

**MINUTES
OF
CITY OF WHARTON
REGULAR CITY COUNCIL MEETING
JANUARY 11, 2016**

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 Mueller led the opening devotion and the pledge of allegiance.

Councilmember's present were: Mayor Pro-Tem Don Mueller and Councilmembers Tim Barker, Al Bryant, Jeff Gubbels, Russell Machann and Steven Schneider.

Councilmember absent was: Mayor Domingo Montalvo, Jr.

Staff members present were: City Manager Andres Garza, Jr, Finance Director Joan Anandel, City Secretary Paula Favors, Assistant to the City Manager Brandi Jimenez, City Attorney Paul Webb, Public Works Director Wade Wendt and Police Chief Terry Lynch.

Visitors present were: Wharton Economic Development Director David Schroeder, Judd Perry and Morgan Taylor with the Wharton Journal Spectator.

The second item on the agenda was Roll Call and Excuses Absences. All members were present.

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

The fourth item on the agenda was the Wharton Moment. Councilmember Vincent Huerta stated that he was honored to announce the marriage of Mayor Domingo Montalvo, Jr. to Sarah Hudgins and Councilmember Russell Machann to Tonya Palmer that took place New Year's Day. City Manager Andres Garza, Jr. congratulated the Wharton High School Boys and Girls Basketball teams on a very successful season.

The fifth item on the agenda was to review and consider the reading of the minutes from the regular meeting held on December 14, 2015. After some discussion, Councilmember Russell Machann moved to approve the reading of the minutes from the regular meeting held on December 14, 2015. Councilmember Al Bryant seconded the motion. All voted in favor.

The sixth item on the agenda was to review and consider City of Wharton Financial Report for the month of November 2015. Finance Director Joan Anandel presented the financial report for the month of November 2015. Mrs. Anandel stated that the TexPool balance for November 2015 was \$131,448.74 with an average monthly yield of .11%. She said the Prosperity Bank balance for November 2015 was \$8,602,753.02 with an average monthly yield of .15%. After some discussion, Councilmember Russell Machann moved to approve the City of Wharton

Financial Report for the month of November 2015. Councilmember Al Bryant seconded the motion. All voted in favor.

The seventh item on agenda was to review and consider a request by Mr. Paul Kearney, Event Coordinator for Wharton County Juneteenth Festival, for City Council consideration to approve the following:

- A. Authorization to hold the 7th Annual Juneteenth Festival on Saturday, June 18, 2016 from 10:00 a.m. through 12:00 midnight in the downtown square area.
- B. Use of the City of Wharton stage and City personnel to assemble and dismantle the stage at no cost.
- C. City of Wharton assistance by providing hotel/motel funding for the required security.
- D. City of Wharton assistance in coordinating with Waste Corporation of America for solid waste disposal receptacles and additional debris collection.
- E. Waiver of the fees associated with the Temporary Permit for the consumption and possession of Alcoholic Beverages.
- F. City Council authorization to close portions of Houston and Fulton Street from Milam to Burleson Street from 5:00 p.m. on Friday, June 17th through 12:00 Midnight, Saturday, June 19th, 2016 and the section of Houston Street from Burleson Street to Elm Street on Saturday, June 18, 2016 from 6:00 p.m. through 11:30 p.m. and Burleson Street (Highway 60) in accordance with the Traffic Control Plan and to provide all necessary barricades.
- G. **Ordinance:** An ordinance approving the traffic control plan for the James Simmons, Jr. 7th Annual Juneteenth Festival, authorizing the Police Department to redirect traffic and authorizing the Mayor of the City of Wharton to execute the Texas Department of Transportation Agreement for the Temporary Closure of State Right of Way.

City Manager Andres Garza, Jr. presented a copy of a letter dated December 8, 2015 from Mr. Paul Kearney, Event Coordinator for the Wharton County Juneteenth Festival requesting the afore-mentioned items, a draft copy of the Texas Department of Transportation Agreement for the Temporary Closure of State Right of Way and a draft copy of the ordinance approving the traffic control plan for this event. City Manager Garza stated that the City Council had allocated \$2,000 towards the Festival for the current fiscal year for their use, not necessarily for security as they requested. After some discussion, Councilmember Al Bryant moved to approve items A., B., D., E., F., to allocate \$2,000 from the Hotel/Motel fund for the Festival and item G., which read as follows, City of Wharton Ordinance No. 2016-01, which read as follows:

**CITY OF WHARTON
ORDINANCE NO. 2016 - 01**

AN ORDINANCE APPROVING THE TRAFFIC CONTROL PLAN FOR THE JAMES SIMMONS, JR. 7TH ANNUAL JUNETEENTH FESTIVAL, AUTHORIZING THE POLICE DEPARTMENT TO REDIRECT TRAFFIC AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE THE TEXAS DEPARTMENT OF TRANSPORTATION AGREEMENT FOR THE TEMPORARY CLOSURE OF STATE RIGHT OF WAY.

WHEREAS, the Wharton County Juneteenth Festival Committee Members wishes to hold the James Simmons, Jr. 7th Annual Juneteenth Festival in the downtown area of the City of Wharton and has requested approval to close portions of State Hwy. 60; and,

WHEREAS, said festival requires the City of Wharton to close State Highway 60, known as Burleson Street from its intersection of Polk Street to Fulton Street; and,

WHEREAS, the closure will require the detouring of all traffic traveling south on State Highway 60 according to the map (Attachment A) attached to this ordinance; 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; and,

WHEREAS, the City Council wishes to authorize the Mayor of the City of Wharton to execute the Agreement for the Temporary Closure of State Right of Way as required by the Texas Department of Transportation.

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

Section I. The traffic control plan for the James Simmons, Jr. 7th Annual Wharton County Juneteenth Festival is hereby approved.

Section II. The detour route resulting from the closure of State Highway 60 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.

Section VI. That the Mayor of the City of Wharton is hereby authorized to execute the Agreement for the Temporary Closure of State Right of Way as required by the Texas Department of Transportation.

Section VII. This ordinance shall become effective on the 18th day of June 2016 and remain in effect until such time that State Highway 60 is reopened to all traffic.

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PASSED, APPROVED AND ADOPTED this 11th day of January 2016.

CITY OF WHARTON, TEXAS

By: _____
DON MUELLER
Mayor Pro-Tem

ATTEST

PAULA FAVORS
City Secretary

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

The eighth item on the agenda was to review and consider Ms. Lucilla Hernandez- Address the damage to her mother's driveway at 2200 Grayson Street. City Manager Andres Garza, Jr. presented an email from Ms. Lucilla Hernandez addressing the damage to her mother's driveway at 2200 Grayson Street and a map indicating where her house was located and pictures taken of the driveway. City Manager Garza further presented a memo from City Secretary Paula Favors giving the timeline of the complaint and filing of the claim. Ms. Hernandez stated that her mother's driveway had been damaged after Supak Construction parked heavy equipment on it. City Attorney Paul Webb stated that he would contact the contractor to discuss their responsibility to repair the driveway. After some discussion, no action was taken.

The ninth item on the agenda was to review and consider a resolution of the Wharton City Council approving the submittal of the Eminent Domain Transparency Report to the Texas Comptroller of Public Accounts. City Manager Andres Garza, Jr. stated that Senate Bill 1812 added a new subchapter to Chapter 2206 (Eminent Domain) of the Government Code and the new subchapter required the comptroller to create and manage a website database for eminent domain. City Manager Garza said the comptroller had to update the database at least annually and any entities that held eminent domain authority had to disclose certain information published in this database, which would be open to the public. City Manager Garza presented a copy of the draft resolution that would authorize the City Manager to file the Eminent Domain Report to the State Comptroller. After some discussion, Councilmember Russell Machann moved to approve City of Wharton Resolution No. 2016-01, which read as follows:

CITY OF WHARTON
RESOLUTION NO. 2016-01

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING THE

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SUBMITTAL OF THE EMINENT DOMAIN TRANSPARENCY REPORT TO THE TEXAS COMPTROLLER OF PUBLIC ACCOUNTS.

WHEREAS, the City of Wharton has full right, power and authority to exercise the power of eminent domain to acquire property within or without its corporate limits for an municipal or corporate purpose; and,

WHEREAS, the City of Wharton wishes to comply with Senate Bill 1812, a transparency bill that mandates the Comptroller of Public Accounts to create an online domain database; and,

WHEREAS, the City of Wharton wishes to submit an electronic report to the Texas Comptroller of Public Accounts for the required information; and,

WHEREAS, the Wharton City Council wishes to authorize the City Manager of the City of Wharton to submit on behalf of the City of Wharton the eminent domain transparency report to the Texas Comptroller of Public Accounts.

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

Section I. The Wharton City Council hereby authorizes the City Manager of the City of Wharton to submit on behalf of the City of Wharton the eminent domain transparency report to the Texas Comptroller of Public Accounts.

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

Passed, Approved, and Adopted this 11th day of January 2016.

CITY OF WHARTON, TEXAS

By: _____

DON MUELLER

Mayor Pro-Tem

ATTEST:

PAULA FAVORS

City Secretary

Councilmember Vincent Huerta seconded the motion. All voted in favor.

The tenth item on the agenda was to review and consider a resolution of the Wharton City Council approving a Joint Election Agreement with Wharton County Elections Department for the City Election; and authorizing the Mayor of the City of Wharton to execute the agreement. City Manager Andres Garza, Jr. presented a copy of the Joint Election Agreement with Wharton County Elections Department for the City Election, to be held May 7, 2016.

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City Secretary Paula Favors stated that City Attorney Paul Webb had reviewed the Joint Election Agreement and was recommending City Council consider approving the agreement. Mrs. Favors stated that the contract was the same as in previous years. After some discussion, Councilmember Al Bryant moved to approve City of Wharton Resolution 2016-02, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2016-02**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING A JOINT ELECTION AGREEMENT WITH WHARTON COUNTY ELECTIONS DEPARTMENT FOR THE CITY ELECTION; AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE THE AGREEMENT.

WHEREAS, The Wharton City Council wishes to approve the joint agreement with Wharton County Elections Department for the City election; and,

WHEREAS, The City of Wharton and Wharton County Elections Department wishes to be bound by the conditions set forth in the agreement; 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 as follows:

Section I. That the Wharton City Council hereby approves an agreement between the City of Wharton and Wharton County Elections Department for the City election.

Section II. That the City of Wharton and Wharton County Elections Department are hereby bound by the conditions set forth in the agreement.

Section III. That the Wharton City Council hereby authorizes the Mayor of the Wharton to execute the agreement.

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

Passed, Approved, and Adopted this the 11th day of January 2016.

CITY OF WHARTON

By: _____
DON MUELLER
Mayor Pro-Tem

ATTEST:

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 Wastewater Treatment Plant No. 1 Improvements for the City of Wharton:

A. Request Payment No. 2 from B-5 Construction.

City Manager Andres Garza, Jr. presented pay request No. 2 from B-5 Construction for the Wastewater Treatment Plant No. 1 Improvement Project in the amount of \$103,871.09. City Manager Garza further presented the Construction Progress Report No. 2 that covered construction for the period of September 1, 2015 to October 31, 2015. After some discussion, Councilmember Al Bryant moved to approve Wastewater Treatment Plant No. 1 Improvement request for payment No. 2 from B-5 Construction in the amount of \$103,871.09 for construction for the period of September 1, 2015 to October 31, 2015. Councilmember Tim Barker seconded the motion. All voted in favor.

The twelfth item on the agenda was Executive Session: City Council may adjourn into an Executive Session in accordance with Section 551.072 and Section 551.087 of the Local Government Code, Revised Civil Statutes of Texas. Final action, decision or vote, if any with regard to any matter considered in Executive Session shall be made in Open Meeting.

- A. **Discussion:** Acquisition of Right-of-Way-FM 1301 Extension and Railroad Overpass Project.
- B. **Discussion:** Acquisition of Right-of-Way-Highway 59/FM 102 North bound Exit Ramp.
- C. **Discussion:** Wharton Industrial Foundation (WIF) Project-Highway 59.

Mayor Pro-Tem Don Mueller moved the meeting into closed session at 7:35 p.m.

The thirteenth item on the agenda to Return to Open Meeting: Action on items discussed in Executive Session:

Review & Consider:

- A. Acquisition of Right-of-Way-FM 1301 Extension and Railroad Overpass Project.
- B. Acquisition of Right-of-Way-Highway 59/FM 102 North bound Exit Ramp.
- C. Wharton Industrial Foundation (WIF) Project-Highway 59.

Mayor Pro-Tem Don Mueller returned the meeting to open session at 8:13 p.m. Mayor Pro-Tem Mueller stated information only was received.

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

City Manager Andres Garza, Jr. presented the list of persons serving on the various City Boards, Commissions and Committees. City Manager Garza stated that there were still vacancies that need to be filled.

- A. Beautification Commission.
- B. Building Standards Commission.

After some discussion, no action was taken.

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

- A. Planning Commission meeting held on December 7, 2015.
- B. Beautification Commission meeting held on December 9, 2015.
- C. City Council Public Safety Committee meeting held on December 14, 2015.
- D. City Council Finance Committee meeting held on December 14, 2015.
- E. Mayor's Committee on People with Disabilities meeting held on December 16, 2015.

After some discussion, no action was taken.

The sixteenth item on the agenda was to review and consider City Manager's Reports:

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| 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 seventeenth item on the agenda was adjournment. There being no further discussion, Councilmember Al Bryant moved to adjourn. Councilmember Tim Barker All voted in favor.

The meeting adjourned at 8:13 p.m.

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By: _____
Domingo Montalvo, Jr.
Mayor

ATTEST:

Paula Favors
City Secretary