

**MINUTES
OF
CITY OF WHARTON
REGULAR CITY COUNCIL MEETING
APRIL 28, 2014**

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. Councilmember Terry David Lynch led the opening devotion and the pledge of allegiance.

Councilmember's present were: Mayor Domingo Montalvo, Jr. and Councilmembers Al Bryant, Jeff Gubbels, Terry David Lynch, Don Mueller and Karen Schulz. Councilmember Tim Barker occupied District No. 3 seat after taking his Oath of Office.

Councilmember absent was: Russell Machann.

Staff members present were: City Manager Andres Garza, Jr., City Attorney Paul Webb, Finance Director Joan Anandel, Assistant to the City Manager Cheryl Urbanovsky, Patrol Sargent Jason Barker, 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., Bradley C. Loehr, P.E. with BEFCO Engineering, Inc., Doug Kirkley with Pepco Energy Services, Ed King with Government Capital Corporation, Mozell Stephens, and Natalie Frels with the Wharton Journal Spectator.

The second item on the agenda was Roll Call and Excused Absences. Councilmember Don Mueller moved to excuse Councilmember Russell Machann. 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. City Manager Andres Garza, Jr. requested prayers for Interim Phil Bush who was undergoing some health related tests.

The fifth item on the agenda was to review and consider City of Wharton Financial Report for the month of March 2014. Finance Director Joan Anandel presented the financial report for the month of March 2014. Mrs. Anandel stated that the TexPool balance for March was \$151,326.12 with an average monthly yield of .03%. She said the

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Prosperity Bank balance for March 2014 was \$10,937,706.31 with an average monthly yield of .15%. After some discussion, Councilmember Terry David Lynch moved to approve the City of Wharton Financial Report for the month of March 2014. Councilmember Al Bryant seconded the motion. All voted in favor.

The sixth item on the agenda was to review and consider the acceptance of resignation of Councilmember Terry David Lynch, District 3. City Manager Andres Garza, Jr. presented Councilmember Terry David Lynch's resignation letter dated April 15, 2014. Mayor Domingo Montalvo, Jr. stated that it was pleasure working with Councilmember Lynch and that several citizens had stated to him how happy they were that he was taking over as Police Chief. Councilmember Lynch stated that it was an honor to have served on the Wharton City Council and looked forward to a continued partnership with the City. After some discussion, Councilmember Don Mueller moved to approve the acceptance of the resignation of Councilmember Terry David Lynch, District 3. Councilmember Jeff Gubbels seconded the motion. All voted in favor.

The seventh item on the agenda was to review and consider District 3 Vacant Position.

A. Appointment to the City of Wharton City Council District No. 3 Vacant Position.

City Manager Andres Garza, Jr. stated that due to the resignation of Councilmember Terry David Lynch, the City Council could appoint an individual to fill the vacancy in accordance with Section 39 of the City Charter. City Manager Garza said three individuals had indicated interest in filling the vacant position which were Tim Barker, Russell Cenko, and John Roades. After some discussion, Councilmember Don Mueller moved to appoint Tim Barker to position of the City of Wharton City Council District No. 3 Vacant Position. Councilmember Jeff Gubbels seconded the motion. All voted in favor.

B. Oath of Office for newly appointed Councilmember.

City Attorney Paul Webb administered the Oath of Office to Mr. Tim Barker for his position on the City of Wharton City Council District No. 3 Vacant Position. Councilmember Tim Barker occupied District No. 3 seat.

The eighth item on the agenda was to review and consider **Executive Session:** City Council may adjourn into an Executive Session in accordance with Section 551.074 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: Appointment of Director of Public Works.

Mayor Domingo Montalvo, Jr. moved the meeting into closed session at 7:18 p.m.

The ninth item on the agenda was to review and consider action on items discussed in Executive Session:

A. Review & Consider: Appointment of Director of Public Works.

Mayor Domingo Montalvo, Jr. returned to open session at 7:35 p.m. City Manager Andres Garza, Jr. stated that he recommended the City Council consider confirming the appointment of Mr. Kyle Marchart to the position of Public Works Director, subject to the City's pre-employment requirements, at a salary of \$79,000 with up to \$3,000 in moving expenses. After some discussion, Councilmember Jeff Gubbels moved to confirm the appointment of Mr. Kyle Marchart to the position of Public Works Director at a salary of \$79,000 with up to \$3,000 in moving expenses subject to the City's pre-employment requirements. Councilmember Karen Schulz seconded the motion. All voted in favor.

The tenth item on the agenda was to review and consider a request by Mr. Paul Kearney, Event Coordinator for Wharton County Juneteenth Festival, for City Council consideration to approve the following:

- A. Authorization to hold the 5th Annual Juneteenth Festival on Saturday, June 14, 2014 from 10:00 a.m. through 12:00 midnight in the downtown square area.
- B. Use of the City of Wharton stage and City personnel to assemble and dismantle the stage at no cost.
- C. Use of City of Wharton personnel as debris clean-up crew at no cost.
- D. City of Wharton assistance by providing hotel/motel funding for the required security.
- E. City of Wharton assistance in coordinating with Waste Corporation of America for solid waste disposal receptacles and additional debris collection.
- F. Waiver of the fees associated with the Temporary Permit for the consumption and possession of Alcoholic Beverages.
- G. City Council authorization to close portions of Houston and Fulton Street adjacent to the Downtown Square from 5:00 p.m. on Friday, June 13th through 12:00 Midnight, Saturday, June 14th, 2014 and the section of Houston Street from Burleson Street to Elm Street on Saturday, June 14, 2014 from 6:00 p.m. through 11:30 p.m. in accordance with the Traffic Control Plan; and, to provide all necessary barricades.
- H. **Ordinance:** An ordinance approving the traffic control plan for the James Simmons, Jr. 5th Annual Juneteenth Festival, authorizing the Police Department to redirect traffic and authorizing the Mayor of the City of Wharton to execute the Texas Department of Transportation Agreement for the Temporary Closure of State Right of Way.

City Manager Andres Garza, Jr. presented copies of the letters dated November 15, 2013 from Mr. Paul Kearney, Event Coordinator for the Wharton County Juneteenth Festival requesting the afore-mentioned items and a copy of the Texas Department of Transportation Agreement for the Temporary Closure of State Right of Way and a draft copy of the ordinance approving the Traffic Control Plan (TCP) for this event. City Manager Garza presented the Traffic Control Plan the City submitted to the TxDOT Yoakum District Office which had been approved. City Manager

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Garza stated that the detour was shortened, therefore reducing the number of signs needed to meet TxDOT requirements and the cost estimate for the City to buy the signs would be at a cost of approximately \$830.00. City Manager Garza said that once the City acquired the signs, the signs and the Traffic Control Plan (TCP) would serve for the festivals in the future. City Manager Garza said that the signs would be placed by City Personnel. After some discussion, Councilmember Jeff Gubbels moved to approve purchasing detour signs per TxDOT requirements at the cost of approximately \$830. Councilmember Karen Schulz seconded the motion all voted in favor. Councilmember Al Bryant moved to approve items A., B., D. with two-thousand dollars going to the Festival, E., F., G., and item H., which was City of Wharton Ordinance No. 2014-02, which read as follows:

**CITY OF WHARTON
ORDINANCE NO. 2014 - 02**

AN ORDINANCE APPROVING THE TRAFFIC CONTROL PLAN FOR THE JAMES SIMMONS, JR. 5TH ANNUAL JUNETEENTH FESTIVAL, AUTHORIZING THE POLICE DEPARTMENT TO REDIRECT TRAFFIC AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE THE TEXAS DEPARTMENT OF TRANSPORTATION AGREEMENT FOR THE TEMPORARY CLOSURE OF STATE RIGHT OF WAY.

WHEREAS, the Wharton County Juneteenth Festival Committee Members wishes to hold the James Simmons, Jr. 5th Annual Juneteenth Festival in the downtown area of the City of Wharton and has requested approval to close portions of State Hwy. 60; and

WHEREAS, said festival requires the City of Wharton to close State Highway 60, known as Burleson Street from its intersection of Polk Street to Fulton Street; and

WHEREAS, the closure will require the detouring of all traffic traveling south on State Highway 60 according to the map (Attachment A) attached to this ordinance; 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; and

WHEREAS, the City Council wishes to authorize the Mayor of the City of Wharton to execute the Agreement for the Temporary Closure of State Right of Way as required by the Texas Department of Transportation.

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

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- Section I.** The traffic control plan for the James Simmons, Jr. 5th Annual Wharton County Juneteenth Festival is hereby approved.
- Section II.** The detour route resulting from the closure of State Highway 60 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.** That the Mayor of the City of Wharton is hereby authorized to execute the Agreement for the Temporary Closure of State Right of Way as required by the Texas Department of Transportation.
- Section VII.** This ordinance shall become effective on the 14th day of June 2014 and remain in effect until such time that State Highway 60 is reopened to all traffic.

PASSED, APPROVED AND ADOPTED this 28th day of April 2014.

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 eleventh item on the agenda was to review and consider Downtown Sidewalk Project:

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- A. Change Order No. 2.
- B. Pay Request No. 6 is in the amount of \$52,684.55.
- C. Pay Request No. 7 is in the amount of \$24,981.23.

City Manager Andres Garza, Jr. presented a memo from Mr. Bradley Loehr, P.E. of BEFCO Engineering, Inc. submitting the Change Order No. 2, Pay Request No. 6 and Final Pay Request No. 7 for M & C Fonseca Construction for the City of Wharton Sidewalk Accessibility & Historic Streetscape Project. Mr. Loehr stated that the project was complete and requested the City Council consider approving the pay requests to close out the project. After some discussion, Councilmember Don Mueller moved to approve items A., B., and C. Councilmember Al Bryant seconded the motion. All voted in favor.

The twelfth item on the agenda was to review and consider City of Wharton Energy Efficiency Program.

- A. Project identified for energy efficiency.
- B. **Resolution:** A resolution of the Wharton City Council authorizing the City Staff to retain professionals related to an application for Qualified Energy Conservation Bond volume cap and authorizing the Mayor of the City of Wharton to execute said documents on behalf of the City of Wharton.

City Manager Andres Garza, Jr. presented a memorandum outlining the process taken by the City Staff to identify energy efficiency project with Pepco Energy Services and identifying a funding option for the projects. Mr. Doug Kirkley with Pepco Energy Services stated that the City could save approximately 975,000 kilowatt hours of usage which could be up to \$80,000 a year savings. City Manager Garza stated the Finance Committee had met and recommended the City Council consider issuing Qualified Energy Conservation Bonds (QECCB) to fund the projects for the energy efficiency program. After some discussion, Councilmember Tim Barker moved to approve City of Wharton Resolution No. 2014-33, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2014 - 33**

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE CITY TO RETAIN PROFESSIONALS RELATED TO AN APPLICATION FOR QUALIFIED ENERGY CONSERVATION BOND VOLUME CAP AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE SAID DOCUMENTS ON BEHALF OF THE CITY OF WHARTON.

WHEREAS, The Wharton City Council has determined that it would be in the beneficial interest of the City to finance certain facility improvements by issuing Qualified Energy Conservation Bonds (QECCB); and,

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WHEREAS, the City of Wharton intends to apply for a QECB volume cap allocation from the Texas Bond Review Board; and,

WHEREAS, it is necessary to retain special tax counsel related to the application for, and purpose of issuance of QECBs; and,

WHEREAS, Government Capital Corporation (GCC) maintains expertise in the structuring and replacement of QCEBs and other similar tax credit instruments, and has agreed to place the City's allocation of QECBs in an amount to be approved by the Wharton City Council at a future date.

WHEREAS, the Wharton City Council wishes to authorize the Mayor of the City of Wharton execute said document on behalf of City of Wharton.

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

Section I. That the City of Wharton retains GCC for the purpose of assisting with the City's QECB application and funding in an issuance amount to be determined by the City Council at a future date.

Section II. That the City of Wharton authorizes the application for a QECB volume cap allocation from the Texas Bond Review Board.

Section III. That the City of Wharton retains McGuire Woods LLP as special tax counsel.

Section IV. The Wharton City Council hereby authorizes the Mayor to execute said documents on behalf of the City of Wharton.

PASSED, APPROVED, and ADOPTED this 28th day of April 2014.

CITY OF WHARTON, TEXAS

By: _____
DOMINGO MONTALVO, JR.
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

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The thirteenth item on the agenda was to review and consider the CGI Communications Video project for City of Wharton. City Manager Andres Garza, Jr. stated that the proof of the City of Wharton Video Project had been sent to the City Staff. City Secretary Paula Favors presented the videos for the City Council to view. After some discussion, Councilmember Al Bryant moved to approve the CGI Communications Video project for the City of Wharton. Councilmember Tim Barker seconded the motion. All voted in favor.

The fourteenth item on the agenda was to review and consider the City Manager's request for travel reimbursement. City Manager Andres Garza, Jr. presented his travel reimbursement request for the period of January 1, 2014 through March 31, 2014. After some discussion, Councilmember Karen Schulz moved to approve City Manager Andres Garza, Jr.'s travel reimbursement request for the period of January 1, 2014 through March 31, 2014. Councilmember Al Bryant seconded the motion. All voted in favor.

The fifteenth item on the agenda was to review and consider a resolution replacing Resolution No. 2007-13 on the establishment of the Mayor's Committee on People with Disabilities in accordance with the guidelines set forth by the Governor's Committee on People with Disabilities. City Manager Andres Garza, Jr. presented a memo from Mrs. Gwyn Laney, Building Official Assistant requesting amendments to the City of Wharton Resolution on the Mayor's Committee of People with Disabilities in the following areas:

- A. Change in the composition requirements of the Committee.
- B. Change to the term limits from a three-year to two-year term and applying a no-term limit.

Mrs. Laney stated the committee had several members that wished to continuing serving and the term limits would not allow them to do so. After some discussion, Councilmember Al Bryant moved to approve City of Wharton Resolution No. 2014-34, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2014 - 34**

A RESOLUTION REPLACING RESOLUTION NO. 2007 – 13 ON THE ESTABLISHMENT OF THE MAYOR'S COMMITTEE ON PEOPLE WITH DISABILITIES IN ACCORDANCE WITH THE GUIDELINES SET FORTH BY THE GOVERNOR'S COMMITTEE ON PEOPLE WITH DISABILITIES.

WHEREAS, on February 12, 2007, the City Council adopted Resolution No. 2007 – 13 establishing a Mayor's Committee on People with Disabilities; and,

WHEREAS, the Wharton City Council wish to replace Resolution No. 2007 – 13 to read as follows:

WHEREAS, the Governor's Committee on People with Disabilities has requested all municipalities establish committees to promote and support programs and activities for people with disabilities; and,

WHEREAS, the Governor's Committee looks to local committees for grass roots efforts to include people with disabilities in all aspects of life and to operate autonomously to develop a mission, goals, objectives, bylaws, and a work plan; and,

WHEREAS, the City of Wharton for many years has supported programs addressing the needs of disabled citizens; and,

WHEREAS, the City of Wharton City Council wishes to extend the Governor's Committee on People with Disabilities by creating a local volunteer committee that would complete a network extending from the local, state and national level; and,

WHEREAS, the Committee would serve as a resource to the community and to the sponsoring elected officials by providing insight and effective communication on issues of importance to citizens of Wharton, Texas, with disabilities; and,

WHEREAS, the Mayor's Committee is hereby created for the purpose of making business owners in the City of Wharton aware of the need to comply with the Americans with Disabilities Act (ADA) and what are the contributions of the city; and,

WHEREAS, the Committee is to be appointed by the Mayor, shall be comprised of seven members of which a majority should be residents of the city, work with people with disabilities or have a business in the city. Members of the committee shall serve two-year staggered terms with no limit; and,

WHEREAS, the members of the committee shall regularly attend meetings and shall service without compensation except for reimbursement for authorized expenses attendant to the performance of their duties. The committee shall hold an organizational meeting in July of each year and shall elect a Chair, and Vice-chair from among its members before proceeding to any other matters of business. The committee shall meet regularly and shall designate the time and place of its meetings. The committee shall adopt its own rules of procedure and keep a record of its proceedings in accordance with the provisions of this division and the Charter of the City. Newly appointed members shall be installed at the first regular meeting after their appointment; and,

WHEREAS, the Committee would be developed to promote the following activities:

1. Employment of people with disabilities (career fairs, business summits.)
2. Positive change in local, state and national policies, programs and funding.
3. Educational opportunities (scholarships to students with disabilities and resource directories).
4. Access and the ADA (educational seminars, parking monitoring programs, housing and transportation efforts).
5. Recognition and awards (employment, empowerment awards, and media awards).
6. A local long-range plan to improve quality for people with disabilities and providing input to the Governor's Committee long-range state plan; and,

WHEREAS, the executive director of the Mayor's Committee on People with Disabilities shall be nonvoting secretary of the Mayor's Committee on People with Disabilities. He/she shall be custodian of all minutes and records of the committee and shall perform such other duties as the committee may deem necessary and be consistent with both the responsibilities of the committee of his/her responsibilities to the city through the city manager; and,

WHEREAS, voluntary contributions may be made to the city by citizens or other interested persons or organizations to be applied toward projects of the Mayor's Committee on People with Disabilities. Any direct solicitation programs must have prior approval of the city council. The Finance Director shall place these funds in a separate account to be considered apart from the normal budgetary appropriation by the Council. Any accounting of this special fund shall be available to the committee and to the city council at all regular meetings.

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

Section I. The Wharton City Council hereby extends the Governor's Committee on People with Disabilities by creating a local volunteer committee would complete a network extending from the local, state, and national level.

Section II. That the City of Wharton Mayor's Local Committee on People with Disabilities will promote the afore-mentioned activities.

Section III. The Wharton City Council formally recognizes the Mayor's Committee on People with Disabilities as one of the City's Standing Committees.

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Section IV. The Committee will be comprised of seven (7) members and will be appointed by the Mayor of the City of Wharton.

Section V. This resolution becomes effective immediately upon its passage.

FURTHER RESOLVE, the City Council affirms its commitment to the Mayor's Committee on People with Disabilities and directs the City Manager to provide the necessary staff support as needed.

PASSED, APPROVED, and ADOPTED this 28th day of April 2014.

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 sixteenth item on the agenda was the status report on the City of Wharton Projects. City Manager Andres Garza, Jr. presented a copy of the memorandum dated April 22, 2014 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>.

Half Associates submitted the 100% set of construction plans and the City Staff is currently reviewing the document. The City Staff has indicated to Half 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 construction plans. 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 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 March, routine maintenance was done on the Channel. The channel is slowly increasing in grass cover which is allowing several eroded areas to heal themselves over time. 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. Work on property owners land is now complete.

2. Stavena Addition Drainage Project.

The City Council on January 27, 2014 authorized the project. The Staff will be meeting with Schiebe Engineering to complete the design and construction preparation.

3. Ahldag Ditch Improvement.

The City Staff has met with Schiebe Engineering to develop the plans and specifications for the Ahldag Ditch Improvements from Wayside Street downstream to the point where the ditch is concrete lined. The project was approved in the 2013 Bond Program.

WATER/SEWER IMPROVEMENTS:

1. Alabama Road Water Plant Storage Tank Renovation Project.

The City Council approved a contract with J & A Coating, LLC. They are in the process of beginning the work.

2. On-going Water and Sewer Maintenance Program.

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

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.

3. Alabama Street Sewer Line Project/Kelving Way and Croom/Price Waterline Project.

BEFCO Engineering has begun the preliminary engineering work on this project.

4. South Highway 60 Waterline Extension Project.

The Project is moving forward with bids scheduled for April 23, 2014.

5. Wastewater Treatment Plant No. 1 Improvement Project.

Jones & Carter, Inc. has begun the engineering design for the project.

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. have worked on placing the four (4) phases on the TxDOT State Transportation Improvement Plan (STIP). The City has submitted the City Council approved letter to TxDOT and is awaiting a response. The Federal Highway Administration (FHWA) has issued a satisfactory for further processing and public involvement. A Public Hearing must be held for public input. The setting of a public hearing for the project will be placed on the City Council agenda for consideration. IDC has submitted to TxDOT the railroad overpass package of plans for TxDOT to acquire the necessary permit.

2. 2014 Street Improvement Program.

The City Staff is in the process of implementing the 2014 Street Improvement Program as approved by the City Council. The work is scheduled to begin by May 1, 2014. The start date will allow the City to begin the work during favorable construction weather.

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3. Wharton Sidewalk Accessibility and Historic Streetscape Project.

A. Phase I:

The project is complete with the final pay estimates and reconciling change order being submitted to City Council for approval.

B. Phase II:

The City Staff has submitted the executed Advance Funding Agreement (AFA) to TxDOT. As soon as they execute and return the agreement, the implementation process will begin.

4. On-going Street and Drainage Maintenance Program.

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

5. Kansas City Southern Railroad Quiet Zone.

BEFCO Engineering has begun the gathering of information on the project.

WHARTON REGIONAL AIRPORT

1. Hangar Construction Project.

This project has been approved by the City Council. The City Staff is awaiting the grant agreement.

After some discussion, no action was taken.

The seventeenth item on the agenda was to review and consider Highway 60 Waterline Extension to Exelon Generation Company:

A. Bid Tabulation.

- B. **Resolution:** A resolution of the Wharton City Council approving a construction agreement for the Highway 60 Waterline Extension to Exelon Generation Project and authorizing the Mayor of the City of Wharton to execute the agreement.

City Manager Andres Garza, Jr. presented a copy of the bid tabulation for the waterline extension to Exelon Generation along Highway 60 South and Mr. Carlos Cotton, P. E. for Jones & Carter, Inc.'s recommendation regarding the project. Mr. Cotton stated the request for bids requested the cost to construct a six inch line and an alternate eight inch line and it was his recommendation to proceed with the larger line due to projected future growth in the area. Mr. Cotton said it was his recommendation to enter into a contract with AR TurnKee Construction Company Inc. to provide the upgrades as they were the

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most qualified bidder at \$203,768.00. After some discussion, Councilmember Al Bryant moved to approve City of Wharton Resolution No. 2014-35, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2014 - 35**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AN AGREEMENT FOR THE HIGHWAY 60 WATERLINE EXTENSION TO EXELON GENERATION PROJECT AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE THE AGREEMENT.

WHEREAS, On April 28, 2014 the Wharton City Council considered construction bids for the Highway 60 Waterline Extension to Exelon Generation Project.

WHEREAS, the City of Wharton and AR TurnKee Construction Company, Inc. wish to be bound by the conditions as set forth in the agreement; and

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

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

Section I. The Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute an agreement with AR TurnKee Construction Company, Inc. for the Highway 60 Waterline Extension to Exelon Generation Project.

Section II. The City of Wharton and AR TurnKee Construction Company, Inc. are hereby bound by the conditions as set forth in the contract amendment.

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

PASSED, APPROVED, and ADOPTED this 28th day of April 2014.

CITY OF WHARTON, TEXAS

By: _____
DOMINGO MONTALVO, JR.
Mayor

ATTEST:

PAULA FAVORS

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City Secretary

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

The eighteenth item on the agenda is to review and consider a resolution of the Wharton City Council amending the agreement with Jones & Carter, Inc. and the City of Wharton for engineering services on Wastewater Treatment Plant No. 1 Improvement Project and authorizing the Mayor of the City of Wharton to execute the agreement. City Manager Andres Garza, Jr. stated that the City Staff met with Mr. Carlos Cotton, P. E., of Jones & Carter, Inc. and identified additional work that was needed at the plant. City Manager Garza said the original contract provided for additional engineering services with City Council approval for the force main relocation. Mr. Cotton stated that the City Staff found that the head works of the plant need to be repaired and the repair must be engineered. City Manager Garza said City Staff was recommending the additional engineering fees be added to the existing contract. After some discussion, Councilmember Al Bryant moved to approve City of Wharton Resolution No. 2014 – 36, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2014 - 36**

A RESOLUTION OF THE WHARTON CITY COUNCIL AMENDING THE AGREEMENT WITH JONES & CARTER, INC. AND THE CITY OF WHARTON FOR ENGINEERING SERVICES ON WASTEWATER TREATMENT PLANT NO. 1 IMPROVEMENT PROJECT AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE THE AGREEMENT.

WHEREAS, On April 28, 2014 the Wharton City Council considered an amendment to the professional engineering services agreement with Jones & Carter, Inc. for the engineering services on Wastewater Treatment Plant No. 1 Improvement Project; and,

WHEREAS, the City of Wharton and Jones & Carter, Inc. wishes to be bound by the conditions as set forth in the agreement; and

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

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

Section I. The Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute the amended agreement with Jones & Carter, Inc. and

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the City of Wharton for engineering services on Wastewater Treatment Plant No. 1 Improvement Project.

Section II. The City of Wharton and Jones & Carter, Inc. are hereby bound by the conditions as set forth in the contract amendment.

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

PASSED, APPROVED, and ADOPTED this 28th day of April 2014.

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 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.

After some discussion, no action was taken.

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

- A. Beautification Committee meeting was held on April 9, 2014.
- B. Public Works Committee meeting was held on April 14, 2014.
- C. Finance Committee meeting was held on April 14, 2014.

After some discussion, no action was taken.

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

- A. City Secretary/Personnel.
- B. Code Enforcement.
- H. Fire Marshall.
- I. Legal Department.

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

After some discussion, no action was taken.

The twenty-second item on the agenda was to review and consider setting a Public Hearing for the FM 1301 Extension and Railroad Overpass Project. City Manager Andres Garza, Jr. stated that the transportation plan included four phases and that he recommended the City Council consider setting a Public Hearing to discuss the FM 1301 Extension and Railroad Overpass Project. He said that the public hearing was required to allow for the environmental process to move forward. City Manager Garza said it was required to give citizens a thirty day notice in the Wharton Journal Spectator. After some discussion, Councilmember Al Bryant moved to set a Public Hearing for the FM 1301 Extension and Railroad Overpass Project for June 11, 2014 at 6:00 p.m. at the Wharton Civic Center 1929 N. Fulton Street. Councilmember Don Mueller seconded the motion. All voted in favor.

The twenty-third item on the agenda was adjournment. There being no further discussion, Councilmember Karen Schulz moved to adjourn. Councilmember Jeff Gubbels seconded the motion. All voted in favor.

The meeting adjourned at 8:18 p.m.

CITY OF WHARTON, TEXAS

By: _____

Domingo Montalvo, Jr.
Mayor

ATTEST:

Paula Favors
City Secretary