

**MINUTES
OF
CITY OF WHARTON
SPECIAL CITY COUNCIL MEETING
OCTOBER 2, 2017**

Mayor Tim Barker declared a Special Meeting duly open for the transaction of business at 5:30 P.M.

Councilmembers present were: Mayor Tim Barker and Councilmembers Al Bryant, Terry Freese, Russell Machann and Don Mueller.

Councilmember absent were: Steven Schneider.

Staff members present were: City Manager Andres Garza, Jr., Finance Director Joan Andel, City Secretary Paula Favors, Assistant to the City Manager Brandi Jimenez, Community Development Coordinator Gwyn Teves and Public Works Director Wade Wendt.

Visitors present were: Gary Sistrunk and Evelyn Carriere with the Wharton Journal Spectator.

The second item on the agenda was roll call. After some discussion, Councilmember Don Muller moved to excuse Councilmember Steven Schneider. Councilmember Terry Freese seconded the motion. All voted in favor.

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

The forth item on the agenda was Wharton Moment. Councilmember Don Mueller congratulated the Wharton Rotary Club on a successful 25th Annual Rotary Gala at the Wharton Civic Center on Saturday, September 30th.

The fifth item on the agenda was to review and consider notification to the Wharton City Council of submission of a letter to the USDA Natural Resources Conservation Service a letter requesting Federal Assistance to repair flood damages. City Manager Andres Garza, Jr. presented a letter from staff to Mr. Salvador Salinas, State Conservationist of the USDA Natural Resources Conservation Service requesting Federal Assistance to repair flood damages. City Manager Garza stated that the damage to the natural support around the flood gates and sidewalls of the Santa Fe Ditch on FM 1299 that occurred during the recent flooding is in need of repair and could fall under the authority of the USDA NRCS. After some discussion, no action was taken.

The sixth item on the agenda was to review and consider Pay Request No. 1 and No. 2 from JTM Construction, LLC for the Alabama Sanitary Sewer Project. City Manager Andres Garza, Jr. presented Pay Request No. 1 from JTM Construction, LLC in the amount of \$70,436.79 and Pay Request No. 2 in the amount of \$58,601.61 for the Alabama Sanitary Sewer Project for completed work through 08/31/17 and a 10% retainage reduction. After some discussion, Councilmember Al Bryant moved to approve Pay Request No. 1 from JTM Construction, LLC in the amount of \$70,436.79 and Pay Request No. 2 in

the amount of \$58,601.61 for the Alabama Sanitary Sewer Project for completed work through 08/31/17 and a 10% retainage reduction. Councilmember Don Mueller seconded the motion. All voted in favor.

The seventh item on the agenda to review and consider a Disaster Debris Removal Monitoring Service Contract:

A. Bid Tabulation.

B. **Resolution:** A resolution of the Wharton City Council approving a contract for disaster debris removal monitoring and authorizing the Mayor of the City of Wharton to execute all documents related to said contract and setting an effective date.

City Manager Andres Garza, Jr. stated that on September 7, 2017, the City Staff advertised for bids for Disaster Debris Removal Monitoring and bids for this service were received on September 25, 2017. City Manager Garza said the City Staff reviewed and scored the bids and were recommending the City Council consider approving a contract for disaster debris removal monitoring. Community Development Coordinator Gwyn Teves stated the recommendation was to enter into a contract with Debris Tech for the disaster debris removal monitoring effective October 11, 2017. After some discussion, Councilmember Al Bryant moved to approve City of Wharton Resolution No. 2017-16, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2017 - 96**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING A CONTRACT FOR DISASTER DEBRIS REMOVAL MONITORING AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID CONTRACT AND SETTING AN EFFECTIVE DATE.

WHEREAS, The City of Wharton received sealed bids for Disaster Debris Removal Monitoring; and,

WHEREAS, The Wharton City Council wishes to approve a contract between the City of Wharton and Debris Tech for Disaster Debris Removal Monitoring; and,

WHEREAS, The City of Wharton and Debris Tech wishes to be bound by the conditions as set forth in the agreement.

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

Section I. The Wharton City Council hereby approves a contract between the City of Wharton and Debris Tech for Disaster Debris Removal Monitoring.

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

Section III. The City of Wharton and Debris Tech are hereby bound by the conditions as set forth in the agreement.

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

Passed, Approved, and Adopted this the 2nd day of October 2017.

CITY OF WHARTON

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The eighth item on the agenda to review and consider a Disaster Debris Removal Services Contract:

- A. Bid Tabulation.
- B. **Resolution:** A resolution of the Wharton City Council approving a contract for disaster debris clearance and removal services and authorizing the Mayor of the City of Wharton to execute all documents related to said contract and setting an effective date.

City Manager Andres Garza, Jr. stated that on September 7, 2017, the City Staff advertised for bids for Disaster Debris Removal and bids for this service were received on September 25, 2017. City Manager Garza said the City Staff reviewed and scored the bids and were recommending the City Council consider approving a contract for disaster debris removal service. Community Development Coordinator Gwyn Teves stated the recommendation was to enter into a contract with Ceres Environmental as the primary provider and TFR Enterprises as the secondary provider effective October 11th, 2017. After some discussion, Councilmember Al Bryant moved to approve City of Wharton Resolution No. 2017-91, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2017 - 91**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING A CONTRACT FOR DISASTER DEBRIS CLEARANCE AND REMOVAL SERVICES AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID CONTRACT AND SETTING AN EFFECTIVE DATE.

WHEREAS, The City of Wharton received sealed bids for Disaster Debris Clearance and Removal Services; and,

WHEREAS, The Wharton City Council wishes to approve a contract between the City of Wharton and Ceres Environmental as the primary provider and TFR Enterprises as the secondary provider for Disaster Debris Clearance and Removal Services; and

WHEREAS, The City of Wharton and wishes to be bound by the conditions as set forth in the agreement.

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

Section I. The Wharton City Council hereby approves a contract between the City of Wharton and Ceres Environmental as the primary provider and TFR Enterprises as the secondary provider for Disaster Debris Clearance and Removal Services.

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

Section III. The City of Wharton and Ceres Environmental as the primary provider and TFR Enterprises as the secondary provider are hereby bound by the conditions as set forth in the agreement.

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

Passed, Approved, and Adopted this the 2nd day of October 2017.

CITY OF WHARTON

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The ninth item on the agenda to review and consider a request by Mr. Jeff Rainer, Wharton Chamber of Commerce & Agriculture 2017 Holiday Parade Chairman for the Wharton Holiday Parade for the following:

A. **Ordinance:** An ordinance approving the 2017 Chamber of Commerce & Agriculture Holiday Parade Permit and authorizing the Wharton Police Department to redirect traffic.

B. City of Wharton to provide five (5) portable lights for use during the parade.

City Manager Andres Garza, Jr. presented a copy of the letter dated September 20, 2017 from Mr. Jeff Rainer, Wharton Chamber of Commerce and Agriculture 2017 Parade Chairman requesting City Council's approval of an ordinance authorizing the Police Department to redirect traffic for the 2017 Wharton Holiday Parade. City Manager Garza stated that Mr. Rainer was also requesting City Council's authorization for the assistance of Facilities Director Bob Baker to obtain the five (5) portable lights needed during the parade. He said the parade was scheduled to be held on Tuesday, November 21st at 7:00 PM. After some discussion, Councilmember Russell Machann moved to approve City of Wharton Ordinance No. 2017-13, which read as follows:

**CITY OF WHARTON
ORDINANCE NO. 2017-13**

AN ORDINANCE APPROVING THE 2017 CHAMBER OF COMMERCE & AGRICULTURE HOLIDAY PARADE PERMIT AND AUTHORIZING THE POLICE DEPARTMENT TO REDIRECT TRAFFIC.

WHEREAS, The Wharton Chamber of Commerce and Agriculture has filed an application for a parade permit with the City of Wharton Police Department as required under the City of Wharton Code of Ordinances, Chapter 82, Article III, Sec. 82-91; and,

WHEREAS, The requested parade route requires the City of Wharton to close State Highway 60 (Burlison Street and Milam Street) from its intersection with Alabama Road and Polk Street; and,

WHEREAS, The closure of State Highway 60 will be for a time of less than four (4) hours; and,

WHEREAS, The closure will require the detouring of all traffic according to the map (Attachment A) attached to this ordinance; and,

WHEREAS, The routing of all traffic will include truck traffic to Alabama Road which is prohibited by ordinance; and,

WHEREAS, The City Council wishes to suspend for the duration of the parade the enforcement of said ordinance of trucks traveling on Alabama Road; and,

WHEREAS, If there are any other ordinances that would be violated because of the re-routing of all traffic their suspension is hereby authorized.

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

- Section I.** The parade permit for the Wharton Chamber of Commerce and Agriculture is hereby approved.
- Section II.** The parade route is hereby approved as detailed in the attached map (Attachment A) which is hereby made part of this ordinance.
- Section III.** The closure of all streets as indicated in said map identified in Section II are hereby authorized.
- Section IV.** The traffic detour plan as identified in Section III above is hereby approved.
- Section V.** The Chief of Police and City Staff are hereby authorized to make the necessary expenditures needed to ensure the safety of the public.
- Section VI.** This ordinance shall become effective on the 21st day of November 2017 and remain in effect until such time that the parade concludes.

Passed, Approved and Adopted this 2nd day of October 2017.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST

PAULA FAVORS
City Secretary

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

The tenth item on the agenda was to review and consider a resolution of the Wharton City Council designating a City of Wharton Representative and Alternate to the Houston-Galveston Area Council 2018 General Assembly. City Manager Andres Garza, Jr. presented a copy of the letter dated September 20, 2017 to Mayor Tim Barker from Mr. Jack Steele of the Houston-Galveston Area Council (H-GAC) requesting the City of Wharton to designate a City of Wharton representative, and alternate representative, to the H-GAC 2018 General Assembly. City Manager Garza stated that Councilmember Al Bryant served as the City’s representative for the 2017 General Assembly and Councilmember Russell Machann served as the alternate representative. After some discussion, Councilmember Russell Machann moved to approve City of Wharton Resolution No. 2017-98, which read as follows:

CITY OF WHARTON

RESOLUTION NO. 2017-98

A RESOLUTION DESIGNATING A CITY OF WHARTON REPRESENTATIVE AND ALTERNATE TO THE HOUSTON-GALVESTON AREA COUNCIL 2018 GENERAL ASSEMBLY.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WHARTON, TEXAS that Councilmember Al Bryant be, and is hereby designated as its Representative to the General Assembly of the Houston-Galveston Area Council for the year 2018.

FURTHER, that the Official Alternate authorized to serve as the voting representative should the hereinabove named representative become ineligible, or should he/she resign, is Councilmember Russell Machann.

THAT, the Executive Director of the Houston-Galveston Area Council be notified of the designation of the hereinabove named representative and alternate.

Passed, Approved, and Adopted this 2nd day of October 2017.

CITY OF WHARTON, TEXAS

By:

TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The eleventh item on the agenda was to review and consider 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. M1813WHRT, 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 Andres Garza, Jr. presented the 2018 Routine Airport Maintenance Program (RAMP) Grant for the Wharton Regional Airport. City Manager Garza stated the City of Wharton had participated in the RAMP Program in the past years. After some discussion, Councilmember Russell Machann moved to approve City of Wharton Resolution No. 2017-99, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2017-99**

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. M1813WHRT 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 2018 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 2018 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 2018 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 2nd day of October 2017.

CITY OF WHARTON

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 the cancellation of the October 9, 2017 regular Wharton City Council meeting and moving the meeting to October 16, 2017. City Manager Andres Garza, Jr. stated that due to the lack of a quorum for the October 9, 2017 regular City Council meeting he was requesting the meeting be held on October 16, 2017. After some discussion, Councilmember Don Mueller moved to approve the cancellation of the October 9, 2017 regular Wharton City Council meeting and move the meeting to October 16, 2017 due to the lack of a quorum for the October 9, 2017 regular City Council meeting. Councilmember Al Bryant seconded the motion. All voted in favor.

The thirteenth item on the agenda was to review and consider a request by Christine Stransky of Wharton County Spot for the use of Riverfront Park for its 9th Annual Spot Trot/5K Race. City Manager Andres Garza, Jr. presented a letter from Christine Stransky requesting permission to waive the fee for the use of Riverfront Park. After some discussion, Councilmember Al Bryant moved to approve the request by Christine Stransky of Wharton County Spot for the use of Riverfront Park for its 9th Annual Spot Trot/5K Race and granted waiving the fee for the use of Riverfront Park. Councilmember Terry Freese seconded the motion. All voted in favor.

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

The meeting adjourned at 5:53 p.m.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS

City Secretary