

**MINUTES
OF
CITY OF WHARTON
REGULAR CITY COUNCIL MEETING
MARCH 14, 2016**

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. Pastor Travis Glass with Abundant Life Assembly of God led the opening devotion and Mayor Pro-Tem Mueller led the pledge of allegiance.

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

Councilmember absent was: Mayor Domingo Montalvo, Jr.

Staff members present were: City Manager Andres Garza, Jr, Finance Director Joan Anandel, City Secretary Paula Favors, City Attorney Paul Webb, Public Works Director Wade Wendt, Patrol Sergeant Vinson Valdez and Assistant to the Building Official Gwyn Laney.

Visitors present were: Wharton Economic Development Director David Schroeder, Bradley C. Loehr, P.E. with BEFCO Engineering and Carlos Cotton, P.E. with Jones and Carter, Inc.

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 Vincent Huerta seconded the motion. All voted in favor.

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

The fourth item on the agenda was the Wharton Moment. Councilmember Russell Machann congratulated the Wharton Chamber of Commerce on another successful banquet. He stated that he was proud to see all who attended the event. City Manager Andres Garza, Jr. congratulated the Wharton Varsity Boys Basketball team on a great season ending 31-7.

The fifth item on the agenda was to review and consider the reading of the minutes from the regular meeting held on February 8, 2016 and February 22, 2016 and special meeting held February 15, 2016. After some discussion, Councilmember Russell Machann moved to approve the reading of the minutes from the regular meeting held on February 8, 2016 and February 22, 2016 and special meeting held February 15, 2016. Councilmember Al Bryant seconded the motion. All voted in favor.

The sixth item on the agenda was a Public Hearing: Hazard Mitigation Plan. City Manager Andres Garza, Jr. stated that the City of Wharton had in place a Hazard Mitigation Plan that

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was developed with the assistance of the Texas Colorado River Floodplain Coalition (TCRFC). City Manager Garza said the plan required that it be updated every five (5) years. He presented the information on the plan and changes. He said the public hearing allowed for public input. After some discussion, no action was taken.

The seventh item on agenda was to review and consider a request by Mr. David Copeland, Co-Chairman of the Wharton County Freedom Fest, Inc. (WCFF) Committee for the City Council to consider approving the following:

- A. Authorization to hold the Annual Wharton County Freedom Fest event on May 21, 2016.
- B. Use of downtown square and Riverfront Park and waiver of park rental fee(s).
- C. Assembly and disassembly of the City of Wharton Performance Stage at the corner of Houston Street and Burleson.
- D. Assistance obtaining ten (10) Port-O-Lets for the event using Wharton Hotel/Motel tax revenue. Four (4) should be placed at Riverfront Park on Friday, May 20th and six (6) should be placed in the parking area between Pat-A-Cake and the district court building on Saturday, May 21st.
- E. Use of fire hydrant on the northwest corner of the courthouse square. Drainage for same would be use of the gutter under the handicap ramp on the same corner.
- F. Assistance obtaining four (4) solid waste dumpsters with two (2) being placed at Riverfront Park on Friday, May 20th and two (2) being placed at the district court parking area and one being placed in the Wharton Journal-Spectator parking lot on Saturday, May 21st. A minimum of 200 wide-mouthed bags along with additional pick up of the existing dumpsters around the square prior to the festival from Waste Corporation of America.
- G. Waiver of the fees for the City of Wharton Temporary Permit for Possession and consumption of alcoholic beverages in City Parks.
- H. Variance to the City of Wharton Code of Ordinances Chapter 54 Parks and Recreation Section 54-2 Park Property, Section 54-3 Hours of Operation, and Section 54-8 Operating or parking motor vehicles in parks.
- I. Authorization to close the following streets:
 - 1. Portions of Fulton and Houston Streets adjacent to downtown on Friday, May 20th through 11:59 p.m. on Saturday, May 21st.
 - 2. Houston Street from Elm to Burleson Saturday, May 21st (Sunday, if rain delayed) and use of the City of Wharton's plastic and metal barricades and caution tape to block off the parking areas along Burleson and Milam Streets.
- J. Assistance from personnel from the Public Works and Facilities Maintenance Departments.

City Manager Andres Garza, Jr. stated that the request was the same as in previous years. After some discussion, Councilmember Tim Barker moved to approve Items A., B., C., E., F., G., H., I., K and allocate \$2,000 from the Hotel/Motel fund for the festival. Councilmember Vincent Huerta seconded the motion. All voted in favor.

The eighth item on the agenda was to review and consider a request by Christine Stransky of Wharton County Spot for the use of Riverfront Park for its 8th Annual Spot Trot/5K Race. City Manager Andres Garza, Jr. presented a letter from Christine Stransky requesting permission to use Riverfront Park and for the waiver of the fee for the use of the park. After

some discussion, Councilmember Russell Machann moved to approve the request by Christine Stransky of Wharton County Spot for the use of Riverfront Park for its 8th Annual Spot Trot/5K Race and to waive the fee for the use of the park. Councilmember Tim Barker 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 approving a contract with O'Malley Strand Associates, Inc., for engineering services at the Wharton Regional Airport to construct a single row of multiple unit nested T-Hangars and associated pavement and drainage and authorizing the Mayor of the City of Wharton to execute all documents related to said contract. City Manager Andres Garza, Jr. presented a draft contract for engineering services with O'Malley Strand Associates, Inc., for the construction of a single row of multiple unit nested T-Hangars and associated pavement and drainage at the Wharton Regional Airport. City Manager Garza stated that the City Council approved these improvements in the 2015 Bond Program and the City would utilize bond proceeds along with Texas Department of Transportation Aviation Division Routine Airport Maintenance Program (TxDOT RAMP) funding to undertake the project. After some discussion, Councilmember Tim Barker moved to approve City of Wharton Resolution 2016-16, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2016-16**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING A CONTRACT WITH O'MALLEY STRAND ASSOCIATES, INC., FOR ENGINEERING SERVICES AT THE WHARTON REGIONAL AIRPORT TO CONSTRUCT A SINGLE ROW OF MULTIPLE UNIT NESTED T-HANGARS AND ASSOCIATED PAVEMENT AND DRAINAGE AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID CONTRACT.

WHEREAS, the Wharton City Council wishes to enter into a contract with O'Malley Strand Associates Inc., for engineering services at the Wharton Regional Airport to construct a single row of multiple units nested t-hangars and associated pavement and drainage; and,

WHEREAS, the City of Wharton and O'Malley Strand Associates, Inc., wish to be bound by the conditions as set forth in the said agreements; and,

WHEREAS, the Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute the contract with O'Malley Strand Associates Inc.

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 to execute a contract with O'Malley Strand Associates Inc.

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Section II. The City of Wharton and O'Malley Strand Associates Inc., are hereby bound by the conditions as set forth in said agreements.

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

Passed, Approved, and Adopted this 14th day of March 2016.

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 tenth item on the agenda was to review and consider Wastewater Treatment Plant No. 1 Improvements for the City of Wharton:

A. Request Payment No. 5 from B-5 Construction.

City Manager Andres Garza, Jr. presented pay request No. 5 from B-5 Construction for the Wastewater Treatment Plant No. 1 Improvement Project in the amount of \$375,935.42. Mr. Carlos Cotton, P.E. with Jones and Carter Engineering, Inc. stated the Construction Progress Report No. 5 covered construction for the period of February 1, 2016 to February 29, 2016. After some discussion, Councilmember Al Bryant moved to approve request Payment No. 5 from B-5 Construction in the amount of \$375,935.42 for the construction period of February 1, 2016 to February 29, 2016. Councilmember Vincent Huerta seconded the motion. All voted in favor.

The eleventh item discussed on the agenda was to review and consider Kelving Way and Price-Croom Water Line Project:

A. Pay Request No. 3
B. Change Order No. 2

City Manager Andres Garza, Jr. presented pay request No. 3 from Befco Engineering for Kelving Way and Price-Croom Water Line Project in the amount of \$84,915.40 and Change Order No. 2. After some discussion, Councilmember Al Bryant moved to approve pay request No. 3 from Befco Engineering for Kelving Way and Price-Croom Water Line Project

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in the amount of \$84,915.40 and Change Order No. 2. Councilmember Vincent Huerta seconded the motion. All voted in favor.

The twelfth item discussed on the agenda was to review and consider was Executive Session: City Council may adjourn into an Executive Session in accordance with Section 551.072 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: Acquisition of Right-of-Way-FM 1301 Extension and Railroad Overpass Project.

Mayor Pro-Tem Don Mueller moved the meeting into closed session at 7:17 p.m.

The thirteenth item discussed on the agenda was to Return to Open Meeting: Action on items discussed in Executive Session:

Review & Consider:

A. Acquisition of Right-of-Way-FM 1301 Extension and Railroad Overpass Project.

Mayor Pro-Tem Don Mueller returned the meeting to open session at 7:52 p.m. Mayor Pro-Tem Mueller stated that information only was received.

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

A. Building Standards Commission.

After some discussion, no action was taken.

The fifteenth item discussed on the agenda was to review and consider City Council Boards, Commissions and Committee Reports:

A. Wharton Economic Development Corporation meeting held February 15, 2016.

B. Public Works Committee meeting held February 22, 2016.

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 Steven Schneider All voted in favor.

The meeting adjourned at 7:53 p.m.

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CITY OF WHARTON, TEXAS

By: _____
Domingo Montalvo, Jr.
Mayor

ATTEST:

Paula Favors
City Secretary