

**MINUTES  
OF  
CITY OF WHARTON  
REGULAR CITY COUNCIL MEETING  
AUGUST 8, 2016**

Mayor Pro-Tem Don Mueller 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. Pastor Debbie Cenko led the opening devotion and Mayor Pro-Tem Mueller led the pledge of allegiance.

Councilmember's present were: Mayor Pro-Tem Don Mueller and Councilmembers Al Bryant, Terry Freese, Vincent Huerta, Steve Schneider and Russell Machann.

Councilmember absent was: Mayor Tim Barker.

Staff members present were: City Manager Andres Garza, Jr, Finance Director Joan Anandel, City Secretary Paula Favors, City Attorney Paul Webb, Public Works Director Wade Wendt, Police Corporal Javier Garza, Assistant to Building Official Gwyn Laney, Airport Manager David Allen and Assistant to the City Manager Brandi Jimenez.

Visitors present were: Wharton Economic Development Director David Schroeder, Pastor Debbie Cenko, Bradley Loehr, P.E. with BEFCO Engineering, Inc., Carlos Cotton, P.E. with Jones and Carter, Inc. and Wes Birdwell, P.E. with Halff and Associates, Inc.

The second item on the agenda was Roll Call and Excuses Absences. After some discussion, Councilmember Russell Machann moved to excuse Mayor Tim Barker. 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 Terry Freese stated that the Wharton High School Football teams will start their season with a scrimmage against the Needville Independent School District on Friday, August 12, 2016.

The fifth item on the agenda was to review and consider the reading of the minutes from the regular meeting held July 11, 2016 and July 25, 2016 and special meeting held on July 12, 2016. After some discussion, Councilmember Al Bryant moved to approve the minutes from the regular meeting held July 11, 2016 and July 25, 2016 and special meeting held on July 12, 2016. Councilmember Russell Machann seconded the motion. All voted in favor.

The sixth item on the agenda was to review and consider City of Wharton Water System:

A. City Water Supply Assessment Study- Well site alternatives.

City Manager Andres Garza, Jr. presented the City of Wharton Assessment Study by Halff & Associates in conjunction with the Regional Water Supply Study through the Texas Water Development Board Planning Grant. City Manager Garza stated that the City Council Public Works Committee had been reviewing the report and on its July 21, 2016 meeting, voted to recommend to the City Council to pursue a USDA grant/loan for a water well project on the City's 17 acre tract located on Halford Road (CR 222). He said it would be Option #3 on the Halff & Associates report dated April 4, 2016. After some discussion, Councilmember Al Bryant moved to approve pursuing a USDA grant/loan for a water well project on the City's 17 acre tract located on Halford Road (CR 222). Councilmember Terry Freese seconded the motion. All voted in favor.

B. USDA Water and Waste Water Disposal Loan and Grant Program.

City Manager Andres Garza, Jr. stated that the USDA Water and Wastewater Disposal Loan and Grant Program allowed cities to submit applications for assistance in improving their water and wastewater infrastructures. City Manager Garza said that he had met with USDA representatives in Temple, Texas and they had informed him that the City of Wharton could be eligible for up to a 45% grant on a project. He said the application would require a preliminary engineering report and an environmental report on the proposal site. City Manager Garza said the City Council Public Works Committee voted on July 21, 2016 to recommend to the City Council that the City pursue the grant/loan program for possible funding of Option #3 for a water well project. After some discussion, Councilmember Al Bryant moved to approve item. B. for the City to pursue the grant/loan program for possible funding of Option #3 for a water well project. Councilmember Terry Freese seconded the motion. All voted in favor.

C. **Resolution:** A resolution of the Wharton City Council approving a Professional Engineering Services Agreement between the City of Wharton and Halff & Associates for the United States Department of Agriculture (USDA) Water Well Project and authorize the Mayor of the City of Wharton to execute the agreement.

City Manager Andres Garza, Jr. stated that the Consultant Selection Committee for the proposed grant/loan application to USDA under the Water and Wastewater Disposal Loan and Grant Program for the Water Well Project reviewed Statement of Qualifications of five different engineering firms. City Manager Garza said that after interviewing the top two firms the Committee voted to begin negotiations with Halff & Associates and on Monday, August 8, 2016 at 6:00 p.m. met and were recommending that the City Council enter into an agreement with Halff & Associates for a preliminary engineering report and environmental report needed for the USDA application. He said that on June 13, 2016, the City Council authorized the City Staff to pursue a USDA Pre-development Planning Grant to assist in the costs associated with the preliminary engineering report and environmental report necessary for the USDA application. After some discussion, Councilmember Al Bryant moved to approve City of Wharton Resolution No. 2016-44, which read as follows:

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**CITY OF WHARTON  
RESOLUTION NO. 2016-44**

**A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING A PROFESSIONAL ENGINEERING SERVICES AGREEMENT BETWEEN THE CITY OF WHARTON AND HALFF & ASSOCIATES, FOR THE UNITED STATES DEPARTMENT OF AGRICULTURE (USDA) WATER WELL PROJECT AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE THE AGREEMENT.**

**WHEREAS,** On July 7, 2016 the City of Wharton received RFQ packets for the United States Department of Agriculture (USDA) Water Well Project; and,

**WHEREAS,** the City of Wharton Consultant Selection Committee ranked the proposals for Professional Services and negotiated a contract with Halff & Associates; and,

**WHEREAS,** the Wharton City Council wishes to approve a professional engineering services agreement between the City of Wharton and Halff & Associates for the services outlined in the agreement; and,

**WHEREAS,** the City of Wharton and Halff & Associates wishes to be bound the conditions outlined in the contract; and,

**WHEREAS,** the Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute the agreement.

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

**Section I:** The Wharton City Council hereby approves a professional engineering services agreement between the City of Wharton and Halff & Associates for the United States Department of Agriculture (USDA) Water Well Project.

**Section II:** The Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute the agreement.

**Section III:** This resolution will become effective immediately upon its passage.

**PASSED, APPROVED and ADOPTED this 8<sup>th</sup> day of August 2016.**

**CITY OF WHARTON, TEXAS**

**By:** \_\_\_\_\_  
**DON MUELLER**  
Mayor Pro-Tem

**ATTEST:**

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**PAULA FAVORS**

City Secretary

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

The seventh item on the agenda was to review and consider the Texas Department of Agriculture (TDA)-2016 Community Development Block Grant Program (TxCDBG):

A. **Resolution:** A resolution of the Wharton City Council establishing a Consultant Selection Committee and developing evaluation criteria for the selection of a consulting firm for the Texas Department of Agriculture (TDA) 2016 Community Development Block Grant (TxCDBG) Program Grant Administration Services.

City Manager Andres Garza, Jr. presented an email from Texas Department of Agriculture (TDA) informing the City that its application had been preliminarily recommended for funding. City Manager Garza stated that the City had submitted an application to TDA for the 2016 TxCDBG Grant Program and the grant application was for the installation of a main sewer line on Alabama Street from Texas Street to South East Avenue. City Manager Garza said that the grant application was for installation of sewer lines on the Koehl/Texas Street Alley and Speed/Koehl Street Alley. He said that the City Staff had been meeting with TDA representatives on the site visit and going over the contract details and in anticipation of the grant contract, the grant would require the City to solicit for grant administration services since the City did not have the personnel with the technical knowledge to administer the grant. He said the procurement process would require a request for proposals that must be evaluated by the City in order for the grant to cover some of the costs of these services. City Manager Garza stated that the City Staff was recommending the City Council appoint the City Council Finance Committee along with the City Manager and Finance Director. He said the Committee would review proposals and then formulate a recommendation to the City Council for consideration. After some discussion, Councilmember Russell Machann moved to approve City of Wharton 2016-45, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2016 -45**

**A RESOLUTION OF THE WHARTON CITY COUNCIL ESTABLISHING A CONSULTANT SELECTION COMMITTEE AND DEVELOPING EVALUATION CRITERIA FOR THE SELECTION OF A CONSULTING FIRM FOR THE TEXAS DEPARTMENT OF AGRICULTURE (TDA) 2016 COMMUNITY DEVELOPMENT BLOCK GRANT (TxCDBG) PROGRAM GRANT ADMINISTRATION SERVICES.**

**WHEREAS,** The Wharton City Council wishes to establish a Consultant Selection Committee for the Texas Department of Agriculture and provide recommendations to the entire City Council; and,

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**WHEREAS,** The Wharton City Council wishes the Consultant Selection Committee to consist of the City Council Finance Committee along with the City Manager and Finance Director; and,

**WHEREAS,** The Wharton City Council wishes for this Committee to exist until a recommendation is forwarded to the entire City Council; and,

**WHEREAS,** The Wharton City Council wishes to establish the criteria of selection of the consulting firm as per Attachment A.

**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 establishes the City Council Consultant Selection Committee.

**Section II.** That the Wharton City Council Consultant Selection Committee will consist of the City Council Finance Committee along with the City Manager and Finance Director.

**Section III.** That the criteria as set forth in Attachment A is hereby approved.

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

**Passed, Approved, and Adopted** this 8th day of August 2016.

**CITY OF WHARTON, TEXAS**

**By:** \_\_\_\_\_  
**DON MUELLER**  
Mayor Pro-Tem

**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 of the Wharton City Council establishing a Consultant Selection Committee and developing evaluation criteria for the selection of a consulting firm for grant services such as application, management, administration, outreach and communication under FEMA, HUD, USDA and other Federal and State of Texas agencies. City Manager Andres Garza, Jr. stated that on July 11, 2016, the City Council authorized the City Staff to pursue funding from FEMA under the several programs they had available and other Federal and State of Texas agencies for assistance to the residents that had been affected by the floods of April and May 2016. City Manager

Garza stated that the City Staff after consulting with the Texas Department of Emergency Management (TDEM) and reviewing FEMA guidelines for the procurement of consulting services prepared and published a request for proposals for these services. He said the selection process would require the City to meet state and federal procurement guidelines in order for the services to be eligible for payment by the grant funds, if awarded. After some discussion, Councilmember Al Bryant moved to approve the City of Wharton Resolution No. 2016-46, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2016 -46**

**A RESOLUTION OF THE WHARTON CITY COUNCIL ESTABLISHING A CONSULTANT SELECTION COMMITTEE AND DEVELOPING EVALUATION CRITERIA FOR THE SELECTION OF A CONSULTING FIRM FOR THE GRANT SERVICES SUCH AS APPLICATION MANAGEMENT, ADMINISTRATION, OUTREACH AND COMMUNICATION UNDER FEMA, HUD, USDA AND OTHER FEDERAL AND STATE OF TEXAS AGENCIES.**

**WHEREAS,** The Wharton City Council wishes to establish a Consultant Selection Committee for the grant services such as application, management, administration, outreach and communication under FEMA, HUD, USDA and other Federal and State of Texas agencies and provide recommendations to the entire City Council; and,

**WHEREAS,** The Wharton City Council wishes the Consultant Selection Committee to consist of the City Council Finance Committee along with the City Manager and Finance Director; and,

**WHEREAS,** The Wharton City Council wishes for this Committee to exist until a recommendation is forwarded to the entire City Council; and,

**WHEREAS,** The Wharton City Council wishes to establish the criteria of selection of the consulting firm as per Attachment A.

**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 establishes the City Council Consultant Selection Committee.

**Section II.** That the Wharton City Council Consultant Selection Committee will consist of the City Council Finance Committee along with the City Manager and Finance Director.

**Section III.** That the criteria as set forth in Attachment A is hereby approved.

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

**Passed, Approved, and Adopted** this 8th day of August 2016.

**CITY OF WHARTON, TEXAS**

**By:** \_\_\_\_\_  
**DON MUELLER**  
**Mayor Pro-Tem**

**ATTEST:** \_\_\_\_\_  
**PAULA FAVORS**  
**City Secretary**

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

The ninth item on the agenda was to review and consider the rental of asphalt distributor and aggregate spreader with operators to seal coat City Streets. City Manager Andres Garza, Jr. stated that the City's Public Works Department had been working on the 2016 Street Improvement Program. City Manager Garza presented Public Works Director Wade Wendt's memorandum to him regarding the rental of equipment from Faltisek Construction to apply the seal coat needed on the 2016 streets that had been completed by City crews. Public Works Director Wendt stated that he was recommending that City Council consider approving the quote from Faltisek Construction. After some discussion, Councilmember Al Bryant moved to approve the rental of asphalt distributor and aggregate spreader with operators to seal coat City Streets from Faltisek Construction. Councilmember Vincent Huerta seconded the motion. All voted in favor.

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

- A. Request Payment No. 8 & 9 from B-5 Construction.
- B. Change Order No. 3.

City Manager Andres Garza, Jr. presented pay request No. 8 in the amount of \$75,578.15 and pay request No. 9 in the amount of \$115,044.29 and Change Order No. 3 from B-5 Construction for the Wastewater Treatment Plant No. 1 Improvement Project. After some discussion, Councilmember Al Bryant moved to approve pay request No. 8 in the amount of \$75,578.15 and pay request No. 9 in the amount of \$115,044.29 and Change Order No. 3 from B-5 Construction for the Wastewater Treatment Plant No. 1 Improvement Project. Councilmember Terry Freese seconded the motion. All voted in favor.

The eleventh item on the agenda was to review and consider Wharton Sidewalk Accessibility and Historic Streetscape Project:

- A. Pay Request No. 1 to M&C Fonseca Construction Co., Inc.

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City Manager Andres Garza, Jr. presented pay request No. 1 in the amount of \$57,388.00 from M & C Fonseca Construction Co., Inc. for the Wharton Sidewalk Accessibility and Historic Streetscape Project. Councilmember Al Bryant moved to approve pay request No. 1 in the amount of \$57,388.00 from M & C Fonseca Construction Co., Inc. Councilmember Terry Freese seconded the motion. All voted in favor.

At this time, Mayor Pro-Tem Don Mueller stepped down as to not participate in the twelfth item on the agenda turning the meeting over to Councilmember Russell Machann. City Secretary Paula Favors announced that Mayor Pro-Tem Mueller had filled out the Conflict of Interest form as required.

The twelfth item on the agenda was to review and consider a request by Mr. & Mrs. Donald Mueller for approval of a Preliminary/Final Re-Plat of A20036, Abstract 36, Tract 13, 13-1 & 13-2 located fully in the City of Wharton ETJ on FM 1299 due to subdivision and sale. City Manager Andres Garza, Jr. presented a request by Mr. & Mrs. Donald Mueller for approval of a Preliminary/Final Re-Plat of A20036, Abstract 36, Tract 13, 13-1 & 13-2 located fully in the City of Wharton ETJ on FM 1299. Assistant to Building Official Gwyn Laney informed the City Council that they Planning Commission had met on August 1, 2016 and were recommending City Council consider approving. After some discussion, Councilmember Al Bryant moved to approve the request by Mr. & Mrs. Donald Mueller for approval of a Preliminary/Final Re-Plat of A20036, Abstract 36, Tract 13, 13-1 & 13-2 located fully in the City of Wharton ETJ on FM 1299. Councilmember Vincent Huerta seconded the motion. Councilmembers Al Bryant, Steve Schneider, Terry Freese, Russell Machann and Vincent Huerta voted for the motion. Mayor Pro-Tem Don Mueller did not vote.

The thirteenth item on the agenda was to review and consider a resolution of the Wharton City Council awarding a contract for the Facility Storm Water Pollution Prevention Plan for the Wharton Regional Airport and authorizing the Mayor of the City of Wharton to execute all documents relating to said contract. City Manager Andres Garza, Jr. presented a memorandum dated August 3, 2016, from Airport Manager David Allen in regards to proposals for the Facility Storm Water Pollution Prevention Plan. After some discussion, Councilmember Russell Machann moved to approve City of Wharton Resolution No. 2016-47, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2016-47**

**A RESOLUTION OF THE WHARTON CITY COUNCIL AWARDING A CONTRACT FOR THE FACILITY STORM WATER POLLUTION PREVENTION PLAN FOR THE WHARTON REGIONAL AIRPORT AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATING TO SAID CONTRACT.**



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**WHEREAS,** proposals were received for the City of Wharton Facility Storm Water Pollution Prevention Plan; and,

**WHEREAS,** Gulf Coast Environmental Health & Safety LLC, was deemed the best lowest qualified bidder in the amount of \$9,350.00; and,

**WHEREAS,** the Wharton City Council wishes to award a contract to Gulf Coast Environmental Health & Safety LLC for the City of Wharton Facility Storm Water Pollution Prevention Plan in the amount of \$9,350.00; and,

**WHEREAS,** the City of Wharton and Gulf Coast Environmental Health & Safety LLC wish 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 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 authorizes the Mayor of the City of Wharton, Texas, to execute a contract for the City of Wharton Facility Storm Water Pollution Prevention Plan to Gulf Coast Environmental Health & Safety LLC in the amount of \$9,350.00.

**Section II.** The City of Wharton and Gulf Coast Environmental Health & Safety LLC 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 8th day of August 2016.

**CITY OF WHARTON, TEXAS**

**By:** \_\_\_\_\_  
**DON MUELLER**  
Mayor Pro-Tem

**ATTEST:**

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

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

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

- A. Beautification Commission.
- B. Building Standards Commission.
- C. Mayor's Committee on People with Disabilities.

After some discussion, no action was taken.

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

- A. Beautification Commission.
- B. Building Standards Commission.
- C. Mayor's Committee on People with Disabilities.

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 Vincent Huerta seconded the motion. All voted in favor.

The meeting adjourned at 7:26 p.m.

**CITY OF WHARTON, TEXAS**

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

**ATTEST:**

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