

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

Mayor Tim Barker 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. Councilmember Vincent Huerta led the opening devotion and Mayor Barker led the pledge of allegiance.

Councilmember's present were: Mayor Tim Barker and Councilmembers Al Bryant, Vincent Huerta, Don Mueller, Steve Schneider and Russell Machann.

Councilmember absent was: None.

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

Visitors present were: Wharton Economic Development Director David Schroeder, Mary A. Barnes, Charlotte Bess, Mozelle Stephens, Bill Ansley, Kaye Greenwood, Mary Allen, A.B. Allen, Donald Scott, Chris Haynes, Thelma Hayes, Carol Evans, Annie Balfour, Rachel Weaver, Barron Weaver, Seth Weaver, Ennis Humphrey, Alice Humphrey, Duria Jackson, Sandra Curtis, Elliot Hazel Heard and Evelyn Carriere 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. The Public Comments were as follows:

1. Mary A. Barnes stated that there was a lot of violence in the world now and residents of the West Side of Wharton were asking for justice. Ms. Barnes said that the residents are paying taxes and they want to know where their tax dollars are being spent.
2. Thelma Hayes stated that Waste Corporation of America (WCA) was not picking up limbs on the West Side of Wharton and the truck would pass by houses that had limbs in front of them like they didn't see them.

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The fourth item on the agenda was the Wharton Moment. Councilmember Vincent Huerta congratulated the 4<sup>th</sup> of July Committee on a successful first event that was held on the square in Wharton. He said it was a lot of hard work that was put into the event and it was a job well done. Councilmember Don Mueller stated that the event did a great job of cleaning the square after the event.

The fifth item on the agenda was to review and consider the reading of the minutes from the regular meeting held June 13, 2016 and June 27, 2016 and special meeting held on June 14, 2016 and June 27, 2016. After some discussion, Councilmember Don Mueller moved to approve the minutes from the regular meeting held June 13, 2016 and June 27, 2016 and special meeting held on June 14, 2016 and June 27, 2016. 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 May 2016. Finance Director Joan Anandel presented the financial report for the month of May 2016. Mrs. Anandel stated that the TexPool balance for April as \$131,640.86 with an average monthly yield of .34%. She said the Prosperity Bank balance for May 2016 was \$8,611,143.03 with an average monthly yield of .15%. After some discussion, Councilmember Al Bryant moved to approve the City of Wharton Financial Report for the month of May 2016. 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. Charlotte Bess regarding the status of flood prevention on the Westside of Wharton. City Manager Andres Garza, Jr. presented an email from Ms. Charlotte Bess regarding the status of flood prevention on the Westside of Wharton. Ms. Bess stated she had three questions she wanted answers to:

1. Why do residents on the West Side of Wharton have the same tax rate as the rest of the City but their home values are lower?
2. Has there been any 5 to 10 year plans to develop on the West Side of Wharton?
3. At the last budget meeting, were any funds allocated to the West Side of Wharton?
4. Has consideration been given to the suggestions made by Mr. Lawrence Armour's suggestion to cancel the levee project?
5. What is the status of preventing flooding on the West Side of Wharton?

City Manager Andres Garza, Jr. and Mayor Tim Barker addressed the questions and concerns of Ms. Bess. After further discussion, no action was taken.

The eighth item on the agenda was to review and consider a request by Ms. Latisha Humphres-Robles for dirt. City Manager Andres Garza, Jr. presented an email from Ms. Latisha Humphres-Robles requesting a truck load of dirt. City Manager Garza stated that the drainage issue was a current project that was being addressed and Ms. Humphres-Robles' backyard held water which was a public safety and public health issue. He said that a drainage plan was being developed for that area and would be presented at the next meeting of the City Council. After some discussion, Councilmember Russell Machann moved to defer

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the item to the next regular City Council meeting. Councilmember Al Bryant seconded the motion. All voted in favor.

The ninth item on the agenda was to review and consider a request by Mr. William Ansley, 1309 N. Alabama Rd., Wm. Kincheloe, Block 66, Lot 12B for a setback variance to build addition to existing building 10' from rear property line and 5' from side property line. City Manager Andres Garza, Jr. presented a request by request by Mr. William Ansley, 1309 N. Alabama Rd., Wm. Kincheloe, Block 66, Lot 12B for a setback variance to build addition to existing building 10' from rear property line and 5' from side property line. Assistant to the Building Official Gwyn Laney stated that the request was not presented to the Planning Commission since it was an over 50% variance. After some discussion, Councilmember Al Bryant moved to approve the request by Mr. William Ansley, 1309 N. Alabama Rd., Wm. Kincheloe, Block 66, Lot 12B for a setback variance to build addition to existing building 10' from rear property line and 5' from side property line. Councilmember Don Mueller seconded the motion. All voted in favor.

The tenth item on the agenda was to review and consider Wharton Sidewalk Accessibility and Historic Streetscape Project.

A. Additional Sidewalks to be improved.

B. **Resolution:** A resolution of the Wharton City Council amending the contract with Civil Corp to incorporate additional locations to the scope of services for environmental clearance and plan development pending TxDOT's approval and authorizing the Mayor of the City of Wharton to execute all documents related to said contract.

City Manager Andres Garza, Jr. stated that after receiving bids on the Sidewalk Project the contract amount was approximately \$230,000.00 below the funds available for construction. City Manager Garza said the City Staff prepared a list of additional sidewalks that could be considered and recommending to the City Council Public Works Committee that #1, 2, 3, 7 & 8 of the 18 be considered. He said the City could add that amount to the current contract for additional sidewalks and under the project guidelines. He said the City was responsible for the engineering and environmental clearance costs for the project. Also, he said the City had allocated those costs in its 2015 Bond Program. City Manager Garza then presented a letter from Mr. Ben Galvan, P.E., of Civil Corp, LLC incorporating the additional locations to the scope of services for environmental clearance and plan development. City Manager Garza stated that the additional areas include the following:

Surveying: \$13,000.00  
Preliminary Engineering: \$7,800.00  
Environmental Fee: \$13,000.00  
Final Design: \$18,200.00  
**Total Fee: \$52,000.00**

City Manager Garza stated that the City Council Public Works Committee met on July 7, 2016 and voted to recommend to the City Council the approval of the supplemental work.

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After some discussion, Councilmember Don Mueller moved to approve City of Wharton Resolution 2016-42, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2016-42**

**A RESOLUTION OF THE WHARTON CITY COUNCIL AMENDING THE CONTRACT WITH CIVIL CORP TO INCORPORATE ADDITIONAL LOCATIONS TO THE SCOPE OF SERVICES FOR ENVIRONMENTAL CLEARANCE AND PLAN DEVELOPMENT PENDING TXDOT'S APPROVAL AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID CONTRACT.**

**WHEREAS,** A scope of service was received from Civil Corp to incorporate additional locations for environmental clearance and plan development for the Wharton Sidewalk Accessibility and Historic Streetscape Project; and,

**WHEREAS,** The City of Wharton wishes to approve the scope of services with Civil Corp for additional areas of development for the Wharton Sidewalk Accessibility and Historic Streetscape Project pending TxDOT approval; and,

**WHEREAS,** The City of Wharton and Civil Corp wish to be bound by the conditions as set forth in the said agreements; and,

**WHEREAS,** the Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute an agreement with Civil Corp.

**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 Mayor of the City of Wharton to execute an agreement with Civil Corp to incorporate additional locations for environmental clearance and plan development for the Wharton Sidewalk Accessibility and Historic Streetscape Project pending TxDOT approval.

**Section II.** The City of Wharton and Civil Corp are hereby bound by the conditions as set forth in said agreements.

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

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

**CITY OF WHARTON, TEXAS**

**By:** \_\_\_\_\_

**TIM BARKER**  
Mayor

**ATTEST:**

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**PAULA FAVORS**  
City Secretary

Councilmember Steve Schneider seconded the motion. All voted in favor.

The eleventh item on the agenda was to review and consider a City Staff request to solicit proposals to provide Bank Depository Services for the City of Wharton. Finance Director Joan Anandel stated that the Bank Depository Agreement between the City of Wharton and Prosperity Bank would expire on September 30, 2016. Mrs. Anandel said that the City Staff was requesting City Council authorization to solicit proposals for the banking depository services in which the contract would be for a total of three years with the option to renew for two (2) consecutive one (1) year periods. City Manager Andres Garza, Jr. stated that City Council Finance Committee met on Friday, July 8, 2016 and recommending City Council consider approving the request. After some discussion, Councilmember Russell Machann moved to approve the request to solicit proposals to provide Bank Depository Services for the City of Wharton. Councilmember Don Mueller seconded the motion. All voted in favor.

The twelfth item on the agenda was to review and consider Agreements with the Texas Municipal League MultiState – Intergovernmental Employee Benefits Pool (TML MultiState IEBP).

A. **Resolution:** A resolution of the Wharton City Council ratifying the approval of an Interlocal Agreement with the Texas Municipal League Multistate Intergovernmental Employee Benefits Pool (TML-MULTISTATE-IEBP) for medical, long-term disability, life, accidental death & dismemberment for City employees signed by the City Manager for the October 1, 2016 to September 30, 2017 fiscal year; authorizing the City Manager of the City of Wharton to execute all additional documents relating to said agreements.

City Manager Andres Garza, Jr. presented the renewal information the City of Wharton received from the Texas Municipal League (TML) MultiState – Intergovernmental Employee Benefits Pool (IEBP) for the City of Wharton employee health coverage. City Manager Garza stated that the re-rate included a decrease of 25% in premiums with the deductible and out of pocket expense remaining the same. He said the City Staff requested the City's contribution to the employee flexible spending account remain at \$1,000.00/year to offset the \$ 2500 deductible. City Manager Garza presented a copy of the memorandum dated July 5, 2016 from City Secretary Paula Favors to him indicating the cost of the proposed health coverage for City employees for fiscal year 2016-2017 as compared to the fiscal year 2015-2016 rates. City Manager Garza said that there was a difference of a 25% decrease in the proposed rates from the current rates for health coverage and there are no changes in the rates for the Life, AD&D and Long Term Disability. Finance Director Joan Anandel stated that the Finance Committee met on Friday, July 8, 2016. Mrs. Anandel said the Committee voted to recommend

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to the City Council the ratification of the Interlocal Agreement with the Texas Municipal League Multistate Intergovernmental Employee Benefits Pool (TML-MULTISTATE-IEBP) for medical, long-term disability, life, accidental death & dismemberment for City employees. She said the Committee also voted to recommend to the City Council raising the contribution of the City to the employee flexible spending account from \$1,000.00/year to \$1250.00/year to offset the \$2,500 deductible. After some discussion, Councilmember Al Bryant moved to approve City of Wharton Resolution No. 2016-43, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2016-43**

**A RESOLUTION OF THE WHARTON CITY COUNCIL RATIFYING THE APPROVAL OF AN INTERLOCAL AGREEMENT WITH THE TEXAS MUNICIPAL LEAGUE MULTISTATE INTERGOVERNMENT EMPLOYEE BENEFITS POOL (TML MULTISTATE-IEBP) FOR MEDICAL, LONGTERM DISABILITY, LIFE, ACCIDENTAL DEATH & DISMEMBERMENT FOR CITY EMPLOYEES SIGNED BY THE CITY MANAGER FOR THE OCTOBER 1, 2016 TO SEPTEMBER 30, 2017 FISCAL YEAR; AUTHORIZING THE CITY MANAGER OF THE CITY OF WHARTON TO EXECUTE ALL ADDITIONAL DOCUMENTS RELATING TO SAID AGREEMENTS.**

**WHEREAS,** the City of Wharton received the renewal rate for medical, long-term disability, life, accidental death & dismemberment for city employees; and,

**WHEREAS,** the City of Wharton medical plan with Texas Municipal League MultiState-Intergovernmental Employee Benefits Pool would be renewed with a 25% decrease; and,

**WHEREAS,** the City of Wharton would provide to each full time employee a \$1,250.00 yearly contribution to the employee flex plan administered by the TML MultiState-IEBP; and,

**WHEREAS,** the City Manager of the City of Wharton has executed on behalf of the City said 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 ratifies the approval of an interlocal contract with the Texas Municipal League MultiState - Intergovernmental Employee Benefits Pool for medical, long-term disability, life and accidental death & dismemberment coverage signed by the City Manager

**Section II.** That Wharton City Council hereby approves providing to each full time employee a \$1,250.00 yearly contribution to the employee flex plan administered by the TML MultiState – IEBP.

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**Section III.** That the City Manager of the City of Wharton is hereby authorized to sign any additional documents relating to the aforementioned agreements.

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

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

**CITY OF WHARTON, TEXAS**

By: \_\_\_\_\_  
**TIM BARKER**  
Mayor

**ATTEST:**

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**PAULA FAVORS**

City Secretary

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

The thirteenth item on the agenda was to review and consider Texas Division of Emergency Management (TDEM)-Hazard Mitigation Grant Program (HMGP) Fema-4266-DR and Fema-4269-DR. City Manager Andres Garza, Jr. presented a letter from the Texas Division of Emergency Management (TDEM) announcing the deadline for grant applications to the Hazard Mitigation Grant Program (HMGP). City Manager Garza stated that the City Staff was meeting with Grantwork Consultants on a possible application submittal by the City. City Manager Garza said the Finance Committee met on Friday, July 8, 2016 and voted to recommend City Council consider approving applying for the Texas Division of Emergency Management (TDEM)-Hazard Mitigation Grant Program (HMGP) Fema-4266-DR and Fema-4269-DR. Councilmember Russell Machann moved to approve the request to file grant applications with the Texas Division of Emergency Management (TDEM)-Hazard Mitigation Grant Program (HMGP) Fema-4266-DR and Fema-4269-DR for the Hazard Mitigation Grant Program (HMGP) and any other Federal or State agency for assistance for City residents. Councilmember Al Bryant seconded the motion. All voted in favor.

The fourteenth item on the agenda was to review and consider the proposed 2016-2017 Wharton Economic Development Corporation (WEDC) Budget. City Manager Andres Garza, Jr. presented a copy of the proposed 2016-2017 Wharton Economic Development Corporation (WEDC) Budget. City Manager Garza stated that the City Council Finance Committee met and reviewed the proposed WEDC Budget on Friday, July 8, 2016 and were recommending City Council approval. After some discussion, Councilmember Don Mueller moved to approve the proposed 2016-2017 Wharton Economic Development Corporation (WEDC) Budget. Councilmember Al Bryant seconded the motion. All voted in favor.

The fifteenth item on the agenda was to review and consider nominations to the Board of Trustees of the Texas Municipal League Intergovernmental Risk Pool. City Manager Andres

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Garza, Jr. presented a memo regarding nominations to the Board of Trustees of the Texas Municipal League Intergovernmental Risk Pool. City Manager Garza stated that he currently served on the TML-IRP Board in Place 9 and was requesting the City Council to formally nominate him to another term on the Board. After some discussion, Councilmember Russell Machann moved to approve nominating City Manager Andres Garza, Jr. to the Board of Trustees of the Texas Municipal League Intergovernmental Risk Pool Place 9. Councilmember Al Bryant seconded the motion. All voted in favor.

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

- A. Beautification Commission.
- B. Building Standards Commission.
- C. Holiday Light Decorating Chairman.
- D. Mayor's Committee on People with Disabilities.
- E. City Council Committees.

After some discussion, Councilmember Russell Machann moved to approve reappointing Committee and Board members to their current positions, which were as follows:

Councilmember Al Bryant moved to appoint the following:

A. Beautification Commission	<u>Term Expiring</u>
John Dettling	June 30, 2018

Councilmember Steve Schneider seconded the motion.

B. Building Standards Commission	
C. Holiday Light Decorating Chairman	<u>Term Expiring</u>
Tim Barker	June 30, 2019

Councilmember Don Mueller moved to appoint the following:

D. Mayor's Committee on People with Disabilities	<u>Term Expiring</u>
Rebekah Kirschke	June 30, 2018
Planning Commission	<u>Term Expiring</u>
Russell Cenko	June 30, 2018

Councilmember Vincent Huerta seconded the motion.

Councilmember Russell Machann moved to appoint the following:



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Planning Commission	<u>Term Expiring</u>
Billie Jones	June 30, 2018
Mike Wooten	June 30, 2018

Councilmember Don Mueller seconded the motion.

Councilmember Don Mueller moved to appoint the following:

Plumbing and Electrical Board	<u>Term Expiring</u>
Gary Eldridge	June 30, 2018

Councilmember Vincent Huerta seconded the motion.

Councilmember Al Bryant moved to appoint the following:

Plumbing and Electrical Board	<u>Term Expiring</u>
Milton Barbee	June 30, 2018

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

The seventeenth 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 /<br>Civic Center.               | J. Municipal Court.             |
| D. Emergency Management.  | K. Police Department.           |
| E. E.M.S. Department.   | L. Public Works Department.     |
| F. Facilities Maintenance Department /<br>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 eighteenth item on the agenda was adjournment. There being no further discussion, Councilmember Don Mueller moved to adjourn. Councilmember Vincent Huerta seconded the motion. All voted in favor.

The meeting adjourned at 7:51 p.m.

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By: Don Mueller  
Don Mueller  
Mayor Pro Tem

ATTEST:

Paula Favors  
Paula Favors  
City Secretary

