

**MINUTES
OF
CITY OF WHARTON
REGULAR CITY COUNCIL MEETING
SEPTEMBER 8, 2014**

Mayor Domingo Montalvo, Jr. 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 Domingo Montalvo, Jr. 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, Don Mueller and Steven Schneider.

Councilmember absent was: Russell Machann.

Staff members present were: City Manager Andres Garza, Jr, Finance Director Joan Andel, City Secretary Paula Favors, Assistant to the City Manager – Special Projects Cheryl Urbanovsky, Assistant to the City Manager Brandy Jimenez, Police Captain Richard Coleman, City Attorney Paul Webb and Public Works Director Kyle Marchant, P.E.

Visitors present were: Wharton Economic Development Director David Schroeder, Jim Cockrell, Ben Galvan, Wharton Cheerleading Sponsor Brittani May and Natalie Frels 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 Councilmember Russell Machann. Councilmember Don Mueller seconded the motion. All voted in favor.

The third item on the agenda was Public Comments. Mr. Jim Cockrell stated his concerns for the proposed increase in water and sewer rates for the City of Wharton. Mr. Cockrell said the increase was a burden on senior citizens on a fixed income and requested the City Council consider a discount rate for senior citizens.

The fourth item on the agenda was the Wharton Moment. Councilmember Jeff Gubbels congratulated the Wharton High School Varsity Football team on their victory over Needville 85-0.

The fifth item on the agenda was to review and consider the reading of the minutes from the regular meetings held August 11, 2014 and August 25, 2014 and special meeting held August 12, 2014. After some discussion, Councilmember Jeff Gubbels moved to approve the minutes from the regular meetings held August 11, 2014 and August 25, 2014 and special meeting held August 12, 2014. Councilmember Al Bryant seconded the motion. All voted in favor.

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The sixth item on the agenda was a Public Hearing on the Proposed Budget for the City of Wharton, Texas Fiscal Year October 1, 2014 to September 30, 2015. Mayor Domingo Montalvo, Jr. opened the meeting at 7:04 p.m. No comments were made. Mayor Domingo Montalvo, Jr. closed the meeting at 7:05 p.m.

The seventh item on the agenda was to review and consider action on changes to the Proposed Budget for the City of Wharton, Texas Fiscal Year October 1, 2014 to September 30, 2015. City Manager Andres Garza, Jr. stated that during the August 25, 2014 regular City Council meeting the City Council received a copy of the proposed budget for the City of Wharton, Texas, Fiscal Year October 1, 2014 to September 30, 2015. City Manager Garza said this item would allow the City Council to direct the City staff to make any changes to the proposed budget prior to the formal adoption, which was scheduled for September 22, 2014. After some discussion, no action was taken.

The eighth item on the agenda was to review and consider a resolution of the Wharton City Council approving an Interlocal Agreement with the Texas Municipal League-Intergovernmental Risk Pool (TML-IRP) for property & casualty and worker's compensation coverage for the City of Wharton; authorizing the Mayor of the City of Wharton to execute all documents relating to said contract. City Manager Andres Garza, Jr. presented a copy of the memorandum dated September 4, 2014 from City Secretary Paula Favors to him regarding the Interlocal Agreement with the Texas Municipal League-Intergovernmental Risk Pool (TML-IRP) for Property & Causality and Worker's Compensation coverage for the City of Wharton. City Secretary Paula Favors stated that the amount for coverage for 2014-2015 was \$247,353; up from the previous year which was \$236,924. After some discussion, Councilmember Jeff Gubbels moved to approve City of Wharton Resolution No. 2014-71, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2014-71**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AN INTERLOCAL AGREEMENT WITH THE TEXAS MUNICIPAL LEAGUE-INTERGOVERNMENTAL RISK POOL (TML-IRP) FOR PROPERTY & CASUALTY AND WORKERS' COMPENSATION COVERAGE FOR THE CITY OF WHARTON; AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATING TO SAID CONTRACT.

WHEREAS, the City of Wharton received the renewal rate for property and casualty and workers' compensation coverage; and,

WHEREAS, the Wharton City Council wishes to enter into an interlocal agreement with the Texas Municipal League-Intergovernmental Risk Pool (TML-IRP) for property & casualty and workers' compensation coverage for the City of Wharton; and,

WHEREAS, the Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute all documents related to said agreement.

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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 interlocal agreement with the Texas Municipal League-Intergovernmental Risk Pool (TML-IRP) for Property & Casualty Coverage and Worker's Compensation Coverage for the City of Wharton for fiscal year October 1, 2014 to September 30, 2015.

Section II. That the Mayor of the City of Wharton is hereby authorized to sign any documents relating to the aforementioned contracts.

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

Passed, Approved, and Adopted this 8th day of September 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 ninth item on the agenda was to review and consider a resolution of the Wharton City Council rescinding the City of Wharton Resolution No. 2014-25, approving a revised agreement with Wharton Economic Development Corporation for the FM 102 Vic Desai Hotel Site and authorizing the City Manager to execute the agreement on behalf of the City of Wharton, Texas. City Manager Andres Garza, Jr. presented a letter from Wharton Economic Development Corporation Executive Director David Schroeder approving the City's additional funding request for the Vic Desai Hotel Site. After some discussion, Councilmember Al Bryant moved to approve City of Wharton Resolution No. 2014-72, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2014-72**

A RESOLUTION OF THE WHARTON CITY COUNCIL RESCINDING THE CITY OF WHARTON RESOLUTION NO. 2014-25 APPROVING A REVISED AGREEMENT WITH WHARTON ECONOMIC DEVELOPMENT CORPORATION FOR THE FM 102 VIC DESAI HOTEL SITE AND AUTHORIZING THE CITY

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MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY OF WHARTON, TEXAS.

WHEREAS, the City Council of the City of Wharton approved Resolution No. 2014-25; and

WHEREAS, the City wishes to rescind said resolution; and,

WHEREAS, the Wharton City Council wishes to revise the Performance Agreement with the Wharton Economic Development Corporation for additional funding; and

WHEREAS, the City of Wharton and Wharton Economic Development Corporation wishes to be bound by the conditions set forth in said contract; and

WHEREAS, the Wharton City Council wishes to authorize the City Manager of the City of Wharton to execute the revised agreement; and

WHEREAS, the Wharton City Council wishes this resolution to become effective immediately upon its passage.

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

Section 1. The Wharton City Council hereby authorizes the City Manager of the City of Wharton to execute a revised Performance Agreement with Wharton Economic Development Corporation for FM 102 tract known as the Vic Desai hotel site.

Section 2. The City of Wharton and Wharton Economic Development Corporation are hereby bound by the conditions set forth in the agreement.

Section 3. That this resolution shall become effective immediately upon its passage.

Passed, Approved and Adopted this 8th day of September 2014.

CITY OF WHARTON, TEXAS

By: _____
DOMINGO MONTALVO, JR.
Mayor

ATTEST:

BY: _____
PAULA FAVORS
City Secretary

Councilmember Don Mueller seconded the motion. All voted in favor.

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The tenth item on the agenda was to review and consider a resolution of the Wharton City Council authorizing the City Manager of the City of Wharton to execute a Performance Agreement with Wharton Economic Development Corporation regarding funding for the Mowing and Landscape Maintenance Agreement with Texas Department of Transportation of approximately 89 acres of land along Highway US 59 at its intersection with FM 102 and Highway 60. City Manager Andres Garza, Jr. presented a letter from Wharton Economic Development Corporation Executive Director David Schroeder regarding the Municipal Maintenance Performance agreement that would fund the City's agreement with TxDOT for the Landscape and Maintenance Agreement the City had approved. City Manager Garza also presented the Wharton Economic Development Corporation agreement along with a resolution that would authorize the City Manager to execute the agreement on behalf of the City. After some discussion, Councilmember Don Mueller moved to approve City of Wharton Resolution No. 2014-73, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2014 - 73**

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE CITY MANAGER OF THE CITY OF WHARTON TO EXECUTE A PERFORMANCE AGREEMENT WITH WHARTON ECONOMIC DEVELOPMENT CORPORATION REGARDING FUNDING FOR THE MOWING AND LANDSCAPE MAINTENANCE AGREEMENT WITH TEXAS DEPARTMENT OF TRANSPORTATION OF APPROXIMATELY 89 ACRES OF LAND ALONG HIGHWAY 59 AT ITS INTERSECTION WITH FM 102 AND HIGHWAY 60.

WHEREAS, the Wharton City Council wishes to authorize a Municipal Maintenance Performance Agreement with the Wharton Economic Development Corporation for the maintenance of approximately 89 acres along US Highway 59 at its intersection with FM 102 and Highway 60; and,

WHEREAS, the City of Wharton and Wharton Economic Development Corporation wishes to be bound by the conditions set forth in said contract; and

WHEREAS, the Wharton City Council wishes to authorize the City Manager of the City of Wharton to execute the agreement; and

WHEREAS, the Wharton City Council wishes this resolution to become effective immediately upon its passage.

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

Section 1. The Wharton City Council hereby authorizes the City Manager of the City of Wharton to execute a Municipal Maintenance Performance Agreement with Wharton Economic Development Corporation.

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Section 2. The City of Wharton and Wharton Economic Development Corporation are hereby bound by the conditions set forth in the agreement.

Section 3. That this resolution shall become effective immediately upon its passage.

PASSED, APPROVED and ADOPTED this 8th day of September 2014.

CITY OF WHARTON, TEXAS

By: _____
DOMINGO MONTALVO, JR.
Mayor

ATTEST:

BY: _____
PAULA FAVORS
City Secretary

Councilmember Tim Barker 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 approving a Professional Engineering Services Agreement between the City of Wharton and Civil Corp, LLC for the City of Wharton Sidewalk Accessibility and Historic Streetscape Project CSJ #0913-09-079 and authorizing the Mayor of the City of Wharton to execute the agreement. City Manager Andres Garza, Jr. stated that on June 9, 2014, the City Council appointed the Consultant Selection Committee for the Sidewalk Accessibility and Historic Streetscape Enhancement Project, CSJ #0913-09-079 to evaluate engineering proposals and negotiate an agreement for the engineering and environmental services for the Sidewalk Accessibility and Historic Streetscape Project. City Manager Garza said the Committee ranked the proposals and began negotiating an agreement with Civil Corp Engineers, the highest ranked firm, for the project. City Manager Garza presented a draft agreement and stated that on September 4, 2014, the Committee voted to recommend to the City Council an agreement for engineering, environmental and material testing with the contract in the amount of \$104,500.00 engineering fees, \$17,500.00 for environmental assessment fees and \$15,675.00 for materials testing costs with the total cost of the agreement of \$137,675.00. After some discussion, Councilmember Don Mueller moved to approve City of Wharton Resolution No. 2014-74, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2014-74**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING A PROFESSIONAL ENGINEERING SERVICES AGREEMENT BETWEEN THE CITY OF WHARTON AND CIVILCORP, LLC FOR THE CITY OF WHARTON SIDEWALK ACCESSIBILITY AND HISTORIC STREETScape PROJECT CSJ#0913-09-079 AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE THE AGREEMENT.

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WHEREAS, On July 14, 2014 the City of Wharton received RFQ packets for the City of Wharton Sidewalk Accessibility and Historic Streetscape Project CSJ#0913-09-079 being conducted under the Texas Department of Transportation Advance Funding Agreement for a Transportation Enhancement (TE) Project; and

WHEREAS, the City of Wharton Consultant Selection Committee ranked the proposals in accordance with State of Texas Procurement Process for Professional Services and negotiated a contract with CivilCorp, LLC; and

WHEREAS, the Wharton City Council wishes to approve a professional engineering services agreement in the amount of \$137,675.00 between the City of Wharton and CivilCorp, LLC for the services outlined in the agreement; and

WHEREAS, the City of Wharton and CivilCorp, LLC 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 a professional engineering services agreement between the City of Wharton and CivilCorp for the City of Wharton Sidewalk Accessibility and Historic Streetscape Project CSJ#0913-09-079 being conducted under the Texas Department of Transportation Advance Funding Agreement for a Transportation Enhancement (TE) Project.

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 8th day of September 2014.

CITY OF WHARTON, TEXAS

By: _____
DOMINGO MONTALVO, JR.
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The twelfth item on the agenda was to review and consider a resolution of the Wharton City Council approving an agreement between the City of Wharton and the Texas Department of Transportation Aviation Division, for the Routine Airport Maintenance Program, TxDOT CSJ No. M1513WHRT, for the Airport maintenance at the Wharton Regional Airport and authorizing the Mayor of the City of Wharton to execute all documents related to said contract. City Manager Andres Garza, Jr. presented the 2015 Routine Airport Maintenance Program (RAMP) Grant for the Wharton Regional Airport. City Manager Garza stated that the City of Wharton had participated in the RAMP Program in the past years. After some discussion, Councilmember Don Mueller moved to approve City of Wharton Resolution No. 2014-75, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2014-75**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AN AGREEMENT BETWEEN THE CITY OF WHARTON AND THE TEXAS DEPARTMENT OF TRANSPORTATION AVIATION DIVISION, FOR THE ROUTINE AIRPORT MAINTENANCE PROGRAM, TXDOT CSJ NO. M1513WHRT FOR THE AIRPORT MAINTENANCE AT THE WHARTON REGIONAL AIRPORT AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID CONTRACT.

WHEREAS, The Wharton City Council wishes to conduct improvement to the Wharton Regional Airport under the 2015 Routine Airport Maintenance Program; and

WHEREAS, The Texas Department of Transportation Aviation Division and the City of Wharton wishes to enter into an agreement under the 2015 Routine Airport Maintenance Program for airport maintenance at the Wharton Regional Airport; and

WHEREAS, the Wharton City Council wishes to authorize the Mayor the City of Wharton to execute all documents related to the 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 a contract with the Texas Department of Transportation Aviation Division for the 2015 Routine Airport Maintenance Program.

Section. II. That the Texas Department of Transportation Aviation Division and the City of Wharton are hereby bound by the conditions as set forth in the agreement.

Section III. That the Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute all documents related to the contract.

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

Passed, Approved, and Adopted this the 8th day of September 2014.

CITY OF WHARTON

By: _____

DOMINGO MONTALVO, JR.
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The thirteenth item on the agenda was to review and consider a request for closing Houston Street for Wharton High School Homecoming Pep Rally on October 17, 2014. City Manager Andres Garza, Jr. presented an email from Wharton Cheerleading Sponsor Brittani May requesting the closing of Houston Street for the Wharton High School Homecoming Pep Rally on October 17, 2014 and an additional request including a pep talk from Mayor Montalvo and the use of a fire truck to escort the football players to the pep rally. After some discussion, Councilmember Al Bryant moved to approve the request to close Houston Street for the Wharton High School Homecoming Pep Rally on October 17, 2014, a pep talk from Mayor Domingo Montalvo, Jr. and the use of a fire truck to escort the football players to the pep rally. Councilmember Don Mueller seconded the motion. All voted in favor.

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

- A. Consultant Selection Committee for the City of Wharton Sidewalk Accessibility and Historic Streetscape Enhancement Project Meeting held August 25, 2014.
- B. Wharton Economic Development Corporation meeting held on August 20, 2014.
- C. Consultant Selection Committee for the City of Wharton Sidewalk Accessibility and Historic Streetscape Enhancement Project Meeting held September 4, 2014.
- D. Public Works Committee Meeting held on September 4, 2014.

After some discussion, no action was taken.

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

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- A. Electrical Board.
- B. Holiday Light Decorating Chairman.
- C. Wharton Economic Development.

After some discussion, no action was taken.

The sixteenth 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 7:16 p.m.

CITY OF WHARTON, TEXAS

By: _____
Domingo Montalvo, Jr.
Mayor

ATTEST:

Paula Favors
City Secretary