

**MINUTES
OF
CITY OF WHARTON
REGULAR CITY COUNCIL MEETING
JUNE 22, 2015**

Mayor Pro-Tem Don Mueller declared a Regular Meeting duly open for the transaction of business at 7:00 P.M at City Hall 120 E. Caney Street Wharton, TX. Mayor Pro-Tem Don Mueller the opening devotion and the pledge of allegiance.

Councilmember's present were: Mayor Pro-Tem Don Mueller and Councilmembers Tim Barker, Al Bryant, Vincent Huerta and Steven Schneider.

Councilmember's absent was: Mayor Domingo Montalvo, Jr. and Russell Machann.

Staff members present were: Finance Director Joan Andel, City Secretary Paula Favors, Assistant to the Building Official Gwyn Laney Assistant to City Manager Brandi Jimenez, Airport Manager David Allen and Police Chief Terry David Lynch.

Visitors present were: Wharton Economic Development Director David Schroeder, Ramiro Paniagua, Loren Miller and Natalie Frels with the Wharton Journal Spectator.

The second item on the agenda Roll Call and Excuses Absences. After some discussion, Councilmember Al Bryant moved to excuse Mayor Domingo Montalvo, Jr. and Councilmember Russell Machann. Councilmember Vincent Huerta 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. Councilmember Al Bryant commented on the success of the 5th Annual James Simmons, Jr. Juneteenth Festival held on June 13th. Councilmember Bryant stated weather caused some issues but overall it was a successful event. Mayor Pro-Tem Don Mueller stated that the event staff did an excellent job on the clean up after the event.

The fifth item on the agenda item on the agenda was to review and consider City of Wharton Financial Report for May 2015. Finance Director Joan Andel presented the financial report for the month of May 2015. Mrs. Andel stated that the TexPool balance for May was \$151,393.69 with an average monthly yield of .06%. She said the Prosperity Bank balance for May 2015 was \$8,173,751.49 with an average monthly yield of .15% and the total ad valorem taxes collected as of May 2015 were \$1,793,075 with the sales tax for the month of May 2015 was \$969,872. After some discussion, Councilmember Al Bryant moved to approve the City of Wharton Financial Report for the month of May 2015. Councilmember Tim Barker seconded the motion. All voted in favor.

City of Wharton
Regular Council Meeting
June 22, 2015

The sixth item on the agenda was to review and consider the Wharton Regional Airport installation of a security system. Finance Director Joan Anandel stated that the Airport Terminal building was vandalized and some video equipment (T.V.) was taken. Airport Manager David Allen stated that he had met with City Manager Andres Garza, Jr. and it was his recommendation the City Council authorize the purchase of and installation of a security system for the airport from Tec-Tronic Systems (Radio Shack) in Wharton. Mrs. Anandel presented a copy of the quote from Tec-Tronic Systems for security cameras for the Wharton Regional Airport. Mr. Allen stated the purchase of the equipment would be \$3,074.21 and half of the cost would be reimbursed by the RAMP grant. After some discussion, Councilmember Al Bryant moved to approve the purchase and installation of a security system at the Wharton Regional Airport from Tec-Tronic Systems (Radio Shack) in the amount of \$3,074.21. Councilmember Tim Barker seconded the motion. All voted in favor.

The seventh item on the agenda was to review and consider a request by Becky Wied – Broker Wied Realty representing Loren Miller-Seller of Lots 1 & 2, Block 11, Harrison Addition, 309 West Pecan for City Council consideration on the encroachment into the City's right-of-way (alley). Finance Director Joan Anandel presented a letter and information from Ms. Becky Wied-Broker of Wied Realty concerning the encroachment of the building on Lot 1&2, Block 11, Harrison Addition, 309 West Pecan Street owned by Mr. Miller. Mrs. Anandel stated that the property was surveyed and it was determined by the surveyor that the building located on the property encroaches into the City's right-of-way (alley) one foot. She said the City staff had contacted Ms. Wied and requested a survey of one foot along the encroachment to be provided to the City. After some discussion, Councilmember Tim Barker made the motion to approve the request by Becky Wied – Broker Wied Realty representing Loren Miller-Seller of Lots 1 & 2, Block 11, Harrison Addition, 309 West Pecan for a one foot encroachment with the owner to be billed for the cost of the quit claim deed as well as the recording fee which would be prepared by City Attorney Paul Webb. Councilmember Vincent Huerta seconded the motion. All voted in favor.

The eighth item on the agenda was to review and consider a request by Mrs. Ana Paniagua for two interior side yard setback variances for the construction of a storage building at 327 Moutray Avenue, Washington Homes Subdivision, Block 7, Lot 7. Finance Director Joan Anandel presented a request from Mrs. Ana Paniagua for two interior side yard setback variances for the construction of a storage building at 327 Moutray Avenue, Washington Homes Subdivision, Block 7, Lot 7. Assistant to the Building Official Gwyn Laney stated that Building Official Ronnie Bollom had reviewed the request for the setback which would allow Mrs. Paniagua to enlarge her porch and add a storage building to her property. Mrs. Laney stated that Mr. Bollom was requesting City Council consider approving the request. After some discussion, Councilmember Al Bryant moved to approve the request by Mrs. Ana Paniagua for two interior side yard setback variances for the construction of a storage building at 327 Moutray Avenue, Washington Homes Subdivision, Block 7, Lot 7. Councilmember Tim Barker seconded the motion. All voted in favor.

The ninth item on the agenda was to review and consider a resolution authorizing the sale of City of Wharton surplus personal property in accordance with the City Charter Section 75 Sale of City Personal Property through www.publicsurplus.com. Finance Director Joan

City of Wharton
Regular Council Meeting
June 22, 2015

Andel presented a copy of the list of surplus personal property that the City Staff was requesting City Council approval to advertise for bids. City Secretary Paula Favors stated that the City Charter Section 75 Sale of City personal property; procedures, requires that items that are valued at \$1,000 or more must be sold through the bidding process and the City had previously utilized the website www.publicsurplus.com to sell surplus property and would like to continue to do so. After some discussion, Councilmember Al Bryant moved to approve City of Wharton Resolution No. 2015-46, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2015-46**

A RESOLUTION AUTHORIZING THE SALE OF CITY OF WHARTON SURPLUS PERSONAL PROPERTY IN ACCORDANCE WITH THE CITY CHARTER SECTION 75 SALE OF CITY PERSONAL PROPERTY THROUGH WWW.PUBLICSURPLUS.COM.

WHEREAS, the City of Wharton has identified surplus personal property; and,

WHEREAS, the Wharton City Council of the City of Wharton wishes to authorize the City Manager to sell the surplus personal property (Attachment A) directly to the public by publication notification in accordance with the City Charter Section 75 Sale of City personal property; and,

WHEREAS, the Wharton City Council authorizes sale of surplus property through www.publicsurplus.com; and,

WHEREAS, the Wharton City Council wishes to authorize the City Manager to sell City personal property out right on a first come first serve basis if said property did not sell through the bidding process.

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

Section I. The City Council of the City of Wharton hereby authorizes the City Manager to sell the City of Wharton surplus personal property (Attachment A) in accordance with the City Charter Section 75 Sale of City personal property; procedures.

Section II. The City Council of the City of Wharton hereby authorizes the sale of this personal property by publication notification.

Section III. The Wharton City Council authorizes sale of surplus property through www.publicsurplus.com; and,

City of Wharton
Regular Council Meeting
June 22, 2015

Section IV. The Wharton City Council hereby authorizes the City Manager to sell City personal property out right on a first come first serve basis if said property did not sell through the bidding process.

Section V. This resolution shall become effective immediately upon its passage.

Passed, Approved, and Adopted this 22nd day of June 2015.

CITY OF WHARTON, TEXAS

By:

DON MUELLER
Mayor Pro-Tem

ATTEST:

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 an Interlocal Agreement between the City of Wharton and the City of East Bernard for use of the Wharton Impoundment Center and authorizing the Mayor of the City of Wharton to execute said agreement. Finance Director Joan Andel stated that several years ago, the City of East Bernard had approached the City of Wharton for assistance in providing space at the City Animal Shelter. Mrs. Andel stated that there had been no action by the City of East Bernard but recently City Manager Andres Garza, Jr. met with East Bernard Mayor Marvin Holub and he indicated his City was ready to move forward with an agreement. Mrs. Andel presented the draft Interlocal Agreement between the City of Wharton and the City of East Bernard for use of the Wharton Impoundment Center with a term of the agreement for a one year period beginning July 1st 2015 and terminating June 30, 2016. Police Chief Terry David Lynch stated his concerns with terms of the contract and requested the item be postponed until the next regular City Council meeting to be held on July 13th, 2015. After some discussion, Councilmember Tim Barker moved to postpone the item until the next regular City Council meeting to be held on July 13th, 2015. Councilmember Al Bryant seconded the motion. All voted in favor.

The eleventh item on the agenda was to review and consider on the agenda was to review and consider the update of City of Wharton on-going Projects. Finance Director Joan Andel presented a copy of the memorandum dated June 1, 2015 providing an update on the City of Wharton current projects.

FLOOD REDUCTION (LEVEE) PROJECT

City of Wharton
Regular Council Meeting
June 22, 2015

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.

Mayor Domingo Montalvo, Jr. and I will be meeting with U.S. Corp of Engineer representatives (Elston Eckhardt, P.E. & Nova Robbins) on July 2, 2015 to discuss the funding on the project.

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.

4. On-going Drainage and Maintenance Program.

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

WATER/SEWER IMPROVEMENTS:

1. On-going Water and Sewer Maintenance Program.

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

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.

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 Block Grant for funding 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.

4. South Highway 60 Waterline Extension Project.

This project was completed.

5. Wastewater Treatment Plant No. 1 Improvement Project.

The project has been awarded to B-5 Construction, the contract documents are being submitted to the contractor for execution.

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

Supak Construction has mobilized and projected completion of project as September 2015.

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.

City Staff met again with IDC and TxDOT on April 21 and April 29, 2015. We were able to reduce the number of ROW parcels from 16 to 11. The City Staff is working with TxDOT to obtain professional services for acquisition, appraisal and review appraisal firms.

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, 2015, 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.

4. 2015 City Street Improvements.

The City Council has approved the 2015 Street Improvement Plan, the City staff is moving forward with the program.

5. Wharton Sidewalk Accessibility and Historic Streetscape Project.

Phase II - Plans are approximately 90% complete and have been submitted by CivilCorp for TxDOT's review. The bidding documents have been reviewed by the City's legal department. City Staff met with CivilCorp and CenterPoint representatives on June 9, 2015 to discuss lighting options and funding for this phase of the project.

6. Kansas City Southern Railroad Quiet Zone.

The City Council gave BEFCO Engineering authorization to submit the Public Authority Application (PAA) 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 the 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 project is out to bid with bids to be received on June 25th.

After some discussion, no action was taken.

The twelfth item on the agenda was to review and consider the 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.

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

- A. Wharton Economic Development Corporation meeting held on May 27, 2015.
- B. Finance Committee meeting held on June 8, 2015.

After some discussion, no action was taken.

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

City of Wharton
Regular Council Meeting
June 22, 2015

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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 fifteenth item on the agenda was adjournment. There being no further discussion, Councilmember Al Bryant moved to adjourn. Councilmember Tim Barker seconded the motion. All voted in favor.

The meeting adjourned at 7:24 p.m.

CITY OF WHARTON, TEXAS

By: _____
Domingo Montalvo, Jr.
Mayor

ATTEST:

Paula Favors
City Secretary