

**MINUTES
OF
CITY OF WHARTON
REGULAR CITY COUNCIL MEETING
March 26, 2012**

Mayor Domingo Montalvo, Jr. declared a Regular Meeting duly open for the transaction of business at 7:00 P.M. Councilmember Terry David Lynch 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 Anandel, City Secretary Paula Favors, Assistant to City Manager Jackie Jansky, Public Works Director Carter Miska, P.E., Police Chief Tim Guin, and Sergeant Amy Bergstrom.

Visitors present were: David Schroeder, Executive Director of Wharton Economic Development Corporation, Ben Sharp with Wharton Journal Spectator, Carlos Cotton, P.E. with Jones and Carter, Inc., and Patricia Spacek.

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

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

The fourth item discussed on the agenda was Wharton Moment. Councilmember Terry David Lynch stated that the 100 Club Spaghetti Cook-off was a success. Councilmember Lynch congratulated the Wharton County Junior College Police Academy for taking 1st place in the cook-off. Mayor Domingo Montalvo, Jr. presented former City of Wharton Employee, Ms. Patricia Spacek with a plaque recognizing her years of service with the City as a Telecommunicator. Police Chief Tim Guin stated that Ms. Spacek had become family during the 18 ½ years she worked for the City and her excellence at her job would be missed.

The fifth item discussed on the agenda was to review and consider the City of Wharton Financial Report for the month of February 2012. Finance Director Joan Anandel presented the financial report for the month of February 2012. Mrs. Anandel stated that the total ad valorem taxes collected were \$420,394.19 and the sales tax for the month of February 2012 was \$119,476.05. She further stated that the TexPool balance for February was \$170,021.27 with an average monthly yield of 0.09%. She said the Prosperity Bank balance for February 2012 was \$7,591,985.65 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 \$256,297.41 at Capital One Marketing. After some discussion, Councilmember Terry David

City of Wharton
Regular City Council Meeting
March 26, 2012

Lynch moved to approve the City of Wharton Financial Report for the month of February 2012. Councilmember Russell Machann 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 accepting the bid submitted by Blue Bay Construction, LLC for the Wharton Regional Airport Capital Improvement Project – 2011 Paving and Drainage Improvements and authorizing the Mayor of the City of Wharton to execute any and all documents related to said agreement. City Manager Andres Garza, Jr. stated that the Texas Department of Transportation (TxDOT) – Aviation Division (the City’s authorized agent) and O’Malley Engineers (the City’s contracted engineering firm) held the bid opening on March 6, 2012 for the Wharton Regional Airport Capital Improvement Project – 2011 Paving and Drainage Improvements for the construction phase. City Manager Garza presented a copy of the letter dated March 13, 2012 from Mr. Ed Addicks, P.E, Vice-President of O’Malley Engineer’s providing his recommendation to the City of Wharton and TxDOT Aviation to consider awarding the construction contract to Blue Bay Construction, LLC for being the lowest and best bidder as per bid specifications in the amount of \$626,478.04, which included the base bid plus the Alternate 1 bid. After some discussion, Councilmember Don Mueller moved to approve City of Wharton Resolution No. 2012-11, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2012-11**

A RESOLUTION OF THE WHARTON CITY COUNCIL ACCEPTING THE BID SUBMITTED BY BLUE BAY CONSTRUCTION, LLC FOR THE WHARTON REGIONAL AIRPORT CAPITAL IMPROVEMENT PROJECT – 2011 PAVING AND DRAINAGE IMPROVEMENTS AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON, TEXAS TO EXECUTE ANY AND ALL DOCUMENTS RELATED TO SAID CONTRACT.

WHEREAS, competitive, sealed bids were received March 6, 2012 for the Wharton Regional Airport Capital Improvement Project 2011 Paving and Drainage Improvements; and

WHEREAS, Blue Bay Construction, LLC was deemed the best qualified and lowest bidder for the base bid plus Alternate 1 Bid for a total award of \$628,478.04; and

WHEREAS, Per the Texas Department of Transportation Airport Project Participation Agreement Contract No. 0XXAV036, the Texas Department of Transportation is the City of Wharton’s agent for said project; and

WHEREAS, Pending the Texas Department of Transportation Aviation Division’s review and approval of the bids received for said project, the Wharton City Council wishes to accept the bids and approve the construction contract award for said project to Blue Bay Construction, LLC as per bid specifications; and

WHEREAS, the City Council wishes to authorize the Mayor of the City of Wharton to any and all documents related to said 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 accept the bids and approve the construction contract award for said project to Blue Bay Construction, LLC as per bid specifications pending the Texas Department of Transportation Aviation Division's review and approval of the bids received for said project.

Section II. That the Wharton City Council hereby authorizes authorize the Mayor of the City of Wharton to any and all documents related to said contract.

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

Passed, Approved, and Adopted this 26th day of March 2012.

CITY OF WHARTON, TEXAS

By: _____
DOMINGO MONTALVO, JR.
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The seventh item on the agenda was to review and consider the City of Wharton Rehabilitation and Painting of Two (2) 500,000 Gallon Steel Ground Water Storage Tank Project – M.K. Painting, Inc. – Pay Request No. 3 and Final. City Manager Andres Garza, Jr. presented a copy of the letter dated March 12, 2012 from Mr. Jimmy D. Dunham, P.E. of Dunham Engineering, Inc. providing the Pay Request No. 3 and Final in the amount of \$152,705.00 submitted by M.K. Painting, Inc. for the City of Wharton Rehabilitation and Painting of Two (2) 500,000 Gallon Steel Ground Water Storage Tank Project. Public Works Director Carter Miska, P.E., stated a final walk through had been completed and both tanks were back online. After some discussion, Councilmember Al Bryant moved to approve the City of Wharton Rehabilitation and Painting of Two (2) 500,000 Gallon Steel Ground Water Storage Tank Project – M.K. Painting, Inc. – Pay Request No. 3 and Final. Councilmember Don Mueller seconded the motion. All voted in favor.

The eighth item on the agenda was to review and consider a report by Fire Chief Anthony Abbott regarding the Insurance Services Office (ISO) Rating. City Manager Andres Garza, Jr. presented a copy of his email dated March 22, 2012 to Assistant to City Manager Jackie Jansky providing information regarding the program. Fire Chief Anthony Abbott stated that the Fire Department would be testing all City fire hydrants to help improve the Insurance Services Office (ISO) Rating held by the City of Wharton. Chief Abbott further stated at the City was currently ranked

City of Wharton
Regular City Council Meeting
March 26, 2012

as a six and that the ranking number would be lowered to a four. Chief Abbott said the lower the ranking, the more property owners could save on insurance premiums. After some discussion, no action was taken.

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

A. Appointment of the following to serve on the City of Wharton Beautification Commission:

1. Margaret Dixon.
2. Mystal Gurkin.
3. Patsy Sabrusula.

Building Standards Commission Vacancies.

Holiday Light Decorating Chairman Vacancy.

Mayor's Committee on People with Disabilities:

1. Liliana Johse.
2. Krista Spano.

City Manager Andres Garza, Jr. presented written confirmation from the individuals listed above respectively, informing the City Staff that they wished to serve on the respective Boards, Commissions and Committees. Assistant to City Manager Jackie Jansky stated the aforementioned individuals were interested in serving and additional individuals were being sought to fill the remaining vacant positions. After some discussion, Councilmember Terry David Lynch moved to approve all positions as presented:

A. Wharton Beautification Commission:

- a. Margaret Dixon – term ending June 30, 2012
- b. Mystal Gurkin – term ending June 30, 2012
- c. Patsy Sabrusula – term ending June 30, 2012

D. Mayor's Committee on People with Disabilities:

1. Liliana Johse – term ending June 30, 2012
2. Krista Spano – term ending June 30, 2012

Councilmember Russell Machann seconded the motion.

The tenth 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 March 26, 2012 providing a status report on the ongoing City of Wharton, 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/>.

City of Wharton
Regular City Council Meeting
March 26, 2012

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

City Staff has been working with Fugro Consultants, Inc., a geotechnical engineering firm, to bore and obtain soil samples along the alignment of the levee. Fugro Consultants, Inc., has completed the borings necessary for design and construction of the first phase of the levee project. City Staff has been working with Halff Associates, Inc. over the past three weeks to collect topographic data needed for completion of the 65% engineering design and eventually the final design.

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. Some maintenance was done on the lower end of the ditch this month to control erosion. Rains have limited the amount of work that could be performed and have increased erosion activity in some areas.

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. City Staff, Jones & Carter Inc., and Centerpoint Energy have finalized the aerial and guy wire easement so that the poles can be moved. The City is now waiting for Centerpoint Energy utility crews to move the poles. The Public Works Director has provided a set of construction plans to and met with AT&T and Texas Mid Gulf Cable as well. City Staff and Jones & Carter, Inc. are currently in the process of resolving all utility conflicts. Staff hopes to have construction underway by the summer of 2012.

WATER/SEWER IMPROVEMENTS:

1. Water Storage Tank Maintenance Program.

The Alabama Ground Storage Tank is complete. Rehabilitation of the Valhalla GST is complete. Bacteria tests were performed and all test results were negative. The Valhalla GST has been back in service since the end of February. A final walk through was made by Public Works Staff, Dunham Engineering, and M-K Painting on February 22. This marks the completion of the Alabama GST and Valhalla GST rehabilitation 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. Public Works Staff is currently having trouble with the elevated storage tank on Highway 59 overflowing. Staff is working Jones & Carter, Inc. to resolve the problem.

3. Energy Efficiency Audit

City Staff continues to work with Siemens Industry and Jones & Carter, Inc. to develop a sound plan to conserve energy. The study phase of this project is completed.

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. City Staff is working with Jones & Carter, Inc. to determine which components of the project would be considered top priority and to develop a plan to finance the project.

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 sanitary sewer line between Texas St and Koehl St is currently being replaced by Public Works. Recent rains have slowed down progress. Work should be completed by the end of March, weather permitting.

STREET IMPROVEMENTS

1. FM 102 Relocation and/or FM 1301

A. Progress Report on Project.

IDC Inc. continues to work with City Staff in an effort to develop preliminary engineering for the project. The City Staff has obtained the necessary rights of entry agreements for the project. Over the last week City Staff, IDC, and SMC Consulting, Inc. have been collecting survey data and environmental data necessary to complete the engineering design and the environmental assessment. Data collection will continue over the next few weeks.

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, 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. 2012 Street Improvement Program

Public Works Staff is currently identifying and preparing cost estimates for possible street improvements in 2012. The Public Works Director and Street Superintendent met with the City of El Campo Public Works Director on March 14, 2012 to discuss different ways to partner and help strengthen each other's street improvement programs. The proposed improvement will be presented to the City Council Public Works Committee for their review and recommendation to the City Council.

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. BEFCO Engineering is scheduled to submit the 35% engineering plans by March 23, 2012. Stern and Bucek continue to consulting with BEFCO and City Staff on various issues including historical aspects of the project.

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 rains have also prevented City crews from performing needed maintenance and installing drop structures to control erosion on the Santa Fe outfall ditch.

During March the City received several inches of rain. Public Works staff noted that the Santa Fe outfall ditch performed as intended and helped drain the City more efficiently. In addition, residential ditch cleaning projects have proven worthy. The City's Gradall has been in the shop for three months. It may be several more months until all repairs are complete due to the difficulty in finding parts. This has brought routine residential ditch cleaning program to a halt. Some progress may be made in April by utilizing the interlocal agreement with the City of El Campo and the use of their Gradall.

OTHER PROJECTS

1. Fire Station Expansion Project

This project is complete.

WHARTON REGIONAL AIRPORT

1. Capital Improvement Drainage Project.

O'Malley Engineers have finalized the engineering plans. City staff held a bid opening in March. A recommendation to award a bid will be made at the March 26, 2012 council meeting.

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

City of Wharton
Regular City Council Meeting
March 26, 2012

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

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

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

The meeting adjourned at 7:23 p.m.

CITY OF WHARTON, TEXAS

By: _____
Domingo Montalvo, Jr.
Mayor

ATTEST:

Paula Favors
City Secretary