

**MINUTES  
OF  
CITY OF WHARTON  
REGULAR CITY COUNCIL MEETING  
AUGUST 28, 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. Councilman Russell Machann 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, Don Mueller, Russell Machann and Steven Schneider.

Councilmember absent was: None.

Staff members present were: City Manager Andres Garza, Jr., City Secretary Paula Favors, TRMC, Assistant to the City Manager Brandi Jimenez, Building Official Ronnie Bollom, Community Development Coordinator Gwyn Teves, Police Chief Terry David Lynch and Communications Supervisor Jared Cullar.

Visitors present were: Carlos Cotton, P.E. with Jones and Carter, Inc.

The second item on the agenda was Roll Call and Excused Absences. All members were present.

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

The fourth item on the agenda was the Wharton Moment. Councilmember Don Mueller thanked the City Staff for their hard work and dedication during Hurricane Harvey and the flooding it caused. City Manager Andres Garza, Jr. stated Public Works Director Wade Wendt had been in a vehicle accident and his son was involved in an ATV accident and his prayers were with them. City Manager Garza said Finance Director Joan Andel had surgery and she was doing well. He said his prayers were with her for a speedy recovery.

The fifth item on the agenda was to review and consider the City Manager's submission of the City of Wharton, Texas, proposed budget for the fiscal year October 1, 2017 to September 30, 2018. City Manager Andres Garza, Jr. stated that on Thursday, August 24, 2017, he filed with City Secretary Paula Favors the City of Wharton Fiscal Year October 1, 2017 to September 30, 2018 Proposed Budget as required by State Law. City Manager Garza presented under separate cover a copy of the Proposed City Budget as required by the City's Charter. After some discussion, no action was taken.

The sixth item on the agenda was to review and consider setting a public hearing date for the City of Wharton, Texas, proposed budget for the fiscal year October 1, 2017 to

City of Wharton  
Regular Council Meeting  
August 28, 2017

September 30, 2018. City Manager Andres Garza, Jr. stated that under Article VI, Section 53 of the City of Wharton Charter the City Council shall set a time and place for a public hearing. City Manager Garza said that if the date was approved by the City Council, the City Staff would publish the Notice of Public Hearing on Wednesday, August 30, 2017 in the Wharton Journal Spectator. After some discussion, Councilmember Al Bryant moved to approve setting the public hearing for the September 11, 2017 regular City Council meeting. Councilmember Terry Freese seconded the motion. All voted in favor.

The seventh item on the agenda was to review and consider an ordinance amending the City of Wharton Code of Ordinances, Chapter 86, Sections 86-15, 86-16, 86-17 and 86-21, Utilities and Services, Article I in General; Providing that a violation of the ordinance or any part of the Code as adopted hereby shall constitute a penalty upon conviction of a fine; Providing a savings clause and revoking all ordinances or parts of ordinances in conflict herewith only to the extent same are in conflict herewith otherwise provided herein. City Manager Andres Garza, Jr. presented a copy of the memorandum dated August 22, 2017 from Finance Director Joan Andel to him regarding the proposed increase in utility rates for customers to be effective October 1, 2017. City Manager Garza said that the increase was discussed in the City Council Budget Workshop on August 16, 2017, the proposed budget includes an 8% increase in water and sewer rates. After some discussion, Councilmember Russell Machann moved to approve City of Wharton Ordinance No. 2017-09, which read as follows:

**CITY OF WHARTON  
ORDINANCE NO. 2017-09**

**AN ORDINANCE AMENDING THE CITY OF WHARTON CODE OF ORDINANCES, CHAPTER 86, SECTIONS 86-15, 86-16, 86-17 AND 86-21, UTILITIES AND SERVICES, ARTICLE I IN GENERAL; PROVIDING THAT A VIOLATION OF THE ORDINANCE OR ANY PART OF THE CODE AS ADOPTED HEREBY SHALL CONSTITUTE A PENALTY UPON CONVICTION OF A FINE; PROVIDING A SAVINGS CLAUSE AND REVOKING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH ONLY TO THE EXTENT SAME ARE IN CONFLICT HEREWITH OTHERWISE PROVIDED HEREIN.**

**BE IT ORDAINED** by the City Council of the City of Wharton, Texas that Chapter 86, Utilities and Services, Article I in General; Sections 86-15, 86-16, 86-17 and 86-21 be amended by the following:

Section I. Amendment

The Code of Ordinances of the City of Wharton, Texas, Chapter 86 Utilities and Services is hereby amended to be enforced by the City of Wharton as follows:

**Sec. 86-15. - Water and sewer tap charges, deposits, administrative penalties and other charges.**

Water and sewer tap charges, deposits, administrative penalties and other charges shall be as follows:

(1) *Water.* Standard water tap fees for customers inside the city limits and outside the city limits are as follows:

	Size of Tap	Cost of Service
a.	¾-inch T-off	\$218.30
b.	¾-inch	\$436.59
c.	1-inch	\$573.81+ cost of meter
d.	1½-inch	\$860.72+ cost of meter
e.	2-inch	\$1,147.61+ cost of meter

Customers must pay for the cost of the meter for taps one inch and larger. Tap fees for taps larger than two inches shall be determined and based on the cost to install plus cost of water meter.

In addition to the standard water tap fee, customers must also pay the city for any and all additional costs associated with installing a water tap:

1. Customers are responsible for the actual cost for main line extensions, boring under a street or pre-existing utility line, or any other additional costs necessary to install a water tap. All main line extensions will require the extension to be extended the width of the property to the next adjacent property line unless a variance is issued. All main line extensions will require a written agreement between the city and the customer.
2. Residential customers inside the city limits that qualify for a homestead exemption prior to applying for a building permit will receive up to 200 feet of line extension at no charge for the cost of materials and installation. Residential homestead customers in the city limits will be charged for any borings associated with the installation of the first 200 feet of line extension and will be charged for any main line extensions in excess of 200 feet. Residential customers outside the city limits will be charged for the first 200 feet as well as for any boring associated with the first 200 feet and for any main line extensions in excess of 200 feet.
3. Customers will be required to pay the city in advance for any additional costs associated with connecting to the city's main line based on the city's engineer's estimate for projected engineer and construction costs. Once the project is complete, the customer will either be billed or refunded the difference between the estimate and the actual cost.

(2) *Sewer*. Standard sewer tap fees for customers inside the city limits and outside the city limits are as follows:

	Size of Tap	Cost of Service
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City of Wharton  
Regular Council Meeting  
August 28, 2017

a.	4-inch	\$436.59
b.	6-inch	\$717.26

In addition to the standard sewer tap fee, customers must also pay the city for any and all additional costs associated with installing a sewer tap:

1. Customers are responsible for the actual cost for main line extensions, boring under a street or pre-existing utility line, or any other additional costs necessary to install a sewer tap. All main line extensions will require the extension to be extended to the width of the property to the next adjacent property line unless a variance is issued. All main line extensions will require a written agreement between the city and the customer.
2. Residential customers inside the city limits that qualify for a homestead exemption prior to applying for a building permit will receive up to 200 feet of line extension at no charge for the cost of materials and installation. Residential homestead customers in the city limits will be charged for any borings associated with the installation of the first 200 feet of line extension and will be charged for any main line extensions in excess of 200 feet. Residential customers outside the city limits will be charged for the first 200 feet as well as for any boring associated with the first 200 feet and for any main line extensions in excess of 200 feet.
3. Customers will be required to pay the city in advance for any additional cost associated with connecting to the city's main line based on the city's engineer's estimate for projected engineer and construction

costs. Once the project is complete, the customer will either be billed or refunded the difference between the estimate and the actual cost.

Residential and commercial customers are required to put a sewer clean out at the property line where the city's line ties into the customer's line.

(3) *Deposits.* As a condition of receiving water, sewer and garbage service, the following deposits shall be charged:

a. Deposit amount:

Residential customer.....\$100.00

Residential—Senior citizens.....\$50.00 (60 years or over)

Commercial customer's.....Based on estimated bill \$100.00 minimum

The deposit for all commercial customers including businesses, industrial users, multi-residential units and all others will be based on the estimated water, sewer and garbage charges for one month. If the customer has consumption history, the estimate will be based on a 12-month average. If the customer is a new customer with no consumption history, the estimate will be based on usage of a similar customer and consider the type of garbage service requested. Current deposit amounts will remain for commercial customers until there is a change in ownership or account status.

b. Deposits will not be required for public schools, counties, and other governmental entities.

c. Customers may transfer their deposits from one account to another account if they move from one address to another. The account must have a zero balance or the current balance will be transferred with the deposit and the new service enacted.

d. Customers transferring from one address to another must have paid the maximum deposit or must pay the difference between the deposit paid and the maximum deposit before the deposit can be transferred and the new service enacted.

e. Residential customers' deposits will be refunded by crediting the deposit amount to the customer's account after the customer has completed 24 months with no delinquent payments or no dishonored payments. If the customer has additional active accounts without deposits that have delinquent payments, the deposit will be transferred to one of the other accounts. A new deposit will be required if a customer appears on the cut-off list after the original deposit has been returned.

f. Customers must terminate utility services by providing written authorization signed or emailed by the customer whose name is on the account. In the event that the account is established under more than one name, any one person may authorize the disconnection of service.

g. Customers' deposits will be refunded by crediting the deposit amount to the customer's account when the account is finalled. Any remaining deposit will be mailed to the forwarding address provided by the customer. If the customer has additional active accounts without deposits, the deposit will be transferred to one of the other accounts.

h. Letters of credit are not acceptable in lieu of cash for payment of deposits as required in this section.

i. In the event a current utility service customer requests service at an additional address, the deposit may be waived if the customer has had no more than two delinquent payments on the existing account for the previous 12 months prior to the date of the request. In the event that either the initial account or any additional accounts appear on the cut-off list, an additional deposit will be required for each account.

(4) *Administrative penalty.* If payment is not received on a delinquent account and is placed on the cut-off list and water is due to be or is disconnected, an administrative penalty will be assessed as follows:

Administrative penalty.....\$25.00

(5) *Other charges* include the following:

a. *Late charges.* If payment is not received by the 15th of each month, a penalty will be assessed on the 16th of each month at the rate noted below:

Late charges.....5% of balance due

b. *After hours charge.* An afterhours charge will be assessed for a reconnection due to nonpayment requested by the customer that is not between the hours of 8:00 a.m. and 5:00 p.m. on Monday through Friday. Services requested on holidays will also be charged an after hour charge.

After hours charge.....\$30.00

c. *Charges of damages.* Charges shall also be made for damages to equipment, such as meters, cutoff valves and locks. These charges shall be based on the actual cost of replacement, including labor, where applicable.

d. *Industrial users.* Industrial users may be subject to additional charges and fees, relating to permitting and noncompliance issues, as outlined in article II, Industrial Waste Disposal and Pretreatment, sections 86-41 through 86-78.

e. *Restaurants, food preparation facilities and other commercial users.* Restaurants, food preparation facilities, institutional facilities and other commercial type facilities utilizing grease traps will be subject to a \$100.00 fee for each exceedance of the local oil and grease limit of 100 mg/l. This fee is not a surcharge. The payment of this fee does not authorize the discharge of wastes containing oil and grease in concentrations greater than 100 mg/l. This limit applies only to food grade oils of animal or vegetable origin. The concentration of petroleum-based oil and grease is limited to 15mg/l. The oil and grease exceedance fee will be assessed for each



sample result, which indicates an excess oil and grease concentration in sewer discharges from the facility. The city will be responsible for collecting and analyzing all oil and grease samples from grease traps. Oil and grease trap sampling will be conducted on a periodic basis at the city's discretion.

f. Septic *tank waste* hauled or trucked into wastewater treatment plant as outlined in article II, section 86-54 will be billed at the following rate:

Fees for hauling waste, per 1,000 gallons.....\$52.50

**Sec. 86-16. - Water service charges.**

(a) The monthly charges for water service rendered by the city shall be as follows:

**Volume Charges**

First 2,000 gallons (minimum)..... \$19.82  
Next 2,000 gallons, per 1,000..... \$3.76  
Next 3,000 gallons, per 1,000..... \$3.89  
Next 4,000 gallons, per 1,000..... \$4.04  
Next 4,000 gallons, per 1,000..... \$4.30  
Next 35,000 gallons, per 1,000..... \$4.56  
Next 50,000 gallons, per 1,000..... \$4.73  
Next 50,000 gallons, per 1,000..... \$5.08  
Next 50,000 gallons, per 1,000..... \$5.39

(b) Customers requesting temporary water services (seven-day increments) can apply for a temporary water rate based on the following:

**Volume Charges**

First 8,000 gallons for seven days..... \$45.81  
Over 8,000 gallons, per 1,000..... \$4.18

The temporary water rate is intended as a temporary service for water only and will not be extended for more than 14 consecutive days without a deposit or connection fee being made in accordance with section 86-2, subsections (4) and (5). The base rate must be paid at the time the service is requested. Additional gallons will be billed after the temporary service is disconnected.

**Sec. 86-17. - Sewer service charges.**

City of Wharton  
Regular Council Meeting  
August 28, 2017

(a) The monthly charges for sanitary sewer services rendered by the city shall be as follows:  
Volume Charges

First 2,000 gallons (minimum).....	\$21.29
Next 2,000 gallons, per 1,000.....	\$3.31
Next 3,000 gallons, per 1,000.....	\$4.04
Next 4,000 gallons, per 1,000.....	\$4.49
Next 4,000 gallons, per 1,000.....	\$4.82
Next 35,000 gallons, per 1,000.....	\$5.22
Next 50,000 gallons, per 1,000.....	\$5.67
Next 50,000 gallons, per 1,000.....	\$6.01
Next 50,000 gallons, per 1,000.....	\$6.43

(b) Residential customers. Monthly service charges for sewer service are based on the average water consumption for three winter months (December, January and February). The winter averaging is calculated in March and is reflected in the April 1st bill. New residential customers with no historical usage shall be billed for sewer usage based on the average residential customers' usage based on the most current winter averaging.

(c) Regular commercial customers. Monthly service charge for sewer service shall be based on the monthly-metered water usage at the rates set forth above.

**Sec. 86-21. - Bulk water rates.**

(a) Bulk sales through fire hydrant water meters temporarily installed at locations remote from the Wharton Volunteer Fire Department on Fulton Street will require the following:

- (1) Advance, nonrefundable payment of \$50.00 to the City of Wharton at City Hall for setting the meter connection at the fire hydrant or other appropriate locations as the city may determine; and
- (2) Payment of bulk sales rate of \$70.69 per month for the first 1,000 gallons of water dispensed, or any fraction thereof; \$28.27 per month per 1,000 gallons dispensed, or any fraction thereof, beyond the initial 1,000 gallons dispensed; and
- (3) Advance, refundable fire hydrant meter deposit payment of \$200.00 to the City of Wharton at City Hall.

(b) Bulk sales through permanently installed water meter dispensation point at the Wharton Volunteer Fire Department on Fulton Street will require the following:

- (1) No requirement for payment of meter setting fee; and

- (2) Payment of bulk sales rate of \$76.35 for the first 1,000 gallons of water dispensed, or any fraction thereof; \$30.54 per 1,000 gallons dispensed, or any fraction thereof, beyond the initial 1,000 gallons dispensed; and
- (3) No requirement for payment of the \$200.00 fire hydrant meter deposit, however each water dispensation transaction authorized under this section must be prepaid to the City of Wharton at City Hall where a one-day dispensation voucher will be issued for presentation to the water plant operator to authorize a one-day dispensation of a not to exceed amount of water in gallons. The one-day dispensation voucher identifying the cumulative number of gallons purchased will allow for scheduled multiple withdrawals of water, but only during the same City of Wharton working day upon which initial dispensation commences.

Bulk sales water service customers must provide a suitable mobile water containment vessel of sound quality for receiving and hauling water for use or consumption at any location within the Wharton water system.

Public or private volunteer fire fighting organizations that procure water only for fire prevention and control purposes and do not resell such water for other purposes, are exempt from this classification, rates and fees schedule. Contractors constructing City of Wharton Public Works projects requiring potable water for dust control and construction operations shall also be exempt from this classification, rates and fees schedule.

Any \$200.00 refundable fire hydrant meter deposit paid to the City of Wharton may be applied by the City of Wharton to the payment of any bulk sales customer unpaid bills, and when so partially consumed through past-due account application, shall be restored by the bulk sales customer to the original \$200.00 amount.

Bulk sales water service dispensation to consumers having only an occasional need for such water service are encouraged to utilize the permanently installed water meter dispensation point at the Wharton Volunteer Fire Department located on Fulton Street.

Use of the Fulton Street permanently installed water meter dispensation point requires advanced payment by check or cash to the City of Wharton at City Hall and at least four hours advanced scheduling of prospective water withdrawals which shall also only occur during the following city working hours Monday—Friday 9:00 a.m.—12:00 p.m. and 1:00 p.m.—4:00 p.m. (Saturday, Sunday and city holidays excluded).

### **Severability**

City of Wharton  
Regular Council Meeting  
August 28, 2017

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

### **Penalties and Fines**

Any person knowingly or recklessly found violating and are convicted of a violation of this ordinance shall be fined in an amount not to exceed \$2,000.00. Each day or fraction of a day during which this ordinance or any part thereof is violated shall be deemed a separate offense and punishable as such.

### **Effective Date**

This ordinance shall be effective on the 1<sup>st</sup> day of October 2017 at 12:01 a.m.

### **Passage and Approval**

**PASSED AND APPROVED** by the City Council of the City of Wharton, Texas, this 28<sup>th</sup> day of August 2017.

**CITY OF WHARTON, TEXAS**

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

**ATTEST:**

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

**APPROVED AS:**

\_\_\_\_\_

City of Wharton  
Regular Council Meeting  
August 28, 2017

**PAUL WEBB**  
City Attorney

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

The eighth item on the agenda was to review and consider an application for a variance by Mr. Paul Olivo Jr., 1824 Linwood Dr., Linwood Unit 3, Lot 9. Mr. Olivo Jr requesting a 17'-0" front setback variance from the required 25'-0" setback for the placement of a 20'x 20' metal carport. City Manager Andres Garza, Jr. presented an application submitted by Mr. Paul Olivo Jr., 1824 Linwood Dr., Linwood Unit 3, Lot 9. Mr. Olivo Jr requesting a 17'-0" front setback variance from the required 25'-0" setback for the placement of a 20'x 20' metal carport. Front property line of carports drainage from driveway to street. Community Development Coordinator Gwyn Teves stated that since the variance was over 50% the Planning Commission did not review the application and it was being submitted to the City Council for final action. After some discussion, Councilmember Al Bryant moved to approve the application for a variance by Mr. Paul Olivo Jr., 1824 Linwood Dr., Linwood Unit 3, Lot 9. Mr. Olivo Jr requesting a 17'-0" front setback variance from the required 25'-0" setback for the placement of a 20'x 20' metal carport. Councilmember Terry Freese seconded the motion. All voted in favor.

The ninth item on the agenda was to review and consider a request by Mr. Wesley Johnston & Mr. Joe Sliepka, representing Muhl Tech Baseball for a variance to the City of Wharton Code of Ordinances, Chapter 18 Building and Construction, Article III Construction Codes, Section 18-78 Exterior (Façade) Building Design Standards. City Manager Andres Garza, Jr. presented a request by Mr. Wesley Johnston & Mr. Joe Sliepka, representing Muhl Tech Baseball for a variance to the City of Wharton Code of Ordinances, Chapter 18 Building and Construction, Article III Construction Codes, Section 18-78 Exterior (Façade) Building Design Standards. After some discussion, Councilmember Al Bryant moved to approve the request by Mr. Wesley Johnston & Mr. Joe Sliepka, representing Muhl Tech Baseball for a variance to the City of Wharton Code of Ordinances, Chapter 18 Building and Construction, Article III Construction Codes, Section 18-78 Exterior (Façade) Building Design Standards. Councilmember Terry Freese seconded the motion. All voted in favor.

The tenth item on the agenda was to review and consider Texas Municipal League MultiState – Intergovernmental Employee Benefits Pool (TML MultiState IEBP):  
A. **Resolution:** A resolution of the Wharton City Council amending Resolution NO. 2017-55 which approved the Interlocal Agreement with the Texas Municipal League Multistate Intergovernmental Employee Benefits Pool (TML-MULTISTATE-IEBP) for medical, long-term disability, life, accidental death & dismemberment, for flexible spending account and health reimbursement account plans for City employees for the October 1, 2017 to September 30, 2018 fiscal year to allow employees the option to opt out of the City provided medical insurance; authorizing the City Manager of the City of Wharton to execute all documents relating to said agreements.

City of Wharton  
Regular Council Meeting  
August 28, 2017

City Manager Andres Garza, Jr. presented a memorandum from City Secretary Paula Favors dated August 22, 2017 requesting the option for full time City Employees to opt out of the medical coverage provided by the City. Mrs. Favors stated that several employees had shown interest in opting out of the health insurance provided by the City to be covered under a spouse's plan or their own retirement plans. After some discussion, Councilmember Don Mueller moved to approve City of Wharton No. 2017-81, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2017-81**

**A RESOLUTION OF THE WHARTON CITY COUNCIL AMENDING RESOLUTION NO. 2017-55 WHICH APPROVED THE INTERLOCAL AGREEMENT WITH THE TEXAS MUNICIPAL LEAGUE MULTISTATE INTERGOVERNMENT EMPLOYEE BENEFITS POOL (TML MULTISTATE-IEBP) FOR MEDICAL, LONGTERM DISABILITY, LIFE, ACCIDENTAL DEATH & DISMEMBERMENT, FOR FLEXIBLE SPENDING ACCOUNT AND HEALTH REIMBURSEMENT ACCOUNT PLANS FOR CITY EMPLOYEES FOR THE OCTOBER 1, 2017 TO SEPTEMBER 30, 2018 FISCAL YEAR TO ALLOW EMPLOYEES THE OPTION TO OPT OUT OF CITY PROVIDED MEDICAL INSURANCE; AUTHORIZING THE CITY MANAGER OF THE CITY OF WHARTON TO EXECUTE ANY AMENDMENTS RELATING TO SAID AGREEMENTS.**

**WHEREAS,** The City of Wharton provides each full time employee with Medical, Long term Disability, Life, Accidental Death & Dismemberment; and,

**WHEREAS,** The City of Wharton amends Resolution No. 2017-55 to allow full time employees the option to decline the medical plan with Texas Municipal League MultiState-Intergovernmental Employee Benefits Pool by providing proof of coverage elsewhere meeting certain requirements; and,

**WHEREAS,** The City of Wharton would provide to each full time employee a \$1,250 yearly contribution to the employee health accounts administered by the TML MultitState-IEBP with or without participation in medical coverage; as follows:

- A. Health Reimbursement Account (HRA) - \$750.00
- B. Flexible Spending Account (FSA) - \$500.00

**WHEREAS,** The City Manager is hereby authorized to execute on behalf of the City of Wharton any amendments to said agreements.

City of Wharton  
Regular Council Meeting  
August 28, 2017

**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 amends Resolution No. 2017-55 to allow full time employees the option to decline the medical plan with Texas Municipal League MultiState-Intergovernmental Employee Benefits Pool by providing proof of medical coverage meeting certain requirements

**Section II.** The City of Wharton would provide to each full time employee a \$1,250 yearly contribution to the employee health accounts administered by the TML MulitState-IEBP with or without participation in medical coverage; as follows:

- A. Health Reimbursement Account (HRA) - \$750.00
- B. Flexible Spending Account (FSA) - \$500.00

**Section III.** That the City Manager of the City of Wharton is hereby authorized to sign any amendments the aforementioned agreements.

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

**Passed, Approved, and Adopted** this 28th day of August 2017.

**CITY OF WHARTON, TEXAS**

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

**ATTEST:**

\_\_\_\_\_  
**PAULA FAVORS**

City Secretary

Councilmember Terry Freese seconded the motion. All voted in favor.

The eleventh item on the agenda was to review and consider Wharton Code of Ordinances:

- A. **Ordinance:** An ordinance amending the City of Wharton Code of Ordinances, Chapter 18, Building and Construction, Article V. Electrical Code, providing that a violation of the ordinance or any part of the code as adopted hereby shall constitute a penalty upon conviction of a fine.

City of Wharton  
Regular Council Meeting  
August 28, 2017

City Manager Andres Garza, Jr. presented a copy of memorandums from Building Official Ronnie Bollom regarding the City of Wharton Code of Ordinances, Chapter 18, Building and Construction. After some discussion, Councilmember Terry Freese moved to approve City of Wharton Ordinance No. 2017-10, which read as follows:

**CITY OF WHARTON  
ORDINANCE NO. 2017-10**

**AN ORDINANCE AMENDING THE CITY OF WHARTON CODE OF ORDINANCES, CHAPTER 18, BUILDING AND CONSTRUCTION, ARTICLE V. ELECTRICAL CODE; PROVIDING THAT A VIOLATION OF THE ORDINANCE OR ANY PART OF THE CODE AS ADOPTED HEREBY SHALL CONSTITUTE A PENALTY UPON CONVICTION OF A FINE.**

**BE IT ORDAINED** by the City Council of the City of Wharton, Texas:

**WHEREAS**, it is the desire of the City of Wharton to adopt, in all respects, the National Electrical Code, 2017 Edition with its latest revisions.

**DIVISION 1. - ADOPTION OF THE TEXAS ELECTRICAL SAFETY AND LICENSING ACT**

**Sec. 18-145. - Penalties.**

Any person violating any of the terms or provisions of this article shall be guilty of a misdemeanor and upon conviction shall be fined in any sum not less than \$100.00 nor more than the maximum provided in section 1-5 for each offense. If the terms or provisions of this article are violated by any corporation or firm, the officers and agents actively in charge of the business of such corporation or firm and the person actually performing the work for such corporation or firm shall be subject to the penalties provided in this section.

**Secs. 18-146—18-170. - Reserved.**

**DIVISION 2. - LICENSES AND REGISTRATION[6]**

**Sec. 18-204. - Submitting plans and specifications; criteria for issuance of permit.**

- (a) Plans and specifications. With each application for a building permit (E) when required by the electrical inspector for enforcement of this article, two sets of plans and specifications shall be submitted. The electrical inspector may require that such plans and specifications be prepared and designed by and bear the seal of a registered professional electrical engineer licensed by the state to practice as such.



(b) Issuance criteria.

- (1) The application, plans and specifications filed by an applicant for a building permit (E) shall be checked by the electrical inspector. Such plans may be reviewed by other departments of the city to check compliance with laws and ordinances under their jurisdiction. If the electrical inspector is satisfied that the work described in an application for the permit and the plans filed therewith conform to the requirements of this article and other pertinent laws and ordinances and that the fees as specified in this article have been paid, he shall issue a permit therefor to the applicant.
- (2) When the electrical inspector issues the permit, he shall endorse in writing or stamp on both sets of plans and specifications, "Reviewed".
- (3) The electrical inspector may issue a building permit (E) covering part of a building or structure before the entire plans and specifications for the whole building or structure have been submitted or approved, provided adequate information and detailed statements have been made complying with all pertinent requirements of this article. The holder of such permit may proceed without assurance that the permit covering the work in the entire building or structure will be granted.

**Sec. 18-206. - Effect of issuance and display of permit.**

- (a) The issuing or granting of a building permit (E) or approval of plans and specifications shall not be construed to be a permit for or an approval of any violation of any of the provisions of this article or any other ordinance. No permit presuming to give authority to violate or cancel the provisions of this article shall be valid, except insofar as the work or use which it authorizes is lawful.
- (b) The issuance of a permit based upon plans and specifications shall not prevent the building official from thereafter requiring the correction of errors in plans and specifications or from preventing building operations from being carried on thereunder when in violation of this article or any other ordinance of the city pertaining thereto.

**Sec. 18-208. - Suspension or revocation of permit.**

- (a) The building official may, in writing, suspend or revoke a permit issued under this article whenever the permit is issued in error, or on the basis of incorrect information supplied, or when in violation of any ordinance, regulation or any of the provisions of this article.

- (b) Any contractor who accepts payment for electrical work, then refuses to finish the work for which a permit was taken, shall, after written notification by the building official, be reported to the Texas Department of Licensing and Regulation for possible license suspension. (See V.T.C.A., Occupations Code § 1305.252, Requested Suspension by Local Government.)
- (c) Upon failure on the part of any electrical contractor or electrical sign contractor to correct any defect, error or deficiency in any work installed under the authority of an building permit (E) issued to him within ten calendar days after written notification thereof from the electrical inspector, the electrical inspector shall, without further notice, stop the issuance of permits to such electrical contractor or electrical sign contractor until such corrections have been made, inspected and approved. This subsection shall be cumulative of all other penalties provided in this article, and in addition thereto the penalties provided in this article may be enforced.

**Sec. 18-209. - Permit and inspection fees.**

Payment of a building permit (E) and inspection fees shall be required as established by the City Council of the City of Wharton under separate resolution.

**Sec. 18-210. - Same—Double for late payment.**

All building permit (E), inspection, fixture and appliance fees shall apply, except that if any person shall make application for permit as provided in this article after the work has been started or after the work has been partially completed or concealed, such person shall pay double the fee that would originally be required. These double fees shall be paid by the person to whom the permit is issued

**Fine and Penalty for Violations**

Penalties. Any person violating any of the terms or provisions of this article shall be guilty of a misdemeanor and upon conviction shall be fined in any sum not less than \$100.00 nor more than the maximum provided in section 1-5 for each offense. If the terms or provisions of this article are violated by any corporation or firm, the officers and agents actively in charge of the business of such corporation or firm and the person actually performing the work for such corporation or firm shall be subject to the penalties provided in this section.

**Separability**

If any court of competent jurisdiction rules that any section, subsection, sentence, clause, phrase, or portion of this ordinance is invalid or unconstitutional, any such portion shall be

City of Wharton  
Regular Council Meeting  
August 28, 2017

deemed to be a separate, distinct, and independent provision, and any such ruling shall not affect the validity of the remaining portions hereof.

**Effective Date**

This Ordinance shall become effective on the 11th day of September, 2017.

**Passage and Approval**

**PASSED AND APPROVED** by the City Council of the City of Wharton, Texas, on the 28<sup>th</sup> day of August, 2017.

**CITY OF WHARTON, TEXAS**

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

**ATTEST:**

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

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

**B. Resolution:** A resolution of the Wharton City Council amending the Permit (s) and Inspection fees for the City of Wharton, Texas.

City Manager Andres Garza, Jr. presented the draft resolution that would amend permit (s) and Inspection fees for the City of Wharton, Texas. After some discussion, Councilmember Steven Schneider moved to approve City of Wharton Resolution No. 2017-82, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2017 - 82**

**A RESOLUTION OF THE WHARTON CITY COUNCIL ESTABLISHING ELECTRICAL PERMIT AND INSPECTION FEES FOR THE CITY OF WHARTON, TEXAS.**

**WHEREAS,** The City of Wharton, Texas hereby establishes permits and inspection fees in accordance with the Code of Ordinances, Chapter 18, Planning and Mechanical, Article V. Electrical Code; Section 18-413 mechanical fees,

City of Wharton  
Regular Council Meeting  
August 28, 2017

Section 18-358 plumbing permit fees and 18-68 building permit fees (attached); and,

**WHEREAS,** The City Council of the City of Wharton wishes to establish the above mentioned fees; and,

**WHEREAS,** The City of Wharton wishes to authorize the Building Official and/or appointed representative to enforce said charges and the applicable fees.

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

**Section I.** The City Council of the City of Wharton hereby adopts the permits and inspection fees as described (see attached).

**Section II.** The City Council of the City of Wharton hereby authorizes the Building Official and/or appointed representative to enforce charges and the applicable fees.

**Section III.** That this resolution shall become effective on the 1<sup>st</sup> day of October 2017 at 12:01 a.m.

**Passes, Approved, and Adopted** this 28th day of August 2017.

**CITY OF WHARTON, TEXAS**

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

**ATTEST:**

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

Councilmember Russell Machann seconded the motion. All voted in favor.

The twelfth item on the agenda was to review and consider a resolution of the Wharton City Council approving the abandonment of 0.064 acre right of way on Breezy Lane and

City of Wharton  
Regular Council Meeting  
August 28, 2017

installation of 165' culvert agreement for 0.0133 acre land swap between the City of Wharton and Merle Hudgins and authorizing the Mayor of the City of Wharton to execute the agreement. City Manager Andres Garza, Jr. presented a memorandum to him from Community Development Coordinator Gwyn Teves regarding the abandonment of 0.064 acre right of way on Breezy Lane and installation of 165' culvert agreement for 0.0133 acre land swap between the City of Wharton and Merle Hudgins and conditions as set forth by her July 20, 2017 letter. After some discussion, Councilmember Russell Machann moved to approve City of Wharton Resolution No. 2017-83, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2017-83**

**A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING THE ABANDONMENT OF 0.064 ACRE RIGHT OF WAY ON BREEZY LANE AND INSTALLATION OF 165' CULVERT AGREEMENT FOR 0.133 ACRE LAND SWAP BETWEEN THE CITY OF WHARTON AND MERLE REUE HUDGINS AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE THE AGREEMENT.**

**WHEREAS,** The City of Wharton City Council agrees to the terms expressed by Merle R. Hudgins; and,

**WHEREAS,** The City of Wharton and Merle R. Hudgins wish to enter into an agreement for a 0.133-acre plot of property on Breezy Lane in exchange for a 0.064-acre section of abandoned Right of Way and installation of 165' of culvert; and,

**WHEREAS,** The City of Wharton and Merle R. Hudgins wishes to be bound by the conditions set forth in said 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 THAT:**

**Section I.** The City Council hereby approves the terms expressed by Merle R. Hudgins.

City of Wharton  
Regular Council Meeting  
August 28, 2017

**Section II.** The City of Wharton and Merle R. Hudgins wish to enter into an agreement for a 0.133-acre plot of property on Breezy Lane in exchange for a 0.064-acre section of abandoned Right of Way and installation of 165' of culvert.

**Section III.** The City of Wharton hereby authorizes the Mayor of the City of Wharton to execute the agreement.

**Section IV.** This resolution will become effective immediately upon its passage.

**Passed, Approved and Adopted this 28th day of August 2017.**

**CITY OF WHARTON, TEXAS**

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

**Attest:**

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

Councilmember Terry Freese seconded the motion. All voted in favor.

The thirteenth item on the agenda was to review and consider a resolution of the Wharton City Council authorizing an Interlocal Agreement between Gulf Coast Regional 9-1-1 Emergency Communications District and the City of Wharton for maintenance of the 9-1-1 Public Safety Answering Point (PSAP) and authorizing the City Manager of the City of Wharton to execute all documents related to said agreement. City Manager Andres Garza, Jr. presented a memorandum to him from Chief Terry Lynch regarding the 2017 Gulf Coast Regional 911 Emergency Communications District Interlocal Agreement between HGAC and Wharton Police Department. Chief Lynch stated the Gulf Coast 911 ECD worked with the Wharton Police Department in maintaining their 9-1-1 Public Safety Answering Point (PSAP). He said they had an agreement in place that was signed in 2015 and the contract was renewed every two years and was due for renewal. After some discussion, Russell Machann moved to approve City of Wharton Resolution No. 2017-84, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2017 – 84**

City of Wharton  
Regular Council Meeting  
August 28, 2017

**A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING AN INTERLOCAL AGREEMENT BETWEEN GULF COAST REGIONAL 9-1-1 EMERGENCY COMMUNICATIONS DISTRICT AND THE CITY OF WHARTON FOR MAINTENANCE OF THE 9-1-1 PUBLIC SAFETY ANSWERING POINT (PSAP) AND AUTHORIZING THE CITY MANAGER OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID AGREEMENT.**

**WHEREAS,** Gulf Coast Regional 9-1-1 Emergency Communications District is a regional emergency communications district and political subdivision of the State of Texas organized under the Chapter 772, Subchapter H, of the Health and Safety Code; and,

**WHEREAS,** The Wharton Police Department that operates a Public Safety Answering Point (PSAP) in the Gulf Coast Regional 9-1-1 Emergency Communications District program region; and,

**WHEREAS,** The Wharton Police Department hereby agrees to perform the scope of services outlined in Article 5 as hereinafter specified in accordance with the Agreement; and,

**WHEREAS,** Under the provisions of the Interlocal Cooperation Act, Chapter 791, Texas Government Code, Gulf Coast Regional 9-1-1 Emergency Communications District and the Wharton Police Department are authorized to enter agreements to perform governmental functions and services, and under Texas Wharton Police Department Code § 391.005, H-GAC and the Wharton Police Department are authorized to contract together for Gulf Coast Regional 9-1-1 Emergency Communications District to perform certain services for the Wharton Police Department.

**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 and the Chief of Police of the City of Wharton to execute all documents related to said agreement.

**Section II.** That this resolution shall become effective upon passage.

**Passed, Approved, and Adopted** this 28th day of August 2017.

**CITY OF WHARTON, TEXAS**

City of Wharton  
Regular Council Meeting  
August 28, 2017

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

**ATTEST:**

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

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

The fourteenth item on the agenda was to review and consider a resolution of the Wharton City Council approving updates to the City of Wharton Police Department Tow Truck/Wrecker Policies. City Manager Andres Garza, Jr. presented a memorandum to him from Chief Terry Lynch regarding updating the tow truck/wrecker policies for Wharton PD. Chief Lynch stated the policies would primarily cover specifics non-consent tows (arrests), along with rules and regulations for the tow companies, employees and equipment. After some discussion, Councilmember Al Bryant moved to approve City of Wharton Resolution No. 2017-85, which read as follow:

**CITY OF WHARTON  
RESOLUTION NO. 2017 – 85**

**A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING UPDATES TO THE TO THE CITY OF WHARTON POLICE DEPARTMENT TOW TRUCK/WRECKER POLICIES.**

**WHEREAS,** The Wharton Police Department is requesting updates to the City of Wharton Police Department Tow Truck/Wrecker Policies; and,

**WHEREAS,** The update would cover specifics of non-consent tows and rules and regulations for the tow companies, employees and employment; and,

**WHEREAS,** The wrecker policy has been upheld by the 5<sup>th</sup> Circuit Court in recent litigation.

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



City of Wharton  
Regular Council Meeting  
August 28, 2017

**Section I.** The Wharton City Council hereby authorizes the Chief of Police of the City of Wharton to implement all Tow Truck/Wrecker Polices related to said updates and attached hereto.

**Section II.** That this resolution shall become effective upon passage.

**Passed, Approved, and Adopted** this 28th day of August 2017.

**CITY OF WHARTON, TEXAS**

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

**ATTEST:**

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

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

The fifteenth item on the agenda was to review and consider Texas Hazard Mitigation Assistance Grant:

A. **Resolution:** A resolution of the Wharton City Council authorizing the request to apply for the Texas Hazard Mitigation Assistance Grant Program (HMA) of the Texas Department of Emergency Management (TDEM) and authorizing the Mayor of the City of Wharton to execute all documents related to said submission.

B. **Resolution:** A resolution of the Wharton City Council establishing a consultant selection Committee and Developing evaluation criteria for the Selection of a consulting firm for the Texas Hazard Mitigation Assistance Grant from the Texas Hazard Mitigation Assistance Grant (HMA) Program of the Texas Department of Emergency Management (TDEM) for engineering service.

C. **Resolution:** A resolution of the Wharton City Council establishing a Consultant Selection Committee and developing evaluation criteria for the selection of a consulting firm for the Texas Hazard Mitigation Assistance Grant from the Texas Hazard Mitigation

City of Wharton  
Regular Council Meeting  
August 28, 2017

Assistance Grant (HMA) Program of the Texas Department of Emergency Management (TDEM) for application and grant management.

City Manager Andres Garza, Jr. stated that the Texas Department of Emergency Management had announced that the funding for Pre-Disaster Mitigation had become available for application. Community Development Coordinator Gwyn Teves stated that City Staff was recommending that the City Council consider approving proceeding with the application for assistance under this program. After some discussion, Councilmember Russell Machann moved to approve City of Wharton Resolution No. 2017-86, 2017-87 and 2017-88, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2017-88**

**A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE REQUEST TO APPLY THE TEXAS HAZARD MITIGATION ASSISTANCE GRANT FROM THE TEXAS HAZARD MITIGATION ASSISTANCE GRANT (HMA) PROGRAM OF THE TEXAS DEPARTMENT OF EMERGENCY MANAGEMENT (TDEM) AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID SUBMISSION.**

**WHEREAS,** The Texas Hazard Mitigation Assistance Grant from the Texas Hazard Mitigation Assistance Grant (HMA) Program of the Texas Department of Emergency Management (TDEM) has published a notice of funding availability; and

**WHEREAS,** The City of Wharton City Council wishes to submit applications to the Texas Hazard Mitigation Assistance Grant from the Texas Hazard Mitigation Assistance Grant (HMA) Program of the Texas Department of Emergency Management (TDEM) for Pre-Disaster Mitigation assistance; and,

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

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

**SECTION I.** The Wharton City Council hereby approves for The City of Wharton to apply to the Texas Hazard Mitigation Assistance Grant from the Texas Hazard Mitigation Assistance Grant (HMA) Program of the Texas Department of Emergency Management (TDEM);

City of Wharton  
Regular Council Meeting  
August 28, 2017

**SECTION II.** The City designates the Mayor, Tim Barker, as the person authorized to sign all forms related to the preparation of the application;

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

**PASSED, APPROVED, and ADOPTED** this 28<sup>th</sup> day of August 2017.

**CITY OF WHARTON, TEXAS**

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

**ATTEST:**

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

**CITY OF WHARTON  
RESOLUTION NO. 2017-86**

**A RESOLUTION OF THE WHARTON CITY COUNCIL ESTABLISHING A CONSULTANT SELECTION COMMITTEE AND DEVELOPING EVALUATION CRITERIA FOR THE SELECTION OF A CONSULTING FIRM FOR THE TEXAS HAZARD MITIGATION ASSISTANCE GRANT FROM THE TEXAS HAZARD MITIGATION ASSISTANCE GRANT (HMA) PROGRAM OF THE TEXAS DEPARTMENT OF EMERGENCY MANAGEMENT (TDEM) FOR ENGINEERING SERVICES.**

**WHEREAS,** The Wharton City Council wishes to establish a Consultant Selection Committee for the Texas Hazard Mitigation Assistance Grant from the Texas Hazard Mitigation Assistance Grant (HMA) Program of the Texas Department of Emergency Management (TDEM) and provide recommendations to the entire City Council; and,

**WHEREAS,** The Wharton City Council wishes the Consultant Selection Committee to consist of the City Council Public Works Committee along with the City Manager and Public Works Director; and,

**WHEREAS,** The Wharton City Council wishes for this Committee to exist until a recommendation is forwarded to the entire City Council; and,

City of Wharton  
Regular Council Meeting  
August 28, 2017

**WHEREAS,** The Wharton City Council wishes to establish the criteria of selection of the consulting firm as per Attachment A.

**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 establishes the City Council Consultant Selection Committee.

**Section II.** That the Wharton City Council Consultant Selection Committee will consist of the City Council Public Works Committee along with the City Manager and Public Works Director.

**Section III.** That the criteria as set forth in Attachment A is hereby approved.

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

**Passed, Approved, and Adopted** this 28th day of August 2017.

**CITY OF WHARTON, TEXAS**

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

ATTEST: \_\_\_\_\_  
**PAULA FAVORS**  
City Secretary

**CITY OF WHARTON  
RESOLUTION NO. 2017-87**

**A RESOLUTION OF THE WHARTON CITY COUNCIL ESTABLISHING A CONSULTANT SELECTION COMMITTEE AND DEVELOPING EVALUATION CRITERIA FOR THE SELECTION OF A CONSULTING FIRM FOR THE TEXAS HAZARD MITIGATION ASSISTANCE GRANT FROM THE TEXAS HAZARD MITIGATION ASSISTANCE GRANT (HMA) PROGRAM OF THE TEXAS DEPARTMENT OF EMERGENCY MANAGEMENT (TDEM) FOR APPLICATION AND GRANT MANAGEMENT.**

**WHEREAS,** The Wharton City Council wishes to establish a Consultant Selection Committee for the Texas Hazard Mitigation Assistance Grant from the Texas Hazard Mitigation Assistance Grant (HMA) Program of the Texas Department

City of Wharton  
Regular Council Meeting  
August 28, 2017

of Emergency Management (TDEM) and provide recommendations to the entire City Council; and,

**WHEREAS,** The Wharton City Council wishes the Consultant Selection Committee to consist of the City Council Public Works Committee along with the City Manager and Public Works Director; and,

**WHEREAS,** The Wharton City Council wishes for this Committee to exist until a recommendation is forwarded to the entire City Council; and,

**WHEREAS,** The Wharton City Council wishes to establish the criteria of selection of the consulting firm as per Attachment A.

**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 establishes the City Council Consultant Selection Committee.

**Section II.** That the Wharton City Council Consultant Selection Committee will consist of the City Council Public Works Committee along with the City Manager and Public Works Director.

**Section III.** That the criteria as set forth in Attachment A is hereby approved.

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

**Passed, Approved, and Adopted** this 28th day of August 2017.

**CITY OF WHARTON, TEXAS**

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

**ATTEST:**

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

Councilmember Terry Freese seconded the motion. All voted in favor.

City of Wharton  
Regular Council Meeting  
August 28, 2017

The sixteenth item on the agenda was to review and consider Wastewater Treatment Plant No. 1 Improvements for the City of Wharton:

A. Final payment from B-5 Construction.

City Manager Andres Garza, Jr. presented a request for the final payment to B-5 Construction in the amount of \$155,378.17 from B-5 Construction for the Wastewater Treatment Plant No. 1 Improvement Project. After some discussion, Councilmember Al Bryant moved to approve the final payment request to B-5 Construction in the amount of \$155,378.17. Councilmember Steve Schneider seconded the motion. All voted in favor.

The seventeenth item on the agenda was to review and consider the Update of City of Wharton Grant Programs. City Manager Andres Garza, Jr. presented a copy of a memorandum dated August 22, 2017, from Community Development Coordinator, Gwyn Laney, providing an update on the City of Wharton Grant Programs. After some discussion, no action was taken.

The eighteenth item on the agenda was to review and consider update of City of Wharton on-going Projects. City Manager Andres Garza, Jr. presented a copy of the memorandum dated August 23, 2017 providing an update on the City of Wharton current projects as of July 31, 2017.

### **FLOOD REDUCTION (LEVEE) PROJECT**

The U.S. Army Corp of Engineers (USACE) Lower Colorado River Phase I Report - City of Wharton Flood Prevention Project and Recommended report is located at the Wharton County Library and the office of the City of Wharton City Secretary for viewing or the report may be viewed on line at <http://www.cityofwharton.com/information-a-notices/lcrb-feasibility-study>. The City Council authorized the submission of a loan application to the Texas Water Development Board (TWDB) for the first phase of the levee project. The City Staff re-submitted the project to Texas Water Development Board for the 2017 Program Year under the Clean Water State Revolving Fund for loan forgiveness consideration. The City has also submitted a request for a Project Participation Agreement (PPA) to allow the City to proceed on the partial construction of the project to the U.S. Corp of Engineers. The City is awaiting a response.

### **DRAINAGE:**

**1. Stavena Addition Drainage Project.**

The design and construction plans are complete. The challenge on this project is to find locations to place approximately 35,000 cubic yards of soil.

**2. Ahldag Ditch Improvement.**

The project was approved by the City Council. Public Works Director is currently working out the details.

**3. On-going Drainage and Maintenance Program.**

The Public Works Department has continued working on cleaning residential draining ditches that have experienced poor drainage.

**4. Pecan Acres (Mahann, Kinkaid, Delmas) Drainage Project.**

The project area has been surveyed and an improvement plan has been developed by Schibe Engineering. The City Staff has contacted property owners for the necessary easements needed to install the drainage pipes. Two (2) of the four (4) property owners have executed the drainage agreements and have been accepted by the City Council. The remaining two (2) property owners have been contacted and the City Staff has been waiting for a response.

**WATER/SEWER IMPROVEMENTS:**

**1. On-going Water and Sewer Maintenance Program.**

Water leaks and sewer failures are still being seen in the month of June.

**2. Alabama Street Sewer Line Project.**

The bid has been awarded to JTM Construction and the preconstruction conference has been held. Construction phase has began.

**3. Wastewater Treatment Plant No. 1 Improvement Project.**

The project is moving forward. Updates are being provided by Jones & Carter on a monthly basis when pay request are sent. The project is complete and the clarifier is in service. The City Staff is awaiting the final pay request from B-5 Construction.

**STREET IMPROVEMENTS**

**1. FM 1301 Extension and Overpass Project Progress Report.**

IDC Inc. has submitted to TxDOT Yoakum District Office all required plans for the project. The City Staff continues to coordinate with TxDOT to ensure the project continues to move forward. The City is awaiting TxDOT announcement of the project to be funded in Wharton County.

**2. I-69 Project.**

The City submitted the comments as approved by the City Council to TxDOT.

**3. NanYa Exit Ramp Project.**

TxDOT has been coordinating with NanYa on the exit design.

City of Wharton  
Regular Council Meeting  
August 28, 2017

**4. 2017 City Street Improvements.**

The City 2017 Street Improvement Program has been approved by the City Council.  
The project is moving forward.

**5. Wharton Sidewalk Accessibility and Historic Streetscape Project.**

M.C. Fonseca Construction finished the project

**WHARTON REGIONAL AIRPORT**

**1. Hangar Construction Project.**

This project is completed. The hangars have been leased.

After some discussion, no action was taken.

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

City Manager Andres Garza, Jr. presented a list of persons serving on the various City Boards, Commissions and Committees. City Manager Garza stated that there were still vacancies that need to be filled.

- A. Building Standards Commission.
- B. Mayor's Committee on People with Disabilities.
- C. Plumbing and Mechanical Board.

After some discussion, no action was taken.

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

- A. Planning Commission meeting held August 21, 2017.

After some discussion, no action was taken.

The twenty-first item on the agenda was City Manager's Reports:

- A. City Secretary/Personnel.
- B. Code Enforcement.
- C. Community Services Department / Civic Center.
- D. Emergency Management.
- E. E.M.S. Department.
- H. Fire Marshall.
- I. Legal Department.
- J. Municipal Court.
- K. Police Department.
- L. Public Works Department.
- M. Water / Sewer Department.



City of Wharton  
Regular Council Meeting  
August 28, 2017

- F. Facilities Maintenance Department / Wharton Municipal Pool.
- G. Fire Department.
- N. Weedy Lots / Sign Ordinance.
- O. Wharton Regional Airport.

After some discussion, no action was taken.

The twenty-second item on the agenda was review and consider a request from Habitat for Humanity to partner with the City of Wharton for the following:

- A. Donation of Lot #12.
- B. Waiver of all permits.
- C. Waiver of Water and Sewer Tap Fees.

City Manager Andres Garza, Jr. presented a memorandum from Mr. Jared Cullar, President of Habitat for Humanity request for the above mentioned. Mr. Cullar stated that the City of Wharton and Habitat for Humanity had partnered for these requests in the past and were requesting the City Council consider it again. After some discussion, Councilmember Al Bryant moved to approve the request from Habitat for Humanity to partner with the City of Wharton for the afore mentioned items. Councilmember Don Mueller seconded the motion. All voted in favor.

The twenty-third item on the agenda was to review and consider a report by City Staff on the events of Tropical Storm (Hurricane) Harvey. Community Development Coordinator Gwyn Teves presented an update to the City Council on the events of Tropical Storm (Hurricane) Harvey. After some discussion, no action was taken.

The twenty-fourth 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 8:04 p.m.

**CITY OF WHARTON, TEXAS**

By: \_\_\_\_\_

**Tim Barker**  
**Mayor**

**ATTEST:**

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