

**MINUTES
OF
CITY OF WHARTON
REGULAR CITY COUNCIL MEETING
SEPTEMBER 25, 2017**

Mayor Tim Barker declared a Regular Meeting duly open for the transaction of business at 7:07 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., Finance Director Joan Anandel, City Secretary Paula Favors, TRMC, Assistant to the City Manager Brandi Jimenez, Public Works Director Wade Wendt, Police Corporal Logan Robles, Patrol Officer Ben Swain, and Community Development Coordinator Gwyn Teves.

Visitors present were: Mary A. Barnes, Charlotte Bess, Carlos Cotton, P.E. with Jones and Carter, Inc., Cheryl Lemon, Cindy Kloesel, Bradley Spalding, Ron Sanders, Wharton Chamber Executive Director, Chad Odom, Wharton Economic Corporation Executive (WEDCo) Director and Chris Barbee, Field Representative with U.S. Congressman 27th District Blake Farenthold.

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. Mr. Chris Barbee, Field Representative with U.S. Congressman 27th District Blake Farenthold's office stated he wanted to introduce himself as the new representative for the Congressman. Ms. Cheryl Lemon stated that she was from the town of Elm Grove and requested to know where she could go for assistance due damage due to the flooding caused by Hurricane Harvey. Ms. Lemons said she did not have warning of the flood water that took over her home.

The fourth item on the agenda was the Wharton Moment. Mayor Tim Barker stated that since Hurricane Harvey and the flooding it caused in the City, it has been the toughest times the City and the County have ever seen but we would get through it together.

The fifth item on the agenda was to review and consider the reading of the minutes from the regular meetings held August 14, 2017 and August 28, 2017 and special meeting held

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August 16, 2017. After some discussion, Councilmember Russell Machann moved to approve the minutes from the regular meetings held August 14, 2017 and August 28, 2017 and special meeting held August 16, 2017. Councilmember Don Mueller 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 August 2017. Finance Director Joan Anandel presented the financial report for the months of July 2017 and August 2017. Mrs. Anandel stated that the TexPool balance for July was \$867,341.42 with an average monthly yield of .9714% and August 2017 was \$667,939.99 with an average monthly yield of .99%. She said the Prosperity Bank balance for August 2017 was \$4,499,139.10 with an average monthly yield of .25%. After some discussion, Councilmember Al Bryant moved to approve the City of Wharton Financial Report for the months of July and August 2017. Councilmember Terry Freese seconded the motion. All voted in favor.

The seventh item on the agenda was to review and consider an ordinance adopting the fiscal year 2017-2018 Annual Budget for the City of Wharton, Texas; Appropriating the sums established therein; and directing the City Secretary to file copies as required by law. After some discussion, Councilmember Al Bryant moved to approve City of Wharton Ordinance No. 2017-11, which read as follows:

**CITY OF WHARTON, TEXAS
ORDINANCE NO. 2017-11**

AN ORDINANCE ADOPTING THE FISCAL YEAR 2017-2018 ANNUAL BUDGET FOR THE CITY OF WHARTON, TEXAS; APPROPRIATING THE SUMS ESTABLISHED THEREIN; AND DIRECTING THE CITY SECRETARY TO FILE COPIES AS REQUIRED BY LAW.

WHEREAS, the City's budget for the fiscal year ending September 30, 2018, which is attached hereto, was duly submitted to the City Council more than thirty (30) days prior to September 30, 2017.

WHEREAS, a public hearing was duly called and held on said budget not less than seven days nor more than fourteen days after date of publication giving notice of such meeting and prior to the time the City Council of the City of Wharton levied taxes for such current fiscal year; and

WHEREAS, all parties desiring to participate and be heard at said public hearing having been heard until no more evidence was offered, and such hearing having been concluded, and the City Council of said City having made such changes in such budget as in its judgment the law warrants and the best interest of the taxpayers of the City of Wharton, Texas, demand, said budget with such changes being attached hereto, as aforesaid.

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

Section 1. **THAT** the findings set out in the preamble of this ordinance are true and correct.

Section 2. **THAT** the budget of the City of Wharton, Texas for the fiscal year ending September 30, 2018, be and the same is hereby, in all respects, finally approved and adopted including any changes approved by the City Council; and the same shall be and is hereby filed with the City Secretary of the City.

Section 3. **THAT** the General Fund is hereby established to account for resources associated with traditional government activities, which are not required legally or by sound financial management to be accounted for in another fund. The General Fund is hereby approved with \$5,586,807 estimated revenues and \$6,484,019 in appropriations and with transfers-in approved at \$ 897,212. The amounts are specified for departmental purposes named in said budget and they are hereby appropriated to and for such.

Section 4. **THAT**, the PEG (Public, Educational, Government television access) fund is created to account for all funds received from the 1% franchise fee provided through the local cable provider. The PEG Fund is hereby approved with \$ 7,000 in estimated revenues and \$7,000 in appropriations.

-Section 5. **THAT** the Hotel Motel Fund is created to account for the occupancy tax levied on hotel rooms within the City as adopted by city ordinance and consistently with Chapter 351 of the Texas Tax Code. The Hotel Motel Fund is hereby approved with \$263,900 in estimated revenues which includes \$23,800 from fund balance and \$263,900 in appropriations which includes transfers-out approved at \$193,900 with beginning fund balance of approximately \$85,686.

Section 6. **THAT** the Narcotics Seizure Fund is created to account for the resources and uses of assets seized in illegal narcotics activities. The uses are limited to law enforcement activities. The Narcotics Seizure Fund is hereby approved with \$10,750 estimated revenues, \$10,750 in appropriations with beginning fund balance of approximately \$35,266.

Section 7. **THAT** the Debt Service Fund is hereby created to account for the accumulation of resources collected for Interest and Sinking requirements

and for the disbursement of those resources for debt requirements. The Debt Service Fund is hereby approved with \$1,120,226 in estimated revenues and \$1,097,226 in appropriations. The estimated beginning fund balance is \$449,192.

Section 8. **THAT** the Capital Improvement Fund is created to account for infrastructure improvements authorized by the City Council. The Capital Improvement Fund is approved with \$200,000 in estimated revenues and expenses.

Section 9. **THAT** the Water and Sewer Fund is created to account for the resources and uses associated with the delivery of utility services to citizens of Wharton as an enterprise fund. The Water & Sewer Fund is hereby approved with \$4,144,977 in estimated revenues. Water and sewer is approved with \$4,144,977 in appropriations, which includes a franchise fee of 10% of water and sewer sales are approximately \$363,213, and transfers-out approved at \$998,800.

Section 11. **THAT** the Solid Waste Fund is created to account for the financial activities of the City's solid waste collection contract and delivery to citizens of Wharton as an enterprise fund. The Solid Waste Fund is approved with \$1,420,950 in estimated revenues and \$1,420,950 in appropriations which includes a franchise fee of 5% of solid waste revenues or approximately \$75,600, and transfers-out approved at \$25,000.

Section 12. **THAT** the Emergency Medical Services Fund is created to account for the financial activities of the emergency medical services provided to the city and surrounding areas as an enterprise fund. The Emergency Medical Services Fund is approved with \$2,230,147 in estimated revenues and \$2,230,147 in appropriations and includes transfers-out at \$125,352.

Section 13. **THAT** the Civic Center Fund is created to account for the financial activities of the Civic Center as an enterprise fund. The Civic Center is approved with \$266,273 in estimated revenues and \$266,723 in appropriations. Transfers-in are approved at \$193,900 with a \$0 decrease to fund balance.

Section 14. **THAT** the Airport Fund is created to account for the financial activities of the Wharton Regional Airport as an enterprise fund. The Airport Fund is approved with \$301,650 in estimated revenues and \$301,650 in appropriations.

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Section 15. THAT the City Secretary shall file copies of this Ordinance and of such budget with the County Clerk of Wharton County, Texas.

PASSED AND APPROVED by a favorable majority of the members of the City Council of the City of Wharton, Texas, in council meeting, this 25th day of September 2017 duly assembled in accordance with Article VI of the Charter of the City of Wharton, Texas, by the following vote:

Tim Barker, Mayor	Voted
Alfred Bryant, Councilmember District 1	Voted
Steven Schneider, Councilmember District 2	Voted
Terry Freese, Councilmember District 3	Voted
Donald Mueller, Councilmember District 4	Voted
Russell Machann, Councilmember at Large Place 5	Voted
Vacant, Councilmember at Large Place 6	

Separability

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

CITY OF WHARTON

By: _____
Tim Barker., Mayor

ATTEST:

APPROVED FOR ADMINISTRATION:

Paula Favors, City Secretary

Andres Garza, Jr., City Manager

APPROVED AS TO FORM:

APPROVED FOR FUNDING:

Paul Webb, City Attorney

Joan Anandel, Finance Director

Councilmember Terry Freese seconded the motion. Mayor Tim Barker, Councilmembers Al Bryant, Terry Freese, Steve Schneider, Don Mueller and Russell Machann all voted in favor.

The eighth item on the agenda was to review and consider levying a Tax Rate for the City of Wharton, Texas, for the Tax Year 2017; directing the Tax Assessor-Collector to assess, account for and distribute the taxes as herein levied; and providing repealing and severability clauses. After some discussion, Councilmember Al Bryant moved to approve City of Wharton Ordinance No. 2017-12, which read as follows:

**CITY OF WHARTON, TEXAS
ORDINANCE NO. 2017-12**

AN ORDINANCE LEVYING A TAX RATE FOR THE CITY OF WHARTON, TEXAS, FOR THE TAX YEAR 2017; DIRECTING THE TAX ASSESSOR-COLLECTOR TO ASSESS, ACCOUNT FOR AND DISTRIBUTE THE TAXES AS HEREIN LEVIED; AND PROVIDING REPEALING AND SEVERABILITY CLAUSES.

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

Section 1. **THAT** there be and is hereby levied for the year 2017 on all real and personal property within and all real and personal property and mineral royalties owned within the city limits of the City of Wharton, Texas for the year 2017, except so much thereof as may be exempt by the constitution and of the State of Texas and of the United States, the following:

Maintenance and Operations	.14575/\$100 valuation
For Debt Service Requirements	.26433/\$100 valuation
Total Tax Rate	.41008/\$100 valuation

Section 2. **THAT** the Tax Assessor-Collector and/or Finance Director is hereby directed to assess, extend and enter upon the certified tax rolls of the City

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of Wharton, Texas, for the current taxable year, as provided by the Wharton County Appraisal District, the amounts and rates as herein levied, to keep correct amount of same, and when collected, to be distributed in accordance with this ordinance.

Passage and Approval

PASSED AND APPROVED by a favorable majority of the members of the City Council of the City of Wharton, Texas, in a council meeting, this 25th day of September, 2017, duly assembled in accordance with Article VI of the Charter of the City of Wharton, Texas, by the following vote:

Tim Barker, Mayor	Voted
Alfred Bryant, Councilmember District 1	Voted
Steven Schneider, Councilmember District 2	Voted
Terry Freese, Councilmember District 3	Voted
Donald Mueller, Councilmember District 4	Voted
Russell Machann, Councilmember at Large Place 5	Voted
Vacant, Councilmember at Large Place 6	

Separability

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

CITY OF WHARTON

By: _____
Tim Barker, Mayor

ATTEST:

APPROVED FOR ADMINISTRATION:

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Paula Favors, City Secretary

Andres Garza, Jr., City Manager

APPROVED AS TO FORM:

APPROVED FOR FUNDING:

Paul Webb, City Attorney

Joan Andel, Finance Director

Councilmember Don Mueller seconded the motion. Mayor Tim Barker, Councilmembers Al Bryant, Terry Freese, Steve Schneider, Don Mueller and Russell Machann all voted in favor.

The ninth item on the agenda was to review and consider Wharton County Emergency Services District No. 3:

A. **Resolution:** A resolution of the Wharton City Council approving an Interlocal Agreement for Emergency Medical Services between the City of Wharton and the Wharton County Emergency Services District (ESD) No. 3 and authorizing the Mayor of the City of Wharton to execute the agreement.

B. **Resolution:** A resolution of the Wharton City Council approving an Interlocal Agreement for Administrative Services between the City of Wharton and the Wharton County Emergency Services District (ESD) No. 3 and authorizing the Mayor of the City of Wharton to execute the agreement.

City Manager Andres Garza, Jr. presented a copy of the memorandum dated September 19, 2017 from City Secretary Paula Favors to him providing the Wharton County Emergency Services District (ESD) No. 3's recommendation that both Items A & B above be considered for approval by the City Council. City Manager Garza presented a draft copy of both agreements respectively and draft resolutions approving each agreement. Ms. Favors stated that the ESD No. 3 Board requested additional time to discuss possible payment options due to the possible slower payment of taxes to the district due to Hurricane Harvey. After some discussion, Councilmember Russell Machann moved to approve City of Wharton Resolution No. 2017-94, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2017-94**

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A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AN INTERLOCAL AGREEMENT FOR ADMINISTRATIVE SERVICES BETWEEN THE WHARTON COUNTY EMERGENCY SERVICES DISTRICT (ESD) NO. 3 AND THE CITY OF WHARTON AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE THE AGREEMENT.

WHEREAS, The Wharton County Emergency Services District (ESD) No. 3 Board has hereby authorized the ESD No. 3 President to execute an agreement with the City of Wharton for administrative services; and,

WHEREAS, The ESD No. 3 and the City of Wharton wishes to be bound by the conditions as set forth in the agreement; and,

WHEREAS, The Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute the agreement.

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

Section I. That Wharton City Council hereby approves an Interlocal Agreement between the City of Wharton and the Wharton County Emergency Services District No. 3 for administrative services.

Section II. The Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute the agreement.

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

Passed, Approved, and Adopted this 25th day of September 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 tenth item on the agenda was to review and consider the request by Mr. Ron Sanders, Executive Director of the Wharton Chamber of Commerce & Agriculture for City of Wharton assistance by approving the following for the Wine and Arts Fair to be held Saturday, October 14, 2017:

A. Close Fulton Street to traffic between Burleson Street and Milam Street. And create and mark temporary no parking zones within that same area.

B. Close Houston Street to traffic between Burleson Street and the first entrance into Guffey Park. And create and mark temporary no parking zones within that same area.

C. Create and mark temporary no parking zones on the north side of Milam Street from Fulton Street to North Richmond Road.

D. Create and mark temporary no parking zones on south side of Burleson Street from Houston Street to Fulton Street.

E. Booths, vendors or other organized use of the public streets in the festival area are understood to be subject to the application process established by the chamber and the chamber's event coordinator.

F. Provide 6 generator lights for safety for the fair location and Guffey Park parking area.

G. Allow open containers for the alcohol on public property on the exterior sides of the Monterey Square and approximately one adjoining block to include all participating businesses.

H. Waive all local permit fees.

I. Allow pedicabs to operate in the festival area, and allow temporary parking for pedicabs and limousines as needed on the 200 block of West Milam Street.

City Manager Andres Garza, Jr. presented a copy of the letter dated September 7, 2017 from Mr. Ron Sanders, Executive Director of the Wharton Chamber of Commerce & Agriculture providing his request for the afore-mentioned items. After some discussion, Councilmember Russell Machann moved to approve the request by Mr. Ron Sanders, Executive Director of the Wharton Chamber of Commerce & Agriculture for City of Wharton assistance by approving the following for the Wine and Arts Fair to be held Saturday, October 14, 2017 for the afore mentioned items. Councilmember Terry Freese seconded the motion. All voted in favor.

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The eleventh item on the agenda was to review and consider Pay Request No. 1 from Ceres Environmental. City Manager Andres Garza, Jr. presented Pay Request No. 1 from Ceres Environmental in the amount of \$39,663.42 for debris removal services. After some discussion, Councilmember Russell Machann moved to approve Pay Request No. 1 from Ceres Environmental in the amount of \$39,663.42 for debris removal services. Councilmember Terry Freese seconded the motion. All voted in favor.

The twelfth 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 June 12, 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 thirteenth 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 September 21, 2017 providing an update on the City of Wharton current projects as of August 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 August.

2. Alabama Street Sewer Line Project.

The bid has been awarded to JTM Construction and the construction phase has begun. The mainline along Alabama Street has been installed. The company is now working on the alleys.

3. Wastewater Treatment Plant No. 1 Improvement Project.

This project has been completed.

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.

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

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WHARTON REGIONAL AIRPORT

1. Hangar Construction Project.

This project is completed. The hangars have been leased

After some discussion, no action was taken.

The fourteenth item on the agenda was **Executive Session:** City Council may adjourn into an Executive Session in accordance with Section 551.074 of the Local Government Code, Revised Civil Statutes of Texas. Final action, decision or vote, if any with regard to any matter considered in Executive Session shall be made in Open Meeting.

A. City Managers Evaluation and employment agreement.

Mayor Tim Barker moved the meeting in to closed session at 7:25 p.m.

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

A. **Review & Consider:** City Managers Evaluation and employment agreement.

Mayor Tim Barker returned to open session at 7:36 p.m. After some discussion, Councilmember Terry Freese moved to approve a 5% pay increase for City Manager Andres Garza, Jr. effective October 1, 2017. Councilmember Al Bryant seconded the motion. All voted in favor.

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

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

After some discussion, Councilmember Don Mueller moved to appoint the following:

D. Wharton Economic Development Board.

Term Expiring

Judd Perry

September 30, 2019

Marshall Francis

September 30, 2019

Councilmember Russell Machann

September 30, 2019

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Councilmember Al Bryant seconded the motion. All voted in favor. Councilmember Russell Machann moved to appoint the following:

C. Plumbing and Mechanical Board.

Term Expiring

Tom Faust

September 30, 2019

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

The seventeenth item on the agenda was City Manager's Reports:

- | | |
|---|---------------------------------|
| 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 eighteenth 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 7:22 p.m.

CITY OF WHARTON, TEXAS

By: _____

Tim Barker
Mayor

ATTEST:

Paula Favors
City Secretary