

**MINUTES  
OF  
CITY OF WHARTON  
REGULAR CITY COUNCIL MEETING  
June 25, 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, Terry David Lynch, Russell Machann and Don Mueller.

Councilmembers absent were: Councilmembers Jeff Gubbels and Karen Schulz.

Staff members present were: City Manager Andres Garza, Jr., City Attorney Paul Webb, Finance Director Joan Anandel, City Secretary Paula Favors, and Assistant to City Manager Jackie Jansky.

Visitors present were: David Schroeder, Executive Director of Wharton Economic Development Corporation, I.O. Coleman, Jr., Doris Teague, Mimi McCart, Georgia Crawford, and Rachel Rust.

The second item on the agenda was Roll Call and Excused Absences. After some discussion, Councilmember Terry David Lynch moved to excuse Councilmembers Jeff Gubbels and Karen Schulz. Councilmember Don Mueller seconded the motion. All voted in favor.

The third item on the agenda was Public Comments. Ms. Doris Teague requested follow up information on the drainage issue on Willowbend Street. City Attorney Paul Webb stated that the City Council could not respond during Public Comments. He said that Mrs. Teague's request for further information could be placed on a future City Council agenda for City Council consideration and response so she would be able to get the information she had requested.

The fourth item on the agenda was Wharton Moment. Councilmember Don Mueller stated that City Manager Andres Garza, Jr. would be recognized for 35 years of service from the International City/County Management Association (ICMA) and he congratulated him for his achievement.

Councilmember Al Bryant stated the 2012 Juneteenth Celebration was the best event so far and he commended the Just Do It Now, Inc. program for the good job and hard work they have done remodeling the gym on their campus.

Councilmember Russell Machann invited the community to attend the 2012 Freedom Fest which supports a good cause and brings the community together.

The fifth item on the agenda was to review and consider the City of Wharton Financial Report for the month of May 2012. Finance Director Joan Anandel presented the financial report for the

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month of May 2012. Mrs. Andel stated that the total ad valorem taxes collected were \$21,424.46 and the sales tax for the month of May 2012 was \$143,465.22. She further stated that the TexPool balance for May was \$167,082.44 with an average monthly yield of 0.12%. She said the Prosperity Bank balance for May 2012 was \$6,473,939.73 with an average monthly yield of 0.15%. Mrs. Andel further stated that other investments included \$2,681.86 at TexasGulf Federal Credit Union in the debt fund. After some discussion, Councilmember Terry David Lynch moved to approve the City of Wharton Financial Report for the month of May 2012. Councilmember Al Bryant 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 authorizing the Sale of City of Wharton Surplus Personal Property in accordance with the City Charter Section 75 Sale of City of Wharton Personal Properties; Procedures. City Secretary Paula Favors presented a list of City of Wharton Surplus Personal Property to the City Council. Mrs. Favors stated the City utilized [www.publicsurplus.com](http://www.publicsurplus.com) in 2011, which gained the City a larger exposure and suggested using the website for the sale of the 2012 City of Wharton Surplus Personal Property. After some discussion, Councilmember Terry David Lynch moved to approve City of Wharton Resolution No. 2012-23, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2012-23**

**A RESOLUTION AUTHORIZING THE SALE OF CITY OF WHARTON SURPLUS PERSONAL PROPERTY IN ACCORDANCE WITH THE CITY CHARTER SECTION 75 SALE OF CITY PERSONAL PROPERTY; PROCEDURES.**

**WHEREAS,** the City of Wharton has identified surplus personal property; and

**WHEREAS,** the Wharton City Council of the City of Wharton wishes to authorize the City Manager to sell the surplus personal property directly to the public by publication notification in accordance with the City Charter Section 75 Sale of City personal property; procedures; and

**WHEREAS,** the Wharton City Council wishes to authorize the City Manager to sell City personal property out right on a first come first serve basis if said property did not sell through the bidding process.

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

**Section I.** The City Council of the City of Wharton hereby authorizes the City Manager to sell the City of Wharton surplus personal property in accordance with the City Charter Section 75 Sale of City personal property; procedures.

**Section II.** The City Council of the City of Wharton hereby authorizes the sale of this personal property by publication notification.

**Section III.** The Wharton City Council hereby authorizes the City Manager to sell City personal property out right on a first come first serve basis if said property did not sell through the bidding process.

**Section IV.** This resolution shall become effective immediately upon its passage.

**Passed, Approved, and Adopted** this 25<sup>th</sup> day of June 2012.

**CITY OF WHARTON, TEXAS**

**By:**

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**DOMINGO MONTALVO, JR.**  
Mayor

**ATTEST:**

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**PAULA FAVORS**  
City Secretary

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

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

- A. Beautification Commission.
- B. Building Standards Commissions.
- C. Electrical Board.
- D. Holiday Lighting Chairman.
- E. Youth Advisory Commission.
- F. Municipal Court Judge.
- G. City Council Committees:
  - 1. Annexation Committee.
  - 2. Finance Committee.
  - 3. Housing Committee.
  - 4. Intergovernmental Relations Committee.
  - 5. Legislative Committee.
  - 6. Public Health Committee.
  - 7. Public Safety Committee.
  - 8. Public Works Committee.
  - 9. Telecommunications Committee.
  - 10. Wharton Economic Development Corporation Board of Directors.

Assistant to City Manager Jackie Jansky stated that Mr. Bo Phillips had expressed interested in serving on the Building Standards Commission, which would fill the unexpired term ending on June 30, 2013. City Manager Andres Garza, Jr. stated the Municipal Court Judge term expired

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June 30, 2012 and would need to be filled. After some discussion, Councilmember Russell Machann moved to appoint the following:

- |  |                |                                     |
|--|----------------|-------------------------------------|
| B. Building Standards Commission – Bo Phillips | unexpired term | <u>Term Ending</u><br>June 30, 2013 |
| F. Municipal Court Judge – John Murrile        |                | July 1, 2012 – June 30, 2014        |

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

The eighth item discussed on the agenda was the Status Report on City of Wharton Projects. City Manager Andres Garza, Jr. presented a copy of his memorandum dated June 25, 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/>.

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

City Staff continues to work with Halff Associates, Inc. to complete the 65% design. This design is for the first phase of levee construction only. City Staff met with Gulf South Research Corporation the week of June 4, 2012 to collect soil samples for the archaeological phase of the environmental site assessment. Samples were collected along the proposed levee and sump areas.

On June 15 City Staff and Fugro Consultants, Inc. met to collect additional soils data needed for the 65% design. City Staff also met with Halff Associates on June 15 to collect additional topographic data along the railroad embankment west of Sunset.

### **DRAINAGE:**

1. Santa Fe Outfall Channel.

The Public Works Department is focusing on installing grade stabilization structures and installing other best management practices needed to control erosion. City Staff met with property owners to discuss work that needs to be performed by the City in accordance with the agreements. Recent 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

Centerpoint Energy is currently relocating the power poles along Highway 60 to accommodate the planned depth of the new Highway 60 ditch. City Staff expects Centerpoint to complete their relocation by the end of June. AT&T completed relocation of their utilities along Highway 60 earlier this month.

The construction plans call for the installation of two 30 inch culverts underneath Highway 60. The culvert installation will be completed by an outside contractor. City Staff has obtained quotes for this portion of the project which is estimated at \$40,000.00. Other culvert installations will be completed by the City and TxDOT.

Staff hopes to have construction underway by the summer of 2012. Work will need to be coordinated with the local TxDOT office. TxDOT will provide a gradall and operator for excavation and the Public Works Department will provide dump trucks and operators to haul the spoil.

## **WATER/SEWER IMPROVEMENTS:**

### 1. 2012 -2013 Water Storage Tank Maintenance Program

Jones & Carter is re-examing the decision to demolish the Cloud Street elevated storage tank (EST). Removal of the EST may require additional work that could be costly. Further inspection of the tank is required before a final recommendation can be made. Jones & Carter will be inspecting the tank.

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

### 2. Pressure Switches at City Water Plants

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

### 3. Energy Efficiency Audit

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

### 4. Wastewater Treatment Plant No. 1 Rehabilitation Proposal

City Staff is currently exploring various avenues to fund the rehabilitation of WWTP No. 1. The top priority is the WWTP's clarifier.

5. On-going Water and Sewer Maintenance Program

Soil moisture has remained fairly constant in June reducing the shrink-swell of the soil. This has decreased the number of water leaks and sanitary sewer backups experienced compared to last June's drought. The sanitary sewer line between Texas St and Koehl St is currently being replaced by Public Works. Recent rains and employee turnover have again slowed down progress. Work should be completed by the end of the summer, weather permitting. As a result of the recent fire hydrant testing program, the Fire Department identified a few fire hydrants in need of repair. Public Works is repairing these hydrants as time permits. Due to the age of the City's lift stations, maintenance is becoming a daily issue, specifically with pump failures. Public Works is working to fix or replace all failing lift station components and has recently initiated a more stringent preventive maintenance program.

**STREET IMPROVEMENTS**

1. FM 102 Relocation and/or FM 1301

A. Progress Report on Project.

IDC Inc. continues to work with City Staff in an effort to develop preliminary engineering for the project. The City Staff has obtained the necessary rights of entry agreements for the project.

City Staff held a public information meeting at the Civic Center on May 8, 2012 to address questions the public may have and educate citizens on the progress of the project.

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

TxDOT has agreed to amend the AFA with an increase of \$200,000 making the States total support toward the project \$3,700,000 for construction. City Council passed a resolution accepting this amendment to the AFA. City Council passed a resolution approving Amendment No. 3 to the professional engineering services contract between the City of Wharton and IDC Inc. for environmental work on the proposed Highway 59 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 began making street improvements the week of May 21, 2012. Staff is repairing the streets approved by City Council at the last Council meeting. Recent rains have slowed progress. The project is approximately 50% complete. This project should be complete by the end of the summer, weather permitting.

City Staff met with the City of El Campo's City Manager and Public Works Director at the end of May to discuss renewal of the interlocal agreement between Wharton and El Campo for street improvements.

3. Wharton Sidewalk Accessibility and Historic Streetscape Project

BEFCO Engineering has completed the final designs and submitted them to TxDOT. BEFCO is currently working on the bid package. The letting/bid date has been tentatively set for August 6 at City Hall.

4. On-going Street and Drainage Maintenance Program

During June 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 is back in service and Public Works has been performing routine ditch maintenance throughout June. The City's street sweeper had a mechanical failure last month and was out of service for most of June. The sweeper was put back in service on June 15.

**WHARTON REGIONAL AIRPORT**

1. Capital Improvement Drainage Project.

Blue Bay Construction and Public Works began construction in mid June. The project is approximately 10% complete.

**OTHER PROJECTS**

1. Fire Hydrant Testing Program

The Fire Department with the assistance of the Public Works Department has begun an annual hydrant testing program. The Fire Department has completed testing on all the City's hydrants. The majority of the hydrants were in good working condition. Those that need attention are being repaired by Public Works Staff. This program will help to improve the City's ISO insurance rating. After some discussion, no action was taken.

The ninth item discussed on the agenda was a Planning Commission report from the meeting held June 18, 2012. City Manager Andres Garza, Jr. presented a copy of the Planning Commission report regarding the meeting held June 18th. After some discussion, no action was taken.

The tenth 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<br>/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.

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The eleventh 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 7:18 p.m.

**CITY OF WHARTON, TEXAS**

By: \_\_\_\_\_  
**Domingo Montalvo, Jr.**  
**Mayor**

**ATTEST:**

\_\_\_\_\_  
**Paula Favors**  
**City Secretary**