

**MINUTES
OF
CITY OF WHARTON
REGULAR CITY COUNCIL MEETING
APRIL 26, 2010**

Mayor David W. Samuelson declared a Regular Meeting duly open for the transaction of business at 7:01 P.M. Mayor David W. Samuelson led the opening devotion and then led the pledge of allegiance.

Councilmember's present were: Mayor David W. Samuelson, Councilmembers Lewis Fortenberry, Jr., Terry David Lynch, Don Mueller, and Jeff Gubbels.

Councilmember absent was: V. L. Wiley, Jr., and Domingo Montalvo, Jr.

Staff members present were: City Manager Andres Garza, Jr., Finance Director Joyce Vasut, City Secretary Lisa Olmeda, Assistant to City Manager Jackie Jansky, Public Works Director Carter Miska, and City Attorney Paul Webb.

Visitors present were: Barry Halvorson with Wharton Journal Spectator, Kent Hill with Wharton Economic Development Corporation, Carlos Cotton with Jones & Carter, Nikki Araguz, and Billie Jones.

The second item on the agenda was Roll Call and Excused Absences. Councilmember Jeff Gubbels made a motion to excuse the absence of Councilmembers V. L. Wiley, Jr. and Domingo Montalvo, Jr. from the regular City Council meeting held on April 26, 2010. Councilmember Don Mueller seconded the motion. All voted in favor.

The third item on the agenda was Public Comments. Ms. Billie Jones addressed the City Council and stated that she was preparing her column for submission to the Wharton Journal Spectator and would be encouraging citizens to vote for City of Wharton and Wharton Independent School District elections. She also publicly thanked Mayor David W. Samuelson for serving as the City of Wharton Mayor. She stated that he and his wife, Becky has served the community in numerous capacities. She stated that Mayor David W. Samuelson always listened to her and appreciated everything he has done for the community. She stated that the election would hold a new era for all of us. No action was taken.

The fourth item on the agenda was Wharton Moment. Assistant to City Manager Jackie Jansky stated that she attended the Preservation Texas Annual Honor Awards 2010 on Thursday, April 22, 2010. She stated that the Wharton Southern Pacific Passenger Depot was awarded the Texas Historical Commission Historic Restoration Award. She stated that David Bucek of Stern & Bucek Architects and William Loocke and his wife was also in attendance. City Manager Andres Garza, Jr. publicly thanked everyone for his or her prayers during his absence. He also thanked Finance Director Joyce Vasut for taking over

duties and publicly commented the city staff. He then publicly commended the Wharton High School Golf, Tennis and Track Teams. No action was taken.

The fifth item on the agenda was to review and consider the City of Wharton Financial Report for the month of March 2010. Finance Director Joyce Vasut presented the financial report for the month of March 2010, which was at 50% or six months into the fiscal year. Mrs. Vasut stated that the total ad valorem taxes collected were \$1,771,790 and the sales tax for the month of February 2010 was \$132,440 with \$88,293 to the City and \$44,147 to WEDC. She further stated the TexPool balance for March was \$49,151.32 with an average monthly yield of 0.1577%. The Prosperity Bank balance for March 2010 was \$3,044,046.65 with an average monthly yield of 0.25%. She stated that other investments included \$2,651.07 at TexasGulf Federal Credit Union in the debt fund, \$253,425.11 at Capital One Marketing 2%; and Prosperity Bank \$1,500,000, six months at 1.00% interest, and \$250,000, one year at 1.25% interest. After some discussion, Councilmember Don Mueller made a motion to approve the City of Wharton Financial Report for the month of March 2010. Councilmember Lewis Fortenberry, Jr. seconded the motion. All voted in favor.

The sixth item on the agenda was to review and consider a resolution of the Wharton City Council approving the purchase of two Jacobsen 628 Turfcats, 29.1 Kabota Diesel engine lawn mowers from Luber Bros. in the total amount of \$37,076.44 through the Buy Board Local Government Purchasing Cooperative for use by the Facilities Maintenance Department. City Manager Andres Garza, Jr. stated that Facilities Maintenance Director Bob Baker was requesting City Council approval. He then presented a copy of the quote and a draft resolution approving the purchase. Finance Director Joyce Vasut said that the purchase of two lawn mowers was included in the 2009 Bond Fund and the purchase was being made through the Buy Board Cooperative Purchasing Program. After some discussion, Councilmember Terry David Lynch made a motion to approve Resolution No. 2010-18, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2010-18**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING THE PURCHASE OF TWO JACOBSEN 628 TURFCAT, 29.1 KABOTA DIESEL ENGINE LAWN MOWERS FROM LUBER BROS. IN THE TOTAL AMOUNT OF \$37,076.44 THROUGH THE BUY BOARD PURCHASING PROGRAM FOR USE BY THE FACILITIES MAINTENANCE DEPARTMENT.

WHEREAS, The Wharton City Council wishes to purchase two Jacobsen 628 Turfcats, 29.1 Kabota diesel engine lawn mowers for use by the City of Wharton Facilities Maintenance Department; and

WHEREAS, Luber Bros was deemed the lowest and best qualified bidder through the Buy Board Purchasing Program for both said lawn mowers in the total amount of \$37,076.44; and

WHEREAS, The Wharton City Council wishes to purchase said lawn mowers from Luber Bros. in the total amount of \$37,076.44; and

WHEREAS, The Wharton City Council authorizes the City Manager to purchase said lawn mowers.

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

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- Section I. That the Wharton City Council hereby approves to purchase two Jacobsen 628 Turfcut, 29.1 Kubota diesel engine lawn mowers for use by the City of Wharton Facilities Maintenance Department from Luber Bros in the total amount of \$37,076.44 through the Buy Board Purchasing Program.
- Section II. That the Wharton City Council hereby authorizes the City Manager to take the necessary steps to purchase said lawn mowers.
- Section III. That this resolution shall become effective immediately upon its passage.

Passed, Approved, and Adopted this 26th day of April 2010.

CITY OF WHARTON, TEXAS

By:

DAVID W. SAMUELSON
Mayor

ATTEST:

LISA OLMEDA

City Secretary

Councilmember Lewis Fortenberry, Jr. seconded the motion. All voted in favor.

The seventh item on the agenda was to review and consider an ordinance declaring a public necessity for the acquisition of fee simple title to surface only of 12 acres +/- of property out of a called 149.52 acres to L. Bolton Outlar, Jr. by deed Vol. 384, Pg. 116 WCDR and a called 158.185 acres to N.B.O. Partnership by Special Warranty Deed Vol. 713, Pg. 785 WCDR, located in Wharton, Texas, from Ms. Myrtis Outlar, MSO Ltd. & NBO Family Partnership for a public purpose, namely the acquisition, improvement and maintenance of the Road Extension Project between FM 1301 and County Road 235; Ratifying and Affirming all prior acts and proceedings done or initiated by Attorneys and Employees of the City to acquire such property; Authorizing all other lawful action necessary or incidental to such acquisitions. City Manager Andres Garza, Jr. presented a copy of a draft ordinance. City Attorney Paul Webb stated that the ordinance would be required in order to proceed with the acquisition. After some discussion, Councilmember Jeff Gubbels made a motion to approve Ordinance No. 2010-04, which read as follows:

**CITY OF WHARTON
ORDINANCE NO. 2010-04**

AN ORDINANCE DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION OF FEE SIMPLE TITLE TO SURFACE ONLY OF 12 ACRES +/- OF PROPERTY OUT OF A CALLED 149.52 ACRES TO L. BOLTON OUTLAR, JR. BY DEED VOL. 384, PG. 116 WCDR AND A CALLED 158.185 ACRES TO NBO PARTNERSHIP BY SPECIAL WARRANTY DEED VOL. 713, PG. 785 WCDR, LOCATED IN WHARTON, TEXAS, FROM MS. MYRTIS OUTLAR, MSO LTD. & NBO FAMILY PARTNERSHIP FOR A PUBLIC PURPOSE, NAMELY THE ACQUISITION, IMPROVEMENT AND MAINTENANCE OF THE ROAD EXTENSION PROJECT BETWEEN FM 1301 AND COUNTY ROAD 235;

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RATIFYING AND AFFIRMING ALL PRIOR ACTS AND PROCEEDINGS DONE OR INITIATED BY ATTORNEYS AND EMPLOYEES OF THE CITY TO ACQUIRE SUCH PROPERTY; AUTHORIZING ALL OTHER LAWFUL ACTION NECESSARY OR INCIDENTAL TO SUCH ACQUISITIONS.

BE IT ORDAINED BY THE WHARTON CITY COUNCIL that:

SECTION I. A public necessity is hereby declared for the City of Wharton, Texas, to acquire certain privately owned real estate owned by the Myrtis Outlar, MSO Ltd. & NBO Family Partnership for the purpose of a road extension project between FM 1301 and County Road 235 located in Wharton County, Texas. Said parcel(s) are described further in the attached Exhibit A.

SECTION II. The prior actions and efforts of City Officials and the steps taken to initiate the acquisition of these properties are hereby ratified and affirmed.

SECTION III. It is officially found, determined and declared that the meeting at which this Ordinance is adopted was open to the public, and that public notice of the time, place and subject matter of the public business to be conducted at such meeting, including this Ordinance, was given to all as required by the Texas Code Annotated, as amended, Title 5, Chapter 551, Government Code.

SECTION IV. If any part, section, paragraph, sentence, phrase, or word of this Ordinance is for any reason held to be unconstitutional, illegal, inoperative or invalid, or if any exception to or limitation upon any general provision herein contained is held to be unconstitutional, illegal, invalid or ineffective, the remainder of this Ordinance shall nevertheless stand effective and valid as if it had been enacted without the portion held to be unconstitutional, illegal, invalid, or ineffective.

SECTION V. This Ordinance shall become effective immediately upon its passage

PASSED AND ADOPTED this the 26th day of April 2010.

CITY OF WHARTON

By: _____
DAVID W. SAMUELSON
Mayor

ATTEST:

LISA OLMEDA
City Secretary

APPROVED AS TO FORM:

PAUL WEBB
City Attorney

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

The eighth item on the agenda was Executive Session: City Council may adjourn into an Executive Session in accordance with Section 551.072 of the Government Code, Revised Civil Statutes of Texas. Final action, decision or vote, if any with regard to any matter considered in Executive Session shall be made in Open Meeting.

A. Discussion: Acquisition of real estate from Ms. Myrtis Outlar, MSO Ltd. & NBO Family Partnership for the Road Extension Project between FM 1301 and County Road 235.

Mayor David W. Samuelson called the City Council into Executive Session at 7:18 p.m. The City Council returned to Open Session at 7:32 p.m.

The ninth item on the agenda was Return to Open Session: Action on items discussed in Executive Session:

A. Review & Consider: Acquisition of real estate from Ms. Myrtis Outlar, MSO Ltd. & NBO Family Partnership for the Road Extension Project between FM 1301 and County Road 235. Councilmember Don Mueller made a motion to approve a contract with Ms. Myrtis Outlar, MSO Ltd. & NBO Family Partnership for the acquisition of a 12 acres +- of property out of a called 149.52 acres to L. Bolton Outlar, Jr. by deed Vol. 384, Pg. 116 WCDR and a called 58.185 Acres for the Road Extension Project between FM 1301 and County Road 235 and authorize Mayor David W. Samuelson to execute all documents related to the acquisition. Councilmember Lewis Fortenberry, Jr. seconded the motion. All voted in favor.

The tenth item on the agenda was to review and consider a resolution of the Wharton City Council approving a Road Right of Way Acquisition Agreement between the City of Wharton and the Wharton Economic Development Corporation for the City of Wharton Road Extension Project between FM 1301 and County Road 235 and authorizing the Mayor of the City of Wharton to execute the agreement. City Manager Andres Garza, Jr. presented a copy of a draft resolution and a copy of the agreement. City Attorney Paul Webb stated that the agreement should include the entities, NBO Family Partnership and MSO, Ltd. He stated that he would contact WEDC Attorney Larry Wadler regarding the additional information. After some discussion, Councilmember Jeff Gubbels made a motion to approve the agreement and to include the necessary wording as stated by City Attorney Paul Webb and Resolution No. 2010-19, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2010-19**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING A ROAD RIGHT OF WAY ACQUISITION AGREEMENT BETWEEN THE CITY OF WHARTON AND THE WHARTON ECONOMIC DEVELOPMENT CORPORATION FOR THE CITY OF WHARTON ROAD EXTENSION PROJECT BETWEEN FM 1301 AND COUNTY ROAD 235 AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE THE AGREEMENT.

WHEREAS, On April 26, 2010, the Wharton City Council declared a public necessity to for the acquisition of certain property from the Myrtis Outlar, MBO, Ltd. and the

NBO Family Partnership for the City of Wharton Road Extension Project between FM 1301 and County Road 235; and

WHEREAS, The Wharton City Council wishes to enter into a Road Right-of-Way Acquisition Agreement with the Wharton Economic Development Corporation for said project; and

WHEREAS, The City of Wharton and the Wharton Economic Development Corporation wishes to be bound by the conditions set forth in the agreement; and

WHEREAS, The Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute the 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 approves the Road Right-of-Way Acquisition Agreement between the City of Wharton and the Wharton Economic Development Corporation.

Section II. That the City of Wharton and the Wharton Economic Development Corporation are hereby bound by the conditions set forth in the agreement.

Section III. That the Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute the agreement.

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

Passed, Approved, and Adopted this 26th day of April 2010.

CITY OF WHARTON, TEXAS

By:

DAVID W. SAMUELSON
Mayor

ATTEST:

LISA OLMEDA

City Secretary

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

The eleventh item on the agenda was to review and consider a resolution of the Wharton City Council approving a contract between the City of Wharton and Jones & Carter, Inc. for the surveying services required for the City of Wharton Road Extension Project between FM 1301 and County Road 235 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 March 3, 2010 from Mr. Carlos Cotton, P.E. of Jones & Carter, Inc. providing a copy of Jones & Carter, Inc.'s proposal for conducting the survey of the needed right of way from the Myrtis Outlar, MSO Ltd. and NBO Family Partnership for the City of Wharton Road Extension Project between FM 1301 and County Road 235. He also presented a copy of the draft contract and a draft resolution approving the agreement. He said that the cost of the survey of the entire right of way was estimated at \$23,500. He said that the contract was to assess the right of way of the Outlar property along with the right of way of the adjacent property in order to establish the entire alignment of the proposed road He stated that the City needed to determine that there were not any issues on the adjacent tract that might impact the alignment. Mr. Cotton addressed the City Council and stated that the surveying would include start to end, with the location of the lake and homes. He stated that in the past, work was conducted from aerial maps and deeds. After some discussion, Councilmember Jeff Gubbels made a motion to approve Resolution No. 2010-20, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2010-20**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING A CONTRACT BETWEEN THE CITY OF WHARTON AND JONES & CARTER, INC. FOR THE SURVEYING SERVICES REQUIRED FOR THE CITY OF WHARTON ROAD EXTENSION PROJECT BETWEEN FM 1301 AND COUNTY ROAD 235 AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE THE AGREEMENT.

WHEREAS, On April 26, 2010, the Wharton City Council declared a public necessity to for the acquisition of certain property from the Myrtis Outlar, MBO, Ltd. and the NBO Family Partnership for the City of Wharton Road Extension Project between FM 1301 and County Road 235; and

WHEREAS, The Wharton City Council wishes to enter into a contract between the City of Wharton and Jones & Carter, Inc. to conduct the necessary surveying of said certain property for the project; and

WHEREAS, The City of Wharton and the Jones & Carter, Inc. wishes to be bound by the conditions set forth in the agreement; and

WHEREAS, The Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute the 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 approves the contract for surveying services for the City of Wharton Road Extension Project between FM 1301 and County Road 235 between the City of Wharton and Jones & Carter, Inc.

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Section II. That the City of Wharton and the Jones & Carter, Inc. are hereby bound by the conditions set forth in the agreement.

Section III. That the Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute the agreement.

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

Passed, Approved, and Adopted this 26th day of April 2010.

CITY OF WHARTON, TEXAS

By: _____
DAVID W. SAMUELSON
Mayor

ATTEST:

LISA OLMEDA

City Secretary

Councilmember Lewis Fortenberry, Jr. seconded the motion. All voted in favor.

The twelfth item on the agenda was to review and consider a resolution of the Wharton City Council approving a contract between the City of Wharton and SMC Consulting, Inc. for Phase I Environmental Site Assessment & Preliminary Wetlands Delineation for the approximate 6,000 lineal foot segment of the proposed roadway between Owens Road and Wilke Road required for the City of Wharton Road Extension Project between FM 1301 and County Road 235 and authorizing the Mayor of the City of Wharton to execute the agreement. City Manager Andres Garza, Jr. presented a copy of the letter dated February 28, 2010 to Mr. Carlos Cotton, P.E. of Jones & Carter, Inc. from SMC Consulting, Inc. providing the contract for Phase I Environmental Site Assessment & Preliminary Wetlands Delineation for the approximate 6,000 lineal foot segment of the proposed roadway between Owens Road and Wilke Road required for the City of Wharton Road Extension Project between FM 1301 and County Road 235. He said that the cost to conduct the environmental assessment and wetlands delineation for the project was estimated at \$3,800. He then presented a copy of the draft resolution approving the agreement. He said that the contract was to assess the right of way of the Outlar property along with the right of way of the property between the Wilke Road and County Road 235 (Owens Road), to establish that there were no issues regarding wetlands, etc. that would impact the alignment. After some discussion, Councilmember Don Mueller made a motion to approve Resolution No. 2010-21 which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2010-21**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING A CONTRACT BETWEEN THE CITY OF WHARTON AND SMC CONSULTING, INC. FOR PHASE I ENVIRONMENTAL SITE ASSESSMENT AND PRELIMINARY WETLANDS DELINEATION FOR THE APPROXIMATE 6,000 LINEAL FOOT SEGMENT OF THE PROPOSED ROADWAY BETWEEN OWENS ROAD AND WILKE ROAD REQUIRED

FOR THE CITY OF WHARTON ROAD EXTENSION PROJECT BETWEEN FM 1301 AND COUNTY ROAD 235 AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE THE AGREEMENT.

WHEREAS, On April 26, 2010, the Wharton City Council declared a public necessity to for the acquisition of certain property from the Myrtis Outlar, MBO, Ltd. and the NBO Family Partnership for the City of Wharton Road Extension Project between FM 1301 and County Road 235; and

WHEREAS, The Wharton City Council wishes to enter into a with SMC Consulting, Inc. for Phase I Environmental Site Assessment & Preliminary Wetlands Delineation for the approximate 6,000 lineal foot segment of the proposed roadway between Owens Road and Wilke Road required for the City of Wharton Road Extension Project between FM 1301 and County Road 235; and

WHEREAS, The City of Wharton and the SMC Consulting, Inc. wishes to be bound by the conditions set forth in the agreement; and

WHEREAS, The Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute the 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 approves the contract with SMC Consulting, Inc. for Phase I Environmental Site Assessment & Preliminary Wetlands Delineation for the approximate 6,000 lineal foot segment of the proposed roadway between Owens Road and Wilke Road required for the City of Wharton Road Extension Project between FM 1301 and County Road 235.

Section II. That the City of Wharton and the SMC Consulting, Inc. are hereby bound by the conditions set forth in the agreement.

Section III. That the Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute the agreement.

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

Passed, Approved, and Adopted this 26th day of April 2010.

CITY OF WHARTON, TEXAS

By: _____

DAVID W. SAMUELSON
Mayor

ATTEST:

LISA OLMEDA

City Secretary

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

The thirteenth item on the agenda was to review and consider the Status Report on City of Wharton Projects. City Manager Andres Garza, Jr. presented the memorandum dated April 26, 2010 providing a status report on the City of Wharton projects, which read as follows:

FLOOD REDUCTION (LEVEE) PROJECT

The U.S. Army Corp of Engineers Lower Colorado River Phase I Report - City of Wharton Flood Prevention Project and Recommended report was 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 project was continuing to move forward. In regards to the pre-construction, engineering and design (PED) aspect of the project, the LCRA Board had approved their continuing as sponsor of the PED. On September 28, 2009, the Wharton City Council approved to amend the agreement between the City of Wharton and the Lower Colorado River Authority (LCRA) for the Lower Colorado River Basin Phase I – Texas, City of Wharton Flood Damage Reduction Project by amending the project scope to reflect the partial development of the project design and to increase the project cost by \$37,000. On January 22, 2010, the City of Wharton received the contracts for second amendment to the contract for execution by the Mayor.

DRAINAGE:

1. Santa Fe Outfall Channel.

Due to continuous rain, very little work on the channel had occurred this month. The week of April 19th crews were able to begin moving stockpiles on the lower end of the ditch. These stockpiles were being placed on the Hundl's property according to the City's contract with them. The week of April 19th crews were also able to mow the channel and address some additional erosion issues from recent rains. Although the soil appeared dry on top, the soil underneath was still very wet. The Public Works Department and the County would continue to excavate the remainder of the channel weather permitting.

2. Highway 60 Drainage Improvements

City Staff, Jones & Carter, Inc. and TxDOT met on April 12th to discuss ideas on re-routing part of the Highway 60 drainage, Mahan drainage, and Kincaid drainage to the Santa Fe Channel. Jones & Carter, Inc. was in the process of preparing plans and profiles to submit to TxDOT for review. TxDOT offered to provide a gradall and operator once design was complete and construction began. The City would provide the dump trucks.

WATER/SEWER IMPROVEMENTS:

1. Ahldag Addition Sanitary Sewer Project - TxCDBG Contract No. 728459.

The Texas Department of Rural Affairs had approved the contract amendment. Supak Construction began work on the three additional sewer lines on April 12th. Supak's crews were making good progress. BEFCO, Inc. surveyed the sewer line on Belle St. from N. Abell westward to the Ahldag Ditch on April 20. Next, they would prepare plans to replace the line and prepare plans to replace the short and long sewer leads on Dahlgren from Fulton to Richmond Rd. Upon completion of the designs, a request for proposals would be issued for construction. These would be due May 6, 2010 at 2:00 p.m.

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

The environmental assessment was approved and funds had been released for construction. Jones & Carter, Inc. and city staff were working together to complete construction plans. Jones & Carter, Inc. was working on the design. City staff would review the designs for approval when Jones & Carter, Inc. was complete.

3. Vahalla Water Well.

The Public Works Department placed the Vahalla water well back on line the week of April 27, 2009. The Public Works Department discontinued the injection of Polyphosphates into the water system at the end of January, 2010. As of February 18, 2010 no problems or red water calls had been reported. The well remained in good condition and was operating efficiently.

4. Water Storage Tank Maintenance Program.

City staff was currently reviewing all options for the maintenance program and would take these options to the City Council Public Works Committee in the near future to develop a recommendation to City Council.

5. Alabama Water Well Rework

Well No. 1 had been pulled, televised and inspected. The findings were positive. The pump was still in very good condition and the casing was in very good condition. Some minor repairs would be made on the pump such as replacing seals. The casing would be reconditioned as needed. The screen would be acidized and the well super chlorinated. It appeared that the well was losing efficiency due to the clogged screens and possibly the old seals on the pump. These were easy fixes and the well should be up and running within the next 60 days. Due to the positive findings, the City was currently around \$10,000 under budget.

Once Well No. 1 was completed, work would begin on No. 3.

6. Quick Connect/Transfer Switch Project

City staff was working with Jones & Carter, Inc. to complete electrical engineering designs for all city lift stations, city water plants, City Hall, the Fire Station, EMS Headquarters, WWTP #1, and WWTP#2. The designs were for the installation of quick connects and transfer switches on all the above-mentioned facilities. This would allow city staff to operate these facilities via generator in the event of a power failure.

7. Pressure Switches at City Water Plants

Jones & Carter, Inc. solicited bids for the project and council approved the low bidder at the April 12th meeting. Work should begin within the next 30 to 60 days.

STREET IMPROVEMENTS

1. Road Extension Project between FM 1301 and County Road 235/FM102.
City Staff, Jones & Carter, Inc., and TxDOT met on April 14th to discuss the submittal of a new application to the Texas Department of Transportation 2010 Program Call for Projects under the Pass-Through Toll Financing Program. Discussion was focused on how to make the application more competitive.

2. 2010 Street Improvement Program
City Staff had posted job listings for three temporary employees to help work on the street program this year. Staff intends to interview and had a crew selected by May 3. Street repairs would then begin approximately 1-3 weeks after the crew was selected.

OTHER PROJECTS:

1. Fire Station Improvements – Completed.

2. Ahldag Drainage Outfall Channel Bridge Project.
Wakefield Bridge had completed the bridge and the project was completed.
No action was taken.

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

A. City Council Public Safety Committee meeting April 19, 2010.
City Manager Andres Garza, Jr. presented the report to the City Council. No action was taken.

The fifteenth item on the agenda was City Manager's Reports:

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| 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 sixteenth item on the agenda was to review and consider the recommendation by the Planning Commission for City Council consideration to approve the request by Mr. Eric Muegge for a preliminary/final replat of Tract 23, A subdivision of 4.12 Acres of Land out of the Martin Allen League, A-1. Assistant to City Manager Jackie Jansky stated that during the Planning Commission meeting held March 15, 2010, the Planning Commission voted to recommend the City Council consider approving the request by Mr. Eric Muegge for a preliminary/final replat of Tract 23, A subdivision of 4.12 Acres of Land out of the Martin Allen League, A-1. City

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Manager Andres Garza, Jr. presented a copy of the Planning Commission Application for Re-Plat submitted by Mr. Muegge, and a copy of the proposed replat. Ms. Jansky stated that Mr. Muegge owned the 4.12 acre tract of land, which he was subdividing the tract to be two lots, one being Lot 23 at 3.12 acres and Lot 23C at 1 acre. She stated that the property was within the City's ETJ. She stated that the size of the lot complied with Wharton County requirements. After some discussion, Councilmember Terry David Lynch made a motion to approve the request by Mr. Eric Muegge for a preliminary/final replat of Tract 23, A subdivision of 4.12 Acres of Land out of the Martin Allen League, A-1. Councilmember Lewis Fortenberry, Jr. seconded the motion. All voted in favor.

The seventeenth item on the agenda was adjournment. After some discussion, Councilmember Don Mueller made a motion to adjourn. Councilmember Lewis Fortenberry, Jr. seconded the motion. All voted in favor.

The meeting adjourned at 8:00 p.m.

CITY OF WHARTON, TEXAS

By: _____
DAVID W. SAMUELSON
Mayor

ATTEST:

LISA OLMEDA
City Secretary