

**MINUTES
OF
CITY OF WHARTON
REGULAR CITY COUNCIL MEETING
NOVEMBER 14, 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 Don Mueller led the opening devotion and Mayor Tim Barker led the pledge of allegiance.

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

Councilmembers absent were: Terry Freese and Russell Machann.

Staff members present were: City Manager Andres Garza, Jr, Finance Director Joan Andel, City Secretary Paula Favors, Assistant to the City Manager Brandi Jimenez, City Attorney Paul Webb, Public Works Director Wade Wendt, Community Services Coordinator Gwyn Teves, Police Chief Terry David Lynch and EMS Director John Kowalik.

Visitors present were: Wharton Economic Development Director David Schroeder, Mary A. Barnes, Pastor Janice Blair, Blanche Allen, Thelma Hayes, Moyses Morales, Rebecca Morales, Blaise Dreitner, P.E. with CivilCorp LLC, I.O. Coleman, Jr., Charlotte Bess, Cathy V. Gracia, Mark Semiens, Tina Lewis with Grantworks and Evelyn Carriere with the Wharton Journal Spectator.

The second item on the agenda was Roll Call and Excuses Absences. After some discussion, Councilmember Don Mueller moved to excuse Councilmember Terry Freese and Councilmember Russell Machann. Councilmember Steve Schneider 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. Mayor Tim Barker announced the retirement of Wharton Economic Development Director David Schroeder and stated that he would be missed. Mayor Barker said the Wharton Varsity Football team would play against Hondo in Beeville on November 18th and wished them luck.

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The fifth item on the agenda was to review and consider the reading of the minutes from the regular meetings held October 10, 2016 and October 24, 2016. After some discussion, Councilmember Al Bryant moved to approve the minutes from the regular meetings held October 10, 2016 and October 24, 2016. Councilmember Don Mueller seconded the motion. All voted in favor.

The sixth item on the agenda was to review and consider the 2016 Texas Community Development Block Grant (Alabama Street Sewer Project).

A. **Resolution:** A resolution by the City of Wharton designating authorized signatories for contractual documents and documents for requesting funds pertaining to the Texas Community Development Block Grant Program (TxCDBG) Contract Number 7216489.

B. **Resolution:** A resolution of the Wharton City Council adopting the required CDBG Civil Rights Policies and authorizing the Mayor of the City of Wharton to execute all documents related to said policy.

City Manager Andres Garza, Jr. stated that the City of Wharton received a 2016 Texas Community Development Block Grant to provide sewer improvements to Alabama Street. City Manager Garza said it was necessary for the City to appoint a person to execute all documents related to the grant and it was necessary to approve and accept the required CDBG Civil Rights Policies to comply with all federal rules and regulations of the grant. After some discussion, Councilmember Vincent Huerta moved to approve City of Wharton Resolution No. 2016-78 and 2016-79, which read as follows:

**City of Wharton
Resolution 2016-78**

RESOLUTION AUTHORIZING SIGNATORIES

A RESOLUTION BY THE CITY OF WHARTON DESIGNATING AUTHORIZED SIGNATORIES FOR CONTRACTUAL DOCUMENTS AND DOCUMENTS FOR REQUESTING FUNDS PERTAINING TO THE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (TXCDBG) CONTRACT NUMBER 7216489.

WHEREAS, the City of Wharton has received a 2016 Texas Community Development Block Grant award to provide Sewer Improvements; and

WHEREAS, it is necessary to appoint persons to execute contractual documents and documents requesting funds from the Texas Department of Agriculture, and;

WHEREAS, an original signed copy of the TxCDBG Depository/Authorized Signatories Designation Form (Form A202) is to be submitted with a copy of this Resolution, and;

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WHEREAS, the City of Wharton acknowledges that in the event that an authorized signatory of the City changes (elections, illness, resignations, etc.) the City must provide TxCDBG with the following:

- a resolution stating who the new authorized signatory is (not required if this original resolution names only the title and not the name of the signatory); and
- a revised TxCDBG *Depository/ Authorized Signatories Designation Form (Form A202)*.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF WHARTON, TEXAS, AS FOLLOWS:

The Mayor, is authorized to execute contractual documents between the Texas Department of Agriculture and the City for the 2016 Texas Community Development Block Grant Program

The Mayor, City Manager and Finance Director are authorized to execute the *State of Texas Purchase Voucher* and *Request for Payment Form* documents required for requesting funds approved in the 2016 Texas Community Development Block Grant Program

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF WHARTON, TEXAS, on November 14, 2016.

APPROVED:

Mayor

ATTEST:

City Secretary

**City of Wharton
Resolution 2016-79**

RESOLUTION REGARDING CIVIL RIGHTS

The City of Wharton, Texas

Whereas, the City of Wharton, Texas, (hereinafter referred to as “City of Wharton”) has been awarded TxCDBG funding through a TxCDBG grant from the Texas Department of Agriculture (hereinafter referred to as “TDA”);

Whereas, the City of Wharton, in accordance with Section 109 of the Title I of the Housing and Community Development Act. (24 CFR 6); the Age Discrimination Act of 1975 (42 U.S.C. 6101-6107); and Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and for construction contracts greater than \$10,000, must take actions to ensure that no person or group is denied benefits such as employment, training, housing, and contracts generated by the CDBG activity, on the basis of race, color, religion, sex, national origin, age, or disability;

Whereas, the City of Wharton, in consideration for the receipt and acceptance of federal funding for the Contract, agrees to comply with all federal rules and regulations including those rules and regulations governing citizen participation and civil rights protections;

Whereas, the City of Wharton, in accordance with Section 3 of the Housing and Urban Development Act of 1968, as amended, and 24 CFR Part 135 is required, to the greatest extent feasible, to provide training and employment opportunities to lower income residents and contract opportunities to businesses in the TxCDBG project area;

Whereas, the City of Wharton, in accordance with Section 104(1) of the Housing and Community Development Act, as amended, and State's certification requirements at 24 CFR 91.325(b)(6), must adopt an excessive force policy that prohibits the use of excessive force against non-violent civil rights demonstrations;

Whereas, the City of Wharton, in accordance with Section 504 of the Rehabilitation Act of 1973 does not discriminate on the basis of disability and agrees to ensure that qualified individuals with disabilities have access to programs and activities that receive federal funds; and

Whereas, the City of Wharton, in accordance with Section 808(e)(5) of the Fair Housing Act (42 USC 3608(e)(5)) that requires HUD programs and activities be administered in a manner affirmatively to further the policies of the Fair Housing Act, agrees to conduct at least one activity during the contract period, to affirmatively further fair housing;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WHARTON, TEXAS, THAT THE CITY OF WHARTON ADOPTS THE FOLLOWING:

1. Citizen Participation Plan and Grievance Procedures (Form A1013);
2. Section 3 Policy (Form A1002);
3. Excessive Force Policy (Form A1003)
4. Section 504 Policy and Grievance Procedures (Form A1004); and
5. Fair Housing Policy (Exhibit 1015).

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PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF WHARTON, TEXAS, on November 14, 2016.

APPROVED:

Mayor

ATTEST:

City Secretary

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

The seventh item on the agenda was to review and consider City of Wharton EMS Department.

- A. City Council acceptance of a grant in the amount of \$100,000.00 from the M.G. and Lillie A. Johnson Foundation, Inc. for the purchase of a new ambulance for the City of Wharton Emergency Medical Service (EMS) Department.

City Manager Andres Garza, Jr. presented a copy of the letter dated October 21, 2016 from Mr. Robert Halepeska, Executive Vice President of the M.G. and Lillie A. Johnson Foundation, Inc. awarding the City of Wharton EMS Department a grant in the amount of \$100,000.00 for the purchase of a new ambulance. City Manager Garza stated that City Council acceptance of the grant is required. EMS Director John Kowalik stated that the grant in years past was for \$50,000. After some discussion, Councilmember Al Bryant moved to accept the grant in the amount of \$100,000 from the M.G. and Lillie A. Johnson Foundation, Inc. for the purchase of a new ambulance for the City of Wharton Emergency Medical Service (EMS) Department. Councilmember Vincent Huerta seconded the motion.

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

- A. Pay Request No. 4 to M & C Fonseca Construction Co., Inc.

City Manager Andres Garza, Jr. presented pay request No. 4 in the amount of \$104,505.90 from M & C Fonseca Construction Co., Inc. for the Wharton Sidewalk Accessibility and Historic Streetscape Project. Mr. Blaise Dreitner, P.E. with CivilCorp LLC, stated that a proposed change order would be forthcoming to add the additional blocks to the M & C Fonseca contract as approved by the City Council. After some discussion, Councilmember Steve Schneider moved to approve pay request No. 4 from M & C Fonseca Construction Co., Inc. Councilmember Don Mueller seconded the motion. All voted in favor.

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The ninth item on the agenda was to review and consider Valhalla Waterwell Improvement Project:

A. Bid Tabulation.

B. **Resolution:** A resolution of the Wharton City Council awarding a contract for the Valhalla Waterwell Improvements Project and authorizing the Mayor of the City of Wharton to approve all documents related to said contract.

City Manager Andres Garza, Jr. presented the four bids that were received for the Valhalla Waterwell Improvements Project:

1. Weisinger Incorporated \$111,065.00
2. Layne Christensen \$148,646.00
3. Alsay Incorporated \$156,268.00
4. Felder Water Well & Pump Service \$224,252.00

City Manager presented a letter from Ms. Stephanie Kaspar, P.E. of Jones & Carter recommending the contract be awarded to the lowest bidder, Weisinger Incorporated. After some discussion, Councilmember Don Mueller moved to approve City of Wharton Resolution No. 2016-80, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2016-80**

A RESOLUTION OF THE WHARTON CITY COUNCIL AWARDING A CONTRACT FOR THE VALHALLA WATERWELL IMPROVEMENT PROJECT AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATING TO SAID CONTRACT.

WHEREAS, Quotes were received for the City of Wharton Valhalla Waterwell Improvement Project; and,

WHEREAS, The following contractor, was deemed the best lowest qualified bidder in the amount of \$111,065.00; and,

WHEREAS, The Wharton City Council wishes to award a contract to Weisinger Incorporated for the City of Wharton Valhalla Waterwell Improvement Project; and,

WHEREAS, The City of Wharton and Weisinger Incorporated wish to be bound by the conditions as set forth in the agreement; and,

WHEREAS, The Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute the agreements.

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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, Texas, to execute contracts for the City of Wharton Valhalla Waterwell Improvement Project to Weisinger Incorporated.

Section II. The City of Wharton and Weisinger Incorporated are hereby bound by the conditions as set forth in the agreement.

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

Passed, Approved, and Adopted this 14th day of November 2016.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The tenth item on the agenda was to review and consider request for variances:

A. Request by Mr. Moyses Morales, for Wharton Collision requesting a variance to the City of Wharton Code of Ordinances, Chapter 66 Signs and Advertising, Section 66-29 Prohibited Signs for the placement of a Changeable Electronic Variable Message Sign (CEVMS) to be placed on the side exterior of business facing N. Richmond Rd.

City Manager Andres Garza, Jr. presented the request by Mr. Moyses Morales for the placement of a Changeable Electronic Variable Message Sign. Community Development Coordinator Gwyn Teves stated that the City of Wharton Planning Commission met on November 7, 2016 and considered the application for sign variance from Mr. Morales. Mrs. Teves said the Commission voted to recommend its approval to the City Council. After some discussion, Councilmember Al Bryant moved to approve the request by Mr. Moyses Morales, for Wharton Collision requesting a variance to the City of Wharton Code of Ordinances, Chapter 66 Signs and Advertising, Section 66-29 Prohibited Signs for the placement of a Changeable Electronic Variable Message Sign (CEVMS) to be placed on the side exterior of

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business facing N. Richmond Rd. Councilmember Vincent Huerta seconded the motion. All voted in favor.

The eleventh 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.
- D. Plumbing and Mechanical Board.

After some discussion, no action was taken.

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

- A. Wharton Economic Development Corporation meeting held October 17, 2016.
- B. Finance Committee meeting held on October 24, 2016.
- C. Wharton Airport Board meeting held November 1, 2016.
- D. Planning Commission meeting held November 7, 2016.

After some discussion, no action was taken.

The thirteenth item on the agenda was to review and consider a request from Pastor Janice Blair to address the City Council. Pastor Janice Blair with the Love of God International Ministries of National City, California stated that she was in Wharton to make some big changes. Pastor Blair said she grew up in Wharton and since 1964 nothing had changed. She stated that she had met with City Manager Andres Garza, Jr. and Mayor Tim Barker regarding the flooding issue of the West Side of the City and that no one was taking responsibility for it. After some discussion, no action was taken.

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

The meeting adjourned at 7:24 p.m.

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By: _____
Tim Barker
Mayor

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ATTEST:

Paula Favors
City Secretary