

**MINUTES
OF
CITY OF WHARTON
REGULAR CITY COUNCIL MEETING
MARCH 11, 2019**

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. City Manager Andres Garza, Jr. led the opening devotion and Mayor Tim Barker led the pledge of allegiance.

Councilmember's present were: Mayor Tim Barker and Councilmembers Al Bryant, Terry Freese, Don Mueller, Russell Machann and Steve Schneider.

Councilmember absent was: Alice Heard-Roberts.

Staff members present were: City Manager Andres Garza, Jr, Finance Director Joan Anandel, City Secretary Paula Favors, TRMC, CPM, Interim Public Works Director Robert Ewart and Emergency Management Coordinator Steve Johnson.

Visitors present were: Albert Villegas with the Wharton Journal Spectator.

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

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

The fourth item on the agenda was the Wharton Moment. Councilmember Steve Schneider congratulated the Wharton High School Varsity Softball on their conference game win over Royal (Brookshire) by a score of 19-0. Councilmember Don Mueller congratulated the Wharton High School Tennis Team on their win in the Elite Eight Tournament. Councilmember Russell Machann thanked the Wharton Police Department for their Citizen's Police Academy being a great program that outlines what goes on department.

The fifth item on the agenda was to review and consider reading of the minutes from regular meetings held February 11, 2019 and February 25, 2019. City Manager Andres Garza, Jr. presented a draft copy of the minutes from the regular meetings on February 11, 2019 and February 25, 2019. After some discussion, Councilmember Al Bryant moved to approve the reading of the minutes from the regular meetings held on February 11, 2019 and February 25, 2019. Councilmember Steve Schneider seconded the motion. All voted in favor.

The sixth item on the agenda was to review and consider an ordinance approving an amendment to the City of Wharton Budget October 1, 2017 – September 30, 2018. Finance Director Joan Anandel presented the City of Wharton Budget Adjustments for fiscal year October 1, 2017 through September 30, 2018. Mrs. Anandel stated the City Council Finance Committee met on Monday, March 11, 2019 and were recommending the City Council consider approving the

amendments as presented. After some discussion, Councilmember Russell Machann moved to approve City of Wharton Ordinance No. 2019-11, which read as follows:

**CITY OF WHARTON, TEXAS
ORDINANCE NO. 2019-11**

**AN ORDINANCE APPROVING AMENDMENTS TO
THE CITY OF WHARTON, TEXAS, BUDGET FOR
THE 2018-2019 FISCAL YEAR.**

WHEREAS, The City Council of the City of Wharton, Texas finds and determines it necessary to revise the 2018-2019 budget to better reflect actual revenues and expenditures in operations and activities during the fiscal year; and,

WHEREAS, The City Council finds and determines that these amendments to the budget are for municipal purposes.

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Wharton, Texas that the 2018-2019 Budget be amended as per Attachment "A;" and is adopted by the following favorable majority of votes of the members of the City Council of the City of Wharton, Texas in a duly assembled city council meeting by the following majority:

Al Bryant Councilmember District No. 1	Voted	Yes	Steven Schneider Councilmember District No. 2	Voted	Yes
Terry Freese Councilmember District No. 3	Voted	Yes	Donald Mueller Councilmember District No.4	Voted	Yes
Russell Machann Councilmember at Large No. 5	Voted	Yes	Alice Heard- Roberts Councilmember at Large No. 6	Voted	Absent
Tim Barker Mayor	Voted	Yes			

Separability

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

Passage and Approval

PASSED AND APPROVED by the City Council of the City of Wharton, Texas, this 11th day of March 2019.

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

APPROVED AS TO FORM:

ADMISSION:

PAUL WEBB
City Attorney

JOAN ANDEL
Director of Finance

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 authorizing the submission of a grant application to the Office of the Governor for the Internet Connectivity for the Mobile Response Trailer and authorizing the Mayor of the City of Wharton to execute all documents related to said submission. City Manager Andres Garza, Jr. presented a memorandum to him from Emergency Management Coordinator Steve Johnson regarding the submission of a grant application to the Office of the Governor for the Internet Connectivity for the Mobile Response Trailer. Emergency Management Coordinator Johnson stated the grant would provide a satellite dish for internet service for the Mobile Response Trailer and there would not be a match of funds required. After some discussion, Councilmember Al Bryant moved to approve City of Wharton Resolution No. 2019-18, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2019-27**

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE OFFICE OF THE GOVERNOR FOR THE INTERNET CONNECTIVITY FOR THE MOBILE RESPONSE TRAILER AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID SUBMISSION.

WHEREAS, The City of Wharton finds it in the best interest of the citizens of City of Wharton that the Internet Connectivity for Mobile Response Trailer be operational for the year 2019; and,

WHEREAS, The City of Wharton wishes to submit a grant application to the Office of the Governor for internet connectivity for the Mobile Response Trailer; and,

WHEREAS, The City of Wharton agrees to provide applicable matching funds for the said project as required by the Homeland Security Grant Program (HSGP) grant application; and,

WHEREAS, The City of Wharton agrees that in the event of loss or misuse of the Office of the Governor funds, that the City of Wharton assures that the funds will be returned to the Office of the Governor in full; and,

WHEREAS, The City of Wharton designates Tim Barker, Mayor of the City of Wharton, as the grantee's authorized official. The authorized official is given the power to accept, reject, alter or terminate the grant on behalf of the applicant agency.

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 the submission of a grant application to the Office of the Governor for internet connectivity for the Mobile Response Trailer.

Section II. That the Wharton City Council designates Tim Barker, Mayor of the City of Wharton, as the grantee's authorized official. The authorized official is given the power to accept, reject, alter or terminate the grant on behalf of the applicant agency.

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

Passed, Approved, and Adopted this 11th day of March 2019.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS

City Secretary

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

The eighth item on the agenda was to review and consider a resolution of the Wharton City Council approving an agreement for Medical Director Services between Memorial Hermann Medical Group and the City of Wharton and authorizing the Mayor of the City of Wharton to execute the agreement on behalf of the City. City Manager Andres Garza, Jr. presented a copy of the draft agreement and resolution for Medical Director Services between the City of Wharton and Memorial Hermann Medical Group. City Manager Garza stated the Group would re-assign Dr. Jeff Gubbels to be the physician to provide service and the current contract expired on May 1, 2019 with the proposed agreement being for a two year period beginning May 1, 2019 and ending on April 30, 2021 in which the terms of the contract were the same as the existing contract. After some discussion, Councilmember Al Bryant moved to approve City of Wharton Resolution No. 2019-28, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2019-28**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AN AGREEMENT FOR MEDICAL DIRECTOR SERVICES BETWEEN MEMORIAL HERMANN MEDICAL GROUP AND THE CITY OF WHARTON AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY.

- WHEREAS,** The City of Wharton wishes to authorize the Mayor of the City of Wharton to execute an agreement between Memorial Hermann Medical Group and the City of Wharton for Medical Director Services for the Emergency Medical Service (EMS) Department; and,
- WHEREAS,** The City of Wharton and Memorial Hermann Medical Group wishes to be bound by the conditions as set forth in the agreement; and,
- WHEREAS,** The Wharton City Council and Memorial Hermann Medical Group wishes the agreement to become effective on May 1, 2019; and,
- WHEREAS,** The Wharton City Council wishes this resolution to become effective immediately upon its passage.

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, on behalf of the City of Wharton, the Medical Director Services Agreement with Memorial Hermann Medical Group for the City of Wharton Emergency Medical Services (EMS) Program.

Section II. That the City of Wharton and Memorial Hermann Medical Group are hereby bound by the conditions as set forth in the agreement which shall commence on May 1, 2019 and expire on April 30, 2021.

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

Passed, Approved, and Adopted this 11th day of March 2019.

CITY OF WHARTON, TEXAS

By: _____

TIM BARKER

Mayor

ATTEST:

PAULA FAVORS

City Secretary

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

The ninth item on the agenda was to review and consider a resolution of the Wharton City Council approving the City of Wharton 2019 City Street Improvements Project and authorizing the City Staff to fully implement said project. City Manager Andres Garza, Jr. stated the Public Works Committee met on March 7, 2019 and were recommending the approval of the City of Wharton 2019 Street Improvement Project. City Manager Garza said the street improvements being proposed could be accomplished with existing funds available. After some discussion, Councilmember Al Bryant moved to approve City of Wharton Resolution No. 2019-29, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2019-29**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING THE CITY OF WHARTON 2019 STREET IMPROVEMENT PROJECT AND AUTHORIZE THE CITY STAFF TO FULLY IMPLEMENT SAID PROJECT.

WHEREAS, The Wharton City Council wishes to approve the 2019 Street Improvement Project as presented by staff; and,

WHEREAS, The Wharton City Council wishes to authorize the City Staff of the City of Wharton to fully implement said project.

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 Staff of the City of Wharton, Texas, to fully implement said project for the City of Wharton 2019 Street Improvement Project.

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

Passed, Approved, and Adopted this 11th day of March 2019.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

Councilmember Terry Freese 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 approving a Marketing Agreement between the City of Wharton and Utility Service Partners Private Label, Inc. d/b/a Service Line Warranties of America and authorizing the Mayor of the City of Wharton to execute all documents related to said agreement. City Manager Andres Garza, Jr. stated that on February 11, 2019, the City Staff met with National League of Cities regarding a Utility Service Line Warranty Program. City Manager Garza said the program would allow for the City to use the market agreement to offer Residential Property Owners the opportunity to purchase a service line warranty and the terms of the agreement would be for three (3) years and automatically renew for additional one (1) year terms unless one of the parties gives the other written notice at least ninety (90) days prior to end of the Term or of a Renewal Term. He said the City Council Public Works Committee met on February 21, 2019 and voted to recommend this item to the Council for consideration. After some discussion, Councilmember Al Bryant moved to deny the Marketing Agreement between the City of Wharton and Utility Service Partners Private Label, Inc. d/b/a Service Line Warranties of America and authorizing the Mayor of the City of Wharton to execute all documents related to said agreement. Councilmember Don Mueller seconded the motion. All voted in favor.

The eleventh item on the agenda was to review and consider a resolution authorizing the City Manager of the City of Wharton, Wharton County, Texas to execute an extension of an agreement with Ricoh USA, Inc. for photocopiers. City Manager Andres Garza, Jr. presented a memorandum to him from City Secretary Paula Favors for an extension of the Ricoh USA, Inc. for the City of Wharton's photocopiers. Mrs. Favors stated the lease agreement would provide all new photocopiers to the City facilities and remain the same monthly cost that was

currently paid with the exception of an upgraded color copier at the Public Works Building. She stated City Attorney Paul Webb had reviewed the contract and was requesting the City Council consider approving the lease agreement. After some discussion, Councilmember Al Bryant moved to approve City of Wharton Resolution No. 2019-30, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2019 – 30**

A RESOLUTION AUTHORIZING THE CITY MANAGER OF THE CITY OF WHARTON, WHARTON COUNTY, TEXAS TO EXECUTE AN EXTENSION OF AN AGREEMENT WITH RICOH USA, INC. FOR PHOTOCOPIERS.

WHEREAS, The City of Wharton City Council hereby authorizes the City Manager of the City of Wharton to execute an agreement with Ricoh USA, Inc. for photocopiers; and,

WHEREAS, The City of Wharton and Ricoh USA, Inc. hereby agrees 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. That the City Council of the City of Wharton hereby authorizes the City Manager of the City of Wharton to execute an agreement with Ricoh USA, Inc.

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

Passed, Approved, and Adopted this 11th day of March 2019.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The twelfth item on the agenda was to review and consider the Linwood/Crestmont Curb Repair Project:

A. Pay Request No. 1 and Pay Request No. 2 from HTI Construction Inc. for the Linwood/Crestmont Curb Repair Project.

City Manager Andres Garza, Jr. presented Pay Request No. 1 in the amount of \$56,529.00 and Pay Request No. 2 in the amount of \$28,989.00 from HTI Construction Inc. for the Linwood/Crestmont Curb Repair Project. After some discussion, Councilmember Al Bryant moved to approve the Linwood/Crestmont Curb Repair Project Pay Request No. 1 in the amount of \$56,529.00 and Pay Request No. 2 in the amount of \$28,989.00 from HTI Construction Inc. Councilmember Terry Freese seconded the motion. All voted favor.

The thirteenth item on the agenda was to review and consider the Wharton Economic Development Corporation Fiscal Year 2018-2019 Budget Amendment. City Manager Andres Garza, Jr. presented the Wharton Economic Development Corporation Fiscal Year 2018-2019 Budget Amendment. After some discussion, Councilmember Al Bryant moved to approve the Wharton Economic Development Corporation Fiscal Year 2018-2019 Budget Amendment. Councilmember Steve Schneider seconded the motion. All voted in favor.

The fourteenth item discussed on the agenda was to review and consider appointments & resignations to the City of Wharton Boards, Commissions and Committees:

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

After some discussion, no action was taken.

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

- A. Public Works Committee meeting held February 21, 2019.
- B. Finance Committee meeting held February 25, 2019.
- C. Airport Board meeting held March 5, 2019.

After some discussion, no action was taken.

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

The meeting adjourned at 7:28 p.m.

Wharton City Council Regular Meeting
March 11, 2019

By: Tim Barker
Tim Barker
Mayor

ATTEST:

Paula Favors
Paula Favors
City Secretary

