

**MINUTES
OF
CITY OF WHARTON
REGULAR CITY COUNCIL MEETING
MAY 23, 2016**

Mayor Elect 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. Rev. Debbie Cenko of Frist Presbyterian Church led the opening devotion and Mayor Elect Barker led the pledge of allegiance.

Councilmember's present were: Mayor Tim Barker and Councilmembers Al Bryant, Vincent Huerta, Don Mueller, Russell Machann 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, Public Works Director Wade Wendt, Police Chief Terry David Lynch, Detective Jason Barker and City Attorney Paul Webb.

Visitors present were: David Schroeder, Executive Director with Wharton Economic Development Corporation (WEDCo), Carol Lynch, Debbie Cenko, Pam Barker, Sarah Barker, Jill Barker-Young, Jarett Barker, Blake Boenisch, Tyson Barker, Billie Barker, Patsy Womack, Pat Pekar, Paige Davis, Bailey Davis, Freddie Pekar, Bobby Barnett, James Perez, Rob Reyes, Caroline Wagner, I.O. Coleman, Jr., Carolyn Wooten, Harry Priesmeyer, Mike Synder, and Evelyn Carriere with the Wharton Journal Spectator.

The second item on the agenda was to administer the Oath of Office to Elected Officials Mayor Tim Barker and Councilmembers Steve Schneider, Don Mueller and Vincent Huerta. City Attorney Paul Webb administered the oaths of office to Mayor Tim Barker and Councilmembers Steve Schneider, Don Mueller and Vincent Huerta.

The third item on the agenda appointment of Mayor Pro-Tem. After some discussion, Councilmember Russell Machann moved to appoint Councilmember Don Mueller as Mayor Pro-Tem. Councilmember Vincent Huerta seconded the motion. All voted in favor.

The fourth item on the agenda was to review and consider Vacancy – City of Wharton Councilmember District 3 Position. Mayor Tim Barker stated he would present a candidate

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for the vacant Councilmember District 3 Position at the next regular City Council meeting. After some discussion, no action was taken.

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

The sixth item on the agenda was Public Comments. No public comments were given.

The seventh item on the agenda was the Wharton Moment. Councilmember Russell Machann stated that the Freedom Fest Festival went well even with a little rain and that there was a great turn out. Councilmember Machann for everyone's support of the event. Mayor Tim Barker thanked residents for their support of him and stated he looked forward to the future.

The eighth item on the agenda was to review and consider City of Wharton Financial Report for the month of April 2016. Finance Director Joan Andel presented the financial report for the month of April 2016. Mrs. Andel stated that the TexPool balance for April as \$131,603.07 with an average monthly yield of .34%. She said the Prosperity Bank balance for April 2016 was \$9,835,613.17 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 April 2016. Councilmember Steve Schneider seconded the motion. All voted in favor.

The ninth item on the agenda was to review and consider a request from the 4th of July Party Committee for the closure of Fulton Street between Burluson and Milam for Saturday July 2. City Manager Andres Garza, Jr. presented a request from the 4th of July Party Committee submitted by Ms. Carolyn Wagner for an event to be held downtown by the Committee. Ms. Carolyn Wagner stated that she, Wolff Pac and Attorney James Perez wanted to host an event for the 4th of July which would require the closure of Fulton Street between Burluson and Milam for Saturday July 2. After some discussion, Councilmember Russell Machann moved to approve the request from the 4th of July Party Committee for the closure of Fulton Street between Burluson and denied request to provide security. Councilmember Al Bryant seconded the motion. All voted in favor.

The tenth item on the agenda was to review and consider City of Wharton Signatories:

- A. Resolution:** A resolution authorizing signators on the City's bank depository contract with Prosperity Bank.
- B. Resolution:** A resolution authorizing signators on the City's Texas Local Government Investment Pool (TEXPOOL) accounts.

Finance Director Joan Andel stated the City of Wharton Signatories needed to be updated to include Mayor Tim Barker as an authorized signatory on the City of Wharton accounts.

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After some discussion, Councilmember Russell Machann moved to approve City of Wharton Resolutions 2016-33 and 2016-34, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2016-33**

Resolved that the City Council of the City of Wharton, Texas hereby authorizes the following officers of the City of Wharton to the City's bank depository contract with Prosperity Bank:

1. Andres Garza, Jr., City Manager _____
Signature

2. Joan Andel, Finance Director _____
Signature

3. Tim Barker, Mayor _____
Signature

Each disbursement of funds from any City of Wharton account with Prosperity Bank shall require any two original signatures.

That effective May 23, 2016, the above listed City officials are the authorized signators to the City of Wharton's accounts.

That this resolution shall become effective May 23, 2016.

PASSED AND APPROVED by the City Council of the City of Wharton, Texas this 23rd day of May 2016.

CITY OF WHARTON

By: _____
TIM BARKER
Mayor

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ATTEST:

PAULA FAVORS
City Secretary

**CITY OF WHARTON
RESOLUTION NO. 2016-34**

WHEREAS, The City Council of the City of Wharton, Texas (the "Participant") is a local government of the State of Texas and is empowered to delegate to a public funds investments pool the authority to invest funds, to act as a custodian of investments purchased with local investment funds; and,

WHEREAS, It is in the best interest of the Participant to invest local funds in investments that provide for the preservation and safety of principal, liquidity, and yield consistent with the Public Funds Investment Act; and,

WHEREAS, The Texas Local Government Investment Pool ("TEXPOOL"), a public funds investment pool, was created on behalf of entities whose investment objective in order of priority are preservation and safety of principal, liquidity, and yield consistent with the Public Funds Investment Act.

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

Section I. That the individuals, whose signatures appear below, are authorized representative of the Participant and are each hereby authorized to transmit funds for investment in TexPool and are each further authorized to withdraw funds from time to time, to issue letters of instruction, and to take all other actions deemed necessary or appropriate for the investment of local funds.

List of the authorized representatives of the Participant. These individuals will be issued P.I.N. numbers.

1. Name: **Tim Barker** Title: **Mayor**

Signature _____

2. Name: **Andres Garza, Jr.** Title: **City Manager**

Signature _____

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3. Name: **Joan Anandel**

Title: **Finance Director**

Signature _____

List the name of the Authorized Representative listed above that will have primary responsibility for performing transactions and receiving confirmations and monthly statements under the Participation Agreement.

Name: Joan Anandel

Section II. That this resolution shall hereby become effective May 23, 2016 and its authorization shall continue in full force and effect until amended or revoked by the Participant, and until TexPool receives a copy of any such amendments or revocation.

Passed, Approved, and Adopted this 23rd day of May 2016.

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 a resolution of the Wharton City Council appointing the Labor Standards Officer for the City of Wharton and authorizing the Mayor of the City of Wharton to execute all documents related to said appointment. City Manager Andres Garza, Jr. stated that the City of Wharton must have a Labor Standard Officer for any project funded by state or federal funds and the City was currently undertaking the TxDOT Sidewalk Project which would require the compliance with labor standards. City Manager Garza said the City Council approved a contract with Grantworks for the administration of the project therefore the City was requesting the appointment of Ms. Emily Phalan of Grantworks as the Labor Standards Officer. After

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some discussion, Councilmember Don Mueller moved to approve City of Wharton Resolution No. 2016-35, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2016-35**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPOINTING THE LABOR STANDARDS OFFICER FOR THE CITY OF WHARTON AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID APPOINTMENT.

WHEREAS, In accordance with contract requirements, the Wharton City Council wishes to appoint a Labor Standards Officer; and,

WHEREAS, The Wharton City Council wishes to appoint Ms. Emily Phalan of Grantworks as the Labor Standards Officer for the City of Wharton.

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

Section I. The Wharton City Council wishes to appoint Ms. Emily Phalan of Grantworks as the Labor Standards Officer for the City of Wharton.

Section II. This resolution shall become effective immediately upon its passage.

PASSED, APPROVED, AND ADOPTED this 23rd day of May 2016.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

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The twelfth item on the agenda was to review and consider City of Wharton Water Well Construction Project:

A. **Resolution:** A resolution of the Wharton City Council approving the submittal of the Special Evaluation Assistance for Rural Communities and Households Grant application to the United States Department of Agriculture (USDA) and authorizing the Mayor of the City of Wharton to execute all documents relating to said application.

B. Authorization for the City Staff to solicit Statements of Qualifications for engineering and environmental services necessary for the submittal of an application to the USDA Water System Grant/Loan Program.

City Manager Andres Garza, Jr. stated that on May 2, 2016, he visited with Mr. Michael Canales representative of the USDA in Temple Texas to discuss the City's interest in their water and wastewater disposal grant/loan program. City Manager Garza said that Mr. Canales advised him that if the City was going to apply for a grant/loan for a water well, that the application needed to contain a preliminary engineering report (PER) and an environmental report (ER) and that the PER and ER would have to be upfront costs to the City. He said Mr. Canales indicated the USDA had a grant program that could provide up to \$30,000.00 towards those costs and it was on a competitive basis. City Manager Garza said that the City Staff was requesting City Councils approval for submittal of the grant application and also requesting authorization to solicit for engineering and environmental services for the preparation of the PER and ER for the grant application. After some discussion, Councilmember Vincent Huerta moved to approve authorization for the City Staff to solicit Statements of Qualifications for engineering and environmental services necessary for the submittal of an application to the USDA Water System Grant/Loan Program. Councilmember Don Mueller seconded the motion. All voted in favor.

The thirteenth item on the agenda was to review and consider the Wharton Regional Airport-New Hangar Project. City Manager Andres Garza, Jr. stated that the Wharton Regional Airport Board met on May 3, 2016 and voted to recommend to the City Council the construction of 8 box hangars. City Manager Garza presented a memo from Airport Manager David Allen regarding the new hangars. After some discussion, Councilmember Don Mueller moved to approve the Wharton Regional Airport-New Hangar Project for the construction of 8 box hangars. Councilmember Russell Machann seconded the motion. All voted in favor.

The fourteenth item on the agenda was to review and consider Wastewater Treatment Plant No. 1 Improvements for the City of Wharton:

A. Request Payment No. 7 from B-5 Construction.

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City Manager Andres Garza, Jr. presented a copy of the pay request No. 7 from B-5 Construction for the Wastewater Treatment Plant No. 1 Improvement Project in the amount of \$432,950.63 and the Construction Progress Report No. 7 that covered construction for the period of April 1, 2016 to April 30, 2016. Mr. Carlos Cotton, P.E. with Jones and Carter, Inc. stated the project was 70% complete and ahead of schedule. After some discussion, Councilmember Al Bryant moved to approve pay request No. 7 from B-5 Construction for the Wastewater Treatment Plant No. 1 Improvement Project in the amount of \$432,950.63. Councilmember Vincent Huerta seconded the motion. All voted in favor.

The fifteenth item on the agenda was Executive Session: City Council may adjourn into an Executive Session in accordance with Section 551.071 and 551.087 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.

- A. **Discussion:** Crystal Bailey vs: B.R. Williams Trucking, Inc., Francis Lee Beasley, and the City of Wharton.
- B. **Discussion:** Economic development negotiations with a business regarding the local hospital.

Mayor Tim Barker moved the meeting into closed session at 7:30 p.m.

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

- A. **Discussion:** Crystal Bailey vs: B.R. Williams Trucking, Inc., Francis Lee Beasley, and the City of Wharton.
- B. **Discussion:** Economic development negotiations with a business regarding the local hospital.

Mayor Tim Barker returned the meeting to open session at 7:50 p.m. Mayor Barker stated that information only was received on item B. After some discussion, Councilmember Al Bryant moved to authorize City Attorney Paul Webb to settle the claim from Crystal Bailey vs: B.R. Williams Trucking, Inc., Francis Lee Beasley, and the City of Wharton. Councilmember Russell Machann seconded the motion. All voted in favor.

The seventeenth 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 May 17, 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>.

On December 14, 2015, the City Council authorized the Wharton Levee Sump Study with Halff and Associates to determine what components of the Wharton Flood Reduction Project (Levee Project) could be undertaken to move this project forward. The City Staff met with Mr. Levi Hein P.E. of Halff and Associates Fort Worth Office to kick-off the study. The firm will be meeting with the City Council Public Works Committee to discuss the options that have been determined. A final report and presentation is tentatively scheduled for the June 26, 2016 City Council Meeting. Also, the City Council authorized the submission of a Clean Water Project Information Form (CWPIF) to the Texas Water Development Board for some possible funding. The City Staff is expecting a response by early July 2016.

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 is being developed by Schibe Engineering.

WATER/SEWER IMPROVEMENTS:

1. On-going Water and Sewer Maintenance Program.

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

2. Alabama Street Sewer Line Project.

After the bid was rejected as a combined project, the City Staff proposed to submit to the Texas Department of Agriculture for the 2015-2016 Texas Community Development Block Grant for funding of the Rust 2, 3 and 4 Addition sewer lines along with lateral lines.

The application was submitted prior to the application deadline. The City Staff is waiting for a decision on this application. An announcement is expected by early summer. The preliminary scoring indicated the project would not be funded, however the final review is being conducted by the state.

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. The City Council Public Works Committee attended the TxDOT Transportation Improvement Plan (TIP) Public Meeting in El Campo on May 5, 2016.

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 is prepared to begin the 2016 Street Improvement Program pending good weather to start construction.

5. Wharton Sidewalk Accessibility and Historic Streetscape Project.

At the March 28, 2016 City Council meeting an agreement with Fonseca Construction was approved pending concurrence with TxDOT. All

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information was submitted to TxDOT, the City is awaiting their response to complete the execution of the construction contract.

WHARTON REGIONAL AIRPORT

1. Hangar Construction Project.

The City Staff is working with Strand Engineering on the construction of the City hangar. The Wharton Regional Airport Board has developed their recommendation on the type of hangar to be constructed.

After some discussion, no action was taken.

The eighteenth item on the agenda was to review appointments to the City of Wharton Boards, Commissions and Committees:

- A. Building Standards Commission.

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

- A. Wharton Economic Development Corporation meeting held May 16, 2016.

After some discussion, no action was taken.

The twentieth item on the agenda was City Manager's Reports:

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

After some discussion, no action was taken.

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

The meeting adjourned at 7:52 p.m.

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CITY OF WHARTON, TEXAS

By: _____
Tim Barker
Mayor

ATTEST:

Paula Favors
City Secretary