

**MINUTES
OF
CITY OF WHARTON
REGULAR CITY COUNCIL MEETING
SEPTEMBER 12, 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. Pastor Don Hurley with College Heights Baptist Church 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, Vincent Huerta, Don Mueller and Steve Schneider.

Councilmember absent was: Russell Machann.

Staff members present were: City Manager Andres Garza, Jr, Finance Director Joan Andel, City Attorney Paul Webb, Public Works Director Wade Wendt, Police Corporal Javier Garza, Assistant to Building Official Gwyn Laney, Airport Manager David Allen and Assistant to the City Manager Brandi Jimenez.

Visitors present were: Wharton Economic Development Director David Schroeder, Pastor Don Hurley, Mary A. Barnes, I.O Coleman, Jr., Wharton Chamber of Commerce Executive Director Ron Sanders and Evelyn Carriere with the Wharton Journal Spectator.

The second item on the agenda was Roll Call and Excuses Absences. After some discussion, Councilmember Don Mueller moved to excuse Councilmember Russell Machann. Councilmember Vincent Huerta seconded the motion. All voted in favor.

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

The fourth item on the agenda was the Wharton Moment. Councilmember Terry Freese congratulated the Wharton High School Varsity Football team on their 50-0 victory over Yates High School.

The fifth item on the agenda was a was a Public Hearing on the Proposed Budget for the City of Wharton, Texas Fiscal Year October 1, 2016 to September 30, 2017. Mayor Tim Barker opened the meeting at 7:07 p.m. No comments were made. Mayor Tim Barker closed the meeting at 7:08 p.m.

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The sixth item on the agenda was to review and consider action on changes to the Proposed Budget for the City of Wharton, Texas Fiscal Year October 1, 2016 to September 30, 2017. City Manager Andres Garza, Jr. stated that during the August 22, 2016 regular City Council meeting the City Council received under separate cover a copy of the proposed budget for the City of Wharton, Texas, Fiscal Year October 1, 2016 to September 30, 2017. City Manager Garza said that this item allowed the City Council to direct the City staff to make any changes to the proposed budget after the public hearing and prior to the formal adoption, which was scheduled for September 26, 2016. After some discussion, no action was taken.

The seventh item on the agenda was to review and consider the reading of the minutes from the regular meetings held August 8, 2016 and August 22, 2016 and special meetings held on August 9, 2016 and August 30, 2016. After some discussion, Councilmember Don Mueller moved to approve the minutes from the regular meetings held August 8, 2016 and August 22, 2016 and special meetings held on August 9, 2016 and August 30, 2016. Councilmember Terry Freese seconded the motion. All voted in favor.

The eighth item on the agenda was to review and consider a request by Ms. Mary Barnes regarding the status of flood prevention on the Westside of Wharton. City Manager Andres Garza, Jr. presented an email from Ms. Mary Barnes to him regarding the status of the flood prevention on the Westside of Wharton. Ms. Barnes stated that she would like to discuss the item during item #11. After some discussion, no action was taken.

The ninth item on the agenda was to review and consider a request by Mr. Ron Sanders, Executive Director of the Wharton Chamber of Commerce & Agriculture for City of Wharton assistance by approving the following for the Wine and Arts Fair to be held Saturday, October 8, 2016:

- A. Close Fulton Street and Houston Street between Burleson Street and Milam Street.
- B. Provide 6 generator lights for safety for the fair location and Guffey Park parking area.
- C. Close Houston Street from Milam to the south entrance of Guffey Park.
- D. Allow "open containers" for the alcohol on public property on the exterior sides of the Monterey Square and approximately one adjoining block to include all participating businesses.
- E. Waive all local permit fees.
- F. Provide the stage and access to power on Houston at Burleson.

City Manager Andres Garza, Jr. presented a copy of the letter dated August 18, 2016 from Mr. Ron Sanders, Executive Director of the Wharton Chamber of Commerce & Agriculture providing his request for the afore-mentioned items. After some discussion, Councilmember Al Bryant moved to approve the request by Mr. Ron Sanders, Executive Director of the Wharton Chamber of Commerce & Agriculture for City of Wharton assistance by approving the afore mentioned items for the Wine and Arts Fair to be held Saturday, October 8, 2016. Councilmember Vincent Huerta seconded the motion. All voted in favor.

The tenth item on the agenda was to review and consider roadway Closure on West Colorado Street at Business 59-R in Wharton. City Manager Andres Garza, Jr. presented a letter to him

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from John Clark of Texas Department of Agriculture in regards to the closing of West Colorado Street at Business 59-R due to the bridge rehabilitation project. City Manager Garza stated that the closure was estimated to be approximately three (3) months and would be the section of the street under the bridge between Los Cucos Restaurant and Dinosaur Park. After some discussion, no action was taken.

The eleventh item on the agenda was to review and consider a resolution of the Wharton City Council approving the selection criteria for the residents who were impacted by the April/May 2016 Flood Events and establishing an effective date. City Manager Andres Garza, Jr. stated that during the August 30, 2016 Special City Council meeting the City Council approved an agreement with CB&I to assist the City with project management and grant administration for funding requests that the City had an opportunity to submit from State and Federal agencies. City Manager Garza said the funding requests would assist residents affected by the April/May 2016 flooding events. He said the City Staff proposed that a formal selection criteria be established and adopted by the City Council to ensure the objectives of the funding are met. City Manager Garza said the City Staff presented to the City Council Finance Committee at its September 12, 2016 meeting a draft criteria for their review and the Committee's recommendation was to set the priority for elevation the 87 homes that took in flood waters during either of the April/May 2016 floods. Ms. Mary A. Barnes requested to know who served on the Committee and how the West Side of Wharton was represented. Mr. I.O. Coleman, Jr. asked the City Council if those who served on the Committee knew where the West Side was located. City Manager Garza stated that the City Finance Committee was comprised of Mayor Tim Barker, Councilmember Russell Machann and Councilmember Vincent Huerta. After some discussion, Councilmember Don Mueller moved to approve City of Wharton Resolution No. 2016-57, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2016 -57**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING SELECTION CRITERIA FOR THE RESIDENTS WHO WERE IMPACTED BY THE APRIL/MAY 2016 FLOOD EVENTS AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, On August 30, 2016 the Wharton City Council approved an agreement with CB&I to assist the City with project management and grant administration for funding requests that the City has an opportunity to submit from State and Federal agencies; and,

WHEREAS, The funding requests would assist residents affected by the April/May 2016 flooding events; and,

WHEREAS, Selection criteria must be established and adopted by the City Council to ensure the objectives of the funding are met; and,

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WHEREAS, The Wharton City Council wishes to approve the following proposed criteria to ensure the objectives of the funding is met:

Priority for assistance to property owners affected by the April/May 2016 Flood Events.

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

Section I: The Wharton City Council hereby approves the above mentioned criteria to ensure the objectives of the funding is met.

Section II: The Wharton City Council hereby authorizes the City Staff implement the above selection criteria program guidelines.

Section III: This resolution will become effective immediately upon its passage.

Passed, Approved, and Adopted this 12th day of September 2016.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST: _____
PAULA FAVORS
City Secretary

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

The twelfth item on the agenda was to review and consider **Executive Session:** City Council may adjourn into an Executive Session in accordance with Section 551.074 of the Local Government Code, Revised Civil Statutes of Texas. Final action, decision or vote, if any with regard to any matter considered in Executive Session shall be made in Open Meeting.

Discussion:

A. City Managers Evaluation.

Mayor Tim Barker moved the meeting into closed session at 7:35 p.m.

The thirteenth item on the agenda was to review and consider **Return to Open Meeting:** Action on items discussed in Executive Session:

Review & Consider:

A. City Managers Evaluation.

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Mayor Tim Barker returned to open session at 7:44 p.m. Mayor Barker stated that only information was received.

The fourteenth item on the agenda was to review and consider the Official Ballot of the Texas Municipal League Intergovernmental Risk Pool Board of Trustees Election. City Manager Andres Garza, Jr. presented the Official Ballot of the Texas Municipal League Intergovernmental Risk Pool Board of Trustees Election. City Manager Garza stated that the officials listed on the ballot had been nominated to serve a six-year term and he recommend the City Council cast its vote for the following:

- Place 6-Mary Gauer (Incumbent)
- Place 7-C.J. Wax (Incumbent)
- Place 8-Larry Melton (Incumbent)
- Place 9-Andres Garza, Jr. (Incumbent)

After some discussion, Councilmember Al Bryant moved to approve the City Council cast its vote for the following Place 6-Mary Gauer (Incumbent), Place 7-C.J. Wax (Incumbent), Place 8-Larry Melton (Incumbent) and Place 9-Andres Garza, Jr. (Incumbent). Councilmember Vincent Huerta seconded the motion. All voted in favor.

The fifteenth item on the agenda was to review and consider the Wharton Sidewalk Accessibility and Historic Streetscape Project:

A. Pay Request No. 2 to M & C Fonseca Construction Co., Inc.

City Manager Andres Garza, Jr. presented pay request No. 2 in the amount of \$176,241.85 from M & C Fonseca Construction Co., Inc. for the Wharton Sidewalk Accessibility and Historic Streetscape Project. After some discussion, Councilmember Al Bryant moved to approve Pay Request No. 2 to M & C Fonseca Construction Co., Inc. in the amount of \$176,241.85 for the Wharton Sidewalk Accessibility and Historic Streetscape Project. Councilmember Vincent Huerta 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. Beautification Commission.
- B. Building Standards Commission.
- C. Mayor's Committee on People with Disabilities.

City Manager Andres Garza, Jr. presented a letter from Mr. Lester Shelton requesting to serve on the Mayor's Committee on People with Disabilities. After some discussion, Councilmember Vincent Huerta moved to appoint the following:

Mayor's Committee on People with Disabilities:	<u>Term Expiring</u>
Lester Shelton	June 30, 2017

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Councilmember Al Bryant seconded the motion. All voted in favor.
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 August 15, 2016.
- B. Finance Committee meeting held August 24, 2016.
- C. Finance Committee meeting held August 29, 2016.
- D. Wharton Regional Airport Board meeting held September 6, 2016.

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 Vincent Huerta seconded the motion. All voted in favor.

The meeting adjourned at 7:47 p.m.

CITY OF WHARTON, TEXAS

By: _____
Tim Barker
Mayor

ATTEST:

Paula Favors
City Secretary