

**MINUTES
OF
CITY OF WHARTON
REGULAR CITY COUNCIL MEETING
JUNE 24, 2013**

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 Mueller led the opening devotion and the pledge of allegiance.

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

Councilmembers absent were: Mayor Domingo Montalvo and Councilmember Terry David Lynch.

Staff members present were: City Manager Andres Garza, Jr., City Attorney Paul Webb, Finance Director Joan Anandel, City Secretary Paula Favors, Building Official Ronnie Bollom, Assistant to Building Official Gwyn Laney, and Emergency Management Coordinator Jim Cooper.

Visitors present were: David Schroeder, Executive Director of the Wharton Economic Development Corporation (WEDCO), Jim Cochran, and Ben Sharp, Wharton Journal Spectator.

The second item on the agenda was Roll Call and Excused Absences. After some discussion, Councilmember Karen Schulz moved to excuse Mayor Domingo Montalvo, Jr. and Councilmember Terry David Lynch. Councilmember Al Bryant seconded the motion. All voted in favor.

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

The fourth item on the agenda was the Wharton Moment. No comments were given

The fifth item on the agenda was the City of Wharton Financial Report for the month of May 2013. Finance Director Joan Anandel presented the financial report for the month of May 2013. Mrs. Anandel stated that the TexPool balance for April was \$151,274.25 with an average monthly yield of .07%. She said the Prosperity Bank balance for May 2013 was \$7,334,843.17 with an average monthly yield of .15%. After some discussion, Councilmember Jeff Gubbels moved to approve the City of Wharton Financial Report for the month of May 2013. Councilmember Russell Machann seconded the motion. All voted in favor.

The sixth item on the agenda was to review and consider Disaster Debris Environmental Companies Contract Renewal:

- A. **Resolution:** A resolution of the Wharton City Council approving a contract amendment to the agreement between the City of Wharton and Ashbritt, Inc. for Primary Disaster

Debris Clearance and Removal Services and authorizing the Mayor of the City of Wharton to execute all documents related to the agreement on behalf of the City of Wharton.

City Manager Andres Garza, Jr. stated that on July 28, 2008, the City of Wharton entered into a contract with Ashbritt, Inc. for primary disaster debris clearance and removal services and the contract was a two year contract which the City renewed in 2011 and that renewal was set to expire on September 30, 2013. City Manager Garza said with the upcoming hurricane season, Emergency Management Coordinator Jim Cooper was requesting the City Council to consider approving a contract amendment to the agreement, extending the agreement an additional two years prior to the contracts termination to insure that there was no lapse between agreements should there be a disaster event. After some discussion, Councilmember Jeff Gubbels moved to approve City of Wharton Resolution No. 2013-33, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2013-33**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING A CONTRACT AMENDMENT BETWEEN THE CITY OF WHARTON AND ASHBRIIT, INC. FOR PRIMARY DISASTER DEBRIS CLEARANCE AND REMOVAL SERVICES AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO THE AGREEMENT ON BEHALF OF THE CITY OF WHARTON.

WHEREAS, On July 28, 2008, the City of Wharton entered into an agreement with Ashbritt, Inc. for Primary Disaster Debris Clearance and Removal Services; and

WHEREAS, the Wharton City Council wishes to approve a contract amendment between the City of Wharton and Ashbritt, Inc. for primary Disaster Debris Clearance and Removal Services; and

WHEREAS, the City of Wharton and Ashbritt, Inc. wishes 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 approves a contract amendment between the City of Wharton and Ashbritt, Inc. for primary Disaster Debris Clearance and Removal Services.

Section II. That the Wharton City Council hereby approves to authorize the Mayor of the City of Wharton to execute the agreement.

Section III. That the City of Wharton and Ashbritt, Inc. are hereby bound by the conditions as set forth in the agreement.

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

Passed, Approved, and Adopted this the 24th day of June 2013.

CITY OF WHARTON

By: _____
DONALD MUELLER
Mayor Pro-Tem

ATTEST:

PAULA FAVORS
City Secretary

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

- B. **Resolution:** A resolution of the Wharton City Council approving a contract between the City of Wharton and Ceres Environmental Services, Inc. for Debris Clearance and Removal Services and authorizing the Mayor of the City of Wharton to execute the agreement.

City Manager Andres Garza, Jr. stated that on July 28, 2008, the City Council also approved a contract with CERES Environmental Services, Inc. for secondary Disaster Debris Clearance and Removal Services and the contract with CERES Environmental Services, Inc. was also due to expire on September 30, 2013. City Manager Garza said that Mr. Cooper was requesting City Council consideration to approve renewing the contract with CERES for an additional two years. After some discussion, Councilmember Jeff Gubbels moved to approve City of Wharton Resolution No. 2013-34, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2013-34**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING A CONTRACT AMMENDMENT BETWEEN THE CITY OF WHARTON AND CERES ENVIRONMENTAL SERVICES, INC. FOR SECONDARY DEBRIS CLEARANCE AND REMOVAL SERVICES AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO THE AGREEMENT ON BEHALF OF THE CITY OF WHARTON

WHEREAS, the Wharton City Council wishes to renew its contract with Ceres Environmental Services, Inc. for Secondary Debris Clearance and Removal Services; and

WHEREAS, the City of Wharton and Ceres Environmental Services, Inc. wishes to be bound by the conditions set forth in the agreement; and

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

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

Section I. The Wharton City council hereby approves a contract renewal agreement between the City of Wharton and Ceres Environmental Services, Inc.

Section II. The City of Wharton and Ceres Environmental Services, Inc. are hereby bound by the conditions set forth in the agreement.

Section III. The Mayor of the City of Wharton is hereby authorized to execute the agreement.

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

Passed, Approved, and Adopted this 24th day of June 2013.

CITY OF WHARTON, TEXAS

By: _____
DONALD MUELLER
Mayor Pro-Tem

ATTEST:

PAULA FAVORS

City Secretary

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

- C. **Resolution:** A resolution of the Wharton City Council approving a contract between the City of Wharton and Science Applications International Corporation for Monitoring Services for Disaster Debris Clearance and Removal Services and authorizing the Mayor of the City of Wharton to execute all documents related to the agreement on behalf of the City of Wharton.

City Manager Andres Garza, Jr. stated that the Houston-Galveston Area Council sent out invitations to bid for an All Hazards Preparedness, Planning, Consulting and Recovery Services Contract and Science Applications International Corporation was selected as the Contractor. City Manager Garza said the contract between the City of Wharton and Science Applications International shall begin on June 1, 2013 through May 31, 2016 for disaster management and recovery services. After some discussion, Councilmember Jeff Gubbels moved to approve City of Wharton Resolution No. 2013-35, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2013-35**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING A CONTRACT BETWEEN THE CITY OF WHARTON AND SCIENCE APPLICATIONS INTERNATIONAL CORPORATION FOR MONITORING SERVICES FOR DISASTER DEBRIS CLEARANCE AND REMOVAL SERVICES AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO THE AGREEMENT ON BEHALF OF THE CITY OF WHARTON

WHEREAS, the Wharton City Council wishes to enter into a contract with Science Applications International Corporation for Monitoring Services for Debris Clearance and Removal Services; and

WHEREAS, the City of Wharton and Science Applications International Corporation wishes to be bound by the conditions set forth in the agreement; and

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

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

Section I. The Wharton City council hereby approves a contract agreement between the City of Wharton and Science Applications International Corporation.

Section II. The City of Wharton and Science Applications International Corporation are hereby bound by the conditions set forth in the agreement.

Section III. The Mayor of the City of Wharton is hereby authorized to execute the agreement.

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

Passed, Approved, and Adopted this 24th day of June 2013.

CITY OF WHARTON, TEXAS

By: _____
DONALD MUELLER
Mayor Pro-Tem

ATTEST:

PAULA FAVORS

City Secretary

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

The seventh item on the agenda was to review and consider a request by the Wharton Economic Development Corporation for City Council approval of the 2013-2014 Proposed Budget. City Manager Andres Garza, Jr. presented a letter from David Schroeder, Director of the Wharton Economic Development Corporation outlining the 2013-2014 Proposed Budget. Mr. Schroeder presented the 2013-2014 Proposed Budget and provided information on the projected expenditures for buildings in the City that were in need of restoration or demolition. City Manager Garza stated that the City Council Finance Committee met and reviewed the Wharton Economic Development Corporation 2013-2014 Proposed Budget and recommended the City Council consider approving it. After some discussion, no action was taken.

The eighth item on the agenda was to review and consider a Resolution of the Wharton City Council approving an extension of the agreement between the City of Wharton and Harrison, Waldrop & Uherek, L.L.P. for Financial Auditing Services and authorizing the Mayor of the City of Wharton to execute all documents related to the agreement on behalf of the City. City Manager Andres Garza, Jr. stated that on May 10, 2010, the Wharton City Council by Resolution 2010-25 approved a three year agreement with Harrison, Waldrop and Uherek LLP. Finance Director Joan Andel stated that the agreement was for fiscal year 2010, 2011 and 2012. Mrs. Andel said the City Staff was recommending the City Council consider an extension of the agreement for two additional one year extension to allow the City to continue utilizing its auditing services at the same rate. City Manager Garza said the City Council Finance Committee was recommending City Council approval. After some discussion, Councilmember Russell Machann moved to approve City of Wharton Resolution No. 2013-36, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2013 - 36**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AN EXTENSION OF THE AGREEMENT BETWEEN THE CITY OF WHARTON AND HARRISON, WALDROP & UHEREK, L.L.P. FOR FINANCIAL AUDITING SERVICES AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO THE AGREEMENT ON BEHALF OF THE CITY OF WHARTON.

WHEREAS, On May 10, 2010, through Resolution 2010-25 the Wharton City Council awarded a three (3) year contract for Annual Financial Auditing Services to Harrison, Waldrop & Uherek, L.L.P.; and

WHEREAS, the Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute two (2) one year extensions to include the 2012-2013 and the 2013-2014 Annual Financial Audits; and

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WHEREAS, the City of Wharton and Harrison, Waldrop & Uherek, L.L.P wishes 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 the Mayor of the City of Wharton, Texas to execute an extension to the agreement between Harrison, Waldrop & Uherek, L.L.P and the City of Wharton for the 2012-2013 and 2013-2014 Annual Financial Audit.

Section II. That the contract amendment would be for two (2) one year extensions.

Section III. That Harrison, Waldrop & Uherek, L.L.P. and the City of Wharton 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 the 24th day of June 2013.

CITY OF WHARTON

By: _____
DONALD MUELLER
Mayor Pro-Tem

ATTEST:

PAULA FAVORS
City Secretary

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

The ninth item on the agenda was to review and consider the Central Appraisal District Proposed 2014 Budget and Estimated Allocations. City Manager Andres Garza, Jr. presented the Central Appraisal District's Proposed 2014 Budget and Estimated Allocations submitted by Ms. Tylene Gamble, Chief Appraiser of the Central Appraisal District (CAD). City Manager Garza stated that the City Council Finance Committee met and voted to reject the Central Appraisal District Proposed 2014 Budget and Estimated Allocations. After some discussion, no action was taken.

The tenth item on the agenda was to review and consider a request by the City of Wharton for the following:

City Manager Andres Garza, Jr. stated that during the November 12, 2012 regular City Council meeting the City Council authorized the City Staff to develop a Housing Development Plan for Block 57, Lots 8-11 to assist Habitat for Humanity of East Wharton County to construct

affordable housing on the property. City Manager Garza said Habitat for Humanity and the City Staff approached IDC, Inc. for assistance in re-platting the property and through IDC's surveyors, (Huitt-Zollars) they agreed to provide the re-plat at no cost to the City or Habitat for Humanity. City Manager Garza said the City Staff worked with the surveyor to ensure all aspects of the City's subdivision ordinance were being met and identified two variances that were needed. City Manager Garza further stated that the Planning Commission reviewed the variances and re-plat of the property and approved the items on June 17, 2013 and the City Staff also approached Wharton Economic Development Corporation for assistance in installing the infrastructure needed.

- A.** Variance from the City of Wharton Code of Ordinances, Appendix A Subdivisions, Section 5 General Requirements and Design Standards, Item 5.02 Lots by reducing minimum lot depth requirements in Wharton Subdivision, Block 57, Lots 8-11.

City Manager Andres Garza, Jr. presented a copy of the Application for Variance submitted by the City Staff and a copy of the City of Wharton Code of Ordinances, Appendix A Subdivisions, Section 5 General Requirements and design standards, which indicates that lot sizes should be a minimum of 120 feet in depth. Building Official Ronnie Bollom stated that the lot size for those lots cannot be met because a portion of the whole would be retained by the City for the road right of way for Cedar Circle; therefore, the lot sizes need to be reduced. City Manager Garza said the City Staff was requesting the City Council approve a reduction in the minimum lot size requirements for the proposed lots.

- B.** Variance from the City of Wharton Code of Ordinances Section 18-77 – Building line setback requirements, for a ten (10) feet front property line setback variance to Lots 9A & 9B.

Building Official Ronnie Bollom stated that a 10'0" front yard set back variance for Lots 9A & 9B was needed and the City of Wharton Ordinance required a 25'0" front property line setback which would result in a 15' front yard setback from the existing property line.

- C.** Preliminary/Final Replat of four tracts located in the Wharton Subdivision, Block 57, Lots 8-11.

City Manager Andres Garza, Jr. presented a copy of the application for replat submitted by the City Staff requesting approval for Preliminary/Final Replat of the property located at Wharton, Block 57, Lots 8-11. City Manager Garza stated that the proposed replat shows that Wharton Block 57, Lots 8-11 would be re-platted to Lots 8a, 8b, 9a, 9b, 10& 11 and a cul-de-sac street to be named Cedar Circle.

After some discussion, Councilmember Al Bryant moved to approve afore mentioned items A., B., and C. Councilmember Karen Schulz seconded the motion. All voted in favor.

The eleventh item on the agenda was to review and consider an ordinance amending the City of Wharton Code of Ordinances, Chapter 58, Personnel and revoking all ordinances or parts of

ordinances in conflict herewith other provided herein; providing for separability and setting an effective date. City Manager Andres Garza, Jr. stated that the City Staff was continuing to update the City of Wharton Code of Ordinances, Chapter 58 – Personnel had been identified as a chapter that was in need of updating. City Secretary Paula Favors stated that the amendment would update Section 58-1 through 58-4. After some discussion, Councilmember Karen Schulz moved to approve City of Wharton Ordinance No. 2013-14, which read as follows:

**CITY OF WHARTON
ORDINANCE NO. 2013-14**

AN ORDINANCE AMENDING THE CITY OF WHARTON CODE OF ORDINANCES, CHAPTER 58, PERSONNEL AND REVOKING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH OTHER PROVIDED HEREIN; PROVIDING FOR SEPARABILITY AND SETTING AN EFFECTIVE DATE.

BE IT ORDAINED by the City Council of the City of Wharton, Texas that Chapter 58, Personnel, Article I. In General, and Article II. Retirement be amended to read as follows:

Section 58-1. Policy Manual.

- (a.) The City of Wharton Employee Policy Manual, as approved by the Wharton City Council, is declared to be the official personnel policies for employees of the city, and the policies are hereby made a part of this chapter. Such rules shall not supersede any rule or regulation for any employees set forth in the Charter or in any statute of the state of any law of Texas.
- (b.) In all other respects, the rules and regulations set forth in the policy manual shall be followed in connection with all procedures and policies therein set forth with respect to city employees.
- (c.) The City Council by resolution may modify or amend the employee policy manual.

Section 58-2. Affirmative Action Plan

- (a) The City Council by resolution may modify or amend the City of Wharton Affirmative Action Plan.

Sec. 58-3. Employee classification and pay plan.

The City of Wharton employee classification and pay plan, as approved and established by the Wharton City Council, may be modified or amended from time to time by resolution.

Sec. 58-4. - Acceptance of state municipal retirement system.

On behalf of the city, the city council hereby exercises its option and elects to have the city and all of the employees of all departments participate in the Texas Municipal Retirement System (TMRS), as amended, and all of the benefits and obligations of such

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system are hereby accepted as to such employees. The Wharton City Council may modify or amend by ordinance the benefits and obligations of participation in the Texas Municipal Retirement System.

Separability

If any court of competent jurisdiction rules that any section, subsection, sentence, clause, phrase, or portion of this ordinance is 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.

Effective Date

This Ordinance shall become effective on the 24th day of June 2013.

Passage and Approval

PASSED AND APPROVED by the City Council of the City of Wharton, Texas, on the 24th day of June 2013.

CITY OF WHARTON, TEXAS

DONALD MUELLER
Mayor Pro-Tem

ATTEST:

PAULA FAVORS
City Secretary

APPROVED AS TO FORM:

PAUL WEBB
City Attorney

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

The twelfth item on the agenda was to review and consider a request by Steve Wisnieski of Home Run Zone/Moonwalks-N-More:

- A. Request for assistance by the City of Wharton for parking lot improvements at the Home Run Zone/Moonwalks-N-More Project.

- B. **Ordinance:** An Ordinance amending Ordinance 2013-07 authorizing the Mayor of the City of Wharton to allow City assistance to complete a parking lot at the Home Run Zone/Moonwalks-N-More Project – Carolyn and Stephen Wisnieski located at 1810 Stadium Road.

City Manager Andres Garza, Jr. stated that the City Staff had been contacted by Mr. Steve Wisnieski for City assistance on parking lot improvements at the Moonwalks-N-More Project located at 1810 Stadium Road. City Manager Garza presented a letter from Mr. Wisnieski outlining his request and a draft ordinance that would amend the original Chapter 380 Economic Development Agreement to include City assistance for completion of the parking lot. City Manager Garza said Mr. Wisnieski was requesting the City assist him with spreading and compacting materials that he would purchase for the parking lot of the proposed project. City Manager Garza further stated that the City Council Finance Committee met and were recommending City Council approval of the request for assistance by the City of Wharton for parking lot improvements at the Home Run Zone/Moonwalks-N-More Project. After some discussion, Councilmember Russell Machann moved to approve the request for assistance from the City of Wharton for parking lot improvements at the Home Run Zone/Moonwalks-N-More Project and City of Wharton Ordinance No. 2013-15, which read as follows:

**CITY OF WHARTON
ORDINANCE NO. 2013-15**

AN ORDINANCE AMENDING ORDINANCE 2013-07 AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO ALLOW CITY ASSISTANCE TO COMPLETE A PARKING LOT AT THE HOME RUN ZONE/MOONWALKS-N-MORE PROJECT – CAROLYN AND STEPHEN WISNIESKI LOCATED AT 1810 STADIUM ROAD.

WHEREAS, the City of Wharton works to foster private area developments that increase local sales and property tax bases and create employment opportunities; and

WHEREAS, Home Run Zone/Moonwalks-N-More – Carolyn and Stephen Wisnieski of Wharton, Texas, has approached the City for forms of public assistance to complete a facility at 1810 Stadium Road, and;

WHEREAS, the City wishes to assist Carolyn and Stephen Wisnieski at Home Run Zone/Moonwalks-N-More by City assistance in completing a parking lot located on private property;

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

Section 1. The City hereby declares that, the City will lend public assistance to complete Home Run Zone/Moonwalks-N-More Project located at 1810 Stadium road.

Section 2. The Mayor is hereby authorized to execute an Amendment to the Economic Development Agreement with Home Run Zone/Moonwalk-N-More - Carolyn and Stephen Wisnieski substantially in the form of the agreements attached hereto for reference.

Section 3. The Mayor and legal counsel for the City are hereby authorized to coordinate Home Run Zone/Moonwalk-N-More - Carolyn and Stephen Wisnieski to finalize, implement, and administer the additional subsidiary activities and documents related hereto to foster the completion of the private development that will enhance the area sales and property tax bases, while creating area employment opportunities, in furtherance of the public interest and for the benefit of area citizens.

PASSED AND APPROVED THIS 24th DAY OF JUNE 2013.

CITY OF WHARTON

DONALD MUELLER
Mayor Pro-Tem

Attest:

PAULA FAVORS
City Secretary

Approved as to Form:

PAUL WEBB
City Attorney

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

The thirteenth item on the agenda was to review and consider a resolution of the Wharton City Council authorizing the Mayor of the City of Wharton to execute an agreement with Farm and Ranch Aerial Services, Inc. for Mosquito Control Services. City Manager Andres Garza, Jr. presented a draft contract between the City of Wharton and Farm and Ranch Aerial Services, Inc. to spray for mosquitoes in the City of Wharton area. City Manager Garza stated that with the anticipation of another summer with a heavy mosquito population, the City Staff was requesting City Council approval for aerial spraying in case it was needed. City Manager Garza said the resolution would authorize the Mayor as the City's Emergency Management Director to authorize the spraying. After some discussion, Councilmember Al Bryant moved to approve City of Wharton Resolution No. 2013-37, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2013-37**

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE AN AGREEMENT WITH FARM AND RANCH AERIAL SERVICES, INC. FOR MOSQUITO CONTROL SERVICES.

WHEREAS, mosquitoes have become a public health issue in Wharton County; and

WHEREAS, the Wharton City Council wishes to engage the services of Farm and Ranch Aerial Spraying, Inc. to provide Mosquito Control Services to protect the health of the citizens of the City of Wharton; and

WHEREAS, the City of Wharton and Farm and Ranch Aerial Spraying, Inc. wishes to be bound by the conditions set forth in said contract; and

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

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

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

Section 1. The Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute a Mosquito Control Services Contract with Farm and Ranch Aerial Services, Inc. to conduct aerial spraying services in the City of Wharton area.

Section 2. The City of Wharton and Farm and Ranch Aerial Services are hereby bound by the conditions set forth in the agreement.

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

Passed, Approved and Adopted this 24th day of June 2013.

CITY OF WHARTON, TEXAS

By: _____
DONALD MUELLER
MAYOR PRO-TEM

ATTEST:

BY: _____
PAULA FAVORS

CITY SECRETARY

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

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

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

City Manager Andres Garza, Jr. stated that three vacancies remained on afore mentioned board. After some discussion, no action was taken.

The fifteenth item on the agenda was to review and consider the Status Report on City of Wharton Projects. City Manager Andres Garza, Jr. presented a copy of his memorandum dated June 24, 2013 providing an update on the City of Wharton current projects.

REDUCTION (LEVEE) PROJECT

The U.S. Army Corp of Engineers (USACE) Lower Colorado River Phase I Report - City of Wharton Flood Prevention Project and Recommended report is located at the Wharton County Library and the office of the City of Wharton City Secretary for viewing or the report may be viewed on line at <http://www.cityofwharton.com/information-a-notices/lcrb-feasibility-study>.

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

This design is for the first phase of levee construction along the Colorado River. The segment that is under design is from FM 102 to Business 59.

DRAINAGE:

1. Santa Fe Outfall Channel.

The Public Works Department has finished excavation of the channel. During the month of June, no routine maintenance was required on the Channel. The channel is slowly increasing in

grass cover which is allowing several eroded areas to heal themselves over time. Public Works will continue installing grade stabilization structures to eliminate erosion thereby reducing or eliminating the need to reshape the channel areas with active erosion. The Public Works Department has installed six grade stabilization structures or pipe drops along the channel so far. These structures are part of the original engineering design and not only control erosion but are helping to improve drainage in the city by serving as the outfall for water that has been redirected to the Santa Fe Channel. The City Staff met with property owners along the channel a few months ago to discuss work that needed to be performed by the City in accordance with the agreements. Work on some of the property owners land is now complete. The City Staff will continue to work on completing the agreements with the remaining property owners over the next several months weather permitting.

2. Highway 60 & Old Lane City Road Drainage Improvements

TxDOT and the Public Works Department has finished re-grading the ditch along the South side of Hwy 60. The ditch re-grading project is approximately 90% complete. Crews also completed installation of the sloped paving at culvert inlets and outlets on the south side of Hwy 60. The Public Works Department continued re-grading the ditch on the North side during June. The Public Works Department should complete the remaining ditch work on the North side and install the remaining structures over the next two to three weeks. The City Staff anticipate completion in the month of July, weather permitting.

WATER/SEWER IMPROVEMENTS:

1. 2012 -2013 Water Storage Tank Maintenance Program

The hydropneumatic tank is required for continued service after the elevated storage tank is dismantled. The City Staff approved the final design and the bid was advertised to the public. The City has executed a contract with the contractor to complete all work. The City Staff attended a pre-construction meeting with Jones & Carter and the contractor this month. The contractor has ordered the tank and will not begin the bulk of the work until the tank is completed. The tank should be completed within the next one to two months and work will commence.

2. Pressure Switches at City Water Plants

Jones & Carter replaced the faulty pressure control switches with new control switches earlier this month. Jones & Carter paid for the switches and the installation. City Staff is closely monitoring the performance of the new switches, which are functioning as designed. Staff will continue to monitor and tweak the switches for optimum performance. These switches are designed to minimize and equalize pumping times, thereby extending the life of the water plants.

3. Wastewater Treatment Plant No. 1 Rehabilitation Proposal

City Staff is currently exploring various avenues to fund the rehabilitation of WWTP No. 1. The top priority is the WWTP's clarifier. The City Staff is working with Jones & Carter, Inc. to plan and prepare preliminary cost estimates for the WWTP No. 1 Rehabilitation project.

The Public Works Department with the assistance of Jones & Carter, Inc. is developing plans to fix a failing force main line used to bypass sewer influent in an effort to avoid any catastrophic failures.

4. On-going Water and Sewer Maintenance Program

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

The Public Works Department has developed a preliminary layout for a sanitary sewer extension on Alabama St from Texas St to SE Ave. This new line will provide enough depth to reroute the 1940s sewer lines between Texas St, Koehl St, and Speed St. This area has old lines that have severely deteriorated and are laid on a flat slope causing a major increase in sewer back-ups. The new line will also alleviate sewer problems at Svatek's Grocery and Angel's Care Home Health at the intersection of Alabama Rd and Alabama St. Jones & Carter has prepared preliminary cost estimates for this project.

The City's aging lift stations continues to keep the Public Works Department busy, especially with pump and float failures. The City Staff with the assistance of Jones & Carter, Inc. has prepared preliminary cost estimates for rehabilitating the lift stations.

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 on nights and weekends. The Public Works Department is coordinating with Code Enforcement to begin a grease trap inspection program at restaurants throughout town. The City Staff hopes this will eliminate some of the unnecessary grease build up and sewer back-ups along Richmond Rd and other areas of the City.

STREET IMPROVEMENTS

1. FM 1301 Extension and Overpass Project Progress Report

IDC Inc. continues to work with City Staff in an effort to develop preliminary engineering for the project. The City Staff has obtained the necessary rights of entry agreements for the project. The City Staff continues to coordinate with TxDOT to ensure the project continues to move forward.

The City Staff and IDC Inc. coordinated via e-mail and telephone this month in a continuing effort to complete drainage associated with the project. Attached is the IDC Program Report.

2. 2012 Street Improvement Program

The Public Works Department began making street improvements the week of May 21, 2012.

The Interlocal Cooperation Agreement between the City of Wharton and the City of El Campo for use of equipment was renewed on July 9, 2012. This agreement allows both cities to complete street improvements at a reduced cost through the sharing of construction equipment.

The Public Works Staff was able to obtain some hot mix during June and resume patch work on Fulton and Alabama. In an effort to complete this project cold mix is also being used to repair a few

patches when hot mix is not available. The City crews expect to complete this project prior to the end of July.

3. 2013 Street Improvement Program

The City Staff has identified streets needing repair in 2013 and completed cost estimates for these repairs. The estimates and recommendations from the City Staff will be made to the Public Works Committee in the upcoming weeks.

4. Wharton Sidewalk Accessibility and Historic Streetscape Project

On June 11, 2013 the City Staff held a pre-construction meeting with the contractor M & C Fonseca and TxDOT representatives. The lowest bidder was M & C Fonseca Construction Co. Inc. This project is expected to commence prior to the end of June.

5. Willowbend/Kelving Way Court Drainage Project

The Public Works Department completed excavation of a shallow swale in the 32 feet easement between Willowbend Dr. and Kelving Way Ct. at the end of December. On June 12, 2013 the City Council Public Works Committee met with Ms. Doris Teague to address her request in her letter dated May 20, 2013. The Committee requested the City Staff formulate an alternate plan then meet again before making a recommendation to the City Council.

6. Stavena Addition Drainage Project

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

7. On-going Street and Drainage Maintenance Program

The Public Works Department has been working to clean residential drainage ditches that have been experiencing poor drainage. These efforts to improve drainage are paying off. Areas that use to flood are no longer flooding. The Public Works Department has been noticing a significant decrease in citizen complaints during larger rainfall events concerning poor drainage. The City Staff continued this drainage improvement effort through June. The Public Works Department has noticed a significant drop in drainage complaints and attributes the decrease to the improvements being made.

WHARTON REGIONAL AIRPORT

1. Capital Improvement Drainage Project.

This project is complete.

OTHER PROJECTS

1. Fire Hydrant Testing Program and ISO Rating

The Fire Department, with the assistance of the Public Works Department, has begun an annual hydrant testing program. The Fire Department has completed testing on all the City's hydrants. The majority of the hydrants were in good working condition. Those in need of maintenance have been repaired by the City's Public Works Staff. This program will help to improve the City's ISO insurance rating.

The City Staff met with a Verisk Insurance Solutions representative on March 21, 2013 to discuss the preliminary report on the new ISO insurance rating recently submitted to the City. The City Staff will be submitting recommendations to Verisk Insurance Solutions on at the end of April in hopes of lowering the ISO rating even more.

2. Wharton County / City of Wharton Web Map Project

The City Staff continues to work with Halff Associates to complete the initial design for the Web based GIS mapping tool. This tool will help City Staff and City Officials make daily decisions by allowing them to view GIS data files via the Internet.

The City Staff has been working with the City of El Campo to discuss and develop alternative plans. In addition the City Staff is working with the CAD staff to discuss how to improve their Parcel map. The City Staff believes the Parcel Maps will be backbone of the overall GIS system.

After some discussion, no action was taken.

The sixteenth item on the agenda was City Council Boards, Commissions, and Committees:

- A. Beautification Commission Meeting held Wednesday June 12, 2013.
- B. Planning Commission Meeting held Monday June 17, 2013.
- C. Wharton Economic Development Corporation Board Meeting held Monday June 17, 2013.

After some discussion, no action was taken.

The seventeenth item on the agenda was City Manager's Reports:

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

City of Wharton
Regular Council Meeting
June 24, 2013

The eighteenth item on the agenda was adjournment. After some discussion, Councilmember Karen Schulz moved to adjourn. Councilmember Al Bryant seconded the motion. All voted in favor.

The meeting adjourned at 7:38 p.m.

CITY OF WHARTON, TEXAS

By: _____
Don Mueller
Mayor Pro-Tem

ATTEST:

Paula Favors
City Secretary