MINUTES OF CITY OF WHARTON REGULAR CITY COUNCIL MEETING August 22, 2011

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

Councilmember's present were:	Mayor Domingo Montalvo, Jr., Councilmembers Alfred Bryant, Jeff Gubbels, Russell Machann, Don Mueller, and Karen Schulz.
Councilmember absent was:	Terry David Lynch.
Staff members present were:	City Manager Andres Garza, Jr., Finance Director Joan Andel, City Secretary Paula Favors, Assistant to City Manager Jackie Jansky, Public Works Director Carter Miska, and City Attorney Paul Webb.
Visitors present were:	David Schroeder with Wharton Economic Development Corporation, Carlos Cotton P.E., with Jones and Carter, Keith Magee with Wharton Journal Spectator, I.O. Coleman, Jr., Dr. David Samuelson, Kevin Stein, Coleman Parker Stein, Travis Jay Chaka, Mason Chaka, Merek Chaka, Kodi James, Dr. Gregg Dimmick, and Rachel Rust.

The second item on the agenda was Roll Call and Excuses Absences. Councilmember Don Mueller moved to excuse Councilmember Terry David Lynch. Councilmember Alfred Bryant seconded the motion. All voted in favor.

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

The fourth item discussed on the agenda was the Wharton Moment. Mayor Domingo Montalvo, Jr. presented a proclamation to Eagle Scout Coleman Parker Stein. Mayor Montalvo stated that Mr. Stein had achieved the highest rank attainable in the Boy Scouting program of the Boy Scouts of American. Mayor Montalvo proclaimed August 22, 2011 as Coleman Parker Stein Day in the City of Wharton. He then presented Mr. Stein with a proclamation in his honor. No comments were given.

The fifth item on the agenda was to review and consider the City of Wharton Financial Report for the month of July 2011. Finance Director Joan Andel presented the financial report for the month of July 2011. Mrs. Andel stated that the total ad valorem taxes collected were \$9,480.39 and the sales tax for the month of July 2011 was \$89,676.82. She further stated that the TexPool balance for July was \$169,945.47 with an average monthly yield of 0.06%. She said the Prosperity Bank balance for July 2011 was \$2,385,598.24 with an average monthly yield of

0.15%. Mrs. Andel further stated that other investments included \$2,661.07 at TexasGulf Federal Credit Union in the debt fund, and \$255,723.91 at Capital One Marketing at a rate of 2%. After some discussion, Councilmember Jeff Gubbels moved to approve the City of Wharton Financial Report for the month of July 2011. Councilmember Russell Machann seconded the motion. All voted in favor.

The sixth item on the agenda item was to review and consider City Manager's submission of the City of Wharton, Texas, proposed budget for the fiscal year October 1, 2011 to September 30, 2012. City Manager Andres Garza, Jr. presented the City Council with a copy of the proposed budget for the City of Wharton fiscal year October 1, 2011 to September 30, 2012. City Manager Garza stated that it was a requirement of the City Charter that the City Manager, at least thirty days prior to the beginning of each budget year, submit to the City Council a proposed budget. City Manager Garza further stated that the City of Wharton 2011-2012 proposed budget was balanced based on the effective tax rate without any increases in water or sewer rates. No action was taken.

The seventh item on the agenda was to review and consider setting a public hearing date for the City of Wharton, Texas, proposed budget for the fiscal year October 1, 2011 to September 30, 2012. City Manager Andres Garza, Jr. stated that Under Article VI, Section 53 of the City of Wharton Charter the City Council shall set a time and place for a public hearing. City Manager Garza recommended the public hearing be set for the September 12, 2011 during the regular City Council meeting. City Manager Garza added that this date would comply with Section 53 of the Charter and if the date was approved by the City Council, the City Staff would publish the Notice of Public Hearing on Wednesday, August 31, 2011 in the Wharton Journal Spectator. After some discussion, Councilmember Jeff Gubbels moved to approve setting September 12, 2011 regular City Council meeting as the public hearing date for the City of Wharton, Texas, proposed budget for the fiscal year October 1, 2011 to September 30, 2012. Councilmember Karen Schulz seconded the motion. All voted in favor.

The eighth item on the agenda was to review and consider authorizing changes to draft plans for the reapportionment of the City's four single-member council districts and to establish a public hearing on September 26, 2011, to obtain citizen input regarding the draft plans. City Secretary Paula Favors presented a copy of the Draft Map A and supporting chart for the proposed redistricting of the City of Wharton four single member council districts. Mrs. Favors also presented a copy of the Existing Map and supporting chart for the existing four single member districts. Mrs. Favors stated that the City Council could take action to authorize changes to the proposed Map A and to establish a public hearing for September 26, 2011. After some discussion, Councilmember Jeff Gubbels moved to approve Draft Map A and set the public hearing for September 26, 2011 during the City Council meeting and to obtain citizen input regarding the draft plans. Councilmember Al Bryant seconded the motion. All voted in favor.

The ninth item on the agenda was to review and consider a request by Dr. David Samuelson, Executive Director of East Wharton County Habitat for Humanity for City Council authorization for the following:

A. For the organization to use the City of Wharton Stage during the fundraising event to be at the Crescent Fairgrounds on October 29, 2011.

B. City Council authorization for the Facilities Maintenance Department Personnel to erect and dismantle the City Stage for said event.

City Manager Andres Garza, Jr. stated that during the regular August 8, 2011 Wharton City Council meeting, the City Council was presented a copy of a letter dated July 27, 2011 from Dr. David Samuelson, Executive Director of the East Wharton County Habitat for Humanity (HH) requesting the afore-mentioned items. City Manager Garza further stated that the City Council deferred action on the request pending Dr. Samuelson providing additional information concerning the request. Dr. Samuelson stated to the City Council the fact that the East Wharton County Habitat for Humanity (HH) has built homes that have added \$370,658.00 to the tax rolls and plans to continue doing so with the help of the City of Wharton and fundraising events. Dr. Gregg Dimmick stated to the City Council that there would be three different entertainment groups at the organizations fundraising event on October 29, 2011 and one of the requirements was that the entertainers perform on a stage, not on 18-wheeler trailer beds, which have been used in the past at the fairgrounds. Dr. Dimmick further stated that without the City's stage the organization would have to rent a stage that would mean less money raised. After some discussion, Councilmember Jeff Gubbels moved to approved both afore mentioned items A. and B. Councilmember Karen Schulz seconded the motion. All voted in favor.

The tenth item on the agenda was to review and consider the City of Wharton Bank Depository Bid:

- A. Bid Tabulation.
- **B. Resolution:** A resolution of the Wharton City Council awarding the bid for the City of Wharton Bank Depository Services and authorizing the Mayor of the City of Wharton to execute the agreement.

City Manager Andres Garza, Jr. stated that on August 17, 2011, the City of Wharton received bids for the City of Wharton Bank Depository Services. City Manager Garza further stated that the City Staff sent the bid package to six (6) different banks and only Prosperity Bank responded. Finance Director Joan Andel presented a copy of the bid tabulation and list of banks that received the bid package. City Manager Andres Garza, Jr. also presented a copy of the memorandum dated August 17, 2011 from Finance Director Joan Andel recommending the City Council consider awarding the bid to Prosperity Bank. Mrs. Andel stated the new contract would be for three years with the option to renew for a one year term two times. After some discussion, Don Mueller moved to approve City of Wharton Resolution No. 2011-62, which read as follows:

CITY OF WHARTON RESOLUTION NO. 2011-62

A RESOLUTION OF THE WHARTON CITY COUNCIL AWARDING THE BID FOR THE CITY OF WHARTON BANK DEPOSITORY SERVICES AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATING TO SAID CONTRACT.

WHEREAS, On August 17, 2011, the City of Wharton received bids for the City of Wharton Bank Depository Services; and

- **WHEREAS,** the Wharton City Council wishes award the bid to Prosperity Bank in accordance with said bid specifications; and
- **WHEREAS,** the City of Wharton and Prosperity Bank wishes to be bound by the conditions as set forth in the agreement; and
- **WHEREAS,** the Wharton City Council wishes to authorize the Mayor the City of Wharton to execute all documents related to extending the contract.

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 Bank Depository Services Agreement between the City of Wharton and Prosperity Bank
- **Section II.** That the Wharton City Council wishes to authorize the Mayor of the City of Wharton, Texas to execute all documents related to extending the contract.
- **Section. III.** That Prosperity Bank and the City of Wharton are hereby bound by the conditions as set forth in the agreement.
- Section IV. That this resolution shall become effective immediately upon its passage.

Passed, Approved, and Adopted this the 22nd day of August 2011.

CITY OF WHARTON

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 resolution of the Wharton City Council approving an interlocal agreement with the Texas Municipal League – Intergovernmental Employee Benefits Pool (TML-IEBP) for medical, long-term disability, life, accidental death and dismemberment; and Assurant Employee Benefits for voluntary dental

coverage for City employees; authorizing the Mayor of the City of Wharton to execute all documents relating to said contracts. City Manager Andres Garza, Jr. stated that the City Staff had informed the City Council during the City Council budget workshops, that TML-IEBP had submitted the renewal costs for medical coverage for City employees. Finance Director Joan Andel stated the renewal rate included a five percent (5%) increase from last year. City Manager Garza further stated the City Staff was recommending the renewal rate be approved be the City Council. Mrs. Andel added that the plan was the same as last year except for the 5% increase in contribution cost. After some discussion, Councilmember Russell Machann moved to approve City of Wharton Resolution No. 2011-63, which read as follows:

CITY OF WHARTON RESOLUTION NO. 2011-63

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AN INTERLOCAL CONTRACT WITH THE TEXAS MUNICIPAL LEAGUE - INTERGOVERNMENTAL EMPLOYEE BENEFITS POOL (TML-IEBP) FOR MEDICAL, LONG-TERM DISABILITY, LIFE, ACCIDENTAL DEATH & DISMEMBERMENT; AND ASSURANT EMPLOYEE BENEFITS FOR VOLUNTARY DENTAL COVERAGE FOR CITY EMPLOYEES; AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATING TO SAID CONTRACTS.

WHEREAS, the City of Wharton received the renewal rate from the Texas Municipal League-Intergovernmental Employee Benefits Pool (TML-IRBP) for medical, long-term disability, life, and accidental death & dismemberment for city employees; and

WHEREAS, the City of Wharton wishes to renew these plans with the Texas Municipal League - Intergovernmental Employee Benefits Pool; and

WHEREAS, there shall be full-time employee participation with Texas Municipal League -Intergovernmental Employee Benefits Pool for medical, long-term disability, life, accidental death & dismemberment; however, the employee may elect denial for medical coverage if employee is accessing spouse's plan and submit plan name, contact person and employer of plan information; and

WHEREAS, the city employees could receive coverage with Assurant Employee Benefits for voluntary dental coverage on a voluntary basis at the employees expense.

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 an interlocal contract with the Texas Municipal League - Intergovernmental Employee Benefits Pool for medical, long-term disability, life and accidental death & dismemberment coverage.
- Section II. That Wharton City Council hereby approves Assurant Employee Benefits for voluntary dental coverage for City Employees.
- Section III. That the Mayor of the City of Wharton is hereby authorized to sign any documents relating to the aforementioned contracts.

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

Passed, Approved, and Adopted this 9th day of August, 2011

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 twelfth item on the agenda was to review and consider a resolution of the Wharton City Council approving an aerial easement to be located at A20036, Abst. 36; Tract 28A 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 August 18, 2011 from Mr. Jason Harris, CCA, Crop Advisor for Simplot Grower Solution, requesting the City of Wharton to consider granting an aerial easement for electric service to be provided to the property owned by J.R. Simplot. City Manager Garza stated that the City Staff had submitted the necessary documents to CenterPoint Energy, who was developing the agreement for the property owner. City Manager Garza further stated that the aerial easement would cross the City of Wharton property along Hwy. 60 and would be located on the north side of Tract 28A. After some discussion, Councilmember Al Bryant moved to approve City of Wharton Resolution No. 2011-64, which read as follows:

CITY OF WHARTON RESOLUTION NO. 2011-64

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AN AERIAL EASEMENT BETWEEN THE CITY OF WHARTON AND CENTERPOINT ENERGY TO PROVIDE ELECTRIC SERVICE TO PROPERTY OWNED BY J. R. SIMPLOT; A20036 ABST. 36, TRACT 28A AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE THE AGREEMENT.

- WHEREAS, J. R. Simplot owns property located at A20036 Abst. 36, Tract 28A, Wharton County, Texas, and wishes to obtain electric service from CenterPoint Energy; and
- **WHEREAS,** The Wharton City Council wishes to approve an aerial easement agreement with CenterPoint Energy in an effort to assist with providing electric service to said property owned by J. R. Simplot; and

- WHEREAS, The aerial easement would be located over City-owned property described as a 8.03 acre tract of land situated in the Randall Jones ½ League, Abstract 36, Wharton, County, Texas, being the same property described as Tract 13 in a deed from Southeastern International Corporation to City of Wharton, dated July 25, 2000 and filed for record under Volume 377, Page, 358 in the Official Records of said County and State; and
- **WHEREAS,** The City of Wharton and CenterPoint Energy 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 an aerial easement to CenterPoint Energy across City of Wharton property to provide electric service to the property owned by J. R. Simplot located at A20036 Abst. 36, Tract 28A, Wharton County, Texas
- **Section II.** That 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 the 22nd day of August 2011.

CITY OF WHARTON

By: ____

DOMINGO MONTALVO, JR. Mayor

ATTEST:

PAULA FAVORS, City Secretary

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

The thirteenth item on the agenda was to review and consider the Texas Municipal League 99th Annual Conference and Exhibition to be held October 11 - 14, 2011 in Houston, Texas. City Manager Andres Garza, Jr. presented a copy of the information regarding the Texas Municipal League 99th Annual Conference and Exhibition to be held October 11 - 14, 2011 in Houston, Texas. City Manager Garza stated that early registration would end September 12, 2011 and the cost for early registration was \$270.00. City Manager Garza further stated that any registrations

made after September 12, 2011 would have a registration fee of \$320.00. He added the fact that City Councilmembers may attend the conference with the approval of the City Council. After some discussion, Councilmember Al Bryant moved to approve that City Councilmembers may attend the Texas Municipal League 99th Annual Conference and Exhibition to be held October 11 - 14, 2011 in Houston, Texas, and the City would pay for the registration fees. Councilmember Russell Machann seconded the motion. All voted in favor.

The fourteenth item on the agenda was to review and consider the City Manager's request for Travel Reimbursement. City Manager Andres Garza, Jr. presented a copy of his travel reimbursement request for the period beginning March 17, 2011 through August 12, 2011. After some discussion, Councilmember Don Mueller moved to approve the request for City Manager Andres Garza, Jr.'s Travel Reimbursement. Councilmember Al Bryant seconded the motion. All voted in favor.

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

- A. Beautification Commission.
- B. Building Standards Commission.
- C. Electrical Board.
- D. Holiday Light Decorating Chairman.
- E. Mayor's Committee on People with Disabilities.
- F. Wharton Economic Development Corporation Board of Directors.
- G. Youth Advisory Commission.

City Manager Andres Garza, Jr. presented the City Council with the list of Boards, Commissions, and Committees that still have vacancies. After some discussion, no action was taken.

The sixteenth item on the agenda was to review and consider an update on the City of Wharton On-going Projects. City Manager Andres Garza, Jr. presented copy of his memorandum dated August 22, 2011 to the City Council providing an update on the City of Wharton on-going 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 <u>http://www.swf.usace.army.mil/pubdata/notices/LowerColorado/</u>.

A conference call meeting was held on August 11, 2011 with the USACE and Halff Associates and the City Staff to discuss the projects progress. The City Staff is continuing to obtain the necessary rights of entry agreements to move the project forward. Once the rights of entry's are obtained, the geo-technical contracts will be issued. City of Wharton Regular City Council Meeting August 22, 2011 Halff Associates has provided a 35% complete set of construction plans for review. City Staff is currently working with Halff/USACE regarding the comments made by the City. The USACE and Halff Associates will provide a project update to the City Council during the regular September 12, 2011 City Council meeting.

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 has acquired the needed right of way from Edwin Kostka. In addition to acquiring right of way there are nine power poles that will need to be moved in order to achieve the planned ditch depths and side slopes. City Staff will meet with Centerpoint Energy Staff on August 24, 2011 at 8:00 am to discuss the procedures required for having the poles moved.

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 Turnkee on this project. Recently City Staff discovered a few problem areas in need of repair. AR Turnkee has been contacted and will be making the needed changes under the one-year warranty agreement.

2. Water Storage Tank Maintenance Program.

The bid opening for this project has been set for 11:00 a.m. on September 1, 2011 at City Hall. One of three tanks at Alabama will be renovated and the Vahalla tank will be renovated under this contract. Dunham has completed the final specifications and the bid package. As of August 18, 2011 fifteen contractors have requested a bid package. The City would like to begin work in October and finish around January/February 2012 since during these months the water usage would be at its lowest.

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. During the extreme heat conditions the pressure switches have been performing below standard. City Staff is working with Jones and Carter, Inc. to correct the problem.

5. Energy Efficiency Audit

The City Staff met with representatives from Siemens Industry on June 17th and reviewed the areas that could be improved to provide better energy efficiency. The company representatives will be meeting with Jones & Carter, Inc. to review alternatives for the wastewater treatment plant number one since the water plant rehabilitation report is being prepared by Jones & Carter.

The Public Works Director met with Chad Nobles from Siemens Industry on August 16, 2011 to discuss various options concerning the renovation of WWTP#1.

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.

The Public Works Director met with Chad Nobles from Siemens Industry on August 16, 2011 to discuss various options concerning the renovation of WWTP#1. Siemens Industry is working closely with Jones & Carter to assist in the development of a sound proposal.

City Staff has completed a capacity analysis for WWTP #1 which will help to enhance the rehabilitation proposal that Jones & Carter, Inc. is developing.

STREET IMPROVEMENTS

- 1. FM 102 Relocation and/or FM 1301 Extension and Overpass Project
- A. Progress Report on Project.

IDC Inc., City Staff and the City Council Public Works Committee met August 5, 2011 to review the alternatives on routes and recommend to the City Council a preferred alternative for the FM 102 Relocation and the FM 1301 Road Extension routes. In addition, the alternatives and preferred alternative for the road between the railroad and Business 59 were discussed.

IDC Inc., presented seven different alternatives at the August 8, 2011 City Council meeting. Based on the presentation and a recommendation from the Public Works Committee, City Council voted to select Alternative G as the preferred alternative.

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

The City of Wharton has received the executed AFA from the State.

2. 2011 Street Improvement Program

Public Works Staff is currently identifying and preparing cost estimates for possible street improvements in 2011-2012.

3. Wharton Sidewalk Accessibility and Historic Streetscape Project

The City Staff met with Mr. Bradley Loehr, P.E. of BEFCO to negotiate an agreement for the engineering services. Discussions were held to identify the scope of work and pricing of the engineering work. Negotiations are continuing.

OTHER PROJECTS

1. Fire Station Expansion Project

The Public Works Department and the Facilities Maintenance Department has completed the new driveways. Only minor touch ups and work remain. This project is nearing completion.

WHARTON REGIONAL AIRPORT

1. Capital Improvement Drainage Project.

O'Malley Engineers have submitted the preliminary plans to the City of Wharton for the project. This project should be bid closer toward the end of the year (approximately October 2011).

After some discussion, no action was taken.

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

- A. Beautification Commission meeting held August 10, 2011.
- B. Wharton Economic Development Corporation Board of Directors meeting held August 14, 2011.
- C. City Council Public Safety Committee meeting held August 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 eighteenth item discussed on the agenda was to review and consider the City's Reports:

A. City Secretary/Personnel.	H. Legal Department.
B. Code Enforcement.	I. Municipal Court.
C. Community Services Department	J. Planning Department/ Engineering.

City of Wharton Regular City Council Meeting August 22, 2011 /Civic Center. K. Police Department. D. Emergency Management. L. Public Works Department. E. E.M.S. Department. M. Water/Sewer Department. F. Facilities Maintenance Department. G. Fire Department. P. Wharton Municipal Pool. Q. Wharton Regional Airport.

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

The nineteenth item on the agenda was adjournment. After some discussion, Mayor Domingo Montalvo, Jr. made a motion to adjourn. Councilmember Don Mueller seconded the motion. All voted in favor.

The meeting adjourned at 7:34 p.m.

CITY OF WHARTON, TEXAS

By:

Domingo Montalvo, Jr Mayor

ATTEST:

Paula Favors City Secretary