

**MINUTES  
OF  
CITY OF WHARTON  
REGULAR CITY COUNCIL MEETING  
NOVEMBER 13, 2017**

Mayor Tim Barker declared a Regular Meeting duly open for the transaction of business at 7:00 P.M at City Hall 120 E. Caney Street Wharton, TX. Councilmember Russell Machann led the opening devotion and Mayor Barker led the pledge of allegiance.

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

Councilmember absent was: None.

Staff members present were: City Manager Andres Garza, Jr., Finance Director Joan Andel, City Secretary Paula Favors, Assistant to the City Manager Brandi Jimenez, Community Development Coordinator Gwyn Teves, City Attorney Paul Webb, Police Sergeant Don Chaney, Assistant to the Building Official Claudia Velasquez and Public Works Director Wade Wendt.

Visitors present were: Judd Perry, Cynthia Davis and Wharton Economic Development Director Chad Odom, II.

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

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

The fourth item on the agenda was the Wharton Moment. Mayor Tim Barker stated that at least one F.E.M.A. trailer had been placed in the area for flood affected residents that he was made aware. Councilmember Al Bryant stated that four (4) F.E.M.A. trailers had been set up in his district.

The fifth item on the agenda was to review and consider the reading of the minutes from the regular meetings held October 13, 2017 and October 27, 2017 and special meeting held October 2, 2017. After some discussion, Councilmember Al Bryant moved to approve the reading of the minutes from the regular meetings held October 13, 2017 and October 27, 2017 and special meeting held October 2, 2017. Councilmember Russell Machann seconded the motion. All voted in favor.

The sixth item on the agenda was to review and consider an application submitted by Mrs. Cynthia Davis, 1310 Bailey Street, Harrison Block 5, Lot 3, 4 for a front setback variance from the required 25'-0" setback for the placement of a 20'x21' galvanized steel framing carport.

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Assistant to Building Official Claudia Velasquez presented an application submitted by Mrs. Cynthia Davis, 1310 Bailey Street, Harrison Block 5, Lot 3, 4 for a front setback variance from the required 25'-0" setback for the placement of a 20'x21'galvanized steel framing carport. After some discussion, Councilmember Al Bryant moved to approve the application submitted by Mrs. Cynthia Davis, 1310 Bailey Street, Harrison Block 5, Lot 3, 4 for a front setback variance from the required 25'-0" setback for the placement of a 20'x21'galvanized steel framing carport. Councilmember Terry Freese seconded the motion. All voted in favor.

The seventh item on agenda was to review and consider a request by Mr. Ronnie Jansky for water utility services outside the city limits. City Manager Andres Garza, Jr. presented an application for water utility services from Mr. Ronnie Jansky requesting water service at 227 C.R. 144 Wharton, Texas. City Manager Garza stated that the City ordinance required the City Council to approve any utility service outside city limits. Public Works Director Wade Wendt stated Mr. Jansky would be required to pay for all tap fees involved in opening the account. After some discussion, Councilmember Russell Machann moved to approve the request by Mr. Ronnie Jansky for water utility services outside the city limits at 227 C.R. 144 Wharton, Texas. Councilmember Al Bryant seconded the motion. All voted in favor.

The eighth item on the agenda was to review and consider Proposed write offs:

A. City of Wharton EMS.

City Manager Andres Garza, Jr. presented a copy of the memorandum dated November 7, 2017 from Finance Director Joan Anandel to him recommending the write offs for the EMS accounts. Mrs. Anandel stated the total for the City of Wharton EMS write offs was \$370,666.13 which did not include Gulf Coast Medical Center but would be included before the write offs were completed.

B. Utilities.

City Manager Andres Garza, Jr. presented a copy of the memorandum dated November 7, 2017 from Finance Director Joan Anandel to him that indicated the Utility Department's request for the uncollected balances for the 2016 – 2017 fiscal year be written off due to non-payment. City Manager Garza stated that the City Council Finance Committee met on Monday, November 13, 2017 and reviewed the proposed write offs for the EMS and Utility Departments. Mrs. Anandel stated the total for the utilities write off was \$166,975.78 of which \$140,277.81 belonged to Gulf Coast Medical Center which was in bankruptcy. She said the Finance Committee was recommending City Council consider approving items A. & B. After some discussion, Councilmember Al Bryant moved to approve afore mentioned items A. & B. Councilmember Don Mueller seconded the motion. All voted in favor.

The ninth item on the agenda was to review and consider a resolution of the Wharton City Council establishing a Consultant Selection Committee and developing evaluation criteria for the selection of an engineering consulting firm for services to provide the design and construction management of projects for the City of Wharton as needed during and after all natural disasters. Community Development Coordinator Gwyn Teves stated that the City staff

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had advertised for Request for Qualifications (RFQ) for engineering services for projects related to natural disasters. She also stated that there was a need for engineering services to assist with current projects that needed to be evaluated for submission to FEMA for Public Assistance. After some discussion, Councilmember Terry Freese moved to approve City of Wharton Resolution No. 2017-112, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2017-112**

**A RESOLUTION OF THE WHARTON CITY COUNCIL ESTABLISHING A CONSULTANT SELECTION COMMITTEE AND DEVELOPING EVALUATION CRITERIA FOR THE SELECTION OF AN ENGINEERING CONSULTING FIRM FOR SERVICES TO PROVIDE THE DESIGN AND CONSTRUCTION CONTRACT MANAGEMENT OF PROJECTS FOR THE CITY OF WHARTON AS NEEDED DURING AND AFTER ALL NATURAL DISASTERS.**

**WHEREAS,** The Wharton City Council wishes to establish a Consultant Selection Committee for engineering services to provide the design, and construction contract management of projects for the City of Wharton needed during and after all natural disasters 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.

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**Passed, Approved, and Adopted** this 13th day of November 2017.

**CITY OF WHARTON, TEXAS**

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

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

Councilmember Al Bryant 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 2017-2018 Title VI Plan with required modifications and authorizing the Mayor of the City of Wharton to execute all documents related to said adoption. Community Development Coordinator Gwyneth Teves stated that after review by Texas Department of Transportation Contract Compliance Specialist Mike McElroy, it was requested that the City modify the current Title IV Plan. Mrs. Teves said the plan had been updated to address discrimination in any capacity and lays out a complaint procedure for any occurrences should it be necessary and City Council adoption and approval were required for final submittal to TxDOT. After some discussion, Councilmember Al Bryant moved to approve City of Wharton Resolution No. 2017-113, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2017 - 113**

**A RESOLUTION OF THE WHARTON CITY COUNCIL ADOPTING THE 2017-2018  
TITLE VI PLAN WITH REQUIRED MODIFICATIONS AND AUTHORIZING THE  
MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED  
TO SAID ADOPTION.**

**WHEREAS,** Recipients of federal financial assistance are required to comply with various nondiscrimination laws and regulations; and,

**WHEREAS,** The City of Wharton's Title VI program has been established in accordance with federal rules under 49 CFR Part 21 and 49 CFR Part 303, and falls within the scope of responsibilities of the Office Community Development; and,

**WHEREAS,** The City of Wharton has prepared the 2017-2018 Annual Work Plan and Accomplishment Report; and,

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

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

**SECTION I.** The Wharton City Council hereby approves the 2017-2018 Title VI Plan and Annual Work Plan and Accomplishment Report.

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

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

**PASSED, APPROVED, and ADOPTED** this 13<sup>th</sup> day of November 2017.

**CITY OF WHARTON, TEXAS**

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

**ATTEST:**

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

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

The eleventh item on the agenda was to review and consider Pay Request No. 5 from Ceres Environmental for debris removal. City Manager Andres Garza, Jr. presented Pay Request No. 5 in the amount of \$23,293.88 for debris removal services from Ceres Environmental. Community Development Coordinator Gwyneth Teves stated that this was not the final Pay Request the City would receive from Ceres Environmental. After some discussion, Councilmember Al Bryant moved to approve Pay Request No. 5 in the amount of \$23,293.88 for debris removal services from Ceres Environmental. Councilmember Terry Freese 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 a lease agreement between the City of Wharton and Eastern Aviation Fuels, Inc. for the lease of a fuel truck at the Wharton Regional Airport and authorizing the City Manager to execute all documents related to said lease agreement. City Manager Andres Garza, Jr. presented a memo to him from Wharton Regional Airport Manager David Allen regarding the lease of a fuel truck from Eastern Aviation Fuels, Inc. City Manager Garza stated the lease would be for a 2000 International 3000 gallon truck. After some discussion, Councilmember Russell Machann moved to approve City of Wharton Resolution No. 2017-114, which read as follows:

**CITY OF WHARTON**

**RESOLUTION NO. 2017-114**

**A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING A LEASE AGREEMENT BETWEEN THE CITY OF WHARTON AND EASTERN AVIATION FUELS, INC. FOR THE LEASE OF A FUEL TRUCK AT THE WHARTON REGIONAL AIRPORT AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS RELATED TO SAID LEASE AGREEMENT.**

**WHEREAS,** The City of Wharton wishes to enter into a lease agreement with Eastern Aviation Fuels, Inc. for the lease of a fuel truck; and,

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

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

**Section I.** The Wharton City Council hereby authorizes the City Manager to execute a lease agreement with Eastern Aviation Fuels, Inc. for the lease of a fuel truck.

**Section II.** The City of Wharton and Eastern Aviation Fuels, Inc. are hereby bound by the conditions as set forth in the contract.

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

**Passed, Approved, and Adopted** this 13th day of November 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 City Manager Travel Reimbursement. City Manager Andres Garza, Jr. presented request for travel reimbursement. After some discussion, Councilmember Al Bryant moved to approve the City Manager Travel Reimbursement. Councilmember Terry Freese seconded the motion. All voted in favor.

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The fourteenth item on the agenda was to review and consider Wharton Economic Development Corporation:

- A. Wharton Economic Development Corporation Fiscal Year 2017-2018 Amended Budget.

City Manager Andres Garza, Jr. presented the Wharton Economic Development Corporation Fiscal Year 2017-2018 Amended Budget. WEDCo Executive Director Chad Odom presented the proposed amendments to the budget. After some discussion, Councilmember Al Bryant moved to approve the Wharton Economic Development Corporation Fiscal Year 2017-2018 Amended Budget. Councilmember Terry Freese seconded the motion. All voted in favor.

- B. Wharton Economic Development Corporation Annual Report for Fiscal Year 2016- 2017.
- C. Wharton Economic Development Corporation Flood Impact Analysis.
- D. Wharton Economic Development Corporation Resolution No. 2017-05.

City Manager Andres Garza, Jr. presented the Wharton Economic Development Corporation Fiscal Year Annual Report for Fiscal Year 2016-2017, Flood Impact Analysis and Resolution No. 2017-05. WEDCo Executive Director Chad Odom discussed the afore mentioned items in detail. After some discussion, Councilmember Terry Freese moved to approve the Wharton Economic Development Corporation Annual Report for Fiscal Year 2016- 2017, the Wharton Economic Development Corporation Flood Impact Analysis, and Wharton Economic Development Corporation Resolution No. 2017-05, which read as follows:

**WHARTON ECONOMIC DEVELOPMENT CORPORATION  
RESOLUTION NO. 2017-05**

**A RESOLUTION AUTHORIZING WEDC TO ENTER INTO AN AGREEMENT  
WITH CEN-TEX CDC dba BCL OF TEXAS TO PAY THE INTERST ONLY ON  
BUSINESS LOANS DISTRIBUTED THROUGH THE WHARTON CHAMBER OF  
COMMERCE SMALL BUSINESS RELIEF FUND.**

**WHEREAS**, Wharton Economic Development Corporation (“Corporation”) is a non-profit corporation organized under the provisions of Article 5190.6, Section 4B, Vernon’s Texas Civil Statues, as amended, and,

**WHEREAS**, the Corporation seeks to amended its fiscal year 2017-2018 budget to authorize the payment of interest only in the amount of \$190,536.80 on business loans, not to exceed \$1,000,000.00, through the Wharton Chamber of Commerce Small Business Relief Fund, and

**WHEREAS**, the funds will be secured and distributed by Cen-Tex CDC dba BCL of Texas as loans to individual Wharton Texas businesses that were damaged by flooding on the weekend of August 26, 2017.

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**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF CORPORTATION that;**

The corporation amends is 2017-2018 Fiscal Year Budget to make funds available not to exceed \$190,536.80 for the interest only on business loans not to exceed \$1,000,000.00.

This resolution was adopted at a regular meeting of the Board of Directors of Corporation on November 13, 2017.

**WHARTON ECONOMIC DEVELOPMENT CORPORATION, WHARTON, TEXAS**

By: \_\_\_\_\_  
**Marshall Francis**  
President

**ATTEST:**

\_\_\_\_\_  
**Michael Wootton**  
Secretary

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

The fifteenth item on the agenda was to review and consider Alabama Sanitary Sewer Project:

A. Change Order No. 1

City Manager Andres Garza, Jr. presented Change Order No. 1 from BEFCO Engineering Inc. for the Alabama Sanitary Sewer Project that was under construction by JTM Construction, LLC. Public Works Director Wade Wendt stated the changes to the project were due in part to a delay caused by Hurricane Harvey and additional boring that was needed. After some discussion, Councilmember Russell Machann moved to approve the Alabama Sanitary Sewer Project Change Order No. 1. Councilmember Al Bryant seconded the motion. All voted in favor.

The sixteenth item on the agenda was to review and consider 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.

After some discussion, no action was taken.



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

- A. Wharton Economic Development Corporation meeting held October 16, 2017.
- B. Finance Committee meeting held October 23, 2017.
- C. Wharton Economic Development Corporation meeting held November 1, 2017.

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 7:41 p.m.

**CITY OF WHARTON, TEXAS**

By: *Tim Barker*  
**Tim Barker**  
**Mayor**

ATTEST:

*Paula Favors*

**Paula Favors**  
**City Secretary**

