



617 Tenaha Street • P.O. Box 1744  
Center, Texas 75935-1744

(936) 598-2941 • Fax (936) 598-2615  
www.centertexas.org

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## AGENDA

**The Center City Council will meet in Regular Session on Monday, March 26, 2018 at 5:00 p.m. in Council Room at Center City Hall. The following items are on the agenda for appropriate action:**

- I. Welcome Guests and Visitors.**
- II. Approval of Minutes of the Regular Meeting on March 12, 2018.**
- III. Discuss Consider and Action on the Following:**
  - A. Presentation and Acceptance of FY 2017 Audit.**
  - B. Approve Final Payment – J.S. Haren Company – WWTP Clarifier Project.**
  - C. Appointments:**
    1. Economic Development Corporation
    2. Deep East Texas Council of Governments
- IV. Items of Interest from Council and City Manager and Citizens – No Action Items.**
- V. Executive Session**

Consider entering executive session for legal consultation with the City Attorney and discussion of pending litigation, personnel matters and land acquisition with possible action related thereto upon reconvening in open session in accordance with Government Code Section 551.071, 551.072 and 551.074
- VI. Adjournment.**

MEMORANDUM

TO: Mayor and City Council

FR: Chad D. Nehring, City Manager



Date: March 23, 2018

RE: Agenda Comments for Regular Meeting of March 26, 2018

REGULAR MEETING AGENDA:

III.A. Presentation and Acceptance of FY 2017 Audit

The Finance Committee will meet prior to this formal presentation to review the annual report in depth to ensure that important questions or issues are addressed specifically in Mr. Carver's presentation to the Council. This audit fairly represents the fiscal position of the various City activities, internal separate funds and component units. All funds are reflective of the intended position based upon Council's adopted budget and reflect the fiscal impacts of completed operations, programs, projects and capital improvements through the prior fiscal year

III.B. Approve Final Payment – J.S. Heran Company – WWTP Clarifier Project

This is the final payment, release of retainage and designation of the warranty period for this project that included the complete renovation of all mechanical equipment for both clarifier units at the wastewater treatment plant. This contractor has completed all work relative to this project and paid all vendors and subs on this job. This contractor did a very good job in coordinating with operational staff and in workmanship on this project. Staff concurs with the engineer's recommendation included that this project is complete and in place as contracted.

III. C. Appointments:

- 1) Economic Development Corporation – Unfulfilled vacant term  
The EDC has an unfulfilled term due to the resignation of Mr. Mark Ivey. Mayor Chadwick and Councilman Scull serve as the City's two designated representatives on this committee and have a recommendation for appointment presented from the Board of the EDC.
- 2) DETCOG Representative

Items of Interest:

- A. Dixie Youth Baseball Regional World Series  
As this has so many additional impacts and attention, I will likely leave it as an item for potential discussion until July.
  - B. Street Construction – Drewery Construction contact – currently working on 6-7 roads including Wooley, Garrett, College, Riggs, John C Rogers, Old Airport and Rainbow. Finish paving has been completed on most and this project by the Street EDC is being concluded.
  - C. Utility Construction – staff continues to have calls of the phone, fiber and gas company installations in town at many locations. If problems are reported, please let staff know so that the contractors can be notified and advised.
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**MINUTES OF THE CITY OF CENTER  
CITY COUNCIL MEETING  
REGULAR MEETING  
March 12, 2018**

The Center City Council met in a regular session on Monday, March 12, 2018 at 5:00 p.m. in the Council Chambers at Center City Hall. The meeting was open to the public. Notices were properly posted of the date, place and hour and the news media was notified. The following members were present:

David Chadwick	-	Mayor
Leigh Porterfield	-	Mayor Pro Tem
Joyce Johnson	-	Council Member
Howell Howard	-	Council Member
Jerry Lathan	-	Council Member
Terry Scull	-	Council Member
Randy Collard	-	Council Member
Chad Nehring	-	City Manager
Barbara Boyd	-	City Secretary
Jim Payne	-	City Attorney

Guests signed the register.

**Item I. Mayor David Chadwick opened the meeting and welcomed the visitors and media.**

**Item II. Approval of Minutes of the Regular Meeting on February 12, 2018.**  
Council Member Leigh Porterfield made a motion to approve the minutes. Council Member Howell Howard seconded the motion. All voted in favor.

**Item III. Consider Discussion and Possible Action on the following:**

- A. Resolution 2018-04 National Incident Based Reporting System.** City Manager, Chad Nehring stated that one approach to partial fund the upgrade in the Police Department operational software was to apply for grant funds available under this program and in favor of departments whose current software systems were not compliant. Mr. Nehring stated the system now installed is compliant, therefore request for these funds can be made. Council Member Terry Scull made a motion to approve Resolution 2018-04 for the National Incident Based Reporting System. Council Member Jerry Lathan seconded the motion. All voted in favor.
- B. Approve Change Order #3 – TWDB Contract for Sewer Improvements with Doughtie Construction.** Bob Staehs, Engineer with Everitt Griffith & Associates was present and stated the project is now complete and the Texas Water Development Board will be here next week to inspect the project. Mr. Nehring stated this is the final change inclusive of all construction items and the change warrants approval of necessary improvements. Council Member Howell Howard made a motion to approve Change Order #3 for the TWDB Contract for Sewer Improvements with Doughtie

Construction. Council Member Jerry Lathan seconded the motion.

- C. Shelby County Chamber Request to Host Grill Fest on Downtown Square. This item was postponed pending revision of the request.

**Item IV. Items of Interest from Council and City Manager, and Citizens – No Action Items.**

**Item V. Executive Session. No Executive Session.**

Consider entering executive session for legal consultation with the City Attorney and discussion of pending litigation, personnel matters and land acquisition with possible action related thereto upon reconvening in open session in accordance with Local Government Code Section 551.071, 551.072 and 551.074.3.

**Item VI. Adjournment.** Mayor David Chadwick adjourned the meeting at 5:20 p.m.

\_\_\_\_\_  
David Chadwick, Mayor

Attest:  
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\_\_\_\_\_  
Barbara Boyd, City Secretary



**Everett Griffith, Jr. & Associates Inc.**

March 22, 2018

Chad Nehring, City Manager  
City of Center  
P.O. Box 1744  
Center, Texas 75935

Re: WWTP Clarifier Improvements

Dear Chad:

Attached is Pay Request #5 - Final and Contractor's Affidavit of Release of Liens. All work has been completed to the satisfaction of the Engineer and City. It is my recommendation to accept this job as complete. The one year warranty period will begin on the date of this letter.

Sincerely,

Bob Staehs, P.E.  
Project Manager

cc: John Haren  
J.S. Haren Company

**Contractor's Application for Payment No.**

		5 Final	
Application Period: 12/23/17 to 1/25/18		Application Date: 1/31/2018	
Owner: City of Center P.O. Box 1744 Center, TX 75935	From (Contractor): JS Haren Company 1175 Hwy 11N Athens, TN 37303	Via (Engineer): Everett Griffith Jr. & Associate 408 N. Third Street Lufkin, TX 75902	
Project: WWTP Clarifier Improvements	Contractor's Project No:	Engineer's Project No:	
Owner's Contract No:			

**Application For Payment  
Change Order Summary**

Approved Change Orders		
Number	Additions	Deductions
TOTALS	\$0.00	\$0.00
NET CHANGE BY CHANGE ORDERS	\$0.00	

1. ORIGINAL CONTRACT PRICE.....	\$	\$371,000.00
2. Net change by Change Orders.....	\$	\$0.00
3. Current Contract Price (Line 1 + 2).....	\$	\$371,000.00
4. TOTAL COMPLETED AND STORED TO DATE (Column J on Progress Estimate).....	\$	\$371,000.00
5. RETAINAGE:		
a. 0% <input checked="" type="checkbox"/> <u>\$371,000.00</u> Work to Date.....	\$	\$0.00
b. 10% <input checked="" type="checkbox"/> _____ Stored Material.....	\$	\$0.00
c. Total Retain.....	\$	\$0.00
6. AMOUNT ELIGIBLE TO DATE (Line 4 - Line 5c).....	\$	\$371,000.00
7. LESS PREVIOUS PAYMENTS (Line 6 from prior Application).....	\$	\$333,405.00
8. AMOUNT DUE THIS APPLICATION.....	\$	\$37,595.00
9. BALANCE TO FINISH, PLUS RETAINAGE (Column I on Progress Estimate + Line 5 above).....	\$	\$0.00

**Contractor's Certification**

The undersigned Contractor certifies that to the best of its knowledge: (1) all previous progress payments received from Owner on account of Work done under the Contract have been applied on account to discharge Contractor's legitimate obligations incurred in connection with Work covered by prior Applications for Payment; (2) title of all Work, materials and equipment incorporated in said Work or otherwise listed in or covered by this Application for Payment will pass to Owner at time of payment free and clear of all liens, security interests and encumbrances (except such as are covered by a Bond acceptable to Owner indemnifying Owner against any such liens, security interest or encumbrances); and (3) all Work covered by this Application for Payment is in accordance with the Contract Documents and is not defective

By: [Signature] Date: 1/31/18

Payment of \$ \$37,595.00  
(Line 8 or other - attach explanation of the other amount)

is recommended by [Signature] 3/22/18  
Everett Griffith Jr. & Associate (Date)

Payment of \$ \$37,595.00  
(Line 8 or other - attach explanation of the other amount)

is approved by \_\_\_\_\_  
City of Center, TX (Date)

Approved by \_\_\_\_\_

**Progress Estimate - Unit Price Work**

**Contractor's Application**

For (Contract): <b>WWTP Clarifier Improvements</b>							Application No.:		5 Final								
Application Period: <b>12/23/17 to 1/25/18</b>							Application Date:		1/31/2018								
Contract History							Contract Progress				Contract Status						
Bid Item No.	Item Description	Bid Item Quantity	Contract Quantity	Unit	Unit Price	Total Cost	Previous Period(s)		This Period		Total Quantity Installed (C+D)	Value of Work Installed to Date (F+F2)	Materials Properly Stored (not in G)	Total Completed and Stored to Date (H+I)	% (J/B)	Balance in Finish -J	CP
							Quantity Installed	Amount	Quantity Installed	Amount							
1	Bonds & Insurance	1	1	LS	\$32,000.00	\$32,000.00	1	\$32,000.00			1	\$32,000.00		\$32,000.00	100.0%		
2	Mobilization	1	1	LS	\$15,000.00	\$15,000.00	1	\$15,000.00			1	\$15,000.00		\$15,000.00	100.0%		
3	Dewater Clarifier & Clean Out	2	2	EA	\$3,000.00	\$6,000.00	2	\$6,000.00			2.00	\$6,000.00		\$6,000.00	100.0%		
4	Demo Clarifier Arms & Skimmers	2	2	EA	\$17,000.00	\$34,000.00	2	\$34,000.00			2.00	\$34,000.00		\$34,000.00	100.0%		
5	Demo Clarifier Access Bridge & Center	2	2	EA	\$28,000.00	\$56,000.00	2	\$56,000.00			2.00	\$56,000.00		\$56,000.00	100.0%		
6	Demo Scum Baffles & Weirs	2	2	EA	\$6,500.00	\$13,000.00	2	\$13,000.00			2.00	\$13,000.00		\$13,000.00	100.0%		
7	Install Clarifier Equipment	2	2	EA	\$94,000.00	\$188,000.00	2	\$188,000.00			2.00	\$188,000.00		\$188,000.00	100.0%		
8	Install New Scum Baffles & Weirs	2	2	EA	\$11,000.00	\$22,000.00	1.95	\$21,450.00	0.05	\$550.00	2.00	\$22,000.00		\$22,000.00	100.0%		
9	Electrical	2	2	EA	\$2,500.00	\$5,000.00	2	\$5,000.00			2.00	\$5,000.00		\$5,000.00	100.0%		
<b>Totals</b>						<b>\$371,000.00</b>		<b>\$370,450.00</b>		<b>\$550.00</b>		<b>\$371,000.00</b>		<b>\$371,000.00</b>	<b>100.0%</b>		



**CONTRACTOR'S  
AFFIDAVIT OF  
RELEASE OF LIENS**

OWNER   
ARCHITECT   
CONTRACTOR   
SURETY   
OTHER

TO (Owner)

ARCHITECT'S PROJECT NO:

City of Center, Tx  
P.O. Box 1744  
Center, TX 75935

]

CONTRACT DATE: 10/2/2017

PROJECT: WWTP Clarifier Improvements  
(name, address) 417 FM 2788, Center, TX 75935

State of:

County of:

The undersigned, pursuant to Article 9 of the General Conditions of the Contract for Construction, A1A Document A201, hereby certifies that to the best of his knowledge, information and belief, except as listed below, the Releases or Waivers of Lien attached hereto include the Contractor, all Subcontractors, all suppliers of materials and equipment, and all performers of Work, labor or services who have or may have liens against any property of the Owner arising in any manner out of the performance of the Contract referenced above.

EXCEPTIONS: (If none, write "None". If required by the Owner, the Contractor shall furnish bond satisfactory to the Owner for each exception.)

NONE

SUPPORTING DOCUMENTS ATTACHED HERETO:

1. Contractor's Release or Waiver of Liens conditional upon receipt of final payment.
2. Separate Releases or Waivers of Liens from Sub-contractors and material and equipment suppliers, to the extent required by the Owner accompanied by a list thereof.

CONTRACTOR J. S. HAREN COMPANY

Address 1175 Highway 11 North  
Athens, Tn 37303

BY: [Signature]

J. S. Haren, President

Subscribed and sworn to before me this 31 day of Jan 2018

Notary Public: [Signature]

My Commission Expires: March 3, 2021

**CONSENT OF  
SURETY COMPANY  
TO FINAL PAYMENT**

Bond # 6021144315

**AIA DOCUMENT G707**

PROJECT: WWTP Clarifier Improvements, Center, TX  
(name, address)

TO (OWNER)

City of Center  
PO Box 1744  
Center, TX 75935

CONTRACTOR: J. S. HAREN COMPANY

In accordance with the provisions of the Contract between the Owner and the Contractor as indicated above, the  
(here insert name and address of Surety Company)

UNITED STATES FIRE INSURANCE COMPANY

305 Madison Avenue  
Morristown, NJ 07962

, SURETY COMPANY,

on bond of (here insert name and address of Contractor)

J. S. HAREN COMPANY

1175 Highway 11 N  
Athens, TN 37303

, CONTRACTOR,

hereby approves of the final payment to the Contractor, and agrees that final payment to the Contractor shall not relieve the  
Surety Company of any of its obligations to (here insert name and address of Owner)

City of Center, OWNER

PO Box 1744  
Center, TX 75935

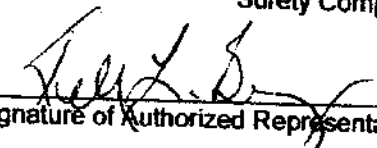
as set forth in the said Surety Company's bond.

IN WITNESS WHEREOF,

the Surety Company has hereunto set its hand this 29th day of January, 2018.

UNITED STATES FIRE INSURANCE COMPANY

Surety Company

  
Signature of Authorized Representative

Kelly L. Berry, Attorney In Fact  
Bonds Southeast, Inc.

1030 17th Ave. South Nashville, TN 37212  
(615) 321-9700

Attest:  
(Seal):



NOTE: This form is to be used as a companion document to AIA DOCUMENT G706, CONTRACTOR'S AFFIDAVIT OF PAYMENT OF DEBTS AND CLAIMS, Current Edition AIA DOCUMENT G707 CONSENT OF SURETY COMPANY TO FINAL PAYMENT APRIL 1970 EDITION AIA® ONE PAGE © THE AMERICAN INSTITUTE OF ARCHITECTS, 1735 NEW YORK AVE., NW, WASHINGTON, D.C. 20006

POWER OF ATTORNEY  
UNITED STATES FIRE INSURANCE COMPANY  
PRINCIPAL OFFICE - MORRISTOWN, NEW JERSEY

01130405518

KNOW ALL MEN BY THESE PRESENTS: That United States Fire Insurance Company, a corporation duly organized and existing under the laws of the state of Delaware, has made, constituted and appointed, and does hereby make, constitute and appoint:

*Gregory E. Nash, Phillip H. Condra, Kelly Berry*

each, its true and lawful Attorney(s)-In-Fact, with full power and authority hereby conferred in its name, place and stead, to execute, acknowledge and deliver: Any and all bonds and undertakings of surety and other documents that the ordinary course of surety business may require, and to bind United States Fire Insurance Company thereby as fully and to the same extent as if such bonds or undertakings had been duly executed and acknowledged by the regularly elected officers of United States Fire Insurance Company at its principal office, in amounts or penalties not exceeding: Seven Million, Five Hundred Thousand Dollars (\$7,500,000).

This Power of Attorney limits the act of those named therein to the bonds and undertakings specifically named therein, and they have no authority to bind United States Fire Insurance Company except in the manner and to the extent therein stated.

This Power of Attorney revokes all previous Powers of Attorney issued on behalf of the Attorneys-In-Fact named above and expires on January 31, 2019.

This Power of Attorney is granted pursuant to Article IV of the By-Laws of United States Fire Insurance Company as now in full force and effect, and consistent with Article III thereof, which Articles provide, in pertinent part:

Article IV, Execution of Instruments - Except as the Board of Directors may authorize by resolution, the Chairman of the Board, President, any Vice-President, any Assistant Vice President, the Secretary, or any Assistant Secretary shall have power on behalf of the Corporation:

(a) to execute, affix the corporate seal manually or by facsimile to, acknowledge, verify and deliver any contracts, obligations, instruments and documents whatsoever in connection with its business including, without limiting the foregoing, any bonds, guarantees, undertakings, recognizances, powers of attorney or revocations of any powers of attorney, stipulations, policies of insurance, deeds, leases, mortgages, releases, satisfactions and agency agreements;

(b) to appoint, in writing, one or more persons for any or all of the purposes mentioned in the preceding paragraph (a), including affixing the seal of the Corporation.

Article III, Officers, Section 3.11, Facsimile Signatures. The signature of any officer authorized by the Corporation to sign any bonds, guarantees, undertakings, recognizances, stipulations, powers of attorney or revocations of any powers of attorney and policies of insurance issued by the Corporation may be printed, facsimile, lithographed or otherwise produced. In addition, if and as authorized by the Board of Directors, dividend warrants or checks, or other numerous instruments similar to one another in form, may be signed by the facsimile signature or signatures, lithographed or otherwise produced, of such officer or officers of the Corporation as from time to time may be authorized to sign such instruments on behalf of the Corporation. The Corporation may continue to use for the purposes herein stated the facsimile signature of any person or persons who shall have been such officer or officers of the Corporation, notwithstanding the fact that he may have ceased to be such at the time when such instruments shall be issued.

IN WITNESS WHEREOF, United States Fire Insurance Company has caused these presents to be signed and attested by its appropriate officer and its corporate seal hereunto affixed this 10<sup>th</sup> day of March, 2016.



UNITED STATES FIRE INSURANCE COMPANY

Anthony R. Slimowicz, Senior Vice President

State of New Jersey )  
County of Morris )

On this 10<sup>th</sup> day of March 2016, before me, a Notary public of the State of New Jersey, came the above named officer of United States Fire Insurance Company, to me personally known to be the individual and officer described herein, and acknowledged that he executed the foregoing instrument and affixed the seal of United States Fire Insurance Company thereto by the authority of his office.

SONIA SCALA  
NOTARY PUBLIC OF NEW JERSEY  
MY COMMISSION EXPIRES 3/25/2019

Sonia Scala

(Notary Public)

I, the undersigned officer of United States Fire Insurance Company, a Delaware corporation, do hereby certify that the original Power of Attorney of which the foregoing is a full, true and correct copy is still in force and effect and has not been revoked.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of United States Fire Insurance Company on the 29<sup>th</sup> day of January 2018

UNITED STATES FIRE INSURANCE COMPANY

Al Wright, Senior Vice President





DEEP EAST TEXAS COUNCIL OF GOVERNMENTS & ECONOMIC DEVELOPMENT DISTRICT  
210 Premier Drive, Jasper, Texas 75951, (409) 384-5704, Fax (409) 384-5390, TDD (409) 384-5975

March 15, 2018

Honorable David Chadwick  
Mayor of Center  
P O Box 1744  
Center, Texas 75935

Dear Mayor Chadwick:

The Deep East Texas Council of Governments will begin a new Board membership on July 1, 2018. We need your cooperation in selecting an elected official from the City of Center to serve on the Board of Directors. Article VII, paragraph 2b of the Bylaws states "The city council of each member city with a population of 2,500 - 10,000 is eligible to select one member to the Board who shall be the mayor or a city council member." Current board member is **Joyce Johnson**. Please indicate the name and title of the person you would like to nominate, and return this information to us in the enclosed self addressed envelope as soon as possible.

Name	Elected Position	Preferred Address
Phone	Cell Phone	Email

The Board of Directors meets monthly on the fourth Thursday, unless otherwise specified; and we need your participation so any decision made will truly reflect the thinking of this area.

Sincerely yours,

Lonnie Hunt  
Executive Director

I, \_\_\_\_\_, of the City of \_\_\_\_\_ in \_\_\_\_\_ County do hereby certify that the above listed appointment was made by the City Council and has been recorded in our minutes.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_