

**MINUTES  
OF  
CITY OF WHARTON  
REGULAR CITY COUNCIL MEETING  
APRIL 27, 2015**

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 Al Bryant the opening devotion and the pledge of allegiance.

Councilmember's present were: Mayor Domingo Montalvo, Jr. and Councilmembers Tim Barker, Al Bryant, Don Muller and Steven Schneider.

Councilmember's absent was: Councilmembers Jeff Gubbels and Russell Machann.

Staff members present were: City Manager Andres Garza, Jr., Finance Director Joan Andel, City Secretary Paula Favors, Assistant City Attorney Amy Rod, Assistant to the City Manager Brandi Jimenez, EMS Director John Kowalik, Emergency Management Coordinator Steve Johnson, Public Works Director Kyle Marchant, P.E., and Assistant to the Building Official Gwyn Laney.

Visitors present were: Wharton Economic Development Director David Schroeder, Jim Cockrell, I.O. Coleman, Jr., Tina Jarvela, Ryley Shoppa, Amy Marchant and Natalie Frels with the Wharton Journal Spectator.

The second item on the agenda was Roll Call and Excuses Absences. After some discussion, Councilmember Al Bryant moved to excuse Councilmembers Jeff Gubbels and Russell Machann. Councilmember Tim Barker seconded the motion. All voted in favor.

The third item on the agenda was Public Comments. Mr. Jim Cockrell stated his concerns with flooding on Alabama St. and Houston St. due to the recent rains that had caused some areas of the City to flood. Mr. Cockrell stated he was unable to drive to his home due to the water.

The fourth item on the agenda was the Wharton Moment. Mayor Domingo Montalvo, Jr. stated his recent trip to Washington D.C. regarding I-69 was fruitful. Mayor Montalvo said recent rains had caused areas across the City to briefly flood and he would like to see an action plan on how to ease future issues due to increased rainfall in the future.

The fifth item on the agenda was to review and consider a letter of Resignation – Councilmember Jeff Gubbels – Position 6. City Manager Andres Garza, Jr. presented a letter of resignation from Councilmember Jeff Gubbels – Position 6. After some discussion, Councilmember Don Mueller to approve the resignation of Councilmember Jeff Gubbels – Position 6. Councilmember Al Bryant seconded the motion. All voted in favor.

The sixth item on the agenda was to review and consider City of Wharton Financial Report for March 2015. Finance Director Joan Anandel presented the financial report for the month of March 2015. Mrs. Anandel stated that the TexPool balance for March was \$151,380.34 with an average monthly yield of .05%. She said the Prosperity Bank balance for March 2015 was \$9,432,561.01 with an average monthly yield of .15% and the total ad valorem taxes collected were \$27,021.01 with the sales tax for the month of March 2015 was \$91,050.72. After some discussion, Councilmember Don Mueller moved to approve the City of Wharton Financial Report for the month of March 2015. Councilmember Al Bryant seconded the motion. All voted in favor.

The seventh item on the agenda was to review and consider a request by Mr. Marco Paniagua.

- A. Request of an over 50% variance for building line setback of 19' resulting in a loft setback on Maple Street.
- B. Request for a building line setback of 10' resulting in 15' setback on Correll Street.

Assistant to the Building Official Gwyn Laney stated Mr. Paniagua was requesting the variance with the hopes to construct a new home that would be able to be in line with adjoining properties. After some discussion, Councilmember Al Bryant moved to approve afore mentioned items A. and B. Councilmember Don Mueller seconded the motion. All voted in favor.

The eighth item on agenda was to review and consider an ordinance authorizing the Mayor to execute an economic development agreement and a related personal property bill of sale, to transfer City surplus fill dirt to Ms. Tina Jarvela in support of the development of a new business at 529 East Milam. City Manager Andres Garza, Jr. presented a letter from Ms. Tina Jarvela requesting 450 sq. yards of dirt from the City's stock pile to elevate her property for her new commercial business located at 529 East Milam Street. City Manager Garza further presented a letter from WEDCo Executive Director David Schroeder stating that the project supports the City's economic efforts. City Manager Garza stated that the City would load the material for Ms. Jarvela on to the trucks she hired to transport the fill dirt and approval of the agreement was recommended. After some discussion, Councilmember Al Bryant moved to approve City of Wharton Ordinance No. 2015-06, which read as follows:

**CITY OF WHARTON  
ORDINANCE NO. 2015-06**

**AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE AN ECONOMIC DEVELOPMENT AGREEMENT AND A RELATED PERSONAL PROPERTY BILL OF SALE, TO TRANSFER CITY SURPLUS FILL DIRT TO MS. TINA JARVELA IN SUPPORT OF THE DEVELOPMENT OF A NEW BUSINESS AT 529 EAST MILAM.**

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

**WHEREAS,** Ms. Tina Jarvela of Wharton, Texas, has approached the City for forms of public assistance to improve a facility at 529 East Milam; and,

**WHEREAS,** the City has ownership of large quantities of excess spoil fill dirt from various recent drainage excavation projects, and Ms. Tina Jarvela needs the fill dirt to elevate the building and parking for her facility.

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

**Section 1.** The City hereby declares that, not-to-exceed, 450 square yards of fill dirt (loaded) as surplus City personal property, now able to be sold to Ms. Tina Jarvela and other valuable consideration, in support of the development of its new expansion project that is reasonably anticipated to generate and enhance the local sales and property tax bases and create area employment.

**Section 2.** The Mayor is hereby authorized to execute an Economic Development Agreement and related Personal Property Bill of Sale Agreement with Ms. Tina Jarvela substantially in the form of the agreements attached hereto for reference.

**Section 3.** The City Manager and legal counsel for the City are hereby authorized to coordinate with Ms. Tina Jarvela to finalize, implement, and administer the additional subsidiary activities and documents related hereto to foster the creation of the anticipated private development that will enhance the area sales and property tax bases, while creating area employment opportunities, in furtherance of the public interest and for the benefit of area citizens.

**PASSED AND APPROVED THIS 27<sup>th</sup> DAY OF April 2015.**

**CITY OF WHARTON**

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**Domingo Montalvo, Jr.**  
**Mayor**

**Attest:**

\_\_\_\_\_  
**Paula Favors**  
**City Secretary**

**Approved as to Form:**

**Paul Webb**  
**City Attorney**

Councilmember Tim Barker seconded the motion. All voted in favor.

The ninth item on the agenda was to review and consider a resolution by the City of Wharton, Texas (“City”) denying the distribution cost recovery factor rate increase of CenterPoint Energy Houston Electric, LLC made on or about April 6, 2015; authorizing participation in a coalition of similarly situated cities; authorizing participation in related rate proceedings; requiring the reimbursement of municipal rate case expenses; authorizing the retention of special counsel; finding that the meeting complies with the Open Meetings Act; making other findings and provisions related to the subject; and declaring an effective date. City Manager Andres Garza, Jr. stated that on or about April 6, 2015, CenterPoint Energy Houston Electric, LLC (“CenterPoint”) submitted an Application for Approval of a Distribution Cost Recovery Factor (“DCRF”) to increase its annual revenue requirement by approximately \$16.7 million. City Manager Garza said CenterPoint proposed to implement this increase effective September 1, 2015 and he presented an information sheet submitted to the City by Mr. Alfred Herrera Attorney with Herrera & Boyle, PLLC with their recommendation. City Manager Garza said the City staff recommended that the City deny CenterPoint’s application to approve its DCRF rate increase. Assistant City Attorney Amy Rod stated City Attorney Paul Webb had reviewed the proposed resolution and advised the City Council to consider moving forward. After some discussion, Councilmember Don Muller moved to approve City of Wharton Resolution No. 2015-15, which read as follows:

**CITY OF WHARTON**  
**RESOLUTION NO. 2015-25**

**RESOLUTION BY THE CITY OF WHARTON, TEXAS (“CITY”) DENYING THE DISTRIBUTION COST RECOVERY FACTOR RATE INCREASE OF CENTERPOINT ENERGY HOUSTON ELECTRIC, LLC MADE ON OR ABOUT APRIL 6, 2015; AUTHORIZING PARTICIPATION IN A COALITION OF SIMILARLY SITUATED CITIES; AUTHORIZING PARTICIPATION IN RELATED RATE PROCEEDINGS; REQUIRING THE REIMBURSEMENT OF MUNICIPAL RATE CASE EXPENSES; AUTHORIZING THE RETENTION OF SPECIAL COUNSEL; FINDING THAT THE MEETING COMPLIES WITH THE OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.**

**WHEREAS**, CenterPoint Energy Houston Electric, LLC (“CenterPoint”) filed an application for authority to implement a Distribution Cost Recovery Factor with the City to increase rates effective September 1, 2015; and

**WHEREAS**, the City is a regulatory authority under the Public Utility Regulatory Act (“PURA”) and under Chapter 33, §33.001 et seq. of PURA has exclusive original jurisdiction over CenterPoint’s rates, operations, and services within the municipality; and

**WHEREAS**, CenterPoint plans to increase its revenue requirement by \$16.7 million per year; and

**WHEREAS**, the jurisdictional deadline for the City to act in this rate matter is 60 days from the application date or June 5, 2015; and

**WHEREAS**, the City will require the assistance of specialized legal counsel and rate experts to review the merits of CenterPoint's application to increase rates; and

**WHEREAS**, in order to maximize the efficient use of resources and expertise in reviewing, analyzing and investigating CenterPoint's rate request it is prudent to coordinate the City's efforts with a coalition of similarly situated municipalities; and

**WHEREAS**, the City, in matters regarding applications by CenterPoint to change rates, has in the past joined with other local regulatory authorities to form the Texas Coast Utilities Coalition ("TCUC") and hereby continues its participation in TCUC; and

**WHEREAS**, CenterPoint simultaneously filed its statement of intent to increase rates with the Public Utility Commission of Texas, therefore the decision of the Public Utility Commission of Texas could have an impact on the rates paid by the City and its citizens who are customers in CenterPoint's service territory and in order for the City's participation to be meaningful it is important that the City promptly intervene in such proceeding at the Public Utility Commission of Texas; and

**WHEREAS**, CenterPoint failed to show that its proposed rate increase is reasonable and therefore the City has concluded that CenterPoint's proposed rate increase is unreasonable.

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

- Section 1.** The findings set out in the preamble are in all things approved and incorporated herein as if fully set forth.
- Section 2.** The City **DENIES** the rate increase CenterPoint filed on or about April 6, 2015.
- Section 3.** The City authorizes intervention in proceedings related to CenterPoint's application for approval of a DCRF before the Public Utility Commission of Texas and related proceedings in courts of law as part of the coalition of cities known as Texas Coast Utilities Coalition ("TCUC").
- Section 4.** The City hereby orders CenterPoint to reimburse the City's rate case expenses as provided in the Public Utility Regulatory Act and that CenterPoint shall do so on a monthly basis and within 30 days after submission of the City's invoices for the City's reasonable costs associated with the City's activities related to this rate review or to related proceedings involving CenterPoint before the City, the Public Utility Commission of Texas, or any court of law.
- Section 5.** Subject to the right to terminate employment at any time, the City retains and authorizes the law firm of Herrera & Boyle, PLLC to act as Special Counsel

with regard to rate proceedings involving CenterPoint before the City, the Public Utility Commission of Texas, or any court of law and to retain such experts as may be reasonably necessary for review of CenterPoint's rate application subject to approval by the City.

- Section 6.** The City shall review the invoices of the lawyers and rate experts for reasonableness before submitting the invoices to CenterPoint for reimbursement.
- Section 7.** A copy of this resolution shall be sent to CenterPoint Energy, care of Denise Gaw, CenterPoint Energy Service Company, LLC, 111 Louisiana Street, Houston, Texas 77002; and to Mr. Alfred R. Herrera, Herrera & Boyle, PLLC, 816 Congress Ave., Suite 1250, Austin, Texas 78701.
- Section 8.** The meeting at which this resolution was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.
- Section 9.** This resolution shall become effective from and after its passage.

**PASSED AND APPROVED** this 27<sup>th</sup> day of April, 2015.

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**Domingo Montalvo, Jr.**  
**Mayor**

**ATTEST:**

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**Paula Favors**  
**City Secretary**

Councilmember Tim Barker seconded the motion. All voted in favor.

The tenth item on the agenda was to review and consider a resolution of the Wharton City Council approving a contract amendment between the City of Wharton and Tetra Tech, Inc., the successor in interest to the BDR Division of Leidos, Inc. ("Leidos"), formerly Science Applications International Corporation ("SAIC") for hazards preparedness, planning, consulting and recovery services and authorizing the Mayor of the City of Wharton to execute all documents related to said contract. City Manager Andres Garza, Jr. stated that on June 1, 2013 the City entered into a Cooperative Purchasing Agreement for all hazards preparedness, planning, consulting and recovery services with SAIC for a term of three (3) years. Emergency Management Coordinator Steve Johnson stated that SAIC changed its business name to Leidos, Inc. on September 30, 2013 and on August 23, 2014, Tetra Tech, Inc. became the successor in interest to the assets of the BDR Division of Leidos, Inc., which was formerly SAIC. City Manager Garza said the City staff was recommending consent to the assignment of this contract to Tetra Tech, Inc. After some discussion, Councilmember Al Bryant moved to approve City of Wharton Resolution No. 2015-26, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2015-26**

**A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING A CONTRACT AMENDMENT BETWEEN THE CITY OF WHARTON AND TETRA TECH, INC., THE SUCCESSOR IN INTEREST TO THE BDR DIVISION OF LEIDOS, INC. (“LEIDOS”), FORMALLY SCIENCE APPLICATIONS INTERNATIONAL CORPORATION (“SAIC”) FOR HAZARDS PREPAREDNESS, PLANNING, CONSULTING AND RECOVERY SERVICES AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID CONTRACT.**

**WHEREAS,** the City entered into a Cooperative Purchasing Agreement for all hazards preparedness, planning, consulting & recovery services (“Contract”) with SAIC for a term of three (3) years, beginning on June 1, 2013 through May 31, 2016 with automatic annual renewals; and,

**WHEREAS,** SAIC has changed its business name to Leidos, Inc. on September 30, 2013; and,

**WHEREAS,** on August 23, 2014, Contractor became the successor in interest to the assets of the BDR Division of Leidos, Inc., which was formerly SAIC, and as such acquired all rights and interest in the Original 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 a contract amendment between the City of Wharton and Tetra Tech, Inc. for primary Disaster Debris Clearance and Removal Services.

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

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

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

**Passed, Approved, and Adopted** this the 27<sup>th</sup> day of April 2015.

**CITY OF WHARTON**

**By:** \_\_\_\_\_

**DOMINGO MONTALVO, JR.**  
Mayor

**ATTEST:**

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**PAULA FAVORS**  
City Secretary

Councilmember Tim Barker seconded the motion. All voted in favor.

The eleventh item on the agenda was to review and consider a resolution of the Wharton City Council approving a contract between the City of Wharton and Ceres Environmental Services, Inc. for secondary Debris Clearance and Removal Services and authorizing the Mayor of the City of Wharton to execute the agreement on behalf of the City of Wharton. City Manager Andres Garza, Jr. stated that on June 24<sup>th</sup> 2013, the City Council approved a contract with CERES Environmental Services, Inc. for secondary Disaster Debris Clearance and Removal Services. City Manager Garza said the contract with CERES Environmental Services, Inc. was also due to expire on September 30, 2015 and Emergency Management Coordinator Steve Johnson was requesting City Council consideration to approve renewing the contract with CERES for an additional two years. After some discussion, Councilmember Al Bryant moved to approve City of Wharton Resolution No. 2015-27, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2015-27**

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

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

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

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

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



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- Section I.** The Wharton City council hereby approves a contract renewal agreement between the City of Wharton and Ceres Environmental Services, Inc.
- Section II.** The City of Wharton and Ceres Environmental Services, Inc. are hereby bound by the conditions set forth in the agreement.
- Section III.** The Mayor of the City of Wharton is hereby authorized to execute the agreement.
- Section IV.** That this resolution shall become effective immediately upon its passage.

**Passed, Approved, and Adopted** this 27<sup>th</sup> day of April 2015.

**CITY OF WHARTON, TEXAS**

**By:**

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**DOMINGO MONTALVO, JR.**  
**Mayor**

**ATTEST:**

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**PAULA FAVORS**  
**City Secretary**

Councilmember Tim Barker seconded the motion. All voted in favor.

The twelfth item on the agenda was to review and consider a resolution of the Wharton City Council approving a Memorandum of Understanding between the City of Wharton and the Texas Department of Health Services, Region 6/5 South, for a Closed Point of Dispensing (POD) within the City of Wharton for all the City of Wharton Employees and their families and authorizing the Mayor of the City of Wharton to execute the agreement on behalf of the City of Wharton. City Manager Andres Garza, Jr. presented an email from Emergency Management Director Steve Johnson regarding a memorandum of understanding between the City and the Texas Department of Health Services. City Manager Garza further presented the proposed Memorandum of Understanding between the City of Wharton and the Texas Department of Health Services in which the Memorandum of Understanding would be activated in the event the Strategic National Stockpile system was activated to provide inoculation or other prophylactic medication in the event of a pandemic or other regional or national emergency. Emergency Management Director Steve Johnson stated the agreement would allow employees of the City of Wharton to continue to provide services and better serve the community in times of disaster. After some discussion, Councilmember Tim Barker moved to approve City of Wharton Resolution No. 2015-28, which read as follows:

**CITY OF WHARTON**  
**RESOLUTION NO. 2015-28**

**A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING A MEMORANDUM OF UNDERSTANDING (“AGREEMENT”) BETWEEN THE CITY OF WHARTON AND THE TEXAS DEPARTMENT OF HEALTH SERVICES, REGION 6/5 SOUTH, FOR A CLOSED POINT OF DISPENSING (POD) WITHIN THE CITY OF WHARTON FOR ALL THE CITY OF WHARTON EMPLOYEES AND THEIR FAMILIES AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY OF WHARTON.**

**WHEREAS**, the Department of State Health Services is authorized to enter into agreements with other government entities, the private sector, and private, non-profit entities to ensure an expedient, effective, and coordinated response to any natural or man-made disaster; and,

**WHEREAS**, in the event of a Public Health Emergency event in the State of Texas, local and regional health and medical infrastructure and associated resources will be quickly committed to providing the necessary treatment and supporting strategies to effectively respond to a potential evolving event or to support the response to an actual event; and,

**WHEREAS**, the existing local and regional medical and health infrastructure will also be compromised due to lack of adequate staff, equipment, and pharmaceutical support available due to the impacts and demands of the event; and,

**WHEREAS**, resources from the state, federal, and private sector will be quickly mobilized to augment local and regional medical and health resources and support the effective management and distribution of the Strategic National Stockpile (SNS); and,

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

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

**Section I.** That the Agreement between the City of Wharton and the Department of State Health Services is hereby approved.

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

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

**PASSED, AGREED AND ADOPTED** this 27th day of April 2015.

**CITY OF WHARTON, TEXAS**

By: \_\_\_\_\_  
**DOMINGO MONTALVO, JR.**  
Mayor

**ATTEST:**

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**PAULA FAVORS**  
City Secretary

Councilmember Steven Schneider seconded the motion. All voted in favor.

The thirteenth item on the agenda was to review and consider Wharton Municipal Swimming Pool:

- A. Approval of the 2015 Pool Schedule.
- B. **Resolution:** A resolution of the Wharton City Council approving the 2015 Wharton Swim Team Agreement for use of the Wharton Municipal Swimming Pool and authorizing the City Manager to execute the agreement.

City Manager Andres Garza, Jr. presented a copy of the memorandum dated April 13, 2015 from City Secretary Paula Favors providing the 2015 Wharton Municipal Swimming Pool Applications, Fees and Schedule. City Secretary Paula Favors stated the pricing and schedule would remain the same as the previous year. She also presented the 2015 proposed agreement with the Wharton Swim Team. After some discussion, Councilmember Don Mueller moved to approve the 2015 City of Wharton Swimming Pool Schedule and the City of Wharton Resolution No. 2015-29, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2015-29**

**A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING THE 2015 WHARTON SWIM TEAM AGREEMENT FOR USE OF THE WHARTON MUNICIPAL SWIMMING POOL AND AUTHORIZING THE CITY MANAGER OF THE CITY OF WHARTON TO EXECUTE THE AGREEMENT.**

**WHEREAS,** The Wharton Swim Team wishes to utilize the Wharton Municipal Pool for practices; and

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**WHEREAS,** the City of Wharton and the Wharton Swim Team wishes to enter into an agreement for use of the Wharton Municipal Pool; and

**WHEREAS,** the City of Wharton and Wharton Swim Team wishes to be bound by the conditions set forth in said agreement; and

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

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

**Section I.** The City Council hereby approves an agreement between the City of Wharton and the Wharton Swim Team for use of the Wharton Municipal Pool.

**Section II.** The City of Wharton and the Wharton Swim Team are hereby bound by the conditions set forth in the agreement.

**Section III.** The City of Wharton hereby authorizes the City Manager of the City of Wharton to execute the agreement.

**Section IV.** This resolution will become effective immediately upon its passage.

**Passed, Approved and Adopted this 27th day of April 2015.**

**CITY OF WHARTON, TEXAS**

**By:** \_\_\_\_\_  
**DOMINGO MONTALVO, JR.**  
Mayor

**Attest:**

\_\_\_\_\_  
**PAULA FAVORS**  
City Secretary

Councilmember Tim Barker 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 an agreement for Medical Director Services between Memorial Hermann Medical Group and the City of Wharton and authorizing the Mayor of the City of Wharton to execute the agreement on behalf of the City. City Manager Andres Garza, Jr. stated that the agreement with Dr. Myster Gurkin as the EMS Medical Director was extended until April 30, 2015. City Manager Garza said the City staff had been in discussion with Memorial Hermann Medical Group for the possibility of providing service, since they

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are located in the City and they responded that they were willing to provide the service to the City. City Manager Garza presented a copy of the agreement for Medical Director Services between the City of Wharton and Memorial Hermann Medical Group. EMS Director John Kowalik stated that the Group would assign Dr. Jeff Gubbels to be the physician to provide service with the effective date of the contract is May 1, 2015 and would extend for two years until April 30, 2017. Mr. Kowalik stated that due to delays in transferring from one director to another he was requesting Dr. Gurkin continue acting as the Medical Director until May 31, 2015 or until the transfer was complete. After some discussion, Councilmember Tim Barker moved to approve the continuation of Dr. Gukin's agreement until May 31, 2015 or until the transition was completed and approve City of Wharton Resolution No. 2015-30, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2015 -30**

**A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AN AGREEMENT FOR MEDICAL DIRECTOR SERVICES BETWEEN MEMORIAL HERMANN MEDICAL GROUP AND THE CITY OF WHARTON AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY.**

**WHEREAS**, the City of Wharton wishes to authorize the Mayor of the City of Wharton to execute an agreement between Memorial Hermann Medical Group and the City of Wharton for Medical Director Services for the Emergency Medical Service (EMS) Department; and

**WHEREAS**, the City of Wharton and Memorial Hermann Medical Group wishes to be bound by the conditions as set forth in the agreement; and

**WHEREAS**, the Wharton City Council and Memorial Hermann Medical Group wishes the agreement to become effective on May 1, 2015; and

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

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

**Section I.** That the Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute, on behalf of the City of Wharton, the Medical Director Services Agreement with Memorial Hermann Medical Group for the City of Wharton Emergency Medical Services (EMS) Program.

**Section II.** That the City of Wharton and Memorial Hermann Medical Group are hereby bound by the conditions as set forth in the agreement which shall commence on May 1, 2015 and expire on April 30, 2017.

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

**Passed, Approved, and Adopted** this 27<sup>th</sup> day of April 2015.

**CITY OF WHARTON, TEXAS**

**By:** \_\_\_\_\_  
**DOMINGO MONTALVO, JR.**  
Mayor

**ATTEST:**

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**PAULA FAVORS**  
City Secretary

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

The fifteenth item on the agenda was to review and consider City of Wharton Emergency Medical Services (EMS) Department:

- A.** Acceptance of funding from the Wharton County Emergency Services District (ESD No. 3) for the purchase of Ventilators for the City of Wharton Emergency Medical Services (EMS) Department.
- B. Resolution:** A resolution of the Wharton City Council approving the purchase of four (4) Ventilators for the City of Wharton Emergency Medical Services (EMS) Department and authorizing the City Manager of the City of Wharton to execute any and all documents related to said purchase.

City Manager Andres Garza, Jr. stated that on April 9, 2015, the ESD #3 Board voted to grant funding for the purchase of Ventilators for the City of Wharton Emergency Medical Services (EMS) Department. City Manager Garza presented a copy of EMS Director John Kowalik's memorandum dated April 20, 2015 providing his request to purchase of four (4) Ventilators in the amount of \$23,136, from Boundtree Medical. After some discussion, Councilmember Al Bryant moved to approve City of Wharton Resolution No. 2015-31, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2015-31**

**A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING THE PURCHASE OF FOUR (4) VENTILATORS FOR THE CITY OF WHARTON EMERGENCY MEDICAL SERVICES DEPARTMENT AND AUTHORIZING THE CITY MANAGER OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID CONTRACT.**

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**WHEREAS,** the City of Wharton City Council felt it was in the best interest of the City of Wharton EMS Personnel and respective clients to purchase four (4) ventilators which would allow for possible improved patient care; and

**WHEREAS,** the Wharton County Emergency Services District No. 3 agreed to provide the funding necessary for the purchase and installation of said ventilators; and

**WHEREAS,** the Wharton County ESD No. 3 voted to approve funding in the amount of \$23,136 to be used to purchase the ventilators; and

**WHEREAS,** the Wharton City Council wishes to accept the said funding from the Wharton County ESD No. 3; and

**WHEREAS,** the Wharton City Council wishes to purchase four (4) ventilators from Boundtree Medical, the lowest quote received; and

**WHEREAS,** the Wharton City Council wishes to authorize the City Manager of the City of Wharton to execute any and all documents related to said ventilators 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 accepts funding from the Wharton County Emergency Services District No. 3 in the amount of \$23,136 to be used to purchase four (4) ventilators from Boundtree Medical, the lowest quote received.

**Section II.** That the City Manager of the City of Wharton is hereby authorized to execute any and all documents related to said equipment's purchase.

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

**Passed, Approved, and Adopted** this 27<sup>th</sup> day of April 2015.

**CITY OF WHARTON, TEXAS**

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**DOMINGO MONTALVO, JR.**  
Mayor

**ATTEST:**

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**PAULA FAVORS**  
City Secretary

Councilmember Tim Barker seconded the motion. All voted in favor.

**C.** Bid Quote Tabulation for Air Conditioning Unit at EMS Building.

**D. Resolution:** A resolution of the Wharton City Council awarding a contract for the replacement of an air conditioning unit at the EMS Building and authorizing the City Manager to execute on behalf of the City said contract and setting an effective date.

EMS Director John Kowalik stated that one of the air conditioning units at the EMS Building was in need of replacement and quotes had been received for the replacement. City Manager Andres Garza, Jr. presented the quotes and a memorandum from EMS Director John Kowalik. After some discussion, Councilmember Al Bryant moved to approve City of Wharton Resolution No 2015-32, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2015-32**

**A RESOLUTION OF THE WHARTON CITY COUNCIL AWARDED A CONTRACT FOR THE REPLACEMENT OF AN AIR CONDITIONING UNIT AT THE EMS STATION AND AUTHORIZING THE CITY MANAGER TO EXECUTE ON BEHALF OF THE CITY SAID CONTRACT AND SETTING AN EFFECTIVE DATE.**

**WHEREAS,** proposals were received for the City of Wharton EMS Air Conditioning Unit Project; and,

**WHEREAS,** Faust Air Conditioning & Heating was deemed the best lowest qualified bidder in the amount of \$6885.00; and,

**WHEREAS,** the Wharton City Council wishes to award a contract to Faust Air Conditioning & Heating for the City of Wharton EMS Station Air Conditioning Unit Project in the amount of \$6885.00; and

**WHEREAS,** the City of Wharton and Faust Air Conditioning & Heating wish to be bound by the conditions as set forth in the agreement; and,

**WHEREAS,** the Wharton City Council wishes to authorize the City Manager to execute the agreement.

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

**Section I.** The Wharton City Council hereby authorizes the City Manager to execute a contract for the City of Wharton EMS Station Air Conditioning Unit Project to Faust Air Conditioning & Heating in the amount of \$6885.00.



**Section II.** The City of Wharton and Faust Air Conditioning & Heating are hereby bound by the conditions as set forth in the agreement.

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

**Passed, Approved, and Adopted** this 27th day of August 2015.

**CITY OF WHARTON, TEXAS**

**By:** \_\_\_\_\_  
**DOMINGO MONTALVO, JR.**  
**Mayor**

**ATTEST:**

\_\_\_\_\_  
**PAULA FAVORS**  
**City Secretary**

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

The sixteenth item on the agenda was to review and consider the update of City of Wharton on-going Projects. City Manager Andres Garza, Jr. presented a copy of the memorandum dated April 6, 2015 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 100% set of construction plans for the portion of the levee under design and the City Staff has reviewed 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 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. The U.S. Corps of Engineers requested the City submit a letter of support for the 2016 Federal Budget. Mayor Montalvo has submitted to the Corp a letter requesting assistance for this project. The City is awaiting a response.

On December 17, 2014, the City Staff met with US Army Corp of Engineers on the Wharton Flood Reduction Project (Levee Project). The Corp of Engineers informed the City of the possibility to receive funding for continuation of the construction phase of the project, a Value Engineering Study is needed. The Corp of Engineers requested an additional \$25,000 of the non-Federal dollars and they contributed \$75,000 of Federal dollars to modify Phase 1 Plans and Specs which would result in significant savings to the project. The study was necessary to continue with this project and allows the City to remain compliant with the US Army Corp of Engineers Section 902 Cost Limit Policy.

On January 26, 2015 the City Council approved the request of \$25,000 for the Value Engineering Study recommendation to modify the plans and specifications. An invoice was received with instructions as to how to submit the payment. The payment has been submitted to the Corp. The City Staff is making arrangements with the Corp of Engineers to review this project in more detail during the coming months.

**DRAINAGE:**

1. Santa Fe Outfall Channel.

The Public Works Department has finished excavation of the channel. During the month of February, 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. The Public Works Department has installed 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 design and construction plans are complete. The challenge on this project is to find locations to place approximately 35,000 cubic yards of soil.

3. Ahldag Ditch Improvement.

The project was approved in the 2013 Bond Program. Public Works Director is currently working out the details.

**WATER/SEWER IMPROVEMENTS:**

1. On-going Water and Sewer Maintenance Program.

Water leaks and sewer failures are still being seen in the month of March.

The grease ordinance was adopted by the City Council on January 26, 2015 with implementation date of March 1, 2015. The Public Works and Code Enforcement Departments have begun the implementation of the Ordinance. Public Works and Code Enforcement are holding a meeting to discuss the implementation plans to effectively proceed with this managing this new ordinance.

2. Alabama Street Sewer Line Project.

After the bid was rejected as a combined project, the City Staff proposed to submit to the Texas Department of Agriculture for the 2015-2016 Texas Community Development Board Grant for funding along of the Rust 2, 3 and 4 Addition sewer lines along with lateral lines.

The application was submitted prior to the application deadline. The City Staff is waiting for a decision on this application. An announcement is expected by late summer.

3. Kelving Way and Croom/Price Waterline Project.

After the bid was rejected on December 19, 2014 for the combined project, the City Staff is evaluating how to proceed with this project by means of other funding options that may be available through the Texas Water Development Board.

4. South Highway 60 Waterline Extension Project.

This project was completed. The few items that were not finalized by AR Turnkey have been addressed by the City Staff, Jones & Carter and AR Turnkey. The City Staff has completed the close out of this project with Exelon and has returned the excess funds. A change order and final pay request will be submitted by Jones & Carter once completed.

5. Wastewater Treatment Plant No. 1 Improvement Project.

The City Staff met with Jones & Carter, Inc. on January 28, 2015 to discuss design efforts, engineering, new cost estimates of this project. The preliminary cost estimate came in quite a bit higher than the allocation in the Bond Fund. The City Staff met with the City Council Public Works Committee to develop the bid format in order to proceed. Prior to advertising, the City Staff has requested a cost estimate from Jones & Carter, Inc. for the Base + Alternates. The bid on the project are due May 12, 2015.

6. Ahldag Additional Sanitary Sewer System Improvement Project TxCDBG No. 713510.

City Council approved a Notice of Award for Supak Construction on December 19, 2014. Contracts have been executed. The project should be ready to proceed in the next few weeks.

A Pre-Construction meeting was held on March 4, 2015. Construction should begin in mid-April.

**STREET IMPROVEMENTS**

1. FM 1301 Extension and Overpass Project Progress Report.

IDC Inc. continues to work with City Staff in an effort to develop engineering design for the project. The City Staff continues to coordinate with TxDOT to ensure the project continues to move forward.

The City Staff is awaiting Environmental Clearance from the Federal Highway Administration (FHWA). Once received the City will begin to move toward the acquisition of property for this project. IDC has submitted the preliminary Right-of-Way (ROW) parcels that would be needed for the project.

The City Staff met with IDC on March 30, 2015 to review the 16 Right-of-Way (ROW) parcels. IDC indicated that they have scaled this project back to 11 parcels, however, the City is making arrangements to meet with TxDOT and IDC this month to review the ROW map and parcels.

2. I-69 Project.

The City Council authorized the submission of comments proposed improvements previously submitted by the City to TxDOT.

3. NanYa Exit Ramp Project.

The City has submitted its request with TxDOT on proceeding with the changes to the NanYa exit ramp that would accommodate the turn around that Buc-ees has agreed in principle to contribute to see the project materialize. On March 11, 2014, Mayor Montalvo, the City Staff, TxDOT Representatives and IDC Representatives met with NanYa to discuss the project and listen to their concerns. A follow-up meeting is being proposed.

The City Staff met with TxDOT and IDC, Inc. on March 30, 2015 to discuss project details and the City's potential options for proceeding.

4. 2015 City Street Improvements.

Public Works has been developing a list of streets within the City to be leveled up in 2015.

5. Wharton Sidewalk Accessibility and Historic Streetscape Project.

Phase II - A pre-design meeting was held with TxDOT Yoakum on December 3, 2014 with CivilCorp and members of City Staff. Plans are approximately 90% complete and have been submitted to CivilCorp for TxDOT's review. These documents are currently under legal review.

6. On-going Street and Drainage Maintenance Program.

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

6. Kansas City Southern Railroad Quiet Zone.

The City Council gave BEFCO Engineering authorization to submit the PPA at the October 13, 2014 meeting. Based on the return receipt, the Federal Railroad Administration (FRA) acknowledged receipt of the application on October 27, 2014. This process could take approximately 6- 12 months for the response from the FRA.

On April 1, 2015, BEFCO Engineering informed the City Staff that our Public Authority Application has been submitted to the Federal Railroad Administration in Washington and is currently under legal review.

## **WHARTON REGIONAL AIRPORT**

1. Hangar Construction Project.

The project is moving forward. The City Staff met with TxDOT Aviation Division Representatives to discuss the way the hangar project would be bid.

After some discussion, no action was taken.

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

- A. Electrical Board.
- B. Holiday Light Decorating Chairman.
- C. Beautification Commission.
- D. Planning Commission.
- E. Building Standards Commission.

After some discussion, no action was taken.

City of Wharton  
Regular Council Meeting  
April 27, 2015

The eighteenth item on the agenda was to review and consider City Council Boards, Committees and Commissions reports:

- A. Finance Committee meeting held on April 23, 2015.
- B. Wharton Economic Development Corporation meeting held on April 15, 2015.

After some discussion, no action was taken.

The nineteenth item on the agenda was to review and consider City Manager's Reports:

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|--|---------------------------------|
| A. City Secretary/Personnel.                                   | H. Fire Marshall.               |
| B. Code Enforcement.   | I. Legal Department.            |
| 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 twentieth item on the agenda was adjournment. There being no further discussion, Councilmember Don Mueller moved to adjourn. All voted in favor.

The meeting adjourned at 7:40 p.m.

**CITY OF WHARTON, TEXAS**

**By:** \_\_\_\_\_  
**Domingo Montalvo, Jr.**  
**Mayor**

**ATTEST:**

\_\_\_\_\_  
**Paula Favors**  
**City Secretary**