

**MINUTES
OF
CITY OF WHARTON
REGULAR CITY COUNCIL MEETING
JULY 27, 2015**

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. Mayor Pro-Tem Don Mueller the opening devotion and the pledge of allegiance.

Councilmember's present were: Mayor Pro-Tem Don Mueller and Councilmembers Tim Barker, Al Bryant, Vincent Huerta, Russell Machann and Steven Schneider.

Councilmember's absent was: Mayor Domingo Montalvo, Jr.

Staff members present were: City Manager Andres Garza, Jr., Finance Director Joan Anandel, City Secretary Paula Favors, Assistant to City Manager Brandi Jimenez, Airport Manager David Allen and Police Chief Terry David Lynch.

Visitors present were: Wes Birdwell, P.E. with Halff and Associates, Inc., Sadie Favors and Chasity Valdez with the Wharton Journal Spectator.

The second item on the agenda was Roll Call and Excuses Absences. After some discussion, Councilmember Al Bryant moved to excuse Mayor Domingo Montalvo, Jr. Councilmember Steven Schneider 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. No comments were given.

The fifth item on the agenda item on the agenda was to review and consider City of Wharton Financial Report for June 2015. Finance Director Joan Anandel presented the financial report for the month of June 2015. Mrs. Anandel stated that the TexPool balance for June was \$151,400.41 with an average monthly yield of .06%. She said the Prosperity Bank balance for June 2015 was \$7,787,101.81 with an average monthly yield of .15% and the total ad valorem taxes collected as of June 2015 were \$1,808,887 with the sales tax for the month of June 2015 was \$98,622. After some discussion, Councilmember Russell Machann moved to approve the City of Wharton Financial Report for the month of June 2015. Councilmember Tim Barker 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 City of Wharton to participate in the Houston-Galveston Area Council (H-GAC) Grant Proposal to the U.S. Department of Agriculture under its Rural Community Development Initiative (RCDI) and authorizing the Mayor to execute all documents pertaining to the City's participation in the grant proposal. City Manager Andres Garza, Jr. presented an email from Mr. Andrew Pompei, Senior Regional Planner of the

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Houston-Galveston Area Council (H-GAC) regarding the City of Wharton's participation in a grant submittal to the U.S. Department of Agriculture under its Rural Community Development Initiative (RCDI). City Manager Garza stated that H-GAC would work with rural communities to improve pedestrian and bicycle mobility, creating new economic development opportunities. He stated that it was his recommendation that the City Council consider approving participation in the grant. After some discussion, Councilmember Al Bryant moved to approve City of Wharton Resolution No. 2015-57, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2015-57**

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE CITY OF WHARTON TO PARTICIPATE IN THE HOUSTON-GALVESTON AREA COUNCIL (H-GAC) GRANT PROPOSAL TO THE U.S. DEPARTMENT OF AGRICULTURE UNDER ITS RURAL COMMUNITY DEVELOPMENT INITIATIVE (RCDI) AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS PERTAINING TO THE CITY'S PARTICIPATION IN THE GRANT PROPOSAL.

WHEREAS, H-GAC will work with rural communities to improve pedestrian and bicycle mobility, creating new economic development opportunities; and,

WHEREAS, the capacity-building initiative will build upon work completed as part of the agency's Bringing Back Main Street and Pedestrian-Bicyclist programs; and,

WHEREAS, Wharton is one of five communities in the region that H-GAC would like to provide one-on-one technical assistance to as part of this program.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WHARTON, TEXAS;

- I.** That the City of Wharton will hereby participate with H-GAC in its grant to the U.S. Department of Agriculture under its Rural Community Development Initiative.
- II.** That the City Council directs and designates the Mayor to execute on behalf of the City all documents in connection with this application and the City's participation in the grant to the U.S. Department of Agriculture under its Rural Community Development Initiative.
- III.** That this resolution shall take effect immediately upon its passage.

PASSED, APPROVED AND ADOPTED this 27th day of July, 2015.

CITY OF WHARTON, TEXAS

By: _____
DON MUELLER
Mayor Pro-Tem

ATTEST:

PAULA FAVORS
City Secretary

Councilmember Tim Barker seconded the motion. All voted in favor.

The seventh item on the agenda was to review and consider the City of Wharton Future Sustainable Water Supply Project.

A. Resolution: A resolution of the Wharton City Council approving a grant agreement with the Texas Water Development Board through its Regional Facilities Planning Grant Program (RFPG) and authorizing the Mayor to execute all documents relating to said agreement.

City Manager Andres Garza, Jr presented a copy of the letter the City received from the Texas Water Development Board (TWDB) representatives informing the City that it had been awarded the grant it had applied for through the Regional Facilities Planning Grant (RFPG) program in the amount of \$85,000.00. City Manager Garza recommended that the City Council consider approving a resolution for the acceptance of the grant and agreement. After some discussion, Councilmember Tim Barker moved to approve City of Wharton Resolution No. 2015-58, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2015-58**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING A GRANT AGREEMENT WITH THE TEXAS WATER DEVELOPMENT BOARD THROUGH ITS REGIONAL FACILITIES PLANNING GRANT (RFPG) PROGRAM AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS RELATING TO SAID AGREEMENT.

WHEREAS, The City of Wharton submitted to the Texas Water Development Board (TWDB) through its Regional Facilities Planning Grant Program a grant application for a regional facilities plan for the Cities of Wharton and East Bernard; and,

WHEREAS, The TWDB approved the grant application in the amount of \$85,000.00 for the development of the plan and all components identified in the grant application; and,

WHEREAS, The Wharton City Council wishes to accept the grant agreement with TWDB and comply with requirements of the grant agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WHARTON, TEXAS;

Section I: The Wharton City Council hereby accepts the grant and approves the grant agreement with the Texas Water Development Board in the amount of \$85,000.00.

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Section II: The Wharton City Council hereby authorizes the Mayor to execute all documents relating to the grant agreement.

Section III: That this resolution shall take effect immediately upon its passage.

PASSED, APPROVED AND ADOPTED this 27th day of July, 2015.

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.

B. Resolution: A resolution of the Wharton City Council approving work order No. 4 with Halff & Associates to develop a concept plan for the Cities of Wharton and East Bernard's sustainable future water supply and authorizing the Mayor to execute all documents relating to said agreement.

C. Resolution: A resolution of the Wharton City Council approving work order No. 5 with Halff & Associates to subcontract with Wesinger Inc. and Intera Inc. for the necessary critical elements to develop a regional facilities plan for the Cities of Wharton and East Bernard's sustainable future water supply and authorizing the Mayor to execute all documents relating to said agreement.

City Manager Andres Garza, Jr. presented a letter from Mr. Wes Birdwell P.E. of Halff and Associates regarding work order 4 and 5 that would allow the City to comply with the requirements of the grant. He also presented a draft resolution approving the contract work order #4 & #5 with Halff and Associates. After some discussion, Councilmember Russell Machann moved to table items B. and C. until further information could be received from Pierce Ranch. Councilmember Tim Barker 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 authorizing the purchase of a pad foot roller from R.B. Everett through the Buyboard Cooperation Purchasing Program for the Public Works Department and authorizing the City Manager to execute all documents relating to said purchase. City Manager Andres Garza, Jr. presented a memo to him from Public Works Interim Director Phil Bush requesting to purchase a pad foot roller for the Public Works Department. After some discussion,

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Councilmember Russell Machann moved to approve City of Wharton Resolution No. 2015-59, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2015-59**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AN AGREEMENT BETWEEN THE CITY OF WHARTON AND R.B. EVERETT & CO. FOR THE PURCHASE OF A PAD FOOT ROLLER THROUGH THE BUY BOARD COOPERATIVE PURCHASING PROGRAM AND AUTHORIZING THE CITY MANAGER OF THE CITY OF WHARTON TO EXECUTE ANY AND ALL DOCUMENTS RELATED TO SAID PURCHASE.

WHEREAS, the City of Wharton received a quote from R.B. Everett & Co. for purchase of a pad foot roller in the amount of \$102,101.00; and,

WHEREAS, R. B. Everett & Co. is a member of the Buyboard Cooperative Purchasing Program; and,

WHEREAS, the Wharton City Council wishes to approve an agreement with R.B. Everett & Co. for the purchase of a pad foot roller through the Buyboard Cooperative Purchasing Program and,

WHEREAS, the Wharton City Council wishes to authorize the City Manager of the City of Wharton to execute any and all documents related to said purchase.

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

Section I. That the City Council hereby approves an agreement with R. B. Everett & Co. for the purchase of a pad foot roller in the amount of \$102,101.00 through the Buyboard Cooperative Purchasing Program.

Section II. That the City Manager of the City of Wharton is hereby authorized to execute any and all documents related to said purchase.

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

PASSED, APPROVED, and ADOPTED this 27th day of July 2015.

CITY OF WHARTON, TEXAS

By: _____
DON MUELLER

Mayor Pro-Tem

ATTEST:

PAULA FAVORS
City Secretary

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

The ninth item on the agenda was to review and consider a resolution of the Wharton City Council awarding a contract for the Security Fencing Project of the Wharton Regional Airport and authorizing the Mayor of the City of Wharton to execute all documents relating to said contract. City Manager Andres Garza, Jr. stated that the Wharton Regional Airport Security Fencing Project would allow the City to have additional security at the airport. Airport Manager David Allen stated two (2) that quotes were received for this project in order to utilize the funds available for the Routine Airport Maintenance Program (RAMP) which are available until August 31, 2015 and the expenditures would be at a 50% match from the RAMP grant. Mr. Allen stated that it was his recommendation to award the contract to J4 Fencing & Services LLC who was the best lowest qualified bidder. After some discussion, Councilmember Al Bryant moved to approve leaving the airport security gate open during business hours and City of Wharton Resolution No. 2015-60, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2015-60**

A RESOLUTION OF THE WHARTON CITY COUNCIL AWARDING A CONTRACT FOR THE SECURITY FENCING PROJECT OF THE WHARTON REGIONAL AIRPORT AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATING TO SAID CONTRACT.

WHEREAS, proposals were received for the Wharton Regional Airport Security Fencing Project; and,

WHEREAS, J4 Fencing & Services LLC was deemed the best lowest qualified bidder in the amount of \$13,842.80; and,

WHEREAS, the Wharton City Council wishes to award a contract to J4 Fencing & Services LLC for the Wharton Regional Airport Security Fencing Project in the amount of \$13,842.80; and

WHEREAS, the City of Wharton and J4 Fencing & Services LLC wish to be bound by the conditions as set forth in the agreement; and,

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

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

Section I. The Wharton City Council hereby authorizes the Mayor of the City of Wharton, Texas, to execute a contract for the Wharton Regional Airport Security Fencing Project to J4 Fencing & Services LLC in the amount of \$13,842.80.

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Section II. The City of Wharton and J4 Fencing & Services LLC are hereby bound by the conditions as set forth in the agreement.

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

Passed, Approved, and Adopted this 27th day of July 2015.

CITY OF WHARTON, TEXAS

By: _____
DON MUELLER
Mayor Pro-Tem

ATTEST:

PAULA FAVORS
City Secretary

Councilmember Vincent Huerta seconded the motion. All voted in favor.

The tenth item on the agenda was to review and consider a City Manager Travel Reimbursement. City Manager Andres Garza, Jr. presented expenditures from March 1, 2015 to June 30, 2015. After some discussion, Councilmember Tim Barker moved to approve City Manager Travel Reimbursement from March 1, 2015 to June 30, 2015. Councilmember Russell Machann seconded the motion. All voted in favor.

The eleventh item on the agenda was to review and consider the update of City of Wharton on-going Projects. City Manager Andres Garza, Jr. presented a copy of the memorandum dated July 20, 2015 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 100% set of construction plans for the portion of the levee under design and the City Staff has reviewed 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 construction plans. 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 spoil disposal.

Mayor Domingo Montalvo, Jr. and I met with U.S. Corp of Engineer representatives (Elston Eckhardt, P.E. & Nova Robbins) on July 2, 2015 in their Ft. Worth District office to discuss the funding on the project. The City Staff has initiated a meeting with Halff and Associates from the Ft. Worth Office, the engineering firm who designed the Project, to develop a construction plan on some of the components of the designed work. The U.S. Corps of Engineers representatives stated that with an approach like that it could possibly allow them to allocate funding. They emphasized the importance of the City pursuing the acquisition of the necessary property for the project.

DRAINAGE:

1. Santa Fe Outfall Channel.

The Public Works Department has finished excavation of the channel. During the month of February, routine maintenance was done on the Channel. The channel is slowly increasing in grass cover which is allowing several eroded areas to heal themselves over time. The Public Works Department has installed 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. Work on property owners land is now complete.

2. Stavena Addition Drainage Project.

The design and construction plans are complete. The challenge on this project is to find locations to place approximately 35,000 cubic yards of soil.

3. Ahldag Ditch Improvement.

The project was approved in the 2013 Bond Program. Public Works Director is currently working out the details.

4. On-going Drainage and Maintenance Program.

The Public Works Department has continued working on cleaning residential draining ditches that have experienced poor drainage.

WATER/SEWER IMPROVEMENTS:

1. On-going Water and Sewer Maintenance Program.

Water leaks and sewer failures are still being seen in the month of June.

The grease ordinance was adopted by the City Council on January 26, 2015 with implementation date of March 1, 2015. The Public Works and Code Enforcement Departments have begun the implementation of the Ordinance.

2. Alabama Street Sewer Line Project.

After the bid was rejected as a combined project, the City Staff proposed to submit to the Texas Department of Agriculture for the 2015-2016 Texas Community Development Block Grant for funding of the Rust 2, 3 and 4 Addition sewer lines along with lateral lines.

The application was submitted prior to the application deadline. The City Staff is waiting for a decision on this application. An announcement is expected by late summer.

3. Kelving Way and Croom/Price Waterline Project.

After the bid was rejected on December 19, 2014 for the combined project, the City Staff is evaluating how to proceed with this project by means of other funding options that may be available.

4. South Highway 60 Waterline Extension Project.

This project was completed.

5. Wastewater Treatment Plant No. 1 Improvement Project.

The project has been awarded to B-5 Construction, the contract documents are being submitted to the contractor for execution.

6. Ahldag Additional Sanitary Sewer System Improvement Project TxCDBG No. 713510.

Supak Construction has mobilized and projected completion of project as September 2015.

STREET IMPROVEMENTS

1. FM 1301 Extension and Overpass Project Progress Report.

IDC Inc. continues to work with City Staff in an effort to develop engineering design for the project. The City Staff continues to coordinate with TxDOT to ensure the project continues to move forward.

The City Staff is awaiting Environmental Clearance from the Federal Highway Administration (FHWA). Once received the City will begin to move toward the acquisition of property for this project. IDC has submitted the preliminary Right-of-Way (ROW) parcels that would be needed for the project.

The City Staff met with IDC on March 30, 2015 to review the 16 Right-of-Way (ROW) parcels. IDC indicated that they have scaled this project back to 11 parcels, however, the City is making arrangements to meet with TxDOT and IDC this month to review the ROW map and parcels.

City Staff met again with IDC and TxDOT on April 21 and April 29, 2015. We were able to reduce the number of ROW parcels from 16 to 11. The City Staff is working with TxDOT to obtain professional services for acquisition, appraisal and review appraisal firms.

2. I-69 Project.

The City Council authorized the submission of comments proposed improvements previously submitted by the City to TxDOT.

3. NanYa Exit Ramp Project.

The City has submitted its request with TxDOT on proceeding with the changes to the NanYa exit ramp that would accommodate the turn around that Buc-ees has agreed in principle to contribute to see the project materialize. On March 11, 2015, Mayor Montalvo, the City Staff, TxDOT Representatives and IDC Representatives met with NanYa to discuss the project and listen to their concerns. A follow-up meeting is being proposed.

4. 2015 City Street Improvements.

The City Council has approved the 2015 Street Improvement Plan, the City staff is moving forward with the program.

5. Wharton Sidewalk Accessibility and Historic Streetscape Project.

Phase II - Plans are approximately 90% complete and have been submitted by CivilCorp for TxDOT's review. The bidding documents have been reviewed by the City's legal department. City Staff met with CivilCorp and CenterPoint representatives on June 9, 2015 to discuss lighting options and funding for this phase of the project.

6. Kansas City Southern Railroad Quiet Zone.

The City Council gave BEFCO Engineering authorization to submit the Public Authority Application (PAA) at the October 13, 2014 meeting. Based on the return receipt, the Federal Railroad Administration (FRA) acknowledged receipt of the application on

October 27, 2014. This process could take approximately 6- 12 months for the response from the FRA.

On April 1, 2015, BEFCO Engineering informed the City Staff that the Public Authority Application has been submitted to the Federal Railroad Administration in Washington and is currently under legal review.

On June 22, 2015 the City received notice that the zone establishment was approved by the Federal Railroad Administration (FRA) pending the City of Wharton's action.

WHARTON REGIONAL AIRPORT

1. Hangar Construction Project.

The project is moving forward. Bids were received on July 2, 2015 and are being evaluated by the TxDOT Aviation Division, City representatives and Strand Engineering will form a recommendation to the City Council.

After some discussion, no action was taken.

The twelfth item on the agenda was to review and consider the appointment of Mr. John Dettling to the Beautification Committee. After some discussion, Councilmember Al Bryant moved to approve the following:

Beautification Committee	<u>Term Expiring</u>
John Dettling	June 30, 2017

Councilmember Tim Barker seconded the motion. All voted in favor.

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

- A. Electrical Board.
- B. Holiday Light Decorating Chairman.
- C. Beautification Commission.
- D. Planning Commission.
- E. Building Standards Commission.

After some discussion, no action was taken.

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

- A. Finance Committee meeting held on July 13, 2015.

After some discussion, no action was taken.

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

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

After some discussion, no action was taken.

The sixteenth item on the agenda was adjournment. There being no further discussion, Councilmember Al Bryant moved to adjourn. Councilmember Tim Barker seconded the motion. All voted in favor.

The meeting adjourned at 7:38 p.m.

CITY OF WHARTON, TEXAS

By: _____

Don Mueller
Mayor Pro-Tem

ATTEST:

Paula Favors
City Secretary