

**MINUTES
OF
CITY OF WHARTON
REGULAR CITY COUNCIL MEETING
NOVEMBER 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. Councilmember Vincent Huerta led the opening devotion and the pledge of allegiance.

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

Councilmember absent was: 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 Brandy Jimenez, Police Chief Terry David Lynch, Patrol Officer Logan Robles, Patrol Sergeant Vinson Valdez, Police Captain Richard Coleman, Patrol Officer Alex Rivera, Public Works Director Wade Wendt and Assistant to the Building Official Gwyn Laney.

Visitors present were: Wharton Economic Development Director David Schroeder, Bradley C. Loehr, P.E. with BEFCO Engineering, Inc., Jim Cockrell, Greg Layne with Linebarger Goggan Blair & Sampson, LLP, Karen Vannerson, Consultant with Linebarger Goggan Blair & Sampson, LLP, Tabari Neblett, Trevor Royal with Waste Corporation of America, Inc., Ferlin Justice with Waste Corporation of America, Inc., Pedro Pratt with Waste Corporation of America, Inc., Latisha Robles, Carter Miska, P.E., King Ooi, Wes Birdwell P.E. of Half and Associates and Morgan Taylor with the Wharton Journal Spectator.

The second item on the agenda was Roll Call and Excuses Absences. After some discussion, Councilmember Tim Barker 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. Mr. Jim Cockrell addressed the City Council regarding closing streets on the square down for certain festivals. Mr. Cockrell requested that businesses be notified before the issue goes to City Council so they would be able to voice their concerns if they have any with an event.

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The fourth item on the agenda was the Wharton Moment. Councilmember Tim Barker stated that it was a successful weekend for the City of Wharton with a 50-14 win over Sweeny for the Wharton Varsity Football Team.

The fifth item discussed on the agenda was to review and consider the reading of the minutes from the regular meetings held October 12, 2015 and October 26, 2015. After some discussion, Councilmember Al Bryant moved to approve the minutes from the regular meetings held October 12, 2015 and October 26, 2015. Councilmember Steve Schneider seconded the motion. All voted in favor.

The sixth item on the agenda was recognition of Richard Coleman. Mayor Pro-Tem Don Mueller presented Police Captain Richard Coleman with a plaque for his 27 years of service to the Wharton Police Department. Police Chief Terry David Lynch stated that Captain Coleman had served as a Captain since 1993 and before that as a detective. Chief Lynch said that it was an honor to work side by side with Captain Coleman over the years.

The seventh item on the agenda was review and consider a request by Ms. Latisha Humphres-Robles- Address the water issue and drainage issue with her home and area. City Manager Andres Garza, Jr. presented an email from Ms. Humphres-Robles wanting to address the water issue and drainage with her home and area. He presented map indicating where her house was located. Ms. Humphres-Robles stated that her home located at 415 Mahan flooded anytime the area received a heavy rain and requested the City Council consider repairing the drainage in that area. City Manager Garza stated that the issue was in the process of being resolved and an engineer would be bringing a proposal to the City Council to correct the drainage problem in that area. After some discussion, no action was taken.

The eighth item on the agenda was to review and consider a request from Mr. King Soon Ooi for a variance from concrete roads 6" thick in the Riverside RV Park a Subdivision of 19.91 acres of land in the City of Wharton, WM. Kincheloe League, A-38 as stated in Chapter 38 – Manufactured Housing, Mobile Homes and Travel Trailers, Article III – Mobile Home, manufactured Housing and Recreational Vehicle Parks, Division 5 – Mobile Home Park Standards, Section 38-212 – Requirements and principles., (a) The mobile home park shall conform to the following requirements:, (4) All mobile home lots shall abut upon a public street, common area street or driveway and shall meet the following requirements:, d. 1. The minimum quality of all public streets which are to be dedicated to the city and private common area streets or driveways shall be six inches of concrete and constructed in accordance with the most current edition of the Design Standards for the City. City Manager Andres Garza, Jr. stated that Mr. Ooi proposed using crushed rock and asphalt. City Manager Garza presented a request from Mr. King Soon Ooi for a variance from concrete roads 6" thick in the Riverside RV Park a Subdivision of 19.91 acres of land in the City of Wharton, WM. Kincheloe League, A-38 as stated in the City's Code of Ordinances. Assistant to the Building Official Gwyn Laney stated that the Planning Commissions had met and were recommending that the City Council consider approving the variance. After some discussion, Councilmember Steven Schneider moved to approve a variance from concrete roads 6" thick in the Riverside RV Park a Subdivision of 19.91 acres of land in the City of Wharton, WM. Kincheloe League, A-38 as stated in Chapter 38 – Manufactured Housing, Mobile Homes and

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Travel Trailers, Article III – Mobile Home, manufactured Housing and Recreational Vehicle Parks, Division 5 – Mobile Home Park Standards, Section 38-212 – Requirements and principles. Councilmember Al Bryant seconded the motion. All voted in favor.

The ninth item on the agenda was to review and consider an application by Mr. Tabari Neblett, 1402 W. Milam St., Harrison, Block 9, Lots 1b & 2b for a variance to build over existing property line to place a house. City Manager Andres Garza, Jr. presented an application from Mr. Tabari Neblett, 1402 W. Milam St., Harrison, Block 9, Lots 1b & 2b for a variance to build over existing property line to place a house. Assistant to the Building Official Gwyn Laney stated that Mr. Neblett owned both pieces of property and wished to place a house across both property lines. After some discussion, Councilmember Al Bryant moved to approve the application by Mr. Tabari Neblett, 1402 W. Milam St., Harrison, Block 9, Lots 1b & 2b for a variance to build over existing property line to place a house. 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 contract with Linebarger Goggan Blair & Sampson, LLP for court fees and fines collection services and authorizing the Mayor of the City of Wharton to execute all documents related to said contract. City Secretary Paula Favors stated that Linebarger Goggan Blair & Sampson, LLP collects delinquent fines and fees for the City of Wharton Municipal Court, but their current contract had expired. City Manager Andres Garza, Jr. presented City Secretary Paula Favor's memorandum to him requesting the City Council consider renewing the agreement for three years. City Manager Garza presented a copy of a proposed contract with Linebarger Goggan Blair & Sampson, LLP for fines and fees collection services in which the agreement was for a three (3) year period. After some discussion, Councilmember Al Bryant moved to approve City of Wharton Resolution No. 2015-83, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2015-83**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING A CONTRACT WITH LINEBARGER GOGGAN BLAIR & SAMPSON, LLP FOR COURT FEES AND FINES COLLECTION SERVICES AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID CONTRACT.

WHEREAS, the City of Wharton wishes to enter into an agreement with Linebarger Goggan Blair & Sampson, LLP for Court Fees and Fines Collection Services; and,

WHEREAS, the Wharton City Council and Linebarger Goggan Blair & Sampson, LLP wishes 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 all documents related to the agreement.

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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 with Linebarger Goggan Blair & Sampson, LLP for Court Fees and Fines Collection Services.

Section II. That the Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute all documents related to the agreement.

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

Passed, Approved, and Adopted this 9th day of November 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 eleventh item on the agenda was to review and consider Kelving Way & Price-Croom Waterline Replacement Project:

A. Bid Tabulation.

B. **Resolution:** A resolution of the Wharton City Council awarding a contract for the Kelving Way & Price-Croom Waterline Replacement Project and authorizing the Mayor of the City of Wharton to execute all documents relating to said contract.

City Manager Andres Garza, Jr. stated that on October 28, 2015, the City received bids for the Kelving Way and Price-Croom Waterline Replacement Project. City Manager Garza presented the bid tabulation and the recommendation from Mr. Bradley Loehr P.E. of BEFCO Engineering Company the engineer for the project. Mr. Loehr stated to the City Council that the lowest and most qualified bidder was Supak Construction in the amount of \$172,333. After some discussion, Councilmember Al Bryant moved to approve City of Wharton Resolution No. 2015-84, which read as follows:

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**CITY OF WHARTON
RESOLUTION NO. 2015-84**

A RESOLUTION OF THE WHARTON CITY COUNCIL AWARDED A CONTRACT FOR THE KELVING WAY & PRICE-CROOM WATERLINE REPLACEMENT PROJECT AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATING TO SAID CONTRACT.

WHEREAS, bids were received for the Kelving Way & Price-Croom Waterline Replacement Project; and,

WHEREAS, Supak Construction, was deemed the best lowest qualified bidder in the amount of \$172,333.00; and,

WHEREAS, the Wharton City Council wishes to award a contract to Supak Construction for the Kelving Way & Price-Croom Waterline Replacement Project in the amount of \$172,333.00; and,

WHEREAS, the City of Wharton and Supak Construction 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 agreement.

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 a contract for the Kelving Way & Price-Croom Waterline Replacement Project to Supak Construction in the amount of \$172,333.00.

Section II. The City of Wharton and Supak Construction 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 9th day of November 2015.

CITY OF WHARTON, TEXAS

By: _____
DON MUELLER

Mayor Pro-Tem

ATTEST:

PAULA FAVORS

City Secretary

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

The twelfth item on the agenda was to review and consider City of Wharton Future Sustainable Water Supply Project.

A. **Resolution:** A resolution of the Wharton City Council approving work order No. 4 with Halff & Associates to provide engineering services to comply with the Texas Water Development Board's grant contract for development of a Regional Facilities Plan and authorizing the Mayor to execute all documents relating to said agreement.

City Manager Andres Garza, Jr. presented a letter from Mr. Wes Birdwell P.E. of Halff and Associates regarding work order 4 and 5 that would allow the City to comply with the requirements of the Texas Water Development Board Grant Contract for the development of a Region Facilities Plan as well as a draft resolution approving the contract work order #4 & #5 with Halff and Associates. After some discussion Councilmember Al Bryant moved to approve City of Wharton Resolution No. 2015-85, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2015-85**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING WORK ORDER NO. 4 WITH HALFF & ASSOCIATES TO PROVIDE ENGINEERING SERVICES TO COMPLY WITH THE TEXAS WATER DEVELOPMENT BOARD'S GRANT CONTRACT FOR DEVELOPMENT OF A REGIONAL FACILITIES PLAN AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS RELATING TO SAID AGREEMENT.

WHEREAS, The City of Wharton received a Regional Facilities Planning Grant from the Texas Water Development Board (TWDB) for the development of a long range water plan; and,

WHEREAS, The City of Wharton must comply with the requirements of said Texas Water Development Board (TWDB) grant contract; and,

WHEREAS, The City of Wharton City Council wishes to engage Halff & Associates under its Master Service Agreement dated September 22, 2014, through Work Order 4 (WO #4) to perform the work necessary to comply with the requirements of the Texas Water Development Board (TWDB) grant contract; and,

WHEREAS, The Wharton City Council authorizes the Mayor of the City of Wharton to execute Work Order #4 with Halff & Associates for said work on behalf of the City of Wharton.

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

Section I. The Wharton City Council hereby approves Work Order 4 (WO #4) with Halff & Associates for engineering services to comply with the Texas Water Development Board's (TWDB) grant contract for development of a Regional Facilities Plan.

Section II. The Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute Work Order 4 with Halff & Associates on behalf of the City of Wharton.

Section IV: That this resolution shall be come effective immediately upon its passage.

Passed, Approved, and Adopted this 9th day of November 2015.

CITY OF WHARTON, TEXAS

By: _____
DON MUELLER
Mayor Pro-Tem

ATTEST:

PAULA FAVORS
City Secretary

B. Resolution: A resolution of the Wharton City Council approving work order No. 5 with Halff & Associates to subcontract with Wesinger Inc. and Intera Inc. for the necessary critical elements to develop a Regional Facilities Plan in compliance with the Texas Water Development Board's grant contract for the Cities of Wharton and East Bernard's sustainable future water supply; authorizing the Mayor of the City of Wharton to execute Rights of Entries with property owners to conduct the necessary water well tests to implement the requirements for development of a sustainable future water supply and authorizing the Mayor to execute all documents relating to said agreements on behalf of the City of Wharton.

City Manager Andres Garza, Jr. stated that the City Council Finance Committee and the City Council Public Works Committee had met and were requesting City Council approval of Work Order No. 5 with Halff & Associates to subcontract with Wesinger Inc. and Intera Inc. to develop a regional facilities plan in compliance with the Texas Water Development Board's grant contract. City Manager Garza said the funding was approved by City Council through the 2015 Bond Program. After some discussion, Councilmember Al Bryant moved to approve City of Wharton Resolution No. 2015-86, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2015-86**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING WORK ORDER NO. 5 WITH HALFF & ASSOCIATES TO SUBCONTRACT WITH WESINGER INC. AND INTERA INC. FOR THE NECESSARY CRITICAL ELEMENTS TO DEVELOP A REGIONAL FACILITIES PLAN IN COMPLIANCE WITH THE TEXAS WATER DEVELOPMENT BOARD'S GRANT CONTRACT FOR THE CITIES OF WHARTON AND EAST BERNARD'S SUSTAINABLE FUTURE WATER SUPPLY; AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE RIGHTS OF ENTERIES WITH PROPERTY OWNERS TO CONDUCT THE NECESSARY WATER WELL TESTS TO IMPLEMENT THE REQUIREMENTS FOR DEVELOPMENT OF A SUSTAINABLE FUTURE WATER SUPPLY AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS RELATING TO SAID AGREEMENTS ON BEHALF OF THE CITY OF WHARTON.

WHEREAS, The City of Wharton received a Regional Facilities Planning Grant from the Texas Water Development Board (TWDB) for the development of a long range water plan; and,

WHEREAS, The City of Wharton has engaged Halff & Associates under a Master Service Agreement dated September 22, 2014; and,

WHEREAS, The City of Wharton City Council wishes to engage Halff & Associates through Work Order 5 (WO #5) to complete Work Order 4 (WO #4) in order to utilize said information in the Texas Water Development Board (TWDB) grant study; and,

WHEREAS, The City of Wharton City Council wishes to authorize the Mayor of the City of Wharton to enter into Rights-of-Entry Agreements with property owner(s) to conduct the necessary water well tests to implement the requirements for development of a sustainable future water supply plan to comply with the Texas Water Development Board (TWDB) grant contract; and,

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

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

Section I. The Wharton City Council hereby approves Work Order 5 (WO #5) with Halff & Associates.

Section II. The Wharton City Council hereby authorizes the Mayor of the City to enter into Rights-of-Entry Agreements with property owner(s) to conduct the necessary water well tests to implement the requirements for development of a sustainable future water supply plan to comply with the Texas Water Development Board (TWDB) grant contract.

Section III: The Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute all documents relating to said agreements on behalf of the City of Wharton.

Section IV: That this resolution shall be come effective immediately upon its passage.

Passed, Approved, and Adopted this 9th day of November 2015.

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 thirteenth 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.

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D. Central Appraisal District of Wharton County Board of Directors.

After some discussion, Councilmember Tim Barker moved to appointment the following:

Central Appraisal District of Wharton County Board of Directors Term Expiring

Councilmember Russell Machann

December 31, 2017

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

The fourteenth item on the agenda was to review and consider City Council Boards, Committees and Commissions reports:

- A. Planning Commissions meeting held on November 2, 2015.
- B. Airport Board meeting held on November 3, 2015.

After some discussion, no action was taken.

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

The meeting adjourned at 7:30 p.m.

CITY OF WHARTON, TEXAS

By: _____
Domingo Montalvo, Jr.
Mayor

ATTEST:

Paula Favors
City Secretary