

**MINUTES
OF
CITY OF WHARTON
REGULAR CITY COUNCIL MEETING
OCTOBER 8, 2018**

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 Tim Barker led the pledge of allegiance.

Councilmember's present were: Mayor Tim Barker and Councilmembers Al Bryant, Terry Freese, Alice Heard-Roberts, Don Mueller, Russell Machann and Steve Schneider.

Councilmember absent were: None.

Staff members present were: Finance Director Joan Andel, City Secretary Paula Favors, City Attorney Paul Webb, Public Works Director Wade Wendt, Assistant to City Manager Brandi Jimenez, Police Chief Terry David Lynch, Community Development Director Gwyn Teves, Fire Chief Anthony Abbott and Assistant to Building Official Claudia Velasquez.

Visitors present were: Ressa Zambrano, Laura Clemons and Wharton Chamber of Commerce Executive Director Ron Sanders.

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 presented a \$10,000 donation from Mrs. William Alexander Harrison to Wharton Volunteer Fire Department's Chief Anthony Abbott for the department's dedication and service to the community.

The fifth item on the agenda was to review and consider Request by Mr. Jeff Rainer, Wharton Chamber of Commerce & Agriculture 2018 Holiday Parade Chairman for the Wharton Holiday Parade for the following:

A. **Ordinance:** An ordinance approving the 2018 Chamber of Commerce & Agriculture Holiday Parade Permit and authorizing the Wharton Police Department to redirect traffic.

B. City of Wharton to provide five (5) portable lights for use during the parade.

Finance Director Joan Andel presented a copy of a letter dated September 12, 2018 from Mr. Jeff Rainer, Wharton Chamber of Commerce and Agriculture 2018 Parade Chairman requesting City Council's approval of a draft ordinance authorizing the Police Department to redirect traffic for the 2018 Wharton Holiday Parade. Mrs. Andel stated that Mr. Rainer was also requesting City Council's authorization for the assistance of Facilities Director Bob Baker to obtain the five (5) portable lights needed during the parade. She said the parade was scheduled to be held on Tuesday, November 20th at 7:00 PM. After some discussion, Councilmember Russell Machann moved to approve the use of City of Wharton to provide five (5) portable lights for use during the parade and City of Wharton Ordinance No. 2018-10, which read as follows:

**CITY OF WHARTON
ORDINANCE NO. 2018-10**

AN ORDINANCE APPROVING THE 2018 CHAMBER OF COMMERCE & AGRICULTURE HOLIDAY PARADE PERMIT AND AUTHORIZING THE POLICE DEPARTMENT TO REDIRECT TRAFFIC.

WHEREAS, The Wharton Chamber of Commerce and Agriculture has filed an application for a parade permit with the City of Wharton Police Department as required under the City of Wharton Code of Ordinances, Chapter 82, Article III, Sec. 82-91; and,

WHEREAS, The requested parade route requires the City of Wharton to close State Highway 60 (Burlson Street and Milam Street) from its intersection with Alabama Road and Polk Street; and,

WHEREAS, The closure of State Highway 60 will be for a time of less than four (4) hours; and,

WHEREAS, The closure will require the detouring of all traffic according to the map (Attachment A) attached to this ordinance; and,

WHEREAS, The routing of all traffic will include truck traffic to Alabama Road which is prohibited by ordinance; and,

WHEREAS, The City Council wishes to suspend for the duration of the parade the enforcement of said ordinance of trucks traveling on Alabama Road; and,

WHEREAS, If there are any other ordinances that would be violated because of the re-routing of all traffic their suspension is hereby authorized.

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

Section I. The parade permit for the Wharton Chamber of Commerce and Agriculture is hereby approved.

- Section II.** The parade route is hereby approved as detailed in the attached map (Attachment A) which is hereby made part of this ordinance.
- Section III.** The closure of all streets as indicated in said map identified in Section II are hereby authorized.
- Section IV.** The traffic detour plan as identified in Section III above is hereby approved.
- Section V.** The Chief of Police and City Staff are hereby authorized to make the necessary expenditures needed to ensure the safety of the public.
- Section VI.** This ordinance shall become effective on the 20th day of November 2018 and remain in effect until such time that the parade concludes.

Passed, Approved and Adopted this 8th day of October 2018.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST

PAULA FAVORS
City Secretary

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

The sixth item on the agenda was to review and consider an ordinance amending the City of Wharton Code of Ordinances, Chapter 42, Occupational Licenses, Taxes and Regulations, Article IV, Division 4-Mobile Food Vendors and Temporary Food Vendors, Sections 42-22 to 42-232; Providing that a violation of the Code of Ordinances or any part of the Code as adopted hereby shall constitute a penalty upon conviction of a fine; providing for separability and setting an effective date. Finance Director Joan Andel stated that on November 27, 2017 the Wharton City Council approved 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 most of the week with the option to travel to events for one year with a directive for City Staff to present a draft Ordinance. Mrs. Andel presented a copy of a memorandum from Building Official Ronnie Bollom regarding the updated Code of Ordinance Chapter 42 Mobile Food Vendors and Temporary Food Vendors. Mrs. Andel said the Finance Committee met on Monday, October 8, 2018 and were requesting to continue to research the proposed Ordinance. After some discussion, no action was taken.

The seventh item on the agenda was to review and consider City of Wharton Code Enforcement Department Outsourcing Programs:

A. **Resolution:** A resolution of the Wharton City Council approving fat, oil, grease (FOG Program) for a two-year contract agreement between the City of Wharton and Triple C Services, LLC., for Grease Trap Inspection and authorizing the Mayor of the City of Wharton to execute the agreement.

B. **Resolution:** A resolution of the Wharton City Council approving Plan Review and Inspection Services for a two-year contract agreement between the City of Wharton and West Coast Consultants, Inc., for the Plan Review and Inspection Services and authorizing the Mayor of the City of Wharton to execute the agreement.

C. **Resolution:** A resolution of the Wharton City Council approving Backflow Management Services for a two-year contract agreement between the City of Wharton and Backflow Solutions, Inc., for the Backflow Program and authorizing the Mayor of the City of Wharton to execute the agreement.

Finance Director Joan Andel stated that on May 14, 2018, the Wharton City Council approved the request from the Code Enforcement Department to obtain proposals for the above mentioned. Mrs. Andel said that three proposals were received for Code Plan Review & Inspection Services. They were as follows:

1. West Coast Code Consultants, Inc.
2. BBG Consulting.
3. Mikayla Architects.

Three proposals were received for the Backflow Program. They were as follows:

1. Triple C Services.
2. BSI Online.
3. BBG Consulting.

Three proposals were received for the Fats, Oils and Grease Management (FOG Program). They were as follows:

1. Triple C Services.
2. BSI Online.
3. BBG Consulting.

She said that after reviewing the proposals the City Staff was recommending that BBG Consulting be awarded a contract for Plan Review and Inspections, BSI Online be awarded a contract for Backflow Program and that Triple C Services LLC be awarded a contract for the Fats, Oils and Grease Management (FOG Program). After some discussion, Councilmember Al Bryant moved to approve the following City of Wharton Resolutions 2018-82, 2018-81 and 2018-80, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2018-82**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING FAT, OIL, GREASE (FOG PROGRAM) FOR A TWO-YEAR CONTRACT AGREEMENT BETWEEN THE CITY OF WHARTON AND TRIPLE C SERVICES, LLC. FOR GREASE TRAP INSPECTION AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE THE AGREEMENT.

WHEREAS, The Wharton City Council wishes to engage the services of Triple C Services LLC to provide grease trap inspection for a two-year contract agreement in connection with said project; and,

WHEREAS, Triple C Services LLC wishes to provide said services for the City of Wharton; and,

WHEREAS, The City of Wharton and Triple C Services LLC wishes to be bound by the conditions of said grease trap inspection 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. The Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute grease trap inspection agreement with Triple C Services LLC for the City of Wharton.

Section II. The City of Wharton and of Triple C Services LLC are hereby bound by the conditions as set forth in the agreement.

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

Passed, Approved, and Adopted this 8th day of October 2018.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

**CITY OF WHARTON
RESOLUTION NO. 2018-80**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING PLAN REVIEW AND INSPECTION SERVICES FOR A TWO-YEAR CONTRACT AGREEMENT BETWEEN THE CITY OF WHARTON AND BBG CONSULTANS FOR THE PLAN REVIEW AND INSPECTION SERVICES AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE THE AGREEMENT.

WHEREAS, The Wharton City Council wishes to engage the services BBG Consultants to provide plan review and inspection services for a two-year contract agreement in connection with said project; and,

WHEREAS, BBG Consultants wishes to provide said services for the City of Wharton; and,

WHEREAS, The City of Wharton and BBG Consultants wishes to be bound by the conditions of said plan review and inspection 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. The Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute plan review and inspection services agreement with BBG Consultants for the City of Wharton.

Section II. The City of Wharton and of BBG Consultants are hereby bound by the conditions as set forth in the agreement.

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

Passed, Approved, and Adopted this 8th day of October 2018.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

**CITY OF WHARTON
RESOLUTION NO. 2018-81**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING BACKFLOW MANAGEMENT SERVICES FOR A TWO-YEAR CONTRACT AGREEMENT BETWEEN THE CITY OF WHARTON AND BACKFLOW SOLUTIONS, INC. FOR THE BACKFLOW PROGRAM AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE THE AGREEMENT.

WHEREAS, The Wharton City Council wishes to engage the services of Backflow Solutions, Inc. (BSI) to provide backflow management services for a two year contract agreement in connection with said project; and,

WHEREAS, Backflow Solutions, Inc. (BSI) wishes to provide said services for the City of Wharton; and,

WHEREAS, The City of Wharton and Backflow Solutions, Inc. (BSI) wishes to be bound by the conditions of said backflow management services 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. The Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute backflow management agreement with Backflow Solutions, Inc. (BSI) for the City of Wharton.

Section II. The City of Wharton and of Backflow Solutions, Inc. (BSI) are hereby bound by the conditions as set forth in the agreement.

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

Passed, Approved, and Adopted this 8th day of October 2018.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS

City Secretary

Councilmember Don Mueller seconded the motion. Councilmembers Al Bryant, Don Mueller, Steve Schneider, Terry Freese and Alice Heard-Roberts voted in favor. Councilmember Russell Machann abstained. The motion passed.

The eighth item on the agenda was to review and consider a request from New Hope Community Church for the installation of a crosswalk. Finance Director Joan Anandel presented a memorandum from Chief Terry David Lynch regarding the request from New Hope Community Church for the installation of a crosswalk at the intersection of 300 North Fulton and 100 Hawes Street. Chief Lynch stated that it was his recommendation that City Council consider approving the request. After some discussion, Councilmember Don Mueller moved to approve the request from New Hope Community Church for the installation of a crosswalk at the intersection of 300 North Fulton St. and 100 Hawes St. Councilmember Al Bryant seconded the motion. All voted in favor.

The ninth item on the agenda was to review and consider a request from Ms. Laura Clemons for a temporary bike lane and performers. Finance Director Joan Anandel presented a copy of a request from Ms. Laura Clemons for a temporary bike lane down North Fulton between Boling Hwy and Milam Street in preparation for a bike ride and a run and family walk on Saturday, October 13, 2018. Mrs. Anandel stated that Ms. Clemons was also requesting to have wine fair performers in the street area. Ms. Clemons stated the temporary bike lane would be drawn with water soluble chalk and would consist of the lane and polka dots. She said the request for the wine fair performers would be Poi Dancers who would perform in a "Safety Radius" on South Fulton St. and would provide fire extinguishers for precaution. After some discussion, Councilmember Alice Heard-Roberts moved to approve the request from Ms. Laura Clemons for a temporary bike lane and Poi Dancing performers on October 13, 2018. 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 authorizing the award of professional service provider contracts for the 2019-2020 Texas Community Development Block Grant Community Development Fund project and authorizing the Mayor of the City of Wharton to execute all documents related to said contract. Community Development Coordinator stated it was the recommendation that the City Council consider adopting a resolution designating a management service provider for application and project implementation of the 2019-2020 Community Development Funds as administered by TDA. After some discussion, Councilmember Al Bryant moved to approve City of Wharton Resolution No. 2018-83, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2018-83**

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE AWARD OF PROFESSIONAL SERVICE PROVIDER CONTRACTS FOR THE 2019-2020 TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT COMMUNITY DEVELOPMENT FUND PROJECT AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID CONTRACT.

WHEREAS, The 2019-2020 TxCDBG Community Development Fund contract requires implementation by professionals experienced in the administration of federally-funded community development projects; and,

WHEREAS, In order to identify qualified and responsive providers for these services a Request for Proposals (RFP) process for administration services has been completed in accordance with Texas CDBG requirements; and,

WHEREAS, the proposals received by the due date have been reviewed to determine the most qualified and responsive providers for each professional service; 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. That Grantworks, Inc. be awarded a contract to provide Texas CDBG application and project-related administration services for the 2019-2020 Community Development Fund project.

Section II. That any and all contracts or commitments made with the above-named service providers are dependent on the successful negotiation of a contract with the service provider.

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

Passed, Approved, and Adopted this 8th day of October 2018.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST: _____
PAULA FAVORS
City Secretary

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

The eleventh item on the agenda was to review and consider the HMGP Application for Buyouts of Properties for Drainage Improvements and the Requirement for a Public Outreach. Finance Director Joan Andel stated the City staff was working with GrantWorks, Inc. to develop an HMGP application for buyouts of approximately 22 properties on Wilkes St. to improve the drainage that ran along those properties. Community Development Director Gwyn Teves stated the HMGP application and grant required that there was a public outreach to those property owners prior to applying and the following was the recommended method from GrantWorks, Inc.:

1. Send a letter to the homeowners with some basic information regarding FEMA's HMGP that could be used to acquire properties; invite homeowners to a community meeting.
2. Set up a community meeting to discuss the program in greater detail and provide homeowners an opportunity to meet with a person who has a background in working on acquisition projects.
3. Send someone to gather forms and to take photos of each property to be acquired.
4. Prepare FEMA HMGP application, which would include a property site inventory.

After some discussion, Councilmember Don Mueller moved to approve the HMGP Application for Buyouts of Properties for Drainage Improvements and the request to fulfill the requirement for a Public Outreach. Councilmember Al Bryant seconded the motion. All voted in favor.

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

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

After some discussion, no action was taken.

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

- A. Wharton Economic Development Corporation meeting held September 17, 2018.
- B. Wharton Economic Development Corporation special meeting held September 20, 2018.
- C. Airport Board meeting held October 2, 2018.

After some discussion, no action was taken.

The fourteenth item on the agenda was to review and consider a resolution of the Wharton City Council adopting the City of Wharton Investment Policy after the Annual Review of City of Wharton Investment Policy and setting an effective date. Finance Director Joan Anzel presented a memorandum of the current City of Wharton Investment Policy. Mrs. Anzel stated the City of Wharton Investment Policy must be reviewed and adopted annually. She said the City Council Finance Committee met on October 8, 2018 and were recommending the City Council consider approving the policy. After some discussion, Councilmember Al Bryant moved to approve City of Wharton Resolution No. 2018-84, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2018-84**

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

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

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

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

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

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

Section I. The City of Wharton has complied with the requirements of the Public Funds Investment Act and the Investment Policy attached hereto as "Exhibit A" is hereby adopted as the Investment Policy of the City of Wharton effective October 8, 2018.

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

Passed, Approved, and Adopted this 8th day of October 8, 2018.

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October 8, 2018

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 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 7:33 p.m.

CITY OF WHARTON, TEXAS

By: _____
Tim Barker
Mayor

ATTEST:

Paula Favors
City Secretary