

**MINUTES
OF
CITY OF WHARTON
REGULAR CITY COUNCIL MEETING
AUGUST 26, 2013**

Mayor Pro-Tem Don Mueller declared a Regular Meeting duly open for the transaction of business at 7:00 P.M at City Hall 120 E. Caney Street Wharton, TX. Councilmember Russell Machann led the opening devotion and the pledge of allegiance.

Councilmember's present were: Mayor Pro-Tem Don Mueller, Councilmembers Al Bryant, Jeff Gubbels, Terry David Lynch, Russell Machann, and Karen Schulz.

Councilmembers absent were: Mayor Domingo Montalvo, Jr.

Staff members present were: City Manager Andres Garza, Jr., City Attorney Paul Webb, Finance Director Joan Andel, Assistant to the City Manager Emily Bergstrom, and City Secretary Paula Favors.

Visitors present were: David Schroeder, Executive Director of the Wharton Economic Development Corporation (WEDCO), Carlos Cotton, P.E. with Jones and Carter, Inc., Lee A. Fisher, I.O. Coleman, Jr., Jeanie Gunter, Cindy Kloesel, Sarah Hudgins, and Ben Sharp, Wharton Journal Spectator.

The second item on the agenda was Roll Call and Excused Absences. After some discussion, Councilmember Terry David Lynch moved to excuse Mayor Domingo Montalvo, Jr. Councilmember Al Bryant seconded the motion. All voted in favor.

The third item on the agenda was Public Comments. Mrs. Jeanie Gunter informed the City Council about the Run for Katie 5k Run/Walk that was scheduled to take place Saturday, October 5, 2013 in Riverfront Park, to benefit City of Wharton resident Katie Ondrias who was diagnosed with viral encephalitis of the brain. Mrs. Gunter requested community support of Katie by participating in the 5k Run/Walk which was planned to bring in participants from as far away as Louisiana to participate in the event.

The fourth item on the agenda was the Wharton Moment. No comments were given

The fifth item on the agenda City Manager's submission of the City of Wharton, Texas, proposed budget for the fiscal year October 1, 2013 to September 30, 2014. City Manager Andres Garza, Jr. stated that on Friday, August 23, 2013 he filed with City Secretary Paula Favors the City of Wharton Fiscal Year October 1, 2013 to September 30, 2014 Proposed Budget as required by State law. City Manager Garza presented a copy of the City of Wharton, Texas, proposed budget for the fiscal year October 1, 2013 to September 30, 2014 as required by the City's Charter. After some discussion, no action was taken.

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The sixth 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, 2013 to September 30, 2014. 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 said if the date was approved by the City Council, the City Staff would publish the Notice of Public Hearing on Wednesday, August 28, 2013 in the Wharton Journal Spectator. City Manager Garza recommended the public hearing be set for the September 9, 2013 during the regular City Council meeting which would comply with Section 53 of the Charter and State law. After some discussion, Councilmember Jeff Gubbels moved to approve setting the public hearing date for the City of Wharton, Texas, proposed budget for the fiscal year October 1, 2013 to September 30, 2014 for September 9, 2013. Councilmember Russell Machann seconded the motion. All voted in favor.

The seventh item on the agenda was to review and consider City of Wharton Financial Report for the month of July 2013. Finance Director Joan Anandel presented the financial report for the month of July 2013. Mrs. Anandel stated that the TexPool balance for July was \$151,287.91 with an average monthly yield of .05%. She said the Prosperity Bank balance for July 2013 was \$6,745,045.86 with an average monthly yield of .15%. After some discussion, Councilmember Terry David Lynch moved to approve the City of Wharton Financial Report for the month of July 2013. Councilmember Al Bryant seconded the motion. All voted in favor.

The eighth item on the agenda was to review and consider a resolution of the Wharton City Council expressing intent to finance expenditures to be incurred by the City of Wharton for (i) the construction and rehabilitation of city streets and related drainage; (ii) the construction and rehabilitation of the water, sewer system; (iii) purchase of firefighting equipment, including a new ladder truck; (iv) purchase of street repair and construction equipment; (v) park improvements; (vi) the purchase of law enforcement vehicles; and (vii) the cost of professional services incurred in connection therewith. City Manager Andres Garza, Jr. stated that the City of Wharton was moving forward with the issuance of the bonds for the various projects listed above. City Manager Garza said the resolution expressing the City's intent to finance expenditures to be incurred (reimburse itself) for the costs associated with the projects until the bonds have been issued was required. Finance Director Joan Anandel stated the, afore mentioned purchases were discussed at the Budget Workshop held on August 13, 2013. After some discussion, Councilmember Jeff Gubbels moved to approve City of Wharton Resolution No. 2013-46, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2013-46**

A RESOLUTION OF THE WHARTON CITY COUNCIL EXPRESSING INTENT TO FINANCE EXPENDITURES TO BE INCURRED BY THE CITY OF WHARTON FOR (I) THE CONSTRUCTION AND REHABILITATION OF CITY STREETS AND RELATED DRAINAGE; (II) THE CONSTRUCTION AND REHABILITATION OF THE WATER, SEWER SYSTEM; (III) PURCHASE OF FIREFIGHTING EQUIPMENT, INCLUDING A NEW LADDER TRUCK; (IV) PURCHASE OF STREET REPAIR AND CONSTRUCTION EQUIPMENT; (V) PARK IMPROVEMENTS; (VI) THE PURCHASE OF LAW ENFORCEMENT VEHICLES; AND (VII) THE COST OF PROFESSIONAL SERVICES INCURRED IN CONNECTION THEREWITH.

WHEREAS, the City of Wharton, Texas (the "City"), is a home-rule city of the State of Texas, authorized to issue obligations to finance its activities pursuant to the Texas Government Code and other laws of the State of Texas, the interest on which is excludable from gross income for federal income tax purposes ("tax-exempt obligations") pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code"); and

WHEREAS, the City will make, or has made not more than 60 days prior to the date hereof, payments with respect to (I) the construction and rehabilitation of City streets and related drainage; (II) the construction and rehabilitation of the water, sewer system; (III) purchase of firefighting equipment, including a new ladder truck; (IV) purchase of street repair and construction equipment; (V) park improvements; (VI) the purchase of law enforcement vehicles; and (VII) the cost of professional services incurred in connection therewith ; and

WHEREAS, the City desires to reimburse itself for the costs associated with the projects listed on Exhibit A attached hereto from the proceeds of tax-exempt obligations to be issued subsequent to the date hereof; and

WHEREAS, the City reasonably expects to issue tax-exempt obligations to reimburse itself for the costs associated with the projects listed on Exhibit A attached hereto.

NOW, THEREFORE, BE IT RESOLVED THAT:

Section 1. The City reasonably expects to reimburse itself for all costs that have been or will be paid subsequent to the date that is 60 days prior to the date hereof and that are to be paid in connection with the projects listed on Exhibit A attached hereto from the proceeds of tax-exempt obligations to be issued subsequent to the date hereof.

Section 2. The City reasonably expects that the maximum reimbursement from the principal amount of tax-exempt obligations issued by the City for costs associated with the projects listed on Exhibit A attached hereto will not exceed \$5 million.

Section 3. All resolutions and parts of resolutions in conflict herewith are hereby repealed to the extent of the conflict only.

Section 4. If any word, phrase, clause, sentence, paragraph, section or other part of this resolution or the application thereof to any person or circumstance shall ever be held to be invalid or unconstitutional by any court of competent jurisdiction, the remainder of this resolution and the application of such word, phrase, clause, sentence, paragraph, section, or other part of this resolution to any other person or circumstance shall not be affected thereby.

Section 5. The City Council officially finds, determines and declares that a sufficient written notice of the date, hour, place and subject of each meeting at which this resolution was discussed, considered or acted upon was given in the manner required by the Texas Open Meetings Act, as amended, and that each such meeting has been open to the public as required

by law at all times during such discussion, consideration and action. The City Council ratifies, approves and confirms such notices and the contents and posting thereof.

PASSED AND APPROVED this 26th day of August 2013.

CITY OF WHARTON

Donald Mueller
Mayor Pro-Tem

ATTEST:

Paula Favors
City Secretary

EXHIBIT A

DESCRIPTION OF PROPERTY

<u>Item or Fund—Described by Character, Type or Purpose</u>	<u>Amount—Described by Cost, Quantity or Size</u>
Construction and rehabilitation of the water sewer system to include rehabilitation of water wells, waste water treatment plant improvements, waste water collection improvement, waste water system storage improvement, and water distribution improvement	\$2,700,000
Construction and rehabilitation of City streets and related drainage, construction of sidewalks, purchase of law enforcement vehicles, purchase of street repair and construction equipment, and park improvements	\$1,300,000
Purchase of firefighting equipment, including a new ladder truck	\$1,000,000

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

The ninth item on the agenda was to review and consider an ordinance amending the City of Wharton Code of Ordinances, Chapter 86, Sections 86-16, 86-17 and 86-21, Utilities and Services, Article I in General; Providing that a violation of the ordinance or any part of the Code as adopted hereby shall constitute a penalty upon conviction of a fine; Providing a savings clause and revoking all ordinances or parts of ordinances in conflict herewith only to the extent same are in conflict herewith otherwise provided herein. City Manager Andres Garza, Jr. presented a copy of the memorandum dated August 21, 2013 from Finance Director Joan Anel to him regarding the proposed increase in utility rates for customers to be effective October 1, 2013. Mrs. Anel stated the increase would be 8% for water and sewer rates that would take effect on October 1, 2013. After some discussion, Councilmember Jeff Gubbels moved to approve City of Wharton Ordinance No. 2013-20, which read as follows:

**CITY OF WHARTON
ORDINANCE NO. 2013-20**

AN ORDINANCE AMENDING THE CITY OF WHARTON CODE OF ORDINANCES, CHAPTER 86, SECTIONS 86-16, 86-17 AND 86-21, UTILITIES AND SERVICES, ARTICLE I IN GENERAL; PROVIDING THAT A VIOLATION OF THE ORDINANCE OR ANY PART OF THE CODE AS ADOPTED HEREBY SHALL CONSTITUTE A PENALTY UPON CONVICTION OF A FINE; PROVIDING A SAVINGS CLAUSE AND REVOKING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH ONLY TO THE EXTENT SAME ARE IN CONFLICT HEREWITH OTHERWISE PROVIDED HEREIN.

BE IT ORDAINED by the City Council of the City of Wharton, Texas that Chapter 86, Utilities and Services, Article I in General; Sections 86-16, 86-17 and 86-21 be amended by the following:

Section I. Amendment

The Code of Ordinances of the City of Wharton, Texas, Chapter 86 Utilities and Services is hereby amended to be enforced by the City of Wharton as follows:

Sec. 86-16. Water Service Charges.

- (a) The monthly charges for water service rendered by the City shall be as follows:

Volume	Charges
First 2,000 gallons (minimum)	\$ 14.71
Next 2,000 gallons	\$ 2.78 per 1,000
Next 3,000 gallons	\$ 2.88 per 1,000
Next 4,000 gallons	\$ 3.00 per 1,000
Next 4,000 gallons	\$ 3.19 per 1,000

Next 35,000 gallons	\$ 3.38 per 1,000
Next 50,000 gallons	\$ 3.50 per 1,000
Next 50,000 gallons	\$ 3.76 per 1,000
Next 50,000 gallons	\$ 4.00 per 1,000

- (b) Customers requesting temporary water services (7 day increments) can apply for a temporary water rate based on the following:

Volume Charges

First 8,000 gallons	\$ 34.02 for 7 days
Over 8,000 gallons	\$ 3.10 per 1,000

Sec. 86-17. Sewer Service Charges.

- (a) The monthly charges for sanitary sewer services rendered by the City shall be as follows:

Volume Charges

First 2,000 gallons (minimum)	\$ 15.81
Next 2,000 gallons	\$ 2.44 per 1,000
Next 3,000 gallons	\$ 3.00 per 1,000
Next 4,000 gallons	\$ 3.32 per 1,000
Next 4,000 gallons	\$ 3.57 per 1,000
Next 35,000 gallons	\$ 3.87 per 1,000
Next 50,000 gallons	\$ 4.20 per 1,000
Next 50,000 gallons	\$ 4.45 per 1,000
Next 50,000 gallons	\$ 4.76 per 1,000

Sec 86-21. Bulk Water Rates

- (a) Bulk Sales through fire hydrant water meters temporarily installed at locations remote from the Wharton Volunteer Fire Department on Fulton Street will require the following:
2. Payment of Bulk Sales Rate of \$56.70 per month for the first 1,000 gallons of water dispensed, or any fraction thereof. \$22.68 per month per 1,000 gallons dispensed, or any fraction thereof, beyond the initial 1,000 gallons dispensed; and
- (b) Bulk Sales through permanently installed water meter dispensation point at the Wharton Volunteer Fire Department on Fulton Street will require the following:

2. Payment of Bulk Sales Rate of \$56.70 for the first 1,000 gallons of water dispensed, or nay fraction thereof. \$22.68 per 1,000 gallons dispensed, or any fraction thereof, beyond the initial 1,000 gallons dispensed; and

Severability

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

Penalties and Fines

Any person knowingly or recklessly found violating and are convicted of a violation of this ordinance shall be fined in an amount not to exceed \$2,000.00. Each day or fraction of a day during which this ordinance or any part thereof is violated shall be deemed a separate offense and punishable as such.

Effective Date

This ordinance shall be effective on the 1st day of October 2013 at 12:01 a.m.

Passage and Approval

PASSED AND APPROVED by the City Council of the City of Wharton, Texas, this 26th day of August 2013.

CITY OF WHARTON, TEXAS

By: _____
DONALD MUELLER
Mayor Pro-Tem

ATTEST:

Paula Favors
City Secretary

APPROVED AS:

PAUL WEBB
City Attorney

Councilmember Al Bryant seconded the motion. Councilmember Terry David Lynch voted against the motion. Councilmembers Jeff Gubbels, Al Bryant, Karen Schulz, and Russell Machann voted for the motion. The motion carried.

The tenth item on the agenda was to review and consider a request by Sarah Hudgins for a Letter of Support for a Post-Secondary Education Program for students with Autism and Intellectual Disabilities at Wharton County Junior College. City Manager Andres Garza, Jr. presented a copy of an e-mail from Ms. Sarah Hudgins of the Mayor's Committee for People with Disabilities regarding the Committee's intent to create a post-secondary education program for students with autism and intellectual disabilities. City Manager Garza also presented the letter of support requesting each Council member's signature which was addressed to Ms. Betty McCrohan, President of Wharton County Junior College. Ms. Hudgins stated that there was not a school of higher education in Wharton County and this would benefit those in the county that faced challenges. After some discussion, Councilmember Terry David Lynch moved to approve the request by Sarah Hudgins for a Letter of Support for a Post-Secondary Education Program for students with Autism and Intellectual Disabilities at Wharton County Junior College. Councilmember Karen Schulz 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 Risk Pool (TML-IRP) for Property & Casualty and Workers' Compensation coverage for the City of Wharton; Authorizing the Mayor of the City of Wharton to execute all documents relating to said contract. City Manager Andres Garza, Jr. presented a copy of the memorandum dated August 20, 2013 from City Secretary Paula Favors to him regarding the Interlocal Agreement with the Texas Municipal League-Intergovernmental Risk Pool (TML-IRP) for Property & Casualty and Workers' Compensation coverage for the City of Wharton. Mrs. Favors stated that the amount for coverage for 2013-2014 is \$236,924. After some discussion, Councilmember Karen Schulz moved to approve City of Wharton Resolution No. 2013-47, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2013-47**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AN INTERLOCAL AGREEMENT WITH THE TEXAS MUNICIPAL LEAGUE-INTERGOVERNMENTAL RISK POOL (TML-IRP) FOR PROPERTY & CASUALTY AND WORKERS' COMPENSATION COVERAGE FOR THE CITY OF WHARTON; AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATING TO SAID CONTRACT.

WHEREAS, the City of Wharton received the renewal rate for property and casualty and workers' compensation coverage; and

WHEREAS, the Wharton City Council wishes to enter into an interlocal agreement with the Texas Municipal League-Intergovernmental Risk Pool (TML-IRP) for property & casualty and workers' compensation coverage for the City of Wharton; and

WHEREAS, the Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute all documents related to said 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 interlocal agreement with the Texas Municipal League-Intergovernmental Risk Pool (TML-IRP) for Property & Casualty Coverage and Worker's Compensation Coverage for the City of Wharton for fiscal year October 1, 2013 to September 30, 2014.

Section II. That the Mayor of the City of Wharton is hereby authorized to sign any documents relating to the aforementioned contracts.

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

Passed, Approved, and Adopted this 26th day of August 2013.

CITY OF WHARTON, TEXAS

By: _____
DON MUELLER
Mayor Pro-Tem

ATTEST:

PAULA FAVORS
City Secretary

Councilmember Russell Machann 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 a Utility Service Agreement between the City of Wharton and CER – Colorado Bend Energy Partners, LP; authorizing the Mayor of the City of Wharton to execute all documents related to said contract. City Manager Andres Garza, Jr. presented a draft copy of the agreement for Utility Services between the City of Wharton and CER – Colorado Bend Energy Partners, LP. City Manager Garza stated that on April 15, 2013 the City Staff informed the City Council Public Works Committee of the possibility for the project and the company had decided to move forward with the water line. After some discussion, Councilmember Terry David Lynch moved to approve City of Wharton Resolution No. 2013-48, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2013-48**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING A UTILITY SERVICE AGREEMENT BETWEEN THE CITY OF WHARTON AND CER - COLORADO BEND ENERGY PARTNERS, LP; AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID CONTRACT.

WHEREAS, CER - Colorado Bend Energy Partners, LP and the City of Wharton wishes to enter into a Utility Service Agreement for the extension of a six (6) inch water line at the Colorado Bend Energy Plant; and

WHEREAS, the Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute the agreement; and

WHEREAS, 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 approves a Utility Service Agreement between the City of Wharton and CER - Colorado Bend Energy Partners, LP for the extension of a six (6) inch water line at the Colorado Bend Energy Plant.

Section II. That the Mayor of the City of Wharton is hereby authorized to execute the agreement.

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

Passed, Approved, and Adopted this 26th day of August 2013.

CITY OF WHARTON, TEXAS

By: _____
Donald Mueller
Mayor Pro-Tem

ATTEST:

Paula Favors
City Secretary

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

The thirteenth item on the agenda was to review and consider a moratorium of all ambulance permit applications until further notice. City Manager Andres Garza, Jr. presented a press

release from the Centers for Medicare and Medicaid Services (CMS) regarding the moratorium placed on all ambulance permit applications in the metropolitan area of Houston for the next six months and a summary of HB 3556 and SB 8 that would go into effect September 1, 2013 creating a moratorium on new EMS Provider permits for 12 months. City Manager Garza stated that he was recommending the City Council approve a moratorium effective immediately of all ambulance permit applications until further notice so the City Staff could review the Code of Ordinances to ensure the City would be in compliance with the new legislation. After some discussion, Councilmember Jeff Gubbels moved to approve placing a moratorium of all ambulance permit applications until further notice. Councilmember Terry David Lynch seconded the motion. All voted in favor.

The fourteenth item on the agenda was to review and consider a resolution of the Wharton City Council awarding a contract for the demolition of the Cloud Street Water Plant Elevated Storage Tank to Iseler Demolition, Inc. and authorizing the Mayor of the City of Wharton to execute all documents related to said contract. City Manager Andres Garza, Jr. presented a copy of the letter dated August 9, 2013 from Mr. Carlos Cotton, P.E. of Jones & Carter, Inc. to him regarding the demolition of the Cloud Street Water Plant Elevated Storage Tank. Mr. Cotton presented a summary tabulation of the bids received for the project with Iseler Demolition, Inc. Mr. Cotton recommended the contract be awarded to Iseler Demolition, Inc. in the amount of \$18,400.00, which was the lowest bid. Councilmember Jeff Gubbels moved to approve City of Wharton Resolution No. 2013-49, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2013-49**

A RESOLUTION OF THE WHARTON CITY COUNCIL AWARDING A CONTRACT FOR THE DEMOLITION OF THE CLOUD STREET WATER PLANT ELEVATED STORAGE TANK TO ISELER DEMOLITION, INC. AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID CONTRACT.

WHEREAS, Jones & Carter, Inc. solicited quotes from companies for the Demolition of the Cloud Street Water Plant Elevated Storage Tank; and

WHEREAS, Iseler Demolition, Inc. submitted its quote in the amount of \$18,400.00 for the Demolition of the Cloud Street Water Plant Elevated Storage Tank and was the lowest bidder, and;

WHEREAS, the City of Wharton and Iseler Demolition, Inc. wishes to be bound by the conditions set forth in the agreement and within the terms of the quote; and

WHEREAS, the Wharton City Council wishes to authorize the Mayor to execute all documents related to said project.

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

Section I. The Wharton City Council hereby awards a contract to Iseler Demolition, Inc. in the amount of \$18,400.00 for the Demolition of the Cloud Street Water Plant Elevated Storage Tank.

Section II. The Wharton City Council hereby authorizes the Mayor to execute any and all documents related to said project.

Section III. The City of Wharton and Iseler Demolition, Inc. are hereby bound by the conditions as set forth in the contract agreement.

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

Passed, Approved, and Adopted this 26th day of August 2013.

CITY OF WHARTON, TEXAS

By: _____
DONALD MUELLER
Mayor Pro-Tem

ATTEST:

PAULA FAVORS
City Secretary

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

The fifteenth item on the agenda was Executive Session: City Council may adjourn into an Executive Session in accordance with Sections 551.074, 551.087, and 551.071 of the Local Government Code, Revised Civil Statutes of Texas. Final action, decision or vote, if any with regard to any matter considered in Executive Session shall be made in Open meeting.

A. Discussion: To deliberate the offer of a financial or other incentives to Blu Bambu, LP which the City seeks to have locate within the City of Wharton or near the territory of the City of Wharton.

Mayor Pro-Tem Don Mueller moved the meeting into closed session at 7:37 p.m.

The sixteenth item on the agenda was Return to open meeting: Action on items discussed in Executive Session:

B. Review & Consider: The offer of a financial or other incentives to Blu Bambu, LP which the City seeks to have locate within the City of Wharton or near the territory of the City of Wharton.

Mayor Pro-Tem Don Mueller returned to open session at 8:07 p.m. After some discussion, Councilmember Jeff Gubbels moved to enter into discussions to encourage Blu Bambu, LP to

locate in the City of Wharton and discuss incentives offered by the City be within the parameters of traditional economic development incentives used by the City in the past, such as tax abatements up to the limit of the law, negotiate with on sales tax rebates, and provide fill dirt for re-contouring land in the area. Councilmember Russell Machann seconded the motion. All voted in favor.

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

- A. Beautification Commission.
- B. Holiday Light Decorating Chairman.

After some discussion, no action was taken.

The eightieth item on the agenda was City Council Boards, Commissions, and Committees:

- A. Wharton Economic Development Corporation Board meeting held August 19, 2013.

After some discussion, no action was taken.

The nineteenth 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 August 22, 2013 providing an update on the City of Wharton current projects.

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.cityofwharton.com/information-a-notices/lcrb-feasibility-study>.

Halff Associates submitted the 95% set of construction plans and the City Staff is currently reviewing the document. The City Staff has indicated to Halff Associates that it is too early to acquire the services of a professional land surveyor to prepare metes and bounds since we do not know for sure if the alignment will stay as shown on the current set of draft construction plans. Hughes St. utility relocation and identification of spoil areas. The City Staff and Halff Associates went through the plan set page by page to identify utility relocations that will be necessary during or prior to construction of the levee. The City will be responsible for all relocations of water, sewer and drainage infrastructure. The City will work together with Halff Associates to coordinate other utility relocations. These include utilities owned by others including CenterPoint Electric, CenterPoint Gas, MidCoast Cable, and Panther Pipeline. The City Staff worked with Jones & Carter and has completed the preliminary layout for the Hughes St. utility relocation. Halff along with the City Staff are working together to solve the issue of soil disposal.

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 of the channel. During the month of June, no routine maintenance was required on the Channel. The channel is slowly increasing in grass cover which is allowing several eroded areas to heal themselves over time. Public Works will continue installing grade stabilization structures to eliminate erosion thereby reducing or eliminating the need to reshape the channel areas with active erosion. The Public Works Department has installed six grade stabilization structures or pipe drops along the channel so far. These structures are part of the original engineering design and not only control erosion but are helping to improve drainage in the city by serving as the outfall for water that has been redirected to the Santa Fe Channel. The City Staff met with property owners along the channel a few months ago to discuss work that needed to be performed by the City in accordance with the agreements. Work on some of the property owners land is now complete. The City Staff will continue to work on completing the agreements with the remaining property owners over the next several months weather permitting.

2. Highway 60 & Old Lane City Road Drainage Improvements

TxDOT and the Public Works Department has finished re-grading the ditch along the South side of Hwy 60. Crews also completed installation of the sloped paving at culvert inlets and outlets on the south side of Hwy 60. The Public Works Department has re-graded the ditch on the North side during June. The Public Works Department should complete the installation of the safety end structures over the next two to three weeks. TxDOT has requested extensions on the drainage pipes under Mahan and Kinkaid Streets. The City Staff anticipates completion in the month of August, weather permitting.

WATER/SEWER IMPROVEMENTS:

1. 2012 -2013 Water Storage Tank Maintenance Program

The hydropneumatic tank is required for continued service after the elevated storage tank is dismantled. The contractor has begun installing the system. The hydropneumatic tank installation should be completed within the next one to two months and work on the dismantling of the elevated tank should commence on the hydropneumatic tank that is in service.

2. On-going Water and Sewer Maintenance Program

Water leaks and sewer failures were on average the month of July.

Grease build up has continued to be a problem in the sanitary sewer lines and manholes along Richmond Rd. This results in sewer back-ups and has kept crews busy. The Public Works Department is coordinating with Code Enforcement to begin a grease trap inspection program at restaurants throughout town. The City Staff hopes this will eliminate some of the unnecessary grease build up and sewer back-ups along Richmond Rd and other areas of the City.

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 continues to coordinate with TxDOT to ensure the project continues to move forward.

The City Staff and IDC Inc. coordinated via e-mail and telephone this month in a continuing effort to complete drainage associated with the project. On June 24, 2013 IDC, Inc. received the approved schematics, thus allowing the firm to move forward in design. There were some modifications that would be incorporated into the final design. IDC representatives met with the City Council Public Works Committee on August 2, 2013 and provided an update on the Project.

2. 2013 Street Improvement Program

The City Staff has identified streets needing repair in 2013 and completed cost estimates for these repairs. The estimates and recommendations from the City Staff have been made to the City Council in the Bond Program.

3. Wharton Sidewalk Accessibility and Historic Streetscape Project

This project has commenced on West Milam Street with M&C Fonseca Construction Company. The City has begun notifying property owners of the improvements. The sidewalk has been replaced on West Milam Street from Richmond Road to Sunset Street.

4. Stavena Addition Drainage Project

The Public Works Department completed initial survey data collection efforts the week of June 17, 2013. The Public Works Department has initiated work to prepare construction plans for excavation of a new channel that will outfall into the Santa Fe Channel. This drainage work will provide flood relief to the Stavena Addition including areas along Stavena Rd, Nelga St. and Franklin St. This area serves as the headwaters of Jarvis Creek. This project when completed will provide relief to residents in the Stavena Addition and to land owners along Jarvis Creek outside the city limits in Wharton County Precinct 1. The City Staff will be meeting with Wharton County Commissioner Dettling to request continued assistance as soon as the construction plans are completed.

5. On-going Street and Drainage Maintenance Program

The Public Works Department has been working to clean residential drainage ditches that have been experiencing poor drainage. These efforts to improve drainage are paying off. Areas that use to flood are no longer flooding. The Public Works Department has been noticing a significant decrease in citizen complaints during larger rainfall events concerning poor drainage. The City Staff continued this drainage improvement effort through July. The Public Works Department has noticed

a significant drop in drainage complaints and attributes the decrease to the improvements being made.

WHARTON REGIONAL AIRPORT

1. Capital Improvement Drainage Project.

This project is complete.

OTHER PROJECTS

1. Fire Hydrant Testing Program and ISO Rating

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 in need of maintenance have been repaired by the City's Public Works Staff. This program will help to improve the City's ISO insurance rating.

2. Wharton County / City of Wharton Web Map Project

The City Staff continues to work with Halff 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 City Staff has also been working with the City of El Campo to discuss and develop ways to improve the CAD's parcel map for the GIS application. The City Staff believes the Parcel Map improvements will be the backbone of the overall GIS system.

After some discussion, no action was taken.

The twentieth item on the agenda was City Manager'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. Fire Marshal. |
| H. Fire Department. | P. Wharton Regional Airport. |

The twenty-first item on the agenda was adjournment. After some discussion, Councilmember Karen Schulz moved to adjourn. Councilmember Al Bryant seconded the motion. All voted in favor.

The meeting adjourned at 8:09 p.m.

City of Wharton
Regular Council Meeting
August 26, 2013

CITY OF WHARTON, TEXAS

By: _____
Don Mueller
Mayor Pro-Tem

ATTEST:

Paula Favors
City Secretary