

**MINUTES  
OF  
CITY OF WHARTON  
REGULAR CITY COUNCIL MEETING  
MARCH 27, 2017**

Mayor Tim Barker declared a Regular Meeting duly open for the transaction of business at 7:07 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, Terry Freese, Vincent Huerta, Russell Machann, Don Mueller and Steven Schneider.

Councilmember absent was: None

Staff members present were: City Manager Andres Garza, Jr., Finance Director Joan Andel, City Secretary Paula Favors, TRMC, Assistant to the City Manager Brandi Jimenez, Community Development Coordinator Gwyneth Teves, Public Works Director Wade Wendt, Assistant to the Building Official Claudia Velasquez and Assistant City Attorney Amy Rod.

Visitors present were: Wharton Economic Development Director Chad Odom, III, Pastor Janice Blair, Mary A. Barnes, I.O. Coleman, Blanche Allen, Thelma Hayes, Jamel Weems with Waste Corporation of America, Inc., Charlotte A. Bess, A.B. Allen, M. Lane Tobola and Evelyn Carriere with the Wharton Journal Spectator.

The second item on the agenda was Roll Call and Excused Absences. All members were present.

The third item on the agenda was Public Comments. Mr. I.O. Coleman, Jr. addressed the City Council with his concerns regarding the railroad crossings at Sunset St/Milam St. and Sunset St/Spanish Camp Rd. Mr. Coleman stated that the railroad did complete some work on the crossing but issues still needed to be addressed. He also stated that pothole repairs were hit and miss throughout the West Side of Wharton, stray dogs and cats continued to be an issue and activity needed to be sped up on the flood protection issue and asked if a Bond Election was needed. Ms. Mary Barnes addressed the City Council regarding the flooding issue on the West Side of Wharton by stating that she is still not seeing resolutions and nothing seems to be in place to resolve the flooding.

City of Wharton  
Regular Council Meeting  
March 27, 2017

The fourth item on the agenda was Wharton Moment. Mayor Tim Barker stated that Flood Insurance rates were set to rise from 15% to 18% on April 1<sup>st</sup> and encouraged residents sign up for coverage before the increase.

The fifth item on the agenda was to review and consider City of Wharton Financial Report for the month of February 2017. Finance Director Joan Andel presented the financial report for the month of February 2017. Mrs. Andel stated that the TexPool balance for February as \$1,862,692.42 with an average monthly yield of .56%. She said the Prosperity Bank balance for February 2017 was \$4,867,218.03 with an average monthly yield of .51%. After some discussion, Councilmember Al Bryant moved to approve the City of Wharton Financial Report for the month of February 2017. Councilmember Don Mueller seconded the motion. All voted in favor.

The sixth item on the agenda review and consider Request from Jr's Texas Best, LLC:

- A. Authorization to make improvements.
- B. Request for a variance.

City Manager Andres Garza, Jr. stated that the City of Wharton had a lease agreement with Jr.'s Texas Best, LLC on land and improvements located on Highway 59 South through a Texas Department of Agriculture-Texas Capital Fund Project dated May 13, 2004. Jr.'s and was wishing to place a portable building on the property for their business use. City Manager Garza said Section IV of the agreement required that any improvements must be approved by the City (Lessor) and the City must grant the Lessee (Jr.'s) approval for said improvements. He said the improvements that they wished to make under the City's floodplain ordinance required the portable building to be set one (1) foot above the base flood elevation or approximately eight (8) feet above the ground level and Jr.'s had filed an application for a floodplain variance for City Council consideration. Community Development Coordinator Gwyn Teves stated that Building Official Ronald Bollom had reviewed the request and was recommending the City Council consider approving it. After some discussion, Councilmember Al Bryant moved to approve the floodplain variance for a portable building to be placed on the property in which the City of Wharton had a lease agreement with Jr.'s Texas Best, LLC on land and improvements located on Highway 59 South through the Texas Department of Agriculture-Texas Capital Fund Project dated May 13, 2004. Councilmember Terry Freese seconded the motion. All voted in favor.

The seventh item on the agenda was to review and consider a resolution of the Wharton City Council to authorize the City Staff, pursuant to Section 143 of the Charter of the City of Wharton to advertise for a land lease on the following property: a parcel of land out of a certain 4.666 acre tract of land located in the Alexander Jackson Timber League Abstract 34, Wharton County, Texas. City Manager Andres Garza, Jr. stated that the City of Wharton had been approached by Brent Harper of Media Choice Company, to lease a parcel of land from a 4.666 acre tract of land owned by the City of Wharton located next to

City of Wharton  
Regular Council Meeting  
March 27, 2017

Wal-Mart Store on Highway 59 for the placement of a digital billboard. City Manager Garza said that Section 143 of the City's Charter required that any lease of land must be publicly advertised before a lease could be executed and that parcel of land was gifted to the City by the Rust Family and only specific uses were allowed. He said that City Attorney Paul Webb had approached the Rust Family and presented a copy of his letter to Ms. Rust. City Manager Garza said he City Council Finance Committee met on Monday, March 27, 2017 and were recommending the City Council consider approving the advertising of the land lease on a parcel of land out of a certain 4.666 acres, Alexander Jackson Timber League, Abstract No. 34. After some discussion, Councilmember Russell Machann moved to approve City of Wharton Resolution No. 2017-30, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2017-30**

**A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING CITY STAFF, PURSUANT TO SECTION 143 OF THE CHARTER OF THE CITY OF WHARTON TO ADVERTISE FOR A LAND LEASE ON A PARCEL OF LAND OUT OF A CERTAIN 4.666 ACRES, ALEXANDER JACKSON TIMBER LEAGUE, ABSTRACT NO. 34.**

**WHEREAS,** City staff will advertise for bids to lease a parcel of land out of a certain 4.666 acres of land located at Alexander Jackson Timber League, Abstract No. 34; and

**WHEREAS,** City staff will accept bids to determine the best qualified bidder.

**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 of Wharton Staff to advertise to accept bids for a land lease for a parcel of land out of a certain 4.666 acres of land located at Alexander Jackson Timber League, Abstract No. 34.

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

**Passed, Approved, and Adopted** this 27<sup>th</sup> day of March 2017.

**CITY OF WHARTON, TEXAS**

**By:** \_\_\_\_\_

City of Wharton  
Regular Council Meeting  
March 27, 2017

**TIM BARKER**  
Mayor

**ATTEST:**

---

**PAULA FAVORS**  
City Secretary

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

The eighth item on the agenda was to review and consider a resolution by the City of Wharton denying the application to increase rates filed by Centerpoint Energy Resources Corp., D/B/A Centerpoint Energy Entex and Centerpoint Energy Texas gas on or about November 16, 2016; requiring the reimbursement of municipal rate case expenses; finding that the meeting complies with the Open Meetings Act; making other findings and provisions related to the subject; and declaring an effective date. City Manager Andres Garza, Jr. stated that on or about November 16, 2016, CenterPoint Energy Resources Corp., d/b/a CenterPoint Energy Entex and CenterPoint Energy Texas Gas submitted a Statement of Intent to increase its non-gas base revenue on an overall basis by approximately \$31.0 million in the Company's Texas Coast Division and its Houston Division. City Manager Garza said that in its Statement of intent, CenterPoint proposed an effective date of December 21, 2016. He said that by prior resolution, the City suspended CenterPoint's proposed effective date for the statutorily allowed time from December 21, 2016 to March 21, 2017 but to facilitate negotiations among the City and CenterPoint regarding its proposed increase in rates, CenterPoint extended its proposed effective date from December 21, 2016 to January 7, 2017, which resulted in an extension of the suspension period from March 21, 2017 to April 7, 2017. City Manager Garza said that the City of Wharton was a member of the Texas Coast Utilities Coalition (TCUC) of Cities and the Coalition Counsel had recommended the City adopt a resolution denying the application. After some discussion, Councilmember Vincent Huerta moved to approve City of Wharton Resolution No. 2017-31, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2017-31**

**RESOLUTION BY THE CITY OF WHARTON ("CITY") DENYING THE APPLICATION TO INCREASE RATES FILED BY CENTERPOINT ENERGY RESOURCES CORP., D/B/A CENTERPOINT ENERGY ENTEX AND CENTERPOINT ENERGY TEXAS GAS ON OR ABOUT NOVEMBER 16, 2016; REQUIRING THE REIMBURSEMENT OF MUNICIPAL RATE CASE EXPENSES; FINDING THAT THE MEETING COMPLIES WITH THE OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND**

**PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.**

**WHEREAS**, CenterPoint Energy Resources Corp., d/b/a CenterPoint Energy Entex and CenterPoint Energy Texas Gas (“CenterPoint” or “Company”) filed a Statement of Intent with the City on or about November 16, 2016 to increase rates in the Company’s Houston and Texas Coast Divisions and proposed an effective date of December 21, 2016; and,

**WHEREAS**, the City is a regulatory authority under the Gas Utility Regulatory Act (“GURA”) and under § 103.001 et seq. of GURA has exclusive original jurisdiction over CenterPoint’s rates, operations and services within the municipality; and,

**WHEREAS**, by prior Resolution, the City suspended CenterPoint’s proposed effective date for the statutorily allowed time from December 21, 2016, to March 21, 2017; and,

**WHEREAS**, to facilitate negotiations among the City and CenterPoint regarding its proposed increase in rates, CenterPoint extended its proposed effective date from December 21, 2016, to January 7, 2017, which results in an extension of the suspension period from March 21, 2017, to April 7, 2017; and,

**WHEREAS**, CenterPoint proposed to consolidate its current Houston and Texas Coast Divisions into a single Texas Gulf Division and implement the revised gas tariffs on a division-wide basis for customers in the Texas Gulf Division; and,

**WHEREAS**, CenterPoint’s proposed increase would increase its non-gas base revenue by approximately \$31.0 million, representing an increase in non-gas base revenue of approximately 10.7%; and,

**WHEREAS**, the City of Wharton is located in the currently existing Texas Coast Division; and,

**WHEREAS**, on a customer-class basis, for Texas Coast Division customers, the impact of CenterPoint’s proposed increase is as follows:

	Average Current Monthly Bill, including Gas Cost	Average Proposed Monthly Bill, including Gas Cost	Proposed Monthly Change	Percentage Change with Gas Cost / without Gas Cost
Residential	\$36.22	\$37.32	\$1.10	3.0% / 5.0%
General Service-Small	\$102.41	\$102.90	\$0.49	0.5% / -0.9%
General Service – Large Volume	\$1,316.42	\$1,317.74	\$1.32	0.1% / -6.5%

City of Wharton  
Regular Council Meeting  
March 27, 2017

**WHEREAS**, CenterPoint proposed to increase its customer charges for Texas Coast Division customers for “General Service – Residential” from \$16.17 to \$16.75; increase the customer charge for “General Service – Small” from \$17.20 to \$18.25; and increase the customer charge for “General Service – Large Volume” from \$56.45 to \$70.00; and,

**WHEREAS**, the CenterPoint sought a Return on Equity (ROE) of 10.25%; a capital structure weighted toward equity – 55.15% Equity; 44.85% Debt; and,

**WHEREAS**, CenterPoint’s rate request consists of a voluminous amount of information including CenterPoint’s rate-filing package, exhibits, schedules, and workpapers (collectively, its “Rate Filing Package”); and,

**WHEREAS**, the City coordinated its efforts with a coalition of similarly situated municipalities known as the Texas Coast Utilities Coalition (“TCUC”) of cities, to review CenterPoint’s Rate Filing Package; and,

**WHEREAS**, the City engaged special counsel and consultants to evaluate the merits of CenterPoint’s proposed increase in rates; and,

**WHEREAS**, after review of CenterPoint’s Rate Filing Package, the City’s special counsel and consultants determined that CenterPoint failed to establish that its overall revenue request resulted in no more than an amount that would permit CenterPoint a reasonable opportunity to earn a reasonable return on the utility’s invested capital used and useful in providing service to the public in excess of the utility’s reasonable and necessary operating expenses; and,

**WHEREAS**, CenterPoint failed to establish that its proposed rates and tariffs were just and reasonable;

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

**Section 1.** The findings set out in the preamble are in all things approved and incorporated herein as if fully set forth.

**Section 2.** CenterPoint’s failed to show that its proposed rates are just and reasonable.

**Section 3.** The City hereby **DENIES** CenterPoint’s request to increase rates and in support thereof finds that:

A. The Rate Filing Package fails to provide sufficient information to justify the requested increase in revenue or to justify the changes set forth in the attached tariffs;

B. The Rate Filing Package fails to provide sufficient information to justify the adoption of the rate base, expenses, investment, return

on equity, and other rate issues noted in Utilities Code, Chapter 104.

**Section 4.** The City hereby orders CenterPoint to reimburse the City's rate case expenses as provided in the Gas Utility Regulatory Act and that CenterPoint shall do so on a monthly basis and within 30 days after submission of the City's invoices for the City's reasonable costs associated with the City's activities related to this rate review or to related proceedings involving CenterPoint before the City, the Railroad Commission of Texas, or any court of law.

**Section 5.** A copy of this resolution shall be sent to CenterPoint Energy, care of Mr. Thomas Stevens, Director of Regulatory Affairs, CenterPoint Energy P.O. Box 2628, Houston, Texas 77252-2628; and to Mr. Alfred R. Herrera, Herrera & Boyle, PLLC, 816 Congress Ave., Suite 1250, Austin, Texas 78701.

**Section 6.** The meeting at which this resolution was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

**Section 7.** This resolution shall become effective from and after its passage.

**PASSED AND APPROVED** this 27<sup>th</sup> day of March, 2017.

---

**TIM BARKER**  
Mayor

**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 Texas Water Development Board Clean Water State Revolving Fund (Levee Project):

A. Proposal Tabulations.

B. **Resolution:** A resolution of the Wharton City Council approving a contract for the Texas Water Development Board Clean Water State Revolving Fund (Levee Project) to

City of Wharton  
Regular Council Meeting  
March 27, 2017

Halff & Associates for engineering services and authorizing the Mayor of the City of Wharton to execute all documents related to said contract.

C. **Resolution:** A resolution of the Wharton City Council approving a contract for the Texas Water Development Board Clean Water State Revolving Fund (Levee Project) with US Capitol Advisors for Financial Advisor and authorizing the Mayor of the City of Wharton to execute all documents related to said contract.

D. **Resolution:** A resolution of the Wharton City Council approving a contract for the Texas Water Development Board Clean Water State Revolving Fund (Levee Project) with A for Bond Counsel and authorizing the Mayor of the City of Wharton to execute all documents related to said contract.

City Manager Andres Garza, Jr. stated that the City received the following proposals for the Texas Water Development Board Clean Water State Revolving Fund (Levee Project):

1. Halff & Associates

City Manager Garza said that the City Council Public Works Committee met on March 21, 2017 and voted to recommend that the City Council consider awarding the contract to Halff & Associates.

City Manager Andres Garza, Jr. stated that the City received the following proposals for the Texas Water Development Board Clean Water State Revolving Fund (Levee Project) Financial Advisor:

1. US Capital Advisors

City Manager Garza said that the City Council Finance Committee met on March 22, 2017 and voted to recommend that the City Council consider awarding the contract to US Capital Advisors.

City Manager Andres Garza, Jr. stated that the City received the following proposals for the Texas Water Development Board Clean Water State Revolving Fund (Levee Project) Bond Counsel:

1. Andrews Kurth

City Manager Garza said that the City Council Finance Committee met on March 22, 2017 and voted to recommend that the City Council consider awarding the contract to Andrews Kurth.

After some discussion, Councilmember Al Bryant moved to approve City of Wharton Resolutions 2017-32, 2017-33 and 2017-34, which read as follows:



City of Wharton  
Regular Council Meeting  
March 27, 2017

**CITY OF WHARTON  
RESOLUTION NO. 2017-32**

**A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AN AGREEMENT FOR THE TEXAS WATER DEVELOPMENT BOARD CLEAN WATER STATE REVOLVING FUND (LEVEE PROJECT) WITH HALFF ASSOCIATES FOR ENGINEERING SERVICES AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID AGREEMENT.**

**WHEREAS,** The Wharton City Council wishes to enter into an agreement for the Texas Water Development Board Clean Water State Revolving Fund (Levee Project) with Halff Associates for engineering services; and,

**WHEREAS,** The City of Wharton and Halff Associates 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 said contract.

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

**Section I.** The Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute an agreement with Halff Associates and the City of Wharton for Texas Water Development Board Clean Water State Revolving Fund (Levee Project) with Halff Associates for engineering services.

**Section II.** The City of Wharton and Halff Associates 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 27<sup>th</sup> day of March 2017.

**CITY OF WHARTON, TEXAS**

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

**ATTEST:**

\_\_\_\_\_

City of Wharton  
Regular Council Meeting  
March 27, 2017

**PAULA FAVORS**  
City Secretary

**CITY OF WHARTON  
RESOLUTION NO. 2017-33**

**A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AN AGREEMENT FOR THE TEXAS WATER DEVELOPMENT BOARD CLEAN WATER STATE REVOLVING FUND (LEVEE PROJECT) WITH US CAPITAL ADVISORS FOR FINANCIAL ADVISOR AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID AGREEMENT.**

**WHEREAS,** The Wharton City Council wishes to enter into an agreement for the Texas Water Development Board Clean Water State Revolving Fund (Levee Project) with US Capital Advisors for Financial Advisor; and,

**WHEREAS,** The City of Wharton and US Capital Advisors 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 said contract.

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

**Section I.** The Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute an agreement between US Capital Advisors and the City of Wharton for Texas Water Development Board Clean Water State Revolving Fund (Levee Project) for Financial Advisor.

**Section II.** The City of Wharton and US Capital Advisors 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 27<sup>th</sup> day of March 2017.

**CITY OF WHARTON, TEXAS**

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

**ATTEST:**

City of Wharton  
Regular Council Meeting  
March 27, 2017

---

**PAULA FAVORS**  
City Secretary

**CITY OF WHARTON  
RESOLUTION NO. 2017-34**

**A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AN AGREEMENT FOR THE TEXAS WATER DEVELOPMENT BOARD CLEAN WATER STATE REVOLVING FUND (LEVEE PROJECT) WITH ANDREWS KURTH FOR BOND COUNSEL AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID AGREEMENT.**

**WHEREAS,** The Wharton City Council wishes to enter into an agreement for the Texas Water Development Board Clean Water State Revolving Fund (Levee Project) with Andrews Kurth for Bond Counsel; and,

**WHEREAS,** The City of Wharton and Andrews Kurth 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 said contract.

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

**Section I.** The Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute an agreement between Andrews Kurth and the City of Wharton for Texas Water Development Board Clean Water State Revolving Fund (Levee Project) for Bond Counsel.

**Section II.** The City of Wharton and Andrews Kurth 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 27<sup>th</sup> day of March 2017.

**CITY OF WHARTON, TEXAS**

**By:** \_\_\_\_\_

City of Wharton  
Regular Council Meeting  
March 27, 2017

**TIM BARKER**  
Mayor

**ATTEST:**

---

**PAULA FAVORS**  
City Secretary

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

The tenth item on the agenda to review and consider was the Texas Water Development Board Drinking Water State Revolving Fund (Water Well Plant Project):

A. Proposals Tabulations.

B. **Resolution:** A resolution of the Wharton City Council approving a contract for the Texas Water Development Board Drinking Water State Revolving Fund (Water Well Plant Project) with Halff & Associates for engineering services and authorizing the Mayor of the City of Wharton to execute all documents related to said contract.

C. **Resolution:** A resolution of the Wharton City Council approving a contract for the Texas Water Development Board Drinking Water State Revolving Fund (Water Well Plant Project) with US Capital Advisors for Financial Advisor and authorizing the Mayor of the City of Wharton to execute all documents related to said contract.

D. **Resolution:** A resolution of the Wharton City Council approving a contract for the Texas Water Development Board Drinking Water State Revolving Fund (Water Well Plant Project) with Andrews Kurth for Bond Counsel and authorizing the Mayor of the City of Wharton to execute all documents related to said contract.

City Manager Andres Garza, Jr. stated that the City received the following proposals for the Texas Water Development Board Drinking Water State Revolving Fund (Water Well Plant Project):

1. Urban Engineering
2. Halff & Associates

City Manager Garza said the City Council Public Works Committee met on March 21, 2017 and were recommending City Council consider awarding the contract to Halff & Associates.

City Manager Andres Garza, Jr. stated that the City received the following proposals for the Texas Water Development Board Drinking Water State Revolving Fund (Water Well Plant Project) Financial Advisor:

1. US Capital Advisors

City of Wharton  
Regular Council Meeting  
March 27, 2017

City Manager Garza said the City Council Finance Committee met on March 22, 2017 and were recommending the City Council consider awarding the contract to US Capital Advisors.

City Manager Andres Garza, Jr. stated that the City received the following proposals for the Texas Water Development Board Drinking Water State Revolving Fund (Levee Project) Bond Counsel:

1. Andrews Kurth

City Manager Garza said the City Council Finance Committee met on March 22, 2017 and were recommending the City Council consider awarding the contract to Andrews Kurth. After some discussion, Councilmember Al Bryant moved to approve City of Wharton Resolutions 2017-35, 2017-36 and 2017-37, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2017-35**

**A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AN AGREEMENT FOR THE TEXAS WATER DEVELOPMENT BOARD DRINKING WATER STATE REVOLVING FUND (WATER WELL PLANT PROJECT) WITH HALFF ASSOCIATES FOR ENGINEERING SERVICES AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID AGREEMENT.**

**WHEREAS,** The Wharton City Council wishes to enter into an agreement for the Texas Water Development Board Drinking Water State Revolving Fund (Water Well Plant Project) with Halff Associates for engineering services; and,

**WHEREAS,** The City of Wharton and Halff Associates 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 said contract.

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

**Section I.** The Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute an agreement with Halff Associates and the City of Wharton for Texas Water Development Board Drinking Water State

City of Wharton  
Regular Council Meeting  
March 27, 2017

Revolving Fund (Water Well Plant Project) with Halff Associates for engineering services.

**Section II.** The City of Wharton and Halff Associates 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 27<sup>th</sup> day of March 2017.

**CITY OF WHARTON, TEXAS**

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

**ATTEST:**

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

**CITY OF WHARTON  
RESOLUTION NO. 2017-36**

**A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AN AGREEMENT FOR THE TEXAS WATER DEVELOPMENT BOARD DRINKING WATER STATE REVOLVING FUND (WATER WELL PLANT PROJECT) WITH US CAPITAL ADVISORS FOR FINANCIAL ADVISOR AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID AGREEMENT.**

**WHEREAS,** The Wharton City Council wishes to enter into an agreement for the Texas Water Development Board Drinking Water State Revolving Fund (Water Well Plant Project) with US Capital Advisors for Financial Advisor; and,

**WHEREAS,** The City of Wharton and US Capital Advisors 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 said contract.

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

City of Wharton  
Regular Council Meeting  
March 27, 2017

**Section I.** The Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute an agreement between US Capital Advisors and the City of Wharton for Texas Water Development Board Drinking Water State Revolving Fund (Water Well Plant Project) for Financial Advisor.

**Section II.** The City of Wharton and US Capital Advisors 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 27<sup>th</sup> day of March 2017.

**CITY OF WHARTON, TEXAS**

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

**ATTEST:**

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

**CITY OF WHARTON  
RESOLUTION NO. 2017-37**

**A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AN AGREEMENT FOR THE TEXAS WATER DEVELOPMENT BOARD DRINKING WATER STATE REVOLVING FUND (WATER WELL PLANT PROJECT) WITH ANDREWS KURTH FOR BOND COUNSEL AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID AGREEMENT.**

**WHEREAS,** The Wharton City Council wishes to enter into an agreement for the Texas Water Development Board Drinking Water State Revolving Fund (Water Well Plant Project) with Andrews Kurth for Bond Counsel; and,

**WHEREAS,** The City of Wharton and Andrews Kurth 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 said contract.

City of Wharton  
Regular Council Meeting  
March 27, 2017

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

**Section I.** The Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute an agreement between Andrews Kurth and the City of Wharton for Texas Water Development Board Drinking Water State Revolving Fund (Water Well Plant Project) for Bond Counsel.

**Section II.** The City of Wharton and Andrews Kurth 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 27<sup>th</sup> day of March 2017.

**CITY OF WHARTON, TEXAS**

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

**ATTEST:**

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

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

The eleventh item on the agenda was to review and consider Department of Housing and Community Affairs (TDHCA) Homeowner Rehabilitation Assistance (HRA) HOME Investments Partnership Program:

A. Proposal Tabulation.

B. **Resolution:** A resolution of the Wharton City Council awarding a contract for Grant Management Services for the Texas Department of Housing and Community Affairs (TDHCA) Homeowner Rehabilitation Assistance (HRA) HOME Investments Partnership Program to Grantworks and authorizing the Mayor of the City of Wharton to execute all documents related to said contract.



City of Wharton  
Regular Council Meeting  
March 27, 2017

City Manager Andres Garza, Jr. stated that the City received the following proposal for the Department of Housing and Community Affairs (TDHCA) Homeowner Rehabilitation Assistance (HRA) HOME Investments Partnership Program:

1. Grantworks

City Manager Garza said the City Council Finance Committee met on March 22, 2017 and were recommending the City Council consider awarding the contract to Grantworks. After some discussion, Councilmember Russell Machann moved to approve City of Wharton Resolution No. 2017-38, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2017-38**

**A RESOLUTION OF THE WHARTON CITY COUNCIL AWARDING A CONTRACT FOR GRANT MANAGEMENT SERVICES FOR THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS (TDHCA) HOMEOWNER REHABILITATION ASSISTANCE (HRA) HOME INVESTMENTS PARTNERSHIP PROGRAM TO GRANTWORKS AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID CONTRACT.**

**WHEREAS,** The Wharton City Council wishes to enter into a contract for the Grant Management Services for the Texas Department of Housing and Community Affairs (TDHCA) Homeowner Rehabilitation Assistance (HRA) HOME Investments Partnership Program with Grantworks; and,

**WHEREAS,** The City of Wharton and Grantworks 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 said contract.

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

**Section I.** The Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute an agreement with Grantworks for the Texas Department of Housing and Community Affairs (TDHCA) Homeowner Rehabilitation Assistance (HRA) HOME Investments Partnership Program.

**Section II.** The City of Wharton and Grantworks are hereby bound by the conditions as set forth in the contract.

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

City of Wharton  
Regular Council Meeting  
March 27, 2017

**Passed, Approved, and Adopted** this 27<sup>th</sup> day of March 2017.

**CITY OF WHARTON, TEXAS**

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

**ATTEST:**

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

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

The twelfth item on the agenda was to review and consider the update of City of Wharton on-going Projects. City Manager Andres Garza, Jr. presented a copy of his memorandum dated March 23, 2017 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 loan application to the Texas Water Development Board (TWDB) for the first phase of the levee project the application is being prepared by the City Staff. Also, the City Staff will be submitting the project to Texas Water Development Board for the 2017 Program Year under the Clean Water State Revolving Fund for loan forgiveness consideration. The City has also submitted a memorandum of understanding (MOU) to the U.S. Corp of Engineers in order to move the project forward.

**DRAINAGE:**

**1. 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.

**2. Ahldag Ditch Improvement.**

The project was approved by the City Council. Public Works Director is currently working out the details.

**3. On-going Drainage and Maintenance Program.**

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

**4. 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 has been 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 February.

**2. Alabama Street Sewer Line Project.**

The project has been environmentally cleared and the release of funds to move the project forward has been granted. As soon as the clearance is received the project will be advertised for bid.

**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. The project is substantially complete and the clarifier is in service. The City Staff is awaiting the final pay request from B-5 Construction.

**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. TxDOT held the environmental public hearing on February 9, 2017 to comply with federal law. The City is awaiting TxDOT announcement of the project to be funded in Wharton County.

**2. I-69 Project.**

TxDOT held a public hearing on February 9, 2017 regarding the environmental requirements for the project in Wharton County. The City submitted the comments as approved by the City Council.

**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 street reconstruction phase has been completed by the City's Public Works Department. The Old Lane City Overlay Project is scheduled to begin on February 27, 2017 by Cornerstone Paving.

**5. Wharton Sidewalk Accessibility and Historic Streetscape Project.**

M.C. Fonseca Construction has begun the project. Civil Corp submitted the information to TxDOT on the additional work and it has been approved. The sidewalk construction is moving forward and is approximately 90% complete.

**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. The foundation of the hangars have been poured and the hangar has begun to be erected.

After some discussion, no action was taken.

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

- A. Building Standards Commission.
- B. Plumbing and Mechanical Board.

After some discussion, no action was taken.

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

- A. Beautification Commission meeting held on March 8, 2017.

After some discussion, no action was taken.

The fifteenth item on the agenda was to review and consider City Manager's Reports:

- A. City Secretary/Personnel.
- B. Code Enforcement.
- H. Fire Marshall.
- I. Legal Department.

City of Wharton  
Regular Council Meeting  
March 27, 2017

- C. Community Services Department / Civic Center.
- D. Emergency Management.
- E. E.M.S. Department.
- F. Facilities Maintenance Department / Wharton Municipal Pool.
- G. Fire Department.

- J. Municipal Court.
- K. Police Department.
- L. Public Works Department.
- M. Water / Sewer Department.
- N. Weedy Lots / Sign Ordinance.
- O. Wharton Regional Airport.

After some discussion, no action was taken.

The sixteenth 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 7:32 p.m.

**CITY OF WHARTON, TEXAS**

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

**ATTEST:**

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