

**MINUTES
OF
CITY OF WHARTON
REGULAR CITY COUNCIL MEETING
May 23, 2011**

Mayor Domingo Montalvo, Jr. declared a Regular Meeting duly open for the transaction of business at 7:00 P.M. Mayor Domingo Montalvo, Jr. led the opening devotion and led the pledge of allegiance.

Councilmember's present were: Mayor Domingo Montalvo, Jr., Councilmembers Terry David Lynch, Don Mueller, Alfred Bryant, Jeff Gubbels, and Bryce D. Kocian.

Councilmember absent was: None

Newly elected Councilmembers present were: Russell Machann and Karen Schulz.

Staff members present were: City Manager Andres Garza, Jr., City Secretary Paula Favors, Assistant to City Manager Jackie Jansky, Public Works Director Carter Miska, and City Attorney Paul Webb, Finance Assistant Anne Wigginton.

Visitors present were: John Mercurief II with Wharton Journal Spectator, Sarah Lynch, Carol Lynch, Mozelle Stephens, Peggy Bryant, and I.O. Coleman, Jr.

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

The third item on the agenda was to review and consider an ordinance canvassing the election returns and declaring the results of the City Officers' Election held May 14, 2011. After some discussion, Councilmember Bryce D. Kocian moved to approve the City of Wharton Ordinance No. 2011-09 canvassing the election returns and declaring the results of the City Officers' Election held May 14, 2011, which read as follows:

**CITY OF WHARTON, TEXAS
ORDINANCE NO. 2011-09**

**AN ORDINANCE CANVASSING THE ELECTION RETURNS AND
DECLARING THE RESULTS OF THE CITY OFFICERS' ELECTION
HELD ON MAY 14, 2011**

BE IT ORDAINED by the City Council of the City of Wharton, Texas:

The City Council of the City of Wharton, Texas has canvassed the returns of the city officers' election held on the 14th of May 2011, and the City Council finds and declares that the election returns were duly and legally made, that all of the votes counted at the election were valid and legal, and that each of the candidates in the election received the following numbers of votes:

**CITY OF WHARTON, TEXAS
ORDINANCE NO. 2011-09**

**AN ORDINANCE CANVASSING THE ELECTION RETURNS AND
DECLARING THE RESULTS OF THE CITY OFFICERS' ELECTION
HELD ON MAY 14, 2011**

BE IT ORDAINED by the City Council of the City of Wharton, Texas:

The City Council of the City of Wharton, Texas has canvassed the returns of the city officers' election held on the 14th of May 2011, and the City Council finds and declares that the election returns were duly and legally made, that all of the votes counted at the election were valid and legal, and that each of the candidates in the election received the following numbers of votes:

	<u>Early Votes</u>	<u>Election Day</u>	<u>Total</u>
Councilmember District No. 1 – Unopposed			
Al Bryant	<u>15</u>	<u>11</u>	<u>26</u>
Councilmember District No. 2 – Unexpired Term			
James B. Faetche, P.E.	<u>4</u>	<u>2</u>	<u>6</u>
Karen Schulz	<u>23</u>	<u>29</u>	<u>52</u>
Councilmember District No. 3 - Unopposed			
Terry David Lynch	<u>65</u>	<u>45</u>	<u>110</u>
Councilmember District No. 5			
Russell Machann	<u>99</u>	<u>78</u>	<u>177</u>
Lewis E. Fortenberry, Jr.	<u>75</u>	<u>56</u>	<u>131</u>
Jim Cockrell	<u>14</u>	<u>10</u>	<u>24</u>

Election Returns

295

231

526

The City Council further finds and declares that the election was duly called, that notice of the election was given in accordance with law, that the election was held in accordance with law, that **Al Bryant** was elected Councilmember District No. 1, **Karen Schulz** was elected Councilmember District No. 2- unexpired term, **Terry David Lynch** was elected Councilmember District No. 3, and that **Russell Machann** was elected Councilmember District No. 5.

The City Council declares the above-named persons to be duly elected to the above-named offices, subject to the taking of their oaths of office as provided by the laws of the State of Texas and the charter of the City of Wharton, Texas.

Severability

If any court of competent jurisdiction rules that any section, subsection, sentence, clause, phrase, or portion of this resolution is invalid or unconstitutional, any such portion shall be deemed to be a separate, distinct, and independent provision, and any such ruling shall not affect the validity of the remaining portions hereof.

Passage and Approval

PASSED AND APPROVED by the City Council of the City of Wharton, Texas, on the 23rd of May 2011.

CITY OF WHARTON, TEXAS

By: _____
Domingo Montalvo, Jr.
Mayor

ATTEST:

Paula Favors
City Secretary

APPROVED AS TO FORM:

CIUDAD DE WHARTON, TEXAS
ORDENANZA NUMERO 2011-09

**UNA ORDENANZA HACIENDO EL ESCRUTINIO Y DECLARANDO LOS
RESULTADOS DE LA ELECCIÓN DE CONCEJALES MUNICIPALES QUE SE
CELEBRO EL 14 DE MAYO 2011**

ASÍ SE ORDENA por el Consejo Municipal de la Ciudad de Wharton, Texas:

El Consejo Municipal de la Ciudad de Wharton, Texas, ha escudriñado los resultados de la elección de concejales municipales celebrada el **14 de mayo 2011**, y el Consejo Municipal halla y declara que los resultados de la elección fueron debidamente y legalmente hechos, que todos los votos de la elección contados fueron validos y legales, y que cada uno de los candidatos en la elección recibieron los números de votos siguientes:

	Votación anticipada	Día de la elección	Total
Concejal para el Distrito No.1 (sin oponente)			
Al Bryant	15	11	26
Concejal para el Distrito No.2 (plazo restante)			
James B. Faetche, P.E.	4	2	6
Karen Schulz	23	29	52
Concejal para el Distrito No.3 (sin oponente)			
Terry David Lynch	65	45	110
Concejal para el Distrito No.5			
Russell Machann	99	78	177
Lewis E. Fortenberry, Jr.	75	56	131
Jim Cockrell	14	10	24
Resultados de la elección	295	231	526

El Consejo Municipal también determina y declara que la elección fue debidamente convocada, que el aviso de la elección se dio de acuerdo con la ley, que la elección misma se

City of Wharton
Regular City Council Meeting
May 23, 2011

celebró de acuerdo con la ley, que **Al Bryant** fue elegido Concejal para el Distrito No.1, que **Karen Schulz** fue elegida Concejal para el Distrito No.2 (plazo restante), que **Terry David Lynch** fue elegido Concejal para el Distrito No.3, y que **Russell Machann** fue elegido Concejal para el Distrito No.5.

El Consejo Municipal declara que las personas arriba mencionadas han sido debidamente elegidos a los puestos arriba mencionados, pendiente que hagan sus juramentos de sus cargos como se requiere según las leyes del Estado de Texas y la carta constitutiva de la Ciudad de Wharton, Texas.

Divisibilidad

Si cualquier tribunal competente con jurisdicción declara cualquier sección, sub-sección, frase, clausula, frase, o parte de esta resolución invalida o no constitucional, dicha parte se considerará ser una disposición aparte, distinta, y independiente, y dicha decisión no afectará la validez de las disposiciones restantes.

Autorización y Aprobación

AUTORIZADA y APROBADA por el Consejo Municipal de la Ciudad de Wharton, Texas, el 23 de mayo 2011.

CIUDAD DE WHARTON, TEXAS

Por: _____
Domingo Montalvo, Jr.
Alcalde

ATESTIGADO POR:

Paula Favors
Secretaria Municipal

APROBADO EN TANTO A FORMA:

PAUL WEBB
Abogado de la Ciudad

Councilmember Terry David Lynch seconded the motion. All voted in favor.

City of Wharton
Regular City Council Meeting
May 23, 2011

The fourth item discussed on the agenda was to administer the Oath of Office to Elected Officials Councilmembers Al Bryant, Terry David Lynch, Russell Machann, and Karen Schulz. City Attorney Paul Webb administered the Oath of Office to Elected Officials Councilmembers Al Bryant, Terry David Lynch, Russell Machann, and Karen Schulz. No action was taken.

At this time, the newly elected Councilmembers Al Bryant, Terry David Lynch, Russell Machann, and Karen Schulz were seated as Members of the Wharton City Council to conduct business.

The fifth item on the agenda was presentation of Certificate of Recognition to Councilmember Bryce D. Kocian for serving as City of Wharton Councilmember At-Large District No. 5 from May 2010 to May 2011. Mayor Domingo Montalvo, Jr. presented the Certificate of Recognition to Councilmember Kocian for serving as City of Wharton Councilmember At-Large District No. 5. Councilmember Kocian thanked the citizens of Wharton and fellow Councilmembers for the opportunity to have served the City of Wharton as a Councilmember. No action was taken.

The sixth item on the agenda item was to review and consider the appointment of Mayor Pro-Tem. City Manager Andres Garza, Jr. advised the City Council that Section 15 of the City of Wharton Charter stated that following a regular annual election and upon the induction of the newly elected members of the governing body into office, the members of the City Council shall elect one of the Councilmembers to be Mayor Pro-Tem. After some discussion, Councilmember Terry David Lynch moved to appoint Councilmember Don Mueller to be Mayor Pro-Tem. Councilmember Jeff Gubbels seconded the motion. All voted in favor.

The seventh item on the agenda was Public Comments. There were no public comments and no action was taken.

The eighth item on the agenda was the Wharton Moment. City Manager Andres Garza, Jr. advised the City Council that the City had received a resolution thanking the City for being supportive of the Texas Water Utility Association – Rice Belt Addition. Public Works Director Carter Miska stated that the City of Wharton had been a member for a number of years. No action was taken.

The ninth item on the agenda was to review and consider the City of Wharton financial report for the month of April 2011. City Manager Garza informed the City Council that Finance Director Joan Anandel was attending the GFOAT conference and that Finance Assistant Anne Wigginton would present the financial report. Finance Assistant Wigginton presented the financial report for the month of April 2011. Mrs. Wigginton stated that the total ad valorem taxes collected were \$18,742.96 and the sales tax for the month of April 2011 was \$78,862.77. She further stated that the TexPool balance for April was \$2,240,798.09 with an average monthly yield of 0.11%. She said Prosperity Bank balance for April 2011 was \$1,437,675.86 with an average monthly yield of 0.15%. Mrs. Wigginton further stated that other investments included \$2,659.05 at TexasGulf Federal Credit Union in the debt fund, and \$255,473.91 at Capital One Marketing at a rate of 2%. After some discussion, Councilmember Jeff Gubbels moved to approve the City of Wharton

City of Wharton
Regular City Council Meeting
May 23, 2011

Financial Report for the month of April 2011. Councilmember Al Bryant 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 Cooperation Agreement between the City of Wharton and the City of El Campo for Street Construction Equipment and authorizing the Mayor of the City of Wharton to execute the agreement. City Manager Andres Garza, Jr. stated City of El Campo Public Works Director Phil Bush and City Manager Mindi Snyder approached Public Works Director Carter Miska and himself regarding the City of El Campo's street improvement program. City Manager Garza requested that Ms. Snyder submit a proposed interlocal agreement for use of City of Wharton equipment to aid El Campo with its street program. City Manager Garza presented a draft copy of the proposed agreement to City Attorney Paul Webb for his review. He said that Mr. Webb had indicated that the agreement was acceptable to the City. City Manager Garza stated that the City Council Public Works Committee met on Monday, May 23, 2011 at 5:30 p.m. and recommended the City Council consider approving the Interlocal Cooperation Agreement between the City of Wharton and the City of El Campo for Street Construction Equipment. After some discussion, Councilmember Terry David Lynch moved to approve the City of Wharton Resolution No. 2011-38 approving an Interlocal Cooperation Agreement between the City of Wharton and the City of El Campo for Street Construction Equipment and authorizing the Mayor of the City of Wharton to execute the agreement, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2011-38**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AN INTERLOCAL COOPERATION AGREEMENT, PURSUANT TO THE INTERLOCAL ACT , CHAPTER 791 OF THE TEXAS GOVERNMENT CODE, BETWEEN THE CITY OF WHARTON AND THE CITY OF EL CAMPO FOR STREET CONSTRUCTION EQUIPMENT AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE THE AGREEMENT.

WHEREAS, the City of El Campo wishes to implement a Street Improvement Program pursuant to the Interlocal Act, Chapter 791, Texas Government Code; and

WHEREAS, the City of El Campo wishes to enter into an agreement with the City of Wharton for the City of Wharton to provide equipment for use by the City of El Campo for it's street improvement program; and

WHEREAS, the City of Wharton wishes to enter into an agreement with the City of El Campo to provide equipment for use by the City of El Campo for it's street improvement program; and

WHEREAS, the City of El Campo and the City of Wharton wishes to be bound by the conditions as set forth in the agreement: and

City of Wharton
Regular City Council Meeting
May 23, 2011

WHEREAS, the Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute the Interlocal Cooperation Agreement with the City of El Campo.

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

- Section I.** The Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute the Interlocal Cooperation Agreement with the City of El Campo for use of the City of Wharton equipment for its street improvement program.
- Section II.** The City of Wharton and the City of El Campo 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 23rd day May 2011.

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 eleventh item on the agenda was to review and consider a resolution of the Wharton City Council approving a professional engineering services contract between Dunham Engineering, Inc. and the City of Wharton for the Valhalla Road Ground Water Storage Tank and the Alabama Road Water Plant Ground Water Storage Tank No. 1 Rehabilitation Project and authorizing the Mayor of the City of Wharton to execute the agreement. City Manager Andres Garza, Jr. stated that under the 2009 Bond Program, the renovation/repair of two ground water storage tanks were to be undertaken. City Manager Garza stated the City had pursued a contract with Utility Service Company for the water storage tank maintenance program; however, the City terminated negotiations because the City could not agree on the contract terms. City Manager Garza further stated that during the March 14, 2011 Public Works Committee meeting, the Committee voted to recommend the City Staff pursue a contract with Dunham Engineering, Inc. for the ground storage water tank rehabilitation project. City Manager Garza presented a draft agreement that included the Dunham Engineering's proposed fee to conduct the project. City Manager Garza stated that in 2002, the City contracted with Dunham Engineering to conduct the needed repairs

City of Wharton
Regular City Council Meeting
May 23, 2011

and rehabilitation to the City's elevated water storage tanks. City Manager Garza advised the City Council that the Public Works Committee met on Monday, May 23, 2011 to review the proposed agreement and recommended the City Council consider approving a contract with Dunham Engineering, Inc. After some discussion, Councilmember Don Mueller moved to approve the City of Wharton Resolution No. 2011-39 approving a professional engineering services contract between Dunham Engineering, Inc. and the City of Wharton for the Valhalla Road Ground Water Storage Tank and the Alabama Road Water Plant Ground Water Storage Tank No. 1 Rehabilitation Project and authorizing the Mayor of the City of Wharton to execute the agreement, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2011 - 39**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING A PROFESSIONAL ENGINEERING SERVICES CONTRACT BETWEEN THE DUNHAM ENGINEERING AND THE CITY OF WHARTON FOR THE VALHALLA ROAD GROUND WATER STORAGE TANK AND THE ALABAMA ROAD WATER PLANT GROUND WATER STORAGE TANK NO. 1 REHABILITATION PROJECT AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE THE AGREEMENT.

WHEREAS, the City of Wharton City Council wishes to authorize Mayor Domingo Montalvo, Jr. to execute the professional engineering services agreement for the City of Wharton Valhalla Road Ground Water Storage Tank and the Alabama Road Water Plant Ground Water Storage Tank No. 1 Rehabilitation Project; and

WHEREAS, Dunham Engineering, Inc. wishes to accept a contract for professional engineering services with the City of Wharton for the Valhalla Road Ground Water Storage Tank and the Alabama Road Water Plant Ground Water Storage Tank No. 1 Rehabilitation Project; and

WHEREAS, the City of Wharton and Dunham Engineering, Inc. wish to be bound by the conditions as set forth in the agreement.

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

Section I. That the City Council of the City of Wharton hereby authorizes Mayor Domingo Montalvo, Jr. to execute the professional engineering services agreement with Dunham Engineering for the City of Wharton Valhalla Road Ground Water Storage Tank and the Alabama Road Water Plant Ground Water Storage Tank No. 1 Rehabilitation Project;

Section II. That the City of Wharton and Dunham Engineering, Inc. 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 23rd day of May 2011.

CITY OF WHARTON, TEXAS

By: _____
DOMINGO MONTALVO, JR.
Mayor

ATTEST:

PAULA FAVORS
City Secretary

Councilmember Terry David Lynch seconded the motion. All voted in favor.

The twelfth item on the agenda was to review and consider an ordinance granting the right, privilege and franchise to Wharton County Electric Cooperative, Inc., and its successors and assigns, to use the Public Rights-of-Way of the City of Wharton, Texas, for the distribution of electric power; Providing for a Period of Grant; For method of acceptance; For Consideration; For Construction and Relocation of System Facilities; For Assignment; and For Repeal of Conflicting Ordinances. City Manager Andres Garza, Jr. presented a copy of Section 117, Franchises; maximum life; power of the council, of the City Charter. City Manager Garza advised the City Council that the City of Wharton and the Wharton County Electric Cooperative wished to enter into a franchise agreement for the distribution of electric service in the City of Wharton's rights-of-way. City Manager Garza stated that under the City Charter Section 117, the City Council must read the ordinance at three separate readings of the Wharton City Council. City Manager Garza further stated that the proposed franchise agreement must be published in the Wharton Journal Spectator four consecutive weeks beginning after the first reading. City Manager Garza stated the proponent of the franchise agreement was responsible for paying the cost of publication. City Manager Garza presented the proposed franchise agreement and requested the City Council conduct the first reading of the ordinance during the next regular City Council meeting set for Monday, June 13, 2011. City Manager Garza also presented a copy of the proposed franchise agreement that had been reviewed by Attorney Clarence W. West, the attorney that assisted the City with franchise agreements. After some discussion, Councilmember Don Mueller moved to approve that the City of Wharton proceed with the process to grant a franchise agreement to Wharton County Electric Cooperative in accordance with the City's Charter requirements. Councilmember Alfred Bryant seconded the motion. All voted in favor.

The thirteenth item on the agenda was to review and consider a resolution of the Wharton City Council rescinding Resolution No. 2011-11 and expressing intent to finance expenditures to be incurred for the City of Wharton for the construction and rehabilitation of City streets and the water, sewer and drainage system; flood reduction improvements; sidewalk improvements; the relocation of FM 102 and/or the extension of FM 1301 to US 59, including the acquisition of

related road right of ways and the cost of professional services incurred in connection therewith.

City Manager Andres Garza, Jr. advised the City Council that on March 14, 2011, the Wharton City Council approved Resolution No. 2011-11 expressing intent to finance expenditures to be incurred for the FM 102 Relocation and Overpass Project and the Sidewalk Accessibility and Historic Streetscape Project. City Manager Garza stated that since that time, the City Council had approved to add certain projects to the list of items to be financed through the bond issue, which included the construction and rehabilitation of City streets and the water, sewer and drainage system; flood reduction improvements; sidewalk improvements; the relocation of FM 102 and/or the extension of FM 1301 to US 59, including the acquisition of related road right of ways and the cost of professional services associated with those projects. After some discussion, Councilmember Jeff Gubbels moved to approve Resolution No. 2011-40, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2011-40**

A RESOLUTION OF THE WHARTON CITY COUNCIL RESCINDING RESOLUTION NO. 2011-11 AND EXPRESSING INTENT TO FINANCE EXPENDITURES TO BE INCURRED FOR THE CITY OF WHARTON FOR THE CONSTRUCTION AND REHABILITATION OF CITY STREETS AND THE WATER, SEWER AND DRAINAGE SYSTEM; FLOOD REDUCTION IMPROVEMENTS; SIDEWALK IMPROVEMENTS; THE RELOCATION OF FM 102 AND/OR THE EXTENSION OF FM 1301 TO US 59, INCLUDING THE ACQUISITION OF RELATED ROAD RIGHT OF WAYS AND THE COST OF PROFESSIONAL SERVICES INCURRED IN CONNECTION HEREWITH.

WHEREAS, the Wharton City Council approved the City of Wharton Resolution No. 2011-11 expressing intent to Finance Expenditures to be incurred for the City of Wharton FM 102 Relocation and Overpass Project and the Sidewalk Accessibility and Historic Streetscape Project; and

WHEREAS, the Wharton City Council wishes to rescind Resolution 2011-11 and approve this resolution; and

WHEREAS, the Wharton City Council hereby wishes to express its intent to finance Expenditures for any and all costs associated with the i) the construction and rehabilitation of City streets and the water, sewer and drainage system; ii) flood reduction improvements; iii) sidewalk improvements; (iv) the relocation of FM 102 and/or the extension of FM 1301 to US 59, including the acquisition of related road right of ways; and v) the cost of professional services incurred in connection therewith; and

WHEREAS, the City of Wharton, Texas (the "City"), is a home-rule city of the State of Texas, authorized to issue obligations to finance its activities pursuant to the Texas Government Code and other laws of the State of Texas, the interest on which is excludable from gross income for federal income tax purposes ("tax-exempt obligations") pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code"); and

WHEREAS, the City will make, or has made not more than 60 days prior to the date hereof, payments with respect to the engineering, acquisition, construction, reconstruction or renovation of the projects listed on Exhibit A attached hereto; and

WHEREAS, the City desires to reimburse itself for the costs associated with the projects listed on Exhibit A attached hereto from the proceeds of tax-exempt obligations to be issued subsequent to the date hereof; and

WHEREAS, the City reasonably expects to issue tax-exempt obligations to reimburse itself for the costs associated with the projects listed on Exhibit A attached hereto.

NOW, THEREFORE, be it resolved that:

Section 1. The City reasonably expects to reimburse itself for all costs that have been or will be paid subsequent to the date that is 60 days prior to the date hereof and that are to be paid in connection with the engineering, acquisition, construction, reconstruction or renovation of the projects listed on Exhibit A attached hereto from the proceeds of tax-exempt obligations to be issued subsequent to the date hereof.

Section 2. The City reasonably expects that the maximum reimbursement from the principal amount of tax-exempt obligations issued by the City for costs associated with the projects listed on Exhibit A attached hereto will not exceed \$4.6 million.

Section 3. All resolutions and parts of resolutions in conflict herewith are hereby repealed to the extent of the conflict only.

Section 4. If any word, phrase, clause, sentence, paragraph, section or other part of this resolution or the application thereof to any person or circumstance shall ever be held to be invalid or unconstitutional by any court of competent jurisdiction, the remainder of this resolution and the application of such word, phrase, clause, sentence, paragraph, section, or other part of this resolution to any other person or circumstance shall not be affected thereby.

Section 5. The Wharton City Council hereby rescinds Resolution No. 2011-11 and approves this resolution.

Section 6. The City Council officially finds, determines and declares that a sufficient written notice of the date, hour, place and subject of each meeting at which this resolution was discussed, considered or acted upon was given in the manner required by the Texas Open Meetings Act, as amended, and that each such meeting has been open to the public as required by law at all times during such discussion, consideration and action. The City Council ratifies, approves and confirms such notices and the contents and posting thereof.

PASSED AND APPROVED this 23rd day of May 2011.

CITY OF WHARTON

Domingo Montalvo, Jr.
Mayor

ATTEST:

Paula Favors
City Secretary (SEAL)

EXHIBIT A

DESCRIPTION OF PROPERTY

<u>Item or Fund--Described by Character, Type or Purpose</u>	<u>Amount--Described by Cost, Quantity or Size</u>
1. the construction and rehabilitation of city streets and water, sewer and drainage system.	
2. flood reduction improvements	
3. sidewalk improvements	
4. the relocation of FM 102 and/or the extension of FM 1301 to US 59, including the acquisition of related road right of ways	
5. the cost of professional services incurred in connection	
Total	\$4,600,000.00

Councilmember Terry David Lynch seconded the motion. All voted in favor.

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

- A. Wharton Regional Airport Board.
- B. Beautification Commission.
- C. Building Standards Commission.
- D. Electrical Board.
- E. Holiday Light Decorating Chairman.
- F. Mayor's Committee on People with Disabilities.
- G. Planning Commission.
- H. Plumbing and Mechanical Board.
- I. Wharton Economic Development Corporation Board of Directors.
- J. Youth Advisory Commission.
- K. City Council Committees:

City of Wharton
Regular City Council Meeting
May 23, 2011

1. Annexation Committee.
2. Finance Committee.
3. Housing Committee.
4. Intergovernmental Relations Committee.
5. Legislative Committee.
6. Public Health Committee.
7. Public Safety Committee.
8. Public Works Committee.
9. Telecommunications Committee.

City Manager Andres Garza, Jr. presented a list of the City of Wharton City Council Boards, Commissions, and Committees, which vacancies exist on them respectively.

After some discussion, Councilmember Al Bryant moved to appoint Mr. I.O. Coleman, Jr. to the Building Standards Commission. Councilmember Terry David Lynch seconded the motion. All voted in favor.

Councilmember Jeff Gubbels then moved to appoint Councilmember Terry David Lynch to replace Councilmember Don Mueller on the Wharton Economic Development Corporation Board of Directors for a term to be the 1st Tuesday in June 2011 through September 30, 2011. Councilmember Don Mueller seconded the motion. All voted in favor.

City Manager Andres Garza, Jr. stated that the City Council could consider re-appointing Councilmember Lynch for the term beginning October 1, 2011 through September 30, 2013 to shift the position to the current rotating basis with the fiscal year.

The fifteenth on the agenda was to review and consider the Status Report on City of Wharton Projects. City Manager Andres Garza, Jr. presented copy of his memorandum dated May 23, 2011 to the City Council providing the Status Report on City of Wharton Projects, which read as follows:

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.swf.usace.army.mil/pubdata/notices/LowerColorado/>.

On February 1, 2011, the Public Works Committee met to discuss issues with the levee. The group reviewed the possible levee realignment that would tie in with Caney Creek just Southeast of Glen Flora. In addition, the committee reviewed those areas where buyouts and/or relocations may be needed. The discussion focused on whether to avoid the buyouts by building a floodwall or continue with the earthen levee and buyout property owners. The consensus was that it would be more feasible to continue with the earthen levee. Public Works staff is collecting data for Half Associates to assist in the final design.

City of Wharton
Regular City Council Meeting
May 23, 2011

The Public Works Committee met on May 2, 2011 to discuss the USACE's request for an additional \$85,000.00 for modification of the P&S contract, supplemental Environmental Assessment, and design product reviews. The committee will be making a recommendation to the council on May 23, 2011.

City staff traveled to Austin for the FDEP Executive Committee meeting on May 4, 2011. City staff also met via conference call with Halff Associates to discuss design issues and right of entry issues on May 10, 2011.

DRAINAGE:

1. Santa Fe Outfall Channel.

The Public Works Department has finished excavation up to Alabama Road. The Public Works Department will now focus on installing grade stabilization structures and installing other best management practices needed to control erosion. Excavation will continue weather permitting.

2. Highway 60 & Old Lane City Road Drainage Improvements

The construction plans have been approved by the TxDOT Yoakum District Office. City staff is working with the Yoakum District to acquire the right of way needed for construction.

City staff is currently preparing cost estimates on the project and obtaining the necessary right of way needed for the project.

WATER/SEWER IMPROVEMENTS:

1. Ahldag Addition Sanitary Sewer Project – TxCDBG Contract No. R729710.

This project is complete. The City has a one-year warranty with AR Turnkey on this project.

2. Water Storage Tank Maintenance Program.

Negotiations with Utility Service Company have been terminated. City Staff is currently negotiating a contract with Dunham Engineering to develop the engineering plans, specifications, and bid package to renovate t ground storage tanks. The City has four ground storage tanks. City staff has identified the two tanks in most need of renovation. This includes the Valhalla tank and tank number one at the Alabama Water Plant.

3. Quick Connect/Transfer Switch Project

Quick connects and transfer switches are being installed at all city lift stations, city water plants, City Hall, the Fire Station, EMS Headquarters, WWTP #1, and WWTP#2. Electrical Automation Controls is approximately 90% complete.

4. Pressure Switches at City Water Plants

This project is complete; however, the Public Works staff continues to monitor the system to insure that it is working properly.

5. Energy Efficiency Audit

City Staff is currently reviewing the report from Siemens Industry, Inc.

6. Wastewater Treatment Plant No. 1 Rehabilitation Proposal

City Council approved a proposal from Jones and Carter, Inc. to prepare a report that establishes a plan for the rehabilitation of and improvements to Wastewater Treatment Plant No. 1 to meet the future needs of the City and to meet future permit requirements.

This engineering study will begin this month.

STREET IMPROVEMENTS

1. FM 102 Relocation and Overpass Project

The Consultant Selection Committee recommended IDC, Inc. as the engineering firm on this project, which was accepted by the City Council on March 14, 2011. On May 10, 2011, an agreement between IDC Inc. and the City of Wharton for professional engineering services was fully executed. On May 18, 2011 City staff and IDC Inc. had a design “kick-off” meeting to discuss the project schedule, coordination with TxDOT, coordination with City staff, coordination with Kansas City Southern Railroad, invoicing, and briefly discuss the different design alternatives.

City staff and IDC Inc. will meet with TxDOT staff in Yoakum on May 26, 2011 at 2:30 PM.

2. 2010 Street Improvement Program

This project is complete.

3. 2011 Street Improvement Program

Public Works Staff is currently identifying and preparing cost estimates for possible street improvements during the next fiscal year.

4. Wharton Sidewalk Accessibility and Historic Streetscape Project

The Consultant Selection Committee (CSC) received eleven proposals for the sidewalk project. The proposals were reviewed and scored by each committee member based on criteria developed by the CSC. The CSC will meet again in June to hold interviews with the top three ranking firms

City of Wharton
Regular City Council Meeting
May 23, 2011

and will provide their recommendation to award the contract to the City Council for consideration.

OTHER PROJECTS

1. Fire Station Expansion Project

Public Works Staff completed the construction of the earthen pad required for the new building foundation on February 22, 2011. Public Works has also completed the water tap for the new facility.

The Facilities Maintenance Director has been coordinating the efforts of the concrete, plumbing, electrical, and building contractors. The building is nearing completion. Upon completion, Public Works will have the task of grading the site for drainage and the concrete driveways.

WHARTON REGIONAL AIRPORT

1. Capital Improvement Drainage Project.

The TxDOT has negotiated an engineering contract with O'Malley Engineers to design the Drainage Project for the airport being conducted under the 2010 Capital Improvement Program. The City Staff met with the State and O'Malley Engineers on March 17, 2011 to kick-off the project.

After some discussion, no action was taken.

The sixteenth item on the agenda was to review and consider City Council, Committee, Commissions and Boards Reports:

- A. Beautification Commission meeting held May 11, 2011.
- B. Wharton Economic Development Corporation meeting held May 16, 2011.

City Manager Andres Garza, Jr. presented a copy of the reports to the City Council. After some discussion, no action was taken.

The seventeenth item discussed on the agenda was to review and consider the City's Reports:

- | | |
|--|--------------------------------|
| A. City Secretary/Personnel. | I. Legal Department. |
| B. Code Enforcement. | J. Municipal Court. |
| C. Community Services Department
/Civic Center. | K. Police Department |
| D. Emergency Management. | L. Public Works Department. |
| E. E.M.S. Department. | M. Water/ Sewer Department. |
| F. Engineer/Planning Department. | N. Weedy Lots/ Sign Ordinance. |
| G. Facilities Maintenance Department. | O. Wharton Municipal Pool. |
| H. Fire Department. | P. Wharton Regional Airport. |

City of Wharton
Regular City Council Meeting
May 23, 2011

City Manager Andres Garza, Jr. presented the reports to the City Council. No action was taken.

The eighteenth item on the agenda was adjournment. After some discussion, Councilmember Alfred Bryant made a motion to adjourn. Councilmember Don Mueller seconded the motion. All voted in favor.

The meeting adjourned at 7:27 p.m.

CITY OF WHARTON, TEXAS

By: 

Demingo Montalvo, Jr
Mayor

ATTEST:



Paula Favors
City Secretary