

**MINUTES
OF
CITY OF WHARTON
REGULAR CITY COUNCIL MEETING
NOVEMBER 28, 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. Councilmember Don Mueller 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, Vincent Huerta, Steve Schneider and Russell Machann.

Councilmember absent was: Don Mueller

Staff members present were: City Manager Andres Garza, Jr, Finance Director Joan Andel, Assistant City Attorney Amy Rod, City Secretary Paula Favors, Community Development Coordinator Gwyn Teves Police Chief Terry David Lynch, Assistant to the City Manager Brandi Jimenez, Building Official Ronald Bollom, and Assistant to the Building Official Claudia Velasquez.

Visitors present were: Wharton Economic Development Director David Schroeder, Mary A. Barnes, I.O Coleman, Jr., Thomas Washington, Lillie Washington, Blanche Allen, Pastor Janice Blair, Carol Wootton, Jeanne Vonderau, Peggy Barnes, Carmen Scarlett and Evelyn Carriere 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 Don Mueller. Councilmember Terry Freese 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 Varsity Football team had an exceptional season that ended in the third round of the playoffs. Councilmember Freese said the Wharton High School Boys and Girls Basketball teams were now in full swing. Mayor Tim Barker wished Councilmember Don Mueller a happy 80th birthday. Councilmember Russell Machann commended the Wharton Chamber of Commerce Parade Committee on a wonderful parade with a great crowd and turnout. City Manager Andres Garza, Jr. congratulated the Boling Bulldogs Varsity Football Team on their advancement into the Regional Finals and wished them luck on their next game.

City of Wharton
Regular City Council Meeting
November 28, 2016

The fifth item on the agenda was to review and consider City of Wharton Financial Report for the month of October 2016. Finance Director Joan Andel presented the financial report for the month of October 2016. Mrs. Andel stated that the TexPool balance for October as \$131,845.50 with an average monthly yield of .38%. She said the Prosperity Bank balance for October 2016 was \$6,188,138.24 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 October 2016. Councilmember Russell Machann seconded the motion. All voted in favor.

The sixth item on the agenda was to review and consider an application submitted by Ms. Jeanne Vonderau, 1412 Quail Hollow, Briarwoods II, Block 2, Lot 2 for a rear building line setback variance request. Ms. Vonderau is requesting to build her patio 1' from the rear property line. Since the variance is over 50% the Planning Commission did not review the application and it is being submitted to the City Council for final action. City Manager Andres Garza, Jr. presented an application submitted by Ms. Jeanne Vonderau, 1412 Quail Hollow, Briarwoods II, Block 2, Lot 2 for a rear building line setback variance request. Building Official Ronald Bollom stated that Ms. Vonderau was requesting to build her patio 1' from the rear property line and since the variance is over 50% the Planning Commission did not review the application and it was being submitted to the City Council for final action. After some discussion, Councilmember Al Bryant moved to approve the application submitted by Ms. Jeanne Vonderau, 1412 Quail Hollow, Briarwoods II, Block 2, Lot 2 for a rear building line setback variance request. Councilmember Terry Freese seconded the motion. All voted in favor.

The seventh item on the agenda was to review and consider a request by Mrs. Karen Schulz, for Schulz Insurance requesting a variance to the City of Wharton Code of Ordinances, Chapter 66 Signs and Advertising, Section 66-29 Prohibited Signs for the placement of a Changeable Electronic Variable Message Sign (CEVMS) to be placed on an existing sign pole at 1327 N. Alabama Rd. City Manager Andres Garza, Jr. presented a request by Mrs. Karen Schulz, for Schulz Insurance requesting a variance to the City of Wharton Code of Ordinances, Chapter 66 Signs and Advertising, Section 66-29 Prohibited Signs for the placement of a Changeable Electronic Variable Message Sign (CEVMS) to be placed on an existing sign pole at 1327 N. Alabama Rd. Community Development Coordinator Gwyn Teves stated that the Planning Commission approved the request and was recommending City Council consider approving it. After some discussion, Councilmember Al Bryant moved to approve the request by Mrs. Karen Schulz, for Schulz Insurance requesting a variance to the City of Wharton Code of Ordinances, Chapter 66 Signs and Advertising, Section 66-29 Prohibited Signs for the placement of a Changeable Electronic Variable Message Sign (CEVMS) to be placed on an existing sign pole at 1327 N. Alabama Rd. Councilmember Russell Machann 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 authorizing the submission of an application to USDA for a Grant/Loan Program-Water Well Project and authorizing the Mayor of the City of Wharton to execute all documents related to said submission.

City of Wharton
Regular City Council Meeting
November 28, 2016

- A. Preliminary Engineering Report.
- B. Environmental Report.

Mr. Wes Birdwell, P.E. of Halff and Associates made a presentation regarding the USDA Preliminary Engineering Report/Environmental Report stating that the firm had developed for the USDA Grant/Loan Application for the Water Well Plant Project. City Manager Andres Garza, Jr. stated that the City Council authorized the required reports that were needed to file the application. City Manager Garza said the City Council Public Works Committee had met on November 21, 2016 and reviewed both reports and the Committee voted to recommend to the City Council the approval of the reports to be submitted with the USDA Application. After some discussion, Councilmember Russell Machann moved to approve City of Wharton Resolution No. 2016-81, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2016 -81**

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE SUBMISSION OF AN APPLICATION TO USDA FOR A GRANT/LOAN PROGRAM-WATER WELL PROJECT AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID SUBMISSION.

WHEREAS, The City of Wharton City Council wishes to submit an application to the United States Department of Agriculture for a Water Well Project ; and,

WHEREAS, The Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute all documents relating to said grant application.

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

SECTION I. The Wharton City Council hereby approves the submittal of the application to the United States Department of Agriculture for a Water Well Project.

SECTION II. The Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute all documents related to said grant application.

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

PASSED, APPROVED, and ADOPTED this 28th day of November 2016.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS

City Secretary

Councilmember Al Bryant 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 authorizing Texas Department of Transportation's interest in a bicycle and walking lanes on the Colorado River Bridge on Business 59. City Manager Andres Garza, Jr. stated that the Chamber of Commerce and City Representatives met with TxDOT officials regarding bike trails in and around the City. City Manager Garza said the discussion centered around the Colorado River Bridges and TxDOT indicated that they could design a bike trail on the two bridges, however they were requesting a letter of support from the City. He said the City Staff presented information on the bike trails to the City Council Public Works Committee and the Committee voted to recommend to the City Council the submittal of the Letter of Support to TxDOT. After some discussion, Councilmember Russell Machann moved to approve City of Wharton Resolution No. 2016-82, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2016 -82**

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING TEXAS DEPARTMENT OF TRANSPORTATION'S INTEREST IN A BICYCLE AND WALKING LANES ON THE COLORADO RIVER BRIDGE ON BUSINESS 59.

WHEREAS, Bicycling and walking have experienced a renaissance across the country as more people of all ages walk and bike for fitness, recreation and everyday transportation; and,

WHEREAS, Designated bicycle and walking lanes have proven to be an important method to ensure that these cyclists and pedestrians as well as motorists are all accommodated and that their safety is priority; and,

WHEREAS, Studies have shown that these lanes also stimulate business activity and rental income in U.S. cities. Designated bike and pedestrian lanes result in a more livable, traveler friendly community; and,

WHEREAS, Wharton has proven committed to a high quality of life and growth in business activity. This is also quite evident by a recent example of the city's adding and repairing sidewalks throughout the central business district.

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

SECTION I. The Wharton City Council hereby encourages the Texas Department of Transportation's interest in developing bike and pedestrian lanes over the Colorado River Bridge in Wharton..

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

PASSED, APPROVED, and ADOPTED this 28th day of November 2016.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The tenth item on the agenda was to review and consider City Entrance Sign Project. City Manager Andres Garza, Jr. presented a letter from Mr. David Schroeder, Executive Director of the Wharton Economic Development Corporation asking for the review and consideration of the entrance signs and the necessary documents to move forward on the installation of the entrance signs. City Manager Garza stated that WEDCo would be submitting an application to HGAC requesting funding for the signs but to place the signs the City would have to request a permit from TxDOT. He said the City Council Public Works Committee met on November 21, 2016 and voted to recommend to the City Council the submittal of the necessary permits to TxDOT for placement of the signs and they also voted for the City to submit a grant application to HGAC when their funding became available. After some discussion, Councilmember Al Bryant moved to approve the City Entrance Sign Project. Councilmember Terry Freese seconded the motion. All voted in favor.

The eleventh item on the agenda was to review and consider Proposed write offs.

A. City of Wharton EMS

City Manager Andres Garza, Jr. presented a copy of the memorandum dated November 23, 2016 from Finance Director Joan Andel to him recommending the write offs for the EMS accounts. Mrs. Andel stated that the write offs for the City of Wharton EMS would be \$327,799.68

B. Utilities.

City Manager Andres Garza, Jr. presented a copy of the memorandum dated November 23, 2016 from Finance Director Joan Andel to him that indicated the Utility Department's request for the uncollected balances for the 2015 – 2016 fiscal year be written off due to non-payment. City Manager Garza stated that the City Council Finance Committee meet on

City of Wharton
Regular City Council Meeting
November 28, 2016

Monday, November 28, 2016 and reviewed the proposed write offs for the EMS and Utility Departments and they were recommending the City Council consider approving the proposed write offs. Mrs. Andel stated that the Utilities write offs would be \$19, 492.67. After some discussion, Councilmember Steve Schneider moved to approve the proposed write offs for the City of Wharton EMS and Utilities. Councilmember Al Bryant seconded the motion. All voted in favor.

The twelfth item on the agenda was to review and consider a resolution of the Wharton City Council authorizing the City Manager of the City of Wharton to execute a Performance Agreement with Wharton Economic Development Corporation regarding funding for the Mowing and Landscape Maintenance Agreement with Texas Department of Transportation of approximately 89 acres of land along Highway US 59 at its intersection with FM 102 and Highway 60. City Manager Andres Garza, Jr. presented a letter from Wharton Economic Development Corporation Executive Director David Schroeder regarding the Municipal Maintenance Performance agreement that would fund the City's agreement with TxDOT for the Landscape and Maintenance Agreement the City has approved. City Manager Garza also presented the Wharton Economic Development Corporation agreement along with a resolution that would authorize the City Manager to execute the agreement on behalf of the City. After some discussion, Councilmember Russell Machann moved to approve City of Wharton Resolution No. 2016-83, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2016 - 83**

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE CITY MANAGER OF THE CITY OF WHARTON TO EXECUTE A PERFORMANCE AGREEMENT WITH WHARTON ECONOMIC DEVELOPMENT CORPORATION REGARDING FUNDING FOR THE MOWING AND LANDSCAPE MAINTENANCE AGREEMENT WITH TEXAS DEPARTMENT OF TRANSPORTATION OF APPROXIMATELY 89 ACRES OF LAND ALONG HIGHWAY 59 AT ITS INTERSECTION WITH FM 102 AND HIGHWAY 60.

WHEREAS, the Wharton City Council wishes to authorize a Municipal Maintenance Performance Agreement with the Wharton Economic Development Corporation for the maintenance of approximately 89 acres along US Highway 59 at its intersection with FM 102 and Highway 60; and,

WHEREAS, the City of Wharton and Wharton Economic Development Corporation wishes to be bound by the conditions set forth in said contract; and

WHEREAS, the Wharton City Council wishes to authorize the City Manager of the City of Wharton to execute the agreement; 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, THAT:

Section 1. The Wharton City Council hereby authorizes the City Manager of the City of Wharton to execute a Municipal Maintenance Performance Agreement with Wharton Economic Development Corporation.

Section 2. The City of Wharton and Wharton Economic Development Corporation are hereby bound by the conditions set forth in the agreement.

Section 3. That this resolution shall become effective immediately upon its passage.

PASSED, APPROVED and ADOPTED this 28th day of November 2016.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

BY: _____
PAULA FAVORS
City Secretary

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

The thirteenth 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 his memorandum dated October 31, 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 has received notice that the City's Project Information had been listed as accepted for the Draft SFY17CWSRF Intended use Plan, however an application cannot be submitted until the City's status has changed to invited.

DRAINAGE:

1. 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.

2. Ahldag Ditch Improvement.

The project was approved in the 2013 Bond Program. Public Works Director is currently working out the details.

3. On-going Drainage and Maintenance Program.

The Public Works Department has continued working on cleaning residential draining ditches that have experienced poor drainage.

4. Pecan Acres (Mahann, Kinkaid, Delmas) Drainage Project.

The project area has been surveyed and an improvement plan has been developed by Schibe

Engineering. The City Staff will be contacting property owners for the necessary easements needed to install the drainage pipes.

WATER/SEWER IMPROVEMENTS:

1. On-going Water and Sewer Maintenance Program.

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

2. Alabama Street Sewer Line Project.

Contracts from TDA have been executed by the City and returned to the state. The City has engaged a consultant to assist the City in grant administration.

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. The project is scheduled to be completed in a few weeks.

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.

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 street reconstruction phase has been completed by the City's Public Works Department. Also, the City Staff will be advertising for the Old Lane City Road overlay in October.

5. Wharton Sidewalk Accessibility and Historic Streetscape Project.

M.C. Fonseca Construction has begun the project. Civil Corp submitted the information to TxDOT on the additional work and it has been approved. The sidewalk construction is moving forward and is approximately 50% complete.

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. The City's Public Works Department has begun the foundation ground work.

After some discussion, no action was taken.

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.
- D. Plumbing and Mechanical Board.

City Manager Andres Garza, Jr. presented an email from Ms. Loreen Gibson with a request to serve on the Mayor's Committee on People with Disabilities Committee and a letter from Ms. Kate Harris with a request to serve on the Beautification Commission. After some discussion, Councilmember Vincent Huerta moved to appoint the following:

- | | |
|---|-----------------------|
| A. Beautification Commission. | <u>Term Expiring:</u> |
| Kate Harris | June 30, 2018 |
| C. Mayor's Committee on People with Disabilities. | |
| Loreen Gibson | June 30, 2017 |

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

City of Wharton
Regular City Council Meeting
November 28, 2016

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

- A. Wharton Economic Development Corporation meeting held November 3, 2016.
- B. Beautification Commission meeting held November 9, 2016.
- C. Public Works Committee meeting held November 21, 2016.

After some discussion, no action was taken.

The sixteenth item on the agenda was to review and consider 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 seventeenth item on the agenda was to review and consider a request from Mary Barnes to address the Council regarding the flood and 25% cost to the residents. Ms. Barnes addressed the City Council wanting an update on the request for the City to fund the 25% cost to the residents for the FEMA Grant. Ms. Barnes requested that the USDA Program could be rescheduled for a later time since most that would attend would have to work. She requested that the ditches be cleaned on the West Side of town and the debris be cleaned out. After some discussion, no action was taken.

The eighteenth item on the agenda was to review and consider a request from Pastor Janice Blair to address the Council regarding her dedication to the task that she has been assigned to. Her mission is to see that the residents on the Westside are fairly treated and she is standing as an advocate. Pastor Blair addressed the City Council stated that the "Great I am that I am" sent her from San Diego, California to help the West Side of Wharton. Pastor Blair requested a Government of the people for the people and by the people. She requested that the City Council do what is right for all citizens. After some discussion, no action was taken.

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

The meeting adjourned at 7:36 p.m.

City of Wharton
Regular City Council Meeting
November 28, 2016

CITY OF WHARTON, TEXAS

By: _____
Tim Barker
Mayor

ATTEST:

Paula Favors
City Secretary