

**MINUTES
OF
CITY OF WHARTON
REGULAR CITY COUNCIL MEETING
January 28, 2019**

Mayor Tim Barker declared a Regular Meeting duly open for the transaction of business at 7:02 P.M at City Hall 120 E. Caney Street Wharton, TX. Councilmember Don Mueller led the opening devotion and Mayor Barker led the pledge of allegiance.

Councilmember's present were: Mayor Tim Barker and Councilmembers Al Bryant, Terry Freese, Alice Heard-Roberts, Don Mueller, Russell Machann and Steve Schneider.

Councilmember absent was: None.

Staff members present were: City Manager Andres Garza, Jr., Finance Director Joan Andel, City Attorney Paul Webb, City Secretary Paula Favors, TRMC, CPM, Community Development Director Gwyneth Teves, Assistant to the City Manager Brandi Jimenez, and Interim Public Works Director Robert Ewart.

Visitors present were: Mary Barnes and Sadie Favors.

The second item on the agenda was Roll Call and Excused Absences. All Councilmembers were present.

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

The fourth item on the agenda was the Wharton Moment. Councilmember Russell Machann requested prayers for Houston Police officers involved or injured in a shooting earlier in the afternoon.

The fifth item on the agenda was to review and consider City of Wharton Municipal Election 2019:

Ordinance: An ordinance ordering a City Officer's Election to be held as a joint election with Wharton County Elections Department for the purpose of electing the positions of Mayor and Councilmembers; Providing for the date, time and place of the election, Notice of the Election, Filing Applications; Drawing for Ballot Positions, Use of Accessible Voting System, Appointment of Election Workers, Early Voting and Making Election Returns.

Una ordenanza ordenando una elección de funcionarios de la ciudad a celebrarse de forma conjunta con el departamento de elecciones alcalde y del condado de Wharton con el

propósito de elegir puestos de concejales; asignando la fecha, Horas, Y presentación de solicitudes, sorteo para lugares en la balota, uso de sistema de votación accesible, Nombramiento de los trabajadores de la elección, votación anticipada, Y entrega de los resultados de la elección.

City Manager Andres Garza, Jr. presented a draft copy of the ordinance, in English and Spanish versions as required by law, ordering a City's Officer's Election to be held as a joint election with the Wharton County Elections Department. City Secretary Paula Favors stated the City Council positions that were up for election were three (3) City Council positions, which were District No.'s 1, 3, & 5 At-Large. After some discussion, Councilmember Russell Machann moved to approve City of Wharton Ordinance No. 2019-07-A and 2019-07-B, which read as follows:

**CITY OF WHARTON, TEXAS
ORDINANCE NO. 2019-07-A**

AN ORDINANCE ORDERING A CITY OFFICERS ELECTION TO BE HELD AS A JOINT ELECTION WITH WHARTON COUNTY ELECTIONS DEPARTMENT FOR THE PURPOSE OF ELECTING THE POSITIONS OF COUNCILMEMBERS; PROVIDING FOR THE DATE, TIME, AND PLACE OF THE ELECTION, NOTICE OF THE ELECTION, FILING APPLICATIONS, DRAWING FOR BALLOT POSITIONS, USE OF ACCESSIBLE VOTING SYSTEM, APPOINTMENT OF ELECTION WORKERS, EARLY VOTING, AND MAKING ELECTION RETURNS.

BE IT ORDAINED by the City Council of the City of Wharton, Texas:

"Section 32 of the City Charter provides that regular elections to elect members of the city council shall be held on the first Saturday of May each year. At the regular election in each even-numbered year, the voters shall elect a mayor and three councilmen. At the regular election in each odd-numbered year, the voters shall elect three (3) councilmen. The mayor and councilmen shall serve for terms and numbered places as provided in Article II of this charter. The city council may, by ordinance or resolution, order special elections, fix the dates, give notice, and provide all means for holding such special elections."

Joint Election

Wharton County Elections Department will be conducting the duties as described in the Joint Election Agreement.

Position

An election shall be held in the City of Wharton, Texas, for the purpose of electing the following officials for the City:

Councilmember - District No. 1

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Councilmember - District No. 3
Councilmember at Large - Place No. 5

Date

An election shall be held in the City of Wharton, Texas, on **May 4, 2019**.

Time

The polls shall open for voting at **7 a.m.** and shall close at **7 p.m.**

Location

The election shall be held at the Wharton Civic Center – Duncan Auditorium, 1924 N. Fulton St., Wharton, Texas.

Notice of City Officers' Election

The Mayor shall cause a notice by publication of this election to be published at least once in a newspaper that is published in the City of Wharton, Texas, and that is in the jurisdiction of the City of Wharton, Texas, which publication shall be not earlier than the **30th day** nor later than the **10th day** before election day.

The Mayor shall also give notice of the election by causing a copy of the notice of election to be posted not later than the **21st day** before election day on the bulletin board located at the City Hall, 120 East Caney, Wharton, Texas, and used for posting notices of meetings of the Wharton City Council. The notice shall include the location of the polling place.

Eligibility to Vote

The election shall be held in accordance with the Election Code of the State of Texas. Only qualified resident voters of the City of Wharton, Texas, shall be eligible to vote in the election

Candidate Names

The City Secretary shall, in accordance with the terms and provisions of the Texas Election Code, order the candidate names to be printed on the ballots for said General Election.

Filing

Candidates must file applications for a place on the ballot with the City Secretary of the City of Wharton, Texas, beginning on **January 16, 2019** and continuing through **5:00**

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p.m. on February 15, 2019. A declaration of write-in candidacy must be filed not later than 5:00 P.M. on **February 19, 2019.**

Candidates for City Councilmember must designate the position filed for either Councilmember - District No. 1, Councilmember - District No. 3 or Councilmember at Large - Place No. 5.

Drawing for Ballot Positions

On February 22, 2019 at 10:00 a.m., a drawing will take place in the office of the City Secretary for the purpose of determining the order of the candidates' names as they are to appear on the ballot.

The City Secretary shall post a notice of the date, hour, and place of the drawing and this notice shall remain posted continuously for at least 72 hours immediately preceding the scheduled time of the drawing.

Ballots

Paper ballots shall be used for the purposes of provisional and mail-out for early voting and provisional for election day.

Accessible Voting System

Section 61.012 of the Texas Election Code requires that the City of Wharton must provide at least one accessible voting system in each polling place used in a Texas election on or after January 1, 2006. This system must comply with state and federal laws setting the requirements for voting systems that permit voters with physical disabilities to cast a secret ballot.

The Office of the Texas Secretary of State has certified that the ExpressVote BMD voting machines are an accessible voting system that may legally be used in Texas elections.

Sections 123.032 and 123.035 of the Texas Election Code authorize the acquisition of voting systems by local political subdivisions and further mandate certain minimum requirements for contracts relating to the acquisition of such voting systems. The City of Wharton shall lease or rent from the County of Wharton as authorized by Section 123.032.

The City of Wharton hereby adopts for use in Early Voting and Election Day Voting the ExpressVote BMD voting machines as approved by the Secretary of State to comply with HAVA requirements.

Elections Recording Management Tabulation System

The City of Wharton shall lease or rent from the County the ERM (Elections Recording Management) systems for tabulation purposes, if needed.

Election Officers

The Wharton County Elections Department (WCED) will be responsible for the appointment of the presiding judge and alternate judge. The following-named persons are appointed officers for the election:

Early Voting Presiding Judge: Lorna Kaiser
Early Voting Alternate Presiding Judge: Shirley Henry

Election Day Presiding Judge: Shirley Henry
Election Day Alternate Judge: Lorna Kaiser

WCED shall arrange the training. WCED is responsible for notifying the election presiding and alternate judges of the eligibility requirements of Subchapter C of Chapter 32 of the Texas Election Code, and will take the necessary steps to insure that the presiding and alternate judges appointed are eligible to serve. The presiding judge, with the assistance from WCED, will be responsible for insuring the eligibility of each appointed clerk hired to assist the judge in the conduct of the election.

Early Voting

Wharton County Elections Administrator is Cindy Richter appointed early voting clerk and is authorized to appoint other deputies to serve as early voting clerks.

The early voting by personal appearance for the above-designated election shall take place at the Wharton County Annex D, Suite 115, E. Milam, Wharton, Texas. The place for early voting shall remain open on each day that is not a Saturday, Sunday, or an official state holiday, between the hours of **8 a.m.** and **5 p.m.**, beginning on **April 22, 2019** and continuing through **April 26, 2019; Monday, April 29, 2019** and continuing through **Tuesday, April 30, 2019** between the hours of **7 a.m.** to **7 p.m.**

Voters may send ballot applications and mailed ballots to the Wharton County Elections Administrator's office at P.O. Box 390, Wharton, TX 77488.

Early Voting Ballot Board

An Early Voting Ballot Board is hereby established for the purpose of early voting results. Wharton County Elections Administrator shall appoint the Presiding Judge of the Early Voting Ballot Board. Wharton County Elections Administrator shall act as Early Voting Ballot Board Clerk.

Compensation for Election Officials and Clerks

The election officials and clerks shall be compensated in the following manner:

The Election Judge for the May 4, 2019 General Election shall be paid \$9.00 per hour. The Election Judge shall also be paid \$25.00 for delivering the precinct records, keys to ballot box or other election equipment and unused election supplies after the election.

The Alternate Judge for the May 4, 2019 General Election shall be paid \$8.50 per hour.

The Election Clerk(s) for the May 4, 2019 General Election shall be paid \$8.50 per hour

Writ of Election

Wharton County Elections Administrator shall deliver to the above-appointed presiding judge for the election not later than the **15th day** before election day.

Returns

"Section 41 of the City Charter provides that city elections shall be canvassed within one (1) week after the election; however, pursuant to changes in the Texas Election Code, Section 67.003, the local canvass shall convene not earlier than the third day or later than the 11th day after the election day." The period for official canvass shall be from May 7 - 15, 2019. The officers holding the election shall make returns of the results thereof to the Mayor of this City, as required by the Election Code of the State of Texas.

Order

The City Council of the City of Wharton, Texas, shall order the election, in accordance with the foregoing provisions.

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.

Passage and Approval

PASSED AND APPROVED by the City Council of the City of Wharton, Texas, on this 28th day of January, 2019.

CITY OF WHARTON, TEXAS

ATTEST:

By: _____
Tim Barker
Mayor

Paula Favors
City Secretary

APPROVED AS:

Paul Webb
City Attorney

**CIUDAD DE WHARTON, TEXAS
ORDENANZA N° 2019-07-B**

UNA ORDENANZA ORDENANDO UNA ELECCIÓN DE FUNCIONARIOS DE LA CIUDAD A CELEBRARSE DE FORMA CONJUNTA CON EL DEPARTAMENTO DE ELECCIONES DEL CONDADO DE WHARTON CON EL PROPÓSITO DE ELEGIR PUESTOS DE CONCEJALES; ASIGNANDO LA FECHA, HORAS, Y LUGAR DE LA ELECCIÓN, EL AVISO DE LA ELECCIÓN, PRESENTACION DE SOLICITUDES, SORTEO PARA LUGARES EN LA BALOTA, USO DE SISTEMA DE VOTACIÓN ACCESIBLE, NOMBRAMIENTO DE LOS TRABAJADORES DE LA ELECCION, VOTACIÓN ANTICIPADA, Y ENTREGA DE LOS RESULTADOS DE LA ELECCION.

El Consejo Municipal de La Ciudad De Wharton, Texas, ORDENA:

“La Sección 32 de la Carta Constitutiva establece que se realicen elecciones ordinarias para elegir concejales el primer sábado de mayo de cada año. En la elección regular de cada año par, los votantes elegirán un alcalde y tres concejales. En la elección regular de cada año impar, los votantes elegirán tres (3) concejales. El alcalde y los concejales desempeñarán sus puestos durante el periodo de tiempo y en los lugares numerados según se establece en el Artículo II de esta carta. El consejo municipal puede, ya sea por medio de una ordenanza o de una resolución, ordenar elecciones especiales, fijar las fechas, dar aviso, y ofrecer todos los medios para realizar tales elecciones especiales”

Elección conjunta

El Departamento de elecciones del condado de Wharton realizará las obligaciones descritas en el Acuerdo de Elección Conjunta.

Puesto

Se celebrará una elección en la ciudad de Wharton, Texas, con el propósito de elegir a los siguientes oficiales de la Ciudad:

Concejal - Distrito No. 1
Concejal – Distrito No. 3
Concejal de forma irrestricta – Posición No. 5

Fecha

Se celebrará una elección en la ciudad de Wharton, Texas, el **4 de mayo de 2019.**

Horas

Los lugares de votación abrirán para votar a las **7:00 a.m.** y se cerrarán a **las 7:00 p.m.**

Lugar

La elección se celebrará en el Auditorio Duncan del Centro Cívico de Wharton, 1924 N. Fulton Street, Wharton, Texas.

Aviso de elección de oficiales municipales

El Alcalde anunciará el aviso de la elección mediante la publicación del aviso por lo menos una vez en un periódico publicado en la ciudad de Wharton, Texas, y que esté en la jurisdicción de la ciudad de Wharton, Texas, cuya publicación no sea anterior a **30 días** antes ni posterior a **10 días** antes de la fecha del día de la elección.

El Alcalde también anunciará el aviso de la elección mediante la publicación del aviso en el tablero de anuncios ubicado en la Alcaldía, 120 East Caney, Wharton, Texas, utilizado para publicar los avisos de las reuniones del Concejo Municipal de Wharton no después de **21 días** antes de la elección. El aviso contendrá la ubicación del lugar de la votación.

Elegibilidad para votar

La elección se realizará de acuerdo con el Código de Elecciones del estado de Texas. Solamente los electores capacitados de la ciudad de Wharton, Texas, serán elegibles para votar en la elección.

Nombres de los candidatos

La Secretaria Municipal de acuerdo con los términos y disposiciones del Código de Elecciones del estado de Texas ordenará que los nombres de los candidatos sean impresos en las balotas para dicha Elección General.

Período de presentación

Los candidatos deben presentar sus solicitudes para un lugar en la balota a la Secretaria Municipal de la Ciudad de Wharton, Texas, a partir del **16 de enero de 2019** y continuando hasta las **5:00 de la tarde del 15 de febrero de 2019**. La declaración de solicitud de candidato anotado se debe presentar no más tarde de las 5:30 de la tarde del **19 de febrero de 2019**.

Los candidatos para concejales municipales deben designar el puesto al que se están postulando, ya sea para concejal- Distrito No. 1, concejal - Distrito No. 3, concejal - Distrito No. 5 de forma irrestricta.

Sorteo para los lugares en las balotas

El 22 de febrero de 2019, a las 10:00 de la mañana se celebrará un sorteo en las oficinas de la Secretaria Municipal con el propósito de determinar el orden en que los nombres de los candidatos se imprimirán en la balota.

La Secretaria Municipal publicará el aviso de la fecha, hora y lugar del sorteo y este aviso deberá permanecer anunciado continuamente por lo menos las 72 horas inmediatamente anteriores a la hora programada para tal sorteo

Balotas

Se usarán balotas de papel con los propósitos de los votos provisionales y por correo para la votación anticipada y provisionales para el día de la elección.

Sistema de votación Accesible

La sección 61.012 del Código de Elecciones de Texas requiere que la Ciudad de Wharton deberá ofrecer al menos un sistema de votación accesible en cada lugar de votación usado en cualquier elección de Texas a partir del 1º de enero de 2006. Este sistema debe de cumplir con las leyes federales y estatales que establecen los requisitos para sistemas de votaciones para que los votantes con discapacidades físicas voten en una balota secreta.

La oficina del Secretario de Texas ha certificado que las máquinas de votación Express Vote BMD son un sistema de votación accesible que puede ser usado legalmente en las elecciones de Texas.

Las secciones 123.032 y 123.035 del Código de Elecciones de Texas autorizan a las subdivisiones políticas la adquisición de sistemas de votación y además ordenan ciertos requisitos mínimos para los contratos relacionados con la adquisición de tales sistemas de votación. La Ciudad de Wharton arrendará o alquilará del condado de Wharton según está autorizado por la sección 123.032.

La Ciudad de Wharton por medio del presente adopta para su uso en la votación anticipada y en el día de la elección las máquinas de votación Express Vote BMD según está aprobado por el Secretario del Estado para cumplir con los requisitos HAVA.

Sistema de Administración de la Tabulación de los Registros

La Ciudad de Wharton arrendará o alquilará del condado la (ERM) (Administración de Registros de Elecciones) con los propósitos de tabulación, si fuera necesario.

Oficiales de la elección

El Departamento de Elecciones del Condado de Wharton (WCED) será responsable del nombramiento del juez presidente y del juez presidente alterno. Las siguientes personas designadas son nombradas como oficiales para la elección;

Juez Presidente de la Votación Anticipada: Lorna Kaiser

Juez Presidente Alterno de la Votación Anticipada: Shirley Henry

Juez Presidente el Día de la Elección: Shirley Henry

Juez Presidente Alterno el Día de la Elección: Lorna Kaiser

El WCED dispondrá el entrenamiento. El WCED es responsable de notificar al juez presidente y al juez presidente alterno de los requisitos del Subcapítulo C del Capítulo 32 del Código de Elecciones de Texas, y tomará las medidas necesarias para asegurar que los jueces presidentes y los jueces presidentes alternos nombrados sean elegibles para desempeñar el cargo. El juez presidente, con la asistencia del WCED, será responsable de asegurar la elegibilidad de cada secretaria nombrada para asistir al juez presidente a realizar la elección.

Votación anticipada

La administradora de elecciones del Condado de Wharton es Cindy Richter y queda autorizada a nombrar a otros asistentes para desempeñarse como secretarias de la votación anticipada.

La votación anticipada por comparecencia personal para la elección nombrada aquí arriba se realizará en el Anexo D del Condado de Wharton, Sala 115, E. Milam, Wharton, Texas. El lugar de votación anticipada permanecerá abierto cada día que no sea sábado, domingo, o fiesta estatal oficial, desde las **8:00 de la mañana hasta las 5:00 de la tarde**, comenzando el **22 de abril de 2019** y continuando hasta **abril 26 de 2019** inclusive; el **lunes 29 de abril de 2019** y continuando el **martes, 30 de abril de 2019** desde las **7:00 de la mañana a las 7:00 de la noche**.

Los votantes deben enviar las solicitudes de balotas y las balotas votadas por correo a la oficina de la administradora de elecciones del Condado de Wharton: P.O. Box 390, Wharton, Texas 77488.

Junta de Balotas de la Votación Anticipada

Por medio del presente se establece una Junta de Balotas de la Votación Anticipada con el propósito de los resultados de la votación anticipada. La administradora de elecciones del Condado de Wharton nombrará al juez presidente de la Junta de Balotas de la Votación Anticipada. La administradora de elecciones del Condado de Wharton actuará como secretaria de de la Junta de Balotas de la Votación Anticipada.

Compensación para los Oficiales y los Secretarios de la Elección

Los oficiales y los secretarios de la elección serán compensados de la siguiente forma:

El juez de la elección de la elección general del 4 de mayo de 2019 será remunerado a \$9.00 por hora. El juez de la elección también será pagado \$25.00 por entregar los registros de los precintos, las llaves de la caja de las balotas u otro equipo electoral y los suministros electorales que no se hayan usado después de la elección.

El Juez alerno para la elección general del 4 de mayo de 2019 será remunerado a \$8.50 por hora.

Los secretarios de la elección para la elección general del 4 de mayo de 2019 serán remunerados a \$8.50 por hora.

Oficio de Elección

La administradora de elecciones del Condado de Wharton entregará al arriba nombrado juez presidente para la elección no más tarde de **15 días** antes del día de la elección.

Resultados

“La Sección 41 de la Carta Constitutiva dispone que las elecciones municipales serán escrutinadas durante una (1) semana después de la elección; sin embargo, de acuerdo con los cambios del Código de Elecciones de Texas, Sección 67.003, el escrutinio local se congregará no antes del tercer día ni más tarde del onceavo (11) día después del día de la elección.”. El periodo para los escrutinios oficiales será desde el 7 hasta el 15 de mayo de 2019. Los oficiales que realicen la elección deberán entregar los resultados de ella al alcalde de esta Ciudad, según lo requiere el Código de Elecciones de Texas.

Orden

El Consejo Municipal de la Ciudad de Wharton, Texas, ordenará la elección de acuerdo con las siguientes disposiciones.

Divisibilidad

Si algún tribunal de jurisdicción competente dicta que cualquier sección, subsección, oración, cláusula, frase, o parte de esta orden sea inválida o inconstitucional, dicha parte será considerada como disposición separada, distinta e independiente, y dicho dictamen no afectará a la validez de las partes restantes de esta.

Promulgación y Aprobación

PASADO Y APROBADO por El Consejo Municipal de la Ciudad de Wharton, Texas, este día 28 de enero de 2019.

CIUDAD DE WHARTON, TEXAS
ATESTIGUACIÓN:

Por: _____

Tim Barker
Alcalde

Por: _____

Paula Favors
Secretaria Municipal

APROBADO:

Paul Webb
Abogado Municipal

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

The sixth item on the agenda was to review and consider the City of Wharton Finance Report for December 2018. Finance Director Joan Andel presented the financial report for the month of December 2018. Mrs. Andel stated that the TexPool balance for December was \$75,980.89 with an average monthly yield of 2.29%. She said the Prosperity Bank balance for December 2018 was \$3,129,729.85 with an average monthly yield of 25%. After some discussion, Councilmember Al Bryant moved to approve the City of Wharton Financial Report for the month of December 2018. Councilmember Steve Schneider seconded the motion. All voted in favor.

The seventh item on the agenda was to review and consider East Burleson Sanitary Sewer Project:

A. Bid Tabulation.

B. **Resolution:** A resolution of the Wharton City Council awarding a construction contract for the East Burleson Sanitary Sewer Project and authorizing the Mayor of the City of Wharton to execute all documents related to said contract.

City Manager Andres Garza, Jr. stated bids were received on January 22, 2019 for the East Burleson Sanitary Sewer Project. City Manager Garza presented a copy of a letter from Jones and Carter recommending the City Council consider awarding the contract to . After some discussion, Councilmember Russell Machann moved to approve City of Wharton Resolution No. 2019-12, which read as follows:

CITY OF WHARTON
RESOLUTION NO. 2019 - 12

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A RESOLUTION OF THE WHARTON CITY COUNCIL AWARDING A CONSTRUCTION CONTRACT FOR THE EAST BURLESON SANITARY SEWER PROJECT AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID CONTRACT.

WHEREAS, The City of Wharton received proposals for the East Burleson Sanitary Sewer Project; and,

WHEREAS, JTM Construction, LLC, was deemed the lowest bidder in the amount of \$47,506.00; and,

WHEREAS, The Wharton City Council wishes to approve a contract with JTM Construction, LLC for the East Burleson Sanitary Sewer Project in the amount of \$47,506.00; and,

WHEREAS, The Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute any and all documents related to said contract.

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

Section I. That the City Council hereby approves a contract with JTM Construction, LLC for the East Burleson Sanitary Sewer Project in the amount of \$47,506.00.

Section II. That the Mayor of the City of Wharton is hereby authorized to execute any and all documents related to said purchase.

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

PASSED, APPROVED, and ADOPTED this 28th day of January 2019.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The eighth item on the agenda was to review and consider the NRCS Alabama Channel Repair Project: _____

A. Bid Tabulation.

B. Resolution: A resolution of the Wharton City Council awarding a construction contract for the NRCS Alabama Channel Repair Project and authorizing the Mayor of the City of Wharton to execute all documents related to said contract.

City Manager Andres Garza, Jr. stated the bids were received on January 22, 2019 for the NRCS Alabama Channel Repair Project. City Manager Garza presented a letter from Jones and Carter recommending the City Council consider awarding the contract to Fort Bend Excavation Inc., in the amount of \$158,217.50. After some discussion, Councilmember Al Bryant moved to approve City of Wharton Resolution No. 2019-13, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2019 - 13**

A RESOLUTION OF THE WHARTON CITY COUNCIL AWARDING A CONSTRUCTION CONTRACT FOR THE NRCS ALABAMA CHANNEL REPAIR PROJECT AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID CONTRACT.

WHEREAS, The City of Wharton received proposals for the NRCS Alabama Channel Repair Project; and,

WHEREAS, Fort Bend Excavation Inc., was deemed the lowest bidder in the amount of \$158,217.50; and,

WHEREAS, The Wharton City Council wishes to approve a contract with Fort Bend Excavation Inc. for the NRCS Alabama Channel Repair Project in the amount of \$158,217.50; and,

WHEREAS, The Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute any and all documents related to said contract.

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

Section I. That the City Council hereby approves a contract with Fort Bend Excavation Inc. for the NRCS Alabama Channel Repair Project in the amount of \$158,217.50.

Section II. That the Mayor of the City of Wharton is hereby authorized to execute any and all documents related to said purchase.

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

PASSED, APPROVED, and ADOPTED this 28th day of January 2019.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The ninth item on the agenda was to review and consider a Change Order No. 1 with HTI for the Linwood/Crestmont Curb Repair Project. City Manager Andres Garza, Jr. stated the Linwood/Crestmont Curb Repair Project was currently under construction. City Manager Garza said the City Staff had met with the project engineer, Jones & Carter representatives to discuss the possibility of adding additional street curbs to the contract. Interim Public Works Director Robert Ewart stated the City Council Public Works Committee met on January 28th at 6:00 p.m. and were recommending the City Council consider approving the change order in the amount not to exceed 25% of the original contract. After some discussion, Councilmember Al Bryant moved to approve Change Order No. 1 with HTI for the Linwood/Crestmont Curb Repair Project in the amount not to exceed 25% of the original contract. Councilmember Terry Freese seconded the motion. All voted in favor.

The tenth item on the agenda was to review and consider an update of City of Wharton Grant Programs. Community Development Coordinator Gwyn Teves presented an update on the City of Wharton Grant Programs. After some discussion, no action was taken.

The eleventh item on the agenda was the update of City of Wharton on-going Projects. City Manager Andres Garza, Jr. presented copy of his memorandum dated January 22, 2019 providing an update on the City of Wharton current projects as of December 31, 2018.

FLOOD REDUCTION (LEVEE) PROJECT

The U.S. Army Corp of Engineers (USACE) Lower Colorado River Phase I Report - City of Wharton Flood Prevention Project and Recommended report is located at the Wharton County Library and the office of the City of Wharton City Secretary for viewing or the report may be viewed on line at <http://www.cityofwharton.com/information-a-notices/lcrb-feasibility-study>. The City Staff is working with the Fort Worth District Office regarding the Project Participation Agreement (PPA) that must be signed by the City and the USACE. The USACE is developing the guidance on the process to move this project forward. The City is expecting the PPA from the USACE next month.

DRAINAGE:

1. Stavena Addition Drainage Project.

The design and construction plans are complete. The challenge on this project is to find locations to place approximately 35,000 cubic yards of soil. The ideal disposal site should be close to the project site to reduce the cost of construction.

2. Ahldag Ditch Improvement.

The project was approved by the City Council. Public Works Director is currently working out the details.

3. On-going Drainage and Maintenance Program.

The Public Works Department has continued working on cleaning residential draining ditches that have experienced poor drainage.

4. Pecan Acres (Mahann, Kinkaid, Delmas) Drainage Project.

The Public Works Department is working with JTM, the contractor, installation of the drainage pipes was completed. Only one junction box remains to be installed by the contractor, once installed this portion of the project will be complete.

WATER/SEWER IMPROVEMENTS:

1. On-going Water and Sewer Maintenance Program.

Water leaks and sewer failures are still being seen in the month of December.

STREET IMPROVEMENTS

1. FM 1301 Extension and Overpass Project Progress Report.

IDC Inc. has submitted to TxDOT Yoakum District Office all required plans for the project. The City Staff continues to coordinate with TxDOT to ensure the project continues to move forward. The City is awaiting TxDOT announcement of the project to be funded in Wharton County.

2. I-69 Project.

The City submitted the comments as approved by the City Council to TxDOT.

3. NanYa Exit Ramp Project.

TxDOT has been coordinating with NanYa on the exit design.

4. 2019 City Street Improvement Project.

The City Staff has begun the planning process for the 2019 Street Improvement Project. The City Staff will be working with the City Council Public Works Committee to develop the program and present it to the City Council for consideration by early spring.

After some discussion, no action was taken.

Wharton City Council Regular Meeting
January 28, 2019

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

- A. Beautification Commission.
- B. Building Standards Commission.
- C. Plumbing and Mechanical Board.

After some discussion, no action was taken.

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

- A. Housing Committee meeting held January 14, 2019.

After some discussion, no action was taken.

The fourteenth item on the agenda was City Manager's Reports:

- | | |
|---|---------------------------------|
| A. City Secretary/Personnel. | H. Fire Marshall. |
| B. Code Enforcement. | I. Legal Department. |
| C. Community Services Department /
Civic Center. | J. Municipal Court. |
| D. Emergency Management. | K. Police Department. |
| E. E.M.S. Department. | L. Public Works Department. |
| F. Facilities Maintenance Department /
Wharton Municipal Pool. | M. Water / Sewer Department. |
| G. Fire Department. | N. Weedy Lots / Sign Ordinance. |
| | O. Wharton Regional Airport. |

After some discussion, no action was taken.

The fifteenth 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 7:30 p.m.

CITY OF WHARTON, TEXAS

By: _____

Tim Barker
Mayor

ATTEST:

Paula Favors

Wharton City Council Regular Meeting
January 28, 2019

City Secretary