

**MINUTES
OF
CITY OF WHARTON
REGULAR CITY COUNCIL MEETING
OCTOBER 10, 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. Campus Pastor Michael Limas with Grace Community Fellowship led the opening devotion and Mayor Tim Barker led the pledge of allegiance.

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

Councilmember absent was: Steve Schneider.

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, Assistant to Building Official Gwyn Laney, Police Chief Terry David Lynch, Fire Inspector Amanda Lopez and Assistant to the City Manager Brandi Jimenez.

Visitors present were: Wharton Economic Development Director David Schroeder, Campus Pastor Michael Limas, Terry Lindsey, Stephanie Sanders, Lillie Washington, Thomas Washington, Wilma Moore, Mary A. Barnes, Charlotte A. Bess, Ennis Humphrey, Alice Humphrey, Thelma Hayes, Carolyn James, Shirley Moore, I.O Coleman, Jr., Wharton Chamber of Commerce Executive Director Ron Sanders, Wes Birdwell, P.E., with Halff and Associates, Inc. and Evelyn Carriere with the Wharton Journal Spectator.

The second item on the agenda was Roll Call and Excuses Absences. After some discussion, Councilmember Al Bryant moved to excuse Councilmember Steve Schneider. Councilmember Russell Machann seconded the motion. All voted in favor.

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

The fourth item on the agenda was the Wharton Moment. Councilmember Terry Freese congratulated the Wharton High School Varsity Football team on their 52-0 victory over Ingleside High School. Councilmember Russell Machann commended Chamber Director Ron Sanders on another successful Montgomery Square Wine and Arts Fair. Councilmember Vincent Huerta stated several Councilmember and City Staff attended the Texas Municipal

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League Conference in Austin, Texas and took part in many informative sessions. Councilmember Huerta said that after speaking to representatives from several other cities, he was proud to say that the City is in good shape compared to many others. City Manager Andres Garza, Jr. stated that he was appointed to the Texas Municipal League Intergovernmental Risk Pool Board of Trustees to serve a sixth term.

The fifth item on the agenda was to review and consider the reading of the minutes from the regular meetings held September 12, 2016 and September 26, 2016. After some discussion, Councilmember Al Bryant moved to approve the minutes from the regular meetings held September 12, 2016 and September 26, 2016. Councilmember Vincent Huerta seconded the motion. All voted in favor.

The sixth item on the agenda was to review and consider a request by Mr. Jeff Rainer, Wharton Chamber of Commerce & Agriculture 2016 Holiday Parade Chairman for the Wharton Holiday Parade for the following:

- A. **Ordinance:** An ordinance approving the 2016 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 20, 2016 from Mr. Jeff Rainer, Wharton Chamber of Commerce and Agriculture 2016 Parade Chairman requesting City Council’s approval of a draft ordinance authorizing the Police Department to redirect traffic for the 2016 Wharton Holiday Parade. City Manager Garza stated that Mr. Rainer was also requesting City Council’s authorization for 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 were functional for the “lighting ceremony”. City Manager Garza said that the parade was scheduled to be held on Tuesday, November 22nd at 7:00 PM and this was their annual request. After some discussion, Councilmember Russell Machann moved to approve City of Wharton Ordinance No. 2016-10, which read as follows:

**CITY OF WHARTON
ORDINANCE NO. 2016-10**

AN ORDINANCE APPROVING THE 2016 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 (Burlison 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.

Section VI. This ordinance shall become effective on the 22nd day of November 2016 and remain in effect until such time that the parade concludes.

Passed, Approved and Adopted this 10th day of October 2016.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST

PAULA FAVORS
City Secretary

Councilmember Terry Freese seconded the motion. All voted in favor.

The seventh item on the agenda was to review and consider a resolution of the Wharton City Council authorizing the purchase of three (3) patrol vehicles through Buyboard Cooperative Purchasing Program from Caldwell Country. City Manager Andres Garza, Jr. presented a draft resolution authorizing the Wharton Police Department to purchase three (3) patrol vehicles through Buyboard Cooperative Purchasing Program from Caldwell Country.

- A. The purchase price of \$84,720.00 (\$42,360.00 each) for two (2) 2017 Chevrolet Tahoes.
- B. The purchase price of \$36,745.00 is for one unmarked unit.

City Manager Garza stated that the purchase of all three (3) patrol vehicles totaling \$121,465.00 was budgeted for in the 2016-2017 year which was approved by City Council. City Manager Garza presented a memo from Chief Terry Lynch requesting the replacement of three vehicles for the Wharton Police Department. Chief Lynch stated that the three new vehicle would replace three 2013 units that would be rotated out of service. After some discussion, Councilmember Russell Machann moved to approve City of Wharton Resolution No. 2016-66, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2016-66**

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE PURCHASE OF THREE (3) PATROL VEHICLES THROUGH BUYBOARD COOPERATIVE PURCHASING PROGRAM FROM DEFENDER SUPPLY.

WHEREAS, The Wharton Police Department wishes the City Council to approve the purchase of the three patrol vehicles through Caldwell Country; and,

WHEREAS, The City of Wharton is a member of and participates in the Buyboard Cooperative Purchasing Program; and,

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WHEREAS, The Wharton City Council wishes to authorize the City Staff to purchase one (1) 2017 Chevrolet Tahoe patrol vehicle in the amount of \$42,360.00, one (1) 2017 Chevrolet Tahoe in the amount of \$42,360.00 and one (1) 2016 Chevrolet Tahoe in the amount of \$36,745.00 from Caldwell Country; and,

WHEREAS, The Wharton City Council wishes to authorize the Wharton Police Department to execute the agreement related to the purchase of the vehicles.

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

SECTION I. The Wharton City Council hereby authorizes the purchase of one (1) 2017 Chevrolet Tahoe patrol vehicle in the amount of \$42,360.00, one (1) 2017 Chevrolet Tahoe in the amount of \$42,360.00 and one (1) 2017 Chevrolet Tahoe in the amount of \$36,745.00 from Caldwell Country.

SECTION II. The Wharton City Council hereby authorizes the Wharton Police Department to execute the agreement related to the purchase of the vehicles.

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

PASSED AND APPROVED this 10th day of October 2016.

CITY OF WHARTON

TIM BARKER
Mayor

ATTEST:

Paula Favors
City Secretary

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

The eighth item on the agenda was to review and consider a resolution approving an agreement with Frazer Co. /Dallas Dodge Chrysler Jeep for the purchase of a new MEPS Powered Ambulance Module through the Houston Area Council Cooperative Purchasing Program and authorizing the Mayor of the City of Wharton to execute any and all documents related to said purchase. City Manager Andres Garza, Jr. presented a memo from EMS Director John Kowalik to him requesting to accept the quote from Frazer Co. /Dallas Dodge Chrysler Jeep in the amount of \$168,800.00 for a new MEPS Powered Ambulance Module. After some discussion, Councilmember Don Mueller moved to approve City of Wharton Resolution No. 2016-67, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2016 -67**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AN AGREEMENT WITH FRAZER CO./DALLAS DODGE CHRYSLER JEEP FOR THE PURCHASE OF A NEW MEPS POWERED AMBULANCE MODULE THROUGH THE HOUSTON AREA COUNCIL COOPERATIVE PURCHASING PROGRAM AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ANY AND ALL DOCUMENTS RELATED TO SAID PURCHASE.

WHEREAS, The Wharton EMS Department wishes the City Council to approve the purchase of a new MEPS Powered Ambulance Module in the amount of \$168,800.00; and,

WHEREAS, The City of Wharton is a member of and participates in the Houston Area Council Cooperative Purchasing Program; and,

WHEREAS, The Wharton City Council wishes to authorize the City Staff to purchase a new MEPS Powered Ambulance Module in the amount of \$168,800.00; and,

WHEREAS, The Wharton City Council wishes to authorize the Wharton EMS Department to execute the agreement related to the purchase of the vehicles.

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

SECTION I. The Wharton City Council hereby authorizes the purchase of a new MEPS Powered Ambulance Module through the Houston Area Council Cooperative Purchasing Program in the amount of \$168,800.00.

SECTION II. The Wharton City Council hereby authorizes the Wharton EMS Department to execute the agreement related to the purchase of the vehicles.

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

PASSED, APPROVED, and ADOPTED this 10th day of October 2016.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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The ninth item on the agenda was to review and consider the Final Draft Report to the Texas Water Development Board (TWDB) for the City of Wharton/City of East Bernard-Regional Facility Plan for Water Supply and Wastewater Facilities Planning Grant. City Manager Andres Garza, Jr. stated that the City of Wharton and East Bernard received funding for the Texas Water Development Board (TWDB) for the development of a Regional Plan for Water Supply and Wastewater Facilities. City Manager Garza said that the City engaged the services of Halff & Associates to develop the plan that would meet the grant requirements and they had completed a final draft of the plan. Mr. Jayson Melcher, P.E., with Halff and Associates, Inc. presented a formal presentation to the City Council Public Works Committee on Monday, October 10, 2016 and then the same formal presentation to the City Council. City Manager Garza said the City Council Public Works Committee had met and were recommending the City Council consider approving the Final Draft Report. After some discussion, Councilmember Don Mueller moved to approve the Final Draft Report to the Texas Water Development Board (TWDB) for the City of Wharton/City of East Bernard-Regional Facility Plan for Water Supply and Wastewater Facilities Planning Grant. Councilmember Al Bryant seconded the motion. All voted in favor.

The tenth item on the agenda was to review and consider an update on City of Wharton Hazard Mitigation Grant Program Funding Application. City Manager Andres Garza, Jr. stated that on September 19, 2016, Property Owners who were affected by the April/May 2016 Flood Event were mailed Homeowner Mitigation Packages for the City of Wharton Texas Hazard Mitigation Grant Program. City Manager Garza said the deadline for the packages was October 6, 2016. Ms. Laura Clemens with CB& I stated that it was a successful week where the community came together and a total of 94 applications were received for the grant program. Ms. Clemens said CB& I would be taking measurements of homes and taking photos as required by FEMA for the grant. Ms. Mary Barnes stated that she appreciated the efforts the City was taking of moving forward but asked if the City Council had considered other options to stop the flood waters in the future. Ms. Barnes said that she was in disagreement with the residents of the West Side of Wharton having to pay 25% of their home to be elevated if they received the grant. Mr. I.O. Coleman, Jr. thanked Fire Inspector Amanda Lopez for her help with helping residents fill out the grant paperwork. City Manager Andres Garza, Jr. the City would be looking into additional funding options for the 25% with one being through the Department of Housing and Urban Development. After some discussion, no action was taken.

The eleventh item on the agenda was to review and consider the implementation of the 9/80 schedule for Public Works Hours of Operation. City Manager Andres Garza, Jr. stated that the City Staff presented the 9/80 schedule to the Public Works Department. City Manager Garza said the Public Works Departments hours of operation would be from 7:30 a.m. to 5:30 p.m. Monday – Thursday. On Fridays, the hours of operation would be from 8:00 a.m. to 5:00 p.m. which would allow better service to the public and better control of overtime. Public Works Director Wade Wendt stated that the starting date would become effective the first full pay period after approved by the City Council. City Manager Andres Garza, Jr. presented a copy of the memorandum dated October 4, 2016 to him from Public Works Director Wade Wendt requesting to begin the 9/80 schedule for Public Works Department. After some

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discussion, Councilmember Russell Machann moved to approve the implementation of the 9/80 schedule for Public Works Hours of Operation. Councilmember Don Mueller seconded the motion. All voted in favor.

The twelfth item on the agenda was to review and consider City of Wharton Water System:

A. **Resolution:** A resolution of the Wharton City Council approving a USDA Contract Service Agreement with The A. Ruiz Companies and authorizing the Mayor of the City of Wharton to execute all documents relating to said agreement.

City Manager Andres Garza, Jr. stated that the City Staff was implementing a project under the direction of the USDA's Water & Waste Disposal Loan & Grant Program for the City of Wharton Water System. City Manager Garza said the City Staff was requesting the services of The A. Ruiz Companies to perform all or any administrative functions to move this project forward. After some discussion, Councilmember Al Bryant moved to approve City of Wharton Resolution No. 2016-68, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2016 -68**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING A USDA CONTRACT SERVICE AGREEMENT WITH THE A. RUIZ COMPANIES AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATING TO SAID AGREEMENT.

WHEREAS, The City of Wharton City Council wishes to implement a project under the direction of the USDA's Water & Waste Disposal Loan & Grant Program; and,

WHEREAS, The City of Wharton wishes to engage The A Ruiz Companies for services in connection with the USDA Water & Waste Disposal Loan & Grant Program; and,

WHEREAS, The Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute all documents relating to said agreement.

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

SECTION I. The Wharton City Council hereby approves the USDA Contract Service Agreement with The A. Ruiz Companies.

SECTION II. The Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute all documents related to said agreement.

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

PASSED, APPROVED, and ADOPTED this 10th day of October 2016.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The thirteenth item on the agenda was **Executive Session:** City Council may adjourn into an Executive Session in accordance with Section 551.074 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.

Discussion:

A. City Managers Evaluation.

Mayor Tim Barker moved the meeting into closed session at 7:41 p.m.

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

Review & Consider:

A. City Managers Evaluation.

Mayor Tim Barker returned to open session at 8:14 p.m. Mayor Barker stated that only information was received.

The fifteenth item on the agenda was to review and consider a resolution of the Wharton City Council designating a City of Wharton Representative and Alternate to the Houston-Galveston Area Council 2017 General Assembly. City Manager Andres Garza, Jr. presented a copy of the letter dated September 19, 2016 to Mayor Tim Barker from Mr. Jack Steele of the Houston-Galveston Area Council (H-GAC) requesting the City of Wharton to designate a City of Wharton representative, and alternate representative, to the H-GAC 2017 General Assembly. City Manager Garza stated that Councilmember Al Bryant served as the City's representative for the 2016 General Assembly and Councilmember Russell Machann served as the alternate representative. After some discussion, Councilmember Don Mueller moved to approve the City of Wharton Resolution No. 2016-69, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2016-69**

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A RESOLUTION DESIGNATING A CITY OF WHARTON REPRESENTATIVE AND ALTERNATE TO THE HOUSTON-GALVESTON AREA COUNCIL 2017 GENERAL ASSEMBLY.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WHARTON, TEXAS that Councilmember Al Bryant be, and is hereby designated as its Representative to the General Assembly of the Houston-Galveston Area Council for the year 2017.

FURTHER, that the Official Alternate authorized to serve as the voting representative should the hereinabove named representative become ineligible, or should he/she resign, is Councilmember Russell Machann.

THAT, the Executive Director of the Houston-Galveston Area Council be notified of the designation of the hereinabove named representative and alternate.

Passed, Approved, and Adopted this 10th day of October 2016.

CITY OF WHARTON, TEXAS

By:

TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

Councilmember Terry Freese seconded the motion. All voted in favor.

The sixteenth item on the agenda was to review and consider an application submitted by Ms. Terry Linsey, 126 W. Milam St., Wharton, Block 13, Lot 10A for a variance request to build over an existing property line to construct a stairwell. City Manager Andres Garza, Jr. presented an application submitted by Ms. Terry Lindsey, 126 W. Milam St., Wharton, Block 13, Lot 10A for a variance request to build over an existing property line to construct a stairwell. Assistant to the Building Official Gwyn Laney stated that the request did not have to go before the Planning Commission since it was not over a 50% variance. After some discussion, Councilmember Al Bryant moved to approve the application submitted by Ms. Terry Lindsey, 126 W. Milam St., Wharton, Block 13, Lot 10A for a variance request to build over an existing property line to construct a stairwell. Councilmember Russell Machann seconded the motion. All voted in favor.

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The seventeenth 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. Mayor's Committee on People with Disabilities.

After some discussion, no action was taken.

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

- A. Wharton Economic Development Corporation meeting held September 19, 2016.
- B. Mayor's Committee on People with Disabilities meeting held September 21, 2016.
- C. City Council Wharton Economic Development Corporation Board of Directors Selection Committee meeting held September 26, 2016.
- D. Finance Committee meeting held on September 26, 2016.

After some discussion, no action was taken.

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

- A. Pay Request No. 3 to M & C Fonseca Construction Co., Inc.

City Manager Andres Garza, Jr. presented pay request No. 3 in the amount of \$61,453.60 from M & C Fonseca Construction Co., Inc. for the Wharton Sidewalk Accessibility and Historic Streetscape Project. After some discussion, Councilmember Vincent Huerta moved to approve Pay Request No. 3 to M & C Fonseca Construction Co., Inc. in the amount of \$61,453.60 from M & C Fonseca Construction Co., Inc. Councilmember Al Bryant seconded the motion. All voted in favor.

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

The meeting adjourned at 8:18 p.m.

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By: _____
Tim Barker
Mayor

ATTEST:

Paula Favors
City Secretary