

**MINUTES
OF
CITY OF WHARTON
REGULAR CITY COUNCIL MEETING
September 24, 2012**

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

Councilmember's present were: Mayor Domingo Montalvo, Jr., Councilmembers Al Bryant, Jeff Gubbels, Terry David Lynch, Russell Machann, Don Mueller, and Karen Schulz.

Councilmembers absent were: None.

Staff members present were: City Manager Andres Garza, Jr., City Attorney Paul Webb, Finance Director Joan Anandel, Public Works Director Carter Miska, P.E., Building Official Assistant Lori Jaquez, and Assistant to City Manager Jackie Jansky.

Visitors present were: Ben Sharp, Wharton Journal Spectator, Jonathan Kulak, Joel Ansley, Brian Ansley, Dalton Guidry, Angela Guidry, and David Schroeder, Executive Director of the Wharton Economic Development Corporation (WEDCo).

The second item on the agenda was Roll Call and Excused Absences. All members were present. No action was taken

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

The fourth item on the agenda was Wharton Moment. City Manager Andres Garza, Jr. congratulated the Wharton High School Football team on a great start to the 2012 football season.

The fifth item on the agenda was to review and consider the City of Wharton Financial Report for the month of August 2012. Finance Director Joan Anandel presented the financial report for the month of August 2012. Mrs. Anandel stated that the total ad valorem taxes collected were \$8,375.93 and the sales tax for the month of August 2012 was \$114,449.27. She further stated that the TexPool balance for August was \$164,137.41 with an average monthly yield of 0.13%. She said the Prosperity Bank balance for August 2012 was \$6,291,945.35 with an average monthly yield of 0.15%. Mrs. Anandel further stated that other investments included \$2,683.88 at TexasGulf Federal Credit

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Union in the debt fund. After some discussion, Councilmember Al Bryant moved to approve the City of Wharton Financial Report for the month of August 2012. Councilmember Terry David Lynch seconded the motion. All voted in favor.

The sixth item on the agenda was to review and consider an ordinance adopting the fiscal year 2012-2013 Annual Budget for the City of Wharton, Texas; Appropriating the sums established therein; and directing the City Secretary to file copies as required by law. City Manager Andres Garza, Jr. stated that during the regular August 27, 2012 regular City Council meeting he received under separate cover a copy of the proposed budget for the City of Wharton, Texas, Fiscal Year October 1, 2012 to September 30, 2013. City Manager Garza said that during the regular City Council meeting held September 10, 2012 the City Council held the public hearing to receive public input regarding City of Wharton Annual Budget for Fiscal year 2012 – 2013. After some discussion, Councilmember Russell Machann moved to approve City of Wharton Ordinance No. 2012-12, which read as follows:

**CITY OF WHARTON, TEXAS
ORDINANCE NO. 2012-12**

**AN ORDINANCE ADOPTING THE FISCAL YEAR 2012-2013 ANNUAL
BUDGET FOR THE CITY OF WHARTON, TEXAS; APPROPRIATING THE
SUMS ESTABLISHED THEREIN; AND DIRECTING THE
CITY SECRETARY TO FILE COPIES AS REQUIRED BY LAW.**

WHEREAS, the City's budget for the fiscal year ending September 30, 2013, which is attached hereto, was duly submitted to the City Council more than thirty (30) days prior to September 30, 2012.

WHEREAS, a public hearing was duly called and held on said budget not less than seven days nor more than fourteen days after date of publication giving notice of such meeting and prior to the time the City Council of the City of Wharton levied taxes for such current fiscal year; and

WHEREAS, all parties desiring to participate and be heard at said public hearing having been heard until no more evidence was offered, and such hearing having been concluded, and the City Council of said City having made such changes in such budget as in its judgment the law warrants and the best interest of the taxpayers of the City of Wharton, Texas, demand, said budget with such changes being attached hereto, as aforesaid.

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

Section 1. **THAT** the findings set out in the preamble of this ordinance are true and correct.

Section 2. **THAT** the budget of the City of Wharton, Texas for the fiscal year ending September 30, 2013, be and the same is hereby, in all respects, finally approved and adopted including any changes approved by the City Council; and the same shall be and is hereby filed with the City Secretary of the City.

Section 3. **THAT** the General Fund is hereby established to account for resources associated with traditional government activities, which are not required legally or by sound financial management to be accounted for in another fund. The General Fund is hereby approved with \$4,754,221 estimated revenues and \$5,322,921 in appropriations and with transfers-in approved at \$568,700. The amounts are specified for departmental purposes named in said budget and they are hereby appropriated to and for such purposes at the departmental level.

Section 4. **THAT,** the PEG (Public, Educational, Government television access) fund is created to account for all funds received from the 1% franchise fee provided through the local cable provider. The PEG Fund is hereby approved with \$6,000 in estimated revenues and \$6,000 in appropriations.

Section 5. **THAT** the Hotel Motel Fund is created to account for the occupancy tax levied on hotel rooms within the City as adopted by city ordinance and consistently with Chapter 351 of the Texas Tax Code. The Hotel Motel Fund is hereby approved with \$214,977 in estimated revenues which includes \$33,767 from fund balance and \$60,649 in appropriations and transfers-out approved at \$154,328 with beginning fund balance of approximately \$67,197.

Section 6. **THAT** the Narcotics Seizure Fund is created to account for the resources and uses of assets seized in illegal narcotics activities. The uses are limited to law enforcement activities. The Narcotics Seizure Fund is hereby approved with \$5,750 estimated revenues, \$5,750 in appropriations. with beginning fund balance of approximately \$10,452.

Section 7. **THAT** the Debt Service Fund is hereby created to account for the accumulation of resources collected for Interest and Sinking requirements and for the disbursement of those resources for debt requirements. The Debt Service Fund is hereby approved with \$855,754 in estimated revenues and \$842,544 in appropriations. The estimated beginning fund balance is \$391,836.

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Section 8. **THAT** the Capital Improvement Fund is created to account for infrastructure improvements authorized by the City Council. The Capital Improvement Fund is approved with \$100,000 in estimated revenues and expenses.

Section 9. **THAT** the Water and Sewer Fund is created to account for the resources and uses associated with the delivery of utility services to citizens of Wharton as an enterprise fund. The Water & Sewer Fund is hereby approved with \$3,062,318 in estimated revenues. Water and sewer is approved with \$2,985,293 in appropriations, which includes a franchise fee of 8% of water and sewer sales or approximately \$238,000, and transfers-out approved at \$544,494.

Section 10. **THAT** the Solid Waste Fund is created to account for the financial activities of the City's solid waste collection contract and delivery to citizens of Wharton as an enterprise fund. The Solid Waste Fund is approved with \$1,288,347 in estimated revenues and \$1,288,347 in appropriations which includes a franchise fee of 6% of solid waste revenues or approximately \$68,000, and transfers-out approved at \$25,000.

Section 11. **THAT** the Emergency Medical Services Fund is created to account for the financial activities of the emergency medical services provided to the city and surrounding areas as an enterprise fund. The Emergency Medical Services Fund is approved with \$1,483,145 in estimated revenues and \$1,433,939 in appropriations and transfers-out at \$49,206.

Section 12. **THAT** the Civic Center Fund is created to account for the financial activities of the Civic Center as an enterprise fund. The Civic Center is approved with \$65,700 in estimated revenues and \$235,028 in appropriations. Transfers-in are approved at \$154,328 with a \$15,000 decrease to fund balance.

Section 13. **THAT** the Airport Fund is created to account for the financial activities of the Wharton Regional Airport as an enterprise fund. The Airport Fund is approved with \$232,338 in estimated revenues and \$232,338 in appropriations.

Section 14. **THAT** the City Secretary shall file copies of this Ordinance and of such budget with the County Clerk of Wharton County, Texas.

PASSED AND APPROVED by a favorable majority of the members of the City Council of the City of Wharton, Texas, in council meeting, this 24^d day of September 2012 duly assembled in accordance with Article VI of the Charter of the City of Wharton, Texas, by the following vote:

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| | | |
|---|-------|-----|
| Domingo Montalvo, Jr., Mayor | Voted | Yes |
| Alfred Bryant, Councilmember District 1 | Voted | Yes |
| Karen Schulz, Councilmember District 2 | Voted | Yes |
| Terry Lynch, Councilmember District 3 | Voted | Yes |
| Donald Mueller, Councilmember District 4 | Voted | Yes |
| Russell Machann, Councilmember at Large Place 5 | Voted | Yes |
| Jeff Gubbels, Councilmember at Large Place 6 | Voted | Yes |

Separability

If any court of competent jurisdiction rules that any section, subsection, sentence, clause, phrase, or portion of this ordinance 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.

CITY OF WHARTON

By: _____
Domingo Montalvo, Jr., Mayor

ATTEST:

APPROVED FOR ADMINISTRATION:

Paula Favors, City Secretary

Andres Garza, Jr., City Manager

APPROVED AS TO FORM:

APPROVED FOR FUNDING:

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Paul Webb, City Attorney

Joan Andel, Finance Director

Councilmember Terry David Lynch seconded the motion. All voted in favor. The seventh item on the agenda was to review and consider Levying a Tax Rate for the City of Wharton, Texas, for the Tax Year 2012; directing the Tax Assessor-Collector to assess, account for and distribute the taxes as herein levied; and providing repealing and severability clauses. City Manager Andres Garza, Jr. presented a copy of the draft ordinance levying a tax rate for the City of Wharton, Texas, for the Tax Year 2012; directing the Tax Assessor-Collector to assess, account for and distribute the taxes as herein levied; and providing repealing and severability clauses. After some discussion, Councilmember Don Mueller moved to approve City of Wharton Ordinance No. 2012-13, which read as follows:

**CITY OF WHARTON, TEXAS
ORDINANCE NO. 2012-13**

AN ORDINANCE LEVYING A TAX RATE FOR THE CITY OF WHARTON, TEXAS, FOR THE TAX YEAR 2012; DIRECTING THE TAX ASSESSOR-COLLECTOR TO ASSESS, ACCOUNT FOR AND DISTRIBUTE THE TAXES AS HEREIN LEVIED; AND PROVIDING REPEALING AND SEVERABILITY CLAUSES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHARTON, TEXAS:

Section 1. THAT there be and is hereby levied for the year 2012 on all real and personal property within and all real and personal property and mineral royalties owned within the city limits of the City of Wharton, Texas for the year 2012, except so much thereof as may be exempt by the constitution and of the State of Texas and of the United States, the following:

| | |
|-------------------------------|------------------------|
| General Fund Operations | .25743/\$100 valuation |
| For Debt Service Requirements | .19280/\$100 valuation |
| Total Tax Rate | .45023/\$100 valuation |

Section 2. THAT the Tax Assessor-Collector and/or Finance Director is hereby directed to assess, extend and enter upon the certified tax rolls of the City of Wharton, Texas, for the current taxable year, as provided by the Wharton County Appraisal District, the amounts and rates as herein levied, to keep correct amount of same, and when collected, to be distributed in accordance with this ordinance.

Passage and Approval

PASSED AND APPROVED by a favorable majority of the members of the City Council of the City of Wharton, Texas, in a council meeting, this 24th day of September, 2012, duly assembled in accordance with Article VI of the Charter of the City of Wharton, Texas, by the following vote:

| | | |
|--|-------|-----|
| Domingo Montalvo, Jr., Mayor | Voted | Yes |
| Alfred Bryant., Councilmember District 1 | Voted | Yes |

| | | |
|--|-------|-----|
| Karen Schulz., Councilmember District 2 | Voted | Yes |
| Terry Lynch, Councilmember District 3 | Voted | Yes |
| Donald Mueller, Councilmember District 4 | Voted | Yes |
| Russell Machann., Councilmember at Large Place 5 | Voted | Yes |
| Jeff Gubbels, Councilmember at Large Place 6 | Voted | Yes |

Separability

If any court of competent jurisdiction rules that any section, subsection, sentence, clause, phrase, or portion of this ordinance 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.

CITY OF WHARTON

By: _____
Domingo Montalvo, Jr., Mayor

ATTEST:

APPROVED FOR ADMINISTRATION:

Paula Favors, City Secretary

Andres Garza, Jr., City Manager

APPROVED AS TO FORM:

APPROVED FOR FUNDING:

Paul Webb, City Attorney

Joan Anandel, Finance Director

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

The eighth item on the agenda was to review and consider a request by Mr. Jonathan & Andrea Kulak for City Council approval of an Over 50% Variance to construct an addition to the main building located at the Red Barn Nursery, 2322 North Richmond Road; Ahldag, Block 30, Lot 30, 30A., 30C, 33B-1 & 34A-1. Assistant to the City Manager Jackie Jansky presented a copy of

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the City Council Application for Over 50% Variance submitted by Mr. Jonathan Kulak requesting 19'0" variance to construct an addition to the main building located at the Red Barn Nursery, 2322 North Richmond Road; Ahldag, Block 30, Lot 30, 30A,, 30C, 33B-1 & 34A-1. Mrs. Jansky stated that with the approval of the City Council, the addition would be 16' from the front property line, and the setback requirement was 35' from the front property line along a main thoroughfare. After some discussion, Councilmember Terry David Lynch moved to approve the request by Mr. Jonathan & Andrea Kulak to construct an addition to the main building located at the Red Barn Nursery, 2322 North Richmond Road; Ahldag, Block 30, Lot 30, 30A, 30C, 33B-1 & 34A-1. Councilmember Don Mueller seconded the motion. All voted in favor.

The ninth item on the agenda was to review and consider a resolution of the Wharton City Council approving an agreement between the City of Wharton and Jones & Carter, Inc. for professional engineering services in connection with the demolition of the Cloud Street Water Plant Elevated Storage Tank and the installation of a hydropneumatic tank and authorizing the Mayor of the City of Wharton to execute the agreement. City Manager Andres Garza, Jr. stated that during the regular September 10, 2012 City Council meeting, the City Council approved the demolition of the Cloud Street Water Plant Elevated Storage Tank and the installation of a hydropneumatic tank. City Manager Garza presented a copy of a professional engineering services agreement provided by Jones & Carter, Inc. to provide their services to conduct the project. After some discussion, Councilmember Don Mueller moved to approve City of Wharton Resolution No. 2012-43, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2012 - 43**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AN AGREEMENT BETWEEN THE CITY OF WHARTON AND JONES & CARTER, INC. FOR PROFESSIONAL ENGINEERING SERVICES IN CONNECTION WITH THE DEMOLITION OF THE CLOUD STREET WATER PLANT ELEVATED STORAGE TANK AND THE INSTALLATION OF A HYDROPNEUMATIC TANK AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE THE AGREEMENT.

WHEREAS, During the September 10, 2012 regular Wharton City Council meeting and determined that it was in the best interest of the City of Wharton to demolish the Cloud Street Water Plant and to install a hydropneumatic tank; and

WHEREAS, The Wharton City Council wishes to engage the services of Jones & Carter, Inc. to provide professional engineering services in connection with said project; and

WHEREAS, Jones & Carter, Inc. wishes to provide said services to conduct the demolition of the Cloud Street Water Plant and Hydropneumatic Tank Installation Project; and

WHEREAS, The City of Wharton and Jones & Carter, Inc. wishes to be bound by the conditions of said professional engineering services agreement; and

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WHEREAS, The Wharton City Council wishes to authorize the Mayor of the City of Wharton 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 Mayor of the City of Wharton to execute a professional engineering services agreement with Jones & Carter, Inc. for the Cloud Street Water Plant and Hydropneumatic Tank Installation Project.

Section II. The City of Wharton and Jones & Carter, 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 24th day of September 2012.

CITY OF WHARTON, TEXAS

By: _____
DOMINGO MONTALVO, JR.
Mayor

ATTEST:

PAULA FAVORS
City Secretary

Councilmember Karen Schulz seconded the motion. All voted in favor.

The tenth item on the agenda was to review and consider City of Wharton Chemicals:

- A. Bid Tabulation
- B. **Resolution:** : A resolution of the Wharton City Council awarding the bid for the City of Wharton Public Works Department Chemicals to DXI Industries, Inc. for one ton chlorine gas cylinder, and 150 lbs. solution gas cylinder; to NAPCO Chemical Company for sodium bisulfite hypochlorite, granular calcium hypochlorite 65%, sodium hypochlorite liquid bleach 10% and fluoride; and authorizing the Mayor of the City of Wharton to execute the agreements.

City Manager Andres Garza, Jr. stated that on September 20, 2012, the City of Wharton received bids for chemicals for use by the City of Wharton Public Works Department. City Manager Garza presented a copy of the bid tabulation and a copy of the memorandum dated September

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20, 2012 from Public Works Director Carter Miska, P.E. providing his recommendation to award contract(s) for the chemicals. After some discussion, Councilmember Russell Machann moved to approve City of Wharton Resolution No. 2012-14, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2012-44**

A RESOLUTION OF THE WHARTON CITY COUNCIL AWARDING THE BID FOR THE CITY OF WHARTON PUBLIC WORKS DEPARTMENT CHEMICALS TO DXI INDUSTRIES, INC. FOR A ONE TON CHLORINE GAS CYLINDER, AND 150 LBS. SOLUTION GAS CYLINDER; TO NAPCO CHEMICAL COMPANY FOR SODIUM BISULFITE HYPOCHLORATE, GRANULAR CALCIUM HYPOCHLORITE 65%, SODIUM HYPOCHLORITE LIQUID BLEACH 10% AND FLUORIDE; AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE THE AGREEMENTS.

WHEREAS, competitive, sealed bids for chemicals were received on September 20, 2012, for use by the City of Wharton Public Works Department; and

WHEREAS, as per bid specifications, the following companies were deemed to be the lowest and best qualified bidders for the products listed respectively:

- A. DXI Industries, Inc. for one ton chlorine gas cylinder in the amount of \$860.00 per cylinder, and 150 lbs. solution gas cylinder in the amount of \$125.00 per cylinder; and
- B. NAPCO Chemical Company, Inc. for sodium bisulfite hypochlorite in the amount of \$0.15 per pound, granular calcium hypochlorite 65% in the amount of \$210.00 per 100 lbs., sodium hypochlorite liquid bleach 10% in the amount of \$1.25 per gallon and fluoride 5,000 gallons in the amount of \$5.75 per gallon; and,

WHEREAS, the Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute the required agreements for the chemicals for the Public Works Department; and

WHEREAS, this resolution is passed in accordance with this bid.

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 awards contracts to the following companies for chemicals for use by the City of Wharton Public Works Department as per bid specifications for the products listed respectively as follows:

- A. DXI Industries, Inc. for one ton chlorine gas cylinder in the amount of \$860.00 per cylinder, and 150 lbs. solution gas cylinder in the amount of \$125.00 per cylinder; and

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B. NAPCO Chemical Company, Inc. for sodium bisulfite hypochlorite in the amount of \$0.15 per pound, granular calcium hypochlorite 65% in the amount of \$210.00 per 100 lbs., sodium hypochlorite liquid bleach 10% in the amount of \$1.25 per gallon and fluoride 5,000 gallons in the amount of \$5.75 per gallon.

Section II. That the Mayor of the City of Wharton is hereby authorized to sign any and all documents related to the afore-mentioned contracts.

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

Passed, Approved, and Adopted this 24th of September 2012.

CITY OF WHARTON, TEXAS

By:

DOMINGO MONTALVO, JR.
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The eleventh item on the agenda was to review and consider a request by the City Staff for City Council consideration to reject the September 20, 2012 Fuel Bids received by the City of Wharton. City Manager Andres Garza, Jr. stated that on September 20, 2012, the City of Wharton received bids for the City of Wharton fuel. City Manager Garza presented a copy of the memorandum dated September 20, 2012 from Public Works Director Carter Miska, P.E. to him providing a copy of the bid tabulation and his request for the bids to be rejected due to one of the company's, who normally participates by submitting their bid, not receiving the bid package because of an addressing error. Public Works Director Carter Miska, P.E. addressed the City Council and stated that one of the bids was returned unopened. He further stated that due to the address error, he was recommending City Council reject the original bids and re-bid the project to provide an opportunity for that company to participate. He said the company was the current contractor providing the City fuel. After some discussion, Councilmember Terry David Lynch moved to reject the bids for fuel due to one of the company's, who normally participates by submitting their bid, not receiving the bid package because of an addressing error and requesting the City Staff rebid for fuel. Councilmember Al Bryant seconded the motion. All voted in favor.

The twelfth item on the agenda was to review and consider a request City of Wharton Road Materials:

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A. Bid Tabulation.

B. **Resolution:** A resolution of the Wharton City Council awarding the bid for the City of Wharton Road Materials to Quality Hot Mix, Inc. for Hot Mix Cold Laid Asphalt Concrete Pavement, Pre-Coated Aggregate, Aggregate, and Dense-Graded Hot-Mix Asphalt, to Alamo Concrete Products for Hydraulic Cement Concrete Class A, Class B, Class C to Zbranek Brothers for Limestone Base and Flexible Base, and to Lhoist North America/Chemical Lime for Lime Slurry and Authorizing the Mayor of the City of Wharton to execute the agreements.

City Manager Andres Garza, Jr. stated that on September 20, 2012, the City of Wharton received bids for road materials. City Manager Garza presented a copy of the bid tabulation and presented a copy of the memorandum dated September 20, 2012 from Public Works Director Carter Miska, P.E. providing his recommendation to award contract(s) for the road materials. Mr. Miska stated the reasons behind choosing the companies he recommended was for the ease of use for City staff. After some discussion, Councilmember Al Bryant moved to approve City of Wharton Resolution No. 2012-45, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2012-45**

A RESOLUTION OF THE WHARTON CITY COUNCIL AWARDING THE BID FOR THE CITY OF WHARTON ROAD MATERIALS TO QUALITY HOT MIX, INC. FOR HOT MIX COLD LAID ASPHALT CONCRETE PAVEMENT, PRE-COATED AGGREGATE, AGGREGATE, AND DENSE-GRADED HOT-MIX ASPHALT, TO ALAMO CONCRETE PRODUCTS FOR HYDRAULIC CEMENT CONCRETE CLASS A, CLASS B, CLASS C TO ZBRANEK BROTHERS FOR LIMESTONE BASE AND FLEXIBLE BASE, AND TO LHOIST NORTH AMERICA/CHEMICAL LIME FOR LIME SLURRY AND AUTHROIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE THE AGREEMENTS.

WHEREAS, competitive, sealed bids were received on September 20, 2012, for road materials for the fiscal year 2012-2013; and

WHEREAS, as per bid specifications, the following companies were deemed to be the best and lowest qualified bidders for the products listed respectively:

- A. Quality Hot Mix, Inc. for hot mix cold laid asphalt concrete pavement in the amount of \$80.00 per ton delivered and \$75.00 per ton pick-up; pre-coated aggregate in the amount of \$50.00 per ton delivered and \$45.00 per ton pick-up, aggregate in the amount of \$29.50 per ton delivered and \$31.00 per ton pick-up; and, dense-graded hot-mix asphalt pavement in the amount of \$67.00 per ton delivered and \$62.00 per ton pick-up.
- B. Alamo Concrete products for the hydraulic cement concrete Class A in the amount of \$75.50 per cubic yard, Class B in the amount of \$83.00 per cubic yard, Class C in the amount of \$83.50 per cubic yard, and a fuel surcharge of \$15.00 per load and \$80.00 per load for delivery of six (6) cubic yards or less.

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- C. Zbranek Brothers for limestone base material in the amount of \$19.75 per ton pick-up and \$19.75 per ton delivery, flexible base in the amount of \$9.85 per ton delivery and \$4.00 per ton pickup.
- D. Lhoist North America/Chemical Lime for lime slurry in the amount of \$160.00 per ton.

WHEREAS, the Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute the required agreements for the road materials; and

WHEREAS, this resolution is passed in accordance with this bid.

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 awards contracts to the companies for road materials as per bid specifications for the products listed respectively as follows:

- A. Quality Hot Mix, Inc. for hot mix cold laid asphalt concrete pavement in the amount of \$80.00 per ton delivered and \$75.00 per ton pick-up; pre-coated aggregate in the amount of \$50.00 per ton delivered and \$45.00 per ton pick-up, aggregate in the amount of \$29.50 per ton delivered and \$31.00 per ton pick-up; and, dense-graded hot-mix asphalt pavement in the amount of \$67.00 per ton delivered and \$62.00 per ton pick-up.
- B. Alamo Concrete products for the hydraulic cement concrete Class A in the amount of \$75.50 per cubic yard, Class B in the amount of \$83.00 per cubic yard, Class C in the amount of \$83.50 per cubic yard, and a fuel surcharge of \$15.00 per load and \$80.00 per load for delivery of six (6) cubic yards or less.
- C. Zbranek Brothers for limestone base material in the amount of \$19.75 per ton pick-up and \$19.75 per ton delivery, flexible base in the amount of \$9.85 per ton delivery and \$4.00 per ton pickup.
- D. Lhoist North America/Chemical Lime for lime slurry in the amount of \$160.00 per ton.

Section II. That the Mayor of the City of Wharton is hereby authorized to sign any and all documents related to the afore-mentioned contracts.

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

Passed, Approved, and Adopted this 24th of September 2012.

CITY OF WHARTON, TEXAS

By:

DOMINGO MONTALVO, JR.
Mayor

ATTEST:

PAULA FAVORS
City Secretary

Councilmember Karen Schulz seconded the motion. Councilmember Don Mueller abstained from voting. Councilmembers Jeff Gubbels, Terry David Lynch, and Russell Machann voted in favor.

The thirteenth item on the agenda was to review and consider a resolution of the Wharton City Council rescinding the City of Wharton Resolution No. 2006-88 and establishing fees for the City of Wharton Code of Ordinances, Chapter 18 Building and Construction, Article III. Construction Codes in accordance with Section 18-68 Building Permit Fees and Inspection Fees. City Manager Andres Garza, Jr. stated that during the September 10, 2012 Regular City Council Meeting, the Wharton City Council approved amendments made to the City of Wharton Code of Ordinances, Chapter 18 Building and Construction. City Manager Garza stated that along with the approved ordinance, amendments to the building permit and inspection fees were needed. City Manager Garza presented a copy of the memorandum dated September 10, 2012 from Mr. Chester Houston, Chairman of the Building Standards Commission providing the Commission's recommendation for the City Council to approve amending the fees for building permits and inspections. Building Official Assistant Lori Jaquez stated the only changes made were to regulations on manufactured homes. After some discussion, Councilmember Karen Schulz moved to approve City of Wharton Resolution No. 2012-46, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2012 - 46**

A RESOLUTION OF THE WHARTON CITY COUNCIL RESCINDING THE CITY OF WHARTON RESOLUTION NO. 2006-88 AND ESTABLISHING FEES FOR THE CITY OF WHARTON CODE OF ORDINANCES, CHAPTER 18 BUILDING AND CONSTRUCTION, ARTICLE III. CONSTRUCTION CODES, IN ACCORDANCE WITH SECTION 18-68. BUILDING PERMIT FEES AND INSPECTION FEES.

WHEREAS, During the October 23, 2006 regular City Council meeting, the Wharton City Council established building permit and inspection fees in accordance with the City of Wharton City of Wharton Code of Ordinances, Chapter 18 Building and Construction, Article III. Construction Codes in accordance with Section 18-68 Building Permit Fees and Inspection Fees; and

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WHEREAS, the Wharton City Council wishes to rescind Resolution No. 2006-88 and establish new building permit and inspection fees in accordance with said ordinance; and

WHEREAS, the Wharton City Council wishes to authorize the Building Official and/or appointed representative to enforce said charges and the applicable fees.

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. The Wharton City Council hereby rescinds Resolution No. 2006-88 and establishes the building permit and inspection fees to be as follows:

| TOTAL VALUATION | FEEES |
|-------------------------------|---|
| \$1,000 and Less | \$20.00 fee up to the first initial \$1,000 |
| \$1,001 to \$50,000 | \$20.00 for the first \$1,000.00 plus \$6.00 for each additional thousand or fraction thereof, to and including \$50,000.00 |
| \$50,001 to \$100,000 | \$314.00 for the first \$50,000.00 plus \$5.00 for each additional thousand or fraction thereof, to and including \$100,000.00 |
| \$100,001 to \$500,000 | \$564.00 for the first \$100,000.00 plus \$4.00 for each additional thousand or fraction thereof, to and including \$500,000.00 |
| \$500,001 and over | \$2,164.00 for the first \$500,000.00 plus \$3.00 for each additional thousand or fraction thereof. |

When the valuation of the proposed construction exceeds \$1,000.00 and a plan is required to be submitted by Section 16-68, a plan-checking fee shall be paid to the City of Wharton once the plans have been approved. Said plan-checking fee shall be equal to the 25% of the building permit fee. Such plan-checking fee is in addition to the building permit fee.

MOVING OF BUILDING & STRUCTURE:

| | |
|------------------------------------|---------|
| Move from city to outside city | \$50.00 |
| Moving into city from outside city | \$50.00 |
| If moving within the city | \$50.00 |

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If moving on the same lot \$25.00

MANUFACTURED HOMES:

Private Lot \$25.00
Park Placement \$25.00
Move from city to outside city \$25.00

DEMOLITION FEE:

0 up to 100,000 cubic feet \$25.00
100,000 cubic feet and over \$.050/1,000 cubic feet

PENALTIES:

Re-inspection fee \$25.00

After Hours Inspection Fee \$50.00

After Hours Re-inspection Fee \$50.00

All such inspections must be paid prior to the inspection and are applicable at the building official's discretion.

WORK COMMENCING BEFORE PERMIT ISSUANCE:

Any person who commences any work before obtaining the necessary *permits* shall be subject to 100 percent of the usual permit fee in addition to the required permit fees.

Section II. The Wharton City Council hereby authorizes the Building Official and/or appointed representative to enforce charges and the applicable fees.

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

Passes, Approved, and Adopted this 24th day of September 2012.

CITY OF WHARTON, TEXAS

By: _____
DOMINGO MONTALVO, JR.
Mayor

ATTEST:

PAULA FAVORS
City Secretary

Councilmember Russell Machann 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 a Mutual Aide Agreement for Emergency Medical Services between Fort Bend County and the City of Wharton and authorizing the Mayor of the City of Wharton to execute the agreement. City Manager Andres Garza, Jr. presented a copy of the email dated September 20, 2012 from EMS Director John Kowalik to City Secretary Paula Favors providing the Mutual Aide Agreement for Emergency Medical Services between Fort Bend County and the City of Wharton. City Manager Garza stated that Mrs. Favors, in turn, submitted the agreement to City Attorney Paul Webb, who stated that the agreement appeared to be in the proper format and sets out the previous agreements terms and provided his recommendation that the City Council may consider approving the document. After some discussion, Councilmember Terry David Lynch moved to approve City of Wharton Resolution No. 2012-47, which read as follows:

CITY OF WHARTON
RESOLUTION NO. 2012-47

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING THE MUTUAL AID AGREEMENT FOR EMERGENCY MEDICAL SERVICES BETWEEN FORT BEND COUNTY AND CITY OF WHARTON; AUTHORIZING THE MAYOR OF THE CITY OF TO EXECUTE ALL DOCUMENTS RELATING TO SAID AGREEMENT.

WHEREAS, the City of Wharton City Council wishes to approve an Emergency Medical Services (EMS) Mutual Aid Agreement between the City of Wharton and Fort Bend County; and

WHEREAS, the City of Wharton and Fort Bend County wishes to be bound by the conditions as set forth in the agreement

WHEREAS, the Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute all documents relating to said 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 approves the Emergency Medical Services (EMS) Mutual Aid Agreement between the City of Wharton and Fort Bend County.

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Section II. That the City Council of the City of Wharton hereby authorizes the Mayor of the City of Wharton to execute all documents relating to said agreement.

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

Passed, Approved, and Adopted this 24th day of September 2012.

CITY OF WHARTON, TEXAS

By: _____
DOMINGO MONTALVO, JR.
Mayor

ATTEST:

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 a resolution authorizing the Mayor of the City of Wharton, Wharton County, Texas, to execute an agreement with the Chamber of Commerce and Agriculture for Visitor and Convention Bureau Services for the October 1, 2012 to September 30, 2013 fiscal year. City Manager Andres Garza, Jr. presented a draft agreement between the City of Wharton and the Chamber of Commerce & Agriculture for Visitor and Convention Bureau Services for the October 1, 2012 to September 30, 2013 fiscal year. City Manager Garza stated the terms and conditions of the agreement were same as the previous year and were as discussed during the City Council Budget Workshops held this summer. After some discussion, Councilmember Karen Schulz moved to approve City of Wharton Resolution No. 2012-48, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2012-48**

A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF WHARTON, WHARTON COUNTY, TEXAS, TO EXECUTE AN AGREEMENT WITH THE CHAMBER OF COMMERCE AND AGRICULTURE FOR VISITOR AND CONVENTION BUREAU SERVICES FOR OCTOBER 1, 2012 TO SEPTEMBER 30, 2013 FISCAL YEAR.

WHEREAS, the Wharton City Council hereby authorizes Mayor Domingo Montalvo, Jr. to execute an agreement with the Wharton Chamber of Commerce and Agriculture for visitor and convention bureau services; and,

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WHEREAS, the City of Wharton and the Wharton Chamber of Commerce and Agriculture hereby agrees 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 Wharton City Council hereby authorizes Domingo Montalvo, Jr., Mayor of the City of Wharton to execute an agreement with the Wharton Chamber of Commerce and Agriculture for Visitor and Convention Bureau Services for the October 1, 2012 to September 30, 2013 fiscal year.

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

Passed, Approved, and Adopted this 24th day of September 2012.

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 sixteenth item on the agenda was to review and consider Wharton County Emergency Services District No. 3:

- A. Resolution:** A resolution of the Wharton City Council approving an Interlocal Agreement for Emergency Medical Services between the City of Wharton and the Wharton County Emergency Services District (ESD) No. 3 and authorizing the Mayor of the City of Wharton to execute the agreement.
- B. Resolution:** A resolution of the Wharton City Council approving an Interlocal Agreement for Administrative Services between the City of Wharton and the Wharton County Emergency Services District (ESD) No. 3 and authorizing the Mayor of the City of Wharton to execute the agreement.

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City Manager Andres Garza, Jr. presented a copy of the memorandum dated September 18, 2012 from City Secretary Paula Favors to him providing the Wharton County Emergency Services District (ESD) No. 3's recommendation that both Items A & B above be considered for approval by the City Council. After some discussion Councilmember Jeff Gubbels moved to approve City of Wharton Resolution No. 2012-49 and 2012-50 which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2012-49**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AN INTERLOCAL AGREEMENT FOR EMERGENCY MEDICAL SERVICES BETWEEN THE WHARTON COUNTY EMERGENCY SERVICES DISTRICT (ESD) NO. 3 AND THE CITY OF WHARTON EMERGENCY MEDICAL SERVICES DEPARTMENT.

WHEREAS, the Wharton County Emergency Services District (ESD) No. 3 Board has hereby authorized the ESD No. 3 President to execute an agreement with the City of Wharton for emergency medical services; and,

WHEREAS, the City of Wharton hereby wishes to enter into an interlocal agreement with the Wharton County Emergency Services District (ESD) No. 3 to provide Emergency Medical Services (EMS); and

WHEREAS, the ESD No. 3 and the City of Wharton wishes to bound by the conditions as set forth in the agreement; and

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

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 an interlocal agreement between the City of Wharton and the Wharton County Emergency Services District (ESD) No. 3 for emergency medical services.

Section II. That the City of Wharton and the ESD No. 3 shall hereby be 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 24th day of September 2012.

CITY OF WHARTON, TEXAS

City of Wharton
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September 24, 2012

By: _____
DOMINGO MONTALVO, JR.
Mayor

ATTEST:

PAULA FAVORS
City Secretary

**CITY OF WHARTON
RESOLUTION NO. 2012-50**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AN INTERLOCAL AGREEMENT FOR ADMINISTRATIVE SERVICES BETWEEN THE WHARTON COUNTY EMERGENCY SERVICES DISTRICT (ESD) NO. 3 AND THE CITY OF WHARTON AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE THE AGREEMENT.

WHEREAS, the Wharton County Emergency Services District (ESD) No. 3 Board has hereby authorized the ESD No. 3 President to execute an agreement with the City of Wharton for administrative services; and,

WHEREAS, the ESD No. 3 and the City of Wharton wishes to be bound by the conditions as set forth in the agreement; and

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

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

Section I. That Wharton City Council hereby approves an interlocal agreement between the City of Wharton and the Wharton County Emergency Services District No. 3 for administrative services.

Section II. The Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute the agreement.

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

Passed, Approved, and Adopted this 24th day of September 2012.

CITY OF WHARTON, TEXAS

By: _____

DOMINGO MONTALVO, JR.
Mayor

ATTEST:

PAULA FAVORS
City Secretary

Councilmember Karen Schulz seconded the motion. All voted in favor.

The seventeenth item on the agenda was to review and consider the Wharton Economic Development Corporation:

- A. Code of Conduct for the Wharton Economic Development Corporation Board of Directors.
- B. By-Laws and Board of Director Appointments.

City Manager Andres Garza, Jr. stated that the City Council Selection Committee for the Wharton Economic Development Corporation Board of Directors met today at 6:00 p.m. and discussed the afore-mentioned items. City Manager Garza stated the Committee Members recommended City Council approval of the Code of Conduct for the Wharton Economic Development Corporation Board of Directors and that the Wharton Economic Development Corporation By-Laws be amended as recommended by the City Council Selection Committee. After some discussion, Councilmember Karen Schulz moved to approve A. Code of Conduct for the Wharton Economic Development Corporation Board of Directors; and, B. that the Wharton Economic Development Corporation By-Laws be amended as recommended by the City Council Selection Committee. Councilmember Al Bryant seconded the motion. All voted in favor.

The eighteenth item on the agenda was to review and consider a resolution of the Wharton City Council designating a City of Wharton Representative and Alternate to the Houston-Galveston Area Council 2013 General Assembly. City Manager Andres Garza, Jr. presented a copy of the letter dated August 30, 2012 to Mayor Domingo Montalvo, Jr. from Mr. Jack Steele of the Houston-Galveston Area Council (H-GAC) requesting the City of Wharton to designate a City of Wharton representative, and alternate representative, to the H-GAC 2013 General Assembly. City Manager Garza stated that Councilmember Jeff Gubbels served as the City's representative for the 2012 General Assembly and Councilmember Don Mueller served as the alternate representative. After some discussion, Councilmember Terry David Lynch moved to appoint Councilmember Al Bryant to represent the City of Wharton on the Houston-Galveston Area Council (H-GAC) 2013 General Assembly and to appoint Councilmember Russell Machann as an alternate representative to serve on the Houston-Galveston Area Council (H-GAC). Councilmember Karen Schulz seconded the motion. All voted in favor.

The nineteenth item on the agenda was to review and consider the Texas Municipal League (TML) 100th Annual Conference to be held in Grapevine, Texas, November 13-16, 2012. City Manager

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Andres Garza, Jr. presented a copy of the information regarding the Texas Municipal League (TML) 100th Annual Conference to be held in Grapevine, Texas on November 13-16, 2012. City Manager Garza also presented a copy of estimated costs that would be associated with attending the conference. City Manager Garza stated that Councilmember Russell Machann, and Councilmember Al Bryant were interested in attending the Conference. Also, that Mayor Domingo Montalvo, Jr. were requesting the registration fee be paid for him. Councilmember Terry David Lynch moved to approve Mayor Domingo Montalvo, Jr., Councilmember Russell Machann and Councilmember Al Bryant attending the Texas Municipal League (TML) 100th Annual Conference to be held in Grapevine, Texas, November 13-16, 2012 at and the appropriate expenses be approved. Councilmember Karen Schulz seconded the motion. All voted in favor.

The twentieth item on the agenda was to review and consider Status Report on City of Wharton 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.swf.usace.army.mil/pubdata/notices/LowerColorado/>.

The City Staff continues to work with the USACE and Halff Associates in obtaining the required ROE agreements and engineering data. The agreement for the Third and Restated Agreement between the City of Wharton and the Lower Colorado River Authority (LCRA) has been executed. The amendment incorporates Segment 1(a) into the project, which is the extension of the levee along FM 102.

City Staff continues to work with Halff Associates, Inc. to complete the 65% design. This design is for the first phase of levee construction only.

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. The City Staff has met with property owners to discuss work that needs to be performed by the City in accordance with the agreements. During the month of September the Public Works Department began performing some the work required in those agreements. The City Staff will continue to work on completing the agreements with property owners over the next several months weather permitting.

2. Highway 60 & Old Lane City Road Drainage Improvements

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Centerpoint Energy completed relocation of the power poles along Highway 60 at the end of June. AT&T Tx Mid/Gulf Cablevision completed relocation of their utilities along Highway 60 in June as well.

The construction plans call for the installation of two 30 inch culverts underneath Highway 60. The culvert installation will be completed by an outside contractor. City Staff has obtained quotes for this portion of the project which is estimated at \$40,000.00. Other culvert installations will be completed by the City and TxDOT. Work will need to be coordinated with the local TxDOT office. TxDOT will provide a Gradall and operator for excavation and the Public Works Department will provide dump trucks and operators to haul the spoil. The City Staff hopes to start construction next month weather permitting.

WATER/SEWER IMPROVEMENTS:

1. 2012 -2013 Water Storage Tank Maintenance Program

City Council approved the demolition of the Cloud Street EST. The City Staff, with the assistance of Jones & Carter, will be working to finalize plans for demolition and plans for installing components necessary for continued production at the Cloud Street Plant once the EST is taken down.

In addition to the Cloud Street EST there are two ground storage tanks at the Alabama Water Plant in need of rehabilitation.

2. Pressure Switches at City Water Plants

Jones & Carter replaced the faulty pressure control switches with new control switches earlier this month. Jones & Carter paid for the switches and the installation. City Staff is closely monitoring the performance of the new switches. The new switches are functioning as designed. Staff will continue to monitor and tweak the switches for optimum performance. These switches are designed to minimize and equalize pumping times, thereby extending the life of the water plants.

3. Energy Efficiency Audit

City Council voted in favor of closing out the State Energy Conservation Office-Energy Efficiency Conservation Grant Program. In addition, Council voted in favor of terminating the letter of intent between the City of Wharton and Siemens Industry, Inc. These actions taking by City Council mark the end of this project.

4. Wastewater Treatment Plant No. 1 Rehabilitation Proposal

City Staff is currently exploring various avenues to fund the rehabilitation of WWTP No. 1. The top priority is the WWTP's clarifier. The City Staff met with AUC Group, Inc. this month to discuss options for repairing or replacing the clarifier.

5. On-going Water and Sewer Maintenance Program

Soil moisture has remained fairly constant in September reducing the shrink-swell of the soil. This has decreased the number of water leaks and sanitary sewer backups experienced compared to last

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year's drought. Over the past few weeks the influent line to WWTP#1 failed twice. The line was installed in 1976 and is due for maintenance. The Public Works Department is developing plans to fix the line in an effort to avoid any catastrophic failures. Public Works repaired several leaking hydrants during the month of September. Due to the age of the City's lift stations, maintenance is becoming a daily issue, specifically with pump failures. Public Works is working to fix or replace all failing lift station components and has recently initiated a more stringent preventive maintenance program.

STREET IMPROVEMENTS

1. FM 102 Relocation and/or FM 1301

A. Progress Report on Project.

IDC Inc. continues to work with City Staff in an effort to develop preliminary engineering for the project. The City Staff has obtained the necessary rights of entry agreements for the project. The City Staff, with the assistance of SMC Consulting, Inc., finished gathering data for the environmental, archaeological, and historical portions of the project this month. Staff met with IDC Inc. and SMC Consulting Inc. on September 19, 2012 to discuss the status of the project. The group reviewed TxDOT's comments on the City's US 59 Improvement Plan and Schematics and prepared responses to their comments. In addition, the status of the environmental document was discussed. The City Staff is planning a Public Works Committee meeting to review those items discussed on September 19th. The next Public Works Committee meeting is tentatively set for Wednesday, September 26, 2012 at Noon.

B. Update on status of Advance Funding Agreement (AFA) between the City of Wharton and the Texas Department of Transportation (TxDOT).

TxDOT has agreed to amend the AFA with an increase of \$200,000 making the States total support toward the project \$3,700,000 for construction. City Council passed a resolution accepting this amendment to the AFA. City Council passed a resolution approving Modification No. 3 to the professional engineering services contract between the City of Wharton and IDC Inc. to provide additional environmental services for the Identification and Evaluation of Archaeological Resources and Historic Age Buildings for the extension of FM 1301 from SH 60 to US Hwy 59 and Overpass Project. These adopted resolutions will allow City Staff to have better control over the environmental portion of the project and result in a more timely completion of the final engineering plans.

2. 2012 Street Improvement Program

The Public Works Staff began making street improvements the week of May 21, 2012. Staff is repairing the streets approved by City Council for the 2012 Program.

The Interlocal Cooperation Agreement between the City of Wharton and the City of El Campo for use of equipment was renewed on July 9, 2012. This agreement allows both cities to complete street improvements at a reduced cost through the sharing of construction equipment.

The Public Works Staff completed reconstruction of Nelga, Franklin, and Groves Streets this month. Crews are currently working on Fulton Street to patch areas in need of repair. The project is

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approximately 90% complete. This project should be complete by the end of the summer, weather permitting.

3. Wharton Sidewalk Accessibility and Historic Streetscape Project

Bids were publicly opened at City Hall on August 14, 2012 at 2:00 pm. Two bids were submitted for the project. The bids received were higher than expected. City Council voted to reject the two bids. The City Staff is currently working with BEFCO Engineering, Inc. to prepare plans and documents needed to re-bid the project.

4. On-going Street and Drainage Maintenance Program

During September the City received limited rainfall. Drier weather has allowed the Public Works Department to begin cleaning some residential drainage ditches that have been experiencing poor drainage. The Public Works Department has several more residential ditch cleaning projects planned. Public Works Staff has completed elevation surveys and developed drainage profiles for over twenty ditch re-grading projects throughout the City.

WHARTON REGIONAL AIRPORT

1. Capital Improvement Drainage Project.

Blue Bay Construction and Public Works began construction in mid June. The project is approximately 60% complete.

OTHER PROJECTS

1. Fire Hydrant Testing Program

The Fire Department with the assistance of the Public Works Department has begun an annual hydrant testing program. The Fire Department has completed testing on all the City's hydrants. The majority of the hydrants were in good working condition. Those that need attention are being repaired by Public Works Staff. This program will help to improve the City's ISO insurance rating.

2. Wharton County Web Map Project

The City Staff met with Halff Associates this month to discuss the preliminary design for the Web based GIS mapping tool. This tool will help City Staff and City Officials make daily decisions by allowing them to view GIS data files via the Internet. This project is still in the preliminary phase. After some discussion, no action was taken.

The twenty-first item on the agenda was to review and consider City Council Committees, Boards and Commission's Reports:

- A. Wharton Economic Development Corporation meeting held September 17, 2012.
- B. City Council Selection Committee for the Wharton Economic Development Corporation Board of Directors meeting held September 17, 2012.

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After some discussion, no action was taken.

The twenty-second item on the agenda was to review and consider City Manager'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 Manager Andres Garza, Jr. presented the reports to the City Council. No action was taken.

The twenty-third item on the agenda was adjournment. After some discussion, Councilmember Don Mueller made the motion to adjourn. Councilmember Karen Schulz seconded the motion. All voted in favor.

The meeting adjourned at 7:37 p.m.

CITY OF WHARTON, TEXAS

By: _____
Domingo Montalvo, Jr.
Mayor

ATTEST:

Paula Favors
City Secretary