

**MINUTES  
OF  
CITY OF WHARTON  
REGULAR CITY COUNCIL MEETING  
MAY 8, 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 Vincent Huerta led the opening devotion and Mayor Barker led the pledge of allegiance.

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

Councilmember absent was: Steven Schneider.

Staff members present were: Finance Director Joan Andel, City Secretary Paula Favors, Assistant to City Manager Brandi Jimenez, Community Development Coordinator Gwyn Teves, City Attorney Paul Webb and Police Chief Terry Lynch.

Visitors present were: Wharton Economic Development Director Chad Odom, III, I.O. Coleman, Jr., Thelma Hayes, Carlos Cotton, P.E. with Jones and Carter, Inc., Bradley C. Loehr, P.E. with BEFCO Engineering, Inc., Billie Jones 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 Steven Schneider. Councilmember Vincent Huerta seconded the motion. All voted in favor.

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

The fourth item on the agenda was the Wharton Moment. Councilmember Al Bryant thanked the City Staff for a job well done on the renovations of the City Council Chamber and Conference room. Mayor Tim Barker congratulated Councilmember Don Mueller on 25 years as a councilmember and thanked him for his years of service to the residents of Wharton. Councilmember Mueller thanked all the previous Mayors and Councilmembers for serving with him over the years of service. Mayor Barker gave his condolences to former Mayor, Dr. Dennis Voulgaris, on the passing of his wife Valta "Val" Brookman Voulgaris.

The fifth item on the agenda was to review and consider the reading of the minutes from the regular meetings held April 10, 2017 and April 24, 2017. After some discussion, Councilmember Al Bryant moved to approve the reading of the minutes from the regular meeting held on April 10, 2017 and April 24, 2017. Councilmember Russell Machann seconded the motion. All voted in favor.

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The sixth item on the agenda was to review and consider a request by Mr. Ron Sanders, Executive Director of the Wharton Chamber of Commerce to hold the annual City-Wide Garage Sale in Guffey Park and the City of Wharton parking lot at the corner of Fulton and Caney Streets on Friday, June 2, 2017 through Saturday, June 3, 2017. Finance Director Joan Andel presented a letter dated April 25, 2017 from Mr. Ron Sanders, Executive Director of the Wharton Chamber of Commerce requesting City Council approval to hold the Chamber of Commerce 2017 City-Wide Garage Sale in Guffey Park and the City of Wharton parking lot at the corner of Houston and Caney Streets on Friday, June 2, 2017 and Saturday, June 3, 2017. After some discussion, Councilmember Russell Machann moved to approve the request by Mr. Ron Sanders, Executive Director of the Wharton Chamber of Commerce to hold the annual City-Wide Garage Sale in Guffey Park and the City of Wharton parking lot at the corner of Fulton and Caney Streets on Friday, June 2, 2017 through Saturday, June 3, 2017. Councilmember Don Mueller seconded the motion. All voted in favor.

The seventh item on agenda was to review and consider the TxDOT Transportation Alternatives Set-Aside Program:

A. **Resolution:** A resolution of the Wharton City Council authorizing the submission of a grant application for the Texas Department of Transportation 2017 TA Set-Aside Program call for projects, certifying funding and support for the City of Wharton Sidewalk Project and authorizing the Mayor of the City of Wharton to execute all documents relating to said application.

Finance Director Joan Andel stated that on January 27, 2017, the Texas Department of Transportation (TxDOT) announced a statewide Call for Projects under the Transportation Alternatives Set-Aside (TA Set-Aside) Program for population areas of 200,000 or less. Mrs. Andel said that the TA Set-Aside Program provided funding to construct a variety of alternative transportation projects that improve mobility for non-motorized users and mitigate congestion by providing transportation options and safe routes to school. She said the City had applied and received funding under this program in 2009 and 2012 and the sidewalk project improvements were funded when the program was called the TxDOT Enhancement Program and the project application was due May 22, 2017. Community Development Coordinator Gwyn Laney stated that the Public Works Committee met on May 4, 2017 and voted to recommend to the City Council that the application be submitted to the Texas Department of Transportation for the Transportation Alternatives Set Aside Program. After some discussion, Councilmember Don Mueller moved to approve City of Wharton Resolution No. 2017-45, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2017-45**

**A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION FOR THE TEXAS DEPARTMENT OF TRANSPORTATION 2017 TA SET-ASIDE PROGRAM CALL FOR PROJECTS, CERTIFYING FUNDING AND SUPPORT FOR THE CITY OF WHARTON SIDEWALK PROJECT AND AUTHORIZING THE MAYOR OF THE CITY OF**

**WHARTON TO EXECUTE ALL DOCUMENTS RELATING TO SAID APPLICATION.**

**WHEREAS,** The Texas Department of Transportation administers the federally funded TA Set-Aside Program which provides opportunities for non-traditional transportation related activities; and,

**WHEREAS,** Projects submitted under this program should go above and beyond standard transportation activities and be integrated into the surrounding environment in a sensitive and creative manner that contributes to the livelihood of the communities, promotes the quality of the environment, provides safe routes to school, and enhances the aesthetics of roadways; and,

**WHEREAS,** The Texas Department of Transportation has announced the 2017 Program Call for candidate enhancement projects for the TA Set-Aside Program; and,

**WHEREAS,** The Wharton City Council wishes to submit an application to the Texas Department of Transportation for sidewalk additions that would include the creation of safe routes to school and ADA compliant pedestrian accessibility in Wharton in accordance with the State of Texas regulations; and,

**WHEREAS,** The Wharton City Council wishes to agree to provide the required local match at 20% or greater of the total project cost, including being responsible for all non-federally fundable items and 100% of cost over runs; and,

**WHEREAS,** The Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute all documents related to said application.

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

**Section I.** The above listed project, if selected for the TA Set-Aside Program funding by the Texas Department of Transportation, will be placed in the appropriate Transportation Improvement Program for the City of Wharton.

**Section II.** The City of Wharton, Texas, fully supports and authorizes the submission of an application for funding through the Texas Department of Transportation TA Set-Aside Program with the specific goal of sidewalk construction that would include the creation of safe routes to school and ADA compliant pedestrian accessibility for ADA compliance in Wharton in accordance with the State of Texas regulations.

**Section III.** The City of Wharton feels strongly that the proposed project demonstrates the City of Wharton's desire to provide safe, ADA compliant pedestrian routes in Wharton.

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**Section IV.** The City of Wharton, supports funding this project as described in the 2017 TA Set-Aside Nomination Form (including the construction budget, the department's 15% administrative cost, and the required local match) and is willing to commit to the project's development, implementation, construction, maintenance, management and financing. The City of Wharton is willing and able to enter into an agreement with the department by resolution or ordinance, should the project be selected for funding.

**Section V.** The Mayor of the City of Wharton is hereby authorized to execute all documents related to said application.

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

**Passed, Approved and Adopted** this the 8<sup>th</sup> day of May 2017.

**CITY OF WHARTON, TEXAS**

**By:** \_\_\_\_\_  
**TIM BARKER**  
Mayor

ATTEST:

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

Councilmember Terry Freese seconded the motion. All vote favor.

The eighth item on the agenda was to review and consider Waste Water Treatment Plant No. 1:

A. **Resolution:** A resolution of the Wharton City Council amending the Contract with Jones & Carter, Inc. for Engineering Services for Waste Water Treatment Plant No. 1 Improvements and authorizing the Mayor of the City of Wharton to execute all documents related to said amendment.

Finance Director Joan Andel presented an amendment No. 2 for Professional Engineering Services with Jones & Carter for Waste Water Treatment Plant No. 1 for additional engineering work. Community Development Coordinator Gwyn Teves stated that the Public Works Committee met on May 4, 2017 and voted to recommend the approval of amendment No. 2 with Jones and Carter for Waste Water Treatment Plant No. 1 Improvements. After some discussion, Councilmember Don Mueller moved to approve City of Wharton Resolution NO. 2017-46, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2017 – 46**

**A RESOLUTION OF THE WHARTON CITY COUNCIL AMENDING THE CONTRACT WITH JONES AND CARTER, INC. FOR ENGINEERING SERVICES FOR WASTE WATER TREATMENT PLANT NO. 1 IMPROVEMENTS AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID AMENDMENT.**

**WHEREAS,** On May 8, 2017 the Wharton City Council amended the professional engineering services agreement with Jones and Carter, Inc. for the engineering services on Waste Water Treatment Plant No. 1 to include additional engineering fees; and,

**WHEREAS,** The City of Wharton and Jones and Carter, Inc. 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 said contract amendment.

**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 to execute the amended agreement with Jones and Carter, Inc. and the City of Wharton for engineering services for Waste Water Treatment Plant No. 1 Improvement Project to include additional engineering fees.

**Section II.** The City of Wharton and Jones and Carter, Inc. are hereby bound by the conditions as set forth in the contract amendment.

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

**PASSED, APPROVED, and ADOPTED** this 8<sup>th</sup> day of May 2017.

**CITY OF WHARTON, TEXAS**

**By:** \_\_\_\_\_  
**TIM BARKER**  
Mayor

**ATTEST:**

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

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

The ninth item on the agenda was to review and consider the Alabama Street Sanitary Sewer Improvements Project:

A. Bid Tabulations.

B. Withdrawal of Bid Request from JTM.

C. **Resolution:** A resolution of the Wharton City Council awarding a contract for the Alabama Street Sanitary Sewer Improvement Project and authorizing the Mayor of the City of Wharton to execute all documents related to said contract.

Finance Director Joan Andel stated that the Public Works Committee met on May 4, 2017 and voted to recommend to the City Council to deny the request to withdrawal the bid and to award the contract to JTM for the Alabama Street Sanitary Sewer Improvements Project. Mr. Bradley Loehr, P.E. with BEFCO Engineering stated he had received a letter from JTM Construction wishing to withdraw their bid. Community Development Coordinator Gwyn Teves stated that City Manager Andres Garza, Jr. was recommending the City Council consider denying the request to withdraw the bid from JTM Construction. After some discussion, Councilmember Don Mueller moved to approve the bid tabulations. Councilmember Al Bryant seconded the motion. All voted in favor. Councilmember Al Bryant then moved to deny the request to withdraw the bid request from JTM Construction and approve City of Wharton Resolution No. 2017-47, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2017-47**

**A RESOLUTION OF THE WHARTON CITY COUNCIL AWARDING A CONTRACT FOR THE ALABAMA STREET SEWER PROJECT AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID CONTRACT.**

**WHEREAS,** Bids were received for TxCDBG Contract No 7216489 for the Community Development Fund (Alabama Street Sewer Project); and,

**WHEREAS,** JTM was deemed the best lowest qualified bidder in the amount of \$288,098.20; and,

**WHEREAS,** The Wharton City Council wishes to award a contract to JTM for TxCDBG Contract No 7216489 for the Community Development Fund (Alabama Street Sewer Project) in the amount of \$288,098.20; and,

**WHEREAS,** The City of Wharton and JTM 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 on behalf of the City of Wharton.

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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 a contract for TxCDBG Contract No 7216489 for the Community Development Fund (Alabama Street Sewer Project) in the amount of \$288,098.20 with JTM.

**Section II.** The City of Wharton and JTM 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 8th day of May 2017.**

**CITY OF WHARTON, TEXAS**

By: \_\_\_\_\_  
**TIM BARKER**  
Mayor

**ATTEST:**

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**PAULA FAVORS**  
City Secretary

Councilmember Steven Schneider 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 adopting the City of Wharton Investment Policy after the Annual Review of City of Wharton Investment Policy and setting an effective date. Finance Director Joan Andel stated the City of Wharton Investment Policy must be reviewed and adopted annually and the City Council Finance Committee met on May 8, 2017 and was recommending the City Council consider approving the policy as presented. After some discussion, Councilmember Russell Machann moved to approve City of Wharton Resolution No. 2017-48, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2017-48**

**A RESOLUTION OF THE WHARTON CITY COUNCIL ADOPTING THE CITY OF WHARTON INVESTMENT POLICY AFTER THE ANNUAL REVIEW OF THE CITY OF WHARTON INVESTMENT POLICY, SETTING AN EFFECTIVE DATE.**

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**WHEREAS,** The Public Funds Investment Act, requires the City Council to review and adopt, by resolution, the investment policies and strategies for the City of Wharton on an annual basis; and,

**WHEREAS,** The City of Wharton designates the City Manager and the Finance Director as investment officers; and,

**WHEREAS,** The City of Wharton approves the training courses sponsored or endorsed by the Texas Municipal League, the Government Finance Officers Association of Texas, the Government Treasurers Organization of Texas, or the North Central Texas Council of Governments as adequate to meet the investment training requirements; and,

**WHEREAS,** The attached investment policy complies with the Public Funds Investment Act and authorizes the investment of City funds in safe and prudent investments.

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

Section I. The City of Wharton has complied with the requirements of the Public Funds Investment Act and the Investment Policy attached hereto as "Exhibit A" is hereby adopted as the Investment Policy of the City of Wharton effective May 8, 2017.

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

**Passed, Approved, and Adopted** this 8<sup>th</sup> day of May 2017.

**CITY OF WHARTON, TEXAS**

**By:** \_\_\_\_\_  
**TIM BARKER**  
Mayor

**ATTEST:**

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**PAULA FAVORS**  
City Secretary

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



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The eleventh item on the agenda was to review and consider a resolution of the Wharton City Council approving an agreement for the City of Wharton Land Lease of approximately 0.10 acres located in tract 69A, 4.666 acres, Alexander Jackson Timber League, Abstract No. 34, subject to approval by the City Attorney and authorizing the Mayor of the City of Wharton to execute all documents related to said agreement. Finance Director Joan Andel stated that the bid opening for the City of Wharton land lease for approximately 0.10 acres of tract 69A, 4.666 acres located in the Alexander Jackson Timber League, Abstract No. 34 was held April 18, 2017 and one bid was received by ACME Partnership LP in the amount of a minimum of \$5,000.00 per year. Community Development Coordinator Gwyn Teves stated that the City Council Finance Committee met on May 8, 2017 and was recommending that City Council consider approving the agreement subject to the City Attorney's approval. After some discussion, Councilmember Russell Machann moved to approve City of Wharton Resolution NO. 2017-49, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2017-49**

**A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AN AGREEMENT FOR THE CITY OF WHARTON LAND LEASE OF APPROXIMATELY 0.10 ACRES LOCATED IN TRACT 69A, 4.666 ACRES, ALEXANDER JACKSON TIMBER LEAGUE, ABSTRACT NO. 34, SUBJECT TO APPROVAL BY CITY ATTORNEY AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID AGREEMENT.**

**WHEREAS**, Bids were received April 18, 2017 for the lease of approximately 0.10 acres located in Tract 69A, 4.666 acres of land, Alexander Jackson Timber League, Abstract No. 34; and,

**WHEREAS**, ACME Partnerships LP was deemed to be the best qualified bidder; and,

**WHEREAS**, The City of Wharton and ACME Partnerships LP wishes to enter into a land lease agreement for approximately 0.10 acres; and,

**WHEREAS**, The Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute all documents related to the contract.

**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 Mayor Tim Barker to execute a land lease agreement with ACME Partnerships LP for approximately 0.10 acres located in Tract 69A, 4.666 acres of land, Alexander Jackson Timber League, Abstract No. 34.

**Section II.** The City of Wharton and ACME Partnership LP are hereby bound by the

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conditions as set forth in the contract.

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

**Passed, Approved, and Adopted** this 8th day of May 2017.

**CITY OF WHARTON, TEXAS**

**By:**

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**TIM BARKER**  
Mayor

**ATTEST:**

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**PAULA FAVORS**  
City Secretary

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

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

A. Pay Request No. 9 to M & C Fonseca Construction Co., Inc.

Finance Director Joan Andel presented pay request No. 9 in the amount of \$94,446.80 from M & C Fonseca Construction Co., Inc. for the Wharton Sidewalk Accessibility and Historic Streetscape Project. After some discussion, Councilmember Al Bryant moved to approve pay request No. 9 in the amount of \$94,446.80 from M & C Fonseca Construction Co., Inc. for the Wharton Sidewalk Accessibility and Historic Streetscape Project. Councilmember Terry Freese seconded the motion. All voted in favor.

The thirteenth item on the agenda was to review and consider Old Lane City Road Overlay Project:

A. Change Order No. 1.

After some discussion, Councilmember Al Bryant moved to approve Change Order No. 1. Councilmember Vincent Huerta seconded the motion. All voted in favor.

B. Pay Request No. 1 from Cornerstone Paving and Construction, LLC.

Finance Director Joan Andel presented pay request No. 1 in the amount of \$143,057.79 and Change Order No. 1 from Cornerstone Paving and Construction, LLC and for the Old Lane City Road Overlay Project and Construction Progress Report No. 1 for the period of February 18, 2017 to March 31, 2017. After some discussion, Councilmember Al Bryant moved to

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approve Pay Request No. 1 from Cornerstone Paving and Construction, LLC in the amount of \$143,057.79. Councilmember Terry Freese seconded the motion. All voted in favor.

The fourteenth item on the agenda was to review and consider a request from Ms. Dora Casarez, Manager of the Wharton Learning Center, to address the Council regarding the use of the Wharton Civic Center for no charge. Finance Director Joan Anandel presented a request from Ms. Dora Casarez regarding the use of the Wharton Civic Center for no charge for the Adult Prom. Mrs. Anandel stated that she had spoken to Ms. Casarez regarding the rental of the Wharton Civic Center and since Texana was requesting to only rent the Civic Center from 10:00 a.m. to 2:00 p.m on a Tuesday, Wednesday, or Thursday, she had offered the rental of the facility to Ms. Casarez for an hourly rate of \$75 per hour – the Non-Profit hourly rate as stated in the City of Wharton Ordinance 2016-11. Councilmember Vincent Huerta stated that waving the fee for the Wharton Civic Center would set a precedence that would not be in the best interest of the City. City Attorney Paul Webb stated that while the Adult Prom was a great program for the Wharton Learning Center the City did have to follow the guidelines outlined in the City of Wharton Ordinance 2016-11. After some discussion, City Attorney Webb, Mayor Tim Barker, Councilmember Russell Machann and Councilmember Al Bryant stated that they would donate personal funds to the Wharton Learning Center to cover the cost of the \$75 per hour Non-Profit rental rate for the event. No action was taken.

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

Finance Director Joan Anandel presented the list of persons serving on the various City Boards, Commissions and Committees. Mrs. Anandel stated there were still vacancies that need to be filled.

1. Appointments:
  - A. Building Standards Commission.
  - B. Plumbing and Mechanical Board.

After some discussion, no action was taken.

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

- A. Wharton Economic Development Corporation meeting held April 17, 2017.
- B. Wharton Airport Board meeting held May 2, 2017.

After some discussion, no action was taken.

The seventeenth 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 7:25 p.m.

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**CITY OF WHARTON, TEXAS**

By: \_\_\_\_\_  
**Tim Barker**  
Mayor

**ATTEST:**

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**Paula Favors**  
City Secretary

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