

**MINUTES
OF
CITY OF WHARTON
REGULAR CITY COUNCIL MEETING
OCTOBER 13, 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, Russell Machann, Don Mueller and Steven Schneider.

Councilmember absent was: None.

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 Brandi Jimenez, City Attorney Paul Webb and Public Works Director Kyle Marchant, P.E.

Visitors present were: Wharton Economic Development Director David Schroeder, Tim Sanders, P.E. with BEFCO Engineering, Inc., Alex Zamora, Brandy Waddy, Carlos Cotton, P.E. with Jones and Carter, Inc. and Natalie Frels with the Wharton Journal Spectator.

The second item on the agenda was Roll Call and Excuses 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 Tim Barker congratulated the Wharton High School Varsity Football Team on their 49-13 victory over Columbus. Councilmember Russell Machann stated that once again the Monterey Square Wine Festival was a success. City Manager Andres Garza, Jr. stated that the City of Wharton was well represented at the Annual Wharton County Junior College Stride and Stroll 5k event to raise funds for senior citizens with participates from City Council, Wharton Police Department and Wharton City Hall.

The fifth item on the agenda was to review and consider the reading of the minutes from the regular meetings held September 8, 2014 and September 22, 2014. After some discussion, Councilmember Al Bryant moved to approve the minutes from the regular meetings held September 8, 2014 and September 22, 2014. Councilmember Don Mueller seconded the motion. All voted in favor.

The sixth item on the agenda was to review and consider the request by Mr. Alex Zamora, Event Coordinator for the Street Jam 2014 Festival for City Council consideration to approve the following:

- A. Authorization to hold the Street Jam 2014 on Saturday, December 13, 2014 from 5:00 p.m. through 9:00 p.m. in the downtown square area.
- B. City Council authorization to close Fulton Street from Milam to Burleson and to provide all necessary barricades.

City Manager Andres Garza, Jr. presented a copy of the letter and application from Mr. Alex Zamora, Event Coordinator for the Street Jam 2014 requesting the mentioned items. Mr. Zamora stated the hopes were for the event to have a positive impact on the community. After some discussion, Councilmember Jeff Gubbels moved to approve afore mentioned items A. and B. Councilmember Don Mueller seconded the motion. All voted in favor.

The seventh item on agenda was to review and consider a request by Mr. Jeff Rainer, Wharton Chamber of Commerce & Agriculture 2014 Holiday Parade Chairman for the Wharton Holiday Parade for the following:

- A. **Ordinance:** An ordinance approving the 2014 Chamber of Commerce & Agriculture Holiday Parade Permit and authorizing the Wharton Police Department to redirect traffic.
- B. City of Wharton to provide five (5) portable lights for use during the parade.
- C. The tree lights be functional for the “lighting ceremony”.

City Manager Andres Garza, Jr. presented a copy of the letter dated September 9, 2014 from Mr. Jeff Rainer, Wharton Chamber of Commerce and Agriculture 2014 Parade Chairman requesting City Council’s approval to approve the attached draft ordinance authorizing the Police Department to redirect traffic for the 2014 Wharton Holiday Parade. City Manager Garza stated that Mr. Rainer was also requesting City Council’s authorization to request the assistance of Facilities Director, Bob Baker to obtain the five (5) portable lights needed during the parade and to make sure lights on the tree are functional for the “lighting ceremony”. City Manager Garza said the parade was scheduled to be held on Tuesday, November 25th at 7:00 PM. After some discussion, Councilmember Al Bryant moved to provide the five (5) portable lights, provide the City Staff to assist in the lighting ceremony and approve City of Wharton Ordinance No. 2014-09, which read as follows:

**CITY OF WHARTON
ORDINANCE NO. 2014-09**

AN ORDINANCE APPROVING THE 2014 CHAMBER OF COMMERCE & AGRICULTURE HOLIDAY PARADE PERMIT AND AUTHORIZING THE POLICE DEPARTMENT TO REDIRECT TRAFFIC.

WHEREAS, the Wharton Chamber of Commerce and Agriculture has filed an application for a parade permit with the City of Wharton Police Department as required under the City of Wharton Code of Ordinances, Chapter 82, Article III, Sec. 82-91; and

WHEREAS, the requested parade route requires the City of Wharton to close State Highway 60 (Burlson Street and Milam Street) from its intersection with Alabama Road and Polk Street; and

WHEREAS, the closure of State Highway 60 will be for a time of less than four (4) hours; and

WHEREAS, the closure will require the detouring of all traffic according to the map (Attachment A) attached to this ordinance; and

WHEREAS, the routing of all traffic will include truck traffic to Alabama Road which is prohibited by ordinance; and

WHEREAS, the City Council wishes to suspend for the duration of the parade the enforcement of said ordinance of trucks traveling on Alabama Road; and

WHEREAS, if there are any other ordinances that would be violated because of the re-routing of all traffic their suspension is hereby authorized.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHARTON, TEXAS, that:

Section I. The parade permit for the Wharton Chamber of Commerce and Agriculture is hereby approved.

Section II. The parade route is hereby approved as detailed in the attached map (Attachment A) which is hereby made part of this ordinance.

Section III. The closure of all streets as indicated in said map identified in Section II are hereby authorized.

Section IV. The traffic detour plan as identified in Section III above is hereby approved.

Section V. The Chief of Police and City Staff are hereby authorized to make the necessary expenditures needed to ensure the safety of the public.

City of Wharton
Regular Council Meeting
October 13, 2014

Section VI. This ordinance shall become effective on the 25th day of November 2014 and remain in effect until such time that the parade concludes.

Passed, Approved and Adopted this 13th day of October 2014.

CITY OF WHARTON, TEXAS

By: _____
DOMINGO MONTALVO, JR.
Mayor

ATTEST

PAULA FAVORS
City Secretary

Councilmember Jeff Gubbels seconded the motion. All voted in favor.

The eighth item on the agenda was to review and consider a request by Ms. Brandy Waddy, Wharton County Panthers Chairman for the 1st Annual Wharton County Panthers Fall Festival for the following:

- A. Waive the “no vehicles on park”.
- B. Waive all fees. (Alcoholic Beverage, Deposit, and Rental Fee)
- C. Use of a bounce house on city property.

City Manager Andres Garza, Jr. presented an email dated September 30, 2014 and a park facilities use application from Brandy Waddy, Wharton County Panthers Chairman requesting City Council’s approval for a fall festival to raise funds for the Wharton County Panthers. Ms. Brandy Waddy stated that the festival was scheduled to be held on Saturday, November 8th at 7:00 am to 10:00 p.m. at the Riverfront Park and the organization wished to make it a family friendly event. After some discussion, Councilmember Don Mueller moved to approve items with the City of Wharton being added as an additional insured and to hold the City harmless for the use of a bounce house on City property. Councilmember Al Bryant seconded the motion. All voted in favor.

The ninth item on the agenda was to review and consider the Lower Colorado Regional Water Planning Group (Region K) request for funding assistance. City Manager Andres Garza, Jr. presented a letter from John Burke, Chair for Lower Colorado Regional Water Planning Group (Region K) request for funding assistance and Mayor Montalvo’s letter dated October 3, 2014 to Mr. Burke regarding funding assistance and the October 8, 2014 meeting of the planning group. City Manager

Garza stated that the City was placed on their agenda and Mr. Wes Birdwell of Halff and Associates made the presentation that was made to the City Council. City Manager Garza said the Region K Group voted to submit the City's request for population forecast to the Texas Commission on Environmental Quality (TCEQ) for consideration but TCEQ had the ultimate authority to make the population revision. After some discussion, Councilmember Al Bryant moved to approve a contribution of \$1,000 to the Lower Colorado Regional Water Planning Group (Region K). Councilmember Russell Machann seconded the motion. All voted in favor.

The tenth item on the agenda was to review and consider the Wharton Sidewalk Accessibility and Historic Streetscape Project-Supplemental Work for Additional Areas for improvement. City Manager Andres Garza, Jr. stated that on Monday, October 13, 2014 the City Council Public Works Committee met and voted to recommend to the City Council not to pursue environmental and preliminary engineering work for additional work should construction funds become available after the initial bids of the project. After some discussion, Councilmember Don Mueller moved to not pursue environmental and preliminary engineering work for additional work on the Wharton Sidewalk Accessibility and Historic Streetscape Project. Councilmember Al Bryant seconded the motion. All voted in favor.

The eleventh item on the agenda was to review and consider Waste Water Treatment Plant No. 1 Force Main Replacement Project.

- A. Bid Tabulation
- B. **Resolution:** A resolution of the Wharton City Council awarding a contract for the City of Wharton Force Main Replacement at WWTP No. 1 Project and authorizing the Mayor of the City of Wharton to execute all documents relating to said contract.

City Manager Andres Garza, Jr. presented the bid tabulation for the Force Main Replacement Project at WWTP #1. Mr. Carlos Cotton, P.E. with Jones and Carter, Inc. stated it was his recommendation to reject the bid received from T & C Construction due to the bid amount being much higher than the projected cost of the project. After some discussion, Councilmember Don Mueller moved to reject the bid received from T & C Construction for the City of Wharton Force Main Replacement at WWTP No. 1 Project. Councilmember Russell Machann 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 the Customer-Developer Water Utility Service Agreement with AutoZone Parts, Inc. and the City of Wharton and authorizing the Mayor of the City of Wharton to execute the agreement. City Manager Andres Garza, Jr. stated that the City staff had met with AutoZone Parts Inc. representatives on their proposed store development project on 111 W. Boling Highway. City Manager Garza said the location would be in need of water and sanitary sewer system line extension to service the development and AutoZone had requested to construct the utility lines extension themselves. City Manager Garza said the City's legal counsel had prepared the necessary agreement for them to conduct the work with the City's oversight. After some discussion, Councilmember Tim Barker moved to approve City of Wharton 2014 87, which read as follows:

City of Wharton
Regular Council Meeting
October 13, 2014

**CITY OF WHARTON
RESOLUTION NO. 2014 - 87**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING THE CUSTOMER-DEVELOPER UTILITY SERVICE AGREEMENT WITH AUTOZONE PARTS, INC. AND THE CITY OF WHARTON AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE THE AGREEMENT.

WHEREAS, AutoZone Parts, Inc. and the City of Wharton wish to enter into a customer-developer utility service agreement; and,

WHEREAS, the Wharton City Council wishes to authorize the Mayor 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 as follows:

Section I. The Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute the customer-developer agreement with AutoZone Parts, Inc. and the City of Wharton.

Section II. The Mayor of the City of Wharton is hereby authorized to execute the agreement.

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

PASSED, APPROVED, and ADOPTED this 13th day of October 2014.

CITY OF WHARTON, TEXAS

**By: _____
DOMINGO MONTALVO, JR.
Mayor**

ATTEST:

PAULA FAVORS
City Secretary

City of Wharton
Regular Council Meeting
October 13, 2014

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

The thirteenth item on the agenda was to review and consider a resolution of the Wharton City Council authorizing the submittal of a Public Authority Application to the Federal Railroad Administration (FRA) for the approval of the proposed alternate safety measure (ASM) at the FM 102 (Ogden Street) crossing of the No Train Horn Quiet Zone Project and authorizing the Mayor to execute the necessary documentation. City Manager Andres Garza, Jr. stated that the City submitted a Notice of Intenet to create a Quiet Zone and notified all agencies that were required. City Manager Garza said the City received two responses prior to the deadline of September 22, 2014 with one being from Kansas City Southern Railroad and the other from Union Pacific Railroad. Mr. Tim Sanders P.E. of BEFCO Engineering stated the City must submit a Public Authority Application to the Federal Railroad Administration (FRA) for approval of the Alternate Safety Measure (ASM) at the FM 102 crossing. After some discussion, Councilmember Don Mueller moved to approve City of Wharton Resolution No. 2014-88, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2014-88**

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE SUBMITTAL OF A PUBLIC AUTHORITY APPLICATION TO THE FEDERAL RAILROAD ADMINISTRATION (FRA) FOR THE APPROVAL OF THE PROPOSED ALTERNATE SAFETY MEASURE (ASM) AT THE FM 102 (OGDEN STREET) CROSSING OF THE NO TRAIN HORN QUIET ZONE PROJECT AND AUTHORIZING THE MAYOR TO EXECUTE THE NECESSARY DOCUMENTATION.

WHEREAS, the Wharton City Council wishes to authorize the Mayor of the City of Wharton to submit a Public Authority Application for approval on the proposed Alternate Safety Measure (ASM) at the FM 102 crossing to establish a No Train Horn Quiet Zone in the City of Wharton; and

WHEREAS, the Federal Railroad Administration (FRA) requires that the City of Wharton submit to them a Public Authority Application to further process the No Train Horn Quiet Zone.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WHARTON, TEXAS that;

Section I. The Wharton City Council hereby authorizes the Mayor of the City of Wharton to submit a Public Authority Application for approval on the proposed Alternate Safety Measure (ASM) at the FM 102 crossing to establish a No Train Horn Quiet Zone in the City of Wharton.

Section II. This resolution shall become effective immediately upon its passage.

PASSED, APPROVED AND ADOPTED this 13th day of October 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 fourteenth item on the agenda was to review and consider a request by the Planning Commission considering a variance on the side building line setback for Mr. Ali Qattom at 1323 N. Alabama Road, Wm. Kincheloe, Block 66, Lot 10A, 10B. Mr. Ali Qattom is requesting a building line setback variance of 5' on side, resulting in 5' side building line setback from required 10' side setback. After some discussion, no action was taken.

The fifteenth item on the agenda was to review and consider the Proposed Plan for I-69 Layout and Improvement Project. City Manager Andres Garza, Jr. presented a copy of the letter that the City sent TxDOT after their public meeting regarding the I-69 layout. City Manager Garza stated that on September 12, 2014, the City staff met with TxDOT Yoakum District representatives to discuss several projects and in the discussions the City requested a copy of their preliminary plan for the development of I-69. City Manager Garza said that there were several City requests that have not been incorporated into the plan and that the City staff felt that this would be a good opportunity to submit additional comments to TxDOT before their final action on the plan. He stated that the City Council Public Works Committee had met and reviewed the layout. He said the Committee had decided to meet again and formulate a recommendation to the City Council at a later date. No action was taken.

The sixteenth item on the agenda was to review and consider City Manager Travel Reimbursement. City Manager Andres Garza, Jr. presented his request for travel reimbursement. After some discussion, Councilmember Jeff Gubbels moved to approve City Manager Andres Garza, Jr's request for travel reimbursement. Councilmember Russell Machann seconded the motion. All voted in favor.

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

City of Wharton
Regular Council Meeting
October 13, 2014

- A. Mayor's Committee on People with Disabilities meeting held on September 16, 2014.
- B. Wharton Economic Development Corporation meeting held September 17, 2014.
- C. Planning Commission meeting held on October 6, 2014.
- D. Beautification Commission meeting held on October 8, 2014.
- E. Public Works Committee Meeting held on October 13, 2014.
- F. Wharton Economic Development Corporation Committee meeting held on October 13, 2014.

After some discussion, no action was taken.

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

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

City Manager Andres Garza, Jr. stated that the City Council Wharton Economic Development Corporation Selection Committee met on Monday, October 13th at 6:00 p.m. and voted to recommend that Mr. Freddie Pekar be appointed to the Wharton Economic Development Corporation Board of Directions and to reappoint Mr. Michael Wooton and Mr. Bill Ansley to the term ending on September 30, 2016. He stated that the Committee had also voted to recommend that Councilmember Jeff Gubbels be appointed to the City Council position for the term ending September 30, 2016. After some discussion, Councilmember Tim Barker move to appoint the following:

	<u>Term Ending</u>
A. Mr. Freddie Pekar	September 30, 2016
B. Mr. Michael Wooton – reappointed	September 30, 2016
C. Mr. Bill Ansley - reappointed	September 30, 2016
D. Councilmember Jeff Gubbels (City Council Position)	September 30, 2016

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

The nineteenth item on the agenda was to review and consider pay request No. 2-J&A Coating-Rehabilitation of Alabama Road Groundwater Storage Tanks Project. City Manager Andres Garza, Jr. presented a request for payment from J&A Coating's request. City Manager Garza stated that the payment request had been reviewed by Dunham Engineering and was being submitted for approval. After some discuss, Councilmember Jeff Gubbels moved to approve pay request No. 2- J&A Coating-Rehabilitation of Alabama Road Groundwater Storage Tanks Project in the amount of \$55,479.10. Councilmember Al Bryant seconded the motion. All voted in favor.

City of Wharton
Regular Council Meeting
October 13, 2014

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

The meeting adjourned at 7:38 p.m.

CITY OF WHARTON, TEXAS

By: _____
Domingo Montalvo, Jr.
Mayor

ATTEST:

Paula Favors
City Secretary