

**MINUTES
OF
CITY OF WHARTON
REGULAR CITY COUNCIL MEETING
JULY 25, 2016**

Mayor Tim Barker declared a Regular Meeting duly open for the transaction of business at 7:00 P.M at City Hall 120 E. Caney Street Wharton, TX. Brother Tony Wishert of First Baptist Church led the opening devotion and Mayor 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 Anandel, City Secretary Paula Favors, TRMC, Assistant to the City Manager Brandi Jimenez, Public Works Director Wade Wendt, Police Chief Terry David Lynch, Police Lieutenant Ben Guanajuato, Detective Jared Cullar, Detective Sergeant Ben Evans, Corporal James Watson, Assistant to Building Official Gwyn Laney, Sergeant Vincent Valdez, Detective Jason Barker, Communications Supervisor Sergeant Donna Guanajuato, Patrol Officer Luis Moreno, Jr., Corporal April Morales, Emergency Management Coordinator Steve Johnson, Patrol Officer Adam Howell, Telecommunicator Stephanie LaPoma, Sergeant Justin Moran, Corporal Tammy Harvey, Record Clerk Mandy Barnett, Patrol Officer Brandon Godfrey, Patrol Officer Alex Rivera, Telecommunicator Dayna Zahradnik, and City Attorney Paul Webb.

Visitors present were: Mary A. Barnes, Pam Barker, John Kieler, Charlotte Bess, Latisha Humphries-Robles, Eduvina "Winnie" Huerta, Gretchen White, David Schroeder, Executive Director with Wharton Economic Development Corporation (WEDCo), Carlos Cotton, P.E. with Jones and Carter, Inc. and Evelyn Carriere with the Wharton Journal Spectator.

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

City of Wharton
Regular Council Meeting
July 25, 2016

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

The fourth item on the agenda was the Wharton Moment. Councilmember Vincent Huerta stated that he along with several other City of Wharton Councilmembers and staff attended a meeting held by the Lower Colorado River Authority (LCRA) in Austin on Wednesday, July 20, 2016. Councilmember Huerta explained that a lot was gained in knowledge and understating on how the dam system works and how it effects the residents of the City of Wharton.

The fifth item on the agenda as a proclamation recognizing Law Enforcement and the Wharton Police Department. Mayor Tim Barker read the Proclamation as follows:

**CITY OF WHARTON
OFFICE OF THE MAYOR**

Proclamation

“Honoring Law Enforcement”

- Whereas,** There are approximately 900,000 law enforcement officers serving communities across the United States, including the dedicated members of the Wharton Police Department; and,
- Whereas,** Nationally there were 130 line of duty law enforcement deaths in 2015 and there have been 67 deaths so far in 2016; and,
- Whereas,** Since the first recorded death in 1791, more than 20,000 law enforcement officers in the United States have made the ultimate sacrifice and have been killed in the line of duty; and,
- Whereas,** The City Council of the City of Wharton wishes to offer its condolences and its support to all the departments who have experienced loss of life and the impact these events have had on the families of those lost and injured; and,
- Whereas,** At the Monday, July 25, 2016, City of Wharton City Council meeting, the City Council and the Wharton Police Department will observe a moment of silence, in honor of all fallen officers and their families; and,
- Whereas,** The City of Wharton wishes to recognize and honor the hard work, dedication and risk taken by the men and women of the Wharton Police Department as well as law enforcement across the country.

City of Wharton
Regular Council Meeting
July 25, 2016

Now, Therefore, I, Tim Barker, by the authority vested in me as Mayor of the City of Wharton, Texas, do hereby proclaim this 25th of July 2016 as

“Honoring Law Enforcement Day”

in the City of Wharton, Texas.

IN WITNESS THEREOF, I have set my hand and caused the seal of the City of Wharton to be affixed this 25th day of July, in the year of our Lord two thousand sixteen A.D.

Tim Barker
Mayor, City of Wharton

The sixth item on the agenda was to review and consider Councilmember Position 3:

- A. Appointment to the City of Wharton City Council Councilmember District 3.
- B. Oath of Office for newly appointed Councilmember.

City Manager Andres Garza, Jr. stated that with the vacancy left when Mayor Tim Barker was elected Mayor, the City Council could appoint an individual to fill the vacancy in accordance with Section 39 of the City Charter. After some discussion, Councilmember Al Bryant moved to appoint Mr. Terry Freese to the City of Wharton City Councilmember Position 3 for the remainder of the unexpired term. Councilmember Russell seconded the motion. All voted in favor. City Attorney Paul Webb administered the oath of office to newly appointed Councilmember Terry Freese.

The seventh item on the agenda was to review and consider City of Wharton Financial Report for the month of June 2016. Finance Director Joan Andel presented the financial report for the month of June 2016. Mrs. Andel stated that the TexPool balance for June as \$131,679.72 with an average monthly yield of .36%. She said the Prosperity Bank balance for June 2016 was \$7,682,118.90 with an average monthly yield of .15%. After some discussion, Councilmember Russell Machann moved to approve the City of Wharton Financial Report for the month of June 2016. Councilmember Don Mueller seconded the motion. All voted in favor.

The eighth item on the agenda was to review and consider a request by Ms. Mary Barnes regarding the status of flood prevention on the Westside of Wharton. City Manager Andres Garza, Jr. presented an email from Ms. Mary Barnes regarding the status of flood prevention on the Westside of Wharton. Ms. Barnes addressed the City Council requesting the status of the City's progress with a Flood Reduction Project. City Manager Garza

City of Wharton
Regular Council Meeting
July 25, 2016

stated that several options were being looked into with one being a grant from FEMA, HUD and USDA that could allow for buyouts, home elevations or relocations. He said the City would have to apply and that it was not guaranteed to receive funding but would compete with other affected communities. After some discussion, no action was taken.

The ninth item on the agenda was to review and consider a request by Dr. David Tripulas and Dr. John Kieler in the interest of T-K Enterprise, 1335 N. Alabama Rd., Wm. Kincheloe, Block 66, Lots 2A, 3, 4A for a setback variance to replace existing storage building with larger 8' by 8' storage building 4' from rear property line and 10' from side property line. City Manager Andres Garza, Jr. stated that the current setback requirement for commercial property is a minimum rear setback of 10' and a minimum interior side setback of 20' abutting residential property per City ordinance which would result in a 6' variance on the rear setback and a 10' variance on the interior setback. City Manager Garza presented a request by Dr. David Tripulas and Dr. John Kieler in the interest of T-K Enterprise, 1335 N. Alabama Rd., Wm. Kincheloe, Block 66, Lots 2A, 3, 4A for a setback variance to replace existing storage building with larger 8' by 8' storage building 4' from rear property line and 10' from side property line. Assistant to the Building Official Gwyn Laney stated that the setback requirement for commercial property was a minimum rear setback of 10' and a minimum interior side setback of 20' abutting residential property per City ordinance which resulted in a 6' variance on the rear setback and a 10' variance on the interior setback. After some discussion, Councilmember Russell Machann moved to approve the request by Dr. David Tripulas and Dr. John Kieler in the interest of T-K Enterprise, 1335 N. Alabama Rd., Wm. Kincheloe, Block 66, Lots 2A, 3, 4A for a setback variance to replace existing storage building with larger 8' by 8' storage building 4' from rear property line and 10' from side property line. Councilmember Al Bryant seconded the motion. All voted in favor.

The tenth item on the agenda was to review and consider a request by the Planning Commission for the approval of a Preliminary/Final Re-Plat of Lake Nett Subdivision, Lots 39, 40 & 40A due to revision of property lines/ownership by Mr. Roy Wright & Mr. & Mrs. Ronald Ondrias. Assistant to the Building Official Gwyn Laney stated that the request by Mr. Roy Wright & Mr. & Mrs. Ronald Ondrias for approval of a Preliminary/Final Re-Plat of Lake Nett Subdivision, Lots 39, 40 & 40A was due to revision of property lines/ownership. Mrs. Laney said the Planning Commission approved the request and was referring the item to City Council for a final decision. After some discussion, Councilmember Al Bryant moved to approve the request by the Planning Commission for the approval of a Preliminary/Final Re-Plat of Lake Nett Subdivision, Lots 39, 40 & 40A due to revision of property lines/ownership by Mr. Roy Wright & Mr. & Mrs. Ronald Ondrias. Councilmember Don Mueller seconded the motion. All voted in favor.

The eleventh item on the agenda was to review and consider the Mahan/Kinkaid/Delmas Street Drainage Project. City Manager Andres Garza, Jr. stated that the City Staff had been

City of Wharton
Regular Council Meeting
July 25, 2016

working with Eric Schibe of Schibe Engineering on a drainage plan for the Mahan/Kinkaid/Delmas Street areas. City Manager Garza said that on July 21, 2016 the City Council Public Works Committee meet and were recommending moving forward with the preliminary design for the area and begin to secure easements. After some discussion, Councilmember Al Bryant moved to approve moving forward with the preliminary design for the Mahan/Kinkaid/Delmas Street Drainage Project and begin to secure easements. Councilmember Russell Machann seconded the motion. All voted in favor.

The twelfth item on the agenda was to review and consider a request by Ms. Latisha Humphres-Robles for dirt. City Manager Andres Garza, Jr. presented an email from Ms. Latisha Humphres-Robles requesting a truck load of dirt. Ms. Humphres-Robles stated that when the area around her home received rain it floods in a circle around her home. Ms. Humphres-Robles requested dirt from the City that she would be able to spread around her home to help with the issue. City Manager Andres Garza, Jr. stated that ditches would be dug out on Mahan Street in the coming weeks and dirt could be given to Ms. Humphres-Robles from the project. After some discussion, Councilmember Russell Machann moved to approve the request by Ms. Latisha Humphres-Robles for dirt. Councilmember Vincent Huerta seconded the motion. Councilmember Steve Schneider, Councilmember Terry Freese, Councilmember Russell Machann, Councilmember Don Mueller and Councilmember Vincent Huerta voted for the motion. Councilmember Al Bryant voted against the motion. The motion carried.

The thirteenth item on the agenda was to review and consider City Manager Travel Reimbursement. City Manager Andres Garza, Jr. presented his request for travel reimbursement. After some discussion, Councilmember Al Bryant moved to approve the City Manager Travel Reimbursement. Councilmember Steven Schneider seconded the motion. All voted in favor.

The fourteenth 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 June 30, 2016 providing an update on the City of Wharton current projects.

FLOOD REDUCTION (LEVEE) PROJECT

The U.S. Army Corp of Engineers (USACE) Lower Colorado River Phase I Report - City of Wharton Flood Prevention Project and Recommended report is located at the Wharton County Library and the office of the City of Wharton City Secretary for viewing or the report may be viewed on line at <http://www.cityofwharton.com/information-a-notices/lcrb-feasibility-study>.

The City Council authorized the submission of a Clean Water Project Information Form (CWPIF) to the Texas Water Development Board for some possible funding for the Levee Project. The City Staff is expecting a response by late 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 June

2. Alabama Street Sewer Line Project.

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

3. Wastewater Treatment Plant No. 1 Improvement Project.

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

STREET IMPROVEMENTS

1. FM 1301 Extension and Overpass Project Progress Report.

City of Wharton
Regular Council Meeting
July 25, 2016

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 has begun the 2016 Street Improvement Program.

5. Wharton Sidewalk Accessibility and Historic Streetscape Project.

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

WHARTON REGIONAL AIRPORT

1. Hangar Construction Project.

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

After some discussion, no action was taken.

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

1. Appointments:

- A. Beautification Commission.
- B. Building Standards Commission.
- C. Holiday Light Decorating Chairman.
- D. Mayor's Committee on People with Disabilities
- E. City Council Committee.

City of Wharton
Regular Council Meeting
July 25, 2016

After some discussion, Councilmember Don Mueller moved to approve reappointing Committee and Board members to their current positions, which were as follows:

Plumbing and Electrical Board	<u>Term Expiring</u>
Phillip Hamlin	June 30, 2016

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

After some discussion, Councilmember Russell Machann moved to appoint Councilmember Terry Freese to the following boards:

	<u>Term Expiring</u>
Housing Committee	June 30, 2017
Intergovernmental Relations Committee	June 30, 2017
Public Health Committee	June 30, 2017
Public Safety Committee	June 30, 2017
Public Works Committee	June 30, 2017
Telecommunications Committee	June 30, 2017

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

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

- A. Public Works Committee meeting held July 7, 2016.
- B. Finance Committee meeting held on July 8, 2016.
- C. Airport Board meeting held July 13, 2016.
- D. Planning Commission meeting held on July 18, 2016.
- E. Wharton Economic Development Corporation meeting held July 18, 2016.
- F. Mayor's Committee on People with Disabilities meeting held on July 20, 2016.

After some discussion, no action was taken.

The seventeenth 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. |
| | N. Weedy Lots / Sign Ordinance. |
| | O. Wharton Regional Airport. |

City of Wharton
Regular Council Meeting
July 25, 2016

G. Fire Department.

After some discussion, no action was taken.

The eighteenth 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 7:41 p.m.

CITY OF WHARTON, TEXAS

By: Don Mueller

Don Mueller
Mayor Pro Tem

ATTEST:



Paula Favors
City Secretary

