

**MINUTES
OF
CITY OF WHARTON
REGULAR CITY COUNCIL MEETING
OCTOBER 26, 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. Mayor Domingo Montalvo, Jr. the opening devotion and the pledge of allegiance.

Councilmember's present were: Mayor Domingo Montalvo, Jr. and Councilmembers Tim Barker, Al Bryant, Vincent Huerta, Russell Machann, Don Mueller and Steven Schneider.

Councilmember's absent was: None.

Staff members present were: City Manager Andres Garza, Jr., Finance Director Joan Andel, City Secretary Paula Favors, Assistant to the City Manager Brandi Jimenez, Building Official Ronnie Bollom, Assistant to the Building Official Gwyn Laney and Civic Center Manager Jessica Dunn.

Visitors present were: Bradley C. Loehr, P.E., with BEFCO Engineering, Alma Lormand with Texana Center, Joseph Mayberry with Texana Center, Alvin Hawkins, Yvonne Hawkins, Carlos Cotton, P.E., with Jones and Carter, Inc., David Schroeder, Executive Director of the Wharton Economic Development Corporation and Morgan Taylor with the Wharton Journal Spectator.

The second item on the agenda was Roll Call and Excuses Absences. All members were present.

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

The fourth item on the agenda was the Wharton Moment. Councilmember Russell Machann congratulated the Wharton High School Varsity Football team on a 55-7 victory over Royal. Councilmember Don Mueller stated the Wharton area had received nine inches of rainfall over the weekend with minimal street flooding. Mayor Domingo Montalvo, Jr. thanked the St. Thomas Episcopal Church for hosting a candlelight vigil for victims of domestic violence and encouraged everyone to wear purple during the month of October to show support for the victims. Mayor Montalvo presented a video he made with the assistance of Grace Community Fellowship that would be given to local churches to promote a Ministerial Alliance as well as to seek out those that would want to serve the City by volunteering for one of the many boards or commissions. He stated the program was called Restoration Wharton.

The fifth item on the agenda item on the agenda was to review and consider a proclamation. Recognizing Disability Employment Awareness Month, which read as follows:

**CITY OF WHARTON
OFFICE OF THE MAYOR
Proclamation**

WHEREAS, Employment offers opportunities for greater independence, empowerment and prosperity for residents of Wharton; and,

WHEREAS, In order for all residents to realize their potential, meaningful employment opportunities must be available to people with disabilities, and discrimination against people with disabilities in employment, housing, healthcare, and other public areas is prohibited by the Americans with Disabilities Act of 1990; and,

WHEREAS, Workplaces welcoming the talents of people with intellectual disabilities are a critical part of our efforts to build safe supportive communities and a strong economy; and,

WHEREAS, Texana Center will continue to develop strategies to increase the pool of qualified applicants with intellectual disabilities through targeted recruitment and outreach activities for prospective employers; and,

WHEREAS, Texana Center will encourage employers to provide an inclusive and accessible work environment while providing equal opportunity and cost savings, and enhancing productivity; and,

WHEREAS, The United States Congress designated October as National Disability Employment Awareness Month to encourage the integration of Americans with disabilities into the workforce. Activities during this month reinforce the value and talent added to our workplaces and communities by people with intellectual disabilities, and affirm Wharton commitment to all of our citizens.

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

October 2015 as “Disability Employment Awareness Month” in the City of Wharton.

IN WITNESS THEREOF, I have set my hand and caused the seal of the City of Wharton to be affixed this 26th day of October, in the year of our Lord two thousand fifteen A.D.

Domingo Montalvo, Jr.
Mayor, City of Wharton

The sixth item on the agenda was to review and consider City of Wharton Financial Report for September 2015. Finance Director Joan Andel presented the financial report for the month of September 2015. Mrs. Andel stated that the TexPool balance for September was \$131,426.77 with an average monthly yield of .09%. She said the Prosperity Bank balance for September 2015 was \$7,193,251 with an average monthly yield of .15%. After some discussion, Councilmember Al Bryant moved to approve the City of Wharton Financial Report for the month of September 2015. Councilmember Russell Machann seconded the motion. All voted in favor.

The seventh item on the agenda was to review and consider a request by GulfSouth Development, LLC in reference to Wm. Kincheloe League, Block 57A PT & 57C for the following variances prior to development:

a) Variance for concrete curb and gutter requirements as stated in Chapter 38 – Manufactured Housing, Mobile Homes and Travel Trailers, Article III – Mobile Home, manufactured Housing and Recreational Vehicle Parks, Division 5 – Mobile Home Park Standards, Section 38-212 – Requirements and principles., (a) The mobile home park shall conform to the following requirements:, (4) All mobile home lots shall abut upon a public street, common area street or driveway and shall meet the following requirements:, e. Along all private common area streets or driveways, concrete curb gutter shall be constructed by the park owner in accordance with the most current edition of the design standards for the city.

b) Variance for concrete roads 6” thick as stated in Chapter 38 – Manufactured Housing, Mobile Homes and Travel Trailers, Article III – Mobile Home, manufactured Housing and Recreational Vehicle Parks, Division 5 – Mobile Home Park Standards, Section 38-212 – Requirements and principles., (a) The mobile home park shall conform to the following requirements:, (4) All mobile home lots shall abut upon a public street, common area street or driveway and shall meet the following requirements:, d. 1. The minimum quality of all public streets which are to be dedicated to the city and private common area streets or driveways shall be six inches of concrete and constructed in accordance with the most current edition of the Design Standards for the City.

c) Variance for street lighting inside lot as stated in Chapter 38 – Manufactured Housing, Mobile Homes and Travel Trailers, Article III – Mobile Home, manufactured Housing and Recreational Vehicle Parks, Division 5 – Mobile Home Park Standards, Section 38-212 – Requirements and principles., (a) The mobile home park shall conform to the following requirements:, (4) All mobile home lots shall abut upon a public street, common area street or driveway and shall meet the following requirements:, c. All private common area streets or driveways shall be well marked in the daytime and lighted at night.

d) Variance for the minimum of 3,500 SF for a lot size and 35’ wide at front stand as stated in Chapter 38 – Manufactured Housing, Mobile Homes and Travel Trailers, Article III – Mobile Home, manufactured Housing and Recreational Vehicle Parks, Division 5 – Mobile Home Park Standards, Section 38-212 – Requirements and principles., (a) The mobile home park shall conform to the following requirements:, (2) Each mobile home lot within the park shall: a. Consist of a minimum of 3,600 square feet; and b. Be at least 35 feet wide at the front stand.

e) Variance for 28' wide road requirement as stated in Chapter 38 – Manufactured Housing, Mobile Homes and Travel Trailers, Article III – Mobile Home, manufactured Housing and Recreational Vehicle Parks, Division 5 – Mobile Home Park Standards, Section 38-212 – Requirements and principles., (a) The mobile home park shall conform to the following requirements:, (4) All mobile home lots shall abut upon a public street, common area street or driveway and shall meet the following requirements:, a. Public entrance, private entrance and any public or private collector streets within the mobile home park shall be at least 280 feet wide. b. All other private common area streets or driveways within the mobile home park shall be at least 28 feet wide.

f) Variance from 20' setback requirements for side and rear as stated in Chapter 18 – Buildings and Construction, Article III – Construction Codes, Section 18-77 – Building line setback requirements, (e) Commercial: (1) Minimum front building line setback: 25 feet, except that where abutting or adjacent to major thoroughfare, the minimum front building line setback requirement shall be 35 feet. (2) Minimum interior side building line setback: Ten feet, except where abutting existing or proposed residential uses, in which case the minimum interior side building line setback shall be 20 feet. (3) Minimum exterior side building line/street setback: Abutting or adjacent to a major thoroughfare, a minimum 25-foot setback shall be maintained. Abutting or adjacent to other streets, fifteen (15) feet minimum setback shall be maintained. (4) Minimum rear building line setback: Ten feet, except where abutting existing or proposed residential uses, in which event the rear building line setback shall be 20 feet. Also, if the building is abutting or adjacent to a major thoroughfare, the minimum rear building line setback shall be 25 feet. Other streets shall require a minimum 15 feet rear building line setback.

g) Variance on 150 cubic foot storage requirement for each site as stated in Chapter 38 – Manufactured Housing, Mobile Homes and Travel Trailers, Article III – Mobile Home, manufactured Housing and Recreational Vehicle Parks, Division 5 – Mobile Home Park Standards, Section 38-212 – Requirements and principles., (a) The mobile home park shall conform to the following requirements:, (6) For each mobile home lot there shall be provided an attached or detached storage building of a minimum of 150 cubic feet.

Assistant to the Building Official Gwyn Laney stated that the Planning Commission denied item a, approved item b, approved item c, approved item d, approved item e with an amendment of minimum 20' wide asphalt road surface to meet minimum fire code requirements, approved item f with an amendment of 15' setback approval instead of requested 10', and approved item g. Mrs. Laney said the Planning Commission was referring the requested items to City Council for a final decision. After some discussion Councilmember Al Bryant moved to approve the Planning Commission's recommendations to deny item a, approve item b, approve item c, approve item d, approve item e with an amendment of minimum 20' wide asphalt road surface to meet minimum fire code requirements, approve item f with an amendment of 15' setback approval instead of requested 10', and approve item g. Councilmember Don Mueller seconded the motion. All voted in favor.

The eighth item on the agenda was to review and consider a request by Ms. Yvonne Hawkins, 137 S. Fulton St., Wharton, Block 7, Lot 5b for a 7' interior side building line

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setback variance from the required 10' minimum interior side building line setback for the placement of a 18' by 30' storage building. City Manager Andres Garza, Jr. presented a request by Ms. Yvonne Hawkins, 137 S. Fulton St., Wharton, Block 7, Lot 5b for a 7' interior side building line setback variance from the required 10' minimum interior side building line setback for the placement of an 18' by 30' storage building. Assistant to the Building Official Gwyn Laney stated that the business would be opening as Premier Party Rental, LLC. After some discussion, Councilmember Al Bryant moved to approve the request by Ms. Yvonne Hawkins, 137 S. Fulton St., Wharton, Block 7, Lot 5b for a 7' interior side building line setback variance from the required 10' minimum interior side building line setback for the placement of an 18' by 30' storage building. Councilmember Russell Machann seconded the motion. All voted in favor.

The ninth item on the agenda was to review and consider Wastewater Treatment Plant No. 1 Improvements for the City of Wharton:

A. Request Payment No. 1 from B-5 Construction.

City Manager Andres Garza, Jr. presented pay request No. 1 from B-5 Construction for the Wastewater Treatment Plant No. 1 Improvement Project in the amount of \$52,572.76 and a copy of the Construction Progress Report No. 1 that covered construction for the period of August 1, 2015 to August 31, 2015. After some discussion, Councilmember Al Bryant moved to approve the pay request No. 1 from B-5 Construction for the Wastewater Treatment Plant No. 1 Improvement Project in the amount of \$52,572.76. Councilmember Tim Barker seconded the motion. All voted in favor.

The tenth item on the agenda was to review and consider Ahldag Addition Sanitary Sewer System Improvement Project. - TXCDBG Contract No. 713510:

A. Request Payment No. 5 from Supak Construction, Inc.

City Manager Andres Garza, Jr. presented a pay request No. 5 from Supak Construction Inc. for the Ahldag Addition Sanitary Sewer System Improvement Project. Bradley Loehr, P.E., with BEFCO Engineering, Inc. stated that pay request No. 5 was the final payment of the project in the amount of \$38,975.44. After some discussion, Councilmember Russell Machann moved to approve Pay Request Payment No. 5 in the amount of \$38,975.44 from Supak Construction, Inc. for the Ahldag Addition Sanitary Sewer System Improvement Project. Councilmember Tim Barker seconded the motion. All voted in favor.

The eleventh item on the agenda was to review and consider a resolution providing for the public sale of property acquired by the City of Wharton from delinquent taxes. City Manager Andres Garza, Jr. stated that Ms. Leslie Hilliard with McCreary Veselka Bragg & Allen PC Attorneys at Law was requesting that the described properties were offered for sale by the Sheriff of Wharton County, Texas at a public auction prior to a judgment of foreclosure for delinquent taxes by the District Courts of Wharton County. City Manager Garza stated that these properties did not receive sufficient bids as set by law and were struck off to the County of Wharton and later conveyed to the City of Wharton, Texas as Trustee. He said that now they would be up for sale at no minimum bid. After some discussion,

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Councilmember Russell Machann moved to approve City of Wharton Resolution No 2015-82, which read as follows:

**CITY OF WHARTON RESOLUTION NO. 2015-82
STATE OF TEXAS**

COUNTY OF WHARTON

**RESOLUTION PROVIDING FOR THE PUBLIC SALE OF PROPERTY ACQUIRED
BY THE CITY OF WHARTON FROM DELINQUENT TAXES**

WHEREAS, the following described properties were offered for sale by the Sheriff of Wharton County, Texas at a public auction pursuant to a judgment of foreclosure for delinquent taxes by the District Courts of Wharton County; and

WHEREAS, the following described properties did not receive sufficient bids as set by law and were struck off to the County of Wharton and later conveyed to the City of Wharton, Texas as Trustee, for the use and benefit of itself and the other taxing units for which levied taxes on the properties, pursuant to TEX. PROP. TAX CODE § 34.01 (j); and

WHEREAS, TEX. PROP. TAX CODE § 34.05 (c) and (d) provide that a taxing unit may request that the Sheriff sell the property at a public sale to the highest bidder with no minimum bid required,

THEREFORE, BE IT HEREBY RESOLVED that the City of Wharton, Texas, does hereby request the Sheriff of Wharton County, Texas to conduct a public sale in the manner prescribed by the Texas Rules of Civil Procedure and § 34.05 (c) and (d) of the Texas Tax Code and sell the following described properties to the highest bidder for cash.

Cause #	Suit Styling	Account #	Legal Description ALLPROPERTIES LOCATED IN WHARTON COUNTY, TEXAS UNLESS OTHERWISE NOTED	Deed Reference (Volume/Page Official Public Records of Wharton County, Texas)	Original Sale Date
7502	WHARTON COUNTY ET AL VS. ROBERT JACK GOLDEN	R011873	LOT 49 OF ELIZABETH BRANCH SUBDIVISION, WHARTON COUNTY, TEXAS	611/924	4/5/2005

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7702	WHARTON COUNTY, ET AL VS. EUGENE KEMP, JR., ET AL	R025650	TRACT NO. 4: LOT 6 IN BLOCK 12 OF WASHINGTON HOMES, A SUBDIVISION IN WHARTON COUNTY, TEXAS ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 35, PAGE 87 OF THE DEED RECORDS OF WHARTON COUNTY, TEXAS (TAX ACCOUNT NUMBER: 11390-02-006-00)	763/356	10/7/2008
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7747	WHARTON COUNTY, ET AL VS. FLORESTHELA HERNANDEZ	R011811	LOT 5 A.O. BRANCH ADDITION TO THE CITY OF WHARTON, WHARTON COUNTY, TEXAS	748/457	5/6/2008
7885	WHARTON COUNTY, ET AL VS. CYNTHIA KAYE ALLEN, ET AL	R011833	LOT 15 OF THE ELIZABETH BRANCH, SUBDIVISION OUT OF THE JACKSON LEAGUE IN WHARTON COUNTY, TEXAS	859/58	8/2/2011
7900	WHARTON COUNTY, ET AL VS. RAY MOORE, ET AL	R012799	LOT 17-A IN BLOCK 1 OF THE CLINE ADDITION, CITY OF WHARTON, WHARTON COUNTY, TEXAS	735/406	2/5/2008
7902	WHARTON COUNTY, ET AL VS. WINSTON FISHER, ET AL	R026843	LOT 7 OF THE C.W. WILSON SUBDIVISION IN THE A. JACKSON LEAGUE, WHARTON COUNTY, TEXAS	770/502	11/4/2008
7934	WHARTON COUNTY, ET AL VS. UNKNOW HEIRS TO THE ESTATE OF MATT SHANKLIN, JR., DECEASED	R021337	ALL THAT CERTAIN TRACT OR PARCEL OF LAND CONTAINING 1.00 ACRE, MORE OR LESS, OUT OF THE SOUTH ONE-HALF LOT 10 OF THE OUTLAR SUBDIVISION, A SUBDIVISION IN WHARTON COUNTY, TEXAS	885/26	4/3/2012
7962	WHARTON COUNTY, ET AL VS. LULA SANCHEZ	R012786	LOT 3 IN BLOCK 1 OF THE R. A. CLINE ADDITION, CITY OF WHARTON, WHARTON COUNTY, TEXAS	763/350	10/7/2008

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8071	WHARTON COUNTY, ET AL VS. DORIS M. SMITH	R018230	TRACT 2: AND UNDIVIDED 60% INTERSET IN AND TO ALL THAT CERTAIN TRACT OR PARCEL OF LAND CONTAINING 1.00 ACRE, MORE OR LESS, LOCATED IN THE ALEXANDER JACKSON LEAGUE, ABSTRACT 34, IN WHARTON COUNTY, TEXAS	885/20	4/3/2012
8310	WHARTON COUNTY, ET AL VS. ALFRED A. NELSON, ET AL	R015982	ALL THOSE CERTAIN TRACTS OF LAND BEING 2 LOTS, EACH BEING 50 FEET BY 120 FEET, LOCATED IN THE ALEXANDER JACKSON TIMBER SURVEY, ABSTRACT 34, WHARTON COUNTY, TEXAS	855/87	6/7/2011
8334	WHARTON COUNTY, ET AL VS. AMOS GREEN, ET AL	R015992	0.27548 ACRE, MORE OR LESS, LOCATED IN THE ALEXANDER JACKSON TIMBER SURVEY, ABSTRACT 34, WHARTON COUNTY, TEXAS, BEING DESCRIBED AS BY METES AND BOUNDS IN DEED DATED MAY 20, 1968, FROM JOHN M. HARRIS TO AMOS GREEN AND WIFE PEARLINE GREEN, RECORDED IN VOLUME 391, PAGE 62, DEED RECORDS OF WHARTON COUNTY, TEXAS	885/16	4/3/2012
8367	WHARTON COUNTY, ET AL VS. UNKNOWN HEIRS TO THE ESTATE OF THELMA JEAN JOHNICAN N/K/A THELMA JEAN BROWN A/K/A THELMA JOHNICAN BROWN, ET AL	R026730	TRACT 1: LOT 20A, BLOCK 61, CITY OF WHARTON, WHARTON COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN COLUME 163, PAGE 3, DEED RECORDS OF WHARTON COUNTY, TEXAS (TAX ACCOUNT NUMBER: 11445-061-201-00)	774/495	2/3/2009

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8444	WHARTON COUNTY, ET AL VS. EUGENE WILSON	R022109	50 FEET BY 102.8 FEET, CONTAINING .118 ACRE, MORE OR LESS, SITUATED IN THE A. JACKSON SURVEY, ABSTRACT 34, WHARTON COUNTY, TEXAS	770/535	11/4/2008
8540	WHARTON COUNTY, ET AL VS. WILLIE MAE JACKSON	R016029	30.00 FEET BY 50.00 FEET, CONTAINING 0.0344 ACRE, MORE OR LESS, BEING THE NORTHERLY 30.00 FEET OF LOT 6, BLOCK 2, HARRISON ADDITION, AN ADDITION TO THE CITY OF WHARTON COUNTY, TEXAS, AS DESCRIBED IN DEED DATED JULY 27, 1950, FROM WILLIAM A. KLINE TO WILLIE MAY JACKSON, IN VOLUME 228, PAGE 469, DEED RECORDS OF WHARTON COUNTY, TEXAS	896/259	8/7/2012
8542	WHARTON COUNTY, ET AL VS. UNKNOWN HEIRS TO THE ESTATE OF ETHEL J. WASHINGTON, DECEASED, ET AL	R018253	0.0716 ACRE, MORE OR LESS, SITUATED IN THE ALEXANDER JACKSON TIMBER SURVEY, ABSTRACT 34, WHARTON COUNTY, TEXAS AS DESCRIBED IN DEED DATED AUGUST 25, 1969, FROM ASLEE WASHINGTON TO ETHEL J. WASHINGTON, IN VOLUME 415, PAGE 166, DEED RECORDS OF WHARTON COUNTY, TEXAS	856/237	5/3/2011
8555	WHARTON COUNTY, ET AL VS. UNKNOWN HEIRS TO THE ESTATE OF HELEN JONES AKA HELEN V JONES, DECEASED	R015594	60 FEET OFF THE EAST END OF LOT 6, BLOCK 3, ORIGINAL TOWN OF GLEN FLORA, WHARTON COUNTY, TEXAS	853/255	5/3/2011

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8591	CITY OF WHARTON, ET AL VS. ELENORA KELLY ROGERS	R016025	THE SOUTH 70.00 FEET OF LOT 4, BLOCK 2, HARRISON ADDITION, AN ADDITION TO THE CITY OF WHARTON, WHARTON COUNTY, TEXAS, AS DESCRIBED IN VOLUME 159, PAGE 605, OFFICIAL PUBLIC RECORDS OF WHARTON COUNTY, TEXAS	853/231	5/3/2011
8695	WHARTON COUNTY, ET AL VS. VERNON KNIGHT, AKA VERNON JOSEPH KNIGHT, ET AL	R016065	LOT 1, BLOCK 6, HARRISON ADDITION, AN ADDITION TO THE TOWN OF WHARTON, WHARTON COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN VOLUME 13, PAGE 178, DEED RECORDS OF WHARTON COUNTY, TEXAS	810/47	2/2/2010
8869	WHARTON COUNTY, ET AL VS. UNKNOWN HEIRS TO THE ESTATE OF BEULAH SHEPHERD, DECEASED, ET AL	R018536	TRACT 1: 50.00 FEET BY 145.00 FEET, CONTAINING 0.1644 ACRE, MORE OR LESS, SITUATED IN THE WILLIAM KINCHELOE LEAGUE, WHARTON COUNTY, TEXAS	882/803	3/6/2012
8893	WHARTON COUNTY, ET AL VS. STATE STREET BANK AND TRUST COMPANY AS TRUSTEE OF THE CONSUMER OBLIGATION STRUCTURED TRUST 1993-1	R012833	THE NORTH 56.75 FEET OF LOTS 1 AND 2, BLOCK 4, CLINE ADDITION, AND ADDITION TO THE CITY OF WHARTON, WHARTON COUNTY, TEXAS	844/228	3/1/2011
8916	WHARTON COUNTY, ET AL VS. UNKNOWN HEIRS TO THE ESTATE OF JUNIOR DUNCAN, DECEASED	R011844	LOT 25, ELIZABETH BRANCH SUBDIVISION, A SUBDIVISION IN WHARTON COUNTY, TEXAS	856-265	7/5/2011
9206	WHARTON COUNTY, ET AL VS. ISIAH MOORE, ET AL	R018509	LOT 22, BLOCK 64, CITY OF WHARTON, BEING LOT 136-C, CITY OF WHARTON, WHARTON COUNTY, TEXAS	886/850	5/1/2012

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9393	WHARTON COUNTY, ET AL VS. NICK WALLS, JR., ET AL	R015994	0.36 ACRES, MORE OR LESS, LOCATED IN THE ALEXANDER JACKSON TIMBER LEAGUE, ABSTRACT 34, WHARTON COUNTY, TEXAS, IN DEED DATED FEBRUARY 8, 1969 FROM JOHN M. HARRIS TO NICK WALLS, JR. AND WIFE MABLE WALLS, RECORDED IN VOLUME 398, PAGE 446, DEED RECORDS OF WHARTON COUNTY, TEXAS	899/940	9/4/2012
9428	WHARTON COUNTY, ET AL VS. MELVIN C. HILL A/K/A MELVIN CLAY HILL	R026589	LOT 6, BLOCK 59, CITY OF WHARTON, WHARTON COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 163, PAGE	899/942	9/4/2012

THEREFORE, BE IT HEREBY RESOLVED that the City of Wharton, Texas hereby directs the Sheriff of Wharton County, Texas to conduct a sale on the first Tuesday in October, 2015, in the manner prescribed by the Texas Rules of Civil Procedure and TEX. PROP. TAX CODE § 34.05 (c) and (d).

THIS RESOLUTION WAS PASSED, APPROVED AND ADOPTED this the 26th day of October, 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 twelfth 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 October 21, 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>.

Mayor Domingo Montalvo, Jr. and I met with U.S. Corp of Engineer representatives (Elston Eckhardt, P.E. & Nova Robbins) on July 2, 2015 in their Ft. Worth District office to discuss the funding on the project. The City Staff has initiated a meeting with Halff and Associates from the Ft. Worth Office, the engineering firm who designed the Project, to develop a construction plan on some of the components of the designed work. The U.S. Corps of Engineers representatives stated that with an approach like that it could possibly allow them to allocate funding. They emphasized the importance of the City pursuing the acquisition of the necessary property for the project.

The City Manager met with Andrew Ickert P.E.-Halff and Associates on September 3, 2015 to discuss the City proposed approach to the project. Also, to discuss other funding alternatives that could be available. The City Staff will conduct a follow-up meeting to discuss additional details.

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 will be installing 6 additional grade stabilization structures or pipe drops along the channel. 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. The City Staff has scheduled a meeting with the Wharton Industrial representatives to discuss their interest in the excess 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 August.

The Public Works and Code Enforcement Departments have begun the implementation of the Grease Ordinance. The Code Enforcement Department has contacted all business' affected by the ordinance and is assisting them with compliance.

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.

2. Kelving Way and Croom/Price Waterline Project.

This project was funded in the 2015 Bond Program. The project has been re-bid and bids are to be received on October 28, 2015.

3. Wastewater Treatment Plant No. 1 Improvement Project.

The project has been awarded to B-5 Construction, the Notice to Proceed was submitted to the Contractor. The contractor began filing their submittals to Jones & Carter the engineers on the job. The contractor has moved on to the site and has begun construction.

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

Supak Construction has mobilized and is 100% complete. Close out of the construction contract has begun.

STREET IMPROVEMENTS

1. FM 1301 Extension and Overpass Project Progress Report.

IDC Inc. has submitted to TxDOT Yoakum District Office all required plans 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.

2. I-69 Project.

TxDOT will hold a public hearing in the next few weeks regarding the environmental requirements for the project in Wharton County. An I-69 Listening Session has been scheduled for October 22, 2015 at the Wharton Civic Center.

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. The City is awaiting TxDOT's response.

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 100% complete and have been submitted by CivilCorp to TxDOT to review. The bidding documents have been reviewed by the City's legal department. The project is scheduled to bid in late October or early November.

6. Kansas City Southern Railroad Quiet Zone.

The Quiet Zone took effect October 1, 2015.

WHARTON REGIONAL AIRPORT

1. Hangar Construction Project.

The project is moving forward. Bids were received on July 2, 2015 and were evaluated by the TxDOT Aviation Division, BLS Construction was awarded a construction contract by TxDOT Aviation Division and a pre-construction meeting will held on September 1, 2015. Construction on the hangar has be

After some discussion, no action was taken.

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

- A. Beautification Commission.
- B. Building Standards Commission.
- C. Holiday Light Decorating Chairman.
- D. Mayor's Committee on People with Disabilities.
- E. Central Appraisal District of Wharton County Board of Directors.

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Mayor Domingo Montalvo, Jr. stated that Mrs. Winnie Huerta submitted a letter to him requesting to serve on the Mayor's Committee on People with Disabilities. Mayor Montalvo appointed the following:

D. Mayor's Committee on People with Disabilities.

Winnie Huerta

Term Ending:
June 30, 2016

City Manager Andres Garza, Jr. presented letters from Ms. Helen Fojtik and Mrs. Vicki Reynolds requesting to serve on the Beautification Commission. After some discussion, Councilmember Russell Machann moved to appoint the following:

A. Beautification Commission.

Helen Fojtik
Vicki Reynolds

Term Ending:
June 30, 2016
June 30, 2016

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

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

- A. Beautification Commission meeting held on October 14, 2015.
- B. Building Standards Commission meeting held on October 15, 2015.
- C. Planning Commission meeting held on October 19, 2015.
- D. Wharton Economic Development Corporation meeting held on October 19, 2015.
- E. Mayor's Committee on People with Disabilities meeting held on October 21, 2015.

After some discussion, no action was taken.

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

- | | |
|--|---------------------------------|
| 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 sixteenth item on the agenda was adjournment. There being no further discussion, Councilmember Don Mueller moved to adjourn. Councilmember Al Bryant seconded the motion. All voted in favor.

City of Wharton
Regular Council Meeting
October 26, 2015

The meeting adjourned at 8:04 p.m.

CITY OF WHARTON, TEXAS

By: _____
Don Mueller
Mayor Pro-Tem

ATTEST:

Paula Favors
City Secretary