

**MINUTES
OF
CITY OF WHARTON
REGULAR CITY COUNCIL MEETING
SEPTEMBER 26, 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 Vincent Huerta 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, Vincent Huerta, Russell Machann and Steven Schneider.

Councilmember absent were: Don Mueller.

Staff members present were: City Manager Andres Garza, Jr., Finance Director Joan Andel, City Secretary Paula Favors, TRMC, Public Works Director Wade Wendt, EMS Director John Kowalik, Fire Inspector Amanda Lopez and City Attorney Paul Webb.

Visitors present were: Mary A. Barnes, Blanche Allen, Janice Blair, Charlotte Bess, Blaise Dreitner, P.E. with Civil Corp, LLC, Don Bentley, Thomas Washington, Lillie Washington, Thelma Hayes, Ulonza Craig Hahn, Sandra Washington, Executive Director with Wharton Economic Development Corporation (WEDCo), I.O. Coleman, Jr., Laura Clemens with CB & I and Evelyn Carriere with the Wharton Journal Spectator.

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

The third item on the agenda was Public Comments. Ms. Thelma Hayes stated that she had not received a letter on the City of Wharton Hazard Mitigation Grant Program and wanted to know why.

The fourth item on the agenda was the Wharton Moment. Councilmember Terry Freese congratulated the Wharton I.S.D. High School Varsity Football team on their victory over Bellville. Mayor Tim Barker stated that State Representative Phil Stephenson's wife Barbara Stephenson passed away on Sunday, September 25, 2016 and gave his condolences to the Stephenson family.

The fifth item on the agenda was to review and consider City of Wharton Financial Report for the month of August 2016. Finance Director Joan Andel presented the financial report

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for the month of August 2016. Mrs. Andel stated that the TexPool balance for August as \$131,762 with an average monthly yield of .37%. She said the Prosperity Bank balance for August 2016 was \$6,369,861.61 with an average monthly yield of .15%. After some discussion, Councilmember Al Bryant moved to approve the City of Wharton Financial Report for the month of Al Bryant 2016. Councilmember Steven Schneider seconded the motion. All voted in favor.

The sixth item on the agenda was to review and consider Ordinance: An ordinance adopting the fiscal year 2016-2017 Annual Budget for the City of Wharton, Texas; Appropriating the sums established therein; and directing the City Secretary to file copies as required by law. City Manager Andres Garza, Jr. stated that during the regular 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 stated that during the regular City Council meeting held September 12, 2016 the City Council held the public hearing to receive public input regarding City of Wharton Annual Budget for Fiscal year 2016– 2017. After some discussion, Councilmember Al Bryant moved to approve City of Wharton Ordinance No. 2016-08, which read as follows:

**CITY OF WHARTON, TEXAS
ORDINANCE NO. 2016-08**

AN ORDINANCE ADOPTING THE FISCAL YEAR 2016-2017 ANNUAL BUDGET FOR THE CITY OF WHARTON, TEXAS; APPROPRIATING THE SUMS ESTABLISHED THEREIN; AND DIRECTING THE CITY SECRETARY TO FILE COPIES AS REQUIRED BY LAW.

WHEREAS, the City's budget for the fiscal year ending September 30, 2017, which is attached hereto, was duly submitted to the City Council more than thirty (30) days prior to September 30, 2016.

WHEREAS, a public hearing was duly called and held on said budget not less than seven days nor more than fourteen days after date of publication giving notice of such meeting and prior to the time the City Council of the City of Wharton levied taxes for such current fiscal year; and

WHEREAS, all parties desiring to participate and be heard at said public hearing having been heard until no more evidence was offered, and such hearing having been concluded, and the City Council of said City having made such changes in such budget as in its judgment the law warrants and the best interest of the taxpayers of the City of Wharton, Texas, demand, said budget with such changes being attached hereto, as aforesaid.

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

Section 1. THAT the findings set out in the preamble of this ordinance are true and correct.

Section 2. THAT the budget of the City of Wharton, Texas for the fiscal year ending September 30, 2017, be and the same is hereby, in all respects, finally approved and adopted including any changes approved by the City Council; and the same shall be and is hereby filed with the City Secretary of the City.

Section 3. THAT the General Fund is hereby established to account for resources associated with traditional government activities, which are not required legally or by sound financial management to be accounted for in another fund. The General Fund is hereby approved with \$5,204,624 estimated revenues and \$6,071,101 in appropriations and with transfers-in approved at \$ 866,477. The amounts are specified for departmental purposes named in said budget and they are hereby appropriated to and for such purposes at the departmental level.

Section 4. THAT, the PEG (Public, Educational, Government television access) fund is created to account for all funds received from the 1% franchise fee provided through the local cable provider. The PEG Fund is hereby approved with \$ 7,600 in estimated revenues and \$7,600 in appropriations.

Section 5. THAT the Hotel Motel Fund is created to account for the occupancy tax levied on hotel rooms within the City as adopted by city ordinance and consistently with Chapter 351 of the Texas Tax Code. The Hotel Motel Fund is hereby approved with \$244,082 in estimated revenues which includes \$29,307 from fund balance and \$244,082 in appropriations which includes transfers-out approved at \$173,399 with beginning fund balance of approximately \$72,544.

Section 6. THAT the Narcotics Seizure Fund is created to account for the resources and uses of assets seized in illegal narcotics activities. The uses are limited to law enforcement activities. The Narcotics Seizure Fund is hereby approved with \$5,750 estimated revenues, \$5,750 in appropriations with beginning fund balance of approximately \$18,826.

Section 7. THAT the Debt Service Fund is hereby created to account for the accumulation of resources collected for Interest and Sinking requirements and for the disbursement of those resources for debt requirements. The Debt Service Fund is hereby approved with \$1,136,078 in estimated revenues and

\$1,113,078 in appropriations. The estimated beginning fund balance is \$468,845.

Section 8. **THAT** the Capital Improvement Fund is created to account for infrastructure improvements authorized by the City Council. The Capital Improvement Fund is approved with \$125,000 in estimated revenues and expenses.

Section 9. **THAT** the Water and Sewer Fund is created to account for the resources and uses associated with the delivery of utility services to citizens of Wharton as an enterprise fund. The Water & Sewer Fund is hereby approved with \$3,845,883 in estimated revenues. Water and sewer is approved with \$2,034,462 in appropriations, which includes a franchise fee of 10% of water and sewer sales are approximately \$342,671, and transfers-out approved at \$793,065.

Section 11. **THAT** the Solid Waste Fund is created to account for the financial activities of the City's solid waste collection contract and delivery to citizens of Wharton as an enterprise fund. The Solid Waste Fund is approved with \$1,380,616 in estimated revenues and \$1,380,616 in appropriations which includes a franchise fee of 5% of solid waste revenues or approximately \$74,000, and transfers-out approved at \$25,000.

Section 12. **THAT** the Emergency Medical Services Fund is created to account for the financial activities of the emergency medical services provided to the city and surrounding areas as an enterprise fund. The Emergency Medical Services Fund is approved with \$2,249,696 in estimated revenues and \$2,249,696 in appropriations and includes transfers-out at \$98,412.

Section 13. **THAT** the Civic Center Fund is created to account for the financial activities of the Civic Center as an enterprise fund. The Civic Center is approved with \$257,852 in estimated revenues and \$257,852 in appropriations. Transfers-in are approved at \$173,399 with a \$14,027 decrease to fund balance.

Section 14. **THAT** the Airport Fund is created to account for the financial activities of the Wharton Regional Airport as an enterprise fund. The Airport Fund is approved with \$290,101 in estimated revenues and \$290,101 in appropriations.

Section 15. **THAT** the City Secretary shall file copies of this Ordinance and of such budget with the County Clerk of Wharton County, Texas.

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PASSED AND APPROVED by a favorable majority of the members of the City Council of the City of Wharton, Texas, in council meeting, this 26th day of September 2016 duly assembled in accordance with Article VI of the Charter of the City of Wharton, Texas, by the following vote:

Tim Barker, Mayor	Voted	Yes
Alfred Bryant, Councilmember District 1	Voted	Yes
Steven Schneider, Councilmember District 2	Voted	Yes
Terry Freese, Councilmember District 3	Voted	Yes
Donald Mueller, Councilmember District 4	Voted	Absent
Russell Machann, Councilmember at Large Place 5	Voted	Yes
Vincent Huerta, Councilmember at Large Place 6	Voted	Yes

Separability

If any court of competent jurisdiction rules that any section, subsection, sentence, clause, phrase, or portion of this ordinance invalid or unconstitutional any such portion shall be deemed to be a separate, distinct, and independent provision, and any such ruling shall not affect the validity of the remaining portions hereof.

CITY OF WHARTON

By: _____
Tim Barker., Mayor

ATTEST:

APPROVED FOR ADMINISTRATION:

Paula Favors, City Secretary

Andres Garza, Jr., City Manager

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APPROVED AS TO FORM:

APPROVED FOR FUNDING:

Paul Webb, City Attorney

Joan Andel, Finance Director

Councilmember Vincent Huerta seconded the motion. Mayor Tim Barker, Councilmember Al Bryant, Councilmember Steve Schneider, Councilmember Terry Freese, Councilmember Russell Machann and Councilmember Vincent Huerta voted in favor. The motion passed.

The seventh item on the agenda was to review and consider Ordinance: Levying a Tax Rate for the City of Wharton, Texas, for the Tax Year 2016; directing the Tax Assessor-Collector to assess, account for and distribute the taxes as herein levied; and providing repealing and severability clauses. City Manager Andres Garza, Jr. presented the draft ordinance levying a tax rate for the City of Wharton, Texas, for the Tax Year 2016; directing the Tax Assessor-Collector to assess, account for and distribute the taxes as herein levied; and providing repealing and severability clauses. After some discussion, Councilmember Russell Machann moved to approve City of Wharton Ordinance No. 2016-09, which read as follows:

**CITY OF WHARTON, TEXAS
ORDINANCE NO. 2016-09**

AN ORDINANCE LEVYING A TAX RATE FOR THE CITY OF WHARTON, TEXAS, FOR THE TAX YEAR 2016; DIRECTING THE TAX ASSESSOR-COLLECTOR TO ASSESS, ACCOUNT FOR AND DISTRIBUTE THE TAXES AS HEREIN LEVIED; AND PROVIDING REPEALING AND SEVERABILITY CLAUSES.

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

Section 1. **THAT** there be and is hereby levied for the year 2016 on all real and personal property within and all real and personal property and mineral royalties owned within the city limits of the City of Wharton, Texas for the year 2016, except so much thereof as may be exempt by the constitution and of the State of Texas and of the United States, the following:

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Maintenance and Operations	.17437/\$100 valuation
For Debt Service Requirements	.25013/\$100 valuation
Total Tax Rate	.42450/\$100 valuation

Section2. **THAT** the Tax Assessor-Collector and/or Finance Director is hereby directed to assess, extend and enter upon the certified tax rolls of the City of Wharton, Texas, for the current taxable year, as provided by the Wharton County Appraisal District, the amounts and rates as herein levied, to keep correct amount of same, and when collected, to be distributed in accordance with this ordinance.

Passage and Approval

PASSED AND APPROVED by a favorable majority of the members of the City Council of the City of Wharton, Texas, in a council meeting, this 26th day of September, 2016, duly assembled in accordance with Article VI of the Charter of the City of Wharton, Texas, by the following vote:

Tim Barker, Mayor	Voted	Yes
Alfred Bryant, Councilmember District 1	Voted	Yes
Steven Schneider, Councilmember District 2	Voted	Yes
Terry Freese, Councilmember District 3	Voted	Yes
Donald Mueller, Councilmember District 4	Voted	Absent
Russell Machann., Councilmember at Large Place 5	Voted	Yes
Vincent Huerta, Councilmember at Large Place 6	Voted	Yes

Separability

If any court of competent jurisdiction rules that any section, subsection, sentence, clause, phrase, or portion of this ordinance invalid or unconstitutional any such portion shall be deemed to be a separate, distinct, and independent provision, and any such ruling shall not affect the validity of the remaining portions hereof.

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CITY OF WHARTON

By: _____
Tim Barker, Mayor

ATTEST:

APPROVED FOR ADMINISTRATION:

Paula Favors, City Secretary

Andres Garza, Jr., City Manager

APPROVED AS TO FORM:

APPROVED FOR FUNDING:

Paul Webb, City Attorney

Joan Andel, Finance Director

Councilmember Terry Freese seconded the motion. Mayor Tim Barker, Councilmember Al Bryant, Councilmember Steve Schneider, Councilmember Terry Freese, Councilmember Russell Machann and Councilmember Vincent Huerta voted in favor. The motion passed.

The eighth item on the agenda was to review and consider Resolution: A resolution of the Wharton City Council approving an agreement between the City of Wharton and the Texas Department of Transportation Aviation Division, for the Routine Airport Maintenance Program, TxDOT CSJ No. M1713WHRT, for the Airport maintenance at the Wharton Regional Airport and authorizing the Mayor of the City of Wharton to execute all documents related to said contract. City Manager presented the 2017 Routine Airport Maintenance Program (RAMP) Grant for the Wharton Regional Airport. City Manager Garza stated that the City of Wharton had participated in the RAMP Program in the past years. After some discussion, Councilmember Steven Schneider moved to approve City of Wharton Resolution No. 2016-58, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2016-58**

**A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AN
AGREEMENT BETWEEN THE CITY OF WHARTON AND THE TEXAS**

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DEPARTMENT OF TRANSPORTATION AVIATION DIVISION, FOR THE ROUTINE AIRPORT MAINTENANCE PROGRAM, TXDOT CSJ NO. M1713WHRT FOR THE AIRPORT MAINTENANCE AT THE WHARTON REGIONAL AIRPORT AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID CONTRACT.

WHEREAS, The Wharton City Council wishes to conduct improvement to the Wharton Regional Airport under the 2017 Routine Airport Maintenance Program; and,

WHEREAS, The Texas Department of Transportation Aviation Division and the City of Wharton wishes to enter into an agreement under the 2017 Routine Airport Maintenance Program for airport maintenance at the Wharton Regional Airport; and,

WHEREAS, the Wharton City Council wishes to authorize the Mayor the City of Wharton to execute all documents related to the contract.

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 approves a contract with the Texas Department of Transportation Aviation Division for the 2017 Routine Airport Maintenance Program.

Section II. That the Texas Department of Transportation Aviation Division and the City of Wharton are hereby bound by the conditions as set forth in the agreement.

Section III. That the Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute all documents related to the contract.

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

Passed, Approved, and Adopted this 26th day of September 2016.

CITY OF WHARTON

By: _____
TIM BARKER
Mayor

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ATTEST:

PAULA FAVORS
City Secretary

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

The ninth item on the agenda was to review and consider Resolution: A resolution of the Wharton City Council approving an agreement between the City of Wharton and Linebarger, Goggan, Blair & Sampson for collection services of delinquent emergency medical services accounts and authorizing the Mayor of the City of Wharton to execute all documents related to said agreement. City Manager Andres Garza, Jr. stated that the City Staff met with Linebarger, Goggan, Blair & Sampson to discuss the City of Wharton's delinquent emergency medical services accounts. City Manager Garza presented a copy of the draft agreement between the City of Wharton and Linebarger, Goggan, Blair & Sampson for collection services of delinquent emergency medical services accounts. City Manager Andres Garza, Jr. said that the City of Wharton Finance Committee had met and was recommending the City Council consider approving the agreement. After some discussion, Councilmember Al Bryant moved to approve City of Wharton Resolution No. 2016-59, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2016-59**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AN AGREEMENT BETWEEN THE CITY OF WHARTON AND LINEBARGER GOGGAN BLAIR & SAMPSON FOR COLLECTION SERVICES OF DELINQUENT EMERGENCY MEDICAL SERVICES ACCOUNTS AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID AGREEMENT.

WHEREAS, the City of Wharton wishes to enter into an agreement with Linebarger Goggan Blair & Sampson, for collection services of delinquent emergency medical services accounts; and,

WHEREAS, the Wharton City Council and Linebarger Goggan Blair & Sampson, LLP 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 all documents related to the agreement.

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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 approves an agreement with Linebarger Goggan Blair & Sampson for collection services of delinquent emergency medical services accounts.

Section II. That the Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute all documents related to the agreement.

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

Passed, Approved, and Adopted this 26th day of September 2016.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The tenth item on the agenda was to review and consider Resolution: A resolution of the Wharton City Council approving an agreement between the City of Wharton and TIPS Purchasing Cooperative and authorizing the Mayor of the City of Wharton to execute all documents related to said contract. City Manager Andres Garza, Jr. presented a copy of the draft agreement between the City of Wharton and TIPS Purchasing Cooperative. After some discussion, Councilmember Russell Machann moved to approve City of Wharton Resolution No. 2016-60, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2016-60**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AN AGREEMENT BETWEEN THE CITY OF WHARTON AND TIPS PURCHASING COOPERATIVE AND AUTHORIZING THE MAYOR OF THE CITY OF

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WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID AGREEMENT.

WHEREAS, the City of Wharton wishes to enter into an agreement with TIPS Purchasing Cooperative; and,

WHEREAS, the Wharton City Council and TIPS Purchasing Cooperative 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 all documents related to the agreement.

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 approves an agreement with TIPS Purchasing Cooperative.

Section II. That the Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute all documents related to the agreement.

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

Passed, Approved, and Adopted this 26th day of September 2016.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The eleventh item on the agenda was to review and consider Resolution: Wharton County Emergency Services District No. 3:

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A. Resolution: A resolution of the Wharton City Council approving an Interlocal Agreement for Emergency Medical Services between the City of Wharton and the Wharton County Emergency Services District (ESD) No. 3 and authorizing the Mayor of the City of Wharton to execute the agreement.

B. Resolution: A resolution of the Wharton City Council approving an Interlocal Agreement for Administrative Services between the City of Wharton and the Wharton County Emergency Services District (ESD) No. 3 and authorizing the Mayor of the City of Wharton to execute the agreement.

City Manager Andres Garza, Jr. presented a copy of the memorandum dated September 15, 2016 from City Secretary Paula Favors to him providing the Wharton County Emergency Services District (ESD) No. 3's recommendation that both Items A & B above be considered for approval by the City Council. He further presented a draft copy of both agreements respectively and draft resolutions approving each agreement. He said the Finance Committee had met and were recommending City Council consider approving the contracts. City Attorney Paul Webb said he had drafted and reviewed the contract and was recommending City Council consider approving the contracts. After some discussion, Councilmember Russell Machann moved to approve City of Wharton Resolutions No. 2016-61 and 2016-62, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2016-61**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AN INTERLOCAL AGREEMENT FOR EMERGENCY MEDICAL SERVICES BETWEEN THE WHARTON COUNTY EMERGENCY SERVICES DISTRICT (ESD) NO. 3 AND THE CITY OF WHARTON EMERGENCY MEDICAL SERVICES DEPARTMENT.

WHEREAS, The Wharton County Emergency Services District (ESD) No. 3 Board has hereby authorized the ESD No. 3 President to execute an agreement with the City of Wharton for emergency medical services; and,

WHEREAS, The City of Wharton hereby wishes to enter into an interlocal agreement with the Wharton County Emergency Services District (ESD) No. 3 to provide Emergency Medical Services (EMS); and,

WHEREAS, The ESD No. 3 and the City of Wharton wishes to bound by the conditions as set forth in the agreement; and,

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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. That the Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute an interlocal agreement between the City of Wharton and the Wharton County Emergency Services District (ESD) No. 3 for emergency medical services.

Section II. That the City of Wharton and the ESD No. 3 shall hereby be 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 26th day of September 2016.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

**CITY OF WHARTON
RESOLUTION NO. 2016-62**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AN INTERLOCAL AGREEMENT FOR ADMINISTRATIVE SERVICES BETWEEN THE WHARTON COUNTY EMERGENCY SERVICES DISTRICT (ESD) NO. 3 AND THE CITY OF WHARTON AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE THE AGREEMENT.

WHEREAS, the Wharton County Emergency Services District (ESD) No. 3 Board has hereby authorized the ESD No. 3 President to execute an agreement with the City of Wharton for administrative services; and,

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WHEREAS, the ESD No. 3 and the City of Wharton 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 the agreement.

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

Section I. That Wharton City Council hereby approves an interlocal agreement between the City of Wharton and the Wharton County Emergency Services District No. 3 for administrative services.

Section II. The Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute the agreement.

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

Passed, Approved, and Adopted this 26th 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 Resolution: A resolution of the Wharton City Council approving a contract between the City of Wharton and Wharton County for Emergency Medical Services for ambulance transport and authorizing the Mayor of the City of Wharton to execute all documents relating to said contract. City Manager Andres Garza, Jr. presented a draft copy of the contract and draft resolution for emergency medical services for ambulance transport between the City of Wharton and Wharton County. City Manager Garza stated that the Wharton County Commissioner's

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Court has met and approved the contract between the City of Wharton and Wharton County for Emergency Medical Services for ambulance transport of Wharton County Jail inmates. After some discussion, Councilmember Vincent Huerta moved to approve City of Wharton Resolution No. 2016-63, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2016-63**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING A CONTRACT BETWEEN THE CITY OF WHARTON AND WHARTON COUNTY FOR EMERGENCY MEDICAL SERVICES FOR AMBULANCE TRANSPORT AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATING TO SAID CONTRACT.

WHEREAS, The City of Wharton wishes to enter into an agreement with Wharton County for emergency medical services for ambulance transports; and,

WHEREAS, The Wharton City Council and Wharton County 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 all documents related to the agreement.

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 approves an agreement with Wharton County for emergency medical services for ambulance transports.

Section II. That the Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute all documents related to the agreement.

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

Passed, Approved, and Adopted this 26th day of September 2016.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS

City Secretary

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

The thirteenth item on the agenda was to review and consider an update on City of Wharton Hazard Mitigation Grant Program Funding Application. City Manager Andres Garza, Jr. stated that on September 19, 2016, Property Owners who were affected by the April/May 2016 Flood Event were mailed Homeowner Mitigation Packages for the City of Wharton Texas Hazard Mitigation Grant Program. City Manager Garza said the deadline for the packages was October 6, 2016 and he presented a copy of a sample package that was sent to the property owners. He said CBI assisted the City in the preparation of the package to insure all necessary information was gathered for the preparation of the grant application to FEMA and goal was to target property owners would had been affected by the April or May 2016 floods. Ms. Mary Barnes addressed the City Council with the following questions:

1. Is the grant FEMA related?
2. What is the job of CB & I?
3. Is the City of Wharton funding CB & I?
4. If the City does not receive the grant, is there an appeals process?
5. Can an individual file for a grant on their own?

Pastor Janis Blair addressed the City Council with the following questions:

1. Why have residents filled out so many applications?

Ms. Laura Clemens with CB & I responded to all questions presented. After some discussion, no action was taken.

The fourteenth item on the agenda was to review and consider a request from Ms. Mary Barnes regarding fire hazards and flooding on the Westside of town. City Manager Andres Garza, Jr. presented an email to him from Ms. Mary Barnes regarding fire hazards and flooding on the Westside of town. Ms. Barnes stated that Councilmember Al Bryant had answered her question regarding fire hazards and then addressed the City Council with the questions regarding the City of Wharton Hazard Mitigation Grant Program Funding and how it would affect homeowners who applied for it. Ms. Laura Clemens with CB & I responded to Ms. Barnes' questions. After some discussion, no action was taken.

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

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A. Letter to Texas Department of Transportation from the City of Wharton requesting the removal of the lights from the contract.

City Manager Andres Garza, Jr. presented an email from Mr. Blaise Dreitner, P.E. Civil Corp, LLC regarding the letter to Texas Department of Transportation for the removal of the lights from the contract and a copy of the draft letter that would be sent to Texas Department of Transportation. City Manager Garza stated the City of Wharton intended to have the lighting on this project installed by CenterPoint but since January 31, 2008, CenterPoint no longer installs lighting in a Texas Department of Transportation Right-of-Way due to Texas Department of Transportation requiring the NEC standards. Mr. Dreitner stated that the issue was if the lighting was manufactured in the United States of America and if they were steel. After some discussion Councilmember Vincent Huerta moved to approve submitting a letter to the Texas Department of Transportation from the City of Wharton requesting the removal of the lights from the contract. Councilmember Russell Machann seconded the motion. All voted in favor.

The sixteenth item on the agenda was to review and consider an Application by First Medical Respond (FMR INC) for an Ambulance Provider Permit. City Manager Andres Garza, Jr. presented a copy of the Ambulance Provider Permit Application submitted by First Medical Respond (FMR INC) to provide emergency medical services in the City of Wharton. EMS Director John Kowalik stated that he had reviewed the application and was requesting the City Council consider approving it. City Attorney Paul Webb stated that he had also reviewed the application and was recommending the approval of the permit. After some discussion, Councilmember Russell Machann moved to approve the application by First Medical Respond (FMR INC) for an Ambulance Provider Permit. Councilmember Al Bryant seconded the motion. All voted in favor.

The seventeenth item on the agenda was Texas Department of Agriculture Planning and Capacity Building Fund:

A. **Resolution:** A resolution of the Wharton City Council approving Contract No. 7216124 between the City of Wharton and Texas Department of Agriculture for Planning and Capacity Building Fund and authorizing the Mayor of the City of Wharton to approve all documents related to said contract.

City Manager Andres Garza, Jr. stated the contract between the City of Wharton and the Texas Department of Agriculture would be for the planning and capacity building fund and would be a 50/50 match to develop a comprehensive plan for the City. After some discussion, Councilmember Al Bryant moved to approve City of Wharton Resolution No. 2016-64, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2016-64**

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A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING CONTRACT NO. 7216124 BETWEEN THE CITY OF WHARTON AND TEXAS DEPARTMENT OF AGRICULTURE FOR PLANNING AND CAPACITY BUILDING FUND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATING TO SAID CONTRACT.

WHEREAS, The City of Wharton wishes to enter into an agreement with Texas Department of Agriculture for Planning and Capacity Building Funds; and,

WHEREAS, The Wharton City Council and Wharton County 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 all documents related to the agreement.

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 approves an agreement with Texas Department of Agriculture for Planning and Capacity Building Funds.

Section II. That the Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute all documents related to the agreement.

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

Passed, Approved, and Adopted this 26th day of September 2016.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

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The eighteenth item on the agenda was a resolution of the Wharton City Council approving Contract No. 7216489 between the City of Wharton and the Texas Department of Agriculture for the 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. presented a copy of the agreement for the Community Development Project funded by TDA. City Manager Garza stated that the grant would assist with the sewer line improvements on Alabama Street and two alley ways. After some discussion, Councilmember Vincent Huerta moved to approve City of Wharton Resolution No. 2016-65, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2016-65**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING CONTRACT NO. 7216489 BETWEEN THE CITY OF WHARTON AND TEXAS DEPARTMENT OF AGRICULTURE FOR THE COMMUNITY DEVELOPMENT FUND AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATING TO SAID CONTRACT.

WHEREAS, The City of Wharton wishes to enter into an agreement with Texas Department of Agriculture for the Community Development Fund; and,

WHEREAS, The Wharton City Council and Wharton County 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 all documents related to the agreement.

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 approves an agreement with Texas Department of Agriculture for the Community Development Fund.

Section II. That the Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute all documents related to the agreement.

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

Passed, Approved, and Adopted this 26th day of September 2016.

City of Wharton
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CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The nineteenth item on the agenda was 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 8:17 p.m.

The twentieth item on the agenda was **Return to Open Meeting:** Action on items discussed in Executive Session:

Review & Consider:

A. City Managers Evaluation.

Mayor Tim Barker returned to open session at 8:20 p.m. Mayor Barker stated that only information was received.

The twenty-first 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 August 31, 2016 providing an update on the City of Wharton current projects.

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 Clean Water Project Information Form (CWPIF) to the Texas Water Development Board for some possible funding for the Levee Project. The City has received notice that the City's Project Information had been listed as accepted for the Draft SFY17CWSRF Intended use Plan, however an application cannot be submitted until the City's status has changed to invited.

DRAINAGE:

1. Santa Fe Outfall Channel.

The Public Works Department has finished excavation of the channel. The Public Works Department will be installing additional grade stabilization structures or pipe drops along the channel. These structures are part of the original engineering design and not only control erosion but are helping to improve drainage in the city by serving as the outfall for water that has been redirected to the Santa Fe Channel. Work on property owners land is complete.

2. 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.

3. Ahldag Ditch Improvement.

The project was approved in the 2013 Bond Program. Public Works Director is currently working out the details.

4. On-going Drainage and Maintenance Program.

The Public Works Department has continued working on cleaning residential draining ditches that have experienced poor drainage.

5. 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 will be contacting property owners for the necessary easements needed to install the drainage pipes.

WATER/SEWER IMPROVEMENTS:

1. On-going Water and Sewer Maintenance Program.

Water leaks and sewer failures are still being seen in the month of August.

2. Alabama Street Sewer Line Project.

An application was submitted to the Texas Department of Agriculture (TDA) under TxCDBG. The City has been informed that the City will be receiving funding for this project. The City staff is awaiting the necessary contracts.

3. Wastewater Treatment Plant No. 1 Improvement Project.

The project is moving forward. Updates are being provided by Jones & Carter on a monthly basis when pay request are sent.

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.

2. I-69 Project.

TxDOT will hold a public hearing in the next few months regarding the environmental requirements for the project in Wharton County.

3. NanYa Exit Ramp Project.

The City has submitted its request to TxDOT on proceeding with the changes to the NanYa exit ramp that would accommodate the turn around that Buc-ees has agreed in principle to contribute to see the project materialize. The City is awaiting TxDOT's response.

4. 2016 City Street Improvements.

The City Staff has begun the 2016 Street Improvement Program. The street reconstruction phase has been completed. The level up phase will begin soon. Also, the City Staff will be advertising for the Old Lane City Road overlay in September.

5. Wharton Sidewalk Accessibility and Historic Streetscape Project.

M.C. Fonseca Construction has begun the project. Civil Corp has submitted the information to TxDOT on the additional work.

WHARTON REGIONAL AIRPORT

1. Hangar Construction Project.

The City Staff is working with Strand Engineering on the construction of the City hangar. This project is moving forward.

After some discussion, no action was taken.

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The twenty-second 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. Plumbing and Mechanical Board.
- D. Wharton Economic Development Board.

City Manager Andres Garza, Jr. stated that the City Council Wharton Economic Development Corporation Selection Committee meet on September 26, 2016 at 5:30 p.m. to review the applications and formulate a recommendation to the City Council on candidates to be appointed for the October 1, 2016 to September 30, 2018 term. City Manager Garza said the City Council Wharton Economic Development Corporation Selection Committee voted to recommend reappointing the incumbents who were currently serving. After some discussion, Councilmember Al Bryant moved to appoint the following:

D. Wharton Economic Development Board.	<u>Term Expiring</u>
Mike Wooten	September 30, 2018
Bill Ansley	September 30, 2018
Freddie Pekar	September 30, 2018
Councilmember Al Bryant	September 30, 2018

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

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

- A. Finance Committee meeting held September 12, 2016.
- B. Beautification Commission meeting held September 14, 2016.

After some discussion, no action was taken.

The twenty-fourth item on the agenda was City Manager's Reports:

- A. City Secretary/Personnel.
- B. Code Enforcement.
- C. Community Services Department / Civic Center.
- D. Emergency Management.
- E. E.M.S. Department.
- F. Facilities Maintenance Department /
- H. Fire Marshall.
- I. Legal Department.
- J. Municipal Court.
- K. Police Department.
- L. Public Works Department.
- M. Water / Sewer Department.
- N. Weedy Lots / Sign Ordinance.

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Wharton Municipal Pool.
G. Fire Department.

O. Wharton Regional Airport.

After some discussion, no action was taken.

The twenty-fifth item on the agenda was adjournment. There being no further discussion, Councilmember Al Bryant moved to adjourn. Councilmember Steve Schneider seconded the motion. All voted in favor.

The meeting adjourned at 8:22 p.m.

CITY OF WHARTON, TEXAS

By: _____

Tim Barker
Mayor

ATTEST:

Paula Favors
City Secretary