

**MINUTES  
OF  
CITY OF WHARTON  
REGULAR CITY COUNCIL MEETING  
FEBRUARY 9, 2015**

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 Andel, City Secretary Paula Favors, Assistant to the City Manager – Special Projects Cheryl Urbanovsky, Assistant City Attorney Amy Rod, Public Works Director Kyle Marchant, Community Services Director Jo Beth Knezek and Police Chief Terry Lynch.

Visitors present were: Wharton Economic Development Director David Schroeder, Andy Kirkland, Co-Chairman of the Wharton County Freedom Fest, Inc. (WCFF) Committee, Hungerford Fire Department Assistant Chief/Treasurer Keith Jedlicka and Natalie Frels 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 Mayor Domingo Montalvo, Jr. Councilmember Russell Machann seconded the motion. All voted in favor.

The third item on the agenda was Public Comments. Hungerford Fire Department Assistant Chief/Treasurer Keith Jedlicka with the East Wharton County Firefighters, requested the City Council consider extending the April 1, 2015 deadline to terminate dispatching services to ESD #1 and ESD #2 until July 1, 2015 in order for them to receive their annual allocation of funds from ESD #1. After some discussion, no action was taken.

The fourth item on the agenda was the Wharton Moment. City Manager Andres Garza, Jr. gave condolences to Assistant to the City Manager – Special Projects Cheryl Urbanovsky for the passing of her father, Wendell Parker on February 8, 2015.

The fifth item on the agenda was to review and consider the reading of the minutes from the regular meetings held on January 12, 2015 and January 26, 2015. After some discussion, Councilmember Russell Machann moved waive the reading of the minutes from the regular

meetings held on January 12, 2015 and January 26, 2015 and approve them as presented. Councilmember Al Bryant seconded the motion. All voted in favor.

The sixth item on the agenda was to review and consider a resolution of the City Council of Wharton, Texas, authorizing the submission of a Texas Community Development Block Grant Program Application to the Texas Department of Agriculture for the Community Development Fund; and authorizing the Mayor to act as the City's Chief Executive Officer and authorized representative in all matters pertaining to the City's participation in the Community Development Block Grant Program. City Manager Andres Garza, Jr. stated that on December 30, 2014, the City of Wharton held a public hearing on the 2015-2016 Texas Development Block Grant Program Application. City Manager Garza said that after the hearing, the City Staff was recommending that the City proceed with the Texas Department of Agriculture's Community Development Fund to carry out sewer system improvements in Rust 2, 3 and 4 Addition in the City of Wharton. He said the City Council Public Works Committee met and was recommending the City Council consider approving submitting the application for the project. After some discussion, Councilmember Tim Barker moved to approve City of Wharton Resolution No. 2015-11, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2015-11**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHARTON, TEXAS, AUTHORIZING THE SUBMISSION OF A TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM APPLICATION TO THE TEXAS DEPARTMENT OF AGRICULTURE FOR THE COMMUNITY DEVELOPMENT FUND; AND AUTHORIZING THE MAYOR TO ACT AS THE CITY'S CHIEF EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE CITY'S PARTICIPATION IN THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.**

**WHEREAS**, the City Council of the City of Wharton desires to develop a viable community, including decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low-to-moderate income; and

**WHEREAS**, certain conditions exist which represent a threat to the public health and safety; and

**WHEREAS**, it is necessary and in the best interests of the City of Wharton to apply for funding under the Texas Community Development Block Grant Program;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WHARTON, TEXAS;**

1. That a Texas Community Development Block Grant Program application for the Community Development Fund is hereby authorized to be filed on behalf of the City of Wharton with the Texas Department of Agriculture.

2. That the City's application be placed in consideration for funding under the Community Development Fund.
3. That the application be for **\$350,000.00** of grants funds to carry out sewer system improvements in the City known as the **Rust, 2, 3 and 4 Addition**.
4. That the City Council directs and designates the Mayor as the City's Chief Executive Officer and Authorized Representative to act in all matters in connection with this application and the City's participation in the Texas Community Development Block Grant Program.
5. That all funds will be used in accordance with all applicable federal, state, local and programmatic requirements including but not limited to procurement, environmental review, labor standards, real property acquisition and civic rights requirements.
6. That it further be stated that the City of Wharton is committing **\$70,000.00** from its Water and Sewer Fund as a cash contribution toward the construction activities of the sewer system improvements, engineering and general administration.

**PASSED, APPROVED AND ADOPTED** this 9<sup>th</sup> day of February, 2015

**CITY OF WHARTON, TEXAS**

By: \_\_\_\_\_  
**DON MUELLER**  
Mayor Pro Tem

**ATTEST:**

\_\_\_\_\_  
**PAULA FAVORS**  
City Secretary

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

The seventh item on agenda was to review and consider a request from East Wharton County Firefighters for extension on deadline of termination of dispatching services. City Manager Andres Garza, Jr. stated that on January 21, 2015, at the request of East Wharton County Fire Departments, he met with the Fire Department Representatives from Boling, Hungerford, Glen Flora, East Bernard and the EMS Representative from East Bernard. City Manager Garza said that they expressed their concern with the City of Wharton's deadline of April 1, 2015 to terminate dispatching services to their respective departments. He said the Fire

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Departments' indicated their desire for the City to keep providing dispatching services, however, they were requesting the City delay the termination until July 1, 2015 in order for them to receive their annual allocation of funds from ESD #1. City Manager Garza presented a letter from Hungerford Fire Department Assistant Chief/Treasurer Keith Jedlicka on behalf of the East Wharton County Firefighters requesting the consideration of an extension to the deadline of the termination date for dispatching services. City Manager Garza stated that Mr. Jedlicka indicated that the fire departments had already established their budgets and termination could cause financial hardships on the departments. He said the Fire Departments were respectfully requesting that the termination date of April 1, 2015 be extended to July 1, 2015. City Manager Garza stated that the Finance Committee had met and formed a recommendation for City Council consideration. After some discussion, Councilmember Jeff Gubbels moved to approve the extension of the termination deadline for dispatching services to July 1, 2015 stating that at the current time the ESD did not divide up money on the basis of population or by the number of calls. He stated that the money was divided up in a complete hidden, undefined, undocumented and undisclosed methodology and the Finance Committee did not feel like that money given was inclusive of dispatching services for all entities, therefore the extension would have the stipulation that all requesting entities sign a letter to the ESD detailing that fact and stating that they do not wish the City's portion to be decreased pending the change. Councilmember Al Bryant seconded the motion. All voted in favor.

The eighth item on the agenda was to review and consider a request by the Mr. David Copeland, Co-Chairman of the Wharton County Freedom Fest, Inc. (WCFF) Committee for the City Council to consider approving the following:

- A. Authorization to hold the Annual Wharton County Freedom Fest event on May 16, 2015.
- B. Use of downtown square and Guffey Park and waiver of park rental fee(s).
- C. Assembly and disassembly of the City of Wharton Performance Stage at the corner of Houston Street and Burleson on May 16<sup>th</sup>.
- D. Assistance obtaining twelve (12) Port-O-Lets for Saturday, May 16<sup>th</sup> utilizing city of Wharton Hotel/Motel tax revenue. Four (4) should be placed in the parking area beside Party Mouse, four (4) in Guffey Park, and four (4) on Houston Street near the Prosperity Bank parking lot.
- E. Use of fire hydrant on the northwest corner of the courthouse square. Drainage for same would be use of the gutter under the handicap ramp on the same corner.
- F. Assistance obtaining four (4) solid waste dumpsters with two (2) being placed at Guffey Park on Friday and two (2) being placed near the square. A minimum of 60 waste bags and 200 wide-mouthed bags along with additional pick up of the existing dumpsters around the square prior to the festival from Waste Corporation of America.
- G. Waiver of the fees for the City of Wharton Temporary Permit for Possession and consumption of alcoholic beverages in City Parks.
- H. Variance to the City of Wharton Code of Ordinances Chapter 54 Parks and Recreation Section 54-2 Park Property, Section 54-3 Hours of Operation, and Section 54-8 Operating or parking motor vehicles in parks.
- I. Authorization to close the following streets:

1. Portions of Fulton Streets adjacent to the downtown square at 9:00 p.m. on Friday, May 16<sup>th</sup> through 11:59 p.m. on Saturday, May 16<sup>th</sup>.
  2. Houston Street from Elm to Caney on Friday, May 15<sup>th</sup> thru Saturday, May 16<sup>th</sup> (Sunday, if rain delayed) and use of the City of Wharton's wooden and metal barricades and caution tape to block off the parking areas along Burleson and Milam Streets.
- J. Funding for security through the City of Wharton Hotel/Motel Fund.
- K. Assistance from personnel from the Public Works and Facilities Maintenance Departments.

City Manager Andres Garza, Jr. presented a copy of the letter dated January 23, 2015 from Mr. David Copeland, Co-Chairman of the Wharton County Freedom Fest, Inc. requesting the afore mentioned items. After some discussion, Councilmember Jeff Gubbels moved to approve Items A., B., C., E., F., G., H., I., K and allocate \$2,000 from the Hotel/Motel fund for the festival. Councilmember Tim Barker seconded the motion. All voted in favor.

The ninth item on the agenda was to review and consider a resolution of the Wharton City Council approving a tree and bush trimming agreement for the Highway 59 and FM 102 intersection and authorizing the City Manager to execute said agreement on behalf of the City of Wharton and setting an effective date. City Manager Andres Garza, Jr. presented a memorandum from Public Works Director, Kyle Marchant, P.E. with three quotes for tree trimming at Hwy 59 and FM 102 intersection. City Manager Garza stated that Mr. Marchant's recommendation was to award a contract to Neal's Landscaping for being the lowest and best bid of \$9,500.00. He said the Public Works Committee met on Monday, February 9, 2015 and voted to recommend awarding the contract to Neal's Landscaping. After some discussion, Councilmember Al Bryant moved to approve City of Wharton Resolution No. 2015-12, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2015-12**

**A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING A TREE AND BRUSH TRIMMING AGREEMENT FOR THE HIGHWAY 59 AND FM 102 INTERSECTION AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AGREEMENT ON BEHALF OF THE CITY OF WHARTON AND SETTING AN EFFECTIVE DATE.**

**WHEREAS**, the Wharton City Council authorized the approval of an agreement with the lowest bidder, Neal's Landscaping, for tree and brush trimming for the Highway 59 and FM 102 Intersection in the amount of \$9,500.00; and

**WHEREAS**, the Wharton City Council authorizes the City Manager to execute said agreement on behalf of the City of Wharton provided they meet all insurance requirements; and

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**WHEREAS**, the City Council of the City of Wharton authorizes the City Manager to set an effective date of said agreement.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WHARTON, TEXAS;**

1. That the City Council authorized the approval of an agreement with Neal's Landscaping for \$9,500.00 for tree and brush trimming for the Highway 59 and FM 102 Intersection.
2. That the City Council authorized the City Manager to execute said agreement and set an effective date of said agreement on behalf of the City of Wharton provided they meet all insurance requirements.

**PASSED, APPROVED AND ADOPTED** this 9<sup>th</sup> day of February, 2015

**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 tenth item on the agenda was to Executive Session: City Council may adjourn into Executive Session in accordance with 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:** To deliberate the offer of a financial or other incentives to Buc-ee's which the City seek to have expand within the City of Wharton.

Mayor Pro-Tem Don Mueller moved the meeting into closed session at 7:15 p.m.

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

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- A. Review & Consider:** The offer of a financial or other incentives to Buc-ee's which the City seeks to have expand within the City of Wharton.

Mayor Pro-Tem Don Mueller returned to open session at 7:24 p.m. After some discussion, Councilmember Russell Machann moved that the City proceed an agreement with Buc-ee's to extend a sales tax rebate of up to \$500,000 plus interest for their contribution towards the construction of an exit ramp at Highway 59 and FM 102. Councilmember Tim Barker seconded the motion. All voted in favor.

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

- 1. Appointments:**
- A. Electrical Board.
  - B. Holiday Light Decorating Chairman.
  - C. Beautification Commission

After some discussion, no action was taken.

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

The meeting adjourned at 7:25 p.m.

**CITY OF WHARTON, TEXAS**

**By:** \_\_\_\_\_  
**Don Mueller**  
**Mayor Pro-Tem**

**ATTEST:**

\_\_\_\_\_  
**Paula Favors**  
**City Secretary**