

**MINUTES
OF
CITY OF WHARTON
REGULAR CITY COUNCIL MEETING
OCTOBER 28, 2013**

Mayor Domingo Montalvo, Jr. declared a Regular Meeting duly open for the transaction of business at 7:00 P.M at City Hall 120 E. Caney Street Wharton, TX. Mayor Domingo Montalvo, Jr. led the opening devotion and the pledge of allegiance.

Councilmember's present were: Mayor Domingo Montalvo, Jr., Councilmembers Al Bryant, Terry David Lynch, Russell Machann, Don Mueller, and Karen Schulz.

Councilmember absent was: Jeff Gubbels.

Staff members present were: City Manager Andres Garza, Jr., City Attorney Paul Webb, Finance Director Joan Anandel, Emergency Management Coordinator Steve Johnson, Fire Chief Anthony Abbott, Fire Marshal Todd Johse, Interim Public Works Director Phil Bush, and City Secretary Paula Favors.

Visitors present were: David Schroeder, Executive Director of the Wharton Economic Development Corporation (WEDCO), Carlos Cotton, P.E. with Jones and Carter, Inc., Doug Kirkley, Cliff Braddock, Jeff Coffee with American Fireworks, John Perches, Majin Santana, Francisca Santana, Shelby Santana, Carol Wootton, Mark Castillo, Sarah Lynch, and Carol Lynch.

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

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

The fourth item on the agenda was the Wharton Moment. Councilmember Don Mueller recognized long time Wharton resident and Ex-Councilmember Doc Barfield's 90th birthday. Councilmember Mueller said Mr. Barfield enjoyed a reception at his home honoring his birthday.

The fifth item on the agenda a proclamation declaring October 20, 2013 as Mark Castillo Special Recognition Day in the City of Wharton, Texas. Mayor Domingo Montalvo, Jr.

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presented the proclamation declaring October 20, 2013 as Mark Castillo Special Recognition Day in the City of Wharton, Texas, the proclamation read as follows:

**CITY OF WHARTON
OFFICE OF THE MAYOR**

PROCLAMATION

WHEREAS, Mark Castillo was raised in Wharton, Texas and has been a long-time member of Peace Tabernacle Church of Wharton, Texas; and,

WHEREAS, In 2012, when former fellow church member and his dear friend, Chad Fisher, fell severely ill to diabetes which required a kidney transplant, Mark made an unselfish decision to be tested as a donor; and,

WHEREAS, Test results found Mark's kidney to be a perfect match for the transplant; and,

WHEREAS, In February 2013, Mark Castillo traveled to Arkansas and underwent surgery to aid his ill friend; and,

WHEREAS, Mark was honored by his church family of Wharton's Peace Tabernacle Church in a special testimonial service featuring Chad Fisher and the Fisher family followed by an appreciation reception on October 20, 2013.

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

Sunday, October 20, 2013 as

“Mark Castillo Special Recognition Day”

IN WITNESS THEREOF, I have set my hand and caused the seal of the City of Wharton to be affixed this 20th day of October, in the year of our Lord two thousand thirteen A.D.

Domingo Montalvo, Jr., Mayor

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The sixth item on the agenda was to review and consider City of Wharton Financial Report for the month of September 2013. Finance Director Joan Anandel presented the financial report for the month of September 2013. Mrs. Anandel stated that the TexPool balance for September was \$151,298.44 with an average monthly yield of .04%. She said the Prosperity Bank balance for September 2013 was \$6,249,590.29 with an average monthly yield of .15%. After some discussion, Councilmember Don Mueller moved to approve the City of Wharton Financial Report for the month of September 2013. Councilmember Al Bryant seconded the motion. All voted in favor.

The seventh item on the agenda was to review and consider Reschedule: Regular City Council meeting of November 11, 2013 due to the observance of Veteran's Day Holiday. City Manager Andres Garza, Jr. stated that the next regular City Council meeting was scheduled to be held on Monday, November 11, 2013. City Manager Garza said that on that day, the City Offices would be closed in observation of Veteran's Day and the meeting could be rescheduled for the following day, November 12th, 2013, or any day prior to the next scheduled meeting day which would be November 25th, 2013. After some discussion, Councilmember Terry David Lynch moved to reschedule the Regular City Council meeting from November 11, 2013 to November 13, 2013. Councilmember Russell Machann seconded the motion. All voted in favor.

The eighth item on the agenda was to review and consider a resolution of the Wharton City Council accepting a sub-recipient grant award from the Texas Department of Public Homeland Security Grant Program (HSGP) for funding for a Mobile Command Unit and authorizing the Mayor of the City of Wharton to execute the agreement. City Manager Andres Garza, Jr. stated that the Public Safety Committee met on October 15th, 2013 to discuss accepting a sub-recipient award from the Texas Department of Public Safety from the Homeland Security Grant Program (HSGP) in the amount of \$70,000.00 to be equally divided between the City of Wharton and the City of El Campo towards outfitting of Mobile Command Units. Emergency Management Coordinator Steve Johnson stated that in order to use the funds, the City of Wharton as the sub-recipient must accept the funding before November 4, 2013. City Manager Garza said the Public Safety Committee recommended the City Council consider accepting the award. After some discussion, Councilmember Don Mueller moved to approve City of Wharton Resolution No. 2013-58, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2013-58**

**A RESOLUTION OF THE WHARTON CITY COUNCIL ACCEPTING A
SUB-RECIPIENT GRANT AWARD FROM THE TEXAS DEPARTMENT
OF PUBLIC HOMELAND SECURITY GRANT PROGRAM (HSGP) FOR
FUNDING FOR A MOBILE COMMAND UNIT AND AUTHORIZING THE
MAYOR OF THE CITY OF WHARTON TO EXECUTE THE
AGREEMENT.**

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WHEREAS, the City of Wharton received a sub-recipient grant award in the amount of \$70,000 from the Texas Department of Public Safety under the Homeland Security Grant Program for the funding of a Mobile Command Unit; and,

WHEREAS, the Wharton City Council wishes to accept the Texas Department of Public Safety for the grant award in the amount of \$70,000; and

WHEREAS, the City of Wharton and the City of El Campo will equally divide the grant to go towards outfitting a Mobile Command Unit; 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. That the Wharton City Council hereby accepts the grant from the Texas Department of Public Safety under the Homeland Security Grant Program for funding in the amount of \$70,000.00 to be equally divided with the City of El Campo for the funding of a Mobile Command Unit.

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

Section III. That 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 28th day of October 2013.

CITY OF WHARTON, TEXAS

By: _____
DOMINGO MONTALVO, JR.
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

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The ninth item on the agenda was to review and consider a Progressive Payment Request No. 2 by Jones & Carter, Inc. from Schier Construction Company. City Manager Andres Garza, Jr. presented a letter from Jones & Carter, Inc. dated October 7, 2013 requesting Progress Payment Request No. 2 dated August 31, 2013 from Schier Construction Company for Construction of Hydropneumatic Tank Addition at Cloud Street Water Plant in the amount of \$19,710.00. Carols Cotton, P.E. with Jones and Carter, Inc., stated Schier Construction Company was requesting a Progressive Payment Request No. 2 for their work on the Construction of the Hydropneumatic Tank Addition at the Cloud Street Water Plant. After some discussion, Councilmember Don Mueller moved to approve the Progressive Payment Request No. 2 by Jones & Carter, Inc. from Schier Construction Company in the amount of \$19,710.00. Councilmember Al Bryant seconded the motion. All voted in favor.

The tenth item on the agenda was to review and consider a resolution of the City Council of the City of Wharton, Texas, committing to a payment of \$7,831.33 for 22.5% of total GIS Consulting Payment No. 1 totaling \$34,800.00, due February 1, 2014 for GIS Parcel Mapping. City Manager Andres Garza, Jr. stated that on October 23, 2013, the City Council Public Works Committee met and discussed the proposal for the Wharton Appraisal District to provide a mapping system to support the geographic information system (GIS) being developed by the cities of Wharton, El Campo and East Bernard and Wharton County. City Manager Garza said the Committee voted to recommend approval of the City of Wharton's proportional share of the cost and the GIS System would allow the Cities and County to enhance their systems and the funding would come from the City's Water and Sewer Fund. City Manager Garza stated the most important and basic foundation of the system was an accurate base map that could be updated on an actual time basis. After some discussion, Councilmember Russell Machann moved to approve City of Wharton Resolution No. 2013-59, which read as follows:

**CITY OF WHARTON, TEXAS
RESOLUTION NO. 2013-59**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHARTON, TEXAS, COMMITTING TO A PAYMENT OF \$7,831.33 FOR 22.5% OF TOTAL GIS CONSULTING PAYMENT NO. 1 TOTALING \$34,800.00, DUE FEBRUARY 1, 2014 FOR GIS PARCEL MAPPING.

WHEREAS, a need exists to collaborate with Wharton County Central Appraisal District to ensure that a GIS parcel mapping system is put in place to serve as a critical component for the countywide information infrastructure;

WHEREAS, participation is necessary to support funding commitments from Wharton County at 50%, the City of El Campo at 22.5% and the City of East Bernard at 5%, for Payment No. 1;

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WHEREAS, participation is necessary to support funding commitments from Wharton County Central Appraisal District for payments 2 and 3 in years 2015 and 2016 for \$34,800.00 and \$34,817.85;

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

Section I. The City commits \$7,831.33 for 22.5% of the Total BIS Consulting Payment No. 1 totaling \$34,800.00, due February 1, 2014.

Section II. The City commits to make timely payment upon invoicing by Wharton County Central Appraisal District after contract signing.

Section III. This resolution is effective once approved.

PASSED AND APPROVED on this 28th day of October, 2013.

CITY OF WHARTON, TEXAS

By: _____

DOMINGO MONTALVO, JR.
Mayor

ATTEST:

PAULA FAVORS
City Secretary

Councilmember Terry David Lynch 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 authorizing the Mayor to execute on behalf of the City a contract with Dunham Engineering, Inc. for professional engineering services with the City of Wharton for rehabilitation of two ground water storage tanks. City Manager Andres Garza, Jr. presented a resolution authorizing a contract with Dunham Engineering, Inc. for the rehabilitation of two ground water storage tanks on the Alabama Road Water Plant. City Manager Garza stated that the City had used Dunham Engineering in the past for this type of work and they were very knowledgeable of the City's facilities and did the City's annual inspections of the water storage tank as required by TCEQ. City Manager Garza said the City Council Public Works Committee met on October 23, 2013 and voted to recommend approval of the agreement of which funding for the project was included in

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the 2013 Bond Fund. After some discussion, Councilmember Terry David Lynch moved to approve City of Wharton Resolution No. 2013-60, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2013 - 60**

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY A CONTRACT WITH DUNHAM ENGINEERING, INC FOR PROFESSIONAL ENGINEERING SERVICES WITH THE CITY OF WHARTON FOR REHABILITATION OF TWO GROUND WATER STORAGE TANKS.

WHEREAS, the City of Wharton City Council wishes to authorize Mayor Domingo Montalvo, Jr. to execute a professional engineering services contract between Dunham Engineering, Inc. and the City of Wharton for the rehabilitation of two ground water storage tanks; and

WHEREAS, Dunham Engineering, Inc. wishes to accept a contract for professional engineering services with the City of Wharton; and

WHEREAS, the City of Wharton and Dunham Engineering, Inc. wish to be bound by the conditions as set forth in said contract.

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 Mayor Domingo Montalvo, Jr. to execute a contract with Dunham Engineering, Inc. for professional engineering services for the rehabilitation of two ground water storage tanks.

Section II. That the City of Wharton and Dunham Engineering, Inc. are hereby bound by the conditions as set forth in said contracts.

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

Passed, Approved, and Adopted this 28th day of October 2013.

CITY OF WHARTON, TEXAS

By:

DOMINGO MONTAVLO, JR.

Mayor

ATTEST:

PAULA FAVORS
City Secretary

Councilmember Karen Schulz 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 authorizing the City Manager to purchase (1) Model XL 3300 Gradall and (1) Model CX31 Case Compact Excavator through Buyboard Cooperative Purchasing Program from ASCO Equipment Company and setting an effective date. City Manager Andres Garza, Jr. presented a resolution authorizing the City Manager to purchase construction equipment from ASCO Equipment Company through Buyboard Cooperative Purchasing Program and a copy of the memorandum submitted to him by Interim Public Works Director Phillip Bush regarding his recommendation on the purchase. City Manager Garza stated that the City Council Public Works Committee met on October 23, 2013 and voted to recommend the purchase of the equipment to the City Council. Interim Public Works Director Phil Bush stated both pieces of equipment would help aid the Public Works Department and save on any future rental charges. After some discussion, Councilmember Karen Schulz moved to approve City of Wharton Resolution No. 2013-61, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2013-61**

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE CITY MANAGER TO PURCHASE (1) MODEL XL 3300 GRADALL AND (1) MODEL CX31 CASE COMPACT EXCAVATOR THROUGH BUYBOARD COOPERATIVE PURCHASING PROGRAM FROM ASCO EQUIPMENT COMPANY AND SETTING AN EFFECTIVE DATE.

WHEREAS, the City of Wharton wishes to purchase one (1) Model XL 3300 Gradall and (1) Model CX31 Case Compact Excavator; and

WHEREAS, the 2013 Bond Issue allocated \$300,000.00 towards the purchase of construction equipment; and

WHEREAS, the City of Wharton wishes to purchase the Model XL 3300 Gradall in the amount of \$253,568.55 and the Model CX31 Case Compact Excavator in the amount of \$35,983.74. Both pieces of equipment will purchased through Buyboard Cooperative Purchasing Program from ASCO Equipment Company totaling \$289,552.29; and

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WHEREAS, the Wharton City Council wishes to authorize the City Manager of the City of Wharton to sign all documents related to said contract purchase.

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 the purchase of the one (1) Model XL 3300 Gradall and one (1) Model CX31 Case Compact Excavator through Buyboard from ASCO Equipment Company in the amount of \$289,552.29 for the City of Wharton Public Works Department.

Section II. That the Mayor of the City of Wharton is hereby authorized to sign all documents related to the contract.

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

Passed, Approved, and Adopted this 28th day of October 2013.

CITY OF WHARTON, TEXAS

By: _____
Domingo Montalvo, Jr.
Mayor

ATTEST:

Paula Favors
City Secretary

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

The thirteenth item on the agenda was to review and consider a request by Mr. Jeff Rainer, Wharton Chamber of Commerce & Agriculture 2013 Holiday Parade Chairman for the Wharton Holiday Parade for the following:

- A. **Ordinance:** An ordinance approving the 2013 Chamber of Commerce & Agriculture Holiday Parade Permit and authorizing the Wharton Police Department to redirect traffic.
- B. City of Wharton to provide five (5) portable lights for use during the parade.

City Manger Andres Garza, Jr. presented a copy of the letter dated October 14, 2013 from Mr. Jeff Rainer, Wharton Chamber of Commerce and Agriculture 2013 Parade Chairman requesting City Council's approval to approve a draft ordinance authorizing the Police

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Department to redirect traffic for the 2013 Wharton Holiday Parade. City Manager Garza stated that Mr. Rainer was also requesting City Council's authorization to request the assistance of Facilities Director, Bob Baker to obtain the five (5) portable lights needed during the parade. City Manager Garza said the parade was scheduled to be held on Tuesday, November 26th at 7:00 PM. After some discussion Councilmember Karen Schulz moved to approve the afore mentioned items A. and B. and City of Wharton Ordinance No. 2013-26, which read as follows:

**CITY OF WHARTON
ORDINANCE NO. 2013-26**

**AN ORDINANCE APPROVING THE 2013 CHAMBER OF COMMERCE &
AGRICULTURE HOLIDAY PARADE PERMIT AND AUTHORIZING THE
POLICE DEPARTMENT TO REDIRECT TRAFFIC.**

WHEREAS, the Wharton Chamber of Commerce and Agriculture has filed an application for a parade permit with the City of Wharton Police Department as required under the City of Wharton Code of Ordinances, Chapter 82, Article III, Sec. 82-91; and

WHEREAS, the requested parade route requires the City of Wharton to close State Highway 60 (Burlson Street and Milam Street) from its intersection with Alabama Road and Polk Street; and

WHEREAS, the closure of State Highway 60 will be for a time of less than four (4) hours; and

WHEREAS, the closure will require the detouring of all traffic according to the map (Attachment A) attached to this ordinance; and

WHEREAS, the routing of all traffic will include truck traffic to Alabama Road which is prohibited by ordinance; and

WHEREAS, the City Council wishes to suspend for the duration of the parade the enforcement of said ordinance of trucks traveling on Alabama Road; and

WHEREAS, if there are any other ordinances that would be violated because of the re-routing of all traffic their suspension is hereby authorized.

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

Section I. The parade permit for the Wharton Chamber of Commerce and Agriculture is hereby approved.

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- Section II.** The parade route is hereby approved as detailed in the attached map (Attachment A) which is hereby made part of this ordinance.
- Section III.** The closure of all streets as indicated in said map identified in Section II are hereby authorized.
- Section IV.** The traffic detour plan as identified in Section III above is hereby approved.
- Section V.** The Chief of Police and City Staff are hereby authorized to make the necessary expenditures needed to ensure the safety of the public.
- Section VI.** This ordinance shall become effective on the 26th day of November 2013 and remain in effect until such time that the parade concludes.

Passed, Approved and Adopted this 28th day of October 2013.

CITY OF WHARTON, TEXAS

By: _____
DOMINGO MONTALVO, JR.
Mayor

ATTEST

PAULA FAVORS
City Secretary

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

The fourteenth item on the agenda was to review and consider a resolution of the Wharton City Council approving a contract for the purchase of one (1) ladder truck from Metro Fire Apparatus Specialists, Inc. through the Houston-Galveston Area Council Cooperative Purchasing Program for the Wharton Fire Department and authorizing the Mayor of the City of Wharton to execute the agreement. City Manager Andres Garza, Jr. stated that in the 2013 Bond Fund the City Council authorized \$1,000,000.00 towards the purchase of a ladder fire truck for the Wharton Fire Department. City Manager Garza presented a memorandum from Wharton Volunteer Fire Chief Anthony Abbott submitting the Departments recommendation on the purchase. Chief Abbott stated that the difference in the cost had been submitted to the City from the Wharton Volunteer Firefighter Association Inc. ESD check in the amount of \$61,800. After some discussion,

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Councilmember Terry David Lynch moved to approve City of Wharton Resolution No. 2013-62, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2013-62**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING A CONTRACT FOR THE PURCHASE OF ONE (1) LADDER TRUCK FROM METRO FIRE APPARATUS SPECIALTISTS, INC. THROUGH THE HOUSTON-GALVESTON AREA COUNCIL COOPERATIVE PURCHASING PROGRAM FOR THE WHARTON FIRE DEPARTMENT AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE THE AGREEMENT.

WHEREAS, the Wharton City Council wishes to purchase one (1) ladder truck for use by the Wharton Fire Department; and

WHEREAS, the Wharton City Council wishes to purchase the ladder truck through the Houston-Galveston Area Council Cooperative Purchasing Program from Metro fire Apparatus Specialists, Inc. in the amount of \$1,061,800; and

WHEREAS, the Wharton Fire Department contributed \$61,800 to offset the difference in the allotted cost; and

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

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 purchase the heavy rescue truck through the Houston-Galveston Area Council Cooperative Purchasing Program from MFAS, Inc. in the amount of \$1,061,800 for the Wharton Fire Department.

Section II. That the Mayor of the City of Wharton is hereby authorized to sign all documents related to the contract.

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

Passed, Approved, and Adopted this 28th day of October 2013.

CITY OF WHARTON, TEXAS

By: _____
Domingo Montalvo, Jr.
Mayor

ATTEST:

Paula Favors
City Secretary

Councilmember Al Bryant seconded the motion. Councilmembers Terry David Lynch, Don Mueller and Russell Machann voted for the motion. Councilmember Karen Schulz voted against the motion. The motion carried.

The fifteenth item on the agenda was to review and consider the City of Wharton Fireworks Ordinance:

- A. Request by John D. Perches of Wadler Perches Hundl Kerlick Attorneys at Law on behalf of Majin Santana / Alamo Fireworks for a five (5) year exemption to the ordinance that would exempt firework operations 2,000 feet or more from the City Limits.
- B. Request by Jeff Coffee to address the City Council concerning the City's Fireworks Ordinance.

City Manager Andres Garza, Jr. presented copies of the letters for the above mentioned requests and a copy of the City's Ordinance adopted on June 10, 2013. City Manager Garza stated that the City Council passed Ordinance 2013-13 allowing the sell of fireworks 4,000 from the City Limits until June 1, 2018. John D. Perches of Wadler Perches Hundl Kerlick Attorneys at Law stated he represented Mr. Majin Santana, owner of Alamo Fireworks, and was requesting the City Council allow a five (5) exemption which allowed the sell of fireworks 2,000 feet or more from the City Limits. Mr. Jeff Coffee with American Fireworks stated that he moved his location to comply with the original Ordinance requiring the sell of fireworks to be 5,000 feet from the City Limits when property was annexed causing a move of the City Limits. After some discussion, no action was taken.

The sixteenth item on the agenda was to review and consider authorization to negotiate an agreement with PEPCO Energy Services for a Citywide Energy Management Service and Performance Contract. City Manager Andres Garza, Jr. stated that on September 24, 2013, the Finance Committee met to rank the five (5) Request for Qualification's (RFQ) received from Energy Consultants. Finance Director Joan Andel stated that the top three (3) companies were interviewed on October 2, 2013 and presentations were made to the committee. Mrs. Andel stated that based on rankings of the three companies interviewed, PEPCO Energy Services was ranked the highest. City Manager Garza presented a copy of Finance Director Joan Andel's memorandum and stated that the Committee was recommending the City Council authorize contract negotiations with PEPCO. After some discussion, Councilmember Terry David Lynch moved to approve authorization to negotiate an agreement with PEPCO Energy Services for a Citywide Energy Management Service and Performance Contract. Councilmember Al Bryant seconded the motion. All voted in favor.

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The seventeenth item on the agenda Status Report on City of Wharton Projects. City Manager Andres Garza, Jr. presented a copy of his memorandum dated October 22, 2013 providing an update on the City of Wharton current projects.

FLOOD REDUCTION (LEVEE) PROJECT

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

Halff Associates submitted the 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

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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

Project has been completed.

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 contractor has begun installing the system. The hydropneumatic tank installation should be completed within the next one to two months and work on the dismantling of the elevated tank should commence once the hydropneumatic tank is in service.

2. On-going Water and Sewer Maintenance Program

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

Grease build up has continued to be a problem in the sanitary sewer lines and manholes along Richmond Rd. This results in sewer back-ups and has kept crews busy. The Public Works Department is coordinating with Code Enforcement to begin a grease trap inspection program at restaurants throughout town. The City Staff hopes this will eliminate some of the unnecessary grease build up and sewer back-ups along Richmond Rd and other areas of the City.

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 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. On June 24, 2013 IDC, Inc. received the approved schematics, thus allowing the firm to move forward in design. There were some modifications that would be incorporated into the final design. IDC representatives met with the City Staff on September 6, 2013 to discuss the project. On September 13th, IDC representatives and City Staff held a telephone conference call with TxDOT representatives that informed the City that the State had completed review of the environmental document and would be submitting to the Federal Highway Administration for final review. The Federal Highway

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Administration has reviewed the environmental document and has requested responses to their comments.

2. 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 have been made to the City Council in the Bond Program. However, the Staff is refining the list of streets to recommend to the City Council Public Works Committee for consideration.

3. Wharton Sidewalk Accessibility and Historic Streetscape Project

This project is moving along on Milam Street with M&C Fonseca Construction Company. The City has begun notifying property owners of the improvements. The sidewalk has been replaced on West Milam Street from Richmond Road to Sunset Street.

4. Stavena Addition Drainage Project

The preliminary survey has been completed and we will be looking someone to handle the design work.

5. 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 used 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 September. The Public Works Department has noticed a significant drop in drainage complaints and attributes the decrease to the improvements being made and lack of rain.

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 implemented an annual hydrant testing program. The majority of the hydrants are 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.

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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 also been working with the Cities of El Campo, East Bernard, and Wharton County, to discuss and develop ways to improve the CAD's parcel map for the GIS application. The City Staff believes the Parcel Map improvements will be the backbone of the overall GIS system. Presentations have been made to the CAD Board requesting their assistance. If approval by the CAD Board work on the GIS base mapping could begin by early next year.

After some discussion, no action was taken.

The eighteenth item on the agenda was to review and consider a request for water service outside of City Limits. City Manager Andres Garza, Jr. presented a copy of a City of Wharton Application for Utility Service from Ms. Ludmila Gramann for water service outside of City Limits. City Manager Garza stated that the request was just to extend the current line for water service and it would not include sewer. After some discussion, Councilmember Al Bryant moved to approve the request for water service outside the City Limits to Ms. Ludmila Gramann. Councilmember Russell Machann seconded the motion. All voted in favor.

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

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

City Manager Andres Garza, Jr. presented a letter from Mr. Michael Limas, Campus Pastor of Grace Community Fellowship expressing an interest in joining the Beautification Commission. After some discussion, Councilmember Terry David Lynch moved to appoint Mr. Michael Limas to the Beautification Commission with a term ending June 30, 2015. Councilmember Russell Machann seconded the motion. All voted in favor.

The twentieth item on the agenda was City Council Committees, Boards and Commission's Reports:

- A. Mayor's Committee on People with Disabilities meeting held October 8, 2013.
- B. Beautification Committee meeting held October 9, 2013.
- C. Public Safety Committee meeting held October 15, 2013.
- D. Public Works Committee meeting held October 23, 2013.

After some discussion, no action was taken.

City of Wharton
Regular Council Meeting
October 28, 2013

The twenty-first 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. |

After some discussion, no action was taken.

The twenty-second item on the agenda was adjournment. After some discussion, Councilmember Don Mueller moved to adjourn. Councilmember Al Bryant seconded the motion. All voted in favor.

The meeting adjourned at 8:08 p.m.

CITY OF WHARTON, TEXAS

By: _____
Domingo Montalvo, Jr.
Mayor

ATTEST:

Paula Favors
City Secretary