotion and the pledge of allegiance.

Councilmember's present were: Mayor Pro-Tem Don Mueller and Councilmembers Tim Barker, Al Bryant, Vincent Huerta, Russell Machann and Steven Schneider.

Councilmember's absent was: Mayor Domingo Montalvo, Jr.

Staff members present were: City Manager Andres Garza, Jr., Finance Director Joan Andel, City Secretary Paula Favors, Assistant to the City Manager Brandi Jimenez, Building Official Ronnie Bollom, Assistant City Attorney Amy Rod, Police Chief Terry David Lynch and Public Works Director Wade Wendt.

Visitors present were: Carol Wooton, Field Representative for Congressman Blake Farenthold, Caudine Wagner, Wesley Wagner, Alex Zamora, David Schroeder, Executive Director of the Wharton Economic Development Corporation and Morgan Taylor with the Wharton Journal Spectator.

The second item on the agenda was Roll Call and Excuses Absences. After some discussion, Councilmember Al Bryant moved to excuse Mayor Domingo Montalvo, Jr. Councilmember Vincent Huerta 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 Russell Machann congratulated the Wharton High School Varsity Football team on a great 2015 season which ended with a 47-15 loss by West Orange-Stark. City Manager Andres Garza, Jr. congratulated other teams in Wharton County that would be advancing in the State Football playoffs.

The fifth item on the agenda item on the agenda was to review and consider City of Wharton Financial Report for October 2015. Finance Director Joan Andel presented the financial report for the month of October 2015. Mrs. Andel stated that the TexPool balance for October was \$131,437.29 with an average monthly yield of .10%. She said the Prosperity Bank balance for October 2015 was \$9,674,578.21 with an average monthly yield of .15% and the total ad valorem taxes collected as of October 2015 were \$1,629 with the sales tax for the month of October 2015 was \$159,136. After some discussion, Councilmember Al Bryant

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moved to approve the City of Wharton Financial Report for the month of August 2015. Councilmember Russell Machann seconded the motion. All voted in favor.

The sixth item on the agenda was to review and consider a request from Our Lady of Mount Carmel Catholic Church for the connection of Black Street to Collins Street and installation of a security light. City Manager Andres Garza, Jr. presented a letter from Father Antonio Perez from Our Lady of Mount Carmel Catholic Church requesting that the City of Wharton continue Black Street along the back of the church's property and connect it to the dead end at Collins Street. City Manager Garza stated that Father Perez was also requesting the installation of a street light for the new addition on Black Street for added security. City Manager Garza said the Public Works Committee met on November 19, 2015 and voted to recommend to the City Council the approval of the connection of Black Street to Collins Street. After some discussion, Councilmember Russell Machann moved to approve the request from Our Lady of Mount Carmel Catholic Church for the connection of Black Street to Collins Street and installation of a security light. Councilmember Al Bryant seconded the motion. All voted in favor.

The seventh item on the agenda was to review and consider a request by Mr. Alex Zamora, Event Coordinator for the Street Jam 2015 Festival for City Council consideration to approve the following:

A. Authorization to hold the Street Jam 2015 on Saturday, December 12, 2015 from 5:00 p.m. through 8:00 p.m. in the downtown square area (Fulton Street) or Guffey Park.

B. City Council authorization to close Fulton Street from Milam to Burleson and to provide all necessary barricades.

City Manager Andres Garza, Jr. presented a copy of the letter from Mr. Alex Zamora, Event Coordinator for the Street Jam 2015 requesting the mentioned items. Mr. Zamora stated that they event would make a positive impact on the community and Caney Creek Church was willing to provide their restroom facilities for the event. Ms. Caroline Wagner, owner of the Dragonfly Café stated that the month of December was a busy time for her business and closing the roadway for the event would cause a hardship. After some discussion, Councilmember Al Bryant moved to approve the request by Mr. Alex Zamora, Event Coordinator for the Street Jam 2015 Festival to hold the Street Jam 2015 on Saturday, December 12, 2015 from 5:00 p.m. through 8:00 p.m. in the downtown square area (Fulton Street). Councilmember Tim Barker seconded the motion. Councilmembers Al Bryant, Tim Barker, Steven Schneider and Vincent Huerta voted for the motion. Councilmember Russell Machann voted against the motion. The motion carried.

The eighth item on the agenda was to review and consider the Drainage Project:

A. Mahan/Kinkaid/Delmas Street Drainage Project.

B. Engineering Proposal from Eric Schibe, of Schibe Consulting for the Mahan/Kinkaid/Delmas Street Drainage Project.

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City Manager Andres Garza, Jr. presented a fee proposal for the Mahan/Kinkaid/Delmas Drainage Project. City Manager Garza stated that the City Staff had met with Mr. Schibe P.E., and discussed possible solutions since the Santa Fe Channel had been constructed. City Manager Garza presented a map of the area that had been experiencing drainage problems. He said the Public Works Committee met on November 19, 2015 and voted to recommend to the City Council to engaged Schibe Consulting for the drainage project. After some discussion, Councilmember Russell Machann moved to approve engaging Schibe Consulting for the draining project for Mahan, Kinkaid and Delmas Streets. Councilmember Al Bryant seconded the motion. All voted in favor.

The ninth item on the agenda was to review and consider the Wharton Economic Development Corporation 2014-2015 Annual Report. City Manager Andres Garza, Jr. presented a copy of the Wharton Economic Development Corporation fiscal year 2014-2015 Annual Report. Mr. David Schroeder, Executive Director presented the report to the City Council. After some discussion, Councilmember Vincent Huerta moved to approve the Wharton Economic Development Corporation 2014-2015 Annual Report. Councilmember Russell Machann seconded the motion. All voted in favor.

The tenth item on the agenda was Executive Session: City Council may adjourn into an Executive Session in accordance with Section 551.087 of the Local Government Code, Revised Civil Statutes of Texas. Final action, decision or vote, if any with regard to any matter considered in Executive Session shall be made in Open Meeting.

Discussion:

A. Wharton Industrial Foundation (WIF) Project-Highway 59.

Mayor Pro-Tem Don Mueller moved the meeting into closed session at 7:30 p.m.

The eleventh item on the agenda was to Return to Open Meeting: Action on items discussed in Executive Session:

Review & Consider:

A. Wharton Industrial Foundation (WIF) Project-Highway 59.

Mayor Pro-Tem Don Mueller returned to open session at 7:44 p.m. After some discussion, Councilmember Tim Barker moved to approve proceeding with the Wharton Industrial Foundation (WIF) Project-Highway 59. Councilmember Al Bryant seconded the motion. All voted in favor.

The twelfth item on the agenda was to review and consider the update of City of Wharton on-going Projects. City Manager Andres Garza, Jr. presented a copy of the memorandum dated October 21, 2015 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>.

Mayor Domingo Montalvo, Jr. and I met with U.S. Corp of Engineer representatives (Elston Eckhardt, P.E. & Nova Robbins) on July 2, 2015 in their Ft. Worth District office to discuss the funding on the project. The City Staff has initiated a meeting with Halff and Associates from the Ft. Worth Office, the engineering firm who designed the Project, to develop a construction plan on some of the components of the designed work. The U.S. Corps of Engineers representatives stated that with an approach like that it could possibly allow them to allocate funding. They emphasized the importance of the City pursuing the acquisition of the necessary property for the project.

I met with Andrew Ickert P.E.-Halff and Associates on September 3, 2015 to discuss the City proposed approach to the project. Also, to discuss other funding alternatives that could be available. The City Staff conducted a follow-up meeting to discuss additional details on October 29, 2015 on different alternatives. Once developed it will be presented to the City Council Public Works Committee for formation of a recommendation to the City Council.

DRAINAGE:

1. Santa Fe Outfall Channel.

The Public Works Department has finished excavation of the channel. During the month of February, 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. The Public Works Department has installed grade stabilization structures to eliminate erosion thereby reducing or eliminating the need to reshape the channel areas with active erosion. The Public Works Department will be installing 6 additional grade stabilization structures or pipe drops along the channel. 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.

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. The City Staff has scheduled a meeting with the Wharton Industrial representatives to discuss their interest in the excess soil.

3. Ahldag Ditch Improvement.

The project was approved in the 2013 Bond Program. Public Works Director is currently working out the details.

4. On-going Drainage and Maintenance Program.

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

WATER/SEWER IMPROVEMENTS:

1. On-going Water and Sewer Maintenance Program.

Water leaks and sewer failures are still being seen in the month of October.

The Public Works and Code Enforcement Departments have begun the implementation of the Grease Ordinance. The Code Enforcement Department has contacted all business' affected by the ordinance and is assisting them with compliance.

2. Alabama Street Sewer Line Project.

After the bid was rejected as a combined project, the City Staff proposed to submit to the Texas Department of Agriculture for the 2015-2016 Texas Community Development Block Grant for funding of the Rust 2, 3 and 4 Addition sewer lines along with lateral lines.

The application was submitted prior to the application deadline. The City Staff is waiting for a decision on this application. An announcement is expected by late summer.

2. Kelving Way and Croom/Price Waterline Project.

This project was funded in the 2015 Bond Program. The project has been re-bid and bids are to be received on October 28, 2015.

3. Wastewater Treatment Plant No. 1 Improvement Project.

The project has been awarded to B-5 Construction, the Notice to Proceed was submitted to the Contractor. The contractor began filing their submittals to Jones & Carter the engineers on the job. The contractor has moved on to the site and has begun construction.

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

Supak Construction has mobilized and is 100% complete. Close out of the construction contract has begun.

STREET IMPROVEMENTS

1. FM 1301 Extension and Overpass Project Progress Report.

IDC Inc. has submitted to TxDOT Yoakum District Office all required plans for the project. The City Staff continues to coordinate with TxDOT to ensure the project continues to move forward.

The City Staff is awaiting Environmental Clearance from the Federal Highway Administration (FHWA). Once received the City will begin to move toward the acquisition of property for this project.

2. I-69 Project.

TxDOT will hold a public hearing in the next few weeks regarding the environmental requirements for the project in Wharton County. An I-69 Listening Session was held on October 22, 2015 at the Wharton Civic Center.

3. NanYa Exit Ramp Project.

The City has submitted its request to TxDOT on proceeding with the changes to the NanYa exit ramp that would accommodate the turn around that Buc-ees has agreed in principle to contribute to see the project materialize. The City is awaiting TxDOT's response.

4. 2015 City Street Improvements.

The City Council has approved the 2015 Street Improvement Plan, the City staff is moving forward with the program. There are 3 streets (Jefferson, Cutbirth, and Hawes Road) that are awaiting seal coating. Once completed the 2015 Street Program will be complete.

5. Wharton Sidewalk Accessibility and Historic Streetscape Project.

Phase II - Plans are 100% complete and have been submitted by CivilCorp to TxDOT to review. The bidding documents have been reviewed by the City's legal department. The project is scheduled to bid soon.

6. Kansas City Southern Railroad Quiet Zone.

The Quiet Zone took effect October 1, 2015.

WHARTON REGIONAL AIRPORT

1. Hangar Construction Project.

The project is moving forward. Bids were received on July 2, 2015 and were evaluated by the TxDOT Aviation Division, BLS Construction was awarded a construction contract by TxDOT Aviation Division and a pre-construction meeting was held on September 1, 2015. Construction on the hangar has begun.

After some discussion, no action was taken.

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

- A. Beautification Commission.
- B. Building Standards Commission.
- C. Holiday Light Decorating Chairman.

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Councilmember Vincent Huerta motioned to approve appointing Mr. Leonard Morales to the following:

B. Building Standards Commission

Leonard Morales

Term Ending:
June 30, 2017

Councilmember Russell Machann seconded the motion. After some discussion, Councilmember Russell Machann moved to appoint the following:

C. Holiday Light Decorating Chairman.
Councilmember Tim Barker

Term Ending:
June 30, 2016

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

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

- A. City Council Public Works Committee meeting held November 9, 2015.
- B. City Council Finance Committee meeting held on November 9, 2015.
- C. Wharton Economic Development Corporation meeting held on November 16, 2015.
- D. City Council Public Works Committee meeting held November 19, 2015.

After some discussion, no action was taken.

The fifteenth item on the agenda was to review and consider City Manager's Reports:

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| 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.

The sixteenth item on the agenda was adjournment. There being no further discussion, Councilmember Al Bryant moved to adjourn. Councilmember Steve Schneider seconded the motion. All voted in favor.

The meeting adjourned at 7:49 p.m.

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By: _____
Domingo Montalvo, Jr.
Mayor

ATTEST:

Paula Favors
City Secretary