

**MINUTES
OF
CITY OF WHARTON
REGULAR CITY COUNCIL MEETING
NOVEMBER 27, 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. City Manager Andres Garza, Jr. 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, Building Official Ronnie Bollom, Police Sergeant Don Chaney and Community Development Coordinator Gwyn Teves.

Visitors present were: Frank Brown, Julia Brown, Bobby Brown, Judd Perry, Bret Macha and Evelyn Carriere with the Wharton Journal Spectator.

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 given.

The fourth item on the agenda was the Wharton Moment. Councilmember Terry Freese thanked Facilities Maintenance Director Bob Baker and his staff for their work on the lights around the Wharton Courthouse Square.

The fifth item on the agenda was to review and consider the City of Wharton Financial Report for October 2017. Finance Director Joan Anandel presented the financial report for the month October 2017. Mrs. Anandel stated that the TexPool balance for October was \$318,677.95 with an average monthly yield of 1.0318%. She said the Prosperity Bank balance for October 2017 was \$3,778,632.12 with an average monthly yield of .25%. After some discussion, Councilmember Al Bryant moved to approve the City of Wharton Financial Report for the month of October 2017. Councilmember Don Mueller seconded the motion. All voted in favor.

The sixth item on the agenda was to review and consider a resolution of the Wharton City Council awarding a contract for engineering services for design and construction contract management of projects for the City of Wharton needed during and after all-natural disasters and authorizing the Mayor of the City of Wharton to execute said contract on

City of Wharton
Regular Council Meeting
November 27, 2017

behalf of the City of Wharton. City Manager Andres Garza, Jr. stated that on November 13, 2017, the City received statements of qualifications for engineering services to assist the City in the design and construction contract management of projects needed during and after all-natural disasters. City Manager Garza stated the engineering firms would be able to provide the City engineers estimates for several FEMA and other state applications the City is submitting. Community Development Coordinator Gwyn Teves stated the Committee scored the three proposals from:

1. Jones & Carter, Inc.
2. Halff & Associates
3. BEFCO Engineering, Inc.

She said the City Council Public Works Committee and Consultant Selection Committee met on November 27, 2017 and were recommending that the City Council consider approving two-year contracts with all three engineering firms. After some discussion, Councilmember Russell Machann moved to approve City of Wharton Resolution No. 2017-115, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2017-115**

A RESOLUTION OF THE WHARTON CITY COUNCIL AWARDING A CONTRACT FOR ENGINEERING SERVICES FOR DURING AND AFTER NATURAL DISASTERS AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID CONTRACT.

WHEREAS, The Wharton City Council wishes to enter into a two year contract for engineering services for during and after natural disasters with Jones & Carter, BEFCO and Halff & Associates; and,

WHEREAS, The City of Wharton and Jones & Carter, BEFCO and Halff & Associates 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 said contract.

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

Section I. The Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute an agreement with Jones & Carter, BEFCO and Halff & Associates for engineering services during and after natural disasters.

Section II. The City of Wharton and Jones & Carter, BEFCO and Halff & Associates are hereby bound by the conditions as set forth in the contract.

City of Wharton
Regular Council Meeting
November 27, 2017

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

Passed, Approved, and Adopted this 27th 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 seventh item on the agenda was to review and consider an application submitted by Mr. Frank and Mrs. Julia Brown requesting a Mobile Food Vendor permit application allowing a Mobile Food Trailer to remain stationary at one location for the majority of the week with the option to travel to events. City Manager Andres Garza, Jr. presented an application submitted by Mr. Frank and Mrs. Julia Brown requesting a Mobile Food Vendor Permit Application allowing a Mobile Food Trailer to remain stationary at one location for the majority of the week with the option to travel to events. Building Official Ronnie Bollom stated that Mr. and Mrs. Brown were asking to remain at one location for five or more days a week. City Manager Garza stated the City Council Finance Committee met on Monday, November 27, 2017 reviewed the variance requested along with the entire ordinance and were recommending City Council consider approving the variance for one year. After some discussion, Councilmember Al Bryant moved to approve the application submitted by Mr. Frank and Mrs. Julia Brown requesting a Mobile Food Vendor permit application allowing a Mobile Food Trailer to remain stationary at one location for the majority of the week with the option to travel to events for a time for a time period of one year with a directive for City Staff to present a draft Ordinance at a future meeting regarding Mobile Food Vendors. Councilmember Russell Machann seconded the motion. All voted in favor.

The eighth item on the agenda was to review and consider a resolution of the Wharton City Council authorizing the Mayor to submit a letter requesting funding for the Wharton Levee Project to the Governor and other State Officials of the State of Texas. City Manager Andres Garza, Jr. presented a draft letter addressed to Governor Abbott informing him of the City of Wharton's request for State of Texas assistance for funding for the Wharton Levee Project. City Manager Garza stated that there was a follow up letter sent on November 8, 2017 and there had been no response from any of the representatives that received the letter. He said the City Staff was requesting to send an additional letter to the

City of Wharton
Regular Council Meeting
November 27, 2017

State of Texas requesting funding for the project. After some discussion, Councilmember Russell Machann moved to approve City of Wharton Resolution No. 2017-116, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2017 - 116**

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO SEND CORRESPONDENCE TO THE GOVERNOR AND OTHER STATE OFFICIALS REQUESTING FUNDING FOR THE WHARTON LEVEE PROJECT AND EXECUTE ALL DOCUMENTS RELATED TO SAID CORRESPONDENCE.

WHEREAS, The Wharton City Council hereby authorizes the Mayor of the City of Wharton to send correspondence to the Governor and other State of Texas Officials requesting funding for the Wharton Levee Project; and,

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

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

SECTION I. The Wharton City Council hereby approves the submission of correspondence to the Governor and other State of Texas Officials regarding funding from the State of Texas for the Wharton Levee Project.

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

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

PASSED, APPROVED, and ADOPTED this 27th 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.

City of Wharton
Regular Council Meeting
November 27, 2017

The ninth item on the agenda was to review and consider authorizing the issuance of City of Wharton, Texas, Tax Anticipation Notes, Series 2017. City Manager Andres Garza, Jr. stated that the City of Wharton would be responsible for some of the costs associated with debris removal and monitoring services. City Manager Garza said the City Staff met with the City Council Finance Committee on November 27, 2017 and discussed the issuance of Tax Anticipation Notes to pay for some of these costs over a longer period of time. Finance Director Joan Andel stated the notes would allow the City to pay for other purchases and refinancing an existing lease purchase agreement at a lower interest rate. Mrs. Andel said the City Council Finance Committee was recommending the City Council consider approving the issuance of City of Wharton, Texas, Tax Anticipation Notes, Series 2017. After some discussion, Councilmember Al Bryant moved to approve the issuance of City of Wharton, Texas, Tax Anticipation Notes, Series 2017. Councilmember Terry Freese seconded the motion. All voted in favor.

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

A. Wharton Economic Development Corporation Resolution No. 2017-05-Second Reading.

City Manager Andres Garza, Jr. presented Wharton Economic Development Corporation Resolution No. 2017-05. City Manager Garza stated the resolution required a second reading. After some discussion, Councilmember Al Bryant moved to approve 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.

City of Wharton
Regular Council Meeting
November 27, 2017

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

The corporation amends its 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 Terry Freese seconded the motion. All voted in favor.

The eleventh 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 November 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 twelfth 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 November 22, 2017 providing an update on the City of Wharton current projects as of October 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 October.

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.

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 has been placed on hold due to Hurricane Harvey flooding event. The City Staff is evaluating a restart date.

5. Wharton Sidewalk Accessibility and Historic Streetscape Project.

M.C. Fonseca Construction finished the project. Final payment has been approved by the City Council on October 16, 2017.

After some discussion, no action was taken.

The thirteenth 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.
- D. Wharton County Central Appraisal District Board.

After some discussion, no action was taken.

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

- A. Finance Committee Meeting held November 13, 2017.
- B. Wharton Economic Development Corporation meeting held November 13, 2017.

After some discussion, no action was taken.

The fifteenth 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. |
| | L. Public Works Department. |

City of Wharton
Regular Council Meeting
November 27, 2017

- E. E.M.S. Department.
- F. Facilities Maintenance Department /
Wharton Municipal Pool.
- G. Fire Department.

- M. Water / Sewer Department.
- N. Weedy Lots / Sign Ordinance.
- O. Wharton Regional Airport.

After some discussion, no action was taken.

The sixteenth item on the agenda was adjournment. There being no further discussion, Councilmember Don Mueller moved to adjourn. Councilmember Al Bryant seconded the motion. All voted in favor.

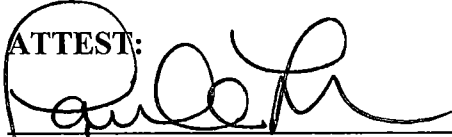
The meeting adjourned at 7:26 p.m.

CITY OF WHARTON, TEXAS

By: Tim Barker

Tim Barker
Mayor

ATTEST:



Paula Favors
City Secretary

