

**MINUTES  
OF  
CITY OF WHARTON  
REGULAR CITY COUNCIL MEETING  
JUNE 13, 2016**

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, Vincent Huerta, Don Mueller, Steve Schneider and Russell Machann.

Councilmember absent was: None.

Staff members present were: City Manager Andres Garza, Jr, Finance Director Joan Andel, City Secretary Paula Favors, Assistant City Attorney Amy Rod, Public Works Director Wade Wendt, Police Chief Terry David Lynch, Assistant to Building Official Gwyn Laney, Corporal Javier Garza and Assistant to the City Manager Brandi Jimenez.

Visitors present were: Wharton Economic Development Director David Schroeder, Mary A. Barnes, Charlotte Bess, Thelma Craft, Wilma Moore, Deloris Gilmore, Thelma Hayes, Lee E. Allen, Thomas Washington, Lillie Washington, Duria Jackson, Thomas A. Washington, Barbara Hearne, Peggy Barnes, Clifford Jackson, Chris Hayes, I.O Coleman, Jr., Latisha Humphres Robles, Carol Evans, Alma Roberts, Shirley Hatton, Annie Balford, Tara Jefferson, Robert Phillips, Mary Jimenez, Mario G. Jimenez, Alice Humphrey, Donald Scott, Dausy Porter, William Allen, Carmen Scarlett, Alice Jordon, Olivia Harris, Ruby Johnson, Stephanie Sanders, Jacob Hughes, Marquita Perkins, LaToya Owens, Gilda Harris, David Jackson, Ellis Hurd, Hazel Hurd, Daisy Carter and Evelyn Carriere with the Wharton Journal Spectator.

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. The Public Comments were as follows:

1. Mary A. Barnes stated that the West End Citizens do not want to be flooded.
2. Charlotte A. Bess stated she wanted to know where her tax dollars were being utilized on the West End.

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3. Thelma Craft stated that she wanted to know how long the levee will take to construct.
4. Gilda Harris stated that she also wanted to know how long the levee will take to construct.
5. Thelma Hayes stated that she lived on Outlar Street and when flood waters do not drain and her home was inundated with snakes.
6. Thomas Washington stated that he lived on Wilkes Street and his property has flooded four times since he has owned it.
7. Duria Jackson stated that she lived on Caney Street and it was time that something was done about the flooding because she was tired of water destroying homes.
8. Barbara Hearne stated that she lived on South Sheppard Street and was told by an engineer that her home would not flood but it did.
9. Hazel Hurd stated that she lived on Branch Street and something needed to be done. Mrs. Hurd said they are humans and have feelings.
10. Chris Hayes stated that dirt has been taken from the West End and taken all over the City and has caused the issue.
11. Robert Phillips stated that he rented a home on Columbine Street and he has flooded four times.
12. Alice Humphreys stated that her sister lived on Goode Street and has been flooded twice. Ms. Humphrey said there needs to be something done to prevent the water from coming.
13. Ellis Humphrey stated that he has seen several floods during his twenty-five years in his home.
14. Donald Scott stated his home has been flooded four times and he believed that the City needed to construct dykes for \$55,000 and the issue would be resolved.
15. I.O. Coleman, Jr. stated two floods in two weeks and it was just a matter of time before it flooded again. Mr. Coleman discussed the post flood issues which included debris, wild animals and streets that were in dire need a repair.
16. Mario Jimenez, a representative for Church of Christ, stated that they have established a disaster relief fund and have responded to the disaster area. Mr. Jimenez pled for additional help for the community.

Mayor Tim Baker stated a meeting would be held on June 27, 2016 at the Wharton Civic Center with the Army Corp of Engineering which hopefully will answer a lot of questions that had been asked.

The fourth item on the agenda was the Wharton Moment. Mayor Tim Barker stated Mr. Frank Cochran underwent a successful heart transplant and was doing well.

The fifth item on the agenda was to review and consider the reading of the minutes from the regular meeting held May 9, 2016 and May 23, 2016 and special meeting held on May 10, 2016. After some discussion, Councilmember Al Bryant moved to approve the minutes from the regular meeting held on May 9, 2016 and May 23, 2016 and special meeting held on May 10, 2016. Councilmember Russell Machann seconded the motion. All voted in favor.

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The sixth item on the agenda was to review and consider Ms. Latisha Humphres-Robles address the water issue and drainage issue with her home and area. City Manager Andres Garza, Jr. presented an email from Ms. Humphres-Robles wanting to address the water issue and drainage with her home and area and a map indicating where her house was located. City Manager Garza stated that the City Council authorized the engineers of Schibe Consulting to determine the drainage components needed in the area and he presented Mr. Schiebe's memorandum regarding his findings. He said that as soon as the plans are completed the City Public Works Department will begin the necessary improvements and the preliminary assessment would require the acquisition of drainage easements to properly drain the area into the Santa Fe Drainage Channel. Mrs. Humphres-Robles stated that her home has continued to hold water around it during heavy rains and it has become unsafe with snakes and mosquitos. After some discussion, no action was taken.

The seventh item on the agenda was to review and consider a request by Donnah White of Caddie's Bar for approval to place a 1 ½ by 11 foot LED sign on the side of the business located at 1115 East Milam Street. City Manager Andres Garza, Jr. presented a request by Donnah White of Caddie's Bar for approval to place a 1 ½ by 11 foot LED sign on the side of the business. City Manager Garza stated that the Planning Commission voted to recommend approval of the request at their June 6, 2016 meeting. Mrs. Gwyn Laney, assistant to the Building Official, stated the Planning Commission was requesting the City Council consider approving the request. After some discussion, Councilmember Al Bryant moved to approve the request by Donnah White of Caddie's Bar for approval to place a 1 ½ by 11 foot LED sign on the side of the business located at 1115 East Milam Street. Councilmember Vincent Huerta seconded the motion. All voted in favor.

The eighth item on the agenda was to review and consider an ordinance authorizing the Mayor to execute an economic development agreement and a related personal property bill of sale, to transfer City surplus fill dirt to Summitt-Wharton Holdings, LLC in support of the development of a new business at F.M. Highway No. 102. Attached you will find a letter from Dr. Salman Aly requesting 19,000 cubic yards of dirt from the City's stock pile to elevate his property for his new commercial business located at F.M. Highway No. 102. City Manager Andres Garza, Jr. presented a letter from WEDCo Executive Director David Schroeder stating that the project supports the City's economic efforts. City Manager Garza stated that the City's stock piles had been tested by company representatives, however, they indicated they were interested only in the existing stock piles which the City Staff had determined to be approximately 12,000 cubic yards. He said that they had indicated the 12,000 cubic yards were fine and the City Staff was recommending the contract for approximately 12,000 cubic yards. After some discussion, Councilmember Russell Machann moved to approve City of Wharton Ordinance 2016-05, which read as follows:

**CITY OF WHARTON  
ORDINANCE NO. 2016-05**

**AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE AN ECONOMIC DEVELOPMENT AGREEMENT AND A RELATED PERSONAL PROPERTY BILL OF SALE, TO TRANSFER CITY SURPLUS FILL**

**DIRT TO SUMMITT-WHARTON HOLDINGS, LLC IN SUPPORT OF THE DEVELOPMENT OF A NEW BUSINESS AT F.M. HIGHWAY NO. 102.**

**WHEREAS,** the City of Wharton works to foster private area developments that increase local sales and property tax bases and create employment opportunities; and,

**WHEREAS,** Summit-Wharton Holdings, LLC of Wharton, Texas, has approached the City for forms of public assistance to improve a facility at F.M. Highway No. 102; and,

**WHEREAS,** the City has ownership of large quantities of excess spoil fill dirt from various recent drainage excavation projects, and Summit-Wharton Holdings, LLC needs the fill dirt to elevate the building and parking for her facility.

**NOW, THEREFORE, BE IT ORDAINED BY THE WHARTON CITY COUNCIL THAT:**

**Section 1.** The City hereby declares that, not-to-exceed, 12,000 cubic yards of fill dirt (loaded) as surplus City personal property, now able to be sold to Summit-Wharton Holdings, LLC and other valuable consideration, in support of the development of its new expansion project that is reasonably anticipated to generate and enhance the local sales and property tax bases and create area employment.

**Section 2.** The Mayor is hereby authorized to execute an Economic Development Agreement and related Personal Property Bill of Sale Agreement with Summit-Wharton Holdings, LLC substantially in the form of the agreements attached hereto for reference.

**Section 3.** The City Manager and legal counsel for the City are hereby authorized to coordinate with Summit-Wharton Holdings, LLC to finalize, implement, and administer the additional subsidiary activities and documents related hereto to foster the creation of the anticipated private development that will enhance the area sales and property tax bases, while creating area employment opportunities, in furtherance of the public interest and for the benefit of area citizens.

**PASSED AND APPROVED THIS 13<sup>th</sup> DAY OF June 2016.**

**CITY OF WHARTON**

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**Tim Barker**  
**Mayor**

**Attest:**

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

**Approved as to Form:**

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**Paul Webb**  
**City Attorney**

Councilmember Vincent Huerta seconded the motion. All voted in favor.

The ninth item on the agenda was to review and consider Application to the United States Department of Agriculture for a Predevelopment Planning Grant:

A. **Resolution:** A resolution of the Wharton City Council establishing a Consultant Selection Committee and developing evaluation criteria for the selection of a consulting firm for the Predevelopment Planning Grant from the United States Department of Agriculture.

City Manager Andres Garza, Jr. stated that the City Council authorized on May 23, 2016, for the City Staff to solicit Statements of Qualifications for engineering and environmental services necessary for the submittal of an application to the USDA Water System Grant/Loan Program. City Manager Garza said that the City was required to procure those services using a formal procurement process that required the contract to be awarded be selected by using a Consultant Selection Committee to score the request for proposals with an established criteria. He said that the Consultant Selection Committee could consist of elected and/or appointed officials. City Manager Garza said that the City staff was recommending that the members of the City Council Public Works Committee along with the City Manager and Public Works Director be appointed to the Consultant Selection Committee and the Committee would provide to the City Council a recommendation on the consultants to be used for these services. After some discussion, Councilmember Don Mueller moved to approve City of Wharton Resolution No. 2016-37, which read as follows:

**CITY OF WHARTON**  
**RESOLUTION NO. 2016 -37**

**A RESOLUTION OF THE WHARTON CITY COUNCIL ESTABLISHING A  
CONSULTANT SELECTION COMMITTEE AND DEVELOPING EVALUATION  
CRITERIA FOR THE SELECTION OF A CONSULTING FIRM FOR THE**

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**PREDEVELOPMENT PLANNING GRANT FROM THE UNITED STATES  
DEPARTMENT OF AGRICULTURE.**

**WHEREAS,** The Wharton City Council wishes to establish a Consultant Selection Committee for the Predevelopment Planning Grant to the United States Department of Agriculture 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.

**Passed, Approved, and Adopted** this 13th day of June 2016.

**CITY OF WHARTON, TEXAS**

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

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

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

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B. **Resolution:** A resolution of the City Council of the City of Wharton, Texas, authorizing the submission of a Predevelopment Planning Grant to the U.S. Department of Agriculture and authorizing the Mayor of the City of Wharton to execute all documents pertaining to the said application.

City Manager Andres Garza, Jr. presented information for the submission of the application to the U.S. Department of Agriculture. After some discussion, Councilmember Don Mueller moved to approve City of Wharton Resolution No. 2016-38, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2016-38**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY WHARTON, TEXAS, AUTHORIZING THE SUBMISSION OF A PREDEVELOPMENT PLANNING GRANT TO THE U.S. DEPARTMENT OF AGRICULTURE AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS PERTAINING TO THE SAID APPLICATION.**

**WHEREAS,** The USDA administers a Predevelopment Planning Grant program that provides grants to cities for predevelopment feasibility studies, design assistance and technical assistance on proposed water and waste water disposal projects; and,

**WHEREAS,** The City of Wharton wishes to submit to the USDA the Predevelopment Planning Grant application; and,

**WHEREAS,** The Wharton City Council wishes to authorize the Mayor of the City of Wharton to submit on behalf of the City of Wharton the Predevelopment Planning Grant.

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

**Section I.** The Wharton City Council hereby authorizes the Mayor of the City of Wharton to submit on behalf of the City of Wharton the Predevelopment Planning Grant to the USDA.

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

**Passed, Approved, and Adopted** this 13th day of June 2016.

**CITY OF WHARTON, TEXAS**

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

**ATTEST:**

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**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 Wastewater Treatment Plant No. 1 Improvements for the City of Wharton:

A. Change Order No. 2 from B-5 Construction Company, Inc.

City Manager Andres Garza, Jr. presented the Change Order No. 2 from B-5 Construction for the Wastewater Treatment Plant No. 1 Improvement Project. Mr. Carlos Cotton, P.E. with Jones and Carter, Inc. stated the change order would be for the replacement of the steel structure under the screening at Wastewater Treatment Plant No. 1 in the amount of \$32,951. After some discussion, Councilmember Al Bryan moved to approve Change Order No. 2 from B-5 Construction Company, Inc. in the amount of \$32,951. Councilmember Don Mueller seconded the motion. All voted in favor.

The eleventh item on the agenda was to review and consider City of Wharton Public Works Department:

A. **Resolution:** A resolution of the Wharton City Council awarding a contract for the removal of grit and rags at Wastewater Treatment Plant No. 1 and authorizing the City Manager of the City of Wharton to execute all documents relating to said contract.

City Manager Andres Garza, Jr. presented a memorandum from Mr. Wade Wendt, Public Works Director regarding the removal of grit and rags at Wastewater Treatment Plant No. 1. After some discussion, Councilmember Russell Machann moved to approve City of Wharton 2016-39, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2016-39**

**A RESOLUTION OF THE WHARTON CITY COUNCIL AWARDING A CONTRACT FOR THE REMOVAL OF GRIT AND RAGS AT WASTEWATER TREATMENT PLANT NO. 1 AND AUTHORIZING THE CITY MANAGER OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATING TO SAID CONTRACT.**

**WHEREAS,** proposals were received for the removal of grit and rag removal at Wastewater Treatment Plant No. 1; and,

**WHEREAS,** C&R, was deemed the best lowest qualified bidder in the amount of \$21,500.00; and,



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**WHEREAS,** the Wharton City Council wishes to award an agreement to C&R for the removal of grit and rags at Wastewater Treatment Plant No. 1; in the amount of \$21,500.00; and,

**WHEREAS,** the City of Wharton and C&R wish to be bound by the conditions as set forth in the agreement; and,

**WHEREAS,** the Wharton City Council wishes to authorize the City Manager 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 City Manager of the City of Wharton, Texas, to execute a contract for the removal of grit and rags at Wastewater Treatment Plant No. 1 to C&R in the amount of \$21,500.00.

**Section II.** The City of Wharton and C&R 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 June 2016.

**CITY OF WHARTON, TEXAS**

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

**ATTEST:**

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

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

The twelfth item on the agenda was to review and consider change of location to Civic Center for June 27, 2016 Regular City Council Meeting. After some discussion, Councilmember Al Bryant moved to change the location to the Civic Center for the June 27, 2016 Regular City Council Meeting. Councilmember Russell Machann seconded the motion. All voted in favor.

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The thirteenth item on the agenda was to review and consider appointments to the City of Wharton Boards, Commissions and Committees:

- A. Wharton Regional Airport Board.
- B. Beautification Commission.
- C. Building Standards Commission.
- D. Holiday Light Decorating Chairman.
- E. Mayor's Committee on People with Disabilities
- F. City Council Committees:
  - 1. Annexation Committee.
  - 2. Finance Committee.
  - 3. Housing Committee.
  - 4. Intergovernmental Relations Committee.
  - 5. Legislative Committee.
  - 6. Public Health Committee.
  - 7. Public Safety Committee. Public Works Committee.
  - 8. Public Works.
  - 9. Telecommunications Committee.
  - 10. Wharton Economic Development Corporation Board of Directors Selection Committee.
  - 11. City Council Economic Development Committee.
- G. Municipal Court Judge.

After some discussion, Councilmember Russell Machann moved to approve reappointing Committee and Board members to their current positions, which were as follows:

A. Wharton Regional Airport Board.	<u>Term Expiring</u>
Mark Hanson	June 30, 2018
Jimmy Zissa	June 30, 2018
Glenn Erdelt	June 30, 2018
B. Beautification Commission.	
Margaret Dixon	June 30, 2018
Lindsey Reeves	June 30, 2018
C. Building Standards Commission.	
Damon Parker	June 30, 2018
Howard Singleton	June 30, 2018
Chester Houston	June 30, 2018

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E. Mayor's Committee on People with Disabilities

Winnie Huerta	June 30, 2018
Krista Spano	June 30, 2018

G. Municipal Court Judge.

John Murrile	June 30, 2018
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Planning Commission

Marshall Francis	June 30, 2018
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Councilmember Al Bryant seconded the motion. All voted in favor.

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

A. Planning Commission Meeting held on June 6, 2016.

After some discussion, no action was taken.

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

The meeting adjourned at 7:50 p.m.

**CITY OF WHARTON, TEXAS**

By: \_\_\_\_\_  
**Tim Barker**  
**Mayor**

**ATTEST:**

\_\_\_\_\_  
**Paula Favors**  
**City Secretary**