

**MINUTES
OF
CITY OF WHARTON
REGULAR CITY COUNCIL MEETING
DECEMBER 10, 2012**

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

Councilmember's present were: Mayor Domingo Montalvo, Jr., Councilmembers Al Bryant, Terry David Lynch, Russell Machann, Don Mueller and Karen Schulz.

Councilmember absent was: Jeff Gubbels.

Staff members present were: City Manager Andres Garza, Jr., Finance Director Joan Andel, City Attorney Paul Webb, and Public Works Director Carter Miska, P.E.

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

The second item on the agenda was Roll Call and Excuses Absences. Councilmember Terry David Lynch moved to excuse Councilmember Jeff Gubbels. Councilmember Russell Machann seconded the motion. All voted in favor.

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

The fourth item on the agenda was the Wharton Moment. Councilmember Don Mueller stated the El Campo Varsity and East Bernard Varsity Football teams were advancing to State. Councilmember Mueller said both teams had done a great job representing Wharton County. Councilmember Terry David Lynch gave condolences to City of Wharton employee Anne Wigginton for the loss of her father Billy Grissom who passed away unexpectedly on December 4, 2012.

The fifth item on the agenda was to review and consider reading of the minutes from the regular meetings held November 12, 2012 and November 26, 2012. After some discussion, Councilmember Karen Schulz moved to approve the minutes from the regular meetings held November 12, 2012 and November 26, 2012. Councilmember Al Bryant seconded the motion. All voted in favor.

The sixth item discussed on the agenda was to review and consider City of Wharton Financial Report for the month of November 2012. Finance Director Joan Andel presented the financial

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report for the month of November 2012. Mrs. Andel stated that the TexPool balance for November was not available but would be presented at the regular January 14th, 2013 City Council meeting. She said the Prosperity Bank balance for November 2012 was \$5,093,669.65 with an average monthly yield of 0.15%. After some discussion, Councilmember Al Bryant moved to approve the City of Wharton Financial Report for the month of November 2012. Councilmember Don Mueller seconded the motion. All voted in favor.

The seventh item on the agenda was to review and consider a request by Mr. Brandon Cruz on behalf of the Wharton Masonic Lodge #621 for the following:

- A. Use of Riverfront Park to hold a Bar-b-que Cook-off Friday, January 25, 2013 beginning at 6:00 a.m. through Sunday, January 27, 2013 ending at 12:00 Noon.
- B. Variance from the City of Wharton Code of Ordinances, Chapter 54 Parks and Recreation, Section 54-2 and 54-8 Operating or parking motor vehicles in parks.
- C. Variance for the City of Wharton Code of Ordinances, Chapter 54 Parks and Recreation, Section 54-3 Hours of use of City parks.
- D. Waive applicable fees for the following:
 1. Use of Riverfront Park.
 2. Temporary permit for Possession/Consumption of Alcoholic Beverages in City Parks.

City Manager Andres Garza, Jr. presented a copy of the letter dated December 6, 2012 from Mr. Brandon Cruz requesting City Council approval of the afore-mentioned items for the Annual Wharton Masonic Lodge #621 Bar-B-Que Cook-Off. City Manager Garza stated the cook-off was scheduled to be held Friday, January 25th beginning at 6:00 a.m. through Sunday, January 27th at 12:00 Noon. After some discussion, Councilmember Don Mueller moved to approve the afore-mentioned items A., B., C., & D. Councilmember Al Bryant seconded the motion. All voted in favor.

The eighth item on the agenda was to review and consider Wharton Economic Development Corporation (WEDC) Proposed Budget Adjustments for the 2012-2013 fiscal year:

- A. WEDC Executive Director David L. Schroeder second presentation of the proposed WEDC 2012-2013 budget adjustments.
- B. WEDC request for City Council to consider approving the proposed budget adjustments for the 2012 – 2013 fiscal year.

City Manager Andres Garza, Jr presented a copy of the proposed budget adjustments for the WEDC 2012 – 2013 fiscal year. City Manager Garza stated that the budget adjustments were presented during the regular November 26, 2012 Wharton City Council meeting; however, it was required that economic development corporation budget adjustments be presented during two (2) separate consecutive City Council meetings. After some discussion, Councilmember Don Mueller moved to approve the proposed budget adjustments for the Wharton Economic Development Corporation (WEDC) for the 2012-2013 fiscal year. Councilmember Karen Schulz seconded the motion. All voted in favor.

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The ninth item on the agenda was to review and consider cancellation of the December 24, 2012 regular Wharton City Council meeting. City Manager Andres Garza, Jr. stated that due to the Holiday Season, he was requesting the Mayor and City Council consider canceling the December 24, 2012 regular City Council Meeting. Councilmember Don Mueller moved to cancel the regular December 24, 2012 Wharton City Council meeting. Councilmember Russell Machann seconded the motion. All voted in favor.

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

- A. Holiday Light Decorating Chairman.
- B. Mayor's Committee on People with Disabilities.

City Manager Andres Garza, Jr. presented a copy of the current list of City of Wharton Board, Commission and Committee Members. City Manager Garza stated that the City Council could recommend appointments to fill each vacancy on the afore-mentioned Committees. After some discussion, no action was taken.

The eleventh item on the agenda to review and consider City of Wharton Project(s) Update. City Manager Andres Garza, Jr. presented a copy of his memorandum dated November 26, 2012 providing the status report on City of Wharton 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/>.

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.

The City Staff received the 65% plan set from Halff Associates, Inc. on October 1, 2012. The City Staff has reviewed the plan set and submitted comments to Halff and the USACE. In addition, City Staff met with Halff and the USACE via conference call to discuss the plan set. This design is for the first phase of levee construction along the Colorado River. The segment that is under design is from FM 102 to Business 59.

DRAINAGE:

- 1. Santa Fe Outfall Channel.

The Public Works Department has finished excavation up to Alabama Road. During the month of November, the Public Works Department installed two grade stabilization structures between

Old Lane City Rd and Hodges Ln. These structures stopped advancing gully erosion before it could affect adjacent properties. The structures will also improve drainage. The City Staff has met with property owners to discuss work that needs to be performed by the City in accordance with the agreements. During the month of December the Public Works Department has continued to work toward completing the work required in those agreements. The City Staff will continue to work on completing the agreements with property owners over the next several months weather permitting.

2. Highway 60 & Old Lane City Road Drainage Improvements

Centerpoint Energy completed relocation of the power poles along Highway 60 at the end of June. AT&T Tx Mid/Gulf Cablevision completed relocation of their utilities along Highway 60 in June as well.

The Public Works Director met with Mercer Construction on December 3, 2012 to discuss the installation of the dual run of 30" RCP with SETs under Hwy 60. Mercer Construction is reviewing the contract for work to be completed and will sign and return to the City Staff prior to January 2013. Mercer Construction stated that they plan to start construction in early January 2013. Mercer Construction stated that the dual run installation will be complete in three to four days.

Other culvert installations and ditch regrading will be completed by the City and TxDOT. 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. The City Staff hopes to start construction next month, weather permitting.

WATER/SEWER IMPROVEMENTS:

1. 2012 -2013 Water Storage Tank Maintenance Program

City Council approved the demolition of the Cloud Street EST. The City Staff, with the assistance of Jones & Carter, is working to finalize plans for demolition and plans for installing components necessary for continued production at the Cloud Street Plant once the EST is dismantled. The Public Works Department collected temperature data at the well in November. This data was needed to determine the size of some of the new equipment the City will have installed once the tank is dismantled.

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, which 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. 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. The City Staff is working with Jones & Carter, Inc. to plan and prepare preliminary cost estimates for the WWTP No. 1 Rehabilitation project.

4. On-going Water and Sewer Maintenance Program

November and December has been dry causing soils in the area to shrink. This has increased the number of water leaks and sanitary sewer backups experienced in comparison to October 2012.

Over the past several weeks the influent line to WWTP#1 failed twice. The line was installed in 1976 and is due for maintenance. The Public Works Department is developing plans to fix the line in an effort to avoid any catastrophic failures. Jones & Carter and the Public Works Staff met in November to discuss the problem. It was determined by Jones & Carter that the existing patch that Public Works installed will be sufficient for now. Jones & Carter will continue to work with the City Staff to develop future plans for improvement.

The Public Works Department has developed a preliminary layout for a sanitary sewer extension on Alabama St from Texas St to SE Ave. This new line will provide enough depth to reroute the 1940s sewer lines between Texas St, Koehl St, and Speed St. This area has old lines that have severely deteriorated and are laid on a flat slope causing a major increase in sewer back-ups. The new line will also alleviate sewer problems at Svatek's Grocery and Angel's Care Home Health at the intersection of Alabama Rd and Alabama St. Jones & Carter is assisting the City Staff with the preliminary cost estimates and layout.

The City's aging lift stations continues to keep the Public Works Department busy, especially with pump and float failures. The City Staff is working with Jones & Carter, Inc. to prepare preliminary cost estimates for rehabilitating the lift stations.

STREET IMPROVEMENTS

1. FM 1301 Extension and Overpass Project Progress Report

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. The City Staff met IDC Inc. on December 4, 2012 to discuss progress being made on the project. The City Staff continues to coordinate with TxDOT to ensure the project continues to move forward. IDC continues to work on the environmental document for the project, the City has been informed by IDC that the only part needed is the future traffic count for the US 59 that needs to be provided by TxDOT.

2. 2012 Street Improvement Program

The Public Works Staff began making street improvements the week of May 21, 2012. Staff is repairing the streets approved by City Council for the 2012 Program.

The Interlocal Cooperation Agreement between the City of Wharton and the City of El Campo for use of equipment was renewed on July 9, 2012. This agreement allows both cities to complete street improvements at a reduced cost through the sharing of construction equipment.

The Public Works Staff had to postpone completion of the 2012 Street Improvement Program for most of November to work on much needed drainage improvements. The Public Works Department planned to resume the street repairs at the end of November. Quality Hot Mix has failed to supply the hot mix the City's needs to complete the project and therefore the project is still on hold until a supplier can be found. The project is nearly complete with the exception of patch work on Fulton and Alabama St.

3. Wharton Sidewalk Accessibility and Historic Streetscape Project

Bids were publicly opened at City Hall on August 14, 2012 at 2:00 pm. Two bids were submitted for the project, which both were estimated over the budgeted amount. City Council voted to reject the two bids. BEFCO Engineering, Inc. has been working with the City Staff to complete plans and documents needed to re-bid the project. BEFCO Engineering will be submitting the re-bid to TxDOT for their required ten week review period. Once the TxDOT review is complete the City will re-bid the project.

4. Willowbend/Kelving Way Court Drainage Project

The Public Works Department began work on a shallow drainage swale in the easement between Willowbend Dr and Kelving Way Court on December 3, 2012. The project should be complete before the end of the month.

5. On-going Street and Drainage Maintenance Program

November and December has been unseasonably dry. The Public Works Department has been working to clean residential drainage ditches that have been experiencing poor drainage. Public Works re-graded the outlet ditch for the mobile home park located next to Subway at the intersection of FM 1301 and FM. This will allow the owner of the park to install drainage improvements inside the mobile home park. These projects will be completed over the next several months, weather permitting.

WHARTON REGIONAL AIRPORT

1. Capital Improvement Drainage Project.

Blue Bay Construction and the Public Works Department began construction in mid June. Over ninety-five percent of the ditch and crossing work is complete. The slurry seal for the runway, taxi-way and ramp still needs to be completed. Once the slurry seal is complete new striping will be applied. The project is approximately 90% 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.

2. Wharton County Web Map Project

The City Staff continues to work with Half Associates to complete the initial design for the Web based GIS mapping tool. This tool will help City Staff and City Officials make daily decisions by allowing them to view GIS data files via the Internet.

The twelfth item on the agenda was to review and consider City Council Boards, Committees and Commissions reports:

- A. Wharton Economic Development Corporation meeting held November 19, 2012.
- B. Wharton Regional Airport Board meeting held December 4, 2012.

No action was taken.

The thirteenth item on the agenda was to review and consider City Manager's Reports:

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

The fourteenth item on the agenda was adjournment. There being no further discussion, Councilmember Don Mueller moved to adjourn the meeting. Councilmember Karen Schulz seconded the motion. All voted in favor.

The meeting adjourned at 7:12 p.m.

CITY OF WHARTON, TEXAS

By: _____
Domingo Montalvo, Jr.
Mayor

ATTEST:

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Paula Favors
City Secretary