

**MINUTES
OF
CITY OF WHARTON
REGULAR CITY COUNCIL MEETING
NOVEMBER 13, 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: City Manager Andres Garza, Jr, Finance Director Joan Andel, City Secretary Paula Favors, TRMC, CPM, City Attorney Paul Webb, Interim Public Works Director Robert Ewart, Assistant to City Manager Brandi Jimenez, Community Development Director Gwyn Teves and EMS Director John Kowalik.

Visitors present were: Stanley Konvicka, Stephanie Konvicka, and Chad Odom, III, Executive Director of the Wharton Economic Development Corporation (WEDCo).

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. City Manager Andres Garza, Jr. welcomed Interim Public Works Director Robert Ewart to the City of Wharton. Councilmember Terry Freese congratulated the Wharton High School Varsity Football team on their advance to Bi-District Playoffs stating their next game was against Smithville on Friday, November 16th, 2018.

The fifth item on the agenda was to review and consider reading of the minutes from the regular meetings held September 10, 2018, September 24, 2018, October 8, 2018 and October 22, 2018. City Manager Andres Garza, Jr. presented a draft copy of the minutes from the regular meetings held September 10, 2018, September 24, 2018, October 8, 2018 and October 22, 2018. After some discussion, Councilmember Al Bryant moved to approve the reading of the minutes from the regular meetings held September 10, 2018, September 24, 2018, October 8, 2018 and October 22, 2018. Councilmember Russell Machann seconded the motion. All voted in favor.

The sixth item on the agenda was Public Hearing: 2019-2020 Community Development Block Grant (CDBG) program. Mayor Tim Barker opened the Public Hearing for the 2019-2020

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Community Development Block Grant (CDBG) program at 7:06 p.m. Community Development Director Gwyn Teves stated the public hearing was a requirement of the 2019-2020 Community Development Block Grant (CDBG) program to allow citizens to discuss the citizen participation plan, local housing and community development needs, available funding, eligible activities, past use of funds, and development of CDBG applications. No Comments were given. Mayor Tim Barker closed the Public Hearing at 7:07 p.m.

The seventh item on the agenda was to review and consider public comments for the City of Wharton 2018-2028 Comprehensive Plan. Community Development Director Gwyn Teves stated the Council would hear any public comments on the Comprehensive plan to allow for edits to the plan prior to the November 26th meeting for adoption. Mrs. Teves said the presentation at the next regular City Council meeting would be the final presentation of the City of Wharton 2018-2028 Comprehensive Plan. After some discussion, no action was taken.

The eighth item on the agenda was to review and consider a request by Mr. Joe Sliepka/Wharton Economic Development Corporation for approval of a Preliminary/Final Re-Plat of Muhl Tech, 503 Ogden St., Wharton, Block 42, Lots 1A, 1B, 2 for new commercial construction. City Manager Andres Garza, Jr. stated the Planning Commission met Monday, November 5, 2018 and was recommending approval of the re-plat. Community Development Director Gwyn Teves stated the company was expanding and had purchased two additional lots from WEDCO for new construction and had provided supporting documentation on the replat. After some discussion, Councilmember Al Bryant moved to approve the request by Mr. Joe Sliepka/Wharton Economic Development Corporation for approval of a Preliminary/Final Re-Plat of Muhl Tech, 503 Ogden St., Wharton, Block 42, Lots 1A, 1B, 2 for new commercial construction. 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. Joe Sliepka for an exterior façade variance at Muhl Tech, 503 Ogden St., Wharton, Block 42, Lots 1A, 1B, 2. City Manager Andres Garza, Jr. stated the Planning Commission met Monday, November 5, 2018 and was recommending approval of the façade variance. Community Development Director Gwyn Teves stated Muhl Tech was previously granted an approval on the façade variance, but construction was not undertaken. Mrs. Teves said the company was now moving forward with the expansion and new construction and had provided supporting documentation for the variance request. After some discussion, Councilmember Steve Schneider moved to approve the request by Mr. Joe Sliepka for an exterior façade variance at Muhl Tech, 503 Ogden St., Wharton, Block 42, Lots 1A, 1B, 2. Councilmember Russell Machann seconded the motion. All voted in favor.

The tenth item on the agenda was to review and consider a request by St. John's Lutheran Church for 8' Interior Side Setback Variance and 14' Rear Setback Variance at 614 Pecan St., Barbee, Block 11, Lots 7B, 8, 9 for construction of the new parish hall. City Manager Andres Garza, Jr. stated the Planning Commission met Monday, November 5, 2018 and was recommending approval of the setback variances. Community Development Director Gwyn Teves stated the church would be demolishing and re-constructing their parish hall and they were requesting setback variances for the new construction. After some discussion, Councilmember Al Bryant moved to approve the request by St. John's Lutheran Church for 8'

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Interior Side Setback Variance and 14' Rear Setback Variance at 614 Pecan St., Barbee, Block 11, Lots 7B, 8, 9 for construction of the new parish hall. Councilmember Terry Freese seconded the motion. All voted in favor.

The eleventh item on the agenda was to review and consider a request by the Wharton West End Initiative and Wharton Long Term Recovery Team for waiver of planning and permitting fees for the West End New Home Project. City Manager Andres Garza, Jr. presented a copy of a letter from Ms. Melissa Burnham, Facilitator of Wharton West End Initiative and Ms. Pattie Odom, Executive Director of the Wharton County Recovery, requesting the City to waive the planning and building fees and provided details of the project. After some discussion, Councilmember Al Bryant moved to approve the request by the Wharton West End Initiative and Wharton Long Term Recovery Team for waiver of planning and permitting fees for the West End New Home Project. Councilmember Don Mueller seconded the motion. All voted in favor.

The twelfth item on the agenda was to review and consider a request by the First United Methodist Church for occupancy of the house at Dinosaur Park for a community wellness center. City Manager Andres Garza, Jr. presented a copy of a letter from Mrs. Stephanie Konvicka requesting the use of the house at Dinosaur Park for a community wellness center. Mrs. Konvicka the house would be used for yoga and wellness activities and the church would be responsible for all utilities as well as minor cosmetic changes. After some discussion, Councilmember Russell Machann moved to approve the request by the First United Methodist Church for occupancy of the house at Dinosaur Park for a community wellness center. Councilmember Terry Freese seconded the motion. All voted in favor.

The thirteenth item on the agenda was to review and consider an application by Bayou City E.M.S. Group Incorporated for an Ambulance Provider Permit. City Manager Andres Garza, Jr. presented a copy of the Ambulance Provider Permit Application submitted by Bayou City E.M.S. Group Incorporated to provide emergency medical services in the City of Wharton and a memorandum from EMS Director John Kowalik to him informing him that Bayou City E.M.S. Group Incorporated was currently certified and in good standing with the Texas Department of State Health Services. Mr. Kowalik stated the Bayou City E.M.S. had indicated that they would only be transporting VA patients to and from skilled nursing facilities in which Michael E. DeBakey VA Medical Center Hospital was contracted with. City Attorney Paul Webb stated that he had reviewed the application and after one issue was corrected, he was able to recommend the City Council consider approving the application. After some discussion, Councilmember Don Mueller moved to approve the application by Bayou City E.M.S. Group Incorporated for an Ambulance Provider Permit from the City of Wharton. Councilmember Al Bryant seconded the motion. All voted in favor.

The fourteenth item on the agenda was to review and consider Lower Colorado River Authority 2019 Steps Forward Day:

A. **Resolution:** A resolution of the Wharton City Council authorizing the submission of an application to the to the Lower Colorado River Authority 2019 Steps Forward Day Grant

Program and authorizing the Mayor of the City of Wharton to execute all documents related to said submission.

Community Development Director Gwyn Teves stated the Steps Forward Day was a way for LCRA to give back to its customers and partner with them on projects that help their communities. Mrs. Teves said they would step into communities for the fifth annual Steps Forward Day on April 5, 2019 and the City was able to benefit from last year's Steps Forward Day when the City Hall Landscaping was refurbished, and the Wharton Latin American Cemetery was cleaned up. She said the City Staff was in the process of identifying projects for this grant application and a maximum of 2 applications and a total of \$1000 could be applied for. After some discussion, Councilmember Al Bryant moved to approve City of Wharton Resolution No. 2018-93, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2018-93**

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE LOWER COLORADO RIVER AUTHORITY FOR THE 2019 LCRA STEPS FORWARD GRANT PROGRAM AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID SUBMISSION.

WHEREAS, The City of Wharton City Council wishes to submit an application to the Lower Colorado River Authority for the 2019 LCRA Steps Forward Grant Program; and,

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

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

SECTION I. The Wharton City Council hereby approves the submittal of the application to the Lower Colorado River Authority for the 2019 LCRA Steps Forward Grant Program.

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

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

PASSED, APPROVED, and ADOPTED this 13th day of November 2018.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS

City Secretary

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

The fifteenth item on the agenda was to review and consider a resolution of the Wharton City Council authorizing the award of a contract designating an engineering service provider to complete application and project-related engineering services for the Texas Department of Agriculture's 2019-2020 TX-CDBG Community Development Fund and authorizing the Mayor of the City of Wharton to execute all documents related to said contract. City Manager Andres Garza, Jr. stated that on October 29, 2018, the City Staff received Statements of Qualifications for engineering services for the upcoming 2019-2020 Community Development Block Grant. Community Development Director Gwyn Teves stated the Consultant Selection Committee and Public Works Committee met on November 5, 2018 to score the six proposals received from:

1. VEI Consulting Engineers
2. Civil Corp.
3. Jones & Carter
4. Befco Engineering
5. KSA Engineering
6. Scheibe Consulting Inc.

Mrs. Teves said the Committee was recommending that the contract be awarded to the highest-ranking firm, Jones & Carter. After some discussion, Councilmember Al Bryant moved to approve City of Wharton Resolution No. 2018-94, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2018-94**

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE AWARD OF A CONTRACT DESIGNATING AN ENGINEERING SERVICE PROVIDER TO COMPLETE APPLICATION AND PROJECT-RELATED ENGINEERING SERVICES FOR THE TEXAS DEPARTMENT OF AGRICULTURE'S 2019-2020 TX-CDBG COMMUNITY DEVELOPMENT FUND AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID CONTRACT.

WHEREAS, Proposals were received for the Texas Department of Agriculture's 2019-2020 Tx-CDBG Community Development Fund; and,

WHEREAS, Jones & Carter was deemed the highest ranked proposal; and,

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WHEREAS, The Wharton City Council wishes to award a contract to Jones & Carter for the Texas Department of Agriculture's 2019-2020 Tx-CDBG Community Development Fund; and,

WHEREAS, The City of Wharton and Jones & Carter wish to be bound by the conditions as set forth in the agreement; and,

WHEREAS, The Wharton City Council wishes to authorize the Mayor 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 to execute a contract with Jones & Carter for the Texas Department of Agriculture's 2019-2020 Tx-CDBG Community Development Fund.

Section II. The City of Wharton and Jones & Carter 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 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 sixteenth item on the agenda was to review and consider Pay Request No. 1 and Final from Insituform Technologies, LLC for 24" Sanitary Sewer Rehabilitation. City Manager Andres Garza, Jr. presented a copy of the payment request and recommendation from Jones & Carter to pay the amount of \$89,041.02 for the sanitary sewer rehabilitation. After some discussion, Councilmember Steven Schneider moved to approve Pay Request No. 1 and Final from Insituform Technologies, LLC for the 24" Sanitary Sewer Rehabilitation in the amount of \$89,041.02. Councilmember Al Bryant seconded the motion. All voted in favor.

The seventeenth item on the agenda was to review and consider the 2017-2018 Street Improvement Project for City of Wharton:

A. Change Order No. 2 -James Construction Group LLC/Primoris.

City Manager Andres Garza, Jr. presented a copy of Change Order No. 2 for James Construction Group LLC/Primoris for the 2017-2018 Street Improvement Project. After some discussion, Councilmember Don Mueller moved to approve Change Order No. 2 – James Construction Group LLC/Primoris. Councilmember Russell Machann seconded the motion. All voted in favor.

The eighteenth item on the agenda was to review and consider City Manager Travel Reimbursement. After some discussion, Councilmember Al Bryant moved to approve the City Manager Travel Reimbursement. Councilmember Russell Machann seconded the motion. All voted in favor.

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

- A. Finance Committee meeting held October 22, 2018.
- B. Public Works Committee meeting held November 5, 2018.
- C. Airport Board meeting held November 6, 2018.

After some discussion, no action was taken.

The twenty-first item on the agenda was to review and consider a resolution of the Wharton City Council adopting a plan on acquisition for the Wharton Levee Project and authorizing the Mayor of the City of Wharton to execute all documents relating to said project. City Manager Andres Garza, Jr. stated that on October 30, 2018, the City Staff met with representatives from the U.S. Corps of Engineers Ft. Worth District Office to discuss the flood reduction project. City Manager Garza said the City was still awaiting the Project Partnership Agreement (PPA) with the Corp and the agreement would allow the City and Corp to start the project. Community Development Director Gwyn Teves stated the Corp requested from the City officials action on the acquisition of the property needed for the project. After some discussion, Councilmember Russell Machann moved to approve City of Wharton Resolution No. 2018-95, which read as follows:

A RESOLUTION OF THE WHARTON CITY COUNCIL TO ADOPT A PLAN ON ACQUISITION FOR THE WHARTON LEVEE PROJECT AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATING TO SAID PROJECT.

WHEREAS, The City of Wharton is required by the United States Army Corps of Engineers (USACE) to have an acquisition plan submitted to them before November 16th, 2018; and

WHEREAS, The City of Wharton City Council wishes to designate the City Attorney as the legal counsel for the Wharton Levee Project; and

WHEREAS, The City of Wharton City Council wishes to start negotiations with an Acquisition Firm, Appraiser, Review Appraiser and ROW Company; and

WHEREAS, The City of Wharton City Council wishes to allow City Staff to begin the acquisition process after the execution of the USACE Project Participation Agreement; and

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

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

Section I. That the City of Wharton City Council wishes to designate the City Attorney as the legal counsel for the Wharton Levee Project.

Section II. The Wharton City Council wishes to start negotiations with an Acquisition Firm, Appraiser, Review Appraiser and ROW Company.

Section III. The City of Wharton City Council wishes to allow City Staff to begin the acquisition process after the execution of the USACE Project Participation Agreement.

Section IV. The Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute all documents relating to said project.

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

Passed, Approved, and Adopted this 13th day of November 2018.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER

Mayor

ATTEST:

PAULA FAVORS

City Secretary

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

The twenty-second item on the agenda was to review and consider a resolution of the Wharton City Council awarding a contract for the Linwood/Crestmont Curb Repair Project and authorizing the Mayor of the City of Wharton to execute all documents related to said contract. City Manager Andres Garza, Jr. stated the City of Wharton solicited for bid on the reconstruction project as part of the 2018 Street Improvement Program approved by the City Council. Community Development Director Gwyn Teves stated bids were received at 2 p.m. on October 24, 2018 for the reconstruction of the curb on Linwood and Crestmont Streets and were opened and evaluated. Mrs. Teves said Jones & Carter was recommending the City Council consider approving HTI Construction, Inc. for the curb repair project. After some discussion, Councilmember Al Bryant moved to approve City of Wharton Resolution No. 2018-96, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2018-96**

A RESOLUTION OF THE WHARTON CITY COUNCIL AWARDING A CONTRACT FOR THE LINWOOD/CRESTMONT CURB REPAIR PROJECT AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID CONTRACT.

WHEREAS, Proposals were received for the Linwood/Crestmont Drainage Project; and,

WHEREAS, HTI Construction, Inc., was deemed the best lowest qualified bidder in the amount of \$147,085.00; and,

WHEREAS, The Wharton City Council wishes to award a contract to HTI Construction, Inc., for the Linwood/Crestmont Curb Repair Project in the amount of \$147,085.00; and,

WHEREAS, The City of Wharton and HTI Construction, Inc., wish 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. The Wharton City Council hereby authorizes the Mayor to execute a contract for the Linwood/Crestmont Curb Repair Project to HTI Construction, Inc., in the amount of \$147,085.00.

Section II. The City of Wharton and HTI Construction, Inc., 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 13th day of November 2018.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The twenty-third 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 7:31 p.m.

CITY OF WHARTON, TEXAS

By: _____
Tim Barker
Mayor

ATTEST:

Paula Favors
City Secretary