

**MINUTES
OF
CITY OF WHARTON
REGULAR CITY COUNCIL MEETING
January 23, 2012**

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

Councilmember absent was: None.

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, P.E., Police Captian Richard Coleman, and EMS Lieutenant Frank Giesie.

Visitors present were: David Schroeder, Executive Director of Wharton Economic Development Corporation, Keith Magee with Wharton Journal Spectator, I.O. Coleman, Jr., Mozelle Stephens, C.J. Kearney, and Rachel Rust.

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

The third item on the agenda was Public Comments. I.O. Coleman, Jr. stated that he would like the City Council's support of the request by Mr. Paul Kearney, Event Coordinator for Wharton County Juneteenth Festival, which was agenda item #6. No action was taken.

The fourth item discussed on the agenda was Wharton Moment. Councilmember Terry David Lynch recognized Ms. Francis Gonzales, a jailer with the Wharton County Sheriff's Department. Councilmember Lynch stated that Ms. Gonzales was involved in an automobile accident that left her in critical condition. Councilmember Lynch stated that Ms. Gonzales was a member of the Wharton Fire Department Women's Auxiliary and there would be a fundraiser at the Wharton County Annex to help raise funds for her medical expenses.

The fifth item discussed on the agenda was to review and consider the City of Wharton Financial Report for the month of December 2011. Finance Director Joan Anandel presented the financial report for the month of December 2011. Mrs. Anandel stated that the total ad valorem taxes collected were \$141,244.20 and the sales tax for the month of December 2011 was \$88,832.34. She further stated that the TexPool balance for December was \$170,008.95 with an average monthly yield of 0.08%. She said the Prosperity Bank balance for December 2011 was \$6,026,059.42 with an average monthly yield of 0.15%. Mrs. Anandel further stated that other investments included \$2,665.09 at TexasGulf Federal Credit Union in the debt fund, and \$256,155.15 at Capital One Marketing. After some discussion, Councilmember Terry David Lynch moved to approve the City of Wharton Financial Report for the month of December 2011. Councilmember Al Bryant seconded the motion. All voted in favor.

The sixth item on the agenda was to review and consider a request by Mr. Paul Kearney, Event Coordinator for Wharton County Juneteenth Festival, for City Council consideration to approve the following:

- A. Authorization to hold the 3rd Annual on Saturday, June 16, 2012 from 10:00 a.m. through 12:00 midnight in the downtown square area.
- B. Use of the City of Wharton stage and City personnel to assemble and dismantle the stage at no cost.
- C. Use of City of Wharton personnel as a debris clean up crew at no cost.
- D. City of Wharton assistance by providing hotel/motel funding for the required security.
- E. City of Wharton assistance in coordinating with Waste Corporation of America for solid waste disposal receptacles and additional debris collection.
- F. Waiver of the fees associated with the Temporary Permit for the consumption and possession of Alcoholic Beverages.
- G. City Council authorization to close portions of Houston and Fulton Street adjacent to the Downtown Square from 5:00 p.m. on Friday, June 15th through 12:00 Midnight, Saturday, June 16th, 2012 and the section of Houston Street from Burleson Street to Elm Street on Saturday, June 16, 2012 from 6:00 p.m. through 11:30 p.m. in accordance with the Traffic Control Plan; and, to provide all necessary barricades.
- H. **Ordinance:** An ordinance approving the traffic control plan for the James Simmons, Jr. 3rd Annual Juneteenth Festival, authorizing the Police Department to redirect traffic and authorizing the Mayor of the City of Wharton to execute the Texas Department of Transportation Agreement for the Temporary Closure of State Right of Way.

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City Manager Andres Garza, Jr. presented copies of the letters dated November 15, 2011 and November 16, 2011 from Mr. Paul Kearney, Event Coordinator for the Wharton County Juneteenth Festival requesting the afore-mentioned items. City Manager Garza stated that in Mr. Kearny's letter of November 16, 2011, Mr. Kerney stated, "This year there was a cleanup crew formed by the City to pick the trash up after the freedom festival at no cost to the organization." City Manager Garza further stated that quote was incorrect and the City did not provide the funds for trash pickup and that the Freedom Fest Committee contacted City employees and they made their arrangements and paid for the services to the employees directly. City Manager Garza presented a copy of the Texas Department of Transportation Agreement for the Temporary Closure of State Right of Way and a draft copy of the ordinance approving the traffic control plan for the event. Police Captain Richard Coleman stated there would be a change in the hours needed. Captain Coleman further stated that they would move up the street closures one hour and add an additional hour at the end to allow sufficient time to re-open Hwy 60 safely. After some discussion, Councilmember Al Bryant moved to approve items A., B.,E.,F.,G, H; and that items C. and D. be brought back to the City Council in one of the May 2012 City Council meetings for further consideration. Item H. was the City of Wharton Ordinance No. 2012-03, which read as follows:

**CITY OF WHARTON
ORDINANCE NO. 2012 - 03**

AN ORDINANCE APPROVING THE TRAFFIC CONTROL PLAN FOR THE JAMES SIMMONS, JR. 3rd ANNUAL JUNETEENTH FESTIVAL, AUTHORIZING THE POLICE DEPARTMENT TO REDIRECT TRAFFIC AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE THE TEXAS DEPARTMENT OF TRANSPORTATION AGREEMENT FOR THE TEMPORARY CLOSURE OF STATE RIGHT OF WAY.

WHEREAS, the Wharton County Juneteenth Festival Committee Members wishes to hold the James Simmons, Jr. 3rd Annual Juneteenth Festival in the downtown area of the City of Wharton and has requested approval to close portions of State Hwy. 60; and

WHEREAS, said festival requires the City of Wharton to close State Highway 60, known as Burleson Street from its intersection of Polk Street to Fulton Street; and

WHEREAS, the closure will require the detouring of all traffic traveling south on State Highway 60 according to the map (Attachment A) attached to this ordinance; and

WHEREAS, if there are any other ordinances that would be violated because of the re-routing of all traffic their suspension is hereby authorized; and

WHEREAS, the City Council wishes to authorize the Mayor of the City of Wharton to execute the Agreement for the Temporary Closure of State Right of Way as required by the Texas Department of Transportation.

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

Section I. The traffic control plan for the James Simmons, Jr. 3rd Annual Wharton County Juneteenth Festival is hereby approved.

Section II. The detour route resulting from the closure of State Highway 60 is hereby approved as detailed in the attached map (Attachment A) which is hereby made part of this ordinance.

Section III. The closure of all streets as indicated in said map identified in Section II are hereby authorized.

Section IV. The traffic detour plan as identified in Section III above is hereby approved.

Section V. The Chief of Police and City Staff are hereby authorized to make the necessary expenditures needed to ensure the safety of the public.

Section VI. That the Mayor of the City of Wharton is hereby authorized to execute the Agreement for the Temporary Closure of State Right of Way as required by the Texas Department of Transportation.

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Section VII. This ordinance shall become effective on the 16th day of June 2012 and remain in effect until such time that State Highway 60 is reopened to all traffic.

**Passed, Approved and Adopted this 23rd day of January 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 seventh item on the agenda was to review and consider an ordinance approving amendments to the budget for the City of Wharton, Texas, for the Fiscal year 2010 – 2011. Finance Director Joan Andel stated that the City Council Finance Committee met on January 13, 2012 and voted to recommend the City Council consider approving the proposed budget amendments. City Manager Andres Garza, Jr. presented a copy of the memorandum dated January 13, 2012 from the Finance Committee Members providing their recommendation. After some discussion, Councilmember Don Mueller moved to approve City of Wharton Ordinance No. 2012-04, which read as follows:

**CITY OF WHARTON, TEXAS
ORDINANCE NO. 2012- 04**

**AN ORDINANCE APPROVING AMENDMENTS TO THE
BUDGET FOR THE CITY OF WHARTON, TEXAS FOR
THE FISCAL YEAR 2010 - 2011.**

WHEREAS, the City Council of the City of Wharton, Texas finds and determines it necessary to revise the 2010-2011 budget to better reflect actual revenues and expenditures in operations and activities during the fiscal year; and,

WHEREAS, the City Council finds and determines that these amendments to the budget are for municipal purposes.

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Wharton, Texas that the 2010-2011 Budget be amended as per Attachment "A."

And is adopted by the following favorable majority of votes of the members of the City Council of the City of Wharton, Texas in a duly assembled city council meeting by the following majority:

Al Bryant	Voted	Yes	Karen Schulz	Voted	Yes
Councilmember District No. 1			Councilmember District No. 2		
Terry D. Lynch	Voted	Yes	Donald Mueller	Voted	Yes
Councilmember District No. 3			Councilmember District No.4		
Russell Machann	Voted	Yes	Jeff Gubbels	Voted	Yes
Councilmember At Large Place No. 5			Councilmember at Large Place No. 6		
			Domingo Montalvo, Jr.	Voted	Yes
			Mayor		

Separability

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

Passage and Approval

PASSED AND APPROVED by the City Council of the City of Wharton, Texas, this 23rd day of January 2012.

CITY OF WHARTON, TEXAS

By _____
DOMINGO MONTALVO, JR.
Mayor

ATTEST:

PAULA FAVORS
City Secretary

APPROVED AS TO FORM:

ADMISSION:

PAUL WEBB
City Attorney

JOAN ANDEL
Director of Finance

Councilmember Russell Machann seconded the motion. All voted in favor.

The eighth item on the agenda was to review and consider Fiscal Year 2010 – 2011 Write-Off of the following accounts:

A. Utilities.

City Manager Andres Garza, Jr. presented a copy of the memorandum dated January 10, 2012 from Finance Director Joan Andel and himself regarding the proposed utility account write-off for 2010-2011. He said the Utility Department was requesting that \$25,590.68 of uncollected

balances from October 2010 through September 2011 be written off due to non-payment. He also said the balances were mainly due to customers who moved without finalizing their accounts, and that their deposits were applied and a balance remained. He said that the City Staff had pursued the delinquent accounts following City policy. He further said the City Council Finance Committee met on January 13, 2012 and voted to recommend the City Council consider approving the accounts be written off. He also said that collection measures would continue on the accounts even though the accounts were written off.

B. Emergency Medical Services.

City Manager Andres Garza, Jr. presented a copy of the memorandum dated January 10, 2012 from Finance Director Joan Andel and himself regarding the EMS accounts which were being requested to be written off due to uncollectible balances. City Manager Garza stated that Ms. Debra Madina, owner of Prudentia (the EMS billing company under contract with the City) had recommended to the City Staff that any account that had been with the collection agency for longer than one year be written off. City Manager Garza further stated that the accounts that were listed have been submitted to Lam, Lyn & Philip, P.C. (the collection agency for the City) and the total amount requested to be written-off of EMS accounts was \$243,665.40, which was approximately 14.8% of the total charges of \$1,649,154 for the fiscal year. City Manager Garza also said the City had collected approximately \$735,000 or 45% of the total charges and the City Council Finance Committee met on January 13, 2012 and voted to recommend the City Council consider approving the accounts to be written off. After some discussion, Councilmember Jeff Gubbels moved to approve the Fiscal Year 2010 – 2011 Write-Offs for Utilities and Emergency Medical Services as presented by the City Staff. Councilmember Terry David Lynch seconded the motion. All voted in favor.

The ninth item on the agenda was to review and consider an ordinance repealing the Ordinance No. 2010-15 approving and authorizing the Mayor of the City of Wharton to sign and execute for and on behalf of the City of Wharton, a Tax Abatement Agreement with Nan Ya Plastics Corporation, USA in a form as attached hereto and marked Exhibit "A" and making certain findings of fact in accordance with the requirements of Law. City Manager Andres Garza, Jr. stated that during the November 22, 2010 Wharton City Council meeting, the City Council approved a tax abatement agreement between the City and Nan Ya Plastics Corporation, USA. City Manager Garza presented a copy of the letter dated January 19, 2011 to Mr. Wen-Tsung Lin, Plant Manager, from him providing the necessary contract documents for execution by the company. City Manager Garza further stated that the company had never executed the agreement. City Manager Garza presented a copy of the letter dated December 19, 2011 from Mr. Lin informing the City of Wharton that the company was withdrawing its application for tax abatement due to delays. City Manager Garza stated that the City Council Finance Committee met on January 13, 2012 and voted to recommend the City Council to formally consider accepting withdrawal of the application, which would void the agreement. After some discussion, Councilmember Jeff Gubbels moved to approve City of Wharton Ordinance No. 2012-05, which read as follows:

**CITY OF WHARTON, TEXAS
ORDINANCE NO. 2012-05**

AN ORDINANCE REPEALING THE ORDINANCE NO. 2010-15 APPROVING AND

AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO SIGN AND EXECUTE FOR AND ON BEHALF OF THE CITY OF WHARTON, A TAX ABATEMENT AGREEMENT WITH NAN YA PLASTICS CORPORATION, USA IN A FORM AS ATTACHED HERETO AND MARKED EXHIBIT ‘A’ AND MAKING CERTAIN FINDINGS OF FACT IN ACCORDANCE WITH THE REQUIREMENTS OF LAW.

WHEREAS, On November 8, 2010, the Wharton City Council, by Ordinance No. 2010-14, did create a reinvestment zone upon a certain tract and parcel of property as described in said ordinance on file; and

WHEREAS, The Wharton City Council also approved Resolution No. 2010-15 approving and authorizing the Mayor of the City of Wharton to sign and execute for and on behalf of the City of Wharton, a Tax Abatement Agreement with Nan Ya Plastics Corporation, USA in a form as attached hereto and marked Exhibit “A” and making certain findings of fact in accordance with the requirements of Law.; and

WHEREAS, By the letter dated December 19, 2011, Nan Ya Plastic Corporation, USA Plant Manager W. T. Lin notified the City of Wharton that the company wishes to withdraw its application for tax abatement due to delays in receiving equipment and unnecessary repairs and additions to the equipment; and

WHEREAS, The City Council Finance Committee met on January 13, 2012 and recommended the City Council consider approving the request to withdraw said application; and

WHEREAS, the City Council of the City of Wharton finds and determines that the previously approved tax abatement agreement shall be withdrawn and to repeal Ordinance No. 2010-15.

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

Section I. The Wharton City Council hereby repeals the City of Wharton Ordinance No. 2010-15 approving and authorizing the Mayor of the City of Wharton to sign and execute for and on behalf of the City of Wharton, a Tax Abatement Agreement with Nan Ya Plastics Corporation, USA in a form as attached hereto and marked Exhibit “A” and making certain findings of fact in accordance with the requirements of Law.

Passed, Approved and Adopted this 23rd day of January 2012.

CITY OF WHARTON, TEXAS

By: _____
DOMINGO MONTALVO, JR.
Mayor

ATTEST:

BY: _____
PAULA FAVORS
City Secretary

Councilmember Russell Machann 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 Commercial Pest Management Agreement for City of Wharton Facilities with Affordable Pest Management and authorizing the City Manager of the City of Wharton to execute any and all related contract documents. City Manager Andres Garza, Jr. stated that the City of Wharton was under contract with Affordable Pest Management (APM) for pest control services for the City of Wharton facilities, which the contract was due to expire. City Manager Garza presented copies of proposed contracts for each respective City Facility for the pest control service. City Manager Garza stated that the contract would be for a two year term starting February 1, 2012 and ending January 31, 2014 and that they included a slight increase in rates. After some discussion, Councilmember Terry David Lynch moved to approve City of Wharton Resolution No. 2012-05, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2012-05**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING A COMMERCIAL PEST MANAGEMENT AGREEMENT FOR CITY OF WHARTON FACILITIES WITH AFFORDABLE PEST MANAGEMENT AND AUTHORIZING THE CITY MANAGER TO EXECUTE ANY AND ALL RELATED CONTRACT DOCUMENTS. OF THE CITY OF WHARTON TO EXECUTE THE AGREEMENT.

WHEREAS, The Wharton City Council wishes pest control services to be provided to the City of Wharton City Facilities; and

WHEREAS, The Wharton City Council wishes to engage the services of Affordable Pest Management to provide the pest control services to City Facilities; and

WHEREAS, The City of Wharton and Affordable Pest Control wishes to be bound by the terms and conditions of the agreement; and

WHEREAS, The Wharton City Council wishes authorize the City Manager of the City of Wharton to execute said agreement.

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

Section I. That the City of Wharton and Affordable Pest Management are hereby bound by the terms and conditions of the pest control services agreement.

Section II. That the Wharton City Council hereby authorizes the City Manager 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 23rd day of January 2012.

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 an Ambulance Provider Application by Expro EMS, Inc. City Manager Andres Garza, Jr. presented a copy of the Ambulance Provider Application submitted by Mr. Jason Wendel, Expro EMS, Inc. and a copy of City Attorney Paul Webb's letter dated December 27, 2011 providing his comments regarding the application. City Manager Garza stated that EMS Director John Kowalik provided his recommendation in his memorandum dated January 18, 2012; which was for the City Council to consider approving the application pending City Attorney Paul Webb's review. City Attorney Paul Webb stated that he has reviewed the application and that everything looked to be in order. EMS Lieutenant Frank Giesie stated Expro EMS, Inc. met the City's requirements and the EMS Department was recommending the Council consider approving a permit. After some discussion, Councilmember Terry David Lynch moved to approve the Ambulance Provider Application by Expro EMS, Inc. Councilmember Don Mueller 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 authorizing the City Staff to request proposals for the acquisition of right of way services for the FM 1301 Extension and Overpass Project. City Manager Andres Garza, Jr. stated that in order to meet federal guidelines, the City must conduct the procurement process to secure a contract with a firm. City Manager Garza further stated that the City Staff was requesting City Council authorization to issue a Request for Proposals (RFP) to acquire these services and the funding for this service is part of the City's share of the project costs. After some discussion, Councilmember Jeff Gubbels moved to approve City of Wharton Resolution No. 2012-06, which read as follows:

CITY OF WHARTON

RESOLUTION NO. 2012-06

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE CITY STAFF TO REQUEST PROPOSALS FOR THE ACQUISITION OF RIGHT OF WAY SERVICES FOR THE ROAD EXTENSION OF FM 1301 FROM SH 60 TO US 59 PROJECT.

WHEREAS, the City of Wharton is moving forward with the road extension of FM 1301 from SH 60 to US 59 Project; and

WHEREAS, The Wharton City Council wishes to authorize the City Staff to solicit Requests for Proposals the procurement of a consultant(s) to provide the acquisition of right of way services in accordance with federal guidelines; and

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. That the Wharton City Council hereby authorizes the City Staff to solicit Requests for Proposals the procurement of a consultant(s) to provide the acquisition of right of way services in accordance with federal guidelines road extension of FM 1301 from SH 60 to US 59 Project;.

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

Passed, Approved, and Adopted this the 23rd day of January 2012.

CITY OF WHARTON

By: _____
DOMINGO MONTALVO, JR.
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The thirteenth item on the agenda was to review and consider City Council Conferences and Events:

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- A. Houston-Galveston Area Council 2012 General Assembly to be held Friday, January 27, 2012 in Houston, Texas.

City Manager Andres Garza, Jr. presented a copy of the invitation to attend the Houston-Galveston Area Council (H-GAC) 2012 General Assembly to be held Friday, January 27, 2012 in Houston, Texas. City Manager Garza stated that Councilmember Jeff Gubbels served as the designated representative to the H-GAC General Assembly and Councilmember Al Bryant served as the alternate.

- B. Texas Municipal League Elected Officials' Conference to be Friday, February 17, 2012 through Sunday, February 19, 2012 in San Antonio, Texas.

City Manager Andres Garza, Jr. presented a copy of the letter dated December 29, 2011 from the Texas Municipal League (TML) regarding the 2012 Elected Officials Conference being held February 17 - 19, 2012 in San Antonio, Texas. City Manager Garza stated that in accordance with the City' Travel Policy, City Council approval was required should any Councilmember or Mayor wish to attend the conferences. After some discussion, Councilmember Jeff Gubbels moved to approve Councilmember Al Bryant attending the Houston-Galveston Area Council 2012 General Assembly to be held Friday, January 27, 2012 in Houston, Texas and Mayor Domingo Montalvo, Jr. and Councilmember Al Bryant to attend the Texas Municipal League Elected Officials' Conference to be Friday, February 17, 2012 through Sunday, February 19, 2012 in San Antonio, Texas. Councilmember Russell Machann seconded the motion. All voted in favor.

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

- A. Beautification Commission.
- B. Building Standards Commission.
- C. Holiday Light Decorating Chairman.
- D. Mayor's Committee on People with Disabilities.

After some discussion, no action was taken.

The fifteenth item on the agenda was to review and consider the status report on City of Wharton Projects. City Manager Andres Garza, Jr. presented a copy of his memorandum dated January 23, 2012 providing a status report on the ongoing City of Wharton Projects 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 <http://www.swf.usace.army.mil/pubdata/notices/LowerColorado/>.

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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 by both parties. The amendment will incorporate Segment 1(a) into the project, which is the extension of the levee along FM 102.

City Staff and Mayor Montalvo attended a meeting in Austin to discuss progress and issues concerning this project on January 11, 2012. The City Staff will be meeting with the USACE and Halff Associates Representative to discuss the path being taken on the project.

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.

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 drainage right of way from Edwin Kostka. In addition to the drainage right of way an aerial easement will also be required. City Staff, Jones & Carter Inc., and Centerpoint Energy are working to finalize the aerial easement so that the poles can be moved. The Public Works Director has provided a set of construction plans to and met with AT&T and Texas Mid Gulf Cable as well. Staff is currently in the process of resolving all utility conflicts. City Staff met with an AT&T engineer on January 18, 2012 to discuss the engineering required by AT&T to move their cable on the North and South side of Highway 60. Progress is being made in resolving the utility conflicts.

WATER/SEWER IMPROVEMENTS:

1. Water Storage Tank Maintenance Program.

The Alabama Ground Storage Tank is complete. The Alabama tank passed engineering inspection. Bacteria testing on the Alabama GST came back negative and the tank is now back on-line. Currently the contractor is sandblasting the Vahalla Ground Storage Tank. Rehabilitation of the Vahalla GST should be complete by February. This will mark the completion of the project.

2. 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. Barbee Electric recently installed temperature control devices in the pressure switch boxes to create a controlled environment and help reduce problems with the switches. The temperature control devices seem to be eliminating most of our overflow problems. Staff will continue to monitor the situation.

3. Energy Efficiency Audit

Siemens Industry and Jones & Carter, Inc. presented an overview of their plan to help the City increase energy efficiency. Presentations were made to the Public Works Committee and Finance Committee in December.

4. Wastewater Treatment Plant No. 1 Rehabilitation Proposal

Jones & Carter, Inc. has completed their rehabilitation proposal and presented it to the Public Works Committee and Finance Committee in December for review.

5. On-going Water and Sewer Maintenance Program

Recent rainfall has caused the ground to begin to swell causing some water leaks and sanitary sewer issues. However, the number of problems encountered has decreased since the severe drought this past summer and fall. Currently the City is averaging about four leaks a week and around twice the problems normally associated with the sanitary sewer collection system.

The week of January 9, 2012 the motor on Water Well #3 at the Alabama plant failed. After examination, the technicians determined that the motor was not repairable. Therefore, an emergency purchase of a new motor plus installation was authorized by the Public Works Director and Finance Director. Total cost of the repair was \$8,420 and was completed by Layne Christensen Company. Electrical repair was also completed by Barbee Electric however an invoice has not been received from Barbee yet. The well is now back on-line and working properly.

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. TxDOT, IDC, SMC Consulting, Inc., and City Staff met on January 17, 2012 to prepare for the upcoming public meeting at the Civic Center on January 24, 2012. The group will meet again on January 23, 2012 to ensure all parties are prepared for the public meeting.

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 also passed a resolution amending the professional engineering services agreement between the City of Wharton and IDC Inc. to include the basic engineering services for the environmental assessment for the City of Wharton FM 102 Relocation,

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FM 1301 Road Extension to US 59 with service road and entrance ramp (east side) and Railroad Overpass. 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. 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

City Staff, BEFCO Engineering, Stern and Bucek Architects and TxDOT are working together to ensure this project is a success. Currently BEFCO Engineering is surveying and developing some of the preliminary designs. David Bucek is consulting with BEFCO and City Staff on various issues including historical aspects of the project. City Staff is currently reviewing preliminary plans with BEFCO.

4. On-going Street and Drainage Maintenance Program

The recent rainfall combined with the damage caused by the drought is keeping the Street and Drainage crew very busy. The force of the ground shrinking from drought and swelling from rain is causing numerous failures in the City's streets and storm sewers. Many of the failures must be fixed immediately since they pose a threat to the public's safety.

The week of January 9, 2012 the City received several inches of rain in a short amount of time. Public Works staff noted that the Santa Fe outfall ditch performed as intended and helped drain the City more efficiently than we have seen in the past. In addition, residential ditch cleaning projects have proven worthy as well. This was measured by the decreased need for barricades at flooded intersections and visually noting that water no longer stands in ditches that have been reworked.

OTHER PROJECTS

1. Fire Station Expansion Project

The Public Works Department recently completed construction of a concrete pad to accommodate two garbage dumpsters for the Fire Department.

WHARTON REGIONAL AIRPORT

1. Capital Improvement Drainage Project.

O'Malley is currently making the final design changes. This project should be bid out within the next 30-60 days.

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

- A. City Council Finance Committee meeting held January 13, 2012.
- B. Planning Commission meeting held January 17, 2012.

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

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

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

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

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

The meeting adjourned at 7:38 p.m.

CITY OF WHARTON, TEXAS

By: _____
Domingo Montalvo, Jr.
Mayor

ATTEST:

Paula Favors
City Secretary