

**MINUTES
OF
CITY OF WHARTON
SPECIAL CITY COUNCIL MEETING
AUGUST 30, 2016**

Mayor Tim Barker 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. Airport Manager David Allen led the opening devotion and Mayor Barker led the pledge of allegiance.

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

Councilmember absent was: Don Mueller.

Staff members present were: City Manager Andres Garza, Jr., Finance Director Joan Andel, City Secretary Paula Favors, TRMC, Assistant to the City Manager Brandi Jimenez, Police Chief Terry David Lynch, Airport Manager David Allen and Facilities Maintenance Director Bob Baker.

Visitors present were: Matt Cartier with Waste Corporation of American (WCA).

The second item on the agenda was Roll Call and Excuses Absences. After some discussion, Councilmember Russell Machann moved to excuse Councilmember Don Mueller. Councilmember Al Bryant 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 was to review and consider a resolution of the Wharton City Council approving an agreement with a grant consulting firm to assist the City with public communication and outreach to potential grant participants, grant application development, grant project management and grant administration under FEMA's HMA mitigation grant program, HUD, USDA, and any other Federal or State of Texas agency and authorizing the Mayor of the City of Wharton to execute all documents related to said agreement. City Manager Andres Garza, Jr. stated that two proposals were received on August 23, 2016 for the project management and grant administration grant program and reviewed at the August 24, 2016 Finance Committee Meeting. City Manager Garza said the Committee voted to interview the two firms on August 29, 2016 at 12:00 noon and then rank the firms. He said the Committee was recommending City Council consider entering into an agreement with CB & I Environmental & Infrastructure, Inc. After some discussion,

City of Wharton
Special Council Meeting
August 30, 2016

Councilmember Al Bryant moved to approve City of Wharton Resolution No. 2016-51, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2016 -51**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AN AGREEMENT WITH A GRANT CONSULTING FIRM TO ASSIST THE CITY WITH PUBLIC COMMUNICATION AND OUTREACH TO POTENTIAL GRANT PARTICIPANTS, GRANT APPLICATION DEVELOPMENT, GRANT PROJECT MANAGEMENT AND GRANT ADMINISTRATION UNDER FEMA'S HMA MITIGATION GRANT PROGRAM, HUD, USDA, AND ANY OTHER FEDERAL OR STATE OF TEXAS AGENCY AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID AGREEMENT.

WHEREAS, On August 23, 2016 the City of Wharton received RFQ packets for the assistance with public communication and outreach to potential grant participants, grant application development, grant project management and grant administration under FEMA's HMA mitigation grant program, HUD, USDA, and any other Federal or State of Texas agency; and,

WHEREAS, The City of Wharton Consultant Selection Committee ranked the proposals for and negotiated a contract with CB&I Environmental & Infrastructure, Inc.; and,

WHEREAS, The Wharton City Council wishes to approve an agreement between the City of Wharton and CB&I Environmental & Infrastructure, Inc. for the services outlined in the agreement; and,

WHEREAS, The City of Wharton and CB&I Environmental & Infrastructure, Inc. wishes to be bound the conditions outlined in the contract; 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 THAT:

Section I: The Wharton City Council hereby approves an agreement between the City of Wharton and CB&I Environmental & Infrastructure, Inc. for the assistance with public communication and outreach to potential grant participants, grant application development, grant project management and grant administration

City of Wharton
Special Council Meeting
August 30, 2016

under FEMA's HMA mitigation grant program, HUD, USDA, and any other Federal or State of Texas agency.

Section II: The Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute the agreement.

Section III: This resolution will become effective immediately upon its passage.

Passed, Approved, and Adopted this 30th day of August 2016.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST: _____
PAULA FAVORS
City Secretary

Councilmember Steve Schneider 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 approving the purchase of playground equipment from Kraftsman Commercial Playgrounds & Water Parks a vendor in the Buy Board Cooperative Purchasing Program and authorizing the Mayor of the City of Wharton to execute all documents relating to said purchase. City Manager Andres Garza, Jr. presented a memorandum from Facilities Maintenance Director Bob Baker to him regarding the acquisition of playground equipment. City Manager Garza stated that the improvements were being funded through the WEDCo allocation of funding for the October 1, 2015-September 30, 2016 fiscal year. After some discussion, Councilmember Al Bryant moved to approve City of Wharton Resolution No. 2016-52, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2016-52**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING THE PURCHASE OF PLAYGROUND EQUIPMENT FROM KRAFTSMAN COMMERCIAL PLAYGROUNDS & WATER PARKS A VENDOR IN THE BUY BOARD COOPERATIVE PURCHASING PROGRAM AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATION TO SAID PURCHASE.

City of Wharton
Special Council Meeting
August 30, 2016

WHEREAS, proposals were received for new playground equipment; and,

WHEREAS, Kraftman is a vendor in the Buy Board Cooperative Purchasing Program and submitted the following quotes:

- A. Play Units \$66,919.72
- B. Tables & Pedestal Grill \$18,559.26; and,

WHEREAS, the Wharton City Council wishes to approve the purchase of the equipment; in the amount of:

- A. Play Units \$66,919.72
- B. Tables & Pedestal Grill \$18,559.26; and,

WHEREAS, the Wharton City Council wishes to authorize the Mayor of the City of Wharton to approve said purchase.

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 approve the purchase of playground equipment from Kraftman Commercial Playgrounds & Water Parks a vendor in the Buy Board Cooperative Purchasing Program in the amount of:

- A. Play Units \$66,919.72
- B. Tables & Pedestal Grill \$18,559.26.

Section II. The City of Wharton and Kraftsman Commercial Playgrounds & Water Parks are hereby bound by the conditions as set forth purchase.

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

Passed, Approved, and Adopted this 30th day of August 2016.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS

City of Wharton
Special Council Meeting
August 30, 2016

City Secretary

Councilmember Terry Freese seconded the motion. All voted in favor.

The seventh item on the agenda was to review and consider Waste Corporation of America, L.P. (WCA) Rate Modification to the Solid Waste Collection and Disposal Service Franchise Agreement:

A. Resolution: A resolution of the Wharton City Council approving the Amendment No. 9 to the Franchise Agreement for Solid Waste Collection Services with Waste Corporation of America and authorizing the Mayor to execute the agreement.

City Manager Andres Garza, Jr. presented a copy of the memorandum dated August 24, 2016 from Finance Director Joan Andel providing a copy of the letter dated August 15, 2016 from Mr. Trevor Royal of Waste Corporation of America (WCA) regarding their rate modification regarding to the Solid Waste Collection and Disposal Service Franchise between the City of Wharton and WCA. City Manager Garza stated that WCA could request rate modifications in accordance with Section 14.00, Basis and Methods of Payment, Item 14.02 Modification of Rates of the General Specifications of the Franchise Agreement. He said the rate would need to be approved by the City Council on August 30, 2016 in order for it to be effective October 1, 2016 and as Mr. Royal stated, the rate increase is 4.66% in accordance with the price index mentioned in the City's franchise agreement with WCA. City Manager Garza said the City Council Finance Committee met on August 24, 2016 and after the review voted to recommend to the City Council the requested rate modifications. After some discussion, Councilmember Al Bryant moved to approve City of Wharton Resolution No. 2016-53, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2016-53**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING THE AMENDMENT NO. 9 TO THE FRANCHISE AGREEMENT FOR SOLID WASTE COLLECTION SERVICES WITH WASTE CORPORATION OF AMERICA AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE THE AGREEMENT.

WHEREAS, On August 7, 2008, the Wharton City Council approved Resolution No. 2008-50 approving the franchise agreement between the City of Wharton and Waste Corporation of America to be effective October 1, 2008; and,

WHEREAS, The Wharton City Council wishes to amend Exhibit "C" of the franchise agreement to reflect the increase in rates as set forth in Section 14.02 Modification of Rates of the contract; and,

City of Wharton
Special Council Meeting
August 30, 2016

WHEREAS, WCA and the City of Wharton wishes to be bound by the conditions outlined the agreement; and,

WHEREAS, The Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute all documents related to the agreement; and,

WHEREAS, This resolution is passed in accordance with said contract.

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 to amend Exhibit “C” of the franchise contract between the City of Wharton and Waste Corporation of America.

Section II. That the Wharton City Council hereby establishes the rates outlined in the Exhibit “C” of the contract.

Section III. That the effective date of the Exhibit “C” will be the 1st day of October 2016.

Section IV. That the Mayor of the City of Wharton is hereby authorized to execute the contract amendment.

Passed, Approved, and Adopted this 30th day of August 2016.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

City of Wharton
Special Council Meeting
August 30, 2016

PAULA FAVORS
City Secretary

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

B. Ordinance: An ordinance repealing and replacing the City of Wharton Code of Ordinances, Chapter 86 Utilities and Services, Article III, Solid Waste Disposal Exhibit A, 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 and setting an effective date.

City Manager Andres Garza, Jr. presented a draft ordinance that would amend the City Ordinance on solid waste charges. After some discussion, Councilmember Al Bryant moved to approve City of Wharton Ordinance No. 2016-07, which read as follows:

**CITY OF WHARTON
ORDINANCE NO. 2016-07**

AN ORDINANCE REPEALING AND REPLACING THE CITY OF WHARTON CODE OF ORDINANCES, CHAPTER 86 UTILITIES & SERVICE, ARTICLE III, SOLID WASTE DISPOSAL EXHIBIT A; 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 AND SETTING AN EFFECTIVE DATE.

BE IT ORDAINED by the City Council of the City of Wharton, Texas, that Chapter 86 Utilities & Service, Article III Solid Waste Disposal Exhibit A shall be replaced as follows:

**SCHEDULE "A"
Base Rates**

Monthly Residential Waste Collection
\$22.90 per Residential Unit which includes a \$3.00 per month fee.

Monthly Commercial Hand Collection
\$29.46 per Commercial Unit which includes a \$3.50 per month fee.

Container Service (per month) includes a \$3.50 fee

2 yd 1xwk	\$63.21
2xwk	\$113.37
3xwk	\$145.85
4xwk	\$201.28
5xwk	\$250.72

City of Wharton
Special Council Meeting
August 30, 2016

Additional Pick-up	\$68.99
3yd 1xwk	\$93.07
2xwk	\$167.12
3xwk	\$223.42
4xwk	\$300.17
5xwk	\$374.33
Additional Pick-up	\$99.85
4yd 1xwk	\$116.38
2xwk	\$203.28
3xwk	\$288.18
4xwk	\$399.06
5xwk	\$497.94
Additional Pick-up	\$125.45
6yd 1xwk	\$165.54
2xwk	\$317.37
3xwk	\$443.32
4xwk	\$596.84
5xwk	\$745.17
Additional Pick-up	\$177.11
8yd 1xwk	\$205.28
2xwk	\$383.06
3xwk	\$572.86
4xwk	\$794.60
5xwk	\$992.38
Additional Pick-up	\$217.31

Rates for Roll-offs:

Delivery Fee	\$115.35
Monthly Rental	\$138.42
Pull Price (per pull)	\$147.35
Disposal Fee-Loose (per yard)	\$8.07
Disposal Fee-Compact (per yard)	\$9.53

Rates for Other Services:

Hourly Rate	\$115.57
Disposal per cubic yard	\$8.07

PENALTY

City of Wharton
Special Council Meeting
August 30, 2016

Except as otherwise provided in this chapter, any person found guilty of intentionally, knowingly or recklessly violating any provision of this article and upon conviction thereof in the municipal court shall be fined in accordance with the terms of Section 1-5 of the Code of Ordinances of the City of Wharton, Texas.

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 to be a separate, distinct, and independent provision, and any such ruling shall not affect the validity of the remaining portions hereof.

EFFECTIVE DATE

This Ordinance shall become effective at 12:01 a.m. on the 1st day of October 2016.

PASSED AND APPROVED by the City Council of the City of Wharton, Texas, on the 30th day August 2016.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

APPROVED AS TO FORM:

PAUL WEBB
City Attorney

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

City of Wharton
Special Council Meeting
August 30, 2016

The eighth item on the agenda was to review and consider Wharton Regional Airport Box Hangar Project:

- A. **Resolution:** A resolution of the Wharton City Council awarding contracts for the construction of the Wharton Regional Airport Box Hangar Project and authorizing the Mayor of the City of Wharton to execute all documents relating to said contract.

City Manager Andres Garza, Jr. presented quotes received for the Wharton Regional Airport Box Hanger Project and a memorandum from O'Malley Strand and Associates, Inc. with their recommendations for the project. Airport Manager David Allen stated Electrical-Gulf Coast A/C & Electrical Services, Inc., Concrete Placement-Angel Medellin-, Erector- K&P Manufacturing, Concrete-Alamo Concrete Products and Steel-Zarsky Lumber Co. were the recommended contractors for the project. After some discussion, Councilmember Al Bryant moved to approve City of Wharton Resolution No. 2016-54, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2016-54**

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

WHEREAS, Quotes were received for the City of Wharton Regional Airport Box Hangar Project; and,

WHEREAS, The following contractors, were deemed the best lowest qualified bidders in the amount of; and,

Electrical-Gulf Coast A/C & Electrical Services, Inc.
Concrete Placement-Angel Medellin-
Erector-K&P Manufacturing
Concrete-Alamo Concrete Products
Steel-Zarsky Lumber Co.

WHEREAS, The Wharton City Council wishes to award contracts to the above listed contractors for the City of Wharton Regional Airport Box Hangar Project; and,

WHEREAS, The City of Wharton and the above listed contractors wish to be bound by the conditions as set forth in the agreement; and,

City of Wharton
Special Council Meeting
August 30, 2016

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

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 contracts for the City of Wharton Regional Airport Box Hangar Project to
Electrical-Gulf Coast A/C & Electrical Services, Inc.
Concrete Placement-Angel Medellin-Erector-K&P Manufacturing
Concrete-Alamo Concrete Products
Steel-Zarsky Lumber Co.

Section II. The City of Wharton and the above listed contractors 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 30th day of August 2016.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

B. Resolution: A resolution of the Wharton City Council awarding a contract for the purchase of a building for the Wharton Regional Airport Box Hangar Project and authorizing the Mayor of the City of Wharton to execute all documents relating to said contract.

City of Wharton
Special Council Meeting
August 30, 2016

City Manager Andres Garza, Jr. presented bids received for the Wharton Regional Airport Box Hanger Project Building and a memorandum from O'Malley Strand and Associates, Inc. with their recommendations for the project. Airport Manager David Allen stated Gulf Stream Steel Buildings was the lowest and most qualified bidder. After some discussion, Councilmember Al Bryant moved to approve City of Wharton Resolution No. 2016-55, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2016-55**

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

WHEREAS, Bids were received for the City of Wharton Regional Airport Box Hangar Project Building; and,

WHEREAS, Gulf Stream Steel Buildings, was deemed the best lowest qualified bidder in the; and,

WHEREAS, The Wharton City Council wishes to award a contract to Gulf Stream Steel Buildings for the City of Wharton Regional Airport Box Hangar Project Building; and,

WHEREAS, The City of Wharton and Gulf Stream Steel Buildings 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 City of Wharton Regional Airport Box Hangar Project Building to Gulf Stream Steel Buildings.

City of Wharton
Special Council Meeting
August 30, 2016

Section II. The City of Wharton and Gulf Stream Steel Buildings 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 30th day of August 2016.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

Councilmember Vincent Huerta 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 roof repairs at the Wharton Civic Center 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 roof on the Civic Center portion that used to be occupied by the Headstart Program was in need of repair. City Manager Garza said that there was no occupancy in that portion of the building however in the latest rain events the rain water had come into that part of the building. He said the repairs would allow the interior of the building to be protected. After some discussion, Councilmember Al Bryant moved to approve City of Wharton Resolution No. 2016-56, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2016-56**

A RESOLUTION OF THE WHARTON CITY COUNCIL AWARDING A CONTRACT FOR THE ROOF REPAIRS AT THE WHARTON CIVIC CENTER AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATING TO SAID CONTRACT.

WHEREAS, proposals were received for roof repairs at the Wharton Civic Center; and,

City of Wharton
Special Council Meeting
August 30, 2016

WHEREAS, Jaco Roofing, was deemed the best lowest qualified bidder in the amount of \$19,426.00; and,

WHEREAS, the Wharton City Council wishes to award an agreement to Jaco Roofing for roof repairs at the Wharton Civic Center; in the amount of \$19,426.00; and,

WHEREAS, the City of Wharton and Jaco Roofing 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 roof repairs at the Wharton Civic Center to Jaco Roofing in the amount of \$19,426.00.

Section II. The City of Wharton and Jaco Roofing 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 30th day of August 2016.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

Councilmember Terry Freese seconded the motion. All voted in favor.

City of Wharton
Special Council Meeting
August 30, 2016

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

The meeting adjourned at 6:25 p.m.

CITY OF WHARTON, TEXAS

By: _____

Tim Barker
Mayor

ATTEST:

Paula Favors
City Secretary