

**MINUTES
OF
CITY OF WHARTON
REGULAR CITY COUNCIL MEETING
AUGUST 9, 2010**

Mayor Domingo Montalvo, Jr. declared a Regular Meeting duly open for the transaction of business at 7:00 P.M. Mayor Domingo Montalvo, Jr. led the opening devotion and then led the pledge of allegiance.

Councilmember's present were: Mayor Domingo Montalvo, Jr., Councilmember's V. L. Wiley, Jr., Lewis Fortenberry, Jr., Terry David Lynch, Don Mueller, Bryce D. Kocian and Jeff Gubbels.

Councilmember absent was: None.

Staff members present were: City Manager Andres Garza, Jr., Finance Director Joyce Vasut, City Secretary Lisa Olmeda, Assistant to City Manager Jackie Jansky, EMS Director John Kowalik, Building Official Ronnie Bollom, Public Works Director Carter Miska, Community Services Director Jo Knezek, Airport Manager David Allen, and City Attorney Paul Webb.

Visitors present were: Barry Halvorson- Wharton Journal Spectator, David Schroeder- Wharton Economic Development Corporation, Carlos Cotton with Jones & Carter, Tim Sanders with BEFCO Engineering, A. J. Rath, Sharon Martin Villarreal, Billie Jones, Michael Wall, Sheila Wall, Nora Chulue, Bo Phillips, Christopher Machart, Lisa Ann Brown-Machart, Kristian Martin, Mary J. Reed, Kyle Kolacny, Grant Kolacny, Rob Kolacny, Michael Hasenpflos, Gary Raybon, Ross Raybon, I. O. Coleman, Jr., Phyllis B. Sliva, Jesus E. Acuna, Taylor Brown, Joseph "Jo-Jo" Ryan Castro, Roy Alfred Garza, Jr., Camden W. Green, Caleb "K-K" Matthis Henson, Brian Taylor Mireles, Christopher "Chris" Mark Nielson, Claudio Rojas, Jacob Charles Vincek, Joshua Wayne Vincek, Michael Thomas Wall, Nathan "Nate" Kyle Williams, Robert Lee Young, Roy Mendiola, Johnny Castro, George C. Henson, and Ryan Mendiola.

The second item on the agenda was Roll Call and Excused Absences. All present. No action was taken.

The third item on the agenda was Public Comments. Ms. Billie Jones addressed the City Council regarding stray dogs. She stated that she was walking her dog at 6:30 a.m. and there was a pit

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bull running at large, which she was approached by. She stated that the dog was dangerous and that the citizens of Wharton needed to be aware of the requirements of animals being vaccinated, registered, and on a leash. She also stated that she felt that it was not the time to think about raising taxes. She stated that the City Council needed to look at other areas to cut.

Ms. Phyllis B. Sliva addressed the City Council and stated that the Boys & Girls Club of Wharton had been receiving funding from the City of Wharton the past ten years. She stated that the Boys & Girls Club of Wharton completed \$2 million of improvements on City property. She requested that the funding not be cut from the City of Wharton budget. No action was taken.

The fourth item on the agenda was Wharton Moment. Mayor Domingo Montalvo, Jr. stated that he received calls from citizens regarding the tax increase and stated that the City had to use due diligence. He stated that there were other ways to raise revenues. Councilmember Jeff Gubbels stated that the citizens needed to be educated on the tax rate. He stated that the property owners would be paying less tax on the property with the tax increase due to the effective tax rate.

The fifth item on the agenda was a proclamation: Proclamation proclaiming Tuesday, August 10, 2010 as Wharton 15 Year Old Babe Ruth All Stars Day. Mayor Domingo Montalvo, Jr. presented the proclamation, which read as follows:

WHEREAS, We realize that participation in organized athletics helps to build character and teaches a wholesome sense of fair play and good sportsmanship among our youth; and

WHEREAS, To really excel in athletics, a young person must demonstrate, in addition to a great deal of natural ability, an outstanding spirit of dedication, enthusiasm, and hard work; and

WHEREAS, A striking example of this has been brought to my attention in the achievement of the **WHARTON BABE RUTH LEAGUE – 15 YEAR OLD BABE RUTH ALL STARS** in their accomplishment of earning the title of East Texas State Champions during the tournament held July 17, 2010 through July 20, 2010 Lake Jackson, Texas; and

WHEREAS, The 15 Year Old All Stars Team also participated in Southwest Regional Tour held in Madisonville, LA on July 30, 2010 through August 3, 2010; and

WHEREAS, The **WHARTON BABE RUTH LEAGUE – 15 YEAR OLD BABE RUTH ALL STARS TEAM** includes:

Players:

Jesus E. Acuna

Taylor Brown

Joseph “Jo-Jo” Ryan Castro

Roy Alfred Garza, Jr.

Camden W. Green

Caleb “K-K” Matthis Hanson

Brian Taylor Mireles

Christopher “Chris” Mark Nielsen

Gerad “Ty” Nixon

Claudio Rojas

Jacob Charles Vincek

Joshua Wayne Vincek

Michael Thomas Wall

Nathan “Nate” Kyle Williams

Robert Lee Young;

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Manager and Coaches:

Roy Mendiola

Johnny Castro

George C. Hanson;

and

Bat Boy: *Ryan Mendiola.*

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

August 10, 2010 as WHARTON BABE RUTH LEAGUE – 15 YEAR OLD BABE RUTH ALL STARS DAY

in Wharton, Texas, and encourage all our citizens to join me in honoring these young persons and their coaches for a job well done in representing our community.

IN WITNESS THEREOF, I have hereunto set my hand and caused the seal of the City of Wharton to be affixed this 9th day of August in the year of our Lord two thousand ten A.D.
No action was taken.

The sixth item on the agenda was to review and consider reading of the minutes from regular meeting held July 12, 2010 and the special meetings held July 19, 2010 and July 30, 2010. After some discussion, Councilmember Don Mueller made a motion to approve the minutes from the regular meeting held July 12, 2010 and the special meetings held July 19, 2010 and July 30, 2010 as presented. Councilmember Terry David Lynch seconded the motion. All voted in favor.

The seventh item on the agenda was to review and consider the City of Wharton financial report for the month of June 2010. Finance Director Joyce Vasut presented the financial report for the month of June 2010, which was at 75% or nine months into the fiscal year. Mrs. Vasut stated that the total ad valorem taxes collected were \$1,825,339 and the sales tax for the month of May 2010 was \$133,606 with \$89,071 to the City and \$44,535 to WEDC. She further stated the TexPool balance for June was \$9,158.67 with an average monthly yield of 0.2078%. The Prosperity Bank balance for June 2010 was \$2,405,644.12 with an average monthly yield of 0.18%. She stated that other investments included \$2,653.08 at TexasGulf Federal Credit Union in the debt fund, \$253,755.82 at Capital One Marketing 2%; and Prosperity Bank \$1,007,479.45, six months at 1.00% interest, and \$251,560.65, one year at 1.25% interest. After some discussion, Councilmember Lewis Fortenberry, Jr. made a motion to approve the City of Wharton Financial Report for the month of June 2010. Councilmember V. L. Wiley, Jr. seconded the motion. All voted in favor.

The eighth item on the agenda was to review and consider acceptance of the letter of resignation from Finance Director Joyce Vasut. City Manager Andres Garza, Jr. stated that on July 19, 2010 Finance Director Joyce Vasut submitted her resignation. He said that City Council acceptance of her resignation was required. Mrs. Vasut stated that she enjoyed working with the City and staff. She stated that her last day would be August 31, 2010; however, she would be available. Mayor Domingo Montalvo, Jr. publicly thanked her for a job well done and wished her well. After some

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discussion, Councilmember Terry David Lynch made a motion to accept the resignation from Finance Director Joyce Vasut. Councilmember Lewis Fortenberry, Jr. seconded the motion. All voted in favor.

The ninth item on the agenda was to review and consider the Planning Commission recommendation for City Council consideration to approve the request by Mr. Bo Phillips, representing the Wharton Tea Party, Inc., for a variance from the City of Wharton Code of Ordinances, Chapter 66, Signs and Advertising, Sec. 66-27 Off Premise Signs, Commercial and Non-Commercial to increase the square footage 138 feet for each of the two (2) signs from the required 150 square feet per sign resulting in a 288 square foot sign (12' x 24') to be located at 292 ½ Hwy. 59 Loop. Assistant to City Manager Jackie Jansky presented a copy of the request by Mr. Bo Phillips, representing the Wharton Tea Party, Inc., for a variance from the City of Wharton Code of Ordinances, Chapter 66, Signs and Advertising, Sec. 66-27 Off Premise Signs, Commercial and Non-Commercial to increase the square footage 138 feet for each of the two (2) signs from the required 150 square feet per sign resulting in a 288 square foot sign(s) (12' x 24') to be located at 292 ½ Hwy. 59 Loop. She also presented a copy of the code specific to the request that outlined the size requirement of off-premise signs. She said that the ordinance required that off-premise signs have a total area not greater than 150 square feet. She said that Mr. Phillips had indicated that two (2) signs were being proposed to be erected in a V-style. She then presented copies of drawings indicating the design and style of the signs. She then presented a copy of a drawing that indicated the location of the sign and a copy of a letter dated July 15, 2010 from Ms. Myrtis Outlar, property owner of 292 ½ Hwy. 59 Loop, providing her permission for the signs to be placed on her property. She said that all setbacks and height requirements of the signs would be met per the City of Wharton Code of Ordinances, Chapter 66 Signs and Advertising. She said additionally, the Wharton Tea Party had contacted the Texas Department of Transportation regarding the State right-of-way requirements, and the State requirements indicated that signs should be 46' from the right-of-way, which the signs would be placed 50' from the State right-of-way. She further stated that during the special August 4, 2010 Wharton City Council meeting, the City Council tabled action on this item pending additional information. She said that the information requested concerning political signs and Texas Department of Transportation approval. She stated that Texas Department of Transportation considered the sign an advertisement; therefore, would need to comply with advertising guidelines. Mr. Bo Phillips stated that the sign would be towards Hinze's Bar-B-Que. City Attorney Paul Webb stated that the City ordinance addressed advocating social issues; therefore, the sign was considered political. Mr. Webb asked Mr. Bo Phillips if the sign would be changed after the election. Mr. Phillips stated that the message would be changed. After some discussion, Councilmember Bryce D. Kocian made a motion to deny the request by Mr. Bo Phillips, representing the Wharton Tea Party, Inc., for a variance from the City of Wharton Code of Ordinances, Chapter 66, Signs and Advertising, Sec. 66-27 Off Premise Signs, Commercial and Non-Commercial to increase the square footage 138 feet for each of the two (2) signs from the required 150 square feet per sign resulting in a 288 square foot sign (12' x 24') to be located at 292 ½ Hwy. 59 Loop. Councilmember V. L. Wiley, Jr. seconded the motion. All voted in favor.

The tenth item on the agenda was to review and consider the request by Mr. Kristian Martin, Life Scout in the Boy Scouts of America Troop 499 to conduct an Eagle Scout Project by refurbishing

the 1945 Seagrave Pumper Truck located in Croom Park No. 2. City Manager Andres Garza, Jr. presented a copy of the letter dated August 2, 2010 from Mr. Kristian Martin, Life Scout for the Boy Scouts of America, Troop 499 requesting City Council approval to conduct his Eagle Scout Project by refurbishing the 1945 Seagrave Pumper Truck located in Croom Park No. 2. He said that Mr. Martin indicated in his letter he would be responsible for all costs associated with the project. Mr. A. J. Rath introduced Mr. Kristian Martin to the City Council. Mr. Martin addressed the City Council and stated that the Eagle Scout Leadership program would be a community benefit. He stated that the fire truck was currently a safety hazard with a wasp nest. He stated that the steps of the project would be removal of the wasp nest, pressure washing the apparatus, welding doors, installing plexi glass, and repainting. He stated that the project would be at no cost to the City of Wharton. Mayor Domingo Montalvo, Jr. stated that the fire truck had significance to the community. After some discussion, Councilmember Terry David Lynch made a motion to approve the request by Mr. Kristian Martin, Life Scout in the Boy Scouts of America Troop 499 to conduct an Eagle Scout Project by refurbishing the 1945 Seagrave Pumper Truck located in Croom Park No. 2. Councilmember Don Mueller seconded the motion. All voted in favor.

The eleventh item on the agenda was to review and consider a resolution of the Wharton City Council approving the submission of an application for funding under the US DOT TIGER II Discretionary Grant Program for the city of Wharton's proposed FM 1301/FM 102 Road Extension Overpass and US Hwy. 59 Service Road project and authorizing the Mayor of the City of Wharton to execute and submit all documents related to said application. City Manager Andres Garza, Jr. stated that the City Staff, with the assistance of The Ruiz Companies and Jones & Carter, Inc. was preparing the City of Wharton, Texas TIGER II Application for funding under the US DOT TIGER II Discretionary Grant Program for the City of Wharton's proposed FM 1301/FM 102 Road Extension Overpass and US Hwy. 59 Service Road project. He then presented a draft resolution approving the submission of the application. After some discussion, Councilmember Don Mueller made a motion to approve Resolution No. 2010-48, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2010-48**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING THE SUBMISSION OF AN APPLICATION FOR FUNDING UNDER THE US DOT TIGER II DISCRETIONARY GRANT PROGRAM FOR THE CITY OF WHARTON'S PROPOSED FM 1301/FM102 ROAD EXTENSTION OVERPASS AND US HWY. 59 SERVICE ROAD PROJECT AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE AND SUBMIT ALL DOCUMENTS RELATED TO SAID APPLICATION.

WHEREAS, the Wharton City Council wishes to make improvements to the City's transportation system in accordance with the priorities listed in the City of Wharton Resolution No. 2009-60 approving the City of Wharton Transportation Plan; and

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WHEREAS, the proposed projects to be included in the application is set forth in the City of Wharton Transportation Plan as Priority No. 1, which includes the following:

Extension of FM 1301 from Richmond Road (Hwy. 60) passed US Highway 59, to County Road 235 (Owens Road); Rerouting FM 102 from approximately Spanish Camp Road intersection to Richmond Road/FM 1301 intersection, including the construction of an overpass over the Kansas City Southern Railroad Line; Development of US Hwy. 59 north bound side service road from Super 8 Motel to FM 1301 intersection including an access ramp on the US Hwy. 59 northbound lanes.

WHEREAS, the Wharton City Council wishes to submit an application to the US Department of Transportation for funding under the TIGER II Discretionary Grant Program, which is due August 23, 2010; and

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

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 submission of an application to the US Department of Transportation for funding under the TIGER II Discretionary Grant Program.

Section II. The Wharton City Council hereby approves the projects to be submitted in the proposed grant application to include the following:

Extension of FM 1301 from Richmond Road (Hwy. 60) passed US Highway 59, to County Road 235 (Owens Road); Rerouting FM 102 from approximately Spanish Camp Road intersection to Richmond Road/FM 1301 intersection, including the construction of an overpass over the Kansas City Southern Railroad Line; Development of US Hwy. 59 north bound side service road from Super 8 Motel to FM 1301 intersection including an access ramp on the US Hwy. 59 northbound lanes.

Section III. The Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute all documents relating to said application.

Section IV: That this resolution shall be come effective immediately upon its passage.

Passed, Approved, and Adopted this 9th day of August 2010.

CITY OF WHARTON, TEXAS

By: _____
DOMINGO MONTALVO, JR.
Mayor

ATTEST:

LISA OLMEDA
City Secretary

Councilmember Lewis Fortenberry, Jr. seconded the motion. All voted in favor.

The twelfth item on the agenda was to review and consider a resolution of the Wharton City Council approving the City of Wharton FM 102 Relocation and Overpass Project. City Manager Andres Garza, Jr. stated that on July 13, 2010, Mr. Carlos Cotton, P.E. of Jones & Carter, Inc. and Mr. Lonnie Gregorcek, District Engineer for the Texas Department of Transportation (TxDOT) Yoakum District met to discuss the City of Wharton FM 102 Relocation and Overpass Project. He said that the TxDOT had initially committed \$2 million of funding toward the project and since the City had been unsuccessful in obtaining grant funding to move the project forward, TxDOT had indicated that it would be willing to increase its project contribution from \$2 million to \$3.5 million in an effort to help the City move the project forward. He said that the City Council Finance and Public Works Committees met on July 27, 2010 and voted to recommend the City Council move forward with the FM 102 Relocation and Overpass Project, the project contribution from TxDOT and to negotiate a contract with TxDOT. He then presented a copy of the cost estimate prepared by Jones & Carter, Inc. and a draft resolution approving the project. After some discussion, Councilmember V. L. Wiley, Jr. made a motion to approve Resolution No. 2010-49, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2010-49**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING THE CITY OF WHARTON FM 102 RELOCATION AND OVERPASS PROJECT.

WHEREAS, the Wharton City Council wishes to make improvements to the City's transportation system in accordance with the priorities listed in the City of Wharton Resolution No. 2009-60 approving the City of Wharton Transportation Plan; and

WHEREAS, the Wharton City Council wishes to move forward with the FM 102 Relocation and Overpass Project and will contribute \$3,000,000 toward said project; and

WHEREAS, the Texas Department of Transportation wishes to commit \$3,500,000 toward said project; and

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WHEREAS, the Wharton City Council wishes to negotiate a contract for funding assistance between the City of Wharton and the Texas Department of Transportation for said project.

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 City of Wharton to move forward with the FM 102 Relocation and Overpass Project.

Section II. The Wharton City Council hereby accepts the Texas Department of Transportation's contribution of \$3,500,000 toward said project.

Section III. The Wharton City Council authorizes the City Staff to negotiate a funding agreement with the Texas Department of Transportation.

Section IV: That this resolution shall be come effective immediately upon its passage.

Passed, Approved, and Adopted this 9th day of August 2010.

CITY OF WHARTON, TEXAS

By: _____

DOMINGO MONTALVO, JR.

Mayor

ATTEST:

LISA OLMEDA

City Secretary

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

The thirteenth item on the agenda was to review and consider the City of Wharton 2010 Property Tax Rate:

A. Authorization to place a proposal to adopt a tax rate of \$0.48 on a future agenda of the Wharton City Council.

Finance Director Joyce Vasut stated that on August 4, 2010 at the City Council Budget Workshop, the City Council recommended the adoption of the \$0.48 tax rate. She said that the proposed \$0.48 was greater than the effective tax rate \$0.46581; therefore, City Council must vote to place a proposal to adopt the rate on the agenda of a future meeting as an action item.

After some discussion, Councilmember Don Mueller made a motion to authorize placement of a proposal to adopt a tax rate of \$0.48 on a future agenda of the Wharton City Council. Councilmember Jeff Gubbels seconded the motion. Councilmembers V. L. Wiley, Jr., Lewis Fortenberry, Jr., Terry David Lynch, Don Mueller, Bryce D. Kocian, and Jeff Gubbels voted for the motion. Mayor Domingo Montalvo, Jr. voted against the motion. The motion carried.

B. Set a date, time and meeting place for two public hearings on a proposal to increase total tax revenues.

Mrs. Vasut said that if the motion passed, the government body must notify the public of the dates, times and place for the hearings and provide information about the proposed tax rate at least seven days before the public hearing. She said that the City Staff was recommending the two public hearings be set for August 23, 2010 and September 13, 2010, with the final tax rate adoption being on September 27, 2010. After some discussion, Councilmember Terry David Lynch made a motion to set a date, time and meeting place for two public hearings on a proposal to increase total tax revenues for August 23, 2010 and September 13, 2010. Councilmember Lewis Fortenberry, Jr. seconded the motion. All voted in favor.

The fourteenth item on the agenda was to review and consider the City Council approval of the Wharton Central Appraisal District fiscal year 2010-2011 budget. City Manager Andres Garza, Jr. presented a copy of the letter dated July 12, 2010 from Ms. Tylene Gamble, Chief Appraiser of the Central Appraisal District of Wharton County (CAD) providing the 2011 CAD proposed budget. He said that the City Council Finance Committee met on July 27, 2010 and voted to recommend the City Council consider approving the 2011 CAD proposed budget. Finance Director Joyce Vasut stated that the City of Wharton allocation would increase by \$909. After some discussion, no action was taken.

The fifteenth item on the agenda was to review and consider a resolution of the Wharton City Council approving the purchase of certain playground equipment from Kraftsman through BuyBoard and authorizing the Mayor of the City of Wharton to execute the agreement. City Manager Andres Garza, Jr. stated that in November 2009, the City of Wharton was awarded a grant in the amount of \$25,000 for improvements to the City of Wharton Park System. He said that this funding along with the 2009 bond funds allocated to the Facilities Maintenance Department would allow for the park improvements to be conducted. He said that Facilities Maintenance Director Bob Baker and Assistant to City Manager Jackie Jansky had received quotes from three different companies. He then presented a copy of Mr. Baker's memorandum dated August 5, 2010 providing his recommendation to purchase playground equipment. He said that two of the items were offered through BuyBoard, which was the play structure for Harris Park and a horizontal ladder for Croom Park No. 1. He said that the total cost for the playground equipment was \$37,061.49. He then presented copies of the quotes of the equipment to be purchased, and a draft resolution approving the purchases through BuyBoard. He said that he concurred with Mr. Baker's recommendation. After some discussion, Councilmember Bryce D. Kocian made a motion to approve Resolution No. 2010-50, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2010-50**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING THE PURCHASE OF CERTAIN PLAYGROUND EQUIPMENT FOR THE CITY OF WHARTON PARK SYSTEM AND AUTHORIZING THE MAYOR OF THE CITY COUNCIL TO EXECUTE THE AGREEMENT.

WHEREAS, the Wharton City Council wishes to improve the City of Wharton Park System; and,

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WHEREAS, the Wharton City Council wishes to purchase a play structure for Harris Park from Kraftsman through BuyBoard in the amount of \$24,480.53; and

WHEREAS, the Wharton City Council wishes to purchase a seven foot horizontal ladder for Croom Park No. 1 from T. F. Harper through BuyBoard in the amount of \$2,119.74; and

WHEREAS, the Wharton City Council wishes to purchase from Kraftsman ten (10) picnic table frames in the amount of \$2,139.22 and ten (10) complete basketball goals in the amount of \$8,322.00; and

WHEREAS, the Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute the necessary agreements for the purchase of said equipment.

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

Section I. That the City Council of the City of Wharton hereby authorizes the Mayor of the City of Wharton to execute an agreement with Kraftsman for the following purchases:

- A. Play structure for Harris Park from Kraftsman in the amount of \$24,480.53;
- B. Ten (10) picnic table frames in the amount of \$2,341.00;
- C. Ten (10) complete basketball goals in the amount of \$8,322.00.

Section II. That the City Council of the City of Wharton hereby authorizes the Mayor of the City of Wharton to execute an agreement T. F. Harper for the purchase a seven foot horizontal ladder for Croom Park No. 1 in the amount of \$2,119.74.

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

Passed, Approved, and Adopted this 9th day of August 2010.

CITY OF WHARTON, TEXAS

By: _____
DOMINGO MONTALVO, Jr.
Mayor

ATTEST:

LISA OLMEDA

City Secretary

Councilmember Lewis Fortenberry, Jr. seconded the motion. All voted in favor.

The sixteenth item on the agenda was to review and consider the City of Wharton 2010 Street Improvement Program:

A. Request by Mr. Dan Wimberly, Plant Manager of JM Eagle for City of Wharton assistance with improvements to the entrance road to JM Eagle.

City Manager Andres Garza, Jr. presented a copy of the letter dated June 29, 2010 to Mr. Dan Wimberly, Plant Manager of JM Eagle, providing him with the City Council's June 28th action concerning the proposed entrance road improvements and requesting JM Eagle's parking plan. He then presented a copy of the email dated July 13, 2010 from Mr. Wimberly providing the parking plan for review by the City Council. He also presented a copy of email correspondence beginning July 16th between Ms. Sybil Inman of Nanya Plastics Corporation and himself regarding the proposed entrance road improvements. He said that Ms. Inman indicated that an ordinance establishing the entrance road as no parking/no standing would also effect NanYa Plastics truck parking. He said that the City Council Public Works Committee met on July 27, 2010 and voted to recommend the City Council consider moving forward with the entrance road project and to develop an agreement between the City of Wharton and the Texas Department of Transportation. He said that as mentioned in the Committee meeting, TxDOT would provide the specifications for the road improvements. He said that the City would be responsible for the lime needed, which was estimated at \$16,000 plus the labor and equipment to do the road foundation work. He said that TxDOT would prime, seal coat and maintain the road in the future. He said that they would also request that no parking be designated by City ordinance, and they would provide and install all signs necessary. After some discussion, Councilmember Jeff Gubbels made a motion to approve the request by Mr. Dan Wimberly, Plant Manager of JM Eagle for City of Wharton assistance with improvements to the entrance road to JM Eagle. Councilmember Terry David Lynch seconded the motion. All voted in favor.

B. **Resolution:** A resolution amending the City of Wharton 2010 Street Improvement Program by adding Walnut and Kincaid Streets and the JM Eagle Entrance Road.

City Manager Andres Garza, Jr. presented the list of streets to be improved under the 2010 Street Improvement Program. He said that the project had proceeded accordingly; however, weather had been a factor. He said that the program budget was estimated at \$284,500, because of changes to the program, elimination of Stavena Road and the interlocal agreement with Wharton County (Jr. College Blvd, Camelia, etc.) it appeared that the program budget would allow for additional streets to be added. He then presented the projected budget and list of streets that could be added. He said that the City Council Public Works Committee met on July 27, 2010 and voted to recommend the City Council consider amending the 2010 Street Improvement Program by adding Walnut and Kincaid Streets and the JM Eagle Entrance Road to the program list. He then presented a draft resolution adding the streets. After some discussion, Councilmember Jeff Gubbels made a motion to approve Resolution No. 2010-51, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2010-51**

A RESOLUTION OF THE WHARTON CITY OCUNCIL AMENDING THE CITY OF WHARTON 2010 STREET IMPROVEMENT PROGRAM BY ADDING WALNUT AND KINCAID STREETS AND THE JM EAGLE ENTRANCE ROAD.

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WHEREAS, On April 12, 2010, the Wharton City Council approved Resolution No. 2010-14 implementing the City of Wharton 2010 Street Improvement Program that included the following list of streets; and

Junior College Blvd (FM 1301 to City Limit)
Houston (Milam to Burleson)
Houston (Milam to Burleson)
Fulton (Milam to Burleson)
Fulton (Milam to Burleson)
Camelia (Harris Park Entrance to Bailey)
Bailey (Outlar to N. Spanish Camp)
CR 154 (Old Lane City Rd to 500')
Kelving Way (1600 Block)
Old Lane City Rd (Hwy 60 to City Limits)
First St (Fulton St to Richmond Rd)
Lily Lane (Culdesac/Deadend)
West (Croom to Circle Dr.)
Stavena (Old Lane City Rd to Dead End)
Emily (Richmond Rd to Fulton St)

; and

WHEREAS, the Wharton City Council wishes to amend the list of streets to include the following:

Add:

Walnut Street
Kincaid Street
JM Eagle Entrance Road.

Delete:

Stavena Road (Extension from Dead End to Hwy 60)

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

Section 1: The Wharton City Council hereby approves the addition of the following list of streets to be included in the 2010 Street Improvement Program:

Walnut Street
Kincaid Street
JM Eagle Entrance Road.

Section II. The Wharton City Council hereby approves to delete Stavena Road (Extension from dead end to Hwy. 60).

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

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Passed, Approved and Adopted this 9th day of April 2010.

CITY OF WHARTON, TEXAS

By: _____
DOMINGO MONTALVO, JR.
Mayor

ATTEST:

LISA OLMEDA

City Secretary

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

The seventeenth item on the agenda was to review and consider the City of Wharton Ahldag Addition Sanitary Sewer System Improvement Project, Additional Lines Contract – Supak Construction, Inc. – Pay Request No. 1. City Manager Andres Garza, Jr. presented a copy of the letter dated August 3, 2010 from Mr. Bradley C. Loehr, P.E. of BEFCO Engineering, Inc. providing the Pay Request No. 1 submitted by Supak Construction, Inc. in the amount of \$35,625.70 for the City of Wharton Ahldag Addition Sanitary Sewer System Improvement Project – Additional Lines (Belle Contract). After some discussion, Councilmember Bryce D. Kocian made a motion to approve the City of Wharton Ahldag Addition Sanitary Sewer System Improvement Project, Additional Lines Contract – Supak Construction, Inc. – Pay Request No. 1 in the amount of \$35,625.70. Councilmember Lewis Fortenberry, Jr. seconded the motion. All voted in favor.

The eighteenth item on the agenda was to review and consider the City of Wharton Wastewater Treatment Plant No. 1 Wier Repair Project- G & N Enterprises, Inc. – Pay Request No. 1. City Manager Andres Garza, Jr. presented a copy of the letter dated August 4, 2010 from Mr. Larry A. Weppler, P.E. of Jones & Carter, Inc. providing the Pay Request No. 1 from G & N Enterprises, Inc. in the amount of \$18,468.00 for the City of Wharton Wastewater Treatment Plant No. 1 Wier Repair Project. Mr. Carlos Cotton, P.E. stated that the project was delayed due to inclement weather. He stated that the City would receive a one year warranty on the wier after completion of the project. After some discussion, Councilmember Don Mueller made a motion to approve the City of Wharton Wastewater Treatment Plant No. 1 Wier Repair Project- G & N Enterprises, Inc. – Pay Request No. 1 in the amount of \$18,468.00. Councilmember Lewis Fortenberry, Jr. seconded the motion. All voted in favor.

The nineteenth item on the agenda was to review and consider the Wharton Fire Department:
A. Acceptance of Wharton Fire Department property described as Lots Eight, Nine, and Ten, Block E, Hawes Addition in the City of Wharton.
City Manager Andres Garza, Jr. presented a copy of the Nothing Further Certificate, Surface Only, provided by City Attorney Paul Webb for the property owned by the Wharton Volunteer Fire Department. He said that the Wharton Volunteer Fire Department would be required to donate the property to the City of Wharton since the City was proposing to construct a new building on the property. He then presented a copy of the email dated August 5, 2010 to City

Attorney Paul Webb requesting that he prepare the necessary deeds to have the property transferred to the City of Wharton. He said that City Council acceptance of the property located at Lot Eight, Nine, and Ten, Block E, Hawes Addition was required. City Attorney Paul Webb stated that the title company would correct the name; therefore, would recommend acceptance contingent upon title correction. After some discussion, Councilmember Lewis Fortenberry, Jr. made a motion to approve Acceptance of Wharton Fire Department property described as Lots Eight, Nine, and Ten, Block E, Hawes Addition in the City of Wharton. Councilmember Terry David Lynch seconded the motion. All voted in favor.

B. Resolution: A resolution of the Wharton City Council approving an agreement between the City of Wharton and KSA Engineers for professional engineering services for the Wharton Fire Station New Building Project and authorizing the Mayor of the City of Wharton to execute the agreement.

Mr. Garza presented a copy of a draft agreement submitted by KSA Engineers, Inc. to prepare the engineering design of the new building to be located at the Wharton Fire Department. He said that KSA was proposing to conduct the professional engineering services at a lump sum cost of \$24,700. He then presented a draft resolution approving the agreement. Mayor Domingo Montalvo, Jr. asked if operation costs were received. Mr. Garza stated that operational costs were not received. After some discussion, Councilmember Terry David Lynch made a motion to defer until operational costs were received from the Fire Department. Councilmember Lewis Fortenberry, Jr. seconded the motion. All voted in favor.

The twentieth item on the agenda was to review and consider the Wharton Regional Airport Jet-A Fuel Tank:

A. Bid Tabulation.

B. Resolution: A resolution of the Wharton City Council awarding the bid for the purchase of a Jet-A Fuel Tank and authorizing the Mayor of the City of Wharton to execute all documents related to said agreement.

City Manager Andres Garza, Jr. presented the bid tabulation for the new Jet-A fuel tank to be located at the Wharton Regional Airport. He said that the funding for the project would come from the 2009 Bond Fund and RAMP funds available to the City. Airport Manager David Allen addressed the City Council and stated that he would recommend the stainless steel fuel tank from Garsite in the amount of \$101,125.00. Councilmember Bryce D. Kocian stated that the bid specifications did not request a stainless steel tank and if the city staff desired to have a stainless steel tank then the bid specifications should state accordingly. After some discussion, Councilmember Bryce D. Kocian made a motion to reject the bid and rebid the new Jet-A fuel tank. Councilmember V. L. Wiley, Jr. seconded the motion. All voted in favor.

The twenty-first item on the agenda was to review and consider a resolution of the Wharton City Council approving an agreement between the City of Wharton and Southwestern Tariff Analyst for Telecommunications Cost Reduction and Recovery Services and authorizing the Mayor of the City of Wharton to execute the agreement. City Manager Andres Garza, Jr. presented a copy of the email dated July 27, 2010 from Mr. Larry Pfeil, Southwestern Tariff Analyst (STA) providing the STA agreement for Telecommunications Cost Reduction and Recovery Services for the City of Wharton. He said that the City Council Finance Committee met on July 27, 2010

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and voted to recommend the City Council consider entering into an agreement for telecommunications auditing services. He then presented a copy of the agreement, information regarding the company and a draft resolution approving the agreement. City Attorney Paul Webb stated that he reviewed the contract. After some discussion, Councilmember Lewis Fortenberry, Jr. made a motion to approve Resolution No. 2010-52, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2010-52**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AN AGREEMENT BETWEEN THE CITY OF WHARTON AND SOUTHWESTERN TARIFF ANALYST FOR TELECOMMUNICATIONS COST REDUCTION AND RECOVERY SERVICES AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE THE AGREEMENT.

WHEREAS, the City of Wharton and Southwestern Tariff Analyst wishes to enter into Telecommunications Cost Reduction and Recovery Services agreement; and

WHEREAS, the City of Wharton and Southwestern Tariff Analyst wishes to be bound by the conditions as set forth in the agreement; and

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

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

Section I. The Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute a Cost Reduction and Recovery Services Agreement between the City of Wharton and Southwestern Tariff Analyst.

Section II. The City of Wharton and Southwestern Tariff Analyst are hereby bound by the conditions as set forth in the agreement.

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

Passed, Approved, and Adopted this 9th day of August 2010.

CITY OF WHARTON, TEXAS

By: _____
DOMINGO MONTALVO, JR.
Mayor

ATTEST:

LISA OLMEDA

City Secretary

Councilmember V. L. Wiley, Jr. seconded the motion. All voted in favor.

The twenty-second item on the agenda was to review and consider the City of Wharton Employee Benefits and Coverage:

- A. **Resolution:** A resolution of the Wharton City Council approving an interlocal contract with the Texas Municipal League – Intergovernmental Employee Benefits Pool (TML-IEBP) for medical, long-term disability, life, accidental death & dismemberment coverage; and Assurant Employee Benefits for dental coverage for City employees; authorizing the Mayor of the City of Wharton to execute all documents relating to said contracts.

City Manager Andres Garza, Jr. presented a copy of the memorandum dated August 5, 2010 from City Secretary Lisa Olmeda providing the rates for the City of Wharton medical, long-term disability, life, accidental death & dismemberment coverage; and Assurant Employee Benefits for dental coverage for City employees. Finance Director Joyce Vasut stated that the agreement would implement the new plan discussed in the August 4, 2010 Budget Workshop meeting. She said that the effective date would be October 1, 2010 - September 30, 2011 and the new rates would be reflected in the proposed budget. Mr. Garza then presented a resolution for City Council consideration. After some discussion, Councilmember Terry David Lynch made a motion to approve Resolution No. 2010-53, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2010-53**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AN INTERLOCAL CONTRACT WITH THE TEXAS MUNICIPAL LEAGUE - INTERGOVERNMENTAL EMPLOYEE BENEFITS POOL (TML-IEBP) FOR MEDICAL, LONG-TERM DISABILITY, LIFE, ACCIDENTAL DEATH & DISMEMBERMENT; AND ASSURANT EMPLOYEE BENEFITS FOR DENTAL COVERAGE FOR CITY EMPLOYEES; AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATING TO SAID CONTRACTS.

WHEREAS, the City of Wharton received the renewal rate for medial, long-term disability, life, accidental death & dismemberment, and dental coverage for city employees; and

WHEREAS, the City of Wharton medical plan with Texas Municipal League - Intergovernmental Employee Benefits Pool would be renewed with a 0.13% increase with plan modifications including deduction increase from \$1,000 to \$1,500 and Out of pocket decrease from \$5,000 to \$2,000; and

WHEREAS, there shall be full-time employee participation with Texas Municipal League - Intergovernmental Employee Benefits Pool for medical, long-term disability, life, accidental death & dismemberment; however, the employee may elect denial for medical coverage if employee is accessing spouse's plan and submit plan name, contact person and employer of plan information; and

WHEREAS, the city employees would receive coverage with Assurant Employee Benefits for voluntary dental coverage with no increase and no plan modifications; and

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

- Section I. That the Wharton City Council hereby approves an interlocal contract with the Texas Municipal League - Intergovernmental Employee Benefits Pool for medical, long-term disability, life and accidental death & dismemberment coverage.
- Section II. That Wharton City Council hereby approves Assurant Employee Benefits for voluntary dental coverage for City Employees.
- Section III. That the Mayor of the City of Wharton is hereby authorized to sign any documents relating to the aforementioned contracts.
- Section IV. That this resolution shall become effective immediately upon its passage.

Passed, Approved, and Adopted this 9th day of August, 2010.

CITY OF WHARTON, TEXAS

By: _____
DOMINGO MONTALVO, JR.
Mayor

ATTEST:

LISA OLMEDA

City Secretary

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

B. Resolution: A resolution of the Wharton City Council approving an interlocal agreement contract with the Texas Municipal League Intergovernmental Risk Pool (TML-IRP) for property & casualty and workers' compensation coverage for the City of Wharton; authorizing the Mayor of the City of Wharton to execute all documents relating to said contract.

Mrs. Vasut said that the effective date would be October 1, 2010 - September 30, 2010. She stated that the rates for property and casualty was decreased by 6.43% and workers' compensation was decreased by 9.84% from 2009-2010 fiscal year. After some discussion, Councilmember Terry David Lynch made a motion to approve Resolution No. 2010-54, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2010-54**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AN INTERLOCAL AGREEMENT CONTRACT WITH THE TEXAS MUNICIPAL LEAGUE-INTERGOVERNMENTAL RISK POOL (TML-IRP) FOR PROPERTY & CASUALTY AND

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WORKERS' COMPENSATION COVERAGE FOR THE CITY OF WHARTON; AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATING TO SAID CONTRACT.

WHEREAS, the City of Wharton received the renewal rate for property and casualty and workers' compensation coverage; and

WHEREAS, the City of Wharton would receive a 6.43% decrease on the property and casualty coverage cost; and

WHEREAS, the City of Wharton would receive a 9.84% decrease on the workers' compensation coverage cost.

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

Section I. That the Wharton City Council hereby approves an interlocal agreement with the Texas Municipal League-Intergovernmental Risk Pool (TML-IRP) for Property & Casualty Coverage and Worker's Compensation Coverage for the City of Wharton for fiscal year October 1, 2010 to September 30, 2011.

Section II. That the Mayor of the City of Wharton is hereby authorized to sign any documents relating to the aforementioned contracts.

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

Passed, Approved, and Adopted this 9th day of August 2010.

CITY OF WHARTON, TEXAS

By:

DOMINGO MONTALVO, JR.

Mayor

ATTEST:

LISA OLMEDA

City Secretary

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

The twenty-third item on the agenda was Executive Session: City Council may adjourn into an Executive Session in accordance with Sections 551.072 and 551.074 of the Government Code, Revised Civil Statutes of Texas. Final action, decision or vote, if any with regard to any matter considered in Executive Session shall be made in Open Meeting.

A. Discussion: Acquisition of real estate from Ms. Myrtis Outlar, MSA Ltd. & NBO Family Partnership for the Road Extension Project between FM 1301 and County Road 235.

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B. Discussion: City Manager Performance Evaluation concerning the operations of all City departments and Employment Agreement.

Mayor Domingo Montalvo, Jr. adjourned into Executive Session at 8:38 p.m.
Mayor Domingo Montalvo, Jr. returned to Open Session at 9:33 p.m.

The twenty-fourth item on the agenda was Return to Open Session: Action on items discussed in Executive Session:

A. Review & Consider: Acquisition of real estate from Ms. Myrtis Outlar, MSA Ltd. & NBO Family Partnership for the Road Extension Project between FM 1301 and County Road 235. Councilmember Don Mueller made a motion to authorize the real estate acquisition from Ms. Myrtis Outlar, MSA Ltd. & NBO Family Partnership for the Road Extension Project between FM 1301 and County Road 235. Councilmember Lewis Fortenberry, Jr. seconded the motion. All voted in favor.

B. Review & Consider: City Manager Performance Evaluation concerning the operations of all City departments and Employment Agreement.

Councilmember Jeff Gubbels made a motion to authorize the City of Wharton to contribute towards the deferred compensation plan for City Manager Andres Garza, Jr. in lieu of paying the employee health insurance premiums effective October 1, 2010 at which time the City Manager Andres Garza, Jr. will decline the coverage by accessing spouse's plan and submit plan name, contact person and employer of plan information. Councilmember V. L. Wiley, Jr. seconded the motion. All voted in favor.

The twenty-fifth item on the agenda was to review and consider the City Manager Request for Travel Reimbursement. City Manager Andres Garza, Jr. presented a copy of request for travel reimbursement submitted by City Manager Andres Garza, Jr. for the period April 28, 2010 through May 25, 2010 for the amount of \$502.14. After some discussion, Councilmember Bryce D. Kocian made a motion to approve the City Manager Request for Travel Reimbursement for the period April 28, 2010 through May 25, 2010 for the amount of \$502.14. Councilmember Terry David Lynch seconded the motion. All voted in favor.

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

- A. Beautification Commission.
- B. Building Standards Commission.
- C. Holiday Light Decorating Chairman.
- D. Mayor's Committee on People with Disabilities.

After some discussion, no action was taken.

The twenty-seventh item on the agenda was to review and consider an update on the City of Wharton On-going Projects. City Manager Andres Garza, Jr. presented a copy of the memorandum dated July 26, 2010 providing an update on the City of Wharton on-going projects, which read as follows:

FLOOD REDUCTION (LEVEE) PROJECT

The U.S. Army Corp of Engineers Lower Colorado River Phase I Report - City of Wharton Flood Prevention Project and Recommended report was 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.swf.usace.army.mil/pubdata/notices/LowerColorado/>.

The project was continuing to move forward. In regards to the pre-construction, engineering and design (PED) aspect of the project, the LCRA Board had approved their continuing as sponsor of the PED. On September 28, 2009, the Wharton City Council approved to amend the agreement between the City of Wharton and the Lower Colorado River Authority (LCRA) for the Lower Colorado River Basin Phase I – Texas, City of Wharton Flood Damage Reduction Project by amending the project scope to reflect the partial development of the project design and to increase the project cost by \$37,000. On January 22, 2010, the City of Wharton received the contracts for second amendment to the contract for execution by the Mayor.

DRAINAGE:

1. Santa Fe Outfall Channel.

The persistent rains had prevented excavation on the Santa Fe Channel by the Public Works Department and Wharton County Precinct 1. Improvements were made in the area of Croom Park No. 1. Public Works crews installed new culverts and re-graded the park area to drain into the Santa Fe Channel. Minor touch up work was still needed around the park. Excavation would continue when weather and soil conditions permit.

2. Highway 60 & Old Lane City Road Drainage Improvements

Jones & Carter, Inc. continued to collect topographic data and prepare preliminary engineering plans for re-grading and providing positive drainage along Old Lane City Road, Highway 60 and the Mahan addition. The outfall for these improvements would be the Santa Fe Outfall Ditch.

3. Richmond Rd., Fulton St., and Armstrong St. Drainage Improvements

Jones & Carter, Inc. continued to collect topographic data and prepare preliminary engineering plans for re-routing a section of Caney Creek to provide drainage relief to Richmond Road, Fulton St. and Armstrong St area.

4. Croom Park Drainage Improvements

Improvements were made in the area of Croom Park. Public Works crews installed new culverts and re-graded the park area to drain into the Santa Fe Channel. This effort would provide relief for the Circle Dr, West St., Old Lane City Road, and Croom Dr drainage areas. In addition, the project had significantly reduced ponding thereby reducing the possibility for mosquito production. All work was being conducted by the Public Works Department. Several acres had been re-routed to the Santa Fe Channel as a result of this work. Minor touch up work was still needed around the park.

WATER/SEWER IMPROVEMENTS:

1. Ahldag Addition Sanitary Sewer Project - TxCDBG Contract No. 728459.

Supak Construction completed work on Dahlgren and Fulton to replace service connections that were not replaced when the main line was replaced in the 1990s. On July 12, 2010 City Council approved a supplemental agreement with BEFCO Engineering, Inc., for professional engineering services. BEFCO Engineering, Inc. would provide surveying and engineering for the replacement of an additional line on Texas Street from Wayside Avenue to the Ahldag Ditch.

2. Ahldag Addition Sanitary Sewer Project – TxCDBG Contract No. R729710.

Jones & Carter, Inc. had finalized engineering plans and was currently preparing the bid package for sewer line replacement. The goal was to have packages sent out and a bid deadline the second week of August.

3. Vahalla Water Well.

The Public Works Department placed the Vahalla water well back on line the week of April 27, 2009. The Public Works Department discontinued the injection of Polyphosphates into the water system at the end of January, 2010. No problems or red water calls had been reported. The well remained in good condition and was operating efficiently.

4. Water Storage Tank Maintenance Program.

City staff met with the Finance Committee on June 22, 2010 to review the proposed water tank maintenance program contract between the City of Wharton and Utility Service Company. City staff had also forwarded the contract to Utility Service Company for review. The City was waiting on a reply from Utility Service Company.

5. Alabama Water Well Rework

Currently, a screen liner and a new screen was being fabricated for Well No. 1. Upon completion, the contractor would install the new liner and screen. This would hopefully extend the life of the well for several more years.

According to Jones and Carter, Inc. the well was approaching the end of its useful life and should not be reworked in the future. Its life was estimated at five to ten additional years.

6. Quick Connect/Transfer Switch Project

Jones & Carter, Inc. had complete electrical engineering designs for all city lift stations, city water plants, City Hall, the Fire Station, EMS Headquarters, WWTP #1, and WWTP#2. The designs were for the installation of quick connects and transfer switches on all the above mentioned facilities. This would allow city staff to operate these facilities via generator in the event of a power failure. After further review of the plans by City Staff, it was determined that further discussion with Jones & Carter, Inc. was needed prior to plan approval. The City Staff were tentatively scheduled to meet with Jones & Carter, Inc.

7. Pressure Switches at City Water Plants

Construction began May 24th and would continue until completion. Staff met with the contractor NTS on July 13, 2010 to determine the appropriate location of the new radio towers. A tower was being installed at Cloud Street and at the Highway 59 water tower location. These towers would be part of the new control system that monitors pressure and water levels in the tanks.

8. Energy Efficiency Audit

The Public Works Director, Water & Sewer Superintendent and WWTP operators met with Siemens Industry, Inc. on July 14, 2010. The group toured, inspected and gathered data necessary to perform a preliminary energy audit of the City's two wastewater treatment plants.

STREET IMPROVEMENTS

1. Road Extension Project between FM 1301 and County Road 235/FM102.

Staff met with Ruiz Financial Services and Jones & Carter on July 6, 2010 to discuss the TIGER Grant application. Duties were assigned to various staff members in an effort to complete the initial application in a timely manner.

City Staff and Jones & Carter, Inc. met with TxDOT staff in Yoakum the week of July 12th to discuss possible funding options.

2. 2010 Street Improvement Program

As of May 19, 2010, the City has completed Jr. College Blvd, Houston St and Fulton St between Milam and Burleson, Camelia St including Harris Park entrances and parking areas, Bailey St, and First St. On July 12, 2010 City Council approved the bid submitted by Faltisek Paving Partnership, LTD. to prime and seal coat several more streets throughout the City. Currently staff was finalizing the contract between Faltisek Paving Partnership, LTD and the City so that work may commence. Unfortunately, continuous rains had hindered progress to a degree. An additional \$25,000 remains in the 2010 Street Improvement Budget. This would allow several additional linear feet of roadway to be reworked.

No action was taken.

The twenty-eighth item on the agenda was to review and consider the City Council Committees, Boards and Commission's Reports:

- A. Beautification Commission meeting held July 14, 2010.
- B. Building Standards Commission meeting held July 15, 2010.
- C. Planning Commission meeting held July 19, 2010.
- D. Wharton Economic Development Corporation Board of Directors meeting held July 19, 2010.
- E. City Council Finance Committee meeting held July 27, 2010.
- F. City Council Public Works Committee meeting held July 27, 2010.
- G. Wharton Regional Airport Board meeting held August 3, 2010.

City Manager Andres Garza, Jr. presented the report to the City Council. No action was taken.

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

- A. City Secretary/Personnel.
- I. Legal Department.

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

City Manager Andres Garza, Jr. presented the report to the City Council. No action was taken.

The thirtieth item on the agenda was to review and consider a resolution of the Wharton City Council authorizing the City Manager of the City of Wharton to submit a formal letter to the Federal Aviation Administration requesting the decommissioning of the Non Directional Beacon located at the Wharton Regional Airport. City Manager Andres Garza, Jr. stated that during the regular May 24, 2010 Wharton City Council meeting, the City Council approved the City Staff to take the necessary steps to decommission the Non-Directional Beacon (NDB) at the Wharton Regional Airport. He said that since that time, the City Staff had received the necessary steps to decommission the NDB and were requesting the City Council's authorization for the City Manager to submit a formal letter to the Federal Aviation Administration (FAA) to begin the process. He then presented a resolution providing the authorization and a draft letter to the FAA providing the request. After some discussion, Councilmember Don Mueller made a motion to approve Resolution No. 2010-55, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2010-55**

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE CITY MANAGER OF THE CITY OF WHARTON TO SUBMIT A FORMAL LETTER TO THE FEDERAL AVIATION ADMINISTRATION REQUESTING THE DECOMMISSIONING OF THE NON DIRECTIONAL BEACON LOCATED AT THE WHARTON REGIONAL AIRPORT.

WHEREAS, On May 11, 2010, the Wharton Regional Airport – Airport Board voted to recommend the City Council consider decommissioning the non-directional beacon (NDB) located at Wharton Regional Airport; and

WHEREAS, On May 24, 2010, the Wharton City Council felt it was in the best interest of the Wharton Regional Airport to move forward and begin the process to decommission the NDB; and

WHEREAS, the Wharton City Council wishes to authorize the City Manager of the City of Wharton to submit a formal letter to the Federal Aviation Administration (FAA) requesting the NDB be decommissioned.

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

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Section I. The Wharton City Council hereby authorizes the City Manager of the City of Wharton to submit a formal letter to the Federal Aviation Administration (FAA) requesting the NDB located at the Wharton Regional Airport to be decommissioned.

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

Passed, Approved, and Adopted this 9th day of August 2010.

CITY OF WHARTON, TEXAS

By: _____
DOMINGO MONTALVO, JR.
Mayor

ATTEST:

LISA OLMEDA
City Secretary

Councilmember Jeff Gubbels seconded the motion. All voted in favor.

The thirty-first item on the agenda was adjournment. After some discussion, Councilmember Don Mueller made a motion to adjourn. Councilmember Lewis Fortenberry, Jr. seconded the motion. All voted in favor.

The meeting adjourned at 9:36 p.m.

CITY OF WHARTON, TEXAS

By: _____
DOMINGO MONTALVO, JR.
Mayor

ATTEST:

Lisa Olmeda

LISA OLMEDA
City Secretary

