

**MINUTES  
OF  
CITY OF WHARTON  
REGULAR CITY COUNCIL MEETING  
MARCH 10, 2014**

Mayor Pro Tem Don Mueller 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 Pro Tem Don Mueller led the opening devotion and the pledge of allegiance.

Councilmember's present were: Mayor Pro Tem Don Mueller, Councilmembers Al Bryant, Terry David Lynch and Russell Machann.

Councilmember absent was: Mayor Domingo Montalvo, Jr., Councilmembers Jeff Gubbels and Karen Schulz.

Staff members present were: City Manager Andres Garza, Jr, Finance Director Joan Anzel, City Secretary Paula Favors, Assistant to the City Manager Cheryl Urbanovsky, Assistant to Building Official Gwyn Laney and City Attorney Paul Webb.

Visitors present were: David Schroeder, Executive Director, Wharton Economic Development Corporation, Carlos Cotton, P.E. with Jones and Carter, Inc., Bradley Loehr, P.E. with BEFCO Engineering, Inc., Ray Roberson, Pat Hill and Natalie Frels with the Wharton Journal Spectator.

The second item on the agenda was Roll Call and Excuses Absences. After some discussion, Councilmember Terry David Lynch moved to excuse Mayor Domingo Montalvo, Jr. and Councilmembers Karen Schulz and Jeff Gubbels. Councilmember Russell Machann 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. City Manager Andres Garza, Jr. stated the Mayor's Committee on People with Disabilities presented a certificate of recognition to the City of Wharton for the City's efforts in renovating the downtown sidewalks.

The fifth item on the agenda was to review and consider the reading of the minutes from the regular meetings held February 10, 2014 and February 24, 2014. After some discussion, Councilmember Russell Machann moved to approve the minutes from the regular meetings held February 10, 2014 and February 24, 2014. Councilmember Terry David Lynch seconded the motion. All voted in favor.

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The sixth item on the agenda was to review and consider a request by Mr. David Copeland, Co-Chairman of the Wharton County Freedom Fest, Inc. (WCFF) Committee for the City Council to consider approving the following:

- A. Authorization to hold the Annual Wharton County Freedom Fest event on May 17, 2014.
- B. Use of downtown square and Guffey Park and waiver of park rental fee(s).
- C. Assembly and disassembly of the City of Wharton Performance Stage at the corner of Houston Street and Burleson on May 17<sup>th</sup>.
- D. Assistance obtaining twelve (12) Port-O-Lets for Saturday, May 17<sup>th</sup> utilizing city of Wharton Hotel/Motel tax revenue. Four (4) should be placed in the parking area beside Party Mouse, four (4) in Guffey Park, and four (4) on Houston Street near the Prosperity Bank parking lot.
- E. Use of fire hydrant on the northwest corner of the courthouse square. Drainage for same would be use of the gutter under the handicap ramp on the same corner.
- F. Assistance obtaining four (4) solid waste dumpsters with two (2) being placed at Guffey Park on Friday and two (2) being placed near the square. A minimum of 60 waste bags and 200 wide-mouthed bags along with additional pick up of the existing dumpsters around the square prior to the festival from Waste Corporation of America.
- G. Waiver of the fees for the City of Wharton Temporary Permit for Possession and consumption of alcoholic beverages in City Parks.
- H. Variance to the City of Wharton Code of Ordinances Chapter 54 Parks and Recreation Section 54-2 Park Property, Section 54-3 Hours of Operation, and Section 54-8 Operating or parking motor vehicles in parks.
- I. Authorization to close the following streets:
  - 1. Portions of Fulton Streets adjacent to the downtown square at 9:00 p.m. on Friday, May 16<sup>th</sup> through 11:59 p.m. on Saturday, May 17<sup>th</sup>.
  - 2. Houston Street from Elm to Caney on Friday, May 16<sup>th</sup> thru Saturday, May 17<sup>th</sup> (Sunday, if rain delayed) and use of the City of Wharton's wooden and metal barricades and caution tape to block off the parking areas along Burleson and Milam Streets.
- J. Funding for security through the City of Wharton Hotel/Motel Fund.
- K. Assistance from personnel from the Public Works and Facilities Maintenance Departments.

City Manager Andres Garza, Jr. presented a copy of the letter dated February 18, 2014 from Mr. David Copeland, Co-Chairman of the Wharton County Freedom Fest, Inc. requesting the afore mentioned items. After some discussion, Councilmember Al Bryant moved to approve Items A., B., C., E., F., G., H., I., and K. Councilmember Russell Machann seconded the motion. All voted in favor.

The seventh item on the agenda was to review and consider a request by Ms. Tonya Hill, Property Owner of Barbee, Block 11, Lot 6; 501 Walnut Street, for approval for the temporary placement of a recreational vehicle (RV) or travel trailer to be occupied during the final stages of remodel of the home damaged due to fire. City Manager Andres Garza, Jr. presented a copy of the Planning Commission Application for Variance submitted by Ms. Tonya Hill,

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Property Owner of Barbee, Block 11, Lot 6; 501 Walnut Street. Assistant to Building Official Gwyn Laney stated the Planning Commission met on March 3, 2014 and reviewed the request by Ms. Tonya Hill, Property Owner of Barbee, Block 11, Lot 6; 501 Walnut Street, for approval for the temporary placement of a recreational vehicle (RV) or travel trailer to be occupied during the final stages of remodel/repairs of the home for a period of 10-12 weeks. Mrs. Laney said Ms. Hill was planning to have the RV placed for the duration of two to three months and the ordinance allows for only a seven day placement and Ms. Hill was previously granted a similar variance on March 11, 2013, March 12, 2012 and August 27, 2012 by the Wharton City Council. After some discussion, Councilmember Al Bryant moved to approve the request by Ms. Tonya Hill, Property Owner of Barbee, Block 11, Lot 6; 501 Walnut Street, for the temporary placement of a recreational vehicle (RV) or travel trailer to be occupied during the final repairs of home for a period of 10-12 weeks. Councilmember Terry David Lynch seconded the motion. All voted in favor.

The eighth item on the agenda was to review and consider a request by Roberson Air Conditioning & Refrigeration, Inc., for placement of a changeable electronic sign located at 200 E. Milam Street. City Manager Andres Garza, Jr. presented a copy of the Planning Commission Application for Sign Variance provided by Roberson Air Conditioning & Refrigeration, Inc., Property Owner of Wharton, Block 6, Lot 1, 2A; 200 E. Milam Street. Assistant to Building Official Gwyn Laney stated that the Planning Commission met on March 3, 2014 and reviewed the request by Roberson Air Conditioning & Refrigeration, Inc., Property Owner of Wharton, Block 6, Lot 1, 2A; 200 E. Milam Street, for approval for the placement of a changeable electronic variable message sign to replace current business sign. Mrs. Laney stated that the Planning Commission voted to recommend the City Council consider approving the request of new signage for Roberson Air Conditioning & Refrigeration, Inc. After some discussion, Councilmember Terry David Lynch moved to approve the request by Roberson Air Conditioning & Refrigeration, Inc., Property Owner of Wharton, Block 6, Lot 1, 2A; 200 E. Milam Street, for approval for placement of a changeable electronic variable message sign to replace current business sign. Councilmember Al Bryant 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 designating a Consultant Selection Committee and selection criteria for the procurement of Professional Engineering Services for the City of Wharton Regional Airport Hangar Construction Project through the Texas Department of Transportation (TxDOT) Aviation Division. City Manager Andres Garza, Jr. stated that the City Council on January 27, 2014 had authorized the Wharton Regional Airport Hangar Construction Project. City Manager Garza said the project required that the procurement of engineering services would be through a public request for qualification and City Staff was recommending designating a Consultant Selection Committee and selection criteria for the procurement of Professional Engineering Services for the City of Wharton Regional Airport Hangar Construction Project through the Texas Department of Transportation (TxDOT) Aviation Division. After some discussion, Councilmember Russell Machann moved to approve City of Wharton Resolution No. 2014-14, which read as follows:

**CITY OF WHARTON**

**RESOLUTION NO. 2014-14**

**A RESOLUTION OF THE WHARTON CITY COUNCIL DESIGNATING A CONSULTANT SELECTION COMMITTEE AND SELECTION CRITERIA FOR THE PROCUREMENT OF PROFESSIONAL ENGINEERING SERVICES FOR THE CITY OF WHARTON REGIONAL AIRPORT HANGAR CONSTRUCTION PROJECT THROUGH THE TEXAS DEPARTMENT OF TRANSPORTATION AVIATION DIVISION.**

**WHEREAS,** The City of Wharton has been awarded grant funds from the Texas Department of Transportation (TxDOT) Aviation Division; and

**WHEREAS,** The City of Wharton wishes to follow the State of Texas Procurement Process for Professional Services; and

**WHEREAS,** The City Council wishes to designate a consultant selection committee composed of the City Council Public Works Committee, City Manager and Airport Manager (Attachment A) for the procurement of professional engineering services for the Wharton Regional Airport Hangar Construction Project; and

**WHEREAS,** The Consultant Selection Committee will recommend an engineering firm to the City Council for consideration; and

**WHEREAS,** It is the responsibility of the consultant selection committee follow the below listed recommended guidelines (Attachment B):

- a. Procurement Provisions for Professional Services,
- b. The Texas Engineering Practice Act,
- c. Procurement Standards, Uniform Grant and Contract Management Standards,
- d. Texas Government Code - Chapter 2254 Professional and Consulting Services, Subchapter A. Professional Services,
- e. Proposal Rating Sheet for Engineering Services.

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

**Section I:** The City Council hereby designates a consultant selection committee for the procurement of professional engineering services for the Wharton Regional Airport Hangar Construction Project.

**Section II:** The City of Wharton hereby accepts the State of Texas Procurement Process procedures for Professional Services (Attachment B).

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

**PASSED, APPROVED AND ADOPTED this the 10<sup>th</sup> day of March 2014.**

**CITY OF WHARTON, TEXAS**

**By:** \_\_\_\_\_  
**DON MUELLER**  
Mayor Pro-Tem

**Attest:**

\_\_\_\_\_  
**PAULA FAVORS**  
City Secretary

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

The tenth item on the agenda was to review and consider Alabama Street Sewer Line Improvement Project:

- A. Project authorization.
- B. **Resolution:** A resolution approving an agreement with BEFCO Engineering, Inc. and the City of Wharton for engineering services on Alabama Street Sewer Line Improvement Project and authorizing the Mayor of the City of Wharton to execute the agreement.

City Manager Andres Garza, Jr. presented a memo to him from Interim Public Works Director, Phil Bush for the project along with a cost estimate and map. City Manager Garza stated there were several issues with sewer lines near Svatek's Food Mart that were in need of repair as presented at the City Council Strategic Planning meeting held on March 1, 2014. After some discussion, Councilmember Russell Machann moved to authorize the project and approve City of Wharton Resolution No. 2014-21, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2014-21**

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**A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AN AGREEMENT WITH BEFCO ENGINEERING, INC. AND THE CITY OF WHARTON FOR ENGINEERING SERVICES ON ALABAMA STREET SEWER LINE IMPROVEMENT PROJECT AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE THE AGREEMENT.**

**WHEREAS,** On March 10, 2014 the Wharton City Council entered into a professional engineering services agreement with BEFCO Engineering, Inc. for the engineering services on Alabama Street Sewer Line Improvement Project.

**WHEREAS,** the City of Wharton and BEFCO Engineering, Inc. wishes 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 said contract amendment.

**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 to execute an agreement with BEFCO Engineering, Inc. and the City of Wharton for engineering services on Alabama Street Sewer Line Improvement Project.

**Section II.** The City of Wharton and BEFCO Engineering, Inc. are hereby bound by the conditions as set forth in the contract amendment.

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

**Passed, Approved, and Adopted** this 10<sup>th</sup> day of March 2014.

**CITY OF WHARTON, TEXAS**

**By:** \_\_\_\_\_  
**Don Mueller**  
Mayor Pro Tem

**ATTEST:**

\_\_\_\_\_  
**PAULA FAVORS**  
City Secretary

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

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The eleventh item on the agenda was to review and consider appointments to the City of Wharton City Council Boards, Commissions, and Committees Appointments:

- A. Beautification Commission.
- B. Holiday Light Decorating Chairman

After some discussion, no action was taken.

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

- A. Planning Commission meeting held on Monday, March 3, 2014.

After some discussion, no action was taken.

The thirteenth item on the agenda was adjournment. There being no further discussion, Councilmember Russell Machann moved to adjourn. Councilmember Terry David Lynch seconded the motion. All voted in favor.

The meeting adjourned at 7:14 p.m.

**CITY OF WHARTON, TEXAS**

By: \_\_\_\_\_  
**Domingo Montalvo, Jr.**  
**Mayor**

**ATTEST:**

\_\_\_\_\_  
**Paula Favors**  
**City Secretary**