

**MINUTES
OF
CITY OF WHARTON
REGULAR CITY COUNCIL MEETING
NOVEMBER 25, 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, Jeff Gubbels, Russell Machann, and Karen Schulz.

Councilmembers absent were: Terry David Lynch and Don Mueller.

Staff members present were: City Attorney Paul Webb, Finance Director Joan Anandel, Police Chief Tim Guin, Assistant to the City Manager Cheryl Parker-Reznicek, 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., and

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

The third item on the agenda was Public Comments. Mr. Trevor Royal with Waste Corporation of America apologized to the City Council for recent issues with waste pickup within the City of Wharton. Mr. Royal stated that the problem was corrected and WCA was looking to add additional trucks and drivers.

The fourth item on the agenda was the Wharton Moment. Councilmember Karen Schulz thanked the City and County for their work lighting the Wharton County Courthouse Square.

The fifth item on the agenda City of Wharton Financial Report for the month of October 2013. Finance Director Joan Anandel presented the financial report for the month of October 2013. Mrs. Anandel stated that the TexPool balance for October was \$151,304.82 with an average monthly yield of .05%. She said the Prosperity Bank balance for October 2013 was \$5,777,976.29 with an average monthly yield of .15%. After some discussion, Councilmember Al Bryant moved to approve the City of Wharton Financial

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Report for the month of October 2013. Councilmember Russell Machann seconded the motion. All voted in favor.

The sixth item on the agenda was to review and consider a resolution of the Wharton City Council authorizing the purchase two patrol vehicles through Buyboard Cooperative Purchasing Program from Caldwell Country. Finance Director Joan Andel presented a resolution authorizing the Wharton Police Department to purchase three (3) patrol vehicles through Buyboard Cooperative Purchasing Program from Caldwell Country.

- A. The purchase price of \$30,693 is for a Chevrolet Tahoe and includes the necessary parts and components to convert the equipment currently installed in the Ford Crown Victoria patrol cars. The total purchase cost is \$61,786.00 which also included the \$400.00 fee from Buyboard Cooperative Purchasing Program.
- B. The total purchase price of \$26,926.00 is for a 2014 Chevrolet Caprice also included the \$400.00 fee from Buyboard Cooperative Purchasing Program.

Police Chief Tim Guin stated the purchase of all three (3) patrol vehicles totaling \$89,388.48 was budgeted for in the 2013-14 which was approved by City Council on September 23, 2013. After some discussion, Councilmember Karen Schulz moved to approve City of Wharton Resolution No. 2013-63, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2013-63**

**A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING
THE PURCHASE OF THREE (3) PATROL VEHICLES THROUGH
BUYBOARD COOPERATIVE PURCHASING PROGRAM FROM
CALDWELL COUNTRY.**

WHEREAS, The Wharton Police Department wishes the City Council to approve the purchase of the three patrol vehicles through the Buyboard Cooperative Purchasing Program; and

WHEREAS, The City of Wharton is a member of and participates in the Buyboard Cooperative Purchasing Program; and

WHEREAS, the Wharton City Council wishes to authorize the City Staff to purchase two (2) 2014 Chevrolet Tahoe patrol vehicles from Caldwell Country in the amount of \$30,693.00 per vehicle and one (1) 2014 Chevrolet Caprice from Caldwell Country in the amount of \$26,926.00; and

WHEREAS, The Wharton City Council wishes to authorize the Wharton Police Department to execute the agreement related to the purchase of the vehicles.

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF
WHARTON, TEXAS:**

SECTION I. The Wharton City Council hereby authorizes the purchase of purchase two (2) 2014 Chevrolet Tahoe patrol vehicles from Caldwell Country in the amount of \$30,693.00 per vehicle and one (1) 2014 Chevrolet Caprice from Caldwell Country in the amount of \$26,926.00 through the Buyboard Cooperative Purchasing Program.

SECTION II. The Wharton City Council hereby authorizes the Wharton Police Department to execute the agreement related to the purchase of the vehicles.

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

PASSED AND APPROVED this the 25th day of November 2013.

Domingo Montalvo, Jr., Mayor

ATTEST:

Paula Favors, City Secretary

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

The seventh item on the agenda was to review and consider City of Wharton Chemicals:

- A. Bid Tabulation.
- B. **Resolution:** A resolution of the Wharton City awarding the bid for the City of Wharton Chemicals to DXI Industries, Inc. for a one ton chlorine gas cylinder in the amount of \$849.00 per cylinder, a 150 lbs. chlorine gas cylinder in the amount of 4129.00 per cylinder and granular calcium hypochlorite 65% in the amount of \$172.00 per 100 lbs. NAPCO Chemical Company, Inc. for sodium bisulfite hypochlorite in the amount of \$0.15 per pound and fluoride in the amount of \$5.75 per gallon.

City Secretary Paula Favors stated the City of Wharton Chemicals Bid opening was held November 14, 2013. Finance Director Joan Andel presented a copy of the bid tabulation

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and a copy of the memorandum dated November 19, 2011 from Mr. Phil Bush, Interim Public Works Director, providing his recommendation regarding the contract awards for the chemicals. Mrs. Favors stated Mr. Bush was recommending that the City Council consider awarding the bids as indicated in memorandum. After some discussion, Councilmember Al Bryant moved to approve City of Wharton Resolution No. 2013-64, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2013-64**

A RESOLUTION OF THE WHARTON CITY COUNCIL AWARDING THE BID FOR THE CITY OF WHARTON PUBLIC WORKS DEPARTMENT CHEMICALS TO DXI INDUSTRIES, INC. FOR A ONE TON CHLORINE GAS CYLINDER, 150 LBS. SOLUTION GAS CYLINDER, AND GRANULAR CALCIUM HYPOCHLORITE 65%; AND TO NAPCO CHEMICAL COMPANY, INC. FOR SODIUM BISULFITE HYPOCHLORITE AND FLUORIDE; AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE THE AGREEMENTS.

WHEREAS, competitive, sealed bids for chemicals were received on November 14, 2013, for use by the City of Wharton Public Works Department; and

WHEREAS, as per bid specifications, the following companies were deemed to be the lowest and best qualified bidders for the products listed respectively:

- A. DXI Industries, Inc. for one ton chlorine gas cylinder in the amount of \$849.00 per cylinder, 150 lbs. solution gas cylinder in the amount of \$129.00 per cylinder, and granular calcium hypochlorite 65% in the amount of \$172.00 per 100 lbs.; and
- B. NAPCO Chemical Company, Inc. for sodium bisulfite hypochlorite in the amount of \$0.15 per pound, and fluoride 5,000 gallons in the amount of \$5.75 per gallon; and,

WHEREAS, the Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute the required agreements for the chemicals for the Public Works Department; and

WHEREAS, this resolution is passed in accordance with this bid.

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 awards contracts to the following companies for chemicals for use by the City of Wharton Public Works

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Department as per bid specifications for the products listed respectively as follows:

- A. DXI Industries, Inc. for one ton chlorine gas cylinder in the amount of \$849.00 per cylinder, 150 lbs. solution gas cylinder in the amount of \$129.00 per cylinder, and granular calcium hypochlorite 65% in the amount of \$172.00 per 100 lbs.; and
- B. NAPCO Chemical Company, Inc. for sodium bisulfite hypochlorite in the amount of \$0.15 per pound, and fluoride 5,000 gallons in the amount of \$5.75 per gallon; and,

Section II. That the Mayor of the City of Wharton is hereby authorized to sign any and all documents related to the afore-mentioned contracts.

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

Passed, Approved, and Adopted this 25th of November 2013.

CITY OF WHARTON, TEXAS

By: _____
DOMINGO MONTALVO, JR.
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The eighth item on the agenda was to review and consider City of Wharton Fuel:

- A. Bid Tabulation.
- B. **Resolution:** A resolution of the Wharton City Council awarding the bid for the City of Wharton Public Works Department Fuel to Gold Star Petroleum for regular unleaded gasoline, minimum octane rating of 87 and 2-D diesel fuel, low sulfur, clear (undyed) with a minimum cetane rating of 42; and authorizing the Mayor of the City of Wharton to execute the agreements.

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City Secretary Paula Favors stated the City of Wharton Fuel Bids was held November 14, 2013. Finance Director Joan Andel presented a copy of the bid tabulation and a copy of the memorandum dated November 21, 2013 from Mrs. Paula Favors, City Secretary. Mrs. Favors stated that while Sun Coast Resources, Inc. submitted the lowest bid, their bid had exceptions. Mrs. Favors presented a copy of Sun Coast Resources, Inc.'s exceptions to their bid. Mrs. Favors said that since Sun Coast Resources, Inc. did not meet all requirements of the bid it was the Staff's recommendation to award the contract to Gold Star Petroleum for being the lowest and best bid. After some discussion, Councilmember Russell Machann moved to approve City of Wharton Resolution No. 2013-65, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2013-65**

A RESOLUTION AWARDING THE CITY OF WHARTON FUEL CONTRACT TO GOLD STAR PETROLEUM AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATING TO SAID CONTRACT.

WHEREAS, competitive, sealed bids were received on November 14, 2013 for the City of Wharton Fuel; and

WHEREAS, Gold Star Petroleum was deemed to be the lowest and best qualified bidder as per bid specifications; and

WHEREAS, the Wharton City Council wishes to award the City of Wharton's Fuel Contract to Gold Star Petroleum; and

WHEREAS, the City of Wharton and Gold Star Petroleum wishes to be bound by the conditions set forth in the agreement; and

WHEREAS, this resolution is passed in accordance with this bid.

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

Section I. That Gold Star Petroleum is hereby awarded the City of Wharton Fuel Contract for being lowest and best qualified bidder in accordance with the bid documents.

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

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

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Passed, Approved, and Adopted this 25th day of November 2013.

CITY OF WHARTON, TEXAS

By: _____
DOMINGO MONTALVO, JR.
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The ninth item on the agenda was to review and consider a resolution of the Wharton City Council awarding the bid of the City of Wharton Public Works Departments road materials to Quality Hot Mix for Pre-Coated Aggregate and Zbranek Brothers for Limestone Base and Flexible Base; and authorizing the Mayor of the City of Wharton to execute the agreements.

A. Bid Tabulations

B. Resolutions: A resolution of the Wharton City Council awarding the bid for the City of Wharton road materials to Quality Hot Mix, Inc. for pre-coated aggregate and to Zbranek Brothers for limestone base and flexible base, and authorizing the Mayor of the City of Wharton to execute the agreements.

City Secretary Paula Favors stated that the City of Wharton Road Materials Bid opening was held November 14, 2013. Finance Director Joan Andel presented a copy of the bid tabulation and a copy of the memorandum dated November 21, 2013 from Mrs. Paula Favors, City Secretary. Mrs. Favors stated that while Quality Hot Mix came in as the lowest bidder for Limestone Base Material, their bid had exceptions and Quality Hot Mix bid only Limestone Base Material Type A Grade 2. Mrs. Favors said the bid package called for Limestone Base Material Type A Grade 1 and due to this exception, Quality Hot Mix did not meet all requirements of the bid and it was her recommendation to award the Limestone Base Material contract to the lowest and best bidder, Zbranek Brothers; and authorizing the Mayor of the City of Wharton to execute the agreements. After some

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discussion, Councilmember Jeff Gubbels moved to approve City of Wharton Resolution No. 2013-66, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2013-66**

A RESOLUTION OF THE WHARTON CITY COUNCIL AWARDING THE BID FOR THE CITY OF WHARTON ROAD MATERIALS TO QUALITY HOT MIX, INC. FOR PRE-COATED AGGREGATE AND TO ZBRANEK BROTHERS FOR LIMESTONE BASE AND FLEXIBLE BASE, AND AUTHROIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE THE AGREEMENTS.

WHEREAS, competitive, sealed bids were received on November 14, 2013, for road materials for the fiscal year 2013-2014; and

WHEREAS, as per bid specifications, the following companies were deemed to be the best and lowest qualified bidders for the products listed respectively:

- A. Quality Hot Mix, Inc. for pre-coated aggregate in the amount of \$52.00 per ton delivered and \$47.00 per ton pick-up;
- B. Zbranek Brothers for limestone base material in the amount of \$23.75 per ton pick-up and \$23.75 per ton delivery, flexible base in the amount of \$9.85 per ton delivery and \$4.00 per ton pickup.

WHEREAS, the Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute the required agreements for the road materials; and

WHEREAS, this resolution is passed in accordance with this bid.

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 awards contracts to the companies for road materials as per bid specifications for the products listed respectively as follows:

- A. Quality Hot Mix, Inc. for pre-coated aggregate in the amount of \$52.00 per ton delivered and \$47.00 per ton pick-up;
- B. Zbranek Brothers for limestone base material in the amount of \$23.75 per ton pick-up and \$23.75 per ton delivery, flexible base in the amount of \$9.85 per ton delivery and \$4.00 per ton pickup.

Section II. That the Mayor of the City of Wharton is hereby authorized to sign any and all documents related to the afore-mentioned contracts.

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

Passed, Approved, and Adopted this 25th of November 2013.

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CITY OF WHARTON, TEXAS

By:

DOMINGO MONTALVO, JR.
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

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

- A. Discussion:** To deliberate the offer of a financial or other incentives to Blu Bambu which the City seeks to have locate within the City of Wharton or near the territory of the City of Wharton.

Mayor Domingo Montalvo, Jr. moved the meeting into closed session at 7:16 p.m.

The eleventh item on the agenda was action on items discussed in Executive Session:

- A. Review & Consider:** To deliberate the offer of a financial or other incentives to Blu Bambu which the City seeks to have locate within the City of Wharton or near the territory of the City of Wharton.

Mayor Domingo Montalvo, Jr. returned to open session at 7:31 p.m. Mayor Domingo Montalvo, Jr. stated that the item was information only and no action would be taken.

The twelfth 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.

After some discussion, no action was taken.

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The thirteenth item on the agenda was the status report on the City of Wharton Projects. Finance Director Joan Andel presented a copy of the memorandum dated November 25, 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. The plans have been completed and are being reviewed by the City Staff.

DRAINAGE:

1. Santa Fe Outfall Channel.

The Public Works Department has finished excavation of the channel. During the month of October, 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

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 has been installed, hooked up and chlorinated. It should be put online next week. Dismantling of the elevated tank is scheduled to start in the second week of December.

2. On-going Water and Sewer Maintenance Program

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

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 Administration has reviewed the environmental document and has requested responses to their comments. A meeting with the City Council Public Works Committee is being scheduled for December 3, 2013 for an update by IDC on the project.

2. 2014 Street Improvement Program

The City Staff has identified streets needing repair in 2014 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

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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.

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. The CAD Board has approved the GIS base mapping and will begin early next year.

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

- A. Mayor's Committee on People with Disabilities meeting held
- B. November 12, 2013.
- B. Beautification Committee meeting held November 13, 2013.
- C. Finance Committee meeting held November 13, 2013.
- D. WEDC Committee meeting held November 20, 2013.

After some discussion, no action was taken.

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

- A. City Secretary/Personnel.
- 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.
- I. Legal Department.
- J. Municipal Court.
- K. Police Department
- L. Public Works Department.
- M. Water/ Sewer Department.
- N. Weedy Lots/ Sign Ordinance.
- O. Fire Marshal.
- P. Wharton Regional Airport.

After some discussion, no action was taken.

The sixteenth item on the agenda was adjournment. After some discussion, Councilmember Jeff Gubbels moved to adjourn. Councilmember Russell Machann seconded the motion. All voted in favor.

The meeting adjourned at 7:34 p.m.

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CITY OF WHARTON, TEXAS

By: _____
Domingo Montalvo, Jr.
Mayor

ATTEST:

Paula Favors
City Secretary