

**MINUTES
OF
CITY OF WHARTON
REGULAR CITY COUNCIL MEETING
JANUARY 9, 2017**

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 Russell Machann led the opening devotion and the pledge of allegiance.

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

Councilmember absent was: None.

Staff members present were: City Manager Andres Garza, Jr, Finance Director Joan Anandel, City Secretary Paula Favors, Assistant to the City Manager Brandi Jimenez, City Attorney Paul Webb, Public Works Director Wade Wendt, Community Development Coordinator Gwyneth Teves and Police Chief Terry Lynch.

Visitors present were: Wharton Economic Development Director Chad Odom, III, Carol Wooten, I.O. Coleman, Jr., Pastor Janice Blair, Mary A. Barnes, Cathy V. Garcia 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. Wharton Economic Development Director Chad Odom, III, stated that he was excited to begin his new position as the WEDCo Director and felt very welcome from the City of Wharton.

The fourth item on the agenda was the Wharton Moment. Councilmember Terry Freese congratulated both the Wharton High School Varsity Boy's and Girls' Basketball teams on recent wins. Mayor Tim Barker announced the 13th Annual Hospice Fundraiser would be taking place on Friday, January 13, 2017 at the Wharton Civic Center.

The fifth item on the agenda was to review and consider the reading of the minutes from the regular meeting held on December 12, 2016 and special meeting held December 20, 2016. After some discussion, Councilmember Al Bryant moved to approve the reading

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of the minutes from the regular meeting held on December 12, 2016 and special meeting held December 20, 2016. Councilmember Russell Machann seconded the motion. All voted in favor.

The sixth item on the agenda was to review and consider the City of Wharton Financial Report for November 2016. Finance Director Joan Anandel presented the financial report for the month of November 2016. Mrs. Anandel stated that the TexPool balance for November 2016 was \$131,888.53 with an average monthly yield of .40%. She said the Prosperity Bank balance for November 2016 was \$5,016,172.80 with an average monthly yield of .15%. After some discussion, Councilmember moved to approve the City of Wharton Financial Report for the month of November 2015. Councilmember Al Bryant seconded the motion. All voted in favor.

The seventh item on agenda was to review and consider a request by Mr. Paul Kearney, Event Coordinator for Wharton County Juneteenth Festival, for City Council consideration to approve the following:

- A. Authorization to hold the 8th Annual Juneteenth Festival on Saturday, June 17, 2017 from 10:00 a.m. through 12:00 midnight in the downtown square area.
- B. City of Wharton assistance by providing hotel/motel funding for the required security.
- C. City of Wharton assistance in coordinating with Waste Corporation of America for solid waste disposal receptacles and additional debris collection.
- D. Waiver of the fees associated with the Temporary Permit for the consumption and possession of Alcoholic Beverages.
- E. City Council authorization to close portions of Houston and Fulton Street from Milam to Burleson Street from 5:00 p.m. on Friday, June 16th through 12:00 Midnight, Saturday, June 17th, 2017 and the section of Houston Street from Burleson Street to Elm Street on Saturday, June 17, 2017 from 6:00 p.m. through 11:30 p.m. and Burleson Street (Highway 60) in accordance with the Traffic Control Plan and to provide all necessary barricades.
- F. **Ordinance:** An ordinance approving the traffic control plan for the James Simmons, Jr. 8th Annual Juneteenth Festival, authorizing the Police Department to redirect traffic and authorizing the Mayor of the City of Wharton to execute the Texas Department of Transportation Agreement for the Temporary Closure of State Right of Way.
- G. Use of the City of Wharton stage and City Personnel to assemble and dismantle the stage at no cost.

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City Manager Andres Garza, Jr. presented copies of the letters dated December 8, 2016 from Mr. Paul Kearney, Event Coordinator for the Wharton County Juneteenth Festival requesting the afore-mentioned items. City Manager Garza presented a draft copy of the Texas Department of Transportation Agreement for the Temporary Closure of State Right of Way and a draft copy of the ordinance approving the traffic control plan for this event. City Manager Garza stated that the City Council had allocated \$2,000 towards the Festival for the current fiscal year for their use, not necessarily for security as they requested. After some discussion, Councilmember Russell Machann moved to approve items A., B., D., E., F., to allocate \$2,000 from the Hotel/Motel fund for the Festival and item G., which read as follows, City of Wharton Ordinance No. 2017-01, which read as follows:

**CITY OF WHARTON
ORDINANCE NO. 2017 – 01**

AN ORDINANCE APPROVING THE TRAFFIC CONTROL PLAN FOR THE JAMES SIMMONS, JR. 8TH ANNUAL JUNETEENTH FESTIVAL, AUTHORIZING THE POLICE DEPARTMENT TO REDIRECT TRAFFIC AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE THE TEXAS DEPARTMENT OF TRANSPORTATION AGREEMENT FOR THE TEMPORARY CLOSURE OF STATE RIGHT OF WAY.

WHEREAS, The Wharton County Juneteenth Festival Committee Members wishes to hold the James Simmons, Jr. 8th Annual Juneteenth Festival in the downtown area of the City of Wharton and has requested approval to close portions of State Hwy. 60; and,

WHEREAS, Said festival requires the City of Wharton to close State Highway 60, known as Burleson Street from its intersection of Polk Street to Fulton Street; and,

WHEREAS, The closure will require the detouring of all traffic traveling south on State Highway 60 according to the map (Attachment A) attached to this ordinance; 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; and,

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WHEREAS, The City Council wishes to authorize the Mayor of the City of Wharton to execute the Agreement for the Temporary Closure of State Right of Way as required by the Texas Department of Transportation.

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

Section I. The traffic control plan for the James Simmons, Jr. 8th Annual Wharton County Juneteenth Festival is hereby approved.

Section II. The detour route resulting from the closure of State Highway 60 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. That the Mayor of the City of Wharton is hereby authorized to execute the Agreement for the Temporary Closure of State Right of Way as required by the Texas Department of Transportation.

Section VII. This ordinance shall become effective on the 17th day of June 2017 and remain in effect until such time that State Highway 60 is reopened to all traffic.

PASSED, APPROVED AND ADOPTED this 9th day of January 2017.

CITY OF WHARTON, TEXAS

By:

TIM BARKER
Mayor

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ATTEST

PAULA FAVORS

City Secretary

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

The eighth item on the agenda was to review and consider a request from TNT Western Wear for a variance for the installation of a changeable electronic message sign. City Manager Andres Garza, Jr. presented a request from TNT Western Wear for a variance for the installation of a changeable electronic message sign. City Manager Garza stated that the request was submitted on December 19, 2016 and since there was not a second City Council meeting in December, he went ahead and approved the variance since it was similar to previous variances granted by the City Council. Community Services Coordinator Gwyneth Teves submitted their application for the City Council to ratify this action and stated that the signs extreme brightness was brought to the attention of City Staff and the issue would be taken care of by the owner. After some discussion, Councilmember Don Mueller moved to approve the request from TNT Western Wear for a variance for the installation of a changeable electronic message sign. Councilmember Russell Machann seconded the motion. All voted in favor.

The ninth item on the agenda was to review and consider an ordinance approving an amendment to the City of Wharton Budget October 1, 2015 – September 30, 2016. Finance Director Joan Andel presented the City of Wharton Budget Adjustments for fiscal year October 1, 2015 through September 30, 2016. She stated that the City Council Finance Committee had met on Monday, January 9, 2017 at 6:00 p.m. and voted to recommend the City Council approval of the budget amendments. After some discussion, Councilmember Don Mueller moved to approve City of Wharton Ordinance No. 2017-03, which read as follows:

CITY OF WHARTON, TEXAS

ORDINANCE NO. 2017-03

**AN ORDINANCE APPROVING AMENDMENTS TO
THE CITY OF WHARTON, TEXAS, BUDGET FOR
THE 2015-2016 FISCAL YEAR.**

WHEREAS, the City Council of the City of Wharton, Texas finds and determines it necessary to revise the 2015-2016 budget to better reflect actual revenues and expenditures in operations and activities during the fiscal year; and,

WHEREAS, the City Council finds and determines that these amendments to the budget are for municipal purposes.

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Wharton, Texas that the 2015-2016 Budget be amended as per Attachment "A;" and is adopted by the following favorable majority of votes of the members of the City Council of the City of Wharton, Texas in a duly assembled city council meeting by the following majority:

Al Bryant Councilmember District No. 1	Voted	Yes	Steven Schneider Councilmember District No. 2	Voted	Yes
Terry Freese Councilmember District No. 3	Voted	Yes	Donald Mueller Councilmember District No.4	Voted	Yes
Russell Machann Councilmember at Large No. 5	Voted	Yes	Vincent Huerta Councilmember at Large No. 6	Voted	Yes
Tim Barker Mayor	Voted	Yes			

Separability

If any court of competent jurisdiction rules that any section, subsection, sentence, clause, or portion of this ordinance is invalid or unconstitutional, any such portion shall be deemed to be a distinct and independent provision, and any such ruling shall not affect the validity of the remaining portions hereof.

Passage and Approval

PASSED AND APPROVED by the City Council of the City of Wharton, Texas, this 9th day of January 2016.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

APPROVED AS TO FORM:

ADMISSION:

PAUL WEBB
City Attorney

JOAN ANDEL
Director of Finance

Councilmember Russell Machann 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 the re-submittal to the Texas Division of Emergency Management (TDEM) under the Hazard Mitigation Grant Program for four (4) grant applications for funding as follows:

1. Sewer Infrastructure Mitigation
2. Warning System-Siren Mitigation
3. Residential Mitigation
4. Integrated Flood Protection System

and authorizing the Mayor of the City of Wharton to execute all documents relating to said grants. City Manager Andres Garza, Jr. stated that the City of Wharton was informed by a TDEM representative that the Texas Severe Storms and Flooding (DR-4272) - incident period: May 22, 2016 to June 24, 2016 was the last declared disaster 404 HMPG opportunity with a deadline of January 20, 2017. City Manager Garza said that because this was the last round of funding they recommended that the City re-submit our applications to compete for these funds as well. He said the application funding preference would be given to the 24 declared counties that experienced damages in the disaster but all applications would be considered. City Manager Garza presented an email from Ms. Laura Clemons of CB&I informing the City of the opportunity for re-submittal. He stated that the City Council Finance Committee met on Monday, January 9, 2017 at 6:00 p.m. and were recommending City Council consider approving the re-submittal of the four (4) grant applications. After some discussion, Councilmember Al Bryant moved to approve City of Wharton Resolution 2017-01, which read as follows:

CITY OF WHARTON

RESOLUTION NO. 2017-01

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING THE RE-SUBMITTAL TO THE TEXAS DIVISION OF EMERGENCY MANAGEMENT (TDEM) FOR THE HAZARD MITIGATION GRANT PROGRAM FOUR (4) GRANT APPLICATIONS FOR FUNDING AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATING TO SAID GRANTS.

WHEREAS, The City of Wharton City Council wishes to re-submit applications to the Texas Division of Emergency Management (TDEM) for the Hazard Mitigation Grant Program under the direction of the CBI ; and,

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

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

SECTION I. The Wharton City Council hereby approves the submittal of the applications to the Texas Division of Emergency Management (TDEM) for the Hazard Mitigation Grant program for the following:

1. Sewer Infrastructure Mitigation
2. Warning System-Siren Mitigation
3. Residential Mitigation
4. Integrated Flood Protection System

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

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

PASSED, APPROVED, and ADOPTED this 9th day of January 2017.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

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 request from Pastor Janice Blair to address the Council regarding the following:

- A. Affirmation: To all residents, especially to those on the Westside. “When injustice becomes law; then resistance becomes our duty.” One of the founding Fathers.
- B. The seminar that we attended sponsored by the USDA. On November 30, 2016.
- C. Wharton are the immediate short term goals for the Westside in case of another flood in 2017.
- D. Has any options been considered of immediate measures that can be put in place NOW by the City of Wharton in case the grant is not approved in case of another flood.
- E. How many times do we ask residents to start over.
- F. Even if we receive the grant that Laurie has put in for, she said this could take (six Months) or more; What are the immediate measures in the meantime. With a new year upon us, let’s reflect on solution not options.
- G. The potential risk of putting the residents at risk again if action is not taken NOW.

Pastor Blair requested answers to her afore mentioned question. After some discussion, no action was taken.

The twelfth item on the agenda was a request from Ms. Mary Barnes to talk and get answers concerning the residents of the flood. Ms. Barnes address the City Council with questions regarding plans for the Flood Victims of the City of Wharton’s West side. City Manager Andres Garza, Jr. addressed the questions and discussed the different options the City Staff was currently working on regarding the flooding issue. After some discussion, no action was taken.

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

City Manager Andres Garza, Jr. presented an email from Mr. Shaun Stockwell expressing interest in serving on the Building Standards Commission. City Manager Garza stated that there were still vacancies that need to be filled on the following City of Wharton Boards, Commissions or Committees:

- A. Building Standards Commission.
- B. Plumbing and Mechanical Board.

After some discussion, Councilmember Russell Machann moved to appoint the following:

- A. Building Standards Commission. Term Expiring

Shaun Stockwell

June 30, 2017

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

- A. Beautification Commission meeting held on December 14, 2016.
- B. Mayor's Committee on People with Disabilities meeting held on December 21, 2016.
- C. Airport Board meeting held on January 3, 2017.

After some discussion, no action was taken.

The fifteenth item on the agenda was to review and consider City Manager's Reports:

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| A. City Secretary/Personnel. | H. Fire Marshall. |
| B. Code Enforcement. | I. Legal Department. |
| C. Community Services Department / Civic Center. | J. Municipal Court. |
| D. Emergency Management. | K. Police Department. |
| E. E.M.S. Department. | L. Public Works Department. |
| F. Facilities Maintenance Department / 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 sixteenth 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 7:32 p.m.

CITY OF WHARTON, TEXAS

By: _____
Tim Barker
Mayor

ATTEST:

Paula Favors
City Secretary