

**MINUTES
OF
CITY OF WHARTON
SPECIAL CITY COUNCIL MEETING
MAY 7, 2010**

Mayor David W. Samuelson declared a Special Meeting duly open for the transaction of business at 12:04 p.m.

Councilmember's present were: Mayor David W. Samuelson, Councilmembers V. L. Wiley, Jr., Lewis Fortenberry, Jr., Terry David Lynch, and Don Mueller.

Councilmember absent was: Domingo Montalvo, Jr. and Jeff Gubbels

Staff members present were: City Manager Andres Garza, Jr., City Secretary Lisa Olmeda, and Assistant City Attorney Amy Rod.

Visitors present were: None.

The second item on the agenda was Roll Call and Excused Absences. Councilmember Lewis Fortenberry, Jr. made a motion to excuse the absence of Councilmembers Domingo Montalvo, Jr. and Jeff Gubbels from the special City Council meeting held on May 7, 2010. Councilmember Terry David Lynch seconded the motion. All voted in favor.

The third item on the agenda was Public Comments. No comments were given. No action was taken.

The fourth item on the agenda was to review and consider a resolution approving a contract with Hunter Industries for milling and overlaying Houston and Fulton Streets between Milam and Burleson Streets and authoring the Mayor of the City of Wharton to execute the agreement. City Manager Andres Garza, Jr. presented a copy of the memorandum dated May 4, 2010 from Public Works Director Carter Miska regarding an agreement with Hunter Industries, Ltd. to mill and overlay Houston and Fulton Streets. He said that the company was in Wharton working on a project along Milam Street for the Texas Department of Transportation (TxDOT) and had indicated that it would be willing to assist the City of Wharton with its project. He said that the City would save costs in mobilization since the company had been mobilized to Wharton for the TxDOT project. He said that the savings the City could realize on the Houston and Fulton Streets milling and overlay project would be \$5,835.82. He said additionally, the City Staff was initially notified by TxDOT that its project along Milam Street would be conducted in June 2010 and that the City would be provided at least a two week notification of the project prior to mobilization; however, TxDOT contacted Public Works Director Carter Miska on May 3rd that Hunter Industries, Ltd. had a lull in its schedule and determined that it would mobilize to the City of Wharton on May 4th. He said that in an effort to save the City mobilization costs in June, the City Staff was recommending the City Council consider approving an agreement with Hunter Industries, Ltd. to conduct the milling and overlay of Houston and Fulton Streets between Milam

and Burleson Streets. He then presented a draft resolution approving the agreement along with a copy of a spreadsheet illustrating how the cost savings were determined and a quote from Hunter Industries, Ltd. He said that the total cost of the project would be \$40,695.36. Public Works Director Carter Miska stated that Hunter Industries, Ltd. was requesting a decision today, otherwise, they would move their equipment to Yoakum. He stated that with maintaining the equipment, the City of Wharton could save on mobilization of the equipment. He stated that the project could start Monday, May 10, 2010 at night. Mr. Garza stated that since the quote for services was below \$50,000, the City of Wharton did not have to request for bids. After some discussion, Councilmember Don Mueller made a motion to approve Resolution No. 2010-23, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2010-23**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING A CONTRACT WITH HUNTER INDUSTRIES, LTD. FOR MILLING AND OVERLAYING HOUSTON AND FULTON STREETS BETWEEN MILAM AND BURLESON STREETS AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE THE AGREEMENT.

WHEREAS, the Wharton City Council wishes to move forward with the milling and overlay project on Fulton and Houston Streets between Milam and Burleson Streets; and

WHEREAS, The Wharton City Council wishes to enter into a contract with Hunter Industries, Ltd. to conduct the afore-mentioned project in the amount of \$40,695.36; and

WHEREAS, The City of Wharton and Hunter Industries, Ltd. wishes to be bound by the conditions 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. That the Wharton City Council hereby approves an agreement between the City of Wharton and Hunter Industries, Ltd. in the amount of \$40,695.36 to conduct the milling and overlay project on Fulton and Houston Streets between Milam and Burleson Streets.

Section II. That the City of Wharton and Hunter Industries, Ltd. are hereby bound by the conditions set forth in the agreement.

Section III. That the Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute the agreement.

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

Passed, Approved, and Adopted this 4th day of May 2010.

CITY OF WHARTON, TEXAS

By: _____
DAVID W. SAMUELSON
Mayor

ATTEST:

LISA OLMEDA

City Secretary

Councilmember Terry David Lynch seconded the motion. All voted in favor.

The fifth item on the agenda was adjournment. After some discussion, Councilmember Don Mueller made a motion to adjourn. Councilmember Lewis Fortenberry, Jr. seconded the motion. All voted in favor.

The meeting adjourned at 12:08 p.m.

CITY OF WHARTON, TEXAS

By: _____
DAVID W. SAMUELSON
Mayor

ATTEST:

Lisa Olmeda

LISA OLMEDA
City Secretary

