

**MINUTES
OF
CITY OF WHARTON
REGULAR CITY COUNCIL MEETING
DECEMBER 19, 2014**

Mayor Domingo Montalvo, Jr. declared a Regular Meeting duly open for the transaction of business at 2:00 P.M at City Hall 120 E. Caney Street Wharton, TX. Mayor Montalvo led the opening devotion and the pledge of allegiance.

Councilmember's present were: Mayor Domingo Montalvo, Jr. and Councilmembers Tim Barker, Al Bryant, Jeff Gubbels, Russell Machann and Don Mueller.

Councilmember absent was: Steven Schneider.

Staff members present were: City Manager Andres Garza, Jr., Finance Director Joan Anandel, City Secretary Paula Favors, City Attorney Paul Webb, Assistant to the City Manager – Special Projects Cheryl Urbanovsky, Assistant to the City Manager Brandi Jimenez, Assistant to Public Works Director Amy Kasper, Public Works Director Kyle Marchant, P.E., Facilities Maintenance Director Bob Baker, Community Services Director Jo Beth Knezek, and Police Chief Terry David Lynch.

Visitors present were: David Schroeder with Wharton Economic Development Corporation (WEDCO) and Bradley C. Loehr, P.E. with BEFCO Engineering, Inc.

The second item on the agenda was Roll Call and Excused Absences. After some discussion, Councilmember Don Mueller moved to excuse Councilmember Steven Schneider. Councilmember Al Bryant 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 Executive Session: City Council may adjourn into an Executive Session in accordance with Section 551.074 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 Buc-ee's which the City seek to have expand within the City of Wharton.

Mayor Domingo Montalvo, Jr. moved the meeting into closed session at 2:05 p.m.

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

A. Review & Consider: The offer of a financial or other incentives to Buc-ee's which the City seeks to have expand within the City of Wharton.

Mayor Domingo Montalvo, Jr. return to open session at 2:28 p.m. Mayor Montalvo stated that the session was discussion only and no action would be taken.

The sixth item on the agenda was to review and consider Pay Request No. 3 from Dunham Engineering, Inc. for J&A Coating, LLC on the Alabama Road Ground Storage Tanks. City Manager Andres Garza, Jr. presented a copy of Pay Request No. 3 from Dunham Engineering, Inc. for \$139,704.20 and release of retainage in the amount of \$14,072.70 to J&A Coatings, LLC on the Alabama Road Ground Storage Tanks. Public Works Director Kyle Marchant, P.E. stated the project had been completed and this would be the final payment. After some discussion, Councilmember Al Bryant moved to approve Pay Request No. 3 from Dunham Engineering, Inc. for J&A Coating, LLC on the Alabama Road Ground Storage Tanks in the amount of \$139,704.20 and the release of retainage in the amount of \$14,072.70. Councilmember Russell Machann seconded the motion. All voted in favor.

The seventh item on the agenda was to review and consider Pay Request No. 1 from Jones & Carter, Inc. for AR Turnkee Construction Company, Inc. on the Highway 60 Waterline to Exelon Generation Company. City Manager Andres Garza, Jr. presented Pay Request No. 1 from Jones & Carter, Inc. in the amount of \$170,012.70 to AR Turnkee Construction Company, Inc. on the Construction of City of Wharton - Highway 60 Waterline Extension to Exelon Generation Company. City Manager Garza stated approximately \$14,000 would remain due on the project after the payment was made. After some discussion, Councilmember Russell Machann moved to approve Pay Request No. 1 from Jones & Carter, Inc. for AR Turnkee Construction Company, Inc. on the Highway 60 Waterline to Exelon Generation Company in the amount of \$170,012.70. Councilmember Tim Barker seconded the motion. All voted in favor.

The eighth item discussed on the agenda was to review and consider Pay Request No. 2 and final from Jones & Carter, Inc. for Faltisek Paving Partnership, LTP for the Street Improvement Project. City Manager Andres Garza, Jr. presented Pay Request No. 2 and final from Jones & Carter, Inc. in the amount of \$28,009.60 for Faltisek Paving Partnership, LTP on the Street Improvement Project on Alabama Road. City Manager Garza stated the pay request was the last and final for the seal coat on Alabama Road. After some discussion, Councilmember Al Bryant moved to approve Pay Request No. 2 and final from Jones & Carter, Inc. for Faltisek Paving Partnership, LTP for the Street Improvement Project in the amount of \$28,009.60. Councilmember Don Mueller seconded the motion. All voted in favor.

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The ninth item discussed on the agenda was to review and consider Ahldag Addition 2013-2014 Sanitary Sewer Collection System Improvements (TxCDBG Project No. 713510).

- A. Bid Tabulation
- B. Resolution

City Manager Andres Garza, Jr. stated that on December 3, 2014, the City of Wharton received bids for the Ahldag Addition 2013-2014 Sanitary Sewer Collection System Improvements (TxCDBG Project No. 713510). City Manager Garza stated that Mr. Bradley Loehr of BEFCO Engineering, Inc. reviewed bids as each came in higher than allocations for project. Mr. Loehr stated the recommendation from BEFCO Engineering, Inc. was award the full contract amount of \$447,694 to Supak Construcion and subsequently execute a change order in the amount of \$45,400 removing videotaping of the mains from the contract which can be performed by City Staff. After some discussion, Councilmember Don Mueller moved to approve City of Wharton Resolution No. 2014-97, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2014-97**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING A CONTRACT FOR THE AHLDAG ADDITION 2013-2014 SANITARY SEWER COLLECTION SYSTEM IMPROVEMENTS (TXCDBG PROJECT NO. 713510) AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS RELATED TO SAID CONTRACT.

WHEREAS, the Wharton City Council wishes to award a contract to Supak Construction, for the Ahldag Addition 2013-2014 Sanitary Sewer Collection System Improvement (TxCDBG Project No. 713510); and,

WHEREAS, the City of Wharton and Supak Construction 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 to Supak Construction for the Ahldag Addition 2013-2014 Sanitary Sewer Collection System Improvements (TxCDBG Project No. 713510).

Section II. The City of Wharton and Supak Construction are hereby bound by the conditions as set forth in the agreement.

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

Passed, Approved, and Adopted this 19th day of December 2014.

CITY OF WHARTON, TEXAS

By: _____
DOMINGO MONTALVO, JR.
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The tenth item discussed on the agenda was to review and consider Alabama Street Sanitary Sewer Line and Kelving Way Drive & Croom/Price Alley Water Line Improvement Projects.

- A. Bid Tabulation
- B. Resolution

City Manager Andres Garza, Jr. stated that on December 3, 2014, the City of Wharton received bids for the Alabama Street Sanitary Sewer Line and Kelving Way Drive & Croom/Price Alley Water Line Improvement Projects. Mr. Bradley Loehr of BEFCO Engineering, Inc. stated the recommendation for City Council approval was to reject all bids and rebid the project since only one bid was received for more than what the project was budgeted. After some discussion, Councilmember Al Bryant moved to reject the bid received for the Alabama Street Sanitary Sewer Line and Kelving Way Drive & Croom/Price Alley Water Line Improvement Projects and rebid the project. Councilmember Don Mueller 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 authorizing the City of Wharton participation in the FY 2015 TxDOT Impaired Driver Mobilization STEP Grant Program, authorizing the Mayor to execute on behalf of the City of Wharton all grant agreement documents, and setting an effective date. City Manager Andres Garza, Jr. presented an email request from Wharton Police Chief Terry D. Lynch requesting approval of participation in the FY 2015 TxDOT Impaired

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Driver Mobilization STEP Grant Program. Chief Lynch stated participation in the FY 2015 TxDOT Impaired Driver Mobilization STEP Grant Program would be four times during the year; Christmas, New Year's, July 4th and Labor Day. After some discussion, Councilmember Don Mueller moved to approve City of Wharton Resolution No. 2014-99, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2014-99**

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE CITY OF WHARTON PARTICIPATION IN THE FY 2015 TxDOT IMPAIRED DRIVER MOBILIZATION STEP GRANT PROGRAM, AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY OF WHARTON ALL GRANT AGREEMENT DOCUMENTS, AND SETTING AN EFFECTIVE DATE.

WHEREAS, the City of Wharton wishes to participate in the FY 2015 TxDOT Impaired Driver Mobilization STEP Grant Program; and

WHEREAS, the Wharton City Council wishes to authorize the Mayor of the City of Wharton to sign all grant agreement documents and setting an effective date.

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 the participation in the FY 2015 TxDOT Impaired Driver Mobilization STEP Grant Program.

Section II. That the Mayor of the City of Wharton is hereby authorized to sign all grant agreement documents and setting an effective date.

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

Passed, Approved, and Adopted this 19th day of December 2014.

CITY OF WHARTON, TEXAS

By: _____
Domingo Montalvo, Jr.
Mayor

ATTEST:

Paula Favors
City Secretary

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

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The twelfth item on the agenda was to review and consider the purchase of two (2) new Playland Play Units for Facilities Maintenance Department. City Manager Andres Garza, Jr. presented a memo from Facilities Maintenance Director Bob Baker regarding the purchase of two (2) new Playland Play units through Buyboard Cooperative purchasing program for the total amount of \$70,926.68 which included installation and fall surfacing for the Guadalupe Park on West Caney Street and Croom Park #2 on Alabama Road. City Manager Garza stated that he concurred with Facilities Maintenance Director Baker's recommendation and recommend approval of the purchase. After some discussion, Councilmember Russell Machann moved to approve City of Wharton Resolution No. 2014-100, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2014-100**

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE CITY MANAGER TO PURCHASE (2) PLAYLAND PLAY UNITS THROUGH BUYBOARD COOPERATIVE PURCHASING PROGRAM FROM KRAFTSMAN COMMERCIAL PLAYGROUNDS & WATER PARKS AND SETTING AN EFFECTIVE DATE.

WHEREAS, the City of Wharton wishes to purchase two (2) Playland Play Units; and

WHEREAS, the 2013 Bond Issue allocated \$100,000 towards the purchase of park improvements; and

WHEREAS, the City of Wharton wishes to purchase the two (2) Playland Play Units in the amount of \$35,463.34. Both pieces of equipment will purchased through Buyboard Cooperative Purchasing Program from Kraftsman Commercial Playgrounds & Water Parks totaling \$70,926.68; and

WHEREAS, the Wharton City Council wishes to authorize the City Manager of the City of Wharton to sign all documents related to said contract purchase.

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 the purchase of the two (2) Playland Play Units through Buyboard from Kraftsman Commercial Playgrounds & Water Parks in the amount of \$70,926.68 for the City of Wharton Facilities Maintenance Department.

Section II. That the City Manager of the City of Wharton is hereby authorized to sign all documents related to the contract.

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

Passed, Approved, and Adopted this 19th day of December 2014.

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By: _____
Domingo Montalvo, Jr.
Mayor

ATTEST:

Paula Favors
City Secretary

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

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

The meeting adjourned at 2:46 p.m.

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By: _____
Domingo Montalvo, Jr.
Mayor

ATTEST:

Paula Favors
City Secretary